

# Human Rights Commission

## Annual Activity Report

2008-09



## Message from the Chair

As Chairperson of the Human Rights Commission I am pleased to present the 2008-09 Annual Activity Report for the period April 1, 2008 to March 31, 2009. I, on behalf of the entire Commission, accept the Commission's accountability for the preparation of this report and the actual results reported.

A handwritten signature in black ink, appearing to read "Lois J. Skanes". The signature is fluid and cursive, with the first name "Lois" written in a smaller, more compact script than the last name "Skanes".

Lois J. Skanes, Q.C.  
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 Code, RSNL 1990, Chapter H-14*. The Lieutenant Governor in Council usually appoints six commissioners, one who serves as Chairperson and another who serves as Vice-Chairperson. Currently, the Commission members are: Lois J. Skanes, O.C., Chairperson, Gilbert Thomas, Vice-chairperson, Winston Green, Mary Ennis and Jorge Villanueva. Ms. Skanes was appointed Chair in December 2007.

The Commission receives complaints from the public and is 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 Commissioners 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 2008-09 reporting period, the Human Rights Commission was staffed by an Executive Director, three Human Rights Specialists, three contract lawyers, and two administrative personnel. One of the three lawyer positions became permanent in November 2008 and an additional permanent legal assistant was hired in September 2008. The Commission is located on the 2<sup>nd</sup> Floor of the Beothuck Building, 20 Crosbie Place, St. John's, NL.

During the fiscal year 2008-09 the Commission accepted 72 complaints of discrimination. It is not clear why the number of official complaints is down from previous years. It may be that the Human Rights Commission is now critically assessing complaints at the intake stage to ensure that we have the proper mandate to address the complaint. However, it is difficult to assess any trends at this time.

### 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 18 of the *Human Rights Code* which states:

18. The commission shall

(a) forward the principle that every person is equal in dignity and rights without regard to race, religion, religious creed, political opinion, colour or ethnic, national or social origin, sex, sexual orientation, marital status, family status, age, physical disability or mental disability;

(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 race, religion, religious creed, political opinion, colour or ethnic, national or social origin, sex, sexual orientation, marital status, family status, age, physical disability or mental disability;

(d) advise and help 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 individual's written complaints that allege violation of the *Human Rights Code*
- Promotion of the *Human Rights Code*
- Education and research designed to eliminate discriminatory conduct
- Advising and helping individuals, group, organizations and governments on matters related to human rights.

## Activities

### Introduction

The Office of the Auditor General's Report dated January 2009 stated that the Human Rights Commission activity plan for 2007-08 did not address all of its mandated activities. Instead, we set goals, objectives and measures for only two of our lines of business. However, issues which are addressed in the activity plan are governance issues which require the intervention and attention of the Human Rights Commission. The activity plan is not intended to describe everything a government entity does but to focus on the key priorities of the governing body (Guidelines for Multi-Year Performance Based Planning, July 2005, pg. 3. Transparency and Accountability Office, Government of Newfoundland and Labrador). The Human Rights Commission has determined that dealing with its backlog of cases and developing a comprehensive public education program were its two main priorities. These two priority issues contribute to the achievement of the Strategic Directions of the Department of Justice entitled "Access to Justice" and "Public Trust and Confidence".

### ***Issue 1: Operational Enhancements***

The Human Rights Commission continues to have a serious backlog of cases. As of March 31, 2009 active outstanding complaint files date back to 2001. It is the goal of the Human Rights Commission to address this backlog in a timely fashion and to create systems to prevent this situation from recurring in the future.

The Human Rights Commission recently received funding to implement a computerized database system to log all calls from the public, track complaints filed and their status and record the final disposition of each complaint among other things. The computerized database system will also be able to provide statistical information for annual reports and other reporting documents. The computerized database system is expected to be fully operational by April 30,

2009. Currently, the Human Rights Commission is preparing its record retention and disposal system.

<b>Goal:</b>	By March 31, 2011 the Human Rights Commission will enhance mechanisms to address caseload issues.
<b>Measure</b>	
Enhanced mechanisms to address caseload issues	
<b>Indicators</b>	
Statistical record keeping enhanced	
Number of outstanding cases reduced	
Number of complaints investigated within 90 days	
Number of decisions of the Commission issued within 60 days of case referral	
System for prioritizing complaints established	

