

CANADA / JUDGMENT

Mayers v. Correctional Service Canada

2026 CHRT 26

COURT

Canadian Human Rights Tribunal

DECIDED

19 March 2026

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Mayers v. Correctional Service Canada

Collection

Canadian Human Rights Tribunal

Date

2026-03-19

Neutral citation

2026 CHRT 26

File number(s)

HR-DP-3076-24

Decision-maker(s)

Morgan, Anthony

Decision type

Ruling

Grounds

Colour

Race

Decision Content

Canadian Human

Rights Tribunal

Tribunal canadien

des droits de la personne

Citation: 2026 CHRT 26

Date: March 19, 2026

File No. : HR-DP-3076-24

Between:

Ron Mayers

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Correctional Service Canada

Respondent

Ruling

Member:

Anthony Morgan

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I. OVERVIEW [1] Ron Mayers (the “Complainant”) alleges that Correctional Service Canada (the “CSC” or the “Respondent”) subjected him to adverse differential treatment, harassment, and retaliation based on his race, colour, or national or ethnic origin. Mr. Mayers identifies as Black. He is a federally sentenced inmate currently incarcerated at Warkworth Institution in Ontario.

[2] The CSC submits that Mr. Mayers’ Statement of Particulars (SOP) exceeds the scope of the complaint referred to the Tribunal by the Canadian Human Rights Commission (the “Commission”). The CSC has filed a motion seeking an order to strike portions of Mr. Mayers’ SOP for falling outside of the scope of the complaint. The CSC submits that Mr. Mayers’ allegations in his SOP related to an incident with a CSC telephone in September 2020, his transfers from different CSC institutions between May 2021 and May 2022, and retaliation occurring between May 2021 and May 2022, are outside the scope of the current complaint before the Tribunal. Mr. Mayers opposes the motion.

II. RULING [3] The CSC’s motion is granted.

III. CONTEXT A. The complaints [4] In August 2020, Mr. Mayers filed a human rights complaint with the Commission. In it, he alleged that he experienced multiple instances of adverse differential treatment and harassment in the receipt of services from CSC staff members. Mr. Mayers’ complaint alleged that the treatment he received was based on his race, colour, or national or ethnic origin, as a Black person. I will refer to this complaint as the “Initial Complaint.”

[5] The Initial Complaint featured a number of alleged incidents, such as Mr. Mayers being:

A) denied access to his personal clothing while a White inmate was granted this access. Mr. Mayers alleges that he was institutionally charged after calling a CSC staff member racist for treating him differently in this way;

B) subjected to differential application of COVID-19 safety protocols during meal service, being denied a meal, and called “a f***ing ‘n-word” by a CSC staff member while walking away from the encounter when this occurred;

C) singled out for questioning by CSC staff and labelled a troublemaker;

D) threatened, harassed, and told by a CSC staff member that they “don’t care what cockroach of a ‘n-word’ neighbourhood” Mr. Mayers is from;

E) singled out by a CSC staff member to put a shirt on while other shirtless White inmates who were present were not asked to do the same. Mr. Mayers further claimed that he was told by this CSC staff member that he would be charged for asking why the White inmates were not also asked to put their shirts on;

F) threatened with bodily harm and being called a “monkey” by a CSC staff member; and

G) called the “n-word” by a CSC staff member while following directions to bring a chair that he brought outside back inside.

[6] Mr. Mayers also noted in the Initial Complaint that the alleged actions could negatively affect his chances of being transferred to a minimum-security correctional facility or of getting parole, as any resulting institutional charges would be held against him. Therefore, Mr. Mayers indicated that he would like such charges removed from his file. He also filed grievances about these incidents using the CSC’s Offender Complaint and Grievance Process.

[7] The Commission referred the Initial Complaint to the Tribunal for an inquiry in November 2024, finding that, given all the circumstances of Mr. Mayers’ complaint, an inquiry by the Tribunal was warranted. The Initial Complaint is the basis of the present proceedings before the Tribunal.

[8] In June 2021, Mr. Mayers filed another complaint with the Commission against the CSC in which he repeated one allegation from the Initial Complaint and included further allegations of experiencing incidents of adverse differential treatment based on his race and colour, and retaliation for filing the Initial Complaint with the Commission. I will refer to this complaint as the “Subsequent Complaint.”

