

Metaser v. Jewish Community Campus of Winnipeg Inc.
- September, 2013

[COMPLETE DECISION PDF](#)

SUMMARY

The complainant filed a complaint against her 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 her supervisor.

The respondent made a settlement offer that the complainant rejected. The respondent subsequently requested that the adjudicator assess the reasonableness of its settlement offer under section 37.1 of *The Human Rights Code*.

The Adjudicator proceeded to assess the offer on the basis that the facts in the complaint were proven to be true, on the basis that the parties and the adjudicative process should not expend resources to adjudicate a complaint, where the respondent has already made an offer that is the same or nearly the same as, or at least approximates, all of the remedies that an adjudicator would have ordered at a hearing of the complaint.

The Adjudicator determined that to be reasonable, a settlement offer must take into account all of the remedial headings provided in subsection 43(2) of *The Code*.

He determined that the settlement offer reasonably ensured future compliance with *The Code*. The absence of any compensation for lost income was determined to be reasonable on the basis that the complainant had been provided with payment in lieu of notice under the Employment Standards Code following the termination of her employment. The offer of \$5,250 was determined to be reasonable and within the range of what an adjudicator would award and the request for a limited release was found to be a reasonable means by which a party may seek some finality.

The adjudicator therefore terminated the adjudication of this complaint.