

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2025 CHRT 43

Date: May 16, 2025

File No.: HR-DP-2867-22

Between:

Shelley Whitelaw

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Royal Canadian Mounted Police

Respondent

Ruling

Member: Anthony Morgan

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I. OVERVIEW

[1] The Respondent, the Royal Canadian Mounted Police (RCMP), has requested that the Tribunal strike certain paragraphs and limit the scope of the present complaint as it is set out in the Statement of Particulars (SOP) of the Complainant, Shelley Whitelaw.

II. DECISION

[2] The RCMP's motion to limit the scope of the complaint is granted in part. While I do not require Ms. Whitelaw to refile her SOP with paragraphs struck as requested by the RCMP and the Canadian Human Rights Commission (the "Commission"), I do agree that the SOP filed by Ms. Whitelaw is overly broad. This ruling clarifies the scope of the complaint into which the Tribunal will inquire.

III. BACKGROUND

[3] Ms. Whitelaw is a retired RCMP officer. She alleges that she experienced discrimination and harassment based on her age and/or sex during a roadside traffic stop on September 20, 2017. She also alleges that, after the traffic stop, she experienced further acts of discrimination from the RCMP in relation to the conduct of Civilian Review and Complaints Commission for the RCMP (CRCC) investigations, the conduct of an RCMP wellness check on her and retaliation from RCMP personnel.

[4] For added background, the present complaint that the Commission has referred to the Tribunal involves a traffic stop (Commission complaint number 20181106). Ms. Whitelaw also filed a retaliation complaint with the Commission (Commission complaint 20190828). The retaliation complaint was not referred to the Tribunal. It was dismissed by the Commission. The Federal Court upheld the Commission's decision in *Whitelaw v. Canada (Attorney General)*, 2024 FC 1115. Ms. Whitelaw has appealed this decision to the Federal Court of Appeal, but, as of the writing of this ruling, no hearing date has been set (file no. A-280-24).

[5] In accordance with Rules 18 to 20 of the *Canadian Human Rights Tribunal Rules of Procedure, 2021*, SOR/2021-137 (the “Rules of Procedure”), the parties are required to file their SOPs wherein they set out their positions on the issues, facts and remedies sought in the complaint.

[6] In its motion, the RCMP claims that the Complainant’s SOP includes facts, issues and remedies that are without sufficient connection or nexus to the original complaint that is properly before this Tribunal, as referred by the Commission. The RCMP argues that significant portions of Ms. Whitelaw’s SOP are unrelated to the traffic stop and/or are unrelated to the impact of the traffic stop on Ms. Whitelaw, for which she is seeking remedies from this Tribunal. The RCMP therefore requests that the Tribunal strike from Ms. Whitelaw’s SOP certain allegations of harassment and retaliation that relate to events that occurred after the traffic stop of September 20, 2017.

IV. ANALYSIS

A. Legal framework

[7] The Tribunal gains jurisdiction to conduct inquiries into complaints from the Commission requesting that it do so. According to subsection 49(1) of the *Canadian Human Rights Act*, R.S.C., 1985, c. H-6 (the “Act”), the Commission may request that the Chairperson of the Tribunal institute an inquiry where the Commission is of the view that such an inquiry is warranted based on the circumstances of the complaint. Upon the Chairperson’s receipt of this request from the Commission, the Tribunal must conduct an inquiry into the complaint (subsection 49(2) of the Act). While the Act is relatively straightforward in this respect, disagreements often arise between the parties as to the nature and scope of the complaint that is referred by the Commission to the Tribunal. When this occurs, as it has here, a motion is often brought forward by one or more of the parties in a dispute requesting that the Tribunal clarify the scope of the complaint.

[8] The Tribunal has identified a set of legal principles that it uses to resolve motions to determine the scope of a complaint and motions to strike (*Levasseur v. Canada Post*

Corporation, 2021 CHRT 32 at para 7 [*Levasseur*]; *AA v. Canadian Armed Forces*, 2019 CHRT 33 at para 55).

