Canadian Human Rights Tribunal

Performance Report

For the period ending March 31, 2002

Martin Cauchon
Minister of Justice

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Chairperson's Message

Every year brings new issues and new challenges for the Canadian Human Rights Tribunal, and this year is no exception. One of the most important developments in the last year has been the major increase in the number of cases referred for hearing by the Canadian Human Rights Commission. This has been coupled with a significant increase in the settlement rate. Many settlements are arrived at a day or two before the commencement of the hearing, or even the morning that the case is scheduled to begin. This continues to pose significant challenges for the Tribunal in endeavouring to ensure that resources are allocated in an efficient and cost-effective manner.

The 1998 amendments to the *Canadian Human Rights Act* empowered the Tribunal Chairperson to develop Rules of Procedure. Draft Rules have been in use for approximately two years. By all accounts, these Rules are working well, and as a result, we have submitted the Rules to the Department of Justice for publication in the *Canada Gazette.*

The Tribunal continues to operate in an atmosphere of some uncertainty, pending a final determination from the Supreme Court of Canada on the question of the institutional independence of the Canadian Human Rights Tribunal. We are also awaiting the Government's response to the recommendations of the *Canadian Human Rights Act* Review Panel, which may have major implications for the Tribunal in the years to come.

Anne L. Mactavish

Context

Our Mandate

The Canadian Human Rights Tribunal is a quasi-judicial body that hears complaints of discrimination referred by the Canadian Human Rights Commission (CHRC), and determines whether the activities complained of violate the *Canadian Human Rights Act*. The purpose of the Act is to protect individuals from discrimination and to promote equal opportunity. The Tribunal is the only entity that may legally decide when a contravention of the Act has occurred.

Our Jurisdiction

The Act applies to federal government departments and agencies, Crown corporations, chartered banks, railways, airlines, telecommunications and broadcasting organizations, and shipping and inter-provincial trucking companies. Complaints may relate to discrimination in employment or in the provision of goods, services, facilities and accommodation that are customarily available to the public. The Act prohibits discrimination on the basis of race, national or ethnic origin, colour, religion, age, sex, marital status, family status, sexual orientation, disability or conviction for which a pardon has been granted. Complaints of discrimination based on sex include allegations of wage disparity between men and women doing work of equal value in the same establishment.

Parliament's passage of amendments to the Act in 1998 provided for a more highly qualified Tribunal that, we believe, is generating a more consistent body of jurisprudence through its decisions and written rulings. Over the past two or three years, there has been a greater acceptance of the Tribunal's quasi-judicial interpretation of the Act by the reviewing courts. Eventually, this acceptance will benefit complainants and respondents in the Tribunal process. The result will be a more timely, fair and equitable disposition of complaints and reduced cost to the justice system.

While we are pleased with the progress made since the passage of the legislative amendments in 1998, there is still much to do in providing Canadians with the best service possible, particularly efforts to demystify the Tribunal process to the average Canadian. While the Tribunal must interpret and apply the law as defined by the statute and the jurisprudence, we are trying to find ways to allow our non-legal clientele to better understand the process and then increase their participation.

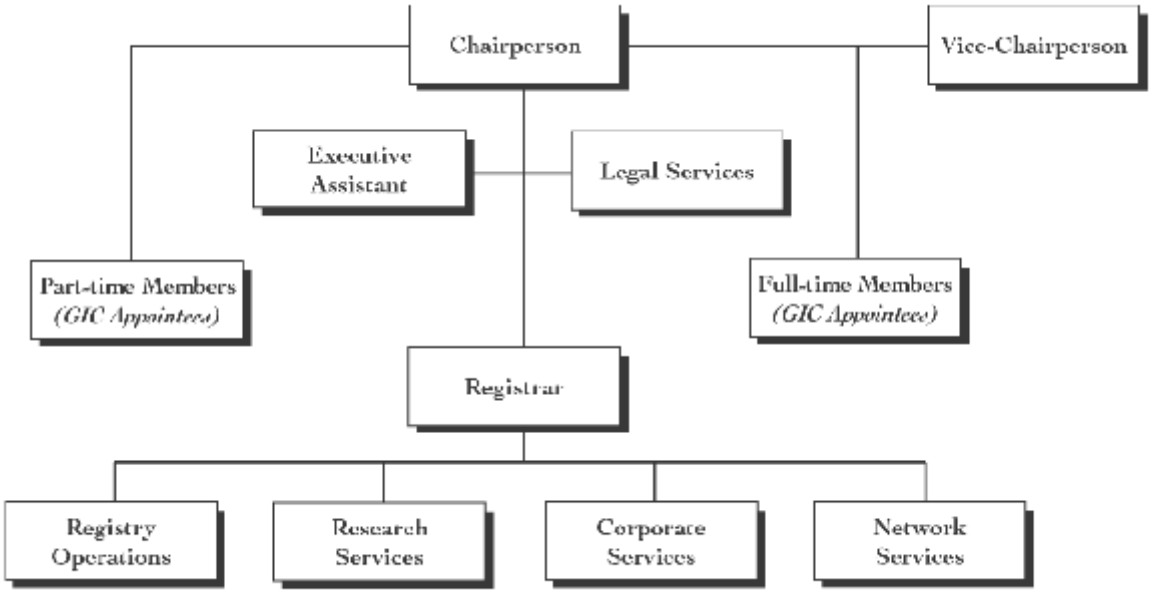
Our Organizational Structure

The Canadian Human Rights Tribunal is a small, permanent organization, comprising a full-time Chairperson and Vice-Chairperson and up to 13 full- or part-time members. All members besides the Chairperson and Vice-Chairperson worked part-time until December 2001, when the Minister appointed two more full-time members to the Tribunal. These appointments greatly improve our ability to manage and schedule cases more efficiently. Under the statute, both the Chairperson and Vice-chairperson must have been members of the bar for more than 10 years. In addition to the full-time positions, eight part-time members from across the country serve currently on the Tribunal. The level of expertise and skill of our members is undoubtedly at the highest level it has been since the creation of the Tribunal in 1978.

To be eligible for appointment by the Governor-in-Council, all members of the Tribunal are required to have expertise in and sensitivity to human rights issues.

In addition, members attend regular meetings for training and briefing sessions on such topics as decision-writing techniques, evidence and procedure, and in-depth analysis of human rights issues. Throughout their three- or five-year terms, all Tribunal members are given opportunities for ongoing professional development.

The administrative responsibility for the Tribunal rests with the Registry. It plans and arranges hearings, acts as liaison between the parties and Tribunal members, and provides administrative support. The Registry is also accountable for the operating resources allocated to the Tribunal by Parliament.



Our Strategic Outcome

Every government organization must have a core reason for existing. Canadians want to know what they have received from or gained by this organization.

In past reports, we had identified our raison d'etre as providing individual Canadians and respondents with a hearing and adjudication process that is open and is followed by timely and well-reasoned decisions. While these are critical and important services, we now believe that our essential purpose is more comprehensive.

The Tribunal now defines its Strategic Outcome as:

> "To provide Canadians with an improved quality of life and an assurance of equal access to the opportunities that exist in our society through the fair-minded and equitable interpretation and enforcement of the *Canadian Human Rights Act* and the *Employment Equity Act."*

This performance report will address how effective we have been in achieving this strategic outcome for Canadians through the use of various activities and operational outputs.

Recent Tribunal Decisions and Their Effect on Canadians

Over the course of 2001–2002, the Tribunal issued 20 decisions that answered the question "did discrimination occur in this case?" Tribunal decisions put an end to disputes between complainants and respondents (subject to rights of judicial review before the Federal Court of Canada) as to whether the Act was infringed in a particular instance. The decisions also have an impact beyond the parties to the case, however, bringing real benefits to Canadian society as a whole.

Simply put, Tribunal decisions provide concrete meaning to a fairly abstract set of legal norms. The Act prohibits discriminatory practices and offers justifications for allegedly discriminatory conduct, but it does not give examples or illustrations. For that matter, the Act does not even define the word "discrimination." It is only through reading Tribunal decisions that Canadians can learn the true ambit of their rights and obligations under the legislation. In this regard, a decision dismissing the complaint is just as noteworthy as a decision that finds the complaint to be substantiated.

