

Are Employers Liable for Discriminating Acts Committed by Non-Employees?

The Alberta Human Rights Tribunal (“Tribunal”) recently issued a decision that addresses an employer’s responsibility when an employee is harassed or discriminated by a third party. The Tribunal’s decision related to circumstances where a complaint was filed by a teacher who was the subject of ongoing harassment by a student. Despite disciplinary measures imposed by the school on the student, the harassment persisted. The Tribunal held the school accountable for the discriminatory actions of the student, citing that the employer had control over the workplace and authority over the student.

This decision serves as a reminder and a warning that an employer’s responsibility when addressing allegations of harassment and discrimination in the workplace goes beyond situations where the harassment or discrimination occurs amongst employees. In certain circumstances, an employer may be held liable for the discriminatory or harassing conduct of a third party, such as a customer or vendor, where sufficient steps are not taken to address the issue.

All allegations of harassment or discrimination in the workplace must be addressed by employers even in circumstances where it involves an outside third party. Please contact an e2r Solutions® Service Provider to discuss this issue and how it may affect your workplace.