



Research and Statistics Division

# Guide to completing the Access to Justice Index for Administrative Bodies

Research and Statistics Division

November 2025



Department of Justice  
Canada

Ministère de la Justice  
Canada

Canada

Information contained in this publication or product may be reproduced, in part or in whole, and by any means, for personal or public non-commercial purposes, without charge or further permission, unless otherwise specified.

You are asked to:

- exercise due diligence in ensuring the accuracy of the materials reproduced;
- indicate both the complete title of the materials reproduced, as well as the author organization; and
- indicate that the reproduction is a copy of an official work that is published by the Government of Canada and that the reproduction has not been produced in affiliation with or with the endorsement of the Government of Canada.

Commercial reproduction and distribution is prohibited except with written permission from the Department of Justice Canada. For more information, please contact the Department of Justice Canada at: [www.justice.gc.ca](http://www.justice.gc.ca).

©His Majesty the King in Right of Canada, represented by the Minister of Justice and Attorney General of Canada, 2025

Guide to completing the Access to Justice Index for Administrative Bodies

J4-192/2025E-PDF

ISBN 978-0-660-79548-5

## Introduction

This guide is designed to assist you in completing the [Access to Justice Index](#).

There are hundreds of administrative bodies in Canada, covering a vast range of subject matters. We have tried to develop questions that work for every administrative body, but there will inevitably be some questions that make you ask “How does this apply to us?” or “What do they mean by that?”.

This guide tries to help you by providing a short explanation of our thinking underlying many, but not all the questions. We don’t provide an explanation where a question doesn’t need an explanation. We will regularly update the guide to ensure that it reflects questions and comments provided by those who have used the Index.

## Table of Contents

What is the Access to Justice Index for Administrative Bodies? .....	5
How is the Index organised? .....	5
Part 1 – Current Performance .....	7
Category 1 – Access to the Administrative Body .....	7
Category 1a: General .....	7
Category 1b: Access through Technology .....	7
Category 1c: Physical access .....	8
Category 2 – Processes .....	9
Category 2a: Procedural Justice .....	9
Category 2b: Representation .....	10
Category 2c: Ethics and inclusion .....	11
Category 2d: Public information and outreach .....	12
Category 3 – Costs.....	14
Category 3a: Service Charges.....	14
Category 3b: Intangible Costs.....	14
Category 4 – Outcomes.....	14
Category 4b: Functionality and Transparency of Outcomes.....	14
Part 2 – Institutional Capacity .....	15
Category 1 – User-centred design.....	15
Category 2 – Data-driven improvement and monitoring results .....	15
Category 3 – Engagement in the justice service continuum and future thinking.....	17
Resources .....	19
Council of Canadian Administrative Tribunals: .....	19
Access to justice websites: .....	19
Studies on access to justice: .....	19
Plain and inclusive language: .....	20

# What is the Access to Justice Index for Administrative Bodies?

In 2014, the Supreme Court of Canada said that “Ensuring access to justice is the greatest challenge to the rule of law in Canada today”.<sup>1</sup> Unfortunately, this statement is still true today.

We define access to justice as:

Enabling Canadians to obtain the information and assistance they need to help prevent legal issues from arising and help them resolve such issues efficiently, affordably and fairly, either through informal resolution mechanisms, where possible, or the formal justice system, where necessary.<sup>2</sup>

Administrative bodies play a crucial role in delivering access to justice. By “administrative bodies”, we mean tribunals, but also government departments that adjudicate statutory rights, as well as regulatory bodies that sometimes fulfil an adjudicative function. When legal problems are resolved – whether formally or informally – this is most often done by administrative bodies, as opposed to the courts.

The purpose of the Access to Justice Index for Administrative Bodies (the Index) is to provide you with a diagnostic tool that gives you insight into how your administrative body is managing the challenge of delivering access to justice. For almost all questions, a high score indicates that your administrative body is doing well. A low score on a question may indicate that there is room to improve, but in some cases, a low score may also indicate that the administrative body has no control over the subject matter of the question, or has the authority to make improvements but does not have the funds to do so.

