

## 5. Agreements Made at a Prehearing

It is always in the best interests of the Parties to try to reach agreement among themselves at or before the pre-hearing conference in relation to procedural matters. It will be an unusual situation where the Member will disallow procedures that have been fairly agreed to by the Parties.

However, where differences arise during the course of pre-hearing conference the Parties will be given the opportunity to have a full discussion and make full arguments before the Member. The Member may then make a decision that is binding on all of the Parties.

## 6. Adjournments

Pre-hearings may be adjourned by the Member when it is determined that there is good and sufficient reason to do so. Prehearings are intended to be informative. They allow the Parties to ask questions so that they may be well prepared for a hearing. Parties are encouraged to prepare for pre-hearings so that they may take full advantage of the opportunities that present themselves to obtain information from the Member and the other Parties.

## PROHIBITED GROUNDS OR PERSONAL CHARACTERISTICS COVERED UNDER THE ACT

- Race
- Colour
- Ancestry
- Ethnic origin
- Citizenship
- Place of origin
  - Creed
  - Religion
  - Age
  - Disability
  - Sex
- Sexual orientation
- Marital status
- Family status
- Pregnancy
- Lawful source of income
- Pardoned conviction

### In the Areas of:

Working or looking for Work  
Joining an Organization or Association  
Seeking Goods, Services, Facilities or Contracts  
Renting a Home, Apartment or Business Space  
Publications such as Magazines, Newspapers, Signs or Pamphlets

### And

Committed within the Last 2 years



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Nunavut Human Rights Tribunal  
Nunavunmi Inungnut Pitqutigiyauyunut Ihuqhaiyit  
Tribunal des droits de la personne du Nunavut

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## Agenda for Pre-Hearings Before the Tribunal

**1. INTRODUCTIONS** The Tribunal Member (the "Member") and the Parties (and their legal counsel, where applicable) will introduce themselves. The Member (the "Adjudicator") will lead the pre-hearing proceedings so that each Party will have the full opportunity to engage in the discussion that will take place.

**2. ADDRESSES FOR SERVICE** The Parties will confirm an address as to where they may be served with documents necessary for the hearing and post-hearing.



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### 3. Explanation of the Proceedings

The Member will explain the hearing process and the reason for the pre-hearing conference. The Member will answer any procedural questions of the Parties in as complete a manner as possible.

The Member will then call upon the Parties to provide the information and answer the questions necessary to make sure that the hearing proceedings will be conducted in a fair and complete fashion. The Parties may, during the course of the pre-hearing, ask the Member any further procedural questions.

### 4. The Purposes of a Prehearing

- (a) to discuss issues relating to the Notification and determine whether there is any way of simplifying the issues, e.g. by discussion between the Parties or by Member led mediation;
- (b) to determine what content of the “Record” (documents already filed in the Tribunal Office) the Parties wish to produce to the Member before or at the hearing.  
  
Section 18 of the *Human Rights Act* gives the Adjudicator the legislative authority to conduct pre-hearings. However, Tribunals also have judicially recognized legal authority to make procedural decisions and determine how matters will be conducted before them even in the absence of legislative rules.
- (c) to determine whether the Parties will be represented by legal counsel or agent at the hearing;
- (d) to determine whether the Parties intend to call witnesses to give evidence under oath at the hearing, the reasons therefore and whether there will be any application to issue a subpoena;
- (e) to determine whether any of the Parties or their witnesses have any special needs to be met for the hearing, e.g. interpretation, lighting, sound, seating requirements, etc.
- (f) to discuss the location and manner of the hearing and the dates and times upon which the hearing will take place;
- (g) to determine how and when the Parties propose to exchange written argument(s), documents, affidavits and case law;
- (h) to determine whether a Party intends to make application to the Adjudicator to examine a witness before the hearing;
- (i) to set any other necessary deadlines for the Parties, including the fixing of date and time for another pre-hearing conference, e.g. to determine the readiness of the Parties for a scheduled hearing;
- (j) to allow the Parties to discuss and receive direction from the Tribunal on any other procedural matters.

