

**CANADIAN HUMAN RIGHTS COMMISSION**  
**COMPLAINT RULES**

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## 1. TITLE

- 1.1 These Rules may be cited as the *Canadian Human Rights Commission Complaint Rules* (“Rules”).

## 2. PREAMBLE

- 2.1 The Canadian Human Rights Commission (“the Commission”) administers a complaint process pursuant to the *Canadian Human Rights Act*, R.S., 1985, c. H-6 (“the Act”).
- 2.2 The Commission is a screening body. It does not decide whether discrimination has taken place. Rather, it exercises a screening role with respect to disputes of a human rights nature in the federal jurisdiction and based on enumerated grounds in the *Act*.
- 2.3 The Commission assists parties to resolve these human rights disputes in matters under the jurisdiction of the *Act* using the most appropriate dispute resolution process in the circumstances of each case.
- 2.4 In dealing with complaints the Commission may, at its sole discretion and with notice to parties:
- a) lengthen or shorten any time limit in these Rules;
  - b) allow any document filed with the Commission to be amended;
  - c) waive the application of all or any part of these Rules where it appears just to do so;
- 2.5 The Commission may, at its sole discretion, exercise any of its powers under these Rules on its own initiative or at the request of a party.
- 2.6 Where a procedural matter arises that is not covered by these Rules, the Commission may nevertheless deal with it in such manner as it deems appropriate in the circumstances.

## 3. DEFINITIONS

- 3.1 The words and terms used in these Rules have the same meaning as they do in the *Act*.
- 3.2 For greater clarity, the words below are defined as follows. In these Rules:
- “Act” means the *Canadian Human Rights Act*;
  - “alternative dispute resolution” includes but is not limited to mediation and conciliation as practiced by the Commission;

- “Commission” means the Canadian Human Rights Commission and its staff;
- “Commissioner” means a member of the Commission appointed under Part II of the *Act*;
- “complaint” means a complaint filed under Part III of the *Act*;
- “complainant” means the individual or group of individuals who file a Complaint;
- “complaint form” is a document containing the details of one or more allegations of discrimination or harassment;
- “complaint process” means the process used by the Commission, at its discretion, to deal with inquiries and complaints, including mediation, conciliation, complaint assessment, investigation, and the Commission’s decision-making process;
- “conciliation” means the process used to try to bring about a settlement of a complaint, led by a conciliator referred to in section 47 of the *Act*;
- “conciliator” is the person appointed pursuant to section 47 of the *Act* to lead the process to try to bring about a settlement of a complaint;
- “human rights officer” means the individual assigned by the Commission to deal with a complaint or inquiry;
- “inquiry” means the initial contact made by a member of the public with the Commission staff regarding specific circumstances or facts;
- “mediation” is a confidential and voluntary process the objective of which is to settle all or part of a complaint;
- “mediator” is any individual assigned by the Commission to conduct a mediation on behalf of the Commission;
- “party” means either the complainant or the respondent and “parties” means all the complainants and respondents to a complaint;
- “report” means a report intended to be presented to the Commission for a decision;
- “respondent” means the party against whom a complaint has been made;

- “representative” means a lawyer or other individual who is authorized to represent a party in the complaint process;
- “submission” means a document submitted to the Commission by a party in response to the disclosure of a report or to the submission of another party.

## 4. PURPOSE

- 4.1 The purpose of these Rules is to maintain a workable and administratively effective complaint process while ensuring that the process for dealing with complaints is procedurally fair.

## 5. INTERPRETATION

- 5.1 These Rules are to be interpreted liberally and in a manner consistent with the provisions and objectives of the *Act*.

## 6. APPLICATION

- 6.1 These Rules apply to the complaints process.
- 6.2 Where, in order to participate in the complaint process, a party requests an accommodation based on a prohibited ground described in the *Act*, the Commission shall provide such accommodation as is reasonably necessary, and in so doing the Commission may waive the application of any of these Rules. In particular, where the Commission or a party is required to make a communication in an alternative format, these Rules shall be amended as necessary with respect to time lines and document format.

