

# **HANSARD**

**NOVA SCOTIA HOUSE OF ASSEMBLY**

**COMMITTEE**

**ON**

**COMMUNITY SERVICES**

**Tuesday, April 8, 2014**

**Legislative Committees Office**

**Nova Scotia Human Rights Commission**

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## **COMMUNITY SERVICES COMMITTEE**

Ms. Patricia Arab (Chair)  
Mr. Brendan Maguire (Vice-Chair)  
Mr. Stephen Gough  
Mr. Allan Rowe  
Ms. Joyce Treen  
Mr. Eddie Orrell  
Mr. Larry Harrison  
Hon. Denise Peterson-Rafuse  
Mr. Gordon Gosse

[Mr. Stephen Gough was replaced by Mr. Ben Jessome.]

In Attendance:

Ms. Kim Langille  
Legislative Committee Clerk

## WITNESSES

### Nova Scotia Human Rights Commission

Ms. Tracey L. Williams,  
Director & CEO

Ms. Eunice Harker,  
Chair



House of Assembly  
*Nova Scotia*

**HALIFAX, TUESDAY, APRIL 8, 2014**

**STANDING COMMITTEE ON COMMUNITY SERVICES**

9:00 A.M.

CHAIRMAN  
Ms. Patricia Arab

MADAM CHAIRMAN: Good morning everyone, this is the Standing Committee on Community Services. My name is Patricia Arab, I'm the MLA for Fairview-Clayton Park and I will be chairing this meeting today.

Today we have a presentation by the Nova Scotia Human Rights Commission. We'll ask the witnesses to introduce themselves shortly but first I'd like to ask our committee members to please introduce themselves and we'll start with Mr. Jessome and go around.

[The committee members introduced themselves.]

MADAM CHAIRMAN: I'd like to welcome the members of the public who are here watching. I'll just go through a few housekeeping items with you.

First, let's review the evacuation process. We're in a new building so should there be a requirement to evacuate the building for safety reasons, please leave the committee room, turn right out of the meeting room, then turn left once in the corridor. Proceed down the corridor, turn right and take the north stairwell to the main level of the building and exit the building through the doors on to Granville Street. Once on Granville Street, turn left and proceed across Prince Street, assemble on the sidewalk in front of Province House. We'll just follow Kim, should there be any reason to evacuate - we'll put you in the lead. (Laughter) Those are great instructions, safety comes first.

For the purposes of Hansard, all our proceedings are being recorded so I ask that any of the presenters or MLAs not move their microphones around. They are positioned exactly where they need to be in order for us to be heard properly.

I'd also like to remind those on the committee and those attending to please have your cellphones turned off, or at least switched to vibrate so there won't be any interruptions.

We're going to wrap up questioning around 10:50 a.m. We do have a bit of housekeeping and agenda setting to discuss as a committee so we'll release our witnesses at that time, so I just want to make note of that.

Welcome, to the Human Rights Commission and if you could please take a moment to introduce yourselves and begin your presentation.

MS. TRACEY WILLIAMS: Thank you very much, Madam Chairman. It's wonderful for us to have this opportunity to be here with you today. My name is Tracey Williams and I'm the Director and CEO of the Nova Scotia Human Rights Commission. Seated at my left is the Chairman of the Nova Scotia Human Rights Commission, Eunice Harker.

To begin I should mention that you each should have a package. We're going low-tech today so if you would kindly follow along with your package that would be great. There's some other information in there that I would encourage you to read at your leisure, nothing too heavy but just that I think will provide you with a really good oversight of the Human Rights Commission and some of the work we have been doing over the last while.

Human rights are important because they permeate all of our personal and professional relationships. Aspects of human rights are at play right here and right now as you form your opinion of me - my gender, my age, the colour of my skin are probably things that you've already noticed. I know that I can count on you to treat me with dignity and respect and that my personal characteristics at this moment don't matter, but not everyone in a similar circumstance has a similar experience.

If I can get you to move along to the next slide - when people think of human rights they often think of them in an international context and, for most of us, human rights are literally about death, liberty, detention, feast or famine. Things that may come to mind for you are things like many persons with disabilities go hungry because they can't get work; individuals are imprisoned and tortured because of their political beliefs; gay men are whipped in Nigeria for the crime of being gay; and females are denied access to education in many countries just because of their gender. As the slide says, all human beings are born free and equal in dignity and rights as is enshrined in the Universal Declaration of Human Rights as per Article 1.

In Canada, freedom from human rights violations found international forms a baseline upon which we add further protection. In this province, the overarching purpose of human rights is to create conditions for people to live in equality and dignity with one another. We've built a strong legal foundation to achieve this through the Human Rights Act here in Nova Scotia. On your slide, you will see that the main two pillars of our Act are promotion and protection. Within the commission, we have two divisions: the Race Relations, Equity & Inclusion Division, really the division that's focused on providing the education, information and training that you might be familiar with; and the other main division is our Dispute Resolution division which is the division that most people think about that is there to help resolve the actual allegations of discrimination under the Act.

Moving to the next slide, the Nova Scotia Human Rights Commission has a team of dedicated commissioners and staff who help to breathe life every day into the Human Rights Act and its purpose. I'd like to make a distinction for you between the commissioners and staff because not everybody is familiar with the way that we're structured.

The commissioners are people who apply under the agencies, boards and commissions process and they're appointed through an Order in Council to sit as a commissioner for a term of office. They are a diverse and committed group of Nova Scotians and in my role as CEO I actually sit on the commission in an ex officio capacity. We meet bimonthly and we're guided by the Human Rights Act to make our decisions.

The team that I proudly lead is a group of dedicated, capable and energetic people; there are 25 of us. As the slide says, we have offices in Halifax, Digby and in Sydney and as part of our staff complement we also have a legal team who provide legal support and advice to the commissioners and to commission staff. I could talk a lot more about the Human Rights Commission itself, but I only have so much time. I'm going to just briefly touch on where we've come from, how we currently operate and what we're moving towards.

A little bit of history for you this morning. If you look back in terms of global conflicts and experiences of the first half of the century, that was a time that - I think for a lot of people if we look back - caused everyone to reflect on the conditions of those less fortunate, both abroad and at home. If you fast-forward a bit to the 1960s and you think of the American civil rights movement, you think of the Canadian legislators of all levels at that time were recognizing the existence of civil rights and the need to address the impact of discrimination both on individuals and society as a whole. As a result, human rights commissions were formed across the country and provinces began to pass human rights legislation.

Originally the purpose of these commissions was one of education and coordination of government activities, though with any kind of regulation it's necessary to put in place enforcement measures for when conflict arises. We started to see human rights

commissions then with two full mandates - one of promotion and education and the other of investigation and resolution of human rights complaints. As time went by, though, citizens began to avail themselves of enforcement of their rights and the experience of the commissions across the country resulted in more emphasis on the dispute resolution side of things.

The current approach to human rights dispute resolution developed primarily over the last 50 years in Canada, including here in Nova Scotia, and that's where we focused more in the past on the legal aspects of human rights disputes and investigations. They were seen very much as legal problems involving people. You have to say at the same time that this approach that, for the most part, has been in place for decades has had some successes and many Canadians and Nova Scotians have had help resolving their individual disputes. At the same time, there has been an abundance of case law that has been created to help to further define those legal protections against discrimination.

But there are drawbacks, I want to tell you, about this legalistic approach. In the case of Nova Scotia, timelines for investigating disputes were long; on average often three years or more. Often the process was adversarial, with complainants and respondents battling it out often not with a very positive outcome. This continues to be the approach used in Canada, but in Nova Scotia we are charting a new course and we are leading the world - I'm very proud to say that.

So if you go the next slide - I want to tell you about today's Nova Scotia Human Rights Commission and I'm going to start by sharing the results and then letting you know how we've actually achieved them over the last two years primarily. So timelines for dispute resolution have been reduced by 75 per cent; files that took more than three years are now completed in less than seven months; and there is no backlog of clients waiting to be served where our backlog used to actually be around 100 files.

We're helping to address the human aspects of human rights problems by not just focusing on the legal pieces and by shortening our timelines and eliminating our backlog, we have more time now to focus on those societal issues, the issues that are more of interest to the public. A record number of boards of inquiry are being held of late and that's in part due to the success of actually clearing our backlogs - so we've created a little bit of a bubble there.

If you go to the next slide - I can't overstate the significance of improvements that have been made at the commission. Logically we've made administrative changes to create efficiencies and that's how we eliminated our backlog. So we have aggressive performance standards in place that we're now meeting - we've actually even reduced our caseloads as a result of these reforms for every human rights officer from a time when we had 50 cases each to now under 15. We also have aggressive timelines in place as the slide suggests for file assessments, notification of decisions, requested evidence and documentation

submissions, contacts with the participants, and final report delivery. So standards are in place.

