

Kilbride v. A+ Financial Services Ltd.- December, 2012

[COMPLETE DECISION PDF](#)

SUMMARY

The complainant filed a complaint against her former employer under section 19 of *The Human Rights Code* alleging that her employer sexually harassed her during her employment.

On November 29, 2012, the Adjudicator had issued an order under section 38 of *The Code* requiring the respondent to produce certain documents to the Commission. At the hearing on December 11, 2012, the respondent indicated that he objected to that order and the Adjudicator accordingly invited arguments from counsel in writing.

The Adjudicator acknowledged that the test for ordering production of a document under Section 38 is whether the document is relevant to the complaint.

He noted that the respondent had not filed a response to the complaint and therefore it was necessary to determine relevancy with reference to the complaint alone.

The Adjudicator determined that the Commission had met the test of articulating a theory of how the documents requested might help its case or damage the case of the respondent and that the respondent had not put forward any compelling reason why the documents should not be produced.

The Order for Production of Documents was therefore confirmed in its entirety.