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Worker who felt 'thrown away' wins

Human Rights Tribunal awards former Electronic Arts employee almost \$150,000

BY DARAH HANSEN
VANCOUVER SUN

VANCOUVER | A woman who claimed she was unjustly fired from Electronic Arts Canada after suffering a breakdown that left her "bordering on catatonia" was awarded close to \$150,000 Tuesday in a decision by the B.C. Human Rights Tribunal.

Janie Toivanen "felt like she had been thrown away," tribunal member Barbara Junker noted in her ruling.

"She thought that EA was a company that prided itself on looking after employees. Instead of investing any time and energy in bringing her back, healthy, to her workplace, it fired her ... at a most vulnerable time."

Toivanen was 47 and a six-year employee of the Burnaby-based

video game developer when her job as a producer on the NHL team came to an end in October 2002. At that time, doctors diagnosed her with extreme depression, verging on suicide.

"She is weepy most of the time, sleeps excessively, weight fluctuating, essentially isolates herself completely, feels worthless, guilty, that she is a failure, that there is no hope for the future," her physician wrote in September 2002, according to documents contained in the human rights decision.

At work, colleagues and managers found Toivanen to be increasingly defensive, angry, bitter and easily reduced to tears.

At a trial before the tribunal in November 2005, Toivanen testi-

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fied that her health deteriorated as her workload at the company mounted. EA's takeover of a Vancouver company called Black Box early in 2002 resulted in her doubling her work responsibilities, she said. She lost sleep as she worried about looming deadlines and became stressed over production hassles.

At the same time, Toivanen said, she began to believe that her job security was slipping — a feeling that only grew stronger when she was removed from the NHL team in August 2002 and told she would be "redeployed."

Her doctor told her to take a leave of absence, fearing her mental condition was approaching psychosis, documents included in Tuesday's decision show. Initially, Toivanen refused, fearing it would reflect poorly on her job performance.

But by early that September, Toivanen had had enough. She testified that in September 2002, she informed EA management she would be taking indefinite stress leave. The company responded with a letter of dismissal, along with an offer of a lump sum payment of \$19,744, which represented a five-month severance.

Though her work performance remained positive, documents contained in the tribunal decision show management had grown increasingly frustrated with her personal disposition.

"Nobody wants her," stated one e-mail written by a company manager on Sept. 3, 2002, and included in the tribunal decision.

The company's decision to fire Toivanen left her "devastated," the tribunal noted.

"To this day, she is unable to work," Junker wrote in her decision.

Junker noted that while it was not a case where Toivanen was "worked to death" by her employer, EA made no effort to accommodate her need for a leave of absence.

Toivanen was awarded \$20,000 for injury to her dignity, feelings and self-respect. As well,

Her health is badly damaged, and I don't know if she's fully recovered.

MURRAY TEVLIN
Janie Toivanen's lawyer



EA was ordered to pay Toivanen's health care costs of \$6,000, legal expenses of \$3,300 and \$1,000 in out-of-pocket expenses related to the matter.

EA was further ordered to pay Toivanen \$69,230 US to cover the lost value of her stock options, as well as \$19,744 severance. All the money is subject to pre-judgment interest.

Toivanen could not be reached for comment Tuesday. However, her lawyer, Murray Tevlin, called the decision "an important victory for Janie."

"It really justifies what she went through, all the trials and struggles," he said.

"She was badly hurt by this thing and her health is badly damaged, and I don't know if she's fully recovered. I can say she will be doing a lot better when she realizes she's been vindicated by this decision."

EA spokeswoman Trudy Muller issued a statement via e-mail from the company's corporate headquarters in California: "EA prides itself on being a good place to work and we value our employees. We learn from our mistakes and will continue to adapt best practices for our employees."

Muller would not comment on whether the company will appeal the tribunal's decision.

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