

Litigating Cases in the Human Rights Tribunal of Ontario

Course Summary: This course provides an in-depth overview of the Human Rights Tribunal of Ontario's Specific Rules of Procedure. Pleadings will be discussed as well as early dismissals. Our instructor will present strategic considerations to keep in mind from the time that an application is being planned to its filing, as well as practical tips involving the Basis of Applications and procedural pitfalls to avoid. Various ethical considerations involved in making legal services accessible for individuals and representing applicants and respondents will also be discussed.

Course Outline:

1. Introduction and course objectives
2. Ontario's Human Rights System
 - History of Ontario's Human Rights System
 - Enforcement agencies (HRTO/HRLSC/HRC)
 - Social Justice Tribunals of Ontario (SJTO)
3. The Case
 - Ontario's *Human Rights Code* (the *Code*)
 - Common *Code*'s breaches (D/H/A/R)
 - Social areas
 - Prohibited grounds
 - Application's Chance of Success
 - Discrimination and harassment against a prohibited ground
 - Failure to Accommodate a prohibited ground
 - *Code*'s time limitation period
 - Evidence
 - Evidence with the application
 - List of evidence that you may rely upon
 - List of evidence that you will rely upon
 - Choosing the forum
 - HRTO or Courts
 - HRTO or OIPRD
 - HRTO or LTB

4. The Procedure

- The Pleadings
 - Application
 - Response
 - Reply
- The Parties
 - Applicant(s)
 - Naming the respondent(s)
 - Legal representation and other parties.
- Curveballs: deferrals, early dismissals and summary hearings
 - Other proceedings
 - Prima facie breach of the *Code*
- The Mediation
 - Best, worst and alternative scenarios
 - Settlement agreement or no settlement

5. HRTO jurisdiction to grant remedies

- Common monetary remedies
 - Injury to self-respect dignity and feelings
 - Out-of-pocket expenses
 - Lost wages
- Issues with non-monetary remedies
 - Letter of recommendation
 - Apologies
 - Reinstatements
- Common public interest remedies
 - Education
 - Policies

6. Post HRTO's decision

- Enforcement
 - Compliance
 - Demand letter
 - Filing HRTO Order
- Reconsideration and/or judicial review
 - Time limits and requirements to file a request of reconsideration
 - The aftermath

7. Question and Answer period