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January 22, 2018

Chief Commissioner Marie-Claude Landry, Ad. E.,
Commissioner Sheila M. MacPherson
Commissioner Kelly J. Serbu Q.C.
Deputy Chief Commissioner David Langtry

Open Letter To Human Rights Commissioners

I would like to draw your attention to the following criminal misconduct and racial discrimination which is evidence that from day 1 registrar services have been making false statements in order to defraud rights given to me by the parliament of Canada.

I hereby respectfully request on the merits adjudication of the relief in the Reconsideration Motion Record / S41 Canada Human Rights Act Constitutional Question, I also hereby respectfully request that the resulting order with reasons be signed by the Commissioners.

Whereas the November 27 Application states;
“Test For Sufficiency Of Reasons For Refusing Reconsideration Any order dismissing this application without complying with R. v. R.E.M., 2008 SCC 51 is an s21b Criminal Code offence;…

a) the Commission lacks jurisdiction to change the meaning of frivolous,
b) Trite law that “includes” means s25 is not an exhaustive list of employee organizations,
c) s9 “full membership” definition includes membership benefit right to nomination contract that is not racially discriminatory
d) s25 employment definition includes a nomination “contractual relationship with an individual for the provision of services personally by the individual”
e) s10 discriminatory practice definition includes nomination “agreement affecting recruitment …any other matter relating to employment or prospective employment”
f) BAILII case number: [2004] UKEAT 0907_03_2402 UK Employment tribunal case law
g) s67(4c) Canada Elections Act nominations common law in Guergis / Pick / Grewal that it is statutorily allowed to refuse a candidate without a reason, does not engage the Tribunal’s s52(1) Constitution Acts 1867 to 1982”

Whereas the August 30 reply states;
‘… The questions raised by your August 23, 2017 letter have already been decided in BAILII case number: [2004] UKEAT 0907_03_2402 Employment Appeal Tribunal, so if the Commission cannot clearly state why they got it wrong, I have to conclude a fraudulent motive.

The objects of Canada Human Rights Act states “2 The purpose of this Act is to extend the laws in Canada”, Canada Elections Act, Employment Equity Act, s3 Charter of Rights are “laws in Canada”, but the Commission seems to be trying to ensure that political parties retain power to discriminate.

I provided evidence that Courts have specifically name s67(4c) as authority to discriminate in a nomination. …

I conclude that the exclusion of s10 Canada Human Rights Act and s67(4c) Canada Elections Act Constitutional Question relief is deliberate 'non#disclosure of important facts, … underhanded design .. depriving others of what is theirs… discreditable … at variance with straightforward or honourable dealings… wrongful use of something … other's interest is extinguished or put at risk. … unscrupulous. …'.

I have listed 40 legal conclusions from UKEAT 0907_03_2402, if the Commission cannot state which of the 40 conclusion they reject and why, then that is fraud. "

1) On November 27, 2018 I filed a Reconsideration Motion Record / S41 Canada Human Rights Act Constitutional Question to the Canadian Human Rights Commission, I received a letter dated December 28 from registrar Jamie Masters violating s380(1) Criminal Code by usurping the statutory decision making powers of the Commission by refusing to provide the Ade Olumide Reconsideration Motion Record / S41 Canada Human Rights Act Constitutional Question to the Commission.

2) On November 27, 2018 I filed a Reconsideration Motion Record / S41 Canada Human Rights Act Constitutional Question to the Canadian Human Rights Commission, I received a letter dated December 28 from registrar Jamie Masters violating s362 Criminal Code by false statement in writing with intent that it be relied upon to defraud service "the Commission cannot .. reconsider.. its decision" despite;

a) s2, s27(1,a,b,e,g,h) Human Rights Act, 1(1) 9(7) Human Rights Tribunal Rules, s52(1) Constitution Acts 1867 to 1982, preamble objects s12 Charter, s15 Charter positive obligation, preamble objects s1(a,b) s2(b,e) Canada Bill of Rights against racists' revictimization of victim with mens rae to retain proceeds of racism principle of fundamental justice, s11 s12 s13 s21 s34 Canada Interpretation Act; Rule of law that racists should not be permitted to keep the proceeds of racism, Rule of law against absurd statutory interpretation, Rule of law against arbitrary application of statutory power, Rule of law against elevating Commission power above the constitution, Rule of law against using statutory power in bad faith, Rule of law against unconstitutionally overbroad legislation, s21b, s22.2, s25.1(9)(11b), s380(1a) Criminal Code.

3) On Nov. 27, 2018 I filed a Reconsideration Motion Record / s41 Canada Human Rights Act Constitutional Question to the Canadian Human Rights Commission, I received a letter dated December 28 from registrar Jamie Masters violating s362 Criminal Code by false statement in writing with intent that it be relied upon to defraud service "Tribunal can consider Constitutional Questions,. Commission cannot" despite;

a) Commission November 22 interpretation of s41(1d) Human Rights Act law as power to defraud s2, s9, s10, s25, s27(1,e,g,h)(2)(3), s29 Human Rights Act, Nova Scotia (Workers' Compensation Board) v. Martin; [2003] 2 SCR 504, 2003 SCC 54 (CanLII) The Constitution is the supreme law of Canada and, by virtue of s52(1) of the Constitution Act 1982, the question of constitutional validity inheres in every legislative enactment. From this principle of constitutional supremacy flows, as a practical corollary, the idea that Canadians should be entitled to assert the rights and freedoms that the Constitution guarantees them in the most accessible forum available, without the need for parallel proceedings before the courts.

4) On June 18, 2017 I filed a motion record seeking an s67(4c) Constitutional Question, on August 23, 2017 registrar Angela Justason violated s341 Criminal Code by misrepresenting relief in order to defraud enclosed s67(4c) Canada Elections Act constitutional question and section 10 of the Canadian Human Rights Act;

a) “(a) redress the practice or to prevent the same or a similar practice from occurring in future, Declare that effect of s67(4c) Act Guergis / Pick / Grewal / Vriend cases law is; in nomination “process… established pursuant to a statute”, it is “statutorily allowed” to decide “fundamental purpose…endorsing one…of its members as candidates” Act by violating the 2, 9(1)(c) Canadian Human Rights Act / s3 Charter right to representation in government Figuera through a discriminatory nomination process that limits Canada Elections Act employment opportunities. On September 23, 2016 I informed the Commission that; “Grounds For Constitutionaility Of Canada Elections Act And Ontario Elections Act.;
b) Overbroad / Grossly Disproportionate To Objective of Election of Members
c) Vested, Inalienable, and Natural Justice Rights Common Law
d) Constitutional Rule of Law Common Law
e) Conflicting Provincial and Federal Statutes / Provincial Civil Rights Jurisdiction
f) Abuse / Breach of Tangible / Intangible Contract Rights Common Law
g) Prospective Employment / Independent Contractor Common Law
h) Human Rights Common Law

5) I received a letter letter from registrar Louise Allen violating s362 Criminal Code by two false statements in writing with intent that it be relied upon to defraud service;

I. That Canadian Human Rights Act does not apply to the Conservative Party House of Commons prospective employment application process despite s67(4c) Canada Elections Act, s3 Charter of Rights, Employment Equity Act “laws in Canada” common law.

II. That there is no link between the refusal of my candidacy and a prohibited ground despite;

The words “Party Brass” are a direct quote from an email apology from the Ottawa Citizen reporter who ran the story that Olumide was running in the more ethnically diverse riding of Ottawa West Nepean while he was selling memberships in the more homogenous riding of Carleton Mississippi Mills.

a) “party brass” referral of dispute with caucasian comparator Allan Riddel to an arbitrary committee and refusal of Olumide’s request to refer Olumide dispute to an arbitrary committee,

b) use of black african immigrant stereotypes fake degree, foreign residency skeletons allegations by former Conservative Party Executive Director and nomination committee member Dan Hilton at the Conservative Party nomination committee interview,

c) allegedly neutral former Conservative Party Executive Director and nomination committee member Dan Hilton dog whistle politics speech to members on the day of the nomination vote that only the 3 caucasian candidates are suitable but did not state why the black candidate was unsuitable,

d) use of black african immigrant stereotype not enough time in country to understand our culture allegations by two members of the Conservative Party nomination committee,

e) use of black african immigrant stereotype foreign residency skeletons allegations in an email by an allegedly neutral member of the Conservative Party nomination committee,

f) use of dog whistle politics by Conservative “Party Brass” who, since Olumide already won, communicated fears to many many people that if Olumide was allowed to win, they would lose the riding, there was no need to say reason for loose the riding fear, Olumide’s black skin was obvious,

g) there were 4 candidates, all 3 were caucasian, Olumide was the only black person, Olumide beat everyone 7 to 1 in memberships, suddenly the “Party Brass” disqualified Olumide without a reason,

h) witness statement from people who heard the use of nomination committee allegations of fake degree and other ethnic origin stereotypes by Conservative Party agent Walter Pamic,

i) Conservative Party agent Walter Pamic argued to an Olumide supporter that since the candidate in Ottawa West Nepean was black, Olumide did not experience racial discrimination,

j) well-meaning member email advising Olumide that due to Conservative Party Brass fear of loss of the riding, he should to run in the more ethnically diverse riding of Ottawa West Nepean,

k) despite Olumide’s overwhelming support with rural residents, Olumide was endorsed by rural residents that include the President of the Ontario landowners and a many farmers and members of farming associations that live and operate farms in the riding, a well-meaning member tried to explain Party’s fears by asking Olumide how he would relate to farmers in the rural riding,

l) Conservative “Party Brass” planted false 2014 story in Ottawa Citizen that Olumide was running in the ethnically diverse riding of Ottawa West Nepean while he was selling memberships in the more homogenous riding of Carleton Mississippi Mills,

m) as occurred in another riding, the Conservative “Party Brass” could have informally disqualified Olumide anytime in 2014 but left him in the race while shopping for a caucasian to defeat him,

n) Conservative “Party Brass” 2014 email to riding, asking that they not to buy memberships through Olumide because it may not be processed (though Olumide not named, he was the only one selling),

o) allegedly neutral head of Conservative Party nomination committee asking members during a dinner in 2014 not to buy memberships through Olumide because it may not be processed (though Olumide not named, he was the only one selling),

p) allegedly neutral Conservative Party nomination committee member telling Olumide in 2014 that he has not been approved so he should stop telling people that he is seeking the nomination,

q) Conservative “Party Brass” 2014 efforts to draft Councillor Allan Hubley for fear that a black candidate had already won the nomination,

r) even people not supporting Olumide knew he had won, this triggered “Party Brass” plan B to ensure anyone but the black candidate would be allowed to contest the nomination in the safe riding; upon deciding not to contest the nomination, Councillor Hubley told Olumide in 2014 that “if the nomination were held today, you will win”, the campaign manager for one of the contestants told Olumide in 2015 that “your name is the only name I am hearing at the door, you have succeeded in making the hydro free trade issue the ballot question”, upon delivery of memberships days before Olumide was

disqualified in May 2015 the Conservative Party staffer that received the memberships told Olumide that he has beaten everyone else “hands down” ,

s) dog whistle politics stump speech of Conservative Party agent Walter Pamic telling many many many members that he has been drafted into the race because the Conservative Party is scared that we would loose the riding, everyone knew Olumide had already won, there was no need to say the reason for the loose the riding fear, my black skin colour was obvious,

t) At a time when only Conservative “Party Brass” current Executive Director Dustin Van Vught knew about the threat of litigation, Conservative Party agent Walter Pamic immediately received that insider information and worked through a mutual friend to try to convince Olumide to back down, when that did not work Conservative Party agent Walter Pamic began spreading ethnic origin stereotype rumours based on accurate insider information of the same false ethnic origin stereotype allegations from nomination interview documents that he was not privy to, these include degrees are fake, does not have a university degree, is not a member of the professional engineering association, is not very smart, does not have references, something about his foreign residences will come up, cannot be trusted due to foreign citizenship, he should run as an independent.

6) Please apply the following 23 part racism legal test to the Commission and let me know the results;

Brar and others v. B.C. Veterinary Medical Association and Osborne, 2015 BCHRT 151
1. Discrimination is a distinction whether intentional or not, which has the effect of imposing disadvantages Para 693, limits benefits available to other members of society Para 693.
Does lying about the s25 meaning of “includes”, lying about constitutional duty and power to decide this statutory gap in a manner that is compliant with s2, s27(1,a,b,e,g,h) Human Rights Act, 1(1) 9(7) Human Rights Tribunal Rules, s52(1) Constitution Acts 1867 to 1982, preamble objects s12 Charter, s15 Charter positive obligation, preamble objects s1(a,b) s2(b,e) Canada Bill of Rights against racists’ revictimization of victim with mens rae to retain proceeds of racism principle of fundamental justice, s11 s12 s13 s21 s34 Canada Interpretation Act; Rule of law that racists should not be permitted to keep the proceeds of racism, Rule of law against absurd statutory interpretation, Rule of law against arbitrary application of statutory power, Rule of law against elevating Commission power above the constitution, Rule of law against using statutory power in bad faith, Rule of law against unconstitutionally overbroad legislation, s21b, s22.2, s25.1(9)(11b), s380(1a) Criminal Code impose a disadvantage or limit opportunities of other black politicians who win a nomination in a more homogenous riding?

2. Inclusion is achieved by preventing exclusion Para 694,
Does lying about constitutional question jurisdiction promote inclusion of other black politicians who win a nomination in a more homogenous riding?

3. Prima farcie individual discrimination Para 697,
Since the initial cause of action against the Conservative Party meets the test for prima farcie racial discrimination, does lying about constitutional question jurisdiction meet the test for prima farcie racial discrimination?

