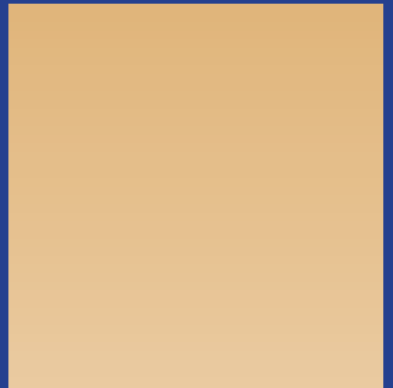
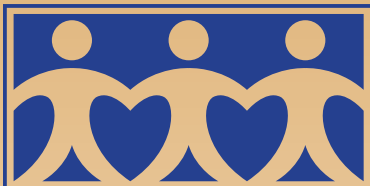


# New Brunswick Human Rights Commission

2010-2011  
ANNUAL REPORT



NEW BRUNSWICK  
HUMAN RIGHTS COMMISSION

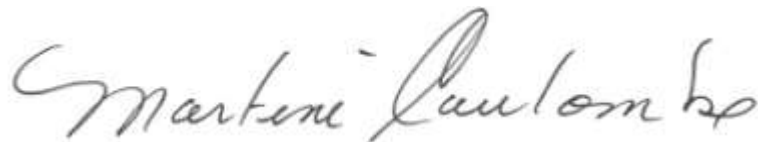


Fredericton, N.B.  
The Honourable Graydon Nicholas  
Lieutenant Governor of the  
Province of New Brunswick

Your Honour:

I have the honour to submit to you the Annual Report of the New Brunswick Human Rights Commission for the fiscal year ending March 31, 2011. The Commission is responsible to the Minister of Post-Secondary Education, Training and Labour, Province of New Brunswick.

Sincerely,



Honourable Martine Coulombe  
Minister Responsible for the Human Rights Commission

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Honourable Martine Coulombe  
Minister Responsible for the Human Rights Commission  
Province of New Brunswick

Dear Minister:

I am pleased to submit the Annual Report of the New Brunswick Human Rights Commission, for the fiscal year ending March 31, 2011.

Sincerely,



Randy Dickinson  
Chairperson  
New Brunswick Human Rights Commission

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## Message from the Chairperson:

As Chairperson of the New Brunswick Human Rights Commission, I would like to make a few observations on the operations of the Commission for the fiscal year 2010-2011. Our mandate is to promote equality and to eliminate discriminatory practices and attitudes through the administration and enforcement of the New Brunswick *Human Rights Act*. We also carry out various public education and awareness activities to promote human rights and to hopefully help prevent unnecessary situations of discrimination from even taking place. Our provincial legislation specifically lists race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex, social condition, political belief or activity as prohibited grounds for discrimination in New Brunswick.

We are very fortunate to have a dedicated and hard-working staff, led by our Director Jill Peters, who respond to the many inquiries and complaints from the public that we deal with on a continual basis. The staff efforts are supported by our well informed and involved appointed members of the Commission who collectively make decisions at their regular meetings on the disposition of the cases that have been investigated by the staff.

During the year in question, we have continued our goal to resolve as many of the complaints received as possible through a process of either informal or formal mediation in order to settle more cases in a mutually satisfactory way in both a timely and cost effective manner. We still have the ability for complaints to proceed along through a more formal process if the parties involved choose to do so, but we are pleased to report that many cases are settled at an earlier stage through the mediation services delivered through our staff. In this way, we can reduce the overall average time required to close cases. This is an important achievement considering the fact that we are always still receiving a high volume of new complaints while we settle cases previously received.

I am pleased to report that our website has been updated with new useful information from the Commission as well as links to other sites. We are revising the operational guidelines on how to interpret various rights protected by our *Human Rights Act*, which have proven to be very helpful to employers and others so they can perhaps avoid having complaints lodged against them. We have also increased the frequency of media releases from the Commission to recognize special days and events related to celebrations for advancements in the field of human rights.

The annual New Brunswick Human Rights Award for 2010 was presented to the Elizabeth Fry Society of Saint John Inc. to highlight their many years of volunteer service for women prisoners. Along with their on-going advocacy for prisoner rights and their role as mentors and counsellors to individual female prisoners, we were especially touched by the success of their Read Aloud Program which allows mothers in jail to record themselves reading books for their children which are delivered to the children at home to keep the lines of parental contact in place.

The New Brunswick Human Rights Commission maintains an active membership role with the Canadian Association of Statutory Human Rights Agencies (CASHRA) in order to keep up with developments in human rights initiatives and the case law for human rights across the country and decide how they might apply to our province.

We would like to acknowledge the support of the Government of New Brunswick and especially the Department of Post-Secondary Education, Training and Labour to whom we currently report. They have allowed us to independently operate without any political interference. We have been advised that in the coming year, we will likely see a change in our reporting mandate to have the New Brunswick Human Rights Commission report directly to the Legislature instead of to a specific Department to highlight our operational independence even more.

The Commission has developed a Strategic Plan 2010-2015 which is posted on our website to highlight our operational objectives for the next few years as we strive for further improvements and high standards of public service in our activities on human rights.

While I can safely say that we are making substantial progress in the recognition of human rights and the corresponding responsibilities to prevent discrimination, the high volume of different complaints that we receive does confirm that we have a lot of work still to do. We are especially concerned about the disproportionately higher rate of human rights complaints that are connected to persons with disabilities compared to other minorities.

We would like to publicly thank all of the individuals and groups across the province who are actively promoting human rights and those who do speak up when they see something happen that they know is wrong.

The staff and members of the New Brunswick Human Rights Commission will use all of our resources and energy to battle discrimination and inequality and to work in partnership with others to educate the public on their human rights and responsibilities to be good citizens and to treat others with dignity and respect and equality.

