

New Brunswick Human Rights Commission

Annual Report
2015–2016



Annual Report 2015-2016
New Brunswick Human Rights Commission

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Transmittal letters

From the Minister to the Lieutenant-Governor

**The Honourable Jocelyne Roy Vienneau
Lieutenant-Governor of New Brunswick**

May it please your Honour:

It is my privilege to submit the Annual Report of the New Brunswick Human Rights Commission for the fiscal year April 1, 2015, to March 31, 2016.

Respectfully submitted,



Honourable Donald Arseneault
Minister Responsible for the Human Rights Commission

From the Chairperson to the Minister Responsible

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

Sir:

I am pleased to be able to present the Annual Report describing the operations of the New Brunswick Human Rights Commission for the fiscal year April 1, 2015, to March 31, 2016.

Respectfully submitted,



Nathalie Chiasson*
Chairperson
New Brunswick Human Rights Commission

*Randy Dickinson's term having expired, Nathalie Chiasson became the chairperson of the Human Rights Commission on Sept. 23, 2015.

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Message from the chairperson

While it is my privilege as chairperson to submit this annual report, I want to acknowledge the dedication of Commission members to New Brunswickers during the past year; especially Randy Dickinson, who continued on as chairperson until my appointment, and then as a valued advisor to facilitate a seamless transition.

The Commission has seen many changes in the last year, some unavoidable and others self-imposed. Nevertheless, it has remained steadfast in its mandate to ensure people in New Brunswick are protected against discrimination by managing an effective complaint process and education program. The latter has been especially central during the last year, with the Syrian conflict and the leadership that New Brunswick has shown in the resettlement of more than 1,000 refugees. I am particularly pleased with the role the Commission played in raising awareness about the benefits of diversity and inclusiveness as well as in developing effective working relationships with key agencies and groups.

This year, 1,933 New Brunswickers called or visited one of the Commission's three locations in search of advice or assistance in dealing with a personal situation. From these intakes, we identified 122 complaints, which consisted of 255 distinct allegations of discrimination. Most, by far, were on the grounds of physical and/or mental disability, each of which was at least double the number of allegations for each of the next-most-common grounds: sex, social status and age. The most common area for allegations of discrimination was employment. When dealing with complaints, we place a strong emphasis on mediation and are often able to help parties resolve their disputes quickly. Data such as this remind us that we have much room for improvement in meeting our shared responsibility to create an inclusive society, especially in the workplace. New Brunswick benefits when all of its residents have equal access to work, accommodations and services. I am also reminded that stable resourcing during the coming years is essential to enable the Commission to provide the quality of service that New Brunswickers expect and deserve and that our legislated mandate demands.

During the past year, the Commission has provided 51 workshops to groups across the province, educating employers and providers of accommodations and services about their responsibilities and the public's right to equal service. The Commission also provided its expertise to agencies setting policy, to ensure that human rights are considered from the beginning. My hope for the coming year is that we are able to increase our ongoing educational efforts. We will continue to assess our impact by monitoring key indicators, such as improvements in pay equity, more effective accommodations for people with disabilities and reductions in sexual harassment cases. This coming year offers a golden opportunity for public education, as we prepare for and then launch the 50th anniversary of the *Human Rights Act* and the Commission. Building public awareness of our human rights accomplishments and challenges can result in significant benefits to New Brunswick society. It is also essential that New Brunswick's protections be aligned with those in place across this country.



Nathalie Chiasson
Chairperson
New Brunswick Human Rights Commission

Message from the director

In many ways, 2015 was a year of significant transition at the Commission. I took over as director on July 6; and our new chairperson began her appointment shortly after in the fall.

This was an opportunity to review our activities and structure associated with our statutory mandate as the agency responsible for administering the *Human Rights Act* in New Brunswick. We updated and communicated our strategic plan to enable a renewed focus on mediation and education and an emphasis on contributing to the province's public policy process. Already we are seeing a downward trend in our case backlog and an increase in consultations.

People are the enablers at the Commission and keeping talent and experience is a challenge for any organization. Several staffing vacancies of key positions required immediate attention. Thanks to a dedicated team and a unique reputation, the Commission was able to attract high-calibre people to complement its staff to continue helping New Brunswickers. But we could always do more.

In the upcoming year, we will continue exploring ways to make our complaint process more user-centric and building effective relationships. The advancement of human rights and the principles of diversity, inclusiveness and equality is an ongoing mission that requires concerted efforts.

This will also be a year of preparation for the 50th anniversary of the *Human Rights Act* in 2017 and I feel we are well positioned to make it a memorable celebration.

A handwritten signature in black ink, appearing to read 'Marc-Alain Mallet', written in a cursive style.

Marc-Alain Mallet
Director and Secretary to the Commission

Members of the Commission

From April 1, 2015, to March 31, 2016, the members of the Commission were Donald Gauvin, Steve Lambert, René Landry, Karine Levesque, Emil Olsen, George Richmond; Randy Dickinson from April 1, 2015 to Sept 22, 2015, and Nathalie Chiasson, from Sept 23, 2015 to March 31, 2016. Following are their biographical notes, as of March 31, 2016.

Randy Dickinson, C.M., chairperson

(from April 1, 2015, to Sept 22, 2015)

Randy Dickinson, C.M., was born and raised in Upper Woodstock. He holds a bachelor of arts degree with honours in political science from Acadia University and successfully completed first year law school studies at the University of New Brunswick. However his ongoing summer employment at Camp Rotary led to a permanent job offer from the Canadian Rehabilitation Council for the Disabled (now known as Easter Seals NB) in 1977.

In January 1983, Mr. Dickinson was hired as the first executive director of the Premier's Council on the Status of Disabled Persons. In 1990, he was asked to become the executive director of the Premier's Council on Health Strategy. When he completed that assignment, Mr. Dickinson briefly headed up the Canadian Paraplegic Association in New Brunswick before returning to the Premier's Council on the Status of Disabled Persons in 1992. In November 2009, he retired from the Premier's Council due to the progression of his physical disability.

As part of his job and volunteer activities, Mr. Dickinson has been involved with many committees, boards and projects around such topics as employment equity, inclusive education, human rights, social housing, poverty, mental health issues, reducing violence against women, barrier-free access to public services and facilities, accessible transportation options, inclusive recreation, access to rehabilitation equipment and programs and sustainable health care, among other social and economic issues.

