

# Sexual harassment policy must promote 'real change' in workplace

By Kathy Rumleski, [AdvocateDaily.com](#) Contributor



Whether a business has five or 500 employees, it must have a sexual harassment policy to educate employees, says Toronto personal injury lawyer [Jasmine Daya](#).

"A policy not only needs to be put in place, but it must be communicated and enforced, Daya tells [AdvocateDaily.com](#).

"If businesses are not being proactive about the implementation of a sexual harassment policy, this can lead to significant issues for them down the road."

Daya, managing principal of [Jasmine Daya & Co](#), puts her money where her mouth is and has reflected on her own workplace policy in light of the #MeToo movement.

"I have considered what my firm is doing and if what we are doing is enough in light of the social media movement," she says.

"The conclusion I've come to is that in businesses, and in law firms in particular, sexual harassment is commonplace. While we have made advances in terms of awareness, I am not sure how swiftly change is occurring."

Daya says while initiatives are put in place to combat sexual harassment, too often it's only done with the objective of appeasing those who speak out rather than promoting real change.

"Having a zero-tolerance policy should be the norm," she says.

For it to be effective in stemming inappropriate behaviour, a sexual harassment policy must be properly communicated to staff, Daya adds.

"Staff must be aware of what avenues to pursue if they have an issue. My staff knows that harassment of any sort is not acceptable and that they can come to me at any time and will receive a response," she says. "Ensuring your staff feel comfortable if they have an issue is so important."

Daya says there are different options to pursue a remedy if someone is experiencing harassment.

Those avenues include filing a complaint with the Ontario Human Rights Commission, seeking an employment lawyer or a personal injury lawyer if there has been a physical or psychological injury, or filing a claim if there is a violation of the [Employment Standards Act](#).

Daya says complainants often have fears around losing their jobs or how colleagues and management will view them if they come forward.

"They also worry that no reference will be provided if they do have to move on," she says.

Sometimes, employees face sexual harassment from their managers, which can lead to the termination of those superiors, according to the [Ontario Court of Appeal](#).

In a [trilogy](#) of cases, the [appeal court](#) wrote: "When a manager or other senior employee engages in serious sexual harassment and denies that the misconduct occurred or otherwise refuses to recognize the unacceptable nature of his or her conduct, termination of the employment relationship may be the appropriate employer response."

Daya says in such cases, termination may be the clear response to ensure everyone feels safe in their work environment.

"We can become so deeply entrenched in our daily work that we push issues aside and they aren't dealt with. If someone is being harassed, it can have a big impact on their lives," she says.

If an employer refuses to deal with a harassment claim, it can affect not just one person, but perhaps all staff, Daya says.

"It causes a number of problems with the firm dynamic. It affects the morale around you," she says.

Daya says for those employers who need to update their sexual harassment policy or even create one, the Law Society of Ontario has published a guide that can help — *Preventing Harassment Discrimination and Violence in the Legal Workplace*.