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ALBERTA

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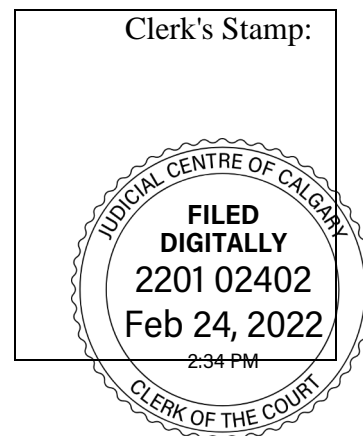
CHRISTA STEELE and MINDY SMITH

DEFENDANT

THE CITY OF LEDUC

DOCUMENT

**STATEMENT OF CLAIM**



ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
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Brought Under the *Class Proceedings Act*, SA 2003, c. C-16.5

**NOTICE TO THE DEFENDANT**

You are being sued. You are a defendant.

Go to the end of this document to see what you can do and when you must do it.

**Statement of facts relied on:****I. INTRODUCTION**

1. This case is about The City of Leduc Fire Services' (the **Fire Department**) toleration of systemic discrimination against female firefighters for years. The Fire Department and its management fostered a culture where female firefighters endured assaults and sexual assaults, and were subject to discrimination, harassment, and bullying. The Fire Department and its senior management were aware of the assaults and harassment and not only did nothing, but retaliated against female firefighters who sought to report such abuse.

2. It was only in 2022, when the Fire Department was forced to authorize and complete an independent third-party investigation that Ms. Smith and Ms. Steele were able to come forward with their allegations. This investigation not only substantiated the allegations of Ms. Steele and Ms. Smith, but uncovered systemic harassment, abuse, and sexual assaults going back decades. The Fire Department created a system and culture where the abuse of female firefighters was systemic, common, and tolerated and any attempts to report such abuse were suppressed through retaliation, harassment, and bullying. This class action seeks redress for these wrongs and to prevent them from ever happening again.

**II. THE PARTIES****A. The Plaintiffs**

3. The proposed Representative Plaintiffs are Christa Steele and Mindy Smith, who are both residents of Leduc, Alberta.

4. Ms. Steele has been a firefighter with the Fire Department since 2004 and Ms. Smith has been a firefighter with the Fire Department since 2013.

**B. The Class Members**

5. The Representative Plaintiffs bring this Action and seek Court approval to advance this Action as a class action on behalf of the proposed class members, being all women in Canada who have worked for the Fire Department as firefighters since 2000 (the **Class Members**).

6. The Plaintiffs allege that they and other Class Members were subjected to gender based harassment in the workplace by members of the Fire Department and The City of Leduc (**Leduc**). The impugned conduct includes harassment, sexual harassment, discrimination, sexual assault, and physical assault in the course of conduct constituting harassment.

7. The Representative Plaintiffs allege that the Fire Department, the management of the Fire Department, and Leduc failed to fulfill their statutory and common law duties to the Representative Plaintiffs and Class Members to ensure that they could work in an environment free of gender based harassment and discrimination.

8. As a result of the harassment, discrimination, sexual assault, and physical assault, the Representative Plaintiffs and Class Members have suffered serious physical and psychological damages, out-of-pocket expenses, violation of their personal dignity, personal autonomy and physical integrity, loss of opportunity, and loss of income.

### **C. The Defendant**

9. The Defendant is Leduc, which manages the Fire Department. Leduc is a municipality located in the Province of Alberta and is a corporation pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26.

## **III. FACTUAL BACKGROUND**

### **A. Christa Steele**

10. In 2002, Ms. Steele was hired as a firefighter and EMT with the Fire Department and Leduc. Incidents of harassment, discrimination, and sexual assault began almost immediately.

11. In 2004, while she was training and a practicum student, a male firefighter and paramedic asked her about the colour of her panties while they were sitting in the back of an ambulance, and then exposed his penis to her. Ms. Steele reported this harassment and assault to another male firefighter, who was in the front seat of the ambulance at the time, but no report was made of the incident. Ms. Steele did not report the incident further because she was scared and concerned that, if she did, she would not be hired by the Fire Department and Leduc following her practicum.

