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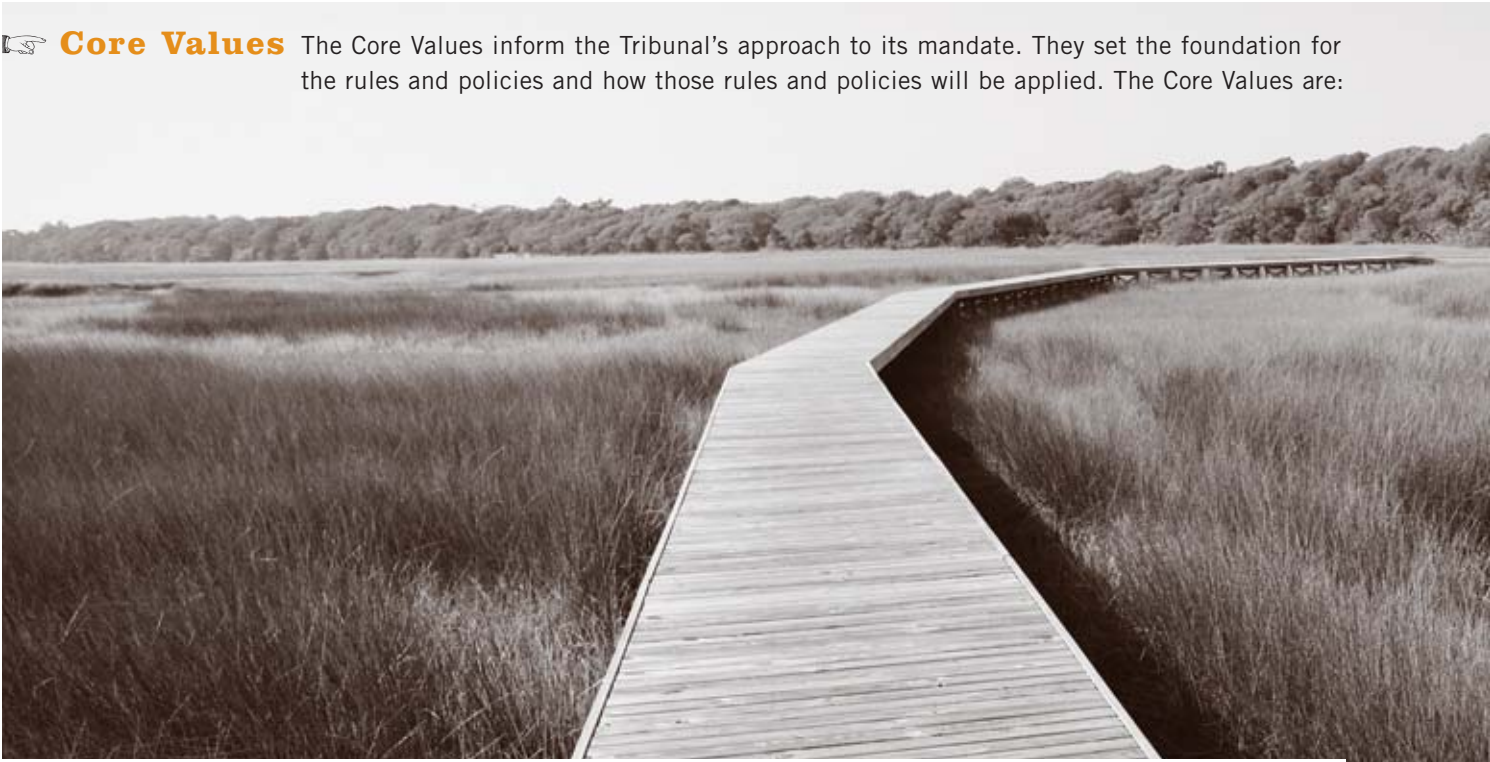
The Tribunal's mandate is to **resolve** applications brought under the *Ontario Human Rights Code*.





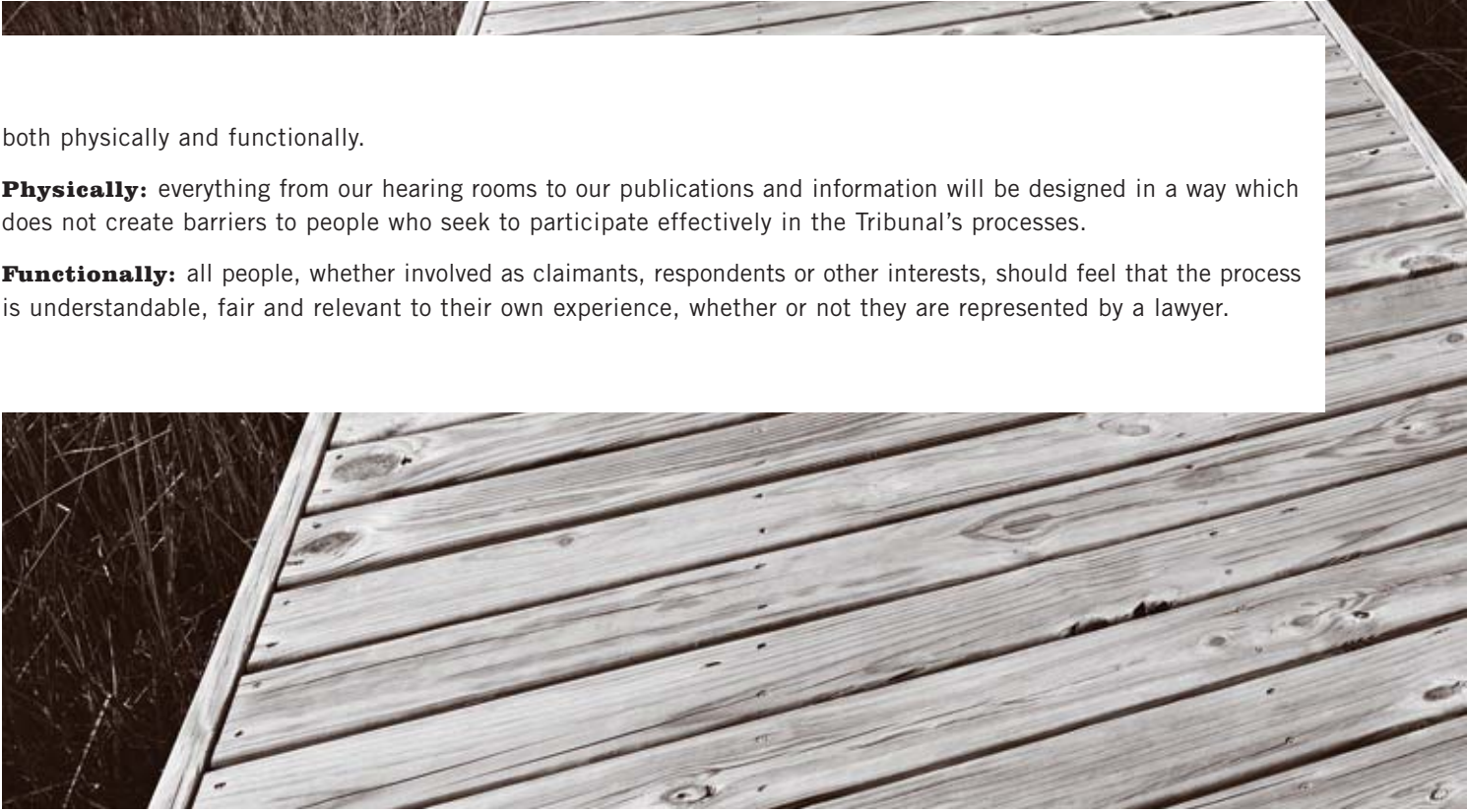
Mission

- The Tribunal will play its role as a pillar in the human rights system by providing expeditious and accessible processes to assist the parties to resolve complaints brought before the Tribunal, and to determine complaints where the parties are unable to resolve them.
- The Tribunal will be activist to seek a fair, just and expeditious resolution of the merits of an application.
- The Tribunal will provide and promote meaningful and effective public interest remedies in appropriate cases. The Tribunal will not bar settlements where parties freely desire to resolve their dispute.
- The Tribunal will seek to maintain the highest standards of integrity and quality of work.
- The Tribunal will strive for consistency to enhance the parties' reasonable expectations of Tribunal policy and process, but will remain responsive to differing cases and party needs, and to an evolving understanding of human rights and discrimination.
- The Tribunal will strive to promote a clear understanding of the Tribunal's work among the general public. The Tribunal will work to be responsive to the needs of its stakeholder communities.



 **Core Values** The Core Values inform the Tribunal's approach to its mandate. They set the foundation for the rules and policies and how those rules and policies will be applied. The Core Values are:

ACCESSIBILITY:



both physically and functionally.

Physically: everything from our hearing rooms to our publications and information will be designed in a way which does not create barriers to people who seek to participate effectively in the Tribunal's processes.

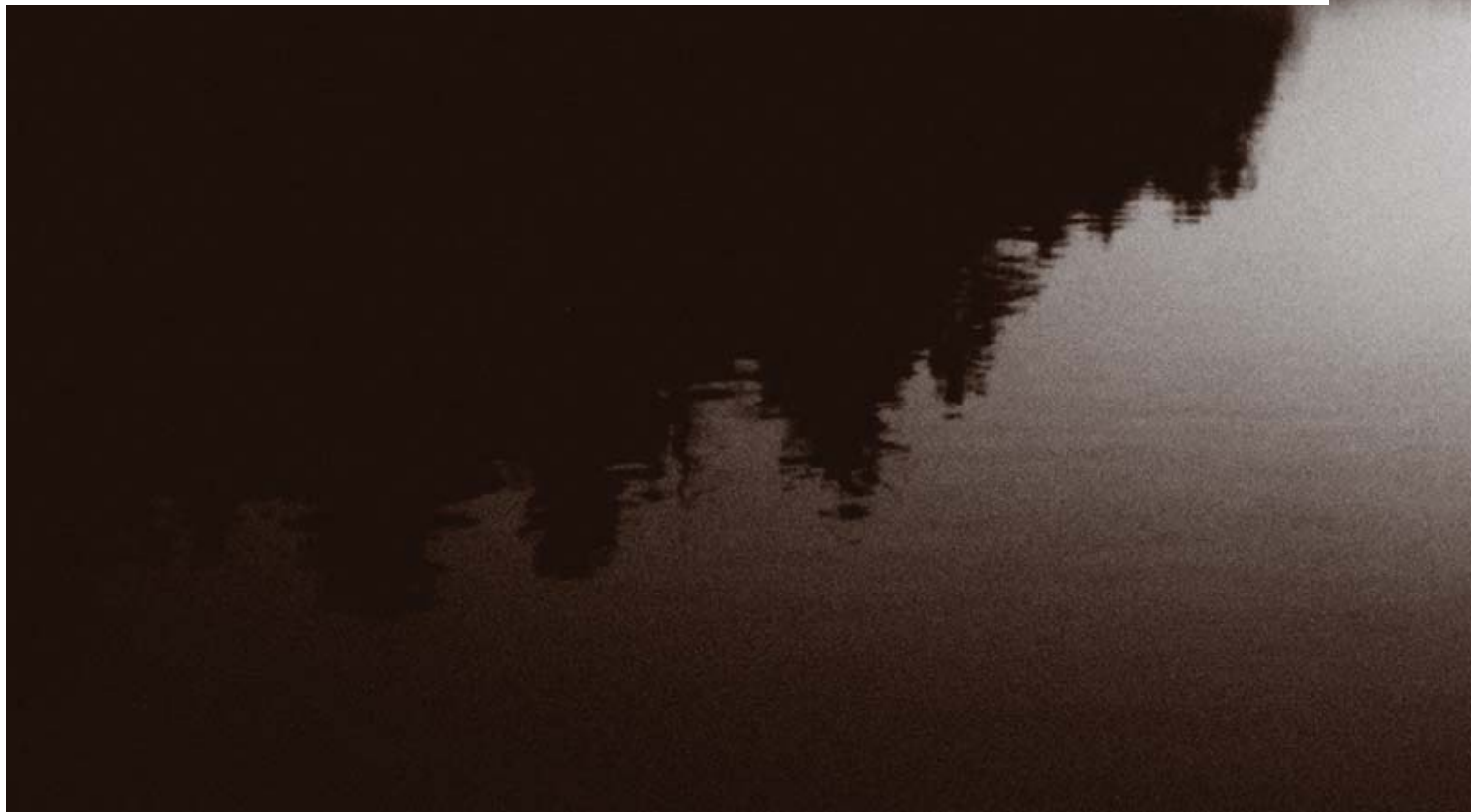
Functionally: all people, whether involved as claimants, respondents or other interests, should feel that the process is understandable, fair and relevant to their own experience, whether or not they are represented by a lawyer.





