



CANADIAN HUMAN RIGHTS TRIBUNAL

Annual Report 2015



Providing Fair Access to Justice for Canadians



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Canadian Human Rights Tribunal, Annual Report 2015
Tribunal canadien des droits de la personne, Rapport annuel 2015

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CHAIRPERSON'S MESSAGE



It is again my honour, as Chairperson of the Canadian Human Rights Tribunal, to present this 2015 Annual Report to Parliament and to all Canadians. For most of 2015, I was still in the first year of my seven-year mandate, spending the early days observing the landscape and orienting myself with the particularities of the public service administration. Over the course of the year, we began to lay the foundation for our strategic plan which will guide us in the years ahead.

The Canadian Human Rights Tribunal is an adjudicative body that hears complaints of discrimination under the *Canadian Human Rights Act*. We are governed by the laws enacted by Parliament and subject to interpretations of those laws issued by superior courts. Generally speaking, administrative tribunals like ours have been created to provide access to justice that is fair, expedient, timely, accessible and administered by subject experts. Our challenge is to do this in an environment that is highly charged and sometimes controversial.

For example, the year 2015 will be remembered for the heated debate about a woman's right to wear a niqab veil at her Canadian citizenship ceremony. The most publicized case was decided at the Federal Court and Federal Court of Appeal, but only on the narrow legal issue of regulatory supremacy over policy. At the same time, the Commission referred a similar case to the Tribunal for a determination of whether the no-niqab policy was discrimination under the *CHRA*.

Although the case was dropped after the FCA ruling permitted the complainant to acquire her citizenship while veiled, the very remedy she sought, cases like this will continue to be of great interest to Canadians and our role in making decisions on these issues remains as important as ever.

As others look to Canada and the CHRT as leaders in human rights we, not surprisingly, receive foreign delegations from time to time. In 2015, we hosted a delegation from Japan and two from France. Some of our judicial visitors and researchers were interested in the way we have tried to walk that fine line between prohibited discrimination and the right to free speech. Their research was hastened in the light of the *Charlie Hebdo* massacre in an effort to better understand and confront these old issues as they raise their face again in the modern context.

The Tribunal itself changed significantly in 2015. Five new members were appointed, one resigned and sadly, one of our long time colleagues, Member Réjean Bélanger, passed away in November. Réjean served the Tribunal since 2006 and was the author of many important decisions. He will be missed.

"As Canada sets an example for the rest of the world to follow, it is incumbent on us to maintain our high standards and continue to render human rights decisions that are transparent, justifiable and intelligible."

Today the Tribunal has 14 Members. Three are full-time Members based in Ottawa and the remaining 11 part-time Members are based all across Canada. The appointment of new members gave us the opportunity to significantly upgrade and expand our new member orientation and professional development program. The changes were brought on board quickly and using only in-house resources. Our CHRT team came together in a spirit of cooperation that yielded excellent results and we hope to continue to improve our capabilities using the existing resources we have.

In 2015, the CHRT was serviced by the Administrative Tribunal Support Service of Canada (ATSSC), still in its first full year of operations. Unfortunately, the transition in late 2014 left the Tribunal under-staffed for most of 2015 and we faced many challenges to keep business running as usual. My heartfelt thanks goes out to our staff who worked so hard under these circumstances, and in particular to our Executive Director & Registrar.

The Tribunal's performance in 2015 remained steady, although there were fewer referrals originating from the Canadian Human Rights Commission. We continued to offer mediation services as an alternative dispute resolution mechanism, and in 81 percent of the cases, the mediation led to a successful settlement. To improve our efficiencies at hearings, we conducted 165 case management conference calls with parties. The Tribunal released nine decisions and 15 rulings in 2015. Our caseload at year end was 330 files.

We published our on-line guide for participants and we updated several forms and other template documents. We set our goal to establish clearer expectations for the parties. We found that by simply modifying some of our internal steps, we could greatly increase our efficiency and offer mediations and hearings to parties on a more timely basis.

We live in a complicated world, with diverse viewpoints and expectations. As Canada sets an example for the rest of the world to follow, it is incumbent on us to maintain our high standards and continue to render human rights decisions that are transparent, justifiable and intelligible.

In our pluralistic society in Canada, it is important that we continue to embrace the ideals of the *Canadian Human Rights Act* and its guiding principle that “all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices.”

Original signed by
David L. Thomas,
Chairperson



WHAT WE DO

The Canadian Human Rights Tribunal is a quasi-judicial body that inquires into complaints of discrimination referred to it by the Canadian Human Rights Commission and decides whether the conduct alleged in the complaint is a discriminatory practice within the meaning of the *Canadian Human Rights Act*. The Tribunal can also review directions and assessments made under the *Employment Equity Act*.

The Tribunal operates pursuant to the *Canadian Human Rights Act*, which aims to give effect to the principle that all individuals should have an equal opportunity to live their lives unhindered by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex (including pregnancy), marital status, family status, sexual orientation, disability (including drug dependency) or pardoned criminal conviction. The *Act* prescribes certain discriminatory practices with a view to protecting individuals in employment, and in the provision of goods, services, facilities, and commercial or residential premises.

“The Tribunal provides a relatively informal setting where parties can present their case without adhering to complex rules of evidence and procedure.”

The *Act* applies to federally regulated employers and service providers, including: federal government departments and agencies, federal Crown corporations, chartered banks, airlines, shipping and inter-provincial trucking companies, telecommunications and broadcasting organizations, and First Nations governments.

Like a court, the Tribunal must be—and must be seen to be—impartial. It renders decisions that are subject to review by the Federal Court at the request of any of the parties. However, unlike a court, the Tribunal provides a relatively informal setting where parties can present their case without adhering to complex rules of evidence and procedure. The Tribunal also offers mediation services where parties have the opportunity to attempt to settle their dispute with the assistance of a Tribunal Member, acting as a Mediator.

HOW THE TRIBUNAL WORKS

Tribunal Members conduct mediations, engage in case management, preside over hearings, issue rulings and render decisions. Parties to a complaint include the complainant, the respondent, the Commission, and at the discretion of the Tribunal, any other interested parties.

MEDIATION

Parties to proceedings before the Tribunal have the option of trying to address their differences through voluntary and confidential mediation. The goal of the mediation is to try to reach a solution to the dispute between the complainant and the respondent in an informal environment. If an agreement is reached at mediation, there will be no Hearing.

The mediator is a neutral and impartial Member of the Tribunal with expertise in human rights matters, whose role is to assist the parties to a complaint in resolving their differences. The mediator is there to facilitate discussions between the parties and ensure that they occur in an atmosphere of good faith, courtesy and respect. The mediator has no power to impose a solution or agreement.

CASE MANAGEMENT

Before proceeding to a hearing, and throughout the case management, Members conduct case management conference calls to guide the parties on procedural and disclosure issues, and establish the commitment of the parties to abide by their hearing schedule. This aims to ensure a fair approach to the inquiry process and minimize missed deadlines, requests for adjournments on hearing days, and disagreements between parties about the issues being heard.

HEARING

A Hearing is where the parties to the complaint are given the opportunity to present their witnesses' testimony, other evidence, and argument to the Tribunal. The objective of the Hearing is to allow the Tribunal to hear the merits of the case so it can decide whether discrimination has occurred. At the Hearing the parties may also present evidence and submissions on the appropriate remedy to be ordered, in the event the complaint is substantiated. The length of the Hearing depends on such factors as complexity of the case, the number of witnesses and the volume of documentary evidence.

