

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2025 CHRT 108

Date: November 14, 2025

File No.: HR-DP-3048-24

Between:

**Pierre Simard (on behalf of the Quebec First Nations and Inuit Police Chiefs
Association)**

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Public Safety Canada

Respondent

- and -

Conseil de la Nation Wendat

Moving party

Ruling

Member: Jo-Anne Pickel

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I. OVERVIEW

[1] The following are my reasons for denying the motions filed by the Conseil de la Nation Huronne-Wendat, now known as the Conseil de la Nation Wendat (CNW), to be added as a complainant. As set out in more detail below, I recognize the very significant interest that the CNW has with respect to the issues at the centre of this complaint. In its motions, the CNW has clearly put forward the asserted impacts that the alleged discrimination has had on their community, and the Tribunal is sensitive to these serious concerns. However, despite the unique circumstances of this case, I do not find it appropriate to add it as a complainant to this complaint. To advance its own complaint, the CNW must follow the procedure set out in the *Canadian Human Rights Act* (CHRA) by first filing it with the Canadian Human Rights Commission (the “Commission”). Should the CNW choose to file their own complaint, it is hoped that this process can be carried out in an expedited manner, ensuring that the CNW’s concerns are addressed as swiftly as possible.

[2] Mr. Pierre Simard, the Complainant, filed a complaint on behalf of 22 Indigenous police services in Quebec whose directors are all represented by the Association des directeurs de police des Premières Nations et Inuits du Québec (ADPPNIQ). In broad terms, the Complainant alleges that the Respondent, Public Safety Canada, discriminates in its implementation and application of the First Nations and Inuit Policing Program (FNIPP, formerly referred to as the First Nations Policing Program).

[3] The CNW is a governing body recognized under the *Indian Act*, R.S.C., 1985, c. I-5, that represents the Wendat First Nation, established at Wendake. The CNW has selected to establish its own self-administered police service within the framework of the FNIPP. It has entered into successive agreements with the federal government and the government of Quebec. The Wendake Police Service is one of the Indigenous police services listed in the complaint on whose behalf the Complainant is acting in this case.

[4] The CNW has brought two motions: a motion to be added as a complainant to this complaint, and a motion to be allowed to pursue this complaint as a complainant if the Complainant withdraws the complaint following a settlement reached with the Respondent

II. BACKGROUND TO THE COMPLAINT AND TO THE CNW'S MOTIONS

[5] The Commission referred the complaint to the Tribunal in August 2024. On the joint request of the parties in November 2024, the Tribunal put the complaint into abeyance until January 2025 to allow the parties to explore the possibility of a mediated resolution. In January 2025, I extended the abeyance until March 31, 2025, again upon the joint request of the parties.

[6] In February 2025, the CNW filed a motion to be added as a complainant to the complaint under Rule 28 of the *Canadian Human Rights Tribunal Rules of Procedure, 2021*, SOR/2021-137 (the "Rules of Procedure"). The CNW indicated that it was seeking to be added as a complainant to support the Complainant, to tender evidence aimed at establishing discrimination, and to claim remedies.

[7] In a case management conference call in May 2025, I granted a joint request by the Complainant and the Respondent to extend the abeyance until June 25, 2025. I advised the CNW that I would address its motion once the complaint was no longer in abeyance. On July 4, 2025, I granted a joint request of the Complainant and the Respondent to continue the abeyance until September 19, 2025. I directed the Complainant and the Respondent to advise the Tribunal, by that date, whether they had succeeded in achieving a resolution of the complaint. I set dates for the Complainant and the Respondent to respond to the CNW's motion if they failed to reach a settlement of the complaint.

[8] On September 19, 2025, the Complainant requested a one-week extension of the deadline for the parties to respond to the CNW's motion. The Complainant explained that the ADPPNIQ had received a counteroffer for settlement from the Respondent that was sufficiently serious for it to present it to the 22 directors of Indigenous police services it represents. However, the Complainant indicated that the ADPPNIQ could not do so until a meeting that was scheduled to take place during the week of September 29, 2025. In the circumstances, the Complainant asked for a one-week extension to file his response to the CNW's motion. The Respondent agreed to the Complainant's request.

[9] The CNW responded by filing its second motion on September 24, 2025. In it, the CNW requested that I decide its motion to be added as a complainant immediately, before

any potential settlement might be reached between the Complainant and the Respondent. The CNW indicated that it sought to participate in the settlement discussions, but that it was not included in the process despite its expressed interest. In the alternative, the CNW requested that I permit it to continue this complaint despite any settlement being reached by the Complainant and the Respondent.

