

chapter C-12, r. 5

Updated to 1 May 2017

**Regulation respecting the handling of complaints and the procedure applicable to the investigations of the Commission des droits de la personne et des droits de la jeunesse**

**Charter of human rights and freedoms**

(chapter C-12, s. 99)

S.Q. 1995, c. 27, s. 41.

**1.** This Regulation applies to the handling of complaints filed with the Commission des droits de la personne et des droits de la jeunesse and to the procedure applicable to non-adversary investigations undertaken by the Commission.

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O.C. 290-91, s. 1.

**2.** The following responsibilities are delegated to a complaints committee established under section 61 of the Charter of human rights and freedoms (chapter C-12):

(1) those mentioned in subparagraphs 1, 2, 3 and 9 of the second paragraph of section 71 of the Charter;

(2) those mentioned in sections 74 to 96 of the Charter.

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O.C. 290-91, s. 2.

**3.** A complaint filed with the Commission shall be made in writing and shall contain the following particulars:

(1) the name, address and telephone number of the person whose rights allegedly have been violated and, where the complainant is able to provide them, those of the person to whom the violation is attributed;

(2) the nature, time and place of the alleged prejudice;

(3) the reason for the alleged discrimination or exploitation.

The complaint shall be dated and signed by the complainant.

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O.C. 290-91, s. 3.

**4.** A complaint filed on behalf of a victim or group of victims by any organization dedicated to the defence of human rights and freedoms or to the welfare of a group of persons shall indicate, in addition to what is contemplated by the first paragraph of section 3, the name and address of the organization and, where applicable, its telephone number, and shall be dated and signed by a person declaring himself to be duly authorized by the organization to sign the complaint. It shall be accompanied by the written consent of the victim or victims, except in the case of the exploitation of aged or handicapped persons contemplated by the first paragraph of section 48 of the Charter.

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O.C. 290-91, s. 4.

**5.** For the purposes of section 76 of the Charter, the date the complaint is filed with the Commission is that of the postal cancellation.

Where the complaint was sent by a means other than the mail, the day of the filing of the complaint shall be that of its receipt by the Commission.

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O.C. 290-91, s. 5.

**6.** Before refusing or ceasing to act in favour of a victim, the Commission shall notify the victim or the complainant, as the case may be, of its intention, indicating to him the reasons that could justify that decision. It shall also notify the person to whom the violation of rights is attributed where that person was informed by the Commission that a complaint was made against him.

In its notice, the Commission shall invite those persons to send their comments to it within a specified time.

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O.C. 290-91, s. 6.

**7.** When the search for evidence has been completed, the Commission shall send to the victim or to the complainant, as the case may be, and to the person to whom a violation or rights is attributed, where that person was informed by the Commission that a complaint was made against him, a statement of the relevant facts revealed by the investigation and the evidence related thereto; it shall also invite them to send their comments to it within a specified time.

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O.C. 290-91, s. 7.

**8.** A victim or a complainant requesting the Commission to cease to act shall do so in a dated and signed writing filed with the Commission.

Where that request is made during the investigation and where it is accepted by the Commission, the latter shall inform in writing the person to whom a violation of rights is attributed in the complaint, where that person was informed by the Commission that a complaint was made against him.

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O.C. 290-91, s. 8.

**9.** The Commission shall, for the purpose of fostering a settlement between a person whose rights allegedly have been violated and the person to whom the violation is attributed, inform the parties that they may at any time settle their dispute out of court and that it is at their disposal to lend them assistance.

The Commission shall likewise inform the parties that they may submit their dispute to arbitration, in accordance with the terms of section 62 of the Charter.

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O.C. 290-91, s. 9.

**10.** The writing evidencing a settlement shall be filed with the Commission.

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O.C. 290-91, s. 10.

**11.** Where parties agree to arbitration of a dispute, they shall evidence that agreement in a writing filed with the Commission.

The arbitrator shall inform the Commission in writing where he has been recused or where his appointment has been revoked.

The arbitrator shall remit a copy of the arbitration award to the Commission. Where he renders a decision that corrects, interprets or supplements his award, he shall remit a copy thereof to the Commission.

A party obtaining a judgment following an application for homologation of an arbitration award or for the annulment of such award shall inform the Commission thereof in writing.

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O.C. 290-91, s. 11; I.N. 2016-01-01 (NCCP).

**12.** Any complaint filed with the Commission before 4 April 1991 shall be handled in accordance with the provisions of this Regulation.

However, a complaint that has been the subject of a hearing in the presence of the parties may not be handled in accordance with the provisions of this Regulation unless the parties so agree in writing.

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O.C. 290-91, s. 12.

**13.** *(Omitted).*

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O.C. 290-91, s. 13.

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#### REFERENCES

O.C. 290-91, 1991 G.O. 2, 1096

S.Q. 1995, c. 27, s. 41