



# **HUMAN RIGHTS COMMISSION**

Newfoundland and Labrador

Human Rights Commission  
Annual Report 2020-21



## Message from the 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 2020-21 Annual Report. This report covers the period April 1, 2020 to March 31, 2021, and reports on the objectives and indicators for the 2020-21 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 style.

Judy White, Chair



**HUMAN RIGHTS COMMISSION**  
Newfoundland and Labrador

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## Overview

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

- 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** (the “Act”) 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 people all have equal rights and opportunities and that people should live free from discrimination and harassment.

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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

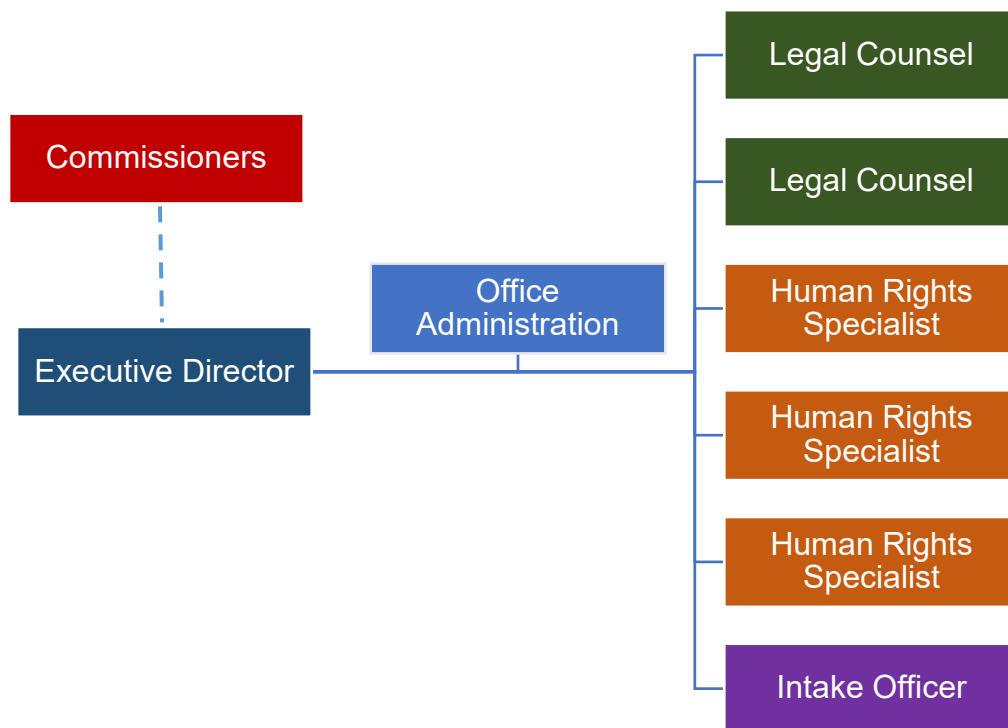




As of March 31, 2021 the Commission members were:

- Judy White, Chair
- Lauren Carter
- Smita Joshi
- Gobhina Nagarajah
- Madelyn Kelly
- Victor Lundrigan

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.



The Commission's mandate, lines of business and vision can be found in the Commission's [Activity Plan for 2020-23](#). Learn more about the Commission at [www.thinkhumanrights.ca](http://www.thinkhumanrights.ca).

## Highlights and Partnerships

### Impacts of COVID-19

Commission staff continued to work from home through most of 2020-21. The Commission's number one priority was the health and safety of staff and community. Plain language online forms, e-filing and changes to the hearing process allowed the Commission's work to continue throughout this time. The Commission updated its 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.

### Community Justice Connect

The Human Rights Commission, in partnership with Relationships First, received funding from Canadian Heritage to develop a new restorative justice initiative in the province. Community Justice Connect is free, voluntary and confidential. The program provides a variety of conflict resolution services to racialized, Indigenous and religious minority communities, online and in person.



Community Justice Connect will offer its range of conflict assistance services through volunteer community facilitators, supported by a Lead Facilitator. A Lead Facilitator was hired in the fall of 2020 and Community Facilitators were recruited in January 2021. Training in restorative justice and anti-racism started in March 2021.



Restorative justice takes a relational approach to problems, conflict and harm. It focuses on the harm done and the needs and obligations of the people involved. The Commission's focus is on engagement, dialogue, and a commitment to understanding and helping all people involved to decide how to make things right.



