



18th Legislative Assembly of the Northwest Territories

Standing Committee on Government Operations

Report on the Review of the
2014-2015 Northwest Territories
Human Rights Commission
Annual Report

Chair: Mr. Kieron Testart

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**STANDING COMMITTEE ON
GOVERNMENT OPERATIONS**

**REPORT ON THE REVIEW OF THE
2014-2015 NORTHWEST TERRITORIES
HUMAN RIGHTS COMMISSION ANNUAL REPORT**

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STANDING COMMITTEE ON GOVERNMENT OPERATIONS

REPORT ON THE REVIEW OF THE 2014-2015 NORTHWEST TERRITORIES HUMAN RIGHTS COMMISSION ANNUAL REPORT

INTRODUCTION

The Standing Committee on Government Operations (“the Committee”) has completed its review of the 2014-2015 Northwest Territories Human Rights Commission (“the Commission”) Annual Report. The Standing Committee would like to thank Mr. Charles Dent, Chair of the Northwest Territories Human Rights Commission (“the Commission”), and Ms. Deborah McLeod, Director of Human Rights, for their appearance before the Committee on June 13, 2016.

2014-2015 ANNUAL REPORT

About the Human Rights Commission

The Northwest Territories *Human Rights Act* sets up three independent but interrelated branches: the Commission, the Office of the Director of Human Rights, and the Adjudication Panel.

The Human Rights Commission is made up of three to five members of the public, each for a term of four years. They are appointed by and responsible to the Legislative Assembly for the general administration of the *Act*. For the fiscal year in question, Mr. Charles Dent served as Chair of the Human Rights Commission and Mr. Yacub Adam as Deputy Chair. The remaining members of the Commission were Ms. Marion Berls, Ms. Gerri Sharpe and Ms. Bronwyn Watters.

The Director of Human Rights position is also appointed by the Legislative Assembly. The Director is responsible for the administration of the complaint process and for overseeing administrative support for the Commission’s outreach and education efforts. The Office of the Director of Human Rights includes the Director, Ms. Deborah McLeod, and Commission staff members who are members of the public service.

The Adjudication Panel hears complaints referred by the Director, as well as appeals of the Director’s decisions to dismiss complaints. The Adjudication

Panel is composed of at least three lawyers appointed by the Legislative Assembly, each for a term of two to four years. In 2014-2015, the Adjudication Panel was chaired by Mr. Adrian Wright. The remaining Adjudication Panel members were Mr. Sheldon Toner, Mr. Louis Sebert, Mr. Colin Baile, and Ms. Kerry Penney.

The Committee wishes to thank all members of the Commission and the Adjudication Panel for their service in 2014-2015.

Community Outreach and Public Awareness

The Commission celebrated the 10th Anniversary of the Northwest Territories *Human Rights Act* in 2014. Tenth anniversary celebrations included a kick-off luncheon, a show-and-tell contest, a fall colouring contest and an anti-bullying tour of four communities with Rob “KASP” Sawan, an Aboriginal hip-hop artist and anti-bullying advocate.

Other community outreach activities included: attendance at trade shows in Yellowknife, Fort Smith and Hay River; visits to a number of communities; outreach to the Inuvik Rainbow Club and participation in the third annual NWT Pride Festival in support of the rights of lesbian, gay, bisexual and transgendered persons.

The third annual Accessibility Award was given to the Tłı̄ch̄q Government for their new buildings in Gameti and Whati, which were designed to be accessible to persons with disabilities.

The Commission also maintains an online presence through its Facebook page and website.

Complaints and Inquiries

The Standing Committee took note of a printing error on page 18 of the Human Rights Commission’s 2014-2015 Annual Report. The chart for the number of Inquiries by Region mistakenly showed the figures from the previous year’s annual report.

Using amended information provided by the Commission prior to the public hearing, the Committee was advised that a total of 313 inquiries were received by the Director’s office in 2014-2015, 14 fewer than in the previous year. The breakdown of complaints by region is as follows: North Slave - 150; South Slave - 24; Beaufort Delta - 31; Sahtu - 13; Deh Cho – 9; Tłı̄ch̄q - 5; Camps - 24; Outside NWT - 8; and Unknown – 49.

