



HUMAN RIGHTS COMMISSION

Newfoundland and Labrador

Human Rights Commission

Annual Report 2019-20



Message from our Chair

In keeping with the requirements of a Category 3 Entity under the **Transparency and Accountability Act**, I am pleased to present the Human Rights Commission's 2019-20 Annual Report. This report covers the period April 1, 2019 to March 31, 2020, and reports on the objectives and indicators for the 2019-20 timeframe.

The Annual 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**.

My signature below indicates that the Human Rights Commission accepts accountability for the preparation of this report and the actual results reported.

A handwritten signature in black ink that reads "Judy A. White". The signature is written in a cursive, flowing style.

Judy White, Chair



HUMAN RIGHTS COMMISSION
Newfoundland and Labrador

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Overview

The Newfoundland and Labrador Human Rights Commission (“Commission”) is an independent government agency responsible for promoting and protecting human rights in the province. We do this by:

- Administering the **Human Rights Act, 2010**
- Investigating and resolving human rights complaints
- Giving legal information to individuals, groups and organizations who are concerned with human rights
- Preventing discrimination through education and training
- Working with community partners

The **Human Rights Act, 2010** is a provincial law that protects people in Newfoundland and Labrador from discrimination and harassment. The Act recognizes the inherent dignity and worth of all people; that we all have equal rights and opportunities and that we should live free from discrimination and harassment.

Human Rights Commissioners, who have experience with human rights issues and who have an interest in and sensitivity to human rights, are appointed by the Lieutenant-Governor in Council for a five year term. One member is designated as Chair. Commissioners meet regularly to make decisions on the disposition of complaints, special programs and discuss the strategic direction of the Commission.

Judy White Q.C. was appointed for a five year term as Chair of the Commission in March 2019. Judy White is a Mi’kmaq grandmother and member of the Flat Bay Band. She currently resides in Conne River, NL. Ms. White is the first Indigenous woman to Chair the Commission

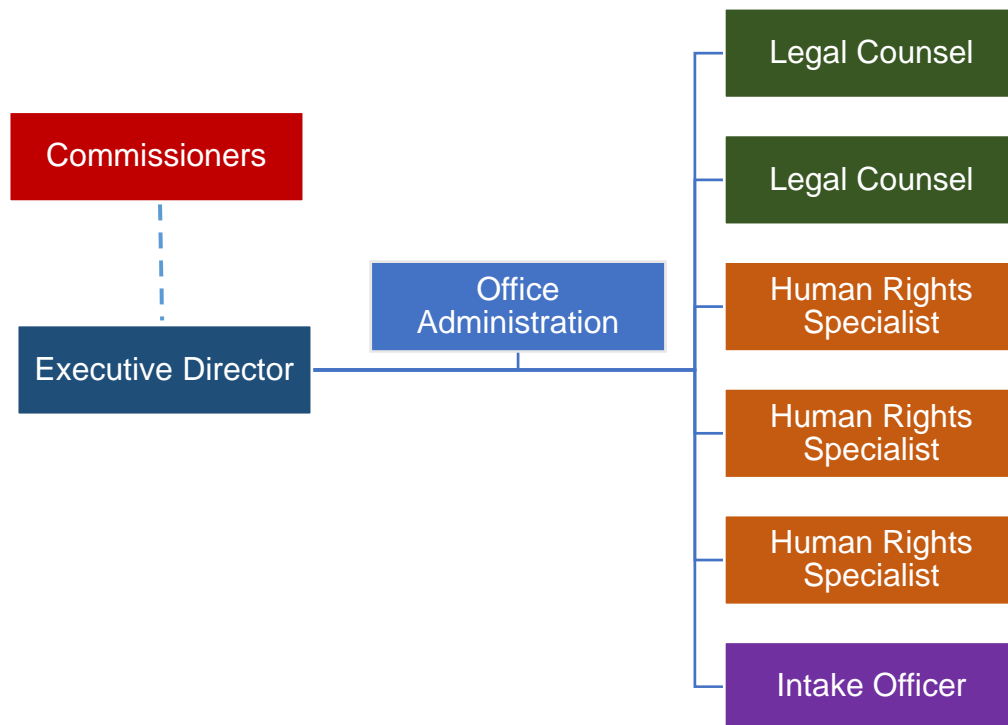




As of March 31, 2020 the Commission members were:

- Judy White, Chair
- Kim Mackay, Vice-Chair
- Ray McIsaac
- Smita Joshi
- Lauren Carter
- Karen Chaisson
- Madelyn Kelly
- Victor Lundrigan
- Gobhina Nagarajah

The Commission is located at 50 Elizabeth Avenue, St. John's. The office is currently staffed by an executive director, three human rights specialists, two lawyers, one intake officer, and one administrative officer.



