Court File No.: T1340/7008

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N :

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and ASSEMBLY OF FIRST NATIONS

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA (representing the Minister of Indigenous Services Canada)

Respondent

- and -

CHIEFS OF ONTARIO and AMNESTY INTERNATIONAL CANADA and NISHNAWBE ASKI NATION

Interested Parties

JOINT FACTUM OF THE INTERESTED PARTIES, CHIEFS OF ONTARIO AND NISHNAWBE ASKI NATION

Olthuis Kleer Townshend LLP
250 University Avenue, 8th Floor
Toronto, Ontario M5H 3E5
Fax: (416) 981-9350

Counsel for the Interested Party, Chiefs of Ontario

Per: Maggie Wente, Jessie Stirling-Voss, Katelyn Johnstone, and Ashley Ash
Tel: 416-981-9340 / 416-981-9409 /
647-872-1624 / 416-204-4764

Email: mwente@oktlaw.com
jstirling@oktlaw.com
kjohnstone@oktlaw.com
aash@oktlaw.com

FALCONERS LLP Counsel for the Interested Party, Nishnawbe Aski Nation
10 Alcorn Avenue, Suite 204
Toronto, ON M4V 3A9

Per: Julian N. Falconer, Shelby Percival, and Meaghan Daniel
Tel: 416-964-0495
Email: julianf@falconers.ca
shelbyp@falconers.ca
meaghand@falconers.ca

PART I - STATEMENT OF FACTS

A. Overview

1. Chiefs of Ontario ("COO") and Nishnawbe Aski Nation ("NAN") have jointly asked for leave to amend their joint notice of motion filed March 7, 2025 (the "OFA approval motion"), and filed the proposed amendments on May 7, 2025. COO and NAN requested the Tribunal to confirm their status as interested parties status extends to seeking an order for long-term reform of the Complaint as it relates to Ontario and the FNCFS program, or to grant COO and NAN additional participation rights as interested parties to bring the OFA approval motion

2. These submissions are in response to the Canadian Human Rights Tribunal's (the "Tribunal") request on May 14, 2025 for submissions regarding the amended OFA approval motion.

3. COO and NAN propose the amendments to the OFA approval motion in order to ensure that there is certainty about their roles and rights as interested parties, and to ensure that all parties to the proceeding may be certain that the OFA approval motion is properly brought, and if the relief requested granted, that the relief is properly within the Tribunal's jurisdiction to order. To be clear, the Tribunal granted interested party status to COO and NAN separately and their participation rights are not related to nor conditional upon each other.

4. COO's and NAN's rights to bring the OFA approval motion should be confirmed by the Tribunal. Over nine years after the decision at 2016 CHRT 2 (the"Merit Decision"), the landscape of long-term reform of the First Nations Child and Family Services ("FNCFS") program has shifted to one where COO and NAN have determined a plan for long-term reform that differs from that of First Nations in other regions in Canada. COO and NAN represent First Nations in Ontario by resolution of the Chiefs-in-Assembly to advance long-term reform in Ontario, which is an exercise of self-determination and a reflection of the constitutional rights of the First Nations in Ontario to determine services for First Nations children and families in Ontario.

5. Having been extensively involved in the remedial phase of these proceedings, brought motions for and been granted relief in the past, and participated in the consultation ordered by the Tribunal and negotiations leading to the Final Agreement on Long-Term Reform of the First Nations Child and Family Services Program in Ontario (the "OFA"), COO and NAN submit that they are the most appropriate parties to bring forward the OFA approval motion.

B. Background: COO's and NAN's roles in the proceedings to date

i. COO's role in the proceedings to date

6. COO is a political advocacy group for the 133 First Nations in Ontario.[1] COO's activities and advocacy are mandated through Resolutions passed by the Ontario Chiefs-in-Assembly.[2] Guided by the Ontario Chiefs-in-Assembly, COO upholds the self-determination efforts of the Anishinaabek, Mushkegowuk, Onkwehonwe, and Lenape Peoples.[3]

7. In 2007, the First Nations Child and Family Caring Society of Canada (the "Caring Society") and the Assembly of First Nations ("AFN") filed a human rights complaint (the "Complaint") with the Canadian Human Rights Commission (the "Commission"). They alleged that the Department of Indian and Northern Affairs Canada ("Canada") was violating the *Canadian Human Rights Act*[4] (the "*CHRA*") by discriminating against First Nations children and families on-reserve through the underfunding of child and family services and the failure to implement Jordan's Principle.[5]

8. Guided by the authority of the All Ontario Chiefs Conference Resolution #09/21 and informed by their vision for FNCFS reform, COO sought and obtained interested party status in the Tribunal proceedings in September 2009.[6] In *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2 (the "Merit Decision"), the Tribunal said

---

[1] Affidavit of Grand Chief Joel Abram, affirmed 6 March 2025 at para 10 [GC Abram Affidavit, 6 Mar 2025].
[2] GC Abram Affidavit, 6 Mar 2025 at para 14.
[3] GC Abram Affidavit, 6 Mar 2025 at para 10.
[4] *Canadian Human Rights Act*, R.S.C., 1985, c. H-6 [*CHRA*].
[5] *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2 at para 6 [Merit Decision].
[6] GC Abram Affidavit, 6 Mar 2025 at paras 26-27 and Exhibit K.

that "[COO] was granted interested party status to speak to the particularities of on-reserve child welfare services in Ontario".[7]

9. At the time, the Tribunal ordered the following about COO's participatory rights in the proceedings:

> In terms of its participation in the hearing, COO may examine its own witnesses, cross-examine respondent's witnesses after cross-examination by the Commission and the complainants, and make final submissions. COO may not present any evidence, cross-examine or final submissions that duplicates or overlaps with that of the Commission or the complainants.[8]