Respectfully submitted;



Randy Dickinson, C.M.  
Chairperson  
New Brunswick Human Rights Commission

## Members of the Commission

As of April 2010, the members of the Human Rights Commission were Gordon Porter (Chairperson), Patrick Barbour, Alope Chatterjee, Huberte Gautreau, Arthur Harquail, Audrey Lampert, René Landry, Emil Olsen and Eva Sock. Biographical notes on each member are included in previous annual reports. The bios of current members are also published on the Commission's website.

The terms of the former Chairperson, Gordon Porter, as well as those of Alope Chatterjee and Audrey Lampert expired during the 2010-11 fiscal year. Two new members were appointed: Karine Levesque and Randy Dickinson, who is the new Chairperson. Accordingly, the members of the Commission as of March 31, 2011 were: Randy Dickinson (Chairperson), Patrick Barbour, Huberte Gautreau, Arthur Harquail, René Landry, Karine Levesque, Emil Olsen and Eva Sock.

These are the bios of the new members:

### Randy Dickinson, Chairperson

Randy Dickinson, C.M., was born and raised in Upper Woodstock, New Brunswick. He holds a Bachelor of Arts Degree with Honours in Political Science from Acadia University and successfully completed first year law school studies at the University of New Brunswick. However his on-going summer employment at Camp Rotary led to a permanent job offer from the Canadian Rehabilitation Council for the Disabled (now known as Easter Seals NB) in 1977.

In January of 1983, Mr. Dickinson was hired as the first Executive Director of the Premier's Council on the Status of Disabled Persons. In 1990, he was asked to become the Executive Director of the Premier's Council on Health Strategy. When he completed that assignment, Mr. Dickinson briefly headed up the Canadian Paraplegic Association in New Brunswick before returning to the Premier's Council on the Status of Disabled Persons in 1992. In November of 2009, he retired from the Premier's Council due to the progression of his physical disability.

As part of his job and volunteer activities, Mr. Dickinson has been involved with many committees, boards, and projects around such topics as employment equity, inclusive education, human rights, social housing, poverty, mental health issues, reducing violence against women, barrier-free access to public services and facilities, accessible transportation options, inclusive recreation, access to rehabilitation equipment and programs, and sustainable health care, amongst other social and economic issues.

Mr. Dickinson has been honoured for his professional and community activities with a number of awards including being appointed as a Member of the Order of Canada in 1999. He has also received two Paul Harris Fellowships



from Rotary International, two National Citations from the Canadian Association of Occupational Therapists, the Royal Jubilee Medal from Queen Elizabeth, the provincial New Brunswick Day Award of Merit, the Jack Sarney Award from the Easter Seals / March of Dimes National Council, and the Champion of Inclusion Award from the NB Association for Community Living in 2009 amongst others.

Mr. Dickinson is currently active with the New Brunswick Disability Awareness Week Committee and the NB Health Council. In May 2010, he was appointed as the Chairperson of the New Brunswick Human Rights Commission. Mr. Dickinson and his wife Karen live in Fredericton.

### **Karine Levesque**

Karine Levesque, RSW, is a social worker employed by the Extra-Mural Program in Grand Falls since 2000. She was previously a social worker with the Community Mental Health Centre in Edmundston.

Ms. Levesque is the current president of the New Brunswick Association of Social Workers, her term expiring in June 2011. She is also a member and former President of the Madawaska Branch of the Canadian Mental Health Association (CMHA) and a former member of the Board of Directors of the New Brunswick Division of the CMHA.

She is also a member of the *Réseau-action communautaire* (community action network) of the *Société Santé et Mieux-être en français du Nouveau-Brunswick* (health and wellness in French society of New Brunswick).

In 2010, Ms. Levesque received the Distinguished Service Award for New Brunswick given by the Canadian Association of Social Workers. In 2004, she was the Social Worker of the Year of her local chapter of the New Brunswick Association of Social Workers.

# Compliance

## Complaint Process

Individuals who believe they have been discriminated against on the basis of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex, social condition or political belief or activity have the right to file a complaint of discrimination under Section 17 of the New Brunswick *Human Rights Act*. All complaints filed with the Commission are considered confidential and are discussed only with the parties involved.

All formal complaints are reviewed by a triage team that identifies the human rights issues raised in the complaint, and answers any issues as to jurisdiction or the sufficiency of the complaint form.

Due to issues identified through the triage process, the Commission developed a new complaint form and complaint kit in 2010-2011 with the intention of reducing delays caused by the necessity of having complaint forms revised by complainants after filing.

The Commission uses a centralized complaint notification system, where one staff member is responsible for contacting the parties to all complaints that were referred from triage. The staff member contacts the complainant and obtains additional information pertaining to his/her complaint. He then advises respondent(s) of the complaint and of the Commission's mediation and investigation process, and offers its early mediation services.

If mediation is accepted, a Human Rights Officer attempts to resolve the complaint by providing the respondent(s) with the complainant's proposed terms of settlement. In some cases, the parties participate in a face-to-face mediation session. All settlement discussions are strictly confidential and are on a "without prejudice" basis.

If a settlement is reached, the parties sign a release and confidentiality agreement and the file is closed as being settled.

If a settlement is not reached, the respondent must file a written response to the complaint and the complainant is provided with the opportunity to provide a written rebuttal to the response. The file is then reviewed and the next appropriate steps are determined. They may include dismissal at the Director's level or assignment to an officer for further investigatory steps.

