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2015 – MOOT PROBLEM

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Peart v. Ontario (Community Safety and Correctional Services), 2014 HRTO 611

1. The reasons and decision of the Ontario Human Rights Tribunal in *Peart v. Ontario (Community Safety and Correctional Services)*, 2014 HRTO 611 are appealed to the Diversity Moot Court. The decision is available on CanLii at: <http://www.canlii.org/en/on/onhrt/doc/2014/2014hrto611/2014hrto611.html>

2. The questions in issue on appeal are:

The Tribunal erred in finding that:

A. the *Coroners Act* does not discriminate against temporary foreign workers under the Seasonal Agricultural Workers Program (SAWP) on the basis of race, ancestry, place of origin, colour, ethnic origin and citizenship when it denies them the service of mandatory inquests into workplace deaths

B. the distinction between temporary foreign workers under the Seasonal Agricultural Workers Program (SAWP) and mining and construction workers under s.10(5) of the *Coroners Act* does not create a disadvantage by perpetuating prejudice and stereotyping

3. Of all of the issues raised in the reasons given by the Tribunal, only those with respect to the (i) application of human rights jurisprudence related to substantive equality and its realization and (ii) advancing critical race equality litigation are to be addressed by counsel for the parties in their written and oral submissions. Arguments related to administrative law and judicial review including standards of review are not to be referenced by counsel in their submissions.

4. The moot problem is an actual case, and therefore the parties' factums are to be original works, as opposed to any copy or mere imitation of existing filed court materials.