Annual Report

BC Human Rights Tribunal

2011-2012

The core mission of the British Columbia Human Rights Tribunal is the timely and fair resolution of disputes involving the human rights of all British Columbians

LETTER TO THE ATTORNEY GENERAL

BRITISH COLUMBIA

British Columbia Human Rights Tribunal

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August 24, 2012

Honourable Shirley Bond
Minister of Justice and Attorney General
Province of British Columbia
Room 232, Parliament Buildings
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Minister:

Pursuant to section 39.1 of the *Human Rights Code*, I herewith present the Annual Report of the British Columbia Human Rights Tribunal, along with some key highlights in the life of the Tribunal during the fiscal year April 1, 2011 to March 31, 2012.

HIGHLIGHTS

1. THE REFORM AGENDA

In August 2011, I was asked to develop a wide-ranging plan for the review of the Tribunal's operations, including its policy and procedural framework, to improve and to render more efficient and effective, the delivery of its services to the public.

In December 2011, the Ministry approved a series of strategic objectives encompassing all dimensions of the Tribunal's operations, including:

- expediting, simplifying, streamlining and rendering more timely and consistent, the Tribunal's case management functions, from screening through to file closure;
- enhancing further the Tribunal's capacity to offer its parties early, informal complaint resolution and settlement opportunities;
- exploring practices and approaches to encourage shorter, less formal, more inquisitorial and procedurally flexible hearings, including summary or expedited hearing alternatives;
- promoting the production of less lengthy, less complex and more timely written decisions;
- considering legislative options which appropriately facilitate the reform agenda and which address such issues as the formality and extent of case management processes; the nature, array and disposition of preliminary

applications; Judicial Review and the finality of the Tribunal's decisions, including the standard of review; and

- the Tribunal's organizational environment, considering both its internal operating structure as well as opportunities to share resources through functional integration and co-location with other administrative entities.

This process of review and reform is intended to unfold over a period of eighteen months.

2. OPERATIONAL ISSUES AND REALITIES

In launching the reform agenda, the Tribunal undertook a scan of its environment and sought input from its stakeholder communities in some key areas of its operations, to quickly identify and prioritize a number of immediate, short-term change targets.

As an example, some new complaints which had been filed in August 2011, were still being screened for initial acceptance or rejection in January 2012. Though the actual receipt of a complaint was acknowledged within days, a decision to reject the complaint, or to seek additional factual detail, might be outstanding for as long as 130 days without any intervening or further progress.

Once a complaint was accepted for filing purposes, it might often be the subject of protracted correspondence seeking clarification producing information of limited value and delaying notification of the Respondent.

If a respondent chose to apply to dismiss the complaint without a full hearing, some decisions were found to be outstanding as long as 230 to 400 days from the date of the application.

Hearings were being scheduled a year in advance with numerous potential intervening changes.

Final decisions, following an evidentiary hearing, might be outstanding anywhere from six months to more than one year.

Such delays do not, from my perspective, comport with sound, accountable public service and are not acceptable for a frontline adjudicative tribunal/agency.

3. FIRST STRATEGIES

SCREENING SURGE

Under the leadership of first, the Acting, and later the Tribunal's new Registrar, case management staff were offered opportunities for overtime work surges. As a result, the total number of complaints in the screening process has been reduced. Importantly, both the number of complaints in the screening process for more than 60 days and those in screening less than 60 days, have each reduced dramatically.

Currently, all new complaints are reviewed by the Registrar. Recommendations for rejection are brought immediately to the Chair for decision. Remaining complaints are assigned to case managers with detailed processing instructions. Complainants are only invited to provide additional information with the specific direction of the Registrar.

FORMS REVISION

The Tribunal's complaint, response, and other forms are being dramatically revised.

Complaint forms will be structured to assist a complainant to set out her/his complaint in a manner which answers critical questions and steps in the process, consistent with Human Rights jurisprudence. Complainants will also be asked to articulate the remedy they are seeking in order to resolve their complaint.

The new forms will be supported by clear instructions and user guides for both complainants and respondents.

These materials will not only assist parties to formulate more effective complaints, amendments and responses, but will also standardize and render more consistent, the Tribunal's screening decisions and procedures.

The implementation of these forms in Fall 2012 will make it far more straightforward to accept or to reject a complaint for filing and should also reduce the frequency of, and the time lag associated with, requests for additional information in order to properly assess a complaint, at the screening stage.

The Tribunal will also be in a position, as has been frequently requested, to notify respondents of a complaint far sooner, so they can develop their own positions and strategies with respect to settlement, applying to dismiss, or responding to the complaint.

CASE MANAGEMENT CORRESPONDENCE

Routine case management correspondence between Tribunal staff and parties is now more directive, shorter and simpler. It will be subject to ongoing monitoring, review and revision to ensure its relevance and effectiveness.

It is my hope that these innovations will ultimately enable the Tribunal to determine whether a complaint will be accepted for filing and to serve the respondent within 14 days of filing or less.

HEARING SCHEDULES

Given the fluidity of the Tribunal's hearing schedules, because of dismissal applications and settlements, hearings and disclosure requirements will no longer be set as early in the process. Hearings will be scheduled after preliminary applications and settlement conferences are largely completed. Setting hearing dates later in the process reduces the investment of time and resources in

scheduling dates and out-of-town venue arrangements that remain too tentative and uncertain to be meaningful. Parties are, of course, still able to apply for an expedited hearing under the Tribunal's Rules of Practice and Procedure.

SETTLEMENT SERVICES AND DECISION MAKING: CHALLENGES AND DEVELOPMENTS

The Tribunal offers highly successful settlement services, through its adjudicative members as well as through contracted mediators.

As a result of the loss of members through retirement, resignation, non-reappointment or delay in new appointments since March 2010, the Tribunal has, at times, been under-resourced by as many as four adjudicative members.

Adverse implications, in terms of the Tribunal's capacity to provide trained, expert mediators to resolve disputes as well as to assign members to preside on evidentiary hearings and render timely, legally-sound decisions in accordance with its statutory mandate, are self-evident.

The Tribunal has recently retained additional contracted mediators. They, together with Tribunal members have, since January 2012, achieved an astonishing settlement rate of over 90%.

With the very positive support of the Minister, Deputy Attorney General and Board Resourcing and Development Office, the Tribunal has succeeded in securing member appointments, to the point where the Tribunal will be at close to full complement for Fiscal Year 2012-2013. We are, however, still effectively short one member as one individual is appointed by the Chair under s. 7 of *the Administrative Tribunals Act* ("*ATA*"), and restricted to working on a single matter which was under her jurisdiction before the expiration of her appointment.

The matter of outstanding decisions therefore remains an ongoing concern. I am, however, pleased to report that, as a result of our current members' extraordinary efforts, and despite an increase in the absolute number of pending decisions, the number of preliminary decisions outstanding for more than 90 days has been cut in half, as have final decisions outstanding more than 180 days.

THE TRIBUNAL AND THE COURTS

As identified above, the number of Tribunal decisions which become the subject of petitions for judicial review, has been an issue for some time.

Judicial Review is a complex, and at times, misunderstood process. Frequently, parties are seeking to re-argue discretionary decisions, challenge found-facts or are seeking appeal of a decision regarding the merits of a complaint which is not available on judicial review. This significantly prolongs finality and it perpetuates uncertainty, and undermines the objectives of an accessible, timely, and cost-effective administrative justice regime.

