



Dispute Resolution Process



Our Vision

A Nova Scotia where every individual is afforded an equal opportunity to enjoy a full and productive life.

Our Mission

To protect and promote a common standard of human rights for all Nova Scotians based on the inherent dignity, equality, and inalienable rights of every individual.

Our Values

The Human Rights Commission is committed to:

Accessibility	Integrity
Accountability	Public Good
Cultural Competency	Respect
Diversity	Restorative Approaches
Fairness	Trauma-informed Practices



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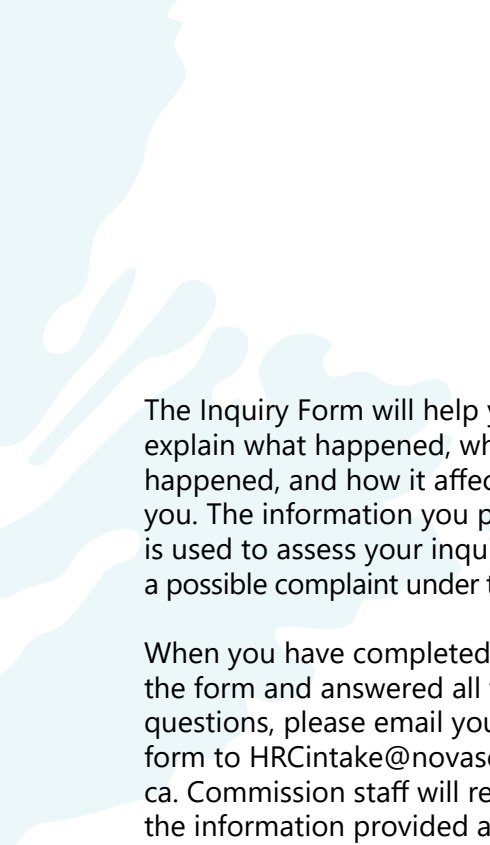
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Know Your Rights

STEP 1

MAKING AN INQUIRY

If you believe you have experienced harassment or discrimination based on a protected characteristic and would like to know if you have a complaint under the Nova Scotia Human Rights Act (the Act), the following information outlines the steps in the dispute resolution process. The first step is to complete an Inquiry Form.



The Inquiry Form will help you explain what happened, when it happened, and how it affected you. The information you provide is used to assess your inquiry for a possible complaint under the Act.

When you have completed the form and answered all the questions, please email your form to HRCintake@novascotia.ca. Commission staff will review the information provided and follow up with you. You may be contacted for clarification, to

provide further information, or documentation.

If you are unable to access the Inquiry Form electronically or prefer a paper copy, you can pick up a copy from the Commission's office. You can also contact us at 902-424-4111 or toll free at 1-877-269-7699 and a copy can be mailed to you. You may also wish to use the online Self-Assessment Tool to help you apply the Act to your personal situation, but you don't have to.

It is important to know that the Commission's Human Rights Officers (HROs) do not represent you or advocate on your behalf. They are here to guide you through the process and answer any questions you may have.



You can scan the QR codes below to access the Inquiry Form, a guide to help you complete the form, and the Self-Assessment Tool. If you require any type of accommodation to complete the Inquiry Form, please contact the Commission.



[Inquiry Form](#)



[Inquiry Form Guide](#)



[Self-Assessment Tool](#)

