

ANNUAL REPORT  
**2021-2022**



NEW BRUNSWICK  
**HUMAN RIGHTS**  
COMMISSION

Annual Report 2021-2022

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 2021-2022.

Respectfully submitted,



Trevor A. Holder  
Minister Responsible for the Human Rights Commission

## From the Chair to the Minister Responsible

Trevor A. Holder  
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 2021-2022.

Respectfully submitted,



Claire Roussel-Sullivan, 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. The Commission administers and enforces 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, acceptance, and compliance with the *Act*.
- Administer the intake and resolution of human rights complaints.
- 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.

Our mission is to protect and promote human rights in New Brunswick.

## Process

The Commission settles complaints of discrimination and conducts investigations. If an investigation establishes an arguable case of discrimination, we refer the complaint to the Labour and Employment Board, which has powers to make a finding of discrimination and order monetary damages or other remedies.



The **Commission** settles complaints and conducts investigations



The Commission **refers complaints** to the Labour and Employment Board



The **Labour and Employment Board** has powers to order monetary damages or other remedies.

# Chair's message



"As Chairperson, it is my privilege to submit this annual report, which documents the hard work carried out during the past year by the dedicated members and staff of the New Brunswick Human Rights Commission."

This was another busy and challenging year, and we strove diligently to administer the New Brunswick *Human Rights Act*. Because of the ongoing pandemic, we once again realized the importance of efficient communication in responding to the concerns of New Brunswickers, guiding them toward better understanding of their rights and responsibilities.

This year marked a period of adjustment and, despite the ongoing impact of the pandemic on our lives, we held very rewarding virtual interactions with partner organizations, elected officials, and stakeholders, as well as our colleagues at other human rights commissions, to ensure that we are equipped to prevent discrimination in New Brunswick and to guide our society toward a culture of respect and equality for all.

Through our presence on social media, our online publications, and our webinars on a range of important topics, we offered 36 workshops to companies, organizations, and other groups. With nearly 900 attendees, 2021–2022 marked the return to a high level of participation in our online workshops, helping us promote a broader understanding among our citizens of their rights and obligations under the *Human Rights Act*.

Even more people contacted us this year seeking answers to their concerns. We noted a preference to interact with us directly, as the volume of telephone calls increased by more than 30 percent over last year, reaching a total of 1,824 conversations. This year, 2,387 people reached out to the Commission's two offices via email, telephone, snail mail, our online complaint form, or through in-person inquiries. Overall, the number of complaints we received also increased, nearly doubling in three years from 148 in 2019 to 284 in 2022.

**I note that complaints continued to originate mainly in the employment sector and that most complaints were filed under the grounds of physical or mental disability. As a result, our investigation and mediation staff worked tirelessly to respond to these demands and achieve positive outcomes through their interventions, while highlighting the importance of accessibility accommodations.**

The Commission had the honour to present the New Brunswick Human Rights Award at ceremonies held on September 15 in Saint John and Fredericton. Saint John-based PRUDE Inc. was the recipient of the 2021 New Brunswick Human Rights Award, while the New Brunswick Youth Human Rights Award was presented to Bailey Desjardins of Grand Manan. These recipients are laying the path to the future during these particularly challenging times. I could not be prouder of the Commission's choice regarding both of this year's recipients. Their names have been added to a prestigious list of New Brunswickers whose influence on our society continues to be felt.

Finally, I wish to acknowledge the support of the minister and staff of the Department of Post-Secondary Education, Training and Labour.

I would also like to thank all residents of New Brunswick who, through their goodwill gestures and mutual support, help to make our province a welcoming, respectful place by eliminating discrimination and ensuring that our province is open to all forms of diversity.

A stylized, cursive signature in dark ink, reading "Claire Roussel-Sullivan".

Claire Roussel-Sullivan  
Chair  
New Brunswick Human Rights Commission

# From the Director's desk

"As the world moves forward post-pandemic and people work to regain some form of normalcy, the New Brunswick Human Rights Commission (NBHRC) has remained steadfast in its mandate to promote a human rights culture through compliance, education, and advocacy."

Again, this year, despite the increased volume of inquiries in response to the challenges of COVID-19, the NBHRC continued to enhance its capabilities to inform and educate on issues important to New Brunswickers. As part of the provincial rental review initiative, the NBHRC released a Guideline on Housing Discrimination, and co-hosted online workshops with Service New Brunswick.

Safer Places NB, our five-year collaboration with Public Legal Education and Information Service of New Brunswick (PLEIS-NB), was officially launched this spring. This initiative is a key resource to help employers and employees ensure New Brunswick workplaces are free from harassment and discrimination. Another benefit of this partnership has been the training offered to NBHRC staff on trauma-informed practice.

As part of the NBHRC advocacy mandate, the Chair and I were grateful to contribute to the Interdepartmental Committee for the Disability Action Plan for Persons with Disability. Subsequently, we appeared before the Legislative Assembly's Select Committee on Accessibility, as well as the Standing Committee on Public Accounts, to present the work of the NBHRC to legislators and decision-makers.



**With regards to its compliance mandate, the number of complaints received by the NBHRC almost exceeded the three hundred mark this year. Despite numerous improvements in process and technology, this situation is untenable, and efforts are underway to secure additional resources.**

My election by my peers as Chair of the Canadian Association of Statutory Human Rights Agencies (CASHRA) in June was a gratifying recognition. This role has allowed me to leverage best practices and bring a national perspective to the work of the NBHRC.

In closing, I hope this Annual Report reflects accurately the tremendous impact NBHRC employees have achieved through their dedication and professionalism. It is a pleasure to work with them everyday.

A stylized, handwritten signature in black ink, consisting of a large, flowing 'M' and 'A' followed by a smaller 'M' and 'M'.

Marc-Alain Mallet  
Director



# Highlights

## In 2021-22, the Commission delivered on these priorities:

- Addressed 2,387 inquiries from the public, compared to 1786 inquiries last year, an increase of 34 percent.
- Closed 244 complaints and opened 284 new complaints, compared to 233 new complaints received last year, a 20 percent increase.
- Settled 43 complaints through mediation, with \$406,204 awarded in monetary settlements.
- Conducted 36 educational webinars, workshops, and presentations, reaching 859 persons.
- Launched Safer Places NB in collaboration with PLEIS-NB, to raise awareness about workplace sexual harassment.
- Supported the province's rental landscape review, issuing a Housing Guideline and delivering educational webinars on housing rights.
- Presented before the Legislative Assembly's Select Committee on Accessibility and provided reviews on the province's Disability Action Plan and proposed Service Animal Legislation.
- Issued FAQs, statements, and social media content on vaccination and mask policies, and provided human rights informational content to WorkSafe NB and the Department of Health.
- Appointed Chair of CASHRA and led collaborative initiatives with human rights commissions across the country.



Addressed **2,387** inquiries from the public



Settled **43** complaints through mediation



Conducted **36** webinars and presentations, reaching 800+ persons



# 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 refer complaints to a Board of Inquiry.

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, 2022, the Commission was comprised of:

- Claire Roussel-Sullivan (Chair)
- Dorothy Thériault
- Kimberley Douglass
- Charles Ferris
- Patricia Thomas-Arsenault
- Annie Guitard
- Shelley Roach Dumouchel
- Myriam Mekni

For member bios, see the Commission's website: [www.gnb.ca/hrc-cdp](http://www.gnb.ca/hrc-cdp)



Claire Roussel-Sullivan



Dorothy Thériault



Kimberley Douglass



Charles Ferris



Patricia Thomas-Arsenault



Annie Guitard

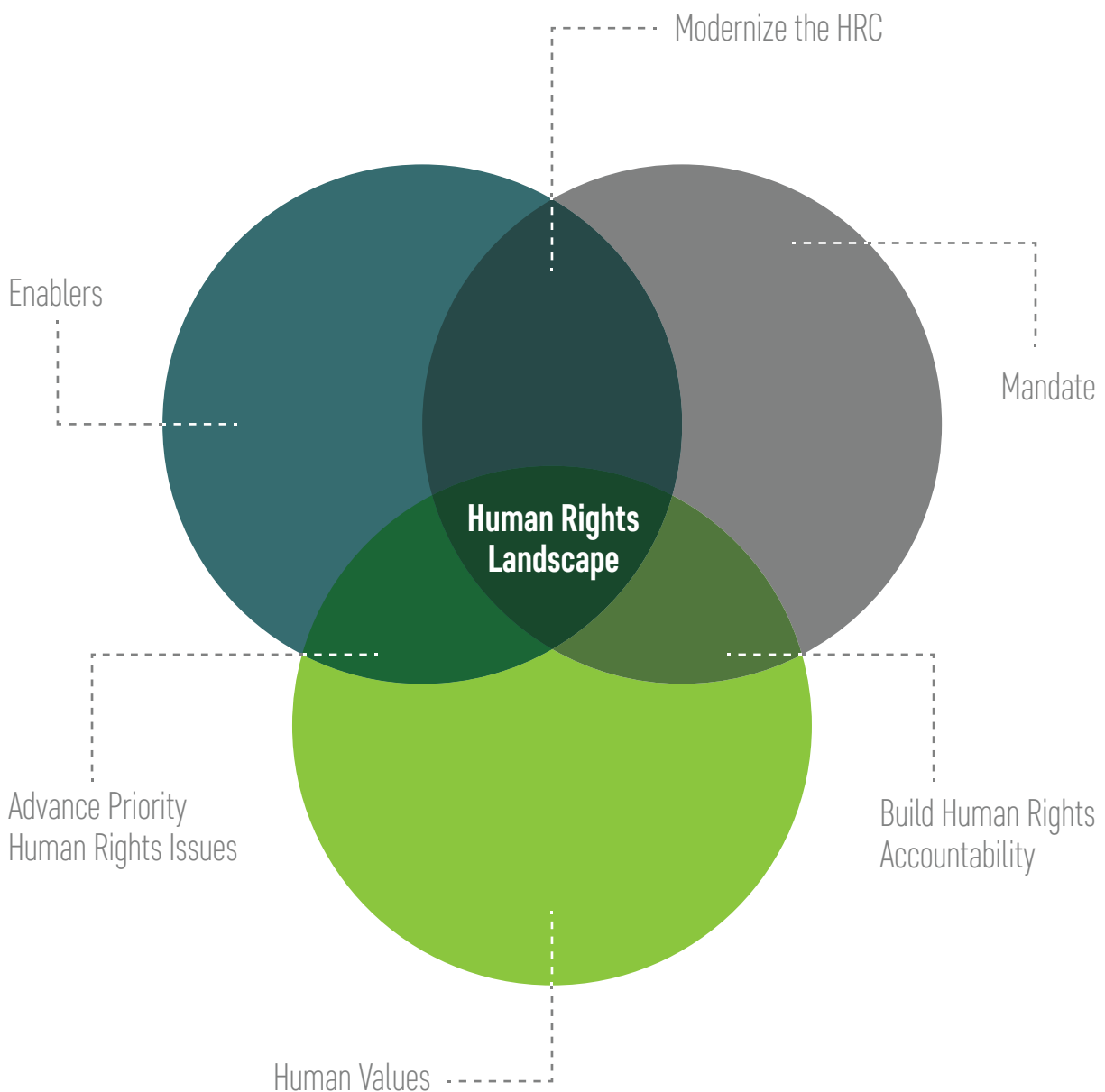


Shelley Roach Dumouchel



Myriam Mekni

# The human rights framework



Human rights are evolving constructs. They develop through networks of interdependent institutions and norms, alongside our constantly changing social, cultural, and political environments. The Commission must balance and adapt to the changing socio-cultural dynamics, and safeguard human rights principles through compliance, standard-setting, advocacy, and awareness. We are striving to create dynamic governance models, bridge gaps between rights and their enforcement, and embrace wider constituencies, in a bid to protect human dignity and respect all forms of difference.

