

Workplace Sexual Harassment: Disclosure and Reporting

This tip sheet will explain the different ways that information about workplace sexual harassment can be communicated, and what to expect when it is communicated.

A. Disclosure

Disclosure simply means telling someone what happened. A disclosure could be made by a person who experienced workplace sexual harassment or by a person who witnessed workplace sexual harassment. It could be something mentioned in informal conversation, or in writing.

What happens if I make a disclosure?

This depends on the person you tell.

If you tell a friend or a co-worker, they should not share that information with anyone, but unlike professionals they have no legal obligation to keep it confidential. You should ensure you have a trusting relationship with the person you are speaking to.

If you tell someone in a formal professional role, such as a designated sexual harassment officer, a counsellor, a social worker, or a lawyer, you can expect for your information to be treated confidentially. There are exceptions to this, such as risk of serious harm to a person, or court orders. In these cases, sometimes a professional will be required to share information. Each of these professions has specific rules about when they must share information, and you can find out more by asking the professional.

If you tell your boss or supervisor, they may need to act on the information, because they have a responsibility to keep the workplace safe. If they do act on this information, they should do so without identifying you or putting you at further risk. For example, they may circulate sexual harassment policies, or conduct a training session for the whole workplace. Here, too, there may be limits on confidentiality, such as serious risk of harm to a person, or court orders. Telling your boss or supervisor is not the same as making a formal report, although your boss or supervisor may ask you if you want to make a formal report (see below for more information on reports).

What should I do if someone discloses workplace sexual harassment to me?

Anyone who receives a disclosure of workplace sexual harassment can do the following:

- ask the person disclosing what they would like to see happen with the information they disclosed
- provide information on available supports such as counselling
- provide information about formal policies and reporting options

If you are in a formal professional role (sexual harassment officer, counsellor, social worker, lawyer) you should follow the rules of your own profession and explain your role to the person making the disclosure.

If you are a boss or supervisor, it is your obligation to ensure the workplace is safe, and you may need to take general steps to make the workplace safe (for example, risk assessment, communicating policies, offering training) but do not put the worker at further risk by identifying them, or share confidential information. Be aware of and follow your workplace sexual harassment policy, human rights law, privacy law, and occupational health and safety law at all times. You should advise the worker of the reporting process and how they can make a report if they wish to.

You should ensure that all workers know that they are protected from retaliation if they make a complaint.

It is also important that you do not start an investigation against the alleged harasser(s) based on a disclosure, unless the worker decides to file a report (see below).

B. Reporting

Reporting means making a formal report.

The difference between a disclosure and a report at the workplace is that a report is part of a formal process that can trigger the employer's investigation procedure. If there is an investigation, the alleged harasser(s) will receive information about the complaint and have the opportunity to respond. The investigator may be a staff member of the employer, or they may be an external person hired by the employer. If the workplace is unionized, the collective agreement must be followed for reporting and investigation processes.

It is up to the person who is alleging harassment to decide whether they wish to make a formal report or not.



C. Other types of complaints and reports

In addition to reporting at the workplace, a worker may choose to pursue legal remedies such as human rights, workers' compensation, and wrongful dismissal. More information about legal options is available on our website (see resources below).

Sometimes workplace sexual harassment also includes criminal acts, such as stalking, assault, or sharing intimate images. In this case, the worker may also make a report to the police. The police will assess the report and conduct their own investigation. If they determine there is enough evidence of an offence, they will provide this information to crown prosecutors. This is a separate process from the employer's investigation. Often, employers will wait until a criminal investigation is over before they start their own investigation.

What if I am afraid of retaliation for reporting?

Your workplace sexual harassment policy should contain safeguards to ensure that people who make reports of workplace sexual harassment are not subject to punishment or retaliation. See below for a policy template that employers can use.

Human rights law also prohibits retaliation for making a human rights complaint (this is one legal option available to workers who have experienced workplace sexual harassment).

Resources

For Workers:

[Legal Advice and Information from SHARP Workplaces free legal clinic](#)

[Access Pro Bono](#)

[Third Party Police Reporting](#)

[Legal Options for Addressing Sexual Harassment in the Workplace](#)

For Employers:

[Workplace Sexual Harassment Policy Template](#)

[Best Practices for Receiving and Responding to Disclosures](#)

[Addressing Workplace Sexual Harassment Without a Report](#)

For Bystanders/Witnesses

[Tip sheet for witnesses](#)

[General information on workplace sexual harassment](#)