



CANADIAN
HUMAN RIGHTS
COMMISSION

COMMISSION
CANADIENNE DES
DROITS DE LA PERSONNE

Preliminary Assessment Report

Complainant:
Valerie Smith

Date Referred to Preliminary Assessment:
January 31, 2006

Respondent(s):
Bell Mobility Cellular

Parties Participated in Preliminary Assessment:
Yes

File Number(s):
20052156

Preliminary Assessment Completed:
June 11, 2007

Date Accepted:
November 9, 2005

Section(s) of the Act:
5

Relevant Ground(s):
Sex

Purpose

Preliminary Assessment is the first stage in the complaint process during which a senior member of the Commission staff conducts an assessment of the complaint, works with the parties to clarify the issues and makes efforts with the parties to resolve some or all of the issues. The process is non-confidential and this report will be disclosed to the parties. The purpose of this report is to assist the Commission members to determine whether:

- a) the complaint should be withdrawn pursuant to paragraph 44(3)(b) of the *Act*.
- b) a conciliator should be appointed to attempt to resolve the complaint and/or;
- c) further inquiry by a tribunal is warranted or;
- d) the complaint should be dismissed.

In this case, the Assessor recommends that, pursuant to paragraph 44(3)(b) of the *Act*, the Commission take no further proceedings in this complaint, because the complainant has asked to withdraw her complaint.

The Complaint

1. The complainant alleges that the respondent has discriminated against her on the basis of sex. She states that the respondent sold cell-phone ring tones called "PimpTones" that refer to women as "bitches", "skanks" and "whores" and threaten or feature slaps and kicks directed at women if the phone is not answered. The complainant alleges that the respondent is discriminating against women in selecting and selling such misogynist products, when the company would not purchase for sale ring tones that insult minority groups.

Form of the Assessment

2. The file was assigned to Leslie Reaume at preliminary assessment on January 31, 2006. According to the file, she had several conversations with the parties and exchanged email messages with them as well. On June 26, 2007, the file was assigned to the undersigned to finalize the report.

Outcomes from Preliminary Assessment

3. On November 3, 2005, the President of Bell Mobility & Bell Distribution Inc., Robert Odendaal, sent a letter to the complainant apologizing for "...any offence some ringtones may have caused you".
4. In June 2007, Bell Mobility advised the Assessor that it has acted to remove any remaining "PIMP" ringtones which were the subject of the complaint. Specifically, the two remaining ringtones, one called "PIMP" and the other called "P.I.M.P.", were removed the week of May 14, 2007. The Assessor in turn advised the complainant of the removal of these tones.
5. In an email to the Assessor dated June 11, 2007, the complainant states her intention to withdraw her complaint in light of the respondent's decision to remove the ringtones that she complained about. A copy of this confirmation is attached at Appendix A.

Recommendation

6. It is recommended, pursuant to paragraph 44(3)(b) of the *Canadian Human Rights Act*, that the Commission take no further proceedings in this complaint because:
 - the complainant has asked to withdraw her complaint.

Signature



Assessor: *Jennifer A. Smith*

June 28, 2007