Mr. Dickinson has been honoured for his professional and community activities with a number of awards, including being appointed as a Member of the Order of Canada in 1999. He has also received two Paul Harris Fellowships from Rotary International, two National Citations from the Canadian Association of Occupational Therapists, the Queen's Golden Jubilee Medal in 2002, the Queen's Diamond Jubilee Medal in 2012, the provincial New Brunswick Day Award of Merit, the Jack Sarney Award from the Easter Seals / March of Dimes National Council and the Champion of Inclusion Award from the New Brunswick Association for Community Living in 2009

among others. In 2006, Recreation NB created an annual award known as the "Randy Dickinson Community Inclusion Award," which recognizes a program or facility that has furthered the inclusion of persons with disabilities within the area of sport, recreation and active living.

Nathalie Chiasson, chairperson

(from Sept. 23, 2015, to March 31, 2016)

Nathalie Chiasson is from Shippagan and has been a lawyer in private practice since 1991. She is a member of the Law Society of New Brunswick, the Canadian Bar Association and the Atlantic Provinces Trial Lawyers Association (APTLA). She has owned a law firm in general practice since 1999 and practises mainly in insurance law, civil litigation and medical malpractice. She was also president of the review tribunal for the Canada Pension Plan/*Old Age Security Act* for Gloucester County and other areas in Canada from 2001 to 2007. She also sat on the administration council of the New Brunswick Law Society, representing Gloucester County from 2007 to 2010.

Within the framework of her duties and her volunteer activities, Mrs. Chiasson participated in many committees in her community. She was president of a Consultation Table Against Family and Domestic Violence in the Acadian Peninsula for many years, represented the northern part of the province and was a member of the executive council of the Professional Shellfish Growers Association of New Brunswick; was president and vice-president of the Parents School Support Committee of the schools *l'Envolée* and *École Marie-Esther*, respectively; and vice-president of the Shippagan Chamber of Commerce. Mrs. Chiasson was also member of the Working Group Task Force mandated to review the definition of "minor injury" in the regulation of the *New Brunswick Insurance Act* as well as a member of the Working Group Task Force mandated to review the government policies regarding the translation into French of the Court of Queen's Bench's decisions in New Brunswick.

Donald Gauvin

Donald Gauvin, who has a Master's degree in education, retired in 2000 after a 31-year career teaching mathematics and information technology. During that time, he was involved as a member of the boards of directors of the following professional and service associations: Fédération des enseignantes et des enseignants du Nouveau Brunswick and its local teachers' branch, Petit-Rocher Public Library, Coopérative de Robertville, Caisse populaire de Bathurst, Nepisiguit-Chaleur Solid Waste Commission and the Club Richelieu of Bathurst.

In addition to being a member of the New Brunswick Human Rights Commission, Mr. Gauvin is the chair of the Tremblay Local Service District Advisory Committee, chair of the Petit-Rocher Public Library Commission, a member of the Chaleur Regional Service Commission (Chaleur RSC) and a member of the Comité de regroupement des districts de services locaux avec Petit-Rocher (Committee to amalgamate local service districts with Petit-Rocher). He occasionally gives courses at the Collège communautaire du Nouveau Brunswick, and at the Shippagan campus of the Université de Moncton, he offers tutoring in math at the high school and university levels.

Steve Lambert

An acupuncturist by profession, Steve Lambert hails from Caraquet. He has operated an acupuncture and Chinese medicine clinic in Campbellton since 1985, serving patients from the Maritimes and the Gaspé region of Quebec. He has studied in several countries and has earned certificates and diplomas in acupuncture, traditional Chinese medicine, detoxification (National Acupuncture Detoxification Association – NADA) and therapeutic touch. He is also a medical Qi Gong practitioner, a medical bioenergy consultant, a life coach and a therapeutic clown.

Mr. Lambert is also a New Thought minister who celebrates many marriages and baptisms every year in Gaspé. In 2015, he was the recipient of an honorary Doctor of Divinity degree (D.D.).

He is a founder and president of the New Brunswick chapter of the Chinese Medicine and Acupuncture Association of Canada (CMAAC-NB). Since 2012, he has been a volunteer member of the Restigouche County Volunteer Action Association of Campbellton. He provides assistance and participates in fund-raising for this non-profit organization.

He is a member of the Union des écrivaines et des écrivains québécois (UNEQ), a Quebec writers' association. He is the author of two books published by Les Éditions de la Francophonie. The first, in 2014, is entitled *Si ton bonheur dépend de quelqu'un d'autre...* The second, in 2015, is called *Aller vers l'avant*. He is the volunteer host of a community radio show on CIMS 104 FM in Balmoral, *Énergie et esprit visiteur*.

René Landry

René "Pepsi" Landry attended the University of Ottawa, where he received a certificate in physical education in 1962. He graduated from the Université de Moncton with a bachelor of commerce, administration major, in 1971. He also received a certificate in practicum

counselling from Sir George Williams University in 1971 and in 1972 completed one year toward a Master's degree in education.

He has been a board member for the Moncton Youth Residences and the Moncton Boys' and Girls' Club, a member of the Volunteer Awards Committee for the City of Moncton, a volunteer with the Kidney Foundation of Canada and a founding member of the Université de Moncton Aigles Bleus Booster Club. He has also been involved with the Recreation Society of Atlantic Canada, the Moncton Lions Minor Baseball Association and the Greater Moncton Leisure Master Plan Committee. He is a 10-year member of the City of Moncton's finance committee.

Mr. Landry has often been recognized for his various accomplishments. He is the recipient of the Builder of Youth Award from the Boys' and Girls' Clubs of Canada, the Silver Keystone Award for outstanding service to youth and the 125th Anniversary of the Foundation of Canada Commemorative Medal in recognition of significant contributions to his community and to Canada.

He was a member of the Legislative Assembly of New Brunswick from 1999 to 2003. He was elected to Moncton city council in 2004 and was re-elected in 2008 and 2012.

Karine Levesque

Karine Levesque, RSW, is a social worker employed by the Extra-Mural Program in Grand Falls since 2000. She was previously a social worker with the Community Mental Health Centre in Edmundston.