## 7. FORMAT OF DOCUMENTS

- 7.1 Any document intended for use in the complaint process shall be printed, typewritten, or reproduced legibly in a form acceptable to the Commission.
- 7.2 For the purposes of section 40(1) of the *Act*, a complaint in a form acceptable to the Commission shall contain:
- (a) the name of the complainant;
  - (b) the name of the complainant’s representative (if a person other than the complainant);
  - (c) the name of the respondent;
  - (d) a statement that the complainant or the individual or individuals on whose behalf the complaint has been filed have reasonable grounds for believing that

they are or have been the victim(s) of discrimination on the basis of one or more enumerated grounds;

- (e) the name of the victim or victims of discrimination, if the complaint is filed by a third person;
- (f) a description of the events giving rise to the complaint, including dates and locations, the prohibited grounds of discrimination alleged to have been breached, and the alleged discriminatory practice;
- (g) a declaration that the information provided is true to the best of the complainant's knowledge or belief;
- (h) the complainant's signed consent, whether by hand or electronically, to have the Commission investigate the complaint; and
- (i) the complainant's signed consent, whether by hand or electronically, to the release to the Commission by the respondent and third parties of all information and documents in the respondent's or third party's possession which relate to the complaint such as, but not limited to, personal records and medical documents.

7.3 A complaint form that contains:

- (a) personal or private information, attachments or other confidential information not relevant to the complaint, or
- (b) references or hyperlinks to other documents, websites or attachments,

is not in a form acceptable to the Commission for the purposes of section 40(1) of the *Act*. Such information, attachments or references will not be included as part of the complaint form and will be removed or excised from the complaint form prior to the acceptance of the complaint by the Commission. Additional information may be obtained during the course of the screening of the complaint.

7.4 Subject to paragraph 6.2, the narrative part of a complaint form shall not exceed three (3) pages in length or in the case of the Commission's online complaint form, 10,000 characters.

7.5 Unless otherwise stated in these Rules and subject to paragraph 6.2, a submission to a report shall not exceed ten (10) pages in length, including attachments. Only the first ten (10) pages of a submission will be placed before the Commissioners for consideration. In cases where the Commission places submissions longer than ten pages before the Commissioners for consideration, the Commission shall provide notice to the other parties and grant the opportunity to the other parties to file submissions of equal length.

7.6 Subject to paragraph 6.2, where a report is prepared following the mediation or conciliation of a complaint or where a report is disclosed simultaneously with the notification of the complaint, a party shall be entitled to make a submission on the report not exceeding five (5) pages in length, including attachments. In cases where the

Commission places submissions longer than five pages before the Commissioners for consideration, the Commission shall provide notice to the other parties and grant the opportunity to the other parties to file submissions of equal length.

- 7.7 On a complaint form or submission, where text is printed on both sides of the paper it shall be counted as two pages.
- 7.8 Where a document requires a signature, the Commission will accept a party's electronic signature or a legible facsimile of the party's signature.

## 8. FILING

- 8.1 A complaint is not filed with the Commission unless it is in a form acceptable to the Commission in accordance with section 40(1) of the *Act* and paragraphs 9.2 and 9.3 of these Rules.
- 8.2 Filing a complaint or other document is accomplished by sending the complaint form or other document to the Commission by:
- (a) hand delivery, courier or regular mail to Canadian Human Rights Commission, 8<sup>th</sup> Floor, 344 Slater Street, Ottawa, Ontario K1A 1E1;
  - (b) facsimile to 613-996-9661;
  - (c) email to [complaint@chrc-ccdp.gc.ca](mailto:complaint@chrc-ccdp.gc.ca);
  - (d) electronic format using the Commission's online complaint form [file a complaint](#), or
  - (e) other means as directed by the Commission.
- 8.3 A complaint form or other document that is transmitted by facsimile or email must include the following information:
- (a) the name, address, telephone and/or facsimile numbers or, where appropriate, the email address, of the person transmitting the document;
  - (b) the date and time of the transmission; and
  - (c) the total number of pages being transmitted.
- 8.4 The date of filing a complaint form or other document including a written submission is:
- (a) where it is sent by courier or delivered by hand, the day on which the Commission received it;
  - (b) where it is sent by facsimile or email, the day on which it was sent,
  - (c) where it is sent using the Commission's online complaint form, the day on which it was sent,
  - (d) where it is sent by regular mail, six days after the date of the postmark or, if received earlier, the day on which the Commission actually received it.

