

Standing Committee on
Government Operations



Report on the Review of the 2023- 2024 Annual Report of the Northwest Territories Human Rights Commission

20th Northwest Territories Legislative Assembly

Chair: Mr. Julian Morse

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SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Government Operations is pleased to provide its *Report on the Review of the 2023-2024 Annual Report of the Northwest Territories Human Rights Commission* and commends it to the House.



Mr. Julian Morse
Chair, Standing Committee on Government Operations

**STANDING COMMITTEE ON
GOVERNMENT OPERATIONS**

**REPORT ON THE REVIEW OF THE 2023-2024 ANNUAL REPORT OF THE
NORTHWEST TERRITORIES HUMAN RIGHTS COMMISSION**

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STANDING COMMITTEE ON GOVERNMENT OPERATIONS

REPORT ON THE REVIEW OF THE 2023-2024 ANNUAL REPORT OF THE NORTHWEST TERRITORIES HUMAN RIGHTS COMMISSION

INTRODUCTION

The Standing Committee on Government Operations (Committee) has reviewed the *2023-2024 Annual Report of the Northwest Territories Human Rights Commission* (Annual Report).¹ The Committee thanks Mr. Charles Dent, Ms. Nicole MacNeil, and Mr. Sheldon Toner for their appearance before the Committee on August 26, 2024.²

The *Human Rights Act* requires the Human Rights Commission (Commission) to prepare an annual report.³ The 2023-2024 report highlights the Commission's focus on community outreach, resolving complaints filed under the *Human Rights Act*, and continuing advocacy for accessibility legislation.

Committee is providing two recommendations to the Government of the Northwest Territories (GNWT) regarding the implementation of legislation that improves accessibility for the people of the Northwest Territories.

ABOUT THE HUMAN RIGHTS COMMISSION

The NWT Human Rights Commission works to promote equality human rights and protect individuals and groups from discrimination under the *NWT Human Rights Act*. The Act creates a human rights system that is independent from the territorial government.

The human rights system in the Northwest Territories is committed to using a restorative approach and is guided by the principles of flexibility, inclusion, remediation and participatory solutions to issues. It is against the law to discriminate against anyone in the following areas:



The NWT *Human Rights Act* protects 22 grounds: age, disability, race, colour, ancestry, place of origin, ethnic origin, nationality, sex, sexual orientation, gender identity, family status, family affiliation, marital status, social condition, religion, creed, political belief, political association, pardoned criminal conviction, or record suspension.

OBSERVATIONS

Public Hearing

Committee is excited to see the results of the Commission's work to understand how their processes are working for the people of the Northwest Territories (NWT), particularly the Commission's Reconciliation Strategy and work plan to improve services to Indigenous Peoples.

Committee is eager to learn more about the Commission's research into non-disclosure agreement (NDA) legislation that has been a topic of concern across Canada. In addition, Committee appreciated the conversation about protected grounds and looks forward to the Commission's review of protected grounds.

Accessibility Legislation

Accessibility means full and equal participation for all peoples in our communities, with the physical, information, attitudinal, and systemic barriers removed so people can participate in day-to-day activities or participate in opportunities available to all citizens. An accessible and inclusive territory benefits all of us.

As of 2022, there are more than 8,000 NWT residents over the age of 15 with some

form of disability, representing 25.7% of the population.⁴ As the population ages, the number of people with disabilities and the severity of their disabilities are likely to increase.

For years, the Human Rights Commission and Committee have called on the Government of the Northwest Territories (GNWT) to develop accessibility legislation. While existing human rights laws, such as the *NWT Human Rights Act* and the *Canadian Charter of Rights and Freedoms*, allow people to make individual complaints when their rights are violated, they often have limited ability to address systemic problems.

The NWT does not have comprehensive legislation to help identify, remove, and prevent barriers experienced by persons with disabilities. In addition to the federal government's *Accessible Canada Act* (2019), eight provinces, Quebec (2004), Ontario (2005), Manitoba (2013), Nova Scotia (2017), Newfoundland and Labrador (2021), British Columbia (2021), Saskatchewan (2023), and New Brunswick (2024) currently have accessibility legislation in place.

