



ANNUAL REPORT

2022-2023



NEW BRUNSWICK
HUMAN RIGHTS
COMMISSION

Annual Report 2022-23
New Brunswick Human Rights Commission
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Transmittal letters

From the Minister to the Lieutenant-Governor

Her Honour the Honourable Brenda Murphy
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 Fiscal Year 2022-2023.

Respectfully submitted,



Arlene Dunn
Minister Responsible for the Human Rights Commission

From the Chair to the Minister Responsible

Arlene Dunn
Minister Responsible for the New Brunswick Human Rights Commission

Dear Minister:

I am pleased to present the Annual Report of the New Brunswick Human Rights Commission for Fiscal Year 2022-2023.

Respectfully submitted,



Phylomène Zangio, Chairperson
New Brunswick Human Rights Commission

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Who we are

The Human Rights Commission is an agency of the Government of New Brunswick, tasked with the administration and enforcement of the New Brunswick *Human Rights Act*.

Mission

Our mission is to protect and promote human rights in New Brunswick. We envision a province where everyone enjoys dignity, inclusion, and equality of opportunity, where diversity and difference are respected, and where a culture of human rights compliance and accountability is prevalent.

Mandate

Our mandate is to:

- Forward the principle that every person is free and equal in dignity and rights.
- Promote understanding and acceptance of the *Act*.
- Administer the compliance process.
- Develop and conduct educational programs to eliminate discriminatory practices.

Human Rights Act

The *Act* prohibits discrimination in employment, housing, services, publicity, and certain associations. It protects all New Brunswickers against discriminatory treatment based on 16 protected grounds, in addition to sexual harassment and reprisal. Each protected ground represents a personal characteristic a person identifies with.

Chair's Message

When I assumed this role on June 15, 2023, I made history by becoming the first immigrant woman to chair the Commission, which caused a palpable sense of elation across New Brunswick's African-descent and immigrant community.

In addition to my personal experience, my commitment to inclusion prepared me to step into this role, particularly given my familiarity with feeling like an outsider and having to struggle to be recognized as a fellow human deserving to take my place in spaces designed for others. The vision of the New Brunswick Human Rights Commission is especially meaningful for me knowing that, in the 1960s, it was under the leadership of Saint John's Black community that proposals were presented to the government for adopting legislative provisions to prohibit racial discrimination in employment and housing, leading to the creation of the *Human Rights Act* and the Commission in 1967.

It is therefore with immense pride that I present to you the Commission's 2022-2023 annual report. This document provides both a quantitative and a qualitative overview of the Commission's work in the past year, while also fulfilling the Commission's reporting requirement as a public body. The report sets out the key events of the year and recommendations made to government, along with an overview of the actions we took in addressing discrimination and ensuring protection and equal access to employment, housing, and services.

The increased budget and resources allocated to the Commission during the last fiscal year has allowed it to manage its significant number of complaints and inquiries more effectively, as well as to expand its initiatives in the areas of education and rights promotion, two core components of our mandate. During this period, the Commission noted a new and significant increase in employment-related complaints and intakes. We also noted a marked increase in the number of housing-related complaints, which more than doubled in 2022–2023 in comparison to the two previous fiscal years, highlighting the current challenges in the housing sector and drawing attention to the need for a better understanding of the rights and obligations of tenants and landlords.

Through a stronger social media presence, online publications, and webinars covering a range of important topics, the Commission continued to inform and educate people about human rights. The 46 workshops offered to employers, organizations, and other entities drew more than 1,600 participants in 2022–2023, thereby setting a record for participation in our online workshops and helping to promote a better understanding of rights and obligations under the *Human Rights Act*.

I am especially pleased with the educational initiatives undertaken by the Commission this year, including the publication in multiple languages of our plain-language flyers and other resources for newcomers, the Safer Places N.B. Lawyer Referral Program, the publication of the Guideline on Age Discrimination, the partnership with the New Brunswick Multicultural Council, the partnership with PRUDE Inc., various other social media campaigns (such as FAQ Fridays) and the International Human Rights Day Book Giveaway, among other activities.



There have been recent news reports of major human rights violations around the world, in many cases affecting the rights of particularly vulnerable groups, including Indigenous peoples, religious and ethnic/cultural minorities, newcomers, people with disabilities and the LGBTQIA2S+ communities. It is essential for our province to not only recognize but also uphold, improve, and promote people's basic rights to ensure that each of us has the opportunity to live in dignity, freedom, equality, peace, and justice.

In the fall of 2022, the Commission had the honour to present the New Brunswick Human Rights Awards at a ceremony held at Government House. Mamadou Oury Diallo was the recipient of the New Brunswick Human Rights Award for 2022, while the Youth Human Rights Award was presented to Cassandra Pitchford of Fredericton. I could not be more pleased that these two individuals were chosen by the Commission.

The New Brunswick Human Rights Commission, the second-oldest such commission in the country, investigates complaints concerning discrimination and violations of the *Human Rights Act*, and develops educational projects and awareness programs to keep organizations and the public informed regarding their rights and responsibilities under the *Act*, while also promoting the fundamental principles of diversity and inclusion.

The mission of the New Brunswick Human Rights Commission is to act as an independent government entity responsible for promoting equality and helping to eliminate discriminatory practices and attitudes. It carries out this mission by strictly enforcing the *Human Rights Act* while also raising public awareness about the rights and responsibilities enshrined in this legislation. It is important to acknowledge the complexity of this task, especially due to New Brunswick's status as the only Canadian province where the Commission reports to its government's department of labour. The commissions in other provinces have evolved over time, reporting directly to their legislative assemblies or to their departments of justice, which reinforces their independence, impartiality, and objectivity. I trust that the discussions initiated with my predecessor in this respect will continue and ultimately lead to positive changes in the governance of the Commission.

I am proud of the abovementioned achievements and confident that, in the future, New Brunswick will become an even more welcoming province where diversity in all its forms is celebrated and all people feel respected and appreciated, so that every one of us can contribute fully to our society. To achieve this, greater effort at the societal level needs to be devoted to eliminating discrimination and promoting equality at work, at home, and in our communities for all New Brunswickers.

I would like to express my gratitude to former Chair Claire Roussel-Sullivan for her outstanding leadership during the past three years and to all Commission employees and members.

Together, we will continue to make a difference!



Phylomène Zangio
Chair
New Brunswick Human Rights Commission

From the Director's Desk

During the past year, a number of positive changes have taken shape for the Commission. The Commission led several enhancements, initiatives, and partnerships that will continue to support the Commission and advance its mandate of upholding peoples' rights in our province.



By far the most significant development was the approval of additional permanent resources by the Department of Post-Secondary Education, Training and Labour. This funding has enabled the hiring of more investigators, securing legal expertise to assist with Boards of Inquiry and has allowed the Commission to enhance its education and advocacy functions. As a result, and through clear operational goals and a dedicated team, our work extends beyond individual complaints to include systemic advocacy, policy research and development, and education.

The Commission has continued to foster important relationships with other organizations in the province, including the New Brunswick Black History Society, Prude Inc., and the NB Multicultural Council. These partnerships aid in improving access to justice and procedural fairness for all New Brunswickers.

This past year, the Commission was proud to continue its active role in the Canadian Association of Statutory Human Rights Agencies (CASHRA), with previous Commission Director, Marc-Alain Mallet, acting as Chairperson. In this role, he participated in many events and presented to various groups across the country, including acting as a panelist at the Dignity Forum in Calgary.

Since 1988, the Office of the Lieutenant Governor has played a central role in the presentation of the annual Human Rights Awards. I was pleased that the Lieutenant Governor accepted the Commission's request to become the Honorary Patron of the NB Human Rights Awards.

I wish to take this opportunity to thank my predecessor, Marc-Alain Mallet, who retired on June 30, 2023, for his unwavering commitment to human rights work in the province. For eight years, he led the Commission in numerous important initiatives, which I look forward to growing as we move forward. I firmly believe that New Brunswickers, like all of us at the Commission, are dedicated to creating a province which upholds the rights of all its people, today and in future.

A handwritten signature in black ink that reads "Megan Griffith". The signature is written in a cursive, flowing style.

Megan Griffith
Director
New Brunswick Human Rights Commission

Highlights

In 2022-23, the Commission delivered on these priorities:

- Addressed 1,632 inquiries from the public, compared to 2,388 inquiries last year, a decrease of 31 percent.
- Closed 197 complaints and received 214 new complaints, compared to 284 new complaints received last year, a 25 percent decrease.
- Settled 50 complaints through mediation, with \$274,610 awarded in monetary settlements.
- Delivered 46 educational webinars, workshops, and presentations, reaching 1,645 attendees.
- Released plain-language flyers on human rights in six international languages to inform newcomers and immigrants about human rights and the Commission's services.
- Partnered with the New Brunswick Multicultural Council to organize a consultation session with representatives from settlement and ethnocultural agencies across the province to assess challenges faced by newcomers and develop multilingual educational resources.
- Launched Lawyer Referral Program under Safer Places NB in partnership with PLEIS-NB, a first-of-its-kind initiative in the province to offer free legal advice to victims of workplace sexual harassment.
- Published *Guideline on Age Discrimination*, an educational resource with up-to-date case law and legal scholarship on the protected ground of age.
- Created new Advocacy Unit, dedicated to education, research, and communications functions of the Commission.
- Received enhancement in annual budget allocation and revamped Investigation, Advocacy, and Legal teams and operations.
- Introduced online presentation request form to facilitate individuals and organizations to request educational presentations from the Commission.
- Commenced research project on life and legacy of John Peters Humphrey, in collaboration with the Human Rights Program at St. Thomas University and to commemorate the 75th anniversary of the *Universal Declaration of Human Rights*.
- Welcomed the Lieutenant Governor of New Brunswick as the official patron of the New Brunswick Human Rights Award.
- Led collaborative initiatives as Chair of the Canadian Association of Statutory Human Rights Agencies (CASHRA).

Members of the Commission

The composition of the Human Rights Commission is twofold: 1. Commission members, including the Chairperson, who are appointed by the Lieutenant-Governor in Council; and 2. Commission staff, headed by a Director, who are civil servants appointed under the *Civil Service Act* and are responsible for the administration and day-to-day operations of the Commission.

Commission members are representatives of the citizens of New Brunswick, and they reflect the province's linguistic, geographic, and cultural diversity. Members assess complaints of discrimination by examining case reports, legal reviews, and complaint analyses completed by Commission staff.

Members have powers to dismiss a complaint, to review appeals filed against the Director's dismissal of complaints, and to recommend complaints to the Labour and Employment Board.

Commission members also support the Commission's education and outreach role. They provide guidance to the Commission's strategic priorities, apprise the government of important human rights issues, and liaise with civil society and stakeholders to advance the Commission's education agenda.

On March 31, 2023, Commission Membership comprised of:



Claire Roussel-Sullivan
(Chair)



Randy Dickinson



Shelley R. Dumouchel



Elizabeth Forestell



Shannonbrooke Murphy



Cyrien S. Okana



Phylomène Zangio

For Commission Member bios, please visit the Commission's website: www.gnb.ca/hrc-cdp

Modernizing the Commission

Human rights are social constructs that develop through interaction between legal mechanisms, political processes, and social dynamics. Human rights commissions uphold the principles of human rights in society and these principles, in turn, inform legislative frameworks, government policies and programs, and the conduct of individuals and groups. By improving human rights governance, we can shape a culture of human rights, advance access to justice, and build a rights-friendly society.

The Commission strives for dynamic models of governance, instilling efficiency in human rights compliance through improved internal processes and mechanisms. Our research and educational initiatives promote a vocabulary of human rights, establish partnerships with rights organizations, and bring a human rights lens to policies and public discourse.

A modern Commission with enhanced institutional capacity will further streamline human rights governance, foster public trust in government institutions, and promote human rights norms across diverse constituencies. It will shape the future of human rights and ensure that the values of dignity, equality, diversity, and inclusion continue to be respected in our society.



PROTECT



Protecting human rights

The Commission's operations include:

- **Managing** its complaints roster
- **Establishing** roles and priorities of the Commission's administrative units
- **Liaising** with government departments, civil society, rights groups, and human rights commissions nationwide
- **Conducting** research to support the Commission's legal and educational functions
- **Developing** programs to educate New Brunswickers on their human rights and responsibilities

In 2022-23, the Commission received additional funding that enabled it to hire new investigation and legal staff and enhance its compliance operations. We continued to innovate our processes to respond efficiently to complaints and inquiries, assessed evolving human rights trends and jurisprudence, and enhanced our education mandate by creating a new Advocacy Unit dedicated to education, outreach, and research.

Our compliance work

Any aggrieved person who faces discrimination in New Brunswick can file a human rights complaint with the Commission.

This year, we helped thousands of persons address their human rights concerns, file a formal complaint, or acquire information about our mandate and process. Many times, we resolved issues at the earliest stages, or directed people to the appropriate department or organization that had jurisdiction to address those issues.

The Commission continued to witness pandemic-related complaints and inquires, but they were fewer in number compared to the preceding year. Also, while complaints related to employment and services were again high this year, we also witnessed a significant increase in housing-related complaints compared to previous years.

By the numbers

The numbers in this section show a breakdown of inquiries and complaints received this year, how they were processed, and how many were settled, investigated, or closed.

This section also provides statistics on the grounds and areas of discrimination under which complaints were filed, with comparative numbers from previous years, to identify new or emerging human rights trends in the province.

Inquiries and complaints

Many inquiries were addressed by the Commission without a complaint being filed.

Inquiries submitted to the Commission decreased by 31 percent this year compared to last fiscal. Similarly, formal complaints filed with the Commission witnessed a decline of 25 percent compared to last year.

These reductions are attributable to the easing of restrictions related to mandatory mask and vaccination regulations. Declining complaint numbers may also be linked to the Commission's enhanced educational initiatives.

1,632

people contacted the Commission this year to inquire about a human rights issue or file a complaint.

214

complaints were filed with the Commission this year.

The Commission created a dedicated Advocacy Unit this year, marking significant increase in its education and advocacy work. Educational initiatives raise public awareness about human rights and responsibilities, which, in turn, have the effect of reducing potential human rights violations.

Triaging of complaints and PCI

All complaints are triaged by staff to assess if they fall within the Commission's jurisdiction and mandate.

If an inquiry or complaint is outside the Commission's purview, we refer them to the appropriate department of organization, so people can pursue their concerns or resolve their complaints through the proper channels. Triaging also enables the Commission to screen non-jurisdictional inquiries from its dossier at the initial stages.

Most complaints submitted to the Commission are also assessed by staff to determine if they can be settled early on through the Commission's pre-complaint intervention (PCI) process.

