

PRINCE EDWARD ISLAND HUMAN RIGHTS PANEL

BETWEEN

ALISON MacKINNON

COMPLAINANT

AND

INN ON THE HILL (1991) INC.

RESPONDENT

DECISION

Panel Member:
Commissioner Anne Nicholson

Prince Edward Island Human Rights Panel
P.O. Box 2000
Charlottetown PE C1A 7N8

INTRODUCTION

1. Alison MacKinnon (the "Complainant") filed a complaint with the Prince Edward Island Human Rights Commission alleging that her employer, Inn On The Hill (1991) Inc. (the "Respondent") discriminated against her in the area of employment on the basis of sex or gender, specifically her pregnancy, contrary to section 1(1)(d) of the Prince Edward Island **Human Rights Act, R.S.P.E.I. 1988 Cap. H -12**, as amended (the "Act").
2. The Complainant was a probationary employee with the Respondent, employed as an Administrative Assistant. Her duties included working the front desk of the Inn, and during her employment she was being trained to perform front desk duties.
3. The Complainant's first day of work was 20 September 2010. On Monday, 18 October 2010, the Complainant advised her supervisor, Tanya Bevan, that she was pregnant. Following the Complainant's conversation with Ms. Bevan on 18 October, she left Ms. Bevan's office but was called back approximately 40 minutes later for a second meeting. Both Tanya Bevan and the hotel's General Manager, Roger Bevan, were present during the second meeting in Ms. Bevan's office. During this second meeting, Roger Bevan advised the Complainant that her employment was being terminated. The Respondent told the Complainant she could remain at work for two more weeks; however, the Complainant declined to continue working for the Respondent.
4. The matter was forwarded to the Human Rights Panel on 17 August 2011. A hearing was held on 5 December 2011 in Charlottetown, Prince Edward Island.

ISSUES BEFORE THE PANEL

5. The issues before the panel are:

- (a) Whether the Respondent discriminated against the Complainant in the area of employment on the basis of sex or gender, namely pregnancy, when it terminated her employment on 18 October 2010, and;
- (b) If discrimination is found to have occurred, what is the proper remedy?

EVIDENCE AT THE HEARING

Alison MacKinnon

- 6. Alison MacKinnon testified that she began work at the Inn on the Hill on Monday, 20 September 2010 after leaving her job at Vogue Optical the previous Friday. She testified that her employment with the Respondent was terminated by Tanya Bevan, Assistant Manager and Roger Bevan, General Manager, on Monday, 18 October 2010, 40 minutes after she advised Ms. Bevan that she was pregnant.
- 7. Ms. MacKinnon testified that in late August of 2010, she was interviewed for the position of Administrative Assistant by Tanya Bevan and Jill Bevan. During the interview she was not asked many questions about her skills or experience. She testified that she is not sure if her references were checked. She stated that she remembers a job description was mentioned, but that she was not given a copy. She was offered the job over the phone on or about 10 September 2010. She says that when she was offered the job with the Respondent, she gave one week's notice to Vogue Optical.
- 8. Ms. MacKinnon testified that she was trained on the front desk by two other employees but she received no training for administrative duties. She was told that a computer was on order for her to do that part of her work. Her only supervisor was Tanya Bevan.

9. Ms. MacKinnon testified that during her time at the Inn she was never given any feedback about her work. She frequently asked about the computer because she was concerned that without it, she was not able to do the work she believed she was hired to do. She was not aware of any complaints about her work. "Nothing was ever said to me while I was working there." There was no employee manual and she rarely saw the General Manager, Roger Bevan. She testified that she does not recall any discussion of a probationary period but that she is aware there is always a probationary period.
10. Ms. MacKinnon testified that she got along well with the other employees and was not aware that Ms. Bevan had any issues with her. She testified that she felt her attire was appropriate for work and stated that she wore "dress pants, dress shoes and dress tops." She said, "I didn't dress inappropriately. I'd never do that." Ms. MacKinnon testified that she does have a tattoo which would not have been completely covered by the shirts she wore to work. She testified that the tattoo is high up and said, "I would have to wear a turtleneck to cover it." She testified that when deciding what to wear at work, she followed the example of Ms. Bevan.
11. Ms. MacKinnon told Tanya Bevan about her pregnancy on 18 October 2010 because it had just been confirmed by the doctor. She said she was relieved by the way Ms. Bevan responded and she felt that the meeting went very well. She stated that approximately 40 minutes later, she was called into Ms. Bevan's office and Mr. Roger Bevan, the General Manager, was there. Ms. MacKinnon stated that Mr. Bevan did most of the talking. She said Mr. Bevan told her that she wasn't getting along with the staff and that Ms. Bevan couldn't work with her. He then offered to let her work for two more weeks while she looked for other work. Ms. MacKinnon said she refused to continue working because Mr. Bevan had just told her they "didn't like her." She left the Inn after that meeting.

