ESTIMATES

Canadian Human Rights Tribunal

2001-2002 Estimates

Part III – Report on Plans and Priorities

Canada

The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament. The Estimates, which are tabled in the House of Commons by the President of the Treasury Board, consist of three parts:

Part I – The Government Expenditure Plan provides an overview of federal spending and summarizes both the relationship of the key elements of the Main Estimates to the Expenditure Plan (as set out in the Budget).

Part II – The Main Estimates directly support the *Appropriation Act*. The Main Estimates identify the spending authorities (votes) and amounts to be included in subsequent appropriation bills. Parliament will be asked to approve these votes to enable the government to proceed with its spending plans. Parts I and II of the Estimates are tabled concurrently on or before 1 March.

Part III – Departmental Expenditure Plans which is divided into two components:

(1) **Reports on Plans and Priorities (RPPs)** are individual expenditure plans for each department and agency (excluding Crown corporations). These reports provide increased levels of detail on a business line basis and contain information on objectives, initiatives and planned results, including links to related resource requirements over a three-year period. The RPPs also provide details on human resource requirements, major capital projects, grants and contributions, and net program costs. They are tabled in Parliament by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*. These documents are to be tabled on or before 31 March and referred to committees, which then report back to the House of Commons pursuant to Standing Order 81(4).

(2) **Departmental Performance Reports (DPRs)** are individual department and agency accounts of accomplishments achieved against planned performance expectations as set out in respective RPPs. These Performance Reports, which cover the most recently completed fiscal year, are tabled in Parliament in the fall by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of public funds.

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Canadian Human Rights Tribunal

2001–2002 Estimates

Report on Plans and Priorities

Anne McLellan
Minister of Justice

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Section I: Messages

1.1 Chairperson's Message

This has been a year marked by a number of significant developments for the Canadian Human Rights Tribunal. On the positive side, the attention paid to the training of members of the Tribunal, as well as the experience gained by members as a result of the smaller size of the Tribunal, has begun to produce measurable results. Over the last 12 months, the Tribunal process has become faster and more efficient. At the same time, there has been a significant increase in the number of Tribunal decisions upheld by the Federal Court of Canada.

Not all of the developments of the last year have been positive. In November, Madam Justice Tremblay-Lamer of the Trial Division of the Federal Court found that certain provisions of the *Canadian Human Rights Act,* as they relate to the Canadian Human Rights Tribunal, were insufficient to provide the Tribunal with the necessary degree of institutional independence. This brought a halt, not only to the pay equity dispute involving Bell Canada and its employees, but also to a number of other hearings. The courts have frequently noted that there is a compelling public interest in having complaints of discrimination dealt with in a timely fashion. Unfortunately, given the current state of affairs, the Canadian Human Rights Tribunal will be unable to provide such a level of service in the foreseeable future.

This is the third time that the Canadian Human Rights Tribunal has been found to lack the institutional independence necessary to provide Canadians involved in the human rights process with fair and impartial hearings,[1] and the second such decision in less than three years. Three different statutory schemes have now been found to provide inadequate guarantees of institutional independence. These deficiencies can only serve to undermine the credibility of the Canadian Human Rights Tribunal, and to bring the administration of the human rights process at the federal level into disrepute. Canadians are entitled to have human rights complaints in which they may be involved dealt with by an institutionally fair and impartial Tribunal. The only way to ensure that objective is met quickly, and with certainty, is through legislative action.

Anne Mactavish

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[1] See *MacBain v. C.H.R.C.*, [1985] 1 F.C. 856, *Bell Canada v. Communications, Energy and Paperworkers Union of Canada et al*., [1998] 3 F.C. 244 (F.C.T.D.) (per McGillis J.), and the decision of Tremblay-Lamer J. in *Bell Canada v. CTEA, Femmes Action and Canadian Human Rights Commission,* Docket T-890-99, November 2, 2000.

1.2 Management Representation

Report on Plans and Priorities 2001–2002

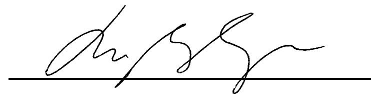
I submit, for tabling in Parliament, the 2001–2002 Report on Plans and Priorities (RPP) for the Canadian Human Rights Tribunal.

