

Court File No.

FEDERAL COURT

BETWEEN:

KATHLEEN O'GRADY

Appellant

and

BELL CANADA

Respondent

NOTICE OF APPEAL
UNDER SECTION 337 OF THE *FEDERAL COURT RULES*

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NOTICE OF APPEAL

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears on the following page.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellant. The appellant requests that this appeal be heard at Toronto where Federal Court of Appeal ordinarily sits or wherever deems fit due to Covid19 Crisis.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341A prescribed by the Federal Courts Rules and serve it on the appellant's solicitor, or where the appellant is self-represented, on the appellant, WITHIN 10 DAYS of being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341B prescribed by the Federal Courts Rules instead of serving and filing a notice of appearance.

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

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

Date: May 20, 2020

Issued by : _____
(Registry Officer)

Address of local office:

Registry of the Federal Courts
180 Queen Street West
Suite 200
Toronto, Ontario
M5V 3L6

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TO:

Mr. George Cope
President and CEO, Bell Canada and BCE
5025 Creekbank Road
Mississauga, Ontario
L4W 0B6

george.cope@bell.ca

C/O
Ms. Maryse Tremblay
Counsel
Borden Ladner Gervais LLP
1000, rue De La Gauchetière Ouest
Bureau / Suite 900
Montréal QC H3B 5H4
MTremblay@blg.com

TO:

Did not attend CHRT or Federal Court Hearings but will respectively contact if anything required:

Mr. Daniel Poulin
Legal Counsel
Canadian Human Rights Commission
344 Slater Street, 8th Floor
Ottawa ON K1A 1E1
Daniel.Poulin@chrc-ccdp.gc.ca

APPEAL

THE APPELLANT APPEALS to the Federal Court of Appeal from the order of *The Honourable Justice Alan S. Diner* dated **April 20, 2020** by which **T-157-19 Application for Judicial Review** is dismissed, the materials listed at Appendix B to the Judgement will remain confidential and there is no award as to costs.

THE APPELLANT ASKS that the Federal Court of Appeal acts on its jurisdiction over judicial review in appeal from the Federal Court extends to all remedies sought against a federal board, commission or other tribunal.

Canadian Human Rights Act

PART III - Discriminatory Practices and General Provisions - Inquiries into Complaints

Complaint substantiated

53 (2) If at the conclusion of the inquiry the member or panel finds that the complaint is substantiated, the member or panel may, subject to section 54, make an order against the person found to be engaging or to have engaged in the discriminatory practice and include in the order any of the following terms that the member or panel considers appropriate:

(a) that the person cease the discriminatory practice and take measures, in consultation with the Commission on the general purposes of the measures, to redress the practice or to prevent the same or a similar practice from occurring in future, including

(i) the adoption of a special program, plan or arrangement referred to in subsection 16(1),
or

(ii) making an application for approval and implementing a plan under section 17;

(b) that the person make available to the victim of the discriminatory practice, on the first reasonable occasion, the rights, opportunities or privileges that are being or were denied the victim as a result of the practice;

(c) that the person compensate the victim for any or all of the wages that the victim was deprived of and for any expenses incurred by the victim as a result of the discriminatory practice;

(d) that the person compensate the victim for any or all additional costs of obtaining alternative goods, services, facilities or accommodation and for any expenses incurred by the victim as a result of the discriminatory practice; and

(e) that the person compensate the victim, by an amount not exceeding twenty thousand dollars, for any pain and suffering that the victim experienced as a result of the discriminatory practice.

Special compensation

(3) In addition to any order under subsection (2), the member or panel may order the person to pay such compensation not exceeding twenty thousand dollars to the victim as the member or panel may determine if the member or panel finds that the person is engaging or has engaged in the discriminatory practice wilfully or recklessly.

Interest

(4) Subject to the rules made under section 48.9, an order to pay compensation under this section may include an award of interest at a rate and for a period that the member or panel considers appropriate.

