



# Dispute Resolution



The Canadian Human Rights Commission deals with allegations of discrimination against federally regulated employers, unions and service providers. When possible, the Commission encourages parties to try to resolve such allegations through alternative dispute resolution (ADR). The Commission can help parties resolve disputes informally, as soon as they are brought to its attention, or after a formal complaint has been filed. If the parties cannot resolve the matter themselves, the Commission may investigate the allegations and ask the Canadian Human Rights Tribunal to hold hearings.

## What kinds of disputes can the Commission handle?

The Commission can only handle allegations of discrimination against federally regulated organizations. These organizations include federal government departments, agencies and Crown corporations; banks; interprovincial transportation companies; and telecommunications service providers.

The Commission cannot handle disputes involving provincial or territorial government departments, retail stores, schools, hospitals or transportation companies that are not interprovincial. Provincial or territorial human rights bodies deal with disputes involving these organizations.

## What does “discrimination” mean?

“Discrimination” means harassing someone or putting that person at a disadvantage because of who he or she is. The *Canadian Human Rights Act* prohibits discrimination based on a person’s race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for which a pardon has been granted.

Examples of discrimination could include the following:

- refusing to hire someone because of his or her age;
- denying a promotion to a female employee;
- having an office that is not accessible to people in wheelchairs;
- using racist language in the workplace; or
- requiring job applicants to have Canadian experience.

Canadian citizens, landed immigrants and visitors who believe that a federally regulated organization has discriminated against them can ask the Commission for help.

## Can the Commission refuse to deal with a dispute?

The Commission can decide not to deal with disputes under certain conditions. For example, if the person making the allegations can file a grievance or a complaint under another law, the Commission may ask the person to use the other process first.

The Commission can also decide not to deal with a dispute if the issue is more than one year old. In these situations, the Commission will want to know why the person did not come forward sooner and will decide whether dealing with the matter now would be fair to the other party.

Finally, the Commission can decide not to deal with a dispute that is trivial or made in bad faith.

## How does the Commission deal with disputes?

The Commission has different ways of dealing with disputes. In most cases, it encourages the parties to resolve the allegations through ADR. If the parties cannot resolve the matter, the Commission can investigate the allegations and eventually refer the matter to the Canadian Human Rights Tribunal.

## What is alternative dispute resolution?

“Alternative dispute resolution” refers to a wide range of processes designed to help parties discuss and resolve their problems. ADR includes informal and formal processes, such as mediation and conciliation. Increasingly, courts, tribunals and other organizations use these processes to help resolve a variety of disputes.

The Commission offers a range of ADR services, both before and after a formal complaint has been filed. These services are provided by Commission employees with training and experience in dispute resolution and human rights.

If the parties reach a settlement, they usually sign an agreement that sets out what each party has agreed to do to resolve the matter. The commissioners review the agreement to ensure it is fair and appropriate from a human rights perspective. The Commission later monitors the settlement to ensure the parties meet the terms. If required, the Commission or the parties can enforce the terms through the courts.

## What happens if the parties cannot reach a settlement?

Usually, the Commission will have an investigator look into the allegations to see whether there is evidence to support them. The investigator speaks to the parties, interviews witnesses and reviews documents. Afterwards, the investigator writes a report on the findings for the Commission. The report includes a recommendation asking the Commission to take one of the following actions:

- dismiss the allegations if there is no evidence to support them;
- appoint a conciliator to help the parties try to reach a settlement; or
- send the matter to the Canadian Human Rights Tribunal for hearings.

## What is the Canadian Human Rights Tribunal?

The Tribunal operates under the *Canadian Human Rights Act* and is independent of the Commission. When the Commission refers a complaint to the Tribunal, the Tribunal holds public hearings. The parties present their arguments and interview witnesses under oath. At the end of the hearings, the Tribunal members make a decision based on the evidence before them. If the Tribunal members decide that the evidence supports the allegations, they will order the organization or persons who committed the discrimination to compensate the victim.

## How do I contact the Commission?

You can write to the Commission or call one of the telephone numbers below. If the Commission can deal with the dispute, you will be asked to speak to an early resolution analyst. The analyst will discuss your situation with you, explain the dispute resolution process and outline your options.

Conversations are confidential until you decide the Commission can share the information with the other party.

## FURTHER INFORMATION

For information on all aspects of the dispute resolution process, please visit the Commission’s website at [www.chrc-ccdp.gc.ca](http://www.chrc-ccdp.gc.ca), or contact the following.

The Commission’s regional offices:  
Halifax, Montréal, Toronto, Edmonton and Vancouver, toll free, at 1-800-999-6899.

The Commission’s national office:  
344 Slater Street, 8th floor  
Ottawa, Ontario K1A 1E1  
Telephone: (613) 995-1151  
Toll free: 1-888-214-1090; TTY: 1-888-643-3304.

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