



Human Rights Tribunal of Ontario

Application under Section 34 of the *Human Rights Code* (Form 1)

(Disponible en français)

www.hrto.ca

How to Apply to the Human Rights Tribunal of Ontario

Before you start:

1. Read the questions and answers below to find out if the Human Rights Tribunal of Ontario (the Tribunal) has the ability to deal with your Application.
2. Download and read the **Applicant's Guide** from the Tribunal's website www.hrto.ca. If you need a paper copy or accessible format, contact us:

Human Rights Tribunal of Ontario
655 Bay Street, 14th floor
Toronto, Ontario
M7A 2A3

Phone: 416-326-1312 Toll-free: 1-866-598-0322
Fax: 416-326-2199 Toll-free: 1-866-355-6099
TTY: 416-326-2027 Toll-free: 1-866-607-1240
Email: hrto.registrar@ontario.ca
Website: www.hrto.ca

The Tribunal has other guides and practice directions to help all parties to an application understand the process. Download copies from the Tribunal's website at www.hrto.ca or contact us.

3. Complete each section of this Application form. As you fill out each section, refer to the instructions in the **Applicant's Guide**.

Getting help with your Application

For free legal assistance with the application process, contact the **Human Rights Legal Support Centre**.

Website: www.hrlsc.on.ca. Mail: 180 Dundas Street West, 8th Floor, Toronto, Ontario M7A 0A1. Phone: 416-314-6266. Toll-free: 1-866-625-5179. Fax: 416-314-6202; Toll-free fax: 1-866-625-5180. TTY: 416-314-6651. Toll-free TTY: 1-866-612-8627.

Questions About Filing an Application with the Tribunal

The following questions and answers are provided for general information. They should not be taken as legal advice or a determination of how the Tribunal will decide any particular application. For legal advice and assistance, contact the **Human Rights Legal Support Centre**.

Who can file an Application with the Tribunal?

You can file an application if you believe you experienced discrimination or harassment in one of the five areas covered by the Ontario *Human Rights Code* (the *Code*). The *Code* lists a number of grounds for claiming discrimination and harassment. To find out if you have grounds for your complaint under the *Code*, read the **Applicant's Guide**.

What is the time limit for filing an Application?

You can file an application up to one year after you experienced discrimination or harassment. If there was a series of events, you can file up to one year after the last event. In some cases, the Tribunal may extend this time.

The discrimination happened outside Ontario. Can I still apply?

In most cases, no. To find out about exceptions, contact the **Human Rights Legal Support Centre**.



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My complaint is against a federal government department, agency, or a federally regulated business or service. Should I apply to the Tribunal?

No. Contact the Canadian Human Rights Commission. Website: www.chrc-ccdp.ca. Mail: 344 Slater Street, 8th Floor, Ottawa, Ontario K1A 1E1. Phone: (613) 995-1151. Toll-free: 1-888-214-1090. TTY: 1-888-643-3304. Fax: (613) 996-9661.

Should I use this form if I am applying because a previous human rights settlement has been breached?

No. If you settled a previous human rights application and the respondent did not comply with the settlement agreement, use the special application called **Application for Contravention of Settlement, Form 18**. For a paper copy, contact the Tribunal.

Can I file this Application if I am dealing with or have dealt with these facts or issues in another proceeding?

The *Code* has special rules depending on what the other proceeding is and at what stage the other proceeding is at. **Read the Applicant's Guide and get legal advice, if:**

1. You are currently involved in, or were previously involved in a civil court action based on the same facts and asked for a human rights remedy; or
2. You have ever filed a complaint with the Ontario Human Rights Commission based on the same subject matter; or
3. You are currently involved in, or were previously involved in another proceeding (for example, union grievance) based on the same facts.

How do I file an application on behalf of another person?

To file an application on behalf of another person, you must complete and file this Application (Form 1) as well as an Application on Behalf of Another Person (Form 4). When completing this Application, you must check the box in Question 1 that indicates you are filing an Application on Behalf of Another Person (Form 4). You must provide your name and contact information in Question 1.

The completed Form 4 can be attached to your Application or sent to the Tribunal separately by mail, fax or email. If sent separately, it must be sent within **five (5) days** following the filing of your Application.

For more information on applications on behalf of another person, please see the Tribunal's Practice Direction.

Note: If you are a lawyer or other legal representative assisting an applicant with their Application do not use the Application on Behalf of Another Person (Form 4) to provide your details. A lawyer's or other legal representative's details should be provided in section 3, "Representative Contact Information," of this Application (Form 1).

Learn more

To find out more about human rights in Ontario, visit www.ohrc.on.ca or phone 1-800-387-9080.



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Instructions: Complete all parts of this form, using the **Applicant's Guide** for help. If your form is not complete, the Tribunal may return it to you. This will slow down the application process. If you are filling this out on paper, please print and ensure that the information you include is legible. At the end of this form, you will be required to read and agree to a declaration that the information in your Application is complete and accurate (if you are a lawyer or legal representative assisting an applicant with this Form 1, please see the **Practice Direction On Electronic Filing of Applications and Responses By Licensed Representatives**).

Contact Information for the Applicant

1. Personal Contact Information

Check here if you are filing an Application on Behalf of Another Person. **Note:** you must *also* complete a Form 4.

Please give us your personal contact information. This information will be shared with the respondent(s) and all correspondence from the Tribunal and the respondent(s) will go here. **If you do not want the Tribunal to share this contact information, you should complete section 2, below, but you must still provide your personal contact information for the Tribunal's records.**

First (or Given) Name	Middle Name	Last (or Family) Name
Michael		Jack

Street #	Street Name	Apt/Suite
1049	Primrose Lane, RR 4	

City/Town	Province	Postal Code	Email
Peterborough	Ontario	K9J 6X5	michaeljack2@trentu.ca

Daytime Phone	Cell Phone	Fax	TTY

What is the best way to send information to you?
 (if you check email, you are consenting to the delivery of documents by email)

Mail Email Fax

2. Alternative Contact Information

If you want the Tribunal and respondent(s) to contact you through another person, you must provide contact information for that person below. You should fill this section out if it will be difficult for the Tribunal to reach you at the address above or if you want the Tribunal to keep your contact information private. **If you complete this section, all of your correspondence will be sent to you in care of your Alternative Contact.**

First (or Given) Name	Middle Name	Last (or Family) Name

Street #	Street Name	Apt/Suite

City/Town	Province	Postal Code	Email

Daytime Phone	Cell Phone	Fax	TTY



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What is the best way to send information to you at your alternative contact? (if you check email, you are consenting to the delivery of documents by email) Mail Email Fax

3. Representative Contact Information

Complete this Section only if you are authorizing a lawyer or other Representative to act for you.

I authorize the organization and/or person named below to represent me.

First (or Given) Name: Kimberley Last (or Family) Name: Wolfe

Organization (if applicable): Feltmate Delibato Heagle LLP

Street #: 2010 Street Name: Winston Park Drive Apt/Suite: 301

City/Town: Oakville Province: Ontario Postal Code: L6H 5R7 Email: kwolfe@fdhlawyers.com

Daytime Phone: 905-829-3277 Cell Phone: 905-809-5469 Fax: 905-829-3277 TTY:

LSUC No. (if applicable): 53897V

What is the best way to send information to your representative? (if you check email, you are consenting to the delivery of documents by email) Mail Email Fax

4. Respondent Contact Information

Provide the name and contact information for any respondent against which you are filing this Application. If there is more than one respondent and you are filling this out on paper, please attach a separate sheet of paper with the information for each respondent. Number each page.

a) Organization Respondent

Name the organization you believe discriminated against you. You should also indicate the contact person from the organization to whom correspondence can be addressed.

Full Name of Organization: Her Majesty the Queen in Right of Ontario as represented by the Ministry of Community Safety and Correctional Services and operating as the Ontario Provincial Police

Name of Contact Person from the Organization

First (or Given) Name: Denise Last (or Family) Name: Dwyer Title: Director of Legal Branch

Street #: 25 Street Name: Grosvenor Street Apt/Suite: 18th Floor

City/Town: Toronto Province: Ontario Postal Code: M7A 1Y6 Email:



Daytime Phone	Cell Phone	Fax	TTY
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416-325-0408		416-314-3518	
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b) Individual Respondent

If you believe that an individual should be a respondent, provide their name and contact information below. Prior to naming individuals, you should consult the Tribunal's **Practice Direction on Naming Respondents** available on our website at www.hrto.ca.

