

COMMUNIQUÉ

JUSTICE DELAYED: QUEBEC HUMAN RIGHTS COMMISSION TOLD BLACK WORKER AFTER SIX YEARS TO NEGOCIATE AGAIN WITH LES AILES DE LA MONDE OVER RACISM IN EMPLOYMENT

For Immediate Release

Montreal, Canada, July 7, 2009 --- A Black sales clerk who filed a civil rights complaint in 2003 over racism in employment at *Les Ailes de la Mode* was told by the Quebec Human Rights and Youth Rights Commission last month to go back to mediation one more time with his former employer, even after the Commission ruled in his favor.

Hired by *Les Ailes de la Mode* in 2002 for a sales position in the Men's Upscale Fashion department, Winston Wood, a bilingual English-speaking Montrealer, began to experience differential treatments as soon as he was hired. His work schedule was delayed, his hours were reduced, he was transferred between less prestigious departments, thereby lowering his salary and commission. He was also subjected to racial slurs and jokes by his supervisors (such as « je suis tanné de travailler comme un nègre »). By June 2003, Wood submitted a complaint with the human rights commission and quit his job in January 2004 after being told to leave by the store (see *Case Summary*).

Between June 2003 and May 2009, his file was transferred 5 times to 5 different investigators. In the three years following his initial complaint, a period of 22 months passed without investigative activity. This includes 10 months following a mediation attempt in 2004, which failed due to Wood's rejection of *Les Ailes de la Mode*'s settlement offer (which he deemed to be woefully inadequate). Mr. Wood sought CRARR's assistance in September 2006. By then, *Les Ailes de la Mode* had gone through restructuring that resulted in the departure of many employees. Consequently, the Commission had problems locating the two managers cited in his complaint and other witnesses.

The Commission rendered a decision in May 2007, rejecting Mr. Wood's complaint due to lack of evidence, but reversed itself in October 2007 after accessing new information. In March 2009, the Commission re-evaluated his case and ruled in his favor. It forwarded the decision to the parties in June 2009 (see *Case Chronology*).

While the Commission found sufficient evidence that he was discriminated against in his job because of his race, it does not recommend damages nor does it issue a deadline for *Les Ailes de la Mode* to comply with the request for compensation before referring the case to the Quebec Human Rights Tribunal (this has been the conventional practice). Instead, it recommends that both parties attempt mediation, even though mediation failed in 2004. While Mr. Wood is open to mediation, the respondent company has not stated its intent. Back in 2003, Wood claimed \$32,000 in material damages and \$18,000 in moral damages (moral damages have now been adjusted to \$25,000 and a \$10,000 punitive damage claim has been added).

In addition to delays and other procedural problems, the Commission's decision in this case raises additional concerns as it may signify a new approach whereby victims of employment discrimination who turn to the Commission for protection and compensation for rights violations may wait years before obtaining a decision and, in the end, receive only a recommendation for mediation to resolve the dispute.

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“For victims of racism in employment like me, this amounts to a denial of justice,” Mr. Wood said.

“I am very worried that Black people and other minorities have no effective protection from racial discrimination in Quebec, and that more and more employers believe they can discriminate with impunity,” he added.

“With CRARR's help, I am asking Canadians of all backgrounds, especially young consumers, to stop supporting businesses that discriminate.”

According to CRARR's Executive Director Fo Niemi, “To tell an employer found to have discriminated against a Black man, to go back to mediation after six years, is to send a wrong signal about corporate responsibility on racism in employment.”

“We are concerned that the human rights commission's new approach and delays in investigating complaints of racism in employment may contradict one of the key goals of the Quebec Government's recently adopted Plan of Action against racism, which seeks to enhance access for victims of racism to recourses and protection,” he noted.

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