Ultimately, no one knows your business better than you, so you are best placed to analyse the results and identify where you might act to improve access to justice. The Index is simply meant to get you thinking about these issues.

We assume that there is always room to improve. So ideally, you would use the Index more than once. You would complete it to get an initial diagnosis, identify areas of priority to work on, and then implement change. After enough time to let the changes take effect, you would take the Index challenge again to see where to focus on next.

## How is the Index organised?

The Index is divided into two parts. **Part 1** gives you a snapshot of how your administrative body is performing today.

**Part 2** gives you a picture of your internal capacity to improve access to justice over time. We recognise that the core business of almost all administrative bodies is to deal with the daily intake of cases. Self-improvement is an important, but secondary goal. And administrative bodies have limited

---

<sup>1</sup> This is the opening sentence in *Hryniak v. Mauldin*, 2014 SCC 7 (CanLII).

<sup>2</sup> Access to Justice Toolbox, Internal document. (Ottawa: Department of Justice Canada, 2012).

resources. This is why most of the changes arising out of the questions in Part 2 may take longer to implement.

Many questions in the Index call for a “yes” or “no” answer. However, where appropriate, we have included a scale to allow for gradations in the answers to some questions. Our aim is to try to reflect degrees of sophistication in the delivery of access to justice solutions.

We have also tried to avoid situations where an administrative body gets a low score on a question for reasons that are wholly beyond its control (such as where it lacks the statutory authority to do the thing the question is asking about, or broader government policy prohibits it). So some questions allow you to indicate that the question is not applicable.

The term “participants” in the questions refers to all the people who play a role in a proceeding. This includes the adjudicator, parties, their representatives, witnesses, interpreters and support persons.

Finally, for some questions we refer you to examples of how an administrative body has approached an issue by creating a policy or process. These are not our endorsements of a particular approach to an issue from a legal or policy perspective. They are simply meant to show you how administrative bodies have approached particular issues. The references are to the CCAT Tribunal Policy Repositories, and the links are at the end of this guide.

# Part 1 – Current Performance

## Category 1 – Access to the Administrative Body

### Category 1a: General

- Q.1** Parties or members of the public may not be able to reach the administrative body during the working hours that government bodies normally use. An administrative body that enables people to speak with a representative outside regular business hours may reasonably balance that against resource constraints.
- Q.2** Giving users choice is an access to justice ideal. But it has to be balanced against both cost and the ability of the administrative body to have the final say as to what form a proceeding takes.
- Q.3** A hybrid proceeding is one where the administrative body uses more than one form of receiving evidence and submissions within a single proceeding. For example, the proceeding is largely in person, but a witness gives evidence by telephone or video, or in writing.
- Q.4** Every administrative body has a duty to accommodate participants under the applicable human rights law in its jurisdiction. This question asks whether the administrative body communicates that duty in a policy that explains how that duty is met in the particular context of the administrative body's work. This could include setting out the measures the administrative body takes that go beyond its minimum human rights obligations.

**Questions 2, 3** are about whether parties are offered choice as to the form that proceedings take, and whether they have to initiate a formal process to assert that choice. Administrative justice is meant to be less formal and legalistic than judicial justice. So requiring a party to file a formal request is more legalistic and less user-centred than publishing and adhering to criteria governing the form of hearing

See the CCAT Tribunal Policies Repository for examples of policies that explain how different administrative bodies deal with accommodation requests.

### Category 1b: Access through Technology

- Q.5** This question gets at the idea that the administrative body offers a range of communications options. It does not have to offer all of the options set out in the question to score points; for example, many administrative bodies don't offer live chat, and TTY is now less commonly used.
- Q.6** This question is intended to address the efforts of the administrative body to incorporate plain language and user-centred design in its website. The ideal is to test how navigable and intelligible the website is with users. However, the ideal of user testing may have to be balanced against cost and available expertise.

