



Nova Scotia Human Rights Commission

PRESENTATION TO THE



Standing Committee on Community Services

APRIL 1, 2014

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Director & CEO
NS Human Rights Commission

Nova Scotia Human Rights Commission

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International Human Rights



“All human beings are born free and equal in dignity and rights”

Universal Declaration of Human Rights, Article 1

Nova Scotia Human Rights Commission

- Legal Framework
- Focuses on the promotion and protection of human rights.
- Two divisions support Nova Scotians
 - Race Relations Equity and Inclusion (RREI) provides education, information and training
 - Dispute Resolution helps to resolve allegations of discrimination under the *Act*.

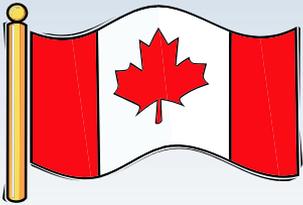
Nova Scotia Human Rights Commission

- 12 person Commission meets bi-monthly
- 25 staff members among our main Halifax office and branch offices in Sydney and Digby
- Legal team provides support to both divisions

Brief History of Canadian Human Rights



- Saskatchewan passes the first Human Rights legislation in 1947 with the *Saskatchewan Bill of Rights*



- Federal legislation follows with the *Canadian Bill of Rights* in 1960



- Nova Scotia signs into law the *Nova Scotia Human Rights Act* in 1969

Out with the old...

- The Commission receives approximately 2000 inquiries per year.
- Prior to January 1, 2012:
 - Average time to determine if a matter should proceed to formal complaint was eight months.
 - Average time to complete an investigation was an **additional** two years.

In with the new

- Now:
 - Average time to accept a formal complaint is 60 days.
 - Staff continue to work to bring this amount of time down to under 30 days.
 - Average time to resolve complaints is 233 days.

75% reduction in the time to resolve complaints.

Renewed Commitment to Excellence



- Aggressive timelines now in place for:
 - File assessments
 - Notification of decisions
 - Requested evidence and documentation submissions
 - Contact with the participants
 - Final report delivery

Restorative Approaches

- Focus on the relational nature of participants
- Involve the right people to promote success
- Examine the broader context
- Remain forward focused

Our Restorative Approach



- Emphasizes cooperation and collaboration
- Shows that working together yields sustainable results
- Empowers parties to build their own solutions.

What does the future hold?

- Evaluation and refinement of our process
- Increased emphasis on education and engagement
- Incorporation of restorative approaches into all facets of the work



What does the future hold?

- New Aboriginal education officer position
- Internal process review starts May 2014.





Nova Scotia Human Rights Commission

<http://humanrights.gov.ns.ca/>

(902) 424-4111

HUMAN RIGHTS ARE “HUMAN” FIRST!

Heart and Soul: The Inspirational Side

“Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works...”

(Eleanor Roosevelt, 1948)

It is very easy to look at human rights atrocities outside of Canada and want to reach out yet avoid the very real issues that affect our friends and comrades at home. We all have the right to live free in dignity and respect. We are all members of the human family. Human rights are about self-awareness, identity, cross-cultural understanding, ethnicity, racism and impacts on marginalized communities. They are about more than entitlement. They are about who we are as people of the earth and doing what is right both at home and abroad.

Stories of Human Rights:



Berwick’s Harley Lawrence strove for independence while managing his own illness, living in poverty and experiencing social exclusion. Perception made him a target for discrimination and bullying and he subsequently died in a fire at a bus shelter he called home. His unfortunate death galvanized an entire community to raise awareness about the plight of the

homeless and to respect differences and decry discrimination.

When Scott Jones, a young gay man in New Glasgow, was stabbed and left for dead his community responded. His *Don’t Be Afraid* campaign and the anti-homophobic message it delivers resonates with us all. His tragic experience and his courage teach us about our right to make the best lives for ourselves free from discrimination.



The shocking story of Rehtaeh Parsons has stirred us all; parents, students, teachers, communities and governments. People rallied in support of the young girl and her

parents and sought understanding and a place to lay their hurt. The story touched the hearts of right minded people nationally and internationally. It spoke to us on many levels and cast a light on human issues like bullying, the use of social media, sexual harassment and their interconnection with human rights law.

