

Know your rights

Filing a Grievance



Complaint box, Atlantic Institution, Renous, N.B., Senate of Canada. Reproduction of an original image appearing on the Senate of Canada Website at: <https://sencanada.ca/en/sencaplus/news/photo-essay-inside-canadas-east-coast-prisons>

Why file a grievance?



Because you are worthy of being treated with **DIGNITY** and **RESPECT**.



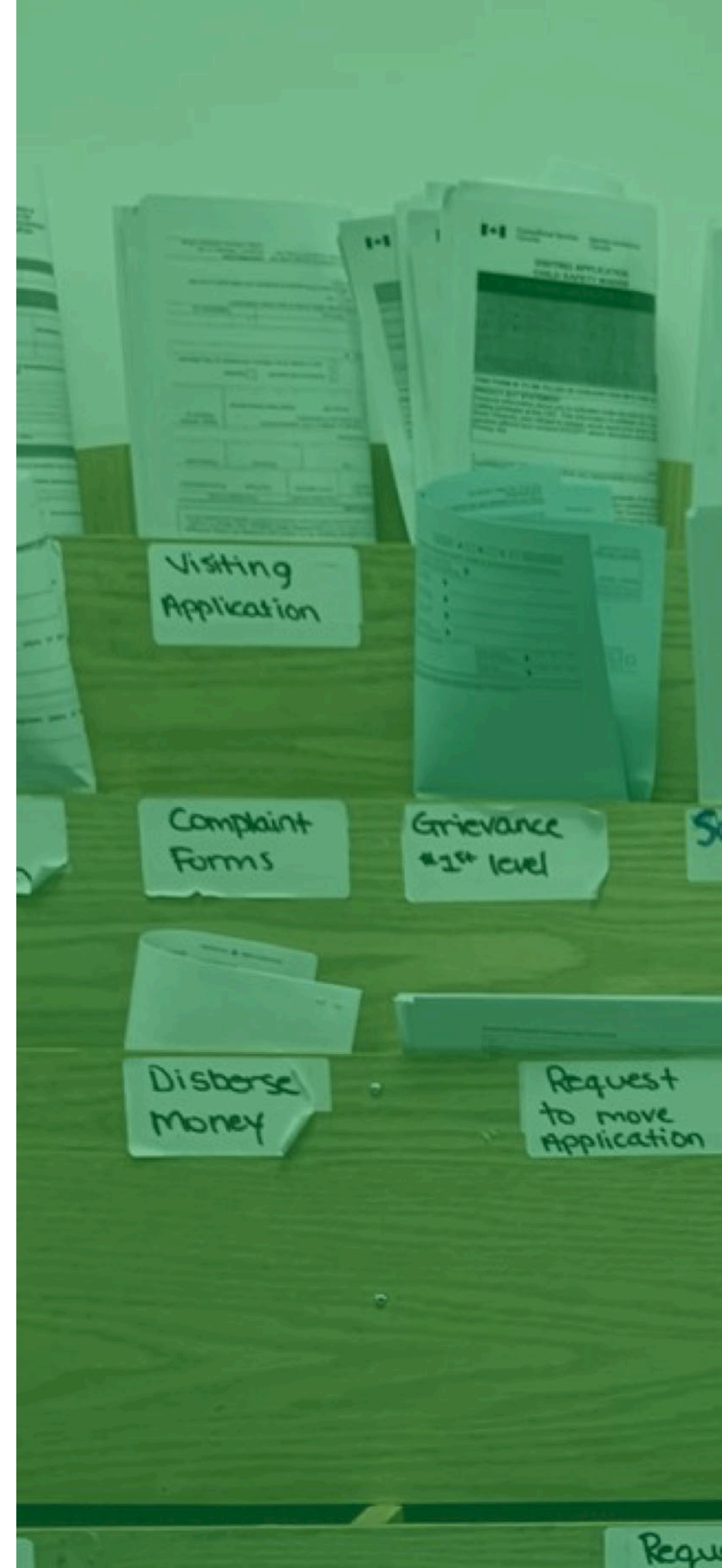
You have fundamental rights and freedoms, protected by law, that incarceration does not take away.



You have a right to safety.
You have a right to humane treatment.



Because it is your right – and a right that is not exercised can be lost.



Definition:

Grievance

a request for a redress to a wrong or a harm that you have faced in prison. It can be about your treatment, the prison environment itself, the staff, or any procedures that directly impact you.

Grievances create a record of abuses and conditions. This can help build a legal case that you can use in court to defend your rights.

It also helps advocates outside prison to understand the issues you face and to push for change.

Who can file a grievance?

