

17th Legislative Assembly of the Northwest Territories

Standing Committee on Government Operations

Report on the Review of the
2013-2014 Northwest Territories
Human Rights Commission
Annual Report

Chair: Mr. Daryl Dolynny

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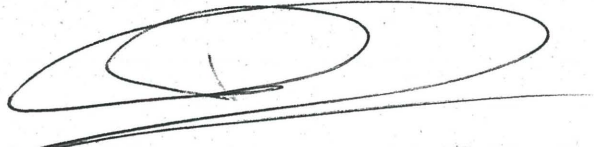
April Taylor
Committee Analyst

September 30, 2015

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Government Operations is pleased to provide its Report on the Review of the 2013-2014 Northwest Territories Human Rights Commission Annual Report and commends it to the House.



Daryl Dolynny
Chairperson

**STANDING COMMITTEE ON
GOVERNMENT OPERATIONS**

**REPORT ON THE REVIEW OF THE
2013-2014 NORTHWEST TERRITORIES
HUMAN RIGHTS COMMISSION ANNUAL REPORT**

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STANDING COMMITTEE ON GOVERNMENT OPERATIONS

REPORT ON THE REVIEW OF THE 2013-2014 NORTHWEST TERRITORIES HUMAN RIGHTS COMMISSION ANNUAL REPORT

INTRODUCTION

The Standing Committee on Government Operations (“the Committee”) has completed its review of the *2013-2014 Northwest Territories Human Rights Commission Annual Report*. The Standing Committee thanks Mr. Charles Dent, Chair of the NWT Human Rights Commission (“the Commission”), and Ms. Deborah McLeod, Director of Human Rights, for their appearance before the Committee on May 28, 2015.

2013-2014 ANNUAL REPORT

About the Human Rights Commission

The NWT *Human Rights Act* sets up three independent but interrelated branches: the Commission, the Office of the Director of Human Rights, and the Adjudication Panel.

The Human Rights Commission is made up of three to five members of the public, each for a term of four years. They are appointed by and responsible to the Legislative Assembly for the general administration of the *Act*. The Commission Members serving in 2013-14 were: Mr. Charles Dent, Chair; Mr. Yacub Adam, Deputy Chair; and Members Ms. Bronwyn Watters; Ms. Marion Berls; and Mr. Roger WahShee.

The Office of the Director of Human Rights includes the Director and Commission staff who are members of the public service. This office is responsible for the administration of the complaint process and for the delivery of education workshops and the promotion of human rights throughout the NWT.

The Adjudication Panel is composed of at least three lawyers appointed by the Legislative Assembly, each for a term of two to four years. The Adjudication Panel hears complaints referred to them by the Director as well as appeals of the Director’s decision to dismiss complaints. The Adjudication Panel Members serving in 2013-2014 were: Mr. Adrian Wright, Chair; and Adjudicators

Mr. James Posynick; Ms. Karen Snowshoe; Mr. Sheldon Toner; Ms. Joan Mercredi, and Mr. Louis Siebert.

The Committee wishes to thank all members of the Commission and the Adjudication Panel for their service in 2013-2014.

Message from the Chair

The message from the Chair provides a summary overview of the accomplishments of the Human Rights Commission during the fiscal year.

In this year's message, Mr. Dent opened his remarks by noting that 2013-2014 was a year of change for the Human Rights Commission. He welcomed new staff members and thanked outgoing members. He noted that the Human Rights Commission began a program of rebranding to create a new look and tone for the Commission, including a new slogan and a social media presence. The new slogan "Let's Talk" is intended to invite conversation and encourage discussion about human rights topics. The Commission hopes to foster a culture of kindness, tolerance and acceptance, where everyone is treated with dignity and respect.