[9] In *Levasseur*, at paragraphs 9 to 17 and 22, the Tribunal outlined how a complaint under the Act moves from being received by the Commission to being subject to an inquiry by way of a hearing conducted by this Tribunal. The Tribunal institutes an inquiry into the entire complaint referred to it by the Commission unless the Commission explicitly indicates in its referral letter to the Tribunal that it is limiting or excluding aspects of the complaint (*Levasseur* at para 12; *Mohamed v. Royal Bank of Canada*, 2023 CHRT 20 at para 10 [*Mohamed*]).

[10] This is to say, the Commission's letter to the Chairperson of the Tribunal requesting that an inquiry be instituted into a complaint is the primary means of identifying the scope of the complaint. However, other materials can be used to inform the scope of a complaint. SOPs may be used to clarify, refine and elaborate on what was submitted in the initial complaint. This is to allow new facts or new circumstances that may have come to light since the initial complaint to the Commission to still be put to the Tribunal (*Levasseur* at para 13; *Mohamed* at para 11).

[11] While it is true that an SOP can clarify, refine and elaborate on a complaint, this does not mean that a complainant is permitted to use the SOP to introduce allegations or incidents that have no logical connection to the original complaint filed. They may not. The SOPs submitted by the parties must have a sufficient connection or nexus to the original complaint so that they reasonably respect the factual foundations of the allegations raised in the original complaint (*Levasseur* at para 15).

[12] If the Tribunal determines there is a sufficient or reasonable nexus between the original complaint and the allegations as detailed in the SOP, the additional allegations can be accepted by the Tribunal to expand the scope of the complaint. Absent this reasonable nexus, the new allegations raised in the SOP amount to an entirely new complaint (*Levasseur* at para 16). If determined to be an entirely new complaint, then the complaint must be brought to the Commission first and could only be considered by the Tribunal if the complaint were referred to the Tribunal.

[13] As an additional note, fact or information introduced in the SOPs to add refining, clarifying and/or more illustrative details can be permitted by the Tribunal as falling within the scope of the original complaint if the Tribunal determines that including this additional information does not cause incurable prejudice to the other parties (*Campos-Ruiz v. Royal Canadian Mounted Police*, 2023 CHRT 17 at para 29).

[14] Several documents can be used by the Tribunal to determine the scope of a complaint. These include the Commission's investigation report, the letters and related administrative forms sent by the Commission to the Tribunal's Chairperson and the parties, and the original complaint filed with the Commission. These documents enable the Tribunal to develop a general understanding of the complaint's history and context (*Levasseur* at para 17).

[15] Beyond the documents that the Tribunal can review to determine the scope of a complaint, there is another important consideration that impacts this assessment: the principle of proportionality (*Temate v. Public Health Agency of Canada*, 2022 CHRT 31 at paras 8–15 [*Temate*]). This Tribunal has recognized that proportionality also is a factor in determining issues of scope and motions to strike (*Temate* at para 13). The Act requires the Tribunal to conduct its proceedings in a manner that maintains proportionality. Specifically, subsection 48.9(1) of the Act requires the Tribunal to process complaints in a way that is as expeditious and informal as the rules of natural justice and the Tribunal's Rules of Procedure allow.

[16] Rule 5 of the Tribunal's Rules of Procedure also highlights the importance of maintaining proportionality in its proceedings, as it states that the Tribunal is to interpret and apply its rules in a way that allows each of its cases to be disposed of in a way that is fair, informal and expeditious.

[17] I interpret subsection 48.9(1) of the Act and Rule 5 of the Rules of Procedure as requiring the Tribunal to ensure that matters proceed before the Tribunal in a manner that is not unreasonably or unnecessarily complex, lengthy or costly. I also read these provisions together to take them to mean that the principle of proportionality aims to guide the Tribunal towards balancing procedural fairness and natural justice for the parties in each dispute,

while also maintaining access to justice for other parties seeking to have their matters determined by the Tribunal in an expeditious way.

B. The parties' positions on the disputed allegations in the Complainant's SOP

[18] The Respondent specifically requests that the following paragraphs be struck from Ms. Whitelaw's SOP: paragraphs 39–42, 46–48, 50–79, 87–90, 93–110, 114–115, 117, 119–120, 122 and 123(b)–123(e).