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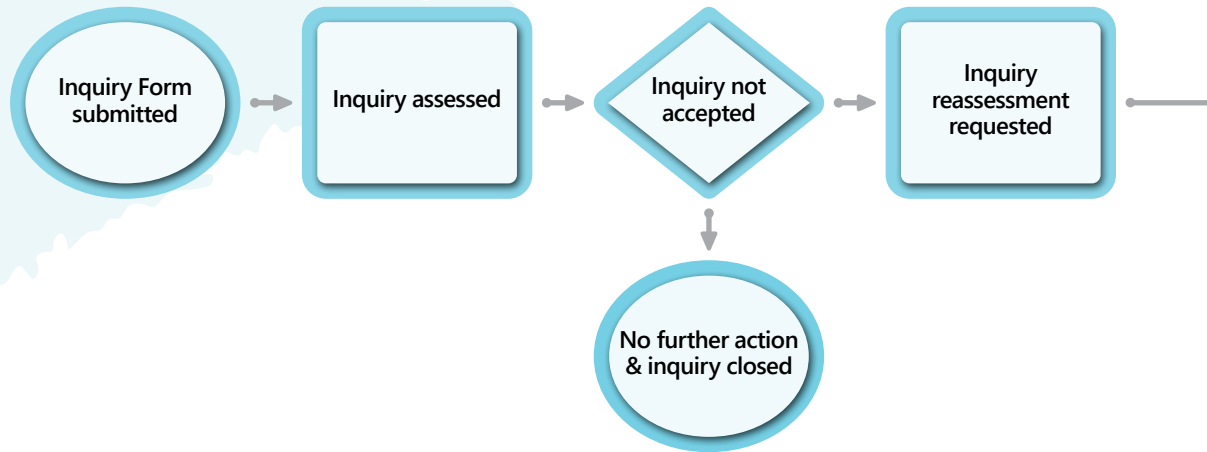
What is a Complaint?

Completing an Inquiry Form is not the same as filing a complaint. A complaint is drafted together with an HRO when you express an interest in filing a complaint under section 29 of the Act and it can be shown that the following criteria are met:

- discrimination, as defined by section 4 of the Act, may have occurred;
- the alleged discrimination occurred within one of the prohibited areas of the Act;
- the alleged discrimination occurred on account of one of the protected characteristics of the Act;
- a reasonable connection between your protected characteristic and the alleged discrimination can be made;
- the parties to the alleged discrimination fall under the provincial jurisdiction of the Act, and;
- the last date of alleged discrimination occurred within 12 months.

Only when these criteria are demonstrated can the Commission accept a complaint. A complaint is complete when it is signed and on the form prescribed by the Director. If the HRO determines through your conversations and the information you provided in the Inquiry Form that you do not have a complaint under the Act, they will explain why.

