

Ontario Labour Relations Board can hear novel sexual harassment case

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The Ontario Divisional Court has ruled that the Ontario Labour Relations Board can hear a complaint brought under the *Occupational Health and Safety Act* by a woman alleging sexual harassment at work. In a preliminary decision released in June 1996, which we reported in the September 1996 issue of *FOCUS* (see "[Sexual harassment: A health and safety hazard?](#)" on our Publications page; for more recent developments, see "[Au health and safety complaint dismissed](#)" on our Publications page; on a related issue, see "[Less government involvement, more flexibility urged for Ontario's health and safety system](#)" on our Publications page), the Board had ruled that it had jurisdiction to hear Pauline Au's complaint that her employer breached the Act when it fired her, allegedly in retaliation for reporting incidents of sexual harassment. The employer responded with an application for judicial review of the Board's decision. The Divisional Court granted the Board's motion to quash the application on the ground it was premature.