# Protecting human rights

The Commission's operations comprise management of 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; devising programs to educate New Brunswickers on their human rights and responsibilities; and strategizing the Commission's compliance and operational frameworks for optimal program and service delivery.

In 2021-22, the Commission continued to innovate its processes to respond efficiently to increasing numbers of complaints and inquiries and assess the human rights implications of evolving pandemic regulations. We remodelled our operations to improve our workflow and communications, revamped our education and social media capacity, and provided research support to the government on key human rights areas like housing, accessibility rights, and the human rights impact of mandatory vaccination policies.

The Commission witnessed a record escalation in the number of inquiries and complaints received this year, which covered a wide range of human rights themes and were dominated once again by pandemic related inquiries. To respond efficiently to the persons who reached out to us, we instilled innovation and change management strategies in our process for more efficient and personalized service delivery. We improved our triaging process to prioritize urgent or time-sensitive complaints; augmented our legal and investigation teams; encouraged settlement of complaints through mediation; monitored human rights jurisprudence on pandemic related complaints; and maintained consistent educational and outreach initiatives.

## 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 people's issues at the earliest stages, or directed them to the appropriate department or organization that had jurisdiction to address those issues.



The Commission helped  
**thousands of persons**  
address their human rights concerns, file a  
formal complaint, or acquire information about  
our mandate and process.

## Pandemic response

2021-22 was another pandemic year and the Commission continued to adjust its compliance, communications, and education functions to meet the requirements of new government regulations, evolving case law, and increasing pandemic related inquiries and complaints. As the year progressed, we dealt with the impact of vaccination roll out; mandatory vaccination regulations; alternating closures and openings of businesses and services; work-from-home and hybrid-work regimes; shifting alert levels, from the province's State of Emergency to its orange, yellow, and green phases; and the pandemic's continuing economic, social, and mental health fallout.

### Highlights

- Released FAQs on Mandatory Vaccination Policies
- Issued Housing Guideline, with a section "Covid-19 and Housing Rights"
- Issued news release, "Are exemptions from vaccination mandates protected under human rights?"
- Conducted legal research, "Accommodating religious exemptions requests for vaccination mandates"
- Provided research support to WorkSafe NB and Department of Health on human rights aspects of the pandemic

We answered hundreds of queries, processed record number of creed or religion complaints, issued policy statements, and posted informational content on our social media pages. Further, with the rise of conspiracy theories about the pandemic, our intake team provided clarifications on misinformation about the pandemic in an increasingly complex and challenging environment.



Reviewed human rights implications of mandatory masks and **vaccination policies**



Processed record number of complaints based on the ground of **creed or religion**



Released FAQs, news releases, statements, and social media content on **pandemic related issues**



Provided **research support** to departments on human rights aspects of the pandemic

# 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.

The 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

Inquiries to the Commission rose exponentially this year, by a staggering 34 percent compared to last year, an increase that reflects the continuing effects of the pandemic, increased economic and social uncertainty, and a heightening awareness of human rights among the population.

**Inquiries represent the broad canvas on which the Commission's work leaves its imprint. All inquiries do not culminate into formal complaints. Complaints refer to the specific formal complaints filed with the Commission, in accordance with the steps involved in the Commission's complaint process.**

Inquiries addressed by the Commission related to:

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

## Highlights

- **34 percent more inquiries received by the Commission compared to last year**
- **20 percent more complaints received compared to last year**



## Inquiries and complaints received by the Commission



**2,387** people contacted the Commission to inquire about a human rights issue or file a complaint



**284** complaints were filed with the Commission

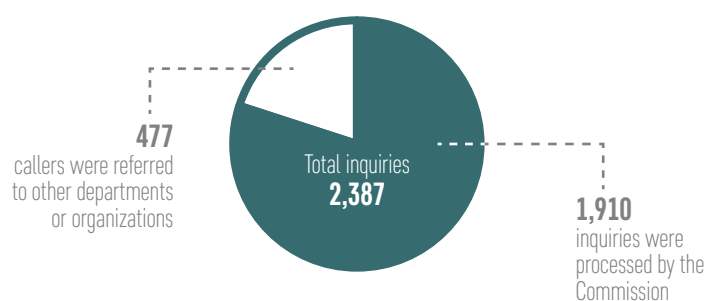
*Many inquiries were addressed by the Commission without a complaint being filed*

Commission staff assess all inquiries carefully, and, when an issue does not fall under the *Act*, direct individuals to the relevant department or organization that has jurisdiction to address their concerns. Most inquiries are also assessed by staff to determine if they can be settled at the outset through the Commission's pre-complaint intervention (PCI) process.

Through our triaging method, we guide New Brunswickers to the appropriate channels to pursue their concerns or resolve their complaints at the earliest possible stages. At this initial stage of the process, particular attention is paid to identify non-jurisdictional inquiries.

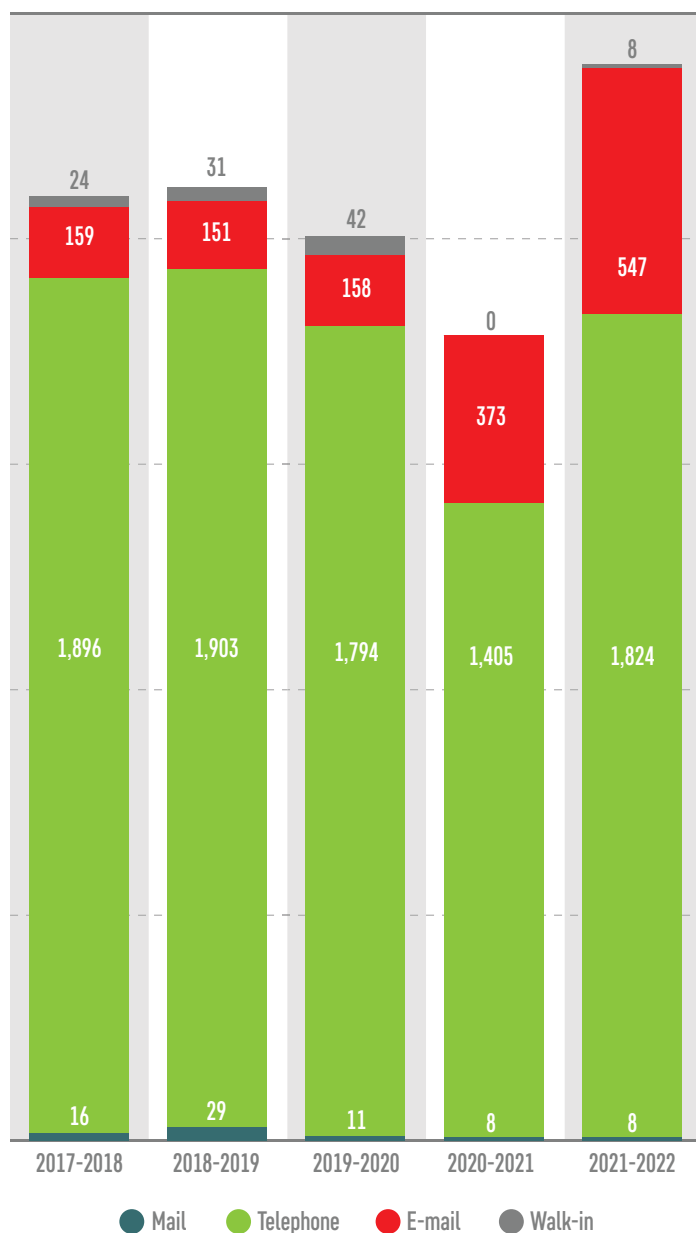
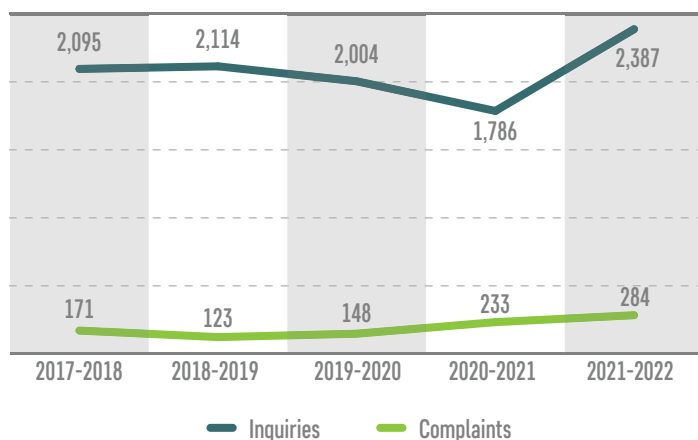
The Commission's upcoming online Triage Tool will further streamline this process by guiding complainants to self-assess their complaints and determine whether they fall under the Commission's jurisdiction.

### How Commission staff dealt with the inquiries



### Yearly numbers for inquiries received and complaints filed, 2017-22

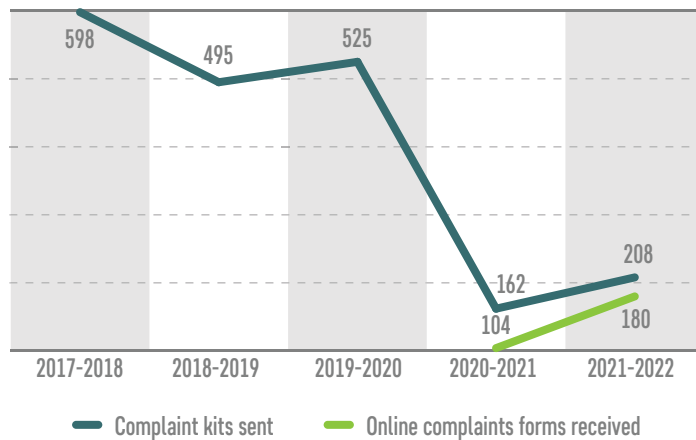
Both complaints and inquiries continue to show an escalating pattern, which puts a strain on the Commission's intake and frontline staff and on its mediation, investigation, and legal teams.



### Inquiries by numbers and how they were received, 2017-22

Phone lines continue to be the most frequently used medium for contacting the Commission. This year we received an additional 419 calls compared to last year, showing a tendency in callers to have in-person conversations with our staff and express their concerns regarding pandemic measures like mandatory vaccination and mask policies.

