

**Canadian Human  
Rights Tribunal**



**Tribunal canadien  
des droits de la personne**

**Citation:** 2025 CHRT 42  
**Date:** May 16, 2025  
**File No.:** HR-DP-3089-25

**Between:**

**Amit Arora**

**Complainant**

**- and -**

**Canadian Human Rights Commission**

**Commission**

**- and -**

**Canadian National Railway Company**

**Respondent**

**Ruling**

**Member:** Athanasios Hadjis

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## **I. OVERVIEW**

[1] The Complainant, Amit Arora, has filed a judicial review application with the Federal Court regarding a decision of the Canadian Human Rights Commission (the “Commission”) to refer his complaint to the Canadian Human Rights Tribunal (the “Tribunal”) for inquiry. The Respondent, Canadian National Railway Company (CN), requests that the proceedings in this matter be stayed pending the outcome of the judicial review.

[2] Mr. Arora objects to CN’s motion.

## **II. DECISION**

[3] The motion is dismissed.

## **III. ISSUE(S)**

[4] Do the interests of justice require a stay of proceedings in this complaint pending the outcome of the judicial review application before the Federal Court?

## **IV. ANALYSIS**

[5] Mr. Arora was an employee of CN. On November 9, 2019, he filed a human rights complaint against CN alleging that he experienced adverse differential treatment and that he was terminated on the basis of several prohibited grounds of discrimination. The complaint listed at least 29 incidents involving CN which Mr. Arora claimed occurred from January 14, 2016, until March 29, 2018.

[6] The Commission referred the complaint to the Tribunal for inquiry on February 21, 2025. The Commission stated in its letter to the Tribunal that it was only referring the last of the listed incidents to the Tribunal, described as the “pole removal incident” of March 29, 2018. The Commission attached to its letter of referral a copy of its Record of Decision dated February 19, 2025, which concluded that only the pole removal incident would be referred. The other incidents would not be referred.

[7] On March 24, 2025, Mr. Arora filed an application with the Federal Court seeking judicial review of the Commission's decision not to "expand the scope of incidents for proper inquiry". In other words, he sought a review of the Commission's decision not to refer any of the other incidents to the Tribunal for inquiry.

[8] After receiving the complaint from the Commission, the Tribunal set timelines for the parties to file their Statement of Particulars (SOP) and related disclosure documents. Mr. Arora's SOP and disclosure documents were due on May 8, 2025, and CN's are due on May 28, 2025. The Commission is only participating at the case management stage and will not be filing an SOP or appearing at the hearing.

[9] On April 8, 2025, CN requested that the Tribunal's proceedings be stayed (i.e., suspended) pending the outcome of the judicial review application.

[10] The Tribunal's ruling in *Adams v. Canadian Nuclear Laboratories*, 2024 CHRT 87 at paras 8–11, summarizes the law applicable in dealing with stay requests. In determining a motion to stay its proceedings, the Tribunal must consider whether interest of justice considerations support granting the motion. These considerations can include the risk of duplication of judicial and legal resources, the length of the requested stay, the reason for the request, the potential loss of judicial resources, the procedural status of the proceedings and any prejudice to the parties. Motions to stay proceedings should only be allowed in exceptional circumstances. CN argues that there are exceptional circumstances here to warrant a stay.

[11] CN submits that if the Federal Court grants Mr. Arora's application, it will give rise to a duplication of proceedings and arguments. Its approach to defending against the pole removal incident allegation may also need to change if the Court were to expand the scope of the case.

[12] However, I find that CN's motion really hinges on the narrower issue of its disclosure obligations resulting from statements that Mr. Arora made during an April 24, 2025, early case management conference call (ECMCC) that I held. Mr. Arora indicated during the ECMCC that his SOP and disclosure documents would refer to the other incidents listed in his original complaint to the Commission. Mr. Arora noted that the Commission's Record for

Decision mentioned the possibility of the parties presenting evidence at the Tribunal hearing about Mr. Arora's relationship with his CN supervisor. The evidence would serve as additional "context" to assess the issue of racial discrimination regarding the pole removal incident.

[13] In light of Mr. Arora's intentions, CN argues that Mr. Arora is attempting to proceed as if he was already successful in his judicial review application. In turn, this would require CN to produce disclosure that goes beyond the scope of what the Commission referred to the Tribunal for inquiry.

