

# Women win jobs back from CN

## Jasper trio fired for refusing to accept transfers to Vancouver

By Darcy Henton, Edmonton Journal September 30, 2010

The Canadian Human Rights Commission has awarded three Jasper women their jobs back with lost wages and benefits after they were fired from the Canadian National Railway five years ago for refusing to accept transfers to Vancouver.

The women -- Kasha Whyte, Denise Seeley and Cindy Richards -- worked as conductors. All three cited family reasons for being unable to relocate for temporary postings in 2005, but their pleas and arguments to the railway administration were ignored.

Commission chairman Michel Doucet determined in three separate rulings that CN's actions were wilful and reckless, saying railway senior managers ignored their responsibilities under the company's discrimination policy.

"They didn't make any efforts to try to understand the complainant's situations," he noted in a ruling with regard to Whyte's termination.

"They ignored her letters and decided to treat her case as just a "childcare issue."

He ordered CN to pay all three women an additional \$20,000 for its recklessness and another \$15,000 for the anguish caused by their dismissals.

Commission spokeswoman Suzanne Sauve-Hiron said the cases confirm that parents with young children are protected from discrimination under the Canadian Human Rights Act.

"We are now looking forward to working with CN and other federally regulated employers to implement the principles arising out of this decision," she said.

Denise Seeley, 42, who had a toddler at home and another child in kindergarten at the time she was dismissed, said she is overwhelmed by the decision.

"I am very, very happy right now," she said from her horse pasture as a CN train whistle screamed in the background. "I am very relieved. I am so thankful that this has been resolved fairly."

Seeley, whose husband is a railroad engineer, said she was anxious to go back to work.

"I love my family, but I loved having a career. I made sacrifices for that job."

She said the cases and judgments related to all three women were similar.

Cindy Richards, 40, said she is relieved the ordeal is over.

"It's not a road I would take again as quickly," she said. "It's long and arduous. We've been at this 63 months, but finally there's closure and families have won."

Richards, a single mom, said she "drove cab and washed dishes" to support her children after she was dismissed.

"They equate losing a job as having the same stress level as losing a family member," she said. "I certainly concur with that. It was devastating."

Whyte, 46, who was a single mom with a sick son at the time of her dismissal, was thrilled with the ruling.

"I am extremely happy with the decision," she said. "I really wanted my job back because I love railroading."

Whyte said she is also pleased to see confirmation of a company policy that stated employees can't be discriminated against on the basis of family status.

"I am just really hopeful this decision will have a real great effect on all employers."

CN spokesman Warren Chandler said the railway was reviewing the human rights tribunal's ruling into the three complaints. "We're reviewing all options," he said.

Seeley said her only disappointment with the decision was its failure to award the women their legal costs. She hopes the railway won't appeal.

dhenton@edmontonjournal.com