

**ANNUAL  
REPORT**

**RAPPORT  
ANNUEL**

**NEW BRUNSWICK  
HUMAN RIGHTS  
COMMISSION**

**COMMISSION DES  
DROITS DE LA  
PERSONNE DU  
NOUVEAU-BRUNSWICK**

*2002-03*

**Annual Report 2002-2003**  
**Human Rights Commission**

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Fredericton, N.B.  
The Honourable Marilyn Trenholme Counsell  
Lieutenant Governor  
Province of New Brunswick

Your Honour:

I have the honour to submit to you the Annual Report of the New Brunswick Human Rights Commission for the fiscal year ending March 31, 2003. The Commission is responsible to the Minister of Training and Employment Development, Province of New Brunswick.

I am, your Honour, your obedient servant,

Margaret-Ann Blaney  
Minister of Training and Employment Development  
Minister Responsible for the Human Rights  
Commission

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Margaret-Ann Blaney  
Minister of Training and Employment Development  
Minister Responsible for the Human Rights  
Commission  
Province of New Brunswick

Dear Minister:

It is with a combined sense of pleasure and pride that I submit to you the Annual Report of the New Brunswick Human Rights Commission, for the fiscal year ending March 31, 2003, for onward submission to Her Majesty's Representative, the Lieutenant-Governor of New Brunswick.

Yours very truly,

Patrick Malcolmson  
Chairman

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# Building for the Twenty-First Century

## The Vision, Mission and Aims of the New Brunswick Human Rights Commission

### Vision

To be a leader in the promotion and protection of human rights.

### Mission

The New Brunswick Human Rights Commission was created in 1967 to administer the *Human Rights Act*. The Commission promotes the principles of equality, seeks to eliminate discriminatory practices and contributes to more equitable, productive and inclusive environments in which to work, learn and live, by enforcing the *Act* and educating about human rights and responsibilities.

### Aims

The Commission will continue to serve the people of New Brunswick into the twenty-first century by:

- exercising leadership and vision on human rights issues of national and provincial importance;
- promoting a greater understanding of the *Human Rights Act*;
- providing for the effective, efficient and speedy disposition of individual complaints of discrimination;
- initiating partnerships with government departments, private sector institutions, community and volunteer organisations and the media to promote a human rights culture that will eradicate prejudice and discrimination;
- enhancing its proactive role in human rights education to foster environments of inclusion, fairness, equality and dignity for all New Brunswickers;
- utilising advanced information technologies, multimedia as well as print publications and speakers to project our mission and mandate to the widest public audience;

- continuing as a recognised resource for the private and public sectors, including educational and community institutions, that seek to create internal human rights policies and procedures;
- being responsive to the human resource development needs of Commission members and staff;
- contributing in a positive and constructive manner to the process of province building and nation building.

## Profiles of the Members of the Commission

(as of March 31, 2003)

### Dr. Patrick N. Malcolmson Chair

Patrick Malcolmson received his B.Ed. and MA from the University of Alberta. He pursued doctoral studies at the University of Toronto, where he was awarded an Ontario Graduate Scholarship, as well as a Social Sciences and Humanities Research Council of Canada Doctoral Fellowship. He obtained his PhD in Political Science in 1992.

Dr. Malcolmson worked in the Legislative Research Service of the Ontario legislature from 1985 to 1987, and taught Political Science at the University of Alberta from 1987 to 1990. He then joined the Faculty of St. Thomas University in Fredericton, where he is Associate Professor and Chair of the Department of Political Science. He has also served as Assistant Vice-President (Academic) and as Director of the Human Rights Programme. He is currently a member of the St. Thomas University Board of Governors.

Dr. Malcolmson is the author of scholarly articles and reviews on Canadian politics, legal and political theory, natural law and rights. He and Dr. Richard Myers are co-authors of the book *The Canadian Regime*. Dr. Malcolmson was appointed as the Chair of the New Brunswick Human Rights Commission in 2000.

### Rose-Marie Curry

A native of Tracadie-Sheila, Rose-Marie Curry has worked for more than 29 years with special-needs children, as a methods and resource teacher, department head, and director of L'Éveil learning centre.

She was instrumental in the development of various special education programs and above all in the integration of children with special needs in New Brunswick schools. She was a member of the special education institute and a founding member of La Fabrique sheltered workshop in Tracadie, and she is currently a member of the board of directors of the Lynne Ferguson Inc. community residence.

Ms. Curry is also active in the Acadian Peninsula chapter of the Kidney Foundation of Canada and the New Brunswick Medical Education Committee. She has been retired since June 2000. Ms. Curry was appointed to the Human Rights Commission in 2003.



## Malcolm Harris

Malcolm A. Harris, B.B.A., of Saint John retired from the Workplace, Health, Safety and Compensation Commission in 2000 after nearly 25 years of service.

From 1992 to 2000, he was a Case Manager responsible for developing and implementing individual plans to allow injured workers to return to work. Prior to that, he was an Appeal's Officer, Implementation Officer / User Representative, Unit Supervisor and Claims Officer. From 1965 to 1969, he was an RCMP constable; in addition to his general police duties, he was a member of the RCMP "Musical Ride."

On February 3, 2003, Mr. Harris accepted a three-year appointment to serve on the Police Commission of the City of Saint John. He is also a member of the Preservation Review Board of the City of Saint John. In addition, Mr. Harris counsels amputees on a volunteer basis and is an active member of St. Mark's Church in Saint John. He was appointed to the Human Rights Commission in 2002.

## Jean-Claude Jalbert

Jean-Claude Jalbert, of Grand Falls, has worked in the desktop publishing, customer service, radio and newspaper fields, and has qualifications in customer relations and a number of computer applications.

He is the President of the New Brunswick Association for Community Living and a member of the executive of the Canadian Association for Community Living. He has also been a member of the Board of Directors of the Grand Falls Association for Community Living.

Mr. Jalbert was a member of the Board of Directors of the New Brunswick Premier's Council on the Status of Disabled Persons from 1998 to 2000. He represented Canada at the Inclusion International world conferences in 1998 and 2002. He was appointed to the Human Rights Commission in 2002.

## André LeBlanc

André LeBlanc attended the Collège St. Joseph in Memramcook, N.B., the precursor of the Université de Moncton. He obtained a Certificate in Public Administration from the Université de Moncton. He has also undertaken professional development studies in Public Relations and Marketing at other teaching institutions, including the University of New Brunswick.

Mr. LeBlanc was employed in various capacities in the fisheries industry prior to commencing a lengthy and distinguished career with the New Brunswick Power Commission beginning in 1950. He occupied various positions throughout his career in the Customer Service Division, including supervisory positions. He played an instrumental role in the expansion of NB Power to the communities of Moncton and Grand Falls. He retired from NB Power in 1988.

Mr. LeBlanc has occupied a variety of positions on boards and associations, including being a Director of the Caisse Po-

pulaire and the Co-op in Cap-Pelé. He has also been actively involved in his community as a Director of the Beauséjour Curling Club and the Club d'âge d'or du Christ-Roi, both located in Moncton. He is also involved with the development of the Moncton Regional Council of the Federation of New Brunswick Senior Citizens.

He was first appointed to the Human Rights Commission in 1999 and was re-appointed in 2002.

### **Alanna Palmer**

Alanna Palmer, B.B.A., B.Ed., of Fredericton, is the Director of ATHENE, the training division of the Institut de Memramcook Institute, with a staff of over 50 professionals province-wide and an annual revenue of \$2 million. She has successfully negotiated privatisation, out-sourcing and contract training agreements, and is a certified consultant and trainer in the field of organisational change and transition management.

Ms. Palmer was awarded the 2001 National Volunteer of the Year award for her active involvement with a national registered charity for whom she has been Chair of the New Brunswick and Prince Edward Island region, and a director and Governance Committee Chair of the national board.

Ms. Palmer authored the Code of Conduct and Disciplinary Policy of a national sports organization and has been a consultant to the New Brunswick Advisory Council on the Status of Women. She is currently Vice Chair of the New Brunswick Foundation for the Arts. She was named to the Human Rights Commission in 2002.

### **David Peters CCdC**

After a career that spanned the fields of education, hospitality and food service, David Peters retired in 2002 as supervisor of food services for the Saint John Regional Correctional Center. Mr. Peters has an international chef's degree, a teacher's license, as well as several other certificates. He is also a certified life skills coach.

Mr. Peters is an active member of the Black community of Saint John. He co-founded PROBE (Provincial Resources of Black Energies), PRUDE (Pride of Race, Unity, Dignity through Education), MALSK (Maritime Association of Life Skills Coaches) and the New Brunswick Chef's Association. He is a member of PRUDE and a former member of the National Association of Black Educators, the New Brunswick Minister's Advisory Committee on Immigration and Multiculturalism and several other groups. Mr. Peters, as Chef and proprietor of "Iron Duke Dining Rooms," was recommended in *Where To Eat In Canada* in 1978, one year after it opened.

