

NORTHWEST TERRITORIES HUMAN RIGHTS COMMISSION

Annual Report 2008-2009



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XA BEYÁYATI THEᑭᑦ ᑭᑦᑭᑦ, NUWE TS'ĒN YÓᑭᑦ.

Chipewyan

Kīspin ki nitawihtin ē nīhiyawihk ōma ācimōwin, tipwāsinān.

Cree

TŁĪCHQ YATI K'ĒĒ. DI WEGODI NEWQ DĒ, GOTS'O GONEDE.

Tłıchq

Jii gwandak izhii ginjik vat'atr'ijahch'uu zhit
yinothan jì', diits'àt ginohkhì.

Gwich'in

Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit.

Inuinnaqtun

UVANITTUAQ | LITCHURISUKUPKU | INUVIALUKTUN, QUQUAQLUTA.

Inuvialuktun

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Inuktitut

K'ÁHSHÓ GOT'INE XƏDƏ K'É HEDERI
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North Slavey

EDI GONDI DEHGÁH GOT'IE ZHATIÉ K'ĒĒ
EDATŁ'ÉH ENAHDDHĒ NIDE.

South Slavey

If you would like this information in another language, call us.

English

Si vous voulez ces informations en français, contactez-nous.

French

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*We envision a North at peace with its
diversity, where everyone is safe, confident
and respected on their journey.*

Vision, NWT Human Rights Commission

MESSAGE FROM THE CHAIRPERSON

During this our fifth year, the Commission has continued to seek effective ways to increase public awareness of human rights issues and make access to the means of redressing discrimination readily available to all citizens of the NWT. The Commission continued with educational projects, public presentations and information sessions in Yellowknife, regional centres and communities, enhanced its national presence and made advances in policy development and training.

The Commission staff responded to 259 inquiries. While most of these inquiries resulted in staff providing information, 33 were formalised as complaints. The Director reports that after review and investigation four complaints were referred to the Adjudication Panel for a hearing.

Education and outreach this year involved ten presentations and workshops. These included two workshop sessions and a display of human rights and education materials at the Northwest Territories Teachers' Association and Department of Education, Culture and Employment's conference for northern educators held in Yellowknife in February. The conference was attended by 925 NWT educators, Aurora College Teacher Education students, personnel of the Department of Education, Culture and Employment and representatives of school boards.

We visited five schools this year. The focus of three of these visits was to recognize and award computers to the winners of the Commission's *Respect Everyone Everywhere* contest. The campaign commemorated the 60th anniversary of the signing of the Universal Declaration of Human Rights.

In further recognition of the 60th anniversary and in collaboration with colleagues from the Canadian Association of Statutory Human Rights Agencies (CASHRA), the NWT Commission contributed to a human rights theme section on TakingITGlobal (www.takingitglobal.org), an interactive youth website which focuses on young people becoming informed and involved in positive social change. The CASHRA sponsored section included information about human rights issues and the legislation supporting human rights in Canada, tips for young people about how to get involved in promoting and protecting these rights, an online art gallery and calls to action. A link to TakingITGlobal was added to the NWT Human Rights website.

The Commission also hosted an open house to mark the anniversary and displayed student writing and student art on the theme of human rights. In further celebration of the occasion, I was invited to speak at the Public Service Alliance of Canada's Yellowknife event in honour of the anniversary.

As a way to build media relations and increased public awareness of human rights, the Commission publicized its work by issuing press releases to share information about ongoing activities and accomplishments. These resulted in reports in the English and French language northern newspapers and radio interviews. The decisions of the Adjudication Panel also led to media inquiries and reports.

We have completed Commission policies and procedures on Operational Guidelines and Financial Administration. Orientation was provided for new Commission members. Commission members, staff and members of the public have continued to participate in national teleconferences which examine current issues in human rights and labour law.

New regulations governing the Northwest Territories Human Rights Act came into effect in July 2008. One of the regulations decreased the honoraria for Commission members. Given this reduction, the cost to Commission members who must take leave without pay to attend in person meetings is no longer offset by the Commission honoraria. This has meant that some Commission members must choose between salary loss, using annual leave or not attending meetings. No doubt this was not the intent of the regulatory change, but a consequence has been that the availability of all Commission members for in person meetings has been reduced.