[9] In summary, the Subsequent Complaint featured allegations of Mr. Mayers being retaliated against by the CSC and its staff for filing a complaint with the Commission, including being:

A) accused of breaking an inmate telephone and being institutionally charged, found guilty, and fined an excessive amount for this without the CSC conducting a fair investigation into how the phone broke;

B) wrongfully charged, found guilty, and fined for being in a cell unit that he did not live in. This charge was laid without him being given appropriate notice or adequate opportunity to answer to the charge before being fined;

C) transferred from Bath Institution to Millhaven Institution in March 2021; and

E) wrongfully charged for assaulting another inmate, and wrongfully accused of being disrespectful and bullying towards CSC staff and not cooperating with his case management team.

[10] In the Subsequent Complaint to the Commission, Mr. Mayers reiterated his concern that the incidents could negatively impact his chances of being granted parole or getting transferred to a minimum-security facility. Again, Mr. Mayers noted in the Subsequent Complaint that he wanted the charges removed from his file and that he had filed grievances using the CSC’s Offender Complaint and Grievance Process to address his alleged discriminatory mistreatment.

[11] In November 2021, the Commission decided not to deal with the Subsequent Complaint, finding that it could be more appropriately dealt with according to a procedure provided for under another Act of Parliament. The Commission's Report for Decision concerning the Subsequent Complaint indicates that the other Act referred to in the Commission's decision not to deal with the Subsequent Complaint was the Corrections and Conditional Release Act (the CCRA). Mr. Mayers did not pursue a judicial review of this decision by the Commission.

B. The Complainant's Pleadings [12] As part of the Tribunal's process in dealing with the Initial Complaint, in June 2025, Mr. Mayers filed his SOP. After the Respondent filed its responding SOP in early August 2025, Mr. Mayers filed his Reply submissions in mid-August 2025. Mr. Mayers' SOP and Reply submissions will be collectively referred to as his "Pleadings."

[13] Mr. Mayers' Pleadings include allegations and requests for relief which the CSC argues should be struck for being beyond the scope of the complaint that the Commission referred to the Tribunal.

[14] The portions of Mr. Mayers' Pleadings that the CSC seeks to have struck are as follows:

A) Allegations relating to damage to a CSC telephone and the CSC's subsequent investigation, charges, and finding of guilt against Mr. Mayers in relation to this incident;

B) Allegations that Mr. Mayers was involuntarily transferred from Bath Institution based on claims made against him that the CSC did not fairly investigate;

C) Claims that the CSC's Offender Complaint and Grievance Process is inadequate and that Mr. Mayers' complaints of discrimination were unfairly handled, investigated, and dismissed by the CSC;

D) Claims that, as acts of retaliation for filing complaints about his experiences of alleged discrimination, Mr. Mayers' security classification was unfairly raised in May 2021, and that subsequently or as a result, in May 2022, he was unfairly transferred to another CSC institution;

E) Claims that Mr. Mayers' allegations are part of a continuing contravention of his human rights that demonstrate a pattern of retaliatory conduct and systemic failure;

F) Request for relief in the form of an independent and impartial review of Mr. Mayers' current security classification and institutional placement, as well as broader review and reform by the CSC of its inmate grievance and complaint process to increase its fairness, impartiality, and effectiveness;

G) Request for relief in the form of an order from the Tribunal directing the reversal of Mr. Mayers' security reclassification and his transfer to a medium-security institution in the Ontario region.

H) Request for relief in the form of the adoption of several changes to the CSC's Offender Complaint and Grievance Process to address and prevent racial discrimination, and improve the fairness, transparency, and effectiveness of this process; and

I) Reference to and description of the following supporting documentation:

- i. CSC Internal Grievance Responses (July and August 2020, and ongoing);
- ii. Security Classification Reports (including the May 2021 reassessment) and transfer documentation related to Mr. Mayers' transfers in March 2021 and May 2022;
- iii. CSC Incident Reports related to Mr. Mayers' alleged damaging of a phone, and which include accusations that led to his institutional transfers; and
- iv. CSC Policy Documents related to security classifications and grievance procedures.

[15] I will refer to these portions of Mr. Mayers' Pleadings that the CSC seeks to have struck as the "Impugned Submissions."

IV. ANALYSIS C. Legal framework [16] The Tribunal's jurisdiction to hear complaints referred by the Commission for an inquiry is derived from section 49 of the Canadian Human Rights Act, R.S.C., 1985, c. H-6 (the CHRA). For complaints that are referred to the Tribunal, the scope of its inquiry is limited to matters raised in the original complaint made to the Commission (see *Last v. Correctional Service Canada*, 2024 CHRT 112 at para 6).