12. In or about 2005, Ms. Steele began a relationship with a male firefighter and paramedic (**Male Firefighter #1**). When the relationship ended, Ms. Steele experienced significant discrimination based on her gender including extensive sexual harassment and bullying that was insulting and intimidating on an ongoing and continuing basis. The discrimination and harassment from this incident remains ongoing.

13. In particular, following this relationship, she was frequently called a "slut", a "whore" and a "homewrecker". Her direct superiors were aware of this and required her to write apology letters to the spouses of her colleagues. No similar demands were made of Male Firefighter #1.

14. In the years following, Ms. Steele was blamed by other firefighters for the relationship with Male Firefighter #1 and she suffered significant stress, fear, and depression from the harassment.

15. Throughout Ms. Steele's employment at the Fire Department and continuing to this day, male and female employees experienced differential treatment in relation to their personal relationships. Women would experience discriminatory comments and bullying while men would not. Further, men would not suffer in the progression of their career due to their personal life while women would. For example, Male Firefighter #1 was promoted to Fire Captain after the relationship and did not experience the bullying or discrimination that Ms. Steele experienced. The continued harassment made Ms. Steele feel isolated, depressed, and scared to go to work.

16. Similarly, subsequent to the end of the relationship, Leduc Human Resources requested a meeting with Ms. Steele regarding the relationship and her behaviour in it. She later learned that Leduc Human Resources had spread a number of false rumours about her and the relationship. When she met with Leduc Human Resources, she was accused of forcing Male Firefighter #1 into a relationship and berated about being in that relationship. Leduc Human Resources had no such meeting with Male Firefighter #1.

17. In December 2005, the Deputy Chief came to Ms. Steele's office and made the comment "you have pretty lips" and attempted to touch her face and neck while she was sitting. He left due to a call coming into the 911 office, but then returned, and when Ms. Steele stood up to leave he proceeded to pin her against the wall and attempted to kiss her neck. He demanded to know why she was willing to have a relationship with Male Firefighter #1, but not with him. Eventually

another firefighter interrupted the assault. Ms. Steele informed that firefighter as to what had occurred and he remained with her in case the Deputy Chief returned. No action was taken against the Deputy Chief and Ms. Steele did not escalate the issue as she was scared he would have her terminated from her position.

18. Similar assaults and harassment were common. While Ms. Steele was working on Platoon 2, another male firefighter (**Male Firefighter #2**) proposed a threesome with him and his wife. Later, while she was working on Platoon 2, Male Firefighter #2 entered the female dorms while she was sleeping and entered her bed. Ms. Steele reported this incident to her Captain, but nothing was done.

19. Eventually, Ms. Steele moved to Platoon 3. While there, a number of male firefighters began spreading rumours that Ms. Steele was in a relationship with another firefighter and abusing cocaine. Both of these rumours were untrue. Ms. Steele understood that these rumours were being spread in retaliation and to ensure she remained silent in regard to harassment and advances like the ones made by Male Firefighter #2. Ms. Steele raised these issues with the Deputy Chief who refused to do anything about them.

20. In addition, during her time on Platoon 3, on an ongoing and continuous basis, Ms. Steele was belittled and embarrassed by the Captain in front of co-workers regarding her work duties. She was told on engine shifts and in yearly reviews with the Captain to "watch your back", that she had a "target on her back", and to "watch yourself". She understood that this was because of the harassment and assaults that she had experienced. This Captain's behaviour caused immense anxiety, stress, and trauma for her and Ms. Steele began calling in sick to avoid the constant berating. She did not report these comments, as she believed that if she reported them her employment would be terminated.

21. The threats were particularly concerning because, as a firefighter, she was involved in dangerous situations where she would have to rely on other firefighters for her safety. The systemic harassment and discrimination meant that she did not have the requisite trust and confidence in the male firefighters, and feared for her safety, health, and well being. This compromised the ability of firefighters at Leduc to properly respond to emergencies and compromised public safety.

22. From about 2007 to about 2012, another male firefighter (**Male Firefighter #3**) with the Fire Department touched and slapped Ms. Steele's buttocks on multiple occasions. Other firefighters witnessed these incidents, including when she would descend a ladder at work. Male Firefighter #3 would also make comments about her buttocks while Ms. Steele was walking ahead of him in the hallway. She reported these incidents to Leduc Human Resources, but again, nothing was done. Leduc looked the other way, again, and the abuse, harassment, and trauma continued.

