

Single Harassment Incident May Justify Termination If It's a Sexual Assault



An employee decided to ask a newly divorced co-worker on a date. Her reception was a cool “maybe.” In an attempt to be flirtatious, the employee lifted the co-worker’s hoodie over her head, revealing everything from the belly button to bra. In addition to a slap in the face, he got fired. The Alberta court ruled the employee was wrongly dismissed and awarded him 10 months’ notice. It was an isolated incident and the employee immediately backed off when he realized the co-worker had rejected his advance. But the appeal’s court saw things very differently. What the employee did was nothing less than a sexual assault and the judge was wrong to characterize it as falling on the low end of the seriousness spectrum [[AG Growth International Inc v Dupont](#), 2021 ABQB 663 (CanLII), August 19, 2021].