Go to the next slide - a little bit about our restorative approaches that we're using. By doing these simple things through restorative approaches we're actually helping people in ways that we never had an opportunity to help them before. We're helping to build insight, we're helping to identify and repair harms, to modify and change behaviors and, most importantly, to restore relationships. In other words, we're actually moving closer to why we exist in the first place, our intent, which is to help people to live in equality and dignity with one another.

Go to the next slide - when we talk about restorative approaches, what are talking about? We've introduced these approaches into our work and what we mean by that is we focus on relationships grounded in the belief that by nature all human beings are relational. We consider the broader context and the community of the problem, we involve the right people early on in the dispute resolution process, and we are very forward-focused, meaning that we certainly acknowledge that past but we do that in order to understand how to build a better future for all those who are affected by discrimination.

Next slide - so where do we go from here and what does the future hold? We know we need to continue to improve. We are building a thorough evaluation plan to assess the benefits and challenges of the restorative approaches we've been using, human rights and dispute resolution. Public education and engagement have always been important to us, and even more emphasis will be placed here. More resources are being committed to work collaboratively with, and in, communities and to help foster relationships that once again recognize the inherent self-worth and dignity of all individuals.

If you go to the next slide, we're also renewing our work with the First Nations communities and hiring an Aboriginal education officer, and that position is actually posted now. We're also reviewing all of our human resource and financial practices to ensure we not only comply with government standards, but we exceed them, and our internal financial review is slated to begin very soon.

So, Madam Chairman, and members of the committee here today, I thank you for your attentiveness and I look forward to any questions you may have. Thank you.

MADAM CHAIRMAN: Excellent, thank you very much.

We'll open up the floor now to questions, starting with Mr. Orrell.

MR. EDDIE ORRELL: Thank you very much for your presentation. I noticed that you said there was a significant backlog of cases back before you introduced your changes. What caused that backlog of cases? Could you tell me that or is it something that is a little more complicated?

MS. WILLIAMS: I think what I would want to talk about - and I referred to some of that in my presentation - is that we were very focused on the more legal aspects. It was very much an adversarial process, it was one that required people to tell their story like it's told today but often in a way that meant it was told separately. We didn't really listen a lot to some of the harms that were done. We conducted our investigation, we followed the process, but it took a very long time and it did not really get to the meat and potatoes of what really were the key issues. There was a lot of written documentation back and forth. There was an emphasis on really looking at the Act and resolving it that way, if possible, but not really getting to the nub of the issue with the parties concerned.

It's a process that's used across the country, with lawyers involved, so as soon as people had a human rights complaint they retained a solicitor or an advocate - someone. Our process allows people, though, from sort of their own voice to tell their story, which cuts down the time significantly. There are standards for all those timelines - so that's just a tiny bit about really what and why.

MR. ORRELL: So the reforms you made within the Human Rights Commission, you said it was a lot of administrative changes. Did those administrative changes allow some of the administration people to get into the weeds and deal with some of the cases with the case managers, or was it just that they were getting bogged down at the administrative level after the story was told and they were dealing with going further? Is that why the change allowed you to see more people and to clear up the backlog?

MS. WILLIAMS: I'm not sure I understand . . .

MR. ORRELL: Well, you said you made administrative changes to clear up the backlog - could you detail some of the administrative changes that would have been made to do that, to allow that to happen? I know you just talked about the lawyer part and stuff like that.

MS. WILLIAMS: I think we designed a whole new process. What started out as an exercise of reform in terms of we have a backlog, what are we going to do about that, there was a lot of research and collaboration done to look at, there must be a better way to do this. What we discovered, in fact, was a better way to approach this was to treat people with the intent of our Act, with dignity and respect. As a result, we were able to then put those changes into place. Administratively that meant that we basically reworked the whole system and created new policies and standards. Our processing times were cut down significantly as a result of that.

There was no new staff hired. We looked at what staff were doing, we made sure we built capacity with respect to allowing them to have the skills they needed, for example, because when things are done restoratively and you bring people together in a room, you have to make sure that people have the skills to be able to facilitate that kind of discussion and to address conflict resolution as it happens in the room, so those are some.



I'm not sure I understand terms of the administrative - I don't know.

MS. EUNICE HARKER: Perhaps if I can just add that to bring people together to tell their story and to have the skills to do that was one part of it but getting them to tell their story early on, in a verbal form rather than written and then have the respondent respond in writing in a different place, they heard the problem directly and, therefore, they each understood much more quickly what the issue was. That, in itself, meant we could cut down our processing time. So our officers who were carrying 50 cases, although they're very busy all the time, the backlog simply meant that it took longer for them to get to something. They're now getting to things in a much more timely fashion.

Also we had had a process of mediation when our complaints were taking a long time to resolve - we were always trying to get parties together to mediate, to try to resolve it. So we already had the beginnings of those skills and that approach, but to really decide to have it at the centre of everything that we did was really a big shift, but it has had such a big impact.

MR. ORRELL: So with no backlog everything is moving along quicker.

MS. WILLIAMS: Everything is moving along quicker.

MADAM CHAIRMAN: Ms. Peterson-Rafuse.

HON. DENISE PETERSON-RAFUSE: I want to congratulate you for embracing the restorative practices. As a former Minister of Community Services, it's something that I was championing in the department and I hear that it's still moving along, which I'm very pleased with because the ultimate goal is that all departments should be taking that approach. I do know that you're leading the way across Canada and you should be extremely proud of that.

Of course the restorative approaches in the political arena are even more challenging, as you would probably understand, and the role of human rights is very significant. The question I have - and I know there are a lot of sensitivities around some of these things, but it's important to us because that's what human rights is all about is for people to feel that they have an opportunity to gather more information and knowledge and be aware of what their rights are in our province.

This is with respect to former ways that things were done in the province and we're still seeing them today. I'm sure that you're aware that back in 1994 there was an issue in our province, once again about job hiring with a chief protocol officer. That was in 1994 with the Liberal Government and they took their complaint to human rights and they won that complaint. There was like a \$67,000 settlement for that appointment rather than having a job competition.

I guess my question is, can you tell us what the law requires as it relates to discrimination within the political environment due to affiliation or patronage with respect to government or political Parties since we've seen that the precedent has been set?

MS. WILLIAMS: What I can tell you is, in your package you would have the protected characteristics and groups. Each case is assessed on its own merits, but it has to fit under the Human Rights Act. It has to have jurisdiction in order for us to even take a complaint at the very outset.

I can't comment on what happened in 1994, but each case would be assessed to give you a technical answer. I'm not a lawyer - I can't do that today. I'd be happy to provide you with something back, but I would suggest that you have a look at what's there and that would give you certainly the parameters of what we would carefully assess and determine whether or not we would actually even take a complaint, but that's part of the process and part of looking at whether it has any merit. The commissioners make decisions accordingly based on the information that is provided to them through the investigation process and then it moves forward.

I don't know what happened in 1994, but I know today we would certainly be carefully assessing each case as it comes before us and using the Act to guide us.

MS. PETERSON-RAFUSE: So if somebody thought that they had - the first step would be for them to look at the situation and if they felt that they were discriminated against, they could come forward and you would initiate the restorative approach in terms of looking at the information?

MS. WILLIAMS: Absolutely. We get about 2,000 to 2,300 inquiries each year, which result in about 140 to 145 actual complaints. That's that complaint process which involves using restorative principles to actually bring the parties together.

It's a difficult process and it's not always appropriate to bring - because sometimes for reasons of safety we don't use a restorative model or a circle for the discussion part of the investigation. For the most part, I'd say 85 to 90 per cent of our files in that investigation phase actually use a process which brings everybody together to tell their stories. Restorative principles underpin every aspect of our work and certainly anything that would be going forward today as well. (Interruption)

My chairperson is just reminding me that there is case law and there are precedents that are often set through former decisions that are made, so that would be something that would inform the process for us and something that we would reflect on, but each would be assessed on its own merits otherwise.

MS. PETERSON-RAFUSE: I know that they are difficult questions, but I know that's what you deal with, the difficult situations . . .

MS. WILLIAMS: Yes, every day. Very much.

MS. PETERSON-RAFUSE: . . . and it is something that is in the minds of Nova Scotians now from recent actions that have taken place in the province in terms of the protocol officer position. I know that you promote human rights and I think that probably one of the most challenging places to promote it is within the political environment. So within your restorative strategies and when you're promoting publicly, do you have a program or a strategy that also encapsulates the political environment?

MS. WILLIAMS: I think what I would say to that is that it's for all Nova Scotians, regardless if it's in the political sphere or the academic sphere in the workplace. Most of the complaints that we receive are actually workplace-based, so a workplace can be almost anywhere. Certainly it all applies and it wouldn't matter if it was in the political sphere or not for us, it's a file and we would apply the same process, the same principles to dealing with that particular complaint.

MS. PETERSON-RAFUSE: Because we're all supposed to be under the same rules.

MS. WILLIAMS: We all are guided by the Nova Scotia Human Rights Act; that is our guidepost and that's what we do, we carry that out.

MS. PETERSON-RAFUSE: Thank you very much.

MADAM CHAIRMAN: Mr. Jessome.