Despite the fact that relatively few petitions are actually successful, judicial reviews consume a disproportionate share of the Tribunal's attention and resources.

An immediate strategy has been the decision to record the Tribunal's hearings which can, in whole or part, be filed with a reviewing court. This should have the effect of discouraging parties from seeking to reargue found facts using extrinsic affidavit material on judicial review.

It is also timely to consider legislative options which bring more certainty and greater finality to Human Rights complaints, for example, a privative clause, amendments to the *ATA*, or exempting the Tribunal from the *ATA* altogether and leaving matters to common law standards of review which have been considerably simplified or resolved by the Supreme Court of Canada.

In the meantime, considering the general tenor of decisions resulting from judicial review, the impact on scarce resources and considering also the outcome risks, I have determined that the Tribunal's participation in judicial reviews will focus on those cases where there is a clear institutional interest at stake.

The decision to participate, and the extent of the Tribunal's participation in a judicial review, will be predicated on a rigorous, case-by-case analysis and assessment, against articulated criteria, of the risks and benefits of non-participation.

This change in direction is freeing the Tribunal's legal resources to support more pressing work in such areas as research, policy analysis and development, and support to staff and members, all in the interests of maximizing the Tribunal's responsiveness to its stakeholders, its parties and the public.

4. LOOKING FORWARD

In keeping with the stated objectives of the reform initiative, the months ahead will focus efforts on the following key areas:

- Identification of additional areas of procedural change to streamline the hearing process, including exploration of summary hearings based on written submissions, agreed statements of fact, as well as considering the efficacy of video conferencing for both mediations and hearings;
- Revision of the Tribunal's Rules of Practice and Procedure in response to process and procedural changes;
- Completion of an RFL requesting modest amendments to the *Code* to enhance fairness and timeliness; and
- Development of staff and member performance expectations.

5. MAINTAINING THE AGENDA: SOME MODEST PROPOSALS

The Tribunal has been assigned an ambitious, time-limited program of reform. No additional funds or human resources have been provided to resource the agenda. Staff and Members are expected to discharge their ongoing responsibilities. The Tribunal, as a whole, is expected to continue to deliver its core legislative mandate and to further the purposes of the *Code*.

I have consistently avoided requests for additional resources and preferred to manage my assignments or appointments within constraints. On that note, I am pleased to report a year-end surplus of $97,000 in terms of the Tribunal's fiscal delegation, though this is largely due to Member vacancies and the sharing of certain expenditures with the BC Review Board.

In order to maintain the momentum and focus of the reform agenda, and fully recognizing and acknowledging the government's and the Ministry's fiscal pressures, I nevertheless consider it necessary to request additional resources in the following general areas of the Tribunal's activities and operations:

I. CONTRACT FUNDS

Additional funds, or access to the budget surplus of the BC Review Board, which I also chair, are required to continue the reform agenda which has been assigned to the Tribunal, to enable it to develop the policy and public materials necessary to further this initiative.

II. CONSOLIDATION AND CO-LOCATION

New models for the organization and consolidation of Tribunal functions are being implemented in Canada and internationally. Ontario has recently enacted legislation to achieve the "clustering" of kindred Tribunals with congruent mandates. The BC Human Rights Tribunal and the BC Review Board are positioned and poised to demonstrate integration of key functions while maintaining and discharging distinct statutory mandates. The Minister and Deputy Attorney General have signalled their support for such an initiative; the review process mandates it. I await the support of program staff to achieve the vision of administrative integration which will enable the affected Tribunals to considerably reduce their respective leasehold footprints.

III. INFORMATION TECHNOLOGY ENHANCEMENTS AND TRANSFORMATION

The Tribunal's existing case management system ("TABS"), is seriously lacking in its capacity to generate critical management, productivity and forecasting metrics and to adapt to process changes. TABS requires functional enhancements to enable, for example, electronic filing and document exchange to reduce processing time, eliminate paper-based files and reduce postage costs.

IV. MEMBER COMPENSATION

Tribunal compensation rates are set by Treasury Board Directive which, despite its articulated three-year review cycle, has not had further consideration since early 2007, over five years ago.

The remuneration of highly-accomplished and respected, full-time Tribunal adjudicators, has therefore remained static. During the same period, as a result of negotiated sectoral agreements, compensation for legal counsel has, and continues to, automatically increase yearly.

The creeping, incremental wage gap, amongst what are in fact administrative law judges and the legal counsel who support them, continues to widen.

The impact is two-fold. First, it makes it difficult, at a time when government appears committed to broadening the jurisdiction of, and even establishing additional administrative justice entities, to recruit, retain and maintain the commitment of very qualified, expert adjudicators. Second, it will threaten workplace morale.

It is, in my view, time to reinvigorate the process and to meaningfully reconsider the compensation issue.

V. ADDITIONAL MEMBER(S)

Finally, insofar as one adjudicator is authorized under s. 7 of the *ATA*, to conduct but a single proceeding through to completion, the Tribunal continues, in fact, to operate with a reduced complement of adjudicative members. It would assist the Tribunal to maintain and strengthen its public service orientation to be able to recruit an additional adjudicative member.

Bernd Walter,
Chair

BW/lil

Enclosure

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Tribunal Mandate and Purpose

The British Columbia Human Rights Tribunal is an independent, quasi-judicial body, established under the *Human Rights Code*, to resolve and adjudicate human rights complaints in a manner that is consistent with the purposes set out in section 3:

a) to foster a society in British Columbia in which there are no impediments to full and free participation in the economic, social, political and cultural life of British Columbia;

b) to promote a climate of understanding and mutual respect where all are equal in dignity and rights;

c) to prevent discrimination prohibited by this *Code*;

d) to identify and eliminate persistent patterns of inequality associated with discrimination prohibited by this *Code*;

e) to provide a means of redress for those persons who are discriminated against contrary to this *Code*.

Amendments to the *Code* as of March 31, 2003 instituted a direct access model for human rights complaints.

BC's direct access Tribunal model is complainant driven. The Tribunal does not have investigatory powers. Complaints are filed directly with the Tribunal which is responsible for all steps in the resolution and adjudication of human rights complaints.

Complaints are reviewed to see that the information is adequate, the Tribunal has jurisdiction over the matters set out, and that they are filed within the six-month time period set out in the *Code*. If a complaint is accepted, the Tribunal notifies the respondents and they file a response to the allegations of discrimination.

Unless the parties settle the issues, or a respondent successfully applies to have the complaint dismissed, a hearing is held and a decision about whether the complaint is justified, and how it should be remedied, is rendered.

The Tribunal conducts hearings and settlement meetings throughout the Province. The Tribunal's practices and procedures are governed by its rules.

Inquiry and Complaint Statistics

Inquiry Statistics

Inquiries about the Tribunal's complaint process are answered by Inquiry Officers, who provide information about the *Code*'s protections and also make referrals to other appropriate community and government resources. A toll-free number and email address allow the public, anywhere in the province, to access the Tribunal.

This year, the Tribunal responded to 8,275 telephone and 2,029 email inquiries.