Settlements may include compensation for special and general damages, as both of these remedies may be ordered by a Board of Inquiry should it find discrimination. Special damages include lost wages and expenses incurred by the complainants. General damages are intended to compensate complainants for the injury to their dignity, feelings and self-respect. Other possible terms of settlement are accommodation, a letter of reference, a letter of

apology, changes in policies, reinstatement of a dismissed employee, and a human rights training seminar for the respondent.

A flow chart of the complaint process is found in appendix B.

## **Complaint Statistics**

Appendix C includes charts showing statistical information on the complaints filed with the Commission. Here are some highlights:

- The Commission received 161 complaints in 2010-11, compared to 180 complaints in 2009-10; eighty-six of the complaints were filed by women.
- The complaints included 293 allegations of discrimination, since several complaints alleged discrimination based on multiple grounds (e.g. race and colour) or in multiple activities (e.g. service and housing).
- 842 referrals to other agencies were made.
- 178 complaints were active at the end of the year, including cases referred to a Board of Inquiry, compared to 206 the previous year

## **Grounds of Discrimination**

The most common grounds were physical disability (73) and mental disability (53), which together accounted for 43% of all complaints. The next most common grounds were social condition (23) and sex (23), followed by race (18).

As in previous years, most complaints (185) were employment-related. The majority (98, 53 %) dealt with discrimination based on physical or mental disability.

## **Closed Complaints**

In total, 189 formal complaints were closed in 2010-11, compared to 336 in 2009-10. They were closed at the following stages:

- 55 were settled, 10 in early mediation,
- 95 were dismissed,
- 35 were withdrawn or abandoned or found to be outside the Commission's jurisdiction,
- 4 were closed at the Board of Inquiry or court levels.

## Settlements

A total of 59 cases were settled, compared to 61 in 2009-2010. They involved 55 formal complaints (compared to 51 in 2009-2010) and four pre-complaint interventions (compared to 10 in 2009-2010).

The cases were settled at the following stages:

- 4 cases during pre-complaint interventions;
- 11 cases settled within 6 months of the complaint (i.e. during early mediation);
- 41 cases settled within six months, but before being considered at a Commission meeting;
- 1 case settled after being considered at a Commission meeting, but before being referred to a Board of Inquiry; and
- 2 cases settled at the Board of Inquiry level.

The total monetary value of the settlements obtained is estimated to be \$765,649. As well, in total 10 letters of references were received, six letters of apology or misunderstanding were received, 10 human rights training seminars were agreed to by respondents, two policy changes or developments were agreed to by the respondents, 11 complainants were accommodated, four complainants received employment, one complainant was reinstated to his/her employment, and one complainant received benefits.

## Sample Complaints

The following is a sampling of the types of the complaints that the Commission dealt with during the period under review.

### 1. Mental disability / Employment

The complainant alleged that her employment was terminated because she had a depression. When she was first diagnosed, she was ordered by her doctor to take a sick leave, with an estimated return date. Later, the doctor extended the sick leave because the employee was not ready to re-enter the workforce. Upon her return to work, the employee was informed that her employment was terminated. The employer denied discriminating against her, but was willing to participate in mediation. A settlement was reached, with the employer agreeing to pay general damages to the amount of \$1500.

### 2. Religion / Employment

The complainant's religion does not allow him to work on Fridays. He alleged that his employer did not accommodate this requirement and openly stated that the employee would not be promoted because of his

restrictive religion. The investigation found evidence to support the complaint. The Human Rights Commission's staff was able to negotiate a settlement. The employer agreed to receive training on the duty to accommodate and to pay damages in the amount of \$6500.

### **3. Social condition / Services**

The complainant alleged that the respondent refused to provide a health-related service because she was an income assistance recipient. She alleged that the respondent often referred to her social condition and eventually discontinued providing his services. The respondent stated the complainant was never satisfied with his work. The staff conducted an investigation which showed that there was not sufficient evidence to further the complaint. The Director closed the file as being clearly without merit.

### **4. Sexual orientation & marital status / Employment**

A male employee alleged that his employment was terminated because he married another man. The employer denied discriminating against the employee, but agreed to participate in the Human Rights Commission's mediation process on a without prejudice basis. The employer agreed to pay damages of \$3000.

### **5. Mental disability / Employment**

The complainant alleged that his employment was terminated due to his being depressed. When the employee was diagnosed with a mental disability by his doctor, he took a medical leave. Upon his return, he was promoted, but later his depression worsened and he was terminated from his employment. The employer denied discriminating against the employee, but agreed to participate in mediation which ultimately ended with a settlement of \$20,000.

### **6. Sexual harassment / Employment**

The complainant alleged that she was forced to resign from her position because of sexual harassment (a lewd drawing) by a co-worker. She also alleged that her employer did not take her initial complaint seriously. The Human Rights Commission's staff investigated the complaint and found that the employer had spoken with the alleged sexual harasser, who had agreed to apologize and refrain from the activities in question. It showed that this was initially satisfactory to the complainant, and she had actually resigned for a reason unrelated to harassment. The Director closed the file as being clearly without merit.

### **7. Sex & age / Employment**

The complainant alleged that he was denied temporary employment because the employer's policies discriminated against him on the basis of sex and age. The investigation showed that that the policies in place were not discriminatory and that other men of the same age as the complainant were offered temporary employment. The Director closed the file as being clearly without merit.

## Boards of Inquiry

If a formal complaint cannot be settled, the Commission may recommend that a Board of Inquiry hear the complaint. In that case, the Minister responsible for the Human Rights Commission may refer the matter to the Labour and Employment Board, which is a permanent tribunal that deals with a variety of employment disputes, and acts as a Human Rights Board of Inquiry upon request of the Minister. Alternately, the Minister may choose to appoint a separate Human Rights Board of Inquiry to hear that specific case. Boards of Inquiry are separate and independent from the Commission.