Either an individual or a group. Everyone filing the grievance must have been directly involved in the situation for which the grievance is filed.



“While we recognize how difficult it is to hold corrections to account, we encourage prisoners to use the grievance system to document their concerns. Even if they are not properly responded to by CSC, complaints and grievances help to create the record that courts might later rely on to remedy wrongs.”

– Kim Pate



Example grievances

- **Involuntary transfer (to a higher security prison, solitary confinement, dry cell)**
- **Being strip-searched, particularly by a person of the opposite gender**
- **Use of force against you**
- **Any verbal, physical, sexual abuse or harassment**
- **Being denied your right to counsel**
- **Being denied your right to phone calls**
- **Being denied your right to exercise and fresh air**
- **Being denied your right to temporary absences or having them reduced (e.g. especially time-sensitive visits such as visiting a terminally ill relative or attending a funeral)**
- **Being denied your right to spiritual, cultural, linguistic supports**
- **Being denied your right to be called by your preferred pronoun and name, placement and access to canteen products according to your self-identified gender**

- **Being denied your right to healthcare, dental care, medical prescriptions (including prescribed Opioid Substitution Therapy)**
- **Being denied your right to an abortion or to prenatal /postnatal care if you choose to carry to term**
- **Being denied your right to counselling and other social and mental health supports**
- **Being denied your right to hygiene products**
- **Being denied your right to adequate and nutritious food according to your dietary needs (Kosher, Halal, Vegetarian, Vegan, Fasting Foods for spiritual reasons (e.g. Ramadan breakfasts)) or any form of force-feeding against a wish to fast**
- **Being denied your right to reading and writing materials**
- **Retribution for speaking out to the media**





Unsafe COVID conditions are grievable:

- lack of Personal Protective Equipment (PPE) (masks/gloves)
- PPE not being properly worn by staff
- lack of access to proper sanitation
- improper ventilation
- lack of access to testing or medical care
- overcrowding
- being held in segregation for being sick

What is not grievable?

Actions or decisions of someone who is not part of CSC (e.g. contract workers, doctors, hospital, immigration officials, lawyers), decisions of the parole board or court.

What are the steps?

STEP 1

Give a copy of your written Complaint to staff (this is also known as “filing a complaint”). You should file as soon as possible following the incident you want to make a complaint about. If this does not resolve the issue, escalate the grievance by proceeding to Step 2.

SKIP THIS STEP: if your complaint is about the staff or if it concerns a high priority topic (see page 9).

STEP 2

File an Initial Grievance with the warden. If this does not resolve the issue, escalate by proceeding to Step 3.

STEP 3

File a Final Grievance with the CSC.

Mail your grievance to:
CSC National Headquarters
Commissioner:
340 Laurier Ave. W.,
Ottawa, ON
K1A 0P9
Phone: 613-992-5891
Fax: 613-943-1630

At each level of the grievance process, you can refer to new evidence and facts so long as they are closely related to the initial complaint.

How to write a grievance

You can request a grievance form from staff.

If they refuse to give this to you, document this and notify the Office of the Correctional Investigator, the Elizabeth Fry Society, or the John Howard Society.

(See final page for details)

What should you include in your grievance?

- Explain the reasons *why* you are filing a grievance and *what* you would like CSC to do about it. Link the problem you faced to a solution you are proposing.
- Keep your language as neutral and as accurate as possible. Do not fill in the blanks, focus on the facts.
- Be vigilant. Collect evidence, including any information given to you in writing, to support your claim. Keep a journal.
- Record. Record. Record.
- Keep track of dates and names (What happened? Where? Who was there? What was said?)
- Note abusive words, particularly racial slurs or other denigrating or discriminatory words.
- You or your lawyer can file an Access To Information and Privacy (ATIP) request to gain access to the information you need, including information on delays in the response to your grievance.
- Keep copies of information secure.
- Sign and date your letter. If the grievance is submitted by a group, then every person submitting the grievance must also sign.