To the best of my knowledge, the information:

- Accurately portrays the mandate, plans, priorities, strategies and planned results of the organization.
- Is consistent with the disclosure principles contained in the *Guidelines for Preparing a Report on Plans and Priorities.*
- Is comprehensive and accurate.
- Is based on sound underlying departmental information and management systems.

I am satisfied as to the quality assurance processes and procedures used for the RPP's production.

The Planning and Reporting Accountability Structure on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Name: 

Date: February 23, 2001

Section II: Departmental Overview

2.1 What's New

Expanded Workload

In 2000, 73 new cases were referred to the Tribunal, compared with an average of 25 cases per year over the previous five years. Year 2000 marks the most new Tribunals constituted since the Canadian Human Rights Tribunal (CHRT) came into existence in 1978.

Why such an increase? The Canadian Human Rights Commission (CHRC) appears to have taken a modified approach in referring cases to the Tribunal. We understand that the Commission has reexamined the interpretation of section 49(1) of the *Canadian Human Rights Act* (CHRA): "if the Commission is satisfied that, having regard to all the circumstances of the complaint, an inquiry is warranted," it may refer the complaint to be fully adjudicated. The result is that the CHRC appears to be more open in its approach to refer complaints to the Tribunal. In addition, comments in the La Forest Report also have been a factor in sending more cases to Tribunal.

Another factor that might have prompted an increase in the number of cases being referred by the Commission was the Supreme Court of Canada's deliberation in the case of *Blencoe v. BC (Human Rights Commission)*. In this case, the question arose as to whether respondents in human rights matters have a constitutional right to a speedy hearing. For most of 2000, human rights commissions in Canada were anticipating the Court's verdict on this question with trepidation, and general concerns existed as to the impact the decision would have on the length of time permitted for complaint processing. Ultimately, however, the Supreme Court did not recognize a constitutional right in this context in its decision rendered in October.

There has also been an increase in the number of disability cases referred to and heard by the Tribunal. With the recent Supreme Court rulings on disability cases and the amendments to the CHRA in 1998 on the duty to accommodate, the law on employers' obligations to meet the needs of people with disabilities has to be re-evaluated. We therefore expect to see more disability cases being referred to the Tribunal. Moreover, some disability cases are much less likely to settle than other cases because of uncertainty concerning the competing requirements of the law and the need to ensure public safety in some jobs, for example, in public transportation.

Increased workload has and will continue to put pressure on the Tribunal's resources. Management is reviewing the current composition of the Tribunal, with a view to maximizing the effectiveness of the configuration of full- and part-time members. Perhaps having more full-time members would help to maintain the quality of service our clients have come to expect. Based on information received from the Commission we

anticipate that, on average, 100 new cases will be referred to the Tribunal for hearing each year.

Review of the Act

In April 1999, the Minister of Justice established a panel of human rights experts to review the roles of the Commission and the Tribunal and the provisions of the Act to improve the process for resolving human rights disputes. In June 2000, the *Canadian Human Rights Act* Review Panel, chaired by a former Supreme Court Justice, the Honourable Gérard La Forest, released its report on proposed amendments to the CHRA.

While the panel made many recommendations, we will focus only on those recommendations directly affecting the Tribunal. The key recommendation involved direct access to Tribunal adjudication by individual Canadians. According to this recommendation, the CHRC would no longer investigate complaints to determine if a case should be referred to the Tribunal for a hearing. Under the direct access model, complainants would automatically have the right to ask the Tribunal to conduct an inquiry into their allegations, thus bypassing the Commission and the cumbersome investigation process created by the Act. If this recommendation is accepted, the Tribunal's workload will increase to as many as 500 or 600 cases per year. Major changes to the Tribunal's way of doing business would be required, together with a significant increase in resources. Preliminary planning has begun on how to successfully implement the direct access model.

Officials at the Department of Justice are currently reviewing the panel's report. We would expect an announcement advising of the government's intended course of action in response to the La Forest Report in the near future. We further expect, based on the report, that some changes in respect of the Tribunal's role may be made over the next few years. Until the extent of the changes is known, any projections of the Tribunal's activities for the next three years are, at this time, uncertain.

While the long-term effect of the panel's recommendations on the Tribunal is undecided, we do concur with the panel that the current way of ensuring the human rights of Canadians needs some revision. The Tribunal will cooperate with the Department of Justice to provide whatever assistance they may require with this difficult task.

