



Human Rights Commission

Annual Activity Report

2012-13



Message from the Chair

As Chairperson of the Human Rights Commission, I am pleased to present the 2012 – 2013 Annual Activity Report for the period April 1, 2012 to March 31, 2013.

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.

A handwritten signature in blue ink, appearing to read "Remzi Cej".

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.

The Commission is also mandated with promoting the *Human Rights Act, 2010* to Newfoundlanders and Labradorians, as well as advising Government on human rights matters.



Overview

During the 2012-13 reporting period, the Human Rights Commission was staffed by an Executive Director, three human rights specialists, two 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 2012--13, the Commission received 905 human rights inquiries from members of the public, compared to the 942 received during the previous fiscal year. In the past three years, the Commission has received, on average, 900-1000 human rights inquiries a year, from members of the public. 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 307 of the 905 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 905 human rights inquiries made, the Commission accepted 61 complaints of discrimination. However, of these only 39 official complaints were commenced; for the other 22 accepted inquiries, the complainants did not return the signed complaint form necessary to commence the official complaint.



The official complaints can be broken down by the following enumerated grounds:

Ground:	#
Sexual Orientation	0
Disability	18
Age	1
Perceived Disability	9
Sex	6
Colour	0
Conviction	0
Family Status	1
Pregnancy	3
Marital Status	0
Ethnic Origin	0
Religion	0
Source of Income	1
Total	39

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 Internal Efficiencies

The Human Rights Commission continued efforts to enhance internal efficiencies. During the fiscal year, the Commission researched mediation practices in other jurisdictions and developed a draft, formal mediation policy. There were delays experienced in full implementation of the mediation program due to unanticipated changes to staff resources. In 2013-14, the Human Rights Commission will review the mediation policy and will identify any issues and address those issues as is appropriate.

During 2012-13, 57 official complaints received were closed by the Commission: 25 complaints were dismissed by the Commission after an investigation; 14 complaints were withdrawn by the complainants; 13 were settled by mediation or other appropriate means facilitated by staff of the Commission; 4 complaints were dismissed by the Executive Director pursuant to section 32 of the *Human Rights Act, 2010*; and 1 was dismissed by the Supreme Court, Trial Division.

The commissioners also referred seven official complaints to a Board of Inquiry during the fiscal year. Of these, one was settled by Commission lawyers before the hearing commenced and the remaining six are in settlement negotiations or awaiting confirmation of hearing dates. A preliminary decision of a Board of Inquiry was released and can be found by visiting the Human Rights Commission website at



www.justice.gov.nl.ca/hrc. Three unreported decisions of the Trial Division of the Supreme Court of Newfoundland and Labrador (applications for judicial review of Commission decisions) also occurred.

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 2:	By March 31, 2013 the Human Rights Commission will have formalized a mediation program for complaint resolution.	
Measure		
Mediation program for complaint resolution formalized		
Indicators	Actual Results	
Jurisdictional review of mediation programs completed	A jurisdictional review of mediation programs was completed. Information was gathered on mediation programs from other provincial Commissions and reviewed in order to identify best practices.	
Formalized mediation policy developed	A formalized mediation policy has been developed and is awaiting final approval. A staff lawyer was formally trained as a mediator. All letters initially sent to complainants now reference Commission mediation services and an information package is provided to members of the public, if they express an interest in mediation.	
Number of mediations held in the fiscal year	There were two mediations held during the fiscal year. Unanticipated changes to staff resources resulted in fewer mediations than was originally expected.	

Objective 3:	By March 31, 2014 the Human Rights Commission will have reviewed the mediation program to inform future direction in this regard.
Measure	
Mediation program reviewed to inform future direction in this regard	
Reviewed draft mediation policy and procedure	
Identified issues with the policy and procedure addressed	
Approved mediation policy implemented	

Opportunities and Challenges Ahead

The Human Rights Commission experienced reductions in funding in 2012-2013. This has had a number of implications for the Commission, including a reduction in staffing from 11 to 9 people over this period with the loss of one lawyer and one human rights specialist position, and the resulting impacts on the Commission's ability to fulfill elements of its mandate. Due to this reduction, the Commission has had to and continues to reassess its priorities and internal operations, particularly when it comes to public education and outreach, as well as policy development and research activities, to look for other ways for the Commission to fulfill its mandate, as set out in the *Human Rights Act, 2010*. The Commission will examine additional ways in which to conduct its business and to continue working with the Province to meet these challenges.

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 2013. 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	702,998	703,400	649,400
02. Employee Benefits	8,495	8,900	4,400
03. Transportation and Communications	14,986	27,200	27,200
04. Supplies	12,357	16,500	11,500
05. Professional Services	11,764	45,000	50,000
06. Purchased Services	75,708	96,600	102,100
Total: Human Rights	826,308	897,600	844,600



Further information or assistance may be obtained by contacting:

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