- Q.7** At this time, the most common standard of accessibility for websites is set out in [WCAG \(Web Content Accessibility Guidelines\) 2.0](#). The higher standard – [WCAG 2.2](#) – is currently the ideal, but is less common.
- Q.8** This question gets at the various forms of communication that the administrative body uses on its website. Text-heavy websites are hardest to navigate and are the least accessible. Visual communications, such as infographics, flow charts and videos are easier for people with lower literacy levels.
- Q.9** The purpose of this question is to see whether the administrative body is using a data-driven approach and tools that enable it to improve its communication with users. A data-driven approach is one that exploits available data to evaluate the practices of administrative bodies and to improve the quality of administrative justice.

For a detailed general discussion of the value of data in justice systems, see [The data revolution in justice](#), World Development, Volume 186, February 2025. For an example of the practical application of a data-driven approach in a Canadian context, see [Reducing the “Justice Gap” Through Data for Systemic Change: Using Multiple-Perspective Legal-Needs Surveys to Improve Person-Centered Justice](#), Canadian Journal of Law and Society, Volume 39, Special Issue 3, April 2025.

- Q.10** Similar to question 9, the best measure of user-centred design is what the users themselves think.
- Q.12** This question gets at whether forms are available in an electronic format from the same source. The third option in the answer is meant to recognise that there may be some requests that occur rarely, and so the forms for these rare requests may not be available online.
- Q.13** The previous question only asks whether forms are available online. This question is about the extent to which the administrative body enables users to engage with it digitally, not just to fill forms, but to deal with all issues that arise in a proceeding.

A secure portal is a better means of safeguarding personal data that is communicated between the user and the administrative body than email (or regular mail). At the same time, there may be users who cannot access a portal, so – ideally - the administrative body should not force this upon those who cannot use it effectively.

### Category 1c: Physical access

- Q.15** The distance of 100 km as the outer limit that parties need to travel for in-person proceedings is a bit arbitrary, but is meant to reflect the challenges of providing services in rural areas of Canada. A user-centred approach would ensure that no one has to travel more than 100 km to participate in a proceeding.

## Category 2: Processes

### Category 2a: Procedural Justice

**Q.21** Active adjudication is a modification of the traditional adversarial method of conducting proceedings. It involves grafting elements of an inquisitorial process onto the adversarial process, while safeguarding the impartiality of the adjudicator. The purpose of active adjudication is to allow the administrative body to ensure that all parties – whether they are represented or not - can participate meaningfully in proceedings.

For a useful set of resources, including caselaw and academic articles, see the Council of Canadian Administrative Tribunals [Active Adjudication Repository](#).

In some areas of the law (e.g. refugee determination, workers' compensation), the use of inquisitorial processes may be mandated by law. If your administrative body is directed by statute or regulation to use an inquisitorial method, then select "n/a".

Some administrative bodies have no policy on the use of active adjudication and leave it to individual members as a matter of adjudicative independence. Others have a policy which only encourages the use of active adjudication in situations where at least one party is unrepresented, whereas others may use active adjudication even where all parties are represented.

**Q.22** Objectivity and impartiality are essential to the conduct of fair proceedings. As long ago as 1976, the Supreme Court of Canada recognised that bias can be conscious or unconscious (*Committee for Justice & Liberty v Canada (National Energy Board)* [1976 CanLII 2 \(SCC\)](#), [1978] 1 SCR 369 at 394). This is why training on bias needs to include training on implicit or unconscious prejudice.

**Q.23** Trauma is both the experience of, and response to, an overwhelmingly negative event or series of events, including violence (Public Health Agency of Canada. *Trauma and violence-informed approaches to policy and practice* updated February 2, 2020. Online: <https://www.canada.ca/en/public-health/services/publications/health-risks-safety/trauma-violence-informed-approaches-policy-practice.html>.)