INQUIRY NOT ACCEPTED



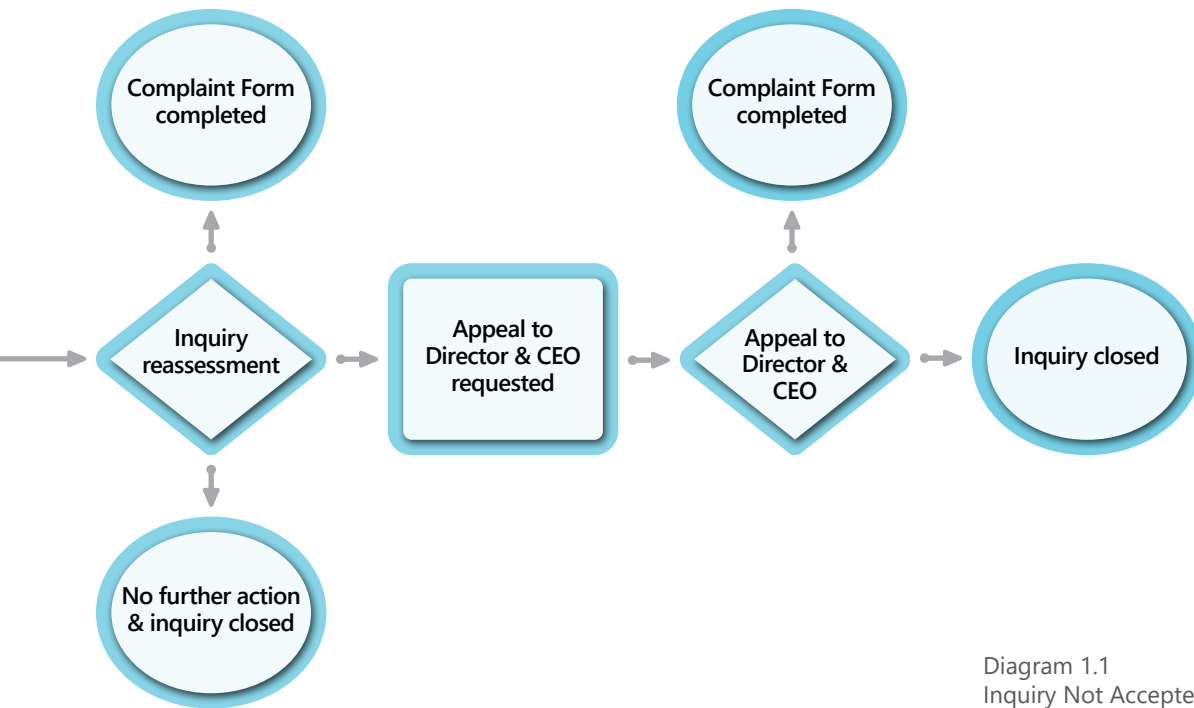


Diagram 1.1
Inquiry Not Accepted

Why wasn't my inquiry accepted?

When seeking to make a complaint, you must establish that there has been prima facie ("on the face of it") discrimination. The complainant must show the following:

- the complainant has a protected characteristic under the Nova Scotia Human Rights Act;
- the complainant suffered a harm or was disadvantaged;
- the protected characteristic was a factor in that disadvantage.

If you have not demonstrated a reasonable link between the treatment experienced and these criteria, the inquiry cannot proceed through the process because it does not fall under the Act.

The Human Rights Officer said that I do not have a complaint, what now?

If the HRO determines through your conversations and the information you provided in the Inquiry Form that you do not have a complaint under the Act, they will explain why. There are several reasons why you may not have a complaint under the Act and the explanation will vary depending on the facts.

If you do not agree with the HRO's assessment of your inquiry, you may request the decision be

reassessed by the Commission's Registrar. The Registrar will either return your inquiry to the HRO to gather further information or uphold the HRO's decision.

If you do not agree with the Registrar's reassessment of the inquiry, you can appeal the HRO's recommendation to the Director and CEO of the Commission. This is the final appeal option in the Commission's process.



Any further appeal of this decision would have to be made to the Nova Scotia Supreme Court through a Judicial Review. All information about this process may be found on the court's website. You can access that site by scanning the QR code below.



[Judicial Review](#)

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What if the incident I am inquiring about happened more than 12 months ago?

An inquiry cannot be accepted as a complaint if the last date of alleged discrimination is beyond the statutory 12 month filing period as defined in the Act. The Director and CEO of the Commission has the authority to grant an extension of up to an additional 12 months only under exceptional circumstances. You would apply to the Director and CEO to request an extension. The criteria assessed by the Director and CEO is your reason for not filing the complaint within the

12-month time period and what makes them exceptional circumstances. You must explain these exceptional circumstances in your application to the Director and CEO.

You would be notified by the office of the Director and CEO of any decision related to a request for extension. Any decision made by the Director and CEO is reviewable by the Supreme Court of Nova Scotia through a Judicial Review.

INQUIRY ACCEPTED



Diagram 1.2
Inquiry Accepted

After your Inquiry Form has been received, an HRO will review the information provided to confirm sufficient detail, clarity and jurisdiction. They will also seek to verify that you have provided the legal name of the alleged respondent. This is necessary to have the complaint, or allegations responded to by the correct person(s).

If your inquiry meets the criteria, it can proceed through

the complaint process. The information you provided will be formatted on an official complaint form and reviewed with you. Only a complaint form prescribed by the Director can be used. Completing an Inquiry Form is not the same as filing a complaint. At this time, you will sign, date, and submit the complaint form. As of the date you submit the signed form you will have an official human rights complaint.

STEP 2

COMPLAINT PROCESS

After a complaint form is signed, it is assessed for either early resolution or investigation. Parties are invited to attempt to restore relationships and repair harms through respectful dialogue. If resolution isn't achievable the complaint process can proceed to different outcomes depending on the facts of the complaint.

