

# Newsletter



Robinson Sheppard Shapiro  
Avocats • Lawyers

November 1, 2017

## Harassment is not costly only to stars...

*Over the past few weeks, the media have been replete with reports of complaints alleging that high-profile individuals from the entertainment world had had improper if not abusive sexual behaviour with victims under their influence.*

*But film stars and moguls are not the only people who could end up paying top dollar for such errors. If you are an employer, your employees' misbehaviour could be very costly to you. A brief reminder is in order.*

### The employer's liability

As an employer, you are not immune from the consequences of complaints by employees arising from a colleague's alleged sexual harassment. In Quebec, it is settled that sexual harassment falls under the definition of psychological harassment in the *Labour Standards Act*: employees have a right to be free from psychological harassment, therefore from sexual harassment too.

If an investigation confirms that harassment has taken place and that you have not taken reasonable precautions to prevent it, or have failed to react when you were notified of the problem, you could be facing expensive consequences.

### Costly condemnations

The *Labour Standards Act* gives the tribunal substantial discretion to remedy the situation. Among other measures, it can order you to reinstate the victim of the harassment, to pay an indemnity up to a maximum equivalent to wages lost as well as punitive and moral damages and an indemnity for loss of employment.

You can also be ordered to take reasonable action to put a stop to the harassment and to pay for the psychological support needed by the employee for a reasonable period of time.

### Reputational damage

Decisions rendered in such cases are usually public. Since the media are always looking for sensational stories to



Jacques Bélanger  
514 393-4018  
[jbelanger@rsslex.com](mailto:jbelanger@rsslex.com)

Jacques Bélanger's practice focuses on all aspects of labour and employment law, especially employment injuries and occupational health and safety.

Our newsletters aim to bring to your attention the contemporary legal issues which we believe are and should be of interest to the public at large and under no circumstances are they to be considered as legal opinions. The newsletters are merely intended to alert readers to interesting topics and/or new developments in law. © RSS 2017. No part of this newsletter may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, unless the identity of the RSS newsletter is mentioned in writing on the face of the reproduction.

---

report, news of your condemnation could spread like wildfire. In this day and age where numerous industries face serious recruitment difficulties, an employer with a harassment history could be facing near disaster.

### **The solution**

To avoid such problems, employers must adopt and enforce a policy of zero tolerance towards harassment. They must also monitor the workplace closely to ensure that the policy is respected and react promptly if a problem arises.

• • •



Robinson Sheppard Shapiro