Writing your Sexual Harassment complaint

It can be intimidating to proceed with a formal complaint, but putting your complaint and all communications in writing is important. This creates a record of evidence that helps those investigating. Verbal communication can lead to missing information and disputes.

You must try to go through the internal process and resolve the issue before involving the Human Rights Commission.

Employers often prefer to settle matters quickly and quietly without going to court. Trying to resolve things independently shows you've made a good-faith effort before escalating the issue.

The Human Rights Commission, or any courts, will typically not proceed unless you demonstrate that you attempted or did go through with this process. They will rarely proceed with complaints if the complaint does not demonstrate that you attempted an internal process.

Your written complaint should start a formal process where someone is assigned to investigate and discover what happened. This investigation might include talking to you, any witnesses, and the person you're accusing.

Evidence

Evidence allows you to demonstrate the facts of your complaint. Evidence paints the picture of what happened for those who may not have witnessed or were not involved. It is critical to present evidence when proceeding with any complaint process, including an internal workplace complaint.

Evidence can include...

- Emails between you and the accused
- Emails between you and the supervisors
- Any official communication between you and your place of employment
- Doctors notes
- Text Messages
- Voice Mail Messages
- Witness Statements
- Timesheets
- Security footage

You must provide all information and evidence pertaining to the complaint. This includes information that may not be in your favour. In those circumstances, ensure you are open and honest about the information you present. If there are things that you feel remorse about, express that: identify what you are remorseful about, identify why you are remorseful and the impact it had, and let them know how you will proceed to learn and be better in the future.

It's best to organize your evidence and documents in chronological order in which the events occurred or in the order in which the events occurred.

Gather all your important documents, emails, and screenshots. Name the files clearly so you can identify them quickly, save them safely and make backup copies. Write down the dates and times of important events. Include links/file names to any documents or messages and where you saved them. This helps you see what happened when.

Rights and Responsibilities

Employers Responsibilities

Employers have a responsibility to protect their employees under the law. This includes ensuring physical and emotional safety at work and with their colleagues. Sexual harassment in the workplace impacts the safety and well-being of all employees.

Your employer must work to prevent and immediately address sexual harassment in the workplace. Failure to do so could ...

- Lead to legal challenges;
- Result in a grievance in a unionized environment;
- Lead to a toxic work environment;
- Leads to loss of employees;
- Damage reputation;
- Damage morale and productivity;
- and cause a loss of profit.

The Complainant and the Respondent both have the right to:

- Have their confidentiality protected;
- Have the limits of confidentiality explained to them before disclosing their complaint or before responding to a complaint;
- Decide whether to access available services and to choose those services they believe will be most beneficial;
- Be informed of resources outside the workplace;
- Be informed of the procedures in place to address sexual harassment;
- Have one support person present throughout the procedures;
- Be informed of any significant updates that occur at any point in the formal complaint process;
- Receive a copy of the investigation report (redacted to protect confidentiality);
- and Be informed of the outcome of the investigation, including any discipline or remedial measures.

The complainant has the right to:

- A plan to protect their safety and
- Reasonable and necessary actions to prevent further unwanted contact with the respondent.

The respondent has the right to take reasonable and necessary actions to prevent further contact with the complainant.