



## Case Study 3 – Jayden

This is a fictional case study but is like many of the complaints that the Nova Scotia Human Rights Commission receives.

Jayden, a Black lawyer, has been practicing law for over 10 years, after working with his law firm for that long he wanted to try something different. Jayden wanted to work for the government and became Director of Legal Counsel at the Department of Justice and Public Safety.

Jayden has had the same morning routine before going to work for the past 6 years. He brushes his teeth, uses the same deodorant and body wash, drinks a smoothie, and works out. As a child, his mother was allergic to heavy scents, so he is extra cautious with scents, especially at work.

Jayden was due in court. Before entering the courthouse, he had to go through security checks. Typically, there is a lineup of people who pass through a metal detector and on the other side a security guard will check each person before they enter. This morning there were two security guards conducting the security checks. While one was checking Jayden the other one yelled over the person they were checking, pointed to Jayden and said, “You need to take a shower, or leave the courthouse. There are showers in the Barrister’s room.”

Jayden knew that this was unconventional and inappropriate behaviour because he had been to this courthouse before. He called the security guard’s Senior Director. After discussing the situation with the Senior Director, she explained to Jayden that there was a lawyer in the courthouse that day, who had extreme sensitivities to scent. A notice was sent to the staff at the courthouse, advising them to take extreme precautions when examining people coming into the courthouse and to post signs indicating a scent sensitive environment.

The Senior Director did not apologize for the behavior of her staff, rather berated Jayden over the phone for wearing scented products. Jayden was not allowed to attend court, which delayed the proceedings. He later went to his manager and filed a complaint with the Human Resource Department. It was decided that because of the scent policy the Senior Director was in the right, and nothing further was done.

Jayden felt frustrated and humiliated.



**Group Discussion Questions**

1. Did the security person violate the *Nova Scotia Human Rights Act*? If so, how?

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2. Was the Senior Director in violation of the *Nova Scotia Human Rights Act* or was she right? If so, why?

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3. It is assumed that Jayden left the courthouse, should he have been allowed to stay? If so, why?

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