Mr. Peters has delivered several lectures on Black history to school and university students, service clubs and civil servants, and was the host of a local television series on Black history and issues. He was recently included in the inaugural publication of *Who's Who in Black Canada* (national compiling started in June 2001). He was appointed to the Human Rights Commission in 2001.

## Gordon Porter

Gordon Porter holds a B.A. and a B.Ed. from the University of New Brunswick, as well as a M.Ed. and C.A.S. from the University of Maine. He also pursued doctoral studies in special education administration at Syracuse University in New York. He received a Doctor of Civil Laws degree from the University of New Brunswick in recognition of his work with persons with disabilities.

Dr. Porter is an Assistant Professor of Education at the University of Maine at Presque Isle, where he teaches courses on inclusive education practices for students with special needs, including those with disabilities. He is an internationally known expert who has consulted, lectured and conducted training on inclusive education in numerous countries around the world. He was Director of Student Services for the schools in the Woodstock area from 1978 to 1999, after serving as a teacher and principal in several New Brunswick schools.

Dr. Porter was the founding Chairman of the Woodstock Community Residential Living Board and is a former president of the Canadian Association for Community Living at the local, provincial and national levels. He is the President of Inclusion InterAmericana, a regional federation of 20 national associations for individuals with disabilities and their families.

Dr. Porter was a Visiting Fellow at the New Zealand Institute in Mental Retardation and was a keynote speaker at the UNESCO World Conference on Special Education held in Salamanca, Spain in 1994. He co-edited the book *Changing Canadian Schools: Perspectives on Disability and Inclusion*, as well as many articles and chapters in books. He has acted as a consultant to the Inter-American Development Bank and was the author of a paper published in 2001 for the Bank, "Inclusive Education and Disability."

Dr. Porter is a recipient of the Queen's Golden Jubilee Medal. He was appointed to the Human Rights Commission in 2001.

## Mary Jane Ward

Mary Jane Ward has earned numerous certificates in a wide variety of fields. She obtained a Business Administration Certificate in 1985 from the New Brunswick Community College, a B.Ed. degree from the University of New Brunswick in 1995, a Principal's Certificate in 2000 and a M.Ed. in 2001.

In 1986, Mrs. Ward became a Headstart Child Care Worker at Red Bank First Nations, where she lives, and she was the Headstart Co-ordinator there from 1987 to 1995. Since then, she has been the Principal and a Teacher of the Metepenagiag School in Red Bank First Nations.

She is a former member of the New Brunswick Micmac/Maliseet Child Care Council, the New Brunswick Early Childhood Coalition and the School Parent Advisory Committee of the North/ South Esk High School in Sunny Corner, N.B.

Mrs. Ward is very much involved in extracurricular, religious and other community activities, especially those involving youth, parenting skills, drugs and alcohol, and Native culture. In 1995, she was chosen National Native Role Model for

the Atlantic provinces by Health and Welfare Canada and Kahnawake Social Services.

Ms. Ward was first appointed to the Human Rights Commission in 1999, and she was re-appointed in 2003.

## Overview of the Human Rights Act

### Nature and Scope

The *Human Rights Act* of New Brunswick, which is often cited as the *Human Rights Code*, is a provincial law that prohibits discrimination and harassment based on twelve personal characteristics in specified activities that fall under provincial jurisdiction. It is the principal legal instrument through which equality rights are enforced in New Brunswick.

The *Act* applies to public services, accommodations and facilities; the leasing of premises; the sale of property; labour unions and professional, business or trade associations; notices and signs; and all aspects of employment.

However, the *Human Rights Act* does not apply to federally regulated activities, such as broadcasting, telecommunications, banking, railways, ships, airlines, extra-provincial transportation, First Nations Band Councils and the federal government. Federally regulated activities are subject to the *Canadian Human Rights Act*, which is enforced by the Canadian Human Rights Commission.

The New Brunswick *Human Rights Act* prohibits discrimination by private sector businesses and organisations as well as by the provincial and municipal governments. Employers are responsible for the acts of their employees if such acts were committed in the course of employment, that is, if they were in some way related or associated with employment.

The courts have stated that it is not possible to avoid human rights laws through contracts or collective agreements, and that human rights laws prevail over any other law that conflicts with them unless it expressly says otherwise. However, human rights laws are subject to the Constitution, including the *Canadian Charter of Rights and Freedoms*.

### Protection Against Discrimination and Harassment

Not all discrimination or harassment is illegal. The *Human Rights Act* of New Brunswick currently protects against discrimination and harassment based on twelve grounds: age, marital status, religion, physical disability, mental disability, race, colour, ancestry, place of origin, national origin, sexual orientation and sex, including pregnancy. The *Act* also expressly prohibits sexual harassment in employment, housing and public services.

Discrimination can be defined in everyday terms as a practice or standard which is not reasonably necessary and which has the effect, whether intentional or not, of putting certain persons or groups at a disadvantage because of their personal characteristics, such as race, sex or religion.

Canadian courts have recognised that discrimination may be direct, involving an intentional difference in treatment, usually motivated by bigotry, prejudice or stereotypes. However, it may also be unintentional, as in the case of "systemic" or "adverse effects" discrimination that occurs when a uniform practice has a disproportionately adverse effect on a disad-

vantaged group and the needs of the group are not reasonably accommodated.

Employers, service providers and others who are required not to discriminate must go beyond treating everyone the same without regard to race, sex and the other personal characteristics protected in human rights laws. They must, in addition, accommodate as much as reasonably possible the protected characteristics of those to whom such uniform treatment would have a discriminatory effect. This means that they must avoid standards that have a discriminatory effect where this can be done without sacrificing their own legitimate objectives or incurring undue hardship, whether that hardship takes the form of impossibility, serious risk or excessive cost.

## Exceptions and Limits

The *Human Rights Act* includes a number of exceptions. For example, mandatory retirement is allowed by paragraph 3(6)(a) when it is provided for by a bona fide pension plan. Also, section 13 provides that preferences or restrictions made pursuant to an affirmative action programme aimed at remedying a traditional situation of disadvantage are not discriminatory.

The *Human Rights Act* also has several exceptions concerning "bona fide qualifications" and "bona fide occupational qualifications." Recent Supreme Court of Canada decisions have established a three-part test to determine whether these exceptions apply. According to this test, a discriminatory standard adopted by an employer, landlord, owner or service provider is justified only when:

- (1) the standard was adopted for a purpose or goal that is rationally connected to the function being performed,
- (2) it was adopted in good faith and in the belief that it is necessary to fulfill that purpose or goal, and
- (3) it is in fact be reasonably necessary to accomplish that purpose or goal, in the sense that the employer, landlord, owner or service provider cannot accommodate affected individuals without incurring undue hardship.

Like all laws, the *Human Rights Act* is subject to the *Canadian Charter of Rights and Freedoms*, which has been part of Canada's Constitution since 1982. Like the *Act*, the *Charter* protects equality rights. However, the *Charter* also guarantees certain fundamental freedoms, democratic rights, mobility rights, legal rights, aboriginal rights and linguistic rights. Furthermore, the *Charter* is enforced by the courts, not by any government agency. And, unlike the *Human Rights Act*, the *Charter* only applies to governments and their agents; private sector businesses and organisations are not subject to the *Charter*.

The Commission interprets and applies the *Human Rights Act* in a manner consistent with the *Charter of Rights*.

## Enforcement Process

The *Human Rights Act* is administered by the New Brunswick Human Rights Commission, which reports to the Minister of Training and Employment Development. The Commission investigates and conciliates formal complaints of discrimination filed under the *Act* and advances equality of opportunity through public education programmes, community development activities and the monitoring of affirmative action plans.

A person claiming to be aggrieved by discrimination contrary to the *Human Rights Act* may file a complaint on a special form available from the Commission. There is no cost associated with the complaint process, and it is illegal to retaliate against a person for filing a complaint. However, the incident in question must have occurred within the previous year, unless the Commission grants a time extension. The Commission's staff helps the complainant to complete the complaint form.

An employee of the Commission investigates the complaint and submits a report on the evidence to both parties. They are given two weeks to respond in writing, should they consider that the report is incorrect or incomplete. The investigator's report and the responses of the parties are considered by the Commission at its next meeting.

The Commission has a gate-keeping function. It must determine at the first stage whether the complaint is within its jurisdiction and whether its officer should endeavour to effect a settlement of the complaint. It may also dismiss a complaint at this stage. If it does not dismiss it, the officer then attempts to conciliate the dispute.

If conciliation efforts ultimately fail to reach a settlement satisfactory to both parties, the Commission must determine whether the complaint should be heard before a public Board of Inquiry. It may also dismiss the complaint at this second stage.

When the Commission determines that a public Board of Inquiry should hear the matter, it forwards its recommendation to the Minister of Training and Employment Development, who appoints the Board. The Minister may refer the matter to the Labour and Employment Board, which is a permanent tribunal that deals with a variety of employment disputes, or to a human rights Board of Inquiry appointed to hear that specific case.