4. It is not necessary to allege that discrimination was intentional. Para 699
5. There is no need to establish an intention to discriminate, the focus of the enquiry is on the effect of the respondent’s actions on the complainant. Para 708(b) “focus is on the effects of the respondent’s actions, not the reasons..is given statutory effect in s. 2 of the Code...” Para 734

Whether or not the Commission intended to encourage discrimination against black politicians, is this outcome of lying about constitutional question jurisdiction forseeable?

6. Discrimination need not be the only factor. Para 700
If the Commission has other reasons for lying about constitutional question jurisdiction, are they still guilty of encouraging discrimination against black politicians?

7. Just because other black people may not have faced similar treatment. Para 702.
Conservative Party Agent Walter Pamic argued that since the Party had a black candidate in Ottawa West Nepean, Olumide is not the victim of racism, why is the Commission lying about Constitutional Question jurisdiction in order to protect plain and obvious racism?

8. Inference of discrimination may be drawn where the evidence, including circumstantial evidence, renders the inference more probable than other possible explanations. Para 703
9. Look at all the circumstances to identify the “subtle scent of discrimination” Para 705
10. There need not be direct evidence of discrimination, discrimination will more often be proven by the circumstantial evidence and inference. Para 708d
11. Discrimination based on race is very subtle, direct evidence is rarely available. Para 715
12. Peel Law Assn. v. Pieters, 2013 ONCA 396 (CanLII). In race cases, the outcome depends on the respondents’ state of mind, which cannot be directly observed and must always be inferred from circumstantial evidence… Para 719
13. Relatively "little affirmative evidence" is required before the inference of discrimination is permitted. .. standard of proof requires inference be more probable then not… Para 719
14. The intersection of “place of origin" with race, colour or ethnic origin appears to compound the barriers to employment integration and intensify economic and social vulnerability for foreign educated and trained persons. Para 740
The fact that if Olumide were a caucasian immigrant from the UK, no one would ask if he degrees are fake, no one would ask if he has foreign residency skeletons, no one would ask if he has been long enough in the country to understand our culture, no one would be scared of looing the rising, is evidence that the Commission deliberately lied that there is no link between the refusal and a prohibited ground of discrimination?

15. Historical disadvantage experienced by the group is a factor. Para 704
Should the historical disadvantage of black people be a factor that negates Commission temptation to cuddle Conservative “Party Brass” racists by lying about jurisdiction?

16. Evidence that white people are treated better in similar circumstances. Para 707
Is fact that Conservative “Party Brass” referred the Allan Riddel matter to an arbitrary committee but refused Olumide request for referral to an arbitrary committee a factor that the Commission should have taken into account before lying about Constitutional Question jurisdiction?

17. Organizations have a responsibility to take proactive steps to ensure that they are not engaging in, condoning or allowing racial discrimination or harassment to occur. Para 712
Does condoning and allowing racial discrimination by lying about Constitutional Question jurisdiction prove that; worst case scenario is that that Commission staff involved are racists, best case scenario is that Commission staff involved are racism sympathizers?

18. Failing to recognize the complex, subtle and systemic nature of racism impedes effective action against it. Para 713

Is there any rational connection between the Commission lying that there is no link between the refusal and a prohibited ground of discrimination and the Correia legal test before them? Correia v. York Catholic District School Board, 2011 HRTO 1733 (CanLII) [75] Many discrimination cases, such as this case, do not involve direct evidence that a complainant's colour or race was a factor in the incident in question. A tribunal must draw reasonable inferences from proven facts. [76]. . .:(a) The prohibited ground or grounds of discrimination need not be the sole or the major factor leading to the discriminatory conduct; it is sufficient if they are a factor; (b) There is no need to establish an intention or motivation to discriminate; the focus of the enquiry is the effect of the respondent's actions on the complainant; (c) There need be no direct evidence of discrimination; discrimination will more often be proven by circumstantial evidence and inference; and (d) Racial stereotyping will usually be the result of subtle unconscious beliefs, biases and prejudices. … [77] In cases where discrimination must be proved by circumstantial evidence,. .. (1) Once a prima facie case of discrimination has been established, the burden shifts to the respondent to provide a rational explanation which is not discriminatory. (2)… The respondent must offer an explanation which is credible on all the evidence. (3) A complainant is not required to establish that the respondent's actions lead to no other conclusion but that discrimination was the basis for the decision at issue in a given case. (4) There is no requirement that the respondent's conduct, to be found discriminatory, must be consistent with the allegation of discrimination and inconsistent with any other rational explanation. (5) The ultimate issue is whether an inference of discrimination is more probable from the evidence than the actual explanations offered by the respondent. ..34] .. a prima facie case of racial discrimination. He was the only candidate … who is a member of a racialized group. The successful candidates were all caucasian. The applicant fulfilled the basic qualifications for the position as advertised. … His academic qualifications were superior to those of the successful candidates. Given these facts, it is my view that the applicant has provided a sufficient basis at least to shift the evidentiary burden to the respondent and require it to provide an explanation for the decisions it made.

19. Individual acts themselves may be ambiguous or explained away, but as part of the larger picture, may lead to an inference that racial discrimination was a factor. Para 714
What is big picture motive for encouraging discrimination against black politicians by lying?

20. racialized people are less credible and must be more carefully scrutinized, investigated or must be corroborated… racialized people play the "race card" to manipulate; Para 724
Commission knows this stereotype, therefore Commission lying that there is no link between the refusal and a prohibited ground of discrimination without applying the legal test to the facts, is obvious encouragement of the stereotype that black people lie about racism?

21. racialized people themselves, and not racism or racial discrimination, are at fault for their disadvantage or state of "otherness," commonly known as "blaming it on the victim"; Para 724
Is this blame the victim syndrome, a reason why the Commission is lying to defraud jurisdiction to hear the constitutional question?

22. Tribunal has found that the lack of due process may be evidence of adverse treatment. Para 732
Despite due process trite law duty to give reasons, is a one line calling the application frivolous, irrefutable proof that the Commission is deliberately profiting from the stereotype that black people lie about racism and are not smart enough to read the Canadian Human Rights Act?

23. How events would normally unfold in a given situation; if there are differences in the normal practice, this might provide evidence of differential treatment. Para 733 Complainants should not be required to prove they are worse off than others and that a 'race to the bottom' type analysis must be

avoided Para 762 The Code does not require an intention to discriminate in order to establish a contravention of the Code; the focus is on the impact of the policy. Para 735
It is unconstitutional to deny a candidate without a reason, therefore Olumide is entitled to a hearing of the s67(4c) s91 s504 Canada Elections Act constitutional question, since the Commission cannot point to any other case in Canada where a candidate was disqualified without providing the candidate a reason, how can they justify lying about jurisdiction?

IN THE CANADIAN HUMAN RIGHTS COMMISSION FILE 20161346
BETWEEN:
ADE OLUMIDE APPLICANT
Vs: CANADIAN HUMAN RIGHTS COMMISSION AND
ELECTIONS CANADA ADVISORY BOARD AND
CONSERVATIVE PARTY OF CANADA RESPONDENT
January 7, 2018
TO: Jamie Masters, Registrar Services, Canadian Human Rights Commission
344 Slater Street, 8th Floor, Ottawa, Ontario K1A 1E1, Toll Free: 1-888-214-1090, Fax: 613-996-9661
CC: Joe Friday, Public Sector Integrity Commissioner of Canada, 60 Queen Street, Ottawa, Ontario K1P 5Y7, Telephone: 1-866-941-6400, Fax: 613-946-2151
CC: Michael Ferguson, Auditor General of Canada, Telephone1-888-761-5953 Fax 613-957-0474, Office of the Auditor General of Canada, 240 Sparks Street, Ottawa, Ontario K1A 0G6 Canada …

RE : Response To Your Letter Dated December 28, 2017 (received last week)
1) I filed a Ade Olumide Reconsideration Motion Record / S41 Canada Human Rights Act Constitutional Question to the Canadian Human Rights Commission, you acted in bad faith by usurping the statutory decision making powers of the Commission by refusing to provide the reconsideration motion record to the Commission.

2) You violated s362 Criminal Code by making this false statement in writing with intent that it be relied upon to defraud service “the Commission cannot .. reconsider.. its decision”. There is an s12 s15 Charter obligation to bring the motion for reconsideration before Commission. There is no statute preventing the Commission from reconsidering its decision, therefore your statement that it lacks the power to reconsider is false. A refusal to reconsider is also a breach of the Constitutional rule of law against arbitrary (contrary to objects) application of public power contravention of the s2 Purpose of the Human Rights Act, s12 s21d Canada Interpretations Act. I hereby request immediate transfer of the motion record to the Commission; I also hereby request that the Commission sign the order adjudicating on the merits, the relief sought in the motion record.
Interpretation Act, Enactments Remedial, Enactments deemed remedial 12 Every enactment is deemed remedial, and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.

“Powers vested in corporations 21 (1) Words establishing a corporation shall be construed (a) as vesting in the corporation power to sue and be sued, …. (d) as exempting from personal liability for its debts, obligations or acts individual members of the corporation who do not contravene the provisions of the enactment establishing the corporation.”

Roncarelli v. Duplessis 1959 CanLII 50 (SCC), [1959] S.C.R. 121, ….there is no such thing as absolute and untrammeled "discretion", that is that action can be taken on any ground or for any reason …; no legislative Act can… be taken to contemplate an unlimited arbitrary power exercisable for any purpose, however capricious or irrelevant, regardless of the nature or purpose of the statute. … "Discretion"

necessarily implies good faith in discharging public duty; … any clear departure from its lines or objects is just as objectionable as fraud or corruption.

“RWDSU v. Dolphin Delivery Ltd., [1986] 2 SCR 573, 1986 CanLII 5 (SCC) Charter will apply to any rule of the common law that …directs an abridgement of a guaranteed right…if an…order would infringe a Charter right, the Charter will apply to preclude the order, .. by .. implication, to modify the common law rule…”

Gosselin v. Québec (Attorney General), [2002] 4 SCR 429, 2002 SCC 84… By enacting the Social Aid Act, the Quebec government triggered a state obligation…C. Negative vs. Positive Rights and the Requirement of State Action [319] … rights include a positive dimension, such that they are not merely rights of non-interference but also what might be described as rights of “performance”, then they may be violable by mere inaction...,

Canadian Human Rights Act
Purpose 2 The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312 (CanLII) THE RULE OF LAW [118] That unwritten constitutional principles form part of the fabric of the Canadian Constitution is clear. As expressed by Chief Justice Lamer, the provisions of the preamble to the Constitution Act, 1867 provide "organizing principles" that may be used to "fill out gaps in the express terms of the constitutional scheme ….. [136] …. The principle of the sovereignty of Parliament requires judicial obedience to the strict terms of the statute. In the process of applying a statute, however, uncertainties concerning its scope or effect in particular circumstances are bound to arise. The rule of law requires that these uncertainties be resolved, so far as possible, in a manner which would most conform to the reasonable understanding of the subject to whom the statute is primarily addressed. Implicit in this understanding is the exp-ectation that Parliament will conform to the generally accepted notions of fairness and justice -- that punishment will not be authorized for acts which were not known to be unlawful when committed, that vested rights will not be destroyed without reasonable compensation, that the powers of officials are to be limited by proper respect for the liberty of the citizen. "If the words are not conclusive in themselves, the reasonableness or otherwise of the construction contended for has always been recognized as a matter fairly to be taken in account"..147] … one law for all" concept based on the rule of law providing the law be supreme over both the acts of government and private persons:...[228]…The process of interpreting a statutory provision that is susceptible of more than one meaning was traditionally governed by the basic precept that the Court's function is to discover the intention of the legislature. In a case in which the ordinary rules of construction yield two equally plausible meanings, policy considerations are a factor in resolving the conflict. In constitutional cases before the Charter this was reflected in the practice of interpreting statutes by applying a presumption that a legislative body does not intend to exceed its powers under the Constitution.

3) You violated s362 Criminal Code by making this false statement in writing with intent that it be relied upon to defraud service “While the Tribunal can consider Constitutional Questions, the Commission

cannot". The Supreme Court has ruled that unless there is a statutory language depriving the Commission of power to interpret s52(1) Constitution Act, any person using s41 statutory power can determine the constitutionality of the s41 statutory power used.

Nova Scotia (Workers' Compensation Board) v. Martin; Nova Scotia (Workers' Compensation Board) v. Laseur, [2003] 2 SCR 504, 2003 SCC 54 (CanLII)
The Constitution is the supreme law of Canada and, by virtue of s. 52(1) of the Constitution Act, 1982, the question of constitutional validity inheres in every legislative enactment. From this principle of constitutional supremacy flows, as a practical corollary, the idea that Canadians should be entitled to assert the rights and freedoms that the Constitution guarantees them in the most accessible forum available, without the need for parallel proceedings before the courts. … A determination by a tribunal that a provision of its enabling statute is invalid pursuant to the Charter is not binding on future decision-makers, within or outside the tribunal's administrative scheme. .. Administrative tribunals which have jurisdiction, explicit or implied, to decide questions of law arising under a legislative provision are presumed to have concomitant jurisdiction to decide the constitutional validity of that provision. In applying this approach, there is no need to draw any distinction between "general" and "limited" questions of law. Explicit jurisdiction must be found in the terms of the statutory grant of authority. Implied jurisdiction must be discerned by looking at the statute as a whole. Relevant factors will include the statutory mandate of the tribunal in issue and whether deciding questions of law is necessary to fulfilling this mandate effectively; the interaction of the tribunal in question with other elements of the administrative system; whether the tribunal is adjudicative in nature; and practical considerations, including the tribunal's capacity to consider questions of law. Practical considerations, however, cannot override a clear implication from the statute itself. The party alleging that the tribunal lacks jurisdiction to apply the Charter may rebut the presumption by pointing to an explicit withdrawal of authority to consider the Charter; or by convincing the court that an examination of the statutory scheme clearly leads to the conclusion that the legislature intended to exclude the Charter (or a category of questions that would include the Charter, such as constitutional questions generally) from the scope of the questions of law to be addressed by the tribunal. Such an implication should generally arise from the statute itself, rather than from external considerations. ….

