

CHRONOLOGY

Grover v. National Research Council

(Event from 1987 to present)

Human Rights Complaints (1-4) and Grievances

- 2/87 – 9/87 Grover discusses the discrimination he faced with senior NRC management, including the President and three Vice Presidents
- 7/87 Grover files a union grievance on the basis of denial of opportunities and NRC subsequently denies the grievance
- 9/87 Grover files a complaint (Complaint 1) to the Canadian Human Rights Commission alleging discrimination on the basis of race, national or ethnic origin and color
- 88 – 89 Grover files two union grievances on the basis of denial of opportunities and NRC subsequently denies them
- 1/89 CHRC refers Grover's complaint to a Canadian Human Rights Tribunal
- 8/89 Grover files the first amended complaint with CHRC alleging racial discrimination
- 1/90 Tribunal hearing opens for a 2-week session
- 1/90 Half way through the hearing session NRC requests a 3-month adjournment.
- 5/90 Tribunal hearing reconvenes in which NRC reveals a totally new case with two new lawyers, a dozen additional witnesses and hundreds of pages of new documents
- 8/90 Tribunal adjourns to allow parties to achieve a settlement
- 8/90 – 11/90 Grover holds settlement negotiations with NRC president, Pierre Perron
- 11/90 NRC terminates Grover's employment disguised as a lay-off
- 11/90 Grover files a union grievance alleging disguised discipline, NRC denies the grievance and the matter is referred to PSSRB
- 12/90 Grover files a union grievance for denial of opportunities and NRC subsequently denies the grievance
- 1/91 Grover files second amended complaint with CHRC alleging racial discrimination
- 1/91 Tribunal reconvenes and learns that NRC has terminated Grover's employment
- 1/9 – 6/91 Tribunal hearing continues and concludes
- 5/91 On the eve of the PSSRB scheduled to hear Grover's grievance regarding termination, NRC rescinds Grover's termination
- 10/91 Grover files a grievance alleging denial of opportunities and NRC denies the grievance
- 12/91 Grover files with CHRC Complaint 2 (H32471) against NRC of continuing racial discrimination.
- 7/92 Grover files a grievance under the Public Service Staff Relation Act for intimidation for exercising his rights under the Act
- 7/92 Grover files a union grievance pursuant to his collective agreement alleging discrimination and NRC denies the grievance. The grievance was referred to PSSRB and mediation. The hearing before the PSSRB adjudicator was adjourned pending the appointment of a Tribunal by CHRC.