Committee strongly believes that it is a function of good government to safeguard and advance the dignity of all persons, including persons with disabilities. Accessibility legislation could create mechanisms, such as accessibility standards and regulations, to address systemic barriers. Therefore:

Recommendation 1: The Standing Committee on Government Operations recommends that the Government of the Northwest Territories develop accessibility legislation that identifies, removes, and prevents barriers encountered by people with disabilities in their daily lives through the development, implementation, and enforcement of accessibility standards.

Accessibility standards should provide guidance about best practices for accessibility, including desired accessibility outcomes. Standards should cover a variety of areas including service delivery, employment, the built environment, information and communication, and transportation.

Committee was pleased to hear that the GNWT is planning some work around improving accessibility in the built environment:

1. In June 2024, the Minister of Infrastructure committed to “looking into a building standards framework for the territory that includes an accessibility provision.” The Minister’s further commitment to begin working on a *Building Act* in 2025-26 is also welcome news.⁵

2. Adoption of the 2020 National Building Code (NBC:2020) through *Fire Prevention Act* regulations amendments. NBC 2020 includes some updated accessibility requirements to reduce barriers related to anthropometrics, plumbing facilities, signage, entrances, and elevators.⁶

However, Committee is concerned that the government's plans do not go far enough to address existing accessibility issues in the built environment. Committee learned that building codes often do not align with requirements to make a building accessible, nor will the adoption of NBC:2020 address building accessibility for private owners, private builders, or within municipalities.

CSA B651:23 – Accessible design for the built environment⁷ is recognized as the most comprehensive description of accessible building practices in Canada. The standard describes the technical requirements for designing and constructing new facilities or exterior environments or modifying existing facilities or exterior environments.

Integrating CSA B651:23 into legislation to make buildings and the exterior built environment safe for those with physical, sensory, or cognitive disabilities could help ensure that builders, private owners, and municipal governments are protected from discrimination claims.

Recommendation 2: The Standing Committee on Government Operations recommends that the Government of the Northwest Territories integrate CSA B651:23 into the recommended accessibility legislation.

CONCLUSION

This concludes the Standing Committee on Government Operations *Report on the Review of the 2023-2024 Annual Report of the Northwest Territories Human Rights Commission*. Committee eagerly awaits the government's response to Committee's recommendations in *CR 5-20(1) Report on the Review of the 2022-2023 Annual Report of the Human Rights Commission*,⁸ and respectively recommends that:

Recommendation 3: The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a response to the recommendations contained in this report within 120 days.

ENDNOTES

¹ Northwest Territories Human Rights Commission 2023-2024 Annual Report. Available at: <https://www.ntlegislativeassembly.ca/file/hrc-23-24-annual-reportengpdf>.

² Public Briefing on the 2023-2024 Human Rights Commission Annual Report. Available at: <https://www.youtube.com/watch?v=LkBIO2E6AgA>.

³ The NWT Human Rights Commission's annual report requirements are laid out in Section 21 of the *Human Rights Act*. Available at: <https://www.justice.gov.nt.ca/en/files/legislation/human-rights/human-rights.a.pdf#page=24>.

⁴ Canadian Survey on Disability, NWT Bureau of Statistics. Available at: https://www.statsnwt.ca/health/disabled/Canada_NWT_2022_Table%201_by%20Severity%20and%20Type%20of%20Disability_.xlsx.

⁵ Blake, E. (2024a, May 17). *YK resident and city call, again, for accessibility legislation*. Cabin Radio. <https://cabinradio.ca/181954/news/politics/yk-resident-and-city-call-again-for-accessibility-legislation/#:~:text=Premier%20RJ%20Simpson%20told%20the,responsibility%20for%20persons%20with%20disabilities>.

⁶ National Building Code of Canada 2020. Available at: <https://nrc.canada.ca/en/certifications-evaluations-standards/codes-canada/codes-canada-publications/national-building-code-canada-2020>

⁷ CSA/ASC B651:23 National Standard of Canada – Accessible design for the built environment.

Available at: <https://www.csagroup.org/wp-content/uploads/2430328.pdf>.

⁸ Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Human Rights Commission. Available at: <https://www.ntlegislativeassembly.ca/committee-reports/cr-5-201-report-review-2022-2023-annual-report-northwest-territories-human-rights>.