Trauma-informed adjudication recognises that administrative proceedings themselves can revive trauma in people who have experienced it. Training in trauma-informed adjudication enables adjudicators and staff to anticipate the risks of retraumatizing participants through the process, and to take steps to avoid that happening.

**Q.25** Giving parties choice about how to resolve their dispute (e.g. opting into mediation) is an important aspect of user-centred design. However, the administrative body may have made a policy choice to require parties to go through certain dispute resolution steps before there is a formal adjudication. For example, it may decide to make mediation mandatory. If there is a valid policy reason for not offering choice to parties, then select "n/a".

See the CCAT Tribunal Policies Repository ([Dispute avoidance and resolution tab](#)) for examples of policies on dispute resolution and

**Q.26** Public accountability includes having a complaint process about how the administrative body provides its services. The complaint process should not be used by parties to challenge the substance of the body’s decisions. This is properly done through judicial review or statutory appeal. Ideally, the administrative body makes the results of the complaints process public. This can be done through redacted summaries of complaints posted on the body’s website.

See the CCAT Tribunal Policies Repository ([Ethics tab](#)) for examples of complaint policies.

**Q.27** If an administrative body does not provide interpretation services in languages other than English and French, it risks creating a two-tier justice system. This poses a reputational risk, and it also may pose a legal risk as a violation of s.14 of the *Charter of Rights and Freedoms* (see *R. v. Tran*, [1994 CanLII 56 \(SCC\)](#), at paragraph 73).

**Q.28** There is more to an evidence-based approach to administrative justice than just measuring user satisfaction. However, asking users about their experience is essential to making user-centred design changes. User satisfaction surveys have to be approached carefully in order to be able to separate out positive or negative results in dispute resolution from the actual user perspective on the quality of services. One way to do this is to measure user satisfaction systematically and regularly. This is because a systematic approach gives the administrative body baseline data that it can then assess over time.

See the Social Security of Canada website for an example of [tracking user satisfaction](#) systematically over time.

**Q.30** While internal service standards may assist the administrative body in improving access to justice outcomes, external standards hold the body accountable in a way that non-public measures do not.

## Category 2b: Representation

**Q.31** The type of information and support that an administrative body provides to self-represented parties will vary widely, depending on the mandate of the administrative body.

Some administrative bodies have few self-represented parties appearing before them. In such circumstances, the cost of creating comprehensive and personalised information support in the form of something like a navigator program is simply not justified. On the other hand, a navigator service may be an appropriate solution where the body deals with high volumes of self-represented parties who are unable to participate meaningfully in proceedings on their own.

For more information and background on navigator programs, please see:

- [Navigator Programs in Canada](#)
- [A Summary of the Report on Examining the Social Security Tribunal’s Navigator Service: Access to Administrative Justice for Marginalized Communities](#)

**Q.32** Systematic monitoring of trends in self-representation enables the administrative body to establish a baseline and then track changes over time, as part of an evidence-based approach to management of access to justice issues.

**Q.33** Systematic monitoring of how staff work with self-represented parties may show the need for further training or changes to the administrative body's process.

Again, this will depend on whether the body deals with large numbers of self-represented parties, and whether it has well established training for staff in assisting self-represented parties, while maintaining the impartiality of the administrative body.

**Q.34** Development of a policy on the role of support persons allows the administrative body to publicise its approach in a way that is transparent and predictable for users.

See the CCAT Tribunal Policies Repository ([Representatives, Litigation Guardians and Support Persons tab](#)) for examples of policies on the role of support persons.

## Category 2c: Ethics and inclusion

**Q.35** How often Indigenous participants appear before administrative bodies will vary widely, depending on the mandate of the administrative body.

However, all administrative bodies are part of Canada's justice systems. The Truth and Reconciliation Commission's Final Report had a significant impact on Canada's legal systems, including the administrative justice system. At a minimum, adjudicators and others working in administrative bodies have a duty – both as public office holders and as custodians of a justice system – to learn about the magnitude of these human rights failings in Canada.