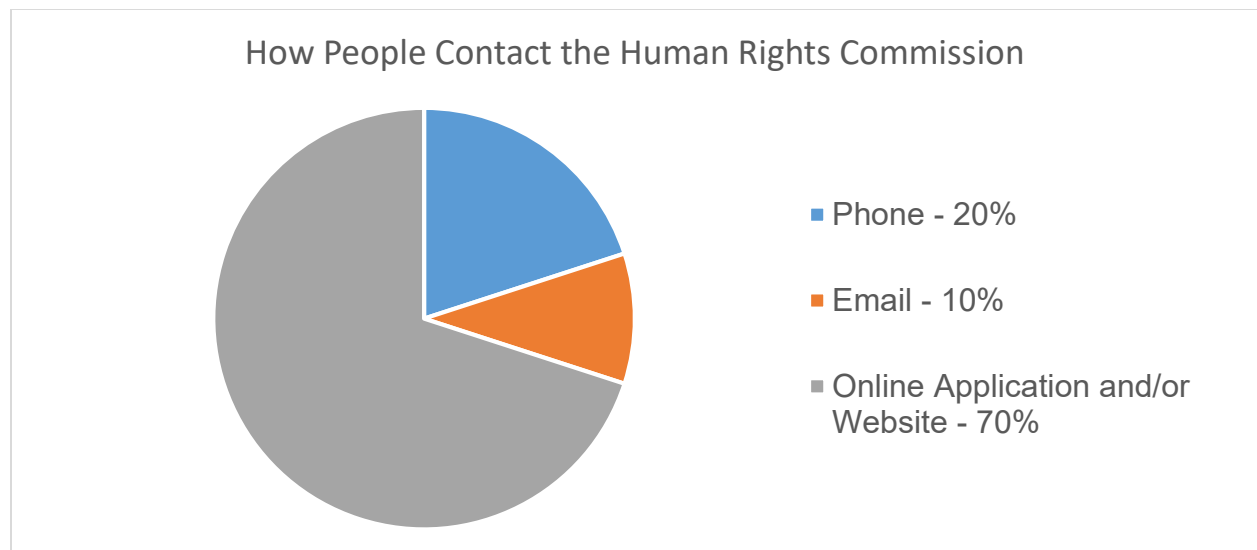
Community Justice Connect will provide a space for people to be heard, to assist all the people involved in the situation, and to empower people to address harm. Community Justice Connect will also apply an anti-racist approach to restorative justice. This means that the volunteers are trained in this approach, do not have preconceived ideas of how the conflict should be resolved and take direction from the people harmed.

### **Access to Justice**

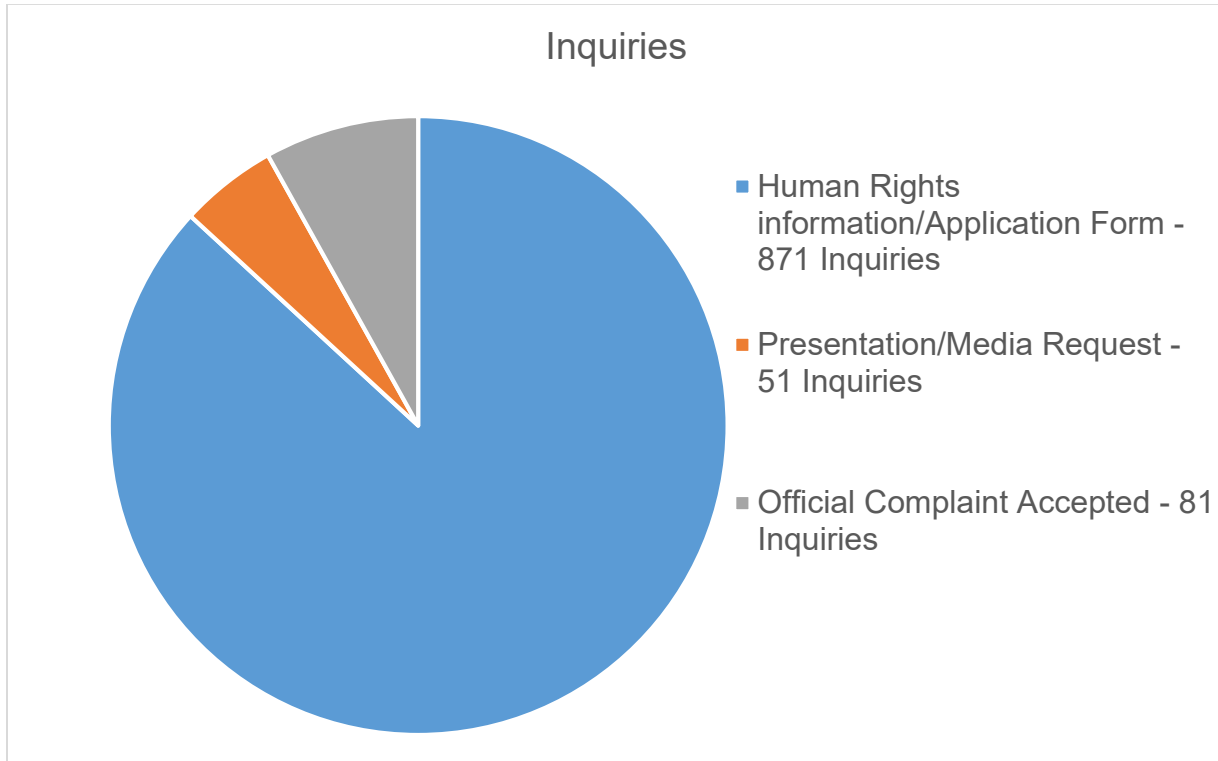
The Commission continues to develop better tools for people to self-represent or self-advocate for themselves throughout the human rights complaint process. Access to justice requires the Commission to focus, in part, on self-representation tools that let people navigate the human rights system independently and without a lawyer. Commission staff continue to assist people who have complaints or refer them to other services if the Commission does not have the jurisdiction to accept a complaint. Another aspect of access to justice is to simplify the complaints process. The Commission's website, online forms and guidelines continue to be reviewed and updated. The new Rules of Procedure for human rights hearings were well received and the Commission made minor adjustments based on user feedback: <https://thinkhumanrights.ca/hearing-rules/>.

