

Media Backgrounder on the Complaints Process

WHO WE ARE

The Saskatchewan Human Rights Commission is the independent provincial commission responsible for receiving complaints of discrimination under *The Saskatchewan Human Rights Code*. The *Code* authorizes the Commission to receive and attempt to resolve complaints of discrimination. The Commission does not have the statutory authority to order remedies to a human rights complaint or to penalize a person who has violated the *Code*. If the Commission cannot resolve a complaint, the Chief Commissioner will send it to a hearing before the Saskatchewan Human Rights Tribunal, an independent, quasi-judicial provincial body.

THE COMPLAINT PROCESS

A Complainant can bring a complaint to the Commission within two years of becoming aware of an incident or incidents of discrimination. Intake staff assess the complaint to determine if there are reasonable grounds to believe the *Code* has been violated, and if the disputed matter falls within the Commission's jurisdiction. If a complaint meets these requirements, a formal complaint is drafted and served on the party who is allegedly in violation, the Respondent. A complaint can be withdrawn at any time.

Once the Commission receives a signed complaint, the Respondent is contacted to present their side of the story. The parties are then offered the services of the Commission to mediate a resolution to the dispute. Parties may resolve complaints through mediation or settlement at any stage of the process. In many cases, these negotiations provide a faster, more co-operative method of resolving complaints. If the matter cannot be settled, the Commission will investigate the matter.

In an investigation, an impartial investigator talks to witnesses to find out what happened. Investigators have the authority to interview people who have information about a complaint. They can also examine relevant records and documents, including employee records.

The investigator then refers the case to the Chief Commissioner who decides whether the case should be mediated, dismissed, sent to a hearing, or dealt with in another way. The Chief Commissioner can dismiss complaints on the basis of reasons set out in the *Code* – if, for example, the complaint is without merit. The Chief Commissioner can also defer action

on a complaint if an alternative process, such as a union grievance, would be a more appropriate process for resolving the matter.

If a complaint appears to have merit but cannot be settled, it is referred to the Saskatchewan Human Rights Tribunal for a hearing and decision. The Tribunal is an independent, quasi-judicial provincial body that conducts public hearings of human rights complaints. The complainant may be represented at the Tribunal by the Commission's legal counsel, or may hire independent counsel.

At a Tribunal hearing the parties have an opportunity to present evidence to support their case. The Tribunal member then issues a decision, with reasons. Tribunal decisions can be appealed to the courts on questions of law. Although Tribunal hearings are open to the general public, tribunal members do not comment publicly on decisions or issue press releases relating to those reasons.

Tribunal decisions can be found on its Web site: <http://www.saskhrt.ca/about.htm>.

OUR MEDIA POLICY

The official spokesperson for the Commission is the Chief Commissioner. Please contact the Communications Coordinator to arrange for an interview.

Our senior staff lawyer can speak to issues of law and can assist the media in the interpretation of decisions.

Due to privacy regulations, it is not possible for staff at the Commission to discuss current complaints.

More information about the work of the Commission and the full text of *The Saskatchewan Human Rights Code* can be found at the Commission's Web site:
<http://www.gov.sk.ca/shrc/>.

Or contact:

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