

THE MANITOBA  
HUMAN RIGHTS  
COMMISSION



LA COMMISSION DES  
DROITS DE LA PERSONNE  
DU MANITOBA

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### **Sexual Harassment Ruling Upheld**

The Manitoba Court of Queen's Bench has upheld the decision of Human Rights Adjudicator Arne Peltz in a sexual harassment case. Madame Justice Colleen Suche rejected the argument that the procedure followed by the Manitoba Human Rights Commission before the board of adjudication was unfair to the respondent. Thorvaldson Care Homes Ltd had alleged that Adjudicator Peltz relied on hearsay evidence and that the Commission had failed to disclose certain documents. Madame Justice Colleen Suche found that Adjudicator Peltz had taken care not to rely on hearsay evidence and that the Commission was not required by law to disclose all documents in its possession as long as the respondent had sufficient information to know the case against him. Madame Justice Suche dismissed, with costs, the application for judicial review by Thorvaldson Care Homes Ltd.

In his decision in March 2002, Adjudicator Peltz found that a female worker was sexually harassed by a co-worker while working at a personal care home and subsequently fired from her job. In his ruling, Adjudicator Peltz found that the caretaker of the personal care home subjected Jeanette Budge to sexual harassment and that management was aware of the problem. During the hearing, Ms Budge testified that the caretaker groped and verbally harassed her for ten months. Adjudicator Peltz found her evidence credible. It was also found that management failed to take steps to address the issue.

Adjudicator Peltz had ordered that Thorvaldson Care Homes Ltd pay Ms Budge 12 weeks wages plus \$4,000 in general damages for injury to dignity, feelings and self respect and that a harassment policy, acceptable to the Manitoba Human Rights Commission, be prepared and adopted. The Commission was also granted a monitoring order since the harasser was still employed at the home at the time.

For more information, please contact:  
Patricia Knipe  
Communications Director  
204-945-5112