### Complaint kits vs online complaint forms



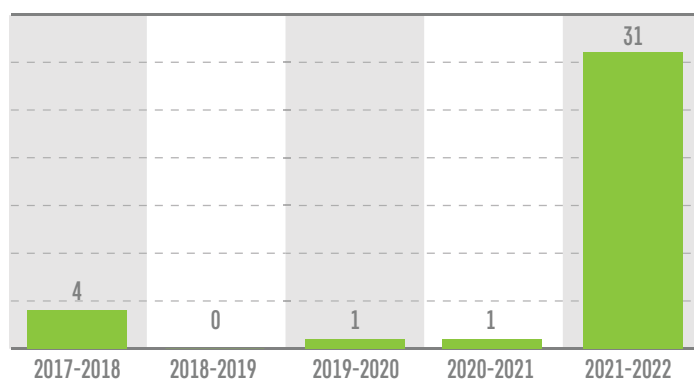
Similar uptake was visible in email inquiries and in the use of the online complaint form introduced by the Commission last year. Online complaint form use increased by 73 percent compared to the previous year, a trend we anticipate will continue in the coming years.

### Grounds of complaints

Most complaints filed with the Commission this year related to mental and physical disability and, as in the two preceding years, mental disability complaints surpassed those of physical disability, confirming an emerging trend that continued during the pandemic's second year.

Furthermore, complaints under the ground of creed or religion jumped from one complaint last year to 31 complaints this year, a spike attributed to the impact of mandatory vaccination regulations.

### Number of creed or religion complaints, 2017-2022



To address the increasing number of creed or religion complaints, the Commission undertook the following measures:

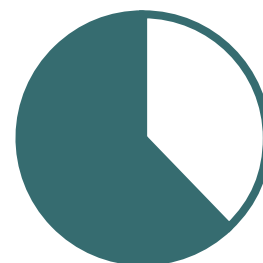
- Conducted research of human rights jurisprudence on the ground of creed or religion to devise a three-part test, which was used to assess the legal standing of religious exemption complaints;
- Conducted a jurisdictional scan of human rights commissions nationwide to harmonize our approach on creed or religion claims with other commissions;
- Released a statement clarifying the Commission's legal position on creed or religion complaints against mandatory vaccinations, in addition to publicizing our stance on social media.



Online complaint form use increased by **73 percent**

### Intersectionality

This year 38 percent of complaints received by the Commission involved an intersection of grounds, once again reinforcing the notion that persons disadvantaged by multiple vulnerabilities are more exposed to discriminatory treatment.

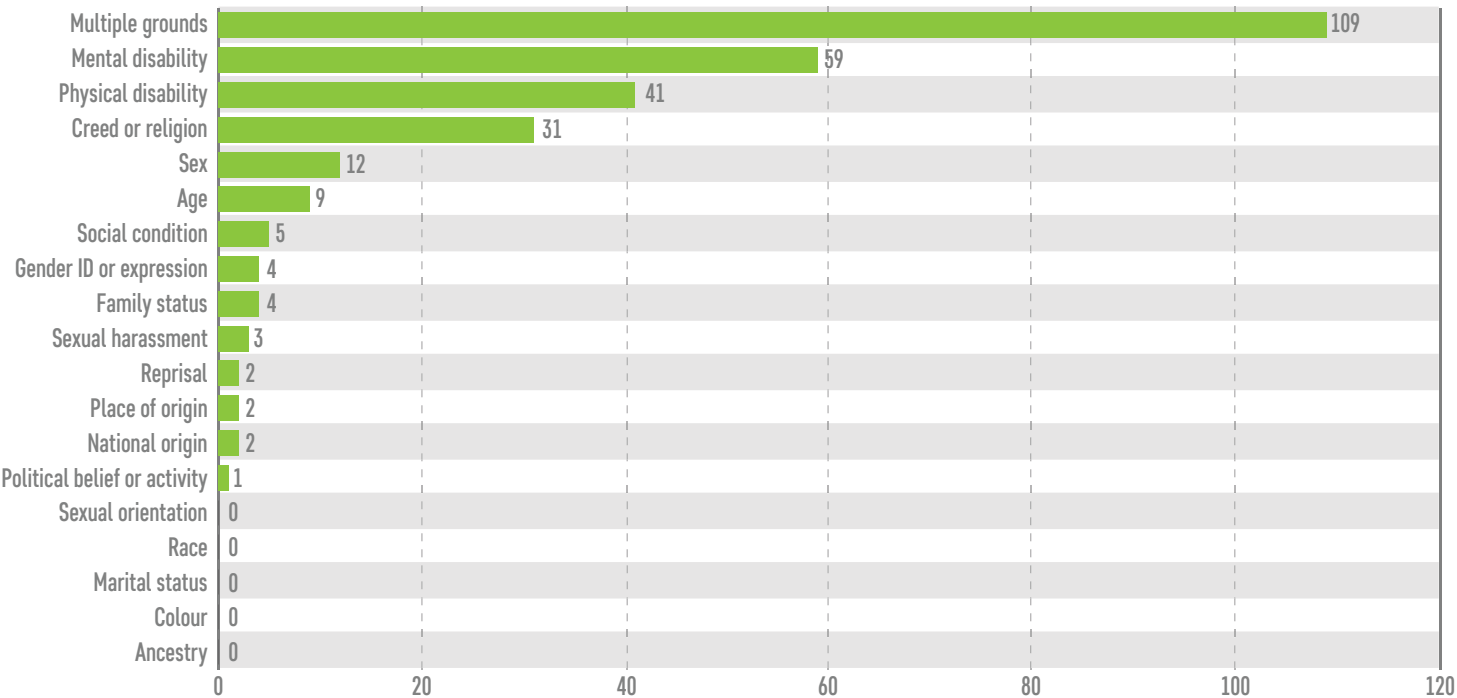


**38 percent** of complaints received by the Commission involved an intersection of grounds



# Grounds under which complaints were filed this year\*

Of the 284 complaints filed with the Commission, 109 were filed on multiple grounds.

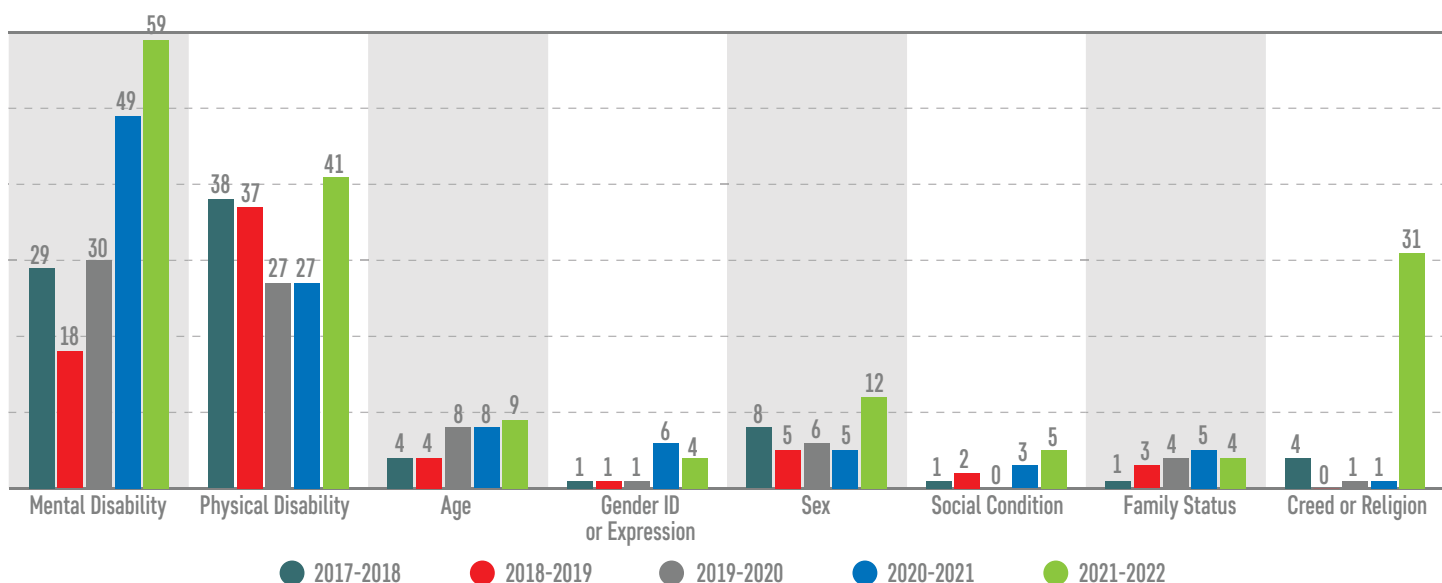


Processing of complaints by the Commission is becoming more complex, with a changing provincial demographic, fluctuating government regulations on the pandemic, and evolving human rights case law in response to new human rights developments.

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.

*\*For the number of allegations cited in this year’s complaints, see Appendix C.*

## Comparison of complaints filed by grounds of discrimination, 2017-2022 \*



- Mental and physical disability continue to be the leading grounds in complaints, with mental disability surpassing physical disability for the third consecutive year.
- The spike in creed or religion based complaints is noteworthy in this year's data, while complaints under the ground of sex also show a marked increase.
- Also, age discrimination complaint numbers present a consistent pattern over the past three years, suggesting an emerging trend that the Commission is monitoring.

We have modified our research and educational priorities in anticipation of these trends, with webinars and online training on sexual harassment, a multilingual plain language Newcomer's Guide to Human Rights, and a forthcoming Guideline on Age Discrimination, covering current human rights law and jurisprudence on the topic.

*\* More granular data on complaints based on grounds of discrimination is available on the Commission's website.*

With the sociodemographic of the province undergoing change, marked by influx of immigrants and refugees, migrations to New Brunswick from within Canada, an ageing provincial population, and more awareness of race and gender rights, the Commission foresees increase in complaints under the grounds of race, colour, national origin, gender identity or expression, age, and social condition in the coming years.

## Areas of discrimination

As in previous years, employment and services were the leading areas under which complaints were filed in 2021-22, with 81 percent of complaints falling under these two areas.