First (or Given) Name	Middle	Last (or Family Name)

Street #	Street Name	Apt/Suite

City/Town	Province	Postal Code	Email

Daytime Phone	Cell Phone	Fax	TTY

Grounds of Discrimination

5. Grounds Claimed

The Ontario *Human Rights Code* lists the following grounds of discrimination or harassment. Put an "X" in the box beside each ground that you believe applies to your Application. You can check more than one box.

- Race
- Colour
- Ancestry
- Place of Origin
- Citizenship
- Ethnic Origin
- Disability
- Creed
- Sex, Including Sexual Harassment, Pregnancy, And Gender Identity
- Sexual Solicitation or Advances
- Sexual Orientation
- Family Status
- Marital Status
- Age
- Receipt of public assistance (Note: This ground applies only to claims about Housing)
- Record of offences (Note: This ground applies only to claims about Employment)
- Association with a Person Identified by a Ground Listed Above



Reprisal or Threat of Reprisal

Application under Section 34 of the *Human Rights Code* (Form 1) Areas of Discrimination under the *Code*

6. Area of Alleged Discrimination

The Ontario *Human Rights Code* prohibits discrimination in five areas. Put an "X" in the box beside the area where you believe you have experienced discrimination (choose one). See **Applicant's Guide** for more information on each area.

- Employment (Complete and attach Form 1-A)
- Housing (Complete and attach Form 1-B)
- Goods, Services, and Facilities (Complete and attach Form 1-C)
- Contracts (Complete and attach Form 1-D)
- Membership in a Vocational Association (Complete and attach Form 1-E)

Does your Application involve discrimination in any other areas? Yes No

Put an "X" in the box beside any other areas where you believe you experienced discrimination:

Employment Housing Goods, Services, and Facilities Contracts Membership in a Vocational Association

Facts that Support Your Application

7. Location and Date (See Applicant's Guide)

Please answer the following questions.

a) Did these events happen in Ontario?	<input checked="" type="radio"/> Yes <input type="radio"/> No
b) In what city/town?	Peterborough
c) What was the date of the last event? (dd/mm/yyyy)	December 15, 2009
d) If you are applying more than one year from the last event, please explain why:	

8. What Happened

In the space below, describe each event you believe was discriminatory. Add more pages if you need to. Number each page.

- For each event, be sure to say:
- **What** happened
 - **Who** was involved
 - **When** it happened (day, month, year)
 - **Where** it happened

Be as complete and accurate as possible. Be sure to give details of every incident of discrimination you want to raise in the hearing.



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See Form 1-A and Schedule A attached.

The Effect On You

9. How the Events You Described Affected You

Tell us how the events you described affected you (e.g. were there financial, social, emotional or mental health, or other effects)? Add more pages if you need to. Number each page.

See Form 1-A and Schedule A attached.

The Remedy

10. The Remedy You are Asking for (See Applicant's Guide)

Put an "X" in the box beside each type of remedy you are asking that the Tribunal order. Explain why you want it in the space below.

Monetary Compensation

Enter the Total Amount \$100,000.00

Explain below how you calculated this amount:

1. Injury to dignity, feelings and self respect; and
2. Damages for lost opportunity.

Non-monetary Remedy – Explain below:

Remedy for Future Compliance (Public Interest Remedy) – Explain below:

In light of the frequency with which discrimination occurs specifically at the Peterborough detachment of the OPP, I am seeking an order compelling the OPP to comply with the Ontario Human Rights Code.

Mediation

11. Choosing Mediation to Resolve your Application

Mediation is one of the ways the Tribunal tries to resolve disputes. It is a less formal process than a hearing. Mediation can only happen if both parties agree to it. A Tribunal Member will be assigned to mediate your Application. The Member will meet with you to talk about your Application. The Member will also meet with the respondent(s) and will try to work out a solution that both sides can accept. If mediation does not settle all the issues, a hearing will still take place and a different Member will be assigned to hear the case. Mediation is confidential.

Do you agree to try mediation?

Yes

Other Legal Proceedings

12. Civil Court Action (see Applicant's Guide)

Note: If you answer "Yes" to any of these questions, you must send a copy of the statement of claim that started the court action.



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a) Has there been a court action based on the same facts as this Application?	<input type="radio"/> Yes (Answer 12b) <input checked="" type="radio"/> No (Go to 13)
b) Did you ask the court for a remedy based on the discrimination?	<input type="radio"/> Yes (Answer 12c) <input type="radio"/> No (Answer 12g)
c) Is the court action still going on?	<input type="radio"/> Yes (Answer 13) <input type="radio"/> No (Answer 12d)
d) Was the court action settled?	<input type="radio"/> Yes (Answer 13) <input type="radio"/> No (Answer 12e)
e) Has the court action been decided?	<input type="radio"/> Yes (Answer 13) <input type="radio"/> No (Answer 12f)
f) Was the court action withdrawn?	<input type="radio"/> Yes (Answer 13) <input type="radio"/> No (Answer 12g)
g) If the court action does not ask for a remedy based on the discrimination, are you asking the Tribunal to defer (postpone) your Application until the court action is completed?	<input type="radio"/> Yes <input type="radio"/> No

13. Complaint Filed with the Ontario Human Rights Commission (see Applicant's Guide)

Note: If you answer "Yes", you must attach a copy of the complaint.

Have you ever filed a complaint with the Commission based on the same facts as this Application?	<input type="radio"/> Yes <input checked="" type="radio"/> No
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14. Other Proceeding - in Progress (see Applicant's Guide)

Note: If you answer "Yes" to Question "14a", you must attach a copy of the document that started the other proceeding.

a) Are the facts of this Application part of another proceeding that is still in progress?	<input type="radio"/> Yes (Answer 14b) <input checked="" type="radio"/> No (Go to 15)
b) Describe the other proceeding:	
<input type="checkbox"/> A union grievance	Name of union:
<input type="checkbox"/> A claim before another board, tribunal or agency	Name of board, tribunal, or agency:
<input type="checkbox"/> Other	Explain what the other proceeding is:
c) Are you asking the Tribunal to defer (postpone) your Application until the other proceeding is completed?	<input type="radio"/> Yes <input checked="" type="radio"/> No

15. Other Proceeding - Completed (see Applicant's Guide)

Note: If you answer "Yes" to Question "15a", you must attach a copy of the document that started the other proceeding and a copy of the decision from the other proceeding.



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a) Were the facts of this Application part of some other proceeding that is now completed? Yes (Answer 15b) No (Go to 16)

b) Describe the other proceeding:

A union grievance

Name of union:

A claim before another board, tribunal or agency

Name of board, tribunal, or agency:

Other

Explain what the other proceeding is:

c) Explain why you believe the other proceeding did not appropriately deal with the substance of this Application.

Documents that Support this Application

16. Important Documents You Have

If you have documents that are important to your Application, list them here. List only the most important. Indicate whether the document is privileged. **See the Applicant's Guide.**

Note: You are not required to send copies of these documents at this time. However, if you decide to attach copies of the documents you list below to your Application they will be sent to the other parties to the Application along with your Application.

Document Name	Why It Is Important To My Application
See Schedule "B" attached hereto.	

17. Important Documents the Respondent(s) Have

If you believe the respondent(s) have documents that you do not have that are important to your Application, list them here. List only the most important.

Document Name	Why It Is Important To My Application	Name of Respondent Who Has It
Entire contents of personnel file and all internal notes and	I believe that the personnel file as well as notes and emails external	unknown



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emails not otherwise recorded in the personnel file.	thereto will substantiate my claim of discrimination.	
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18. Important Documents Another Person or Organization Has

If you believe another person or organization has documents that you do not have that are important to your Application, list them here. List only the most important.

Document name	Why it is important to my Application	Name of Person or Organization Who Has It
Investigation files	The investigations that were conducted by both the OPPA and the PSE of the OPP are relevant to my case in that they establish that I was being targeted and that I had raised concerns regarding the fact that I was being discriminated against with the appropriate supervising authorities of the OPP.	Ontario Provincial Police Association and the Professional Standards Bureau of the OPP.

