Canadian Human Rights Tribunal

Performance Report

For the period ending March 31, 2004

Irwin Cotler
Minister of Justice

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Chairperson's Message

The last year has been a significant one for the Canadian Human Rights Tribunal. A number of important developments will result in significant changes to the way that the Tribunal carries out its mandate.

The first of these developments is the decision of the Supreme Court of Canada regarding the Tribunal's institutional independence. Questions have existed for many years as to whether the Canadian Human Rights Tribunal enjoys a sufficient degree of institutional independence from both the government and the Canadian Human Rights Commission to be able to afford litigants appearing before the Tribunal a fair and impartial hearing. This uncertainty has resulted in numerous jurisdictional challenges being brought before the Tribunal and the courts. With the recent decision of the Supreme Court of Canada in the Bell Canada matter, the cloud surrounding the Tribunal appears to have lifted.

Changes at the Canadian Human Rights Commission will undoubtedly have a profound impact on the business of the Tribunal in the months and years ahead. The Tribunal has no control whatsoever over the number of cases that come before it for decision. The decision to refer a case to hearing is one made by the Commission. Recent changes in the Commission's approach mean that the Tribunal is projecting a tripling in its workload for 2004–2005 over that experienced in 2002–2003. This will obviously have a tremendous impact on the work of the Tribunal, and raises serious questions as to the adequacy of its current funding levels.

The decision of the Commission to limit its participation in the majority of cases coming before the Tribunal to the delivery of an opening statement also represents a significant change to the way in which human rights cases are litigated. In the past, the interest of the Commission in a particular case was often closely aligned with that of the complainant, meaning that many complainants were able to appear before the Tribunal without having to hire their own counsel. This went a long way toward levelling the playing field; most complainants are people of modest means and are simply not able to afford legal representation, whereas at the federal level, most respondents are large corporations or government departments, well-resourced and usually well-represented at Tribunal hearings.

The limited participation of the Commission at Tribunal hearings means that the majority of complainants will try to represent themselves. There is no doubt that some complainants will

be daunted by this prospect and will simply abandon their complaints. Other complainants may lack the psychological, emotional or intellectual wherewithal to proceed. For these complainants — people whom the Supreme Court of Canada has described as the disadvantaged and the disenfranchised — meaningful access to the redress mechanisms established in the *Canadian Human Rights Act* may prove illusory. Cases that do proceed to a hearing will inevitably take longer to complete, as self-represented litigants struggle to cope with an unfamiliar process. This will result in a greater cost to the public purse, as well as increased expense for respondents.

The Tribunal has taken a number of steps to try to meet the challenges presented by the changes in the Commission's approach. The Tribunal has reinstated its mediation program, in order to assist parties in coming to a negotiated resolution of their dispute without the need for a Tribunal hearing. The Tribunal is also reviewing its forms and procedures to see what can be done to make the process more accessible to individuals not legally trained, while still safeguarding the fairness of the process. Consideration is also being given to the increased use of technology, such as video-conferencing, in order to assist parties who may be in geographically remote locations.

The Tribunal's role as a neutral adjudicator, however, means there are limits to what it can do without compromising its impartiality, and thus the integrity of the process. Given the current statutory framework and budgetary limitations, the actions of the Commission appear to be a well-meaning attempt to address the concerns that have repeatedly been voiced regarding the delays in the complaints process. Nevertheless, the Tribunal remains concerned that the Commission's approach will result in other types of delay, and could seriously undermine the integrity of the human rights complaints system.

In response to long-standing concerns as to the efficacy of the human rights complaints process, the *Canadian Human Rights Act* Review Panel was asked to review the current process and to recommend ways to improve the system. This Panel, under the chairmanship of the Honourable Gérard La Forest, gave the matter careful study and consulted with numerous stakeholders. In June of 2000, the Review Panel made detailed recommendations for a comprehensive overhaul of the complaints processing system.

The government has had the report of the La Forest Panel in its hands for over four years, and the time for "cut and paste" solutions is long past. Canada prides itself on its human rights record; but if the promise of equality contained in the *Canadian Human Rights Act* is to ring true, it is time for a comprehensive, well thought-out overhaul of the human rights complaints process.

J. Grant Sinclair

Management Representation Statement

Management representation statement:

I submit, for tabling in Parliament, the 2003–04 departmental performance report (DPR) for the Canadian Human Rights Tribunal.

This report has been prepared based on the reporting principles and other requirements in the *2003–04 Departmental Performance Reports Preparation Guide* and represents, to the best of my knowledge, a comprehensive, balanced and transparent picture of the organization's performance for fiscal year 2003–04.

Name: J. Grant Sinclair
Title: Chairperson
Date: September 13, 2004

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* (CHRA). The purpose of the Act is to protect individuals from discrimination and to promote equal opportunity.

Our Jurisdiction

The Act applies to federal government departments and agencies, Crown corporations, chartered banks, railways, airlines, telecommunications and broadcasting organizations, and shipping and interprovincial 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 is generating, we believe, a more consistent body of jurisprudence through its decisions and written rulings. This development is expanded upon in the Performance Summary section of this report. In the years since the amendments were passed, we have perceived 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 at a reduced cost to the justice system.

Our Organizational Structure

Members

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 (see Figure 1). Under the statute, both the Chairperson and the Vice-Chairperson must have been members of the bar for more than ten years. The position of Chairperson became vacant in 2003 as a result of an appointment to the Federal Court. The Vice-Chairperson is currently performing the functions of the Chairperson.

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 improved our efficiency in managing and scheduling cases. In addition to the full-time positions, six part-time members from across the country currently serve on the Tribunal.

To be eligible for appointment by the Governor-in-Council (GIC), 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 professional development. 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.

Registry Operations

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.

Corporate, Financial, Legal and Information Technology Services

Tribunal and Registry operations are supported by Corporate Services, Financial Services, Legal Services and Information Technology (IT) Services.

Corporate Services 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 government-wide initiatives such as the Service Improvement Initiative and Modern Comptrollership.

Financial Services provides the Tribunal with accounting services, financial information and advice.