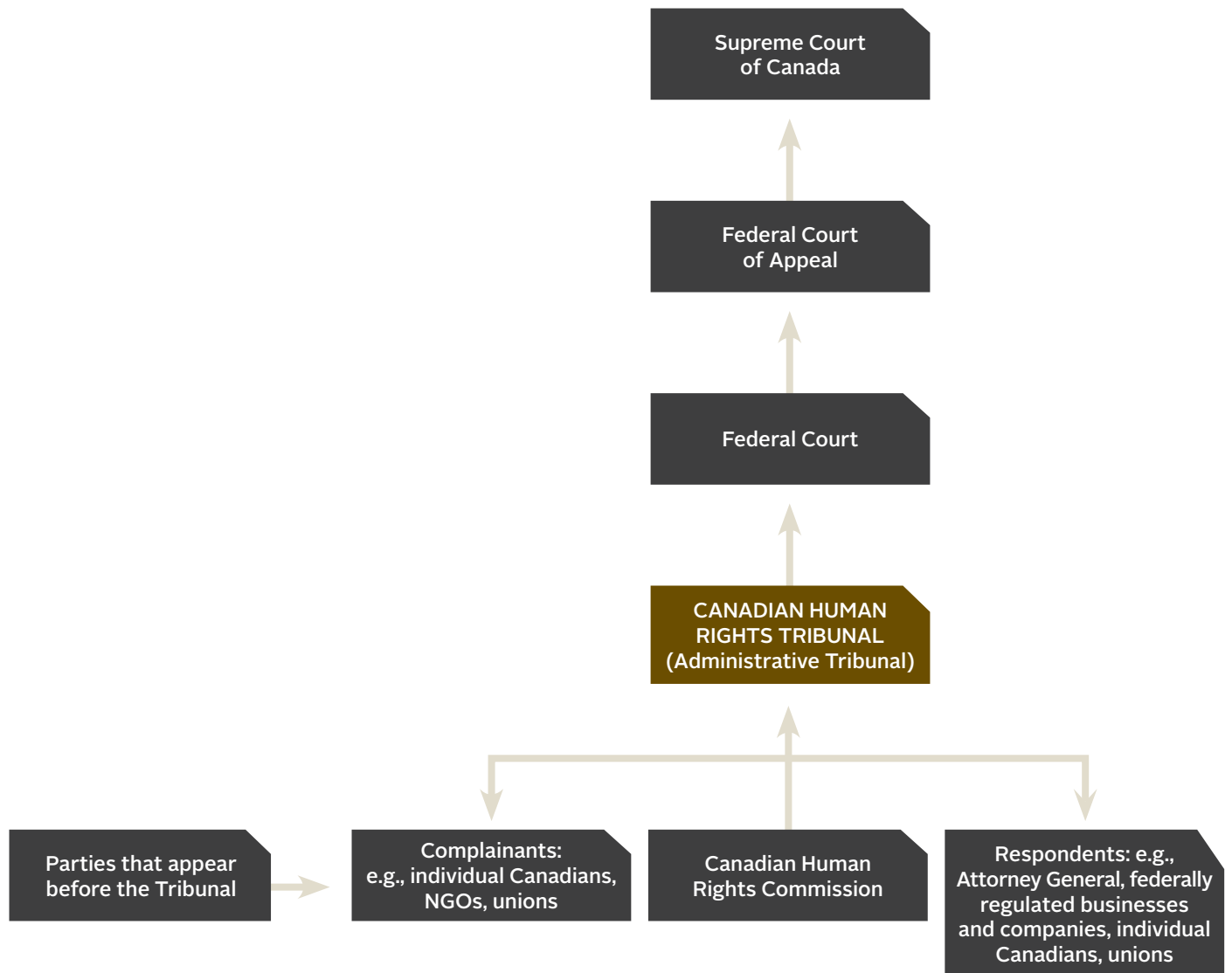
DECISIONS

For the purpose of this report, a "decision" is defined as a set of adjudicative reasons issued by a Member or Panel of the Tribunal following a hearing, which relate to and ultimately answer the question of whether a discriminatory practice occurred in a given case. If a complaint is substantiated, the decision may also order a remedy to rectify the discrimination, and provide reason in support of the order.

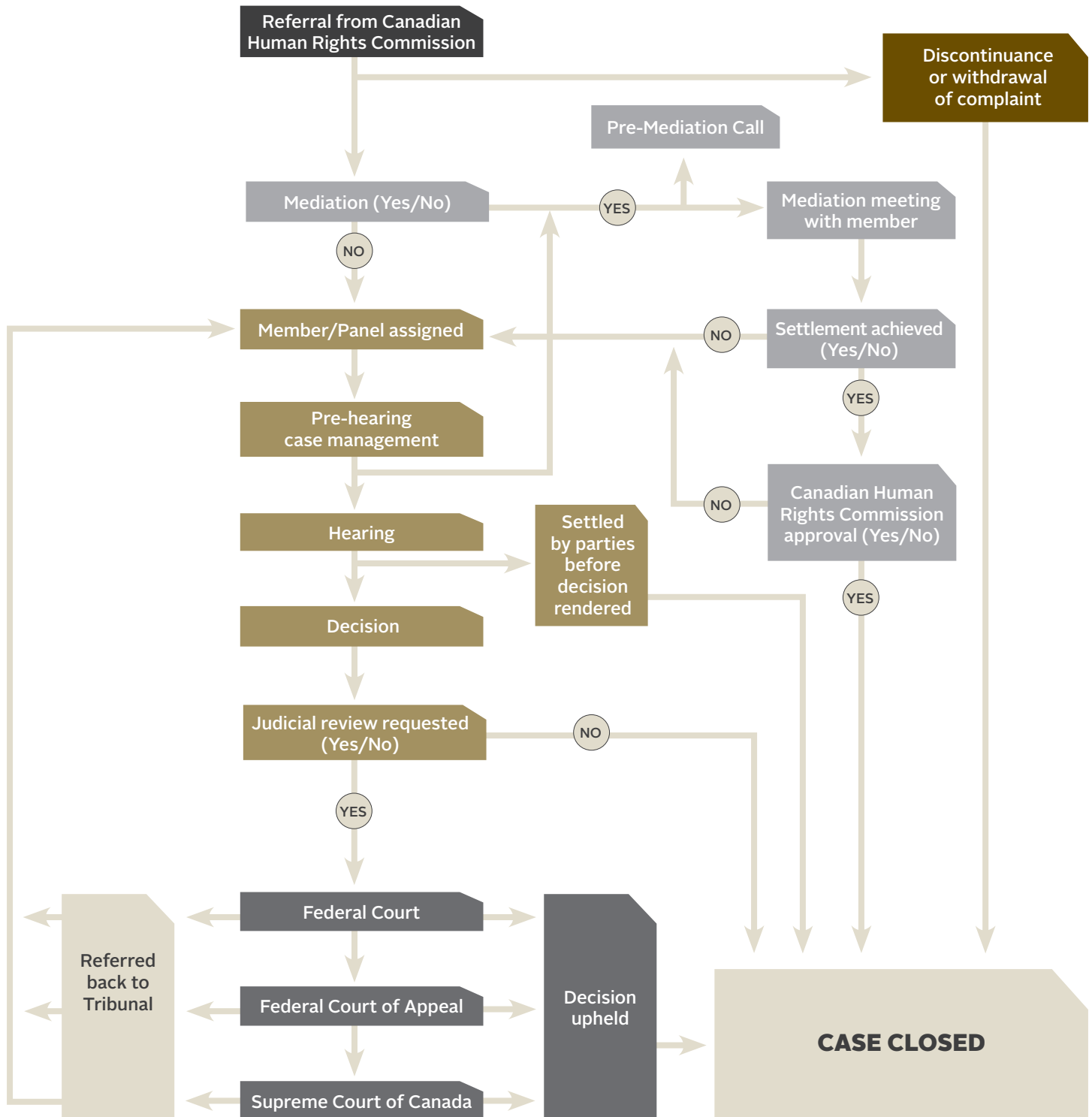
RULINGS

All sets of adjudicative reasons issued by the Tribunal that do not qualify as decisions (i.e. they do not answer the question of whether a discriminatory practice occurred) are classified as rulings. For example, a ruling would be issued where a complaint is dismissed for lack of jurisdiction, abuse of process, delay, irreparable breach of fairness, or where the issue before the Tribunal is a motion for some type of procedural or evidentiary order.

