



COURT OF KING'S BENCH FOR
SASKATCHEWAN

CIVIL PRACTICE DIRECTIVE #5

APPLICATIONS UNDER *THE SASKATCHEWAN HUMAN RIGHTS CODE*

REFERENCE: CIV-PD #5

Effective: September 1, 2017

Revised: October 1, 2019; November 1, 2023

1. This practice directive sets out the procedures to be applied when the Court receives an application from the Chief Commissioner [Commissioner] of the Saskatchewan Human Rights Commission [Commission] for a hearing of a human rights complaint pursuant to section 34 of *The Saskatchewan Human Rights Code*, 2018, SS 2018, c S-24.2 [Code].
2. To apply to the Court for a hearing pursuant to section 34 of the *Code*, the Commissioner shall:
 - a) Complete an application in the attached Form A. The form shall:
 - i) indicate whether any of the issues contained in the formal complaint have since been resolved;
 - ii) identify what the Commissioner understands the respondent(s)' defence(s) to be; and
 - iii) include contact information for the complainant and respondent(s) that includes a mailing address and telephone number(s).
 - b) Personally serve the respondent(s) with a copy of the completed application. The respondent(s) include all parties to the action other than the Commission and the complainant.
 - c) File with the Court, at the judicial centre nearest to the place where the subject matter of the complaint arose, the following:
 - i) the completed application in the attached Form A;
 - ii) proof of personal service of the application upon each respondent(s) in accordance with *The King's Bench Rules*;
 - iii) a copy of relevant documents from the Commission's file in a sealed envelope (Commission's sealed documents);
 - iv) draft Notice to Appear for a Pre-Hearing Conference in the attached

- Form B; and
v) the local registrar's fees.

Pre-Hearing Conference

3. Except where this practice directive provides otherwise, *The King's Bench Rules* respecting the conduct and confidentiality of pre-trial conferences apply to the pre-hearing conference referred to in section 35(2) of the *Code* and in this practice directive.

Chief Justice to Determine if Pre-Hearing Conference to be held

4. Upon receipt of the application and related documents from the Commissioner, the local registrar shall transmit a copy of the application to the Chief Justice or his/her designate to determine whether a pre-hearing conference should be scheduled, and if so, to designate a Judge to conduct the pre-hearing conference.

Scheduling Pre-Hearing Conference

5. Should the Chief Justice designate a Judge to conduct a pre-hearing conference, the local registrar will immediately contact the designated Judge to obtain dates when the Judge would be available for the pre-hearing conference. The local registrar will then promptly contact the parties by telephone or otherwise as the local registrar may determine, to ascertain their availability for the dates the Judge has available.
6. Once a date has been selected, the local registrar will complete the Notice to Appear for a Pre-Hearing Conference in the attached Form B and mail a copy of the Notice to Appear by ordinary mail to the Commission, the complainant and respondent(s) (or their counsel) at least 30 days before the date selected for the conference, unless each party consents to a shorter notice period.
7. If for any reason a party requests an adjournment from the conference date prior to the day of the conference, the assigned conference Judge shall be consulted, and a telephone conference call shall be convened with the parties for a ruling on the request, and if appropriate, the setting of a new conference date.
8. If the Judge designated to conduct the pre-hearing conference is not available to conduct the conference on the dates the parties are available within 90 days from the date of the request for a hearing, the designated Judge shall consult the Chief Justice as to whether another Judge should be designated.

Disclosure and Confidentiality of Commissioner's file

9. Upon receipt of the Notice to Appear for a Pre-Hearing Conference, the Commissioner shall disclose to the complainant and respondent(s) the contents of the Commission's sealed documents filed with the Court.
10. The Commission's sealed documents are filed with the Court for the sole purpose of determining whether to conduct a pre-hearing conference and for use at the pre-hearing conference.
11. Should the Chief Justice determine that a pre-hearing conference is to be held, the Chief Justice will direct that the Commission's sealed documents be re-sealed and remain on the file for use by the pre-hearing Judge. If no pre-hearing conference is to be held the Commission's sealed documents will be re-sealed and returned to the Commission.
12. At the conclusion of the pre-hearing conference, the local registrar shall re-seal the Commission's sealed documents and return them to the Commissioner.

Pre-Hearing Conference

13. The Chief Justice or the Judge designated to conduct the pre-hearing conference, may direct the Commissioner or any of the parties to file additional information or briefs of law, for use at the pre-hearing conference.
14. The goals of a pre-hearing conference are equivalent to a pre-trial conference under Rule 4-12(3), as follows:
 - a) to allow the parties to participate in the problem-solving process;
 - b) to allow the parties to receive the view of a Judge as to the issues, both facts and law, in dispute, as far as the material before the pre-hearing Judge allows;
 - c) to allow settlement options to be presented that would not necessarily be available at hearing;
 - d) to seek settlement of the dispute so as to improve the efficiency of the court system and to save time and costs for all parties and witnesses.
15. The Judge designated to conduct the pre-hearing conference shall attempt to settle the complaint. If settlement of the complaint is not possible, the Judge shall address the issues set out under Rule 4-12(4) in readying the complaint for hearing, as follows:
 - a) the identification and simplification of the issues;
 - b) the possibility of obtaining admissions that will facilitate the hearing;
 - c) whether all steps have been taken in preparation for the hearing;
 - d) the possibility of settlement of specific issues;

- e) the remedy, including quantum of damages;
 - f) any other matters that may aid in the disposition of the complaint;
 - g) the time required for hearing; and
 - h) the date of the hearing.
16. The Judge conducting the pre-hearing conference should use the civil pre-trial form to report on the management matters covered in the conference, and any agreements reached. In the event the matter settles at the pre-hearing conference, the fact of the settlement can be noted on the flyleaf of the file as is done in a civil case.

