



British Columbia Human Rights Tribunal

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FORM 9.2 – RESPONDENT DOCUMENT DISCLOSURE

Tribunal Stamp

INSTRUCTIONS FOR RETURNING THIS FORM

- Click on **Save As** at any time to save your form to your computer
- **Email** us your form by attaching a saved copy and sending it to:
BCHumanRightsTribunal@gov.bc.ca
- Or click **Print**, and **fax**, **mail**, or **hand deliver** a copy of your form to us
- **Keep a copy of all your documents**

Name of Respondent:			Case Number:
Name of person completing this form:			
<input type="checkbox"/> I reviewed all the documents which I have or which I control that may be relevant to the complaint or response to the complaint. (See page 2 for more information.)			
Select one:			
<input type="checkbox"/> I do not have or control any documents that may be relevant to the complaint or response to the complaint.			
<input type="checkbox"/> I have or control the following documents that may be relevant to the complaint or response to the complaint:			
No.	YYYY MM DD	Description of Document	✓ if privilege* is claimed
1.			<input type="checkbox"/>
2.			<input type="checkbox"/>
3.			<input type="checkbox"/>
4.			<input type="checkbox"/>
5.			<input type="checkbox"/>
6.			<input type="checkbox"/>
...		<input type="checkbox"/> More documents are listed on another page	*see page 2

- ☐ At the same time as I file this form with the Tribunal, I am delivering to each other party a copy of this form and a copy of all of the listed documents, except those identified as privileged.

Do **not** send the listed documents to the Tribunal at this time. If you do so, the Tribunal will not keep the documents.

MORE INFORMATION – RESPONDENT DOCUMENT DISCLOSURE

Disclosure is important: If the parties share all documents about the complaint, it makes the process fairer. It helps the Tribunal decide what happened based on the best information.

Steps you must take:

1. Read the complaint form and response to complaint form. Think about what the Complainant needs to prove and what you need to prove.

Examples:

The Complainant says you fired them based on their age. You agree they are 65 and that you fired them. You disagree that there is a connection between their age and being fired. The Complainant needs to prove this.

You say you ended the Complainant's employment because they were on sick leave for too long. You say that you could not reasonably accommodate their disability any longer. You need to prove this.

2. Gather **all** documents that have anything to do with the complaint, whether they hurt or help your case, or hurt or help the Complainant's case.

Examples:

You say you fired the Complainant for poor performance. You have performance reviews. You must share the performance reviews, even if they do not help your case.

You say you could not build a ramp because it costs too much. You have two estimates of the cost of building the ramp. You must share the estimates.

The Complainant says you did not promote them based on their race. You have emails discussing whether to promote the Complainant. Two emails help your case. One email might help the Complainant's case. You must share all the emails.

Privilege: Privileged means exempt from disclosure. For example: letters between you and your lawyer are privileged.

Ongoing obligation to disclose: If you locate or obtain other documents after filing this form that may be relevant to the complaint or response to the complaint, you must promptly give a copy to each other party.

What happens if you do not share your documents:

1. You cannot apply to dismiss the complaint without a hearing if you do not share your documents within the time allowed.
2. At a hearing, you cannot use a document that you have not shared, unless the Tribunal gives you permission. The Tribunal will not give you permission if it would be unfair to Complainant.
3. If you refuse to share a document, the Tribunal may assume it would hurt your case.
4. The Tribunal may order you to pay money, called costs, to the Complainant if you disrupt the process by not sharing your documents.

Documents are confidential: All documents you share or receive are confidential and cannot be used for any purpose other than this complaint process.