

Nova Scotia Human Rights Commission

# Annual Report

2015-2016



# Contents

Message from the CEO .....	1
Commissioners & Commission Meetings.....	2
Mandate & Vision.....	3
2015-16 Strategic Priorities.....	4
Organizational Structure.....	5
Dispute Resolution.....	6
Education & Training.....	9
Legal.....	14
Contact Us.....	16

# Message from the CEO

**Dear Minister Furey,**

On behalf of the staff and Commissioners of Nova Scotia Human Rights Commission, I am pleased to present you with the Commission's annual report for the 2015-16 fiscal year.

As a leader in the field of human rights protection and promotion in the province, the Commission uses its experience, expertise, and influence to help others engage in a process of understanding and mutual respect to prevent and resolve conflict. Throughout 2015-16, the Commission continued to work collaboratively with communities, government, and other stakeholders. In February 2016, the Commission launched its inaugural Community Conversations project in North Preston.

Using restorative principles, the Commission has worked with parties to human rights disputes to help achieve meaningful resolution in a timely manner. Applying restorative principles has proven to provide a faster and more effective resolution for parties involved in dispute resolution, as well as an increase in cost savings.

The Commission is committed to affirming and promoting human rights across the province's many diverse communities.

Sincerely,

Christine Hanson  
*Director & CEO*

# Commissioners & Commission Meetings

The Nova Scotia Human Rights Act stipulates that the Commission must have no less than three and no more than 12 Commissioners. They make up “the Commission”. At the end of March 31, 2016, there were 11 Commissioners, including the Director and CEO who is a non-voting member:

- Eunice Harker (Chair)
- Christine Hanson (CEO, non-voting member)
- Karen Armour
- Vishal Bhardwaj
- Jerry Blumenthal
- Dr. Joan Boutilier
- Norbert Comeau
- Darren Desmond
- Cheryl Knockwood
- Chief Andrea Paul
- Deepak Prasad

The members of the Commission represented several regions of the province, including Lunenburg, Windsor, Halifax Regional Municipality, Wolfville, Church Point, Sydney, Membertou, Trenton, and Port Hawkesbury.

## Commission Meetings

The Commission held regular bi-monthly meetings throughout 2015-16. The June Commission Meeting was held in the Acadian community of Clare in Little Brook. The three-day meeting included the regular agenda, as well as attending scheduled activities within the community, such as the 60th anniversary of the Festival Acadien de Clare. The Commissioners and senior management team also visited Université Sainte-Anne at Church Point. This visit helped to enhance Commissioner and senior management’s understanding of the Acadian community, its history, and important issues.

# Mandate & Vision

## Mandate

The Commission has a unique role within Nova Scotia. It is an independent government agency charged with administering the Nova Scotia Human Rights Act (the Act), a provincial statute created in 1969, with the most recent amendments in 2012. The Commission is mandated by the Act to help build inclusive communities and protect human rights in Nova Scotia.

The Act also sets out the specific duties and responsibilities of the Commission, mainly administering and enforcing the provisions of the Act. In addition, it develops public information and education programs in the field of human rights to forward the principle that every person is free and equal in dignity and rights without regard to race, religion, creed, colour, ethnic or national origin, sex/gender, gender identity, gender expression or sexual orientation. Furthermore, the Commission is mandated to conduct research and encourage research by universities and other bodies in the general field of human rights.

Additionally, the Commission co-operates with and assists any person, organization or body concerned with human rights, inside or outside the province. The Commission also works with government by advising and assisting government departments and coordinating their activities as far as these activities concern human rights and advising the government on suggestions, recommendations, and requests made by private organizations and individuals. The Commission reports, as required by the Minister, on its business and activities, and considers, investigates or administers any matter or activity referred to the Commission by the Governor in Council or the Minister.

## Vision

The Commission is committed to actively engaging and working with all Nova Scotians and their diverse communities to effectively:

- advance equity and dignity;
- foster positive and respectful relations; and
- protect human rights.

