

Metro Transit 'discriminated'

Record sum, job awarded

By Clare Mellor
STAFF REPORTER

A man who alleged Metro Transit refused to hire him as a bus driver in 1986 because he is black has been awarded the largest amount ever in a Nova Scotia human rights case.

After 14 months of deliberation, a provincial board of inquiry released a decision Thursday awarding Kevin Downey \$29,369 in lost wages, plus interest, and \$5,000 in general damages.

Mr. Downey has also been awarded a job at Metro Transit if he wants it.

Metro Transit has also been ordered to send its employees to minority sensitization sessions, to post signs warning against discrimination and to allow the format of its job applications to be reviewed by the Nova Scotia Human Rights Commission.

While Downey's lawyer, Davies Bagambiire, said his client is pleased with the board's discrimination finding, he called the award "peanuts" since legal costs for the case total \$150,000.

"I'm partly pleased because we were able to prove discrimination and in the process we were able to raise awareness and

consciousness of black people of Nova Scotia and other victims of discrimination. ... However, I'm partly disappointed because I think Mr. Downey's award could have been more substantial, Mr. Bagambiire said.

Mr. Downey, who lives in Toronto, will be in Nova Scotia next week to comment on the case, he said.

David Bright, a Dartmouth lawyer who chaired a one-man board of inquiry to investigate the complaint in 1989, stated in his decision that the purpose of the human rights legislation is to educate rather than "punish," which is why he did not award punitive damages.

"The (Human Rights) Act is remedial. It is not designed to punish or suggest moral turpitude. It is designed to prevent discrimination, both direct and systemic," he said.

In his decision, Mr. Bright found that questions asked of Mr. Downey during his interview by Harold Malay — then Metro Transit's chief training and safety officer — were "racially motivated" and "effectively discriminated against Mr. Downey on the basis of his race and colour."

"It may be said that the discrimination practised by Mr. Malay was really minor in nature. Discriminating a little bit is like being a little bit pregnant," said Mr. Bright.

■ See Downey/A2



■ Downey

the Grand Nursing Village in Gosford, Australia.

"He's been waiting for me a long time, and I am pretty old, you know, so I decided to say yes," said Munro, a widow for 21 years who proudly showed off her antique amethyst engagement ring Wednesday.

Dudley vowed to "care for this wonderful woman for the rest of my life."

The Associated Press

NEWS WATCH

- The case of former Health minister David Nantes will be in the news today when the Crown appeals his acquittal on a charge of violating a provincial confidentiality law.
- The Nova Scotia legislature sits today from 10 a.m. to 6 p.m.

LOTTERIES

- The unofficial winning numbers in Wednesday's **Lotto 6-49** draw were 16, 26, 30, 33, 43, and 49. The bonus number was 17. The \$10 million jackpot was won by one ticket.

The unofficial winning numbers in the **Atlantic Choice** draw Wednesday were: 2, 3, 7, 8, 10, 11, 12, 14, 21, 36, 38, 49, 50, 51, 52, 53, 57, 63, 66, 70.

Ticket number 493299 was the unofficial winner of \$100,000 in the Atlantic Lottery Corp.'s **Tag** draw Wednesday.

DID YOU KNOW?

- Eleven days until Census Day. According to the 1986 census of agriculture, of the 4,283 farms in Nova Scotia, 1,415 or 33 per cent were in the Annapolis Valley.

TODAY IN HISTORY

cal parties would have to be used.

"There's a lot of self-interest entrenched and opposed to political union and I don't think I'll see it in my lifetime," says University of Moncton professor Donald Savoie.

"We are going to have a problem getting our act together, the three Maritime provinces, have no illusions about that ... When they wanted to build a bridge or a causeway between New Brunswick and P.E.I. ... nearly

on economic integration are much more important place in the world," New Brunswick Premier Frank McKenna said in

His views are echoed by Nova Scotia premier Robert St. Lawrence, who said his government briefly began exploring political union with New Brunswick in the 1960s.

"I am not convinced

Downey awarded \$34,000, transit job

■ Continued from A1

"There is an irresistible growth associated with both ... there is no such thing as a little discrimination. It saps the very dignity and worth from a person."

Mr. Bright found Metro Transit's chief inspector, Mike White, who conducted Mr. Downey's second interview at the company, did not discriminate against him.

However, he criticized the company's overall lack of effective interviewing and hiring techniques.

"This is simply scandalous and does not bode well for an organization of the nature of the Metropolitan Transit ... interviewing was, in essence, given a very low priority at Metro Transit and was not the subject of proper supervision and review."

Metro Authority officials offered no comment on the case.

Mr. Bagambiire said the general damage award to Mr. Downey

should have been at least \$20,000 and criticized the board for not addressing whether Mr. Downey's rights had been discriminated against under the Charter of Rights and Freedoms, as well as the Nova Scotia Human Rights Act.

Mr. Bagambiire was also very critical of the length of time it took the board to come to a decision.

He said his client has not decided whether to appeal the amount of the award but said he was disappointed that legal costs had not been addressed.

"The legal expenses have not been mentioned ... of the parties represented everyone was paid for out of the taxpayers' pocket except Kevin Downey ... Kevin Downey, who spends five years bringing the case forth, is penalized by being denied compensation (for legal costs)."

14 months 'too long'

Attorney General Joel Matheson admitted Thursday that 14-month wait for the Downey decision was "too long."

In future, he said he will advise boards of inquiry of that "there is a pressing need" to deliver decisions as quickly as possible.

However, Mr. Matheson, also the minister responsible for the Human Rights Act, said it would

investigated a complaint of discrimination against Metro Transit, lasted several weeks ending in early spring 1990 and was chaired by David Bright a full-time lawyer.

Thirty five witnesses testified at the inquiry and when transcribed, testimony filled 19 volumes or 3,183 pages.

Mr. Matheson said the he was pleased with Mr. Bright's decision