



Human Rights Tribunal of Ontario

Application under Section 34 of the *Human Rights Code* (Form 1)

(Disponible en français)

www.hrto.ca

How to Apply to the Human Rights Tribunal of Ontario

Before you start:

1. Read the questions and answers below to find out if the Human Rights Tribunal of Ontario (the Tribunal) has the ability to deal with your Application.
2. Download and read the **Applicant's Guide** from the Tribunal's web site www.hrto.ca. If you need a paper copy or accessible format, contact us:

Human Rights Tribunal of Ontario
655 Bay Street, 14th floor
Toronto, Ontario
M7A 2A3

Phone: 416-326-1312 Toll-free: 1-866-598-0322

Fax: 416-326-2199 Toll-free: 1-866-355-6099

TTY: 416-326-2027 Toll-free: 1-866-607-1240

Email: HRTO.Registrar@ontario.ca

Website: www.hrto.ca

The Tribunal has other guides and practice directions to help all parties to an Application understand the process. Download copies from the Tribunal's website or contact us.

3. Complete each section of this Application form. As you fill out each section, refer to the instructions in the Applicant's Guide.

Getting help with your application

For free legal assistance with the application process, contact the **Human Rights Legal Support Centre**.

Website: www.hrlsc.on.ca, Mail: 180 Dundas Street West, 8th floor, Toronto, ON M7A 0A1, Tel: 416-597-4900,

Toll-free 1-866-625-5179, Fax: 416-597-4901, Toll-free 1-866-625-5180, TTY 416-597-4903, Toll-free 1-866-612-8627.

Questions About Filing an Application with the Tribunal

The following questions and answers are provided for general information. They should not be taken as legal advice or a determination of how the Tribunal will decide any particular application. For legal advice and assistance, contact the **Human Rights Legal Support Centre**.

Who can file an Application with the Tribunal?

You can file an Application if you believe you experienced discrimination or harassment in one of the five areas covered by the Ontario Human Rights Code (the Code). The Code lists a number of grounds for claiming discrimination and harassment. To find out if you have grounds for your complaint under the Code, read the **Applicant's Guide**.

What is the time limit for filing an Application?

You can file an Application up to one year after you experienced discrimination or harassment. If there was a series of events, you can file up to one year after the last event. In some cases, the Tribunal may extend this time.



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The discrimination happened outside Ontario. Can I still apply?

In most cases, no. To find out about exceptions, contact the Human Rights Legal Support Centre.

My complaint is against a federal government department, agency, or a federally regulated business or service. Should I apply to the Tribunal?

No. Contact the Canadian Human Rights Commission. Web: <http://www.chrc-ccdp.ca>. Mail: 344 Slater Street, 8th Floor, Ottawa, Ontario K1A 1E1. Phone: (613) 995-1151. Toll-free: 1-888-214-1090. TTY: 1-888-643-3304. Fax: (613) 996-9661.

Should I use this form if I am applying because a previous human rights settlement has been breached?

No. If you settled a previous human rights application and the respondent did not comply with the settlement agreement, use the special application called **Application for Contravention of Settlement, Form 18**. For a paper copy, contact the Tribunal.

Can I file this Application if I am dealing with or have dealt with these facts or issues in another proceeding?

The Code has special rules depending on what the other proceeding is and at what stage the other proceeding is at. Read the Applicant's Guide and get legal advice, if:

1. You are currently involved in, or were previously involved in a civil court action based on the same facts and asked for a human rights remedy; or
2. You have ever filed a complaint with the Ontario Human Rights Commission based on the same subject matter; or
3. You are currently involved in, or were previously involved in another proceeding (for example, union grievance) based on the same facts.

How do I file an Application on behalf of another person?

To file an application on behalf of another person, you must complete and file this Application (Form 1) as well one other form:

- Form 4A if you are filing on behalf of a minor;
- Form 4B if you are filing on behalf of a mentally incompetent person; or
- Form 27 for all other situations where you are filing on behalf of someone else.

When completing this Application, you must check the box in Question 1 that indicates you are filing an Application on Behalf of Another Person. You must provide your name and contact information in Question 1.

The completed Form 4A, Form 4B or Form 27 can be attached to your Application or sent to the Tribunal separately by mail, fax or email. If sent separately, it must be sent within **five (5) days** following the filing of your Application.

For more information on applications on behalf of another person, please see the following Practice Directions:

- Practice Direction on filing application on behalf of another person under section 34(5) of the Code
- Practice Direction on Litigation Guardians before Social Justice Tribunals Ontario

Note: If you are a lawyer or other legal representative providing representation to the applicant, do not use the Form 4A, Form 4B or Form 27. Your details should be provided in section 3, "Representative Contact Information," of this Application (Form 1).

Learn more

To find out more about human rights in Ontario, visit www.ohrc.on.ca or phone 1-800-387-9080.



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Instructions: Complete all parts of this form, using the Applicant's Guide for help. If your form is not complete, the Tribunal may return it to you. This will slow down the application process. At the end of this form, you will be required to read and agree to a declaration that the information in your Application is complete and accurate (if you are a lawyer or legal representative assisting an applicant with this Form 1, please see the Practice Direction On Electronic Filing of Applications and Responses By Licensed Representatives).

Contact Information for the Applicant

1. Personal Contact Information

Check here if you are filing an Application on Behalf of Another Person. **Note:** you must *also* complete a Form 4A, Form 4B or Form 27, whichever is applicable, see Instructions above.

Please give us your personal contact information. This information will be shared with the respondent(s) and all correspondence from the Tribunal and the respondent(s) will go here. If you do not want the Tribunal to share this contact information, you should complete section 2, below, but you must still provide your personal contact information for the Tribunal's records.

*First Name Adam		Middle Name	*Last Name Knauff	
Street # 331	Street Name 4th Street North		Apt/Suite	
City/Town Kenora		Province Ontario	Postal Code P9N 2N1	Email
Daytime Phone (e.g. 999-999-9999) 807-707-0709	Cell Phone (e.g. 999-999-9999)	Fax (e.g. 999-999-9999)		TTY (e.g. 999-999-9999)

What is the best way to send information to you?

(If you check email, you are consenting to delivery of documents by email)

Mail

Email

Fax



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2. Alternative Contact Information

If you want the Tribunal and respondent(s) to contact you through another person, you must provide contact information for that person below. You should fill this section out if it will be difficult for the Tribunal to reach you at the address above or if you want the Tribunal to keep your contact information private. **If you complete this section, all of your correspondence will be sent to you in care of your Alternative Contact.**

First (or Given) Name		Middle Name	Last (or Family) Name	
Street #	Street Name			Apt/Suite
City/Town	Province Ontario	Postal Code	Email	
Daytime Phone (i.e. 999-999-9999)	Cell Phone (i.e. 999-999-9999)	Fax (i.e. 999-999-9999)	TTY (i.e. 999-999-9999)	

What is the best way to send information to you at your alternative contact? Mail Email Fax
(If you check email, you are consenting to delivery of documents by email)

3. Representative Contact Information

Complete this section only if you are authorizing a lawyer or another Representative to act for you.

I authorize the named organization and/or person to represent me

My representative is:

<input checked="" type="checkbox"/> Lawyer	LSUC#	71806C
<input type="checkbox"/> Paralegal	LSUC#	
<input type="checkbox"/> Legal Support Centre		

Other- please specify the Nature of Exemption from licensing requirements in the text below:

Nature of Exemption (e.g. family member, unpaid friend)



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Please choose the type of Representative: A) Organizational Representative B) Individual Representative

A) Organizational Representative

Full Name of Representative Organization Ross & McBride LLP
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Name of the Contact Person from the Organization

First (or Given) Name Samantha	Last (or Family) Name Kompa
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Street # 1	Street Name King Street West 10th Floor	Apt/Suite
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City/Town Hamilton	Province Ontario	Postal Code L8N 3P6	Email skompa@rossmcbride.com
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Daytime Phone (i.e. 999-999-9999) 905-526-9800	Cell Phone (i.e. 999-999-9999)	Fax (i.e. 999-999-9999) 905-526-0732	TTY (i.e. 999-999-9999)
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What is the best way to send information to your representative?
(If you check email, you are consenting to delivery of documents by email) Mail Email Fax

Contact Information for the Respondent(s)

4. Respondent Contact Information

Provide the name and contact information for any respondent against which you are filing this Application.