23. Moreover, despite these reports, Ms. Steele was forced to work directly with the firefighters that had harassed and assaulted her. For instance, in 2018, Ms. Steele was required to work directly with Male Firefighter #3 as his partner. She reported to the Captain that she was uncomfortable working with Male Firefighter #3 due to his prior actions and harassment; particularly as they would be spending considerable time alone together. The Captain took her concerns to the Deputy Chief, but she was told to "be the bigger person" and forced to continue working with Male Firefighter #3. This made Ms. Steele feel scared, very unsafe, and vulnerable at work.

24. From about 2014 to about 2018, another male firefighter (**Male Firefighter #4**) with the Fire Department would touch and smell her hair, attempt to hold or touch her hand, position himself near her in an inappropriate manner, and whisper in her ear. Male Firefighter #4's unwanted actions made Ms. Steele feel very uncomfortable and she was scared to be alone in a room with him. Other firefighters witnessed these incidents, but did nothing. Ms. Steele did not report Male Firefighter #4's actions because she believed that if she reported these incidents, they would not be taken seriously since her prior complaints resulted in little or no intervention from her superiors. She was worried that she would face retaliation, including being fired from her job. Ms. Steele was being sexually victimized on an ongoing basis and felt helpless, alone, unprotected, and unsupported.

25. On or about September 18, 2018, Ms. Steele was cleaning the men's bathroom at the fire station as part of her duties. While cleaning one of the stalls, Male Firefighter #4 approached her from behind and mimicked sexual intercourse on her. He then refused to let her out of the stall. She struggled and eventually managed to flee the stall. She was terrified, angry, and upset with Male Firefighter #4, but was also scared and traumatized. She immediately told her partner about the incident and he could see that she was visibly upset. She told the Captain shortly after that she

no longer wanted to be in a room alone with Male Firefighter #4. She did not discuss the details of the sexual assault with the Captain as, at that time, she was still too emotional about it and scared of the consequences of coming forward as Male Firefighter #4 was very close with the Deputy Chief.

26. Male Firefighter #4 was also, despite the Fire Department's knowledge of his inappropriate conduct towards female firefighters, designated by the Fire Department and Leduc as the individual responsible for measuring female firefighters for their uniforms and radio sashes. Ms. Steele informed the Captain that she was uncomfortable with Male Firefighter #4 taking her measurements after the sexual assault in the men's bathroom and refused to be measured for a couple months. Over that time, Male Firefighter #4 made repeated requests to take Ms. Steele's measurements. Eventually, in or about November 2018, Male Firefighter #4 cornered her in the mess kitchen to take her measurements for her radio sash. Another firefighter (**Male Firefighter #5**) was present in the kitchen when this occurred and Ms. Steele asked him to stay. While taking her measurements, Male Firefighter #4 touched Ms. Steele's breasts multiple times and her vagina one time. Male Firefighter #5 witnessed the assaults and stated "what are you doing?" Eventually, a number of women complained to Leduc Human Resources that they had experienced similar sexual assaults and harassment by Male Firefighter #4 and an investigation was finally launched.

27. During the investigation into Male Firefighter #4's behaviour, the Captain asked Ms. Steele if she was "involved with this bullshit", which she understood to mean the investigation into Male Firefighter #4's behaviour. It was made clear to her that she would suffer professional consequences for having come forward with her experiences, including the sexual assault by Male Firefighter #4, and she took such comments as clear threats against her job security. Eventually, following the Leduc Human Resources' external investigation, Male Firefighter #4 was terminated. Ms. Steele was informed by the Leduc Human Resources Director that Male Firefighter #4 was not allowed on Leduc property, or to attend events following the termination. However, this ban was not enforced. In addition, during the investigation, female firefighters were questioned as to whether their choice of clothing contributed to the sexual assaults by Male Firefighter #4. This again, suggested that the Fire Department was placing the blame on the female firefighters.