[10] On September 26, 2025, I granted the Complainant's request for an extension of time to file his response to the CNW's motions. I extended the deadline for the Complainant and the Respondent to respond to the CNW's motions by one week and, likewise, I extended the deadline for the CNW's reply by one week. While I recognized the CNW's wish to have its motions decided as soon as possible, I noted that the extension was very short. Moreover, the parties were deploying serious efforts to resolve this complaint, a process that is encouraged by the Tribunal. Finally, I concluded that the extension would not unduly prejudice the CNW's ability to have its motions decided within a reasonable time frame.

[11] In their responses to the CNW's motions, both the Complainant and the Respondent advised that the Respondent and the ADPPNIQ had reached an agreement in principle and that the Complainant intended to withdraw this complaint if or when the settlement was finalized. The Complainant did not oppose the CNW's request to be added as a complainant and to continue the complaint in the event the settlement between the ADPPNIQ and the Respondent was finalized. The Respondent opposed the CNW's request to be added as a complainant and its request to be permitted to pursue the complaint if or when the agreement in principle was finalized.

[12] The Commission did not make submissions with respect to the CNW's motions.

[13] On November 6, 2025, I received confirmation from the Respondent that the agreement in principle it reached with the Complaint has been finalized. The Respondent indicated that the parties have sent the settlement to the Commission for approval. On November 10, 2025, the Complainant advised the Tribunal that certain steps must still be taken before its complaint is withdrawn. Like the Respondent, he noted that the Commission must still approve the settlement before he withdraws his complaint.

III. DECISION

[14] Although I recognize the CNW's significant interest in the issues at the centre of this case, I deny its motions for the reasons detailed below.

IV. ISSUES

[15] The issues I must decide are:

- A. Have the CNW's requests become theoretical due to the settlement between the ADPPNIQ and the Respondent?
- B. Should the Tribunal add the CNW as a complainant to this complaint—that is, the ADPPNIQ's complaint?
- C. Should the Tribunal allow the CNW to pursue this case as the sole complainant if the Complainant withdraws his complaint?

V. ANALYSIS

A. Have the CNW's requests become theoretical or moot?

[16] No. In my view, the CNW's complaints have not become theoretical due to the settlement reached between the ADPPNIQ and the Respondent.

[17] The Respondent argued that the CNW's motions would become theoretical and moot once the agreement in principle it reached with the ADPPNIQ was finalized and the Complainant withdraws the complaint. I do not agree.

[18] First, although the parties have finalized their settlement, the Commission has yet to decide whether to approve it. Second, as noted by the CNW, its second motion asked to be allowed to pursue the complaint in the event the agreement in principle between the ADPPNIQ and the Respondent was finalized. At the very least, that motion must be addressed even if the agreement in principle has now been finalized and the parties are awaiting the Commission's decision on the approval of the settlement.

[19] For these reasons, the CNW's motions are not theoretical or moot and must be decided.

B. Should the Tribunal add the CNW as a complainant to this complaint?

(i) Applicable law

[20] The Commission and the Tribunal have separate and distinct mandates under the CHRA. The Commission has the statutory authority to receive complaints of discrimination under the CHRA, to investigate them, and then to either dismiss or refer them to the Tribunal for an inquiry. The Tribunal has the mandate to conduct inquiries into complaints referred to it by the Commission (see sections 43 and 49 of the CHRA).

[21] Rule 28 of the Rules of Procedure permits a person to make a motion to be recognized by the Tribunal as a party in respect of an inquiry. This rule is distinct from Rule 27, which allows a person to ask to be recognized as an interested party. The CNW sought to be added as a party (complainant) under Rule 28. It did not bring a motion to seek status as an interested party under Rule 27.

[22] While the Tribunal has the power to add parties to a complaint, it will only do so in exceptional circumstances after considering the following factors:

- i. Is the addition of the party necessary to resolve the existing complaint?
- ii. Was it reasonably foreseeable that the addition of the party was necessary when the complaint was originally filed?
- iii. Will the addition of the party result in serious prejudice?

Mississaugas of the Credit First Nation v. Attorney General of Canada, 2021 CHRT 31 at para 34 [MCFN] and *Coupal v. Canada (Border Services Agency)*, 2008 CHRT 24 at para 8 [Coupal].

[23] Most of the motions made under Rule 28 seek to add respondents to a complaint. It is relatively rare for persons to request to be added as a complainant to a complaint. The parties have only been able to point me to one case in which the Tribunal has ever added a

complainant to a complaint: *Groupe d'aide et d'information sur le harcèlement sexuel au travail de la province de Québec Inc. v. Barbe*, 2003 CHRT 24 [*Barbe*]. I explain below why the circumstances in the *Barbe* case are distinguishable from those in this case.

