

**Canadian Human  
Rights Tribunal**



**Tribunal canadien  
des droits de la personne**

**Citation:** 2023 CHRT 53  
**Date:** November 15, 2023  
**File No.:** T2459/1620

**Between:**

**Cathy Woodgate, Richard Perry, Dorothy Williams, Ann Tom, Maurice Joseph and  
Emma Williams**

**Complainants**

**- and -**

**Canadian Human Rights Commission**

**Commission**

**- and -**

**Royal Canadian Mounted Police**

**Respondent**

**- and -**

**Attorney General of British Columbia**

**Interested party**

**Ruling**

**Member:** Colleen Harrington

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## I. Background

[1] In January of 2017, Cathy Woodgate, Richard Perry, Dorothy Williams, Ann Tom, Maurice Joseph, and Emma Williams (the “Complainants”) filed a human rights complaint with the Canadian Human Rights Commission (“Commission”), alleging that they were discriminated against by the Respondent RCMP. Specifically, they allege that the RCMP discriminated against them and other Indigenous people when investigating abuses suffered at schools in Northern British Columbia when they were children. The human rights complaint was investigated by the Commission and, in February of 2020, the Commission requested that the Canadian Human Rights Tribunal (“Tribunal”) institute an inquiry into the complaint.

[2] In June of 2020, the Complainants filed their Statement of Particulars (“SOP”), in which they requested that several individual and public interest remedies be ordered against the RCMP, should the Tribunal make a finding of discrimination. In terms of public interest remedies, the Complainants are seeking an order pursuant to section 53(2)(a)(i) of the *Canadian Human Rights Act*, R.S.C., 1985, c.H-6 [CHRA] that the RCMP cease its discriminatory investigative practices and prevent the same practices from occurring in the future by adopting a “special program” as referred to in subsection 16(1) of the CHRA (at paragraph 99 of their SOP). At paragraph 100 of their SOP, the Complainants state that, in order to prevent further discrimination, the special program should direct the RCMP in British Columbia “to divest itself of all abuse investigation services in Indigenous communities and replace its investigative service branch with an independent investigatory team.”

[3] The makeup up the proposed “independent investigatory team” is set out in paragraph 92 of the Complainants’ SOP, which states as follows:

92. The Complainants state that implementing new policies or improving officer training cannot dismantle systemic discrimination. Therefore the Order under subsection 53(2)(b) for the provision of investigative services should not be provided by the RCMP, but instead must be provided by a team of investigators that is fully independent of the RCMP and includes investigators with the following components:

- a. At least one member of the local Indigenous community;
- b. A member that speaks the local Indigenous language;

- c. A recognized Elder from the Indigenous community;
- d. A member trained and experienced in abuse and sexual abuse investigations;
- e. A member trained and experienced in mental health and trauma and able to provide referrals for counseling;
- f. A member recognized as a spiritual advisor;
- g. A member trained and experienced in archive / historical research; and
- h. A member familiar with the Final Report of the Truth and Reconciliation Commission and the legacy of residential and day Schools.

[4] The Complainants propose that there should be a transfer of funds from “the RCMP’s investigation services branch to Indigenous communities in order to facilitate and ensure the development and implementation of the special program” (para 103 of the SOP). They suggest that the “development and implementation of the special program should be led by Indigenous communities in British Columbia with appropriate and relevant support from all levels of government” (para 104 of the SOP).

[5] In addition to this independent investigatory team remedy, the Complainants also seek the following remedy at paragraph 97 of their SOP:

Pursuant to subsection 53(2)(d) the Complainant seeks an order for compensation for the costs of obtaining alternative services, and for the expenses incurred and that continue to be incurred due to the lack of access to police investigative services for complainants. Rather than seeking an order for costs for ongoing counseling, the Complainants seek funding for the building of a Healing Center in their community.

[6] Prior to the commencement of the hearing into this complaint, the Tribunal dealt with many preliminary matters, issuing six rulings before the hearing started, and three since then (including the present Ruling). Additional orders and directions have also been issued in order to ensure the matter could proceed in as timely a manner as possible.