28. On or about August 9, 2020, the Fire Department participated in a motorcycle rally event, which was held at the fire station. Ms. Steele attended the event while on shift. While she was there, Male Firefighter #4 arrived with Deputy Chief #1, despite the fact that he was not allowed to attend Fire Department events or be at the fire station following his termination. Ms. Steele felt terrified, exposed, and scared. She was shaking and went to the bathroom and cried.

29. Ms. Smith spoke with the Captain about Male Firefighter #4's presence at the event. Ms. Smith also informed the Captain that Ms. Steele was upset in the bathroom as a result of Male Firefighter #4's presence. Despite Ms. Smith informing the Captain that Ms. Steele was traumatized by Male Firefighter #4's presence and reminding him that Male Firefighter #4 was not allowed on Leduc property following his termination, the Captain refused to take action to support and protect Ms. Steele.

30. It was only after Ms. Smith informed the Captain that she would personally ask Male Firefighter #4 to leave the premises that the Captain sought direction from Deputy Chief #2 on how to manage the situation. Despite Deputy Chief #2 directing the Captain to remove Male Firefighter #4, he refused to do so. Ms. Smith then called the President of the Leduc Firefighter's Association for help in forcing Male Firefighter #4 to leave.

31. A number of Captains opposed Male Firefighter #4's removal from the event stating that "the girls made it up and railroaded him" and that the female firefighters were liars. Despite Male Firefighter #4's proven history of sexual assault and harassment toward women, including having been terminated from previous employment for such behaviours, Fire Department management opposed Male Firefighter #4's removal from the event and supported him over the female firefighters. This was part of a continuing and ongoing pattern of conduct where the Fire Department and Leduc would refuse to take action against male firefighters that had harassed, discriminated against, and assaulted female firefighters, and instead would retaliate and persecute the female firefighters.

32. Subsequent to these events, Ms. Steele suffered serious mental harm and her career suffered due to her willingness to report the harassment, discrimination, assaults, and sexual assaults.



**B. Mindy Smith**

33. Ms. Smith has suffered incidents of harassment and discrimination, similar to Ms. Steele.

34. In or about 2016, Ms. Smith graduated from the Leadership Development Program, formerly the Officer Development Program, and began acting occasionally as platoon Captain.

35. Ms. Smith has been the subject of frequent harassment that male firefighters did not face. For instance, in 2018, after cooperating with an investigation that led to a male firefighter being disciplined, the window of Ms. Smith's vehicle was smashed in retaliation. She informed the Deputy Chief about this incident, but nothing was done. One of the Captains acknowledged to Ms. Smith that the smashing of her window was in retaliation for cooperating with the investigation of the male firefighter, but told her nothing would be done to stop the harassment and bullying and that, if she persisted, as a female firefighter she would be retaliated against. She did not believe she could escalate this matter by reporting it further, as she feared further retaliation and even termination of her employment.

36. On or about September 2019, Ms. Smith attended an officer meeting where she was the only female in attendance. She raised the issue that "female firefighters do not feel welcome here". The Chief followed up her comment by asking the officers at the meeting if they had witnessed events of bullying and harassment toward women in the workplace, and all of them indicated they had. Despite this, nothing was done to address the continuing and ongoing harassment and discrimination against female firefighters.

37. As the sole female officer at these meetings, Ms. Smith repeatedly heard the Chief and other officers making derogatory comments about other female firefighters, including Ms. Steele. This included discussions of how to manufacture a justifiable reason to terminate Ms. Steele despite her satisfactory performance as a firefighter and EMT. In general, at these meetings, as the sole female, other officers would refuse to engage with Ms. Smith and intentionally excluded her from decision-making. In general, the attitude and the statements of the male officers at these meetings and elsewhere were that women were not "real firefighters" and that they should be driven out of the Fire Department because of their gender.

38. Ms. Smith also experienced harassment and assault from Male Firefighter #4. As noted above, despite Male Firefighter #4's history of harassment of female firefighters, he was made responsible for taking employee measurements for uniforms and replacing damaged or missing pieces of uniforms.

