

# *The Saskatchewan Human Rights Regulations, 2018*

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Chapter S-24.2 Reg 1 (effective October 1, 2018).

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER S-24.2 REG 1

### *The Saskatchewan Human Rights Code, 2018*

#### Title

1 These regulations may be cited as *The Saskatchewan Human Rights Regulations, 2018*.

#### Definitions

2 In these regulations:

“**class complaint**” means a complaint made to the commission on behalf of a class of persons; (« *plainte collective* »)

“**Code**” means *The Saskatchewan Human Rights Code, 2018*; (« *Code* »)

“**complainant**” means:

(a) a person who has filed a complaint pursuant to subsection 29(1) of the Code; and

(b) for the purposes of sections 5 and 8, includes the commission if the commission has initiated the complaint; (« *plaignant* »)

“**respondent**” means a person against whom a complaint is made. (« *intimé* »)

24 Aug 2018 c.S-24.2 Reg 1 s2.

#### Complaints

3 A complaint within the meaning of Part 5 of the Code may be made:

(a) by filing the form mentioned in subsection 29(1) of the Code; or

(b) orally to the commission.

24 Aug 2018 c.S-24.2 Reg 1 s3.

#### Class complaints

4(1) If more than one person has a common interest in a cause or matter, a class complaint may be made pursuant to section 29 of the Code on behalf of a class of persons notwithstanding that the damage suffered may vary from person to person within the class.

(2) The Chief Commissioner shall accept a class complaint for filing if he or she considers it appropriate to do so.

(3) In determining whether to accept a class complaint for filing pursuant to subsection (2), the Chief Commissioner shall consider whether:

(a) there is an identifiable class;

(b) the claims of the class members raise common issues;

- (c) the class complaint would be the preferable procedure for the resolution of the common issues; and
  - (d) the complainant is an appropriate representative of the class of persons on whose behalf the class complaint is made.
- (4) If the Chief Commissioner accepts a class complaint for filing, he or she shall provide the members of the class with notice of the complaint that the Chief Commissioner considers reasonable in the circumstances.
- (5) If a member of the class requests exclusion from the class by applying to the commission within 30 days after the day on which notice pursuant to subsection (4) is provided, the commission shall grant the exclusion.

24 Aug 2018 c.S-24.2 Reg 1 s4.

#### **Amended complaints**

- 5(1) Subject to subsection (3), a complainant may amend his or her complaint at any time before the Chief Commissioner applies to the court for a hearing of the complaint pursuant to section 34 of the Code.
- (2) Sections 30 and 31 of the Code apply to a complaint that is amended before the Chief Commissioner applies to the court for a hearing of the complaint.
- (3) After a class complaint has been filed, the complainant may only amend the class complaint with the consent of the Chief Commissioner.

24 Aug 2018 c.S-24.2 Reg 1 s5.

#### **Withdrawal of complaint**

- 6(1) Subject to subsection (2), a complainant may withdraw his or her complaint at any time by giving notice orally or in writing to the commission.
- (2) After a class complaint has been filed, the complainant may withdraw as the complainant, but the Chief Commissioner may appoint a complainant to continue with the class complaint.
- (3) If the commission sends a written request to the complainant to contact the commission and the complainant fails to respond to that request within a reasonable period, the Chief Commissioner may:
- (a) deem that the complaint has been withdrawn; or
  - (b) in the case of a class complaint:
    - (i) deem that the complainant does not wish to continue with the complaint; and
    - (ii) appoint a complainant to continue with the complaint.

24 Aug 2018 c.S-24.2 Reg 1 s6.

#### **Dismissal of complaint**

- 7 If the Chief Commissioner dismisses a complaint pursuant to subsection 30(2) or 33(3) of the Code, he or she shall notify the complainant in writing.

24 Aug 2018 c.S-24.2 Reg 1 s7.

**Service of complaint**

8 The commission shall serve a copy of the complaint and notice of any amendments made by the complainant on the respondent at any time before the Chief Commissioner applies to the court for a hearing of the complaint.

24 Aug 2018 c.S-24.2 Reg 1 s8.

**Address for service**

9(1) Within 20 days after service of the complaint, the respondent must provide the commission with an address where documents may be served and notices given.

(2) If the address provided pursuant to subsection (1) changes, the respondent must inform the commission of the change.

(3) If a complaint has been served on the respondent and the respondent has not provided an address for service, the address of the respondent stated in the complaint is the respondent's address for service.