[7] The hearing started on May 1, 2023 in-person in Burns Lake, BC for two weeks and has continued by videoconference for several weeks since then. The Tribunal has already heard from over 25 witnesses and received hundreds of documents in evidence. The hearing is scheduled to conclude in December of 2023. There has been quite extensive

media coverage of the matter, both before and during the hearing, in particular in British Columbia.

[8] On May 31, 2023, the Tribunal issued a Ruling (2023 CHRT 21 (CanLII)) permitting the Complainants to reopen their case later in the proceeding (after hearing from several RCMP witnesses), for the limited purpose of calling further evidence related to the public interest remedies set out in paragraphs 92, 97, 99, 100-105 of the Complainants' SOP. This includes the independent investigatory team and healing center remedies.

[9] Counsel for the Attorney General of British Columbia ("AGBC") wrote to the Tribunal on July 26, 2023 stating that this proceeding had recently been brought to their attention and that they were writing to advise that the AGBC "intends to apply for party status in this matter" and that they anticipated filing an application "either for the end of August or early September." Counsel for the RCMP later advised the Tribunal that they had contacted the AGBC to notify them about the public interest remedies being sought by the Complainants.

[10] On August 11, 2023, the Complainants provided a report from their proposed expert witness relating to the independent investigatory team remedy. Along with this report, the Complainants advised that, as the report includes a recommendation that the independent investigatory team should include an RCMP officer, the Complainants were adopting and agreeing to this recommendation.

[11] On August 16, 2023, the Complainants provided a letter from the British Columbia First Nations Justice Council (BCFNJC), an Indigenous-led organization. The letter indicates that the BCFNJC supports the Complainants' proposed independent investigatory team remedy, including the recommendation by the proposed expert that an RCMP officer be a member of the investigatory team. The BCFNJC letter expresses its interest in leading the development and implementation of the independent investigatory team. The Complainants plan to call a board member from the BCFNJC as a witness during the remedy portion of the hearing, along with their proposed expert witness.

## II. The AGBC's Motion

[12] On September 19, 2023 the AGBC filed an application under Rule 28 of the *Canadian Human Rights Tribunal Rules of Procedure, 2021*, SOR/2021-137 [*Rules of Procedure*] for an Order granting the AGBC party status as a respondent in this federal human rights proceeding. According to the AGBC's Notice of Motion, policing in BC is done through a series of agreements that the province of BC has with the RCMP to carry out the powers and duties of the provincial police force in BC.

[13] The AGBC submits that it is a proper party to this proceeding as it is best situated to speak to the Province's jurisdiction and oversight of policing in BC, and the provision of victim services. It indicates that it has "a genuine and substantial interest in this proceeding" because the independent investigatory team remedy sought by the Complainants "clearly fall[s] within the Province's jurisdiction." It says that aspects of the victim support services sought by the Complainants may also fall within provincial jurisdiction.

[14] The RCMP agrees that the AGBC should be added as a respondent in this proceeding.

[15] The Commission and Complainants oppose the AGBC's application to become a party. The Commission argues that, as a matter of constitutional and statutory law, the Tribunal has no jurisdiction over the actions of the AGBC and cannot issue a remedy against it. The Commission further submits that the Complainants are not alleging that the AGBC has discriminated against them and if they were, they would have to make a complaint under the British Columbia *Human Rights Code*. Instead, the Commission says the complaint alleges that the RCMP engaged in discriminatory practices while carrying out its responsibilities pursuant to the contractual arrangements in place with BC. The complaint is focussed on the conduct of the RCMP as a federally-regulated entity, and any remedies that may come to be awarded could only be made against the RCMP. As such, the Commission submits, the AGBC cannot be added to the inquiry as a respondent.

[16] The Commission submits that the AGBC could apply for interested person status under Rule 27 of the Tribunal's *Rules of Procedure* instead, although it argues that the AGBC has not provided all of the information required to be granted this status yet.

[17] The Complainants agree with the Commission's submissions on the AGBC's application but wish to reserve the right to respond to any future application under Rule 27 by the AGBC.