Inquiry vs. Complaint

Inquiries include all the instances people get in touch with the Commission with a question or request. Examples include:

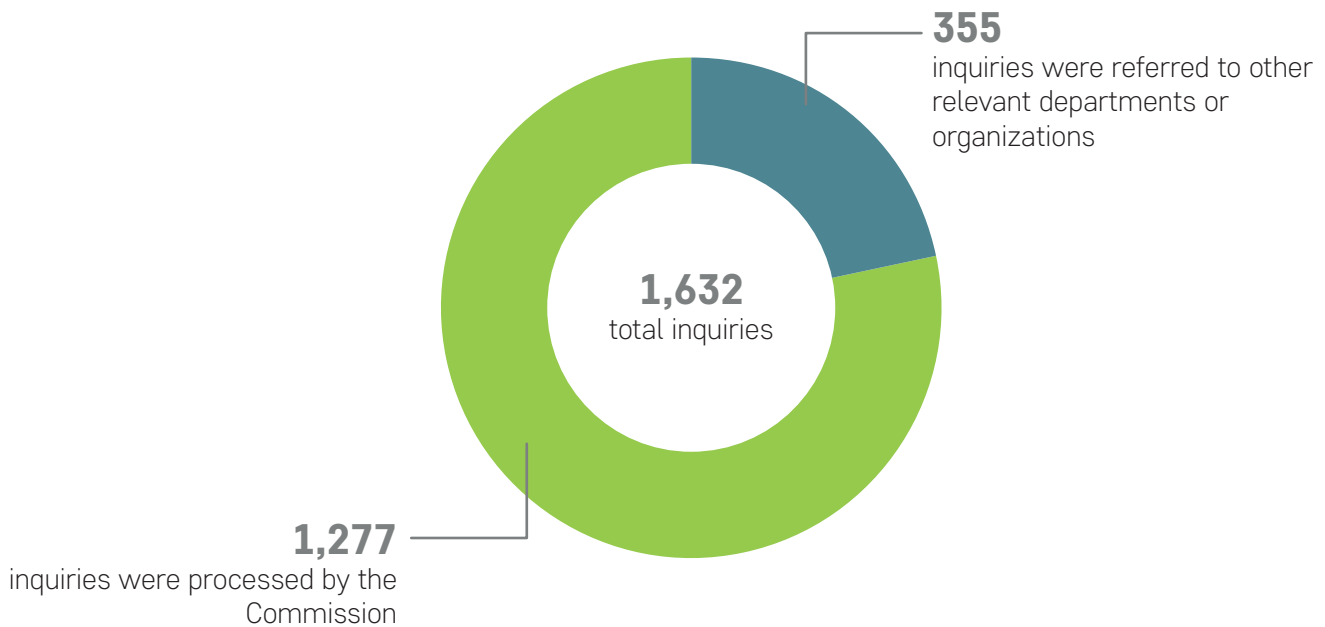
- General queries about rights and responsibilities under the Act;
- Advice on specific human rights situations;
- Questions on the Commission's mandate and compliance process;
- Requests for human rights training by employers or service providers;
- Media inquiries;
- Requests by organizations or rights groups for collaboration; and
- Requests by government departments for input on provincial initiatives.

Complaints refer to the formal complaints filed with the Commission. They allege discrimination under a protected ground and area under the Act. The Commission mediates, investigates, and refers complaints to the Labour and Employment Board.

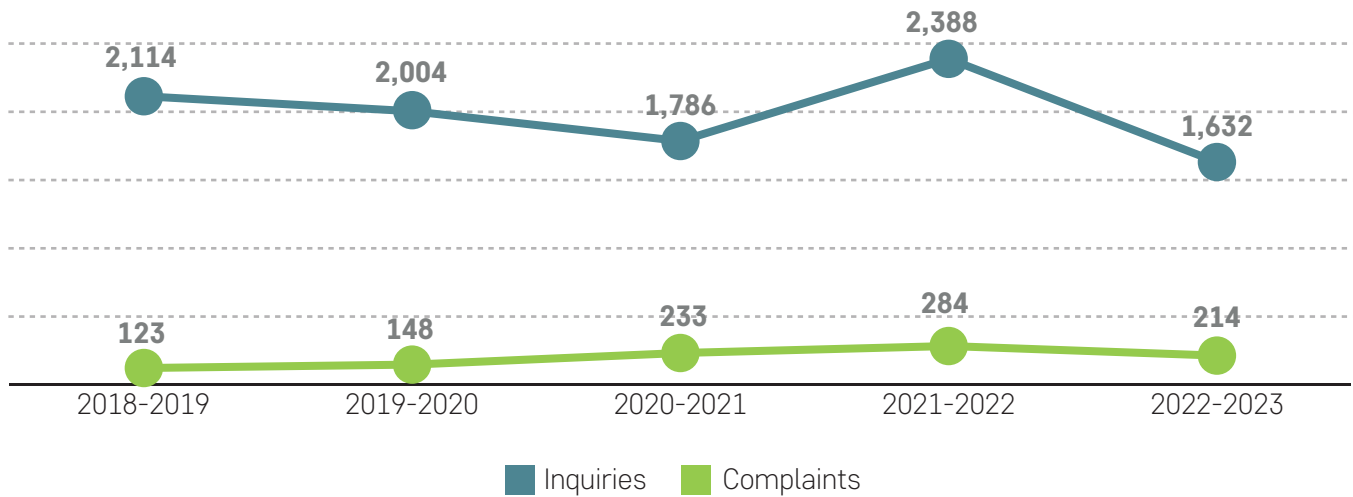
Not all inquiries become complaints, as each inquiry is carefully assessed by Commission staff and people are directed to the relevant department or organization if an issue does not fall under the Act.



How Commission staff dealt with inquiries



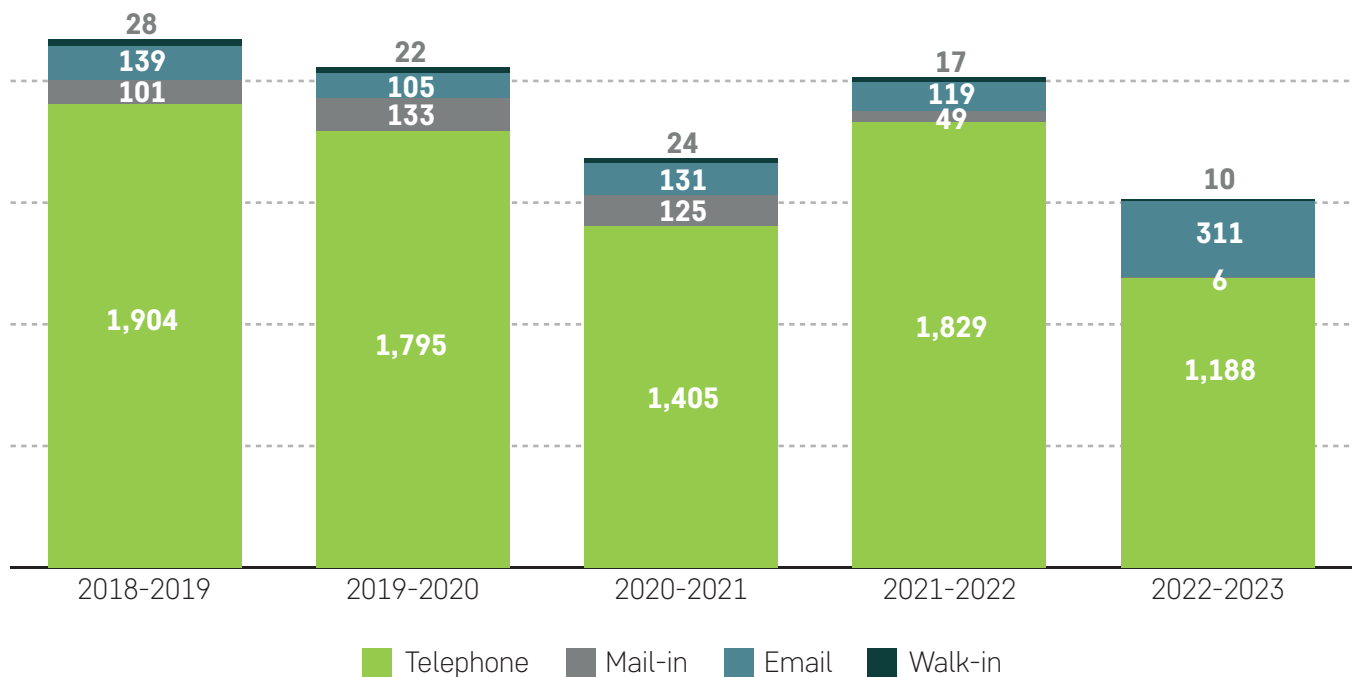
Yearly numbers for inquiries received and complaints filed, 2018-2023



Inquiries showed an unprecedented spike last year but recorded a downward trend this fiscal. Similarly, complaint numbers escalated consistently during the last four years, but registered a downward pattern this year.

Inquiries by numbers and how they were received, 2018-2023

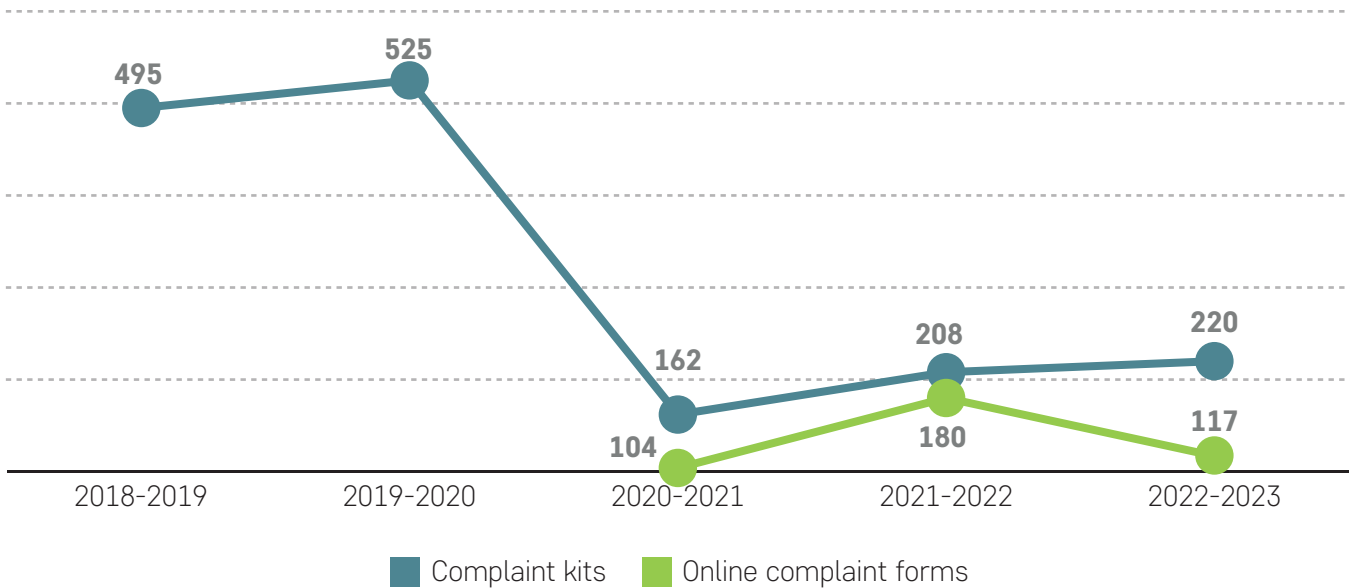
Telephone remains the most widely used method for contacting the Commission. This year, we received 641 fewer calls compared to last year, but the number of emails received by the Commission went up by 192. This may indicate an increasing preference for digital modes of communication, also witnessed in the increased use of the Commission's online complaint form this year.



Complaint kits (paper) vs. online complaint forms, 2018-2023

Because fewer complaints were filed this year, the number of online complaints also decreased. However, the percentage of usage in online complaint forms, relative to the number of complaints filed, increased from 46 percent last year to 55 percent this year.

This endorses the pattern that more persons are using online or digital modes to access the Commission's services.



Grounds of complaints

Most complaints filed with the Commission this year related to mental and physical disability and, as in the three preceding years, mental disability complaints surpassed those of physical disability, continuing an emerging trend.

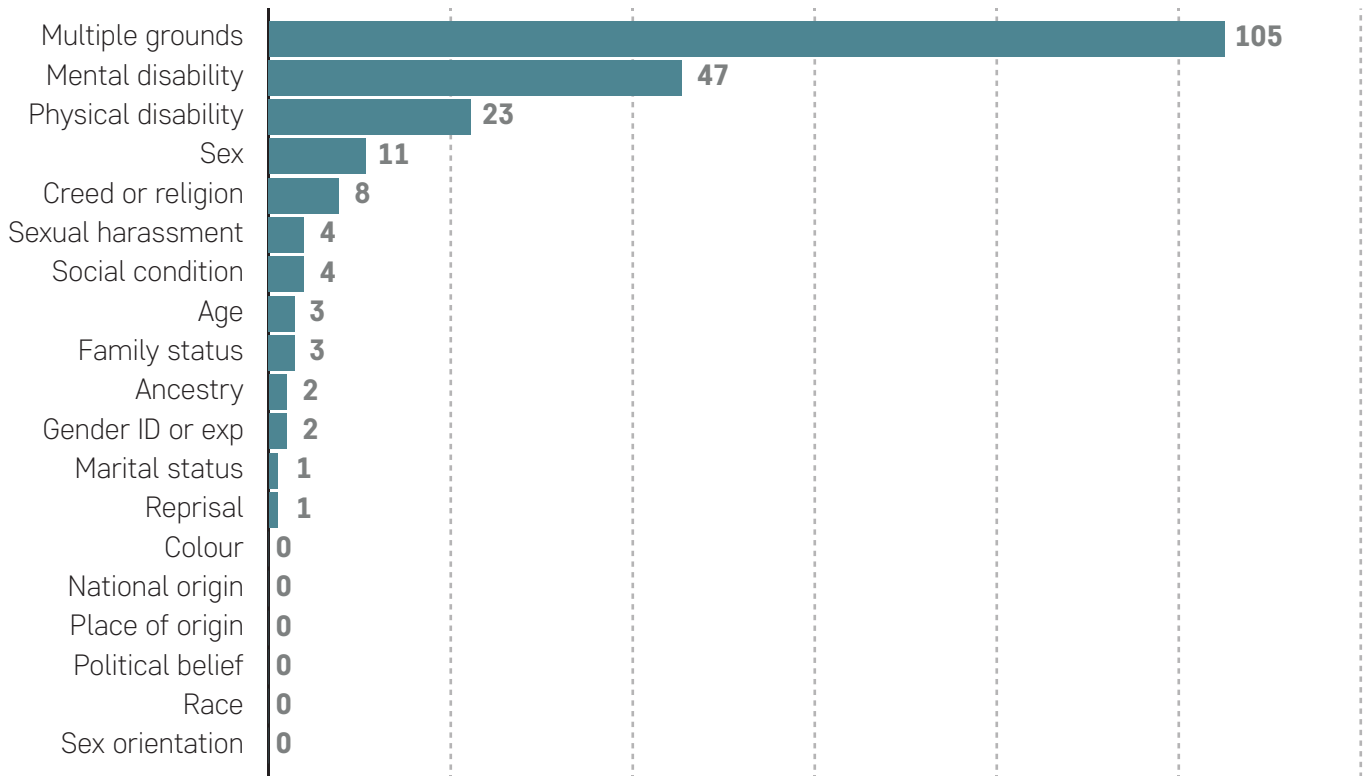
Grounds under which complaints were filed this year

Of the **214** complaints filed with the Commission, **105** were filed on multiple grounds.

The processing of complaints by the Commission is becoming more complex, with a changing provincial demographic, influx of immigrants and newcomers, and evolving human rights case law in response to new human rights developments.

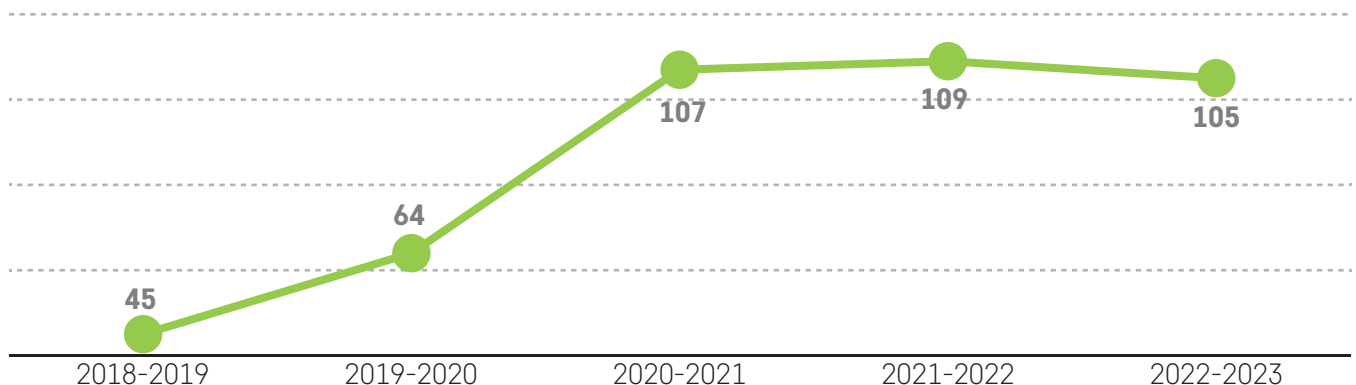
The Commission adopts safeguards to ensure close review of each submitted complaint.

