

General Regulations under *The* *Saskatchewan* *Human Rights Code*

Repealed by

Chapter S-24.1 Reg 1 (effective November 15, 2001).

Formerly

Saskatchewan Regulations 216/79 (effective July 31, 1979)
as amended by Saskatchewan Regulations 258/79 and 9/91.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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SCHEDULE OF FORMS

SASKATCHEWAN REGULATION 216/79
under *The Saskatchewan Human Rights Code – Section 46*

SASKATCHEWAN REGULATIONS UNDER
THE SASKATCHEWAN HUMAN RIGHTS CODE

Definitions

1 In The Saskatchewan Human Rights Code:

(a) **“marital status”** means that state of being engaged to be married, married, single, separated, divorced, widowed or living in a common-law relationship, but discrimination on the basis of a relationship with a particular person is not discrimination on the basis of marital status;

(b) **“reasonable occupational qualification”** means, *inter alia*, a qualification:

(i) that renders it necessary to hire members of one sex, one age group or of a certain physical ability exclusively in order that the essence of the business operation is not undermined; or

(ii) that is essential or an overriding, legitimate business purpose; or

(iii) that renders it necessary to hire members of one sex, one age group or of a certain physical ability exclusively in order that the duties of a job involved can be performed safely;

but does not include, *inter alia*, a qualification:

(iv) based on assumptions of the comparative employment characteristics of that sex, age group or state of physical disability in general;

(v) based on stereotyped characterizations of the sex, age group or physical disability;

(vi) based on the preferences of co-workers, the employer, clients or customers, except that, where it is necessary for the purpose of authenticity or genuineness, sex shall be a reasonable occupational qualification;

(vii) that distinguishes between “light” and “heavy” jobs which operate in a disguised form of classification by sex and which creates unreasonable obstacles to the advancement by females into jobs which females could reasonably be expected to perform;

(c) **“religion”** includes all aspects of religious observance and practice as well as beliefs;

(d) **“undue hardship”** means intolerable financial cost or disruption to business having regard to the effect on:

- (i) the financial stability and profitability of the business undertaking;
- (ii) the value of existing amenities, structures and premises as compared to the cost of providing proper amenities or physical access;
- (iii) the essence or purpose of the business undertaking; and
- (iv) the employees, customers or clients of the business undertaking, disregarding personal preferences;

but does not include the cost or business inconvenience of providing washroom facilities, living quarters or other facilities for persons with physical disabilities of a kind that must be provided by law for persons of both sexes.

10 Aug 79 SR 216/79 s1; 1 Mar 91 SR 9/91 s3.

Complaints

2 Every complaint shall be filed in writing with the Commission on Form 1. Assistance in drafting a complaint is available at any office of the Commission.

10 Aug 79 SR 216/79 s2.

Copy of complaint to be served by Commission on respondent

3 A copy of the complaint, as the same may have been amended, shall be served by the Commission on the respondent. A copy of all the amendments to the complaint effected subsequent to service of the complaint shall be served by the Commission on both the complainant and the respondent.

10 Aug 79 SR 216/79 s3.

Service

4 Where a document is required to be served, service may be made:

- (1) by handing it to the party to be served; or
- (2) by registered mail addressed to the party's latest known or usual address or at his principal office of his place of business referred to in an application, complaint, intervention, or reply in a proceeding.

10 Aug 79 SR 216/79 s4.

Amended complaint

5(1) A complaint may be amended by the Commission staff, with the consent of the complainant, until the time Notice of Formal Inquiry is served.

(2) The Board of Inquiry may amend a complaint at the request of either the complainant or the Commission.

(3) Notice of the amendment shall be served on the respondent.

10 Aug 79 SR 216/79 s5.

Withdrawal of complaint

6 Any complaint may be withdrawn by the complainant and may be withdrawn at any time prior to the Notice of the Formal Inquiry by the written request of the complainant, and thereafter, with the consent of the Board of Inquiry. Notice of Withdrawal shall be filed in writing with the Commission in Form 2.

10 Aug 79 SR 216/79 s6.

Merit of complaint

7(1) If the Director or Assistant Director shall determine, whether upon the fact of the complaint, or during or after investigation, but before an attempt to settle is made, that the complaint is without merit, he shall, in accordance with the procedure herein, dismiss the complaint under subsection (4) of section 27 of The Saskatchewan Human Rights Code.

(2) Where the Director or Assistant Director is of the opinion that a complaint should be dismissed, the complainant and the party allegedly injured may within ten days of receiving notice of the intention to dismiss the complaint apply to the Commission for reconsideration of the matter and may make written representations that shall be served on the Commission at its head office.

(3) Where the Director or Assistant Director is of the opinion a complaint should be dismissed, the Director or Assistant Director shall serve the complainant and the party allegedly injured, with notice of the determination and with written reasons therefore; and such notice shall advise of the right to apply for reconsideration and of the right to make written representation as provided by subsection (2).

