

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Between:

**Amina Mohamed, Suldana Hagi Abucar, Asha Farah,
Nadifo Yusuf, Dales Yusuf, Anisa Hagi,
Run Egal Hassan, Halimo Osman**

Complainants

- and -

Canadian Human Rights Commission

Commission

- and -

UPS Canada Ltd.

Respondent

Ruling

Member: Karen A. Jensen

Date: June 4, 2008

Citation: 2008 CHRT 19

[1] The Complainants in this case have alleged that the Respondent discriminated against them on the basis of their religion by refusing to hire them or terminating their employment because they would not shorten the length of their skirts and/or wear pants on the job. The Complainants are devout practicing Muslim women. They cover their bodies, by among other things, wearing a long skirt and a headscarf. The original complaint form alleges discrimination on the basis of religion only. The Commission seeks to add discrimination on the basis of sex to the complaint.

[2] In its motion, the Commission states that the proposed amendment arises out of the same set of factual allegations as the original complaints, and that it will not be putting forward any new facts to support the proposed amendment. On the basis of this assertion and the Commission's indication that it intends to rely on the material filed by the parties in relation to the complaints, the Respondent, United Parcel Service, has not opposed the motion.

[3] The Tribunal has discretion to amend complaints. The question is whether the proposed amendment would seriously undermine the fairness of the process. If a proposed amendment opens up a new and unanticipated route of inquiry, it will not usually be allowed. The practical issue is usually whether the respondent has had sufficient notice to meet the requirements of natural justice (*Gaucher v. Canadian Armed Forces* 2005 CHRT 1, at para. 18).

[4] In the present case, the amendment sought would not alter the allegations of fact set out in the complaints. It would merely insert a reference to another ground of discrimination. This change does not put the Respondent at a disadvantage since the change has not altered the facts of the complaints. The allegations in the complaint encompass both gender and religion as the bases for the alleged discriminatory conduct. The Respondent has not indicated that it will suffer any prejudice as a result of the amendment.

[5] Therefore, the Commission's request to amend the complaint to add the allegation of discrimination on the basis of sex to the complaint is granted.

Signed by

Karen A. Jensen
Tribunal Member

Ottawa, Ontario
June 4, 2008

Canadian Human Rights Tribunal

Parties of Record

Tribunal File: T1224/3607

Style of Cause: Amina Mohamed, Suldana Hagi Abucar, Asha Farah, Nadifo Yusuf,
Dales Yusuf, Anisa Hagi, Run Egal Hassan, Halimo Osmanv. UPS Canada Ltd.

Ruling of the Tribunal Dated: June 4, 2008

Appearances:

No submissions made, for the Complainants

Ikram Warsame, for the Canadian Human Rights Commission

Derek L. Rogers and Andrea York, for the Respondent