Canadian Human Rights Tribunal

Tribunal canadien des droits de la personne

Citation: 2025 CHRT 112
Date: November 28, 2025
File No.: HR-DP-3092-25 & HR-DP-3093-25

Between:

Susan Carlick

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Taku River Tlingit First Nation

Respondent

Ruling

Member: Jo-Anne Pickel

Table of Contents

I. Overview

[1] These are my reasons for denying the Complainant's motion for interim relief and only partly granting her motion for the disclosure and preservation of materials.

[2] The Complainant, Susan Carlick, also known as Khoodéi Dukawdaneek, filed two complaints with the Canadian Human Rights Commission (the "Commission") against the Respondent, the Taku River Tlingit First Nation. In her first complaint, the Complainant alleged that the Respondent discriminated against her and harassed her based on her family status contrary to the *Canadian Human Rights Act*, R.S.C. 1985, c. H-6 (the CHRA). Specifically, she alleged that the Respondent discriminated against her because she is a member of the Carlick family rather than the Jack family. In her second complaint, the Complainant alleged that the Respondent retaliated against her for filing her first complaint including by creating an Adverse Party Policy and applying it to her.

[3] The Complainant filed two motions: one for interim relief and one for the disclosure and preservation of materials by the Respondent. The Respondent opposes both motions. The Commission only filed submissions in support of one of the interim orders sought by the Complainant—namely, her request for an interim order that the Respondent's Adverse Party Policy not be applied to her. The Commission did not take a position on the Complainant's other requests for interim relief or her motion for the disclosure and preservation of documents.

II. Decision

[4] I deny the Complainant's motion for interim relief, and I grant her request for the disclosure and preservation of certain materials relating to the termination of her contract in November 2022, to the Respondent's Adverse Party Policy, and to the Joint Clan Meeting (JCM) in November 2022. I deny her request for the disclosure of the other materials listed in her motion for disclosure and preservation of materials.

III. Issues

[5] The two issues that I must decide are:

a. Should I grant the Complainant the interim relief she has requested?

b. Should I grant the Complainant's motion for the disclosure and preservation of various materials by the Respondent?

IV. The Tribunal's jurisdiction

[6] Before addressing the Complainant's two motions, it is useful for me to specifically set out the actual allegations contained in the complaints before me as it is those allegations that I have the jurisdiction to address in this case.

[7] In her first complaint, the Complainant alleged that the Respondent discriminated against her and harassed her based on family status because she is a member of the Carlick family and not the Jack family. Specifically, she alleged that the Respondent discriminated against or harassed her in the following ways:

a. Terminating her employment, most recently in the summer of 2022;

b. Harassing her during a JCM in November 2022 by cutting her off when she was speaking and not permitting her to speak; and

c. Sending her a cease and desist letter which, among other things, blocked her attempts to obtain health and social services for herself and her adult children.

[8] In her second complaint, the Complainant alleged that the Respondent retaliated against her in the following ways:

a. Creating an Adverse Party Policy, sending her a cease and desist letter, and using the policy to restrict her from attending most of the Respondent's membership gatherings;

b. Referring to her at meetings and the fact that she filed a complaint with the Commission; and

c. Refusing to permit the Complainant from being considered to represent her clan and nation on the Respondent's Constitution Committee.

[9] I have set out the actual allegations contained in the Complainant's two complaints because she has added various other allegations in her motions and statement of particulars that are not contained in her complaints. The Tribunal has the jurisdiction to conduct inquiries into the complaints referred to it by the Commission. My jurisdiction in this case is limited to conducting an inquiry into the allegations set out in the Complainant's two complaints. I do not have the jurisdiction to conduct an inquiry into broader allegations that are not contained in the complaints before me or reasonably connected thereto. My jurisdiction is also specifically limited to applying the CHRA. I do not have general powers to address broader issues of unfairness, mistreatment, or harassment that are unconnected to the prohibited grounds of discrimination set out in the CHRA.