10. On January 26, 2016, the Tribunal released the Merit Decision.[9] The Tribunal ordered Canada to cease its discriminatory practices, implement actions to remedy and prevent its recurrence, and reform the FNCFS program and the 1965 Agreement.[10] Canada accepted the Tribunal's decision, and committed to working with the child and family services agencies; front-line service providers, First Nations organizations, leadership, and communities; the Complainants; and the provinces and territories.[11]

ii. Immediate relief: motions and orders sought by COO

11. The Tribunal retained jurisdiction over the remedial portion of the Complaint. The Tribunal immediately recognized the complex undertaking that reform of the FNCFS program would be. Noting the orders it had made, the Tribunal stated that it would require more information from the parties to determine remedies in the case. As such, the Tribunal requested "further clarification from the parties on the actual relief sought, including how the requested immediate and long-term reforms can best be implemented on a practical, meaningful and effective basis".[12] The Tribunal informed the parties and interested parties that it would write to them within three weeks to ask further clarification questions.[13]

---

[7] Merit Decision at para 13.
[8] *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)* (14 September 2009), T1340/7008 (CHRT).
[9] Merit Decision.
[10] Merit Decision at para 6.
[11] *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 10 at para 6 [2016 CHRT 10].
[12] Merit Decision at para 483.
[13] Merit Decision at para 484.

12. As part of that process, the Tribunal immediately began asking the parties for submissions on appropriate remedies, stating there would be a phased approach to make orders on immediate reforms, mid to long-term reforms, and finally compensation.[14]

13. From the inception of the immediate relief phase, the Tribunal has continuously invited COO to provide submissions, evidence, and share its perspectives with the Tribunal as it has crafted remedies. When the Tribunal asked for reporting on immediate relief in 2016, COO shared its views with the Tribunal and other parties through correspondence or more formal written submissions; for example, counsel for COO sent correspondence and made written submissions on March 31, 2016;[15] April 11, 2016;[16] and June 8, 2016 and beyond.[17]

14. COO has participated throughout the remedial phase, at times delivering evidence and submissions and at other times supporting other parties or making submissions on points of difference only. The Caring Society, AFN and the Commission also participated.

15. With respect to relief to apply only in Ontario, COO first filed a motion for immediate relief in which it entered evidence and sought orders specific to Ontario on November 22, 2016. At the same time, Caring Society, AFN and NAN all made motions about immediate relief seeking further relief. The relief COO sought was granted in the order of the Tribunal found at 2018 CHRT 4.[18]

16. COO again brought a motion for Ontario-specific relief, entered evidence, and sought orders regarding funding for capital assets for First Nations Representative Services funding and for community-based prevention for Ontario First Nations, which resulted in the Letter Decision on August 26, 2021 and the order found at 2021 CHRT 41.[19]

---

[14] 2016 CHRT 10 at paras 4-5.
[15] Chiefs of Ontario, Reply Submissions to Canada's Submissions on Remedy dated 31 March 2016.
[16] Letter from Counsel for Chiefs of Ontario to Canadian Human Rights Tribunal dated 11 April 2016.
[17] Chiefs of Ontario, Reply to Canada's Report to the Tribunal dated 8 June 2016.
[18] *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2018 CHRT 4 [2018 CHRT 4].
[19] *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)* (26 August 2021), T1340/7008 (CHRT); *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2021 CHRT 41.

17. COO's views have also consistently been sought and heard on the question of admission of other interested parties in the remedial phase. Until the OFA approval motion, COO has declined to take a position on the admission of other interested parties.

18. The Tribunal also has consistently asked for submissions from COO on matters that do not concern COO, for instance in the consultation motion brought by the Caring Society on January 14, 2025. COO made submissions as directed by the Tribunal, but did not take a position on the merits of the motion, consistent with COO's position that it does not have a position on long-term reform outside of the Ontario context.[20]

19. Lastly, COO participated in various judicial review proceedings that have been brought by Canada over the course of the proceedings. COO was named as a respondent in, and made submissions at, the Federal Court proceedings which resulted in the decision of Justice Favel at 2021 FC 969.[21]

iii. NAN's role in the proceedings to date

20. Established in 1973, NAN is a political-territorial organization with a mandate to represent the socioeconomic and political interests of its 49 First Nation communities, located in Northern Ontario, to all levels of government, on a nation-to-nation basis.[22] NAN's territory encompasses James Bay Treaty No. 9 and Ontario's portion of Treaty No. 5, covering two-thirds of Ontario, with a total land mass spanning 210,000 square miles.[23]

21. The NAN Chiefs Committee on Children, Youth, and Families (the "CCCYF") is mandated by NAN Chiefs-in-Assembly to provide guidance to the NAN Executive Council on all advocacy and policy matters that impact children, youth, and families, on behalf of all NAN-affiliated First Nations.[24]

---

[20] Chiefs of Ontario, Responding Factum filed 31 March 2025.
[21] *Canada (Attorney General) v First Nations Child and Family Caring Society of Canada*, 2021 FC 969 [2021 FC 969].
[22] Affidavit of Grand Chief Alvin Fiddler, affirmed 7 March 2025 at para 13 [GC Fiddler Affidavit, 7 Mar 2025].
[23] GC Fiddler Affidavit, 7 Mar 2025 at para 13.
[24] GC Fiddler Affidavit, 7 Mar 2025 at para 15.

