



Nova Scotia Human Rights Commission

Dispute Resolution Policy

December 2025

1.0	PURPOSE
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1.1 The Nova Scotia Human Rights Commission (the Commission) is mandated by the Nova Scotia *Human Rights Act* (the *Act*) to assist in the creation and maintenance of just, equitable and inclusive communities, and the protection of human rights in Nova Scotia by fostering positive, productive, and respectful relationships. This vision of a just and inclusive society is undermined when Nova Scotians experience harassment or discrimination.

1.2 The Commission seeks to attain the vision of a just and equitable society by responding to and addressing harassment and discrimination. The Commission addresses harassment and discrimination, in part, through its Dispute Resolution process. The Commission's Dispute Resolution process provides a means by which complaints of harassment and discrimination may be brought forward and addressed. The goals of the Commission's dispute resolution process are the advancement of equity and dignity; the fostering of positive and respectful relations; and the protection and upholding of human rights.

1.3 The Dispute Resolution process achieves these goals by ensuring that all aspects of the process are guided by restorative principles. This means that the Commission will ensure that all stages of its dispute resolution process are responsive, collaborative, relational, comprehensive, inclusive, and forward focused. These attributes will collectively be referred to as restorative principles, and include:

- a. **Responsive** –all processes and practices will be attentive to and reflective of the contexts and circumstances of the situation and the parties. Responsive processes and practices are flexible and adaptable and are able to accommodate changes in the circumstances, needs, perspectives, and positions of the parties during the process;
- b. **Collaborative** – which means that all processes and practices will be collaborative rather than adversarial. The Commission will support the parties in working collaboratively to find a shared understanding of the issues and effects where possible;
- c. **Relational** – dispute resolution is fundamentally concerned with relationships and securing conditions and treatment necessary to ensure equal respect and human dignity. The Commission accepts that a relational perspective with respect to the issues and the parties to a complaint is core to a restorative approach and essential for human rights protection;
- d. **Comprehensive** – dispute resolution must pay attention to the context, circumstances, and causes of human rights disputes to fully understand and respond to the complaints and the needs of the parties affected;

- e. **Inclusive** – all those involved in a situation (including for example: those affected, responsible, and able to support or contribute to a positive outcome) should be meaningfully involved in the complaint process. An inclusive approach requires that the Commission pay attention to the needs of parties to enable participation, including being culturally appropriate and responsive and trauma informed;
- f. **Forward Focused** – at dispute resolution will be educative, problem-solving, focused on solutions, and not punitive in nature. The Dispute Resolution process is aimed at helping parties gain a better understanding of issues, find ways to address harms, and move forward with respect for human rights.

1.4 To that end, the purposes of this policy are:

- a. To promote standards of conduct within the province which are in keeping with a just and equitable society;
- b. To ensure that the Commission’s Dispute Resolution process, wherever possible and to the greatest extent possible, fosters positive and respectful relations between all the parties;
- c. To ensure that the Commission’s dispute resolution work achieves the objective of protecting, affirming, and upholding human rights in the Province;
- d. To ensure that the Commission’s dispute resolution work provides a safe and effective means by which the rights and dignity of Nova Scotians who have been subjected to discrimination and harassment may be protected and affirmed; and
- e. To provide guidance as to the form and content of processes and mechanisms by which the Commission will respond to, support, and address complaints of harassment and discrimination.

2.0	Policy Statement
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2.1 This policy applies to all elements of the Commission’s Dispute Resolution process, including general contact, intake, investigation, resolution, education, and recommendations to the Commission and/or Director.

2.2 This policy applies to all employees of the Commission and to anyone who is a party to, or a participant in, a complaint process under the *Act*.

3.0	Definitions
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3.1 the **Act** refers to the Nova Scotia *Human Rights Act*.

3.2 **Complaint** means a complaint accepted by the Commission in accordance with section 29 (1) (a) or (b) of the Nova Scotia *Human Rights Act*.

