HUMAN RIGHTS TRIBUNAL OF ONTARIO

B E T W E E N:

Lammi Hassan

Applicant

-and-

Paragon Protection Ltd.

Respondent

DECISION

Adjudicator:	Karen Mason
Date:	May 25, 2026
File Number:	2019-39191-I
Citation:	2026 HRTO 775
Indexed as:	**Hassan v. Paragon Protection Ltd.**

APPEARANCES

Lammi Hassan, Applicant	)	Self-represented
Paragon Protection Ltd., Respondent	)	Nasyr Asmi, Counsel

INTRODUCTION

[1] This Application alleges discrimination with respect to employment because of creed and sex, contrary to the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended (the "*Code*").

[2] The Application alleges the following:

> a. The applicant was unjustly terminated within her probationary period and was subsequently rehired
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> b. A male worker was given the applicant's pre-termination assignment
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> c. Upon re-instatement, the respondent assigned the applicant to a worksite that would not accommodate her school schedule or her observance of Ramadan.
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> d. The applicant was required to work for a male lead who was paid a higher wage than the applicant.
>
> e. The male lead harassed the applicant.

[3] The Application was filed on October 28, 2019.

[4] The Tribunal issued a Case Assessment Direction ("CAD") on January 21, 2025 in which it directed the parties to file disclosure pursuant to Rules 16 and 17 of the Tribunal's Rules of Procedure.

[5] The applicant partially complied with the directions in the CAD but did not file her Case Summary, Witness List or Witness Statements. The Tribunal issued a second CAD identifying which submissions were missing and provided the applicant a second opportunity to file their submissions. The applicant filed the remaining submissions by the deadline.

[6] On June 23, 2025, the Tribunal issued a third CAD in which the Tribunal ordered a hearing on the merits of the Application. This CAD clearly stated in paragraph 11 "The

parties shall not file any other submissions or information with the Tribunal prior to the merits hearing unless and until instructed otherwise by the Tribunal.".

[7] On June 24, 2025, the Tribunal issued a Notice of Hearing which advised the parties that the hearing would be conducted on October 22, 2025.

[8] At the hearing, the Tribunal received documentary evidence and heard testimony from the applicant and Chris Sullivan, Director of Human Resources for the respondent. The witness' testimony in chief was in the form of witness statements which the witnesses adopted and were entered into evidence as described in paragraph 13 of the January 21, 2025 CAD and directed in paragraph 5 of the June 23, 2025 CAD in which parties were advised that the witnesses evidence would be limited to the contents of their witness statements and that the witness statements would be adopted under oath in lieu of providing oral evidence-in-chief. Cross examination and redirect was conducted orally.

[9] For the reasons that follow, I find that the applicant has not established on a balance of probabilities that the respondent discriminated against them.

PRELIMINARY ISSUES

Amendment Request

[10] On March 1, 2023, the applicant filed a Request for an Order During Proceedings (the "RFOP") requesting an amendment to the Application which had been filed on October 28, 2019.

[11] Specifically, she requested the following additions:

> f. of the grounds of race and colour,
>
> g. changes to remedies requested,
>
> h. Additional statement to be included in Section 20: "Other Important information the Tribunal should know"

i. Amend the status of the respondent to “former employer”

j. Included “In discipline” in the categories under the “Alleged Discrimination in Employment Section”

[12] While the applicant clearly identified the section of the Application she wanted to amend in each case, she did not indicate that she wanted to add any allegations. However, under her requested amendments to Remedy, the applicant did state that she “does not believe equal treatment was exercised in regards to dismissal”. I understand from this and the other amendments requested, that the applicant primarily was seeking to amend her Application to include the termination of her employment.

[13] The respondent filed a Response to a Request for an Order During Proceedings (the “Response”) in which it stated that the applicant’s employment had been terminated on March 29, 2021, which predated the applicant’s RFOP by more than 23 months.