39. In or about 2016, Ms. Smith requested a replacement belt for her uniform pants. Male Firefighter #4 instructed her to follow him into the locked supply room where extra uniforms were kept. After she entered the room, Male Firefighter #4 followed behind her and blocked the exit. Male Firefighter #4 instructed her to take her belt off and insisted she allow him to put the new belt on her to "ensure it fit". She refused, but Male Firefighter #4 became more insistent that she allow him to put the belt on and continued to block the exit of the room. Eventually, Male Firefighter #4 forced her to back away, against the wall. At that point, having been threatened, Ms. Smith allowed Male Firefighter #4 to put the belt on her in order to escape the room. While he was putting the belt on her, Male Firefighter #4 touched her in a sexual manner, and sexually assaulted her. For the next two years, Ms. Smith attempted to ensure that she was never alone with Male Firefighter #4 at the fire station. Ms. Smith did not report this incident, as she knew that female firefighters who reported incidents of this nature were bullied and harassed and she believed that would happen to her, and she was concerned that her employment would be terminated.

40. Male Firefighter #4's harassment of women was well known at the Fire Department. He was also in charge of fixing radios and would touch and make advances on female firefighters who had to get equipment repaired. Among the female firefighters, there was a belief that management would retaliate against them if they reported Male Firefighter #4's misconduct. This belief arose from the fact that management was aware of Male Firefighter #4's misconduct, but took no steps to deal with it. This further led Ms. Smith to believe that any attempts to report the harassment, discrimination, and sexual assaults would be futile and only lead to retaliation against her, including termination of her employment.

41. As described above, Ms. Smith intervened at the motorcycle rally event that Male Firefighter #4 attended after he was dismissed. During that incident, the Deputy Chief told Ms. Smith that the women who had come forward about Male Firefighter #4 were "liars" and

"railroading him". Ms. Smith reported this via a formal complaint to Leduc Human Resources in late 2020, but nothing was done.

42. However, Ms. Smith later learned that Leduc Human Resources advised the Deputy Chief of her complaint, which led to retaliation and further bullying and harassment. This included, but was not limited to, refusing to act on Ms. Smith's reports that controlled substances like fentanyl and morphine were being mishandled and left in areas where members of the public could access and take them. In this way, the systemic culture of abuse at the Fire Department compromised public safety.

43. In addition, following Male Firefighter #4's attendance at the motorcycle rally event, Ms. Smith advised the Deputy Chief that Male Firefighter #4 had sexually assaulted her as well. The Deputy Chief informed her following this complaint that she was "emotionally unstable" and, in retaliation, had her taken off duty for three months without pay.

44. A number of other female firefighters who remain too fearful of retaliation to come forward were also sexually assaulted by Male Firefighter #4.

45. Other incidents of harassment were common. For example, at a work party, a male firefighter exposed himself to Ms. Smith, which several male firefighters and management witnessed. Again, despite management witnessing this incident of harassment, nothing was done.

46. In late 2021, Ms. Smith learned that an Alberta Health Services investigation had determined that management at the Fire Department and Leduc had illegally accessed her health records. This was done in an attempt to secure information to silence and retaliate against Ms. Smith for her efforts to expose the harassment, discrimination, and sexual assaults at the Fire Department. In raising the issues of harassment, discrimination, and sexual assaults at the Fire Department, Ms. Smith suffered numerous types of retaliation, including being refused promotions, having vacation time taken away, and being prevented from taking advanced firefighter and EMT training. Ms. Smith has been diagnosed with severe mental health issues, including PTSD, which was caused by the harassment, discrimination, and sexual assaults at the Fire Department.

### C. Additional Incidents of Discrimination, Harassment, Assault, and Sexual Assault

47. Other female employees of the Fire Department remain unwilling to come forward due to fear of retaliation, but have experienced similar incidents of discrimination, harassment, and assaults in the workplace. The Fire Department was aware that these incidents of sexual assault had occurred, but refused to take any action.

48. It is well known throughout the Fire Department that female firefighters are subject to a culture of sexual harassment and sexual assault that is tolerated by the Fire Department. These female firefighters know that if they report such allegations, nothing will be done to help them, and they will be retaliated against by management within the Fire Department and male firefighters.

49. For example, a number of female firefighters have been advised that women are less valuable as firefighters than men and that women are typically hired based on their physical appearance. Moreover, women working as part-time firefighters have been advised that they will only be hired full-time if they confirm that they will not get pregnant. Female firefighters have been told directly that promotions and training will not be available to female firefighters who take maternity leave.