PARTIES BEFORE THE TRIBUNAL AND AVENUES OF JUDICIAL REVIEW AND APPEAL



TRIBUNAL INQUIRY PROCESS AND JUDICIAL REVIEW



TRIBUNAL CASELOAD

(JANUARY 1 – DECEMBER 31, 2015)

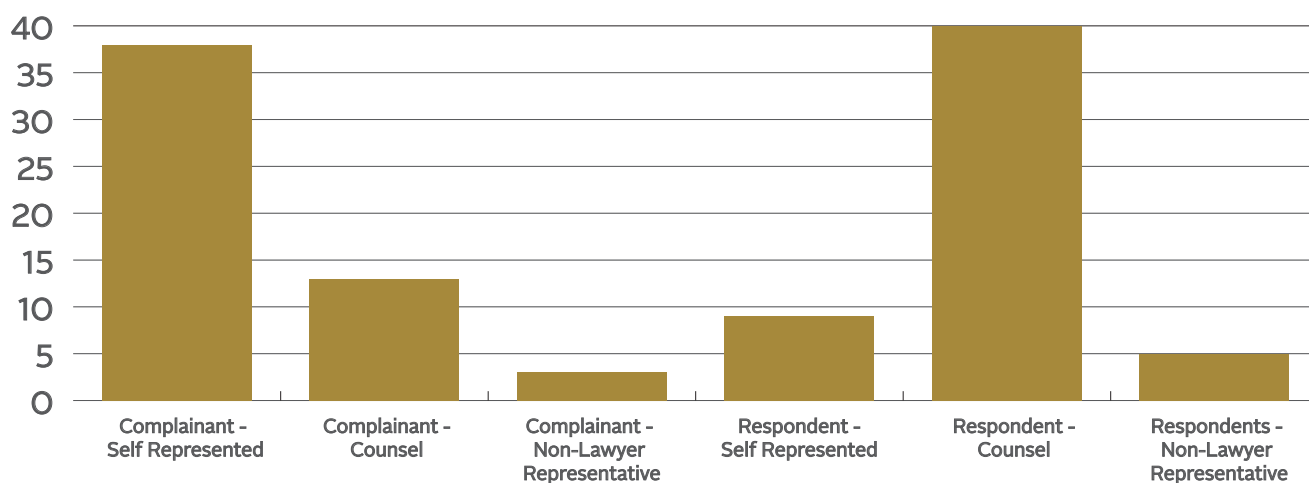
TREND ANALYSIS

The Tribunal started the year with 370 complaints. After closing 94 complaints and receiving 54 new complaints referred by the Commission, the year ended with a caseload of 330. The analysis below is based on a snapshot of the data at the end of the reporting year and takes into account the constant ebb and flow of the case load throughout the year.

The number of parties appearing before the Tribunal without legal representation continues to challenge the Tribunal's ability to ensure fair yet expeditious access to justice. As can be seen below, most complainants continue to be self-represented (38) as compared to the few respondents from small employers mostly in the transportation sector (9). Overall however, the number of respondents represented by Counsel (40) continues to far outweigh that of complainants (13). This imbalance tends to give rise to requests for protracted extensions and more motions and rulings.

In some cases, complainants continue to find it difficult to define the issues or meet target dates for submitting the particulars of their case. Respondents, on the other hand, cannot generally be expected to commit to a position and make full disclosure in response, until they know the exact nature of the case they are facing. Furthermore, respondents in a few cases are also requesting multiple extensions citing their lack of internal resources to meet target dates for disclosure.

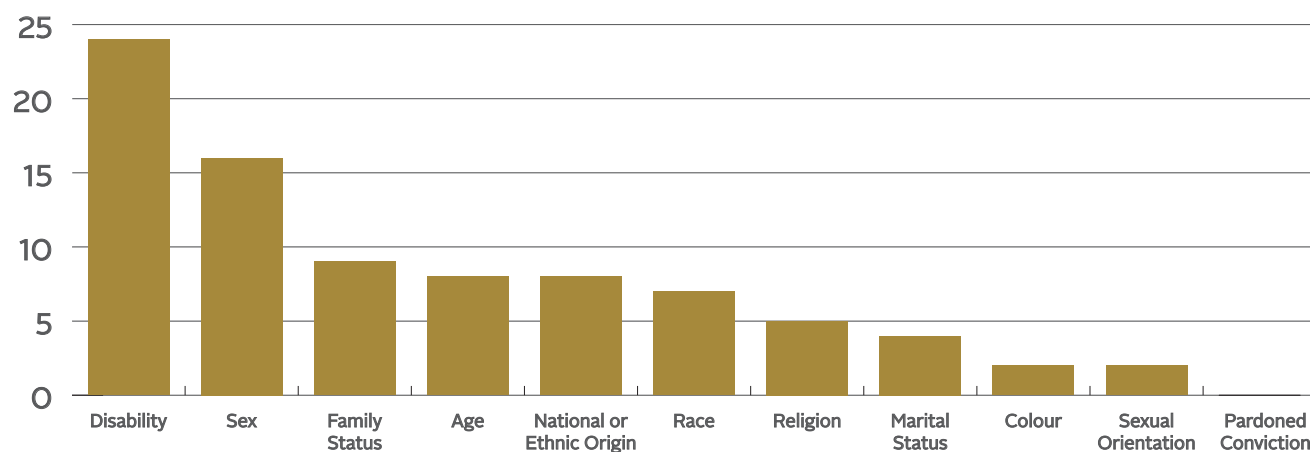
REPRESENTATION OF PARTIES IN 2015 COMPLAINTS



BREAKDOWN BY PROHIBITED GROUND OF DISCRIMINATION IN 2015 COMPLAINTS

Complaints of discrimination based on the ground of disability (24) continue to top the list, followed by those based on sex (16), family status (9), age (8), national or ethnic origin (8), race (7), religion (5), marital status (4), colour (2), sexual orientation (2). No complaints were referred on the ground of conviction for an offence for which a pardon has been granted. It should be noted that one complaint can have multiple grounds.

GROUPS IN 2015 COMPLAINTS



CASE MANAGEMENT CONFERENCE CALLS

A total of 165 Case Management Conference Calls were held to assist the parties in navigating procedural issues and clarifying matters related to the *Statements of Particulars* and disclosure of documents. This practice continues to provide effective access to justice while simultaneously reducing the number of hearing days and the associated travel costs for all parties concerned.

In some instances, hearing days were cancelled following extensive case management by the Tribunal. Complaints were settled between the parties and were subsequently withdrawn.

A recent trend arising out of case management is the increased use of a process server to deal with parties who are not responding to communication from the Tribunal. This practice provides assurances that the unresponsive party was given proper notification of the proceeding and the opportunity to participate.

HEARING DAYS

A total of 81 hearing days were held in 17 cases. The average hearing continues to take approximately five days. However, a handful of hearings have taken 10 days or more. This was largely due to the legal and factual complexity of the cases, increased numbers of witnesses, or the need to accommodate parties during the hearing. There were 11 Hearings scheduled beyond December 31.

MEDIATIONS AND SETTLEMENT RATE

A total of 24 Mediation Conference Calls were held to assist the parties in issues related to mediation logistics, Mediation Briefs, or post-mediation follow-up.

A total of 53 mediations were held in person across the country, 43 of which were settled on the day of mediation, representing a success rate of 81 percent. There were 21 Mediations scheduled beyond December 31, and 10 *Minutes of Settlement* were awaiting the Commission's review for approval or rejection. Nineteen Complaints were settled between the parties directly.

A few complainants requested re-opening their case, where a mediated settlement had been approved by the Commission and the Tribunal had consequently closed its file. Grounds for re-opening the case included the claim that respondents did not fully comply with the terms of the settlement agreement. Other grounds dealt with the claim that the settlement was signed under duress. The Tribunal has since clarified its expectations through rulings, namely that once mediated settlements are approved by the Commission, the Tribunal no longer has jurisdiction to deal with the human rights complaint that is the subject of the settlement, nor does it have jurisdiction to deal with disputes regarding that settlement agreement.

DECISIONS AND RULINGS

A total of nine decisions and 15 rulings were rendered by year-end. There were 13 decisions and rulings under reserve. Significant time was spent on rulings and a decision related to the landmark case of the *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*. As the decision was released in January 2016, it will be reported on in the next annual report.

ADJOURNED (ON-HOLD WITHOUT A DATE)

A total of 203 complaints were grouped as adjourned, or are on-hold until further notice, where there is no possibility of proceeding further or assigning a hearing date in the near future. Most of these complaint files are awaiting judgments from the Federal Courts in cases that deal with similar key legal issues. A few were on hold due to the non-availability of one of the parties (for health reasons or due to a temporary absence from the country.)

OPERATING ENVIRONMENT

RESTRUCTURING

As reported in the Annual Report of 2014, all Tribunal staff and resources were transferred in November 2014 to the *Administrative Tribunals Support Service of Canada (ATSSC)*, a new administrative department listed under Schedules I, IV and V of the *Financial Administration Act (FAA)*.