Confidential List of Witnesses

19. Witnesses

Please list the witnesses that you intend to rely on in the hearing. **Note:** The Tribunal will not send this list to the respondent(s). **See the Applicant's Guide.**



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Name of Witness	Why This Witness Is Important To My Application
Constable Kevin Duignan	Witnessed discrimination
Constable Paul MacNeil	Witnessed discrimination
Constable Jason Postma	Witnessed discrimination
Constable Lloyd Tapp	Treated in the same manner
Harry Allen Chase	Treated in the same manner
Steve Ryan	Witnessed discrimination

Other Important Information

20. Other Important Information the Tribunal Should Know

Is there any other important information you would like to share with the Tribunal?

Not at this time.

Application under Section 34 of the Human Rights Code (Form 1) Checklist of Required Documents

21. Area of Discrimination from Question 6

Attach a form for each area you checked in Question 6

- Employment (Form 1-A)
- Housing (Form 1-B)
- Good, Services, and Facilities (Form 1-C)
- Contracts (Form 1-D)
- Membership in Vocational Association (Form 1-E)

22. Other Documents, from Question 12 to 15

Confirm whether you are sending the Tribunal any of the following documents:

- A copy of a statement of claim (from Question 12)
- A copy of a complaint filed with the Ontario Human Rights Commission (from Question 13)
- A copy of a document that started another proceeding based on these facts (from Question 14 or 15)
- A copy of a decision from another proceeding based on these facts (from Question 15)

23. Declaration and Signature

Instructions: Do not sign your Application until you are sure that you understand what you are declaring here.



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Declaration:

To the best of my knowledge, the information in my Application is complete and accurate.

I understand that information about my Application can become public at a hearing, in a written decision, or in other ways determined by Tribunal policies.

I understand that the Tribunal must provide a copy of my Application to the Ontario Human Rights Commission on request.

I understand that the Tribunal may be required to release information requested under the Freedom of Information and Protection of Privacy Act (FIPPA).

Michael Jack

Name

Applicant's Signature

14/12/2010

Date (dd/mm/yyyy)

Please check this box if you are filing your Application electronically. This represents your signature. You must fill out the date, above.

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Accommodation Required

If you require accommodation of *Code*-related needs please contact the Registrar at:

Email: HRTO.Registrar@ontario.ca
Phone: 416-326-1519 Toll-free: 1-866-598-0322
Fax: 416-326-2199 Toll-free: 1-866-355-6099
TTY: 416-326-2027 Toll-free: 1-866-607-1240

Where to Send your Application

Note: Only file your Application once. If the Tribunal receives this Application more than once, it will only accept the first Application form received.

Send your completed Application form and any attachments to:

Human Rights Tribunal of Ontario
655 Bay Street, 14th floor
Toronto, Ontario
M7A 2A3
Fax: 416-326-2199 Toll-free: 1-866-355-6099
Email: HRTO.Registrar@ontario.ca



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Application to the Human Rights Tribunal of Ontario Area of Discrimination: Employment (Form 1-A)

Note: Complete this form if you believe you were discriminated against in the area of Employment. Attach this form to your Application.

Applicant's Name:	Michael Jack
Respondent(s) Name(s):	Her Majesty the Queen in Right of Ontario as represented by the Ministry of Community Safety and Correctional Services and operating as the Ontario Provincial Police

PART I

Questions About the Respondent(s)

A1 Put an "X" in the box beside each point that describes the Respondent(s) in your case. Check all that apply.

- The Respondent is the employer at a place where I wanted to work
- The Respondent is my current employer
- The Respondent is my former employer
- The Respondent is an employment agency
- The Respondent is a union or employee association
- The Respondent is a supervisor, manager, or boss
- The Respondent is another employee
- Other - please describe the Respondent(s): _____



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Application to the Human Rights Tribunal of Ontario Area of Discrimination: Employment (Form 1-A)

Question About the Job

Please answer these questions.

A2 What was the position or job where you felt there was discrimination?

Probationary Constable

A3 What were the requirements (essential job duties) of the position?

Preserved the peace, prevented crimes and provided assistance to others in their prevention, assisted victims of crime, apprehended and charged offenders and executed warrants, referred individuals to community services and agencies, educated the public.

A4 Was it a volunteer position?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
A5 Were you employed in this position?	<input checked="" type="radio"/> Yes	<input type="radio"/> No (Go to A6)
a) If you answered "yes" to question A5, how long were you in the position? Please give the dates you started and finished.	From: August 25, 2008	To: December 15, 2009
b) If you answered "Yes" to question A5, what was the pay for the position?	\$55,615.00	<input type="checkbox"/> Hourly <input type="checkbox"/> Monthly <input type="checkbox"/> Weekly <input checked="" type="checkbox"/> Yearly
A6 Are you working now?	<input type="radio"/> Yes	<input checked="" type="radio"/> No (Go to A7)
c) If you answered "yes" to question A6, what is your current pay?	\$	<input type="checkbox"/> Hourly <input type="checkbox"/> Monthly <input type="checkbox"/> Weekly <input type="checkbox"/> Yearly

Questions About Your Union

A7 Were you a member of a union or other occupational or professional association at the time of the alleged discrimination?



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Yes (Fill out details bellow) No (Go to A8)

If you answered "yes", the Tribunal will send them notice of this Application. If there is more than one union or occupational or professional association, attach a separate sheet of paper with the information. Number each page.

Full Name of Organization	Ontario Provincial Police Association
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Street #	Street Name	Apt/Suite
119	Ferris Lane	

City/Town	Province	Postal Code	Email
Barrie	Ontario	L4M 2Y1	oppa@oppa.ca

Daytime Phone	Cell Phone	Fax	TTY
705-728-6161		705-721-4867	

Name of Contact Person

First (or Given) Name	Last (or Family) Name
Marty	MacMarow

Daytime Phone	Cell Phone	TTY
705-728-6161		

Questions About What Happened Alleged Discrimination Before Hiring

A8 Put an "X" in the box beside each point that describes how you believe were discriminated against.

I experienced discrimination:

- In a job ad
- In an application form
- In a job interview
- In drug and alcohol testing before hiring
- In other kinds of pre-employment testing



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- In a hiring decision
- Other - please explain: _____



Alleged Discrimination During Employment

A9 Put an "X" in the box beside each point that describes how believe you were discriminated against.

I experienced discrimination:

- In my rate of pay, overtime, hours of work, or holiday
- In being denied a promotion
- In scheduling
- In discipline (such suspensions or warning)
- In being fired
- In comments, displays, jokes, harassment, or a poisoned work environment
- In sexual harassment or solicitation or advances
- In being denied a workplace opportunity (such as training opportunity). Please describe:

- In being denied employment benefits, including time off for medical or other reasons. Please describe:

- In drug testing or alcohol testing
- In being denied necessary accommodation or modified work in the workplace
- Other - please explain: _____

Workplace Policies or Practices	
A10 Is your Application about a workplace policy? (for example, absenteeism accommodation or holiday policy)	<input type="radio"/> Yes <input checked="" type="radio"/> No (Go to Part II)
a) If you answered "Yes" to A10, what is the policy? (Attach a copy if available)	

Questions About Complaining to Your Employer



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Complete this section only if you complained to someone in authority about the alleged harassment or discrimination.

A11 To whom did you complain?

My shift supervisor Sergeant Robert Flindall from the Peterborough Detachment and the President of the 8th branch of the Ontario Provincial Police Association Detective Constable Karen German from the Northumberland Detachment (613-848-5308)

A12 Was there an investigation?

Yes

No (Go to Part II)

a) If you answered "Yes" to A12, what was the outcome of the investigation?

Detective Constable Karen German conducted an investigation and determined that I was being targeted by some officers from the Peterborough Detachment. As a result of the investigation, I was re-assigned to another shift at the Peterborough Detachment. However, the officers responsible for the discriminatory conduct were not disciplined in any way and the change in my shift did not remedy the problem.

Furthermore, I was severely reprimed by my shift supervisor Sergeant Robert Flindall and Constable Jennifer Payne for advising the Ontario Provincial Police Association about my treatment at the Peterborough Detachment. Further particulars are provided on Schedule "A" attached hereto.

