

**Canadian Human Rights Tribunal      Tribunal canadien des droits de la  
personne**

**BETWEEN:**

**PATRICK J. EYERLEY**

**Complainant**

**- and -**

**CANADIAN HUMAN RIGHTS COMMISSION**

**Commission**

**- and -**

**SEASPAN INTERNATIONAL LIMITED**

**Respondent**

**RULING ON APPLICATION FOR INTERESTED PARTY STATUS**

**Ruling No. 3  
2000/08/09**

**PANEL:** Anne Mactavish, Tribunal Chairperson

[1] This is an application for interested party status brought by the Canadian Merchant Service Guild (Western Branch). The Guild asks to be added as an interested party in this proceeding in order to address the nature of the duties associated with the position of Ship's Officer (or 'Mate'), positions represented by the Guild. The Guild's application does not indicate how it intends to address this issue, whether it intends to lead evidence, to cross-examine witnesses called by other parties, or whether it intends to make any final submissions.

[2] The Guild's application is opposed by Seaspan International Limited. Mr. Eyerley has advised the Tribunal Registry that he does not oppose the Guild's application, whereas the Canadian Human Rights Commission takes no position with respect to the application.

[3] Section 50 of the *Canadian Human Rights Act* gives the Tribunal wide discretion with respect to the granting of interested party status.<sup>(1)</sup> In deciding whether or not to exercise this discretion, a number of factors have to be considered, including whether there is any other reasonable or efficient means whereby the issue in question may be addressed, and whether the position of the proposed interested party may be adequately addressed by one of the parties to the case.<sup>(2)</sup>

[4] Mr. Eyerley complains that he has been discriminated against in the course of his employment with Seaspan as a Cook/Deckhand, by reason of a disability. One of the issues raised by Mr. Eyerley's complaint is the question of whether or not Seaspan could have accommodated Mr. Eyerley by providing him with work as a Mate. From the complaint form, it appears that Mr. Eyerley is of the view that the duties of a Mate are less physically demanding than the duties of a Cook/Deckhand. The complaint form asserts that Seaspan has previously taken the position that the duties of the two positions are identical.

[5] It should be noted that the Guild's application is limited to the single issue of the scope of the duties of a Mate, and does not raise any concerns as to issues that could flow from accommodating Mr. Eyerley in the position of Mate, such as potential disruption to the collective agreement or seniority issues. It seems to me that the issue of the scope of a Mate's duties on board Seaspan vessels is an issue that the parties themselves are well-positioned to address. Based upon the material before me, I am not satisfied that the position of the proposed interested party will not be adequately addressed by the parties to the case, and the Guild's application is accordingly dismissed.

---

Anne Mactavish, Tribunal Chairperson

OTTAWA, Ontario

August 9, 2000

**CANADIAN HUMAN RIGHTS TRIBUNAL**  
**COUNSEL OF RECORD**

TRIBUNAL FILE NO.: T565/2300

STYLE OF CAUSE: Patrick J. Eyerley v. Seaspans International Limited

RULING OF THE TRIBUNAL DATED: August 9, 2000

APPEARANCES:

Patrick Eyerley For himself

Odette Lalumière For the Canadian Human Rights Commission

Michael Hunter For Seaspans International Limited

Arnold Vingsnes For Canadian Merchant Service Guild (Western Branch)

1. *Citron v. Zundel and the Canadian Human Rights Commission*, Interim Ruling, unreported, June 18, 1997

2. *Canadian Union of Public Employees (Airline Division) v. Canadian Airlines International Ltd.*, [2000] F.C.J. 220 (F.C.A.), at para. 12