[14] The applicant filed a further submission on April 23, 2023, providing reasons why she filed the RFOP more than one year after the events giving rise to the requested amendments had occurred. In her submission, she indicated, as a self represented party, she was not aware that there was a time limit to file amendments and individuals the applicant did not identify, did not want to provide the applicant details because they were still working with the respondent. She did not provide any particulars to show what details these individuals were providing to her request which, as noted above, was not clear in respect of the specific amendments the applicant was requesting. Lastly, the applicant indicated that she had begun a new career, was providing healthcare to family members and had experienced poor health. She did not provide any evidence to support these assertions.

[15] In its Response, the respondent argues that the Application should be dismissed because human rights tribunals do not have the authority to resolve human rights disputes in unionized workplaces pursuant to *Northern Regional Health Authority v. Horrocks*, 2021 SCC 42 (*Horrocks*). The application of *Horrocks* to the Human Rights Tribunal of Ontario was determined in *London District Catholic School Board v. Weilgosh*, 2024

ONSC 3857. The court determined that the HRTO has concurrent jurisdiction to determine human rights issues where there is also a collective agreement. The court stated in paragraph 66:

> In considering the broad language used in the *Ontario Code*, its statutory scheme and the broader legal context of the legislative and jurisprudential history of the *Ontario Code*, the HRTO correctly applied *Horrocks* to find concurrent jurisdiction. In the words of *Horrocks,* in these circumstances, applying an exclusive arbitral jurisdiction model would defeat, not achieve, the legislative intent.

[16] In considering a request to amend an Application, the Tribunal considers the following factors: the nature of the proposed amendments, the reasons for the amendments, the timing of the request to amend, and the prejudice to the Respondent. See *Tola v. Toronto Transit Commission*, 2022 ONSC 1891, paragraph 20.

[17] After reviewing and considering the contents of the RFOP and attached schedules, I understand that the applicant is intending to add alleged events of discrimination which occurred after the filing of the Application on October 28, 2019. These include the termination of her employment on March 29, 2021, adding the grounds of race and colour as an alleged grounds of discrimination related to the termination and include additional remedies arising from the additional allegations.

[18] The nature of the allegations in the proposed amendment expands the scope of the Application considerably, and adds allegations that are not related to the other alleged incidents of discrimination either temporally or by the grounds of discrimination.

[19] The request to amend was approximately one and a half years after the Application was filed and would add steps to the process. The addition of this amendment would require the respondent to file a revised Response, and the applicant would need to be provided an opportunity to file an amended Reply. The parties also participated in a mediation on October 2, 2020, before the alleged event of discrimination occurred which may need to be repeated.

[20] For these reasons, the request to amend the Application is denied.

Witness statement from the Applicant

[21] A Case Assessment Direction (CAD) was issued on January 21, 2025, which set out the disclosure requirements, pursuant to Rules 16 and 17 of the Tribunal's Rules of Procedure, in advance of determining the next steps in the Tribunal's processes in respect of the Application.

[22] The CAD clearly stated in paragraph 11 the requirement for a witness statement for the applicant to be submitted if they intended to give evidence. Paragraph 11 reads as follows:

> [11] Within 56 days of the date of this CAD, each party must also deliver to the other parties and file with the Tribunal in respect of each non-expert witness on its witness list a detailed witness statement setting out the witness's evidence. **This must include a witness statement for every party intending to give evidence, including the applicant.** (emphasis added)

[23] The applicant did not file a Case Summary, Witness List or Witness Statements as specified in the January 21, 2025, CAD. The Tribunal issued a second CAD on June 17, 2025, providing the applicant a second opportunity to file the required submissions.

[24] The applicant submitted documents in due course.

[25] The Tribunal issued a CAD on June 23, 2025, ordering a hearing on the merits. The witnesses for whom the parties had provided witness statements in compliance with the above CADS and Rule 17 were identified in the June 23, 2025, CAD. These witnesses did not include the applicant because she did not file a witness statement for herself or indicate she believed another document she filed would be used as a witness statement. This CAD clearly stated in paragraph 11 "The parties shall not file any other submissions or information with the Tribunal prior to the merits hearing unless and until instructed otherwise by the Tribunal.".

