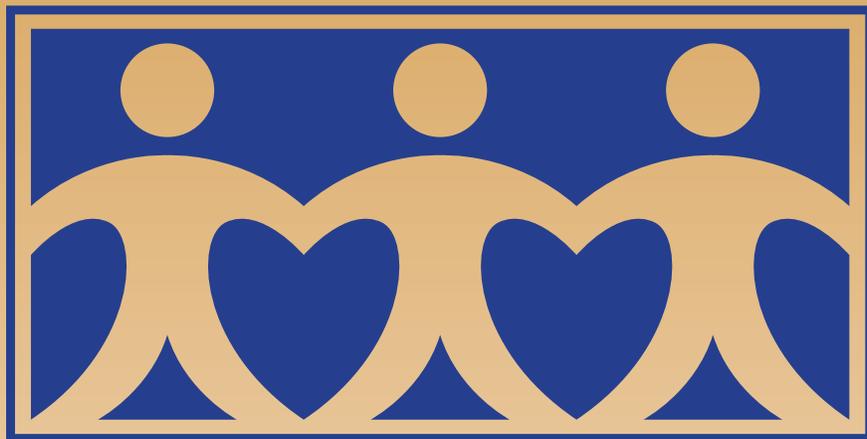


Annual Report

New Brunswick Human Rights Commission

2009-10



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

Your Honour:

I have the honour to submit to you the Annual Report of the New Brunswick Human Rights Commission for the fiscal year ending March 31, 2010. The Commission is responsible to the Minister of Post-Secondary Education, Training and Labour, Province of New Brunswick.

Sincerely,



Honourable Donald Arseneault
Minister Responsible for the Human Rights Commission

Honourable Donald Arseneault
Minister Responsible for the Human Rights Commission
Province of New Brunswick

Dear Minister:

I am pleased to submit the Annual Report of the New Brunswick Human Rights Commission, for the fiscal year ending March 31, 2010.

Sincerely,



Randy Dickinson¹
Chairperson
New Brunswick Human Rights Commission

¹ 1 Dr. Gordon Porter's term having expired, Randy Dickinson became the Chairperson of the Human Rights Commission on May 1, 2010.

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Remarks from the Chairperson:

Dr. Gordon L. Porter

The New Brunswick Human Rights Commission is responsible for the administration of the *Human Rights Act*. It discharges its mandate mainly by investigating and conciliating complaints of discrimination, informing New Brunswickers about their rights and responsibilities, and forwarding the principle that every person is free and equal in dignity and rights. The Commission takes these responsibilities very seriously.

During the 2009-10 fiscal year, the Commission received 180 distinct complaints of discrimination. In addition, 10 cases were settled before a complaint was filed. Many of the complaints concerned discrimination on multiple grounds. As in previous years, most complaints were employment-related, and most (54%) concerned discrimination based on physical or mental disability.

One of the Commission's priorities over the last few years has been to optimize its procedures to cut down the time it takes to investigate or conciliate a complaint. In 2009-10, the number of active complaints at yearend was reduced to 206 from 224 in the previous year and the average age of closed complaints was reduced to 11 months from 12 months in the previous year. This is still too long, but it reflects the reality that human rights complaints are becoming more complex.

A critical element of the solution to the complaint backlog is education aimed at avoiding the incidents of discrimination that lead to complaints in the first place. The Commission has an active education programme, with 118 presentations or information sessions being delivered over the year.

In 2009-10, the main focus of the programme was the Commission's Accommodating Students with a Disability Guideline. During the year, the staff delivered 41 presentations on the guideline. Among them were 17 information sessions for parents in 12 municipalities across New Brunswick. Over the course of 2008-09 and 2009-10 fiscal years, the Commission has spoken about the guideline to nearly every District Education Council and to nearly all the principals in the province. A total of 63 presentations were delivered on the guideline over those two years.

Also notable are two forums on pay equity, entitled "Taking Stock: Looking Ahead / Bilan - Regard sur l'avenir," that the Commission held in Fredericton and Edmundston. Panellists explained the government's pay equity program and gave the audience a deeper understanding of pay equity as a human rights issue.

At the Commission, we are well aware that the human rights that New Brunswickers enjoy would not be possible without the work of numerous individuals and groups in the private sector. The Commission has established two human rights awards to recognize and support their work.

In September 2009, the Human Rights Award was presented to the Lady Thunder hockey team of Woodstock High School. The team was chosen for the award as a result of support shown by its members for players who were subject to name-calling based on sexual orientation.

At the same ceremony, the Pioneer of Human Rights Award was presented to Dr. Rev. Brent Hawkes because of his leadership in advancing equal rights for same-sex couples and the lesbian, gay, bisexual and transgender (LGBT) communities. During a speaking tour in September 2009, Rev. Hawkes delivered a total of nine speeches to about 2000 high school students, 150 Social Work and Education university students and 80 community activists and members of the public. His talks were well received, and were helpful in countering homophobia in schools and providing support for LGBT students, who face high drop-out, homelessness and suicide rates.

The Commission is conscious of the need to increase its visibility and outreach. In November 2009, the members and several of the staff of the Commission met about 20 community leaders in Dalhousie. The breakfast meeting was held in conjunction with the Commission business meeting in Dalhousie that day. It was an excellent opportunity to improve the Commission's outreach and networking in that area.

During the year, Susan Butterfield, the Director of the Commission, left to pursue personal interests. Susan has played a critical role in helping the Commission to streamline its complaint process and improve its services. She has left her mark at the Commission and her achievements are much appreciated. Susan was replaced by Jill Peters, who previously was the manager of the Operational Consulting unit at the Department of Social Development.

The terms of Commission members Muriel Morisset and Mary Jane Ward expired during the 2009-10 fiscal year. I would like to thank them for their service, which they performed with diligence and integrity. I would also like to welcome three new members to the Commission: Patrick Barbour, Huberte Gautreau and Eva Sock. Biographical information on the new members can be found in the following pages.