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Federal Courts Act

Jurisdiction of Federal Court

Powers of Federal Court

18.1 (3) On an application for judicial review, the Federal Court may

- (a) order a federal board, commission or other tribunal to do any act or thing it has unlawfully failed or refused to do or has unreasonably delayed in doing; or
- (b) declare invalid or unlawful, or quash, set aside or set aside and refer back for determination in accordance with such directions as it considers to be appropriate, prohibit or restrain, a decision, order, act or proceeding of a federal board, commission or other tribunal.

Federal Courts Act

Jurisdiction of Federal Court of Appeal

Judgments of Federal Court of Appeal

Powers of Federal Court of Appeal

52 The Federal Court of Appeal may

- (a) quash proceedings in cases brought before it in which it has no jurisdiction or whenever those proceedings are not taken in good faith;
- (b) in the case of an appeal from the Federal Court,
 - (i) dismiss the appeal or give the judgment and award the process or other proceedings that the Federal Court should have given or awarded,
 - (ii) in its discretion, order a new trial if the ends of justice seem to require it, or
 - (iii) make a declaration as to the conclusions that the Federal Court should have reached on the issues decided by it and refer the matter back for a continuance of the trial on the issues that remain to be determined in light of that declaration

OR since 4th appeal and due to (11) years send directly to **Supreme Court of Canada** because Canadian Human Rights Commission and Canadian Human Rights Tribunal failed to provide justice for discrimination.

Federal Courts Rules

PART 6 - Appeals

Leave to Appeal to the Supreme Court of Canada

Motion for leave to appeal to Supreme Court

357 (1) Notwithstanding rule 352, where a judgment of the Federal Court of Appeal is delivered from the bench, a motion under section 37.1 of the [Supreme Court Act](#) for leave to appeal from the judgment to the Supreme Court of Canada may be made at the time the judgment is delivered and without prior notice.

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THE GROUNDS OF APPEAL are as follows: **(Set out the grounds of appeal, including a reference to any statutory provision or rule to be relied on.)**

Federal Courts Act Jurisdiction of Federal Court of Appeal
Appeals from Federal Court 27 (1) An appeal lies to the Federal Court of Appeal from any of the following decisions of the Federal Court: ... (d) a determination on a reference made by a federal board, commission or other tribunal or the Attorney General of Canada.
Grounds for appeal (1.3) The only grounds for an appeal under subsection (1.2) are that the Tax Court of Canada (a) acted without jurisdiction, acted beyond its jurisdiction or refused to exercise its jurisdiction; (b) failed to observe a principle of natural justice, procedural fairness or other procedure that it was required by law to observe; (c) erred in law in making a decision or an order, whether or not the error appears on the face of the record ... <i>Also, such other grounds this Honourable Federal Court of Appeal permits.</i>
Notice of appeal (2) An appeal under this section shall be brought by filing a notice of appeal in the Registry of the Federal Court of Appeal ... (b) in any other case, within 30 days, not including any days in July and August, after the pronouncement of the judgment or determination appealed from or within any further time that a judge of the Federal Court of Appeal may fix or allow before or after the end of those 30 days.
Judicial review 28 (1) The Federal Court of Appeal has jurisdiction to hear and determine applications for judicial review made in respect of any of the following federal boards, commissions or other tribunals: ... (h) the Canada Industrial Relations Board established by the Canada Labour Code

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Federal Courts Rules

PART 6 - Appeals

General - Commencement of Appeal

Content of general notice of appeal

337 An appeal, other than an appeal from a final judgment of the Tax Court of Canada under subsection 27(1.2) of the Act, shall be commenced by a notice of appeal, in Form 337, setting out

- (a) the name of the court to which the appeal is taken;
- (b) the names of the parties;
- (c) a precise statement of the relief sought;
- (d) a complete and concise statement of the grounds intended to be argued, including a reference to any statutory provision or rule to be relied on;
- (e) the name of the court or tribunal appealed from;
- (f) the date and details of the order under appeal; and
- (g) the place proposed for the hearing of the appeal.

SUMMARY OF APPEAL

This APPEAL concerns an application for judicial review in respect of a decision by the Canadian Human Rights Commission Tribunal received by Applicant via eMail on December 21, 2018:

Citation: **2018 CHRT 34**
Date: December 21, 2018
Tribunal File #: **T2116/3215**

“ [73] The Tribunal dismisses the Complaint of Kathleen O’Grady for the reasons set out above.