The Commission continues to play an active role nationally. Our Director, Deputy Director, a Commission member and I attended the national Human Rights Conference in Ontario, entitled Collective Strength: Commissions to Communities and Back. At the annual business meeting, immediately following the conference, I was privileged to be elected President, with Therese Boullard our Director as Treasurer of CASHRA. As President, I participated in a national forum: *Defining a Rights Based Framework-Advancing Inclusion of Students with Disabilities*. Our national involvement allows us to share a northern perspective, learn from the experience of longer established jurisdictions, cooperate on projects that are mutually beneficial and exchange information and resources.

This year brought change in the composition of the Commission. The terms of three Commission members expired in June. Yacub Adam and George Collins joined the Commission, effective July 1, and I was reappointed. Mr. Collins subsequently resigned from the Commission to pursue other interests. Therese Boullard was reappointed as Director in October 2008.

I wish to recognize Colin Baile and Joletta Larocque who completed their four year term. Their knowledge, collegiality and creativity were pivotal to the foundational years of the Human Rights Commission. I also value the insightful contributions of my ongoing and new colleagues, Yacub Adam, Rita Mueller and Tammy Rogers and of the staff, Director and Deputy Director.

Martin Luther King once said, "...injustice anywhere is threat to justice everywhere." The Commission continues to aspire to advance human rights and justice for all the people of the NWT.



Mary Pat Short
Chairperson

EDUCATION AND COMMUNITY OUTREACH

Respect Everyone Everywhere

The Commission commemorated the 60th anniversary of the Universal Declaration of Human Rights by inviting schools across the NWT to participate in an educational campaign called “Respect Everyone Everywhere.” The campaign promoted human rights values in schools by asking students from grades 7 to 12 to identify positive role models who exemplify inclusivity, diversity, peace and respect. The Commission selected outstanding submissions and awarded the human rights leaders and their nominators with MacBook computers.

“Nara plays fair and always includes people if she notices they are left out, or if they ask to join in.”

Excerpt from May Ly’s entry in the “Respect Everyone Everywhere” project

As part of this campaign, the Commission distributed human rights teaching resources to schools across the NWT. The resources included posters, human rights quizzes, learning activities to assess a school’s human rights climate, and a CD Rom from Youth for Human Rights. The Commission placed these resources on its website to ensure that teachers have continued access to them.



Left-Right: Weledeh Catholic School teacher Joanne McHugh, winning students Nara Dapilos and May Ly, Human Rights Officer Isabel Gauthier

EDUCATION AND COMMUNITY OUTREACH

Community Visits and Presentations

The Commission continued to increase awareness about the Commission and the *Human Rights Act* by providing information sessions, workshops and information booths. The following organizations benefitted from free presentations and workshops:

- Mezi Community School, Whati.
- Northwest Territories Teachers Association (NWTTA) Conference in Yellowknife.
- Aurora College adult learning students, Inuvik.
- Volunteer NWT, Yellowknife.
- Canadian School Sports Federation Annual General Meeting, Yellowknife.
- Tlicho Regional Government employees, Behchoko.
- Tlicho Community Services Agency employees, Behchoko.
- Chief Jimmy Bruno high school students, Behchoko.
- Aurora College Community Learning Centre, Hay River.

Audio Conferences

This year saw an increase in the number of people and communities participating in the Lancaster House Audio Conferences. Lancaster Audio Conferences are offered by Canadian lawyers who are experts in human rights and labour law. Following the Lancaster Conference, participants can ask the Director of Human Rights questions about the topics presented. Participants included representatives from unions, non-government organizations, government, First Nations, and private sector employers in the communities of Behchoko, Whati, Fort Smith, Hay River, Inuvik and Yellowknife. Participants learned about the following topics:

- Accommodating mental illness in the workplace
- The use of medical information in the accommodation process
- Accommodating family status in the workplace
- An update on violence, bullying and harassment in the workplace
- Current issues in disability accommodation

Publications

The Commission added the following publication to its resources:

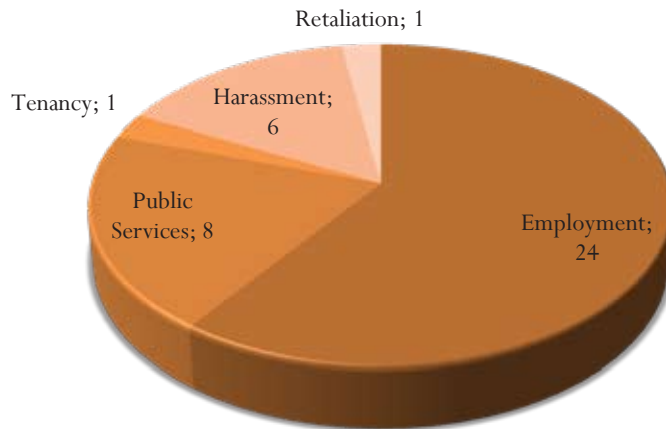
- Human Rights and Public Services: This guide explains how the *Human Rights Act* applies to territorially regulated businesses and government and non-profit organizations. The guide provides information to both service providers and customers, such as preventative strategies for service providers and options for customers who experience discrimination including how to file a complaint.

COMPLAINTS REPORT

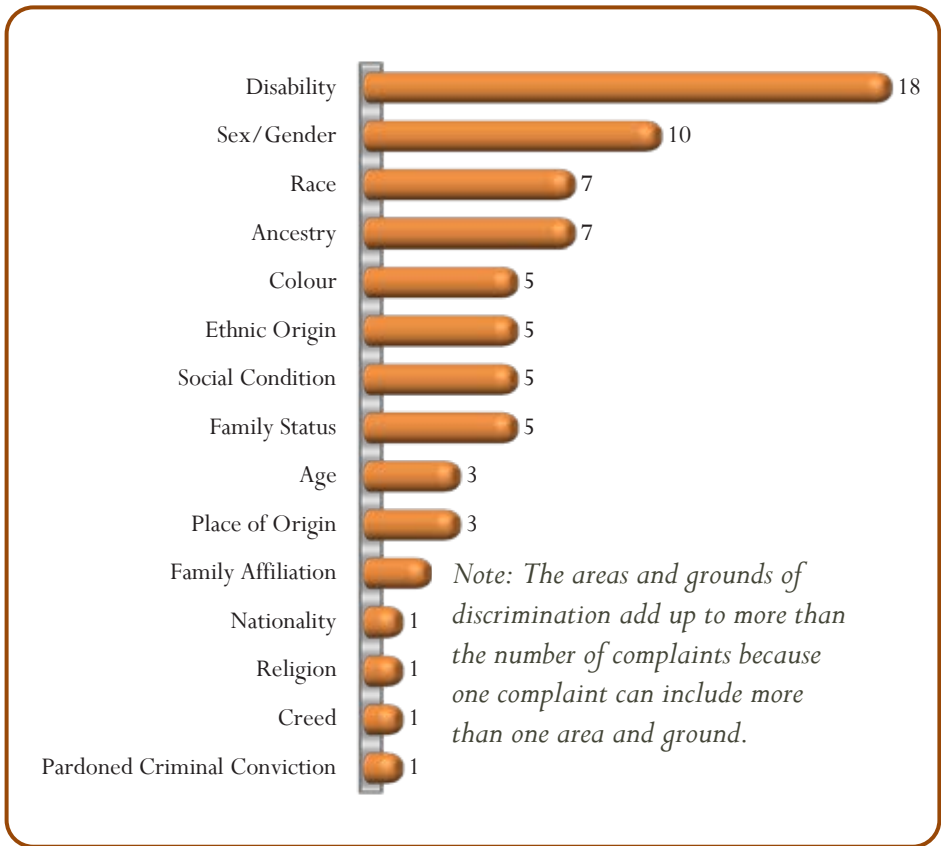
From April 1, 2008 to March 31, 2009, the Commission received:

- 259 inquiries from the public
- 33 new complaints

The new complaints alleged discrimination in the following areas:

