

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2026 CHRT 9
Date: January 27, 2026
File No.: HR-DP-2874-22

Between:

Gurbakshish Singh

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

First Call Trucking Ltd.

Respondent

Decision

Member: Jennifer A. Orange

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I. OVERVIEW

[1] Gurbakshish Singh (the “Complainant”) worked for First Call Trucking Ltd. (the “Respondent”) as a truck driver from May 10, 2019, to November 19, 2019. He injured his right hand on June 28, 2019, while on duty in Quebec. He alleges that after his injury, the Respondent’s owner and manager repeatedly harassed and discriminated against him in the workplace contrary to section 14 of the Canadian Human Rights Act, R.S.C. 1985, c. H-6 (the CHRA). Mr. Singh seeks damages for pain and suffering and special compensation.

[2] The Respondent did not participate in the hearing, despite having received notice through the Tribunal’s process and being warned about the consequences of failing to participate.

[3] The Canadian Human Rights Commission did not participate at the hearing.

II. DECISION

[4] The complaint is allowed. I find that the Respondent, through its owner, Mr. Sukhwinder Singh Chahal, and manager, Mr. Jagdeep Gill Singh, harassed the Complainant in the course of his employment. The conduct was unwelcome and degrading. The harassing conduct concerned the Complainant’s disability and was therefore based on the prohibited ground of disability. The behaviour was persistent and serious and poisoned the Complainant’s work environment. It caused the Complainant significant harm and impacted his mental health. The Respondent is ordered to pay general and special damages to the Complainant.

III. ISSUES

[5] In this decision, I must determine the following:

- 1) Did Mr. Singh Chahal and Mr. Gill harass the Complainant?

- a. Did they engage in unwelcome conduct that detrimentally affected the work environment or led to adverse job-related consequences for the Complainant?
 - b. Was the conduct persistent or repetitive, and if not, was it so serious that it immediately created a poisoned work environment?
- 2) Was the conduct on the basis of the prohibited ground of disability?
- 3) Did Mr. Singh Chahal's and Mr. Gill's conduct occur in the course of employment?

[6] If the answer to these questions is "yes," I must determine what remedies the Tribunal should order that flow from my findings of discrimination.

IV. PRELIMINARY ISSUES

[7] Mr. Singh Chahal, the Respondent's owner and representative in this matter, did not appear at the hearing. The Tribunal can proceed in the absence of a party if it is satisfied that they received proper notice of the hearing, according to Rule 35 of the *Canadian Human Rights Tribunal Rules of Procedure, 2021*, SOR/2021-137 (the "Rules of Procedure").

[8] The Tribunal's communications to Mr. Singh Chahal began in November 2022, as the Respondent representative. Mr. Singh Chahal attended one case management conference and did not attend a mediation on the date on which he had previously agreed to participate. The Tribunal sent its communications by email and courier and followed up by phone. It also warned Mr. Singh Chahal of the consequences of not responding and sent him notice of the hearing.

[9] As I was satisfied that Mr. Singh Chahal received proper notice of the hearing and chose not to participate, the Tribunal proceeded in his absence.

V. BACKGROUND

[10] The Complainant started working for the Respondent in Edmonton, Alberta on May 10, 2019. He was assigned work and supervised by Mr. Singh Chahal and Mr. Gill. The

Complainant seriously injured his hand while on duty as a truck driver in Quebec on June 28, 2019, and had surgery in Quebec. The Complainant alleges that after his injury, Mr. Singh Chahal and Mr. Gill harassed him on the basis of his disability until he left work in November 2019.

VI. CREDIBILITY

[11] The Complainant and his spouse, Jasmeet Kaur Chadha, testified at the hearing.

[12] In assessing credibility and reliability in this case, I have applied the traditional test set out by the British Columbia Court of Appeal in *Faryna v. Chorny*, 1951 CanLII 252 (BC CA). When making credibility findings, I have considered whether the witnesses' account of the facts related to each issue is "in harmony with the preponderance of the probabilities which a practical and informed person would readily recognize as reasonable" in the circumstances (*Starr et al. v. Stevens*, 2024 CHRT 127 (CanLII) at para 32 [*Starr*]).