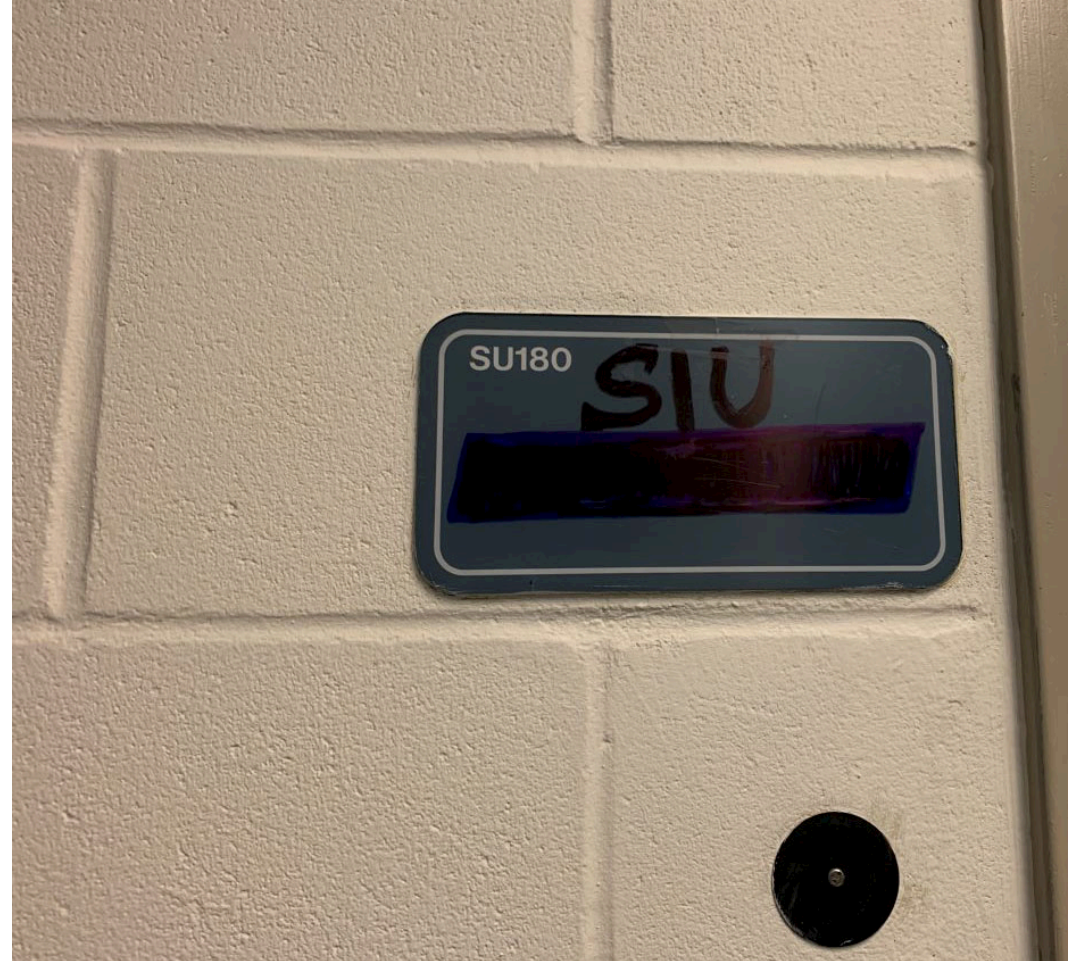
High priority grievances

For the issues below proceed directly to Step 3 (Final Grievance).

- You are put into solitary confinement, a dry cell, or are transferred
- You have an issue with the warden
- You experience lack of emergency healthcare
- You undergo a strip-search or body cavity search
- You experience use of force against you
- You experience discrimination or harassment
(report directly to CSC or to the Canadian Human Rights Commission (CHRC))

Do I need to worry about reprisal?

The grievance system is one way to make your voice heard. The law provides that you cannot be punished for using it.



High priority issues: have a direct impact on your “life, liberty and personal security.”

If you are punished, or if someone shares personal information about your grievance, keep all documentation about this and start the next level of grievance.



Additional notes:

IGCs (Institutional Grievance Committees)

You may wish to request that your initial grievance be considered with the IGC (Institutional Grievance Committee) which, if they exist, as in many prisons they have not been established, should be composed of equal numbers of prisoners and staff and offer advice to the warden before the warden makes a decision about the grievance. If a prison does not have an IGC, you can request that one be formed.

File early!

You should usually file your grievance with CSC within 30 days of when you receive a response to an initial grievance. Try to send the grievance as soon as possible to avoid further delays. If you need a time extension, you should include an explanation.

When will I hear back?

