

## 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

# A Guide to Settlements

“...every person is free and equal in dignity and rights...”  
(Section 3, The Saskatchewan Human Rights Code)

The Saskatchewan Human Rights Commission offers a process to resolve or settle complaints without going through formal filing of a complaint or through the entire investigation process. Mediation or facilitated discussion is available to complainants and respondents who want to settle the complaint at the start of the process, before an investigation has been done, or at any time during the investigation. Participation in early resolution or mediation can be the most effective and satisfying way to resolve a dispute.

In the mediation process, a conciliatory approach is used to help the parties better understand each other's perspective more fully. This approach often enables parties to deal more effectively in responding to the concerns of the other party, and provides them with direct input and more control in terms of how the matter is resolved.

### How It Works

1. You can choose to informally settle your complaint prior to formalizing a written complaint. If this is of interest to you please discuss this with the Commission's Intake Officer.
2. Where a formal complaint is filed, the respondent (the person against whom the complaint has been filed) will be asked to respond to the complaint.
3. Next, both parties will try mediation to resolve the matter. Mediation at the early stages can be very successful for all parties.
4. A Mediator-Facilitator will be assigned to the matter and s/he will encourage the parties to resolve the matter within 60 days. Mediation files receive top priority at the Commission.
5. Facilitation may proceed by way of a face-to-face mediation, shuttle negotiation by phone or through correspondence, or a combination of both.
6. If the parties cannot reach a settlement within 30 - 60 days, the complaint will move to the investigative process unless a settlement appears likely. Investigations often take several months to complete, depending on the complexities of the case, and there may be a waiting period before an investigator is available.
7. Parties in the investigation route can move to mediation at any time before the investigation is complete and they may be asked to mediate at the conclusion of the investigation.
8. All discussions with the mediator are "without prejudice" and information provided during settlement discussions is kept separate and confidential from the Investigator.



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**Other Points to Consider**

1. Both parties are responsible for reaching whatever settlement terms are satisfactory to them. The Mediator-Facilitator will not advocate for either party, nor will s/he advise either party to accept a settlement offer or not. If either party is not sure what is appropriate, they should seek independent advice.
2. The Commission will provide basic information to both parties about awards and decisions by Boards of Inquiry, Tribunals or Courts in similar circumstances, if requested.
3. Settlement terms may include but are not limited to:
  - a verbal or written apology
  - reinstatement of lost rights or opportunities
  - adoption of anti-harassment/anti-discrimination policies
  - compensation for lost wages, other benefits or expenses, if appropriate
  - compensation for injury to feelings, dignity or self-respect, if appropriate
  - making a facility accessible for people with disabilities, or developing a plan to provide accessibility.
4. The Chief Commissioner has the discretion to publicize in any manner the results of any settlement of a complaint according to Section 28 (3) of the Code.
5. If an agreement to settle is reached, the mediator-facilitator will draft a *Memorandum of Agreement*, which will settle the complaint and the file will be closed. Along with the two parties named in the complaint, the Chief Commissioner of the Saskatchewan Human Rights Commission must sign and ratify the agreement, in order for it to be considered concluded.

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