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IN THE MATTER OF THE *HUMAN RIGHTS CODE*,
RSBC 1996, c. 210 (as amended)

AND IN THE MATTER of a complaint before
the British Columbia Human Rights Tribunal

BETWEEN:

Abhishek Jain

COMPLAINANT

AND:

Nu West Resource Services Ltd. and Harsha Sandhu and Royal Camp Services Ltd. and
Kathy Conrad

RESPONDENTS

REASONS FOR DECISION
APPLICATION TO DISMISS A COMPLAINT
Section 27(1)(b), (c), (d)(i) and (ii), and (e)

Tribunal Member:

Kylie Buday

On his own behalf:

Abhishek Jain

On his own behalf and as representative for
Nu West Resource Services Ltd:

Harsha Sandhu

Counsel for the Respondents Royal Camp
Services Ltd. and Kathy Conrad:

Thomas W.R. Ross, K.C.

I INTRODUCTION

[1] Abhishek Jain identifies as a Brown South Asian Hindu from India. He alleges Nu West Resource Services Ltd, Harsha Sandhu, Royal Camp Services Ltd. and Kathy Conrad discriminated against him in employment contrary to s. 13(1) of the *Human Rights Code*. Specifically, Mr. Jain alleges Royal Camp and Kathy Conrad [the **Camp Respondents**] kicked him out of a worksite camp in Vanderhoof [the **Camp**] run by Royal Camp for reasons related to his race, place of origin, colour, and religion [**ethnicity**] effectively ending his employment with Nu West. He further alleges Nu West and Harsha Sandhu [the **Employer Respondents**] discriminated against him by terminating his employment and leaving him stranded without transportation home.

[2] The Camp Respondents apply for dismissal under ss. 27(1)(c) and (d)(ii) of the *Code*. However, they have only made arguments under s. 27(1)(c). I therefore deny the application under s. 27(1)(d)(ii) and do not address it further in this decision. Their application under s. 27(1)(c) turns on whether there is no reasonable prospect Mr. Jain would prove:

- a. the Camp Respondents can be held responsible for any of the alleged adverse impacts in employment Mr. Jain experienced when he was reported for Covid-19 policy violations and subsequently kicked out of the Camp, and
- b. his ethnicity factored into the alleged adverse impacts because he was subjected to more scrutiny than white coworkers and white coworkers were not reported for similar violations.

[3] The Employer Respondents also applied for dismissal on several bases. However, I only have submissions that fall under s. 27(1)(c). I therefore deny the Employer Respondents' applications under s. 27(1)(b), (d)(i) and (ii) and (e) and do not address them further in this decision. Their application under s. 27(1)(c) turns on whether there is no reasonable prospect Mr. Jain would prove:

- a. the Employer Respondents adversely impacted him in employment when they terminated his employment and left him stranded; and
- b. his ethnicity factored into the alleged adverse impacts because he was kicked out of the Camp for discriminatory reasons related to his ethnicity.

[4] For the following reasons, I am not persuaded by the Camp Respondents or the Employer Respondents that there is no reasonable prospect Mr. Jain's complaint against them will succeed.

[5] In these reasons, I only refer to what is necessary to explain my decision. I make no findings of fact.

II BACKGROUND

[6] Royal Camp is in the business of providing temporary accommodations to resource industries. In addition to accommodations, it provides catering and other services for the workers who reside at the Camp. At the time relevant to the complaint, Royal Camp had contracted its services to a company working on the Coastal Gaslink pipeline project [the **Company**]. The Company is not a party to this complaint. The respondent Kathy Conrad was Camp Manager. Royal Camp also employed a "Covid-19 Host" or Coordinator [the **Coordinator**], who was responsible for ensuring people at the Camp followed Covid-19 policy.

[7] The Company contracted security services from the respondent Nu West. Among others, Nu West sent Mr. Jain to work at the Camp. Mr. Jain's roles included supporting the Coordinator, helping enforce Covid-19 policy and procedure, following provincial health requirements, and keeping Camp residents safe. The respondent Mr. Sandhu is managing director of Nu West.

[8] The Camp Respondents say that despite his responsibilities, Mr. Jain violated Covid-19 policy by not wearing a mask. They say Ms. Conrad and the Coordinator had to remind him to wear a mask on more than one occasion.

