



HUMAN RIGHTS TRIBUNAL

DIRECTIVE OF THE HUMAN RIGHTS TRIBUNAL

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DIVISION I

FILING PROCEDURES FOR PLEADINGS AND EXHIBITS TO THE COURT

1. When filing paper copies of the pleadings and exhibits at the civil office of the Court of Québec in the district where the application is filed, the parties must also send the pleadings or exhibits on a technology-based medium in accordance with the procedures set out in section 16 of the [Regulation of the Human Rights Tribunal](#).
2. The parties must therefore send their pleadings and exhibits, including proof of notification, to the Tribunal by email, in PDF format, to the following email address: tribunal.personne@judex.qc.ca.
3. Where email transmission is not possible, the party must file a USB key containing their pleadings and exhibits, including proof of notification, to the civil office of the Court of Québec in the district where the application is filed and they must inform the Tribunal at the following email address : tribunal.personne@judex.qc.ca.
4. Where a party is unable to send the documents on a technological-based medium, they must file additional paper copies as requested by the Tribunal, to the civil office of the Court of Québec in the district where the application is filed and they must inform the Tribunal at the following email address : tribunal.personne@judex.qc.ca or, failing that, by telephone at 514-393-6274.
5. The parties must ensure that the document sent on a technology-based medium allows a search by keyword and contains hyperlinks between the table of contents and the pleadings and exhibits.
6. For the time being, these documents cannot be filed at the Greffe numérique judiciaire du Québec.

DIVISION II

SCHEDULE

Circumstances in which a schedule is required

7. In accordance with section 31 of the Regulation, the parties must file a schedule when expert evidence is planned.
8. The Tribunal may request that a schedule be established in complex cases, where there are pre-trial applications or pre-trial examinations.

Content and filing of the schedule

9. The schedule must comply with the [model provided on the Tribunal's website](#) and must cover in particular:
 - 1° the pre-trial applications and date on which they will be filed;
 - 2° the application for extension of the delay for filing the defense or observations, where applicable;
 - 3° where authorized by the Tribunal, pre-trial examinations, and the date by which they must be held;
 - 4° the appropriateness of seeking one or more expert opinions, their nature and the time limit for their filing;
 - 5° the time limits for communication of exhibits between the parties before the trial.
10. Pursuant to section 31 of the Regulation, the parties must file their joint schedule **within 75 days of the service of the applicant's originating application**.
11. If the parties are unable to file a joint schedule, they must each file a proposed schedule **within the same time limit**. The Tribunal then convenes the parties to a case management conference.
12. The schedule must spread over 6 months from the date it is filed. If the schedule does not meet the 6 months time limit, the Tribunal convenes the parties to a case management conference.

Approval of the schedule

13. The President or a judge she designates confirms the schedule and informs the parties. Failing that, the parties are convened to a case management conference.
14. The schedule binds the parties, who must comply with it. It may be amended without the Tribunal's approval, unless the 6 months time limit is not respected.
15. After the last deadline on the schedule and as soon as possible, the Tribunal convenes the parties to a case management conference to determine the date of the trial.

DIVISION III
PRE-TRIAL APPLICATIONS

Application during the course of proceedings

16. When the Tribunal receives an application during the course of proceedings under section 33 of the Regulation, it enters it on the management roll and convenes the parties to a case management conference.
17. Pursuant to section 34 of the Regulation, when a disagreement occurs between the parties, one of them can bring before the Tribunal an application for a case management, which is entered on the management roll.
18. A judge of the Tribunal is assigned monthly to hear all applications for a case management and applications during the course of proceedings. The dates of the management roll are indicated on the Tribunal's website.

Uncontested application

19. An uncontested application during the course of proceedings is presented on the date indicated on the notice of convocation of the Tribunal.

