



Guide to Filing a Complaint

The Human Rights Code is a provincial law that allows any person who believes they have been discriminated against to file a complaint with The Manitoba Human Rights Commission. It says that employers, service providers and landlords must not discriminate without reasonable justification for doing so.

Is what happened to me discrimination?

Discrimination is **treating a person differently**, to their disadvantage, because of their ancestry (including colour); nationality; religion; ethnic origin; age; sex (including sex-determined characteristics such as pregnancy); gender identity; sexual orientation; marital or family status; source of income; political belief; physical or mental disability; or social disadvantage, without reasonable justification for doing so.

Discrimination is also **failing to reasonably accommodate** the special needs of a person based on one of those characteristics in *The Human Rights Code*.

(The Commission may accept complaints based on being a member of some other historically disadvantaged group, on further discussion with an Intake Officer.)

Is what happened to me harassment?

Harassment is a form of discrimination. Harassment is a pattern of behaviour that demeans an individual because it is connected to one of the characteristics in *The Human Rights Code* and includes sexual harassment.

Is what happened to me reprisal?

Reprisal is retaliation against a person for filing a complaint, participating in the complaint process or refusing to contravene *The Human Rights Code*.

Can anyone file a complaint?

Any person can file a complaint as long as the alleged discriminatory act occurred within the last year. In some cases, the time limit can be extended.

Who do I make the complaint against?

Our Intake Officers will help you decide who to file the complaint against by reviewing any documents (such as a T4 or Record of Employment) and researching the legal name of the organization. Because *The Human Rights Code* applies to the actions of employers, service providers and landlords, in most cases the complaint will be against a company or organization. In some cases such as if a person has been harassed by the owner of the business or if the landlord is an individual, the complaint may be filed against a specific individual.

Can the Commission give me advice?

Our Intake Officers cannot give legal advice. They can provide information about *The Human Rights Code*; its principles and what it covers. They can also make suggestions based on their experience. You have the right to a lawyer, although it is not necessary. Our services and publications are available in French and English and accessible formats. We can also arrange for a translator if required.

What does the Commission do with my complaint?

Our Intake Officers will take the information you provide in the Intake Questionnaire and prepare a complaint in our standard form. The complaint must clearly set out the basis for your complaint and is usually only 1 or 2 pages.

The complaint must be registered before it is provided to the respondent for a response. The Commission will then investigate the complaint. If its Board of Commissioners decides that there is enough evidence of discrimination, they will request that an adjudicator make a final decision at a public hearing of the complaint. If they decide that the actions complained of are not covered by *The Human Rights Code* or there is not enough evidence of discrimination, the Board will dismiss the complaint.

The Commission will also offer mediation at various times in the process.

How do I provide the Commission with all of my evidence?

Our Intake officers will ask you to complete an Intake Questionnaire and will discuss that information with you to frame your complaint. Later, you will be interviewed by an investigator who will ask you to provide any documents you think are important to your complaint. You will have the chance to review the investigation report and provide a response, in writing, to the Board of Commissioners before they make their decision.

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