

### STEP 3

## MEDIATION

If you stated on your application form that you are open to mediation and if the respondent(s) also agree, this will be scheduled within approximately five months of the date when all of you agreed to it.

In mediation, everyone will have a chance to make their case and state how they want to resolve the situation. The mediator will help you to come to an agreement that satisfies both sides. If you settle the case in mediation, you and the respondent(s) will have to complete a settlement form.

If you cannot reach an agreement, the file will proceed and may be placed in queue to be scheduled for a hearing. This may take about another six months.

### STEP 4

## HEARING

If there are questions about the jurisdiction of the HRTO in your case, whether another proceeding has already resolved your case, the evidence required, or an issue that is not directly under the Code, you may have to first attend a preliminary or summary hearing. This will determine whether the HRTO can move forward with your case.

Before your HRTO hearing, you will receive a Notice of Hearing which gives the date and location of the hearing. You will have 21 days to provide any documents that are relevant to the application with the other party. Once you have done so, you must submit a Form 23 to the HRTO notifying that you have done so.

### No later than 45 days before your hearing, you need to do two things:

1. Send the other party a list of all witnesses, a statement of each witness's intended evidence and a list of the documents you will present at the hearing.
2. Send the HRTO your witness list, witness statements and copies of the documents you will use at the hearing.

During the hearing, all parties can question witnesses and introduce relevant documents as evidence. The parties make arguments about the facts and the law.

### STEP 5

## HEARING DECISION

A final decision will be made after hearing the evidence and submissions of the parties. You will receive the decision within three to six months, depending on how many days your hearing lasted.

If the application is allowed, you may get remedies. Examples of remedies include:

- Monetary compensation (money)
- A non-monetary award (e.g. human rights training for the respondent's employees, building an accessible entrance)
- An order to promote future compliance with the Code (e.g. develop human rights policies, training)

If the application is not allowed, it will be dismissed and you will get a copy of the HRTO's reasons. In most cases, you cannot appeal an HRTO hearing. However, you may ask the HRTO to reconsider your case if there is a new fact that could change the result or the decision conflicts with the HRTO's procedure or case law.

# MAKING A COMPLAINT TO THE HUMAN RIGHTS TRIBUNAL OF ONTARIO

Not Okay Project

## A Fact Sheet for Survivors of Sexual Violence



In partnership with



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Barbra Schlifer Commemorative Clinic •  
489 College St., Suite 503 • Toronto, ON • M6G 1A5 •  
T: (416) 323-9149 • F: (416) 323-9107 •  
E: info@schliferclinic.com W: www.schliferclinic.com

## What is the Human Rights Tribunal of Ontario (HRTO)?

The HRTO resolves claims of discrimination and harassment that violate the Ontario Human Rights Code. The Code protects people in Ontario from discrimination and harassment in five areas:

1. Employment
2. Contracts
3. Accommodation (housing)
4. Membership in trade and vocational associations
5. Goods, services and facilities

Discrimination and harassment are based on any of the following 17 grounds:

- Race, colour, ancestry, place of origin, citizenship, ethnic origin;
- Creed, gender identity, sexual orientation, gender expression;
- Disability, marital status, family status, sex (including sexual harassment and pregnancy);
- Age, receipt of public assistance (applies only to claims about housing);
- Record of offences (only about employment and for criminal convictions for which you have received a pardon).

**There are five steps to making a complaint to the HRTO, which are outlined in this flier:**

1. Determine your eligibility
2. Filing an Application
3. Mediation
4. Hearing
5. Hearing Decision

### STEP 1

## DETERMINE YOUR ELIGIBILITY

### Your claim must be:

- Related to one of the five areas covered;
- Based on one or more of the grounds for discrimination and harassment;
- About events that happened in Ontario;
- Dealing with an organization that falls under provincial jurisdiction; and
- Filed within one year of the last incident of alleged discrimination.

The HRTO cannot hear applications about organizations that fall under federal jurisdiction. Such claims must be directed to the Canadian Human Rights Commission. Organizations or activities that generally fall under federal jurisdiction include:

- Chartered banks,
- Airlines,
- Television and radio stations,
- Telephone companies,
- Organizations that transport people or goods between provinces or countries such as certain trucking companies, courier companies, bus lines and railways.

### STEP 2

## FILING AN APPLICATION

You can file an application on-line or by printing the forms and submitting them in-person, by email, by mail, or by fax. All forms and filing information can be found on the Social Justice Tribunals Ontario website ([www.sjto.gov.on.ca/hrto/forms-filing](http://www.sjto.gov.on.ca/hrto/forms-filing)). A step-by-step guide for the application is also available on the website under "Applicant's Guide".

Once the HRTO receives your application, you will receive confirmation by mail that includes your HRTO file number. If more information is required, the HRTO will let you know. If your application is complete, it will be sent to the individual(s) or institution against whom you are filing a

complaint (the respondents) and any others who may be affected by the application (e.g. labour union). The respondents will be given an opportunity to respond to your claim.

### What should I include in my application?

It is important to be as specific as possible in your application. This may be very difficult and even traumatizing, but providing as much detail as you can will strengthen your case and help the HRTO better understand what happened. Include as much as you can about:

- » The specific dates, times, and locations of the incident(s)
- » Descriptions of all physical, emotional and psychological injuries
- » Need for medication or any kind of therapy and whether it is helping
- » Changed relationships with your partner, children, friends and family
- » New concerns about dating, going out, taking part in community activities
- » Difficulties with daily life, work, school, or other responsibilities.

To help your case, you should also include as many supporting documents as you can. These may include:

- » Medical or therapy records about your injuries
- » Letters from friends or family
- » Invoices/receipts for costs related to your injuries
- » Police reports, courts orders (e.g. probation, restraining order, or peace bond) or other court decisions
- » Any documents or forms required based on your situation/answers in the application
- » You also need to include what kind of remedy (money or otherwise) will help you resolve this matter, and why.