This is my last year as Chairperson of the Human Rights Commission. I am grateful for the privilege of leading the Commission over the last few years. It was a wonderful experience. As with any positive experience, I leave with mixed feelings, but with the confidence that the Commission is in good hands and on the right path.

Members of the Commission

As of April 2009, the members of the Human Rights Commission were Gordon Porter (Chairperson), Alope Chatterjee, Arthur Harquail, Audrey Lampert, René Landry, Muriel Morisset, Emil Olsen and Mary Jane Ward. Biographical notes on each member are included in previous annual reports. The bios of current members are also published on the Commission's website.

The terms of Muriel Morisset and Mary Jane Ward expired during the 2009-10 fiscal year. Three new members were appointed: Patrick Barbour, Huberte Gautreau and Eva Sock. These are their bios.

Patrick Barbour

Patrick Barbour, B.A., B. Ed., M. Ed., earned his masters of education in counselling in 1999, with an expertise in crisis counselling. He currently works as a Guidance Counsellor at Dalhousie Regional High School. Prior to this, he was a Methods & Resource teacher and in an Atlantic Provinces Special Education Authority elementary classroom for the hearing impaired.

He has researched and made many presentations on the underlying causes of underachievement and its long-term impact on adolescents. His written comprehensive approach to counselling underachievers is now used in several provinces.

Mr. Barbour is the author of several one-act plays regarding bullying and harassment. He is also founder of the high school's ambassadors program, which is designed to establish relationships between youth and communities through volunteerism.

He resides in Dalhousie with his wife of 28 years, Theresa. He has two sons, Mark and Justin.

Huberte Gautreau

Huberte Gautreau is a nurse and a graduate from the University of Chapel Hill, North Carolina, where she earned her masters degree in community health. She was hired by the World Health Organization and by CUSO to work abroad in the field of health care. She also was a professor at the nursing school at the University of Moncton, a project co-ordinator of education for international solidarity, and an advisor on sexual and sexist harassment.

Since her retirement Ms Gautreau has dedicated herself to the passing of legislation on pay equity for both the public and private sectors, and involved herself with Conscience Canada, an organization that seeks to have laws

enacted to allow conscientious objectors to direct a portion of their taxes toward peace. In 2000 she co-chaired the committee of the World March of Women, from which emerged the Coalition for Pay Equity, which she has chaired twice. Active on the Coalition still today, she seeks pay equity legislation that would apply to the private sector.

In 1995 Ms Gautreau received the New Brunswick Human Rights Award, and in 2004 she received a Governor General's Award in commemoration of the Persons Case.

Eva Sock

Eva Sock, who is from the Elsipogtog First Nation, has extensive work experience in various jobs throughout her career.

She has been the Band Manager at Elsipogtog and was involved in the development of the community and the management of its affairs for over 30 years. Her employment with Elsipogtog Band Council was in inter-governmental relations and, more importantly, in community planning to assist the Elsipogtog community in attaining its own Master Plan for the future. She was also a Project Manager in the Integrated Primary Health Care Pilot Project for 4 years.

Ms. Sock has also worked with the First Nation governments in the Atlantic Region under the Department of Indian Affairs.

Currently she is the Executive Director of the Eastern Door Fetal Alcohol Spectrum Disorder Diagnostic Center, and is involved within the Community Health field as an advisor in the area of Primary Health Care.

Ms. Sock received her Social Work Degree from St. Thomas University and has been in the helping profession for over 30 years. She is actively involved with her community on a volunteer basis, and has a lot of knowledge and experience in community and individual crises. She loves to share the plight of her community, its aspirations as well as its dreams.

Compliance

Complaint Process

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

The Commission continued with its triage function, where all formal complaints are reviewed by a triage team that identifies the human rights issues raised in the complaint, and answers any issues as to jurisdiction or the sufficiency of the complaint form.

The Commission also continued with its centralized complaint notification system, where one human rights officer is responsible for contacting the parties to all complaints that were referred from triage. The officer contacts the complainant, completes a settlement checklist and obtains the complainant's "without prejudice" proposed terms of settlement. The officer then advises respondent(s) of the complaint and of the Commission's mediation and investigation process, and offers its early mediation services.

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

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

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

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

The complaint process is described in appendix C.

Complaint Statistics

Statistical information on all the complaints filed is found in Appendix D. Here are some highlights:

- The Commission received 180 complaints in 2009-10, compared to 196 complaints in 2008-09; seventy-five of the complaints were filed by women.
- Similar age discrimination complaints were filed by 16 complainants against the same respondent; if each of those complaints is counted, this brings the number of complaints to 195.
- The complaints included 318 allegations of discrimination, since several complaints alleged discrimination based on multiple grounds (e.g. race and colour) or in multiple activities (e.g. service and housing).
- 859 referrals to other agencies were made.
- 206 complaints were active at the end of the year, including cases referred to a Board of Inquiry, compared to 224 the previous year

Grounds of Discrimination

- The most common grounds were physical disability (85) and mental disability (52), which together accounted for 43% of all complaints. The next most common ground was age (34), followed by sex (25).
- There were 22 complaints based on social condition (source of income, occupation, level of education), of which the majority (12) concerned services. This is a substantial increase from previous years; in 2008-09, there were 10 complaints based on social condition.
- As in previous years, most complaints (181) were employment-related. The majority (97, 54%) dealt with discrimination based on physical or mental disability.

Closed Complaints

In total, 336 formal complaints were closed in 2009-10, compared to 204 in 2008-09. This increase is attributable to the large number of similar age discrimination complaints that had been filed in earlier years by several complainants against the same respondents. In 2008-09, 20 of these complaints were closed after the Court of Queen's Bench gave its decision in the *Blair* case (See page 9 of this annual report), and another 159 similar complaints were closed when time extension requests were not granted.

