

T.D. 13/90  
Order rendered on October 1, 1990

CANADIAN HUMAN RIGHTS ACT

R.S.C. 1985, c. H-6  
(as amended)

HUMAN RIGHTS TRIBUNAL

BETWEEN:

LINDA DOWNES  
Complainant

- and -

CANADIAN HUMAN RIGHTS COMMISSION  
Commission

- and -

AIR CANADA

- and -

NATIONAL AUTOMOBILE, AEROSPACE  
AND AGRICULTURAL IMPLEMENT WORKERS  
UNION OF CANADA (CAW - CANADA)  
Respondents

TRIBUNAL:

J. GRANT SINCLAIR, Q.C. - Chairman  
C. JOAN BLOCK - Member  
MAUREEN E. SHEBIB - Member

ORDER

APPEARANCES:

Anne Trotier: Counsel for the Canadian Human Rights  
Commission

Lucie Guidmond Counsel for Air Canada

James Biggar            National Representative  
                                 CAW - Canada

DATE AND LOCATION     August 21, 1990  
OF HEARING:             Ottawa

CANADIAN HUMAN RIGHTS ACT

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(as amended)

HUMAN RIGHTS TRIBUNAL

BEFORE: J. GRANT SINCLAIR  
          C. JOAN BLOCK  
          MAUREEN E. SHEBIB

BETWEEN:

LINDA DOWNES

Complainant

- and -

AIR CANADA

- and -

NATIONAL AUTOMOBILE, AEROSPACE  
AND AGRICULTURAL IMPLEMENT WORKERS  
UNION OF CANADA

Respondents

ORDER

WHEREAS Linda Downes (hereinafter referred to as the "Complainant") filed a complaint on June 25, 1987, amended October 1, 1987, alleging that Air Canada discriminated against her on the basis of age contrary to sections 7 and 10 of the Canadian Human Rights Act;

AND WHEREAS the Complainant filed a complaint on October 1, 1987, alleging that the National Automobile, Aerospace and Agricultural Implement Workers Union of Canada (hereinafter referred to as "CAW-Canada")

discriminated against her on the basis of age contrary to sections 9(1)(c) and 10 of the Canadian Human Rights Act;

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AND WHEREAS the tribunal was on April 26, 1990 appointed pursuant to subsection 49(1.1) of the Canadian Human Rights Act to inquire into these complaints;

AND WHEREAS based on the Agreed Statement of Facts, filed, the Tribunal finds that there has been a discriminatory practice contrary to the Act;

AND WHEREAS the Complainant and the Commission have consented to the following order;

THE TRIBUNAL ORDERS THAT:

1. Birth-date no longer be used as a basis for determining the seniority list for employees hired by Air Canada between August 1, 1964 and March 1, 1978, where such employees have the same service.
2. Within 90 days of the date of this Order, Air Canada and CAW-Canada establish a new system of determining seniority for those employees referred to in paragraph 1, not using age or birth-date as a factor and amend, republish and distribute the new seniority list accordingly.

DATED this 21st day of September 1990.

J. Grant Sinclair  
Tribunal Chairman

Joan Block  
Tribunal member

Maureen E. Shebib  
Tribunal member