



MANITOBA
OMBUDSMAN

OMBUDSMAN ACT INVESTIGATION RECOMMENDATION IMPLEMENTATION STATUS REPORT

Manitoba Human
Rights
Commission

Recommendation
Status Update

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MANITOBA OMBUDSMAN: MONITORING RECOMMENDATION IMPLEMENTATION

Under The Ombudsman Act, Manitoba Ombudsman investigates complaints about administrative actions and decisions made by provincial and municipal public bodies subject to the act, and their officers, employees or members. Investigations are based on a written complaint or on the Ombudsman's own initiative. Investigations are aimed at identifying areas requiring administrative improvement. Our reviews are broad and consider the fairness and reasonableness of a public body's actions and administrative decisions.

The Ombudsman can make recommendations to address issues found during investigations. These recommendations seek to improve administrative practices and ensure fair and effective administration.

When the Ombudsman issues an investigation report with recommendations, we follow up to determine the steps taken by a public body to give effect to our recommendations. Recommendation monitoring occurs over a period of years, providing the public body with time to make change. We track the public body's progress on the accepted recommendations to ensure the public body is doing what it committed to do and we make these reports available to the public.

Monitoring the implementation of Ombudsman recommendations supports transparency, promotes accountability in provincial public systems, and enhances trust between government and the public.

This report is a summary of the results of our follow up inquiries made between August 2024 and January 2026 with the Manitoba Human Rights Commission. Our inquiries tracked the progress the Commission made in implementing the Ombudsman's recommendations made in her 2020 investigation. The investigation focused on investigation timeframes and communications to individuals who have filed complaints with the Manitoba Human Rights Commission.

BACKGROUND

In June 2020, Manitoba Ombudsman released an investigation report under The Ombudsman Act titled *Communication and Expectation: Fairness, Service Delivery and the Manitoba Human Rights Commission*. A [link](#) to the full report is in Appendix A.

The investigation and subsequent report were the result of seven complaints to our office about the length of time it took the Manitoba Human Rights Commission (the Commission) to investigate their matters. Prior to the 2020 investigation report, each of the complainants received an individual report specific to the issues in their respective complaints to the Commission.

In consideration of the complaints to our office, our investigation centered on two key issues:

1. Was the time frame for investigating a complaint in accordance with legislation, policies and practices that govern the investigation of such complaints?
2. Did the Commission provide fair and reasonable communication about its complaint process time frames?

Our investigation confirmed there is no legislated time frame for the completion of investigations into a human rights complaint, but there are fairness standards the Commission must consider.

In our 2020 report, we highlighted the concern that the Commission was setting targets to complete investigations that were not realistic given the volume of complaints and the availability of resources which impacted the Commission's ability to maintain ongoing communication with complainants. Administrative fairness includes ensuring that information about an organization's services is current, accurate, complete, accessible, and available without unreasonable effort. Improving these administrative practices can enhance the relationship between the Commission and the public and reduce administrative complaints.

June 2020 Investigation Report Recommendations

The Ombudsman made the following recommendations aimed at improving the Commission's administrative processes:

1. Ensure the website information reflects the comprehensive nature of the process and consider how it communicates accurate and realistic timeframes to complainants and respondents,
2. Identify key points to routinely track processing times,
3. Ensure public information regarding process and time frames is accurate and current, and

4. Develop procedures to standardize:
 - a. when and how complainants are updated throughout the process, and
 - b. when and how complainants are updated if there are changes to the anticipated time frame.

Throughout our investigation, the Commission demonstrated awareness of its limitations and had already begun to take steps to address them prior to the release of our final report.

RECOMMENDATION STATUS UPDATES

Our 2020 report identified that it was legislatively required for the Commission to process all complaints that meet time-based requirements through the entire formal complaint process. Only after processing could the Board of Commissioners dismiss a complaint under section 29(1) of The Human Rights Code (The Code) if considered “frivolous” or “vexatious” by law, if the allegations were not a violation of The Code, or if there was not enough evidence to support violations of The Code. There were no provisions for staff to refuse to register, discontinue, or dismiss complaints, including those that are not within the commission’s jurisdiction, are frivolous and vexatious, or when the complainant has discontinued contact with the commission.