When these two sets of similar complaints are counted as two complaints only, 159 distinct complaints can be considered to have been closed for the purposes of year-to-year comparisons. They were closed at the following stages:

- 51 were settled, 12 in early mediation,
- 82 were dismissed,
- 23 were withdrawn or abandoned or found to be outside the Commission's jurisdiction,
- Three were closed at the Board of Inquiry or court levels.

The average age of closed complaints was 11 months, down from 12 months in the previous year.

Settlements

A total of 61 cases were settled, compared to 101 in 2008-09. They involved 51 formal complaints (compared to 81 in 2008-09), and 10 pre-complaint interventions (compared to 20 in 2008-09). Pre-complaint interventions are done in cases that have some urgency because, for example, a person is about to lose their job or to be evicted.

The cases were settled at the following stages:

- 10 cases during pre-complaint interventions,
- 12 cases settled within six months of the complaint (i.e. during early mediation),
- 34 cases settled after six months, but before being considered at a Commission meeting, and
- 5 cases settled after being considered at a Commission meeting, but before being referred to a Board of Inquiry.

Sample Complaints

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

1. Physical disability / Employment

An employee alleged that his employer discriminated against him on the basis of his physical disability when they terminated his employment after he filed a workers compensation claim. The employer denied the allegations and maintained that the employee was laid off because of a downturn in business. They decided that they would not rehire him due to the employee's actions when he was laid off (making a threat to a co-worker). The medical documentation obtained through the investigation indicated that the complainant's injury did not constitute a physical disability as defined under the *Human Rights Act*. The complaint was dismissed by the Director as being clearly without merit.

2. Sex (pregnancy) / Employment

An employee alleged that she was discriminated against on the basis of her sex (pregnancy) when her employer terminated her employment. The employer denied the allegations, but agreed to participate in the Commission's mediation process on a no-admission-of-liability basis. Commission staff assisted settlement discussions, resulting in a resolution to the complaint.

3. Perceived disability / Employment

An applicant for a job attended the interview on crutches due to a broken leg. The position was scheduled to commence three months after the interview date. The applicant alleged that he was disqualified for the position because the employer perceived that he had a physical disability. The Human Rights Commission completed its investigation and decided not to dismiss the complaint. Settlement discussions failed to result in a settlement and the Commission recommended the appointment of a public Board of Inquiry to hear the matter. The Board of Inquiry is pending.

Boards of Inquiry

If a formal complaint cannot be settled, the Commission may recommend that a Board of Inquiry hear the complaint. In that case, the Minister responsible for the Human Rights Commission may refer the matter to the Labour and Employment Board, which is a permanent tribunal that deals with a variety of employment disputes, or to a human rights Board of Inquiry appointed to hear that specific case. Such Boards are separate and independent from the Commission.

During the year, the Commission recommended the appointment of three new Boards of Inquiry.. Two deal with age discrimination in employment, while the other deals with perceived physical disability in employment. Two Boards appointed in 2008-09 remained pending. Accordingly, a total of five Boards of Inquiry were pending in March 2010.

A.B. v. Brunswick News Inc.

(Board of Inquiry File No: HR-007-06) A.B. alleged that Brunswick News Inc. discriminated against him on the basis of his mental disability (severe depression) when they failed to accommodate him and when they terminated his employment. He alleged that, when he first returned to work, he was demoted from his position as circulation supervisor to a position in the mailroom. He also alleged that, after another medical leave, the respondent failed to accommodate him when they placed him in a telemarketing supervisor position instead of considering him for the district manager and distribution supervisor positions. Finally, he alleged that the termination of his employment was discriminatory.

The Board of Inquiry dismissed the complaint because the complainant had failed to establish a prima facie complaint of discrimination. The Board also found that, had the complainant been successful, the Board would have ordered general damages for each alleged violation of the *Human Rights Act*; and that it had the authority to award legal costs to the complainant. The complainant later sought judicial review of the Board of Inquiry's decision.

Judicial Review

In February 2010, the Court of Queen's Bench heard arguments related to the Commission's granting of a time limit extension request in one case; it had not rendered its decision at the end of March 2010. In addition, the Court of Appeal heard arguments in the *New Brunswick Human Rights Commission v. Province of New Brunswick (Department of Social Development)* case, but a decision had not been issued by the end of the fiscal year.

During the year, the Court of Queen's Bench delivered decisions in two cases.

1. *Mills v. New Brunswick (Human Rights Commission) (July 9, 2009)*

Glen Mills had filed a human rights complaint alleging age and physical disability discrimination against AV Nackawic Inc. (AVN). After an investigation, the Director of the Commission closed the complaint as being clearly without merit, since the information provided did not support the allegations and Mr. Mills had failed to provide the Commission with relevant medical documentation supporting the existence of a physical disability, despite several requests. Mr. Mills appealed that decision to the Commission, but the Commission upheld the Director's decision. He then filed a judicial review of the decision to dismiss his complaint, alleging that the Commission had failed to observe the principles of natural justice or procedural fairness and had failed to conduct a thorough and proper investigation.

The Court of Queen's Bench upheld the Commission's decision and dismissed the application for judicial review, finding that the Commission did not fail to investigate obviously crucial evidence and the Director had exercised her screening function in deciding that the applicant's complaint lacked merit. The court noted that "great patience was exercised by the employees of the HRC in gathering the information from Mills."

2. *New Brunswick (Superintendent of Pensions) v. Blair (Court of Queen's Bench) (September 9, 2009)*

The complainant, James Blair, and 19 other complainants had filed complaints against the Superintendent of Pensions alleging age discrimination (under 55), since the application of the *Pension Benefits Act* and its regulations (before they were amended) resulted in them not being entitled to a pension from their bankrupt employer despite the fact that each of them had worked for their employer for 15+ years. The Human Rights Commission completed its investigation and recommended the appointment of a Board of Inquiry. The Board found that discrimination had

occurred due to section 50 of the regulations, as previously worded, and awarded each complainant \$3,000 as general damages.

