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Women still losing opportunities in non-traditional occupations

Women continue to face discrimination in some non traditional jobs.

In a recent decision, Adjudicator Lori T. Spivak, found that that *The Manitoba Human Rights Code* had been contravened and that Sherry Dubeck had been discriminated against while she was employed by Vy-Con Construction. Connie Pearl Friesen, the registered owner of Vy-Con Construction, did not attend the hearing, which took place on October 15, 2002.

Sherry Dubeck filed a complaint with the Commission alleging discrimination. Specifically, she claimed that the terms and conditions of her employment, her work assignment, dress requirements and the decision to lay her off, were unreasonably based on her sex. Ms. Dubeck has worked in the construction industry, as a sheet metal worker, for the last three to four years in both Manitoba and Alberta.

According to Adjudicator Spivak, Ms. Dubeck's evidence established that she was denied the opportunity to work on an out of town project because she was a woman. Ms. Dubeck was laid off in November despite the company receiving a big housing contract. An excerpt from the Steinbach Carillon Newspaper revealed that Vy-Con Construction was looking for labourers as late as October 23, 2002 and others were not laid off. Specifically, a male witness, who was employed by the company at the time, testified that only Ms. Dubeck was being laid off.

In her ruling, Adjudicator Spivak wrote, " In the absence of any evidence or justification from the Respondent as to why the Complainant was denied the opportunity to work and was laid off, I am bound to decide in favour of the Complainant."

In addition to lost wages and damages for injury to Ms. Dubeck's dignity, feelings and self respect, Adjudicator Spivak also ordered exemplary damages stating, "It is challenging enough for a young woman to try and work in a non traditional occupation and this attitude and deliberate behaviour on the part of the Respondent does suggest an intent to denigrate and thereby merits an exemplary damage award." Ms. Dubeck had testified that her supervisor laughed at her when she was denied out of town work and again, when he laid her off. Ms. Dubeck also testified that the supervisor had someone impersonate him during a telephone conversation. Adjudicator Spivak referred to this behaviour as "a wanton disregard for her dignity."

Ms. Spivak is an independent adjudicator appointed by the Attorney General of Manitoba.

Ms. Friesen was ordered to pay Ms. Dubeck a total of \$3,470 for lost wages, general damages, exemplary damages and her expenses to attend the hearing. The adjudicator also ordered that Ms. Friesen of Vy-Con Construction "refrain from treating female employees differently in the future in terms of work opportunity unless they are able to establish that such treatment is based on bona fide and reasonable requirements or qualifications for the employment or position."

The complete ruling can be found on the Commission's website at www.gov.mb.ca/hrc

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