MR. BEN JESSOME: Could you identify some of the most common cases you would get? Is there kind of a most prevalent concern or dispute that comes to your table and does it vary around the province?

MS. WILLIAMS: I don't think it varies around the province and I think it's 65 per cent or 60 per cent of our cases are all workplace-based. About half of those are issues related to persons with disabilities and I think about another quarter to half of that are race-related. It does not vary, but people are often surprised to learn that most of our work is workplace-based, but that's where most of the complaints come forward.

MR. JESSOME: Could you give me an example of something that goes on outside of the workplace that you deal with?

MS. WILLIAMS: I'll give you some examples, absolutely.

I'm just looking through some of the work that we do with different stakeholders, for example, with HRM in terms of the Halifax fire service, Metro Transit, Capital District Health Authority, the province, dealing with a lot of issues that face Acadian communities

in terms of some things in the school system. There's a wide range across the province in terms of actual files that have come forward to us.

I can give you, you know you can say this is workplace-based, but I guess this is correctional - we work closely for example with the correctional services and the Muslim community, and that was to build better relations and understanding between those groups and that was around religious accommodation in the correctional facilities across the province, so that's not really workplace-based, I guess, in terms of someone who is incarcerated and what they experienced in being able to practice their religion.

MR. JESSOME: Thank you.

MADAM CHAIRMAN: Mr. Rowe.

MR. ALLAN ROWE: I'd like to thank you for your presentation this morning; it was a great deal of information.

I wanted to go back to some of the discussions that were happening just a little bit earlier on, and that's with regard to what the process is now and how things have changed. I think all too often, perhaps, we tend to get caught up in some of the political aspects of things when the work of your group and the work that we should be most directing our attention towards is the people of Nova Scotia, the people who are right on the front lines.

You mentioned yourself that many of these instances - the majority of these instances - take place in our schools, in our workplaces, in our homes perhaps even, on the streets. I think that's where we want to focus our attention.

I'm trying to find out what has changed. My sense in the past has been that very often people who feel perhaps victimized or violated, or whichever word we wish to use, are fearful of the process or were fearful of the process, thereby making them even further victimized and violated.

Take a moment or two if you would, please, just to walk me through how the process has changed now for the average person on the street who feels they are a victim of a human rights violation. What's the process? What happens to them to put them at ease, perhaps, that it's not going to be a great legalistic proceeding lost in the lawyers and the politicians?

MS. WILLIAMS: That's a good question because sometimes we get caught up in the process, and I do want to talk a little bit about that, but at the end of the day it is about listening to Nova Scotians who feel they have been harmed in some way. It's a very difficult thing for people to talk about. The process that was very much traditionally a very labour-intensive, legalistic, and long process is one that now invites people to bring their

stories and concerns forward in a way that is safe, that focuses on them as a human being with a human rights issue.

The process means that people are coached all the way through, they're given lots of information with respect to what to expect, and that's both the claimant and the respondent. They're given lots of opportunities to tell their stories. Some things are taken in writing, but for the most part the investigation itself is done through a resolution conference. That conference is not necessarily going to result in a resolution but it's really that opportunity to allow people to come together, to hear both sides at the same time, everybody in the room.

That's a different process for a lot of people. Typically we don't, as human beings, resolve conflict that way. A lot of people like to avoid conflict, so bringing all the parties together, we encourage them to speak on their own behalf. It allows them to actually talk about the harm, to identify what has happened to them, how they've been harmed, and as I mentioned in the presentation, to talk about what happened in the past but only for it to help inform what the remedy will be.

It's quite a process and it's not one that necessarily results in there being a financial settlement. Sometimes it's as simple as an apology, or sometimes it's as simple as a letter of reference for an employment situation. It can vary considerably and sometimes it does not result in a resolution and the investigation through the human rights officers' work. In their recommendation to the commissioners, they will suggest that perhaps it be referred to a board of inquiry because through that process, that's the only party where there can actually be a finding of discrimination. So the front end is a confidential process but when it moves through the system to that more formalized, adjudicative, quasi-judicial kind of process, it's at that stage where there's actually a finding of discrimination. You will have heard in the news, in the media, there are lots of accounts of different boards of inquiry. We have, for example, all of the settlement agreements posted on our website. So it's a very different experience.

We've been at this only two years. We've learned a tremendous amount and we're sharing that story around the world. I'm not just saying that either, we have a staff, a delegation. The Honourable Denise Peterson-Rafuse, I think, would have gone on some of those trips in the past, and it was very much around Nova Scotia as a restorative province. You've heard about the restorative justice work, the work in education, community services, and we're the only Human Rights Commission in the country that's actually doing this work. For us we know anecdotally what we hear from complaints and respondents - our evaluation will tell the tale in terms of the more formal response to that - but I think overall it is an incredibly better process.

It's not about sitting in a circle, passing around a talking stick, hugging each other - that kind of thing. If that happens that's amazing, that's wonderful. But it's applying certain principles to allow people to actually identify the harms and then together,

collaboratively, reach some kind of remedy and you know that makes a huge difference so it has been great.

MR. ROWE: I'm just wondering, does this newer process allow for sort of perhaps earlier resolution of some of the conflicts? Instead of going all the way from point A to point Z to get to a resolution, does the process facilitate earlier resolutions to conflicts and, if so - I don't necessarily need a specific figure but are we seeing an improvement?

MS. WILLIAMS: Significantly, and I think that's why we don't have a backlog. We had to do some work to clear it away and there is probably about 10, 15 cases still left from the old system that are quite complex, but for the most part it's very responsive and is able to address harms where they are today with those individuals and allows for a much quicker, more efficient process. That's wonderful, that means less cost, quite honestly, taxpayers' dollars being spent that way, and it means less personal cost to the individual involved in that process as well.

I'm just being reminded that it used to take 1,014 days - it's now down to 266 days. That's quite a significant improvement overall in the process and it has taken what was quite a complicated process in the front end and it still means a lot of discussion and a lot of meetings and a lot of work but it has been a significant improvement.

MS. HARKER: Perhaps if I can just add something from the perspective of being a commissioner. At our commission meetings, we used to spend the vast majority of our time dealing with complaints and how to either dismiss them or move them along. We spend much more of our time now dealing with settlement agreements from cases that have been settled.

What surprised us anecdotally is what the CEO mentioned - largely it's not monetary compensation that people are looking for. You'd be surprised to find that in many circumstances the individual wants to improve the setting in their workplace so they have recommendations about policies or procedures or training that could help prevent these things from happening. It's having a ripple effect in terms of creating an environment that is better for Nova Scotians.

MADAM CHAIRMAN: Mr. Maguire.

MR. BRENDAN MAGUIRE: First of all I want to thank everybody for coming here today and I also wanted to assure you that for me personally I'm going to keep my questions non-partisan because I feel like this is an opportunity for all of us here to learn and support your department. I have a few questions that I've been writing down as you've been talking. For me I wanted to know what the process is when a complaint is logged, what is in place to ensure that the offence is not ongoing during the investigation or the individual who put the complaint forward is not being intimidated or influenced during the investigation?

MS. WILLIAMS: We only know what we know so we certainly, in the course of the investigation, if that was brought to our attention I think there is opportunity under the Act to respond to something like that in terms of retaliation, so if that is brought to our attention we can also address it through that. Often the person is removed from the situation, it's something that has happened in the past so that situation is ongoing. If there were any issues of safety or criminal activity or whatever, certainly we would involve the authorities and let them know that but for the most part when it comes to retaliation certainly there is protection for that under the Act.

MR. MAGUIRE: What is in place in the Act to prevent repeat offenders?

MS. WILLIAMS: I wish there was something; there isn't. I think the good news is, of the work that we're able to do now, it's really around addressing the public interest side of things; what I'll call the upstream. The promotion, the education, the prevention - the proactive kind of behavior that's really necessary to change the culture, to change the thinking.

Human rights is everybody's business, and so our hope is through our ability now to focus more on those - upstream, promotion, education, and training. We already do a lot of work in that area and particularly with our race relations equity inclusion team, but our hope is that we can begin now to do some more systematic and target and focused work in that area - work, for example, with the African Nova Scotian community.

Many of you may have heard about the Black firefighter's case that was in the media for a long time, and out of that settlement agreement there were a number of significant recommendations, one of which was engagement with the African Nova Scotian - there is actually a mandate for the commission to undertake that. I think that will allow us to build on relationships we've had, to create new ones, and to engage with communities across Nova Scotia about our relevance, about issues like that in terms of having those important conversations, and whether it's with First Nations, whether it's with transgendered youth it doesn't matter. Before we were so bogged down in our dispute resolution, we didn't have that opportunity, so we're looking at how we build capacity in all those areas to address what you're identifying as a significant issue, repeat offenders.

It's something that will probably always be with us. We'd love to say we're going to be out of business in the future. I'm not so sure that's possible, but I do know that we're headed in a direction to see what we can do to address discrimination differently.

