



HUMAN RIGHTS TRIBUNAL OF ONTARIO

BETWEEN:

Lawrence Knight

Applicant

-and-

**A.A. World Services Inc., General Services Board of
Alcoholics Anonymous Inc. and Greater Toronto Intergroup**

Respondents

INTERIM DECISION

Adjudicator: Keith Brennenstuhl
Date: October 2, 2015
File Number: 2014-18832-I
Citation: 2015 HRTO 1306
Indexed as: **Knight v. A.A. World Services, Inc.**

APPEARANCES

Lawrence Knight, Applicant)))	Self-represented
Greater Toronto Intergroup, Respondent)))	James Henderson, Counsel
General Services Board of Alcoholics Anonymous Inc. and A.A. World Services, Inc., Respondents)))))	J. Anthony Caldwell, Counsel

INTRODUCTION

[1] This Application alleges discrimination with respect to services because of creed contrary to the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended (the “Code”).

[2] The applicant alleges, among other things, that the respondent, Alcoholics Anonymous, refused to list the applicant’s group because the group members are agnostic.

[3] This Interim Decision addresses the Request by the respondent, A.A. World Services, Inc. (“AAWS”), that the Application be dismissed as against it because the applicant has not alleged that it discriminated against him and because the Application is outside the jurisdiction of the Tribunal.

[4] It also addresses the applicant’s Request to add The General Services Board of Alcoholics Anonymous Inc. (“GSB”) and The Greater Toronto Intergroup (“GTRI”) as respondents.

Background

[5] Alcoholics Anonymous (“A.A.”) is a group of men and women who come together in an effort to solve their common problem and help others to recover from alcoholism.

[6] The governance structure of A.A. is complex. Phyllis Halliday, president of the organizational respondent “AAWS” provided an overview of A.A.’s governance in her affidavit dated November 5, 2014. She indicates that the GSB is a charitable corporation organized under the laws of the State of New York. The GSB does not have employees. It takes care of its administrative duties through AAWS. AAWS oversees the General Service Office (“GSO”). The “GSO” serves as a world clearinghouse of A.A. information and publishes A.A. literature.

[7] A “central office” or “intergroup” such as GTRI is an A.A. umbrella service office created by A.A. groups in the local community. These service entities are locally

established and operate to carry out functions common to the A.A. groups in the area and it is generally maintained, supervised and supported by these groups. Typically each group elects a representative to attend central office meetings where major decisions are usually made. According to the applicant it is the central office and more specifically GTRI that is responsible for listing and delisting groups in the area. The applicant claims that his group was not listed because GTRI was of the opinion that the listing of an agnostic group would “result in a nullification of the central tenets of A.A., including the Twelve Steps”. Five of those steps are as follows:

- Came to believe that a Power greater than ourselves could restore us to sanity
- Made a decision to turn our will and our lives over to the care of God as we understood him
- Were entirely ready to have God remove all these defects of character
- Admitted to God, to ourselves, and to another human being the exact nature of our wrongs
- Sought through prayer and meditation to improve our conscious contact with God, as we understood Him, praying only for knowledge of His will for us and the power to carry that out.

Adding GSB as a Party

[8] GSB argues that it should not be added as a party because: it has no presence in Ontario; the Application alleges discrimination occurring in Ontario as a result of a decision made by GTRI; GSB does not establish a doctrine or require or mandate a group or intergroup follow a prescribed practice or set of beliefs; and GSB has no ability to require or compel the GTRI to follow any order that the Tribunal may make against it.

[9] In order to provide for the fair, just and expeditious resolution of any matter before it, the Tribunal has the power to add or remove a party to the proceeding, see Rule 1.7(b). In exercising its discretion with respect to whether it ought to add a respondent to an ongoing proceeding, the Tribunal has stated that it will consider, among other things, whether there are allegations against the proposed respondent that could support a finding that the proposed respondent violated the *Code*; and whether it

would be fair in all of the circumstances to add the proposed respondent. See for example, *Velegjanin v. Toronto Police Services Board*, 2015 HRTO 899.

[10] The test for whether the Tribunal has jurisdiction over a respondent is whether the Application and the allegations against the respondent have a “real and substantial” connection to Ontario (see for example, *Abbasi v. Sygenics Inc.*, 2014 HRTO 142 at paras 9 and 10).

[11] In my view, GSB has a very real presence in Ontario through AAWS and GSO. In her affidavit, Ms. Halliday states that “Central to A.A. members and groups ...are two sets of guiding principles: “The Twelve Steps” and “The Twelve Traditions”. She indicates that both the Twelve Steps and the Twelve Traditions are copyrighted by AAWS and forwarded from the GSO in New York to Ontario.

[12] She indicates that members are encouraged to follow the principles in Twelve Steps and the Twelve Traditions although there is not a requirement that a member follow the Twelve Steps or the Twelve Traditions and nor is there a process to monitor or enforce adherence to the principles.

