

IN THE MATTER OF: The Nova Scotia *Human Rights Act* (the “Act”)

and

IN THE MATTER OF: Board File No. H09-1344

BETWEEN:

Joseph Pye
 (“Complainant”)

- and -

Commercial Safety Surveys Limited
 (“Respondent”)

- and -

The Nova Scotia Human Rights Commission
 (“NSHRC”)

DECISION OF THE BOARD OF INQUIRY

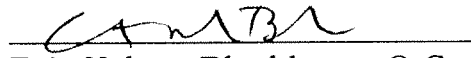
This is my decision for the Board of Inquiry concerning the above matter. This inquiry was mandated to enquire into allegation of discrimination under s. Section 5 (1)(d) of the Act on the grounds of employment. I have decided to conclude the inquiry after reviewing the settlement agreement presented by the parties and after considering the public interest.

The complaint was referred to me for conclusion by agreement among all parties pursuant to section 34(5) of the *Act*. I have reviewed the Settlement Agreement which is attached to this decision. It appears the settlement reflects the principal objectives of the *Human Rights Act* in educating persons about the fundamental importance of human rights, educating on the values and purposes of human rights, and finally, in settling complaints as the preferred means of resolving human rights

disputes that occur from time to time. I commend the parties for their success in reaching the settlement.

Finally, the public interest has been considered and served by resolving this complaint in the manner settled by the parties. I see no further reason to continue the inquiry.

Dated at Halifax, Nova Scotia, this 4th day of December 2013.


E.A. Nelson Blackburn, Q.C.
Board Chair

Joseph Pye

Complainant

- and -

Commercial Safety Surveys Limited

Respondent

- and -

Nova Scotia Human Rights Commission

Commission

Resolution Agreement and Consent Order

WHEREAS the hearing of this matter commenced before Nelson Blackburn Q.C. as the Board on June 26, 2013;

AND WHEREAS the parties did agree to adjourn the hearing to enter into discussions for the settlement of the matter;

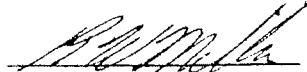
AND WHEREAS the parties did reach settlement and the following terms are ordered:

1. The Respondent, Commercial Safety Surveys Limited ("CSSL"), will, not later than December 31, 2013, working with the Commission adopt a Statement on Harassment and Human Rights for its campuses outlining acceptable behaviour for instructors and students. The Statement will detail the rights of individuals to a safe place for training and will provide clear processes for filing of complaints, including complaints directly to the President in appropriate circumstances or to the Commission;
2. The President of the CSSL, or in his absence, an appropriate designate shall, at the beginning of each training course, address the students to advise them of the existence of the Statement and outline the procedure in place to file complaints about the behaviour of any student or instructor;

3. The Respondent, CSSL, shall, no later than March 31, 2014, develop and provide training for all its instructors in partnership with the Commission. This training shall relate to human rights and cultural competency;
4. Ronnie Miller, shall, no later than December 31, 2014 complete training in anger management training offered by an organization or professional with appropriate qualifications and experience and the Respondent was going to fund the cost of the anger management up to \$1000. This completion of training shall be reported to the Commission within 30 days of completing it;
5. The Respondent, CSSL shall pay to the Complainant \$1,000. These funds shall be provided to the Respondent's solicitor prior to approval of this agreement by the Commissioners. These funds shall be released within 48 hours of approval of the settlement by the Board Chair;
6. The Commission may report publicly the fact of settlement and its terms. The Commission will post this agreement on its website; and
7. Failure to comply with the terms of this Settlement Agreement and Consent Order will result in it being filed with the Supreme Court of Nova Scotia to be executed.
8. 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 Ronald ("Ronnie") Miller, officers, directors or anyone associated with the Respondent 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 Settlement Agreement are the only terms.
9. The Complainant and Respondent understand and agree that neither of them has received advice from staff, officers, mediators or the lawyer of the Commission, with respect to the terms of this settlement agreement; including but not limited to implications regarding taxation liability under the *Income Tax Act*, employment insurance benefit repayment, or insurance policy repayments.
10. If within one week of signing this Settlement Agreement an unrepresented party has not provided written notice to the Commission that this agreement is unsatisfactory, then it is binding on them.

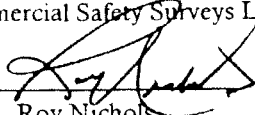
Signed by:


Joseph Pye, Complainant



Ronald Miller

Commercial Safety Surveys Limited, Respondent

Per: 
Roy Nichols

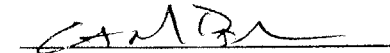
Nova Scotia Human Rights Commission

Per: 
Eunice Harker

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

DATED at Halifax, Nova Scotia this 20th day of November, 2013.

ORDERED this 4th day of December 2013.



Nelson Blackburn
Board Chair