The Board hears the evidence and argument of both sides at a public hearing. If it finds that the *Act* was not violated, it dismisses the complaint. If it concludes that there was a violation, it may order, for example, that the discrimination stop, that a dismissed employee be rehired with back pay, that an apartment be offered to a person who had been denied an apartment or that the victim be compensated financially for expenses and emotional suffering. It is the Board of Inquiry, not the Commission, that holds a hearing and issues an order. Such boards are separate and independent from the Commission.

In order to more quickly reach a resolution, the Commission encourages early mediation and conciliation of complaints, in some cases, even at the "informal" stage, before a complaint form is drafted.

No regulations have been issued pursuant to the *Human Rights Act*. However, the Commission has adopted certain guidelines (see appendices for list of publications).

## Educational Mandate

It is also the function of the Commission to forward the principle that every person is free and equal in dignity and rights. The preamble to the *Human Rights Code* reminds New Brunswickers that ignorance, forgetfulness, or contempt of the rights of others are often the cause of public miseries and social disadvantage and that people and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law. Consequently, the Commission expends significant resources in the area of human rights education, both with respect to application of the *Code* and with respect to promotion of the rights protected under the *Canadian Charter of Rights and Freedoms* and under international human rights treaties binding on the Province.

The Commission also reports through government to international bodies responsible for the implementation of human rights treaties on its own efforts in the elimination of discrimination.



## Remarks from the Chairman

### Dr. Patrick Malcolmson

The past year marked the 35<sup>th</sup> anniversary of the New Brunswick Human Rights Commission. To commemorate this milestone, the Government of New Brunswick declared September 15th as New Brunswick Human Rights Day.

The Commission celebrated this event by conferring a special Pioneer of Human Rights Award on three prominent New Brunswickers: former Premier Louis J. Robichaud, former Canadian Human Rights Chief Commissioner Gordon Fairweather, and former New Brunswick Human Rights Chairman, Senator Noel Kinsella. In coming years, the Commission will confer the New Brunswick Human Rights award on New Brunswick Human Rights Day.

The challenges currently confronting the Human Rights Commission are not unlike those facing other human rights commissions throughout Canada. I am pleased to report that the Commission is confronting those challenges directly. The past year was a year of steady progress in the development of a new strategic plan and the implementation of new practices to better serve the public.

In 2002, the Commission launched a strategic planning process. The Commission drafted a short discussion paper and survey, on the Commission's priorities, processes and legislation. Entitled *Thirty-Five Years and Looking Forward*, the paper was widely circulated.

A one-day conference was organized in October 2002 at which the discussion paper was presented and discussed. Town-hall style meetings were also held throughout the province in 2002 and 2003. This consultation process was an essential stage in the development of the Commission's new strategic plan and its accompanying multi-year work plan. A report on the consultations will be forthcoming soon.

As a result of its internal planning process, the Commission undertook the development of a new information and case management system, which has been piloted and will be fully online in the coming year. The Commission expects that this new system will effect a reduction in its backlog of complaints and speed up the complaint process.

The single biggest challenge facing the Commission is dealing with the growing complexity and volume of complaints of disability discrimination. In recent years, the courts have ruled that the duty to accommodate persons with a disability, whether physical or mental, must be met up to the point where it would cause undue hardship to the person making the accommodation. The Commission thus faces the challenge of re-educating employers and service providers about their duties in this regard.

The Commission is also striving to become better known and more accessible to New Brunswickers.

The past year has been one of the most active on the part of the Commission in recent memory. I would like to take this opportunity to thank my fellow Commission members and the dedicated, professional staff of the Human Rights Commission for their efforts in promoting human rights in the Province.

## Remarks from the Director

### Janet E. Cullinan, Director

During the 2002-2003 fiscal year, approximately 2463 public contacts were made (apart from website visits). They included:

- 80 workshops or information sessions
- 53 community development activities
- 42 employer contacts — providing general information and appropriate referrals
- 848 requests for general information and education materials
- 245 formal complaints
- 709 referrals
- 410 requests for publications
- 58 copies of our videos were loaned
- 34 news releases, articles or media interviews

Out of the 2429 requests the Commission received, 1720 fell within the scope of the *Act*. The Commission fully or partially investigated 245 complaints under the *Act*.

As a result of a change in policy this year, a complaint form is now completed in all cases. Accordingly, all complaints this year are formal complaints. In the past, a complaint form was not completed if it appeared that the matter could be resolved expeditiously. Such cases were called informal complaints.

During the fiscal year under review, there were few staffing changes. Special Legal Counsel Charles Ferris left on an extended leave of absence, and Christian Whalen continued as Acting Legal Counsel. As part of the second year of an Intern position, Sarina McKinnon continued as Assistant Legal Counsel. We were pleased to retain the services of Jennifer (Smith) LeBlanc as a Human Rights Officer in the Moncton region, and Michael Logan, Human Rights Officer in Campbellton office, took a short-term leave of absence to devote his energies full time to the Canada Winter Games 2003 held in the Campbellton-Dalhousie-Bathurst region.

Human rights issues continue to evolve and become increasingly more challenging and take more time and resources to resolve. Both the Staff and the Commission continue to seek new and better approaches in these challenging times to ensure we are providing the best possible service to our clients in a timely fashion.

Over the last couple of years, we have been working with the Information Technology Services Branch of the Department of Training & Employment Development (TED) to develop an electronic system that would allow us to track all contacts with the Human Rights Commission, assist Compliance Officers in building their case files, assist Education

Officers in tracking their activities, and eventually provide reports on all activities that Commission staff may undertake. The first phase of the system will be online early in the new fiscal and we anticipate the letter generating and reporting capabilities will be online shortly thereafter. We would like to take this opportunity to thank the staff of the IT Branch for all their assistance and patience during the development of this system.

As always, the volume of work that was completed by the Commission could never have been accomplished without the hard work and dedication of both the Compliance Branch and Education Branch staff, to whom I express my continuing sincere appreciation for their co-operation and support.

## Compliance Branch

### Objectives

The objectives of the Compliance Branch are to ensure that all New Brunswickers are equal in dignity and human rights as set out in the New Brunswick *Human Rights Act*, through the following means:

- investigation and conciliation as provided for under Subsection 18(1) of the New Brunswick *Human Rights Act*;
- where necessary, the full enforcement procedures of a Board of Inquiry as provided for under Section 20 of the *Act*; and
- legal advice and services provided to Commission members and staff.

### Informal Complaints

As part of the Commission's on-going attempts to improve service to its clients, early in 2002 the Commission ceased its practice of classifying complaints as formal and informal and began recognizing all complaints as formal complaints with a signed complaint form.

However, this change in practice does not in any way alter the Commission's priority of settling complaints as expeditiously as possible. The Commission's priority remains the settlement of complaints in a manner satisfactory to all parties involved.

### Complaint Process

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

It should be noted that the Commission is sensitive to the fact that every complaint brought before it involves two parties, the Complainant and the Respondent. The Commission is committed to providing fair and impartial investigations to ensure equal treatment of all parties involved in a complaint.

During the year under review, the Commission made a change in the way the formal complaint forms were completed. Rather than having the individual complainants complete the forms, we initiated a project whereby we had an Intake Officer / Complaints Officer draft the forms based on information provided to them by the complainants. In the past, the

human rights officers would assist the complainant to complete the form. This new approach relieves the officers of this task and gives them more time to devote to the actual investigation and conciliation of the complaint.

Please see Appendix "B" for a flow chart of the complaint process.

## Formal Complaints

A formal complaint is a complaint made in writing to the Commission on a complaint form, according to Section 17 of the *Human Rights Act*.

Please see Appendix C for a statistical table and charts showing more detailed information about the formal complaints processed in 2002-2003. Here are some highlights:

- The Commission processed 245 formal complaints this year, while 146 formal complaints had been processed the previous year.
- Overall, the most common variables were physical disability (70), mental disability (40), sex (32) and sexual harassment (27).
- As in previous years, most complaints were employment-related (187).
- Of the 187 employment cases, 86 (46%) dealt with discrimination based on physical or mental disability. It was the largest group of complaints.
- The next largest areas of concern in relation to employment were sex discrimination, with 27 complaints, and sexual harassment, with 24 complaints. Thus, 51 cases dealt with some form of sex discrimination in employment. The remainder of the employment discrimination cases were spread throughout the other variables.
- The Commission's Fredericton office processed 83 formal complaints, while the Moncton, Campbellton and Saint John offices processed 66, 56 and 40 complaints respectively.
- About 149 formal complaint files were open at the end of the fiscal year, including cases referred to Boards of Inquiry.
- 33 complaints were settled in 2002-03.

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

### 1. Physical Disability / Employment

The Complainant alleged the Respondent employer discriminated against him because of his physical disability – Multiple Sclerosis – when they refused to hire him. The Complainant had worked for his former employer for approximately 1½ years in the IT Department as a software developer. The month prior to the Complainant's termination, the employer decided to close its IT Department and sell the business to another company. All the IT Department employees were laid off when the business was sold and then rehired by the new owners. At the time of the layoff, the Complainant was on sick leave due to his Multiple Sclerosis. The new employer –the Respondent – offered all the employees of the former employer's IT Section, except the Complainant, fulltime employment.

