

ANNUAL REPORT 2023-2024



NEW BRUNSWICK
HUMAN RIGHTS
COMMISSION

Annual Report 2023-24

© 2024 New Brunswick Human Rights Commission

ISBN: 978-1-4605-3942-2 (Bilingual print edition)

ISBN: 978-1-4605-3943-9 (English online version)

ISBN: 978-1-4605-3944-6 (French online version)

ISSN: 1189-4423

Published by: New Brunswick Human Rights Commission

New Brunswick Human Rights Commission

P.O. Box 6000

Fredericton, NB

E3B 5H1 Canada

1-888-471-2233

(506) 453-2301

Email: hrc.cdp@gnb.ca

Website: www.gnb.ca/hrc-cdp

Transmittal letters

From the Minister to the Lieutenant-Governor

Her Honour the Honourable Louise Imbeault
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 2023-24.

Respectfully submitted,



Hon. Jean-Claude D'Amours
Minister Responsible for the Human Rights Commission

From the Chair to the Minister Responsible

Hon. Jean-Claude D'Amours
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 2023-2024.

Respectfully submitted,



Phylomène Zangio, Chairperson
New Brunswick Human Rights Commission

Table of contents

INTRODUCTION

Who we are	1
Chair's message	2
From the Director's desk	6
Members of the Commission	7
Highlights	8
Building public trust	9

PROTECT

Protecting human rights	11
Our compliance work	11
By the numbers	12
Commission's mediation services	27
• Settlement stories	31
Commission's investigation unit	34
• Narratives of investigation	37
Legal Summary	40
• Decisions rendered by the LEB	45
• Judicial review and Court of Appeal matters	47

PROMOTE

Promoting human rights	50
• Education, advocacy, and research	50
Research	51
Community partnerships and outreach	55
Recognizing human rights defenders	58
Engaging the public	59
• Education, communications, and media	59

APPENDICES

Appendix A: Organizational chart	66
Appendix B: Complaint process	67
Appendix C: Formal complaints filed and closed, 2023-2024	68
Appendix D: Summary of expenditures, 2023-2024	69
Appendix E: Commission publications	70

Who we are

The Human Rights Commission is an agency of the Government of New Brunswick and it has the legal mandate to administer and enforce the New Brunswick *Human Rights Act*.

The *Human Rights Act*

The *Act* prohibits discrimination in employment, housing, services, publicity, and professional, business or trade associations. It protects everyone in New Brunswick against discriminatory treatment based on 16 protected grounds, in addition to sexual harassment and reprisal. The *Act* also sets down the procedure for human rights complaints, and powers of the Commission to mediate and investigate complaints, and to refer complaints to the New Brunswick Labour and Employment Board.

Commission's mandate

According to the *Human Rights Act*, the Commission has powers to:

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

Our mission

Our mission is to advance equality and eliminate discriminatory practices and attitudes by enforcing the *Human Rights Act* and by educating people about their human rights and responsibilities. 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 paramount.

Chair's message

It is with great pleasure that I submit this report on the activities of the New Brunswick Human Rights Commission for the year 2023–2024, during which I had the honour of being the first woman from a visible minority to hold the position of the Commission's Chairperson since its founding. I would like to express my gratitude to my predecessors who, with determination and strength, have helped the Commission to distinguish itself in the public arena and move forward on many crucial human rights issues.



Phylomène Zangio

This year was marked by two significant events: the 75th anniversary of the *Universal Declaration of Human Rights (UDHR)* and the loss of Dr. Noël A. Kinsella, a leading figure in human rights, who passed away on December 6, 2023. The Commission's first Chair and an indefatigable human rights advocate, he played a central role in the development of the *New Brunswick Human Rights Act*. His legacy continues to inspire our work on a daily basis.

The Commission has a crucial responsibility to promote a society where all persons are "equal in dignity and human rights." It continues to fulfil its mandate under the *Human Rights Act* with the same resolve.

As this report indicates, 2023–2024 was a particularly busy year. A statistical portrait reveals strong public demand for the services offered by the Commission. In recent years, the Commission has adopted proactive measures to reduce its complaint backlog, and the results are showing a steady and significant decrease year over year. This success is largely attributable to the hard work of the Commission's staff and Members and their dedication to the Commission's mission to promote human rights in New Brunswick.

The year was also one of major human rights challenges around the world. Crises such as the conflict between Israel and Hamas, not to mention wars in Ukraine and elsewhere around the globe, have caused immense suffering, triggered protest movements, and threatened the survival of certain populations. As these international conflicts continue, New Brunswick needs to double down on its efforts to ensure that all people, including newcomers, feel welcomed and supported. These situations have led to complex human rights complaints that have made the Commission's work more challenging, due in part to population growth and the rapid evolution of human rights issues. In tackling these challenges, the Commission has adapted its working methods with a focus on reducing the complaint backlog. It has also strived to make its complaint procedures more accessible, notably by publishing a guideline for newcomers in eight languages. The Commission has also continued its awareness-raising efforts to inform individuals of their rights and responsibilities under the *Act*.

Chair's contribution to promoting the Commission's activities

The Commission increased its visibility by actively collaborating with various international and pan-Canadian organizations to promote human rights and freedoms. These efforts raised the Commission's strategic profile throughout New Brunswick, across Canada and on the international stage, including the United Nations Human Rights Council.

The Commission upheld its commitment to the Canadian Association of Statutory Human Rights Agencies by attending meetings and contributing to collaborative action. This commitment facilitated the exchange of knowledge and best practices for the promotion of human rights across the country.

As Chair of the Commission, I had the opportunity this year to make a significant contribution to the Department of Education and Early Childhood Development's advisory table on the review of the Grade 4 Social Studies curriculum. This initiative, reflecting the focus of the International Decade for People of African Descent, aims to integrate the history, culture, and contributions of people of African descent (Black communities) as well as First Nations more prominently into the school curriculum. The objective is to make education more inclusive and representative of cultural diversity.

In addition, the Commission played a central role in the fight against racism and discrimination by encouraging multiple New Brunswick cities and municipalities to join the UNESCO Coalition of Inclusive Municipalities. This initiative was broadly adopted by some municipalities, and the campaign continues.

On the international level:

- On May 1, 2023, I spoke at an online session of the Working Group of Experts on People of African Descent, organized out of the United Nations Headquarters.
- From May 30 to June 2, 2023, I took part in the second session of the Permanent Forum on People of African Descent at the United Nations Headquarters in New York City.
- On November 15, 2023, I took part online in the 12th Forum on Business and Human Rights under the theme, "Disaggregated data to advance the human rights of people of African descent".
- From November 29 to December 1, 2023, I attended the third Global Forum Against Racism and Discrimination in São Paulo, Brazil, with the theme, "Race to the top: Putting racial equity and justice at the forefront of development agendas".
- On January 24–25, 2024, I was a speaker at the 15th International Forum of NGOs, "Transforming mentalities", at UNESCO House in Paris.

On the provincial level:

- On August 13, 2023, I met with approximately 20 Greater Moncton-based associations in Dieppe.
- On August 21, 2023, I recorded the podcast "Racialized 506: An anti-racism conversation" organized by the Saint John Newcomers Centre.
- On November 3, 2023, I was a speaker at the provincial event, "Women in leadership: From talk to action", organized by Women in Business New Brunswick, Fredericton.
- On November 6, 2023, at the 113th regular meeting of the district education council of the Francophone South School District in Dieppe, I presented a report on a UNESCO study entitled, *Black Canadians and public education: A scan of elementary and secondary social studies curricula*. The study reveals current shortcomings in current syllabi and highlights the need for departments and ministries of education, school boards, and school districts to develop more comprehensive and representative curricula that will benefit all students.
- On October 18, 2023, I took part in the Nova Scotia Co-operative Council's 75th anniversary celebrations, including an event featuring Michelle Obama, in Halifax, Nova Scotia.
- On March 13, 2024, I facilitated a workshop in Saint John entitled, "Women in business New Brunswick".
- On March 23, 2024, I was a speaker at a symposium organized by the Black Law Students Association at the Faculty of Law of the Université de Moncton.

Meetings with the department responsible for the Commission:

- On October 3, 2023, I met with employees of the Department of Post-Secondary Education, Training and Labour to get a better understanding of the Commission's role in relation to international instruments.
- On October 25, 2023, I met with the Deputy Minister of Post-Secondary Education, Training and Labour and the Assistant Deputy Minister at the Legislative Assembly building in Fredericton to establish collaboration and share our visions.

Priorities: prevention and awareness

During the past year, the New Brunswick Human Rights Commission issued a number of statements to remind all New Brunswickers of their rights and responsibilities under the *Act*. The Commission actively encouraged the public to promote and uphold the values of respect and dignity for all, while ensuring that hate incidents, including those observed elsewhere, do not take root in our province. It is critical to ensure that minority opinions, deliberately organized, do not compromise everyone's fundamental rights.

Commission Members played a key role in promoting human rights in their respective communities, carrying out various educational activities to reinforce the commitment of the Commission and the government to the values of respect, inclusion and dignity.

The New Brunswick Human Rights Commission's future

Over the years, the governance structure of the Commission has been the subject of significant debate. The following is a summary of previous recommendations concerning governance reforms, along with an overview of the governance models adopted by other human rights commissions across Canada:

- **In 1989**, in its publication *Towards a World Family* (Ferris Report), the Commission recommended that the government make the Commission "an independent Legislative Office that reports to the Legislative Assembly through a Standing Committee on Human Rights."
- **In 2002**, in the discussion paper *Thirty-Five Years and Looking Forward!*, the Commission reiterated the importance of implementing the recommendations of the 1989 Ferris Report, while also arguing for legislative changes and the addition of new protected grounds to the *Act*.
- **In 2004**, following extensive public consultations, the Commission published *Position Paper on Human Rights Renewal in the Province of New Brunswick*, suggesting that the government reassess the Commission's governance structure to better reflect the modernization of human rights legislation in Canada, and to align its mandate with the Paris Principles, which define minimum standards of independence for human rights institutions.
- **In 2008**, in the report *The New Brunswick Human Rights Commission: Future Directions – Recommendations to Government*, the Commission again recommended becoming an agency independent from government.
- **In 2016**, in *Strategic Program Review: Review of the Officers of the Legislative Assembly* (Levert Report), the Commission suggested that the government explore the possibility of having the Commission fall under a legislative oversight branch.
- **In 2017**, in its 50th anniversary, the Commission published a white paper, *The Changing Face of Human Rights in New Brunswick: Looking toward the next 50 years*. The paper traced the evolution of human rights commissions in Canada since the 1960s and argued for a more independent and pluralist Commission based on the Paris Principles.
- **In 2021**, then Commission Chair met with the Minister of Post-Secondary Education, Training and Labour to discuss the Commission's challenges, including its complaint backlog, inadequate funding, and governance structure.

- **In 2022**, in her Report, the Systemic Racism Commissioner expressed concerns about the Commission's legislative model, pointing out that placing the Commission under the Ministry of Labour (only New Brunswick does this) undermines its independence.
- **On March 15, 2023**, Members and staff of the Commission participated in a strategy session to review current activities and develop a plan for an upcoming change of direction. Discussions focused mainly on the Commission's current governance structure, which is viewed as problematic due to its subordination to a department. Participants expressed a preference for the Commission to report directly to the Legislative Assembly or, failing this, to the Department of Justice, to avoid any perceived conflict of interest. They also stressed the importance of raising awareness of this issue among ministers and opposition parties. Discussions also touched on the crucial role the Commission should play in implementing and monitoring the government's international human rights obligations, as well as the challenges arising from a lack of communication with the provincial entities responsible for these obligations.
- **On November 24, 2023**, I met with the premier, Honourable Blaine Higgs, concerning this issue.

Governance structures of other commissions across Canada

The governance of human rights commissions across Canada have evolved in different directions since the 1960s. The 13 commissions include:

- Six reporting directly to a legislative assembly (BC, NT, CHRC, ON, PE, QC)
- Seven under the jurisdiction of a provincial ministry/department (AB, MB, NL, NS, SK, NB, YK), six of them to Ministry of Justice. New Brunswick is the only commission attached to a Ministry or Department of Labour.

Recommendations

As the province's human rights institution, and to fulfil our legislative mandate under the New Brunswick *Human Rights Act*, we expect the province to act on the recommendations set out in the Systemic Racism Commissioner's final report, including undertaking a review of the Commission's current structure to define a modernized governance model designed to meet the current and future needs of the government and people of New Brunswick, while taking into account human rights developments in the province.

The Commission is committed to continuing review of its procedures to ensure a more efficient compliance process and reduce complaint processing time, while also expanding the number of educational initiatives. However, the complaint backlog remains a concern. At the current rate and with the resources available, it will take several more years to clear this backlog. In this context, reassessment of the funding currently allocated to the Commission would be appropriate.

In conclusion, I would like to express my deepest gratitude to all Commission Members for their dedication and outstanding work throughout the past year. I also thank the Minister and officials at the Department of Post-Secondary Education, Training and Labour for their invaluable support.

I invite you to explore this report for detailed information on our achievements over the past year and to better understand the impact of our efforts to protect and promote human rights in our province.

Zangio Mukuta

Phylomène Zangio
Chair, New Brunswick Human Rights Commission

From the Director's desk

Over the past year, the Commission has continued to work to create an efficient and effective compliance process, while investing in new education and awareness initiatives.

During the past year, the staff of the Commission have worked diligently to operationalize financial resources obtained in the 2022-23 fiscal year. With these new resources, the Commission has achieved a reduction in wait times and an increase in the number of investigations completed. The number of complaints awaiting investigation was reduced by 20 percent and wait times in other aspects of the compliance process were reduced or eliminated.

The Commission has also expanded its educational offerings for the public, including the development of content for the K-12 education system and training on how to navigate the Commission's compliance process. In addition, the Commission released *A Newcomer's Guide to Human Rights* in eight languages, a resource which aims to provide information about human rights in plain language to all New Brunswickers, including vulnerable groups.

The Commission has also continued to foster important relationships with organizations in the province, including PRUDE Inc. and PLEIS-NB, among others. These partnerships are essential to identify gaps within the New Brunswick human rights framework, and to ensure information about human rights is effectively communicated to various groups around the province.

This year the Commission completed its mandate as Chair of the Canadian Association of Statutory Human Rights Agencies (CASHRA) and was pleased to facilitate transfer of this responsibility to Ontario's Human Rights Commission.

I wish to thank the staff of the Commission for their continued commitment to delivering an essential service and for forwarding the principles of human rights. While the Commission understands that there is more work to be done to reduce barriers and wait times in our processes and to ensure the protection of human rights in an evolving global context, I am confident that together with our staff, newly appointed Chairperson Phylomène Zangio, committed Commission Members, and the people of New Brunswick, we can achieve a province free from discrimination and harassment and where all individuals, regardless of their protected characteristics, can grow and thrive.



Megan Griffith
Director, New Brunswick Human Rights Commission



Megan Griffith

Members of the Commission

The composition of the Human Rights Commission is twofold: 1) Commission staff and 2) Commission Members.

Commission staff, headed by a Director, are civil servants appointed under the *Civil Service Act*. Commission staff are responsible for the administration and day-to-day operations of the Commission; they receive, mediate, and investigate complaints of discrimination; write complaint reports and present them before Commission Members; and they educate the public about their human rights and responsibilities.

Commission Members, including a Chairperson, are appointed by the Lieutenant-Governor in Council. Commission Members are representatives of the citizens of New Brunswick, with the goal of reflecting 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 several powers, including those to dismiss a complaint, to review appeals filed against the Director's dismissal of complaints, and to refer complaints to the Labour and Employment Board.