(4) The complaint shall then be placed on the agenda of the next regular meeting of the Commission for consideration under subsection (1) of section 29 of The Saskatchewan Human Rights Code.

(5) The Commission shall give written reasons for its decision, a copy of which shall be served on the party applying for reconsideration.

(6) If the Commission determines, following its consideration of the written reasons given by the Director or Assistant Director, and the written submissions of the complainant, or of the person allegedly injured, that the complaint is without merit, the complaint shall be dismissed. If the Commission determines that the complaint has merit, it shall direct the Director or Assistant Director to proceed with the complaint.

10 Aug 79 SR 216/79 s7.

Dismissal of complaint

8(1) Where the Commission, on its own initiative, chooses to dismiss a complaint pursuant to subsection (4) of section 27 of The Saskatchewan Human Rights Code, section 7 of these regulations shall apply *mutatis mutandis*.

(2) The Commission may, on its own initiative, reconsider any dismissed complaint. Notice of such reconsideration shall be served on all parties.

10 Aug 79 SR 216/79 s8; 21 Sep 79 SR 258/79
s3.

Inquiry

9(1) Subject to section 7 of these regulations, after the filing of a complaint, the Director or Assistant Director shall assign an investigator from among the Human Rights Officers designated by the Commission to inquire into complaints. Such Officers shall conduct such inquiry under the supervision of the Director or Assistant Director who shall be designated supervising inquiry officer for such investigation. The Human Rights Officer, at the direction of the supervising officer, shall conduct a prompt and thorough inquiry into the complaint, and shall prepare a thorough report of such inquiry.

(2)(a) The Inquiry Officer may at any reasonable time request access to premises, records, and documents relevant to the complaint.

(b) The Inquiry Officer may at any reasonable time request an interview with any person whom it appears may be able to give evidence relevant to the complaint.

(c) Persons failing to co-operate with the informal inquiry may be advised that:

(i) in the case of a refusal or failure by a respondent to produce books, documents, records, or correspondence relevant to the inquiry, a court order may be sought to require such production;

(ii) in the case of a refusal to permit access to premises, a warrant may be sought to authorize the Commission, or a person designated by the Commission, to enter and view the premises;

(iii) in the case of refusal to be interviewed they may be subpoenaed to give evidence in any formal inquiry that subsequently may be directed into the complaint.

10 Aug 79 SR 216/79 s9; 21 Sep 79 SR 258/79 s4.

Report

10 If the Inquiry Officer determines after preliminary investigation that probable cause does exist for crediting the allegations of the complaint, he shall report his recommendations to the Director or Assistant Director. If the Director or Assistant Director concurs with the recommendations of the Inquiry Officer, the Inquiry Officer, or the Inquiry Officer and the Director or Assistant Director shall attempt to settle the complaint. If a complaint subsequently proceeds to a formal inquiry, no testimony shall be given or received concerning any offers or counter-offers made in an effort to settle any complaint.

10 Aug 79 SR 216/79 s10.

New investigation

11 The Commission may, in an appropriate case, upon a review of the informal inquiry, order a new investigation to be conducted by a different Human Rights Officer. The evidence gathered in the first inquiry may be considered.

10 Aug 79 SR 216/79 s11.

Determination of class complaint

12(1) In this section and in sections 12.1 to 12.3, “**class complaint**” means a complaint initiated on behalf of a class of persons pursuant to subsection 27(1) of *The Saskatchewan Human Rights Code*.

(2) The Commission may pass a resolution certifying that a complaint shall proceed as a class complaint on behalf of a class without naming each member of the class if, in the opinion of the Commission:

- (a) the class is so numerous that participation of all members is impractical;
- (b) there are questions of law or fact common to the class;
- (c) the class is identified sufficiently so that its members can be ascertained;
- (d) the interests of the class will be fairly and adequately represented by the person or persons who initiate the class complaint;
- (e) the remedy sought is appropriate to a class complaint procedure; and
- (f) either:
 - (i) the filing of separate complaints by the individual members of the class would create a risk of inconsistent or varying adjudications that result in incompatible standards of conduct for the respondent;
 - (ii) the filing of separate complaints by the individual members of the class would create a risk of adjudications that would substantially impair or impede the ability of the other members of the class to protect their interests; or
 - (iii) a class complaint is superior to other available methods for the fair and efficient adjudication of the complaint.

1 Mar 91 SR 9/91 s4.

Procedure on class complaint

12.1(1) On certifying that a complaint shall proceed as a class complaint, the Commission shall serve on the respondent a written notice indicating that:

- (a) the complaint has been certified by the Commission to proceed as a class complaint; and
- (b) the respondent may dispute the certification by applying to Her Majesty’s Court of Queen’s Bench for Saskatchewan in accordance with subsection 12.2(2).