See the CCAT [Truth and Reconciliation Repository](#) for references to learning resources.

**Q.36** This question recognises that a reconciliation plan needs to be tailored/developed to the particular mandate and work of each administrative body.

See the CCAT [Truth and Reconciliation Repository](#) for examples of reconciliation plans and policies.

**Q.37** Administrative bodies that are adjudicating rights, benefits and entitlements have a particular obligation to ensure that access to the body is equitable. This question invites the body to examine whether its processes and working culture create barriers to equal participation for particular groups in the communities that it serves.

See the CCAT [Inclusion, Diversity, Equity and Accessibility Repository](#) for examples of policies.

Some administrative bodies do not have control over decisions about recruitment and term renewal of adjudicators.

**Q.38** This question invites the body to examine whether its internal practices enable equal access and participation by adjudicators and staff. The practices are not limited to recruitment and retention. They also include the workplace culture and how the administrative body is managed.

**Q.42, 43** The use of artificial intelligence (AI) is rapidly evolving, and raises ethical issues, both when used internally in an administrative body and when used by parties and witnesses in a proceeding.

A clear risk in the use of AI is the limitation on its ability to distinguish accurate legal information from misinformation. As the use of AI may be an attractive alternative for parties who cannot afford a professional representative, it is important from an access to justice perspective, for the administrative body to clearly explain to users how it deals with AI intelligence.

For examples of policies on the use of AI, see:

- Canadian Human Rights Tribunal Practice Direction: Use of artificial intelligence (AI) in Tribunal proceedings: <https://www.chrt-tcdp.gc.ca/en/about-us/practice-direction-use-artificial-intelligence-ai-tribunal-proceedings>
- Condominium Authority Tribunal of Ontario Practice Direction: Use of Artificial Intelligence in CAT Cases: <https://www.condoauthorityontario.ca/resource/practice-direction-use-of-artificial-intelligence-in-cat-cases/>
- Barreau du Québec – L’intelligence artificielle - Guide pratique pour une utilisation responsable (Octobre 2024) :
- <https://www.barreau.qc.ca/media/bnddaqfd/guide-intelligence-artificielle-generative.pdf>
- Law Society of Saskatchewan, Guidelines for the Use of Generative Artificial Intelligence in the Practice of Law (February 2024)
- <https://www.lawsociety.sk.ca/wp-content/uploads/Law-Society-of-Saskatchewan-Generative-Artificial-Intelligence-Guidelines.pdf>

## Category 2d: Public information and outreach

**Q.44** A common challenge with government websites is that outdated information is not accurately dated and identified as archived once it is no longer current. The goal should not be to delete outdated information from the public record, but to properly identify it and store it.

**Q.45** Instituting a regular forum for stakeholder consultation ensures that the administrative body remains aware of stakeholder concerns.

However, the administrative body must preserve its impartiality. So, terms of reference have to make clear to stakeholders where the limits of consultation are. In other words, consultation and discussion are limited to questions of process and practice, and do not include the substantive merits of cases.

**Q.46** A stakeholder forum (Q.45) will typically focus on issues that practitioners who appear before the administrative body want to raise. However, the administrative body can play a role in the

broader justice continuum by reaching out to community groups and others who may be affected by the body's work, even if they do not appear regularly as representatives.

The principal goal of an administrative body is to manage its own jurisdiction, not to improve the work of others. That said, sometimes influencing the surrounding justice environment can also serve the goal of improving access to justice to the body itself. Striking the right balance will vary from one administrative body to the next.

**Q.48-50** These questions encourage the use of plain language in all communications. There is a recognised definition of plain language as follows:

A communication is in plain language if its **wording, structure, and design** are so clear that the intended audience can easily find what they need, understand what they find, and use that information.

The definition is applied by the International Plain Language Federation and its member organizations. It is also reflected in the International Standards Organization (ISO) plain language standard (ISO 24495).