Please choose the type of respondent: A) Organization Respondent B) Individual Respondent

A) Organization Respondent

Name the organization you believe discriminated against you. You should also indicate the contact person from the organization to whom correspondence can be addressed.



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Full Name of Organization

Ministry of Natural Resources and Forestry

Name of the Contact Person from the Organization

First (or Given) Name	Last (or Family) Name	Title	
Pat	Harvey	Fire Management Supervisor	
Street #	Street Name	Apt/Suite	
	P.O. Box 5080		
City/Town	Province	Postal Code	Email
Kenora	Ontario	P9N 3X9	
Daytime Phone (i.e. 999-999-9999)	Cell Phone (i.e. 999-999-9999)	Fax (i.e. 999-999-9999)	TTY (i.e. 999-999-9999)
807-548-1919		807-548-5412	

Are there any additional respondents? Yes No

Grounds of Discrimination

5. Grounds Claimed

The Ontario Human Rights Code lists the following grounds of discrimination or harassment. Put an "X" in the box beside each ground that you believe applies to your Application. You can check more than one box.

- Race
- Colour
- Ancestry
- Place of Origin
- Citizenship
- Ethnic Origin
- Disability
- Creed
- Sex, Including Sexual Harassment and Pregnancy
- Sexual Solicitation or Advances
- Sexual Orientation
- Gender Identity
- Gender Expression
- Family Status
- Marital Status



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- Age
- Receipt of Public Assistance (Note: This ground applies only to claims about Housing)
- Record of Offences (Note: This ground applies only to claims about Employment)
- Association with a Person Identified by a Ground Listed Above
- Reprisal or Threat of Reprisal

Areas of Discrimination under the Code

6. Area of Alleged Discrimination

The Ontario *Human Rights Code* prohibits discrimination in five areas. Put an "X" in the box beside the area where you believe you have experienced discrimination (choose one). Read the Applicant's Guide for more information on each area.

- Employment (Complete Form 1-A)
- Housing (Complete Form 1-B)
- Goods, Services and Facilities (Complete Form 1-C)
- Contracts (Complete Form 1-D)
- Membership in a Vocational Association (Complete Form 1-E)

Does your Application involve discrimination in other areas? Yes No

If "Yes", put an "X" in the box beside any other area where you believe you experienced discrimination:

- Employment
- Housing
- Goods, Services or Facilities
- Contracts
- Vocational Association

Facts that Support Your Application

7. Location and Date (see Applicant's Guide)

Please answer the following questions.

a) *Did these events happen in Ontario?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
b) In what city/town?	William's Lake, B.C.	
c) *What was the date of the last event? (dd/mm/yyyy)	25/07/2017	
d) If you are applying more than one year from the last event, please explain why:		



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8. What Happened

*In the space below, describe each event you believe was discriminatory.

For each event, be sure to say:

- **What** happened
- **Who** was involved
- **When** it happened (day, month, year)
- **Where** it happened

Be as complete and accurate as possible. Be sure to give details of every incident of discrimination you want to raise in the hearing.

See Schedule "A" attached.

The Effect on You

9. How the Events You Described Affected You

*Tell us how the events you described affected you. What was the effect (e.g. were there financial, social, emotional or mental health, or any other)?

See Schedule "A" attached.

The Remedy

10. The Remedy You are Asking For (see Applicant's Guide)

Put an "X" in the box beside each type of remedy you are asking the Tribunal to order. Explain why you are asking for this remedy in the space below.

Monetary Compensation

Enter the Total Amount \$

Explain below how you calculated this amount:

See Schedule "A" attached.



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Non-Monetary Remedy-Explain below:

See Schedule "A" attached.

Remedy for Future Compliance (Public Interest Remedy)-Explain below:

See Schedule "A" attached.

Mediation

11. Choosing Mediation to Resolve Your Application

Mediation is one of the ways the Tribunal tries to resolve disputes. It is a less formal process than a hearing. Mediation can only happen if both parties agree to it. A Tribunal Member will be assigned to mediate your Application. The Member will meet with you to talk about your Application. The Member will also meet with the respondent(s) and will try to work out a solution that both sides can accept. If Mediation does not settle all the issues, a hearing will still take place and a different Member will be assigned to hear the case. Mediation is confidential.

Do you agree to try mediation? Yes

Other Legal Proceedings

12. Civil Court Action (see Applicant's Guide)

Note: If you answer "Yes" to any of these questions, you must send a copy of the statement of claim that started the court action.

*a) Has there been a court action based on the same facts as this Application?	<input type="radio"/> Yes (Answer 12b)	<input checked="" type="radio"/> No (Go to 13)
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13. Complaint Filed with the Ontario Human Rights Commission (see Applicant's Guide)

Note: If you answer "Yes", you must attach a copy of the complaint.

*Have you ever filed a complaint with the Commission based on the same facts as this Application?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
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14. Other Proceeding - in Progress (see Applicant's Guide)

Note: If you answer "Yes" to question "14a" you must attach a copy of the document that started the other proceeding.

*a) Are the facts of this Application part of another proceeding that is still in progress?	<input checked="" type="radio"/> Yes (Answer 14b)	<input type="radio"/> No (Go to 15)
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b) Describe the other proceeding:

<input checked="" type="checkbox"/> A union grievance	Name of Union:	OPSEU
<input type="checkbox"/> A claim before another board, tribunal or agency	Name of board, tribunal, or agency:	
<input type="checkbox"/> Other	Explain what the other proceeding is:	

*c) Are you asking the Tribunal to defer (postpone) your Application until the other proceeding is completed?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
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15. Other Proceeding - Completed (see Applicant's Guide)

Note: If you answer is "Yes" to question "15a" you must attach a copy of the document that started the other proceeding and a copy of the decision from the other proceeding.

*a) Were the facts of this Application part of some other proceeding that is now completed?	<input type="radio"/> Yes (Answer Question 15b)	<input checked="" type="radio"/> No (Go to 16)
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b) Describe the other proceeding:

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<input type="checkbox"/> A union grievance	Name of Union:
<input type="checkbox"/> A claim before another board, tribunal or agency	Name of board, tribunal, or agency:
<input type="checkbox"/> Other	Explain what the other proceeding is:

c) Explain why you believe the other proceeding did not appropriately deal with the substance of this Application.

Documents that Support this Application

16. Important Documents You Have

If you have documents that are important to your Application, list them here. List only the most important. Indicate whether the document is privileged. See the Applicant's Guide.

Note: You are not required to send copies of these documents at this time. However, if you decide to attach copies of the documents you list below to your Application they will be sent to the other parties to the Application along with your Application.

Document Name	Why It is Important to My Application

Add more Documents



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17. Important Documents the Respondent(s) Have

If you believe the respondent(s) have documents that you do not have that are important to your Application, list them here. List only the most important.

Document Name	Why It is Important To My Application	Name of Respondent Who Has It

Add more Documents

18. Important Documents Another Person or Organization Has

If you believe another person or organization has documents that you do not have that are important your Application, list them here. List only the most important.

Document Name	Why it is Important to my Application	Name of Person or Organization who has it

Add more Documents

Confidential List of Witnesses

19. Witnesses

Please list the witnesses that you intend to rely on in the hearing. **Note:** The Tribunal will not send this list to the respondent(s). (see Applicants Guide)

Name of Witness	Why This Witness Is Important To My Application



Add more Witnesses

Other Important Information

20. Other Important Information the Tribunal Should Know

Is there any other important information you would like to share with the Tribunal?

See Schedule "A" attached.