(2) On certifying that a complaint shall proceed as a class complaint, the Commission shall provide notice to the members of the class, by any method that the Commission considers practicable in the circumstances, indicating that:

- (a) the complaint has been certified by the Commission to proceed as a class complaint;
- (b) any member of the class may request exclusion from the class by applying to the Commission within 30 days after the day on which the notice was provided by the Commission; and

- (c) any member of the class may dispute the certification by applying to Her Majesty's Court of Queen's Bench for Saskatchewan in accordance with subsection 12.2(2).
- (3) Where a member of a class requests exclusion from the class by applying to the Commission within 30 days after the day on which the notice was provided, the Commission shall grant the exclusion.
- (4) Where, in the opinion of the Commission, the number of exclusions requested with respect to a class complaint indicates that the class complaint procedure does not represent the interests of the members of the class, the Commission may pass a resolution decertifying the complaint as a class complaint.

1 Mar 91 SR 9/91 s4.

Dispute of certification

- 12.2(1)** A respondent or a member of the class may dispute the certification of a class complaint on the ground that any of the requirements set out in clauses 12(2)(a) to (f) are not met.
- (2) A respondent or a member of the class may dispute the certification of a class complaint by applying to Her Majesty's Court of Queen's Bench within 30 days after expiry of the period mentioned in subsection 12.1(3).
 - (3) Subject to subsection 12.1(4), where the time for disputing a certification pursuant to this section has elapsed and no application to dispute has been made within that time, the certification is final.
 - (4) On an application pursuant to subsection (2), the judge may:
 - (a) confirm the certification and order that the complaint shall proceed as a class complaint;
 - (b) deny the certification and order that the complaint:
 - (i) shall not proceed as a class complaint; and
 - (ii) may proceed as a complaint on behalf of the person or persons named in the complaint; or
 - (c) confirm the certification and order that the complaint shall proceed as a class complaint subject to any orders made pursuant to subsection (5).
 - (5) For the purposes of clause (4)(c), the judge may make any order for the purpose of facilitating the fair and efficient conduct of the class complaint, including one or more of the following orders:
 - (a) directing the Commission to give any further notice to class members that the judge considers appropriate, including individual notice to all members who can be identified by the Commission through reasonable effort;
 - (b) directing that certain persons shall be excluded as members of the class;
 - (c) directing that the complaint shall be brought or maintained as a class complaint with respect to particular issues;
 - (d) directing that the class shall be divided into subclasses and that each subclass shall be treated as a class for the purposes of these regulations;

- (e) determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument;
- (f) requiring any amendments to the complaint that the judge considers appropriate;
- (g) prescribing matters of procedure with respect to the complaint.

1 Mar 91 SR 9/91 s4.

Orders re procedural matters

12.3 Subject to an order made pursuant to subsection 12.2(4) or (5), a board of inquiry may, at any point in proceedings with respect to a class complaint, make any orders with respect to procedural matters that the board considers appropriate for the fair and efficient conduct of the complaint.

1 Mar 91 SR 9/91 s4.

Settlement, agreement

13 If the settlement attempt, whether before or after the commencement of a formal inquiry, is successful, an agreement in writing shall be prepared, setting forth all settlement terms, which shall be signed by the Director or Assistant Director. Such a settlement shall be reported to the Commission and copies of the settlement agreement shall be served on each party.

10 Aug 79 SR 216/79 s13.

Formal hearing

14(1) If a complaint is not settled and a finding of probable cause for the complaint is made, the Director or Assistant Director shall consult either the Chief Commissioner or the Deputy Chief Commissioner. The complaint will then be placed on the agenda of the next regular meeting of the Commission for consideration under subsection (1) of section 29 of The Human Rights Code.

(2) When the Commission declines to exercise its jurisdiction to direct a formal inquiry, the complainant will be served with Notice of the Commission's decision in Form 4, the written reasons for the decision, and with notification of his right to appeal to the Minister to direct a formal inquiry.

(3) When the complainant asks the Minister to direct a formal inquiry, the investigative file in the complaint will be sent to the Minister, along with the Commission's written reasons for its decision in the matter.

(4) Where a formal inquiry is directed by the Commission, or by the Minister, the Board of Inquiry shall cause to be prepared a Notice of Formal Inquiry in Form 5. The notice shall state the time and place of the formal inquiry, and shall have appended to it these regulations, and shall inform the respondent that he may file an answer to the complaint. The Notice of Formal Inquiry and a true copy of the written complaint as it may have been amended, shall be served upon the parties to the proceedings, as set out in subsection (1) of section 30 clauses (b), (c), (d) and (e) of The Human Rights Code, along with a copy of these regulations.

(5) The parties shall be given at least 20 days notice of the hearing.