Ms. Levesque is the outgoing president of the New Brunswick Association of Social Workers (NBASW) and sits on the board of directors of the Canadian Association of Social Workers (CASW). She is also a member of the Quality End-of-Life Care Coalition of Canada and the Canadian Coalition for Seniors' Mental Health. Over the years, she has served on the board of directors of the New Brunswick division of the Canadian Mental Health Association.

She is also a member of the community action network [Réseau-action communautaire] of the health and wellness in French society of New Brunswick [Société Santé et Mieux-être en français du Nouveau Brunswick].

In 2012, Ms. Levesque received the Debbie Nason Award for her dedication to the profession of social work in the health-care field, presented by the NBASW. In 2010, she received the Distinguished Service Award for New Brunswick given by the CASW. In 2004, she was the Social Worker of the Year of her local chapter of the NBASW.

Emil Olsen

Emil Olsen was born in Edinburgh, Scotland. He immigrated to Canada with his mother, a war bride, along with his brother and sister, on the *Queen Mary*, landing at Pier 21 in Halifax. His father, a member of the Canadian Army during the Second World War, met them in Fredericton, where they lived for a number of years before moving to McAdam.

Mr. Olsen graduated from McAdam High School and from the New Brunswick Community College in Moncton as a mechanical technologist. After a 41-year career in the petroleum industry, he retired in 2004.

He moved to Quispamsis in 1974 and has been active in community affairs. His service record is lengthy, having served on numerous municipal, regional and provincial committees. He was the mayor of Quispamsis from 1983 to 1995. He left politics for a few years, then was elected to Quispamsis council in 2004, re-elected as deputy mayor in 2008 and re-elected as a councillor in 2012.

Mr. Olsen is proud to have signed the original regional agreements in the Kennebecasis Valley for fire, police, ambulance and library services on behalf of the residents of Quispamsis. He continues to support and recognize the strengths of regional services.

Mr. Olsen was awarded the 125th Anniversary of the Foundation of Canada Commemorative Medal in 1992, and he was a recipient of the Queen's Golden Jubilee Medal in 2002 and the Queen's Diamond Jubilee Medal in 2012.

George R. Richmond

George R. Richmond, Q.C. is a member of the Bar of New Brunswick and Ontario. He is an acknowledged expert in labour law, with experience mainly in labour and employment law, administrative law, human rights, legal research and writing, advocacy and boards and committees. He has 40 years' experience before the Labour and Employment Board and various tribunals, commissions and courts at all levels.

Mr. Richmond has co-authored a publication on Canadian labour law and delivered lectures on labour law and human rights in the workplace. He has advised employers and other parties on human rights legal and policy issues and been the chief negotiator of a number of collective agreements.

Mr. Richmond has also been involved with numerous boards and committees. He has volunteered for the Canadian Red Cross and the Fredericton Community Kitchen, has coached various sports and is a life member of the Beaverbrook Art Gallery.

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.

A flow chart of the complaint process is found in Appendix B.

The complaint process may be viewed at:

- New Brunswick Human Rights Commission
<http://www.gnb.ca/hrc-cdp>

Complaint statistics

Appendix C includes charts showing statistical information on the complaints filed with the Commission.

Highlights:

- 122 distinct complaints were received in 2015-2016,
- 192 complaints were active at the end of the fiscal year, including cases pending before a board of inquiry or court

Intakes

In 2015-2016, there were 1,933 intakes. Nearly all began with a telephone call. When a call does not involve discrimination contrary to the *Human Rights Act*, the person is typically referred to the appropriate agency. In 2015-2016, there were 457 referrals of this type.

Following the guidance of Lean Six Sigma experts with the Department of Post-Secondary Education, Training and Labour, the Commission analyzed its Intake process to improve its ability to triage and to log the inquiries into its data system in a better, timely manner with the objective to enhance the complaint process. This exercise will support the development of standard operation procedures that will take place in the next fiscal year.

Grounds of discrimination

The 122 distinct complaints filed included 255 allegations of discrimination since some complaints alleged discrimination in more than one activity (e.g., both services and housing) or ground (e.g., both race and colour). As shown in Appendix C, the most common grounds were physical disability (63) and mental disability (53). The next most common grounds were sex (26), social condition (22) and age (20).

As in previous years, most allegations (150) were employment related. The majority (73, i.e., 49 per cent) of the employment complaints dealt with discrimination based on physical and/or mental disability. Eighteen of the sex discrimination complaints were employment related, while four were service related; one, housing; one, publicity; and two, associations. Eight of the 13 sexual harassment complaints were employment related.

Of the 122 distinct formal complaints filed, 57 were by women and 65 were filed by men. Twenty-one of the 26 sex discrimination complaints were filed by women and five were filed by men. Two complaints filed by men were in the area of employment, and four complaints involved transgendered, services and housing complainants. Five of the 10 sexual harassment complaints were filed by men and the other ones were filed by women.

Closed complaints

In total, 136 formal complaints were closed in 2015-2016. The cases were closed for the following reasons:

- 37 were settled;
- 28 were dismissed (mainly due to lack of evidence or being filed out of time);
- 70 were withdrawn, abandoned, found to be outside the Commission's jurisdiction or closed for other reasons; and
- one was closed at board of inquiry or court levels.

The average age of complaints at closure was 18 months.

Settlements for 2015-2016

A total of 45 cases were settled and closed, compared to 53 in 2014-2015. They involved 37 formal complaints and seven pre-complaint interventions. Pre-complaint interventions are attempts by the Commission to mediate a dispute before a formal complaint is filed; such interventions are used in especially urgent situations or situations when there is an opportunity for a limited time to quickly resolve a dispute or to prevent a potentially discriminatory action from occurring. The cases were settled at the following stages:

- seven cases during pre-complaint interventions;
- 20 cases settled prior to a respondent filing a response to the complaint with the Commission;
- 10 cases were settled after a response to the complaint had been filed but before the investigation of the matter was completed;
- six cases were settled after the investigation had been completed and in some cases, after the Investigation Report had been drafted; and
- one case settled after the Commission made the decision to refer the matter to a board of inquiry or settled at the board of inquiry level.

These are the statistics about the terms of settlement:

- \$306,370.00 is the estimated total monetary value of the settlements, \$305,210.00 of which is general damages;
- six files resulted in human rights training seminars;
- 13 complainants were accommodated;
- one letter of apology or misunderstanding;
- three letters of reference;
- one continuation of benefits;
- one amended Record of Employment; and
- one forgiving of an amount owed by a complainant to the respondent.