12. Ms. MacKinnon testified that she did not look for other work because her pregnancy was showing and she didn't think anyone would hire her. Christmas was very difficult because she has a twelve year old son and she did not receive any Employment Insurance payments during the two week waiting period . She had planned to work right up until the baby was born but she was forced to begin collecting maternity benefits early. As a result, she only had 6 months with the new baby before her EI ran out. While she has looked for work since then, she has not been able to take a job because no registered daycare is available and she has been unable to find appropriate private care. She now delivers newspapers before 7:00 a.m. Ms. MacKinnon said that the baby's father is at home at that time of day, and he tends the baby while Ms. MacKinnon works on her paper route.
13. Ms. MacKinnon testified that this event has had a serious effect on her life. She said she didn't think anyone would believe her about what happened and she feels that her reputation has been damaged by the things said about her by the Respondent.

Roger Bevan

14. Mr. Bevan testified that the Inn on the Hill never had a problem before like the situation with Ms. MacKinnon. He stated, "we have about 35 staff and most of the employees are female." Mr. Bevan testified that the Inn hires many young women and when a staff member becomes pregnant, "we deal with it." He said, "I treat my employees with respect and most of them respect me, I think." He testified that he is concerned that this complaint has put his company in a bad light.
15. Mr. Bevan testified that he and Ms. Bevan had had a conversation about letting Ms. MacKinnon go the week prior to 18 October 2010. He said, "I was disappointed with Alison. There was no doubt in my mind that Alison was not going to work out with Tanya." Mr. Bevan said Ms. MacKinnon's position was

“very important” and that he and Ms. Bevan “took it very seriously.” Mr. Bevan testified that he was keeping track of Ms. MacKinnon’s work. He said that he “watched very closely.” He stated that he has cameras and he can watch the front desk. He said, “I can’t state anything definitive about Alison and the things she did, but I watched her actions and her clothing.” Mr. Bevan testified that he thought Ms. MacKinnon dressed inappropriately but, to be fair, the other staff had uniforms and Ms. MacKinnon didn’t. He did not know she was pregnant when they decided a week before that they were going to let her go. He admitted that he never raised any work issues with Ms. MacKinnon. He said he discussed his concerns with Ms. Bevan and that they had a conversation about it. He testified that he does not speak to staff personally about how they are doing, but leaves that to Ms. Bevan.

16. Mr. Bevan testified that he and Ms. Bevan “had planned to let Alison go” on Monday 18 October 2010 but “something came up and we decided to put it off till Tuesday.” He stated that on Monday (18 October 2010) Ms. Bevan had been so taken aback when Ms. MacKinnon told her about her pregnancy that she didn’t know what to say. He said that he told Ms. Bevan to call Ms. MacKinnon back to the office so they could tell her they were letting her go right away.

Cathy Laybolt

17. Cathy Laybolt is Manager of Housekeeping at the Inn on the Hill. She has been employed there for 26 years. She testified that Tanya Bevan discussed letting the Complainant go with her the week before 18 October 2010. She submitted a letter dated 21 November 2011, which she wrote at the request of Tanya Bevan, stating that she was aware of Alison MacKinnon’s dismissal before it happened (exhibit #27). Ms. Laybolt could not recall if Ms. Bevan had spoken to Ms. MacKinnon about her work.

Emily MacAulay

18. Emily MacAulay is the former Food and Beverage Manager at the Inn on the Hill and was employed there when Alison was dismissed. She shared an office with Alison. Ms. MacAulay wrote a letter dated 23 November 2011, at the request of Tanya Bevan, stating that she was aware Ms. MacKinnon was to be let go a week before the termination. In her letter, Ms. MacAulay states that Ms. Bevan informed her that she found Ms. MacKinnon to have a poor attitude towards hotel guests and staff and that she was not pleased with her work attire. Ms. MacAulay testified that she doesn't remember the date or exactly what Ms. Bevan said but that she did talk about letting Ms. MacKinnon go sometime before the 18 October 2010.