Our intake, investigation, mediation, and legal staff tackle these complexities at each stage in the complaint lifecycle, within the Commission's statutory mandate and while keeping track of human rights jurisprudence, government's policy directives, and human rights best practices across the country.



Number of intersectional complaints, 2018-2023

This year, 49 percent of complaints received by the Commission involved an intersection of grounds, up from 38 percent intersectional complaints in 2021-22.



Intersectional complaints are complex in nature and require more extensive legal analysis by staff. More people are claiming intersectional disadvantage, which is also a reflection of the changing provincial demographic, as newcomers generally tend to identify with more than one protected ground.

A spike in intersectional complaints again reinforces the notion that persons disadvantaged by multiple vulnerabilities are more vulnerable to discriminatory treatment. The Commission factors this information in setting down priorities for its educational and outreach work.

Allegations cited in this year's complaints

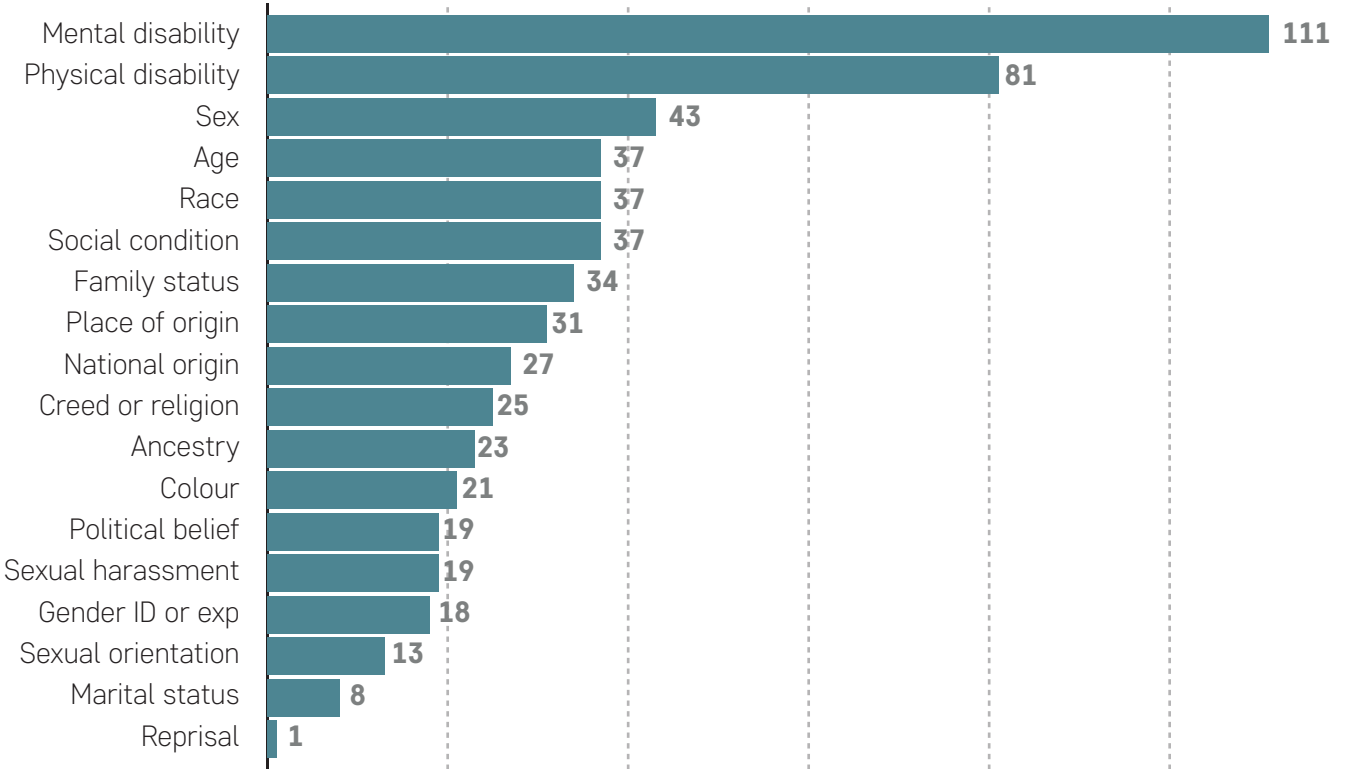
Nearly half the complaints filed this year alleged discrimination under multiple grounds, which increases the number of allegations cited cumulatively in yearly complaints. The Commission tracks the number of these allegations as a separate category.

While 214 complaints were filed this year, the number of allegations cited in those complaints were greater than 214, as this table shows.

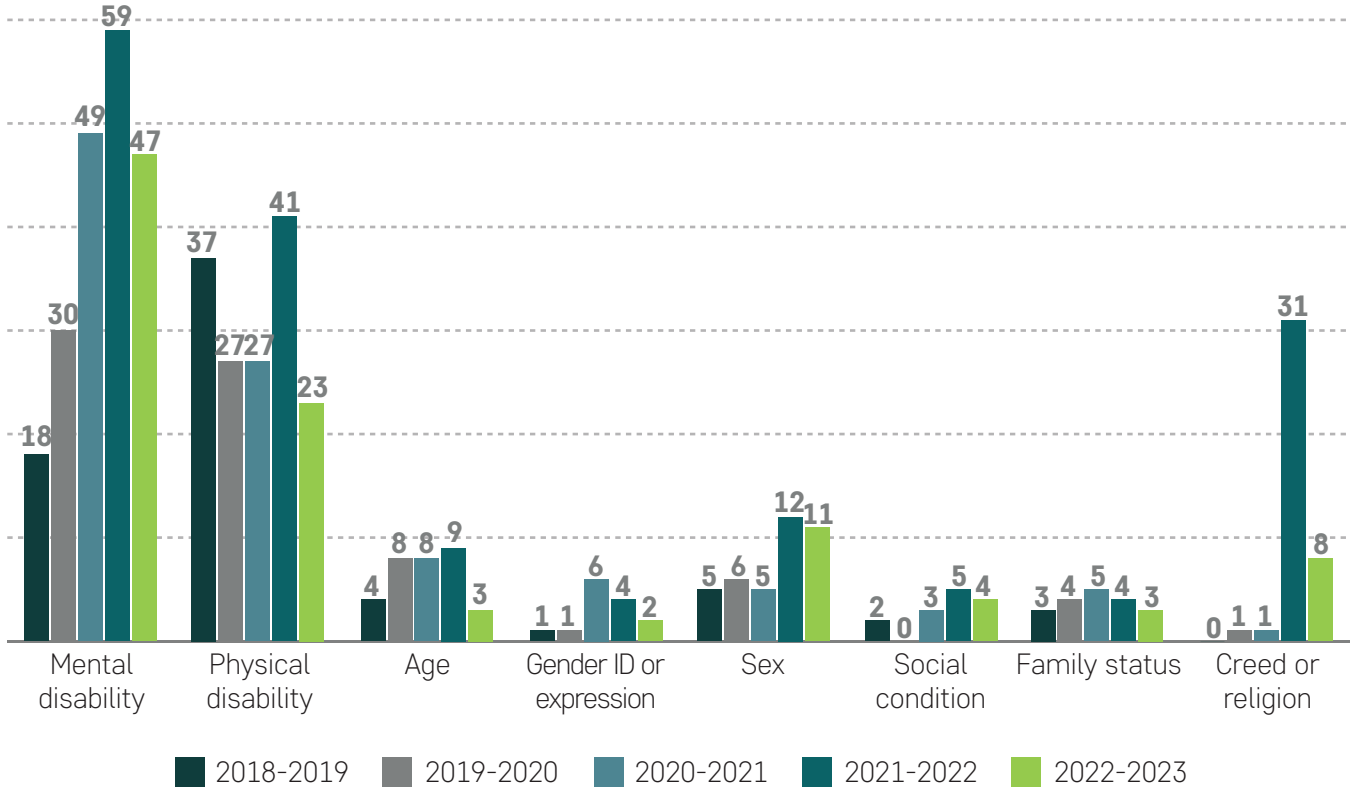
This breakdown allows the Commission to better understand the trends of discriminatory practices prevailing in society.

Equipped with this data, the Commission tailors and adapts its outreach programs to educate communities, groups, and the employment and services sectors, which show higher patterns of discrimination.

Please see **Appendix C** for a detailed breakdown of this year's allegations.



Comparison of complaints filed by grounds of discrimination, 2018-2023



- Mental and physical disability continue to be the leading grounds in complaints, with mental disability surpassing physical disability for the fourth consecutive year.
- While complaints under the ground of creed or religion experienced a spike in 2021-2022 due to mandatory vaccination regulations, the number of creed or religion complaints decreased significantly this year, even though they are still high when factored with the number of complaints filed under this ground in the last five years.
- The grounds of sex and family status show a consistent trend in numbers over the past few years, while age discrimination complaints dropped in comparison to last year, showing a downward tilt after a steady escalatory pattern for the last three years.

Societal changes and human rights trends

The sociodemographic of our province is undergoing change, marked by an influx of immigrants and refugees, migrations to New Brunswick from within Canada, an aging provincial population, more persons identifying with grounds like race, colour, and national origin, and increased public awareness and advocacy of gender rights.

The Commission continues to monitor these societal trends and has advanced its educational initiatives to disseminate human rights awareness to the more vulnerable groups in the province.

This year we modified our research and educational priorities in anticipation of these trends, with webinars on housing, educational resources on workplace sexual harassment, multilingual plain-language flyers on human rights for newcomers, a *Guideline on Age Discrimination*, and multiple educational campaigns on social media to raise awareness about human rights, equality, dignity, and inclusion.

Areas of discrimination

As in previous years, employment and services were the leading areas under which complaints were filed this year, with 77 percent of complaints falling under these two areas.

Areas under which complaints were filed



111 (52%)

complaints related
to employment



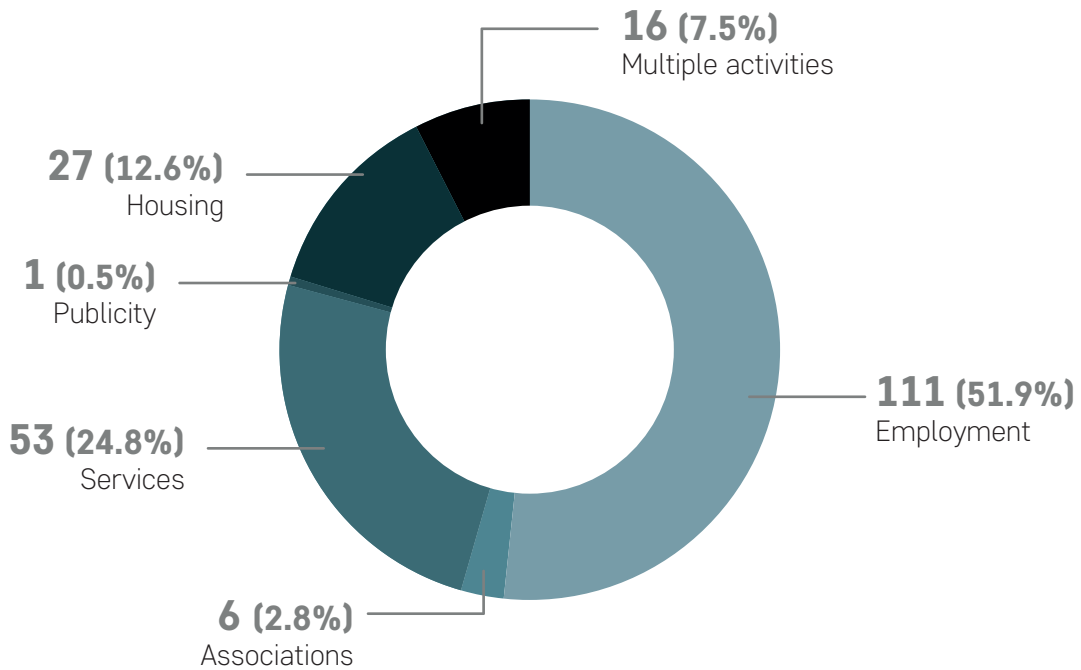
53 (25%)

complaints related
to services

This year, 41 percent of all employment complaints involved alleged discrimination based on physical or mental disability, while 23 percent of all services related complaints involved alleged physical or mental disability discrimination, endorsing the pattern of a consistently high volume of disability-based complaints.

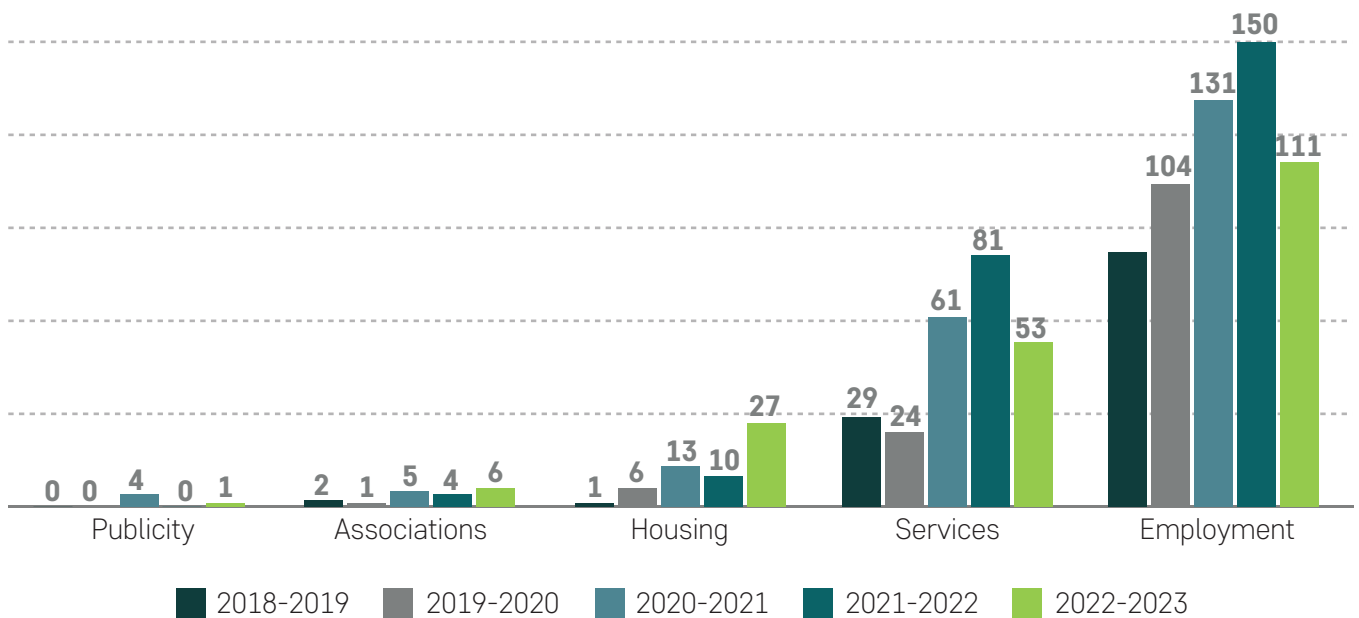
The other notable trend is a sharp increase in housing related complaints, which sprang up from 4 percent last year to 12.6 percent in this fiscal.

This is indicative that the housing crisis facing the province has a distinct human rights dimension, an aspect that all stakeholders need to monitor closely in the coming years.



Comparison of filed complaints by areas of discrimination, 2018-2023

Similar to housing, complaints filed in the area of associations also increased this year and has stayed steady for the past three years. However, the numbers continue to be small in percentage, as employment, services, and housing continue to be the main areas under which complaints are being filed.

