

**HUMAN RIGHTS COMMISSION PANEL OF
ADJUDICATORS**

**ACTIVITY PLAN
2020-2023**

Message from the Chief Adjudicator:

I am pleased to present the Activity Plan for the Human Rights Commission Panel of Adjudicators (“Panel”) which outlines the objective for the 2020-23 fiscal years. This plan was prepared under my direction and in accordance with the provisions of the **Transparency and Accountability Act**.

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 classified as a Category 3 Government Entity. As such, it must prepare an activity plan taking into consideration the strategic directions of Government applicable to the Department of Justice and Public Safety. I have taken those strategic directions into account.

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



Kimberley Horwood

Chief Adjudicator

Overview

In accordance with the **Human Rights Act, 2010** (“Act”), 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. As of April 1, 2020, the following individuals served on the Panel:

- Kimberley Horwood, Chief Adjudicator;
- Glenda Best, Q.C.;
- Brodie Gallant;
- Valerie Hynes;
- Christian Hurley; and
- Kellie Cullihall (resigned 23 October 2019).

The Panel’s budget is subsumed within that of the Human Rights Commission. Such financial information, as is available, would be contained in the Human Rights Commission Annual Reports.

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.

Values

- **Accountability:** Each adjudicator is responsible to ensure the provisions of the **Human Rights Act, 2010** are upheld.
- **Fairness & Impartiality:** Each adjudicator performs their duties in a thorough and unbiased manner.
- **Timeliness:** An adjudicator shall hear complaints without undue delay.

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 as 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.

Vision

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

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 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.

Further, 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 hearing process 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 data shows that the timeliness of matters proceeding to a hearing has been relatively consistent over the past several years. With regard to the objective of hearing matters without undue delay, the efforts of the Human Rights Commission to continuously monitor their procedures, and to revise and update them where necessary, has enabled the Panel to more efficiently move matters through to conclusion.

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 appointment of an adjudicator

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