

May 12 2023

Richard Fearing
149 Green Gate Blvd
Cambridge On N1T 0C5

Who Is Accountable For The Issues At The CHRC?

1. I will start out by saying the senate did ask some really good questions but the individuals who are responsible for the fiasco were not all in attendance.
2. I will not hold back in this letter and the reason why is because Wrong is Wrong. It doesn't no matter what your skin colour is and it doesn't matter what your position is. When it has been determined that you are wrong then you are wrong.
3. Marie-Claude Landry was Chief Commissioner and CEO of the Canadian human rights commission (the CHRC) from March 2015 to Nov 2022 totaling 7 years 9 months.
4. It would seem to me Marie-Claude Landry should have been the one answering most if not all of the questions the senate had, and worse case scenario Ian Fine should have been held to account as well. From my vantage point Mr. Fine got off easy despite Ms. Betchi asking for his resignation. In Fact he should be terminated but only after his involvement in the situation has been evaluated and made public.
5. Ian Fine is the executive director for the Canadian Human Rights Commission (CHRC) and is responsible for the **day to day management of the organization.**
6. Mr Fine's position by virtue puts him in the passenger seat and he must have known about the ongoing issues within the CHRC. In fact Mr Fine has held that position for a very long time.
7. Interim commissioner Charlotte-Anne Malischewski joined the CHRC on November 18, 2022. She holds a Master's Degree in Refugee and Forced Migration Studies from the University of Oxford, joint Bachelor degrees in Civil Law and Common Law from McGill University, and a Bachelor of Arts in International Studies & Music from Earlham College.

8. The issue I took with Ms Malischewski is that (a) she is not qualified to be in the position she is currently in (b) she doesn't have the background to deal with the issues she is now faced with (c) i felt nothing when she apologize nor would i ever feel anything if she should do so again. (d) She felt it was her duty to answer questions she had no knowledge of (e) she didn't invite any of the black executives to speak on the matter.
9. Ms. Malischewski told senators the sanctioned employees no longer work for the complaint services branch at the CHRC — although they still have their jobs.
10. Well this just means they will take the same behavior to another department. This move did not fix the actual problem, nor did it address the problem permanently. It remains within and under the employment of the government despite Ms. Malischewski stating “The Commission does not tolerate racism of any kind in our workplace.”
11. This is a hy·poc·ri·sy. Definition= “The practice of claiming to have moral standards or beliefs to which one's own behavior does not conform; pretense.”
12. According to the CHRC website Ms. Malischewski brings to the role extensive experience in law and advocacy, and deep commitment to human rights.
13. A quick search on Canlii reveals the following publicly available cases Ms. Malischewski worked on.
 - (a) Reddock v. Canada (Attorney General), 2019 ONSC 5053 (CanLII) Lawyers H. Michael Rosenberg, James Sayce and Charlotte-Anne Malischewski for the Plaintiff. This Case arises out of the use of administrative segregation in the Federal Government’s penitentiaries,
 - (b) Reddock v. Canada (Attorney General), 2019 ONSC 3196 (CanLII)
 - (c) Ontario College of Teachers v. Bouragba, 2021 ONCA 8 (CanLII) Christine L. Lonsdale and Charlotte-Anne Malischewski. This case was a motions before the court. The respondent, The Ontario College of Teachers (the “College”), seeks to quash the appeal brought by Mr. Bouragba.
 - (d) Bouragba v. Ontario College of Teachers, 2018 ONSC 6935 (CanLII)

- (e) Canadian Civil Liberties Association v. Canada (Attorney General), 2018 ONCA 1038 (CanLII) Lawyers Jonathan Lisus, H. Michael Rosenberg, Larissa Moscu and Charlotte-Anne Malischewski, for the appellant. This case was about the review” for administrative segregation.
- (f) Ontario College of Teachers v Charland, 2017 ONOCT 64 (CanLII) Lawyers Christine Lonsdale and Charlotte-Anne Malischewski, McCarthy Tétrault LLP, assisted by Annie Lacroix, Law Clerk. The case was about a motion filed.
- (g) Ontario College of Teachers v Glazer, 2017 ONOCT 102 (CanLII). Christine Lonsdale and Charlotte-Anne Malischewski, McCarthy Tétrault LLP, for Ontario College of Teachers. This was a hearing before a panel of the Discipline Committee (the “Committee”) of the Ontario College of Teachers (the “College”) on December 13, 2017 at Toronto.
- (h) Bouragba v. Conseil Scolaire de District Catholique de l’Est de l’Ontario, 2021 ONCA 195 (CanLII). Lawyer Charlotte-Anne Malischewski. This as a motion being heard.
- (i) Ontario College of Teachers v Lenting, 2021 ONOCT 11 (CanLII) Lawyers Charlotte-Anne Malischewski and Kathryn McChesney, for the Ontario College of Teachers. This was a motion to dismiss a case.
- (j) Canadian Civil Liberties Association v. Canada, 2019 ONCA 342 (CanLII) Jonathan Lisus, H. Michael Rosenberg, Larissa Moscu and Charlotte-Anne Malischewski, for the responding party. This case was about administrative segregation.