Learn more about the Commission at www.thinkhumanrights.ca

Highlights and Partnerships

Impacts of COVID-19

Commission staff transitioned relatively easily to working from home in March 2020. Our number one priority was the health and safety of our staff and community. Plain language online forms, e-filing and changes to our hearing process allowed our work to continue throughout this time. The Commission released two COVID-19 guidelines entitled “Human Rights Complaints Covid-19 Notice” and “Covid-19 and Human Rights – Best Practices” <https://thinkhumanrights.ca/human-rights-and-covid-19-best-practices/>. The Commission did many media reports on the impact of COVID-19 and human rights. It also joined other Commissions from across the country in calling for a human rights approach to COVID-19. The call recommended that governments, employers and service providers consider how their actions can increase existing inequalities of the most marginalized groups.

**Two step guide
to COVID-19:**
1. Wash your hands
**2. Don't be racist
and xenophobic**

Give
n thing
to racism



**From the New Zealand Human Rights Commission*



HUMAN RIGHTS COMMISSION
Newfoundland and Labrador

Complaint Process

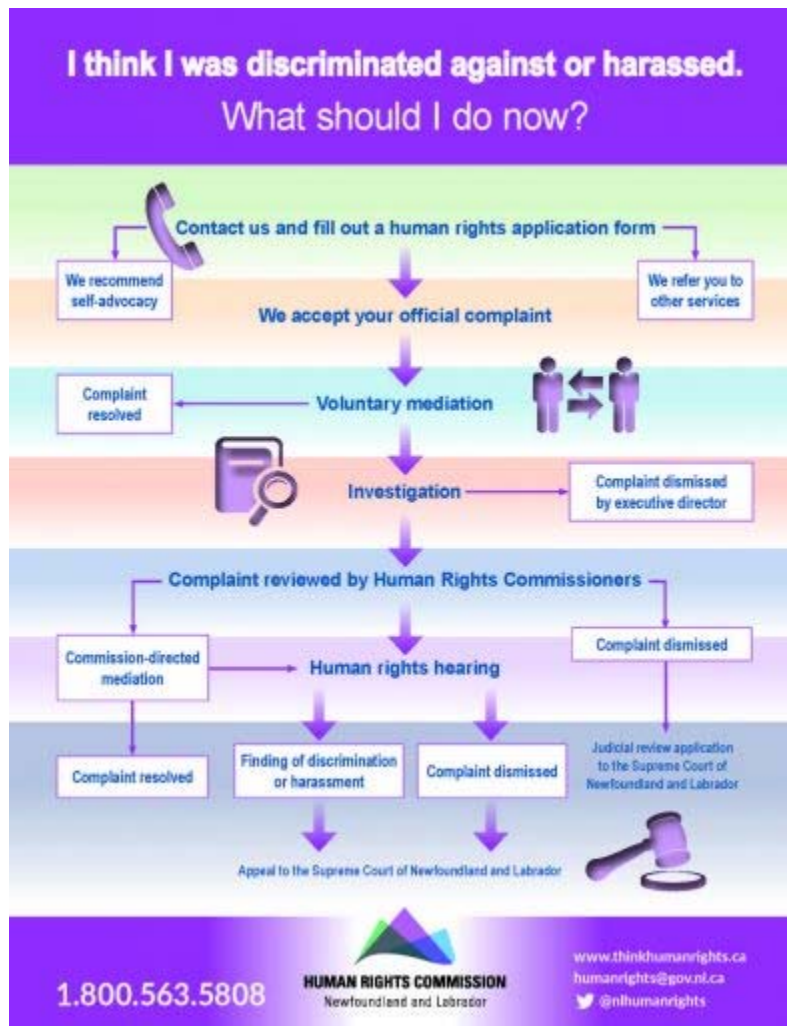
The Commission developed better tools for people to self-represent or self-advocate throughout the human rights complaint process. Access to justice requires the Commission to focus, in part, on self-representation tools that let people navigate the human rights system independently and without a lawyer. Regardless, Commission staff continue to assist people in this regard.

