

**Human Rights Commission
Panel of Adjudicators**

Annual Report

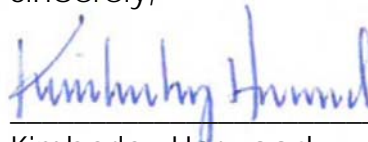
2016-17

Message from the Chief Adjudicator

As Chief Adjudicator of the Human Rights Commission Panel of Adjudicators, I hereby submit the 2016-17 Annual Report of the Panel which details its activities from April 1, 2016 to March 31, 2017.

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,



Kimberley Horwood
Chief Adjudicator

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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 2016-17 fiscal year, the following individuals served on the Panel of Adjudicators:

- Kimberley Horwood, Chief Adjudicator;
- Glenda Best, Q.C.;
- Gladys Dunne;
- Keri-Lynn Power;
- Rob Ash; and
- Brodie Gallant.

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.

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.

Objective 1:	By March 31, 2017, the Human Rights Commission Panel of Adjudicators will have heard complaints without undue delay.	
Measure		
Complaints heard without undue delay		
Indicators		Actual Results
Number of matters referred to the Panel that are assigned to an adjudicator within two weeks of the receipt of the referral		During the fiscal year, 6 matters were referred to hearings. All 6 matters were assigned an adjudicator within two weeks of the referral.
Number of referrals for which assigned dates were presented to all parties within one month of appointment of an adjudicator		Of the 6 matters referred to a Board of Inquiry in the fiscal year: <ul style="list-style-type: none"> - in 5 matters the dates offered by the adjudicator were offered within 30 days; - in 1 matter the dates were offered by the adjudicator outside the 30-day timeframe but were ultimately provided;
Resolution of matters referred to a Board of Inquiry		At March 31, 2017, of the 6 matters referred to a Board of Inquiry during fiscal year 2016-17: <ul style="list-style-type: none"> - 1 matter was at the hearing stage; - 1 matter was in settlement negotiations; - 1 matter was set for pre-hearing conference; - 3 matters were awaiting hearings.

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 Report for 2016-17. The Report does not

break down the expenditures between the Commission and the Panel of Adjudicators.