Signed by

Ronald Sydney Williams
Tribunal Member

Ottawa, Ontario
December 21, 2018 ”

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I, **KATHLEEN O'GRADY**, am the Complainant and Self-Represented Litigant of Canadian Human Rights Tribunal File T2116/3215 dated **November 30, 2015 – December 21, 2018** against Respondent **Bell Canada**.

Original Canadian Human Rights Commission Intake was on **May 8, 2009 – December 21, 2018** Canadian Human Rights Tribunal Decision.

This APPEAL is based on the ***T-157-19 Application for Judicial Review*** dated **January 20, 2019** which if approved may continue more than current (11+ years) and possibly sent back to CHRT for another Hearing.

Formerly referred to as:

20090538 Canadian Human Rights Commission File dated May 8, 2009 – Nov. 18, 2015
T-1784-11 Federal Court Docket dated November 1, 2011 – December 7, 2012
T-21-15 Federal Court Docket dated January 9, 2015 – October 5, 2015

I was subjected to “**adverse-differential treatment**” due to my mental illness disability for which I was unethically and wrongfully terminated on October 27, 2009 by Bell Canada resulting in mental illness disability discrimination.

(26) CHRC employees have worked on my Human Rights Complaint:

Louise Allen – CHRC Intake May 5, 2009
Suzanne St. Clair – Early Resolution Analyst
Marie Wankam – Early Resolution Analyst
Sean Davy – ADR Practitioner
Jonathan Bujreau - Early Resolution Advisor
Jamie Masters - Early Resolution Advisor 2011 / Early Resolution Team Leader 2013
Glen St. James - Early Resolution Team Leader
Pascale Lagace - Early Resolution Team Leader
Daniel Poulin – Counsel
Ha Lam – A/Officer Commission Meetings Unit
David Langtry - Deputy Chief Commissioner
Kathryn Lavery - Early Resolution Advisor
Suzanne Best - Director, Resolution Services Division
Marie-Josée Frenette - Early Resolution Team Leader (backup for Suzanne Best)
Gaston Boisvert - Investigations Manager
Erin Sweeney - Human Rights Officer, Investigations Division
Natalie Dagenais - Director, Investigations Division
Dina Henderson – Assistant, Investigations Division
John Chamberlin - Acting Director, Investigations Division
Jennifer Murakami – Investigator
Buelah Adams-Farrell - Conciliator
Allan Carter - Officer, Commission Meetings Unit
Maria Stokes - Secretariat Assistant, Commission Meetings Unit
Pierro Narducci - Officer, Commission Meetings Unit
Brian Smith – Counsel

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France Saikali - Legal Assistant

(3) CHRT employees:

“Honourable Member” Ronald Sydney Williams - Tribunal Member
Dragisa Adzic – CHRT Registry Officer
Denis Gagné – CHRT Registry Officer

(7) Bell Lawyers (most worked at Heenan Blaikie which no longer exists):

Amal Garzouzi
Isabelle Marin
Jacques S. Vezina
Marie Cousineau
Michel Lalande - Senior Vice-President - General Counsel
Maryse Tremblay
Mireille Bergeron

(12) Bell at CHRT Hearing with Maryse Tremblay:

Kelly Gillis – Bell / Bell Aliant Advisor
Kathleen Hayward - Bell Senior Human Resources Consultant at CHRT Hearing
(10) Bell Canada Witnesses (11th Celine Barbeau n/a)

(1) Bell Employee Support:

Assistant General Counsel and Bell Privacy Ombudsman

(8) Federal Court Judicial Reviews 1 & 2:

“The Honourable” **Catherine M. Kane** - Federal Court Judge
“The Honourable” **E. Susan Elliott** - Federal Court Judge
(4) Court Officers
(2) Federal Court Reporters

(3) Federal Court Judicial Review 3:

“The Honourable” **Alan S. Diner** - Federal Court Judge
Veton Mamudov – Federal Court Registry Officer
(1) Court Officer