[18] In Reply, the AGBC restates its request to be made a respondent. It does not address the Commission's suggestion that interested party status may be more appropriate and permissible under the *CHRA*.

### **III. Decision**

[19] I decline the AGBC's request to be added as a respondent in this matter pursuant to Rule 28 of the Tribunal's *Rules of Procedure*. The underlying complaint does not allege discrimination on the part of the AGBC, and the Tribunal has no jurisdiction over the AGBC as a provincial entity and could not issue any remedy against it. In addition, the AGBC does not meet the test to be added as a party, as set out in Tribunal case law.

[20] The Tribunal is prepared, however, to grant the AGBC limited interested person standing in this proceeding, pursuant to Rule 27 of the Tribunal's *Rules of Procedure*. Although the AGBC did not request interested person status in the proceeding, and the Commission is the only party that addressed this in its submissions, the Tribunal is satisfied that the requisite information has been provided or can be easily extrapolated. It is not in the interests of justice to delay this hearing by receiving further submissions from the parties. The AGBC has asked to be involved in the proceedings for the specific purpose of providing the Tribunal with relevant information relating to remedies sought by the Complainants. This Ruling facilitates that, albeit under a different Rule.

[21] In the interest of proceeding as expeditiously and fairly as possible, given that the hearing was well underway before the AGBC filed its application and dates have been scheduled to complete the evidence, I agree that the AGBC may have a limited role in the proceeding in relation to the public interest remedies being sought by the Complainants. Its participation as an interested person may assist the Tribunal to determine the issue of remedies if there is a finding of discrimination against the RCMP.

[22] The terms of the AGBC's limited interested person status are outlined in the Order at the end of this Ruling.

#### **IV. Analysis**

##### **A. Addition of a Party under Rule 28**

[23] The AGBC has filed this Motion pursuant to Rule 28 of the Tribunal's *Rules of Procedure*, which states that, "A person that wishes to be recognized by the panel as a party in respect of the inquiry must serve and file a notice of motion for an order to that effect."

[24] While there have been several cases in which the Tribunal has considered an application to add a party, including a new respondent, the present motion is unusual in that the AGBC itself is asking to become a respondent as opposed to having another party make the request. In *Syndicat des employés d'exécution de Québec-téléphone section locale 5044 du SCFP v. Telus communications (Québec) inc.*, 2003 CHRT 31 (CanLII) ["*Telus*"], the Tribunal stated that it was of the opinion that the "forced addition of a new respondent" after the Tribunal has been asked by the Commission to inquire into the complaint is appropriate, in the absence of formal rules to this effect, if it is established that: (i) "the presence of this new party is necessary to dispose of the complaint of which the Tribunal is seized" and, (ii) "that it was not reasonably foreseeable, once the complaint was filed with the Commission, that the addition of a new respondent would be necessary to dispose of the complaint" (para 30).

[25] More recently, the Tribunal has concluded that it should not take a rigid approach when considering factors to determine whether to add a party to the proceeding (*Peters v United Parcel Service Canada Ltd. and Gordon*, 2019 CHRT 15 (CanLII) ["*Peters*"] at paras 44-46). The Tribunal has accepted that it should also consider a third factor, whether the addition of the new party will result in "serious prejudice" to another party (*Peters* at para 46, referring to *Harrison v. Curve Lake First Nation*, 2018 CHRT 7 (CanLII) and *Coupal and Milinkovich v. Canada Border Services Agency*, 2008 CHRT 24 (CanLII)).



[26] The AGBC acknowledges that, while these 3 factors are not necessarily intended to be exhaustive or restrictive, they have guided previous Tribunal analysis regarding whether to add a party to the proceeding. The AGBC argues that it meets all three of these factors, and so should be added as a party in these proceedings. I disagree.

**(i) It is not necessary for the AGBC to be added as a respondent in order for the Tribunal to dispose of the complaint**

[27] With regard to the first factor, the necessity of the new party to dispose of the complaint, the AGBC notes that only the Province has the power to designate and prescribe police forces within BC, and the provincial government is responsible for providing policing and law enforcement for all areas of BC which do not have municipal police departments.