New Cases

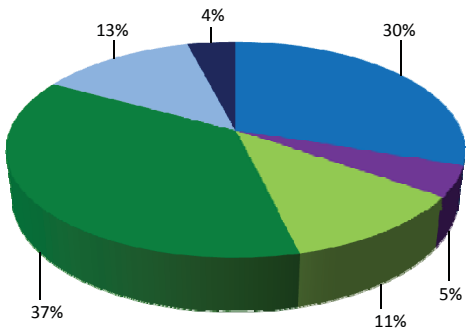
The Tribunal reviews all complaints to ensure that they are within provincial jurisdiction, and that they include sufficient information to enable the Tribunal to determine whether they set out a contravention of the *Code*.

Cases Handled April 1, 2011 - March 31, 2012	
New Cases	1092
Cases Rejected	387
Cases Accepted for Filing	705

Closed Cases

Cases are closed when they are not accepted for filing at the initial screening stage, withdrawn because they have settled or are abandoned, dismissed or a decision is rendered after a hearing.

Cases Closed by Reason April 1, 2011 - March 31, 2012		
Cases Rejected During Screening	336	30%
Late Filed Complaints Rejected	51	5%
Applications to Dismiss Granted	127	11%
Cases Settled	408	37%
Cases Withdrawn or Abandoned	145	13%
Decisions Rendered After Hearing	45	4%
Total Cases Closed	1112	



Complaints by Areas and Grounds

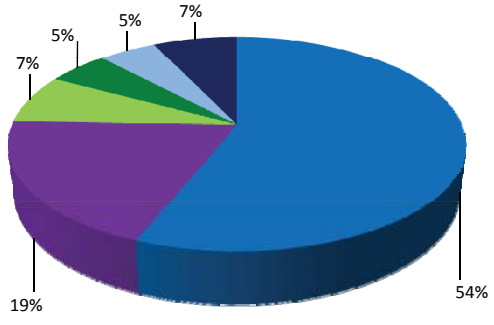
Areas and Grounds of Discrimination

The *Code* prohibits discrimination in the areas of employment, service, publication, tenancy, membership in unions and associations, employment advertisements, wages, and purchase of property. It also prohibits retaliation against a person who has made a complaint under the *Code*.

There are 15 prohibited grounds of discrimination: physical disability, mental disability, sex (including sexual harassment and pregnancy), race, place of origin, colour, ancestry, age (19 and over), family status, marital status, religion, sexual orientation, political belief, unrelated criminal conviction and lawful source of income.

Complaints by Areas of Discrimination
April 1, 2011 - March 31, 2012

Section 13 - Employment	**742**	**56%**
Section 8 - Service	**258**	**19%**
Section 7 - Publication	**98**	**7%**
Section 10 - Tenancy	**68**	**5%**
Section 43 - Retaliation	**65**	**5%**
Total Other - (listed below)	**94**	**7%**
Section 14 - Membership	56	4%
Section 11 - Employment Ads	15	1%
Section 12 - Wages	14	1%
Section 9 - Purchase of Property	9	1%
Total Areas Alleged	**1363**	

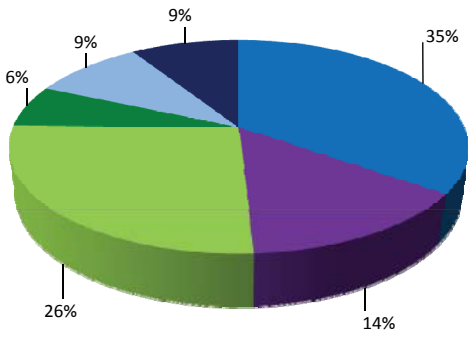


Not all grounds apply to all areas.

A complaint may include more than one area or ground of discrimination. For instance, an employment-based complaint may also include the area of wages; a race-based complaint may also include grounds of ancestry, colour and place of origin.

Complaints by Grounds of Discrimination
April 1, 2011 - March 31, 2012

Total - Disability	**682**	**35%**
Physical Disability	417	21%
Mental Disability	265	14%
Sex (Including Sexual Harassment and Pregnancy)	**280**	**14%**
Total - Ethnicity	**513**	**26%**
Race	178	9%
Place of Origin	132	7%
Colour	102	5%
Ancestry	101	5%
Age	**123**	**6%**
Total - Family and Marital Status	**183**	**9%**
Family Status	118	6%
Marital Status	65	3%
Total Other - (listed below)	**178**	**9%**
Religion	63	3%
Sexual Orientation	52	3%
Political Belief	23	1%
Unrelated Criminal Conviction	23	1%
Lawful Source of Income	17	1%
Total Grounds Alleged	**1959**	



Settlement Services

The Tribunal always encourages parties to engage in settlement discussions.

Tribunal-assisted settlement services are initiated before the respondent files a response to the complaint, and at any later stage in the progress of a complaint. Many complaints settle as a result of these efforts. Often, creative solutions are achieved which could not be ordered after a hearing.

The Tribunal conducted 276 early settlement meetings (before a response to the complaint was filed) and 104 settlement meetings (after a response to the complaint was filed and prior to the commencement of a hearing).

The parties were able to resolve their disputes in over 82% of all cases in which the Tribunal provided assistance. Some cases settle without the Tribunal's involvement.

Settlement meetings are a confidential process. The Tribunal does not publish the results.

This year, 408 cases settled.

TIME LIMIT APPLICATIONS

Section 22 of the *Code* provides a six-month time limit for filing complaints.

The time limit is designed to permit respondents to go about their activities without worrying about the possibility of stale complaints being filed against them.

A complaint about events more than six months before the complaint was filed may be accepted if it alleges a "continuing contravention" where the most recent incident occurred within six months of filing. A "continuing contravention" involves repeated instances of discrimination of the same character.

Calculating the Time Limit for Filing

In the screening process, the Tribunal may provide a complainant an opportunity to provide further information in the form of an amendment. The timeliness of the complaint is calculated based on the initial filing date, rather than the date of any subsequent amendment. (*Berikoff v. Labatt Brewing*, 2011 BCHRT 232)

Discretion to Accept Late-Filed Complaints

The Tribunal may accept a complaint or part of a complaint filed after the time limit if it determines that it is in the public interest to do so and no substantial prejudice would result to anyone because of the delay.

This year, the Tribunal considered 128 applications under s. 22 of the *Code*. This includes applications to dismiss a complaint made under s. 27(1)(g), discussed below.

The Tribunal found that 77 complaints were untimely at least in part. Fifty-two complaints were not accepted or were dismissed as untimely. The Tribunal accepted 17 late-filed complaints under s. 22(3).

REPRESENTATIVE COMPLAINTS

Section 21(5) of the *Code* gives the Tribunal authority to refuse to accept a group or class complaint for filing if it is satisfied that proceeding is not in the interest of the group or class.

The Tribunal refused to accept a representative complaint for filing that did not contain sufficient particulars about how the individuals in the proposed class had been discriminated against, where the description of the proposed class was "overbroad and indeterminate" and the representative did not disclose an adequate strategy for communicating with the proposed class. (*Larrain and others v. Harbour Centre Complex and others*, 2012 BCHRT 85)

JOINING COMPLAINTS

Section 21(6) of the *Code* provides that the Tribunal may proceed with two or more complaints together if it is fair and reasonable to do so in the circumstances.

The Tribunal declined to join four complaints where the bulk of the evidence would likely relate to the individual circumstances of the complainants, though the cases raised some similar legal issues. The Tribunal was not satisfied that joining the cases would save time or resources in completing the adjudication. (*CAW - Canada, Local 111 v. Coast Mountain Bus Company*, 2011 BCHRT 325)

The Tribunal joined three complaints, but not another, in *Francis and others v. Victoria Shipyards and others (No. 2)*, 2011 BCHRT 346.

