

*The
Saskatchewan
Human Rights Code
Regulations*

being

Chapter S-24.1 Reg 1 (effective November 15, 2001) as
amended by Saskatchewan Regulations 107/2003.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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Form A Request To Appoint a Human Rights Tribunal

CHAPTER S-24.1 REG 1

The Saskatchewan Human Rights Code

Title

1 These regulations may be cited as *The Saskatchewan Human Rights Code Regulations*.

Interpretation

2 In these regulations:

- (a) **“Code”** means *The Saskatchewan Human Rights Code*;
- (b) **“complainant”** means a person who has filed a complaint pursuant to subsection 27(1) of the Code and, for the purposes of sections 5 and 8, includes the commission where the commission has initiated the complaint;
- (c) **“inquiry”** means an inquiry into a complaint;
- (d) **“respondent”** means a person against whom a complaint is made;
- (e) **“sponsor”** means an employer, institution, agency or other organization that:
 - (i) has received approval for a program pursuant to subsection 47(1) of the Code; or
 - (ii) has been ordered to undertake a program pursuant to subsection 47(1) or clause 31.3(a) of the Code;
- (f) **“tribunal”** means a human rights tribunal appointed pursuant to section 29.1 of the Code.

13 Jly 2001 cS-24.1 Reg 1 s2.

Complaints

3 A complaint within the meaning of Part IV of the Code may be made:

- (a) by filing the form mentioned in subsection 27(1) of the Code; or
- (b) orally to the commission.

13 Jly 2001 cS-24.1 Reg 1 s3.

Class complaints

4(1) Where more than one person has a common interest in a cause or matter, a complaint may be filed pursuant to section 27 of the Code on behalf of a class of persons notwithstanding that the damage suffered may vary from person to person within the class.

(2) The Chief Commissioner, or any person designated by the Chief Commissioner, shall accept for filing a complaint on behalf of a class of persons if he or she considers it appropriate to do so.

(3) In determining whether to accept a complaint for filing pursuant to subsection (2), the Chief Commissioner, or any person designated by the Chief Commissioner, shall consider whether:

- (a) there is an identifiable class;
- (b) the claims of the class members raise common issues;

- (c) the class complaint would be the preferable procedure for the resolution of the common issues; and
 - (d) the complainant is an appropriate representative of the class of persons on whose behalf the complaint is filed.
- (4) Where a complaint is accepted for filing on behalf of a class of persons, the Chief Commissioner shall provide the members of the class with notice of the complaint that the Chief Commissioner considers reasonable in the circumstances.
- (5) Where a member of the class requests exclusion from the class by applying to the commission within 30 days after the day on which notice pursuant to subsection (4) was provided, the commission shall grant the exclusion.

13 Jly 2001 cS-24.1 Reg 1 s4.

Amended complaints

- 5(1) A complaint may be amended by the complainant at any time before the Chief Commissioner requests the appointment of a tribunal pursuant to subsection 28(2) of the Code.
- (2) A tribunal may allow a complainant to amend a complaint if notice is provided to the Chief Commissioner, and may make any order it considers appropriate respecting adjournments and service of the amended complaint.
- (3) Sections 27.1 and 28 of the Code apply to a complaint amended before the Chief Commissioner requests the appointment of a tribunal.
- (4) Where a complaint is filed on behalf of a class of persons, the complainant may only amend the complaint with the consent of the Chief Commissioner.

13 Jly 2001 cS-24.1 Reg 1 s5.

Withdrawal of complaint

- 6(1) A complaint, other than a complaint on behalf of a class of persons, may be withdrawn by the complainant at any time by giving notice orally or in writing to the commission.
- (2) The Chief Commissioner may consider that a complaint has been withdrawn or, in the case of a complaint on behalf of a class of persons, consider that the complainant does not wish to continue with the complaint, if a complainant has been requested in writing to contact the commission and does not respond to that request within a reasonable period.
- (3) A complainant who files a complaint on behalf of a class of persons may withdraw as the complainant, but the Chief Commissioner may appoint a complainant to continue with the complaint.

13 Jly 2001 cS-24.1 Reg 1 s6.

Dismissal of complaint

- 7 Where the Chief Commissioner dismisses a complaint pursuant to subsection 27.1(2) of the Code, he or she shall notify the complainant in writing.