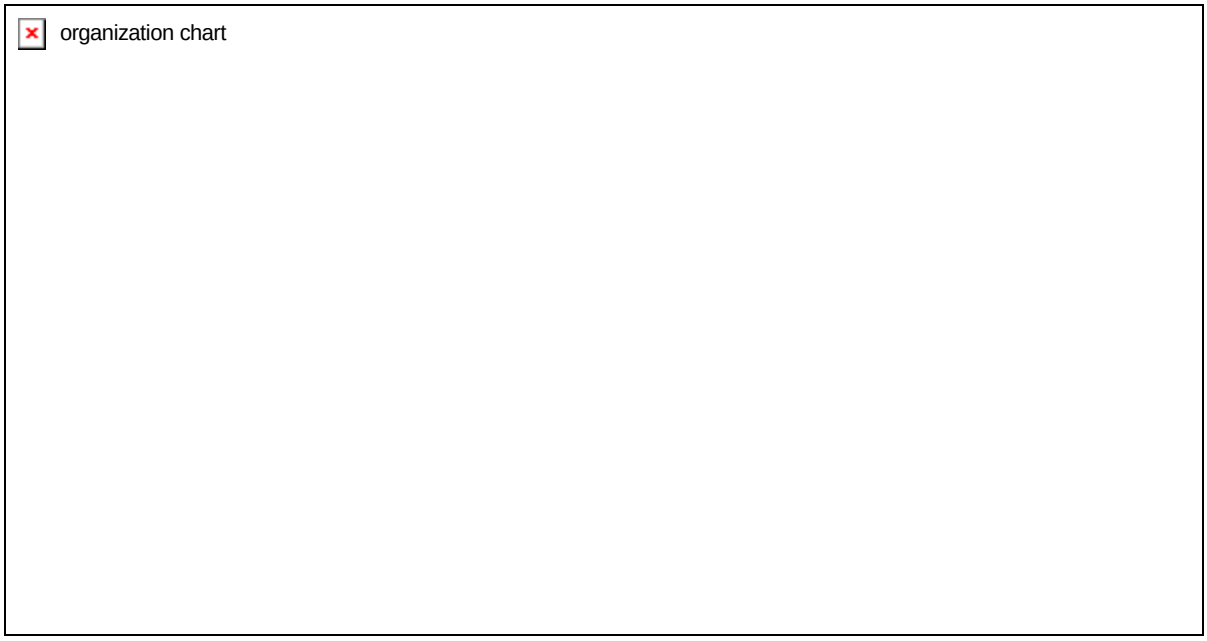
Legal Services provides the Tribunal with legal information, advice and representation.

The main priority of Information Technology Services is to ensure that the Tribunal has the technology required to perform efficiently and effectively. The section advises Registry staff and members on the use of corporate systems and technology available internally and externally, and offers training. It also provides procurement and support services for all computer hardware, software and information technology services.

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

Human resources services are contracted out to Public Works and Government Services Canada.

Figure 1. The Tribunal's Organization Chart



Risk Management Issues

The Tribunal faced risks in three major areas in 2003–2004: 1) workload issues; 2) an increase in unrepresented parties; and 3) amendments to the legislation. Developments in these areas were expected to have a substantial impact on how the Tribunal conducts its business and the Tribunal's ability to fulfill its mandate.

The following is a brief synopsis of the risks faced by the Tribunal and what is being done to address them.

Workload Issues and Unrepresented Parties

The number of cases being referred to the Tribunal has risen dramatically since 2002, when only 55 cases were referred to the Tribunal. In 2003, 130 new cases were referred and, based

on the 72 complaints sent to the Tribunal during the first six months of 2004, we are projecting a further 10% increase to 145 new referrals in calendar year 2004. This is significantly higher than the average of 25 referrals per year from 1996 through 2000.

The Commission's decision in 2002 to fully participate in only 20 to 25 cases per year continues to add significantly to the Tribunal's workload. Complainants who would have relied on Commission counsel to lend support to their case are now required to conduct their cases and lead evidence by calling witnesses to prove their allegations of discrimination. Much more time is needed from Tribunal staff to explain the process to unrepresented parties and to coordinate mediation and hearing dates. In addition, the filing of documents with the Tribunal is delayed, additional case management exercises are required, and the hearings themselves generally move much more slowly.

The Tribunal has made several changes in response to the new workload. The practice of offering mediation to parties appearing before the Tribunal was reintroduced in March of 2003, after being discontinued previously for reasons that are still relevant and that are explained in past reports. The Tribunal has also adjusted operating procedures to better meet the needs of unrepresented parties; initial correspondence to the parties has been revised to ensure a better understanding of the information required by the Tribunal to process a complaint, and the members of the Tribunal have taken a more aggressive approach to case management in order to keep the process on track and to ensure that the parties meet deadlines.

Although operating policies and procedures continue to be adjusted and some new staff have been hired on a temporary basis, such a large increase in workload has meant that the Tribunal has been unable to maintain its time frames in the processing of cases. While the delays are not significant at this time, any decline in service to Tribunal clients would be unacceptable. The Tribunal is therefore monitoring its workload and procedures closely in order to ensure that the quality of services provided is not compromised. The Tribunal may require additional resources, at which time a detailed report will be submitted to the appropriate funding authorities within government. These authorities have been made aware of the Tribunal's current situation.

Legislative Amendments

Three and a half years after the *Canadian Human Rights Act* (CHRA) Review Panel recommended sweeping changes to the way the federal government enforces human rights, the Tribunal continues to await the response of the Department of Justice. Promoting Equality: A New Vision recommended a new process for resolving human rights disputes, one designed to end the Canadian Human Rights Commission's "monopoly on complaint processing." Chaired by a former Supreme Court of Canada Justice, the Honourable Gérard La Forest, the Review Panel proposed that public legal assistance be made available for complainants to bring their cases directly to the Tribunal. The changes would eliminate potential "institutional conflicts between the Commission's role as decision maker and advocate," according to the Review Panel.

Such profound changes would significantly transform the structure and function of the Tribunal. Not only would the increased caseload (from approximately 100 to 1,000 cases per year) necessitate the appointment of more members, but the Tribunal would also need to increase its research and administrative capacity. Moreover, it would have to develop new

methods of operation, including a new case management system and approach.

In May 2002, the Minister of Justice indicated that legislative amendments to the CHRA would be introduced in the fall of 2002, but such amendments have not yet been introduced. Much work has been done over the last year with respect to the implementation of the Review Panel's recommendations, and we continue to feel reasonably confident that we can respond in a timely fashion once the government determines the future it envisages for the Tribunal.

