Human Rights Commission
Panel of Adjudicators

Annual Report

2024-25

Message from the Human Rights Commission Panel of Adjudicators

As the Chief Adjudicator of the Human Rights Commission Panel of Adjudicators (the Panel), I hereby submit the 2024-25 Annual Report of the Panel which details activities from April 1, 2024, to March 31, 2025.

The role of the Panel 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 is a category three entity under the **Transparency and Accountability Act**.

In accordance with the **Transparency and Accountability Act**, my signature below is on behalf of the Panel, which is accountable for the results reported.

Brodie Gallant
Chief Adjudicator

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Overview

In accordance with the **Human Rights Act, 2010** (the Act), the Lieutenant Governor in Council shall appoint a panel of at least six persons, one of whom is named Chief Adjudicator, to act as a board 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. As of March 31, 2025, the following individuals served on the Panel:

- Brodie Gallant, Chief Adjudicator
- Justin Caines, Adjudicator
- Michael Duffy, Adjudicator
- Daniel Glover, Adjudicator
- Melissa May, Adjudicator
- Anastasia Wadden, Adjudicator, and,
- Rodney Zdebiak, Adjudicator

In 2024-25, the Panel worked with the Department of Justice and Public Safety (JPS) and the Public Service Commission to commence the recruitment of new members and ensure the Panel has a Chief Adjudicator and adjudicators available to hear human rights matters.

Mandate

Where the Human Rights Commission determines that a complaint should be sent to a Board of Inquiry for a hearing, the complaint is referred to the Chief Adjudicator of the Panel. The Chief Adjudicator may hear the matter or refer the matter to another adjudicator.

The adjudicator shall inquire into the matters referred to them and give full opportunity to all parties to present their evidence and make representations through counsel, or otherwise. Where an adjudicator finds a complaint to be justified, they may grant a remedy under Section 39 of the Act.

Vision

An environment where the public has access to, and belief in, established mechanisms of review for Human Rights Complaints.

Highlights and Partnerships

The Panel works in tandem with the Human Rights Commission to ensure that the requirements of the Act are fulfilled. Both the Human Rights Commission and the Panel are keenly mindful of the users of the system regarding promoting human rights, and the Commission and the Panel must work in coordination to ensure access to justice.

The Panel also works with JPS on certain matters such as the reporting requirements under the **Transparency and Accountability Act** and appointment of adjudicators.

Activities

Issue 1: Ensuring Complaints are Heard Without Undue Delay

Pursuant to Section 35 of the Act, where the Commission refers a matter to a Board of Inquiry, the matter is referred to the Chief Adjudicator who shall hear the matter or refer it to another Adjudicator. The Adjudicator assigned to the matter must then hear the matter “without undue delay” in accordance with Section 36 of the Act. With this mandate in mind, the Panel strives to ensure all matters are heard in a timely manner.

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 present; the availability of counsel, parties, and witnesses; together with the normal requirements of a hearing process including physical limitations of the Panel’s resources. Therefore, what constitutes undue delay will vary depending upon the circumstances of the case.

The Human Rights Commission continuously monitors the progress of matters referred to the Panel and consults with the Chief Adjudicator with respect to the Panel’s procedures. In keeping with the objective of hearing matters without undue delay, written guidelines and rules of procedure have been adopted by the Chief Adjudicator in consultation with the members of the Panel of Adjudicators, and the Human Rights Commission. However, once an Adjudicator is seized with a particular matter, that Adjudicator is the only person with authority to control the process of their inquiry and ensure a fair and efficient adjudication of that matter without undue delay, absent of any applications for judicial review.

In light of these considerations, and to provide objective indicators, the Panel must focus on setting dates for the hearing process to commence.

The objective for the Panel is consistent for the 2023-26 planning period and the associated indicators are reported below for fiscal year 2024-25.