13 Jly 2001 cS-24.1 Reg 1 s7.

Service of complaint

8 The commission shall serve a copy of the complaint and notice of any amendments made by the complainant on the respondent at any time before the Chief Commissioner requests the chairperson of the human rights tribunal panel to appoint a tribunal.

13 Jly 2001 cS-24.1 Reg 1 s8.

Address to be provided

9(1) Within 20 days after service of the complaint, the respondent shall provide the commission with an address where documents may be served and notices given.

(2) Where the address provided pursuant to subsection (1) changes, the respondent shall inform the commission of the change.

(3) Where a complaint has been served on the respondent and the respondent has not provided an address for service, the address of the respondent stated in the complaint is the respondent's address for service.

13 Jly 2001 cS-24.1 Reg 1 s9.

Service

10 Where any document is required to be served, service may be made in any manner permitted by *The Queen's Bench Rules*.

13 Jly 2001 cS-24.1 Reg 1 s10.

Evidence of offers

11 No evidence shall be given or received at an inquiry respecting any offers or counter offers made in an effort to settle a complaint.

13 Jly 2001 cS-24.1 Reg 1 s11.

Investigation by commission

12(1) Where the Chief Commissioner, or any person designated by the Chief Commissioner, determines that a complaint should be investigated, the respondent shall, when requested, provide a response to the complaint and any further information relating to the complaint that the commission may request.

(2) In addition to requiring the production of documents and records, the Chief Commissioner, or any person designated by the Chief Commissioner, may request a summary of the information contained in any documents or records relating to the complaint in the respondent's possession.

13 Jly 2001 cS-24.1 Reg 1 s12.

Initiating a tribunal inquiry

13 A request to appoint a tribunal pursuant to subsection 28(2) of the Code by the Chief Commissioner, or pursuant to section 29.4 of the Code by a complainant, must be in any form that the human rights tribunal panel directs.

13 Jly 2001 cS-24.1 Reg 1 s13.

Interpretation re section 29.4 of the Act

13.1(1) For the purposes of subsection 29.4(1) of the Code, “**notice in writing**” means a written notice in Form A of the Appendix that describes the complainant’s reasons for requesting an inquiry.

(2) For the purposes of subsection 29.4(3) of the Code, subsection (3) and subsection 14(2), “**record**” means:

- (a) the complaint;
- (b) all witness statements and documents that could constitute evidence at an inquiry; and
- (c) the notice of dismissal provided to the complainant pursuant to section 7.

(3) For the purposes of subsection 29.4(4) of the Code, “**review**” means a review of the record.

17 Oct 2003 SR 107/2003 s3.

Record

14(1) Repealed. 17 Oct 2003 SR 107/2003 s4.

(2) The tribunal shall provide a copy of the record to the parties on request.

(3) **Repealed.** 17 Oct 2003 SR 107/2003 s4.

(4) **Repealed.** 17 Oct 2003 SR 107/2003 s4.

13 Jly 2001 cS-24.1 Reg 1 s14; 17 Oct 2003 SR 107/2003 s4.

Inquiry to be open to public

15 An inquiry must be open to the public.

13 Jly 2001 cS-24.1 Reg 1 s15.

Interventions

16(1) Any person or class of persons may apply for intervenor status in an inquiry by filing with the chairperson of the human rights tribunal panel an application in a form approved by the human rights tribunal panel.

(2) The human rights tribunal panel shall consider the application and may grant intervenor status on any terms that it considers appropriate where it is of the opinion that the person or class of persons:

- (a) may be affected by a human rights tribunal order; or
- (b) may assist the inquiry by participating.

(3) The human rights tribunal panel may establish rules for the filing and serving of an application for intervenor status.

