

**Human Rights Commission  
Panel of Adjudicators**

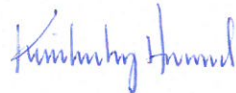
**Annual Report**

**2014-15**

## Message from the Minister

As Chief Adjudicator of the Human Rights Commission Panel of Adjudicators, I hereby submit the 2014-15 Annual Report of the Panel which details its activities from April 1, 2014 to March 31, 2015. I was appointed as the Chief Adjudicator after the end of the reporting period, however, hold this position at the time the report is being tabled in the House of Assembly. Therefore, in accordance with the *Transparency and Accountability Act*, my signature below is on behalf of the Panel, which is accountable for the results reported.

Sincerely,



Kim Horwood  
Chief Adjudicator

# Table of Contents

Introduction/Overview ..... 1

Vision ..... 1

Mandate ..... 2

Who We Serve ..... 2

Activities ..... 3

Financial Statements ..... 4

## Introduction/Overview

In accordance with the *Human Rights Act, 2010*, the Lieutenant Governor in Council shall appoint at least six persons, one of whom is named Chief Adjudicator, to act as members of a panel of inquiry into matters referred to them by the Commissioners of the Human Rights Commission. Appointments are for a term of three years and adjudicators may be reappointed. During the 2014-15 fiscal year, the following individuals served on the Panel of Adjudicators:

James Merrigan, Chief Adjudicator  
Glenda Best, Q.C.  
Jennifer Newbury  
Keri-Lynn Power  
Gladys Dunne  
Rob Ash

The Panel of Adjudicators does not have an office or any clerical staff. The clerical staff and recording equipment for hearings is provided by staff from the Human Rights Commission. Neither the Panel of Adjudicators nor the Human Rights Commission has hearing facilities, so panel hearings are held in various locations, including the facilities of the Labour Relations Board and facilities rented at hotels. Hearings are held generally in the region in which the complainant and respondent reside, although this is determined on a case-by-case basis.

## Vision

An environment where the public has access to, and belief in, established mechanisms of review for Human Rights complaints.

## Mandate

The mandate of the Panel of Adjudicators is contained in the *Human Rights Act, 2010*. It is the responsibility of the Commissioners of the Human Rights Commission to determine which matters are referred to the Chief Adjudicator for hearing. The Chief Adjudicator may hear the matter or refer the matter to another adjudicator. Once a matter is referred, the adjudicator shall inquire into the matter referred to him/her and give full opportunity to all parties to present their evidence and make representations through counsel. The adjudicator will determine if the complaint is justified, and either discuss the matter or grant a remedy under section 39 of the *Human Rights Act, 2010*. The complaint referred shall be heard without undue delay. In performing his or her duties, an adjudicator has the powers of a commissioner under the *Public Enquiries Act, 2006*.

## Who We Serve

The primary clients of an adjudicator are defined in Section 37(1) of the *Human Rights Act, 2010* as parties to a proceeding. They are:

- (a) the Commission, which shall have the carriage of the complaint;
- (b) the person named in the complaint and the complainant;
- (c) a person named in the complaint who is alleged to have been dealt with contrary to this Act;
- (d) a person named in the complaint who is alleged to have contravened this Act; and
- (e) a person specified by the board, upon notice, and after that person has been given an opportunity to be heard against his or her joinder as a party.

## Activities

### **Issue 1: Ensuring Complaints are Heard Without Undue Delay**

A number of factors play into setting the hearing date. First, the Chief Adjudicator must either hear the complaint or refer the matter to another adjudicator. According to the *Human Rights Act, 2010* the adjudicator must hear the matter without undue delay. What constitutes undue delay cannot be determined by a single standard. The reasonable time for a hearing to commence and be completed will depend on:

- the complexity of the matter,
- the amount of evidence the parties wish to call,
- the availability of counsel, the parties and witnesses when applicable, and,
- the normal exigencies of a hearing process, including physical limitations of the Panel's resources.

For these reasons, what constitutes undue delay will vary depending upon the circumstances of the case. In order to provide objective indicators the panel must focus on setting dates for the hearings to commence. Once an adjudicator is seized with a matter, that adjudicator is the only person with authority to control the process of the hearing, absent any applications for judicial review.

The focus of the Panel of Adjudicators remains consistent over the next two years. This objective and associated measure and indicators will be reported on again in 2015-16 and 2016-17.

<b>Objective 1:</b> By March 31, 2015, the Human Rights Commission Panel of Adjudicators will have heard complaints without undue delay.	
<b>Measure</b>	
Complaints heard without undue delay	
<b>Indicators</b>	<b>Actual Results</b>
Number of matters referred to the Panel that are assigned to an adjudicator within two weeks of the receipt of the referral	No matters were referred, as the Chief Adjudicator resigned in July 2014 and the position remained vacant for the remainder of the fiscal year.
Number of referrals for which assigned dates were presented to all parties within one month of appointment of an adjudicator	No matters were referred as explained above, so there was no requirement to present dates.

## Financial Statements

The Panel of Adjudicators' budget is subsumed within that of the Human Rights Commission. Such financial information, as is available, is contained in the Human Rights Commission Annual Activity Report. The Report does not break down the expenditures between the Commission and the Panel of Adjudicators.