The strive for balance continues: HRTO releases 2025 proposed updates to Rules of Procedure

April 30, 2025

As outlined in our December 2024 article, the Human Rights Tribunal of Ontario (HRTO) has proposed updates to its Rules of Procedure as part of an ongoing effort to reduce delays and address its backlog of cases. The stated intent of the proposed changes is to streamline processes, improve efficiency, and shorten the average lifecycle of cases—while continuing to promote fair and timely resolution of human rights claims. The HRTO has indicated that its objective is to impose more "discipline" in the pre-hearing stages of human rights proceedings.

As part of this reform initiative, the HRTO engaged in a consultation process with stakeholders. After carefully reviewing the feedback received, the Tribunal has decided to proceed with a phased implementation of the rule changes. The first phase of the implementation, outlined below, focuses on **mandatory mediation** as well as **requests for rescheduling, extensions, and adjournments**.

Following a further brief posting and consultation period through April and May 2025, these proposed changes are anticipated to take effect as of **June 1, 2025** on a go-forward basis for applications filed as of that date.

Mandatory mediation

All applications will now proceed to mandatory mediation, following a preliminary jurisdictional review to ensure the matter is appropriately within the HRTO's jurisdiction.

- The Tribunal will schedule the mediation and, where directed, attendance will be mandatory.
- At present, private mediation will not be an option to satisfy the mandatory mediation requirement – mediation will need to be conducted through the HRTO's processes with HRTO mediators (unless an early private mediation is successful and the application is closed as a result).
- Exemptions from mediation will only be granted in exceptional circumstances.
- Following mediation, the parties must either file a Form 25 to confirm a settlement, or a confirmation of their intention to proceed through to the hearing

process – in other words, parties must report back to the Tribunal in order to confirm any next steps. Failure to meet this requirement may result in the administrative closure of the application.

Rescheduling, extension, and adjournment requests

Requests for these scheduling- and timing-related changes will now be governed more clearly through specific forms and timelines:

- Form 10 (Request for Order during Proceedings) must be used to submit a timing-related request, as opposed to informal email correspondence.
- Form 11 (Response to a Request for an Order) must be used to respond to a request, and must be submitted **within two (2) days** of receiving the original request.
- Failure to provide mutually available event dates (which must be within six weeks of the originally scheduled date) within 14 days of receiving the initial scheduling may result in the HRTO unilaterally making a scheduling decision.
- Adjournments will be reserved only for unexpected, unavoidable, or exceptional circumstances. Unless expressly granted, parties must attend as originally scheduled.
- Extensions will only be granted if the party demonstrates they acted with all due diligence to meet the deadline, and will generally **not** be granted for reasons like recently retaining legal counsel, seeking additional information that could have been requested earlier, or medical issues that are not supported by proper documentation.

Other updates

The HRTO is proposing minor operational updates to Rule 1, which governs how parties file documents with the Tribunal. Updated guidance will be reflected in the Rules and on the HRTO website.

Further, several forms and guides will be revised to reflect the new rules and procedures.

Key takeaways

Employers and other respondents to HRTO applications should expect somewhat more rigidity and faster turnaround times in the HRTO process going forward. In addition to mandatory mediation, which may assist in having more matters resolved without the need to prepare for and attend a full merits hearing, the changes to scheduling- and timing-related requests will likely result in more efficient matter lifecycles. If successful in achieving its aims, the HRTO may reduce the backlog of cases and applications will be concluded sooner than the current norm.

Contact us

For more information on these updates to the HRTO's rules of procedure, please reach out to any of the authors or key contacts below, or any lawyer from BLG's Human Rights Group.

By

Maddie Axelrod, Recia Brown

Expertise

Labour & Employment, Human Rights

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BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

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