50. There have also been incidents of discrimination, harassment, assault, and sexual assault involving practicum students from various educational institutions in Alberta (the **Practicum Students**), for example as noted above in paragraph 11. Throughout the time period detailed above and while employed by the Fire Department and Leduc, Practicum Students were advised by instructors and other male firefighters that they would not pass their practicum or be hired unless they had sexual relations with instructors or other male firefighters. Some of the Practicum Students who refused were then sexually assaulted. The Fire Department and Leduc were aware of these issues with Practicum Students, but did nothing to stop it beyond suggesting that Practicum Students should try to avoid being alone with certain male firefighters.

51. The incidents described above relate to sexual assault and battery. They also involve a number of breaches that arise from a continuing course of conduct and related acts and omissions

that continue to occur to this day and that continue to foster a toxic and abusive environment at the Fire Department and Leduc.

52. In addition, neither of the Representative Plaintiffs were able to bring an action or make reasonable judgments in respect of their injury, damage, or loss because of the symptoms of depression and anxiety that they suffered as a result of ongoing harassment by the Fire Department and Leduc. It is not until 2022, following completion of an independent third-party investigation of the harassment, discrimination, and sexual assaults at the Fire Department, that Ms. Steele and Ms. Smith are able to pursue a claim against Leduc. Ms. Steele and Ms. Smith both understood that they would be retaliated against if they brought forward allegations of harassment, discrimination, and sexual assaults and, as such, neither could reasonably have brought an action prior to the completion of the independent third-party investigation.

#### IV. CLAIMS

##### A. Leduc's Negligence

53. At all material times, the Fire Department and Leduc owed a duty of care to Ms. Steele, Ms. Smith, and the Class Members to ensure that they could work in an environment free of gender based harassment and discrimination, assaults, and sexual assaults. Specifically, the Fire Department and Leduc had a duty to:

- (a) use reasonable care to ensure the health, safety, and well-being of Ms. Steele, Ms. Smith and the Class Members;
- (b) provide a safe and healthy workplace environment free from gender based harassment and discrimination, assaults, and sexual assaults;
- (c) provide Ms. Steele, Ms. Smith, and the Class Members with access to work opportunities equal to their male colleagues;
- (d) establish and enforce appropriate policies, procedures, codes of conduct, and guidelines to ensure that Ms. Steele, Ms. Smith, and the Class Members would be free from gender based harassment and discrimination, assaults, and sexual assaults in the workplace;

- (e) educate and train the Fire Department and Leduc to promote an understanding that gender based harassment and discrimination, assaults, and sexual assaults in the workplace are harmful and will not be tolerated;
- (f) properly supervise the conduct of the Fire Department and Leduc to ensure that Ms. Steele, Ms. Smith, and the Class Members would not be exposed to gender based harassment and discrimination, assaults, and sexual assaults in the workplace;
- (g) investigate complaints of gender based harassment and discrimination, assaults, and sexual assaults fairly and with due diligence, and make efforts to prevent retaliation; and
- (h) act in a timely manner to resolve situations of gender based harassment and discrimination, assaults, and sexual assaults.

54. The Fire Department and Leduc breached this duty of care owed to Ms. Steele, Ms. Smith, and the Class Members by, among other things:

- (a) failing to properly supervise the Fire Department and Leduc to prevent and minimize the risk of Ms. Steele, Ms. Smith, and the Class Members being subjected to gender based harassment and discrimination, assaults, and sexual assaults;
- (b) failing to have or, alternatively, failing to enforce adequate policies, procedures, codes of conduct, and guidelines to minimize the risk of Ms. Steele, Ms. Smith, and the Class Members being subjected to gender based harassment and discrimination, assaults, and sexual assaults;
- (c) failing to properly investigate allegations of gender based harassment and discrimination, assaults, and sexual assaults in the workplace in a thorough, timely, and impartial manner, or at all;
- (d) failing to provide adequate, or any, training and educational programs to the Fire Department and Leduc regarding the dangerous and harmful effects of gender based harassment and discrimination, assaults, and sexual assaults;

- (e) failing to make sufficient efforts to promote universal understanding among the Fire Department and Leduc that gender based harassment and discrimination, assaults, and sexual assaults are harmful and will not be tolerated;
- (f) permitting a workplace environment and culture that normalized the occurrence of gender based harassment and discrimination, assaults, and sexual assaults;
- (g) failing to act in a timely fashion to stop incidents of gender based harassment and discrimination, assaults, and sexual assaults;
- (h) failing to ensure that perpetrators of gender based harassment and discrimination, assaults, and sexual assaults were appropriately disciplined; and
- (i) failing to protect Ms. Steele, Ms. Smith, and the Class Members from the continuation or re-occurrence of gender based harassment and discrimination, assaults, and sexual assaults and failing to protect them from retaliation after reporting such behaviour.