4) The following provisions of the Canadian Human Rights Act show that parliament expressly intended that the Commission interpret s52(1) questions of law;

Canadian Human Rights Act
Powers, duties and functions 27 (1) In addition to its duties under Part III with respect to complaints regarding discriminatory practices, the Commission is generally responsible for the administration of this Part and Parts I and III and

(e) may consider such recommendations, suggestions and requests concerning human rights and freedoms as it receives from any source and, where deemed by the Commission to be appropriate, include in a report referred to in section 61 reference to and comment on any such recommendation, suggestion or request;

(g) may review any regulations, rules, orders, by-laws and other instruments made pursuant to an Act of Parliament and, where deemed by the Commission to be appropriate, include in a report referred to in section 61 reference to and comment on any provision thereof that in its opinion is inconsistent with the principle described in section 2; and

(h) shall, so far as is practical and consistent with the application of Part III, try by persuasion, publicity or any other means that it considers appropriate to discourage and reduce discriminatory practices referred to in sections 5 to 14.1.

Guidelines (2) The Commission may, on application or on its own initiative, by order, issue a guideline setting out the extent to which and the manner in which, in the opinion of the Commission, any provision of this Act applies in a class of cases described in the guideline.

Guideline binding (3) A guideline issued under subsection (2) is, until it is revoked or modified, binding on the Commission and any member or panel assigned under subsection 49(2) with respect to the resolution of a complaint under Part III regarding a case falling within the description contained in the guideline.

Regulations 29 The Governor in Council, on the recommendation of the Commission, may make regulations authorizing the Commission to exercise such powers and perform such duties and functions, in addition to those prescribed by this Act, as are necessary to carry out the provisions of this Part and Parts I and III.

5) I look forward to disposition on the merits directly from the Commission. If the Commission has nothing to hide, why are you afraid of letting them do their job? You know it is impossible to defeat the motion relief and grounds, this is why you are lying. I know you know the meaning of includes and this is why you are lying. How in the world can the Commission defeat declaration 2b?

Trite law that “includes” means s25 is not an exhaustive list of employee organization, therefore whether “ a political party which is similar to unions, that provide “approval needed for” Canada Elections Act job at the House of Commons, is not a matter of personal opinion, it must comply with rule of law against arbitrary (contrary to s2 s27(1,a,b,e,g,h) objects) statutory interpretation which is engaged in order to fill statutory interpretation gaps while implementing legislation JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312

British Columbia v. Imperial Tobacco Canada Ltd., 2004 BCCA 269 (CanLII) [107] … "Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:" and s-s. 52(2) of the Constitution Act, 1982 which says that the Constitution of Canada "includes" listed and scheduled Acts. The word "includes" may be used to infer that other elements, including the rule of law, may also be included.
Ade Olumide

IN THE CANADIAN HUMAN RIGHTS COMMISSION
FILE 20161346
BETWEEN:
ADE OLUMIDE
APPLICANT
Vs:
CANADIAN HUMAN RIGHTS COMMISSION AND
ELECTIONS CANADA ADVISORY BOARD AND
CONSERVATIVE PARTY OF CANADA RESPONDENT

Reconsideration Motion Record / S41 Canada Human Rights Act Constitutional Question

….
Respondent: Chief Commissioner Marie-Claude Landry, Ad. E., Commissioner Sheila M. MacPherson Commissioner Kelly J. Serbu Q.C. Deputy Chief Commissioner David Langtry, ..

Respondent; Elections Canada Advisory Board, Mr. Ian Binnie, Ms. Lise Bissonnette, Ms. Sheila Fraser, Mrs. Wendy Grant-John, Mr. Roy Romanow, Mr. Hugh Segal, Mr. David Smith, Mr. Alex Tapscott, Mr. Paul Thomas, Ms. Cathy Wong, Stéphane Perrault, Acting Chief Electoral Officer of Canada 30 Victoria Street, Gatineau, Quebec K1A 0M6 Tele 1-800-463-6868, 613-993-2975 Fax 613-954-8584, .

Respondent: Counsel for Respondents, Paul D'Angelo, Partner, Perley-Robertson, Hill & McDougall LLP/s.r.l., 1400 - 340 rue Albert Street, Ottawa, ON K1R 0A5, Tel: 613-566-2808 Fax: 613-238-8775,

WITH SERVICE OF NOTICE OF MOTION AND CONSTITUTIONAL QUESTION TO;

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NOTICE OF MOTION AND CONSTITUTIONAL QUESTION
TAKE NOTICE: that this motion for reconsideration and constitutional question re letter signed by Marie-Claude Girard, Director Registrar Services from the Canadian Human Rights Commission dated November 22, received by mail on November 24, is brought by the Applicant Ade Olumide and shall be heard in writing by ALL Canadian Human Rights Commissioners and Deputy Commissioners.

TAKE NOTICE: that the Commission is an agent of government that is subject to s12 Charter duties, therefore refusing to adjudicate whether; the lacks of reasons to rebut 7 irrefutable legal facts is an s12 Charter breach, s41 Canada Human Rights Act is unconstitutionally overbroad, is tantamount to bad faith abuse of process doing indirectly what they lack jurisdiction to do directly.

Madadi v. B.C. (Ministry of Education), 2012 BCHRT 380 (CanLII) [71] …The difficulty with these decisions is that they appear to have carved out an exemption to the application of human rights legislation based on a common law principle. In the words of the Supreme Court in Ocean Port, the Tribunal has elevated a common law rule to constitutional status. [72]… While it is open to a Court to define the scope and application of common law concepts such as negligence, Bolster makes clear that it is not similarly open to read down human rights legislation on the basis of common law principle. [73] It could be argued that the constitutional guarantee of independence extends to certain tribunals and may be inconsistent with the application of the human rights legislation to certain Court-like functions carried out by those tribunals. It does not appear, however, that the argument has never been addressed to date by the OHRT. As a result, I am driven to conclude that the decisions of the OHRT to date, with respect to the immunity issue, is of little persuasive value in British Columbia …Conclusion Respecting Judicial Immunity [74] While the decisions of both our Courts and the Ontario Human Rights Tribunal express that there are sound reasons for immunizing judicial and quasi-judicial decision makers from civil suit: promoting finality of decision-making and the public interest in the integrity of the justice system, a key element of which is impartial and independent decision makers, constitutional judicial immunity does not apply to the hearing process of the TRB. As expressed in Ocean Port, “While tribunals may sometimes attract Charter requirements of independence, as a general rule they do not”. Certainly it is clear that the TRB was created for the primary purpose of implementing government policy respecting education. It therefore does not attract constitutional guarantees of independence in

my view. I am driven to the conclusion that judicial immunity does not apply to the processes of the TRB whether they be those functions that may be performed interchangeably by Courts or tribunals, such as the discipline hearing in this case or responsibilities related to the sort of policy-driven adjudicative responsibilities that could not be performed by the Courts.

1. THE APPLICANT SEEKS;
2. Declaration that the primary purpose of Canadian Human Rights Commission is to implement government policy Madadi , therefore it is subject to a s12 s15 Charter duty, pursuant to Canadian Doctors for Refugee Care v. Canada (Attorney general), 2014 FC 651, R. v. Smith (Edward Dewey), [1987] 1 SCR 1045 s12 Charter test, the Commissions lack of a single reason to rebut these 7 legal facts;

a) The common law definition of frivolous is lack of legal merit, frivolous is not defined within the Act therefore the Commission lacks jurisdiction to change the meaning of frivolous, the definition is not a matter of personal opinion, it must comply with rule of law against arbitrary (contrary to s2 s27(1,a,b,e,g,h) objects) statutory interpretation which is engaged in order to fill statutory interpretation gaps while implementing legislation JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312
b) Trite law that “includes” means s25 is not an exhaustive list of employee organization, therefore whether “ a political party which is similar to unions, that provide “approval needed for” Canada Elections Act job at the House of Commons, is not a matter of personal opinion, it must comply with rule of law against arbitrary (contrary to s2 s27(1,a,b,e,g,h) objects) statutory interpretation which is engaged in order to fill statutory interpretation gaps while implementing legislation JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312

c) s9 “full membership” definition includes membership benefit right to nomination contract that is not racially discriminatory by purporting power to refuse a candidate without a reason, is not a matter of personal opinion, it must comply with rule of law against arbitrary (contrary to s2 s27(1,a,b,e,g,h) objects) statutory interpretation which is engaged in order to fill statutory interpretation gaps while implementing legislation JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312

d) s25 employment definition includes a nomination “contractual relationship with an individual for the provision of services personally by the individual” is not a matter of personal opinion, it must comply with rule of law against arbitrary (contrary to s2 s27(1,a,b,e,g,h) objects) statutory interpretation which is engaged in order to fill statutory interpretation gaps while implementing legislation JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312

e) s10 discriminatory practice definition includes nomination “agreement affecting recruitment …any other matter relating to employment or prospective employment” to represent a Canada Elections Act Party in the House of Commons, is not a matter of personal opinion, it must comply with rule of law against arbitrary (contrary to s2 s27(1,a,b,e,g,h) objects) statutory interpretation which is engaged in order to fill statutory interpretation gaps while implementing legislation JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312.

f) BAILII case number: [2004] UKEAT 0907_03_2402 UK Employment tribunal case law 40 grounds that include “endorsement of a candidate by the relevant process within…Parties, thus enabling him..to describe himself as the …Party Candidate for election….as being an approval by a body which approval is needed for engagement in the particular occupation” is not engaged.

g) s67(4c) Canada Elections Act nominations common law in Guergis / Pick / Grewal that it is statutorily allowed to refuse a candidate without a reason, does not engage the Tribunal's s52(1) Constitution Acts 1867 to 1982 "Any law inconsistent with .. Constitution is, to extent of the inconsistency, of no force or effect" jurisdiction to decide the constitutional question.

violates s12 Charter by destroying 15 year Canada Elections Act career, loss of job, loss of home;

I. …goes beyond what is necessary to achieve a legitimate s12 Interpretations Act s2 Canada Human Rights Act objective
II. …is unacceptable to a large segment of the population
III. …does not have any social purpose such as reformation, rehabilitation or deterrence
IV. …does not accord with public standards of decency or propriety
V. …is of such a character as to shock general conscience
VI. …is unusually severe, degrading to dignity and worth

Definitions 25 In this Act,
employee organization includes a trade union or other organization of employees or a local, the purposes of which include the negotiation of terms and conditions of employment on behalf of employees;

employment includes a contractual relationship with an individual for the provision of services personally by the individual;

Employee organizations 9 (1) It is a discriminatory practice for an employee organization on a prohibited ground of discrimination
(a) to exclude an individual from full membership in the organization;
(c) to limit, segregate, classify or otherwise act in relation to an individual in a way that would deprive the individual of employment opportunities, or limit employment opportunities or otherwise adversely affect the status of the individual, where the individual is a member of the organization or where any of the obligations of the organization pursuant to a collective agreement relate to the individual.

Discriminatory policy or practice 10 It is a discriminatory practice for an employer, employee organization or employer organization (a) to establish or pursue a policy or practice, or
(b) to enter into an agreement affecting recruitment, referral, hiring, promotion, training, apprenticeship, transfer or any other matter relating to employment or prospective employment,
that deprives or tends to deprive an individual or class of individuals of any employment opportunities on a prohibited ground of discrimination.

3. Declaration that Canadian Human Rights Commission interpretation of s41 Canadian Human Rights Act is unconstitutionally overbroad because it purports power to;

I. Act contrary to s2, s27(1,a,b,e,g,h) Human Rights Act, 1(1) 9(7) Human Rights Tribunal Rules, act contrary to the rule of law and public policy objects of Canadian Human Rights Commission that racists should not be permitted to keep the proceeds of racism Garland

II. Violate; s21b, s22.2, s25.1(9)(11b), s380(1a) Criminal Code,

III. Violate; s52(1) Constitution Acts 1867 to 1982, preamble objects s12 Charter, s15 Charter positive obligation, preamble objects s1(a,b) s2(b,e) Canada Bill of Rights against racists' revictimization of

victim with mens rae to retain proceeds of racism principle of fundamental justice, s11 s12 s13 s21 s34 Canada Interpretation Act; Rule of law that racists should not be permitted to keep the proceeds of racism, Rule of law against absurd statutory interpretation, Rule of law against arbitrary application of statutory power, Rule of law against elevating Commission power above the constitution, Rule of law against using statutory power in bad faith, Rule of law against unconstitutionally overbroad legislation,

S41 should read in "…subject to the Constitution, Criminal Code, the Commission shall deal with any complaint filed with it unless in respect of that complaint it appears to the Commission that.."