PART II

The following Part asks you to answer how you believe you were harassed or discriminated against based on grounds you identified. If you believe that you were discriminated against or harassed based on more than one ground, fill out all the sections that apply.

Questions About Employment Discrimination on the Grounds of Race, Colour, Ancestry, Place of Origin, Citizenship, or Ethnic Origin

Complete this section only if you believe that you have been discriminated against on one or more of these grounds: race, colour, ancestry, place of origin, citizenship, or ethnic origin.

A13 Explain why you believe you were discriminated against because of your race, colour, ancestry, place of origin, citizenship, or ethnic origin.

I was targeted by members of the Peterborough detachment of the Ontario Provincial Police due to my place of origin and my ethnic origin. Throughout my placement at the detachment I endured systemic discrimination from my superiors and fellow officers, was ridiculed due to my accent, was harassed by members of the OPP and was subjected to a poisoned work environment. The basis for the discriminatory treatment was my ethnic origin and place of origin. I am a Russian born Jewish individual with a heavy Russian accent. Further particulars are provided on Schedule "A" attached hereto.

A14 Please describe how you identify yourself in terms of your race, colour, ancestry, place of origin, citizenship, and ethnic origin.

I am a Russian born Jewish individual. I am also a dual citizen of Canada and Israel.

Questions About Employment Discrimination on the Ground of Disability or Perceived Disability

Complete this section only if you believe that you have been discriminated against on the ground of disability or



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perceived disability.

A15 Explain why you believe you were discriminated against based on your disability or a perceived disability.

A16 Do you have particular needs related to your disability?	<input type="radio"/> Yes	<input type="radio"/> No (Go to A19)
a) If you answered "Yes" to A16, describe your particular needs.		

A17 Did you ask the Respondent(s) to meet your needs?	<input type="radio"/> Yes	<input type="radio"/> No (Go to A19)
a) If you answered "Yes" to A17, describe what you asked the Respondent(s) to do. If you named more than one Respondent, please tell us who you spoke to.		

A18 Did the Respondent(s) try to meet your needs?	<input type="radio"/> Yes	<input type="radio"/> No (Go to A19)	<input type="radio"/> Don't Know (Go to A19)
a) If you answered "Yes" to A18, describe what the Respondent(s) did to meet your needs. If you named more than one Respondent, please tell us what each did.			
b) If you answered "Yes" to A19, why do you believe the Respondent(s)' efforts to meet your needs were not enough?			

Questions About Employment Discrimination on the Ground of Disability or Perceived Disability

A19 Could you have performed the essential duties of the job if the Respondent(s) had taken steps to meet your needs?	<input type="radio"/> Yes	<input type="radio"/> No
A20 If you had to be off work because of your disability, give the time periods you were off, up to the present.	From:	To:
A21 Do you plan to submit medical reports or documents related to your particular needs at the hearing?	<input type="radio"/> Yes	<input type="radio"/> No
a) If you answered "Yes" to A21, please list the medical reports or documents here. You do not need to send copies at this time.		

Questions About Discrimination on the Ground of Creed (Faith, Religion or System of Beliefs)

Complete this section only if you believe that you have been harassed or discriminated against on the ground of creed (faith, religion or system of beliefs).



Human Rights Tribunal of Ontario

A22 Explain why you believe you were discriminated against based on your creed.

A23 Please describe your creed.

Questions About Employment Discrimination on the Grounds of Sex, Pregnancy, or Gender Identity

Complete this section only if you believe that you have been discriminated against on the grounds of sex, pregnancy, or gender identity.

A24 Is your Application about discrimination on the ground of pregnancy?

Yes

No

A25 Explain why you believe you were discriminated against based on your sex, pregnancy, or gender identity.

A26 Please identify your sex or describe your gender identity.

Questions About Employment Discrimination on the Grounds of Sexual Solicitation, Sexual Advances or Reprisal for Refusing a Sexual Solicitation or Advance

Complete this section only if you believe that you have experienced sexual solicitation, sexual advances or reprisal for refusing a sexual solicitation or advance from someone who is in a position to grant or deny you a benefit, (such as a promotion).

A27 Tell us what happened.

A28 How was this person in a position to grant or deny a benefit?

Question About Employment Workplace Harassment Because of a Prohibited Ground of Discrimination, Including Workplace Sexual Harassment, and Poisoned Work Environment

Complete this section only if you believe that you have been discriminated against on the ground of workplace harassment, workplace sexual harassment, or poisoned work environment.

A29 Tell us what happened

I was the victim of workplace harassment as previously detailed in this application. As a result of the discriminatory conduct of my fellow officers and supervisors I was also the victim of a poisoned work environment. See Schedule "A" attached.

Questions About Employment Discrimination on the Ground of Sexual Orientation

Complete this section only if you believe that you have been discriminated against on the ground of sexual orientation.



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A30 Explain why you believe you were discriminated against based on your sexual orientation.

A31 Please describe your sexual orientation.

Questions About Employment Discrimination or Harassment on the Grounds of Family or Marital Status

Complete this section only if you believe that you have been discriminated against on the grounds of family or marital status.

A32 Explain why you believe you were discriminated against based on your family or marital status.

A33 Please describe your family or marital status.

Questions About Employment Discrimination on the Ground of Age

Complete this section only if you believe that you have been harassed or discriminated against on the ground age.

A34 Explain why you believe you were harassed or discriminated against based on your age.

A35 Please give your date of birth. (DD/MM/YYYY)

Questions About Employment Discrimination or Harassment on the Ground of Record of Offences

Complete this section only if you believe that you have been harassed or discriminated against on the ground of having a record of offences.

A36 Do you believe you were discriminated against because of your record of offences under a federal law (Criminal Code offence)? Yes No (Go to A37)

a) If you answered "Yes" to A36, what was the federal offence?

b) If you answered "Yes" to A36, have you received a pardon for the federal offence? Yes No

c) If you answered "Yes" to A36, why do you believe you were harassed or discriminated against based on your record of a federal offence?



Human Rights Tribunal of Ontario

A37 Do you believe you were harassed or discriminated against because of your record of offences under the provincial law (such as the Highway Traffic Act)?	<input type="radio"/> Yes <input type="radio"/> No
a) If you answered "Yes" to A37, what was the provincial offence?	
b) If you answered "Yes" to A37, why do you believe you were harassed or discriminated against based on your record of a provincial offence?	

Question About Employment Harassment or Discrimination on the Basis of Association

Complete this section only if you believe that you were discriminated against because the Respondent(s) associated you with a person who is a member of a group identified in the Code.

A38 Please explain why you believe you were discriminated against on the basis of association.

A contrived complaint was registered against me by my colleagues at the Peterborough Detachment of the OPP. As more particularly described in Schedule "A", the complaint alleged that I was associating with "undesirables". It is noteworthy that 2 out of 3 alleged undesirables were members of an ethnic minority group.

Questions About Discrimination on the Ground of Reprisal

Complete this section only if you believe that the Respondent(s) have done something to punish you for exercising your rights under the Ontario Human Rights Code.

A39 Put an "X" in each box that applies to you:

I claimed or enforced my rights under the Code (Go to A41)

I refused to infringe on another person's rights under the Code (Go to A41)

I started or took part in a human rights proceeding (Go to A40)

A40 If you marked that you started or took part in a human rights proceeding in A39, put an "X" in each box that applies to you and give any file number(s).

The Ontario Human Rights Commission (OHRC) OHRC File #: _____

The Human Rights Tribunal Of Ontario (HRTO) HRTO File #: _____

Other Proceeding – specify: _____

A41 Please explain why you believe you were reprisal against.

As more particularly described in Schedule "A" attached hereto, I experienced various forms of reprisal for the assertion of my right to be free from discrimination under the Human Rights Code. Such reprisals included but were not limited to: contrived negative performance evaluations; increased harassment from colleagues and supervising officers; the filing of a false complaint against me; and the filing of an HTA charge against me.

Schedule "A"

Background

1. I am a member of a racialized minority group being that I am a Russian-Jewish individual and speak English with a heavy Russian accent.
2. I immigrated to Canada in September of 2000 and have lived in Peterborough since September 30, 2000.

