

**MANITOBA HUMAN RIGHTS COMMISSION
BOARD OF COMMISSIONERS' POLICY**

**POLICY # P-5
version 1.1**

SECTION: Procedure

Effective date: October 8, 2014
REVISED DATE: January 1, 2022

SUBJECT: JURISDICTION – FEDERAL

Purpose:

The Manitoba Human Rights Commission (“Commission”) can only act within the authority given to it by *The Human Rights Code* (“*The Code*”) and other laws. This policy sets out circumstances in which the Commission does not have jurisdiction to consider a complaint due to exclusive federal jurisdiction. Where there is any conflict between this policy and *The Code*, *The Code* will be followed.

Context:

In Canada, human rights are protected by federal, provincial and territorial laws. The Commission considers complaints against employers, service providers or housing providers regulated by the provincial government. Therefore complaints about federal government departments or agencies, or federally regulated businesses or organizations, cannot be considered by the Commission. Those complaints fall under the *Canadian Human Rights Act* and must therefore be filed with the Canadian Human Rights Commission.

Examples of federally regulated businesses and industries include:

- banks;
- marine shipping, ferry and port services;
- air transportation, including airports and airlines;
- railway and road transportation crossing provincial or international borders;
- canals, pipelines, and bridges crossing provincial borders;
- telecommunications such as telephone, internet and cable systems;
- radio and television broadcasting;
- grain elevators, feed and seed mills;
- uranium mining and processing;
- businesses dealing with the protection of fisheries as a natural resource;
- many First Nation activities; and
- federal Crown corporations.

In some cases, it will be very clear that a complaint falls under the *Canadian Human Rights Act*. In other cases, it will be less clear and a jurisdictional analysis will be

required. The Commission will consider indicators of federal jurisdiction such as prior *Canada Labour Code* proceedings against the respondent, for example.

If a complaint of discrimination is filed against a business or organization providing a service that is regulated by the federal government, the Commission must dismiss the complaint without investigation under subsection 26(2)(c) of *The Code*, or following investigation under subsection 29(1)(c) of *The Code*.

APPROVED BY:

"John Burchill"
Chairperson

January 1, 2022
Date