

**FEDERAL COURT**

B E T W E E N:

**HEATHER HAMILTON**

Applicant

- and -

**ATTORNEY GENERAL OF CANADA  
(Parole Board of Canada)**

Respondent

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**NOTICE OF APPLICATION  
(Section 18.1 of the *Federal Courts Act*)**

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TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED by the applicant. The relief claimed by the applicant appears on the following page.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at Ottawa.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must prepare a notice of appearance in Form 305 prescribed by the *Federal Court Rules*, and serve it on the applicant's solicitor, or where the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the *Federal Court Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

March 20, 2024

Issued by: \_\_\_\_\_  
(Registry Officer)

Address of  
local office \_\_\_\_\_

TO: Attorney General of Canada

And to: Jennifer Oades  
Chairperson  
Parole Board of Canada  
410 Laurier Avenue West  
Ottawa, ON K1S 0R1

## **APPLICATION**

This is an application for judicial review of the decision of Jennifer Oades, Chairperson, Parole Board of Canada, providing a third level response to three grievances filed by the Applicant, Heather Hamilton. The decision was provided to the Applicant by email on February 19, 2024.

In grievance number 68838, dated June 22, 2023, the Applicant grieved the ongoing discrimination and harassment by Daryl Churney, Deputy Chairperson, and the Parole Board of Canada since her return to work following sick leave from June 13, 2022 to September 28, 2022. Following her return to work, the Applicant was the subject of a letter of expectation, deployed into a special assignment with no managerial responsibilities or authorities, removed from distribution lists and isolated from her peers and colleagues. The Appellant submitted evidence that this treatment was as a result of her sick leave. The grievance was denied by the Chairperson.

In grievance #69427, the Applicant grieved her Performance Evaluation and rating for fiscal year 2022/2023 as well as the requirement to travel to Ottawa on a statutory holiday for an in-person meeting with the Chairperson and the Deputy Chairperson regarding the Performance Evaluation. The Applicant submitted evidence to dispute the evaluation and submitted that this was part of an ongoing pattern of harassment and discrimination. The grievance was denied by the Chairperson,

In grievance #69428, the Applicant grieved her full-time indeterminate deployment from a Regional Director General position in the Prairie Region to the position of Regional Director General in the Quebec Region. The Applicant submitted that the deployment was disguised discipline and retaliation for filing a discrimination and harassment grievance. The deployment was ordered by the Chairperson without any preliminary discussions, without consent and with only two weeks of notice. This grievance was denied by the Chairperson.

### **THE APPLICANT MAKES APPLICATION FOR:**

An Order setting aside the Chairperson's decision of February 19, 2024;

- (a) An Order granting the grievances and the correctives measures requested;

- (b) Alternatively, an Order referring the matter to the Chairperson with the direction that the grievances be reconsidered in accordance with the reasons of this Honourable Court,
- (c) The costs of this application; and
- (d) Such further and other relief as counsel may advise and this Honourable Court will permit.

**THE GROUNDS FOR THIS APPLICATION ARE:**

- (a) The Chairperson erred in fact and law and rendered an unreasonable decision, including, but not limited to:
  - i. Concluding that the Applicant was not subject to discrimination and harassment following her return to work from sick leave on September 28, 2022;
  - ii. Concluding that the Applicant's performance evaluation for fiscal year 2022/2023 and the "Did not meet" rating were consistent with the quality of the work produced that year, without any regard to the information presented during the grievance process;
  - iii. Concluding that the deployment to the Quebec RDG position located in Montreal was made in good faith and did not constitute disguised discipline, retaliation, harassment or discrimination.
- (b) The Chairperson violated the principles of natural justice and procedural fairness in the course of arriving at her decision, including but not limited to relying on materials and information that was not provided to the Applicant and approaching the grievances with a closed mind given her involvement in the matters;
- (c) In arriving at her decision, the Chairperson made erroneous findings of fact in a perverse or capricious manner or without regard for the material before her within the meaning of paragraph 18.1(4)(d) of the *Federal Courts Act*; and,

- (d) Such further and other grounds as counsel may advise and this Honourable Court permit.

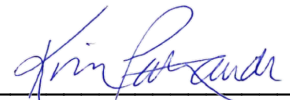
**THIS APPLICATION WILL BE SUPPORTED BY THE FOLLOWING MATERIAL:**

- (a) The affidavits of the Applicant and/or such other persons as counsel may deem appropriate, including the exhibits attached thereto;
- (b) The complete record of the material that was before the Chairperson and,
- (c) Such other materials as counsel may advise and this Honourable Court may permit.

**THE APPLICANT REQUESTS**, pursuant to Rule 317 of the *Federal Courts Rules*, that the Chairperson send a certified copy of the following material that is not in the possession of the Applicant but is in possession of the Chairperson to the Applicant and to the Registry:

1. The complete record of the material before the Chairperson at the time she rendered the decision under review in this Application.

Dated at Ottawa this 20<sup>th</sup> day of March 2024



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**Per: Kim Patenaude**

RAVENLAW LLP  
Barristers & Solicitors  
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Ottawa, ON K1P 5Z9

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Fax: 613-567-2921

Solicitors for the Applicant

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Solicitors for the Applicant