

DISCLOSURE REPORT
Saskatchewan Human Rights Commission
File# 16-17-122

Complainant

Tricia Darlene McDonald
("McDonald")

Respondent

Synergy Credit Union Ltd.
("Synergy")

McDonald's Complaint:

1. On November 10, 2011, I made a complaint under the *The Saskatchewan Human Rights Code* against my former employer: Synergy Credit Union Limited.
2. The complaint was later resolved through settlement on April 7, 2014.
3. In June of 2016 Synergy Credit Union Limited notified me they would not renew my mortgage. No legitimate reasons for non-renewal were provided. It was further stated they wished to end all business relations with me.
4. I have reason to believe, and do believe, that Synergy Credit Union Limited imposed a loss and/or disadvantage upon me for having made a complaint against them, contrary to Section 45 of *The Saskatchewan Human Rights Code*.

Summary of Response:

- Synergy states the reason for the decision not to renew McDonald's mortgage arises from the breakdown in the relationship. Synergy cites McDonald's negative representations about Synergy in social media, along with McDonald's aggressive conduct towards Synergy employees.
- Synergy states that the suggestion not to renew McDonald's mortgage came from lending officers and account managers, not any officer familiar with McDonald's previous complaint.
- Synergy denies that they have taken any retaliatory action against McDonald.
- **Investigator and Synergy omit the CEO and Management's decision to terminate the member's membership and the Member's October 19, 2016 provided to the SHRC.**

Date Complaint Signed:

August 5, 2016

Name of Investigator:

██████████

Date of Report:

September 20, 2018

I. Facts Not in Contention

1. In 2007, McDonald became an employee of Synergy.
2. On October 23, 2007, McDonald entered into a mortgage agreement with Synergy, with an amortization of 40 years, an initial term of 5 years, and a fixed rate of 6.09%. This mortgage matured on October 23, 2012. (*see Documentary Evidence below, Document #1*)
3. McDonald initiated a Human Rights complaint against Synergy on November 10, 2011 (SK-11-151), alleging discrimination on the basis of disability and sex in contravention of Section 16 of *The Saskatchewan Human Rights Code*. The complaint was resolved through a settlement on April 7, 2014. (*see Documents #2 & #3*)
4. McDonald was offered mortgage renewals, with one-year terms, in 2012, 2013, 2014, and 2015. (*see Document #4*)
5. McDonald posted Facebook comments relating to a fee charged by Synergy on August 5, . 2015. (*see Document #5*)
6. On June 14, 2016, McDonald speaks with Synergy employee Patricia Wang ("Wang") who informs her that Synergy will not be renewing her mortgage. (*see Documents #18, & #19*).
7. On November 1, 2016, Synergy proceeded with a legal application for foreclosure of McDonald's mortgage. (*see Document #24*)

II. Key Facts in Dispute

- I. Did Synergy discriminate against McDonald, contrary to Section 45(d) of *The Saskatchewan Human Rights Code* by refusing to renew her mortgage and by ending all business dealings with her?
 - a. **McDonald** asserts that Synergy had no reason to cancel her mortgage, except for retaliatory reasons under Section 45(d) of the *Code*.
 - b. **Synergy** denies any discrimination under Section 45 of the *Code*, rather they point to negatives statements about Synergy McDonald posted on social media, and her disrespectful attitude toward Synergy staff.

III. Evidence

I. Evidence of McDonald:

- a. The investigator interviewed McDonald on April 11, 2017, by telephone.
- b. McDonald was an employee at Synergy, from October 2007 until October 2011.
- c. McDonald said she made a human rights complaint relating her employment at Synergy, in November 2011, which was settled through the Saskatchewan Human Rights Commission in April 2014. (*see Documents #2 & #3*)
- d. McDonald said she has been a member of credit unions for over 25 years.
- e. McDonald said she used Synergy for all her banking needs after becoming an employee in 2007. After 2011, however, the only business she transacted in person was for mortgage renewals. **Member had not been in a branch office since 2013, and dealt with her 2014, 2015, 2016 mortgage renewal over the phone, which the Credit Union records all their calls.**
- f. McDonald said that she first encountered a problem with renewing her mortgage in June 2015. She said she asked Sandra Wright for a lower mortgage rate, but Wright declined. Later, however, Wright granted the lower rate. However, McDonald said that she had requested her mortgage payments be set at \$400 bi-weekly, but this did not happen. In