The Respondent employer denied they discriminated against the Complainant because of physical disability and stated that the Complainant had been hired by the new owners with an employment contract. Further, they had gone out of their way to accommodate the Complainant. The Respondent contended that the only matter in question was that of benefit coverage, and benefits were not an issue because taking benefits would have jeopardized the Complainant's tax status as a contractor. (With the employment contract offered by the new owners, the Complainant would have been considered a contractor and not an employee of the Company.)

Following a lengthy investigation and ongoing settlement attempts, the Commission determined that it was not prepared to dismiss this complaint and instructed the Officer to endeavour to effect a settlement. When advised of the Commission's decision, the Respondents advised the Commission they were not prepared to negotiate a settlement in this complaint. Once it became clear the Respondent employer was not prepared to negotiate a settlement, the Commission recommended that the Minister of Training & Employment Development – the Minister Responsible for Human Rights – appoint a Board of Inquiry to hear the matter.

Prior to the actual sitting of the Board of Inquiry, a settlement was reached and expressed in writing, to the satisfaction of all parties. The Board of Inquiry was cancelled and the Board accepted the withdrawal of the complaint. The settlement consisted of a signed release and an amount of money. Case closed.

## **2. Sex (pregnancy) / Employment**

Two separate complaints were filed within a few months of each other, against the same respondent – a fast food restaurant, alleging that the complainants' employment with the Respondent was terminated because of pregnancy.

The first Complainant alleged that she had started work as a shift supervisor in a new fast food outlet. She was pregnant when the restaurant first opened, but, for personal reasons, she and her husband had decided not to advise anyone about the pregnancy until the pregnancy was further advanced. When she advised the Respondent that she was pregnant, she indicated she would only be taking six weeks leave. Allegedly, the Respondent indicated that this was very inconvenient for him, especially since she would be out on leave during a busy season. He allegedly told the Complainant that he would have to find another supervisor and that he felt she was unreliable and would not return to work when she said she would. The Complainant's schedule immediately changed.

The Respondent indicated that he knew the Complainant was pregnant when he hired her and that she was specifically appointed the night-shift supervisor, not to work during the day. She could not meet the intended job schedule. The Respondent went on to allege that the Complainant did her job well for a couple of weeks and then started complaining about her schedule because she found it inconvenient.

The second Complainant alleged that she had been discriminated against because of sex in employment when, shortly after she advised the Respondent employer that she was pregnant, her employment was terminated. The Respondent denied that he had discriminated against the Complainant because of her pregnancy. The Respondent stated that the Complainant was dismissed because of poor job performance.

After lengthy investigations, the Commission determined that it was not prepared to dismiss either of these two cases and instructed the officer to attempt settlement in both instances. Eventually the officer was able to resolve both com-

plaints to the satisfaction of the parties. The settlements consisted of signed releases and a monetary amount. Both cases closed.

### **3. Sexual Orientation & Sex / Housing**

A same-sex couple filed a complaint alleging they had been discriminated against on the basis of their sexual orientation and sex when they were denied the rental of an apartment.

Responding to a newspaper advertisement, the Complainants met with the Respondents at the apartment. The Complainants state that they are openly gay and do not try to conceal the fact. They allege that, from the Respondents' negative attitude and their efforts to discourage the Complainants from taking the apartment, the Complainants became aware that the Respondents were uncomfortable with their sexual orientation.

The Respondents allegedly made it very clear that they did not want to rent the apartment to men. The Respondents allegedly branded all men as being dirty, unwilling to put up curtains and having the tendency to make too much noise. The Complainants invited the Respondents to visit their present apartment in order to demonstrate the contrary.

The Respondents posed questions such as the nature of their work, and asked for references. The Complainants responded by suggesting that if the Respondents demanded references, they would also demand references. As the Respondents refused to rent the apartment to the Complainants, they were never able to provide references. The Complainants maintained the only reason they were refused the rental was because of their sexual orientation.

The Respondents deny that they discriminated against the Complainants because of their sexual orientation. The Respondents had rented their apartments for many years and indicated that experience had taught them that renting to men is a recipe for disaster. They had observed that men do not keep the apartment clean and are usually very noisy. The Respondents prefer to rent to couples. They also believed that having men in the apartment would inconvenience the other tenants in the building.

The Respondents indicate they did not recognize the Complainants as being gay and treated them as potential tenants just like any other possible tenant. The Respondents asked about employment and references from past landlords. The Respondents stated that when the Complainants refused to provide references, they made the decision to reject occupancy. The Respondents further indicated that, had they known the Complainants were a same-sex couple, the fact would have been favourable because in effect it made them a couple. They denied having discriminated against the Complainants on the basis of their sexual orientation and sex.

After an investigation into the complaint, the Commission determined that they were not prepared to dismiss this complaint and instructed the officer to endeavour to effect a settlement. The complaint was eventually resolved to the satisfaction of all parties, resulting in a release and a letter of apology. Case closed.

## Referrals

The staff at the Human Rights Commission continue, as part of its service to all those who contact us, to refer those callers on to the most appropriate agency if their query does not fall within the jurisdiction of the *Human Rights Act*. There were 709 referrals in 2002-03. The types of referrals remain the same – Office of the Ombudsman, Employment Standards, the Canadian Human Rights Commission and various other agencies or government departments that may better serve the caller.

## Boards of Inquiry

If a formal complaint cannot be settled, the Commission may recommend that a tribunal examine the complaint. In that case, the Minister of Training and Employment Development may refer the matter to the Labour and Employment Board, which is a permanent tribunal that deals with a variety of employment disputes, or to a human rights Board of Inquiry appointed to hear that specific case. Such boards should not be confused with the Commission; they are separate and independent from the Commission.

The Board hears the evidence and argument of both sides at a public hearing. If it finds that the *Human Rights Act* was not violated, it dismisses the complaint. If it concludes that there was a violation, it may order, for example, that the discrimination stop, that a dismissed employee be rehired with back pay, that an apartment be offered to a person who had been denied an apartment or that the victim be compensated financially for expenses and emotional suffering.

Two Boards of Inquiry were pending at the beginning of the 2002-2003 fiscal year, and four new complaints were referred to a Board of Inquiry during the year. None of the cases referred to Board were settled during the year. Hearings were held and concluded with respect to one matter in March 2003 (see next paragraph). Hearings were scheduled with respect to the other complaints at a later date. Thus, six Boards of Inquiry were left pending on March 31, 2003.

In March 2003, the Commission completed the hearing and proceedings with respect to a complaint of mental disability discrimination in the provision of educational services in *Cudmore v. Department of Education*. The hearing involved twenty seven days of testimony and argument and raised issues concerning the Department's responsibility to provide a specialized segregated educational environment for special needs pupils in appropriate cases, and in the absence of such to fund the pupil's schooling in a specialized private educational setting.



## Education and Development Branch

The Education and Development Branch is comprised of three officers who report to the Director of the Human Rights Commission.

### Objectives

Section 12 of the New Brunswick *Human Rights Act* defines the responsibilities of this branch:

- (a) to forward the principle that every person is free and equal in dignity and rights without regard to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation or sex;
- (b) to promote an understanding of, acceptance of, and compliance with this *Act*; and
- (c) to develop and conduct educational programmes designed to eliminate discriminatory practices on the basis of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation or sex.

In short, this branch of the Commission develops programmes and products designed to promote human rights. It also assists its stakeholders in adopting measures to respond to their obligations under the *Human Rights Act*.

### 35<sup>th</sup> Anniversary Celebrations

The year 2002 was an important milestone for the Commission, as it celebrated its 35th anniversary. Several initiatives were undertaken to bring its work to communities throughout New Brunswick.

#### Declaration of New Brunswick Human Rights Day

The Honourable Bernard Lord, Premier of New Brunswick, declared September 15 as New Brunswick Human Rights Day. This date was the 35<sup>th</sup> anniversary of the coming into force of the New Brunswick *Human Rights Act*.

The Declaration reads as follows:

*WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world; and*

*WHEREAS people and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law; and*

*WHEREAS New Brunswick is proud of the contribution made to the advancement of human rights by New Brunswickers, notably John Peters Humphrey, the main drafter of the Universal Declaration of Human Rights; and*

*WHEREAS continued vigilance is required in order to secure the rights and freedoms that New Brunswickers currently enjoy; and*

*WHEREAS the Province of New Brunswick is committed to promoting tolerance and respect for individual differences and to advancing human rights and equality of opportunity for all New Brunswickers; and*

*WHEREAS the Province has pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms; and*

*WHEREAS September 15, 2002, is the 35th anniversary of the coming into force of the Human Rights Act of New Brunswick;*

*THEREFORE I, Bernard Lord, Premier of New Brunswick, do hereby declare September 15th of each year as:*

*“NEW BRUNSWICK HUMAN RIGHTS DAY”*

### **New Brunswick Pioneer of Human Rights Awards**

On the first New Brunswick Human Rights Day, September 15, 2002, the Honourable Marilyn Trenholme Counsell, Lieutenant-Governor of New Brunswick, presented the Pioneer of Human Rights Awards. These one-time awards gave special recognition to three distinguished New Brunswickers for their historic contributions to human rights in Canada.