The adoption of plain language by an administrative body requires some training, but it is a relatively low-cost way to significantly improve access to justice.

Training on inclusive language is similarly a relatively low-cost way to significantly improve access to justice.

For an example of a glossary, see the Social Security Tribunal of Canada [glossary](#) of legal terms.

See the appended list for links to resources on plain and inclusive language.

**Q.51** While the federal and New Brunswick governments are officially bilingual, some jurisdictions that are not officially bilingual still require the delivery of government services – including those of administrative bodies – in English and French. See for example, Ontario's [French Language Services Act](#) (R.S.O. 1990, c.F.32).

**Q.52** Communications that include visual aids along with text are more likely to be understood and retained by readers than communications that only include text. This is because visual aids are more effectively incorporated into long-term memory than pure text. While visual aids help people at all levels of literacy, they are especially effective for people with lower literacy levels.

**Q.53** Many administrative bodies provide parties with information about how to obtain support or representation for their case. To preserve impartiality, the body will not recommend individual representatives, but will direct parties to organizations that in turn can refer parties to legal clinics, representatives who do not charge a fee or community organizations that may offer assistance.

For an example of how one administrative body provides information about how to find a representative, see the Ontario Workplace Safety and Insurance Appeals Tribunal [page](#) on this issue.

**Q.54** The open court principle creates a strong presumption of openness in administrative proceedings. At the same time, there are ways of protecting privacy interests while respecting the open court principle. Many administrative bodies publish policies which explain how they balance these competing concerns.

See the CCAT Tribunal Policies Repository ([Open Court tab](#)) for examples.

## Category 3 – Costs

### Category 3a: Service Charges

**Q.56** If an administrative body provides interpretation of a language other than English or French but requires the party requesting it to pay for it, this poses a reputational risk. It may also pose a legal risk as a violation of s.14 of the *Charter of Rights and Freedoms* (see *R. v. Tran*, [1994 CanLII 56 \(SCC\)](#)).

**Q.58** Where an administrative body charges a fee for proceedings, it may also have a process for waiving the fee for parties that may have difficulty affording it. The simpler the fee waiver process, the less likely it is to restrict access to justice.

See the CCAT Tribunal Policies Repository ([Damages, costs and fee waivers tab](#)) for examples of fee waiver policies.

**Q.60** Systematically budgeting in order to address user information needs helps to create an institutional commitment to access to justice in the administrative body.

### Category 3b: Intangible Costs

**Q.62** Staff at administrative bodies are generally not trained to deal with parties experiencing a mental health crisis, although this problem may arise at times. Some administrative bodies have established partnerships with organizations with mental health expertise, such as telephone crisis lines, so that they can refer parties to them in times of crisis.

## Category 4 – Outcomes

### Category 4b: Functionality and Transparency of Outcomes

**Q.67** Most administrative bodies make their decisions available through the CanLII (Canadian Legal Information Institute) website. However, some bodies also use their own websites to host a decision database that assists users in finding decisions of the body. They may provide more specific guidance to users than is found on CanLII.

**Q.68** Some administrative bodies have policies that actively encourage consistency in adjudication. The policies may not provide for internal monitoring for consistency once decisions are issued. However, administrative bodies that actively encourage consistent adjudication may be more likely to be alert to inconsistencies in adjudication once decisions are issued.

See the CCAT [Consistency and Predictability Repository](#) for resources and policies on consistent adjudication.

## Part 2 – Institutional Capacity

### Category 1 – User-centred design

**Q.69-71** At the core of the access to justice problem is the fact that, historically, justice systems have largely been designed to operate for the convenience of those who work within them (adjudicators, staff and lawyers who appear regularly before administrative bodies). User-centred design offers an opportunity to break with tradition and to improve access to justice.

User-centred design is a technique to be learned and refined over time, largely through trial and error. For this reason, it requires the development of institutional capacity over the medium- and long-term. These questions aim at examining the development of institutional capacity.