- 7/92 Grover files with CHRC Complaint 3 (H32637) against NRC of continuing discrimination
- 8/92 Tribunal makes the finding that NRC has discriminated against Grover on the basis of his race, national or ethnic origin and color. Tribunal finds, among other things, that some of the actions of NRC were contrived to humiliate Grover and bring to an end his career at NRC. Tribunal orders remedies which include, among other things, cease and desist. Tribunal remains seized with the issue of Grover's appointment to an appropriate position
- 8/92 onward NRC embarks upon its negative propaganda both at NRC and outside of NRC criticizing the Tribunal's decision and suggesting that there was no discrimination
- 9/92 NRC refuses to appoint Grover to an appropriate position as per the Tribunal's order
- 10/92 Grover informs the Tribunal of difficulties in implementing the Tribunal's order
- 10/92 – 2/93 Series of communications between the Tribunal, NRC and Grover on the matter of Grover's appointment to an appropriate position
- 3/93 – 3/94 Series of discussions are held between the parties and an arbitrator pursuant to the Tribunal's order and the issue is resolved
- 7/93 Tribunal hearing reconvenes to hear further evidence regarding an appropriate position for NRC and continues for several days
- 7/93 NRC brings in a motion to challenge the jurisdiction of the Tribunal arguing that it is *functus officio*
- 7/93 After hearing arguments from all parties the Tribunal makes a ruling on the NRC motion and dismisses it
- 7/93 NRC brings in another motion before the Tribunal indicating that it is seeking a judicial review of the Tribunal's decision and asks that the Tribunal suspend the hearing
- 7/93 The Tribunal dismisses NRC motion after hearing arguments from all parties
- 7/93 NRC participates in the hearing under protest
- 8/93 NRC files an application for judicial review in the Federal Court to have the Tribunal's decisions quashed and the Tribunal declared *functus officio*
- 3/94 Grover files a complaint (Complaint 4) with CHRC alleging continuation of racial discrimination. Subsequently, CHRC informs Grover that it will not formally accept this complaint and any other complaint from him until his earlier complaint has been resolved.
- 3/94 Tribunal issues a decision and makes the finding of bad faith on the part of NRC in the matter of Grover's appointment. The tribunal finds that NRC did not appoint Grover to an appropriate position and that appointment of Grover in a discrimination free environment is the responsibility of NRC. The Tribunal clarifies its previous order regarding the appointment of Grover to a section head or director position. The underlying requirement of the Tribunal's order is that NRC needs to hold meaningful discussions with Grover regarding the appropriate position for him. The Tribunal continues to retain jurisdiction and seized with the issue of Grover's appointment.
- 3/94 NRC files an application for judicial review to the Federal Court to have the March 1994 decision of Tribunal quashed
- 3/94 At the request of the Office of the Minister of Industry Canada, the president of PIPSC, sent a letter to the Minister of Industry Canada in which he identified positions that could be acceptable to Grover

- 4/94 – 5/94 Meetings were held to negotiate a comprehensive settlement between Grover and NRC attended by Grover and representatives of NRC and PIPSC and their respective counsel
- 7/94 Federal Court dismisses two applications for judicial review of the Tribunal's decisions and the jurisdiction of the Tribunal
- 7/94 Within 2 days of the release of the federal Court decision NRC drops off a package at the entrance of Grover's house. It contained an "open letter" marked "with prejudice" that appointed him to a director position. No consultations were conducted with Grover to discuss the appointment and his integration to the NRC community. NRC released the letter to the media.
- 7/94 Arthur Carty is appointed new President of NRC
- 9/94 NRC allows a meeting to be held its premises attended by RO/RCO group of NRC employees at which several people made were critical of and made derogatory comments about Grover and the Tribunal. Subsequently, a petition was circulated among NRC employees in which they asked that Grover be reprimanded and removed from the building.
- 9/94 – 10/94 Several NRC employees circulated emails on the NRC internet in which they questioned the validity of the Tribunal's decisions and attacked Grover's integrity, character and professional credentials. Grover files a civil action for slander against one NRC employee
- 95 Grover files two union grievances alleging denial of opportunities including posting of inappropriate signage
- 95 onward Grover informs Carty of his poisonous work environment
- 8/94 – 3/96 Grover and Carty held negotiation for a comprehensive resolution both with and without the involvement of their counsel. They discuss both the external and internal options for a settlement
- 5/96 The Tribunal reconvenes for the 3rd time. While the Tribunal is waiting, Grover and Carty reach a settlement agreement for Grover's appointment to an appropriate position within NRC. The agreement is approved by the Tribunal and is enshrined in the Minutes of the Tribunal proceedings. This concluded the hearing of the 1987 complaint and two amended complaints. The Tribunal directs that remaining allegations of discrimination be dealt through CHRC process
- 7/96 Grover makes a request to CHRC to allow him to file a new discrimination complaint for the period from July 1992 to July 1996 and to deal with all the allegations from July 1992 to July 1996 at the same time such that they can be considered as a single case of discrimination. CHRC denies Grover's request.
- 4/97 CHRC releases investigation reports regarding Complaint 2 and Complaint 3 filed in December 1991 and July 1992
- 7/97 Grover provides a response to the investigation reports.
- 1/98 Grover provides a response to a CHRC report on "further investigation" of Complaint 2 and Complaint 3.
- 2/98 CHRC dismisses Complaint 2 and Complaint 3.
- 3/98 Grover files an application for the judicial review of the Commission's decision to dismiss his two complaints.
- 7/98 Grover signs Complaint 4 (H47999) against NRC pursuant to receiving the complaint drafted by CHRC based on his allegations submitted in March 1994.