[19] The RCMP argues that the scope of this complaint should be limited because Ms. Whitelaw's original complaint filed with the Commission focused only on a traffic stop which took place on September 20, 2017. It further relies on the fact that Ms. Whitelaw noted in her original complaint form that the start and end date of the alleged discrimination occurred on September 20, 2017.

[20] The RCMP also submits that the complaint should be limited to focusing on the alleged events of September 20, 2017, as this is consistent with the nature of the complaint referred to the Tribunal by the Commission. Specifically, the RCMP cites a report for decision prepared by a Commission Human Rights Officer dated March 24, 2022, which recommends to the Commission that Ms. Whitelaw's complaint be referred to the Tribunal. This Report for Decision only references the allegations arising from the September 20, 2017, traffic stop.

[21] Similarly, the RCMP references the Commission's Record of Decision dated August 5, 2022, wherein the Commission formally requests that the Tribunal institute an inquiry into Ms. Whitelaw's complaint. This Record of Decision, the Respondent points out, indicates the Commission's reasons for referring the complaint to the Tribunal relate solely to determining issues of credibility arising from the traffic stop.

[22] Concerning Ms. Whitelaw's allegations of retaliation for actions that occurred after the traffic stop, the Respondent argues that it is also beyond the scope of this inquiry because it was not referred by the Commission to the Tribunal. Moreover, the Respondent points out that the Commission's decision not to refer Ms. Whitelaw's retaliation complaint was upheld by the Federal Court in *Whitelaw v. Canada (Attorney General)*, 2024 FC 1115.

The Federal Court's decision, the RCMP notes, has been appealed by Ms. Whitelaw and is currently before the Federal Court of Appeal in ongoing proceedings.

[23] The RCMP argues that it would allow Ms. Whitelaw to circumvent the Commission's rejection of her retaliation complaint by allowing it to form part of the scope of the present inquiry before the Tribunal. As such, the RCMP argues that not only were Ms. Whitelaw's allegations related to harassment and retaliation for actions that occurred after the traffic stop not referred to the Tribunal, but that it would also be duplicative and an abuse of process to allow these allegations to now be put to the Tribunal for determination in the present proceeding.

[24] The RCMP also argues that there is a lack of sufficient connection or nexus between Ms. Whitelaw's original complaint about the traffic stop and her complaints of retaliation and harassment that occurred after the traffic stop.

[25] Finally, the RCMP argues that it would be prejudiced by the Tribunal allowing Ms. Whitelaw's allegations of retaliation and harassment occurring after the traffic stop to form part of the present inquiry. The Respondent submits that it would be prejudiced by this because of significant impacts including these allegations would have on the proceedings, including the cost, complexity and length of the inquiry. Allowing the inclusion of these allegations into the present inquiry, the Respondent submits, would also not be in keeping with the principle of proportionality.

[26] Ms. Whitelaw counters the RCMP's arguments regarding the retaliation and harassment complaints by arguing that it would be procedurally unfair and contrary to the principles of natural justice to strike the paragraphs and limit the scope of the complaint in the ways sought by the RCMP. Ms. Whitelaw asserts that the Tribunal taking such action would prevent her from being fully heard and from fully making her case asserting that she has experienced continuous adverse differential treatment since the traffic stop of September 20, 2017.

[27] The traffic stop, as well as the retaliation and harassment that she alleges she experienced after the traffic stop, are linked, Ms. Whitelaw argues. She claims that they show the totality of the context of what she has suffered at the hands of the RCMP. She

further argues that the disputed paragraphs that go beyond the traffic stop should not be struck from her SOP because they have a factual nexus to the original complaint that is plainly obvious. Ms. Whitelaw asserts this by pleading a series of connected facts to support her claim that the traffic stop directly resulted in a chain of events where she was subjected to adverse differential treatment from other RCMP officers. Because of the connection between the traffic stop and subsequent series of events that make up Ms. Whitelaw's allegations, she argues that it would not be expeditious for the Tribunal to avoid dealing with the complaints together.

