

HUMAN RIGHTS COMMISSION

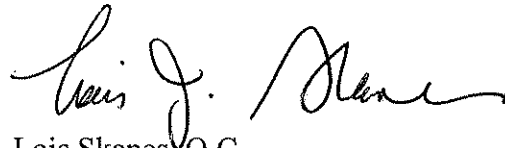
ACTIVITY PLAN

2008 – 2011

Message from the Chair:

As Chairperson of the Human Rights Commission I am pleased to present the Activity Plan for the Human Rights Commission which outlines the objectives for the 2008-11 fiscal years. As Chairperson of the Human Rights Commission, I, on behalf of the entire Commission, accept accountability for the preparation of this plan and the achievement of its goal and objectives.

As we start into this 3 year planning period, the Commission is facing several challenges. Meeting the challenges will require tremendous energy and commitment of staff and Commission Members. The Commission is however resolved to ensuring that knowledge and respect for Human Rights are promoted throughout the entire Province and that the populace is aware that the Commission is available for education purposes and to investigate and resolve disputes.

A handwritten signature in black ink, appearing to read 'Lois J. Skanes', written in a cursive style.

Lois Skanes, Q.C.
Chairperson
Human Rights Commission

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.

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). Currently the Commission members are: Lois J. Skanes, Q.C., Chairperson, Gilbert Thomas, Vice-chairperson, Winston Green, Mary Ennis and Jorge Villaneuva.

Overview

Since its formation in 1971 the Human Rights Commission has served the population of Newfoundland and Labrador from its offices in St. John's. At present staff of the Commission is comprised of an Executive Director, Ms. Carey Majid, appointed on June 16, 2008, who is a lawyer, three contractual lawyers, two permanent and one contractual Human Rights Specialists and two administrative personnel. According to the Estimates of the Program Expenditure and Revenue of the Consolidated Revenue Fund, 2008-09 the budget for the Commission is \$796,500. The strategic directions of government were considered in the development of this Activity Plan, however, none were considered applicable at this time.

During Fiscal Year 2006-2007 the Commission received 131 complaints of discrimination. As of May 26, 2007 mandatory retirement at age 65 was eliminated. Employees may continue working provided they remain capable of performing their jobs. In addition, the *Code* has been amended to permit a complaint to be filed within twelve month of the alleged occurrence of discrimination. Prior to this the time frame for submitting a complaint was 6 months. Other amendments in May of 2006 included the addition of "family status" and "source of income" as grounds of discrimination. Individuals can now make a complaint on the ground of "family status" (e.g. flexible schedules to accommodate childcare needs or the care of elderly parents against their employer or a service provider). As well, individuals can now make a complaint based upon "source of income" (e.g. refusal to provide services such as rental accommodations due to a person's source of income). It is unknown what effect these changes have or will have on the number of complaints.

For Further Information Please contact us.	
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Mandate and Lines of Business

The mandate of the Human Rights Commission is contained in Section 18 of the *Human Rights Code, Chapter HL-24.1, SNL 2004, as follows:*

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.

Values

The core values of the Human Rights Commission provide a guiding framework for those who are required to perform duties in accordance with the *Human Rights Code*. These values and related action statements are:

Accessibility:	The Commission and its employees are available to the citizens of Newfoundland and Labrador in a timely manner through regular channels of communication.
Accountability:	The Commission and each of its employees are responsible to follow through on their respective responsibilities and commitments.
Fairness & Impartiality:	The Commission and each employee perform their duties in a thorough and unbiased manner.
Responsiveness:	The Commission and each employee are flexible in the performance of their duties to respond to the current need.
Respect:	The Commission and each employee respect the diversity of clients, which includes diversity of cultures, backgrounds and needs.
Integrity:	Each person maintains the highest professional and ethical standards in dealings with clients and each other.

Who We Serve

The Human Rights Code defines the Commission's clients as "a person, an organization or a group concerned with human rights, whether within or outside the province". Primarily, the clients tend to be citizens of the province or individuals with human rights concerns arising from processes/procedures established within this province.

Vision

An environment where people understand their human rights and responsibilities and have access to established processes which support 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, as a category 3 government entity, has the option of adopting the Department of Justice mission indicating how it contributes to that mission, or developing its own mission. The Human Rights Commission acts as an arms length entity which reports to the Minister of Justice. Given the mandate, development of a mission with measures and indicators would be redundant of the objectives which are already developed in the current activity plan.

Issue 1: Operational Enhancements

The Human Rights Commission currently has serious caseload issues to address. As of April 1, 2008 active outstanding complaint files date back seven (7) years. 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, therefore, seeks to enhance its operations through the creation of a system for prioritization of complaints, collection of statistics and the setting of specific targets for reviewing active complaints. The Commission hopes to have all new complaints investigated within ninety (90) days and to have a decision from the Human Rights Commission on every complaint within sixty (60) days of completion of the Investigation Report. It is the goal of the Human Rights Commission to deal with every person's complaint in a fair and timely fashion. Each year, the Commission will report on the results of the 2008-2009, 2009-2010 and 2010-2011 objectives.

Goal: By the March 31, 2011 the Human Rights Commission will enhance mechanisms to address caseload issues.

Measure: Enhanced mechanisms to address caseload issues

Indicators: 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

Objective 1: By March 31, 2009 the Human Rights Commission will have improved its statistical record keeping.

Measure: Expanded data collection

Indicators: Milestones for complaints are established
Record keeping related to milestones commenced

Objective 3: By March 31, 2010, the Human Rights Commission will have further enhanced its case processing times.

Measure: Enhanced case processing times

Indicators: 90 days from date a new complaint is commenced to completion of Investigation Report.
60 days from date of completion of Investigation Report to decision from the Human Rights Commission.

Objective 3: By March 31, 2011, the Human Rights Commission will have reviewed systems of prioritizing complaints in other jurisdictions.

Measure: Jurisdictional Review completed

Indicators: Contacted other jurisdictions
Compiled information respecting type of prioritization systems
Identified options for Newfoundland and Labrador

Issue 2: Provincial Public Awareness/Education

It is the objective of the Human Rights Commission to be accessible and known to all members of the public throughout Newfoundland and Labrador. The Human Rights Commission is available upon request to travel throughout the province to provide information sessions on the Human Rights Code. Our objective is to be inclusive of all members of the public and all ethnic, cultural and aboriginal groups. These services are available upon request. Each year, the Commission will report on the results of the 2008-2009, 2009-2010 and 2010-2011 objectives.

Objective: By March 31, 2011 the Human Rights Commission will have completed public awareness/education sessions throughout the province of Newfoundland and Labrador.

Measure: Public awareness/education session held throughout the Province

Indicators: Presentation developed
Number of information sessions held
Locations of sessions

Further information or assistance may be obtained by contacting:

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