Human rights issues have become much more litigious, sophisticated and complicated over the years and an improved method for resolving human rights disputes is imperative to serve Canadians better. Opinions expressed by human rights advocates, interest groups, academia, everyday citizens and employers are consistent in supporting the panel's recommendations. We believe some purposeful change is required to provide Canadians with a high-quality process to ensure human rights are upheld.

We are honoured that the panel has determined that the Tribunal is the institution best suited to deliver the required improvements. The La Forest panel, supported by many

comments it received from those who use and are familiar with our work, recognized the Tribunal's past work and history and expressed confidence in the Tribunal taking on this additional work while maintaining its record of high-quality and timely service to Canadians.

New Members

Parliamentary amendments to the CHRA in 1998 created a smaller, permanent Tribunal, but our role and obligations to Canadians remain the same. The amendments to the Act were directed at creating a more specialized and expert Tribunal to deal with the increased complexity of the cases that come before it. We are fortunate to have members who have the skill, knowledge and competence to respond to the challenge of ensuring the protection of individual rights in an increasingly complex and diversified society.

Over the next 12 months the three-year terms of all of our existing part-time members will expire. Care will have to be taken to allow for the renewal of Tribunal membership without losing the valuable experience of long-serving members of the Tribunal.

Mediation

The Tribunal suspended its mediation services in the spring of 2000 and is reviewing its policy of offering Tribunal members to act as mediators to settle complaints. Introduced in 1996, mediation has been successful in resolving complaints. We are not so sure that it has been as successful in stopping discrimination or fully meeting the requirements of the statute. The Tribunal has commissioned a review of the mediation program from the perspective of those who have participated in Tribunal-sponsored mediation. If mediation is reintroduced, we expect to implement procedural and policy changes that ensure fairness and equity to all parties while maintaining the integrity and purpose of the CHRA.

Human rights cases that come before the Tribunal may not all be well-suited for mediation. It should be remembered that the CHRC does offer mediation to the parties before cases are referred to the Tribunal: of all the complaints filed with the Commission, only 5 to 8 percent are ultimately referred to the Tribunal for public hearing. Furthermore, mediation may not always serve the public interest: while cases decided by the Tribunal tend to set precedents and have broad social implications, the terms of mediated settlements almost always remain confidential. Therefore, while the individual complainant may be well-served by mediation, others who confront similar conditions may lack similar protections. We believe that the public interest is best served by a process that not only solves individual complaints but also protects and defines the rights of the many. Confidentiality of settlements cannot achieve this goal. Mediation may be restored if it can be done in a way that protects the public interest and addresses the systemic aspects of discrimination.

Federal Court Decision in *CTEA et al. v. Bell Canada*

On November 3, 2000, the Federal Court ruled that two sections of the CHRA were deficient and resulted in an institutional bias and a Tribunal that could not be impartial in deciding human rights cases. The Court ordered that the Bell Canada pay equity Tribunal immediately cease its hearings until the problems created by the two sections identified were corrected. The effects of this decision have been overwhelming. Immediately, another pay equity case, *Public Service Alliance of Canada vs. Canada Post*, was forced to stop, and since then nearly all new cases involving private sector respondents have been adjourned indefinitely unless the decision is overturned or the government makes the requisite amendments to the legislation. Because of the present state of the law, such cases against government departments or agencies will continue.

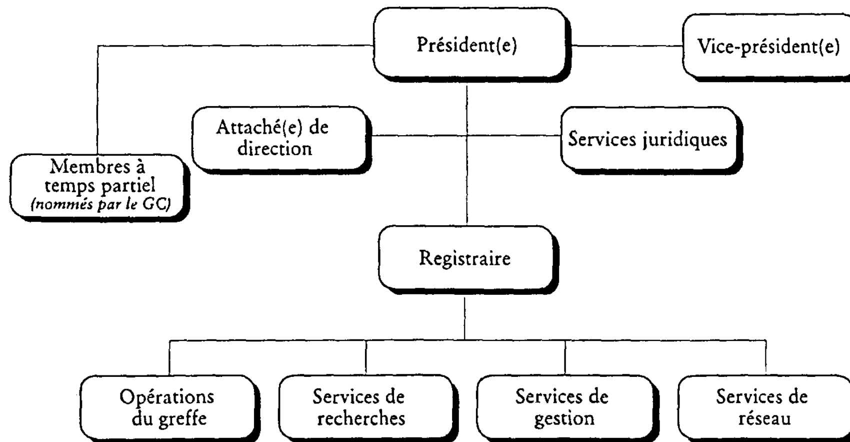
An appeal of the decision has been filed by the unions involved in the *Bell Canada* case but will not be heard until early spring 2001. Another option is to consider possible amendments to the CHRA to rectify the faults identified by the judge. We feel this is the preferable course of action, as this appeal may not resolve the problem and more appeals may be initiated, further delaying the work of the Tribunal.