Checklist of Required Documents

22. Other Documents from Questions 12 to 15

Confirm whether you are sending the Tribunal any of the following documents:

- A copy of a statement of claim (from Question 12)
- A copy of a complaint filed with the Ontario Human Rights Commission (from Question 13)
- A copy of a document that started another proceeding based on these facts (from Question 14 or 15)
- A copy of a decision from another proceeding based on these facts (from Question 15)



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Application to the Human Rights Tribunal of Ontario Area of Discrimination: Employment (Form 1-A)

Note: Complete this form if you believe you were harassed or discriminated against in the area of employment.

PART I

Questions About the Respondent(s)

A1. Put an "X" in the box beside each point that describes the respondent(s) in your case. Check all that apply.

- The respondent is the employer at a place where I wanted to work
- The respondent is my current employer
- The respondent is my former employer
- The respondent is an employment agency
- The respondent is a union or employee association
- The respondent is a supervisor, manager, or boss
- The respondent is another employee
- Other- Please describe the respondent(s):

Questions About the Job

Please answer these questions.

A2. What was the position or job where you felt there was discrimination?

Forest Firefighter

A3. What were the requirements (essential job duties) of the position?

See Schedule "A" attached.



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A4. Was it a volunteer position?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
A5. Were you employed in this position?	<input checked="" type="radio"/> Yes	<input type="radio"/> No (Go to A6)
a) If you answered "Yes" to question A5, how long were you in the position? Please give the dates you started and finished.	From: (dd/mm/yyyy) 01/05/2008	To: (dd/mm/yyyy) 29/05/2018
b) If you answered answer "Yes" to question A5, what was the pay for the position?	\$ 31,500	<input type="radio"/> Hourly <input type="radio"/> Monthly <input type="radio"/> Weekly <input checked="" type="radio"/> Yearly
A6. Are you working now?	<input checked="" type="radio"/> Yes	<input type="radio"/> No (Go to A7)
a) If you answered "Yes" to question A6, what is your current pay?	\$ 31,500	<input type="radio"/> Hourly <input type="radio"/> Monthly <input type="radio"/> Weekly <input checked="" type="radio"/> Yearly

Questions About Your Union

A7. Were you a member of a union or other occupational or professional association responsible for collective bargaining at the time of the alleged discrimination?

Yes (Fill out details below) No (Go to A8)

If you answered "Yes", the Tribunal will send them notice of this Application.

Full Name of Organization
OPSEU

Name of Contact Person from the Organization

First (or Given) Name		Last (or Family) Name	
Brenda		Wood	
Street #	Street Name		Unit/Suite Number
102	Queen Street		
City/Town	Province	Postal Code	Email
Dryden	Ontario	P8N 1A7	



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Daytime Phone (i.e. 999-999-9999)	Cell Phone (i.e. 999-999-9999)	Fax (i.e. 999-999-9999)	TTY (i.e. 999-999-9999)
844-765-1423			

Questions About What Happened

Alleged Discrimination Before Hiring

A8 Put an "X" in the box beside each point that describes how you believe you were discriminated against.

I experienced discrimination:

- As a result of In a job ad
- In an application form
- In a job interview
- In drug and alcohol testing before hiring
- In other kinds of pre-employment testing
- In a hiring decision
- Other- please explain:

Alleged Discrimination During Employment

A9. Put an "X" in the box beside each point that describes how you believe you were discriminated against.

I experienced discrimination:

- In my rate of pay, overtime, hours of work, or holiday
- In being denied a promotion
- In scheduling
- In discipline (such as suspensions or warning)
- In being fired
- In comments, displays, jokes, harassment, or a poisoned work environment
- In sexual harassment or solicitation or advances
- In being denied a workplace opportunity (such as a training opportunity) Please describe:

- In being denied employment benefits, including time off for medical or other reasons. Please describe:



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- In drug testing or alcohol testing
- In being denied necessary accommodation or modified work in the workplace
- Other- please explain:

Workplace Policies or Practices

A10. Is your Application about a workplace policy? (for example, absenteeism accommodation or holiday policy)	<input type="radio"/> Yes	<input checked="" type="radio"/> No
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a) If you answered "Yes" to A10, what is the policy? (Attach a copy if available)

Questions About Complaining to Your Employer

Complete this section only if you complained to someone in authority about the alleged harassment or discrimination.

A11. To whom did you complain?

See Schedule "A"

A12. Was there an investigation?	<input type="radio"/> Yes	<input checked="" type="radio"/> No (Go to Part II)
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a) If you answered "Yes" to A12, what was the outcome of the investigation?

PART II



Ontario

Human Rights Tribunal of Ontario

The following Part asks you to answer how you believe you were harassed or discriminated against based on grounds you identified. If you believe that you were discriminated against or harassed based on more than one ground, fill out all the sections that apply.

Questions About Employment Discrimination on the Ground of Creed (Faith, Religion or System of Beliefs)

Complete this section only if you believe that you have been discriminated against on the ground of creed (faith, religion or system of beliefs).

A22. Explain why you believe you were discriminated against based on your creed.

See Schedule "A" attached.

A23. Please describe your creed.

See Schedule "A" attached.

Declaration and Signature

23. Declaration and Signature

Instructions: Do not sign your Application until you are sure that you understand what you are declaring here.

Declaration:

To the best of my knowledge, the information in my Application is complete and accurate.

I understand that information about my Application can become public at an open hearing, in a written decision, or in other ways determined by Tribunal policies that balance transparency in the justice system and privacy interests of participants.

I understand that the Tribunal must provide a copy of my Application to the Ontario Human Rights Commission on request.

I understand that the Tribunal may be required to release information requested under the Freedom of Information and Protection of Privacy Act (FIPPA).

I understand that the Tribunal makes all of its Decisions and Case Assessment Directions available to the public, including the media on request, and that the Tribunal also makes its decisions available to the public on the websites of the Canadian Legal Information Institute (www.CanLii.org). I also understand that the Tribunal may issue decisions that protect the identity of an applicant, a respondent or a witness in certain circumstances.



Ontario

Human Rights Tribunal of Ontario

*Signature Date (dd/mm/yyyy)

29/05/2018

*Please check this box if you are filing your Application electronically. This represents your signature. You must fill out the date, above.

Accommodation Required

If you require accommodation of Code-related needs please contact the Registrar at:

Email: HRTO.Registrar@ontario.ca

Phone: 416-326-1519 Toll-free: 1-866-598-0322

Fax: 416-326-2199 Toll-free: 1-866-355-6099

TTY: 416-326-2027 Toll-free: 1-866-607-1240

Note: Only file your Application once. If the Tribunal receives your application more than once, it will only accept the first Application Form received.

Submit to HRTO

Print Form

Schedule “A”

1. My name is Adam Knauff and I have experienced discrimination in the area of employment on the basis of my creed. My current employer, the Ontario Ministry of Natural Resources and Forestry (“MNR”), discriminated against me and failed to accommodate my sincerely held ethical beliefs (creed) when it failed to provide me with food that accommodated my personal commitment to ethical veganism and then disciplined me and suspended me because I attempted to assert my right to accommodation of that sincerely held ethical belief. In doing so, the MNR violated the provisions of the Ontario *Human Rights Code* (the “Code”).
2. Furthermore, MNR’s decision to suspend me after I attempted to assert my right to accommodation (i.e., food that I could eat without violating my ethical beliefs) was done, at least in part, with the intention of punishing me for asserting my right to accommodation of my creed, and therefore constitutes reprisal contrary to s.8 of the *Code*. I was also subject to hostile treatment by MNR employees and denied food that complied with my creed in what I believe was an effort to punish me for raising my human rights and requesting accommodation of the same, thereby constituting further reprisal and violation of s.8 of the *Code*.

Employment Background

3. I am 39 years old. I was born and raised in Thunder Bay, Ontario, and I began working in the silviculture industry at the age of 19 as a Junior Ranger and Tree Planter. It was in these positions that I first began to interact with forest firefighters and became interested in pursuing a career in forest firefighting.
4. In 2008 I began training to be a forest firefighter; I took a week long course, completed fitness testing and other training and was ultimately placed in a position in Kenora for further training as an auxiliary member. After weeks of training in Kenora and I was given a spot on the crew and formally commenced employment with the MNR in May, 2008.
5. The MNR splits Ontario up into numerous districts which are the responsibility of various forest firefighting crews throughout the province. As a forest firefighter with

Kenora we are responsible for a specified “district” and operate out of a corresponding base, however, we also move around to assist other crews both within and outside of the province, depending on the needs of other crews. We also, at times, assist municipal fire fighters where the fires in issue occur between the “forest” and “municipal” boundaries.