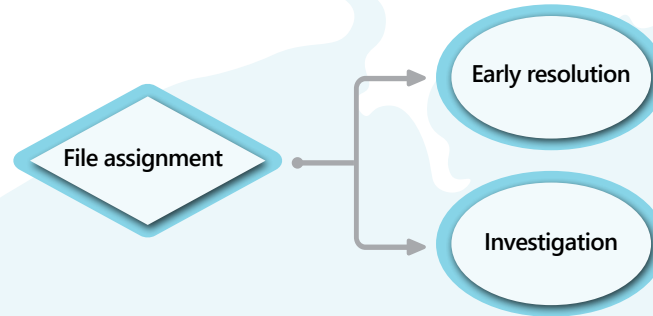


Diagram 2.1
Complaint Process

EARLY RESOLUTION

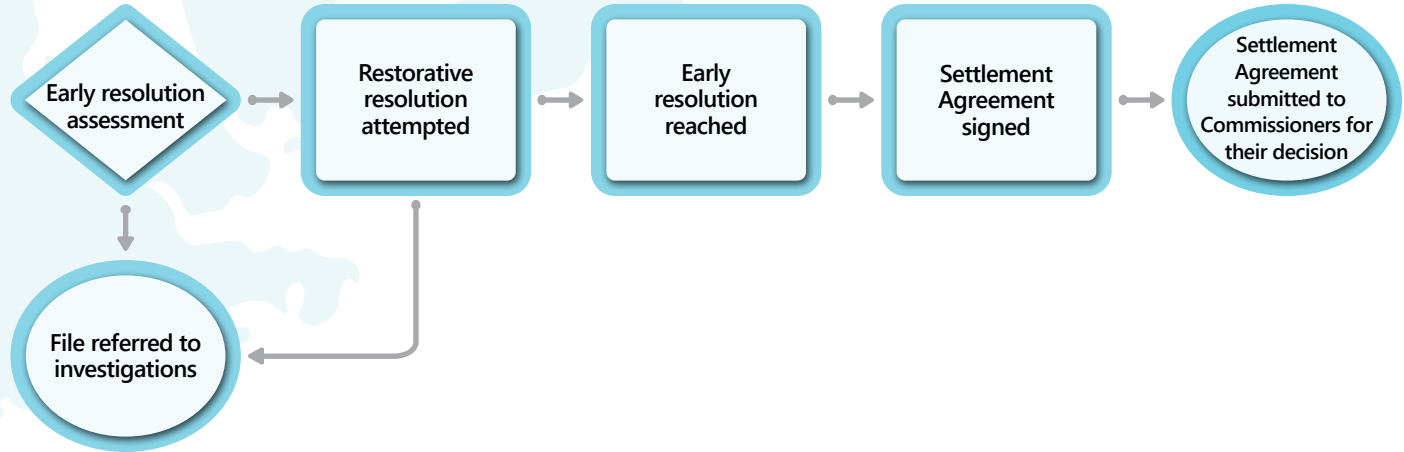


Diagram 2.2
Early Resolution

Early resolution supports parties to enter discussions to address the alleged discrimination outlined in a complaint. Many people find this a satisfying way to communicate their stories, explain their perspectives, and repair harm that occurred in a relationship or community.

Early resolution is facilitated by Commission staff who use a trauma-informed approach and ensure the values of safety,

respect and kindness are upheld for all participants. The facilitators create an environment where all parties can tell their stories without fear of ridicule, harassment, embarrassment, or rejection. This empowers individuals to share their experiences with honesty and courage. Participants tend to feel a sense of control over what is happening and are inspired to express their desired outcomes and advocate for their needs

with confidence. Both the complainants' and respondents' voices are heard, and the needs of all participants are considered in making the space safe and comfortable.

There is no fact finding, debating, or presentation of evidence in early resolution, and the conferences are conducted without the goal of finding fault or blaming. The goal is to share, listen, learn, and agree on what needs to happen to make

things right. These valuable discussions can open the door for creative problem-solving and meaningful outcomes.

While early resolution is “off the record”, settlement agreements in early resolution are formal and upheld by the Act. If a settlement is not reached, or if either party declines to participate, the complaint proceeds to an investigation.

