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Psychiatrist appeals lawsuit over 'paranoid Sikh' remark; Defamation ruling could let courts into nation's living rooms

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A lawsuit against a "dysfunctional" provincial government office has national significance, since it exposes systematic racism in the workplace, Alberta's highest court was told Thursday.

But a team of lawyers defending Capital Health in an appeal of a defamation lawsuit argued that comments between co-workers over a glass of wine shouldn't turn into a national scandal, with the courts "telling people what they can or can't say in their living rooms."

The case involves Dr. Inderjit Chohan, an Alberta court psychiatrist who was called a "paranoid Sikh" by his boss behind his back. Chohan believed the comment was meant to force him to resign, since he didn't fit into the "old boys" club that was running the office.

Chohan launched an unsuccessful defamation lawsuit against the Capital Health Authority and several doctors. During the trial, the court was told of the constant infighting that had plagued the department of about a dozen psychiatrists who analyze criminals for the courts.

In hearing an appeal of the failed lawsuit, the Alberta Court of Appeal was told Thursday its decision could impact five million Canadians born outside of the country -- all of whom could become victims of racism in the workplace.

"We know this wasn't an isolated incident," lawyer Bill Sundhu told the panel of three judges. "Your decision may well define us all."

Court heard that on Feb. 4, 2003, Dr. Otakar Cadsky met with two junior psychiatrists at his home. Over wine, they discussed the workplace and Cadsky called Chohan a "paranoid Sikh." The comment was then spread around the office, Sundhu said.

Chohan maintains that the comment was viciously damaging because it struck at the very heart of his identity: Insulting not only his faith, but labeling him mentally ill.

Capital Health lawyer Kim Wakefield argued that the conversation is immune to a lawsuit as "qualified privilege," since it was meant as an opinion on Chohan's leadership qualities during a conversation about the workplace.

"It was in that context that he made that

comment," he said. "... the tone was simply, 'He doesn't have the right stuff. Not leadership material.' "

He questioned whether the case deserves a national audience.

"Does the court really have a place in the living rooms of our nation? I would say no," he said.

Cadsky has been disciplined before. He once he called a different co-worker a "greedy, money-grubbing Jew" and was later demoted.

In August 2008, Court of Queen's Bench Justice Erik Lefsrud ruled that Chohan was justified in feeling "humiliated" by the comment, but it wasn't enough to be considered defamation.

The trial revealed that psychiatrists who worked at the Forensic Assessment and Community Services outpatient clinic at Alberta Hospital were in the midst of a power struggle that included regular shouting matches.

"What emerged is a picture of a very dysfunctional working environment in which name-

calling, finger-pointing, intransigence and conspiratorial workings have thwarted the best intentions of all the psychiatrists involved," Lefsrud wrote.

The psychiatrists at the department write psychological assessments of people accused of crimes, which can then used in determining sentencing.

"How such a group of obviously intelligent professionals could work themselves into such a state is beyond comprehension," Lefsrud wrote.

On Thursday, Chohan's lawyer argued that the trial judge was distracted by the workplace politics the case exposed and therefore missed the core defamation case the lawsuit was hinged upon.

"A lot of dust was kicked up in this trial," he said.

The Alberta Court of Appeal reserved its decision.

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