During the year, the Commission recommended the appointment of seven new Boards of Inquiry. Four deal with sex discrimination with respect to services and three deal with physical disability discrimination in employment. At the end of March 2011, all seven files remained open.

Three Boards of Inquiries appointed in past fiscal years were dealt with, two were settled and in one, a decision was rendered by the Board (See *Way* below). At the end of March 2011, two of the five pending Boards of Inquiry from previous fiscal years, remained open but were similar to the *Way* complaint, where a decision was rendered:

### *Way v. The Department of Education and School District 10*

The complainant alleged that he was discriminated on the basis of his age by the respondents when he was no longer permitted to drive a school bus when he turned 65 years old. The respondents maintained that they were following a regulation under the New Brunswick *Education Act* and the requirement that a school bus driver not be over the age of 65 is a bona fide occupational qualification (BFOQ). The complainant had no employment related performance issues.

The Board of Inquiry found that the complainant had established a prima facie complaint of discrimination and therefore, the onus shifted to the respondents to establish a BFOQ. The Board found that the respondents failed to establish a BFOQ as the information provided indicated that the respondents took the position that there was no possible means of accommodation and instead, selected a rigid rule that the Board found, was not supported by the evidence. The Board ordered the respondents to: pay the complainant five thousand dollars as general damages; pay the complainant the difference in his lost wages; and discontinue the discriminatory practice of requiring school bus drivers to retire from driving a school bus at age 65.

## Judicial Review

In June 2010, the Court of Queen's Bench heard arguments related to the Commission's decision to dismiss a complaint alleging physical disability and perceived mental disability discrimination in employment; the Court did not render its decision and requested that the applicant obtain case law indicating that the Commission has jurisdiction over matters alleging discrimination and workplace harassment even if the alleged discrimination is not based on one of the grounds covered by the New Brunswick *Human Rights Act*. The Court is scheduled to hear supplementary arguments in May 2011.

In July 2010, the Court of Queen's Bench heard arguments in the *A.B v. Brunswick News Inc.* complaint as the applicant sought judicial review of the Board of Inquiry's decision to dismiss his complaint of mental disability discrimination in employment; the Court had not rendered its decision at the end of March 2011.

In January 2010, the Court of Queen's Bench heard arguments related to the Commission's denial of a time limit extension in one case; it had not rendered its decision at the end of March 2011.

During the year, the Court of Queen's Bench delivered a decision in one case:

### ***The Province of New Brunswick (as represented by the Department of Supply and Services) v. E.P., and the New Brunswick Human Rights Commission***

The complainant filed a complaint with the Commission as well as a time limit extension (TLE) request. Legal Counsel was responsible for the file and sent the TLE to the respondents for their response. Legal Counsel spoke with the medical doctor who was treating the complainant and obtained further information with respect to the complainant's medical condition. This information was not shared with the respondent due to privacy issues. The respondent provided their response to the TLE and Legal Counsel gathered the information and provided legal advice to the Commission with respect to granting or dismissing the TLE request. The Commission decided to grant the TLE request.

The respondent filed an application for judicial review of the Commission's decision to grant the TLE. In its decision dated March 11, 2011, the Court decided that the Commission did not respect the rules of natural justice and did not follow procedural fairness by failing to provide the respondents with all the information that would be used by the Commission. The Court admits that a legal counsel's function may overlap at times, but that a legal counsel cannot act as investigator and as legal advisor to the Commission. Further, legal counsel cannot gather evidence, decide what evidence should or should not be released to the respondent and then refuse to release the "legal advice" due to claimed privilege. The Court found that if facts were gathered by the Commission staff, then the facts should be provided to the Respondent and if a recommendation was made to the Commission, then the said recommendation should be given to the respondent. It is unfair for legal counsel to do an investigation then shield the results under the claim of privilege. As such, the Commission's decision to allow the TLE request was removed into the Court and quashed.

## Appeals

On June 3, 2010, the Court of Appeal rendered its decision in the *New Brunswick Human Rights Commission v. Province of New Brunswick (Department of Social Development)* case.

The Human Rights Commission had recommended that this matter proceed to a Board of Inquiry and the Minister accepted the recommendation. However, the Province sought a judicial review, and the Court of Queen's Bench quashed the decision. The Court found that the Commission had breached procedural fairness in six instances and ordered that the New Brunswick Labour and Employment Board (acting as a Human Rights Board of Inquiry) be prohibited from taking any further steps with respect to the complaint.

The Commission appealed to the Court of Appeal of New Brunswick, arguing that the lower court had erred with regard to each of the alleged instances of procedural unfairness.

The Court of Appeal found that the Commission had not breached procedural fairness. However, the Court of Appeal was not convinced that the complaint revealed an arguable case of discrimination and upheld the lower court decision to bar the Labour and Employment Board from hearing the matter.

The Commission sought leave of that decision to the Supreme Court of Canada, but leave was denied.





## Education and Prevention

### National and International Activities

In April, the staff provided an information session on the Human Rights Commission's guideline on accommodating students with a disability to 12 teachers and education officials from Columbia who were visiting New Brunswick to learn more about inclusion programmes for people with a disability. As most of the participants spoke only Spanish, the presentation was interpreted to that language.

The Commission's staff delivered two presentations to the 2010 annual conference of the Canadian Association of Statutory Human Rights Agencies (CASHRA), of which the Commission is a founding member. The presentations focused on excessive delay in complaint processing and related costs, and on conducting error-free investigations. CASHRA was established in 1972 to foster cooperation and information-sharing between human rights agencies across Canada. It holds a human rights conference for members, staff and the general public each year on a rotating basis. One of the Commission's lawyers is a member of the CASHRA lawyers' group, which meets periodically on federal/provincial jurisdictional issues related to human rights. The lawyer also represents the Commission on CASHRA's Research and Policy Committee. The Human Rights Commission was featured on CASHRA's website during the month of March in 2011.