The Commission believes in and is committed to:

- restorative processes;
- respectful and productive relationships;
- inclusivity;
- service excellence; and
- continuous learning through research, innovation, and transparency.

# 2015-16 Strategic Priorities

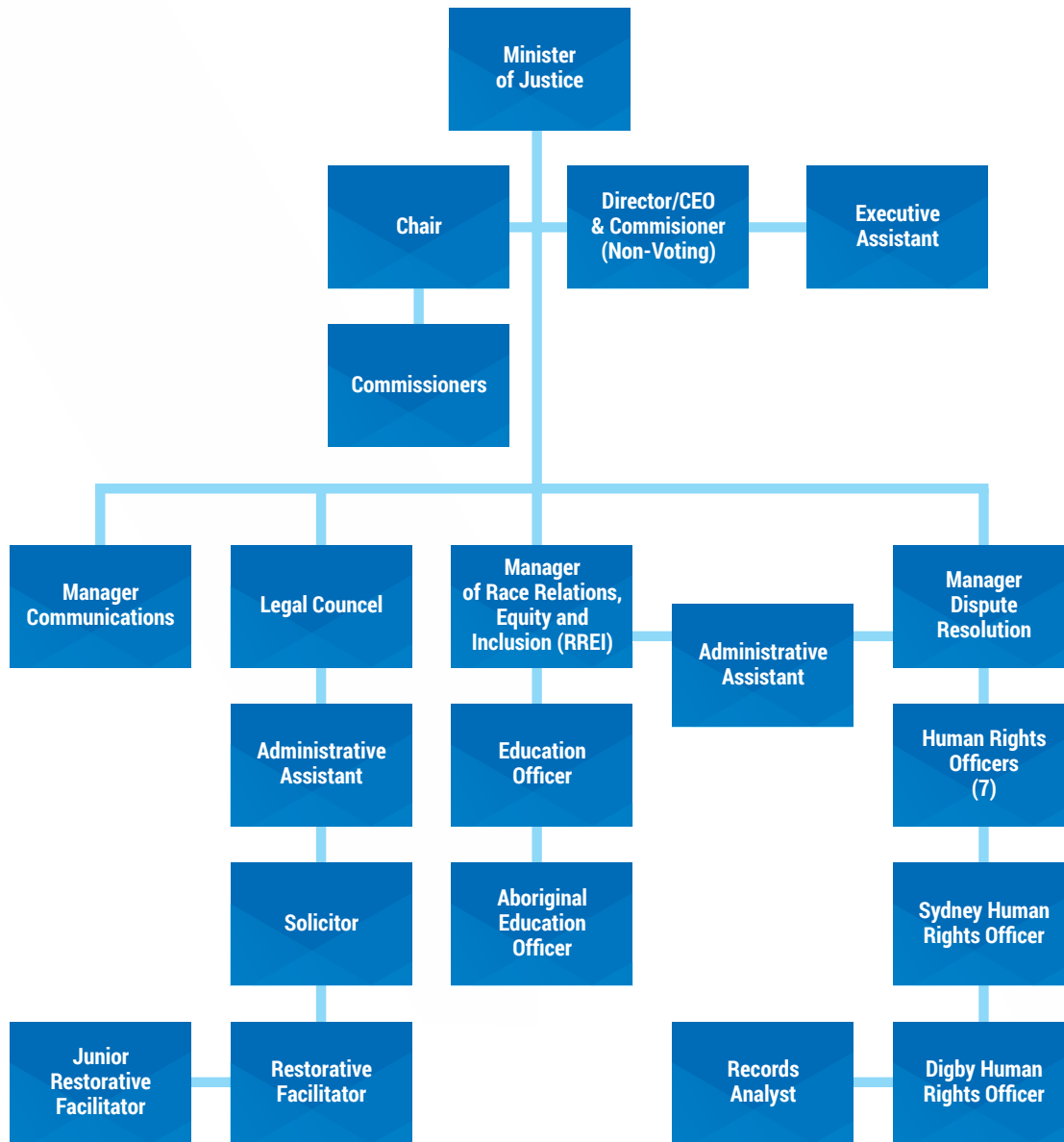
As described in its 2015-16 Statement of Mandate, the Commission defined its strategic priorities as:

- Identify, Address and Operationalize Priority Human Rights Issues;
- Fully Integrate Restorative Approaches into the Commission's Work; and
- Advance Dialogue and Human Rights Practices.