55. The Fire Department, Leduc, or its management knew, or ought to have known, that the negligent and intentional acts described above were of a kind reasonably capable of traumatizing a normal person and that Ms. Steele, Ms. Smith, and the Class Members would suffer damages as a result. In addition, Leduc, the Fire Department, and Leduc Human Resources knew of these negligent and intentional acts and did nothing. They looked the other way or blamed the victims and, as a result, knowingly created and allowed the systemic discrimination, harassment, sexual assault, and abuse to continue.

**B. Breach of the *Canadian Charter of Rights and Freedoms***

56. The systemic abuses allowed and tolerated by the Fire Department, Leduc, and its management breached the right of Ms. Steele, Ms. Smith, and the Class Members to be free from discrimination on the basis of sex, pursuant to section 15 of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11 (the *Charter*), by, among other things:

- (a) failing to properly supervise the Fire Department and Leduc so as to prevent and minimize the risk of Ms. Steele, Ms. Smith, and the Class Members being subjected to gender based harassment and discrimination, assaults, and sexual assaults;
- (b) failing to have or, alternatively, failing to enforce adequate policies, procedures, codes of conduct, and guidelines to minimize the risk of Ms. Steele, Ms. Smith, and the Class Members being subjected to gender based harassment and discrimination, assaults, and sexual assaults;
- (c) failing to properly investigate allegations of gender based harassment and discrimination, assaults, and sexual assaults in the workplace in a thorough, timely and impartial manner, or at all;
- (d) failing to provide adequate, or any, training and educational programs to the Fire Department and Leduc regarding the dangerous and harmful effects of gender based harassment and discrimination, assaults, and sexual assaults;
- (e) failing to make sufficient efforts to promote the universal understanding among the Fire Department and Leduc that gender based harassment and discrimination, assaults, and sexual assaults are harmful and will not be tolerated;
- (f) permitting a workplace environment and culture that normalized the occurrence of gender based harassment and discrimination, assaults, and sexual assaults;
- (g) failing to act in a timely fashion to stop incidents of gender based harassment and discrimination, assaults, and sexual assaults;
- (h) failing to ensure that perpetrators of gender based harassment and discrimination, assaults, and sexual assaults were appropriately disciplined; and
- (i) failing to protect Ms. Steele, Ms. Smith, and the Class Members from the continuation or re-occurrence of gender based harassment and discrimination, assaults, and sexual assaults and failing to protect them from retaliation after reporting such behaviour.



57. Damages should be awarded pursuant to section 24(1) of the *Charter* as they are just and appropriate to: (1) provide compensation that might not otherwise be awarded to Ms. Steele, Ms. Smith, and the Class Members; (2) vindicate Ms. Steele, Ms. Smith, and the Class Members and society at large for the harm caused by Leduc's violation of section 15 of the *Charter*; and (3) deter future breaches.

### **C. Leduc and Fire Department Member Negligence**

58. At all material times, certain individuals who were firefighters with the Fire Department and Leduc, and who were each Leduc employees, agents, and servants (the **Negligent Individuals**), owed a duty of care to Ms. Steele, Ms. Smith, and the Class Members to ensure that they could work in a safe and healthy work environment free of gender based harassment and discrimination, assaults, and sexual assaults.

59. The conduct that the Negligent Individuals directed toward Ms. Steele, Ms. Smith and other Class Members was repetitive, extreme, and calculated to harass and abuse Ms. Steele, Ms. Smith, and other Class Members. As a result of this conduct, Ms. Steele, Ms. Smith, and other Class Members suffered grievous mental and physical injury.