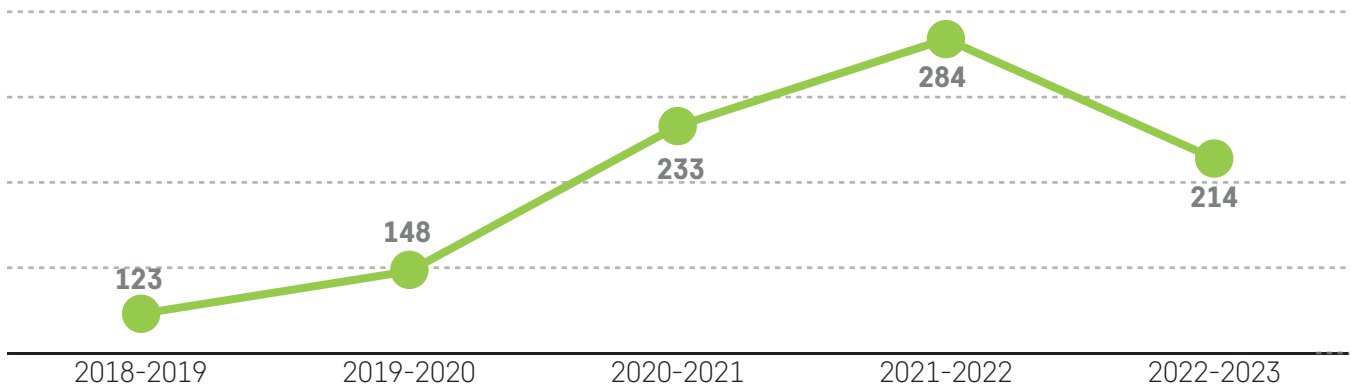


Breakdown of complaints

The number of complaints filed with the Commission kept escalating steadily between 2018 and 2022. However, the complaints witnessed a decrease of 25 percent in the current year.

The unprecedented escalation in complaint numbers in 2021-22 was due, in part, to the vaccination mandates that were initiated during the pandemic, and this year's drop in complaint numbers is partly explainable by the relaxing of those regulations.

Number of complaints filed, 2018-2023

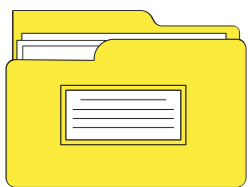


However, despite a decrease in complaints filed this year, the fiscal year still ended with a high number of active complaints, which continues to remain a cause of concern for the Commission.

With new resources added this year, improved triaging, proactive educational work, and revamped processes, the Commission hopes to steadily bring down its backlog of complaints in the coming years.

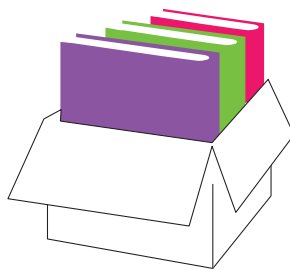
Number of filed, closed, and active complaints, 2022-23

The Commission successfully closed 197 complaints this year. The year ended with 292 active complaints and a significant complaints backlog. Backlog refers to active complaints not yet assigned for review due to staffing constraints.



214

complaints filed
this year



197

complaints closed
this year



292

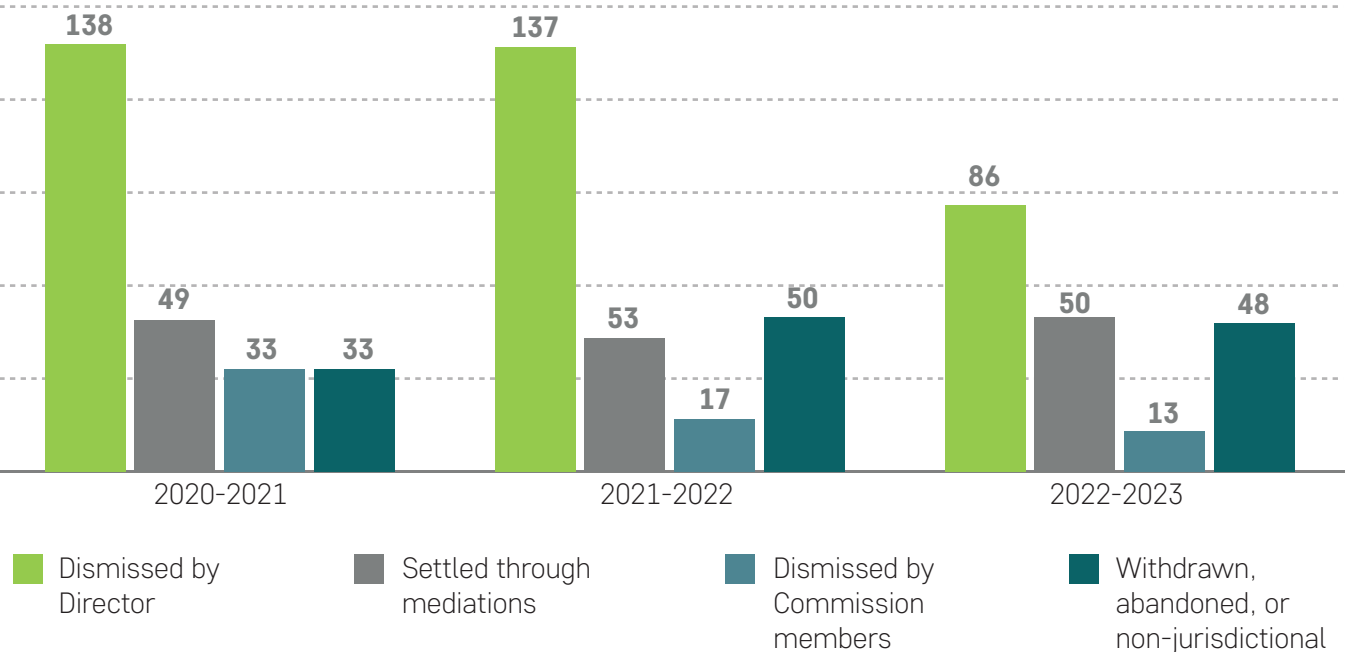
total active complaints
at year end

The Commission has initiated significant changes to bridge its complaints backlog, and we are hopeful that it will steadily inch downward with each succeeding year.

Steps taken this year that should address backlogged complaints over time include:

- Hiring of additional investigation and legal staff
- Prioritizing resolution of oldest complaints in the complaints roster
- Emphasizing settlement of complaints through mediation, including PCI
- Strengthening education, outreach, and informational work
- Revamping the complaints triage process

How the complaints were closed



A significant number of complaints were dismissed for being without merit, a determination the Commission makes after legal analysis of each complaint.

Similarly, substantial complaints were settled in mediation or withdrawn by complainants, while referrals to the Labour and Employment Board (LEB) also increased compared to last year.

The number for complaints dismissed by the Director include complaints closed at the LEB level.

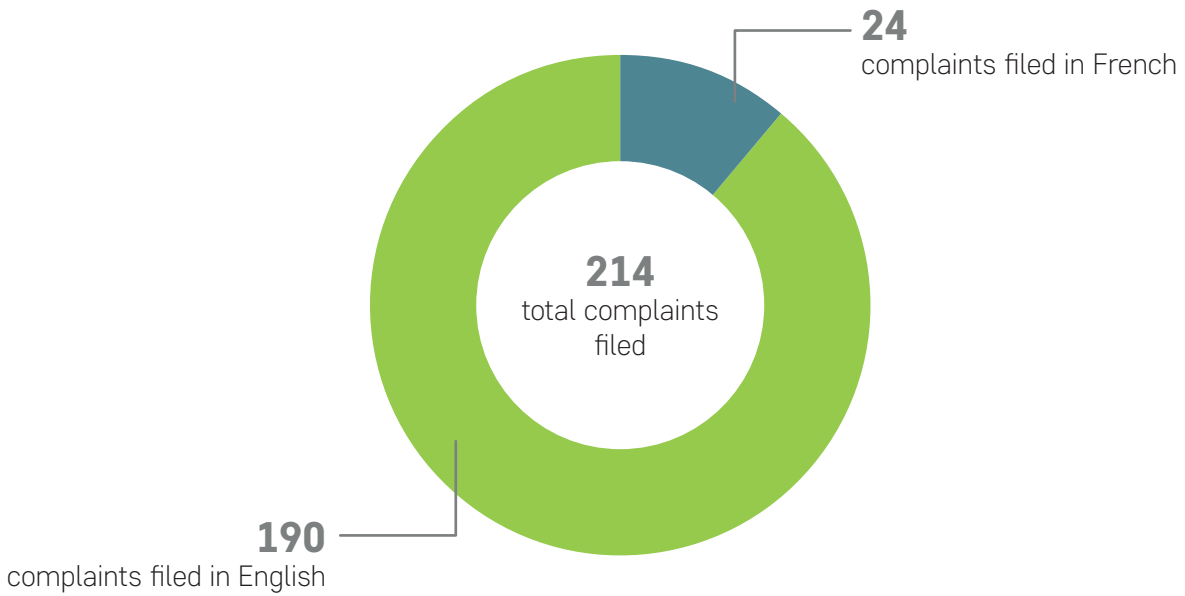
As complaints become more intricate and human rights challenges increase in complexity, the Commission anticipates that referral of complaints to the LEB will also go up in the coming years.

Appeals from Director's dismissals

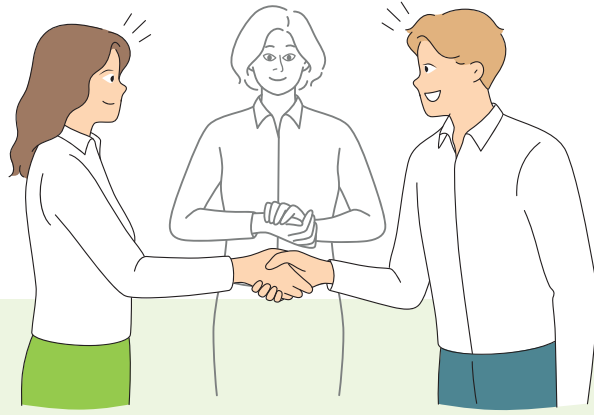
When a complainant is dismissed by the Director because it is without merit, the complainant has a right to appeal the Director's decision to Commission members.

In 2022-23, the Director dismissed 86 complaints, out of which 30 complainants appealed the Director's decision to Commission members. In all 30 appeals, Commission members agreed with the Director's findings and upheld the dismissals.

Language of complaints



Commission's mediation services

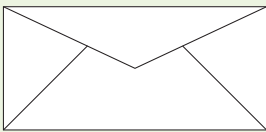


When a complainant files a complaint with the Commission, the Commission offers its mediation services to the parties, in case they are interested in settling their dispute through mediation. The Commission's mediation services are free of charge and can be availed at any stage in a complaint's lifecycle.

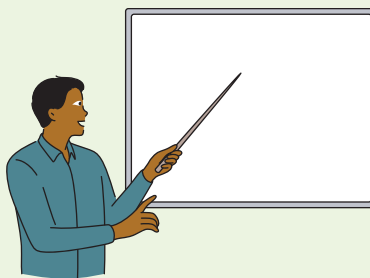
If parties agree to try and settle the complaint by mediation, Commission staff, acting as a neutral third party, facilitates mediation discussions between the parties, in an effort to reach a settlement. Mediation is voluntary, it is confidential, and it is conducted without prejudice to either party.

Mediation settlements can include monetary compensation, such as general damages (compensation for injury to dignity, feelings, or self-respect) and/or special damages (compensation for loss of pay or benefits).

Settlements can also include non-monetary compensation, for example:



A letter of apology to the complainant



Human rights training for the organization or individuals involved



Changes in the organization's policies and practices

Pre-complaint intervention

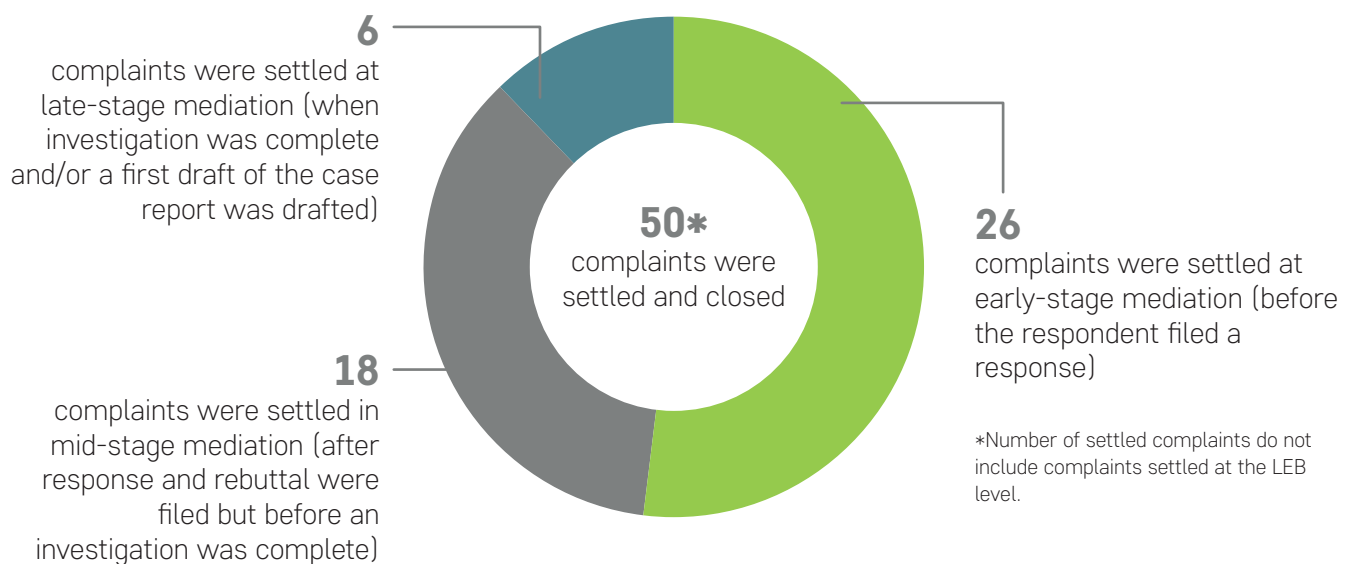
The earliest stage in the mediation process is called Pre-complaint Intervention (PCI).

In PCI, a mediator attempts to settle a dispute before the complainant has filed a formal complaint with the Commission. These interventions are particularly effective when there is still a limited time window to resolve a dispute before it aggravates into a potential discriminatory situation.

Besides PCI, complaints can also be mediated at other stages of a complaint proceeding.

Settlement of complaints by numbers

This year the Commission settled **50 complaints** at different stages of the mediation process.



Terms of settlement

A settlement typically includes monetary awards, including general or special damages, and non-monetary compensation. In the 50 settlements completed this year, the Commission was successful in achieving the following outcomes:

- Over **\$274,610** in total cumulative monetary settlements, including **\$266,475** in general damages.
- Human rights training, including training to an entire government department.
- Letters of recommendation and apologies provided by employers.
- Accommodation of employees through modified work schedules and improved work environment.
- Accommodation of service animals in housing.

Settlement stories: Persons helped through our mediation process

These brief accounts provide a glimpse into the day-to-day pulse of the Commission's operations and process, and they convey a sense of the tension and urgency that pervades our mediation work.

Note: Names in these stories have been changed to respect the privacy of the parties.

Social condition discrimination in housing resolved through mediation

Zara's Story: Zara wanted to rent an apartment for her and her parent. After contacting a local rental company, she was informed that, due to a rent-to-income ratio policy, her rent payment must not exceed 30% of her income. She was subsequently denied an apartment based on this policy. Zara reviewed the Commission's *Guideline on Housing Discrimination* and believed that the rent company's policy was discriminatory based on social condition (level of income).

Resolution: Zara filed a human rights complaint with the Commission, alleging social condition discrimination in housing. Both parties agreed to participate in the Commission's mediation process. During mediation, the rental company agreed to stop using its rent-to-income ratio policy and to participate in human rights training.



Sex and sexual harassment discrimination in employment resolved through mediation

Gina's story: Gina was employed as a personal support worker for a local home support company. Gina alleged she was sexually harassed by a client during a home visit. She alleged that when she raised the issue with her employer, she was told that the incident happened due to her clothing and her manner of dress.

