



NOVA SCOTIA
HUMAN RIGHTS
COMMISSION

2020-2021

Annual Report



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Territorial Acknowledgement

Land Acknowledgement

The Nova Scotia Human Rights Commission acknowledges that it operates within Mi'kma'ki, the traditional territory of the Mi'kmaw people. This territory is covered by the Treaties of Peace and Friendship entered into by the Mi'kmaq and the British Crown between 1725 and 1779. The treaties did not deal with surrender of lands and resources but recognized Mi'kmaq title and established the rules for what was to be an ongoing relationship between nations. We are all treaty people, and our relationship is based on peace and friendship.



Acknowledgement of the Contributions of People of African Descent



Nova Scotia is the birthplace of African presence in Canada. African Nova Scotians are a distinct founding people in our community. The Human Rights Commission acknowledges the struggles, the resilience, and the immense contributions that people of African ancestry have made to this province and Canada at large – they have left a legacy. African teachings, strength and perseverance continue to challenge and inspire our community.

Message from the CEO

Dear Minister Johns,

On behalf of the staff and Commissioners of the Nova Scotia Human Rights Commission I am pleased to present you with the Commission's annual report for the 2020-2021 fiscal year. The Commission remains fully committed to the creation and growth of diverse, equitable, and inclusive communities as well as the protection and advancement of the human rights of all Nova Scotians.

This year was like no other due to the impacts of the COVID-19 pandemic. Public health directives, lockdowns, office closures, and other notable events challenged the Commission to adapt quickly to drastic changes in the ways we work and serve Nova Scotians. New and emergent concerns relating to human rights, adoption of new technologies, and adapting how we engaged with the public became immediate priorities.

The murder of George Floyd and the Black Lives Matter movement against anti-Black racism also informed the context Nova Scotians were living in during the first waves of the pandemic. Anti-Indigenous sentiments relating to the fisheries and discrimination based on national origin amidst fears of the spread of COVID-19 were also issues the Commission sought to address.

The tragic murders in Portapique highlighted the threat of intimate partner violence and shook Nova Scotians to our core.

Amidst uncertainty and grief, Commission staff stepped up and demonstrated their resilience and dedication to our important work. They met the competing priorities exacerbated by pandemic conditions to work remotely, innovate, and collaborate to meet the needs of a public that was experiencing trauma, mental health strain, and ever-changing circumstances. Their understanding of the impact of masking mandates and vaccination policies evolved quickly to keep up with the decisions of public health officials.

We joined so many others in adapting to new ways of public engagement, education, and awareness building, and in doing so found new opportunities to reach Nova Scotians.

Commissioners & Commission Meetings

The Nova Scotia *Human Rights Act* stipulates that the Commission shall have no less than three and no more than 12 members, or Commissioners, who are appointed by the Governor in Council. The Commissioners make up “the Commission”. As of March 31, 2021, there were ten (10) Commissioners, including the Director and CEO who is a non-voting member:

- Cheryl Knockwood (Chair)
- Christine Hanson (Director and CEO)
- Deepak Prasad (Vice-Chair)
- Cynthia Dorrington
- Denise Mentis-Smith
- Raymond Tynes
- Monica Paris
- Wanda MacDonald
- Robin Thompson
- Savannah DeWolfe

The Commissioners come from diverse backgrounds, representing various communities of Nova Scotia.

Commission Meetings

Regular bi-monthly meetings were held virtually during 2020-21. The purpose of these meetings is to review and decide on human rights cases, and also to discuss emerging human rights issues within the province, and to promote human rights awareness. Due to the pandemic, the two meetings regularly held outside Halifax Regional Municipality were deferred until such time when it is safe to gather again.

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, and most recently amended 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 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 advance the principle that every person is free and equal in dignity and rights without regard to age, race, colour, religion, creed, sex, sexual orientation, gender identity, gender expression, physical or mental disability, irrational fear of contracting an illness or disease, ethnic, national or Aboriginal origin, family status, marital status, source of income, political belief, affiliation or activity, association with protected groups or individuals, sexual harassment, harassment of protected groups or individuals, or retaliation.

The Commission is also mandated to conduct and encourage research by universities and other bodies in the general field of human rights, to provide advice to government and its departments and agencies with respect to human rights issues, and to assist individuals and private organizations concerned with human rights matters and provide recommendations on increasing awareness within and outside the province. Pursuant to the *Act*, the Commission is funded by Department of Justice and informs the Minister of Justice on its activities.