The Superintendent of Pensions applied for a judicial review of the Board's decision, arguing that the Board erred in law by giving the regulation an unreasonable interpretation and finding it to be discriminatory. Madame Justice J. L. Clendening upheld the Board's decision regarding its finding that section 50 of the old regulation was discriminatory on the basis of age since it deprived the complainants of a pension benefit on the basis of their age only. However, Justice Clendening quashed the general damages awards as the Board did not provide cogent reasons to justify them.

Education and Prevention

National Activities

The Human Rights Commission is an active member of the Canadian Association of Statutory Human Rights Agencies (CASHRA), which fosters cooperation and information-sharing between human rights agencies across Canada. CASHRA holds a human rights conference for members, staff and the general public each year on a rotating basis.

One of the Commission's lawyers is a member of the CASHRA lawyers' group currently working on federal/provincial jurisdictional issues related to human rights. A main focus of the group this past year was to clarify the circumstances under which complaints by members of First Nations should be filed with the Canadian Human Rights Commission instead of with a provincial or territorial human rights commission. The committee prepared three documents that were presented to the CASHRA executive, including a Plain Language Guide, a Best Practices Guideline, and a Contact List. The lawyer also represents the Commission on the CASHRA Research and Policy Committee that is in the process of preparing a Report Card on Human Rights in Canada.

At the request of the recently created Canadian Human Rights Museum, the Human Rights Commission compiled a list of stakeholders to be invited by the museum to participate in a public engagement session in Moncton in November 2009. The session was aimed at collecting human rights stories from New Brunswickers to be considered for inclusion in the new museum's exhibits. The new national museum is expected to open in Winnipeg in 2012.

Presentations and Information Sessions

In 2009-10, 118 presentations or information sessions were delivered by Commission staff and members and by Dr. Rev Brent Hawkes (See the "Speaking Tour" on page 13 of this annual report). Thirteen of the sessions had been agreed to as a term of settlement of a human rights complaint.

Presentations were delivered to various private and public sector employers; to educators and to school, college and university students; to parents; and to non-governmental organizations, including multicultural associations and immigrant settlement programs.

The most common topic of the presentations was the Commission's *Guideline on Accommodating Students with a Disability* (see below). The other major topic was the duty to accommodate disability at work, on which the Commission delivered 26 presentations. Over the last two fiscal years, the staff has conducted 123 presentations on accommodating disability in schools and the workplace.

In November 2009, the Commission's Manager of Investigations and its General Legal Counsel went to Newfoundland to share their expertise with the staff of the Newfoundland Human Rights Commission, and provided a two and a half day session on best practices in investigation and interviewing techniques.

In August 2009 and February 2010, the Commission's legal team provided information sessions to the English and French sections of the New Brunswick Law Society's Bar Admissions Course. Students-at-law were instructed on equality law, administrative law and the human rights complaint process. In one session, the students participated in two mock human rights Boards of Inquiry. In October 2009, the Commission's legal staff spoke about the Commission's investigation process to a continuing legal education event given by the Canadian Bar Association. The Commission staff also taught two classes at UNB's law school.

In April 2009, Commission staff made a presentation on human rights issues relating to lesbian, gay, bisexual and transgender (LGBT) students and their teachers as part of a day-long professional development institute for teachers in the Anglophone sector entitled "Creating Allies for Gay Youth". A similar presentation was given to about 40 St Thomas University students enrolled in a Human Rights Education intersession course in May 2009, and to about 25 representatives of non-governmental groups in Moncton in August 2009.

The Human Rights Commission also organized two forums on human rights and pay equity (see below).

Guideline on Accommodating Students with a Disability

The Human Rights Commission delivered 41 presentations to inform educators and stakeholders about the Commission's Guideline on Accommodating Students with a Disability, which was published in 2007. They include nine presentations to the members of the various District Education Councils, nine presentations to teachers' assistants and school intervention workers, two presentations to teachers, and 23 presentations to stakeholders (mainly parents with a child who has a disability). In October, the Commission also had a kiosk with information about the guideline at the "Maritime Kitchen Party" national conference in Moncton organized by the New Brunswick Association for Community Living and its federal counterpart.

Seventeen of the presentations to stakeholders were information sessions delivered in partnership with the New Brunswick Association for Community Living in 12 municipalities in New Brunswick. They were open to the public. One of the presentations to stakeholders was a workshop delivered in November at the Annual General Meeting of the Associations des parents francophones du Nouveau-Brunswick in Bathurst.

Over the course of the 2008-09 and 2009-10 fiscal years, the Commission spoke about the guideline to nearly every District Education Council and nearly all the principals in New Brunswick. A total of 63 presentations were delivered on the guideline over those two years.

Rev. Dr. Brent Hawkes Speaking Tour

On April 16, the Commission hosted a free public lecture by Rev. Dr Brent Hawkes, the senior pastor of the Metropolitan Community Church of Toronto, who officiated at the world's first legal same-sex marriages in 2001. A native of Bath, New Brunswick, he spoke movingly of his personal and spiritual struggle as a gay youth in rural New Brunswick. Dr. Karen Pearlston, a Law professor at the University of New Brunswick (UNB), spoke of the struggle for lesbian, gay, bisexual and transgender (LGBT) rights in Canada. The event, called “Journey to Equality,” was held at the UNB Faculty of Law, which had co-sponsored the lecture. The lecture was very well received, with a diverse audience of around 90 people.

With the assistance of Woodstock High School teacher Richard Blaquiere, the Commission sponsored a speaking tour by Rev. Dr. Hawkes during the month of September 2009. He delivered nine speeches on his personal experience growing up gay in New Brunswick, on making schools LGBT-inclusive, and on his activism for LGBT rights, including his historic role performing Canada’s first legally valid same-sex marriages.