Contested application

20. A contested application during the course of proceedings is first summarily presented during the calling of the management roll. The parties must tell the Tribunal what is to be decided, the testimonial evidence expected, if any, and the estimated duration of the hearing.
21. If the estimated duration of the hearing is less than two (2) hours, the Tribunal determines a date for the hearing and makes such orders as it considers necessary to ensure its orderly conduct. However, if the parties are prepared to proceed on the same day, the Tribunal may hear them if it considers it advisable to do so.
22. If the estimated duration of the hearing is over two (2) hours, the Tribunal determines a date for the hearing. The Tribunal may make such orders as it considers necessary to ensure the orderly conduct of the hearing.
23. If a party wishes to contest the application, it must participate to the calling of the management roll. Failing that, a decision may be rendered against them when the application is presented, without further notice or delay.

DIVISION IV PRE-TRIAL CONFERENCE

24. In the weeks preceding the trial the presiding judge convenes the parties to a pre-trial conference to discuss how the hearing will proceed, pursuant to sections 42 and 43 of the Regulation.

DIVISION V USE OF INFORMATION TECHNOLOGIES AND VIDEOCONFERENCE

Guidelines issued by the chief Judge of the Court of Québec

25. Pursuant to section 55 of the Regulation, the use of technology in the hearing room must comply, with the necessary modifications, with the rules set in the guidelines issued by the chief judge of the Court of Québec:

1° [Guidelines for the Use of Technology in the Courtroom and for the Conduct of Remote Participants in a Hearing, Superior Court, Court of Québec and Municipal Courts, May 25, 2022](#)

2° [Lignes directrices sur l'utilisation de la visioconférence à la Chambre civile \(1^{er} mai 2023\)](#) (Please refer to the French version)

Presence in the hearing room

26. Section 48 of the Regulation provides that, if a person is prevented from attending the hearing, a judge of the Tribunal may authorize their participation at a distance using technological means.

27. In adaptation of the Guidelines issued by the chief judge of the Court of Québec cited above, the physical presence in the hearing room of parties that are not represented, lawyers and witnesses is required during the trial, except where otherwise provided by law or with the permission of the President of the Tribunal or the presiding judge.

28. Also, in adaptation of the Guidelines, journalists may attend hearings at a distance with the permission of the President of the Tribunal or the presiding judge.

Presence in the hearing room for applications during the course of proceedings

Uncontested application

29. The parties that are not represented, lawyers and witnesses may participate at a distance, by informing the Tribunal in advance, in any hearing relating to an

uncontested application during the course of proceedings, where the Tribunal's physical file contains all the pleadings, proofs of notification, sworn declarations and exhibits necessary for the said hearing, as well as the notes and authorities to which the parties intend to refer the Tribunal.

30. The parties are responsible for ensuring that the Tribunal's physical file contains all these documents prior to the beginning of the hearing.
31. However, a judge of the Tribunal may require the physical presence of the parties in the hearing room, in particular to ensure the orderly conduct of the hearing.

Contested application

32. The physical presence in the hearing room of the parties that are not represented, lawyers and witnesses is required for contested applications during the course of proceedings, except with the permission of the Tribunal.

Use of technology in the hearing room

33. In accordance with the [*Guidelines for the Use of Technology in the Courtroom and for the Conduct of Remote Participants in a Hearing*](#), cited above, the parties, participants, and any person attending the hearing are prohibited from taking photographs, taking screenshots, making sound or video recordings, or broadcasting them by any means whatsoever, under pain of contempt of court, except where otherwise provided by law.

Participation to a virtual hearing

34. Where authorized, a person who accesses a hearing held in a virtual room or who wishes to participate or attend a hearing virtually must do so through the Microsoft Teams application using the link provided by the Tribunal.

The ministère de la Justice du Québec has made available to the public a [*Guide on Hearings Conducted Through Technological Means*](#).

DIVISION VI AUTHORITIES

Filing procedures for authorities to the Tribunal

35. In accordance with sections 25 and 26 of the Regulation, the party must send their book of authorities to the Tribunal.

36. The party must send their book of authorities and their list of authorities in PDF format to the Tribunal by email, no later than 10 working days prior to the hearing, to the following email address: tribunal.personne@judex.qc.ca.
37. Where transmission by email is not possible, the party must, within the same time limit, file two copies of a USB key, each containing their book of authorities and their list of authorities, at the civil office of the Court of Québec in the district where the application is filed, and must inform the Tribunal by email at the following email address : tribunal.personne@judex.qc.ca.
38. Where a party cannot send their book of authorities and their list of authorities on a technology-based medium, they must, within the same time limit, file two paper copies at the civil office of the Court of Québec in the district where the application is filed, and must inform the Tribunal at the following email address: tribunal.personne@judex.qc.ca or, failing that, by telephone at 514-393-6274.

