

Workplace Harassment – Special Report



Court Refuses to Pull Plug on RCMP Employees' \$1.1 Billion Harassment Lawsuit

A group of RCMP employees who claim they were harassed and bullied at work filed a \$1.1 billion class action

against their employer for “systemic negligence” in allowing the behaviour to continue for decades. In 2020, the federal court ruled that the employees could bring the lawsuit as a class action. The RCMP appealed, contending that the employees had to pursue their complaints via the internal grievance system rather than a lawsuit. But the federal appeal court found that the lower court’s finding that the RCMP’s internal resolution processes were beset with widespread, system problems was reasonable and refused to overturn it. Result: Barring Supreme Court reversal, the employees will get the chance to prove their claims at trial [Canada v. Greenwood, 2021 FCA]

You can't fight digital harassment with an analog policy.

You might think that employees are less vulnerable to workplace harassment when they work from home. But you'd be wrong. Since the pandemic began:

- More than 4 in 10 U.S. workers (41%) reported that they've been subjected to some form of digital harassment (Pew Research);
- Nearly half (45%) of women experiencing sexual harassment say it happened remotely (Rights of Women, UK and Wales (“ROW”));
- 23% of women reporting that they've been harassed say the problem has increased since they began working from home (ROW); and
- More than 7 in 10 (73%) of victims say they don't think their employer is doing enough to protect them from remote harassment (ROW).

Far from eliminating workplace harassment, the migration of employees to the home office has only caused it to go virtual. Cyberbullying, hate speech, stalking and other similarly nasty behaviours have thrived in pandemic conditions. Purveyors of harassment have also gotten better at using video conferencing, social media platforms, virtual discussion groups and other technologies to unleash new forms of harassment like zoom bombing, doxing and dogpiling.

The symbolic “coming out party” of digital harassment occurred last November when highly renowned magazine writer Jeffrey Toobin exposed his genitals to co-workers during a Zoom call. Toobin quickly apologized and claimed he didn’t realize he was actually on camera. But the damage was done. After Toobin’s suspension, Twitter users went online to share their own workplace harassment war stories under the #MeToobin hashtag.

Unfortunately, employers haven’t adapted nearly as well. As employer, you’re legally obligated under OHS, human rights and other laws to protect your employees from workplace harassment regardless of where they happen to work. But you can’t prevent digital harassment with old-fashioned policies designed for analog threats. What’s needed, and rather urgently, is for employers to review and, if necessary, revise their harassment policies to deal with the new face of harassment. Specifically, there are 5 ways you may need to broaden your current harassment policy to protect employees from digital threats...