Vision

The Commission is committed to actively engage and work with all Nova Scotians and its diverse communities to effectively:

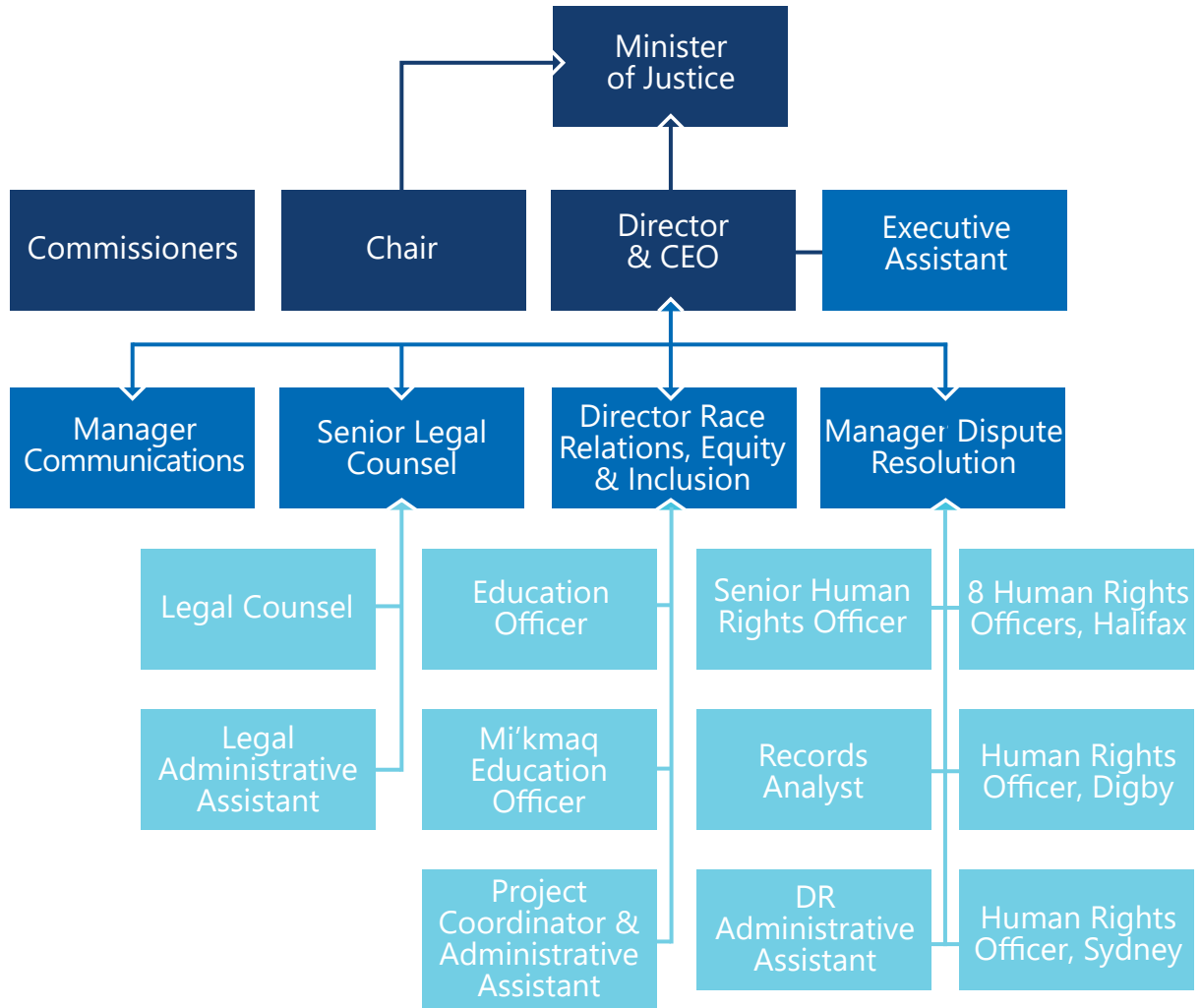
- advance equity and dignity through education;
- foster positive and respectful relations; and
- administer the *Human Rights Act*.

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.

Organizational Structure

The Commission is an independent government agency that reports on its activities to the Minister of Justice.



Inquiries & Dispute Resolution

Inquiries from the public made to the Commission range from general questions about the Act and requests for information, to more substantive concerns about possible human rights violations, discrimination, and harassment relating to protected characteristics. Some inquiries will be accepted as complaints and proceed to investigation.

Once jurisdiction is confirmed, and a complaint is accepted it will be investigated and parties can work together to resolve the matter. The restorative processes used by the Commission focus on restoring and repairing relationships and building understanding amongst the parties to repair harm and help those involved move forward in a positive way.

