



PROTECTED B

**Decision of the Commission**  
**Mushkegowuk First Nation v. Public Safety and Emergency Preparedness Canada**  
**(20070826)**

The Commission has reviewed the Complaint Form, the Commission's Assessment Report dated June 24, 2009, and the submissions of the parties to the Assessment Report.

The Commission adopts the reasons of the Assessment Report on the issue of the Commission's jurisdiction to deal with the complaint pursuant to section 41(1) of the *Canadian Human Rights Act*. The Commission is of the view that the Complainant has provided reasonable grounds for believing that they have been discriminated against in the provision of services on the basis of one or more prohibited grounds under the *Canadian Human Rights Act*. The Commission is satisfied that it is not plain and obvious that there is no *prima facie* case of discrimination and has therefore decided to deal with the complaint.

The Commission notes the submissions of the parties with respect to the Assessment Report's recommendation that the Commission refer the complaint to Tribunal for further inquiry without investigation pursuant to section 49. While the Complainant and Respondent provide slightly different rationales for their respective requests that the Commission investigate the complaint rather than make a section 49 referral to the Tribunal, in the all of the circumstances, the Commission concurs that an investigator should be appointed to conduct an investigation of the complaint pursuant to section 43 of the *Canadian Human Rights Act*.

Decision rendered by the Canadian Human Rights Commission on September 23, 2009.

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Lucie Veillette  
Secretary to the Commission  
Canadian Human Rights Commission