Areas under which complaints were filed

**150 (53%)**

Complaints related to employment

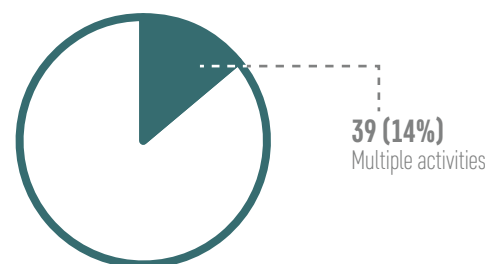
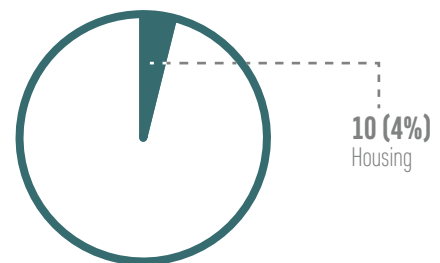
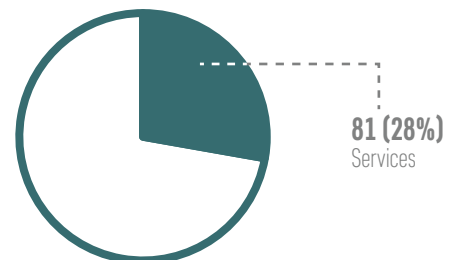
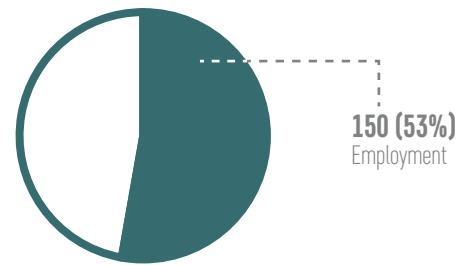
**81 (28%)**

Complaints related to services

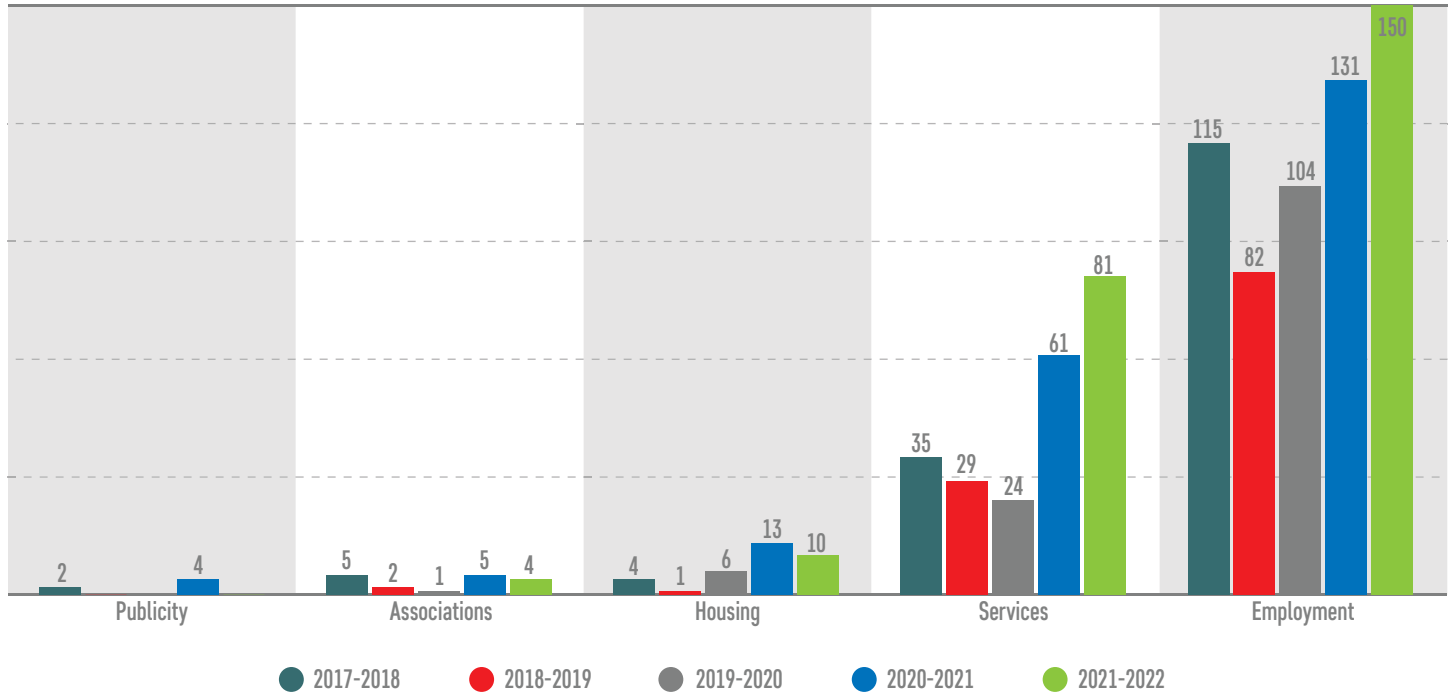
This year, 39 percent of all employment complaints involved alleged discrimination based on physical or mental disability, while 40 percent of all services related complaints involved alleged physical or mental disability discrimination, endorsing the pattern of increasing disability-based complaints.

Most religion or creed complaints were employment related, filed by employees claiming religious exemptions against workplace mandatory vaccination policies.

## Areas under which complaints filed this year



## Comparison of filed complaints by areas of discrimination, 2017-2022



## Breakdown of complaints

The number of complaints filed with the Commission has steadily escalated since 2018-19, with a 20 percent increase in 2018-19, a 57 percent escalation in 2020-21, and a further 22 percent increase recorded in the current fiscal year.

Despite the pressure of rising complaint numbers, which were aggravated by the constant stream of pandemic related inquiries, the Commission successfully closed 244 complaints this year. The year ended with 277 active complaints and a significant complaints backlog. Backlog refers to active complaints not yet assigned due to staffing constraints.

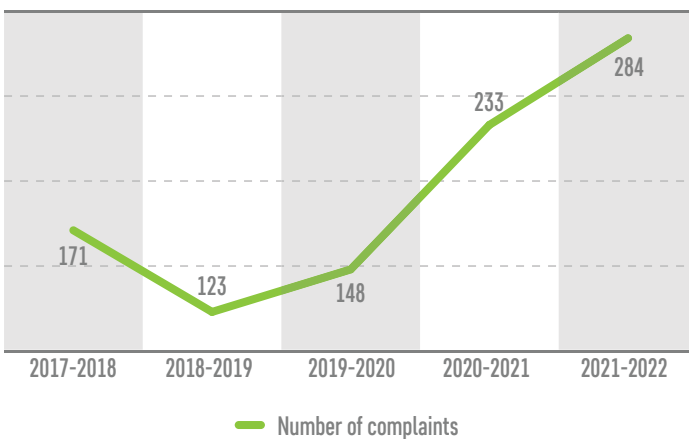
Number of filed, closed, and active complaints, 2021-22

**284** complaints filed this year

**244** complaints closed this year

**277** total active complaints at year end

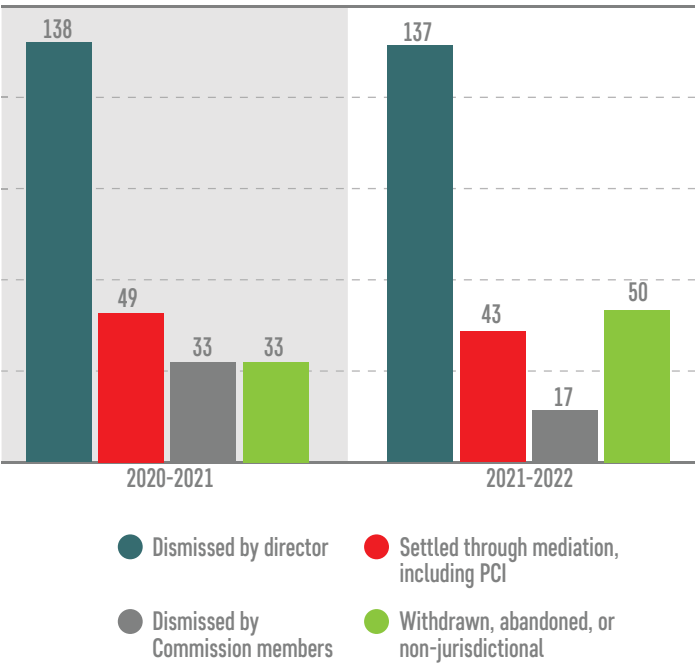
## Number of complaints filed, 2017 -2022



The constraint on timely processing of complaints is a serious concern and the Commission is conscious of the toll this takes on parties. We have put in place a multi-pronged approach to address our complaint backlog:

- Revamping our compliance and operations framework;
- Prioritizing oldest complaints in the complaints roster;
- Emphasizing settlement of complaints through mediation;
- Hiring new investigation and legal staff; and
- Strengthening our education and informational work.

## How the complaints were closed



A significant number of complaints were dismissed as being without merit, as determined by the Commission after a thorough analysis of each complaint. Similarly, a substantial number of complaints were settled in mediation or withdrawn by complainants, while referrals to Boards of Inquiry also increased significantly compared to last year. As complaints become more intricate and human rights challenges increase in complexity, the Commission anticipates that referrals to Boards of Inquiry will increase.

## What is a *prima facie* case

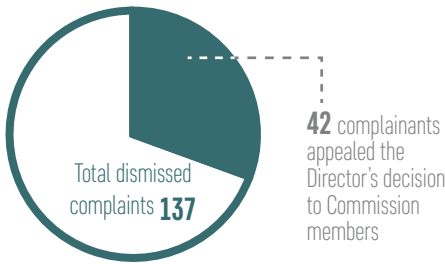
A complaint is dismissed by the Director if it fails to establish a *prima facie* case of discrimination. To establish a *prima facie* case, a complainant must show that:

- 1 They belong to a group protected under the *Act*;
- 2 They suffered adverse impact in employment, housing, or services, etc.; and
- 3 The adverse treatment was because of their protected ground.

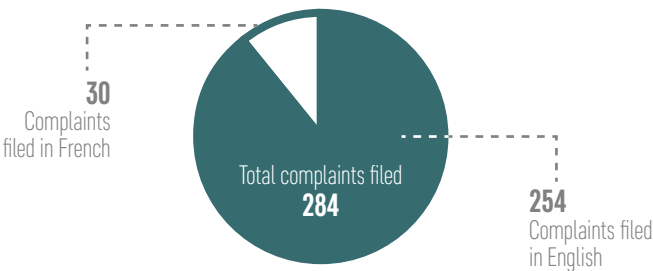
## Appeals from Director’s dismissals

Dismissal of complaints is governed by core principles of procedural fairness and by provisions laid down in the *Act*. When a complaint is dismissed by the Director, the complainant has a right to appeal the Director’s decision to Commission members.

In 2021-22, the Director dismissed 137 complaints, out of which 42 complainants appealed the Director’s decision to Commission members. In all 42 appeals, Commission members agreed with the Director and upheld the dismissals.



## Language of complaints



# Commission's mediation services



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

If parties agree to settle their issues through mediation, the Commission, acting as a neutral third party, assists them to reach a settlement. Mediation is voluntary, it is confidential, and it is conducted without prejudice to either party.

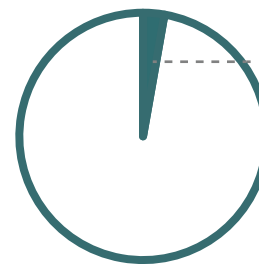
**Mediation settlements can include monetary compensation, such as general damages (compensation for injury to dignity, feelings, or self-respect) and/or special damages (compensation for loss of pay or benefits). Settlements can also include non-monetary compensation, for example a letter of apology to the complainant, human rights training for the organization or individuals involved, and/or changes in the organization's policies and practices.**

## Pre-complaint intervention

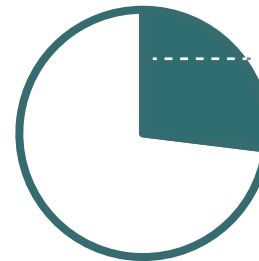
The earliest stage in the mediation process is called Pre-complaint Intervention (PCI). In PCI, a mediator attempts to settle a dispute before the complainant has filed a formal complaint with the Commission. These interventions are particularly effective when there is still a limited time window to resolve a dispute before it aggravates into a potential discriminatory situation. Once a complaint is filed, it can be mediated at the Early, Middle, or Late stages.

