

Race, name led to discrimination — lawyer

Note-taking at interviews important, professor says

It is extremely important for an interviewer to take notes during job interviews, a witness said at the last day of testimony at a hearing into alleged discrimination at Metro Transit.

Dr. Russell Summers of Saint Mary's University was called to testify by the Nova Scotia Human Rights Commission to rebut evidence given by Mike White, chief inspector with Metro Transit.

During testimony last month, White said he took no notes during his interview with job applicant Kevin Downey on Oct. 3, 1986. He said this technique was recommended during a course at Henson College in 1984 on interviewing and hiring.

Summers said yesterday that "if you take notes, you don't make mistakes. You want accurate information because you're making an important decision."

"If you don't take notes, you can forget something — it's like going to a grocery store without a list. An interview is a test; it's fraught

with difficulties. You just don't wing it."

Questioned by Transit lawyer Bill Cox, Summers said he was not familiar with the course taught at Henson College.

The inquiry will decide if Downey, 35, did not get a job as a bus driver because of racial discrimination.

The hearing, which began Nov. 15, was originally scheduled to last only two weeks, but sat much longer as Downey's lawyer, Davies Bagambiire, called several witnesses to try to prove a continuing racial problem at Metro Transit.

Although Harold Malay, safety and training officer with Transit, admitted that he used the words "black bastard" when he interviewed Downey, he said he asked every applicant how he or she would react if a passenger called them names.

Inquiry chairman, David Bright, has more than 3,000 pages of evidence and 100 exhibits to consider.

By CATHY NICOLL
The Daily News

Metro Transit discriminated against Kevin Downey because he is black and because of his family name, lawyer Davies Bagambiire told a Nova Scotia Human Rights Commission hearing yesterday.

In his final argument before commission chairman David Bright, Bagambiire said explanations given by Metro Transit at the hearing for not hiring Downey as a bus driver in 1986 were "pretexts, they were not valid or credible."

Language 'racist'

Downey, 35, complained to the commission after he failed to get a job with the bus company in October 1986. Downey said that during an interview with safety and training officer Harold Malay, Malay asked him what he would do if a passenger called him a "black bastard."

Downey said Malay also asked him if he was one of the "little black bastards" who had thrown snowballs at Malay's bus in Mulgrave Park years before.

Bagambiire said yesterday that Malay's interview contained language that was "racist and prohibited under the Human Rights Act."

He said Downey has a *prima facie* case that he was discriminated against by Metro Transit



DAVIES BAGAMBIIRE

because he belongs to one of the protected groups under the Human Rights Act and was rejected even though he was qualified.

Bagambiire said that once Downey established he had a *prima facie* case, the burden of proof shifted to Transit to rebut it.

And he added that Downey's story of what was said to him by Malay has been consistent since the day of the interview — April 15, 1986. Black bus driver, Melvin Carter, testified Downey told him about it just minutes after the interview.

Bagambiire also asked the

board to believe testimony from a former receptionist at the bus company about a racist comment made by chief inspector Mike White.

Josephine Prouse testified that on the day White learned of Downey's complaint, he said to former personnel director, Art Russell: "I wouldn't hire that black bastard on a bet."

And Bagambiire said when White testified at the inquiry, he had a "very ingenious explanation for not hiring Mr. Downey."

"He said that Mr. Downey's other jobs had been menial and didn't provide a background to become a bus driver. Other applicants had no less menial jobs," said Bagambiire.

Pay costs

As for remedies, he said the board has the power to order Transit to do anything to ensure full compliance with the Human Rights Act — including hiring Downey.

Finally he argued that the Charter of Rights had been breached and as such, Transit should be ordered to pay all of Downey's costs for the hearing.

Commission lawyer Randall Duplak and Transit lawyer Bill Cox did not make oral presentations yesterday. They will submit written arguments by April 27.

Bright said he would try to reach a decision as soon as possible after that.