Training and Recruitment to the Ontario Provincial Police

3. In August 2007, after several discussions with the Chief of York Regional Police, I decided to pursue a career in policing.
4. In March of 2008 I obtained my O.A.C.P. certificate as part of the mandatory set of requirements for my application with the Ontario Police Services.
5. On or about April 4, 2008, I applied to the York Regional Police and the Ontario Provincial Police (hereinafter the "OPP").
6. I was interviewed by the OPP on or about May 29, 2008 and following the interview my application was expedited for hiring purposes.
7. I signed an offer of employment on or about July 25, 2008 with the OPP at which time I was informed that I would be posted at the Peterborough Detachment of the OPP.
8. It is noteworthy that on July 27, 2008, I was invited for an interview by the York Regional Police which I turned down in view of having accepted the position with the OPP.
9. I attended the Ontario Police College (hereinafter the "OPC") in Aylmer from September 1, 2008, until November 27, 2008, and graduated with a 91.6 percent cumulative average.
10. From November 30, 2008, until January 9, 2009, I trained at the Ontario Provincial Police Academy (hereinafter the "OPPA").
11. I was recognized by both the OPC and the OPPA as being among the top recruits of my cohort group. These recognitions were communicated in the form of various awards.

Placement with the Peterborough Detachment

12. I was stationed at the Peterborough Detachment of the OPP (hereinafter the "Detachment") as a probationary constable beginning January 12, 2009.

13. Once placed at the Detachment of the OPP, it became readily apparent that outsiders were not welcome. I was immediately subjected to numerous acts of harassment and discrimination due to my status as a foreign borne individual and further due to my educational background and heavy Russian accent.
14. I later learned that prior to even arriving at the Detachment, some of the officers had already assigned me the nickname of "Crazy Ivan" as they had learned in advance of my arrival that I was from Russia.
15. It was upon this backdrop that throughout the duration of my employment with the Detachment, as described herein, I was subjected to differential treatment, contrived negative performance reviews, overt discrimination and harassment, artificial and unsubstantiated complaints against me, unsubstantiated charges under the *Highway Traffic Act* filed by a supervising officer, reprisals for asserting my rights or voicing any objection whatsoever to the unequal treatment I received.
16. Between January 12, 2009, and August 20, 2009, I was assigned to the Platoon A shift. My shift supervisor during this time was Sergeant (hereinafter "Sgt.") Robert Flindall and my coach officer was Constable (hereinafter "Cst.") Shaun Filman.
17. I was transferred to the Platoon D shift on or about August 21, 2009, due to the fact that upon investigating my complaints, it was found that I had been specifically targeted by members of my shift. As a result of my transfer to the Platoon D shift, my new shift supervisor was Sgt. Peter Butorac and my new coach officer was Cst. Richard Nie.
18. Unfortunately, the transfer did little to alleviate the treatment to which I was subjected at the Peterborough Detachment of the OPP, particularly given that Cst. Nie and Sgt. Flindall are neighbors and, as was the case among many of the officers of the Detachment, close friends. My work environment was poisoned regardless of which shift I was transferred to.

Overt Discrimination and Harassment

19. During my probationary period I was subjected to unwanted comments, jokes and harassment that in turn poisoned my workplace environment.
 - (1) Before even meeting my colleagues at the Detachment I had been nicknamed "Crazy Ivan" due to my Russian heritage.
 - (2) Over the first few months of my work at the Peterborough Detachment on multiple occasions I was reminded that I had a thick accent and that some officers had difficulty understanding me on the radio.
 - (3) In yet another incident sometime during the spring of 2009, I was confronted by Cst. Melinda Moran who asked me if I could speak with a Canadian accent.

- (4) I have been advised that on numerous occasions officers would ridicule my "funny" accent in my absence. As a cumulative effect of comments such as these, I became very self-conscious of my accent. I reduced my radio communications to a bare minimum and in a multitude of instances resorted to using my personal cell phone instead of the radio for the fear of being reminded of my accent again. I also became very self-conscious of my conversations to the point that I felt embarrassed when I talked to my peers.
- (5) The poisoned work environment also spread to the civilian employees with whom I had little contact. Few of these employees would have had any exposure to me in my daily activities, yet I was progressively treated with increased disdain by some of the civilian employees. The rumours that circulated among them included statements that "I could not be trusted", "I was not altogether there" and that "I had problems."

Differential Treatment and Derogatory Treatment

20. During my twelve month probationary period I was also subjected to differential treatment by my supervisor(s) and colleagues.
21. The following are but a few examples of the differential treatment that I received while at the Detachment:

- (1) I observed that other rookies, who were not minorities and did not speak with an accent, were welcomed and supported by their respective coach officers within the Detachment. Whereas, from the very beginning my coach officer Cst. Filman was completely disinterested in my training and development as an officer.

For example, when we were on the road, most of the time he would be operating the cruiser while I was sitting in the front passenger seat observing him constantly either text messaging or talking on his mobile phone. I truly felt like a burden to him.

Despite the fact that the role of a coach officer is to ensure that the new recruits under their supervision are properly prepared to handle the situations with which they are presented, I was almost wholly left to my own devices to figure out how to conduct interviews, arrests, complete reports, etc.

Cst. Filman exhibited a consistent unwillingness to train me or to share his knowledge with me, which was his duty. His persistent refusal to properly train me made me feel that I was not welcome.

- (2) I was the only one reprimanded in incidents involving other officers.

An example of this involved an incident that took place on January 30, 2009, only a few weeks after being placed at the Detachment. While working a day shift and accompanied by Cst. Jeff Gilliam, in an attempt to

stop a speeding motorist I misread the U-turn and put the nose of the cruiser in the ditch with no resulting damage to the cruiser. A passing motorist stopped to render assistance by offering to pull the cruiser out. The motorist used his own personal report to pull the cruiser out. In the process of removing the cruiser from the ditch the rear axle of the cruiser was still up on the shoulder of the road. Sgt. Flindall attended at the scene of the accident. Due to his failure to follow OPP policy to call a tow truck in a circumstance such as this, Sgt. Flindall issued what is known as a 233-10 (a negative internal report) against me. The document rebuked me for "inadequate operation of a Vehicle Operation. As section of was Month 2 performance in the Police

Despite the fact that I was accompanied by a more senior officer (2 years experience) who was familiar with the OPP policy, I was the only one to be reprimanded and negatively documented for the incident.

Furthermore, my coach officer Cst. Filman never discussed the accident with me apart from uttering something to the effect that it was not his coaching in the presence of other officers, thereby subtly poisoning my work environment.

- (3) There were also occasions where I handled investigations but my work and any commendations therefore were credited to other officers as though I had no involvement in the investigation.

An example of this was the investigation I conducted with respect to a break and enter on August 6, 2009. Constable D'Amico was commended for the work that was assigned to and completed by me. Further, despite my integral involvement and the fact that I led the investigation (while not being credited for my work), I was the only officer to receive a negative review while all of the other officers involved received positive commendations from Sgt. Flindall.

- (4) I was scorned by senior officers for offering my assistance. Once during a morning briefing in the spring of 2009, I offered my assistance in developing a digitized system to prepare Crown Briefs. Having a solid background in the Computer Science field I saw an opportunity to put my skills to use and be recognized as a team player.

However, not only were my efforts not appreciated, following the shift briefing I was told by Cst. Mary D'Amico who was second in command at the time in a vexatious manner and in the presence of other Platoon 'A' officers, "You should keep quiet when a senior officer speaks. You might come across as knowing too much and it is not good for your career." Cst.

D'Amico further told me that there had been another officer who "knew too much" and that he no longer worked at the Peterborough Detachment.

I viewed Cst. D'Amico's comments as a threat, especially given her seniority and level of influence in the Detachment. As a result of her comments, I feared expressing my opinion or offering my assistance.

- (5) I was singled out for my accent. I was the only one in the Detachment who suffered ridicule for merely speaking.
- (6) I was also singled out by Sgt. Flindall as allegedly being incapable of handling even the simplest of calls.

For example, on December 8, 2009, while working a night shift I was dispatched to a motor vehicle collision in which a truck had struck a deer. I had attended and dealt with a dozen of those on my own before. However, when I asked Cst. Postma, the officer in charge of the shift, what his orders were with respect to handling the call, he advised me that he had spoken with Acting Staff Sgt. Robert Flindall and that I was not allowed to attend the accident on my own.