The following identifies changes to policies, regulations and laws made as a result of recent Tribunal decisions:

— the Federal Court endorsed a Tribunal decision directing the federal government to adjust its testing policies for language assessment to accommodate those with hearing and learning difficulties

— the CBC was ordered to provide closed captioning for all of its programming within a specified period

— the Tribunal determined that messages available through the Internet could constitute hate messages and ordered the originators to cease publications of those messages

The following cases serve as examples

***Crouse* v. *Canadian Steamship Lines Inc.* — June 18, 2001 (Mactavish)**

The complainant was refused employment as a permanent relief electrician on the respondent's cargo vessels. He alleged discrimination on th

Results for Canadians

This case confirms that while employers cannot refuse to hire employees based on perceived substance abuse problems, employees still have to be qualified for the job. Employers do not act unlawfully by refusing to hire an employee with a past problem with alcohol where they base their decision on the employee's qualifications (or lack thereof), and not on prejudices stemming from his or her past.

grounds of perceived alcohol dependency (disability). The complainant had worked for the respondent in 1988 and had been dismissed for intoxication and incompetence. The respondent notified him that he would not be re-hired until he had addressed both of these issues. The complainant provided documentation to the respondent indicating that he did not require addiction treatment and also provided positive work references from other employers. In 1995, the respondent hired him to work as a relief electrician on a self-unloader, a more technically complex cargo vessel than the bulkers he had worked on earlier. Although he received a satisfactory performance appraisal, he was denied employment in 1996 as permanent relief electrician on a self-unloader on the grounds of "his past work history." The Tribunal found that the denial of employment was based on the respondent's reasonable belief that the complainant lacked the necessary competence to work as a permanent relief electrician on self-unloaders. Had the respondent still been concerned about the complainant's alcohol use, it would not have hired him in 1995. The respondent's willingness to hire him in 1995, but not in 1996, can be explained by the fact that the responsibilities of the latter position were significantly more onerous.

***Wong* v. *Royal Bank of Canada* — June 15, 2001 (Sinclair)**

The complainant, of Chinese origin, worked at the Royal Bank Call Centre. After working there for about 16 months, she applied for a training program. The usual criteria for acceptance were two years at the bank and two annual appraisals. Ms. Wong had worked at the Call Centre for only 16 months. Even so, she was put forward as a candidate by the Call Centre but was not accepted into the program. She believed that it was because of her one annual appraisal, which she viewed as unsatisfactory. She was subsequently diagnosed with depression and commenced medical leave. While on leave and receiving disability benefits, she began working fo Canada Trust. Eventually, the Royal Bank learned of this conduct and terminated her. She alleged that the Royal Bank discriminated against her by refusing her job opportunities on the ground of race/origin, and by failing to accommodate her disability (depression). The Tribunal dismissed the complaint. The evidence indicated that the

Results for Canadians

When employers screen candidates for advancement opportunities on the basis of tenure, qualifications and attitude, this is not discriminatory per se. In this case, the employer had been pleased with the employee's progress to date, but thought that there was room for improvement. The employer was not held liable for this decision. Later, when the employee adopted a dishonest course of conduct, the employer was forced to take action. It succeeded in honouring its duty to accommodate a disabled employee while at the same time holding the employee accountable for her duplicity. This illustrates the principle in section 2 of the Act that employees' rights to equality of opportunity must coexist with their "duties and obligations as members of society."

complainant's appraisals were in fact above average for someone with her amount of experience in the job. The complainant was not selected for the management training program because others were more qualified, not because of perceptions regarding her ethnic origin. Of the successful candidates, several were of Asian origin, with longer tenure at the Bank. While the complainant was on sick leave, the bank did not differentiate adversely in relation to her. It attempted to find alternative work that would be acceptable to her, given her medical condition. It also maintained her on the bank's disability benefits program. Under the circumstances, the bank was not obliged to instate her into the management program. In dealing with her absence, it acted reasonably on the basis of the medical information available to it. When the bank eventually terminated the complainant for dishonesty, it did so justifiably.

***Eyerley* v. *Seaspan International Limited* — December 21, 2001 (Sinclair)**

The complainant was employed as a cook/deckhand on tugboats operated by the respondent. When the complainant's absenteeis rate exceeded 80 percent, the respondent concluded that his employment had been automatically terminated by operation of law. T complainant's absenteeism was largely related a wrist injury he suffered on the job, and he alleged discrimination on the ground of disabili The Tribunal upheld the complaint. It noted that the Act does not just apply to terminations for cause, but also to employees whose contract of employment has been frustrated by non-culpable absenteeism. The respondent had failed to accommodate the complainant's disability. It expected the complainant to be fit to work on all boats, refusing his requests to work only on smaller boats that would have prevented the aggravation of his injury. Nor did the respondent consider offering the complainant alternative deckhand work on particular vessels with which he might be more compatible. After termination, the respondent resisted attempts by the Workers Compensation Board to retrain the complainant in the less physical position of mate, since it did not think him fully capable of doing the mate's work. The Tribunal ordered that medical and vocational assessments be undertaken to determine if the complainant could work on the respondent's ship-assist tugs, which was less physically demanding. If the assessments were positive, the complainant was to be instated to the first available permanent position, and in the interim, a relief position. The Tribunal also ordered damages for emotional suffering.

Results for Canadians

Employers may not assume that prolonged medical absenteeism constitutes automatic grounds for dismissal. Prior to termination, an employer must at least consider the possibility of accommodating the injured worker. To do this, the employer should compile information about the employee's capabilities and the demands of the available

***McAllister-Windsor* v. *Human Resources Development Canada* — March 9, 2001 (Mactavish)**

The *Employment Insurance Act* (EI Act) provides certain special benefits people who are unemployed for reason other than lack of work. At the time in question, the EI Act provided a maximum of 15 weeks of pregnancy benefits, 10 weeks of parental benefits and 15 weeks of sickness benefits. In addition the EI Act provided that no person could receive more than 30 weeks of combined special benefits. The complainant suffered from an incompetent cervix, a disability requir bed rest during much of her pregnancy She collected 15 weeks of sickness benefits while pregnant and, following the birth of her daughter, she collected 15 weeks of maternity benefits. Having reached the 30-week limit for combined special benefits, she was subsequently denied parental benefits. The Tribunal found that the 30-week limit on combined special benefits discriminated against the complainant on the grounds of sex and disability; women in her situation were uniquely excluded from receiving parental benefits, simply because they had been obliged to take sickness benefits (in this case, there was no doubt the sickness benefits had been taken in relation to a disability). This discriminatory 30-week limit could not be justified. Eliminating the limit would impose additional financial liability on the EI fund, but the evidence indicated an increased annual cost of less than $3 million would not cause undue hardship for a fund with a current surplus of around $29 billion. Alternatively, the respondent presented no evidence on the feasibility of increasing premiums. The Tribunal ordered the respondent to cease enforcing the 30-week limit, and the complainant was awarded $2,500 for suffering in respect of feelings.

Results for Canadians

When Parliament imposes limits on the payment of benefits that adversely affect disabled women, justification is required or the limits must be removed. The government responded to the Tribunal's decision in February 2002, with the introduction of Bill C-49, *The Budget Implementation Act*, 2001. Sections 12 and 13 of the Bill proposed amendments to the *Employment Insurance Act* to provide that where a woman receives special benefits by reason of (i) pregnancy; (ii) sickness; and (iii) maternity, she is no longer subject to an additional cap on combined benefits. Bill C-49 was passed by Parliament on March 27, 2002 (as S.C. 2002, c.9), and the *Employment Insurance Act* amendments came into force on April 17, 2002.

