

Over \$60,000 Awarded for the Mishandling of a Sexual Harassment Complaint

The Federal Public Sector Labour Relations and Employment Board (the “Board”) has awarded over \$60,000 to a CRA employee in Ontario who was sexually harassed by her boss at work. The Board ordered payment of \$20,000 for pain and suffering, \$20,000 for the “reckless” internal handling of the investigation after the complaint was made, and \$23,000 as reimbursement for treatment of anxiety and depression related to the harassment. The amounts awarded are the maximum permitted under federal human rights legislation.

In 2010, Dominic D’Ippolito became the leader of Marilyn Doro’s work unit and her direct supervisor. Over the course of five months, Doro was on the receiving end of unwanted attention on a daily basis from D’Ippolito. He harassed her physically, touching her at her desk and giving her a back rub. He also made her mixed CDs of love songs, invited her out on numerous occasions, sent her chocolates and sexually themed emails, and texted her outside of work hours indicating he was watching her house.

When Doro complained to management, the CRA’s response was to offer a work from home arrangement or a transfer to another office. When the transfer was refused, Doro was assigned to a desk in another area where the harassment continued. Two weeks later, Doro filed a grievance through her union and the incident was investigated over the course of two years. D’Ippolito was eventually moved into another division and disciplined with a six-day unpaid suspension.

In their decision, the Board found that not only did the CRA not have a proper training program on sexual harassment in the workplace, but that their failure to immediately respond and investigate had a further negative and stressful impact on Doro that resulted in her being off on sick leave for months. In their criticism of the handling of the case, the Board wrote “at a time when she most needed the support of her colleagues and safe and secure workplace, Revenue Canada thought that moving her to another city would solve their own problem. It was a shameful way to find an easy solution to a problem that needed urgent attention.”



This case is a good reminder of not only the importance of establishing a proper awareness and training program on sexual harassment in the workplace, but also of the importance of following the process and investigation steps outlined in that program. Clients are reminded that most jurisdictions in Canada require that such a program be established, and that training be provided to all employees.

Should you require assistance creating or executing your sexual harassment program and/or policy, please contact Client Care to speak with an Advisor.