[9] On November 11, 2020, Mr. Jain and several coworkers were sitting in a room near the Camp gym. They were not wearing facemasks, despite being required to do so. The Camp Respondents say the Coordinator walked past the room and asked everyone to wear their masks. They say everyone but Mr. Jain complied. The Camp Respondents say Mr. Jain argued with the Coordinator and refused to put his mask on. They say the Coordinator then warned Mr. Jain that she would have to report him. The Coordinator then reported the incident to Ms. Conrad. Mr. Jain says he was not wearing a mask because he was having a drink.

[10] Next, Ms. Conrad contacted the Company's Security Supervisor about Mr. Jain because the Company had hired Nu West, and Mr. Jain was a Nu West employee. The Camp Respondents say the Company then directed Mr. Sandhu to remove Mr. Jain from the Camp. Mr. Jain says that shortly after the incident at the Camp gym a Nu West supervisor came and told him he had 5 minutes to leave the Camp.

[11] Mr. Jain alleges Ms. Conrad was responsible for kicking him out. He says she treated him differently because he is Brown and from India and alleges his white co-workers who violated Camp rules received more lenient treatment. The Camp Respondents say Ms. Conrad and the Coordinator were not responsible for Mr. Jain's removal and did not ask for Mr. Jain to be removed. The Camp Respondents also say they were not involved in any arrangements for Mr. Jain to leave the Camp or his termination.

[12] Mr. Jain alleges that after he was told to leave, he called Mr. Sandhu and told him what was happening. He says that in response Mr. Sandhu told him he could not do anything. Mr. Jain says he informed Mr. Sandhu that he had no where to go and did not have money, food, or transportation. He alleges Mr. Sandhu told him a supervisor would give him a lift to town and they would figure something out. Mr. Jain submits Mr. Sandhu then blocked his phone number and left him stranded. He says another coworker loaned him money so he could book a flight and get a hotel room for the night. Mr. Jain alleges it was minus 16 degrees and says he could have gotten very sick. Mr. Jain further alleges Mr. Sandhu did not give him any written warning or termination letter.

[13] The Employer Respondents dispute Mr. Jain’s account of what happened when he was kicked out of the Camp. They say Mr. Jain had several hours to organize himself but spent that time running around trying to get Ms. Conrad and others to give him “more chances.” The Employer Respondents say they arranged to have Mr. Jain driven to a Tim Hortons in Vanderhoof. The Employee Respondents also say Mr. Sandu initially told Mr. Jain that they would get him a ride to Prince George if he proceeded in a timely manner. However, Mr. Jain chose to spend a long time preparing to leave and missed his opportunity for a ride to Prince George, and therefore his opportunity to get a flight home that evening. They also say Mr. Sandhu offered Mr. Jain a pay advance to assist him financially, but he declined the offer.

[14] There does not appear to be any dispute that the Employer Respondents ended its employment relationship with Mr. Jain when he was kicked out of the Camp.

III DECISION

A. Is there no reasonable prospect the complaint against the Camp Respondents would succeed?

[15] Section 27(1)(c) is part of the Tribunal’s gate-keeping function. It allows the Tribunal to remove complaints which do not warrant the time and expense of a hearing. The Tribunal does not make findings of fact under s. 27(1)(c). Instead, the Tribunal looks at the evidence to decide whether “there is no reasonable prospect that findings of fact that would support the complaint could be made on a balance of probabilities after a full hearing of the evidence”: *Berezoutskaia v. British Columbia (Human Rights Tribunal)*, 2006 BCCA 95 at para. 22, leave to appeal ref’d [2006] SCCA No. 171. The Tribunal must base its decision on the materials filed by the parties, and not on speculation about what evidence may be filed at the hearing: *University of British Columbia v. Chan*, 2013 BCSC 942 at para. 77.

[16] A dismissal application is not the same as a hearing: *Lord v. Fraser Health Authority*, 2021 BCSC 2176 at para. 20; *SEPQA v. Canadian Human Rights Commission*, [1989] 2 SCR 879 at 899. The threshold to advance a complaint to a hearing is low. In a dismissal

application, a complainant does not have to prove their complaint or show the Tribunal all the evidence they may introduce at a hearing. They only have to show that the evidence takes their complaint out of the realm of conjecture: *Workers' Compensation Appeal Tribunal v. Hill*, 2011 BCCA 49 at para. 27.

