

ACADEMIC WOMEN FOR JUSTICE - FEMMES UNIVERSITAIRES POUR LA JUSTICE

<http://academicwomenforjustice.org/>

March 8, 2012

Mr. David A. Wright
Associate Chair
Human Rights Tribunal of Ontario
655 Bay Street, 14th floor
Toronto, ON M7A 2A3

Dear Mr. Wright,

As President of Academic Women for Justice, I am writing to you, on International Women's Day, to inform the Human Rights Tribunal of Ontario of a particularly troubling situation for human rights in Ontario.

Two Ontario women professors, Professor ██████████ of the University of ██████████ and Professor Adèle Mercier of Queen's University, have been the targets of reprisals or threats of reprisal simply because they filed a complaint of gender discrimination and harassment to the Human Rights Tribunal of Ontario.

What is particularly disturbing is that both universities appear to be undermining the very spirit of human rights legislation by allowing the dubious notion that filing a complaint to the Human Rights Tribunal of Ontario for gender discrimination can itself be considered a form of harassment against the faculty members named in the complaint, and cause for disciplinary action.

At the University of ██████████, Professor ██████████ is under investigation with the possibility of disciplinary action, on the basis of a complaint made against her by the very department chair whose activities were the object of Professor ██████████'s complaint to the Tribunal. At Queen's University, the administration has already applied disciplinary action against Professor Mercier, following complaints against her by the faculty members listed in her complaint to the Tribunal.

In both cases, the message is clearly one of punishment and intimidation to any member of an equity seeking group who is endeavouring to obtain redress under the Human Rights Code of Ontario, and constitutes a purposeful attempt to discourage recourse to the Human Rights Tribunal of Ontario.

Academic Women for Justice is asking the Human Rights Tribunal of Ontario to take immediate action to remind the University of Waterloo and Queen's University of their obligations under section 8 of the Ontario Human Rights Code, which states as follows:

Every person has a right to claim and enforce his or her rights under this Act, to institute and participate in proceedings, under this Act and to refuse to infringe a right of another person under this Act, without reprisal or threat of reprisal for so doing. R.S.O. 1990, c. H.19, s. 8.

If the Tribunal is to 'play its role as a pillar in the human rights system,' as indicated on its website, it must be absolutely rigorous in preventing reprisals against all members of all equity-seeking groups who bring their concerns to the Tribunal.

Taking a complaint to the Human Rights Tribunal of Ontario requires great courage and tenacity. The Tribunal has a legal and moral obligation to ensure that every Ontario citizen can take his or her concerns to the Tribunal without fear of reprisal.

This is why I make this appeal to you, on International Women's Day, to send a clear message to both the University of [REDACTED] and Queen's University, and through them, to all employers in Ontario, that the Human Rights Tribunal of Ontario will not tolerate reprisals or threats of reprisals against any person who files a complaint with the Tribunal.

Respectfully,

Agnes Whitfield, Ph.D.

President/Présidente

Academic Women for Justice/Femmes universitaires pour la justice

Professor, Department of English/Professeure titulaire, Département d'études anglaises

York University/Université York, Toronto (Canada)

<http://people.laps.yorku.ca/people.nsf/researcherprofile?readform&shortname=agnesw>

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cc.

Prof Wayne Peters, President, CAUT

Constance Adamson, President, OCUFA

Prof Paul Young, President, QUFA

Prof George Freeman, President, FAUW

Hon Rona Ambrose, Minister for the Status of Women, Canada

Hon Linda Jeffrey, Minister of Labour, Ontario

Hon Charles Sousa, Minister of Citizenship and Immigration & Women's Issues, Ontario

Hon Glen R. Murray, Minister of Training, Colleges and Universities, Ontario



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March 9, 2012

Agnes Whitfield, Ph.D.
President
Academic Women for Justice
York University – Professor, Department of English
4700 Keele Street
Toronto, ON M3J 1P3

Dear Ms. Whitfield,

I am writing in response to your e-mail dated March 8, 2012.

The role of the Human Rights Tribunal of Ontario is to resolve applications filed pursuant to the *Human Rights Code*. It does so through a quasi-judicial process based on representations by both sides.

If either of the individuals identified in your letter wishes to pursue a claim of reprisal, they must do so through a new or existing Application, which could be filed on their behalf by an organization under s. 34(5) of the *Code* with consent. It would not be appropriate for the HRTO to take any action as a result of your letter.