10 Aug 79 SR 216/79 s14.

Notice of intervention

15(1) Any person or class of persons who may be directly affected by the order of the Board or any person or class of persons whose interest may be directly affected may, in the discretion of the Board, intervene by filing notice in writing with the Board within ten days before the day on which the formal inquiry is to be held.

(2) The notice of intervention shall be in Form 6 and shall be verified by statutory declaration.

(3) Upon the filing of the notice of intervention the Board shall forthwith forward a copy thereof to the applicant and to the respondent and to any other parties joined by the Board.

10 Aug 79 SR 216/79 s15.

Time and place for formal inquiry

16 The formal inquiry shall be at such time and place as the Board of Inquiry shall determine, although every reasonable effort shall be made to accommodate the parties and their counsel in this regard. Whenever possible the inquiry will be held at or near the place where the alleged violation is said to have occurred.

10 Aug 79 SR 216/79 s16.

Written answer to complaint by respondent

17(1) The respondent and any other person joined as a party by the Board may file a written answer to the complaint stating in short and plain terms the defenses to each claim asserted and admitting or denying the allegations in the complaint. If the respondent or party joined is without knowledge or information sufficient to form a belief as to the truth of an allegation, the answer shall so state and this has the effect of a denial.

(2) The answer shall be signed by the respondent, or by his counsel and shall be filed within ten days of the date of service of the Notice of Formal Inquiry.

(3) The party filing an answer shall have the right to amend the answer or any part thereof as a matter of right at any time before the first hearing and thereafter in the discretion of the Board on Application. An original with two copies of the amended answer shall be filed with the Board.

(4) Upon application, the Board may for good cause shown extend the time within which the answer may be filed.

(5) The answer may be served on the Board, care of the Saskatoon office of the Human Rights Commission.

(6) The Board shall, within two days after the date of receipt of an answer, for amended answer, serve a copy thereof on the parties to the proceedings at their last known places of residence or on their counsel.

(7) Where a complaint has been amended the respondent or any party joined shall have the opportunity to amend his answer within such a period as may be fixed by the Board.

(8) The Board may proceed, notwithstanding any failure of the respondent or any party joined to file an answer within the time provided therein, to hold a hearing at the time and place specified in the Notice of Formal Inquiry and may make its findings of fact and enter its order upon the testimony taken at the hearing.

(9) Upon application the Board may for good cause shown and only where it considers it proper set aside a default in answering.

10 Aug 79 SR 216/79 s17.

Hearing, testimony and examination

18(1) Whenever practicable the complainant or the party on whose behalf the complaint was filed shall appear at the hearing, with or without counsel, and may submit testimony and cross-examine witnesses.

(2) The respondent may appear at a hearing with or without counsel and, if a default in answering has been set aside for good cause shown, he may examine and cross-examine witnesses and present oral testimony and other evidence.

(3) Hearings shall be conducted before the one or more members of the Board of Inquiry. In the event that more than one person is appointed to the Board of Inquiry, the Minister shall designate one of the members of the Board to chair the Board.

(4) All rulings and determinations of the Board shall be by majority vote. In the event of an equality of votes the Chairman has a casting vote.

(5) The Board may require that any person not already a party be joined as a necessary party to the proceedings. If the Board orders such a joinder, the hearing shall be adjourned unless the person ordered to be joined is present and consents to waive service of Notice of Formal Inquiry and answer and to proceed as if he had been designated as such necessary party in the original complaint. In the event of such adjournment, the Board shall serve a new Notice of Formal Inquiry and amended complaint upon the person so joined, copies of the answer and a notice that he may examine the complaint file at the Commission's Saskatoon offices during normal business hours. Upon such waiver by a person who is present, or upon service of such new Notice of Formal Inquiry and an amended complaint, the hearing shall proceed as if the parties so joined had been designated in the original complaint.

10 Aug 79 SR 216/79 s18; 21 Sep 79 SR 258/79 s5.

Board to have full authority

19(1) The case in support of the complaint shall be presented before the Board of Inquiry by the Commission. The complainant or his counsel may also present any case in support of the complaint.

(2) The Board shall not be bound by the strict rules of evidence prevailing in courts of law or equity.

(3) The Board shall have full authority to control the procedure of the hearing, to admit or exclude testimony or other evidence, whether or not admissible in a court, and to rule upon motions and objections.

(4) The Board, on motion of a party or on its own motion, may call and examine witnesses, direct the production of papers or other matter, and introduce documentary or other evidence.

(5) All oral testimony shall be given under oath or affirmation and a record of the proceedings shall be made and kept.

(6) Endeavours at conciliation shall not be received in evidence.

10 Aug 79 SR 216/79 s19.

Agreed statements of fact, evidence

20(1) Agreed statements of fact may be introduced in evidence, if signed by the person sought to be bound thereby or by his counsel. Agreed statements of fact may be made on the record at the open hearing.

(2) An agreed statement of fact shall not preclude the offering of additional evidence by any party.