<b>Objective 1:</b>	By March 31, 2009 the Human Rights Commission will have improved its statistical record keeping.
<b>Measure</b>	
Expanded data collection	
<b>Indicators</b>	<b>Actual Results</b>
Milestones for complaints are established	In order to establish and track milestones for complaints, a computerized record-keeping database is required. This database is being developed and will be operational early in FY 2009-10. This will identify current milestones for complaints and will inform future targets for milestones.
Record keeping related to milestones commenced	<p>During the year, the Commission worked with IT personnel to develop a computerized record-keeping database. Due to the complexity of the system and resourcing issues at the Commission, the implementation of the database has been delayed and is expected to be fully operational by April 30, 2009. The Commission will use the information obtained through this system to inform future milestones.</p> <p>Currently, looking at a sample of files, it appears that it should take approximately 90 days from the time a new complaint is commenced to the completion of an Investigation Report. It also appears that it should take approximately 60 days from the date an Investigation Report is completed to the date the Commission provides a decision. This must be understood in the context that all cases differ in circumstances and complexity and there may be instances where more than the established timeframes would be required.</p>

**Indicators for 2009-10:**

<b>Objective 2:</b>	By March 31, 2010 the Human Rights Commission will have further enhanced its case processing times.
<b>Measure</b>	
Enhanced case processing times	
<b>Indicators</b>	
Analysis of current milestones/timeframes completed	
All abandoned files cleared	
Meetings held monthly with investigators to prioritize files	
A review of policies and procedures begun	
Participated in the development of a new <i>Human Rights Code</i> for the Province	
90 days from date a new complaint is commenced to completion of Investigation Report for the complaint	
60 days from date of completion of Investigation Report to decision from the Human Rights Commission on the case	
Record keeping related to milestones commenced	

**Issue 2: Provincial Public Awareness/Education**

The Human Rights Commission is committed to promoting an understanding of, acceptance of and compliance with the Human Rights Code.

Since the fall of 2008, Commission staff increased the number of public education seminars they present to members of the public. For example, In December 2008, the Executive Director made two presentations in Corner Brook. The Human Rights Commission also participated in the Sharing our Cultures event in St. John's for the first time and on March 27, 2009, the Executive Director was a panellist at a Diversity Symposium sponsored by the Association for New Canadians. The content of the Commission website was updated in February 2009. The Human Rights Commission has also started to develop a comprehensive public education program that would be delivered throughout the entire province. As a starting point, the Commission is reviewing its current public education program so as to identify deficiencies and target areas for improvement.

As stated in the 2008-11 Activity Plan of the Human Rights Commission, the Commission will report on this objective and indicators again in 2009-10 and 2010-11.

<b>Objective :</b>	By March 31, 2011 the Human Rights Commission will have completed public awareness/education sessions throughout the province of Newfoundland and Labrador.
<b>Measure</b>	
Public awareness/education sessions held through the Province	
<b>Indicators</b>	<b>Actual Results</b>
Presentation developed	New presentations were developed according to target groups. These presentations were developed by updating previous presentations. Each year, the HRC will ensure its presentations are up-to-date.
Number of information sessions held	The Commission provided information sessions upon request. In 2008-09, 23 information sessions were held. The Commission presented to high school students and staff members; college students and staff members; employers and small businesses; and staff and officials of the Public Service Commission of Newfoundland and Labrador.
Locations of sessions	The Commission provided information sessions in St. John's and Corner Brook, as these were the areas from which requests for sessions were received.

## Opportunities and Challenges Ahead

The Human Rights Commission continues to face several challenges; most pressing is the delay in processing complaints and a backlog of cases. There is also the need to develop a comprehensive public education program and to conduct a complete review of all internal policies and procedures. In January 2009 the Commission was audited by the Office of the Auditor General whose report identified a number of critical weaknesses with the office. Staff at the Human Rights Commission however, view this as an opportunity to do our job better. Already, we have developed a plan to deal with complaints more effectively and efficiently: 1) All complaint files were reviewed and dormant and/or inactive files were dealt with; 2) Settlement is encouraged at all stages as per our legislative mandate. Commission lawyers are also being trained in mediation; 3) All complaints are reviewed prior to being accepted to ensure that they fall within the legislative competence of the Human Rights Commission; 4) Deadlines to respond are given to both complainants and respondents so as to ensure that files move through the system quickly; 5) The

Commission is meeting on a more regular basis so as to assess files quickly; and  
 6) Boards of Inquiries are being set and heard as soon as can be arranged.

The Human Rights Commission is also committed to developing a comprehensive public education program and is resolved to ensuring that knowledge and respect for Human Rights are promoted throughout the entire province.

## 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 2009. 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.....	690,862	711,200	677,900
02. Employee Benefits.....	11,345	11,400	4,400
03. Transportation and Communications.....	28,759	31,000	34,000
04. Supplies.....	8,252	10,500	4,000
05. Professional Services.....	42,022	45,800	27,800
06. Purchased Services.....	86,371	90,700	47,200
07. Property, Furnishings and equipment.....	10,784	11,100	1,200
<b>Total: Human Rights.....</b>	<b>878,395</b>	<b>911,700</b>	<b>796,500</b>

Further information or assistance may be obtained by contacting:

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