A person who has reasonable grounds for believing that a person has contravened the **Human Rights Act, 2010**, may file a complaint. All complaints filed with the Commission are confidential.

A new infographic was developed to help people better understand if they have reasonable grounds to file a complaint. Commission staff continue to assist people or refer them to other services if we do not have the jurisdiction to accept a complaint.

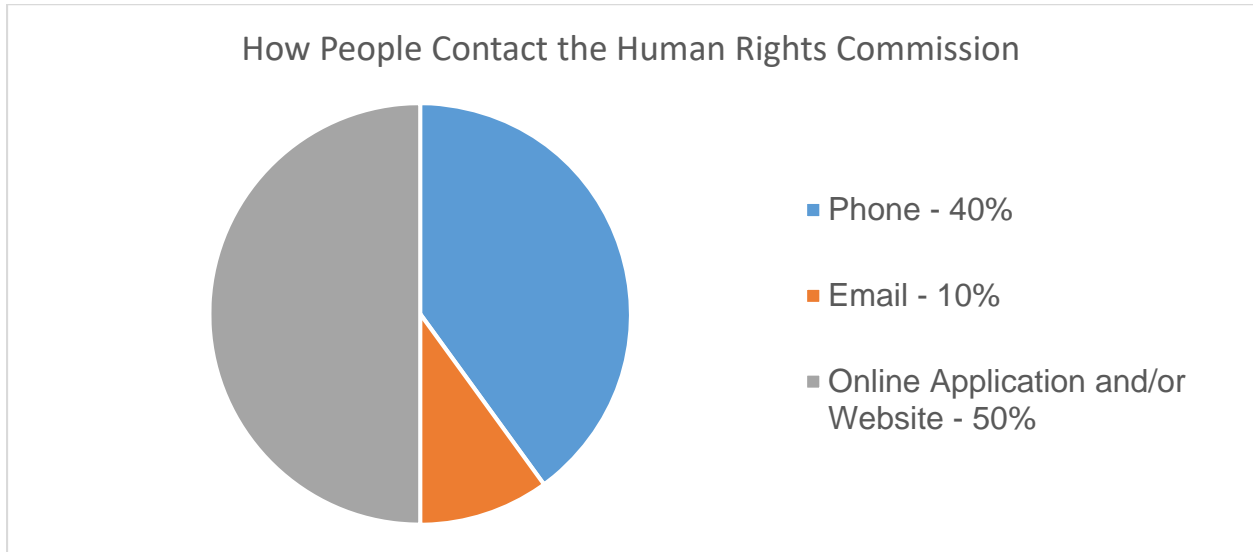


A flow chart of the human rights complaint process was also recently developed to help people navigate their way through the system once a complaint is accepted:



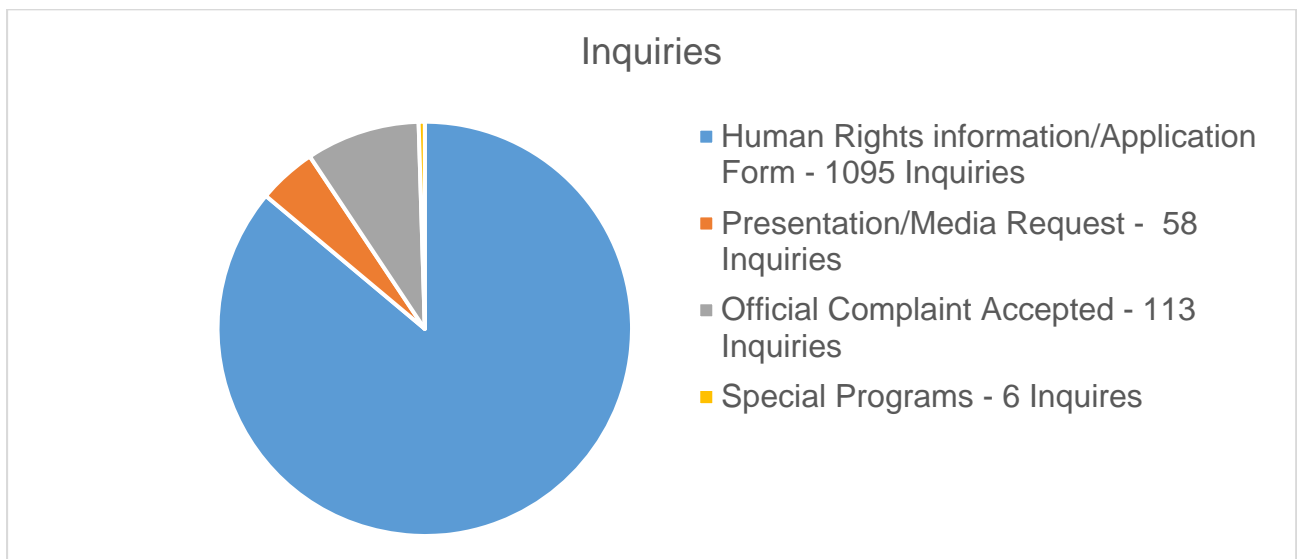
Our website, online forms and guidelines continue to be reviewed and updated. As well, new Rules of Procedure for human rights hearings were introduced: <https://thinkhumanrights.ca/hearing-rules/>. The Commission also released a guideline on how to prepare for a hearing that offers practical advice on what happens leading up to and on the day of the hearing: <https://thinkhumanrights.ca/how-to-prepare-for-a-hearing/>.

In 2019-20, 50 percent of the people contacting the Commission accessed the website and/or the online application form as the point of first contact.



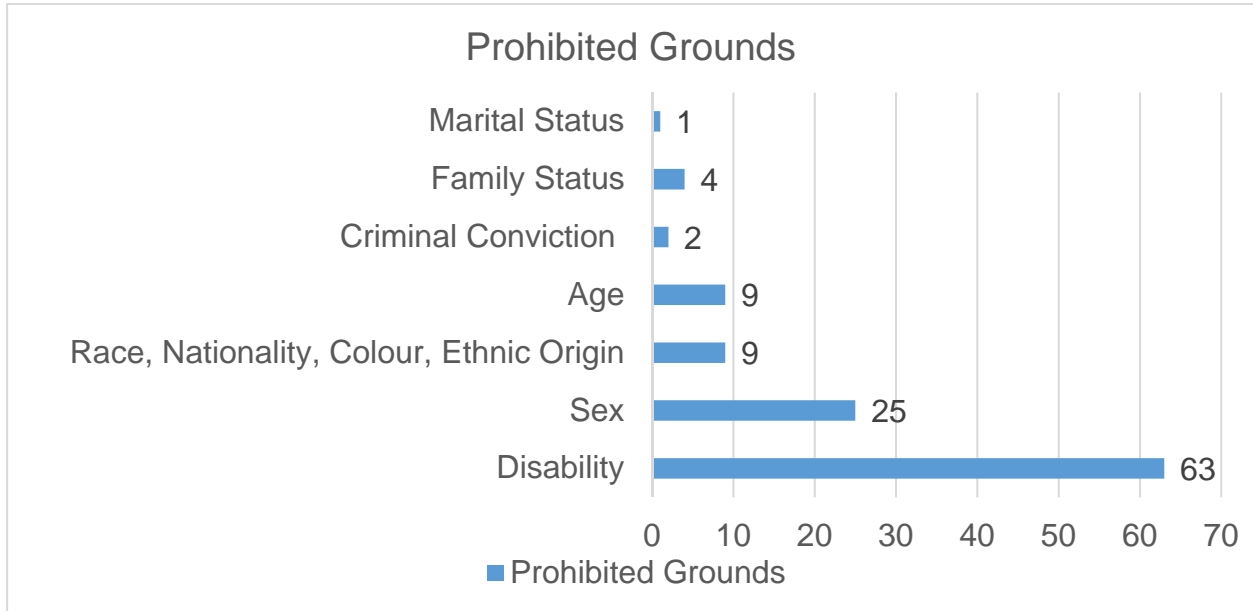
Complaint Statistics

In 2019-20, the Commission received 1272 inquiries, an increase of 17 percent or 186 more inquiries than 2018-19. The inquiries can be categorized as follows:



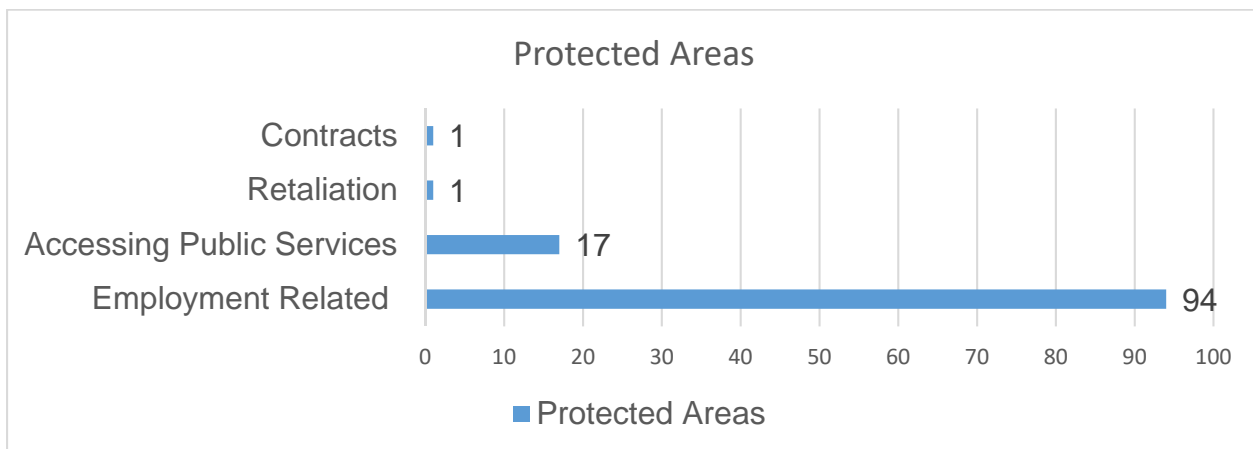
Prohibited Grounds and Protected Areas

The Commission accepted 113 official complaints in fiscal year 2019-20, an increase of 21 percent or 20 more official complaints in 2019-20 than in 2018-19. These complaints are broken down by prohibited grounds and protected areas as follows:

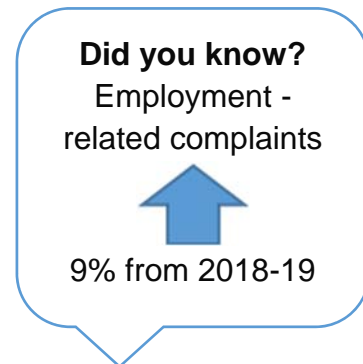
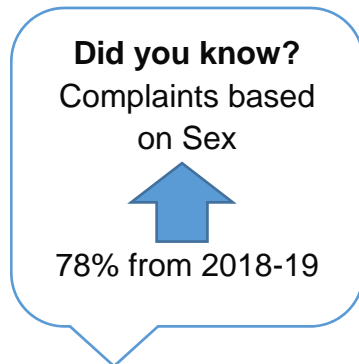


*Note: some complaints can be filed under more than one prohibited ground.

Protected Areas



*Note: "Employment Related" includes at work or while looking for work.



Report on Performance

Issue 1: Public Education and Awareness

Education and awareness are key components to reducing and preventing discriminatory attitudes and behaviours.

Goal 1: By March 31, 2020, the Human Rights Commission will have enhanced its public education and awareness activities

Indicator 1: Work towards enhancing public education and awareness activities begun

In 2017-18, the Commission began work towards achieving the goal of enhancing its public education and awareness activities. The Commission launched a modern rebranded website in August 2017 with increased accessibility features and additional public education resources. The website included additional guidance documents and a frequently asked questions (FAQs) section for the reference of the public and presented materials in plain-language text to ensure that the information was accessible and understandable from a public perspective. The new website was foundational in increasing the Commission's ability to enhance public awareness as it provides a platform for the Commission to provide information on its mandate and to interact with the public. Additionally, the Commission delivered public education presentations to employers, government agencies and community groups and at conferences and continued to work with community partners.