Mr. R. Gordon L. Fairweather, founding chair of the Canadian Human Rights Commission, the Honourable Noël A. Kinsella, founding chair of the New Brunswick Human Rights Commission, and the Honourable Louis J. Robichaud, former Premier of New Brunswick were honoured for their devotion to public service and for helping to found and entrench human rights protections in the laws of our province and our country.

### ***Thirty-five Years and Looking Forward!***

In October 2002, the members of the Human Rights Commission published *Thirty-Five Years and Looking Forward: A Discussion Paper and Survey on New Directions in Human Rights for New Brunswick*. This paper examines the evolution of human rights in New Brunswick and the need to review the Commission's priorities and programs for the future.

The paper was circulated widely throughout the province in a consultation process that was part of the Commission's strategic planning. Public consultations were then held in Moncton, Miramichi, Grand Falls, Saint John and Fredericton. Several briefs were submitted to the Commission.

### ***Human Rights in New Brunswick: Past, Present and Future***

This full-day conference and consultation was held in Fredericton on Monday, October 21, 2002. It was organized by the Atlantic Human Rights Centre, the New Brunswick Human Rights Commission and the Constitutional and Human Rights Law Section of the Canadian Bar Association.

Dr. Patrick Malcolmson, Senator Noël Kinsella and Dr. Constantine Passaris, the current and former chairs of the New Brunswick Human Rights Commission, spoke on the state of human rights in New Brunswick since 1967 and on their perspectives on the future of human rights.

Panels sought input from the public on the Commission's newly released discussion paper and survey, *Thirty-Five Years and Looking Forward!*, as well as on the Commission's draft guidelines on discrimination in the housing sector and on drug and alcohol testing in the workplace. Another panel addressed security and human rights issues raised by the September 11 terrorist attack on the US. The luncheon address focused on pay equity.

The conference concluded with a public lecture on how the diversity of human rights legislation in Canada has affected Canada's ability to meet its international human rights obligations.

### **National and International Activities**

The Chair and two staff members attended the annual meeting of the Canadian Association of Statutory Human Rights Agencies (CASHRA) in Charlottetown, Prince Edward Island. This meeting focused on employment issues, such as diverse workplaces, women at work, Aboriginal Peoples, mediating human rights disputes, cost of accommodation, employee benefits for same-sex partners, accommodating persons with disabilities. Other topics presented were political belief discrimination, developments in human rights law, age discrimination and new issues on the aging populace, drug and alcohol testing and privacy issues, and Canada's role in international human rights.

A staff member attended the founding meeting of an international network of francophone human rights commissions, l'Association francophone des commissions nationales des droits de l'homme, in Paris.

Members of the staff met with Jean-Clément Bagré, of the Mouvement burkinabé des droits de l'homme et des peuples (Burkina Faso Human Rights Organisation) and Donna Malone, of CUSO. Mr. Bagré visited several provinces to raise awareness of human rights issues in Burkina Faso prior to attending the G-8 Summit in Kananaskis, Alberta.

An education officer represents the Human Rights Commission on the Canadian Association of Statutory Human Rights Agencies' (CASHRA) Public Education Partners (PEP) committee. This group consists of one representative from the education staff of each of Canada's human rights agencies. One of PEP's goals has been to identify gaps in human rights education in Canada, and to improve the ability of human rights agencies to evaluate their educational programmes. A survey was completed outlining each agency's educational activities in the preceding five years, as well as current and planned activities. It also outlined the research conducted within the last five years in order to develop new educational programmes. The survey is to be updated on an annual basis.

Information and resources on hate activity in Canada was provided to Arjun Singh of Kamloops, British Columbia. Mr. Singh is developing a Critical Incident Response Protocol to respond to racism and hate activity in his community.

Several activities were undertaken in celebration of the International Day on the Elimination of Racial Discrimination and International Women's Day.

Copies of the Commission's publications were provided to ASEN, a student-run academic group at the London School of Economics, for display at a conference on nationalism and human rights in London, England.

## Human Rights Award

The New Brunswick Human Rights Award was established in 1988 to recognize outstanding effort, achievement or leadership in enhancing human rights in New Brunswick.

The 2002 Human Rights Award was presented to the Multicultural Association of Fredericton (MCAF) on December 10, 2002, International Human Rights Day. Ashraf Ghanem, President of the Association, accepted the Award from Lieutenant-Governor Marilyn Trenholme Counsell at a ceremony at Old Government House.

The MCAF was formed in 1974 to facilitate communication and understanding between persons of various cultural backgrounds. It provides services and information to newcomers, to settled immigrants and to the community at large.

The association serves as a referral service, and it provides contacts for those seeking to consult the multicultural communities. It also offers a number of services to newcomers, including second-language classes, settlement services, a volunteer program, employment facilitation, placement opportunities for students, a homework club for children, as well as computer training. Since 1994, MCAF has also operated a multicultural summer day camp program for children aged 6 to 11.

## Website

The Human Rights Commission's website (located at [www.gnb.ca/hrc-cdp](http://www.gnb.ca/hrc-cdp)) has become a key component of its educational programme. Accordingly, the Education Branch devotes a considerable portion of its resources to the expansion, enhancement and maintenance of the Commission's website.

The website currently includes a search form, a site map, an FAQ and a "What's New" page. Advanced features and extensive graphics were avoided so as to permit speedier access and to allow search engines to find the site's entire content. A text-only alternative to the home page is provided for visually impaired persons who rely on computerized readers. Links are clearly labelled and are checked regularly.

In 2002-03, a site map was added, as well as all of the Commission's draft or final guidelines.

Detailed information about the Human Rights Award was also added. This allowed the Commission for the first time to seek nominations mainly using email instead of the post. A page devoted to the recipient of the 2002 award was also added.

In addition, a consultation page was published in 2002. It included the Commission's strategy discussion paper, its draft guidelines and a summary of the Ferris Report. This page was helpful in quickly disseminating complete information about the strategy consultation meetings held in 2002-03.

The "Say No to Racism" page was revised to give more prominence to institutional and cultural racism. New links were also added.

In 2003, information about the "Breaking Down the Barriers to Returning to Work" conference was published on the site. It included registration information and a detailed agenda.

The website currently consists of 31 pages of information as well as 11 documents, each of which is in French and English. It also includes external links to the Commission's news releases and to the full text of the *Human Rights Act*. In addition to the contents already mentioned, the website includes the following:

- "Vision, Mission and Aims of the Commission"
- Biographies of Members of the Commission
- "How can we Help?"
- Contact information
- List of videos & printed publications
- Descriptions and ordering information for certain items
- Annual reports (since 1999)
- Overview of the *Human Rights Act* for researchers
- "Equality Rights Glossary" (3 pages)
- "Opportunities to Promote Equality"
- "John Humphrey & the Universal Declaration of Human Rights" (4 pages)
- "Say No to Racism"
- "Sexual Harassment in Employment"
- Information on employment application forms and job interviews"

## Services Provided to Stakeholders

The Commission has many stakeholders and provides a large number of educational services.

Information and services were provided on harassment; age discrimination in automobile insurance; bullying in the schoolyard and in the workplace, age discrimination and mandatory retirement, the duty to accommodate persons with special needs; and other areas covered by the *Human Rights Act*.

## Community

Members of the education staff participated in:

- Gay Pride Flag Raising at Moncton City Hall on June 19.
- The revision of the Human Rights section of the AIDS New Brunswick guideline for persons with HIV.
- A consultation on services for victims of crime, organized by Justice Canada and the New Brunswick Department of Public Safety.
- A submission was made to the government's Round Table on the wage differential between men and women
- Activities commemorating Disability Awareness Week
- A consultation organized by a Moncton Volunteer Bureau committee addressing the re-integration of ex-offenders in the Greater Moncton area.
- An interview with Connie Tanaka and Dr. Cynthia Baker for a report being prepared for the Department of Canadian Heritage on the state of multiculturalism in New Brunswick.
- A Town Hall meeting hosted by Guliano Zaccardelli, the Chief Commissioner of the Royal Canadian Mounted Police, and the Commissioner's Advisory Committee on Visible Minorities.

Several officers are active members of various committees, including:

- The City of Moncton's Public Safety Advisory Committee
- Safe Spaces (outreach and support program for lesbian, gay, bisexual, transgender youth in New Brunswick)
- The Executive Council's Committee on Revamping Women and Child Abuse Protocols
- The Committee on Sexual Misconduct of the Anglican Diocese of Fredericton.
- The RCMP's New Brunswick Visible Minority Policing Committee
- The Federation of Canadian Municipalities' Standing Committee on Race Relations
- The Aging Drivers' Strategy Subcommittee of the interdepartmental Highway Safety Committee

## Employment

Through various means, assistance is provided to employers with policy development, training, employment application forms and the pre-employment process and various human rights issues in employment, for example.