- 2/99 Grover provides to CHRC a rebuttal to the respondent's submissions regarding Complaint 4.
- 11/99 At the request of NRC, the hearing for the judicial review scheduled for November 1, 1999 is adjourned and set to take place on March 13, 2000.
- 3/00 The judicial review hearing is held before the Federal Court
- 6/01 The Federal Court renders a decision in favour of Grover. It returns the matter to CHRC.
- 9/03 CHRC makes the decision to refer Complaint 2, Complaint 3 and Complaint 4 to Tribunal for a hearing
- 10/03 NRC makes an application to the Federal Court for judicial review of the Commission's decision to refer the complaints to Tribunal
- 5/04 The Federal Court renders a decision and allows the NRC application. It returns the matter to CHRC.
- ../07 CHRC makes a decision to refer Complaint 2, Complaint 3 and Complaint 4 to Tribunal for a hearing.
- ../07 NRC makes an application to the Federal Court for judicial review of the decision of the Commission to refer the complaints to Tribunal.

New Grievances and Human Rights Complaints since 2004

- 11/03 The Auditor General of Canada conducts an investigation of Grover's case of racial discrimination which it terms as the "Grover problem" at NRC. NRC decides to keep it a secret from Grover and does not allow him to participate in the investigation. One manager indicates that there are 3 solutions to the "Grover problem": (1) Buy him out; (2) Terminate his job; and (3) He dies.
- 3/04 The Auditor General of Canada, Sheila Fraser, writes to the Minister of Industry Canada, Lucienne Robillard, about the Grover case.
- 5/04 NRC adopts a new management approach to deal with Grover. A Working Group consisting of representatives of the Privy Council, Treasury Board, Industry Canada and Justice is constituted to steer the Grover discrimination case.
- 6/04 NRC starts imposing unwarranted disciplinary actions on Grover pursuant to a new management approach it has adopted to tackle Grover.
- 6/04 NRC unlawfully bars Grover from the workplace for an indefinite periods; demands that he subject himself for a medical examination by an NRC appointed doctor.
- 6/04 Grover files grievances alleging that the action of NRC to bar him from the workplace was disguised discipline amounting to indefinite suspension. The grievances were subsequently referred to adjudication by the public Service Labor Relations Board.
- 10/05 PSLRB adjudicator gave a decision on Grover's grievance and finds that the NRC actions were clearly disciplinary in nature as demonstrated by the correspondence and the overall context made a finding that the NRC action was in fact disguised discipline. The adjudicator allows Grover's grievance, re-instates to his job and orders that he be paid back pay.
- 11/05 NRC files an application to the Federal Court for judicial review of the PSLRB decision.
- 1/07 The Federal Court dismisses the NRC application for judicial review of the PSLRB adjudicator.

- 2/07 NRC files an appeal to Federal Court of Appeal to quash the decision of the Federal Court dismissing the application for judicial review.
- 3/08 A 3-judge panel of the Federal Court of Appeal makes a decision from the bench and dismisses the NRC appeal.
- 7/07 Pursuant to a request from NRC, Health Canada determined that Grover is unable to work at NRC for health reasons. Health Canada also determines that Grover is capable of working in a position at the level of his experience and expertise outside of NRC.
- 7/07 NRC terminated Grover's job for medical incapacity notwithstanding the law that requires reasonable accommodation.
- 8/07 – 3/08 Grover grieves his dismissal on the basis of the Canadian Human Rights Act and the NRC policy. In March 2008, NRC dismisses Grover's grievance.
- 7/08 Grover files a complaint to CHRC alleging that the National Research Council of Canada discriminated against him in his employment on the ground of race, colour, national origin, and disability, by treating him in an adverse and differential manner, by harassing him, by failing to provide a harassment-free workplace, and by ultimately failing to accommodate his disability and terminating his employment, contrary to sections 7, 10 and 14 of the *Canadian Human Rights Act*. The NRC's actions were also motivated by retaliation for previous human rights complaints he has filed, contrary to section 14.1 of the Act.