Parties in an early resolution conference must confirm they understand that - as with all settlement negotiations - it is confidential. Information heard during the resolution conference should not be used in any manner outside of this process. Commission staff do not share information with other staff should the matter not settle.

The medicine wheel is an Indigenous teaching that often speaks to a cycle of growth and healing. It represents a necessary balance between the spiritual, emotional, mental, and physical realms of our lives. The people in this illustration represent the Seven Sacred Teachings of Courage, Humility, Love, Wisdom, Truth, Respect, and Honesty, which guide our restorative practice.



INVESTIGATION



Diagram 2.3
Investigation

If a complaint cannot be resolved through early resolution it will be assigned to a Human Rights Officer (HRO) for investigation. The HRO will be the point of contact for the parties throughout the investigation process. Their role is to carry out a non-biased and neutral investigation of the allegations. They are not an advocate for either party. The HRO will collect information from the parties involved in the complaint. When they have enough information to determine whether the events

and circumstances could be a violation of the Act, they will prepare an investigation report and make a recommendation on the next step in the process. This investigation report will be shared with both parties.

Investigations can be lengthy and may involve interviewing witnesses, reviewing documents, and visits to facilities. The HROs are investigating many complaints at any one time and are often required to seek information from multiple sources so delays can occur.

Recommendation for Dismissal

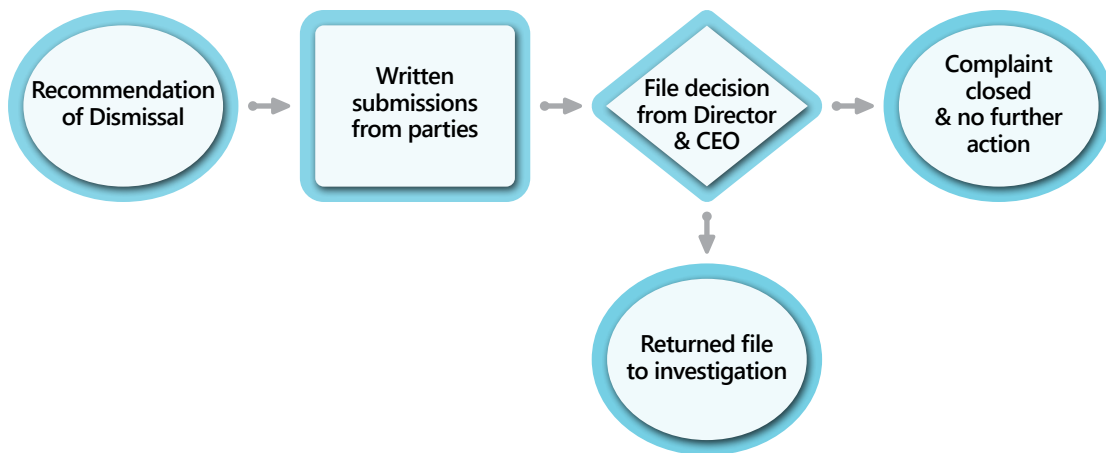


Diagram 2.3.1
Recommendation for Dismissal

In some circumstances - and during the early stages of an HRO's investigation - it may be determined that the information gathered does not support a claim of discrimination under the Act. If the materials and information provided do not support a complaint of discrimination, the complaint may be dismissed under section 29(4) of the Act. In this case, the parties will receive a letter from the HRO explaining their recommendation. The parties are given 15 business

days from receipt of the recommendation letter to provide written responses.

After the 15 business days, the HRO's recommendation letter and the parties' submissions are placed before the Director and CEO to make a final decision.

At this stage, the Director and CEO can agree with the HRO's recommendation and dismiss the complaint or return the complaint to the HRO for further

investigation. The Director is not bound by the recommendation of the HRO and has authority under the Act to dismiss the complaint.

If the complaint is dismissed, you can make an appeal to the Nova Scotia Supreme Court for a Judicial Review. Information on this process can be found on the court's website.