As information is gathered through an investigation, it may become clear that a claim of discrimination under the *Act* is not supported. If this happens or the complaint is settled or withdrawn, it may be dismissed by the Director and CEO under section 29(4) of the *Act*.

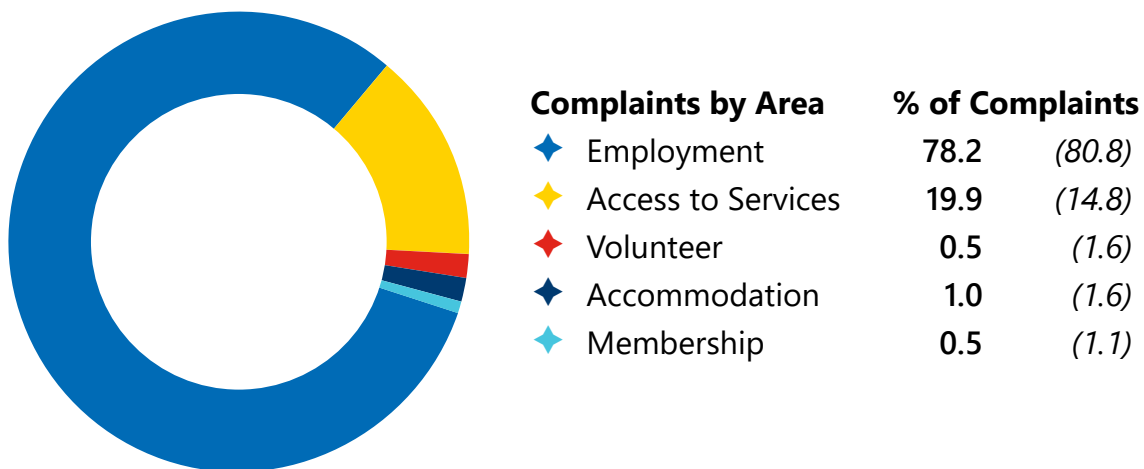
The following table provides the number of human rights inquiries received, the number of inquiries that proceeded to the complaint stage, and the average time for a complaint to move through the process. Some human rights disputes can be quite complex and take longer periods of time to resolve. As a result of the uncertainty during the global pandemic, the Commission experienced a significant increase in the average time from inquiry to filing a complaint and from filing the complaint to conclusion.

	April 1, 2020- March 31, 2021
Inquiries Received (All Incoming Calls/Emails/Visits)	2,145
Complaints Accepted	113
Complaints Closed by s.29(4)(a) - Best Interests Not Served	34
Complaints Closed by s.29(4)(b) - Complaint is Without Merit	17
Complaints Closed by s.29(4)(c) - No Significant Issue	36
Complaints Closed by s.29(4)(d) - Previous Alternate Process	1
Complaints Closed by s.29(4)(e) - Bad Faith/Improper Motives	0
Complaints Closed by s.29(4)(f) - No Reasonable Likelihood	6
Complaints Closed by s.29(4)(g) - Exemption Order Granted	0
Complaints Closed as Non-Jurisdictional	0
Complaints Closed as Settlement Reached	30
Total Complaints Closed (s.29(4), Settlement, BOI Settlement and BOI Decision)	133
Average Days from Initial Contact to Complaint Signed	59
Average Days from Initial Contact to Conclusion	472

Percent of Complaints by Area

The Commission accepts complaints when it is demonstrated that the treatment experienced is based on a prohibited area, and a protected characteristic as defined under the *Act*. An individual may present a complaint that involves more than one area or characteristic. In 2020-21, the majority of complaints related to discrimination in the area of employment, which is consistent with previous years.