***Kavanagh* v. *A.G. Canada (Correctional Service of Canada)* — August 31, 2001 (Mactavish/Goldstein/Sinclair)**

The complainant was a transsexual federal inmate who had been diagnose with Gender Identity Disorder; while she possessed the anatomy of a male, she identified with the female gender. This incongruity caused her to suffer from a stressful condition called gend dysphoria. She sought to live as much as possible as a woman. The respondent's policies stipulated that anatomically male transsexuals were t be kept in male institutions and were n permitted to receive sex reassignment surgery during incarceration. The complainant alleged that these policie were discriminatory. The Tribunal hel that while the policy regarding the placement of pre-operative transsexuals was discriminatory, this could be remedied by obliging the respondent to accommodate the individual needs and vulnerabilities of the transsexual inmates. The respondent was not, however, required to place transsexual anatomical males in a female institution; to do so would threaten the psychological and physical well-being of the female inmate population. Moreover, the creation of a dedicated facility for transsexuals was not logistically feasible, given the relatively small number of transsexual inmates and the level of services and programming required. As for the respondent's policy of imposing an absolute ban on sex reassignment surgery, the Tribunal found this to be unjustifiable. Moreover, in circumstances where the surgery is deemed by a doctor to be essential, the costs should be paid by the respondent. The complaint was substantiated and the respondent was required to amend its policies to comply with the Tribunal's decision. **[Judicial review pending]**

Results for Canadians

Gender identity discrimination is an emerging issue in equality law. The Act does not expressly designate gender identity as a prohibited ground of discrimination. However, it is accepted that, under the Act, discrimination on the basis of transsexualism constitutes sex discrimination as well as discrimination on the basis of a disability. In a prison setting, pre-operative transsexual inmates are a vulnerable group in need of protection, but their interests must be balanced against the needs and the safety of the rest of the inmate community, especially insofar as the community itself consists of vulnerable persons. As for the actual operation, in certain circumstances sex reassignment surgery is an essential medical service and inmates should not be deprived of this surgery automatically.

Risk Management Issues

Management of the Tribunal has identified three major risk issues that the Tribunal will very likely be faced with in the next 12 to 18 months: 1) workload issues; 2) amendments to the legislation; and 3) a forthcoming decision by the Supreme Court on the Tribunal's independence. All three are expected to have a substantial impact on how the Tribunal conducts its business and its ability to fulfill its mandate. The following is a brief synopsis of these risks and what the Tribunal is doing to address them.

Workload Issues

The number of cases being referred to the Tribunal has risen dramatically in the past two years. Two new full-time members have been added to the roster to handle the increase. Along with some operational and procedural adjustments, we have been able to adequately respond to the increase in new cases. This matter is discussed in more detail later in this report.

Legislative Amendments

In June 2000, a panel of human rights experts, chaired by the Honourable Gérard La Forest, submitted a comprehensive report to the Minister of Justice on reforming the *Canadian Human Rights Act*.

The report made many recommendations, but of primary importance to the Tribunal was the recommendation of a "direct access model" for the filing of claims. In other words, individuals who believe they have suffered from discrimination would no longer file the claim with the Commission for investigation and decision. They would instead file their claim directly with the Tribunal, thus bypassing the Commission. The Tribunal's workload under such a model would increase from 100 cases each year to as many as 1,000. The effect on the Tribunal would be enormous. The Department of Justice is reviewing the report and, based on the most recent statements by the Minister, legislative amendments should be introduced in the fall of 2002.

Since the release of the report, the Tribunal has been developing various models to respond to a variety of options that the government may select as the most appropriate model for Canadians. Based on preliminary work, we feel reasonably confident that we can respond in a timely fashion once the government determines the future that it envisages for the Tribunal.

Decision of the Supreme Court of Canada

The Supreme Court of Canada has agreed to hear an application by Bell Canada, which alleges that certain provisions of the Act create a situation where the Tribunal does not possess the requisite institutional independence and impartiality. The Federal Court of Appeal dismissed a similar Bell application in May 2001. Should the Supreme Court agree with Bell Canada, the Tribunal would be unable to continue to hold hearings and render decisions. The *Canadian Human Rights Act* would, at that point, become unenforceable. It is understood that the Court will hear the matter in December 2002, with a decision expected by the summer of 2003.

There is very little the Tribunal can do to manage this risk. We have communicated with the Department of Justice, warning of the potential implications. The Department has intervened in the matter and will be making representations to the Court, which we understand will be in defence of the current statute. Should the Court rule that Bell Canada's position is proper, the

only corrective actions that can be taken are amendments to the Act, which will require the intervention of Parliament.

Key Activities in Support of Our Outcome

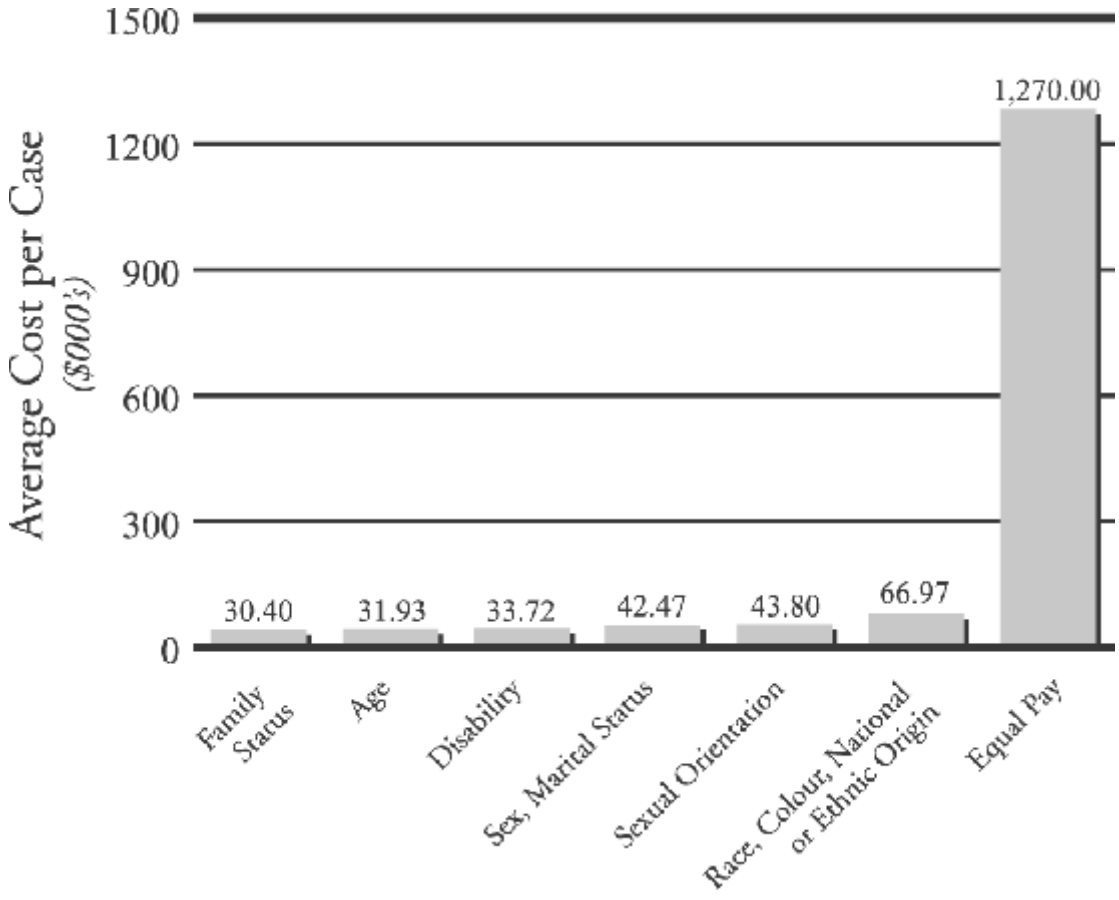
To achieve our strategic outcome, a number of key activities and outputs must occur to ensure the delivery of a quality service. Those key activities are:

- revised operating procedures
- rules of procedure
- Tribunal workload

Revised Operating Procedures

The Registry regularly monitors the cost and effectiveness of its procedures, making changes and improvements as required (Figure 1 shows the average cost per case by ground). The Tribunal is content with the progress made with its revised process and procedures over the past three years and feels confident that Canadians are also satisfied with the level of service provided to them.

