

**Canadian Human  
Rights Tribunal**



**Tribunal canadien  
des droits de la personne**

**Citation:** 2025 CHRT 92  
**Date:** September 12, 2025  
**File No.:** HR-DP-2974-23

**Between:**

**Arianna Nolet**

**Complainant**

**- and -**

**Canadian Human Rights Commission**

**Commission**

**- and -**

**Canadian Armed Forces**

**Respondent**

**Ruling**

**Member:** Anthony Morgan

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## **I. NATURE OF THE MOTION**

[1] On March 19, 2025, the Complainant, Arianna Nolet, filed a motion to have the Canadian Human Rights Tribunal (the “Tribunal”) expand the scope of her complaint to extend the timeline of her complaint and expand the allegations that are included in her original complaint referred to the Tribunal by the Canadian Human Rights Commission (the “Commission”). This motion by Ms. Nolet also included a request for an order from the Tribunal for further disclosure from the Respondent.

[2] Having also received responding submissions from the Respondent, the Canadian Armed Forces (CAF) and the Commission, the Tribunal issues this ruling to address Ms. Nolet’s motion.

## **II. DECISION**

[3] Ms. Nolet’s motion to expand the scope of the complaint is granted in part. I am prepared to allow Ms. Nolet to add section 10 of the *Canadian Human Rights Act*, R.S.C., 1985, c. H-6 (the “Act”) as a discriminatory practice alleged in this complaint and include systemic discrimination as an area of inquiry in this complaint. However, except in relation to one specific allegation identified and detailed in this ruling, I am not prepared to grant Ms. Nolet’s request to expand the timeline of this complaint beyond the period of April 2020 to November 2021. This ruling also aims to provide the parties with some clarity on the allegations that this Tribunal views as falling within the scope of this complaint.

[4] I deny Ms. Nolet’s request for an order for disclosure as I find it to be premature.

## **III. BACKGROUND**

[5] Ms. Nolet is a former member of the CAF. She alleges that, in late April 2020, she was sexually assaulted by another member working for the CAF. During the Commission’s investigation into her complaint, Ms. Nolet clarified that she did not wish to have the alleged sexual assault form part of her complaint before the Commission, but only have it considered as part of background and context to her actual complaint. As such, allegations concerning

the alleged sexual assault were not investigated by the Commission and therefore not referred to the Tribunal. Further, all the parties agree that the alleged assault is not within the scope of the present complaint before the Tribunal.

[6] Ms. Nolet's complaint concerns the conduct of the Respondent following Ms. Nolet's disclosure of the alleged assault to others employed by the CAF. Specifically, the complaint is based on allegations that, following her disclosure of the alleged assault, she experienced discrimination in her employment with the CAF on the grounds of sex, disability and/or marital status.

[7] The discrimination alleged by Ms. Nolet is based on adverse differential treatment, the termination of her employment with the CAF and the CAF's failure to provide her with a harassment-free work environment.

[8] According to her original complaint, as referred to the Tribunal by the Commission on November 7, 2023, Ms. Nolet claims that the conduct of the Respondent was contrary to sections 7 and 14 of the Act. The timeframe of the complaint as referred to the Tribunal by the Commission is April 1, 2020, to when Ms. Nolet's employment with the CAF was terminated on November 8, 2021.

[9] Ms. Nolet's motion now seeks to have the Tribunal make orders that would permit her to:

- Expand the timeframe of her complaint from 2011 to the present instead of April 2020 to November 2021;
- Expand her complaint to include new allegations of discrimination, systemic discrimination, harassment, retaliation and reprisal in violation of sections 3(1), 8, 10, 12, 14.1 of the Act;
- Present evidence, including expert evidence, covering the time period of 2011 to the present, to support her allegations of systemic discrimination;
- Obtain disclosure from the Respondent in the form of documents that relate to the Respondent's handling of complaints of harassment and sexual misconduct, including complaints made by Ms. Nolet;

- Obtain disclosure from the Respondent of meeting minutes and all communications (internal and external) that discuss Ms. Nolet. These documents are sought from nine named members of the CAF of various ranks, including senior leadership;
- Reserve the right to request further disclosure in the future as needed; and
- Obtain from the Tribunal a confirmation that the Tribunal will consider broader systemic remedies that address institutional discrimination within the CAF, including policy change, mandatory training and external oversight.

[10] The substance and underlying facts that Ms. Nolet now seeks to have added as part of the present complaint are extensively detailed in her Statement of Particulars (SOP) filed on March 2, 2025. Ms. Nolet's SOP is approximately 255 pages in length. The allegations in her SOP cover what appears to be the entire history of the alleged mistreatment of her by CAF members and superiors going back to 2011.

[11] The extended period of allegations which Ms. Nolet would like to have added to the scope of her original complaint are generally categorized into different sections of the SOP that refer to where she was stationed when particular incidents arose. These claims cover Ms. Nolet's placement in different units of the CAF. Because the timeline of this complaint is at issue, I have added the general years that these groups of allegations cover:

- Enrolment in the CAF (2011–2014)
- Basic Training – Canadian Forces Leadership School (2014–2015)
- Canadian Forces Base (CFB) Halifax-Stadacona (2015)
- CFB Longue-Pointe, Montreal, QC (2015–2017)
- CFB Petawawa – Dental Unit (2017–2018)
- CFB Petawawa - Joint Personnel Support Unit – (2018–2021)

[12] To summarize, the general nature of the numerous allegations from 2011 to 2021 includes various claims of:

- Repeated and severe mistreatment and retaliation of systemic proportions against Ms. Nolet and other women who raised complaints about sexual misconduct within the CAF;

- Targeted, direct and systemic discrimination, harassment, psychological abuse and gaslighting;
- Abuse of power by senior members of the CAF leadership, including the breach of privacy and the weaponization of administrative and disciplinary processes against Ms. Nolet;
- Hostile and toxic workplace due to leadership bias against her that led to acts to discredit and ostracize her and otherwise harm her credibility and reputation within the organization;
- Multiple complaints made by Ms. Nolet (including for sexual misconduct) that were improperly investigated, delayed, dismissed and mishandled;
- Denial of benefits, supports and accommodations and a lack of support for receiving appropriate care for mental and physical health issues, where it is claimed that these health issues were caused and/or exacerbated by her mistreatment within the CAF;
- Denial of opportunities for advancement and promotion;
- Violation of various official policies and legislation, including the *Defence Administrative Orders and Directives*, the *Canadian Charter of Rights and Freedoms*, the *National Defence Act*, the *Privacy Act* and the *Act*;
- Wrongful termination.

#### **IV. ANALYSIS**

##### **A. The parties' positions**

###### The Complainant's submissions

[13] In her motion materials, Ms. Nolet makes several arguments to support her request to have the Tribunal expand the scope of her complaint to include all allegations outlined in her SOP from 2011 to the present.

[14] The thrust of Ms. Nolet's argument is that the requested expansion of the scope of her complaint is necessary to allow her to demonstrate that what she alleged in her original complaint was not an isolated event but was part of a broader, widespread and systemic

form of discrimination and harassment against women who are members of the CAF, especially women who report harassment and sexual misconduct. Ms. Nolet submits that the Tribunal should therefore permit her to expand her complaint to include all allegations in her SOP because this will better support the Tribunal to make findings and order remedies that meaningfully ensure institutional accountability and help eradicate systemic discrimination and harassment within the Respondent organization.