[13] While the witnesses' evidence was not challenged because the Respondent did not participate at the hearing, I found that they delivered their testimony in a forthright, candid, and direct manner and provided clear descriptions of Mr. Singh Chahal's and Mr. Gill's conduct. Their evidence was internally consistent, and there were no contradictions between the testimony of one witness regarding the incidents and comments described by another. The events they testified about profoundly marked them and they recalled the details of the incidents in a cogent and detailed manner. Where they could not recall details of what transpired, they were candid about this as well.

VII. LEGAL FRAMEWORK

[14] Harassment in employment is addressed in section 14(1)(c) of the CHRA.

[15] There are three parts to establishing that harassment is a discriminatory practice under section 14(1)(c):

- i. the conduct is harassment;
- ii. the conduct is connected to a prohibited ground of discrimination; and

iii. the conduct occurred in matters related to employment.

[16] These three parts can be described as follows:

i. Harassment

[17] The CHRA states that it is a discriminatory practice to “harass” an individual but it does not define the words “harass” or “harassment.” The courts have provided examples of harassment, which can often consist of sexualised conduct, but which need not necessarily include such conduct to qualify as harassment.

[18] In general terms, harassing conduct under section 14 of the CHRA is behaviour that is unwelcome and unsolicited, and that detrimentally affects the victim’s environment or leads to adverse job-related consequences for victims. It includes insults, degrading comments, jokes or innuendos, physical assault, and any conduct that is hostile, intimidating, or offensive to the victim, or demeaning and humiliating to them (*Morin v. Canada (A.G.)*, 2005 CHRT 41 at para 246; and *Janzen v. Platy Enterprises Ltd.*, 1989 CanLII 97 (SCC), [1989] 1 S.C.R. 1252 at 1284 [*Janzen*]).

[19] To determine if the conduct is unwelcome, the Tribunal can look at the complainant’s reaction at the time the incident occurred and assess whether they expressly, or by their behaviour, demonstrated that the conduct was unwelcome. A verbal “no” is not required in all cases (*Canada (Canadian Human Rights Commission) v. Franke*, 1999 CanLII 7907 (FC) at para 36 [*Franke*]).

[20] Determining whether conduct was unwanted or unwelcome will require considering the perspective of the alleged victim, including their identity-based characteristics. Context matters. Thus, while the appropriate standard against which to assess the conduct will be that of the reasonable person. The reasonable person is not a one-size-fits-all construct. The trier of fact, in judging the propriety of an interaction, must be sensitive to stereotyped norms of what constitutes acceptable social conduct.

[21] It is also necessary to consider the context in which the disputed or impugned conduct took place when determining how the reasonable person would react or respond

in similar circumstances (*Franke* at para 36; and *Stadnyk v. Canada (Employment and Immigration Commission)*, 2000 CanLII 15796 (FCA) at para 25 [*Stadnyk*]).

[22] Harassment generally requires an element of persistence or repetition, although in certain circumstances a single incident may be enough to create a hostile or poisoned environment. The greater the seriousness and impact of the conduct, the less often it needs to occur to meet the standard. In contrast, conduct that is less severe must be more frequent or persistent to reach the threshold. The reasonable person standard, as described above, will also apply to the assessment of whether the conduct is sufficiently severe or persistent to create a poisoned environment (*Franke* at paras 43–46; *Stadnyk* at para 25; and *Starr* at para 44).

ii. On a prohibited ground of discrimination

[23] Section 14 of the CHRA also requires that the harassment in question be based on one of the prohibited grounds of discrimination enumerated in section 3 of the CHRA.

[24] In order to determine whether the conduct is based on a prohibited ground, the contextualized reasonable person standard should be applied (*Franke* at para 41; and *Stadnyk* at para 25).

iii. In matters related to employment

[25] Finally, to establish an allegation based on section 14(1)(c) of the CHRA, a complainant must demonstrate that the harassment occurred in matters related to employment. Often, the nexus to employment will be evident or non-controversial, as in this case.

[26] Section 65(1) of the CHRA also applies for the purposes of all discriminatory practices in which an employee is found to have engaged in discrimination. The Respondent in this case is the corporation, First Call Trucking Ltd.