6. In my position I currently earn an annual salary of \$31,500.00 and also receive additional bonuses based on overtime, which are an important part of my overall compensation package. For example, for the past 10 years MNRF has deployed me from the Kenora Fire Management Headquarters all over Canada and the United States on a regular basis to assist other districts/crews with fighting forest fires. While I am deployed, I remain on MNRF’s salary but also receive additional overtime wages, which, over the past 10 seasons, have ranged from approximately \$11,515.00 to \$19,192.00. In light of my relatively modest base pay, I have come to depend on these out of province deployments as an important part of my salary, which sometimes equate to 40% of my overall compensation. I also participate in MNRF’s comprehensive benefits and pension package and am a union member.
7. After 5 years of service as a firefighter with the MNRF, I was promoted to Crew Leader. I have taken several courses within the MNRF to further enhance my skills and training in order to take on the enhanced responsibilities associated with a Crew Leader position.
8. As a Crew Leader, I have a diverse set of responsibilities which include training, deploying and working with my crew to attack forest fires using pumps, hoses, chainsaws, “burnout” methods, and hand tools, via truck, helicopter and boat. As the Crew Leader I decide how to manage fires, what resources are required to do so, and I communicate my decisions about these issues back to my supervisors in order to contain, control and extinguish fires. I have also become involved in investigating the causes of fires, and coordinating other personnel or crews on larger fires, among other things. As a veteran Crew Leader I am also responsible for training at least one new “rookie” and one auxiliary firefighter per season.

July 2017 Deployment to British Columbia

9. On July 15, 2017 MNRF deployed me to serve as a Crew Leader in my 10th season with Kenora Fire in British Columbia (“B.C.”). In order to be deployed outside of Ontario I am required to meet the “National Standard” on my fitness test every season, which I have done for the past 10 years. In 2017 I was excited to return to B.C. and looked forward to what I hoped would be a safe and successful tour for myself and my crew.
10. I take my job very seriously and take pride in knowing that I am responsible for the safety and well-being of individuals, not just in Ontario, but in other Canadian provinces as well. The privilege of working outside of Ontario is not something that my employer grants to all firefighters; it is an opportunity that one has to earn (and includes a requirement of meeting a higher fitness level rating) and one that I was proud to have been given.

Creed

11. Like many families in Canada and across the world, I grew up eating meat, eggs and dairy and using animal products in my daily life. When I was young, I did not give much thought to where the meat on my plate or leather on my back or feet came from. However, as I got a bit older and began to ask questions, I began to realize that the source of my food, clothing, and other goods was problematic, at least for me personally.
12. I became a vegetarian at the age of 13. The decision to live a vegetarian lifestyle was, for me, simple. The idea of causing pain and suffering to living beings simply so that I could enjoy a steak dinner did not align with my ethics or moral values and I knew I could not participate in a system which, even if only looking at its surface, was based in the slaughter of innocent beings.

My Decision to Go Vegan was Ethically Driven

13. After I switched to a vegetarian lifestyle I began to learn more about the other ways in which animals are consumed and used by our society. I learned about the dairy and egg industry and how these industries also rely on killing animals; calves are taken from their mothers for veal so that the mother can produce milk for human consumption, and

chickens and cows are sent for slaughter when they no longer have “value” to their owners—i.e. when they stop producing milk and eggs.

14. It is not only the killing of animals for human consumption that I struggle with morally and ethically, but also the process of preparing them for human consumption and the treatment of animals in that process. Intensive farming often results in appalling cruelty to animals right up until their death—animals are kept in crowded and filthy conditions, are roughly transported in extreme temperatures without food, water or rest, they are left injured and untreated and are not given the freedom to go outside.
15. The more I learned the more it became clear to me that my belief system was one which could not align with the consumption of animals in any way, shape, or form. My beliefs led me to adopt a vegan lifestyle in 1998 for ethical, not dietary, reasons. As such, I characterize my sincerely held belief system as “ethical veganism”.
16. I sincerely believe that the practice of factory farming is a moral blemish on our society and I hope that one day we will look back on it as evidence of a more barbaric time in our history that is no longer accepted. In addition to my concerns related to animal welfare, I also have serious concerns with the ways in which the human consumption of animals is contributing to the destruction of our world—it is clear that the farming, transportation, slaughter and processing of animals has a terrible impact not only on the animals trapped in the system, but also on the environment, which is constantly stretched to support the human consumption of animals.

My Ethical Veganism

17. I am an ethical vegan in that I not only follow a vegan diet, but I extend the philosophy of non-consumption of animal products to all other areas of my life. I do not think that humans have the moral right to oppress other beings, or to cause them pain and suffering; I oppose the use of animals for any purpose and have sincerely committed myself to abstaining from the consumption of animal products, or in any way facilitating animal exploitation.

18. Put simply, as part of my sincerely-held belief system, I fully reject the commodity status of animals. A commitment to ethical veganism is, at least for me, an essential element of my personal identity. It guides who I support politically, and what governmental policies I endorse, among other things.
19. To me, veganism is not a “preference” or a trendy fad; it is a commitment to a way of life and a strongly held belief system that impacts my decisions and interactions on a daily, if not hourly, basis.
20. I have travelled and worked extensively across six continents and have remained vegan through and through. I have not swayed from my belief system since I became vegan and it is something that permeates every aspect of my life.
21. As part of my ethical veganism, I sincerely believe:
 - a. That the killing, abuse, imprisonment and general mistreatment of animals on any level is morally unacceptable. It is something I know exists but I want no part of it while I co-exist with animals on this planet;
 - b. It is not necessary to kill and use animals to sustain humanity;
 - c. The way humans use and abuse animals is not only morally unacceptable, but is contributing to the destruction of our world environmentally and to climate change, and I want nothing to do with this process;
 - d. Killing or otherwise inflicting pain and suffering on any other creature is completely unnecessary, selfish and wrong; and
 - e. As a result of the above, I have sincerely committed myself to making informed choices and decisions to avoid supporting animal-reliant industries.
22. I practice ethical veganism on a daily basis; it is a philosophy that governs my life choices and embraces many more factors than merely what I eat, wear, and consume. My ethical veganism goes to the very core of my identity; it pervades every aspect of my life and it colours my personal relationships, political affiliations and social attitudes.

23. Indeed, although I am a very private person, and with limited means, I am constantly following vegan news and causes on the internet and a number of my best friends are vegan—we exchange information about vegan issues and discuss the same regularly. For example, we discuss vegan causes that we believe in supporting due to our ethics and find support in one another; I enjoy associating with ethical vegans as I find support and strength in their comradery.

July 2017: Deployment to B.C. and Failure to Accommodate

24. I was deployed to William’s Lake, B.C. on July 15, 2017. Once I arrived, I was stationed at a basecamp there. The William’s Lake basecamp was run by MNR (all persons being from Ontario) with the same standards, chain of command and personnel in place as in Ontario.
25. While in William’s Lake my crew was tasked with “value protection” in the area which had been evacuated and directly threatened by wildfires. I, along with my crew, worked 14-16 hours a day in extreme heat and physically and mentally exhausting conditions.
26. In the past, I have had mixed experiences with the MNR and its ability to accommodate my ethical veganism. In Ontario it is generally easier for me to receive accommodation as the process related to food is fairly basic— my crew and I fill out a “food requisition” form and then we are tasked with cooking our own meals. I have however had issues in the past, particularly in “base camp” scenarios like William’s Lake, with respect to accommodation of my ethical beliefs. I have often been able to manage through a combination of diligent communication with base camp staff, purchasing my own food, and, on occasion, cooking for myself. Unfortunately, none of these efforts at self-accommodation worked in Williams’ Lake, as set out below.
27. When I arrived in B.C. there was a state of emergency. The forest fires had been ongoing for weeks and there was a shortage of all resources with all personnel being under a great deal of stress. William’s Lake is a tourist town with over 10,000 inhabitants, however, when I was deployed there almost the entire town had been evacuated due to the fire. On one occasion when we went out to Tim Hortons (as described below) it was being operated by the police in order to accommodate emergency personnel working in the

town. We were extremely isolated, the next closest, non-evacuated towns were Prince George and Kamloops, which were hours away.