Commission Members also support the Commission's education and outreach role. They provide guidance regarding 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, 2024, Commission Membership was comprised of:



Phylomène Zangio
(Chair)



Jean Bartibogue



Randy Dickinson



Shelley R. Dumouchel



Elizabeth Forestell



Steve Lambert



Shannonbrooke
Murphy



Cyprien Okana



Rachel Richardson

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

Highlights

In 2023-24, the Commission delivered on these priorities:

- Addressed 1,988 inquiries from the public, compared to 1,632 inquiries last year, an increase of 27.8 percent.
- Closed 208 complaints and received 197 new complaints, compared to 214 new complaints received in 2022-23, an 8.4 percent decrease.
- Settled 38 complaints through mediation, with \$356,039 awarded in monetary settlements.
- Reduced its complaints backlog by 20.8 percent, bringing the number of backlogged complaints from 101 as of March 31, 2023, to 80 as of March 31, 2024.
- Completed 61 investigations, compared to 42 investigations completed last year.
- Delivered 49 educational webinars, workshops, and presentations, reaching 897 attendees.
- Released *Exploring Human Rights in New Brunswick: A Newcomer's Guide*, a plain-language educational resource translated in six foreign languages to help newcomers to the province understand their human rights and responsibilities.
- Published plain-language two-page versions of five legal guidelines: *Accommodating Disabilities at Work*; *Accommodating People with Service Animals*; *Accommodating Students with a Disability (K-12)*; *Accommodating Students with Disabilities in Post-Secondary Institutions*; and *Guideline on Family Status*.
- Created a comprehensive new webpage containing information and resources on John Peters Humphrey, as part of a research project in collaboration with St. Thomas University's Human Rights Program, and to commemorate the 75th anniversary of the *Universal Declaration of Human Rights*.
- Published *Teaching Human Rights in New Brunswick: A Teacher's Handbook*, an educational resource to help integrate human rights instruction in New Brunswick's middle and high school curricula.
- Conducted archival research on the history of the Commission, in collaboration with STU's Human Rights Program, exploring the administrative structure of the Commission's initial years, and the early Commission's singular human rights initiatives and expansive interpretation of its legal mandate.

Building public trust

Human rights commissions are vested with the legal mandate to protect and promote human rights in their jurisdictions.

Commissions adjudicate complaints of discrimination, educate the public about their human rights and responsibilities, and advance the human rights principles of dignity, equality, inclusion, and diversity. If human rights commissions are effective in upholding their mandate, they can become instruments of positive social change, and usher societal dynamics that are conducive to the promotion of equality, respect, dignity, and justice in society.

However, human rights commissions, like other public institutions, may be facing a general lack of public trust in state institutions, which can impact their efficacy, and even challenge their legitimacy as custodians of human rights. This ostensible lack of trust is attributable to multiple factors, including misinformation and propaganda, profusion of digital media, complex and lengthy complaints process and legal mechanisms, and public skepticism about the credibility of human rights systems, both nationally and at the international level.

In this contemporary environment, the New Brunswick Human Rights Commission is committed to ensuring public trust in its role as the principal institution mandated to defend the human rights of all persons in the province. When high levels of trust exist, individuals, government, and non-governmental entities are more likely to report human rights violations, adhere to the mandate and legal process of human rights commissions, and support human rights remedies pursuant to that process.

With a changing provincial demographic, new technologies impacting the socio-economic and human rights frontiers, and evolving cultural, political, and legal landscapes, the Commission has a crucial role to play in protecting the rights of vulnerable populations, and to help create a just and rights-conscious social order. By addressing the emerging sociocultural, economic, political, and technological dynamic, and creating synergy between the public, civil society, government, and other stakeholders, human rights commissions can help restore trust in public institutions and human rights mechanisms, cultivate human rights awareness in society, and forward the values of human respect, dignity, equality, and justice.





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 2023-24, the Commission continued to innovate its processes to respond efficiently to complaints and inquiries, assess evolving human rights trends and jurisprudence, and enhance its educational initiatives for more effective education, outreach, and research work.

Our compliance work

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

This year, we responded to thousands of individuals regarding their human rights concerns, file a formal complaint, or acquire information about our mandate and process. Many times, we resolved issues through mediation, or directed people to the appropriate department or organization that had jurisdiction to address those issues.

The complaints dynamic shifted this year due to a continued decline in pandemic-related complaints and inquiries, which had dominated the complaints roster for the past few years. Complaints related to employment and services were again high this year, and we witnessed a relative decrease in housing-related complaints compared to last year's spike in this area.

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 increased by 27.8 percent this year compared to 2022-23. Inversely, formal complaints filed with the Commission declined by 8.4 percent compared to last year.

This increase in inquiries may be attributable to increased Commission visibility due to more robust educational and outreach initiatives conducted by the Commission this year. The decline in the number of complaints filed is too slight to indicate a definite trend, and a declining pattern can only be confirmed if complaint numbers continue to diminish in the coming years. Moreover, the fluctuation in this year's complaint numbers is not inconsistent when viewed alongside the complaint filing patterns over the last five years.

To assess larger trends across a broad time spectrum, it remains to be determined if the Commission's increased educational activities over the past couple of years can be credited as a factor in lowering complaint numbers.

1,988

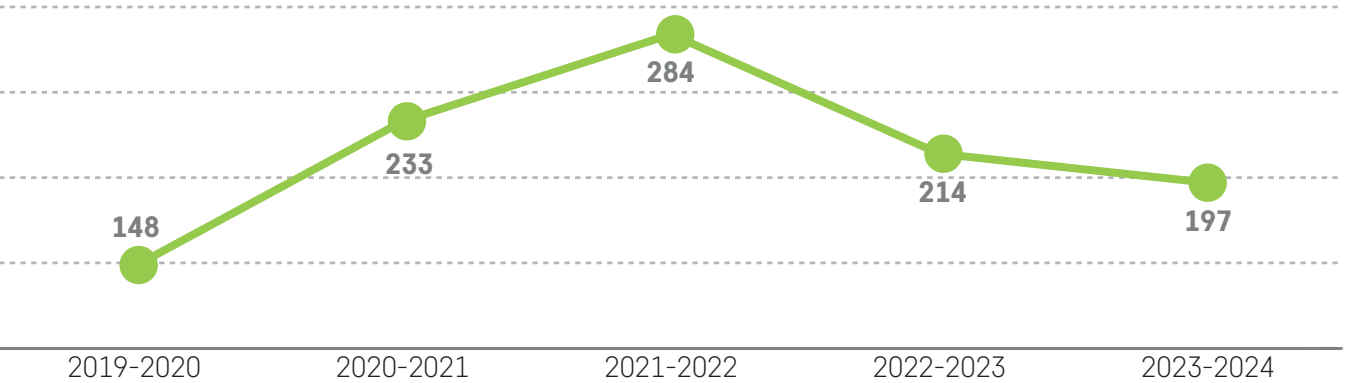
people contacted the Commission this year to inquire about a human rights issue or file a complaint.

197

complaints were filed with the Commission this year.

Number of complaints filed, 2019-2024

The number of complaints filed with the Commission escalated steadily until 2022. However, the filing of complaints witnessed a decrease of 25 percent last year and another 8 percent decrease in the current year.



The unprecedented escalation in complaint numbers in 2021-22 was due, in part, to the pandemic-related policies and mandates that were initiated during the pandemic, and the continued drop in complaints filed during the past two years is partly explainable by the relaxing of those regulations.

Despite a decrease in new complaints, the Commission continues to deal with a backlog of complaints, accumulated over a number of years. However, that backlog declined significantly this year, primarily due to the creation of additional investigator positions last year arising from increased funding, improved triaging processes, and a focus on mediation efforts.

The Commission reduced its backlog of complaints from 101 complaints in 2022-23 to 80 complaints as of April 1, 2024 – a 20.8 percent decrease. Moreover, the Commission prioritized resolution of the oldest complaints in its roster, i.e. complaints dating from 2017 to 2020, reducing this number from 27 to just 3, an 89 percent decrease in a year.

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 legal mandate, the Commission refers it to the appropriate department or organization, so people can pursue their concerns or resolve their complaints through the proper channels. Triage also enables the Commission to screen non-jurisdictional inquiries at the initial stages.

Inquiry vs. Complaint

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

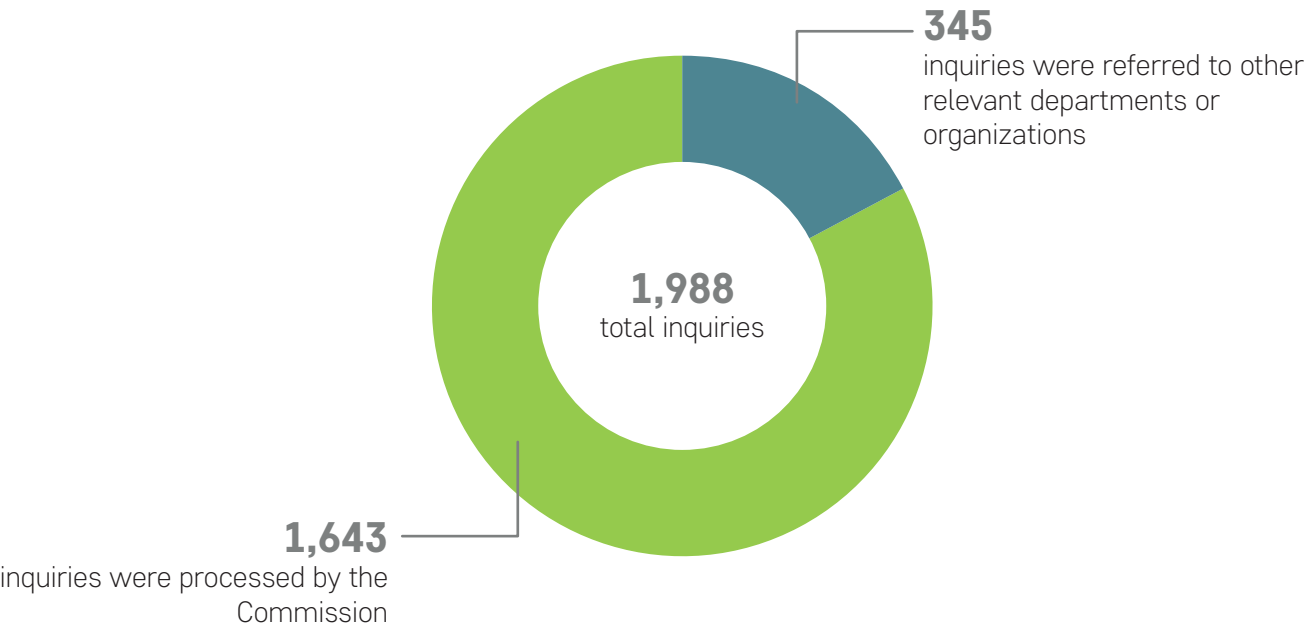
- General queries about rights and responsibilities under the *Act*;
- Advice on specific human rights situations;
- Questions on the Commission's mandate and compliance process;
- Requests for human rights training by employers or service providers;
- Media inquiries;
- Requests by organizations or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

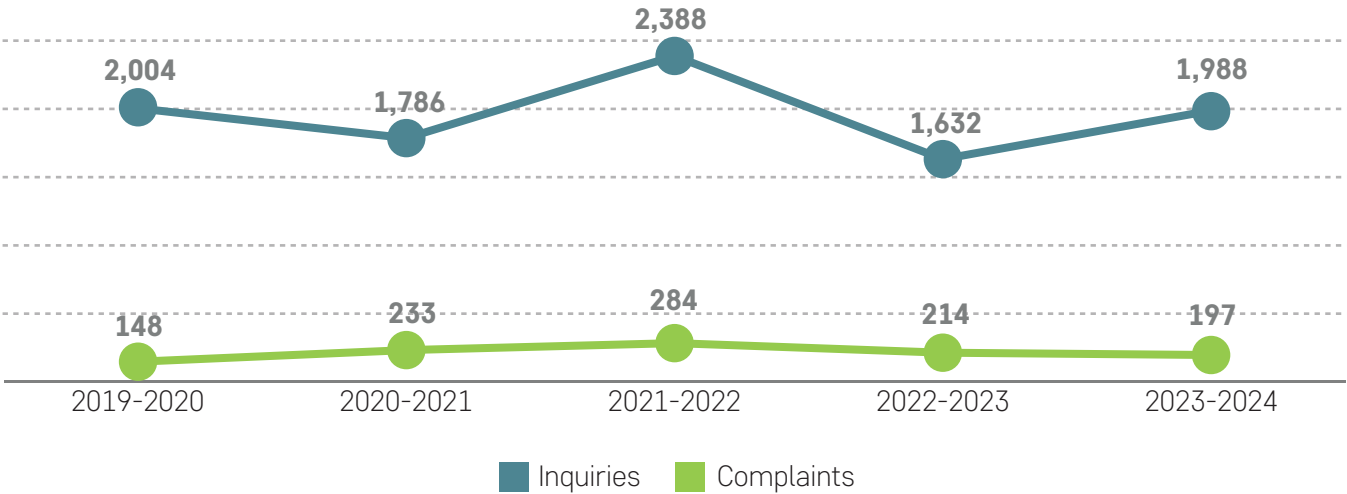
Not all inquiries become complaints, as each inquiry is carefully assessed by Commission staff and people are directed to the relevant department or organization if an issue does not fall under the *Act*.