**(60) Total Representatives interacting with my
Canadian Human Rights COMPLAINT 2009-2020**

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1. This is the 4th escalation of my Complaint # 20090538 because CHRT has also allegedly ignored evidence of mental illness disability discrimination, as CHRC did twice before and both decisions were quashed for it by the Federal Court. Applicant was unethically and wrongfully presented with Notice of Termination on April 20, 2009 (*termination effective October 27, 2009*) while on Bell Canada's Long Term Disability Benefits which should enforce the promise of "**Peace of Mind**" that:

"Work is one of the most fundamental aspects in a person's life, providing the individual with a means of financial support and, as importantly, a contributory role in society. A person's employment is an essential component of his or her sense of identity, self-worth and emotional well-being. Accordingly the conditions in which a person works are highly significant in shaping the whole compendium of psychological, emotional and physical elements of a person's dignity and self-respect." ¹

2. Applicant's complicated Canadian Human Rights Complaint was in the (7th) year with Commission after (2) Federal Court Judicial Reviews with a High Profile Corporation, Bell Canada for mental illness disability discrimination eventhough involved in the largest Mental Health Initiative with the Public.

On November 30, 2015 the Complaint was transferred to the Tribunal with Honourable Ronald Sydney Williams (Ontario), who had a part-time appointment ending on June 5, 2016. The Decision was made on December 21, 2018.

3. The 1st request for a Submission questioned if there was **Public Interest** in my Complaint. Applicant answered yes in the original Complaint and throughout the (10) years.
4. The CHRT Statement of Particulars stated **LEGAL ISSUES** were that Respondent breached **Canadian Human Rights Act** with alleged mental illness disability discrimination per sections **2, 5, 7 and 10**. Breached CHRA section **17 - DUTY TO ACCOMMODATE. Inquiries into Complaints** must acknowledge sections **49 and 53** concerning CHRA compensation, special compensation and interest of a **substantiated Complaint**.

All these sections were ignored in Decision except for Section 7 written by the Commission on Complaint. Applicant addressed all in (7) years with Commission but evidence was ruled as inadmissible by Tribunal. It was not addressed on CMCC (Case Management Conference Calls) only the Commission Exhibits and all advised admissible until Hearing ruled otherwise.

5. The CHRT Statement of Particulars stated **LEGAL ISSUES** concerning Canada Labour Code and Respondent even submitted evidence of it which was ruled admissible. Later the Tribunal ruled it would ignore anything concerning Canada Labour Code. Tribunal should consider all common and employment laws. JUDGE DINER discussed in Federal Court Hearing but not in decision.

¹ Chief Justice Dickson, in *Reference re: Public Service Employee Relations Act (Alberta)*, [1987] 1 S.C.R. 313 (Supreme Court of Canada), at page 368.

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6. The SOP also stated LEGAL ISSUES concerning adverse-differential treatment, breached **procedural right of fairness and general natural justice, Cannot “contract out” human rights law** with the duty of accommodation or on a Release as in this case and **imbalance of power**. All were ignored and not addressed in Tribunal or Federal Court Decisions.
7. SOP and Caselaw address following but ignored in Decision: “In 1997 the Supreme Court of Canada’s decision in Wallace v. United Grain Growers Ltd. was that an employer owes its employees a **duty of good faith and fair dealing in the manner of dismissal**. If the employer’s breach of that duty caused the employee mental distress the reasonable notice period could be extended in what became known as “**Wallace damages**”. In 2008 the Supreme Court of Canada revisited issue with Honda Canada Inc. v. Keays and replaced “Wallace damages” with “**moral damages**” in the form of monetary compensation not extension of notice period.”
8. **Respondent’s sole reason for TERMINATION was that it eliminated my role since k-Store became a “self-serve product”. This actually occurred a year prior in August 2007 not August 2008 during “100-day” Restructuring.**

EXHIBIT C-3 Tab # 145 Jean-Normand Drouin LinkedIn Profile ruled ADMISSIBLE and proves he worked for Bell as **k-Store PROJECT MANAGER** and RETIRED (3) months after August 2007 in October 2007 after k-Store became a “self-serve product”. He was offered such a great RETIREMENT Package he could not refuse. I could not afford to bring him from Quebec to Ontario as a WITNESS but spoke with him via telephone.