Sample complaints

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

1. Sex / Employment / Time limit extension request

The complainant alleged discrimination on the basis of her sex (female and pregnancy) when her employer and supervisors treated her differently after she announced her pregnancy. She alleged that the respondents closed one of their locations solely because they were not comfortable with her taking a one-year maternity leave and they had no intention of closing this location until she announced her pregnancy. The respondents denied having discriminated against the complainant and they maintained that they closed one of their locations due to its poor performance and the financial implications of the same. They maintained that the complainant's sex and pregnancy had no impact on their decision to close the location.

The complainant had filed part of her complaint outside of the one-year limit prescribed by the *Act*. As a result, the complainant was required to file a request for a time limit extension with regard to some of her allegations. For the Commission to grant a time limit extension, a complainant must pass a four-part test as outlined in article two of the Commission's *Guideline on Time Limit Extensions for Complaint Initiation*. The complainant did not pass all four parts of the test and therefore, some aspects of the file were closed as having been filed outside of the one-year time limit. The aspects of the complaint that were filed in time were dismissed by the Commission as being without merit as the information provided was not sufficient to support an arguable case of sex, including pregnancy, discrimination in employment. The information provided indicated that the respondents had closed the location due to poor financial performance of that location during an extended period.

2. Physical disability / Employment

The complainant alleged that he was discriminated against by his employer on the basis of his physical disability when his employer failed to accommodate him in the workplace and when his medical benefits were cancelled as he went off work on a medical leave even though other employees who were on a layoff kept their medical benefits. The employer denied discriminating against the complainant. Commission staff investigated the matter and recommended to the Commission members that they not dismiss the complaint and that they determine whether the circumstances warranted the appointment of a board of inquiry as the information gathered was sufficient to set out an arguable case of physical disability discrimination in employment. The Commission members decided not to dismiss the complaint and they referred the matter to the Commission's mediation program. Commission staff then assisted the parties in reaching a resolution to the matter and the complaint was closed.

3. Physical disability / Employment

The complainant alleged that he was discriminated against on the basis of his physical disability when he was terminated from his employment once he informed his employer of a workplace injury wherein he hurt his back. The employer denied discriminating against the complainant and maintained that it terminated the complainant's employment due to his continued disregard for safety protocols and his unwillingness to comply with supervision given. The Commission commenced the complaint notification part of the process and had received the employer's response to the complaint. As per the Commission's process, the employer's response was sent to the complainant, and the complainant was advised that he needed to submit a rebuttal submission; however, the complainant never submitted a rebuttal submission to the Commission. After several failed attempts by Commission staff to contact the complainant and after the complainant had been advised that his failure to contact Commission staff would result in his complaint being dismissed, the Commission's director dismissed the complaint as having been abandoned by the complainant.

4. Sex (pregnancy) / employment

The complainant alleged that her employer discriminated against her on the basis of her sex (pregnancy) when her employer began reducing her work hours prior to her maternity leave. The respondent employer did not file a formal response to the complaint with the Commission and agreed to participate in the Commission's mediation program on a no-admission-of-liability basis. Commission staff assisted the parties in reaching a resolution to the matter.

5. Reprisal / Employment

The complainant alleged that her employer discriminated against her on the basis of reprisal when it terminated her employment without warning after she had contacted the Commission regarding the lack of accommodation that her employer was providing her with regard to her religion. Commission staff investigated the matter, and the Commission dismissed the complaint as being without merit as the information provided did not support an arguable case of reprisal discrimination. The information provided indicated that the complainant had received some written warnings regarding her work performance and the employer terminated her employment when it discovered that the complainant had suspicious accounting habits that resulted in a loss of funds for the employer.

6. Judicial Reviews

During the 2015-2016 fiscal year, one case was reviewed by the Court of Queen's Bench.

Bryniak v Horizon Health Network, 2016 NBQB 45 (CanLII).

Dr. Steven Bryniak (complainant) had filed a complaint of age and physical disability discrimination in employment and services against the respondents, the Horizon Health Network, Dr. James Ashfield, Dr. John Dornan, and Dr. Thomas Barry, collectively referred to as the respondents. The complainant alleged that he was discriminated against on the basis of his age and physical disability (hypertension) when his operating room time was first reduced and then completely eliminated due to his inability to work on-call shifts due to his age and physical disability. The respondents maintained that working on-call shifts in return for operating room time was a bona fide occupational qualification (BFOQ). After an investigation into the matter, the Commission dismissed the complainant's complaint of age discrimination as being without merit and they also dismissed the complainant's complaint of physical disability discrimination as they determined that a BFOQ existed.

The complainant sought judicial review of the Commission's decision to dismiss his complaint of physical disability discrimination in employment and services and a hearing on the matter was held on January 12 and 26, 2016. The complainant maintained that the Commission had exceeded its jurisdiction when it determined the existence of a BFOQ and it had erred in law when it failed to apply the arguable case test to the question of whether a BFOQ existed. The complainant also maintained that the Commission had erred in fact and law with regard to determining that a BFOQ existed. He further maintained that the Commission's finding that the respondents had provided him with reasonable accommodation between November 2011 and February 2014, was unreasonable.

Justice Hugh McLellan (Justice McLellan) of the New Brunswick Court of Queen's Bench rendered his decision on February 17, 2016. Justice McLellan dismissed the complainant's application and found that the Commission has the jurisdiction to determine whether a BFOQ exists and the Commission's decision was reasonable when it decided to dismiss the complaint.

Boards of inquiry

During the fiscal year, the Commission did not refer any new complaints to a board of inquiry. The Commission's staff members were able to use the Commission's mediation program to resolve all of the complaints that may have warranted the appointment of a board of inquiry.

At the beginning of the fiscal year, two boards of inquiry were pending or underway. One of these cases was resolved at the board of inquiry level and a decision was rendered in the other one on March 2, 2016.

At the close of the 2015-2016 fiscal year, no boards of inquiry were pending.