FAIRNESS:

the process will ensure that decisions are based on the facts, the law and the merits of the case.





Tribunal procedures will be clearly established and decisions will be made in an open way, with substantive reasons that are clear, concise and understandable.

TRANSPARENCY:





TIME LINES:

resolutions will be reached and decisions made in a timely way, so that delays do not frustrate the objects of the *Code* – to prevent discrimination and if a violation is found, to provide effective, meaningful remedies.





THE OPPORTUNITY TO BE HEARD:



a complaint that is within the jurisdiction of the Tribunal will not be finally determined without giving the parties an opportunity to make oral submissions.





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Message from the Chair

I am pleased to present the first annual report by the “new” Human Rights Tribunal of Ontario.

This has been a year of change for us. The *Human Rights Code Amendment Act* came into effect on June 30, 2008, and with that the HRTO’s role was redefined. We now receive and resolve all applications claiming discrimination under the *Human Rights Code* – we anticipate about 3,000 per year.

The change in legislation also created a transition period during which the HRTO continued to receive complaints filed under the old system where:

- the complainant decided to “transfer” the complaint filed with the Ontario Human Rights Commission by filing a transition application with the HRTO; or,
- the Ontario Human Rights Commission referred the complaint to the HRTO prior to December 31, 2008.

A great deal of work went into preparing for these changes. Staff and Vice-chairs were recruited through a competitive process, rules of procedure and policies were adopted following extensive consultations with stakeholders, a website was launched, and the HRTO’s fully accessible hearing centre was opened.

As the first group of applications moved through the system, we continued to listen to our stakeholders and adjusted our processes as necessary. Our active triage has allowed us to deal quickly with certain issues, while appropriate resources can be assigned to more complex cases. The parties’ experience to date with the Tribunal’s mediation has been positive. Decisions after hearings are clear, concise, well reasoned and transparent.

Accessibility is one of our core values. The HRTO has developed an accessibility and accommodation policy that meets the Tribunal’s obligations under the *AODA*; it is the model for tribunals across the province.

As Chair of the HRTO, I would like to thank everyone who has worked so hard to meet the promises and challenges of the new Human Rights Tribunal. I would like to thank the many individuals and groups in our stakeholder community who have generously donated their time, and ideas, to the Tribunal.

And I would like to thank the HRTO staff, current and transition, for their dedication, professionalism, and commitment to excellence in public service.

Michael Gottheil

Change in Legislation

On June 30, 2008, the *Human Rights Code Amendment Act 2006* came into force. As of that date, all claims of discrimination under the *Human Rights Code* are dealt with through applications filed directly with the Human Rights Tribunal of Ontario. The Ontario Human Rights Commission is no longer responsible for receiving discrimination complaints from individuals and then referring them to the Tribunal.

This change presented a significant challenge for the Tribunal, which is expected to grow from receiving 100 to 150 complaints each year to an estimated 3,000 applications annually.

In keeping with changes to the *Code*, the Tribunal established rules and processes that will ensure all claims of discrimination are:

- addressed in a timely way, with procedures that are accessible, proportionate and responsive to the nature of the case and the parties;
- dealt with through open and transparent procedures, and where the claim is within the jurisdiction of the Tribunal, parties are provided an opportunity to make oral submissions;
- resolved fairly, based on the facts and the law; and,
- where a violation of the *Code* is found, an effective meaningful remedy is provided.

The Tribunal's primary role is to provide an expeditious and accessible process that assists parties to resolve applications through mediation, and to decide those applications where the parties are unable to reach a resolution through settlement.

The amended *Code* establishes a new Human Rights Legal Support Centre to provide advice, support and representation for applicants, while the Commission continues to play its important public interest function.

The Process: Then

- Complaints were filed with the Ontario Human Rights Commission
- Unless the matter was dismissed under s. 34, the Commission would “investigate a complaint and endeavour to effect a settlement”
- Under s. 33 of the *Code*, the Commission had various investigatory powers
- Where the Commission decided it was appropriate, it would refer a complaint to the Tribunal for a hearing
- The Commission referred about 150 cases each year to the Tribunal
- At a hearing at the Tribunal, the Commission was a party together with the Complainant(s) and Respondent(s)
- The Tribunal mediated and conducted hearings *de novo* – the Commission's investigation and recommendation was not binding

The Process: Now

- Applications are filed directly with the Tribunal
- The Tribunal reviews applications for completeness, jurisdiction and deferral, then serves the application on the Respondent
- The Respondent has 35 days to file a response
- Active Triage: the Tribunal considers each application and response and asks the question, “What is the most fair, just and expeditious way to proceed?”
- The Tribunal provides the parties an opportunity to engage in voluntary mediation
- Where the parties do not choose mediation or mediation does not result in a settlement, a hearing is scheduled where parties present evidence and make submissions
- Through active case management, the Tribunal has been able to use hearing time efficiently, and provide parties a fair and accessible hearing

Opening of the new Tribunal

On June 30, 2008 the new Human Rights Tribunal of Ontario opened the doors of its hearing centre at 655 Bay Street in Toronto.



In attendance to cut the ribbon were, (from left) Barbara Hall, Chief Commissioner of the Ontario Human Rights Commission, Attorney General Chris Bentley, Michael Gottheil, Chair of the Human Rights Tribunal of Ontario, and Raj Anand, Chair of the Human Rights Legal Support Centre.

Appointments Process

The *Human Rights Code* requires that members of the Tribunal possess:

- experience, knowledge or training with respect to human rights law and issues;
- aptitude for impartial adjudication; and,
- aptitude for applying alternative adjudicative practices and procedures.

Members of the Tribunal are appointed by the Government through an Order-in-Council from a list of candidates recommended by the Tribunal. The Tribunal develops this list by following an open, public and competitive recruitment process in accordance with the directives of the Public Appointments Secretariat and the requirements in the *Code*. This list of qualified candidates is then provided to the Attorney General for consideration.

In 2007/08, the Tribunal issued two separate advertisements for persons interested in the position of Vice-chair. The Tribunal received close to 500 applications, and interviewed approximately 75 candidates. As a result, the Tribunal's complement increased to 22 full-time Vice-chairs and 22 part-time members.

Tribunal members are bound by the Tribunal's *Code of Conduct*, and governed by a detailed position description.

See Appendix C for a complete list of our Vice-chairs, part-time members and their biographies.

Operations

In its first year, the Tribunal has been dealing with three types of cases:

- **New Applications** – effective June 30, 2008, all new allegations of discrimination under the *Human Rights Code* are filed with the Tribunal, either through applications brought by individuals or Commission initiated applications [s. 34 and s. 35 of the *Code*].
- **Transitional Applications** – anyone who filed a complaint with the Commission before June 30, 2008:
 - can abandon that complaint and apply to the Tribunal until December 31, 2008 [s. 53(3) of the *Code*].
 - can apply to the Tribunal by June 30, 2009 [s. 53(5) of the *Code*].
- **Commission Referred Complaints** – the Commission will continue to refer complaints to the Tribunal until December 31, 2008.

From June 30, 2008 to March 31, 2009, the HRTO received 1,738 New Applications, 1,150 Transitional Applications and 301 Commission Referred Complaints (including 94 new “diet allowance cases”). Details about the HRTO’s caseload for each type of case are set out below.

New Applications

It was estimated that the HRTO would receive approximately 3,000 new applications annually, or approximately 250 per month. During the early months of the new legislation, the intake volume was less than anticipated, but it increased in the later months to a level much closer to the predicted monthly figure:

June 2008	1
July	153
August	135
September	173
October	195
November	171
December	223
January 2009	217
February	225
March	245
Total	1,738

Of these applications, 74 (4%) were closed administratively:

- 1 as a duplicate application
- 36 because the application was incomplete and the Applicant failed to provide the required information
- 37 because the application was withdrawn by the Applicant before the Respondent filed a response

Mediation

As part of the Tribunal's process, parties are asked whether they wish to engage in mediation as a way to resolve their dispute. Where parties do not indicate a willingness to participate in mediation, the Tribunal may follow up to explore mediation as an option, but it remains voluntary.

Mediation is conducted in a structured way with a listening component, where parties have an opportunity to tell their stories and have an opportunity to be heard. Mediation is conducted by a Tribunal Vice-chair or member who has expertise in human rights and alternative dispute resolution techniques.

The Tribunal's role in mediation is to "facilitate the parties' efforts in reaching a settlement." It is important to note that the Tribunal does not approve settlements. Settlements are voluntary and require the agreement of all parties.

The Vice-chair or member may provide information on likely outcomes if the case does not settle, or what outcomes have been reached in other similar cases. If the case does not settle, another Vice-chair or member is assigned to adjudicate the matter.

The HRTO started holding mediations on new applications in October 2008, with the number of mediations increasing in later months:

October 2008	14
November	43
December	32
January 2009	105
February	56
March	100
Total	350

Of the 350 mediations held in fiscal 2008/09, 245 resulted in a settlement – a settlement rate of 70%.

Hearings

Where mediation has not resulted in a settlement, or the parties did not opt for mediation, the Tribunal will issue a Confirmation of Hearing notice.

Hearings are held on the merits, usually in-person, across Ontario unless parties waive their rights to an oral hearing. Procedural and preliminary matters may be heard by conference call, in writing or in person. Decisions vary in length and are available on-line, at: <http://www.canlii.org/en/on/onhrt/index.html>

The Tribunal's approach to hearings:

- The Adjudicator plays an active role in the hearing process; the procedure used in each hearing may vary
- The Rules of Procedure allow the Adjudicator to adopt non-traditional methods of adjudication in order to best focus on the human rights issues in dispute and reach a decision about whether the *Code* has been violated
- The Adjudicator has the power to question witnesses, parties or representatives, receive testimony not taken under oath, limit the evidence or submissions on any issue or limit a party from presenting multiple witnesses to testify about the same facts in issue
- At the same time, however, the Adjudicator is a neutral decision-maker and cannot take responsibility for identifying and leading evidence
- The Adjudicator will adopt the approach which facilitates the fair, just and expeditious resolution of the merits of the application, based on the facts and the law
- Hearings are open, transparent and conducted in accordance with the rules of natural justice. The adjudicator considers only the evidence and submissions presented in the open hearing process.
- Decisions are clear, well reasoned, and concise

Hearings

Very few new applications were ready for hearing by the end of this fiscal year. As a result, the HRTO held only 16 hearings on new applications in fiscal 2008/09:

December 2008	1
January 2009	0
February	11
March	4
Total	16

During the 2008/09 fiscal year, the HRTO was able to schedule many more hearings for the early months of the following year.

Decisions

In fiscal 2008/09, the HRTO issued 424 decisions:

Interim decisions	296
Final decisions	43
Deferrals	39
Withdrawals	39
Reconsideration decisions	7
Total	424

Transitional Applications

At the time the new legislation came into effect – June 30, 2008 – there were approximately 4,000 open complaints at the Ontario Human Rights Commission. This was the pool of cases that could come to the HRTO as Transitional Applications or as Commission Referred Complaints.