The Commission has embarked on a multi-year engagement strategy concentrating on renewing its relationships with African Nova Scotian communities and with other protected groups who would also benefit from heightened awareness of human rights within the population at large. Throughout 2015-16, the Commission continued to work collaboratively with communities, government, and other stakeholders such as the Immigrant Services Association of Nova Scotia (ISANS), the Disabled Persons Commission, the Collaborative Partnership Network, and Partners for Human Rights. In February 2016, the Commission launched its inaugural Community Conversations project in North Preston.

During 2015-16, the Commission continued to refine its procedures and processes to reflect the principles of restorative approaches in every aspect of its work. A restorative approach offers a unique solution to administrative agencies because it acknowledges the relational harm that is at the core of the conflict. Applying restorative principles to the Commission's work will continue to be an area of focus as it has proven to provide a faster and more effective resolution for parties involved in dispute resolution, as well as an increase in cost savings.

# Organizational Structure



# Dispute Resolution

The following statistics reflect key dispute resolution activities related to providing human rights information, and helping to define and resolve human rights disputes. These measures, while important, constitute a snapshot in time and do not evaluate the quality of services provided, complexity of the files involved, and staffing complements at the time. A comprehensive evaluation framework of the restorative approach will be necessary to provide insight into the experiences of parties and the quality of outcomes.

QUARTER	1 <sup>ST</sup>	2 <sup>ND</sup>	3 <sup>RD</sup>	4 <sup>TH</sup>	FISCAL 15-16
From – To	Apr 1 - Jun 30 2015	Jul 1 - Sept 30 2015	Oct 1 - Dec 31 2015	Jan 1 - Mar 31 2016	Apr 1, 2015 - Mar 31, 2016
Inquiries Received	628	528	552	618	2326
Complaints Accepted	23	26	17	31	97
Complaints Closed by BOI Decision	0	2	1	0	3
Complaints Closed by s.29(4)(a) – Best Interests Not Served	12	1	2	2	17
Complaints Closed by s.29(4)(b) - Complaint is Without Merit	3	6	7	4	20
Complaints Closed by s.29(4)(c) – No Significant Issue	1	0	0	1	2
Complaints Closed by s.29(4)(d) – Previous Alternate Process	0	0	1	0	1
Complaints Closed by s.29(4)(e) – Bad Faith / Improper Motives	0	0	0	0	0
Complaints Closed by s.29(4)(f) – No Reasonable Likelihood	5	1	3	2	11
Complaints Closed by s.29(4)(g) – Exemption Order Granted	0	0	0	0	0
Complaints Closed by Settlement Reached	11	6	7	3	27

*Table continued on next page...*



QUARTER	1 <sup>ST</sup>	2 <sup>ND</sup>	3 <sup>RD</sup>	4 <sup>TH</sup>	FISCAL 15-16
From – To	Apr 1 - Jun 30 2015	Jul 1 - Sept 30 2015	Oct 1 - Dec 31 2015	Jan 1 - Mar 31 2016	Apr 1, 2015 - Mar 31, 2016
Complaints Closed by Non-Jurisdictional	0	0	0	0	0
Total Number of Complaints Closed	32	16	21	12	81
Average Time to Close Complaint (Days)	220	258	269	251	249
Average # of Current Cases per HRO					17