[15] More specifically, Ms. Nolet argues that the scope of the complaint should be expanded because she has experienced a discriminatory pattern of adverse differential treatment throughout her career with the CAF, which worsened once she reported experiencing an alleged sexual assault committed by another member of the CAF on April 29, 2020.

[16] Ms. Nolet also argues that an expansion of the complaint is warranted to allow her to present to the Tribunal all the evidence she has assembled which demonstrates a systemic failure within the CAF to protect women within its ranks, particularly those women who report harassment or sexual misconduct.

[17] It is also argued by Ms. Nolet that the Tribunal should grant her request to expand the scope of the complaint because this expansion would help the Tribunal understand the extent and nature of the harm Ms. Nolet has suffered because of the CAF. Understanding this, Ms. Nolet asserts that it is essential for helping the Tribunal order measures that prevent future occurrences of discrimination and harassment.

[18] An additional argument that Ms. Nolet makes to support her request is that it is within the public interest to expand the scope of this complaint given the Tribunal's remedial mandate under the Act and the liberal and purposive interpretation that is to be given to the Act to redress discrimination and advance equality. She also argues that her request is supported by past jurisprudence wherein Canadian courts and tribunals have made findings of systemic discrimination and ordered systemic remedies.

[19] Ms. Nolet also argues that the Respondent will not be prejudiced by the expansion of the scope of her complaint to include all the additional facts, issues and allegations detailed in her SOP for the following reasons. First, the Respondent is already aware of the

issues that Ms. Nolet seeks to add to the inquiry. Second, the expansion does not introduce new parties but rather extends the analysis of her individual matter to include systemic discrimination. Third, the Respondent will have an opportunity to respond to the expanded allegations. Lastly, her SOP already contains all the expanded allegations she wishes to include so that no further delay would be needed to amend her SOP if the Tribunal permitted the requested expansion of the scope of the complaint.

[20] In her reply submissions to expand the scope of the complaint, Ms. Nolet further argues that the expanded claims are not unrelated or speculative claims but rather claims that serve to clarify, contextualize and demonstrate an escalating pattern of adverse differential treatment, harassment and reprisal against her as a woman and disabled member of the CAF. This pattern, Ms. Nolet asserts, reflects long-standing institutional misconduct expressed through administrative practices and discriminatory policies that culminated in her release from the CAF.

[21] Ms. Nolet further asserts in her reply submissions that there is a clear and compelling factual nexus between her original complaint and the expanded allegations of discrimination detailed in her SOP. The expanded allegations are not new complaints but rather should be regarded as refinements of existing claims that are rightly before the Tribunal.

[22] According to Ms. Nolet, the fairness, integrity and efficiency of the proceedings before the Tribunal require the scope of the complaint to include the expanded allegations. This would serve to give meaning to her lived experience and to the institutional framework within which the alleged discrimination occurred.

[23] Finally, Ms. Nolet argues that the additional allegations allow Ms. Nolet's complaint to be heard in its full context and, in doing so, facilitate procedural fairness and access to justice.

[24] With respect to her requests for disclosure, Ms. Nolet argues that her requests are not premature but are proportional, as they seek targeted and limited documents that are relevant to her allegations and to the Respondent's responses thereto.

[25] The disclosure requested would allow Ms. Nolet to use her lived experience to test the Respondent's institutional narrative, especially in relation to the Respondent's claims of having undertaken systemic reforms to address sexual harassment, including preventing reprisals and retaliation against women for making such reports while members of the CAF.

[26] Ms. Nolet further argues that being provided with the requested disclosure is essential to maintain procedural fairness in this proceeding by enabling her to fully and effectively present her case and answer to the Respondent's submissions regarding its efforts to address sexual harassment and misconduct in the CAF.

#### The Commission's position

[27] The Commission submits that the Tribunal should permit Ms. Nolet to include allegations of systemic discrimination, harassment, retaliation and reprisal dating back to 2011 until the present. It should also allow her to present evidence dating back to 2011 to demonstrate systemic discrimination against her and other female soldiers. This would enable her to provide helpful background information and context that would enhance the Tribunal's analysis and understanding of the allegations and central issues at stake in the original complaint.

[28] The Commission supports an expansion of the scope of the complaint to details and events dating back to 2011 to provide the necessary background information and context to enable a full appreciation of Ms. Nolet's allegations found in her original complaint. However, if the reason for this inclusion is to establish liability, the Commission takes no position.

[29] The Commission further submits that allowing the expanded allegations to form part of the scope of the complaint would give Ms. Nolet a fair and ample opportunity to present a complete and contextualized case against the Respondent.

[30] The Commission submits that there is little prejudice to the Respondent if the Tribunal allows Ms. Nolet to include details in her complaint going back to 2011. This is because the Respondent, not having submitted its SOP, would still have the opportunity to respond to the allegations in Ms. Nolet's SOP. The Respondent would also have the opportunity (during and after the hearing) to object to the admission of any evidence and make submissions

that go to the admissibility of Ms. Nolet's evidence, as well as to issues of relevance and weight of any of Ms. Nolet's evidence.

[31] Ms. Nolet, the Commission submits, should also be permitted to present evidence related to systemic discrimination, including statistical data, expert testimony, reports and policies, and testimony from other female CAF members. The Commission submits that Ms. Nolet made allegations of systemic discrimination in her communications with the Commission investigator before the complaint was referred to the Tribunal and that references to matters of systemic discrimination were also mentioned in the Commission investigator's report. The Respondent has therefore been aware of the Complainant's aim to make claims related to systemic discrimination.

[32] The Commission also argues that the Tribunal should grant Ms. Nolet's request to expand the scope of this complaint because the evidence of systemic discrimination spanning from 2011 to the present that Ms. Nolet wishes to submit could support her individual complaint of discrimination. The Commission further submits that Ms. Nolet's allegations of systemic discrimination should form part of the scope of this inquiry because they flow from the same facts that Ms. Nolet relied on in support of her claim under section 7 of the Act.

[33] The Commission also argues that having details of Ms. Nolet's claims of systemic discrimination will assist the Tribunal to not only better understand the individual and systemic nature of her complaint but also enable the Tribunal to order effective remedies for any findings of discrimination (whether direct or systemic) made by the Tribunal following the hearing of this matter on the merits.

[34] The Commission also supports the addition of section 10 of the Act as a new discriminatory practice that should be included in the scope of Ms. Nolet's complaint. Section 10 should be added as a ground for discrimination with the complaint because it is relevant to Ms. Nolet's allegations raised in her original complaint. The Commission argues that allegations of a systemic character are within the subject matter and substance of Ms. Nolet's original complaint based on sections 7 and 14 of the Act. Because of this, the

Commission asserts that there is a sufficient nexus between the allegations in Ms. Nolet's complaint and her SOP and section 10 of the Act.

[35] It is also argued by the Commission that the Respondent would not be prejudiced by the addition of section 10 as a discriminatory practice as part of the scope of Ms. Nolet's complaint. This is because the details of Ms. Nolet's complaint made it possible for the Respondent to anticipate that Ms. Nolet would allege systemic discrimination as an aspect of her complaint. The Commission submits that this is especially true when considering the CAF's history of systemic discrimination, which was mentioned in the Commission investigator's report that informed the Commission's decision to refer this complaint to the Tribunal.