22. Under the direction of the CCCYF, NAN sought intervention as an interested party in the remedial phase of the proceedings before the Tribunal.[25]

23. Given NAN's experience with child and family services administered in remote communities and participation in several policy initiatives related to Jordan's Principle and the long-term reform of the FNCFS program in Ontario, NAN was granted interested party status on May 5, 2016.[26]

24. NAN intervened in this Complaint to address issues facing remote Indigenous communities in Northern Ontario and to ensure substantive equality for these communities.[27] NAN sought to ensure any remedies ordered by the Tribunal were designed with specific consideration of the unique service delivery in Northwestern Ontario.[28]

25. The Tribunal recognized NAN brings a unique perspective to these proceedings and granted NAN specific rights as an interested party.[29] More specifically, NAN was ordered to provide submissions on outstanding remedies, to assist the Tribunal in crafting an order that addresses the particular concerns and findings in the Merit Decision.[30] The Tribunal ordered NAN to make submissions on "the specific considerations of delivering child and family services to remote and northern communities in Ontario and the factors required to successfully provide those services in those communities".[31]

26. In 2016 CHRT 11, the Tribunal acknowledged the organizations already representing the main interests at stake in this matter, further recognizing that AFN and COO represent the various First Nations communities across Canada, and Ontario, respectively.[32]

27. After NAN's addition as an interested party in May 2016, the Tribunal stated that "[w]ith the assistance of these parties and interested parties" it believed "it will have more than

---

[25] GC Fiddler Affidavit, 7 Mar 2025 at para 17.
[26] *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 11 at para 18 [2016 CHRT 11].
[27] GC Fiddler Affidavit, 7 Mar 2025 at para 17.
[28] GC Fiddler Affidavit, 7 Mar 2025 at para 18.
[29] 2016 CHRT 11 at para 15.
[30] 2016 CHRT 11 at para 14.
[31] 2016 CHRT 11 at para 15 (emphasis added).
[32] 2016 CHRT 11 at para 16.

enough submissions to craft a meaningful and effective order in response to the [Merit Decision]".[33]

28. In granting NAN interested party status, the Tribunal recognized the issues arising from the circumstances and challenges faced by remote communities in Ontario:

> …The Panel identified various factors which impact the performance and quality of the child and family services delivered to those communities and which can result in more children being sent outside the community to receive those services. Those factors include the added time and expense for Children's Aid Societies to travel to remote communities; the challenges remote communities face in terms of recruiting and retaining staff while dealing with larger case volumes; the lack of suitable housing, which makes it difficult to find foster homes in remote communities; the lack of surrounding health and social programs and services available to remote communities and their limited access to court services; and the lack of infrastructure and capacity building for remote communities to address all these issues.[34]

29. From the outset, NAN immediately began the work of ensuring remoteness was considered within immediate and medium- to long-term relief for its communities in Northern Ontario.

30. NAN submitted that a new remoteness quotient ("RQ") needed to be developed to ensure funding to remote northern communities reflects the high costs of living and the extraordinary costs of providing services in those communities.[35] NAN took the position that a new RQ should take into account "cost of living; demographics of northern communities where children and youth form a significantly higher percentage of the population than the rest of Canada; the high rates of child deaths; and, high youth suicide rates".[36]

31. The Tribunal agreed with NAN's position, and agreed with the AFN that this should not only apply to Ontario but, rather, the application of remoteness factors ought to be considered across Canada,[37] because "a standardized, one-size-fits-all approach to

---

[33] 2016 CHRT 11 at para 17.
[34] 2016 CHRT 11 at para 9 (citation omitted).
[35] *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indian and Northern Affairs)*, 2016 CHRT 16 at para 75 [2016 CHRT 16].
[36] 2016 CHRT 16 at para 75.
[37] 2016 CHRT 16 at para 81.

determining funding for remote agencies affects their overall ability to provide services and results in adverse impacts for many First Nations children and families".[38]

32. In March 2017, NAN brought a motion concerning the development of an RQ. This ultimately led to the establishment of the NAN-Canada Remoteness Quotient Table ("RQ Table").[39]

33. The Tribunal issued a consent order directing Indigenous Services Canada ("ISC") and NAN "to develop and implement an immediate relief funding formula for the three FNCF[S] Agencies that serve NAN communities",[40] with a mandate to allow "NAN and Canada to collaborate in the spirit of reconciliation on solutions to the deficiencies in remoteness funding for Indigenous child welfare that were found by the CHRT".[41] The RQ Table was also created to facilitate discussions between NAN and ISC concerning the needs of NAN communities relating to remoteness in the context of the CHRT's order that Canada "cease its discriminatory practices and reform the FNCFS Program and 1965 Agreement to reflect the findings" of its Merit Decision. The work of the RQ Table was intended to inform the larger scope of RQ within the context of the Complaint.

34. Flowing from these expanded responsibilities, NAN commissioned experts, Dr. Thomas A. Wilson and David Barnes, to conduct work for NAN at the RQ Table.[42] As a result, NAN filed four separate reports (collectively referred to as "RQ Project"), where the findings inspired the creation of a national RQ table.[43]

35. Phase I of the RQ Project found that immediate relief funding should be provided to the three NAN-affiliated agencies.[44] The scope of Phase II of the RQ Project was expanded beyond simply updating Phase I and included producing a research paper on the

---

[38] 2016 CHRT 16 at para 81.
[39] GC Fiddler Affidavit, 7 Mar 2025 at para 22.
[40] *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2017 CHRT 7 at para 24(2) [2017 CHRT 7].
[41] 2017 CHRT 7 at Annex B.
[42] Supplemental Affidavit of Martin Cooke, affirmed 15 May 2025 at para 8 [Cooke Supplemental Affidavit, 15 May 2025].
[43] Cooke Supplemental Affidavit, 15 May 2025 at para 9; GC Fiddler Affidavit, 7 Mar 2025 at para 31.
[44] Cooke Supplemental Affidavit, 15 May 2025 at para 10.

development of a remoteness coefficient and quotient, to explain whether the remoteness coefficient could be applied nationally.[45]

36. NAN later engaged Dr. Martin Cooke for a third-party, independent review of the Phase II RQ Interim Report, filed with the Tribunal on August 22, 2018.[46] Dr. Cooke's review determined that the RQ work had used appropriate data.[47]

