



Human Rights Commission

Annual Activity Report

2011-12



Message from the Chair

As Chairperson of the Human Rights Commission I am pleased to present the 2011 – 2012 Annual Activity Report for the period April 1, 2011 to March 31, 2012.

The Annual Activity Report summarizes the work of the Human Rights Commission in the service of the people of Newfoundland and Labrador over the last year, as per the Newfoundland and Labrador *Human Rights Act, 2010*.

The Human Rights Commission accepts accountability for the preparation of this report and the actual results reported.



Remzi Cej
Chairperson
Human Rights Commission



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Introduction

The Human Rights Commission was established by legislation in 1971. The Commission is responsible for promoting an understanding of, acceptance of and compliance with the provisions of the *Human Rights Act, 2010*. The Lieutenant-Governor in Council appoints commissioners, one who serves as Chairperson and another who serves as Vice-Chairperson. Currently, the Commission members are:

Remzi Cej	Chairperson
Stephanie Newell, Q.C.	Vice-Chairperson
Deborah Armstrong	Commissioner
Darlene Didham	Commissioner
Mary Ennis	Commissioner
Fred J. Framp	Commissioner
Caroline Hackett Power	Commissioner
Ruth Noel	Commissioner
Jorge Villanueva	Commissioner
John Walsh	Commissioner

A person who has reasonable grounds for believing that a person has contravened the *Human Rights Act, 2010* may file a complaint with the Commission. The Commission is then charged with investigating those complaints and, where appropriate, attempts to effect a settlement between the complainant and the subject of the allegations. Settlements are approved by the Executive Director prior to implementation. Where no settlement is effected, a report is made to the commissioners, who then decide whether to refer the complaint to a Panel of Adjudicators (Board of Inquiry) or dismiss the complaint.



Overview

During the 2011-12 reporting period, the Human Rights Commission was staffed by an Executive Director, four human rights specialists, three lawyers, and three administrative personnel. The Commission is located on the second Floor of the Beothuck Building, 20 Crosbie Place, St. John's, NL.

During the fiscal year 2011-12, the Commission received 942 human rights inquiries from members of the public, down slightly from the 999 received during the previous fiscal year. A significant amount of staff time is spent on public inquiries. A preliminary review of the matter is first done to ensure that the alleged complaint falls within our legislative mandate and meets the "reasonable grounds" threshold requirement as set out in Section 25 of the *Human Rights Act, 2010*. In almost all cases, this requires further research from the human rights specialist and a legal analysis performed by the Executive Director and/ or lawyers. If it is determined that "reasonable grounds" exist, a complaint form is drafted and reviewed by the Executive Director. The complaint form is then mailed to the complainant for their signature. It is only when a signed complaint form is returned to the Human Rights Commission that it becomes an official complaint.

"Information only" inquiries made up 265 of the 942 inquiries and were related to human rights law or human rights issues in general. In this case, Commission staff can provide general information about human rights law or issues to members of the public without giving legal advice.

Of the 942 human rights inquiries made, the Commission accepted 90 official complaints of discrimination, up from 70 official complaints the previous fiscal year. These complaints can be broken down by the following enumerated grounds:



Ground:	#
Sexual Orientation	1
Disability	55
Age	6
Perceived Disability	2
Sex	7
Colour	1
Conviction	2
Family Status	2
Pregnancy	4
Marital Status	2
Ethnic Origin	3
Religion	1
Source of Income	4
Total	90

It is important to note that in some circumstances, complaints are filed on the basis of more than one prohibited ground. Race for example, is not identified above, however 2 complaints that were filed on the basis of race were also filed on other grounds such as ethnic origin, colour or national origin. These files are reflected above under "ethnic origin".

For further information please contact us:

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Vision

An environment where people understand their human rights and responsibilities and have access to established processes which support human rights.

Mandate

The mandate of the Human Rights Commission is contained in Section 23 of the *Human Rights Act*, 2010 which states:

23. The commission shall
- (a) forward the principle that every person is equal in dignity and rights without regard to a prohibited ground of discrimination;
 - (b) promote an understanding of, acceptance of and compliance with this Act;
 - (c) distribute information and develop and conduct educational programs and research designed to eliminate discriminatory practices related to a prohibited ground of discrimination;
 - (d) advise and assist government departments and agencies of the government and co-ordinate their activities where these activities concern human rights;
 - (e) advise the government on suggestions, recommendations and requests made by private organizations, groups and individuals where these suggestions, recommendations and requests concern human rights;
 - (f) co-operate with and help a person, an organization or a group concerned with human rights, whether within or outside the province;
 - (g) report as required by the minister on the business and activities of the commission; and
 - (h) consider, investigate or administer a matter or activity referred to the commission by the Lieutenant-Governor in Council or the minister.



