

# Class action suit against Ford involving Windsor workers wins certification

BY DAVE HALL , THE WINDSOR STAR FEBRUARY 8, 2010



The Ford logo is seen at a Ford dealership in Hudson, Wisconsin on May 27, 2009.

**Photograph by:** Karen Bleier/AFP/Getty Images, The Windsor Star

Ford Motor Company of Canada will face a class-action lawsuit from the people it hired — before withdrawing the offer — to work on a planned third shift at the company's Oakville assembly plant.

“We are pleased that this action has been certified and will now move ahead as a class proceeding,” said David Thompson, of Scarfone Hawkins, the lead lawyer on the suit. “This will enhance access to justice for all affected individuals and will allow claims to be determined in an efficient and economic manner.”

The Ontario Superior Court of Justice certified the suit last week. The court case could take a year to begin.

The plaintiffs — Gabriel Levesque, Brenda Austin and Matthew Beltrano — were all offered jobs.

But Thompson estimates about 350 individuals, including some from Windsor, were offered work on the shift that never materialized — and they lost money as a result.

Thompson said as many as 50 people have already contacted his law firm concerning the suit, at [classactionlaw.ca](http://classactionlaw.ca), but that according to Canadian law, anybody who falls under the class definition in the suit is automatically included.

People who cannot join the class-action, however, are former Ford workers who were on layoff in Windsor when the Oshawa job offer ended.

“The assessment of damages will have to be done on an individual basis,” Thompson said. “There’s likely to be a fair amount of variance between the nominal compensation for someone affected who really didn’t suffer much loss at all, and an individual who might have resigned from what was otherwise a secure long-term employment position.”

Some individuals might make claims in the tens of thousands of dollars, said Thompson, including moving costs. Some individuals might claim two weeks employment, while those employed elsewhere for a long time might claim several months.

“They were certainly entitled to some reasonable notice of Ford’s withdrawal of that offer of employment,” Thompson said. “There were some individuals who were gainfully employed with fairly decent jobs.”

Most of those involved in the suit were offered employment as general assemblers at \$23.85 an hour in connection with Ford's plans to introduce a third shift on July 28, 2008, according to Scarfone Hawkins.

The suit alleges that, in April of 2008, Ford made a business decision to initiate a third work shift in Oakville. Ford advertised its need for employees and offered positions of employment but subsequently determined, immediately prior to the employment start date, that it would not implement the third work shift.

According to Scarfone Hawkins, Ford attributed its change of decision to extreme shifts in market conditions based on a downturn in sales of cross-over vehicles.

The suit has been brought on behalf of all individuals, including the estates of deceased individuals, who were offered employment by Ford as general assemblers in connection with the planned third shift.

The suit contains allegations which have yet to be proven in court.

Ford of Canada spokeswoman Kerri Stoakley said in an email that, “it would be inappropriate to comment on legal proceedings before the court.a

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