This year the Commission settled 43 complaints at different stages of the complaint process.

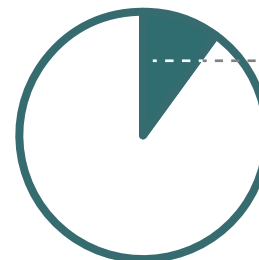
## Settlements mediated by the Commission



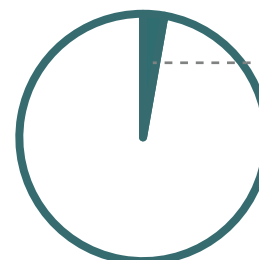
**3**  
Inquiries were settled through Pre-Complaint Intervention – before a formal complaint was filed



**27**  
Complaints were settled at Early stage mediation – before the Respondent filed a response



**10**  
Complaints were settled in Mid stage mediation – after Response and Rebuttal were filed but before an Investigation was complete



**3**  
Complaints were settled at Late stage mediation – when Investigation was complete and/or a first draft of the Case Analysis Report was drafted

**43** complaints were settled and closed



## Terms of settlement

A settlement typically includes monetary awards, including general or special damages, and non-monetary compensation. In the 43 settlements completed this year, the Commission was successful in achieving the following outcomes:

- Over \$406,204 in total cumulative monetary settlements, including \$339,581 in general damages.
- Reinstatement of employees with letters of apology.
- Accommodation of employees through modified work schedules and improved work environment.
- Human rights training provided to employers and employees by the Commission.
- Letters of recommendation provided by employers.

**Successful mediations overseen by the Commission resulted in \$406,204 awarded cumulatively toward monetary settlements, including \$339,581 in general damages.**

## Settlement stories: Persons we 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 are fictionalized to respect the privacy of the parties.*

### Sex and sexual harassment discrimination complaint resolved through mediation

**Sarah's story:** Sarah worked in a childcare facility. One day when she was scrolling through pictures on her phone, her manager sent her a text message asking her to share her photographs with him. The manager insisted on seeing the pictures, and Sarah felt intimidated and thought that the manager was breaching her privacy. The next few days the manager kept repeating his request to see Sarah's photos. Sarah wanted to approach the human resources department of the childcare facility, but she was concerned that their existing sexual harassment policy was inadequate.

**Resolution:** Sarah filed a human rights complaint with the Commission, alleging sex and sexual harassment discrimination in employment. Both parties agreed to participate in the Commission's offer to mediate the issue. During mediation, the employer agreed to compensate Sarah with special damages and consented to receive sexual harassment training from the Commission for its management and staff. Additionally, the employer agreed to update its sexual harassment policy and provide training to existing and future employees on the new policy.





## Physical disability discrimination complaint addressed in mediation

**Martin's story:** Martin worked as a clerk in a retail store. Martin has a medical condition and wears a doctor-recommended medical alert bracelet as a preventative measure. When his supervisor learned that Martin had a physical disability and wore a bracelet for that purpose, he terminated Martin's employment. While Martin was working his shift, the manager called him to his office and asked him to leave the store immediately. The manager escorted Martin out of the store. Martin felt that he was treated unfairly because of his physical disability, even though the disability did not prevent him from performing his work duties and meeting the requirements of the job.

**Resolution:** Martin filed a human rights complaint with the Commission, alleging physical disability discrimination in employment. The mediation was successful, and the employer agreed to compensate Martin with general damages for injury to his dignity, feelings, and self-respect. Additionally, the employer agreed to participate in human rights training provided by the Commission.

## Covid-19 medical mask exemption complaint resolved in mediation

**Kim's story:** Kim has mental and physical disabilities that prevent her from wearing a mask. She went to a retail store and was asked to put on her mask. Kim knew that as long as she had a mask exemption letter from a health professional, the store had a duty to accommodate her. She explained to the cashier that she had a mask exemption letter from her physician, but the cashier did not accept her explanation. She was asked to leave the store, and was thus refused accommodation and denied a service because of her disability.

**Resolution:** Kim filed a human rights complaint with the Commission alleging mental and physical disability discrimination in the provision of services. Both parties accepted the Commission's offer of mediation. The mediation was successful, as the store agreed to issue a formal letter of apology to Kim and to comply with the *Act* in the future.

## Complaint of physical disability discrimination successfully mediated

**Laila's story:** Laila had worked in a health center as housekeeper for many years. She was involved in a car accident that led to physical limitations in the upper portion of her body. The physical disability prevented her from performing all the duties associated with her position as housekeeper.

For some time, the employer accommodated Laila's disability by assigning light duties to her. However, her employment was eventually terminated. The employer maintained that since Laila was unable to perform her regular full-time duties because of her physical disability, they had no choice but to let her go. Laila felt that the employer had a duty to continue to accommodate her disability and, in terminating her employment, had discriminated against her based on her physical disability.

**Resolution:** Laila filed a human rights complaint with the Commission, alleging physical disability discrimination in employment. Both parties agreed to sit in mediation, where the employer agreed to compensate Laila with general damages for injury to dignity, feelings, and self-respect. Laila accepted the employer's offer, and the mediation was successfully concluded.

# The Investigation Unit



When a complaint is not settled or dismissed at an early stage, the Commission investigates its allegations to assess the merits and make a recommendation for Commission members, to either dismiss the complaint or refer it to a Board of Inquiry.

**Investigation involves close legal and factual review of the submissions of both complainants and respondents, interviews with witnesses, analysis of relevant documents including soliciting additional documents if required, and review of physical locations or premises if these are relevant to the facts of the complaint.**

After concluding its investigation, the investigation staff draft a Case Analysis Report detailing the relevant evidence collected, including documents reviewed, transcripts of interviews, and other relevant facts uncovered in the process. Based on these findings, the investigation staff make a recommendation on the file, which is then presented before the Commission members.

If the Case Analysis Report concludes that the complainant has established an arguable case of discrimination, it recommends that Commission members approve submitting the complaint to a Board of Inquiry for a formal legal hearing. Contrarily, if the investigation staff conclude that an arguable case was not made out, they recommend dismissing the complaint.

## Narratives of investigation: How our staff investigated complaints

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

*Note: Names of the parties in these stories have been fictionalized to protect their privacy.*

### **Allegation of mental disability discrimination in employment investigated**

Sam had been employed in his current job for one year and had previously been diagnosed with severe anxiety disorder. Sam alleged that his supervisor bullied him because of his mental disability, did not accommodate his limitations, and eventually terminated his employment. The respondent employer argued that Sam had been appropriately accommodated but his performance did not improve even with the provided accommodations, for which reason he was ultimately dismissed.

The investigation staff conducted a thorough investigation, which included collecting a disparate set of relevant documentation and interviewing twelve individuals. Based on the collected evidence, the staff concluded that there was a preponderance of evidence indicating Sam's job performance issues, a fact that was corroborated independently by all the witnesses.

Moreover, the medical evidence provided by the complainant did not support a link between his mental disability and the specific performance issues that he was experiencing. Therefore, the evidence suggested that Sam's mental disability was not a factor in the respondent's decision to terminate his employment. Based on its findings, the investigation staff recommended to the Commission to dismiss the complaint, as the complainant had failed to establish an arguable case of mental disability discrimination in employment.

The complaint was dismissed by the Commission as being without merit.

### **Housing discrimination complaint based on mental disability investigated**

Nadia alleged that she was evicted from her room rental when her landlord discovered that she suffered from a mental disability that caused her to self harm. The respondent maintained that Nadia was evicted because she was breaking tenancy rules and not paying rent, and that the eviction was not due to Nadia's mental disability.



**The investigation team conducted a thorough review of all the evidence, which included interviews with four individuals, gathering of relevant rental and medical documentation, and text messages exchanged between Nadia and the respondent.**

In the text messages, the respondent made several inappropriate comments about Nadia's mental disability, and the dates of those messages coincided with Nadia's eviction date. Based on a review of all the evidence before it, the investigation report concluded that evidence was sufficient to suggest that Nadia's mental disability was at least a factor in her eviction. The Commission accepted the recommendation of the investigation staff and referred the matter to the Board of Inquiry, as Nadia had made out an arguable case of mental disability discrimination in housing.

The matter was pending before a Board of Inquiry at the end of the fiscal year.

### **Complainant alleges sexual harassment and sex discrimination in employment**

Juanita alleged that she experienced sex and sexual harassment discrimination at work when her supervisor posted a sexually explicit video on the staff's private workplace Facebook group. Juanita found the video offensive and tried to discuss the matter with her supervisor. However, he told her that it was "just a joke" and everyone else had thought the video funny.

Juanita felt that the inappropriate video and her supervisor's reaction to her response about the video created an unwelcome work environment for her. As a result of this incident, Juanita quit her job, as she did not want to continue working in what she thought was a toxic sexualized environment.

The respondent maintained that while the video may have been in poor taste, it did not constitute sexual harassment or sex discrimination. They also argued that the private Facebook group could not be considered a "workplace" in the customary sense, so posting the video on the group could not be seen as employment discrimination.

The investigation team obtained and reviewed the video in question, reviewed the existing workplace policies and training requirements related to sexual harassment, and interviewed three witnesses.

The information gathered in the investigation showed that the Facebook group consisted of the respondent's employees, including its management, and therefore it should be deemed an extension of the employer's workplace. The video shared by Juanita's supervisor was sexual in nature, it was unwelcome to her, and it impacted her ability to continue working for the respondent.

Therefore, based on the recommendation of the investigation report, the Commission determined that the complainant had made an arguable case of sexual harassment and sex discrimination and referred the matter to a Board of Inquiry.

When the fiscal year closed, the matter was pending before the Board.

### **Allegation of family status discrimination in housing investigated**

Denise alleged that she was denied a rental apartment because she has a child. When she went to view the apartment, the property manager gave her a tour of the unit. However, on learning that Denise had a child, the manager told her that the building was only for adults. The respondent acknowledged that they had designated the building as adults only, because they received numerous noise complaints from their tenants. Accordingly, they had taken steps to minimize the noise, including making it an adults-only premises, to ensure that the building was fully rented and occupied.

During the investigation, the respondent was unable to provide evidence to support that its policy to exclude families with children from the building was necessary. The landlord could not show how the policy was reasonably connected to its purpose, and they did not provide any information on why accommodating Denise would have constituted undue hardship for them.

**The Commission, based on the recommendation of the investigation report, determined that the complaint should not be dismissed, as the landlord's policy was based on subjective assessments that are insufficient to justify a discriminatory policy. The complainant had established an arguable case of discrimination, so the matter was referred to a Board of Inquiry.**

The matter was pending before a Board at the end of the fiscal year.

### **Investigating race, ancestry, national origin, and place of origin discrimination allegation in services**

Abubakar alleged that he was subjected to racist remarks by a staff member of a retail location. The respondent denied discriminating against Abubakar but refused to participate in the Commission's investigation.

