

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

BETWEEN:

MING ZHOU

Complainant

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

NATIONAL RESEARCH COUNCIL

- and -

CHANDER P. GROVER

Respondents

RULING

MEMBER: Karen A. Jensen

2009 CHRT 11
2009/03/31

[1] On March 23, 2009, counsel for the Complainant requested that the present case be adjourned for three months. Counsel for the Complainant stated that he had just been retained and needed time to prepare for the four week hearing that is scheduled to commence on April 20, 2009.

[2] During the conference call to discuss this issue, counsel for Dr. Zhou indicated that even with a two week adjournment, it would be difficult for him to proceed with the case on May 4, 2009.

[3] The Tribunal has reviewed the submissions of counsel for all parties in the present case. For the following reasons, the Tribunal has decided to grant a two week adjournment to allow counsel for the Complainant to prepare for the hearing which will now commence on May 4, 2009.

[4] In deciding whether to grant an adjournment, the Tribunal must weigh the goal of resolving human rights complaints in a timely manner against the requirement to be fair to all parties and to provide them with a full and ample opportunity to present their case (*Leger v. Canadian National Railway Company*, Interim Ruling, November 26, 1999 (CHRT); stay application dismissed [2000] F.C.J. 243 (T.D.)).

[5] A two week adjournment in the present case will give counsel 5 weeks to prepare. There is, therefore, enough time to prepare so that the Complainant's right to a fair hearing is not compromised.

[6] Moreover, it must be noted that on October 3, 2008, all of the parties agreed to set down four weeks for a hearing in April and May of the following year. Dr. Zhou had ample time to seek counsel or the assistance of his bargaining agent. However, it was not until March 18, 2009, a month before the commencement of the hearing, that the Tribunal was informed that counsel had been retained to represent Dr. Zhou.

[7] Translation services for the hearing have been booked and confirmed. The hearing rooms have been reserved. Staffing resources have been allocated. Other cases that could have been set for hearing during this time period were not set down for that time.

[8] The Tribunal must run an efficient hearing system in order to achieve its legislative mandate to hear and resolve complaints expeditiously (s. 48.9(1) of the *CHRA*; *Canada Post Corporation v. PSAC and the CHRC*, 2008 FC 223 at para. 274; *Nova Scotia Construction Safety Association, Collins and Kelly v. Nova Scotia Human Rights Commission and Davison* 2006 NSCA 63 at para. 76). A hearing requires the dedication of considerable financial and human resources. Those resources cannot be reallocated without significant disruption to the whole system, especially at this stage in the process. Such disruptions have an impact on the timeliness not only of the present case, but also of other cases in the system. For those reasons, an adjournment is granted only in cases where proceeding will clearly have an impact on the fairness of the hearing.

[9] Taking all of this into consideration, a two week adjournment is appropriate in the present case. The hearing into this matter will now commence on May 4, 2009.

“Signed by”

Karen A. Jensen

OTTAWA, Ontario
March 31, 2009

CANADIAN HUMAN RIGHTS TRIBUNAL

PARTIES OF RECORD

TRIBUNAL FILE: T1291/2108 and T1292/2208

STYLE OF CAUSE: Ming Zhou v. National Research Council and
Chander P. Grover

RULING OF THE TRIBUNAL DATED: March 31, 2009

APPEARANCES:

David Spears For the Complainant

François Lumbu For the Canadian Human Rights Commission

Laura Stewart For the Respondent
(National Research Council)

Paul Champ For the Respondent (Chander P. Grover)