[28] In respect of the independent investigatory team remedy sought by the Complainants, the AGBC says its participation is necessary to provide assistance and information to the Tribunal regarding the Province's role and jurisdiction with respect to policing, and the contractual relationship between the Province and the federal government concerning the RCMP. It says the AGBC can also provide information with respect to the Province's commitments to implementing policing, public safety, and modernization reform, in consultation and cooperation with Indigenous peoples.

[29] The AGBC argues that its participation in this proceeding will assist the Tribunal in delineating the roles of the federal government and the Province with respect to policing in BC, which will ensure the enforceability of any order made. Further, the AGBC submits that the Province would be significantly prejudiced were this motion for party status denied, as it would be denied the opportunity to respond directly to the remedies sought by the Complainants which directly affect provincial interests.

[30] The RCMP agrees that the AGBC's involvement is necessary to resolve this complaint, as the administration of justice falls within the Province's constitutional authority, including the establishment of a police force, conduct of criminal investigations, and enforcement of the Criminal Code.

[31] I find that the AGBC does not need to become a respondent in this proceeding in order to participate in the manner it has proposed. As the Commission points out, the *CHRA* applies to federally regulated employers, employee organizations and service providers. Section 66(1) of the *CHRA* states that, “This Act is binding on Her Majesty in right of Canada, except in matters respecting the Yukon Government or the Government of the Northwest Territories or Nunavut”, while section 2 of the *CHRA* says the intended purpose of the legislation is to give effect to human rights principles, “within the purview of matters coming within the legislative authority of Parliament.” Therefore, the Tribunal does not have jurisdiction over a provincial entity such as the AGBC.

[32] All parties and the AGBC agree that the Tribunal does not have the jurisdiction to order a remedy against the AGBC as a provincial entity. Therefore, all that the AGBC can do in this proceeding is to provide the Tribunal with information to help it determine whether certain remedies requested by the Complainants can actually be ordered against the RCMP. It does not need to be a *respondent* to provide this information and so does not need to become a party under Rule 28 in order to help the Tribunal to reach a fair and just determination.

[33] The value that the AGBC may bring to the Tribunal’s proceedings aligns much more closely with the factors the Tribunal considers when determining whether someone should be made an interested person in the proceeding, pursuant to Rule 27 of the Tribunal’s *Rules of Procedure*, which I will discuss later in this Ruling.

**(ii) The AGBC says its participation was foreseeable**

[34] With respect to the second factor, that at the time the complaint was filed with the Commission it was not reasonably foreseeable that the addition of a new respondent would be necessary to dispose of the complaint, the AGBC actually admits that it does not meet this factor. Instead, it argues that its participation in this proceeding was reasonably foreseeable at the time the complaint was filed.

[35] The RCMP agrees with this position, suggesting that the Complainants and Commission ought to have named the AGBC as a party when the complaint was filed.

[36] The Commission is a creation of the same federal statute as the Tribunal. As the gatekeeper and screener of complaints in the federal human rights complaint system, section 41(1)(c) of the *CHRA* directs the Commission to decline to deal with any complaint filed with it where “the complaint is beyond the jurisdiction of the Commission.” The Complainants are not alleging that the AGBC has discriminated against them in any event. If they were to make such an allegation, they would have to make it under the BC *Human Rights Code*.

[37] I acknowledge that the test, and this second factor in particular, does not seem to have developed around people seeking to add themselves as a party to the proceeding.

**(iii) Adding the AGBC as a respondent would cause serious prejudice to the Complainants**

[38] With respect to the third factor, whether the addition of the new party will result in “serious prejudice” to another party, the AGBC submits that its addition as a party to this proceeding will not result in serious prejudice to the Complainants because the hearing dates relating to some of the remedies sought by the Complainants are scheduled in November 2023. Further, it argues that the AGBC is in the best position to provide evidence regarding the Province’s oversight of both policing and associated support services as well as current initiatives the Province is engaged in, in consultation and cooperation with Indigenous peoples, regarding policing reform.