Our Strategic Outcome

The Tribunal's strategic outcome is:

> Canadians have equal access to the opportunities that exist in our society through the fair and equitable adjudication of human rights cases that are brought before the Canadian Human Rights Tribunal.

Although we are pleased with the progress made since the 1998 amendments to the Act, there is still much to do in providing Canadians with the best service possible. In particular, efforts are being made to improve the efficiency of the Tribunal process and to demystify it for the average Canadian.

Key Activities

To achieve our strategic outcome, the Tribunal must perform the following key activities:

- It must revise its operating procedures;
- It must develop rules of procedure; and
- It must manage the Tribunal's workload.

Operating Procedures

In response to a significantly increased caseload and an increased frequency of unrepresented parties, the Tribunal conducted a major review of its procedures and practices in 2002–2003 with a view to simplifying them and making them more accessible to those not familiar with the quasi-judicial process. But comments from some of our clients lead us to believe that we have not yet fully met these objectives. We are continuing to monitor procedural changes closely and make further adjustments to ensure the best possible quality of service. In addition, Tribunal staff members are dedicating the necessary time to fully explain Tribunal procedures and processes to anyone who needs help.

Rules of Procedure

Amendments to the *Canadian Human Rights Act* made 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 notices to parties, summonses of witnesses, the production and service of documents, pre-hearing conferences, and the introduction of evidence.

Before publishing new rules, we introduced procedures as interim rules to assess their effectiveness. 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, indicating, to some extent, an acceptance by those who use them. The Tribunal continues to monitor the effects of the rules and to adjust them to provide the best possible service.

It was our intention during the last reporting period to submit the interim rules to the Regulatory Section of the Department of Justice for approval and publication in the *Canada Gazette*, as required under subsection 48.9(3) of the Act. However, two events brought about a change in plans.

First, it was deemed prudent to convene another meeting with counsel who appear before the Tribunal to ascertain whether any concerns about the operation of the rules had arisen since our last stakeholder consultation a few years ago. Two meetings were held: one in December of 2002 and another in January of 2003. The feedback from users led us to believe that certain modifications were necessary before submitting the rules to the Department of Justice.

Second, the decision made by the Canadian Human Rights Commission in early 2003 to limit its participation at Tribunal hearings made it necessary to further revise our rules of procedure. The previous rules assumed that the Commission would participate fully in the hearing process, and allow for the exemption of complainants from the pre-hearing pleading and from disclosure obligations if complainants wished to rely on the Commission's case.

A further revision to the rules, completed in April 2004, provides greater clarity and flexibility to reflect cases in which the complainant may be the only party leading evidence in support of the complaint, or in which the Commission's participation may be limited to a particular issue. Also included in the April 2004 revision are: changes to the way interest is awarded in respect of compensatory orders; a clarification of the scope of documentary disclosure; and a new rule providing for the addition of complainants and respondents to the proceeding. Until these changes have been tested, publication of the rules of procedure in the *Canada Gazette* would be premature.

Workload

As noted in last year's Performance Report, the Tribunal continues to experience a dramatic increase in the number of new cases being referred by the Canadian Human Rights Commission. As a comparison, 15 cases were referred in 1996, 55 in 2002, then 130 in 2003, and approximately 145 are expected in 2004. Table 1 identifies changes in the number of referrals from the Commission since 1996.

Table 1: New Cases, 1996 to 2003*

	1996	1997	1998	1999	2000	2001	2002	2003	2004 Projected	Totals
Human Rights Tribunals/Panels	15	23	22	37	70	83	55	130	**145**	580

Employment Equity Review Tribunals appointed	0	0	0	0	4	4	0	0	**0**	8
Totals	15	23	22	37	74	87	55	130	**145**	**588**

***** The number of cases before the Canadian Human Rights Tribunal depends entirely on how many cases are referred by the Canadian Human Rights Commission. The number of referrals since 1996 has increased. The number of referrals of human rights and employment equity cases in 2003, and the number projected for 2004, each represents a 200-percent increase over the average of 45 referrals received per year during the period from 1996 to 2002.

In response to the increase in cases referred to the Tribunal in 2002–2003, we raised the concern that if this increase were to continue, our time lines for processing cases might change and the quality of our services to Canadians would be affected. We completed a detailed analysis of our capabilities, based on existing resources, and presented our findings to the Treasury Board.

Through negotiation and cooperation, the Board responded favourably to a revised operating and business plan designed to meet our workload concerns. But while we began putting this plan into effect, our workload increased further both in terms of complaint referrals and as a result of a decrease in participation of the Canadian Human Rights Commission at hearings before the Tribunal.

The Tribunal is a small organization with very limited resources. Our ability to draw from internal resource reallocations is practically non-existent, our timelines for the processing of cases continue to be seriously challenged, and our operating and business plans may need to be revisited for further adjustment. However, we are making every effort to realize the greatest possible efficiencies from procedural revisions.

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 subject of the inquiry usually relates to a review by the Tribunal of a direction given by the Commission to an employer with respect to an employment equity plan. The Tribunal, after hearing evidence and oral argument from the two parties, may confirm, rescind or amend the Commission's direction. Since the first appointment of such a tribunal in February 2000, only seven more applications have been made, and no applications were made in 2003. To date, there are no open cases, and no hearings have been held, because the parties have reached settlements before hearings commenced. The *Employment Equity Act* is scheduled for parliamentary review in 2005.

Performance Summary

Table 2: Peformance Summary

Strategic Outcome

The Tribunal's single strategic outcome is:

Canadians have equal access to the opportunities that exist in our society through the fair and equitable adjudication of human rights cases that are brought before the Canadian Human Rights Tribunal.

In 2003–2004, $4,313,559 in financial resources and 26 full-time equivalents were used to achieve this outcome.

Intermediate Outcomes

- To provide clear and fair interpretation of the *Canadian Human Rights Act* and *Employment Equity Act*.
- To provide an adjudication process that is efficient, equitable and fair to all who appear before the Tribunal.
- To establish meaningful legal precedents for the use of employers, service providers and Canadians.