How Commission staff dealt with inquiries

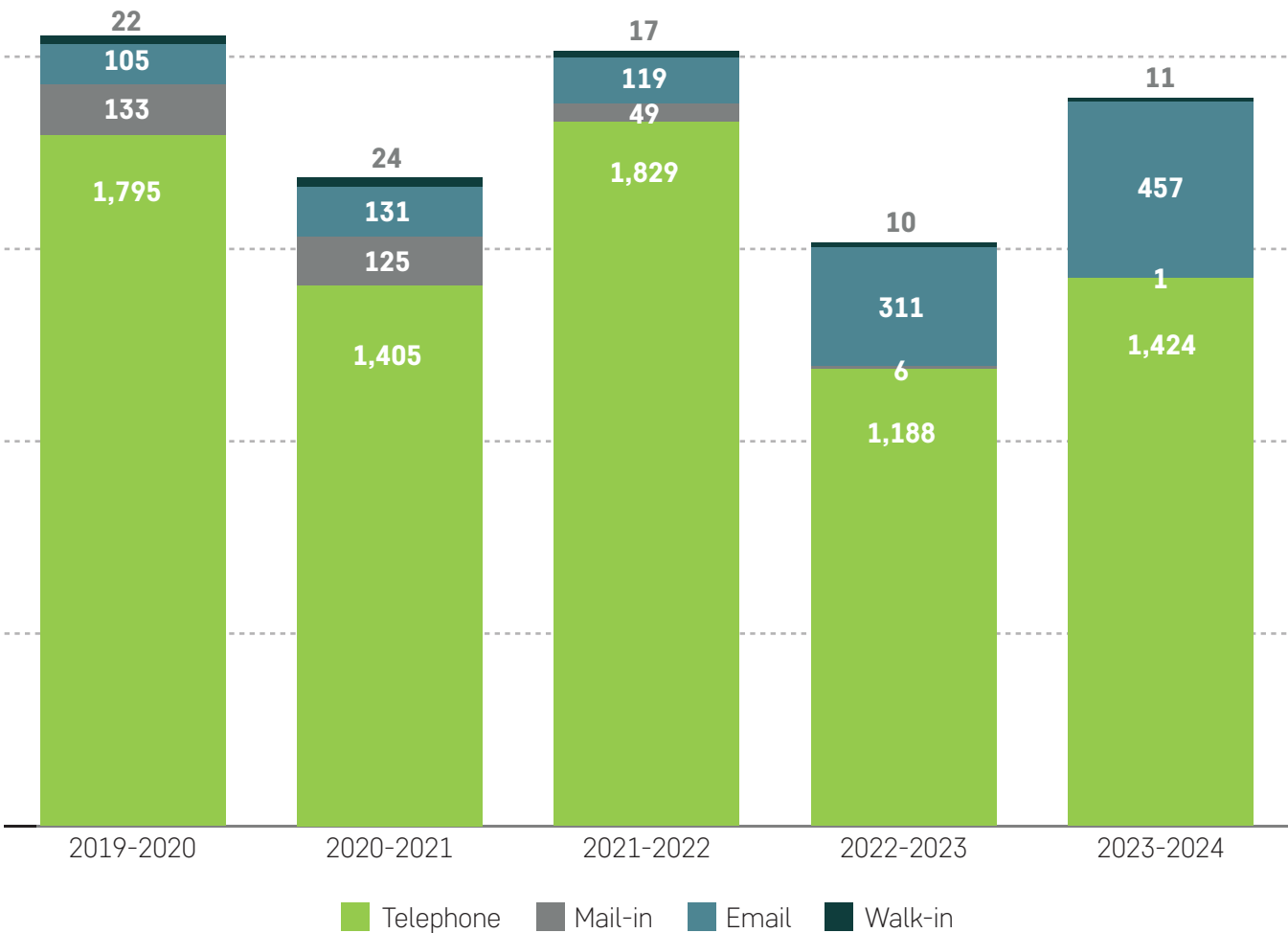


Yearly numbers for inquiries received and complaints filed, 2019-2024



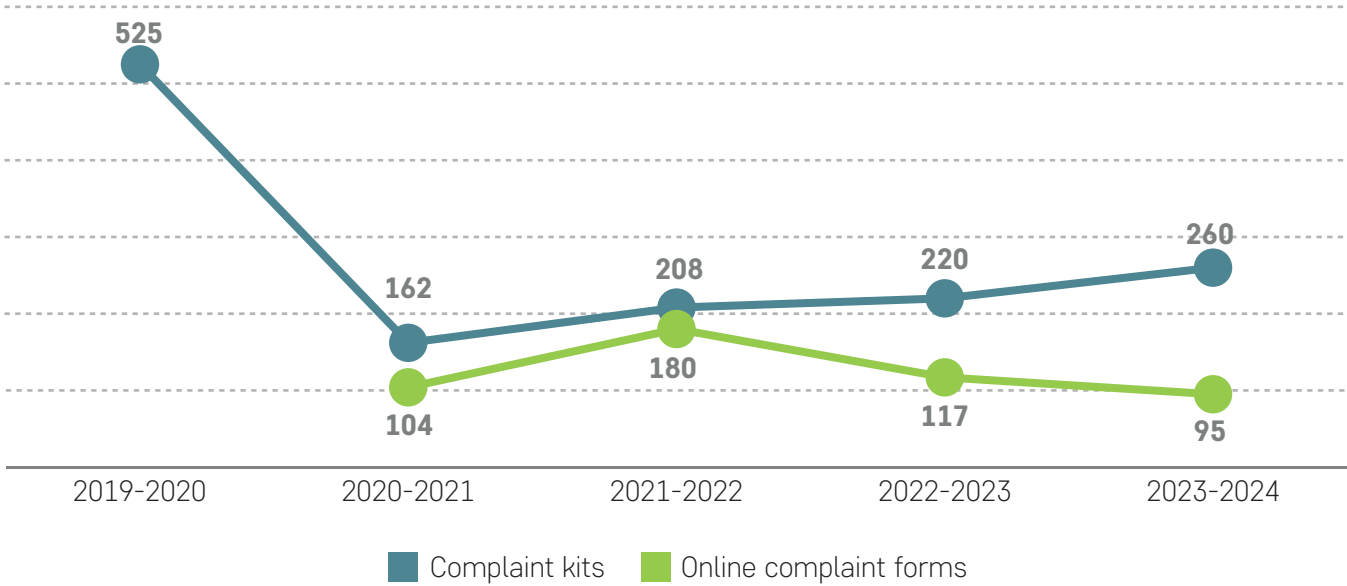
Inquiries decreased last year, but recorded an upward trend this year, unlike the downward pattern noted in the number of complaints filed.

How inquiries and complaints were received, 2019-2024



Telephone remains the most widely used method for contacting the Commission. This year, we received 20 percent more calls compared to last year and the number of emails received by the Commission went up by 46.9 percent.

Complaint kits (paper) vs. online complaint forms, 2019-2024



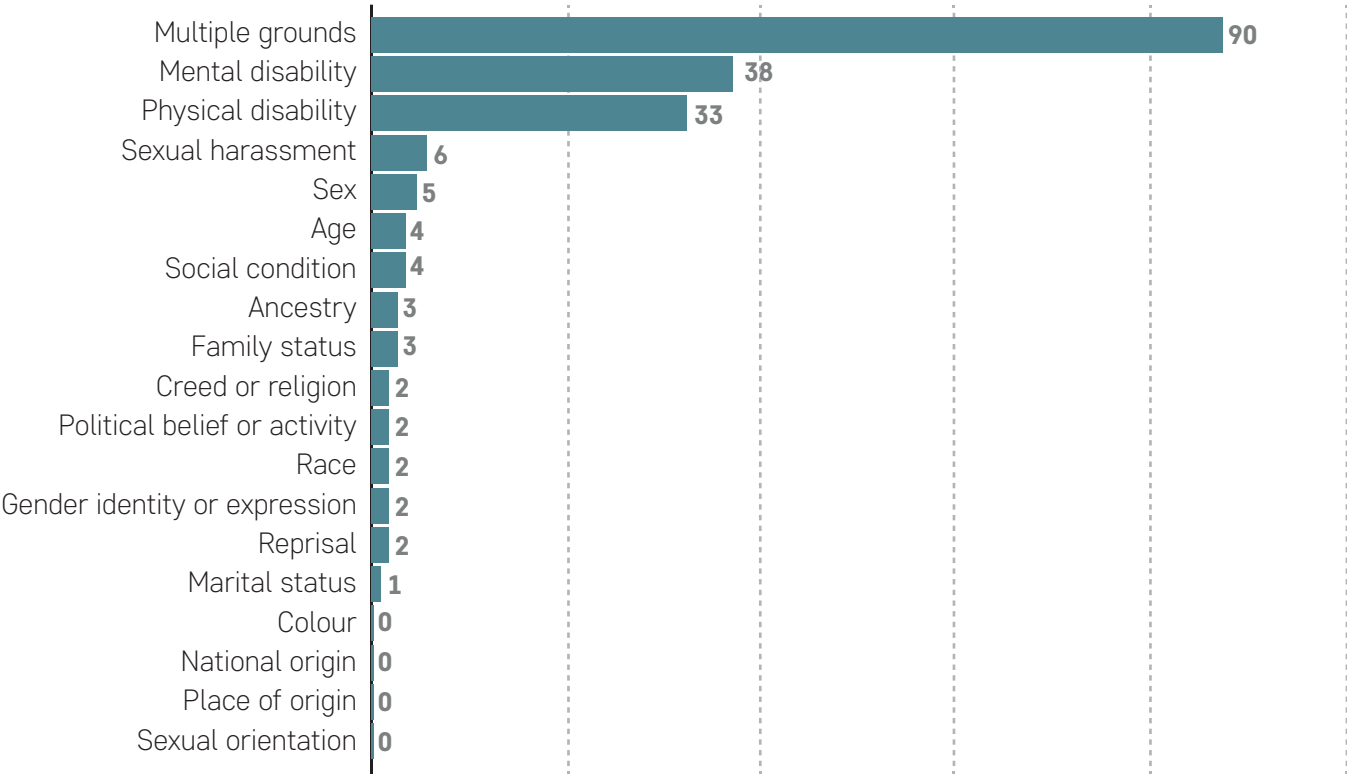
This year, the number of hard-copy complaint kits used by complainants escalated significantly, while the use of online complaint forms showed a downward trajectory.

The declining trend in use of online complaint forms has prompted the Commission to review its website, accessibility, and digital services strategy in the next fiscal year.

Grounds of complaints

Endorsing a pattern evident for many years now, the majority of complaints filed with the Commission this year related to the grounds of mental and physical disability and, as seen during the four preceding years, complaints of discrimination based on mental disability surpassed those of physical disability.

Grounds under which complaints were filed this year



Of the **197** complaints filed this year, **90** were filed on multiple grounds.

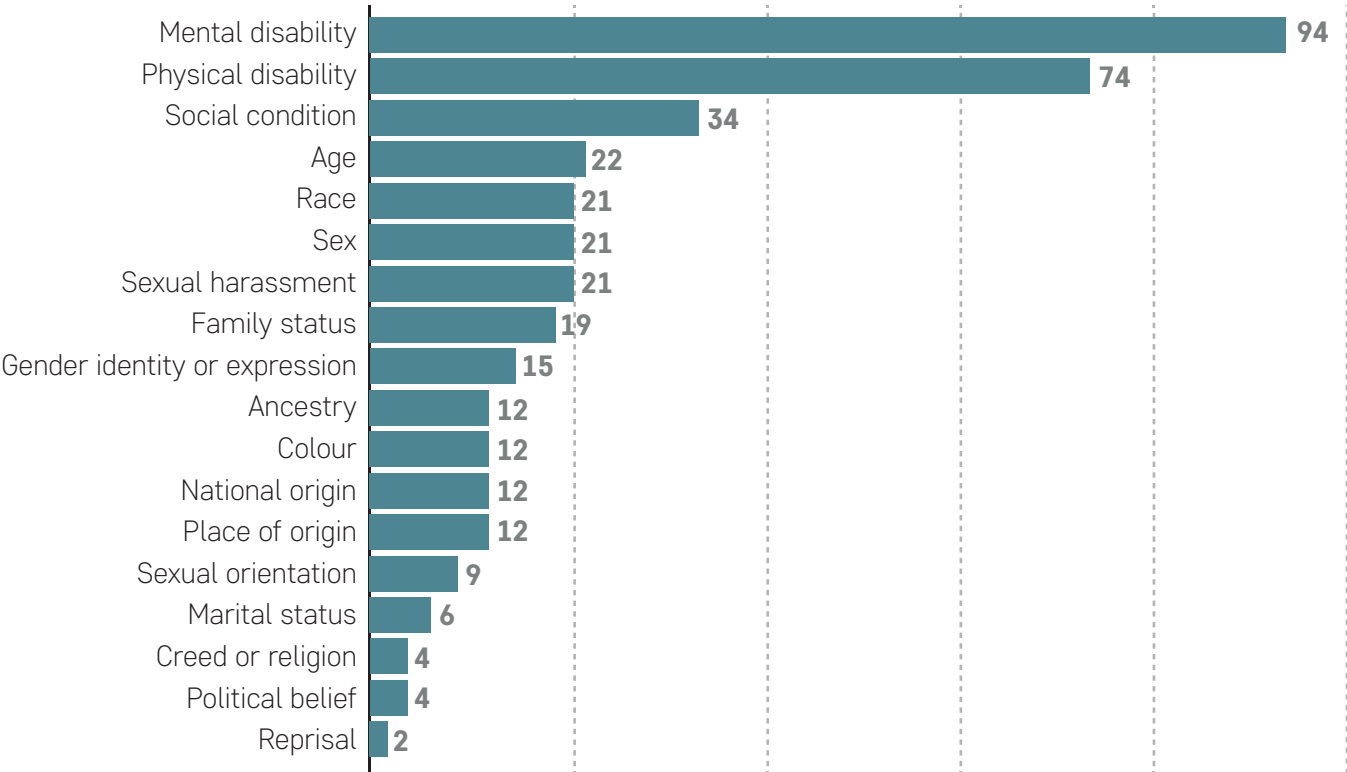
The analysis of complaints by the Commission is becoming more complex, with a changing provincial demographic, influx of immigrants and newcomers, and evolving human rights case law in response to new human rights developments.

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 dictates of 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.

Did you know? Even though this graph indicates that no complaints were filed under the grounds of colour, national origin, place of origin, and sexual orientation, these grounds were cited in this year's complaints, and are represented in the "Multiple grounds" category.

Allegations cited in this year's complaints



The *Act* allows complainants to reflect intersectionality in their complaints, i.e. to allege different grounds of discrimination in a complaint. As such, nearly half the complaints this year were filed under multiple grounds, which means that complainants alleged discrimination on more than one ground in these complaints.

Therefore, while 197 complaints were filed this year, the number of allegations cited in those complaints was 393, as this graph shows.

This breakdown allows the Commission to better understand the trends of alleged discriminatory practices prevailing in society, and it enables the Commission to adapt its outreach programs to provide more relevant and timely educational materials to communities and groups.

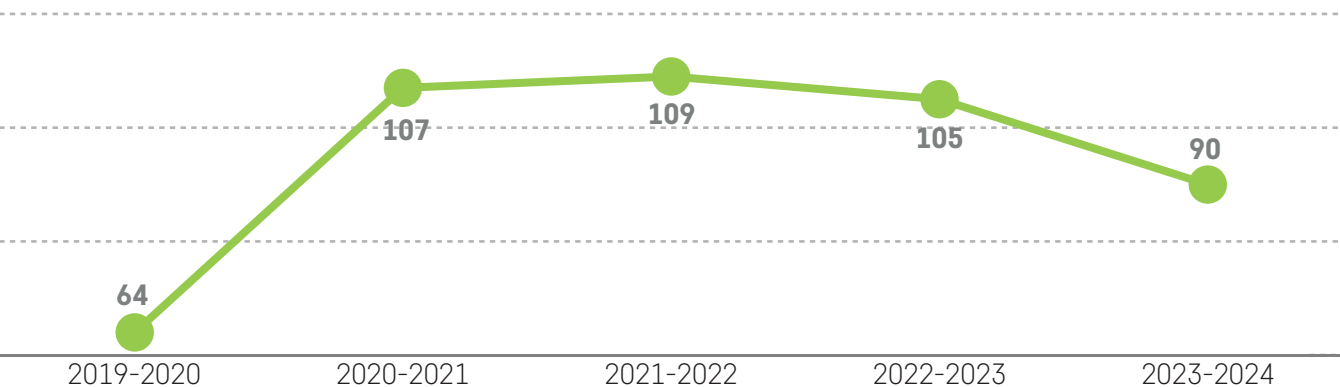
Thus, as mentioned above, although no complaints filed this year alleged discrimination *only* under the grounds of colour, national origin, place of origin, or sexual orientation, discrimination under these grounds was still alleged in intersectional complaints (those that cited more than one ground), as shown in this graph.

Breakdown of this year's allegations by grounds and areas

This table shows the breakdown of allegations and the areas which were cited in these allegations. As in previous years, most allegations of discrimination were related to employment and services.

Grounds	Employment	Housing	Services	Publicity	Associations	Total
Mental disability	48	6	35	2	3	94
Physical disability	51	3	19	0	1	74
Social condition	13	3	12	1	4	33
Age	13	1	8	0	0	22
Race	12	1	5	0	3	21
Sex	12	2	6	1	0	21
Sexual harassment	13	1	5	2	0	21
Family status	5	2	9	2	1	19
Gender ID or expression	3	0	10	2	0	15
Ancestry	7	0	4	0	1	12
Colour	4	1	5	0	2	12
National origin	6	0	5	0	1	12
Place of origin	4	0	6	0	2	12
Sexual orientation	3	1	4	1	0	9
Marital status	2	0	3	1	0	6
Creed or religion	3	0	1	0	0	4
Political belief or activity	3	0	1	0	0	4
Reprisal	2	0	0	0	0	2
Totals	205	21	138	12	18	393

Intersectional complaints, 2019-2024



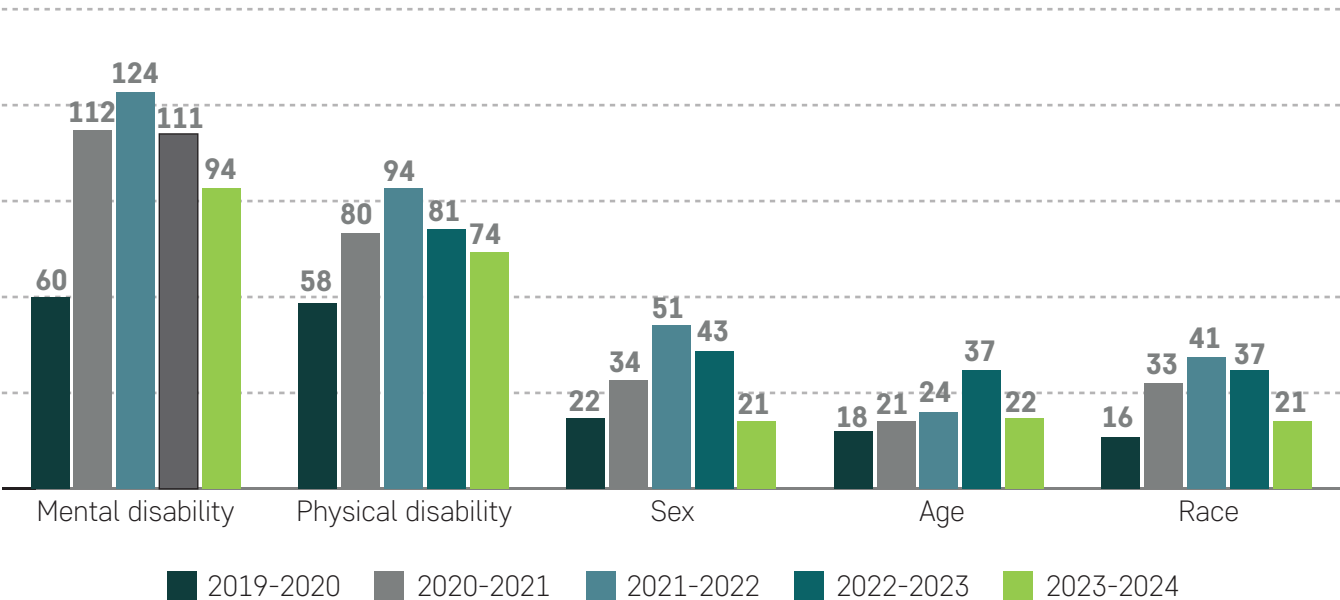
This year, 45 percent of complaints received by the Commission involved an intersection of grounds, down slightly from 49 percent in 2022-23.