MR. MAGUIRE: It's an education process.

MS. WILLIAMS: From where I sit, anything like that requires significant education to be able to make behavior change, attitudinal change. Those are huge shifts that can't be done overnight either; there is a tremendous amount of effort that goes into that kind of thing.

MS. HARKER: Maybe I could just add - a good example I think is work that we've done with Metro Transit. We were seeing individual complaints about access to certain routes or buses for people with disabilities. We were driven by an individual complaint process but, at the same time, around the commission table we were saying we were seeing all of these cases from the one employer - can we take a different approach? By engaging with Metro Transit and trying to deal with a large number of issues, we moved that education process forward and I think we have a much better and much more accessible system in Nova Scotia now for people with disabilities on Metro Transit. So that's one example of how our approach is moving it along.

MADAM CHAIRMAN: Ms. Treen.

MS. JOYCE TREEN: I want to thank you for your presentation today. It was very informative. I want to commend you on eliminating the backlog. I'm sure this process is long enough for people, and painful enough, but to have to wait less is wonderful, so good job.

My question is, what do you feel is the general awareness from Nova Scotians about the Human Rights Commission? Do you think they understand it? Do you think they know how it works? Do we need more education, so they can use it properly?

MS. WILLIAMS: The very nature of what we do means that you don't hear in the media about the good things. People are aggrieved about something when they knock on our door, so that's why education is so incredibly important.

Maybe I could just tell you a little bit about some of the efforts that we have taken in that regard, because we're quite proud of that. As I said in terms of the way forward, we're looking at how we can actually continue to improve that and make some significant change. I'm going to just find it in my notes because I think it's important in terms of highlighting some of these things for you.

I don't know if you're as well aware of some of the work that we do with respect to some of the awards that we give, and just wanting to get out in the media and to the public the positive stories of what can happen from the commission. That's going to take some time, but just to talk a little bit about some of the community engagement and education that reducing that backlog, as you've referred to, has meant for us.

I mentioned the engagement process that we're hoping to undertake with the African Nova Scotian community and we're just starting down that path. We also are engaging with the business community. I talked about workplace-based complaints and that's an important partner for us, an important stakeholder. One of the ways we have been engaging them was through the Consumer Racial Profiling report and that identified for us an opportunity in terms of developing education and training with the business community to reduce consumer racial profiling in the province.



We've been talking a little bit about the work that we've been doing with Metro Transit and creating training for all of their staff and training on restorative approaches to conflict resolutions with the Halifax fire service. We have a number of important stakeholders in our education and human rights promotion work but we work with academics, universities, other educational institutions, work collaboratively with them.

To give you some more specifics, as well, in terms of some of the education and promotion work, for example, we work closely with the Irving shipyards to promote human rights education and training and as part of that to build and foster relationships with diversity communities and help them with a creation of an employment equity strategy.

Each year we host a lot of key events. On December 10<sup>th</sup> in recognition of International Human Rights Day and most recently on March 21<sup>st</sup> recognition of International Day for the Elimination of Racial Discrimination, we co-sponsor a disability symposium every year with partners and we're actually the host of it this year, it's the sixth year for that.

We've also worked with Unifor, which is the former auto workers union to celebrate African Heritage Month. I mentioned before about our work with Correctional Services, working closely with the Taxi Commission, for example, in HRM, owners and other stakeholders to help facilitate dialogue around accessible taxis. Also, with the province, the disability community - particularly with users of service dogs and trainers and other stakeholders - again to help address some of the needs that face persons with disabilities.

We're also engaged with work with the Office of Aboriginal Affairs and the Aboriginal community to better understand their needs. Just last week and at the end of March we did some work on Eskasoni First Nation, working with staff and managers there. I mentioned about the Aboriginal position too that we will be focusing on with respect to our hiring of an education officer.

That gives you a sort of a broader and some more specifics with respect to some of the education and promotion work we've been doing and will continue to do.

MADAM CHAIRMAN: Mr. Harrison.

MR. LARRY HARRISON: That helped. I gotta tell you, that helped. I'm very thankful that you are reaching out into places like the Irving shipyards and so on. That has always been a sore spot with me is how businesses will treat their employees. One thing that I don't think has been corrected yet but really bothers me is how businesses will let people go.

As an example, I'm going to use this because it's the ultimate for me, I have an acquaintance, a lady who worked for an institution for about 35 years. Over time, she put heart and soul into her work for 35 years. When it was time for the institution to cut back, someone walked into her office, had her pick up her purse, escorted her to the door and that was it. I know it's still being done now and I'm just wondering if any education or whatever is done with the businesses in that respect because that to me is not being treated humanely.

MS. WILLIAMS: When people are not treated with dignity and respect, that's really the crux of what we do in terms of addressing the harms that come out of that. In terms of dealing with it, when we deal with a particular business, for example where something has happened for a franchise, we look at working with all of the franchises across the province to create maybe a policy response, a training opportunity. Through the settlement agreements, people can be mandated to participate in these processes.

It's very difficult in a province that has a lot of small businesses, medium-size and, of course, the larger companies. It happens in all of them so it's an issue in terms of how people support their staff. When situations like that arise, we look at not only that individual kind of response to help remedy that harm and hopefully prevent it from happening but also, in an attempt to help prevent it from happening in the future. We look at how we work with other businesses or other parts of that organization so that it's not just in that division or not just in that small business but in the best interest of the public - how do we look at making something that will have a lasting impact and hopefully prevent it from happening again?

Those situations, we know they happen all the time but it's through education and training and also formalizing a true policy and changes in the workplace that hopefully we can change some of those behaviours, so I understand what you're saying.

MR. HARRISON: But that's what I mean by you're doing a great job, so just keep right on trucking, keep right on doing it.

MS. WILLIAMS: Keep right on doing it - exactly. Thank you.

MADAM CHAIRMAN: Mr. Jessome.

MR. JESSOME: I think I can sympathize with you a little bit for the good-news stories getting lost in translation sometimes, and certainly in my job I find that a lot of what we deal with is the negative side of things. I guess that kind of segues into my actual question. Being in your position and your group being in its position, what do you expect from me, as an MLA, in terms of helping the cause?

MS. WILLIAMS: That's a question I never thought I'd get asked but I'm happy that you have.

MR. JESSOME: Really, you never got asked that question before?

MS. WILLIAMS: Not directly from an MLA, no. I think it's about support for the work that we do, and that comes in many forms. It's about being a champion, being an ambassador with respect to our agenda and helping us to tell the good story. We believe that not only working with individuals as they come forward is important but also we are beginning, for example, to work with the Public Service Commission. We like to think through every aspect of our work in terms of it being underpinned by these principles, not just the dispute resolution process but everything that we do we do it in a restorative way, that we can set an example, as a leader, within government.

When things come forward in your constituency, feel free to call us. We want to be viewed as accessible, to provide information to the public, not just at the time when a complaint happens but perhaps before it ever has legs, before it actually gets to that stage, so that people can be given good advice and they can be encouraged to call us and ask to come in and see us. We very much value the support we've been receiving.

Resources are always an issue for us. We have a small budget at the commission. I think we do remarkably well with it and we are always looking for ways to broaden our message, to be able to engage more Nova Scotians in terms of really understanding the more positive aspects of what the commission does.

Our community engagement process needs community leaders like yourselves in every place in this province. Being able to talk about the work the commission is doing, but more importantly, talking about and demonstrating respect and dignity for all as something you're all committed to, I think, would be more than we could ever ask for. So thank you for that question.

MADAM CHAIRMAN: Thank you. If the committee would indulge me, I'm actually going to switch spots with my vice-chairman - I can just ask? All right.

You mentioned a bit about the work you're doing within partnerships in the private sector but I'm wondering if you have any partnerships within the education system. The Nova Scotia Secondary School Students' Association has a program for children, students with disabilities. It's their inclusion program, and they do a lot of one-day conferences and most of the provincial conferences that they have, and regional conferences that they have, include persons with disabilities. The whole organization itself is just about accepting all our differences and celebrating them. And also within our public school system we have RCH liaisons and advisers, and I'm just wondering how closely your commission works with these organizations.

MS. WILLIAMS: I can't give you a whole list of the specific organizations, but what I can tell you is that we do a lot of work in the schools. One of my staff, the manager of our race relations and equity inclusion, who is with me here today, was recently at

Shannon Park Schools and did a big presentation, and this was a repeat performance. Our International Human Rights Day, and also our December 10<sup>th</sup> event - we often host those in areas where they can be accessible to students and they actually participate in the program. So not only do we respond to when people want to have actual training in their schools, we also engage youth in a lot of the activities and events that we have. This was the mental health conference at Shannon Park and the other thing I would mention is that one of the gaps for us has been that we don't have a formalized youth strategy, and that's one of the things we're actually starting to have some conversation about.