[24] The CNW argues that the factors set out in the case law with respect to adding parties to a complaint should not be viewed as exhaustive. It adds that I should exercise my power to render a decision that is consistent with the interests of justice and the efficient treatment of this complaint. It further argues that I should only consider one factor: the fact that the Wendake Police Service, on behalf of which the Complainant filed this complaint, is operated by the CNW and, therefore, the CNW is a direct victim of the discrimination alleged by the Complainant. In the alternative, the CNW argues that I should add it as a complainant even if I do consider the factors listed in paragraph 22 above.

[25] Upon examining the factors listed at paragraph 22 above as well as the factors proposed by the CNW, I find that it is not appropriate to add it as a complainant to this complaint.

(ii) Application to this case

a) Is the addition of the CNW necessary to resolve the existing complaint?

[26] No. At this stage, the addition of the CNW as a complainant is not necessary to resolve the complaint that is before me.

[27] At the outset, I note that the situation in this case is somewhat unique. Despite being referred to the Tribunal in August 2024, the complaint was placed in abeyance for negotiations and remains at a preliminary stage. No statement of particulars has been filed to define the factual or legal framework of the claim. The claim is still inchoate and, therefore, lacks the structure or precision to conclude that the participation of additional complainants is necessary.

[28] The ADPPNIQ says that it represents the Indigenous police services that are directed by the chiefs of police (“directeurs de police”), the members of its Association. The police services operate for the benefit of Indigenous communities. The complaint describes alleged

chronic underfunding that has direct operational impacts on the 22 Indigenous police service units and, as a consequence, adversely affects the Indigenous communities they are mandated to serve. However, the claim fails to identify the precise organizational links between Indigenous police services and First Nation or Inuit political bodies that govern Indigenous communities. What is clear is that the Indigenous police services are institutionally distinct from the Band Councils, even if the latter have oversight over the former.

[29] The original complaint alleges that the funding agreements at issue involve Indigenous police services, the Crown, and one or more Canadian provinces. The CNW's motions state that the CNW is the legal entity that enters into tripartite funding agreements. There is no specificity in the complaint or referral on how the alleged discrimination manifests within specific agreements. The claim also lacks defined remedial redress and precision on how any potential remedies might extend to Band Councils, Inuit governing bodies, or community members.

[30] The ADPPNIQ contends that the 22 Indigenous police services it represents have consented to the complaint. Evidence filed by the Respondent confirms that the chief of the Wendake Police Service was aware of the complaint and attended the ADPPNIQ press conference following its filing. Therefore, there is no doubt that the Wendake Police Service was (at least initially) supportive of the Complainant's actions in filing the complaint on its behalf, as well as on behalf of 21 other Indigenous police services.

[31] However, the ADPPNIQ concedes that it is not authorized to represent First Nation Band Councils and Inuit governing bodies or to seek remedies on their behalf. Nothing in the record suggests that it holds a mandate to speak for Indigenous governing authorities, including the CNW. Indeed, the Respondent's evidence shows that the Mohawk of Akwesasne was notified of the complaint by the ADPPNIQ but did not authorize the filing of a complaint on its behalf. As such, the ADPPNIQ may have consent to represent the 22 police institutions but has no mandate to represent Indigenous political institutions such as the CNW.

[32] The CNW argues that it should be added as a complainant because it is itself a victim of the alleged discrimination and would benefit from any remedies that may ultimately be ordered. However, I agree with the Respondent that there is, at this stage, no indication that the ADPPNIQ intends to present evidence of harm suffered by any specific community. Nor does the complaint articulate particular impacts on the CNW or other Indigenous political bodies. The complaint and referral letter broadly state that Indigenous communities were adversely affected by the alleged discrimination, but it remains unclear how the Complainant intends to advance his case or on what evidentiary foundation.

[33] Given these gaps and grey areas, I cannot conclude that adding the CNW as a co-complainant is necessary to resolve the complaint before me or to ensure that appropriate remedies are considered. Likewise, I am not persuaded that adding the CNW at this stage is necessary for the Tribunal to benefit from its expertise or potential evidence. Such contributions, if relevant, could perhaps be made through testimony or interventions without necessarily conferring party status.

