

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Between:

Diane Carolyn Emmett

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Canada Revenue Agency

Respondent

Ruling

Member: Réjean Bélanger

Date: October 10, 2013

Citation: 2013 CHRT 25

[1] On August 30, 2013, the Complainant brought a Notice of Motion to amend her Statement of Particulars to add remedies and make changes to existing ones.

[2] The issue in ruling on whether an amendment should be granted is determining whether the amendment would prejudice the Respondent by undermining the fairness of the process (see *Gaucher v. Canadian Armed Forces*, 2005 CHRT 1 at para. 18).

[3] On September 17, 2013, the Respondent indicated that it takes no position with respect to the Complainant's motion to amend, except for the proposed amendment to remedy #11 of her Statement of Particulars.

[4] Remedy #11 in the Complainant's Statement of Particulars requests:

Any other remedies I may request and this Tribunal may award.

[5] The Complainant wishes to add to this remedy as underlined below:

Any other remedies I may request and this Tribunal may award. **I seek the flexibility to amend my remedies at a future date based on the evidence presented at the Tribunal hearing.**

[6] According to the Respondent, insofar as the Complainant seeks leave to make further amendments without formal motion, the proposed amendment to remedy #11 is improper.

[7] I agree. Any future proposed amendment shall have to be submitted by way of motion and then analyzed by the Tribunal based on the submissions of the parties. This ensures each party has a full and ample opportunity to be heard on the issue. Therefore, the Complainant's request to add to remedy #11 as indicated above is denied.

[8] Seeing as the Respondent takes no position on the other amendments proposed by the Complainant, her motion to add remedies related to wage loss and promotion/wage loss, as outlined at paragraphs 2 and 3 of her Notice of Motion, are granted. The Complainant's request

to amend her systemic remedy, as outlined at paragraph 5 of her Notice of Motion, is also granted.

[9] As a result, and to ensure the Respondent has an opportunity to respond to the Complainant's amended remedies, the parties are directed to file amended Statements of Particulars, pursuant to Rule 6(1) of the Tribunal's *Rules of Procedure (03-05-04)*. This includes the disclosure of any additional documents and/or witnesses. Amended Statements of Particulars are to be filed according to the following schedule:

- The Complainant – October 25, 2013
- The Respondent – November 8, 2013
- Reply by the Complainant – November 15, 2013

Signed by

Réjean Bélanger
Tribunal Member

Ottawa, Ontario
October 10, 2013