Printing on both sides is permitted for the book of authorities.

39. The party must also file two paper copies of **their list** of authorities at the hearing.

40. In any case, the party must:

1° indicate the complete reference of the legislative, jurisprudential or doctrinal authority as well as the relevant sections, paragraphs, or pages;

2° Produce the relevant excerpts from the doctrinal or jurisprudential authority and, where required by section 25 of the Regulation, a copy of the regulatory or legislative provisions relied on. In the case of excerpts from a doctrinal or jurisprudential authority, the pages preceding and immediately following the excerpts must be produced, and, in the case of a judgment, the summary of the decision or judgment;

3° Insert in the electronic version a hyperlink to a reference accessible free of charge. If no online version is available free of charge, the parties must attach the text in PDF format.

Common list of jurisprudence

41. A party is not required to produce the decisions included in the [Common List of Jurisprudence of the Human Rights Tribunal \(CLJHRT\)](#), but they must mention in their book of authorities and their list of authorities, the decisions it relies on, and the relevant pages or paragraphs, and must refer to the common list (example : *Béliveau St-Jacques*, page or paragraph, CLJHRT, tab 4).

DIVISION VII INTERPRETATION SERVICES

42. This division sets out the rules governing access to interpretation services in hearings before the Tribunal.

43. For the purposes of this division, interpretation includes translating a document at a hearing at the request of the Tribunal.

Interpretation services borne by a party

44. In accordance with section 49 of the Regulation, except in cases where the remuneration of the interpreter is borne by the ministère de la Justice under the *Code of Civil Procedure*, a party must obtain themselves the services of an interpreter and pay the costs if the party or a witness summoned by the party does not understand the language used at the hearing.

45. A party may obtain the contact details of certain interpreters by sending an email to the interpreters' office at the following email address:
bureaudesinterpretes@justice.gouv.qc.ca

Particular circumstances in which interpretation services are borne by the ministère de la Justice du Québec

Cree or Inuit beneficiaries of the Agreement concerning James Bay and Northern Québec and Naskapis beneficiaries of the Northeastern Québec Agreement

46. Pursuant to the second paragraph of section 298 of the *Code of Civil Procedure*, where one of the parties is a beneficiary of the Agreement concerning James Bay and Northern Québec or the Northeastern Québec Agreement, the ministère de la Justice assumes the costs of interpretations required to facilitate the examination of a witness and where the case takes place, in the case of a

Cree or an Inuit, in the judicial district of Abitibi or Roberval, or in the case of a Naskapi, in the judicial district of Mingan.

47. In these cases, only the costs of the interpretation services provided during the hearings are borne by the ministère de la Justice.

Person with disability who is unable to hear or speak

48. According to section 299 of the *Code of Civil Procedure*, when a witness has a disability that renders them unable to hear or speak, they are admitted to take the oath and testify by any means that enables them to express themselves. If such means are unavailable, the witness may be assisted by an interpreter whose remuneration is borne by the ministère de la Justice.

49. In the case of a deaf or hard-of-hearing person, party or witness, the ministère de la Justice provides interpretation services in all matters at hearings, regardless of the stage reached in the proceedings.

Requests for interpretation services where these services are borne by the ministère de la Justice

50. In the particular circumstances mentioned in paragraphs 46 to 49 where the interpretations services are borne by the ministère de la Justice, any request for such interpretation must be sent by email to the Tribunal at the following address: tribunal.personne@judex.qc.ca or, failing that, by telephone at 514-393-6274.

This request must be made immediately upon receipt of the notice of convocation or the notice of hearing and must indicate the language of translation required and, where applicable, specify the sign language.

**DIVISION VIII
COMING INTO FORCE**

51. This Directive comes into force on 1 September 2023, and it also applies to proceedings pending on that date.

The Honourable Madeleine Aubé,

President of the *Human Rights Tribunal*