[34] In this context, the *Barbe* case on which the CNW seeks to rely is distinguishable. In *Barbe*, a person who experienced incidents of sexual harassment went to the Commission together with a representative of a non-profit support group for victims of sexual harassment. The Commission employee who received the complaint recommended that only the representative of the support group be named as a complainant. The request for party status arose at the hearing, when the issues were fully defined and crystallized. Significantly, the respondent in the case did not take part in the proceeding and, therefore, there was no objection to the addition of a complainant in the case. In contrast, the present complaint is at a preliminary stage, the Respondent is actively participating, and it objects to the CNW's addition for reasons I find persuasive.

[35] As emphasized in *Coupal*, the addition of parties should be approached with caution and undertaken only after careful consideration of necessity and fairness. Despite the unique circumstances in this matter, I find no compelling basis to take the exceptional step of adding the CNW as a complainant.

[36] In its second motion, it appears that the CNW is primarily seeking permission to pursue its own complaint if the settlement between the Complainant and the Respondent is finalized and the Complainant withdraws this complaint. The CNW argues that it would be overly formalistic to require it to follow the process set out in the CHRA to file its own complaint when it could simply be added to this one. I disagree for the reasons explained below. In any event, any wish by the CNW to file its own complaint does not make it necessary for it to be added as a complainant to resolve **this** complaint—that is, the complaint by the ADPPNIQ on behalf of the 22 Indigenous police services listed in its complaint which has been settled and will be withdrawn if the settlement is approved by the Commission.

[37] For all the above reasons, it is not necessary to add the CNW as a complainant to resolve the existing complaint.

b) Was it reasonably foreseeable that the addition of the CNW was necessary when the complaint was originally filed?

[38] This factor is most applicable to requests to add respondents to a complaint. Indeed, it seems to mostly be applied in cases where a party seeks to add an additional respondent after a complaint has been referred to the Tribunal. The factor appears concerned, in large part, with the potential prejudice of adding a respondent at the Tribunal stage when that respondent would be denied the procedural benefits available to respondents during the Commission stage (see, for example, s. 41 of the CHRA and *Harrison v. Curve Lake First Nation*, 2018 CHRT 7 at para 35).

[39] Moreover, this factor is more relevant when the Tribunal finds that the addition of a party is necessary to resolve the complaint. It is in such cases that it then considers whether it was reasonably foreseeable that the addition of the party was necessary when the complaint was filed. I have found that the addition of the CNW as a complainant is not necessary.

[40] Therefore, I do not find that this factor is relevant to the present assessment. At most, it is a neutral factor in the circumstances of this case.

c) Will the addition of the CNW as a complainant result in serious prejudice?

[41] Yes. In my view, the addition of the CNW as a complainant would result in serious prejudice to the Respondent. In addition, it would introduce significant complexity into this inquiry if the settlement between the ADPPNIQ and the Respondent were not approved by the Commission.

[42] The CNW argues that the Respondent would not experience any prejudice as the Commission has already carried out its gatekeeping function with respect to this complaint. As noted by the CNW, the Commission's referral decision does not indicate that the Respondent made any arguments against referring the complaint to the Tribunal. The decision only states that the Respondent indicated it would be more useful and productive to examine the merits of the complaint before the Tribunal, even if it did not agree with certain aspects of it. I do not agree with the CNW that this then leads to the conclusion that the Respondent would not be prejudiced by the addition of the CNW as a complainant.

[43] I agree with the Respondent that it would be deprived of the procedural protections set out in the CHRA if I were to add the CNW as a complainant to this complaint. While it does appear, based on the Commission's referral letter, that the Respondent did not oppose the referral of the complaint filed by the ADPPNIQ, that is not to say that it would not have opposed a complaint filed by the CNW in addition to an entity that purported to represent the Wendake Police Service. It is also not to say that the Respondent would not decide to oppose the continuance of this complaint, or the filing of a separate complaint, by the CNW. In my view, it cannot be assumed that the Respondent would not oppose, or have grounds to oppose, a complaint made by the CNW. As a result, I find that the Respondent would suffer prejudice from being deprived of the opportunity to access certain procedural safeguards associated with the Commission's process mandated by the CHRA (for a similar conclusion, see *MCFN* at para 41).

[44] Also, I find that the addition of the CNW as a complainant, should this inquiry continue, would add significant complexity to this case. If the settlement reached by the parties were not approved by the Commission, this inquiry would proceed. If I were to add the CNW as a complainant, there would then be two complainants in the case, who may or

may not have shared interests or common approaches to litigating the case. This is already evident, as the CNW and the Complainant have taken opposing positions on whether to continue the abeyance in this case. It is very possible that the two would continue to take opposing positions on other procedural or substantive matters, all of which would greatly increase the complexity of this proceeding. This complexity would only increase exponentially if other First Nations or other Indigenous police services that initially supported the filing of the complaint also requested to be added as complainants. In such a scenario, I could be faced with up to 22 complainants, each with their own interests and different approaches to the case.