Intersectional complaints are complex in nature and require more extensive investigation and legal analysis by staff.

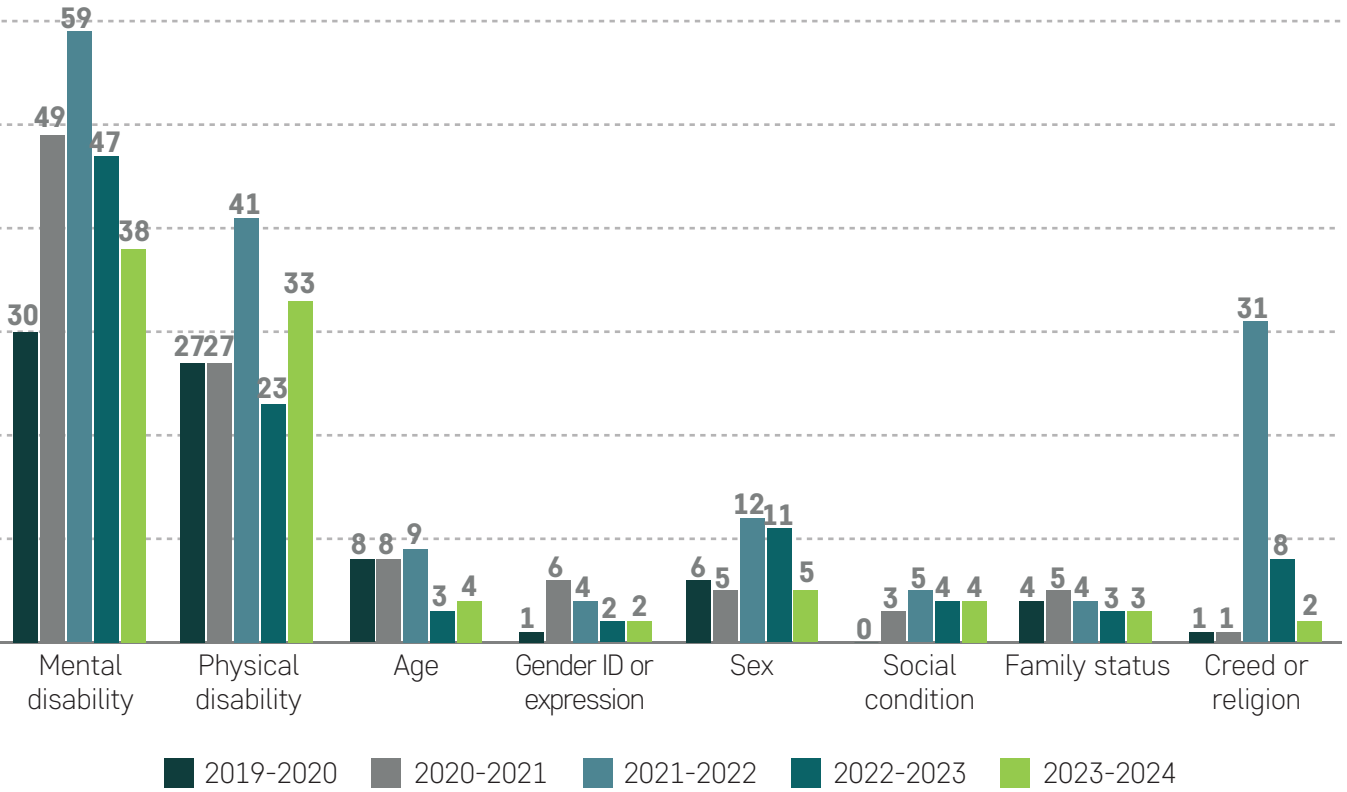
The high numbers of intersectional complaints may reinforce the notion that more persons are identifying with multiple disadvantages, and that such persons are more vulnerable to discriminatory treatment. It could also be a reflection of the changing provincial demographic, as newcomers generally tend to identify with more than one protected ground.

The Commission factors information and data on intersectionality in establishing priorities for its educational and outreach work.

Yearly comparison of leading allegations cited in complaints, 2019-2024



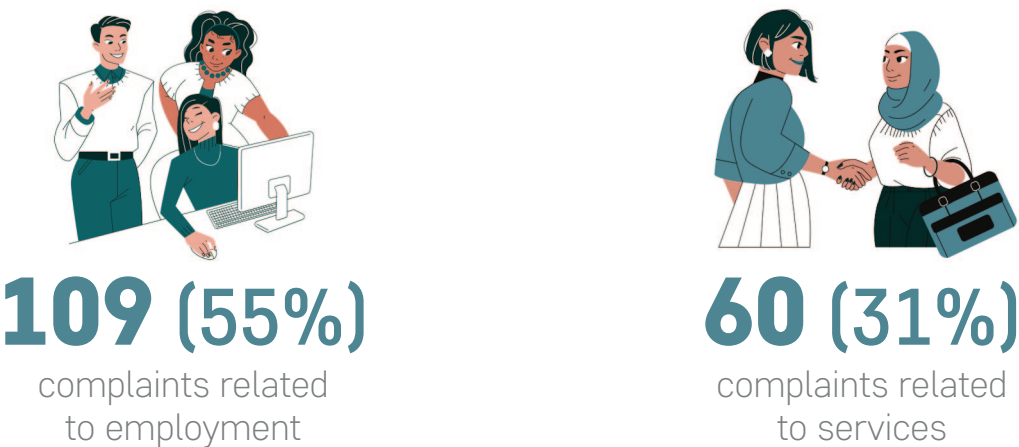
Comparison of complaints filed by grounds of discrimination, 2019-2024



- Mental and physical disability continue to be the leading grounds identified in complaints, with mental disability surpassing physical disability for the fifth consecutive year.
- Complaints under the grounds of social condition, family status, and gender identity or expression have remained consistent over the past few years, while sex discrimination complaints dropped in comparison to the last two years.
- The number of complaints related to age discrimination remained consistent with last year, maintaining the drop in comparison to the steady escalatory pattern from 2019-2022.
- Complaints under the ground of creed or religion experienced an increase in 2021-2022 due to mandatory vaccination regulations; however, creed or religion complaints have decreased again this year, settling back to their pre-2021 numbers.

Areas of discrimination

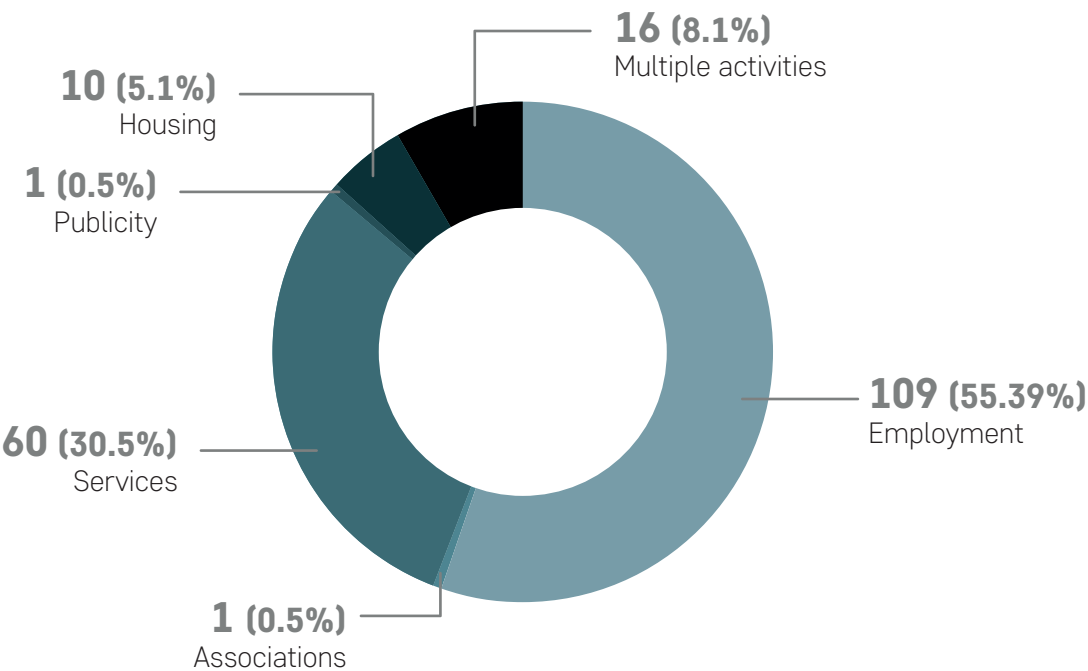
As in previous years, employment and services were the leading areas under which complaints were filed this year, with 86 percent of complaints falling under these two areas.



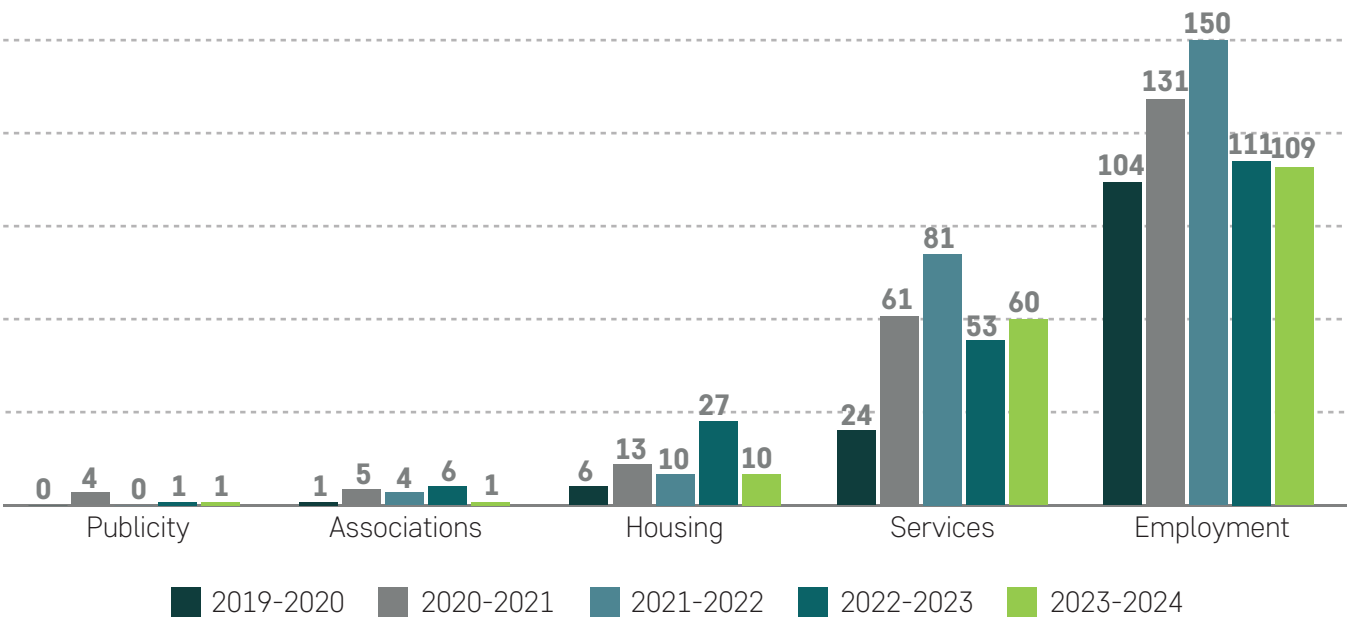
This year, 34 percent of all employment complaints alleged discrimination based on physical or mental disability, while 40 percent of all services related complaints alleged physical or mental disability discrimination, supporting the pattern of a consistently high volume of disability-based complaints in the areas of both employment and services.

While the ongoing housing crisis facing the province has a distinct human rights dimension – as evidenced by the sharp increase in housing-related complaints last year – housing-related complaints fell to 5 percent of all complaints received this year, compared to 12 percent last year.

Breakdown of areas under which complaints were filed



Comparison of filed complaints by areas of discrimination, 2019-2024

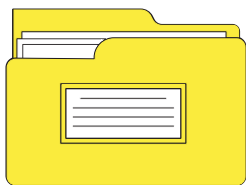


Complaints filed in the area of publicity this year remained consistent to previous years. Despite seeing an uptick last year, complaints filed in the areas of associations and housing decreased, with housing falling back to 2021-22 numbers.

Cumulatively, the numbers for publicity, associations, and housing related complaints continue to be small, comparative to services and employment, the main areas for filed complaints.

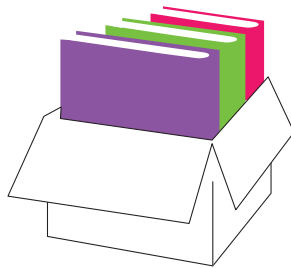
Number of filed, closed, and active complaints, 2023-24

The Commission successfully closed 208 complaints this year. The year ended with 278 active complaints. Similarly, we reduced our complaints backlog significantly, from 101 complaints awaiting to be assigned to an investigator at the end of last year [or as of March 31, 2022], to 80 this year (a 20.8 percent decrease). However, complaints backlog is still significant and is projected to take a few more years to eliminate.



197

complaints filed this year



208

complaints closed this year



278

total active complaints at year end

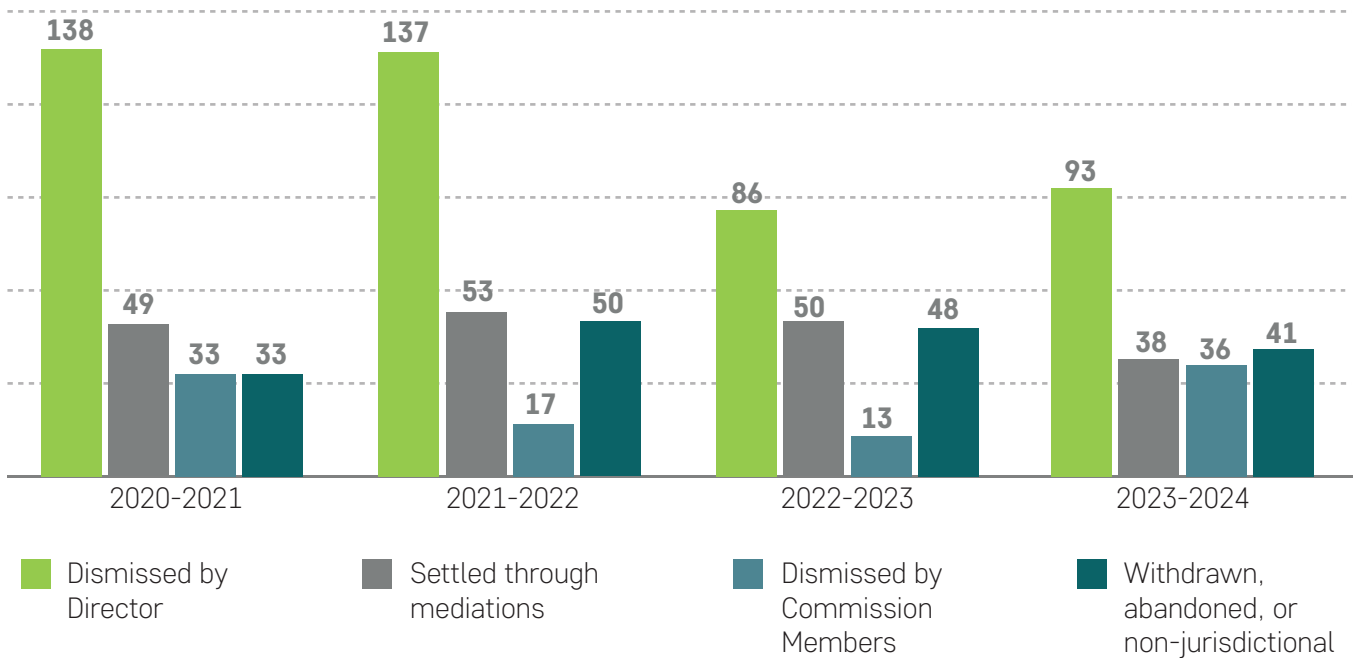
Backlog refers to active complaints awaiting assignment due to staffing constraints. For the past few years, the Commission has been undertaking proactive measures and a sustained effort to reduce its backlog. These concerted actions have resulted in steady and significant reductions over the last two years.



