



What's New in HR Law

Recent Amendments to Canadian Human Rights Commission's Complaint Rules

November 30, 2022 | By [Lucas Mapplebeck](#)

Bottom Line

The Canadian Human Rights Commission ("CHRC") has amended and updated its Complaint Rules. The new rules apply to all complaints received by the CHRC after October 19, 2022, and to any complaint that has entered a new stage of the CHRC's complaint process as of October 19, 2022.

As the CHRC's jurisdiction arises from the *Canadian Human Rights Act*, these changes are relevant to only federally regulated employers.

Changes to the CHRC's Complaint Rules

The CHRC has made a number of amendments to its Complaint Rules. The most substantial changes are summarized below.

Responses and Replies

Respondents to a CHRC complaint now have 60 calendar days to deliver a Response. Similarly, where a Reply is appropriate, Complainants now have 60 calendar days to deliver a Reply. Both extensions are an increase from the previous time limit of 30 calendar days.

This article is for the purposes of only general information and does not constitute legal advice or opinion.

Further, the CHRC will generally not grant extensions to these time limits unless a party demonstrates exceptional circumstances for why it was not possible for them to file a proper Response or Reply within the 60 calendar day time limit.

Citations must now be provided for any legal decisions referenced in a Response or Reply.

Exceeding Page Limits

Parties to CHRC complaints are normally required to limit their Response or Reply submissions to 20 pages. As a result of the amendments to the Complaint Rules, a party who wants to exceed the 20-page limit for a Response or Reply must get approval from the CHRC and explain the relevance of the additional pages.

Similarly, a party who wants to exceed the 10-page limit for a submission to an assessment report or the five-page limit for a submission to a mediation/conciliation report must now attain approval for the additional pages from the CHRC.

Format of Documents

The amended Complaint Rules require documents to now be submitted in accordance with any accessibility needs communicated by the CHRC to the parties.

Parties must use the CHRC's forms when providing information. If information is submitted in another format when a CHRC form is available, the information will not be considered by the CHRC unless approval is granted in advance.

If any part of a submission to the CHRC is not legible, it will not be considered by the CHRC.

Delivery/Filing

If the CHRC provides the email address of one party to a complaint, the other parties must email a copy of their forms, submissions, or other documents to the party's email address at the same time that these materials are sent to the CHRC. If the party's email address is not provided, the CHRC will deliver the materials to the party.

The amended Complaint Rules outline when the date of delivery will be deemed to occur by online Complaint Form, courier, facsimile, email, or regular mail.

Respectful Conduct

The CHRC will request the parties' personal pronouns and use them if provided.

Parties to a CHRC proceeding are now required to use the name, gender, and pronouns that individuals use to identify themselves.

The CHRC has established new rules around the disclosure and redaction of a party's former name and associated pronouns, health characteristics, and personal characteristics.

The CHRC has implemented these changes to promote inclusivity and respect in the complaint process and may impose sanctions against any party who acts contrary to the new rules.

Check the Box

When faced with a CHRC complaint, federally regulated employers should be familiar with the CHRC's complaint process, including the amended processes described above. A thorough understanding of the Complaint Rules can help employers ensure that complaints are being processed properly, fairly, and expeditiously by the CHRC.

Need More Information?

For more information or assistance with the CHRC's complaint process or any other federal employment issue, contact [Lucas Mapplebeck](mailto:Lucas.Mapplebeck@filion.on.ca) at lmapplebeck@filion.on.ca or your regular lawyer at the firm.



Toronto
Bay Adelaide Centre
333 Bay Street
Suite 2500, PO Box 44
Toronto, Ontario M5H 2R2
tel: 416.408.3221
fax: 416.408.4814
toronto@filion.on.ca

London
252 Pall Mall Street, Suite 100
London, Ontario N6A 5P6
tel: 519.433.7270
fax: 519.433.4453
london@filion.on.ca

Hamilton
1 King Street West
Suite 1201, Box 57030
Hamilton, Ontario L8P 4W9
tel: 905.526.8904
fax: 905.577.0805
hamilton@filion.on.ca

Kitchener-Waterloo
137 Glasgow Street
Suite 210, Office 175
Kitchener, Ontario N2G 4X8
tel: 519.433.7270
fax: 519.433.4453
kitchener-waterloo@filion.on.ca