[28] Ms. Whitelaw's supports her position that certain paragraphs should not be struck from her SOP by citing her many concerns with how the Commission conducted its investigation into her retaliation complaint. Ms. Whitelaw explicitly notes that there is a pending appeal that she has brought before the Federal Court of Appeal to contest the Federal Court's decision in *Whitelaw v. Canada (Attorney General)*, 2024 FC 1115, affirming the Commission's decision not to refer her retaliation complaint to the Tribunal. Ms. Whitelaw continues to submit to the Tribunal that because the Commission's decision was unfair and unreasonable, the Tribunal should now hear and make findings related to her allegations of retaliation.

[29] Ms. Whitelaw also submits that the Commission's Human Rights Officer's report to the Commission dated March 24, 2022, following their investigation into Ms. Whitelaw's initial complaint about the traffic stop supports her position that certain paragraphs in her SOP should not be struck.

[30] Ms. Whitelaw argues that the Commission's investigating Human Rights Officer found a nexus between her initial complaint about the traffic stop and both her retaliation complaints, as well as her complaints to the CRCC about her treatment following the traffic stop. Ms. Whitelaw quotes extensively from the Human Rights Officer's March 2022 report to advance interpretations of the report that she views as supporting her position that the scope of the present complaint before the Tribunal goes well beyond the initial traffic stop of September 20, 2017.

[31] For instance, Ms. Whitelaw notes that the Human Rights Officer's March 2022 report found that the investigation into Ms. Whitelaw's initial complaint about the traffic stop raised issues of credibility and conflicting evidence. Ms. Whitelaw relies on this to say that because her retaliation complaint also raises issues of credibility and conflicting evidence, the Tribunal should include her allegations of retaliation in its present inquiry.

[32] Finally, Ms. Whitelaw references multiple statements made by the Honourable Michel Bastarache in his 2020 report, *Broken Lives, Broken Dreams: The Devastating Effects of Sexual Harassment On Women in the RCMP*, to support her position that the Tribunal should not strike the paragraphs that the Respondent seeks to have struck from her SOP. Specifically, Ms. Whitelaw cites this report in an apparent attempt to argue that, beyond the traffic stop that she originally complained of, the Tribunal should hear her allegations of continuous adverse differential treatment and retaliation because this report makes observations recognizing that the RCMP has subjected other female RCMP officers to discrimination, harassment, retaliation and other forms of misconduct when these officers made complaints against the RCMP.

[33] For its part, the Commission submits that, in relation to the roadside traffic stop, Ms. Whitelaw's original complaint included reference to harassment under subsection 14(1)(a) of the Act. The Commission points out that, in referring Ms. Whitelaw's original complaint to the Tribunal, the Commission did not exclude or limit the Tribunal's inquiry on the issue of harassment.

[34] The Commission also notes that Ms. Whitelaw's retaliation complaint is currently before the Federal Court of Appeal after the Commission initially dismissed the complaint and that Ms. Whitelaw sought a judicial review of the Federal Court, which upheld the Commission's decision. Further, the Commission submits that Ms. Whitelaw's original complaint did not include allegations of retaliation and that these allegations amount to a new and separate discriminatory practice under section 14.1 of the Act—an issue that remains before the courts.

[35] Though not specifying which paragraphs it is referring to, the Commission submits that some of the disputed paragraphs include information related to the roadside traffic stop.

For instance, it notes that some paragraphs feature information about how Ms. Whitelaw went about raising her concerns about the roadside stop and the RCMP's subsequent investigation into it. Some of the paragraphs, the Commission submits, also speak to interactions between RCMP employees and Ms. Whitelaw in relation to the traffic stop. Finally, the Commission submits that these paragraphs include details related to the traffic stop itself. As such, the Commission argues that certain disputed paragraphs may have a sufficient nexus with Ms. Whitelaw's original complaint and may offer helpful context for understanding the main allegations before the Tribunal.

