

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

[3] In its Statement of Particulars, CN has raised the issue of the Union's involvement in the efforts to accommodate Ms. Hoyt. In particular, CN alleges that the Union did not act cooperatively or reasonably with respect to Ms. Hoyt's accommodation.

[4] The Union argues that it is in a better position than Ms. Hoyt to respond to these allegations since Ms. Hoyt did not hold a position in the Union and therefore, does not have direct knowledge of what went on between the Union and CN. The Union asserts that without its participation, the Tribunal will have an incomplete picture of the case. I accept that the Union's participation is necessary to gain a full understanding of the efforts that were made to accommodate Ms. Hoyt.

[5] Would it be sufficient if the Union's representatives participated as witnesses in the hearing? I think not. Allegations have been made in this case which, if substantiated, may have an impact on the Union's interests. Therefore, in my view, the Union should be given an opportunity to address the question of its involvement in the accommodation efforts and any other issues where its interests may be affected.

[6] For this reason, the Union will be granted interested party status, including the right to introduce evidence, examine and cross-examine witnesses and present argument on issues where its interests may be affected and on its involvement in the accommodation efforts. I would encourage the Union to consult on an on-going basis with counsel for Ms. Hoyt, in order to ensure that there is no duplication in their efforts.

[7] The Union will provide a Statement of Particulars and full disclosure of the evidence that it seeks to adduce in accordance with Rule 6 of the Tribunal Rules. The disclosure must include the names of proposed witnesses and a short summary of the anticipated testimony of each witness. The Statement of Particulars will be filed and disclosure completed by January 27, 2006. The Respondent shall have until February 27, 2006 to file an amended Statement of Particulars and to disclose any responding evidence.

[8] The Tribunal reserves the right to address any case management issues arising from this ruling.

"Signed by"
Karen A. Jensen

OTTAWA, Ontario
December 6, 2005

PARTIES OF RECORD

TRIBUNAL FILE:	T1036/1705
STYLE OF CAUSE:	Catherine Hoyt v. Canadian National Railway

December 6, 2005

RULING OF THE TRIBUNAL DATED:

APPEARANCES:

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For the Complainant

For the Canadian Human Rights Commission

For the Respondent

For United Transportation Union -
Proposed Interested Party