This year, employers sought assistance with respect to the pre-employment process, drug and alcohol testing, special programmes, bona fide occupational qualifications, harassment, employment application forms, anti-harassment and anti-discrimination policies, the duty to accommodate employees, marital status discrimination, poisoned work environment and criminal records.

Several workshops and training sessions were conducted for management and staff, some of which were initiated by the employer and some of which came as a result of complaint settlements.

Members of the staff met with government agencies and a private sector company providing a government-funded employment program to provide them with assistance on investigating internal complaints and to work towards establishing a protocol to ensure compliance with the *Human Rights Act*.

## Public Education

The Human Rights Commission partnered with the Francophone Sector of the Department of Education in the cost and distribution of the Commission's teaching guide, *Learning Together About Rights and Responsibilities*, to 650 social studies teachers in all middle schools in the francophone school districts.

A workshop entitled "Creating a Respectful Learning Environment" was conducted for guidance counsellors in school districts 15 and 16.

An officer attended meetings and provided resources to a School District 01 committee working to develop a proposal to address and prevent bullying. This committee produced a teacher's guide entitled *Projet de qualité vie* (quality of life project), which was distributed to teachers during a training session on bullying, and dedicated one week of the school year for educational activities on this topic for parents, school teachers and staff.

A Human Rights Commission education officer participated in the "Forum on Safe and Orderly Schools" organized by School District 02. Parents, community organizations, teachers, students, school counsellors and government representatives were invited to address three items: the identification of issues surrounding safe and orderly schools; the essential elements of a District Code of Conduct; and how to involve families and the community in addressing behavioural issues.

An information session on the Commission's educational resources was delivered to middle school teachers of School District 08 at a day-long workshop entitled "Discrimination with Boundaries: When is it discrimination? When is it not?"

The Human Rights Commission's Legal counsel assisted New Brunswick Community College officials in developing a policy on an inclusive learning environment.

## Guidelines

Two draft guidelines were published on the Human Rights Commission's website and were widely circulated in order to seek feedback. They are entitled:

- Discrimination in the Housing Sector
- Drug and Alcohol Testing in the Workplace

The guidelines are available in print and on the Commission's website.

## Workshops and Seminars

Eighty workshops or information sessions, ranging in duration from 1.5 hours to a full-day, were conducted by staff. These include: Human Rights at Work in New Brunswick: Examining Discrimination, Harassment and the Duty to Accommodate; Creating a Respectful Learning Environment; Human Rights in Employment; Discrimination and Harassment in the Workplace; Human Rights in New Brunswick; Sexual Harassment in the Workplace; Role of the New Brunswick Human Rights Commission; Duty to Accommodate; Privacy as a Human Rights Issue; Sexual Harassment in a Social Setting; Human Rights and HIV/AIDS; Examining Discrimination and Harassment and its Underlying Causes and Effects.

Clients included labour organizations, universities, high schools, private schools, teachers, guidance counsellors, community colleges, youth programmes, employers, human resources professionals, government departments and agencies, professional associations, and social and community organizations.

The Commission partnered with the Workplace Health, Safety and Compensation Commission of New Brunswick in information sessions given to employers in Saint John, Fredericton, Miramichi, Bathurst and Grand Falls. The Commission's presentation concerned the interpretation of Duty to Accommodate under the *Human Rights Act*.

## Kiosks

- Job Fair 2002 - Organized by the Main Street Business Development Association and Downtown Fredericton Business Network, in partnership with Human Resources Development Canada and the New Brunswick Department of Training and Employment Development. As a result of this kiosk, many employment application forms were collected for revision.
- Trade Show – Union of Municipalities of New Brunswick General Meeting and Trade Fair.

## Media Relations

The Chair of the Commission and members of the staff gave media interviews for radio and television on several topics: racist graffiti in Marysville; when racist comments and graffiti constitute a hate crime; discrimination against tenants with children; ads for adult-only housing; the Commission's draft guidelines on discrimination in housing and on drug and alcohol testing in the workplace.

News releases were issued on the International Day for the Elimination of Racial Discrimination and on Human Rights Day.

A news conference was held to announce the Commission's strategy discussion paper and its two new draft guidelines.

A letter to the editor from the Chair regarding adult-only housing was published in several newspapers.



## Special Programmes

Section 13 of the Human Rights Act provides that "on the application of any person, or on its own initiative, the Commission may approve a programme to be undertaken by any person designed to promote the welfare of any class of persons."

The following programme was renewed by the Human Rights Commission in 2002-2003:

### **New Brunswick Office of Human Resources & Department of Training and Employment Development**

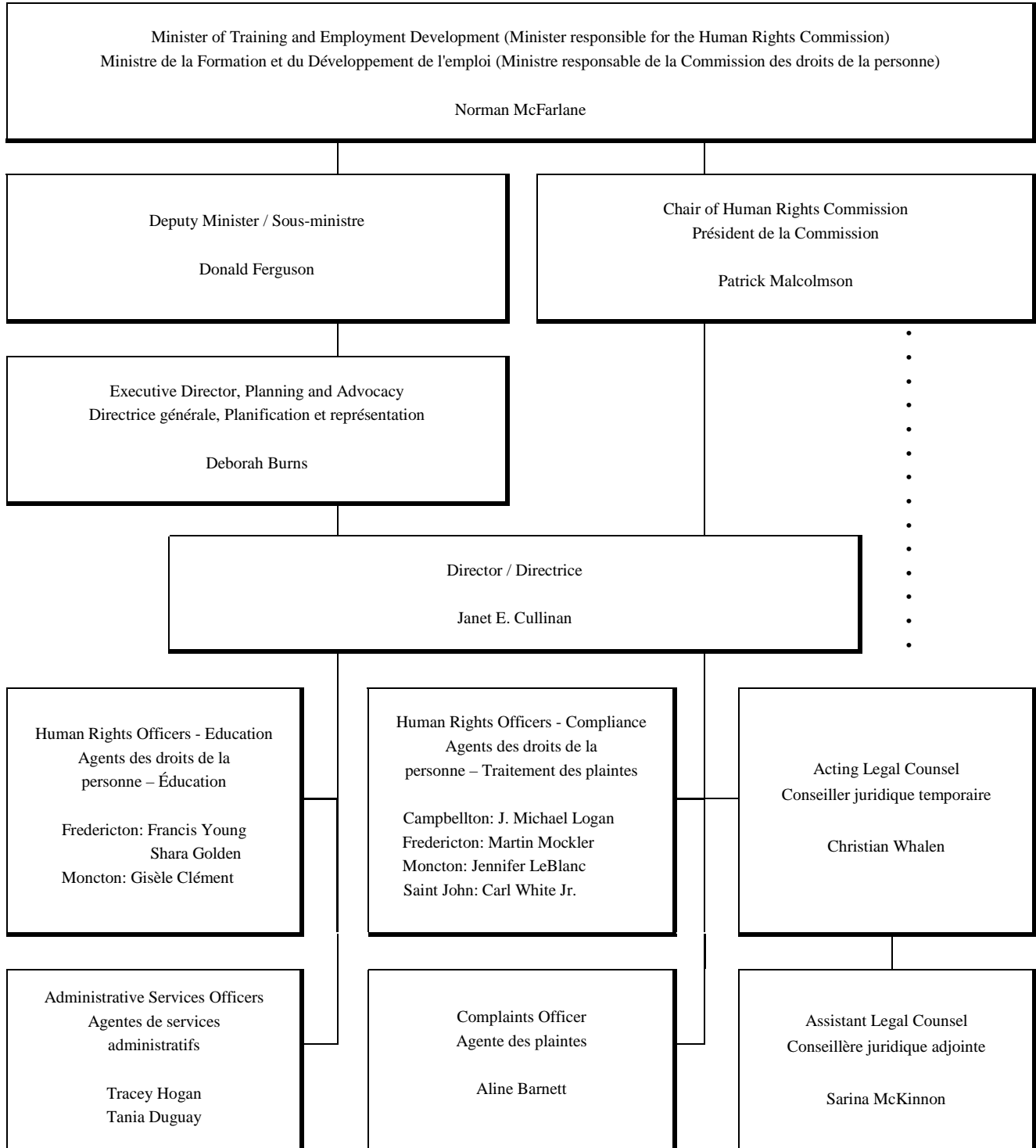
Employment / Sex

*Renewed for two years on December 10, 2002*

Fifty-one positions of up to 15 weeks duration reserved for female students in Summer Mentorship Program