37. On October 4, 2019, NAN again brought a motion, requiring compliance with the implementation of the RQ work. This compliance motion was settled between NAN and Canada in December 2020.[48]

38. As detailed at paragraphs 40-58 of this factum, NAN was an active participant in negotiations from the contemplated draft national agreement, up until the present OFA approval motion.[49]

39. Aside from matters directly related to NAN, remoteness, or the remedial phase of this Complaint, the Tribunal has also asked for NAN's perspective and expertise on matters unrelated to NAN. Most recently, the Tribunal canvassed NAN's views on the Caring Society's consultation motion. Additionally, NAN was named as a Respondent in the Federal Court proceedings, which resulted in the decision of Justice Favel at 2021 FC 969.[50]

iv. The Consultation Protocol

40. In February 2018, the Tribunal ordered that Canada was to consult, not only with the Commission and the Complainants, but directly with COO and NAN on the implementation of orders made in that ruling, the Merit Decision, and other Tribunal rulings.[51] The Tribunal ordered that Canada enter into a consultation protocol with the

[45] Cooke Supplemental Affidavit, 15 May 2025 at para 11.
[46] Cooke Supplemental Affidavit, 15 May 2025 at paras 9, 13.
[47] Cooke Supplemental Affidavit, 15 May 2025 at para 13.
[48] GC Fiddler Affidavit, 7 Mar 2025 at paras 31-33.
[49] GC Fiddler Affidavit, 7 Mar 2025 at paras 34-40, 65.
[50] 2021 FC 969.
[51] 2018 CHRT 4 at para 400.

Complainants, COO, and NAN to ensure consultations would occur in a manner consistent with the honour of the Crown and to eliminate the discrimination found.[52]

41. Following this order from the Tribunal, the Parties, COO, and NAN developed and completed a Consultation Protocol on March 2, 2018, which resulted in the formation of the Consultation Committee on Child Welfare (the "CCCW").[53]

42. COO and NAN remained an active participant in CCCW meetings.

i. COO's and NAN's involvement in the Agreement-in-Principle

43. On December 31, 2021, the Canada, Caring Society, AFN, COO, and NAN signed the Agreement-in-Principle on Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle (the "AIP").[54] The AIP contemplated a Final Settlement Agreement being completed by December 31, 2022.[55]

44. After the AIP was signed, the parties to the AIP's negotiations continued until early 2023 when the Caring Society and the AFN advised the other parties an agreement could not be reached by the previously agreed upon deadline of March 31, 2023.[56] AFN and the Caring Society collaborated and presented a document called the "Path Forward" which was intended to guide future work on the reform of the FNCFS program and Jordan's Principle.[57]

45. In October 2023, Canada advised that it had secured a mandate to continue long-term reform negotiations based on the Path Forward.[58]

46. In December 2023, the Caring Society formally withdrew from the AIP negotiations and filed a non-compliance motion with the Tribunal regarding Jordan's Principle.[59]

---

[52] 2018 CHRT 4 at para 400.
[53] Affidavit of Amber Potts affirmed 3 March 2025 at para 8.
[54] Government of Canada, "Executive Summary of Agreement-in-Principle on Long-Term Reform" (updated September 13, 2023) [Canada, Executive Summary of AIP]; GC Abram Affidavit, 6 Mar 2025 at para 63.
[55] Canada, Executive Summary of AIP.
[56] GC Abram Affidavit, 6 Mar 2025 at para 68.
[57] GC Abram Affidavit, 6 Mar 2025 at para 69.
[58] GC Abram Affidavit, 6 Mar 2025 at para 70.
[59] GC Abram Affidavit, 6 Mar 2025 at para 73.

47. Canada, AFN, COO, and NAN decided to carry on with negotiations.[60] On July 11, 2024, Canada, AFN, COO, and NAN finalized and announced a draft national agreement.[61]

48. On October 9 and 10, 2024, respectively, NAN Chiefs-in-Assembly and Ontario Chiefs-in-Assembly ratified the draft national agreement at their Special Chiefs Assemblies.[62]

49. On October 17, 2024, at an AFN Special Chiefs Assembly, the First Nations-in-Assembly rejected the draft national agreement and called for a new negotiation process for agreements related to the long-term reform of the FNCFS program and Jordan's Principle.[63]

50. By this time, it was now abundantly apparent that the COO and NAN Chiefs-in-Assembly, the AFN Chiefs-in-Assembly from outside Ontario, and Caring Society were not of the same mind regarding long-term reform of the FNCFS program.

ii. COO and NAN negotiated, signed, and ratified the OFA

51. Despite rejection of the draft national agreement by the First Nations-in-Assembly, First Nations in Ontario remained committed to reforming the FNCFS program in Ontario. In November 2024, at COO's Annual General Assembly, the Ontario Chiefs-in-Assembly mandated COO to pursue an Ontario-specific agreement.[64]

52. Shortly after, in a letter dated October 25, 2024, Ontario Regional Chief Abram Benedict and NAN Grand Chief Alvin Fiddler formally invited Canada to enter into negotiations to achieve a reformed FNCFS program in Ontario.[65] On December 30, 2024, Canada announced it had received a mandate to negotiate with COO and NAN on long-term reform of the FNCFS program in Ontario.[66]

[60] GC Abram Affidavit, 6 Mar 2025 at para 74.
[61] GC Abram Affidavit, 6 Mar 2025 at para 76.
[62] GC Abram Affidavit, 6 Mar 2025 at para 91.
[63] GC Abram Affidavit, 6 Mar 2025 at para 92.
[64] GC Abram Affidavit, 6 Mar 2025 at para 94.
[65] GC Abram Affidavit, 6 Mar 2025 at para 95.
[66] GC Abram Affidavit, 6 Mar 2025 at para 96.