[27] As a reminder, section 65 of the CHRA states:

Acts of employees, etc.

65 (1) Subject to subsection (2), any act or omission committed by an officer, a director, an employee or an agent of any person, association or organization in the course of the employment of the officer, director, employee or agent shall, for the purposes of this Act, be deemed to be an act or omission committed by that person, association or organization.

Exculpation

(2) An act or omission shall not, by virtue of subsection (1), be deemed to be an act or omission committed by a person, association or organization if it is established that the person, association or organization did not consent to the commission of the act or omission and exercised all due diligence to prevent the act or omission from being committed and, subsequently, to mitigate or avoid the effect thereof.

[28] Pursuant to section 65(1) of the CHRA, as both Mr. Chahal Singh and Mr. Gill were officers, directors, or employees in the course of the employment, their acts of harassment are deemed to be acts committed by First Call Trucking Ltd., unless section 65(2) of the CHRA applies. As First Call Trucking Ltd. did not participate in the hearing, the statutory defence in section 65(2) is not available. Conceptually, First Call Trucking Ltd. is deemed to be the “person” who harassed the Complainant and is deemed to have committed the same discriminatory practice. Section 65(1) provides express and clear language that creates the liability of the respondent employer for its employees (*Peters v. United Parcel Service Canada Ltd. and Gordon*, 2025 CHRT 7 (CanLII) at paras 66–67; and *Robichaud v. Canada (Treasury Board)*, 1987 CanLII 73 (SCC)).

VIII. ANALYSIS**A. Did Mr. Singh Chahal and Mr. Gill harass the Complainant?****i. Did Mr. Singh Chahal and Mr. Gill engage in unwelcome conduct that detrimentally affected the work environment or led to adverse job-related consequences for the Complainant?**

[29] Yes. I find that Mr. Singh Chahal and Mr. Gill made comments to the Complainant that were unwanted and unwelcome and detrimentally affected his work environment.

[30] Whether or not the Complainant said “no” or objected to the supervisors’ conduct is not determinative, given the inherent power imbalance created by Mr. Singh Chahal’s and Mr. Gill’s positions of authority. They reasonably knew or ought to have known that making demeaning and degrading comments and innuendos was unwanted.

[31] The Complainant testified that after his surgery in June 2019, Mr. Singh Chahal delayed helping him to fly home to Edmonton after the hospital told him that he could not drive the truck back to Edmonton. Ms. Chadha, the Complainant’s spouse, also testified that she called and sent text messages to Mr. Singh Chahal and that he delayed purchasing a flight for the Complainant to return home because he wanted to get a better deal on the flight or use his points. The Complainant further explained that the Respondent delayed paying him and that Mr. Singh Chahal did not respond to his text messages in early July asking for his pay cheque.

[32] The Complainant said that he returned to work on modified duties on August 7, 2019. He testified that at that time, Mr. Singh Chahal told him that his injury was not that bad. Mr. Singh Chahal and Mr. Gill treated him like “a different person” and told him that he was making excuses. They told him that he should contact the Worker’s Compensation Board (the WCB) and to tell it that he did not need modified duties.

[33] The Complainant testified that Mr. Singh Chahal told him that he wanted to fire him, but he could not because he would owe thousands of dollars to the WCB.

[34] When the Complainant told Mr. Singh Chahal and Mr. Gill that he could work in the office, they told him that his office was “outside.” From then on, Mr. Singh Chahal and Mr. Gill would tell the Complainant to go to his office, by which they meant to go outside. The Complainant testified that one time they told him to go outside, and he stood outside for four hours waiting for an assignment.

[35] The Complainant said that Mr. Singh Chahal and Mr. Gill swore at him when he refused to sign the WCB modified duties letter because it included tasks that he could not safely perform. After a discussion with the WCB case manager, the Complainant signed the letter with an added comment that he did not feel safe completing these duties.

[36] The Complainant testified that on a number of occasions, Mr. Singh Chahal and an employee named Rod referred to him as “WCB guy.” Further, the Complainant testified that Rod and Mr. Gill repeatedly swore at the Complainant in Mr. Singh Chahal’s presence during this period.