60. The Negligent Individuals knew or ought to have known that their conduct was of a kind reasonably capable of terrifying and harming a normal person. In particular, the Fire Department, Leduc, and the Negligent Individuals knew or ought to have known that this conduct would cause physical and psychological harm to Ms. Steele, Ms. Smith, and other Class Members.

61. Leduc is vicariously liable for the conduct of the Negligent Individuals.

### **D. Injuries and Damage**

62. As a result of the fault and negligence of the Fire Department and Leduc, its management, and the Negligent Individuals, Ms. Steele, Ms. Smith, and the Class Members have sustained serious injuries and consequences, including:

(a) post-traumatic stress disorder;

(b) depression;

- (c) anxiety;
- (d) suicidal ideation;
- (e) diminished self-worth;
- (f) loss of income and opportunity;
- (g) diminished ability to concentrate;
- (h) repeated and ongoing nightmares;
- (i) difficulty in coping with emotional stress;
- (j) attempted suicide;
- (k) feelings of guilt, responsibility and self-blame;
- (l) insomnia;
- (m) failed relationships;
- (n) substance abuse; and
- (o) loss of enjoyment of life.

63. As a further result of the negligence of the Fire Department, Leduc, its management, and the Negligent Individuals, Ms. Steele, Ms. Smith, and the Class Members have sustained special damages, loss, and expenses for medical and psychological treatment. Ms. Steele, Ms. Smith, and the Class Members continue to undergo medical and psychological care and treatment, and continue to incur loss and expense.

64. As a result of the negligence of the Fire Department, Leduc, its management, and the Negligent Individuals, the families of Class Members have sustained and will continue to sustain injury, loss, and damages, including but not limited to:

- (a) actual expenses reasonably incurred for the benefit of Class Members;

- (b) travel expenses incurred while visiting Class Members during medical procedures, counselling, and recovery; and
- (c) loss of income and the value of services provided by family members to Class Members where such services, including nursing and housekeeping, have been provided.

### **E. Punitive Damages**

65. As set out in detail in this claim, the actions of the Fire Department, Leduc, its management, and the Negligent Individuals were reprehensible and showed a callous disregard for the rights of Ms. Steele, Ms. Smith, and the Class Members.

66. The conduct of the Fire Department, Leduc, its management, and the Negligent Individuals was deliberate, lasted for many years, and represented a marked departure from ordinary standards of decent behaviour.

67. Compensatory damages are insufficient in this case. A punitive damage award is necessary to express society's condemnation of the conduct engaged in by the Fire Department, Leduc, its management, and the Negligent Individuals, and to achieve the goals of both specific and general deterrence.

68. The conduct of the Fire Department, Leduc, its management, and the Negligent Individuals merits punishment and warrants a claim for punitive damages.

## **V. REMEDY SOUGHT**

69. The Representative Plaintiffs claim on their own behalf and on behalf of the proposed Class Members:

- (a) As against the Defendant:
  - (i) an order certifying this action as a class proceeding and appointing the Representative Plaintiffs as the representatives of the Class Members;
  - (ii) general damages in an amount to be determined plus damages equal to the costs of administering the plan of distribution;

- (iii) special damages in an amount to be determined, including but not limited to past and future loss of income, medical expenses, and out-of-pocket expenses;
- (iv) exemplary and punitive damages;
- (v) damages pursuant to the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11, s 24(1);
- (vi) interest;
- (vii) costs of this action on a solicitor-and-own-client, full indemnity, basis; and
- (viii) such further and other relief as this Honourable Court may deem fit and appropriate.

**NOTICE TO THE DEFENDANT:**

You only have a short time to do something to defend yourself against this claim:

20 days if you are served in Alberta

1 month if you are served outside Alberta but in Canada

2 months if you are served outside Canada.

You can respond by filing a Statement of Defence or Demand for Notice in the office of the Clerk of the Court of Queen's Bench at Calgary, Alberta, AND serving your Statement of Defence or Demand for Notice on the Plaintiffs' address for service.

**WARNING**

If you do not file your Statement of Defence or Demand for Notice within your time period, you risk losing the law suit automatically. If you do not file, or do not serve, or are late in doing either of these things, a court may give a judgment to the Plaintiff against you after a notice of the application has been served on you.