

Federal Post

Canadian Human Rights Commission Updates Its Complaint Rules

Date: November 1, 2022

On October 28, 2022, the Canadian Human Rights Commission (Commission) announced that it had updated its [Complaint Rules](#) (Updated Rules). The Updated Rules apply to all complaints received after October 19, 2022. The Updated Rules also apply to complaints entering the next stage in the Commission's complaint process after October 19, 2022.

In this *Federal Post*, we provide a summary of some of the changes made to the Updated Rules that will be of interest to federal employers.

New 60-Day Timeline

A respondent must deliver its response to the Commission and the complainant within 60 calendar days (a change from the previous 30 calendar days) of receiving the notification of the complaint. This new 60-day timeline also applies to preliminary issues raised as part of the response under sections 40 or 41 of the *Canadian Human Rights Act*, and to delivery of the complainant's reply.

“Exceptional Circumstances” Required for Extensions

The Updated Rules provide that the Commission will generally not grant an extension to file a response or reply, unless the requesting party can demonstrate “exceptional circumstances.” Exceptional circumstances is now a defined term and refers to circumstances that are reasonably unforeseen and unavoidable (e.g., medical or family emergencies).

Provisions on Use of Personal Information

The Updated Rules contain new provisions governing the use and disclosure of personal information, including the use of a party's former name, or health or other personal characteristics, and a requirement to use the name, gender and pronouns that individuals use to identify themselves.

Format of Documents

Among other changes related to the format of documents submitted to the Commission, the Updated Rules instruct that:

- any information requested by the Commission that is submitted not using the appropriate forms from the Commission (where available) will not be considered, unless approval was previously granted
- all documents submitted must be relevant to the complaint
- if filing a form or document electronically, a party's electronic signature represents their legal signature
- the Commission will now request personal pronouns from the parties and use them if provided
- all documents must be provided in accordance with the accessibility needs identified in the notification letter or any other communication received from the Commission

Page Limits

The 20-page limit for response or reply forms has been maintained in the Updated Rules. However, the Updated Rules



provide some additional direction related to this page limit, including that a party wishing to submit additional pages must request *and receive* approval from the Commission and must explain the relevance of the additional pages in their request for approval. Further, additional pages granted to one party *may* (a change from the previous “will”) be granted to the other party.

Note also that only the citation for any legal decisions referred to in a response or reply is necessary; full decisions need not be produced.

Similar rules (albeit with a different page-length limit of 10 pages) apply with respect to submissions to an assessment report and submissions to other reports and notices of intent. Please refer to those specific rules for details.

Filing Complaints and Other Forms or Documents

Among other things, the Updated Rules state that walk-ins will not be accepted as a delivery method for complaint forms and other forms, submissions or documents.

The Updated Rules also now require that where the Commission provides the email address for the other party, parties must email a copy of their forms, submissions or other documents to the other party’s email address at the same time these are sent to the Commission.

Should you have any questions about the Updated Rules, please contact your [regular Hicks Morley lawyer](#).

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