[39] The Complainants disagree with this position. They submit that, despite its argument about the foreseeability of its participation, the AGBC waited over three years to file its application (the Complainants’ SOP setting out the independent investigatory team remedy was filed in 2020). The Complainants note that this application comes after an extensive amount of evidence has been heard by the Tribunal, but the AGBC does not even indicate if it has reviewed the transcripts of that evidence or if it has knowledge of the details of this matter.

[40] The Complainants say any further delay or interference with this matter causes them a great deal of harm and prejudice for several reasons. These include a lack of resources

to fund this litigation compared to the AGBC or the RCMP, and the sad reality that three of the six complainants have died since they filed their SOP while others, including many witnesses, are in ill health. The Complainants therefore ask the Tribunal to dismiss this application summarily without consideration of other applications which have not been raised before the Tribunal.

[41] The RCMP says that, because the Complainants did not identify the AGBC as a respondent when they filed their complaint with the Commission, any prejudice to them should not weigh against the AGBC now.

[42] The AGBC says in its reply submission that it brought its application to be added as a party “at the earliest possible opportunity upon becoming aware of the complaint.”

[43] The AGBC is asking to be made a full party in this proceeding, which generally comes with the rights to file motions, request adjournments, call witnesses, and question other parties’ witnesses. Here, that would be the case despite the fact that no finding of discrimination may be made or remedy ordered against them. I agree with the Complainants and Commission that the addition of a new party at this stage could result in serious prejudice to the Complainants in particular. The concerns about delay in this case are real, as the Complainants have pointed out.

[44] With regard to the AGBC filing its application at the earliest possible opportunity, I note that the AGBC wrote to the Tribunal on July 26, 2023 that it had recently been made aware of the proceeding and would be filing an application to be made a party. It did not file this application for almost 2 months after that. The Tribunal is not aware that the AGBC has attended any of the proceedings, nor has it requested transcripts of the proceedings from the Tribunal to date. It has only very recently requested a list of the documents filed with the Tribunal. Rule 26(2) of the Tribunal’s *Rules of Procedure* requires a Notice of Motion to be filed “as soon as feasible.” In this case, given the late stage of the proceedings and the fact that it is a large government entity, the AGBC should have allocated resources to ensure its Motion was filed in a timely manner.

[45] I agree with the Commission that, as a matter of constitutional and statutory law, the Tribunal has no jurisdiction over the actions of the AGBC and cannot issue a remedy against

it. Aside from the division of power concerns, there is no basis for adding the AGBC as a party to this proceeding, as it has not met the requirements to do so.

## **B. Recognition as an Interested Person under Rule 27**

[46] The arguments made by the AGBC and the RCMP with regard to why the AGBC should be permitted to participate in the remedy portion of the proceeding are more aligned with Rule 27 of the Tribunal's *Rules of Procedure*, rather than Rule 28. The AGBC does not need to be a respondent in order to "provide evidence regarding the Province's oversight of both policing and associated support services as well as current initiatives the Province is engaged in, in consultation and cooperation with Indigenous peoples, regarding policing reform." I disagree with the RCMP's submission that adding the AGBC as a party is the only or even best way for the Tribunal to ensure that all the necessary evidence and arguments are before it. This can be done through the addition of the AGBC as an interested person rather than a party.

[47] Section 50(1) of the *CHRA* provides the Tribunal with the discretion to grant interested party status. The Tribunal is obliged under section 48.9(1) of the *CHRA* to conduct its proceedings as informally and expeditiously as the requirements of natural justice and the *Rules of Procedure* allow. Rule 27(1) states that a person who wishes to be recognized as an interested person in respect of an inquiry must file a motion to that effect. The motion "must specify the assistance the person wishes to provide to the inquiry and the extent to which the person wishes to participate in the inquiry" (27(2)). Rule 27(3) states: "If the panel grants the motion, it must specify the extent to which the interested person is permitted to participate in the inquiry."

[48] The AGBC did not file a Motion under Rule 27 and chose not to respond to the Commission's suggestion that it could have done so. The Commission argues in its submissions that, in the absence of further and more detailed information about the AGBC's proposed arguments, the Tribunal should not grant the AGBC interested person status either, as it has not met its burden to show such status is warranted. In the alternative, the Commission argues that, if the Tribunal is inclined to grant the AGBC interested person

status, it should provide limited participatory rights that will not delay or unduly lengthen these proceedings.