13 Jly 2001 cS-24.1 Reg 1 s16.

Tribunal inquiries regarding classes of persons

17(1) If a tribunal determines that the notice given pursuant to subsection 4(4) is insufficient, the tribunal may:

- (a) direct that a class of persons on whose behalf a complaint is filed be given notice of the complaint pursuant to subsection (2); and
 - (b) refuse to conduct a hearing respecting the complaint until that notice has been given.
- (2) The tribunal may give directions respecting the contents of the notice required pursuant to subsection (1) and the means by which the notice is to be given to members of the class.
- (3) On application by the respondent or a member of the class, the tribunal shall determine whether the complaint may proceed as a class complaint and shall consider the criteria mentioned in subsection 4(3) in making that determination.
- (4) If a tribunal determines that the criteria in subsection 4(3) are not satisfied, the tribunal may:
- (a) direct that the complaint on behalf of that class of persons proceed as individual complaints on behalf of named individual members of the class;
 - (b) direct that the complaint proceed with a reconstituted or redefined class of persons; or
 - (c) make any other direction that, in the tribunal's opinion, will facilitate the fair and efficient adjudication of the complaint.
- (5) The tribunal may direct that certain persons be excluded as members of the class.
- (6) A tribunal may:
- (a) order that the compensation to which each individual member of a class is entitled be determined by a formula or a process; and
 - (b) determine any disputes arising out of that order.
- (7) On application by any party, or any member of a class, a judge of the Court of Queen's Bench may vary an order of a tribunal made pursuant to this section.

13 Jly 2001 cS-24.1 Reg 1 s17.

Attendance of witnesses

18(1) A tribunal may, at the request of a party or on its own initiative, require the attendance of a witness or the production of documents by issuing a subpoena.

- (2) The human rights tribunal panel may establish:
- (a) the form to be used for a subpoena; and
 - (b) a schedule of witness fees and disbursements that must be paid to a witness to require attendance.
- (3) Where the human rights tribunal panel does not establish the form or schedule mentioned in subsection (2), the form and schedule in *The Queen's Bench Rules* apply with any necessary modifications.

(4) The commission may require the attendance of a witness by serving a subpoena and without providing witness fees and disbursements in advance, but the commission is liable to the witness for the prescribed fees and disbursements.

(5) A party intending to call a witness is responsible for service of a subpoena and the payment of fees and disbursements to the witness, and the expenses incurred by the witness may be considered by the tribunal when ordering costs.

(6) Witnesses before a tribunal, other than a party, may be excluded from the hearing room by the tribunal until called on to give evidence.

13 Jly 2001 cS-24.1 Reg 1 s18.

Interpreter

19(1) A tribunal may:

- (a) engage the services of an interpreter; and
- (b) allow a witness to give testimony through an interpreter.

(2) The cost of an interpreter is the responsibility of the tribunal unless the tribunal orders otherwise.

13 Jly 2001 cS-24.1 Reg 1 s19.

Tribunal decisions

20 Where, pursuant to subsection 29.1(3) of the Code, the chairperson of the human rights tribunal panel appoints more than one person as the tribunal:

- (a) one of the persons appointed shall be designated as the chairperson of the tribunal and shall preside over all proceedings relating to the inquiry;
- (b) a decision of the majority of the tribunal members shall be the decision of the tribunal; and
- (c) a tribunal member may submit a minority decision, which is to be included with the decision of the tribunal.

13 Jly 2001 cS-24.1 Reg 1 s20.

Costs

21(1) A tribunal may order any party to an inquiry to pay costs to any other party in an amount the tribunal considers appropriate, except that the tribunal may not order the commission to pay costs to the complainant.

(2) Notwithstanding subsection (1), where a complaint proceeds pursuant to subsection 29.4(4) of the Code, the tribunal may not order the commission to pay costs to the respondent.

13 Jly 2001 cS-24.1 Reg 1 s21.

Order of tribunal

22(1) The tribunal shall serve copies of all orders on the commission, complainant, respondent and any intervenors.

(2) Every order is open to public inspection at every commission office during the normal office hours of that office.

13 Jly 2001 cS-24.1 Reg 1 s22.

Applications for approvals and exemptions

23 An application for a program approval or an exemption pursuant to subsection 47(1) or 48(1) of the Code is to be accompanied by a written submission and any other material that may be required by the commission.

13 Jly 2001 cS-24.1 Reg 1 s23.

Information respecting approvals, etc.

24 For the purposes of subsections 47(1) and 48(1) of the Code, the commission or the Chief Commissioner, as the case may be, may gather information in any manner from any person or source that the commission or the Chief Commissioner considers necessary.

13 Jly 2001 cS-24.1 Reg 1 s24.

Terms of approval or exemption

25 The commission or the Chief Commissioner may impose any terms, conditions or criteria either considers appropriate when ordering, approving or continuing the approval of a program pursuant to section 47 of the Code or when ordering or continuing an exemption pursuant to section 48 of the Code.