During the period from June 30 to December 31, 2008, the HRTO received 946 Transitional Applications under s. 53(3), with 40% filed in the last month.

June 2008	1
July	54
August	106
September	153
October	113
November	144
December	375
Total	946

During the period January 1 to March 31, 2009, the HRTO received 204 Transitional Applications under s. 53(5).

January 2009	77
February	53
March	74
Total	204

The total number of Transitional Applications received under s. 53(3) and s. 53(5) during fiscal 2008/09 was 1,150.

During this period – June 30, 2008 to March 31, 2009, the HRTO held 365 mediations and 74 hearings. Two hundred and seventy-eight (278) cases were closed as follows:

Settled at mediation	152 (41% settlement rate)
Settled outside of mediation	31
Closed by decision	40
Closed as withdrawn/abandoned	55
Total	278

During the fiscal year, the HRTO issued 275 decisions in respect of Transitional Applications:

Interim decisions	226
Final decisions	36
Deferrals	7
Reconsideration decisions	6
Total	275

In fiscal 2008/09, two applications for judicial review were filed of HRTO decisions involving Transitional Applications.

Commission Referred Complaints

Unlike the other HRTO applications, Commission Referred Complaints did not start on June 30, 2008. Therefore, they reflect the whole fiscal year with comparisons to the previous fiscal year:

	2008/09	2007/08
Number of active complaints at the start of the year	536	419
(includes two large groups of related case – 234 autism cases and 77 diet allowance cases)		
Number of new complaints received during the year	301	271
(including 94 new diet allowance cases)		
Number of new complaints by social area:		
Accommodation	5 (1.66%)	5 (1.9%)
Employment	106 (35.21%)	126 (46.5%)
Contract	0	1 (0.4%)
Services, goods and facilities	189 (62.79%)	138 (50.9%)
Other	1 (0.33%)	1
Number of new complaints by ground:		
Age	10	11
Ancestry	6	7
Citizenship	1	1
Colour	29	29
Creed	77	11
Disability	163	160
Ethnic Origin	16	10
Family Status	8	10
Marital Status	7	3
Place of Origin	15	18
Race	38	33
Reprisal	36	30
Sex	31	41
Sexual Orientation	4	10
Number of complaints that went to mediation	139	146
Number of complaints that went to hearing	67	50
Total number of complaints resolved by settlement	70	134
Total number of complaints closed by decision	13	19
Closed by court order	0	1
Total number of complaints closed	83	154
Number of complaints on hand at the end of the year	697	536
(includes 234 autism & 171 diet allowance)		
Number of appeals filed	5	2
Number of applications for judicial review filed	3	2

Legislative Committee Appearance

On February 9, 2009, the Tribunal appeared before the Standing Committee on Government Agencies. This was the new Tribunal's first appearance before a legislative committee, the purpose of which was a review of the Tribunal's activities. A transcript of this session is available on-line, at: http://www.ontla.on.ca/committee-proceedings/transcripts/files_html/09-FEB-2009_A027.htm#P68_2702, highlights follow.

Excerpt from the Chair's remarks:

As you know, the Tribunal recently went through a significant transformation. On June 30, 2008, the *Human Rights Code Amendment Act* came into force. The Tribunal is now responsible for receiving and resolving all claims of discrimination brought under the *Human Rights Code*. In the six months ending December 2008, we received approximately 1,050 new applications and 940 transitional or opt-out applications, in which individuals chose to transfer their Commission complaints to the Tribunal. Traditionally, the Tribunal received only about 150 complaints each year, all of which were matters referred by the Human Rights Commission. We were, until recently, a fairly small Tribunal: between about three full-time adjudicators, six to eight part-time adjudicators, and about eight staff. The amendment to the legislation has effected a fundamental realignment of responsibilities in relation to the enforcement and resolution of claims filed under the *Code*. This means that the Tribunal had to expand significantly in staff and operations. We now have about 50 staff, 22 full-time adjudicators, and about 22 part-time adjudicators.

The Tribunal's Policy on Accessibility and Accommodation

The Tribunal is committed to providing an inclusive and accessible environment in which all members of the public have equal access to its services and are treated with dignity and respect. The Tribunal aims to provide its services in accordance with the *Ontario Human Rights Code* and the Accessibility Standards for Customer Service made under the *Accessibility for Ontarians with Disabilities Act, 2005*. See Appendix F for the HRTO's Policy on Accessibility and Accommodation.

The Tribunal is committed to providing accommodation for needs related to race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy and gender identity), sexual orientation, age, marital status, family status and disability (*Code*-related needs), unless to do so would cause undue hardship. Disability includes physical disabilities, sensory disabilities, mental health disabilities, and invisible disabilities, such as learning disabilities or environmental sensitivities.

The following principles guide the Tribunal in making its processes accessible:

- Services should be provided in a manner that respects the dignity and independence of members of the public
- Services should be provided in a manner that fosters physical and functional access to the Tribunal's processes and promotes the inclusion, and full participation of members of the public
- All persons should be given equal opportunity to obtain, use and benefit from the Tribunal's services. Where required, individualized accommodation will be provided, short of undue hardship
- The Tribunal will be sensitive to the privacy concerns of those who seek accommodation

The Tribunal will promote equal access for all individuals including parties, witnesses and representatives, to fully participate in its processes, short of undue hardship. This policy applies to all the Tribunal's public offices and all Tribunal staff and members. The term member is used to designate all adjudicative positions at the Tribunal and includes the Chair, Vice-chairs and part-time members.

The Tribunal has identified a number of measures to promote a barrier-free built environment, to incorporate principles of universal design and to meet recurring accessibility needs. These are in addition to specific accommodations that may be requested on a case-by-case basis.

The Tribunal is located at 655 Bay Street, 14th Floor in Toronto between Elm and Gerrard Streets. Public parking, including accessible parking spots, is available underneath 655 Bay Street and nearby. The building is located close to the College and Dundas subway stops. The Dundas stop is wheelchair accessible. The building's front doors and elevators are accessible to wheelchairs, scooters and other mobility devices as are the Tribunal's common spaces, such as hearing rooms, mediation rooms, private meeting rooms, and washrooms.

Additional accessibility features of the Tribunal's premises include, but are not limited to, adjustable lighting, low extrinsic sound levels, hearing rooms that are equipped with sound amplification systems and accessible signage. In some circumstances accommodation of *Code*-related needs may include arranging hearings and mediations in accessible locations other than the Tribunal's hearing centres.

All of the Tribunal's informational materials, forms and notices to the public are available in print and on the Tribunal's website which follows the W3C Web Content Accessibility Guidelines. All documents created by the Tribunal are also available, upon request, in alternate formats to accommodate disability-related needs.

The Tribunal may be contacted by mail, email, facsimile, telephone and TTY line. Both phone lines have a toll-free number. The use of message relay services, such as video and Bell Relay services may be requested.

The Tribunal's Rules of Procedure state that the provisions of the Rules will be interpreted in a manner that is consistent with the *Code*. For example, parties may request flexibility in scheduling or timelines to accommodate *Code*-related needs.

When requested to accommodate *Code*-related needs, the Tribunal will provide visual interpretation services, such as American Sign Language (ASL) and langue des signes québécoise (LSQ), real-time captioning, intervenors to interpret in-person communication, and audio recordings of its hearings. Persons with disabilities may also provide a qualified interpreter or intervenor of their choosing.

The Tribunal recognizes that some individuals require the use of support services to assist with daily needs including communication, mobility, personal care or medical needs. The Tribunal will work to accommodate such services but will not generally arrange for them.

The Tribunal further recognizes that some individuals may require the use of a service animal or assistive device to participate in the Tribunal's proceedings. The Registrar should be contacted in advance of the proceedings if any special arrangements are required for the animal or device.

As fragrances cause health problems for some individuals, the Tribunal asks people who are attending at its premises to refrain from using scented products.

Where an accessibility or accommodation measure provided by the Tribunal becomes unavailable, the Tribunal will provide notice as soon as practicable and make reasonable efforts to make alternate arrangements or reschedule a proceeding to ensure that it is accessible.

Information necessary to understand the basis for an accommodation request and to allow the Tribunal to respond appropriately should be provided.

The Tribunal recognizes that accommodation needs may arise during any aspect of the process. If an accommodation issue comes to the attention of Tribunal staff, it will be directed to the appropriate Registrar. During Tribunal proceedings, a mediator or adjudicator may directly address a request, as appropriate, or refer the request to the Registrar.

Outreach Activities

As part of its commitment to remain accessible, responsive and transparent, the Tribunal continued to consult with stakeholder groups and members of the public. The Tribunal organized focus groups and targeted consultations as well as participating in Ministry sponsored public forums. In addition the Chair accepted invitations to a large number of seminars and meetings with individuals, law firms and organizations who were interested in the efforts to ensure the Tribunal was accessible and effective in achieving its mandate. Finally, to ensure transparency and ongoing dialogue as the Tribunal developed and implemented its new processes, the Chair and other members of the Tribunal participated in a wide range of conferences and speaking engagements.

HRTO Practice Advisory Committee

The Tribunal recently established an HRTO Practice Advisory Committee that will serve as a resource for consultation and feedback about policies, practices, rules, practice directions and services. The Committee will focus on the effectiveness of those aspects of the Tribunal's work as they relate to the Tribunal's mandate to provide fair, just and expeditious process for the resolution (by way of mediation or adjudication) of proceedings before it.

The Tribunal invited expressions of interest from individuals who wanted to serve on the Committee. Eight people from the community of those who regularly appear or represent parties before the HRTO were selected by the two Co-chairs. The choice of these representatives took into consideration the diversity of consumers using the HRTO's resolution services.

See Appendix D for a complete list of Committee members and their biographies.

Terms of Reference for the Human Rights Tribunal of Ontario Practice Advisory Committee

1. The Human Rights Tribunal of Ontario (the “HRTO”) has established an HRTO Practice Advisory Committee (the “Committee”) whose mandate is to function as a resource to the HRTO for consultation and feedback regarding:

- HRTO policies;
- HRTO practices;
- HRTO rules;
- HRTO practice directions; and
- HRTO services.

The Committee’s focus is on the effectiveness of the above in carrying out the HRTO’s mandate to provide fair, just and expeditious process for the resolution (by way of mediation or adjudication) of proceedings before it.

2. The Committee is not intended to be a forum for the discussion of:

- a) the merits of individual cases;
- b) substantive issues of law, or
- c) proposed or possible legislative amendments, white papers or regulations.

3. The Committee shall be available to the HRTO for consultation regarding HRTO appointments having regard to the *Code* requirement that members be appointed through a competitive process in which candidates are assessed on criteria which include experience, knowledge or training with respect to human rights law and issues, aptitude for impartial adjudication, and aptitude for applying alternative adjudicative practices and procedures.

4. The Committee will have two (2) co-chairs one representing the perspective of applicants and one representing the perspective of respondents. The co-chairs will be selected by the HRTO chair and will serve a three (3) year term and may be invited to serve a second three (3) year term.

5. The Committee shall be composed of the following members:

- a. the co-chairs;
- b. the HRTO chair and counsel to the chair;
- c. eight persons who regularly appear or represent parties before the HRTO with four taken from those who regularly appear or represent applicants and four taken from those who regularly appear or represent respondents. The choice of these representatives should take into consideration the need to respect the diversity of consumers using the HRTO resolution services;
- d. a representative from the Ontario Human Rights Commission (OHRC);
- e. a representative from the Human Rights Legal Support Centre (HRLSC); and,
- g. a member of the executive of a relevant section of the Ontario Bar Association (“OBA”) who is not employed as an arbitrator, HRTO member or otherwise as an adjudicator, who shall sit as an ex-officio member of the Committee.