[17] Many human rights complaints raise issues of credibility. This is not, by itself, a sufficient reason to deny an application to dismiss: *Evans v. University of British Columbia*, 2008 BCSC 1026 at para. 34. However, if there are foundational or key issues of credibility, the complaint must go to a hearing: *Francescutti v. Vancouver (City)*, 2017 BCCA 242 at para 67.

[18] To prove his complaint against the Camp Respondents at a hearing, Mr. Jain will have to prove:

1. he has one or more characteristics protected by the *Code*,
2. he was adversely impacted in his employment by an act or omission of the Camp Respondents, and
3. one or more of his protected characteristics factored into the adverse impacts.

Moore v. British Columbia (Education), [**Moore**] 2012 SCC 61 at para. 33.

[19] The Tribunal refers to this as the complainant's case: *Vik v. Finamore (No. 2)*, 2018 BCHRT 9 at para. 48.

[20] If Mr. Jain establishes his case against the Camp Respondents, the burden would then shift to them to justify the impact as a *bona fide* occupational requirement. If the impact is justified, there is no discrimination.

[21] There is no dispute that Mr. Jain is protected under the *Code* because of his ethnicity. My decision thus focuses on the second and third elements of the test outlined in *Moore*.

[22] On adverse impact, the Camp Respondents submit there is no reasonable prospect Mr. Jain would prove he was adversely treated by them because they did not employ him or

manage his employment. They say Royal Camp and Ms. Conrad did not decide to remove Mr. Jain from the Camp, ask that he be removed from the Camp, or take part in the logistics of removing him from the Camp. They also say Royal Camp and Ms. Conrad did not terminate Mr. Jain from his employment with Nu West.

[23] I am not persuaded by the argument that the Camp Respondents could not be found to have adversely impacted Mr. Jain in his employment because they did not employ him. Section 13 of the *Code* is not restricted to discrimination by employers. The wording of s. 13(1)(b) provides that a person must not “discriminate against a person regarding employment or any term or condition of employment.” The Supreme Court of Canada considered the scope of the phrase “regarding employment” in *British Columbia Human Rights Tribunal v. Schrenk*, [Schrenk] 2017 SCC 62. The Court asked whether discrimination “regarding employment” can ever be perpetrated by someone other than a complainant’s employer or superior in a workplace and held that it could.

[24] The question to ask in Mr. Jain’s complaint against the Camp Respondents is whether there is no reasonable prospect Mr. Jain would prove acts or omissions of the Camp Respondents adversely impacted him “regarding employment.” This requires the Tribunal to consider whether there is a sufficient nexus between the alleged acts or omissions of the Camp Respondents and the employment context. In *Schrenk*, the Court set out a non-exhaustive list of factors that may inform this analysis. Those factors are: “(1) whether the respondent was integral to the complainant’s workplace; (2) whether the impugned conduct occurred in the complainant’s workplace; and (3) whether the complainant’s work performance or work environment was negatively affected”: *Schrenk* at para. 67.

[25] The Camp Respondents have not persuaded me Mr. Jain has no reasonable prospect of proving a nexus between their alleged acts or omissions and his employment context. I base this on the following. Of the *Schrenk* factors, it is clear on the face of the materials that the alleged discrimination happened in Mr. Jain’s workplace and his work environment was negatively impacted: he was removed from the workplace and terminated.

[26] I also find that Mr. Jain has taken out of the realm of conjecture that the Camp Respondents were an integral part of his workplace. Mr. Jain's worksite was the Camp. His role required him to work closely with Camp employees, including the Coordinator, and help enforce Camp policies like its Covid-19 policies. Ms. Conrad's job title was Camp Manager. The duties of the Camp Manager on their own would likely be enough to demonstrate that she was integral to Mr. Jain's worksite. However, here, the agreed upon facts demonstrate her integral role clearly. It is undisputed that the Coordinator reported Mr. Jain's mask-wearing infractions to Ms. Conrad, and Ms. Conrad reported him to the Company. Though it may or may not have been Ms. Conrad's decision to remove Mr. Jain from the Camp, a point that is in dispute, there does not appear to be any dispute that she reported him to the Company, and he was removed and terminated. In this context, I am not persuaded there is no reasonable prospect Mr. Jain could prove a nexus between Ms. Conrad's decision to report him to the Company and the adverse impacts in his employment that followed.