The Commission celebrated its 10th Anniversary in 2013-2014. As well, work began on a comprehensive review of the *Human Rights Act*, which will include consultation with stakeholders and the public and is scheduled to take place in 2014-2015. Mr. Dent indicated to the Committee that the Commission has taken note that other jurisdictions have included genetic discrimination to their list of prohibited grounds of discrimination. The Commission takes the position that genetic discrimination could amount to discrimination on the basis of a disability or perceived disability. MLAs were encouraged to consider whether this should be added as a prohibited ground under NWT legislation. Committee Members took note of this recommendation.

Community Outreach

The NWT Human Rights Commission has done excellent promotional work to inform citizens of their rights and responsibilities under the *Human Rights Act*. This work includes attending tradeshows and conferences, conducting presentations and workshops for employers, and outreach to schools.

The Commission attended trade shows in Fort Smith, Yellowknife and Hay River and participated in a services marketplace during a meeting of community justice leaders. Workshops and information sessions were provided to a number of organizations and agencies, including the YK Housing Authority, the Salvation Army, Hay River Health and Social Services, Local Government Administrators

of the NWT (LGANT), the NWT Seniors Society and Aurora College education students in Fort Smith.

The Standing Committee was pleased to see that Commission representatives continued their practice of visiting communities across the NWT in 2013-2014. The Committee remembered Mr. Dent's indication, in last year's review, that the Commission planned, in 2013-2014, to complete its goal of visiting all 33 NWT communities in its first 10 years. When questioned about this, Mr. Dent advised that they did complete all of the planned community visits, however, they were slightly delayed in getting into a few communities, having rescheduled at the request of these communities. Despite this small delay, the Standing Committee commends the Commission for its achievement in visiting all NWT communities and for its dedication to community outreach.

Rounding out its community outreach efforts in 2013-2014, the Commission presented a financial contribution to École St. Patrick for their NWT Best Buddies Chapter, the first in the Northwest Territories, aimed at creating a safe and inclusive school environment. The Commission also attended the NWT Pride celebrations, celebrated International Human Rights Day on December 10th, and presented the *2013-2014 Human Rights Commission Accessibility Award* to Power Surge Technologies, Ltd., of Hay River, for incorporating accessibility features into its new building.

The Standing Committee was, as always, impressed by the scope of public education and outreach undertaken by the Commission in 2013-2014.

Websites and Social Media

As part of its rebranding program, the Commission's main website nwthumanrights.ca was reorganized and revitalized to make it more user-friendly.

In discussing the Commission's website and social media projects with the Standing Committee, Mr. Dent noted that the Commission had seen a drop-off in the use of the Teachers' Toolkit website, which provides teachers with resources for discussing human rights topics as part of the social studies curriculum for grades K-12. Mr. Dent advised that the Commission is looking at ways to make this resource more accessible.

The Commission launched its own Facebook page, in 2013-2014, by holding a Facebook Action Week leading up to the celebration of International Human Rights Day. The Commission encourages the public to join them on Facebook by liking their page at [facebook.com/nwthrc](https://www.facebook.com/nwthrc).

Internal Development

As previously noted, the Commission began work on updating its visual identity and on a comprehensive review of the *Human Rights Act* as part of its internal development in 2013-2014.

As it has in years past, the Commission again hosted an audio conference presented by Lancaster House. Based in Toronto, Lancaster House is a leader in providing information on labour, employment and human rights law for employees, employers, professional organizations, unions, management and legal practitioners in Canada. In November, 2013, the Commission hosted a Lancaster House audio conference on accommodating multiple holidays in a multicultural workplace. These conferences are available from any community in the NWT and access is provided free of charge.

As well, the Commission continued its work in the area of process improvement. This year, this work was undertaken as part of a three-agency working group—with members from the Commission, Director's Office and Adjudication Panel—tasked with finding ways to improve the process for people who make complaints under the Act.

Inquiries and Complaints

The NWT *Human Rights Act* protects people from discrimination in employment, access to public services, tenancy (including business leases), membership in a trade union or professional organization, or in published materials such as signs, newspapers, or other advertising.