### **Complaint Statistics**

In 2020-21, approximately 70 per cent percent of the people contacting the Commission accessed the website and/or the online application form as the point of first contact.



In 2020-21 , the Commission received 905 inquiries. The inquiries can be categorized as follows:



### **Prohibited Grounds and Protected Areas**

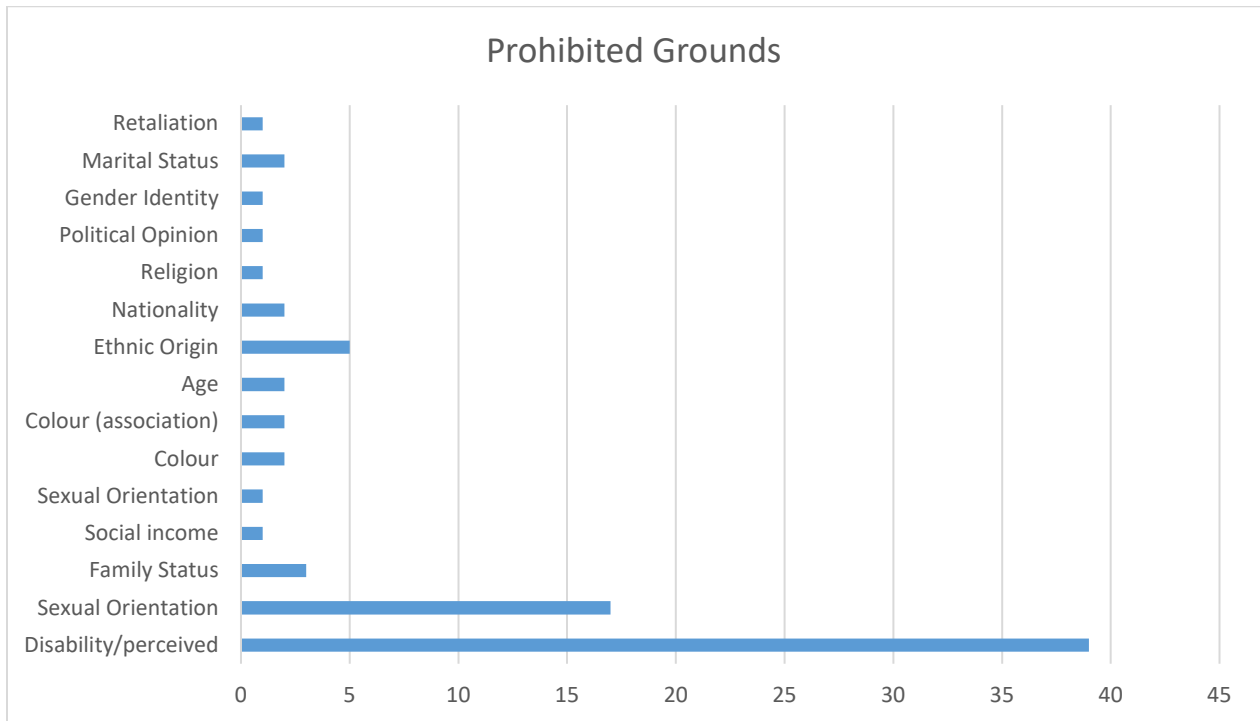
The Commission accepted 81 official complaints in fiscal year 2020-21. Of these 81 complaints, 9 were resolved in pre-complaint mediation and 6 people chose not to have their complaint served on a Respondent.