[10] As set out above, in her complaint, the Complainant alleged discrimination and harassment on the ground of family status as well as retaliation for filing her first complaint with the Commission. However, in her motion for interim relief, the Complainant makes new allegations of sex discrimination that are not found in her complaints. She also alleges that the Respondent's leadership has engaged in a "corporate takeover" and engaged in breaches of its Code of Conduct and governance framework. The allegations of sex discrimination are not contained in the complaints before me and any general allegations of misgovernance do not fall within my mandate to address (see *West v. Cold Lake First Nation*, 2021 1 at paras 175–177). My mandate is limited to applying the anti-discrimination provisions contained in the CHRA to the two complaints that were referred by the Commission.

V. Analysis

A. Should I grant the Complainant the interim relief she has requested?

[11] No. I start by acknowledging the various forms of ongoing harm she says she is experiencing due to various actions by the Respondent. However, in my view, the Tribunal does not have the power to grant interim relief. Even if I did have such a power, I explain below why it would not be appropriate to grant the interim relief requested by the Complainant.

(i) No power to grant interim relief

[12] I do not agree with the Complainant and the Commission that the Tribunal has the power to grant interim relief or an interim remedy. I start by noting that neither the Complainant nor the Commission have pointed me to any decision in which this Tribunal has granted interim relief to a complainant (that is, relief before the conclusion of an inquiry once a complaint is substantiated). The Complainant has not cited any human rights cases in which interim relief has been granted. The Commission sought to rely on one case in which an interim remedy was granted by a human rights tribunal. However, that was by the Human Rights Tribunal of Ontario (the HRTO), which has an explicit power to grant interim remedies in its rules of procedure (see Rule 23 of the Human Rights Tribunal of Ontario's Rules of Procedure as analysed in *TA v. 60 Montclair*, 2009 HRTO 369).

[13] Section 53 of the CHRA sets out the Tribunal's remedial powers and these are to be exercised at the conclusion of an inquiry if it finds a complaint to be substantiated (subsection 53(2) of the CHRA). I am aware of no decision in which this Tribunal has ever granted a remedy before a complaint has been substantiated. On the contrary, the Tribunal held in *Nolet v. Canadian Armed Forces,* 2025 CHRT 101 at para 25 that it can only exercise its remedial powers at the conclusion of a hearing once it has found a complaint to be substantiated. Although the Tribunal awarded what it called "interim relief" in *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2019 CHRT 7, that order was made after the it had found the complaint substantiated.

[14] I do not agree with the Complainant that subsection 50(1) of the CHRA empowers the Tribunal to grant interim relief. That subsection states only that the Tribunal will provide parties with a full and ample opportunity to present evidence and make representations. I also do not agree with the Commission that the Tribunal has the power to grant interim relief as part of its inherent powers as master of its own proceedings or as part of its power to decide all questions of law and fact necessary to determine a matter (subsection 50(2) of the CHRA) or to decide any procedural or evidentiary question arising during a hearing (subsection 50(3)(e) of the CHRA).

[15] In my view, an interim remedy is neither a procedural nor evidentiary question within the meaning of subsection 50(3)(a) of the CHRA. Also, the questions of law and fact necessary to determine a matter referred to in subsection 50(2) of the CHRA implicitly applies to questions of law or fact that the Tribunal has the jurisdiction to decide. Finally, the principle that an administrative tribunal is master of its own proceedings is not meant to grant it legal powers beyond those contained in its governing statute and rules of procedure. Instead, it refers to its power to tailor its procedures to the specific needs of the case before it.

[16] For all of the above reasons, the Tribunal lacks the power to award a remedy before a complaint is substantiated at the conclusion of an inquiry. This finding is consistent with the Supreme Court of Canada's judgment in *Canada (Human Rights Commission) v. Canadian Liberty Net*, 1998 CanLII 818 (SCC), [1998] 1 SCR 626. In that case, the Court's rationale for upholding the Federal Court's jurisdiction to grant interim relief in a Tribunal inquiry was premised on its finding that this Tribunal does not have this interim relief jurisdiction (see in particular paras 10 and 18 and the lower court judgment of Muldoon J. 1992 CanLII 14305 (FC) at p. 168.)

(ii) Interim relief requested would not be appropriate in any event

[17] Even if I were to agree with the Complainant and the Commission that the Tribunal has the power to grant interim relief, it is not appropriate to grant the interim relief sought by the Complainant in this case.

