

# FILING A COMPLAINT



## DEFENDING YOUR RIGHTS AND FREEDOMS

Professional services, free of charge  
[www.cdpcdj.qc.ca](http://www.cdpcdj.qc.ca)

## FILING A COMPLAINT

### Why?

Because you have rights and freedoms under the Charter of Human Rights and Freedoms.

Promoting and upholding the rights protected under the Charter is part of the Commission des droits de la personne et des droits de la jeunesse's mandate.

### Who can file a complaint?

- Any person who believes he or she is a victim of discrimination or exploitation, according to the Charter.
- A human rights organization, on behalf of a victim or a group of victims.

### Confidentiality

Rest assured that the information you provide remains confidential. Only the parties involved are aware of the complaint, unless otherwise agreed upon by these parties.

### Emergency measure

When the Commission has grounds to believe that the life, health or safety of a victim is at risk or that evidence may be lost, it may ask a court to order an emergency measure.

## HOW TO FILE A COMPLAINT

You can file your complaint by phone, in writing (by mail, by fax or electronically), or in person at one of the Commission's offices. If necessary, the Commission will help you to clarify your situation.

### The process

1. The complaint is filed.  
The Commission will ask for:
  - Important date or dates;
  - Names and contact information of witnesses, businesses or organizations involved, when applicable;
  - Facts, actions, words or other evidence related to the discrimination or the exploitation;
  - Any other remedy you may have pursued for the same facts;
  - The remedies you are seeking as a result of filing your complaint.
2. If your complaint is accepted for possible investigation, Commission will offer mediation.
3. If one or the other party refuses mediation or if it fails, the Commission may conduct an investigation and bring the matter to a court to obtain redress.

Your complaint is accepted if it appears to involve a case of discrimination or exploitation, under the Charter of Human Rights and Freedoms. A person of your choice may accompany you. You may withdraw your complaint at any time.

## INVESTIGATION

The Commission may conduct an investigation to uphold rights protected by the Charter.

### **The process**

1. In the course of the investigation the Commission:
  - a. Meets the persons involved and the witnesses to hear their version of the facts;
  - b. Obtains the relevant documents.
2. The Commission presents the evidence to the involved parties.
3. The Commission rules on the evidence and, if appropriate, recommends corrective measures.
4. The Commission may apply directly to a court to obtain appropriate remedies.
5. Parties may request mediation at any time.

## MEDIATION

Mediation is the first service offered to resolve a complaint, as soon as it has been accepted for possible investigation.

An impartial mediator helps parties work out a sustainable and fair agreement, in compliance with the Charter and in the public interest.

### **The process**

1. Pre-mediation: individual preparatory meetings.
2. Mediation: parties meet in the mediator's presence.
3. Parties reach an agreement: an agreement is signed (compensation, redress, apologies).
4. If there is no agreement, the Commission may conduct an investigation and bring the matter to a court.

## YOUTH PROTECTION

The Commission intervenes when it has reason to believe that under the Youth Protection Act, an individual, institution or organization is not respecting the rights of a child or of several children.

The Commission may conduct an investigation when, for example:

- Youth protection services in a region are not adequate;
- A Director of Youth Protection has not acted according to the Youth Protection Act;
- A child in a rehabilitation centre is not receiving the services he or she is entitled to;
- A foster family is failing in its duty.

In an emergency, the Commission seeks initially to correct the situation and if necessary, it may apply to a court to remedy the situation.

### **Youth in distress**

You believe a child is being abused?  
You can report the situation to the Director of Youth Protection in your region, 24 hours per day, 7 days a week.

## YOUR CHARTER RIGHTS



**The Québec Charter of Human Rights and Freedoms prohibits discrimination or harassment based on:**

- Race;
- Colour;
- Sex;
- Gender identity or expression;
- Pregnancy;
- Sexual orientation;
- Civil status;
- Age, except as provided by law;
- Religion;
- Political convictions;
- Ethnic or national origin;
- Social condition;
- Language;
- A handicap or the use of any means to palliate a handicap.

Furthermore, the Charter protects against:

- The exploitation of elderly or disabled persons;
- Workplace discrimination based on criminal record;
- Reprisals for filing a complaint or for being involved in a Commission investigation.

The Commission can accept a complaint, offer mediation or conduct an investigation into any of these circumstances and bring such cases to the Human Rights Tribunal or any other court.

# Commission des droits de la personne et des droits de la jeunesse

Telephone: 514 873-5146  
or 1 800 361-6477

Fax: 514 873-6032

TTY: 514 873-2648

E-mail: [accueil@cdpdj.qc.ca](mailto:accueil@cdpdj.qc.ca)

## Head office:

360, rue Saint-Jacques, 2<sup>e</sup> étage  
Montréal (Québec) H2Y 1P5

The Commission des droits de la personne et des droits de la jeunesse (human rights and youth rights commission) is an independent body whose mission is to promote and uphold the principles set out in the Québec Charter of Human Rights and Freedoms.

The mission of the Commission is also to ensure that the interests of children are protected and that their rights as recognized by the Youth Protection Act and the Youth Criminal Justice Act are respected.

In addition, the Commission is responsible for applying the Act respecting equal access to employment in public bodies.

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