The Aboriginal community in Nova Scotia struggles with the harm caused by the residential schools experience. Children are often the most vulnerable members of our society. As a civil society we know that we have a responsibility to care of them and protect them. Aboriginal children were taken from their families, traditions, culture and language and in some cases subjected to abuse. The sacred trust of a society to care for their children until they are able to care for themselves was broken. They lost their culture and their relationships for generations. The work of reconciliation will take many generations.

Reflection

These stories are about basic human rights, respect, dignity and the right to co-exist peaceably. They force us to ask tough questions about our perception of ourselves as members of a civil society, and about how we see ourselves on an individual level. We find human rights issues in the news daily. They impact on our daily activities, how we define ourselves, how we interact with others and what our expectations can and should be. You cannot take the “human” out of human rights.

“...Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

(Eleanor Roosevelt, 1948)





Nova Scotia Human Rights Commission

Nova Scotia Human Rights Act

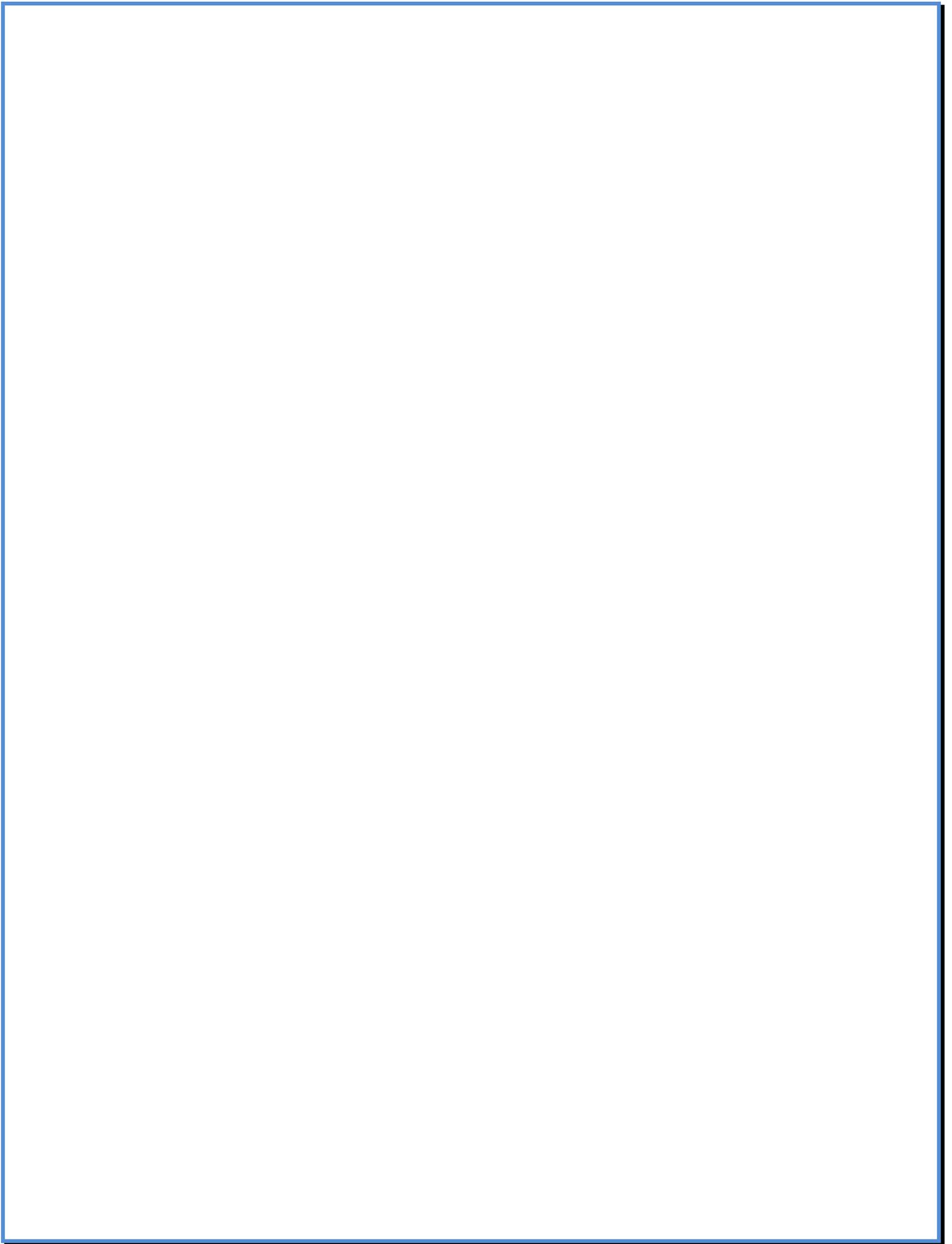
Protected Areas:

- (a) the provision of or access to services or facilities
- (b) accommodation;
- (c) the purchase or sale of property;
- (d) employment;
- (e) volunteer public service;
- (f) a publication, broadcast or advertisement;
- (g) membership in a professional association, business or trade association, employers' organization or employees' organization

Protected Characteristics

Type	Date Enacted
Race/Colour	1969
Religion/Creed	1969
Ethnic/National Origin	1969
Association	1969
Retaliation	1969
Sex (gender)	1972
Physical Disability	1974
Marital Status	1977
Source of Income	1982
Mental Disability	1986
Age (Mandatory Retirement removed in 2009).....	1991
Aboriginal Origin	1991
Sexual Orientation	1991
Sexual Harassment	1991
Political Affiliation	1991
Family Status	1991
Irrational Fear of Contracting an Illness	1991
Harassment	2007
Gender Identity/ Gender Expression	2012

Harassment (2007) on the basis of any of the above characteristics, including sexual harassment (1991), is also prohibited.

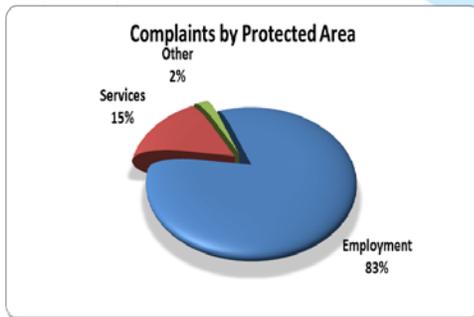


Nova Scotia Human Rights Commission Dispute Resolution Process

The Nova Scotia Human Rights Commission helps Nova Scotians resolve disputes surrounding discrimination and harassment and provides education and training to organizations and employers.

Each year, the Commission's Dispute Resolution team receives approximately 2000 individual inquiries, via the telephone, email or through interviews in one of our three offices (Halifax, Sydney and Digby).

- 60% relate to mental or physical disability
- Race/colour is second largest group
- Sex / gender / pregnancy is the third

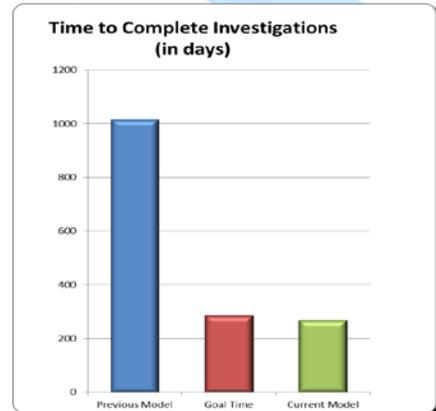


These complaints must fall within the protected areas of:

- employment
- accommodation
- access to or the provision of services / facilities
- purchase or sale of property, and
- volunteer public service.

Historically the Commission's method of investigating allegations of Human Rights violations was a legalistic and adversarial one. This required the parties to become positional and provided no significant opportunity to restore any harm to the relationship between them. This model (used Canada wide) required an average of over three years to complete an investigation.

Understanding that *justice delayed is justice denied*, and committed to helping parties to restore their relationships, the Commission undertook an internal project to better serve our clients. This led to the development of a new model of dispute resolution based upon those restorative principles – the Resolution Conference. This resulted in a 75% reduction in the time required to assist parties in the resolution of their complaints.



Based on the time reduction there is no doubt that the new process is a success. The length of time required was the top concern clients raised with the previous process. That achievement, commendable though it is, is only one part of the success of the new process.

By using the restorative principle of inclusivity, helping the parties move forward, restoring the relationships between them and by involving the larger community, the Commission is serving Nova Scotians better than ever. The Commission has begun an evaluative process, in consultation with respected academics and evaluation experts, to measure the positive impacts of this process on the participants. This will enable us to continue to refine this process, and to maintain Nova Scotia's position as a global leader in the use of restorative practices.

Resolution Conference Fact Sheet

What is a Resolution Conference?

