HUMAN RIGHTS ADJUDICATION PANEL

IN THE MATTER OF: A complaint by T.M. against the Government of Manitoba – Manitoba Justice, alleging a breach of s.19 of *The Human Rights Code*

AND IN THE MATTER OF: *The Human Rights Code*, C.C.S.M. c.H175

BETWEEN:

T.M.

complainant

- and –

Government of Manitoba – Manitoba Justice

respondent

Appearances: Isha Khan/Sandra Gaballa for the Manitoba Human Rights Commission
Sean Boyd/Jim Koch, for the Government of Manitoba – Manitoba Justice

Before: Sherri Walsh, Adjudicator

DECISION

I. INTRODUCTION

[1] The complainant has requested that he be identified by his initials only in the Notice of Hearing which must be published pursuant to the provisions of *The Human Rights Code ("the Code"),* at least three days prior to the hearing in which his complaint against the respondent will be adjudicated.

[2] His request is made pursuant to s.36 of the *Code* and in particular ss.36(2). The section reads as follows:

> **Public notice**
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> 36(1) The adjudicator shall cause notice of the date, time, place and subject matter of the hearing to be published, at least three days prior to the hearing, in at least one newspaper that circulates in the part of the Province where the hearing will be held, and may send the same notice to such other news media as the adjudicator considers appropriate.
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> **Parties to be named**
>
> 36(2) The notice referred to in subsection (1) shall contain the names of the parties unless the adjudicator, at the request of any party, decides that it would be unduly prejudicial in the circumstances to disclose the names of some or all of the parties in the notice.

[3] The complainant is supported in this request by the Manitoba Human Rights Commission ("the Commission") which, pursuant to the *Code*, is a party to the adjudication and has carriage of the complaint.

[4] For the reasons that follow I have determined that the complainant's request should be granted and that he shall be identified in the public Notice of Hearing only by his initials, in the manner in which I have described him in the style of cause in these reasons.

[5] Further, as set out in my reasons below, I am directing the Commission, pursuant to ss.46(3) of the *Code* to maintain this style of cause and identify the complainant only by his initials for the purposes of publishing my decision in this matter, following the adjudication hearing.

II. BACKGROUND

[6] The complainant filed a complaint with the Commission on April 17, 2015, alleging that the respondent failed to take reasonable steps to terminate harassment the complainant experienced on the basis of protected characteristics including sexual orientation in the course of his employment, contrary to s.19 of the *Code*.

[7] The Commission investigated the complaint and, pursuant to ss.29(3) of the *Code*, having been satisfied that additional proceedings in respect of the complaint would further the objectives of the *Code* or assist the Commission in discharging its responsibilities under the *Code*, requested that a member of the Adjudication Panel be designated to adjudicate the complaint.

[8] On November 23, 2018, I was designated as the Adjudicator to hear the complaint. On February 11, 2019, I held a pre-hearing conference with the parties where it was agreed that the hearing of this matter would take place from September 9, 2019 to September 27, 2019.

[9] On July 23, 2019 I issued a Notice of Hearing to the parties, pursuant to s.35 of the *Code* confirming the date, time and place of the hearing. The Notice also indicated that the parties were entitled to make a request that the names of some or all of the parties not be disclosed in the public Notice of Hearing, in accordance with the provisions of ss.36(2).

[10] After communicating with the complainant, the Commission gave notice of such a request to the respondent on July 23, 2019 and on July 29, 2019 advised me that the Commission and the complainant were seeking to have the complainant's name anonymized by replacing his full name with his initials only.

[11] In its letter to the respondent advising that the complainant was seeking anonymization in the public notices, counsel for the Commission said the reason for the request was the complainant's concern that publication may negatively impact his ability to secure future

employment. The Commission included this letter as part of the Brief it submitted in support of this application.

[12] In its letter to me dated July 29, 2019, the Commission advised that the complainant was seeking anonymization of his name on the public notices because he is concerned about the impact of publication, particularly online publication, which is indeterminate in duration, on his ability to seek gainful employment in the future. The Commission also noted that the evidence it anticipated adducing at the hearing includes a substantial amount of personal and sensitive health information about the complainant.

[13] In response to this letter from counsel for the Commission, I asked to receive written submissions from both counsel for the Commission and the respondent and inquired as to whether the complainant would be submitting anything on his own or would be relying on submissions made by the Commission. I provided timelines by which submissions should be submitted.

