



Human Rights Commission

Annual Activity Report

2009-10

Message from the Chair

As Vice-Chairperson of the Human Rights Commission I am pleased to present the 2009 - 2010 Annual Activity Report for the period April 1, 2009 to March 31, 2010. The Human Rights Commission accepts accountability for the preparation of this report and the actual results reported.



Stephanie Newell, QC
Vice-Chairperson
Human Rights Commission

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Human Rights Commission

Introduction

The Human Rights Commission was established by legislation in 1971. The Commission is responsible for promoting an understanding of, acceptance of and compliance with the provisions of the *Human Rights Code*, RSNL 1990, Chapter H-14. The Lieutenant Governor in Council appoints commissioners, one who serves as Chairperson and another who serves as Vice-Chairperson. Currently, the Commission members are:

Stephanie Newell, Q.C.	Vice-Chairperson
Deborah Armstrong	Commissioner
Fred J. Framp	Commissioner
Jorge Villanueva	Commissioner
Mary Ennis	Commissioner
Ruth Noel	Commissioner

Lois Skanes, Q.C., Chairperson, resigned effective February 15, 2010 upon her appointment to the Provincial Court of Newfoundland and Labrador in St. John's.

The Commission receives complaints from the public and is charged with investigating those complaints and, where appropriate, attempts to effect a settlement between the complainant and the subject of the allegations. Settlements are approved by the Commissioners prior to implementation. Where no settlement is effected a report is made to the Commissioners who then decide whether to refer the complaint to a Panel of Adjudicators (Board of Inquiry) or dismiss the complaint.

Overview

During the 2009-10 reporting period, the Human Rights Commission was staffed by an Executive Director, 4 Human Rights Specialists, 3 lawyers, and 3 administrative personnel. The Commission is located on the 2nd Floor of the Beothuck Building, 20 Crosbie Place, St. John's, NL.

During the fiscal year, April 1st 2009 – March 31st 2010, the Commission received 627 Human Rights inquiries from members of the public. A significant amount of staff time is spent on public inquiries. A preliminary investigation is done to ensure that the alleged complaint falls within our legislative mandate and meets the threshold requirement as set out in Section 20 of the *Human Rights Code*. In almost all cases, this requires further research from the Human Rights Specialist and a legal analysis performed by the Executive Director and/ or staff lawyers. If it is determined that a violation may have occurred, a Complaint Form is drafted and reviewed by the Executive Director. The Complaint Form is then mailed to the Complainant for their signature. It is only when a signed Complaint Form is returned to the Human Rights Commission that it becomes an official complaint.

Of the 627 Human Rights inquiries made, the Commission accepted 52 official complaints of discrimination. These complaints can be broken down by the following enumerated grounds:

<u>Ground:</u>	<u>Number:</u>
Sex	9
Physical Disability	23
Mental Disability	10
Race	2
Age	2
Family Status	1
Retaliation	1
Ethnic, National or Social Origin	2
Sexual Orientation	1
Marital Status	1



For Further Information Please contact us.	
Phone:	1-888-555-2222(709) or 729-2709
E-mail:	HumanRights@gov.nl.ca
Fax:	(709)729-0790

Vision

To foster an environment where people understand their human rights and responsibilities and have access to established processes which support human rights.

Mandate

The mandate of the Human Rights Commission is contained in Section 18 of the *Human Rights Code* which states:

18. The commission shall
 - (a) forward the principle that every person is equal in dignity and rights without regard to race, religion, religious creed, political opinion, colour or ethnic, national or social origin, sex, sexual orientation, marital status, family status, age, physical disability or mental disability;
 - (b) promote an understanding of, acceptance of and compliance with this Act;
 - (c) distribute information and develop and conduct educational programs and research designed to eliminate discriminatory practices related to race, religion, religious creed, political opinion, colour or ethnic, national or social origin, sex, sexual orientation, marital status, family status, age, physical disability or mental disability;
 - (d) advise and help government departments and agencies of the government and co-ordinate their activities where these activities concern human rights;



- (e) advise the government on suggestions, recommendations and requests made by private organizations, groups and individuals where these suggestions, recommendations and requests concern human rights;
- (f) co-operate with and help a person, an organization or a group concerned with human rights, whether within or outside the province;
- (g) report as required by the minister on the business and activities of the commission; and
- (h) consider, investigate or administer a matter or activity referred to the commission by the Lieutenant-Governor in Council or the minister.

