

BE CODE SMART

The best way to protect yourself from discrimination and from complaints is to know and respect **The Saskatchewan Human Rights Code.**



SASKATCHEWAN
HUMAN RIGHTS
COMMISSION

The Resolution Roadmap for Appropriate Case Resolution*

1. When the SHRC agrees to explore resolution, there has been no determination that any wrongdoing has occurred. Once the complaint has been formalized a copy is served on the respondent. The respondent knows about the complaint, but likely nothing more than the information that was contained in the complaint. Both the complainant and the respondent are required to communicate with the Commission, respond in a timely manner, and supply documents as requested by the Commission.

2. In most cases the parties are required to mediate the complaint. The Commission's mediator does not advocate for one party over another, and does not make a decision as to whether the Code was violated. What is said at the mediation, leading up to resolution, is "without prejudice" and is not recorded by the Commission for future use in investigation. The parties are free to speak their minds.

3. Complaints that are not resolved in mediation are then investigated. Complainants and respondents are required to supply further documentation, including names of potential witnesses. After the investigator has reviewed all relevant documentation and has spoken with witnesses, the investigator writes a disclosure report. Both parties will then have access to the full positions of the complainant and the respondent, what witnesses have said about the complaint, and what the documents suggest.



4. The Chief Commissioner will review the complaint once all parties have responded to the disclosure report. Based on the review, the Chief Commissioner may decide that the complaint be dismissed or that it will proceed to hearing at the Court of Queen's Bench. Dismissals generally occur because the evidence gathered does not support the allegations of discrimination. When an order to proceed to a hearing is made, it means that the Commission believes there is enough evidence to suggest that, on balance, it is more likely than not that the allegations made in the complaint are true, and that those allegations reflect discriminatory behaviour that requires an order of compensation. A trial must be held.

5. In most cases, and before a hearing takes place, the parties will be directed to engage in one further mediation attempt. In directed mediation, the respondent is asked to provide a final offer of resolution. If the offer made is reasonable in the determination of the Commission, and if the complainant does not accept it, the Chief Commissioner will dismiss the complaint. Where a reasonable offer is not made, the matter will proceed to trial, as directed by the Chief Commissioner.

6. If directed mediation fails, the complaint is usually referred to the Court of Queen's Bench for a hearing. The matter may be deferred if there is a grievance, civil action, or if there is another process that deals with the same complaint. The trial itself will be conducted by the Commission's lawyer (there is no cost to the complainant). A trial will likely take no more than two or three days to complete. Approximately 1-2% of all complaints are expected to proceed to trial.

*This summary presents only a brief overview of the resolution process that may not be applicable in all situations.

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