

Frequently Asked Questions for Complainants

Q: What happens next after I file a complaint?

A: The Tribunal screens your complaint. Screening can take 12-18 months or more. After screening your complaint, the Tribunal will tell you if your complaint is accepted for filing.

If your complaint is not accepted for filing, you may be able to give the Tribunal more information to change their decision. You may have to ask the Tribunal for a [reconsideration](#). Or, you might have to seek [judicial review](#).

Q: What information gets shared with the Respondent?

A: If your complaint is accepted for filing, the Tribunal serves the Respondent with a copy of the complaint. The Tribunal uses the contact information for the Respondent that you provided on your complaint form.

You can tell the Tribunal not to share your phone number or address with the Respondent. However, you must share an email address so the Respondent can send you documents.

Q: What happens after the Respondent is served with my complaint?

A: The Tribunal sets a deadline for the Respondent to file a Response. The deadline is typically 8 weeks from when the Tribunal sends the complaint to the Respondent.

If you filed your complaint late (after the one-year deadline), the Respondent may be invited to file a Form 4 objecting to acceptance of the late-filed complaint.

Q: Can I resolve the complaint without a hearing?

A: Yes. The Tribunal offers free [mediation](#) to help people resolve their complaints. If you and the Respondent agree, the Tribunal will schedule a mediation (also called a settlement meeting). Many cases are resolved at a settlement meeting. You can also try to resolve the complaint through a settlement on your own at any time.

Q: When do I present my evidence?

A: If the case is not resolved at mediation, the [next step in the process](#) is for the parties to disclose all relevant documents to the other side. This might include medical information, pay stubs, emails, text messages, and any other documents about the issues raised in the complaint or the response. These are the documents the parties can use as evidence at the hearing. You don't give your documents to the Tribunal until the hearing (or in response to a [dismissal application](#), if one is filed).

Q: How long does the process take?

A: The Tribunal is extremely backlogged. It will likely take several years for your case to get to a hearing. Mediations can often result in a much quicker resolution of the complaint. See our [flow chart](#) with estimated time frames.

You can [ask the Tribunal to fast-track](#) your complaint. You must explain why your complaint is urgent and needs a faster process.

Q: Will the Tribunal investigate my complaint?

A: No. You are responsible for providing the evidence necessary to prove your complaint.

Q: What happens at a hearing?

A: At a [hearing](#), the parties and their witnesses, if any, testify under oath and present their evidence to a Tribunal Member. Hearings are generally conducted by video-conference. You can ask for an in-person hearing if you need it.

After a hearing, the Tribunal Member makes a decision. If the Tribunal finds the complaint is justified, they order a [remedy](#). If they find the complaint is not justified, the complaint is dismissed. Decisions are published on the [Tribunal website](#) and other [legal databases](#).

There is no appeal. If a party believes the Tribunal made a mistake in their decision, they can seek [judicial review](#) in BC Supreme Court.

Q: Can I protect my privacy?

A: Human rights complaints are generally public. Usually, parties' names and the details of the complaint will be included in the Tribunal's decisions. Those decisions are published on the [Tribunal website](#) and other [legal databases](#).

You can ask the Tribunal to have your complaint [anonymized](#). There is no guarantee your complaint will be anonymized if you ask. Reasons the Tribunal might agree to anonymize your complaint include: the complaint involves a youth; the complaint involves sensitive or traumatic details; or the complaint is at an early stage.

You can also ask the Tribunal for a [publication ban](#) on your complaint. See [Rule 5](#) of the Tribunal's Rules of Practice and Procedure and [this page](#) on the Tribunal website.

Q: Can I talk publicly about my experience?

A: Generally, yes. Human rights complaints are usually not confidential. Unless there is an anonymization order or publication ban, you are allowed to share your complaint, the response, and any decisions the Tribunal makes. You are **not** allowed to share documents you receive from the other side through disclosure. You are also not allowed to share anything you learn during a mediation. Mediations are confidential. Sometimes, a settlement agreement requires you to keep information about the complaint confidential.

Remember that anything you say publicly could be used against you later. You should also be careful that nothing you say is defamatory.

Q: How much does the process cost?

A: There is no fee for filing a human rights complaint. Mediations and hearings are all free. If you are successful at a hearing, you may be able to recover some expenses, like photocopying or missing work to attend the hearing. Legal fees are not recoverable.

Q: Who can help me?

A: If your complaint is accepted for filing, you can [apply for legal representation](#) from the BC Human Rights Clinic at CLAS. UBC, University of Victoria, and Thompson Rivers University all have legal clinics that may be able to help as well. See our [Resources page](#) for more information and sources of help.