Steps we have taken to address backlogged complaints include:

- Creation of additional investigator positions, and the staffing thereof, as a result of increased funding in 2022-23
- Prioritizing resolution of oldest complaints in the complaints roster
- Identifying and implementing efficiencies in investigatory practices
- Emphasizing settlement of complaints through mediation
- Revamping the complaints triage process

How the complaints were closed



A significant number of complaints were dismissed by both the Director and Members of the Commission for being without merit, a determination staff and Commission Members make after review of each complaint, which may include investigation and legal analysis.

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 of complaints dismissed by the Director include complaints closed at the LEB level.

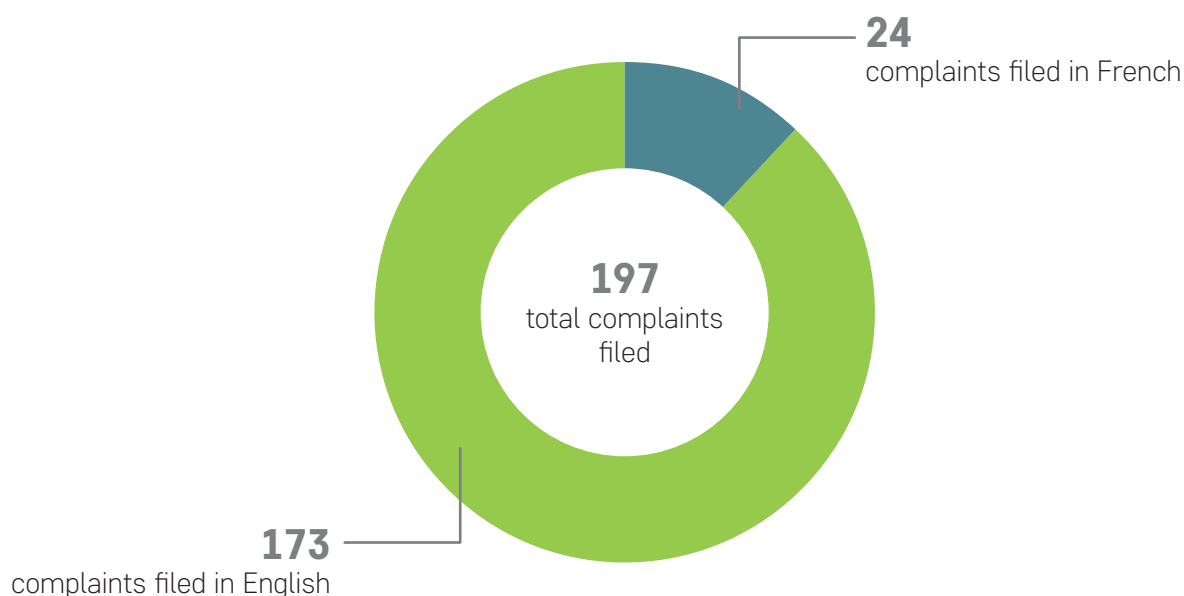
As complaints become more intricate and human rights challenges increase in complexity, and as the Commission resolves the backlog of complaints awaiting investigation, the Commission anticipates that referral of complaints to the LEB will continue to go up in the coming years.

Appeals from Director's dismissals

When a decision is made by the Director in a complaint, including to dismiss or not to dismiss the complaint, parties have the right to request a review of this decision, which is referred to as an appeal.

In 2023-24, the Director dismissed 93 complaints, out of which 25 complainants appealed the Director's decision to the Commission Members. In 24 of 25 appeals, Commission Members agreed with the Director's findings and upheld the dismissals. In one matter, based on the information provided by the Complainant in their appeal submission, the Director's decision was rescinded, and the file was re-opened and referred to investigation.

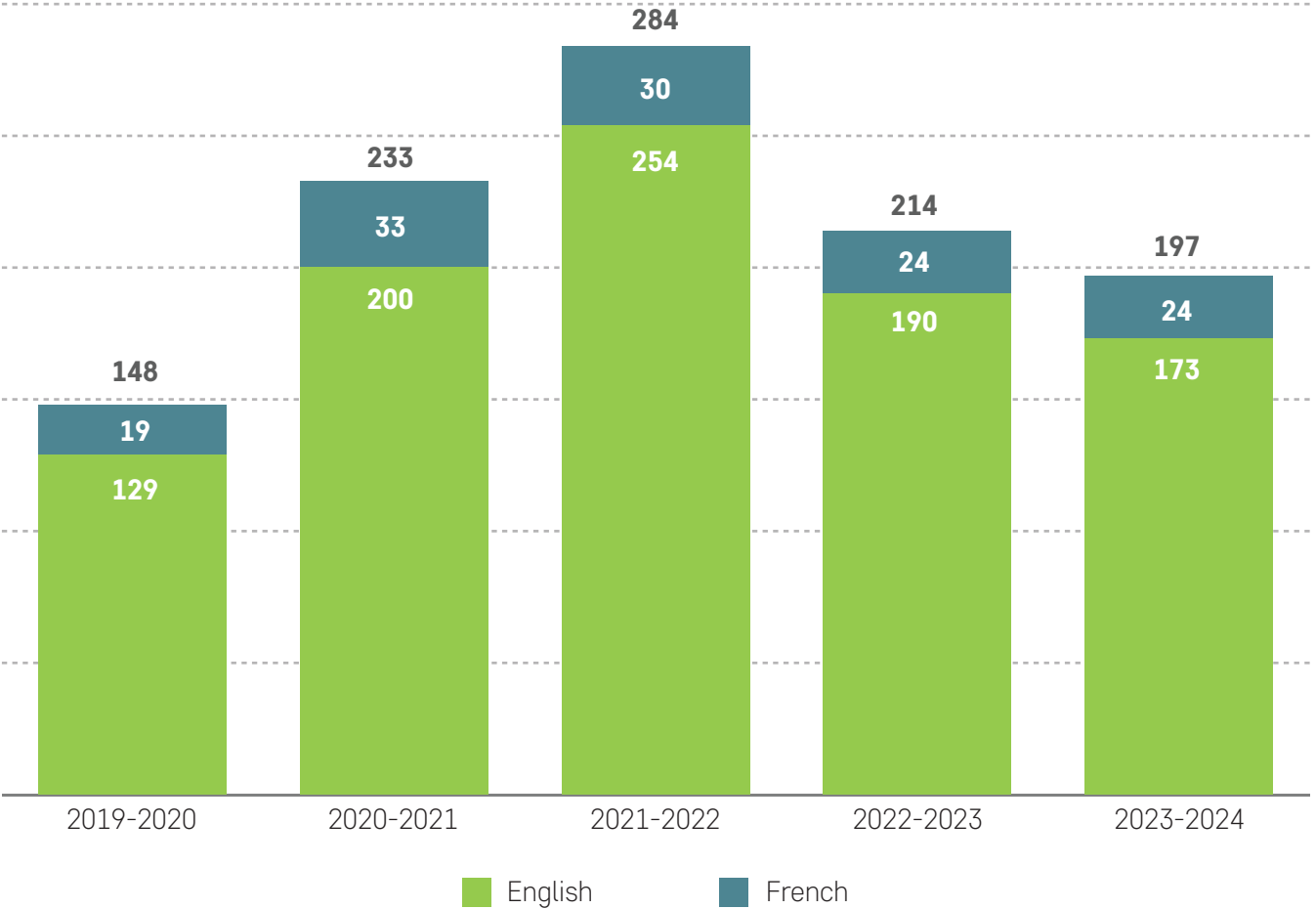
Language of complaints



Over the past five years, the Commission has seen the number of complaints filed in French remain steady, ranging from 11 to 14 percent of all complaints filed in a given year. During the same period, the total number of complaints filed in English increased.

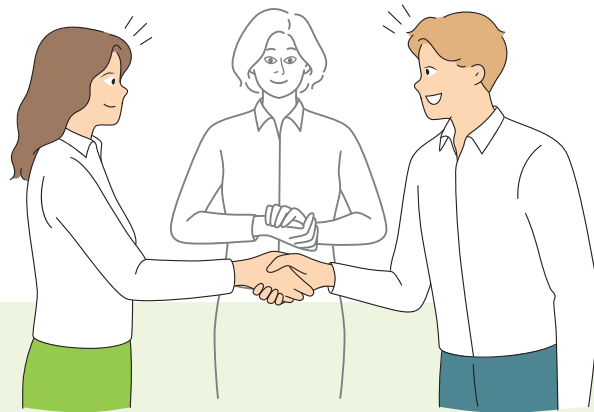
Considering that approximately 30 percent of the New Brunswick population is Francophone or speaks French at home (Statistics Canada, 2021), the Francophone demographic may be under-represented in complaint numbers. While the factors of lower representation are difficult to pinpoint with certainty, the Commission ensures that its services are delivered to the population of New Brunswick in the official language of their choice.

Language of complaints, 2019-24



Commission's mediation services

If parties agree to try and settle a 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.

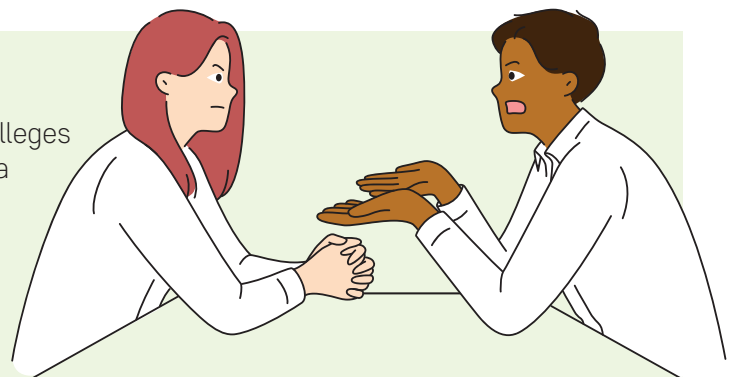


When a complainant files a complaint with the Commission, the Commission offers its mediation services to the parties, in case they are interested in settling their dispute through mediation. The Commission's mediation services are free of charge and can be availed at any stage in a complaint's lifecycle.

Complainant vs. Respondent

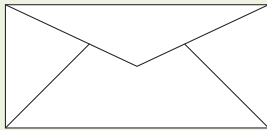
A complainant is an aggrieved person or party who alleges discrimination linked to a protected ground and files a complaint based on that allegation with the Commission.

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

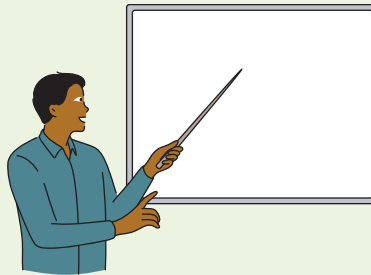


Mediation settlements can include monetary compensation, such as general damages (compensation for injury to dignity, feelings, or self-respect) and/or special damages (compensation for loss of pay or benefits), policy changes, etc.

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

Types of settlement parties may reach

When parties agree to settle a complaint, the terms of settlement are confidential, but they can include:



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

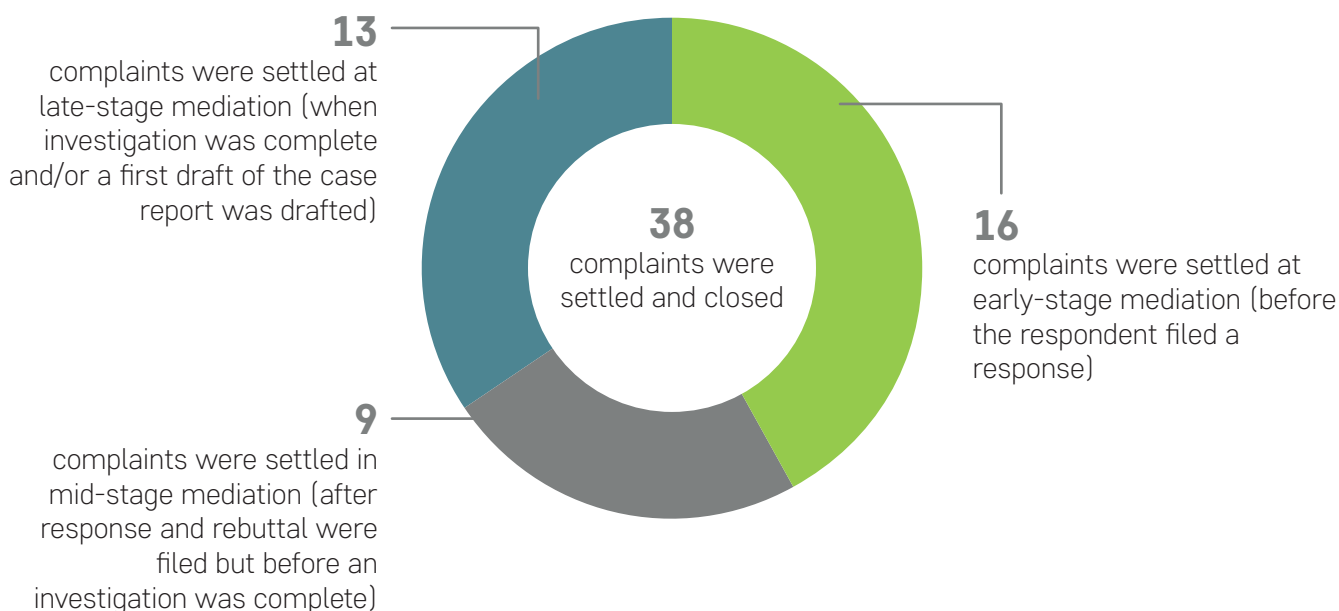
Stages of mediation

Complaints can be settled at different stages of a complaint's lifecycle, including early-stage mediation, middle-stage mediation, and late-stage mediation.

Occasionally, a complaint may be settled at pre-complaint stage, i.e. before a complainant has filed a formal complaint. However, because of various factors, pre-complaint mediations happen very rarely.

Complaints can be mediated at different stages of a complaint proceeding

Settlement of complaints by numbers



This year the Commission settled 38 complaints at different stages of the mediation process.

Complaints filed with the Commission also get settled at the LEB level. However, since that process is outside the Commission's purview, the above numbers do not include complaints that were settled at the LEB this year.

Terms of settlement

A settlement typically includes monetary awards, including general or special damages, and non-monetary compensation. In the 38 settlements completed this year, the Commission was successful in achieving the following outcomes:

- Over \$356,039 in total cumulative monetary settlements, including \$303,739 in general damages.
- Human rights training.
- Letters of recommendation and apologies provided by employers.
- Accommodation of employees through modified work schedules and improved work environment.
- Settlements allowing tenants to have service animals in housing units.

Settlement stories: Persons whose complaints were resolved by the Commission through mediation

These brief accounts provide a glimpse into the day-to-day pulse of the Commission's operations and process; they show how the Commission settled complaints and provided relief to complainants, amidst the tension and urgency that pervades our mediation work.

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

Gender identity or expression discrimination in services

Larissa's story: Larissa, a transgender woman, was receiving services from a local service provider, and she alleged that she was misgendered on several occasions while attending the office of the service provider. According to Larissa, her preferred pronouns are "she/her", but, even though she informed the service provider about these pronouns on several occasions, they continued to refer to her as "he" in their correspondence. Larissa alleged that she requested a meeting with the service provider's management team to address the misgendering issue. However, after the meeting, the organization informed her that they would no longer provide their services to her.

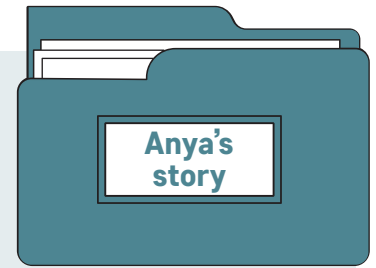
Resolution: Larissa filed a complaint against the service provider, alleging gender identity or expression discrimination. Both parties agreed to participate in the Commission's mediation process. The mediation was successful. The service provider agreed to compensate Larissa with general damages for the injury to her dignity, feelings, and self-respect, and to have all staff participate in gender identity and expression training provided by the Commission. Larissa agreed to the service provider's offer and the mediation was completed successfully.



Sex and sexual harassment discrimination in employment

Anya's story: Anya was employed in the public service and alleged that she was sexually harassed by her co-workers on a regular basis. She allegedly raised the issue with her employer, but it was never addressed, and the unacceptable behaviour continued.