In 2013-2014, the Director of Human Rights received 327 inquiries, compared with 309 inquiries in the previous year. This figure does not include inquiries made at public outreach events. Of the 2013-2014 inquiries, 174 (53%) originated in the North Slave region, compared with 51% in the previous year.

At the beginning of 2013-20-14, there were 25 existing complaints with the Director's office. 30 new complaints were filed during the year, compared with 15 new complaints in the previous year. 16 of these 55 complaints were resolved, leaving 39 open complaint files at the end of fiscal year. Of the 30 new complaints, 19 (63%) originated in Yellowknife

The NWT *Human Rights Act* identifies 21 grounds upon which discrimination is prohibited. A person may allege discrimination based on more than one ground in their complaint. Again this year, disability was the ground with the highest number of complaints (47%), as it has been for the past nine years. The Standing Committee remains deeply concerned by the high number of complaints of discrimination on grounds of disability.

Hearings and Decisions

The NWT Human Rights Adjudication Panel is separate and independent from the Commission and hears complaints, referred by the Director, and appeals of the Director's decision to dismiss complaints. Through the hearing process, adjudicators objectively examine evidence presented to them, to determine if discrimination has occurred. They also decide on an appropriate remedy if discrimination has occurred.

During the course of 2013-2014, the Adjudication Panel closed one file by mediation, one by adjudication and two by other processes, ending the year with 14 files outstanding. All decisions made by the Adjudication Panel are public and may be viewed by clicking on the "decisions" link on the Commission's website at nwthumanrights.ca.

Looking Forward

This section of the report reiterates Commission's plans for the coming 2014-2015 fiscal year, noting community visits planned for Nahanni Butte, Trout Lake, Fort Simpson, Inuvik and Sachs Harbour and trade shows planned for Fort Smith and Hay River. In addition to the plans the Commission has already identified for the 10th Anniversary Celebrations and the comprehensive review of the *Human Rights Act*, the report notes that the Commission will also be involved in a Safe and Caring Schools working group led by ECE as part of the Education Renewal and Innovation Initiative.

Financial Summary

The budget for the Commission is reviewed and approved by the Legislative Assembly's Board of Management. The Legislative Assembly pays the salary for the Director and Deputy Director, honoraria for the Human Rights Adjudication Panel, and rent expenses for the Commission. These items are not included in the Commission's financial statements.

Statement of General Operations for the year ended March 31, 2014 shows:

- The majority of the Commission's revenue comes from the GNWT via an operating grant of \$250,000. This funding remains unchanged from the previous year.
- Total revenues less expense reimbursement = \$228,813.00, an increase of 3.0% from the previous year.
- Expenses decreased, dropping from \$206,966.00 to \$181,139.00, a drop of 12.5% from the previous year.

- Some other items of note in the Commission's financial statements include:
 - Advertising and promotion costs which remained relatively consistent at just over \$10,000.00 for the year;
 - A 48% decrease in the honorarium paid to the Commission Chair and a 39.9% decrease in the honoraria paid to Commission Members; and,
 - A 29% increase in legal expenses.
- Revenue over expenses totaled \$47,674.00, leaving the Commission with a surplus again in 2013-2014.

The Standing Committee noted that the Commission's financial statements show no travel expenses for the Commission Chair or Members, despite the fact that travel took place. When questioned about this, Mr. Dent explained that the travel costs were covered under the line item for expense reimbursement. The Committee felt that, in the interests of transparency and accountability, this information should be broken out in the financial statements. Committee Members suggested that Mr. Dent work with the Legislative Assembly's Corporate Services division to find a way to more clearly present the Commission's travel costs in its financial statements.

CONCLUSION

The Standing Committee on Government Operations congratulates the NWT Human Rights Commission for another successful year. Members applaud the efforts of its members and staff, particularly in the area of community outreach, for promoting a culture of kindness, tolerance, inclusion and respect in the Northwest Territories to benefit all residents of the Northwest Territories.