How do we engage with organizations like that one that you have? With this dispute resolution process reformed it's now opening up all kinds of possibilities about that collaboration, that opportunity, and we're actually looking at how we build capacity within our human rights officers whose caseloads have gone down, to begin to work collaboratively with some of the organizations. All of that matters. For us it's important and you'll see us, I think, in a much more deliberate way engaging and showing up, working with youth and the education system in the province. So thank you for that.

MADAM CHAIRMAN: No, no problem.

I forgot what my question was now. So keeping along in the lines of student engagement, I know that in certain schools they are doing stand-alone, where a number of students will take part in RCH training and then become their own sort of advisory council within a building so that if a situation arises it doesn't escalate to a point where a staff advisor has to come in or somebody from the board has to come in. Are there any talks or any thoughts on collaborating with the Department of Education and Early Childhood Development and making this a more formal sort of arrangement or have formal training?

MS. WILLIAMS: What I can tell you is this is all part of the restorative agenda in Nova Scotia, so what you see is through restorative justice, and you see particularly with youth, you see it in the educational system and then with the Human Rights Commission, and I know with the Department of Seniors - there's a lot of us on that bus together. For example, the delegation that recently went on an international trip, there were representatives from Education and Early Childhood Development, a representative from my group, and Seniors, and others. So it's all part of the overall emphasis on using restorative principles to deal with conflict, that's where you see it. So, yes, we do collaborate with one another and I think there are lots of lessons to be learned and then how do we apply, for example, within the public service, I think there are some opportunities there as well.

I'm just being reminded too that specifically we did some work with the Department of Education and Early Childhood Development with the whole cyberbullying strategy and also through some of the work they did in the area in terms of transgendered youth and others, so yes, thank you.

MADAM CHAIRMAN: Mr. Gosse.

MR. GORDIE GOSSE: Thank you for being here today. The Human Rights Commission has always been an important part of Nova Scotia.

I'm very pleased, and I've worked - of course I'm senior guy here I guess - I had many issues over the years with the Human Rights Commission, and I've had nothing but respect for the staff. I think of a recent one that I had a few years back where a senior citizen lived in a community service option home but he was senior and received a cheque because he had worked for Paramount Theatres and every employee of Paramount Theatres received a hefty settlement - I think they settled out of court. I remember when I called, the commission said when the gentleman lived in the home - it's a 34-resident home but because it was Community Services, it didn't fall under the Department of Health and Wellness. So when he received a large cheque - and he had some mental issues and he was in the home - they came in and took his cheque. Bang, here's the \$80,000, that's ours; we looked after you for all those years.

I remember a friend of his came to my office and said, what are you going to? I said, well I'll call the Human Rights Commission. I remember it took almost two years but we finally changed that piece of law so now when they're in care and it was past money that was earned on a pension and everything else, because they were in a Community Services home, even though they're a senior, they can no longer take that money from the senior. That was a very important decision and I thank the staff. They worked very hard for a long time.

Like you said, it wasn't a settlement issue. It wasn't a large settlement. He didn't want all his money back. The point was there that it maybe not happen. He has since died so he went happily to his grave thinking that nothing was going to happen to any of us who came after him. I think that's important.

During your presentation you mentioned something about a new Aboriginal Education Officer. As a critic for the Department of Aboriginal Affairs I just want to know what job description that covers when you say educational officer. Is that to work within the Mi'kmaq schools?

MS. WILLIAMS: To work within the Mi'kmaq, First Nations communities. We had some conversation with some folks from Membertou and other reserves across the province to try to figure out what's the best approach. It's really about building on some relationships we've had and forging a new relationship with the First Nations communities across the province. It's new for us. It's something we've wanted for a very long time. It's likely that person won't be based in Halifax. They will spend some time there, but when you look at where the larger First Nations communities are in the province, certainly Cape Breton and Millbrook. We'll look at how to best work with aboriginal people in Nova

Scotia so that's a bit of a discovery for us and we're seeking advice from aboriginal First Nations people to do that.

We actually have Chief Andrea Paul as one of our commissioners on the commission; she has also been providing some advice to us around that. But we'll be reaching out, it's just being posted now and we encourage everyone who is interested. We will be looking to hire a Mi'kmaq person.

MR. GOSSE: It's funny you mention that she's on the commission. I didn't see, in your presentation, a list of the commissioners that are actually there.

MS. WILLIAMS: We can provide that if you like.

MR. GOSSE: I know, I just thought it would be nice so that everybody got that. My last question - you talked about human rights and workshops. Have you ever thought about giving a workshop to members of the Legislative Assembly?

MS. WILLIAMS: We would welcome that opportunity. We would be happy in terms of conflict resolution, should it ever rise. We have some excellent ways of resolving that - just saying. (Laughter)

MR. GOSSE: I think we have conflict resolution over there in the House. (Laughter) I think a human rights workshop for all the MLAs explaining to them what the Human Rights Commission does in the Province of Nova Scotia . . .

MS. WILLIAMS: Mr. Gosse, we would be happy to do that.

MR. GOSSE: You've made great strides and progress on caseloads and getting it down to 60 days and almost down to 30 days. These are great strides. I come from a very multicultural, diverse community and understand the different cultures.

I think that you're going in the right direction and that's direction that comes from the commission or it comes from the staff with suggestions. I think that a list of the commissioners to all the members and maybe a workshop for all the members so we can understand - I'm not going to pick up the phone and call Shannon Tarr at the office in Sydney and say this and this and this - so we'll be able to work better with the commission.

MS. WILLIAMS: That's great. Apparently we've done some work in the past, but haven't for some time so I think we would really welcome that opportunity. We will forward you a list of the commissioners; that was an omission. We should have had that there because I would like you to know who is who.

MR. GOSSE: It has been the largest turnover in the Legislature in a long time. There are probably only 10 with seniority there who have access to a pension so there would be 41 members who don't, who could actually probably benefit from a workshop.

MS. WILLIAMS: We would be happy to do that. Thank you for that suggestion, appreciate that.

MADAM CHAIRMAN: Ms. Peterson-Rafuse.

MS. PETERSON-RAFUSE: I just want to revisit some of my initial questions. As I mentioned earlier, they can be difficult because you deal with difficult issues. I have a difference of opinion with my colleague in terms of partisanship because of the fact that in the Act, it focuses on political affiliation as part of the Act. Also, where you mentioned about precedent-setting in things that have happened in the past - Madam Chairman, I just want to table this for the record. These are news stories that focus on those past precedents that we're setting in terms of political appointments in the human rights.

What I wanted to ask is not only the importance of precedents when decisions are being made but why do you feel that the political affiliation is in the Act? If it's there, then I think it must be important to the Human Rights Commission, it's important to Nova Scotians. I know it's an uncomfortable conversation but it's one of reality. That's what you deal with each and every day, the reality of somebody coming to the Human Rights Commission who feels their human rights have been imposed upon, in terms of their rights as an individual, whether it be somebody with a disability or somebody who is applying for a position or somebody with a disability who should have access to some type of support.

I have a two-part question. One is about political affiliation, why is it in the Act and why do you think it's important to be in the Act; and for an individual who may feel that they had an opportunity, for example, for the Protocol position and did not get it, who do they go see? Do they go directly to one particular person at the commission or is there a process for them to put forth their complaint? I guess that was three questions, sorry.

MS. WILLIAMS: What I can tell you is political affiliation is a protected characteristic, as of 1991. These are all important in their own right, no one is more important than the other. I can't really speak to why one might be more important than the other, I think they all have merit. It's important that we, along with all the other Canadian jurisdictions, in terms of their Act, include these particular protected characteristics. Why, for example, in 2012 we had gender identity and gender expression as very important protected characteristics under the Act.

I can't really speak to why it might be important because they're all important. But what I would say is that if anybody wants to seek information with respect to a particular inquiry or situation they have, that they can call us. We have very skilled people who get a wide range of inquiries from just about everyone.

MS. PETERSON-RAFUSE: So they would just call the number that's available?

MS. WILLIAMS: They would call, yes. Everybody is treated the same, the same rules apply so that would be my suggestion. The process will allow that if, in fact, there is jurisdiction under the Act for that particular complaint, for a full investigation to ensue, so if it has merit it will proceed.

MS. PETERSON-RAFUSE: I know that under the restorative approach what would you be doing differently in that situation where it is a political issue? Would you take a different restorative approach? As you know, I'm very intrigued with restorative practices so that's what I'm just wondering, what would you do when it involves the political arena? Would there be any difference in your restorative approach?

MS. WILLIAMS: The same principles apply to every situation. We would go through exactly the same process and have the same conversations. Sometimes people don't go directly to a complaint; instead we'll bring the parties together to talk about, can it be resolved before it actually becomes an official complaint?

There are instances where that has happened, for some issues where there has been safety or other issues and it makes more sense that it doesn't go that route and become any more public than perhaps it already is.

MS. PETERSON-RAFUSE: That is what is so wonderful about the restorative approach. Once again, I want to congratulate you because it's really difficult. If you're being restorative you can't impose the restorative approach on individuals.

MS. WILLIAMS: No, you can't.