10 Aug 79 SR 216/79 s20.

Continuation

21 The Board may continue a hearing from day to day or adjourn it to a later date or to a different date by announcement at the hearing or by appropriate notice to all parties.

10 Aug 79 SR 216/79 s21.

Oral and written agreements

22 The Board shall permit the parties, their counsel, or the members of the Commission staff presenting the case in support of the complaint to argue orally before the Board and file written arguments within such time limits as the Board may determine.

10 Aug 79 SR 216/79 s22.

Exclusion from hearing

23 The Board may exclude from the hearing room or from further participation in a proceeding any person who engages in improper conduct before the Board, except the party to the proceeding, his counsel, or a witness engaged in testifying. The Board may also, at its discretion, exclude from the hearing room, a witness who has not yet testified, other than a party.

10 Aug 79 SR 216/79 s23.

Hearing open to public

24 The hearing shall be open to the public.

10 Aug 79 SR 216/79 s24.

Board Order

25(1) With the consent in writing of the respondent and notice to all parties an order may be entered without holding any hearing or making any findings of fact or conclusions of law.

(2) With the consent of the respondent the Board may issue a cease and desist order or other appropriate order against a respondent without a hearing and without findings of fact and may provide for waiver of right to seek review on appeal.

(3) On the complainant's consent, the Board may issue an order dismissing a complaint without a hearing and without findings of fact and may provide for waiver of right to seek review on appeal.

10 Aug 79 SR 216/79 s25.

Counsel

26(1) Counsel who appears for a party to the proceeding at any stage therein, including an application for an injunction, shall be deemed to remain that party's counsel throughout the proceeding until:

(a) the party represented files with the Board a written revocation of the counsel's authority; or

(b) the counsel files with the Board a written statement of his withdrawal from the case; or

(c) the counsel states on the record at a Board hearing that he is withdrawing from the case; or

(d) the party represented states on the record at a Board hearing that he is revoking counsel's authority; or

(e) the Board receives notice of counsel's death or disqualification.

(2) Copies of all written communications or notices in the matter directed to the party shall be sent either to counsel alone or to both the party and his counsel.

(3) Service of any document or paper (except subpoenas duces tecum) in the matter on such counsel shall be deemed service on the party he represents.

10 Aug 79 SR 216/79 s26.

Attendance of witnesses, evidence re: subpoena and subpoena duces tecum

27(1) Whenever it is considered to be necessary to compel the attendance of witnesses or the production for examination of any records, payrolls, personnel records, correspondence, documents, papers, or any other evidence relating to any matter under investigation or in question before the Board, any member of the Board may issue a subpoena, or subpoena duces tecum and thereby compel such attendance of witnesses or production for examination of books, papers, and records.

(2) Where a subpoena or subpoena duces tecum is applied for and issued at the instance of any party to a hearing or other proceedings, the cost of service, and mileage fees if any, shall be borne by the party at whose instance it has been requested and issued. Where a subpoena or subpoena duces tecum is issued at the instance of the Board, the cost of such service, witness and mileage if any, shall be borne by the Board.

10 Aug 79 SR 216/79 s27.

Affidavits of witnesses

28 The Board on its own motion or on the application of one of the parties, shall, whenever necessary, and on such terms and conditions as it may determine, take or cause to be taken affidavits of witnesses residing within or without the province. The Board may, in its discretion, admit an affidavit into evidence at the hearing in lieu of the personal appearance and testimony of the deponent at the hearing.

10 Aug 79 SR 216/79 s28.

Interpreter

29 The Board shall, on application, engage the services of an interpreter. Costs of the interpreter will be borne by the Board.

10 Aug 79 SR 216/79 s29.

Orders

30 Orders:

(1) The Board may, in its discretion, order costs.

(2) Copies of orders shall be served on the complainant, respondent, and all intervenors, accompanied by a notice of the statutory right to judicial review. A copy of the order shall also be delivered by registered mail in all cases to the Attorney General and such other public officers as the Board of Inquiry deems proper.

(3) Copies of all orders rendered after a hearing shall be filed at the head office of the Commission. Such orders shall be open to public inspection during regular office hours of the Commission.

10 Aug 79 SR 216/79 s30.

Exemption Regulations

31(1) Where an application for an exemption is made to the Commission under subsection (1) of section 48 of the Act, the application shall be accompanied by a written submission and any other material that may be required by the Commission.

(2) An applicant for an exemption may request an oral hearing and the Commission shall advise the applicant of the time within which such a hearing can be requested.

10 Aug 79 SR 216/79 s31.

Notice of application for exemption

32(1) The Commission may serve notice of the application:

- (a) personally or by registered mail, on any person who, in the opinion of the Commission, has a direct interest in the application;
 - (b) by public advertisements in the area that would be directly affected by the exemption order requested; and such notice shall be advertised as frequently and in whatever manner the Commission thinks fit.
- (2) Any interested person or class of persons may request an oral hearing of the application and the notice of the application under subsection (1) shall set out the time within which such a hearing may be requested.
- (3) The Commission may, in its discretion, determine who is an interested person or class of persons for the purposes of these regulations and determine the time within which a hearing can be requested pursuant to this section and section 31.

