Employer Liable for Sexual Harassment of Transgender Worker



A transgender worker who was hired as a man and then began living as a woman was fired. She claimed she was the victim of sexual harassment. The employer claimed she was fired because of her attitude and insubordination. The Tribunal noted that when the worker asked to use the women's restroom, the employer said not unless the worker could 'prove she was a female.' Her request for a different shift so she could change clothes when men weren't present was also rejected. There was also evidence that co-workers harassed the worker. And although the worker may have acted aggressively, her behaviour was at least partly in response to her treatment. So the Tribunal ruled that the worker had been subjected to sexual harassment [*Vanderputten v. Seydaco Packaging Corp.*, [2012] O.H.R.T.D. No. 1946, Oct. 18, 2012].