

Stratford Beacon-Herald

Turban trumps hard hat: Tribunal

Fri Jul 2 2010

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Section: News

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Dateline: TORONTO

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Deepinder Loomba testified before the Human Rights Tribunal of Ontario that a manager at the Home Depot store in Milton, Ont., mocked him for refusing to remove his turban.

A Home Depot manager discriminated against a Sikh security guard who refused to replace his turban with a hard hat, a human rights tribunal has ruled.

The decision, by the Human Rights Tribunal of Ontario, stated Milton, Ont., Home Depot assistant manager Brian Busch discriminated against Deepinder Loomba "by selectively enforcing" a hard hat rule.

"I'm happy, it's been a long battle after five years," Loomba, 52, said Thursday. "In the multicultural society, more education is required on religion, so these problems won't reoccur."

Loomba -- contracted under Reilly's Security -- said Busch told him on Dec. 6, 2005, that he had to take off his turban and put on a hard hat because of construction taking place inside the store in the city west of Toronto.

The company argued that safety attire needed to be worn anywhere on store property during construction.

Loomba testified he was mocked by Busch and other employees when he refused to take off the turban. He said he was later told by Busch that he could be fired for not wearing a hard hat.

In the written decision, tribunal vice-chair Ena Chada wrote that Home Depot and Busch picked on Loomba and was guilty of "discriminatory treatment in the form of rude and offensive comments and conduct" based on his Sikh religion.

"I am satisfied that the complainant was treated differently because of his turban and that this was negative differential treatment," she said.

The immigrant, who arrived from Uganda in 2002, said the turban is part of the Sikh religion and his hair cannot be exposed in public.

Busch, a 13-year employee of Home Depot, told the commission that he has transferred Sikhs who could not remove their turbans for religious reasons to other locations temporarily until construction was over.

The Home Depot said it was disappointed in the tribunal decision.

"The Occupational Health and Safety Act requires that a hard hat be worn on a construction site at all times," the company said in a statement.

"The Home Depot Canada and its associates are committed to the highest standards of ethical and professional conduct while providing a safe work environment."

The Home Depot is currently considering its options, including the possibility of seeking a judicial review.

Chada said there will be no remedies granted in the case until the board determines whether the Occupational Health and Safety law that requires a hard hat to be worn is valid under the Human Rights Code, said Loomba's lawyer **Raj Anand**.

Loomba is seeking \$40,000 in damages and changes to Home Depot's policies.

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