Because of the Federal Court decision, the Tribunal will have a backlog of cases for the first time in its history. Of the 100 new cases we expect to be referred to the Tribunal in 2001, 60 percent will involve private sector employers and will not be able to proceed to hearing because of the *Bell Canada* decision. This is unfair both to the complainants and to those who have been accused of discrimination, as everyone should have the right to have disputes decided in a timely manner. The longer it takes to correct the defects in the legislation, the more cases will be held in abeyance. Once the identified problems are resolved, we propose that past and well-experienced members be appointed as temporary members to hear and decide these cases under the temporary members' provisions of the Act. All activities would continue to operate under the authority of the Chairperson of the CHRT. Current members would then be free to carry on with the normal workload of cases, ensuring that no new backlogs are created. Depending on the number of cases in the backlog and appropriate resources, all deferred cases could be heard and decided within 12 to 18 months.

2.2 Mandate, Roles and Responsibilities

The CHRT is a quasi-judicial body created by Parliament to inquire into complaints of discrimination and to decide if particular practices have contravened the CHRA. Only the Tribunal may legally decide if there has been a discriminatory practice.

Figure 1: Tribunal Organization Chart



The Tribunal holds public hearings to inquire into complaints of discrimination. Based on (often conflicting) evidence and the law, it determines whether discrimination has occurred. If it has, the Tribunal decides on the appropriate remedy to prevent future discrimination and to compensate the victim of the discriminatory practice.

The vast majority of discriminatory acts are not malicious. Most problems arise from long-standing systemic practices, legitimate concerns of the employer, or conflicting interpretations of the statutes and precedents. As highlighted in the Auditor General's report in September 1998, very few cases are clear-cut, and the evidentiary and legal issues are extremely complex. As a result, the Tribunal's members frequently put in long hours analysing evidence and the law before reaching their conclusions.

The Tribunal may only inquire into complaints referred to it by the CHRC, usually after a full investigation by the Commission. The Commission resolves most cases without the Tribunal's intervention. Cases referred to the Tribunal generally involve complicated legal issues, new human rights issues, unexplored areas of discrimination, or multifaceted evidentiary complaints that must be heard under oath.

The Tribunal is not an advocate; that is the role of the Commission. The Tribunal has a statutory mandate to apply the CHRA based on the evidence presented and on current case law. Tribunal decisions may be reviewed by the Federal Court of Canada.

In 1996, with the proclamation of the *Employment Equity Act* (EEA), the Tribunal's responsibilities were expanded. As well as being the Canadian Human Rights Tribunal, it also serves as the Employment Equity Review Tribunal. In 2000, the new Tribunal received its first three applications for a hearing. Two applications were received from employers and one was received from the CHRC. While the Tribunal is permitted to issue

rules of procedure for the operation of this new Tribunal, we have delayed issuing any rules until a few hearings have taken place to better understand the needs of the parties and how the Tribunal should function. In the interim, the Tribunal has issued a guide, Guide to the Operations of the Employment Equity Tribunal to the parties to assist them in their preparation for a hearing. To date, the guide appears to meet the needs of the parties.

The CHRT consists of two sections: the members and the Registry. The Tribunal comprises up to 13 part-time members, who are appointed by the Governor in Council (GIC), and a Chairperson and Vice-Chairperson, who by statute must be full-time members. The backgrounds of members vary but most have legal training and all must have experience, expertise, interest and sensitivity in human rights issues. The Registry provides full administrative support services to the members and is responsible for planning and organizing the hearing process.