- The Resolution Conference is a chance to **share** your perspective, work to **resolve** the matter and provide any **relevant information** to the Commission.
- *Resolution talks are “on-the-record” and let the Commission get all relevant information.*
- A Resolution Conference responds to individual situations so will be different every time.
- A Resolution Conference will usually take one day.

Who attends?

- It is best when **all the right people come**.
- Anyone directly **involved in** - or **affected by** - the situation should come. Please tell the Commission who was directly involved or affected, and who may have valuable information to share.
- It is **your responsibility to tell the people** you have identified above about the Resolution Conference, and to **ask them to come**. Commission staff may be in touch with them to prepare them for the day.
- If they are unable or unwilling to come, Commission staff might contact them to get information from them. This is not guaranteed.
- The Commission staff responsible for investigating the matter will facilitate the Resolution Conference.
- Commission staff may identify and bring other people.

How should I prepare?

- Everyone will have a chance to share their perspective. Come **prepared to tell your story**, and to talk about **what matters to you**.
- You should bring any information that you think will help you tell your story. Bring **three (3) copies of any document you plan on sharing**.

What if an Agreement is not reached?

- The Commission might offer more resolution/mediation services.
- If the people involved are not willing to try to resolve the matter, or Commission staff believe it will not resolve, the information from the Resolution Conference will be used to complete an Investigation.

Nova Scotia Human Rights Commission

The Commission is here to prevent discrimination and to resolve concerns about discrimination. Often, concerns are easily solved by sharing information and having an open mind. Resolution Conferences are a good way to share perspectives and to come up with a solution.

Human Rights Commission staff do not take sides. Whether we are helping to resolve an issue or investigating it, Commission staff are neutral. It is our job to help find a solution, or find out the facts of a complaint.

The decision makers for the Nova Scotia Human Rights Commission are called Commissioners. They are individuals who have been appointed by government. They are not Human Rights Commission staff, so they are independent. The Commissioners usually meet every two months to make decisions on cases and Commission policy.

The Commissioners must approve all agreements reached after a complaint has been filed. When a complaint is not resolved and an investigation is completed, the Commissioners will review the report and the comments and make their own decision about what to do with the complaint. The Commissioners may dismiss the complaint or refer it to a Board of Inquiry, which is a public hearing.

A decision by the Commissioners is final.



Nova Scotia Human Rights Commission

STATISTICS

DISPUTE RESOLUTION:

The following is an example of the statistical analysis of the kind of data that is reported to the Commissioners at their bi-monthly meetings. In this case a comparison is provided of the data provided for years 2013 and 2014.

	Feb/March 2014	Feb/March 2013	Comments
Inquiries Received	389	400	
Accepted Complaints	17	19	Complaints completed and filed
Resolution Conferences Held	6	N/A	
Alternative Investigations Authorized	0	1	The number of non-resolution conference investigations authorized
Complaints Closed by Settlement	4	19	
Complaints Closed by Commissioners	12	18	
Complaints Closed by Director & CEO	2	2	
Total Number Complaints Closed	19	39	
Average time to Close Complaint (days)	391	587	This number reflects the fact that several older files were closed by 29(4) decisions by the Director.
Average # days between file assigned to HRO and Resolution Conference date	135	N/A	
Average days between Resolution Conference and Investigation Report date	N/A	N/A	
Average # of active cases per Human Rights Officer	12	N/A	

Three Year Comparison (Dispute Resolution):

	2011	2012	2013
Inquiries Received	2094	1955	2381
Accepted Complaints	116	157	137
Complaints Closed by Settlement	NA	NA	73
Closed by Commissioners	NA	NA	73
Closed by CEO	NA	NA	53
Total Closed	143	131	203

LEGAL (BOARDS OF INQUIRY):

Number of Boards of Inquiry References made by Commissioners:

Year	2009	2010	2011	2012	2013
	6	11	16	27	30

Number of current ongoing Boards of Inquiry + 2 judicial reviews = 71

RACE RELATIONS, EQUITY & INCLUSION (RREI):

2012	
Information Session	12
Open - One Day Workshop	3
Mandated Training -One Day Workshop (BOI/ SA)	5
Requested - One Day Workshop	2
Five Day Workshop	1
Events	4

2013	
Information Session	20
Open - One Day Workshop	3
Mandated Training -One Day Workshop (BOI/ SA)	10
Requested - One Day Workshop	6
Events	2