Figure 1. Average Cost per Case by Ground



In the past three years, two significant operational changes have been instituted that dramatically improved service and allowed for a more efficient adjudication process. First, the Tribunal introduced new rules of procedure to reduce the time taken to begin the hearing process and to render decisions. Second, the use of pre-hearing questionnaires has reduced the time it takes for a hearing by one to three months. Questionnaires developed to provide sufficient information to schedule hearings can be completed within two to four weeks. Previously, it took two to three months to arrange conference calls or meetings to obtain the information needed to set hearing dates. Conference calls can still be scheduled if necessary without affecting the hearing and disclosure dates established.

Rules of Procedure

(http://www.chrt-tcdp.gc.ca/publicdocs/rules-regles.pdf)

Amendments to the Act in June 1998 gave the Tribunal Chairperson the authority to institute rules of procedure governing the conduct of Tribunal hearings. This jurisdiction extends to rules governing notice to parties, summons of witnesses, production and service of documents, pre-hearing conferences and the introduction of evidence.

To test our new rules, we introduced "Interim Rules" to assess their effectiveness before publishing them as official rules. Since their introduction in 1999, our interim rules have reduced operational problems related to disclosure and have facilitated the handling of legal and procedural motions. There have been no specific challenges to the rules, which indicates, to some extent, an acceptance by those who use them. However, the Tribunal continually monitors the effects of the rules and adjusts them to provide the best possible service.

The interim rules have been submitted to the Regulatory Section of the Department of Justice for approval and publication in the *Canada Gazette* as required by section 49.9(3) of the Act. This process is proving to be more cumbersome than we anticipated, resulting in a longer delay of approval and publication. However, it should be completed by the end of 2002.

Tribunal Workload

As reported in last year's report, there continues to be a dramatic increase in the number of new cases being referred to Tribunal from the Canadian Human Rights Commission. As a comparison, in 1996, 15 cases were referred, 72 in 2000, 87 in 2001, and 100 new cases are projected for 2002.

In 1996, the Tribunal's responsibilities were expanded to include the adjudication of complaints under the *Employment Equity Act*, which applies to employers with more than 100 employees. Employment Equity Review tribunals are created as needed from members of the Tribunal. The Chairperson appointed the first Employment Equity Tribunal in February 2000. Since then, the Chairperson has appointed nine such tribunals. Requests for the appointment of Employment Equity Tribunals can be initiated either by the Canadian Human Rights Commission or the employer. The subject of the inquiry usually relates to a review by the Tribunal of a direction given by the Commission to the employer in respect of an employment equity plan developed. The Tribunal, after hearing evidence and oral argument from the two parties, may confirm, rescind or amend the Commission's Direction.

Workload Issues

In last year's report, we advised of a serious concern in the significant increase in the number of new cases being referred to the Tribunal for hearing. We stated that, although we were still able to meet our timelines for the processing of cases, we were concerned that if this increase were to continue, it could affect our level of service to Canadians. To address this problem, the Tribunal completed a detailed analysis of its capabilities based on existing resources and presented its findings to the Treasury Board. Through beneficial negotiation and cooperation, the Board responded favourably to our revised operating and business plan to meet our workload concerns.

Table 1 identifies changes in the number of referrals from the Commission since 1996.

Table 1
New Cases, 1996 to 2002

	1996	1997	1998	1999	2000	2001	2002 Projected	Totals
Human Rights Tribunals/Panels	15	23	22	37	70	83	100	350
Employment Equity Tribunals appointed	0	0	0	0	4	4	10	18
Totals	15	23	22	37	74	87	110	**368**

***** The number of cases before the Canadian Human Rights Tribunal depends entirely on how many cases are referred by the Canadian Human Rights Commission. As noted, the number of referrals since 1999 has continued to increase. In 2001, the Tribunal projected 100 referrals and received 83. For 2002, the projected number of referrals of human rights and employment equity cases is projected to be 110.

Settlements

An intriguing development has also occurred over the past 12 to 18 months. The Commission, after referring complaints to the Tribunal, has dramatically increased the number of cases it settles prior to the hearing commencing. Beyond settling many of cases, the Commission, on occasion, has withdrawn from a case, leaving complainants to go on to hearing and present the cases on their own. This unexpected development was not accounted for in our previous planning documents. As a result, the Tribunal had fewer hearing days for the past year than anticipated.

What does this all mean to Canadians? At this point, we are not really sure. While settlements have always been an important ingredient to a proper litigation process, are the current numbers

showing too much of a tendency to settle human rights disputes? The current rates of settlements are shown in Table 2. There will always be cases that are settled, but last year's rate of 87 percent seems unusually high. Canadians have placed their trust in the Commission and the Tribunal to ensure that their rights and society's rights are being fully protected within the meaning of the Act. We must continue to ensure that our actions prove that trust is properly deserved.

Table 2
Rates of Settlement, 1995 to 2001

Year of Referral	No. of Cases	Settled	Hearing and Decision	Pending	% Settled
1995	26	11	14	1	40.74
1996	15	4	11	0	26.66
1997	22	18	4	0	81.8
1998	18	11	7	0	61.1
1999	35	26	8	1	76.4
2000	70	48	20	2	70.58
2001	83	64	9	10	86.84
Total	**269**	**182**	**73**	**14**	**71.37**

Note: "% Settled" calculation does not include pending cases.

We want to emphasize that we are not opposed to the settling of human rights complaints. Negotiated settlements between parties are beneficial and meet the requirements of the Act so long as each settlement meets the needs of the complainant, the respondent and the public interest of society. One without each of the others does not, based on the intent of the Act, serve the interest of Canadians.

The direct effect of so many settlements on the Tribunal has primarily resulted in a reduction in the number of hearing days held in the past year. As noted in the attached financial statements, these have left the Tribunal with a surplus in its operating budget for 2001–02. However, considering when the settlements are formally confirmed to the Tribunal, the actual staff time and effort put into planning and organizing of case processes has not decreased. Tables 2 and 3 show that 72 percent of all settlements reached by the parties and approved by the Commission over the past two years have occurred within two weeks of the commencement of the hearing. Nevertheless, by that stage in the process, all of the hours of planning and coordination related to the hearing process has been completed by Registry staff. Consequently, settlements have not reduced staff time and resources in the preparation of hearings. With settlements arriving so

close to the scheduled date of the hearing, the Tribunal is obliged to pay for last-minute cancellation fees for professional services contracted to conduct the hearing.

Table 3
Length of Notice Given to Tribunal on Confirmation That a Settlement Has Been Reached, 2001 and 2002

Settled at hearing	10 cases	9.2 %
One day's notice	17 cases	15.5 %
Two to five days' notice	37 cases	33.9 %
Two weeks' notice	15 cases	13.7 %
Two weeks' to one month's notice	7 cases	6.4 %
More than one month's notice	23 cases	21.1 %
Total number of cases settled in 2001–02	**109 cases**	

Note: Total number of new cases referred to the Tribunal was 70 in year 2000 and 83 in year 2001, for a total of 153.

We understand that the rates of settlement are likely to return to previous levels. If this proves to be the case, then concerns raised in last year's report on our ability to respond to the case load may become an issue. We will continue to monitor the pattern of settlements very closely over the next year.

Performance Accomplishments

The mission of the Tribunal is to provide Canadians with a fair and efficient public inquiry process for the enforcement of the *Canadian Human Rights Act* and the *Employment Equity Act*.

The Tribunal has one main activity — to conduct public hearings and render decisions. Its principal goals in carrying out this responsibility are to conduct hearings as expeditiously and fairly as possible, and to render fair and impartial judgements that will stand up to the scrutiny of the parties involved and the courts. In other words, whatever the result of a particular case, all parties should feel they were treated with respect and fairness.

The Tribunal's most recent *Report on Plans and Priorities* outlined major performance indicators that would demonstrate progress in achieving our strategic outcome as stated in the "Context" section of this report. The current section reports on what we said we would do and what the results have been to date.