The remaining 66 complaints are broken down by prohibited grounds and protected areas as follows:



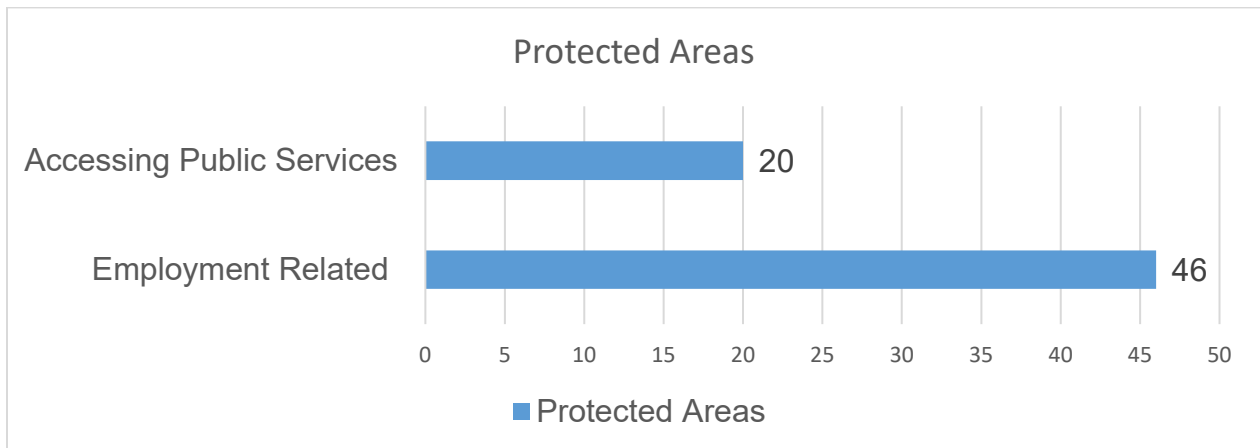


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\*Note: some complaints can be filed under more than one prohibited ground.

### Protected Areas



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

## Report on Performance

### Issue 1: Public Education and Awareness

During 2020-21, the Commission focused on strengthening its social media presence, expanding its community outreach activities and increasing access to human rights public education and awareness opportunities. The Strategic Issue of public education and awareness takes into consideration the strategic directions of the Provincial Government, as communicated by the Minister of Justice and Public Safety.

**Objective 1.1:** By March 31, 2021, the Commission will continue to increase public education and awareness activities.

**Indicator 1:** Identified website content areas requiring updates and improvements.

The Commission identified website content that needed review and updating. The new Rules of Procedure for human rights hearings were well received and we made minor adjustments based on user feedback: <https://thinkhumanrights.ca/hearing-rules/>. The Commission also updated COVID-19 guidelines based on evolving public health directives.

**Indicator 2:** Review of public communications material to align with accessibility guidelines, including the use of plain language.

The Commission reviewed all public communications material and identified areas to change. Select materials were updated and online application forms were changed to use more plain language.

**Indicator 3:** Explored areas where the use of technology can be increased.

The Commission met with Office of the Chief Information Officer (OCIO) to discuss ways in which use of technology could be increased, specifically about the possibility of using a new online portal. This technology would increase access to justice for those involved in the complaints process. A portal would make submitting complaints and moving through the process more transparent for complainants. Discussions will continue with OCIO in the next fiscal year.

**Indicator 4:** Begun work to increase public education and awareness activities through public presentation, media interviews, and community outreach and partnerships.

The Executive Director did many media interviews this fiscal year on the human rights implications of COVID, diversity, inclusion and anti-racism and reactions to the murder of George Floyd in the United States. The Executive Director was also interviewed by VOXM and CBC about accessing federal funds to develop Community Justice Connect and the call for Community Facilitators.

