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Bombardier fined for discrimination

By CBC News
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Montreal-based Bombardier Inc. will pay \$319,000 in damages to a Canadian of Pakistani origin after he was denied pilot training because he had been identified as a "threat to aviation or national security" by U.S. authorities.

The Quebec Human Rights Commission announced details of the recent ruling by the Quebec Human Rights Tribunal in favour of Javed Latif on Wednesday.

Latif was denied training under Canadian licence by Bombardier in 2004 because he had been identified as a "threat to aviation or national security" by U.S. authorities.

The penalty was for material, moral and punitive damages. A \$50,000 assessment for punitive damages is the highest amount ever awarded by the tribunal.

The tribunal found that Latif had been discriminated against based on his ethnic and national origin and that his right to the safeguard of his dignity had been compromised.

The court also ordered Bombardier to stop applying or considering standards and decisions of American authorities relative to requests for pilot training under Canadian licences.

"The ruling by the Quebec Human Rights Tribunal is without precedent," commission president Gaetan Cousineau said in a release.

Cousineau said this is the first ruling to address the effects of U.S. security measures adopted since the attacks on Sept. 11, 2001, and applied in Canadian territory.

A spokesman for Bombardier, Sylvie Gauthier, told CBC News the company is still reviewing the 120-page ruling and has not decided whether it will appeal.

Gauthier did say, however, that Latif had undergone three training sessions at the company's facility in Montreal since 2008, when the American government said it no longer considered him a security threat.

Judge Michele Rivet said in her ruling that Bombardier Inc. never tried to find out whether Latif was an objective security risk for Canadians or aviation, and "never thought it useful to seek advice from Transport Canada or the

Canadian Security Intelligence Service."

According to testimony, the Bombardier centre in Montreal turned down Latif's request for training to fly a Challenger 604 because authorities in charge of air transport safety in the U.S. had denied him a similar request under an American licence in April 2004 "to protect U.S. national security."

Often flew over U.S. in 25-year career

Latif had trained under American licences and had flown regularly through U.S. airspace in the course of his 25-year career.

A Bombardier executive had testified that American authorities told him not to train Latif and that if he had agreed to train him, there would have been "serious consequences for Bombardier Inc.," which has a policy of complying with all regulations from American agencies.

Expert witness Reem Anne Bahdi, a professor at the University of Windsor, had told the tribunal that in 2007 the U.S. had listed more than 700,000 people as potential terrorists and that it was difficult for those targeted to correct mistakes when they had been falsely labelled.

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