



## Guide to a Human Rights Hearing

### What is the Manitoba Human Rights Commission?

The Manitoba Human Rights Commission is an independent agency of the Government of Manitoba that administers *The Manitoba Human Rights Code*. The principles of equality of opportunity, and freedom from unreasonable discrimination in the areas of employment, housing and services extend to all ages under *The Code*.

### What does the Commission do?

The Commission staff conciliates, mediates and investigates complaints, which allege discrimination, or failure to accommodate special needs, based on the following grounds: ancestry, ethnic or national origin, religion or creed, age, sex (including pregnancy); gender-determined characteristics, sexual orientation, marital/family status, source of income, political belief, and physical or mental disability. In the legislation itself, these grounds are referred to as “protected characteristics,” attributed to historically disadvantaged groups.

### When does a case go to a hearing?

Complaints, which are not dismissed by the Board of Commissioners after an investigation or resolved by the parties, are referred to an independent human rights adjudicator, who is appointed by the Attorney General of Manitoba, for a hearing. Adjudicators are independent and are **not** Commission staff.

The Commission’s legal Counsel is responsible for presenting the case. The complainant can also be represented by his or her own lawyer. The Respondent can represent him or her self or be represented by his/her own lawyer.

### Who can come to a hearing?

The public and the media can attend. The Adjudicator however, will determine the use of cameras and recording devices. In the past, audio/visual equipment has not been allowed during the actual hearing. The Adjudicator may also prohibit publication or broadcast of the identities of the parties involved until a final written decision is released.

### The Decision

After the hearing, the adjudicator will deliver a written decision, based on the evidence. This process could take two months or more.

The Manitoba Human Rights Commission does **not** decide the outcome of the hearing.

The adjudicator determines if there has been a violation of *The Code* and if so, may order one of the following:

- Refrain from doing what caused the contravention
- Rectify the circumstances
- Compensate the party for any financial loss, expenses incurred or benefits lost
- Compensate the party adversely affected for injury to dignity, feelings or self-respect.
- Pay the party exemplary damages if the Adjudicator considers this appropriate for any malice or reckless involved
- Adopt or implement a policy or program

The adjudicator's written decision is simultaneously sent to both the Respondent and the Commission, after which time the Commission will issue a news release and make the adjudicator's decision available to the media and public.

### **Is there an appeal process?**

Any party to the hearing can apply to the Court of Queen's Bench for a review of the decision based solely on the following grounds:

- The Adjudicator committed an error of jurisdiction
- There was a breach in the principle of fairness
- There was an error in law

### **Media and the Commission**

During the hearing, the executive director or designate and/or the chairperson or designate may answer questions with respect to the human rights process or, in broad terms, about the section of *The Code*, which has allegedly been contravened.

In some circumstances, after the hearing, the Commission will address more specific questions.

Once the Commission has received the independent adjudicator's written decision the Commission will respond to media questions.

For further information please contact  
Patricia Knipe  
Communication Director  
945-5112