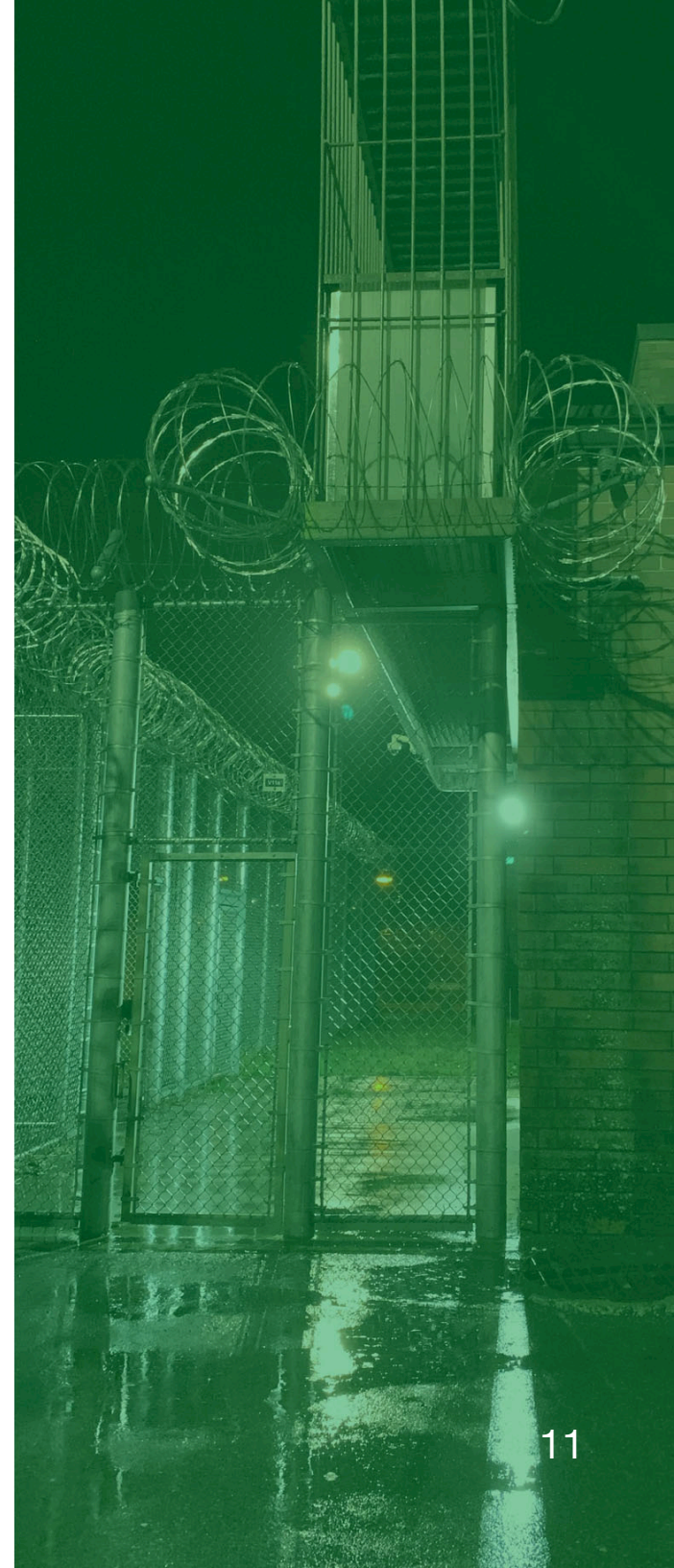
You have a right to receive a response in a fair and timely manner:

- **Initial Grievance:** 15 days for priority issues and 25 days for all other cases.
- **Final Grievance:** 60 days for priority issues and 80 days for all other cases.
- CSC is often late in providing a response. If they are late, you can file another grievance about the delay. If you only receive a partial response or do not see meaningful action or accountability taken, then you can start the next level of grievance.
- CSC guidelines say that you can request an interview with CSC staff to discuss a grievance that you have made. If you request an interview to discuss your grievance, it must be granted.

For human rights abuses and discrimination, you may also need to escalate to a CHRC (Canadian Human Rights Commission) complaint:

**Address: Canadian Human Rights Commission
344 Slater St., 8th floor
Ottawa, ON
K1A 1E1**

**Email: info.com@chrc-ccdp.gc.ca
Toll-free: 1-888-214-1090; TTY: 1-888-643-3304
FAX: 613-996-9661**



Where can I get additional help?

Office of the Correctional Investigator (OCI)

P. O. Box 3421, Station "D"
Ottawa, ON
K1P 6L4
Toll-free: 1-877-885-8848

Canadian Association of Elizabeth Fry Societies

190 Bronson Ave.
Ottawa, ON
K1R 6H4
T: 613-238-2422
Toll-free: 1-800-637-4606

John Howard Society of Canada

809 Blackburn Mews
Kingston, ON
K7P 2N6
T: 613-384-6272



Contact/copy your M.P. or Senator:

**[Add your MP's name here]
House of Commons
Ottawa, ON
K1A 0A6**

**[Add Senator's name here]
Senate of Canada
Ottawa, ON
K1A 0A4**