6. Committee members will serve a two (2) year term, with the proviso that the timing of initial terms will be staggered in order to ensure continuity. Members may be invited to serve a second two (2) year term. Members representative of applicants and respondents will be selected by the co-chairs through an invitation to express an interest in serving on the Committee posted on the HRTO website.

7. The Committee shall meet at least three (3) times per year.

8. Members of the community will be made aware of the Committee’s meetings and discussions through minutes which will be posted on the HRTO website.

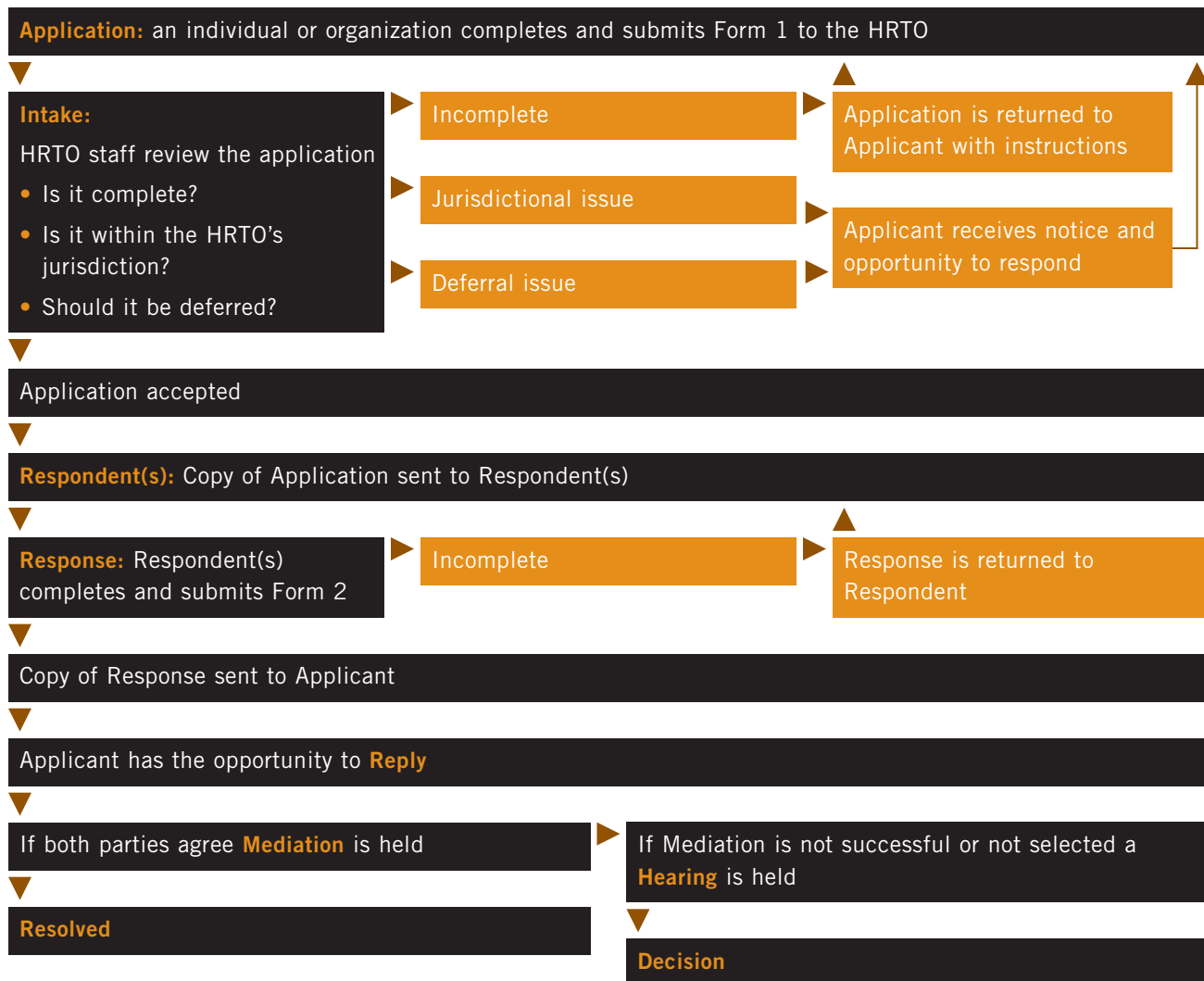
9. In order that the Committee may function in an atmosphere that encourages candour, members of the Committee will maintain reasonable discretion and confidentiality with respect to Committee discussions.

10. Committee representatives designated by the co-chairs will participate in any Tribunal consultation with users of the HRTO’s services to further the Committee’s effectiveness as a resource to the HRTO.

Appendices:

(a) Application Process

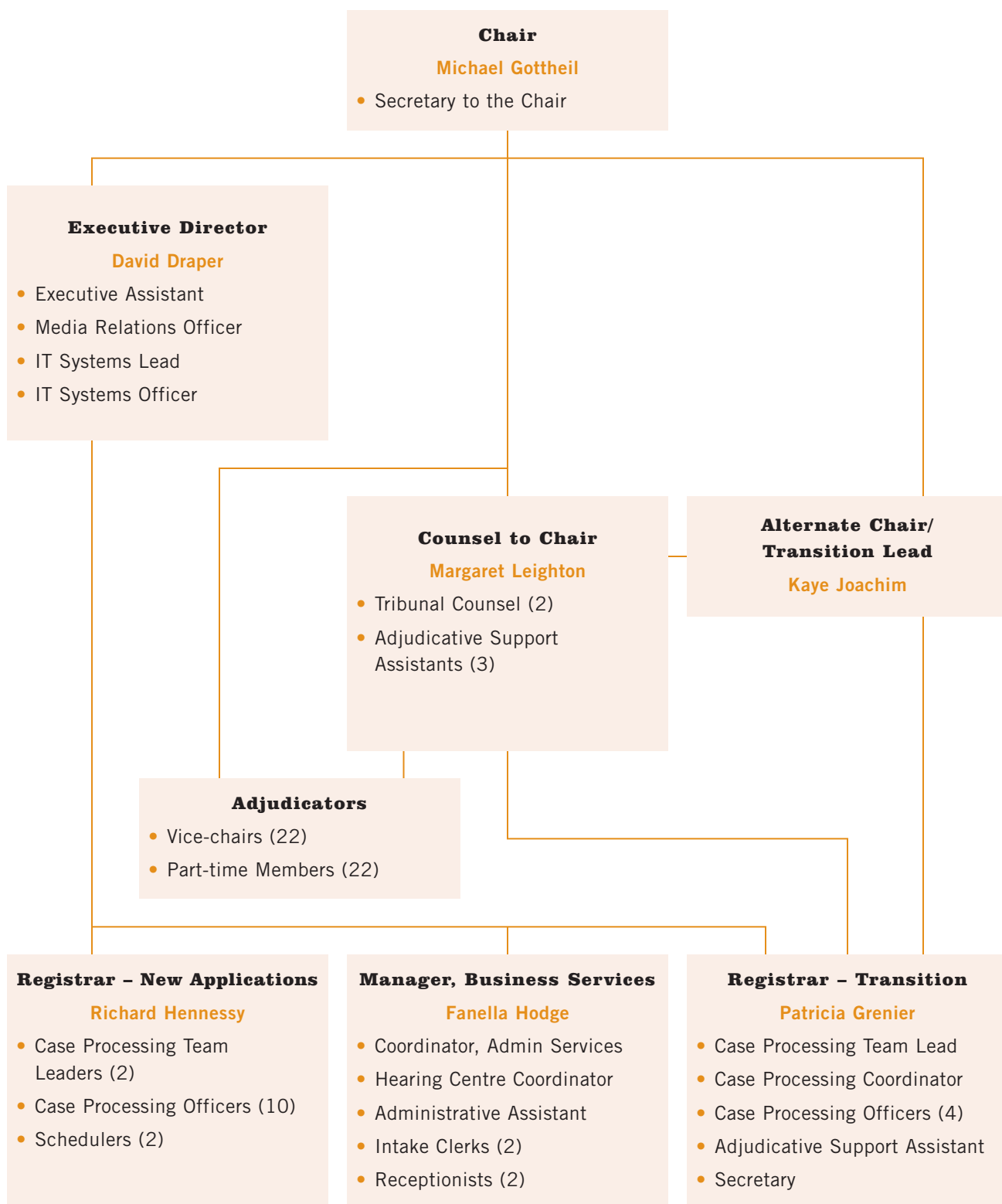
This flowchart offers an overview of the Tribunal's new Application process. Details are available on the HRTO website in the Applicant's Guide and the Respondent's Guide.



(b) Organizational chart

Human Rights Tribunal of Ontario

At March 31, 2009



(c) Vice-chairs and Members

Michael Gottheil

Mr. Gottheil was appointed Chair of the Human Rights Tribunal of Ontario in April 2005. He is a graduate of Osgoode Hall Law School and was called to the Bar of Ontario in 1987. After working as in-house counsel for two national trade unions, in 1991 he co-founded the Ottawa law firm of Engelmann Gottheil, where he practiced labour, employment and human rights law until his appointment. In addition to practicing law, Mr. Gottheil has also held the positions of part-time professor at Algonquin College and the University of Ottawa Law School.

Vice-chairs

Faisal Bhabha

Mr. Bhabha holds a law degree from Queen's University Faculty of Law and an LL.M. from Harvard Law School.

As a law student, Mr. Bhabha worked for human rights organizations in Israel and the occupied Palestinian territories. He also researched comparative discrimination law in South Africa. He was called to the Bar of Ontario in 2003.

As a lawyer, Mr. Bhabha focused on human rights and constitutional law, representing clients in issues related to employment, education, public safety and health. He appeared before a variety of administrative boards and agencies and at all levels of court, including the Supreme Court of Canada. He also advised or represented numerous public interest organizations and NGOs in matters related to constitutional law and human rights.

Mr. Bhabha served as a member of the Equity Advisory Group of the Law Society of Upper Canada and as a volunteer with an international development organization. He has spoken publicly on human rights and constitutional law, and taught Discrimination Law as an Adjunct Professor at Osgoode Hall Law School. He has published law review articles on equality, access to justice, multiculturalism and national security policy.

Ken Bhattacharjee

Mr. Bhattacharjee holds an LL.B. from Osgoode Hall Law School and a B.A. (Honours) from the University of Western Ontario. Since 2003, he has served as a human rights officer with the Ontario Human Rights Commission.

Mr. Bhattacharjee brings to the Tribunal extensive international human rights advocacy experience from work with ARTICLE 19, the Global Campaign for Free Expression in the United Kingdom and the Coordinating Committee of Human Rights Organizations of Thailand. He is the author or co-author of numerous reports and articles on discrimination, freedom of expression and human rights systems.

Mr. Bhattacharjee's community work includes serving on the Board of Directors of the South Asian Legal Clinic, and volunteering with the Canadian Lawyers Association for International Human Rights, Asian Heritage Month Group and Asian Network for Free Elections.

Keith Brennenstuhl

Mr. Brennenstuhl is a graduate of the Faculty of Law at the University of Windsor and was called to the Bar of Ontario in 1976. He clerked to Mr. Justice Estey, Chief Justice of Ontario.

Mr. Brennenstuhl practiced corporate, entertainment and labour law before his appointment to the Immigration and Refugee Board in 2002. He remained with the Board to 2007, serving as a senior adjudicator, adjudicator team leader and acting Assistant Deputy Chair.

Mr. Brennenstuhl's community work earned him the Outstanding Canadian Foundation Award and two citations from the Canadian Red Cross for commitment and voluntary service to assist those who are most vulnerable in the community.

Ena Chadha

Ms. Chadha is a graduate of the College of Law, University of Saskatchewan (1992) and was called to the Bar of Ontario in 1994. She holds Certificates in Advanced Alternate Dispute Resolution and Mediation (1999) from the Faculty of Law at the University of Windsor.

