

# Bombardier fined for refusing to train Pakistani Canadian

## Man denied request to train on private jets in 2004

BY FRANCOIS SHALOM, MONTREAL GAZETTE    DECEMBER 8, 2010



Bombardier plant in Quebec.

**Photograph by:** Marie-France Coallier, Gazette file photo

MONTREAL - The Quebec Human Rights Commission has levied the heaviest fine in its history against Bombardier Inc. for refusing pilot training to a Canadian of Pakistani origins.

The commission awarded \$319,000 to Javed Latif, who was denied a request to train on a Bombardier Challenger 604 in 2004 - after he was denied training in the U.S., despite having trained there recurrently for 13 years, said his lawyer Mathieu Bouchard.

The commission said Latif was a victim of racial profiling and ordered Bombardier to pay \$25,000 in moral damages and \$50,000 in punitive damages.

Bombardier spokesperson Sylvie Gauthier said the company will decide whether to appeal the judgment "in the days and weeks to come."

The company has 30 days to appeal.

Bouchard, of Montreal lawfirm Irving Mitchell Kalichman LLP, said he had emailed Latif - now a pilot for a Mid-East carrier, "probably Qatar Airways" - but had received no acknowledgment yet.

"So I don't even know if he knows about this judgment," said Bouchard.

During the commission proceedings, which were launched in 2006, Latif said that at first, he had assumed that the problem was a case of mistaken identity.

But the commission ruled that "he was denied pilot training under Canadian licence by Bombardier ... because he had been identified as a 'threat to aviation or national security' by U.S. authorities."

Bouchard noted that between 1990 and 2003, Latif trained recurrently in the U.S., including at Flight Safety, one of the largest pilot-training firms in the world.

Ironically, added Bouchard, the former Pakistani air force pilot once received the highest security clearance by U.S. authorities - to act as a possible substitute pilot for George H.W. Bush, then vice-president of the U.S. on a state visit.

The commission said Latif "was a victim of discrimination based on his ethnic and national origin and that his right to the safeguard of his dignity was compromised."

Commission president Ga etan Cousineau called the ruling "without precedent ... the first ruling addressing the impact of post 9-11 U.S. security measures on Canadian territory."

Commission judge Mich le Rivet said that Bombardier "never tried to find out whether Mr. Latif was an objective security risk for Canadians or aviation."

Bouchard noted that his sudden change of security status in the U.S. came after the responsibility for clearances were changed from the U.S. Justice Department to the Transport Security Agency, an arm of the Homeland Security Department.

The department "allows no appeal, gives no reasons or reviews."

Bombardier, Bouchard said, "put down in writing" that U.S. authorities told the company not to train Latif. Transport Canada makes no such security clearance decisions, he added.

The commission said that Bombardier made no inquiries about the U.S. ban on the pilot.

Gauthier said that Bombardier could make no comment until its appeal decision.

In 2008, the U.S. changed its status for Latif, saying he was no longer considered "a threat to national security."

Latif testified that he was "humiliated," but that things got worse.

Being denied a training licence by Bombardier, Canada's aerospace giant, turned him into a "persona non grata in the aviation milieu."

Bouchard said that between 2004 and 2008, Latif earned a total of \$66,000.

"According to (Bombardier's pilot training director), Mr. Latif was now considered a "potential terrorist" and ... to train him ... would have (meant) 'serious consequences for Bombardier'."

Associate law professor Reem Anne Bahdi of the University of Windsor, who testified before the court, said in a telephone interview that "it's almost impossible to prove racial profiling" unless the perpetrator admits it.

"Sometimes it's based on whispers, and other times it's based on loud shouts. In this context, it was a loud shout, I think," because of the post-9/11 backlash against Arabs and Muslims.

This ruling is critical, she said, because "it's really important for these decisions not to be made lightly."

Bouchard said that Latif, in his late 50s or early sixties, was in the Pakistani air force from 1964 to 1982, in the Qatari air force from 1982 to 1990 and a private pilot for a Saudi Arabian firm from 1990 until 1997, when he emigrated to Canada and lived in Ontario with his family. He became a citizen in 2001.

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