Immediate Outcomes

- To provide Canadians with a dispute resolution process that allows for complaints of discrimination to be heard and ruled on fairly and impartially.
- To award fair remedies as appropriate to end future discriminatory practices.
- To provide Canadians with an improved and meaningful understanding of their rights and obligations under both the *Canadian Human Rights Act* and the *Employment Equity Act*.

2003–2004 Plans and Priorities	Results Achieved	Associated Resources
1. Begin hearings within six months of receiving a case referral in 80 percent of cases, and render a final decision within four months of the close of a hearing in 95 percent of cases;	Not fully met	N/A*
2. Undertake initiatives identified in the Tribunal's Modern Comptrollership Capacity Assessment and Action Plan;	Successfully met	$17,235
3. Respond to the results of the survey conducted in 2002 on the quality of services provided to clients;	Successfully met	N/A
4. Review, and possibly develop and implement, a communications strategy to better inform the public of our unique mandate; and	Successfully met	$23,400
5. Continue to work, if requested, with the Department of Justice on potential amendments to the *Canadian Human Rights Act* in response to the La Forest report.	N/A	N/A

Program, Resources and Results Linkages The Tribunal has only one program: to conduct hearings and render decisions on those hearings. The following major decisions

were reached in 2003–2004:

- The Federal Court endorsed a Tribunal decision that dismissed part of a complaint for abuse of process, since the same issue involving the same parties had previously been addressed in an arbitration proceeding.
- The Tribunal ordered a trucking company to develop, in consultation with the Canadian Human Rights Commission, a policy with respect to the accommodation of disabled employees. The company was further ordered to provide its senior management with training on the workings of the policy and the obligations of employers with respect to disabled employees, including the duty to accommodate.
- The Tribunal ordered an individual to shut down an Internet Web forum containing messages asserting that Jewish persons are devious and treacherous and are murderers. The individual was also ordered to cease posting additional messages of this nature on the Internet and to refrain from publicizing or referring people to where, on the Internet, such material was archived.

Planned spending for fiscal year 2003–2004 was $4,202,000. Total authorities received were $5,175,739. Actual spending in 2003–2004 was $4,313,559.

*N/A implies that no costs were incurred or that no action was required.

Performance Discussion

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 responsibility: 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 decisions that will withstand 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.

Recent Tribunal Decisions and Results for Canadians

Over the course of 2003–2004, the Tribunal issued 12 decisions with reasons 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) as to whether the Act was infringed in a particular instance. The decisions also have an impact beyond the parties to the case, bringing real benefits to Canadian society as a whole.

Simply put, Tribunal decisions give concrete and tangible meaning to an abstract set of legal norms. The *Canadian Human Rights Act* (CHRA) prohibits discriminatory practices. It also offers justifications for certain conduct that may be discriminatory. But the Act does not give

examples or illustrations. For that matter, the Act does not even define the word "discrimination." It is only by reading Tribunal decisions that Canadians can learn the true ambit of their rights and obligations under the legislation. In this regard, a decision dismissing a complaint is just as noteworthy as a decision that finds a complaint to have been substantiated.

The following cases serve as examples of the nature of the complaints brought before the Tribunal and the effects of Tribunal decisions on all Canadians.

***Day* v. *Department of National Defence and Hortie* — April 4, 2003 (Groarke)**

The complainant alleged, among other things, that the individual respondent had sexually harassed her while they were both in the service of the government respondent. Partway through the hearing of the inquiry, the respondents brought an application for the dismissal of the case on the grounds that the complainant was incapable of testifying or prosecuting the complaint. The Tribunal noted the complainant's assertion in her testimony that other people had planted thoughts or phrases in her mind, certain of which related to the substance of her allegations in the case. It further noted that the complainant's conduct on the witness stand revealed disassociative states and an inability to distinguish between her own disordered perceptions and reality. Ultimately, the Tribunal was unable to assess the accuracy of her testimony and it concluded that her psychological state, both at the time of the events she was testifying about, and at the current time, prevented her from giving testimony that could be relied upon. On the issue of the complainant's ability to prosecute the case, the Tribunal noted that she was unrepresented and yet had carriage of the complaint. It then observed that she did not have the emotional and psychological resources to participate normally in the process, regardless of any accommodation that could be extended to her. Her behaviour was irrational and she did not appreciate the consequences of the decisions she made in the context of the hearing process. Ultimately, her inability to make meaningful decisions could result in her subjecting herself to irreparable legal, psychological and emotional harm. She was thus found to be incapable of participating in the process or instructing counsel. In these circumstances, the only appropriate recourse was to dismiss the complaint; granting an adjournment to the complainant until she became competent would add an unacceptable delay to a process that had already gone on for too long. The respondents had always denied the allegations, and had had to endure their scandalous repercussions for several years. (Judicial review pending.)

Results for Canadians (Day)

Few cases pose a greater dilemma for a human rights adjudicator: on the one hand, the complainant, who has made extremely serious allegations of discriminatory (and criminal) conduct, and who is experiencing debilitating psychological difficulties, insists on proceeding with the hearing to vindicate her claim; on the other hand, the respondents raise legitimate concerns about the fundamental reliability of the testimony offered in the case against them, and of the complainant's ability to carry the case forward coherently without causing herself emotional or psychological harm. This decision highlights the Tribunal's dedication to the principle of affording parties the full and ample opportunity to tell their story. Not only are disabled persons entitled to accommodation in the activities governed by the CHRA, they are also entitled to accommodation in the very hearing process mandated by the Act. However, as elsewhere, accommodation in the

hearing process cannot extend beyond the point of undue hardship; in this case, concerns about the complainant's health and the procedural fairness owed to the respondents indicated that this point had been reached. The case could not continue.