1. Provide a timely hearing and decision-making process

In January 1998, the Tribunal pledged to decrease the time to complete a case to 12 months from the date of referral to the release of a decision. While the average time to complete a case in 2001 was 208 days, well within the one-year target, the range of times varied widely. A large number of cases were settled without the need for a hearing. For cases requiring a full hearing and decision, the average time to close a case was 300 days, with almost one third of these cases requiring more than one year to finalize. Not all cases will be completed within the year. In nearly all cases, the circumstances of these delays were beyond the Tribunal's direct control, such as delays requested by the parties, Federal Court applications and the complexity of some cases. This results in moderately higher timelines when those cases are closed. However, we continue to be hopeful that ongoing improvements to operating procedures and to our rules can help keep these cases to a minimum. The Tribunal will continue to monitor timelines and make the necessary adjustments as needed.

Table 4 shows the average number of days required to process cases and shows an overall decline in the time required to process and close case files. While the number of referrals has more than doubled from the 37 in 1999 to 83 in 2001, the number of members remained the same. However, two of those members have now become full-time. More cases, therefore, are being assigned to the full-time members who can devote as much time as necessary to the speedy case management of individual cases.

Table 4
Timelines 1996 to 2001 (Average Days to Complete Cases)

	1996	1997	1998	1999	2000	2001
From date of referral from the Canadian Human Rights Commission						
Direction to parties	22	24	40	15	7	12
Pre-hearing process	95	105	123	73	36	39
Time for decision to be submitted from close of hearing	189	75	103	113	147	103
Total processing time	266	260	251	271	258	208

The Tribunal's case management process has allowed it to schedule hearings as quickly as the parties are prepared to proceed. Currently, the Tribunal can hold a hearing on any issue within five days, and in some cases within 24 hours, after receiving a referral or a request for motion. However, consultations with the clientele have shown that the actual lawyers who will present the case to the Tribunal usually do not become involved in a case until after it is referred to the Tribunal from the Canadian Human Rights Commission. For the process to be meaningful and effective, parties must be given sufficient time to prepare complete, well-thought out cases. New procedures incorporating questionnaires have allowed the scheduling process to be completed within four to six weeks after a case is referred from the Commission. We believe that if procedural fairness is to be given to all parties, it is unrealistic to expect that the scheduling process can be improved further, since hearing dates are determined more by the availability of counsel than by the Tribunal. Hearings typically start three to five months after referral. To date, we have received very few complaints that the commencement of the hearing takes too long. In fact, parties tell us we are trying to move more quickly than they would like.

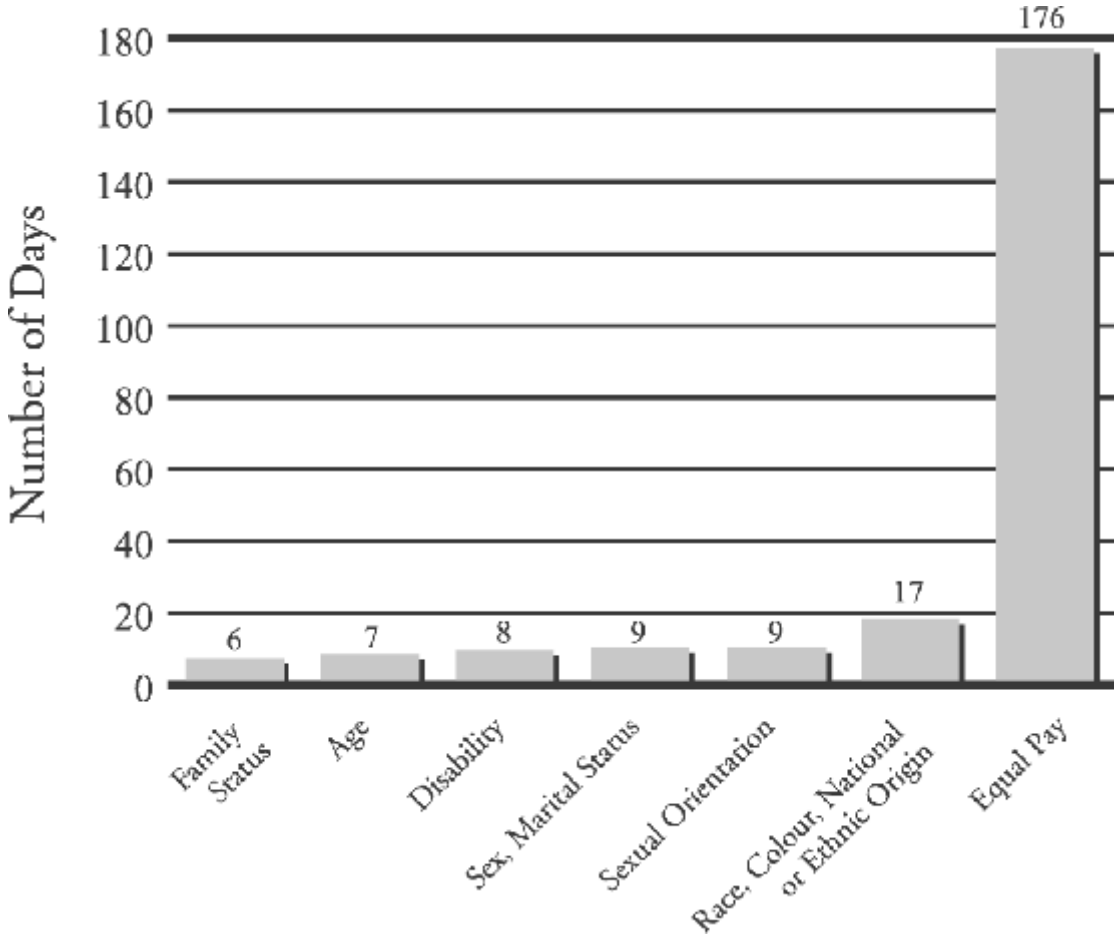
Interventions and procedural challenges are also common and do cause delays. For example, we were prepared to start the hearing of a case in the summer of 1999, only to be stopped by a jurisdictional motion that was filed not with the Tribunal, but with a provincial court. The court heard the matter, including submissions from the Tribunal, in March 2000. The court determined that it was the more appropriate forum to hear the matter and stayed the Tribunal from proceeding. As of this date, the matter is still before the court. With these kinds of uncontrollable delays, it is not realistic to expect that all cases can be completed in a 12-month period. However, based on new operating procedures and some recent rulings from the courts, the Tribunal is cautiously optimistic that it can achieve this goal for the majority of cases. In the winter of 2002, as previously reported, the Minister appointed two new full-time members to the Tribunal. We had commented in last year's report that the appointment of full-time

members would make the Tribunal more efficient. It is now up to us to make sure that it happens.

The Tribunal generally only becomes involved in cases that are complex, often with national implications (Figure 2 shows the average number of days per case by ground). Imposing tighter time constraints on such cases might exert undue pressure on the parties involved, thereby denying Canadians natural justice and the right to be heard. Parties need time to prepare their cases. Unreasonable timelines lead to poor presentations of cases and poor judgements. This benefits neither the interest of Canadians nor the human rights process. Similarly, unreasonable and unnecessary delays do not serve Canadians either. The challenge for us is to find the right balance in each and every case. With case management now in the control of full-time members, we are much more likely to find that balance.

We have not been able to develop a perfect system that will allow for a more expeditious adjudication process. There just may not be one. However, we will continue to review our

Figure 2. Average Number of Days per Case by Ground



procedures, listen to comments from our clientele and strive for a system that best meets the needs of Canadians.

2. Produce well-reasoned decisions, consistent with the evidence and the law

A review of legal developments over fiscal year 2001–02 prompts several general observations.