TAKE FURTHER NOTICE: that this motion for reconsideration and constitutional question shall be heard immediately by the Canadian Human Rights Commission pursuant to the following;
Canada Elections Act (S.C. 2000, c. 9)

Interpretation: Definitions 2 (1) The definitions in this subsection apply in this Act.
Guidelines and interpretation notes 16.1 (1) The Chief Electoral Officer shall, in accordance with this section, issue guidelines and interpretation notes on the application of this Act — other than Division 1.1 of Part 16.1 — to registered parties, registered associations, nomination contestants, candidates and leadership contestants
candidate means a person whose nomination as a candidate at an election has been confirmed under subsection 71(1) and who, or whose official agent, has not yet complied with sections 477.59 to 477.72 and 477.8 to 477.84 in respect of that election.
election means an election of a member to serve in the House of Commons.
nomination contest means a competition for the selection of a person to be proposed to a registered party for its endorsement as its candidate in an electoral district.
nomination contestant means a person who is named as a nomination contestant under paragraph 476.1(1)(c) in a report filed in accordance with subsection 476.1(1) in respect of a nomination contest and who, or whose financial agent, has not yet complied with sections 476.75 to 476.94 in respect of that nomination contest.
political party means an organization one of whose fundamental purposes is to participate in public affairs by endorsing one or more of its members as candidates and supporting their election.
Witness files nomination paper 67 (1) The witness to the consent referred to in paragraph 66(1)(b) shall file the nomination paper with the returning officer in the electoral district in which the prospective candidate is seeking nomination at any time between the issue of the Notice of Election and the close of nominations….Other requirements (4) The witness shall file with the returning officer, together with the nomination paper,….(c) if applicable, an instrument in writing, signed by the person or persons authorized by the political party to endorse prospective candidates that states that the prospective candidate is endorsed by the party.

Canadian Human Rights Tribunal Rules of Procedure

1(1) These Rules are enacted to ensure that
a. all parties to an inquiry have the full and ample opportunity to be heard;
b. arguments and evidence be disclosed and presented in a timely and efficient manner; and
c. all proceedings before the Tribunal be conducted as informally and expeditiously as possible.
Application 1(2) These Rules shall be liberally applied by each Panel to the case before it so as to advance the purposes set out in 1(1).
Dispensing with Rules abridgement or extension of time 1(4) The Panel may, on the motion of a party or on its own initiative, dispense with compliance with any Rule where to do so would advance the purposes set out in 1(1).

Rules not exhaustive 1(6) The Panel retains the jurisdiction to decide any matter of procedure not provided for by these Rules.
Notice of motion 3(1) Motions, including motions for an adjournment, are made by a Notice of Motion, which Notice shall
a. be given as soon as is practicable;
b. be in writing unless the Panel permits otherwise;
c. set out the relief sought and the grounds relied upon; and
d. include any consents of the other parties.
Constitutional questions 9(7) Where a party intends to challenge the constitutional validity, applicability or operability of a statute or regulation before the Panel, it shall serve notice in accordance with s. 57 of the Federal Court Act and Form 69 of the Federal Court Rules, 1998.

Federal Court Rules

Motion to reconsider 397 (1) Within 10 days after the making of an order, or within such other time as the Court may allow, a party may serve and file a notice of motion to request that the Court, as constituted at the time the order was made, reconsider its terms on the ground that
(b) a matter that should have been dealt with has been overlooked or accidentally omitted.

Setting aside or variance 399 (2) On motion, the Court may set aside or vary an order
(a) by reason of a matter that arose or was discovered subsequent to the making of the order; or
(b) where the order was obtained by fraud.

Ontario Human Rights Tribunal Rules

26.5 A Request for Reconsideration will not be granted unless the Tribunal is satisfied that:
c. the decision or order which is the subject of the reconsideration request is in conflict with established jurisprudence or Tribunal procedure and the proposed reconsideration involves a matter of general or public importance; or

BC Human Rights Tribunal

Conditions for reconsidering a decision
To persuade the Tribunal to reconsider a decision, you must use a General Application. Your application must show: The interests of fairness and justice require reconsideration.
Information the Tribunal will consider
•If you say the Tribunal made a mistake in its process, what is the mistake and how did it result in unfairness?
Examples of cases where the Tribunal agreed to reconsider
•A decision contained a clear misunderstanding of a party's submission

4. WHEREAS the Commission s9, s10 Canada Human Rights Act, s52(1) Constitution Acts 1867 to 1982 "Any law inconsistent with .. Constitution is, to extent of the inconsistency, of no force or effect" jurisdiction to grant the below mentioned relief and grounds that was before the Commission;

5. S67(4c) Canada Elections Act Constitutional Question And Section 10 Of The Canadian Human Rights Act Relief Sought Is;

a) “That the person make available to the victim …..the … opportunities…denied; That the Conservative Party refer the 2015 dispute to an arbitrary committee as allowed by the nomination rules (same treatment given to caucasian Allan Riddel) in order to end the ongoing subjection to racist comments by agents of the Conservative Party and prevent the new Party Leader from using this dispute to limit Canada Elections Act prospective employment opportunity.

b) “redress the practice or to prevent the same or a similar practice from occurring in future”; Declare that effect of s67(4c) Act Guergis / Pick / Grewal / Vriend cases law is; in nomination “process… established pursuant to a statute”, it is “statutorily allowed” to decide “fundamental purpose…endorsing one…of its members as candidates” Act by violating 2, 9(1)(c) Canadian Human Rights Act / s3 Charter right to representation in government Figuera through a discriminatory nomination process that limits Canada Elections Act employment opportunities”

6. “Grounds;
I. Overbroad / Grossly Disproportionate To Objective of Election of Members
II. Vested, Inalienable, and Natural Justice Rights Common Law
III. Constitutional Rule of Law Common Law
IV. Conflicting Provincial and Federal Statutes / Provincial Civil Rights Jurisdiction
V. Abuse / Breach of Tangible / Intangible Contract Rights Common Law
VI. Prospective Employment / Independent Contractor Common Law
VII. Human Rights Common Law

7. WHEREAS conflict with constitutional jurisprudence is a ground for reconsideration

8. Whereas Commission is aware by different correspondence sent to the Chief Commissioner and prior complaint re Canadian Judicial Council racism use of deficiencies in my English to justify racism, Federal Court racism sympathizer elevation of caucasian political careers above black political careers, referring the complainant to the Federal Court by making a false statement that the application is frivolous (lack of legal merit) is tantamount to bad faith.

9. Whereas the only recourse for refusing to adjudicate this motion, is an s504 s507.1 s551.3(1g) Charter prosecution in criminal court for violating s380(1a) by defrauding valuable service through a falsehood that the application is frivolous (lack of legal merit). The evidence that the statement is false is the lack of reasons to rebut the 7 irrefutable legal facts or the s41 Constitutional Question.

10. Whereas about 200 people at the Commission, receiving taxpayer funds to fight racism, ought to know that using the same taxpayer funds to contravene the s2 objects of the Act by misinterpreting the meaning of employee organization and refusing s52(1) Constitution Act jurisdiction in order to encourage racism in s67(4c) Canada Elections Act processes that affects all Canadians and 14.5 million voters is a crime and an “Unconscionable representation” as defined in “15 Consumer Protection Act Unconscionable representation 15 (2) Without limiting the generality of what may be taken into account in determining whether a representation is unconscionable, there may be taken into account that the person making the representation or the person’s employer or principal knows or ought to know,”

11. WHEREAS refusal of reconsideration in order to contravene s2, s27(1,a,b,e,g,h) Human Rights Act, 1(1) 9(7) Tribunal Rules is an s380(1a) Criminal Code Offence and violation of the rule of law against arbitrary (contrary to objects) application of statutory power is s380(1a) fraud;

12. Purpose 2 The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

13. Powers, duties and functions 27 (1) In addition to its duties under Part III with respect to complaints regarding discriminatory practices, the Commission is generally responsible for the administration of this Part and Parts I and III and
a. shall develop and conduct information programs to foster public understanding of this Act and of the role and activities of the Commission thereunder and to foster public recognition of the principle described in section 2;
b. shall undertake or sponsor research programs relating to its duties and functions under this Act and respecting the principle described in section 2;
(e) may consider such recommendations, suggestions and requests concerning human rights and freedoms as it receives from any source and, where deemed by the Commission to be appropriate, include in a report referred to in section 61 reference to and comment on any such recommendation, suggestion or request;
(g) may review any regulations, rules, orders, by-laws and other instruments made pursuant to an Act of Parliament and, where deemed by the Commission to be appropriate, include in a report referred to in section 61 reference to and comment on any provision thereof that in its opinion is inconsistent with the principle described in section 2; and
(h) shall, so far as is practical and consistent with the application of Part III, try by persuasion, publicity or any other means that it considers appropriate to discourage and reduce discriminatory practices referred to in sections 5 to 14.1.

14. R. v. Zlatic, [1993] 2 SCR 29, 1993 CanLII 135 (SCC) 1. … the actus reus of fraud will be established by proof of: 1. the prohibited act, be it an act of deceit, a falsehood or some other fraudulent means; and 2. deprivation caused by the prohibited act, which may consist in actual loss or the placing of the victim's pecuniary interests at risk. Correspondingly, the mens rea of fraud is established by proof of: 1. subjective knowledge of the prohibited act; and 2. subjective knowledge that the prohibited act could have as a consequence the deprivation of another (which deprivation may consist in knowledge that the victim's pecuniary interests are put at risk). …. (i) Fraud by "Other Fraudulent Means" … Most frauds continue to involve either deceit or falsehood. As is pointed out in Théroux, proof of deceit or falsehood is sufficient to establish the actus reus of fraud; no further proof of dishonest action is needed. However, the third category of "other fraudulent means" has been used to support convictions in a number of situations where deceit or falsehood cannot be shown. These situations include, to date, the use of corporate funds for personal purposes, non#disclosure of important facts, exploiting the weakness of another, unauthorized diversion of funds, and unauthorized arrogation of funds or property: …. Dishonesty is, of course, difficult to define with precision. It does, however, connote an underhanded design which has the effect, or which engenders the risk, of depriving others of what is theirs. J. D. Ewart, in his Criminal Fraud (1986), defines dishonest conduct as that "which ordinary, decent people would feel was discreditable as being clearly at variance with straightforward or honourable dealings" (p99). …. The dishonesty of "other fraudulent means" has, at its heart, the wrongful use of something in which another person has an interest, in such a manner that

this other's interest is extinguished or put at risk. A use is "wrongful" in this context if it constitutes conduct which reasonable decent persons would consider dishonest and unscrupulous.… The authorities make it clear that it is unnecessary for a defrauding party to profit from his or her fraud in order to be convicted; it is equally unnecessary that the victims of a fraud suffer actual pecuniary loss in order that the offence be made out: …

15. WHEREAS the Commission lacks jurisdiction to violate;

16. s52(1) Constitution Acts 1867 to 1982 “Any law inconsistent with .. Constitution is, to extent of the inconsistency, of no force or effect”;

17. defraud Tribunal service in violation s21b, s22.2, s25.1(9)(11b), s380(1a) Criminal Code

18. Commission’s s15 Charter positive obligation; Gosselin v. Québec (Attorney General), [2002] 4 SCR 429, 2002 SCC 84… By enacting the Social Aid Act, the Quebec government triggered a state obligation…C. Negative vs. Positive Rights and the Requirement of State Action [319] … rights include a positive dimension, such that they are not merely rights of non-interference but also what might be described as rights of “performance”, then they may be violable by mere inaction..., Finally, decisions like Schachter v. Canada, 1992 CanLII 74 (SCC), [1992] 2 S.C.R. 679, and Vriend, supra, confirm that “[i]n some contexts it will be proper to characterize s. 15 as providing positive rights”….

19. preamble objects and s1(a,b) s2(b,e) Canada Bill of Rights against racists’ revictimization of victim with mens rae to retain proceeds of racism principle of fundamental justice

20. s11 s12 s13 s21 s34 Canada Interpretation Act

21. Rule of law that a racist should not be permitted to keep the proceeds of his racism; Garland v. Consumers’ Gas Co., [2004] 1 S.C.R. 629, 2004 SCC 25, 52…Criminal Code are intra vires the level of government that enacted them.…overriding public policy consideration in this case is the fact that the LPPs were collected in contravention of the Criminal Code. As a matter of public policy, a criminal should not be permitted to keep the proceeds of his crime.

22. Rule of law against absurd statutory interpretation; Rizzo & Rizzo Shoes Ltd. (Re), [1998] 1 SCR 27, 1998 CanLII 837 (SCC) 27 consequences...are incompatible with both the object of the Act..It is a well established principle of statutory interpretation that the legislature does not intend to produce absurd consequences. According to Côté, supra, an interpretation can be considered absurd if it leads to ridiculous or frivolous consequences, if it is extremely unreasonable or inequitable, if it is illogical or incoherent, or if it is incompatible with other provisions or with the object of the legislative enactment ... Sullivan echoes these comments noting that a label of absurdity can be attached to interpretations which defeat the purpose of a statute or render some aspect of it pointless or futile …

23. Rule of law against arbitrary application of statutory power; Roncarelli v. Duplessis 1959 CanLII 50 (SCC), [1959] S.C.R. 121, ….there is no such thing as absolute and untrammeled "discretion", that is that action can be taken on any ground or for any reason …; no legislative Act can… be taken to contemplate an unlimited arbitrary power exercisable for any purpose, however capricious or irrelevant, regardless of the nature or purpose of the statute. … "Discretion" necessarily implies good faith in discharging public duty; … any clear departure from its lines or objects is just as objectionable as fraud or corruption.

