

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

**NATHALIE BEAUDET-FORTIN**

**Complainant**

**- and -**

**CANADIAN HUMAN RIGHTS COMMISSION**

**Commission**

**- and -**

**CANADA POST CORPORATION**

**Respondent**

**DECISION CONCERNING THE RIGHT TO ACT AS A WITNESS  
AND ALSO AS A REPRESENTATIVE OF A PARTY**

2004 CHRT 23

2004/07/06

MEMBER: Roger Doyon

[TRANSLATION]

[1] On September 9, 1999, Nathalie Beaudet-Fortin filed a complaint with the Canadian Human Rights Commission (the Commission) against her employer, Canada Post Corporation.

She claims that her employer:

- a) discriminated against her on the basis of her sex (pregnancy) by refusing to accommodate her in accordance with her physician's instructions when she was 20 weeks pregnant, contrary to section 7 of the *Canadian Human Rights Act* (the Act);
- b) maintained a policy discriminating against pregnant women, by transferring them automatically to the mail redirection centre without considering their medical certificates when this work environment was ill suited to the needs of pregnant women, contrary to the provisions of section 10 of the *Canadian Human Rights Act*.

[2] During a conference call held on May 31, 2004, counsel for the Commission informed the Tribunal that she intended to have Alain Duguay testify as principal witness when presenting the Commission's evidence in relation to the discrimination complaint involving the breach of section 10 of the *Canadian Human Rights Act*.

[3] Moreover, counsel for the Commission advised the Tribunal that the Commission did not intend to participate in the presentation of evidence in relation to the discrimination complaint involving the breach of section 7 of the *Canadian Human Rights Act*.

Accordingly, the complainant wants to be represented by Alain Duguay for the purposes of presenting her evidence.

[4] The Tribunal was therefore called to decide on the right of an individual to act both as a Commission's witness at the hearing on the evidence and as the complainant's representative during the presentation of her evidence at the hearing.

Subsection 50(1) of the *Canadian Human Rights Act* provides that:

After due notice to the Commission, the complainant, the person against whom the complaint was made and, at the discretion of the member or panel conducting the inquiry, any other interested party, the member or panel shall inquire into the complaint and shall give all parties to whom notice has been given a full and ample opportunity, in person or through counsel, to appear at the inquiry, present evidence and make representations.

[5] Despite the existence of this provision, the Tribunal has always been concerned about giving the most disadvantaged a full and ample opportunity to assert their rights by being represented by a layperson. In my opinion, the fact that an individual acts as a witness in one branch of this matter and as the complainant's representative in the other branch could not cause any prejudice to the respondent, or amount to interference with the efficient administration of justice.

[6] Accordingly, the Tribunal authorizes Alain Duguay to testify at the hearing of Nathalie Beaudet-Fortin's complaint, brought pursuant to section 10 of the *Canadian Human Rights Act* and to act as her representative at the hearing of her complaint under section 7 of the *Canadian Human Rights Act*.

Roger Doyon

OTTAWA, Ontario

July 6, 2004

#### PARTIES OF RECORD

TRIBUNAL FILE: T898/1804  
STYLE OF CAUSE: Nathalie Beaudet-Fortin v. Canada Post Corporation

DECISION OF THE TRIBUNAL DATED: July 6, 2004

#### APPEARANCES:

Nathalie Beaudet-Fortin (herself)

Ikram Warsame

For the Canadian Human Rights Commission

Marc Santerre

For the Respondent