Preliminary Decisions

Deferral of Complaints

The Tribunal usually defers a complaint if a complainant has filed both a grievance and a human rights complaint in regard to the same subject matter, and if the union and employer are both actively engaged in and advancing the grievance process in a timely manner to arbitration.

The Tribunal deferred a complaint where arbitration dates were not yet set, but the parties submitted a timeline indicating the matter was proceeding expeditiously. The Tribunal's order expressly permitted either party to apply to lift the deferral if the grievance/arbitration process was not completed within six months. (*Schmidt v. Vancouver Public Library*, 2011 BCHRT 186)

The Tribunal did not grant a deferral where the complainant said she would not participate in the arbitration proceeding and, as a result, the union cancelled the arbitration. (*Lessey v. School District No. 36 and others*, 2011 BCHRT 241)

Applications to Dismiss

Section 27(1) allows complaints that do not warrant the time or expense of a hearing on the merits, to be dismissed without a hearing. Generally, applications are decided based on written submissions.

Applications to dismiss accounted for 60% of preliminary decisions this year.

Of the 213 decisions, 129 (60%) were dismissed and 22 (10%) were partially dismissed.

Sixty-two (29%) applications were denied.

Grounds for Dismissal

The Tribunal may dismiss a complaint for the following reasons:

Section 27(1)(a): No jurisdiction

The Tribunal may dismiss a complaint under section 27(1)(a) because of a lack of jurisdiction when it is against a federally regulated company, if the conduct was outside BC, or if the area or ground of discrimination does not apply to the facts alleged.

Section 27(1)(b): No contravention of the Code

The Tribunal can dismiss a complaint under section 27(1)(b) if the acts or omissions alleged do not contravene the *Code*. The Tribunal assesses whether the complaint alleges facts that, if proven, could constitute a contravention of the *Code*. No consideration is given, at this stage, to any alternative explanation or alternate version of events put forward by the respondent.

Section 27(1)(c): No reasonable prospect of success

The Tribunal can dismiss a complaint under section 27(1)(c) where there is no reasonable prospect it would be found to be justified at a hearing.

The Tribunal found no reasonable prospect the complainant could establish:

- he had a mental disability where he provided only his self-diagnosis of a mental disability. (*Cool v. Town Taxi*, 2011 BCHRT 248)
- a nexus between the alleged adverse impact and grounds of discrimination. (*Joan William v. City of Kelowna and another*, 2012 BCHRT 8)
- a discriminatory impact where the alleged con-

duct was acknowledged and remedied and the complainant was provided with the service he had initially sought. (*Coughlin v. Pacific Coach Lines*, 2011 BCHRT 271)

Section 27(1)(d)(i): Proceeding with the complaint would not benefit the person, group or class alleged to have been discriminated against

The Tribunal can dismiss a complaint under section 27(1)(d)(i) if it determines that proceeding with the complaint would not benefit the person, group or class alleged to have been discriminated against.

The Tribunal declined to dismiss a complaint where, if successful, the complainant would be entitled to a full range of remedies and therefore could benefit from the proceeding. (*Fe Lee v. Fit Foods Manufacturing and others*, 2012 BCHRT 83)

Section 27(1)(d)(ii): Proceeding with the complaint would not further the purposes of the Code

Proceeding with a complaint would not further the purposes of the *Code* where a reasonable "with prejudice" settlement offer remains open, or where a respondent promptly took appropriate steps to remedy the alleged discrimination.

The Tribunal dismissed complaints where:

- an agreement respecting the duty to accommodate was reached between the employer, the complainant and her union; an addendum was signed by the employer and the union provided monetary compensation; the settlement documents were intended to settle the dispute, and the complainant did not appeal the union's decision to settle. (*De Silva v. Fraser Health Authority and BCNU (No. 2)*, 2011 BCHRT 195 (petition for judicial review filed))

- a release specifically referred to claims under the *Code*, and stated that the complainant had received advice from the union and that she had read and understood the agreement. (*Bennett v. Accenture Business Services (No. 2)*, 2011 BCHRT 206)

- the employer investigated the allegations that an employee had made racial slurs, the employee acknowledged some of the allegations against him, took responsibility, and apologized. (*Sidhu v. Coast Mountain and another*, 2012 BCHRT 52)

The Tribunal dismissed a complaint against an individual respondent under s. 27(1)(d)(ii) where:

- the respondent acknowledged the individuals' acts or omissions were its own; the respondent had the capacity to fulfill any remedies the Tribunal might order; while both individuals were involved in the decision to terminate the complainant's employment and could be considered to be the "directing minds" of that decision, the decision was made squarely within the scope of their employment, and there was no significant measure of individual culpability in the actions alleged. (*Lessey v. School District No. 36 and others*, 2011 BCHRT 241)

Section 27(1)(e): Complaint filed for improper purposes or in bad faith

A respondent must meet a high standard to have a complaint dismissed under s. 27(1)(e). It is not enough to present a different version of events or allege the complainant is not truthful.

The Tribunal denied an application to dismiss where the respondent alleged the complainant "repeatedly" boasted that he had sued previous employers for wrongful dismissal and had obtained settlements. (*Lebovich v. Home Depot and others*, 2011 BCHRT

83)

Section 27(1)(f): Complaint appropriately resolved in another proceeding

The Tribunal may dismiss a complaint under section 27(1)(f) where it determines that the substance of the complaint has been appropriately resolved in another proceeding, such as a grievance.

For example, an internal academic appeal process is another proceeding for purposes of s. 27(1)(f). The Tribunal dismissed a complaint where the factual allegations were identical and the essence of the complaint was raised before the University's Senate Committee, although different procedures were used and the Committee was not independent of the respondent university. (*Baharloo v. University of British Columbia and another (No. 2)*, 2011 BCHRT 290)

The Tribunal dismissed a complaint based on *issue estoppel* where the Director of Employment Standards had found as a fact that the respondent employer did not know that the complainant was pregnant when it terminated her employment. That fact was key to her human rights complaint, and the Tribunal found that it should not be relitigated before the Tribunal. (*Krsmanovic v. Snowflake Trading*, 2012 BCHRT 113)

Section 27(1)(g): Alleged contravention outside the time limit

If the Tribunal does not identify a time limit issue in its screening process, a respondent can apply to dismiss a complaint on the basis that it is not timely. The Tribunal determines if the complaint is timely, and if not, whether it should accept the late-filed complaint under the criteria in section 22.

OTHER DECISIONS

The Tribunal makes oral and written decisions on other matters, including:

File Sur-Reply

Where a party applies to file a sur-reply, the Tribunal considers whether the reply raised new issues, whether the decision will turn on the point, and any prejudice to the applicant in permitting the sur-reply. (L v. B.C. (Ministry of Children and Family Development), 2011 BCHRT 214)

Extension of Time

Rule 26(3) provides that time to apply to dismiss may be extended on consent or application.

The Tribunal denied an application where the reason for the delay was ignorance of the process. (*Ayotte v. Liberty University and another (No. 2)*, 2012 BCHRT 82)

The Tribunal extended time where the complainants were aware that the respondents planned to file an application to dismiss if settlement discussions were not fruitful and had ignored the last offer; the respondents moved promptly to file their application to dismiss once they had a basis for inferring that the discussions were over; the Tribunal had not yet set hearing dates, and the application may avoid the need for a lengthy hearing. (*Borutski and others v. Crescent Housing Society and another (No. 2)*, 2012 BCHRT 69)

Adding Respondents

The Tribunal may add a respondent to a complaint, on the application of a party.