[13] In my view, however, the clear intent is that A.A. groups and intergroups follow the Twelve Steps and Twelve Traditions. Ms. Halliday indicated that the GSO is the voice of A.A., that it sells copyrighted materials to A.A. groups in Ontario, that it services the groups in Ontario and receives money from the groups based on a specific formula; that it holds general conferences that are attended by A.A. groups’ representatives elected by members in the A.A. groups in Ontario.

[14] Ms. Halliday provided the Tribunal with a copy of “A.A. Guidelines Central or Intergroup Offices”. Prefacing these Guidelines is the following:

The A.A. Guidelines below are compiled from the shared experience of A. A. members throughout the U.S. and Canada. They also reflect guidance given through the Twelve Traditions and the General Service Conference. In keeping with our Tradition of autonomy, except in matters affecting other groups of A.A. as a whole, most decisions are made by the group

conscious of the members involved. The purpose of these Guidelines is to assist in reaching an informed group consensus.

[15] Paragraph 3 of the Guidelines reads in part:

Sometimes, however, central office ventures have bogged down in disputes over money, authority and like matters – thus becoming less effective in carrying the A.A. message. It is not always clear why these troubles have come up, but often it's been because the proper functions of a central office were not clearly explained or understood, or there was some disregard of the principles in A.A.'s Twelve Traditions.

Many intergroup/central offices sell A.A. Conference-approved literature for the convenience of local groups.

[16] Paragraph 4 goes on to say:

Thus, A.A.'s relations with the public and professionals in the alcoholism field are often handled through the cooperation of general service committees and central offices. To avoid duplication of efforts and other difficulties, good communication between all parts of A.A. is paramount. A. A. Guidelines and Workshops on P.I. and C.P.C. are available from GSO.

[17] Later the Guideline reads:

Central offices handling institutional contacts are also urged to send for G.S.O. material, Guidelines on Corrections Committees and Guidelines on Treatment Committees and the Corrections and Treatment Committees Workbooks.

[18] The Guidelines refer to the GSO guidelines on A.A. answering services, the goal being that there is "Assurance that the service centre will be operated in keeping with A.A.'s Twelve Traditions".

[19] Under the section "Central Offices and GSO" the Guidelines read:

The Common experience has shown that A.A.'s worldwide unity is best served if A.A. groups maintain their own separate contacts with GSO. Direct group contact with G.S.O. doesn't take the place of services provided by the local service office, but helps GSO to keep in closer touch with all groups.

There are, however, some important areas of interest in which close contact between the central offices and GSO is not only desirable but necessary. Some central offices, for example, like to be provided with New Group Information forms so that newly formed groups can be immediately listed with GSO. These forms, as well as forms for changing group information, are available from GSO on request.

Groups should not assume that if they list themselves with a central office they are automatically listed at GSO. New groups are encouraged to send a Group Information Form directly to the Group Service Office, P.O. box 459, Grand Central Station, New York, NY, 10163, or emailing – records@aa.org.

For its own part, GSO also seeks to keep central offices well informed. As a regular policy, the GSO Newsletter, Box 4-5-9, as well as A.A. Directories, are sent to each central office. GSO also keeps a record of all central offices and is interested in assisting them wherever possible. The staff member on the group services assignment is the liaison with central offices and intergroups.

[20] Under “Communications” the Guideline reads:

It is important to share ideas and discuss activities so as to avoid duplication in effort. It is not important who does the work (the General Service committee for the Central Office or Intergroup Committee in your area) but that the work gets done – that help is there for the next alcoholic who needs us and our fellowship.

[21] The “Good Luck and Smooth Sailing” section reads in part:

If you are starting a new office please write to GSO; your office will be added to the mailing list and you will receive a Central Office Kit and some literature. Your office will be included in the U.S. and Canadian Directories so that you may share A. A. experience with others and be available for any alcoholic seeking help.

[22] In my view, based on the above, GSB, through AAWS and then GSO, has a significant presence in Ontario in that it provides services in Ontario by promulgating and selling information into the GTA, listing local Toronto groups, and governing the manner in which those services are delivered.

[23] In the present case I find that GSB provides a service in Ontario. This conclusion together with the applicant's contention that GSB directs the decisions of GTRI is sufficient, in my view, to show this litigation has a real and substantial connection to Ontario. Under the circumstances, I find it appropriate to add GSB as a respondent to the Application.

Adding GTRI as a party

[24] There is no dispute as to the adding of GTRI as a party to the Application. GTRI was the entity that allegedly refused to list the applicant's group presumably because it was agnostic. Counsel for GTRI did not raise any serious objection to the adding of GTRI and AAWS took no position in that regard. Accordingly, GTRI is added as a respondent to the Application.

Removing AAWS as a party

[25] I am not prepared to remove AAWS as a party to the application.

