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Mosher v. Royal Canadian Mounted Police, 2026 CHRT 101

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Canadian Human Rights Tribunal

Tribunal canadien des droits de la personne

2026 CHRT 101 (CanLII)

Citation: 2026 CHRT 101
Date: September 23, 2026
File No.: HR-DP-3209-26

Between:

Shannon Mosher

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Royal Canadian Mounted Police

Respondent

Ruling

Member: John Hutchings

I. OVERVIEW AND DECISION

[1] Shannon Mosher, the Complainant, says that the Respondent, the Royal Canadian Mounted Police (RCMP), discriminated against him and harassed him from November 2016 to October 2019 while he was working as an RCMP member. He also says that the RCMP forced him to accept a medical discharge instead of an administrative discharge, and that this was discrimination based on disability. The Canadian Human Rights Commission (the "Commission") referred the discharge allegations to the Tribunal.

[2] Mr. Mosher filed his Statement of Particulars (SOP) with the Tribunal. The RCMP says that his SOP is too broad. It filed a motion asking me to strike allegations from his SOP that are outside the scope of the complaint that the Commission referred to the Tribunal. Mr. Mosher opposes the motion. He says that I need these allegations to understand the context for his discharge.

[3] I allow the motion. The contested allegations are outside the scope of the complaint that the Commission referred to the Tribunal, which relates to the July–October 2019 allegations about Mr. Mosher's discharge. I do not need these allegations to understand the complaint, and they would have a disproportionate impact on hearing efficiency. I order Mr. Mosher to strike the out-of-scope allegations and submit an amended SOP.

II. PROCEDURAL MATTERS

[4] The RCMP noted in its motion reply that it could not locate some legal citations in Mr. Mosher's motion response ("Response"). Mr. Mosher asked if he could review the citations to address any accuracy concerns. I allowed him to provide a further response and allowed the RCMP to reply.

[5] Mr. Mosher provided citations for five cases and information about how he found them. The RCMP was unable to locate them using the citations and websites he provided.

[6] I note, for example, that Mr. Mosher provided a Canadian Human Rights Tribunal citation for *Luong* v. *Treasury Board (Canada)*, 2022 CHRT 21. No decision of that name

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appears on CanLII or the Tribunal's website. The neutral citation Mr. Mosher provided leads to a different decision of this Tribunal. I cannot reconcile this with Mr. Mosher's statement that "this decision is available on CanLII and through CHRT decision databases; it may require case name searching". I can only conclude that this case does not exist.

[7] Providing legal citations that do not exist can cause delays and affect the integrity of the Tribunal's process. All parties have a duty to ensure the accuracy of materials filed with the Tribunal. Mr. Mosher must ensure that his submissions are accurate.

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III. ISSUES

[8] I must decide the following issues:

- Are the contested allegations in Mr. Mosher's SOP outside the scope of the complaint?
- If so, are they necessary context for understanding the complaint?

IV. ANALYSIS

A. The contested allegations are outside the scope of the complaint

(i) The parties agree that the Commission only referred the July–October 2019 discharge allegations to the Tribunal

[9] There is no dispute that the substance of the complaint that the Commission referred to the Tribunal relates only to the July–October 2019 allegations about Mr. Mosher's discharge. Section 49 of the *Canadian Human Rights Act*, R.S.C., 1985, c. H-6 (the CHRA) limits the Tribunal's jurisdiction to inquiries into complaints that the Commission refers to it. The scope of the Tribunal's inquiry is confined to the matters raised in the formal complaint made to the Commission *(*see *Last* v*. Correctional Service Canad*a, 2024 CHRT 112 at para 6). Here, the Commission's decision states that it would deal only with the July–October 2019 allegations. As such, the RCMP argues that the only allegations properly before me are those that fall within that scope. Mr. Mosher agrees. He writes that the circumstances of his discharge are "the sole allegation referred by the Canadian Human Rights Commission

to the Tribunal" (Response at page 1). I agree. I find that the complaint, as referred, is about allegations of discrimination and harassment relating to Mr. Mosher's discharge.

