Have a question about what is being discussed on this site? Find the answers to some of the most common questions below. Please note that these answers do not constitute legal advice.

What are the Human Rights Commissions?

{slide=Answer...}The Human Rights Commissions (HRCs) are government bodies that were established to investigate Human Rights complaints. There is a federal HRC as well as a provincial HRC for each Province and Territory. Their intended purpose is to determine whether or not a filed complaint is legitimate as defined by the federal Human Rights Act and the provincial Human Rights Codes.

In the event a complaint is determined to be legitimate, the HRC is then to seek restitution between the parties involved. If restitution is not achieved, the complaint is then referred to the Human Rights Tribunal.

The original intended purpose of the HRCs was to protect all Canadians from discrimination. The HRCs were also intended to be remedial in their actions in order to correct discriminatory practices without the expense of lengthy court battles. To ensure everyone, whether rich or poor, is able to access the HRCs, there is no cost to file a complaint. All the complainants' legal fees are covered by the taxpayer. {/slide}

What are the Human Rights Tribunals?

{slide=Answer...}The Human Rights Tribunals function much like a court. If the Tribunal determines that a discriminatory practice has indeed taken place, the Tribunal may order the reversal of the practice or make recommendations to ensure its end. The Tribunal may also order compensation to be paid to the complainant. Unlike the courts, the Tribunals are not required to follow procedural checks and balances to ensure a fair trial. {/slide}

What are the Human Rights Acts and Codes?

{slide=Answer...}The Acts and Codes are statutes passed by the Federal and Provincial Governments with the goal of extending the law to ensure all individuals residing in Canada have equal opportunity. The Acts and Codes therefore prohibit discrimination "based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offense for which a pardon has been granted." Discriminatory practises are prohibited as they pertain to denial of services, accommodation, or employment, all of which are defined at length. The Acts and Codes require and outline the establishment of Human Rights Commissions and Human Rights Tribunals and the appropriate penalties for those found guilty of discrimination. {/slide}

Aren't my Rights already covered by the Charter of Rights and Freedoms?

{slide=Answer...}The Charter is a bill of rights that is binding on all levels of government in Canada. The Charter guarantees such fundamental freedoms as:

(a) freedom of conscience and religion;

(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

(c) freedom of peaceful assembly;

(d) freedom of association

The Charter is not binding on businesses or landlords and therefore does not protect identifiable groups from discrimination in either the private or public sector. Many of these matters are covered under the Canadian Labour Code, Employment Equity Act, and the Provincial Residential Tenancies Acts. {/slide}

Why aren't human rights complaints heard in court?

{slide=Answer...}Individuals who are discriminated against will theoretically not be financially able to bring their case to court. A complaint can be filed with the Human Rights Commission at no cost to the complainant, making it easy and inexpensive for the complainant. This has unfortunantely resulted in many frivolous complaints. {/slide}

How does a human rights complaint start?

{slide=Answer...}If an individual feels he/she has been discriminated against, a written complaint can be made to the Human Rights Commission. The Commission will then investigate whether or not the complaint is legitimate. If legitimate, the respondent will be required to make restitution with the complainant. {/slide}

Does monitoring speech fall within the HRCs jurisdiction?

{slide=Answer...}Under Section 13 of the Human Rights Act, published speech can be monitored. Section 13 permits the commissions to suppress any speech that "is likely to expose" a person to hatred. This loose wording permits the Commissions and Tribunals to censor speech that is protected under section 2b of the Charter of Rights and Freedoms. {/slide}

Would removing Section 13 from the Human Rights Act correct all the problems?

{slide=Answer...}Removing Section 13 may eliminate the Commissions ability to censor Canadians. However, it would not correct the disadvantage the respondent faces before the Commission. Respondents would still be forced to defend themselves against frivolous complaints at very high cost. Commissions could still invent new rights for complainants that conflict with the respondents fundamental freedoms. {/slide}

In what ways have the HRCs and Tribunals become corrupt?

{slide=Answer...}The loosely written Human Rights Act and Codes have enabled Commissioners to silence debate on questionable behaviour. Criticisms of such behaviour is ruled hate speech and the behaviour itself becomes a right. Fundamental Freedoms guaranteed in the Charter of Rights and Freedoms are trumped by bogus rights invented by the Tribunals. Even if a complaint is ruled frivolous, the respondent must absorb the cost of his/her defence while the complainants fees are covered by the government. {/slide}