

## Human Resources Legislative Update

# Human Rights Tribunal of Ontario Seeking Public Input on Proposed Changes to its Documents and Processes

**Date:** April 26, 2021

On April 20, 2021, the Human Rights Tribunal of Ontario (HRTO or Tribunal) [announced](#) that it is seeking feedback on changes to some of its forms, guides, rules and processes in an attempt to provide more efficient dispute resolution.

The Tribunal is inviting feedback from the public and stakeholders with regards to the following:

- Draft Revised Form 1: Individual Application
- Draft changes to the HRTO's *Rules of Procedure (Rules)* to support a Digital-First Strategy
- Draft Public Hearing Docket
- Draft process on how members of the public can arrange to observe a hearing.

Drafts of the documents involved in the consultation process can be found [here](#).

Some of the key proposed changes are summarized below.

### **Draft Revised Form 1: Individual Application**

Among other changes, the Draft Revised Form 1 includes pronouns and the option to identify a litigation guardian on behalf of a party. The revised Form 1 would also limit the pleadings in an Application to five typed pages.

### **Changes to the *Rules***

Draft changes to the *Rules* include the requirement that a Respondent file a complete Response in Form 2 no later than 21 days after a copy of the Application is sent to the Respondent. Currently, the *Rules* provide a Respondent 35 days to file a Response.

With regards to videoconference hearings, the draft changes include, among other changes, an expectation of professional and appropriate attire and a prohibition on screen captures or recordings.

In addition, the draft changes include a requirement that documents filed with the Tribunal, as well as all written communications, be sent to the Registrar with a copy to all other parties, subject to

exceptions for Form 1 or Form 1G, settlement-related documents, documents exchanged pursuant to Rule 16.1, and confidential documents. Under this proposed change, Responses would now be sent to an Applicant directly by the Respondent (or counsel), rather than being sent via the HRTO.

The draft changes also provide further clarity on the mediation-adjudication process, stating, among other things, that the HRTO member may meet with the parties separately during the mediation process, that the HRTO member will not consider statements or documents made during the mediation if the matter Application proceeds to adjudication unless they form part of the evidence presented at the adjudication, and that the mediation is a confidential process.

### **Draft Hearing Docket and Rules for Observing a Hearing**

These two proposed documents relate to the Tribunal's efforts to comply with the "open courts" principle and the process by which members of the public may become aware of and view hearings.

The Draft Hearing Docket, which would be posted on-line, would list, among other things, the names of the parties, the type of hearing (i.e., procedural hearing, merits hearing, summary hearing), the social area (i.e., employment, services), and the alleged grounds of discrimination.

Under the draft process for observing a hearing, members of the public will be provided information on how to access the Hearing Docket, and how to request attendance at an HRTO Hearing.

### **Participating in the Consultation**

Ontarians are encouraged to provide written feedback via email to [john.gross@ontario.ca](mailto:john.gross@ontario.ca) by May 7, 2021.

Should you wish to provide feedback on these proposed changes and require assistance, please contact [your regular Hicks Morley lawyer](#).