[14] Accordingly, on August 9, 2019, counsel for the Commission submitted a Brief on behalf of both the Commission and the complainant, in support of the complainant's request under ss.36(2).

[15] On August 16, 2019, counsel for the respondent filed its Brief in response.

III. ISSUE

[16] The only issue to be determined is whether, pursuant to ss.36(2) of the *Code*, the complainant's full name should be replaced by his initials in the Notice of Hearing which must be published before the adjudication of his complaint against the Government, commences.

IV. POSITION OF THE COMPLAINANT AND THE COMMISSION

[17] The Commission and the complainant submit that disclosing the complainant's full name in the public Notice of Hearing would be unduly prejudicial to the complainant in the circumstances.

[18] As set out above, in making this request, the Commission and the complainant rely on the jurisdiction set out in ss.36(2) of the *Code* which expressly provides that an adjudicator may decide not to name one or all of the parties in the public Notice of Hearing, having regard to whether disclosure of their name would be unduly prejudicial to them in the circumstances.

[19] As part of its submission, the Commission referenced ss.46(3) of the *Code* as being analogous to ss.36(2). That section reads as follows:

> **Adjudicator may direct deletion of information**
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> 46(3) The adjudicator may direct the Commission to delete any information that would disclose the identity of a party or a witness at the hearing from a decision, order or statement of reasons made available to the public under subsection (2) if the adjudicator believes that the disclosure would cause undue prejudice or hardship to the party or witness.

[20] The Commission and the complainant submit that in both instances, whether a request for anonymization is made under ss.36(2) or ss.46(3), the adjudicator must consider whether disclosure of the party's name would be unduly prejudicial.

[21] In support of this submission, the Commission pointed to a number of human rights decisions in Manitoba which, it says in its Brief, indicate that members of the Adjudication Panel have "routinely made decisions pursuant to ss.36(2) and 46(3) of the *Code* based on the particular facts put before them and consideration of the nature of the allegation and evidence expected to be heard or that was heard".

[22] The Commission specifically referred me to the following two decisions: *K.K. v G.S. o/a Hair Passion*[1] and *C.R. v Canadian Mental Health Association, Westman Region Inc.* [2]

[23] *K.K. v G.S. o/a Hair Passion* involved an allegation of discrimination made by a person with a mental disability. The adjudicator granted the Commission's request under ss.46(3) of the *Code* to substitute initials for the complainant's name in the publication of the adjudicator's Reasons for Decision, in order to preserve the complainant's privacy. In making the request in that case, counsel for the Commission said that the case involved the complainant's personal health information which was very sensitive and highly protected under *The Personal Health Information Act* C.C.S.M. c.P150.

[24] In granting the request the adjudicator commented that initials had been substituted for names of individuals, including parties and witnesses, in various decisions under the *Code* which involved sensitive personal health information.[3]

[25] In *C.R. v Canadian Mental Health Association, Westman Region Inc.*, the adjudicator considered an allegation of discrimination made by a person with an addiction to alcohol. The adjudicator granted the Commission's request under ss.46(3) and substituted initials for the complainant's full name on the basis that disclosure of the complainant's name would result in undue prejudice or hardship to the complainant because of the substantial amount of personal and sensitive information which had been adduced at the hearing.[4]

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[1] *K.K. v G.S. o/a Hair Passion*, [2013] MHRBAD No. 102
[2] *C.R. v Canadian Mental Health Association, Westman Region Inc.,* [2013] MHRBAD No. 101
[3] *K.K. v G.S. o/a Hair Passion*, *supra*, at p.75
[4] *C.R. v Canadian Mental Health Association, Westman Region Inc., supra*, at para.195

[26] In support of this application, the Commission also referred me to the recent decision of *A.B. v Jazco Management* which involved an allegation of discrimination made by a person with a mental disability who was receiving social assistance. The adjudicator in that case again granted the complainant's request under ss.46(3) and substituted the complainant's initials for her full name in the publication of his Reasons for Decision.

[27] In granting the request, the adjudicator said that he took into consideration the complainant's concern that if the request were not granted, sensitive information regarding her mental health and source of income would be on the public record and might result in her experiencing undue prejudice and hardship, having regard to her future employment, academic situation and housing.

