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Employers must take reasonable steps to address workplace harassment, decision finds

A recent decision of the Manitoba Human Rights Adjudication Panel finds that an employee of a Manitoba correctional facility experienced ongoing harassment on the basis of his sexuality. The employee, referred to as “T.M.” under an anonymization order, filed a complaint of discrimination alleging that after reporting harassment to his employer, inadequate steps were taken to terminate the workplace conduct.

In the decision, *T.M. v. Government of Manitoba – Manitoba Justice*, Adjudicator Sherri Walsh states “not only was the language which was used in the workplace toward T.M. shocking, vulgar and offensive, it signalled to him and others around him that he was “other” – the sense of being less deserving of being treated with respect and dignity” (at para 191).” The decision reinforces the responsibility of employers to conduct a thorough and proper investigation of harassment complaints. Where an investigation is not possible, the decision stresses that employers must still take steps to terminate harassment.

“We continue to hear all too often of employees who are forced to tolerate homophobia, sexism and other forms of discrimination in the workplace. We know this kind of conduct has an impact on not only their well being, but the health of their families and communities,” said Karen Sharma, A/Executive Director of the Manitoba Human Rights Commission. “This decision makes it very clear that employers have a duty under *The Human Rights Code* to create environments that are respectful, inclusive and safe.”

To remedy the harassment experienced by the employee, the decision orders the employer to conduct training on harassment, designate a Respectful Workplace Advisor for this correctional facility and compensate the complainant in the amount of \$75,000.00 in damages for injury to dignity, feelings and self-respect.

“This remedy will ensure that no one else at this facility has to endure the kind of conduct experienced by this complainant,” said Sharma. “We are hopeful that it will send a strong message that Manitoba workplaces must be safe and respectful for everyone.”

To read the decision, visit www.manitobahumanrights.ca

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