



**News Release: Manitoba Human Rights Commission**  
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**Women Still Face Sexual Harassment in the Workplace**

A former employee of a residential care facility has succeeded in a complaint she brought against her former employer, for failure to terminate sexual harassment by a co-employee. Following an investigation by the Manitoba Human Rights Commission, an independent adjudicator was designated by the Minister of Justice to hear the complaint.

In a decision reached earlier this week, adjudicator Arnie Peltz found that a caretaker subjected the care worker to sexual harassment and that management was aware there was a problem. He also found that Jeanette Budge's dismissal from her job was related to her disclosure of harassment.

During the hearing held in February, Ms. Budge testified that she was groped and verbally harassed for ten months by a maintenance worker at Thorvaldson Care Homes. The adjudicator found her evidence credible.

Mr. Herman Thorvaldson said he did not know about the specific problems Ms. Budge was encountering. Although Ms. Budge said she had told her supervisor of the problems she encountered, Mr. Thorvaldson denied the supervisor had passed this information on to him. The adjudicator could not make a positive finding, in the absence of evidence from the supervisor.

It was clear, however, that Mr. Thorvaldson was put on notice earlier that there was a serious sexual harassment problem at the Home. Amongst other things, he had received a letter from another employee revealing that the maintenance man was bothering staff with inappropriate touching and sexually explicit comments, and had done nothing to investigate those allegations. The adjudicator also found that just before he terminated Ms. Budge's employment, she had told him in a telephone call about the harassment; and again there had been no appropriate response by the employer.

Ms. Budge was fired in 1999, a week before Christmas.

In his decision Mr. Peltz said, "this case highlights the fact that sexual harassment remains a blight on the working lives of too many women, despite years of formal condemnation." He commended Ms. Budge for defending her dignity and the dignity of other women employed at the facility.

Thorvaldson Care Homes Ltd was ordered to pay Ms. Budge 12 weeks wages plus \$4,000 in general damages for injury to dignity, feelings and self-respect.

Mr. Peltz also ordered that a harassment policy acceptable to the Manitoba Human Rights Commission be prepared, adopted and implemented expeditiously.

As well The Commission has been granted a monitoring order since the offending maintenance man is still employed at the Home. This order may be terminated if the man permanently leaves.

The Manitoba Human Rights Code requires employers to take reasonable steps to prevent or terminate harassment in the workplace, about which they knew or ought to have known.

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