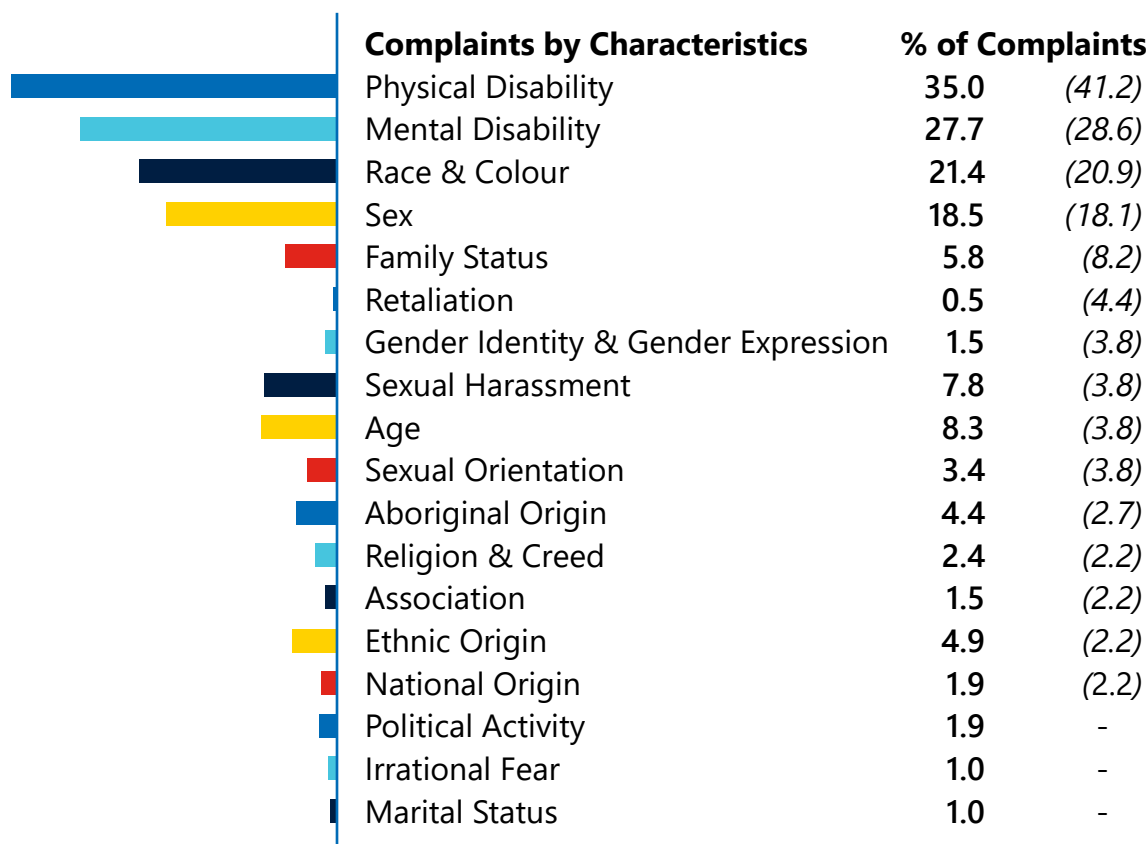
April 1, 2020 to March 31, 2021 (*April 1, 2019 to March 31, 2020*)



Percent of Complaints by Characteristic

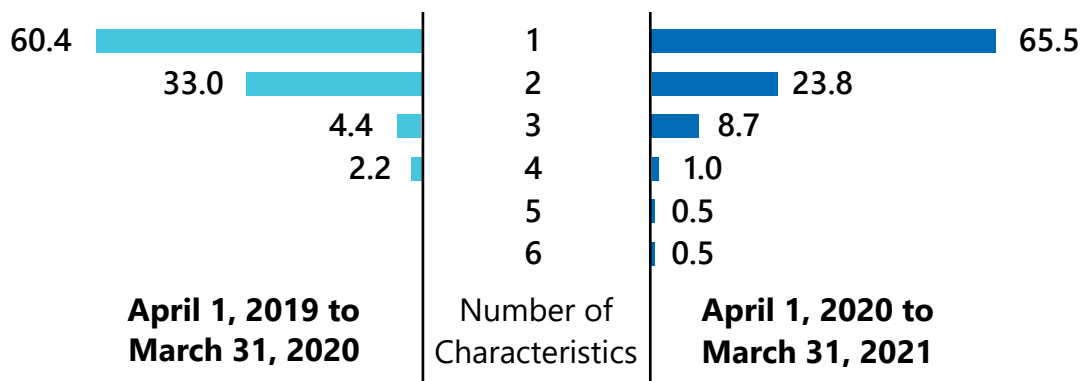
With respect to protected characteristics, the following diagram shows that the majority of complaints received during the 2020-21 fiscal year were on the basis of physical disability (35%) and mental disability (27.7%) although both decreased from the previous fiscal year. The Commission also noted an increase in the percentage of complaints from the previous year related to discrimination based on Age and Sexual Harassment.

April 1, 2020 to March 31, 2021 (*April 1, 2019 to March 31, 2020*)



Percent of Complaints Based on Multiple Characteristics

In 2020-21, the majority of complaints filed with the Commission were based on one protected characteristic. However, there were also complaints filed with multiple characteristics identified. The intersection of protected characteristics such as race, gender and disability may result in overlapping yet unique and compounding experiences of discrimination.