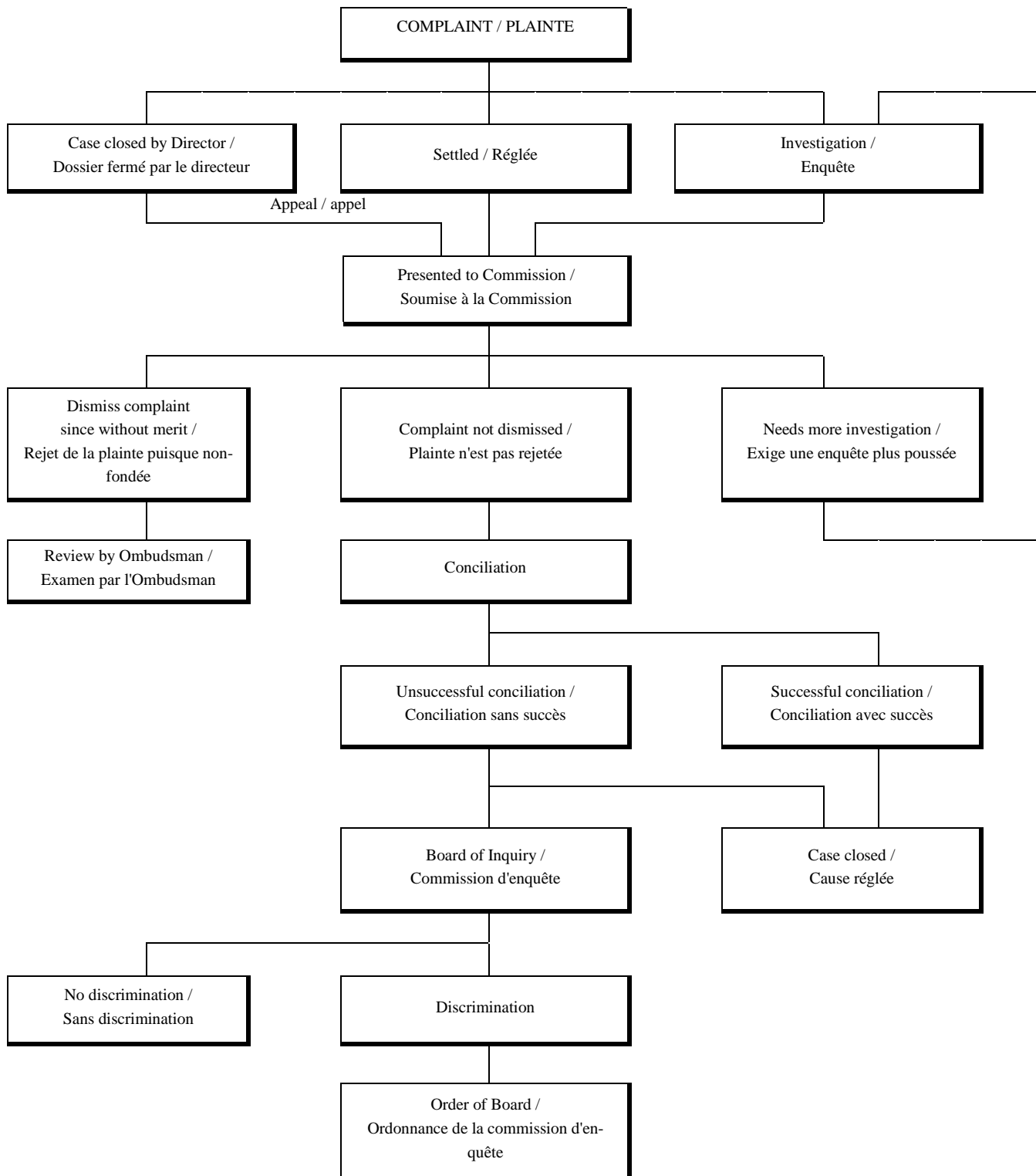
# Appendix A / Annexe A Organisational Chart / Organigramme

March 31, 2003 / Le 31 mars 2003



## Appendix B / Annexe B

### Complaint Process / Acheminement des plaintes



## Appendix C / Annexe C

### Formal Human Rights Complaint Statistics

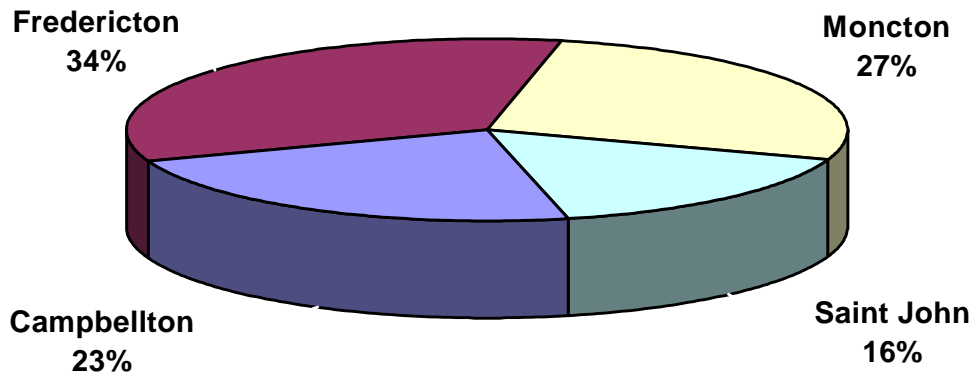
April 1, 2002 to March 31, 2003

### Statistiques relatives aux plaintes officielles

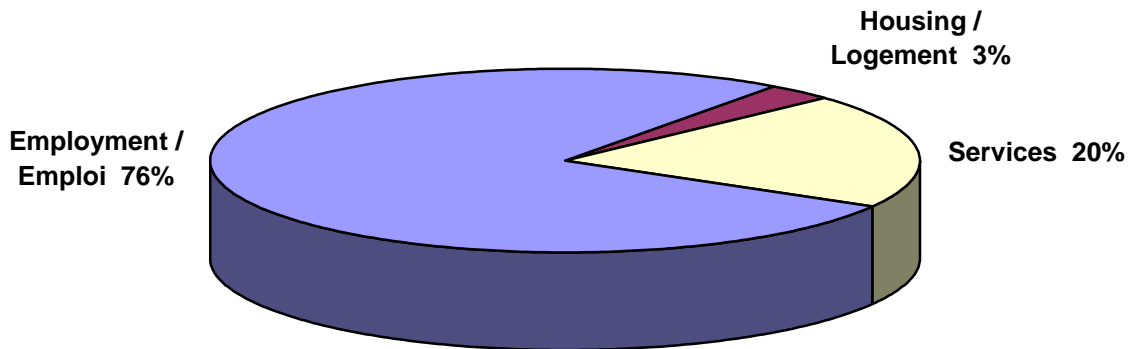
1<sup>er</sup> avril 2002 au 31 mars 2003

	Employment Emploi	Housing Logement	Services Services	Publicity Publicité	Associations Adhésion	Total Total	
Race / Race	5	2	4	0	0	11	(4%)
Sex / Sexe	27	0	5	0	0	32	(13%)
Religion / Croyance	0	0	1	0	0	1	(0%)
Place of Origin / Lieu d'origine	0	0	0	0	0	0	(0%)
Marital Status / État matrimonial	7	0	3	0	0	10	(4%)
Mental Disability / Incapacité mentale	33	0	7	0	0	40	(16%)
Colour / Couleur	2	2	2	0	0	6	(2%)
Age / Âge	15	1	4	0	0	20	(8%)
Ancestry / Ascendance	4	1	1	0	1	7	(3%)
National Origin / Origine nationale	1	0	0	0	0	1	(0%)
Physical Disability / Incapacité physique	53	1	16	0	0	70	(26%)
Sexual Harassment / Harcèlement sexuel	24	0	3	0	0	27	(11%)
Sexual Orientation / Orientation sexuelle	7	0	2	0	0	9	(4%)
Reprisal / Représailles	1	0	0	0	0	1	(0%)
Multiple Grounds / Motifs multiples	8	0	2	0	0	10	(4%)
<b>Total</b>	<b>187</b>	<b>7</b>	<b>50</b>	<b>0</b>	<b>1</b>	<b>245</b>	
	<b>(76%)</b>	<b>(3%)</b>	<b>(20%)</b>	<b>(0%)</b>	<b>(0%)</b>	<b>(100%)</b>	