***Milazzo* v. *Autocar Connaisseur Inc.* — November 6, 2003 (Mactavish/Deschamps/Doucet)**

The complainant, a motor coach driver, was dismissed by the respondent because his urine tested positive for cannabis metabolites. He alleged that his dismissal, as well as the respondent's drug testing policy, were discriminatory in respect of disability or perceived disability. Given the complainant's denial (under oath) that he was dependent on cannabis, the Tribunal was unable to conclude that he was disabled within the meaning of the Act. Furthermore, the evidence did not even reveal any perception on the part of the respondent that the complainant was drug-dependent; the respondent fired him simply because he failed the drug test. Given these facts, the complainant's dismissal was not discriminatory. As for the respondent's policy, the Tribunal found that pre-employment testing and random testing for drugs was reasonably necessary. Less invasive measures of monitoring for possible employee impairment (such as observation by supervisors) were more expensive and less reliable, especially given the work environment of a motor coach company. On the other hand, drug testing of urine, while it did not establish that an employee was impaired on the job, was proven to assist in identifying drivers who were at an elevated risk of accident. Moreover, a drug-testing policy would deter some employees from using alcohol and drugs in the workplace, and would allow the respondent to comply with American drug-testing legislation. That said, the Tribunal found that the portion of the policy providing for summary dismissal of employees who tested positive did not provide adequate accommodation of drug-dependent persons. Such persons should be given the opportunity to rehabilitate themselves, with a view to returning to work, subject to follow-up monitoring. Accommodation should also be considered for drug-dependent individuals who tested positive in pre-employment tests. The policy was ordered to be modified.

Results for Canadians (Milazzo)

This decision touched on an issue that is of significant concern to Canadians in the current age of rapid technological advances: the question of workplace privacy. The Tribunal had to strike a balance between an employer's right to maintain a safe and efficient business operation and the employee's right to be free from invasive monitoring by the employer of his medical state or condition. The Tribunal recognized that where employees are in safety-sensitive positions and have a likelihood of crossing international borders, the security concerns articulate themselves differently, and employers must be given greater latitude to assure themselves that the workforce is not impaired by consumption of alcohol or narcotics. At the same time, the Tribunal was able to draw a distinction between the employer's obligation to identify impaired employees and its obligation to accommodate those whose impairment is due to a disability (drug dependence). Operational considerations did not justify the employer's summarily eliminating this latter group from its workforce.

***Laronde* v. *Warren Gibson Limited* — November 7, 2003 (Sinclair)**

The complainant (Laronde) alleged sexual harassment and differential treatment in respect of her employment driving tractor-trailers. The Tribunal found that on two occasions the complainant was assessed with major disciplinary infractions for late deliveries. She appealed the first infraction, but her arguments were rejected by the respondent on the ground that "a late is a late." Because of this decision, she did not appeal the second infraction, even though she had an explanation for this incident. In contrast, a male driver who made a late delivery during the same month she had made her late deliveries merely received a note to file. The respondent was unable to explain this differential treatment. Moreover, the late delivery infractions played a determinative role in the respondent's subsequent decision to dismiss the complainant. On the question of sexual harassment, the Tribunal accepted that four relevant incidents occurred involving the complainant and a male co-worker: (1) he annotated her trip envelope with a suggestion that she make him coffee; (2) he related a story to other drivers (in her presence) involving a sexual encounter he had had; (3) he sent her a satellite message indicating that another driver, who was waiting to meet her, was in a state of sexual arousal; and (4) he said to others (in her absence), I'm going to have that bitch fired. I'm tired of her being here.' The Tribunal concluded, however, that these incidents were not individually severe enough to constitute sexual harassment. Further, they did not present a persistent pattern of offensive conduct as they took place over at least 18 months. Finally, the Tribunal rejected a separate allegation of differential treatment regarding the respondent's refusal to select Laronde to be an owner/operator; while the respondent's rationale in preferring the male candidates may have been questionable, it did not reveal gender bias. The complainant was awarded lost wages, damages for injury to feelings and self-respect, and hearing expenses. (Judicial review pending.)

Results for Canadians (Laronde)

This case had two main aspects: the allegations of differential treatment and the allegation of sexual harassment. In its analysis of the former, the Tribunal demonstrated how employer conduct might be analysed where it is asserted that a female employee is disciplined more harshly than her male colleagues. Whichever side is calling the evidence, it is important to have comparable data (i.e., as contemporaneous as possible, and of as similar conduct as can be found). Moreover, it is noteworthy that it was not enough in this case to show favouritism on the part of the employer, or unsound business decisions; there must be a nexus with the prohibited ground of discrimination alleged — in this case, sex. As for the question of sexual harassment, the Tribunal in this case explored once again the distinction between a sequence of unwelcome events having sexual overtones and the existence of a pattern of sexually harassing behaviour. In so doing, it reinforced and refined the definition of harassment, noting in particular that the total period of time over which the events occurred has a bearing on whether they effectively poisoned the complainant's working environment.

***Montreuil* v. *National Bank of Canada* — February 5, 2004 (Hadjis)**

The complainant applied for an entry-level position as a call centre agent with the respondent and was not offered employment. She filed a complaint with the Canadian Human Rights Commission, alleging that the respondent refused to employ her because she is a transsexual person, thereby discriminating against her on the ground of sex, contrary to s. 3 and 7 of the CHRA. The Tribunal applied the test developed in *Israeli v. Canadian Human Rights Commission* to determine whether a prima facie case of discrimination had been established,

and found that all 4 criteria were satisfied: the complainant belongs to one of the designated groups; the complainant applied and was qualified for a job the employer wished to fill; although qualified, the complainant's candidacy was rejected; and the employer continued to seek applicants with the complainant's qualifications. The respondent offered three explanations for its behaviour: namely that the complainant was overqualified, she was self-centred and condescending, and her real motive was to use the position to promote the rights of transgendered persons. The Tribunal found that discrimination was a factor underlying the first and third explanations, but did not definitely decide on the second explanation. To find liability, it is sufficient that discrimination be one of the factors in the employer's decision not to hire the individual. The respondent's conduct was discriminatory. In particular, the respondent's apprehension that the complainant would use her job as a platform to advance a personal interest was based on unfounded speculation, and such a belief adversely singled out persons belonging to equality-seeking groups. Although no intent to discriminate was demonstrated, the intent to discriminate is not a pre-condition to a finding of discrimination. The complaint was substantiated.

Results for Canadians (Montreuil)

The issue of discrimination against transsexuals is still an emerging one in the field of human rights. This case was only the second one before the Tribunal to deal with the issue, and the questions it raises have not yet been explored by the higher levels of the judicial system. The Montreuil case, therefore, was a pivotal opportunity for the Tribunal to explore and report on some of the unique considerations that arise in cases involving differential treatment on the ground of gender identity. Of broader interest were the issues surrounding the appropriate posture to be adopted by those who seek equality in Canada. While the complainant in this case took pride in her role of pioneer in the full participation of transsexuals in the workforce, the respondent had reservations about her using her new job as a platform for social change. The Tribunal had to assess the often dual nature of equality-seeking activity and reconcile in the circumstances at hand the public social goal of breaking down employment barriers with the more private goal of simply obtaining an attractive job.

