



## COMPLAINT FORM

### YOUR CONTACT INFORMATION (You are the complainant)

Your first name Maxwell		Your last name Johnson Snr	
Mailing address			
Town or city Bella Bella		Province BC	Postal code
Home phone number <i>(include area code)</i>	Work phone number <i>(include area code)</i>	Cell phone number <i>(include area code)</i>	Fax number <i>(include area code)</i>
At which number(s) can we reach you during the day?    Home    Work <input checked="" type="checkbox"/> Cell			
Your e-mail address, if any, by which you authorize us to send you personal information related to your complaint:			
<input type="checkbox"/> Please check here if your phone is a TTY (Text Telephone) If you have any special needs related to a disability that the Commission should know about, such as a specific format for communicating with you, please describe here:			
<b>Please select the box that applies to you</b> (If none of these apply to you, contact the Commission): <input checked="" type="checkbox"/> Canadian citizen <input type="checkbox"/> Permanent resident <input type="checkbox"/> In Canada on a Visa as a visitor, student or temporary foreign worker			

**If any of your contact information changes during the complaint process, it is your responsibility to inform us, otherwise your complaint could experience a delay or even be closed.**

## YOUR ALTERNATE CONTACT INFORMATION

Please provide the contact information of a person that you would like us to contact if the Commission cannot reach you. It could be a family member or friend.

Name of your alternate contact: Mary Brown		
Home phone number (include area code)	Work phone number (include area code)	Cell phone number (include area code)
E-mail address		

## YOUR REPRESENTATIVE'S CONTACT INFORMATION

You do not need to hire a lawyer or other representative to file a complaint.

I do not have a representative

If you do choose to hire a lawyer, please provide the following contact information.

Name of your representative Anne Muter and Lisa Fong, QC	Firm Ng Ariss Fong, Lawyers		
Mailing address 800 - 555 West Georgia Street			
Town or city Vancouver		Province BC	Postal code V6B 1Z5
Work phone number (include area code) (604) 331-1155	Cell phone number (include area code) (604) 374-6418	Fax number (include area code) (604) 677-5410	
E-mail address anne@ngariss.com; lisa@ngariss.com			

I prefer that information concerning my complaint be sent: *(Select one)*

- only to me;
- only to my representative; or
- to my representative with a copy to me.

## TRADE UNION OR EQUIVALENT

Are you a member of a trade union or equivalent?  Yes  No

I give permission to the Commission to contact my trade union or equivalent regarding my complaint. If **yes**, please provide the following information:

Name of your trade union or equivalent	
Name of your union representative	
Work phone number <i>(include area code)</i>	Cell phone number <i>(include area code)</i>
E-mail address	



Canadian  
human rights  
commission

Commission  
canadienne des  
droits de la personne

## YOUR COMPLAINT

**Your Name:** Maxwell Johnson Snr

### ORGANIZATION YOUR COMPLAINT IS AGAINST (This is the respondent)

If there is more than one respondent, you must file a separate complaint against each one.

Name of business, organization or association

Bank of Montreal

**In what city and province (or territory) did the alleged discrimination happen?** (If the events took place outside Canada, please contact the Commission)

City or town:  
Vancouver

Province or territory:  
British Columbia

**When did the alleged discrimination take place?** ( The alleged discrimination has to be less than one year old, but exceptions may apply):

Start date (dd/mm/yyyy):  
20/12/2019

Last date (dd/mm/yyyy):  
20/12/2019

**I have a reasonable basis to believe that the respondent discriminated against me based on one or more of the following ground(s) of discrimination** (Please check only the ones that apply to your situation):

- Race
- National or ethnic origin
- Colour
- Religion
- Age
- Sex
- Sexual orientation
- Gender identity or expression
- Marital status
- Family status
- Genetic characteristics
- Disability
- A conviction for which a pardon has been granted or a record suspended

**Please explain your situation by answering the following questions in the space provided. You may also choose to answer these questions using a separate document (no more than three (3) pages *in total*). If you have any supporting documents, keep them with you. You may be asked for them at a later date during the process.**

**How and when were you treated differently, based on each ground of discrimination you have identified? Summarize and give the dates of each event.**

See attached text.

**Summary (continued)**

**How did these events have a negative effect on you? Briefly describe the steps you have taken to resolve the situation?**

See attached text.



## AGREEMENTS

The legal basis for the following agreements are explained in the Privacy Notice of the *How to file your complaint* document.

I agree that the Commission may use the information provided in my complaint to assist it in researching issues and in addressing human rights issues in Canada. I understand that the Commission will never include my personal or other identifying information in any public report, and that my personal information is still protected by privacy laws. I understand that if I do not agree, the Commission will still process my complaint.

***In order for the Commission to process your complaint, you need to check each one of the checkboxes below to show your agreement:***

The information in this Complaint Form is true to the best of my knowledge and belief.

I authorize the Commission to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint.

I authorize anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Commission. The Commission can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.