The Tribunal deals with matters concerning employment or the provision of goods, services, facilities or accommodation. The CHRA makes it illegal for anyone to discriminate against any individual or group on the grounds of:

- race
- national or ethnic origin
- colour
- religion
- age
- sex (including pregnancy)
- family status
- marital status
- disability
- conviction for an offence for which a pardon has been granted
- sexual orientation

The Tribunal's jurisdiction covers matters that come within the legislative authority of the Parliament of Canada, including federal government departments and agencies, as well as banks, airlines and other federally regulated employers and providers of goods, services, facilities and accommodation. In employment equity matters, the EEA applies only to employers with more than 100 employees.

The Tribunal's decisions must be (and must be seen to be) independent and impartial, offering fair process to all parties. Tribunal members make decisions solely on the merits of individual complaints and on evidence presented at the hearing.

The Registry's activities are entirely separate from the adjudication process. The Registry is accountable for the resources allocated by Parliament. It plans and arranges hearings, acts as a liaison between the parties and members, and gives members the administrative support they need to carry out their duties. It must provide high-quality, effective services to the Canadian public.

To control costs while maintaining services, the Registry regularly monitors and adjusts its procedures and practices, for example, the introduction of case planning questionnaires as discussed later in this report. At the same time, it has to deal with variations, not only in the number of cases but in their substance, as some are highly complex and require hearings in different locations. The Registry has no control over the number, location or duration of hearings. Providing high-quality support services while staying within a fixed budget is often a challenge under such circumstances.

2.3 Program Objectives

The members' objective is to interpret, apply and define the human rights of Canadians, in accordance with the *Canadian Human Rights Act* and the *Employment Equity Act*, through properly conducted hearings and fair decisions.

The Registry's objective is to support the Tribunal in its operations, to help ensure its independence and impartiality, and to create a positive and workable environment in which members can fulfil their responsibilities.

New Initiatives in 2001

The Tribunal has begun the following initiatives for the upcoming year:

- training opportunities for new members appointed in 2001
- steps to maintain timeliness
- technological assessments to improve public access to the Tribunal
- planning for an expanded workload

2.4 Planning Context

With the recent decision of the Federal Court and the La Forest Panel recommendations, any long-term planning is very difficult. The decision of the Court has immediate implications for the Tribunal's work, while the La Forest Panel has more long-term implications. Consequently, the Tribunal will continue to operate as usual until these matters, which are beyond the control of the Tribunal, are resolved through the courts and Parliament. Our main objective will be the same, to provide Canadians with the best possible service in the fair and impartial adjudication of human rights disputes.

2.5 Departmental Planned Spending

Table 2.1 Departmental Planned Spending

($ thousands)	Forecast Spending 2000–2001	**Planned Spending 2001–2002**	Planned Spending 2002–2003*	Planned Spending 2003–2004*
Budgetary Main Estimates (gross)	3,527	**2,860**	2,060	2,060
Non-budgetary Main Estimates (gross)	-	**-**	-	-
Less: Respendable Revenue	-	**-**	-	-
Total Main Estimates	3,527	**2,860**	2,060	2,060
Adjustments	157	**-**	-	-
Net Planned Spending	3,684	**2,860**	2,060	2,060
Less: Non-respendable Revenue	-	**-**	-	-
Plus: Cost of services received without charge	488	**488**	488	488
Net Cost of Program	4,172	**3,348**	2,548	2,548

Full-Time Equivalents	17	**17**	17	17

* In 2002–2003 and 2003–2004, the decrease in planned spending is attributable to the fact that planned spending has not been approved for pay equity cases.

Section III: Departmental Plans, Results, Activities and Resources

3.1 Business Line Details

Business Line Objective

To ensure the equitable application of the CHRA and the EEA through the conduct of fair and efficient public hearings.

Business Line Description: Public Hearings

Public Hearings provides a range of services, which includes inquiring into complaints of discrimination and determining if there has been a contravention of the acts, as well as maintaining the Registry, which creates the best possible environment for the Tribunal members to conduct hearings throughout Canada by providing the necessary administrative and ongoing support. The Registry plans and organizes the hearings and provides members with a proper hearing environment.