[36] The Commission more pointedly argues that paragraphs 51, 53–55, 57–60, 62–66, 71–73 and 107–110 should be struck from Ms. Whitelaw's SOP for being out of scope. These paragraphs, the Commission argues, concern the ongoing judicial review proceedings, the Commission's decision to refer Ms. Whitelaw's complaint to the CRCC, the Commission's reactivation of the complaint, her retaliation complaint and the Commission's screening process. For these reasons, the Commission submits that these paragraphs are not within the scope of the complaint and so should not be part of Ms. Whitelaw's SOP. The Commission further emphasizes that these paragraphs should be struck because the Tribunal's role is to adjudicate complaints referred by the Commission, not to review the Commission's decision-making processes.

[37] Additionally, the Commission argues that paragraph 122 of Ms. Whitelaw's SOP submission should also be struck for not having a sufficient nexus to the original complaint. The Commission submits this on the basis that this paragraph contains the claim that the Commission engaged in an abuse of process due to delays and dismissing Ms. Whitelaw's retaliation complaint.

[38] Finally, the Commission submits that the Respondent has not demonstrated that allowing the disputed paragraphs to remain in Ms. Whitelaw's SOP would cause incurable prejudice. The Commission further suggests that the Respondent is not prejudiced by the inclusion of Ms. Whitelaw's allegations of harassment as a part of her complaint before this Tribunal. This, the Commission states, is because the Respondent has always been aware of these allegations made under subsection 14(1)(a) of the Act, as they were included in her original complaint.

[39] Ultimately, the Commission advocates that the Tribunal be cautious in deciding to strike out paragraphs from Ms. Whitelaw's SOP. This is to avoid denying her a full and ample opportunity to present and contextualize her evidence and make representations related to her complaint. Ms. Whitelaw's status as a self-represented complainant, the Commission suggests, further supports the importance of taking a cautious approach to applying the extraordinary measure of striking any of the disputed paragraphs from Ms. Whitelaw's SOP. The Commission argues that striking particulars on a preliminary basis and without a hearing should only be done in the clearest of cases.

C. My reasons

[40] I find that the scope of this complaint is the September 20, 2017, traffic stop. Specifically, I find that the Tribunal only has jurisdiction to inquire into this complaint to the extent that it considers Ms. Whitelaw's allegations that, during the traffic stop and on the basis of her age and/or sex, she experienced discrimination in the form of adverse differential treatment in the receipt of services (as described at subsection 5(b) of the Act), and harassment in the receipt of services (as described at subsection 14(1)(a)).

[41] I find that the scope of this complaint is the alleged facts concerning the traffic stop based on my review of Ms. Whitelaw's original complaint form to the Commission (dated September 24, 2018), as well as the Commission's Report for Decision (dated March 24, 2022) and its Record of Decision (dated August 5, 2022). The Tribunal only has jurisdiction in this matter over Ms. Whitelaw's allegations of discrimination and harassment arising out of the traffic stop of September 20, 2017. Each of the above-mentioned documents reinforces that the appropriate focus of this inquiry is the traffic stop which was the substance of Ms. Whitelaw's complaint to the Commission which has been referred to the Tribunal.

[42] I view the substance of this complaint to be Ms. Whitelaw's allegations of discrimination and harassment during the September 20, 2017, traffic stop. However, for added context, I am prepared to receive submissions and evidence related to Constable Hodge's actions directly following the traffic stop, including in relation to the preparation of the Occurrence Report and Synopsis-1, dated September 20, 2017, as well as his alleged actions concerning the impersonation charges against Ms. Whitelaw. Relatedly, I am

prepared to receive evidence and submissions from Ms. Whitelaw on the actions she took to raise her concerns about the traffic stop. In other words, I find that there is a sufficient nexus between the traffic stop and the respective actions of Constable Hodges and Ms. Whitelaw undertaken shortly following and flowing from the traffic stop.

[43] On Ms. Whitelaw's allegations of harassment, I find this to be within the scope of the present inquiry insofar as the allegation pertains to the conduct of Constable Hodges during and shortly after the traffic stop. This is because Ms. Whitelaw explicitly raised this allegation in her original complaint. Also, this allegation was not excluded in the Commission's letter referring Ms. Whitelaw's complaint to the Tribunal for inquiry. As such, I am not persuaded that the Respondent would be prejudiced by allowing this allegation of harassment to form part of the Tribunal's inquiry into Ms. Whitelaw's complaint.