**Please print, sign and date the form before submitting.**

Complainant's signature  Date \_\_\_\_\_  
Maxjohnson sr (Nov 22, 2020 16:27 PST)

You can reach the Commission by:

- Mail: Canadian Human Rights Commission, 344 Slater Street, 8th floor, Ottawa, ON K1A 1E1
- Email: [Complaint@chrc-ccdp.gc.ca](mailto:Complaint@chrc-ccdp.gc.ca)
- Facsimile: 1-613-996-9661
- Telephone: 1-888-214-1090
- TTY: 1-888-643-3304

## **PART 1 Summary:**

### **The Claimants**

1. Maxwell Johnson ("Maxwell") is an Indigenous person who is a member of Heiltsuk First Nation. He is a Heiltsuk artist.
2. Maxwell's family is an extended family. Maxwell is the legal guardian of his grand-daughter, Torianne. ("Torianne"). Torianne was 12 years old in December 2019. Torianne is an Indigenous person who is a member of Heiltsuk First Nation. Maxwell's son Morgan Johnson ("Morgan") is also an Indigenous person and a member of Heiltsuk First Nation.
3. In December 2019, Maxwell and Torianne decided it would be a good idea for Torianne to open a bank account at the same bank where Maxwell had an account. Maxwell wanted to ensure she could access money and that he could transfer from his bank account to her, using a bank card. Bella Bella, where they live, does not have any banks.
4. Maxwell was an existing customer of BMO Bank of Montreal ("BMO") and had had an account with them for several years.
5. During a family trip to Vancouver, Maxwell made an appointment at the BMO branch located at 595 Burrard Street, Vancouver (the "BMO Branch"), to open up a new bank account for Torianne. The appointment was for 11:00 am on December 20, 2019.

### **BMO Appointment**

6. Maxwell, Torianne and Morgan arrived at the BMO Branch a little before their appointment on the morning of December 20, 2019 and walked around for a bit. They went into the BMO Branch around the time of the appointment. They were directed to a cubicle area where Maxwell and Torianne met with a customer service representative, who may have been named Diane (the "CSR"). Morgan remained in the general lobby area of the BMO Branch.
7. Maxwell provided his BMO bank card to the CSR.
8. The CSR asked Maxwell questions about his recent transactions on his existing BMO account and he described a few recent transactions. One of those recent transactions was a large deposit as a result of settlement of a legal issue between Heiltsuk First Nation and Canada. Another was a very recent small transfer to a family member.
9. The CSR asked for Maxwell's identification. He provided her with his Status Card. When looking at Maxwell's identification, the CSR said that the numbers weren't matching up.
10. The CSR also asked for Torianne's identification and she provided her Status Card. She did not advise that there was any issue with Torianne's card.
11. The CSR then advised that she had to check or verify with a manager and took both Status Cards with her.
12. Maxwell and Torianne waited for the CSR to return. When she returned, she advised that there was an issue with the Status Cards and that she would not be able to open up a bank account for Torianne at that time. Maxwell understood that the problem was with his Status Card.
13. Maxwell asked for their Status Cards to be returned and the CSR advised that they were upstairs with a manager and asked them to come with her to get them back. The CSR lead Maxwell and Torianne to a hallway area of the second story of the BMO Branch and asked them to wait on a bench. Morgan remained below in the main lobby area of the BMO Branch.
14. Maxwell and Torianne waited on a bench without anyone from BMO speaking to them further for some time (about 20-30 minutes). As they waited they saw BMO staff standing up inside offices to look at them through the glass and felt that they were being discussed.
15. Unknown to Maxwell and Torianne, BMO had called 911, and the Vancouver Police Department (the "VPD") responded to the 911 call at the BMO Branch.

16. At all material times during the BMO appointment, and due at least in part to the race, ethnicity, colour, and/or family status of Maxwell and Torianne,
- a. the CSR and BMO management failed to advise Maxwell or Torianne about any issue with Torianne's Status Card or Maxwell's BMO profile;
  - b. the CSR and BMO management concluded a case for fraud or other crimes by Maxwell or Torianne and called the VPD on that basis (collectively the "BMO Conduct").

