



## Fostering a Respectful Workplace: Your Firm's Responsibilities & Policy

### Resources

*Amalgamated Transit Union, Local 113 v Toronto Transit Commission*, 2016 OLAA No 267

Continuing Legal Education Society of British Columbia, Law Society of BC, *But I was Wearing a Suit*, <https://www.cle.bc.ca/butiwaswearingasuit/>

Continuing Legal Education Society of British Columbia, *e-Learning: Respectful Workplace Behaviour*, <https://store.cle.bc.ca/productdetails.aspx?pid=20134316>

*Dupuis v British Columbia (Minister of Forests)*, [1993] BCCHRD No 43 (QL)

Giovanna Di Sauro, *Staving Off Duplicative and Statute-Barred Proceedings: Guidance from THE HRTO and WSIAT*, Mondaq:

[http://www.mondaq.com/article.asp?articleid=863774&email\\_access=on](http://www.mondaq.com/article.asp?articleid=863774&email_access=on)

Harris, David, *The Law of Sexual Harassment in Canada*,

<https://workplacesexualharassment.ca/>

*Janzen v Platy Enterprises*, [1989] 1 SCR 1252

*Law Matters, #MeToo and the Law*, CBA Alberta, Fall 2019, <https://www.cba-alberta.org/Publications-Resources/CBA-Magazines/Law-Matters/Law-Matters-Fall-2019>

Law Society of Alberta, *Respectful Workplace Policy* <https://dvbat5idhx7ib.cloudfront.net/wp-content/uploads/2019/11/Respectful-Workplace-Policy.pdf>

McCarthy Tétrault, Patrick Pengally, *Considerations for Your Upcoming Holiday Party*, Mondaq:

[http://www.mondaq.com/article.asp?articleid=864960&email\\_access=on](http://www.mondaq.com/article.asp?articleid=864960&email_access=on)

*Watkins v Willow Park Golf Course Ltd*, 2017 ABQB 541

## Scenario

P is a partner at a mid-sized firm. Associate, A, is hired as a third-year associate.

P is single and is 30 years older than A. A is a single parent to a very young child. She is under considerable pressure to get her child to-day care each morning, and to pick her child up before the day-care closes. As a single parent, it is critical to her that she keep her position. She simply cannot afford not to be employed.

P develops feelings for A. Acting on those feelings, he gives her preferential treatment: directs his best files to her, sends her to conferences in desirable locations, loans her money (and does not ask her to repay it), and spends time with A and her child, treating them to outings. A receives many benefits that other associates do not receive.

After a time, A learns that P has romantic feelings for her. She unequivocally tells P that she does not reciprocate the feelings, and that she cannot spend time with him. She refuses to attend conferences that he asks her to attend that would involve her traveling with him.

P then engages in a series of behaviours that vacillate between wooing her and being increasingly aggressive, bullying and abusive of her. He texts her late at night while he is intoxicated, telling her that he misses her. He will then swear at her, calling her the worst of names, follow her around at work making demands and yelling at her.

Confrontations between P and A start to impact the workplace. They are volatile and disruptive, making the other associates and staff uncomfortable, frustrated and upset.

P confides in a senior associate, S, that he has feelings for A and that he is lonely. S notes that A appears to be increasingly afraid of P. A asks S to ensure that she is not alone with P.

Another partner, L, hears of the situation and tells P to fire A. P does not, but he does ask S to do it for him. S refuses.

A writes a letter to the partnership, setting out the problem and asking for help.