

Changes to the Human Rights Tariff, Effective December 1, 2001

The British Columbia Human Rights Commission (the Commission) has advised the Legal Services Society (LSS) that it has insufficient funds to maintain the Human Rights Tariff at current levels. As a result, the Commission has directed LSS to make changes to the current Human Rights Tariff. (As agent for the Commission, LSS refers clients to lawyers and processes Human Rights Tariff payments.) The changes mean that for all human rights referrals with an assignment date of December 1, 2001 and later:

- the Human Rights Tariff will be subject to a 10% holdback
- preparation time will be reduced
- services that can be reimbursed prior to a case being referred to a Tribunal will be reduced

Holdback on new referrals

The Commission has directed LSS to make the Human Rights Tariff consistent with all other LSS tariffs in terms of holdbacks. Therefore, cases assigned December 1, 2001 and later will be subject to a 10% holdback on fees. The holdbacks will be deducted automatically when an account is processed for payment. LSS will track the amounts deducted from a referral lawyer's account. At the end of each fiscal year, the LSS Board of Directors will determine whether any money is available in the tariff budgets to pay lawyers a portion of the holdbacks. If funds are available, payments will be made to lawyers on a pro rata basis.

Reduced preparation time on new referrals

The Commission has directed that compensation for preparation time be reduced. The current 16 hours of preparation time (8 hours general and 8 hours hearing) will be reduced to a total of 10 hours of general preparation. There will be no separate hearing preparation item.

Further limits on services prior to referral to the Tribunal

The Commission has directed LSS to eliminate reimbursement for almost all services rendered prior to a case being referred to the Tribunal. Only the following such services will be eligible for reimbursement:

- one-hour preparation time as a consultation fee for clients who wish to enter into a settlement agreement, and
- the actual time spent in mediation plus one hour of preparation time for complaints in the Commission's Early Mediation Project where the respondent is represented by counsel.

Complaints and concerns about these changes

LSS has cautioned the Commission that reductions in preparation time may affect the willingness of lawyers to accept human rights cases on the legal aid tariff.

Complaints and concerns about these changes should be directed to Mr. Harinder Mahil, Acting Chief Commissioner of the Commission, and copied to the Director of Tariff at the Legal Services Society. The Acting Commissioner can be reached at 306 – 815 Hornby Street, Vancouver, BC V6Z 2E6.

Mark Benton

Director of Tariff