

Canadian Human Rights Tribunal Tribunal canadien des droits de la
personne

BETWEEN:

DANIELLE PLANTE

Complainant

- and -

ROYAL CANADIAN MOUNTED POLICE

Respondent

RULING ON REQUESTS TO AMEND THE STYLE OF CAUSE

2003 CHRT 28

2003/07/25

MEMBER: Anne L. Mactavish

[1] The pre-hearing questionnaires completed by the parties identified three preliminary issues in this case.

[2] Firstly, the complainant asked that the style of cause in this proceeding be amended to change her name from her married name of Danielle Plante to her maiden name, that is, Danielle Côté. The respondent does not object to this amendment. Accordingly, the style of cause shall be amended to reflect the name currently used by the complainant.

[3] In its questionnaire, the respondent raised, as a preliminary issue, the jurisdiction of the Tribunal to deal with this case, in light of a settlement agreement evidently entered into by the parties in February of 1999. In its written submissions, the respondent asked that this issue be dealt with at the hearing. I agree that this issue is better dealt with in the context of a hearing, and defer the issue to be dealt with at that time.

[4] The final issue relates to the identity of the respondent. The complaint form signed by the complainant identifies her former employer, the Royal Canadian Mounted Police, as the respondent. The respondent submits that the RCMP is not a legal person, and thus cannot be subject to a human rights complaint. Rather, the respondent says, proceedings against the RCMP should be brought against the Attorney General of Canada (representing the Royal Canadian Mounted Police).

[5] The complainant points out that she was employed by the RCMP, and that the conduct complained of in her complaint was allegedly carried out by members of the Force. The complainant points to various RCMP policies dealing with workplace harassment, submitting that if the RCMP recognizes its obligations to provide a harassment-free workplace, and fails to live up to its obligations, it leaves itself open to claims such as hers. The complainant further alleges that the RCMP has claimed that the Force itself has been injured by her actions. The complainant also points to a number of previous decisions of this Tribunal in cases where the RCMP, and other government departments, were named as respondents.

[6] The complainant disputes the respondent's submission that she will not suffer any prejudice if the style of cause is changed to reflect the Attorney General of Canada as the respondent. As I understand the complainant's submissions, she is of the view that the RCMP, concerned about how the facts of her case will reflect on the image of the force, is endeavoring to hide behind the Attorney General of Canada.

[7] The issue raised by the respondent relates to the legal technicalities of litigation involving the federal government. While I understand how the respondent's request may appear to the complainant, I do not believe that the RCMP is endeavoring to hide behind the Attorney General of Canada. Rather, the force is asking that the strict requirements of the law be observed. This has not always happened in previous cases before this Tribunal involving the RCMP. Thus, as the complainant has pointed out, there are a number of

Tribunal decisions involving the RCMP as a named respondent. Nevertheless, a review of the jurisprudence cited by the respondent, as well as the relevant provisions of the *Crown Liability Act*, discloses that the respondent is correct, and that the complainant's case should properly be asserted against the Attorney General of Canada (representing the Royal Canadian Mounted Police).

[8] I do not accept the complainant's submission that she will be prejudiced if such an amendment is made. The change to the style of cause should not result in any delay in the prosecution of the complainant's case, nor will it affect her ability to execute on any award of damages, should her complaint ultimately prove successful.

[9] For these reasons, both amendment requests are granted. The name of the complainant shall be changed from Danielle Plante to Danielle Côté. The name of the respondent will be changed to the Attorney General of Canada (representing the Royal Canadian Mounted Police).

"Original signed by"

Anne L. Mactavish

OTTAWA, Ontario

July 25, 2003

CANADIAN HUMAN RIGHTS TRIBUNAL

PARTIES OF RECORD

TRIBUNAL FILE NO.: T797/4703

STYLE OF CAUSE: Danielle Plante v. Royal Canadian Mounted Police

RULING OF THE TRIBUNAL DATED: July 25, 2003

APPEARANCES:

Danielle Côté On her own behalf

Alain Préfontaine and Catherine Lawrence For the Respondent