Given this, the Commission considers its lines of business to be:

- Receiving, recording and investigating individuals' written complaints that allege violations of the *Human Rights Act, 2010*;
- Promotion of the *Human Rights Act, 2010*;
- Education and research designed to eliminate discriminatory conduct; and
- Advising and helping individuals, groups, organizations and governments on matters related to human rights.

Activities

Issue 1: Enhanced Efficiencies

The Human Rights Commission has enhanced its internal mechanisms to address caseload issues. As of March 31, 2012 the Commission had 221 official complaints.

During the fiscal year, 72 of the 221 official complaints received were closed; 24 complaints were dismissed by the Commission after an investigation; 21 complaints were withdrawn by the complainants; nine were settled by mediation or other appropriate means facilitated by staff of the Commission; five complaints were dismissed by the Executive Director pursuant to section 32 of the *Human Rights Act, 2010*; and 10 were reviewed pursuant to the deferral power of the Executive Director, section 31 of the *Human Rights Act, 2010*. Of the 10 reviewed, six complaints were formally deferred.

The commissioners also referred eight official complaints to a Board of Inquiry during the fiscal year. Of these, six were settled by Commission lawyers before the hearing commenced and the remaining two are in settlement negotiations or awaiting confirmation of hearing dates. Two decisions of the Trial Division of the Supreme Court of Newfoundland and Labrador (an appeal from a Board of Inquiry and an appeal from a Commission decision) were also released. Copies of these decisions can be found by visiting the Human Rights Commission website at www.justice.gov.nl.ca/hrc.



Goal 1:	By March 31, 2014 the Human Rights Commission will have enhanced its internal efficiencies in order to best address the needs of the client base.
Measure	
Enhanced internal efficiencies	
Information management practices enhanced	
Mediation program formalized	
Mediation program reviewed	

Objective 1:	By March 31, 2012 the Human Rights Commission will have enhanced its information management practices.
Measure	
Information management practices enhanced	
Indicators	Actual Results
Current database analyzed	The current TRIM database was analyzed to determine if current information needs were being met. The remaining indicators speak to the results of this analysis.
Database fields reviewed, re-evaluated and updated, if necessary	All database fields were reviewed, re-evaluated and updated. The updates to the database fields are important to the utility of the database. This review also resulted in the completion of the TRIM policy manual for the office. The policy outlines the procedure for inputting all client information into the database and highlights the areas of responsibility for employees.
Database updated to provide all required reports	The database was updated using the revised fields information. The updates have made specific searches easier and have ensured select reports are now readily available. However, due to the limitations of the TRIM database technology, it has been determined that the database is incapable of providing all of the required reports, including the length of time from intake to resolution of a complaint and other reports related to the timelines in various stages of the process. The Commission will continue to explore alternatives to provide all required reports, as appropriate.



2012-13 Objective:	By March 31, 2013 the Human Rights Commission will have formalized a mediation program for complaint resolution.
Measure	
Mediation program for complaint resolution formalized	
Jurisdictional review of mediation programs completed	
Formalized mediation policy developed	
Number of mediations held in the fiscal year	

Opportunities and Challenges Ahead

Enhancing efficiencies continues to be a priority of the Human Rights Commission. During the next fiscal year, the Commission will work towards enhancing efficiencies in the human rights process through the use of mediation services. Mediation and other forms of alternative dispute resolution are proven methods of achieving effective and timely resolution to complaints. Currently, mediation is offered to clients on an ad hoc basis. The process is informal and does not occur at any set stage of the process. The Commission will conduct a jurisdictional review of other mediation programs to inform the implementation of a formal mediation program. In accordance with its Activity Plan 2011-2014, the Commission will also complete an internal review of its formal mediation program by March 2014 in order to inform future direction in this regard.

Public education and awareness is key to ensuring employers and the public are aware of their rights and obligations with respect to the *Human Rights Act, 2010*. The Commission views its public education and awareness work as a tool to prevent and reduce incidents of discrimination. Competing priorities and limited resources are realities that pose a challenge for the Commission in this area. This provides an opportunity for the Commission to seek innovative methods for providing information to the public. The Commission will continue to seek efficient and effective ways of disseminating information to the public.



Financial Statements

Expenditure and revenue figures included in this document are un-audited and based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for the Year Ended 31 March 2012. The Human Rights Commission is not required to provide a separate audited financial statement.

2.3.04. HUMAN RIGHTS

	Actual \$	Estimates	
		Amended \$	Original \$
01. Salaries	814,321	814,400	823,900
02. Employee Benefits	11,263	15,400	19,400
03. Transportation and Communications	15,101	27,200	54,000
04. Supplies	12,330	17,500	11,500
05. Professional Services	6,690	23,500	50,000
06. Purchased Services	84,721	92,100	102,100
07. Property, Furnishings and equipment	675	800	-
Total: Human Rights	945,101	990,900	1,060,900



Further information or assistance may be obtained by contacting:

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