In October, the Chair of the Commission participated in a meeting with officials of the Canadian Museum on Human Rights, which is under construction and is expected to open in Winnipeg in 2012. The meeting focused on potential exhibits and visitor interactions at the facility and on its website.

### Building Bridges - Changing Lives conference

The Human Rights Commission was a sponsor of the *Building Bridges - Changing Lives* conference held at the University of New Brunswick in Fredericton on May 15 and 16. The conference was organized by the Pride in Education (PIE) network, a group of teachers of various sexual orientations formed in 2009 to promote anti-homophobia and anti-heterosexist education.

The PIE network aims to promote and establish a provincial Gay-Straight Alliances (GSA) network. GSA's are groups of high school students who work to foster a positive school environment for sexual minority (lesbian, gay, bisexual and transgender) students and to discuss the issues that concern them. New Brunswick has about a dozen GSA's, most of them created over the last year.

The keynote speaker at the conference was Dr. Rev Brent Hawkes, the recipient of the New Brunswick Human Rights Award for 2009. A member of the Commission's staff gave a presentation on the application of the *Human Rights Act* to lesbian, gay, bisexual and transgender students to the adult advisors attending the conference.

About 120 high school students who belong to GSA's attended the half-day conference. The conference went very well and the participants were very enthusiastic.

## Human Rights Award

The New Brunswick Human Rights Award was established in 1988 to recognize individuals and organizations that have shown outstanding effort, achievement and/or leadership on a volunteer basis in the promotion of human rights and equality, and as such serve as examples to all New Brunswickers. The award is presented on an annual basis.

On September 14, the 2010 New Brunswick Human Rights Award was presented to the Elizabeth Fry Society of Saint John Inc. for its work advancing the rights of female inmates and accused persons and their families. Elizabeth Fry volunteers act as mentors for women prisoners and offer court support and assistance in obtaining legal aid and legal advice. In addition, they lobby government for change, seek support on systemic issues faced by female inmates and provide public education and awareness about their human rights.

The society has also established a mother/child read aloud program that enables incarcerated mothers to read books onto tapes and send the tapes, the books and a walkman to their children. About 7,200 books have been mailed to 3,600 children in New Brunswick since 2000.

The Lieutenant Governor of New Brunswick, Honourable Graydon Nicholas, hosted the Award ceremony at Government House in Fredericton. The group was presented a framed certificate, and their name was added to the base of the award sculpture, which is housed at Government House. A news release was also issued about the award.

## Media Relations

To further its educational mandate, the Commission occasionally publishes news releases or statements to promote equality and inform New Brunswickers of their human rights and responsibilities. In 2010-2011, the Commission issued 15 releases or statements.

Releases were issued announcing the recipient of the Human Rights Award, new initiatives by Elections NB to make voting more accessible to people with a disability, and new legislation that gives roomers legal rights equivalent to those of tenants.

Statements were also published to mark a number of provincial, national and international days related to human rights, such as New Brunswick Human Rights Day, International Women's Day, Disability Awareness Week, the International Day against Homophobia and Transphobia and the International Day for the Elimination of Racial Discrimination.

During the year, the Chairperson was interviewed by the media on several occasions about current human rights issues.

## **Presentations**

As part of its educational programme, the Human Rights Commission delivered 53 presentations or information sessions in 2010-11. Six additional training sessions were agreed to as a term of settlement of a human rights complaint.

Sixteen presentations were delivered to various university classes, mainly in courses dealing with Human Rights and Law, and nine were delivered to classes in schools, most of them being Law classes in high school. In addition, presentations were delivered to educators, parents, non-governmental organizations and private and public sector employers and unions,

The most common topics of the presentations were maintaining a respectful workplace, which was the topic of six presentations. Eighteen presentations concerned accommodation of disability, of which 10 concerned employment and eight concerned the Commissions' guideline on accommodating students with a disability.

### **The following is a sample of the presentations given by staff:**

On April 20, staff members gave a half-day training session entitled "Footsteps at the Door" to 150 human resource professionals in Moncton. The session concerned the rights and obligations of employers under the *Human Rights Act* with respect to disability-related absenteeism. There was an extensive question and answer period, and the session appeared to be well received. Following the presentation, several attendees contacted the presenters to discuss disability-related issues in their workplace. A similar presentation was delivered on November 30 to about 35 members of the Saint John chapter of the Human Resource Association of New Brunswick.

A member of the staff gave a public presentation on the *Human Rights Act* and lesbian, gay, bisexual and transgender students on April 22 in Moncton. The presentation was timed to coincide with a one-day training session for professionals by McGill University Social Work Prof. Bill Ryan and Psychologist Françoise Susset.

On June 8, the Chairperson gave a presentation to about 50 delegates attending a workshop at the joint US/Canada conference of the Canadian Association of Student Financial Aid Administrators (CASFAA) at the University of New Brunswick in Fredericton. He spoke about breaking down barriers for students with disabilities at post-secondary universities and colleges.

The Commission's staff also delivered a day and a half long training program in February to the staff of the Employment Standards Branch of the Department of Post-Secondary Education, Training and Labour. The training focused on interviewing techniques and investigation.

In February 2011, the Commission staff provided information to the New Brunswick Nurses Union (NBNU) regarding accommodation in a unionized workplace. A Commission lawyer and a human rights officer had a round table discussion with several labour relations officers from the NBNU regarding human rights and in particular issues related to social condition, mandatory retirement and the duty to accommodate.