Tanya Bevan

19. Tanya Bevan testified that Ms. MacKinnon was not a good fit with the organization. They used a job description when interviewing Ms. MacKinnon but it was kept in a file that was not available to employees. She testified that she never discussed the issues she had with Ms. MacKinnon's performance. She felt that Ms. MacKinnon should have known how to do the job properly and how to dress appropriately. She and Roger had decided to let Ms. MacKinnon go the week before and the pregnancy had nothing to do with it.

ANALYSIS

Role of the Human Rights Panel

20. The following sections of the ***Human Rights Act*** are relevant to the Panel's application of the provisions of its enabling legislation:

28.1 *The Executive Director has carriage of the proceeding before a Human Rights Panel, except where the Chairperson of the Commission has made a decision under subsection 25(3), and in such a case the complainant has carriage of the proceeding.*

28.2 (1) *The parties to a proceeding before a Human Rights Panel are entitled to appear and be represented by counsel at a hearing held by the Panel.*

(2) Evidence may be given before a Human Rights Panel in any manner that the Panel considers appropriate, and the Panel is not bound by the rules of law respecting evidence in civil proceedings.

(3) A Human Rights Panel, on proof of service of notice of a hearing on the person against whom the complaint was made, may proceed with the hearing in the absence of that person and decide on the matter being heard in the same manner as though the person was in attendance.

(4) A hearing before a Human Rights Panel shall be open to the public unless, on the application of any party, the Human Rights Panel decides that it would be advisable to hold the hearing in private.

Remedial Authority

21. Human rights law is by nature remedial. Remedies under human rights law are not meant to punish or make an example of wrongdoers, but to place the Complainant in the position he or she would have been in but for the discrimination. The objective of section 28.4(1) of the **Human Rights Act** is to place a Complainant in the position that he or she would have been in, had the discrimination not occurred.
22. A Human Rights Panel has broad remedial authority under the **Human Rights Act**.

28.4 (1) A Human Rights Panel

(a) shall, if it finds that a complaint is without merit, order that the complaint be dismissed;

(a.1) may allow the complainant to withdraw a complaint after some evidence has been presented at a Panel hearing; and

(b) may, if it finds that a complaint has merit in whole or in part, order the person against whom the finding was made to do any or all of the following:

(i) to cease the contravention complained of;

(ii) to refrain in future from committing the same or any similar contravention;

(iii) to make available to the complainant or other person dealt with contrary to this Act, the rights, opportunities or privileges that the person was denied contrary to this Act;

(iv) to compensate the complainant or other person dealt with contrary to this Act for all or any part of wages or income lost or expenses incurred by reason of the contravention of this Act;

(v) to take any other action the Panel considers proper to place the complainant or other person dealt with contrary to this Act in the position the person would have been in, but for the contravention.

(a) because of the confidential nature of the matter to be heard; or

(b) because of the potential adverse effect on any of the parties, other than the person against whom the complaint was made.

28.7 An order made by a Human Rights Panel may be filed with the Registrar of the Supreme Court in the appropriate division, and upon being so entered it is enforceable in the same manner as an order of the Supreme Court, Trial Division.

23. Human rights legislation should be given a broad, liberal and purposive interpretation according to the Supreme Court of Canada in **Ont. Human Rights Commission v. Simpsons-Sears** [1985] 2 S.C.R. 536. At paragraph 12 of that decision, the Court stated:

There we find enunciated the broad policy of the Code and it is this policy which should have effect. It is not, in my view, a sound approach to say that according to established rules of construction no broader meaning can be given to the Code than the narrowest interpretation of the words employed. The accepted rules of construction are flexible enough to enable the Court to recognize in the construction of a human rights code the special nature and purpose of the enactment (see Lamer J. in Insurance Corporation of British Columbia v. Heerspink, 1982 CanLII 27 (S.C.C.), [1982] 2 S.C.R. 145, at pp. 157-58), and give to it an interpretation which will advance its broad purposes. Legislation of this type is of a

special nature, not quite constitutional but certainly more than the ordinary--and it is for the courts to seek out its purpose and give it effect.

