

sexual harassment might encompass a broader perspective since the EEOC has come out with Interim guidelines on harassment based upon one's membership in a protected class (which would include not only gender, but on the basis of race, national origin, etc). These guidelines would expand the definition of harassment to incidents of gender-based animus (Federal Register, 1993, p 51267).

The legal definitions alone do not provide a clear understanding of how sexual harassment is defined. Court cases provide guidance as to not only what is considered sexually harassing behavior, but indicates what evidence is critical in supporting such charges.

Case Studies. Pellicciotti (1992), has proposed that the Canadian courts have relied heavily on U.S. decisions and cases. However, some cases may have implications for U.S. businesses in Canada as well as providing guidance for U.S. decisions regarding sexual harassment (Pellicciotti, 1992). The Canadian Case Re Janzen and Platy Enterprises, 1989, first directly stated that sexual harassment is a form of sex discrimination. The Canadian Supreme Court reviewed both U.S. and other Canadian provincial law and concluded that there was precedence to consider sexual harassment as being a form of sex discrimination (Pellicciotti, 1992). The Supreme Court's decision directly contradicted the Manitoba Court of Appeals which stated the two concepts of sex discrimination and sexual harassment should be regarded as two separate legal concepts.

Re Janzen and Platy Enterprises also had one other interesting opinion set forth by the Canadian Supreme Court. The Canadian Supreme Court rejected the U.S.