During the speaking tour, Rev. Dr. Hawkes spoke to about 2000 high school students in Hampton, Fredericton, Saint John and Woodstock. He also spoke before about 150 Social Work and Education students at St. Thomas University and the University of New Brunswick, as well as to about 80 community activists and members of the public at a lunch organized in partnership with the Saint John Human Development Council.

Rev. Dr. Hawkes’ talks were very well received, and there were several news articles about the tour.

Forums on Human Rights and Pay Equity

The Human Rights Commission held a forum on Human Rights and Pay Equity entitled “Taking Stock: Looking Ahead.” in December in Fredericton. The forum was designed to permit a deeper understanding of pay equity as a human rights issue.

Panellists included Université de Moncton professor Michèle Caron, New Brunswick Coalition for Pay Equity Executive Director Johanne Perron, Assistant Deputy Minister for Women’s Issues Norma Dubé, and lawyer Melissa Everett Withers. The Chairperson of the Human Rights Commission also delivered remarks.

The Commission also held a forum entitled “Bilan - Regard sur l'avenir / Taking Stock: Looking Ahead.” on March 15 at the Musée historique du Madawaska in Edmundston. Panellists included Anne Hébert, the Executive Director of the Conseil économique du Nouveau-Brunswick, New Brunswick Coalition for Pay Equity Executive Director Johanne Perron, and Assistant Deputy Minister for Women’s Issues Norma Dubé.

Pioneer of Human Rights Award

The New Brunswick Pioneer of Human Rights Award is presented by the Human Rights Commission to recognize pioneers in the protection and promotion of human rights for their historic contributions to human rights in Canada. The award is given only when an appropriate recipient is identified.

In September 2009, the award was presented to Dr. Rev. Brent Hawkes, C.M, because of his leadership in advancing equal rights for same-sex couples and for the lesbian, gay, bisexual and transgender/two-spirited (LGBT) communities.

A native of Bath, New Brunswick, Dr. Rev. Hawkes has been at the forefront of ministering to the LGBT communities in Toronto for more than 30 years. As Senior Pastor of the Metropolitan Community Church of Toronto, he officiated at the world's first legal same-sex marriages, in 2001 in Toronto.

The award was presented at a ceremony in Woodstock. Dr. Rev Hawkes later participated in a speaking tour in four municipalities in New Brunswick.

Human Rights Award

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

The 2009 New Brunswick Human Rights Award was presented to the Lady Thunder hockey team of Woodstock High School at a ceremony in Woodstock on September 16, 2009.

The team was chosen for the award as a result of support shown by its members for players who were subject to name-calling based on sexual orientation. The Commission considered that the way in which the team responded to these incidents, by promoting respect and acceptance for sexual orientation diversity within their hockey league, serves as a model for the promotion of human rights among youth.

The Human Rights Award is presented on an annual basis. More information about the award and about former recipients may be found at the Commission's website.

Relationship Building with Multicultural Associations

In February 2009, the Human Rights Commission adopted a strategy to improve its relationships with multicultural associations in New Brunswick, in recognition of the role that human rights best practices can have in making New Brunswick a more welcoming place for newcomers.

During the 2009-10 year, in furtherance of this strategy, the Commission translated its "Our Human Rights" pamphlet into Korean, Mandarin and Spanish and distributed it to several multicultural groups in New Brunswick. The Commission also helped the New Brunswick Multicultural Council to develop and pilot a human rights module for the New Brunswick Employment Language Training Program for newcomers. The Commission's staff also gave presentations about the *Human Rights Act* and the Commission to multicultural associations, immigration settlement programs and language training programs for immigrants.

Media Relations

In 2009-10, the Human Rights Commission issued 14 statements or news releases and gave media interviews on a number of current human rights issues. These initiatives helped the Commission to advance its educational mandate to promote equality and inform New Brunswickers of their human rights and responsibilities.

Releases were issued announcing the recipients of the Human Rights Award and the Pioneer of Human Rights Awards, events such as the Pay Equity Forum and the Dr Rev Hawkes speaking tour, and the appointment of new Commission members.