A small group comprised of Legal Counsel, Registry, and Administrative staff, led by an Executive Director and Registrar, remained dedicated to the mandate of the CHRT in the same office location. This core group is now designated as the *CHRT Secretariat*. The *Secretariat* reports structurally to the Chief Administrator of the ATSSC, but receives functional direction from the Chairperson of the CHRT.

The strategic outcome, description of the program services and expected results of the CHRT Secretariat were identified in the ATSSC's *2015-2016 Report on Plans and Priorities* as described below.

STRATEGIC OUTCOME

Efficient and effective services which support Tribunal Chairs and Members in exercising their statutory responsibilities and ensure that their independence is protected in a manner which promotes Canadians' confidence in the federal tribunal system.

PROGRAM SERVICES	EXPECTED RESULTS AND PERFORMANCE INDICATORS
<p>Tribunal Specialized and Expert Support Services The Tribunal Specialized and Expert Support Services Program provides expert research, analysis, drafting support and advice as well as other support services to assist Tribunals in the discharge of their statutory responsibilities. These services are provided by ATSSC employees such as legal counsel, sectoral experts, tribunal assistants and research personnel.</p>	<p>Tribunal members have the necessary advice and support to discharge their functions and achieve their mandates.</p> <p>Support provided allows tribunals to meet their established performance measurements as identified in their respective annual reports.</p>
<p>Registry Services The Registry Services Program provides registry services in support of tribunals. The Program works closely with Tribunal Chairs and Members to ensure that matters before the Tribunals are heard and disposed of in a timely, fair, impartial and efficient manner and within statutory obligations. Services provided include: processing tribunal documents; maintaining and safeguarding tribunal records; providing information to the public regarding tribunal procedures; assisting in the scheduling and conduct of tribunal hearings and assisting in communicating tribunal decisions to the parties and the public. The Registry Services Program also is responsible for developing and monitoring service standards, assessing the performance of registry functions and implementing required improvements.</p>	<p>Tribunals have accurate and complete records on which to base their decisions and the public is properly informed of tribunal processes, proceedings and decisions.</p> <p>Support provided allows tribunals to meet their established performance measurements as identified in their respective annual reports.</p>

TRANSITION AND CHANGE MANAGEMENT

As part of centralizing internal corporate services within the ATSSC structure, the CHRT Secretariat undertook significant internal change management initiatives to re-align its procedures while continuing to support Members and maintain its services to Canadians. Efforts focused on re-configuring the work flow and developing new tools to incorporate residual tasks and building a mutually supportive liaison role with corporate services functions. Despite some growing pains and critical staff shortages, collaborative efforts continue and work on the development of the appropriate structural model and the HR plan for the CHRT Secretariat is underway. Leadership at all levels remains focused on assessing the impact of change and building capacity for delivering service excellence.

Senior Management of the Secretariat and the Chairperson of the Tribunal were fully engaged in the development of the Strategic and Operational Plans of the ATSSC, and continue to take active part in consultations at the various governance tables. Staff who wished to participate were invited to attend consultation sessions with the Chief Administrator (CA) of the ATSSC. Following endorsement of the Vision and the above referenced plans, the CA presented them at an all staff retreat of the CHRT Secretariat.

INTERNAL MANAGEMENT OF THE TRIBUNAL

As previously reported, section 48.4(2) of the *Canadian Human Rights Act* continues to apply whereby *The Chairperson has supervision over and direction of the work of the Tribunal, including the allocation of work among the members and the management of the Tribunal's internal affairs.*

Section 14 of the *Administrative Tribunals Support Service of Canada Act* makes it clear that: *For greater certainty, the chairperson of an administrative tribunal continues to have supervision over and direction of the work of the tribunal.* Section 12 of the same *Act* specifies that *The Chief Administrator's powers, duties and functions do not extend to any of the powers, duties and functions conferred by law on any administrative tribunal or on any of its members.*

As part of internal management of the Tribunal, the Chairperson took the opportunity to further his vision for the CHRT and directed a number of renewal initiatives for effective Tribunal management and timely delivery of fair adjudication of human rights complaints. This focused primarily on formalizing the Tribunal's current rules of procedure and incremental enhancement of the administrative tools and processes in Registry Operations.

RULES OF PROCEDURE

Parliament has granted the authority to the Chairperson to make rules of procedure, provided that all proposed rules are first published in the *Canada Gazette* for stakeholder comment. In addition, rules of this nature are subject to examination by the Regulations Section of the Department of Justice. In 2015, the Chairperson decided that a priority of his tenure would be to ensure that the Tribunal's current rules (which had been informally adopted) would follow the promulgation process established in s. 48.9(3) of the CHRA and s. 3 of the *Statutory Instruments Act*. To this end, the Chairperson directed that legislative counsel be contacted at Justice Canada and engaged for the examination process. It is expected that this process, which will involve a thorough analysis of the Tribunal's current rules, in regards to both substantive content and draftsmanship, will take one to two years to complete, especially given the importance of providing appropriate stakeholder consultation opportunities for an initiative of this nature. Past, current and potential parties to Tribunal proceedings, as well as other interested parties, will be duly notified when the consultation phase begins.

REGISTRY OPERATIONS

Internal Registry processes were reviewed and potential improvements identified. A number of activities designed to support a standard approach for effective and efficient internal management of the caseload were implemented. Other improvements are underway with the support of ATSSC Corporate Services, particularly in the areas of Information Technology and Information Management, and the Travel Centre of Expertise.

For example:

1. Collection of data in the current Active Report of Registry Operations was improved and is now updated on an on-going basis. Further review is underway to overhaul the structure of the current database to better support monitoring and reporting, more specifically in regard to:
 - (a) The tracking of case assignments and case resolutions;
 - (b) Members' Quarterly Reports to track the progress and management of case files;
 - (c) Case scheduling with parties and related travel logistics and budget planning; and
 - (d) Timely and accurate analysis of trends to identify emerging issues and support the production of the Annual Report.
2. Information management awareness sessions were held with all staff, and an Action Plan was developed to support effective record keeping and ensure that the Tribunal's official records are maintained in line with the *CHRA*, *Privacy Act*, and *Access to Information Act*.
3. Planning was undertaken to migrate the CHRT website to the infrastructure of the ATSSC by March 31, 2016, and to update its content and improve on-going communications to Canadians.
4. Various forms and templates were developed to facilitate internal decision making, assignment of workload, the administration of travel logistics, and the reservation of venues for hearings and mediations.



TRIBUNAL ACTIVITIES

INTERNATIONAL OUTREACH

In February, the Tribunal hosted a Japanese Delegation from the Japanese Embassy and the Human Rights Bureau, Ministry of Justice of Japan. In July, the Tribunal hosted two sets of delegations from the French Embassy and the Magistrat de l'ordre judiciaire français.

In November, the Chairperson participated in the *2015 United Nations Forum on Business and Human Rights*. The Forum aimed to discuss trends and challenges and promote dialogue and cooperation on principles and issues linked to business and human rights. Participants included other States, the wider United Nations system, intergovernmental and regional organizations, businesses, labour unions, national human rights institutions, non-governmental organizations, and affected stakeholders.

ANNUAL MEMBERS' MEETING

A two-day meeting was held in October for the full-time and part-time Members. The agenda included discussion of legal developments, case law updates, and the sharing of best practices with key note speakers from the Human Rights Tribunal of Ontario and a former CHRT Member. This was followed by a site visit to the Canadian Human Rights Commission to help Members gain a better appreciation of the roles and responsibilities of various sections of the Commission.

Members were consulted on the Mediator's role and procedures, and the upcoming codification of the CHRT Rules of Procedure. In addition, the Chairperson and the Executive Director of the CHRT Secretariat took this opportunity to update the Members on transition matters, and consulted them on Registry operating procedures, as well as standard forms and letters.

MEMBER APPOINTMENTS

Five new part-time members were appointed, and one resigned. With deep regrets, we sadly report that Member Réjean Bélanger passed away in November. Member Bélanger served the Tribunal since 2006 and was the author of many important decisions, leaving behind a proud legacy in human rights in Canada.

