

CASE SUMMARY

Winston Wood v. Les Ailes de la Mode et al

In July 2002, Mr. Wood applied for a general full-time position with Les Ailes de la Mode, which opened its doors in August 2002. He was hired for a permanent part-time position in the High End Men's Fashion department, where the salaries and commissions were high, and underwent a 4-day training. He then met for the first time his manager, J.M. who told him that he would start the following week and that Mr. Wood should call J.M. to confirm the time of his work (everyone else in this training group received their schedule and hours except him).

After two weeks, no one called him except a person who told him on the phone that his file was still under review. The week after, Mr. Wood received a call from the human resources director of Les Ailes and managed to get an appointment with her for mid-September 2002. When he finally met her, Mr. Wood was told that there was no position open in the High End's section, but only in the European section where the base salaries and commissions were lower, and whose manager is J.R.O.

In October 2002, Mr. Wood found out that the only Black salesman in the High End section lost his job and showed interest for said position. A white francophone woman was hired instead.

Beginning in January 2003, Mr. Wood's work environment deteriorated. Mr. Wood was relocated by J.R.O. to the Jeans section because a white colleague did not want to work with him. At a team meeting, J.R.O. made a joke of being fed up to work like a N. Mr. Wood challenged that racist statement. Afterwards, his schedule was reduced from 5 days/38 hours to 2 days/9hours per week, as the store hired new staff, most of whom were white and francophones, who were given more hours than Mr. Wood. Also in January 2003, his bonus was eliminated without explanation while his salary went from \$12.50/hr to \$9.00/hr.

On another occasion, J.R.O. made a joke about Mr. Wood being his little Black twin brother, coming from different parents, and having parts of their bodies that bore resemblance despite the fact that Mr. Wood was Black and J.R.O., white. J.R.O. would repeat this joke at another meeting, although Mr. Wood told him the first time around that said joke was not appreciated and appropriate. J.R.O. resorted to other conduct deemed by Mr. Wood as harassment, such as following him closely and making derogatory remarks to him personally.

Mr. Wood complained to more senior managers who in April 2003 held a meeting with J.R.O. and Mr. Wood, during which the human resources director tried to downplay J.R.O.'s racial slurs, although J.R.O. offered his apologies to Mr. Wood. However, after the meeting, Mr. Wood continued to be harassed by J.R.O. He complained again to senior managers who told him that he was imagining things. His work hours became erratic. On two occasions, he was scheduled despite advising his manager ahead of time that he would not be available during that time.

In June 2003, he filed a complaint with the human rights commission. As asked by the investigator, Mr. Wood requested access to his employee file as he never received his job evaluation, contrary to other salespeople.

Other subtle acts of harassment followed, such as being accused of stealing a sale and not helping his colleagues; being late, and even, not liking white women. Feeling increasingly harassed and stressed, Mr. Wood met with senior managers in September 2003 and was told that he should leave the store as it was not his place. He resigned in January 2004.