



## **TIM HORTONS: HUMAN RIGHTS COMPLAINT TO PROCEED AGAINST FAST FOOD GIANT**

*Company fails in bid to have complaint thrown out*

(November 9, 2015)

VANCOUVER (Coast Salish Territories) Last Friday, the BC Human Rights Tribunal rejected Tim Hortons' attempt to have a human rights complaint against it dismissed at an early stage. The complaint was brought in 2012 by four temporary foreign workers from Mexico who say they experienced discrimination in the workplace while they were employed at two Tim Hortons locations in Dawson Creek, BC, while the franchise owner was also their landlord. The workers allege that they were given less desirable schedules and tasks than locally hired workers, were subject to derogatory and racist comments, and were coerced to live in substandard housing. BC Public Interest Advocacy Centre (BCPIAC) and Community Legal Assistance Society (CLAS) are representing the workers in their complaint against both the individual franchise owner and the franchisor, Tim Hortons.

The Tribunal rejected Tim Hortons' argument that the workers' relationship was solely with the franchise owner, not the company. The workers countered that the company contributed to the discrimination they experienced by promoting the use of the Temporary Foreign Worker Program (TFWP) among its franchisees, yet failing to adopt business practices that would protect those workers from being mistreated. The workers also argued that since the company exercises strong control over all aspects of its franchise locations, Tim Hortons must be considered to be their employer in addition to the individual franchisee.

The Tribunal has not yet made a decision on the merit of the complaint, but has said that if the workers' allegations are proven at hearing, Tim Hortons could be found responsible for the discrimination in employment the workers have alleged.

"We are encouraged by the Tribunal's decision, and are eager to move forward with the merits of the complaint," said, Erin Pritchard, one of the lawyers representing the workers. "Tim Hortons must take responsibility for the way workers are treated in its restaurants."

The Tribunal's decision follows hot on the heels of another decision on November 5, in which the Tribunal rejected Tim Hortons' attempt to have a second complaint about discriminatory treatment of its temporary foreign workers dismissed. That case concerns the treatment of Filipino temporary foreign workers at Tim Hortons location in Fernie BC.

To view the complaint, please visit [www.bcpiaac.com](http://www.bcpiaac.com). The Tribunal's decision can be found [here](#).

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**For more information, please contact:**

Erin Pritchard, staff lawyer at BCPIAC, 604-687-3063, [epritchard@bcpiaac.com](mailto:epritchard@bcpiaac.com)

Rose Chin, staff lawyer at CLAS, 604-685-3425, [rchin@clasbc.net](mailto:rchin@clasbc.net)