There were 38 complaints outstanding at the beginning of the fiscal year. To this, 32 new complaints were opened in 2014-2015. Of the 70 total complaints, 12 were settled, 6 were referred for adjudication, 12 were dismissed, and 7 were withdrawn.

Grounds for Complaint

The Northwest Territories *Human Rights Act* protects people from discrimination in employment, public services, tenancy, membership in a trade union or professional association, and in publications. The *Act* also protects against harassment based on a protected ground, or retaliation for participating in a complaint. The protected grounds under the *Act* are listed on p. 20 of the Annual Report.

A single complaint may allege discrimination on more than one ground. Disability is the most common ground for complaint – ten complaints alleged discrimination on the basis of disability in 2014-2015. Race was the next most common ground for complaint, and was alleged as the basis for eight complaints.

Adjudication

Complaints that cannot be dismissed at an early stage or resolved through mediation are referred to the Adjudication Panel for a hearing. The panel may determine if discrimination occurred and decide on an appropriate remedy.

The Adjudication Panel started the year with ten outstanding files: six complaints and four appeals of the Director's decision. There were six new complaints referred by the Director.

The Adjudication Panel decided one complaint and one appeal in 2014-2015. One appeal was withdrawn, leaving the panel with 13 files outstanding at year end. All hearings are public and can be viewed on the Adjudication Panel's website at <http://hrap.nt.ca/>

Comprehensive Review of the NWT *Human Rights Act*

The Human Rights Commission contracted an independent review of the *Human Rights Act*, which came into force in 2004. The outcome of that work is detailed in a report by J.J. Llewellyn, J.G. Sinclair and G.J. Hashey titled "*Northwest Territories Human Rights Act Comprehensive Review*." This report, posted on the Commission's website, recommends moving from a strictly formal, judicially-based approach, which has a tendency to be adversarial and costly, to one that is more "restorative" in nature.

A restorative approach considers the whole context of an issue and encourages those involved to work together on a solution rather than assigning blame. In this way, a restorative approach provides an opportunity for the parties to repair their relationship and to build compassion, empathy and mutual respect.

During the discussion that took place at the public meeting, Mr. Dent advised the Committee that another key change the Commission would like to see made to the *Human Rights Act* involves amending the *Act* to allow the Commission to be more proactive in identifying and addressing cases of systemic discrimination.

The Committee expressed its general support for changes to the system that would make the process more accessible, particularly for disadvantaged members of the population who may not have the resources to hire legal representation. The Committee looks forward to seeing the introduction of a bill in the Legislative Assembly that modernizes and updates the *Human Rights Act*.

Recommendation 1

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories advise the House of its timeline for the completion and introduction of a bill to modernize and update the *Human Rights Act*.

Financial Summary

The Office of the Director of the Human Rights Commission and the Human Rights Adjudication Panel each has its own operations budget provided through the Legislative Assembly's appropriation. These items are not included in the Commission's financial statements and total approximately \$1.17 million for 2014-2015 fiscal year.

The budget for the Human Rights Commission is reviewed and approved by the Legislative Assembly's Board of Management and provided through an operating grant. The Commission's Statement of General Operations for the year ended March 31, 2015 shows:

- In 2014-2015, the total amount of this grant was increased by \$100,000 to \$350,000 from the previous year;

- This additional funding was provided to offset consulting costs associated with the comprehensive review of the *Human Rights Act*. This appears as expenses for contracts administration for the Commission, which totaled \$101,790 compared with the previous year's figure of \$5,943 for contracts;
- The contribution amount returns to \$250,000 in subsequent fiscal years;
- In previous years' reports, the figure for total revenues included the total operating grant less expense reimbursement. This year, the figure for expense reimbursement is not included in the Statement of General Operations;
- Total expenses increased by \$128,031 (63%);
- Notably, legal expenses were down by \$56,541 (68%); and
- Revenue over expenses totaled \$19,643, leaving the Commission with a surplus again in 2014-2015.

CONCLUSION

The Standing Committee on Government Operations congratulates the Northwest Territories Human Rights Commission on reaching the milestone of its Tenth Anniversary and for its dedication to outreach, so that all residents of the Northwest Territories from all walks of life understand their human rights and can expect those rights to be respected and upheld.

Recommendation 2

The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a response to this report within 120 days.