Yours truly,

David A. Wright
Associate Chair

Cc: Prof Anne Marie Miraglia, University of Waterloo
Prof Adèle Mercier, Queen's University
Prof Wayne Peters, President, CAUT
Constance Adamson, President, OCUFA
Prof Paul Young, President, QUFA
Prof George Freeman, President, FAUW
Hon. Rona Ambrose, Minister for the Status of Women, Canada
Hon. Linda Jeffrey, Minister of Labour, Ontario
Hon. Charles Sousa, Minister of Citizenship and Immigration & Women's Issues, Ontario
Hon. Glen R. Murray, Minister of Training, Colleges and Universities, Ontario
Hon. John Gerretsen, Attorney General

Child and Family Services Review Board
Custody Review Board
Human Rights Tribunal of Ontario
Landlord and Tenant Board Ontario
Special Education (*English*) Tribunal Ontario
Special Education (*French*) Tribunal Ontario
Social Benefits Tribunal

Commission de révision des services à l'enfance et à la famille
Commission de révision des placements sous garde
Tribunal des droits de la personne de l'Ontario
Commission de la location immobilière
Tribunal de l'enfance en difficulté de l'Ontario (*anglais*)
Tribunal de l'enfance en difficulté de l'Ontario (*français*)
Tribunal de l'aide sociale

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March 9, 2012

Mr. David A. Wright
Associate Chair
Human Rights Tribunal of Ontario
655 Bay Street, 14th floor
Toronto, ON M7A 2A3

Dear Mr. Wright,

Thank you for your response, as prompt as it was clear and unequivocal.

I am well aware that persons from equity-seeking groups in Ontario have the possibility at any time to take their concerns about the crucial question of reprisals to the Tribunal.

In my letter, I was asking you simply, in keeping with the mission and core values of the Tribunal, to express in one way or another, on behalf of the Tribunal, concern about the reprisals *Academic Women for Justice* is observing in the university community against women who have filed a complaint with the Tribunal.

You must have noted that I wrote to you on March 8, a particularly important date for women since it is International Women's Day. Given your title and position as Associate Chair of the Human Rights Tribunal of Ontario, I found, in the dismissive tone of your letter, a lack of compassion with respect to the equity-seeking group that we represent as Ontario women.

I believe that, as Associate Chair, you could have taken advantage of the opportunity to adopt a reassuring tone, one more worthy of the Tribunal's mission and core values as espoused on the Tribunal's website.

The gap between the peremptory tone of your letter and the values of the Tribunal you announce on your website is particularly troubling, and could lead one to believe that, in reality, the Tribunal does not respect the mission and values it announces on its website.

I regret that your short and curt reply may give us as academic women an impression of a closed attitude or indifference to the cause of equity for women, all the more so in a context when we count on the administration of justice through the Tribunal, which is often our last resort in a society that has not yet attained an honourable position in the world with respect to human rights.

Respectfully,



Agnès Whitfield, Ph.D.

President/Présidente

Academic Women for Justice/Femmes universitaires pour la justice

Professor, Department of English/Professeure titulaire, Département d'études anglaises

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Hon Charles Sousa, Minister of Citizenship and Immigration & Women's Issues, Ontario

Hon Glen R. Murray, Minister of Training, Colleges and Universities, Ontario

Hon Madeleine Meilleur, Minister, Francophone Affairs, Ontario

Barbara Hall, Chief Commissioner, Ontario Human Rights Commission

Andrew Pinto, Chair, Ontario Human Rights Review, Ontario Human Rights Commission



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March 14, 2012

Agnes Whitfield, Ph.D.
President
Academic Women for Justice
York University – Professor, Department of English
4700 Keele Street
Toronto, ON M3J 1P3

Dear Ms. Whitfield,

Thank you for your letter dated March 9, 2012. I regret that you considered the tone of my letter inappropriate. However, the Tribunal is a quasi-judicial adjudicative agency that must be neutral in all its dealings with parties that are or may come before it. It must speak on human rights issues, including reprisal, through its decisions following full argument.

I cannot speak on matters that are or may come before the Tribunal. Indeed, to do otherwise could put cases, including those of the members of your organization, in jeopardy as it could give rise to a claim of reasonable apprehension of bias at the Tribunal or in a judicial review in the courts.

I trust this assists you in understanding the reasons for my previous response. I should also emphasize that the Ontario Human Rights Commission is responsible, under the Human Rights Code, to promote and advance respect for human rights in Ontario. You may wish to contact the Commission about the issues you have raised.

Yours truly,

David A. Wright
Associate Chair

Cc: Prof Anne Marie Miraglia, University of Waterloo
Prof Adèle Mercier, Queen's University
Prof Wayne Peters, President, CAUT
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