



How To File a Human Rights Complaint: Prince Edward Island



Prince Edward Island Human Rights Commission:

<https://www.peihumanrights.ca/>

Empowering Community and Removal of Barriers (ECRoB) Project

Navigating the intricacies of the Prince Edward Island Human Rights Commission's complaint process can seem daunting, especially if you feel your rights have been violated. This guide offers an overview of how to file a Human Rights claim in Prince Edward Island, detailing the steps of the process from determining eligibility to the possibility of a judicial review. Whether you're looking to educate yourself or actively seeking justice, the information provided here can serve as a valuable roadmap in your pursuit of equity and justice in Prince Edward Island.

Please note: *This guide is for informational purposes only and does not constitute legal advice or representation. Always consult with a legal professional regarding your specific situation.*

Overview

The Prince Edward Island Human Rights Commission oversees the implementation of the Prince Edward Island Human Rights Act, prohibiting discrimination based on protected characteristics. Its functions include education, investigation, resolution, and advisory services.

Commission Structure:

Daily Operations: Managed by a dedicated team.

Oversight: Part-time Commissioners, appointed by the PEI Legislative Assembly's Standing Committee on Health and Social Development, not only oversee but also conduct panel hearings as required.

Complaint Eligibility:

- Was the alleged discrimination based on a protected characteristic?
- Did the incident occur within PEI?
- Is the complaint against the Government of PEI or a provincially regulated entity (e.g., landlord, restaurant)?
- Was the complaint made within a year of the alleged discrimination?

Complaint Process:

1. Filing:

- Complete the form, use this guide for assistance.
- Provide your details, specify the discrimination area and ground, name respondents, and describe the incident.

2. Responding:



- The named respondent has 30 days to provide a written response.
 - Discuss next steps with the Mediator/Intake Officer, and explore early settlement processes.
- 3. Settlement:** The Commission promotes a self-resolved solution. A mediator may assist in fostering communication
 - 4. Withdrawing:** Complaints can be withdrawn before a decision is made.
 - 5. Investigation:**
 - Either the Executive Director or a Human Rights Legal Officer will evaluate the file.
 - The complainant can request a Chair Review if unsatisfied with the primary assessment.
 - 6. Executive Director's Decision:**
 - Dismiss due to lack of merit.
 - Halt proceedings for various reasons.
 - Propose a panel hearing if unresolved.
 - 7. Chair Review:** If the Executive Director dismisses or halts the complaint, the Chair can re-evaluate.
 - 8. Judicial Review of Chair Decision:** Disagreeing parties can apply to the PEI Supreme Court within 30 days for a Judicial Review of the Chair's decision.
 - 9. Panel Hearing:**
 - A less formal setting than a courtroom.
 - Documents should be submitted beforehand.
 - Witnesses can be called.
 - Legal representation is optional.
 - 10. Panel's Decision:**
 - Panel's binding decision may enforce corrective actions.
 - If the complaint is validated, remedies may include cessation of discriminatory practices, compensation, or other appropriate actions.
 - The panel can register an enforceable order with the PEI Supreme Court.
 - 11. Judicial Review:** Within 30 days of the panel's decision, either party can apply for a Judicial Review at the PEI Supreme Court.



Contact:

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