Civil Action in the Ontario Superior Court of Justice

- 8/01 Court Challenges Program of Canada approves funding to Grover to pursue an action against NRC under the *Canadian Charter of Rights and Freedoms*. Grover informed Carty about the funding. In consultation with Carty filing of the action was postponed in order not to adversely affect the ongoing settlement negotiations.
- 6/02 Grover files an action in the Ontario Superior Court of Justice. At Carty's request service of the Statement of Claim on NRC was withheld for several months.
- 9/02 Grover serves the Statement of Claim on NRC.
- 03 – 06 Statement of Defence and reply are filed by respective parties; NRC motion to have the action stayed is dismissed; NRC motion seeking leave to appeal is denied; etc.
- 2/06 Grover files amended Statement of Claim.
- ../07 Master Beaudoin hears the motion for amending the Statement of Claim; gives a ruling and orders deletion of certain paragraphs.
- ../07 Grover files an appeal to have the Beaudoin decision quashed.

Negotiations for a Comprehensive Settlement since 1997

- 5/97 Grover and Carty discuss the possibility of a settlement of all outstanding issues between NRC and Grover. Carty suggests that if Grover resolves his slander lawsuit against the NRC employee, it would help in their settlement negotiations.
- 6/97 Grover settles the slander lawsuit, the settlement terms includes an apology as follows:

On October 3, 1994, I sent an e-mail message with the subject title "Support" to EVERYONE_M36SCI (GROUP). Earlier on October 3, 1994, I sent the same message to the PIPSC RO/RCO Group Executive.

I wish to retract all statements in the above messages, because they are inaccurate.

In particular, I wish to retract the statements that questioned the validity of the Canadian Human Rights Tribunal's two decisions regarding Dr. Grover's case against NRC. The statements contained in the messages were not based on my first hand knowledge of the situation. I was unaware of the contents of any order made by the Tribunal against the NRC. I was unaware of the contents of the Tribunal's second decision of March 18, 1994 relating to NRC's non-compliance with the Tribunal's previous orders. I had no first hand knowledge of any settlement offers made to Dr. Grover by the NRC. Therefore I should not have accused Dr. Grover of being unreasonable or of acting in bad faith during negotiations with NRC.

I should not have offended Dr. Grover by attacking his integrity, character and professional credentials as a scientist, director and supervisor of NRC personnel. These statements were insensitive to Dr. Grover's situation at NRC. I sincerely apologize to Dr. Grover for any pain, offence or damage to his reputation that I may have caused. Also I apologize to my colleagues for any misconceptions regarding Dr. Grover and the settlement of his Human Rights complaints against NRC which my messages may have created.