[17] Once a complaint is referred to the Tribunal for an inquiry, the Canadian Human Rights Tribunal Rules of Procedure, 2021, SOR/2021-137 (the "Rules of Procedure") govern the conduct of the inquiry, including in relation to the content of SOPs. Rule 18 of the Rules of Procedure indicates that a complainant's SOP is required to set out their case, including details related to the facts, issues, witnesses, and documents that the complainant intends to present at the hearing.

[18] Further, Rule 21 of the Rules of Procedure indicates that a complainant's reply submission must set out any facts, issues, witnesses, or documents on which the complainant aims to rely in replying to a respondent's response to their SOP.

[19] A party's SOP and reply submissions may be used to clarify, refine, or elaborate on the allegations of discrimination raised in the original complaint. However, the SOP cannot go beyond the scope of the complaint referred by the Commission and introduce a substantially new complaint. A substantially new complaint can be considered a complaint that is not reasonably connected to the factual foundation of the original complaint filed with the Commission (see *Shirafkan v. Immigration, Refugees and Citizenship Canada*, 2025 CHRT 73 at para 13; and *Levasseur v. Canada Post Corporation*, 2021 CHRT 32 at paras 15–16).

[20] The Tribunal cannot permit the introduction of a substantially new complaint as this would allow parties to bypass the Commission referral process which, under the CHRA, requires that the Tribunal only hear complaints that are screened in or investigated by the Commission and referred to the Tribunal for the conduct of an inquiry into the complaint (see *Mohamed v. Royal Bank of Canada*, 2023 CHRT 20 at paras 10 and 12; and *Canadian Association of Elizabeth Fry Societies v. Correctional Services of Canada*, 2022 CHRT 12 at para 14).

- [21] The Tribunal has no jurisdiction to hear a complaint that includes allegations that the Commission has determined that it will not deal with. For instance, as in this case, the Tribunal cannot conduct an inquiry into a complaint where the Commission has decided under section 41(1)(b) of the CHRA that the complaint could more appropriately be dealt with under a procedure provided for under an Act of Parliament other than the CHRA.
- [22] Where a party disagrees with the Commission's exercise of its discretion on whether to deal with a complaint based on section 41(1)(b) of the CHRA, the only mechanism to challenge this decision is by way of seeking judicial review of the Commission's decision before the Federal Court. Under the CHRA, the Tribunal has no authority to review any of the Commission's decisions. This means that the Tribunal has no jurisdiction related to the Commission's determinations or processes regarding the screening and investigation of complaints. Nor does the Tribunal have jurisdiction to review the Commission's decisions related to how to deal with a particular complaint.

D. My reasons [23] I grant the CSC's motion to strike the Impugned Submissions. I am of the view that the Impugned Submissions fall outside of the Tribunal's jurisdiction because the substance of the claims in them was already put to the Commission as part of Mr. Mayers' Subsequent Complaint. In November 2021, the Commission decided not to deal with Mr. Mayers' Subsequent Complaint, finding that it could more appropriately be dealt with under the CCRA, particularly the CSC's Offender Complaint and Grievance Process.

- [24] Read together, Mr. Mayers' Subsequent Complaint dated June 2021, and the Commission's resulting August 2021 Report for Decision based on this complaint, indicate that the Commission considered and chose not to deal with the allegations that are now found in the Impugned Submissions.

- [25] My review of both the Subsequent Complaint and the August 2021 Report for Decision indicate that, before the Commission decided not to deal with the Subsequent Complaint, Mr. Mayers had put the following allegations before it to consider:

A) As an act of retaliation for filing a human rights complaint, Mr. Mayers was:

- i. unfairly accused, investigated, charged, and found guilty of damaging a phone, of being at a unit where he did not live, of punching another inmate, of not working cooperatively with his case management team, of being disrespectful towards CSC officers, and of bullying inmates. The unfairness alleged was that Mr. Mayers was not provided with requested video or other documentation to substantiate that he did any of these things or given notice that he was being charged with the offences in which he was found guilty of having engaged; and
- ii. unfairly transferred from Bath Institution in March 2021 based on false or unsubstantiated claims, and that this was an act of retaliation for filing a human rights complaint.

B) The CSC's Offender Complaint and Grievance Process unfairly and ineffectively treated complaints and grievances concerning Mr. Mayers.

