

HUMAN RIGHTS TRIBUNAL OF ONTARIO

B E T W E E N :

KELLY DONOVAN

Applicant

-and-

WATERLOO POLICE SERVICES BOARD & BRYAN LARKIN

Respondents

APPLICANT'S CASE SUMMARY

1. The applicant alleges that the respondents knowingly contravened a human rights settlement when they filed an appeal of her WSIB, and when they filed their application 2018-33237-S, with the intent to cause her significant mental anguish, as a means of retaliating against her for her public advocacy (“whistleblower retaliation”).
2. The applicant claims damages for contravention of settlement, as well as punitive, exemplary and/or aggravated damages.

Procedural history:

3. The applicant initially alleged one contravention of settlement in July, 2018; the Larkin affidavit filed in relation to a class action lawsuit.
4. In 2019, the applicant made a Request for Order During Proceeding to add a second allegation of contravention of settlement; the appeal of the applicant’s WSIB (Workplace Safety and Insurance Board) claim.

5. In 2022, at a preliminary hearing, one of the applicant's allegations were dismissed for untimeliness. The surviving allegation is the appeal of the applicant's WSIB claim.
6. In 2022, the application was amended, as per the decision of the preliminary hearing.

Issues to be determined:

7. Did the WRPSB contravene the settlement when they appealed Donovan's WSIB claim in January, 2018, and filed their application 2018-33237-S in June, 2018?
8. If the allegations are proven, does the conduct of the respondents warrant sanction?
9. Should the Waterloo Regional Police Association remain Intervenor?
 - a. A labour arbitrator determined that the essential character of this dispute did not arise from the collective agreement (**Authority 24**);
 - b. Donovan is no longer seeking re-instatement;
 - c. There is no reason for the WRPA to act as intervenor.

Outstanding procedural or jurisdictional issue or any outstanding request:

10. Should Bryan Larkin be removed as personal respondent?