Sylvia L. Bryson v The University of New Brunswick

In March 2009, Sylvia Bryson (complainant) had filed a complaint with the Commission against the University of New Brunswick (respondent) on the basis of sex discrimination with respect to services. The complainant alleged that she was discriminated against on the basis of her sex (female) when the respondent: eliminated the Women's Varsity Hockey Team (WVHT); and treated the WVHT differently than the Men's Varsity Hockey Team with regard to funding, equipment, etc. In November 2010, the Commission referred the matter to the Labour and Employment Board to sit as a board of inquiry (the board). The respondent sought judicial review of the Commission's decision in early 2011, and on April 29, 2013, the Court of Queen's Bench upheld the Commission's decision to refer the matter to a board of inquiry. The hearing before the board commenced on Feb 3, 2014, and the hearing dates were: Feb 3- 5, 2014; Dec. 1, 3, 9 and 10, 2014; Jan. 12-16, 2015; Feb 23, 2015; and Sept 9, 2015. A decision was rendered by the board on March 2, 2016.

The board found that the respondent had discriminated against the complainant on the basis of her sex and ordered that the respondent reinstate the WVHT at the respondent by the 2017-2018 AUS Women's Hockey season and that the respondent provide sufficient human and financial resources so that the WVHT can successfully compete at the CIS/AUS level. The board also ordered the respondent to revisit its Gender Equity Policy for a rewrite to ensure its provisions protect substantive gender equity in its Intercollegiate Athletics Program. The board awarded the complainant \$5,000 as general damages.

Education and Engagement

Media relations

The Commission publishes news releases or statements to inform New Brunswickers of their human rights and responsibilities and the activities of the Commission. They are published on the Commission's website and distributed to the media and the Commission's stakeholders by email.

Fourteen releases or statements were published during the 2015-2016 fiscal year. They mainly focused on various provincial, national and international days related to human rights, such as Black History Month (February), Equality Day (April 17), the International Day Against Homophobia and Transphobia (May 17), Disability Awareness Week, National Acadian Day (Aug. 15), and the International Human Rights Day (Dec. 10).

A release was also issued on Nov 6 to announce Nathalie Chiasson of Shippagan as the new chairperson of the Commission for a three-year term.

The chairperson was interviewed by the media on several occasions about human rights issues.

Presentations

As part of its education mandate, the Commission is regularly making presentations to various groups such as professional associations and educational institutions. The Commission delivered 51 presentations or information sessions in 2015-2016. Five of the sessions were agreed to as a term of settlement of a human rights complaint.

Twenty-six of the awareness presentations were delivered to students at universities, community colleges, business colleges, public schools and Workplace Essential Skills classes. In addition, information sessions were delivered to private and public sector employers, multicultural groups and disability related groups.

The presentations most commonly presented a general introduction to the *Human Rights Act* (35 presentations) or explained its application to employment (11 presentations). There were also four presentations on the duty to accommodate students with disabilities and one presentation on the Commission's procedures.

The following is a sample of the topics covered by members and staff:

- age discrimination in the workplace;
- the impact of age on performance and the termination of employment;

- best practices related to workplace dispute resolution and mediation;
- the key elements and approaches for effectively tackling mediating conflict and avoiding escalations during mediation sessions;
- employment issues related to transgender employees;
- the duty to accommodate students with a disability;
- various aspects of the role of managers in promoting human rights.

Human Rights Award

The New Brunswick Human Rights Award is an annual award established in 1988 to recognize individuals and organizations 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 award is represented by an elegant sculpture of walnut and maple. The names of the recipients are engraved on the base of the award, which is on permanent display at Government House in Fredericton, where it may be viewed by the public.

A news release seeking nominations for the 2015 Human Rights Award was published in February 2015. Nominations were also solicited from a wide variety of groups by email. The nomination form is posted on the Commission's website.

Bernard Richard, of Cap-Pelé, was the recipient of the 2015 New Brunswick Human Rights Award.

Mr. Richard was selected due to his exceptional work in the promotion and advocacy of rights-based issues within the province. He is well-known in New Brunswick as a former Ombudsman and was the province's first child and youth advocate.

Mr. Richard spends a great deal of time and energy working in the area of human rights, provincially and nationally. His work with Dots NB has helped to bring attention and government support to the mental health challenges faced by youth. He volunteers for several non-profit organizations, most in the area of children's rights and issues, including a Working Group on the Rights of the Child in French-speaking countries, the First Nations Children Futures Fund and Partners for Youth Inc.

A framed certificate and a pewter lapel pin representing the award were presented to Mr. Richard by Lt.-Gov. Jocelyne Roy Vienneau and Randy Dickinson, the

Commission's chairperson, at a ceremony attended by about 50 people at Government House in Fredericton on September 15, 2015.

National activities

The Commission continues to be very active at the national level through its involvement with the Canadian Association of Statutory Human Rights Agencies (CASHRA), of which it is a founding member. CASHRA was established in 1972 to foster cooperation and information-sharing between human rights agencies across Canada. The Commission's chairperson and director participated in CASHRA's monthly telephone conferences throughout the year.

Every year, a different CASHRA agency, selected on a rotating basis, organizes CASHRA's annual human rights conference for human rights commission members and staff and the public. In 2015, the CASHRA annual general meeting and conference were hosted by the Saskatchewan Human Rights Commission in Saskatoon from June 22 to 23. The director attended CASHRA's mid-year business meeting in November in Toronto.