As noted above, the Tribunal has one business line objective — to conduct public hearings and render decisions. We have found that, with fewer members than before the 1998 amendments, the Tribunal is able to deliver a more consistent and timely adjudication process. Our two full-time members (Chairperson and Vice-Chairperson) now deal with nearly all preliminary matters in a very quick and efficient manner. Once a case has been scheduled and most preliminary matters resolved, the case is turned over to a part-time member who is available on the dates already established. (Note: cases are assigned to part-time members only if the two full-time members are not available.) The processing of preliminary matters has proven to be the best use of our resources while at the same time meeting the needs of the parties. Moreover, with fewer members deciding on preliminary issues, rulings are delivered with minimal delay and are consistent from one case to the next.

The introduction of case planning questionnaires to obtain basic information from each litigant at the beginning of the hearing process has been highly successful in ensuring that hearings are timely, in a way that also takes into consideration the specific and individual needs of the parties. The questionnaires are transmitted to the parties within 7 to 10 days of receipt of a new case from the Commission. We allow the parties 15 days to respond, at which time hearing and disclosure dates are set by the Chairperson. Case planning used to be done through conference calls, which required coordinating many lawyers' schedules to hold a case planning conference call. Because of scheduling conflicts, it was not unusual for two or three months to pass before the call could take place.

Now, any conference calls or preliminary hearings can be scheduled in advance to ensure that no further delays affect the hearing dates. To date, the questionnaires have proven to

be an effective method of improving our scheduling procedures. The main cause for delays in the hearing process has been the unavailability of legal counsel. Normally, counsel request 3 to 4 months to prepare cases for adjudication. Members of the Tribunal could be made available in as little as 7 to 21 days to commence a hearing if the parties were ready to proceed.

In previous reports we have predicted that our average costs per case and per day would decrease with the new Act. Our expectations have been met, as the average cost per day of a case has decreased by some 35 percent.

The Commission has informed us that it anticipates an increased number of referrals to the Tribunal in the range of 100 new cases each year. With a caseload increase of more than 300 percent, the number of hearing days will increase accordingly in the next two to three fiscal years. During 2001–2002, we will monitor the workload increase to assess the effect on our resources.

In the past few years, we have projected an increase in the number of disability cases. Bill S-5, passed by Parliament in 1998, changed the interpretation and application of these types of cases. The increase in disability cases commenced in 2000, rising to 22 from a total of 8 in 1999 and 6 in 1998. With the changes in the legislation in respect of complaints, the Tribunal will be called on to interpret the new standard established by Parliament. In addition, in 1999 the Supreme Court changed the legal test for an employer's defence of *bona fide* occupational requirements (BFOR). In brief, the court eliminated the distinction between direct discrimination and adverse effect discrimination. The Tribunal will be called on to evaluate how these changes will affect future cases related to individual complaints involving disability, religion and other grounds. Since past jurisprudence, which until recently eliminated most disability cases going to Tribunal, is no longer defining these cases, new case law must be developed. The Tribunal is the first important step in this process.

All cases now require the employer to consider reasonable accommodation in cases where BFOR is applicable. This requirement will also add to the Tribunal's caseload of disability-based complaints until a new test is fully explored and applied by tribunals and the courts.

The new Employment Equity Review Tribunal will be monitored over the next fiscal year to determine its effect on Tribunal resources. In 2000, the first three Employment Equity Review Tribunals were requested under the EEA. All three cases are scheduled to be heard early in 2001–2002. Each will be a test case, in terms of interpreting the new statute, evaluating the time required to conduct the new proceedings, and the effect on financial and human resources.

Human rights law continues to take new directions in both complexity and importance to Canadian society. The courts are continually emphasizing the importance of human rights and, to some extent, frustration with the previous process. In the *Bell Canada* decision,

the Federal Court emphasized the very high standards of independence it has set for this Tribunal. Consequently, in reviewing the CHRA and making amendments, the government must be careful to meet the stringent impartiality requirements dictated by the court. Everyone, including the courts, recognizes the unique role of this Tribunal.

Pay Equity Cases

The three major pay equity cases — *Public Service Alliance of Canada (PSAC) v. Canada Post, Public Service Alliance of Canada (PSAC) v. the Government of the Northwest Territories,* and *CTEA et al. v. Bell Canada* — have all been part of the Tribunal's caseload for several years, requiring an enormous amount of the Tribunal's time and resources. However, as discussed earlier in section 2.1, What's New on page 3, the Federal Court decision has put a stop to the hearings in the *Bell Canada* case, as well as to the hearings in the *Canada Post* case.