Cst. Postma further added that he knew I could handle a simple motor vehicle collision "car vs. deer" by myself and that it was embarrassing for me to be accompanied by another officer for such a simple call, but that he had to comply with Acting Staff Sgt. Flindall's orders.

- (7) Throughout my tenure at the Detachment, I worked more shifts and took less vacation time than any other officer in the Detachment. Further, as a result of this fact, despite being a new recruit, I was often left on my own in violation of the training protocols advocated by the Ontario Provincial Police Association.
- (8) During the first 8 months of my probationary period I only received two progress meetings despite that these meetings were supposed to take place on a monthly basis.
- (9) Fellow officers would often publicly reprimand me and belittle me.

As an example of this derogatory treatment, on July 1, 2009, I was yelled at by Cst. Payne for a completely illegitimate reason in the presence of other officers. As part of her rampage, Cst. Payne made a point of stating that Cst. Filman tried really hard to coach me and that despite this fact "I sucked". When I attempted to defend myself, she immediately cut me off and yelled "do not interrupt me because I am senior to you."

- (10) Finally, on a few occasions I was ordered by Cst. Filman to lay charges that were not properly substantiated by the evidence at the time the charges were laid. I was left to then suffer the humiliation and shame of having laid

unsubstantiated charges once the matters were thrown out of court. These incidents were also counted against me as a probationary officer.

Unsubstantiated Charges under the *Highway Traffic Act*

22. I was charged by my sergeant (Robert Flindall) under the *Highway Traffic Act* for "Failing to Yield to Traffic on Through Highway". The conduct complained of would have been more efficiently and appropriately dealt with by way of a conversation with my supervisor. As I was later advised, the charge was harsh and uncalled for.

23. The specifics of the incident are as follows:

On August 15, 2009, I was working a day shift. At approximately 11:30 am Sgt. Flindall, Cst. Payne, Cst. D'Amico, Cst. Moran and I attended a family dispute call. We drove to the call with lights and sirens on. The call turned out to be nothing and was cleared as non-reportable to my badge.

While enroute from the call to Detachment I was charged by Sgt. Flindall under the *Highway Traffic Act* for "Fail to Yield to Traffic on Through Highway". Sgt. Flindall also issued a 233-10 which accused me of "inadequate operation of police vehicle".

Due to the nature of the charge I requested and promptly obtained OPPA approval to cover the costs of the legal assistance to contest the allegation. The legal fees were approved by the Vice President of the 8th Branch of the OPPA Sgt. Paul Zeggil, from the Northumberland Detachment.

Upon discussing the incident with Sgt. Ziggel, he indicated that his reason for approving my request for coverage of my legal fees was that after reviewing the synopsis he believed the matter could have been handled differently by Sgt. Flindall.

As a result of the compulsory disclosure obligations I later learned that it was Cst. Payne who orchestrated the laying of the charge.

I was exonerated of the Charge by Justice of the Peace Carl Young on August 12, 2010. Nevertheless, the effect of the charge on my career was evidenced in Month 8 performance evaluation, wherein Sgt. Flindall negatively rated me in two separate sections, namely, the Police Vehicle Operations and Personal Accountability sections.

In the Personal Accountability section Sgt. Flindall accused me of not taking any responsibility for my actions with respect to receiving the Provincial Offences Notice. This accusation was based on the fact that I refused to simply plead guilty to the charge and instead sought to clear my name through the justice system as I was entitled to do.

It is my opinion that these kinds of negative reviews in my performance evaluations demonstrate the amount of animosity that I experienced and was subjected to by my supervisor(s) and peers at the Peterborough Detachment.

Performance evaluations such as these re-enforced my feelings of hopelessness and despair as a result of my status as a foreigner and a minority who spoke with a thick accent and one that few officers wanted to be associated with. Further, I am of the belief that this charge was specifically orchestrated for the purpose of poisoning my workplace environment and building up a file to justify the termination of my employment.

Failure to Address the Conduct at Issue

24. I was having a tough time adjusting to the unwelcome and unsupportive environment created by some officers on my shift. Several of the key officers at the Peterborough Detachment, primarily on the Platoon 'A' shift made my life very stressful. I was constantly made to feel as though I was not welcome at the Detachment.
25. I attempted to address my concerns with senior and supervising officers on numerous occasions, but unfortunately the discriminatory conduct itself was never addressed by the management of the OPP. The following are some instances wherein I sought the assistance of those in positions of authority:
26. I had advised Cst. Filman of my concerns with respect to the derogatory remarks that were being made by other officers on numerous occasions. However, Cst. Filman did nothing to intervene or put an end to the conduct.
27. In early May 2009, I advised Sgt. Flindall I did not feel I was getting the proper coaching and I had no one to seek help from. I also advised Sgt. Flindall of the derogatory comments being made by Cst. D'Amico. Despite acknowledging my concerns, Sgt. Flindall did nothing to rectify the discriminatory conduct on the part of my peers.
28. On another occasion sometime in June of 2009 in an attempt to seek an understanding and assistance from Cst. Payne who had been assigned as my mentoring officer I divulged to her that I felt I was a nuisance to Cst. Filman and that I was not receiving the proper guidance and training as required. Cst. Payne promised to assist but never did.
29. On August 3, 2009, I called Staff Sgt. Coleen Kohen addressing my concerns and seeking advice. S/Sgt. Kohen was the Staffing Officer in the Human Resources in the OPP Headquarters in Orillia. Despite having been instructed at the OPC to contact her if, as probationary constables, we were experiencing problems, I was advised by Cst. Kohen that she works with coach officers, not probationary officers. Instead, I was advised to contact the OPPA.

30. Upon contacting the OPPA, I was put in contact with Detective Cst. Karen German, the President of the 8th Branch of the OPPA. On August 4, 2009, Detective Cst. German advised me that she was going to look into my case.

Reprisals for Asserting my Rights through Negative Performance Reviews

31. The probationary period of my employment lasted a period of approximately 12 months during which time I was evaluated monthly over a spectrum of 27 core competencies. My first few monthly performance evaluations were mixed with mainly positive and some negative ratings. However, not long after I started, I was subjected to an unusual amount of negative documentation in comparison to my cohorts whose performance was the same as my own.
32. On August 20, 2009, I was presented with my Month 6 & 7 performance evaluation by Sgt. Flindall. There were 10 "Does Not Meet Requirements" ratings.
33. The evaluator's name on the PCS-066P form was Cst. Filman (who was on vacation at the time) yet the evaluation was prepared by Sgt. Flindall personally and all the negative comments were thoroughly documented by Sgt. Flindall.
34. The majority of the comments in the evaluation in addition to being false, frivolous, vexatious and made in bad faith, dealt with the information which I had divulged in confidence with other colleagues. I was the only police officer at the Peterborough Detachment at that time being subjected to this type of treatment and unusual and extraordinary demands for my level of police experience by my supervisor(s.)
35. Sgt. Flindall also handed me two in-house 233-10s which accused me of "inadequate conduct." It was at that time that I realized that I was being reprimed for standing up for my rights. I realized that I had been under the constant surveillance by several of my colleagues immediately following my conversation with Sgt. Flindall wherein I had advised that I was going to contact the OPPA.
36. The number of negative ratings in my monthly performance reviews increased contemporaneously with my assertion to the OPPA that I was not being properly coached and my complaints over the lack of assistance I received in complicated investigations.

Transfer to Platoon D and Continuation of the Discriminatory Conduct

37. Cst. German investigated my concerns and concluded that I had been targeted by some of my platoon members and by Sgt. Flindall. My fears that I was specifically targeted and reprimed as a result of having voiced my concerns was substantiated by Cst. German who advised me that Sgt. Flindall had requested that my colleagues keep me under surveillance and report to him about my performance.
38. As a result of her findings, I was re-assigned from the Platoon 'A' shift to the Platoon 'D'. I was also assigned a new Coach Officer, Cst. Richard Nie (Sgt. Flindall's neighbour) under the command of Sgt. Butorac. This information was formally communicated in a meeting that was held on August 19, 2009 between

myself, Staff Sgt. Ron Campbell and Sgt. Flindall in the presence of an OPPA representative, Cst. Mitch Anderson.