- 8.5 The date of filing a complaint form or other document that has been updated or revised is the date on which the Commission receives the final updated or revised version.

## 9. TIMELINES

- 9.1 For all purposes in these Rules, time periods are calculated by counting consecutive calendar days including days on which the Commission is closed. Where the time limit for doing something expires or falls on a day on which the Commission is closed, it may be done on the next day the Commission is open.
- 9.2 A complaint or other document is deemed to have been delivered to a party on the sixth day following the date stamped on the Commission's letter enclosing the complaint or other document.
- 9.3 At its discretion, the Commission may require that the parties participate in the complaint process by providing verbal and/or written submissions and may set timelines for such participation.
- 9.4 Unless otherwise specified, where a written defence is requested, a respondent shall deliver its defence to the Commission within 30 days of receipt of the request for a defence.
- 9.5 Unless otherwise specified, where the Commission requests a complainant to provide a rebuttal to a respondent's defence, the rebuttal shall be delivered to the Commission within 30 days of receipt of the defence or a summary of the defence.
- 9.6 Unless otherwise specified, where a written submission in response to a report is requested, it shall be delivered to the Commission within 14 days of receipt of the report.
- 9.7 Where requested by the Commission, a submission made in response to the submission of another party shall be delivered to the Commission within 14 days of receipt of the submission from the other party.
- 9.8 A party may make a request to the Commission for an extension of any period of time provided by these Rules.

### Failure to Comply with Rules

- 9.9 Parties and representatives are expected to respond in a timely manner to requests for documents or other information by the Commission.
- 9.10 Where a party fails to comply with any time line under these Rules or fails to comply with any line of direction of the Commission, the Commission may take any step it

considers appropriate in dealing with an inquiry or complaint including dealing with the complaint without further notice to that party

## 10. PRELIMINARY SCREENING

- 10.1 Where a respondent wishes to object to the Commission dealing with a complaint for a reason under sections 40 or 41 of the *Act*, unless the facts giving rise to the objection could not have been known, it shall provide written notice of all objections to the Commission within 14 days of receipt of a request for a defence or a position on the merits of the complaint.
- 10.2 Where a respondent raises an objection under sections 40 or 41 of the *Act* within 14 days of receipt of a request for a defence or a position on the merits of the complaint, the Commission may defer its consideration of the objection to be dealt with in a report addressing the merits of the complaint.

## 11. RESPONSIBILITIES OF PARTIES

- 11.1 The parties, their representatives and support persons, have a responsibility to cooperate with the Commission staff at all stages of the complaint process.
- 11.2 The Commission will not tolerate violent or harassing behavior. The parties shall, in all their dealings and communication with the Commission staff, act in a courteous and civil manner. Failure to do so will result in appropriate action by the Commission including but not limited to the immediate termination of the meeting or discussion and a requirement that all future communications from or to the party be in writing.
- 11.3 It is the responsibility of parties and representatives to ensure that their contact information with the Commission remains current. The Commission shall deliver any documents to a party's or representative's last known address and this shall be deemed effective delivery.
- 11.4 The parties have an obligation to preserve any material related to a complaint, until the final disposition of the matter. This includes information in electronic formats and names and telephone numbers of witnesses.
- 11.5 Parties, representatives and witnesses are entitled to communicate and receive available services in both official languages from the Commission.
- 11.6 All documents shall be filed with the Commission in either official language.
- 11.7 Where an original document is not in English or in French but has been translated into either English or French, the Commission may consider the translated version. A translator's declaration shall accompany the translated document. A translator's

declaration must include the translator's name, the original language of the document translated, and a statement signed by the translator that the translation is accurate.

