

THE HUMAN RIGHTS COMMISSION
PANEL OF ADJUDICATORS

ACTIVITY PLAN

2017-20

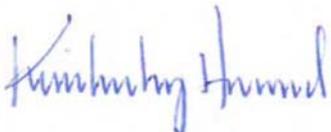
Message from the Chief Adjudicator:

I am pleased to present the Activity Plan for the Human Rights Commission Panel of Adjudicators which outlines the objective for the 2017-20 fiscal years. This plan was prepared under my direction and in accordance with the provisions of the *Transparency and Accountability Act*.

The role of the panel of adjudicators is to hear complaints that have been referred to them by the Human Rights Commission. The Human Rights Commission refers complaints to the chief adjudicator who may hear such complaints or refer them to another adjudicator. A single adjudicator hears each complaint, exercising the powers of a commissioner appointed under the *Public Inquiries Act, 2006*.

The Panel of Adjudicators, as appointed in accordance with the *Human Rights Act, 2010*, is classified as a Category 3 Government Entity and, as such, must prepare an activity plan taking into consideration the strategic directions of Government applicable to the Department of Justice and Public Safety. I have taken those strategic directions into account.

As the Chief Adjudicator I accept accountability on behalf of the entire panel for the preparation of this plan and the achievement of its objective.



Kimberley Horwood
Chief Adjudicator

Overview

In accordance with the *Human Rights Act, 2010*, the Lieutenant Governor in Council shall appoint at least six persons, one of whom is named chief adjudicator, to act as members of a panel of inquiry into matters referred to them by the Commissioners of the Human Rights Commission. Appointments are for a term of three years and adjudicators may be reappointed.

The panel of adjudicators, as of April 1, 2017, is comprised of the following adjudicators:

Kimberley Horwood, Chief Adjudicator
Glenda Best, Q.C.
Keri-Lynn Power
Gladys Dunne
Rob Ash
Brodie Gallant

Issue

Issue: Ensuring Complaints are Heard Without Undue Delay

A number of factors play into setting the hearing date. First, the chief adjudicator must either hear the complaint or refer the matter to another adjudicator. According to the *Human Rights Act, 2010* the adjudicator must hear the matter without undue delay. What constitutes undue delay cannot be determined by a single standard. The reasonable time for a hearing to commence and be completed will depend on the complexity of the matter; the amount of evidence the parties wish to call; the availability of counsel, parties and witnesses, when applicable; together with the normal requirements of a hearing process including physical limitations of the panel's resources. What constitutes undue delay will vary depending upon the circumstances of the case. In order to provide objective indicators the panel must focus on setting dates for the hearings to commence. Once an adjudicator is seized with a matter that adjudicator is the only person with authority to control the process of the hearing, absent any applications for judicial review.

The focus of the Panel of Adjudicators is consistent over three years of the plan. Each year the Panel will report on the results of the following objective.

Objective: By March 31, each year, the Human Rights Commission Panel of Adjudicators will hear complaints without undue delay

Measure: Complaints heard without undue delay

Indicators: Number of matters referred to the Panel that are assigned to an adjudicator within two weeks of the receipt of the referral

Number of referrals for which assigned dates were presented to all parties within one month of appointment of an adjudicator