

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2017 CHRT 3

Date: January 24, 2017

File Nos.: T2141/1516 and T2142/1616

Between:

Barbara Ursel

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Treasury Board of Canada Secretariat

**Respondent
(Employer)**

- and -

Association of Justice Counsel

**Respondent
(Bargaining Agent)**

Consent Order

Member: Lisa Gallivan

WHEREAS the Complainant alleges that the employer and the bargaining agent discriminated against her in employment on the grounds of disability, in breach of sections 7, 9 and 10 of the *Canadian Human Rights Act* (“Act”) as applicable, by not counting her one-year leave without pay for medical reasons as “continuous employment” for the purposes of severance pay;

AND WHEREAS strictly for the purposes of this litigation and considering the limited scope of this personal complaint as well as the remedies available to the complainant, the employer and the bargaining agent concede that there is a *prima facie* case for the purposes of sections 7 and 9 of the *Act*, respectively;

AND WHEREAS the respondents are prepared to assume given the specific and limited facts in this case and keeping in mind the nature of the remedy available that there is a *prima facie* case for the purposes of section 10 of the *Act*;

AND WHEREAS the respondents have agreed in principle to amend the impugned language in article 21.06 of the new collective agreement by adding “for reasons other than illness” that has yet to be ratified;

AND WHEREAS the parties have reached a confidential settlement of these Complaints;

Therefore, on consent of the parties, the Tribunal declares:

1. That article 21.06 of the AJC-TB collective agreement which expired on May 9 2014 is discriminatory in the facts of this case.

Signed by

Lisa Gallivan
Tribunal Member

Ottawa, Ontario
January 24, 2017