



Human Rights Commission

Annual Report 2013-14

Message from the Chair

As Chairperson of the Human Rights Commission, I am pleased to present the 2013 – 2014 Annual Activity Report of the Human Rights Commission. This report covers the period April 1, 2013 to March 31, 2014, and reports on the goals for the 2011-14 planning timeframe. The Annual Activity Report summarizes the work of the Human Rights Commission in the service of the people of Newfoundland and Labrador, as per the Newfoundland and Labrador *Human Rights Act, 2010*.

The Human Rights Commission accepts accountability for the preparation of this report and the actual results reported.

A handwritten signature in blue ink, appearing to read "Remzi Cej".

Remzi Cej
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 provisions of the *Human Rights Act, 2010*. The Lieutenant Governor in Council appoints commissioners, one who serves as Chairperson and another who serves as Vice-Chairperson. Currently, the Commission members are:

Remzi Cej (Chairperson)
Stephanie Newell, Q.C. (Vice-Chairperson)
Deborah Armstrong
Darlene Didham
Mary Ennis
Fred J. Framp
Caroline Hackett Power
Jorge Villanueva
John Walsh

The *Human Rights Act, 2010* (the “Act”) states that it is public policy in the Province of Newfoundland and Labrador to recognize the inherent dignity and worth of all people and to provide equal rights and opportunities without discrimination. The Act aims to create a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community.

On December 10, 2013, an amendment was made to the Act to include gender identity and gender expression as protected grounds of discrimination. Previous to this amendment the Commission, as with other provinces across Canada, accepted claims dealing with discrimination or harassment on the basis of gender identity and gender expression under the enumerated ground of “sex”. However, the amendment to include gender identity and gender expression as protected grounds under the Act extends formal protections, delivers a message of inclusion for individuals who identify as trans or transgender, and contributes to public education and dialogue about issues surrounding gender identity and expression. Since the Act was amended, the Commission has received over 10 human rights inquiries about this issue.

A person who has reasonable grounds for believing that a person has contravened the Act may file a complaint with the Commission. The Commission is then 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 Executive Director 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 to dismiss the complaint.

The Commission is also mandated with promoting the Act to Newfoundlanders and Labradorians, as well as advising Government on human rights matters.

Overview

During the 2013-14 reporting period, the Human Rights Commission was staffed by an Executive Director, three Human Rights Specialists, one Lawyer, and one Administrative Officer. The Commission is located on the second floor of the Beothuck Building, 20 Crosbie Place, St. John's, NL.

During the fiscal year 2013-14, the Commission received 862 human rights inquiries from members of the public, compared to the 905 received during the previous fiscal year.

A significant amount of staff time is spent on public inquiries. A preliminary review of the matter is first done to ensure that the alleged complaint falls within our legislative mandate and meets the “reasonable grounds” threshold requirement as set out in Section 25 of the Act. If it is determined that “reasonable grounds” exist, 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 862 human rights inquiries made, the Commission accepted 58 complaints of discrimination or harassment. However, of these, only 45 official complaints were commenced; for the other 13 accepted inquiries, the complainants did not return the signed complaint form necessary to commence the official complaint.

The official complaints can be broken down by the following enumerated grounds:

Ground	#
Ethnic Origin	1
Social Origin	1
Religion	2
Age	3
Disability	25
Sex	6
Perceived Disability	2
Pregnancy	5
Total	45

Of the 45 official complaints, 38 were related to discrimination or harassment in the area of employment.

Vision

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 23 of the *Human Rights Act, 2010* which states:

23. The commission shall

- (a) forward 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 referred to the commission by the Lieutenant-Governor in Council or the minister.

Given this, the Commission's lines of business are:

- Receiving, recording and investigating individuals' written complaints that allege violations of the *Human Rights Act, 2010*;
- Promotion of the *Human Rights Act, 2010*;
- Education and research designed to eliminate discriminatory conduct; and
- Advising and helping individuals, groups, organizations and governments on matters related to human rights.

Who We Serve

As mandated in the *Human Rights Act, 2010*, the Human Rights Commission serves the interests of the people of Newfoundland and Labrador. The Human Rights Commission also assists individuals, groups and organizations who are concerned with human rights, and provides advice to government concerning human rights.