24. The Supreme Court went on to speak about the purpose of human rights legislation, stating in the same paragraph of the decision:

The Code aims at the removal of discrimination. This is to state the obvious. Its main approach, however, is not to punish the discriminator, but rather to provide relief for the victims of discrimination. It is the result or the effect of the action complained of which is significant. If it does, in fact, cause discrimination; if its effect is to impose on one person or group of persons obligations, penalties, or restrictive conditions not imposed on other members of the community, it is discriminatory.

25. In **Robichaud v. Canada (Treasury Board)** [1987] 2 S.C.R. 84 the Supreme Court of Canada stated the purpose of human rights legislation at paragraph 11 as follows:

...[T]he central purpose of a human rights Act is remedial – to eradicate anti-social conditions without regard to the motives or intentions of those who cause them.

26. The remedial authority of a Human Rights Panel under section 28.4(1)(b) of the **Act** is discretionary, which means that Complainants do not have an absolute legal right to compensation. A Panel exercises its remedial discretion in a manner consistent with the purposes underlying the legislation. The British Columbia Council of Human Rights stated in the decision of **Dewitter v. Northland Security Guard Service Ltd.** [1996] B.C.C.H.R.D. No. 27, at paragraph 86:

Such a discretion must be exercised in a manner consistent with the remedial purposes underlying all human rights legislation and the compensation principles generally applicable in this context.

27. More recently, the Prince Edward Island Court of Appeal spoke on the same general principles in ***Ayangma v. Eastern School Board and Ano., 2008 PESCAD 10***, stating at paragraph 69:

All human rights legislation is to be given such fair, large and liberal interpretation as is necessary to guarantee that the objectives of the legislation are achieved. The purpose of human rights legislation generally, and the Act specifically is not to punish conduct which amounts to discrimination but to eliminate discrimination, by the application of the remedies which the Commission are limited to imposing by the provisions of the Act.

Analysis and Decision

28. There is no dispute that Ms. MacKinnon was pregnant, nor is there disagreement on the fact that Ms. MacKinnon advised her employer that she was pregnant. Likewise, the parties agree that Ms. MacKinnon's employment was terminated by her employer within her probationary period. Ms. MacKinnon was not advised by the Respondent that they believed she was performing poorly. Mr. Bevan and Ms. Bevan testified that they terminated the Complainant because she did not fit in and she did not get along with the other employees. They did not advise her of these concerns and indeed they failed to give her any opportunity to address them.
29. Both Ms. MacAulay and Ms. Laybolt supported the Respondent's claim that they discussed letting the Complainant go the week prior to the actual date of the Complainant's termination of employment. I did not find the testimony of these witnesses to be particularly helpful. Neither Ms. Laybolt nor Ms. MacAuley were involved in training the Complainant, nor did the Complainant report to either of them. Emily MacAuley's testimony conflicted with the information she provided during the investigation of this complaint, a report of which is contained in the Record. During the investigation, Ms. MacAuley stated that while Ms. Bevan had expressed some frustration about the Complainant, Ms. Bevan did not mention dismissing her.

30. **Sutton v. Best Western Tower Inn (No. 2) 2010 BCHRT 314** is a case with a fact pattern strikingly similar to the present case. In **Sutton**, the complainant obtained employment at a hotel, where she was to perform the duties of a night audit clerk. The day Ms. Sutton was hired was the same day she found out she was pregnant. During the course of her employment, she suffered a pregnancy-related illness while she was at work. She called her supervisor and advised the supervisor that she was pregnant and that she needed to go to the emergency room to be treated. The supervisor told Ms. Sutton to phone her and let her know how things went at the hospital. Ms. Sutton did not phone her supervisor immediately after leaving the hospital at 5:30 a.m. She phoned her supervisor at 1:30 p.m. Ms. Sutton explained to her supervisor that she hadn't called right away because she was extremely concerned about her own health and that of her baby, and work was the last thing on her mind. The supervisor told her that she hadn't been courteous enough to call in, and Ms. Sutton's employment was terminated that day. Ms. Sutton was still within her probationary period. The Respondent in **Sutton** asserted that Ms. Sutton was not let go because of her pregnancy, but because of poor work performance.