The 2020 Human Rights Award ceremony was held virtually this year. The Human Rights Award is presented annually in celebration of International Human Rights Day. It recognizes an individual who has made and/or continues to make a meaningful contribution to advancing and furthering human rights in Newfoundland and Labrador.



*Craig Reid*

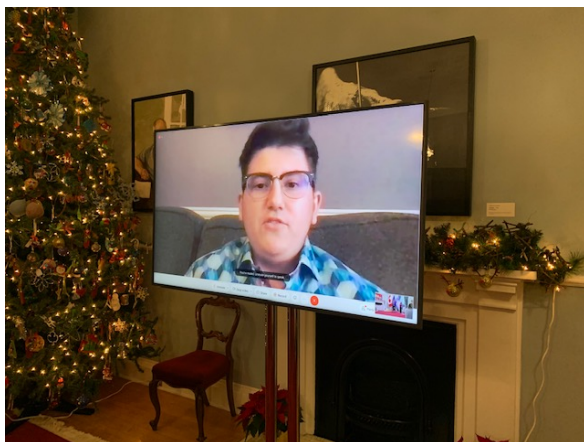
This year's award was presented to Craig Reid. It is Craig's personal mission to educate others as to the needs of persons with mobility disabilities and shine light on the barriers that exist in the community. He is undaunted in his commitment to hold those responsible accountable for their actions, and is equally dedicated to promoting examples of things done well. Craig has a way of getting the message out, sometimes through very public access on social media or traditional mainstream media circles, and sometimes through quiet conversations when opportunity arises. The common thread is that Craig Reid is always heard, and his message is known to be one of authenticity and resolve.

One day in asking Craig why he does what he does he said "I wouldn't feel right if I didn't do it, there is so much to do". Craig was struck by the realization of the degree of need for change because of his own experience and he now commits himself to educating others so that full access is demanded, expected and achieved. Craig's drive to make change is his passion. He

does it for no other reason than to make change where change needs to be made. He works alone often and with others when appropriate. As a result of his rally cry, others often find their voice. Sometimes he is a single voice and sometimes through his relentless drive, small teams rise up and echo his call. Through his work, he has become well-known to government officials, local media and advocacy groups as he campaigns tirelessly. Today Craig is the Chair of the Coalition of Persons with Disabilities Newfoundland and Labrador (CODNL) as well as former Chair of the Universal Design Network of Newfoundland and Labrador. In addition, he is a two-time short-list nominee for the Newfoundland and Labrador Human Rights Award and past winner of CODNL's Advocate of the Year Award.

Craig was born in Corner Brook, and grew up without a disability, was active in sports and had a typical life. Over 30 years ago he moved to Mount Pearl and later in life acquired a disability. As he tried to do things he had always done, he came to realize many of the barriers that exist for persons with disabilities that were not being addressed. It made him recognize the need for equity. Today he is committed to make it his life's work to share information so that everyone, regardless of ability has the fundamental right to access society and all it has to offer.

The 2020 Human rights Award also named Blair Curtis and Kathryn (Kate) Morrison Human Rights Champions. The Human Rights Commission grants this recognition to individuals who have made a meaningful, contribution to human rights in Newfoundland and Labrador.



*Blair Curtis*

Blair Curtis is a 20-year-old university student at Grenfell Campus of Memorial University who resides in McIvers. Blair is also a known trans rights advocate. Blair and his mother Gerri-Lynn Curtis are the founders of the Western Chapter of "Parents of Trans and Gender Diverse Kids NL" – under the guidance of Trans Support NL Inc.; the first transgender support group on the West Coast of Newfoundland that meets monthly. With the help of Blair's advocacy on gender-

affirming surgery policy reform, in late 2019 it was announced that out-of-province assessments would no longer be required for gender-affirming surgeries, rather an in-

province assessment would take its place – similar to the rest of Canada. As well, the list of MCP covered gender-affirming surgeries was expanded to match the Canadian average. Blair, along with his Sociology 3040 classmates, additionally helped to create a gender diverse manual that has been used both provincially and in other places in Canada to help health care professionals and first responders learn more about the gender diverse community. Blair was recognized in 2019 as Grand Marshall – Community Thought Leader for St. John’s Pride, and this year was recognized by the Community Mental Health Initiative as a Mental Health Champion for outstanding contributions to mental health awareness. Blair’s advocacy has also helped to change a policy that has allowed gender diverse people to have easier access to gender-affirming surgeries.