Other activities

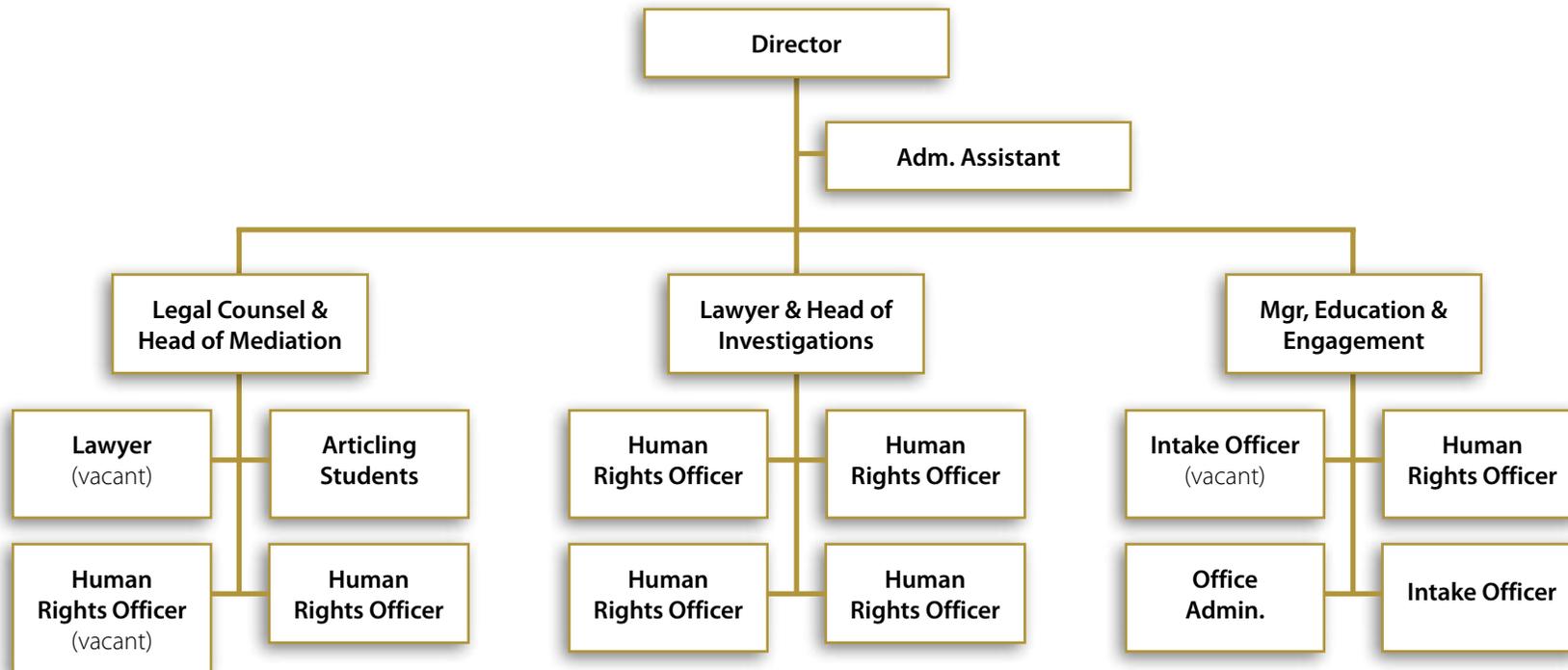
The Commission's website is used by the public to access its guidelines and other publications as well as news and events. Links are also added from time to time to recent statements by the Canadian Association of Statutory Human Rights Agencies.

The Commission's 2014-2015 annual report was posted online in December 2015.

Throughout the year, the Commission updated its emailing list, which permitted it to give wider distribution to information about its activities and about rights and responsibilities under the *Human Rights Act*.