31. At paragraph 25 of **Sutton** the Tribunal noted:

There is no dispute that Ms. Sutton was pregnant, that Ms. Lembke was aware of that fact, and that Ms. Sutton was terminated. Ms. Sutton testified, and I accept, that she told Ms. Lembke that she was pregnant and needed to go to the hospital. She was terminated that day. While Ms. Lembke says that the Inn had performance concerns with respect to Ms. Sutton, Ms. Sutton had not received any warning and had not formally been put on notice that her employment was at risk. It was clear from Ms. Lembke's evidence that her decision to terminate Ms. Sutton was primarily based on Ms. Sutton's failure to call in, as soon as she knew her status, and advise of the outcome of her hospital visit. That decision was made after a pregnancy-related illness.

32. I have no reason to doubt that Ms. Bevan and Mr. Bevan may have discussed letting the Complainant go prior to discovering that she was pregnant. Ms.

Bevan testified that she planned to give the Complainant one more week to 'prove herself' before she let her go; however, Ms. Bevan said she did not feel that she had any responsibility to her employee to let her know what she needed to do to prove herself. This leads me to conclude that Ms. Bevan felt there was something the Complainant could have done to keep her job. Instead, the information that Ms. MacKinnon was pregnant precipitated her immediate dismissal.

33. The Respondent claims that they have no duty to provide feedback to probationary employees to allow them to improve their performance. The purpose of a probationary period is to allow an employer to find out if the employee can adjust to the work and perform satisfactorily. The Respondent gave the Complainant less than a month to prove herself without being forthcoming about actual expectations they had for her. I find this to be unreasonable. An employee has a reasonable expectation that their employer will use some objective method of judging performance. In this case, the employer based its reasons on the subjective assessment that the Complainant "didn't fit in." The Prince Edward Island Court of Appeal in **Alexander v. Padinox Inc. (1999)181 Nfld & P.E.I.R. 317** noted at paragraph 33 that during a probationary period an employee must be given a "reasonable opportunity to prove he is suitable for permanent employment." The Court in **Padinox** noted that there must be an objective standard by which suitability is measured. An employer ought to communicate to the employee an assessment of his or her suitability. It is unreasonable simply to do as the employer in **Padinox** did; "terminate him and [tell] him it didn't work out."
34. After the complaint was filed, the Respondent provided a list of reasons why the Complainant was not suited to the job. The Complainant testified that these concerns were all new to her and, had she known about them, she would have done her best to address them. According to section 29(1) of the **Employment Standards Act, R.S.P.E.I. 1988 Cap. E-6.2** an employer does not have to give

notice or compensation when they dismiss an employee within the first six months of employment; however, employers are still held to the standards contained within the **Human Rights Act** and may not subject an employee to less favourable treatment based on any of the grounds of discrimination set out in the **Act**.

35. During a probationary period, an employee is in a vulnerable position. This is the period during which the learning curve is generally steepest, and is a time when an employee may feel added stress because of the need to prove he or she is capable of performing the job. In the present case, I agree with Counsel for the Human Rights Commission that the Complainant was in a more vulnerable position by reason of her pregnancy. The week prior to the termination of the Complainant's employment was the same week in which the Complainant had confirmation of her pregnancy. The fact that the Complainant left another job to work for the Respondent also contributes to her vulnerability. As noted by the Court in paragraph 13 of **Padinox**, while there is no guarantee of permanent employment, there is "a reasonable expectation on the part of the employee that the employer, in exercising discretion to hire permanently, will do so reasonably."

36. While I accept that it may not have been the intention of the Respondent to discriminate against the Complainant, the Respondent's action was detrimental to the Complainant and had a discriminatory effect on her nevertheless. The Prince Edward Island Court of Appeal noted in **Ayangma v. French School Board**, [2002] PESCAD 5:

As well, the proof of an intent to discriminate is not required because even when an individual has the best of intentions he or she may still be found to have contravened provincial human rights legislation.

37. The Panel is satisfied that Ms. MacKinnon has shown a *prima facie* case of discrimination. When a Complainant establishes a *prima facie* case, the onus then shifts to the Respondent to provide a statutory defense or a reasonable

explanation for its actions toward the Complainant. The Respondent maintains that they owed no duty to the Complainant, and that because she was still within her probationary period they were within their rights to terminate her employment without cause or consequence.

