

## ***Blatz v. 4L Communications Inc. - June 2012***

[COMPLETE DECISION PDF](#)

### SUMMARY

The complainant sued her former employer for wrongful dismissal. At the same time, she filed a human rights complaint against her former employer under section 14 of *The Human Rights Code* alleging that she had been discriminated against on the basis of her sex including her pregnancy. The employer sought to defer the hearing of the human rights complaint until the law suit had concluded in the courts.

The adjudicator granted the employer's request in part and determined that an adjudicator has the authority to defer a hearing of a human rights complaint. Although *The Code* requires that an adjudicator must proceed to a hearing "without undue delay", he or she must consider the specific circumstances of the complaint, including the requirement of fairness, respect for parties, protecting the integrity of the process, and policy considerations.

In this particular complaint, the adjudicator decided that a delay would not be undue. The law suit which was in essence, an employment dispute with a human rights component, belongs first in the courts where employment matters are routinely heard.

The adjudicator was not prepared to provide an open-ended deferral and therefore ordered an 18-month deferral, allowing the parties to apply in the meantime to shorten or extend that delay.