

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**JEAN-MARIE DIXON**

Plaintiff

- and -

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, and  
ASSOCIATION OF LAW OFFICERS OF THE CROWN**

Defendants

**NOTICE OF MOTION**

The Plaintiff, Jean-Marie Dixon, will make a motion to the court on June 30, 2022, at 10 am or as soon after the motion can be heard at the courthouse at 393 University Avenue, Toronto, M5G 1E6.

**PROPOSED METHOD OF HEARING:** The motion is to be heard orally.

**THE MOTION IS FOR:**

- (1) An order that the defendant, Her Majesty the Queen in right of Ontario (Crown) pay into court \$4 million in advanced costs and/or for the funding of the plaintiff, Jean-Marie Dixon's civil lawsuit, including, responding to the Crown's Rule 21 motion to dismiss her action.

- (2) An order that the defendant, the Association of Law Officers of the Crown (ALOC) pay into court \$1 million in advanced costs and/or for the funding of the plaintiff's civil lawsuit, including, responding to the Crown's Rule 21 motion to dismiss Ms. Dixon's action.
- (3) An order appointing competent counsel to represent Ms. Dixon, whom have knowledge of and competency in anti-Black racism, misogynoir, white supremacy, the operation of the Ontario Public Service (OPS); an effective and established team of research, administrative, and support staff; and a demonstrated commitment to antiracism, particularly as it pertains to Black women/people; and have the capacity and wherewithal to take on and run a highly contentious lawsuit that has numerous witness, and voluminous materials.
- (4) A declaration and/or order that the Crown or one of its servants forthwith pay the plaintiff, Jean-Marie Dixon, all outstanding pay, ALOC arbitration awards/settlements, and merit increase amounts dating back to September 24, 2019, when Ms. Dixon returned to work at the Ontario Human Rights Commission (OHRC).
- (5) A declaration and/or order that the Crown or one of its servants forthwith reinstate Ms. Dixon's pay and benefits at the amount payable based on her year of call and in keeping with her merit awards history per her return to work at the OHRC on September 24, 2019, until the completion of her civil action, Grievances, and human rights proceedings.

- (6) In the alternative to paragraph (4), an order that ALOC forthwith provide to Ms. Dixon the amount equivalent to all outstanding pay, ALOC arbitration awards/settlements, and merit increase amounts dating back to her return to work at the OHRC on September 24, 2019.
- (7) In the alternative to paragraph (5), an order that ALOC forthwith provide to Ms. Dixon, on a biweekly basis that reflects the OPS pay schedule, ongoing monies equivalent to what her biweekly pay would be based on her year of call and in keeping with her merit awards history per her return to work at the OHRC on September 24, 2019, until the completion of her civil action, Grievances, and human rights proceedings.
- (8) A declaration and/or order that the Crown, its employees, agents, servants, and representatives shall forthwith cease and desist from subjecting the plaintiff, Jean-Marie Dixon, to anti-Black racism, including discriminatory and harassing conduct.
- (9) Such further and other relief as this Honourable Court determine just and permit.

## **THE GROUNDS FOR THE MOTION ARE:**

### **Background**

- (10) Ms. Dixon is a dark-skinned Black female — a racialized woman.

- (11) Ms. Dixon commenced employment with the OPS in 2002. Since joining the OPS, Ms. Dixon has been subjected to anti-Black racism, anti-Black animus, misogynior, racial discrimination and racial harassment.
- (12) Ms. Dixon is currently employed as Senior Civil Counsel with the Ministry of the Attorney General (MAG).
- (13) Ms. Dixon started working at MAG, Civil Remedies for Illicit Activities (CRIA) in 2011, after being placed on a forced two-year suspension, in or around 2008, because Ms. Dixon was unable to work *directly* with a support staff at the Family Responsibility Office (FRO), who engaged in *continuous* acts of anti-Black racism, racial discrimination and racial harassment against Ms. Dixon.
- (14) When Ms. Dixon began working at CRIA, initially there were two other racialized female counsel working in the office. However, due to racism within the office, the two racialized counsel left CRIA, within two years.

### **The Crown**

- (15) Ms. Dixon raised with OPS Management her experiences of being subjected to anti-Black racism, racial discrimination and harassment, and tortious conduct in the workplace. OPS Management did not intervene to protect Ms. Dixon.