[44] Outside of the scope of this complaint are Ms. Whitelaw's allegations related to retaliation, the conduct of the RCMP in the handling of her CRCC complaints, and the RCMP's conduct related to the initiation of a wellness check on Ms. Whitelaw.

[45] Also outside of the scope of this complaint are Ms. Whitelaw's allegations against the Commission related to the Commission's actions and decisions in relation to her retaliation complaint, referring her complaint to the CRCC, and the Commission's investigation and screening processes. This includes Ms. Whitelaw's claims of abuse of process due to the Commission's alleged delays and decision to dismiss her retaliation complaint. As the Commission pointed out, this Tribunal adjudicates complaints; it does not review the Commission's conduct or functions, in any way, including in relation to the screening and investigating of complaints.

[46] In the paragraphs that follow, I will elaborate on my reasons for excluding the additional allegations pertaining to the RCMP that Ms. Whitelaw has sought to make part of this inquiry.

Retaliation

[47] I find that Ms. Whitelaw's allegations of retaliation against the RCMP are outside of the scope of this complaint. They are part of an entirely different complaint.

[48] All the parties' submissions explicitly recognize that Ms. Whitelaw's retaliation allegations are subject to ongoing proceedings before the Federal Court of Appeal. These allegations are a separate and distinct complaint from the one presently before the Tribunal.

[49] As stated earlier in this ruling, the Act only permits the Tribunal to hear complaints that are referred to it by the Commission. Given that the Commission has already decided not to refer Ms. Whitelaw's retaliation complaint to the Tribunal, the Tribunal cannot inquire into this complaint. There is no legislative authority for the Tribunal to do so. As the Tribunal is a creature of statute with only the authority provided to it through its enabling legislation, namely the Act, there is no legal route to by-pass the Commission's decision not to refer Ms. Whitelaw's retaliation complaint and hear it as part of the present proceedings before the Tribunal (*Peters v. United Parcel Service Canada Ltd. and Gordon*, 2025 CHRT 2 at para 80).

RCMP conduct concerning CRCC investigations and attempted wellness check

[50] Ms. Whitelaw's allegation concerning the conduct and outcome of her October 2017 and July 2020 CRCC complaints against the RCMP are also outside of the scope of the present complaint, as are her allegations about the RCMP's attempted wellness check on her in September 2020. I do not find that these allegations are sufficiently connected to or respect the factual foundations of Ms. Whitelaw's original complaint to the Commission related to discrimination and harassment arising from the traffic stop of September 20, 2017.

[51] Details that give rise to these allegations were not included in Ms. Whitelaw's original complaint to the Commission and so have not been referred to the Tribunal, although I acknowledge that most of them occurred after she filed her complaint with the Commission. More importantly, these allegations are not sufficiently connected to the substance of Ms. Whitelaw's complaint of discrimination and harassment emerging from the September 2017 traffic stop.

[52] These allegations involve a number of different RCMP officers and officials performing different functions. They cover different timelines and take issue with a series of different acts and omissions which unfold in a number of different settings that are too remote to find they are connected to the original traffic stop. I do not find that these

allegations reasonably respect the factual foundations of Ms. Whitelaw's original complaint. In other words, I find that they amount to entirely new and different complaints.

[53] I am also of the view that the Tribunal would not be respecting the principle of proportionality if I permit Ms. Whitelaw's original complaint about her experience during the September 2017 traffic stop to be expanded to also include her allegations related to the conduct of the RCMP in the handling of her CRCC complaints and the RCMP's conduct related to the initiation of a wellness check on Ms. Whitelaw.

[54] In my view, the time, cost and complexity of Ms. Whitelaw's complaint would be expanded well beyond the boundaries of what could reasonably be considered proportionate if this inquiry were to also include her allegations concerning her CRCC complaints and her concerns related to the attempted wellness check. To allow this inquiry to go beyond the September 2017 traffic stop in the ways that Ms. Whitelaw seeks would most likely require a significant increase in the number of hearing dates otherwise needed for this matter. This is because it would almost certainly require a marked increase in the amount of documentary evidence and/or number of witnesses and time needed to hear their testimony.