[37] As recorded in the WCB case manager’s case note, Mr. Gill told her that the Complainant could not do office work because he could not read or write. The Complainant testified that this was not true.

[38] In a recorded conversation in November 2019, the Complainant told Diane Allenby, the Respondent’s operations manager, about many of these abusive actions. She did not help or offer any solutions.

[39] Ms. Chadha testified to the impact the adverse treatment had on her spouse. She saw that the name-calling was causing his mental health to decline. She said that this experience led him to not want to work in the trucking industry anymore and that it took time to change his profession.

ii Was the conduct persistent or repetitive, and if not, was it so serious that it immediately created a poisoned work environment?

[40] Yes. Mr. Singh Chahal and Mr. Gill engaged in harassing conduct for at least three months, between August and November 2019, and their conduct was persistent.

[41] Mr. Singh Chahal and Mr. Gill’s conduct poisoned the work environment. While various acts occurred over an extended period, I find that their acts of doubting the severity of the injury, name-calling, and swearing at the Complainant were serious enough to create a poisoned work environment.

B. Was the conduct on the basis of a prohibited ground of discrimination?

[42] Yes. Mr. Singh Chahal and Mr. Gill’s harassing conduct was related to the Complainant’s disability, which by its very nature means that it is based on a prohibited ground.

[43] Mr. Singh Chahal and Mr. Gill harassed the Complainant because of his injury and his refusal to do work that he considered risky given his injury. They called him “WCB guy” and swore at him when he said he was not comfortable doing certain tasks. They mocked him by saying that his office was outside and thereby explicitly rejected him from the shared work environment. They demeaned and ridiculed him because of his injury over a period of several months.

C. Did Mr. Singh Chahal’s and Mr. Gill’s conduct occur in the course of employment?

[44] Yes. The Complainant, Mr. Singh Chahal, and Mr. Gill all worked for the Respondent and the incidents occurred in the workplace during working hours. There is no question arising from the evidence or the parties’ submissions that the Respondent’s alleged harassing conduct was employment related.

[45] As Mr. Singh Chahal and Mr. Gill were not only aware of the harassing conduct but led it, section 65(2) of the CHRA does not apply, and their acts are deemed to be the acts of the Respondent pursuant to section 65(1) of the CHRA. Furthermore, the Respondent did not present any evidence to support an argument pursuant to section 65(2).

IX. REMEDIES

[46] Having found that First Call Trucking Ltd. breached the CHRA, I now turn to the question of the appropriate remedy in the circumstances.

[47] If the Tribunal finds that a complaint is substantiated, it can make an award against the party found to have engaged in a discriminatory practice. The purpose of the remedial provisions under section 53 of the CHRA is to make a victim of discrimination whole and to put the complainant back in the position that they would have been in had the discrimination not occurred (*Canada Post Corp. v. Public Service Alliance of Canada*, 2010 FCA 56 at para 299, *aff’d* 2011 SCC 57).

[48] The Tribunal can order remedies to stop discrimination from continuing, to prevent future discrimination, and to compensate victims of discrimination for past or ongoing discriminatory practices (see section 53 of the CHRA).

[49] Damage awards should not be so trivial or insignificant so as to be meaningless. Damage awards that do not provide for appropriate compensation can minimize the serious nature of discrimination, undermine the principles at the heart of human rights legislation, and further marginalize a complainant. They can also have the unintended but very real effect of perpetuating discriminatory conduct (*Walsh v. Mobil Oil Canada*, 2013 ABCA 238 (CanLII) at para 32).

[50] The Complainant seeks \$45,000 in damages for pain and suffering and willful and reckless conduct.

[51] The Tribunal may order up to \$20,000 in damages for the pain and suffering a victim experienced as a result of the discriminatory practice (section 53(2)(e) of the CHRA).

[52] The Complainant submits that the extent and duration of the harassment inflicted on him warrants the maximum award. He argued that instead of supporting him through his injury, First Call Trucking Ltd. did the opposite. Mr. Chahal Singh and Mr. Gill mocked the Complainant because of his injury. Instead of accommodating him, they tried to get rid of him by creating a toxic work environment.