A respondent may raise an allegation, not raised in the complaint, as the basis for an application to add

a respondent, so long as the complainant does not oppose the application. (*Winchester v. West Fraser Timber and others*, 2011 BCHRT 264)

Amending a Complaint

A complainant must apply to amend a complaint if the hearing is less than two months away, the amendment adds an allegation that is out of time, or there is an outstanding application to dismiss the complaint.

Where a dismissal application was outstanding, the Tribunal rejected proposed amendments that significantly added to the scope of the allegations set out in the original complaint; allowed amendments that "fleshed out" previous allegations, and allowed one amendment respecting a "fresh allegation" that arose after the original complaint was filed because it was preferable to have the issues between the parties determined in one rather than multiple proceedings. (*Westbrook and another v. Strata Corporation Plan VIS 114*, 2012 BCHRT 142)

Limiting Publication or Access

The Tribunal's process is public, and information may become public as specified in rule 6. This includes in a published decision, on the Tribunal's hearing list, as well as public access to parts of a complaint file before a hearing. A party may apply to limit publication, including delaying the posting of a complaint on the hearing list if the parties are in settlement discussions, or to anonymize a decision. A party may also apply to have a hearing conducted in private. Public access is the general rule.

The Tribunal granted applications to anonymize:

- to protect the privacy of a child named in a complaint. (*A obo B v. Surrey School District No. 36*, 2011 BCHRT 126)

- to protect the identities of faculty members where publication would severely compromise their functionality and usefulness to the respondent university, as well as to protect the reputations of the individuals and the entire program at the University. (*Masters Student A v. University B and others*, 2011 BCHRT 113)

The Tribunal denied an application where the complainant's assertion that publishing the nature of his disability would, among other things, affect his ability to find other academic employment was consistently speculative. (*Rezaei v. University of Northern British Columbia and another (No. 2)*, 2011 BCHRT 118)

Disclosure of Witness Contact Information

The Tribunal may direct a party to provide contact information for witnesses where it is necessary for the just and timely resolution of a complaint. It declined to do so where the complainants were unable to provide the full names or sufficient identifying information to allow the respondent to ascertain whether it had contact information, and the information provided by the complainants was insufficient to determine whether the proposed evidence of the potential witnesses was likely to be relevant to the complaint. (*Pepper and Young v. Interior Health Authority*, 2012 BCHRT 122)

Third Party Disclosure

The Tribunal may order a third party to disclose documents that are admissible and relevant to an issue in the complaint. The Tribunal ordered the complainant's disability insurer to disclose documents in *Chow v. Gowling Lafleur Henderson*, 2012 BCHRT 103.

Expert Evidence

The Tribunal declined to make a ruling on the admissibility of an expert report before a hearing. Given the nature of the concerns and the limited information

before the Tribunal, the concerns were more appropriately and fairly raised at the hearing. (*Northern Interior Woodworkers' Assn. obo Souter v. Pacific Island Resources*, 2011 BCHRT 294)

Adjournments and Stays

A party who wants to adjourn a hearing or stay the proceedings must show that the request is reasonable and would not unduly prejudice the other participants.

Reconsideration

The Tribunal has an equitable power, not specified in the *Code*, to reconsider a matter. This power is limited to cases where the interests of fairness require it. The Tribunal has jurisdiction to re-open a decision when required by the interests of fairness and justice.

The Tribunal denied a request:

- to reconsider an application to accept a late-filed complaint, where part of the request was based on a disagreement with the Tribunal's decision and a belief that the Tribunal erred; part was based on new medical information, but the medical information provided was not recent and the complainant did not explain the delay in filing. (*Blaszczyk obo Jankowska v. St. Regis Hotel and another (No. 2)*, 2011 BCHRT 122)

- to re-open a hearing where the complainants did not provide a reasonable explanation for failing to bring the evidence and witnesses they thought were important to their case to the hearing, and did not otherwise establish that it would be fair or just to re-open the hearing to permit them to "shore up or expand on the case they presented there". (*Day v. Kumar and another (No. 2)*, 2011 BCHRT 215)

- to re-open a complaint dismissed for failure to pursue it , because while the complainant acted quickly to seek a re-opening, she did not provide a reasonable explanation for her default. (*Mains v. The Cambie Malone's Corporation*, 2011 BCHRT 189)

Costs

The Tribunal may order costs if a party engaged in improper conduct during the course of a complaint or contravened a rule, decision, order or direction of the Tribunal. Costs may be ordered during the proceeding or after a final decision is made.

Final Decisions

This year, the Tribunal made 45 final decisions after a hearing on the merits.

Forty-two percent of the complaints (19 out of 45) were found justified in whole or part after a hearing.

Representation Before the Tribunal

More complainants were self-represented in hearings on the merits than respondents. Complainants had a lawyer in 18 cases, while respondents had a lawyer in 31 cases.

There were 14 cases where all parties had a lawyer and 10 cases where all parties were self-represented.

Complainants with counsel succeeded in 56% of their cases. Without counsel, they succeeded in only 31%.

In cases where at least one respondent had a lawyer, the respondents succeeded (the complaint was dismissed) in 58% of the cases.

On the other hand, respondents were successful in 67% of the cases when unrepresented.

Case Highlights

Key highlights of this year's final decisions:

- the majority of final decisions (29 out of 45 cases heard or 64%) involved the area of employment (s. 13), eleven (38%) were found to be justified;
- twelve decisions involved services (s. 8); six (50%) were found to be justified;
- three decisions involved tenancy (s. 10); one (33%) was found to be justified;
- two decisions involved retaliation (s. 43); neither were found to be justified;
- one decision involved the area of publication, and was found to be justified (s. 7);
- one decision involved membership in a union, employer's organization or occupational association (s. 14), and was found to be justified;
- no decisions involved purchase of property (s. 9); employment advertisements (s. 11); or lower rate of pay based on sex (s. 12).

Regarding the grounds of discrimination:

- twenty-two of the 45 final decisions dealt with physical and/or mental disability; eleven (50%) were found to be justified;
- sex discrimination, including due to pregnancy or sexual harassment, was the subject of nine final decisions; three (33%) of these complaints were found to be justified;
- six final decisions dealt with race; one (17%) was found to be justified;
- four final decisions on colour; one (25%) was found to be justified;
- four final decisions on age; none were found to be justified;
- four final decisions on place of origin; two (50%) were found to be justified;
- three final decisions on the ground of ancestry; two (67%) were found to be justified;
- two final decisions each on religion, sexual orientation and source of income; all of which were found to be justified;

- one final decision on marital status, which was found to be justified;
- one final decision on family status, which was found not to be justified;
- no decisions on the grounds of criminal conviction or political belief.

FINAL DECISIONS OF INTEREST

Pardy v. Earle and others (No. 4), 2011 BCHRT 101 (A judicial review has been filed)

The Tribunal held that the host of an open microphone comedy night, the restaurant where it was being held and the restaurant owner discriminated against the complainant in services because of her sex and sexual orientation. The Tribunal found that the complainant did not heckle or otherwise provoke the host. Rather, when the host saw the complainant's same-sex partner give her a kiss, he directed repeated and virulent insults, both on and off stage, at her based on her personal characteristics as a woman and a lesbian. The Tribunal also held that the restaurant and its owner were employers of the host, and were liable for his conduct under s. 44(2) of the *Code*. In addition to cease and refrain and declaratory orders, the Tribunal ordered the host to pay $15,000 and the restaurant and its owner to pay $7,500 as damages for injury to the complainant's dignity, feelings and self-respect. She was also awarded lost wages for time taken off of work to attend the hearing.