Objective 1:	By March 31, each year, the Panel will hear complaints without undue delay.
Indicators	**Actual Results**
Number of matters referred to the Panel that are assigned to an Adjudicator within two weeks of the receipt of the referral.	During the fiscal year, 28 matters were referred by the Commission for adjudication by a Board of Inquiry. Of the 28 matters referred for adjudication by a Board of Inquiry, all 28 matters were assigned to an Adjudicator within two weeks of referral.
Number of referrals for which assigned dates were presented to all parties within one month of appointment of an Adjudicator.	Of the 28 matters assigned to an Adjudicator during the fiscal year, 27 matters were offered hearing or pre-hearing conference dates by the Adjudicator within 30 days of the Adjudicator being assigned. Of the 28 matters assigned to an Adjudicator during the fiscal year, 1 matter was not offered hearing or pre-hearing conference dates by the Adjudicator within 30 days of the Adjudicator being assigned due to scheduling issues.

The Panel is pleased to provide the following summary of the current status of the 28 matters referred for adjudication by a board of inquiry during the 2024-25 fiscal year:

- Twenty-eight matters were referred for adjudication by a Board of Inquiry during the fiscal year
- Nineteen of those matters remained engaged in pre-hearing processes and had not yet proceeded to a hearing
- Seven of those matters concluded by settlement and/or withdrawal of the complaint without proceeding to a hearing
- One of those matters concluded with a written decision rendered after proceeding to a hearing, and,
- One of those matters is awaiting a written decision to be rendered after proceeding to a hearing

The Panel is pleased to provide the following breakdown of total activity during fiscal year 2024-25, including matters referred for adjudication by a Board of Inquiry during the 2024-25 fiscal year and during a prior fiscal year:

- At the end of the 2024-25 fiscal year, there were a total of nineteen matters engaged in pre-hearing processes and had not yet proceeded to a hearing
- During the 2024-25 fiscal year, there were a total of twelve matters that were settled or withdrawn, without proceeding to a hearing
- During the 2024-25 fiscal year, there were a total of three matters concluded with written decisions rendered after proceeding to a hearing
- At the end of the 2024-25 fiscal year, there was one matter awaiting a written decision to be rendered after proceeding to a hearing, and,
- During the 2024-25 fiscal year, there was one decision that was appealed to the Supreme Court of Newfoundland and Labrador.

Opportunities and Challenges

Both the Human Rights Commission and the Panel are keenly mindful of the users of the system, and how they must work in coordination to ensure access to justice. One of the challenges identified by the Panel is workload and number adjudicators available for hearings. This is important as access to the complaints process and justice depends on delivery in a timely manner.

The objective of the Panel is to achieve the fair, efficient, and timely adjudication of all matters referred to the Panel, consistent with the Act and relevant jurisprudence. In 2024-25 there was a significant increase in the number of matters referred for adjudication. There were 28 matters referred for adjudication during this fiscal year. This is significantly more than in any single year during the preceding 10 fiscal years. For comparison, in 2023-24, eight matters were referred for adjudication.

In 2024-25, the term of one member of the Panel expired, and no new members were appointed to the Panel, reducing the number of possibly available Adjudicators to six. This complies with the minimum six-member Panel size prescribed by section 36(2) of the Act. However, the Panel membership remains diminished when compared to previous years when a full roster of ten members were appointed to the Panel.

The Panel recognized the challenge presented by the increased number of matters referred for adjudication, and the reduced number of Adjudicators available. The Panel's response to this challenge has been two-fold. First the Panel has adjusted its process to allow parties to participate in a settlement conference and promote the efficient resolution of matters; and second the Panel has worked with its partners in JPS on filling vacancies on the Panel, which remained ongoing during 2024-25. The Panel will continue to work with its partners, JPS and the Public Service Commission through the merit-based process, to ensure Adjudicator positions are appointed in a timely manner.

Financial Statements

The Panel's budget is contained within that of the Human Rights Commission. Such financial information, as is available, is contained in the Human Rights Commission Annual Report for 2024-25. The Report does not break down the expenditures between the Commission and the Panel.

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