13. After reviewing most of the cases on Canlii it seems most of Ms. Malischewski work involved acting as counsel for the Ontario College of Teachers. It seems a far cry from her introduction on the CHRC own website. Ms. Malischewski is nothing more than a lawyer.

14. Holly Holtman, Senior General Counsel and Director General of Legal Services joined the CHRC in May of 2021. However, when she appeared at the hearing she was exclusively being used as a **prop** to show the audience the commission is diverse. However, what they didn't know is that it actually showed the opposite.

15. Ms. Holtman simply had no business there. She was of no use to anyone in particular me, a member of the public.

My Own Cases And Conflict With The CHRC

16. I actually filed 2 cases with the commission one was in March of 2020 Case# 20200711 now up for Judicial T-903-22. I also filed another complaint file# 20200873 in August of 2020 now up for judicial review T-423-23.
17. Based on the issues raised at the hearing my case will continue for the next 4 years at best.
18. After hearing about the issue like everyone else on the news. I immediately knew the CHRC did in fact discriminate against me based on how they handled both of my cases.
19. It was evident from how the CHRC handled my cases that I felt and it seems clear to me the CHRC was in fact discriminating and thus fighting against me instead of helping me. I will send another email about this issue but for now i will continue with what i want done.

Recommendation For The Next Hearing

20. I would like to see the senate hold a more public hearing and i would also like to appear.
21. The individuals you heard from may not have had any recent cases before the Commission in order for the senate to hear first hand how the CHRC dealt with the Canadian Public as of late.
22. Please bring the justice minister and Marie-Claude Landry in for questioning.

Changes At The CHRC If It Still Remains

23. Bring back all of the cases that went before the CHRC within the past 3 years. I believe the CHRC mishandled all of these cases. No Canadian should have to suffer for someone's else's mistake. This is not an issue for the Canadian public to deal with.
24. Ask the Federal Court to send back all of the cases before it based on what has come to light recently.
25. Whistleblower protection for internal employees built into the act or law.

26. A complaint system for the public to engage when the Commission steps out of line. an Ombudsman.
27. A decision reconsideration board that is completely independent from the CHRC that reviews cases before being sent off for judicial review.
28. Remove employees from the Commission when they mishandled cases.
29. Hire people other than lawyers. Lower the standard to entry.
30. Remove Ian Fine if it is shown he knew about the issues and didn't act.
31. Create a legal clinic for complainants.
32. Make it mandatory for the HRO to interview the complainants and the respondents.
33. The Commission staff to be held Liable for their own actions criminally.

Changes At The CHRC If It Doesn't Remains

34. Remove the CHRC completely and just make it the CHRT.
35. Create a legal clinic for complainants.
36. Hire More staff.
37. Shorten the time frame to have a complaint heard.

The Problem With My Recommendation

38. It is obvious that if the employees working at the Commission are not held to account for their action criminally or legally, these issues will continue forever.

The Legal Implication of the Commission's Staff Behavior Towards The Public.

39. . The Commission Staff seems to have committed the offense of Obstruction of Justice in the following ways.
40. An adjudicator in a case uses personal biases and prejudices to misrepresent evidence and make a decision in favor of one party over the other.
41. Refusing to recuse oneself from a case when a conflict of interest exists.
42. Withholding evidence that is relevant to a case.
43. Suppressing or concealing evidence that is relevant to the case or proceeding.
44. Misrepresenting facts or testimony in the official record.
45. Providing misleading or false information about the authenticity or accuracy of evidence.
46. Intentionally disregards key evidence presented by a party, and makes a decision in favor of the other party.

Conclusion

47. It would be hard to imagine much less to conceive why anyone from the public would have any confidence in the Canadian Human Rights Commission.
48. This is the same body of folks who apparently are professionally trained on how to handle Human rights complaints from the public who are now the perpetrators of such behaviors.
49. As a Jamaican I am not willing to take **any chances** with the CHRC going forward. It shows no matter the training given people will always be racists.
50. Please remove the CHRC from the system.

Richard Fearing