**Formal complaints by location  
2002-2003  
Plaintes officielles par localité**

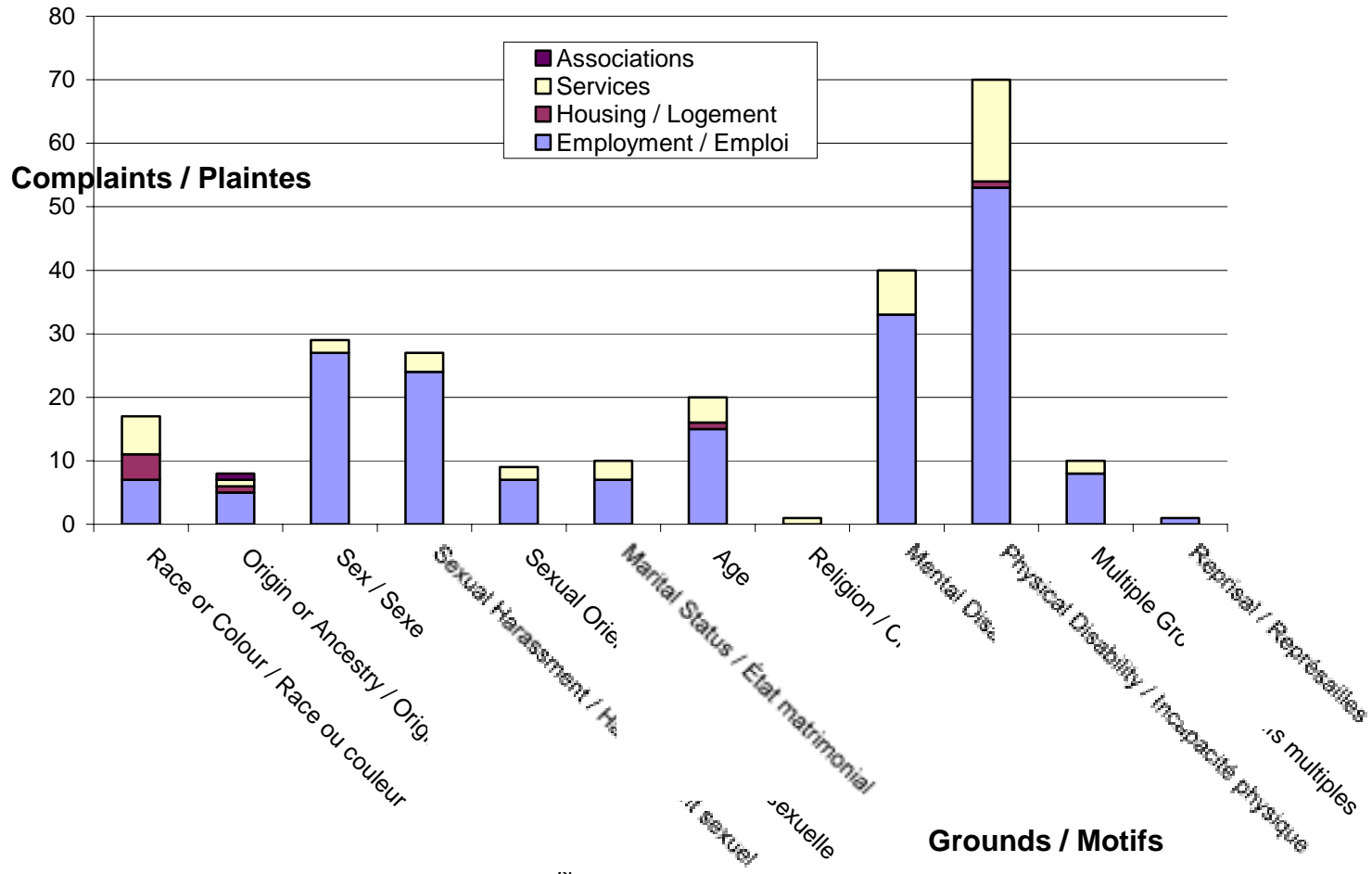


**Formal complaints by activity  
2002-2003  
Plaintes officielles par activité**



# Formal complaints by ground and activity 2002-2003

## Plaintes officielles par motif et activité



## Appendix D

### Summary of Expenditures

*This annual report was printed before the publication of the Public Accounts for 2002-03. Audited information was not available. For final figures, please consult the supplementary information relating to the Department of Training and Employment Development in Volume 2 of the Public Accounts.*

	2001-02 Actual / Réelles	2002-03 Main Estimates / Budget principal	2002-03 Amended Budget / Budget rectifié	2002-03 Actual / Réelles	2002-03 Variance-Over / Écart-supérieur
<b>Dispute Settlement (compliance) / Règlement des différends (traite- ment des plaintes))</b>	\$381,610.21	\$361,502.00	\$417,302.00	\$447,536.46	\$30,234.46 <sup>(1)</sup>
<b>Public Education / Éducation publique</b>	\$268,558.77	\$299,615.00	\$302,815.00	\$247,489.34	( \$55,325.66 ) <sup>(2)</sup>
<b>Legal Services / Services juridiques</b>	\$185,041.32	\$94,002.00	\$129,002.00	\$190,089.48	\$61,087.48 <sup>(3)</sup>
<b>Office of the Com- mission / Le bureau de la Commission</b>	\$48,758.04	\$26,881.00	\$26,881.00	\$41,007.09	\$14,126.09 <sup>(4)</sup>
<b>Total</b>	<b>\$883,472.34</b>	<b>\$782,000.00</b>	<b>\$876,000.00</b>	<b>\$926,122.37</b>	<b>\$50,122.37</b>

*Please see the notes on the next page.*

**Notes:**

- <sup>1</sup>The overspending in the Dispute Settlement (Compliance Branch) is the Commission's share of payment for casual support staff in regional offices to replace positions that have been transferred to Public Safety, the Commission's share of renovation costs resulting from Departmental moves and equipment purchases.
- <sup>2</sup>The under-expenditure in Public Education is mainly the result of the secondment of the Associate Director for Education to St. Thomas University. The funds from this under-expenditure have been used to cover over expenditures in other areas of the budget.
- <sup>3</sup>The over-expenditure in Legal Services is related to the hiring of an Acting Legal Counsel and related expenses as the Commission's Legal Counsel has been on sick leave most of this fiscal year.
- <sup>4</sup>The over-expenditure in Office of the Commission is the result of an increase in the number of Commissioners appointed to the Commission with no increase in funding.



## Appendix E

### Publications and videos of the New Brunswick Human Rights Commission

**Note:** *The following publications are available free of charge, but quantities are limited. To find out where you can order our publications, see Appendix F. Please note that a few publications not listed below are available exclusively on our website at: [www.gnb.ca/hrc-cdp/e/](http://www.gnb.ca/hrc-cdp/e/)*

#### Pamphlets

*also available on our website*

- The Human Rights Award

#### Fact sheets

*also available by e-mail from [hrc.cdp@gnb.ca](mailto:hrc.cdp@gnb.ca)*

- 1-The New Brunswick Human Rights Act
- 2-The New Brunswick Human Rights Commission
- 3-Public Services
- 4-Employment Conditions and Practices
- 5-Employment Agencies
- 6-Job Advertisements
- 7-Pre-employment Process
- 8-Workplace Accessibility
- 9-Sexual Harassment
- 10-Housing

#### Videos and Major Publications

- Thirty-Five Years and Looking Forward! A Discussion Paper and Survey on New Directions in Human Rights for New Brunswick  
(17 pages)
- Learning Together about Rights and Responsibilities, A teacher's activity guide for grades four to eight (157 pages)

- Equality in Action - The New Brunswick Human Rights Commission: 30 years in Review 1967-1997 (109 pages)
- Annual Report
- Rights and Responsibilities: the 4th and 5th R's of Education. A Common Sense Guide to Human Rights Education for Adults (104 pages)
- Foundations for Fairness video series and study guide
- Vision for Equality video series and study guide
- Human Rights Film and Video Guide (116 pages)
- Towards a World Family (Ferris Report) (270 pages)

### Posters

- New Brunswick Human Rights Day  
(reproduction of declaration by the Premier that September 15 is N.B. Human Rights Day, 8" x 11.5")
- Universal Declaration of Human Rights  
(full text, on 17" x 22" poster)
- Human Rights are Everyone's Business  
(11" x 17" full-colour poster with URL & phone of NBHRC)

### Guidelines adopted by the Commission

- Guideline on Privilege and the Human Rights Commission  
*Adopted December 11, 1995 (3 pages)*
- Guideline on Time Limit Extension for Complaint Initiation  
*Adopted April 15, 1996 (1 page)*
- Guideline on Delegation of Compliance Functions  
*Amended November 29, 2001 (4 pages)*
- General Criteria for the Investigation of Complaints of HIV/AIDS Discrimination  
*Adopted March 10, 1997 (3 pages)*
- Guideline on B.F.O.Q.'s and B.F.Q.'s and the Duty to Accommodate  
*Adopted November 9, 2000 (10 pages)*

## Appendix F

### How to contact the New Brunswick Human Rights Commission

**Website:** [www.gnb.ca/hrc-cdp/e/](http://www.gnb.ca/hrc-cdp/e/)

**Email:** [hrc.cdp@gnb.ca](mailto:hrc.cdp@gnb.ca)

**Head Office:** Fredericton

New Brunswick Human Rights Commission  
751 Brunswick Street  
P.O. Box 6000  
Fredericton, NB  
E3B 5H1 Canada  
Telephone: (506) 453-2301  
Fax: (506) 453-2653  
TTY: (506) 453-2911

#### Campbellton

New Brunswick Human Rights Commission  
6 Arran Street (downstairs)  
Campbellton, NB  
E3N 1K4 Canada  
Telephone: (506) 789-2574  
Fax: (506) 789-2430

#### Moncton

New Brunswick Human Rights Commission  
770 Main Street  
Assumption Place, 4th floor  
P.O. Box 5001  
Moncton, NB E1C 8R3 Canada  
Telephone: (506) 856-2422  
Fax: (506) 869-6608

## **Saint John**

New Brunswick Human Rights Commission  
8 Castle Street  
P.O. Box 5001  
Saint John, NB  
E2L 4Y9 Canada  
Telephone: (506) 658-2414  
Fax: (506) 658-3075