Board of Inquiry Hearings

When a complaint cannot be resolved among the parties involved, an investigation report into the matter may be presented to the Commissioners of the Nova Scotia Human Rights Commission for review. The Commissioners may dismiss a complaint or refer it to a Board of Inquiry (BOI). A BOI is an independent administrative tribunal overseen by a chair appointed by the Chief Judge of the Nova Scotia Supreme Court.

During the period April 1, 2020, to March 31, 2021, 5 complaints were settled after a BOI was appointed but before the hearing began.

The table below provides an overview of the status of Boards of Inquiry during this reporting period.

	April 1, 2020- March 31, 2021
Complaints Referred to a BOI	14
Ongoing BOIs (Including Referrals From 2015 to 2020)	16
Settled BOIs	5
BOI Decisions	4
Judicial Reviews Ongoing	1
Judicial Review Decisions	0
Appeals Ongoing	2
Appeal Decisions	0

Board of Inquiry Decisions

The full text of board of inquiry decisions can be found online at Board of Inquiry Decisions | Nova Scotia Human Rights Commission as well as Canadian Legal Information Institute | CanLII.

[Johnston v. Truro Tennis Club](#)

Decision Date: May 28, 2020
Board Chair: Peter Nathanson
Outcome: Dismissed
Summary of decision: Complainant withdrew.

[Lawrence v. Searidge Foundation Inc.](#)

Decision Date: July 15, 2020
Board Chair: Dennis James, QC
Outcome: No finding of discrimination
Summary of decision: No evidence of discrimination was found based on gender, race, ethnicity or colour. There was insufficient evidence for the Complainant to meet the burden upon her to succeed in this complaint and accordingly, the claim was dismissed.

[Gerrard v. Cole Harbour Bel Ayr Minor Hockey Association and/or Hockey Nova Scotia](#)

Decision Date: November 30, 2020
Board Chair: Dennis James, QC
Outcome: Dismissed
Summary of decision: Based on the contents of the complaint form and relevant evidence provided to the Board, the complaint against each of the Respondents as filed by the Complainant was outside the time period set out in Section 29 (2) of the Act. Based on the findings as set out, there was no such alleged acts of discrimination or continued acts of discrimination by either Respondent within the twelve-month period preceding the complaint. Accordingly, the complaint of September 26, 2019, filed by the Complainant was dismissed.

[Shupe v. Beaver Enviro Depot](#)

Decision Date: March 22, 2021
Board Chair: Benjamin Perryman
Outcome: Dismissed
Summary of decision: Board Chair found that they did not have jurisdiction to amend the complaint and, because the respondent was not a legal person against whom an order could be made, they considered that they had no choice but to dismiss the complaint and did so.

Education & Training

The Race Relations, Equity, and Inclusion (RREI) unit of the Commission delivers education and training in a variety of forms and to varying audiences. Training may be mandated by a BOI decision or included as terms in a settlement agreement.

RREI also delivers mandatory and voluntary training to workplaces, advises on the development or improvement of workplace policies to improve protection of human rights of employees, and develops education and training materials across a range of topics related to human rights.

As noted in the table below, a total of 92 education sessions, with 1,356 attendees, were held during the 2020-21 fiscal year, as compared to a total of 48 education sessions and 2,060 attendees for the previous fiscal year. Due to impacts of COVID-19 and public health directives, the majority of training sessions were done virtually this year resulting in an increase in the overall number of sessions, but reduced session sizes to allow for full participation and interactivity.

Description	No. of Sessions		No. of Attendees	
	2020/21	2019/20	2020/21	2019/20
Human Rights Education Workshop	6	6	72	107
Information Session/Requested Education	13	16	287	255
Mandated Education	20	12	116	225
Presentations/Conferences	8	11	493	1,360
Guest Speakers	4	3	347	113
Inquiries	41	-	41	-
Total	92	48	1,356	2,060

Online Training Courses

April 1, 2020 - March 31, 2021

Safe Spaces Make Great Workplaces | Nova Scotia Human Rights Commission

Safe Spaces Make Great Workplaces is a free online course designed to address and prevent sexual harassment in the workplace. The aim of the course is to help employers understand the importance of having a clear sexual harassment policy, educating staff, and enforcing the policy.

1,666 Courses completed

Serving All Customers Better | Nova Scotia Human Rights Commission

Serving All Customers Better is a free online course designed to help frontline service staff address and prevent consumer racial profiling. The aim of the course is to help businesses create inclusive and welcoming environments for all customers.

1,818 Courses completed

Working With Abilities | Nova Scotia Human Rights Commission

Working With Abilities is a free online course designed to give practical information and advice to support employers' accommodation of persons with disabilities, building inclusion and respect for them in all workplaces in Nova Scotia.