#### Here is a definition of that approach:

[User-centred design] involves immersing yourself in the problem you are trying to solve, working with the people experiencing the problem, experimenting with solutions, and most importantly, lowering your defenses and opening yourself and your design team up to candid and uncensored feedback about what you are doing wrong (and hopefully some things you are doing right. (Nicole Aylwin, [Human Centred Design and the Justice System](#), 6 June, 2016)

- Q.69** The starting point is understanding user needs. A systematic and sustained user needs analysis is preferable to sporadic reactions to user demands as they arise.
- Q.70** The next logical step is integrating user needs into process and policy changes. Ideally, some form of user testing occurs before changes are finalised. This is an area where it makes sense to initiate and evaluate pilot projects, and to include user feedback as part of the pilot.
- Q.71** Finally, training some adjudicators and staff in user-centred design ensures that the administrative body maintains institutional capacity. Many important access to justice changes may arise out of the hearing process. For this reason, it is important not to limit training in user-centred design to staff.

### Category 2 – Data-driven improvement and monitoring results

Historically, our justice systems have not made much use of data to guide decision-making. By its nature, law is values- and rules-based. That leads us to favour values and rules when we diagnose and address problems, rather than looking at what the data tells us. In addition, the common law teaches us to focus on individual cases, and to deal with issues incrementally, rather than looking for systemic solutions. This tradition has created a solid bedrock of principles, which is great for adjudicating

individual cases. But it actually inhibits innovation when it comes to justice system design and innovation.

Systematic collection of data is necessary to advance any user-centred system improvement. What does the data tell us? Does it validate or contradict our assumptions?

The most robust data consists of measurable objective indicators. Many administrative bodies may deal with large enough case volumes to be able to create robust datasets.

But for some issues, the best information is not found in a string of numbers. It consists of an accumulation of the subjective and anecdotal reactions of users. For example, these can take the form of free flow comments in response to questions on an exit or satisfaction survey. Or a survey at another point in the process before a decision is rendered so that the decision itself does not impact the users' views. Where that is the case, it is necessary to look for recurring patterns in the anecdotal reactions, so that the reaction of a small minority of users is not mistaken for a systemic issue that needs to be fixed.

- Q.72** A data strategy involves deciding what numbers require attention. That in turn depend on what access to justice problem(s) the administrative body is trying to solve. The data may not be limited to the information in the body's case management system. It could also include survey data that the body collects, as well as relevant data from publicly available sources, such as Statistics Canada.
- Q.73** Understanding the demographic profile of the people who use the administrative body's services is key to understanding where particular access to justice problems lie. For example, if the body has a good sense of the digital literacy levels of its users, then it can make more informed decisions about how to manage virtual proceedings.
- Q.74** The rate at which parties start but then withdraw from proceedings may be a powerful indicator of whether the administrative body's process is too difficult for users to navigate. If a high withdrawal rate is due to parties settling their disputes on their own, then that is a good thing. But if it is because the body's process is overwhelming, then clearly there is an access to justice issue. Tracking withdrawal rates over time may be a useful indicator of whether a body's access to justice innovations are having an effect.
- Q.75** The same reasoning with respect to Q.72 applies here. If the administrative body is tracking trends in accommodation requests over time, this may be a useful indicator of whether a body's accommodation practices are effective.
- Q.76** Determining which indicators can demonstrate progress in access to justice may vary over time. They can change as an administrative body's access priorities change. However, a systematic approach to measuring progress is key to embedding an institutional access to justice culture.

**Q.77** Publishing the results of access to justice improvement efforts – whether they are wholly successful or not – shows that the administrative body is both committed to improvement and is publicly accountable.

**Q.78** Finally, training some staff in data analysis ensures that the administrative body maintains institutional capacity.

### **Category 3 – Engagement in the justice service continuum and future thinking**

Administrative bodies are focused on dispute resolution. However, legal problems do not always manifest themselves as formal disputes. And people who enter justice systems do not come looking for a mediation or a hearing. They come looking for a solution to their legal problem.