The investigation proceeded without the respondent's participation and included interviews with three individuals. The information obtained from the investigation supported Abubakar's allegations. As a result, the Commission, on the recommendation of the investigation report, determined that the matter should be referred to a Board of Inquiry, as Abubakar had established an arguable case of race, ancestry, national origin, and place of origin discrimination.

The matter was pending before a Board when the fiscal year ended.

# Legal summary



In 2021-2022, the Commission referred six complaints to the Labour and Employment Board. A complaint is referred to the Board when the Commission's investigation shows that the complainant has established an arguable case of discrimination.

## Matters pending before Boards of Inquiry from current year's referrals

In addition to the four referrals summarized in the previous section, the Commission also referred the following complaint to a Board of Inquiry:

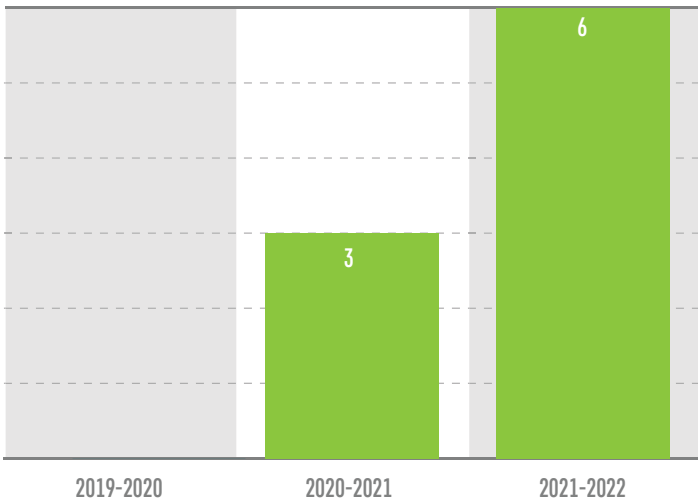
### Allegation of race and national origin discrimination in services

The complainant alleged that he was discriminated because of race and national origin by a service provider when he was helping a friend with an important purchase. During their conversation, the service provider became angry, told the complainant to return to Africa, and pointed his finger at the complainant's face. The full hearing of this matter will be conducted by a Board in Fall 2022.

## Complaints before Boards of Inquiry

A complaint that is referred to a Board is not technically closed, until proceedings before the Board are finalized.

### Complaints referred to Labour and Employment Board



## Matters pending before Boards of Inquiry from previous year's referrals

Two complaints referred to the Board last year were still pending before the Board.

### 1. Settlement reached in complaint

**Facts:** The complainant alleged, amongst other things, that she was treated differently from her male colleagues in assignment of work duties, participation in certain job functions, and frequent changes in work shifts. Because of the differential treatment, the complainant experienced anxiety and doubts about her competence, suffered loss of seniority in employment, and was disadvantaged in her pay scale. She alleged that her male colleagues were not subjected to the same treatment or disadvantage, and even male colleagues who were junior to her were given preference over her in certain aspects of the job. She also alleged she was subjected to inappropriate comments based on her sex when she filed her human rights complaint.

**Settlement:** The matter was referred to the Board last year, and the parties reached a settlement during the current year. However, the Board remained seized of the matter to ensure that all conditions were met before the file was closed.



## **2. Preliminary issues raised at Board in mandatory retirement complaint**

**Facts:** The complainant alleged age discrimination in employment against her employer and union when she was mandatorily retired from her position when she turned 65, based on a mandatory retirement provision in the employer's Collective Agreement. The respondents maintained that the provision was protected by Section 4(6)(a) of the *Act*, which permits mandatory retirement in *bona fide* retirement or pension plans.

**Commission's investigation:** 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 referred the matter to the Board for deliberation.

**Hearing:** At the hearing, the Respondents raised two preliminary issues:

- 1 The Board did not have jurisdiction to hear the matter, following the Supreme Court of Canada's decision in *Northern Regional Health Authority v Horrocks*, 2021 SCC 42.
- 2 The complaint should be dismissed against one of the respondents.

Hearings on both motions took place in December 2021, but no decision had been rendered by fiscal year end.

## **Board awards damages in complaint investigated by the Commission**

A decision was rendered by the Board in a complaint that the Commission referred to it last year.

**Facts:** The complainant struggled with depression and anxiety and was prescribed a one-week medical leave from work. When she returned to work, the employer reprimanded her for her absence and terminated her employment the next day. She filed a complaint with the Commission alleging mental disability discrimination in employment. Based on its investigation, the available evidence, and witness interviews, the Commission determined that mental disability was a factor in the complainant's dismissal and referred the matter to the Board.

**Damages award:** The respondent did not participate in the hearing, which was only attended by the complainant and the Commission. The Board agreed with the Commission's finding of *prima facie* discrimination and awarded the complainant the following damages: \$12,852 in special damages for loss of pay and benefits; \$2,500 in general damages for injury to dignity, feelings, and self-respect resulting from her demotion; \$10,000 for injury to dignity, feelings, and self-respect resulting from her termination.

The Board's full decision is available here: [EC Wellness Centre Inc \(Re\), \[2021\] NBLEBD No 13](#)

# Promoting human rights

## Education, Advocacy, and Research

Education, engagement, 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 sociodemographics, 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



**89,000** unique visitors to the Commission's website in 2021-2022, up from 69,653 last year



**11,273** page views of our COVID-19 page and FAQs on pandemic and human rights



**994** followers on Facebook, up from 650 last year – 41 posts reached 29,000 persons

**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 facilitate human right awareness, transform social attitudes, and steer policies and practices toward human rights norms.**

**Informed by the frameworks of human rights law and jurisprudence, our 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
- Collaborative projects with government department and human rights commissions
- News releases and public statements
- Social media outreach



# Research

Research informs all our functions, including compliance, education, communications, and engagement. Our research work also includes contributing to the province's international human rights obligations, reviewing legislative and policy proposals, and monitoring emergent human rights issues and trends.



## Advancing Housing Rights

### Support to the province's Rental Review Process

Issues related to housing affordability, evictions, and homelessness assumed more urgency this year, and the Commission continued to advocate the right to adequate housing for all.

To assess the province's housing situation, the government commissioned a Rental Review Report from the Finance and Treasury Board, to identify housing issues and address gaps in the affordability of rental housing in the province.

As part of the Rental Review process, the Commission participated in an interactive workshop organized by the FTB with internal stakeholders including ECO, Social Development, Residential Tenancies Tribunal, Environment and Local Government, Economic and Social Inclusion, JPS, and ONB.

To support the province's housing initiative, the Commission:

- Published a guideline on housing rights
- Hosted webinars collaboratively with New Brunswick Coalition for Tenants Rights and the Residential Tenancies Tribunal
- Provided plain-language content on housing discrimination for the government's "Renting in New Brunswick" website
- Posted educational content on social media on the rights and obligations of landlords and tenants

### *Guideline on Housing Discrimination*

As part of its commitment to the Rental Review process, the Commission released a detailed document, *Guideline on Housing Discrimination*, highlighting housing as a human right, summarizing up-to-date case law on housing rights, and documenting the types of discriminatory practices prevalent in the housing market.

The *Guideline* identifies population groups most vulnerable to housing-related discrimination, offers remedies and best practices for the protection of housing rights, and includes a section on the pandemic's impact on tenant rights in the province.





## Research and collaboration on mandatory vaccination regulations

To clarify the scope of human rights in relation to mandatory vaccination policies, the Commission issued a series of FAQs, released an official statement, and posted informational content on its social media pages.

We also participated in the government's Forward Planning Working Group, comprising the Departments of Health, Social Development, Education and Early Childhood Development, and WorkSafe NB, to support the government's pandemic management efforts before the province's move to the "green phase".

Furthermore, the Commission provided FAQs for the Department of Health's Covid-19 website and informational content on pandemic and human rights to WorkSafe NB.

## Collaboration on New Brunswick Disability Action Plan



The Commission continued to provide feedback to the Premier's Council on Disabilities on the province's Disability Action Plan, specifically with regards to the plan's proposal to introduce a service animal legislation in the province. We have supported such a legislation, for we have noted the violation of rights of service animal users, especially in the area of housing.

**We reviewed the following in relation to the proposed service animal legislation:**

- How the new legislation can reconcile with existing service dog protections in the *Act*.
- How service animal laws in other jurisdictions position service animal rights within local laws and human rights codes.
- Approaches to service animal certification requirements, including penalties for violations of certification rules, in the new legislation.

## Consultations with UPR Info, Geneva

The Commission provided consultations to UPR Info, a Geneva-based human rights organization that conducts research on the Universal Periodic Review process in federal states.



Our input related to information on the Canadian UPR reporting process, the mechanism used by provinces and territories to report their compliance with international human rights instruments to the federal government.

The Commission was invited to attend an online seminar organized by UPR Info on the findings of its research, which featured as a side-event to the 48th session of the UN Human Rights Council.

## Support of Canadian Women's Foundation

On the request of organizers of the AfterMeToo Project (formerly the Rosa Project), administered by the Canadian Women's Foundation, we provided an overview of the Commission's legislation, process, and mandate, especially related to the protection of gender rights under the *Act*.

## Submission to the Select Committee on Accessibility in New Brunswick

This year the Commission was invited to make submissions before the Legislative Assembly's Select Committee on Accessibility in New Brunswick.



Marc-Alain Mallet, Director of the Commission, addresses the Select Committee on Accessibility

**In its submissions, the Commission's Chair and Director emphasized the following:**

- The Commission's mandate, structure, and resource allocations, and how they impact the Commission's service delivery.
- Analysis of the Commission's data, including emerging trends and escalation in certain types of complaints.
- The need for amendments to the *Act*, to enhance protections against mandatory retirement and disability discrimination, the latter especially in relation to service animal users.
- Measures adopted by the Commission to improve the public's accessibility to its services.

## Presentations and workshops



The Commission offers presentations, hosts webinars, and imparts training on human rights to employers, housing and service providers, government departments, professional associations, and educational institutions. The objective of these educational activities is to promote human rights awareness in society and inform rights holders and duty bearers of their human rights and responsibilities.