39. Sgt. Campbell re-assured a few times during the meeting that the transfer was not to be viewed as a punishment. However, Sgt. Flindall felt it necessary to inform me that he was in favour of the transfer on the basis that I had alienated the majority of the officers on his shift.
40. On September 9, 2009, I returned to work on Platoon 'D'. I was immediately forbidden from working on my own. Further, Cst. Nie found faults with me from the moment I arrived on my new shift which he meticulously documented in his notebook and in my monthly performance evaluations.
41. From the beginning, Cst. Nie treated me inadequately and at times inappropriately. He frequently belittled me. For example after I had bought a few cream puffs and éclairs at a local Coffee Time shop, he nicknamed me "cream puff" and advertized my new nickname to other officers on our shift. My self-esteem was constantly being eroded by this kind of treatment.
42. I recall having been advised by a fellow officer to be very careful and to always remember that "the pen is mightier than the sword". Following my assignment to Cst. Nie, this advice proved to be accurate. I received repeated negative performance reviews for illegitimate reasons under Cst. Nie's supervision.
43. No matter what I did or how I did it, Cst. Nie almost always found a problem with me. I grew fearful of his presence next to me. I was afraid of asking him questions. Every time I asked him a question I anticipated that he would find something wrong with either the question or with me.
44. I knew that if I disputed the negative comments in my performance reviews I would have been targeted even more ruthlessly. I had learned the hard way. I must re-iterate that by that time, my confidence, inspiration, decisive insight and belief in what I was doing were gone.
45. My health was deteriorating and I felt that my days with the OPP were numbered. I lived my life in fear and absolutely hated coming to work. Also, due to the Professional Standards Bureau investigation launched against me, and further detailed below, I felt I was isolated with no rights.
46. On or about October 19, 2009, I raised some of my concerns over the discriminatory treatment I continued to experience. After reviewing the memorandum that I had prepared detailing my concerns, Sgt. Butorac stated that while he was sympathetic to my plight the Detachment did not like "whiners".
47. Sgt. Butorac failed to address my concerns surrounding the discriminatory treatment and specific targeting that I was enduring from Cst. Nie. The conduct was allowed to continue and my performance evaluations were among the tools used to malign my reputation.

48. For example, on November 19, 2009, during a meeting with Sgt. Butorac and Cst. Nie, in a frank manner I voiced my concerns regarding my Month 10 performance evaluation. I was subsequently negatively rated for speaking out in the Respectful Relations section in my Month 11 performance evaluation.

Artificial and Unsubstantiated Complaint

49. On September 23, 2009, following my transfer to the Platoon D shift, I was served with a Notice of Internal Complaint regarding an internal complaint that had been filed against me on or about September 11, 2009. The complaint alleged that I was associating with undesirables and indicated that as a result I was under the investigation by the OPP's Professional Standards Bureau (hereinafter the "PSB").
50. The complaint was filed in contravention of section (1)(a)(vi) of the Police Services Act R.S.O. 1990, c. P.15.
51. In early December 2009, I received a formal memorandum (dated November 25, 2009) from the PSB Commander Chief Superintendent Ken C. Smith that the file was closed as the complaint that I was associating with undesirables was unsubstantiated due to a lack of sufficient evidence.
52. I am of the opinion that the complaint was filed with the sole purpose of poisoning my workplace environment, maligning my reputation, and building up a file to justify the termination of my employment.

Termination of Employment

53. On the evening of December 13, 2009, I was presented with a Notice of Proposed Release from Employment together with the Performance and Conduct Requirements of a Recruit Constable by Acting Detachment Commander Sgt. Mike Reynolds. The recommendation that I be released from the employment with the OPP was made based on my alleged failure to meet the requirements of the position as a Probationary Constable.
54. My resignation was coerced by Chief Superintendent Mike Armstrong on December 15, 2009, who stated bluntly that I had two options: either to sign the resignation letter he had already prepared right away or be fired the following day.
55. Of the four recruits that I started with at the Peterborough Detachment, I was the only one who was not originally from the Peterborough area and the only one not to secure permanent employment with the OPP.
56. Following the termination of my employment, Detective Cst. German advised me that I had been assigned to a very bad detachment within the OPP. Unfortunately, this did little to ease the emotional trauma that I suffered as a result of my experience with the OPP. My job was not just a paycheck; it was an essential component of my sense of identity, self-worth and emotional well-being.

57. I am of the opinion that my dismissal from employment was orchestrated by a few officers from the Peterborough Detachment who were biased against me and who targeted me as a result of my status as a foreigner and my ethnic differences. The majority of the officers in the Detachment were locals from the Peterborough area.

Systemic Discrimination

58. It is noteworthy that, as previously mentioned, the majority of the officers at the Detachment are individuals who were born and raised in the Peterborough area.
59. I am not the only individual in the Detachment to have suffered discrimination on the basis of a protected ground. To the best of my knowledge and belief other officers including Constable Lloyd Tapp, Constable Harry Allen Chase, Constable King, and Constable Mark Mussington were all subjected to similar targeted discriminatory treatment by the officers at the Peterborough Detachment.
60. Based on the information I have collected, it would appear that minorities are treated differently at the Peterborough Detachment and have difficulties in successfully completing the probationary period.

Effects of Discrimination

61. The experiences that I was subjected to by the OPP caused severe stress in my life to the extent that I experienced and continue to suffer from, among other things, sleeping disorders, poor concentration, deteriorating health, and severe back pain. I became very self-conscious and my self-confidence was completely eroded.

Lost Opportunities

62. The termination of my employment under the circumstances orchestrated by the OPP has made it impossible for me to gain employment as a Constable with any other police service.
63. On January 13, 2010, despite having had a very successful ride along experience with the York Regional Police where my policing and multi-linguistic skills were put to use and despite the fact that I had already been offered an interview in the past prior to my experience with the OPP, I was denied the opportunity to apply for a position of Constable with the York Regional Police on the basis of my file with the OPP.
64. Between January of 2010 and July of 2010, I corresponded with the Toronto Police Service, Peel Regional Police Service, Durham Regional Police Service and Halton Regional Police Service. Though the Toronto Police Service and the Halton Police Service allowed me to apply for a position of Constable as a new applicant they both turned me down almost immediately after I submitted my applications.

Conclusion

65. The discriminatory and the differential treatment that I endured during my probationary period at the Peterborough Detachment surpassed everything that I had experienced in my lifetime.
66. I was discriminated against, harassed, bullied, humiliated, belittled, subjected to unreasonable demands and unsubstantiated criticism, oppressed and retaliated against for standing up for my rights or otherwise mistreated at work.
67. All of the above negatively affected my mental and physical health, feelings and self-respect and further resulted in the loss of dignity. I experienced anxiety, loss of concentration, stress, sleeping disorders and muscle pain in a variety of areas. All of which were provoked by the poisoned work environment.
68. The amount of stress I experienced also brought on chronic fatigue syndrome towards the end of my employment with the OPP. It took me over a month after the resignation to merely regain my physical health. However, my emotional health continues to be affected.
69. It was the duty of the OPP and particularly those officers in positions of authority to ensure that I worked in a harassment-free environment and to foster my abilities as an officer. Instead, they did just the opposite. In doing so they did not uphold the Ontario Public Service pledge to provide a workplace environment free of violations under Ontario's Human Rights Code.
70. To date I have difficulty focusing on tasks. I do not sleep well. My mind is crowded with memories of discrimination, harassment, belittling, and accusations of incompetence and wrongdoing that I was subjected to at the Peterborough Detachment of the OPP. Ever since the day of my forced resignation from the OPP my life has been a living nightmare as I have been unable to gain related employment due to my experiences with the OPP.
71. I believe that I was targeted and discriminated against by members of the Detachment due to my place of origin, ethnic origin, racial status, strong Russian accent and the fact that I voiced my concerns regarding the differential and discriminatory treatment that I was being subjected to.

Schedule "B"

Michael Jack v. Her Majesty the Queen in Right of Ontario as represented by the Minister of Community Safety and Correctional Services and operating as the Ontario Provincial Police.