## Complaints by Area & Characteristic

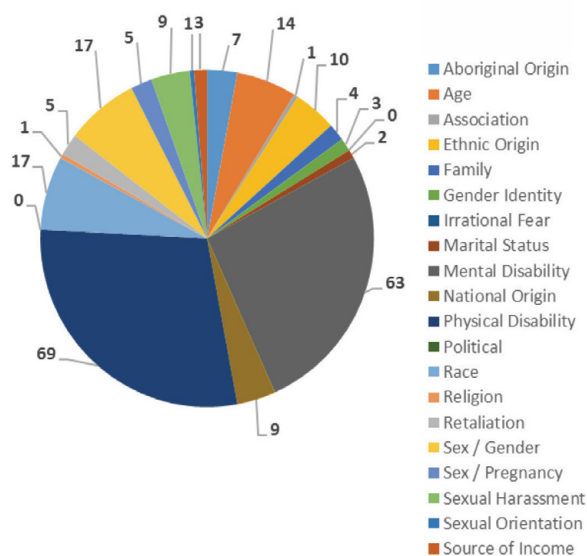
COMPLAINT AREA	COMPLAINT CHARACTERISTIC	APRIL 1, 2015 - MARCH 31, 2016
Access to Services or Facilities		29
Accommodation		2
Employment		113
Membership		1
	Aboriginal Origin	7
	Age	14
	Association	1
	Ethnic Origin	10
	Family	4
	Gender Identity	3
	Irrational Fear	0
	Marital Status	2
	Mental Disability	63
	National Origin	9
	Physical Disability	69
	Political	0
	Race	17

*Table continued on next page...*

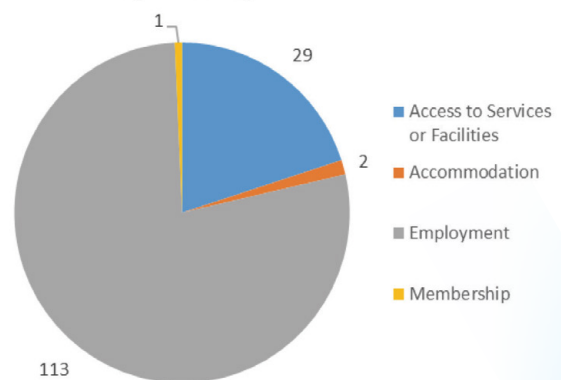
COMPLAINT AREA	COMPLAINT CHARACTERISTIC	APRIL 1, 2015 - MARCH 31, 2016
	Religion	1
	Retaliation	5
	Sex / Gender	17
	Sex / Pregnancy	5
	Sexual Harassment	9
	Sexual Orientation	1
	Source of Income	3
Inquiries Received		2326
Average time to Prepare Complaint Form (Days)		28 (time from inquiry to referral for investigation or for closing)
Average time to Address Complaint (Days)		291 (time from Complaint Intake to File Closing)

*\*Note: Many complaints involve multiple characteristics.*

## Complaints by Characteristic



## Complaints by Area



# Education & Training

The Act gives clear direction to the Race Relations, Equity and Inclusion section or Education Unit of the Commission to work with government departments, agencies, boards, commissions, NGOs, communities, and the private sector to develop programs and policies that facilitate Nova Scotians working together with respect and dignity, with knowledge of the Act and of human rights.

The majority of complaints received by the Commission occur at the workplace, specifically involving people with disabilities (mental or physical). Frequently, the remedy to emerge from a Dispute Resolution or Board of Inquiry was for the Respondent to develop or revise their policies in accordance with the Act.

Throughout 2015-16, the Education Unit provided workshops and education sessions to organizations and businesses of various sizes. Some of these sessions were mandated through Board of Inquiry decisions, while others were voluntary sessions requested by various employers, organizations, and community groups to raise awareness among their staff and membership. The work carried out by the Education Unit has built the Commission's knowledge of Nova Scotia businesses, their challenges, and the commitment they have for the work they do in the province. Further, the Education Unit also advanced human rights education through the planning, promotion, and participation in a number of events throughout the year.

