

Human Rights Commission

Annual Activity Report

2007- 08

Message from the Chair:

As Chairperson of the Human Rights Commission I am pleased to present the 2007-08 Annual Activity Report for the Human Rights Commission. As Chairperson of the Human Rights Commission, I, on behalf of the entire Commission, accept accountability for the preparation of this report and the actual results reported.

Lois J. Skanes, Q.C.  
Chairperson  
Human Rights Commission

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## Introduction

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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, Q.C., Chairperson, Gilbert Thomas, Vice-chairperson, Winston Green, Mary Ennis and Jorge Villaneuva. Ms. Skanes was appointed Chair in December 2007. Her term is for a period of 5 years.

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).

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## Overview

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During the 2007-08 reporting period, the Human Rights Commission was staffed primarily by an Executive Director, Jane M. Fitzpatrick, one permanent Human Rights Specialist and two administrative personnel. Another permanent Human Rights Specialist was hired in June 2007. Two contractual lawyers started working at the Commission in January and March 2008 respectively. One contractual Human Rights Specialist started in March 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 2007-08 the Commission accepted 98 complaints of discrimination. On May 26, 2007 the *Human Rights Code* was amended to eliminate mandatory retirement at age 65. Employees may continue working provided they remain capable of performing their jobs. In addition, the *Code* was amended to permit a complaint to be filed within twelve months of the alleged occurrence of discrimination. Prior to this the time frame for submitting a complaint was 6 months. 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

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.

**Issue 1:      *Protection of Human Rights***

The Human Rights Commission investigates complaints that the Human Rights Code has been violated. This involves assessing the merit of a complaint against Code criteria to determine if the Code has been violated. If it is determined that the complaint meets Code criteria it is investigated and then there is an attempt to mediate a settlement. If a settlement is not reached after a full investigation the complaint is referred to the Commission. The Commission determines whether grounds exist to warrant a board of inquiry before an adjudicator. Decisions of the Commission and Boards of Inquiry are appealable to the Supreme Court.

Goal: By March 31, 2008 the Human Rights Commission will have processed complaints as per the requirements of the *Human Rights Code*.

Measure:      Complaints are processed

<b>Indicators</b>	<b>Results</b>
Number of complaints assessed against Code criteria	842 complaints were assessed against Code criteria in 6 months. Due to staff turn-over and the lack of a computer filing system accurate statistics for the entire year were not available.
Number of complaints that meet Code criteria investigated	98
Number of mediated settlements achieved	5
Number of complaints referred to Boards of Inquiry	9

**Issue 2: Public Education**

The Commission has a statutory obligation to provide public education regarding human rights. Upon request, the Human Rights Commission provides educational seminars to schools, colleges, businesses, government, and other groups. The Commission also answers general inquiries on a daily basis and has its own website.

Goal: By March 31, 2008 the Human Rights Commission will have promoted an understanding of the Human Rights Code.

Measure: Understanding of the Code is promoted

<b>Indicators</b>	<b>Results</b>
Number of educational seminars delivered	10 educational seminars were delivered during the year. Human Rights Specialists provided an overview of the role and responsibilities of the Commission focusing on sexual harassment, the Code, and the complaint process to interested groups.
Number of general inquiries answered	The Commission answered approximately 5-10 general inquiries a month.

**Opportunities and Challenges Ahead**

The Human Rights Commission is currently facing several challenges: including, the lack of a computer filing system or case management system, the lack of staff and a large case backlog. Meeting the challenges will require tremendous energy and commitment of staff and Commission members. The Commission is encouraged by the additional staffing resources that were provided in the reporting year and is resolved to ensuring that knowledge and respect for Human Rights are promoted throughout the entire Province. The Commission is also committed to ensuring that the citizens of the Province are aware that the Commission is available to deliver educational seminars and to investigate and resolve disputes.

## Financial Statements

Expenditure and revenue figures included in this document are based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for Fiscal Year Ended 31 March 2008 (unaudited).

### 2.3.04. HUMAN RIGHTS

	Actual \$	Estimates	
		Amended \$	Original \$
01. Salaries.....	301,663	302,200	335,200
02. Employee Benefits.....	7,924	8,000	2,600
03. Transportation and Communications.....	17,613	20,300	28,000
04. Supplies.....	5,728	7,200	4,000
05. Professional Services.....	32,474	37,500	27,800
06. Purchased Services.....	50,597	52,300	47,200
07. Property, Furnishings and Equipment.....	7,139	8,200	-
Total: Human Rights.....	423,138	435,700	444,800

Further information or assistance may be obtained by contacting:

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