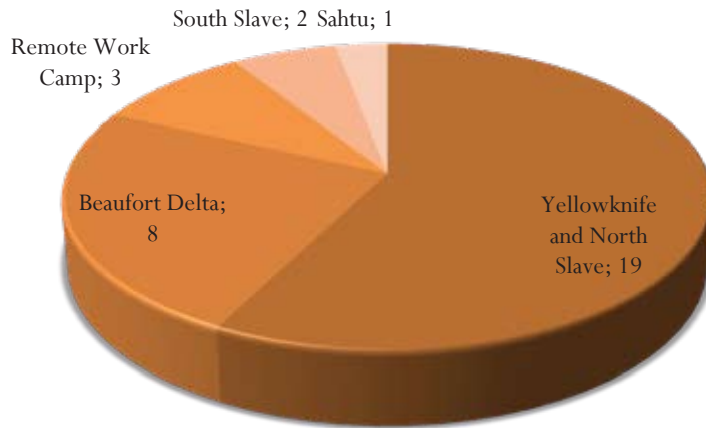


The new complaints alleged discrimination based on the following grounds:

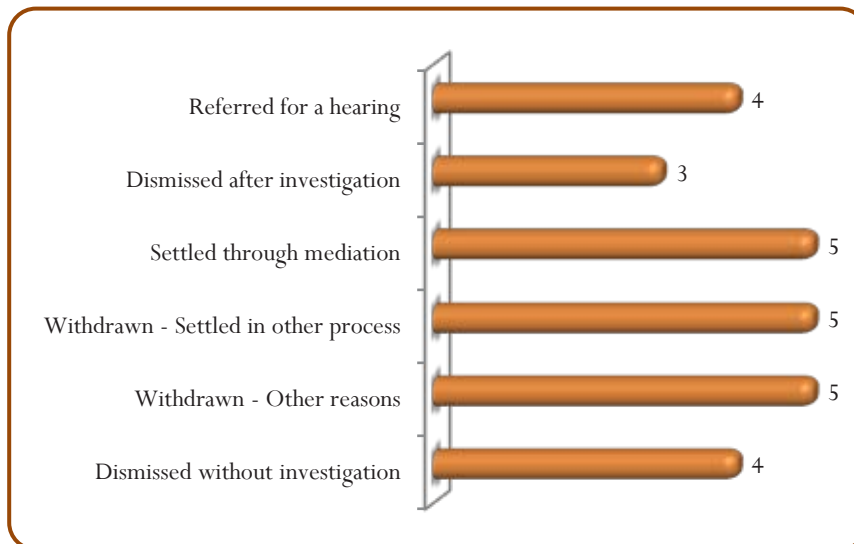


COMPLAINTS REPORT

The 33 new complaints came from the following regions:



Twenty-five (25) files were closed in 2007-2008. The reasons for closure are listed on this chart.



Note: The “reasons for closure” is higher than the number of “files closed”. This is because one file can have more than one “reason for closure.” For example, part of a complaint could be dismissed and the rest of the complaint could be referred for a hearing.

HEARINGS & DECISIONS

NWT Human Rights Adjudication Panel

The separate and independent NWT Human Rights Adjudication Panel (the “Panel”) hears complaints that are referred to it by the Director. The Panel also hears appeals of the Director’s decision to dismiss complaints. Decisions of the Panel are posted on their website at <http://hrap.nt.ca>.

From April 1, 2008 to March 31, 2009, the Adjudication Panel processed eighteen (18) complaints and received two (2) appeals. Of these twenty (20) files:

- 6 were settled through mediation
- 6 were withdrawn
- 6 hearings were held and decided (see decision summaries, below)
- 2 appeals were heard and decided (see decision summaries, below)

Decisions - Hearings

Sherman v. Mbotloxo Investments Ltd. operating as Boston Pizza, 2008: The Panel found that Ms. Sherman was harassed because of her sex and disability while employed at Boston Pizza. The Panel found that she was subjected to sexually inappropriate conduct from other staff and music in the workplace that degraded women, and that she received little help from management to stop it. The Panel also found that Ms. Sherman was harassed because of her disability when staff repeatedly hid a stool that she used for assistance with her disability. The Panel ordered Boston Pizza to pay Ms. Sherman \$1000 for the injury to her dignity, and \$2500 for exemplary or punitive damages.

