

## Vague Allegations and Lack of Evidence Lead to Discrimination Complaint's Dismissal



A worker alleged he was discriminated against on the basis of mental disability because, while he was on medical leave, co-workers published a letter that constituted harassment based on sex and sexual orientation. The alleged letter did have the employer's logo on it but the employer claimed it was falsified. The tribunal found the worker had no evidence that the letter was sent by any of his co-workers and the individuals he had accused were either on leave or not working for the employer at the time the letter was delivered. Also, the worker had no positive identification other than a vague description of the model and color of the car that allegedly delivered the letter. The tribunal found even if the accused individuals were really responsible for the letter, that didn't show the employer was responsible, so there would be no vicarious liability. The tribunal concluded the worker failed to present evidence that "takes the case out of the realm of speculation and conjecture," and dismissed the complaint [[George v. Provincial Health Services Authority and others \(No. 2\)](#), [2014] BCHRT 19 (CanLII), Jan. 20, 2014].