24 Aug 2018 c.S-24.2 Reg 1 s9

**Service**

10 All documents required to be served may be served in any manner permitted by *The Queen's Bench Rules*.

24 Aug 2018 c.S-24.2 Reg 1 s10.

**Investigation by commission**

11(1) If the Chief Commissioner determines that a complaint should be investigated, the respondent must, when requested, provide a response to the complaint and any further information relating to the complaint that the commission may request.

(2) In addition to requiring the production of documents and records, the Chief Commissioner may request a summary of the information contained in any documents or records relating to the complaint that are in the respondent's possession.

24 Aug 2018 c.S-24.2 Reg 1 s11.

**Rules respecting class complaints**

12(1) In the case of a class complaint, if the court determines that the notice given pursuant to subsection 4(4) is insufficient, the court may:

(a) direct that the class of persons on whose behalf the complaint is filed be given notice of the complaint pursuant to subsection (2); and

(b) refuse to conduct a hearing of the complaint until that notice has been given.

(2) The court may give directions respecting the contents of the notice required pursuant to subsection (1) and the means by which the notice is to be given to the members of the class.

- (3) On application by the respondent or a member of the class, the court shall determine whether the complaint may proceed as a class complaint and shall consider the criteria in subsection 4(3) in making that determination.
- (4) If the court determines that the criteria in subsection 4(3) are not satisfied, the court may:
- (a) direct that the complaint proceed as individual complaints filed on behalf of named individual members of the class;
  - (b) direct that the complaint proceed with a reconstituted or redefined class of persons; or
  - (c) make any other direction that, in the court's opinion, will facilitate the fair and efficient adjudication of the complaint.
- (5) The court may direct that certain persons be excluded as members of the class.
- (6) The court may:
- (a) order that the compensation to which each individual member of a class is entitled be determined by a formula or a process; and
  - (b) determine any disputes arising out of that order.

24 Aug 2018 c.S-24.2 Reg 1 s12.

#### **Interpreter**

**13** The cost of an interpreter in a hearing of a complaint is payable by the Ministry of Justice in accordance with Schedule IV-A of the Tariff of Costs in *The Queen's Bench Rules*.

24 Aug 2018 c.S-24.2 Reg 1 s13.

#### **Application for program approval**

**14** An application for a program approval pursuant to subsection 55(1) of the Code is to be accompanied by a written submission and any other material that may be required by the commission.

24 Aug 2018 c.S-24.2 Reg 1 s14.

#### **Information respecting programs**

**15** For the purpose of subsection 55(1) of the Code, the commission may gather information in any manner from any person or source that the commission considers necessary.

24 Aug 2018 c.S-24.2 Reg 1 s15.

#### **Terms of program approval**

**16** The commission may impose any terms, conditions or criteria it considers appropriate when ordering, approving or continuing the approval of a program pursuant to section 55 of the Code.

24 Aug 2018 c.S-24.2 Reg 1 s16.

**Reports**

**17(1)** In this section, “**sponsor**” means an employer, institution, agency or other organization that:

- (a) has received approval for a program pursuant to subsection 55(1) of the Code; or
  - (b) has been ordered to undertake a program pursuant to clause 39(1)(a) or subsection 55(1) of the Code.
- (2) Every sponsor of a program approved pursuant to section 55 of the Code must report to the commission on a date set by the commission.
- (3) The Chief Commissioner may at any time request any information from the sponsor that the Chief Commissioner considers appropriate for the purposes of monitoring the approved program.
- (4) Any person who receives a request for information pursuant to subsection (3) must provide that information to the person requesting it within the time specified.

24 Aug 2018 c.S-24.2 Reg 1 s17.

**Distinctions, etc., based on risk factors**

**18** Any of the following that make a distinction, exclusion or preference because of disability that is reasonable and *bona fide* based on the risk factor for the distinction, exclusion or preference are prescribed for the purposes of subsection 15(3) of the Code:

- (a) contracts of automobile, life, accident or sickness, or disability insurance;
- (b) contracts of group insurance between an insurer and an association or person;
- (c) life annuities.

24 Aug 2018 c.S-24.2 Reg 1 s18.

**Non-compliance**

**19(1)** Non-compliance with these regulations does not render any proceeding void unless the court so directs.

(2) The court may order that the matter be returned to the commission to remedy any non-compliance with these regulations.

24 Aug 2018 c.S-24.2 Reg 1 s19.

**RRS c S-24.1 Reg 1 repealed**

**20** *The Saskatchewan Human Rights Code Regulations* are repealed.

24 Aug 2018 c.S-24.2 Reg 1 s20.

**Coming into force**

**21(1)** Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Saskatchewan Human Rights Code, 2018* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Saskatchewan Human Rights Code, 2018* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

24 Aug 2018 c.S-24.2 Reg 1 s21.