



**Human Rights Commission**

**RESOLUTION AGREEMENT**

**This resolution agreement ("Resolution Agreement") dated August 21st 2013 is**

**BETWEEN:**

**Nicole Heim  
("Complainant")**

**- and -**

**Hurley Corporation  
("Respondent")**

**- and -**

**THE NOVA SCOTIA HUMAN RIGHTS COMMISSION  
("NSHRC")**

**Background Information**

1. The Complainant made a complaint under the *Human Rights Act* on November 25, 2011 against the Respondent(s) alleging discrimination based on sex. The parties after the appointment of a board of inquiry agreed to resolve the issue in a collaborative, restorative way.
2. Kenneth Crawford was the Board Chair appointed by the Chief Judge of the Provincial Court. Grace Campbell was the restorative facilitator provided by the NSHRC.
3. The Complainant and the Respondent have settled the complaint by this Resolution Agreement and agree to the terms below.

**Terms of the Agreement**

4. The Complainant and the NSHRC understand and accept that the Respondent does not, by this Resolution Agreement, admit any liability. Nonetheless the Respondent has undertaken to better clarify the reasons for termination of an employee including putting

- this information in writing to the employee at the time of termination. There was also discussion at the resolution circle with the Board Chair that Ron McLernan, the supervisor involved, was a heartfelt person who cares about people. His apology earlier made to complainant and his good intentions were acknowledged by the circle and the Board Chair.
5. The Respondent understands and accepts that this release of liability does not take away from the significance of the complaint for the Complainant and acknowledges the hurt feelings of the Complainant.
  6. The Respondent agrees to provide the Complainant with a letter of apology, attached as a Schedule "A".
  7. The Complainant will receive from the Respondent, the sum of \$1447.50 which represent general damages for hurt feelings within 14 days of receipt of written notification of the Board Chair's approval of this Resolution Agreement.
  8. Failure to comply with the terms of this Resolution Agreement will result in the case being forwarded to the NSHRC for further action.
  9. The Complainant further releases the parties as follows:
    - a. The Complainant, or anyone representing the Complainant or their estate, will not make any further claims or legal actions against the Respondent, or anyone associated with them, on the facts arising from this complaint.
    - b. The Complainant further agrees there are no other side agreements and that the settlement terms in this Resolution Agreement are the only terms.
  10. The NSHRC may report publicly the fact of the resolution and its terms.
  11. All parties understand and agree that the terms of this Resolution Agreement may be subject to disclosure under the *Freedom of Information and Protection of Privacy Act*, and as otherwise required by law.
  12. The Complainant and Respondent understand and agree that neither of them has received advice from staff, officers, mediators or the lawyer of the NSHRC, with respect

to the terms of this resolution agreement; including but not limited to implications regarding taxation liability under the Income Tax Act, employment insurance benefit repayment, or insurance policy repayments.

- 13. If within one week of signing this Resolution Agreement an unrepresented party has not provided written notice to the NSHRC that this agreement is unsatisfactory, then it is binding on them.


Signed by:

  
 Nicole Heim, Complainant

  
 Tim Perry, On behalf of Hurley Corporation, Respondent

By the signature of its authorized agent under Section 32(1) of the Act, the NSHRC gives its approval to the terms of this Settlement Agreement.

DATED at Halifax, Nova Scotia this day of 20<sup>th</sup> 2013. September

  
 THE NOVA SCOTIA HUMAN RIGHTS COMMISSION