Case In Point

Human Rights Tribunal of Ontario Awards Applicant $180,000 as Compensation for Injury to Dignity, Feelings and Self-Respect

Date: February 22, 2024

In the recent decision of *L.N. v. Ray Daniel Salon & Spa*, the Human Rights Tribunal of Ontario (Tribunal) awarded an applicant $180,000 in damages for injury to dignity, feelings and self-respect.

In this case, the applicant was a recently arrived refugee to Canada. She had not yet received her work permit when she started work at the respondent's salon and spa.

During her two months of employment with the salon, the applicant had been subjected to escalating physical and sexual assaults, unwanted sexual advances, and comments and glares by the personal respondent. She was paid well below minimum wage. The personal respondent threatened to report the applicant to the police and have her deported if she refused his advances or asked for fair compensation.

After the applicant filed her application, the personal respondent brought an action against the applicant in Small Claims Court for alleged damages to the respondent's "personal reputation" and "business reputation" as a result of this Tribunal application. The respondent also inappropriately contacted the applicant's witnesses in advance of the Tribunal proceedings.

The respondent did not appear at the Tribunal hearing, so the Tribunal determined this application based solely on the evidence and submissions of the applicant. In determining the application in favour of the applicant, the Tribunal found that the respondent had committed multiple violations of the Ontario *Human Rights Code*, including discrimination in the course of employment, harassment in employment, sexual harassment and solicitation in the workplace by a person in a position to confer benefit, and reprisal.

The Tribunal considered the egregious conduct of the respondent, the devastating impact on the applicant and the applicant's particular vulnerability based on her sex and citizenship status in awarding $180,000 in damages.

While this case involves extraordinary allegations and circumstances that do not often present themselves in cases before the Tribunal, it provides employers and service providers with a stark reminder of the Tribunal's remedial authority, and how that authority can be applied in cases where respondents are unwilling to comply with the Tribunal's *Rules of Procedure.* When served with a Tribunal application, it is important for respondents to engage legal counsel to understand their obligations within the Tribunal process.