53. On February 10, 2025, COO, NAN, and Canada reached a provisional Ontario Final Agreement and a provisional Trilateral Agreement.[67]

54. On February 25, 2025, NAN held a Special Chiefs Assembly to vote on the approval of the provisional OFA.[68] The OFA was ratified and Resolution 25/08, calling upon all Parties outside of the OFA to refrain from any interference in the ratification and implementation of the Agreement, and/or to refrain from taking any steps that could delay the effective date of the Agreement, was passed.[69]

55. On February 26, 2025, the provisional Ontario Final Agreement was ratified by the Ontario Chiefs-in-Assembly.[70]

56. On March 7, 2025, COO and NAN served and filed a joint notice of motion to ask the Tribunal to approve the OFA.[71]

57. On May 7, 2025, COO and NAN sought leave to file an amended joint notice of motion, with the added call for relief:

> 5. If COO's and NAN's status as interested parties restricts them from filing this motion to partially settle the Complaint as it relates to Ontario as described in paragraph 2, COO and NAN request that the Tribunal make an order granting COO and NAN **additional participation rights** for the purposes of bringing this motion or whatever relief the Tribunal deems just pursuant to its responsibility under s.48.9(1) of the Canadian Human Rights Act to ensure proceedings are conducted as informally and expeditiously as the requirements of natural justice and the rules of procedure allow.[72]

[67] GC Abram Affidavit, 6 Mar 2025 at para 99.
[68] GC Fiddler Affidavit, 7 Mar 2025 at para 72.
[69] GC Fiddler Affidavit, 7 Mar 2025 at para 74.
[70] GC Abram Affidavit, 6 Mar 2025 at para 106.
[71] Chiefs of Ontario and Nishnawbe Aski Nation, Joint Notice of Motion dated 7 March 2025.
[72] Chiefs of Ontario and Nishnawbe Aski Nation, Amended Joint Notice of Motion dated 7 May 2025 at para 5 (emphasis original).

58. On March 15, 2025, NAN and Canada filed supplemental affidavits in support of the OFA approval motion.[73] COO filed a supplemental affidavit in support of the OFA approval motion on March 21, 2025.[74]

PART II - ISSUES

59. There are two issues that COO and NAN will address in these submissions:

(a) Whether COO's and NAN's current participation rights as interested parties extend to bringing the relief sought in the OFA approval motion; and

(b) If the answer to (a) is no, whether the Tribunal should grant COO and NAN additional participation rights as interested parties for the purposes of bringing the OFA approval motion.

PART III - SUBMISSIONS

A. The Law

60. The Tribunal has broad discretion under the *CHRA*, the applicable Rules of Procedure, and the common law to control its own procedure, including in granting leave to amend the notice of motion, and granting interested party status and determining the participation rights of interested parties.

i. The Tribunal has discretion to allow COO and NAN to amend

61. The Tribunal has broad discretion to grant leave to amend the original complaint in proceedings before it.[75] COO and NAN submit the Tribunal's jurisdiction over its own procedures,[76] and its discretion to grant leave to amend complaints before it, indicate the Tribunal also has broad discretion to grant leave to amend notices of motion before it.

---

[73] Supplemental Affidavit of Duncan Farthing-Nichol, affirmed 15 May 2025; Cooke Supplemental Affidavit, 15 May 2025.
[74] Supplemental Affidavit of Grand Chief Joel Abram, affirmed 21 May 2025 [Supplemental GC Abram Affidavit, 21 May 2025].
[75] *Canada (Human Rights Commission) v Canadian Telephone Employees Assn*, 2002 FCT 776 at para 30 [*CTEA*].
[76] *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian Affairs and Northern Development Canada)*, 2013 CHRT 16 at para 50 [2013 CHRT 16]; 2016 CHRT 11 at para 2; *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2019 CHRT 11 at para 33 [2019 CHRT 11].

62. As a general rule, the Tribunal should allow proposed amendments where they do not result in prejudice to the opposing party.[77]

ii. The Tribunal has control over its procedure to achieve its statutory mandate

63. The Tribunal has described its statutory mandate as a "quasi-constitutional mandate to protect fundamental human rights".[78]

64. In this case, the Tribunal has interpreted its statutory mandate broadly and purposively, in line with reconciliation and principles of domestic and international law—namely, substantive equality and the best interests of the child—in exercising its remedial discretion and crafting its orders. The Tribunal's purposive interpretation of the *CHRA* informed its decision to order Canada to consult with the other Parties, including COO and NAN.[79]

65. The Tribunal has stated its powers under s. 53 of the *CHRA* must be interpreted to best ensure the objects of the *CHRA* are obtained when crafting a remedy following the substantiation of a complaint.[80] The Tribunal cited s. 2 of the *CHRA* for the proposition that the purpose of the Tribunal is to give effect to the following principle:

> all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices…[81]

66. Interested parties are added to proceedings before the Tribunal for the purpose of assisting the Tribunal in making a determination on the issues and in some cases in crafting effective remedies.[82] The test for granting interested party status requires that the prospective interested party "can provide assistance to the Tribunal in determining the issues before it" while adding a "different perspective to the positions taken by the other parties".[83]

---

[77] *CTEA* at para 31.
[78] 2018 CHRT 4 at para 44.
[79] *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2017 CHRT 14 at para 115.
[80] 2016 CHRT 10 at para 12.
[81] 2016 CHRT 10 at para 12, citing *CHRA*, s 2.
[82] 2016 CHRT 11 at paras 3, 11.
[83] 2016 CHRT 11 at para 3.

