

Canadian Human  
Rights Tribunal



Tribunal canadien  
des droits de la personne

**Citation:** 2016 CHRT 15  
**Date:** September 2, 2016  
**File No.:** T2111/2715

**[ENGLISH TRANSLATION]**

**Between:**

**Nahame O'Bomsawin**

**Complainant**

**- and -**

**Canadian Human Rights Commission**

**Commission**

**- and -**

**Abenakis of Odanak Council**

**Respondent**

**Ruling**

**Member:** Anie Perrault

[1] This is a ruling regarding the location of the hearing into the complaint brought against *Abenakis of Odanak Council* by *Nahame O'Bomsawin*. In this case, the complainant submits that she suffered discrimination based on a prohibited ground (s. 7, *Canadian Human Rights Act*) as part of her hiring process. She claims that she was refused the position that she applied for on grounds of discrimination based on the fact that her application was apparently refused given her affiliation with the director of the Centre to which she had applied.

[2] In this case, the respondent submits that the hearing should be held in Sorel-Tracy, close to Odanak, which is where the complaint originated and where most of the witnesses reside.

[3] The complainant instead argues that the hearing should be held in Montréal, where she is currently living. She also claims that she has more limited financial means, which puts her in a more difficult position than the respondent.

[4] It is the usual practice of the Tribunal to hold hearings in the place where the alleged discrimination occurred. The Tribunal strives to accommodate the parties where it is appropriate to do so (*Warman v. Canadian Heritage Alliance and Melissa Guille*, 2006 CHRT 17, at paragraph 4).

[5] The Tribunal may consider the location where the parties involved reside, as well as where the witnesses who will be called upon to testify reside. The Tribunal may also consider the parties' financial means.

[6] In this case, the complaint originated in Odanak, which is about 30 minutes from Sorel-Tracy. It is true that the complainant currently lives in Montréal, but the witnesses who she will call to testify in her case, and for whom she will have to bear the costs, are all residents of the Odanak region.

[7] The respondent's representatives as well as the witnesses that the respondent wishes to call are all residents of Odanak.

[8] The distance between Montréal and Sorel-Tracy is approximately 92 km, that is, about one hour. The distance separating the Odanak reserve and Sorel-Tracy is 31 km, that is, about 30 minutes.

[9] Given that the complaint originated in the Odanak region, that the vast majority of the witnesses are residents of that region, including the witnesses for the complainant, and also given that everyone will need to travel to Sorel-Tracy, I find that there would be more inconvenience, including costs for the complainant, if the hearing were held in Montréal instead of Sorel-Tracy.

[10] Therefore, I direct that the hearing into this complaint be conducted in Sorel-Tracy, Quebec, in a place where it will be possible to hold the hearing as arranged by the Tribunal.

*Signed by*

Anie Perrault  
Tribunal Member

Ottawa, Ontario  
September 2, 2016