

# Sexual Harassment

- Tort vs Crime
- A form of sexual abuse and unwanted sexual attention.
- It is behavior that is coercive, forced, threatening, or unwanted. It is the act of someone bothering another one by saying or doing unwanted/unwelcome things of a sexual or gender nature.

# Elements of the tort

- **Sexually harassing conduct**
  - Harassment that is either sexual or gender-based.
  - Unwelcome conduct.
  - Severe or pervasive.
- **Intent**
  - **Impact on victim:** Sexual harassment is defined by the impact of the behaviour on the recipient, not the intent of the perpetrator.
- **Damages**

# Actions included in sexual harassment

- Touching inappropriately.
- Making insulting jokes.
- Making derogatory comments.
- Making sexual demands or suggestions.
- Staring at or making unwelcome comments about someone's body.
- Displaying sexually offensive pictures.
- Being verbally abusive because of someone's gender.
- Demanding sex.
- Physical assault.

# A poisoned environment

- Poisoned environment sexual harassment discriminates against individual(s) on the basis of sex, gender, or sexual orientation **by creating an intimidating, hostile and/or offensive environment.**
- This is the most common type of sexual harassment. It usually involves a pattern of **persistent or repeated behaviour such as crude or offensive jokes, sexual comments, displays of offensive material and/or stereotyping on the basis of gender or sexual orientation.**
- Anyone who is in the poisoned environment can make a claim.

# Quid pro quo

- Quid pro quo means “this for that”.
- It involves implied or expressed:
  - i. Promises of reward for complying with sexual solicitations, or**
  - ii. Demands or implied or expressed threats of reprisal, or**
  - iii. Actual reprisal for refusal to comply with sexual demands.**
- This type of harassment is usually initiated by a person(s) with power over a person(s) with less power. Thus, the recipient is in a vulnerable position.

# Sexual harassment and crime in western Europe

Soliciting favors of a sexual nature for oneself or for a third party, within a continuous or habitual labor, education, or other relation involving services, thereby provoking the victim an objective and seriously intimidating, hostile or humiliating, situation.