Meals at the Base Camp

28. While at William’s Lake we (my crew and all other firefighters) received all of our meals at the base camp. The meals were provided by a company contracted by the MNR and MNRF oversaw the delivery of the meals. As set out above, due to the evacuation of William’s Lake, it was not possible for me to go into town to get any of my own food or other supplies on a regular basis. Not only that, but given the hours I was working, it would not have been practical, or potentially, possible, for me to do so on a regular basis.
29. From the first breakfast I had on July 16, 2017, to July 25, 2017, when I was ultimately sent home, there were very few well-balanced, complete or non-contaminated meals available to me as an ethical vegan.
30. MNRF has known since 2008 when I joined the crew system in Kenora that I am an ethical vegan. It has never been a simple matter for me to get accommodation of my ethical veganism, and in retrospect I realize that I have had my right to accommodation of my creed violated numerous times. Having said that, Kenora and other bases in Ontario have generally become fairly good at accommodating me over the past few years, especially since I have become a Crew Leader and am better able to participate in logistical decisions, within Ontario at least.
31. Although it should not be necessary at this point, outside of Ontario, I have found that new locations need a few days to understand and accommodate my dietary needs. During that time I am normally able to sustain myself off of protein bars and nuts. I often make an effort to get to know the people who are in charge of making the food so that I can answer their questions or concerns, and, hopefully, make the accommodation of my sincerely held beliefs easier for all.
32. Having said that, there should have been no delay in accommodating my creed at William’s Lake. The camp was run by the MNRF, which had been aware of my ethical veganism and related need for accommodation for years. Unfortunately, while at William’s Lake, I faced the greatest opposition I ever have experienced in regard to

obtaining a well-balanced vegan meal, which is absolutely essential in order to permit me to perform the physically demanding role of a forest firefighter.

33. As part of my commitment to ethical veganism, I am required to pay close attention to my dietary needs, especially with respect to ensuring that I get enough protein in my diet. While it is often possible to obtain basic carbohydrates and some important vitamins and nutrients, I must take care to ensure that my diet has sufficient protein to give me the energy, strength and mental capacity to do the physically and mentally demanding activities associating with fighting forest fires.
34. On some days during my deployment to Williams Lake I was not provided with any food that was vegan or not otherwise contaminated with animal products, and therefore forced to go hungry. On many days, I was denied a complete meal (i.e., there was no protein, which, given the physically strenuous nature of my job and the long hours I was working, was particularly concerning for me). Below, I set out a high level summary of the issues I faced while in Williams Lake in relation to obtaining meals at base camp:
 - a. On July 16, 2017, I worked a 16 hour day. I spoke politely with Chris Plater (“Plater”), Fire Services Supervisor with the MNFR, about my need for accommodation, and explained to him that I was vegan. This was not the first time I had told Plater this, but I wanted to remind him; although it is clearly stated on my meal information package that I am “vegan” I still feel the need to reiterate this whenever I get to a new location—I know from previous experience that unless I am extremely clear about my dietary restrictions there is a risk that my food will not in fact be vegan, or be subject to cross-contamination with non-vegan items. Plater told me they were working on it and I said I understood. This night I ate salad and side dishes;
 - b. On July 17, 2017, I was not provided with any vegan meals. As such, I provided my own breakfast and lunch from Tim Horton’s and worked another 16 hour day. It was rare that I had the opportunity to go into Tim Hortons, and, in any event, the vegan options were extremely limited for me there. As set out above, Tim Hortons was being run by police officers due to the town-wide evacuation. Due to the hours I was working and the logistics of getting into town, as well as the

inadequate nutrition I got from Tim Hortons (dry bagels and coffee) it was not viable for me to do this on a daily basis;

- c. On July 18, 2017, I worked another 16 hour day. I was given beans, oatmeal and fruit for breakfast, but my lunch was not vegan. I raised my concerns about another incomplete lunch with Plater. Plater told me that the company MNRF had contracted had dietary requirements for each meal, i.e., a certain amount of grams of protein and carbohydrates per plate. I explained that those dietary requirements were not being met for me as an ethical vegan. Plater acknowledged that he knew this and restated that he “would work on it”; and
 - d. On July 19, 2017, I worked a 16-hour day and again received inadequate meals. I was missing many of the nutritional requirements given to my colleagues whose belief system did not require them to forego animal products.
35. After working 16-hour days for four days with inadequate nutrition I began to feel physically ill and mentally groggy. Until that point I had been trying to push through my hunger and exhaustion, sustaining myself on nuts and fruits, but I was feeling incrementally worse. I also became increasingly concerned about my ability to safely do my job. Much of my position as a Crew Leader involved making quick decisions which could have immediate safety implications for me and my crew. It was important that I remain mentally sharp and focused but due to my poor nutrition and the physical nature of my job I found this increasingly difficult as the days went on without adequate nutrition.
36. When I followed up again with Plater about my concerns related to my nutrition on July 19, 2017, he told me that in addition to the short resources available, many of my colleagues were showing up to dinner early to eat what little vegan food there was available. Although he told me that he had twice “policed” the dinner line, it seemed concerning to me that MNRF was not doing more to ensure that my ethical needs were accommodated, especially when they knew full well that resources were scarce.

37. On July 20, 2017, the only source of protein in my dinner was a single black bean. I had again worked a 16-hour day. My physical strength and mental capacity continued to diminish, and my stress levels increased.
38. My dinners on July 21 and 22, 2017 were again inadequate. On the 22nd, after working a 14-hour shift, I was given a wrap which was wholly inadequate in terms of ensuring I have enough protein in my diet—the sole source of protein was a thin smear of refried beans. I was refused a second wrap when I asked for it and instead had to request more potatoes and rice.

My Attempts to Correct the Situation

39. My physical, mental and emotional condition had steadily deteriorated since arriving at William’s Lake. I tried to remedy the meal/nutrition situation on numerous occasions but no one did anything about it. More specifically, I spoke with Plater at least five times between July 16th and July 22nd, and also tried to work with two of the Chefs, Chef Chris and Chef Miguel, to remedy the situation directly.
40. Throughout my time at William’s Lake the situation varied from MNRF providing me with no meals at all to providing me with inadequate meals (i.e., with little or no protein) or otherwise providing me with food I could not eat, such as meat, eggs and dairy, which were offered to me daily.
41. For example, one day I had to go through the lunch line three times because I kept receiving sandwiches with meat in them. On at least four other occasions I was given a wrap containing iceberg lettuce and cheese. Not only could I not eat this (cheese being an animal product) and suffered physically and mentally as a result, but I also felt guilty about the waste. All of this was extremely humiliating and made me feel like my ethical beliefs were not taken seriously or respected.
42. In a further effort to fix the situation I asked personnel to purchase tofu during one of their service runs so that I could give it to the chefs. I was given three blocks of tofu by personnel and gave them to Chef Miguel to put into my meals in hopes of alleviating the resource issues that I kept hearing about as an excuse. Unfortunately, I never saw the tofu in any of my meals.

43. Another concern of mine was about the food safety/contamination practices in the kitchen. I was worried that what food I was given was being prepared without separation from meat, eggs and dairy, and this caused me anxiety about what I was eating and whether or not it aligned with my ethical values.

