

Fact Sheet: The B.C. Human Rights Coalition and the Community Legal Assistance Society – Joint Involvement in the new publicly funded Human Rights Clinic – March 31, 2003.

General Background

- Effective March 31, 2003, the British Columbia Human Rights Tribunal became the sole agency responsible for accepting, mediating, resolving, and holding public hearings on human rights complaints filed under the *British Columbia Human Rights Code*.
- The Ministry of the Attorney General is responsible for developing and conducting a program of public information and education designed to promote an understanding of the *British Columbia Human Rights Code*. In addition, the Ministry has committed to ensuring that individuals, who require assistance in regard to a complaint under this *Code*, can obtain help from a publicly funded non-government source. The Ministry will conduct this responsibility, in part, through the auspices of a human rights clinic.

The Coalition and CLAS

- Under the auspices of this publicly funded human rights clinic, the BC Human Rights Coalition (Coalition) and the Community Legal Assistance Society (CLAS) have been awarded contracts to jointly provide an integrated client services program, consisting of paralegal and legal client services and an education and training program to promote the purposes and understanding of the *Code*. These services are provided province wide.
- The services offered under these contracts are managed by each organization as a project under their respective mandates and governance models. Each organization has negotiated a separate contract with Ministry officials. Susan O'Donnell, Executive Director of the Coalition, and Jim Pozer, Executive Director of CLAS, are the senior staff responsible for this project.
- Both the Coalition and CLAS will continue to operate and provide programs and services outside the scope of this contractual obligation.

Client Services

- The client service program we jointly offer, works in conjunction with, and alongside, the BC Human Rights Tribunal's complaint process. Specifically, we jointly provide full representation to complainants whose human rights claim is before the Tribunal and under the Tribunal's case management process.
- The Tribunal has established detailed Rules of Practice and Procedure that explain this process in its entirety. They have also developed a number of user guides and



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manuals that are available through their offices, online at www.bchrt.bc.ca, or through government agent offices across the province.

- The general role of the Coalition is negotiation, while the general role of CLAS is litigation. Our organizations have developed systems and procedures for effective case management between each organization and among the two legal teams.
- The Coalition has three advocates to provide representation to complainants at the early stages of the Tribunal's case management procedure. We represent our client's interest through framing complaints of discrimination, through assisting in the gathering of evidence and disclosure processes, putting forth remedies, responding and negotiating with respondent lawyers, and during any mediation or settlement type conferences. We will also represent clients through some expedited hearing processes held by the Tribunal.
- If, after these initial stages of resolution, a claim remains unsettled, the file transfers to CLAS who then provides representation to the complainant at the hearing stage of a complaint.
- Where a human rights claim calls into question a matter of law, and a hearing is the only way to resolve the question, CLAS's legal team takes carriage of files immediately. Where the Tribunal streams a complex complaint into their case-managed stream, CLAS also takes carriage immediately.
- CLAS also provides the legal representation and other required supports in the case where a judicial review of a Tribunal decision is required. CLAS has gained resources to accommodate four lawyers dedicated to the provision of this service and both organizations have gained resources for appropriate support and administrative personnel.

Education and Training Program

- The education and training Program related to this contract augments the Coalition's existing educational program and will enable that program to broaden its reach across all sectors and through all regions of the province. The broad objective of this program is to promote an understanding of the *Code*, and to ensure all sectors know how to comply with the *Code* provisions.

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