## Workshops, Public & Corporate Training

During 2015-16, the Commission held 16 education sessions with over 300 attendees, as noted in the table below:

DESCRIPTION	APRIL 1 – MAY 31 2015		JUNE 1 – AUG 30 2015		SEPT 1 – NOV 30 2015		DEC 1, 2015 - FEB 1 2016		FEB 1 – MAR 31 2016	
	NO. OF SESSIONS	NO. OF ATTENDEES	NO. OF SESSIONS	NO. OF ATTENDEES	NO. OF SESSIONS	NO. OF ATTENDEES	NO. OF SESSIONS	NO. OF ATTENDEES	NO. OF SESSIONS	NO. OF ATTENDEES
Human Rights Education Workshop	1	18	2	45	2	25	1	15	3	34
Information Session/ Requested Education					4	65				
Mandated Education					1	20				
Presentations/ Conferences					1	70				
Guest Speaker					1	25				
<b>TOTAL</b>	<b>1</b>	<b>18</b>	<b>2</b>	<b>45</b>	<b>9</b>	<b>205</b>	<b>1</b>	<b>15</b>	<b>3</b>	<b>34</b>
<b>TOTAL SESSIONS</b>	<b>16</b>				<b>TOTAL ATTENDEES</b>		<b>317</b>			

## Community Engagement

With a focus on community engagement, the Commission has undertaken new approaches to program planning and project development. In partnership with its stakeholders, the Commission has co-designed a new program platform for community-based conversations on systemic discrimination and advanced work to address consumer racial profiling. Consumer racial profiling, a systemic issue among racialized consumers in Nova Scotia, is further described in the Commission's 2013 research report: *Working Together Better*. This and other initiatives intended to better reflect the needs of the communities the Commission serves are described below:

### Community Conversations

On February 9, 2016, the Commission launched the Preston Area Leadership Project, a pilot project from the Community Conversation Program working with members of the province's diverse communities. In collaboration with engagement consultants, Commission staff hosted engagement sessions with community members in the communities of North Preston, East Preston, Cherry Brook, and Lake Loon. Two information sessions and project planning sessions were held, a community questionnaire was developed, and members of the communities were interviewed to identify priority issues that require action to address long-standing barriers to healthy, safe, sustainable communities.

### Consumer Equity

Further to the 2013 research report: *Working Better Together: Consumer Racial Profiling in Nova Scotia*, the Commission hosted a panel of industry associations representing retail and service sectors in Nova Scotia in January 2016. The purpose of this panel was to determine how best to support education of their members on the issue of consumer racial profiling. Participating organizations included the Retail Council of Canada, the Canadian Federation of Independent Business, the Restaurant Association of Nova Scotia, the Halifax Chamber of Commerce, and the Truro & Colchester Chamber of Commerce. At the initial meeting, representatives advised Commission staff of programs and initiatives that were currently underway within their respective organizations, and provided insight into gaps in knowledge and ways that the Commission could support education efforts aimed at enhancing consumer equity for all Nova Scotians.

### Partners for Human Rights

The Commission continued to work with Partners for Human Rights, a collection of community-based organizations and individuals committed to advancing human rights education and awareness in Nova Scotia. While projects undertaken by Partners are predominantly Halifax-centric, the Commission worked with the group to determine how the priorities of Partners align with those of the Commission, and how Partners and the Commission can work together more strategically to build on the success of events like the December 10<sup>th</sup> International Human Rights Day and the annual presentation of the Nova Scotia Human Rights Awards.

### Diversity Round Table

The Commission continued to be an actively engaged participant at the Diversity Round Table, a forum for representatives of provincial government departments, agencies, unions, and employee networks that advances diversity, cultural competence, social equity, and employment equity.

## Major Events

Through new and ongoing partnerships, Commission staff helped to advance public awareness and foster better engagement with the communities it serves. Part of this work involved the planning, promoting, and participating in major events during the year. Some of these events included:

### 8<sup>th</sup> Annual Symposium on Inclusive Education and Employment

This annual symposium was held on December 1 and 2, 2015, and saw Commission staff deliver and facilitate sessions to attendees from across the province in three areas related to the Commission's work.