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

Other Educational Activities

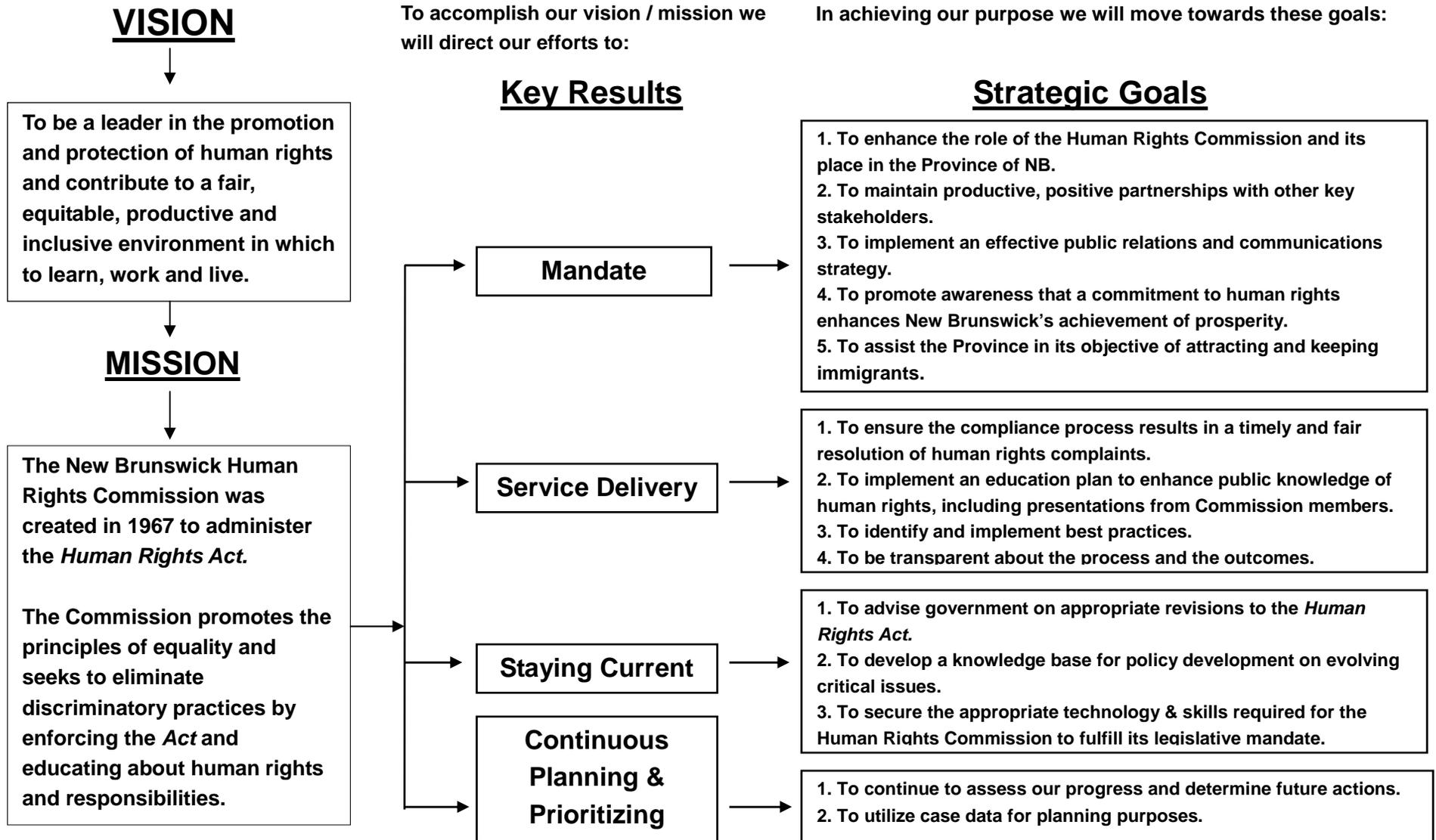
About 20 community leaders from Dalhousie joined 13 members and staff of the Human Rights Commission at a meet-and-greet breakfast hosted by the Commission in Dalhousie on November 4. The Chairperson spoke of the activities of the Commission. The breakfast was held in conjunction with the Commission business meeting held in Dalhousie that day.

The Commission had kiosks at seven events during the year. They include the Annual General Meeting of the New Brunswick Federation of Labour in Saint John June, the WorkSafeNB Health and Safety conference in Saint John in September, and the "Maritime Kitchen Party" conference organized by the New Brunswick Association for

Community Living in Moncton. The kiosks at the Federation of Labour and WorkSafeNB conferences were organized in partnership with the Employment Standards Branch and the Industrial Relations Branch of the Department of Post-Secondary Education, Training and Labour.

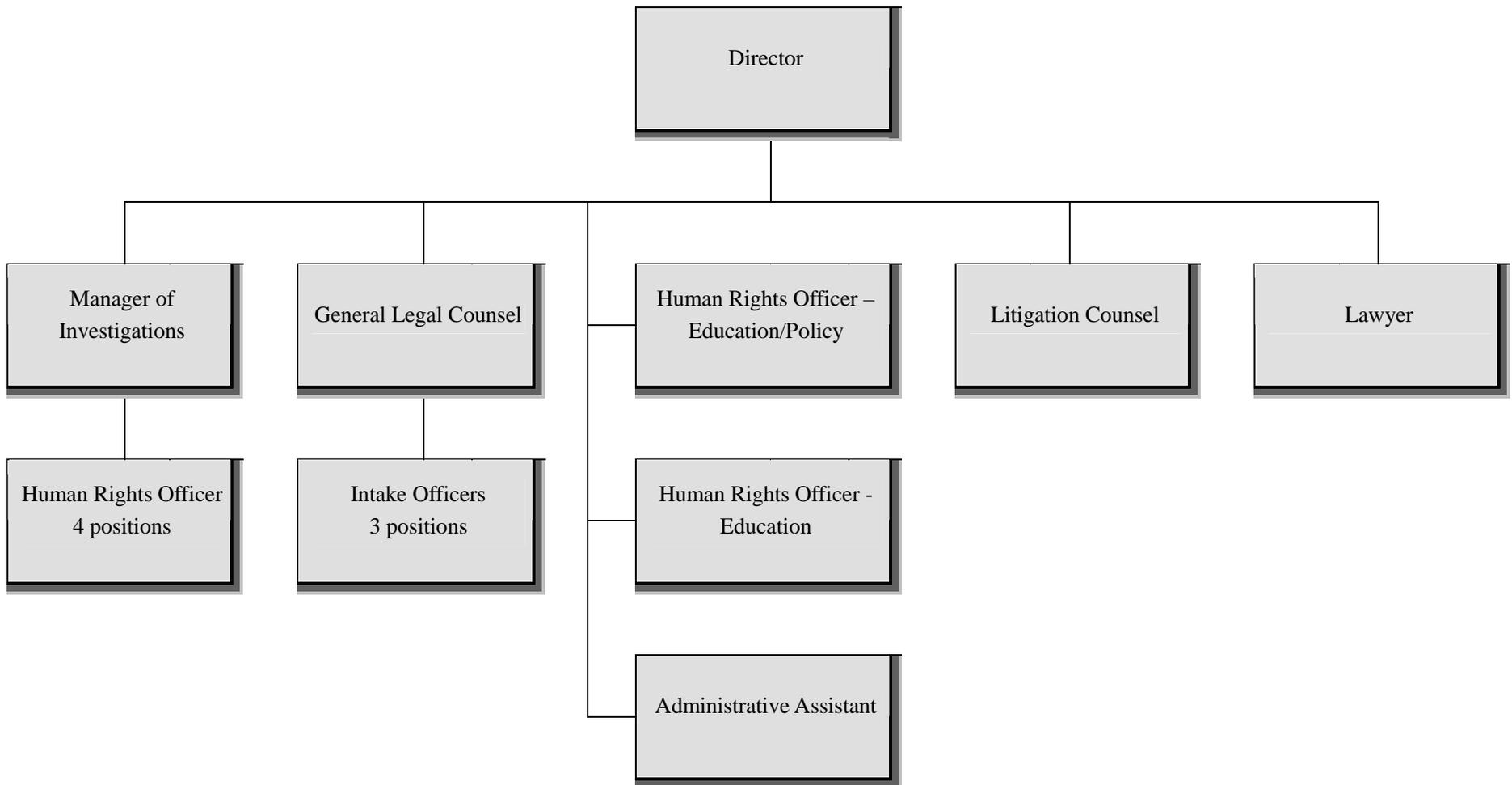
The Commission's website was updated and re-organized to improve usability, user-retention, comprehensiveness and visual consistency. The search function was improved so that it searches only the Commission's site instead of the entire www.gnb.ca site.