67. The Tribunal "is the master of its own procedure", including granting interested party status and determining the participation rights afforded to interested parties.[84] This discretion must be exercised with consideration for s. 48.9(1) of the *CHRA*, which requires that proceedings be conducted as informally and expeditiously as the requirements of natural justice and the Rules of Procedure allow.[85]

68. The Rules of Procedure applicable to these proceedings are the *Canadian Human Rights Tribunal Rules of Procedure (03-04-05)* (the "old Rules"),[86] which expressly state that the Rules "shall be liberally applied by each Panel to the case before it so as to advance the purposes" set out above.[87] One of the stated purposes of the Rules is to ensure "all proceedings before the Tribunal be conducted as informally and expeditiously as possible".[88]

69. Hence, both the old Rules and the *CHRA* emphasize the importance of ensuring proceedings before the Tribunal are conducted "as informally and expeditiously" as possible within the confines of the Rules of Procedure and natural justice.

70. The Tribunal's flexible and innovative approach to determining remedies in this case has been upheld by the Federal Court including the Tribunal's use of the dialogic approach and its retention of jurisdiction, as a means of fulfilling the Tribunal's statutory mandate.[89]

71. Accordingly, COO and NAN submit that the Tribunal has the power to confirm or, to the extent the rights are not already in effect, grant COO and NAN the participation rights they seek, as master of its own procedures, and as a means of fulfilling the Tribunal's statutory mandate, including the mandate to craft remedies to discrimination.

---

[84] 2013 CHRT 16 at para 50; 2016 CHRT 11 at para 2; 2019 CHRT 11 at para 33.
[85] 2013 CHRT 16 at para 50, citing *CHRA*, s 48.9(1).
[86] *Canadian Human Rights Tribunal Rules of Procedure (03-04-05)* [Old Rules of Procedure]; *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2024 CHRT 95 at para 26; *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2022 CHRT 26 at para 2 [2022 CHRT 26].
[87] Old Rules of Procedure, s 1(2).
[88] Old Rules of Procedure, s 1(1).
[89] 2021 FC 969 at paras 135-138.

iii. Constitutional and international law recognize self-determination rights

72. The Supreme Court's decision in *Reference re an Act respecting First Nations, Inuit and Métis children, youth and families* held that s. 8(a) of *An Act respecting First Nations, Inuit and Métis children, youth and families* is an affirmation of Indigenous peoples' "jurisdiction in relation to child and family services".[90]

73. The Court also found that the *United Nations Declaration on the Rights of Indigenous Peoples Act* incorporated the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP") into Canada's positive law.[91] Many of the provisions of UNDRIP emphasize the rights and jurisdiction First Nations have over their children[92] and affirm the rights of First Nations to organize their own systems of government.[93] In particular, Article 23 of UNDRIP specifically recognizes the rights of First Nations to be "actively involved in developing and determining…social programmes affecting them and, as far as possible, to administer such programmes through their own institutions".[94]

74. The Tribunal recognized that UNDRIP is part of the legal framework in these proceedings and applied UNDRIP as an interpretive lens, finding that the *CHRA* should be interpreted to be harmonious with UNDRIP.[95] This interpretation informs the Tribunal's remedial discretion, statutory mandate, and consultation orders as part of a robust process that prioritizes Indigenous self-determination and self-government, especially in relation to Indigenous child welfare.

B. COO and NAN are the appropriate parties to bring this motion

75. The rights of COO and NAN to bring the OFA approval motion as interested parties should be confirmed or, in the alternative, granted by the Tribunal. The Tribunal has a discretion

---

[90] *Reference re An Act respecting First Nations, Inuit and Metis children, youth and families*, 2024 SCC 5 at para 6 [*Bill C-92 Reference*]; *An Act respecting First Nations, Inuit and Metis children, youth and families*, SC 2019, c 24, s 8(a).
[91] *Bill C-92 Reference* at para 4; *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14 [*UNDRIPA*].
[92] Provisions of UNDRIP which emphasize the rights and jurisdiction First Nations have over their children: United Nations Declaration on the Rights of Indigenous Peoples at articles Preamble, 7(2), 13(1) [UNDRIP].
[93] Provisions of UNDRIP which affirm the rights of First Nations to organize their own systems of government: UNDRIP at articles 4, 18.
[94] UNDRIP at article 23.
[95] 2018 CHRT 4 at para 81.

to control its proceedings, and as master of its proceedings should do so in this instance to consider the proposed effective remedies for Ontario contained in the OFA.

i. The Tribunal should grant COO and NAN leave to amend

76. The proposed amendments to the joint motion do not prejudice any of the parties to the proceedings. The amendments raise a limited issue in order to clarify COO's and NAN's rights as interested parties in the proceeding, which is largely a legal question. The affidavit evidence filed by COO and NAN on May 15, 2025, closes the evidence of the moving parties on the joint motion (save for reply), including the amendments. The clarification of COO's and NAN's rights to request the relief sought in the OFA approval motion does not at all affect the merits of the OFA approval motion or the relief sought on the merits of the joint motion. It does not change the amount of time any of the parties has had to consider its position or the evidence filed by the Moving Parties and Canada. There is no prejudice to any of the parties as a result of the proposed amendments.

ii. The Tribunal has the jurisdiction to grant the participation rights sought

77. In these proceedings, COO and NAN represent the First Nations in Ontario and have worked tirelessly to develop a sustainable plan for long-term reform of the FNCFS program in Ontario. COO and NAN are the proper parties to bring the OFA approval motion, given the law applicable to proceedings before the Tribunal and given COO's and NAN's roles as the representative organizations for the rights-bearing First Nations in what is now Ontario.

78. COO and NAN submit it will not be in every case, or in every instance of interested parties, that an interested party should have the power to bring about a final order in a complaint. Certainly, COO and NAN submit that this case is highly unusual and it is only because of the procedural history, COO's and NAN's extensive involvement in crafting remedies for Ontario, and the rights to self-determination and self-government at stake in these proceedings that this is an appropriate order.

79. During the long history of the case, COO and NAN have been afforded the opportunity to take the driver's seat with respect to aspects of long-term reform of the FNCFS program in Ontario. COO and NAN have been active participants in crafting remedies in this case,

well beyond the participation of any other interested parties in the proceedings. Each has brought motions, lead evidence, cross-examined, and sought relief particular to their constituencies.

