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Award in rights case

sets record

Metro Transit 'discriminated'

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.



Downey

After 14 months of deliberation, a provincial board of inquiry released a decision Thursday awarding Kevin Downey \$29,369 in lost wages plus in-

terest, 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.

"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.