[49] It is well recognized that the Tribunal is the master of its own procedure and Rule 8 of the *Rules of Procedure* says that the Tribunal may, on its own initiative, vary or dispense with compliance with a Rule, if doing so secures the informal, expeditious and fair determination of the inquiry on its merits, as required by Rule 5.

[50] Given the very late stage of the proceedings, and the fact that the hearing is scheduled to continue this week, I agree to dispense with the requirement that the AGBC file a Motion under Rule 27 or advise of the assistance it wishes to provide to the inquiry and the extent to which it wishes to do so.

[51] The AGBC has made its desire to participate in the proceedings clear and has indicated to some extent the assistance it wishes to provide to the inquiry. I will rely on the information it has provided in its Motion to be added as a party to determine whether to add the AGBC as an interested person in this proceeding.

[52] In *Letnes v. Royal Canadian Mounted Police*, 2021 CHRT 30 (CanLII) [*Letnes*] the Tribunal reviewed the relevant case law and concluded that a person or organization applying for interested person status under Rule 27 must meet at least one of the following criteria:

- i. The prospective interested person's expertise will be of assistance to the Tribunal;
- ii. Their involvement will add to the legal positions of the parties; and
- iii. The proceeding may have an impact on their interests.

[53] The Tribunal's analysis of these factors must be done on a case-by-case basis, applying a flexible and holistic approach (*Letnes* at para 13; *Attaran v. Citizenship and Immigration Canada*, 2018 CHRT 6 (CanLII)).

[54] The Tribunal in *Letnes* made it clear that not all three factors need to be met in order to be granted interested person status (at para 12). In applying the holistic, case-by-case approach, the Tribunal has held that a person or organization could be granted interested person status if they are impacted by the proceedings and could provide assistance to the

Tribunal in determining the issues before it if the assistance adds a different perspective to the positions taken by the other parties, and furthers the Tribunal's determination of the matter (*First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 11 (CanLII). In *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2020 CHRT 31 (CanLII), the Tribunal granted interested party status to the Innu Nation primarily on the basis that a large number of members of the Innu Nation would be affected by the outcome of that decision.

[55] In my view, the AGBC satisfies each of the criteria set out in *Letnes* to be added as an interested person in the proceeding. Its expertise will be of assistance to the Tribunal and its involvement will add to the legal positions of the parties. The AGBC is constitutionally responsible for the administration of justice in the province of BC. Having input from the AGBC about the Province's role and jurisdiction with respect to policing and the contractual relationship between the Province and the federal government concerning the RCMP will assist the Tribunal. Although the RCMP may also be privy to some of this information, it is reasonable to presume that the AGBC has relevant knowledge to contribute at the remedial phase of the hearing that will assist the Tribunal in crafting an appropriate remedy, if it finds discrimination occurred.

[56] The proceeding may also have an impact on provincial interests. I accept that the AGBC has an interest in a potential finding of discrimination against the RCMP, which provides policing services in the province, and that the requested remedies may have an impact on provincial responsibilities relating to policing and victim services.

[57] In terms of how the AGBC's perspective, knowledge or expertise is different from the parties, I accept that the AGBC may offer practical insights and considerations relevant to the remedial phase of the hearing, which are unavailable to the parties, in particular with respect to the Province's commitments to implementing policing, public safety, and modernization reform, in consultation and cooperation with Indigenous peoples.

## V. Conclusion

[58] Given the foregoing, I decline the AGBC's request for party status, but I agree to add them as an interested person without further submissions.

[59] I would echo the comments of the Tribunal in *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 11 (CanLII), which said:

### III. Extent of participation

[12] Despite the NAN's interest and potential contribution, the Panel must ensure that its proposed intervention will not unduly affect the informality and expeditiousness of these proceedings or cause prejudice to the parties or the Tribunal. In this regard, the NAN proposes to file written submissions on remedies, addressing its unique perspective as an advocate for Ontario's northern and remote communities, without duplicating submissions already made.