- 3.3 Complainant** refers to the individual making the complaint of discrimination/harassment.
- 3.4 Early Intervention** refers to a voluntary process where an HRO may facilitate a resolution of the dispute before it is accepted as a complaint. The resolution may include reaching an understanding between the parties that resolves the dispute, the offer of policy information, education and/or training.
- 3.5 Early Resolution** refers to a voluntary process for parties to resolve accepted complaints through restorative mechanisms led by Commission staff.
- 3.6 General Contact** refers to contact someone makes with the Commission by telephone, visit or email to seek information or advice on a human rights issue, including to inquire about whether they have a complaint.
- 3.7 HRO** means a Human Rights Officer appointed pursuant to section 27 of the Nova Scotia *Human Rights Act*.
- 3.8 Inquiry** refers to the first step in the process of filing a complaint where a complainant completes the Inquiry Form to document the details of the alleged discrimination/harassment and is then reviewed by Commission Staff.
- 3.9 Legal** means Legal Counsel employed by the Commission.
- 3.10 Respondent** refers to individual(s) and/or organization(s) named in the complaint as causing the discrimination/harassment.
- 3.11 Settlement Agreement** refers to a voluntary agreement made by the parties to resolve some, or all, of the issues in the complaint. Settlement agreements are made in writing and signed by the parties and must be approved by the Commissioners.
- 3.12 Settlement Conference** refers to a voluntary, on the record, resolution process facilitated by an HRO at any stage in the Dispute Resolution process. Settlement Conferences are guided by restorative principles and intended to resolve all or part of the dispute alleged in the complaint.
- 3.13 Sharing Circle** refers to a part of the Early Resolution process where parties come together in a sharing circle format to address the alleged discrimination/harassment outlined in the complaint. The goal is to resolve the conflict in a confidential setting. The Sharing Circle is rooted in Indigenous tradition and promotes the Indigenous teachings of community, respect, equality, safe dialog and interconnectedness. This is a supported informal resolution process intended to bring reflection, learning, and healing to the participants who engage voluntarily and in good faith.

3.14 Systemic Discrimination can include (but is not limited to) policies, practices, organizational structures, decision-making processes, and patterns of behaviour that may appear to be neutral but have discriminatory effects.

3.15 Systemic Issue refers to an issue that is broad in scope, often referring to (but not limited to) policies, practices, organizational structures, decision-making processes, and patterns of behaviour that may appear to be neutral but have discriminatory effects.

4.0	Dispute Resolution
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4.1 The Commission will create procedures for each stage of the Dispute Resolution process in accordance with the *Act* and restorative principles.

4.2 The Commission shall determine the manner in which complaints of discrimination and harassment are to be drafted, submitted and processed.

4.3 The Commission shall determine the procedures to be followed prior to a complaint being accepted by the Commission.

4.4 HROs shall treat complainants and respondents with respect and ensure that complaints are managed with procedural fairness to all parties.

5.0	Making a Complaint
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5.1 HROs shall receive and respond to general contact from the public.

5.2 In response to general contact that fall within the scope of another organization, the HROs will make a referral to the appropriate resources.

5.3 In response to general contact requesting education materials or information relating to human rights, HROs will endeavor to provide relevant information and may make referrals to the Commission's Race Relations, Equity and Inclusion (RREI) unit for additional training and support.

5.4 In response to general contact about making a complaint under section 29(1)(a) or (b) of the *Act*, the HRO shall explain the requirements of the complaint process and jurisdiction of the *Act*, including the 12-month limitation period in section 29(2).

5.5 The HRO shall provide information about the process to apply for an extension to file a complaint under section 29(3) of the *Act* if the last date of discrimination/harassment is greater than the 12-month limitation period in section 29(2), but less than 24 months.

5.6 In exceptional circumstances, the Director may grant an individual an extension of no more than 12 months to make a complaint under section 29(3) of the *Act* if to do so would be in the public interest and having regard to any prejudice to the parties, would be equitable.