[28] In so finding, the adjudicator noted that "… we live in a world now where anytime someone is applying for a job, or potentially even renting a place, that their name is going to be searched. I would like to think that everyone is striving to adhere to this *Code* but we don't know and so as a result I am going to order that any information that would disclose the identity of Ms. A.B. be deleted".[5]

[29] The Commission submits that just as the adjudicator did in the *A.B.* decision, in exercising my discretion whether to grant the complainant's request I may take notice of the likelihood of employers to conduct internet searches on potential job candidates.

[30] It further submits that pursuant to the *A.B.* decision I ought to consider the possibility that disclosure of the complainant's name on the public Notice of Hearing would contribute to stigma regarding his sexual orientation and mental health.

[31] With respect to the specific facts in this matter, the Commission and the complainant submitted that the request should be granted because the evidence to be adduced at the hearing includes sensitive and personal information, including evidence regarding comments made about the complainant's sex life and evidence about unwanted sexual contact he allegedly received from a co-worker.

[32] The Commission and the complainant also indicated that they anticipate relying on a report from a psychologist and other medical evidence that will speak to the complainant's mental health including how his mental health was affected by his interactions with his co-workers during his employment with the respondent as well as by his participation in these adjudication proceedings.

[5] *A.B. v Jazco Management,* [2019] MBHR 1, at Appendix

[33] They also pointed to the fact that in the formal complaint which the complainant filed with the Commission on April 17, 2015 the complainant indicated that he fears retribution by the alleged harassers, for pursuing the allegations of harassment.

V. RESPONDENT'S POSITION

[34] In the Brief it filed in response to this application, the respondent starts by saying that it does not take a substantive position regarding the complainant's request.

[35] It goes on to say, however, that it does have an interest in ensuring that the correct test be applied when considering an application under ss.36(2) and similar sections of the *Code*.

[36] Accordingly, without taking a position on whether the complainant's application meets the test required, the respondent made a number of submissions on that test.

[37] First, the respondent submitted that under ss.39(3) of the *Code* every hearing is presumptively public with the exception that publication or broadcasting of the identities of parties or witnesses may be prohibited where it is unduly prejudicial. That subsection reads as follows:

> **Public hearing**
>
> 39(3) Every hearing shall be open to the public, but in order to prevent undue prejudice to any party or witness, the adjudicator may prohibit publication or broadcasting of the identity of the party or witness until the adjudicator's final decision has been rendered.

[38] Next, the respondent agreed with the position taken by the Commission and the complainant that the test under ss.46(3) is similar to the test in ss.36(2) in that they both focus on whether disclosure of the identity of the party or witness would cause "undue prejudice". But the respondent went on to point out that the test does not merely involve "prejudice" but rather "undue prejudice" - prejudice that is outside of the norm that would be expected from participating in a public hearing.

[39] In making this submission, the respondent relied on the adjudicator's decision in *Walmsley v Brousseau Bros. Ltd.* [2014] MHRBAD No. 105 where the adjudicator considered an application made under ss.46(3) of the *Code*, to delete the complainant's name and replace it with initials, in the Reasons for Decision which the adjudicator had already made publicly available.

[40] The respondent also submitted, relying on the decision in *Walmsley*, that when applying these sections of the *Code*, the adjudicator must not only consider whether impact to a person's future employment would meet the test of "undue prejudice" - they must also balance that consideration against the broader public interest of the open court process which is afforded under human rights legislation.

[41] Finally, the respondent submitted that the test – whether applied under ss.36(2) or ss.46(3) does not automatically require the anonymization of parties or witnesses simply because personal health information may be disclosed in a public hearing.

[42] In making this submission the respondent pointed to *The Personal Health Information Act* C.C.S.M. c.P150 which allows for the disclosure of personal health information in judicial or quasi-judicial proceedings citing, for example, ss.22(l) of that Act which says:

> **Disclosure without individual's consent**
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> 22(2) A trustee may disclose personal health information without the consent of the individual the information is about if the disclosure is
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> …
>
> (l) required to comply with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the production of the personal health information, or with a rule of court concerning the production of the personal health information.

[43] The respondent submitted that disclosure of personal health information through judicial or quasi-judicial proceedings in a public forum is not uncommon and, therefore, the grounds relied upon by a party or witness who applies for anonymization on the basis of disclosure of personal health information must still demonstrate "undue prejudice" within the meaning of the *Code*.