[55] Relatedly, allowing Ms. Whitelaw's allegations concerning the CRCC investigations and the wellness check to form part of the present inquiry would also have the knock-on effect of substantially increasing the time it will take to bring a resolution of this complaint, the alleged facts of which initially arose almost eight years ago. It is important to note that hearing dates have not yet been scheduled in this matter.

[56] I make these points to note that allowing Ms. Whitelaw's additional allegations to form part of this inquiry would prevent the Tribunal from satisfying its obligations under subsection 48.9(1) of the Act and Rule 5 of the Tribunal's Rules of Procedure to process complaints in a manner that is expeditious, fair and as informal as the rules of natural justice and the Rules of Procedure allow. Excluding the additional allegations Ms. Whitelaw seeks to have considered in this present complaint allows the parties' rights to procedural fairness and natural justice to be fairly balanced with considerations of access to justice for other parties aiming to have their cases determined by the Tribunal in a timely and expeditious fashion.

[57] Going forward, the parties should understand from this ruling that the Tribunal will only be considering submissions and evidence on what is presented by the parties in terms of their versions of the facts, issues, orders/remedies sought, witnesses and documents that relate to Ms. Whitelaw's allegations of discrimination and harassment in relation to the September 20, 2017, traffic stop. This includes the actions the Complainant and Respondent undertook afterwards and flowing from the traffic stop. Specifically, I remain open to receiving submissions and evidence on Constable Hodge's actions directly following the traffic stop, including in relation to the preparation of the Occurrence Report and Synopsis-1, dated September 20, 2017, as well as his alleged actions concerning the impersonation charges against Ms. Whitelaw. I also remain open to receiving evidence and submissions from Ms. Whitelaw on the actions she took to raise her concerns about the traffic stop.

[58] In other words, the parties are to confine themselves to making submissions and presenting evidence focused on the traffic stop. They must do so to the exclusion of addressing Ms. Whitelaw's allegations concerning retaliation, the conduct and outcome of her CRCC complaints, the attempted wellness check, and the conduct and decision of the Commission in relation to processing Ms. Whitelaw's discrimination, harassment and retaliation complaints.

[59] In reducing the scope of Ms. Whitelaw's complaint as I have in this ruling, I do not find that Ms. Whitelaw has been unduly deprived of having a full and ample opportunity to present evidence and make representations related to her complaint. As discussed above, at the heart of her complaint is what occurred during and shortly after the traffic stop on September 20, 2017. Ms. Whitelaw has made extensive submissions about this. While Ms. Whitelaw argues that the traffic stop is part of a continues pattern of adverse differential treatment, the reasons that I have outlined above aim to explain that I am not persuaded that Ms. Whitelaw's complaint can or should be construed as one of continuous adverse discrimination or harassment.

[60] Ms. Whitelaw and the Commission submit that Ms. Whitelaw should be permitted broad latitude in making her submissions so that the Tribunal has the totality of the context of what occurred and the impact that it has had on her. In principle, I agree with this. The

Tribunal must be flexible to remain accessible to complainants, especially those that are self-represented.

[61] However, I am not convinced that allowing Ms. Whitelaw a full and ample opportunity to present evidence and make representations in her case can reasonably be extended to permitting her to pursue additional allegations related to Ms. Whitelaw's retaliation complaint, the conduct of the CRCC investigations, the wellness check or the Commission's handling of Ms. Whitelaw's complaint. I do not agree that these are necessary or helpful for effectively disposing of this complaint.

[62] I do not find that the additional allegations and their underlying facts which Ms. Whitelaw seeks to include as part of this inquiry provide a necessary or helpful context to assist the Tribunal in fully, effectively and fairly disposing of her complaint concerning the traffic stop of September 20, 2017. In focusing on the extensive details Ms. Whitelaw has submitted related to the traffic stop and what she did shortly after to address it, I find that Ms. Whitelaw will have full and ample opportunity to submit evidence and make representations about her case.

