

## II SUMMARY OF THE DECISION

- [7] The Complaint against the BCVMA contrary to ss. 8 and 14 of the Code is justified, in part, on the grounds of race, colour, and place of origin. The Complaint on the grounds of ancestry and political belief is dismissed. The Complaint under s. 7 of the Code (publication) is dismissed. The Complaint that the BCVMA discriminated against Dr. Grewal on the ground of mental disability is justified. The Complaint that the BCVMA retaliated contrary to s. 43 of the Code (retaliation) is justified, in part. The Complaint against Valerie Osborne is dismissed. The application to dismiss the Complaint based on the conduct of the Complainants and, in particular, Dr. Bhullar's conduct, is dismissed.
- [8] Race-based stereotypes played a role in BCVMA's dealings with the Complainants, including negative generalized views about the credibility and ethics of Indo-Canadians in relation to their veterinary practices. Persons of influence in the BCVMA held such views, and the BCVMA knew this or ought reasonably to have known this, but largely ignored and condoned the expression of such views. A poisoned relationship developed between the BCVMA and the Complainants, which the BCVMA blamed entirely on those individuals claiming they were "playing the race card".
- [9] There was a substantial interrelationship of the events in the relevant time frame. This included negative commentary, including negative qualities attributed to the Complainants, circulating within the BCVMA. The BCVMA tolerated and facilitated the discussion of wide-ranging and race-based allegations about Indo-Canadian veterinarians. 3 While the BCVMA is obligated to consider allegations of substandard practice, there was little basis to conclude the allegations were based on direct knowledge and the BCVMA took no independent steps to determine if the allegations had any basis in fact. The rumours adversely affected the BCVMA's views of the Complainants.
- [10] At the relevant times and, during the hearing of the Complaint, the BCVMA was focused on the conduct of some of the Complainants, including Drs. Bhullar and Johar. Some of that conduct was unacceptable and is not to be condoned. It was not aimed, however, at an attempt to remove the Complainants from the regulatory oversight of the BCVMA. Rather, it was largely in reaction to reasonably held views of discriminatory oversight that were not being addressed. The BCVMA was closed to the possibility that racial stereotyping (conscious or not) was at play. The inappropriate actions of Dr. Bhullar and others do not fully explain the BCVMA's views of him and the other Complainants.
- [11] The BCVMA is entitled to ensure a reasonable level of English proficiency. However, in this case, the English Language Standard was discriminatory. The evidence did not demonstrate credible concerns about the English proficiency of Indo-Canadian veterinarians. The BCVMA selected a score largely unattainable by the target group. The score was higher than that selected by other professional associations, though the BCVMA incorrectly and repeatedly asserted otherwise, despite being advised of the error. The implementation of the Standard placed Indo-Canadian applicants at a disadvantage. The BCVMA ignored the Complainants' concerns about the Standard, based on its

stereotypical views of the Complainants, further damaging the relationship between the Complainants and their governing body.

[12] Recordings were made of persons of influence in the BCVMA reflecting negative race-based views of Indo-Canadians. Of particular importance was the BCVMA's response, which was to assume that Dr. Bhullar and others had lied and/or manipulated the recording. In one instance, the BCVMA eventually responded in a limited way when compelled to do so by the Complainants when they pursued the matter in court. It had refused to accept the recording may be accurate or concerning and simply refused to investigate, because of its negative views of the credibility of Indo-Canadian veterinarians and the minimization of their concerns as "playing the race card".

[13] The selection of Indo-Canadian facilities for unscheduled inspections, some of which were carried out, was done based on unsubstantiated rumours and anecdotal complaints about their practices. On the evidence, only one other facility, owned by a Caucasian veterinarian, was listed to be subject to an unscheduled inspection. The timing of the implementation of the Disclosure Policy and Rules had the effect of targeting Indo-Canadian veterinarians, who made up nine of the ten veterinarians identified on the website at the time. The CRC simply denied applications for anonymization without a full consideration, including the nature of the charges. The BCVMA also targeted the Complainants' advertising because of the unfounded, negative and generalized view of the low-cost services being provided by them.

[14] The BCVMA's processing of disciplinary complaints gave rise to patterns of race-based adverse treatment, including instances of the BCVMA failing to notify the Complainants of a complaint until the investigation was underway or finished; alleging in numerous cases that the Complainants falsified their medical records; assuming the Complainants' information was less credible than others; failing to follow-up with the Complainants; in many instances, expanding on the issues raised in the complaint; referring matters to Inquiry that did not engage a risk to the public; increasing the scrutiny of individuals close to Dr. Bhullar; and appointing investigators who had already formed the view that Dr. Bhullar and others were dishonest and possibly ungovernable.

[15] The BCVMA engaged in systemic discrimination and, within this context, I have concluded that there were specific instances of discrimination against individual Complainants. Those are identified and individual remedial orders are made. The BCVMA is ordered to cease the discrimination and to refrain from committing the same or a similar contravention, and to take specified steps to address the effects of the discriminatory practices.