[18] To begin, two of the forms of interim relief requested by the Complainant are not properly characterized as interim relief. First, the Complainant requested disclosure of materials as interim relief. A request for disclosure is distinct from a request for interim relief. I will address the Complainant's disclosure requests in the next section of this ruling where I address her motion for disclosure.

[19] Second, the Complainant has asked that I set an expedited timetable for disclosure and the hearing of this case. Again, this is not properly characterized as a form of interim relief. Moreover, I do not find that the Complainant has provided valid reasons to expedite

this case. While I understand the Complainant's concern that she is being harmed by the Respondent's actions, unfortunately, the adverse effects she has alleged are common in all or most cases before this Tribunal. To expedite this case would mean permitting this case to be treated in advance of other equally valid cases that were referred to the Tribunal before the Complainant's complaints. I do not find that the Complainant has provided sufficient reasons for why her complaint should be given priority over other complaints that were filed before hers.

[20] That said, I wish to assure the Complainant that I take seriously the Tribunal's mandate to deal with matters in the most expeditious manner possible. Therefore, she can expect that, at all times, I will conduct this proceeding as informally and expeditiously as the requirements of natural justice and the *Canadian Human Rights Tribunal Rules of Procedure, 2021,* SOR/2021-137 (the "Rules of Procedure") allow.

[21] The two other forms of interim relief sought by the Complainant are:

a. The suspension of the Adverse Party Policy as applied to her; and

b. Interim financial relief equivalent to three to six months of contract fees or until the hearing is concluded and the Tribunal issues its decision.

[22] The complainant argues that the test for injunctions set out by the Supreme Court of Canada in *RJR-McDonald v. Canada (Attorney General)*, [1994] 1. S.C.R. 311 [*RJR-McDonald*] should be applied when considering requests for interim relief. Meanwhile, the Commission argued that the appropriate test to be applied is the one set out in the HRTO's Rules of Procedure. That more relaxed test considers the following factors:

a. Whether the human rights application (complaint) appears to have merit;

b. Whether the balance of harm or convenience favour granting the interim remedy requested; and

c. Whether it is just and appropriate in the circumstances to grant the requested interim remedy.

[23] As the HRTO stated in *TA v. 60 Montclair*, interim remedies are extraordinary remedies. They are only granted when a complainant can demonstrate that such a remedy

is necessary to ensure a complete, appropriate, and effective remedy at the end of a hearing. The HRTO also noted that a applicant/complainant seeking an interim remedy will have a significant onus to meet to demonstrate that the request meets the three elements in Rule 23.2 of the HRTO's Rules of Procedure and that it is necessary to further the remedial objects of human rights legislation.

[24] In this case, the Complainant says that she has raised serious issues to be decided. However, I note that many of the issues she raises in her motion for interim relief either do not form part of her complaints (alleged sex discrimination) or they fall outside this Tribunal's jurisdiction to decide (for example, whether the Respondent complied with its own governing instruments).

[25] Even if I were to assume (without deciding) that the complaint raises a serious issue or appears to have merit, I cannot conclude that the Complainant has met the other conditions found in either the *RJR McDonald* test or the more relaxed test found in the HRTO's Rules of Procedure. First, the result of granting the interim remedies sought by the Complainant would be to grant her the kind of final remedy that the Tribunal would have the power to award if she made out a finding of discrimination or retaliation. As noted by the HRTO in *Vella v. City of Toronto*, 2011 HRTO 1831, the fact that the interim remedy corresponds to the final remedy sought is a relevant factor weighing in favour of denying the interim remedy. The Complainant is essentially asking the Tribunal to grant the kind of final remedy it might award without first making a determination on the merits of her complaint.

[26] In this case, the parties' statements of particulars outline conflicting arguments which will require a full evidentiary record and submissions for adjudication. For example, I note that the parties disagree on the precise timing of the Respondent's creation of the Adverse Party Policy. Also, the Respondent has sought to rely upon section 1.2 of the *Act to Amend the Canadian Human Rights Act*, S.C. 2008, c. 30, an interpretive provision that requires the Tribunal to give due regard to First Nations legal traditions and customary laws. I will need to carefully consider the evidence and submissions relating to these and other issues before determining whether the Complainant's complaints are substantiated and a remedy is appropriate.