Deranger v. 994401 NWT Ltd. operating as The Raven’s Pub, 2008: The Panel dismissed Mr. Deranger’s complaint of discrimination on the basis of his race and ancestry when he was refused access to The Raven’s Pub. The Panel found that Mr. Deranger did not prove that he was denied access to the pub because he is an Aboriginal person.

Savage v. 984239 NWT Limited operating as Polar Tech et al, 2008: The Panel found that Ms. Savage was sexually harassed in the workplace. The sexual harassment resulted in negative job-related consequences for Ms. Savage. The Panel found that Polar Tech was responsible for creating a poisoned work environment for female employees. The Panel ordered Polar Tech to pay the complainant \$7,500 for exemplary and punitive damages and \$25 670.33 for lost wages, injury to her dignity, and for counseling sessions.

Decisions - Hearings

Lawson v. 994486 NWT Limited operating as Le Frolic Bistro Bar, 2008: The Panel found that Le Frolic Bistro Bar discriminated against Ms. Lawson because of her disability. She was forced to leave Le Frolic with her special services dog after being told that dogs were not allowed in the bar. The Panel found that Le Frolic's conduct violated the *Human Rights Act*, but did not give Ms. Lawson monetary compensation.

Burles v. City Cab (1993) Ltd., 2008: The Panel found that City Cab discriminated against Mr. Burles, who uses a wheelchair, when it required him to pay a surcharge in addition to the regular taxi fare for using a handi-van. The Panel ordered City Cab to provide it with a copy of its policy cancelling the surcharge against customers who have disabilities, to stop charging the surcharge, and to pay Mr. Burles \$60.00 for reimbursement of the surcharges and \$1500 for injury to his dignity and self-respect.

McSwain v. Government of the Northwest Territories (Department of Justice), 2009: The South Mackenzie Correctional Centre (SMCC) operates a snow removal service for persons with disabilities and the elderly in Hay River. SMCC inmates, under the supervision of corrections officers carry out the snow removal. Ms. McSwain was denied this service because her spouse is a corrections officer. The Panel concluded that the SMCC could accommodate Ms. McSwain without undue hardship and therefore discriminated against her on the basis of her family status. The Panel deferred the decision on remedies.

Decisions - Appeals

There were two decisions by the NWT Human Rights Adjudication (the "Panel") on appeals of the Director's decisions to dismiss complaints:

Kwong v. Government of the Northwest Territories, November 17, 2008: The Adjudication Panel reversed the Director's decision to dismiss the complaint for not being filed within the required two year time limit. The Panel accepted new evidence from Mr. Kwong which resulted in him not filing within the time limit. The Panel allowed Mr. Kwong's request to extend the time limit for filing his complaint.

Nelner v. Government of the Northwest Territories, December 15, 2008: The Adjudication Panel upheld the Director's decision to dismiss Mr. Nelner's complaint because the complaint was not filed within the two year required time limit. Mr. Nelner alleges in his complaint that he was discriminated against by his employer because of his race. The Panel found that the Director's decision to dismiss the complaint was reasonable and the existence of a grievance arbitration had no impact on the two year time limit.

WHAT TO EXPECT 2009-2010

Human Rights in the NWT – Plain Language Guide

The Commission will produce a guide to human rights in an easy-to-read format. The target audience of the guide will be readers with literacy challenges and those who speak English as a second language. The guide will increase peoples' understanding of discrimination and the complaint process through the use stories, photos and illustrations. The Northern content of the guide will make it appealing to readers across the NWT.

Website Updates

The Commission will be upgrading its website. Upgrades include creating a parallel French website, adding a newsfeed, and creating quick links to frequently used pages. The website will feature an oral component that will allow visitors to listen to information being read in all of the NWT's official languages.

Human Rights at Work

The Commission has developed a series of workshops on human rights issues specific to the workplace such as discrimination and harassment; the duty to accommodate; human rights in the employment process; and building an inclusive workplace. The Commission will be offering the workshops to employers across the NWT.

School Outreach

The Commission will continue to support and encourage the teaching of human rights in schools across the NWT. The Commission will distribute a teachers' resource containing a CD Rom, lesson plans, and learning activities about human rights.

