

remedy in the main part of the hearing and leave the individual calculations to be determined later, if necessary.

[6] The Respondent consents to the alternative request. However, it says that Ms. Murphy should be required to prove her damages in the main hearing rather than revisit this issue at another hearing.

[7] In my view, the Complainants' second request need not, and should not require a bifurcation of the hearing. The Complainants' submissions on this motion clearly indicate that although the precise quantum of damages for each individual affected by the decision would vary, the formula or calculation required to arrive at the quantum would be ascertainable and would apply to all of the approximately 250,000 individuals.

[8] Therefore, the Respondent is correct in saying that if evidence is led about the method of calculating the individual damages, the Tribunal could make a determination on that issue and leave it to the parties to do the individual calculations. In that way, liability and remedy would be dealt with in one hearing with the Tribunal retaining jurisdiction over the issue of individual damages, should a need arise for further determination. Ms. Murphy's case may provide a useful example of how to calculate individual damages.

[9] Complainants' counsel has indicated that although he cannot conceive of any remedy at this stage which would require a separate, individual assessment, he reserves the right, in the event that such a remedy is identified, the request that that aspect of the remedy stage be bifurcated as well. I am not sure that I understand what is meant here. However, I would reiterate that I do not see a need, based on the material that has been presented to date, to bifurcate the hearing. As I see it now, a single hearing is the most expeditious and fair means of resolving this matter.

Signed by
Karen A. Jensen

OTTAWA, Ontario
July 14, 2008

PARTIES OF RECORD

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APPEARANCES:	

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