806 courses completed

Total online training courses completed: 4,290



Initiatives, Partnerships and Events

Like the impact on in-person training, lockdowns, gathering limits and other public health restrictions related to COVID-19 presented new challenges and forced innovation in the ways the Commission showed up in community. Use of virtual technology, smaller, socially distanced, and masked gatherings became common, and the ways we celebrated human rights changed in 2020-21 compared to previous years.

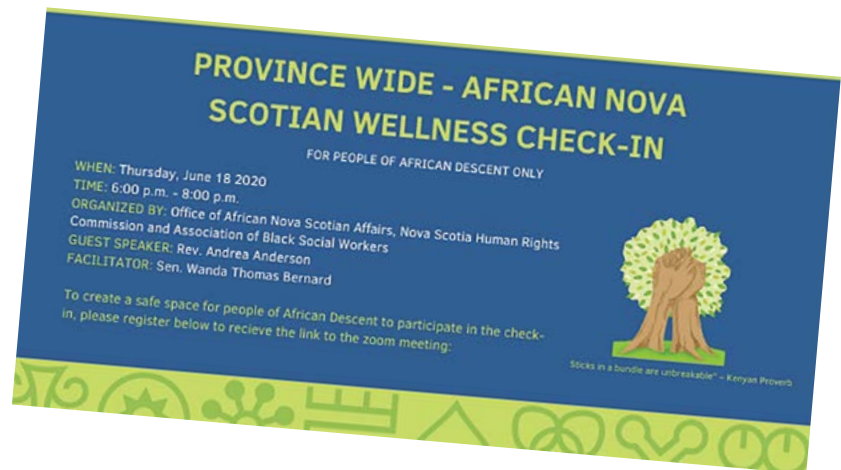
While in-person events were largely avoided, the Commission found opportunities to partner with community organizations, non-profits, and others to provide virtual and hybrid venues for education and celebration. Among the groups engaged in partnerships this year were:

- RCMP
- Town of Kentville
- Department of Community Services
- Nova Scotia Community College
- Women Unlimited
- Delmore Buddy Daye Learning Institute
- Office of African Nova Scotian Affairs
- Association of Black Social Workers
- Health Association for African Canadians
- Nova Scotia Decade for People of African Descent Coalition
- YMCA New Comers Centre
- Public Service Commission Learning Centre
- Michaelle Jean Foundation

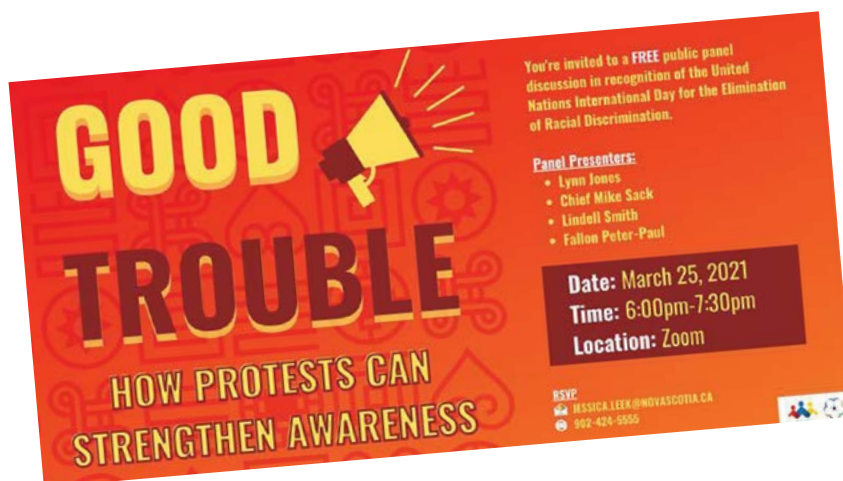
African Nova Scotian Community Wellness Check-in - June 18, 2020

The Nova Scotia Human Rights Commission and the Office of African Nova Scotian Affairs in partnership with the Association of Black Social Workers hosted a province wide African Nova Scotian Community Wellness Check-in.

The check-in was an opportunity for people of African descent to gather online in response to racial tension and trauma experienced due to the brutal murder of George Floyd by police in the United States, further injustices that followed this violent act, and historic and current anti-Black racism in Nova Scotia. The conversation was facilitated by Senator Dr. Wanda Thomas Bernard.



Good Trouble: How Protests can strengthen Awareness - March 25, 2021



In recognition of the International Day for the Elimination of Racial Discrimination, the Nova Scotia Human Rights Commission and African Nova Scotian Affairs hosted a free public panel discussion, "Good Trouble: How Protests can strengthen Awareness".