[36] The Commission also submits that its SOP in this matter, submitted on March 17, 2025, includes arguments and seeks remedies in relation to systemic discrimination due to the CAF's policies and practices in relation to sexual harassment, universality of service and accommodation of people with disabilities. This is an added reason to include section 10 and claims of systemic discrimination within the scope of this complaint.

[37] With respect to introducing new violations or discriminatory practices under sections 3(1), 8, 12, and 14.1 of the Act, the Commission takes no position.

[38] In specific relation to Ms. Nolet's additional claims related to retaliation, the Commission points out that section 14.1 of the Act can only apply to actions that follow the filing of a complaint with the Commission. Given that Ms. Nolet filed her complaint on July 21, 2022, the Commission submits that Ms. Nolet's allegations of retaliation can only be considered by the Tribunal in relation to the Respondent's alleged actions occurring after this date.

[39] In any case, the Commission takes no position on adding retaliation as a discriminatory practice under section 14.1 of the Act. It adds, however, that any retaliation that allegedly took place before Ms. Nolet submitted her complaint could be considered adverse differential treatment, harassment or forms of reprisal under the sections that form the basis of the original complaint, namely sections 7 and 14 of the Act.

[40] With respect to Ms. Nolet's requests for disclosure, the Commission submits that these are premature and can be determined following the Tribunal's ruling on the scope.

#### The Respondent's position

[41] The Respondent argues that there is no nexus in fact or law between the proposed expanded allegations detailed in Ms. Nolet's SOP and the substance of Ms. Nolet's original complaint. The Respondent also asserts that Ms. Nolet's request for disclosure is premature and that the Tribunal must first determine the scope of the complaint before the Respondent can fulfill its obligation to provide copies of all arguably relevant documents in their possession.

[42] The Respondent submits that, based on the contents of the Complainant's original complaint, the Commission's investigation report, the Commission's letter referring this matter to the Tribunal for inquiry and other administrative forms generated for this matter, none of the alleged and investigated facts allow the Tribunal to extend the scope of this inquiry to capture the timeframe from 2011 to the present.

[43] The Respondent points out that, although Ms. Nolet's complaint mentions that she began working for the CAF in 2014, her complaint raises no facts or allegations that predate April 2020.

[44] The Respondent points out that, while the Commission investigator received information regarding events alleged by Ms. Nolet that go back to 2015, the Commission's investigation report stated that this information would only be considered to provide background information and context to the allegations raised in the original complaint.

[45] It is further submitted by the Respondent that Ms. Nolet's enrollment in the CAF only started in 2014, thereby making any allegations predating that time irrelevant to the present inquiry.

[46] The Respondent also submits that allowing Ms. Nolet to include allegations of systemic discrimination under section 10 of the Act would change the inquiry referred to the Tribunal by significantly expanding the scope of the complaint without reasonable grounds for doing so.

[47] The Respondent further argues that Ms. Nolet's allegations of systemic discrimination are overly broad and not adequately particularized, making these claims unclear and also making it unclear as to how and if these claims relate to the protected grounds Ms. Nolet cites in her complaint, namely, disability, sex and/or marital status. The Respondent argues that the original complaint submitted by Ms. Nolet focuses narrowly on specific and unique issues between her and certain supervisors. As such, the Respondent argues that there is no clear link between the facts Ms. Nolet alleges in her complaint and the allegations of systemic discrimination that Ms. Nolet seeks to add to this inquiry.

[48] Additionally, the Respondent asserts that it would suffer prejudice if the Tribunal permitted the allegations of systemic discrimination to form part of the inquiry. The Respondent submits that the Tribunal allowing these claims to form part of the inquiry denies the CAF the opportunity that the CAF would have taken at the investigation/screening stage before the Commission to challenge these allegations and have them dismissed at that earlier step of the complaint process.

[49] The Respondent argues that if Ms. Nolet's allegations of systemic discrimination were put to the CAF during the screening process before the Commission, the Respondent would have provided detailed and comprehensive responses to these allegations. The Respondent argues that inserting these systemic allegations into the complaint at this stage of the proceedings before the Tribunal would improperly permit a bypassing of procedural steps for a complaint brought under the Act and deny the Respondent the right to know and fair opportunity to respond to the allegations made against it during the Commission's screening phase and investigation of the original complaint.

[50] It is not disputed by the Respondent that the Commission referred the entire complaint to the Tribunal. The Respondent is instead challenging the nature and substance of the complaint. The issues of systemic discrimination and the sufficiency of Ms. Nolet's evidence to support these claims was not assessed by the Commission and therefore could not be considered to have been referred to Tribunal for inquiry. Instead, the Respondent submits that the Commission's investigator viewed systemic discrimination as only forming part of the context within which to assess Ms. Nolet's allegations, using this context to enable an intersectional application of the Act to Ms. Nolet's complaint.

[51] With respect to Ms. Nolet's aims to add allegations to her complaint related to sections 3(1), 8, 12 and 14.1 of the Act, the Respondent submits that there is no basis for the Tribunal to permit this. More specifically, the Respondent argues that the addition of these sections as part of this inquiry is not supported by the facts alleged in Ms. Nolet's complaint. Even though Ms. Nolet's SOP includes such claims and her motion materials request that these additions be permitted by the Tribunal, the Respondent asserts that it is the complaint (as referred by the Commission), and not the SOP, that determines the scope of proceedings before the Tribunal.

[52] Regarding the Complainant's requests for disclosure, the Respondent argues that they are premature as the Respondent has not yet filed its SOP, which is to include all arguably relevant documents within its possession. The Respondent also submits that requesting disclosure is premature because the Tribunal has not yet determined the scope of the present inquiry. Once the Tribunal determines the scope of this complaint, the Respondent submits that the CAF will provide its SOP, and the Tribunal can determine any motions or requests for disclosure.

[53] A portion of the Respondent's motion materials responding to Ms. Nolet's motion provides details of the CAF's systemic efforts to address sexual misconduct in the CAF. I have not considered these submissions in rendering the present ruling, as I view these submissions as going to the merits of the dispute.

## **B. Legal framework**

### **a. Determining scope**

[54] The relevant legal principles for disposing of a motion to determine the scope of this complaint are outlined in *Levasseur v. Canada Post Corporation*, 2021 CHRT 32 at paras 7–19 [*Levasseur*].

[55] Once the Commission has investigated a complaint and has determined that, in the circumstances, the complaint should be referred to the Tribunal for an inquiry, the Commission typically affirms this by sending a letter to the Chairperson of the Tribunal

indicating that the Commission has decided that the Tribunal should conduct an inquiry into the complaint. If the Commission has decided that parts of the complaint are not being referred to the Tribunal for an inquiry, it will advise the Tribunal Chairperson of this in this letter, with brief reasons for any exclusions. However, if the Commission does not provide this guidance, the Tribunal assumes jurisdiction over the entire complaint as it was submitted to the Commission by the Complainant (*Levasseur* at para 12).

[56] The referral letter from the Commission to the Tribunal is not the only means of determining the scope of the complaint before the Tribunal. The parties' SOPs that are submitted to the Tribunal before a hearing can also assist in determining the scope of a complaint. To account for the revelation of new facts or circumstances in the course of the Commission's investigation into the complaint, the complainant's SOP can serve to clarify, refine and elaborate on the details of the discrimination that the complainant alleged in their original complaint to the Commission and which has since been referred to the Tribunal for inquiry (*Levasseur* at para 13).