13 Jly 2001 cS-24.1 Reg 1 s25.

Reports

26(1) Every sponsor of a program approved pursuant to section 47 of the Code shall report to the commission on a date set by the commission.

(2) The Chief Commissioner, or any person designated by the Chief Commissioner, may at any time request any information from the sponsor he or she considers appropriate for the purposes of monitoring the approved program.

(3) Any person who receives a request for information pursuant to subsection (2) shall provide that information to the person requesting it within the time specified.

13 Jly 2001 cS-24.1 Reg 1 s26.

S-24.1 REG 1 SASKATCHEWAN HUMAN RIGHTS CODE**Distinctions, etc., based on risk factors**

27 Any of the following that make a distinction, exclusion or preference because of disability that is reasonable and bona fide based on the risk factor for the distinction, exclusion or preference are prescribed for the purposes of subsection 15(1.2) of Code:

- (a) contracts of automobile, life, accident or sickness, or disability insurance;
- (b) contracts of group insurance between an insurer and an association or person;
- (c) life annuities.

13 Jly 2001 cS-24.1 Reg 1 s27.

Non-compliance

28(1) Non-compliance with these regulations does not render any proceeding void unless the tribunal so directs.

(2) The tribunal may order the matter returned to the commission to remedy any non-compliance with these regulations.

13 Jly 2001 cS-24.1 Reg 1 s28.

Sask. Reg. 216/79 repealed

29 Saskatchewan Regulations 216/79 are repealed.

13 Jly 2001 cS-24.1 Reg 1 s29.

Transitional

30(1) Where the commission has dismissed a complaint before the coming into force of these regulations and the complainant requests that the minister appoint a board of inquiry pursuant to subsection 29(4) of the Code as the Code existed on the day before the coming into force of *The Saskatchewan Human Rights Code Amendment Act, 2000*, the request is deemed to have been made pursuant to section 29.4 of the Code and the minister shall forward the request to the chairperson of the human rights tribunal panel who shall conduct a review pursuant to that section.

(2) Where the minister has appointed a board of inquiry pursuant to subsection 29(2) of the Code as the Code existed on the day before the coming into force of *The Saskatchewan Human Rights Code Amendment Act, 2000*, that board of inquiry has jurisdiction to conduct the inquiry and make orders pursuant to sections 31.3 to 31.5 of the Code.

13 Jly 2001 cS-24.1 Reg 1 s30.

Coming into force

31(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Saskatchewan Human Rights Code Amendment Act, 2000* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Saskatchewan Human Rights Code Amendment Act, 2000* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

13 Jly 2001 cS-24.1 Reg 1 s31.

Appendix
FORM A
[Subsection 13.1(1)]

REQUEST TO APPOINT A HUMAN RIGHTS TRIBUNAL

TO: _____
(Name of Respondent)

(Address)

TO: Saskatchewan Human Rights Commission, _____
(Address of Saskatchewan Human Rights Commission)

TO: Saskatchewan Human Rights Tribunal,
 Box 24005, Saskatoon, Saskatchewan, S7K 8B4

1. I, _____,
(Name of Complainant)

understand that the complaint that was filed or initiated pursuant to section 27 of *The Saskatchewan Human Rights Code* (the Code) has been dismissed by the Chief Commissioner pursuant to subsection 27.1(2) of the Code.

2. Pursuant to subsection 29.4(1) of the Code, I am requesting the chairperson of the human rights tribunal panel to appoint a human rights tribunal to conduct an inquiry respecting the complaint of _____

(Name of Complainant)

against _____

(Name of Respondent)

filed or initiated pursuant to section 27 of the Code.

3. My reasons for requesting an inquiry are as follows:

(Please detail your reasons for requesting an inquiry here)

4. A copy of the complaint filed or initiated pursuant to section 27 of the Code is attached and forms part of this request to appoint a human rights tribunal.

DATED at the City of _____, in Saskatchewan,
 this _____ day of _____, 2_____.

(Signature of Complainant)

[*PLEASE NOTE: *Subsection 29.4(6) of the Code provides that “The complainant shall have carriage of the complaint in an inquiry ordered pursuant to subsection (4).” This means that the Saskatchewan Human Rights Commission will not represent you if an inquiry is ordered as a result of this request.*]