Ms. Chadha was Director of Litigation with ARCH: Disability Law Centre from May 2000 to July 2007. Ms. Chadha's litigation background involved human rights challenges before various administrative tribunals, trial and appellate courts, including the Supreme Court of Canada.

Ms. Chadha is actively involved in legal education and writes on equality rights issues. She obtained her LL.M. from Osgoode Hall Law School. Ms. Chadha is an Indo-Canadian lawyer.

Brian Cook

Mr. Cook holds an LL.M. from Osgoode Hall Law School. He previously served as an investigator at the Office of the Ombudsman.

Mr. Cook has extensive adjudicative experience. He was first appointed to the Workplace Safety and Insurance Appeals Tribunal in 1985 as a member representative of workers and was appointed a full-time Vice Chair in 1990. In that capacity he had significant exposure to issues involving disability and accommodation.

He has designed and delivered training programs for the staff of the Workplace Safety and Insurance Board and has been a member of the Mandatory Mediation Program since it was established in 1999.

Brian Eyolfson

Mr. Eyolfson is a graduate of the Faculty of Law at Queen's University and was called to the Bar of Ontario in 1994. He holds an LL.M., specializing in administrative law, from Osgoode Hall Law School.

Mr. Eyolfson has practiced human rights, Aboriginal rights and administrative law, before a variety of tribunals and the courts, and participated in test-case litigation and interventions, in matters involving Aboriginal and equality rights. He was a senior staff lawyer with Aboriginal Legal Services of Toronto and also served as counsel to the Ontario Human Rights Commission.

Mr. Eyolfson served as an appeals officer with the Information and Privacy Commissioner/Ontario from 1994 to 1996. He has taught public law for the Law Society Bar Admission Course and served for several years as a member and co-chair of Rotiio> taties, an Aboriginal advisory group to the Law Society of Upper Canada and other bodies. He has been an editor of the Journal of Law and Social Policy since 2000 and has taught human rights law and practice to Ontario community legal clinics across the province. Mr. Eyolfson is a member of the Metis Nation of Ontario.

Michelle Flaherty

Michelle Flaherty is a graduate of the Faculty of Law at the University of Ottawa. She has extensive experience in administrative, labour, human rights and employment law and has represented both employers and employees. She articulated as law clerk to Madame Justice Claire L'Heureux-Dubé of the Supreme Court of Canada from 1999 to 2000.

Ms. Flaherty also taught for a number of years at the University of Ottawa in the areas of equality, human rights and labour law. Her community work includes volunteering for several community organizations in the Ottawa area. She is fluent in French and English.

Mark Hart

Mr. Hart is a graduate of the Faculty of Law at the University of Toronto and was called to the Bar of Ontario in 1988.

Mr. Hart has practised law in the areas of human rights, employment and labour law for many years. His practice has included acting as an external neutral for employers and other organizations, conducting internal investigations and mediations on discrimination and harassment issues. He has acted as counsel on many leading human rights cases before tribunals and all levels of the courts, including the Supreme Court of Canada. Mr. Hart also was counsel to the Ontario Human Rights Commission and to the Employment Equity Commission.

Mr. Hart has spoken extensively on human rights and employment equity issues, and has taught discrimination law at Osgoode Hall Law School, at the Ontario Law Society Bar Admission Course, and at Ryerson University.

Kaye Joachim

Ms. Joachim is a graduate of the Faculty of Law at Osgoode Hall Law School at York University and was called to the Bar of Ontario in 1987. She earned an LL.M. in labour and human rights law from the University of Toronto in 1997.

Ms. Joachim has been a part-time member of the Human Rights Tribunal of Ontario since 2005. Previously, she served as a Vice-Chair at the Ontario Labour Relations Board, as an arbitrator and mediator at the Ontario Financial Services Commission and as a member of the Academic Appeals Board of the University of Toronto. Ms. Joachim has acted as in-house counsel to the Workers' Compensation Appeals Tribunal and to the Ontario Human Rights Commission. She has also practiced as a labour arbitrator and mediator.

In 2000, Ms. Joachim joined the Faculty of Law, University of Toronto as Assistant Dean, Graduate Studies, responsible for the graduate law program. She taught Labour and Employment Law for five years.

Judith Keene

Ms. Keene was called to the Bar of Ontario in 1981. Prior to joining the Tribunal, she was Director of the Clinic Resource Office of Legal Aid Ontario, where she had a lengthy career providing legal advice and litigation support to Community Legal Clinics and Student Legal Aid Societies. She has also served extensively in the public sector, primarily within provincial Commissions and administrative tribunals.

Ms. Keene has served as a volunteer with numerous organizations, including the Joint Action Committee on Gender Equity, (Ontario Bar Association/ Law Society of Upper Canada), review panel, Women in the Legal Profession Committee (LSUC), Metropolitan Toronto Council on Race Relations and Policing, Ontario Pro Bono Initiative Round Table, Alliance for Employment Equity, and the Discretionary Justice & Social Welfare Working Group.

Ms. Keene also served as Non-Bench member and Co-Chair, Treasurer's Equity Advisory Committee, (LSUC), and as Chair, Civil Liberties Section, Ontario Bar Association.

Ms. Keene is the author of *Human Rights in Ontario*, 2nd ed. (Toronto: Carswell, 1992), as well as numerous articles and Continuing Legal Education presentations on human rights law, and s.15 of the Canadian Charter of Rights and Freedoms.

Sherry Liang

Sherry Liang is a graduate of the Faculty of Law at the University of Toronto and was called to the Bar of Ontario in 1987. She received an LL.M from the University of Toronto in 1998 in administrative law.

Ms. Liang commenced practice in labour, employment and related areas of law before being appointed as Vice-Chair of the Ontario Labour Relations Board from 1991 to 1997. After 1997, Ms. Liang established an arbitration and mediation practice, and has served as legal counsel and appeals adjudicator with the Office of the Information and Privacy Commissioner/Ontario. From 2004 to 2006, she served as Expert Advisor to the Federal Labour Standards Review reporting to the federal Minister of Labour.

Ms. Liang's community involvement includes long-standing service on the board of a non-profit agency providing services to homeless and marginalized women in Toronto, as well as Co-Chair of the University of Toronto's academic discipline tribunal.

Kathleen Martin

Ms. Martin is a graduate of the Faculty of Law at University of Toronto and was called to the Bar of Ontario in 1987.

Ms. Martin was a part-time member of the Human Rights Tribunal since 2006 and, until her full-time appointment in September 2007, had a practice as a mediator and arbitrator of employment and labour disputes. Prior to commencing her mediation/arbitration practice, Ms. Martin had been a partner in a law firm for many years where she practiced labour, employment and human rights law.

Ms. Martin was Co-Chair of the 2007 Ontario Bar Association (OBA) Continuing Legal Education session on "Human Rights and Labour Law: New Challenges and New Directions." She is an Executive Member of the OBA Labour Section and a member of the OBA Constitutional, Civil Liberties and Human Rights Section.

David Muir

Mr. Muir holds an LL.B. from Queen's University and an LL.M. from Osgoode Hall Law School. He has extensive adjudicative experience from the Financial Services Commission, the Ontario Labour Relations Board and the Office of Adjudication, where he was adjudicator and mediator of personal injury, occupational health and safety and other employment law disputes. Mr. Muir also worked as a policy advisor and prosecutor with the Ontario Ministry of Labour.

Naomi Overend

Ms. Overend holds an LL.B. from the University of Toronto. Prior to her appointment to the Tribunal Ms. Overend was discipline counsel at the Law Society of Upper Canada from 2003–2008. From 1989 to 2003, she was counsel to the Ontario Human Rights Commission and has litigated numerous human rights cases before the Tribunal, the Divisional Court, the Court of Appeal and the Supreme Court of Canada.

Sheri Price

Ms. Price holds an LL.B. from Osgoode Hall Law School and an LL.M. from the University of Toronto.

Ms. Price has been in private practice since 1996, working primarily on behalf of trade unions and employees in the areas of labour, human rights and employment law. She has appeared before numerous administrative tribunals. Her community involvement

includes volunteering for the Open Door Centre and St. Christopher House.

Leslie Reaume

Ms. Reaume is a graduate of the Faculty of Law at the University of Western Ontario and was called to the Bar of Ontario in 1997.

Ms. Reaume has specialized in human rights law and alternative dispute resolution for a number of years. She has experience litigating cases before a variety of administrative tribunals and every level of the Canadian courts, including provincial appeal courts, the Federal Court of Canada and the Supreme Court of Canada. For the past six years, she has acted as Counsel to the Canadian Human Rights Commission where she conducted litigation, acted as a mediator and conciliator.

Ms. Reaume has also taught for a number of years at the University of Western Ontario in London and at Queen's University in Kingston in the areas of women's equality rights and alternative dispute resolution.

Alison Renton

Ms. Renton holds an LL.B. from the University of Windsor. She was previously in-house counsel for the Liquor Control Board of Ontario in the area of labour and employment law.

Ms. Renton has extensive experience before various administrative tribunals, including the Grievance Settlement Board and the Ontario Labour Relations Board. Her practice involved a variety of issues including discrimination, harassment, accommodation of disabilities, discharge and discipline.

Jay Sengupta

Ms. Sengupta holds an LL.B. from Osgoode Hall Law School. She has worked extensively in Ontario's community legal clinic system, providing advice and representation to members of low-income communities on matters involving social assistance, housing, criminal injuries compensation, immigration, workers' compensation, human rights, and employment law.

Ms. Sengupta has also engaged in community development, law reform and public legal education initiatives on behalf of the communities for whom she has worked. Her community involvement has included serving on the boards of the Hamilton Social Planning and Research Council and the Threshold School of Building.

Mary Truemner

Ms. Truemner holds an LL.B. from the University of Ottawa. She has 20 years' experience practicing both administrative and human rights law.

Prior to her appointment to the Tribunal, Ms. Truemner was acting director of Legal Services at the Advocacy Centre for Tenants Ontario. Prior positions include academic director at Parkdale Community Legal Services, professor at Osgoode Hall Law School and lawyer at the Centre for Equality Rights in Accommodation. She gained international human rights work experience in Nicaragua. Ms. Truemner is fluent in both French and English.

Eric Whist

Mr. Whist has extensive experience in Ontario's human rights system. From 1979 to 1991, he worked with the Ontario Human Rights Commission and the Ontario Race Relations Directorate in a variety of positions including race relations officer and regional manager.

Mr. Whist then joined the Ministry of Municipal Affairs and Housing as a manager working on strategies to improve the quality of life in public housing communities. He was appointed a member of the Immigration and Refugee Board in 1996, most recently serving as the acting Assistant Deputy Chairperson of the Board's Immigration Appeal Division.

Alan Whyte

Mr. Whyte holds an LL.B. from Queen's University. He brings 26 years of experience practicing law to the Tribunal. Until his appointment, Mr. Whyte was a partner at Hicks Morley Hamilton Stewart Storie, acting on behalf of employers.

He has made numerous appearances before many tribunals, including the Human Rights Commission, the Ontario Labour Relations Board, the Workplace Safety and Insurance Board, the Workplace Safety and Insurance Appeals Tribunal, and many labour arbitrators and courts at different levels.

David A. Wright

Mr. Wright completed his LL.B. and B.C.L. at the Faculty of Law of McGill University in 1998, where he was the Gold Medal winner for the highest average in his graduating class. He received his LL.M. at New York University in 2000. Mr. Wright articulated as law clerk to Madame Justice Claire L'Heureux-Dubé of the Supreme Court of Canada from 1998 to 1999.

Mr. Wright practiced labour, administrative, human rights law, and civil litigation at a Toronto law firm from 2001 to 2007. He appeared as counsel before various administrative tribunals and all levels of courts. He taught administrative law at Osgoode Hall Law School as an adjunct professor in 2002 and is the author of several law journal articles on administrative, labour, and constitutional law.

