



# Other Redress Procedures

The Canadian Human Rights Commission deals with allegations of discrimination against federally regulated employers, unions and service providers. When possible, the Commission encourages parties to try to resolve such allegations through alternative dispute resolution (ADR). The Commission can help parties resolve disputes informally, as soon as they are brought to its attention, or after a formal complaint has been filed. If the parties cannot resolve the matter themselves, the Commission may investigate the allegations and ask the Canadian Human Rights Tribunal to hold hearings.

## What are “other redress procedures”?

“Other redress procedures” are formal processes that can deal with allegations of discrimination and provide a remedy to the victim. Examples include union grievance procedures and complaint processes offered by other federal bodies, such as the Tax Court, the Canada Industrial Relations Board or the Canadian Transportation Agency.

## Are people required to use these other procedures first, before approaching the Commission?

In most cases, the Commission will ask people to go through other available processes before agreeing to deal with their allegations. It does so because it expects employers and service providers to respect human rights and to set up their own procedures to address disputes. Internal processes can be very quick and efficient.

In addition, the Commission does not want to duplicate the work carried out by specialized organizations such as the Canada Industrial Relations Board.

## Why go through another procedure first?

Other procedures can sometimes deal with problems more quickly than the Commission can. Grievance processes, for example, are often very quick because all of the parties (the person making the complaint, the employer and the union representative) are familiar with the issues.

In addition, organizations such as the Canadian Transportation Agency have specialized expertise, which makes them very efficient at dealing with certain kinds of complaints.

## How does the Commission decide whether to refer someone to another procedure?

The Commission usually looks at three things.

- First, it determines whether the other process can address allegations of discrimination, and whether it can provide a remedy to the victim.
- Then, the Commission determines whether the other process can provide an appropriate remedy. The other process must be able to compensate the person for what was lost.
- Finally, the Commission determines whether the process is reasonably available to the person. For example, is it quick? If it is a grievance process, will the union agree to represent the person?

## What happens when the other process is completed?

At the end of the other process, the person can usually ask the Commission to reconsider the matter. The Commission will then decide whether to deal with the allegations, depending on the results of the other process.

The Commission will decide whether the other process addressed all of the human rights issues and provided sufficient remedies.

People who want the Commission to reconsider their allegations should return to the Commission right after the other process ends.

## What happens if the Commission agrees to reconsider the matter?

If the Commission decides to deal with the allegations, it may ask the parties to participate in mediation. Mediation is a voluntary, confidential process of discussion and negotiation. If the parties reach a settlement, they usually submit the agreement to the commissioners for approval.

If the parties do not reach a settlement, the Commission will investigate the allegations to see if there is evidence to support them. After the investigation, the commissioners will decide whether to dismiss the allegations—if there is no evidence to support them—or to send the matter to the Canadian Human Rights Tribunal for hearings.

## FURTHER INFORMATION

For information on all aspects of the dispute resolution process, please visit the Commission’s website at [www.chrc-ccdp.gc.ca](http://www.chrc-ccdp.gc.ca), or contact the following.

The Commission’s regional offices:  
Halifax, Montréal, Toronto, Edmonton and Vancouver, toll free, at 1-800-999-6899.

The Commission’s national office:  
344 Slater Street, 8th floor  
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