

Speaking out on workplace harassment: #Me Too

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In the past 12 months, #MeToo has been tweeted 18m times.

-Keyhole, A social-media analytics company

At least 417 high-profile U.S. executives and employees across fields and industries have been outed by the #MeToo Movement in 18 months.

- Temin & co.

In October 2017, after #MeToo went viral on social media, there were 29% more reported victims of sexual assault than in September 2017, and 46% more victims than in October 2016. Overall, the number of reported victims was up 38%, from 4,912 in the fourth quarter of 2016 to 6,766 in the fourth quarter of 2017—the three months after #MeToo went viral.

- Statistics Canada, 2018

The #MeToo Movement

- What is #MeToo?
- The Employer Response

Acceptable Behaviour in the Workplace

- “If a person does not explicitly object to harassing behaviour, or appears to be going along with it, this does not mean that the behaviour is okay. The behaviour could still be considered harassment under the Code.”
 - Ontario Human Rights Commission, A Policy Primer: Guide to Developing Human Rights Policies and Procedures
- Sexual Harassment:
 - (i) amount to a course of vexatious conduct or comment;
 - (ii) relate to the workplace; and
 - (iii) were unwelcome or that the respondent ought reasonably to have known that they were unwelcome

Managing Risk

- What can I say in the workplace?
- Policy Requirements
 - *Occupational Health and Safety Act*
 - *Human Rights Code*
- Policy Language
- Workplace culture

The Extent of Confidentiality

- The “Need to Know Basis”
- The Anonymous Complainant
- Duty of confidentiality vs. duty to act

Lawyers' Heightened Duty to Prevent Harassment and uphold Human Rights Legislation

Prohibition on Sexual Harassment

- 6.3-3 A lawyer shall not sexually harass a colleague, a staff member, a client, or any other person.

Special Responsibility

- 6.3.1-1 A lawyer has a special responsibility to respect the requirements of human rights laws in force in Ontario and, specifically, to honour the obligation not to discriminate on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences (as defined in the Ontario Human Rights Code), marital status, family status, or disability with respect to professional employment of other lawyers, articulated students, or any other person or in professional dealings with other licensees or any other person.

Thank you

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