



Canadian  
human rights  
commission

Commission  
canadienne des  
droits de la personne

Legal Services  
Division

Direction générale -  
services juridiques

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## ***By Email***

June 25, 2024

Registry Office  
Canadian Human Rights Tribunal  
240 Sparks Street, 6<sup>th</sup> floor West  
Ottawa, ON  
K1A 1J4

Dear Registry Office,

**Re: First Nations Child and Family Caring Society et al. v. Attorney General of  
Canada  
CHRC Complaint No.: 20061060  
Tribunal File No.: T1340/7008**

The B.C. First Nations Leadership Council (“FNLC”) has brought a motion seeking interested party status in the pending motions regarding Canada’s implementation of Jordan’s Principle (the “Motions”).

As explained below, the Commission supports the FNLC’s motion.

The FNLC describes itself as a political coalition of organizations that together represent the elected Chiefs of the 204 First Nations in BC.<sup>1</sup> The Commission accepts the FNLC has an interest in the issues, and expertise and knowledge that will help the Tribunal in its consideration of the Motions.

The Commission has seen the response from the Caring Society supporting the FNLC’s motion, and the responses from the AFN, COO, and NAN taking no position.<sup>2</sup>

The FNLC has not asked for permission to file evidence, and instead seeks to make oral and written arguments on terms to be set by the Tribunal.<sup>3</sup> The Commission agrees with the Caring Society, the AFN, COO, and NAN that if interested party status is to be granted, it should be on terms that delay the proceedings as little as possible and ideally

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<sup>1</sup> Written Submissions of the FNLC dated June 3, 2024, at para 7.

<sup>2</sup> See the separate letters of the Caring Society, the AFN, COO, and NAN, all dated June 20, 2024.

<sup>3</sup> Notice of Motion of the FNLC dated June 3, 2024, at p 2.

allow the Motions to proceed on the existing hearing dates of August 7-8 and 20-21, 2024.

The FNLC has asked for permission to “participate in case conferences, mediation, negotiation or other dispute resolution or administrative processes in respect of the Motions.”<sup>4</sup> The Commission agrees the FNLC should be given permission to participate in case conferences about the Motions. However, and with respect, the Tribunal should not direct their participation in mediation or other dispute resolution procedures that may take place with respect to the Motions. As such procedures are voluntary, it should be left to the participating parties to decide who may or may not attend any such discussions.

Finally, we note the FNLC has cited the Tribunal’s current rules of procedure (the “New Rules”) in the materials supporting its motion.<sup>5</sup> As the Caring Society has rightly observed, this case began and continues to proceed under the previous rules of procedure (the “Old Rules”).<sup>6</sup> For purposes of this motion, there are no material distinctions between the New Rules and the Old Rules. The Tribunal can and should decide this motion under the Old Rules and the related case law, including the Panel’s past rulings granting interested party status to other organizations in the context of this case.

Yours truly,



Brian Smith  
Senior Counsel

cc : Christopher Rupar, Paul Vickery, Sarah-Dawn Morris, Meg Jones, Dayna Anderson, Kevin Staska, and Samantha Gergely  
Co-counsel for the respondent Attorney General of Canada

Stuart Wuttke, Adam Williamson, and Lacey Kassis  
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Maggie Wente and Darian Baskatawang  
Co-counsel for the interested party Chiefs of Ontario

Justin Safayeni and Stephen Aylward  
Co-counsel for the interested party Amnesty International

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<sup>4</sup> Notice of Motion of the FNLC dated June 3, 2024, at p 2.

<sup>5</sup> Written Submissions of the FNLC dated June 3, 2024, at para 1

<sup>6</sup> Letter Submissions of the Caring Society dated June 20, 2024, at pp. 2-3, referring to the *Rules of Procedure under the CHRA (03-05-04)*.

Julian Falconer, Asha James, Shelby Percival, and Meaghan Daniel  
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