38. The Respondent cited poor workplace performance, inappropriate behaviour toward customers and inappropriate dress as the reasons for the Complainant's termination. This does not provide the Panel with an acceptable explanation for the Complainant's termination. The Complainant was never advised by the employer that she was not performing adequately, nor was she advised by the employer that her job was in jeopardy if she failed to improve. There were no formal reprimands against the Complainant and no evidence before this Panel that the Complainant's performance was discussed with her in any way. The Respondent states that the intention was to let the Complainant go on Tuesday, 19 October 2010 in any event; however, the Complainant's employment was terminated almost immediately after she advised Ms. Bevan of her pregnancy. The fact that the Respondent did not give the Complainant any information about what she could do to keep her job, and then terminated her employment 40 minutes after hearing she was pregnant indicates that the Complainant's pregnancy was a factor in the Respondent's decision to let her go immediately.

39. In ***MacIlwraith v. Eva's Restaurant and Lounge (2006) 56 C.H.R.R. D/203 (P.E.I.H.R.P.)***, the Prince Edward Island Human Rights Panel quoted with approval from ***MacAvinn v. Strait Crossing Bridge Ltd. (No. 4) (2001), 41C.H.R.R. D/388*** at paragraph 25:

The explanation must be at least equally consistent with the conclusion that discrimination is not the correct explanation for what occurred.

40. ***MacAvinn*** at paragraph 96 states that a complainant need not show that the discrimination complained of is the sole or primary factor that influenced the employer's decision. In the present case, given the timing of the dismissal and

the lack of any indication to the Complainant by the Respondent that they were not happy with her work, the Panel concludes that the Complainant's pregnancy was a significant factor in the termination of her employment.

REMEDY SOUGHT

41. The Complainant seeks compensation of \$975.00 for wages for the two week waiting period before her Employment Insurance benefits began, during which she had no income. She planned to work until just prior to the birth of her child, and seeks compensation for the difference between what her wages would have been and the EI benefits she received from 19 October 2010 to the birth of her daughter on 7 April 2011 (\$3,531.00). She was forced to begin her EI claim 5-1/2 months before the birth of her child and therefore her benefits ran out when her daughter was 6-1/2 months old instead of one year old. She seeks compensation for three months wage loss from October 2011 to January 2012. She has requested \$7,500.00 as compensation for hurt and humiliation.

CONCLUSION

42. After considering all the evidence, the Panel finds it reasonable to conclude that Ms. MacKinnon has raised a *prima facie* case of discrimination. The Respondent has failed to provide a credible, non-discriminatory reason for dismissing her. Ms. MacKinnon's pregnancy was a factor in the termination of her employment.
43. The Panel awards the Complainant compensation for lost income from the time of her dismissal until the birth of her child. The Complainant was clearly distressed by the loss of compensation which would allow her a full year with her child before her EI maternity benefits expired. The Panel awards the Complainant compensation for the additional 5-1/2 months of EI benefits for which she would have been eligible if she had worked up to the birth of her daughter.

44. The Complainant testified that her treatment by the Respondent had a serious impact on herself and her family. She experienced a loss of self worth and was extremely concerned about how this would affect her reputation. She has requested \$7,500.00 in damages for hurt and humiliation. The Panel notes that the Respondent did not deny that they were informed of the Complainant's pregnancy. They felt they could legally terminate her employment during the six month probation period. The Panel finds that \$3,500.00 is an appropriate award for hurt and humiliation as a result of the Respondent's violation of her rights.

ORDER

THE PANEL ORDERS THAT:

1. The Respondent accept human resources training – including an educational presentation on human rights arranged by the Prince Edward Island Human Rights Commission – to be attended by the Manager and Assistant Manager and any other employees of the Respondent who may be responsible for the hiring and supervision of staff.
2. The Respondent pay to the Complainant compensation for lost wages and employment benefits in the amount of:
 - (a) \$975.00 (EI waiting period)
 - (b) \$3,531.00 (difference between EI benefits and wages between October 2010 and April 2011)
 - (c) \$7,200.00 (loss of EI benefits from October 2011 until April 2012)
3. The Respondent pay the Complainant compensation for hurt and humiliation in the amount of \$3,500.00.
4. The Respondent pay the Complainant post-judgment interest, calculated in accordance with the ***Judicature Act, R.S.P.E.I. 1988 Cap. J-2.1***

THE PANEL FURTHER ORDERS THAT the Respondent complete the training within six months of the date of this decision, and that the Respondent pay the ordered amount of compensation (\$15,206.00) to the Complainant forthwith.

Dated at Charlottetown, in the Province of Prince Edward Island, this 2nd day of February 2012.

Signed: J. A. Nicholson

Anne Nicholson, Panel Chair