[26] The Tribunal issued a Notice of Hearing on June 23, 2025, advising the parties that the hearing was scheduled to be held on October, 22, 2025.

[27] On September 26, 2025, the applicant submitted a Request for an Order During Proceedings ("RFOP") that was a combined request for an extension to submit a witness statement for the applicant and submission of the witness statement for the applicant.

[28] The respondent filed a Response to the Request on September 29, 2025, objecting to the Tribunal accepting the late filing of the witness statement. In their response, the respondent stated it would be "fundamentally unfair and contrary to the Tribunal's rules and procedure to allow the Applicant to submit new evidence at this stage". They point out that the applicant has had six years to obtain legal counsel.

[29] The applicant was provided sufficient time to prepare a witness statement. The initial CAD directing disclosure pursuant to Rule 17 provided the applicant eight weeks to prepare her submissions. When she failed to file a witness statement, she was provided a second opportunity to do so in the CAD issued on June 17, 2025, six months after the initial CAD.

[30] The applicant stated she could not afford private legal counsel and that she had contacted the Human Rights Legal Support Centre (the "HRLSC") initially in January 2025. She understood the HRLSC would not schedule an interview or provide detailed legal advice until she had a hearing date set. The applicant stated she contacted the HRLSC immediately after receiving the Notice of Hearing, but the earliest available appointment was September 17, 2025. She does not provide any reason why she did not submit an RFOP requesting permission to submit a late witness statement when she contacted the HRLSC or when she scheduled the appointment. The applicant did not provide any details of attempts to access free or lower cost legal services such as community clinics.

[31] In her submissions with the Request, the applicant stated that she had attempted to comply with the Tribunal's directions and understood the Case Summary she filed

would stand as a witness statement. She stated, "I was under the sincere, mistaken, belief that my detailed, chronologically-ordered Case Summary satisfied the substantive requirement for a witness account …".

[32] She does not explain why, believing her Case Summary satisfied the requirement for a witness account, she filed a further late witness statement, or why she did not contact the HRTO after receiving the June 23, 2025, CAD to enquire why she was not listed as a witness.

[33] I find that the Tribunal's instructions were clear and the applicant did not have a reasonable expectation that her witness statement, filed a month before the scheduled hearing would be accepted.

[34] For these reasons, I denied her request for an extension to the time limit for submitting a witness statement. I directed that I would hear submissions at the start of the hearing on whether the applicant's Case Summary could be adopted as her witness statement.

[35] At the hearing, the parties were not opposed to the applicant's Case Summary being adopted as her witness statement and I accepted it as her witness statement.

LEGAL FRAMEWORK

[36] The relevant sections of the *Code* provide as follows:

> 5. (1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.
>
> (2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender

expression, age, record of offences, marital status, family status or disability.

9. No person shall infringe or do, directly or indirectly, anything that infringes a right under this Part.]

[37] In assessing the credibility of witnesses, I applied the traditional test set out in *Faryna v. Chorney*, 1951 CanLII 252 (BC CA), namely, whether the alleged facts were in "harmony with the preponderance of the probabilities which a practical and informed person would readily recognize as reasonable in that place and in those conditions."

[38] I was also mindful of the Ontario Court of Appeal's comments on credibility and reliability in *R. v. Morrissey,* 1995 CanLII 3498 (ON CA):

> Testimonial evidence can raise veracity and accuracy concerns. The former relate to the witness's sincerity, that is his or her willingness to speak the truth as the witness believes it to be. The latter concerns relate to the actual accuracy of the witness's testimony. The accuracy of a witness's testimony involves considerations of the witness's ability to accurately observe, recall and recount the events in issue. When one is concerned with a witness's veracity, one speaks of the witness's credibility. When one is concerned with the accuracy of a witness's testimony, one speaks of the reliability of that testimony. Obviously a witness whose evidence on a point is not credible cannot give reliable evidence on that point. The evidence of a credible, that is honest witness, may, however, still be unreliable.