10 Aug 79 SR 216/79 s32.

Inspection of written submissions

33(1) Any person upon whom notice of the application is served personally, by registered mail or through public advertisement may make a written submission to the Commission within the time set out in such notice and any such person may inspect any other written submission made pursuant to this section or section 31.

(2) The submissions mentioned in section 31 and in this section shall be open for inspection by any person at the offices of the Commission in the City of Saskatoon, between the hours of 9 o'clock in the forenoon and 4:30 o'clock in the afternoon.

10 Aug 79 SR 216/79 s33.

Oral hearings

34(1) If no oral hearing is requested by the applicant or any interested person or class of persons, the Commission shall meet and consider any written submissions received and any other information it considers relevant in determining whether or not to grant an exemption under subsection (1) of section 48 of the Act.

(2) An oral hearing shall be held, at the request of the applicant or any interested person or class of persons, and at the time and place specified by the Commission; and at the hearing the Commission may receive written and oral submissions.

(3) When an oral hearing is to be held, the Commission shall give notice of the time and place of this hearing by registered mail to the applicant, to any person who filed a written submission and to any interested person or class of persons; and notice of the time and place of the hearing may also be given by public advertisement in the area that would be directly affected by the exemption order requested and such notice shall be advertised as frequently and in the manner the Commission thinks fit.

(4) Notice of the time and place of the hearing as mentioned in subsection (3) shall be given at least twenty (20) days before the hearing.

(5) In making its determination, the Commission shall consider the oral representations made at the hearing and any written submissions received by it.

(6) The Commission shall give written reasons for its decision, copies of which shall be sent by registered mail to the applicant, to any person who submitted a written submission and to any interested person or class or persons.

10 Aug 79 SR 216/79 s34.

Application to terminate exemption order

35 Where an application to terminate an exemption order made pursuant to subsection (1) of section 48 of the Act is made to the Commission or where the Commission acts on its own initiative to terminate such an exemption order, the procedure to grant an exemption shall apply *mutatis mutandis* except that any notice required under these regulations shall be thirty (30) days written notice and shall be made in the manner prescribed by subsection (3) of section 48 of the Act.

10 Aug 79 SR 216/79 s35.

Physically disabled persons

36 Where an application for exemption from the provisions of section 11 or section 12 of the Act with respect to discrimination against physically disabled persons is made to the Commission and where it is established to the satisfaction of the Commission that the cost or business inconvenience that would be occasioned in the provision of amenities or physical access for the physically disabled would constitute, in the opinion of the Commission, undue hardship, the Commission may exempt the applicant from the provisions of the said section 11 or section 12.

10 Aug 79 SR 216/79 s36.

Learning Institutions

37 Where a school, college, university or any institution or place of learning, vocational training or apprenticeship referred to in subsection (1) of section 13 of the Act makes an application for exemption from the provisions of the said section 13 with respect to discrimination on the basis of the physical disability of a particular individual and where it is established to the satisfaction of the Commission that the cost or business inconvenience that would be occasioned in providing amenities and physical access for that physically disabled person would constitute, in the opinion of the Commission, an undue hardship and where another school, college, university or any other institution or place of learning, vocational training or apprenticeship providing the same or substantially the same services and quality of education is available and accessible in the vicinity to the physically disabled person, the Commission may grant an exemption to the applicant from the said section 13.

10 Aug 79 SR 216/79 s37.

Discrimination on basis of age

38 Where an application is made to the Commission for an exemption from the provisions of section 11 or section 12 of the Act with respect to discrimination on the basis of age and where the accommodation, services or facilities with respect to which the exemption is sought is intended solely for the benefit of senior citizens, the Commission may exempt the applicant from the provisions of the said section 11 or section 12.

10 Aug 79 SR 216/79 s38.

No limitations to provisions, re: discretion

39 No provisions of sections 36, 37, or 38 of these regulations shall be construed as limiting the discretion given to the Commission or the Director of Human Rights under subsection (1) of section 48 of the Act.

10 Aug 79 SR 216/79 s39.

Contract provisions

39.1 All:

- (a) contracts of automobile, life, accident or sickness or disability insurance;
- (b) contracts of group insurance between an insurer and an association of persons; or
- (c) life annuities;

that make a distinction, exclusion or preference because of disability that is reasonable and bona fide based on the risk factor for the distinction, exclusion or preference are prescribed for the purposes of subsection 15(1.2) of *The Saskatchewan Human Rights Code*.

1 Mar 91 SR 9/91 s5.

Section 47 Procedure

40(1) Where an application is made to the Commission under subsection (1) of section 47 of the Act, it shall be accompanied by a written submission and any other material that may be required by the Commission.

