BC Court Nixes Sex Harassment Class Action by WestJet Flight Attendants



Because sex harassment is something typically experienced by individuals, it's hard for alleged victims to combine their claims into a class action lawsuit. But WestJet flight attendants came up with what looked like a way around that barrier: Instead of damages to individuals, it focused on the airline's broader contractual duty to provide all employees a harassment-free workplace. And it almost worked. The BC court agreed that the duty did exist and that systemic failure to meet it would be grounds for class action. The problem is that if the attendants did prove those claims, they'd have to come up with a fair way to award damages to the individuals in the class. This would require an assessment of each attendant's experience, the court reasoned. As a result, a class action in court wasn't the best choice and justice would be better served if the attendants brought their claims individually in the BC human rights tribunal for consideration case by case [*Lewis v WestJet Airlines Ltd*., 2021 BCSC 228 (CanLII), February 12, 2021].