[39] In *Moore v. British Columbia (Education)* 2012, SCC 61 at para 33 ("*Moore*"), which has been consistently applied by this Tribunal (see *Scarlett v. Riocan*, 2023 HRTO 23; *Galuego v. Carecor Health Services Ltd*., 2025 HRTO 3011), the Supreme Court of Canada established a three-step test an applicant must meet in order to be able to establish *prima facie* discrimination:

a. The applicant has a protected right under the *Code*;

b. The applicant suffered a disadvantage or adverse impact; and

c. The protected characteristic was a factor in the disadvantage or adverse impact.

DECISION AND ANALYSIS

[40] The respondent is a company operating in Ontario which process security, patrol and concierge services to businesses.

[41] The applicant was employed with the respondent as a security guard during the period of time covered by the Application.

[42] The applicant self identifies as a Muslim female.

Termination on or about May 13, 2019

[43] The applicant gave evidence that her employment was terminated in May 2019, during her probationary period, after she questioned her benefits and unspecified discrepancies in onboarding. She stated that the respondent's Vice President confirmed to her that the termination was unjust when he reinstated her employment. On cross-examination, the applicant stated she had evidence that suggested the termination was not due to work performance, however, the applicant did not provide any evidence other than her oral testimony in respect of the termination. The applicant agreed that her employment may have been reinstated in order to give her a second chance rather than as an admission of wrongdoing on the part of the respondent.

[44] The Director of Human Resources, Chris Sullivan (Sullivan) testified on cross examination that the reason her employment was terminated was due to a drastic change in the applicant's availability which would have prevented the applicant from working her scheduled shifts. He further stated the applicant had not disclosed her inability to work her scheduled shifts at the time of her hiring. The applicant did not contest this evidence.

[45] I find that the applicant has not established a *prima facie* case of discrimination in respect of this allegation. She states the reason for the termination was that she questioned her benefits and did not contest that the reduction in her availability may also have been the cause of the termination. The applicant does not allege or show that her

creed or sex were a factor in the termination of her employment. This allegation is dismissed.

Original Position assigned to a male colleague

[46] When the applicant was first hired, she was assigned to work at 1 Adelaide Street East. The applicant testified that when she was re-instated, she was assigned to work at 5000 Yonge Street. Her original shift at 1 Adelaide Street East was given to a male colleague. The applicant submitted as evidence an email she sent to the respondent's Commissioner-Locating noting there were new "extra-coverage" guards at her original site although she had been told there were no shifts available in her preferred location at 1 Adelaide Street East.

[47] While she has not pled reprisal, the applicant asserts this was done to punish her because the respondent's vice president retracted the decision to fire her. She provided no other evidence to support this allegation

[48] Sullivan testified that the respondent needed to fill the applicant's shift at 1 Adelaide Street East and another security guard was hired for that site. When the applicant was re-instated, there were no open positions at her original work site, and she was assigned to another work site that had an opening located at 5000 Yonge Street instead.

[49] While the applicant testified that the individual who was hired to fill her vacant shift is male, she did not explain why she believed that to be discriminatory based on her sex or creed or present any evidence to indicate that her sex or creed was a factor in the filling of the applicant's shift after her termination. I find that the applicant has not established a *prima facie* case of discrimination in respect of this allegation.

The applicant was assigned to a work site that did not support her observance of Ramadan

[50] Section 11 of the *Code* states:

> **11** (1) A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,
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> (a) the requirement, qualification or factor is reasonable and *bona fide* in the circumstances; or
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> (b) it is declared in this Act, other than in section 17, that to discriminate because of such ground is not an infringement of a right.
>
> (2) The Tribunal or a court shall not find that a requirement, qualification or factor is reasonable and *bona fide* in the circumstances unless it is satisfied that the needs of the group of which the person is a member cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any