- (16) In April and May 2016, while working alone in one of CRIA's two boardrooms, Ms. Dixon was accosted, berated, and attacked on three separate occasions, by a white female junior counsel, Sara MacDonald who was new to the office, and on one occasion by CRIA's Legal Director, Tom Schneider, at the behest of MacDonald. Ms. Dixon was *attacked and reported on for simply being Black while working in CRIA's boardroom*, which is an all too common racist action taken by white/white passing people against Black men, women and children whom are doing nothing more than peacefully living their lives: sitting at Starbucks, shopping, entering their work/home building, swimming in their community/residential pool, barbequing in a park, walling/taking pictures on a public sidewalk, skateboarding at their university campus, attending school, selling water/lemonade in their community, standing outside their own apartment/condo complex, attending a university conference, fund raising etc.
- (17) On May 12, 2016, in reprisal for raising her experiences of being subjected to anti-Black racism, racial discrimination and harassment, and tortious conduct in the workplace, the Crown commenced a management-initiated Workplace Discrimination and Harassment Prevention Policy (WDHP) investigation and a management-initiated Workplace Violence Prevention Policy (WVP) investigation against Ms. Dixon on 'unclarified' information.

- (18) On May 16, 2016, in reprisal for raising her experiences of being subjected to anti-Black racism, racial discrimination and harassment, and tortious conduct in the workplace, the Crown abruptly, publicly, and unwarrantedly suspended Ms. Dixon from CRIA on ‘unclarified’ information under the suspension and discipline provisions of the *Public Services of Ontario Act (PSOA)*.
- (19) On November 10, 2016, Ms. Dixon received the Crown’s *Statement of Allegations* against her. The *Statement of Allegations* indicate that Ms. Dixon had been suspended on the grounds that Ms. Dixon’s raising her experiences of being subjected to anti-Black racism in the workplace was reverse-discrimination/racism against white people and that Ms. Dixon was heard, while in her office, using the term “white privilege”.
- (20) The Crown purported to commence a management-initiated WDHP investigation into the complaints made by a third-party, Walter Ojok, (unbeknownst to Ms. Dixon until 2016) and Ms. Dixon, regarding her experiences of racial discrimination and racial harassment at CRIA.
- (21) Per the provisions of the WDHP, the Crown’s management-initiated investigations against Ms. Dixon and in support of Ms. Dixon, including the final WDHP Reports, were to be completed within 90 days, that is, by August 10, 2016. Ms. Dixon received the final WDHP Reports related to the management-initiated investigation against her and Ms. Dixon’s procedural WDHP Complaint, on April 28, 2019 — approximately three

years after they were due, and two months after the commencement of her civil action.

- (22) To date, the Crown has not provided Ms. Dixon with a WDHP Report, regarding the management-initiated WDHP investigation that was purported to have been initiated by the Crown on Ms. Dixon's behalf.
- (23) To date, the Crown has not provided Ms. Dixon with a WVP Report, regarding the management-initiated WVP investigation that the Crown commenced against her.
- (24) Outrageously, the WDHP Reports Ms. Dixon received rely on and reflect anti-Black animus and bias, lies, anti-Black female racist tropes and stereotypes, white privilege, and white supremacy.
- (25) Despite the inconsistencies, apparent collusion, anti-Black, racist, defamatory, inflammatory, misogynoiristic, and white supremacist ideology contained in the WDHP Reports, the Crown filed them with its responding materials to Ms. Dixon's motion for reinstatement to the OPS, as proof that Ms. Dixon had subjected her colleagues and management to racism.
- (26) On October 8, 2021, notwithstanding the findings in the Independent External Review of Complex WDHP Cases published in 2018; the two reports released in June 2021, entitled, Third Party Review – Anti-Black Racism Final Report 2021, and the Ontario Public Service Third Party Review of Inclusive Workplace Policies; and the approximately six-year

outstanding WDHP and WVP Reports, Ms. Dixon received a letter from the Crown indicating that it had retained someone to investigate her Twitter Account under the WDHP/RWP, the *Occupational Health and Safety Act*, and the Collective Agreement.

- (27) Discriminatorily, the Crown has chosen to protect and support OPS employees, including Directors and Senior Management that have engaged in anti-Black racism, racial discrimination and harassment, and tortious conduct against Ms. Dixon even providing them with legal representation.
  
- (28) The Crown has not disciplined employees who have subjected Ms. Dixon to racial abuse/violence. These individuals remain in the OPS with all the financial, professional, and social benefits of being a valued and protected employee. Conversely, Ms. Dixon has been treated in a discriminatory, punitive, vindictive, and highly outrageous manner by the Crown, such that Ms. Dixon, her son, and their two dogs are currently in jeopardy of being financially ruined, destitute, and homeless.

#### **Association of Law Officers of the Crown**

- (29) Ms. Dixon is a member of ALOC which represents all Civil Crown counsel employees and law students.
  
