

THE HUMAN RIGHTS COMMISSION
PANEL OF ADJUDICATORS

ACTIVITY PLAN

2007 – 2008

Message from the Chief Adjudicator:

I am pleased to present the Activity Plan for the Human Rights Code Adjudicators which outlines the goals for the 2007/2008 fiscal year. This is a one year transition plan with a three year plan to follow for 2008-11. This plan was prepared under my direction and in accordance with the provisions of the *Transparency and Accountability Act*.

Adjudicators appointed in accordance with the *Human Rights Code, RSNL 1990, Chapter H-14* are classified as a Category 3 Government Entity and, as such, must prepare an activity plan taking into consideration the strategic directions of the Minister of Justice. I have taken those strategic directions into account and have determined that none are applicable at this time.

As the Chief Adjudicator I am accountable for the preparation of this plan and the achievement of its goals and objectives.

A handwritten signature in black ink, appearing to read 'F. R. Stagg', with a stylized flourish at the end.

Fred R. Stagg, Q.C.
Chief Adjudicator

Introduction/Overview

In accordance with the provisions of the *Human Rights Code, RSNL, Chapter H-14*, the Lieutenant Governor in Council may 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. The Chief Adjudicator may decide to hear a matter or may refer it to another adjudicator. In performing his or her duties an adjudicator has the powers of a commissioner under the *Public Enquiries Act*.

The panel of adjudicators are:

Fred Stagg, Q. C., Chief Adjudicator
Cindy Picco
Kimberley Burridge
Kerry Hatfield
Edward Hearn, Q.C.
Erin Breen
John Babb
Karl Inder

During calendar year 2004 four hearings were held. For the period January 1, 2005 to March 31, 2006 there were twelve hearings.

Mandate

The mandate of the panel of adjudicators is contained in the Section 27 of the *Human Rights Code, RSNL, Chapter H-14*. It is the responsibility of the Commissioners of the Human Rights Commission to determine which matters are referred to the adjudicators for hearing.

Values

Accountability:

Each person is responsible to ensure the provisions of the *Code* are upheld.

Fairness & Impartiality:

Each person performs their duties in a thorough and unbiased manner.

Vision

An environment where the public has access to established mechanisms of review of complaints concerning human rights.

Mission

A mission statement is a result oriented statement which answers the who, what and why questions related to an organization and informs the reader of how the work of the entity supports or contributes to that of a larger supporting entity, such as a board or department or benefits the public or society at large.

The Human Rights Commission Panel of Adjudicators, as a category 3 government entity, has the options of adopting the Department of Justice mission indicating how it contributes to that mission, or developing its own mission. The Panel of Adjudicators remain neutral and unbiased in their relationship with Department and those they serve, and it is not appropriate to adopt the Mission Statement of the Department of Justice. The Departmental Mission is focused on the work of the Department and the Panel of Adjudicators does not have a direct role at this time.

Given this, the intent of the mandate, and that this transition plan is for a one year period, development of a mission with measures and indicators would be redundant of the objectives which are already developed in the current activity plan. At the time of developing a multiyear plan (2008-2011) the Panel of Adjudicators will give further consideration to developing its own mission statement.

Issue

In consideration of Government's strategic directions and those of the Department of Justice, the following area has been identified as the key priority of the Human Rights Commission Panel of Adjudicators. As this is an activity plan for one year both the goals and objectives have an annual focus.

Goals, Objectives and Measures:

Issue 1: Inquiring into Complaints

An Adjudicator has the powers of a commissioner appointed under the *Public Inquiries Act* when holding a hearing into an alleged violation of the *Human Rights Code*. These powers require that the principles of natural justice and established case law be observed during the proceeding and in reaching a final decision on a matter. In addition to establishing whether a violation has occurred, the Adjudicator is also responsible for determining the amount of compensation, if any, and damages, if any, to be awarded to those who have experienced discrimination.

Goal 1: By March 31, 2008, the Adjudicator shall adjudicate matters referred to him or her.

Measure: Matters adjudicated

Indicators: Hearings held as required by the *Code*
Decisions issued