Today the Tribunal has 14 Members. Three are full-time Members based in Ottawa and the remaining 11 part-time Members are based all across Canada. The appointment of new members gave us the opportunity to significantly upgrade and expand our new member orientation. The changes were brought on board quickly and using only in-house resources. Plans are underway to continue to formalize and expand the Members' orientation program to facilitate their continuing professional development.

SIGNIFICANT TRIBUNAL DECISIONS AND RULINGS

The following case summaries provide information about some Tribunal decisions or rulings that were particularly significant in their impact.

1. **TANNER V. GAMBLER FIRST NATION, 2015 CHRT 19**

<http://www.canlii.org/en/ca/chrt/doc/2015/2015chrt19/2015chrt19.html>

Ms. Tanner is a member of Gambler First Nation who was nominated to run for the position of Chief at an election meeting on February 29, 2012. She was then informed that she was not eligible for the position of Chief because she was not a blood descendant of John (Falcon) Tanner as required by section 4.2(a) of the Gambler First Nation's *Election Law*.

In her complaint to the Canadian Human Rights Commission ("Commission"), Ms. Tanner alleged that Gambler First Nation discriminated against her on the basis of race, national or ethnic origin, and/or family status by preventing her from running in the election. In addition, she alleged that Gambler First Nation also discriminated against her by denying her access to certain services and retaliated by terminating her employment after she filed the human rights complaint on May 22, 2012.

Although born as a member of the Sagkeeng First Nation, Ms. Tanner became a member of Gambler First Nation in 1981 under the former provisions of the *Indian Act* when she married Alex Tanner. In 2006, Gambler First Nation began to codify its customary election practices by creating the *Election Law*. Section 4.2 of the *Election Law* sets out eligibility for Chief and Councillor positions. The Tribunal noted that the requirement in section 4.2 for the candidate to be a blood descendant of John (Falcon) Tanner, known as "the Descent Rule", was the subject of a referendum held in 2007, the legitimacy of which was disputed. Nevertheless, on November 5, 2010 the Chief and Councillors signed a document stating that the *Election Law* had been officially adopted.

Ms. Tanner had been receiving income assistance since 2001, yet in 2011, the Social Assistance Administrator gave her advice regarding information that she should put in her application which resulted in Ms. Tanner no longer qualifying for social assistance. Ms. Tanner also alleged that she was denied various

services, such as the use of Gambler First Nation's medical van, home maintenance and improvement services, and that she was banished from the community, all on account of her ancestry.

After she had filed her complaint to the Commission, Ms. Tanner applied for the position of Economic Development Officer for Gambler First Nation. The Chief informed Ms. Tanner that she would be hired for the position if she withdrew her complaint. Ms. Tanner was hired for this position, even though she did not agree to sign a letter of release. However, the Chief wrote to Ms. Tanner three months later, terminating her employment.

The Tribunal found that ancestry is a characteristic protected from discrimination under the *CHRA*, since it is linked to race, ethnicity and family status. As such, the Complainant had made out a *prima facie* case of discrimination. The Tribunal also found that the Descent Rule could not be justified, because it was not rationally connected to the function of being Chief or Councillor of Gambler First Nation. Furthermore, the Descent Rule had not been adopted in good faith. While the Descent Rule's initial development may have been in good faith, its official adoption in 2010 was, at least in part, to bar Ms. Tanner from running in the elections. Finally, the Tribunal was not satisfied that the Descent Rule was reasonably necessary for the exercise of an inherent right to self-government, nor that it was grounded in Gambler First Nation's customs.

With regard to Ms. Tanner's claim that she was discriminated against when she was declared ineligible for income assistance, denied use of the medical van, denied other services at her home and banished from the community, the Tribunal was not satisfied that Ms. Tanner's ancestry was a factor in the decisions made, the actions taken, or the treatment she received.

In determining whether Ms. Tanner's filing of the human rights complaint was a factor in her employer's decision to dismiss her from her position as Economic Development Officer, the Tribunal agreed with the Commission that the Chief's initial response when offering to hire Ms. Tanner shed light on her subsequent termination. When viewed in conjunction with the weak explanations offered by Gambler First Nation for why it dismissed Ms. Tanner, the Tribunal found that this termination of employment was an act of retaliation which violated the *CHRA*.

The Tribunal concluded that the Descent Rule discriminated against Ms. Tanner based on her ancestry and that her complaint had been substantiated. Consequently, the Tribunal ordered Gambler First Nation to stop applying the Descent Rule and to remove it from the *Election Law* within one year of the date of the Tribunal's decision. The Tribunal awarded Ms. Tanner \$12,500 for pain and suffering, based on her experience of being excluded. As the evidence showed disregard and indifference towards Ms. Tanner, the Tribunal also awarded her \$10,000 as special compensation.

In regards to the retaliation complaint, the Tribunal awarded \$2,500 for pain and suffering, \$15,000 for special compensation and \$10,328 for lost wages. The Tribunal dismissed Ms. Tanner's allegations that she had been denied services and banished from the community based on her ancestry.

This decision is currently the subject of an application for judicial review before the Federal Court of Canada. (Court file no. T-1501-15)

RESULTS FOR CANADIANS

This decision provides useful clarification that ancestry falls within the grounds of discrimination prohibited in the *CHRA*. This clarification illustrates how federal legislation is consistent with certain provincial human rights legislation that includes ancestry as a prohibited ground of discrimination. Such consistency can be helpful in the field of human rights, to the extent that the issues in question are of central importance to the legal system. Notably, the Tribunal drew support for its conclusion from consideration of the *International Convention on the Elimination of all forms of Racial Discrimination*.

Furthermore, the Tribunal's finding of retaliation in this decision reinforces the message that retaliation against an employee for making a human rights complaint can result in liability to pay compensation for a range of different losses, including lost wages.

2. *MOFFAT V. DAVEY CARTAGE CO. (1973) LTD., 2015 CHRT 5*

<http://www.canlii.org/en/ca/chrt/doc/2015/2015chrt5/2015chrt5.html>

Mr. Moffat worked as a Dispatcher and Inside Sales Agent for Davey Cartage Co. (1973) Ltd ("Davey Cartage"). He alleged that his employer had discriminated against him on the basis of disability by terminating his employment after he was away from the job for almost two months due to a concussion from a motor vehicle accident.

Davey Cartage is a trucking company in Surrey, British Columbia, that owns and operates truck tractors and trailers. Mr. Moffat began working at the company in May 2012. On February 16, 2013 he suffered a concussion from a serious automobile accident that was unrelated to his job.

Upon taking over Mr. Moffat's duties while he recovered from the accident, the Operations Manager found that Mr. Moffat had made some significant mistakes. In addition, Davey Cartage discovered that Mr. Moffat might have contributed to the loss of a major customer. Meanwhile, Mr. Moffat began receiving short-term disability benefits from Great West Life.

Mr. Moffat's doctor provided Great West Life with reports on Mr. Moffat's condition, including a report dated April 4, 2013 which stated that Mr. Moffat was ready to return to work on April 8, 2013 in a graduated manner over a one month period. It is not clear whether Mr. Moffat was aware at that time of the doctor's recommendation. The evidence indicated that he simply informed the respondent that he was ready to return to work. Upon his return to work on April 8, 2013, Mr. Moffat was terminated in accordance with the terms of his employment contract.

The Tribunal found that Davey Cartage terminated Mr. Moffat for reasons that were not related to his disability. While it was true that the respondent decided to terminate Mr. Moffat's employment at a time when he was sidelined from work by a disability, the Tribunal found that Davey Cartage was able to successfully refute Mr. Moffat's *prima facie* case. Davey Cartage presented evidence to show that its decision to terminate Mr. Moffat was made some weeks prior to his return to work. This decision was based on Davey Cartage's changing financial situation, and Mr. Moffat's previous performance on the job, which, it was believed, led to negative business outcome.

The Tribunal also found, with regard to the doctor's medical report, that on the date of termination, Davey Cartage had not been aware that there were any restrictions on Mr. Moffat's ability to return to work. The respondent only first became aware of the graduated return to work recommendation when the report was released to it as part of pre-hearing disclosure before the Tribunal. Moreover, Davey Cartage was not obliged to make inquiries as to Mr. Moffat's medical fitness at the time he returned to work; there is no duty on an employer to inform itself when the employer does not, in good faith, have any knowledge that the disability remains an issue.

As a result, the Tribunal dismissed Mr. Moffat's complaint.