EXHIBIT C-3 Tab # 145 Alex Chan LinkedIn Profile ruled ADMISSIBLE. He was **k-Store’s only HELP DESK SUPPORT** to control usability issues, troubleshoot and recommend improvements that users identify by keeping metrics. After k-Store became a “self-serve product” he had (3) months to look for a new position and was transferred as a **Bell FINANCIAL ANALYST – SALES** in October 2007. Please refer also to **EXHIBIT C-3 Tab # 142 for 2005 Multi-Source Feedback on me from Alex Chan**.

9. The correct NARRATIVE should concentrate on CHRA 7(b) indirectly, subtle and with no intent but still mental illness disability discrimination:

*7 It is a discriminatory practice, directly or **indirectly**,*

(a) to refuse to employ or continue to employ any individual, or

*(b) in the course of employment, to **differentiate adversely** in relation to an employee, on a prohibited ground of discrimination.*

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10. This CHRT Decision should be QUASHED to set a precedent that this will not happen to any other employees of Bell or Canadian Corporations.
11. It is of PUBLIC INTEREST, so an order to send to SUPREME COURT would be reasonable, especially since Canadian Human Rights Commission / Tribunal process not to ignore critical evidence avoiding need to go to Federal Court for the 3rd time is redundant and costly.
12. REINSTATEMENT has always been my goal because I was terminated while SUFFERING FROM A MENTAL ILLNESS on Bell's LTD Disability Benefits. No MEDICAL PROFESSIONAL DECLARED ME FIT TO WORK on April 20, 2009 Termination meeting setup under false pretences. I was left desolate with no income for medicine or survival. How can a company terminate a (20) year manager / employee while suffering from a mental illness? This is DISCRIMINATION denying me of my rightful CANADIAN HUMAN RIGHTS.

There can be a REINSTATEMENT to MAKE WHOLE in position as if discrimination did not REINSTATEMENT per the CHRA is to **MAKE WHOLE as if the DISCRIMINATION did not occur**. I was terminated while INACTIVE under **Mike Cole - Executive Vice President & Chief Information Officer** while on Bell's LTD Benefits. I was not in a job position and one does not have to be created.

CONCLUSION

13. On April 20, 2009 I was suffering with a mental illness disability since before my 1st sick day at Bell on June 1, 2006. I passed on my job responsibilities to (2) Bell Employees per evidence.

I was paid as **Job Function Code: TECH023-2 Internet Applications Development**.

My Human Rights Complaint was hijacked by Respondent's Counsel since day 1 as a WRONGFUL TERMINATION common law case. What about my Canadian Human Rights to be treated the same as 50,000 Bell Employees?

All my caselaw was not even addressed in Tribunal's Decision, only Respondent's caselaw that I proved irrelevant for years with CHRC and CHRT but ignored.

14. Bell must uphold the standard for employers to treat employees with good faith and fair dealing at the time of their termination. Bell's insensitive conduct and dealings should be an important factor when awarding damages to me, the wrongfully dismissed employee. Refer to my caselaw *Wallace v. United Grain Growers Ltd., 1997 CanLII 332 (SCC), [1997] 3 SCR 701 paragraph 98:*

- | |
|--|
| a) not being honest, reasonable or straightforward with the employee; |
| b) misleading the employee; |
| c) humiliating or embarrassing the employee; |
| d) firing the employee immediately upon returning from a disability leave. |

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15. In employment relationships, an obvious imbalance of power exists, which could leave employees vulnerable to damage inflicted by the employer. The Supreme Court of Canada has now defined a principle it calls “good faith and fair dealing”. This principle translates into a duty owed by the employer to the employee at the time of termination. Therefore, Bell allegedly acted inappropriately by terminating me and it should be considered a breach of this duty. The Supreme Court has given a loose definition of good faith and fair dealing that encapsulates many actions of employers it feels are improper. The Supreme Court of Canada, however, did give some indication as to what it feels is improper conduct by providing the following example pertinent to my case:

“firing an employee after a return from disability leave for depression when the decision to fire occurred during the leave of absence”.