- 6/97 – 4/98 Carty suggests to Grover get representation for negotiations. Grover suggests that he will ask a friend to represent him. Carty asks for the background information on that friend and shows satisfaction. Negotiations for a comprehensive settlement of all matters, including the outstanding CHRC complaints, are conducted with NRC counsel, Louis Robayo.
- 4/99 onward Grover discusses his discrimination and poisonous work environment with his new supervisor, Janusz Luszyk. Luszyk is willing to help in the resolution of the case and to address the issue of work environment. Luszyk plays an important role in facilitating settlement discussions with Carty.
- 99 – 00 Settlement discussions are held between David Yazbeck, counsel for Grover, and Robayo, counsel for NRC. In a letter dated March 15, 2000 to Robayo, Yazbeck confirms their discussions for a comprehensive settlement.
- 98 – 00 Grover continues to advise Carty of his poisonous work environment and the discrimination he faced.
- 2/00 Carty and Grover hold a meeting in which Carty indicates that he is willing to appoint a mediator regarding the settlement and asks Grover to identify the issues to be addressed.
- 3/00 Letter from Grover to Carty responding to the issue discussed in the February 18, 2000 meeting.
- 3/00 Brief conversation between Carty and Grover in which Carty asks Grover to provide him with a copy of the recent letter from Grover's counsel (Yazbeck) to NRC counsel (Robayo). Carty indicates that as Robayo is away for two weeks he will have the matter addressed through some one else.
- 3/00 Grover provides a copy of a letter dated March 15, 2000 from Yazbeck to Robayo to Carty.
- 4/00 Grover advises Carty of his concerns regarding Robayo's handling of the negotiations in a letter dated April 4, 2000. He proposes a 5-point approach for the settlement.
- 6/00 onward Arvind Chhatbar, an employee of NRC and a close confidant of Carty contacts Grover. He indicates that he was assigned by Carty to act as an intermediary to facilitate a settlement. Chhatbar had a lengthy meeting with Grover in which he outlined the process that he intends to follow. He outlines the conditions and informs that (1) Only Chhatbar, Carty and Grover will be involved in the settlement discussions; (2) Lawyers

from both sides will be excluded; (3) At the conclusion of the negotiations, a draft agreement will be prepared which will be the basis for lawyers of both sides to prepare the final legal agreement for signature of the parties; (4) Carty will only inform NRC senior management after the draft agreement is ready.

While in the meeting with Grover, Chhatbar called Carty on his cell phone and informed him that his discussions with Grover are going on well and that Grover is willing to give it a try.

Subsequently, Chhatbar arranges a meeting between Carty and Grover at his residence to allow parties to express trust and commitment in the ongoing settlement negotiations.

- 00 – 01 Chhatbar has several meetings with Carty and Grover and gathered information on their respective positions. There exists a documentary record of the ongoing negotiations.
- 11/01 A Letter of Understanding is prepared and signed by Grover and Chhatbar that outlined a comprehensive settlement of all issues, including the human rights complaints. This settlement offer requires Grover to leave NRC. Chhatbar indicates that Carty will have to seek the approval of his “superiors” and possibly talk to senior NRC management before signing the letter of understanding.
- 3/02 Chhatbar and Grover have continued discussions while waiting for Carty’s concurrence for the settlement offer. They also explore the settlement offer for an internal option, as Chhatbar indicated that the external option was possibly not acceptable to Carty.
- 4/02 After Luszyk informs Grover that a comprehensive offer from Carty was in the works and forthcoming, Grover sends a letter dated April 4, 2002 to Luszyk.
- 6/02 Letter dated June 3, 2002 from Grover to Carty pursuant to a telephone conversation between them in which he proposes a conclusion to the negotiations prior to July 6, 2002.
- 03 Grover continues discussions with Chhatbar. Chhatbar becomes subsequently involved in providing input regarding the settlement discussions he has had with Grover for purposes of the formal mediation relevant to the Charter action.
- 11/03 Carty informs Grover that Peter Hackett and Mary McLaren are dealing with the settlement file and that the settlement will now be discussed at the formal mediation.
- 03/03 Carty leaves NRC.
- 5/04 Formal mediation takes place with George Adams as mediator regarding a comprehensive settlement of all issues, including 3 outstanding human rights complaints. NRC is represented by one junior manager (Steve Blais) and a human resources generalist (Lorna Jacobs). The Commission is represented by counsel. The mediation lasted two full days.
- 5/04 Steve Blais of NRC writes to Grover for a continuation of settlement negotiations.
- 7/04 Grover writes to Michael Raymont (Acting President of NRC) regarding the continuation of settlement discussions.
- 8/04 Raymont rejects Grover’s request and terminates negotiations.