

**HUMAN RIGHTS COMMISSION PANEL OF
ADJUDICATORS**

**ACTIVITY PLAN
2023-26**

Message from the Chief Adjudicator:

I am pleased to present the Activity Plan for the Human Rights Commission Panel of Adjudicators (the Panel) which outlines the objective for the fiscal years commencing April 1, 2023 and ending on March 31, 2026.

The role of the Panel is to hear complaints that have been referred to them by the Human Rights Commission. The Human Rights Commission refers complaints to the Chief Adjudicator who may hear such complaints or refer them to another adjudicator. A single adjudicator hears each complaint, exercising the powers of a Commissioner appointed under the **Public Inquiries Act, 2006**.

The Panel, as appointed in accordance with the **Human Rights Act, 2010**, is categorized as a Category 3 Government Entity under the Act and is required to prepare an Activity Plan that takes the strategic directions of Government, as communicated by the Minister of Justice and Public Safety, into consideration. This Activity Plan was prepared under my direction as the Chief Adjudicator in accordance with the provisions of the **Transparency and Accountability Act**.

As the Chief Adjudicator, I accept accountability for this Activity Plan on behalf of the entire Panel for the preparation of this Activity Plan and the achievement of its objective.



Brodie Gallant

Chief Adjudicator

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Overview

In accordance with the **Human Rights Act, 2010** (the Act), the Lieutenant Governor in Council shall appoint at least six persons to act as members of a Panel of Adjudicators, one of whom is named Chief Adjudicator. The Adjudicators conduct inquiries into matters referred to the Panel by the Commissioners of the Human Rights Commission. Appointments are for a term of three years and adjudicators may be reappointed. As of April 1, 2023, the following individuals served on the Panel:

- Brodie Gallant, Chief Adjudicator;
- Barbara Barker, Adjudicator;
- Justin Caines, Adjudicator;
- Allison Conway, Adjudicator;
- Michael Duffy, Adjudicator;
- Daniel Glover, Adjudicator;
- Rebecca Redmond MacLean, K.C., Adjudicator; and,
- Rodney Zdebiak, Adjudicator.

The Panel's budget is included within that of the Human Rights Commission, which would be found in the Human Rights Commission's Annual Reports. The Annual Report does not break down the expenditures between the Commission and the Panel.

Mandate

Where the Human Rights Commission determines that a complaint should be sent to a Board of Inquiry for a hearing, the complaint is referred to the Chief Adjudicator of the Panel. The Chief Adjudicator may hear the matter or refer the matter to another adjudicator.

The adjudicator shall inquire into the matters referred to him/her and give full opportunity to all parties to present their evidence and make representations through counsel, or otherwise. Where an adjudicator finds a complaint to be justified they may grant a remedy under section 39 of the Act. The Panel's Lines of Business are reflected in the Mandate.

Vision

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

Issue 1: Ensuring Complaints are Heard Without Undue Delay

The Panel strives to ensure matters are heard in a timely manner. A number of factors play into scheduling a hearing date. First, the Chief Adjudicator must either hear the complaint or refer the matter to another adjudicator. In accordance with section 38 (3) of the Act 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 present; the availability of counsel, parties, and witnesses; together with the normal requirements of a hearing process including physical limitations of the Panel's resources. Therefore, what constitutes undue delay will vary depending upon the circumstances of the case.

With regard to the objective of hearing matters without undue delay, written guidelines and rules of procedure have been adopted by the Chief Adjudicator in consultation with the members of the Panel of Adjudicators, and the Human Rights Commission. The Human Rights Commission continuously monitors the progress of matters referred to the Panel, and consults with the Chief Adjudicator with respect to the Panel's procedures.

Generally, the development of written guidelines and rules of procedure has enabled the Panel to more efficiently move matters through to conclusion. However, once an adjudicator is seized with a particular matter, that adjudicator is the only person with authority to control the process of their inquiry, and ensure a fair and efficient adjudication of that matter without undue delay, absent of any applications for judicial review. In order to provide objective indicators, the Panel must focus on setting dates for the hearing process to commence. The Activity Plan will focus on this work during the 2023-26 planning period and report annually on the objective and indicators.

Objective 1: By March 31 each year, the Panel will hear complaints without undue delay.

Indicators:

- Number of matters referred to the Panel that are assigned to an adjudicator within two weeks of the receipt of the referral.
- Number of referrals for which assigned dates were presented to all parties within one month of the appointment of an adjudicator.

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