RESULTS FOR CANADIANS

This decision serves as a reminder to complainants that they must be able to prove their complaint in a manner that satisfies the civil standard of a balance of probabilities: in other words, it must be proven that, more likely than not, a discriminatory practice occurred. In addition, this decision highlights the principle that where a disabled employee represents him or herself as no longer being disabled, and the employer has no good faith reason to doubt this representation, dismissing the employee for unrelated performance reasons is not discriminatory.

3. *TABOR V. MILLBROOK FIRST NATION* *2015 CHRT 9*

<http://www.canlii.org/en/ca/chrt/doc/2015/2015tcdp9/2015tcdp9.html>

Ms. Tabor alleged that Millbrook First Nation discriminated against her by refusing to consider her for a position as fishing boat captain in 2008, because she is a woman, and based on her marital status (*i.e.* previous issues involving her husband). She is a Mi'kmaw First Nation woman and a member of the Millbrook First Nation. Ms. Tabor claimed that the Millbrook First Nation generally excluded women from participating in its fishery.

Ms. Tabor recounted her struggles over a decade in attempting to fulfill her dream of captaining a fishing vessel. During a get-together at the Tabors' home in 2005, the Band Administrator made derogatory comments about the role of women in fisheries that echoed comments he had previously made during Ms. Tabor's 1996 fishing experience. Ms. Tabor experienced difficulties getting funding for captain's training in 1998, which she was able to ultimately obtain. In contrast, her husband was offered the training without having to ask for it.

Subsequently, Ms. Tabor began working for Millbrook's fishery from 2000-2003. At one point, she expressed an interest in snow crab fishing but was told she did not have enough experience.

Her husband, however, was offered work in snow crab fishing despite having no experience. Ms. Tabor was ultimately allowed to fish during the 2002 season as a First Mate. Ms. Tabor discontinued her assignment as First Mate due to a pregnancy. After securing employment in the fishery in the summer of 2003, Ms. Tabor suffered an injury. From 2004 to 2006 she made several attempts to gain employment but was not taken seriously by Millbrook officials because she is a woman.

The Tribunal found that Ms. Tabor's sex, as well as a disagreement between Millbrook and the man to whom Ms. Tabor was married, were factors that contributed to Ms. Tabor being denied a fishing captain license in 2008. The conflict between Mr. Tabor and his employer, Millbrook First Nation, which related to boat maintenance and gear storage, led to discrimination against Ms. Tabor, based on marital status.

Moreover, the Tribunal found that Ms. Tabor's experience, combined with statistical evidence, reflected a practice of depriving women of employment opportunities in Millbrook's fishery. The statistical evidence revealed that women were a minority in the fishery and mostly worked in non-fishing positions. These statistics served as circumstantial evidence, from which inferences of discriminatory conduct could be drawn.

Although the Tribunal found the complaint of discrimination on the basis of sex and marital status to be substantiated, it gave the parties an opportunity to reach a settlement regarding remedy, while retaining jurisdiction in the matter.

This decision is currently the subject of an application for judicial review before the Federal Court of Canada. (Court file no. T-887-15)

RESULTS FOR CANADIANS

This First Nation woman's compelling story draws attention to systemic issues within Millbrook First Nation, thus raising awareness about this problem and supporting women who have experienced this form of discrimination by holding Millbrook First Nation accountable for its practices. Canadians benefit from knowing that fisheries are managed in a way that upholds social equality.

At the same time, it is significant that in this liability decision, the Tribunal encourages the parties to try to negotiate a settlement on the issue of remedy, and thereby avoid further litigation. This approach—which is particularly efficacious in cases where liability is by far the largest point of contention—is consistent with the public interest, because it facilitates the rapid and cost-effective resolution of disputes with less reliance on the adversarial system. Prolonged litigation makes it difficult for parties to live together harmoniously and rebuild productive working relationships.

4. CAWSON V. AIR CANADA, 2015 CHRT 17

[http://www.canlii.org/en/ca/chrt/
doc/2015/2015chrt17/2015chrt17.html](http://www.canlii.org/en/ca/chrt/doc/2015/2015chrt17/2015chrt17.html)

Mr. Cawson filed a motion to re-open a case that was settled by the parties through the Tribunal's voluntary mediation process. This motion was made in a letter dated February 12, 2014. In his correspondence with the Tribunal, Mr. Cawson alleged that Air Canada had breached the settlement agreement by failing to make a required payment on time. In addition, Mr. Cawson claimed that he had been pressured during the mediation process and felt that the mediator favoured Air Canada's interests.

The initial complaint in this case was filed with the Canadian Human Rights Commission on October 19, 2011. This complaint was referred to the Tribunal and the parties reached a settlement agreement during mediation, conducted by a Member of the Tribunal, on July 23, 2013. On September 6, 2013 the Tribunal wrote to the parties to inform them that, since the Settlement Agreement had been approved by the Commission, the Tribunal would close its file.

The Commission had approved the Settlement Agreement by letter dated August 30, 2013, which was received by Air Canada on September 5, 2013. Paragraph 1 of the Settlement Agreement indicated that Air Canada would make two payments to Mr. Cawson within 45 days of receipt of the letter from the Commission. Mr. Cawson stated that he cashed the first cheque, which he received on September 25, 2013, in order to pay for expenses that he had incurred leading up to the mediation hearing. He received the second cheque on October 2, 2013 and believed that it had arrived late.

The Tribunal ruled that it did not have jurisdiction over disputes related to settlement agreements that had been approved by the Commission. Under the scheme of section 48 of the *CHRA*, the Tribunal's jurisdiction over the complaint ceases once the Commission approves the Settlement Agreement. Moreover, section 48 also provides for the Federal Court to resolve enforcement disputes arising from settlement agreements that have been approved by the Commission.

Nonetheless, in considering whether Mr. Cawson met the legal test for duress, the Tribunal concluded that he failed to prove he had been under illegitimate pressure to the point of being coerced into signing the Settlement Agreement. Mr. Cawson only stated that he had not gotten much sleep the night before the mediation. Furthermore, the Tribunal's *Evaluative Mediation Procedures* allowed the Complainant (as an unrepresented litigant) seven days from the signing of the

Settlement Agreement to obtain legal advice and/or withdraw from the settlement. However, the Complainant did not seek to withdraw from the Settlement Agreement until well after the seven day period had expired.

With regard to Mr. Cawson's allegations that Air Canada breached the terms of the Settlement Agreement because the second payment was late, the Tribunal found that Air Canada did not breach the terms of the agreement. Contrary to Mr. Cawson's submission, the 45 day time limit only began running once the parties had received written notification of the settlement's approval by the Commission. The Complainant received the second cheque 27 days after the Commission's letter of notification; therefore, the payment was made within the 45 day period. Moreover, Mr. Cawson's actions in cashing the first cheque further indicated that he had accepted the Settlement Agreement.

Accordingly, the Tribunal denied Mr. Cawson's motion to reopen his case.

RESULTS FOR CANADIANS

This decision advances the public interest, because it upholds the finality of settlement agreements. Finality is an important principle, as it gives parties an incentive to compromise during settlement discussions, in order to avoid further litigation. If a party had reasonable grounds to believe that a settlement, once reached, could be easily set aside any time thereafter, the legitimacy of the settlement process, and in particular, the Tribunal's Mediation process, would be called into question.

In addition, this decision clarifies that the Tribunal does not have jurisdiction over disputes relating to settlement agreements that have been approved by the Commission. As a result, the decision guides parties who are in mediation or settlement negotiations, and who are considering what their legal options would be, should an agreement be reached, and a dispute later arise out of its implementation.

RULINGS ON MOTIONS AND OBJECTIONS

In addition to decisions, the [full text of all written reasons in support of rulings rendered in 2015 on motions and objections](#) can be found on the Tribunal's website.

MEMBERS OF THE TRIBUNAL

The *CHRA* specifies that a maximum of 15 Members, including a Chairperson and a Vice-chairperson, may be appointed by the Governor in Council.