- 11.8 Where a party is no longer represented by a representative, the party shall promptly notify the Commission.
- 11.9 A complainant may request to withdraw his or her complaint at any time by providing a signed request in writing or by email where the sender is known to the Commission.
- 11.10 Where the parties choose to participate in mediation they shall execute the Commission's Agreement to Mediate.

## 12. CONDUCT OF INTERVIEWS

- 12.1 Interviews may be conducted in person, by telephone or by other electronic means. All witness interviews shall be conducted in private. Only the Human Rights Officer, the witness, and the witness' representative or support person (provided that it is not a representative of a party) shall be present.

## 13. SETTLEMENT OF COMPLAINTS

- 13.1 An offer to settle a complaint may be made by any party at any stage of the complaint process by signing, dating and delivering or emailing a written offer to settle to all other parties and to the Commission, unless otherwise agreed upon by the parties and the Commission in the course of the Commission's alternative dispute resolution process.
- 13.2 Acceptance of an offer to settle shall be made in writing or by email and communicated to the Party making the offer at the address set out in the offer.
- 13.3 It is not the responsibility of the Commission to communicate offers to settle or an acceptance of an offer to settle made between the parties whether the offer to settle or acceptance thereof is made in the course of alternative dispute resolution or otherwise.

### Where Commission Considers Reasonableness of Offer to Settle

- 13.4 The Commission may consider an offer to settle when considering a report in respect of the complaint. An offer to settle a complaint referred to in this paragraph must remain open for acceptance for thirty (30) days after the Commission's final decision in respect of the complaint.

### Approval of Settlements

- 13.5 Where a settlement of a complaint is referred to the Commission pursuant to section 48(1) of the *Act*, the terms of settlement shall be in writing, entitled Minutes of Settlement.
- 13.6 Settlements may be referred to the Commission at any time after the filing of a complaint and before the commencement of a hearing before the Canadian Human Rights Tribunal.
- 13.7 Parties must submit a complete original or electronic copy of the Minutes of Settlement to the Commission with the following added after the signature lines:

These Minutes of Settlement were approved by the Canadian Human Rights Commission at \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ pursuant to subsection 48 (1)  
 of the *Canadian Human Rights Act*.

\_\_\_\_\_  
 (Name of Commissioner)  
 Canadian Human Rights Commission

- 13.8 A settlement approved by the Commission under section 48 of the *Act* may, for the purpose of enforcement, be made an order of the Federal Court on application to that Court by the Commission or a party to the settlement.

### Other

- 13.9 Where parties settle a complaint outside the complaint process, the parties shall advise the Commission as soon as possible.

## 14.COMMISSION DECISIONS

- 14.1 The Commission shall inform the parties and their representatives of its decisions by providing them with written notice.
- 14.2 Where the respondent is the Government of Canada, the Commission shall deliver notification of the decision to the deputy minister, deputy head or head of agency of the part of the federal public administration named in the complaint. Where the complaint does not name a department or agency of the federal public service, notification shall be delivered to the department or agency of the federal public service most impacted by

the decision. In the case of the Canadian Forces, notification shall be delivered to the Chief of Defence Staff.

- 14.3 Where the respondent is a corporation (including Crown corporations), notification shall be delivered to the chief executive officer of the corporation and to their representative.
- 14.4 Where the respondent is a partnership, notification shall be delivered to any one of the partners.
- 14.5 Where the respondent is another type of organization, notification shall be delivered to the executive director of the organization.