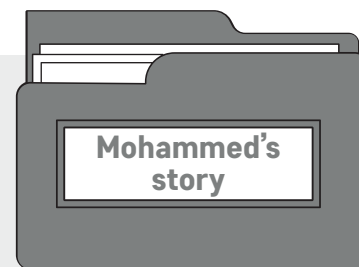
Resolution: Gina filed a complaint against her employer and the client, alleging sex and sexual harassment discrimination. All parties agreed to participate in the Commission's mediation process. The initial mediation was not successful in reaching a resolution, but the parties were able to agree to settlement terms at a later stage. The employer agreed to compensate Gina with special damages (lost wages) and to issue her a formal letter of apology.



Family status discrimination in employment resolved through mediation

Mohammed's story: Mohammed had worked for his employer for several years. Mohammed required accommodation in his schedule to take care of a child with a disability. The employer accommodated Mohammed by allowing him to work a day shift, so he could care for his child in the evening. However, in 2022, after a change in management, his accommodation need was denied. Even though Mohammed advised management and HR of his situation, the employer was not willing to accommodate him. As a result, Mohammed resigned from his position to care for his child.

Resolution: Mohammed filed a human rights complaint, alleging discrimination based on family status (having a child with a disability who required care). Both parties agreed to participate in the Commission's mediation process. The mediation was successful, and the employer agreed to compensate Mohammed with general damages for injury to dignity, feelings, and self-respect. Mohammed accepted the offer, and the mediation was successfully concluded.



Employment complaint alleging sex and physical disability discrimination mediated

Sophia's story: Sophia was employed by a local agency providing support to children with disabilities. Sophia advised her employer that due to her pregnancy and physical disability, she required accommodations, including regular breaks and access to certain medical disposal units. Sophia alleged that her employer did not provide the requested regularly scheduled breaks that she required for her disability, and also denied her access to the medical units required.

Resolution: Sophia filed a human rights complaint, alleging sex (pregnancy) and physical disability discrimination in employment. Both parties agreed to participate in the Commission's mediation process. The mediation was successful and the employer agreed to provide Sophia with general damages for injury to dignity, feelings, and self-respect as well as a letter of reference. Sophia agreed to the employer's offer and the mediation was successfully concluded.



Services-related physical and mental disability discrimination resolved by mediation

Cho's story: Cho enrolled her child in a childcare facility. Within a few days of her child's admission, the facility owner advised Cho that her child was showing signs of a disability, and they could no longer care for the child without the support of an assistant. Cho was unable to work while she sought alternate childcare for her child.

Resolution: Cho filed a complaint on behalf of her child, alleging mental disability (presumed) and physical disability (presumed) discrimination in the area of services. Both parties agreed to participate in the Commission's mediation process. The childcare service agreed to provide the Complainant with both general damages for injury to dignity, feelings, and self-respect, and special damages incurred due to loss of work. Cho consented to include a non-disparagement clause in the settlement agreement and the mediation was successfully concluded.



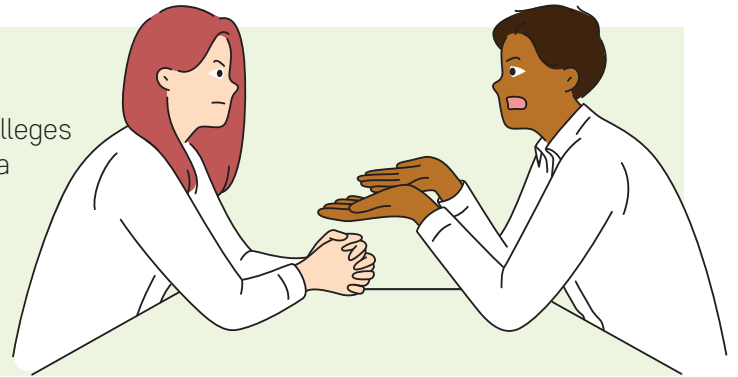
The investigation unit

When a complaint is not settled or dismissed at the inquiry stage, the Commission investigates its allegations to assess the merits and makes a recommendation to Commission Members to either dismiss the complaint or refer it to the Labour and Employment Board (LEB).

Complainant vs. Respondent

A complainant is an aggrieved person or party who alleges discrimination linked to a protected ground and files a complaint based on that allegation with the Commission.

A respondent is a person, party, or organization against whom a complaint of discrimination is filed.



Investigations involve:

- Close legal and factual review of the submissions from both complainants and respondents
- Obtaining and analysing relevant documentation related to the allegations
- Conducting interviews with parties and witnesses
- Corroborating evidence, including documentation, interviews, and statements of parties
- Reviewing physical locations or premises, if relevant to a complaint

At the conclusion of an investigation

①

The Investigator drafts a **Case Analysis Report**, which outlines the parties' positions and the evidence collected during the investigation.

②

The Investigator analyzes the collected information to determine whether the complainant has established an arguable case of discrimination.

③

If an arguable case is established, the Investigator recommends that Commission Members refer the matter to the **LEB**.

If an arguable case has not been made out, the Investigator recommends dismissing and closing the complaint.

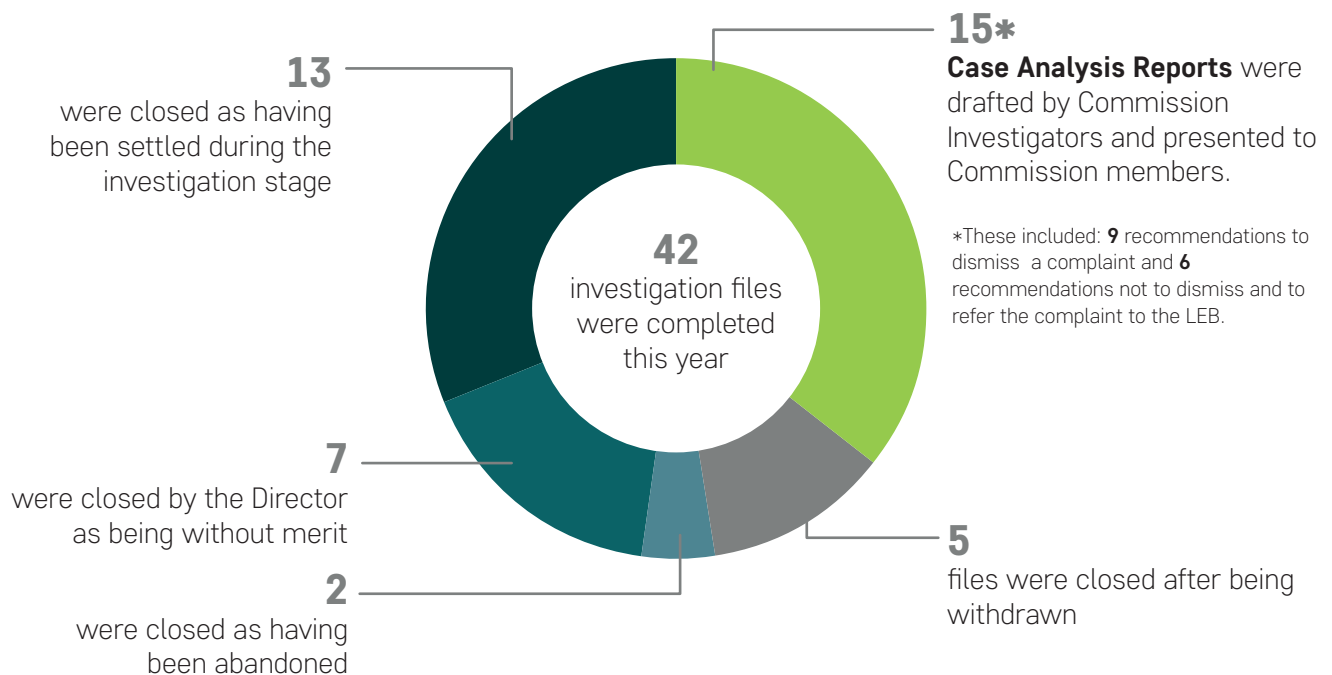


Shared functions of Investigation and Legal Units

If, at the conclusion of the investigation, the findings support an arguable case of discrimination, the Investigator recommends that Commission Members refer the matter to the LEB.

When a complaint is referred to the LEB, **the complaint file moves from Investigation to the Legal Unit until the complaint is closed at the LEB level.**

How the files were processed



Investigators

In 2022-2023, the Investigation Unit went from two investigator positions to five, as a result of a budget increase. Consequently, significant Investigation Unit resources were directed towards the completion of some of the oldest files in the complaints roster.

In April 2022, **62** complaints that had been filed between 2017 and 2020 were awaiting investigation.

By the end of March 2023, this number had gone down to **27**
(a 56% decrease).

The number of complaints awaiting an available Investigator peaked in the summer of 2022 at 132 files. As of March 31, 2023, there were 101 complaints awaiting an available Investigator – a 23.5 percent decrease in six months.

This decrease can be attributed to new positions staffed within the Investigation Unit (four investigators hired between July and September 2022), combined with new internal efficiencies and processes between the Registrar's Office, its mediators, and the Investigation Unit.

The Commission remains committed to reducing its backlog and delivering timely and efficient service to the people of New Brunswick.

Narratives of investigation

The following are abbreviated accounts of a few investigation files completed by Commission Investigators this year. The accounts provide a snapshot of the work involved at the investigation stage of a complaint's lifecycle.

Note: Names in these stories have been changed to respect the privacy of the parties.

Alleged mental disability discrimination in employment investigated by Commission

The complainant had been employed in a warehouse for six months when his employment was terminated, mainly due to absenteeism. The complainant alleged that the absences were due to his mental disability, which the employer knew about and should have accommodated, instead of terminating him.

The investigation consisted of obtaining and reviewing:

- Relevant corporate policies
- The complainant's personnel file, work schedule, and absences
- The complainant's hospital records and relevant medical information, and
- Interviews with the complainant and the respondent manager

A review of the evidence indicated that the complainant missed full or partial days on 17 different dates. Of those 17 absences, only two were logged by the employer as related to disability, and there was no medical evidence to support that the complainant visited either his physician or the hospital to seek treatment for his condition during any of these absences.

The investigation concluded that there was insufficient information to support that the complainant's frequent absences from work were due to his mental disability. The complainant thus failed to establish that mental disability was a factor in his termination and the file was dismissed.



Investigation of alleged physical disability discrimination in employment

The complainant had worked for the respondent company for over ten years as a seasonal labourer. Every year, the complainant would be laid off in the winter months and rehired in the spring to work full-time until the following winter.

The complainant suffered a back injury at work (physical disability) and WorkSafeNB approved his claim for lost time, so he remained off work for rehabilitation for several months. The complainant had no documented performance or attendance issues prior to his accident. His gradual return to work was interrupted by a second work injury, which was accepted as part of his existing WorkSafeNB claim.

After getting surgery for his second injury, the complainant was cleared to return to work. However, the respondent did not allow the complainant to resume work, due to fears about his competence to perform job functions and the potential of another work injury.

The investigation involved a review of the WorkSafeNB file, and interviews with the parties, witnesses, and relevant WorkSafeNB personnel. The evidence showed that the complainant's physical disabilities were legitimate, as were the corresponding accommodation requests, and the employer failed to participate in the accommodation process in good faith and failed to accommodate the complainant to the point of undue hardship. The Commission accepted the investigation's recommendation that the complainant had successfully set out an arguable case of discrimination and referred the matter to the LEB.

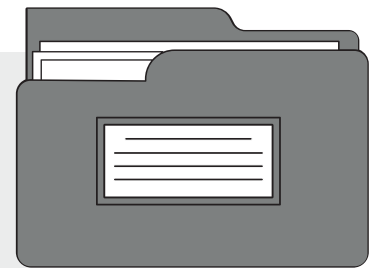


Complainant alleges sex discrimination and sexual harassment in employment

The complainant alleged sexual harassment, abuse of power, and intimidation by the president of the respondent organization, citing that they were subjected to: harassing phone calls; constant propositioning; personal and intimate questions; and unwanted touching. According to the complainant, when the respondent found out that they had complained to staff about the situation, their employment was terminated.

The investigation consisted of a review of the respondent's policies and procedures, the complainant's personnel file, written correspondence between the parties, and interviews with eight individuals. Ultimately, the information appeared to indicate that the complainant had set out an arguable case of sex discrimination and sexual harassment and the matter was referred to the LEB.

At the Board, with the help of a mediator, the parties came to a resolution of the matter. At the end of this fiscal year, some settlement conditions had not yet been completed.



Alleged discrimination in services based on sex and gender identity investigated

The complainant alleged discrimination based on sex and gender identity in services when the respondent charged fees for the complainant's surgery, even though the procedure was deemed medically necessary and medical insurance coverage was approved for it. The complainant alleged that they were treated differently due to their sex and gender identity compared to other individuals, who received full coverage for medically necessary surgeries.

The investigation included:

- A review of the respondent's relevant policies and procedures
- The respondent's internal correspondence
- Third party information
- The complainant's relevant medical information
- Seven interviews

The information obtained during the investigation supported an arguable case of sex and gender identity discrimination in services and the matter was referred to the LEB. At the end of this fiscal, mediation discussions were ongoing between the parties to find a resolution into the matter.



Complainant alleges discrimination in services based on physical disability

The complainant alleged that he was not receiving appropriate accommodations for his multiple physical disabilities at an establishment where he was temporarily institutionalized. The respondents denied having discriminated against the complainant.

Based on information obtained halfway through the Commission's investigation into the matter, mediation was reoffered and both parties indicated their willingness to participate in without prejudice mediation discussions facilitated by the Commission's mediation staff. The matter was successfully mediated, and the file was closed.

For summaries of additional complaints that were referred to a Board of Inquiry after an investigation, see "Overview of complaints referred to the LEB" in the Legal summary section.



Legal summary

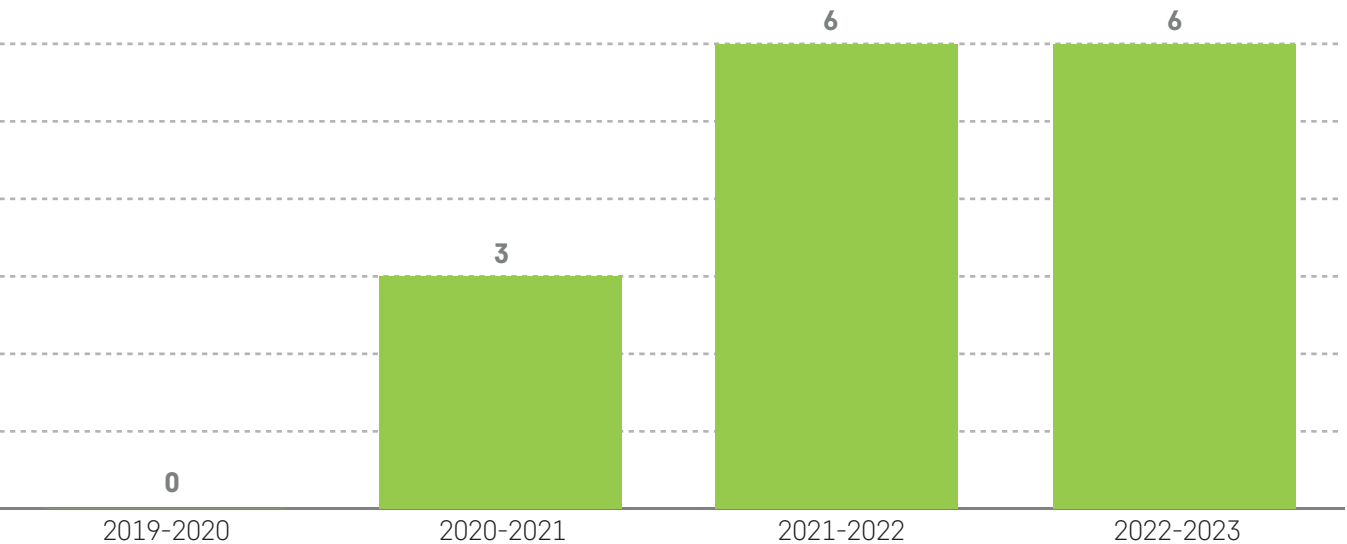
In 2022-2023, the Commission referred six new complaints to the Labour and Employment Board (LEB). When a Commission Investigator completes their investigation on a complaint, and the findings of the investigation appear to establish an arguable case of discrimination, the Investigator recommends that Commission Members refer the complaint to the LEB.