80. This participation has fulfilled the purposes for which COO and NAN were admitted as interested parties. They now are before the Tribunal to assist in crafting a final remedy for long-term reform of the FNCFS program in Ontario.

81. COO and NAN submit that it is safe to say in 2009 and 2016 when the Tribunal was granting interested party status to COO and NAN, respectively, no party nor the Tribunal would have been able to contemplate the complex remedial landscape that now exists in 2025.

82. Allowing COO and NAN to bring the OFA approval motion also furthers the Tribunal's broad statutory mandate, especially as the Tribunal has interpreted it within these proceedings.

83. Throughout these proceedings, the Tribunal has relied on a range of mechanisms—including consultation orders, the retention of its jurisdiction, a dialogic and phased approach to remedies, and the interested party submissions—to ensure "the voices of First Nations and those with significant expertise could be heard via representative organizations" to inform immediate and long-term reform and to craft meaningful and effective remedies.[96]

84. COO and NAN are the exact "representative organizations" the Tribunal speaks of, who together ensure the voices of First Nations in Ontario are at the forefront of the OFA approval motion. The desire to ensure these voices are heard along with the fact of COO's and NAN's long participation in crafting remedies for Ontario makes this a situation in which COO and NAN should be recognized as capable of seeking this relief.

85. Confirming that COO and NAN have the right to bring the OFA approval motion is the most informal and expeditious path to achieving sustainable long-term reform of the

[96] *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2022 CHRT 41 at para 465.

FNCFS program in Ontario: the alternatives to confirming or adding to the participation rights of COO and NAN so they can bring the OFA approval motion would add unnecessary and formalistic procedural steps to the resolution of the OFA approval motion that could delay the hearing of the motion without added benefit. The OFA would remain the same. The evidence filed by COO, NAN, and Canada in support of the OFA (which has already been filed) would remain the same. All that would change is the procedure by which the OFA approval motion is brought, which is directly contrary to the requirement in both the *CHRA* and the old Rules that proceedings move along informally and expeditiously.

86. COO and NAN recognize that the orders it seeks are unusual and the Tribunal has previously noted that having every First Nation bring its expertise and specific view forward would "not only be impossible to manage for this Tribunal but it would also have the detrimental effect of halting the proceedings for months or possibly years. This would not be in the best interest of First Nations children and families".[97] But the participation of COO and NAN in these proceedings are distinguishable from any other current or potential interested party because of COO's and NAN's history within these proceedings.

iii. Constitutional and international law support COO's and NAN's request

87. Confirming COO's and NAN's ability to bring this motion on behalf of First Nations in Ontario is consistent with international legal principles and Supreme Court recognised rights to self-government over children and families. COO and NAN organize and govern themselves through COO and NAN, in line with their rights to participate in decision-making on matters that affect their rights, through representatives chosen by themselves in accordance with their own procedures, as recognized and affirmed in Article 18 of UNDRIP.[98] The negotiation and ratification of the OFA and the Trilateral Agreement is the collective expression of the self-governance and self-determination rights of the First Nations in Ontario through COO and NAN.

---

[97] 2022 CHRT 26 at para 47.
[98] UNDRIP at article 18.

88. The Supreme Court's decision in *Reference re an Act respecting First Nations, Inuit and Métis children, youth and families* confirms COO and NAN are the appropriate parties to be bringing the OFA approval motion.[99] The Court determined that *An Act respecting First Nations, Inuit and Métis children, youth and families* is an affirmation of Indigenous peoples' "jurisdiction in relation to child and family services".[100] As such, the *Act* affirms the rights and jurisdiction of First Nations in Ontario over child and family services in their communities, which COO and NAN submit includes the FNCFS program. COO and NAN, as the chosen representative organizations of the First Nations in Ontario, are the entities authorized to represent the voices of First Nations in Ontario before the Tribunal in these proceedings.

89. The Court also found that the *United Nations Declaration on the Rights of Indigenous Peoples Act* incorporated UNDRIP into Canada's positive law.[101] Many of the provisions of UNDRIP support COO and NAN being central to the long-term reform of the FNCFS program in Ontario because: (1) the First Nations in Ontario have jurisdiction and rights over child and family services within their communities[102] and (2) COO and NAN are the chosen representative bodies of the First Nations in Ontario to represent those rights before the Tribunal.[103] In particular, Article 23 of UNDRIP specifically recognizes the rights of First Nations to be "actively involved in developing and determining…social programmes affecting them and, as far as possible, to administer such programmes through their own institutions".[104] Article 23 is exactly on point: First Nations in Ontario—through COO and NAN—should be permitted to be actively involved in the development of the FNCFS program in Ontario, which includes bringing the OFA approval motion before the Tribunal.

---

[99] *Bill C-92 Reference*.
[100] *Bill C-92 Reference* at para 6; *An Act respecting First Nations, Inuit and Metis children, youth and families*, SC 2019, c 24, s 8(a).
[101] *Bill C-92 Reference* at para 4; *UNDRIPA*.
[102] Provisions of UNDRIP which emphasize the rights and jurisdiction First Nations have over their children: UNDRIP at articles Preamble, 7(2), 13(1).
[103] Provisions of UNDRIP which affirm the rights of First Nations to organize their own systems of government: UNDRIP at articles 4, 18.
[104] UNDRIP at article 23.

90. The Tribunal recognized that UNDRIP is part of the legal framework in these proceedings.[105] Interpreting the *CHRA* and the old Rules through the lens of UNDRIP recognizes the participatory rights COO and NAN should be afforded, so they can bring before the Tribunal the path to long-term reform of the FNCFS program in Ontario that was ratified by the First Nations in Ontario.