## Other Initiatives

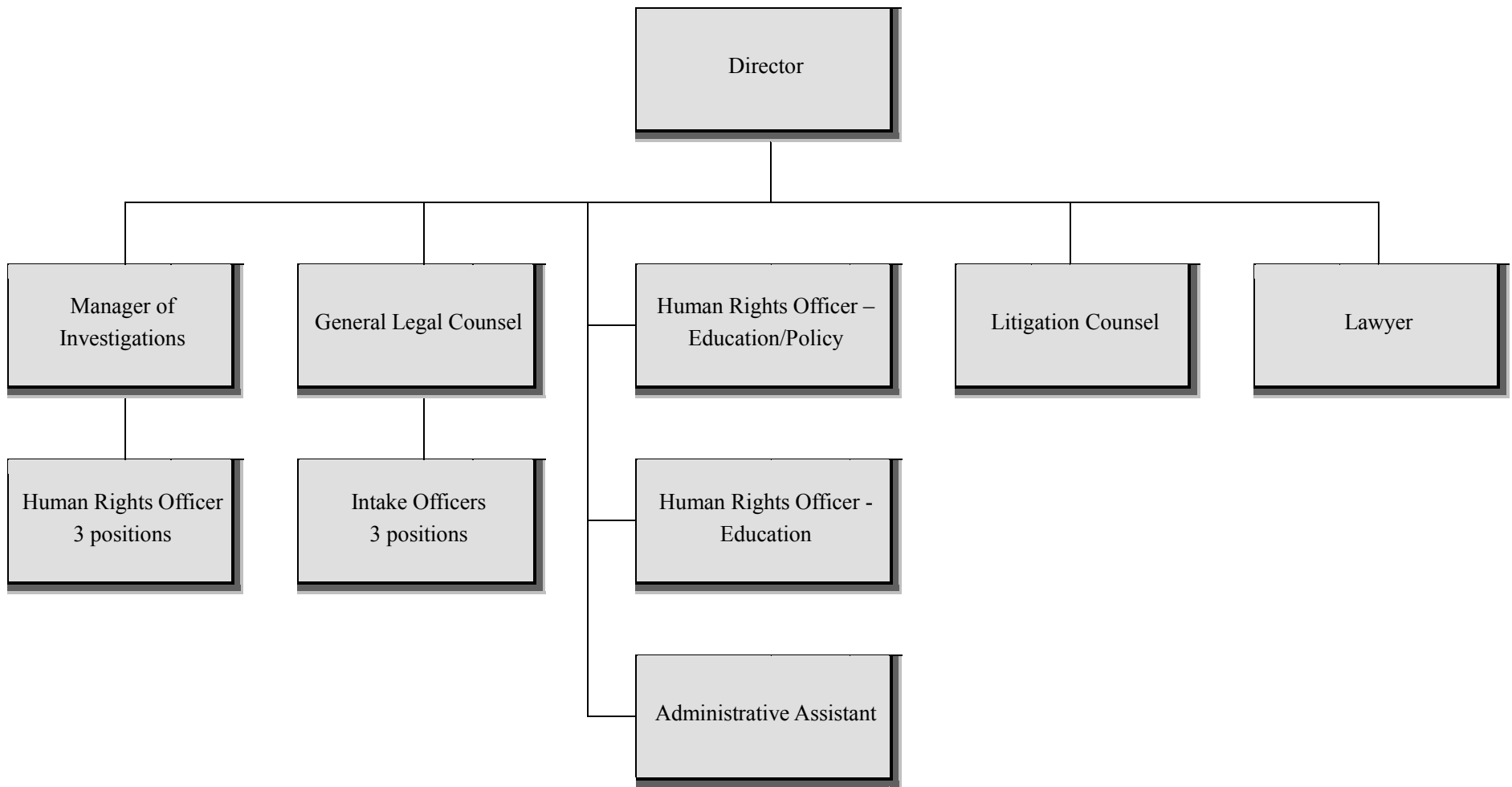
The Human Rights Commission's website is used by the public to access the Commission's guidelines and other publications as well as news and events. Lawyers also rely on the site to get the written decisions of human rights Boards of Inquiry. In 2010-11, a Links page was added to the website. It includes links to the other human rights tribunals and commissions in Canada and to various websites related to human rights in New Brunswick. A new page was added that provides a more detailed explanation of the *Human Rights Act*. The Commission's Strategic Plan for 2010-2015 was also added to the website.

The Legal Counsel videotaped a segment on the need to accommodate university students with a disability. This video will form part of an online continuing education program offered by the Université de Moncton to its professors. The issues covered in the session were the *Human Rights Act*, the meaning of mental and physical disability, discrimination and accommodation, the legal obligation of the university to accommodate students with disabilities and the role professors play in the accommodation process.