(2) An applicant under the said subsection (1) of section 47 may request an oral hearing and the Commission shall advise the applicant of the time within which such hearing can be requested.

(3) Where the application is made with regard to a business, the Commission shall request from the employer in question a list of the name or names of the employee or labour organizations with whom the employer has existing labour agreements, or, in the absence of labour agreements, employee or labour organizations with whom the employer maintains a continuing relationship for the purpose, at least in part, of representation relating to employment grievances.

10 Aug 79 SR 216/79 s40.

Applications under subsection 47(1) of Act

41(1) Where an application is made to the Commission under subsection (1) of section 47 of the Act or where the Commission on its own initiative undertakes to approve or order a program under the said subsection (1) of section 47, the provisions of the regulations relating to the procedure for applications under subsection (1) of section 48 of the Act shall apply *mutatis mutandis*.

(2) Where the Commission intends to withdraw its approval of a program previously approved or where it is of the opinion there has not been sufficient compliance with the program, the provisions of the regulations pertaining to an application for an exemption under subsection (1) of section 48 of the Act shall apply *mutatis mutandis*.

10 Aug 79 SR 216/79 s41.

Approval special program

42 Every party involved in the implementation and operation of an approved special program shall report to the Commission by the 30th day of April in each and every year on the actions taken during the preceding year to implement the special program, on the progress of the program, on difficulties encountered in meeting the goals of the program and on any changes to the program it may be considering. Notwithstanding the foregoing, the Commission may at any time request and shall receive such information as is deemed appropriate for the purposes of monitoring compliance with the approved program. If, in the discretion of the Commission, it is determined further investigation is required, the Commission may direct an affirmative action Officer to investigate the progress of the special program and report back to the Commission.

10 Aug 79 SR 216/79 s42; 21 Sep 79 SR 258/79 s6.

Qualifications for Guide Dogs

43(1) A dog that has successfully completed the training program at any of the following facilities shall be deemed to be a seeing eye guide dog.

- (a) Eye Dog Foundation for the Blind, Los Angeles, California;
- (b) The Seeing Eye, Inc., Morristown, New Jersey;
- (c) Guide Dogs for the Blind, Inc., San Rafael, California;
- (d) International Guiding Eyes, Inc., Hollywood, California;
- (e) Eye of the Pacific Guide Dogs, Inc., Honolulu, Hawaii;
- (f) Leader Dogs for the Blind, Rochester, Michigan;
- (g) Guide Dog Foundation for the Blind, Inc., Forest Hills, New York;
- (h) Guiding Eyes for the Blind, Inc., New York, New York;
- (i) Pilot Dogs, Inc., Columbus, Ohio; or
- (j) any seeing eye guide dog school recognized in any jurisdiction in or out of Canada.

(2) A dog that has successfully completed the training program at a guide dog school recognized in any jurisdiction in or out of Canada as a training school for hearing ear guide dogs shall be deemed to be a qualified hearing ear guide dog.

10 Aug 79 SR 216/79 s43; 21 Sep 79 SR 258/79 s7.

General

44 Where the time for doing any act or taking any proceedings expires on a Sunday or any other day on which the offices of the Commission are closed, and by reason thereof such act or proceeding cannot be done or taken on that day, such act or proceeding shall, so far as regards the time for doing or taking the same, be held to be duly done or taken if done and taken on the day on which the offices shall next be open.

10 Aug 79 SR 216/79 s44.

Same

45 In any case in which any particular number of days is prescribed by these regulations, the same shall be reckoned exclusively of the first day and inclusively of the last.

10 Aug 79 SR 216/79 s45.

Expiration

46 The Commission or Board of Inquiry may enlarge or abridge the time appointed by these regulations for doing any act or taking any proceedings; and any such enlargement may be ordered, although the application for the same is not made until after the expiration of the time appointed or allowed.

10 Aug 79 SR 216/79 s46.

Non-compliance

47 Non-compliance with any of these regulations shall not render any proceedings void unless the Commission or Board or Inquiry shall so direct.

10 Aug 79 SR 216/79 s47.

Actions valid

48 Any act or material filed in accordance with the rules and regulations duly enacted under The Human Rights Code, Statutes of Saskatchewan, 1979 as from time to time amended, prior to the date of the coming into force of these regulations, shall be deemed to be done to be done or filed in accordance with these regulations and shall not be invalidated merely because such act or filing does not conform to these regulations.

10 Aug 79 SR 216/79 s48.

SCHEDULE OF FORMS

FORM 1
(Rule 2)

Complaint

Complaint under Part II of the Human Rights Code, 1979.

1 I, _____, living at _____,
in _____, in the Province of Saskatchewan,
(city, town, village)

telephone _____, complain against [complete either (a) or (b)]:

(a) _____ whose address is _____, telephone _____.

or

(b) _____, of _____ in the
(company/employer)

Province of Saskatchewan, telephone _____.