[27] Second, I am not satisfied that the balance of harm or convenience favours granting the interim remedies requested by the Complainant. Specifically, I am also not persuaded that these interim remedies are necessary to ensure that the Tribunal is able to award a complete, appropriate, and effective remedy at the end of the hearing should her complaint be substantiated. If the Complainant is successful in substantiating her complaint, the Tribunal will have the power to remedy all of the harms she alleged in her motion for interim relief.

[28] The Commission argues that important policy objectives underlie section 14.1 of the CHRA, the anti-retaliation provision. I agree. However, that does not mean that the Tribunal has the power to grant interim relief in all section 14.1 cases. If the Complainant is successful in substantiating her claim under section 14.1 or any other provision of the CHRA, the Tribunal will have access to the broad remedial powers found in the CHRS to remedy that violation at the conclusion of the inquiry.

[29] The Commission seeks to rely upon the HRTO's *Tomlinson v. Runnymede Healthcare Centre*, 2015 HRTO 4 decision. However, that decision is distinguishable as in that case, the respondent did not respond to the complainant's request for an interim remedy. The HRTO granted the interim remedy based on the materials before it which included only allegations and submissions from the complainant since the respondent had not responded to the request (see para 15). In this case, the Respondent has responded and provided a version of events that differs from that of the Complainant. It has also raised defences that I must consider in the context of a hearing before making any determination in this case.

[30] For the above reasons, even if I had the power to grant interim remedies, I would not grant the interim remedies sought by the Complainant as she has not met the significant onus that she would be required to meet to be granted such an extraordinary remedy.

B. Should I grant the Complainant's motion for disclosure of various materials from the Respondent?

[31] In her statement of particulars (SOP), the Complainant requested that the Respondent disclose certain materials to her. She listed these materials in Annex A of her SOP using the reference "DR" (DR1–DR33). She also filed a document she titled "Exhibit Log – Final – Sept 26, 2025," which listed 33 items for which she was requesting disclosure which she referenced as DR1–DR33. However, there were inconsistencies on her two disclosure lists and the items she requested were framed extremely broadly. As a result, by correspondence dated October 1, 2025, I directed the Complainant to file a more detailed motion for disclosure. In particular, for each item she was seeking disclosed, I directed her to provide a time frame and as much information as possible about the materials she is seeking to have disclosed to minimize the need for extensive correspondence between the parties to precisely determine the materials she is seeking to have disclosed.

[32] The Complainant responded to my direction by filing a motion for disclosure and the preservation of evidence. I take her motion to be the formal list of materials that she is requesting to have the Respondent disclose. It is that motion that I address in this ruling.

(i) Applicable law

[33] The party seeking disclosure must demonstrate that the information sought is "arguably relevant" to a fact, issue, or form of relief identified by the parties in the matter. However, this is not a high standard (see *Egan v. Canada Revenue Agency*, 2017 CHRT 33 at para 40. See also *Turner v. Canada Border Services Agency*, 2018 CHRT 9 at para 25 and *Brickner v. Royal Canadian Mounted Police*, 2017 CHRT 28 at paras 4-10 [*Brickner*]).

[34] As with all matters related to the Tribunal's proceedings, the standard of arguable relevance in determining disclosure obligations should be balanced by considerations of proportionality. Requests for information must not be speculative or amount to fishing expeditions. The Tribunal may deny ordering the disclosure of information where the prejudicial effect on the proceedings would outweigh the likely probative value of the

information. Notably, the Tribunal has recognized that it should be cautious about ordering searches where a party to the litigation would be subjected to an onerous and far-reaching search for documents, especially where ordering disclosure would risk adding substantial delay to the efficiency of the inquiry or where the documents are merely related to a side issue rather than the main issues in dispute (see *Brickner* at para 8 and *Dominique (on behalf of the members of the Pekuakamiulnuatsch First Nation) v. Public Safety Canada*, 2019 CHRT 21 at para 10).