24. Rule of law against elevating Commission power above the constitution; “RWDSU v. Dolphin Delivery Ltd., [1986] 2 SCR 573, 1986 CanLII 5 (SCC) The Charter will apply to any rule of the common law that …directs an abridgement of a guaranteed right…if an…order would infringe a Charter right, the Charter will apply to preclude the order, and, by necessary implication, to modify the common law rule… courts are, of course, bound by the Charter;”

25. Rule of law against bad faith use of statutory power; Freeman v. Canada (Citizenship and Immigration), 2013-10-23, 2013 FC 1065, IMM-6304-12, ….. “good faith” means “… carrying out the statute according to its intent and for its purpose; … not with an improper intent … “good faith” does not mean … punishing a person for exercising an unchallengeable right” and “it does not mean arbitrarily and illegally attempting to divest a citizen of an incident of his civil status”… “acts that are so … inconsistent with … legislative context that a court cannot …conclude that they were performed in good faith”. … evidence of bad faith is not required. It can… be inferred from the surrounding circumstances…. that absence of good faith can be deduced and bad faith presumed”:

26. Common law against inaction refusal to reconsider; Johnston et al. v. Prince Edward Island, 1995 10509 (NL SCTD)…. City of Kamloops v. Nielsen, 1984 CanLII 21 (SCC), …: 'In my view, inaction for no reason or inaction for an improper reason cannot be … bona fide exercise of discretion. Where the question whether the requisite action should be taken has not even been considered by the public authority, or at least has not been considered in good faith…,

27. Rule of law that gaps in legislation must be filled in accordance to the Constitution; JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312 (CanLII) THE RULE OF LAW [118] That unwritten constitutional principles form part of the fabric of the Canadian Constitution is clear. As expressed by Chief Justice Lamer, the provisions of the preamble to the Constitution Act, 1867 provide "organizing principles" that may be used to "fill out gaps in the express terms of the constitutional scheme …..[136] …. The principle of the sovereignty of Parliament requires judicial obedience to the strict terms of the statute. In the process of applying a statute, however, uncertainties concerning its scope or effect in particular circumstances are bound to arise. The rule of law requires that these uncertainties be resolved, so far as possible, in a manner which would most conform to the reasonable understanding of the subject to whom the statute is primarily addressed. Implicit in this understanding is the exp-ectation that Parliament will conform to the generally accepted notions of fairness and justice -- that punishment will not be authorized for acts which were not known to be unlawful when committed, that vested rights will not be destroyed without reasonable compensation, that the powers of officials are to be limited by proper respect for the liberty of the citizen. "If the words are not conclusive in themselves, the reasonableness or otherwise of the construction contended for has always been recognized as a matter fairly to be taken in account"..147] … one law for all" concept based on the rule of law providing the law be supreme over both the acts of government and private persons:...[228]…The process of interpreting a statutory provision that is susceptible of more than one meaning was traditionally governed by the basic precept that the Court's function is to discover the intention of the legislature. In a case in which the ordinary rules of construction yield two equally plausible meanings, policy considerations are a factor in resolving the conflict. In constitutional cases before the Charter this was reflected in the practice of interpreting statutes by applying a presumption that a legislative body does not intend to exceed its powers under the Constitution.

28. Rule of law against unconstitutionally overbroad legislation; Allard v. Canada, 2016-02-24, 2016 FC 236, T-2030-13….principles of fundamental justice … overbreadth … gross disproportionality …a law that takes away rights in a way that generally supports the object of the law, goes too far by denying the

rights of some individuals in a way that bears no relation to the object…grossly disproportionate effect on one person is sufficient to violate the norm… effect actually undermines the objective"

TEST FOR SUFFICIENCY OF REASONS FOR REFUSING RECONSIDERATION

29. Any order dismissing this application without complying with R. v. R.E.M., 2008 SCC 51 is an s21b Criminal Code offence;

30. No "Conflicting Evidence" Re;
h) the Commission lacks jurisdiction to change the meaning of frivolous,
i) Trite law that "includes" means s25 is not an exhaustive list of employee organizations,
j) s9 "full membership" definition includes membership benefit right to nomination contract that is not racially discriminatory
k) s25 employment definition includes a nomination "contractual relationship with an individual for the provision of services personally by the individual"
l) s10 discriminatory practice definition includes nomination "agreement affecting recruitment …any other matter relating to employment or prospective employment"
m) BAILII case number: [2004] UKEAT 0907_03_2402 UK Employment tribunal case law
n) s67(4c) Canada Elections Act nominations common law in Guergis / Pick / Grewal that it is statutorily allowed to refuse a candidate without a reason, does not engage the Tribunal's s52(1) Constitution Acts 1867 to 1982

R. v. R.E.M., 2008 SCC 51, [2008] 3 SCR 3, 1. [21] This is what is meant by the phrase in Sheppard "the path taken by the trial judge through confused or conflicting evidence" (para. 46). In Sheppard, it was not possible to determine what facts the trial judge had found. Hence, it was not possible to conclude why the trial judge had arrived at what he concluded — the verdict..[31] More recently, in R. v. Dinardo, 2008 SCC 24 (CanLII), [2008] 1 S.C.R. 788, 2008 SCC 24, the Court, per Charron J., rejected a formalistic approach. The case turned on credibility.The trial judge's reasons failed to articulate the alternatives to be considered in determining reasonable doubt as set out in R. v. W. (D.), 1991 CanLII 93 (SCC), [1991] 1 S.C.R. 742. …The Degree of Detail Required, [42] In this case, the Court of Appeal faulted the trial judge principally for not giving sufficiently precise reasons for accepting the complainant's evidence and rejecting the accused's evidence, as well as for not stating precisely what evidence he accepted and rejected in respect of each of the counts on which he found the accused guilty. Similarly, in Dinardo, the reasons of the trial judge were criticized for failing to engage in a detailed discussion of the process of assessing reasonable doubt recommended in W.(D.). In both cases, the issue was how much detail the trial judge's reasons are required to provide — in this case on the facts, in Dinardo on the law…[48] The sufficiency of reasons on findings of credibility — the issue in this case — merits specific comment. The Court tackled this issue in Gagnon, setting aside an appellate decision that had ruled that the trial judge's reasons on credibility were deficient. …[55] It must look at the reasons in their entire context. It must ask itself whether, viewed thus, the trial judge appears to have seized the substance of the critical issues on the trial. If the evidence is contradictory or confusing, the appellate court should ask whether the trial judge appears to have recognized and dealt with the contradictions …

31. "Complete Disregard Of ..Evidence" that;
a) the Commission lacks jurisdiction to change the meaning of frivolous,
b) Trite law that "includes" means s25 is not an exhaustive list of employee organizations,
c) s9 "full membership" definition includes membership benefit right to nomination contract that is not racially discriminatory

d) s25 employment definition includes a nomination “contractual relationship with an individual for the provision of services personally by the individual”
e) s10 discriminatory practice definition includes nomination “agreement affecting recruitment …any other matter relating to employment or prospective employment”
f) BAILII case number: [2004] UKEAT 0907_03_2402 UK Employment tribunal case law
g) s67(4c) Canada Elections Act nominations common law in Guergis / Pick / Grewal that it is statutorily allowed to refuse a candidate without a reason, does not engage the Tribunal’s s52(1) Constitution Acts 1867 to 1982

R. v. R.E.M., 2008 SCC 51, [2008] 3 SCR 3, 4. [55] …As was established in Harper v. The Queen, 1982 CanLII 11 (SCC), [1982] 1 S.C.R. 2, at p. 14, “[a]n appellate tribunal has neither the duty nor the right to reassess evidence at trial for the purpose of determining guilt or innocence. . . . Where the record, including the reasons for judgment, discloses a lack of appreciation of relevant evidence and more particularly the complete disregard of such evidence, then it falls upon the reviewing tribunal to intercede.”

32. “Failed To Explain Why He Rejected” evidence that;
a) the Commission lacks jurisdiction to change the meaning of frivolous,
b) Trite law that “includes” means s25 is not an exhaustive list of employee organizations,
c) s9 “full membership” definition includes membership benefit right to nomination contract that is not racially discriminatory
d) s25 employment definition includes a nomination “contractual relationship with an individual for the provision of services personally by the individual”
e) s10 discriminatory practice definition includes nomination “agreement affecting recruitment …any other matter relating to employment or prospective employment”
f) BAILII case number: [2004] UKEAT 0907_03_2402 UK Employment tribunal case law
g) s67(4c) Canada Elections Act nominations common law in Guergis / Pick / Grewal that it is statutorily allowed to refuse a candidate without a reason, does not engage the Tribunal’s s52(1) Constitution Acts 1867 to 1982

R. v. R.E.M., 2008 SCC 51, [2008] 3 SCR 3, The Court of Appeal set aside the convictions on two of the three counts. It found the trial judge’s reasons to be deficient on the grounds that the trial judge: (i) did not clearly explain which of the offences were proved by which of the 11 incidents; (ii)failed to mention some of the accused’s evidence; (iii) failed to make general comments about the accused’s evidence; (iv) failed to reconcile his generally positive findings on the complainant’s evidence with the rejection of some of her evidence; and (v) failed to explain why he rejected the accused’s plausible denial of the charges. …A trial judge’s reasons serve three main functions: to explain the decision to the parties, to provide public accountability and to permit effective appellate review. Proceeding with deference, the appellate court is to ensure that, read in the context of the record as a whole, the trial judge’s reasons demonstrate that he or she was alive to and resolved the central issues before the court. [11] ... However, the question is whether the reasons, considered in the context of the record and the live issues at trial, failed to disclose a logical connection between the evidence and the verdict..

33. “Reasons To Deal With.. Unsettled Law … Novel Question Of Law …” that;
a) the Commission lacks jurisdiction to change the meaning of frivolous,
b) Trite law that “includes” means s25 is not an exhaustive list of employee organizations,
c) s9 “full membership” definition includes membership benefit right to nomination contract that is not racially discriminatory

d) s25 employment definition includes a nomination “contractual relationship with an individual for the provision of services personally by the individual”
e) s10 discriminatory practice definition includes nomination “agreement affecting recruitment …any other matter relating to employment or prospective employment”
f) BAILII case number: [2004] UKEAT 0907_03_2402 UK Employment tribunal case law
g) s67(4c) Canada Elections Act nominations common law in Guergis / Pick / Grewal that it is statutorily allowed to refuse a candidate without a reason, does not engage the Tribunal’s s52(1) Constitution Acts 1867 to 1982

R. v. R.E.M., 2008 SCC 51, [2008] 3 SCR 3, 4. [44] …More detail may be required where the trial judge is called upon “to address troublesome principles of unsettled law, or to resolve confused and contradictory evidence on a key issue”:.. [47] This said, the presumption that trial judges are presumed to know the law with which they work on a day-in day-out basis does not negate the need for reasons to show that the law is correctly applied in the particular case (Sheppard, at para. 55, point 9), nor the need for reasons to deal with “troublesome principles of unsettled law” (Sheppard, at para. 55, point 6). ..[55] The appellate court, proceeding with deference, must ask itself whether the reasons, considered with the evidentiary record, the submissions of counsel and the live issues at the trial, reveals the basis for the verdict reached. ….If there is a difficult or novel question of law, it should ask itself if the trial judge has recognized and dealt with that issue…[57] …Essential findings of credibility must have been made, and critical issues of law must have been resolved. If the appellate court concludes that the trial judge on the record as a whole did not deal with the substance of the critical issues on the case (as was the case in Sheppard and Dinardo), then, and then only, is it entitled to conclude that the deficiency of the reasons constitute error in law.

REFUSING TO ADJUDICATE MOTION ON MERIT IS A RESULT OF RACISM MYTHS
34. Brar and others v. B.C. Veterinary Medical Association and Osborne, 2015 BCHRT 151 (CanLII)
[724] Similarly, the Ontario Commission found that there are a number of myths and misconceptions that come into play when race discrimination is alleged. These myths and misconceptions “serve to silence persons who speak out against racism and racial discrimination, hamper efforts to combat racism and racial discrimination and even affect the ability of decision-makers to objectively deal with claims of racism and racial discrimination”. … myths … including:
racism is exaggerated and that, except for exceptional cases or the actions of a “few bad apples” racism does not exist in Canada;
people in Canada are “colour blind” and do not even notice race;
mentioning the existence of racism or racial discrimination or taking proactive measures to address racism or racial discrimination constitutes reverse racism towards White people;
racialized people are less credible and their assertions must be more carefully scrutinized and investigated or must be corroborated;
racialized people play the “race card” to manipulate people or systems to get what they want;
racialized people are too sensitive, tend to overreact or have a “chip on their shoulder”;
racialized people themselves, and not racism or racial discrimination, are at fault for their disadvantage or state of “otherness,” commonly known as “blaming it on the victim”;
immigration is bad for Canada as immigrants take jobs away, commit more crime, are a drain on the system or do not fit into our society; and
if a racialized person has been treated acceptably in the past, then discriminatory treatment cannot take place in the future.
These responses create a climate that prevents any kind of effective response to racial inequality. (Guidelines on Racism, p. 17)