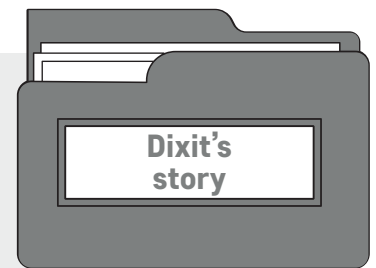
Resolution: Anya filed a complaint against her employer, alleging sex and sexual harassment discrimination. Both parties agreed to participate in the Commission's mediation process. The mediation was successful, and the employer agreed to compensate Anya with general damages for the injury to her dignity, feelings, and self-respect. Anya agreed to her employer's offer and the mediation was completed successfully.



Physical disability discrimination in employment

Dixit's story: Dixit was employed as a labourer for a local organization where he was required to complete physically demanding tasks. Dixit alleged that he could not work due to an injury. His physician allowed him to return to work but advised caution about his physical limitations. When he returned to work, his employer did not accommodate him by appropriately modifying his duties based on the physical limitations identified by his physician. Dixit alleged that subsequently his employer put him off work for a second time and required that Dixit request his physician for a full functional capacity test. Once the test was received, the employer terminated Dixit, arguing that they could not accommodate him given his physical limitations.

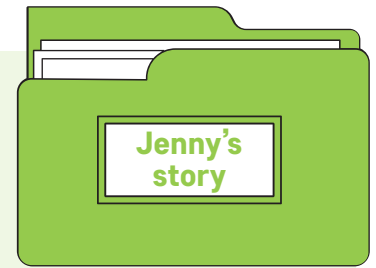
Resolution: Dixit filed a complaint against his employer, alleging physical disability discrimination, and both parties agreed to participate in the Commission's mediation process. The mediation was successful, and the employer agreed to compensate Dixit with general damages for the injury to his dignity, feelings, and self-respect, and, in addition, agreed to reconsider Dixit for any future openings. Dixit agreed to the employer's offer and the mediation concluded successfully.



Age, physical disability, and mental disability discrimination in employment

Jenny's story: Jenny, who was employed by a retail outlet, sustained a workplace injury and returned to work on light duties. A few months later, she was terminated from her employment, and the employer assigned no reason for the termination. According to Jenny, when she asked a manager why she was being let go, he indicated it was due to her age. However, despite being a senior, Jenny was not yet ready for retirement. She felt that she had been dismissed due to the physical limitations resulting from her injury, or because the employer perceived that she was suffering cognitive decline due to her age.

Resolution: Jenny filed a complaint against her employer, alleging age, mental disability, and physical disability discrimination. Both parties agreed to participate in the Commission's mediation process and the terms of mediation were accepted by both parties. As a result, the employer agreed to compensate Jenny with general damages for the injury to her dignity, feelings, and self-respect, and, in addition, agreed to receive human rights training for its employees. Jenny consented to the employer's offer and the mediation reached a successful closure.



Commission's investigation unit

When a complaint is not settled through mediation or dismissed at the Director level, the Commission investigates the complaint to assess its merits, and, based on the findings of the investigation, makes a recommendation to Commission Members to either dismiss the complaint or refer it to the Labour and Employment Board (LEB).

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 **Labour and Employment Board (LEB)**.

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

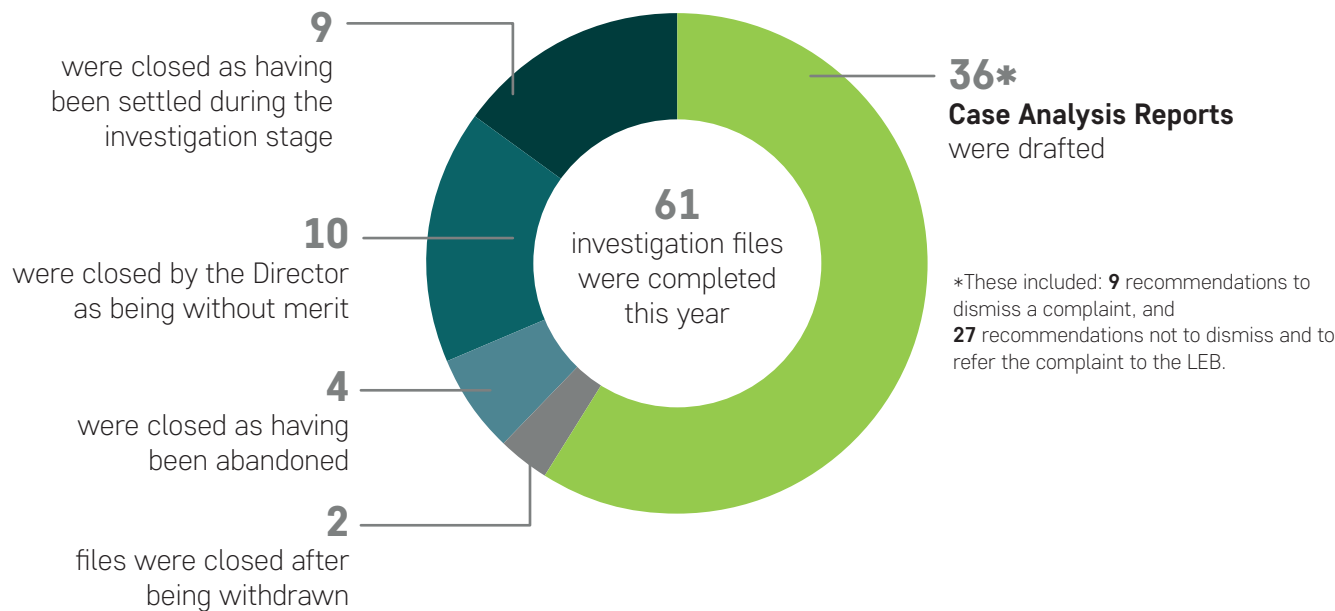


Shared functions of Investigation and Legal Units

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 investigation files were processed

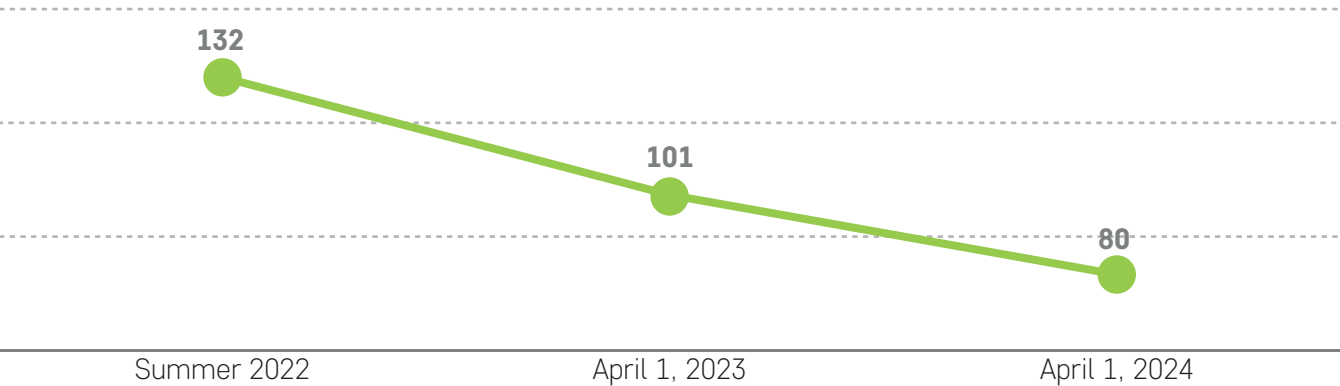


Last year, 42 investigation files were completed, which included 15 Case Analysis Reports (CARs), compared to 61 investigations and 36 CARs completed this year.

Reduction of complaints awaiting investigation



Number of complaints awaiting an available Investigator



The number of complaints awaiting an available Investigator peaked in the summer of 2022 at 132 files. As of April 1, 2023, that number had dropped to 101 – a 23.5 percent decrease in six months.

On April 1, 2024, by comparison, 80 complaints were awaiting an available Investigator – a 20.8 percent decrease in a year.

This steady decrease in numbers can be attributed primarily to the creation and staffing of new investigator positions since summer 2022 and new efficiencies introduced in the internal complaint resolution process involving the Registrar’s office, the Commission’s mediators, and the Investigation unit. The Commission remains committed to continue its efforts to reduce its complaints backlog and deliver timely and efficient service to the people of New Brunswick.

Narratives of investigations

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.

Investigating alleged family status and sex discrimination in services

Sophia alleged that she was discriminated on the basis of her family status (mother of a nursing infant) and sex (female) by her post-secondary institution when she was not permitted to bring her nursing infant in the classroom with her. During the course of the investigation, the Commission interviewed three individuals, and reviewed a significant amount of the respondent's policies, correspondence, audio recordings, and meeting minutes.

The investigation revealed that the complainant had been permitted to bring her infant and breastfeed it in the classroom for months, until such time that the noise, including crying, screaming, and passing around the baby in the classroom, became too disruptive for instruction. This fact was corroborated by instructors and students alike. Subsequently, the respondent secured an empty adjacent classroom which the complainant, or any parent with an infant, could use in the event their child became restless or disruptive. The adjacent classroom was equipped with a live feed from the original classroom, to ensure the complainant's access to the instruction and class discussions.

Consequently, based on the information obtained during the investigation, the investigation concluded and recommended that the respondent had provided appropriate accommodation to the complainant, the complainant had refused a reasonable accommodation, and an arguable case of discrimination was not made out. The Commission Members dismissed the complaint as being without merit.

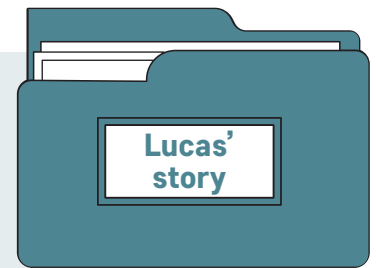


Ancestry and race discrimination in employment investigated

Lucas alleged that he was discriminated against on the basis of his race and ancestry (Indigenous) when he was subjected to derogatory comments and jokes by his coworkers related to his heritage and sacred rituals. He also alleged that when he lodged an internal complaint about the incident, the employer failed to appropriately respond to the situation.

During the course of the investigation, six individuals were interviewed, and the complainant's personnel file, the employer's internal investigation file, correspondence, union records, and workplace policies were obtained and considered. The investigation confirmed that the alleged comments had been made in the workplace, and that, arguably, the employer failed to respond to the internal complaint in a manner consistent with its own respectful workplace policy.

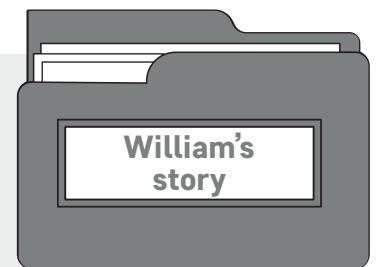
Toward the end of the investigation, all parties agreed to participate in late-stage mediation facilitated by a Commission mediator. The parties reached a mutually agreeable resolution to the complaint and the matter was settled and closed, without necessitating the conclusion of the investigation.



Investigation of alleged religion and mental disability discrimination in employment

William alleged that he was discriminated against on the basis of his religion and mental disability (anxiety) for not adhering to the employer's pandemic requirements. He alleged having been disciplined for refusing to comply with the employer's pandemic testing requirement at work, and having been advised that he would be put on leave without pay if he did not get vaccinated.

During the investigation, the complainant refused to provide documentation to substantiate his protected characteristics and failed to establish a link between his mental disability and the alleged discrimination. When it was explained to the complainant that the onus was on him to provide this information and supporting documentation, and that failure to do so would result in the dismissal of his complaint, the complainant chose to withdraw his complaint. The investigation was thus concluded and closed.



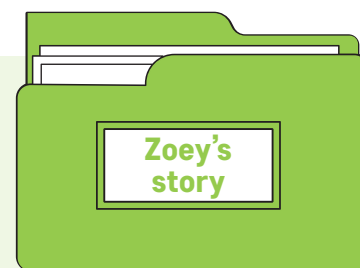
Investigating mental and physical disability discrimination in services

Zoey alleged that she was discriminated against on the basis of her mental disability when she was denied access to a security-sensitive public building for a scheduled appointment because of her emotional support animal (ESA).

The respondent responsible for the building acknowledged that the complainant was not permitted entry with a dog.

During the course of the investigation, four individuals were interviewed, and documentation and correspondence of the security employees related to the incident were obtained and considered. The information supported that a security employee, who was familiar with Zoey as a service recipient but had never seen her with an ESA before, requested documentation to support that the dog was an ESA. However, Zoey refused to provide the requested documentation, told the employee that the documentation was not required, and that the dog's purple vest was sufficient. Security disagreed with this explanation which resulted in their refusal to allow the dog in the building. Zoey was permitted to enter the building to attend her appointment without her dog.

On the recommendation of the investigation, Commission Members dismissed the matter as being without merit, as the complainant failed to participate in the accommodation process when she refused the service provider's reasonable request for verification that her animal was an ESA.



**The above examples highlight investigation files that were closed for a variety of reasons during this fiscal. For investigations that resulted in the matter being referred to the LEB, see next section.

Legal summary

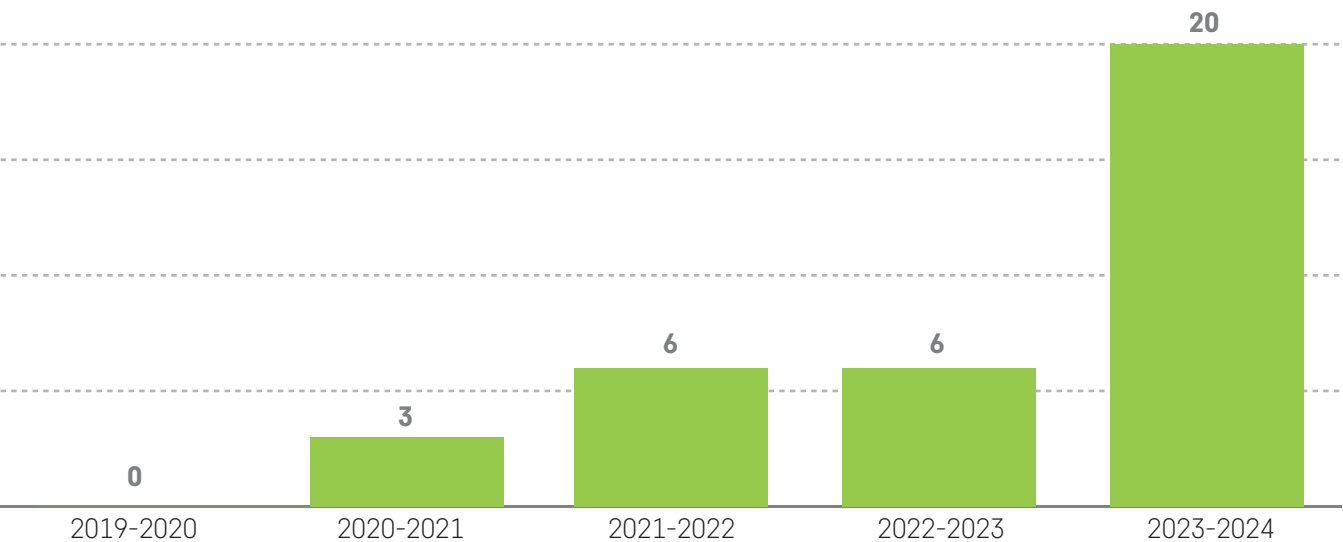
In 2023-2024, the Commission referred 20 new files to the provincial Labour and Employment Board (LEB). When a Commission Investigator completes their investigation of a complaint, and the findings of the investigation appear to establish an arguable case of discrimination, the Investigator recommends that Commission Members refer the complaint to the LEB.

Labour and Employment Board (LEB)

The LEB is a quasi-judicial tribunal established under the New Brunswick *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 20 new files to the LEB this year, and five complaints were already before the LEB from previous year's referrals. Since two files were completed or resolved during this fiscal year, the year ended with 23 active files before the LEB.

At the LEB level, parties may agree to engage in mediation in attempts to resolve the matter. If a matter is settled as a result of mediation at the LEB level, depending on the conditions of settlement, it may take several months before the matter is deemed closed both at the LEB and at the Commission, as all conditions must be met prior to file closure. Accordingly, several files have been resolved at the LEB level, but the Commission must ensure that all settlement conditions have been met before it will formally close a file.

Overview of complaints referred to the LEB

Alleged age discrimination in services

The complainant alleged that he was discriminated against on the basis on his age (80 years old) when, among other allegations, the respondent insurance company refused to insure him without significant restrictions, which created barriers in his efforts to obtain his specialized license. The complainant also named several other respondents in his complaint, including the insurance broker and the insurance brokerage firm.