(ii) Application to the Complainant's requests

[35] I start by noting that the Complainant introduces her motion by saying that she is seeking disclosure and preservation of evidence necessary to restore transparency, constitutional governance, and fairness within the Respondent First Nation. She then proceeds to detail concerns that she has with the Respondent's corporate governance and the "unilateral corporate takeover" that she alleges.

[36] The Complainant's disclosure request is extremely wide ranging. The only materials that I have the power to order disclosed are materials that are "arguably relevant" to a fact, issue, or form of relief identified by the parties regarding their allegations under the CHRA. As noted above, I also must apply the principle of proportionality to ensure that the resources of the Tribunal and the parties are used in a manner that is proportionate to the CHRA-related issues raised in this case.

[37] Based on the Complainant's written materials, I am aware that she has experienced long-standing tensions with the Respondent over various governance issues and that she remains concerned about its governance. However, I only order disclosure of materials that are arguably relevant to the actual discrimination and harassment issues that I must decide. While arguable relevance is a low threshold, it still requires a sufficient nexus between a disclosure request and the violations of the CHRA alleged in a complaint.

[38] For ease of reference, I note below the numbering of the items in the Complainant's motion (items 4.1 to 4.7).

(a) Records from September 24-25, 2025 Clan Directors Council (CDC) meeting and follow-up (item 4.1)

[39] The Complainant requested disclosure of "all CDC records, communications, decision documents, drafts, directives and emails related to the Sept 24-25 meeting and its follow up (custodians include CDC members, senior admin, and counsel)." The reasons she has given for seeking these materials are the following. She argues that the September 24–25, 2022 CDC meeting was pivotal as the leadership proceeded with what she calls a corporate takeover and delayed the next JCM until November 2022 and, according to the Complainant, that meeting was conducted outside the regular rules. She also states that within a week of the meeting, her contract was terminated without cause.

[40] The Respondent argues that the Complainant has failed to demonstrate how the materials related to the September 24–25 CDC meeting are relevant to her specific complaints of discrimination. I agree. The Complainant has failed to show that the materials she has requested relating to the September 24–25 CDC meeting are arguably relevant to any of the allegations of CHRA violations that are before me. These materials may well relate to more general concerns that the Complainant has about the Respondent's governance, but those are not issues that I have the jurisdiction to consider. The Complainant has failed to demonstrate any nexus between these governance issues and the allegations of discrimination and retaliation that are before me to address. While the complainant states in her motion that her contract was terminated within a week of the September CDC meeting, both parties have stated in their statements of particulars that the Complainant's contract was terminated in November 2022 following the November JCM meeting. I address the materials relating to that meeting below.

(b) JCM and Clan meeting records (item 4.2)

[41] Under this heading, the Complainant requested the following:

a. "all resignation correspondence, related emails and any meeting minutes or recordings reflecting those discussions [regarding the resignation of a former Director]."

b. “records of these incidents [Respondent’s failure to call an election following the resignation of a former Director and assault against the Complainant’s son by a community member] – including internal reports, meeting minutes, and correspondence.”

c. “all JCM and Clan Meeting agendas, minutes, recordings, mandates, decision records, and related correspondence” from the date that two particular members of the leadership “were elected to leadership and assumed office in 2020 to present, including what actions were/weren’t taken in response to each mandate.”

[42] Item a: The Complainant argues that the records under that item are material to understanding how leadership avoided calling a required election and continued operating without a full Council for a full year. While that may be the case, those are governance issues that I do not have the power to address. The Complainant has failed to show how the materials listed in Item a. are arguably relevant to the discrimination-related issues that I must address in this case.

[43] Item b: The Complainant argues that the Respondent ignored the concerns she raised with its leadership about their failure to call an election after a certain member resigned and the assault of her son by a community member. She then argues that this demonstrates gender-based double standards. I agree with the Respondent that the Complainant has failed to demonstrate that the materials listed in Item b. are arguably relevant to the issues I need to address in this case. She has failed to show how the Respondent’s delay in scheduling an election or its response to an assault on her son are arguably relevant to the allegations set out in the complaints before me.