[14] I do not agree. The fact that Mr. Arora filed the application for judicial review of the Commission's decision has no bearing on the disclosure issue that CN is raising.

[15] The Commission's decision was clear. Only the pole removal incident was referred to the Tribunal for inquiry. The real disclosure issue before the Tribunal is whether any evidence about other incidents is arguably relevant to the matter before the Tribunal, whether for context or for any other reason. As I indicated during the ECMCC, if CN believes any of Mr. Arora's SOP's allegations and disclosure documents are outside the scope of the one incident that the Commission referred to the Tribunal for inquiry, CN could raise its objection at that time and the Tribunal will deal with it.

[16] CN does not require a decision from the Federal Court in order to object to the incidents being added to Mr. Arora's SOP and disclosure documents. The Tribunal will be able to address these objections. In fact, even if Mr. Arora had not filed his application for judicial review, the disclosure-related issues would still be before the Tribunal. In particular, the Tribunal would need to determine whether the other incidents are relevant to the matter referred by the Commission to the Tribunal and ultimately whether evidence relating to those incidents should be entered.

[17] This has nothing to do with the pending judicial review application.

[18] In addition, even if the application for judicial review is granted, it is likely that the matter will be returned to the Commission for further consideration. This does not necessarily mean that the Commission will refer any of those other incidents to the Tribunal

for inquiry. As such, it is far from certain that there will be any duplication of legal proceedings and arguments.

[19] CN submits that its request to have the scope of the matter determined will only result in a “short term delay”, but which will yield a long-term gain. CN referred me to the Tribunal decision in *Baillie v. Air Canada*, 2012 CHRT 6 [*Baillie*], where the Tribunal found that allowing one case “with the same or substantially similar issues to run its course” through the administrative and judicial process is fairer and more just and expeditious in the long run than holding a hearing. However, *Baillie* was decided in a completely different context. In that case, there were multiple complaints for which several different Tribunal decisions had been issued. There were several judicial reviews of those decisions before the Federal Court and Federal Court of Appeal. Most significantly, the issues before the courts were the same issues as those pending before the Tribunal.

[20] This is not the case here. There is no jurisdictional or scope debate before the Tribunal about what the Commission should have referred for inquiry. The issue before the Tribunal is simply whether evidence of the incidents other than the pole removal is relevant to the portion of the complaint that was referred to the Tribunal. That issue will be resolved by the Tribunal member conducting the inquiry like any other evidentiary issue. It is unrelated to the question of whether the Commission properly exercised its authority in determining which portions of the complaint to deal with. That matter will not be tried twice if the present case goes forward, as CN alleges.

[21] I would also note that it is far from obvious to me that a delay for the resolution of the Federal Court proceedings and the ensuing Commission determinations, if so ordered, would be “short term”. Even if the judicial review application is successful, it would most likely result in those other incidents listed in the complaint returning to the Commission for further assessment.

[22] For these reasons, I do not find the interests of justice require the Tribunal’s hearing process to be stayed. There are no exceptional circumstances to justify a stay.

[23] Lastly, I note that Mr. Arora filed additional submissions on the motion on May 9, 2025, even though I never directed that he could respond to CN’s reply. I have not taken

any of those submissions into account in these reasons, aside from his request for an extension to file his SOP, which I am granting. In any event, it appears most of the additional submissions address the merits of the complaint rather than the motion or are otherwise irrelevant.

## **V. ORDER**

[24] The motion is dismissed.

[25] The timeline for the filing of the parties' SOPs and related documents is extended as follows:

The Complainant's SOP and related documents (including the copies of documents – Rule 23) are due on June 6, 2025.

The Respondent's SOP and related documents (including the copies of documents – Rule 23) are due on June 27, 2025.

The Complainant's Reply to the Respondent's SOP is due on July 7, 2025.

*Signed by*

Athanasios Hadjis  
Tribunal Member

Ottawa, Ontario  
May 16, 2025

## **Canadian Human Rights Tribunal**

### **Parties of Record**

**File No.:** HR-DP-3089-25

**Style of Cause:** Amit Arora v. Canadian National Railway Company

**Ruling of the Tribunal Dated:** May 16, 2025

**Motion dealt with in writing without appearance of parties**

**Written representations by:**

Amit Arora, for the Complainant

Khizer Pervez, for the Commission

Stephanie Lewis, for the Respondent