With respect to the insurance broker and brokerage firm, the information obtained during the investigation appeared to indicate that these respondents did not make adequate effort to find an alternate insurance policy that would not discriminate against the complainant on the basis of his age. Had these respondents done their due diligence, they would have found at least one other insurance company willing to insure the complainant without age-related restrictions. As such, it appeared arguable that these respondents failed in their duty to accommodate the complainant by not seeking out insurance companies that would insure him without discriminatory age limitations.

With respect to the insurance company, the information obtained in the investigation supported that age was the factor for which the insurance policy was restricted. However, the insurance company maintained that the age-related clause in their policy was a *bona fide* requirement (BFR) per subsection 2.2 of the Act (i.e. the restrictions were necessary to mitigate the insurance company's risk when insuring adults over 79).

The analysis of the insurance company's submissions did not appear to support, with sufficient relevant data, that the specific age standard contained in the policy was necessary to mitigate the risk associated with insuring individuals over the age of 79, nor did the insurance company provide sufficient information on why they could not have accommodated the complainant (without experiencing undue hardship) with less restrictive alternatives for getting insured.

Consequently, the Commission Members concluded that an arguable case of age discrimination in services was made out against the insurance company, the insurance brokerage firm, and the insurance broker, and that the insurance company had not established a BFR in the matter. The matter was referred to the LEB.

At the pre-hearing conference, several preliminary issues were raised by the respondents, including the Commission's jurisdiction in the matter. By this fiscal year, those preliminary issues were yet to be addressed.



Sex discrimination and sexual harassment allegations in employment

The complainant alleged that she was discriminated against on the basis of her sex (female), that she was sexually harassed by a coworker, and that her employer did nothing to stop the sexual harassment after she disclosed it to her supervisor.



The respondent maintained that they have a policy which stipulates that an employee who feels harassed must first confront the alleged harasser prior to the employer intervening, and since the complainant had not confronted her alleged harasser in this instance, the respondent did not, and should not have, intervened. The complainant alleged that she did not confront her harasser as she was uncomfortable doing so, and as such, the harassment continued.

During the investigation, the Commission interviewed seven individuals, and reviewed the complainant's personnel file, the respondent's Respectful Workplace Policy and Procedure document, and various meeting notes and email correspondences. The information obtained indicated that: the complainant was touched by a coworker in a manner that she perceived as being sexual in nature and which made her uncomfortable; the respondent supervisors never received training in sexual harassment; the respondent did not have a suitable policy in place with respect to sexual harassment; and the respondent did not respond appropriately to the internal sexual harassment complaint. As such, the Commission Members decided that an arguable case of sex discrimination and sexual harassment had been established and referred the matter to the LEB.

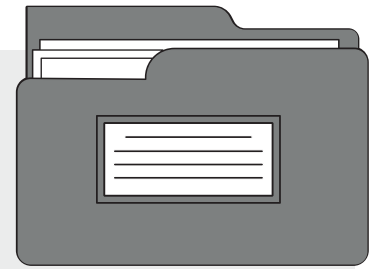
As of the end of this fiscal year, the parties agreed to participate in a mediation session in an effort to resolve the complaint prior to the matter being scheduled for a hearing.

Allegation of physical disability discrimination in employment

The complainant alleged that he was discriminated against on the basis of his physical disability (Crohn's disease) when he was disciplined by his employer, and ultimately when his employment was terminated, for reasons related to missed time from work. The complainant alleged that his attendance issues were the result of his physical disability that caused intermittent flare-ups of his chronic condition for which he was being diagnosed and treated. The respondent maintained that it accommodated the complainant in many ways, and that he was terminated due to excessive absenteeism, which was based on a business decision and not due to the complainant's physical disability.

During the investigation, four individuals were interviewed, and the complainant's personnel file, the respondent's policies related to attendance, and the complainant's medical information were obtained and considered. The information revealed that the respondent had been advised by the complainant's physician that the complainant was under investigation for a chronic medical condition which would impact his attendance. While the complainant was absent from work for a significant amount of time over the course of an eight-month period, the majority of these absences were confirmed to have been related to his disability: absences for which he had been progressively disciplined up to his termination. None of the disciplinary letters issued by the employer referenced the complainant's disability, and none of the disciplinary measures differentiated culpable from non-culpable absences. As such, the Commission Members decided that an arguable case of physical disability discrimination had been established and referred the matter to the LEB.

Once the matter was referred to the LEB, the parties agreed to participate in a mediation session in an effort to resolve the matter prior to it being scheduled for a hearing. Mediation was successful and the file was settled and closed.



Race, colour, place of origin, national origin, and religion discrimination alleged in services

The complainant alleged that he was discriminated against on the basis of his race (South Asian), colour (brown), national origin (India), place of origin (Brampton), and religion or creed (Sikh) when checking into a hotel in a rural New Brunswick community while on a family vacation. The complainant alleged that the hotel owner made a discriminatory comment towards him and denied him (and his family) the hotel room he had booked in advance. The respondent denied making any discriminatory comments and maintained that the denial of services arose when the complainant disputed the respondent's pricing.

During the investigation, the booking documentation was obtained, and the complainant and a witness were interviewed. The respondent refused to participate in an interview. Even though the parties agreed that the service (hotel room) was denied, the respondent did not provide his complete version of events. In matters where conflicting accounts of an event are provided an assessment of credibility is required to determine what transpired, which can only be done by the LEB. Therefore, the Commission Members determined that, on a balance of probabilities, and in the absence of the respondent's information, the complainant had set out an arguable case of race, colour, national origin, place of origin, and religion discrimination in services, and referred the matter to the LEB.

At the end of the fiscal year, the matter was being scheduled for a pre-hearing conference.



Decisions rendered by the LEB

Many complaints referred by the Commission to the LEB are active at the LEB level. In some of these complaints, ongoing preliminary issues are being dealt with; others are undergoing mediation discussions; some are being prepared to be heard; and, decisions are awaited on others following completion of the hearing.

In 2023-24, the following two files proceeded to full hearings on the merits and in which official decisions were rendered.

1. *Robson v University of New Brunswick and CUPE Local 3339*

Context: 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*, which permits mandatory retirement in *bona fide* retirement or pension plans.

After conducting its investigation, Commission Members referred the matter to the LEB, as they 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 that the complainant had established an arguable case of age-based discrimination.

At the hearing, the respondents raised preliminary issues, including whether the LEB 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. A hearing on the motion took place in December 2021 and a decision was rendered in April 2022. The LEB 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 the 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.

In July 2022, the respondent employer filed a judicial review application on the jurisdictional issue. At the end of this fiscal year, the application was yet to be heard by the Court of King's Bench.

While the judicial review application was pending with the court, the LEB rendered a decision on the merits of the case.



LEB's decision on the merits: The hearing on the merits took place in November 2022 and February 2023, and a decision was rendered in May 2023.

The LEB concluded, amongst other things, that the relevant provisions of the Collective Agreement constituted a *bona fide* retirement plan in accordance with paragraph 4(6)(a) of the *Act*, and accordingly, the employer did not engage in discrimination when it retired the complainant at age 65. It also concluded that the union did not engage in unlawful discrimination when it decided not to pursue a grievance on behalf of the complainant and when her membership was terminated. Finally, the LEB noted that the parties were not compelled to eliminate the article in question in the collective bargaining.

The next stages will include a review of whether section 4(6)(a) of the *Human Rights Act* violates the *Charter of Rights and Freedoms*, and deliberation on a judicial review application filed by the complainant against the LEB's decision of May 2023.

2. *East v Fundy Roofing and Dugay*

The complainant alleged physical disability discrimination in employment after he sustained work related injuries and maintained that the respondents failed to participate in the accommodation process and refused to accommodate the complainant's physical restrictions. In addition, the complainant alleged that the respondents bullied, harassed, and humiliated the complainant because of their disability, and did not rehire the complainant for the following season even though the complainant was physically able and willing to return to work.

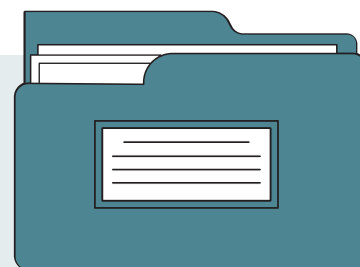
Based on the information collected during its investigation, the Commission determined that the complainant had established an arguable case of discrimination and referred the matter to the LEB. The hearing took place in October 2023 and a decision was rendered in December 2023.

The LEB found that the respondents had discriminated against the complainant. The respondents knew that the complainant had physical health issues and tried to make it intolerable for the complainant to work at his job. The LEB further determined that the respondents terminated the complainant because of the disability and not due to lack of work.

The LEB also found that the behaviour of the individual respondent towards the complainant was unacceptable, and that the complainant suffered adverse impact because of the individual's hostile attitude.

Remedies: The LEB ordered the individual respondent to pay \$10,000 in general damages to the complainant for injury to dignity, feelings, and self-respect, and to undergo human rights training. As there was no evidence to establish loss of earnings, since the complainant found employment with another company upon dismissal, the LEB did not award special damages for loss of earnings.

Full decision: *East v Fundy Roofing (Fundy Roofing Ltd.) and Dugay*, 2023 CanLII 128825 (NB LEB)



Judicial review and Court of Appeal matters

When a decision on a complaint has been rendered by the Commission or the LEB and a party to the complaint disagrees with the decision, it has the right to appeal the decision by filing a judicial review application at the Court of King's Bench. In this fiscal year, the following decisions were rendered by the Court of King's Bench on judicial review applications.

1. 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



Background: 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 and benefits. The complainant filed a human rights complaint with the Commission alleging employment discrimination under the ground of political belief or activity.

Commission's decision: After reviewing arguments raised pertaining to the Commission's jurisdiction, Commission Members found that the information was sufficient to warrant an investigation and instructed the staff to investigate the matter.

Court of King's Bench: Following the Commission's decision, the respondent filed a judicial review application with the Court of King's Bench, asking the Court to desist 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 Court directed the Commission to proceed with its investigation.

Commission's investigation: In September 2021, following its investigation, the Commission decided amongst other things, not to dismiss the aspects of the complaint pertaining to some provisions of the *Act to Dissolve* and referred the matter to the LEB. However, in December 2021, the respondent filed a judicial review application requesting that the Commission's referral be quashed, and argued, among other things, that the Commission's decision not to dismiss the entire complaint was incorrect and unreasonable.

Second judicial review: In November 2022, the Court of King's Bench dismissed this second judicial review application, "largely on the basis that the *Act to Dissolve* did not contain sufficiently clear language to bar certain aspects of the complaint over which the Commission had concluded it had jurisdiction". The Court determined that, in part, 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*". According to the Court, the Commission had done "what was required to produce a decision that was reasonable and consistent with the principles of justification and transparency". The matter was returned to the LEB for consideration on merits.

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

In November 2022, the respondent sought leave to the NB Court of Appeal, and leave was granted. The hearing took place in April 2023 and a decision was rendered by the Court of Appeal in July 2023.

Court of Appeal decision: In its decision, the Court of Appeal concluded that the crux of the issue was to interpret the scope of the *Act of Dissolve*, whether it applies to events which occurred before it came into effect, and whether these events amounted to discrimination against the complainant. According to the Court, the Commission had competence to examine the effect of the legislation and to determine whether the incidents amounted to an arguable case of discrimination. The Court of Appeal reiterated that the Supreme Court of Canada has set a high standard regarding a legislature's powers to oust the jurisdiction of a human rights commission, and that a province's human rights legislation is a fundamental law of the province with "quasi-constitutional" status.

The Court of Appeal agreed with the Commission's determination that the *Act to Dissolve* failed to meet the bar established by the Supreme Court of Canada for ousting the jurisdiction of human rights commissions, and that the *Act to Dissolve* did not unequivocally or expressly override the primacy of the *Human Rights Act* or oust the Commission's jurisdiction. Therefore, the Court of Appeal concluded that the Commission's interpretation of the wording of the *Act to Dissolve* was reasonable and, accordingly, the Commission's decision to refer the matter to the LEB was a reasonable exercise of its discretion.

Full decision: *Natural Resources and Energy Development v Margaret-Ann Blaney*, 2023 NBCA 61

By the end of this fiscal, the LEB had not yet conducted a hearing in the matter.

2. *Robson v University of New Brunswick and CUPE Local 3339*

As reported in the LEB section above, the respondent argued in this case before the LEB that, following the Supreme Court of Canada's decision in *Northern Regional Health Authority v Horrocks*, [2021] SCJ No 42, the LEB no longer had jurisdiction to hear the matter, as the matter related to a union grievance. However, the LEB disagreed with the contention that the Commission and LEB's jurisdiction had been ousted merely because the complaint was the subject of a union grievance.

Judicial review filed by respondent: In January 2023, the respondent filed a judicial review application against the LEB's finding on the jurisdictional issue. The application had yet to be heard by the Court of King's Bench when the fiscal year ended.



A woman with long brown hair, wearing a light-colored blazer over a white shirt, stands in the center of the frame. She is holding a tablet in her left hand and gesturing with her right hand. She is smiling and looking towards a group of people whose backs are to the camera. The background is a bright, modern office with large windows showing greenery outside. The overall image has a dark teal overlay.

Promote

Promoting human rights

Education, advocacy, and research

The Commission's Advocacy unit supports the Commission's mandate of human rights promotion through education, advocacy, and research. The Advocacy team cultivates 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.

The Advocacy unit promotes human rights education through a range of activities that include:

- Presentations to the public on key human rights topics
- Publication of information and research materials to raise public awareness about human rights
- Providing feedback to government on policy and legislative matters, and on international human rights frameworks, when required
- Issuing news releases and public statements on key human rights issues
- Answering queries from media and the public on the *Human Rights Act*, the Commission's mandate and process, and human rights data
- Publishing educational content on the Commission's social media channels
- Supporting academics and researchers by providing information on the Commission's mandate, process, and functions
- Examining new human rights scholarship, and emerging human rights issues, trends, and conversations
- Organizing presentations and information sessions on key human rights themes for staff and Commission Members
- Providing reviews of human rights policies of different organizations, including daycares and early learning centers

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 population, and increased public awareness and advocacy of gender rights.

The Advocacy unit monitors the province's changing socio-demographics, including new immigrant and refugee groups, with the aim to remove language and cultural barriers these groups may face in accessing our services.

With its research, educational, communication, and outreach initiatives, the Advocacy unit strives to raise human rights awareness and advance the principles of equality, dignity, and justice in New Brunswick society.

Research

Research informs all functions of the Commission, including compliance, education, communications, and engagement and outreach. Some of this year's research initiatives included the following:

The life and legacy of John Peters Humphrey

This year, the Commission concluded the research project commenced last year on the life and legacy of John Peters Humphrey, the New Brunswick lawyer and academic who authored the first draft of the *Universal Declaration of Human Rights (UDHR)*. The research was supported by St. Thomas University's Human Rights Program, and it served as a homage to John Peters Humphrey and to commemorate the 75th Anniversary of the *UDHR*'s adoption by the United Nations. The findings of the research have been featured on two revamped webpages on the Commission's website showcasing the following content:

- A biographical narrative on Humphrey, including accounts of his childhood growing up in Hampton (NB), student years and professorship at McGill University, and his United Nations career
- A video on Humphrey's life and legacy, interspersed with photographs retrieved from archival records and audio recordings of Humphrey's interviews
- An animated timeline of Humphrey's life, marked by rare photographs of family, friends, and important events
- An annotated bibliography of Humphrey's complete published works
- An annotated bibliography of salient publications on Humphrey's life and works
- A Teacher's Handbook designed for use in New Brunswick schools and matched with the existing NB school curriculum, including exercises, quizzes, and lesson plans to teach the *UDHR*, the *New Brunswick Human Rights Act*, and the biography and contributions of John Peters Humphrey
- Links to web and archived resources on Humphrey, and information about organizations, awards, and commemorations established in Humphrey's honour

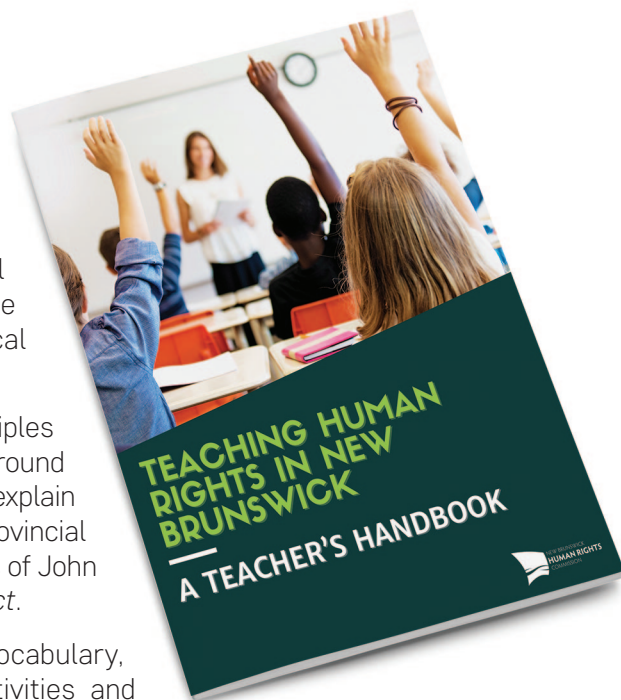


Teaching Human Rights in New Brunswick: A Teacher's Handbook

This year, the Commission published a new resource designed to assist teachers in New Brunswick schools to integrate human rights instruction in their classrooms. The topics covered in the Handbook are set up in a way that they can be used as instructional units within New Brunswick's middle and high school curricula in the following subjects: Social Studies, Law, Modern History, Political Science, Canadian History, and World Issues.