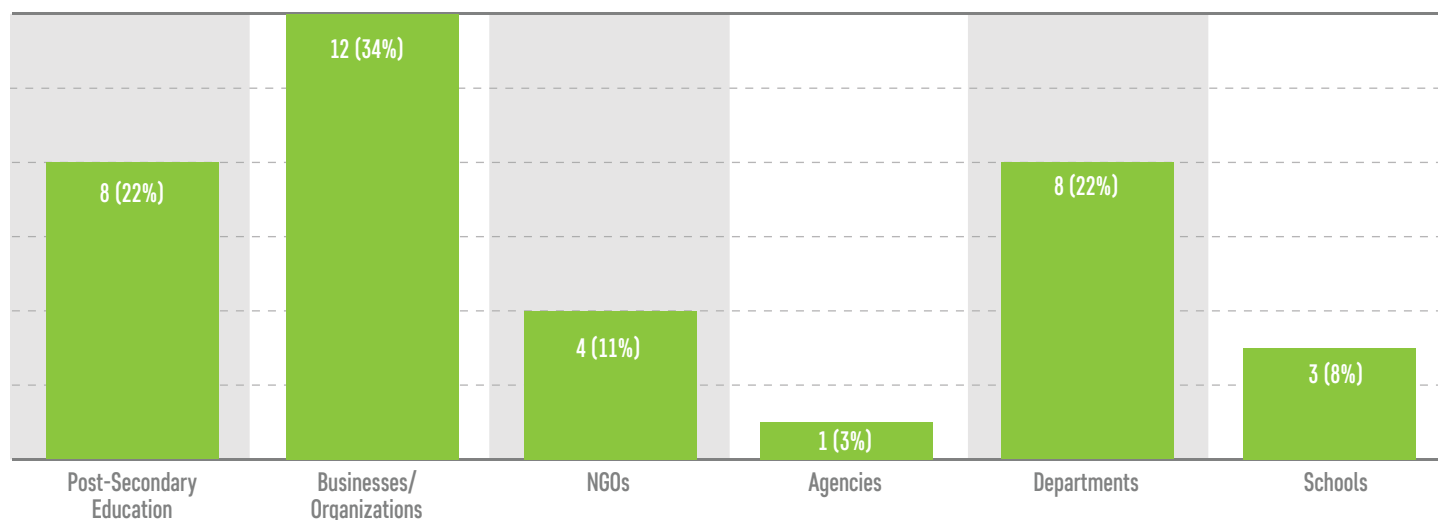
**With targeted and effective educational measures, we can transform social attitudes, impact policies, and influence decision making, improving the overall state of human rights in the province.**

Through education and outreach, we guide organizations, employers, and housing and service providers to integrate human rights best practices in their operations, which advances human rights benchmarks across the province's socioeconomic fabric.

**In this second year of the pandemic, more educational outreach was done through virtual webinars, along side our educational messaging on social media. The Commission delivered 36 workshops, with 859 attendees, a four-time increase from last year, when onset of the pandemic had upset our presentation schedule.**

Through online webinars, we were able to cross barriers of location and geography, reaching audiences in remoter areas that are typically more difficult to reach through in-person presentations.

### Audiences we reached this year



### Topics of our presentations

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

Topics	Number of workshops	Percentage
Getting Acquainted with Human Rights	22	61%
Accommodating Students with Disabilities	4	11%
Duty to Accommodate	4	11%
Housing as a Human Right	2	6%
Human Rights and Sexual Harassment	1	3%
Other	3	8%

# Partnerships and engagement

The Commission partners with various groups that advance the rights of vulnerable populations in the province. We share our expertise and complaints data with these partners and devise strategies to promote the human rights values of respect, equality, and inclusion to a wider provincial demographic.



External collaborations allow us a first-hand, grass-roots insight into the discriminatory practices and systemic barriers prevailing in society. We use this knowledge to innovate our process and service delivery and customize our educational activities to meet specific requirements.

## Support of Gender Rights

### PRUDE Inc.'s ALL Women Committee



The Commission partnered with PRUDE Inc., a Saint John based women's rights organization, on its ALL Women Project. The project is funded by Women and Gender Equality Canada and provides a platform to women from the Greater Saint John Area for sharing their personal experiences of discrimination.

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

## Combatting Workplace Sexual Harassment

### SAFER PLACES NB

#### Safer Places NB

The Commission continues to partner with 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 with a holistic, collaborative, and trauma-informed lens.

Safer Places NB evolved from consultations with provincial stakeholders, including union representatives, government agencies, academic institutions, and not-for-profits groups. It is centered on supporting LGBTQIA2S+ employees and addressing gaps in educational resources to break away from traditional binary viewpoints on workplace sexual harassment.

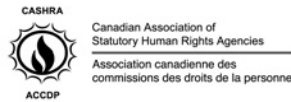
The Safer Places NB website offers templates for sexual harassment policies and reporting, factsheets about sexual harassment and LGBTQIA2S+ terms, tips on reporting and preventing microaggressions, interactive material on the human rights of LGBTQIA2S+ employees, and FAQs on sexual harassment. It offers two types of training courses: an e-learning asynchronous training and an online facilitated workshop.

## Collaboration with Human Rights Practitioners

### CASHRA engagements

The Canadian Association of Statutory Human Rights Agencies (CASHRA) was established in 1972 to foster cooperation and information-sharing between human rights commissions across Canada.

CASHRA meetings discuss operational matters, share latest research in human rights jurisprudence, review statutory interpretations and emerging human rights issues, and discuss leading human rights practices to nurture a community of practitioners nationwide, harmonizing human rights advancement strategies across the country.



### Appointment as CASHRA Chair

This year the CASHRA executive elected the Commission to serve as its Chair for the 2021-2023 term. The Commission's Director, Marc-Alain Mallet, oversees CASHRA's functions as Chair, while the Commission's Registrar works as secretary and treasurer of the organization. Commission staff also sit on CASHRA's permanent committees on Law, Policy and Research, and Communications.

### Interjurisdictional Human Rights Education Group

The Commission's education staff coordinated with British Columbia's education team to establish a cross-country Human Rights Education Group. The group meets every quarter virtually to brainstorm new methodologies and resources for human rights education and rights awareness campaigns.

### Stats Canada Virtual Forum

CASHRA organized a virtual group discussion with Stats Canada to gain insights on the usage of ethnocultural data across the country, especially data on immigration and citizenship, religious identity, place of birth, and ethnic or cultural origins.

### All-Commissions Roundtable

Commission staff participated in a cross-country roundtable discussion led by British Columbia's Office of the Human Rights Commissioner to share educational methodologies, program strategies, and partnership initiatives used by human rights commissions across Canada.

### Pandemic Issues

Pandemic related human rights issues discussed under CASHRA included:

- Human rights and mandatory vaccinations
- Rights of employees to refuse vaccinations
- Implications of vaccine passports on trans-jurisdictional travel
- Equitable vaccine access and role of duty bearers
- Disproportional impact of vaccination checks on vulnerable groups like BIPOC.



## 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 PRUDE Inc. and Bailey Desjardins, the latter in the Youth Award category. The awards were presented by the Commission's Chair, Claire Roussel-Sullivan, in two separate ceremonies held in Fredericton and Saint John.

PRUDE Inc. has provided leadership on cultural diversity and inclusion in Saint John since 1981, with dedicated work to educate the public about racism and racial stereotyping, and to promote diversity and full participation of all communities. PRUDE Inc. offers educational programs on diversity, equality, and inclusion to newcomers, youth, and businesses in the Greater Saint John Area.

Bailey Desjardins has done community work on mental health issues and LGBTQIA2S+ rights advocacy in Grand Manan. Under the Imagine NB Program, she created a project connecting youth to mental health resources in her community. Also, as member of Grand Manan Community School's Gender-Sexuality Alliance, Desjardins advocates creating safe spaces for students in school settings, where students can express their identities without fear of discrimination or harassment.



From left: Li Song, managing director of PRUDE Inc.; Karen Hachey, board president of PRUDE Inc.; Claire Roussel-Sullivan, chair of the Human Rights Commission; and Marc-Alain Mallet, director of the Commission



From left: Claire Roussel-Sullivan, chair of the Human Rights Commission; Paul Mazerolle, president of the University of New Brunswick; Bailey Desjardins; and John Valk, professor at Renaissance College

## 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 seven news releases and statements this year, clarifying the scope of religion-based vaccination exemption claims, promoting its *Guideline on Housing Discrimination*, informing the public about workplace sexual harassment training through Safer Places NB, and so on.

## Our social media strategy



Through advocacy of our mandate on social media, we channeled our educational message 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 demographic.





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; and curated human rights content from relevant organizations and government agencies.

### In 2021-22, the Commission featured the following topics in its social media campaigns:

- FAQs about vaccination policies
- Housing and human rights week
- #NBLeaders in Anti-racism Initiatives in New Brunswick (commemorating International Day for the Elimination of Racial Discrimination)
- Commemoration of National Day for Truth and Reconciliation
- Commemoration of International Day for the Eradication of Poverty
- International Human Rights Day Book Giveaway: What do human rights mean for New Brunswickers
- Commemoration of Black History Month, highlighting educational resources, infographs, and events by African Canadian organizations in New Brunswick

**Facebook and Twitter were the leading social media platforms used by New Brunswickers to access information broadcast by the Commission.**

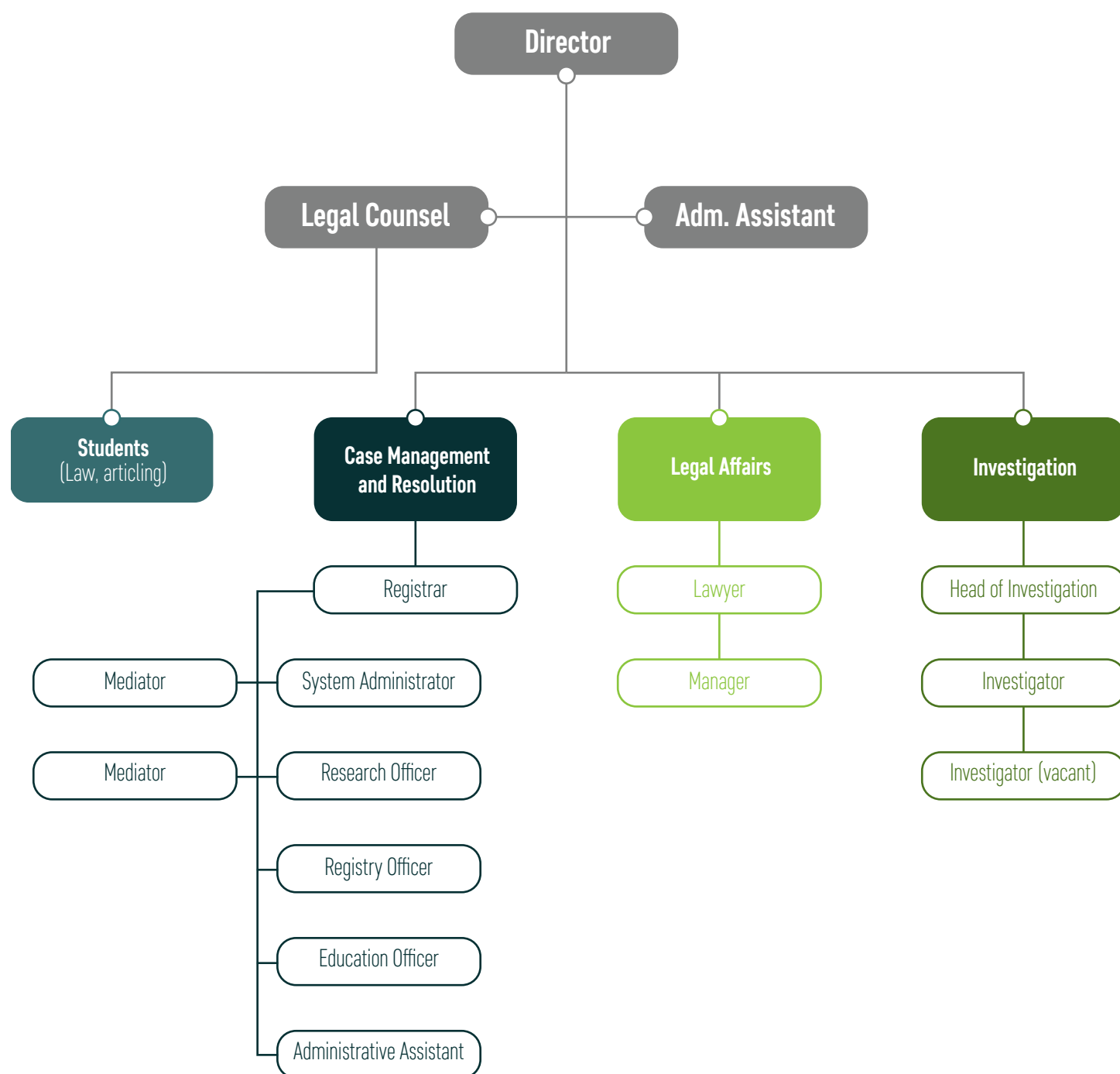
### Impact of social media outreach, 2021-2022

