

FILING OF HUMAN RIGHTS COMPLAINTS IN MANITOBA

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Manitoba Bar Association:

Administrative Law Section

Labour & Employment Law Section

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Navigating Commission Procedures

s. 3.1 The Commission may determine its own practice and procedure.

Commission policies and procedures:
www.manitobahumanrights.ca

- Complaints
- Resources
 - Board of Commissioners' Policies
 - Guidelines

Complaint is not a pleading

s. 22(1) Any person may file...a complaint alleging that another person has contravened the Code.

Pollock v. Winnipeg Condominium Corp. No. 30 (2011)
MBHRAP

Damianakos v. University of Manitoba (2015) MBHRAP

Sumner-Pruden v. Government of Manitoba (2020)
MBHRAP

Disposition of Complaints

s. 26

The Commission investigates to the extent it deems sufficient to dispose of it:

- via settlement negotiations (s. 24.1); or
- via assessment of complaint (29).

Mediation, Reasonable Offer – Commission

s. 24.1(4)

If a complainant rejects a settlement offer made by the respondent before an adjudicator is appointed:

- the Commission must terminate its proceedings if the Commission considers the offer to be reasonable.

Dismissal or Adjudication

s. 29 (3):

The Commission dismisses complaint where:

- Frivolous or vexatious;
- Acts or omissions do not contravene the Code; or
- Evidence is insufficient to substantiate the allegations.

The Commission requests adjudication where:

- Complaint is not settled, terminated or dismissed; and
- Additional proceedings would further the objectives of the Code

Dismissal or Adjudication

Bill 31: The Human Rights Code Amendment Act (First reading Oct. 14, 2020)

<https://web2.gov.mb.ca/bills/42-2/b031e.php>

<https://gov.mb.ca/legislature/business/billstatus.pdf>

Civil Standard of Proof

Emslie v. Doholoco Holdings (2014) MBHRAP

Hearing Process

s. 39(2)

The designated adjudicator:

- determines the procedures to be used at the hearing; and
- may receive evidence at the hearing that the adjudicator considers relevant and appropriate, whether or not it would be admissible in a court of law.

Reasonable offer – Adjudication

s. 37.1(1) and (2)

When a settlement offer is made after an adjudication is appointed:

- the chief adjudicator designates a different adjudicator to determine if the settlement offer is reasonable.

If a complainant rejects a settlement offer the adjudicator considers reasonable:

- that adjudicator must terminate the adjudication.