MS. PETERSON-RAFUSE: Right, so it's really changing the culture of your organization and those around you. I do really hope that what you're doing rubs off to government and that there is a strategy that goes forward to look at making changes within departments because that's where it would need to start in order for us to show to Nova Scotians the significant importance of restorative approaches and the value of it.

As I said, I know it can be challenging to bring in something new of that nature and it's a legacy that you should, each and every one, be so proud of that you're going to give to Nova Scotians. I want to really thank you for that.

MS. WILLIAMS: Thank you very much. We're very proud of the work. I've been in government almost 33 years and have led some significant reform initiatives in the province and I have to tell you this is a significant reform. It takes a level of sophistication, it takes hard work and commitment and it also takes resilience because you're not always going to hear about all the good things and that's one of the reasons why we're really happy to be here today to share with you some of the good things that are happening.



I've been at the commission for almost nine months and I can tell you that in my experience - and I've worked in Community Services and Health and Wellness and for the federal government for a short period of time - that you'll never find a more committed and engaged group of staff and commissioners.

MS. PETERSON-RAFUSE: And a wonderful environment to work in.

MS. WILLIAMS: It's wonderful, I'm a licensed social worker with a social policy background and very much a person who is committed to these kinds of things and very much uses relational approaches. I recognized what people have done and how they've done it and it is significant and I'm happy to be able to tell you that here today and I appreciate all of your comments in that regard.

MADAM CHAIRMAN: Mr. Rowe.

MR. ROWE: Ms. Williams, you mentioned that I think - it was probably the last slide of your presentation - the internal process review that actually starts next month. Are you able to at all give us any sense of the parameters of that review, what exactly it's going to look at, any timelines for results from that?

MS. WILLIAMS: We are using government resources to do this so it's not going to cost us anything extra. We're actually using internal audit staff that work in government and what we're going to be looking at is really the financial parameters. We want to make sure that we're using all the financial controls, all of the financial policies we're compliant with and just making sure. We expend a lot of dollars, for example, on litigation costs, maybe there's a more effective or efficient way we can manage that. For example, we have fee schedules and different things that we use to put parameters around that but are there other opportunities that we haven't used, we haven't leveraged?

Things are working well, but I think my experience in government tells me that there might be other things that we're missing that we could be doing so by using folks from that particular unit who are able to conduct a really in-depth review of things, they'll be able to help us really become much more efficient. That process will begin over the next number of weeks. I've only talked to my staff at this point in a very sort of high-level way about it but we'll be getting down to the details very soon. They'll be coming in and having a look at everything that we're doing with respect to how we're spending money.

So it's not a program review but it's the financial review. There's no real issue other than efficiency as the objective for that and making sure that we're spending taxpayers' dollars wisely. I think it will be a win-win for all of us in terms of that kind of review.

MR. ROWE: Will there be a final report and if so, who will that be presented to?

MS. WILLIAMS: My understanding is that through the internal audit process there is a report that is provided, so there actually will be a formal report at the end of that, yes.

MR. ROWE: Is there a timeline?

MS. WILLIAMS: I think we're hoping to be concluded - I don't know when the report gets finalized - at least the heavy lifting will be done over the next couple of months.

MR. ROWE: Thank you.

MADAM CHAIRMAN: My colleague has just clarified that report would most likely be tabled by the Minister of Justice.

MS. WILLIAMS: Yes, typically our Act falls under the Minister of Justice so that's likely how that works.

MADAM CHAIRMAN: Mr. Maguire.

MR. MAGUIRE: I just wanted to back up a bit to my line of questioning which was the education process. For me, two things near and dear to my heart are immigration and foster children. I came to Canada when I was five years old and I became a ward of the court shortly after.

I just want to know if you're working with ISIS - I'm assuming from my colleague that you were working with Community Services also, but not just the departments - different outreach groups to educate new immigrants to this country and foster children on what their rights are, some of the most vulnerable people. Let's be honest, when it comes to immigration, some new immigrants in their previous country have completely different rights than they do here in Canada. With new immigrants and foster children, sometimes there is a tendency not to speak up and kind of stay silent.

I just want to know, have you been working with not just the departments, because I'm assuming you have been working with the departments, but different outreach groups?

MS. WILLIAMS: We do have a relationship with ISIS for sure. That's an important organization. In fact, we are looking at some other possibilities of things that we might do together. We have a very large Muslim community in Nova Scotia and some things have come forward. I mentioned the particular file in terms of the Correctional Services case, to allow that gentleman to be able to practice his religion and that religious accommodation so working with all of the groups that you've identified for us are important.

My poor staff - I very much like to be strategically focused and since I've come, we've also talked about that stakeholder strategy and how can we be really focused in a

number of different areas. What you are identifying are some of the areas for us that we will focus our efforts over the next while.

The very nature of human rights, when you're looking at vulnerable people who have been disenfranchised, disempowered - the sky is the limit, so we have to also be thinking about that in terms of our resources. The groups you are mentioning are certainly important. ISIS, for example, is an important partner for us. Opportunities like what we do, for example, our International Day of Elimination of Racism, where we brought together people to be able to talk about some of their experiences as visible minorities and that kind of thing.

We also work with the Bar Society as well in Nova Scotia to provide education to immigrants through ISIS. That is some of the human rights law side of things that we do work with. I appreciate your question. It's certainly of interest and we continue our work in that area.

MR. MAGUIRE: I think for me, personally, part of the process - growing up in different foster homes, I was able to see many different cultures. Then later on in life I traveled the world and I was one of the lucky ones who got to experience many different things. I also think it's educating people who come to this country but it's also educating Canadians and people in our back yard on different cultures, different races and the differences between people.

I know you said you are reaching out working with ISIS but are you also reaching out to communities to celebrate the differences, celebrate the different cultures, especially the food because there's some fantastic food out there?

MS. WILLIAMS: I agree with you there, I love to eat.

So a couple of things, one is I would just speak to the diversity of the commission itself and the commissioners. Government puts out an equity report each year, and we actually exceed that greatly, in terms of the diversity and makeup of both our staff and our commissioner table. It's very representative of a Nova Scotia and a number of folks around that table who, in some instances, were not born in the country but are Canadians, for example.

The other thing I would mention is the work that was done before I arrived at the commission, with respect to community engagement. In your package we talk a little bit about some of that work. We are now able to say if something happens in a particular community that is difficult, so when you think of Mr. Lawrence's death, for example, in the bus shelter, that really mobilized a whole community and brought attention to something that was quite tragic for someone who was quite vulnerable in a community. If that community had wanted - they were able to mobilize and had capacity themselves - we

would have certainly supported them in terms of using restorative principles to engage around that issue and to help them if they wanted education or whatever.

Unfortunately, tragic things often happen, and we're looking at those as opportunities in terms of being able to provide support to communities and to apply restoratively the work that we're doing. It's a very new thrust for us, but I think what you're hitting on is an extremely important part of the work we're doing. If we are going to change attitudes and behaviors and help support a different way of thinking about basic respect for one another, you have to work with people where they are, which is that community. That's where people are.

MR. MAGUIRE: Do I have one more?

MADAM CHAIRMAN: One more.

MR. MAGUIRE: Okay, I'll make it a good one. I guess my final question would be when it comes to the workplace. Obviously you're reaching out to workplaces, because I think there has - I've worked in places where there has been a bit of confusion on where the complaint goes. This is just for my own personal reference, but can you take me through when a complaint is filed? I don't want you to go into great detail, because I don't want to waste time here; I want everyone else to be able to ask questions. But you're pulling in both sides, obviously. You're getting both sides of the story, but what is usually the average outcome for a complaint, especially a workplace complaint?

The reason why I'm asking this is because I think sometimes it's difficult for people to put forward a complaint, especially in a working environment, so I just want to know. I know you can't tell me what the outcome for everyone is, but on average, what is the outcome you are finding in workplace complaints, and do you feel that it's enough and it's not hindering the employee/employer relationship?

MS. WILLIAMS: I don't know if I can tell you on average. I can just tell you about some of our experiences. Yes, both the person that complains and the person that is responding to that are in that restorative process together, as long as it's safe for everybody, so they are all hearing the same thing at the same time. It's quite interesting in terms of what gets disclosed and/or uncovered that people never knew.

MR. MAGUIRE: Six sides to the story.

MS. WILLIAMS: Yes, it's your side, my side, and the truth, and it's an unbelievable kind of unveiling, if you will, of all the facts. That's really what it is: fact finding.

I mentioned earlier, and I'm just being reminded, too, that upwards to 80 per cent are employment related, and many of those are disability related for people bringing forth

their concerns. The outcomes vary considerably, from my recollection. I don't have the statistics in front of me, but for the most part, they don't always result in a financial settlement, although that can be a resolution.

MR. MAGUIRE: I think you said earlier that sometimes it's just a sorry.