Appendix A Overview of Strategic Plan 2006-09



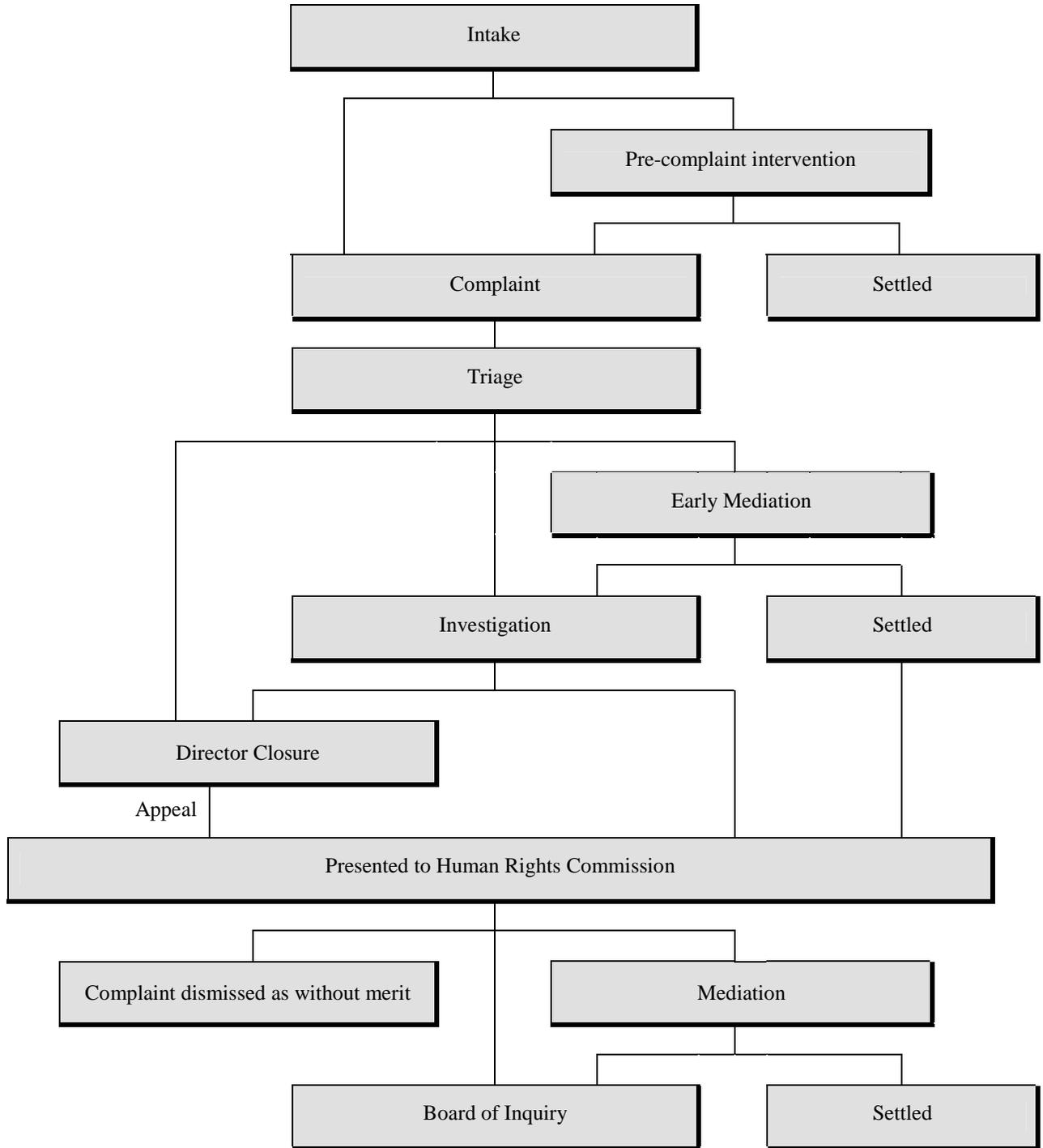
Appendix B

Organizational Chart



Appendix C

Complaint Process



Appendix D

New Complaints by Ground and Activity

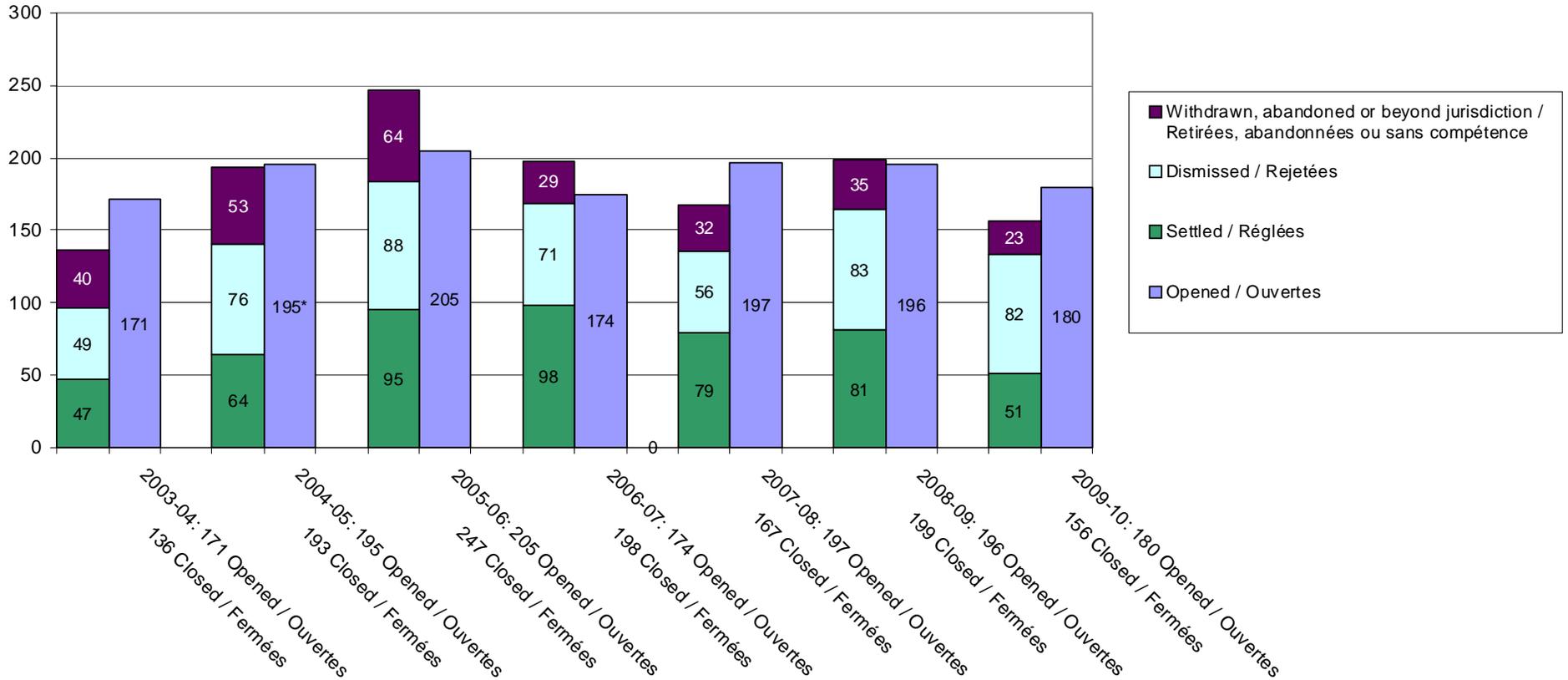
April 1, 2009 to March 31, 2010

	Employment	Housing	Services	Publicity	Associations	Total
Race	6	0	4	0	1	11 (4%)
Sex	17	0	8	0	0	25 (8%)
Religion	2	0	6	0	0	8 (3%)
Place of Origin	6	0	2	0	0	8 (3%)
Marital Status	2	1	3	0	0	6 (2%)
Mental Disability	34	1	15	0	2	52 (16%)
Colour	2	0	5	0	0	7 (2%)
Age	8	0	25 [#]	0	1	34 (11%)
Ancestry	6	0	3	1	1	11 (4%)
National Origin	3	0	2	0	0	5 (2%)
Physical Disability	63	0	17	0	5	85 (27%)
Sexual Harassment	12	0	2	0	0	14 (4%)
Sexual Orientation	6	0	3	0	0	9 (3%)
Political Belief or Activity	6	0	5	0	1	12 (4%)
Social Condition	5	2	12	0	3	22 (7%)
Reprisal	3	0	4	0	2	9 (3%)
Total	181	4	116	1	16	318*
	(57%)	(1%)	(37%)	(0%)	(5%)	

[#] Similar age discrimination complaints were filed by 16 complainants against the same respondent.

* There were 180 distinct new complaints, provided similar age discrimination complaints filed by 16 complainants against the same respondent are counted as one complaint, and each complaint alleging discrimination on multiple grounds or in multiple activities is counted as one complaint.

Complaints Opened and Closed 2003-2010



