

# PROJECT BRIEF

## Consultations on Sexual Harassment in the Workplace in NB

### BACKGROUND INFORMATION

The Public Legal Education Information Service of New Brunswick (**PLEIS-NB**) is a non-profit charitable organization whose mandate is to promote access to the justice system by developing plain-language bilingual educational and information resources and services about the law. The intended audience of PLEIS is the general public, and vulnerable, marginalized groups of the population.

Established in 1967 by the *Human Rights Act*, the New Brunswick Human Rights Commission (**NBHRC**) provides citizens with an effective way to address complaints of discrimination, educates the public about this process and, importantly, maintains ongoing awareness of the effects of inequality and the fundamental nature of diversity and inclusivity.

PLEIS-NB and the NBHRC have partnered to implement a project on addressing and preventing sexual harassment of vulnerable populations in the workplace.

Although new resources on sexual harassment in the workplace will be valuable for all employers and employees, this Project will have an initial focus on addressing harassment experienced by members of the LGBTQ2S+ Community. The Project focus is premised on research showing that the current sexual harassment legislation, policies and remedies in New Brunswick, and likely across Canada, are locked in reductive, socially constructed gender binary classifications.

This restrictive approach leads to definitions of sexual harassment that are based on normative heterosexual terms, which relegates LGBTQ2S+ persons and other vulnerable population to the margins of the sexual harassment discourse. As such, existing protections and remedies against sexual harassment do not necessarily offer the same security to members of vulnerable populations.

## CURRENT STATISTICS

In 2017, the Government of Canada conducted a study on workplace harassment and sexual violence.<sup>1</sup> According to the resulting report, entitled “*Harassment and sexual violence in the workplace public consultations - what we heard*”<sup>2</sup>, there are high levels of harassment and violence in Canadian workplaces:

- 60% reported having experienced workplace harassment
- **30% experienced sexual harassment in the workplace**
- 21 % experienced violence in the workplace
- **3% experienced sexual violence in the workplace**

In addition, according to a 2011 study<sup>3</sup> commissioned by Egale Canada Human Rights Trust, a national charity which promotes lesbian, gay, bisexual, and trans (LGBT) human rights through research, education and community engagement:

- 49% of trans students reported being sexually harassed in school in the preceding year
- 37% of trans students reported being physically harassed or assaulted because of their gender expression
- 70% of trans youth in Canada have experienced discrimination because of gender identity
- 70% of trans youth report experiencing sexual harassment

According to the Canadian Human Rights Commission, in 2016 the number of discrimination complaints received related to sexual orientation (52) was the highest in nearly a decade.

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<sup>1</sup> The consultation took two forms. Firstly, all Canadians were invited to respond to an online survey. Secondly, the Department of Employment and Social Development held a series of roundtable meetings and teleconferences with stakeholders (labour organizations, employer organizations, federal government departments and agencies, academics, and advocacy groups). Stakeholders were also invited to provide written submissions.

<sup>2</sup> <https://www.canada.ca/en/employment-social-development/services/health-safety/reports/workplace-harassment-sexual-violence.html>

<sup>3</sup> Taylor, C. & Peter, T., with McMinn, T.L., Elliott, T. Beldom, S., Ferry, A., Goss, Z., Paquin, S., & Schachter, K. (2011). “*Every Class in Every School: Final Report on the First National Climate Survey on Homophobia, Biphobia, and Transphobia in Canadian Schools*”. Toronto, ON: Egale Canadian Human Rights Trust: <https://egale.ca/wp-content/uploads/2011/05/EgaleFinalReport-web.pdf>

## OVERALL PROJECT OBJECTIVES

The objectives of this Project are to generally, and specifically with respect to members of vulnerable populations including the LGBTQ2S+ Community:

1. Increase knowledge and competency among the legal community, employers and individuals to address and prevent sexual harassment in the workplace, particularly members of the LGBTQ2S+ Community. This will include creating specialized training workshops for legal professionals and employers, as well as a transferrable set of metrics with which to measure a workplace's reporting procedures against.
2. Address barriers for members of the LGBTQ2S+ Community when seeking legal information and advice regarding workplace sexual harassment by creating, printing and disseminating educational materials. This will include identifying related sexual violence issues that may impact on the experience of sexual harassment among vulnerable populations.
3. Create multiple points of access for individuals to obtain legal information and/or summary advice regarding sexual harassment. This will include exploring ways to refer and connect individuals to trained professionals who can offer specialized advice.

## 5- YEAR PROJECT OUTLINE

### Phase 1: Consultation

This phase of the Project will be to gather insight and information from the Community of Practice (including key stakeholders, representatives of vulnerable persons, community advocates, employer and employee representatives and educational institutions) with respect to the issue of sexual harassment in the workplace generally, and specifically against vulnerable populations including members of the LGBTQ2S+ Community.

The specific objectives are to:

- Identify barriers and challenges faced by victims.
- Identify responses to sexual harassment and highlight deficits.
- Identify existing educational tools and assess their effectiveness.
- Identify existing victim services and assess their effectiveness.
- Identify existing protocols relating to victims' rights and the complaint process (public and private) and assess their effectiveness.
- Identify potential members of an Advisory Committee (to provide feedback, review draft resources and contribute to the related public education activities and dissemination efforts).
- Create engagement and support from the Community of Practice.

## Phase 2: Research & Product Development

This phase of the Project will include exploring (generally and as it relates to members of vulnerable populations):

- barriers and challenges faced by victims of harassment and sexual violence in the workplace;
- responses to sexual harassment and sexual violence in the workplace; and
- remedies for supporting victims

and developing:

- a training program for employers, lawyers and professionals;
- a transferrable set of metrics with which to measure a workplace's reporting procedures against;
- educational resources and publications;
- a roadmap of victim services;
- a safety places plan for victims;
- posters/promotional items;
- youth specific resources; and
- a series of vignettes that offers insights in the barriers confronting victims.

### Phase 3: Workplace Learning and Public Education

This phase of the Project will include:

- distribution of all written material developed;
- training of employers, lawyers and professionals through workshops and/or training sessions; and
- launch of vignettes with public information sessions around the Province.

### Phase 4: Evaluation & Follow Up

Using a logic model, this phase of the Project will include gathering feedback and reviewing and assessing all resource materials, publications, training guides and training sessions.

## CONTACT INFORMATION

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