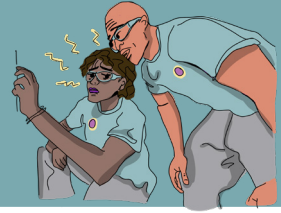


Can I Report Workplace Sexual Harassment to Police?*

*This guide consists of legal information ONLY; information shared in this guide is NOT considered legal advice.



What is the Criminal Code of Canada (Criminal Code)?

This guide consists of legal information ONLY, and information shared in this guide is NOT considered legal advice.

The Criminal Code is federal legislation that defines what is considered a crime in Canada. Criminal offences are investigated by police and tried in a criminal court trial by a lawyer on behalf of the federal government. Under the Criminal Code, sexual assault is a criminal offence. **Filing a report to the police for sexual assault is your choice. You do not have to file a police report if you feel uncomfortable, unsupported, or unsafe doing so.**

There is no crime in Canada called “workplace sexual harassment”. However, there are crimes that cover specific actions that you can report to the police if you are experiencing workplace sexual harassment. Here are some examples:



Sexual Assault: Applying force to another person, directly or indirectly, without their consent. Can also include applying force using a weapon. Sexual assault in any setting can be reported to police.



Criminal Harassment: Actions and behaviours that causes another person to fear for their safety or the safety of others known to them. Criminal harassment can include stalking, repeated communication, watching the person in their home or work, threatening the person or their family member. Criminal harassment can include conduct that happens online platforms.



Non-Consensual Distribution of Intimate Images: Publishing, distributing, selling, sending, making available, or advertising an intimate image of a person without their consent. Intimate images can include a photograph, film, or video and is defined as:

- Nude images and/or video where the person is exposing their genital organs, anal region, or breasts; or is engaged in sexually explicit activity.
- At the time of taking the image or video, the person has a reasonable expectation to privacy when the offence was committed.



Voyeurism: When a person observes, takes a picture, or makes a recording of another person without the other's consent to their image or video being taken and under circumstances where they have a reasonable expectation of privacy.

Some Examples of Sexual Harassment Reported to the Police

Example 1: A male supervisor uses physical force to block a female worker from leaving the workplace and threatens to hurt her and himself if she tries to leave. He sexually touches her, and she keeps on telling him to stop but is unable to move him off her. She makes a report to the police about what happened. The police arrest and charge the supervisor for criminal harassment and sexual assault.



Example 2: A gender queer worker is scared to go to work because their co-worker has threatened to out them at the workplace if they do not give the co-worker oral sex.

They report to the police. The police visit the workplace the next day and give the harassing co-worker a warning. They tell the worker if he threatens them again, the police will charge them with criminal harassment.

How Can I Charge Someone for a Crime Related to Sexual Harassment?

Only the police can lay charges.

The police will decide whether to lay charges against a perpetrator and complete an investigation to collect evidence. A police report **must** be filed for a crime to be investigated and charges laid. Sexual assault survivors cannot decide if charges are filed or not.

Remember, sexual harassment is not crime of its own under the *Criminal Code* but is a violation under the *Ontario Human Rights Code* and the *Occupational Health and Safety Act*. See **Can I file a human rights complaint for workplace sexual harassment** and **Workplace Sexual Harassment and the Occupational Health & Safety Act** guides for details.



How Long Do I Have to File a Police Report for Sexual Assault?



There is no time limit to file a report of sexual assault to police. You can file a report at any time you discover sexual assault was perpetrated against you. But you should think about filing a police report sooner because it will make it easier for police to complete an investigation and collect evidence for a possible court case.

Unfounded reports or complaints of sexual assault occur where police decide there is not enough evidence to lay criminal charges. If police investigate and lay charges, then the Crown Counsel or Prosecutor will decide if there is a legal case based on evidence collected. Sexual assault survivors cannot decide to lay charges and proceed with a criminal court case; this is decided by the police and Crown Counsel. Get legal advice from a criminal lawyer for specific information about your options.

What is My Role in A Criminal Trial?

The criminal court trial is made up of many people:



Victim-Witness (You): Your role is a victim/witness of the crime that is committed against you. As a victim-witness, you have limited control over the process when a report is filed to the police or in the criminal trial. Although you are not represented by Crown Counsel, you can get legal advice and your own lawyer to assist with the process.



Police: Enforce the *Criminal Code*, lay criminal charges, investigate crimes, and collect evidence. This is necessary to start the criminal court process. Their investigation becomes evidence in the criminal trial.



Crown Counsel: Crown Counsel are lawyers that represent the state or Crown, not the victim in the criminal case. They pursue criminal charges and try perpetrators in criminal court to prove an offence has been committed under the *Criminal Code*.



Defence Lawyer: Defend the accused against criminal charges brought by the Crown Counsel.



Defendant (or the Accused): the person accused of a crime under the *Criminal Code* and must prove that they did not commit the crime beyond a reasonable doubt.



Victim/Witness Assistance Program (V/WAP): Guides and provides support to victim-witnesses and helps them navigate through the criminal court process.

What Can I Do Before Filing a Report of Sexual Assault to Police?*

**These tips are voluntary and are only suggestions if you do choose to file a police report.*

1. Contact Your Local **Sexual Assault Support Centre for Sexual Violence Supports**

Ontario Coalition of Rape Crisis Centres:

<https://sexualassaultsupport.ca/>

Fem'Aide (Francophone and French speaking):

<https://femaide.ca/>

Talk4Healing (Help Line for Indigenous Women):

1 855 554 HEAL (4325) or LiveChat:

<https://www.talk4healing.com/>

2. Go to Your Nearest **Sexual Assault and Domestic Violence Treatment Centre (SADVCC)** to Complete a Sexual Assault Kit:

Find your local SADVCC here:

<https://www.sadvttreatmentcentres.ca/>

3. Ask a **Trusted Support Person to Accompany You During the Police Interview**

You can also request a support person from your local sexual assault support centre to accompany you to the police interview

4. Consider **Speaking with a Criminal Lawyer** to Understand Your Legal Rights During the Criminal Court Process

Access up to 4 hours of **Independent Legal Advice** with vouchers from the Ontario government. Call 1-855-226-3904 for more information.



What Resources Can I Use If I Experienced Sexual Assault?

1. Contact Your **Local Sexual Support Centre** for Counselling and Other Supports

Ontario Coalition of Rape Crisis Centres:

<https://sexualassaultsupport.ca/>

Fem'Aide (Francophone and French speaking):

<https://femaide.ca/>

Talk4Healing (Help Line for Indigenous Women):

1 855 554 HEAL (4325) or LiveChat:

<https://www.talk4healing.com/>

2. Find your community legal clinic for further support on the Legal Aid Ontario website: <https://www.legalaid.on.ca/legal-clinics/>

3. Contact the **Human Rights Legal Support Centre (HRLSC)** for free, confidential legal advice, information, and resources about all your options for Code-related sexual harassment.

Tel: (416) 597-4900

Toll Free: 1-866-625-5179

TTY: (416) 597-4903

TTY Toll Free: 1-866 612-8627

Press "4" for Indigenous Services

<https://www.hrlsc.on.ca/>





Read more about other legal options you can use to address workplace sexual harassment with these helpful info sheets:

**Can I File a Human Rights
Complaint for Workplace
Sexual Harassment?**

**Can I File a Human Rights
Complaint for Workplace
Sexual Harassment?
(FEDERAL)**

**Can I File a Complaint of
Workplace Sexual
Harassment under the
Occupational Health
& Safety Act?**

**What is the Human
Rights Code under Ontario's
Human Rights System?**