5.7 The HRO may request additional information to determine whether the complaint meets the requirements and jurisdiction of the *Act*.

6.0 Early Resolution

6.1 As part of the Dispute Resolution process, the Commission may offer an Early Resolution process to parties in appropriate circumstances.

6.2 The Commission will create procedures for the Early Resolution process in accordance with the *Act* and restorative principles.

6.3 The Early Resolution process is grounded in the Commission's restorative practice.

6.4 There is no fact-finding, finding of guilt, or liability in the Early Resolution process.

6.5 Participating in the Early Resolution process does not impact any other process within the Dispute Resolution process. If parties choose to participate in the Early Resolution process, the complaint will maintain the same place in queue for investigation and settlement negotiations may still occur at any other stage in the Dispute Resolution process as set out in this document.

Confidentiality and Privileged Information

6.6 All communications between the parties, either with one another or with the HRO privately, are considered settlement negotiations conducted on a without prejudice basis. All communications occurring in the context of the Early Resolution process, including the Sharing Circle, are confidential and inadmissible in any legal or court proceeding, including an investigation or Board of Inquiry of the Human Rights Commission.

6.7 The HRO is not compellable to testify or to produce records or notes. No party shall disclose or attempt to compel disclosure of:

- a.** any views expressed, or suggestions made by another party in respect of the possible settlement of the dispute;
- b.** any admissions made by a party during the Early Resolution process; and
- c.** the fact that a party indicated a willingness to accept a proposal made during the Early Resolution process.

Support Persons and Legal Counsel

6.8 Complainants and respondents are permitted to bring a support person to all meetings, preparatory sessions and the Sharing Circle however, it is expected that the party to the proceeding will speak for themselves. If a party wishes to bring a support person to the Sharing Circle, the support person must attend the preparatory sessions.

6.9 Parties may consult with legal counsel, however, representatives from the respective parties will remain the main point of contact throughout the process. The HRO will not communicate with legal counsel directly, unless circumstances require as determined by the HRO.

6.10 Parties who engage legal counsel are permitted to have their counsel attend meetings and preparatory sessions to provide advice and observe, however it is expected that the party to the proceeding will speak for themselves. Legal counsel are not permitted to attend the Sharing Circle, but they may attend on site for consultation during breaks.

Ending the Early Resolution Process

6.11 Participation in the Early Resolution process is voluntary. A party or the HRO may end the process at any time if:

- a.** One or both parties are not engaging in the process in good faith;
- b.** One or both parties are unable or unwilling to observe the practice values as explained by the HRO; and
- c.** It is not in the best interests of one or both parties to continue.

6.12 If an Early Resolution process is ended for any reason listed in this agreement it will not be reattempted, and the complaint will be referred to the Investigation stage at section 7.

7.0	Investigation
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7.1 The Commission shall ensure that the Investigation process adheres to the principles of procedural fairness. All parties to the complaint shall be provided an opportunity to present relevant information. Parties to the complaint will have the opportunity to review and respond to relevant information provided.

7.2 Wherever possible, investigation processes will incorporate restorative principles.

7.3 HROs may request any additional information they deem necessary from the parties pursuant to section 30(a) of the *Act*.

7.4 HROs may visit the premises referred to in the complaint pursuant to section 30(b) of the *Act*.

7.5 Investigations must be conducted in a timely manner. The Commission shall endeavour to complete all investigations within 200 days of file assignment.

7.6 HROs may assist the parties to resolve the complaint, in whole or in part, via Settlement Conference and/or Settlement Agreement. A Settlement Agreement will be documented in a manner specified by the Commission and must be approved by the Commissioners pursuant to section 32(1) of the *Act*.

8.0	Conflict of Interest
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8.1 HROs shall not be involved in any matter where the HRO has a personal interest, or where the HRO, or the Commission, may be perceived as being biased in favour of any party to a complaint.