Barbeque on July 23, 2017

44. I worked a 14-hour day on July 23, 2017 and was looking forward to a barbeque that I knew was scheduled that evening. I hoped that I would actually get protein through a vegan burger or hot dog, which I assumed would be offered. By that point, my body was clearly demanding protein, which I required to ensure that I was not mentally and physically sluggish during work.
45. While I was waiting for my vegan burger to cook on the grill I spoke with the chef who was in charge of the veggie and meat barbeque. While I was standing there, I saw the chef collect a tray of about 20-25 raw beef burgers and proceed to “smoosh” them down with his hands. He was wearing blue gloves as he worked, and after getting through about a quarter of the raw beef burgers, he turned to me and said “these should be about done” with reference to my vegan burgers. He grabbed them with the same blue gloves on his hands that he had just used to handle the raw beef.
46. I was upset and shocked by this. As I explained to Plater and the chefs, part of my ethical veganism entails that I cannot consume any animal products, including products that have been transferred from a non-vegan food source (containing animal products) onto my food.
47. In addition to being a violation of safe food handling practices, I believed that the chef transferring the juices and blood from the meat burgers onto the vegan burgers (which meant that I could not eat the vegan burger without violating my deeply held ethical beliefs) was representative of the struggles I had been going through since arriving in William’s Lake. No one seemed to take my ethical beliefs seriously. When the chef did this I exclaimed with frustration “You can’t fucking touch the meat and then the veggie stuff!” In response he said, “I didn’t! Calm the fuck down!”

48. He was lying, as I had seen with my own eyes, and I went into the kitchen to speak with Chef Miguel. When I explained my concerns Chef Miguel said “he knows he’s not supposed to do that.” When we went back out to the barbeque the chef again denied touching the veggie burgers with the same gloved hands he had used to handle the meat. In response I said, “Yes, you did, I saw you do it.” I had no further interactions with that chef. I later learned that some of the vegetarians on the same deployment had raised similar concerns about cross-contamination.
49. The next morning, on July 24th, I was approached by Plater and Kip Miller (“Miller”), my Association Representative, and was reminded about the “Respect Program” in reference to my language the previous evening. I was surprised that they were sitting me down to talk about this but I acknowledged that I was caught up in the moment the previous evening and should not have sworn. Upon filling them in on the details of my experience at William’s Lake so far, and particularly the events of the previous evening, they too seemed surprised to hear about the cross-contamination.
50. During this conversation I expressed my frustrations related to the meals (or lack thereof) that I had been provided with over the past nine days. I said I felt disrespected and that I was under a large amount of physical and mental stress and was pushing my body to the extreme to work in these circumstances without adequate nutrition.
51. I worked a 14-hour day on July 24th and when I returned to camp received a stir-fry for dinner which had no protein in it. When I asked the Chef about the protein he said that he could not even provide me with nuts for protein because of allergies, and that beans were scheduled for tomorrow. I do not know where the tofu that had been purchased had gone by this point.
52. I was becoming increasingly frustrated, which no doubt was contributed to by the fact that I was hungry and exhausted as a result of the fact that I had not been given adequate nutrition over the past nine days. Having only just spoken with Plater and Miller that morning about my concerns it was clear to me that nothing had changed, and, again, that my concerns were not being taken seriously. I went to Plater on the evening of the 24th, carrying my plate and a water bottle, and asked him if he saw where the protein was on my plate. In response he told me that he could “offer [me] protein bars”. I was upset and

told him “no” and that I wanted him “to fix the fucking problem.” I then walked away. I know that I should not have sworn at Plater but I was starving, exhausted, humiliated and defeated. I had reached my breaking point.

July 25, 2017: Sent Home

53. On the morning of July 25, 2017 I got my lunch from the lunch line and opened it up. I saw that at least half of the contents were non-vegan. I poured the contents out of the bag on to the table in front of the servers and slid each non-vegan item away from the rest of the items saying “this isn’t vegan” to each item. The server told me that I “[did not] have to be rude about it.” I understood that, but I had been trying to get accommodation for 10 days by this point and no one was listening to me. In response I said “this is day 10 and I can’t eat half of what I get in my lunches. Can I get some more Clif Bars?” I was quickly told “no”.
54. This incident did not seem overly significant to me at the time; by this point I had no expectations that MNRF was going to accommodate my ethical veganism and I left the dining area.
55. Moments after I left the area, Plater approached me and said “you are going to sit down right over there and wait until Miller and I come and talk to you.” He then continued “Do you know who I am?!” I assumed that I was in trouble for swearing at Plater the night before (when I asked where the protein was on my plate) and went to wait for him and Miller.
56. Eventually, Miller, Plater and another manager who had sat in on my meeting the previous morning, sat down with me and told me that I was being sent home. I was shocked. I did not want to go home, I simply wanted MNRF to accommodate my creed.
57. I asked whether there could be a compromise—it was important to me that I not get sent home, both financially and for my reputation with my crew, as a Crew Leader and in my home district. I was very worried about the impact that being sent home would have on my career because I believed that it might impact my status as Crew Leader, or my ability to go on future out of province deployments. As a result, I offered to cook for myself and

not use the services of the kitchen for the remainder of the tour. Miller told me that that had “been discussed” but “no”. He failed to explain why it was not a viable option.

58. In response, and in attempt to explain what I had been dealing with since I arrived at William’s Lake, I spoke about the inadequate nutrition I had been working with since my first day, about how I was hungry, and working extremely long days. I explained that I was still without a resolution to my concerns, and had not seen any attempt by my employer to find a resolution. As soon as I finished, Miller told me that I could keep the notes I had made about my conditions in William’s Lake but that I was “still going home”.
59. When I asked what rule I had broken, Miller told me it was my “attitude”. Although I was not told this at the time, I later learned that I was accused of violating the Workplace Violence Protection Policy because I allegedly threw food at the lunch servers that morning. This was wholly untruthful. I did not throw any food at anyone.
60. While I admit that I was very frustrated, and had expressed that frustration to both Plater and one of the chefs (as described above), my “attitude” was directly tied to the poor physical and mental state I was in due to MNRF’s failure to accommodate my ethical veganism and ensure that I had a balanced diet consistent with my belief system. Therefore, I believe that the decision to send me home because of my “attitude” or any other allegation related to the same is discriminatory and contrary to the *Code*.
61. After deciding to send me home I was told to go back to the campsite and wait to be picked up. I was prohibited from approaching the kitchen staff again. I did not receive breakfast on the morning of the 25th and only had the few vegan items from the lunch bag I had taken that morning, which included fruit. I went back to my tent to pack up my things and when Miller approached me at my tent he noticed that I had some crackers, fruit and Clif Bars in my tent. He said, rudely, “you have a lunch then”. He was clearly frustrated with me and it appeared to me that he felt I was overreacting and being difficult.

62. I was not, I simply needed to eat something which would ensure that I had sufficient nutrition to perform a very physically demanding job without violating my sincerely held ethical belief system. While crackers, fruit, and occasional energy bars could stave off complete exhaustion or collapse, they were not an adequate replacement for a fully balanced meal with sufficient protein, which all other persons in my unit were provided with.
63. To be treated as if I was merely being “difficult” or fussy was extremely embarrassing for me personally. I felt like it was an attack on my dignity as an individual – as if my requests for adequate meals that were consistent with my belief system were akin to someone who simply did not like the meals they were offered.
64. Before I left, I was forced to hand over the leadership of my crew to another member on our team. This was degrading after I had worked so hard to get into that important leadership role; I felt like I had let my team down, and I worried about what my team would think of me moving forward.
65. I called my crew boss later in a state of distress to explain what had happened. I also wrote to my Fire Management Supervisor, Pat Harvey (“Harvey”), to explain what happened. I was by that point completely distraught, embarrassed, and genuinely worried about my future job prospects.
66. This was the worse day of my 10 season career working as a firefighter.

Problems on the Route Home

67. Shortly after coming to my tent Miller left and then returned with Zach Morin (“Morin”), a Fire Operations Supervisor and employee of MNRF. Miller told me that Morin was going to drive me to Prince George (about three of hours away). With the exception of telling me that Morin would be driving me to Prince George, both Morin and Miller ignored me. I felt like I was being shunned.
68. On the drive to Prince George Morin hardly spoke to me, except when I asked him not to use/look at his phone while he was driving, which made me nervous.

