

HUMAN RIGHTS ACT REVIEW
DETAILED WORK PLAN

I Role of the Canadian Human Rights Commission:

- (a) Introduction
- (b) Education, Promotion, Research and Technical Advice
- (c) Initiation of Complaints
- (d) Investigation, Settlements and Conciliation
- (e) Dismissal of Complaints and Appointment of Tribunals
- (f) "Prosecution" and Judicial Review
- (g) Other Powers and Functions:
 - (i) Guideline-making Power
 - (ii) Section 46 Prosecutions
 - (iii) Recommendations and Advice Regarding "Special Programs"
 - (iv) Approval of Adaptation Plans
- (h) Conclusion

II Primacy and Relationship to Other Laws, the Canadian Bill of Rights and the Charter:

- (a) Primacy
- (b) Other remedies - including those available under other federal statutes, e.g. Canada Labour Code.

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III Process:

(a) Hearing Process

- (i) Who should hear - courts or tribunals
- (ii) Pre-hearing and hearing procedure
- (iii) Disposition of Complaints: Dismissal and appointment of Tribunals
- (iv) Appeals and judicial review.
- (v) Make-up of tribunals if tribunals retained

(b) Complaints and Investigations:

- (i) Union Complaints
- (ii) Publicity regarding complaints and investigations.

(c) Settlements and Conciliation:

- (i) Combine investigation and conciliation stages.
- (ii) Publicizing settlements - Nielsen task force concerns.

Legal remedies:

- (i) Affirmative action
- (ii) Costs

IV Discrimination Issues

(a) Grounds of Discrimination:

- (i) Sexual orientation
- (ii) Political Belief

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- (iii) Criminal Conviction or Charge
 - (iv) Source of income
 - (v) Perceived Disability
 - (vi) Language
- (b) Mandatory retirement as it relates to the Human Rights Act
- (c) Areas of Discrimination
- (i) Contracts
 - (ii) Hate Propaganda
- (d) Scope of the Obligation of Non-Discrimination:
- (i) Systemic or Adverse Effect Discrimination
 - (ii) Reasonable accommodation
- (e) Miscellaneous
- (i) Name of Commission and Act
 - (ii) Reporting Date
 - (iii) Amounts of damages that can be awarded

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