

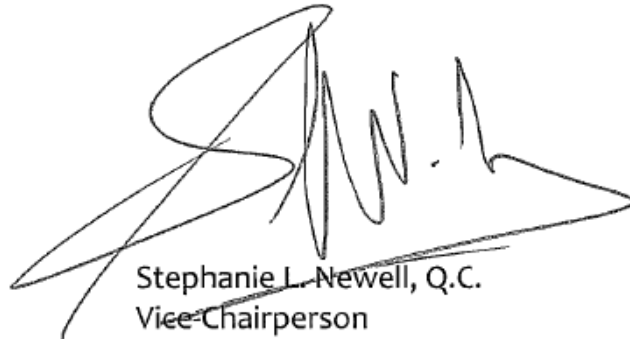
Human Rights Commission

Activity Plan 2011-14



Message from the Chair

As Vice-Chairperson of the Human Rights Commission I am pleased to present the April 1, 2011 to March 31, 2014 Activity Plan of the Human Rights Commission. As Vice-Chairperson of the Human Rights Commission, I, on behalf of the entire Commission, accept accountability for the preparation of this plan and the achievement of its goal and objectives.

A handwritten signature in black ink, appearing to read 'S. Newell', is written over a horizontal line.

Stephanie L. Newell, Q.C.
Vice-Chairperson
Human Rights Commission

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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 *Human Rights Act, 2010*. The Lieutenant Governor in Council usually appoints six commissioners, one who serves as Chairperson and another who serves as Vice-Chairperson. Presently, the Human Rights Commission is without a Chairperson. Lois Skanes, QC, our former Chairperson was appointed to the Provincial Court in February 2010.

In June 2010 the Human Rights Code was repealed and replaced in its entirety with the *Human Rights Act, 2010*. The new legislation provides a wide range of new protections, while also increasing the efficiency of the complaints process of the Human Rights Commission. The *Human Rights Act, 2010* builds upon submissions from an extensive public consultation process conducted by the Department of Justice, including submissions from municipalities, labour groups, various associations, individuals and the legal community.

Highlights of the *Human Rights Act, 2010* include: an expanded definition of disability which is consistent with other jurisdictions in Canada; reinsertion of a modernized preamble which gives a statement of the fundamental principles of the legislation; the establishment of disfigurement as prohibited in its own right; the prohibition of discrimination in the making of a contract; the removal of the age of 19 years for employees to file complaints; the clarification that discrimination on the basis of pregnancy is prohibited; the prohibition of discrimination on the basis of criminal conviction by an employer when it is unrelated to the employment; the broadening of the definition of marital status; providing the Supreme Court of Newfoundland and Labrador, Trial Division with the ability to review a dismissal of a complaint(s) by Executive Director of Human Rights Commission; and, providing a new appointment process for commissioners and adjudicators.

Other changes to the new *Human Rights Act, 2010* include promoting efficiency within the human rights process. In order to move complaints through the system more expeditiously, the *Human Rights Act, 2010* enables regulations specifying timelines for filing of documentation related to the complaints process. In addition, the Executive Director of the Human Rights Commission has expanded powers, including the authority, subject to appeal, to dismiss complaints which are frivolous or do not fall within the jurisdiction of the *Human Rights Act, 2010*.

The Commission receives complaints and is charged with investigating those complaints within its jurisdiction. Where appropriate, attempts are made to effect a settlement between the complainant and the subject of the allegations. 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).

Overview

Since its formation in 1971 the Human Rights Commission has served the population of Newfoundland and Labrador from its offices in St. John's. At present staff of the Commission is comprised of an Executive Director, Ms. Carey Majid, appointed in June 2008, four Human Rights Specialists, three lawyers and three administrative personnel. According to the *Estimates of the Program Expenditure and Revenue of the Consolidated Revenue Fund 2011-12*, the Human Rights Commission operates with a budget of approximately \$1,060,900.