PRIMA FARCIE RACISM TEST FOR REVERSING s67(4c) BURDEN OF PROOF

35. Correia v. York Catholic District School Board, 2011 HRTO 1733 (CanLII) [26] The principles that apply in the context of this Tribunal's analysis of racial discrimination cases were reviewed and approved by the Divisional Court in Shaw v. Phipps, 2010 ONSC 3884 (CanLII) where the Court stated (at paras. 75 to 79): [75] Many discrimination cases, such as this case, do not involve direct evidence that a complainant's colour or race was a factor in the incident in question. A tribunal must draw reasonable inferences from proven facts. [76] The Tribunal correctly outlined the principles that apply in cases involving an allegation of racial discrimination. . . .:(a) The prohibited ground or grounds of discrimination need not be the sole or the major factor leading to the discriminatory conduct; it is sufficient if they are a factor; (b) There is no need to establish an intention or motivation to discriminate; the focus of the enquiry is the effect of the respondent's actions on the complainant; (c) There need be no direct evidence of discrimination; discrimination will more often be proven by circumstantial evidence and inference; and (d) Racial stereotyping will usually be the result of subtle unconscious beliefs, biases and prejudices. Radek v. Henderson Development (Canada) Ltd. (No. 3) (2005), 52 C.H.R.R. D/430, 2005 BCHRT 302 at para. 482; Pritchard v. Ziedler (2007), CHRR Doc. 07-527 (Sask. H.R.T.). [77] In cases where discrimination must be proved by circumstantial evidence, there are no bright lines. The Tribunal must determine what reasonable inferences can be drawn from proven facts. These are difficult, nuanced cases that are important to both the parties, to society and the neighbourhoods in which we live. The Tribunal notes (at para. 17): In this case, as in many cases alleging racial discrimination, there is no direct evidence that race was a factor in the officer's decision to take the actions that he did. As a result, the issue of whether the officer's actions amount to racial discrimination in violation of the Code falls to be determined in accordance with the following well-established principles applicable to circumstantial evidence cases. (1) Once a prima facie case of discrimination has been established, the burden shifts to the respondent to provide a rational explanation which is not discriminatory. (2) It is not sufficient to rebut an inference of discrimination that the respondent is able to suggest just any rational alternative explanation. The respondent must offer an explanation which is credible on all the evidence. (3) A complainant is not required to establish that the respondent's actions lead to no other conclusion but that discrimination was the basis for the decision at issue in a given case. (4) There is no requirement that the respondent's conduct, to be found discriminatory, must be consistent with the allegation of discrimination and inconsistent with any other rational explanation. (5) The ultimate issue is whether an inference of discrimination is more probable from the evidence than the actual explanations offered by the respondent. [78] The Tribunal confirms that it did not have to find that race was the only or the major factor leading to the discriminatory conduct. It also did not need to find that there was an intention to discriminate, as racial stereotyping will often stem from unconscious biases or beliefs. The Tribunal was well aware of the difficult, nuanced question that it had to determine. It states (at paras. 18-19): In determining whether the inference of racial discrimination is more probable than the explanations offered by the respondent officer, I also need to be mindful of the nature of racial discrimination as it is understood today and that it will often be the product of learned attitudes and biases and often operates on an unconscious level: Nassiah v. Peel (Regional Municipality) Services Board, 2007 HRTO 4 (CanLII)….[34] In applying these principles to the instant case, I find that the applicant, without consideration of the respondent's evidence, has established a prima facie case of racial discrimination. He was the only candidate for the Superintendent positions who is a member of a racialized group. The successful candidates were all Caucasian. The applicant fulfilled the basic qualifications for the position as advertised. He was the only candidate who had actual work experience as a Superintendent. His academic qualifications were superior to those of the successful candidates. Given these facts, it is my view that the applicant has provided a sufficient basis at least to shift the evidentiary burden to the respondent and require it to provide an explanation for the decisions it made.

36. Brar and others v. B.C. Veterinary Medical Association and Osborne, 2015 BCHRT 151 (CanLII) Shifting Burden [751] In some cases, as in this Complaint, it may be helpful to the analysis to consider the shifting evidentiary burden.
[752] Once a complainant has established a prima facie case of discrimination, the evidentiary burden shifts to a respondent to lead credible evidence of a non-discriminatory reason(s) for their conduct or that their conduct was justified: Agduma-Silongan v. University of British Columbia, 2003 BCHRT 22 (CanLII) para. 196. However, the legal burden to establish a prima facie case of discrimination always rests with the Complainants. [753] The Tribunal in Radek provided some guidance on this issue:
Once a complainant has established the first two elements, that is that she is a member of a protected group or groups and that she received differential treatment with respect to a service customarily available to the public, the evidentiary burden may shift to the respondent to show that membership in the protected group or groups was not a factor in the differential treatment... That is because, having established the first two elements, the inference may reasonably arise that membership in the protected group or groups was a factor in the differential treatment, leaving it to the respondent to rebut that inference by showing that it had a rational and credible justification for its conduct..... At all points, however, the legal burden remains on the complainant to establish a prima facie case of discrimination. If she does that, the legal burden shifts to the respondent to establish a defence by showing that it had a bona fide and reasonable justification for its prima facie discriminatory conduct. (para. 459; see also McKay, para. 116; Ontario (Director, Disability Support program) v. Tranchemontagne, 2010 ONCA 593 (CanLII), para. 109; Peel Law Assn., paras. 70-74)) [754] If the respondent provides evidence that the protected ground was not a factor in the adverse treatment, the evidentiary burden may shift back to the complainant to show that the respondent's explanation was a mere pretext. Again the legal burden remains on the complainant to establish the respondent's actions were in fact discriminatory. (McKay, para. 117; Johnson; Basi; Peel Law Assn. para. 74)

CONFLICT WITH ESTABLISHED JURISPRUDENCE ON TESTING FOR s67(4c) RACISM

37. The following irrefutable legal conclusions are supported by Brar and others v. B.C. Veterinary Medical Association and Osborne, 2015 BCHRT 151 (CanLII) jurisprudence below;

38. Discrimination is a distinction whether intentional or not, which has the effect of imposing disadvantages Para 693.
39. The use of black African immigrant ethnic origin stereotypes (fake degree, foreign residence skeletons, if length of time in the country is "long enough to understand our cultural values", Party HQ planted Ottawa Citizen story) to remove applicant from Conservative Party Nomination race is racism. Would a caucasian immigrant from the UK get the same question? would a caucasian immigrant from the UK be accused of fake degrees? Would a caucasian immigrant from the UK be accused of foreign residence skeletons which could range from gun crimes to terrorism ties?, Would a caucasian immigrant from the UK be subjected to ethnic origin stereotypes and expectation that people believe it without evidence because of colour and ethnic origin?

40. Inclusion is achieved by preventing exclusion Para 694
41. The consequence of Commission position that a caucasian political careers are more important than a black political careers, is an arbitrary disregard of merit of s67(4c) Canada Elections Act constitutional question. At the nomination the former Conservative Party Executive Director Dan Hilton who accused me of fake degrees was the Chair of the occasion, his opening statement was that these 3 candidates are the only "suitable" candidates which means he publicly called me unsuitable while

other agents of the party were spreading these publicly spreading these false ethnic origin stereotype rumours.

42. Prima farcie individual discrimination Para 697, is established because black people are more likely to be affected by the lack of s67(4c) statutory requirement to give reasons to a refused candidate.
43. There were 4 candidates, all 3 were white, applicant was the only black person, even though he beat everyone 7 to 1 in memberships, he was the only one disqualified. The question the Commission should be asking is that one contestant was a millionaire business man, one was already elected in the riding as a school board trustee, one was a former PMO staffer, so why did a 98% caucasian 1,800 members prefer a black African immigrant who speaks with an accent? Caucasian seniors members preferred me over 3 other caucasian candidates because while at the Municipal Taxpayer Advocacy Group I convinced 37 cities across Ontario to pass a motion that hydro should be affordable and promised to make a Canadian Hydro free trade agreement priority 1.

44. It is not necessary to allege that discrimination was intentional. Para 699
45. Refusing reconsideration would show that the Commission wants applicant to know his place in a caucasian majority country.

46. Discrimination need not be the only factor. Para 700
47. In this case racism was the only factor because although the Party was working with one Caucasian candidate, they allowed the 2 other caucasians to contest, which means they felt they could keep the riding with anyone but the black candidate.

48. Just because other black people may not have faced similar treatment does not mean that they did not racially discriminate against me. Para 702.
49. CPC statement that because they permitted a black candidate in the same ethnically diverse riding that they tried to push me to through the Ottawa Citizen planted story, means that applicant did not experience racism, is false.

50. Inference of discrimination may be drawn where the evidence, including circumstantial evidence, renders the inference more probable than other possible inferences or explanations. Para 703
51. The duty to give reasons, does not mean that government can decide who the nominee would be, it simply make it harder for racists to operate. If an Arbitrary Tribunal or a court or a commission finds that the reason is grounds to set aside the Party's decision, it would still allow the Party to make a better non-racial discrimination decision.

52. Historical disadvantage experienced by the group is a factor. Para 704
53. I offer social facts that perhaps the Commission believes that sometimes racism is okay;
a) Non-White Lawyers Call Out Racial Profiling In Justice System
http://www.cbc.ca/radio/thecurrent/the-current-for-september-13-2016-1.3759566/september-13-2016-full-episode-transcript-1.3760936#top
b) http://www.cbc.ca/news/canada/ottawa/ohrc-racial-profiling-traffic-stop-data-1.3872493

54. Look at all the circumstances to identify the "subtle scent of discrimination" Para 705
55. It is obvious that anyone helping the Conservative Party to discriminate against me is at a minimum tolerant to exclusion of black people from the political process.

56. Evidence that white people are treated better in similar circumstances. Para 707
57. Arbitration Refusal Is Racial Discrimination

http://www.canada.com/ottawacitizen/news/story.html?id=3678b43e-745d-4170-9aad-087ebb2883be
Tories cut deal with Riddell, e-mails show The Conservative party has a "binding agreement" to cover expenses incurred by Alan Riddell in exchange for his withdrawal from the party's nomination race in Ottawa South, according to e-mails obtained by the Citizen.
By The Ottawa Citizen December 6, 2005 Tories cut deal with Riddell, e-mails show
The Conservative party has a "binding agreement" to cover expenses incurred by Alan Riddell in exchange for his withdrawal from the party's nomination race in Ottawa South, according to e-mails obtained by the Citizen.…
However, in a Nov. 25 e-mail to Luc Barrick, Mr. Riddell's lawyer, Mr. Donison declared that "there is now a binding agreement between Mr. Riddell and the Conservative Party of Canada."
The e-mail was written two days after Mr. Riddell was summoned to a Nov. 23 meeting at Conservative party headquarters and ordered to withdraw his candidacy in favour of an unnamed star candidate, who turned out to be Mr. Cutler.
When Mr. Riddell balked, Mr. Donison sent him a letter later that day saying his candidacy had been disallowed by the party's national council. However, that was swiftly rescinded and negotiations began on the terms of Mr. Riddell's withdrawal.
On Nov. 24, Mr. Riddell wrote Mr. Donison to say he was prepared to withdraw on two conditions. First, he asked the party to "do the honourable thing" by picking up "receiptable nomination expenses" incurred by his campaign in two separate Ottawa South campaigns.
These he estimated at about $50,000, but added that the amount "would be subject to verification" by Mr. Donison.
He also asked the party to put to arbitration the matter of legal expenses he incurred in successfully challenging the party's disqualification of his candidacy last May.
At the time, the party's national council had blocked his nomination because Mr. Riddell had once donned a Nazi uniform.
But in August, a Conservative party arbitration committee overturned that decision after finding that Mr. Riddell had worn a Sgt. Shultz uniform from the TV show Hogan's Heroes as a prank 25 years ago, and should not be barred for a "youthful indiscretion."
Meanwhile, in challenging his May disqualification, Mr. Riddell had run up legal bills in excess of $100,000. It's those costs that he wants to arbitrate.
On Nov. 24, Mr. Donison e-mailed a counter-offer to Mr. Riddell's lawyers. In it, he made several demands, including that Mr. Riddell provide a written statement "unconditionally withdrawing" as a nomination contestant and candidate in the Jan. 23 election.
Except for a reference to Mr. Harper, which he wanted Mr. Riddell to delete, "all other terms and conditions as contained in your offer are acceptable," Mr. Donison wrote.
Negotiations continued Nov. 25, with Mr. Riddell insisting the party's press release announcing his withdrawal clearly state that he had not been disqualified as a candidate.
The Conservatives agreed, and a short time later Mr. Donison sent his e-mail to Mr. Barrick saying there was now a binding agreement between the party and Mr. Riddell.

58. There is no need to establish an intention to discriminate; the focus of the enquiry is on the effect of the respondent’s actions on the complainant. Para 708(b) “distinction between direct and adverse effect discrimination is no longer one which need be made... focus is on the effects of the respondent’s actions, not the reasons they engaged in them ..is given statutory effect in s. 2 of the Code...” Para 734
59. The effect of the respondent racial discrimination is the destruction of a black political career, loss of job, loss of home, as a reprisal for the crime of being too popular with the 98% caucasian members to be permitted to contest the nomination.

60. There need not be direct evidence of discrimination; discrimination will more often be proven by the circumstantial evidence and inference. Para 708d
61. Everyone in the nomination committee as well as the other 3 contestants are caucasian. Correia v. York Catholic District School Board, 2011 HRTO 1733 (CanLII) is engaged, yet the Commission is trying to tell me that it is constitutional that Parties retain the s67(4c) power to discriminate without giving me a reason, that is a violation of the rule of law against absurd constitutional interpretation.

62. Organizations have a responsibility to take proactive steps to ensure that they are not engaging in, condoning or allowing racial discrimination or harassment to occur. Para 712
63. This is contrary to the Commission posture of defrauding my statutory right to bring the s67(4c) Canada Elections Act constitutional question. If 1 million Canadians are members of political parties, if there are about 5,000 candidates each election cycle, if 15% of Canadians are visible minorities, why would the Commission want 150,000 visible minority members of political parties, 750 visible minority candidates to be exposed to racial discrimination? The Commission knows that is the direct consequence of defrauding the s67(4c) Canada Elections Act constitutional question.

64. Failing to recognize complex, subtle, systemic nature of racism impedes action. Para 713
65. Requiring political parties to give a reason for refusal is not a racism silver bullet, but it will make it harder for racists to destroy black political careers.While applicant was contesting in a homogenous riding Carleton Mississippi Mills, the party headquarters planted a story in the Ottawa Citizen which stated that he was running in a 40% ethnically diverse riding of Ottawa West Nepean. In an email, the reporter that wrote the story apologized, he said it came from “party brass”. The question the Commission should be asking is that if he is good enough for an ethnically diverse riding, why is he not good enough for a more homogenous riding. The members signed up by the applicant, were 98% Caucasian, so why not let the members decide? The answer is that some racists could not bear the thought of having a black candidate represent a caucasian riding.