Mr. Wright is a frequent speaker on human rights, administrative law, and labour law. He is the past chair of the Constitutional, Civil Liberties and Human Rights section of the Ontario Bar Association.

Members

Ian B. Anderson
 Andrew Diamond
 Jim Dimovski
 Maureen Doyle
 Mark Handelman
 Dale Hewat
 Judith Hinchman
 Laverne Jacobs
 Ajit Jain
 Sunil Kapur
 Mary Anne McKellar
 David Osborn
 Joseph Radocchia
 The Honourable Alvin B. Rosenberg, Q.C.
 Caroline Rowan
 Mark Sandler (resigned November 2008)
 Janice Sandomirsky
 Jennifer Scott
 Susan Jane Serena
 David Shannon
 Brian Sheehan
 Lorne Slotnick
 Ailsa Wiggins

(d) HRTO Advisory Committee Members

Michael Gottheil, Chair, and Margaret Leighton, Counsel to the Chair, represent the Tribunal on the HRTO Advisory Committee.

Patty Murray (Co-chair)

Ms. Murray practises in all areas of labour and employment law, including grievance arbitration, Labour Board matters and human rights. As the Chair of the Hicks Morley Human Rights Practice Group, Ms. Murray has a particular interest in human rights matters. She advocates for clients before the Canadian Human Rights Commission and is involved in litigating a variety of different matters at the Ontario Human Rights Tribunal. Ms. Murray's human rights expertise is not limited to the employment arena; she regularly advises service providers such as school boards and police service boards in defending against human rights complaints.

Mary Cornish (Co-chair)

Ms. Cornish is a senior partner at Cavalluzzo Hayes Shilton McIntyre & Cornish LLP, a legal scholar and has taught as an Adjunct Professor at Osgoode Hall Law School. She is recognized internationally as an expert in the fields of human rights and labour law, pay and employment equity, social protection, judicial reform and dispute resolution issues. Her 1992 *Ontario Human Rights Code Review Task Force Report "Achieving Equality"* recommended transformative changes to Ontario's human rights enforcement system. The Ontario Government cited the Cornish report as the foundational basis for the 2006 human rights reform law. She is co-author of the book, "Enforcing Human Rights in Ontario." As an international consultant, she has provided advice on human rights and labour issues to the World Bank, International Labour Organization, European Economic Community and Swedish, Chilean and New Zealand governments. In 1993, she was awarded the Law Society Medal for her outstanding service to the legal profession. In 1996, she was awarded the Society of Ontario Adjudicators and Regulators' (SOAR) Medal of Honour for outstanding contribution to the administrative justice system.

Members

David Baker

Mr. Baker heads a small litigation firm called bakerlaw that specializes in constitutional and human rights law, disability, health and education law, tort, employment and sexual assault law and immigration and national security law. The firm's Credo is "Accessible Justice," which it strives to make meaningful by finding creative ways to assist members of disadvantaged groups to exercise their rights. He is an adjunct professor at the University of Toronto, Faculty of Law where he teaches a course on Access to Justice. He articulated with the late Ian Scott, at Cameron Brewin and Scott, leaving to do an LL.M. After spending a period in Washington working as a legal advisor to Ralph Nader's Tax Reform Research Group, he returned to Canada to found ARCH, which is a legal clinic and Canada's national disability law centre. He was named to UNESCO's International Panel of Human Rights Experts, received the Law Society Medal and an honorary doctorate from Trinity College at the University of Toronto and is the first non-disabled person to be made an Honourary Member of the Council of Canadians with Disabilities. He is a founding Board member of Democracy Watch and is Advocacy Co-Chair and member of the executive of Human Rights Watch Canada.

Kim Bernhardt

Ms. Bernhardt specializes in labour, employment, human rights, administrative and constitutional law. From 1993–2001, she worked for the Ontario Nurses' Association. She presented ONA's policy position and represented ONA members before arbitration boards and tribunals. She has also served on the Public Service Grievance Board and was a part-time appointee to the Human Rights Board of Inquiry. From 1989 to 1992, she lived in the United Arab Emirates and taught business for the Higher Colleges of Technology. From 1978 to 1984 Ms. Bernhardt was an Investigation Officer with the OHRC. Ms. Bernhardt has been involved in community and legal organizations concerned with equity, law, education, and social issues. She has written papers and presented at numerous conferences and events; in particular on employment and human rights issues. Ms. Bernhardt obtained her LL.M in 1999 from Osgoode Hall Law School at York University and her LL.B in 1988 also from Osgoode.

Antonella Ceddia

Ms. Ceddia is a Litigation Lawyer with the City of Toronto. Her practice includes defending the City in constitutional challenges to its by-laws and defending human rights matters against the City, Toronto Police Services Board and Toronto Police. Ms. Ceddia practised litigation at McCarthy Tetrault LLP in Toronto before joining the City and articulated as a Law Clerk at the Court of Appeal for Ontario. She was called to the bar in 2003. She holds an M. A. in Political Science (Public Policy) and has extensive professional experience in human rights as an Investigator at the Ontario Human Rights Commission in the early 1990s; manager of her own human rights consulting business; and as the first full-time Investigator of Human Rights at Ryerson University. She also served in Policy Advisory roles in both the Ontario Cabinet Office and in Mayor Barbara Hall's Office, here in Toronto. Ms. Ceddia serves on the United Way of Toronto Board of Trustees and chairs the Allocations Committee which disburses approximately \$75 million, annually, in donor funds to Toronto's 150 United Way agencies.

Jeffrey Goodman

Mr. Goodman is a Partner with Heenan Blaikie LLP in Toronto and is both a lawyer and a mediator. He focuses his practice on employment, human rights, disability and labour law and heads the Toronto office's human rights practice. He represents employers before various courts and administrative bodies and tribunals and, in particular, The Canadian Human Rights Commission and the Ontario Human Rights Tribunal. He also advises clients on employment law issues and on the implementation of human rights policies and training and accommodation programs. Mr. Goodman regularly chairs and speaks at conferences on human rights, employment and labour-related matters and teaches employment law (including human rights law) at Queen's University, Faculty of Law. He completed the Program of Instruction for Lawyers Mediation Workshop presented by the Program on Negotiation at Harvard Law School. Mr. Goodman is the co-author of Canada Law Book's "A Guide to Alternative Work Relationships" and is the coordinating editor and a contributing author of the human rights, employment, privacy, occupational health & safety and worker safety and insurance chapters of CCH's Ultimate Corporate Counsel Guide and has authored numerous other papers and articles on employment, disability and human rights law.

Sean W. Hanley

Mr. Hanley is Counsel with the Constitutional Law Branch of the Ministry of the Attorney General of Ontario, where he has practiced since 1999. Prior to joining the Constitutional Law Branch, he clerked for the Honourable Mr. Justice Marshall E. Rothstein, then of the Federal Court of Canada. Mr. Hanley obtained his LL.B. from Queen's University in 1996 and B.A. (Honours) from McGill University in 1993. He has represented Ontario in complex Human Rights Tribunal proceedings questioning whether legislation or government policies comply with the *Human Rights Code*. Mr. Hanley has also represented the Province before all levels of court in Ontario, the Federal Court of Canada and the Supreme Court of Canada in federalism, Charter of Rights and *Human Rights Code* litigation.

Prabhu Rajan

Mr. Rajan is legal counsel for the Ontario Human Rights Commission where he represents the Commission at the Human Rights Tribunal of Ontario and at all levels of court, including the Supreme Court of Canada. He is the former Director (Acting) of the Legal Services Branch at the Commission. He has also worked as legal counsel for the Ministry of Labour and Crown Law Office – Civil (Ministry of the Attorney General). He obtained his law degree from Osgoode Hall Law School, articulated at Cavalluzzo Hayes Shilton McIntyre & Cornish, a union-side labour law firm, and was called to the Bar in 1996.

Paula M. Rusak

Ms. Rusak provides advice on a full range of employment related matters to employers and regularly appears before various administrative tribunals and arbitrations. She is regularly involved, either in an advisory capacity or as a spokesperson, with employers in collective bargaining. In addition to advising on various issues including human rights matters, such as, duty to accommodate, sexual harassment and the like, Ms. Rusak conducts independent third party investigations of human rights complaints and provides proactive training to employers, supervisors and employees. Ms. Rusak obtained her L.L.B. from McGill University in Montreal. She was called to the Bar of Ontario in 1980. She is a founding member of the Labour Law Specialty Committee, Law Society of Upper Canada.

Scott Simser

Mr. Simser is a human rights and tax lawyer as well as a certified accountant. He has acted for the applicant in several human rights proceedings, such as matters before the Ontario Human Rights Tribunal, judicial review of administrative actions, and Charter cases. His landmark case on behalf of the Canadian Association of the Deaf in the Federal Court of Canada led to improved access for the deaf and hard of hearing citizens to the Government of Canada. Mr. Simser has appeared in front of parliamentary committees to advocate for human rights. He was awarded the National Award of Merit by the Council of Canadians with Disabilities. He is a former Treasurer of the Canadian Hard of Hearing Association (Ontario Chapter) and of the Advocacy and Resource Centre for Persons with Disabilities (ARCH).

M. Kate Stephenson

Ms. Stephenson is a partner at WeirFoulds LLP in Toronto, on leave of absence from the firm and serving as Director of Legal Services at the Human Rights Legal Support Centre. She has a diverse civil litigation practice including constitutional, administrative, human rights and employment law. She has argued before all levels of court in Ontario, the Federal Court of Canada and the Supreme Court of Canada, and she has been co-counsel in constitutional challenges. Ms. Stephenson attended law school at the University of Toronto. She articulated at the firm Scott & Aylen and worked there after being called to the Bar in 1996. She moved to WeirFoulds LLP in 1998. From 2002 to 2004 she was seconded to Legal Aid Ontario where she served as the first “Resident Barrister” at the Clinic Resource Office in Toronto. Ms. Stephenson was the first person to be awarded the Advocates Society’s Arleen Goss Young Advocate’s Award, inaugurated in 2004 to recognize a lawyer who has been engaged in practice for less than 10 years, and who has a record of innovative, passionate advocacy, and concern for social justice. She is on the Board of Directors of the Income Security Advocacy Centre, in Toronto, and is a member of the Charter Committee on Poverty Issues.

Susan Ursel

Ms. Ursel is a partner with the law firm of Green & Chercover. A graduate of the University of Toronto in 1979, she received her B.A. with high honours. She completed her LL.B. at Osgoode Hall Law School in 1984 and was called to the Bar in 1986. Ms. Ursel has practiced in the areas of labour, employment, employment equity, human rights, and pension and benefits law. Her work also includes the development of educational seminars and presentations for clients with respect to issues on labour, human rights and employment equity. She has also served as a nominee on arbitration panels and in that capacity, mediated settlements of a variety of issues. She has represented complainants and unions in a variety of human rights cases. Most recently she argued the sex reassignment surgery case before the Ontario Human Rights Tribunal on behalf of three complainants. This was the first case before the Ontario Tribunal to deal with the rights of transsexual persons. Ms. Ursel is a past founding director and member of the executive of Pro Bono Law Ontario. She has been honoured for her contribution to pro bono legal culture by the Canadian Bar Association

as the recipient of the Young Lawyer's Pro Bono Service Award, 1998. She is also an inductee in the Canadian Lesbian and Gay Archives – Builders of Tolerance: Portraits from the Canadian Lesbian and Gay Archives – 2000.

Andrew Wray

Mr. Wray is a partner at Pinto Wray James LLP. He is a litigator who focuses his practice on employment, human rights and administrative law. He represents a culturally diverse client base before various levels of federal and provincial courts and all manner of administrative tribunals. Mr. Wray is often called upon to challenge government regulators at various levels of decision making, including appeals and judicial review of those decisions. He is active as the Chair of the Administrative Law Section of the Ontario Bar Association and the Legal Committee of the Centre for Spanish Speaking People. Mr. Wray is also a member of the Association des jurists d'expression française de l'Ontario. He has studied in both France and Mexico, completed his LL.B. in French at the University of Ottawa and is fluent in French and Spanish.