Public Service Alliance of Canada (PSAC) v. Canada Post is the Tribunal's longest-running case, in hearings since 1993. In 2000, the case sat for 18 days, for a total of 353 hearing days. Before its adjournment in November 2000 pending the outcome of the appeal of the Federal Court decision in *Bell Canada*, the case had proceeded into Reply Evidence. If hearings resume in the spring of 2001, the evidence should be completed in the next fiscal year.

In *CTEA et al. v. Bell Canada*, hearings had just begun in 1999 before they were suspended by the Federal Court decision of November 2000. The case had 38 hearing days in 2000. Depending on the outcome of the appeal of the Federal Court decision, hearings may proceed for a further two to three years.

Public Service Alliance of Canada (PSAC) v. Government of the Northwest Territories had 47 days of hearings in 2000. Since the case's referral to the Tribunal in 1997, there have been 81 hearing days. The effect of the *Bell Canada* decision will be to stop the hearing after the Commission and the complainant have closed their cases (expected in early 2001). Once the Federal Court of Appeal has ruled on the *Bell Canada* case, the Tribunal will proceed based on the directions and parameters provided by the Court.

Exhibit 1: Public Hearings Expectations

	1998–1999 Actual	1999–2000 Forecast	1999–2000 Actual	2000–2001 Forecast	2000–2001 Actual (as at Jan. 31, 2000)	2001–2002 Estimated
Cases Appointed						
Commission Referrals	20	31	39	48	61	100
Employment Equity Review Tribunals	0	0	0	2	3	10
Total Appointments	20	31	39	50	64	110
Cost per Case ($ thousands)	50	50	50	40	40	40
Hearing Days						
Regular	104	141	141	200	152	300
Pay Equity	45	121	101	225	78	100
Employment Equity Review	0	0	0	20	0	20
Total Hearing Days	149	262	242	445	230	420
Cases Expected to be Resolved Through Mediation	4	10	4	25	7	15
Months to Render a Decision from Conclusion of Hearing	4.5	4.5	4.5	4.0	4.0	3.5
Months to Process a Case from Commission Referral to Rendering of Decision	12	13	12	12	12	10

3.2 Key Results Commitments, Planned Results, Related Activities and Resources

to provide Canadians with:	**to be demonstrated by:**
a fair, impartial and efficient public inquiry process for enforcement and application of the *Canadian Human Rights Act* and the *Employment Equity Act.*	• timeliness of the hearing and decision process. • well-reasoned decisions, consistent with the evidence and the law. • changes to policies, regulation and laws made as a result of the Tribunal's decisions. • application of innovative processes to resolve disputes. • service that is satisfactory to the members, the parties involved and the public. • equity of access. • public awareness and use of Tribunal's public documents.

Section IV: Financial Information

Table 4.1: Net Cost of Program for the Estimates Year

($ thousands)	**Total**
Net Planned Spending (Gross Budgetary and Non-budgetary Main Estimates plus Adjustments)	2,860
Plus: Services Received without Charge	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	420
Contributions covering employees' share of insurance premiums and costs paid by TBS	68
Workers' compensation coverage provided by Human Resources Development Canada	-
Salary and associated expenditures of legal services provided by Justice Canada	-
	488
Less: Non-respendable revenue	-
2001–2002 Net Cost of Program	3,348

Calculations: Employee Benefit Plans — 19.5% of 913,000 = 178,035
Insurance Plans — 7.5% of 913,000 = 68,475

Section V: Other Information

5.1 Contacts for Further Information and Web Site

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Fax: (613) 995-3484

e-mail: registrar@chrt-tcdp.gc.ca
Web site: www.chrt-tcdp.gc.ca

5.2 Legislation and Associated Regulations Administered

The federal Minister of Justice is responsible to Parliament for the following Act:
Canadian Human Rights Act (R.S. 1985, c. H–6, as amended)

The federal Minister of Labour is responsible to Parliament for the following Act:
Employment Equity Act (S.C. 1995, c. 44, as amended)

5.3 Statutory Annual Reports and Other Departmental Reports

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

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