[57] Though the Tribunal may permit a party to use their SOP to clarify, refine or elaborate on a complaint referred to the Tribunal, the Tribunal cannot allow an SOP to introduce new facts, issues or allegations that were not referred by the Commission and that are not logically connected to the complaint filed by the complainant. This is to say, the facts, issues and allegations detailed in an SOP must reasonably respect the factual foundation of the complainant's initial complaint (*Levasseur* at para 15).

[58] To determine the substance and scope of the complaint before it, the Tribunal must decide whether there is a sufficient or reasonable connection between what is outlined in the SOP that has been submitted to the Tribunal, on one hand, and what was alleged in the original complaint, on the other. Where there is not a sufficient or reasonable connection between the SOP and the original complaint, the newly detailed facts, issues and/or allegations in the SOP amount to an entirely new complaint (*Levasseur* at para 16). This new complaint must first be put before the Commission and referred by the Commission to the Tribunal before the Tribunal can have jurisdiction over this new complaint.

[59] An additional tool for determining the scope of the complaint before the Tribunal is a review of the documents sent by the Commission to the Tribunal and arising from the Commission's investigation into the complaint. This includes the Commission's investigation report that informed the Commission's decision to refer the complaint to the Tribunal. These are the documents that properly support the Tribunal in developing an overall understanding of the complaint's history and context (*Levasseur* at para 17).

[60] Further, the Tribunal has found that, where a request for expanding the allegations in a complaint includes a request to permit allegations of systemic discrimination and the addition of a discriminatory practice under section 10 of the Act, this may be allowed. Specifically, the Tribunal has allowed this where the Tribunal finds a sufficient link between these systemic allegations and the fabric of the original complaint before the Tribunal (*AA v. Canadian Armed Forces*, 2019 CHRT 33 at para 66; *Itty v. Canada (Border Services Agency)*, 2013 CHRT 33 at paras 38–48).

[61] The Tribunal is also permitted to review the larger context of the complaint history to inform a determination of the scope of the complaint before the Tribunal (*Oleson v. Wagmatcook First Nation*, 2019 CHRT 35 at para 37).

[62] Broader considerations of proportionality also help the Tribunal determine the scope of a complaint before it: *Temate v. Public Health Agency of Canada*, 2022 CHRT 31 at paras 8–15. These considerations of proportionality are embedded in the Act as well as the *Canadian Human Rights Tribunal Rules of Procedure, 2021*, SOR/2021-137 (the "Tribunal's Rules of Procedures"). Specifically, subsection 48.9(1) of the Act requires the Tribunal to manage complaints in a manner that is as expeditious and informal as the rules of natural justice and the Tribunal's Rules of Procedure allow.

[63] Further, Rule 5 of the Tribunal's Rules of Procedure highlights the need to adhere to the principle of proportionality in its proceedings, as it states that the Tribunal is required to interpret and apply its rules in such a way that cases referred to the Tribunal are decided on in a manner that is fair, informal and expeditious.

[64] Read together, subsection 48.9(1) of the Act and Rule 5 of the Tribunal's Rules of Procedure require the Tribunal to resolve complaints in a manner that avoids making

proceedings unreasonably or unnecessarily complex, lengthy or costly. I also view these provisions as informing the principle of proportionality to ensure that the Tribunal maintains procedural fairness and natural justice for the parties in each dispute, but not at the expense of denying access to justice for actual or potential parties with matters before the Tribunal. In other words, I am of the view that the Tribunal must avoid allowing the tenets of procedural fairness and natural justice in any given complaint to be stretched to the point of undermining the Tribunal's ability to provide timely and expeditious resolutions of its complaints and its overall docket of complaints awaiting resolution by the Tribunal (*Whitelaw v. Royal Canadian Mounted Police*, 2025 CHRT 43 at para 56).

[65] Additionally, although the Tribunal has jurisdiction to strike portions of a party's SOP, the Tribunal must cautiously exercise this authority and only do so in the "clearest of cases" (*Richards v. Correctional Service Canada*, 2020 CHRT 27 at para 86).

[66] Finally, the Tribunal must also consider whether allowing a party's SOP to include additional facts, issues or allegations to expand the scope of the complaint would cause incurable prejudice to the other parties (*Campos-Ruiz v. Royal Canadian Mounted Police*, 2023 CHRT 17 at para 29).

#### **b. Requests for disclosure**

[67] In relation to Ms. Nolet's request for disclosure, the Tribunal may order the disclosure of any document that it determines to be "arguably relevant". A more fulsome outline of the applicable principles concerning disclosure before the Tribunal can be found at *Brickner v. Royal Canadian Mounted Police*, 2017 CHRT 28 at paras 4–10. For reasons set out later in this ruling, I have determined that Ms. Nolet's request for disclosure is premature, so I will not discuss these principles any further, as it is not necessary to resolve the disclosure issue at this stage in the proceedings.

#### **C. My reasons**

##### Affirming the original scope of the complaint

[68] I find that the temporal scope of this complaint referred to the Tribunal by the Commission is from April 2020 to November 2021. I am of the view that the original complaint before the Tribunal is about whether Ms. Nolet experienced discrimination and/or harassment in employment on the grounds of disability, sex and/or marital status, within the meanings of sections 7 and 14 of the Act. I find that the substance of the complaint concerns whether Ms. Nolet has suffered adverse differential treatment in view of the following:

- How the Respondent responded to Ms. Nolet's disclosure to the CAF that she had allegedly been sexually assaulted by another member of the CAF on or around April 29, 2020. This includes the allegation that Ms. Nolet was left to keep working in the same building as the person who allegedly assaulted her and that she was not given adequate time to get the help she needed following the alleged incident;
- Ms. Nolet's treatment by Sergeant Donald Deans in relation to being directed to meet twice in or around March 2021 with him in-person in the presence of another male officer and for Ms. Nolet to attend the meeting in uniform, despite medical restrictions that determined that Ms. Nolet was not fit to be in a military environment at that time;
- Conduct and comments made by Sergeant Deans during these March 2021 meetings that are alleged by Ms. Nolet to be discriminatory and/or harassing;
- The nature, circumstances and conduct of the interview as well as the issuance by the CAF of a recorded warning against Ms. Nolet following a meeting with Major Fitzpatrick and witnessed by Sergeant Grant Wagar. On the facts alleged by Ms. Nolet, it is suggested that due regard was not given to how her disability may have impacted her conduct leading to or during the interview that resulted in the issuance of a recorded warning on April 8, 2021;
- The lack of accommodation and support for Ms. Nolet as a person living with post-traumatic stress disorder (PTSD) and the failure to provide Ms. Nolet with accommodations and a harassment-free work environment following the disclosure that she had allegedly been sexually assaulted by another CAF member in April 2020; and
- The medical release of Ms. Nolet by the CAF as of November 8, 2021, for breach of universality of service.

[69] I view this to be the scope of the original complaint based on my review of Ms. Nolet's complaint to the Commission submitted on July 21, 2022, the Commission's investigation report, dated May 2, 2023, as well as the Commission's letter to the Tribunal requesting that an inquiry be conducted, dated November 7, 2023.

