



## A Guide to Sexual Harassment Complaints

### FACTS ABOUT THE HUMAN RIGHTS COMMISSION

The Human Rights Commissioners are members of the public (up to 12 in total) who are appointed by the Governor, on the advice of the Premier, after the Leader of the Opposition has been consulted. Commissioners are responsible to the Minister of Culture and Social Rehabilitation for the administration and enforcement of the Act.

The staff of the Human Rights Commission are public officers.

### FOR FURTHER INFORMATION PLEASE CONTACT:

The Human Rights Commission  
The Mechanics Building, Suite 301  
11 Church Street, Hamilton HM 11

**Tel:** (441) 295-5859

**Fax:** (441) 295-6573

**Web:** [www.hrc.bm](http://www.hrc.bm)

*This leaflet was produced by the Human Rights Commission as a public information guideline. It provides a brief explanation of your rights as a 'complainant', but you may wish to read The Human Rights Act 1981, to obtain full details of your rights.*

This guide is designed to help you understand what is meant by the term “sexual harassment” and how to make a complaint under the Human Rights Act 1981 (referred to here as the “Act”) if you believe that you have been sexually harassed.

#### It answers the following questions:-

- What is “sexual harassment”?
- Is sexual harassment against the law in Bermuda?
- What should I do if I am being sexually harassed?
- How do I make a complaint?
- What happens when I make a complaint?
- How is a complaint processed?
- Additional facts about the Human Rights Commission



## WHAT IS SEXUAL HARASSMENT?

**Sexual harassment may be defined as sexual attention from one person to another which is unwarranted, unwelcome, and unsolicited. Sexual harassment may be:-**

- Physical - touching, brushing against, pinching, patting;
- Verbal - sexual remarks or teasing;
- Non-verbal - leering or suggestive looks;
- Subtle sexual hints and pressures;
- Repeated pressure for a personal relationship or sex;
- Unwelcome remarks, jokes, innuendos or taunting about a person's body;
- Displaying of pornographic or derogatory pictures or images.

In the workplace sexual harassment can be quid pro quo harassment. For example, when a manager or supervisor, or any person in a position of authority to hire, promote, or dismiss a person, makes an unwelcome demand for a sexual favour in exchange for his or her assistance in promoting, hiring or keeping that person in the job.

Sexual harassment in the workplace also includes harassment that creates a poisoned environment for staff.

## IS SEXUAL HARASSMENT AGAINST THE LAW IN BERMUDA?

Yes, it is against the law for anyone to be subjected to sexual harassment by an employer, or by a fellow employee. It is also against the law for anyone to sexually harass you if they are your landlord, or an agent of your landlord, or an occupant of the building where you reside.

The Act also requires an employer and landlord to take such action as is reasonably necessary to ensure that sexual harassment does not take place in the workplace.

The Act does NOT cover other forms of

unsolicited sexual attention, such as people making objectionable remarks, or gestures from strangers on the street, unpleasant encounters at private parties or in public places etc. but this sort of behavior may be a breach of The Criminal Code and the Police may be able to take action in such cases. Anyone needing counseling and advice can contact the Women's Resource Centre at Tel 295-3882, or their Hotline at Tel 295-7273.

## WHAT SHOULD I DO IF I AM BEING SEXUALLY HARASSED?

Sexual harassment will not go away by ignoring it. In fact, it will probably continue, and it may get worse. Here are some suggestions as to what steps you might take to stop it:-

- Tell the person who is harassing you that you consider their conduct to be sexual harassment, and that you want it to stop. (Put your concerns in writing if necessary.)
- Document the dates, times, words used, and the conduct you find offensive;
- Inform your employer if it occurs at work, and the complaint does not directly involve the employer;
- Share the information with your co-workers if you wish (Others may have been victims too!);
- Inform your landlord if the harasser is an agent of the landlord's or a fellow tenant in your building;
- Keep copies of all documentation; and
- Contact the HRC for advice.

## HOW DO I REPORT A COMPLAINT?

You can contact the HRC by telephone, or by e-mail, or you can make a complaint in person at our office on the 3rd floor of the Mechanics Building on Church Street, near the junction with Queen Street.

## WHAT HAPPENS WHEN I MAKE A COMPLAINT?

- An HRC officer will interview you, and the Commission will determine whether

your complaint appears genuine and is covered by the Act.

- If it is determined that your complaint appears to be genuine, then an officer will work with you to complete a signed formal complaint in writing, outlining the grounds, and identifying the person or persons against whom the complaint is being made (the **'Respondent'**).

## HOW IS A COMPLAINT PROCESSED?

Once a formal complaint has been signed, the HRC conducts an investigation into your complaint, which may include an offer of mediation between you and the other party. If mediation is unsuccessful, or if either party declines mediation, the investigation is completed and the HRC will then refer the case to the Minister of Culture and Social Rehabilitation unless the complaint has been determined to have no merit. The Minister may then refer it to a Board of Inquiry. A Board of Inquiry is a decision making body of three independent persons, one of whom is legally trained, who hear testimony under oath, and can make legally binding findings based on the evidence presented.

For more information on how complaints are processed please ask for a copy of our **'Guide to Making a Complaint'** or for more information about mediation please see our **'Guide to Mediation'** pamphlet.

## OTHER IMPORTANT INFORMATION

- You must file a complaint within 6 months of the date of the alleged sexual harassment;
- The HRC may entertain a complaint up to 2 years after the date of the alleged harassment if it is satisfied there are good reasons for the delay, and that no one will be prejudiced by the delay. However, it is always best to make the complaint as soon as possible.