16. The implied obligation of good faith would be designed to redress the power imbalance that results in employee vulnerability—a vulnerability that is especially acute at the time of dismissal and while on LTD for mental illness disability. The nature of the relationship thereby necessitates some measure of protection for the vulnerable party. Requiring employers to treat their employees with good faith at the time of dismissal provides this special measure of protection. It follows that an implied term is necessary in the sense required to justify implication of a contractual term by law. The only guidance the majority provided the lower courts with was that the conduct they would consider being bad faith would be conduct that was “untruthful, misleading or unduly insensitive”; as in my case.

17. Even in cases where the reason for the termination is valid, an employer could face litigation if the *manner* in which the termination is carried out breaches the principles of good faith and fair dealing.

18. Date: 20200420 Docket: T-157-19 Citation: 2020 FC 535:
Judge Diner’s Decision immediately states an incorrect statement by CHRT in paragraph 1 below and again in paragraph 23:

“Ms. O’Grady sincerely believes that her dismissal from her management-level job was a **direct result of a disability.**”

19. My complaint states in paragraph 1:

“My name is **Kathleen O’Grady** and my complaint is against **Bell Canada**. I am a 51 year old, single, female and was a full-time regular Bell Systems & Technology **Manager** who started employment with Bell Canada on March 26, 1990. I believe that I was subjected to discrimination due to my mental illness disability for which I was unethically and wrongfully terminated on October 27, 2009.”

20. “Human Rights mental illness **disability** discrimination does not have to be the **basis for termination** but can inadvertently cause Complainant to be at a disadvantage; therefore, “disability” is a factor. Complainant has a PRIMA FACIE case of discrimination.”

“**CHRC’s – Accommodation in the 21st Century – dated March 2012**”

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The complainant's burden of establishing *prima facie* discrimination can be discharged through **proof of adverse effects**, and establishing a link between the **adverse effects** and a listed ground of discrimination... It is **not** necessary that **discriminatory considerations be the sole reason for the actions in issue for a complaint to succeed.** It is sufficient that the discrimination be but one basis for the employer's actions or decisions... "*Discrimination is not a practice which one would expect to see displayed overtly, in fact, there are rarely cases where one can show by direct evidence that discrimination is purposely practiced.*"... as the **subtle scent of discrimination.**"

21. Respondent's FINAL ARGUMENT dated May 9, 2017 paragraph 205 is INCORRECT stating that:

*"The **sole issue** raised by the Complaint is whether Bell **discriminated** against Ms. O'Grady contrary to section 7 of the Act in **terminating her employment** on April 20, 2009."*

As per above paragraph 183, my Complaint does not state the **TERMINATION ACTION** was the **SOLE** reason that caused MENTAL ILLNESS DISABILITY **DISCRIMINATION.**

My Complaint filed with the CHRC states that:

*"I believe that I was **subjected to discrimination due to my mental illness disability** for which I was unethically and wrongfully **terminated** on October 27, 2009".*

22. The summary of Complaint also states the alleged practices are **ADVERSE DIFFERENTIAL TREATMENT** resulting IMPACT was **TERMINATION OF EMPLOYMENT.**

23. I have submitted many **ADVERSE EFFECTS** and the **LINK is that these actions occurred while I was TOTALLY DISABLED on Bell's LTD Benefits** while suffering as a victim of a mental illness disability (GROUNDS PROTECTED BY CHRA). I was treated differently than 50,000 Bell Employees and Bell Employees on Bell LTD Benefits for different reasons like a broken leg. Bell **FAILED ITS DUTY TO ACCOMMODATE** by reneging on the **Bell LTD Benefits Rehabilitation Program** which is a critical BENEFIT detailed fully in the BELL LTD POLICY **(EXHIBIT C-1 Tab # 7)** and many other adverse effects such as not receiving COMMUNICATION of the largest Bell Restructuring "100-day" Plan, especially since **legislation is that GROUP TERMINATION Employees must be provided NOTICE within 16 weeks before the date the terminations commence** as the 50,000 Bell Employees did (instead **10 months** later – approx.. **40 weeks**). Respondent did not search for any job opportunities as a form of ACCOMMODATION or provide evidence of Discrimination INVESTIGATION just denial.