C1 and Sangha v. Sheraton Wall Centre (No. 2), 2011 BCHRT 147

The Tribunal found that the respondent hotel had discriminated against the complainants regarding a service because of their ancestry and place of origin when it denied them room bookings for participants in a Bhangra dance and music event they were organizing. The previous year, a different organization that had "Bhangra" in its name held a competition at the hotel. During the group's stay, there were a number of concerns about the participants' conduct. The complainants and their group had never been involved in any way with that other group, however, the hotel denied them the booking. The Tribunal found that the hotel refused the booking based on the erroneous conclusion, without inquiry, that the two groups were, as Bhangra groups, indistinguishable. The hotel based its decision, in whole or in part, on a presumed association between membership in a Bhangra group, with its strong connection with ancestry or place of origin in the Punjab, and the risk of damage and disruption to the hotel. In addition to cease and refrain and declaratory orders, the Tribunal ordered the hotel to pay each of the complainants $2,500 as damages for injury to their dignity, feelings and self-respect.

Kelly v. B.C. (Ministry of Public Safety and Solicitor General) (No. 3), 2011 BCHRT 183

The Tribunal found that the complainant, who was incarcerated in various facilities, had been discriminated against regarding a service because of his religion and ancestry. Despite making requests at each of the facilities he was incarcerated in, the complainant was not provided access to an Aboriginal spiritual advisor or Aboriginal spiritual literature while housed in segregation. He also experienced differential treatment regarding the provision of religious programs and literature while in segregation because when he requested, he received timely visits from a Chaplain and Christian literature, but when he requested to see an Aboriginal spiritual advisor, he did not receive a visit and when he requested Aboriginal spiritual literature, the request went unfulfilled. The Tribunal ordered the respondent to cease the contravention and refrain from committing the same or similar contravention in the future, and $5,000 in damages for injury to dignity, feelings and self-respect.

Kelly v. UBC (No. 3), 2012 BCHRT 32

The complainant, who has Attention Deficit Hyperactivity Disorder – Inattentive Type, a Non-Verbal Learning Disability and has, at times, suffered from anxiety and depression, was enrolled in the Family Practice Residency Program at University of British Columbia's Faculty of Medicine. The complainant's disabilities affected his learning and work environment, and the University ultimately terminated his enrolment for unsuitability. The Tribunal found that this was discrimination in services and employment on the basis of mental disability, and that the University had not met its obligation to accommodate him in the Residency Program, including by precluding him access to further remediation or probation.

Judicial Reviews and Appeals

The *Code* does not provide for appeals of Tribunal decisions. Judicial review is available in B.C. Supreme Court, pursuant to the *Judicial Review Procedure Act* and subject to a 60-day time limit for final decisions.

Judicial review is a limited type of review. Generally, the Court considers the information that the Tribunal had before it and decides if the Tribunal made a decision not within its power or in a way that was wrong. The Court applies standards of review in s. 59 of the *Administrative Tribunals Act* to determine whether the Tribunal's decision should be set aside or should stand even if the Court does not agree with it. If the Tribunal's decision is set aside, the usual remedy is to send it back to the Tribunal for reconsideration.

A decision on judicial review may be appealed to the BC Court of Appeal. There is a further appeal to the Supreme Court of Canada if the Court agrees to hear it.

Judicial Reviews in BC Supreme Court

This year 27 petitions for judicial review were filed in the Supreme Court, as compared to 14 in the prior reporting year.

The Court issued 15 judgments, granting 9 petitions in whole or part, including 4 petitions that were heard together. Six of these judgements reviewed final decisions.

Nine of the judgements reviewed preliminary decisions of the Tribunal.

Court of Appeal

This year there were 4 notices of appeal filed; the same number as in the prior year.

The Court of Appeal issued one judgement on appeal of a judicial review of a final decision by the Tribunal, one judgement on appeal of judicial review of a preliminary decision and two judgements on appeals of rulings made on judicial review.

Supreme Court of Canada

There were 2 applications for leave to appeal served on the Tribunal this year. Leave to appeal was denied on January 19, 2012 in *J.J. v. Canadian Union of Public Employees, Local 561, et al.*, [2011] S.C.C.A. No. 446 (QL) and the other matter was discontinued.

The Supreme Court of Canada decided one appeal respecting the Tribunal's refusal to dismiss a complaint under s. 27(1)(f) of the *Code* that the Workers' Compensation Board's chronic pain compensation policy was discriminatory. The Tribunal had decided that the Board's Review Division's determination that the policy was non-discriminatory did not appropriately address the substance of the complaint. This was upheld on appeal, but overturned by the Supreme Court of Canada.

The Supreme Court stated that s. 27(1)(f) was a statutory reflection of the principles underlying issue estoppel, abuse of process and collateral attack, but not a codification of them. Decisions under s. 27(1)(f) should be guided by the goals of finality in decision-making and the avoidance of unnecessary relitigation of matters already decided. (*British Columbia (Workers' Compensation Board) v. Figliola*, 2011 SCC 52)

SPECIAL PROGRAMS AND POLICY

Section 42(3) of the *Code* recognizes that treating everyone equally does not always promote true equality and the elimination of discrimination. It allows the Chair to approve special programs which treat disadvantaged individuals or groups differently to recognize their diverse characteristics and unique needs and improve their conditions. When a special program is approved by the Chair, its activities are deemed not to be discrimination.

Approvals may range from six months to five years but may be renewed. Employment equity programs are usually approved for several years. Periodic reporting may be required.

The Tribunal's Special Programs Policy and a list of special programs approved are posted on the Tribunal's website.

The Chair approved six new Special Programs this year:

- **Atira Women's Resource Society**: Hiring restricted to a self-identified woman for the temporary position of Student Advocate. The Student Advocate will work in Atira's Legal Advocacy Program to provide direct services to women in Vancouver's Downtown Eastside in legal areas such as Aboriginal justice, family law, women, people with disabilities and housing issues.

- **Ending Violence Association of BC**: Preferential hiring for persons with Aboriginal ancestry to provide legal information and training to Aboriginal service providers to enhance Aboriginal communities' ability to respond to domestic and sexual violence and child abuse and neglect.

- **School District 23 (Central Okanagan)**: Preferential hiring for persons with Aboriginal ancestry for teaching positions until the percentage of teachers with Aboriginal ancestry is equal to the percentage of students with Aboriginal ancestry.

- **School District No. 70 (Alberni)**: Preferential hiring to persons of Aboriginal ancestry for teaching positions until the percentage of teachers with Aboriginal ancestry is equal to the percentage of student with Aboriginal ancestry.

- **Thompson Rivers University**: Hiring restricted to a person of Aboriginal ancestry for the position of Student Counselor, Faculty of Student Development. The Student Counselor provides personal, crisis and student success counseling for students with the main focus on Aboriginal students.

- **Thompson Rivers University**: Hiring restricted to a person of Aboriginal ancestry for the position of Divisional Secretary II, Services for Aboriginal Students. The Division Secretary II serves as the first point of contact for Aboriginal students, provides administrative support to students and department staff and corresponds with various First Nations Bands in the Kamloops and surrounding regions.

