

# What do you do if someone makes a false sexual-harassment allegation against you?

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NINE TO FIVE

## THE QUESTION

As a male manager hiring female college students for restaurant patio work in the summer, I am concerned about the recent wave of sexual-harassment allegations. Our interviews are traditionally conducted one-on-one in a closed office.

If even one candidate accuses me of extending so-called unwanted attention, or of making a sexual advance, could I be fired?

What can men do to protect themselves in interview situations? Is there a legal recourse when someone makes a false allegation?

## THE FIRST ANSWER

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There has been a seismic shift in society's intolerance of workplace sexual harassment, which has resulted in significant changes in employers' responses to allegations of workplace sexual harassment.

Workplace sexual harassment is prohibited under applicable Canadian human-rights codes and workplace-safety legislation. Persons applying and interviewing for jobs are entitled to protection from workplace sexual harassment under the applicable human-rights codes.

Workplace sexual harassment is serious employee misconduct, in violation of an employee's

duties under their employment relationship, and applicable workplace policies. Depending upon the nature of the misconduct in question, a single incident of workplace sexual harassment can constitute grounds for immediate dismissal.

Employers need to follow their workplace harassment policies, but, in any event, should investigate allegations of workplace sexual harassment. If your employer terminates your employment based on allegations of workplace sexual harassment, that are not investigated and substantiated, or which do not constitute cause at law, then you may have recourse against your employer for damages for wrongful dismissal.

The best protection for employees to avoid allegations of workplace sexual harassment

is to be vigilant and ensure that their workplace conduct and practices are compliant with their legal duties and workplace policies. The closed-door, one-on-one interviews by you are potentially problematic and your practice needs to change. Ideally, you should include another co-worker in the interviews, but at a minimum, the interviews should take place in a more public setting.