91. It would be an unusual result to require COO and NAN to request AFN or Caring Society—two parties who were not involved in the negotiation of the OFA and were not signatories to it—to bring the OFA approval motion on their behalf, merely because COO and NAN are interested parties and AFN and Caring Society are complainants.

92. Similarly, it would be contrary to the principle of reconciliation and Canada's recent affirmation of First Nations' rights and jurisdiction over child and family services to require Canada to bring this motion when COO and NAN are ready and able to do so. Requiring Canada to bring the OFA approval motion would give the appearance that Canada was imposing long-term reform and remove a sense of agency from COO and NAN.[106]

93. COO and NAN are the proper parties to bring the OFA approval motion, in light of both the law applicable to proceedings before the Tribunal and COO's and NAN's roles as the representative organizations for the rights-bearing First Nations in what is now Ontario. The Tribunal has broad discretion under the *CHRA*, the applicable Rules of Procedure, and the common law to control its own procedure, including in granting interested party status and determining the participation rights of interested parties. In these proceedings, COO and NAN represent the First Nations in Ontario and have worked tirelessly to develop a sustainable plan for long-term reform of the FNCFS program in Ontario. The rights of COO and NAN to bring the OFA approval motion as interested parties should be confirmed or, in the alternative, granted by the Tribunal.

---

[105] 2018 CHRT 4 at para 81.
[106] Supplemental GC Abram Affidavit, 21 May 2025 at para 10.

PART IV - ORDER SOUGHT

94. COO and NAN request:

(a) An order confirming the rights of COO and NAN as interested parties to the Complaint to bring forth a motion requesting the relief sought in the OFA approval motion to partially settle the Complaint as it relates to the long-term reform of the FNCFS program in Ontario and the Tribunal's orders on the 1965 Agreement.

(b) In the alternative, an order granting COO and NAN additional participation rights for the purposes of bringing forth a motion requesting the relief sought in the OFA approval motion to partially settle the Complaint as it relates to the long-term reform of the FNCFS program in Ontario and the Tribunal's orders on the 1965 Agreement.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 21st day of May, 2025.

Maggie Wente, Jessie Stirling-Voss, Katelyn Johnstone, and Ashley Ash
Olthuis, Kleer, Townshend LLP

Counsel for the Interested Party, Chiefs of Ontario

Julian N. Falconer
Falconers LLP

Counsel for the Interested Party Nishnawbe Aski Nation

PART V - LIST OF AUTHORITIES

STATUTES	
1.	*An Act respecting First Nations, Inuit and Metis children, youth and families*, SC 2019, c 24
2.	*Canadian Human Rights Act*, R.S.C., 1985, c. H-6
3.	*Canadian Human Rights Tribunal Rules of Procedure (03-04-05)*
4.	*United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14
CASE LAW	
5.	*Canada (Human Rights Commission) v Canadian Telephone Employees Assn*, 2002 FCT 776
6.	*Canada (Attorney General) v First Nations Child and Family Caring Society of Canada*, 2021 FC 969
7.	*First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2
8.	*First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)* (14 September 2009), T1340/7008 (CHRT)
9.	*First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 10
10.	*First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2018 CHRT 4
11.	*First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)* (26 August 2021), T1340/7008 (CHRT)
12.	*First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2021 CHRT 41

13.	*First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 11
14.	*First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indian and Northern Affairs)*, 2016 CHRT 16
15.	*First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2017 CHRT 7
16.	*First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian Affairs and Northern Development Canada)*, 2013 CHRT 16
17.	*First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2019 CHRT 11
18.	*First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2017 CHRT 14
19.	*First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2024 CHRT 95
20.	*First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2022 CHRT 26
21.	*First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2022 CHRT 41
22.	*Reference re An Act respecting First Nations, Inuit and Metis children, youth and families*, 2024 SCC 5
OTHER SOURCES	
23.	Government of Canada, "Executive Summary of Agreement-in-Principle on Long-Term Reform" (updated September 13, 2023)
24.	United Nations Declaration on the Rights of Indigenous Peoples

APPENDIX "A"

FILE NO: T1340/7008

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and ASSEMBLY OF FIRST NATIONS

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous Services Canada)

Respondent

- and -

CHIEFS OF ONTARIO and
AMNESTY INTERNATIONAL CANADA and NISHNAWBE ASKI NATION

Interested Parties

ORDER

THIS MATTER having come before a Panel of the Canadian Human Rights Tribunal, for a motion for Chiefs of Ontario and Nishnawbe Aski Nation to be granted additional participation rights as interested parties for the purposes of bringing the Joint Motion for approval of the Final Agreement on Long-Term Reform of the First Nations Child and Family Services Program in Ontario, filed March 7, 2025 and amended May 7, 2025;

ON READING the submissions of Chiefs of Ontario and Nishnawbe Aski Nation, Canada, First Nations Child and Family Caring Society of Canada and Assembly of First Nations, and the Canadian Human Rights Commission;

IT IS HEREBY DECLARED AND ORDERED as follows:

1. Pursuant to the Tribunal's jurisdiction under s. 48.9(1) of the *Canadian Human Rights Act*, Chiefs of Ontario may bring motions and seek orders to partially settle the Complaint as it relates to Ontario;
2. Pursuant to the Tribunal's jurisdiction under s. 48.9(1) of the *Canadian Human Rights Act*, Nishnawbe Aski Nation may bring motions and seek orders to partially settle the Complaint as it relates to Ontario; and
3. The additional participation rights granted to Chiefs of Ontario and Nishnawbe Aski Nation in paragraphs 1 and 2 of this Order are rare participation rights to be granted to interested parties in proceedings before the Canadian Human Rights Tribunal, and are granted in recognition of the unique and extensive role Chiefs of Ontario and Nishnawbe Aski Nation have played in the proceedings to date.

DATED at Ottawa, in the Province of Ontario, this day of June, 2024.

(signature)
Registrar/Registry Clerk