As part of its response to our recommendation monitoring inquiries, the Commission told us that, prior to our 2020 investigation and report, Manitoba Justice commissioned a review of The Code “to consider what steps could be taken to improve the timeliness and effectiveness of the Commission’s work.” Manitoba Justice released this review in 2018. It included recommended amendments to The Code specific to the investigation of human rights complaints.

The Manitoba Government adopted the recommendations. Amendments to The Code were introduced on January 1, 2022. The amendments introduced the following changes:

- **Decision-making processes:** The Commission’s Board of Commissioners no longer decides whether complaints are dismissed, referred to a public hearing, or terminated, or assesses settlement offers to determine if they are reasonable. Instead, these decisions are made by the Commission’s Executive Director. The Executive Director will continue to register complaints. Complaints that are referred to a public hearing will continue to be heard by an Adjudicator appointed under the Manitoba Human Rights Adjudication Panel.

- **Dismissal of Complaints without Investigation:** The changes allow the Commission to dismiss a complaint or part of a complaint without investigation where:
 - it is considered “frivolous” or “vexatious” by law;
 - the allegations are not a violation of The Code;
 - the Commission does not have jurisdiction to examine the issues being alleged;
 - the issues are being dealt with or have already been dealt with appropriately under another Act; and/or,
 - continuing through the complaint process would not benefit the person who experienced the alleged discrimination.

- **New Grounds for Dismissal of Complaints after Investigation:** Previously, a complaint may have been dismissed after investigation under section 29(1) of The Code if it was considered “frivolous” or “vexatious” by law, if the allegations were not a violation of The Code, or if there was not enough evidence to support that The Code has been violated. The changes as of January 1, 2022, introduced additional grounds for dismissing complaints after investigation, which include:
 - the Commission does not have jurisdiction to examine the issues being alleged;
 - the issues are being dealt with or have already been dealt with appropriately under another Act; and
 - continuing through the complaint process would not benefit the person who experienced the alleged discrimination

- **Board Review Process:** A person whose complaint is dismissed or terminated by the Commission’s Executive Director may apply to have the Executive Director’s decision reviewed by three members of the Board of Commissioners within 30 days of the Executive Director’s decision.

The amended Code also established a new limit (i.e. “cap”) of \$25,000.00 on the amount of damages for injury to dignity, feelings and self-respect that can be ordered by an adjudicator under The Code and introduced procedural changes to human rights hearings, aimed at the making the hearing process more timely and provide adjudicators with the authority to mediate complaints.

The Commission told us these legislated changes have helped in addressing complaint delays, though have also created unanticipated administrative challenges.

In August of 2024, the Manitoba Ombudsman formally asked the Commission for an update on the implementation of our recommendations from the 2020 report. The Commission provided a detailed response in October of 2024, with ongoing discussion and updates throughout 2025.

Recommendation One

Ensure the website information reflects the comprehensive nature of the process, and consider how it communicates accurate and realistic time frames to complainants and respondents

At the time of our June 2020 report, the Commission's website contained basic information about its complaint process and the steps required for a complaint intake. The process consists of various stages and is complex. The complete process was not outlined and led to confusion. The website also included timelines associated with the assignment of a case and the approximate length of investigation; however, a complete picture of the formal complaint process, once registered, including a lengthier wait due to a backlog of complaints was not publicly available.

Update

The Manitoba Human Rights Commission provided us with the following response to this recommendation in October 2024:

As part of its 2020 report, the Ombudsman recommended that the Commission improve its web-based information to ensure we provide the public with a more comprehensive overview of the complaint process and the timeframes associated with the disposition of complaints. Since the report was released, the Commission has re-launched its website. The renewed site is intended to improve its layout and functionality. Moreover, in 2022, the Commission renewed all our web-based information on the complaints process to reflect legislative amendments to The Code.

In 2022, the Commission also created a separate page on its website to share information with the public on its backlog reduction strategy. This information is intended not only to address the steps that we are taking to improve the

timeliness of our process, but to also update the public on the efficacy of our efforts.

In addition to providing information to the public on our wait times strategy, the Commission is also reporting publicly on its efforts to improve timeliness in the investigation of complaints via its Annual Report.