As predicted in last year's report, the number of adjudications dealing with the merits of human rights complaints has continued to increase from the low point of 1999. The year 2001 exceeded expectations with a total of 18 decisions rendered. So far in 2002, about 10 have been completed. Looking solely at the period under review, fiscal 2001–02, the number of decisions comes to 20. This greatly exceeds the total of six rendered in the last fiscal year. Given that adjudication is the Tribunal's *raison d'être*, we are pleased to see this trend. While the *Bell Canada* independence issue has not been ultimately resolved, and will not be until the Supreme Court addresses the matter, the Tribunal has arguably benefited from the stability brought to its process by the Federal Court of Appeal's decision of May 24, 2002, which endorsed the soundness of the Act. Any expression of judicial confidence in the integrity of the system contributes to the validity of Tribunal decisions.

Decisions of the Canadian Human Rights Tribunal in 2001–02

In 2001–02, the Tribunal rendered 20 decisions on the merits of cases.

The decisions below are listed by the main ground that the complaint relates to. Other grounds, if any, as well as release dates, are also provided.

National or Ethnic Origin

Vollant v. *Health Canada, Reine Parenteau and Noëlla Bouchard* (April 6, 2001) (Race)

Race

Baptiste v. *Correctional Service of Canada* (November 6, 2001)

Chopra v. *Department of National Health and Welfare* (August 13, 2001) (Colour, National/Ethnic Origin)

Citron and Toronto Mayor's Committee on Community and Race Relations v. *Zündel* (January 18, 2002) (National/Ethnic Origin, Religion) (Hate Messages)

Cizungu v. *Human Resources Development Canada* (July 31, 2001) (Colour)

Lincoln v. *Bay Ferries Ltd.* (February 20, 2002) (Colour)

Premakumar v. *Air Canada* (February 4, 2002) (Colour, National/Ethnic Origin)

Disability

Crouse v. *Canada Steamship Lines Inc.* (June 19, 2001)

Dumont v. *Transport Jeannot Gagnon* (February 1, 2002)

Eyerley v. *Seaspan International* (December 21, 2001)

Irvine v. *Canadian Armed Forces* (November 23, 2001)

Kavanagh v. *Attorney General of Canada* (August 31, 2001) (Sex)

Stevenson v. *Canadian Security Intelligence Service* (December 5, 2001)

Wignall v. *Department of National Revenue* (June 8, 2001)

Wong v. *Royal Bank of Canada* (June 15, 2001)

Sex

Daniels v. *Stan Myron* (July 16, 2001)

Goyette v. *Syndicat des Employés(es) Terminus Voyageur Colonial Limitée (CSN)* (November 16, 2001)

Expanding on the subject of judicial review, the Federal Court issued only three judgements in 2001–02 that concerned decisions made by the Tribunal on substantive human rights matters. Of the three, two upheld the Tribunal's decision, while one set aside the Tribunal's decision in part. Furthermore, one of the decisions upholding the Tribunal, as well as the one setting the Tribunal decision aside in part, remain under appeal to the Court of Appeal. It is not possible to draw any firm conclusions.

In the past fiscal year, the Federal Court also issued eight decisions dealing with procedural or jurisdictional rulings made by the Tribunal. Seven of the eight upheld the Tribunal. This is especially encouraging given the concern (expressed again last year) that pre-emptive and jurisdictional challenges have the capacity to forestall or derail the adjudication of human rights complaints. We continue to express the confidence contained in our 2000–01 report that the court is discouraging litigants from fragmenting the Tribunal process through challenges of interlocutory rulings. In particular, we note that in certain of the seven decisions upholding the Tribunal, the court has stressed that judicial review will not be granted on a premature basis; i.e., parties must wait until a final Tribunal decision has been rendered. In 2001–02, as in the preceding fiscal year, the Tribunal did not have its proceedings stayed by the court. Finally, we note that the only decision not to uphold the Tribunal's ruling was a Court of Appeal decision that dismissed an appeal of a Trial Division decision rendered during the previous period. (See Table 6, Judicial Review of Tribunal Decisions, page 26.)

Table 5
Decisions and Rulings Rendered by the Tribunal, 1998 to 2001

	1998	1999	2000	2001	Total
Decisions	8	4	6	18	36
Rulings	n/a	4	22	26	52

Note: The Tribunal did not begin maintaining statistics on rulings rendered until 1999.

3. Develop applications of innovative processes to resolve disputes

This performance indicator originally related to the provision of mediation services as an alternative to lengthy hearings. As outlined above, in the spring of 2000, the Tribunal suspended its mediation services. It has now completed a review of these services, which showed significant procedural changes would be needed to meet the needs of the parties while maintaining the integrity of the Act. Some changes were clearly beyond the Tribunal's mandate;

others would have required additional resources to be approved by Treasury Board or Parliament. Meanwhile, the Canadian Human Rights Commission instituted similar services using private mediators in lieu of members. Its program has been as successful as the Tribunal's, measured by the percentage of cases that reached settlement. Consequently, the parties' needs are still being served and financial savings are still being realized. Moreover, the Commission is carrying out a function that is more within its mandate. As a result, the Tribunal has decided not to reinstate its mediation services until the Department of Justice has completed its review of the report by the *Canadian Human Rights Act* Review Panel, *Promoting Equality: A New Vision* (the La Forest Report).

4. Ensure that service is satisfactory to the members, to the parties involved and to the public

For our main mandate — to conduct fair and impartial hearings — we have conducted no formal studies or reviews. However, informal feedback from our clientele indicates Registry services are meeting the needs of parties. In accordance with the government's initiative on service delivery, in the winter of 2002, we began our own review of our clients' perception of the level of service we were providing. The initial assessment process on whom, what and when to survey has now been completed. The actual survey will be conducted in the fall of 2002. We will report on those findings in next year's report.

Informally, very few complaints have been received about our practices and policies. In December 2001, however, we received a valid complaint from a lawyer representing a respondent. We released a decision involving his client during the Christmas period. Consequently, his copy of the decision was late in arriving. He complained, quite rightly, and made a suggestion on alternative forms of delivery. As a result of that complaint, the Registry has amended its policy on releasing its decisions to ensure that all parties receive the decision at the same time and on the same day. The Tribunal strives to be fair to all sides in a dispute and to ensure that they have equal opportunities to be heard throughout the planning of the proceedings, at the hearing itself and for the receipt of the Tribunal's decisions.

The Tribunal has received a few complaints in relation to its Web site. Most are concerned with technical problems such as the design of the Web site, some difficulty in using the search engine and the unavailability of various documents online. In response, we retained the services of an Internet service provider that can support a faster and more powerful search engine. This seems to have solved the problem, as no new complaints have come forward since we made the change. In last year's report, we indicated that we would retain a consulting firm to assist in the redesign of our site to better serve the needs of Canadians. A consultant has been engaged and client satisfaction surveys are currently under way. A redesigned Web site that also meets the government's common look and feel program should be operational by December 2002.

5. Improve equality of access

The Tribunal has improved access to its office and information for disabled persons. A teletypewriter (TTY) system was installed, and a new layperson's guide, together with other documents that explain the Tribunal's operations in plain language, will soon be available, as well as a Braille version.

6. Improve public awareness and use of the Tribunal's public documents

Public interest in the Tribunal's Web site has almost doubled from an average of 800 visitors per week in 1998 to 300 visitors per day at present. In some ways, this may demonstrate the value the public places on this service, especially the Web site's quick access to decisions and procedural rulings, as well as to general information about the Tribunal and public documents such as annual and financial reports. The essential information that Canadians want to learn about the Tribunal is 1) how it works, and 2) what decisions has the Tribunal made related to grounds of discrimination or types of discriminatory practices. Recently, the Chairperson, recognizing the special needs of the legal community, spearheaded and directed a new format for classifying and identifying our decisions and rulings to make it easier for Internet users to find the type or the exact decision that they were searching (see *www.chrt-tcdp.gc.ca/decisions*). This will enhance our capacity to serve the different types of users who visit our site.