Given this, the Commission considers its lines of business to be:

- Receiving, recording and investigating individuals' written complaints that allege violations of the *Human Rights Code*
- Promotion of the *Human Rights Code*
- Education and research designed to eliminate discriminatory conduct
- Advising and helping individuals, group, organizations and governments on matters related to human rights.

Activities

Issue 1: Operational Enhancements

As noted in our 2008-09 Annual Activity Report, the Human Rights Commission continues to deal with its backlog of cases. However, some progress is being made: during April 1, 2009 to March 31, 2010, the Human Rights Commission closed 68 official complaints. 28 complaints were dismissed by the Commissioners after an investigation; 27 were withdrawn by the complainants; 12 were settled by Commission staff and 1 was dismissed at a Board of Inquiry. Of note, one of the 12 settled was achieved through the Human Rights Commission's first formal mediation.

During the same year, 13 official complaints were referred to a Board of Inquiry. Of these, 7 were settled by Commission staff before the actual hearing commenced.

Please note that Objective 1 was reported on in the 2008- 9 Annual Activity Report.

Goal:	By March 31, 2011 the Human Rights Commission will enhance mechanisms to address caseload issues.
Measure	
Enhanced mechanisms to address caseload issues	
Indicators	
Statistical record keeping enhanced	
Number of outstanding cases reduced	
Number of complaints investigated within 90 days	
Number of decisions of the Commission issued within 60 days of case referral	
System for prioritizing complaints established	

Objective 2:	By March 31, 2010 the Human Rights Commission will have further enhanced its case processing times.
Measure	
Enhanced case processing times	
Indicators	Actual Results
Analysis of current milestones/timeframes completed	A computerized database system (TRIM) was fully operational as of May 1, 2009. All official complaints that existed, pre- TRIM, have been entered into the system. Since the implementation date, all new cases from the public have also been entered into the system. TRIM allows staff to log all calls from the public, track complaints filed and their status, record the final disposition of each complaint among other things, and to provide statistical information for annual reports and other reporting documents. Staff training has occurred and 2 administrative staff have received specialized TRIM training and are designated “TRIM Administrators”. The first year of Trim implementation will provide the Human Rights Commission with a baseline, from which we can start to measure statistics obtained in future years, starting in 2010-2011. At that point, we



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	will be in a position to analyze current milestones/timeframes.
All abandoned files cleared	Human Rights Specialists have reviewed all official complaints for abandoned files. Of these files, we have used best efforts to locate the complainant and to advise that individual of the consequences of failing to participate in the Human Rights process. Case Law confirms that there is an onus on a complainant to advise Commissions of their whereabouts, failing which, their complaint can be dismissed.
Meetings held monthly with investigators to prioritize files	Monthly meetings were held in 2009-2010 between the Executive Director and the Human Rights Specialists to prioritize files, establish investigation plans and to identify files for early mediation.
A review of polices and procedures begun	An external consultant was hired through a Request for Proposal (RFP) process to prepare an internal policy and procedural manual which identified and proposed solutions to improve case management efficiency. Staff at the Commission worked closely with the External Consultant throughout the process. The completed manual was delivered to the Human Rights Commission on March 31, 2010.
Participated in the development of a new <i>Human Rights Code</i> for the Province	The Human Rights Commission was a key stakeholder in the recent round of public consultations as part of a legislative review of the <i>Human Rights Code</i> . A new <i>Human Rights Act</i> is anticipated in 2010.
90 days from date a new complaint is commenced to completion of Investigation Report for the complaint	Due to technical difficulties with our new computerized tracking system (TRIM), these particular pieces of information were not readily available at the end of the fiscal year. Steps have begun to rectify this problem. Once this information is available, we will conduct an analysis and report on the time frames as indicated.



