



Guide to an Adjudication Hearing

The Manitoba Human Rights Commission (“Commission”) will request that a complaint be adjudicated if it decides that there is enough evidence to support the discrimination set out in the complaint after the investigation of the complaint,. At that hearing, the Commission represents the public’s interest in enforcing *The Human Rights Code* (“*The Code*”).

What is an adjudication?

An adjudication is a legal process like a trial or court hearing in which the adjudicator makes a decision about whether the complaint has been proven to be true or should be dismissed. The adjudicator gives all parties, including the Commission, the opportunity to present their position through evidence (documents and witnesses) and to make an argument or statement to support their position.

Are all complaints adjudicated?

No. Only if there is enough evidence gathered during the investigation process to warrant adjudication and the parties have not been able to resolve the complaint through mediation will the Commission request adjudication of the complaint.

Is the hearing open to the public?

Yes. Notice of the hearing is posted on the Commission’s website and in the newspaper. Anyone may attend the hearing to observe. Anyone who may have evidence to present may be asked to wait outside the room until the adjudicator is ready to hear from them. After they present their evidence they also can stay and observe. Media will sometimes attend the hearings as well.

Is the adjudicator part of the Commission?

No. The adjudicator is not connected to the Commission in any way. Adjudicators are lawyers appointed by the Government to the Human Rights Adjudication Panel. The Commission asks the Chief Adjudicator to assign one of the members of the Panel to consider each complaint that is referred to a public adjudication hearing.

What kind of authority does the adjudicator have?

The adjudicator has the authority to hear any evidence they decide is relevant and can order witnesses to attend the hearing. The adjudicator can order that the Complainant or others be given financial compensation, or that the Respondent develop or change a policy. The adjudicator’s order has the same force as a decision or order made by a judge of the Manitoba Court of Queen’s Bench.

What is the Commission’s role in the adjudication?

The Commission has “carriage of the complaint” which means that it will assist with procedural matters and with moving the matter forward. The Commission has the responsibility of proving the complaint at a hearing and the Commission’s lawyer works closely with the Complainant to do this. That said, the Commission is a party to the adjudication process along with the Complainant and the Respondent and as such, it will advance its own independent position.

Do I need a lawyer?

You may choose to hire a lawyer, but it is not necessary.

How long does an adjudication hearing take?

The adjudicator will schedule the hearing after consulting with the parties. How long an adjudication takes depends on how many witnesses are expected, the complexity of the case and whether or not there are any legal issues that must be decided first. A hearing may take 3 to 14 days on average. A typical hearing will run from 9:30 a.m. to 4:30 p.m. for 4 or 5 days.

Where is the adjudication held?

The adjudication hearing is held in a formal setting such as a hotel meeting room or court room in the town or city closest to where the parties live.

When will I get the adjudicator’s decision?

The adjudicator must issue a written decision to the parties setting out the reasons for the decision. *The Code* provides a guideline of 60 days to do this but it can sometimes take longer. The decision is also posted on the Commission’s website and provided to legal databases for publishing.

Will my needs be accommodated in the hearing process?

Yes. Requests for interpretation or for disability-related needs are usually presented directly to the adjudicator.