Labour and Employment Board (LEB)

The New Brunswick LEB is a quasi-judicial tribunal established under the *Labour and Employment Board Act*. It has powers to make a finding of discrimination, and to award monetary compensation and other non-monetary remedies. Decisions of the LEB can be appealed in the provincial courts.

When the Commission refers a complaint to the LEB, the complaint is not closed in the Commission’s system until proceedings before the LEB or the courts have been finalized. Therefore, files pending before the LEB are accounted for within the Commission’s total active files.

Complaints referred to the LEB



The Commission referred six new files to the LEB this year. At the end of the fiscal, there were 12 active files before the LEB, six of them pending from the previous year.

Overview of complaints referred to the LEB

In addition to the three complaints summarized in the “Investigation unit” section that were referred to the LEB this year, below is an overview of the three additional complaints the Commission referred to the LEB after concluding its investigation.

Sex discrimination and sexual harassment allegations in employment

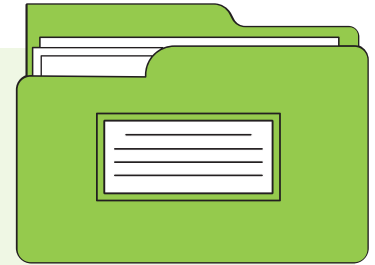
The complainant alleged discrimination on the basis of sex and sexual harassment in employment, stating that her supervisor subjected her to unwanted hugs and sent her inappropriate text messages.

The Commission’s investigation included a review of:

- The employer’s sexual harassment policy, procedures and code of conduct
- Training materials related to the policy
- The complainant’s personnel file and performance reviews
- Employment contracts
- All text and email correspondence between the complainant and her supervisor

The Investigator also conducted seven interviews.

Based on the investigation, it was recommended that the information had established an arguable case of discrimination, including the fact that the organization did not appear to have addressed the complainant’s allegations of sexual harassment in a timely and appropriate manner. The matter was referred to the LEB and at the end of the fiscal year, the LEB had scheduled a mediation session.



Physical disability discrimination alleged in employment



The complainant alleged physical disability discrimination in employment because the respondent refused a gradual or modified return to work option, disallowed the complainant to work unless they performed all their job duties without restrictions, and failed to participate in the accommodation process. The complainant also maintained that they were forced to resign due to the unacceptable work conditions.

The Commission's investigation into the matter included a review of:

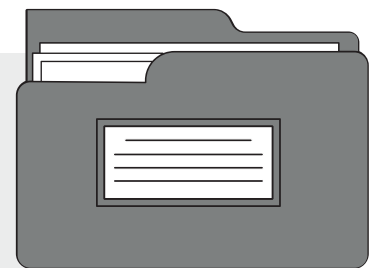
- All communication between the parties during the relevant period
- The complainant's WorkSafeNB records and relevant medical information

The Investigator also conducted three interviews.

Based on the information collected, it was determined that the complainant had established an arguable case of discrimination and the matter was referred to the LEB.

At the end of this fiscal, the hearing of the complaint had been scheduled for the following months.

Discrimination based on physical disability alleged in employment



The complainant alleged that she suffered discrimination because a) she was not provided reasonable accommodation, b) discriminatory comments were made about her disability, and c) her employment was terminated.

The respondents maintained that they were unaware of any inappropriate comments regarding the complainant's disability and addressing the complainant's workplace issues was not related to her disability. The respondents further maintained that they did provide reasonable accommodation to the complainant, and that her employment was terminated because of theft.

After its investigation, the Commission found that the information pertaining to the complainant's accommodation and termination was not sufficient to support an arguable case of discrimination against the respondents. Therefore, it recommended that these aspects of the complaint be dismissed as being without merit.

However, the Commission found that the information pertaining to the discriminatory comments was sufficient to establish an arguable case and referred this part of the complaint to the LEB.

Before the hearing, the parties came to a resolution of the matter. At the end of this fiscal year, the settlement conditions had been completed but the file was awaiting closure at the LEB.

Types of settlement parties may agree on

When parties reach resolution in a complaint, the terms of settlement are generally confidential and can include some of the following:



Damages for the complainant



Human rights training for the respondents, management team, and/or staff



Apologies either in writing or verbal



Reinstatement of the complainant in the workplace



Policy changes or development



Policy review from the Commission

In some situations, terms of settlement can include:

- Press releases
- Creation of committees for reviews of policies and procedures
- Publication and training of modified policies and procedures

Decisions rendered by the LEB

During the 2022-2023 fiscal year, the LEB rendered the following decisions in cases or preliminary issues:

Daniel Amegadze c. Automobiles Beresford Auto Inc. and Raoul Comeau

This complaint involved allegation of discrimination in services based on race, ancestry, place of origin, and national origin. The complainant alleged that the service provider discriminated against him when he was helping a friend with an important purchase. The service provider treated the complainant differently during the interaction, and, at one point, pointed a finger at the complainant's face and asked him to "return to Africa".

After conducting its investigation, gathering all the evidence, and interviewing witnesses, the Commission determined that the protected characteristics were factors in the complainant's differential treatment and the complainant had established an arguable case of discrimination. The matter was referred to a Board for adjudication. The full hearing on this matter was conducted in the fall of 2022, and the decision was rendered by the Board in March 2023.

The Board found that the respondent had discriminated against the complainant:

- The complainant experienced differential treatment in accessing the respondent's services
- The respondent refused to provide services to the complainant
- The respondent made discriminatory and racist comments against the complainant
- The respondent demonstrated aggressive behaviour when he pointed his finger at the complainant's face

Remedies: The respondent was ordered to pay the amount of \$12,500 in general damages to the complainant for injury to dignity, feelings, and self-respect. Additionally, the individual respondent was ordered to undergo human rights training within three months of the decision.

Full decision: Amegadze c Automobiles Beresford Auto, 2023 CanLII 33446 (NB CTE)



Robson v University of New Brunswick, CUPE National and CUPE Local 3339



In this complaint, the complainant alleged age discrimination in employment against her employer and union. The complainant was mandatorily retired from her position when she turned 65, based on a mandatory retirement provision contained in the employer's Collective Agreement.

The complainant argued that the mandatory retirement provision of the Collective Agreement was discriminatory based on the protected ground of age. The respondents maintained that the provision was protected by Section 4(6)(a) of the New Brunswick *Human Rights Act (Act)*, which permits mandatory retirement in bona fide retirement or pension plans.

After conducting its investigation, the Commission determined that the employer's Collective Agreement did not meet the definition of a bona fide retirement or pension plan envisaged in the *Act* and the complainant had established an arguable case of age-based discrimination.

At the hearing, the respondents raised preliminary issues, including:

- 1) Whether the complaint should be dismissed against one of the respondents – CUPE National; and
- 2) Whether the Board had jurisdiction to hear the matter, following the Supreme Court of Canada's decision in *Northern Regional Health Authority v Horrocks*, [2021] SCJ No 42.

Both hearings on the motions took place in December 2021 and decisions were rendered in April 2022.

1) Regarding the first issue, the Board concluded that the complaint should be dismissed against CUPE National as there was no evidence to support that CUPE National directed or controlled the decisions of the Local Union; a CUPE National Servicing Representative who provided advisory services to the Local Union was doing so on behalf of the Local and not on behalf of CUPE National; and, CUPE National was not liable for the decisions made by the Local, even if those actions were influenced by the National Representative.

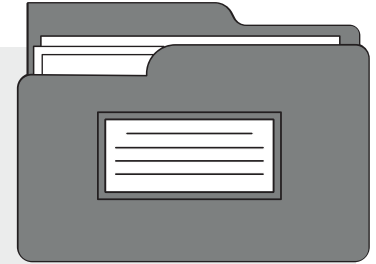
Full decision: *Robson v University of New Brunswick*, 2022 CanLII 40799 (NB LEB)

2) Regarding the second issue, the Board concluded that a labour arbitrator does not have exclusive jurisdiction over human rights issues where the matter involves disputes that are also subject to a grievance process. It concluded that based on the language of the *Act*, the "Legislature did not intend to oust the jurisdiction of the Commission and this board merely because a human rights complaint could also have been the subject of a grievance". Further, given that no grievance had been filed with respect to the issues in the complaint, the Commission did not need to dismiss the complaint as having already been dealt with in another proceeding.

Full decision: *Robson v University of New Brunswick*, [2022] NBHRBID No 3

The full hearing on the merits took place in November 2022, with the final arguments in February 2023. At the end of this fiscal, the Board had not rendered its decision on the merits. In addition, a judicial review application was filed in June 2022 on the jurisdictional issue and was yet to be heard by the Court of King's Bench.

Judicial review and Court of Appeal matters



Margaret-Ann Blaney v. Her Majesty the Queen in Right of the Province of New Brunswick, represented by the Department of Energy and Resource Development

The complainant had been appointed to a government agency on a five-year fixed term. Following a change in administration, the new government passed legislation to dissolve the government agency to which the complainant was appointed, which revoked the complainant's appointment, benefits, and recourse. The complainant filed a human rights complaint with the Commission alleging employment discrimination under the ground of political belief or activity.

The Commission's investigation initially dismissed the complaint, but Commission members instructed the staff to reinvestigate the jurisdictional issue. Meanwhile, the respondent filed a judicial review application, asking the Court of King's Bench to stop the Commission from investigating the complaint. The Court disagreed and noted that the judicial review application was premature, as "courts should not interfere in an ongoing administrative process until an evidentiary inquiry has been completed". Consequently, the Commission proceeded with its investigation.

Following its investigation, in September 2021, the Commission referred parts of the matter to the Board. However, in December 2021, the respondent filed a judicial review application; the Respondent wanted the Commission's referral decision to be quashed, and argued, amongst other things, that the decision to not dismiss the entire complaint was incorrect and unreasonable.

The hearing for this second judicial review application was conducted in October 2022, and a decision was rendered in November 2022. The Court of King's Bench dismissed the application. Without enumerating all the submissions and the Court's arguments, it was determined, in part, that the language of the *Act to Dissolve* required more explicit wording to oust the jurisdiction of the Commission: "The Commission's decision to refer the matter to the Board reflects a reasoned consideration of interpreting the purposes of the *HRA* in a manner consistent with the *Act to Dissolve*". The Commission had given all parties numerous opportunities to present their arguments, and the Commission had done "what was required to produce a decision that was reasonable and consistent with the principles of justification and transparency". It was now up to the Board to consider the merits of the complaint.

Full decision: *New Brunswick v Blaney*, 2022 NBKB 229

In November 2022, the respondent did seek leave to appeal the Court of King's Bench's decision, and leave was granted.

By the end of this fiscal, the Appeal had not been heard by the NB Court of Appeal.

A woman with curly hair and glasses, wearing a dark blazer over a white top, stands in a meeting room. She is pointing with a black marker at a whiteboard. The whiteboard has a small red dot at the top and some faint diagrams below. In the foreground, the back of a person with blonde hair is visible, sitting at a table. On the table, there is a laptop and a tablet. The person in the foreground is holding the tablet and looking at it. The entire scene is overlaid with a semi-transparent teal color.

PROMOTE

Promoting human rights

Education, advocacy, and research

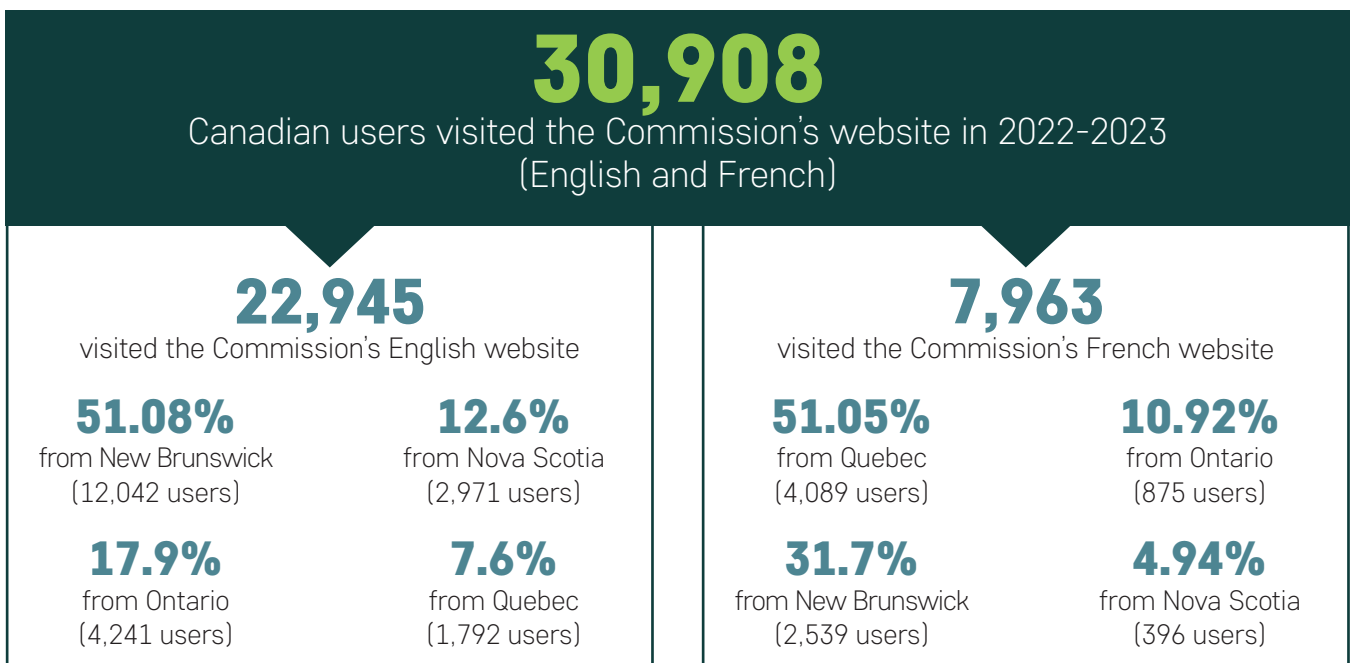
Education, advocacy, and research are key functions to support the Commission's mandate of human rights protection. As custodians of human rights in New Brunswick, we cultivate relationships with the human rights community, engaging in collaborative dialogue and promotional activities with government departments, NGOs, employers, academics, human rights defenders, multicultural associations, and minority rights advocates across a broad social and political spectrum.

We also monitor the province's changing socio-demographics, indexing new immigrant and refugee groups, with the aim to remove language and cultural barriers these groups may face in accessing our services.

Engaging the public

The Commission's English website saw a **43.20 percent** bounce rate, which indicates that visitors engage with the contents of the website.

The Commission's French website saw a **43.68 percent** bounce rate, again confirming visitor engagement with the website content.





1,161

followers on the Commission's Facebook page, up from 994 in last fiscal

339

posts reached 21.4K people on Facebook this year

We connect with the public through our multimedia platforms to raise human rights awareness and promote social change. Our educational and outreach initiatives are pre-emptive tools in human rights management, to raise awareness about human rights, transform social attitudes and mindsets, and inform stakeholders on best practices for human rights informed policies and procedures.

Informed by the frameworks of human rights law, jurisprudence, and scholarship, the Commission's educational communications emphasize the core human rights values of dignity, equality, inclusion, and non-discrimination.

Our educational programs reach government departments and the private sector, employers, housing, and service providers, educational institutions, and community groups across the province. These programs include:

- Presentations, workshops, and webinars
- Research publications
- Outreach and educational projects with rights groups and stakeholders
- Information and research sharing with government departments and human rights commissions nationwide
- News releases and public statements
- Social media outreach

Educational and advocacy initiatives

Plain language resources for newcomers

On July 22, 2022, the Commission released “Human Rights in New Brunswick”, a plain language flyer that summarizes the key human rights protections provided under the Act.

The flyer includes information on the areas and grounds of discrimination, the legal duty to accommodate, meaning and examples of discrimination and harassment, the compliance process, and the role of the Commission in New Brunswick.

