



*To ensure that Canadians
have equal access to the opportunities that
exist in our society through the fair and
equitable adjudication of human
rights cases that are brought before the Tribunal.*



CANADIAN HUMAN RIGHTS TRIBUNAL

Created by Parliament in 1977, the Canadian Human Rights Tribunal is a quasi-judicial body that adjudicates complaints of discrimination referred to it by the Canadian Human Rights Commission and determines whether the activities complained of violate the *Canadian Human Rights Act* (CHRA). The Tribunal has a statutory mandate to apply the CHRA based on the evidence presented and on current case law.

The purpose of the *Act* is to protect individual Canadians from discrimination and to promote equality of opportunity. The *Act* applies to all undertakings within federal jurisdiction such as federal government departments and agencies, Crown corporations, chartered banks, airlines, telecommunications and broadcasting organizations, and shipping and inter-provincial trucking companies. Complaints may relate to discrimination in employment or in the provision of goods, services, facilities or accommodation that are customarily available to the general public. Complaints may also relate to the telecommunication of hate messages. The CHRA prohibits discrimination on the basis of race, national or ethnic origin, colour, religion, age, sex, marital status, family status, sexual orientation, disability and conviction for which a pardon has been granted. Complaints of discrimination based on sex include allegations of wage disparity between men and women performing work of equal value in the same establishment.

In 1996, the Tribunal's responsibilities were expanded to include the adjudication of complaints under the *Employment Equity Act*, which applies to federal government employees and to federally regulated private sector employers with more than 100 employees. Employment Equity Review Tribunals are assembled as needed from the members of the Canadian Human Rights Tribunal.

It must be remembered that the Tribunal is not a policy-making body. Its sole purpose is to hear and adjudicate cases of discrimination, based on the facts of each case and the current law. As such, it may only deal with cases referred to it by the Commission. The Tribunal cannot create its own caseload; it cannot lobby or attempt to influence or adjust the government's or the Commission's agendas, other than by its public decisions; and it cannot take sides on human rights issues. In addition, its process must be fair and efficient without being seen as a rush to complete the adjudicative process. Unreasonable delay is not acceptable, but neither is speed for the sake of expediency. In this, the Tribunal must find balance. Human rights, both for the individual and the respondents – and for Canadians as a whole – are too important not to ensure an equitable and accessible process.

