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<p>LAW OF HUMAN RIGHTS IN CANADA Russel W. Zinn Release No. 3, December 2024</p>

With in-depth analysis, expert commentary and decisions from all jurisdictions in Canada, The Law of Human Rights in Canada: Practice and Procedure provides thorough coverage of human rights law and procedure in every Canadian jurisdiction. This resource provides a review of the legislation and its application for all provinces and territories as well as the federal jurisdiction, policy statements from selected jurisdictions, and policies and guidelines on various Human Rights Commissions. It also offers detailed direction on initiating, defending against and preventing human rights complaints. Coverage includes prohibited grounds of discrimination, the defences available to a complaint of discrimination, the remedies available to a complainant and the complaint procedure, including appeals and judicial review.

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What's New in this Update:

- This release features updates to Appendix IF-Issues in Focus, Appendix SLL-Selected Legal Literature and Appendix WP-Words and Phrases.

Highlights

- **ISSUES IN FOCUS**—§ IF13 When will the Ontario Human Rights Tribunal hold a summary hearing: Rule 19A of the Ontario Human Rights Tribunal's Rules of Procedure allows for the Tribunal to hold a summary hearing either on its own initiative, or at the request of a party. Under that Rule, the issue for the Tribunal is to determine whether an application should be dismissed, in whole or in part, on the basis that there is no responsible prospect that the application, or part of it, will succeed. The Tribunal may also hold a summary hearing to narrow the issues, or to determine who the appropriate respondents should be. The Tribunal's determination will necessarily hinge on the particular facts forming the basis of the application in question.
- **SELECTED LEGAL LITERATURE**—In this article, Gabriel Costa Val Rodrigues attempts to do with the concept of human rights something similar to what Ronald Dworkin accomplished with that of Law in *Law's Empire*. First, he offers a critique of the two dominant perspectives on human rights—the Orthodox and Political views—that is similar in character to Dworkin's Semantic Sting objection to Legal Positivism. Second, he sketches an alternative, Dworkinian-inspired framework that seeks to develop the notion of human rights as an interpretive concept. According to this framework, different accounts of human rights are to be understood as expressing different interpretations of the point (or purpose) of human rights practice.
- **WORDS AND PHRASES**—"Propensity evidence" clarified in the context of human rights complaints: While parties and Chambers judge referred to certain evidence as "propensity evidence", the Court of Appeal of Saskatchewan in this case prefers to call it pattern or practice evidence, noting that the term propensity evidence refers to presumptively inadmissible character evidence in the criminal law context, which does not translate well into the current context where an enactment has changed the default position for the adjudication of human rights complaints: Saskatchewan *Human Rights Commission v. Saskatchewan Power Corporation* 2024 CarswellSask 43, 2024 SKCA 13.