

April 18, 2019

WESTJET FILES FOR LEAVE TO APPEAL WITH SUPREME COURT OF CANADA

Today WestJet Airlines applied for a Leave with the Supreme Court of Canada ("SCC") in attempt to appeal the BC Court of Appeal's decision to allow the proposed class action to proceed through the courts. The proposed class action is focused on WestJet's systemic breach of contract, for failing to fulfill the above and beyond Anti-Harassment promise in its employment contract. WestJet's individually signed employment contracts include an anti-harassment policy that surpasses what is required under the Canadian Labour Code and Canadian Human Rights Act. This breach has left the Company's female flight attendants at risk of sexual abuse by male pilots.

WestJet has been fighting to keep the claim out of the court system, instead pushing for it to be heard in the Human Rights Tribunal as a discriminatory case. Their lawyer, Don Dear, added during his verbal argument in the BC Appeal Court that WestJet's long list of sexual harassment claims makes the class difficult to manage, a revealing statement onto itself.

In its submission to the SCC, WestJet raises concerns about the case that highlights what women have been struggling with for decades when trying to seek justice after facing sexual harassment at work. Employers have benefited and depended upon such cases being heard in underfunded Human Rights Tribunals, or in front of Workers Compensation Boards to avoid facing such claims in civil court. The decision by the BC Court of Appeal has opened the door for employees to seek justice against their companies through the court system. This is a huge win for women, but has struck fear into the boardrooms of many companies across Canada.

Sexual harassment in the airline industry is not a new problem but a historic one that has been covered up by companies, and their complicit representatives. WestJet has decided to put it's vigorous efforts into delaying justice instead of taking accountability. It evades by arguing which venue our claim belongs in, instead of taking responsibility for the criminal and toxic behaviour they have allowed, covered up, and continue to deny.

These delay tactics are meant to wear down survivors seeking justice. I believe that WestJet is putting itself in a bind by raising this issue with the SCC, as it is further places itself in the spotlight for how little they respect survivors and how little they

know about their own rape culture. I have profound confidence in our case. I believe that on its merits alone, the SCC would rule in our favour, as both previous levels of the court have done.

The burden of deep rooted sexual harassment at work will no longer be placed on women. This lawsuit is a first of its kind, and WestJet will be made an example of, like it or not.

As of now, the proposed class action continues uninhibited towards certification, as this Leave does not Stay the action. WestJet will have to apply for a Stay, it is not automatic. We are in the process of securing a court date in May for the certification scheduling meeting with Madame Justice Humphries - our case management judge.

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