VI. ANALYIS

The test to be applied

[44] I agree with the submissions made by the respondent regarding the factors which should be considered when determining whether to grant an application made under ss.36(2) of the *Code*.

[45] In making such a determination the adjudicator must consider and weigh the interests of the applicant with the public's interest in maintaining the openness of a human rights proceeding. Further, in order to grant the request the adjudicator must find that the applicant will suffer not only "prejudice" if the request is not granted, but rather "undue prejudice".

[46] In this regard, I agree with the adjudicator's decision in *Walmsley* that such prejudice equates to prejudice that is outside of the norm and more than "mere awkwardness or inconvenience". The prejudice must be excessive or extensive and beyond that which might be expected to arise from the complaint and adjudication process.[6]

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[6] *Walmsley, supra,* at paras.8 & 10

[47] The adjudicator must find some causal nexus between the undue prejudice and the disclosure of the complainant's name in order to grant the requested relief.[7]

[48] I also agree that simply because personal health information may be disclosed in a public hearing does not automatically lead to a determination that failure to grant anonymization of a party or witness will result in "undue prejudice" within the meaning of the *Code*.

[49] Finally, I agree with the adjudicator's decision in *Walmsley* that to be meaningful, an application for a request under ss.36(2) or, for that matter, ss.46(3), must be made before the publication of the Notice of Hearing or the release of the decision following the adjudication, respectively.

[50] In *Walmsley*, the request for anonymization in the Reasons for Decision was made only after the adjudicator's decision had been publicly released. The adjudicator specifically commented, in his refusal not to grant the request, that it had come to his attention that since its release, his decision in the matter had already been covered by various media outlets across the country and regardless of how he decided the request. Further, he suspected that information respecting the complainant was readily available on the internet outside of the matter, regarding several of the issues that counsel for the Commission suggested would cause undue prejudice or hardship.

[51] The adjudicator said, therefore, that the Commission's request was too late to be successful and that he did not find that undue prejudice or hardship would result from leaving the complainant's name in the decision as written, in the unique circumstances of that case.[8]

[52] In the Brief they filed, the Commission and the complainant submitted that the adjudicator's decision in *Walmsley* is distinguishable from the instant case in part because the timing of the request in that case was different.

[53] I agree with their submission on this point. In this case, the request has been made on a timely basis. The adjudicator's decision in *Walmsley* not to grant anonymization, having been based on the unique facts which were specific to that case, is distinguishable from the facts regarding the request which is before me in this matter.

Application of the Test to the Facts in this Case

[54] What then is the undue prejudice that the complainant and the Commission submit the complainant would suffer if his full name were published in the Notice of Hearing?

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[7] *Walmsley, supra,* at para.13
[8] *Walmsley, supra,* at para.28

[55] An application under ss.36(2) is made before any evidence has been adduced in the adjudication proceedings. In order to assess the submissions regarding undue prejudice, therefore, I am basing my assessment on: the applicants' submissions in the brief they filed before me regarding the evidence they expect to call, the record that exists at this stage of the proceedings and any matters of which I am prepared to take judicial notice.

[56] With respect to the record that exists so far, the applicants have referred me to the formal complaint which the complainant filed with the Commission on April 17, 2015.

[57] This document, while not a pleading *per se*, is signed by the complainant and forms the basis for the Commission deciding to proceed with an investigation and ultimately determining that an adjudication proceeding is required in order to further the objectives of the *Code* or assist the Commission in discharging its responsibilities under the *Code*.

[58] In my view, the signed complaint document is, therefore, a part of the record which an adjudicator may consider in determining whether to grant a request for anonymization under ss.36(2).

[59] I acknowledge that the complaint sets out allegations only and which are as yet unproven, but the information in that document identifies the issues and nature of evidence which will be adduced in the adjudication proceedings.

[60] The Commission and the complainant say that because the allegations in the complaint allege discrimination on the basis of sexual orientation, the evidence that will need to be adduced at the hearing in support of those allegations will include sensitive and personal information including evidence regarding comments made about the complainant's sex life and unwanted sexual contact he received from a co-worker.

[61] The applicants further say they anticipate relying on a report from a psychologist and on other medical evidence that will speak to the complainant's mental health and how it has been affected by his interactions with co-workers during his employment with the respondent as well as by his participation in these proceedings.

[62] I note that in the complaint, in addition to the allegations of harassment, the complainant said that he fears retribution by the alleged harassers.

