

Employee Shouldn't Lose Job for Single Sex Harassment Incident



'There's a rip in the back of your jeans,' says a 56-year-old sawmill employee to his 19-year-old co-worker pressing his gloving finger into the small hole just under her buttocks. You have pretty pink underwear, he remarks as he ever so slightly grazes her skin. Discipline-worthy, yes; but grounds for termination, no, says the arbitrator. It was a single isolated offence'one that struck the arbitrator as being 'at the very low end of the catalogue of possible sexual assaults'committed by a senior employee with no disciplinary record who recognized his conduct was unacceptable, showed remorse and referred himself to counseling and posed no menace to female co-workers. A 4-week suspension would be punishment enough [[*Tembec Entreprises Inc. v United Steelworkers, Local 1-2010*](#), 2017 CanLII 84288 (ON LA), Dec. 11, 2017].