

Recent developments in the area of psychological harassment: an overview of the decisions pertaining to the interpretation of the new provisions of the Act respecting labour standards

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The new provisions pertaining to psychological harassment that were added to the *Act respecting labour standards* on June 1, 2004, have given rise to many arbitration awards and interpretations over the last two years that have expounded on the concept of psychological harassment.

In the light of these recent decisions, it appears that the CRT generally follows the principles already established by arbitration boards respecting psychological harassment. Arbitrators generally acknowledge that an employer may exercise its management rights, subject to evidence being adduced of the abusive nature or unreasonableness of such exercise.

An analysis of the decisions already rendered shows that for their complaints to succeed, complainants are required to submit substantial evidence in support of their psychological harassment allegations. Therefore, it is not enough for one to simply state that he or she is the subject of psychological harassment; convincing evidence of hostile or unwanted acts of behaviour must be adduced.