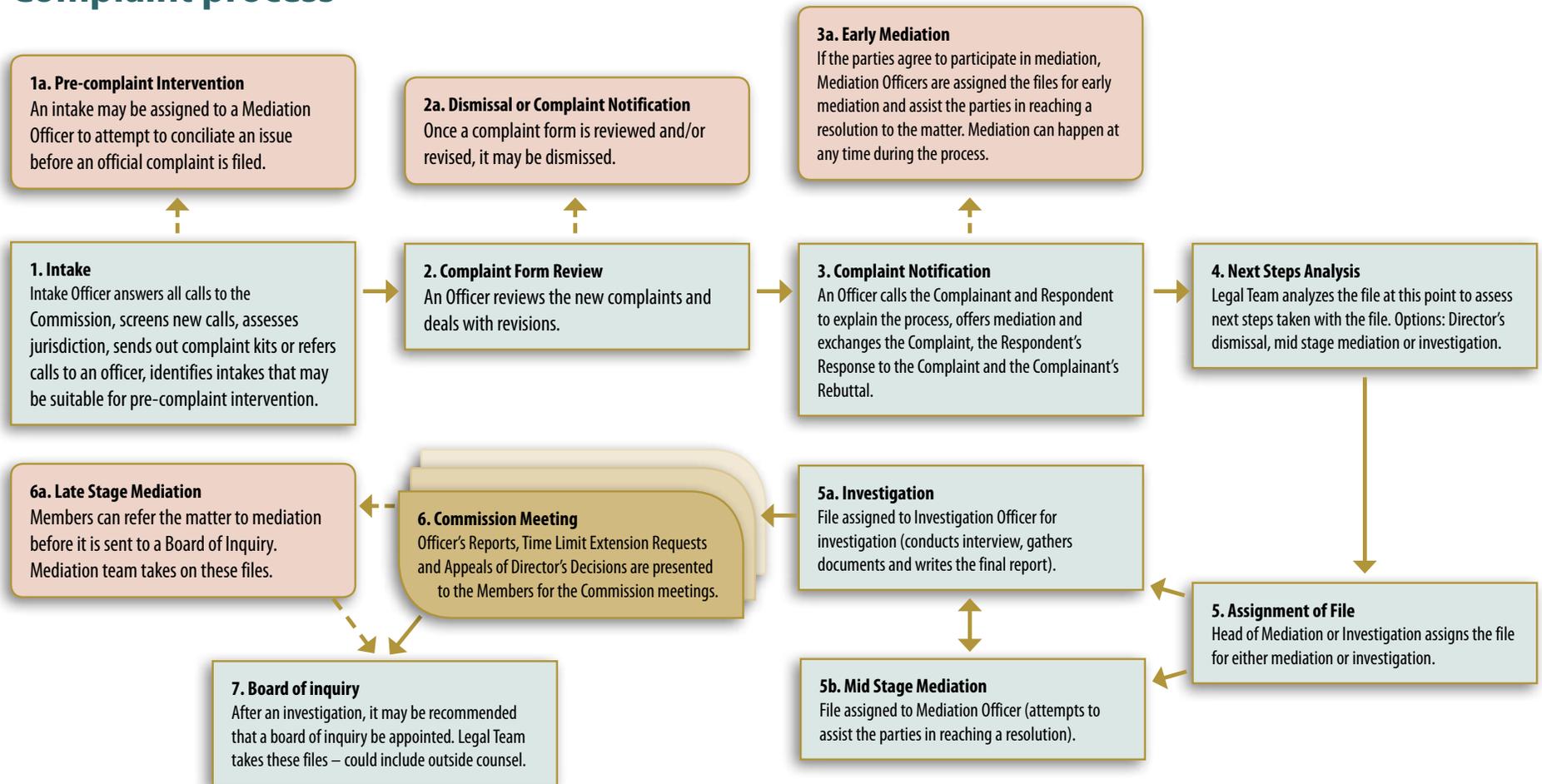
Appendix A

High-level organizational chart



Appendix B

Complaint process



Appendix C

New formal complaints* by ground and activity

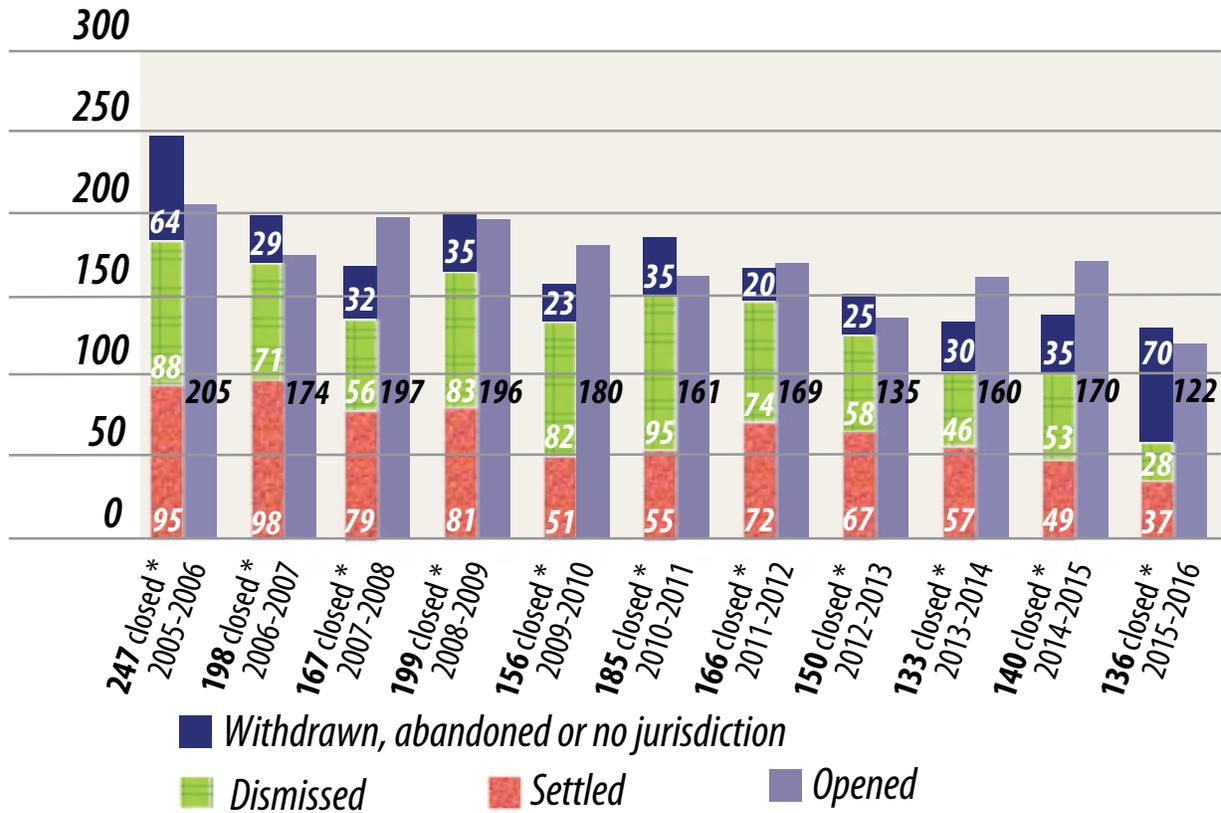
April 1, 2015, to March 31, 2016

	Employment	Housing	Services	Publicity	Associations	Total
Race	4	0	2	0	0	6 (2.4%)
Sex	18	1	4	1	2	26 (10.2%)
Religion	1	2	2	0	0	5 (2%)
Place of Origin	1	0	1	0	0	2 (0.8%)
Marital Status	4	0	1	1	2	8 (3.1%)
Mental Disability	32	2	16	0	3	53 (20.8%)
Colour	3	0	1	0	0	4 (1.6%)
Age	12	2	4	0	2	20 (7.8%)
Ancestry	2	0	2	0	0	4 (1.6%)
National Origin	2	0	2	0	0	4 (1.6%)
Physical Disability	41	1	16	1	4	63 (24.7%)
Sexual Harassment	8	0	3	1	1	13 (5.1%)
Sexual Orientation	5	1	2	1	2	11 (4.3%)
Political Belief or Activity	6	0	2	0	2	10 (3.9%)
Social Condition	7	2	9	0	4	22 (8.6%)
Reprisal	4	0	0	0	0	4 (1.6%)
Total	150 (58.8%)	11 (4.3%)	67 (26.3%)	5 (2%)	22 (8.6%)	255*

* Note that this table shows allegations of discrimination, which exceed the number of distinct formal complaints since a single complaint may allege discrimination on more than one ground (e.g., race and colour) or in more than one activity (e.g., employment and service). When each new formal complaint alleging discrimination on multiple grounds or in multiple activities is counted as a single complaint, there were 122 distinct new formal complaints.