[70] Read together, these documents set out a clear, narrow and well-defined set of allegations that identify the scope of this complaint. That said, some of these allegations require further elaboration to provide sufficient particulars to enable the Respondent to effectively answer to the claims made by Ms. Nolet. Ms. Nolet's SOP provides some of these particulars, some of which I find help to give needed details about the nature or substance of Ms. Nolet's allegations as set out in her original complaint to the Commission.

#### Expanding the scope of the inquiry

[71] Ms. Nolet's original complaint to the Commission, the Commission's investigation report, and the Commission's letter to the Tribunal requesting that an inquiry be conducted provide a strong basis for a limited expansion of the scope of this complaint to include some of the extensive allegations detailed in Ms. Nolet's SOP.

[72] To this end, while I find that the timeframe of this complaint should remain between April 2020 and November 2021 (with an exception noted below), I have determined that Ms. Nolet's complaint can be expanded to include the following allegations:

- i. The Respondent's initiation, conduct and outcome of a Director of Military Careers Administration (DMCA) Administrative Review/Medical Employment Limitations process for Ms. Nolet in May 2020.
- ii. The Respondent's review process leading to the Initial Authority's decision in August 2021 related to Ms. Nolet's grievance of her recorded warning of April 8, 2021.
- iii. The cancellation of Ms. Nolet's October 28, 2020, dental appointment, as well as the Respondent's response to and characterization of Ms. Nolet's complaints about repeated cancellations of her dental appointments, particularly in relation to Ms. Nolet sharing this complaint with Sergeant Rebecca Verner.
- iv. The Respondent's response to Ms. Nolet's December 8, 2020, disclosure and request for accommodations related to Ms. Nolet sharing that she had been diagnosed with

PTSD arising from her treatment by the CAF after allegedly having been sexually assaulted in late April 2020. Particularly of interest to this inquiry is Sergeant Verner's administrative response to this disclosure.

- v. The Respondent's initiation and conduct of a unit disciplinary investigation against Ms. Nolet, in or around January 2021.
- vi. The Respondent's response to reports received from the CAF units sharing that, for a return to duty placement, they would not employ Ms. Nolet due to her conduct. This was communicated to Ms. Nolet on or around Jan 28, 2021.
- vii. The Respondent's administrative and other investigative responses in February 2021, following complaints about Ms. Nolet's conduct while obtaining services from a Bank of Montreal branch in Deep River.
- viii. The Respondent's response to an anonymous report received on or around February 5, 2021, from someone stating that Ms. Nolet was suicidal.
- ix. The Respondent's response on or about March 5, 2021, in reaction to reports that Ms. Nolet had been making threats, falsely identifying herself as an officer and that Ms. Nolet had reported to others that she will do herself harm. This is of particular interest to this inquiry in relation to the response of Sergeant Deans and the Transition Centre.
- x. The nature and degree to which the Respondent supported Ms. Nolet in and around July 2021, in relation to her transition to a new home due to separation from her then husband, also a member of the CAF. Of particular interest to this inquiry is whether the Respondent characterized Ms. Nolet's complaints about the moving company she used for the relocation as harassing and advised her to stop communicating with the company.
- xi. The Respondent's differential support provided to Ms. Nolet compared to her then husband in or around July to September 2021, during the period of transition resulting from their separation. This is in particular reference to Ms. Nolet's disclosure of the financial and mental health hardships resulting from the breakdown of her marital relationship.
- xii. The Respondent (through 3<sup>rd</sup> Battalion, Royal Canadian Regiment) placing Ms. Nolet's name at reception with instructions to contact Military Police if she entered the building. This was alleged to have taken place in or around September 2021.

- xiii. The Respondent's conduct and the November 22, 2021, outcome of the Situational Assessment of the Harassment Complaint. This is in relation to the handling of Ms. Nolet's complaint against Sergeant Deans following the meetings that he had Ms. Nolet attend with him in March 2021.
- xiv. The Respondent's handling of Ms. Nolet's grievance of her recorded warning as led by the Final Authority. The decision of the Final Authority was released in January 2024 and first received by Ms. Nolet in May 2024. Exclusively for the purpose of inquiring as to whether there was adverse differential treatment of Ms. Nolet in the handling of this grievance, I find that the temporal scope of this complaint should be extended to May 2024.
- xv. The Respondent's maintenance of an unofficial record of documentation on Ms. Nolet that included records or information that informed how members and superiors in the Respondent organization conducted themselves in interacting and communicating with Ms. Nolet from April 2020 to November 2021.
- xvi. The expanded allegations of systemic discrimination and the inclusion of section 10 of the Act as a discriminatory practice alleged as part of Ms. Nolet's complaint before this Tribunal.

[73] I find that the above expanded allegations and the addition of a discriminatory practice under section 10 of the Act respect the factual foundations of Ms. Nolet's allegations in her original complaint. Each of these items is sufficiently and reasonably connected to the substance of Ms. Nolet's original complaint based on sex, disability or marital status.

[74] I find that these expanded allegations are reasonably linked to the Tribunal's inquiry about whether the Respondent acted in a discriminatory way following Ms. Nolet's April 2020 disclosure that she had allegedly been sexually assaulted by another member of the CAF, her subsequent disclosure of having developed PTSD, whether the Respondent engaged in such discriminatory or harassing behaviour at any time since those disclosures, and whether the Respondent did so through its conduct up to and including the execution of the CAF's decision to terminate Ms. Nolet's role with the organization in November 2021 for breach of universality of service.

[75] The expanded allegations noted above are reflected in Ms. Nolet's SOP. They provide substance to parts of Ms. Nolet's original complaint and therefore cannot be considered substantially new facts and/or issues more appropriately submitted as one or more new complaint(s) to be screened by the Commission before the Tribunal can consider them as part of the present inquiry into Ms. Nolet's complaint.

[76] In other words, I find that these facts and issues provide details that clarify, refine and elaborate on Ms. Nolet's complaint. This is particularly true in relation to Ms. Nolet's allegations in her complaint that she did not receive accommodation after disclosing that she had been allegedly sexually assaulted and started to suffer from PTSD and that, following these disclosures, her chain of command engaged in numerous acts that she experienced as harassment, which negatively impacted her mental health, eventually leading to her dismissal from the CAF for breach of universality of service.

[77] In relation to my finding that section 10 of the Act can be added to the scope of this complaint, I make this finding because the substance of Ms. Nolet's complaint, as I view it, is about an alleged pattern of behaviour by the Respondent that occurred over the course of more than a year.

[78] Ms. Nolet's claims are largely about numerous administrative processes, disciplinary proceedings, and formal communications and engagements with Ms. Nolet that, based on Ms. Nolet's SOP, would appear to be heavily and contemporaneously documented by members and superiors of the Respondent organization and relate to the implementation of formal policies, protocols and/or procedures established by the CAF. This is to say that I find that Ms. Nolet's original complaint raises sufficient systemic issues to warrant the inclusion of section 10 within the scope of the complaint, thereby allowing Ms. Nolet to bring forward allegations of systemic discrimination in this matter.

[79] The substance of Ms. Nolet's allegation is that this pattern of alleged behaviour by the Respondent was reflective of discrimination and harassment based at least in part on her sex, disability and/or marital status as a woman who disclosed experiencing PTSD after allegedly being sexually assaulted by a male member of the CAF.

