

1 Touch + 2 Hugs = \$15,000.00 in Human Rights Damages

This Alert! is a continued discussion of the recent Ontario Human Rights Tribunal decision in Panucci v. Seller's Choice Stockdale Reality Ltd.

As reported in our June 25, 2015 Alert!, employers across Canada can expect to see higher damages awards at human rights tribunals; the decision in *Panucci* underscores our prediction.

Panucci was a self-employed real estate broker working under the supervision of Christopher Stockdale, the principle broker of the agency. The Tribunal awarded Panucci \$15,000.00 in general damages for the following conduct by Stockdale: (a) frequent comments regarding Panucci's personal appearance; (b) two hugs; and (c) one shoulder touch, which was five seconds in duration. The Tribunal awarded this amount notwithstanding Stockdale engaged in similar conduct with all of the other brokers at the agency.

This decision should act as a cautionary tale for employers – what one person thinks is a friendly gesture may be interpreted in a different (and more sinister) manner by someone else. Therefore, employers should be advising their managers to limit all physical interactions in the workplace to handshakes and to avoid making any comments regarding anyone's physical appearance in order to avoid a human rights claim. It is much better to err on the side of caution than risk a \$15,000.00 human rights claim!

The human rights landscape can be very difficult to navigate, so, please contact e2r to speak with an Advisor to discuss how to mitigate your risk of a human rights claim.