In January 2025, we discussed with the Commission opportunities to add additional clarity to the website information on wait times. Specifically, to distinguish the wait time to have an investigator assigned from the approximate length of time an investigation may take after an investigator is assigned. We found the Commission was open to our feedback and incorporated changes to address this in March 2025.

The Commission shared an update with our office in June 2025 that there can be several factors which affect when updates can be posted, including things like by-elections and limited resources to engage in website development. Our current review found the Commission continues to update the public on wait time improvements and investigative process timelines. At the time of this report, the most recent update was made in December 2025.¹ It is our view they continue to make good faith efforts to make the information available to the public.

We assessed this recommendation as partially implemented.

Regular updates are ongoing but infrequent. Routine updates enable complainants and respondents to receive accurate information on timeframes.

Recommendation Two

Identify key points to routinely track processing times

At the time of our June 2020 report, there was concern about the efficiency and transparency of the complaints handling process by the Commission. The Commission faced significant delays in processing complaints and there was a lack of clarity regarding timelines for the different stages involved in the process. Without a process to track their processing times, the Commission lacked a process by which to track delays.

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¹ <https://www.manitobahumanrights.ca/complaints/improvingwaittimes.html>

Update

The Manitoba Human Rights Commission provided us with the following response to this recommendation in October 2024:

We have improved our processes for tracking and updating the timelines associated with the assignment of pending investigation files. The Commission's Director of Investigations and Policy meets routinely with our administrative staff person to review the queue of investigation files and update the anticipated timeframe for assignment, based on current caseloads. This improves the accuracy of file status updates provided to the public and ensures we are routinely monitoring our progress in reducing investigative wait times.

Beyond investigation wait times, the Commission is also working toward improved tracking of the timeframes associated with all steps of the complaint process. As a starting point, Commission staff are reviewing/establishing service standards, or benchmarks, for all steps in the complaints process. The service standards represent the average time frame for response or action by Commission staff in relation to a procedure set out under The Code. Note, the Commission had some service standards already in place prior to 2022 (for example, the Commission's intake staff are generally required to respond to initial inquiries for information from the public within 2-5 business days), and some of the Commission's service standards are specified in The Code.

However, significant procedural changes following recent amendments to The Code provided the Commission a good opportunity to review existing service standards and update our practices to reflect new procedures and requirements established by the amended Code. Once implemented, the Commission plans to publicly report on its service standards and use the standards during file status update meetings between staff and management to ensure that complaint processing is occurring within a generally acceptable timeframe, and where a complaint is taking additional time, there is a reasonable explanation or basis for the service standard exception. The Commission is working toward implementing these renewed service standards by the end of 2025/26.

We have not received confirmation that this is completed.

Manitoba Ombudsman recognizes that a review and revision of existing service standards will take time and accepts the Commission is currently working toward review and implementation.

As this work is has not been completed, we assessed this recommendation as partially implemented and ongoing.

Recommendation Three

Ensure public information regarding process and time frames is accurate and current.

In our 2020 report we found that the Commission was not providing sufficient or accurate information regarding how long the complaints process may take, and what the steps involved were, which led to a lack of clarity and transparency.

Update

The Manitoba Human Rights Commission provided us with the following response to this recommendation in October 2024:

Since the release of the Ombudsman's 2020 Report, the Commission has also trained our staff, including intake officers, mediators and administrative staff to provide the public with accurate information regarding the timeframes associated with the complaints process. The Commission recognizes the importance of ensuring that our staff are providing parties with realistic and consistent information about the overall timeframes associated with complaints process.

While we know the importance of ensuring parties have accurate information, we have received feedback from complainants that too much emphasis on the time associated with the complaint process during initial communications with the Commission can feel like a deterrent or discouragement from filing complaints. Commission staff are working to reach the appropriate balance in when and how they are discussing timeframes and wait times with parties during the complaint process.

In addition to striking the appropriate balance in discussing timeframes with parties, the Commission is also uniquely challenged in discussing realistic wait times with parties, because of the significant range that parties can experience depending upon the path that their complaint has taken. Notwithstanding these challenges, the Commission continues to ensure that our staff are updated on overall wait times and trained in discussing timeframes with parties, no matter their role or the stage in the complaint process.