24. Very importantly Respondent FAILED THEIR DUTY of **DUE DILIGENCE** to confirm if I was **FIT TO RETURN TO WORK on May 4, 2009 proposed date for Bell's LTD Benefits REHABILITATION PROGRAM** at all in 2009 and won track with my own Doctor's recovery plan and not DMG's.

25. Also, very devastating and painful was the "**MANNER OF TERMINATION**" which was done with "**BAD FAITH and UNFAIR DEALING**" since April 20, 2009 until April 2010; especially since Bell created their September 2010 - \$ 50 MILLION Mental Health Initiative while treating me with

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mental health disability DISCRIMINATION in 2009.

26. The final Release adds emails that are made in “**BAD FAITH and UNFAIR DEALING**” with **DISHONESTY** about **April 20, 2009 DATE** resulting in **DISCRIMINATION** with “**MANNER OF TERMINATION**” breaching **CHRA**:

*“severance package and terms presented to me by Bell Canada following my termination of employment, as amended by the emails dated **November 4, 2009** and **January 25, 2010**”*

Below are email exchanges for **November 4, 2009 and January 25, 2010** that Respondent provided “**BLATANT LIES**” to my (5) questions included in their **LEGAL Bell Canada Severance Package - Acknowledgement, Release and Discharge**. This **MANNER OF TERMINATION** is extremely **DISHONEST** which strongly proves Respondent “**engaged in the discriminatory practice wilfully and recklessly**” while negotiating with a Bell Employee suffering with a mental illness disability that is **PROTECTIVE GROUNDS** under the **CHRA**.

27. Respondent’s Counsel took total control of my Complaint with her own **NARRATIVE**, all about Bell’s right to terminate me while on Bell’s **LTD Disability Benefits** due to a reorganization. I was bullied for (11+) years now with this narrative. My narrative is that I experienced **ADVERSE DIFFERENTIAL TREATMENT** that was linked to my **MENTAL ILLNESS DISABILITY** resulting in **DISCRIMINATION**. Respondent’s Counsel announced 11 witnesses to support the fact that the 100-day Plan Reorganization in July 2008 was a bona-fide reason for discriminating against me. She then dropped one witness who I communicated with and provided evidence that on a balance of probabilities would have hired me since I was more experienced than my peer she hired. This statement about my peer was accepted as verbatim in my evidence from my former Leader who was interviewed by **CHRC**. I also submitted evidence that 2 people took over my role when I went on sick leave June 1, 2006.
28. All my **ADVERSE DIFFERENTIAL TREATMENT** evidence is from emails but mostly from my 1000+ Bell Medical File written by Bell’s **DMG (Disability Management Group)**, so it is not hearsay after (7) years of being absent and most witnesses had never even met me.
29. I thought Judge Diner heard me because he summarized so well what I communicated. This is only one example of not being heard since I never once in 11 years said my **TERMINATION** was **DIRECT DISCRIMINATION** based on my mental illness disability.
30. My Memorandum corrected all the incorrect statements written only in **CHRT’s** decision. There were many more pretextual statements throughout the **CHRT** Hearing but I was consistently bullied every time I tried to explain by Respondent’s Counsel who would object. I completely gave up because it was futile trying to explain my evidence and I was not well enough to cope with a legal professional who shut down most everything I said. With all due respect, this is a fact and in no way disrespecting the court hearings.
31. Judge Diner also states in paragraph:
“[41] I agree with the Member’s ultimate conclusion that “[a]s a result of the 100-day plan, her position was abolished, and no other employee was hired for the position” (at para 70), and that

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Ms. O'Grady thus demonstrated no prima facie evidence of discrimination in her dismissal."

This is again incorrect because July 2008 100-day plan did not abolish my position of k-Store Manager as stated throughout 11+ years. k-Store was role was abolished in October 2007 not July 2008 which was accepted by CHRT into evidence.