Tribunal Members

J.A. (Tonie) Beharrell, Member (partial year - to January 13, 2012)

Ms. Beharrell was appointed a full-time Member of the Tribunal on December 2, 2002 for a five-year term. She was most recently reappointed for a five-year term expiring in December 2012.

She holds a law degree from the University of British Columbia (1997) and a Bachelor of Arts from Simon Fraser University (1994).

Prior to joining the Tribunal, Ms. Beharrell was an Associate at a national law firm practising in the areas of Labour, Employment, Human Rights, and Administrative Law.

Robert B. Blasina, Member (partial year - from August 2, 2011)

Mr. Blasina was appointed a full-time Member of the Tribunal on August 2, 2011. Mr. Blasina graduated from the University of Toronto in 1971, with a Bachelor of Arts in Economics and from Queen's University in 1974, with a Bachelor of Laws. He was called to the Bar of British Columbia in 1977, and he obtained a Chartered Arbitrator designation in 1999 through the British Columbia Arbitration and Mediation Institute.

He first practiced labour law, representing a number of trade-unions, and then as an arbitrator and mediator with respect to collective agreement and employment issues. Prior to coming to the Tribunal, Mr. Blasina had twenty-four years' experience as a consensual arbitrator and mediator, and has served on the Boards of the Arbitrators' Association of British Columbia and the British Columbia Arbitration and Mediation Institute.

Murray Geiger-Adams, Member

Mr. Geiger-Adams was appointed a full-time Member of the Tribunal on March 9, 2009 for a six-month term under a Chair's appointment. He was most recently reappointed for a five-year term expiring in January 2015.

He holds a law degree from the University of Toronto (1985), and a Bachelor of Arts (Honours) degree in political science from the University of British Columbia (1975).

Prior to joining the Tribunal, and from 1997-2008, Mr. Geiger-Adams was legal counsel for a professional association responsible for collective agreement administration.

Before that, and from 1985-1997, he was a student, associate and then partner in a Vancouver law firm, representing clients in matters including labour, human rights, Aboriginal rights and employment.

Barbara Humphreys, Member (partial year - to July 1, 2011)

Ms. Humphreys was appointed a full-time Member of the Tribunal in 1997. She was most recently reappointed for a five-year term expiring in January 2015. Ms. Humphreys retired on July 1, 2011.

She holds a law degree from the University of Victoria (1984) and a Bachelor of Arts from Sir George Williams University (1969).

Ms. Humphreys joined the B.C. Council of Human Rights in 1990. She was actively involved in the transition from the former B.C. Council of Human Rights to the Human Rights Tribunal.

Prior to joining the B.C. Council of Human Rights, she was an Ombudsman Officer for the Office of the Ombudsman.

DIANA JURICEVIC, MEMBER

Ms. Juricevic was appointed a full-time Member of the Tribunal on February 16, 2012 for a five-year term. She holds a Juris Doctor and Master of Economics degree from the University of Toronto (2004). She also holds an Honours Bachelor of Arts degree from the University of Toronto (2001).

Prior to joining the Tribunal, Ms. Juricevic practised international criminal law before tribunals in The Hague and Cambodia. She was also the Acting Director of the International Human Rights program at the University of Toronto Faculty of Law where she taught courses on international criminal law and human rights advocacy.

At the outset of her career, Ms. Juricevic was an associate at a national law firm practising in the areas of civil litigation, administrative law, and human rights.

ENID MARION, MEMBER

Ms. Marion was appointed a full-time Member of the Tribunal, effective July 27, 2008 for a five-year term. She holds a law degree from the University of Victoria (1988).

Prior to joining the Tribunal, Ms. Marion practiced labour, employment and human rights law as an Associate with a Vancouver law firm and as an Associate and then Partner with another Vancouver law firm.

KURT NEUENFELDT, MEMBER (PARTIAL YEAR - TO AUGUST 19, 2011)

Mr. Neuenfeldt was appointed a full-time Member of the Tribunal on January 6, 2003 for a five-year term. He was most recently reappointed for a five-year term expiring in January 2013.

He holds a law degree from the University of British Columbia (1978) and a Bachelor or Arts degree from the University of Wisconsin (1972).

For several years, Mr. Neuenfeldt worked with the Legal Services Society of BC. While there, he held a range of positions including Staff Lawyer, General Counsel and Director of Client Services. He then practised privately in Vancouver.

Prior to joining the Tribunal, Mr. Neuenfeldt had been a member of the Immigration and Refugee Board of Canada for over nine years.

JUDITH PARRACK, MEMBER

Ms. Parrack was appointed a full-time Member of the Tribunal on August 1, 2005 for a five-year term. She is currently authorized, pursuant to section 7 of the *Administrative Tribunals Act*, to continue to exercise powers as a member over continuing proceedings until completion. Ms. Parrack holds a law degree from Osgoode Hall Law School (1987).

Ms. Parrack was an Associate with a national law firm from 1989 to 1994 and a staff lawyer at the B.C. Public Interest Advocacy Centre from 1995 to 1999. She was a full-time Member of the B.C. Human Rights Tribunal from 1999 to 2002.

Prior to re-joining the Tribunal in 2004, Ms. Parrack was in private practice in the areas of Labour, Human Rights and Administrative Law.

NORMAN TRERISE, MEMBER

Mr. Trerise was appointed a full-time Member of the Tribunal on December 2, 2010 for a five-year term.

He holds a law degree from the University of British Columbia (1973) and a Bachelor of Arts degree from the University of Oregon (1969).

Prior to his appointment, Mr. Trerise practised labour, employment, human rights and administrative law as a partner with a national law firm.

MARLENE TYSHYNSKI, MEMBER

Ms. Tyshynski became a full-time Member of the Tribunal on December 1, 2005 for a temporary six-month term.

Upon expiry of her term, Ms. Tyshynski returned to her position as legal counsel to the Tribunal. In October 2007, following amendments to the *Administrative Tribunals Act*, the Chair appointed her to a second six-month term. She was most recently reappointed to a five-year term expiring in April 2013.

She holds a law degree from the University of Victoria (1988), a Master of Social Work degree from Wilfred Laurier University (1978) and an Honours Bachelor of Applied Science degree from the University of Guelph (1976).

At the outset of her career, Ms. Tyshynski was an associate with two law firms in Victoria. She was in private practice for several years specializing in, among other areas, Administrative Law, then she worked as a staff lawyer for the Legal Services Society.

Prior to her appointment as Member, Ms. Tyshynski served as legal counsel to the Tribunal for three years.

BERND WALTER, CHAIR

Mr. Walter was appointed as acting Chair of the Tribunal on August 1, 2010. He continues to Chair the British Columbia Review Board during his tenure with the Tribunal.

