

CC Hummer's Board, Austin, 1978

IN THE MATTER of the Human Rights
Code of British Columbia, S.B.C. 1973
(2nd Session) Chapter 119 and amendments
thereto

- AND -

IN THE MATTER of a complaint by
Gian Singh Aujla against Pinkerton's
of Canada Limited

*lost
ways?*

O R D E R

UPON this matter coming on for hearing on
the 25th day of October, 1978 before a Board of Inquiry
constituted by an Order of the Minister of Labour in
and for the Province of British Columbia pursuant to
Section 16 of the Human Rights Code of British Columbia,
S.B.C. 1973 (2nd Session) Chapter 119 and amendments
thereto; And upon hearing D. H. Vickers on behalf of
the Director, Human Rights Code of British Columbia,
R. W. Bellows on behalf of the Complainant and
K. P. O'Neill on behalf of the Respondent; And upon
hearing what was alleged by Counsel aforesaid; And
BY CONSENT;

THIS Board ratifies and confirms the Settlement
Agreement dated the *9th* day of *November* 1978, and

annexed hereto.

DATED at the City of Vancouver, in the Province of British Columbia, this 21st day of February, 1978.

Dermod Owen-Flood

DERMOD OWEN-FLOOD
Chairman - Board of Inquiry

APPROVED AND CONSENTED TO:

D. H. Vickers

D. H. VICKERS
Counsel for the Director,
Human Rights Code of British
Columbia

R. W. Bellows

R. W. BELLOWS
Counsel for the Complainant

K. P. O'Neill

K. P. O'NEILL
Counsel for the Respondent

SETTLEMENT AGREEMENT

BETWEEN:

GIAN SINGH AUJLA

COMPLAINANT

AND:

PINKERTON'S OF CANADA LIMITED

RESPONDENT

AND:

**DIRECTOR, HUMAN RIGHTS CODE OF
BRITISH COLUMBIA**

DIRECTOR

WHEREAS:

A. The Complainant resides at 5473 South East Marine Drive, in the Municipality of Burnaby, in the Province of British Columbia and was formerly employed as a security guard by the Respondent and,

B. The Complainant was suspended with pay on June 4, 1977 because he was wearing a beard, contrary to the Respondent's dress regulations and,

C. The Complainant was suspended without pay on July 25, 1977 because he refused to remove his beard, contrary to the Respondent's dress regulations and,

D. At all material times the Complainant was a member of the Sikh religion and,

E. The Complainant caused a complaint to be filed against the Respondent on the 24th day of August, 1977 pursuant to the provisions of the Human Rights Code of British Columbia and,

F. The Complaint aforesaid alleged that the Complainant had been discriminated against by the Respondent in respect of his employment because of his religious beliefs and,

G. The Minister of Labour for the Province of British Columbia appointed a Board of Inquiry pursuant to the provisions of Section 16 of the Human Rights Code of British Columbia to hear the Complaint aforesaid made by the Complainant.

NOW THEREFORE THE PARTIES HERETO AGREE AS FOLLOWS:

1. The Respondent will forthwith reinstate the Complainant in his employment as a security guard.

2. The Complainant will suffer no loss of seniority by

reason of his suspension from employment as hereinbefore enumerated.

3. The Respondent will pay to the Complainant the sum of \$3,000.00 in full satisfaction of all of his claims for loss of wages and costs and such payment shall be made immediately upon the execution of this Agreement.

4. The Respondent agrees that the Complainant may, in the course of his employment continue to follow his religious beliefs and in particular may wear a beard, turban and carry a Kirpan.

5. The Complainant agrees that the turban which he wears in the course of his employment shall be of a colour designated by the Respondent and shall bear a security guard badge of the Respondent company.

6. The Complainant further agrees that the Kirpan which he wears on his person shall, at all times in the course of his employment, remain concealed.

7. The Respondent confirms by this Agreement that it will offer its employment opportunities to all persons in

a manner consistent with the letter and spirit of the Human Rights Code of British Columbia and in particular, confirms that employment opportunities will be upon the basis of ability to perform and there shall be no discrimination against any person by reason of that persons bona fide religious beliefs.

8. The Complainant further agrees that upon the happening of the events referred to in paragraphs 1, 2 and 3, he does thereby REMISE, RELEASE AND FOREVER DISCHARGE the Respondent from any and all claims which he may have had arising out of the Complaint filed on the 24th day of August, 1977.

DATED at the City of Vancouver, in the Province of British Columbia, this ^{9th} day of November 1978.

Francesca Smith Assistant Secy
Director Human Rights Code, for the
Kathleen Luff, Director of the
Human Rights Code, B.C.

DIRECTOR, HUMAN RIGHTS CODE OF
BRITISH COLUMBIA

[Signature]

PINKERTON'S OF CANADA LIMITED

Gian S. Aujla

GIAN SINGH AUJLA



IN THE MATTER of the Human
Rights Code of British Columbia
S.B.C. 1973 (2nd Session)
Chapter 119 and amendments
thereto

- AND -

IN THE MATTER of a complaint
by Gian Singh Aujla against
Pinkerton's of Canada Limited

SETTLEMENT AGREEMENT

KPO'N/vfm
IDE-7938

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