[13] With already four parties and two interested parties to this litigation, the management of this case and hearing to date has presented numerous challenges in terms of satisfying the rights of the parties, but also in terms of effectively administering the Tribunal's limited time and resources. Adding another party to all this, especially at this late stage, is not only rare, but also adds to the challenge of effectively managing this case. That said, the Panel finds the benefit of the NAN's proposed intervention outweighs the impact it may have on the conduct of these proceedings.

[60] These comments are helpful even though, in that case, the Tribunal had already issued its decision with respect to liability before granting the interested person status for the remedy portion of the hearing. In the present case, the AGBC has a unique perspective to offer in order to assist the Tribunal to understand the jurisdictional issues that exist with regard to the Complainants' requested independent investigatory team and healing center remedies. However, we are at a late stage in the proceeding, and we must avoid delay and prejudice to the parties.

[61] The AGBC's participation will be limited to the requested remedies and any of its proposed evidence or submissions should only address these remedies and not reopen matters already heard or determined.



[62] I note also that, prior to the commencement of the hearing, the RCMP identified that the BC government is responsible for victim services and has named at least one BC government employee on its list of witnesses that it intends to call in these proceedings. This Motion by the AGBC should not deter the RCMP from calling all witnesses that are necessary and relevant to any aspect of the complaint against it, including remedies.

## VI. Order

[63] The Tribunal orders that the Applicant AGBC may have limited interested person status in this inquiry on the following terms:

- a) The AGBC may participate with respect to the issue of the public interest remedies only, as set out in paragraphs 91, 92, 97, 99-105 of the Complainants' Statement of Particulars, but shall not be permitted to bring any motions related to this issue;
- b) The AGBC may not call its own witnesses or introduce documentary or affidavit evidence without specific leave from the Tribunal. If leave is granted, its evidence must not duplicate the evidence called by the Respondent RCMP and it must be called in a timely manner so as not to delay the proceedings;
- c) The AGBC may not participate in case management conferences, unless it is specifically directed to attend by the Tribunal;
- d) The AGBC may not request postponements or changes to the hearing dates that have been established by the Tribunal with the collaboration of the other parties;
- e) The AGBC may receive all of the documentation filed at the remedial phase of hearing, including any expert reports, as well as any documents filed earlier in the proceedings that will assist it to participate as permitted by this Order;
- f) The AGBC may cross-examine the witnesses of any of the parties on the following subject during the remedial phase of the hearing:

The public interest remedies sought by the Complainants; specifically, relating to a "special program" as referred to in section 16(1) of the *CHRA*, the request for the establishment of an "independent investigatory team" and, if applicable, relating to a healing center.

The AGBC's cross-examination of witnesses may take place orally or in writing as directed by the Tribunal, so that the hearing may continue on its scheduled course.

- g) The AGBC may receive any written submissions from the parties related to the remedial phase of the hearing;
- h) The AGBC may file written submissions of no more than 25 pages relating to the public interest remedies sought by the Complainants as set out above at paragraphs (a) and (f) of this Order. These submissions must not be duplicative of the submissions of the Respondent RCMP;
- i) The AGBC may file a book of authorities with its written submissions;
- j) The AGBC is responsible for familiarizing itself with the Confidentiality Ruling and Order in respect of this complaint and complying with it. As A.B. is not a party to this proceeding, the AGBC need not serve documents on A.B. or his counsel.

*Signed by*

Colleen Harrington  
Tribunal Member

Ottawa, Ontario  
November 15, 2023

## **Canadian Human Rights Tribunal**

### **Parties of Record**

**Tribunal File:** T2459/1620

**Style of Cause:** Woodgate et al v. RCMP

**Ruling of the Tribunal Dated:** November 15, 2023

#### **Motion dealt with in writing without appearance of parties**

#### **Written representations by:**

Lisa Lee and Melanie Alcorn, for the Applicant Attorney General of British Columbia

Karen Bellehumeur and Angeline Bellehumeur, for the Complainants

Christine Singh and Jonathan Bujreau, for the Canadian Human Rights Commission

Whitney Dunn, for the Respondent RCMP