Corporate Activities

Since the Tribunal gained independence from the Canadian Human Rights Commission on January 1, 1997, our Financial and Human Resources services have been provided through a contractual agreement with the Office of the Commissioner of Federal Judicial Affairs. In November 2001, the Commissioner's Office unexpectedly advised that it would be ending the agreement on April 1, 2002. Without immediate action to find an alternate method of delivering these services, the Tribunal would be unable to fulfill its statutory obligations in providing a bona fide financial accounting to Parliament. We attempted to secure the services of another government agency to provide delivery of our corporate services, without success. Without a viable alternative, the Tribunal was left with no other option but to establish its own finance and human resources services in-house.

In consultation with the Treasury Board and Public Works and Government Services Canada (PWGSC), we decided that the most efficient and economical option was the establishment of an in-house financial services section while contracting out most human resources services. In late December 2001, we began the difficult task of establishing both services. By the end of March 2002, we had reached agreements with Shared Human Resources Services, a division

of PWGSC, to provide pay and benefits services, human resources planning and delivery of most other human resources services. We also negotiated an agreement with the Public Service Commission to delegate staffing authority to the Tribunal.

The much more difficult task was the establishment and creation of a complete financial services section. The purchase and configuration of a Treasury Board-approved financial system, the hiring of qualified personnel, the set-up of offices, and the establishment of reporting to the government's central accounting office all had to be completed within three months. Because of the hard work of many people from various departments and agencies, we are very pleased to report that on April 1, 2002, the Tribunal began using its own financial services and fulfilling Parliamentary reporting requirements.

The cost of establishing a Finance and Human Resources Services section, exclusive of salaries, was approximately $200,000 in 2001–02. Direct costs incurred included: the acquisition of a computer-based financial system, professional services fees to configure the software and enter historical data, computer hardware and software, office design and fit-up.

Most important, the creation of our own financial and human resources services did not require any new money in 2001–02. The Tribunal, with Treasury Board approval, was able to set up these new services with previously approved funds. Ongoing costs for future years will be funded to the extent possible from funds approved by Treasury Board from our Departmental Assessment which was approved in fall 2001. The Tribunal Registry will be required to increase its work force by three FTEs. Two FTEs are required for the finance section and one FTE is needed for human resources. Salaries and associated costs are estimated at $190,000. We will contract most of our human resources services to another government department at an estimated annual cost of $70,000.

The result for taxpayers is an improved corporate services delivery program without the requirement for additional funding in 2001–02 and all implemented within a three-month period. Naturally, we are pleased with our accomplishments for this project. A detailed costing report for the above project has been prepared and submitted to Treasury Board.

Corporate Structure

The Tribunal and Registry operational functions throughout 2001–02 were supported by two important administrative services sections: Corporate Services and Information Technology.

Corporate Services Section

This section provides support to the Tribunal in facilities management, communications, materiel management, procurement of goods and services, information management, security, reception

and courier services. It also assists the Registrar's Office in the development and implementation of various government-wide initiatives such as the Service Improvement Initiative and Modern Comptrollership.

The Corporate Services Section has continually given the Tribunal a high degree of support, contributing to the Tribunal's engagement in giving Canadians an efficient and timely human rights adjudicative process. The section provides Tribunal staff with a positive work environment through the provision of quality services and office equipment and furnishings that meet the operational needs of all staff.

The Corporate Services Section was integral to the successful implementation of the new Finance Section at the Tribunal: Corporate Services oversaw the effective reorganization of office space and the acquisition of the new financial system.

Information Technology Section

This section's main priority is ensuring that the Tribunal has the technology required to perform efficiently and effectively. The Information Technology Section advises and trains the Registry staff and members on the use of corporate systems and technology available internally and externally.

The section also provides procurement and support services for all computer hardware, software and services. A major undertaking this fiscal year was the purchase and installation of two new servers, new operating systems and a new financial management software package. Upgrading of technology in the hearing rooms for use in pay equity hearings is currently being studied. This would permit speedy and ready access to the vast number of documents and transcripts that have been generated in these long and complicated cases.

The Information Technology Section is also involved in implementing government initiatives such as Government On-Line and the Electronic-Filing Project Advisory Committee, which includes various government agencies involved in either court or administrative law activities.

Government-wide Initiatives

The government has directed departments and agencies to undertake two major initiatives: the Service Improvement Initiative and Modern Comptrollership.

Service Improvement Initiative

In support of the Service Improvement Initiative, the Tribunal has recently developed a Client Satisfaction Implementation Plan. We have assessed the Tribunal's progress toward the five

key drivers of service quality as defined in the initiative, identified the Tribunal's key public services and clients, and developed survey tools that will be used in the administration of the survey. Over the next year, we will proceed with the client satisfaction survey and the establishment of service improvement priorities and standards.

Modern Comptrollership

Tribunal senior management is committed to implementing modern management practices that are compatible with the government-wide Modern Comptrollership initiative. We feel this initiative will enable the Tribunal to improve its management framework in providing all Canadians with an effective and efficient human rights adjudication process. We have taken the first step toward achieving this objective by having a capacity assessment completed by an outside consulting firm. The results of the capacity assessment should be available in the summer of 2002 and will identify the most urgent priorities for improving our management practices. Some performance measurement standards for all areas of activities will also be developed. The results of our initial capacity assessment are available on our Web site at *www.chrt-tcdp.gc.ca/*. Using the capacity assessment, the Tribunal will develop an action plan to address the shortcomings identified in the assessment on a priority basis.

Judicial Review in the Federal Court

Of the 18 decisions rendered by the Tribunal in 2001, seven have been challenged in the Federal Court of Canada. One challenge has since been withdrawn, and the other six remain to be decided.

Table 6

Judicial Review of Tribunal Decisions, 1998 to 2001*

	1998	1999	2000	2001	Total
Cases referred to the Tribunal	22	37	70	83	212
Decisions rendered†	8	4	6	18	36
Decisions challenged					
• upheld	6	6	1	0	13
• overturned	0	0	0	0	0
• withdrawn	2	1	0	1	4
• still pending	0	1	2	6	9
Total challenges	**8**	**8**	**3**	**7**	**26**

* As discussed elsewhere in this report, the courts are more frequently endorsing the work of the Tribunal.

† The cases included in this entry are those for which the Tribunal wrote and submitted a final judgement. They do not include complaints that were withdrawn or settled.

While statistics for 2002 are not yet complete, in the portion of the year belonging to fiscal 2001–02 (January–March), five additional decisions were rendered by the Tribunal, three of which have been challenged in the Federal Court. The court has not yet rendered decisions in these cases.

Pay Equity Tribunal Hearings

The first major pay equity case to come to the Tribunal, *Public Service Alliance of Canada (PSAC)* v. *Treasury Board*, had a total of 217 hearing days over four years between 1991 and 1994. Since 1991, three other pay equity cases have come to the Tribunal and, at the end of 2001, were still in hearings and continuing to occupy a substantial share of the Tribunal's time and resources (see Figure 3).

Public Service Alliance of Canada (PSAC) v. *Canada Post*

Since the beginning of hearings in 1993, there have been 374 hearing days, making this the Tribunal's longest-running case. In 2001, there were 26 days of hearings, despite a temporary adjournment from November 2000 until the summer of 2001 to await the outcome of the appeal of the Federal Court decision in *Canadian Telephone Employees' Association (CTEA) et al.* v. *Bell Canada* regarding allegations of institutional bias. As of spring 2002, the parties had closed their cases and begun sur-reply. Final written argument will be completed by early 2003, followed by brief oral submissions from the parties in May or June. A final decision may be released by the end of 2003.

