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June 22, 2023			
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Court File No.

FEDERAL COURT OF APPEAL

BETWEEN

CANADIAN HUMAN RIGHTS COMMISSION

Appellant

and

**6589856 CANADA INC. (cob Loomis Express)
and WARREN FICK**

Respondents

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 orders otherwise, the place of hearing will be as requested by the appellant. The appellant requests that this appeal be heard at Edmonton, Alberta.

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 341 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 after 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 341 prescribed by the *Federal Court Rules* instead of service 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.

Dated: June 22, 2023

Issued by: _____
(Registry Officer)

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Respondent (self-represented)

AND TO: Canadian Human Rights Tribunal
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APPEAL

THE APPELLANT, the Canadian Human Rights Commission, appeals to the Federal Court of Appeal from the order of the Honourable Mr. Justice Ahmed dated May 23, 2023 (2023 FC 718) by which the Federal Court dismissed Warren Fick’s application for judicial review of the decision of the Canadian Human Rights Tribunal (“Tribunal”) (2022 CHRT 2).

THE APPELLANT ASKS that:

1. This Honourable Court allow the appeal by setting aside the order of the Honourable Justice Ahmed dated May 23, 2023 and without costs.
2. This Honourable Court quash the decision of the Tribunal.
3. This Honourable Court order that the complaint be remitted back to the Tribunal for reconsideration in accordance with the directions of this Court.
4. This Honourable Court award such further and other relief as counsel may advise and this Honourable Court may permit.

THE GROUNDS OF APPEAL are as follows:

1. The Federal Court erred in finding the Tribunal’s decision reasonable that the relationship between Warren Fick and Loomis Express did not fall under the definition of “employment” pursuant to s 25 of the *Canadian Human Rights Act*, RSC, 1985, c H-6 (“*CHRA*”).
2. The Tribunal and Federal Court erred by adopting an unduly narrow and restrictive interpretation of s 25 of the *CHRA* and in its interpretation of the applicable jurisprudence.
3. The Tribunal and Federal Court erred by not giving full effect to the primacy of human rights law in interpreting s 25 of the *CHRA*.

4. The Tribunal and Federal Court erred by not adopting a broad and purposive approach to the interpretation and application of s 25 of the *CHRA*.
5. The Federal Court failed to address the appellant's arguments regarding the interpretation of "employment" under s 25 of the *CHRA* and the application of legal principles to the facts of this case.
6. Sections 7 and 25 of the *CHRA*.
7. Such further and other grounds as counsel may advise and this Honourable Court may permit.

Date: June 22, 2023.



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