The session explored different types of protest used to bring attention and awareness to important issues and how important it is for everyone to get involved.

December 10th: UN International Human Rights Day & Nova Scotia Human Rights Awards

December 10th, 2020 marked the 72nd anniversary of the United Nations Universal Declaration of Human Rights. While there was no physical celebration, the 2020 Human Rights Awards were presented to deserving Nova Scotians for their advocacy work on human rights in the categories of Youth, Individual, and Organization. The commemorative Dr. Burnley Allan “Rocky” Jones award was also presented recognizing community leadership and education.

Throughout December 2020 and January 2021, award recipients were featured on the Commission’s website and highlighted via social media.



2021 Human Rights Awards Recipients

Individual Awards

Clayton Murphy was recognized for his extensive work as an advocate and educator in the area of youth mental health and wellness, demonstrating value for diversity and acknowledging the intersectionality of identity and personal expression.



Clayton Murphy

Elder Jane Meader was recognized for her outstanding work in the area of Indigenous rights as a leader, Knowledge Keeper, and educator. Elder Meader is an advocate for Treaty Education, and a lifelong teacher and preserver of Mi'kmaq culture and specifically, the Mi'kmaq language.



Elder Jane Meader

Pamela Brown was recognized for her lifelong body of work in the area of sex education and women's health, demonstrating a commitment to advancing the rights of women and members of the LGBTQ+ community as a health practitioner, educator, and ally.



