

Court awards costs to woman fighting gender discrimination

Judge calls former land agent's treatment by oil company 'callous and appalling'

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The woman at the centre of Alberta's longest-running gender-discrimination case has been awarded more than \$50,000 to pay her legal fees.

In a rare ruling, Justice Alan Macleod of Court of Queen's Bench awarded former land agent Delorie Walsh \$58,500 to cover the legal costs of her 16-year battle to get the same pay as a man and for unjust dismissal. The judge, who called her treatment "callous and appalling," also awarded her an extra \$2,500 to cover her legal bills for her application for the costs.

However, the case is under appeal so it will be some time before she gets any back pay from her former employer, Mobil Oil Canada, also known as Exxonmobil Canada Ltd.

"It's a big help to get some of that back so I can reinvest in the next go-around," Walsh said Friday. "It's been a long haul and it's not over yet."

Her lawyer, Shirish Chotalia, said it's an important ruling for Alberta women.

"It's a tremendous financial assistance to her and I think it helps her psychologically," Chotalia said. "It's difficult to continue to prevail as an individual against a large corporation."

Walsh, who has a degree in agriculture from the University of Alberta, started with Canadian Superior Oil Ltd. in 1984 as a map clerk but

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Shirish Chotalia, lawyer for Delorie Walsh

stated her intention to become a land representative or agent, who negotiates with landowners to get surface rights for oil companies. At the time, she was told by her supervisor that "no damn woman is going to be a surface landman while I am working here," according to court documents.

In 1990, after the oil company had merged with Mobil, she became Mobil's first female land agent. But she found that from August 1990 until August 1991, she was being paid less than male land agents.

She filed a gender-discrimination complaint in 1993 with the Alberta Human Rights Commission. In 1995, she was fired from her job, which prompted her to file a second complaint. A one-person panel heard both complaints and gave a partial ruling that her lower pay was gen-

der discrimination but found her dismissal wasn't retaliation for her original discrimination complaint.

She appealed the panel's ruling to Court of Queen's Bench. Macleod ruled in her favour last May and ordered a human rights panel to determine how much she will get in compensation for being paid less than male land agents and how much she will get for unjustified dismissal. Mobil has appealed the ruling. The appeal will be heard March.

Further to his ruling in May, Macleod this week ordered Mobil to cover her legal bills to date.

Lawyers for Mobil could not be reached for comment.

Walsh, 50, teaches courses for land agents at Olds College.

Chotalia said it's rare for a party to be ordered to pay costs before a case is complete, but the judge felt it unfair that Walsh be burdened with the costs of a protracted legal fight.

In awarding the costs, Macleod said: "I found the treatment of Ms. Walsh at the hands of certain fellow employees callous and appalling. No reasonable employer informed as to the law could have understood that it was entitled under these circumstances to terminate Ms. Walsh with cause. As a result, Ms. Walsh had little choice but to undergo a long history of stressful litigation, which is still ongoing."

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