

Canadian Human  
Rights Tribunal



Tribunal canadien  
des droits de la personne

**BETWEEN:**

**LORETTA KEEPER-ANDERSON**

**Complainant**

**- and -**

**CANADIAN HUMAN RIGHTS COMMISSION**

**Commission**

**- and -**

**SOUTHERN CHIEFS ORGANIZATION INC.**

**Respondent**

**DECISION**

**MEMBER:** J. Grant Sinclair

2008 CHRT 46  
2008/10/31

[1] By decision of this Tribunal dated June 20, 2008 (2008 CHRT 26), the complaint made by Ms. Keeper-Anderson to the Canadian Human Rights Commission on October 13, 2004 against the respondent Southern Chiefs Organization Inc. (SCO) was found to be substantiated. At the hearing, Ms. Keeper-Anderson requested the Tribunal award:

- a) lost income for the period May 2005 to May 2007 being \$90,000 at \$45,000/annum, the salary she claims she was receiving at the time her employment was terminated;
- b) lost benefits of \$5,000;
- c) \$5,000 for pain and suffering;
- d) \$15,000 as damages for the willful and reckless conduct of SCO;
- e) costs incurred in selling her house;
- f) legal costs; and
- g) interest on the above amounts.

[2] As per the Tribunal's decision dated June 20, 2008 (2008 CHRT 26) and to assist in deciding the amount of remedy, the complainant was instructed to provide the Tribunal, by July 15, 2008, with information regarding her total income received from all sources from May 2005 to May 2007 and whether she was required to reimburse for employment insurance benefits or to any other government agency for any income assistance benefits she received during that period.

[3] Ms. Keeper-Anderson requested and was granted an extension to July 28, 2008 to provide this information with respect to remedy. She submitted her material to the Tribunal on July 25, 2008.

[4] On July 31, 2008, the Tribunal directed that SCO would have until August 6, 2008 to respond to the complainant's submissions regarding remedy. This was extended to August 11 and then to September 5, 2008. However, SCO has not provided any submissions in response to those received from Ms. Keeper-Anderson.

[5] The material provided by Ms. Keeper-Anderson includes her income tax returns for the years 2005-2007; a discharge statement from her legal representative with respect to the discharge of the mortgage for her residence and also a reference to legal costs and disbursements estimated to November 8, 2005 Re: litigation matters of \$1,100; pay history details for the period from February 2004 through April 2005, a student loan account statement, and correspondence relating to orthodontic work and vision care.

[6] Ms. Keeper-Anderson claims lost wages for the period from May, 2005 to May, 2007. As such, both the salary that she would have received and her total income as per her income tax returns for this time period must be prorated to reflect this. I have prorated Ms. Keeper-Anderson's salary for May 2005-2007 and subtracted her prorated income as reported in her 2005-2007 income tax returns. On that basis, I estimate that her lost income to be \$40,000.

[7] As to her claim of \$5,000 for lost benefits, the information that she submitted does not support her claim. I therefore refuse to allow this amount.

[8] As to Ms. Keeper-Anderson's request for reimbursement for the costs incurred for the sale of her house, Ms Keeper-Anderson provided information showing two items, estimated property management costs to November 8, 2005 of \$720 and legal costs and disbursements estimated to November 8, 2005 of \$5,627. She did not provide any explanation as to what these costs are for. Accordingly, her request is not allowed.

[9] Ms. Keeper-Anderson claims legal costs and disbursements estimated to November 8, 2005 of \$1,100, Re: litigation matters. Ms. Keeper-Anderson retained a lawyer to challenge her termination and seek reinstatement. The evidence at the hearing indicated that there was some correspondence between Ms. Keeper-Anderson's lawyer and the SCO's lawyer, but nothing more. The documentation that she submitted makes no reference to this. In these circumstances, I award \$200 for legal expenses.

[10] Similarly, Ms. Keeper-Anderson has failed to provide any evidence or convincing argument demonstrating willful or reckless behaviour on the part of the respondent. Her claim in the amount of \$15,000 is therefore refused.

[11] It is nevertheless clear from the evidence that Ms Keeper-Anderson has suffered from the loss of her job and I award \$2,000 for her pain and suffering resulting from the discriminatory actions of the SCO.

[12] Interest under section 53(4) of the *Canadian Human Rights Act* on the total award of \$42,200 will accrue in accordance with the Canadian Human Rights Tribunal Rules of Procedure 9(12).

“Signed by”

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J. Grant Sinclair

OTTAWA, Ontario  
October 31, 2008

**CANADIAN HUMAN RIGHTS TRIBUNAL**

**PARTIES OF RECORD**

TRIBUNAL FILE: T1167/4906

STYLE OF CAUSE: Loretta Keeper-Anderson v. Southern Chiefs  
Organization Inc.

DECISION OF THE TRIBUNAL DATED: October 31, 2008

**APPEARANCES:**

Loretta Keeper-Anderson	For herself
No one appearing	For the Canadian Human Rights Commission
No one appearing	For the Respondent

Reference: 2008 CHRT 26 (June 20, 2008)