



# How To File a Human Rights Complaint: Québec



Québec Human Rights Commission:

<https://www.cdcdj.qc.ca/en>

Empowering Community and Removal of Barriers (ECRoB) Project

Navigating the intricacies of the Québec 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 Québec, 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 Québec.

**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.*

## **Eligibility:**

- The allegation must be within Québec.
- It must not involve an institution under federal authority.
- Your complaint should ideally be filed promptly, but no later than:
  - 3 years after the event, or
  - 6 months after the event if it involves a municipality or the police.

However, the Commission may decide not to handle your complaint if it occurred over 2 years ago.

## **Initial Procedure:**

Cases are not immediately taken to the Human Rights Tribunal. Start by lodging your complaint with the Commission des droits de la personne et des droits de la jeunesse (Human Rights and Youth Rights Commission). The Commission evaluates the complaint's validity based on the evidence provided.

If the Commission finds your complaint valid, it may represent you at the Human Rights Tribunal. In certain scenarios, even with a valid complaint, the Commission might not continue representation. In such cases, under specific criteria, the complainant or their representative can pursue the Tribunal independently, bearing their own costs. Legal representation is optional and can be accessed privately or through the Commission and Justice Pro Bono. Eligibility for these services depends on specific requirements.

If the Commission deems the complaint lacking merit, other remedies might still be available. What information must you provide?

- A detailed description of events, actions, words, etc.
- All relevant dates.
- Witness names and contact details.



- Any other steps taken (e.g., complaints to other organizations or legal actions).

For assistance in preparing your claim, contact the Commission at 1 800 361-6477.

Online Complaint Form: [Click here](#)

### **Claim Process:**

1. **Receipt/ Assessment:** Average of 25 days to evaluate the complaint and decide on intervention.
2. **Intervention:** Gathering information from all involved parties. Depending on circumstances, mediation or investigation will be initiated.
3. **Resolution:** Can be achieved through mediation or investigation.
  1. **Mediation:** Voluntary and involves a mediator helping parties find common ground. If successful, a mutual agreement is reached.
  2. **Investigation:** Occurs if mediation is declined or unsuccessful. An investigator gathers evidence and then submits it to the Complaints Committee for a decision.
4. If evidence supports the complaint, corrective actions are recommended. If the respondent doesn't comply, the case might be escalated to the Tribunal.
5. **Appeal to Tribunal:** If the issue remains unresolved, the Commission might represent you at the Human Rights Tribunal. If they don't represent you, you can independently approach the Tribunal. Costs will be borne by you, and you can choose to self-represent or hire legal counsel.

For further assistance or queries, always refer to the Commission's guidance.