[63] I understand from their submissions that the applicants are saying that if the anonymity request is not granted, the loss of privacy and corresponding impact on the complainant's dignity by having this information – information which goes beyond mere personal health information – publicly associated with his name, would cause him undue prejudice.

[64] I accept these submissions and find that the evidence which will necessarily be adduced in support of the allegations set out in the complaint would cause the complainant to experience undue prejudice if his full name were published in the Notice of Hearing.

[65] As I said above, I agree that the mere fact that the evidence to be adduced may include personal health information does not automatically lead to granting an application for anonymity. In this case, however, I am satisfied that the information about the complainant which will come out at the public hearing, will constitute an invasion of his privacy and potential harm to his mental health outside the norm of what is expected by participating in a public hearing such that he would suffer undue prejudice if his application for anonymity were not granted.

[66] I am also prepared to take judicial notice, like the adjudicator in the *A.B.* decision, *supra*, of the likelihood of employers to conduct internet searches on potential candidates and to find that the disclosure of the complainant's full name on the public Notice of Hearing may subject him to experiencing stigma and discrimination regarding his sexual orientation and mental health and may harm his ability to seek gainful employment in the future.

[67] On this basis as well, therefore, failure to grant the complainant's request would cause him to suffer undue prejudice in the circumstances of this case.

The Public's Interest in Freedom of Expression and Open Justice

[68] I agree with the findings by the adjudicator in *Walmsley* that in making a determination as to whether a complainant will suffer undue prejudice in the circumstances if their request for anonymization is not granted, an adjudicator must take into consideration the fact that the system of adjudicating human rights complaints is a public one and that there is a public interest in maintaining the openness of the adjudication process.

[69] Human rights adjudications are quasi-judicial proceedings which must be carried out in a manner which is consistent with the constitutionally protected respect for the open court principle which has been described in many decisions by the Supreme Court of Canada[9].

[70] The *Code* itself reflects this respect for the open court principle in a number of sections:

> **Public notice**
>
> 36(1) The adjudicator shall cause notice of the date, time, place and subject matter of the hearing to be published, at least three days prior to the hearing, in at least one newspaper that circulates in the part of the Province where the hearing will be held, and may send the same notice to such other news media as the adjudicator considers appropriate.

[9] See for example: *R v Mentuck*, 2001 SCC 76 (CanLII)

Parties to be named

36(2) The notice referred to in subsection (1) shall contain the names of the parties unless the adjudicator, at the request of any party, decides that it would be unduly prejudicial in the circumstances to disclose the names of some or all of the parties in the notice.

Public hearing

39(3) Every hearing shall be open to the public, but in order to prevent undue prejudice to any party or witness, the adjudicator may prohibit publication or broadcasting of the identity of the party or witness until the adjudicator's final decision has been rendered.

Decisions available to public

46(2) Subject to subsection (3), the Commission must make every decision, order and statement of reasons made by an adjudicator available to the public.

[71] The need to consider the open court principle when determining a request for anonymization in the human rights context was recently considered by the Human Rights Tribunal of Ontario ("HRTO"). The members who comprise the HRTO have a discretion to restrict publication of an applicant's name which is similar to the discretion which is given to adjudicators under ss.36(2) of the *Code* in Manitoba.

[72] The Ontario procedure was recently summarized in *J.B. v Queensway Carleton Hospital* 2019 HRTO 980 as follows:

> [5] When determining whether to make an anonymization order, the Tribunal must balance the public interest in freedom of expression and open justice against any significant consequences of identifying the person requesting anonymization, as required by the Supreme Court of Canada in *R. v. Mentuck*, 2001 SCC 76 (CanLII), [2001] 3 SCR 442, at paras. 38-39.
>
> [6] The Tribunal's Practice Direction on Anonymization provides that the Tribunal may anonymize the name of a party to protect the confidentiality of personal or sensitive information where it is appropriate to do so. However, such an order is only made in exceptional circumstances. Human rights applications often include personal information and sensitive medical evidence is often admitted at Tribunal hearings. Before it will grant a request to anonymize a proceeding, the Tribunal must be satisfied that the interest of safeguarding personal privacy in a particular case outweighs the public interest in a transparent human rights process.
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> [7] Some of the principles underlying this approach were discussed in *C.M. v. York Region District School* Board, 2009 HRTO 735 (CanLII):
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> …this Request raises important issues about the openness of the Tribunal process. An open justice system is a fundamental principle of a free and democratic society, so that the actions of those responsible for interpreting and enforcing the law may be subject to public scrutiny. Moreover, the principles enshrined in the *Code* are quasi-constitutional rights which are recognized as particularly significant in Canadian society. It is important for there to be public scrutiny when respondents [are] found to have violated these rights and also when accusations of discrimination are made by applicants but not upheld. …it is a serious matter to be accused of breaching the *Code*, which may also cause stress and stigma. Without good reasons for doing so, parties should not make or defend allegations from behind a veil of anonymity, assured that they will not be identified if they are found not credible, their allegations are rejected or they are held to have violated the