Pamela Brown

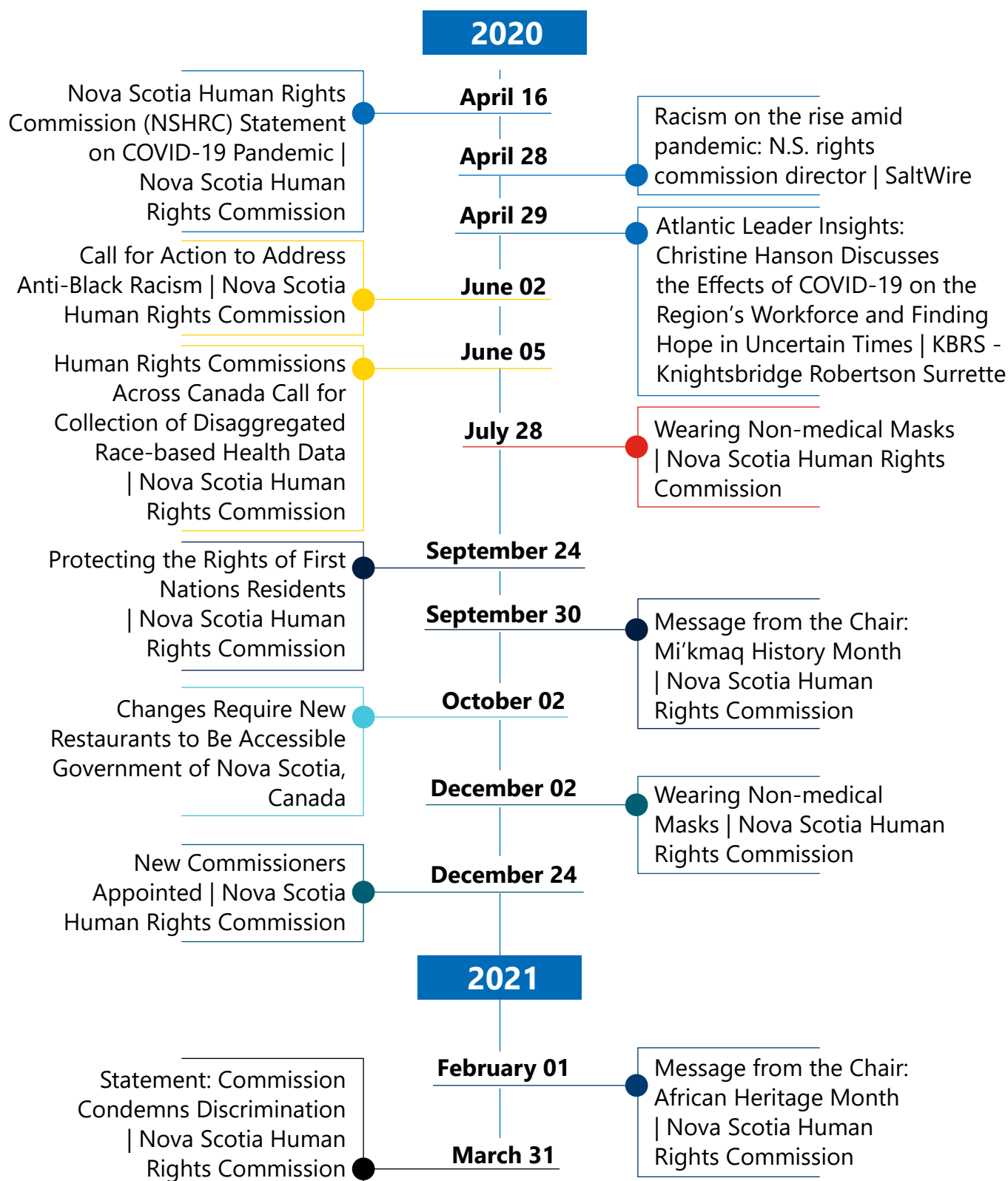
Group/Organization Award

The **Association of Black Social Workers** (ABSW) and the **Health Association of African Canadians** (HAAC) were recognized for their collaborative work in response to the impact of COVID-19 in African Nova Scotian communities. In the wake of the pandemic, the ABSW and HAAC rapidly responded in a coordinated effort to address needs within African Nova Scotian communities across the province, including but not limited to: providing professional support to those requiring it; assisting in the collection and distribution of Personal Protective Equipment and supplies to those in need; liaising between government and the community; and assisting in the purchase and province-wide distribution of technology to assist in remote learning. The Covid-19 response of this partnership has been recognized nationally.



The **Preston Township Emergency Response Team** was recognized for their community-led volunteer work in response to the need for culturally relevant COVID-related assistance during the early months of the pandemic. Their quick response helped to identify and address gaps in services in the Preston area preventing potentially adverse outcomes. Their culturally responsive approach perfectly demonstrated the collaboration and cooperation required to address an ever-developing complex crisis situation in a marginalized and racialized community.

Timeline of Public Statements



Covid-19 and Human Rights

The COVID-19 pandemic and lockdown began March 13, 2020. The Commission urged Nova Scotians to keep human rights principles under the *Act*, the Canadian Charter of Rights and Freedoms (Charter) and all Public Health direction at the centre of decision-making during the coronavirus (COVID-19) pandemic. The Commission and relevant human rights laws recognize the importance of balancing people's right to non-discrimination and civil liberties with public health and safety. The Commission encouraged Nova Scotians to assist one another in the best and safest way they can.

The Commission publicly identified that discrimination including harassment against any persons or communities related to COVID-19 is prohibited when it involves a ground under the *Act*, in the areas of services, housing, employment, vocational associations, and contracts. The *Act* protects against discrimination based on 18 grounds, whether perceived or otherwise, including disability, ethnic origin, place of origin, race, and irrational fear of contracting an illness or disease. COVID-19 is not isolated to people of any ethnic origin, place of origin or race.

The Commission reminded all Nova Scotians that generalizing around COVID-19 and any group of people whether they be from a racialized community such as African Nova Scotians or individuals of a particular national or ethnic origin, could be harmful and lead to discrimination against already marginalized communities. There was no proof available to show that any one group of individuals was more prone to be a carrier of this virus. Employers, housing managers and service providers were prompted to ensure any restrictions were consistent with the most recent advice from medical and Public Health officials and were justified for health and safety reasons.

The Commission's response to the implications of the pandemic on its operations throughout 2020-21 included:

- Amending service-delivery model to provide walk-in services with online/telephone/virtual formats;
- Equipping and supporting staff to work remotely;
- Changing all in-person meetings to virtual formats;
- Modifying education and training sessions to accommodate a virtual training environment;
- Increasing OH&S protocols to ensure staff safety;
- Presenting Human Rights awards without in-person celebration.

The pandemic had a significant impact on the Commission's service delivery. Delays were experienced in processing complaints and conducting investigations. The average length of time to finalize the intake process increased from 33 days to 59 days. To maintain safety for both the public and staff, the Commission turned to virtual communication methods and minimized in-person interactions. This slowed down communication along with new ever-changing circumstances surrounding the pandemic and the application of the *Act*.

The Commission encouraged all individuals and organizations to collaborate to gain a better understanding of how best to work together during this difficult time including showing flexibility and exploring whether an individual accommodation was possible, such as alternative ways a person might safely continue to work or receive a service.



Website Statistics

April 1, 2020-March 31, 2021

Page	Unique Page Views
Home	25,443
FAQ	1,845
Complaint Self-assessment Tool	1,629
NSHRC Statement on COVID-19	2,534
Wearing non-medical masks	655
Know Your Rights for Individuals	4,814

Contact Us

Nova Scotia Human Rights Commission

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ISBN: 978-1-77448-354-1