[51] The Tribunal has found that an employer has a duty to accommodate an employee's request in respect of the observance of their creed up to undue hardship. See for example *Markovic v. Autocom Manufacturing Ltd*., 2008 HRTO 64; *Islam v. Big Inc*., 2013 HRTO 2009; *Ont. Human Rights Comm. v. Simpsons-Sears*, [1985] 2 S.C.R. 536

[52] The applicant testified that during the month of Ramadan she was assigned to a site with more physically demanding duties than those at her previous location at 1 Adelaide Street East, that negatively impacted her ability to perform her job while she fasted. In support of this, the applicant submitted into evidence a handwritten note showing days of the week and duties broken into the hours of the shift into evidence. It is not specified in this document what time period this document covered. On cross examination, the applicant agreed that she had requested an accommodation to move to 1 Adelaide Street East because she would be able to observe her religious obligations during the month of Ramadan. She agreed that she was moved to that location.

[53] Sullivan testified that the applicant requested modified duties on the basis of her religion during the month of Ramadan and that her supervisor, Mark Fullerton

accommodated those requests. The applicant areed on cross-examination that the respondent accommodated her request.

[54] Both parties agree that the applicant requested a transfer to her preferred work location of 1 Adelaide Street East and that her request was granted.

[55] I find that the applicant was not prevented from observing her religious obligations during the month of Ramadan and that her requested accommodation was granted.

[56] For these reasons, this allegation is dismissed.

The applicant was required to work for a male lead who was paid a higher wage than the applicant.

[57] The applicant testified that the lead at her worksite was male and was paid a higher wage than she was.

[58] She did not provide any evidence to show that the lead's wage was unusual in comparison to other leads or set arbitrarily because of his gender. She did not indicate that it was unusual for leads to be paid a higher wage rate than the other security guards at a site who are not leads.

[59] I do not find that it was discriminatory for the male lead at the applicant's worksite to be paid a higher wage rate. This allegation is dismissed.

The male lead harassed the applicant.

[60] The applicant gave evidence that she made a complaint of harassment about a male lead (Somar). In support of this, she submitted an email dated October 4, 2019 in which she provided specific details of her complaint to management.

[61] In the email, most of the complaints involve concerns about the male lead not performing his duties adequately, however, the applicant does document that the male

lead called her “bitch” more than once, which could engage the *Code* ground of sex. The other complaints do not appear to engage the *Code* and the applicant does not provide a link between those complaints and the *Code*.

[62] The applicant entered an email dated October 28, 2019, authored by a Human Resources Manager (the “Manager”). In the email, the Manager stated, “I did receive a statement from your Supervisor and was advised he was aware of the incident and that he did have a meeting with yourself and S/G Somar and you were satisfied with the outcome.” The Manager asked the applicant to advise her if she was not satisfied or had additional concerns.

[63] In response, the applicant emailed the Manager on the same day which the applicant entered into evidence. In this email, the applicant expressed her dissatisfaction with the resolution and investigation, and the implementation of the resolution resulting from that meeting. It is not specified in either email when the meeting occurred

[64] Although both parties provided documents about a third party investigation into the applicant’s complaints, this occurred after the October 28, 2019 filing date of the Application and has not been considered in making my findings.

[65] Section 46.3 of the *Code* states as follows:

> (1) For the purposes of this Act, except subsection 2 (2), subsection 5 (2), section 7 and subsection 46.2 (1), any act or thing done or omitted to be done in the course of his or her employment by an officer, official, employee or agent of a corporation, trade union, trade or occupational association, unincorporated association or employers’ organization shall be deemed to be an act or thing done or omitted to be done by the corporation, trade union, trade or occupational association, unincorporated association or employers’ organization.

[66] Although the applicant refers to Somar as a “Lead” she does not define this role as supervisory or in any other way a role where he could be considered to be a “directing mind” of the respondent (see *George v. 1735475 Ontario Limited*, 2017 HRTO 761 and there was no other evidence suggesting that Somar was a directing mind of the

organization. In the October 28, 2019, email sent by the Manager, Somar is referred to as Security Guard Somar and refers to another individual as the applicant's supervisor. In his testimony, Sullivan refers to Mark Fullerton as the applicant's supervisor. For this reason, I find that pursuant to section 46.3 of the *Code*, the respondent is not vicariously liabile for the comments the applicant alleged were made by Somar.

