

Fact Sheet: Our Current Involvement in the Human Rights System July 2002

- In July of 2002, the B.C. Human Rights Coalition (the Coalition) and the Community Legal Assistance Society (CLAS) signed a contract with the Ministry of the Attorney General to jointly provide legal representation to individuals whose human rights complaints have been referred to the B.C. Human Rights Tribunal.
- The services offered under this contract 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.
- The services we jointly offer, work within the current human rights complaints process. This process involves separate and distinct functions for the B.C. Human Rights Commission and the B.C. Human Rights Tribunal. See chart: "The Current Human Rights Complaint Process."
- More specifically, we jointly provide representation to complainants whose human rights claim is before the Tribunal and under the Tribunal's current case management process.
- The Tribunal's current case management procedures include:
 - Pre-hearing conferences;
 - Settlement conferences;
 - Mediations; and / or
 - Preliminary decisions and orders; and
 - Hearings

Full copy of the Tribunal's Rules of Practice and Procedure are available at www.bchrt.gov.bc.ca

- Jointly, the Coalition and CLAS are providing representation to complainants during these Tribunal procedures. Generally speaking, the Coalition's role will be to negotiate, while the role of CLAS will be to litigate. Our organizations have developed systems and procedures for effective case management between each organization and among the two legal teams.
- Specifically, the Coalition has hired two new advocates to provide representation to complainants at the early stages of the Tribunal's case management procedure. We represent our client's interest through disclosure processes, gathering evidence, putting forth a remedy, responding and negotiating with respondent lawyers, and during any mediation or settlement type conferences.



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If, after these initial stages of resolution, a claim remains unsettled, the file transfers to CLAS who will then provide representation to the complainant at the hearing stage of a complaint.

Some human rights claims call into question a matter of law. In these circumstances, when a hearing is the only way to resolve the question, CLAS takes carriage of these files 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 dedicated two lawyers and 1.5 support staff to these roles and expects to increase their resources to three lawyers and 2 support staff by the end of the year.

- Both the Coalition and CLAS will continue to operate and provide programs and services outside the scope of this contractual obligation. For the Coalition, this means that we will continue to provide services that help individuals understand and gain fair access to the human rights system. If, under the current complaints process, an individual requires assistance during the Commission stage of a complaint, we will work with that individual to help them further their complaint. This is an important function that the Coalition has provided to the public since 1985 and we will continue to do so while we augment our mandate with this new contract. The Coalition will also continue its law reform work and its educational programs.

CLAS will also continue to provide all services and programs that are set out in the “Who We Are” sheet provided in this package.

This fact sheet was written July 2002.