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Human rights group celebrates Court's decision as a victory for human rights in the workplace

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Vancouver - Human rights lawyers with the Community Legal Assistance Society (CLAS) are celebrating the Supreme Court of Canada's decision today in the case of BC Human Rights Tribunal v. Schrenk. The Court confirmed that harassment in the workplace is a human rights issue, no matter who the perpetrator is. CLAS was an intervenor in the case.

The case involved an allegation of racist and Islamophobic harassment on a construction site. The complainant and the alleged harasser were employees of two different companies working on a road construction project in Delta. The BC Court of Appeal ruled that the Human Rights Tribunal did not have jurisdiction to hear the case because the alleged harasser was not in a position of economic power over the complainant.

That decision significantly limited the Tribunal's ability to hear cases about harassment in the workplace. Today, the Supreme Court of Canada overturned the BC Court of Appeal's decision and confirmed that the Human Rights Code protects all employees from discrimination in the workplace, no matter who the perpetrator is.

"Harassment in the workplace takes many forms" said Lindsay Lyster, who represented CLAS in the case. "Harassment by a boss or a supervisor is one common form of harassment, but harassment by colleagues, clients or customers can also be sources of discrimination. The Court recognized today that economic power is only one axis of power along which power can be exercised between individuals."

Lyster continued: "Our Human Rights Code is meant to protect employees from the indignity of discriminatory conduct in the workplace. This decision will ensure that all employees can benefit from the Code's protection, from the female supervisor who is accused of "sleeping her way to the top", to the Muslim worker who is taunted by coworkers about being a terrorist, to the young bartender who faces sexual harassment from patrons. All must have an opportunity to seek justice through a human rights complaint."

The case can now proceed to a full hearing before the BC Human Rights Tribunal.

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