Hearing

17. The matter will be set for hearing at the conclusion of the pre-hearing conference. If the Chief Justice declines to order a pre-hearing conference, the local registrar will consult the parties on available dates and set the hearing on the direction of the Chief Justice. The local registrar may notify the parties of the hearing date by ordinary mail.

Chief Justice M.D. Popescul
Court of King's Bench for Saskatchewan

FORM A

COURT OF KING'S BENCH FOR SASKATCHEWAN

COURT FILE NUMBER: _____

JUDICIAL CENTRE OF: _____

APPLICANT: Chief Commissioner, Saskatchewan Human Rights Commission

COMPLAINANT: _____

RESPONDENT: _____

**APPLICATION BY THE CHIEF COMMISSIONER OF THE SASKATCHEWAN
HUMAN RIGHTS COMMISSION FOR A HEARING PURSUANT TO SECTION 34
OF *THE SASKATCHEWAN HUMAN RIGHTS CODE***

1. I, _____, Chief Commissioner of the Saskatchewan Human Rights Commission, apply to the Court for a hearing respecting the complaint of _____ (*name of complainant*) against _____ (*name of respondent*).
2. The particulars of the formal complaint are attached hereto as Appendix A.
3. A copy of the formal complaint is attached hereto as Appendix B.
4. A copy of the reply (without appendices) filed by the Respondent is attached hereto as Appendix C.
5. Proof of service of this application upon the Respondent(s) is attached hereto as Appendix D. (*Add additional exhibit letters if required.*)
6. Since filing the complaint, the following issues have been resolved:

7. The Commission understands the defence to be:
 - (a)
 - (b)
 - (c)
8. A copy of relevant documents from the Commission's investigation file is included in a sealed envelope with this application.
9. The remedy sought is: (include relevant sections and particulars)
 - (a) cease contravention – s. 39(1)(a)
 - (b) provide right denied by contravention – s. 39(1)(b)
 - (c) compensation for wages, benefits and expenses – s. 31(1)(c)
 - (d) compensation for additional cost of alternate services – s. 39(1)(d)

- (e) measures to ensure accessibility – s. 39(1)(e)
- (f) compensation for injury to dignity – s. 40(a) or (b)
- (g) costs (note statutory limits).

10. The particulars of each remedy sought are as follows:

DATED at the City of _____, in the Province of Saskatchewan, this _____ day of _____, 20__.

CHIEF COMMISSIONER
Saskatchewan Human Rights Commission

NOTICE TO RESPONDENT

Before setting the matter down for a hearing, the Chief Justice of the Court of King’s Bench may first order that the parties participate in a pre-hearing conference before a Judge of the Court. The local registrar at the above noted judicial centre will contact you by phone or otherwise to determine when you are available to attend a pre-hearing conference (if ordered) or the hearing, as the case may be. You can expect to be contacted within 60 days from the date of this application. Thereafter, notice of the pre-hearing conference date or the hearing date will be sent to you by ordinary mail at the address provided for each party at the bottom of this form. The Chief Commissioner shall contact you before the pre-hearing conference to disclose relevant documents from their file that may be used at the pre-hearing conference. **You must notify the local registrar immediately should you have any change in your contact information from what is set out below.**

PARTIES CONTACT INFORMATION:

The contact information for the Saskatchewan Human Rights Commission is:

Saskatchewan Human Rights Commission
816 - 122 Third Avenue North
SASKATOON SK S7K 2H6
Phone number: (306) 933-7863
Lawyer in charge of file: _____

The contact information for the Complainant, _____, is:

Mailing address: _____

Phone number(s): _____ (home)
_____ (work)
_____ (cell)

Lawyer in charge of file (if applicable): _____

The contact information for the Respondent, _____, is:

Mailing address: _____

Phone number(s): _____ (home)
_____ (work)
_____ (cell)

Lawyer in charge of file (if applicable): _____

(Add contact information for each additional party)

FORM B

COURT OF KING'S BENCH FOR SASKATCHEWAN

COURT FILE NUMBER: _____

JUDICIAL CENTRE OF: _____

APPLICANT: Chief Commissioner of the Saskatchewan Human Rights Commission

COMPLAINANT: _____

RESPONDENT: _____

NOTICE TO APPEAR FOR A PRE-HEARING CONFERENCE**TO:**_____
(Name of Respondent)_____
(Name of Complainant)**And To:** The Saskatchewan Human Rights Commission**YOU ARE REQUIRED TO ATTEND** a pre-hearing conference before a Judge of the Court of King's Bench at the following time and place:

Location:

Date:

Time:

in connection with the request for a Human Rights hearing earlier served upon you by the Chief Commissioner of the Saskatchewan Human Rights Commission.

The purpose of the pre-hearing conference is:

- i. to explore, what possibilities for settlement, if any, the parties are willing to consider prior to a hearing;
- ii. to ensure that all the parties have received proper disclosure;
- iii. to identify the issues that will be the subject of the hearing;
- iv. to obtain from the parties the number of witnesses proposed to be called at the hearing;
- v. to estimate the amount of time the hearing will take; and
- vi. to answer any procedural questions the parties may have.

Should the matter not be resolved at the pre-hearing conference, a hearing date will be set at the pre-hearing conference. The Judge who conducts the pre-hearing conference will not be the Judge who hears the matter.

ISSUED at the City of _____, in the Province of Saskatchewan, this _____ day of _____, 20__.

Local Registrar