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Sexual Harassment: A Guide for Understanding and Prevention

Arjun P. Aggarwal

Toronto: Butterworths, 1992, 129 pp.

Reviewed by Megan Shortreed†

Sexual harassment is an unjust and pervasive practice in modern Canadian society. In *Sexual Harassment: A Guide for Understanding and Prevention*, Arjun Aggarwal provides the lay person with a complete and accessible legal handbook. At the same time, the author takes a holistic and compassionate approach to the personal and economic implications of sexual harassment, both for women and their employers.

Sexual Harassment is clearly aimed at educating a broad audience of workers, managers, and employers; however, legal practitioners and students who are unfamiliar with the basic discourse and concepts may also find the guide useful as an introduction to the topic. Aggarwal employs a user-friendly, question and answer format to deal directly with both the nature of sexually harassing behaviour and the legal obligations of the parties involved. In addition, the work is general enough to serve as notice to potential harassers, as well as provide information and support to potential victims.

Before embarking on a description of the law of human rights and sex discrimination, Aggarwal outlines the historical and social context of sexual harassment. His statistical and rational arguments would persuade even the most hostile reader to recognize the power dynamic that can characterize such behaviour, and the human and fiscal impact that can result. The themes of human dignity and equality are stressed throughout the book, alongside the more practical discussions of legal and financial liabilities.

To that end, the author takes time to explain aspects of harassment about which many people, and especially men, may be confused or unsure. He clarifies concepts such as unwelcome sexual attention and coercive behaviour, as well as what types of verbal, vi-

† B.Sc. (Queen's), LL. B. anticipated 1995 (Dalhousie).

sual, physical, and psychological conduct constitute harassment. For example, Aggarwal provides the reader with the following distinction between harassment and harmless romantic interaction:

Sexual harassment is very different from sexual attraction between two equals, man and woman. Sexual harassment is a relationship based on the power of one over the other. It is job related and involves a fear and anxiety about job-related consequences. Unlike love, which focuses on a positive relationship, sexual harassment focuses on the sexual act.¹

Aggarwal stresses that women are the primary victims of sexual harassment at the hands of male supervisors and managers, although the principles described are of general applicability and can be extrapolated to other factual circumstances. Unfortunately, the issue of co-worker harassment is not tackled directly until the final chapter on union responsibility, and might have been more readily addressed as a separate issue in the original discussion on the nature of harassing behaviour. In addition, the author makes only a passing reference to same-sex harassment, which may pose special questions of interest to readers.

The discussion of the nature and extent of sexual harassment is thorough and specific, yet the reader is consistently reminded that behaviour must be analyzed within the particular circumstances of a case. Aggarwal avoids falling into the trap of listing all of the possible actions and scenarios that could be classed as sexual harassment. He instead provides the reader with general guidelines which shed light on the complexities and nuances of the subject matter. Examples are used to illustrate rather than narrowly define acceptable standards of behaviour.

The review of case law, statutory instruments, and guidelines is extensive yet summarized effectively for the lay person. The reader may easily access information about the avenues of complaint and types of relief available to a victim. In particular, the human rights complaint process is described fully, using simple legal terminology.

Suggestions for the handling of complaints are considered from the perspective of victims, employers, and unions. The author is also

¹ J. P. Aggarwal, *Sexual Harassment: A Guide for Understanding and Prevention* (Toronto: Butterworths, 1992) at 37.

sensitive to issues of particular concern to women who suffer the effects of sexual harassment. Aggarwal clearly explains why some victims may avoid reporting incidents, silenced by fears about confidentiality, reprisals, and personal safety. However, the recommended steps for action, which include direct communication with the harasser and seeking redress through internal systems, provide little comfort and may not encourage reporting of sexual harassment.

The obligation for preventing harassment rests with individuals, employers, and unions. *Sexual Harassment* encourages the development of office policies that foster respect, responsibility, and a healthful work environment. Specific comments are included for non-traditional jobs and small businesses. All of the policy options and guidelines suggested for preventing and handling complaints stress the importance of sensitivity and confidentiality.

Overall, the organization of the book is excellent for quick access and easy reading. An appendix of the federal and provincial Human Rights Commissions allows for simple follow-up, although the "Sources for Further Information" section is somewhat brief. Aggarwal's argument is persuasive, at all times employing simple, yet sufficiently descriptive language. While the academic may find a lack of citation and some repetition of ideas frustrating, *Sexual Harassment* more than adequately fulfills its purpose as a quick reference guide for the community at large.

This work is highly recommended as a comprehensive and comprehensible introduction to the law of sexual harassment. The book serves to enlighten and inform workers and employers, men and women alike. As its title suggests, *Sexual Harassment* is a complete guide for the understanding and prevention of a complex and contentious social phenomenon.