



# Ontario Human Rights Checklist: Preliminary Issues to Consider When You Receive a Complaint

## 1. JURISDICTION:

A. Are you a federally or a provincially regulated employer?

Federal  Provincial

Was the complaint brought in your jurisdiction?

Yes  No

**If No, object to jurisdiction before addressing the merits.**

B. Does the complaint relate to a subject matter covered by human rights legislation?

Do the allegations pertain to an enumerated ground of discrimination under human rights legislation?

Race  Citizenship  Record of Offences  
 Ancestry  Creed  Martial Status  
 Place of Origin  Sex  Family Status  
 Colour  Sexual Orientation  Disability  
 Ethnicity  Age

**Object to jurisdiction if complaint does not address an enumerated ground of discrimination.**

## 2. LIMITATION PERIOD:

Was the complaint brought within the applicable limitation period?

Was the complaint filed within 1 year of the alleged contravention or, where a continuing contravention is alleged, within one year of the last alleged instance of the contravention?

Yes  No

**If No, object to jurisdiction.**



### 3. RELEASE:

Did the complainant sign a release, accept any payments from the employer or otherwise accept any other remedies offered prior to the filing of the complaint?

Yes  No

**If Yes, seek to have the matter dismissed.**

### 4. OTHER PROCEEDINGS:

Has the substance of the complaint been dealt with in another proceeding or is another proceeding involving similar allegations ongoing?

- Civil action for wrongful dismissal
- Arbitration
- Ministry of Labour complaint (i.e., claim under employment standards legislation)
- Labour Board complaint (i.e., reprisal under occupational health and safety legislation)
- Workers' compensation claim proceedings

**If Yes, seek to have matter deferred or dismissed.**

### 5. WHO HAS BEEN NAMED?

Is the correct party named as a respondent to the complaint?

- Are the correct names used to identify the respondents?
- Is the correct corporate respondent identified?
- Are personal respondents named and is it necessary that they be respondents?
- Is separate counsel required for the corporate and personal respondents?

**Consider seeking an Order During Proceedings if the proper respondents have not been identified or incorrect respondents have been named.**



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