

PAUL BOSHYK DISCUSSES HOW THE COURT OF APPEAL REFUSES TO RECOGNIZE FREESTANDING "TORT OF HARASSMENT" (LAW TIMES)

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McMillan partner in advocacy and employment group Paul Boshyk was interviewed by Law Times journalist Julius Melnitzer, about how the Ontario Court of Appeal rejected "harassment" as a freestanding tort in employment cases.

Melnitzer wrote, that refusing to recognize the tort at this time, the court rejected the argument made by the plaintiff's lawyer in [Merrifield v. Canada \(Attorney General\)](#) that the new tort was necessary because of society's increased "recognition that harassment is wrongful conduct."

Paul said, while it is true that there is increased and long-overdue societal recognition that workplace harassment is completely unacceptable conduct, the Court of Appeal simply did not see any legal gaps warranting the recognition of a new tort at this time.

"In essence, the court concluded that the tort of harassment was a less onerous version of the already well-established tort of intentional infliction of mental suffering," said Paul.

Read the [full Law Times article](#).