[26] Counsel for AAWS argues that AAWS must be removed as a party to the Application because there is no allegation of discrimination as against it. I view this differently. In the narrative of his Application, the applicant indicates that he wrote to the "Trustees of the General Service Board Directors of A.A. World Services Inc., Alcoholics Anonymous World Services Inc. 475 Riverside Drive, New York, NY" asking for its intervention in GTRI's decision not to list his group and for an accommodation. The applicant indicates in his narrative that he "received no calls and no response from A.A." In my opinion, these allegations could support a finding that AAWS violated the *Code* assuming GTRI's decision not to list the group is found to be discriminatory.

[27] Counsel also argues that neither AAWS nor the GSB are subject to the jurisdiction of the Tribunal as both are corporations resident in New York State and have no presence in Ontario. They do not own or lease property in Ontario, have no office in Ontario and carry on no business in Ontario. He asserts that neither entity made any

decision that was implemented or had any impact in Ontario. On that basis he argues that the Tribunal must decline to exercise jurisdiction over AAWS and the GSB.

[28] It is my view, as discussed earlier, the GSB, through AAWS and GSO, provides a service in Ontario. That being said, I find that this Tribunal has jurisdiction over AAWS and the GSB.

[29] Counsel's assertion that GSB or AAWS does not require an intergroup to follow a prescribed practice or set of beliefs or that neither has the ability to compel GTRI to follow any order that the Tribunal may make against either of them does not in my view oust the jurisdiction of the Tribunal. The issue of vicarious liability is premature and can be explored at a merits hearing through evidence and fulsome submissions.

[30] The Request to remove AAWS as a party to the Application is denied.

SUMMARY HEARING

[31] At this point in the Tribunal's process, the respondents would normally be required to file Responses and exchange documents in advance of a hearing on the merits on the Application. However, I find that it would be more fair, just and expeditious in the circumstances of this case to first have a summary hearing on the issue of whether the applicant has a reasonable prospect of success in demonstrating discrimination. I therefore find it appropriate to order a summary hearing and seek submissions on whether the service provided by the respondents, which is based on an observance of God, can give rise to discrimination on the basis of creed within the meaning of the *Code* where they refuse to change that service to accommodate the creed of an individual seeking to use their service. See for example other Tribunal cases dealing with creed and services; *Tesseris v. Greek Orthodox Church of Canada*, 2011 HRTO 1363, *Freitag v. Penetanguishene (Town)*, 2013 HRTO 893 and *R.C. v. District School Board of Niagara*, 2013 HRTO 1382.

[32] The Tribunal's approach to summary hearings was described as follows in *Dabic v. Windsor Police Service*, 2010 HRTO 1994 at paras. 8-9:

In some cases, the issue at the summary hearing may be whether, assuming all the allegations in the application to be true, it has a reasonable prospect of success. In these cases, the focus will generally be on the legal analysis and whether what the applicant alleges may be reasonably considered to amount to a Code violation.

In other cases, the focus of the summary hearing may be on whether there is a reasonable prospect that the applicant can prove, on a balance of probabilities, that his or her Code rights were violated. Often, such cases will deal with whether the applicant can show a link between an event and the grounds upon which he or she makes the claim. The issue will be whether there is a reasonable prospect that evidence the applicant has or that is reasonably available to him or her can show a link between the event and the alleged prohibited ground.

[33] This case is primarily of the first type: whether, assuming the allegations made by the applicant to be true, the Application has no reasonable prospect of success. In other cases (cited above) dealing with compelled religious observance the respondent has usually been a government actor who is providing secular services. The issue is different in this case as the main respondent, the GTRI, is a group formed under the auspices of a private charitable organization that arguably has, as a core component of its service, a belief in a God. The fundamental question is whether the *Code* requires a religion based charitable organization to accommodate other beliefs by altering the services they provide on the basis of a differing creed by an applicant seeking to use those services.

ORDER

[34] The Tribunal Orders:

- a. The General Services Board of Alcoholics Anonymous Inc. and the Greater Toronto Intergroup are added as organizational respondents to the Application;
- b. The Request to remove A.A. World Services, Inc. as respondent is denied;

- c. The Registrar will schedule a half day hearing by conference call. The parties will receive a notice of hearing setting out the time, date and telephone numbers for the summary hearing. No witnesses will be called during the summary hearing but the Tribunal will hear arguments with respect to the issues raised above. If the Application is not dismissed it will proceed in the Tribunal's process. The parties shall deliver to each other and file with Tribunal copies of any further documents or cases they intend to rely upon during the teleconference hearing no later than 35 days after the date of this Interim Decision.

[35] The Registrar will deliver the Application and this Interim Decision to the General Services Board of Alcoholics Anonymous and the Greater Toronto Intergroup. I am not seized of this matter.

Dated at Toronto, this 2nd day of October, 2015.

"Signed by"

Keith Brennenstuhl
Vice-chair