This publication is part of the Commission’s strategy to provide clear and accessible human rights information to the public, especially to newcomers in the province.

Keeping in view the changing sociodemographic and increased immigration to the province, the Commission translated the flyer into six foreign languages, Arabic, Tagalog, Mandarin, Swahili, Spanish and Ukrainian, and posted them on its website. The languages were chosen based on a demographic survey of new immigrant groups in New Brunswick.

The objective of releasing this information in multiple languages is to inform newcomer groups about their human rights and obligations, and to provide information about the Commission’s services in accessible format and in the first language of different immigrant populations.

Furthermore, the Commission has observed that it receives a very low percentage of complaints and inquiries from newcomers, so this initiative aims to ensure that newcomer groups are aware of the Commission’s services and have knowledge and resources to reach out to the Commission for redressal of potential human rights issues.



Newcomer consultations

The Commission partnered with the New Brunswick Multicultural Council to organize a consultation session with 30 representatives from settlement and ethnocultural agencies across the province.

The objective of the consultation was to assess the human rights challenges faced by newcomers, including barriers in accessing Commission and government services, challenges of settlement and integration, and how best to facilitate human rights protection and education for newcomer populations.

In May 2023, the Commission will release a summary report on the consultations, summarizing the key findings and recommendations to improve the Commission's services for newcomer groups. These findings will inform the development of an informational resource for newcomers, *A Newcomer's Guide to Human Rights in New Brunswick*, designed to assist these groups in navigating the human rights process in New Brunswick.



Safer Places NB: Lawyer Referral Program

The Commission continues to partner with Public Legal Education and Information Service of New Brunswick (PLEIS-NB) on the Safer Places NB project, which was officially launched in March 2022.

The project is part of a five-year \$1.5 million initiative funded by the federal Department of Justice to research and address workplace sexual harassment of LGBTQIA2S+ persons with a holistic, collaborative, and trauma-informed lens.

The project evolved from consultations with provincial stakeholders and is centered on supporting LGBTQIA2S+ employees and addressing gaps in educational resources so that they are not fixated on traditional binary approaches to workplace sexual harassment.



Amber Chisholm, Associate Director of PLEIS-NB, at the virtual launch of Safer Places NB's Lawyer Referral Program.

As part of the Safer Places project, the Commission and PLEIS-NB launched the **Safer Places NB's Lawyer Referral Program** at a virtual event on February 8, 2023. The initiative, the **first of its kind in the province**, offers victims of workplace sexual harassment an initial two-hour free consultation with a lawyer who will review their situation and explore legal options and potential outcomes.

Additional to the above, the Safer Places NB website offers:

- templates for sexual harassment policies and reporting;
- factsheets about sexual harassment and LGBTQIA2S+ terms;
- tips on reporting and preventing microaggressions;
- interactive material on the human rights of LGBTQIA2S+ employees; and
- FAQs on sexual harassment.

The website also offers two types of training courses: an e-learning asynchronous training and an online facilitated workshop

PRUDE Inc. ALL Women Committee: Implementing recommendations

This year the Commission continued its partnership with PRUDE Inc. on its ALL Women Project.

PRUDE Inc. is a Saint John based organization focused on the integration and participation of cultural communities in the region.

As part of the ALL Women Project, the Commission participates in a committee that makes recommendations to the municipalities of Rothesay, Saint John, Quispamsis, and Grand Bay-Westfield, to enhance women's inclusion and equality, and eliminate the systemic socioeconomic barriers they face.

The committee comprises of community organizations including the New Brunswick Black History Society, Saint John Newcomers Centre, Saint John Imperial Theater, Elizabeth Fry Society, Hestia House, and Sophia Recovery Centre, among others.

Based on first-hand accounts of women collected under the project, and the increased housing-related human rights complaints and inquiries in the province, the committee identified the need to raise awareness in the province about housing as a human right. As a result, the Commission hosted housing webinars to educate the public about the key housing protections under *Act*.

Resulting from this partnership, the Commission also hosted its first human rights webinars in Spanish to inform Hispanic newcomers about human rights protections in New Brunswick.



Research

Research informs all functions of the Commission, including compliance, education, communications, and engagement and outreach.

Our research work also includes:

- Contributing to the province's international human rights obligations
- Reviewing legislative and policy proposals
- Scrutinizing relevant human rights data
- Examining new human rights scholarship
- Monitoring emerging human rights issues, trends, and conversations



We also supported academics and researchers by providing information and data on the Commission's mandate, process, and functions, and provided feedback to the government on policy and legal matters. The research team also organized presentations and information sessions on key human rights themes for staff and Commission members.

Guideline on Age Discrimination

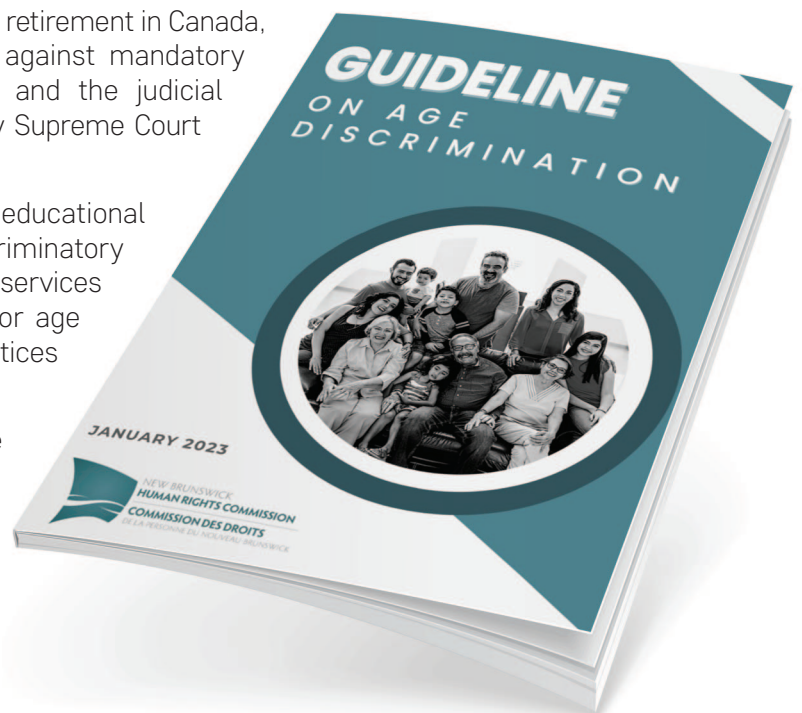
This year the Commission released *Guideline on Age Discrimination*, a comprehensive 65-page research document that outlines the protections provided in the *Act* against age-based discrimination.

The guideline defines the meaning of age as a ground of discrimination, summarizes up-to-date human rights case law on age discrimination, and describes best practices employers, housing, and service providers should adopt to prevent age discrimination.

The publication also offers an analysis of mandatory retirement in Canada, including its historical contexts, the safeguards against mandatory retirement in Canadian human rights statutes, and the judicial approaches to mandatory retirement, including key Supreme Court of Canada decisions on the subject.

Guideline on Age Discrimination is an important educational resource. It provides awareness that age discriminatory practices or policies in employment, housing, and services can be easily overlooked or hidden, and ageism or age stereotyping in social attitudes and institutional practices can lead to age related discriminatory treatment.

All stakeholders can avoid potential age discrimination by following human rights best practices of equality, inclusion, and dignity for persons of all age groups.



John Peters Humphrey: Life and Legacy

This year the Commission commenced a research project on the life and legacy of John Peters Humphrey, the New Brunswick born human rights trailblazer who has the distinction of having authored the first draft of the *Universal Declaration of Human Rights*.

The research is supported by an internship from the Human Rights Program at St. Thomas University in Fredericton, NB, and it will also form part of the commemoration of the 75th Anniversary of the adoption of the *Universal Declaration of Human Rights*.

The findings of the research will be featured on the Commission's website on dedicated pages, along with an interactive timeline and short video on Humphrey, which will be appended with a Teacher's Handbook, for use as a pedagogical tool in classroom settings.

Collaboration between the Commission and STU's Human Rights Internship program featured in the university's Newsletter

Human Rights Internship Program: Celebrating the 75th Anniversary of the *Universal Declaration of Human Rights*



My name is Emily Green, and I am a fourth-year human rights student at St. Thomas University. This semester, I am completing an internship with the New Brunswick Human Rights Commission (NBHRC) under the supervision of Dr. Khurram Khurshid within the Commission's Advocacy Unit. I was offered this placement through STU's Human Rights Internship Program, which is an excellent opportunity for human rights students to build connections and gain professional experience within the field.

The NBHRC is responsible for the administration of the New Brunswick *Human Rights Act* and works to advance equality and eliminate

discrimination within the province by educating people about their human rights and responsibilities

As part of the 75th anniversary of the *Universal Declaration of Human Rights* (UDHR), my internship project with the NBHRC involves conducting research on the legacy of John Peters Humphrey in relation to his contributions toward drafting the UDHR and the impact of his work on human rights development in New Brunswick and Canada. I will also be developing a social media campaign and proposals for province-wide events recognizing Humphrey's legacy in collaboration with the Commission's Education Officer (a recent STU graduate) as

well as the National Coordinator of the Canadian Association of Statutory Human Rights Agencies.

Interning at the NBHRC has already proved to be a transformative experience and an important milestone of my human rights degree at STU. Not only have I received valuable mentorship and insight into human rights practice which makes me excited to pursue a career or further study in this field, but my research will also make a concrete contribution to the understanding of international human rights development.

The Commission's Advocacy Unit will develop the following resources:

- A biographical account of Humphrey's life
- An annotated bibliography of his writings
- An annotated list of publications on Humphrey
- Archived resources, films, documentaries and exhibits about Humphrey
- Organizations, events, awards, and commemorations established in his honour
- A video on Humphrey's life, accompanied by a Teacher's Handbook for use in NB schools



Presentations and workshops

The Commission makes presentations, hosts webinars, and offers human rights training to employers, housing, and service providers, government departments, professional associations, and education institutions. The objective of these educational activities is to promote human rights awareness in society and inform rights holders and duty bearers about human rights and obligations under the *Act*.

With targeted and effective educational measures, we can transform social attitudes, impact policies, and influence institutional decision making, thereby improving respect and observance of human rights in the province.

Through education and outreach, we guide organizations, employers, and housing and service providers to integrate human rights best practices in their operations, which helps advance human rights benchmarks across the socio-economic spectrum in the province.

In the 2022-2023 fiscal year, the Commission delivered a total of 46 workshops to 1,645 attendees.

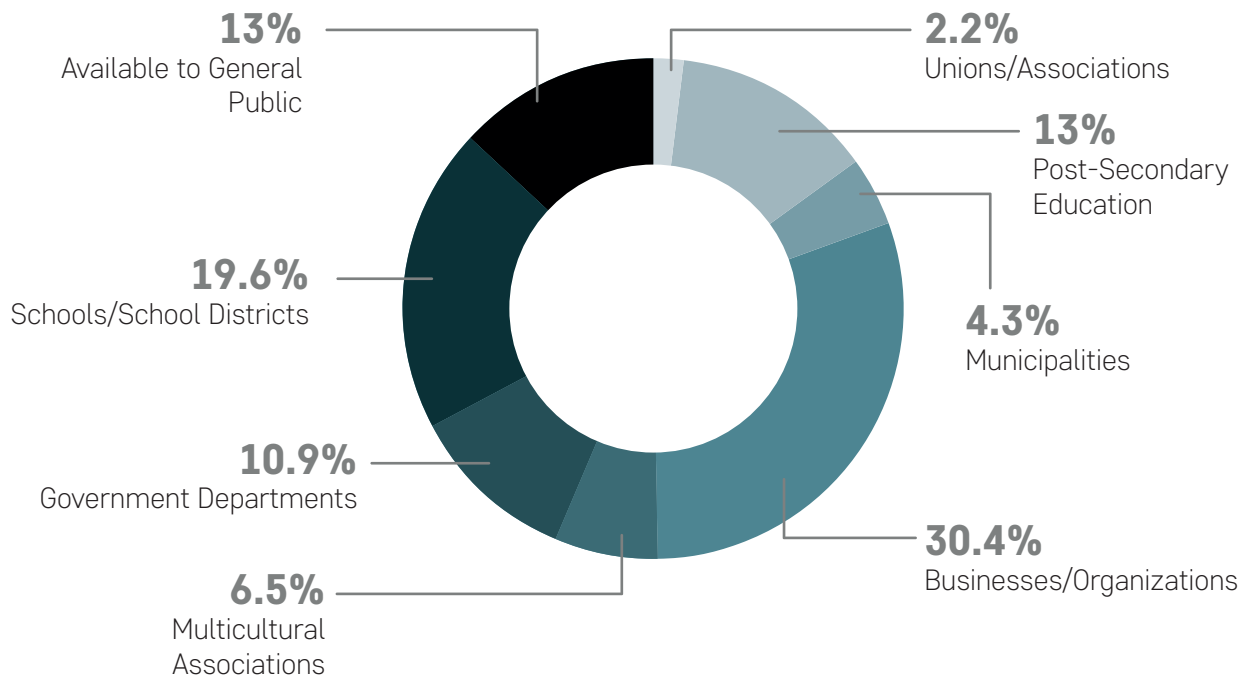
46
workshops

This marks a **28% increase** from last year (from 36 to 46 workshops).

1,645
attendees

The Commission reached **91.5% more people** than last year (from 859 to 1,645 attendees).

Audiences we reached this year



Topics of our presentations

This year's presentations were delivered on the following topics:

Presentation topics	# of workshops	Percentage
Getting acquainted with human rights	29	63%
Housing as a human right	8	17.4%
Accommodating students with disabilities	3	6.5%
Duty to accommodate at work	3	6.5%
Human rights and sexual harassment	2	4.4%
Duty to accommodate	1	2.2%

Recognizing human rights defenders

New Brunswick Human Rights Awards

Every year the Commission presents its annual human rights and youth awards. The awards recognize human rights defenders and heroes, individuals or organizations that have made exceptional contributions to advancing human rights, equality, diversity, and inclusion in New Brunswick.

This year's recipients were Mamadou Oury Diallo and Cassandra Pitchford, the latter in the Youth Award category. The awards were presented by the Lieutenant Governor of New Brunswick, the Honourable Brenda Murphy, and the Commission's Chair, Claire Roussel-Sullivan, at a ceremony held at Government House in Fredericton.

Mamadou Oury Diallo, President of the Provincial Council of People of African Descent (CPPAANB), received the award in recognition of his exceptional leadership in advancing the rights of the Black diaspora in New Brunswick and for promoting cultural diversity and inclusion in the province. Through his advocacy at CPPAANB, Diallo mobilizes federal, provincial, and local organizations to facilitate the cultural, social, and economic development and integration of Black New Brunswickers in our province.

Cassandra Pitchford, an Engineering student at the University of New Brunswick, received the Youth Human Rights Award in recognition of her advocacy on behalf of post-secondary students with disabilities. Pitchford is a youth leader of exceptional merit who has championed the accessibility, inclusion, and equity rights of young people and students to ensure fairness and equality in post-secondary education in the province.

This year, the Lieutenant Governor formally assumed the role of Patron of the New Brunswick Human Rights Awards, formalizing the Office of the Lieutenant Governor and the Commission's relationship in recognizing community activists who are championing human rights in the province.

From left to right: The Honourable Brenda Murphy, Lieutenant-Governor of New Brunswick; Cassandra Pitchford, Youth Human Rights Award recipient; Mamadou Oury Diallo, Human Rights Award recipient; Claire Roussel-Sullivan, Chair, New Brunswick Human Rights Commission



Media relations

Our media engagements include news releases on human rights issues and developments, statements commemorating human rights milestones or about potential human rights violations in the province, and announcements about the Commission's publication of new educational resources.

We also respond to media inquiries on current human rights issues, our mandate and compliance process, and ongoing complaints or Board of Inquiry cases.