[67] I adopt the reasoning in *Laskowska v. Marineland of Canada Inc*., 2005 HRTO 30 ("*Laskowska*") that an employer has a duty to investigate complaints of discrimination. In paragraph 53 the Tribunal states as follows:

> It would make the protection under s. 5(1) to a discrimination-free work environment a hollow one if an employer could sit idly when a complaint of discrimination was made and not have to investigate it. If that were so, how could it determine if a discriminatory act occurred or a poisoned work environment existed? The duty to investigate is a "means" by which the employer ensures that it is achieving the *Code*-mandated "ends" of operating in a discrimination-free environment and providing its employees with a safe work environment.

[68] The applicant refers me to paragraphs 58 to 60 of *Laskowska* in which the Tribunal set out the criteria to be considered to determine if a respondent has reasonably investigated a complaint of discrimination. These paragraphs state as follows:

> [58] Having determined that the *Code* is engaged here and that Marineland owed a duty to Ms. Laskowska to reasonably and adequately respond to the alleged incident of August 13, 1999, I turn now to an analysis of whether Marineland discharged that obligation.
>
> [59] The six criteria of corporate "reasonableness" in Wall have been adopted in previous decisions of the Board of Inquiry. I adopt a conflated version of them. The criteria are:
>
> (1) **Awareness of issues of discrimination/harassment, policy, complaint mechanism and training**: Was there an awareness of issues of discrimination and harassment in the workplace at the time of the incident? Was there a suitable anti-discrimination/harassment policy? Was there a proper complaint mechanism in place? Was adequate training given to management and employees;

> (2) **Post-complaint: seriousness, promptness, taking care of its employee, investigation and action**: Once an internal complaint was made, did the employer treat it seriously? Did it deal with the matter promptly and sensitively? Did it reasonably investigate and act; and
>
> (3) **Resolution of the complaint (including providing the complainant with a healthy work environment) and communication**: Did the employer provide a reasonable resolution in the circumstances? If the complainant chose to return to work, could the employer provide her/him with a healthy, discrimination-free work environment? Did it communicate its findings and actions to the complainant?
>
> [60] While the above three elements are of a general nature, their application must retain some flexibility to take into account the unique facts of each case. The standard is one of reasonableness, not correctness or perfection. There may have been several options — all reasonable — open to the employer. The employer need not satisfy each element in every case in order to be judged to have acted reasonably, although that would be the exception rather than the norm. One must look at each element individually and then in the aggregate before passing judgment on whether the employer acted reasonably.

[69] Considering the criteria set out in *Laskowska*, in my view, the respondent took reasonable action, at least as a first step, in resolving the applicant's complaint. According to the evidence submitted by the applicant, the applicant advised her supervisor that she was satisfied with the meeting conducted between the applicant and Somar. The Manager provided the applicant an opportunity to express any concerns she may have, which the applicant acted upon by emailing the Manager further concerns.

[70] Although specifics were not entered into evidence, it is apparent that employees of the respondent work at many locations and at different shifts which cover a 24-hour period. Given this environment, I find that it is reasonable for the investigation and resolution of the applicant's complaint to occur over a 24-day period. In this time, a meeting between conflicted employees was convened, with a resolution understood to be acceptable to the complaining party agreed upon and the Manager followed up with the complaining employee.

[71] For the above reasons, I find that the respondent met its responsibility to investigate the applicant's complaint. This allegation is dismissed.

CONCLUSION

[72] Taking into consideration all of the above, I find that the applicant has not brought clear, convincing and cogent evidence to support the allegations that the respondent discriminated against her based on sex and creed. For these reasons, the Application must be dismissed.

ORDER

[73] The Application is dismissed.

Dated at Toronto, this 25th day of May, 2026.

Karen Mason
Vice-Chair