

## ***Garland v. Scott Tackaberry o/a Grape & Grain - April, 2013***

### [COMPLETE DECISION PDF](#)

#### SUMMARY

The complainant filed a complaint against her former employer under section 19 of *The Human Rights Code* alleging that her employer had failed to take reasonable steps to stop the sexual harassment she was subjected to by a customer of the store.

The Adjudicator denied the Commission's request to not identify the complainant in both the public notice of hearing and the written reasons for decision.

The Adjudicator determined that the complainant had been subjected to "a series of objectionable and unwelcome sexual solicitations or advances" on the basis of her sex, constituting sexual harassment. The Adjudicator noted that the underlying policy of section 19 "aims to ensure a workplace, where the dignity and value of individuals are respected and where the economic reality of dependence upon continuing wages does not somehow leave employees feeling trapped and required to suffer the grievous indignity that is harassment".

The Adjudicator rejected the respondent's suggestion that the complainant encouraged the harassment whether directly or by implication and dismissed the respondent's attempts to characterize the complainant on the basis of her sexuality and lifestyle as irrelevant.

He determined that the respondent was aware of the ongoing harassment and found that the respondent's suggestion that the complainant quit her job rather than enduring the harassment undermined the protection that *The Code* offers. The Adjudicator concluded that the respondent had failed to discharge the obligation imposed on an employer to take reasonable steps to terminate harassment.

Remedy: The Adjudicator awarded \$7,750 in general damages for injury to the complainant's dignity, self-respect and feelings resulting from the harassment. The respondent was ordered to attend a workshop on harassment in the workplace and to provide to every new and future employee the respondent's policy on harassment in the workplace.