### **VPD Detention**

17. At approximately 12 noon, Constable Canon Wong and Constable Mitchel Tong (the "Constables") approached Maxwell and Torianne who were still sitting down on the second floor of the BMO Branch and asked them to come outside with them. Maxwell and Torianne calmly walked outside with the Constables.
18. While standing on the street in front of the BMO Branch the Constables put Maxwell and Torianne in handcuffs. They advised them that they were not being arrested, but were being detained.
19. A second VPD police car and two female police officers arrived. They separated Torianne from Maxwell so that they were not able to speak with one another.
20. Maxwell and Torianne did not understand why they were being detained and handcuffed. When Maxwell asked one of the Constables why he was told it was that BMO had called because of a fraud.
21. Maxwell and Torianne's pockets and bags were searched.
22. The Constables had been given the Maxwell and Torianne's Status Cards by BMO and they entered information from the Status Cards into their computer.
23. Torianne was visibly upset, but she had been separated from Maxwell so he couldn't speak to her. He told the police officers that she was only 12 years old and asked that the handcuffs be removed. After some discussion, one of the Constables removed the handcuffs from Torianne after she had been in them for about 15 minutes.
24. The police officers asked Maxwell many questions about who he was and what his business was in Vancouver. They asked where he was from and why he was there. They were suspicious about where he came from and how he got to Vancouver.
25. Maxwell explained that he is Heiltsuk and lives in Bella Bella. He explained that he was in town to bring his nephew to see his mother and was at the bank to help his grand-daughter to open a bank account.
26. The police officers asked Maxwell if he was in a band. He told them he was a member of the Heiltsuk First Nation. They asked Maxwell if he had any tattoos. He said that he did.
27. During the time Maxwell and Torianne were being detained by the police officers, they saw the Constables go in and out to speak with BMO staff at the BMO Branch.
28. One of the Constables took a photo of Maxwell.
29. Morgan watched events unfold from inside the BMO Branch. Morgan called his mother to try to get help. She gave Morgan the telephone number for Mary Brown ("Mary"), who works for the Restorative Justice Program at Heiltsuk Tribal Council. Morgan then called Mary and she told him that he should speak to the police and ask them to call her. Morgan did so and Constable Wong, spoke with Mary who confirmed that she knew Maxwell and Torianne and provided a physical description of them.
30. Eventually, over 30 minutes later, Maxwell was released from handcuffs and Maxwell and Torianne were told that they were free to go.

### **Aftermath and Additional Facts**

31. The BMO electronic client profile for Maxwell was wrong. It had the number from the top right-hand corner of the card incorrectly recorded in his client profile. That number changes with any renewal or

replacement of the card. The number that should have been recorded is the Registration Number in the middle of the card below the name, which is relevant and remains the same with any renewal or replacement.

32. BMO did not have an electronic client profile for Torianne as she was not an existing customer.
33. In early January 2020, Maxwell checked his Status Card and was advised that there is no issue with his Status Card.
34. In early January 2020, Torianne checked her Status Card and learned that there was a typo on her Registration Number on the Status Card. She therefore requested and has received a replacement Status Card with the correction of her Registration Number.

## **Part 2: Effect and Resolution Steps**

35. Maxwell and Torianne's appointment at the BMO Branch became a traumatic experience because 911 was called by someone at BMO due to racial profiling and discrimination.
36. The error in BMO's client profile for Maxwell contributed to the discrimination against Maxwell and Torianne. The fact that Maxwell and Torianne use a Status Cards as identification as Indigenous people contributed to their negative treatment. Someone who was not properly trained in Status Cards had entered the numbers incorrectly into their system. That error caused a chain of events that lead to a 911 call, detention and handcuffing.
37. No one from BMO explained to Maxwell or Torianne the nature of the issue with Torianne's Status Card. They were not treated with respect. This treatment was harmful to Maxwell and Torianne.
38. BMO did not return the Status Cards to Maxwell and Torianne when Maxwell asked for them back. Rather they held onto them while they called 911 and waited for the police to arrive. That they were accused of fraud and 911 called, rather than the issue explained to them was discriminatory and harmful to Maxwell and Torianne.
39. During the time that Maxwell was in handcuffs he advised the police officers that he suffers from anxiety and a panic disorder. The stress of being in handcuffs was huge and especially so because of his mental health issues.
40. Seeing his grand-daughter in handcuffs caused Maxwell to think about the history of residential school and people in his community being put in hand cuffs and taken away from their families in boats.
41. During the interaction with the VPD, Torianne was very upset and worried about her grandfather. She knows about his anxiety and panic disorder and was worried that he might have a panic attack.
42. Maxwell, Torianne and Morgan were all very shaken and upset following the incident.
43. Maxwell felt that 911 would not have been called if he had not been an Indigenous grandfather with his Indigenous 12 year old grand-daughter. There was no reason to call 911 and suspect a fraud.
44. Both Maxwell and Torianne are now very nervous around police officers. Neither feel comfortable going into a BMO branch.
45. Following the incident Maxwell's anxiety got much worse. After many years of working on getting better, he is back to suffering from anxiety and panic attacks. He is back in counseling for his anxiety and panic disorder.
46. Following the incident Torianne tries not to think about it as it is upsetting to remember being treated like that and watching her grandfather have to explain who he was and be handcuffed. She is afraid of the police.
47. The Heilsuk Nation's cultural leaders held a Washing Ceremony in February 2020 for Maxwell, Torianne, Morgan and their family. Representatives of BMO attended the Washing Ceremony. This ceremony has assisted Maxwell and Torianne move forward, however they are still hurting from the discrimination they suffered at the BMO Branch on December 20, 2019.