Highlights of Activities

During 2013-14, 55 official complaints were closed by the Commission: 36 complaints were dismissed by the Commission after an investigation; 11 complaints were withdrawn by the complainants; six were settled by mediation or other appropriate means facilitated by staff of the Commission; and two complaints were dismissed by the Executive Director pursuant to section 32 of the *Human Rights Act, 2010*.

Three complaints dismissed by the Commission were appealed to the Supreme Court, Trial Division. After judicial review, two complaints were dismissed by the Courts and a decision is pending in the remaining complaint.

The Commissioners also referred three official complaints to a Board of Inquiry during the fiscal year. All of these are currently in settlement negotiations or awaiting confirmation of hearing dates.

Report on Performance

Issue 1: Enhanced Internal Efficiencies

Over the past three years, the Human Rights Commission continued efforts to enhance internal efficiencies. Information management practices were enhanced, a draft mediation policy was implemented and this mediation policy has been reviewed to inform future direction in this area. The following tables explain the actual results achieved for each indicator.

Goal 1:	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	Actual Results	
Information management practices enhanced	Information management practices were enhanced. Specifically, the current database fields were reviewed, re-evaluated and updated. A database policy manual was developed. Some technical limitations of the database were identified and the Commission will continue to engage the Office of the Chief Information Officer regarding these limitations, as required.	
Mediation program formalized	A mediation and settlement policy and procedures was drafted and implemented. This draft is awaiting final approval. In 2013-14, five mediations were held in accordance with the draft policy and procedures. Mediation services are now offered as an option to all parties, and an information package is provided	

	to the parties, if they express an interest in mediation. Formalizing the program was postponed until the results of the review were analyzed.
Mediation program reviewed	The mediation program was reviewed. The Commission reviewed its draft policy and procedures and identified operational issues which will be addressed prior to the implementation of a formalized mediation program.

Objective 3:	By March 31, 2014 the Human Rights Commission will have reviewed the mediation program to inform future direction in this regard.	
Measure	Mediation program reviewed to inform future direction in this regard	
Indicators	Actual Results	
Reviewed draft mediation policy and procedure	The Commission reviewed its draft mediation and settlement policy and procedure and identified operational issues.	
Identified issues with the policy and procedure addressed	The Commission began to address the identified operational issues and will continue to assess and modify the process as necessary.	
Approved mediation policy implemented	The mediation program was reviewed and the draft policy was implemented. The Commission reviewed its draft policy and procedures and identified operational issues. Formalization of the policy was delayed so that the Commission can address the identified issues.	

Opportunities and Challenges Ahead

The Human Rights Commission sees opportunities to streamline and enhance its operations over the next year. At the end of fiscal year 2013-14, the Government of Newfoundland and Labrador committed funding for two additional positions at the Human Rights Commission: a Lawyer and an Intake Worker. These positions will help to create efficiencies at the Commission.

The Intake Worker will be responsible for processing complaints from initial contact with the Commission, to the official complaint form being prepared and served on the respondent(s). The creation of this new position will result in a more streamlined process that will increase the time Human Rights Specialists can focus on their primary responsibilities of conducting investigations, facilitating settlements, providing public education and report writing. It is anticipated that the creation of this position will enhance internal efficiencies and significantly reduce the time it takes to process and investigate complaints.

The additional Lawyer will help speed up wait times from the date of a Commission referral to the date a Board of Inquiry hearing commences. The Lawyer will also enable an increase in mediation services and public education sessions.

The Commission will continue to take a client-centred approach in assessing its operations and will strive for continuous enhancement.

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 2014*. 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	533,335	533,900	501,500
02. Employee Benefits	5,926	6,000	4,400
03. Transportation and Communications	14,520	19,000	20,000
04. Supplies	10,493	12,500	11,500
05. Professional Services	3,484	4,000	40,000
06. Purchased Services	77,160	79,400	92,100
Total: Human Rights	644,918	654,800	669,500

Further information or assistance may be obtained by contacting:

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