- **Consumer Equity**

What is “consumer equity” and how can a diverse workforce help to create economic benefits for those in the retail and service sectors?

- **Community Conversations: Creating a More Just & Inclusive Nova Scotia**

Nova Scotians with disabilities, as well as other protected groups under the Nova Scotia Human Rights Act, know that discrimination touches all aspects of their lives. How can communities work together to identify possible solutions to these issues? What part does research play in planning social change? How can the private and public sectors lend their support?

- **Exploring Violence Against Women with Disabilities**

Statistics indicate that women with disabilities are more likely than men and women without disabilities and men with disabilities to be the victims of violent crime. Members of the panel explored the relationship among violence, gender, and disabilities, including the impact that experiencing violence has on the lives of women with disabilities (e.g., health, education, and employment outcomes).

### International Human Rights Day: December 10<sup>th</sup>

December 10, 2015 marked the 65<sup>th</sup> anniversary of International Human Rights Day. Celebrations were held at Citadel High School in Halifax and focused on “Cultural Education, Empowering our Future”. The event began with a harmony breakfast and was followed by guest speakers from the community, government and the Commission, and performances by students, former students, and teachers. A live painting by Dartmouth artist and owner of Expressions of Colour Art Studio, Debbie Mosher, was commenced at the beginning of the event and presented to Citadel High School at the end.

## 2015 Human Rights Award

The 2015 Nova Scotia Human Rights Awards were presented at Government House on December 10, the 65<sup>th</sup> International Human Rights Day. The event was co-hosted by His Honour Brigadier-General J.J. Grant, CMM, ONS, CD (Ret'd), Lieutenant Governor of Nova Scotia and the Commission. Government House was chosen as the venue for the awards presentation in part due to its recent receipt of an Award of Excellence in VisitAble Housing from VisitAble Housing Canada. Improvements to the accessibility of the residence during its three-year renovation included the installation of an elevator, accessible washrooms, and barrier-free paths of travel. Recipients of individual, youth, and group or organization awards are nominated annually by their peers to recognize their contributions to the community in the field of human rights.

## Award Recipients



DR. ALLAN BURNLEY "ROCKY" JONES  
INDIVIDUAL AWARD

**Warren C. "Gus" Reed and Dr. Afua Cooper** were the recipients of the Dr. Burnley Allan "Rocky" Jones Award for their contributions in advancing human rights.

A well-known advocate for accessibility, inclusion, and the rights of people with disabilities, **Mr. Reed** is also the cofounder and spokesperson for the James McGregor Steward Society. This society is a not-for-

profit organization dedicated to fully incorporating people with disabilities in the social fabric of Nova Scotia and Canada.

**Dr. Cooper** is a tireless community leader, advocate, academic, and author in the area of cultural diversity and inclusion. A professor at Dalhousie University, Dr. Cooper is dedicated to fostering empowerment, engagement, and leadership to share and shape the understanding and contributions of people of African descent to Nova Scotia.







#### YOUTH AWARD

Highland Park Junior High's Gender Sexuality Alliance, the recipient of the Youth Award, is a group of teenage students who came together to form an alliance that provides a safe space and support for their LGBTI peers and educates the larger student body, administration and staff about LGBTI issues. Among the group's initiatives

are the creation of a gender-neutral washroom and helping to raise awareness of the province's Guidelines for Supporting Transgender and Gender-Nonconforming Students.

#### GROUP OR ORGANIZATION AWARD

Project ARC (Action, Responsibility, Choice) was the recipient of the Group or Organization Award. This vibrant and diverse theatre troupe of multi-talented youth, aged 12-18, use performing arts and interactive peer education to engage children and youth on issues of human rights, respect, and inclusion.



# Legal

In an effort to reduce costs and improve access to justice, Board of Inquiry procedures have been streamlined with the new restorative procedures which are now available as an option for parties. Through offering the restorative procedures to parties, many of the less complex matters were able to be settled without a hearing.