[53] In light of the persistent, degrading, and hostile nature of the harassing conduct and the harm the Complainant suffered, I find that he is entitled to \$15,000 in general damages for pain and suffering.

[54] The Tribunal can order up to a maximum of \$20,000 in special damages if it finds that the respondent has engaged in the discriminatory practice wilfully or recklessly (section 53(3) of the CHRA).

[55] Special damages are punitive and intended to provide a deterrent and discourage those who deliberately discriminate. A finding of wilfulness requires an intention to discriminate and to infringe a person's rights under the CHRA. Recklessness usually denotes acts that disregard or show indifference to the consequences, such that the

conduct is done deliberately or needlessly (*Canada (Attorney General) v. Johnstone*, 2013 FC 113 at para 155). A finding of recklessness does not require proof of intention to discriminate (*Hughes v. Canada* 2019 FC 1026 at para 89, citing *Collins v. Canada (Attorney General)*, 2013 FCA 105 at para 4, rev'g *Canada (Attorney General) v. Collins*, 2011 FC 1168 at para 33).

[56] In determining the appropriate award under this section, the Tribunal must focus on the respondent's conduct, and not on the effect that the conduct has had on the complainant (*Beattie and Bangloy v. Indigenous and Northern Affairs Canada*, 2019 CHRT 45 at para 210, citing *Warman v. Winnicki*, 2006 CHRT 20 at paras 178 and 180).

[57] Mr. Singh Chahal and Mr. Gill repeatedly called the Complainant names that related to his disability, they delayed paying him, and they misled the WCB about his ability to read and write. They clearly showed an intent to isolate and humiliate the Complainant with an indifference to the consequences. Their harassing conduct reflected a deliberate intent to isolate and humiliate the Complainant. In my view, Mr. Singh Chahal's and Mr. Gill's conduct was intentional, wilful, and reckless.

[58] Considering Mr. Singh Chahal's and Mr. Gill's conduct, I find that the Complainant is entitled to \$15,000 in special damages pursuant to section 53(3) of the CHRA.

X. INTEREST

[59] The Tribunal may award interest on an order to pay compensation (section 53(4) of the CHRA). Any award of interest is simple interest calculated on a yearly basis, at a rate equivalent to the Bank of Canada rate (monthly series), set by the Bank of Canada. Interest for pain and suffering (section 53(2)(e) of the CHRA) and wilful and reckless conduct (section 53(3) of the CHRA) is not limited to the statutory cap of \$20,000.

[60] Interest accrues from the date on which the discriminatory practice occurred until the date of payment of the compensation award (Rule 46 of the Rules of Procedure). Although the Complainant testified about different dates that Mr. Singh Chahal and Mr. Gill began to harass him, it is unclear when the first event occurred. However, the focus of the

inquiry was on events and incidents that occurred between June 28, 2019, and November 2019. I will order interest to run from August 7, 2019, because the Complainant testified to a number of events that were each sufficiently serious to meet the threshold for establishing harassment after he returned to work on that date.

[61] The Complainant is entitled to simple interest at the average annual bank rate established by the Bank of Canada. The interest on the pain and suffering and wilful and reckless awards shall run from August 7, 2019, until the date that First Call Trucking Ltd. pays the compensation that I have ordered in this decision.

XI. ORDER

[62] For the above reasons, the Tribunal makes the following orders.

[63] Within 90 days of this decision, First Call Trucking Ltd. is ordered to pay the following to Mr. Singh:

- a. \$15,000 for pain and suffering experienced as a result of the discriminatory practice;
- b. \$15,000 in special compensation; and
- c. Interest calculated as of August 7, 2019, until First Call Trucking Ltd. pays the ordered compensation as set out above.

Signed by

Jennifer A. Orange
Tribunal Member

Ottawa, Ontario
January 27, 2026

Canadian Human Rights Tribunal

Parties of Record

File No.: HR-DP-2874-22

Style of Cause: Gurbakshish Singh v. First Call Trucking Ltd.

Decision of the Tribunal Dated: January 27, 2026

Date and Place of Hearing: July 29, 2025

By Zoom Videoconferencing

Appearances:

Mr. Gurbakshish Singh, Self-represented Complainant