Performance Accomplishments

The Tribunal's Report on Plans and Priorities for 2003–2004 outlined the following major goals or targets, which would demonstrate progress in achieving our strategic outcome as stated in the "Context" section of this report:

- Begin hearings within six months of receiving a case referral in 80 percent of cases, and render a final decision within four months of the close of the hearing in 95 percent of cases;
- Undertake initiatives identified in the Tribunal's Modern Comptrollership Capacity Assessment and Action Plan;
- Respond to the results of the survey conducted in 2002 on the quality of services provided to clients;
- Review, and possibly develop and implement, a communications strategy to better inform the public of our unique mandate and purpose; and
- Continue to work, if requested, with the Department of Justice on potential amendments to the *Candain Human Rights Act* (CHRA) in response to the La Forest

report.

1. Begin hearings within six months of receiving a case referral in 80 percent of cases, and render a final decision within four months of the close of the hearing in 95 percent of cases

- Only 12 of the 28 cases that commenced hearings in 2003–2004 did so within a six-month time frame. It should be noted, however, that the greatest delays were incurred during the earliest period of the transition to the Tribunal's new procedures, revised in response to the increased workload and to changes in the Commission's level of participation in inquiries.

- Only 62 percent of the 16 decisions rendered by the Tribunal in 2003–2004 were released within a four-month time frame. We are making progress in this area and believe that we will improve our four-month release rate to 90 percent in 2004–2005.

Since January of 1998, the Tribunal has been committed to reducing the time required to complete a case to 12 months (from the date of referral to the release of a decision). Table 3 shows that there has been an overall decline in the average number of days required to process and close case files. The average number of days required to complete a case was 255 for cases begun in 2001, 214 days for 2002 cases and 202 days for cases begun in 2003. These averages were well within the one-year target.

It should be noted, however, that the time requirements have varied widely: many cases have been settled without the need for a hearing, while many cases begun in 2003 remain open. For cases requiring a full hearing and decision, the average time required to close cases that were referred in 2001 was 459 days, with six cases requiring more than one year to finalize them. In 2002, the average was 370 days, with five cases exceeding our one-year time frame. Although our performance improved in 2003 to 287 days, many cases remain active, and it is projected that time frames for completing cases referred in 2004 will still not be fully satisfactory (i.e., not all cases will be completed within a year). In a number of the longer proceedings, delays have been caused by factors beyond the Tribunal's direct control, such as requests for more time from the parties, Federal Court applications or the complexity of the cases.

Table 3. Average Days to Complete Cases, 1996 to 2003, from date of referral from the Canadian Human Rights Commission

	1996	**1997**	**1998**	**1999**	**2000**	**2001**	**2002**	**2003**
Direction to parties	22	24	40	15	7	12	8	7
Time to settle a case	170	152	245	232	230	217	196	189
To first day of hearing	234	93	280	73	213	293	257	190
Time for decision to be submitted from close of hearing	189	75	103	128	164	177	158	126
Average processing time to close file	266	260	252	272	272	255	214	202

Although the number of referrals has increased by 300 percent, from 37 in 1999 to 145 cases projected in 2004, the number of available members declined in 2003 following the appointment of our Chairperson in November 2003 to the Federal Court and the resignation of a part-time member. In addition, staff levels increased only slightly in fiscal year 2002–2003.

With the increased caseload, the Tribunal must continue to call upon part-time members more frequently than in the past to adjudicate cases, which in turn increases its operating costs and processing times. The Tribunal has asked the Minister to appoint a new Chairperson (the Vice-Chairperson is currently Acting Chairperson) and more members.

The decision of the Commission in 2002 to participate at the hearing of only 20 to 25 cases per year has increased the workload of the Tribunal dramatically in 2003–2004. Significantly more time is spent by staff in helping unrepresented complainants understand and comply with the Tribunal process for guiding their cases toward hearing. More of the members' time is needed for giving directions and for hearing cases presented by claimants who do not have the benefit of either formal legal training or legal guidance.

As stated in last year's report, the Tribunal's case management process until the winter of 2002 allowed us to schedule hearings as quickly as the parties were prepared to move forward. We regret that we have difficulty meeting this objective today, due to the dramatic increase in the number of cases, and delays that have been exacerbated by the increase in unrepresented parties.

To date, we have not received any complaints about delays in moving cases through the system. In part, this is because the lawyers who will be present at a hearing do not usually become involved in the case until after it is referred to the Tribunal by 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 were introduced in 2003, incorporating questionnaires. These allowed the scheduling process to be completed within four to six weeks after a case was referred by the Commission. While this procedure offered a temporary solution to the large influx of new cases being referred to the Tribunal, early involvement by a member will likely become a necessity to help resolve a logjam at the front end of new cases. We will be investigating this approach to more active case management in the near future, to the extent that Tribunal members, who are fewer in number now, are able to contribute.

Also noted in last year's report was that the Tribunal hoped to improve upon the rate at which it renders decisions within four months of the close of a hearing. In 2002–2003, 78 percent of decisions were rendered within that time frame. In 2003–2004, that rate declined to 62 percent, mostly as a consequence of the lower number of members available to take cases and the increased amount of their time spent on cases in which the parties were unrepresented. It is expected that the recent changes made to the Tribunal's procedures, in conjunction with an enhanced case management approach to guiding the inquiries, will help to improve this rate to 90 percent in 2004–2005 (see Risk Management Issues, above).

The rates of privately settled cases and mediated case settlements observed in the past two years held relatively steady in 2003. The Commission, after referring complaints to the Tribunal, continues to settle many cases either through Tribunal mediation or independent settlement discussions. In 2003, cases resolved before the commencement of a hearing

continued at a rate of about 73 per cent. With the reintroduction of Tribunal mediation, the settlement of cases — independent of the Tribunal but through the Commission — has dropped sharply, as expected. Table 4 outlines the rate of settlement from 1995 to 2003.