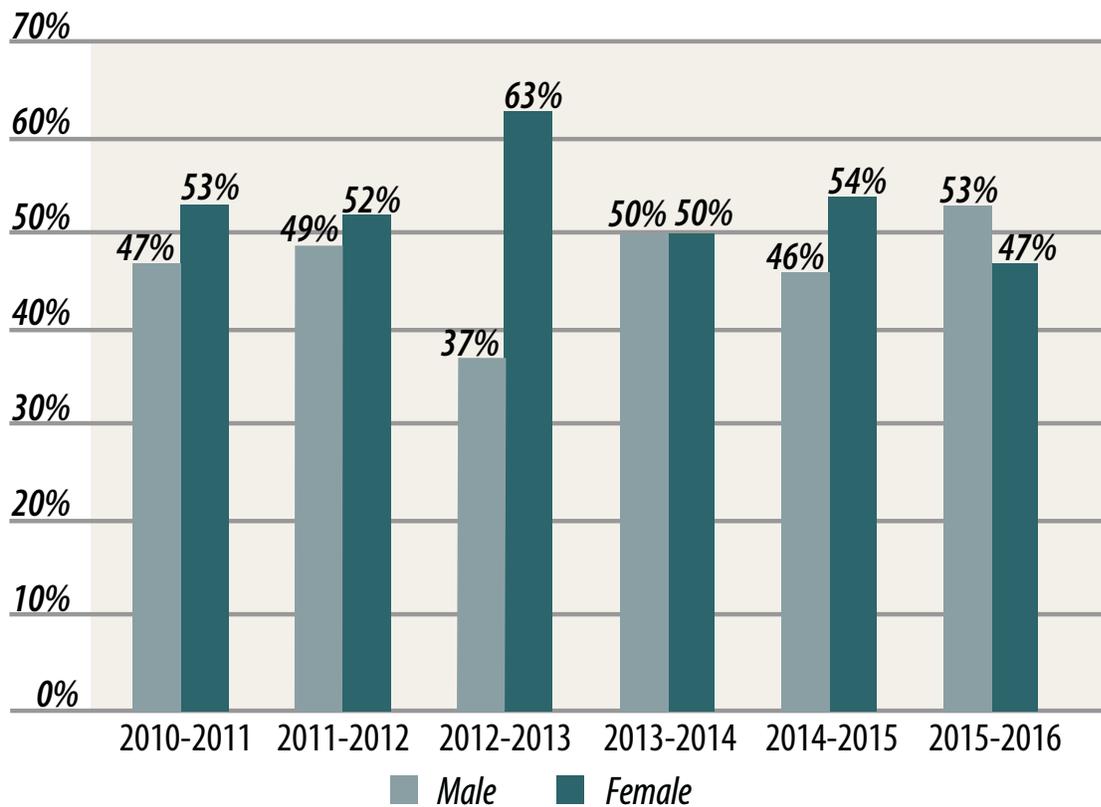
Formal complaints opened and closed*

2005-2015

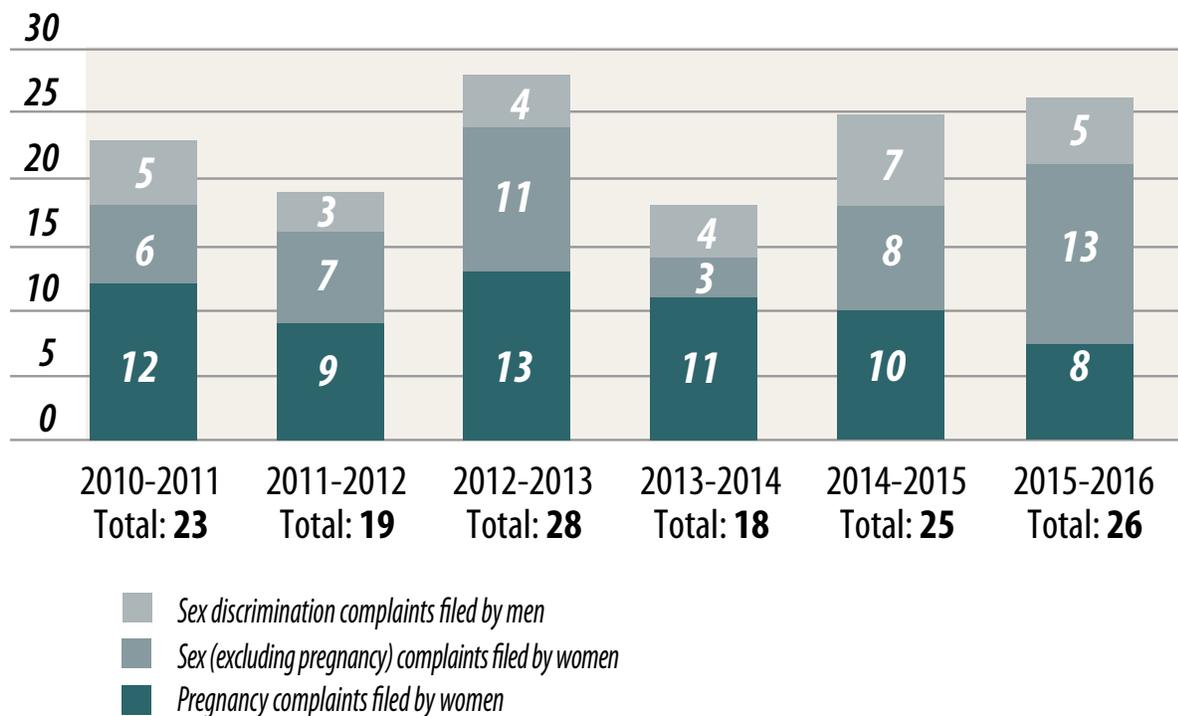


* Note: Statistics for closed complaints are for formal complaints closed by the Commission only, not cases settled during pre-complaint interventions or formal complaints closed at the board of inquiry or court levels.

Sex of complainants for all complaints



Sex of complainants for sex discrimination complaints



Appendix D

Summary of expenditures

	2015-2016 Main Estimates	2015-2016 Budget	2015-2016 Actual
Compliance and Prevention	\$859,500	\$870,518	\$726,937
Legal Services	\$316,500	\$315,500	\$234,950
Office of the Commission	\$58,000	\$58,010	\$49,769
Total	\$1,234,000	\$1,244,028	\$1,011,656

For detailed figures, please consult the supplementary information relating to the Department of Post-Secondary Education, Training and Labour in Volume 2 of the 2015-2016 Public Accounts.

Appendix E

Publications of the New Brunswick Human Rights Commission

Pamphlets

- *Accommodating Students with a Disability*
- *Our Human Rights* (English, French, Korean, Mandarin and Spanish)

Guidelines available on the Commission's website

- *Accommodating Students with Disabilities in Post-Secondary Institutions* (2014, 10 pages)
- *Delegation of Compliance Functions* (2012, 4 pages)
- *Time Limit Extension for Filing a Complaint* (2012, 2 pages)

Other publications

- Annual reports
- *Accommodation at Work* (reference manual) (2012)
- Additional publications are available on the Commission's website:
www.gnb.ca/hrc-cdp