[80] The consistent and repetitive nature of the allegations as detailed in her original complaint, and as elaborated on in her SOP covering April 2020 to November 2021, focus on the Respondent's treatment of Ms. Nolet following her disclosures that she had allegedly been sexually assaulted and experienced PTSD. This makes it reasonable to include section 10 of the Act as an additional discriminatory practice into which this Tribunal should inquire in this matter.

[81] Drawing from the language of section 10(a) of the Act helps show the reasonable connection of this section to the substance of Ms. Nolet's complaint. The portions of Ms. Nolet's allegations that this ruling has determined fall within the scope of this inquiry raise a real and substantial question about whether the CAF's alleged repeated actions against Ms. Nolet from April 2020 to November 2021 demonstrate that the organization had established or was pursuing a practice that deprived or tended to deprive Ms. Nolet of employment opportunities in part because she was a woman in the CAF who alleged sexual assault or claimed to be experiencing PTSD following her experience of serious sexual misconduct allegedly committed by another member of the CAF.

[82] The substance of Ms. Nolet's complaint is also reasonably connected to section 10(b) of the Act. This is because the alleged incidents of discrimination and harassment following Ms. Nolet's disclosure of having been allegedly sexually assaulted and suffering from PTSD also raises the legitimate question of whether the allegations Ms. Nolet raises in her complaint are demonstrative of an agreement within the Respondent organization to manage her employment in a manner that deprived or tended to deprive her of employment opportunities in part because of her status as a woman within the CAF who alleged sexual assault or was experiencing PTSD because of the alleged sexual misconduct of another member of the CAF.

[83] I find that allowing the limited expansion of this complaint in the ways described in this ruling is in keeping with the Tribunal's obligation to maintain proportionality in its proceedings. In other words, I am of the view that even with permitting the addition of section 10 as a discriminatory practice as a consideration that is within the scope of this complaint, and allowing the inclusion of the expanded allegations that I have determined to

be within the scope of this inquiry, the Tribunal would not be unnecessarily or unreasonably extending the length, cost and/or complexity of the hearing of Ms. Nolet's complaint.

[84] There is considerable overlap and interrelationship between the facts and issues that form the substance of Ms. Nolet's complaint when considering the individuals named in Ms. Nolet's complaint and the settings in which Ms. Nolet's allegations arise. The grounds of sex, disability and/or marital status also remain the same in the moderately expanded allegations that I have determined form part of this inquiry. The timeframe of the allegations that make up Ms. Nolet's complaint, April 2020 to November 2021, also remains stable with the inclusion of the expanded allegations that I have determined are within the scope of this inquiry.

[85] The exception to maintaining this timeframe is only in relation to a discrete allegation that has its origins within the timeframe of April 2020 to November 2021. This exception is in reference to me allowing Ms. Nolet to include within her allegations questions about the handling of Ms. Nolet's grievance of her April 8, 2021, recorded warning, as led by what was referred to in Ms. Nolet's submissions as "the Final Authority". Exclusively for the prospect of addressing this allegation, it is reasonable and respects the proportionality of these proceedings to extend the temporal scope of this complaint because the decision of the Final Authority was released in January 2024 and allegedly only received by Ms. Nolet in May 2024.

[86] I find that Ms. Nolet's allegation that the delay in the decision and the delay in communicating it to her is reasonably connected to her allegations of adverse differential treatment based, at least in part, on her status as a woman who alleged that she had experienced sexual assault by another member of the CAF and who claimed to be experiencing PTSD triggered or exacerbated by members and superiors within the CAF. I find this to be the case because these delays appear to form part of the same factual continuum as the allegations contained in Ms. Nolet's complaint (*C.D. v. Canadian Armed Forces*, 2025 CHRT 31 at para 33).

[87] All of this is to say that the inclusion of the expanded allegations as permitted by this ruling are in keeping with the Tribunal's obligation to maintain proportionality in its

proceedings and in keeping with the Tribunal's legislative requirement to resolve complaints in a manner that is fair and expeditious.

[88] In my view, allowing allegations of systemic discrimination and adding section 10 of the Act to the scope of this complaint would not result in the Respondent suffering incurable prejudice.

[89] As I have determined in this ruling, the timeframe (April 2020 to November 2021), as well as the substance of the underlying facts alleged that ground Ms. Nolet's complaint under sections 7 and 14 of the Act are largely the same or substantially similar to the facts underlying her claims and arguments that would be considered under section 10 of the Act.

[90] As such, the Commission's investigation and screening process provided the Respondent with the opportunity to respond to the allegations raised by Ms. Nolet that are connected to section 10 and systemic discrimination more generally. Additionally, the Respondent was or should have been aware of all the facts that underlie Ms. Nolet's complaint related to section 10 and systemic discrimination.

[91] I find that although Ms. Nolet did not cite section 10 of the Act or mention systemic discrimination in her complaint, the Commission's investigation report found that it is in the public interest that Ms. Nolet's allegations be examined to determine how they might connect to the broader history of documented systemic discrimination within the CAF.

[92] As noted in the Commission's investigation report, systemic discrimination was found to exist within the CAF, findings that were extensively detailed in the 2022 Report of the Independent External Comprehensive Review of the Department of National Defence and the Canadian Armed Forces by former Supreme Court of Canada Justice, Madame Louise Arbour.

[93] The extensive references within the Commission's investigation report of Ms. Nolet's complaint that were explicitly made to Justice Arbour's findings of widespread institutional shortcomings within the CAF when confronted with allegations and instances of sexual misconduct significantly undermines the Respondent's position that the Respondent was not aware of Ms. Nolet's view of her complaints as being both systemic and individual in

nature, or aware of her desire that her complaint be considered by the Commission and potentially the Tribunal in these ways. These references in the Commission investigator's report also undermine the Respondent's position that if the Tribunal allowed section 10 and arguments of systemic discrimination to form part of the scope of the present inquiry, the Respondent would be prejudiced by not having been given the opportunity to respond to the systemic nature of the allegations made by Ms. Nolet.

[94] In other words, based on the nature of the allegations of Ms. Nolet's complaint, as well as the Commission's report, and considering that the Commission referred Ms. Nolet's complaint in its entirety, I find that the Respondent was given the opportunity to respond to Ms. Nolet's allegations in a way that addresses the systemic nature of her complaint. This is why I find that systemic discrimination and conduct for which section 10 of the Act aims to provide a route for redress can form part of the scope of the Tribunal's inquiry into Ms. Nolet's complaint.

[95] Further, by adding section 10 and including a systemic dimension to the Tribunal's inquiry of Ms. Nolet's complaint, I do not find that the Tribunal would be improperly allowing Ms. Nolet to bypass the investigation and screening phase of the Commission (*Itty* at para 41).

[96] As I have noted above, the systemic character alleged in the complaint was already in consideration and explored during the Commission's investigation of Ms. Nolet's complaint. As such, allowing Ms. Nolet's allegations to be expanded as I have in this ruling does not deny the Respondent the right to know or remove from the Respondent a fair opportunity to respond to the allegations made against it during the Commission's screening phase and investigation of the original complaint by the Commission.

[97] Moreover, the Respondent will be given the opportunity to respond to these allegations in its yet to be submitted SOP, as well as at the hearing to be scheduled in this matter.