66. Individual acts themselves may be ambiguous or explained away, but when viewed as part of the larger picture, may lead to an inference that racial discrimination was a factor. Para 714
67. The bigger picture is that they could have disqualified in March 2014 when they planted the false story in the Ottawa Citizen, but they wanted to pretend to be inclusive, so they simply shopped for people to defeat me. Once of such people was caucausian Councillor Allan Hubley who ultimately decided not to run, but not fater doing his own research, he told me that if the nomination were held today, you would win. I was also endorsed by the riding Conservative MPP Jack MacLaren so the Party was well aware that I was too popular to loose. However they decided that having a black candidate in a caucasian riding would cause them to loose the riding, so they began a strategy to disqualify me.

68. Discrimination based on race is very subtle and direct evidence is rarely available. Para 715
69. In this case there is direct evidence, that is why refusing the reconsideration is evidence that the Commission believes that ethnic origin stereotype discrimination fake degree / foreign residence falsehoods to prevent a homogenous riding from having a black candidate (preferred by the 98% Caucasian membership by a ratio of 7 to 1) is justified.

70. Peel Law Assn. v. Pieters, 2013 ONCA 396 (CanLII). In race cases, the outcome depends on the respondents’ state of mind, which cannot be directly observed and must always be inferred from circumstantial evidence… Para 719
71. The circumstantial evidence is that the front runner black candidate was disqualified so that any one of 3 other caucasians could win and the Conservative Party is refusing to provide a reason.

72. Relatively "little affirmative evidence" is required before the inference of discrimination is permitted. .. standard of proof requires only that the inference be more probable then not… Para 719
73. There are emails and witness statements from different people, if that were not the case the circumstantial evidence is enough to convict and change s67(4c) duties.

74. Mentioning the existence of racism or racial discrimination or taking proactive measures to address racism or racial discrimination constitutes reverse racism towards White people; Para 724
75. If the reconsideration is refused, I conclude that the Commission seeks to retain the political parties status quo where racist political operatives retain the power to prevent more homogenous ridings from having a black candidate.

76. Racialized people are less credible and their assertions must be more carefully scrutinized and investigated or must be corroborated… racialized people play the “race card” to manipulate; Para 724
77. If the reconsideration is refused, the Commission has despite contrary evidence, called applicant a liar, this means the Commissions is relying on the stereotype that blacks lie about racism.

78. Racialized people themselves, and not racism or racial discrimination, are at fault for their disadvantage or state of “otherness,” commonly known as “blaming it on the victim”; Para 724
79. If the reconsideration is refused, the Commission is defacto blaming the victim.

80. Tribunal has found that the lack of due process may be evidence of adverse treatment. Para 732
81. Despite several requests for the reason for refusal, the silence of the Party is a lack of due process. Had they provided a reason, Applicant, could have provided evidence to contradict any falsehood. Applicant sent evidence that my degrees are not fake, sent evidence that his security clearance included a 2 year research of all past residences outside the country. The Party did not care, because there was a premediated decision to ensure that the riding would not have a black candidate.

82. How events would normally unfold in a given situation; Para 733 If there are differences in the normal practice, this might provide evidence of differential treatment. A formal comparator analysis is not always required; Not all cases that involve a challenge to government legislation, or policy, will engage a comparator group analysis; The traditional analysis of a prima facie case continues to be the “primary and appropriate test”; discrimination is different under the Charter and the Code, although each may inform the other; If the analysis in Law were adopted, it would impose a higher burden on a complainant to prove a prima facie case of discrimination. Complainants should not be required to prove they are worse off than others and that a ‘race to the bottom’ type analysis must be avoided Para 762
83. Normally the candidate would be given a reason. Allan Riddel was given a reason, and that was how he was able to fight it with the Arbitrary Committee. The refusal of reason is discrimination.

84. The Code does not require an intention to discriminate in order to establish a contravention of the Code; the focus is on the impact of the policy. Para 735 In the context of claims of racial discrimination, it is the OHRC’s position that it will be rare that a policy, practice or decision-making process will be found to be bona fide. Para 740
85. The Courts have said that due to s67(4c), “it is statutorily allowed” to discriminate, therefore the Commissions refusal to decide the s67(4c) Canada Elections Act constitutional question is irrational.

86. The intersection of “place of origin" with race, colour or ethnic origin appears to compound the barriers to employment integration and intensify economic and social vulnerability for foreign educated and trained persons. Para 740

87. The Conservative Party made a decision that I would not be permitted to contest June 2015 nomination because I have alleged fake degrees, alleged foreign residency skeletons, have not been in the country long enough to understand our culture, unsuitable..

88. A single statement or incident, if sufficiently serious or substantial, can have an impact on a racialized person by creating a poisoned environment. Para 741
89. The poisoned environment created by the Conservative Party is what caused the Conservative Party Ottawa Centre agent to tell my Professional Engineering Association to discriminate against me by asking them not to invite me to an event to discuss politics. Another

90. There does not need to be proof of a “causal connection” as this term had been applied in the civil law context. Para 749
91. This means that whether or not the Conservative Party relied on s67(4c) Canada Elections Act common law, any black nomination contestant is entitled to raise an s67(4c) Canada Elections Act at the Commission. If the reconsideration is refused, the Commission is making an irrational illegal decision.

August 30, 2017 Reply To Registrar Services Division, Canadian Human Rights Commission, 344 Slater Street, 8th Floor, Ottawa, Ontario K1A 1E1
…

OBJECTS OF THE CANADA HUMAN RIGHTS ACT

I would like to draw attention to the fact that my response is drawn from material that is already before the Commission. The questions raised by your August 23, 2017 letter have already been decided in BAILII case number: [2004] UKEAT 0907_03_2402 Employment Appeal Tribunal, so if the Commission cannot clearly state why they got it wrong, I have to conclude a fraudulent motive. The objects of Canada Human Rights Act states “2 The purpose of this Act is to extend the laws in Canada”, Canada Elections Act, Employment Equity Act, s3 Charter of Rights are “laws in Canada”, but the Commission seems to be trying to ensure that political parties retain power to discriminate. I provided evidence that Courts have specifically name s67(4c) as authority to discriminate in a nomination.

Even before I changed the relief on June 18, the s67(4c) Constitutional Question was the grounds for the initial complaint AND lessons from UKEAT 0907_03_2402 was part of the initial complaint, therefore I conclude that the exclusion of s10 Canada Human Rights Act and s67(4c) Canada Elections Act Constitutional Question relief is deliberate ‘non#disclosure of important facts, exploiting the weakness of another… underhanded design .. depriving others of what is theirs… discreditable … at variance with straightforward or honourable dealings… wrongful use of something … other's interest is extinguished or put at risk. … unscrupulous.…’. I have listed 40 legal conclusions from UKEAT 0907_03_2402, if the Commission cannot state which of the 40 conclusion they reject and why, then that is fraud.

I apologize for the strong language, but I have a lot of experience with public officers lying to defraud me, further it took so much effort to get a response from the Commission, that unless I see tangible evidence that the Commission is willing to comply with the law, I have to assume the worst. Neither the Commission nor the Prime Minister is better than me, we are all subject to the same laws, so when public officers act against the objects of the Act that gave them public power in order to defraud me of statutory and constitutional rights, I have to conclude that fraud as decribed in R. v. Zlatic is engaged;

R. v. Zlatic, [1993] 2 SCR 29, 1993 CanLII 135 (SCC) 1. … the actus reus of fraud will be established by proof of: 1. the prohibited act, be it an act of deceit, a falsehood or some other fraudulent means; and 2. deprivation caused by the prohibited act, which may consist in actual loss or the placing of the victim's pecuniary interests at risk. Correspondingly, the mens rea of fraud is established by proof of: 1. subjective knowledge of the prohibited act; and 2. subjective knowledge that the prohibited act could have as a consequence the deprivation of another (which deprivation may consist in knowledge that the victim's pecuniary interests are put at risk). …. (i) Fraud by "Other Fraudulent Means" …
Most frauds continue to involve either deceit or falsehood. As is pointed out in Théroux, proof of deceit or falsehood is sufficient to establish the actus reus of fraud; no further proof of dishonest action is needed. However, the third category of "other fraudulent means" has been used to support convictions in a number of situations where deceit or falsehood cannot be shown. These situations include, to date, the use of corporate funds for personal purposes, non#disclosure of important facts, exploiting the weakness of another, unauthorized diversion of funds, and unauthorized arrogation of funds or property: …. Dishonesty is, of course, difficult to define with precision. It does, however, connote an underhanded design which has the effect, or which engenders the risk, of depriving others of what is theirs. J. D. Ewart, in his Criminal Fraud (1986), defines dishonest conduct as that "which ordinary, decent people would feel was discreditable as being clearly at variance with straightforward or honourable dealings" (p. 99). …. The dishonesty of "other fraudulent means" has, at its heart, the wrongful use of something in which another person has an interest, in such a manner that this other's interest is extinguished or put at risk. A use is "wrongful" in this context if it constitutes conduct which reasonable decent persons would consider dishonest and unscrupulous.… The authorities make it clear that it is unnecessary for a defrauding party to profit from his or her fraud in order to be convicted; it is equally unnecessary that the victims of a fraud suffer actual pecuniary loss in order that the offence be made out: …

Firstly, you have misrepresented the relief sought in order to defraud me of the s67(4c) Canada Elections Act constitutional question and section 10 of the Canadian Human Rights Act. The relief is;

“(b) That the person make available to the victim …..the … opportunities…denied;
That the Conservative Party issue a news release rescinding the 2015 refusal OR refer the 2015 dispute to an arbitrary committee as allowed by the nomination rules (same treatment given to caucasian Alan Riddel) in order to end the ongoing subjection to racist comments by agents of the Conservative Party and prevent the new Party Leader from using this dispute to limit Canada Elections Act prospective employment opportunity.
(a) redress the practice or to prevent the same or a similar practice from occurring in future,
Declare that effect of s67(4c) Act Guergis / Pick / Grewal / Vriend cases law is; in nomination “process… established pursuant to a statute”, it is “statutorily allowed” to decide “fundamental purpose…endorsing one…of its members as candidates” Act by violating the 2, 9(1)(c) Canadian Human Rights Act / s3 Charter right to representation in government Figuera through a discriminatory nomination process that limits Canada Elections Act employment opportunities”

On September 23, 2016 I informed the Commission that;
1. “GROUNDS FOR CONSTITUTIONAILITY OF CANADA ELECTIONS ACT AND ONTARIO ELECTIONS ACT ARE;
2. Overbroad / Grossly Disproportionate To Objective of Election of Members
3. Vested, Inalienable, and Natural Justice Rights Common Law
4. Constitutional Rule of Law Common Law

5. Conflicting Provincial and Federal Statutes / Provincial Civil Rights Jurisdiction
6. Abuse / Breach of Tangible / Intangible Contract Rights Common Law
7. Prospective Employment / Independent Contractor Common Law
8. Human Rights Common Law

9. About 17 million Canadians who voted in the October 2015 elections have and about 1.5 million party members have an s3 Charter right to be represented in government, and only political parties can form a government. The effect of s67(4c) Act and Guergis / Pick / Grewal common law below is that; despite Figueroa, Vriend common law below; “Court should not interfere with…process…established pursuant to a statute” and it is “statutorily allowed” for party to decide “fundamental purpose…endorsing one…of its members as candidates” Act by violating the constitutional rule of law that fundamental values enshrined in Constitution (s3 Charter right to representation in government through a free from discrimination, right to abuse of contract remedy, Vested / Inalienable / Natural Justice rights) not be destroyed without court interference to set aside decision and there is no positive obligation for the government to remedy the legislation.

10. s67 (4c) Canada Elections Act is overbroad and grossly disproportionate to the objective of “election of members to the house of commons”; s67 (4c) should read in “with reasons” just after the words “…that the prospective candidate is endorsed by the party”, OR s67 (4c) should be read down and the Attorney General has 6 months to cure the inconsistency with the constitutional rule of law and s3 Charter of Rights and Freedoms.

11. In comparison to deleterious effects of destroying s3 Charter rights of about 17 million Canadians that voted in 2016 election and about 1.5 million party members’ right to be represented in government, S67 is disproportionate because the Act can both give a right to endorse a candidate while creating an RWDSU duty to comply with constitutional values, Hofer test, Houle Abuse of Contract test.. Even if a decision is set aside for breaching a constitutional value, the power to make a constitutional rule of law decision rests with the party. Set aside is not a mandamus, but more similar to the power of the Court to refer a matter back to a Minister to make a new decision based on the law.

12. The read in does not substantially change status quo, it simply means any reason can be tested for vested, inalienable and natural justice if necessary. In comparison to the objective of giving parties power to endorse candidates, refusing to mandate reasons will disproportionately affect persons at higher risk (visible minorities, immigrants) of discrimination.