32. I provided evidence that k-Store was a "NO-GO" since January 2006 and I took sick leave June 1, 2006. I even worked on another project called ID-AH which I received the highest award in BST from President Eugene Roman with crystal plaque and \$ 500 bonus. I was even mentioned at (3) Bell Conferences for over 1,000 high performance employees in Toronto, Montreal and Ottawa by then BELL / BCE CEO PRESIDENT, **Michael Sabia**. I provided multiple emails supporting this fact even from my former Leader emailing Eugene Roman BST President. This was the highest form of commendations within ALL OF BELL being recognized verbally to thousands of Bell Employees in 3 major cities. What stronger evidence can be submitted to prove that my not working on k-Store Project for all of 2006 but other projects defined my true role? My TRAINING ROLE for k-Store was completed in 2005 submitted as evidence but there were plans to modify my training material since IT was working on security issues to be updated. With all due respect I could again go through every paragraph of Judge Diner's decision as a rebuttal like I did with CHRT's Decision but it was not given weight during Federal Court Hearing and would probably be repeated with this last Decision. All my rebuttal evidence written by Bell has been ignored for 11+ years. I will keep trying to obtain JUSTICE to set a precedent so that Canadian Employees suffering from a mental illness do not have to experience DISCRIMINATION as I did.
33. The Decision also erred in providing no response to Respondent's submitted evidence that the CANADA LABOUR CODE states that all employees should be given notice at the same time of a MASS TERMINATION but Bell's policy states it does not do so for employees on disability until they are ready to return to work. Eventhough my doctor did not confirm if I was able to return to work on May 4, 2009 I was not officially notified by Bell that there was a reorganization July 2008 but instead (10) months later on April 20, 2009 meeting setup under false pretenses. Judge Diner discussed this issue at length requesting more information from Respondent's Counsel but did not provide any answer to this QUESTION OF LAW in his decision which was to determine if Bell breached CANADA LABOUR CODE employment law as a form of ADVERSE DIFFERENTIAL TREATMENT which is illegal. It should be addressed since CHRT accepted the CANADA LABOUR CODE document from Respondent into evidence. It also breaches the CANADIAN HUMAN RIGHTS ACT to have a discriminatory POLICY.
34. Paragraph 59 states to ignore Bell LTD Policy but eventhough I was not confirmed to return to work the NOTICE OF TERMINATION provides 6 months of Bell 1st Program Services to try to obtain any position within Bell Canada or family of BCE. This is a contradiction of facts.
35. I disagree strongly with Decision paragraph 73:

"I find it especially considerate given the amount of the criticism directed at Bell and its counsel both during the course of the tribunal hearings, and before the Court in this judicial review."

I never criticized Bell as a company only the discrimination issues which is not all 50,000 Bell employees. There should be no retaliation on the fact I addressed discrimination or even

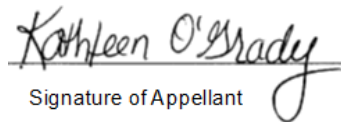
NOTICE OF APPEAL
UNDER SECTION 337 OF THE *FEDERAL COURT RULES*

mentioned. BELL CANADA was my complete life for (20) years and I loved my job which I stated throughout the 11 years, especially being single. I devoted all my time and energy to Bell which I will never regret and have fond memories but unfortunately, I could not balance WORK AND LIFE, since I worked constantly which impacted my health. Respondent's Counsel is not an employee of Bell but only legal counsel and a PARTNER in her own firm. I did feel I was bullied all the time and blind-sided with her bringing (2) other employees as her team during 8 full days of hearings and (10) witnesses. Being a victim of mental illness disability, I did feel overwhelmed by (12) people attacking my truth as a victim. Imagine this for a healthy self-represented litigant and then imagine what I felt like. Walk in my shoes like many people do.

36. Thank you for this opportunity since I have spent a decade of my life defending my cause to the detriment of my mental and physical health now at 60 years old.

(COVID19 FEDERAL COURT OF APPEALS updates defer PROOF OF SERVICE and waive filing fees)

Dated this 20th day of May 2020.


Signature of Appellant

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