FULL-TIME MEMBERS

	Name & Title	Appointment Date	End of Term
1.	David Thomas, Chairperson	2014-09-02	2021-09-01
2.	Susheel Gupta, Vice-chairperson	2010-08-03	2018-08-02
3.	Sophie Marchildon, Ottawa	2010-05-31	2016-06-05

PART-TIME MEMBERS

4.	Dena Bryan, Pictou, Nova Scotia	2015-03-26	2020-03-25
5.	Christiane Cantin, Québec, Quebec	2015-03-26	2020-03-25
6.	Lisa Gallivan, Halifax, Nova Scotia	2014-05-09	2017-05-08
7.	Matthew D. Garfield, Toronto, Ontario	2006-09-15	2016-09-14
8.	Ricki Theresa Johnston, Calgary, Alberta	2013-06-06	2016-06-05
9.	Olga Luftig, Toronto, Ontario	2012-12-13	2020-12-13
10.	Alex G. Pannu, North Vancouver, British Columbia	2015-06-18	2020-06-17
11.	Anie Perrault, Bromont, Quebec	2015-04-30	2020-04-29
12.	George Ulyatt, Winnipeg, Manitoba	2012-12-13	2020-12-13
13.	Ronald Sydney Williams, Niagara-on-the-Lake, Ontario	2013-06-06	2016-06-05
14.	Edward Lustig, Toronto, Ontario	2008-02-17	2016-02-18

BIOGRAPHIES

FULL-TIME MEMBERS

DAVID THOMAS

THE CHAIRPERSON

David Thomas attended the University of British Columbia and the American College of Switzerland, graduating with a Bachelor of Arts degree, cum laude, in International Political Studies. He graduated from Osgoode Hall Law School in Toronto and was called to the Bar of British Columbia in 1989. Mr. Thomas began his career at a large law firm in Vancouver. In 1994, he formed his own law firm to focus his practice on immigration and administrative law.

In private practice, Mr. Thomas was a regular guest speaker for the Canadian Bar Association, the BC Society for Continuing Legal Education and other professional organizations. His work has required extensive international travel and as such, Mr. Thomas is well experienced with numerous cultures, traditions and customs. Mr. Thomas also has a keen interest in international human rights, and has taken the opportunity to visit and research troubled regions around the world.

Mr. Thomas has served several non-profit organizations, including as President of the Canada-Korea Business Association, Chair of the West Vancouver Parks & Recreation Commission and Province President of Phi Delta Phi International Legal Honours Society.

Mr. Thomas became a part-time Member of the CHRT in 2013. He was appointed Chairperson of the Tribunal for a term of 7 years commencing on September 2, 2014.

SUSHEEL GUPTA

VICE-CHAIRPERSON

Appointed as Vice-chairperson in August 2010, Susheel Gupta was re-appointed in June 2013 for a five-year term. He served as Acting Chairperson from April 2012 to August 2014. He obtained his Bachelor of Arts at the University of Waterloo in 1993 and his J.D. from the University of Ottawa in 1998. Called to the Ontario Bar in February 2000, he has been serving most of his career in the federal public service, as a prosecutor and computer crime advisor, as a special advisor at the Canadian Air Transport Security Authority, and as counsel in the Crimes Against Humanity and War Crimes section of the Department of Justice. Mr. Gupta is currently on leave from the Public Prosecution Service of Canada.

As a community member and public servant, Mr. Gupta has been the recipient of the Government of Canada Youth Award for Excellence, the Deputy Minister of Justice Humanitarian Award and, the Ontario Justice Education Network Chief Justice Lennox Award and the Queen's Diamond Jubilee Medal.

SOPHIE MARCHILDON

FULL-TIME MEMBER

Ms. Sophie Marchildon was appointed in 2010 to a three-year term as a full-time Member of the Canadian Human Rights Tribunal and was reappointed in June 2013 for a second three-year term. She completed her Bachelor of Laws at the Université du Québec à Montréal. She completed her Master's Degree in International Law and International Politics at the Université du Québec à Montréal in 2012 and was the recipient of the 2006 Award of Excellence for Best Master's degree Student in the International Human Rights Law Clinic. She is a member of the Quebec Bar.

Throughout her career, Ms. Marchildon has practised civil litigation, immigration law, human rights law and health law in private practice and within various organizations. She also worked as a lawyer and co-director at the Council for the Protection of the Sick (Conseil pour la protection des malades) from 2005 to 2006, and was an assessor and member of the Quebec Human Rights Tribunal. She has volunteered on a number of clinical ethics committees from 2005 to 2010, and worked as a Complaints Commissioner in the Health Care and Social Services Provincial Government from 2006 until her appointment to the Canadian Human Rights Tribunal in May 2010. She was part of the Quebec Ministry of Health and Social Services' Team of Visitors, which assessed and reported on the quality of services and respect of users' rights in nursing homes across the province of Quebec. During the course of her career, Ms. Marchildon specialized in prevention of abuse toward the elderly.

Ms. Marchildon has a licence in mediation from the Quebec Bar and completed the Executive Conflict Management Certificate from the University of Windsor, Faculty of Law in 2014.

PART-TIME MEMBERS

DENA BRYAN (NOVA SCOTIA)

Ms. Dena Bryan was appointed as a part-time member of the Canadian Human Rights Tribunal in March 2015 for a five year term.

Ms. Bryan obtained a Bachelor of Arts, psychology major, in 1983 from University of Prince Edward Island. She obtained her Bachelor of Laws degree from Dalhousie Law School in 1986. Ms. Bryan has been a practicing member of the Nova Scotia Barristers' Society since 1987, primarily in private practice and has been self-employed practitioner since 1994. She was the past Chair of the Canada Pension Plan/Old Age Security Review Tribunal (Federal) and a member of the Assistance Review Tribunal (Nova Scotia). Ms. Bryan is also a member of the Nova Scotia Criminal Code Review Board and a member of the Council of College of Physicians and Surgeons of Nova Scotia.

Ms. Bryan is certified as a Qualified Mediator (Q. Med) by the ADR Institute Canada and as a Collaborative Family Law Professional by the Nova Scotia Association of Collaborative Family Law Professionals. Ms. Bryan is a member of ADR Institute of Canada (ADRIC), ADR Atlantic, NS Association of Collaborative Family Law Professionals, Family Mediation Canada, Family Mediation Nova Scotia and the Human Resources Association of Nova Scotia.

CHRISTIANE CANTIN (QUEBEC)

Ms. Christiane Cantin was appointed as a part-time member of the Canadian Human Rights Tribunal in March 2015 for a five-year term. She holds a Bachelor's degree in Law from Laval University and was admitted to the Quebec Bar in 1977. Ms. Cantin practiced law principally within the Government of Quebec for a number of departments.

Her areas of expertise include Aboriginal law, administrative law, labour law, constitutional law and agricultural law. Ms. Cantin has been a member of the administrative tribunal "la Régie des Marchés agricoles et alimentaires du Québec" (The Board of Agricultural and Food Markets of Quebec) and of the Public Service Commission, another administrative tribunal. She was also Chair of the "Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec" (Accreditation Bureau of Fishers and Assistant Fishers of Quebec.)

During the course of her career, Ms. Cantin participated in numerous negotiations, including the negotiations leading up to the James Bay and Northern Quebec Agreement. She has argued cases before various tribunals and has also participated in alternative dispute resolution processes. In addition, over the years, Ms. Cantin has developed an ongoing interest in all facets of human rights.

Ms. Cantin has written a number of pieces for the *Revue du Barreau du Québec* (Journal of the Quebec Bar) and has acted as a lecturer on Aboriginal and labour law.

Ms. Cantin retired from the Quebec civil service in 2013.

LISA GALLIVAN (NOVA SCOTIA)

Ms. Lisa Gallivan was appointed in May of 2014 for a three-year term as a part-time member of the Canadian Human Rights Tribunal. She holds a Bachelor of Commerce degree, a Masters of Business Administration and Bachelor of Laws from Dalhousie University. She has been a member of the Nova Scotia Bar since being called in 1997.

Ms. Gallivan has practiced at Stewart McKelvey in Halifax, Nova Scotia since completing law school in 1996. Her practice focuses on labour and employment law including employment contracts, human rights, collective bargaining, workplace investigations, occupational health and safety, grievance arbitration and wrongful dismissal litigation. She has appeared before various courts, administrative and professional regulatory bodies and commissions.

Ms. Gallivan is co-editor of Stewart McKelvey's HRLaw blog. She is also a presenter, trainer and facilitator providing on-site training for employees and executives on all workplace matters including facilitation of executive meetings and retreats, policy development and strategic business planning.