*Ben Morrison accepting on behalf of Kate Morrison*

Kate Morrison was born in Hebron, Prince Edward Island, to a farming family in 1952. Her parents were avid consumers of news and current affairs, and active in local politics. After high school, Kate moved to the Yukon, and later the interior of British Columbia, where she obtained Bachelors and Masters Degrees in social work from the University of Victoria. As a social worker in Vancouver, Kate witnessed the harsh effects of social and economic inequality first-hand.

Alarmed at the role played by the justice system in perpetuating that inequality, Kate decided to pursue a law degree from the University of British Columbia. Throughout her studies, she remained active in university, provincial and federal politics. Upon graduation, Kate returned to the east coast to practice law at Paterson Kitz in Halifax. There she also worked with the Dalhousie Legal Aid Centre, and worked on Alexa McDonough’s election campaign while she was the leader of the federal NDP. After several years in Halifax, Kate moved with her husband to St. John’s, where they settled and raised their son. Beginning at the firm of Hurley Woodland, Kate then moved to work at Legal Aid, before becoming legislative council at the House of Assembly.



Throughout her time in Newfoundland and Labrador, Kate continued advocating for social justice causes, including the rights of women, the LGBTQ community, as well as those suffering racial and economic discrimination. She was also an avid volunteer and supporter of numerous non-profit groups, including Amnesty International, World Vision and more.

Kate was continuing her tireless work when she was diagnosed with Multiple Sclerosis. She was forced into early retirement, and ultimately was unable to work. Despite her limited mobility, Kate continued to support progressive public policies, charitable organizations and social justice, and was an active champion for the rights of persons with disabilities.

In 2019, the Kathryn M. Morrison Scholarship in Political Studies was created to honour her selfless achievements, and to inspire a new generation of students to continue her meaningful work. Sadly, Kate passed away on January 21, 2021. Kate's son, Ben accepted the award on her behalf.

**Objective 1.2:** By March 31, 2022, the Commission will continue to focus on public education and awareness activities.

**Indicators:**

- Continue to implement changes to website and public communication materials.
- Continue to increase public education and awareness activities through public presentation, media interviews, and community outreach and partnerships.

## **Issue 2: Resolving Human Rights Complaints**

Over the past several years, the Commission has been implementing a new case management system. This work continued in 2020-21. The aim of the new system is to produce better and more reliable statistics and to identify human rights trends. The case management system identifies areas of improvement within the case management process. This data will assist the Commission in focusing its efforts on improving human rights in the Province using evidence-based information.

**Objective 2.1:** By March 31, 2021, the Commission will have begun implementing complaint resolution enhancements.

**Indicator 1:** Reviewed and begun work towards identifying updates to the Case Management/Information Management system.

The Commission continually evaluates its case management/information system in support of continual improvements and continues to work with the OCIO to identify necessary updates. This is an on-going process to ensure the Commission maintains a high service standard.

**Indicator 2:** Identified data collection opportunities, including greater information on intakes, pre-complaint process, and overall complaint procedure.

The Commission identified data collection opportunities to increase internal tracking of better and more reliable statistics.

**Objective 2.2:** By March 31, 2022, the Commission will have continued to implement the complaint resolution enhancements.

**Indicators:**

- Continue to identify updates to the Case Management/Information Management system.
- Implement new investigation rules for a more streamlined, accessible investigation process.



## Opportunities and Challenges

The Commission faced a number of operational challenges in the 2020-21 fiscal year, particularly with respect to COVID-19. The nature of the work allowed staff to work from home relatively easily, but the stress on staff and the parties involved in the human rights complaints process should be acknowledged

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.

Community Justice Connect is starting in June 2021. This project has the potential to make Newfoundland and Labrador a leader in bridging the gap between restorative justice and the work of anti-racism advocates. It will provide a relationship-focused, but practical way for Indigenous, racialized and religious minorities to resolve conflict. The Commission looks forward to seeing what comes next with this exciting project.





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## 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 2021. The Commission is not required to provide a separate audited financial statement.

### HUMAN RIGHTS COMMISSION

		Estimates	
		Actual \$	Original \$
01. Salaries		762,453	715,100
Operating Accounts:	Employee Benefits	6,630	8,200
	Transportation & Communications	4,682	14,300
	Supplies	12,681	9,500
	Professional Services	76,040	18,000
	Purchased Services	8,940	13,500
	Property, furnishings, and equipment	600	-
02. Operating Accounts		109,573	63,500
		872,116	778,600
01. Revenue – Federal		(55,800)	-
<b>Total Human Rights</b>		<b>816,316</b>	<b>778,600</b>