- (30) ALOC has the power to act as the representative of Ms. Dixon concerning all aspects of her employment with the Crown, pursuant to the provisions



of the *PSOA* and regulations, the Collective Agreement between ALOC and the Crown, and the *Human Rights Code (Code)*, the *Occupational Health and Safety Act*, and other applicable legislation.

- (31) Despite the inconsistencies, apparent collusion, anti-Black, racist, defamatory, inflammatory, misogynoiristic, and white supremacist ideology contained in the WDHP Reports, ALOC whom the Crown served with a copy of their responding materials, and who had their counsel Goldblatt Partners in attendance at Ms. Dixon's motion for reinstatement to the OPS, did not oppose, critique or object to the filing of the WDHP Reports with the court and did not make any submissions on Ms. Dixon's behalf.
- (32) ALOC has failed to ensure the enforcement of the Collective Agreement; policies and procedures of the WDHP and WVP; and human rights, and employment/labour legislation.
- (33) ALOC and the Crown are the parties to the Collective Agreement between them. Accordingly, Ms. Dixon has no standing, and must rely on ALOC to advance her grievances, which it has repeatedly refused to do.
- (34) ALOC has refused to advance the three Grievances that have been outstanding for approximately six years.
- (35) ALOC has refused to file a grievance regarding Ms. Dixon's substantive experiences of being subjected to anti-Black racism by OPS staff and management.

- (36) ALOC has refused to file a grievance regarding the Crown's continued acts of anti-Black racism against Ms. Dixon.
- (37) ALOC has refused to file a grievance regarding the Crown's retention of someone to investigate Ms. Dixon's Twitter Account under the WDHP/RWP, the *Occupational Health and Safety Act*, and the Collective Agreement.
- (38) ALOC refused to provide Ms. Dixon with any assistance regarding the motion she brought against the Crown in 2019 for the reinstatement of her pay and benefits.
- (39) ALOC has refused to file a grievance regarding the Crown's refusal to reinstate Ms. Dixon's pay and benefits upon her return to work at the OHRC on September 24, 2019.

### **Effect of Crown and ALOC's Conduct on Ms. Dixon's Wellbeing**

- (40) As a result of being subjected to anti-Black racism, misogynoir, racial discrimination and racial harassment in the workplace, Ms. Dixon now has a disability. Ms. Dixon is currently on three different medications because of illnesses she has developed because of being subjected to relentless anti-Black racism, racial discrimination and harassment, and tortious conduct.

(41) As a result of being subjected to anti-Black racism, misogynoir, racial discrimination and racial harassment in the workplace, Ms. Dixon suffers from several health conditions, including Post Traumatic Stress Disorder (PTSD). In 2019, Ms. Dixon was denied Mortgage Disability Insurance coverage as a result of having been diagnosed with PTSD.

**Merit, Impecuniosity, and Resources**

(42) Ms. Dixon's claim is meritorious.

(43) Ms. Dixon's matter is of public importance.

(44) Ms. Dixon is a single parent and has financial responsibility for the care of herself, her son and their two dogs. The dogs are a support system for Ms. Dixon and her son.

(45) Ms. Dixon has had sole responsibility for paying for the necessity of life for her and her family: mortgage payments; property taxes; home insurance and maintenance; groceries; hygiene products; clothing; gas; hydro; water and sewage; car insurance and maintenance; dental and medical bills for her son; and pet care and veterinary bills etc.

(46) Ms. Dixon has no savings or RRSPs.

(47) In or around March or April 2019, the Crown terminated Dixon's pay and benefits. ALOC refused to intervene or advocate on Ms. Dixon's behalf.

- (48) Ms. Dixon has had to refinance her home three times, since being suspended in May 2016, to pay for legal and other related costs.
- (49) The Crown's and ALOC's conduct have resulted in Ms. Dixon being impecunious.
- (50) The Crown and ALOC have thrown up roadblocks against Ms. Dixon and are irrevocably harming Ms. Dixon's professional and personal wellbeing, and personal wellbeing of her son.
- (51) The Crown has the resources to fund Ms. Dixon's litigation.
- (52) ALOC has the resources to fund Ms. Dixon's litigation.
- (53) Rule 1, 20, and 37 of the *Rules of Civil Procedure*.
- (54) Section 131 of the *Courts of Justice Act*.
- (55) Sections 13 and 14 of the *Proceedings Against the Crown Act*.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used for the hearing of the motion:

- (1) Affidavit of Jean-Marie Dixon affirmed May 13, 2022; and
- (2) Such further and other material as Ms. Dixon may advise and this Court may permit.

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