



May 27, 2020

Re: Consultation on Canadian Human Rights Tribunal *Rules of Procedure*

As Chairperson of the Canadian Human Rights Tribunal, I am pleased to share with you a draft of the Tribunal's new *Rules of Procedure* for matters brought before us under the *Canadian Human Rights Act* (CHRA). The new *Rules of Procedure* will replace the existing Rules of Procedure of the Tribunal and will soon be pre-published in the Canada Gazette in accordance with s.48.9(3) of the CHRA.

Some of the new rule changes the Tribunal proposes to implement include:

- a rule allowing the Tribunal to sanction non-compliance with the Rules of Procedure or any order of the Tribunal;
- a rule on electronic service and filing;
- a rule requiring parties to file a list of documents and a copy of the documents they intend to introduce into evidence at the hearing. Parties will be required to file the list and the documents with the Tribunal and provide these to the other parties no later than 45 days before the beginning of the hearing;
- a rule defining the Tribunal's official record, access to that record, and retention thereof, to clarify the public's right of access to exhibits and other documents related to the CHRT's inquiry;
- more detailed requirements for statements of particulars to help parties identify such elements as the discriminatory practice being alleged, the remedies sought, and the defenses being relied upon; and,
- a rule establishing a time limit for the issuance of decisions by the Tribunal.

The development of new *Rules of Procedure* has also led to changes to the practice notes found on the Tribunal's website. Notably, practice notes #1 and #3 have been removed, since these two topics are now addressed by the *Rules of Procedure*. New practice notes will soon be added to provide better guidance to the parties about what is expected from them, and in turn, what the parties can expect from the Tribunal. The practice notes will assist parties in their understanding of the Rules.

As a stakeholder with interest in some or all of these changes, we would appreciate receiving your feedback on the Tribunal's proposed new *CHRA Rules of Procedure*. The new Rules of procedure are ready to be "pre-published" in Part I of the Canada Gazette ("Part I"). However, in light of the current COVID-19 situation, it is not clear when the Part I process will occur.

Therefore, in the interim, we are undertaking a preliminary consultation with the aim of receiving your comments before the Rules appear in Part I. The comments received during these preliminary consultations and the consultation related to the pre-publication in the Canada Gazette will all be addressed at the same time, i.e, before the final publication in the Part II of Canada Gazette.

Persons who participate in this preliminary consultation are also free to participate in the Part I process.

If possible, please send your written response, by September 1st, 2020, to the following e-mail address:

CHRrules-TCDPregles@chrt-tcdp.gc.ca

With your help, we hope to modernize the Tribunal's *Rules of Procedure* to provide parties with a clearer understanding of our process, and everyone's roles and responsibilities within it. As an institution, it is our hope that these new rules are applied so as to secure the most informal, expeditious and fair determination of each inquiry on its merits.

Thank you in advance for your consideration of the above and the enclosed,

A handwritten signature in black ink, appearing to read "David Thomas". The signature is fluid and cursive, with the first name "David" and last name "Thomas" clearly distinguishable.

David Thomas

Chairperson
Canadian Human Rights Tribunal