[27] On the third element of the test for discrimination, the issue I must decide is whether there is no reasonable prospect Mr. Jain could prove his ethnicity factored into the adverse impacts he experienced.

[28] At a hearing, Mr. Jain would only need to prove his ethnicity was a factor in the adverse impact. It does not need to be the sole or overriding factor: *Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Bombardier Inc. (Bombardier Aerospace Training Center)*, 2015 SCC 39, at paras. 45-52. Mr. Jain would also not be required to prove the Camp Respondents intentionally or consciously discriminated against him: *Code, s. 2; Radek v. Henderson Development (Canada) and Securiguard Services (No. 3)*, 2005 BCHRT 302 at para. 482.

[29] The Tribunal's caselaw recognizes that "there is rarely direct evidence of racial discrimination" and that most complaints turn on inference: *Campbell v. Vancouver Police Board (No. 4)*, 2019 BCHRT 275 at para. 102. Although a person who experiences racism may "know it when they see it," for the purposes of a human rights complaint, to draw such an inference, the Tribunal requires evidence to prove the necessary link between a complainant's

race and the alleged adverse impacts they have experienced: *Batson-Dottin v Forensic Psychiatric Hospital (No 2)*, 2018 BCHRT 246 at paras. 82. An inference of discrimination may arise “where the evidence offered in support of it renders such an inference more probable than the other possible inferences or hypotheses”: *Vestad v. Seashell Ventures Inc.*, 2001 BCHRT 38 at para. 44. That said, “the subtlety of prejudice, and the availability of inference, does not create a presumption of discrimination”: *Campbell v. Vancouver Police Board (No. 4)*, 2019 BCHRT 275 at para. 104.

[30] For the purposes of s. 27(1)(c), Mr. Jain is only required to point to some evidence capable of taking an inferred connection between his ethnicity and the adverse impacts he experienced out of the realm of conjecture. I find that he has done so, and the Camp Respondents have not persuaded me there is no reasonable prospect he will succeed with this part of his case at a hearing.

[31] The Camp Respondents say the decision to report Mr. Jain to the Company for not wearing a mask was solely based on his repeated failure to follow the Covid-19 policy, and not for any reasons related to his protected characteristics. The Camp Respondents may well have had legitimate Covid-19 related reasons for reporting Mr. Jain. However, as I have noted, Mr. Jain only needs to prove ethnicity also factored into their treatment of him to succeed. To show this, Mr. Jain alleges that as a Brown person, he was subjected to greater scrutiny and harsher penalties for breaking rules in the Camp than white people. He says Ms. Conrad and supervisors in the Camp behaved differently towards people who “were not Brown.” He also says Ms. Conrad’s “tone” towards him was different than it was toward others, and she followed him around, implying that she was more watchful of his behaviour than people in the Camp who were not racialized. Mr. Jain further alleges white people were not kicked out of the Camp when they engaged in similar or more serious violations of Camp rules, including violations of Camp rules on drug use, traffic violations, and mask wearing.

[32] In support, Mr. Jain submitted a copy of an email statement from a former Nu West supervisor who says he also faced a lot of racism when he worked for Nu West at the Camp. In the email he states other supervisors used to “go around without masks but unfortunately one

of my co-workers was asked to leave, which clearly shows how racist the atmosphere was in the camp,” implying that Mr. Jain was targeted for reasons related to his race.

[33] Mr. Jain also submitted a video taken by a coworker that he says supports his allegation that white people were not subjected to as much scrutiny as racialized people. The video depicts several people in a room with long tables. In the background there appears to be two white men having a conversation. Neither man is wearing a mask. In front of them is a person who is a visibly racialized person. He is wearing a mask. It is difficult to see other people in the video. For example, there is a person standing at a photocopy machine and one or two others in the room. The person taking the video, who is also a racialized person, is covering his face with what appears to be a turtleneck or scarf that he adjusts at one point.

[34] The Camp Respondents dispute the video is evidence of differential treatment between white people and racialized people. They say it appears to have been filmed in the “SAEG Safety trailer,” which is outside of the main camp and that Royal Camp is not responsible for that area. They submit if workers were allowed in that area without masks, it is not relevant to the case against Royal Camp or Ms. Conrad.