D. Clarification on disposing of this motion

[63] To dispose of this motion, I have chosen to focus this ruling on the scope of the facts, issues, and remedies/orders sought that I view to be properly before the Tribunal, and those I view to be out of scope. I have taken this approach instead of focusing on providing specific direction on which specific paragraphs should and should not be struck from Ms. Whitelaw's SOP. The latter method is the approach the Respondent took in submitting its motion and which Ms. Whitelaw and the Commission followed in their own submissions responding to the motion.

[64] However, this ruling focuses on the substantive facts, issues and orders sought that I view as making up the substance of Ms. Whitelaw's complaint. This is because I view this to be a clearer and more reasonable approach to disposing of this motion. I also find this to be a more accessible approach to disposing of this motion because the number of disputed paragraphs in Ms. Whitelaw's SOP are many and several of the disputed paragraphs are

lengthy and dense, with an overlaying string of facts, and are repetitive. Also, in some instances, the same paragraph includes submissions that I have determined to be both within and beyond the scope of the present complaint. That Ms. Whitelaw's SOP appears this way is understandable given that she is self-represented in this matter. I trust that she is doing what she is able to put forward her best case in the best way she can.

[65] In disposing of this motion in the way that I have, I am also exercising the discretion afforded to the Tribunal to dispose of motions as it considers necessary, according to Rule 26(3)(d) of the Tribunal's Rules of Procedure. In my view, for the Tribunal to effectively dispose of Ms. Whitelaw's overall complaint, the alleged facts, issues and orders sought are of primary importance, while the paragraphs in which these elements are detailed in Ms. Whitelaw's SOP are secondary. That is why this ruling focuses on the substance of Ms. Whitelaw's submissions, rather than the style (paragraphs) in which Ms. Whitelaw's allegations have been presented.

[66] As such, I am not requiring Ms. Whitelaw to refile her SOP with certain paragraphs struck. Rather, in the interest of moving the matter forward to a hearing as expeditiously and fairly as possible, it should be understood that Ms. Whitelaw's SOP should be read in conjunction with this ruling, which determines the scope of the complaint into which the Tribunal will inquire.

V. ORDER

[67] The Tribunal orders the following:

- A) That the RCMP's motion to limit the scope of the complaint as set out in the Complainant's SOP is granted in part. Specifically, Ms. Whitelaw's complaint is to focus on the traffic stop of September 20, 2017, and on her allegations of age and/or sex-based discrimination and harassment in relation thereto. These submissions may also include contextual information on Ms. Whitelaw's and Constable Hodges' respective actions that followed the traffic stop and which were undertaken in direct relation to the traffic stop.

B) Excluded from the scope of this complaint are Ms. Whitelaw's allegations related to:

- i. Her complaints of retaliation currently before the Federal Court of Appeal and which are the subject of a separate Commission complaint (Commission complaint 20190828) and a judicial review which was disposed of by the Federal Court in *Whitelaw v. Canada (Attorney General)*, 2024 FC 1115.
- ii. Her allegations concerning the conduct and outcome of her CRCC complaints against the RCMP, namely CRCC file 2017-2312, dated October 23, 2017, and CRCC file 2020-1991 dated July 7, 2020.
- iii. Her allegations concerning a wellness check that was attempted by the RCMP on or about September 17, 2020.
- iv. The Commission's conduct and decisions related to its investigations and screening of Ms. Whitelaw's complaints to the Commission. This is in specific reference to any allegations Ms. Whitelaw has raised about the Commission in relation to Commission files 20181106 and 20190828.
- v. This is to say that the Tribunal will not hear evidence on these allegations and they will not proceed in the Tribunal's process.

Signed by

Anthony Morgan
Tribunal Member

Ottawa, Ontario
May 16, 2025

Canadian Human Rights Tribunal

Parties of Record

Tribunal File: HR-DP-2867-22

Style of Cause: Shelley Whitelaw v. Royal Canadian Mounted Police

Ruling of the Tribunal Dated: May 16, 2025

Appearances:

Shelley Whitelaw, for herself

Samson Rapley and Artemis Soltani, for the Respondent