

Budge v. Thorvaldson Care Homes Ltd.

[COMPLETE DECISION PDF](#)

The original Adjudication finding of harassment was upheld by the Manitoba Court of Queen's Bench and the Manitoba Court of Appeal.

SUMMARY:

The complainant filed a complaint against her former employer under section 19 of *The Human Rights Code* alleging that she was sexually harassed by a co-worker and that rather than taking reasonable steps to end the harassment, the respondent terminated her employment.

The complainant alleged that she had notified her supervisor very soon after she was first subjected to the harassment but that nothing was done about it. Many months later she again reported the harassment to the president and two days later her employment terminated. The respondent argued that the complainant had engaged in a plot with a fellow co-worker to damage the business by quitting just before Christmas and that the harassment allegations were not credible.

The Adjudicator found that the comments and behaviour that the complainant was subjected to by her co-worker were unwelcome and constituted harassment. The Adjudicator also found that the respondent had been informed of the harassment a considerable time before the termination of her employment and was aware, or should have been aware, that there was a serious problem of sexual harassment in the workplace, but failed to take reasonable steps to treat the issue as pressing and serious. The Adjudicator determined that the termination of the complainant's employment was due, at least in part, to her having made allegations of harassment.

Remedy: The respondent was ordered to develop a sexual harassment policy in co-operation with the Manitoba Human Rights Commission and to provide to the Commission, for a period of 2 years, information regarding every female employee who enters or leaves employment, along with any other information the Commission may require to ensure that *The Human Rights Code* is being complied with. In addition, the complainant was awarded 3 months' salary and benefits as compensation for lost wages and \$4,000 for injury to dignity.