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Mandate and Lines of Business

The mandate of the Human Rights Commission is contained in Section 23 of the *Human Rights Act, 2010* as follows:

23. The commission shall
- (a) promote the principle that every person is equal in dignity and rights without regard to a prohibited ground of discrimination;
 - (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 a prohibited ground of discrimination;
 - (d) advise and assist 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 relating to human rights 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 written complaints that allege violation of the *Human Rights Act, 2010*
- Promotion of the *Human Rights Act, 2010*
- Education and research designed to eliminate discriminatory conduct
- Advising and helping individuals, group, organizations and governments on matters related to human rights

Values

The core values of the Human Rights Commission provide a guiding framework for those who are required to perform duties in accordance with the *Human Rights Act, 2010*. These values and related action statements are:

Accessibility:	Each employee is available to the citizens of Newfoundland and Labrador in a timely manner through regular channels of communication.
Accountability:	Each employee is responsible to follow through on responsibilities and commitments.
Fairness & Impartiality:	Each employee performs their duties in a thorough and unbiased manner.
Responsiveness:	Each employee is flexible in the performance of their duties to respond to current needs.
Respect:	Each employee respects the diversity of clients, which includes diversity of cultures, backgrounds and needs.
Integrity:	Each employee maintains the highest professional and ethical standards in dealings with clients and each other.

Who We Serve

The Human Rights Commission serves the interests of “person[s]... organization[s] or... group[s] concerned with human rights, whether within or outside the province”.

Vision

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

Mission

The Human Rights Commission, as a category 3 entity, has the option of adopting the Department of Justice mission and identifying how it contributes to that mission or developing its own mission. The Human Rights Commission acts as an arms length entity and it is not appropriate to adopt the Mission Statement of the Department of Justice. The departmental mission is focused on the work of the department and the Human Rights Commission does not have a direct role at this time. Development of a mission with measures and indicators would be redundant to the goals and objectives which are already developed in the current activity plan.

Issue: Enhanced Efficiencies

As stated earlier, the Human Rights Commission is an arms-length entity which reports to the Minister of Justice. Therefore, the Commission does not have a direct role in the strategic directions of government. This activity plan is not intended to describe everything the Human Rights Commission does, but rather it is intended to focus on key priorities spanning a three year timeframe.

The Human Rights Commission will continue to enhance efficiencies over the next three years. A computerized database system (TRIM) was fully operational as of May 1, 2009. 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. The Human Rights Commission has discovered, however, that there are certain deficiencies inherent in TRIM which affect the efficiency with which statistical information can be accessed. The ability to retrieve data from TRIM is important for identifying and measuring human rights trends/issues so that we can best address the needs of our client base. In order to address this issue, the Commission will analyze the information contained in the current database, review the current database fields and explore alternatives to provide all required reports, as appropriate.

Additionally, the Commission will work towards enhancing efficiencies in the process through the use of mediation services. Mediation, and other forms of alternative dispute resolution, are proven methods of achieving effective and timely resolution to complaints. Currently, mediation is offered to clients on an ad hoc basis. The process is informal and does not occur at any set stage of the process. Using lessons learned from this informal process and from other jurisdictions, the Human Rights Commission commits to

implementing a formal mediation program by 2013. The Commission will also complete an internal review of its formal mediation program by March 2014 in order to inform future direction in this regard.

Goal:	By March 31, 2014 the Human Rights Commission will have enhanced its internal efficiencies in order to best address the needs of the client base.
Measure:	Enhanced internal efficiencies
Indicators:	Information management practices enhanced
	Mediation program formalized
	Mediation program reviewed

Objective 1:	By March 31, 2012 the Human Rights Commission will have enhanced its information management practices.
Measure:	Information management practices enhanced
Indicators:	Current database analyzed
	Database fields reviewed, re-evaluated and updated, if necessary
	Database updated to provide all required reports
Objective 2:	By March 31, 2013 the Human Rights Commission will have formalized a mediation program for complaint resolution.
Objective 3:	By March 31, 2014 the Human Rights Commission will have reviewed the mediation program to inform future direction in this regard.

Further information or assistance may be obtained by contacting:

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