Table 4. Rates of Settlement, 1995 to 2003*

Year of Referral	No. of Cases	Settled	Hearing Commenced	Pending	Percentage Settled**
1995	26	11	14	1	42.3
1996	15	4	11	0	26.7
1997	22	18	4	0	81.8
1998	18	11	7	0	61.1
1999	35	26	8	1	74.3
2000	70	47	21	2	67.1
2001	83	66	13	4	79.5
2002	55	32	21	1	58.2
2003	130	49	18	56	37.7
Total	**454**	**264**	**117**	**65**	**58.1**

* Does not include withdrawn or discontinued cases.
** Prior to commencement of hearing. Does not include pending cases.

With the increase in settled cases (i.e., to 49 from 32) average case costs declined in 2003 since mediations cost less than full hearings. As noted in the attached financial statements, this has left the Tribunal with a surplus in its operating budget for 2003–2004. Such a surplus is not expected in 2004–2005 because of the continued increase in cases referred by the Commission, the increased efforts required of Registry staff in assisting unrepresented parties, and payments of cancellation fees to professionals whose services are not needed when settlements are reached at the last minute.

2. Undertake initiatives identified in the Tribunal's Modern Comptrollership Capacity Assessment and Action Plan

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 for providing all Canadians with an effective and efficient human rights adjudication process.

A capacity assessment was conducted in June 2002 and an action plan was developed in November 2002. (These documents are available at: http://www.chrt-tcdp.gc.ca/about/reports_e.asp.) The capacity assessment provided the Tribunal with an analysis of its strengths and identified areas requiring special attention. The action plan set out the necessary steps for improving management practices.

Action plan items that were completed during the reporting period included:

- the preparation of a departmental policy on values and ethics;
- a complete inventory of all assets, furniture and equipment that will be regularly updated;
- the posting of information on our intranet site to communicate with staff on a wide variety of subjects, including Modern Comptrollership;
- an employee survey, conducted in the fall of 2003, with results distributed to all staff in March 2004 (employee satisfaction was at such high levels that no action for improvement was required at this time);
- the development of new reports to provide a greater number of users with up-to-date financial information; and
- the participation of key staff in training related to Modern Comptrollership.

The completion of these activities assisted the Tribunal in strengthening modern management practices that will provide Canadians with better programs, services and public policies.

3. Respond to the results of the survey conducted in 2002 on the quality of services provided to clients

Over the past two years, the Tribunal has carried out many changes to its public information to better serve its clientele. These include a complete redesign of our Web site, with upgraded search capabilities and new information, a guide on how the Tribunal operates, revised operating procedures and mediation services. A media kit was also completed in 2003–2004 to help unrepresented parties understand the Tribunal process.

We have not completed any formal studies or reviews with regard to our central mandate, which is to conduct fair and impartial hearings. Informal feedback from our clientele continues to indicate that Registry services are meeting the needs of parties.

In accordance with the government's initiative on service delivery, we conducted a survey in the fall of 2002, based on the Common Measurements Tool developed by the Treasury Board. The survey was administered to the Tribunal's primary clientele: complainants, respondents, complainant counsel, respondent counsel and counsel for the Canadian Human Rights Commission. The results of the survey showed that the level of satisfaction with the services provided by the Tribunal was 73 percent. The survey demonstrated that the Tribunal was doing very well in all areas assessed by the Common Measurements Tool, except perhaps in its communication about hearing services, with which only 60 percent of respondents were satisfied. The Tribunal completed an information pamphlet in 2003 that explains the Tribunal process, the Tribunal's mandate, and how this mandate is different from the Commission's mandate. A media kit was completed in 2003–2004 containing information to help unrepresented parties understand the Tribunal process. In addition, two guides produced in 2002 explain the entire case process in non-legal language *Canadian Human Rights Tribunal — Helping to Ensure Canadians' Right to be Heard* and *What happens next? — A Guide to the Tribunal Process*. Copies of the former can be requested from the address cited at the end of this report. The latter is available on the Tribunal's Web site at: http://www.chrt-tcdp.gc.ca/about/tribunalrules_e.asp. We are confident that these documents will help increase the level of satisfaction with information provided by the Tribunal.

The Tribunal engaged a firm to conduct an analysis of its communication tools and strategies. The Tribunal will be developing a formal communications plan to better respond to its clients' needs and to clarify its role.

The Tribunal has decided not to hold another survey at this time, though the guidelines for the Service Improvement Initiative suggest this be done (see Government-wide Initiatives, below). The decision stems from concerns as to the validity of conclusions based on responses from the small number of clients who would be available for a survey. The Tribunal decided that a period of at least two years was needed to establish a client base sufficient for the purpose of deriving meaningful conclusions from the results of a survey. Informally, the Tribunal has received very few complaints.

The Tribunal's Web site has been redesigned to better serve the needs of Canadians and to meet the requirement that all government Web sites have a "common look and feel." The site provides a wide range of information on the current activities of the Tribunal, such as case information, rulings and decisions issued by the Tribunal, rules and procedures, mandatory reporting documents, and reports on various government-wide initiatives. The Tribunal plans to continue improvements to its Web site, in keeping with enhancements in technology and with our growing awareness of the information needs of our clients, especially those who are without legal representation.

4. Review, and possibly develop and implement, a communications strategy to better inform the public of our unique mandate and purpose

Interest in the Tribunal's Web site, from the general public as well as from members of the legal, academic and human rights communities, continues to grow. Use of the Web site has nearly tripled since 1998, rising from an average of 800 visitors per week to an average of 300 per day. The Web site offers quick access to decisions and procedural rulings, to general information about the Tribunal, and to public documents such as annual and financial reports. The essential information that Canadians want to know about the Tribunal — how it works, and what decisions the Tribunal has made related to grounds of discrimination or types of discriminatory practices — is easily accessible. As indicated earlier in this report, we will continue to improve and update the site.

5. Continue to work, if requested, with the Department of Justice on potential amendments to the *Canadian Human Rights Act* in response to the La Forest report

The Department of Justice has not moved forward with the drafting of proposals for amendments to the CHRA. There have been some preliminary discussions, but we do not anticipate any substantive consultation until some time in 2004–2005. The Tribunal has, nevertheless, begun preliminary work on various scenarios that might evolve from the La Forest report and is ready to work on this initiative with the Department of Justice, if requested to do so.

Government-wide Initiatives

The government has directed departments and agencies to undertake the following major initiatives: Government On-Line, Service Improvement and Modern Comptrollership (see

performance indicator 2 in this section for Modern Comptrollership).

