

# Workers? Comp Bars Sexual Assault but Not Employment Claims



Four female employees who claimed they were sexually assaulted by a floor manager sued their employer for failing to protect them. But before answering the complaint, the employer got the Sask. Workers' Comp. Board to declare that any claims for personal injury suffered as a result of the manager's behaviour were work-related and thus barred by workers' comp. As a result, the court struck the tort law claims from the complaint. But it still let the employees go ahead with their constructive dismissal claim and hold the company director for joint and several liability for their unpaid wages [*Rowley v Can'West Agencies Ltd.*, 2018 SKQB 224 (CanLII), Aug. 20, 2018].

**Editor's Note:** Joint and several liability would put the director personally on the hook for any unpaid wages awarded. Practical impact: The employees will have much greater leverage in settlement negotiations.