[44] Item c: The Complainant does not specifically address in her motion why she believes the materials listed in Item c. to be arguably relevant to the matters that I must decide in this case. These items appear related to her allegation that, since the current leadership took office, the Complainant is only aware of two formal JCM mandates being adopted and they remain unfulfilled. Again, even if this were the case, the documents would at most be relevant to the Complainant’s concerns about the Respondent’s governance. In my view, this request by the Complainant, like many of her other requests, are overly broad. She has failed to show how all of the materials she is requesting are arguably relevant to the matters

that I need to decide in this case which relate to the allegations of discrimination and retaliation she has made in her two complaints.

[45] That said, given the centrality of the November 2022 JCM to the allegations in the Complainant's complaint, I am persuaded that any agendas, minutes, recordings, mandates and decision records from the November 2022 JCM are arguably relevant and must be produced. In my view, the Complainant's request for all "related correspondence" is overly broad and therefore I decline to grant it.

(c) Financial management and corporate oversight documents (item 4.3)

[46] The Complainant requested a variety of financial and corporate materials relating to various corporations owned by the Respondent. She argues that the materials are necessary to determine "post take-over losses, whether internal mismanagement was identified, and whether leadership concealed or ignored internal reports." She also argues that the materials are relevant to "determining how Nation and corporate assets were diverted, how conflicts of interest were managed or concealed, and whether public and corporate funds were used to retaliate against those who upheld the Nation's lawful mandates and the hydro project mandate approved by TRTFN members."

[47] I agree with the Respondent that the materials requested relate to the Complainant's governance and mismanagement concerns. I am not persuaded that they are arguably relevant to the CHRA-related issues that I must decide in this case, which are strictly limited to the allegations of discrimination and retaliation raised in the Complainant's two complaints.

(d) Administrative staff, counsel and termination records (item 4.4)

[48] The Complainant requested emails, minutes, directives, calendars, and communications among the CDC, senior administrative staff and legal counsel from 2018 to 2023, relating to:

a. authorization and rationale for the termination of the Complainant's contract in November 2022;

b. counsel changes and conflict checks; and

c. preparation and transmission of CDC and JCM decision records.

[49] The Complainant did not provide any arguments as to why the various materials she has sought are arguably relevant to the issues that I must decide in this case. Therefore, she has failed to show how the materials relating to Items b. and c. are arguably relevant to the issues that I must decide in this case.

[50] The materials relating to the termination of her contract with the Respondent in November 2022 are arguably relevant to an issue in this case, that is, whether her family status was a factor in the decision to terminate her contract in November 2022. The Respondent has already disclosed some materials relating to the termination of the Complainant's contract. It must disclose any and all emails, minutes, directives, calendars, and communications between the CDC and the Respondent's senior administrative staff relating to the authorization and rationale for the termination of the Complainant's contract in November 2022. The Respondent is not required to disclose materials that are subject to any form of privilege such as solicitor-client privilege or litigation privilege.

(e) Complaints regarding misconduct and gender-based harassment (item 4.5)

[51] The Complainant requested "all records, correspondence, reports, and minutes concerning complaints or investigations of misconduct, violence, or sexual harassment involving male staff/leadership (2018–present)." She argues that the materials would reveal a pattern of selective enforcement and gender bias.

[52] I agree with the Respondent that the Complainant has failed to show how such materials are arguably relevant to her complaints which allege retaliation and discrimination or harassment based on family status (not gender). The only complaints that I have the jurisdiction to address are the two complaints before me which allege discrimination based on family status and retaliation for filing a complaint with the Commission. The materials sought under this heading are not arguably relevant to any of the allegations that are properly before me to decide.

(f) Financial records and corporate mismanagement report (item 4.6)

[53] The Complainant requested financial records and a corporate mismanagement report relating to a corporation apparently owned by the Respondent. She provided no arguments to explain why these documents are arguably relevant to the matters that I must address in this case. I agree with the Respondent that, as with many of the materials requested by the Complainant, these materials appear to relate to her governance concerns. She has failed to show that they are arguably relevant to the matters that I must decide in this case.

(g) Drafts, working files and transmittal metadata (item 4.7)

[54] The Complainant requested: “for every category above (including APP policy, CDC decisions, JCM mandates, resignation/election records, legal retainers/conflict checks), produce drafts, redlines, author notes, version histories, and original-format files with metadata, plus transmittal emails (to/from/cc/bcc), delivery receipts, and routing logs.”