Government On-Line

We redesigned the Tribunal's Web site to meet the government-wide "common look and feel" requirements, which allow users of all government Web sites to navigate more easily and efficiently through vast amounts of information.

Service Improvement

A client satisfaction survey administered during the fall of 2002 yielded some encouraging news. The final report analyzing survey results, completed at the beginning of January 2003, showed an overall client satisfaction level of 73 percent. This finding places the Tribunal among the most responsive private and public sector service providers, based on the survey Citizens First 2000. The Tribunal has begun to develop a strategy to identify priorities and respond to concerns identified in the survey. Some of the initiatives currently under way and/or implemented have been reported above, under performance indicator 4 of this section. The results of the survey are available on the Tribunal Web site at http://www.chrt-tcdp.gc.ca/about/reports_e.asp.

Judicial Review in the Federal Court

Of the 12 decisions rendered by the Tribunal in 2003, four have been challenged by way of application to the Federal Court of Canada (see Table 5). All four applications remain to be decided.

Table 5. Judicial Review of Tribunal Decisions, 1999 to 2003

	2000	2001	2002	2003	Total
Cases referred to the Tribunal	70	83	55	130	338
Decisions rendered*	5	18	12	12	47
Decisions challenged					
✍ upheld	1	3†	2	0	6
✍ overturned	1	3††	2	0	6
✍ challenge withdrawn or dismissed for delay	1	1	1	0	3
✍ still pending	0	0	0	4	4
Total challenges	**3**	**7**	**5**	**4**	**19**

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

† In one of these cases, the Tribunal's decision was upheld on two separate challenges.

†† In one of these cases, the Tribunal's decision was upheld on one issue and overturned on the other.

Between January and March of 2004, four decisions were rendered by the Tribunal; two of these have been challenged in the Federal Court, and the court has not yet rendered decisions.

Pay Equity Cases

Hearings in the Tribunal's two major pay equity cases continued through 2003–2004. These cases continued to occupy a substantial share of the Tribunal's time and resources (see Figure 2).

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

This is the Tribunal's longest-running case, comprising a total of 415 hearing days since 1992. All parties finished presenting their evidence in 2002. Written final submissions were completed early in 2003. Final arguments were heard through June, for a total of 30 hearing days in 2003. A final decision in this matter was delayed as a result of a judicial review challenge on a narrow legal issue. This issue has now been decided on appeal and a final decision in this case is expected by the end of fiscal year 2004–2005.

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

Hearings in this case continued throughout 2003–2004, resulting in 49 hearing days, for a total of 196 since hearings began in 1998. A notable change took place in this case in October 2002, when the CTEA withdrew its complaint against Bell Canada. The complaints of the Communications, Energy and Paperworkers Union of Canada and Femmes-Action continued to stand. Also noteworthy is the Supreme Court of Canada's decision, rendered in 2003, which dismissed Bell Canada's appeal in regard to the Tribunal's independence and impartiality. Hearings in this case are expected to continue for two to three years.

Figure 2. Number of Hearing Days Per Year

Canadian Human Rights Tribunal

	Planned Spending	*Total Authorities*	**2003–2004 Actuals**

The Tribunal spent less than it was allotted in 2003–2004, lapsing approximately $144,346 in pay equity funding and $717,834 in operating funding.

This was due mainly to an increase in 2003 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 unanticipated increase in settlements, the total number of hearing days and related expenses were lower than forecast, resulting in a lapse in operating funding.

Financial Summary Tables

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

1. Financial Requirements by Authority
2. Departmental Planned versus Actual Spending
3. Historical Comparison of Departmental Planned Spending versus Actual Spending
4. Resources Used to Achieve Outcomes

Financial Table 1

Financial Requirements by Authority (in millions of dollars)

		2003–2004		
Vote		**Planned Spending**	**Total Authorities**	**Actual**
	Canadian Human Rights Tribunal			
15	Operating expenditures	3.9	4.9	4.0
(S)	Contributions to employee benefits	0.3	0.3	0.3
	Total Department	4.2	5.2	4.3

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

Total authorities were greater than planned spending because the Tribunal obtained additional funding for the ongoing pay equity cases, funding for the continued implementation of the Modern Comptrollership Initiative and for compensation adjustments, and because the Tribunal carried forward unspent parliamentary appropriations from the previous year.

Financial Table 2

Departmental Planned versus Actual Spending (in millions of dollars)

	2003-2004		
Business Lines	**Planned**	**Total Authorities**	**Actual**

Canadian Human Rights Tribunal			
FTEs	26	26	26
Operating	4.2	5.2	4.3
Capital	—	—	—
Voted Grants and Contributions	—	—	—
Subtotal: Gross Voted Expenditures	*4.2*	*5.2*	*4.2*
Statutory Grants and Contributions	—	—	—
Total Gross Expenditures	*4.2*	*5.2*	*4.3*
Less:			
Respendable Revenues	—	—	—
Total Net Expenditures	**4.2**	**5.2**	**4.3**
Other Revenues and Expenditures			
Non-respendable Revenues	—	—	—
Cost of services provided by other departments	0.7	0.7	0.7
Net Cost of the Program	**4.9**	**5.9**	**5.0**

Financial Table 3

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

			2003–2004		
	Actual 2001–2002	**Actual 2002–2003**	**Planned Spending**	**Total Authorities**	**Actual**
Canadian Human Rights Tribunal	3.5	3.7	4.2	5.2	4.3
Total	3.5	3.7	4.2	5.2	4.3

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

Financial Table 4

Resources Used to Achieve Outcomes (in thousands of dollars)

Activity	**Strategic Outcome — to guarantee equal opportunities**

Pay Equity Hearings	594
All Other Hearings	2,051
Management and Administration	1,669
Total	**4,314**

Notes

- Costs for hearings include direct costs related to conducting the hearings, including salary costs of staff and full-time members.
- Administration includes all activities not directly related to conducting hearings, such as the Registrar, Corporate Services, Information Technology and Legal sections. This figure includes one-time costs for office relocation of $209,212.
- All allotments lapsed funds for 2003–2004.

Annex 2: Other Information

Contact Information

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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, 2001, 2002 and 2003)

Report on Plans and Priorities (2003–2004 Estimates)
Rules of Procedure