Manitoba Ombudsman recognizes the effort which the Commission has made to ensure their staff are well trained to share information with complainants about wait times. We encourage the Commission to continue its efforts to consider ways it can communicate clearly with the public about the different types of complaint resolution and the related timelines.

We assessed the recommendation as in progress.

Recommendation Four

Develop procedures to standardize:

- a. when and how complainants are updated throughout the process, and
- b. when and how complainants are updated if there are changes to the anticipated time frame.

In our 2020 report we found that there was inconsistent communication from the Commission and complainants were not always kept informed about the status of their complaints or delays in processing.

Update

The Manitoba Human Rights Commission provided us with the following response to this recommendation in October 2024:

Since the Ombudsman's 2020 Investigation Report, the Commission has made efforts to improve the overall process for parties who are requesting status updates on their complaints. Prior to 2020, status updates were responded to by the Commission's directors. Given the work responsibilities of our management team and the frequency of file status update requests, this was proving to be untenable and was impacting the timeliness of responses to the public.

To improve client service in this area, the Commission assigned an administrative staff person to receive, triage and respond to file status update requests. We also created a designated "branch" in our telephone system for file status updates, which are routed to the assigned clerk for review and response.

Publicly available information on the Commission's website outlines the Executive Director will register a complaint signed by a complainant within two to four weeks. Once

this is complete, a complainant will receive written notification and an approximate timeline for their complaint to move to the next step in the process.

We also note that in March 2025, the Commission's "Improving Wait Times" web page provided new information for interested parties about what to do if they have questions about the status of their file, including questions about the amount of time it is taking to investigate their complaint. This new section states:

What is the status of my file?

For more information on the status of your file, please contact the Manitoba Human Rights Commission at (204) 945-3007, 1-888-884-8681 Toll-Free in Manitoba, or hrc@gov.mb.ca. If your file is waiting assignment to an investigator, we will provide you with a file status update setting out an approximate timeline for assigning your file to an investigator. This wait time is an "approximation". Our ability to assign files depends on the caseloads of available investigators and when they can take on new files and may be impacted by staffing capacity and vacancies. We do our best to keep you informed, but please contact us if the timeline passes and you have not heard from us.

The Manitoba Ombudsman acknowledges the delegation of staff to respond to requests for updates. We are satisfied that this will help ensure timely responses are available upon request. We understand it may not be practical to proactively inform all parties when estimated timeline changes. It is positive the Commission's recent website update provides information about what concerned parties can do if they have questions. It also provides clear and transparent information about what parties can expect from the Commission with regards to communication about approximate timelines.

We assessed this recommendation as implemented.

CHALLENGES

The Manitoba Human Rights Commission has been forthcoming about the challenges they face regarding timelines associated with their process. Challenges they shared with us include:

- change and instability in leadership within the Commission
- staff turnover and significant delay in filling positions
- reduction in overall number of investigators supporting the work of the Commission

- Covid-19 related challenges
- unanticipated administrative challenges due to amendments to The Code

Manitoba Ombudsman recognizes the ongoing challenges identified by the Commission can cause service disruptions. The Commission continues to work on solutions to alleviate both the challenges and the outcomes they may cause.

CONCLUSION

The Manitoba Ombudsman's 2020 investigation report and recommendations were intended to improve administrative practices, enhance the relationship between the Commission and the public and reduce administrative complaints. The Commission has demonstrated it is taking active and adequate steps to implement the accepted recommendations and remains committed to providing public information about the timelines associated with the human rights complaints.

In January 2026, the Commission shared that they feel they have enhanced their communication with the public and are constantly evolving to make improvements to their process and procedures.

The information in this report highlights the cooperation of The Manitoba Human Rights Commission, the progress the Commission has made, and the ongoing work that may be required to sustain continued successful implementation.

This report concludes Manitoba Ombudsman's review at this time.

APPENDIX A

June 2020 Ombudsman Act Investigation Report can be found on our website and at this link: <https://www.ombudsman.mb.ca/report/manitoba-human-rights-commission/>