Human Rights Commission

60 days from date of completion of Investigation Report to decision from the Human Rights Commission on the case	Due to technical difficulties with our new computerized tracking system (TRIM), these particular pieces of information were not readily available at the end of the fiscal year. Steps have begun to rectify this problem. Once this information is available, we will conduct an analysis and report on the time frames as indicated.
Record keeping related to milestones commenced	Record keeping related to milestones commenced in 2008-09 and this was reported in the annual activity report for that year. Record keeping related to milestones is ongoing.

Indicators for 2010-11:

Objective 3:	By March 31, 2011 the Human Rights Commission will have reviewed systems of prioritizing complaints in other jurisdictions.
Measure	
Jurisdictional Review Completed	
Indicators	
Contacted other jurisdictions	
Compiled information respecting type of prioritization systems	
Identified options for Newfoundland and Labrador	

Issue 2: Provincial Public Awareness/Education

The Human Rights Commission is committed to promoting an understanding of and acceptance of human rights as outlined in the *Human Rights Code*. Another external consultant was also retained to develop the marketing aspect of a public education campaign and to produce collateral promotional materials by March 31, 2010 (launched by the Fall of 2010). Since May 1, 2009 (TRIM implementation) 30 presentations have been held, including some outside the St. John's area. It is hoped that more sessions will be conducted as future funding becomes available.

As stated in the 2008-11 Activity Plan of the Human Rights Commission, the Commission will report on this objective and its' indicators again in 2010-11.

Objective :	By March 31, 2010 the Human Rights Commission will have completed public awareness/education sessions throughout the province of Newfoundland and Labrador.
Measure	
Public awareness/education sessions held through the Province	
Indicators	Actual Results
Presentations developed	The Human Rights Commission continues to ensure that its presentations are up-to-date. New presentations were also developed based on the needs of groups requesting public awareness/education sessions.
Number of information sessions held	30
Locations of sessions	St. John's, NL and St. Anthony, NL

Opportunities and Challenges Ahead

The Human Rights Commission is slowly turning a corner in its' attempts to modernize. 2009-2010 has brought many changes to our office: the backlog of files is slowly clearing, our internal processes are becoming more streamlined and some other efficiencies are being introduced. As well, we have developed a public education program which will be officially launched in the fall of 2010. An additional challenge will be the introduction of a new *Human Rights Act* which is anticipated sometime in the spring of 2010. Legislative changes may impact how human rights files are accepted and internally processed.

Financial Statements

Expenditure and revenue figures included in this document are un-audited and based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for the Year Ended 31 March 2010. The Human Rights Commission is not required to provide a separate audited financial statement.

2.3.04. HUMAN RIGHTS

	Actual \$	Estimates	
		Amended \$	Original \$
01. Salaries	806,323	808,400	867,500
02. Employee Benefits	11,599	13,100	8,000
03. Transportation and Communications	21,627	29,900	94,000
04 Supplies	7,544	15,700	16,000
05. Professional Services	148,661	158,000	100,000
06. Purchased Services	81,985	85,700	79,700
07. Property, Furnishings and equipment	5,640	5,800	-
02. Revenue - Provincial	(2,303)	-	-
Total: Human Rights	1,081,076	1,116,600	1,165,200



Further information or assistance may be obtained by contacting:

Human Rights Commission
P.O. Box 8700
St. John's, NL
A1B 4J6

Phone: (709) 729-2709
Fax: (709) 729-0790
Toll Free: 1-800-563-5808
E-mail: HumanRights@gov.nl