	Posts/Tweets	Followers	Follower Growth from Previous Fiscal Year	Posts Reached	Shares and Comments/Retweets	Impressions
	41	994	344	29.9k	2.3k	-
	45	501	20	-	-	36.9k
	-	49	-	-	-	-
	7	62	25	-	-	-

# Appendices

## Appendix A

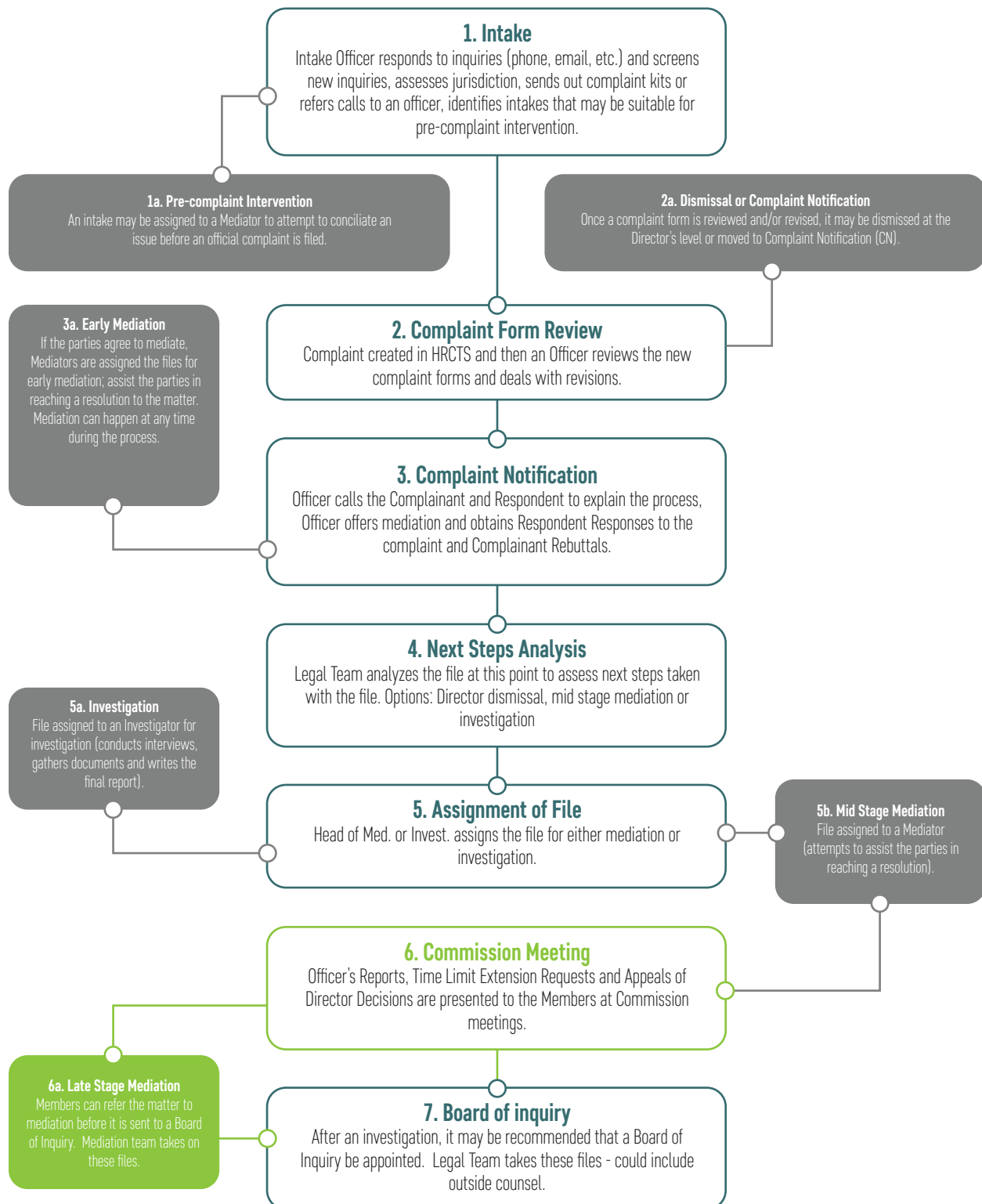
### High-level organizational chart





## Appendix B

### Complaint process



## Appendix C

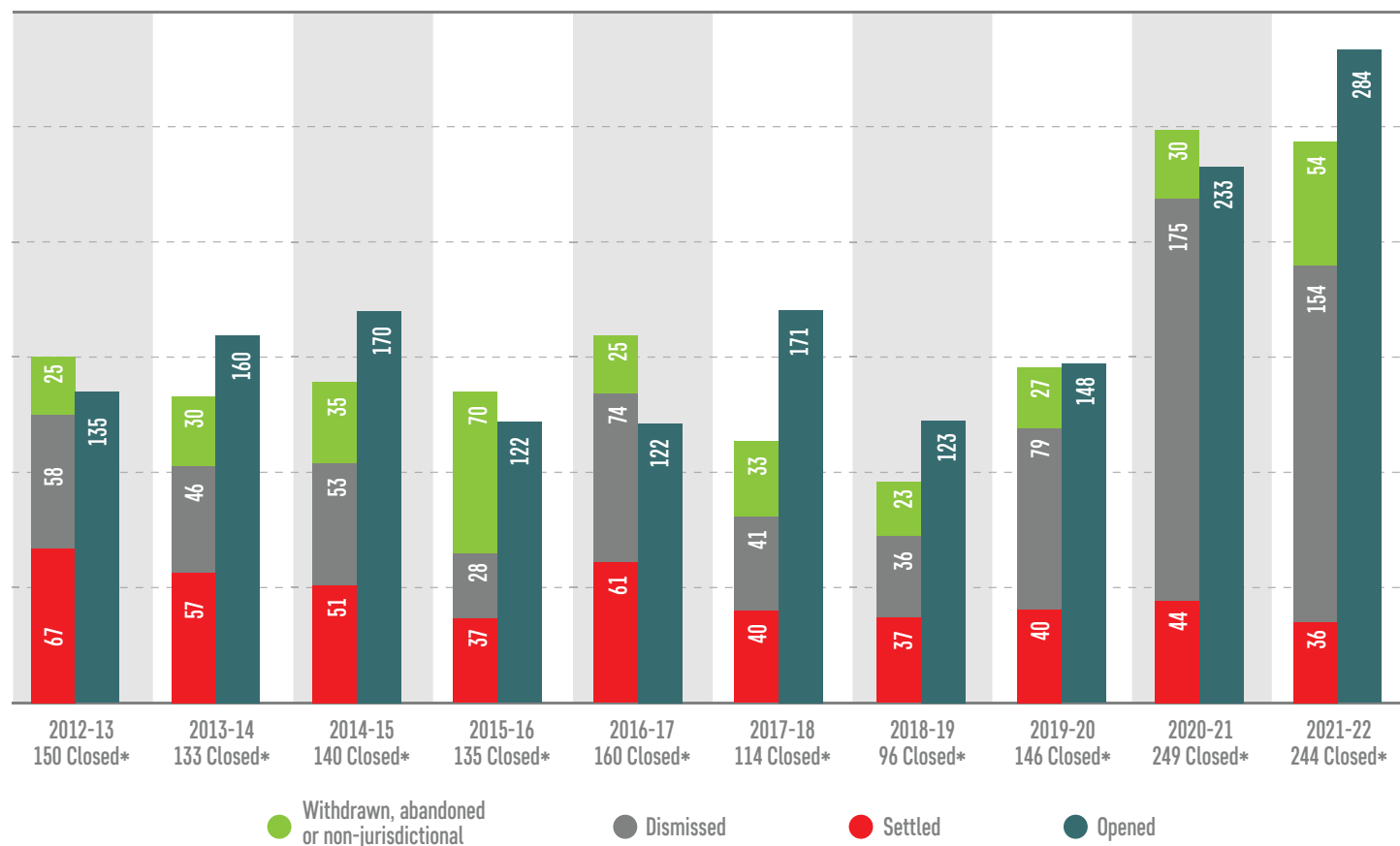
### New Complaints by Allegations, Indicating Grounds and Activity\* 2021-22

Grounds	Employment	Housing	Services	Publicity	Associations	Total
Mental Disability	64	12	40	4	4	124
Physical Disability	50	6	32	1	5	94
Creed or Religion	29	2	22	6	4	63
Sex	27	3	11	4	6	51
Family Status	17	3	7	5	4	36
Political Belief or Activity	14	3	12	4	5	38
Sexual Harassment	14	3	3	3	5	28
Race	13	3	17	5	3	41
Marital Status	11	2	3	2	2	20
Social Condition	11	4	19	5	6	45
Place of Origin	10	2	9	6	4	31
Gender ID or Expression	9	3	5	5	4	26
Colour	8	3	8	1	2	22
National Origin	8	2	9	2	4	25
Age	6	0	14	3	2	24
Ancestry	7	2	7	4	4	24
Sexual Orientation	7	3	8	4	3	25
Reprisal	2	0	0	0	0	2
<b>Total</b>	<b>307</b>	<b>56</b>	<b>226</b>	<b>64</b>	<b>66</b>	<b>719</b>

\* 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). While there were 284 distinct formal complaints filed this year, many complaints alleged discrimination based on more than one ground – thus, the total number of allegations amounted to 719, based on the 284 complaints.

## Appendix D

### Formal complaints filed and closed \* 2012-2022



\* Note: Statistics of closed complaints only represent formal complaints closed by the Commission, not cases settled during Pre-complaint Interventions or formal complaints closed at the Board of Inquiry or court levels.

## Appendix E

### Summary of expenditures, 2021-2022

	Budget	Actual Expenditure
Education and Compliance	\$1,383,689	\$1,150,596
Office of the Commission	\$60,428	\$41,535
<b>Total</b>	<b>\$1,444,117</b>	<b>\$1,192,132</b>

For detailed figures, please consult Supplementary Information in Volume 2, Public Accounts 2021-2022, Department of Post-Secondary Education, Training and Labour

# Appendix F

## Publications of the Commission

### 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)

### Other publications

- Annual reports
- Studies and Reports
- Statistics
- FAQs on Employment and Services
- Board of Inquiry Decisions
- Introduction to Grounds and Areas of Discrimination