Indicator 2: Work towards enhancing its public education and awareness activities continued

Building on work initiated in 2017-18, the Commission continued work towards enhancing its public education and awareness activities in 2018-19. The Commission launched a new web-based application form and user guide. The application form is user-friendly, written in plain language and designed to be as accessible as possible, including being mobile-device friendly. In addition, the Commission increased the number of public education presentations, including the Executive Director teaching human rights at the Law Society's Bar Admission Course and regularly presenting to employers, governments, schools and community groups. The Commission continues to partner with community groups on public engagement projects. The Commission also hosted the annual Human Rights Award Ceremony in December 2018, which is an important event that not only honours individuals for their contributions to human rights but also raises awareness of the Commission's role in promoting and protecting human rights in the Province.

Indicator 3: Progress towards enhancing public education and awareness activities assessed

Throughout 2019-20, the Commission continued progress towards enhancing public education and awareness activities, ultimately being in a position to assess work done over the previous three years. For example, the number of public presentations, media requests and Twitter followers and interactions increased significantly over the past three years. Based on feedback from the public, the Commission determined that the best way to advance public education and awareness is to make sure that our online forms, website content, presentations and other communications are done in clear, plain language and are as accessible as possible. Commission staff continually review and evaluate content to ensure it remains relevant, current and accessible to the public. The Commission prefers in-person sessions, but the COVID-19 pandemic created challenges to how we deliver our public education mandate. Staff quickly transitioned to working from home. However, many planned public events (presentations or conferences) were cancelled in early 2020.



Objective 1.3: By March 31, 2020, the Human Rights Commission will have assessed its progress towards enhancing public education and awareness activities.

Indicator 1: Continue to increase public education awareness activities

The Commission continues to increase its public education awareness activities. The Commission presented 58 public education sessions. The Commission also did many media reports on the impact of COVID-19 and human rights. It joined other Commissions from across the country in calling for a human rights approach to COVID-19. The call recommended that governments, employers and service providers consider how their actions can increase existing inequalities of the most marginalized groups. The number of public education and awareness activities remained steady, despite the impact of COVID-19. Many educational activities migrated online. As well, the Commission released two COVID-19 guidelines entitled “Human Rights Complaints Covid-19 Notice” and “Covid-19 and Human Rights – Best Practices”.

Indicator 2: Continue to increase community outreach activities

During a ceremony at Government House in St. John’s, the Newfoundland and Labrador Commission presented the 2019 Human Rights Award to Jessie Lawrence, 2SLGBTQ+ Advocate and Youth Activist.

Growing up in a small town in Newfoundland and Labrador, Jessie has seen how a community can shape youth. At 14 years old, Jessie decided to ensure that the community shaping was to be a positive one. Jessie became the Co-Founder and Director of Camp Ohana, which is an innovative 2SLGBTQ+ focused summer camp, by youth for youth. At camp, there are no wait times for counselors, no hatred, simply education and inclusion. Jessie strived to further acceptance in schools and promote the need for effective action against the discrimination of diverse individuals. Jessie is also part of the vibrant francophone community and holds the position of Vice President of Franco Jeunes de Terre-Neuve et Labrador, leading the way for accessible resources among the francophone community and people of French expression.

Bridget Foster was named Human Rights Champion. The Commission grants this recognition to someone who has made a meaningful, lifelong contribution to human rights in Newfoundland and Labrador. The recipient is generally chosen by members of the selection committee.

Bridget was awarded the Order of Newfoundland and Labrador in 2014 for over 30 years of service in the immigration/settlement sector. Her accomplishments include receipt of the Paul Yuzyk Lifetime Achievement Award for Multiculturalism in 2012, as well as Her Majesty's Golden and Diamond Jubilee Medals in 2004 and 2012. Bridget has been involved with the Canadian Council for Refugees, the National Organization of Immigrant and Visible Minority Women and the RCMP Race Relations Committee. She was also the driving force behind the formation of the Atlantic Region Association of Immigrant Serving Agencies and the Canadian Immigrant Settlement Sector Alliance. Furthermore, she championed bringing the Metropolis project to the Atlantic region, a project that played an important role in supporting research that sought to inform government decision-making on immigration policy. Bridget began her work in the area of immigration as a volunteer with the Friends of Refugees, the forerunner of the current organization the Association for New Canadians (ANC).