MS. WILLIAMS: It is, and more often than not it's in situations that you would think that people were going to demand that there be some kind of financial settlement. It's often around accommodation: how are those people, how is the employer accommodating that person in the workplace, up to the point of undue hardship? How are they really helping to ensure that that person can continue to work in that office environment? It's really a discovery process to figure out how that employer can be supported to accommodate that employee. So more often than not it's around accommodation in the workplace, but often it's just somebody sitting across the table and saying, I'm sorry, I had no idea that that's what you thought.

I hear from my staff all the time that people leave the room incredulous that they didn't know. It's sometimes as simple as that, but that builds trust, and it helps to restore relationships in terms of where they are. In some instances, people are still in the workplace. Our process is more timely, so I think we're seeing more and more that people are still actually employed in those situations, because when time passes things change and people's lives take them different places. I would say that on average it's around accommodation and allowing that person to continue their work or if there was an accommodation, how can that situation be prevented in the future?

MR. MAGUIRE: I know sometimes it's just changing the culture of the workplace. I know that one of the previous places that I had been employed at in the past, there was an issue. It was resolved in-house. Two people sat down and one of them really didn't realize what they were doing was offensive because sometimes there's a culture that goes on in some of these workplaces that has been there forever and it's just a matter of changing people's minds. Thank you.

MADAM CHAIRMAN: With the indulgence of the committee, I have two quick questions, if that's okay. Mr. Maguire actually asked the first round of them, but following along the lines of what his questioning was - in terms of when you work within ethnic communities, what sort of follow-up do you do? I guess that can be applied to any general complaint. Once it's resolved, is there any process to go back and see the potential ramifications of that original complaint?

MS. WILLIAMS: In settlement agreements, it sets out terms and conditions and we are often who enforce those and make sure that there is compliance. I'm just being reminded of the Halifax Association of Black Firefighters - our work with them is significant and it's actually online, the settlement agreement. It's quite extensive and it sets out those terms and conditions, which look at not only remedying the harm that has been

done, but preventing it from happening again in the future; for example, why we're going to be conducting our engagement process.

It's something that the settlement agreements don't deal just with today but also how to prevent it from happening into the future. That means it usually sets out terms and conditions that take you to a time in the future that you can make sure that the changes that have been made have actually made a difference and they're not continuing to happen.

The other part of it for us - I'll just go back to saying once again, reinforcing how important education is in terms of changing that culture and those attitudes and it not repeating itself, whether it's working with a particular ethnic community or whether it's working in a particular work place. It's just again and again looking at ways that you can do that. With technology now too, there are so many opportunities that we have to, for example, engage youth differently. Those are some of the things that we're exploring as well. Thank you for your question.

MADAM CHAIRMAN: Not to belabour the point, but my colleague mentioned something about in terms of reform within government. I intend to agree with that, actually, maybe not along the same lines as she's referring to, but I know that the private sector really has great programs. They invest a lot of time and money into conflict resolution. We made a joke about conflict resolution in the House, but in all sincerity there are a number of government agencies and public workplaces that have a culture of, don't be a troublemaker, don't complain about anything, you're going to target yourself as being somebody who complains and that's going to follow you. Are there any proactive measures that the commission is taking to try to cut those off and change that culture?

MS. WILLIAMS: There is a real openness within government to doing things differently. I mentioned before that Nova Scotia has an great international reputation around using restorative principles, and so you're seeing, as I mentioned earlier, that it is now a part of many government departments and agencies, in terms of how they conduct themselves.

Certainly the Public Service Commission is very interested in looking at how restorative principles can be applied across the public service. A lot of the work that has been underway with some of the public service renewal work, employee engagement, respectful workplace reform, looking at how diversity, through the Diversity Round Table, and how government actually has policies and programs and supports diversity in the workplace. All of that is, I know, being carefully looked at in terms of how we do things differently perhaps.

I think it's been a journey we've been on for some time. It's very exciting where we are, quite frankly, now. We have some really good learnings from some of the work we've all been doing and we're seeing evidence. There's lot of research around, for example, that supports employee engagement - who knew? Well I think a lot of us did. But now we have

the hard numbers that actually support a very different philosophy, a very different way of doing things.

The public service has embraced that, but I think you're going to see even more over the next while. We're excited to be part of that conversation; we really want to be viewed differently. We know we're the expert in this stuff and we really want to be out there providing that expert advice and at the tables. That will be a little different for us and I think we're excited to finally be at the big boys' and girls' table around those discussions.

MADAM CHAIRMAN: I would suggest going into public schools as well and working with staff.

MS. WILLIAMS: With respect to that, yes, certainly we've presented at a lot of conferences and we've had conversations with educators. I think there is an appetite for it, but certainly with all of these groups a lot more work to be done. Thank you for that suggestion.

MADAM CHAIRMAN: Thank you, and thank you to the committee for allowing my questions. Mr. Orrell.

MR. ORRELL: Just four or five questions back you talked about transgendered, racial and political affiliation all being protected - exactly what do you mean by being protected? Do they have preference over a job if they are applying? I just don't understand what you mean by being protected. Can you explain that for me?

MS. WILLIAMS: Well under the Act it's quite clear that you cannot be discriminated against if you fit into a protected characteristic, and the way it's worded here - I'm the non-lawyer . . .

MR. ORRELL: So am I, so not to worry. You don't have to worry about trying to impress with that.

MS. WILLIAMS: I'm going to use not legal language and I have my solicitor sitting behind me who is probably gulping right now.

There are protected areas, so if something happens to someone, if they feel they have been discriminated against, for example, where they are employed on the basis of the fact that they are a visible minority, that's how that would apply. Or if they want to rent an apartment and they are a transgendered person and they are refused that rental opportunity for not good reason and they feel they were turned down on that basis, that might be, for example, the basis of a complaint that they could bring forward. Or if it's on the basis of the fact that your family status, maybe you are expecting and you've been fired and your performance was excellent, you think, you may bring that forward.

There's certainly a range of protected characteristics and then the areas in which these may take place, so that's typically the way - certainly that's been my interpretation, as I understand.

MR. ORRELL: I guess my biggest question is if I was applying for a job and you were applying for a job, we both were equally qualified for the job and I was a visible minority, I wouldn't get it over and above you just being protected that way. You would get it on merit, unless it was an affirmative action job that was stated it was going to hire whoever.

So you wouldn't get a job just because you were a transgendered person or if I was applying for a job and you were applying for a job, you were an NDP and I was a Tory and it was a job within a Liberal Government, you wouldn't get the job or neither one of us not get the job because then you can't do that. So you're not protected that way, you're protected in saying that okay . . .

MS. WILLIAMS: That's why investigation is so important that we conduct in terms of getting the facts of the situation and hearing from all sides, to further assess whether or not discrimination we think may likely have taken place.

MR. ORRELL: When you said "protected", I kind of thought that doesn't sound like what we're trying to achieve and accomplish here.

MS. WILLIAMS: There's discrimination.

MR. ORRELL: I just wanted to make sure of that because you hear so many times where someone says oh, they got a job because they were this person or they knew that person. If two people are equal for a job, they are equal for a job and if it's . . .

MS. WILLIAMS: And there is targeted employment as you said and sometimes . . .

MR. ORRELL: Yes, I understand that.

MS. WILLIAMS: . . . employment equity considerations are certainly important but just on the face of what you're saying . . .

MR. ORRELL: Because my former job, when I started I was the only male and not because of that, there were no males in the physiotherapy field at that time so I felt like I was - I couldn't keep my job just because I was male - if I did something wrong, I did something wrong and that's just what I wanted to check, thank you.

MADAM CHAIRMAN: Thank you, and I just wanted to, Ms. Williams you alluded to your legal counsel and your staff and I just wanted to really say hello to the staff and thank the staff for being here. I think it speaks volumes to the fact that you're both here



presenting and your staff is here supporting you, that really says an astounding amount to what your commission is and how well received and how well you work together.

MS. WILLIAMS: Thank you, I'm very proud of all of them and I didn't even acknowledge them myself so I'm not sure what it says about me even though it was in my notes.

MADAM CHAIRMAN: We're a very intimidating bunch I believe you got confused.

MS. WILLIAMS: I think I am for sure, I owe them a lot.

MADAM CHAIRMAN: We have time and we have speakers, we have two more speakers left on our list so if you'd like to acknowledge them, if you'd like to introduce them for Hansard that would be great.

MS. WILLIAMS: I would. For example, let me just turn around. So the person who heads my legal team, our solicitor Lisa Teryl; our manager Ritchie Wheeler, he's my manager of strategic, focused on kind of management defence. I have Darryl MacPherson, and Darryl is our senior intake officer. I have Jeff and Jeff is joining us today so I forget Jeff's last name. (Interruption) Jeff Overmars, thank you, and Jeff is our new communications staff person and also will be doing some work in the Race Relations, Equity & Inclusion. I also have Ann Divine who is my manager of Race Relations, Equity & Inclusion, and behind her is Patti Green who has just joined us as my new executive administrative assistant. Some of you may know Pat who was there for 37 years and she just retired and so Patti has joined the commission.

I don't think there is anybody else, so thank you for allowing me to do that I really appreciate it. We work extremely closely together and it's really nice to be able to acknowledge them, thank you.

