



HUMAN RIGHTS TRIBUNAL OF ONTARIO

BETWEEN:

Shelley Reid

Applicant

-and-

City of Greater Sudbury, Nick Benkovich, Greg Clausen, Doug Nadorozny, Brian Renwick, Dan Kvaltin and Karen Matthies

Respondents

INTERIM DECISION

Adjudicator: Keith Brennenstuhl
Date: January 7, 2011
File Number: 2010-06936-I
Citation: 2011 HRTO 52
Indexed as: **Reid v. Sudbury (City)**

[1] This is an Application filed by the applicant on September 27, 2010 under section 34 of Part IV of the *Human Rights Code*, R.S.O. 1990, c. H.19 as amended (the “Code”). The purpose of this Interim Decision is to address the respondents’ request for deferral of the Application in light of a parallel grievance/arbitration proceeding.

[2] The Application alleges discrimination and harassment in the workplace on the basis of several grounds including sex and marital status. On September 28, 2009 the applicant’s union filed a grievance alleging various breaches of the collective agreement “including but not limited to the Ontario Human Rights Code by failing to provide me with a harassment free workplace”. While it appears that the grievance relates to issues other than alleged harassment, it is clear that there is considerable overlap between the grievance/arbitration proceeding and the Application.

[3] According to the applicant, the grievance is now at the arbitration stage.

[4] The Tribunal may defer consideration of an application on such terms as it may determine, on its own initiative or at the request of any party. The Tribunal will generally defer an application where there is an ongoing grievance under a collective agreement based on the same facts and issues. However, the Tribunal must also consider, in light of the particular circumstances of each case, whether deferral is the most fair, just and expeditious way of proceeding with the application.

[5] In my view, given the overlapping factual matters and the stage of the grievance/arbitration proceeding, the factors favouring deferral of this Application outweigh the factors favouring the Tribunal proceeding with the Application.

[6] Accordingly, the Tribunal will defer the Application. Where a party wishes to proceed with an application which has been deferred, the party must contact the Registrar no later than 60 days after the conclusion of the other proceeding.

[7] There is an outstanding Request to Intervene in this proceeding by the applicant’s union. As well the applicant has made a Request to amend her Application.

The Tribunal will address these requests when and if this Application is brought back on before the Tribunal.

[8] I am not seized.

Dated at Toronto, this 7th day of January, 2011.

“Signed by”

Keith Brennenstuhl
Vice-chair