[45] For these reasons, I find that the addition of the CNW as a complainant would result in serious prejudice both to the Respondent and to the Tribunal's ability to determine this complaint in a fair and expeditious manner.

d) Would the public interest be served by adding the CNW as a complainant to this complaint?

[46] No. I do not agree with the CNW that the public interest would be served by adding it as a complainant to this complaint.

[47] To begin, I do not agree with the CNW that it is relevant that the Commission has not filed submissions with respect to its motions. According to the CNW, it is relevant that the Commission has not taken the position that the motions are contrary to the public interest. However, it could equally be argued that it is relevant that the Commission has not filed submissions to the effect that adding the CNW as a complainant accords with the public interest. In my view, the fact that the Commission did not make submissions on the motions is a neutral factor that does not weigh in favour of one result or the other.

[48] The CNW argues that systemic discrimination complaints, such as this one, can be in the public interest. Even if I were to agree with this proposition, it does not follow that the CNW should be added as a complainant with respect to any systemic aspects of this complaint.

[49] Finally, I disagree with the CNW that the Commission's process would not be sidestepped if I were to add it as a complainant to this complaint. At this point, the ADPPNIQ and the Respondent have finalized a settlement and submitted it to the Commission for approval. I have no information as to the content of that agreement. As I concluded above, it cannot be assumed that the Respondent would not have taken advantage of arguments available to it to oppose the referral of this complaint to the Tribunal if the CNW had been named as a complainant in addition to the Complainant. It also cannot be assumed that the Respondent would not seek to oppose the referral by the Commission of a future complaint, if one were to be filed, by the CNW.

[50] The CNW argues that it would be subject to a "procedural prejudice" if it must file its own complaint with the Commission. I acknowledge that it would be easier for the CNW if I were to add it as a party to this complaint rather than require it to file its own complaint. However, on balance, the public interest favours requiring the CNW to follow the process mandated by the CHRA. It is to be hoped that, in the circumstances of this case, the Commission could proceed to consider any future complaint as expeditiously as possible, while also providing the Respondent with the opportunity to avail itself of the procedural protections inherent in that process if it so wishes.

[51] For all the reasons set out above, I do not find it appropriate to add the CNW as a complainant to this complaint. Despite denying its motions, I recognize the very significant interest that the CNW has in the legal issues at the heart of this case. However, as just noted, the CNW has the option of filing its own complaint with the Commission, which does have the tools to process complaints expeditiously if the circumstances warrant (see section 49(1) of the CHRA).

C. Should the Tribunal allow the CNW to pursue this case as the sole complainant if the Complainant withdraws this complaint?

[52] In light of my above finding, I do not find it appropriate to permit the CNW to pursue this complaint if the settlement reached by the parties is approved by the Commission.

[53] I agree with the Respondent that the CNW is essentially seeking permission to continue this complaint instead of filing its own with the Commission under the process mandated by the CHRA. For the reasons set out above, the CNW must file its own complaint with the Commission to pursue its own complaint as distinct from the ADPPNIQ's complaint. This conclusion is supported by the decision in *Murphy v. Halifax Employers' Association*, 2001 CanLII 25863 (CHRT). In that case, the Tribunal refused to allow the Commission to pursue a complaint after a complainant decided to withdraw it. The Tribunal arrived at this decision despite the fact that the Commission was already a party to the complaint and despite its public interest mandate. Likewise, I do not find it appropriate to permit a party to be replaced as a complainant for a complaint if it is withdrawn. This is especially the case if the withdrawal occurred due to the settlement of the complaint. Such a result would undermine the public interest in the settlement of complaints.

VI. ORDER

[54] For the reasons set out above, the CNW's motions are dismissed.

Canadian Human Rights Tribunal

Parties of Record

File No.: HR-DP-3048-24

Style of Cause: Pierre Simard (on behalf of the Quebec First Nations and Inuit Police Chiefs Association) v. Public Safety Canada

Ruling of the Tribunal Dated: November 14, 2025

Motion dealt with in writing without appearance of parties

Written representations by:

Benoît Amyot and Thomas Blackburn-Boily, for the Complainant

François Joyal, Marie-Eve Robillard, Mireille-Anne Rainville and Pavol Janura, for the Respondent

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