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\$24,000 Awarded to Employee Who Was Terminated After Making Sexual Harassment Complaint

The B.C. Human Rights Tribunal has ordered a company to pay significant damages after terminating an employee who made a sexual harassment complaint.

The employee, a sales associate for a medical equipment supplier, began receiving comments from the Company's founder regarding her appearance. Despite asking the founder to stop, he persisted and eventually the employee took a leave of absence.

Upon returning to work, the employee made a request to her manager that she no longer report to the founder because he had been harassing her. The founder denied these claims and the manager requested the employee sign a document stating that she hadn't experienced any verbal or physical harassment. Feeling pressured, the employee signed the document. The next morning the employee was terminated.

Following her termination, the employee inquired about an unpaid commission. Initially the company denied the commission, but then offered it to her on the condition that she sign a statement confirming she made false accusations of sexual harassment and that her dismissal was performance related. She refused and filed a human rights complaint.

The Tribunal found that while the intention behind the founder's comments may have been innocuous albeit misguided, they still made the employee feel degraded. The Tribunal also found the timing of the termination suspicious and added that pressuring the employee to sign documents without providing adequate opportunity to seek advice was inappropriate. The Tribunal determined the sexual harassment complaint was a factor in her termination, which constituted discrimination on the basis of sex under the *B.C. Human Rights Code*. The Company was ordered to pay the employee wages and commissions lost due to the discriminatory dismissal and \$20,000 for injury to dignity, feelings and self-respect – a total of more than \$24,000.

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This document is intended to be used as a reference and ought not be considered as constituting legal advice (including jurisdictional variances) and accordingly should not be relied upon without obtaining specific legal advice from e2r™.

This decision highlights the importance of having legislatively compliant harassment policies and training in place to ensure, employee complaints are taken seriously, and investigations conducted as appropriate in the circumstances.

Since an employer's obligations respecting harassment complaints may vary by jurisdiction, we strongly recommend you speak with an e2r™ Advisor when faced with a harassment complaint to ensure that your employer obligations in such circumstances are met.