- [26] I infer from the Subsequent Complaint and the Commission's 2021 Report for Decision that Mr. Mayers also took issue with his security classification, given its direct connection both to how an inmate's record of institutional charges may affect that classification, and to how a security classification influences transfer decisions within the CSC.
- [27] This is to say that I recognize that security classification is not explicitly referenced in the Subsequent Complaint and the Commission's Report for Decision. However, I am still of the view that the issue of the impact of institutional charges on security classification was before the Commission as part of its consideration of the Subsequent Complaint which the Commission ultimately decided not to refer to the Tribunal.
- [28] Mr. Mayers' Subsequent Complaint and the Commission's August 2021 Report for Decision were reviewed and relied on to inform the Commission's November 2021 decision not to deal with the Subsequent Complaint. Although the Commission declined to deal with the Subsequent Complaint, Mr. Mayers appears to be attempting to revive its underlying allegations, effectively repackaging them as the Impugned Submissions now found in his Pleadings.
- [29] This repackaging is most obvious when considering that Mr. Mayers' allegations pertaining to a damaged CSC telephone and the CSC's investigation, charging, and finding of guilt against him in relation to this incident are featured in both the Subsequent Complaint and the Impugned Submissions.
- [30] Both the Subsequent Complaint and the Impugned Submissions also include allegations of retaliation based on Mr. Mayers' transfer from Bath Institution to Millhaven Institution in March 2021. Mr. Mayers claims this transfer was unfair and based on false or unsubstantiated institutional charges laid by CSC staff without proper investigation.
- [31] In my view, the Subsequent Complaint and the Impugned Submissions also relate to Mr. Mayers' claims, the systemic remedies he seeks, and the documentation requested related to the CSC's Offender Complaint and Grievance Process, insofar as he alleges that this process affected his security classification and contributed to his institutional transfer.
- [32] In the Impugned Submissions portion of Mr. Mayers' Pleadings, I also find that his references to and description of supporting documentation capture the essence of what is in dispute in the Subsequent Complaint.
- [33] In sum, because the Commission has already dealt with the Impugned Submissions, the essence of which I find to be captured in the Subsequent Complaint and the Commission's consideration and determination not to deal with that complaint, I am of the view that the Tribunal is now without jurisdiction to consider the Impugned Submissions. Therefore, the Impugned Submissions should be struck from Mr. Mayers' Pleadings.
- [34] For further clarification, I note that one of the allegations in the Impugned Submissions is that, in May 2022, Mr. Mayers was unfairly transferred to another CSC institution. The Commission may not have considered this specific transfer because it decided in November

2021 not to deal with the Subsequent Complaint. However, I still find that this May 2022 institutional transfer claim is beyond the scope of the present complaint because this claim is based on essentially the same allegations that make up Mr. Mayers' retaliation complaint as featured in the Subsequent Complaint which the Commission decided not to refer to the Tribunal.

- [35] As a closing note, while I primarily considered the parties' motion materials to inform this ruling, it is worth pointing out that Mr. Mayers' Reply submissions filed in August 2025 suggest some degree of recognition by him that the Impugned Submissions could reasonably be considered as consisting of a substantially new complaint.
- [36] In a part of his August 2025 Reply submissions that were filed in response to the Respondent's initial opposition to the Impugned Submissions, Mr. Mayers indicates that he seeks from the Tribunal "authorization to have the subsequent Complaint joined to this file."
- [37] The submission goes on to state that the "Respondent would not be unfairly prejudiced by the [Tribunal] allowing the re-introduction of the Complaint as [the] CSC is fully aware of them and has responded to them in their SOP."
- [38] I find that these passages in the Complainant's August 2025 Reply submissions further support the finding that the Impugned Submissions are, in substance, a separate and new complaint made up of allegations that were already addressed by the Commission and would need to be "joined" or "re-introduced" to fall within the scope of the complaint presently before the Tribunal.
- [39] These passages have not played a determinative role in my finding that the Impugned Submissions have been previously addressed by the Commission in the Subsequent Complaint. The Commission has already decided not to refer these allegations to the Tribunal for further inquiry.

V. CONCLUSION AND ORDER [40] The CSC's motion is granted.

- [41] The Tribunal orders the Impugned Submissions to be struck from the Complainant's Pleadings.

Signed by

Anthony Morgan

Tribunal Member

Ottawa, Ontario

March 19, 2026

Canadian Human Rights Tribunal

Parties of Record

File No.

: HR-DP-3076-24

Style of Cause: Ron Mayers v. Correctional Service Canada

Ruling

of the Tribunal Dated: March 19, 2026

Motion dealt with in writing without appearance of parties

Written representations by:

Demar Hewitt & Amar-Kareem Guimba,

for the Complainant

Sahar Mir & Mahan Keramati,

for the Respondent

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Prepared on 28 October 2026 · Esheria