Ms. Gallivan is a former lecturer at St. Mary's University and Mount Saint Vincent University in Halifax, Nova Scotia.

Professional affiliations include the Canadian Bar Association, Canadian Association of Counsel to Employers and Canadian Corporate Counsel Association.

As a community member and volunteer, Ms. Gallivan has been a Board Member and Officer of numerous community organizations including, Homebridge Youth Society, Big Brothers, Big Sisters of Greater Halifax, Brigadoon Children's Society and the Halifax YWCA.

MATTHEW D. GARFIELD (ONTARIO)

Mr. Matthew D. Garfield was appointed as a part-time Member of the Canadian Human Rights Tribunal in 2006 and re-appointed in 2011.

Mr. Garfield is a lawyer, chartered mediator and chartered arbitrator. He is the president of ADR Synergy Inc., a firm that specializes in mediations, arbitrations, workplace investigations and assessments, and the monitoring of implementation of Court/Tribunal orders. Mr. Garfield is also an adjudicator at the Indian Residential Schools Adjudication Secretariat.

From 2000 to 2004, Mr. Garfield was the Chair of the Human Rights Tribunal of Ontario. He had joined the Ontario Tribunal as Vice-Chair in 1998. He both adjudicated and mediated cases under the *Ontario Human Rights Code* involving claims of discrimination, harassment and reprisal. Prior to his appointment to the Ontario Tribunal, Mr. Garfield practised law in Toronto.

Mr. Garfield graduated from Dalhousie Law School in 1988 and was a recipient of the class prize in Constitutional Law. He was called to the Nova Scotia Bar in 1989 and the Ontario Bar in 1992.

RICKI T. JOHNSTON (ALBERTA)

Ms. Ricki Johnston was appointed in June 2013 to a three-year term as a part-time member of the Canadian Human Rights Tribunal. She obtained her Bachelor of Education with Distinction from the University of Alberta in 1996 and her Bachelor of Laws with Distinction, also from the University of Alberta, in 1999. She has continued as a member of the Alberta Bar since being called in 2000.

Ms. Johnston practiced general civil litigation including in oil and gas, employment, insolvency and securities matters in the Province of Alberta until 2010. She has appeared before various courts, administrative and professional regulatory bodies and commissions. Since 2011, she has worked as a consultant with a private charitable foundation, with a focus on early childhood development, addiction and mental health.

OLGA LUFTIG (ONTARIO)

Ms. Olga Luftig was appointed in December of 2012 for a three-year term as a part-time member of the Canadian Human Rights Tribunal, and was re-appointed in 2015 for a second term of five years. She graduated from the University of Toronto with an Honours Bachelor of Arts in history and political science, and a Bachelor of Education. She is a lawyer, and received her Bachelor of Laws degree from the University of Windsor.

Ms. Luftig has had wide-ranging experience in diverse areas of the law, as both a former in-house Properties Lawyer for a corporation, and as a private practitioner.

She was a Member of the Landlord and Tenant Board of Ontario, where she adjudicated hearings.

Ms. Luftig also serves as a part-time Member of both the Town of Markham Municipal Election Audit Compliance Committee and the York Region Catholic and York Region District School Boards' Joint Election Compliance Audit Committee.

EDWARD LUSTIG (ONTARIO)

Mr. Edward Lustig was initially appointed in 2008 to a three-year term as a part-time member of the Canadian Human Rights Tribunal. He was reappointed in 2011 for a five-year term.

Mr. Lustig received his Bachelor of Arts from the University of Toronto, his Bachelor of Laws from Queen's University, and was called to the Bar of Ontario with First Class Honours in 1975. He has been a member of the Law Society of Upper Canada and the Canadian Bar Association since 1975. Mr. Lustig joined the legal department of the City of Niagara Falls in 1975 and, after 27 years of dedicated service, he retired in 2002. In January 2006 he joined Broderick & Partners as counsel and carries on a general law practice with particular emphasis on municipal law, planning and development matters, commercial and real estate law, and related litigation. Mr. Lustig also has experience in labour matters, including employment and pay equity.

ALEX PANNU (BRITISH COLUMBIA)

Mr. Alex Pannu was appointed to a five-year term as a part-time member of the Canadian Human Rights Tribunal in June 2015. He is a lawyer and businessman from Vancouver. He earned a BA in International Relations from the University of British Columbia and a law degree from the University of New Brunswick. He also completed a mini-MBA course at McGill University. He has been a member of the Law Society of British Columbia since 1991.

Mr. Pannu is a director and General Counsel for a private company developing a copper-gold mine in Brazil and a director of a publicly-traded junior mineral exploration company.

His legal experience includes practicing business and administrative law in private practice and as in-house counsel for two technology companies. He has appeared as counsel before several administrative tribunals as well as the Provincial and Federal Courts.

He has served in government including two stints in the Prime Minister's Office. He also worked as a special assistant to the federal Minister of Justice and the Attorney General of British Columbia.

His community involvement includes coaching girls' soccer, serving as a BlockWatch captain and chairing the Board of Variance for the City of North Vancouver.

ANIE PERRAULT (QUÉBEC)

Ms. Anie Perrault completed her law degree at the University of Ottawa in 1992 and practised law at Phillips & Vineberg (now Davies, Ward, Phillips & Vineberg) from 1992 till 1995 mainly in the field of civil and commercial litigation as well as labor law. She has over 20 years of professional experience in both the public and private sectors. Her career focused on communications and public affairs in the field of genomics research and biotechnology and as such she held several strategic positions at a national level. From 2001 until 2006, she was Vice-President of Genome Canada. She is currently the Executive Director for BioQuébec and a member of different Boards, such as Loto-Québec and particularly the Ethical Research Committee. Ms. Perrault earned the designation of Administrateur de sociétés certifié (ASC) from Collège des administrateurs de sociétés de l'Université Laval in 2013. She held the elected position of city councillor in the municipality of Bromont for more than 5 years and Vice-President of the Réseau des élues municipales de la Montérégie-Est, which aims at encouraging women in municipal politics. She also has been involved in many other different local community organizations. This experience has allowed her to develop an acute awareness of issues relevant to culture, women and equity.

GEORGE E. ULYATT (MANITOBA)

Mr. George Ulyatt was appointed in December 2012 to a three-year term as a part-time member of the Canadian Human Rights Tribunal, and was re-appointed in 2015 for a second term of five years. He holds a Bachelor of Arts degree from Brandon University and a Bachelor of Laws degree from the University of Manitoba. Mr. Ulyatt was called to the Manitoba Bar in 1976 and has been in private practice for more than 35 years, litigating major cases in the Courts of Manitoba.

Mr. Ulyatt has worked with several administrative tribunals, serving as counsel to the Mental Health Review Board of Manitoba and the College of Registered Psychiatric Nurses of Manitoba, among others. He has previously been appointed an Inquiry Officer under the *Expropriation Act* and has conducted public inquiries throughout Manitoba.

As a community member and a volunteer, Mr. Ulyatt has been active in amateur sport at the team, provincial and national levels, serving a five-year term as President of Hockey Manitoba and as a member of the Board of Directors of Hockey Canada. In 2006 he received Hockey Canada's Order of Merit for contributions to hockey in Canada.

RONALD S. WILLIAMS (ONTARIO)

Mr. Ronald Williams was appointed in June 2013 to a three-year term as a part-time member of the Canadian Human Rights Tribunal. He received his Bachelor of Arts degree at McMaster University in 1969 and obtained his LL.B degree from York University (Osgoode Hall), Toronto, in 1972. He was called to the Ontario Bar in 1974 and has been a member of the Law Society of Upper Canada in good standing since then.

Mr. Williams is a general practitioner in a private practice and has experience as corporate counsel. Mr. Williams' career has included representations before administrative tribunals, as well as serving as legal counsel to various groups, such as veteran associations, religious, and ethnic organizations. Professional affiliations include the Canadian Bar Association, Lincoln Law Association, Hamilton Law Association, and Canadian Association of Corporate Counsel.

As a community member and volunteer, Mr. Williams has been involved as a Board Member and/or Officer of numerous community organizations that address the health care needs of children, adult and children rehabilitation, social and financial assistance of those in need, as well as charity fundraising.



FOR FURTHER INFORMATION



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