There are many ways to find that solution. Some involve private resolution or dispute avoidance. There are also a range of actors that may affect a solution. These include government bureaucracies, community organizations, as well as lawyers and paralegals.

While the principal (and often sole) statutory task of administrative bodies is to resolve formal disputes, many administrative bodies can choose to act in a broader sphere. The body may decide to focus solely on improving what falls within the four corners of its statutory mandate. Or it can take a different route. It can see itself as part of a continuum of justice services and play a role both in dispute avoidance and in helping to improve the justice services that other actors in the field provide.

**Q.79** Many administrative bodies adjudicate disputes that arise directly from government decisions. An administrative body that does this may keep its distance from the government department so as to protect its impartiality. Still, the government department and the body are both actors in the same justice continuum. One decides, the other hears appeals.

The administrative body may have useful observations to pass on to the government department, so that access to justice upstream at the government department is improved.

This type of engagement can happen without compromising the impartiality of the administrative body, but it depends on the body being transparent about its engagement, so that stakeholders do not think the body is making secret deals.

**Q.80** A similar approach to Q.77 may apply where the administrative body engages with non-governmental actors in the justice continuum. This can include engagement with community organizations whose clients may eventually appear before the body.

**Q.81** If the administrative body is transparent and reports on how it works with other actors in the justice continuum, this can pre-empt concerns that the body is sacrificing its impartiality and institutional independence. Reporting does not have to include the substance of discussions. It can simply be limited to explaining how the body engages with other actors, who is involved and the limits of what can be discussed. For example, this would include a firm assurance that the

substance of individual cases or case types is never discussed, and that discussions are limited to questions of process.

For an example of an explanation of the relationship between the administrative body and government, see the Social Security Tribunal of Canada's [How we work within government](#).

**Q.82, 83** The administrative justice landscape is constantly evolving. The pace of technological change means that administrative bodies need to develop an institutional capacity to anticipate and prepare for what the future brings. For example, all administrative bodies will have to start to address the many potential uses (and abuses) of artificial intelligence.

## Resources

This is a list of resources and publications on access to justice. It is not exhaustive.

### Council of Canadian Administrative Tribunals:

- [Tribunal Policies Repository](#)
- [Active Adjudication Repository](#)
- [Member Performance Assessment Repository](#)
- [Access to Justice – Tools for Tribunal Leaders](#)
- [Inclusion, diversity, equity and accessibility](#)
- [Tribunal Efforts Towards Truth and Reconciliation](#)
- [Truth and Reconciliation – Learning Resources](#)
- [Truth and Reconciliation – CCAT Index](#)

### Access to justice websites:

- [Access to Justice BC](#)
- [Action Committee on Access to Justice in Civil and Family Matters](#)
- [University of Victoria Access to Justice Centre for Excellence](#)
- [Saskatchewan Access to Justice Working Group](#)
- [Stanford Legal Design Lab](#)
- [Access to Justice Lab at Harvard Law School](#)

### Studies on access to justice:

- [Measuring and improving access to justice in court services](#) - Learning from the United Kingdom's experience - OECD (2024)
- [CIAJ/University of New Brunswick Legal Innovation Lab report: Digital Transformation: Putting People at the Heart of the System](#) (2023)
- [National Center for State Courts Justice for All Initiative Guidance Materials](#) (2019)
- [Canadian Bar Association – Access to Justice Metrics](#) (2013)

## Plain and inclusive language:

- [International Plain Language Federation](#)
- [Clarity – plain legal language](#)
- [Plain Language Association International](#)
- [Center for Plain Language](#)
- [ISO 24495 - plain language standard](#)
- [Social Security Tribunal of Canada Style Guide](#)
- [Gender-inclusive writing](#) (Government of Canada Translation Bureau)
- [Communicating with and about persons with disabilities](#) (Employment and Social Development Canada)