

CANADIAN HUMAN RIGHTS TRIBUNAL

PRACTICE NOTE No. 1

22 October 2007

RE : Timeliness of Hearings and Decisions

1. Subsection 48.9(1) of the *Canadian Human Rights Act* stipulates that proceedings before the Tribunal shall be conducted as informally and expeditiously as the requirements of natural justice and the rules of procedure allow.
2. In the recent case of *Nova Scotia Construction Safety Association v. Nova Scotia Human Rights Commission*, 2006 NSCA 63, the Court made the following observations in regard to the adjudication of human rights complaints in that province:
 - a. While ad hoc tribunal members, and busy counsel can present challenges for the scheduling of cases, when hearing days are spread out over too long a stretch of time, the process is discredited.
 - b. In order for matters under the Act to be dealt with fairly and expeditiously, those involved must use best efforts to ensure that proceedings taken under the statute are effective and timely. Accommodations must be made to speed up the process and ensure that hearings are convened in a workable sequence of days, without huge gaps of time separating the hearings.
 - c. Tribunal members and counsel should only agree to become involved in a human rights proceeding if their own professional schedules will permit meaningful, productive, cohesive and uninterrupted hearings.
 - d. Absent some extraordinary excuse such as serious illness or accident, or extended hospitalization, or other unforeseen calamity, the time for rendering judgment in the human rights field should be the same as what is expected in the judicial sphere, that is within six months of the hearing, if not sooner than that.
 - e. Recognizing the well known principle that a key objective of human rights legislation is to be remedial, the process for inquiring into and exposing acts of discrimination must be expeditious in order to be effective. Otherwise, the salutary benefit of public scrutiny, enlightenment and appropriate redress in the face of proved

violations, is lost. An efficient and timely disposition of complaints is in the interest of both complainants and those whose behaviour is impugned. It is also in the public interest.

3. This last point has also been underscored by the Federal Court (Trial Division) when it stated that there is a public interest in having complaints of discrimination dealt with expeditiously. *Bell Canada v. C.E.P.* (1997), 31 C.H.R.R. D/65
4. In the spirit of the foregoing, all participants in *CHRA* inquiries are reminded of their obligation to assist in the timely completion of the hearing and deliberation process.
5. Moreover, the Tribunal intends to adhere firmly to the Parliament's directive in subsection 48.9(1), and to release decisions as often as possible within a four month time frame, in keeping with its stated commitment to Parliamentarians and Canadians as a whole.