



## Guide to Responding to a Complaint

*The Human Rights Code* (“*The Code*”) gives the Respondent to a Complaint the chance to provide a written response to the Complaint. It is not required but it is extremely helpful to the Commission as it can help guide our assessment and investigation of a Complaint.

### How much time do I have to respond?

Respondents are given 30 days to provide a written response (or “Reply”) to the Complaint. The Commission may extend the time but will make sure the delay does not impact how long it takes to start assessing or investigating the complaint.

### What information should I include in my Reply?

Try and respond to the allegation of discrimination generally. Also review the specifics of the complaint and indicate what information you agree or disagree with. Attach any supporting evidence (e.g. termination letter, emails, meeting notes, release, decision letter, photographs, etc.) to your Reply. Provide the names and contact information of witnesses and describe what relevant information they can provide.

Try and organize your response in numbered paragraphs that correspond with the information in the complaint. **Do not destroy any evidence as it may be requested later in the process.**

**IMPORTANT:** Section 26(2) of *The Code* states that the Executive Director may dismiss a Complaint or part of a Complaint without investigation where:

- (a) it is considered “frivolous” or “vexatious” by law
- (b) the allegations are not a violation of *The Code*;
- (c) the Commission does not have jurisdiction to examine the issues being alleged;
- (d) the issues are being dealt with or have already been dealt with appropriately under another Act; and/or
- (e) continuing through the complaint process would not benefit the person who experienced the alleged discrimination.

Examples of situations where a complaint **may** be dismissed without investigation: the Complainant and the Respondent entered into a Settlement Agreement resolving the issues raised in the complaint, the Complainant is a member of a Union and the issues raised in the complaint fall under the scope of the Collective Agreement, the Complainant has pursued their concerns via another legal process (for example, through an appeal with the Social Services Appeal Board or the Workers Compensation Board), the Respondent is federally regulated, etc.

If you believe there is a basis for the Executive Director to dismiss the complaint without investigation due to one of the reasons above, please explain your position in your Reply and provide any supporting documentation you may have. You may choose to file

a Preliminary Reply setting out your position on why the complaint should be dismissed without investigation. If the Executive Director determines that the Commission has jurisdiction to investigate the complaint, you will be provided an opportunity to file an additional Reply that responds to the allegations of discrimination raised in the complaint.

For more information on this process, see our *Guide to Early Assessment and Dismissal without Investigation*.

### **Will the Complainant see the information I provide?**

The Commission will give the Complainant a copy of the Reply but will remove any names that are not included in the complaint. Any supporting documents that are attached will not be provided. Later in the process, these documents may be summarized in the investigation report that both parties and the Executive Director receive.

### **Do I need to hire a lawyer?**

You may hire a lawyer, but it is not necessary.