List of Exhibits

Exhibit #	Date	Document	Relevance
Exhibit 1	N/A	Curriculum Vitae	Demonstrates my qualifications and previous work history.
Exhibit 2	2001 - 06	Trent University Degrees and Transcripts	Demonstrates my aptitude and previous Canadian academic qualifications.
Exhibit 3	2001 - 06	Academic Awards and Scholarships	Demonstrates my aptitude and previous Canadian academic qualifications.
Exhibit 4	31-Mar-08	O.A.C.P. Certificate of Results	Demonstrates my aptitude and specific qualification as a constable with the Ontario Police Services.
Exhibit 5	27-Nov-09	Ontario Police College Diplomas, Certificate and Transcripts	Demonstrates my aptitude and specific qualification as a constable with the Ontario Police Services.
Exhibit 6	9-Jan-09	Ontario Provincial Police Academy Certificate	Demonstrates my aptitude and specific qualification as a constable with the Ontario Police Services.
Exhibit 7	16-Mar-09	File 233-10 (SP09020239)	Unwarranted reprisal.
Exhibit 8	26-Apr-09	PCS-066P (Month 1 & 2)	Performance reviews relevant to my claim for discrimination

Exhibit 9	26-Apr-09	Probationary Constable Work Improvement Plan (Month 1 & 2)	Related to the performance reviews.
Exhibit 10	26-Apr-09	PCS-066P (Month 3)	Performance reviews relevant to my claim for discrimination
Exhibit 11	14-May-09	PCS-066P (Month 4)	Performance reviews relevant to my claim for discrimination
Exhibit 12	15-Aug-09	File 233-10 (RM09096931)	Unwarranted reprisal.
Exhibit 13	15-Aug-09	Highway Traffic Act (HTA) Provincial Offence Notice (PON), disclosure for defence (crown brief synopsis, officer notes and driver record), transcript of proceedings.	Unwarranted reprisal.
Exhibit 14	16-Aug-09	PCS-066P (Month 5)	Performance reviews relevant to my claim for discrimination
Exhibit 15	20-Aug-09	File 233-10 (SP09164458)	Unwarranted reprisal.
Exhibit 16	20-Aug-09	File 233-10 (SP09178964)	Unwarranted reprisal.
Exhibit 17	20-Aug-09	PCS-066P (Month 6 & 7)	Performance reviews relevant to my claim for discrimination
Exhibit 18	26-Aug-09	Ontario Provincial Police Association (OPPA) approval to cover the cost of legal assistance re: HTA PON	Supports opinion that HTA charge was unwarranted.
Exhibit 19	21/27-Aug-09	Correspondence with the President of the 8th Branch of the OPPA D/Cst. Karen German	Related to investigation conducted by the OPPA.
Exhibit	11-Sep-	PCS-066P (Month 8)	Performance reviews relevant to my claim for

20	09		discrimination
Exhibit 21	18-Sep-09	Driver Competency Assessment	Related to the differential treatment I experienced as a result of a traffic incident.
Exhibit 22	23-Sep-09	Notice of Internal Complaint	Supports my claim that I was specifically being targeted by members of the OPP on the basis of discrimination.
Exhibit 23	25-Sep-09	Correspondence to the President of the 8 th Branch of the OPPA D/Cst. Karen German	Related to my ongoing concerns with respect to discrimination.
Exhibit 24	30-Sep-09	Peterborough Clinic Medial Letter	Related to the effects of the discrimination on my mental and physical health.
Exhibit 25	13-Oct-09	PCS-066P (Month 9)	Performance reviews relevant to my claim for discrimination
Exhibit 26	13-Oct-09	Probationary Constable Work Improvement Plan (Month 9)	Related to my performance reviews.
Exhibit 27	6/8-Oct-09	Correspondence with Crown Attorney Kelly Eberhard Re: Break and Enter investigation at Young's Point Public School	Relates to work I conducted for which the credit was given to others.
Exhibit 28	27-Oct-09	Correspondence from D/Sgt. Tym Thompson	Related to unsubstantiated complaint filed against me.
Exhibit 29	18-Nov-09	PCS-066P (Month 10)	Performance reviews relevant to my claim for discrimination
Exhibit 30	18-Nov-09	Probationary Constable Work Improvement Plan (Month 10)	Related to my performance reviews.
Exhibit 31	19-Nov-09	Correspondence from D/Sgt. Tym Thompson Re: Internal Complaint	Related to unsubstantiated complaint against me.

Exhibit 32	18-Nov-25	Correspondence from Chief Superintendent Ken C. Smith Re: Internal Complaint 2545009 – 0173	Related to unsubstantiated complaint against me.
Exhibit 33	13-Dec-09	Notice of Proposed Release from Employment	Related to termination of my employment.
Exhibit 34	25-Aug-08	Performance and Conduct Requirements of a Probationary Constable	Outlines requirements to be met by a probationary constable.
Exhibit 35	13/14-Dec-09	Correspondence with S/Sgt. Coleen Kohen, D/Cst. Karen German, Sgt. Jim Styles re: Notice of Proposed Release from Employment	Related to termination of my employment.
Exhibit 36	14-Dec-09	PCS-066P (Month 11)	Performance reviews relevant to my claim for discrimination
Exhibit 37	14-Dec-09	Probationary Constable Work Improvement Plan (Month 11)	Related to my performance reviews.
Exhibit 38	15-Dec-09	Resignation Letter	Related to termination of my employment.
Exhibit 39	14-Jan-10 - 9-Feb-10	Correspondence with D/Cst. Karen German Re: audio copy of my PSB Interview	Related to failure by OPP to produce recording of interview regarding the false complaint filed against me.
Exhibit 40	18-Apr-10	Rebuttal to PCS-066P (Month 1 & 2)	Related to my performance reviews
Exhibit 41	18-Apr-10	Rebuttal to PCS-066P (Month 3)	Related to my performance reviews
Exhibit 42	18-Apr-10	Rebuttal to PCS-066P (Month 4)	Related to my performance reviews
Exhibit 43	18-Apr-10	Rebuttal to PCS-066P (Month 5)	Related to my performance reviews

Exhibit 44	18-Apr-10	Rebuttal to PCS-066P (Month 6 & 7)	Related to my performance reviews
Exhibit 45	18-Apr-10	Rebuttal to PCS-066P (Month 8)	Related to my performance reviews
Exhibit 46	18-Apr-10	Rebuttal to PCS-066P (Month 9)	Related to my performance reviews
Exhibit 47	18-Apr-10	Rebuttal to PCS-066P (Month 10)	Related to my performance reviews
Exhibit 48	18-Apr-10	Rebuttal to PCS-066P (Month 11)	Related to my performance reviews
Exhibit 49	7-Apr-10	Court date notice Re: HTA charge	Related to invalid HTA charge that was filed against me.
Exhibit 50	26-Jan-10	Letter from Dr. Derek Dotzko	related to the physical and mental effects that you suffered as a result of the discrimination.

STATUTORY DECLARATION

TO: Human Rights Tribunal of Ontario

AND TO: Feltmate Delibato Heagle LLP Attention: Kimberley J. Wolfe

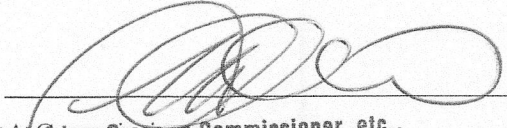
RE: Application against the Ontario Provincial Police

I, Michael Jack, of the City of Peterborough, in the Province of Ontario, make oath and say:

1. To the best of my knowledge, the information in my application is complete and accurate.
2. I understand that information about my application can become public at a hearing, in a written decision, or in other ways determined by HRTO policies.
3. I understand that the HRTO must provide a copy of my application to the Ontario Human Rights Commission on request.
4. I understand that the HRTO may be required to release information requested under the *Freedom of Information and Protection of Privacy Act (FIPPA)*. Please contact the HRTO's Registrar if you require further information

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under the *Canada Evidence Act*.

SWORN BEFORE ME at the County
of Peterborough, in the Province
of Ontario, this 12th
day of December, 2010


Mark Adams, Commissioner, etc.,
Province of Ontario, for OTT Legal Services
Professional Corporation, and for work done
within the permitted scope of practice of a
licensed paralegal in Ontario.
Expires April 7, 2012.


MICHAEL JACK