

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE HUMAN RIGHTS
CODE OF BRITISH COLUMBIA, S.B.C.
1973, (SECOND SESSION), CHAPTER 119,
AND AMENDMENTS THERETO

AND IN THE MATTER OF A COMPLAINT BY
DAVID RICHARD JEFFERSON AGAINST
GEORGE BALDWIN AND BRITISH COLUMBIA
FERRIES SERVICE MADE PURSUANT TO
SECTION 8 OF THE HUMAN RIGHTS CODE
OF BRITISH COLUMBIA

AND IN THE MATTER OF AN APPEAL
PURSUANT TO SECTION 18 OF THE HUMAN
RIGHTS CODE OF BRITISH COLUMBIA

BETWEEN:

DAVID RICHARD JEFFERSON

APPELLANT (COMPLAINANT)

AND:

GEORGE BALDWIN and
BRITISH COLUMBIA FERRIES SERVICE

RESPONDENTS (RESPONDENTS)

AND:

KATHLEEN RUFF, DIRECTOR APPOINTED
UNDER SECTION 12(1) OF THE HUMAN
RIGHTS CODE OF BRITISH COLUMBIA

(PARTY)

S.F.D. Kelleher

L.F. Lindholm

Date and Place of Hearing:

REASONS FOR JUDGMENT

OF THE HONOURABLE

MR. JUSTICE KIRKE SMITH

IN CHAMBERS



for the Appellant;

for the Respondents;

December 20, 1977,
Vancouver, B.C.



This is an appeal by way of stated case from the decision of a Board of Inquiry appointed under the above Code by the Minister of Labour. The stated case as presented required answers to three questions propounded by the Board. At the hearing counsel for the appellant abandoned questions number two and three so that I am dealing here solely with question one.

My answer to this question is in the negative. In my view the Board was correct in law in holding that the respondents did not contravene the provisions of section 8 of the Code. I agree in general with Mr. Lindholm's submission on this question, and particularly with his submission that this Court does not and will not sit in review of every management decision. I agree further that the issue of "reasonable cause" is a question of fact which is exclusively within the jurisdiction of the Board of Inquiry unless the appellant can show that that question was decided perversely. There is, and can be, no such allegation here. The Board's decision is, in my respectful view, fully supported by the evidence before it and I am unable to discern any question of law emerging therefrom. It follows that, in my opinion, the appeal must be and is dismissed.

Leah Smith

Vancouver, B.C.

December 20, 1977.