

What can the **NB Human Rights Commission** do for you

The New Brunswick Human Rights Commission is a government agency whose **main job is to enforce a provincial law called the *Human Rights Act* (Act)**. The Act **protects New Brunswickers from discrimination and harassment** based on 16 grounds of discrimination (ex: race, disability, gender identity, family status) in five different areas (employment, services, housing, publicity, and business or trade associations). The Act also protects against sexual harassment and reprisal.

The Commission's work is conducted by **two groups**:

1. COMMISSION STAFF

Commission staff are **government employees**, and their job is to make sure the Commission's **day-to-day operations run smoothly**.

Commission staff **receive, mediate, and investigate complaints** of discrimination; **write, and share reports** with Commission Members; and **educate the public** about their human rights and responsibilities.



2. COMMISSION MEMBERS

Commission Members are **appointed by the Lieutenant-Governor**. They include a Chairperson and other members who are **chosen to represent the public**.



Commission Members **review recommendations on complaints** made by Commission staff and **can make decisions** such as upholding the director's decision, reopening a case, or sending a case to a Board of Inquiry. Commission members **might also be asked to inform government** on human rights matters and **can provide ideas** for educational programs and strategies.

The Commission has **two main functions**, also known as its **mandate**. These are described and specified by the Act:

UNDER ITS **COMPLIANCE** FUNCTION, COMMISSION STAFF:



- **Receive and review** complaints of discrimination.
- **Mediate** complaints, which means helping parties find a solution they both agree on.
- **Investigate** complaints, with interviews of witnesses, collection of documents, and review of all other evidence.
- **Present** reports with recommendations on complaints to Commission Members. These recommendations can include closing a complaint or referring it to a Board of Inquiry.
- **Refer** complaints to a Board of Inquiry, which holds a formal hearing to determine if discrimination occurred.
- **Answer** questions from the public and provide information on the Act.
- **Direct** people to other government departments or agencies.

UNDER ITS **EDUCATION** FUNCTION, COMMISSION STAFF:

- **Educate** the public on their rights and responsibilities under the Act.
- **Develop** research publications like guidelines, informational materials, educational website content, and social media campaigns, etc.
- **Deliver** presentations and training sessions on the rights and responsibilities under the Act.
- **Collaborate** and engage with groups and other organizations to raise human rights awareness.



THE COMMISSION'S JURISDICTION

Not all forms of discrimination and harassment fall under the Commission's mandate. **To be considered discrimination under the Act, a situation must relate to one or more protected grounds of discrimination.**

This means that the Commission can only review complaints where a person claims they were treated unfairly because of a protected characteristic (ex: disability) in a protected area (ex: employment).

WHAT THE COMMISSION CAN'T DO

The Commission's authority and mandate is determined by the Act. This means there are limits to what it can do for New Brunswickers. Because each province has its own human rights legislation, other commissions may have different powers and abilities to take action.

Here are some things that the Commission may not be able to help with:

- **Advocate or lobby** for changes (like changes to policies, law, rules, regulations, etc.)
- **Advocate** on behalf of individuals or groups (like through participation in public rallies, etc.)
- **Stop or prevent** situations from happening (like terminations, evictions, the development of laws, etc.).
- **Independently investigate** acts of discrimination (like looking into issues that are not connected to a complaint filed with the Commission).
- **Look into or investigate** systemic or widespread issues (**Note:** The Commission can only accept individual complaints of discrimination).
- **Investigate** situations that are not based on a protected ground or protected area under the Act.
- **Look into** complaints against federal organizations like banks, inter-provincial transportation (trains), airlines, and federal government departments.
- **Enforce** rights granted under the *Canadian Charter of Rights and Freedoms* (like the right to privacy or freedom of expression), which are enforced by the courts.

DID YOU KNOW? Each province has its own human rights legislation, which means that protections and mandates related to human rights can vary from one province to another.

THE COMMISSION'S NEUTRALITY

An important part of the Commission's job is its neutrality. This means that the **Commission does not take sides** when a complaint is filed and that it evaluates each complaint objectively without any bias. This neutrality **ensures a fair and just process** for everyone involved in a complaint.



Everyone who files a complaint is treated equally and both the person filing the complaint and the party being complained against have an equal opportunity to present their side of the story. This impartiality allows the Commission to evaluate each complaint solely on the facts presented, preventing any favoritism for either side in a complaint.

For the same reason, the Commission must also remain neutral in ongoing public issues that might lead to a complaint being filed. **This commitment to neutrality and fairness ensures the Commission continues to be a trusted resource for all New Brunswickers.** Because of the Commission's neutrality, people can contact the Commission and be confident that their complaint will be handled fairly and without bias.