2 The alleged violation took place on or about _____.
(date)

3 The complainant alleges that _____
(name of allegedly injured person)
of _____, in _____ in
(street address) (city, town, etc.)

the Province of Saskatchewan, was discriminated against by the respondent
because of

Race () Creed () Religion () Colour () Sex () Marital Status ()
Physical Disability () Age () Nationality () Ancestry () Place of Origin ()

4 The particulars of the alleged violation are as follows:

(use reverse if necessary).

Dated at _____ on _____, 19 _____
(city, town, village) (day) (month)

Signature of Complainant

This Complaint is to be mailed or delivered to:
Saskatchewan Human Rights Commission
2602-8th St. E.,
Saskatoon, Saskatchewan
S7H 0V7

GENERAL REGULATIONS

SR 216/79

FORM 2
(Rule 6)*Notice of Withdrawal*

Withdrawal of Complaint under Part II of The Human Rights Code, 1979.

I, _____ of _____ in
 (name of complainant) (street address)
 _____, in the Province of Saskatchewan, hereby
 (city, town, village)
 withdraw, without prejudice, the complaint laid against _____
 (respondent)
 on _____, 19 _____ at the office of the Human Rights
 (date)
 Commission in _____ in the Province of Saskatchewan,
 (city)
 that _____ was discriminated against because of _____
 Dated at _____ in the Province of Saskatchewan,
 (city, town, village)
 this _____ day of _____, 19 _____.

(Signature of Complainant)

10 Aug 79 SR 216/79 Form 2.

FORM 3
(Rule 7)*Notice of Dismissal*

In the Matter of The Human Rights Code, 1979, and in The Matter of a Complaint
 Made on the _____ day of _____ A.D.
 19 _____, by _____ against _____
 (Complainant) (Respondent)
 Alleging Discrimination against _____
 on the Grounds of _____.

1 Take Notice That The aforementioned complaint has been dismissed.

Dated at the _____ of _____ in the Province of
 Saskatchewan, this _____ day of _____, A.D. 19 _____.

Commission or its designate

10 Aug 79 SR 216/79 Form 3.

FORM 4
[Rule 14(2)]

Notice of Refusal to Direct a Formal Inquiry

Notice under Section 29(1) of The Human Rights Code, 1979 of Refusal to Direct a Formal Inquiry.

In the matter of The Human Rights Code, 1979, and in the matter of a complaint made on the ____ day of _____, A.D. 19____, by _____ against _____, alleging discrimination against _____ on the grounds of _____.

To _____ of _____ in
(Complainant)

_____ in the Province of Saskatchewan;

1 Take Notice That, pursuant to Section 29(1) of The Human Rights Code, 1979, the Human Rights Commission hereby declines to exercise its jurisdiction to direct a formal inquiry into the aforementioned complaint;

2 The reasons for this decision are: _____

3 And Further Take Notice That this decision may be appealed within ____ days by a letter in writing to the Attorney General.

Dated this ____ day of _____,
A.D., 19 ____ , in the _____ of
_____ in the Province of
Saskatchewan. _____

FORM 5
(Rule 14(4))

Notice of Formal Inquiry

In the matter of The Human Rights Code and in the matter of a complaint on the _____ day of _____ A.D. 19 _____, by
 _____ Against _____
 (Complainant) (Respondent)

on the grounds of _____.

1 Take notice that a Formal Inquiry will be held into the aforementioned complaint on the _____ day of _____ A.D. 19 _____ at _____ o'clock in the _____ of _____ in the Province of Saskatchewan:

2 And further take notice that the Respondent _____ may file an answer to this complaint with the Human Rights Commission. Such answer shall be served on the Commission by personal delivery to the Commission at _____ in _____ in the Province of _____ (street address)

Saskatchewan or by sending the same by registered mail, by the _____ day of _____ A.D. 19 _____. (Ten (10) days after the date of service of this Notice.)

Dated at the _____ of _____ in the Province of Saskatchewan, this _____ day of _____, A.D. 19 _____.

Board of Inquiry

FORM 6
(Rule 15(2))

Notice of Intervention

1 _____ of _____ in _____ in the Province of Saskatchewan, hereby give(s) notice that he/it will intervene in the matter of the complaint made by _____ against _____ on the ____ day of _____ A.D. 19 ____ alleging discrimination against _____ by reason of _____ .

2 If the intervener is an organization or a business, the name and address of and office held by, an officer acting on behalf of the intervening organization or business are as follows:

Name: _____ Office Held: _____

Address: _____

3 The basis for this intervention is as follows: _____
(must include allegation of interest adversely or directed affected)

4 Other relevant facts (if any) touching the originating complaint and this notice are as follows:

10 Aug 79 SR 216/79 Form 6.