[10] It follows that matters unrelated to the July–October 2019 allegations should not be addressed in the parties' SOPs unless they can assist the Tribunal as context. I consider whether they should be allowed as context later in these reasons.

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(ii) Allegations that Mr. Mosher's Indigenous identity was a factor in discrimination and harassment are not properly before me

[11] Because the Commission did not consider or refer any allegations around Mr. Mosher's Indigenous identity, and because they lack a factual connection to the disability-related allegations, they are outside the complaint's scope.

[12] The RCMP says that these allegations amount to a new claim that would undermine the Commission's screening role. Mr. Mosher says that there is no intention to advance any "standalone claim, finding or remedy" flowing from his Indigenous identity, but that the material should remain for context (Response at page 12).

[13] I am unable to accept this submission. Mr. Mosher's SOP says that Indigenous identity is a factor in the harm he alleges. While noting that disability is the primary ground advanced, his SOP says that the RCMP's conduct "could reasonably raise concerns that are consistent with differential treatment patterns experienced by Indigenous members" (Mosher SOP at para 45(a)); see also paras 47(a), 47(d), 49, and 49(f)). It says that the protected characteristic of Indigenous identity is part of Mr. Mosher's *prima facie* case of discrimination (Mosher SOP at para 45(f)(1)). I am unable to reconcile these substantive SOP allegations with Mr. Mosher's motion submissions. They suggest a new, systemic dimension to his case that would engage the experience of other RCMP members and could be a basis for broader findings or remedies.

[14] I am also unable to identify a factual nexus between the Indigenous identity-related allegations and the other alleged facts in the SOP. The Tribunal may amend the scope of a complaint to determine the real issues in dispute, as long as doing so does not prejudice the other parties (see *Canada (Attorney General)* v*. Parent*, 2006 FC 1313 at paras 30, 40).

However, any new allegations must be part of the same factual continuum as the complaint that the Commission referred (see *Casler* v. *Canadian National Railway,* 2017 CHRT 6 at para 29). Beyond alleging that the identified concerns could be consistent with the experience of Indigenous members generally, Mr. Mosher provides no description of how his Indigenous identity, or perceptions of his Indigenous identity, impacted any of the events or RCMP conduct in his SOP. As such, they fall outside the complaint's scope.

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B. The contested allegations do not assist me in understanding the substance of the complaint

[15] I am unable to find that Mr. Mosher's allegations about his employment prior to the 2019 discharge process can assist me in understanding his complaint about that process.

[16] The contested allegations provide a detailed account of Mr. Mosher's removal from the Forensic Identification Unit, including his experiences at work before going on medical leave. For ease of reference, I call these the "on-the-job allegations". No one disagrees that these events fall outside the July–October 2019 timeframe of the Commission's referral. No one contests that the Commission explicitly declined to deal with Mr. Mosher's removal from the Unit because the RCMP grievance process addressed or could have addressed the resulting human rights issues. As such, the question is whether the on-the-job allegations, while not forming part of the core complaint, can assist the Tribunal in understanding the context, background, and dynamics underlying the allegations that are properly before it (see *Murray* v. *Immigration and Refugee Board,* 2018 CHRT 32 at para 64).

[17] I find that the on-the-job allegations are factually distinct from the discharge allegations, and that they do not assist me in understanding the complaint as referred.