[55] She provided no arguments as to why these materials are arguably relevant to the matters to be addressed in this case.

[56] Any drafts, redlines, transmittal emails, etc. relating to materials that I have not ordered disclosed are not arguably relevant to the matters to be decided in this case. However, based on the materials filed by the parties, I find that the following materials are arguably relevant to the issues I must decide and must be produced if they exist and if they are not subject to any legal privilege:

a. any drafts, redlines, author notes, version histories, transmittal emails (to/from/cc/bcc), delivery receipts, and routing logs relating to the authorization and rationale for the termination of the Complainant’s contract in November 2022;

b. any drafts, redlines, author notes, version histories, transmittal emails (to/from/cc/bcc), delivery receipts, and routing logs relating to any agendas, minutes, recordings, mandates and decision records from the November 2022 JCM; and

c. any drafts, redlines, author notes, version histories, transmittal emails (to/from/cc/bcc), delivery receipts, and routing logs relating to the creation of the Adverse Party Policy.

[57] I have not granted the Complainant's request for "original-format files with metadata" as it is unclear what this refers to, nor am I persuaded of the arguable relevance of such materials.

(h) Preservation orders

[58] The Complainant has sought orders that the Respondent preserve in their original form all relevant materials and materials she has sought disclosed. It is not appropriate to grant such a request regarding materials that I have not ordered disclosed. I am prepared to order the Respondent to preserve the following materials in their original form:

a. any emails, minutes, directives, calendars, and communications between the CDC and the Respondent's senior administrative staff relating to the authorization and rationale for the termination of the Complainant's contract in November 2022;

b. any agendas, minutes, recordings, mandates and decision records from the November 2022 JCM;

c. any drafts, redlines, author notes, version histories, transmittal emails (to/from/cc/bcc), delivery receipts, and routing logs relating to the authorization and rationale for the termination of the Complainant's contract in November 2022;

d. any drafts, redlines, author notes, version histories, transmittal emails (to/from/cc/bcc), delivery receipts, and routing logs relating to any agendas, minutes, recordings, mandates and decision records from the November 2022 JCM; and

e. any drafts, redlines, author notes, version histories, transmittal emails (to/from/cc/bcc), delivery receipts, and routing logs relating to the creation of the Adverse Party Policy.

VI. Orders

[59] The Complainant's request for interim relief is denied.

[60] The Complainant's request for the disclosure and preservation of materials is granted in part. **By December 10, 2025**, the Respondent must disclose to the Complainant, with a copy to the Commission, any non-privileged materials that fall within the following categories of materials:

a. any emails, minutes, directives, calendars, and communications between the CDC and the Respondent's senior administrative staff relating to the authorization and rationale for the termination of the Complainant's contract in November 2022;

b. any agendas, minutes, recordings, mandates and decision records from the November 2022 JCM;

c. any drafts, redlines, author notes, version histories, transmittal emails (to/from/cc/bcc), delivery receipts, and routing logs relating to the authorization and rationale for the termination of the Complainant's contract in November 2022;

d. any drafts, redlines, author notes, version histories, transmittal emails (to/from/cc/bcc), delivery receipts, and routing logs relating to any agendas, minutes, recordings, mandates and decision records from the November 2022 JCM; and

e. any drafts, redlines, author notes, version histories, transmittal emails (to/from/cc/bcc), delivery receipts, and routing logs relating to the creation of the Adverse Party Policy.

[61] The Respondent must also preserve these materials in their original form until this inquiry is completed and the Tribunal renders its decision.

Signed by

Jo-Anne Pickel
Tribunal Member

Ottawa, Ontario
November 28, 2025

Canadian Human Rights Tribunal

Parties of Record

File Nos.: HR-DP-3092-25 & HR-DP-3093-25

Style of Cause: Susan Carlick v. Taku River Tlingit First Nation

Ruling of the Tribunal Dated: November 28, 2025

Motion dealt with in writing without appearance of parties

Written representations by:

Susan Carlick, Self-represented Complainant

Julie Hudson, for the Canadian Human Rights Commission

Scott Marcinkow & Emma Jerrott, for the Respondent