

**COMMISSION DES DROITS DE LA PERSONNE
ET DES DROITS DE LA JEUNESSE
(hereinafter referred to as the “Commission”)**

FILE: C0686_10

COMPLAINANT: David Edgar Love

RESPONDENT: Narconon Trois-Rivières

**PERSON IN CHARGE
OF THE INVESTIGATION** Annik L’Archevêque

THIS FILE was reviewed and resolved during the 654th meeting of the Complaints Committee held on January 16, 2014, in accordance with section 61 of the *Charter of human rights and freedoms* (R.S.Q., c. C-12), and in accordance with the *Regulation respecting the handling of complaints and the procedure applicable to the investigations of the Commission des droits de la personne*.

RESOLUTION CP-654.28

CONSIDERING that the Commission des droits de la personne et des droits de la jeunesse shall promote and uphold, by every appropriate measure, the principles contained in the *Charter of human rights and freedoms*;

CONSIDERING that, among the responsibilities listed under section 71 of the *Charter*, the Commission shall, in particular, investigate on its own initiative or following receipt of a complaint, any situation which “appears to the Commission to be either a case of discrimination within the meaning of sections 10 to 19, [...] or a violation of the right of aged or handicapped persons against exploitation enunciated in the first paragraph of section 48”;

CONSIDERING that on August 25, 2010, the complainant, who suffers from drug addiction, filed a complaint before the Commission, alleging to be a victim of economic discrimination, humiliation, verbal and psychological violence by Narconon Trois-Rivières, a legal person that had been welcoming adults suffering from drug and alcohol addiction since 2001;

CONSIDERING, more specifically, that the complainant criticized the respondent for submitting him to treatments potentially hazardous to his health, and without adequate medical supervision by qualified professionals, for forcing him to perform various tasks without pay, for forcing him to undergo disturbing and traumatic treatments, and for forcing him to submit to indoctrination measures without his knowledge and against his will;

CONSIDERING the investigation conducted by the Commission in the present case;

CONSIDERING that upon completion of this investigation, the respondent, Narconon Trois-Rivières, has received a statement of the relevant facts and has been invited to produce its comments, in accordance with section 7 of the *Regulation respecting the handling of complaints and the procedure applicable to the investigations*;

CONSIDERING that the purpose of the Commission's investigation is to seek any evidence, in accordance with the first paragraph of section 78 of the *Charter*, allowing it to decide whether it is expedient to foster the negotiation of a settlement between the parties, to propose the submission of the dispute to arbitration or to refer any unsettled issue to a tribunal;

CONSIDERING, in accordance with section 79 of the *Charter*, that the Commission may also propose, taking into account the public interest and the interest of the victim, any measure of redress, such as the admission of the violation of a right, the cessation of the act complained of, the performance of any act or the payment of compensation or punitive damages, within such time as it fixes;

CONSIDERING under section 80 of the *Charter*, where the measure of redress proposed by the Commission has not been implemented within the allotted time, the Commission may apply to a tribunal "to obtain, where consistent with the public interest, any appropriate measure against the person at fault or to demand, in favour of the victim, any measure of redress it considers appropriate at that time";

CONSIDERING, in this case, that the Commission is of the opinion that the evidence before it at the end of the investigation regarding the allegation of exploitation toward Mr. David Edgar Love is sufficient to apply to a tribunal;

CONSIDERING, notably, the documentary and testimonial evidence establishing that the respondent contributed to the financial exploitation of the victim, who was in a vulnerable position, by

- Charging him considerable amounts for a detoxification program which was not scientifically approved and which involved health and safety hazards;
- Failing to provide him with care suited to his medical condition, despite the sums he paid;

- Providing information, before and during treatment, which could be misleading as to the likelihood of a successful outcome, and which gave the impression that the results were guaranteed;
- Charging him large sums for a service provided by unqualified people;
- Forcing him to work and perform various tasks without pay.

CONSIDERING that the evidence also established that the respondent contributed to the victim's exploitation in the form of abuse, notably by

- Forcing him to submit to humiliating and degrading practices;
- Failing to properly bear the responsibility for confidential information obtained from the complainant after prompting him to open up about personal aspects of his life;
- Using controversial teaching methods that were not based on any scientific study;
- Submitting him to poor living and food conditions;
- Submitting him to forced confinement and coercion.

CONSIDERING that the Commission is also of the opinion that it is necessary to propose measures of redress based on section 79 of the *Charter*, prior to applying to a tribunal;

FOR THESE REASONS, taking into account the public interest and the interest of the victim, the Commission proposes the following measure of redress to the respondent, Narconon Trois-Rivières, namely to:

PAY the victim, David Edgar Love, a sum of \$ [REDACTED] ([REDACTED] dollars), distributed as follows:

- a) A sum of \$ [REDACTED] ([REDACTED] dollars) in moral damages on account of the violation of the victim's rights under section 4, 10 and 48 of the *Charter*;
- b) A sum of \$ [REDACTED] ([REDACTED] dollars) as punitive damages for the unlawful and intentional interference with the victim's rights.

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The Commission des droits de la personne et des droits de la jeunesse is requesting that the respondent, Narconon Trois-Rivières:

MEET the aforementioned proposed measure of redress, on or before Friday, March 21, 2014 at 3 p.m.

Should the respondent fail to implement the above recommendation, within the specified timeframe, the Commission **MANDATES** its Litigation Department to apply to a tribunal to obtain, where consistent with the public interest, any appropriate measure or to claim, in favour of the victim, any measure it considers appropriate.

Resolution passed unanimously by the members of the Complaints committee at its 654th sitting held on January 16, 2014 as Resolution CP-654.28.