[18] The on-the-job allegations focus on Mr. Mosher's interactions with his supervisor, Chris Saunders, and other workplace dynamics before his medical leave began. The discharge allegations focus on Mr. Mosher's interactions with Karen McKay, a RCMP employee responsible for the discharge process. They engage issues such as accommodation, the possibility of working elsewhere in Canada, RCMP policies, and direction from National Headquarters. Mr. Mosher says that he started recording phone calls

with Ms. McKay because he felt overwhelmed by harassment and discrimination. He says he was dealing with significant stress and vulnerability due to his medical situation, and that no matter what he did, he felt the RCMP was against him because of his disability. While I accept that the on-the-job allegations and the discharge allegations both reflect challenging periods for Mr. Mosher, I see no basis for a finding that on-the-job context can assist me in understanding the discharge. There is no allegation, for example, that the RCMP treated Mr. Mosher differently in the discharge process because of past workplace challenges or conflicts. Aside from Mr. Mosher's allegation that he was still feeling the effects of previous discriminatory conduct when the discharge process began, the two groups of allegations are distinct. As such, without more, I am unable to find that details about on-the-job experiences at the RCMP can assist me in understanding the discharge. I further find that including them in SOPs could lead to additional testimony and submissions that prolong the hearing beyond what is necessary to resolve the determinative issues in Mr. Mosher's complaint.

[19] I am unable to find that allowing the Indigenous identity-related allegations to remain as context would assist me in understanding the complaint. I have already found that there is no factual nexus between these allegations and the events in Mr. Mosher's SOP. As such, there is no potentially helpful context in the SOP beyond a statement that Mr. Mosher's experiences may parallel those of other Indigenous RCMP members. However, this statement does not assist me in understanding the specific events that Mr. Mosher alleges. I further note that if these allegations are retained, the RCMP could reasonably plead facts about any allegations of differential treatment of Indigenous members more broadly and call witnesses to testify about it. I find that this would transform the proceedings into a larger-scale inquiry that overtakes the complaint's scope. I make no finding with respect to the circumstances of Indigenous RCMP members generally, as this is a matter for a different complaint.

[20] Because the contested allegations are beyond the scope of this complaint and do not assist in providing context for the allegations before me, Mr. Mosher must strike them.

[21] He must submit an amended version of his SOP without the following allegations:

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- All paragraphs on pages 2–5;
- Paragraphs 37(a)–(t) on pages 7–12;
- Paragraphs 45(a)–(g) on pages 16–18;
- Paragraphs 47(a) and 47(d) on pages 19–20;
- Paragraph 49 on page 20;
- Paragraphs 49(b)–(c) and (e)–(f) on pages 21–22;
- The portion of paragraph 51 above 51(a) on pages 22–23;
- Paragraphs 52(a)–(d) on pages 24–25;
- Paragraph 54 on page 26;
- The portion of paragraph 58(a) on page 28 stating “removal from Forensic Identification duties, insistence on unmodified fingerprint testing”;
- The portion of paragraph 58(c) on page 28 stating “the same flaw present in the RCMP’s insistence on unmodified fingerprint exam timelines and its refusal to tailor the process to medical restrictions”;
- The portion of paragraph 59(a) on page 29 stating “and the RCMP’s reliance on rigid testing and pre set timelines directly contravenes this requirement”;
- Paragraph 61(b)–63(a) on pages 30–33; and
- Paragraphs 64(e)–65 to the extent they raise matters other than Mr. Mosher’s discharge.

V. ORDER

[22] I allow the motion. Mr. Mosher must submit an amended version of his SOP in accordance with paragraph 21 above by Oct. 15, 2026. The respondent must submit its SOP by Nov. 5, 2026. Mr. Mosher may submit a reply to the respondent’s SOP by Nov. 13, 2026.

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[23] I order Mr. Mosher to ensure the accuracy of his submissions going forward, including legal citations.

Signed by

John Hutchings
Tribunal Member

Ottawa, Ontario
September 23, 2026

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Canadian Human Rights Tribunal

Parties of Record

File No.: HR-DP-3209-26

Style of Cause: Shannon Mosher v. Royal Canadian Mounted Police

Ruling of the Tribunal Dated: September 23, 2026

Motion dealt with in writing without appearance of parties

Written representations by:

Shannon Mosher, Self-represented

Sarah Drodge, for the Respondent

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