69. During this drive I was still starving, because I had not really eaten anything with the exception of the Clif bar, fruit and nuts over the past 48 hours.
70. On the route to Prince George, Morin had picked himself up something to eat at A & W but there was nothing for me to eat there.
71. At approximately 7:30pm we drove into Prince George and I was told that I had to “decide immediately” where I wanted to eat, otherwise I would be dropped off at the university (where I was to stay for the night) without anything to eat. I had no knowledge of the area, did not have internet access to look for anything to eat, and was completely unaware of what my options were. By this time I was extremely hungry and was nervous because Morin had proven he had no interest in accommodating my ethical needs, having only stopped to get himself something to eat on our drive without consideration for my creed-based restrictions.
72. Without much other choice I resigned to stopping for pizza at Dominos, where I had a vegetarian thin crust pizza without cheese. The vegan options at Dominos are limited and have little, if any, protein.
73. From the time Morin picked me up in the morning to the time he left me at the university in the evening, his attitude towards me fluctuated between complete indifference to me and my needs and what appeared to be a snide cruelty. He, like MNRF, did not appear to care about my ethical beliefs and treated me and them as an inconvenient choice.
74. On the evening of July 25th, I contacted my Strike Team Leaker, Mr. Opaski (who had been my immediate supervisor while in William’s Lake) who contacted Morin to confirm when he would be picking me up in the morning. For the first time, Mr. Opaski told me that Morin was my new Agency Representative. Agency Representatives represent the MNRF when a large group of employees are working outside of Ontario. Their responsibilities include ensuring that MNRF employees are comfortable, eating well, and that if someone is injured or unwell they are treated. Given Morin’s behaviour I was shocked to learn that he had taken on this role. I could not understand why he did not tell me this and this information made his conduct even more concerning to me; he was supposed to represent the MNRF and assist me in William’s Lake—not humiliate and

belittle me. I told Opaski about Morin’s conduct and his failure to tell me that he was my Agency Representative but Opaski did nothing except tell me that he “didn’t know” why Morin had acted as he did.

“I would bend over backwards for allergies but dietary ‘preferences’? Nope”

75. When Morin picked me up that morning I asked him what we would be doing for breakfast. More specifically I asked whether I would be able to get a vegan breakfast.
76. In response, Morin laughed at me and said “I would bend over backwards for allergies but dietary ‘preferences’? Nope.” This comment was really indicative of my entire experience in B.C. in July 2017. No one took my ethics seriously and everyone seemed to think that my commitment to veganism was a “choice”. Morin’s comments were humiliating and demeaning and I felt increasingly dejected.
77. Morin continued to laugh at me and said that we could go to a grocery store where I could pick up “fruits and vegetables”. This was an hour and a half before my flight was set to depart and there was no time to do this, his offer was an empty one and I was dropped off at the airport without breakfast. Before he dropped me off I asked Morin why he had not told me that he was my Agency Representative, and why he failed to provide me with any food. In response, he raised his hand in a “shooing” motion and said “I didn’t have a conversation with you yesterday. I’m not having a conversation with you today.”
78. It seemed to me that since he picked me up the day before Morin had actually enjoyed making things difficult for me, and that he liked how uncomfortable I was. This was clear from the number of times he laughed at me, and his obvious lack of empathy throughout our time together. I believe that his demeaning manner of interacting with me, his refusal to provide me with food that complied with my ethical belief system and his laughter at the same was all done with the intention to punish me for raising my right to have my sincerely held ethical beliefs (creed) accommodated and therefore constitutes reprisal contrary to section 8 of the *Code*.
79. I could not eat anything on the flight from Prince George to Vancouver, nor did I have the opportunity to eat on the stopover in Vancouver or the flight from there to Winnipeg.

80. When I landed in Winnipeg I was finally able to get a vegan meal.

Punishment Upon Return to Ontario

81. I was very nervous when I returned to Ontario. I knew that no one gets sent home from out of province deployment without repercussions and I thought I would be getting some sort of punishment, perhaps for swearing at Plater while in Williams Lake.
82. On or around August 1, 2017, I received a letter from MNRF which stated that the allegations against me were that I had violated the Workplace Violence Policy by throwing food at people. I was shocked; this was the first time I heard about the allegation and it was completely untrue. At no point did I throw food at anyone, or at all.
83. The letter notifying me of these allegations also stated that “A fact-finding with respect to the above noted allegations has been completed.” I was, again, shocked. I had not been spoken to about this incident at all and was really concerned about the investigation being considered “complete” as a result.
84. I had a meeting with my Fire Management Supervisor on August 2, 2017 and denied the allegations against me. I did not deny swearing or being frustrated, because that happened: as noted above, I had become very frustrated, in large part due to my extreme hunger and lack of adequate nutrition, which contributed to high stress levels and was compounded by the fact that my concerns were being ignored.
85. The allegation of “violence” and “food throwing” was completely untrue, however. Because the allegation was made-up, I trusted that it would go away.
86. On August 10, 2017, I was given a letter of discipline which stated that there were witnesses who confirmed the allegations of food throwing. I was not told who these supposed witnesses were, and it still makes no sense to me that there could be witnesses to something that did not happen.
87. I now know that one of my colleagues, Jordan Cooke (“Cooke”), was standing in line behind me during this incident on July 25th and that he, unprompted, wrote a letter to Harvey explaining that he had not seen me throw any items and refuted the allegations

against me. Because MNRF did not ask for Cooke’s account (despite his express statement that he saw what happened that day), or give me the chance to provide any other witnesses, Cooke’s evidence and the potential evidence of other witnesses went unaddressed/unused during the investigation.

88. The letter of discipline stated that I was to receive a three-day unpaid suspension and that I was suspended from being deployed outside of the province for the rest of 2017 and all of the 2018 season.

Repercussions as a Result of Discrimination, Failure to Accommodate and Reprisal

89. This whole experience has been extremely damaging to me mentally, emotionally and physically. When I returned home to Ontario I had lost fifteen pounds during my short trip to B.C.
90. I felt, and to a certain extent still feel, emotionally beaten down and embarrassed as a result of what happened in William’s Lake. I am having a hard time moving on from this experience.
91. I have become fixated on the hostile treatment I endured while in B.C., as well as the punishment I received upon my return to Ontario. The hostility I experienced is directly tied to my sincerely held belief system which my employer has ignored and denigrated. This has been difficult for me to deal with.
92. My experience in William’s Lake also had a negative impact on my reputation – by the time I returned home to Ontario there were numerous rumours being circulated about why I was being sent home and what my problem was. I did not feel welcomed back in Ontario and felt that I was put under increasing pressure and scrutiny, all for refusing to compromise my belief system.
93. My reputation as a strong and dependable Crew Leader has been seriously damaged. Only certain bases will accept me as a result of the rumours that have been started and circulated about me since July 2017. I am now geographically limited in my ability to work, which significantly reduces the income I can earn. As noted above, a significant

portion of my overall take home pay is connected to overtime that I earn while on out of province deployments.

94. Since this incident, I have felt increasingly targeted at work by my employer and co-workers. For example, I was deployed to Red Lake in Ontario to work and was sent home two days after my arrival by Morin. I was given no reason for being sent home and the job was nowhere near done. As a result of Morin’s decision (which, from my perspective and based on the circumstances was made at least in part due to his personal animosity toward me arising from my requests for creed-related accommodation) my entire crew was sent home and replaced with another.
95. I believe I was sent home (and thus suffered lost wages) because of Morin’s continued resentment and hostility towards me which all stems from my sincerely held ethical beliefs and requests for accommodation of those beliefs. I believe that this constitutes discrimination and reprisal contrary to the *Code*.

