

e2r Alert!

ELIMINATION OF HUMAN RIGHTS TRIBUNAL IN SASKATCHEWAN

On July 1, 2011, by virtue of the *Saskatchewan Human Rights Code Amendment Act* (formerly Bill 160) (the “Act”) being proclaimed into force, Saskatchewan eliminated its Human Rights Tribunal. Overall, the Act makes considerable changes to the human rights complaint process in Saskatchewan, changes which are intended to streamline the process and allow for more cases to be resolved without a hearing.

As mentioned, the primary change brought about by the Act is the elimination of the Human Rights Tribunal and the transfer of power to the Saskatchewan Court of Queen’s Bench (the “Court”). The Court will now hear complaints that are unable to be resolved at the alternative dispute resolution stage.

In addition, complainants will now be required to retain legal counsel (or represent themselves) at their own cost. Theoretically, given that these matters will now be dealt with in front of the courts, an employer who is successful in defending a complaint will now be entitled to recover a portion of its legal fees.

Another significant change that should benefit employers is the addition of the ‘sufficient evidence’ threshold, which requires a complainant to provide sufficient evidence that reasonable grounds exist for believing that the *Human Rights Code* has been breached. Prior to the Act, a complainant only needed to believe that reasonable grounds existed to bring a complaint.

The Act also includes changes to the limitation period for filing a complaint, reducing it from two years to one year; gives the chief commissioner the power to dismiss a complaint where the complainant refuses to accept a reasonable settlement offer; allows the chief commissioner to require the parties to attend mediation prior to a hearing; and allows the Human Rights Commission to seek additional information about a complaint prior to commencing the complaint resolution process.

Overall, the majority of the changes brought on by the Act will be welcomed by employers governed by provincial legislation in Saskatchewan. Should the changes prove successful, perhaps other provinces will follow suit in time.

We encourage you to contact an e2r Solutions® Service Provider should you have any questions in regards to the foregoing.

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