> *Code*. Effective public scrutiny of this human rights system depends, in part, upon knowing how the Tribunal addresses the particularly parties before it. Openness and free expression are of fundamental importance in our legal and human rights systems.
>
> [8] The Tribunal has granted requests for anonymization where highly sensitive medical information will be disclosed during the proceeding or where the Tribunal is persuaded that a party may suffer significant stigma as a result of the proceeding. See, for example, J.M. v. St. Joseph's Health Care, 2009 HRTO 1811 (CanLII), and A.B. v. Western University, 2015 HRTO 428 (CanLII). On the other hand, the Tribunal has declined to grant anonymization requests if it is not persuaded that there is a real and substantial risk to the applicant's privacy interests in the case. For example, the Tribunal has declined to grant anonymization requests if it is not convinced that a determination of the issues raised in the case will require the disclosure of the sensitive medical information.

[73] I agree with these reasons and find them applicable to the determination of a request for anonymization made under the *Code.* A determination that publication will cause undue prejudice in the circumstances pursuant to ss.36(2) or ss.46(3) of the *Code* requires an adjudicator to determine that the prejudice which will be sustained, overrides the public interest in open justice.

[74] I find that the request in this case satisfies this consideration particularly in light of the fact that what is being requested constitutes a limited restriction of the open court principle.

[75] The applicants have only requested that the complainant be identified by his initials and not be so anonymized as to be identified as Jane or John Doe. As well, the public, including the media, may still attend the hearing. The decision which will ultimately be released will identify sufficient information to satisfy the public's interest in the process and understanding of the matters at issue. The only thing to which the public will not have access is the complainant's full name.

[76] In granting this request, I have given careful consideration to the necessary characteristics of a system of justice which adjudicates human rights complaints.

[77] The Preamble to the *Code* starts by saying:

> WHEREAS Manitobans recognize the individual worth and dignity of every member of the human family, and this principle underlies the Universal Declaration of Human Rights, the Canadian Charter of Rights and Freedoms, and other solemn undertakings, international and domestic, that Canadians honour;
>
> AND WHEREAS Manitobans recognize that
>
> (a) implicit in the above principle is the right of all individuals to be treated in all matters solely on the basis of their personal merits, and to be accorded **equality of opportunity** with all other individuals.
>
> (emphasis added)

[78] Consistent with these principles is the notion that the system of justice which is administered under the *Code* must afford equality of opportunity to all individuals both before and under the law.

[79] Ensuring that individuals experience equality of opportunity *before* the law means that adjudicators must consider whether the adjudication process itself sets up barriers that interfere with participants' access to justice. A participant in a human rights adjudication, whether they are a party or a witness should not have to suffer undue prejudice or hardship as the result of having participated in the process.

[80] The *Code* recognizes this by giving adjudicators the authority which is set out in ss.36(2) and ss.46(3) to restrict publication of a participant's identity where the adjudicator believes that disclosure of their identity would cause them to suffer undue prejudice or hardship. That is the purpose of these sections.

VII. CONCLUSION

[81] For all of the reasons set out above, pursuant to the jurisdiction afforded to me under ss.36(2) of the *Code*, I order that the complainant be identified in the public Notice of Hearing by his initials only.

[82] It should be noted that in granting this request, I am not making any determination or comment as to whether or to what extent the allegations set out in the complaint may be proven.

[83] Further, for the same reasons, pursuant to the jurisdiction afforded to me under ss.46(3) of the *Code*, I order that the complainant be identified by his initials only in any subsequent decision, order or statement of reasons which may be issued regarding the adjudication of this complaint.

August 27, 2019

Sherri Walsh, Adjudicator