[98] All of this is to say that I am of the view that the Respondent will not be prejudiced or incurably prejudiced by the Tribunal permitting an expansion of the scope of Ms. Nolet's complaint in the way outlined in this ruling.

What is outside of the scope of this complaint

[99] I do not agree to expand the scope of the complaint beyond what I have set out above. This is because, as noted by the Supreme Court of Canada in *Moore v. British Columbia (Education)*, 2012 SCC 61 at para 64, a human rights tribunal is meant to adjudicate particular claims before it and is not a Royal Commission of inquiry.

[100] As stated above, the substance of Ms. Nolet's original complaint submitted to the Commission focused her allegations on multiple instances of discrimination and harassment that she submits she was subjected to after disclosing that she had been allegedly sexually assaulted by another member of the CAF in April 2020 and following her disclosure of having PTSD. Ms. Nolet's original complaint alleges that this discrimination and harassment were based on her sex, disability and/or marital status and led up to and included her termination from the CAF in November 2021.

[101] I am not prepared to allow the extensive allegations spanning from 2011 to the present that Ms. Nolet included in her SOP and which she now requests that this Tribunal allow to form part of the scope of the Tribunal's inquiry.

[102] I find that all of Ms. Nolet's allegations falling outside of the timeframe of April 2020 to November 2021 amount to substantially new allegations. They do not serve to clarify, refine or elaborate on her original complaint to the Commission, which only detailed allegations from April 2020 and ending in November 2021.

[103] While there is a connection between many of the allegations Ms. Nolet raises outside of April 2020 to November 2021, I am not satisfied that there is a sufficient connection. Ms. Nolet's broadly expanded allegations maintain the same grounds of sex, disability and/or marital status. However, I do not find that this consistency in grounds is enough to say that these allegations are reasonably connected to the original complaint to the degree that these much broader allegations should form part of the inquiry into the merits of Ms. Nolet's complaint.

[104] I recognize that Ms. Nolet's expanded allegations raise complaints of discrimination and harassment of a similar nature to the complaints detailed in her original complaint to the

Commission covering April 2020 to November 2021. I still do not find that this similarity is sufficient or reasonable in the sense of now permitting these allegations to be included in the scope of the present inquiry.

[105] As detailed in her lengthy SOP, the multiple locations where Ms. Nolet's expanded allegations occurred is an important factor that leads me to find that the expanded allegations are not reasonably or sufficiently connected to the original complaint. Specifically, Ms. Nolet's expanded allegations occurred across several provinces and cities, including Halifax, Nova Scotia, Saint-Jean-sur-Richelieu, Quebec, Longue-Pointe, Quebec, Montreal, Quebec, Borden, Ontario, and Petawawa, Ontario.

[106] The expanded allegations also arose in a wide range of different CAF units, settings and bases, including the Canadian Forces Leadership and Recruit School, as well as multiple CFBs, Dental Units and Joint Personnel Support Units.

[107] Ms. Nolet's expanded allegations also have minimal overlap among the individuals she alleges engaged in discriminatory or harassing conduct against her during and outside of the April 2020 to November 2021 period of her original complaint.

[108] Added to the above considerations is that the timeframe of the allegations that Ms. Nolet requests that this Tribunal adopt for the scope of her complaint is approximately 14 years.

[109] Taking these considerations together, I find that the expanded allegations outside of the period of April 2020 to November 2021 are not sufficiently or reasonably connected to the substance and factual matrix of the specific facts of the original complaint Ms. Nolet made to the Commission and which was referred to the Tribunal for inquiry.

[110] Additionally, including Ms. Nolet's expanded allegations from 2011 to the present within the scope of the present inquiry would run contrary to the Tribunal's obligations to maintain proportionality in these proceedings.

[111] The hearing into Ms. Nolet's complaint with the temporal scope of April 2020 to November 2021, and with the allegations that I have permitted to form part of the inquiry as discussed above will already require significant hearing resources. Even with the exclusion

of Ms. Nolet's claims falling outside of April 2020 to November 2021, the hearing into this matter will almost certainly require several weeks of hearing dates, a significant number of witnesses, including potential expert witnesses, and several thousands of documents (written, video and audio).

[112] This is to say that to expand the scope of the hearing beyond what has already been permitted through this ruling would unreasonably extend the time, cost and complexity of this inquiry and significantly impact not only the parties in this case, but also the parties in other matters who are waiting to have their complaints expeditiously heard and adjudicated by this Tribunal.

[113] Additionally, expanding the scope of the complaint beyond its current timeframe of April 2020 to November 2021 would be unfair to the Respondent and would run contrary to the legislative framework of the Act. It would allow Ms. Nolet to improperly sidestep the Commission's investigation and screening process by including in this inquiry a long list of substantially new complaints that were not first put before the Commission to assess and seek responses from the Respondent before determining whether these new complaints meet the legislative standard to allow them to be referred to the Tribunal.

[114] I recognize that the Commission's investigation report noted that, at the investigation stage, Ms. Nolet provided the Commission with information regarding alleged acts and events which occurred outside of the April 2020 to November 2021 timeframe, going back to 2015. But the report immediately follows this point by noting that this information was only considered to provide background and context to the allegations in Ms. Nolet's complaint form. This implies that the allegations that predate April 2020 were not considered by the Commission to form part of the true substance of the complaint to be investigated by the Commission but rather regarded as a historical backdrop that helped inform the general circumstances out of which Ms. Nolet's complaint emerged.

[115] This is to say that I find that the Commission never intended to refer to the Tribunal for inquiry and adjudication any allegations outside of the April 2020 to November 2021 timeframe covered in Ms. Nolet's original complaint.

[116] Additionally, I am of the view that the string of allegations that fall within the span of the complaint as I have permitted through this ruling provide the Tribunal with ample information to fairly and fully adjudicate this matter and order appropriate remedies, individual and systemic, in accordance with the remedial nature and character of the Act.

[117] I do not agree that the Tribunal is unable to understand or appreciate the nature or significance of Ms. Nolet's complaint or provide appropriate remedies without receiving submission and evidence about Ms. Nolet's entire series of negative experiences with the CAF from 2011 to the present.

[118] The extensive facts and issues alleged by Ms. Nolet from April 2020 to November 2021 (as permitted through this ruling) provide the Tribunal with adequate substance to understand the allegations within their proper context. These facts and issues raised also are adequate for enabling the Tribunal to order appropriate direct or systemic remedies for any allegations that the Tribunal may find were substantiated by the evidence submitted about these allegations during the forthcoming hearing into this matter.

[119] By limiting the scope of the complaint to the timeframe of April 2020 to November 2021 as I have done here, I am not denying the opportunity that Ms. Nolet seeks to try to call relevant expert evidence, or Statistics Canada data, official reports or reviews on the CAF that she feels support her allegations, such as Justice Arbour's 2022 Report of the Independent External Comprehensive Review of the Department of National Defence and the Canadian Armed Forces.

[120] As long as it is done in a manner that adheres to and is consistent with the Tribunal's Rules of Procedure, the opportunity remains open to Ms. Nolet to call expert evidence, official reports and reviews as evidence that she feels supports her claims. This is especially so given that I have permitted the addition of section 10 of the Act to be included as part of the scope of the present complaint.