The Commission distributed five news releases and statements this year:

1. May 10, 2022: "Call for nominations for the 2022 New Brunswick Human Rights Awards"
2. November 10, 2022: "2022 Human Rights Awards presented"
3. January 6, 2023: "Commission issues new guideline on age discrimination"
4. February 8, 2023: "Lawyer referral program to help victims of workplace sexual harassment"
5. March 30, 2023: "Call for nominations for the 2023 New Brunswick Human Rights Awards"

Our social media strategy

Through advocacy of our mandate on social media, we channeled our educational messaging to a wider audience and demographic this year. Social media content is round-the-clock, it reaches audiences that may not typically use conventional online or media resources, and it enables the Commission to advocate its message in short, incremental digitized content, which appeals to social media users, especially its younger cohort.

Our social media posts feature:

- Educational posters about the *Act* and the Commission's guidelines
- Promotion of our work and partnerships with external organizations
- Commemoration posts for days and events recognizing human rights milestones
- Promotion of human rights-related initiatives in the province
- Curated human rights content from relevant organizations and government agencies

In 2022-23, the Commission featured the following topics in its social media campaigns, amongst others:

- FAQ Fridays Series: Frequently Asked Questions about Human Rights
- Mental Health and Human Rights Week
- Age Discrimination and Ageism
- International Human Rights Day Book Giveaway: What does Equality and Diversity Mean for New Brunswickers
- Commemoration of the International Day of Persons with Disabilities
- National Child Day: Family Status Protections under the *Act*
- International Day against Homophobia, Biphobia, and Transphobia: How to Create a Safe Workplace for LGBTQIA2S+ Employees
- NB Human Rights Leaders Series

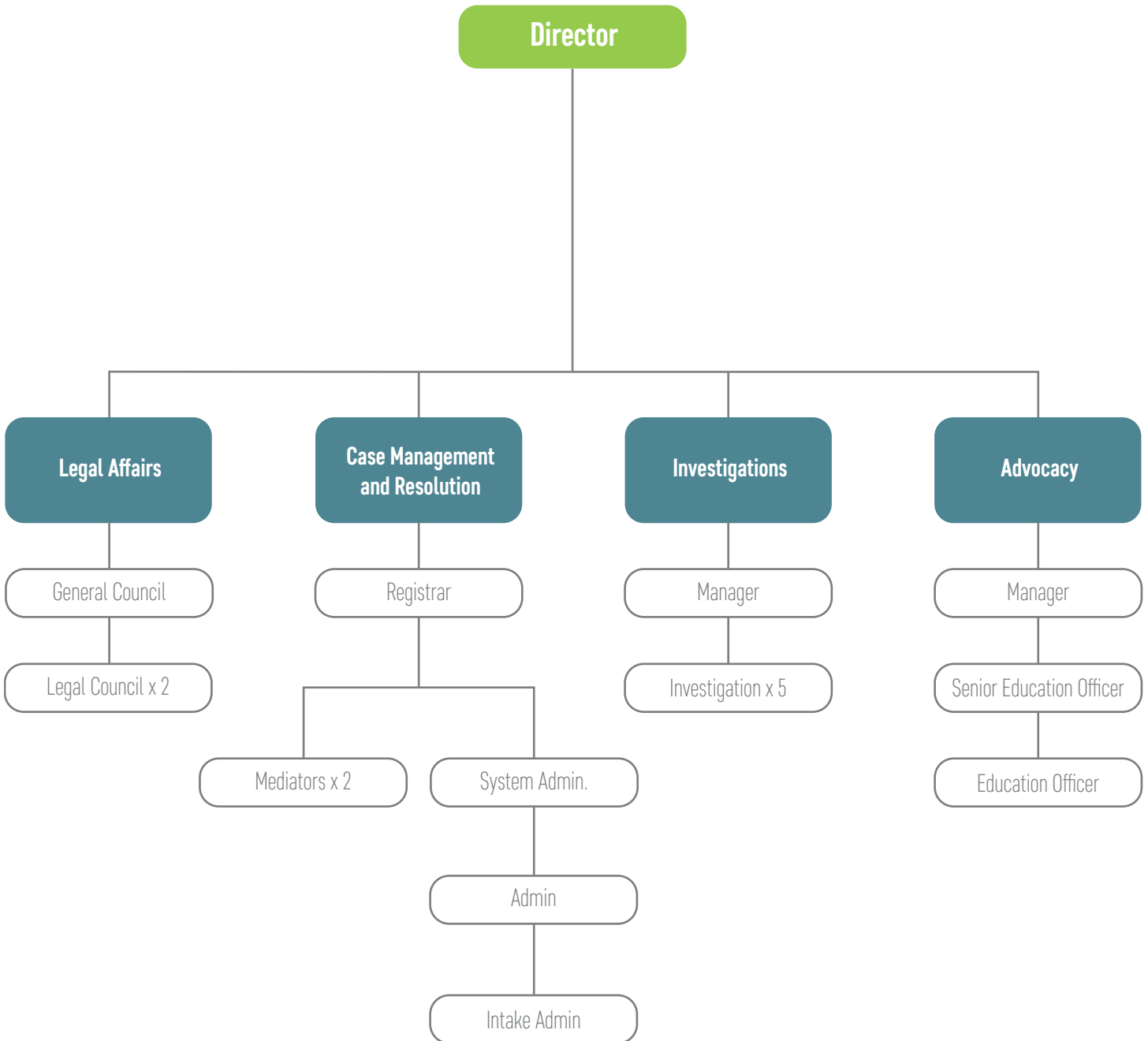
Impact of social media outreach, 2022-2023

	Facebook	Twitter	YouTube	LinkedIn
Posts/Tweets	393	201	4	1
Followers/Subscribers	1,161	511	61	92
Follower Growth from Previous Fiscal Year	167	10	12	30
Post Reach/Views	21.4k	–	153	–
Shared and Comments/Retweets	2.2k	–	–	–
Impressions	–	24k	–	–

APPENDICES

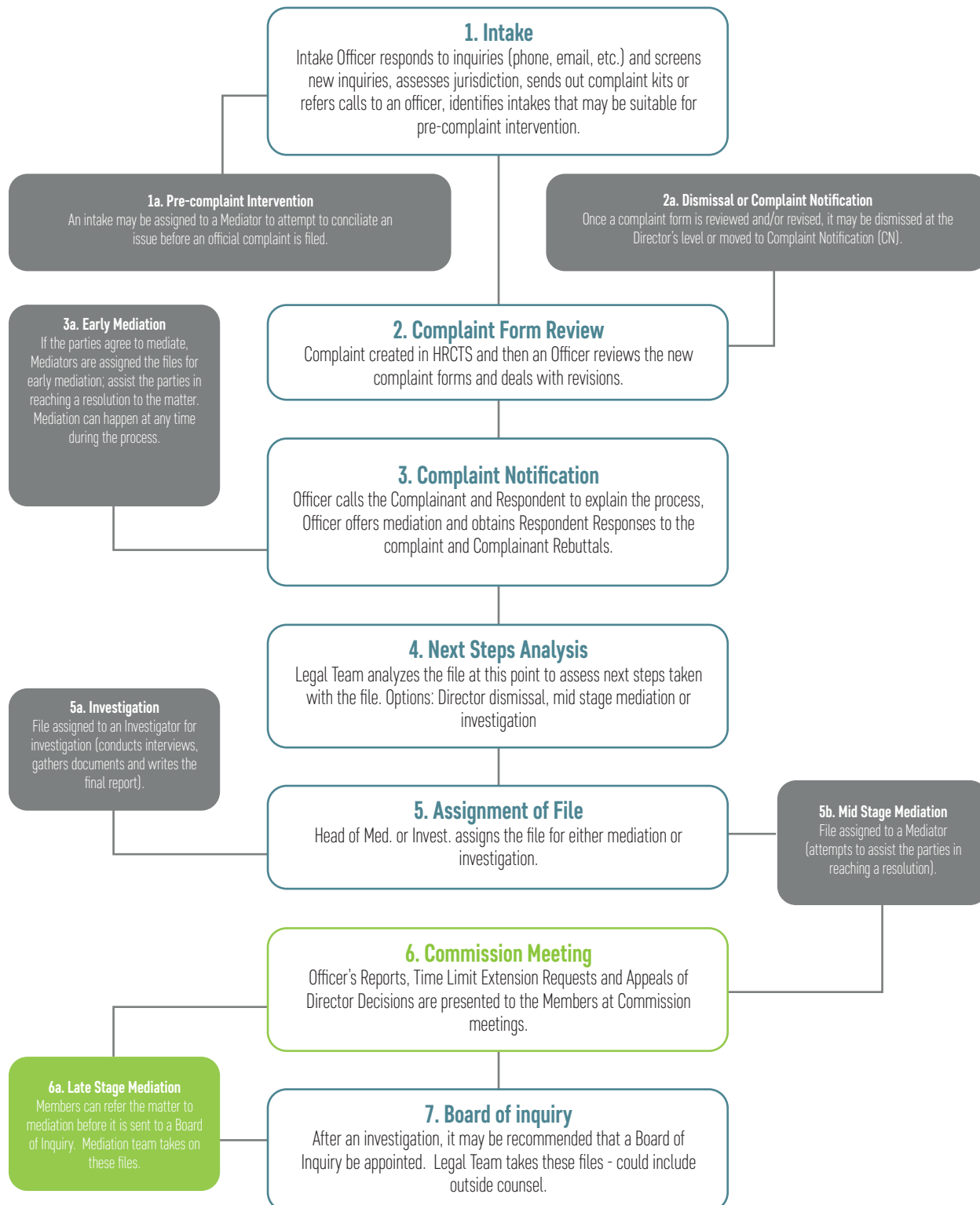
Appendix A

Organizational chart



Appendix B

Complaint process



Appendix C

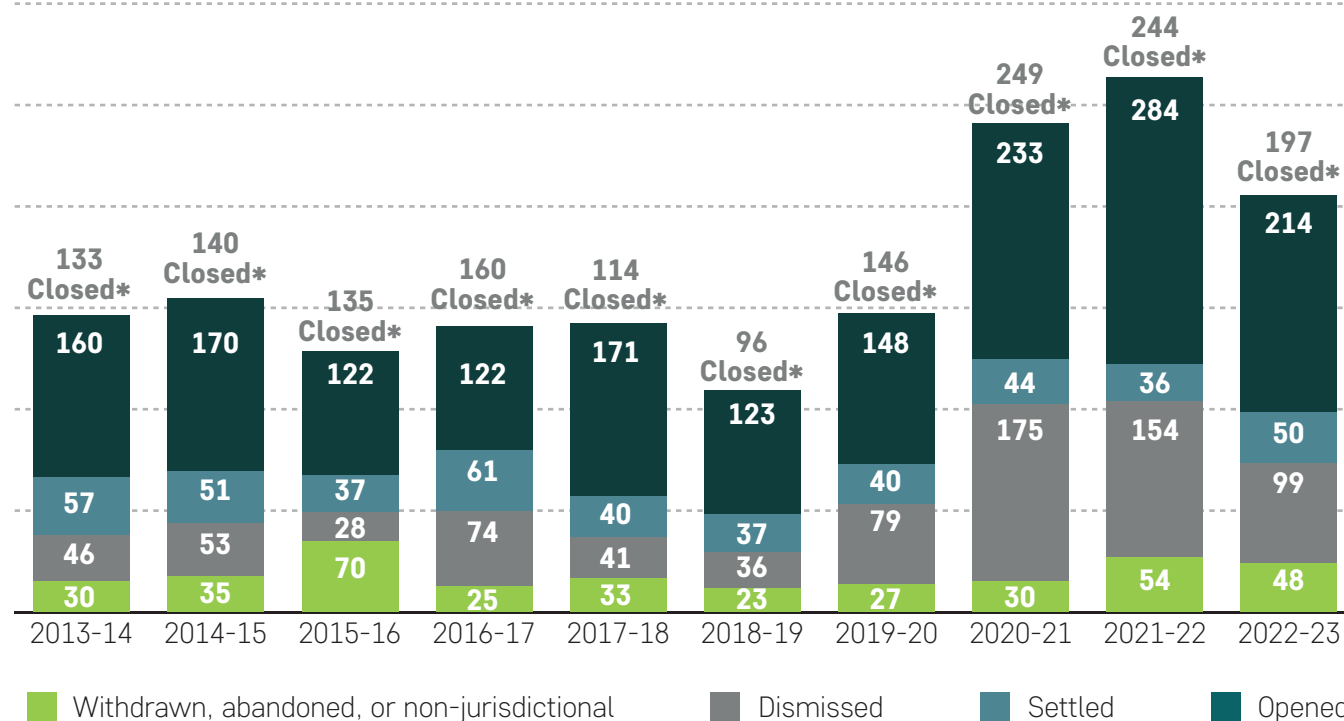
New complaints by allegations, indicating grounds and activity, 2022-23*

Grounds	Employment	Housing	Services	Publicity	Associations	Total
Mental disability	58	14	31	3	5	111
Physical disability	44	6	23	3	5	81
Sex	23	5	10	3	2	43
Age	10	10	12	3	2	37
Race	13	5	14	4	1	37
Social condition	7	13	12	2	3	37
Family status	11	6	11	5	1	34
Place of origin	11	4	11	3	2	31
National origin	11	6	7	1	2	27
Creed or religion	9	2	10	1	3	25
Ancestry	8	4	7	1	3	23
Colour	9	3	6	2	1	21
Political belief	6	2	6	3	2	19
Sexual harassment	11	3	1	3	1	19
Gender ID or expression	4	3	7	2	2	18
Sexual orientation	3	3	4	2	1	13
Marital status	3	1	2	1	1	8
Reprisal	0	1	0	0	0	1
Totals	241	91	174	42	37	585

* This table shows allegations of discrimination cited in this year's complaints. Many complaints allege discrimination on more than one ground (e.g. race and colour) or in more than one activity (e.g. employment and services). Therefore, while 214 complaints were filed this year, many of them alleged discrimination under multiple grounds, bringing the total number of allegations cited this year to 585.

Appendix D

Formal complaints filed and closed, 2022-2023



* **NOTE:** Statistics of closed complaints only represent formal complaints closed by the Commission, not cases settled during pre-complaint interventions (or PCIs) or formal complaints closed at the Board of Inquiry or court levels. Closed complaints include “Withdrawn, abandoned or non-jurisdictional,” “Dismissed,” and “Settled” complaints.

Appendix E

Summary of expenditures, 2022-2023

	Budget	Actual expenditures
Compliance and Education	\$1,720,008	\$1,670,771
Office of the Commission	\$58,700	\$31,635
Total	\$1,778,708	\$1,702,406

For detailed figures, please consult Supplementary Information in Volume 2, Public Account 2022-2023, Department of Post-Secondary Education, Training, and Labour.

Appendix F

Commission publications

Guidelines available on the Commission's website

- Guideline on the Section 19(2)(f) Process (2017, 30 pages)
- Accommodating Disability at Work (2017, 25 pages)
- Accommodating People with Service Animals (2017, 20 pages)
- Accommodating Students with a Disability (K-12) (2017, 32 pages)
- Accommodating Students with Disabilities in Post-Secondary Institutions (2017, 13 pages)
- Delegation of Compliance Functions (2017, 4 pages)
- Guideline on Family Status (2017, 12 pages)
- Guideline on Gender Identity or Expression (2017, 9 pages)
- Time limit Extension for Filing a Complaint (2017, 4 pages)
- Guideline on Sexual Harassment (2018, 39 pages)
- Guideline on Cannabis, Alcohol, and Drug Addictions (2018, 42 pages)
- Guideline on Social Condition (2019, 22 pages)
- Guideline on Pregnancy Discrimination (2019, 39 pages)
- Special Programs and the Meaning of Equality and Discrimination (2020, 56 pages)
- Guideline on Housing Discrimination (2021, 70 pages)
- Guideline on Age Discrimination (2023, 63 pages)

Other resources

- Annual Reports
- Studies and Reports
- Statistics
- FAQs on Employment and Services
- Board of Inquiry Decisions
- Introduction to Grounds and Areas of Discrimination
- Resources for Newcomers (Multilingual plain-language flyers)
- Human Rights Resources for K-12 Education