MADAM CHAIRMAN: My pleasure, that's great, and welcome. Mr. Gosse.

MR. GOSSE: Thank you, I just have a couple of short ones. When you talked about employment issues around Human Rights Commission - I think you said it was 80 per cent - and of that you said most were either race related or other. Have you ever worked closely with Labour Standards, you know when someone comes to Labour Standards and has a complaint about a company that they were working for, wrongful dismissal or something, do you work closely with Labour Standards around this employment issue with human rights. Has Human Rights ever taken on cases of wrongful dismissal besides gender and race?

MS. WILLIAMS: Thank you for that question. It's really important that we stick to our knitting in terms of what we are to do under the Act. We do have a relationship with them and we often refer people to them. We recently have been talking about the need for

all of us who do this kind of work to have sort of training sessions together in terms of understanding the lines, because they are quite blurry often.

But I think certainly with respect to Labour Standards we very much have a relationship, understand the role they play and would often, when people make those inquiries, sometimes instead of it going through the whole process we will maybe make a referral to Labour Standards and help them get that information they need to better assist in their particular situation. I can't make out my writing; that's been one of the challenges today. (Laughter) Sometimes we work simultaneously in parallel with one another. So somebody might have something going on in Labour Standards and there is a human rights sort of element to it so sometimes they are actually moving along sort of simultaneously, depending on the situation.

MR. GOSSE: They are intertwined as you go forward to try to . . .

MS. WILLIAMS: These are human issues and incredibly complex and so they have many tentacles but I think the important point here is that with those processes, the human rights law always trumps those. That is the most important consideration in terms of where the law falls on all of this. I'm just being reminded that in terms of our mandate, human rights actually trumps all of those processes.

MR. GOSSE: So it trumps all of that. So if somebody was wrongfully dismissed by a large corporation and they went to Labour Standards, has Labour Standards ever called the Human Rights Commission and said look, I think vice versa, it's a two-way street and either Labour Standards can move something forward to the Human Rights Commission and the Human Rights Commission can move something back to Labour Standards?

MS. WILLIAMS: I'm not sure I can respond to that except to say I'm not sure because I don't think we've had that. I think we have had training together to make sure that we collectively understand where things begin and end, in terms of our respective mandates and authorities and all that sort of thing.

These are very complicated, particularly around wrongful dismissals and that kind of thing. I appreciate your point.

MR. GOSSE: Thank you. My last thing is just more or less along the positions on the commission - are they all filled now? That's my first thing. The other thing is a tragic accident a couple of years ago, one of the commissioners was in a car accident in Antigonish - has the commission ever thought about actually having an award in Pat's name or looked at some type of award in the future? The way she was tragically killed in a car accident, maybe a Pat Skinner Award along the human rights - is there any thought about that within the commission?

MS. WILLIAMS: We have 12 seats on the commission and I sit there, as I say, as one of those in an ex-officio capacity. We currently have one vacancy but the terms are spread out for people.

I appreciate your suggestion; I'll certainly take that back to the commissioners. We meet every two months and we're meeting actually in a couple of weeks, so thank you for that. I didn't know the person but I certainly understand the contributions that were made.

MR. GOSSE: She made many contributions to the Province of Nova Scotia. She was on the commission and being of African Nova Scotian descent, tragically killed in a car accident, there may be something within the Human Rights Commission that can honour her memory.

MS. WILLIAMS: Thank you for that suggestion, that's excellent - thank you, Mr. Gosse.

MADAM CHAIRMAN: Thank you, Mr. Gosse. Our last question is from Ms. Treen. I just want to make sure that everybody is good with that. So, Ms. Treen, you're on.

MS. TREEN: You mentioned that 80 per cent of your complaints are from the workplace and that most of them are disability related.

MS. WILLIAMS: Yes.

MS. TREEN: I'm just wondering if you worked with the group that has developed the road map. Are you involved in that process to give your opinion and your knowledge about what is going on to help them in that document?

MS. WILLIAMS: I don't think so. I'd be happy to learn more about that because we like to avail ourselves of all opportunities to provide information. If there's any kind of consultation or engagement process, we're always looking for tables to provide input. So thank you, a great idea, I'd be happy to hear more about that.

MS. TREEN: We'll hook you up. (Laughter) Thank you.

MS. WILLIAMS: We do work with the Disabled Persons Commission. Certainly they're one of our strongest partners so anything further to what you're saying, I'd welcome that. Thanks.

MADAM CHAIRMAN: Thank you so much, we really appreciate having you here and answering all our questions. I think this is actually the most engaged committee that's been here - we're a pretty engaged committee to begin with but it speaks volumes again that we were as engaged today with your presentation, we appreciated it so much.

If you have any closing remarks - yes.

MS. WILLIAMS: I've got a few, just very briefly, but I'd like to go through them because I think they're important.

We are very appreciative of this opportunity to have these conversations and talk about some of the good work we've been doing. I mentioned about the International Day for the Elimination of Racial Discrimination. Mr. Gosse has left the room but I think there's other Cape Bretoners in the room. (Interruption) I had the good fortune of speaking at the Harmony Breakfast in Sydney on that day, and was there at the university and that beautiful centre they have. On that day there were a number of events actually around the province, some of which we were engaged in and some of which we weren't. But that was all about bringing people together, to share that information and education, and to talk about discrimination and to promote inclusion and to share the vision that one day, maybe, we'll actually be able to stop racism in Nova Scotia.

I think many of us wouldn't want to admit that racism actually exists in Nova Scotia but we know it does. We know the impact - and we see this at the commission every day - we know the impact that discrimination has on Nova Scotians. We know it's painful, and we know in many cases it has lifelong consequences. I view today's presentation as an opportunity for me - and I'll say once again - to tell the positive stuff of what we're doing. We're so proud of it, and we hope that today's presentation reminds you that respecting everyone as an individual is really at the core of human rights laws. It has to be at the core of how we conduct ourselves every day in every aspect of our work - where we live, where we work, and where we play.

I would be remiss if I didn't mention the recent-released Ivany report. That report is particularly important for us. We know that it talks about the economic future of Nova Scotia, and for us, responding to the needs and aspirations of all people, including First Nations, African Nova Scotians, and our immigrant communities. It emphasizes that our economic future depends on new businesses and immigrants, and keeping our children living and working in the province - obviously a very important message in the report, that as a province we've got to be more welcoming. We have to be more inclusive, we have to be open to diversity and new ideas, and we have to eliminate discrimination.

We think we are well-positioned at the Human Rights Commission to ensure that discrimination of any kind has no place in this province. I've said before and I'm going to say again that I'm very proud of the collaborative work that my very competent staff and fellow commissioners do. We think we've made significant strides forward in improving our system to better respond to Nova Scotians. We're committed to doing this work, but we cannot do it alone. Mr. Jessome's question brought up some of that in terms of what all of us might be able to do, but from our perspective we need everybody - every Nova Scotian - to ask themselves just a simple little question every single day: what can I do? What am I going to keep doing to end discrimination?

We cannot do it alone. Together we really can make a difference, and I want to thank you for the opportunity to be here today. Thank you so much. (Applause)

MADAM CHAIRMAN: Thank you so much. We have a little bit of committee business to attend to, so if committee members want to stretch, just don't leave the room.

[10:47 a.m. The committee recessed.]

[10:56 a.m. The committee reconvened.]

MADAM CHAIRMAN: On my agenda, the only bit of committee business that we have is to talk about our next meeting, which is currently set for May 6<sup>th</sup>. Again, that will be during the House session. I'm wondering what the committee's thoughts are to pushing it to the following week, instead of meeting again when the House is in session?

MR. GOSSE: The members from away, like Eddie and myself, we travel a long way, and we're in town anyway. By that time estimates will be over, and the hours will be back to normal.

MR. ORRELL: I'd prefer to have it while the House is sitting, myself.

MADAM CHAIRMAN: Have we confirmed our witness for May 6<sup>th</sup>? Well, then, we'll just leave it as-is. So our next meeting is going to be the Fairview Family Resource Centre, and they're awesome. I can't wait for them to come in.

AN HON. MEMBER: You might want to step out of the Chair for that one.

MADAM CHAIRMAN: I might have to.

MR. GOSSE: And after that is the Cape Breton children family advocacy - wasn't that the two letters we sent?

MADAM CHAIRMAN: We'll refer to Kim, since she has the list.

MS. KIM LANGILLE: After that is the March of Dimes Canada, and after that is Delores Feltmate and that group, the child welfare agency. (Interruptions) That would be September, actually, unless you are meeting over the summer.

MADAM CHAIRMAN: Our next meeting date will be May 6<sup>th</sup>, and the representative is Natalie Brown from the Fairview Family Centre. She will be available to discuss the role of family centres throughout the province, not just specific to hers, if you want to prepare questions for that.

If there is no other business, then the meeting is adjourned. Thank you.

[The committee adjourned at 10:58 a.m.]