Settlement Agreement Signed

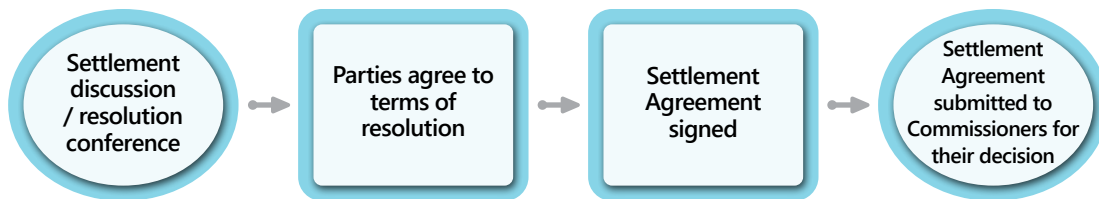


Diagram 2.3.2
Settlement Agreement Signed

A complaint may be resolved at any stage during an investigation. Unlike early resolution, the settlement process at the investigation stage is “on the record”, meaning that the HRO can use information gathered during settlement discussions in an investigation or investigation report.

If a complaint is settled, a settlement agreement will be prepared and signed by the parties. In accordance with the

Human Rights Act, the settlement agreement will need to be approved by the Commissioners.

Resolution Conferences

As part of an HRO’s role, they may also facilitate a resolution conference with the parties. This is guided by a restorative approach and the parties involved participate voluntarily. It is designed to give each person involved an opportunity to speak, be heard, and reach

an understanding of what happened. This conference may or may not lead to a settlement of the complaint.

A conference can happen at any stage during an investigation if both parties are willing to participate.



Full Investigation Completed

Complaints that are not resolved or dismissed by the Director and CEO earlier in the process are fully investigated by an HRO. Once an investigation is complete, the HRO prepares an investigation report that summarizes the complaint and evidence gathered during the investigation and makes a recommendation to Commissioners to either dismiss the complaint, or to refer it to an independent human rights Board of Inquiry (BOI).

All parties are provided with the investigation report and given 15 business days to make written submissions on the recommendation.

After the parties' written submissions are received, the complaint, investigation report and written submissions are placed before the Commissioners at one of their regular meetings to make a final decision on the complaint.



STEP 3

COMMISSIONERS' DECISION

Commissioners are appointed by an Order in Council of the provincial government and meet six (6) times a year to review investigation reports and settlement agreements.