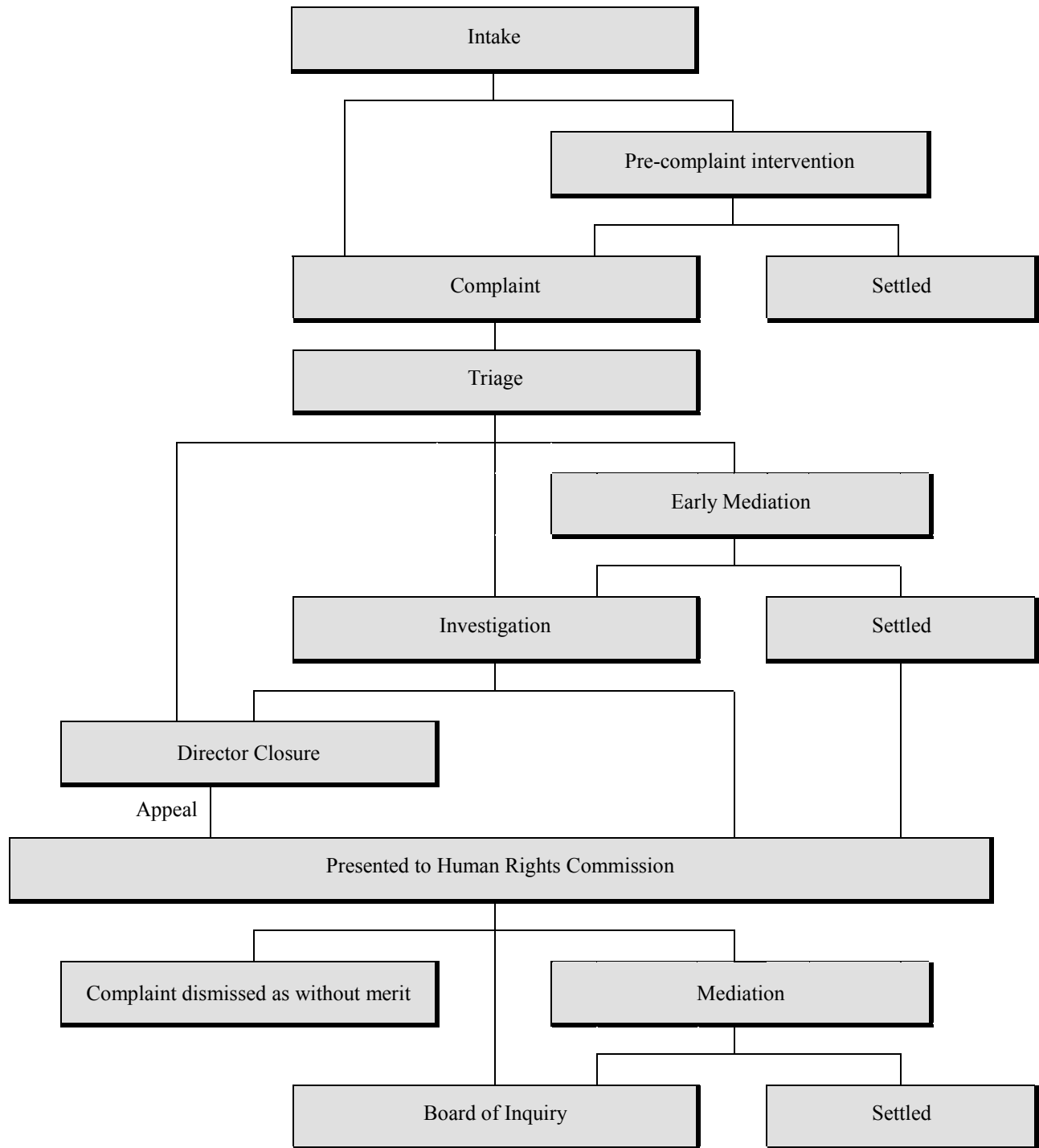
Two of the Commissions' guidelines were updated in 2010-11, the guideline on pregnancy discrimination and the guideline on political belief and activity.

In August, the Chairperson recorded a television and online ad for Elections NB announcing new accommodations that Elections NB was making to allow people with disabilities to vote. The Commission also issued a news release to that effect.

