



Guide to the Board Review Process

The Human Rights Code (“*The Code*”) outlines specific situations where Complainants or their representatives may apply to have the Board of Commissioners (“Board”) review a decision made by the Executive Director of the Manitoba Human Rights Commission (“Commission”).

What is the Board Review Process?

The Board Review Process is the Commission’s internal review process. It gives Complainants the option of applying to have the Board review a decision made by the Executive Director in relation to a complaint. Three members of the Board meet to review Board Review Application Forms and decisions made by the Executive Director. The Board will consider the Complaint, the Respondent’s Reply, the recommendation letter from the Early Assessment team or the report from Commission staff, any submissions received from the parties in response to the recommendation letter or report, and the Complainant’s application for the Board Review Process.

Can I apply for the Board Review Process?

Respondents to a complaint cannot apply for the Board Review Process. Complainants may only apply for the Board Review Process after the Executive Director makes a decision to:

- terminate a complaint after a settlement offer is made;
- dismiss a complaint or part of a complaint without an investigation;
- dismiss a complaint or part of a complaint after an investigation; or
- terminate a complaint without adjudication (i.e. when a file is closed because the complaint has been withdrawn or abandoned).

What does the Board look for when doing its review?

The Board will consider the information that was before the Executive Director when they made their decision. This may include the complaint, any reply to the complaint, any reports (including letter from the early assessment team or investigation report), submissions from the parties, offers to settle the complaint (where applicable) and Executive Director’s decision letter.

What decision may the Board make?

After considering the complaint, Reply, any reports, submissions, or other relevant documents, the Board may:

- Confirm the Executive Director’s decision;
- Replace the Executive Director’s decision with the decision they believe should have been made; or
- Return the complaint for further investigation.

What do I need to do?

If a Complainant wants to apply for the Board Review Process, they must submit a completed Board Review Application Form within **30 days** of the date of the Executive Director's decision letter. When a Complainant applies for the Board Review Process, the Commission will notify the Respondent and provide it with a copy of the Complainant's application form.

Can I submit new or different evidence?

No. The Board Review must be based on the existing written record. This means that no new or different evidence will be considered by the Board.

What if I need help to complete the application?

You may wish to seek independent legal advice or consult community-based resources.

What if I need more time to submit my application?

The Board may allow an extension in certain circumstances. If you need more than 30 days to submit an application for Board Review, please indicate the reason why you are requesting an extension on your Application Form. You may also provide supporting documentation (such as a medical note if you are asking for an extension due to illness).

How will I know if my application was accepted?

Incomplete Application Forms will be returned to the applicant. Otherwise, all applications received within the 30-day time limit will be considered by the Board and a copy of the Application Form will be provided to the Respondent. If you are late filing your application for Board Review and have requested an extension, you will be advised by the Board as to whether your extension is granted.

Can I attend the Board Review meeting?

The Board Review meetings are not open to public. The Board meets as necessary and approximately once every eight weeks to consider application for review.

Will I be notified of the Board's decision?

Parties to a complaint will receive a decision letter by regular mail from the Board's Chairperson within three weeks of the Board Review meeting.

Can I appeal the Board's decision?

Parties may apply to the Court of Queen's Bench for a judicial review. The Commission recommends that parties seek independent legal advice before doing so.

If a party has concerns about the Commission's processes, they may contact the Manitoba Ombudsman.

This guide is available in alternate formats.
Ce guide est disponible en français.

For more information, please see Board Policy # P-10 on the Board Review Process.

Board Review Application Forms are available upon request. Please contact the Commission at hrc@gov.mb.ca or (204) 945-3007, or toll free in Manitoba at 1-888-884-8681. You may also visit our offices in person.

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