



# Human Rights Tribunal of Ontario

## 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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### 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.**

<b>A4</b> Was it a volunteer position?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
<b>A5</b> Were you employed in this position?	<input checked="" type="radio"/> Yes	<input type="radio"/> No (Go to A6)
<b>a)</b> 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>b)</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
<b>A6</b> Are you working now?	<input type="radio"/> Yes	<input checked="" type="radio"/> No (Go to A7)
<b>c)</b> 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 below)    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)

Yes

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.

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

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

<b>A17</b> Did you ask the Respondent(s) to meet your needs?	<input type="radio"/> Yes	<input type="radio"/> No (Go to A19)
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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.

<b>A18</b> 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)
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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

<b>A19</b> 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
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<b>A20</b> If you had to be off work because of your disability, give the time periods you were off, up to the present.	<b>From:</b>	<b>To:</b>
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<b>A21</b> 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
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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).



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**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 harrassment 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?



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<b>A37</b> 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
<b>a)</b> If you answered "Yes" to A37, what was the provincial offence?		
<b>b)</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 (HRTTO)      HRTTO 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.