

**CANADIAN HUMAN RIGHTS TRIBUNAL    TRIBUNAL CANADIEN DES  
DROITS DE LA PERSONNE**

**COMMUNICATIONS, ENERGY AND PAPERWORKERS**

**UNION OF CANADA AND FEMMES-ACTION**

**Complainants**

**- and -**

**CANADIAN HUMAN RIGHTS COMMISSION**

**Commission**

**- and -**

**BELL CANADA**

**Respondent**

**RULING ON ADMISSIBILITY OF EVIDENCE  
RE DEFAULT INTEREST RATE**

PANEL: J. Grant Sinclair  
Pierre Deschamps

2005 CHRT 3  
2005/01/25

[1] Under s. 53(4) of the *CHRA*, when making an order for compensation, the Tribunal may include an award of interest at a rate and for a period it considers appropriate. This however is subject to Rule 9(12) of the Tribunal's Rules of Procedure, which provides that, unless otherwise ordered by the Tribunal, an award of interest shall be at a specified rate and for a specified period. In this ruling, we refer to this as the "default interest rate".

[2] CEP will propose (assuming a finding of liability) that the Tribunal make an award of interest different from the default interest rate. CEP also proposes to call Dr. Lawrence Gould to give expert evidence relating to what the appropriate interest rate and interest period should be for any award of interest.

[3] Bell has brought a motion asking that the Tribunal not receive Dr. Gould's evidence. Bell argues that this evidence is not necessary for the Tribunal to determine an appropriate award of interest.

[4] For the purpose of its argument on the motion, Bell seeks to introduce as evidence the fact that the Tribunal, when amending the default interest rate in 2004, did not consult any expert opinion. Bell's argument will be that it was not then necessary to have expert assistance and therefore, it is not necessary now.

[5] For Bell's motion, the Tribunal must decide the question of whether on the facts and circumstances of this case, Dr. Gould's evidence is necessary in determining an award of interest.

[6] In our opinion, the fact that an expert was not consulted when setting the default interest rate for Rule 9(12) is of no assistance in determining this question. That fact tells the Tribunal nothing about whether Dr. Gould's proposed expert evidence is necessary in this case. It has no probative value.

[7] Accordingly, Bell's request to introduce this fact into evidence is denied.

Signed by

J. Grant Sinclair, Chairperson

Signed

by

Pierre Deschamps, Member

OTTAWA, Ontario

January 25, 2005

PARTIES OF RECORD

TRIBUNAL FILE: T503/2098

STYLE OF CAUSE: Communications, Energy and Paperworks Union of  
Canada, Femmes-Action  
v. Bell Canada

DATE AND PLACE OF  
HEARING: Ottawa, Ontario  
January 24, 2005

RULING OF THE TRIBUNAL  
DATED: January 25, 2005

APPEARANCES:

Peter Engelmann For Communications, Energy and  
Paperworkers Union of Canada

Andrew Raven  
K.E. Ceilidh Snider For the Canadian Human Rights Commission

Peter Mantas  
Guy Dufort For Bell Canada