Public Service Announcements

In 2005/06, the Commission developed a series of television and radio PSA's on topics such as sexual harassment, race discrimination and the duty to accommodate. The Commission will be dubbing the PSA's in French and re-broadcasting them in both French and English on radio and television stations.

Community Visits & Information Sessions

The Commission will continue visiting communities for meetings and offering public information sessions throughout the 2009-2010 fiscal year. Scheduled visits include Fort Providence, Dettah, and Deline.

The Commission will continue to offer human rights legal updates through Lancaster House Audio Conferences. Individuals interested in hosting an information session or workshop, or in participating in an audio conference can contact the Commission.

ABOUT THE COMMISSION

The NWT Human Rights Commission is an arm's length agency with the mandate to promote human rights and prevent discrimination through education and deal with complaints from people who feel their rights under the NWT *Human Rights Act* have been violated.

Commission Members

The Commission consists of five members. They are appointed by and report to the Legislative Assembly. The Commission seeks to prevent discrimination through education, promotion, research, and advocacy.

- Mary Pat Short, Chairperson – Fort Smith
- Rita Mueller, Vice-Chairperson – Behchoko
- Yacub Adam - Yellowknife
- George Collins – Hay River
- Tammy Rogers – Inuvik

Human Rights Officers

- Isabel Gauthier
- Carolyn MacKay

Office Administrator

- Teresa Long

Director and Deputy Director of Human Rights

The Director and Deputy Director are appointed by the Legislative Assembly. They administer the complaints process.

- Thérèse Boullard, Director of Human Rights
- Deborah McLeod, Deputy Director of Human Rights



Back row from left: Yacub Adam, Tammy Rogers, Teresa Long, Carolyn MacKay
Front row from left: Thérèse Boullard, Mary Pat Short, Isabel Gauthier

FINANCIAL SUMMARY

For the period ended March 31, 2009

Statement of General Operations	
<i>Revenue</i>	
Government of the Northwest Territories	
Operating grant	420,000
Reimbursement of expenses	7,227
Interest Revenue	2,672
	429,899
<i>Expenses</i>	
Accounting	17,360
Benefits and pension	26,885
Contracts – investigation	4,000
Contracts – mediators	14,798
Community Events	31,546
Legal expenses	18,260
Office administration	26,704
Printing	15,944
Staff training	3,459
Subscriptions	2,709
Telephone & Toll-free	13,168
Translation & interpretation	2,921
Travel – Commission Members	41,922
Travel – Director and Deputy Director	7,655
Wages	160,985
Website	161
Total expenses	388,477
Excess revenue	41,422
Statement of cash flows	
<i>Cash provided by (used in)</i>	
<i>Operating activities</i>	
Excess revenue	41,422
<i>Change in non-cash operating working capital</i>	
Accounts receivables	3,492
Prepaid expenses	615
Accounts payable and accrued liabilities	(7,717)
<i>Change in unrestricted cash</i>	37,812
Cash, opening	57,494
Cash closing	95,306

To receive a copy of the complete audited financial statements, please contact the Commission.

ABOUT THE HUMAN RIGHTS ACT

It is against the *Human Rights Act* to discriminate against or harass people because of:

- Race, colour, ancestry, place of origin, ethnic origin, and nationality
- Sex, sexual orientation, or gender identity
- Family or marital status, or family affiliation
- Social condition
- Religion or creed
- Political belief or association
- A pardoned criminal conviction
- Disability
- Age

The *Human Rights Act* prohibits discrimination against people in 5 areas:

- Work and looking for work
- Renting a home or a business space
- Membership in a trade union or professional group
- Public services such as health, education, or social services
- Published materials such as newspapers, pamphlets, magazines, or signs

To discriminate means to assume negative things about a person or group of people and treat them unfairly, harass them, or deny them opportunities to which they are entitled. Here are three examples of discrimination.

- A landlord won't rent to a family on income support because he believes the family will cause trouble and won't pay the rent.
- A business fires a woman because she gets pregnant.
- An employer refuses to accommodate an employee's disability.

A person can file a complaint with the Commission when she or he believes a person or agency broke the law and discriminated against them. There is no cost involved in filing a complaint. A person must file a complaint within 2 years of the alleged discrimination.

NORTHWEST TERRITORIES HUMAN RIGHTS COMMISSION

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