Discrimination

96. My decision not to eat meat, dairy or eggs is not a mere dietary preference. It is inextricably tied to my genuine and sincere ethical belief system which revolves around the fundamental principle that humans do not have the right to exploit, harm or kill other beings. As described above, my comprehensive belief system is grounded not in scripture, but in an ethical and moral code that I have adopted that governs my interactions with other humans and all living beings, and which goes to the very core of who I am and how I act on a day to day basis.
97. As a result of my comprehensive belief system, I was subjected to the following adverse work related consequences.
98. First, I was not provided with adequate nutrition during my 10-day deployment in Williams Lake, which caused me significant physical pain, discomfort, stress, anguish, and compromised my ability to do my job safely. The adverse treatment and harm I suffered was a direct result of the fact that my sincerely held belief system did not permit me to consume the food that was provided to me while I was deployed in an isolated location for work, as well as the MNRF’s failure to accommodate my creed.

99. Second, my comprehensive ethical belief system was at least a factor in my being sent home early from William’s Lake. As a result, I suffered a range of adverse work-related consequences flowing from or related to MNRF’s decision to send me home, including my three-day suspension from work, my suspension from out-of-province deployments, the damage to my reputation and work status, and other losses of opportunities and income described above.
100. My belief system was a factor in these adverse impacts because it is *only* as a result of my sincerely held and comprehensive belief system that I refuse to eat meat, dairy, eggs and all other animal products, and it is only as a result of my inability to eat these products, and my request for food which respected my belief system, that I have suffered the range of serious work related consequences described above.
101. Put another way, but for my sincerely held and comprehensive belief system (ethical veganism), I would have been permitted to continue working at William’s Lake because I would have been able to eat anything like those who do not share my beliefs, and therefore would not have suffered any of the work-related consequences set out herein.
102. Furthermore, but for my belief system/creed, I would not have become frustrated and upset because I would not have been physically, mentally, and emotionally distressed as a result of a lack of nutrition tied to my sincerely held belief system and my employer’s refusal to accommodate that belief system. Therefore, the adverse treatment that I received on account of my sincerely held belief system directly contributed to my frustration and conduct, and any adverse consequences flowing from that.
103. Therefore, my employer’s decision not to provide me with adequate nutrition, to deprive me of work related opportunities, and to subject me to a range of punishments and adverse treatments due to my refusal to eat meat, eggs, and dairy, my requests for accommodation of the same, and/or my “attitude” as it related to their continued failures in that regard, constitutes discrimination on the basis of my creed and is contrary to the *Code*.

104. Furthermore, even if it had been legitimate to send me home or otherwise subject me to the range of adverse work related consequences for swearing twice, MNRF’s decision to send me home and subsequently punish me failed to consider how their continued discriminatory conduct and failures to accommodate my creed was impacting my behaviour.

105. By holding me to the same standards as those who had not suffered the severe lack of nutrition, physical and mental anguish, and stress associated with the lack of sustenance tied to my sincerely held belief system, MNRF imposed an unreasonable expectation on me to remain perfectly behaved in the face of adversity and discriminatory treatment.

106. In sending me home without considering the dual impact of my creed and their behaviour, which caused me considerable physical, mental and emotional harm, the MNRF also constructively discriminated against me and in doing so violated the *Code*.

Duty to Accommodate

107. In light of the fact that providing me with the same food as everyone else requires me to either suffer significant harms or violate my sincerely held belief system, the MNRF has an obligation to accommodate me to the point of undue hardship. This requires them to undertake a good faith effort to accommodate my creed-related needs in a manner that respects my dignity.

108. MNRF failed to take any reasonable steps to accommodate my sincerely held belief system, and in doing so breached their procedural and substantive obligations in their duty to accommodate me.

109. MNRF breached their procedural obligations in the duty to accommodate me by flatly refusing to:

- a. Provide me with vegan meals and refusing to rectify the absence of alternatives or otherwise consider how they could rectify this problem; and

- b. Consider how they could keep me at work in William’s Lake despite my creed-related needs and my conduct related to the same.
110. Providing me with vegan meals would not have caused MNRF any hardship, much less undue hardship. As a result, my employer violated their substantive obligations to accommodate me while I was at William’s Lake.
111. Furthermore, it is not at all clear to me how allowing me to remain at William’s Lake after July 25th would have constituted undue hardship and therefore I believe their failure to permit me to stay and self-accommodate my belief system constitutes a further violation of their substantive obligations in the duty to accommodate me.
112. My employer was aware, since at least 2008, of the fact that I am an ethical vegan and that this requires me to have meals that do not include animal products. I reiterated this point again at the outset of my deployment to William’s Lake as well as many times during that deployment.
113. Despite this, my employer has not even considered, much less made any attempt to accommodate, my sincerely held belief system. To the contrary, it has punished and retaliated against me for repeatedly informing them of my need for accommodation.
114. It is clear to me that MNRF had simply had enough of “dealing” with me and felt it would be easier to send me home than to try to work with me and accommodate my creed. This is a further violation of their obligations to accommodate me under the *Code*.
115. Finally, even if my conduct caused by my physical, mental and emotional deterioration would otherwise have justified some form of punishment, my employer failed to accommodate me by taking into account that my behaviour stemmed directly from their failure to accommodate the needs I had stemming from my sincerely held belief system.
116. Instead of considering the cause of my behaviour which was reasonable in all the circumstances, and working with me to ensure that I was not adversely impacted, the MNRF imposed a range of punishments and adverse work related consequences directly

ted to my ethical veganism. This is a further failure to accommodate my sincerely held belief system.

Reprisal

117. In addition to their discrimination and failure to accommodate me, MNRF has also subjected me to reprisal by sending me home on July 25th. Instead of dealing with the concerns I raised, which they knew, because I repeatedly told them, were tied to ethical veganism, they formed the intention to target me because of my requests for accommodation of the same and in doing so retaliated against me contrary to the *Code*.
118. MNRF also subjected me to reprisal when it suspended me without pay and took away my extra-provincial privileges after I asserted my human rights and requested accommodation for my sincerely held belief system.
119. I also believe that Morin’s conduct between July 25th and July 26th constitutes reprisal in that he acted with hostility towards me and was repeatedly demeaning to both me and my creed. I believe he acted this way and denied me the opportunity to eat in a manner which complied with my creed with the intention of punishing me for raising my human rights and therefore that his conduct, which MNRF is vicariously liable for, constitutes reprisal contrary to the *Code*.
120. It is clear me to that the adverse treatment I was subjected to by MNRF and Morin was done, at least in part, with the intention to punish me for raising my human rights and my right to accommodation of my creed and therefore that they reprised against me contrary to section 8 of the *Code*.
121. Indeed, as long as I did not request accommodation of my sincerely held ethical beliefs or otherwise point out how I was being discriminated against, I was not subject to any negative consequences at work; however, once I asserted those rights, I was not only treated differently from others and subject to disparaging comments, but directly subject to a range of punishments and discrimination. MNRF’s conduct in these regards constitutes reprisal in violation of the *Code*.

Remedy

122. I request that the Tribunal order the following to remedy the discrimination that has occurred:

- a. MNRF shall immediately pay to me all of the compensation I have been deprived of, as well as out-of-pocket expenses that I would have not incurred but for their discrimination and failure to accommodate me. This will include, but not be limited to, lost wages that I would have earned had I been permitted to finish my deployment in William’s Lake, the lost wages associated with the unpaid three day suspension, and any and all other lost wages I have incurred as a result of having my extra-provincial privileges revoked;
- b. MNRF shall immediately remove the three day suspension from my employment record, and shall reverse the decision to suspend me from being deployed outside of the province in the remainder of 2017 and 2018;
- c. The MNRF shall pay to me general damages in the amount of \$75,000.00 for the pain, suffering and humiliation that I have experienced as a result of their discrimination and failure to accommodate me on the basis of my creed;
- d. The MNRF shall pay to me general damages in the amount of \$75,000.00 for the pain, suffering and humiliation that I have experienced as a result of their reprisal contrary to s.8 of the *Code*;
- e. The MNRF shall obtain an expert in human rights to train all members of management and human resources in their human rights obligations and duty to accommodate, at the sole expense of MNRF; and
- f. MNRF shall provide me with a letter of apology recognizing the harm caused by their actions and their failure to accommodate my creed, which should be posted at the workplace and provided to all bases who have control over my deployments, in order to remedy the harm to my reputation and mitigate future harms resulting from the reputational damage caused.

All of which is respectfully submitted.