(e) Financials

Human Rights Tribunal of Ontario Expenditures for 2008/09

	HRTTO (New Applications)	Transition (Transitional Applications and Commission Referred Complaints)	2008/09 Total Expenditures
Salary & Wages	3,941.10	899.00	4,840.10
Employee Benefits	462.20	93.90	556.10
Transportation & Communications	327.80	40.90	368.70
Services	1,068.40	227.00	1,295.40
Supplies and Equipment	312.50	11.00	323.50
Total	6,112.00	1,271.80	7,383.80
Recoveries	0.00	0.00	0.00

All figures in \$000.0 thousand

(f) Policy on Accessibility and Accommodation

This policy is available on the Internet at <http://www.hrto.ca> and in various accessible formats including Braille, audio and large print. For an alternative format or a paper copy, please contact the Human Rights Tribunal of Ontario at Toll Free: 1-866-598-0322, Local: 416-326-1312, TTY Toll Free: 1-866-607-1240, TTY Local: 416-326-2027.

Please note the Tribunal has also issued a Practice Direction on Language Interpretation Services which is available on the Tribunal website at <http://www.hrto.ca> or by phone.

Summary

The Human Rights Tribunal of Ontario (the Tribunal) wants to ensure that everyone who uses its services can ask for and receive accommodation (special arrangements) for their human rights related needs and be able to participate in its proceedings on an equal basis.

This policy explains some of the things that the Tribunal has done to ensure individuals can use its services without barriers. At the same time, individuals may have other needs that may need to be considered on a case-by-case basis. This policy sets out a process to let the Tribunal know about these situations so that it can work with individuals to make its services accessible to them.

Legal clinics and other organizations can also help people with accessibility issues. A list of these organizations is available by contacting the Tribunal.

Introduction

The Tribunal is committed to providing an inclusive and accessible environment in which all members of the public have equal access to its services and are treated with dignity and respect. The Tribunal aims to provide its services in accordance with the *Ontario Human Rights Code* (the *Code*) and the Accessibility Standards for Customer Service made under the *Accessibility for Ontarians with Disabilities Act, 2005*.

The Tribunal is committed to providing accommodation for needs related to race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy and gender identity), sexual orientation, age, marital status, family status and disability (*Code*-related needs), unless to do so would cause undue hardship. Disability includes physical disabilities, sensory disabilities, mental health disabilities, and

“invisible” disabilities such as learning disabilities or environmental sensitivities.

Principles

The following principles will guide the Tribunal in making its processes accessible:

- Services should be provided in a manner that respects the dignity and independence of members of the public.
- Services should be provided in a manner that fosters physical and functional access to the Tribunal’s processes and promotes the inclusion, and full participation of members of the public.
- All persons should be given equal opportunity to obtain, use and benefit from the Tribunal’s services. Where required, individualized accommodation will be provided, short of undue hardship.

The Tribunal will be sensitive to the privacy concerns of those who seek accommodation.

Objectives of the Policy

The purpose of this policy is to ensure that all members of the public are aware of their rights and responsibilities under the *Code* with respect to accommodation and to set out in writing the Tribunal’s procedures for accommodation.

Application of the Policy

This policy applies to all of the Tribunal’s services. The Tribunal will promote equal access for all individuals including parties, witnesses and representatives, to fully participate in its processes, short of undue hardship. This policy applies to all the Tribunal’s public offices and all Tribunal staff and members. The term member is used to designate all adjudicative positions at the Tribunal and includes the Chair, Vice-chairs and part-time members.

This policy will be applied in accordance with the *Code*, and relevant case law. People who are involved in Tribunal proceedings are entitled to accommodation from the Tribunal as provided under the *Code*. Requests for accommodation will be considered on an individualized basis. Please see the section Requests for Accommodation for information on how to make a request.

The Tribunal’s Commitment to Accessibility

The Tribunal has identified a number of measures to promote a barrier-free built environment, to incorporate

principles of universal design and to meet recurring accessibility needs. These are in addition to specific accommodations that may be requested on a case-by-case basis.

The Tribunal is located at 655 Bay Street, 14th Floor in Toronto between Elm Street and Gerrard Street. Drop-offs are best done on side streets such as Walton Street to the north of 655 Bay Street or Elm Street to the south. Public parking, including accessible parking spots, is available underneath 655 Bay Street and nearby. The building is located close to the College and Dundas subway stops. The Dundas stop is wheelchair accessible. The building's front doors and elevators are accessible to wheelchairs, scooters and other mobility devices as are the Tribunal's common spaces, such as hearing rooms, mediation rooms, private meeting rooms, and washrooms.

Additional accessibility features of the Tribunal's premises include, but are not limited to, adjustable lighting, low extrinsic sound levels, hearing rooms which are equipped with sound amplification systems and accessible signage. In some circumstances accommodation of *Code*-related needs may include arranging hearings and mediations in accessible locations other than the Tribunal's hearing centres.

All of the Tribunal's informational materials, forms and notices to the public are available in print and on the Tribunal's website which follows the W3C Web Content Accessibility Guidelines. All documents created by the Tribunal are also available, upon request, in alternate formats to accommodate disability-related needs.

The Tribunal may be contacted by mail, email, facsimile, telephone and TTY line. Both phone lines have a toll free number. The use of message relay services, such as video and Bell Relay services, may be requested.

The Tribunal's Rules of Procedure state that the provisions of the Rules will be interpreted in a manner that is consistent with the *Code*. For example, parties may request flexibility in scheduling or timelines to accommodate *Code*-related needs.

When requested to accommodate *Code*-related needs, the Tribunal will provide visual interpretation services, such as American Sign Language (ASL) and langue des signes québécoise (LSQ), real time captioning, intervenors to interpret in-person communication, and audio recordings of its hearings. Persons with disabilities may also provide a qualified interpreter or intervenor of their choice.

The Tribunal recognizes that some individuals require the use of support services to assist with daily needs including communication, mobility, personal care or medical needs. The Tribunal will work to accommodate such services but will not generally arrange for them.

The Tribunal further recognizes that some individuals may require the use of a service animal or assistive device to participate in the Tribunal's proceedings. The Registrar should be contacted in advance of the proceedings if any special arrangements are required for the animal or device.

As fragrances cause health problems for some individuals, the Tribunal will ask people who are attending at its premises to refrain from using scented products.

Where an accessibility or accommodation measure provided by the Tribunal becomes unavailable, the Tribunal will provide notice as soon as practicable and make reasonable arrangements to make alternate arrangements or reschedule a proceeding to ensure that it is accessible.

Requests for Accommodation

The Tribunal's Registrars are fully informed of this policy, and the requirements of the *Code* and will receive and respond to inquiries and requests for accommodation. If you require accommodation from the Tribunal, contact the relevant Registrar:

For New Applications, contact:

Richard Hennessy

Registrar

Human Rights Tribunal of Ontario

655 Bay St. 14th Floor

Toronto, ON M7A 2A3

Toronto: (416) 316-1519

Toll Free: 1-866-598-0322

TTY (Toronto): (416) 326-2027

TTY (Toll Free): 1-866-607-1240

Fax: (416) 326-2199

Fax (Toll Free): 1-866-355-6099

Email: HRTO.Registrar@ontario.ca

For Transitional Applications and Commission Referred Complaints contact:

Patricia M. Grenier
Registrar – Transition
Human Rights Tribunal of Ontario
655 Bay St. 14th Floor
Toronto, ON M7A 2A3
Toronto: (416) 314-8419
Toll Free: 1-866-598-0322
TTY (Toronto): (416) 314-2379
TTY (Toll Free): 1-800-424-1168
Fax: (416) 314-8743
Email: HRT0.Registrar-Transition@ontario.ca

The Registrars will work with you to make the Tribunal accessible in relation to your needs. Information necessary to understand the basis for an accommodation request and to allow the Tribunal to respond appropriately should be provided.

The Tribunal recognizes that accommodation needs may arise during any aspect of the process. If an accommodation issue comes to the attention of Tribunal staff, it will be directed to the appropriate Registrar. During Tribunal proceedings, a mediator or adjudicator may directly address a request, as appropriate, or refer the request to the Registrar.

Training

The Tribunal will provide training for the Registrars and for other Tribunal employees and members as appropriate. Training will ensure that Tribunal employees and members understand this policy, and understand how to undertake accessibility and accommodation measures in accordance with this policy, the *Code* and the Accessibility Standards for Customer Service.

The Tribunal will maintain and update a document describing the Tribunal's accommodation/accessibility training, including the content of the training and details of when the training was provided and to whom.

The Tribunal will maintain and update a list of community contacts and resources that can assist the Tribunal in providing accommodation.

The Registrars will keep a record of all accommodation requests and action taken. Copies will be placed in specific case files as appropriate. The Tribunal will monitor its performance on an ongoing basis.

Feedback

Comments or complaints about the accessibility of the Tribunal or about accommodation provided by the Tribunal may be provided in accordance with the Tribunal's Policy on Public Complaints available on the Internet at <http://www.hrto.ca> or by contacting the Tribunal by phone.

(g) Selected HRT0 Decisions 2008/09

Heintz v. Christian Horizons 2008 HRT0 22 (April 15, 2008)

This complaint required the Human Rights Tribunal of Ontario to consider whether the respondent, which self-identifies as an Evangelical Christian ministry and operates over 180 residential homes across Ontario providing services to about 1,400 individuals with developmental disabilities, was entitled to an exemption under s. 24(1)(a) of the *Ontario Human Rights Code*. This section provides that the right to equal treatment in employment is not infringed

“where a religious, philanthropic, educational, fraternal or social institution or organization that is primarily engaged in serving the interests of persons identified by their (...) creed (...) employs only, or gives preference in employment to, persons similarly identified, if the qualification is a reasonable and bona fide qualification because of the nature of the employment.”

The respondent's employees were required to sign a Lifestyle and Morality Statement which, among other things, required employees to conform to the belief that homosexuality is unnatural, immoral and contrary to the scriptures.

The complainant is a deeply devout Christian. During her employment with the respondent the complainant came to understand that she is a lesbian. Having reached this conclusion she could no longer support all parts of the Lifestyle and Morality Statement.

After being confronted about her sexuality by two co-workers the applicant met with her supervisor who advised her that there were rumours she was in a same-sex relationship. The applicant admitted this. In the ensuing three months the applicant had numerous discussions with her supervisor and the respondent's Administrator. She was informed that she would have until September 2000 to “effect changes” and was

encouraged to find employment that was a “better fit.” She was given a poor performance review. The complainant resigned from her employment because the work environment had become unbearable.

The Tribunal noted that where an organization claims a s. 24 exemption, it must establish that it falls within the class of religious or philanthropic organizations, is primarily engaged in serving persons identified by one of the prohibited grounds of discrimination, seeks to restrict employment to persons similarly identified and show that the qualification is justified by the nature of the employment.

The Tribunal was satisfied the respondent met the first two parts of the test. The issue was whether the respondent was primarily engaged in serving the interests of persons identified by its creed. On the basis of evidence before it the Tribunal was unable to conclude the respondent was “primarily” engaged in serving the interests of persons who are adherents to its Doctrinal Statement and Lifestyle Statement. It does not give preference to individuals from Christian families, residents are not required to adhere to any creed and are placed with the respondent through a “single point of access” delivered through the province, which funds it to provide service to residents of the group homes, and their parents and guardians, without regard to their religious beliefs.

Where the organization is “primarily” engaged in serving its co-religionists, it can restrict employment to its members, subject to the qualification being reasonable and bona fide. But where a religious organization branches out into the public realm, and the purpose of its activity creates a relationship with the broader public, it cannot rely on the s.24 exemption to protect its hiring and employment practices.