[35] To support their position that they did not treat other people in the Camp differently, the Camp Respondents also submitted several emails. One is an email from Ms. Conrad to employees of the Company, dated August 9, 2021, requesting “information so we can verify protocols were adhered to for all of our clientele.” I find this email, and the response Ms. Conrad received from the Company, to be unhelpful. For instance, it does not speak to the issue of whether the Coordinator and Ms. Conrad subjected racialized employees to greater scrutiny, consciously or not. It was also written many months after the events in issue and directs the Company to “verify protocols were adhered to.” I find it unlikely that the Company would write back and say they did not adhere to protocols or that they adhered to protocols differentially depending on a person’s ethnicity. As noted earlier, there is rarely direct evidence of racial discrimination.

[36] The Camp Respondents also submitted a copy of the email correspondence between Ms. Conrad and the Company's Security Supervisor the day Mr. Jain was removed from the Camp. On November 11, 2020, Ms. Conrad sent the Company an email which reads in part:

There is a gentleman who has just checked in yesterday with Nu West who is blatantly refusing to wear his mask unless asked to.

Abhishek Jain,

- Upon check in Nov 10, I had to remind him to wear a mask,
- In the TV room, just prior to 9am, he was sitting with 3 other gentlemen, he was the only one not wearing a mask,
- Then at 9:12am, they went into the gym and this same gentleman is the only one that talked back to [the Coordinator] when she requested he wear a mask ...

[37] In response, the Company wrote to Mr. Sandhu and stated the following: "this employee is not complying with the required Covid protocols. Please remove him from the ... project immediately."

[38] In addition to the above, a copy of an email prepared by the Coordinator recounting her version of events is before me. In it the Coordinator states:

I have spoken to Abhishek Jain in the past about following COVID protocols while staying in camp.

This morning I walked past a few of the security members in the recreation room not wearing masks. I asked all of them to please wear their masks and all of them put them on except Abhishek.

I firmly requested that he needs to put on his mask and he said, "I am having a drink."

Which he clearly was not and he should not have drinks in the recreation room anyhow.

I stood there until he would put his mask on. One of the members beside him told him to put on his mask and he still would not comply.

I then said if you can not follow the rules you have signed upon arrival, I will have to report you.

[39] Though this evidence corroborates the Camp Respondents' position that they removed Mr. Jain because he violated Covid-19 policy, it does not, in my view, also demonstrate there is no reasonable prospect Mr. Jain could prove his ethnicity factored into their decision to report him. If Mr. Jain proves his allegation that Brown people were scrutinized more than white people, and that white people were not reported for similar infractions, he may well succeed in his complaint against the Camp Respondents.

[40] At this stage, I cannot reconcile the different versions of events before me. Though the Camp Respondents say they, and the Company, applied the Covid-19 policy to everyone, regardless of their protected characteristics, Mr. Jain has provided enough evidence to take his allegation that this is not so, out of the realm of conjecture. A hearing is required to resolve the discrepancy between the Camp Respondents assertions and Mr. Jain's allegations. As mentioned above, where there are foundational or key issues of credibility, the complaint must go to a hearing: *Francescutti*, at para 67. The only way to reconcile the different versions of events is to make findings of fact on material issues, which I cannot do in a s. 27(1)(c) application.

[41] The Camp Respondents did not provide any submissions on a justification defence.

[42] In sum, I find that Mr. Jain has put forward enough information to take his case out of the realm of conjecture. This is not to say Mr. Jain will prove his version of events at a hearing. Just that at this stage, I am not persuaded by the Camp Respondents there is no reasonable prospect Mr. Jain will succeed. I dismiss the Camp Respondents application under s. 27(1)(c) of the *Code*.

B. Application to dismiss of Mr. Sandhu and Nu West

[43] I have already set out the legal principles that apply in an application to dismiss under s. 27(1)(c) of the *Code* above and so I do not repeat them here.

[44] At issue in the Employer Respondents' application to dismiss is whether there is no reasonable prospect Mr. Jain would prove the second and third elements of the test for discrimination set out in *Moore*.

[45] The Employer Respondents submit there is no reasonable prospect Mr. Jain would prove he was adversely impacted in his employment by an act or omission for which they can be held responsible. I am not so persuaded.

[46] I understand Mr. Jain's case against the Employer Respondents to be in relation to the adverse impacts of his employment termination, including the way he was terminated; specifically, his allegation that the Employer Respondents left him stranded and without resources. There is no dispute that Nu West terminated Mr. Jain's employment. Termination is an obvious and well-recognized adverse impact in human rights case law. I am not persuaded he has no reasonable prospect of proving the Employer Respondents adversely impacted him by terminating his employment.