## Appendix A Organizational Chart



## Appendix B Complaint Process



## Appendix C

### New Formal Complaints\* by Ground and Activity

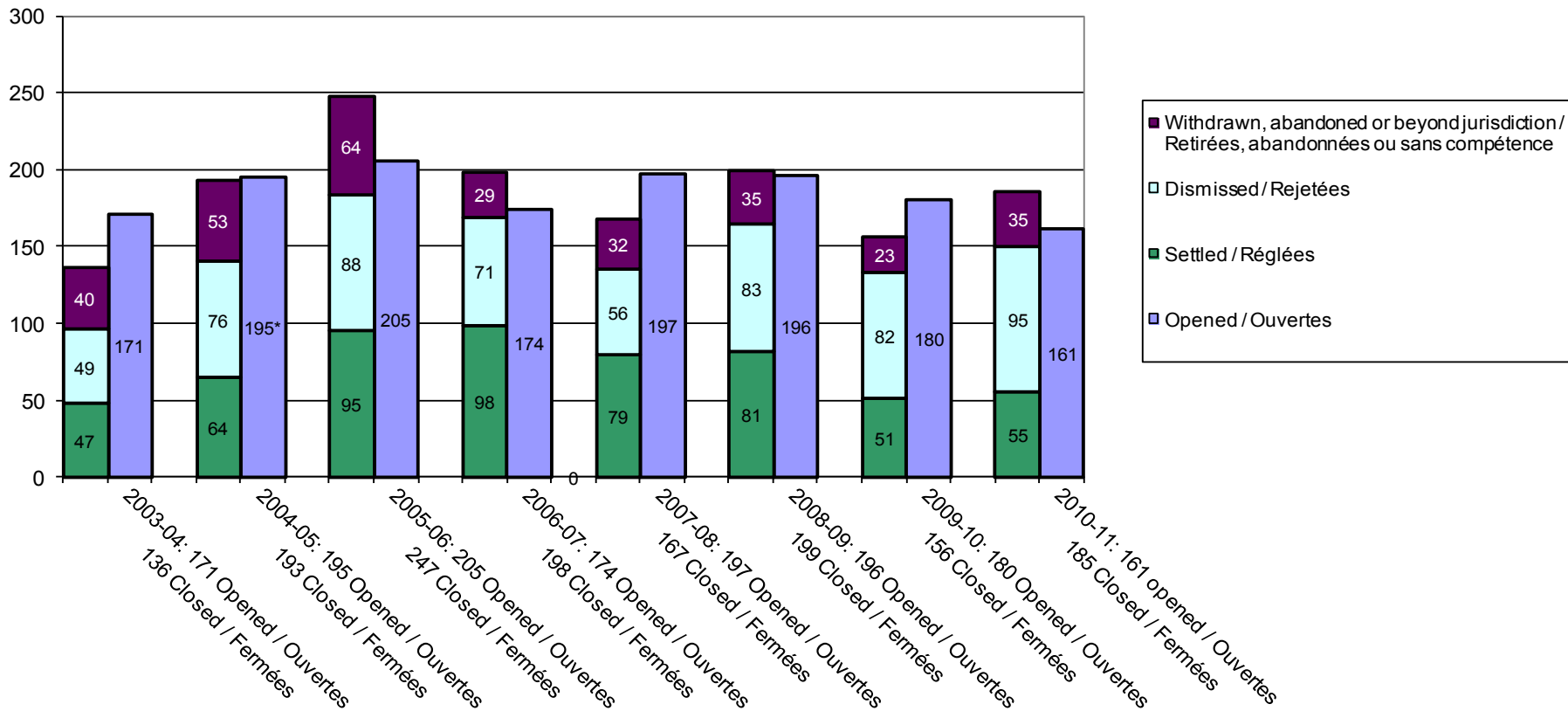
April 1, 2010 to March 31, 2011

	Employment	Housing	Services	Publicity	Associations	Total
Race	8	0	7	0	3	<b>18 (6%)</b>
Sex	17	0	5	0	1	<b>23 (8%)</b>
Religion	6	0	4	0	1	<b>11 (4%)</b>
Place of Origin	1	0	2	0	0	<b>3 (1%)</b>
Marital Status	5	0	2	0	2	<b>9 (3%)</b>
Mental Disability	37	1	14	0	1	<b>53 (18%)</b>
Colour	6	0	3	0	3	<b>12 (4%)</b>
Age	10	2	3	0	1	<b>16 (6%)</b>
Ancestry	0	0	3	0	0	<b>3 (1%)</b>
National Origin	7	1	4	1	4	<b>17 (6%)</b>
Physical Disability	61	0	10	0	2	<b>73 (25%)</b>
Sexual Harassment	7	0	1	0	1	<b>9 (3%)</b>
Sexual Orientation	4	0	2	0	0	<b>6 (2%)</b>
Political Belief or Activity	5	0	4	0	2	<b>11 (4%)</b>
Social Condition	8	3	7	1	4	<b>23 (8%)</b>
Reprisal	3	0	1	1	1	<b>6 (2%)</b>
<b>Total</b>	<b>185</b>	<b>7</b>	<b>72</b>	<b>3</b>	<b>26</b>	<b>293*</b>
	<b>(63%)</b>	<b>(2%)</b>	<b>(25%)</b>	<b>(1%)</b>	<b>(9%)</b>	

\* Note that this table shows allegations of discrimination, which exceed the number of distinct formal complaints since a single complaint may allege discrimination on more than one ground or in more than one activity. When each formal complaint alleging discrimination on multiple grounds or in multiple activities is counted as a single complaint, there were 161 distinct new formal complaints.



## Formal Complaints Opened and Closed 2003-2011



NOTE: These statistics include only formal complaints closed by the Human Rights Commission, not cases settled during pre-complaint interventions, nor formal complaints closed at the Board of Inquiry or Court levels.

## Appendix D

### Summary of Expenditures

This annual report was printed before the publication of the Public Accounts for 2010-11. Audited information was not yet available. For final figures, please consult the supplementary information relating to the Department of Post-Secondary Education, Training and Labour in Volume 2 of the Public Accounts.

	<b>2009-2010 Actual</b>	<b>2010-2011 Main Estimates</b>	<b>2010-2011 Budget</b>	<b>2010-2011 Actual</b>	<b>2010-2011 Difference between actual and amended budget</b>
<b>Compliance and Prevention</b>	\$889,357	\$942,000	\$942,000	\$858,943	\$83,057
<b>Legal Services</b>	\$272,191	\$307,000	\$307,000	\$279,290	27,710
<b>Office of the Commission</b>	\$47,479	\$71,000	\$71,000	\$54,148	16,852
<b>Total</b>	<b>\$1,209,027</b>	<b>\$1,320,000</b>	<b>\$1,320,000</b>	<b>\$1,192,381</b>	<b>\$127,619</b>

## Appendix E

### Publications of the New Brunswick Human Rights Commission

#### Pamphlets

- Accommodation at Work, FAQ for Employers
- Accommodation at Work, FAQ for Workers
- Accommodating Students with a Disability
- Complaint Process
- Our Human Rights (English, French, Korean, Mandarin & Spanish)

#### Guidelines adopted by the Commission

- Guideline on Accommodating Physical and Mental Disability at Work (2004)
- Guideline on Accommodating Students with a Disability (2007)
- Guideline on B.F.O.Q.'s and B.F.Q.'s and the Duty to Accommodate (2005)
- Guideline on Delegation of Compliance Functions (2007)
- Guideline on Discrimination in the Housing Sector (2004)
- Guideline on Political Belief or Activity (2004)
- Guideline on Pregnancy Discrimination (2004)
- Guideline on Privilege and the Human Rights Commission (1995)
- Guideline on Social Condition (2005)
- Guideline on Time Limit Extension for Complaint Initiation (1996, 1 page)

#### Other Publications

- Annual Reports
- Accommodation at Work (reference manual) (2011)
- Thirty-Five Years and Looking Forward! A Discussion Paper and Survey on New Directions in Human Rights for New Brunswick (2002)

**Note:** This list shows only printed publications. A few additional publications are available on our website: [www.gnb.ca/hrc-cdp](http://www.gnb.ca/hrc-cdp)