NOTE: This chart differs from those of previous annual reports because similar complaints by several complainants against a single respondent are here counted only as a single complaint. Also, the statistics for closed complaints shown here do not include complaints closed at the Board of Inquiry or Court levels.

Appendix E

Summary of Expenditures

This annual report was printed before the publication of the Public Accounts for 2009-10. 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.

	2008-2009 Actual	2009-2010 Main Estimates	2009-2010 Budget	2009-2010 Actual	2009-2010 Difference between actual and amended budget
Compliance and Prevention	\$906,526	\$688,287	\$693,069	\$889,357	(\$196,288)
Legal Services	\$256,189	\$246,552	\$248,425	\$272,191	(\$23,766)
Office of the Commission	\$54,362	\$27,581	\$27,581	\$47,479	(\$19,898)
Total	\$1,217,077	\$962,420	\$959,075	\$1,209,027	(\$239,952)

Appendix F

Publications of the New Brunswick Human Rights Commission

Pamphlets

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

Guidelines adopted by the Commission

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

Other Publications

- Annual Reports
- The New Brunswick Human Rights Commission: Future Directions, Recommendations to Government (2008)
- Accommodation at Work (reference manual) (2006)
- Thirty-Five Years and Looking Forward! A Discussion Paper and Survey on New Directions in Human Rights for New Brunswick (2002)