



Filing a Complaint

The *Canadian Human Rights Act* prohibits discrimination by federally regulated employers, unions and service providers on any of eleven grounds of discrimination. It mandates the Canadian Human Rights Commission to try to resolve complaints of discrimination and, if a complaint cannot be resolved, to investigate the case further.

What is discrimination?

Discrimination is treating someone differently, negatively or adversely without a good reason. It is making a distinction between certain individuals or groups based on a prohibited ground.

What are the prohibited grounds of discrimination?

The *Canadian Human Rights Act* lists eleven prohibited grounds:

- race
- colour
- national or ethnic origin
- religion
- age
- sex (including pregnancy and childbirth)
- sexual orientation
- marital status
- family status
- disability (including medical conditions and alcohol or drug dependency)
- pardoned criminal conviction.

What kinds of discrimination are prohibited?

Federally regulated employers, unions and service providers must not, on any of the grounds above:

- deny anyone goods, services, facilities or accommodation available to the general public
- harass or treat a person differently in a way that is harmful
- refuse to employ or continue to employ a person
- discriminate in employment opportunities such as promotions, employment benefits or working conditions

- pursue discriminatory policies
- publish hate messages
- pay men and women differently for work of the same value
- retaliate against anyone who files a complaint or who helps in the investigation of a complaint.

Which employers, unions and service providers are federally regulated?

- federal government departments, agencies and Crown corporations
- Canadian Forces
- Canada Post
- chartered banks
- airlines, interprovincial transportation and shipping lines
- telecommunications and telephone companies, including internet service providers
- television and radio stations
- First Nations employers (for employment and service issues that are not exempt under section 67 of the Act)
- some others, such as credit corporations, grain companies, museums, nuclear power operations and uranium mines.

Other employers, unions and service providers are covered by human rights codes in the provinces and territories. If you are unsure if a particular employer, union or service provider is federally regulated, Commission staff can help you.

Who can file a complaint?

Canadian citizens or persons legally present in Canada can file a complaint under the *Canadian Human Rights Act*.

Usually the person who has suffered from the discrimination files the complaint but, in certain cases, it may be filed by a third party, such as a relative or a collective bargaining agent.

Do I need a lawyer?

A complainant does not need a lawyer to file a complaint. If you believe an employer, union or service provider has discriminated against you on any of the prohibited grounds, Commission staff will explain the complaint process and will provide you the necessary information to file your complaint. However, you can choose to be represented by a lawyer at any time.

What must a complaint include?

The complaint form is a legal document that sets out the claim of discrimination. It gives the complainant's version of events in sufficient detail for the employer, union or service provider (called "the respondent") to understand what discrimination is being alleged. It must include:

- the complainant's name
- the name and address of the respondent
- the name of the victim or victims if the complaint is filed by a third person
- a description of the events, including dates and locations
- the grounds of discrimination
- the sections of the *Canadian Human Rights Act* that prohibit that type of discrimination.

What if I make a mistake or forget to include something in the complaint?

It is important that the complaint form be complete and accurate. You can correct or add facts any time before the complaint is sent to the respondent. If it has already been sent, you can still correct dates or names on an amended complaint that is then sent to the respondent.

Sometimes new information comes to light during an investigation. The complainant must then decide whether to file an amended complaint. The same time limits apply to complaints and amended complaints.

What is the time limit?

Ordinarily, a complaint must be filed within one year of the alleged events. Complaints that are filed later than that are presented to the Commission. The Commissioners consider the reason for the delay and its length, and whether the delay has made it difficult for the respondent to defend itself. The Commission may decide to pursue a complaint more than one year old in extenuating circumstances.

Is every complaint investigated?

No. Some complaints are settled through mediation or through other procedures. Some complaints are filed too late, or the Commission finds that they are trivial, vexatious or made in bad faith.

Every filed complaint, however, is presented to the Commission for a decision.

What if I change my mind?

A complainant may ask to withdraw a complaint at any time.

Other leaflets in this series:

- C The Complaint Process
- C Mediation
- C Conciliation
- C Investigation
- C Other Redress Procedures.

For further information

Please contact one of the Commission's regional offices in Halifax, Montréal, Toronto, Winnipeg, Edmonton or Vancouver, toll free at 1-800-999-6899, or contact the national office at:

344 Slater Street, 8th Floor
Ottawa, Ontario K1A 1E1

Telephone: (613) 995-1151
Toll Free: 1-888-214-1090
TTY: 1-888-643-3304
E-mail: info.com@chrc-ccdp.ca

This publication is available in alternative formats and on our website at:

www.chrc-ccdp.ca

June 2003