

Case Law - Pregnancy

Mini Chacko v Transpharm Canada Inc., Nneka MacGregor and Alexander MacGregor and Dr. Indar Maharaj v. Tranpharm Canada Inc (cob Toronto Institute of Pharmaceutical Technology), Nneka MacGregor and Alexander MacGregor

Ontario Board of Inquiry Decision – September 23, 2002

The complainant Mini Chacko alleged that she had been dismissed from her employment with Transpharm Canada Inc. as a laboratory technician because she became pregnant. The complainant Maharaj alleged that he had been terminated from his employment as a lecturer at the Toronto Institute of Pharmaceutical Technology (TIPT) because he supported Chacko at her probationary review and because he refused to infringe her rights based on pregnancy.

The respondents denied that they had discriminated against either complainant. They and argued that Chacko was not suitable for the job as a laboratory technician as she was not assertive enough. They also asserted that although the probationary period had passed (by two months) that Chacko was still due a review and that as a probationary employee they did not have to keep her. The Respondents also argued that Maharaj was incompetent as a lecturer and further that he had been charged with the manufacturing of controlled substances, he had several complaints against him by students and that after viewing a video presentation of his lecture, they decided to terminate his employment.

The Board of Inquiry found that on a balance of probabilities that Chacko had been discriminated against on the ground of pregnancy and awarded lost wages of \$12,850.96 and general damages in the amount of \$5,000.00, plus post judgment interest.

The Board dismissed Maharaj's complaint. Although the Board did not find that any of the reasons relied on by the respondents were credible, the Board found that Maharaj did not support Chacko at her Probationary Review and therefore did not find that he was dismissed for refusing to infringe her rights under the Code.