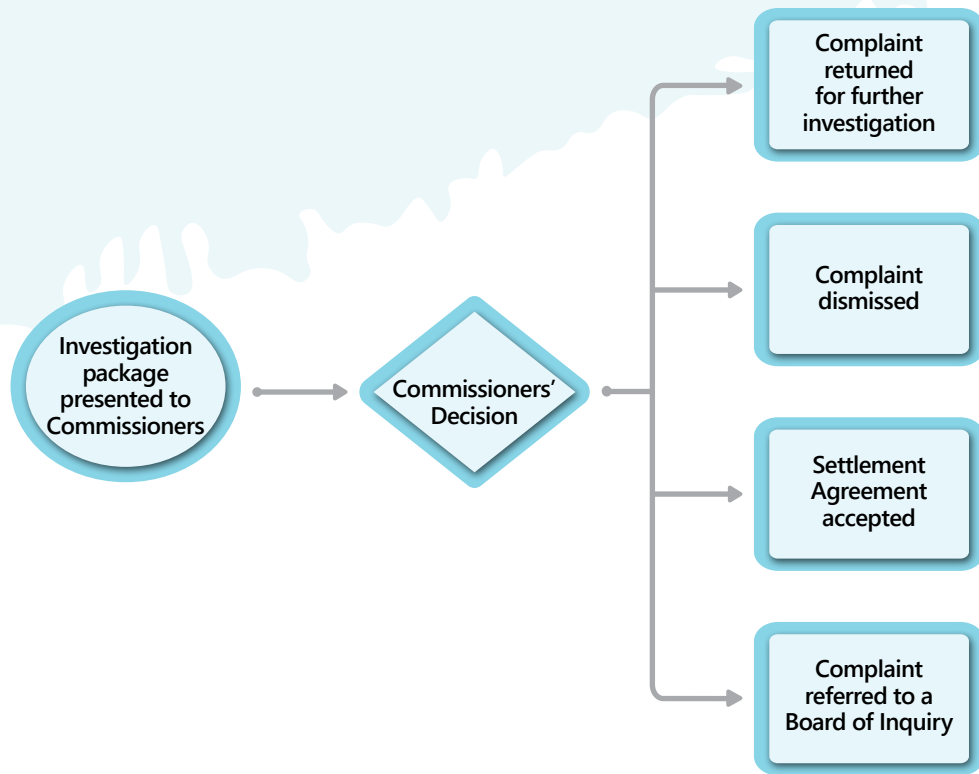


Diagram 3.1
Commissioners' Decision

Commissioners can accept the recommendation of the HRO as presented or return the complaint to the HRO to gather further information or answer questions unanswered by the investigation report.

Commissioners are not bound by the HRO's recommendation. They make their decision based on the investigation report and any written submissions made by the parties. The Commissioners' decision is final and can only

be appealed through a Judicial Review at the Supreme Court of Nova Scotia. All parties will be notified of these decisions in writing by the Chair of the Commission.



REFERRAL TO BOARD OF INQUIRY

Upon review of an investigation package Commissioners may refer a complaint to a Board of Inquiry (BOI). At this stage, the Commission no longer holds jurisdiction over the complaint. The Commission becomes a party to the complaint and participates in the BOI as a separate party on behalf of the public interest.

About the Board of Inquiry

A Board of Inquiry (BOI) is an independent administrative tribunal conducted separate

and apart from the Nova Scotia Human Rights Commission. It is administrated by independent adjudicators who are appointed by the Chief Judge of the Provincial Court, after the complaint has been referred to a BOI by Commissioners. The Commission is an independent party representing the public interest and does not represent either the complainant or the respondent. The duration of a BOI can vary depending on the complexity of the matter, availability of parties, evidence to

be heard, etc. The independent adjudicators' role is to determine whether there has been a violation of the Act.

Once a case has been referred to a BOI, the parties including the Commission are still welcome to try and settle the dispute. If the parties reach a settlement, the settlement will be forwarded to the independent adjudicators for approval and an Order will be issued outlining the responsibilities of the parties. Should the parties be unable

to settle, there will be a public hearing. After the hearing the independent adjudicator will issue a decision.

Boards of Inquiry & the Media

All aspects of your interactions with the Commission throughout the dispute resolution process are private and confidential. The Commission will not reveal details of your matter to anyone. Only when a matter is sent for a public hearing will details be available to members of the public and the media. It is not uncommon for

news reporters to attend BOI hearings and report on details shared during the proceedings. The only exception to this would be the Board Chair issuing a publication ban.

Board of Inquiry Decisions

All Board of Inquiry decisions are public documents and published to the Commission's website and the website of the Canadian Legal Information Institute (CanLII.org) where they will remain available for public access.





KNOW YOUR RIGHTS

Human rights in Nova Scotia are inherent to all people regardless of their origins or beliefs. We are all equally entitled to our human rights without discrimination and our collective human rights do not exist in isolation.

The Nova Scotia Human Rights Act prohibits any action that discriminates against people based on [a protected characteristic in combination with a prohibited area](#) of discrimination under the Human Rights Act.

Some examples of the protected characteristics under the Act are race, religion, sexual orientation and disability. Some examples of the protected areas are provision of or access to services or facilities, accommodation and employment. The Act also prohibits harassment and sexual harassment.

There are protections under the Nova Scotia Human Rights Act that could apply to anyone living in the province so it is important that all Nova Scotians understand their rights and responsibilities.



CONTACT US



Toll-free in Nova Scotia:

1-877-269-7699

Local in Halifax: 902-424-4111

TTY services available via 711



hrcinquiries@novascotia.ca



<https://humanrights.novascotia.ca>



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