

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA

- and -

ASSEMBLY OF FIRST NATIONS

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA

Respondent

- and -

CHIEFS OF ONTARIO

- and -

AMNESTY INTERNATIONAL

- and -

NISHNAWBE ASKI NATION

Interested Parties

**PROCEDURAL PROTOCOL
DATED MAY 20, 2020**

A panel of the Canadian Human Rights Tribunal (“CHRT”) has remained seized of a complaint brought by the First Nations Child and Family Caring Society of Canada (“Caring Society”) and the Assembly of First Nation (“AFN”) under section 5 of the *Canadian Human Rights Act* in 2007 (“the complaint”);

Various matters continue to arise following *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2;

The Panel seized of this matter has urged the Parties to communicate with each other and resolve procedural issues whenever it is possible before involving the Tribunal;

The Panel recognizes that the COVID-19 pandemic has created unique and new challenges relating to the preparation and filing of legal documents.

THEREFORE the Panel directs the Parties to engage with any procedural irregularities as follows:

- 1) Any party anticipating to file material with the Panel of the CHRT (the filing party) with a procedural irregularity shall notify all of the other parties of this irregularity and the reasons for this irregularity at least 48 hours before its filing or, where the irregularity arises less than 48 hours before filing, shall notify other parties as soon as possible before filing;
- 2) Any party with concerns or who objects to the filing of this material with this irregularity (opposing party) shall notify the filing party within 24 hours of the notification;
- 3) The filing party and opposing party shall work together to reach an agreement about the filing of the material with the irregularity;
- 4) If the parties cannot come to an agreement about the filing of the material with the irregularity, the filing party shall file the material accompanied by a cover page providing a summary of the concerns or objections of the opposing party and the steps taken to reach an agreement;
- 5) If no party expresses concern or objects to the filing of the material with a procedural irregularity, the filing party shall notify the panel of the CHRT that all of the parties consent to the filing of the material upon its filing despite its irregularity;
- 6) This protocol is intended to apply to procedural irregularities affecting any of the following classes of documents:
 - a) Affidavits;
 - b) Drafts;
 - c) Evidence; and
 - d) Any other material that would not normally be tendered in evidence during the course of a proceeding before the CHRT.