[121] Lastly, I will explain my reasons for denying Ms. Nolet's request to include sections 3(1), 8, 12 and 14.1 of the Act within the scope of this complaint.

[122] First, section 3(1) is not a discriminatory practice and is already contemplated in Ms. Nolet's complaint given that the grounds she has listed as the basis of her complaint are named in this provision of the Act, namely sex, marital status and/or disability.

[123] Sections 8 (relating to employment applications and advertisements) and 12 (relating to the publication of discriminatory notices) are not related in any way to the facts or issues in Ms. Nolet's complaint to the Commission, the Commission's investigation or the referral of her complaint to the Tribunal. As such, I am not prepared to allow these grounds to form part of the scope of this complaint.

[124] Finally, I do not find that any of the facts or issues raised by Ms. Nolet in her complaint or her SOP can be characterized as retaliation in the way that it is meant and articulated at section 14.1 of the Act. This section specifically provides redress for a person who feels that they have experienced retaliation in the form of adverse treatment for the specific reason of having filed a complaint with the Commission.

[125] This is to say that retaliation could only be considered by the Tribunal for allegations that arose after Ms. Nolet filed her complaint with the Commission on July 21, 2022. No facts or issues alleged in Ms. Nolet's complaint or SOP provide information that would justify including in this inquiry a claim under section 14.1 of the Act.

[126] The notion of retaliation as framed and detailed in numerous instances in Ms. Nolet's complaint is different from and inconsistent with the Act's specific protection from retaliation.

[127] In terms of what Ms. Nolet refers to in her SOP as numerous acts of retaliation and reprisals, she is open to refer to those claims as part of the discrimination or harassment she alleges that she experienced between April 2020 and November 2021. These claims would not become section 14.1 claims but support Ms. Nolet's allegations of adverse differential treatment under sections 7, 10 or 14 of the Act, which are discriminatory practices at issue in this complaint.

[128] As a closing note, I am not prepared to order the release of the disclosure requested by Ms. Nolet. Now that the scope of the complaint has been clarified with this ruling, I leave it to the parties to fulfill their disclosure obligations accordingly. If, in the future, a dispute

over disclosure remains or arises that the parties cannot resolve among themselves, the Tribunal will consider ways to intervene to resolve the dispute through an order or a ruling after receiving submissions from the parties on the matter.

## **V. CONCLUSION AND ORDER**

[129] The Complainant's motion is granted in part.

[130] The Tribunal orders the following:

- The Complainant's SOP is struck in its entirety. Within 60 days, the Complainant is directed to file an amended SOP which is limited to the allegations that fall within the timeline of April 2020 to November 2021 and include particulars related to the matters that this ruling has determined to be within the scope of this complaint.
- The Complainant is directed to fully comply with the SOP requirements set out at Rule 18(1)(a) to (f) of the Tribunal's Rules of Procedure, in order to allow the Respondent to meaningfully respond to the allegations against it. This includes providing adequate details of her specific allegations but also including a list of relevant witnesses and their anticipated testimony, as well as a clearly organized list of documents that are arguably relevant to Ms. Nolet's allegations covering April 2020 to November 2021. For added clarity, the Complainant is permitted to expand the scope of her original complaint, but only to the extent that it includes the extended allegations in her SOP that relate to:
  - i. The Respondent's initiation, conduct and outcome of a DMCA Administrative Review/Medical Employment Limitations process for Ms. Nolet in May 2020.
  - ii. The Respondent's review process leading to the Initial Authority's decision in August 2020 related to Ms. Nolet's grievance of her recorded warning of April 8, 2021.
  - iii. The cancellation of Ms. Nolet's October 28, 2020, dental appointment, as well as the Respondent's response to and characterization of Ms. Nolet's complaints about repeated cancellations of her dental appointments, particularly in relation to Ms. Nolet sharing this complaint with Sergeant Verner.

- iv. The Respondent's response to Ms. Nolet's December 8, 2020, disclosure and request for accommodations related to Ms. Nolet sharing that she had been diagnosed with PTSD arising from her treatment by the CAF after allegedly having been sexually assaulted in late April 2020. Particular focus should be on Sergeant Verner's administrative response to this disclosure.
- v. The Respondent's initiation and conduct of a unit disciplinary investigation against Ms. Nolet, in or around January 2021.
- vi. The Respondent's response to reports received from the CAF units sharing that, for a return to duty placement, they would not employ Ms. Nolet due to her conduct. This was communicated to Ms. Nolet on or around Jan 28, 2021.
- vii. The Respondent's administrative and other investigative responses in February 2021, following complaints about Ms. Nolet's conduct while obtaining services from a Bank of Montreal branch in Deep River.
- viii. The Respondent's response to an anonymous report received on or around February 5, 2021, from someone stating that Ms. Nolet was suicidal.
- ix. The Respondent's response on or about March 5, 2021, in reaction to reports that Ms. Nolet had been making threats, falsely identifying herself as an officer and that Ms. Nolet had reported to others that she will do herself harm. The focus of these allegations should be on the response of Sergeant Deans and the Transition Centre.
- x. The nature and degree to which the Respondent supported Ms. Nolet in and around July 2021, in relation to her transition to a new home due to her separation from her husband, also a member of the CAF. The focus of this allegation should be how the Respondent characterized Ms. Nolet's complaints about the moving company she used for the relocation, including Ms. Nolet's claim that the Respondent claimed that she was harassing the company and advised her to stop communicating with the company.
- xi. The Respondent's differential support provided for Ms. Nolet compared to her then husband in or around July to September 2021, during the period of transition resulting from their separation.

- xii. The Respondent (through 3rd Battalion, Royal Canadian Regiment) placing Ms. Nolet's name at reception with instructions to contact Military Police if she entered the building. This was alleged to have taken place in or around September 2021.
  - xiii. The Respondent's conduct and the November 22, 2021, outcome of the Situational Assessment of the Harassment complaint. This allegation should focus on Ms. Nolet's claims about the handling of Ms. Nolet's complaint against Sergeant Deans following the meetings that he had Ms. Nolet attend with him in March 2021.
  - xiv. The Respondent's handling of Ms. Nolet's grievance of her recorded warning as led by the Final Authority.
  - xv. The Respondent's maintenance of an unofficial record of documentation on Ms. Nolet that included records or information that informed how members and superiors in the CAF conducted themselves in interacting and communicating with Ms. Nolet from April 2020 to November 2021.
  - xvi. The systemic nature of the discrimination alleged by Ms. Nolet and an explanation of how her allegations relate to section 10 of the Act.
- The Commission is granted permission to file an amended SOP, with a due date to be determined following the submission of the Complainant's SOP. Following the filing of the Complainant's amended SOP and determination of the date for the filing of the Commission's amended SOP, the Tribunal will determine the date for the Respondent's SOP and the Complainant and Commission's reply submissions.

*Signed by*

Anthony Morgan  
Tribunal Member

Ottawa, Ontario  
September 12, 2025

## **Canadian Human Rights Tribunal**

### **Parties of Record**

**File No.:** HR-DP-2974-23

**Style of Cause:** Arianna Nolet v. Canadian Armed Forces

**Ruling of the Tribunal Dated:** September 12, 2025

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

**Written representations by:**

Arianna Nolet, Self-represented Complainant

Sameha Omer, for the Canadian Human Rights Commission

Melissa Gratta & Monisha Ambwani, for the Respondent