

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

BETWEEN:

GEORGE VILVEN

Complainant

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

AIR CANADA

Respondent

AMENDED RULING

MEMBER: J. Grant Sinclair

2006 CHRT 47
2006/10/20

[1] George Vilven has filed a complaint with the Canadian Human Rights Commission dated August 5, 2004, alleging that Air Canada has discriminated against him on the ground of age, contrary to ss. 7 and 10 of the *Canadian Human Rights Act*.

[2] By application dated June 29, 2006, Air Canada Pilots Association applied to the Tribunal for interested party status.

[3] The Commission and the Complainant (with a caveat) consent to this application. Air Canada's position is that ACPA should be added as a respondent.

[4] The Tribunal also received an application dated June 20, 2006, from "Fly Past 60 Coalition", a group of pilots or former pilots of Air Canada, asking to be added as an interested party to the complaint.

[5] The Commission consented to the application by the Fly Past 60 Coalition. Air Canada opposed it as did ACPA. ACPA did not feel in any way constrained in opposing the Coalition's application even though it has no status or standing to do so.

[6] I have reviewed the two applications and the responses of the parties to the complaint. I have concluded that ACPA should be added as an interested party. It is a signatory to the collective agreement with Air Canada which contains provisions relating the mandatory retirement of Air Canada pilots. As such, it has an obvious interest in these proceedings.

[7] I've also concluded that Fly Past 60 Coalition should be added as an interested party. In this regard, I refer to and adopt the reasoning of Commission counsel in his letter of July 12, 2006 setting out the reasons why the Commission supports the Coalition's application.

[8] Both ACPA and the Fly Past 60 Coalition will be permitted to fully participate in the hearing of this complaint before the Tribunal, including the introduction of evidence and cross-examination of witnesses, to the extent that such participation is not duplicative of the evidence and submissions of the Commission, the Complainant or Air Canada.

[9] The schedule for disclosure for the Complainant, the Commission and Air Canada will remain the same. The schedule for APCA and Coalition disclosure will be as set out in their applications. Any request for changes in the disclosure schedules will be dealt with at the conference call on September 8, 2006.

“Signed by”

J. Grant Sinclair

OTTAWA, Ontario
October 20, 2006

CANADIAN HUMAN RIGHTS TRIBUNAL

PARTIES OF RECORD

TRIBUNAL FILE: T1079/6005

STYLE OF CAUSE: George Vilven v. Air Canada

RULING OF THE TRIBUNAL DATED: October 20, 2006

APPEARANCES:

George Vilven For himself

Daniel Pagowski For the Canadian Human Rights
Commission

Thomas Brady For the Respondent

Steve Waller For the Air Canada Pilots Association

Raymond Hall For the Fly Past 60 Coalition

Reference: 2006 CHRT 35