



HUMAN RIGHTS TRIBUNAL OF ONTARIO

BETWEEN:

Neville Hewage

Applicant

-and-

**City of Greater Sudbury, Nick Benkovich, Gary Comin, Drew Peloquin,
Richard Dixon, Wendi Mannerow and Kevin Fowke**

Respondents

-and-

Canadian Union of Public Employees, Local 4705

Intervenor

INTERIM DECISION

Adjudicator: Ena Chadha
Date: July 31, 2012
File Number: 2012-11186-I
Citation: 2012 HRTO 1491
Indexed as: **Hewage v. Sudbury (City)**

WRITTEN SUBMISSIONS

Canadian Union of Public Employees,)	
Local 4705, Intervenor)	Rick Leroux, Representative
)	
)	

[1] The applicant filed this Application under section 34 of the Ontario *Human Rights Code*, R.S.O. 1990, c. H.19, as amended (the “Code”) on March 27, 2012, alleging discrimination with respect to employment on the basis of race, colour, ancestry, ethnic origin and place of origin.

[2] On May 29, 2012, the applicant’s union, Canadian Union of Public Employees, Local 4705 (“union”), filed a request to intervene in this Application.

[3] The respondents filed a Response on June 14, 2012 denying the allegations. The respondents also filed various Requests for Orders During Proceedings. The respondents have requested a summary hearing and seek to strike the Application as having no reasonable prospect of success. In the alternative, the respondents seek an order removing the personal respondents and to strike the allegations that are not within the Tribunal’s jurisdiction because of delay.

[4] On July 9, 2012, the union filed a Request for an Order During Proceedings seeking that the Tribunal order “extensive training programs” for the respondents.

[5] The parties did not file submissions indicating whether they consent or object to the union participating as an intervenor.

[6] The Tribunal stated in *Boyce v. Toronto Community Housing Corporation*, 2009 HRTO 131 has stated:

A union or association nearly always has an interest in a human rights application brought by an employee in a bargaining unit it represents when the application alleges discrimination in employment. Absent exceptional circumstances, the applicant’s bargaining agent will be granted intervention status in Tribunal proceedings where it requests it.

[7] Based on the submissions of the union, I am satisfied that the union has an interest in the outcome of the Application. The union indicates that it has knowledge of the employment circumstances and is concerned about protecting the human rights of its membership.

[8] As such, and in accordance with the Tribunal's standard practice where an applicant is a member of a bargaining unit represented by the union, the union's request to intervene is granted.

[9] The applicant's union, Canadian Union of Public Employees, Local 4705, is granted intervenor status.

[10] With respect to the union's request for an order seeking public interest remedies, the scope of the union's intervention and terms of participation will be decided by the adjudicator overseeing the hearing.

[11] I am not seized.

Dated at Toronto, this 31st day of July, 2012.

"Signed by"

Ena Chadha
Vice-chair