On the photo from left: Jessie Lawrence, Toby Rabinowitz, Howard Foote, Bridget Foster



Indicator 3: In 2019-20 we will also evaluate the accessibility and functionality of the online forms and make any necessary adjustments

In 2019-20, the Commission evaluated the accessibility and functionality of the online forms (Application Form, Reply Form and Rebuttal Form) and worked with Office of the Chief Information Officer (“OCIO”) to make some necessary adjustments. For example, the Commission increased the use of plain language, reworked some sections based on user feedback and made other technological enhancements to the online forms.

Issue 2: Resolving Human Rights Complaints

Goal 2: By March 31, 2020, the Human Rights Commission will have enhanced the case resolution process.

Indicator 1: New Case Management/Information Management system implemented

In 2017-18, the Commission initiated the process to implement a new case management system in order to enhance the case resolution process. The Commission worked closely with the OCIO to develop a new case management system and development was finalized in June 2017. It was tested using a development website created by OCIO. An improved case management system assisted in achieving the goal by generating more timely statistics and identifying trends in human rights. It also provides data that enables the identification of areas requiring improvements within the case management process.

Indicator 2: Human Rights Act, 2010 reviewed for possible amendments

The implementation of the new case management system was intended to provide information to the Commission necessary to conduct an evidence-based review of the **Human Rights Act, 2010** and determine possible legislative changes. The case management system would highlight inefficiencies in the complaints process and other statistics about the needs of the people contacting our office. Further to this, the legislation was reviewed in 2018-19 for possible amendments. The Commission compiled research on legislative frameworks and practices from national and international partners. These were reviewed and analyzed in 2018-19 in order to guide the work of not only determining



possible amendments to the legislation but also to enhance the case resolution process through potentially adopting best practices This work remains ongoing.

Indicator 3: Information available through the new case management system analyzed to ensure it is meeting the data and information needs of the Commission

In the final year of the planning period, 2019-20, the Commission continued efforts to ensure that information available through the new case management system was analyzed to ensure it is meeting the data and information needs of the Commission. Accurate information is an important aspect of the case management system as it provide Commission staff with information to indicate where to focus efforts and ultimately enhance work towards promoting and protecting human rights in the province. The case management system was reviewed and analyzed in 2019-20 by Commission staff and staff from the OCIO. The system proved suitable for the Commission's needs in some aspects, but it was identified that the case management system requires additional work to produce reliable statistics. This knowledge is beneficial as it will assist the Commission to better understand the needs of the case management system and how to align it with what the Commission requires in regards to case information.

Objective 2.3: By March 31, 2020, the Human Rights Commission will have analyzed information available through the new case management system to ensure it is meeting the data and information needs of the Commission.

Indicator 1: Case management system reviewed and analyzed

The case management system was reviewed and analyzed in 2019-20 by Commission staff and staff from the OCIO. The system proved suitable in some aspects, but was still deficient in its ability to produce reliable statistics.

Indicator 2: Case management system deficiencies resolved

The primary deficiency identified was the system's inability to produce reliable statistics for reporting purposes. The Commission worked with OCIO to resolve them, but they are still not resolved.



HUMAN RIGHTS COMMISSION
Newfoundland and Labrador

Indicator 3: Data and information needs (statistical records) strengthened

The Commission continues to work with OCIO to strengthen our data and information needs.



Opportunities and Challenges

The Commission faced a number of operational challenges in the 2019-20 fiscal year, particularly with respect to COVID-19. New Rules of Procedure for hearings, which were introduced in January 2020, actually positioned the Commission for an easy transition to remote work. The new hearing process will continue to be analyzed and updated as needed.

The Commission is committed to using technology to promote human rights in all regions of the Province, including virtual hearings, enhancing its use of social media, e-training and updating its website and online forms. The Commission will also seek further opportunities to collaborate with other human rights serving agencies and organizations in the province. This work will be undertaken with a client centered focus in order to achieve continuous improvement.



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Newfoundland and Labrador

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 2020. The Commission is not required to provide a separate audited financial statement.

HUMAN RIGHTS COMMISSION

		Estimates	
		Actual \$	Original \$
01. Salaries		753,765	688,300
Operating Accounts:	Employee Benefits	7,939	8,400
	Transportation & Communications	13,201	13,900
	Supplies	12,793	9,100
	Professional Services	43,700	18,500
	Purchased Services	6,052	13,700
02. Operating Accounts		83,685	63,600
Total Human Rights		837,450	751,900