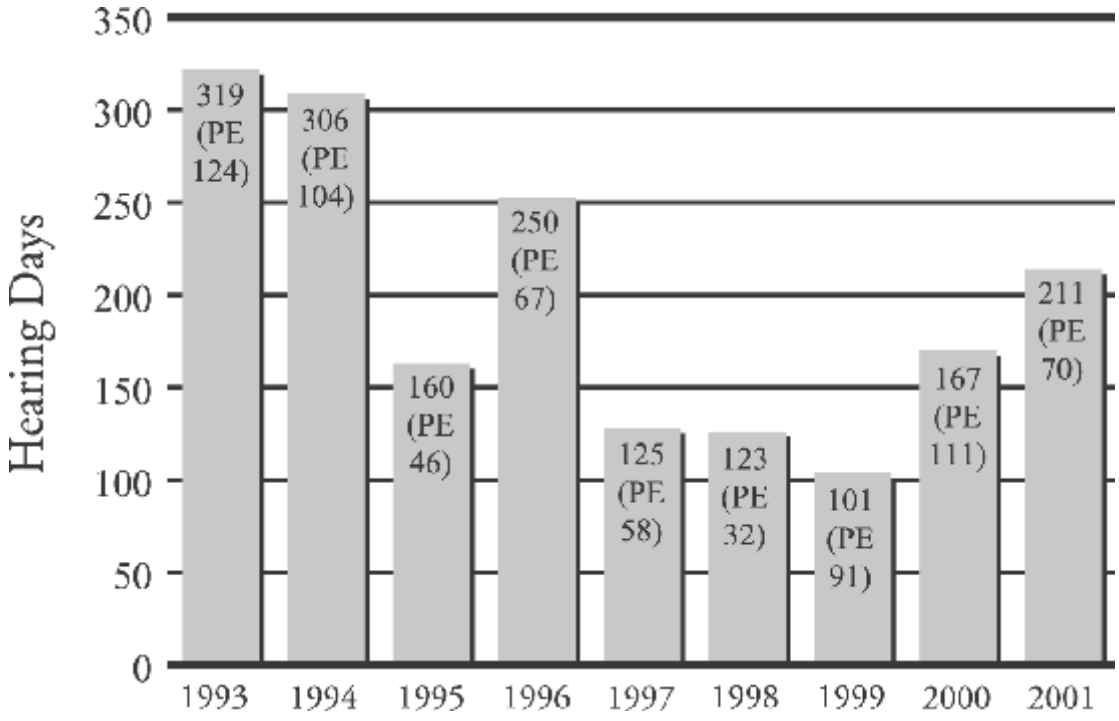
Canadian Telephone Employees' Association (CTEA) et al. v. *Bell Canada*

Hearings in this case had just begun in 1999 when they were suspended by the Federal Court decision of November 2000. The hearings resumed in September 2001, resulting in 22 hearing days that year for a total of 77. Depending on the outcome of Bell Canada's appeal to the Supreme Court, hearings may continue for two to three years.

Public Service Alliance of Canada (PSAC) v. *Government of the Northwest Territories*

This case did not adjourn in the wake of the *Bell Canada* decision in November 2000. Instead, the parties decided to postpone the adjournment until after the Commission and the complainant had completed their cases. Because the Federal Court of Appeal decision in May 2001 overturned the Trial Division's ruling, the hearing in this case was never suspended and went on to sit for 24 days in 2001. It is important to note that as of June 25, 2002, during the writing of this Performance Report, the parties came to a settlement of this case after a lengthy period of negotiations. The Tribunal issued a consent order confirming the settlement and has now adjourned the hearing. The total number of hearing days for this case was 105. No further proceedings are expected.

Figure 3. Number of Hearing Days Per Year



Note: "PE" represents pay equity cases and includes *PSAC* v. *Treasury Board*, *PSAC* v. *Canada Post corporation*, *CTEA et al.* v. *Bell Canada* and *PSAC* v. *Government of the Northwest Territories*.

Annex 1: Financial Performance

Canadian Human Rights Tribunal	
Planned Spending	$2,860,000
Total Authorities	*$4,327,333*
2001–02 Actuals	**$3,474,202**

The Tribunal spent less than it was allotted in 2001–02, lapsing approximately $350,000 in pay equity funding and $500,000 in operating funding.

Two key factors account for these lapses.

First, the Federal Court judgement in November 2000 on pay equity cases, which was referred to in our last *Performance Report*, was overturned in May 2001. Hearings for the pay equity cases were not able to resume until late summer and early fall; therefore the total number of pay equity hearing days and related expenses were lower than forecast.

Second, there was a significant increase in the number of cases settled before reaching the hearing stage. The Tribunal's largest area of expenditure is directly attributable to the cost of conducting hearings. With the increase in settlements, the total number of hearing days and related expenses were less than forecast, resulting in a lapse in operating funding. This trend is unlikely to continue and late settlement of cases should return to previous levels in 2002–03.

Financial Summary Tables

The following tables are relevant to the operations of the Canadian Human Rights Tribunal:

1. Summary of Voted Appropriations

2. Comparison of Total Planned Spending to Actual Spending

3. Historical Comparison of Total Planned Spending to Actual Spending

4. Resources Used to Achieve Outcomes

Financial Table 1

Financial Requirements by Authority (in millions of dollars)

Vote		2001–02 Planned Spending	2001–02 Total Authorities	2001–02 Actual
Canadian Human Rights Tribunal				
15	Operating expenditures	2.7	4.1	3.3
(S)	Contributions to employee benefits	0.2	0.2	0.2
Total Department		2.9	4.3	3.5

Total Authorities are Main Estimates plus Supplementary Estimates plus other authorities.

Total authorities increased from planned spending owing to special funding obtained for the three ongoing pay equity cases. As explained, not all of the funding was expended because of the reduced number of hearing days for these and other cases.

Financial Table 2

Departmental Planned versus Actual Spending (in millions of dollars)			
	2001–02		
Business Lines	**Planned**	**Total Authorities**	**Actual**
Canadian Human Rights Tribunal			
FTEs	17	17	17
Operating	2.9	4.3	3.5
Capital	—	—	—
Voted Grants and Contributions	—	—	—
Subtotal: Gross Voted Expenditures	*2.9*	*4.3*	*3.5*
Statutory Grants and Contributions	—	—	—
Total Gross Expenditures	*2.9*	*4.3*	*3.5*
Less:			
Respendable Revenues	—	—	—
Total Net Expenditures	**2.9**	**4.3**	**3.5**
Other Revenues and Expenditures			
Non-respendable Revenues	(—)	(—)	(—)
Cost of services provided by other departments	0.5	0.5	0.6
Net Cost of the Program	**3.4**	**4.8**	**4.1**

Financial Table 3

Historical Comparison of Departmental Planned versus Actual Spending (in millions of dollars)

			2001–02		
	Actual 1999–00	Actual 2000–01	Planned Spending	Total Authorities	Actual
Canadian Human Rights Tribunal	3.9	2.9	2.9	4.3	3.5
Total	3.9	2.9	2.9	4.3	3.5

Total Authorities are Main Estimates plus Supplementary Estimates plus other authorities.
Note: Actual expenses were highest in 1999–00 because of the implementation of Bill S-5, which established the Tribunal's legal independence and mandated changes to both its structure and function.

Financial Table 4

Resources Used to Achieve Outcomes (in thousands of dollars)

Activity	Strategic Outcome — to guarantee equal opportunities
Pay Equity Hearings	562
All Other Hearings	818
Salaries and Wages	1,456
Administrative Services	638
Total	**3,474**

Notes

- Costs for hearings include direct costs related to conducting the hearings but exclude salary costs of staff and full-time members.
- Administrative services include all activities not directly related to conducting hearings, such as the Registrar, Corporate Services, Informatics and Legal sections. Almost $200,000 was spent in 2001–02 to establish an in-house Financial Services section that will begin operations on April 1, 2002. Financial services were provided under contract by the Office of the Commissioner for Federal Judicial Affairs in 2001–02.

Annex 2: Other Information

For more information, contact:

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Web site: www.chrt-tcdp.gc.ca

Legislation and Associated Regulations Administered

The appropriate Minister is responsible to Parliament for the following Acts:

Canadian Human Rights Act (R.S. 1985, CH–6, amended)
Employment Equity Act (S.C. 1995, C.44, given assent on December 15, 1995)

Statutory Annual Reports and Other Departmental Reports

The following documents can be found on the Tribunal's Web site:

Annual Report (1998, 1999, 2000 and 2001)
Report on Plans and Priorities (2002–2003 Estimates)
Rules of Procedure