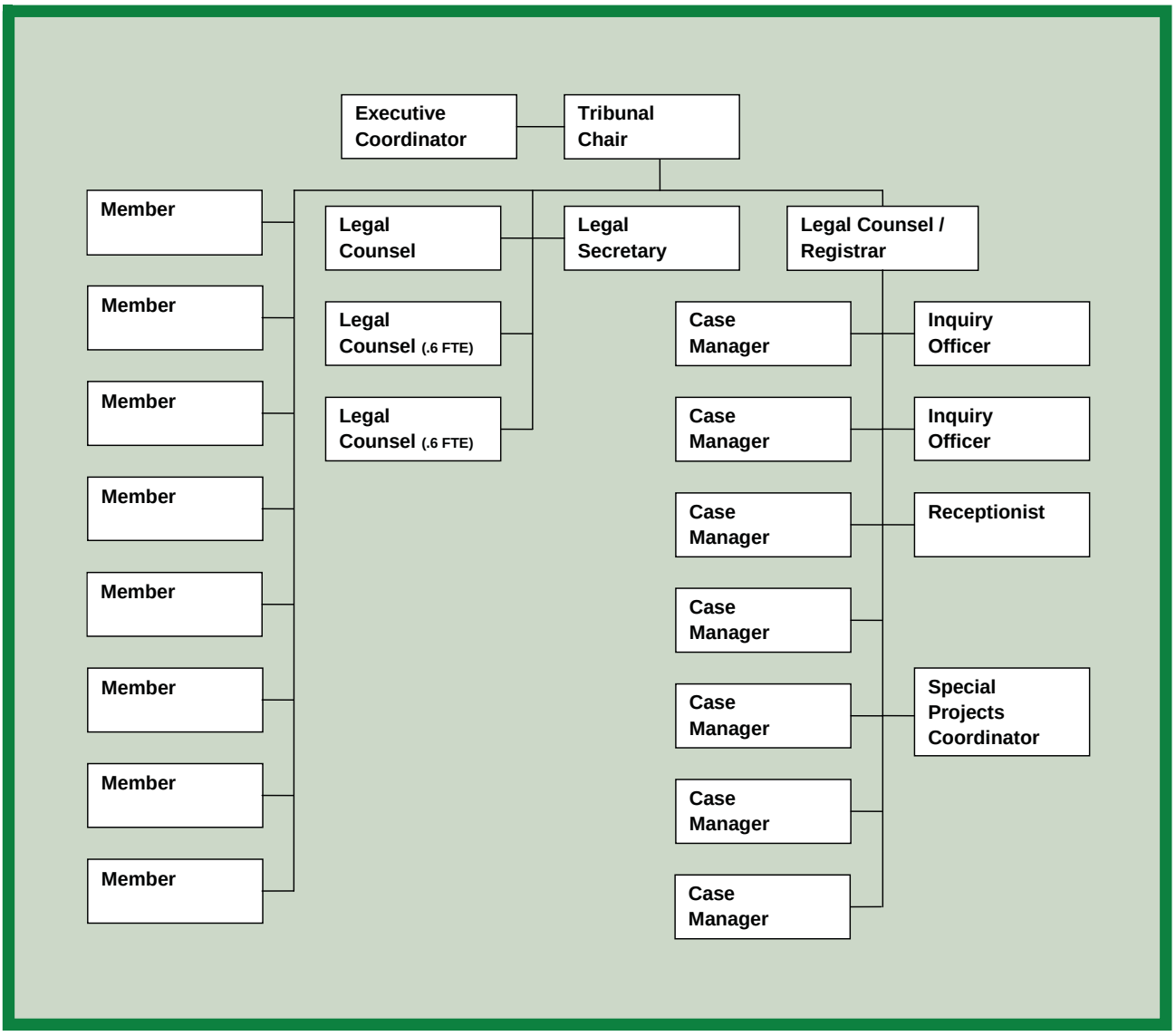
Mr. Walter has chaired a number of BC Tribunals. He has also served as an ADM in the BC Public Service, as well as in Alberta and Ontario. He served as Alberta's First Children's Advocate.

His background includes program, policy and law reform, in particular in child protection, adoption, Aboriginal child and family services, child, youth and adult mental health and children's rights. He has also participated in First Nations Residential Schools reconciliation and healing work.

BC Human Rights Tribunal Operating Cost
Fiscal Year 2011-2012

Category	Expenditure	Delegated Budget	Variance
Salaries (Chair, Members, Registry and Administration)	$ 2,126,367	$ 2,183,000	$ 56,633
Employee Benefits	$ 483,393	$ 502,000	$ 18,607
Expired-Term Members – Fees for Completing Outstanding Decisions	$ 39,957	$ 20,000	$ (19,957)
Travel	$ 61,029	$ 110,000	$ 48,971
Centralized Management Support Services	$ 0	$ 0	$ 0
Professional Services	$ 141,157	$ 80,000	$ (61,157)
Information Services, Data and Communication Services	$ 1,443	$ 17,000	$ 15,557
Office and Business Expenses	$ 66,927	$ 59,000	$ (7,927)
Statutory Advertising and Publications	$ 4,585	$ 5,000	$ 415
Amortization Expenses	$ 0	$ 46,000	$ 46,000
Total Cost	**$ 2,924,858**	**$ 3,022,000**	**$ 97,142**

Organization Chart



Tribunal Publications

The following Guides, Information Sheets and Policies are available in English, Chinese and Punjabi on the Tribunal's website or by contacting the Tribunal. Please refer to the back cover of this report for contact information.

Guides

1– The BC Human Rights Code and Tribunal
2– Making a Complaint and guide to completing a Complaint Form
3– Responding to a Complaint and guide to complet ing a Response to Complaint Form
4– The Settlement Meeting
5– Getting Ready for a Hearing

Information Sheets

1– Tribunal's Rules of Practice and Procedure
2– How to Name a Respondent
3– What is a Representative Complaint?
4– Time Limit for Filing a Complaint - Complainants
5– Time Limit for Filing a Complaint - Respondents
6– Tribunal Complaint Streams
7– Standard Stream Process - Complainants
8– Standard Stream Process - Respondents
9– How to Ask for an Expedited Hearing
10– How to Deliver Communications to Other Participants
11– What is Disclosure?
12– How to Make an Application
13– How to Add a Respondent
14– How to Add a Complainant
15– How to Make an Intervenor Application
16a–Applying to Dismiss a Complaint Under Section 27
16b–How to Respond to an Application to Dismiss a Complaint
17– How to Request an Extension of Time
18– How to Apply for an Adjournment of a Hearing
19– How to Require a Witness to Attend a Hearing
20– Complainant's Duty to Communicate with the Tribunal
21– How to Find Human Rights Decisions
22– Remedies at the Human Rights Tribunal
23– How to Seek Judicial Review
23a–Judicial Review: The Tribunal's Role
24– How to Obtain Documents From a Person or Organization Who is Not a Party to the Complaint
25– How to Enforce Your Order
26– Costs Because of Improper Conduct

Policies

Complainant's Duty to Communicate with the Tribunal
Public Access and Media Policy
Settlement Meeting
Special Programs

Tribunal Staff

Registrar / Legal Counsel
Jessica Connell (partial year)
Steve Adamson (partial year)

Executive Coordinator
Sheila O'Reilly

Legal Counsel
Jessica Connell
Katherine Hardie (part-time)
Denise Paluck (part-time)

Legal Secretary
Snezana Mitic (partial year)
Nikki Mann (partial year)

Case Managers
Lindene Jervis
Anne-Marie Kloss
Lorne MacDonald
Cheryl Seguin (partial year)
Maureen Shields
Margaret Sy (partial year)
Cristin N. Popa
Sandy Tse (partial year)
Daniel Varnals

Special Projects Coordinator
Luke LaRue

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Cheryl Seguin (partial year)
Mattie Kalicharan
Carla Kennedy (temp assignment)

Reception
Janet Mews

NOTES

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