The Tribunal also ruled that the requirement that an employee be in compliance with the Lifestyle and Morality Statement was not a reasonable and bona fide qualification. Adhering to the provisions of the Lifestyle Statement was not reasonably necessary in light of the objectives of the organization, the nature of the services provided and the duties of the particular positions.

The Tribunal found the respondent had discriminated against the complainant on the basis of her sexual orientation by requiring her to comply with the Lifestyle Statement, and by creating an untenable work environment for her. The complainant was awarded lost wages, general damages, as well as damages for mental anguish caused by actions that were wilful and reckless.

The Tribunal ordered the respondent to cease imposing the Lifestyle and Morality Statement as a condition of employment, but delayed the effective date of this declaration for eight months. During this grace period, Christian Horizons was ordered to undertake a complete review of its employment policies and to redesign its operations in a way that will permit it to comply with the terms of the *Human Rights Code*.

The respondent has commenced an appeal of this decision in the Divisional Court. A hearing date is set for December 2009.

Ball v. Ontario (Community and Social Services) 2008 HRTO 24 (April 17, 2008)

This Interim Decision addresses the case management of 77 individual complaints alleging discrimination by the province in the way in which access to a special diet allowance is made available to persons with disabilities. After consulting with the parties, the HRTO proposed a “lead” or “test case” approach by which two to six cases would be selected by the parties and heard together in early 2009. Following the Tribunal’s final decision on the lead cases, the Tribunal would convene a further case management conference, at which a procedure for resolution of the remaining complaints would be determined.

Legal proceedings of this nature, which are complex and involve the review, preparation and presentation of much evidence (including expert medical reports) and detailed legal argument, often take considerable time. Establishing the applicable legal principles in the lead cases and then applying them in other cases will likely lead to a faster resolution of all of the cases than hearing them all together or one at a time.

Following this decision several more complaints were referred by the Commission and the HRTO also received new applications raising this issue. These complaints and applications were adjourned pending the outcome of the lead cases. The lead case hearing finished in mid-June 2009 and the decision is now on reserve before the Vice-chair.

Boldt-Macpherson v. The Hoita Kokoro Centre
2008 HRTO 35 (June 11, 2008)

The complainant alleged discrimination in employment on the basis of sexual harassment over a lengthy period of time, and reprisal. The Tribunal found that while there had initially been a consensual relationship, this changes over time and the respondent knew or ought to have known his continued sexual solicitations and advances were no longer welcome. The HRTO dismissed the allegations of reprisal.

Sinclair v. London (City)
2008 HRTO 48 (July 25, 2008)

The Human Rights Tribunal of Ontario dismissed a complaint alleging discrimination in services on the basis of race by the City of London. The complainant, a Black man, made a Freedom of Information request at City Hall. When he went to the City Clerk's office to pick up the information package, he was not satisfied that he had been given the appropriate materials. He complained and alleged he was treated in a humiliating and discriminatory manner in whole or in part because of his race.

The Tribunal found the complainant had raised his voice, banged on the counter and was disputatious. This led an unknown person to call a Security Officer. The Security Officer asked the complainant to leave and followed him to the City Hall entrance, and indicated that he would call the police if Mr. Sinclair did not leave immediately.

The Tribunal considered whether race was a factor in the reaction of City staff. In the end the Tribunal found that there was no evidence to show the complainant was treated differently than any other argumentative and upset client.

Weerwardane v. 2152458 Ontario
2008 HRTO 53 (August 15, 2008)

This Interim Decision establishes the Tribunal's approach to requests to expedite an application brought under the Tribunal's Rules of Practices for applications made directly to the Tribunal.

Rule 21 does not provide for any specific changes to the Tribunal's process if a request to expedite is granted, the Tribunal will determine on a case-by-case basis what changes are necessary to its processes in a particular expedited proceeding. Changes may include abridgement of response, reply, and disclosure time-lines, setting early hearing dates, and, where the parties

consent to mediate, scheduling rapid mediation dates. The Tribunal may also exercise its powers under the *Code* and Rule 1.7 to direct the hearing process to ensure a particularly expeditious decision.

The applicant argued that the loss of his employment will have serious effects on his family's financial situation. Balanced against the effects upon the applicant, however, are the consequences of granting a request to expedite. Tightened timelines and exceptionally quick hearing dates may lead to inconvenience and possibly costs for other parties to the application. Moreover, an expedited application may be given priority for Tribunal resources over other matters. The Tribunal must consider these interests as well. For a request to expedite to be granted, the applicant must demonstrate that the circumstances are truly urgent, requiring the resolution of the human rights dispute in a particularly rapid manner as compared with the time required to complete the Tribunal's regular process. The request to expedite was refused.

Campbell v. Toronto District School Board
2008 HRTO 62 (September 2, 2008)

The Human Rights Tribunal of Ontario dismissed parts of a complaint against the Toronto District School Board, filed on behalf of a student with autism spectrum disorder and a developmental disability. The complaint alleged the complainant's disabilities had not been adequately accommodated.

The complainant was placed in a special education class. It was contended he should have been in a regular class with supports, and that his education needs were not being met. The decision to place him in a special education class was reviewed and confirmed by the Special Education Tribunal ("SET"), which operates under the terms of the Education Act.

The respondents asked the Tribunal to dismiss the complaint on the basis of abuse of process or estoppel because the issues in dispute had been determined by the SET. In addition the Tribunal sought the parties' submissions on the effect of section 45.1 of the amended *Code*, which permits the HRTO to dismiss all or part of a matter where satisfied another proceeding has appropriately dealt with the substance of the application, on this complaint.

The Tribunal noted that in considering this new provision the question of whether a matter has been dealt with "in substance" does not turn on technical considerations, nor is it dependent on the kind of

criteria applied under legal doctrines such as issue estoppel. Further, a decision about whether a matter has been dealt with “appropriately” does not require the HRTO to be satisfied that it would have reached the same conclusion as that reached in the other forum. Section 45.1 does not mean the Tribunal will act like an appellate court for decisions of other expert adjudicators.

Kreiger v. Toronto Police Services Board
2008 HRTO 183 (October 23, 2008)

This Interim Decision addresses the HRTO’s new power to defer applications made to it pursuant to section 45 of the *Code*.

The Tribunal will generally defer an application where there is an ongoing adjudicative proceeding based on the same facts and issues. However, the Tribunal must also consider, in light of particular circumstances of each case, whether deferral is the most fair, just and expeditious way of proceeding with the Application. In this case although a grievance had been filed and was ongoing the respondents took the position that there is no jurisdiction to hear the grievance and intended to challenge the adjudication of the grievance on that ground. In those circumstances deferral to the grievance process was not appropriate. The most fair, just and expeditious outcome was to proceed with the Application.

Grzesiak v. DOT Benefits
2008 HRTO 206 (October 29, 2008)

The Human Rights Tribunal of Ontario found the respondents discriminated against the complainant, a senior member of the management team and their financial partner, on the basis of disability in employment and that their subsequent treatment of him was a reprisal for commencing a human rights complaint.

The complainant was diagnosed with a heart condition. He received treatment and went on medication. In 2000 he began to suffer side effects, including malaise and fatigue and went on short-term disability leave in January 2001. In February he was taken off the medication because he appeared to be having an allergic reaction to it and was scheduled to see an electro-cardiologist in May to discuss the insertion of a pacemaker, which would be an alternative to medication. The applicant was in regular contact with the respondents during this entire time.

In May 2001, the complainant and personal respondent had a meeting to discuss long-term disability

and reorganizing work assignments in the company. They completely failed to communicate about the complainant’s prognosis, which was good if he was a candidate for a pacemaker. Their failure to communicate led to a total misunderstanding of the meeting. The complainant understood that his employment had been terminated and that a severance package would be provided. The personal respondent believed the complainant had resigned. While finding neither event occurred, the Tribunal found the personal respondent acted in such a way as to create the impression the complainant was removed from his current position and that any future employment would be contingent on the company’s business position when he was fit and able to resume some form of employment.

The Tribunal found the complainant’s disability was a factor in his treatment. The personal respondent concluded it was very uncertain when or if the complainant’s disability would permit him to return to the workplace. The respondents did not take positive steps to obtain all the relevant information about the complainant’s disability, the course of treatment and the realistic and quite positive likelihood of his return. The respondents had an obligation to accommodate his disability. Given his rare combination of skills and experience, it would not have been an undue hardship to leave open the opportunity for him to return to work within a reasonable period of time, even if he was given a different title and modified responsibilities. The personal respondent’s failure to respond to the applicant’s inquiries about his substantial investments in the corporate respondent was found to have been motivated by his annoyance with the complaint to the Commission. This was a reprisal.

The respondents have commenced an application for judicial review of the Tribunal’s decision in the Divisional Court.

Abdullah v. Thames Valley District School Board
2008 HRTO 230 (November 10, 2008)

The complainant alleged discrimination on the basis of race, place of origin, ethnic origin and citizenship by the school board and teachers who provided English as a second language services to him. Although the HRTO rejects the claims that discrimination was a factor in awarding the complainant a zero grade in the ESL course or accusing him of cheating, the Tribunal finds his instructor's statements were discriminatory and that the School Board failed to follow its own practices and procedures and properly investigate his complaint.

The Tribunal accepts the personal respondent was genuinely disturbed by the complainant's aggressive behaviour, felt attacked and provoked and was entitled to defend herself. However, in defending herself, it was entirely unnecessary and wholly inappropriate to express her frustration in a manner that insults newcomers, people who are not born in Canada and others who may identify themselves as immigrants. In the present case, the challenge for the personal respondent was to have disagreed with the complainant's accusations and denounced his aggression without resorting to discriminatory stereotypes.

Baird v. Workplace Safety and Insurance Appeals Tribunal
2009 HRTO 99 (January 29, 2009)

An application was filed against the WSIAT alleging the respondent failed to consider or apply the *Human Rights Code* in its hearing and decision-making with respect to the applicant's appeal. The HRTO dismissed the application. While a statutory decision-maker's process is a "service" for the purposes of the *Code*, the content, reasons and result contained in a decision of a statutory decision-maker cannot be understood to be part of the "service" a statutory Tribunal is providing to the public. The decision is, therefore, not subject to the Tribunal's jurisdiction.

De Pelham v. Mytrak Health Systems
2009 HRTO 172 (February 18, 2009)

The applicant had been charged with a criminal offence. When he disclosed this to the respondents they revoked earlier offers of employment. He alleged this was discrimination on the basis of record of offences.

The respondents challenged the Tribunal's jurisdiction to decide these applications because the alleged ground of discrimination, "record of offences," does not apply

in circumstances where individuals are merely charged with a criminal offence. Section 10(1) of the *Code* provides a specific definition of "record of offences" and requires that for an individual to claim protection under that ground, they must have been convicted of a criminal offence and have received a pardon, or have been convicted of a provincial offence.

The HRTO found the language of the statute is clear and unambiguous and provides that "record of offences" covers only persons convicted of an offence. While agreeing the *Code* is an important public policy statute and must be given a large, liberal and purposive interpretation, this does not permit the Tribunal to depart from the express provisions of the legislation.

Chan v. Tai Pan Vacations
2009 HRTO 273 (March 10, 2009)

The complainant in this matter had settled an earlier complaint with her employer. Shortly after the terms of the settlement were fully complied with, the complainant's employment was terminated. The respondent asserted they simply exercised their common law right to end the contract of employment upon payment of reasonable notice. The complainant alleged this decision was made as a reprisal for having pursued the earlier complaint.

The HRTO found the evidence established the complainant's pursuit of her rights under the *Code* by first filing a complaint and then negotiating a settlement, affected the nature of her relationship with the respondent in that it may have made the relationship more adversarial and less trusting in nature. However, this change in the dynamics in the relationship between the complainant and the respondent did not give it a right to terminate the complainant's employment. She had lawfully pursued her rights and the respondent's actions were a wilful and egregious violation of the *Code*.



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