Due to an increased amount of cases that were able to be settled before proceeding to a Board of Inquiry hearing, the number of Board of Inquiry decisions decreased.

APRIL 1, 2015 - MARCH 31, 2016	
Board of Inquiry (BOI) Referrals	12
Ongoing BOIs, including 2015-2016 referrals	17
Ongoing Restorative Boards of Inquiry (RBOI), including 2015-2016 referrals	2
TBD*	1
Settled BOIs	9
Resolved RBOI's	3
BOI Decisions	2
RBOI Decisions	2
BOI/RBOI Dismissed	1
Judicial Reviews Ongoing	4
Judicial Reviews Dismissed	1
Judicial Reviews Settled	1
Appeals Ongoing	2
Appeals Dismissed	0
Appeals Withdrawn	0

*\*Note: TBD means a file has been appointed to a Board of Inquiry by Commissioners but has not been decided yet if the file will move forward as a restorative or traditional Board of Inquiry*



## Board of Inquiry Decisions 2015-16

The full text of Board of Inquiry decisions can be found online at [humanrights.novascotia.ca](http://humanrights.novascotia.ca), as well as by searching the Canadian Legal Information Institute website at [canlii.org](http://canlii.org).

### Clattenburg and Clattenburg-Pace v. Boutilier's Glen Campground\*\*

- **Decision date:** September 1, 2015
- **Board chair:** Walter Thompson, QC
- Finding of discrimination on the basis of disability
- **Summary of decision:** Campground evicted the daughter of couple they had issues with on the basis the daughter had a disability and could not remain at the campground without their care. This action was found to be discriminatory towards the daughter only. Complaint of parents dismissed.

### Andrella David v. Sobeys Group Inc.

- **Decision date:** September 28, 2015
- **Board chair:** Marion Hill, QC
- Finding of discrimination on the basis of race/color and source of income/racial profiling
- **Summary of decision:** Actions of store employee found to be discriminatory after the employee approached Ms. David at a checkout and accused her of shop lifting in the store on previous occasions. In addition, the employee made discriminatory remarks about Ms. David being on social assistance and comments about where she resided in a particular African Nova Scotia community.

### Tony Smith v. Capital District Health Authority

- **Decision date:** November 6, 2015
- **Board chair:** Donald Murray, QC
- No finding of discrimination on the basis of race/color
- **Summary of decision:** Chair found treatment alleged by Mr. Smith at his workplace did not amount to discrimination on the basis of his race/color. Inquiry was dismissed. It is being appealed by Mr. Smith.

**\*\* Note:** Restorative Board of Inquiry

# Contact Us

## Nova Scotia Human Rights Commission

[humanrights.novascotia.ca](http://humanrights.novascotia.ca)  
[HRCinquiries@novascotia.ca](mailto:HRCinquiries@novascotia.ca)

### Halifax Office

Park Lane Terrace, 3rd Floor  
Suite 305, 5657 Spring Garden Road  
Halifax, NS B3J 3R4

MAILING ADDRESS:  
PO Box 2221  
Halifax, NS B3J 3C4

Tel: 902-424-4111  
Toll Free in NS: 1-877-269-7699  
Fax: 902-424-0596

### Sydney office

Provincial Building  
360 Prince Street  
Sydney, NS B1P 5L1

Tel. 902-563-2142  
Fax 902-563-5613

### Digby office

Provincial Building  
84 Warwick Street  
Digby, NS B0V 1A0

MAILING ADDRESS:  
PO Box 1029  
Digby, NS B0V 1A0

Tel. 902-245-4791  
Fax 902-245-7103

Facebook: [www.facebook.com/NSHumanRights](http://www.facebook.com/NSHumanRights)  
Twitter: [@NSHumanRights](https://twitter.com/NSHumanRights)



[humanrights.novascotia.ca](http://humanrights.novascotia.ca)