13. Guergis v. Novak, 2013 ONCA449 “[90] Even if the allegation regarding the Prime Minister’s involvement is read as proven, s. 67(4)(c) of the Canada Elections Act, S.C. 2000 c.9, gives the leader of a political party the authority to refuse to endorse a candidate. As it is statutorily allowed, it therefore cannot be an unlawful act”…

14. Pick v. Conservative Party of Canada, 2004 CanLII 38425 (SK QB) It is neither surprising nor offensive to the logic of the above candidate selection process that Article 3, subsection k of the Candidate Nomination Rules and Procedures, as well as Section 67(4)(c) of the Act should be compatible with one another. It makes no sense to me that an application for the position of a “nomination contestant” should have his application accepted in the first instance, proceed to the riding election and if duly elected, subsequently fail to receive the endorsement of the party under Section 67(4)(c)…

15. Grewal v. Conservative Party of Canada, 2004 CanLII 9568 (ON SC) [29] I cannot accept the plaintiff's position on the meaning of s. 67(4)(c) and the restrictive application of that section. [30] Firstly, there is nothing in that section that stipulates that a leader must give reasons for not endorsing a candidate. In any event, in this case reasons were articulated and the plaintiff was advised of the reasons by the Interim Council. [31] Secondly, the Party, determines the candidates he wishes to have representing the Party. It is not for the Court to make those determinations. The Court should not interfere with a process that has been established by a Party or a process that has been established pursuant to a statute..

16. Figueroa v. Canada (Attorney General), 2003 SCC 37 (CanLII), 227 D.L.R. (4th) 1... the purpose of the right to vote enshrined in s. 3 of the Charter is not equality of voting power per se, but the right to "effective representation". Ours is a representative democracy. Each citizen is entitled to be represented in government. Representation comprehends the idea of having a voice in the deliberations of government as well as the idea of the right to bring one's grievances and concerns to the attention of one's government representative…… Put simply, full political debate ensures that ours is an open society with the benefit of a broad range of ideas and opinions: This…ensures not only that policy makers are aware of a broad range of options, but also that the determination of social policy is sensitive to the needs and interests of a broad range of citizens….

17. Vriend v. Alberta, [1998] 1 SCR 493, 1998 CanLII 816 (SCC) 2 66 … submission has failed to distinguish between "private activity" and "laws that regulate private activity". The former is not subject to the Charter, while the latter obviously is. …to wait until someone is discriminated against …challenge the validity of the provision in each appropriate case… would not only be wasteful of judicial resources, but also unfair in that it would impose burdens of delay, cost and personal vulnerability to discrimination for the individuals involved in those eventual cases…. provisions… do not depend on any particular factual context in order to resolve their constitutional status, there is really no need to adduce additional evidence…

18. Gosselin v. Québec (Attorney General), [2002] 4 SCR 429, 2002 SCC 84… By enacting the Social Aid Act, the Quebec government triggered a state obligation…C. Negative vs. Positive Rights and the Requirement of State Action [319] … rights include a positive dimension, such that they are not merely rights of non-interference but also what might be described as rights of "performance", then they may be violable by mere inaction or failure by the state to actively provide the conditions necessary for their fulfilment... 320] … As a theory of the Charter as a whole, any claim that only negative rights are constitutionally recognized is of course patently defective. The rights to vote (s. 3), to trial within a reasonable time (s. 11(b)), to be presumed innocent (s. 11(d)), to trial by jury in certain cases (s. 11(f)), to an interpreter in penal proceedings (s. 14), and minority language education rights (s. 23) to name but some, all impose positive obligations of performance on the state and are therefore best viewed as positive rights (at least in part). … Finally, decisions like Schachter v. Canada, 1992 CanLII 74 (SCC), [1992] 2 S.C.R. 679, and Vriend, supra, confirm that "[i]n some contexts it will be proper to characterize s. 15 as providing positive rights"…. [327]… Therefore, Blencoe … implies that such protection will sometimes be engaged by mere state inaction… [359] …whether a fundamental freedom can be infringed through the lack of government action was canvassed most recently in the case of Dunmore… underinclusive legislation might in some contexts constitute "affirmative interference with the effective exercise of a protected freedom" …we confirmed… in Haig v. Canada, 1993 CanLII 58 (SCC), [1993] 2 S.C.R. 995 …"a situation might arise in which, in order to make a fundamental freedom meaningful, a posture of restraint would not be enough, and positive governmental action might be required". [360] … Most obviously, they stand for the proposition that the Charter's fundamental freedoms can be infringed even absent overt state action. Mere restraint on the part of government from actively interfering with

protected freedoms is not always enough to ensure Charter compliance; sometimes government inaction can effectively constitute such interference."

UK POLITICAL PARTIES EMPLOYMENT OPPORTUNITIES CASE LAW

On September 23, 2016 The UK Race Relations Act is akin to Canada Human Rights Act, I highlighted the relevant text in the Human Rights Act and provided the Commission BAILII case number: [2004] UKEAT 0907_03_2402 that shows that the question being referred to the commission has already been determined; I informed the Commission that;

19. "…. relevant words in Canadian Human Rights Act includes; "otherwise act in relation to an individual in a way that would deprive the individual of employment opportunities, or limit employment opportunities or otherwise adversely affect the status of the individual, where the individual is a member of the organization … enter into an agreement affecting recruitment… any other matter relating to employment or prospective employment, that deprives or tends to deprive an individual employment opportunities … "employment" includes a contractual relationship with an individual for the provision of services personally by the individual"

20. UK Race Relations Act "engagement" is a word of very wide import Authorities page 49 para 18 able to include PARTIES Constitution / Nomination Rules which is an agreement affecting recruitment.

21. UK Race Relations Act "body which can confer an authorization or qualification" Authorities page 45 para 1 is PARTIES depriving the individual of present and future employment opportunities

22. UK Race Relations Act "needed for … engagement in a particular profession or trade" Authorities page 45 para 1 is other matter relating to employment or prospective employment

23. UK Race Relations Act "authorization or qualification" includes, recognition, registration, enrolment, approval and certification" Authorities page 45 para 2 is otherwise adversely affect the status Authorities page 52 para 29

24. UK Race Relations Act "recognition" includes recognition to receive canvassing support from PARTIES and entitlement to be described as a PARTIES candidate Authorities page 48 para 14

25. UK Race Relations Act "approval" includes approval to contest nomination Auth. page 48 para 14

26. UK Race Relations Act "employment…contract personally to execute any work or labour and related expressions" Authorities page 47 para 9 is contractual relationship with an individual for services

27. UK Race Relations Act"needed for …particular profession" means "Party approval is manifestly an approval needed for engagement in the particular profession" of party elected officer, "majority of votes cast does not deny… Party approval the description of being needed". Authorities page 48 para 15

28. UK Race Relations Act "confer a recognition..enrolment…certification" is akin to "chartered accountant", QC for lawyers and greater profession of PARTIES elected officer, just because there are alternative political parties does not exclude PARTIES from Human Rights Act Authorities page 48 para 15

29. UK Race Relations Act “Discrimination by other bodies” “Discrimination in the Employment Field” Authorities page 49 para 19 is akin to contractual relationship with an individual for services

30. UK Race Relations Act “authorization” is “adoption as a prospective parliamentary candidate… which facilitated engagement in a particular profession” of PARTIES elected officer.

31. UK Race Relations Act qualification refers to “circumstances in which A confers on B a qualification which will enable B to render services for C. Where A and C are the same entity s12 would not apply but since PARTIES cannot fire an elected officer the employer is the public or Parliament Authorities page 53 para 33,34,36

32. The questions of remoteness and supervening events is better replaced with the ultimate question of what loss the tortfeasor should as a matter of justice be held responsible for. Authorities page 83 para 17

33. Safe riding is a factor for 75% Authorities page 84 para 20 compensation for future elections, PARTIES cannot limit liability in a safe seat Authorities page 85 para 25 by saying run as an independent Authorities page 54 para 34.

34. It is convenient to refer to the Party rather than a Director Authorities page 45 para 3, page 67 para 2

35. “Party itself being a “body”, it is an unincorporated association whose members are bound to another in contract…there is no reason to exclude unincorporated associations” Authorities page 47 para 12

36. S3 democratic Charter Rights is like European Convention on Human Rights “value of effective Political Democracy” Authorities page 45 para 6

37. Dictionary “profession of politics” can be compared to self-employed young barrister or architect or resting actor or holy order under vow of poverty, judo referee volunteer, substantial or any remuneration is not required Authorities page 48 para 13 Authorities page 48 para 25

38. United Nations Conventions On Civil and Political Rights recognizes burden on political parties that form government “each state party shall prohibit...by all appropriate means…racial discrimination… … inter alia the right to take part in the conduct of public affairs at all levels” Authorities page 45 para 6

39. Public refusal “humiliatingly discriminatory”, cannot be outside reach of Human Rights Act Authorities page 47 para 8

40. “if Parliament saw a need for the exception of political parties it knew very well how to create one” in the Canadian Human Rights Act Authorities page 50 para 20, page 55 para 39

41. Part time politician is like a part time “Minister of Religion” it is still employment Authorities page 50 para 21

42. Just “filtering applications” is not a sufficient defence because their approval is needed, the Court “feel some unease at drawing careful lines between filtering and other processes; all too easily advantage could be taken to open a highway to discrimination” Authorities page 50 para 22

43. “endorsement of a candidate by the relevant process within…Parties, thus enabling him..to describe himself as the …Party Candidate for election….as being an approval by a body which approval is needed for (and may perhaps also facilitate) engagement in the particular occupation” of PARTIES`` elected officer Authorities page 50 para 24

44. “job prospects” is wide enough to include party elected officer or Minister Authorities page 51 para 25 it is occupation exclusive privilege to be a party elected officer within the wider occupation of elected officer Authorities page 51 para 27 Authorities page 52 para 28

45. Parties’ Councils are bodies empowered to grant recognition for the purpose of enabling..to engage in or at least attempt to engage in a calling or occupation” Authorities page 52 para 28

46. Parties “plainly confers a “status” on a candidate and that devoid of such approval, the person concerned is not already qualified to perform as a Parties’ MP. Authorities page 53 para 29

47. Political office is not hobby because “put down and taken up again at the will of the individual” Authorities page 53 para 31 is not possible

48. PARTIES will give a reason or reasons which is grounds for interview and selection process trial Authorities page 77 para 85

49. Scoring criteria and cross examination of nomination committee / select members of the candidate selection committee is required Authorities page 67 para 6 Authorities page 70 para 27 Authorities page 76 para 81

50. Hand written notes, emails and other communication is required Authorities page 70 para 26, Authorities page 71 para 26

51. A parties conscious decision not to give a reason while slanderous reasons are spread is grounds for discrimination trial Authorities page 71 para 31, Authorities page 72 para 41

52. Accepting a racialized candidate does not mean rejecting a racialized candidate is not discriminationAuthorities page 70 para 26,. Authorities page 73 para 51, Authorities page 76 para 75

53. A wrong comparator is grounds for an appeal, therefore when they give a reason Authorities page 74 para 60, 61 for refusal, it is necessary to have more than one comparator Authorities page 75 para 64. The 1st test is to ascertain the characteristics, the 2nd test is to identify a person, the 3rd test is whether I received less favourable treatment than comparator, the 4th test is if reason for less favourable test is a prohibited ground Authorities page 74

54. “factor alleged to be causative of the matter complained of need not be the only or even the main cause of the result complained of, though it must provide more than just the occasion for the result complained of. "It is enough if it is an effective cause" Authorities page 76 para 78

55. “The mere fact that the process could have been conducted in a different way with a secret ballot conducted by members does not mean the Employment Tribunal were somehow precluded from considering the selection process in the way in which it did. Indeed, if that were not the case, it would

automatically mean that a political party could act in disregard of race discrimination legislation" Authorities page 77 para 84

56. If there is no break in causation Authorities page 82 para 16, and damage not remote Authorities page 83 para 17, entitled average number of terms economic losses and pension Authorities page 81 para 14, Authorities page 60 para 22 and loss of political capital Authorities page 85 para 26

57. A "but for" connection, "cause in fact" is not necessarily enough to found liability for the consequences of a wrongful act the applicable test for liability is reasonable foreseeability Auth. page 85 para 24.

58. Even "allegations concerning violence, intimidation and serious membership abuse amounting to fraud" does not save damages from discrimination. Authorities page 80 para 7

59. Membership sales lead is a factor in assessing a 100% probability of being selected and elected. Authorities page 70 para 30, Authorities page 81 para 15, Authorities page 83 para 17

60. Injury to feelings by Parties' governing group attracts liability against the party. Authorities page 86 para 28"
The following statutory power and jurisdiction is engaged;

PARLIAMENT IS BOUND BY s5 EMPLOYMENT EQUITY ACT / s10 HUMAN RIGHTS ACT

Only a political party can form government, therefore political parties are in effect recruitment agencies for Parliament. Since government cannot discriminate, political parties cannot discriminate while recruiting for government. The Canadian Human Rights Act does not apply to the employees of Conservative Fund Canada, it does apply to recruitment of MPs (government employees). S10 Human Rights Act affects both the s67(4c) Constitutional Question and Conservative Party Nomination rules, therefore I conclude that this is why the Commission does not include s10 as a ground of the complaint or include the constitutional question relief. With respect, this is fraud.

Discriminatory policy or practice 10 It is a discriminatory practice for an employer, employee organization or employer organization (a) to establish or pursue a policy or practice, or (b) to enter into an agreement affecting recruitment, referral, hiring, promotion, training, apprenticeship, transfer or any other matter relating to employment or prospective employment, that deprives or tends to deprive an individual or class of individuals of any employment opportunities on a prohibited ground of discrimination.

Employment Equity Act: Employer's duty, 5. Every employer shall implement employment equity by (a) identifying and eliminating employment barriers against persons in designated groups that result from the employer's employment systems, policies and practices that are not authorized by law; and (b) instituting such positive policies and practices and making such reasonable accommodations as will ensure that persons in designated groups achieve a degree of representation in each occupational group in the employer's workforce that reflects their representation in (i) the Canadian workforce, or (ii) those segments of the Canadian workforce that are identifiable by qualification, eligibility or geography and from which the employer may reasonably be expected to draw employees.

All of which respectfully submitted by Ade Olumide

Sincerely,

Ade Olumide