[47] On the alleged adverse impacts of being stranded, the Employer Respondents submit Mr. Jain was responsible for his own transportation to and from the Camp and cannot prove he suffered adverse impacts in employment in relation to the manner of his departure. However, in the materials before me, Mr. Jain and the Employer Respondents present two very different versions of what occurred when he was leaving the Camp. I find I have no way of reconciling the differences between those two versions without a hearing on the merits, where sworn evidence is received and subjected to cross-examination. For instance, I have no corroborative evidence, such as witness statements, to assist me in resolving the differences between their accounts of what happened that day when Mr. Jain left the Camp and was dropped off at Tim Hortons in Vanderhoof. In my view, the alleged way the Employer Respondents treated Mr. Jain when he was removed from the Camp could, if proven, support a finding of adverse impact in employment. In sum, I am not persuaded Mr. Jain has no reasonable prospect of proving some or all of the alleged adverse impacts he experienced in his employment in his case against the Employer Respondents.

[48] Turning to nexus, the Employer Respondents submit there is no reasonable prospect Mr. Jain would prove one or more of his protected characteristics factored into the adverse impacts alleged against them. The Employer Respondents say Mr. Sandhu is also of South Asian descent and he and Mr. Jain share the same race, colour, and place of origin. By implication, the Employer Respondents appear to be arguing they cannot have discriminated against Mr. Jain because Mr. Sandhu shares protected characteristics with him.

[49] The Employer Respondents also submit Mr. Jain was removed from the Camp for solely non-discriminatory reasons at the direction of the Company for breaking Covid-19 protocols. By implication, the Employer Respondents argue there was no connection between the decision to terminate Mr. Jain's employment, other alleged adverse impacts, and his protected characteristics.

[50] Mr. Jain disputes Mr. Sandhu could not have discriminated against him and submits Mr. Sandhu treated him differently because he was born in India, whereas Mr. Sandhu was born in Canada. Mr. Jain states "there are a lot of Brown people in Canada that discriminates [*sic*] people coming from India even if they are brown themselves."

[51] I am not persuaded by the Employer Respondents' submissions on nexus. Mr. Sandhu's shared personal characteristics with Mr. Jain do not shield the Employer Respondents from a claim of discrimination. The Tribunal has made findings of discrimination in cases where respondents shared protected characteristics such as race, colour, and ancestry, with a complainant. In *Bhangu v. Inderjit Dhillon and others*, 2023 BCHRT 24, discrimination was found to exist based on differences in caste. In *Kasagoni v. J Singh Enterprises dba Willingdon Husky and another (No. 3)*, 2023 BCHRT 65, the complainant, a racialized newcomer to Canada from a small village in India, proved discrimination in employment on the basis of ethnicity. I therefore do not agree that because an employer and employee share protected characteristics, there is no reasonable prospect a discrimination complaint will succeed against them.

[52] On the argument that Mr. Jain was removed from the Camp for solely non-discriminatory reasons at the direction of the Company for breaking Covid-19 protocols, I was

not persuaded by that argument in my decision on the Camp Respondents' application and remain unpersuaded here for the same reasons. I also note that Mr. Jain says while he was employed by Nu West, he and another racialized employee reported incidents of racism they experienced while working at the Camp to Mr. Sandhu. He says Mr. Sandhu did not address their concerns. If proven this fact could support Mr. Jain's allegation that his ethnicity factored into the adverse impacts alleged against the Employer Respondents. In my view, Mr. Jain has included sufficient information in his allegations to take the inferred connection between his ethnicity and the adverse impacts of being terminated and stranded out of the realm of conjecture.

[53] As with the Camp Respondents, the Employer Respondents did not make submissions on a justification defence.

[54] I dismiss the Employer Respondents' application under s. 27(1)(c).

IV CONCLUSION

[55] I deny the application to dismiss the complaint against Royal Camp and Ms. Conrad under s. 27(1)(c) and (d)(ii).

[56] I deny the application to dismiss the complaint against Nu West and Mr. Sandu under s. 27(1)(b), (c), (d)(i) and (ii) and (e).

Kylie Buday
Tribunal Member