The Handbook incorporates basic human rights concepts and principles in three teaching units. The units introduce students to the background and meaning of the *Universal Declaration of Human Rights (UDHR)*; explain how universal human rights are implemented at the national and provincial levels; provide insights into the life and human rights achievements of John Peters Humphrey; and include an overview of the *Human Rights Act*.

All teaching units of the Handbook include sections on key vocabulary, definitions of important terms, suggestions for classroom activities and discussions, assignments, quizzes, essay topics, and more.



Researching Commission's history, 1967-1989

In January 2024, the Commission commenced a new research project in partnership with St. Thomas University's Human Rights Program. Using materials housed at the New Brunswick Provincial Archives, the research traces the history of the Commission's first 22 years, a period marked by the extended tenure of the Commission's first chairperson, Dr. Noel Kinsella.

The research sheds light on the following aspects:

- The early Commission's administrative structure, and how it envisaged the division of its functions between its education and compliance mandates
- Salient educational and outreach initiatives of the Commission, including advocacy for Black and Indigenous groups in the province
- The Commission's liberal interpretation of its mandate under the *Human Rights Act*, and its endeavors to address systemic discrimination issues in New Brunswick
- The Commission's contributions and analysis of constitutional issues, and its participation in committees deliberating the draft of the *Canadian Charter of Rights and Freedoms*
- Dr. Kinsella's (Commission's first Chairperson) defense of the rights of Indigenous women and children before the UN Human Rights Council, resulting in amendments to the federal *Indian Act*
- Insights into the diverse composition of the early Commission, including members from Black and Indigenous communities, and from academia and the religious fraternity, and the human rights contributions of these early Commission Members



Human Rights Commission: The Early Years

From left: Dr. Lionel Guravich, Joseph Drummond, Rev. Dr. Clément Cormier, Marguerite Stillwell (Secretary to the Minister of Labour), Marjorie Perley, Dr. Noël Kinsella, and Michael O'Brien

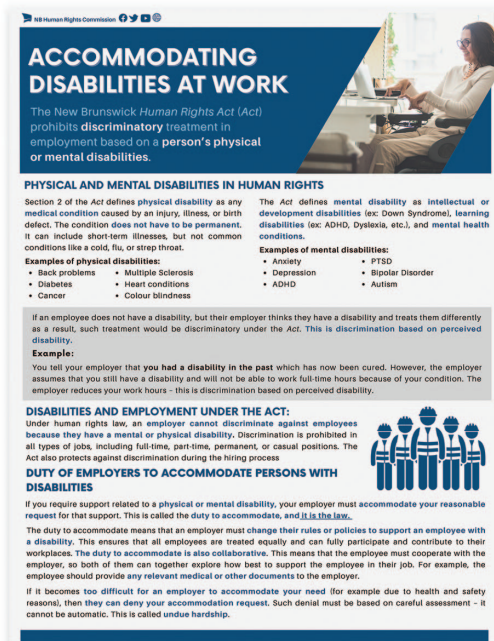
The research concluded in April 2024 and its findings will be featured in a new webpage on the Commission's website in the coming months. The information will be useful for human rights researchers and practitioners, as it provides insights on the early history of human rights commissions, the initial models of commission governance and structure, and the progressive evolution of human rights management in Canada.

Research Guidelines – Plain-Language Project

The Commission publishes research guidelines on key human rights topics and on the protected grounds in the *Human Rights Act*. Our guidelines are based on up-to-date case law on their topics and summarize key human rights principles and best practices. In recent years, the Commission identified the need to create more accessible human rights information in simplified, plain-language format, to make human rights information accessible and equitable for all.

With that objective in mind, the Commission launched its plain-language guideline project in November 2023, which condenses the Commission's comprehensive human rights guidelines into two-page plain language flyers, enhancing their accessibility and reach to a wider audience. This year the Commission completed five plain-language guideline flyers on the following topics:

- Accommodating disabilities at work
- Accommodating people with service animals
- Accommodating students with disabilities (K-12)
- Accommodating students with disabilities in postsecondary institutions
- Guideline on family status



A Newcomer's Guide to Human Rights

In the last fiscal year, the Commission, in collaboration with the New Brunswick Multicultural Council, held consultations with ethnocultural and settlement agencies across New Brunswick, in order to assess challenges faced by newcomers in the province. The objective of the consultations was to make an accurate assessment of difficulties newcomers encounter in settling in New Brunswick, and, based on the information collected, to create resources and programs to help newcomers in accessing government resources and services, including the services offered by the Commission.

In May 2023, the Commission released a Summary Report on the consultation, summing up its key findings and recommendations. One of the principal recommendations to emerge from the consultations was that the Commission should create educational resources that are easily accessible to newcomers and other vulnerable groups, so that these group are aware about their human rights and responsibilities, and they know how to access the services of the Commission if they face discrimination in New Brunswick.

As part of this project, the Commission released *Exploring Human Rights in New Brunswick: A Newcomer's Guide*, a guidebook written in plain language, which provides information on the following:

- Overview of human rights law, including its international, federal, and provincial frameworks
- The Commission's mandate and jurisdiction
- The meaning of discrimination under human rights law
- Protections available under the *New Brunswick Human Rights Act*
- Examples of discriminatory practices in employment, housing, and services, etc.
- The Commission's compliance process, i.e. how to file a complaint and what happens once a complaint is filed, and
- A summary of other government services in New Brunswick that can assist newcomers, e.g. WorkSafe, Ombud, Employment Standards, Child, Youth, and Senior's Advocate, etc.

Exploring Human Rights in New Brunswick is available in six foreign languages: Tagalog, Swahili, Arabic, Ukrainian, Mandarin, and Spanish. The guide is available and downloadable on the Commission's website and organizations can also request printed copies.



Community Partnerships and Outreach

EECD: Collaboration and resource development

In November 2023, the Advocacy unit held discussions with the Department of Early Education and Childhood Development (EECD) to strategize the development of educational materials and resources for human rights instruction in middle schools. The new resources would supplement the Teacher's Handbook already developed by the Commission to incorporate human rights instruction in the existing middle and high-school curriculums.

Through a series of meetings with EECD, the Commission assessed the need for specific human rights educational materials for New Brunswick middle school curriculum and has commenced developing various resources – handbooks, exercises, quizzes, glossaries, and e-modules – for use by students, teachers, and staff.

By the end of this fiscal, the Advocacy unit had developed a workbook for middle school classrooms entitled "Exploring the World of Human Rights" for two language proficiency levels, based on the Common European Framework of Reference for Languages: Learning, Teaching, Assessment used by the Department of Education: A2 (Basic user) and B2 (Independent user). The workbook will be complemented by an A2 and B2 level glossary and a teacher's guide to help educators integrate this resource in the classroom.

Additionally, EECD identified a need to develop a resource for school staff on the principles of reasonable accommodation of student requests under human rights law. Consequently, the Advocacy unit is developing an e-learning module on the duty to accommodate, with interactive materials, case law examples, quizzes, and assessments.

These resources will be available in fiscal 2024-2025.

PRUDE Inc. ALL Women Committee: Project culmination and next steps

PRUDE Inc. ALL Women project has concluded following cessation of its three-year mandate from Women and Gender Equality Canada. The project provided a platform to women from the Greater Saint John Area to share personal stories and experiences of gender discrimination.

As part of this initiative, the Commission participated in a committee that developed recommendations for the municipalities of Rothesay, Saint John, Quispamsis, and Grand Bay-Westfield, to enhance women's inclusion and equality in their communities, and eliminate systemic socioeconomic barriers women face in the region.

The Commission also participated in an anti-racism panel, supported educational initiatives, provided information on its legislation, and hosted multiple housing webinars in English, French, and Spanish to educate the public and stakeholders about key human rights protections under the *Human Rights Act*.

In November 2023, the Commission attended the final committee meeting to discuss the project's successes and shortcomings, final recommendations, and potential next steps. The committee decided to establish task forces comprising different member groups that would advance specific recommendations stemming from the project. The formation of task forces was ongoing when the year ended.

A final project report featuring the project's findings, activities and recommendations was released in March 2024.

Safer Places NB: Completion of five-year workplace sexual harassment project

Safer Places NB, the Commission's collaborative project with Public Legal Education and Information Service of New Brunswick (PLEIS-NB), has officially concluded. The project was part of a federal Department of Justice funded initiative to research and address workplace sexual harassment of 2SLGBTQIA+ persons with a holistic, collaborative, and trauma-informed lens.

Safer Places NB evolved from consultations with provincial stakeholders and focused on supporting 2SLGBTQIA+ employees. It addressed gaps in educational resources on workplace sexual harassment, which have traditionally focused on binary approaches to address sexual harassment in the workplace. The project was augmented by substantial educational resources, including a Lawyer Referral Program that was initiated in February 2023 and provided free legal advice to persons impacted by workplace sexual harassment.

In September 2023, the Commission participated in a planning session with PLEIS-NB and other project stakeholders to establish a path forward for the project following culmination of the federal funding. As a result, the Safer Places program will continue to be managed by PLEIS-NB, with ongoing support from community partners, including the Commission. Further, the project's Lawyer Referral Program will cease operations and will defer to Sexual Violence New Brunswick's Independent Legal Advice Plus (ILA+) program.



**SAFER
PLACES NB**

Under One Sky Urban Indigenous Coalition: Voice of the River

In November 2023, the Commission was invited to participate in *Voice of the River: Urban Indigenous Coalition Community Workshop* hosted by Fredericton's Under One Sky Friendship Centre. The workshop brought together individuals and organizations that provide services to First Nations and Indigenous communities in the Greater Fredericton Area. It featured presentations and interactive activities aimed at fostering an understanding of Fredericton's urban Indigenous population and the advantages of urban Indigenous networks.

As part of the agenda, participants were provided opportunity to contribute to shaping the mission, vision, and principles of the Urban Indigenous Coalition. The workshop's keynote speaker, Justin Campbell, Director of Research and Strategic Partnerships at First Light Friendship Centre in St. John's, Newfoundland, shared insights about community engagement strategies and how they can help establish Indigenous coalitions in urban areas.

CDAC Committee

The Commission continued to participate in the City of Fredericton's Cultural Diversity and Accessibility Committee, liaising with different community partners and providing the human rights perspective on the policies and programs of the committee's diverse membership and on the initiatives of the City of Fredericton.

Fredericton



Recognizing human rights defenders: New Brunswick Human Rights Awards

The New Brunswick Human Rights Award was established by the Commission in 1988 to mark the 40th anniversary of the *Universal Declaration of Human Rights*. In 2019, the Commission also instituted the Youth Human Rights Award, to recognize the contributions of young New Brunswickers.

Typically presented on September 15, to align with New Brunswick Human Rights Day, the award celebrates individuals and organizations who have worked to advance human rights, equality, diversity, and inclusion in the province to make New Brunswick a better place to live.

The recipient of the 2023 Human Rights Awards was Pride in Education, while the Youth Human Rights Award was presented to Sydona Chandon. Both recipients were honoured at a ceremony held at Government House in Fredericton on September 15, 2023.

Pride in Education, co-chaired by Gail Costello and Christina Barrington, is a provincial organization that aims to create inclusive learning environments for all students in the province. They have led policy changes that protect 2SLGBTQIA+ students and staff in schools; have created and provided training and resources to educators; and have organized events and activities that promote diversity and acceptance of all persons in the school system.

Sydona Chandon, this year's Youth Human Rights Award recipient, graduated from St. Thomas University in 2022, and, during her student years, led many initiatives to support students from diverse backgrounds, including international and racialized students. She served as Vice President of Education at the New Brunswick Student Alliance and was also on its board of directors. Sydona helped organize the first Emancipation Day in New Brunswick in August 2021, an annual commemoration marking the abolishment of slavery across regions formerly under British colonial occupation.



From left: Linda Boyle, spouse of the lieutenant-governor; Lt.-Gov. Brenda L. Murphy; Sydona Chandon, Youth Award recipient; Gail Costello, co-chair of Pride in Education; Christina Barrington, co-chair of Pride in Education; and chair of the New Brunswick Human Rights Commission, Phylomène Zangio.

Engaging the public

Education, communications, and media

The Commission's educational and communications initiatives are pre-emptive tools in human rights management. They raise awareness about human rights, inform stakeholders about human rights best practices, and educate the public on the protections and obligations enshrined in the *Human Rights Act*. Through its educational programs, the Commission aspires to transform social attitudes and mindsets, so that respect for human rights is a cornerstone of our social structure and it informs individual conduct and the policies and practices of institutions and organizations.

Our educational initiatives are informed by the frameworks of human rights law, jurisprudence, and scholarship, and emphasize the core human rights values of dignity, equality, inclusion, and non-discrimination.

The Commission's educational messaging reaches government departments and the private sector, employers, housing and service providers, educational institutions, and community groups across the province. These programs include:

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

Communications and 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 before the Labour and Employment Board.

News releases

The Commission distributed ten news releases and public statements this year:

1. **April 3, 2023:** "Respect for diversity is a founding principle of New Brunswick society"
2. **May 15, 2023:** "New Brunswick *Human Rights Act* protects the welfare of all children in the school system"
3. **June 16, 2023:** "Leadership changes at New Brunswick Human Rights Commission"
4. **June 19, 2023:** "Commission will continue to uphold the rights and obligations of all persons in New Brunswick"
5. **September 15, 2023:** "2023 Human Rights Awards presented"
6. **September 28, 2023:** "The *Human Rights Act* and New Brunswick's culture of respect, dignity and inclusion"
7. **November 21, 2023:** "Commission encourages New Brunswickers to stand against all forms of discrimination, including hate speech, anti-Semitism and Islamophobia"
8. **December 11, 2023:** "Remembering Dr. Noël Kinsella"
9. **January 30, 2024:** "Commission statement on act of vandalism at Sgoolai Israel Synagogue"
10. **March 6, 2024:** "Call for nominations for the 2024 New Brunswick Human Rights Awards"

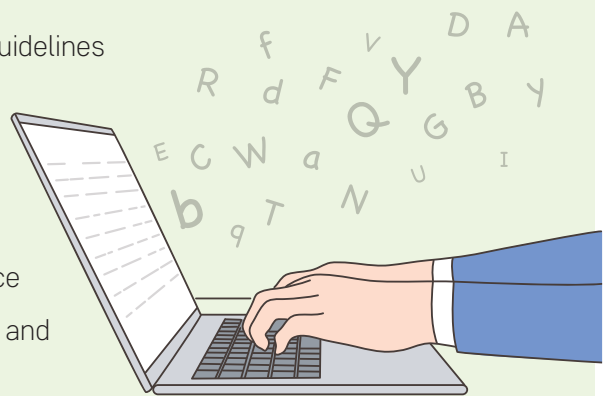
Social media initiatives

The Commission continued to channel its educational messaging to a wider audience and demographic through educational posts and awareness campaigns on social media. For example, the views of our Facebook posts increased by 60 percent this year, comparative to last 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 2023-24, the Commission featured the following topics in its social media campaigns, amongst others:

- International Day for the Elimination of Racial Discrimination
- Addiction and Human Rights
- National Seniors Day: Ageism and Human Rights
- Transgender Day of Remembrance
- Mental Health Week: Human Rights and Mental Health
- International Human Rights Day Book Giveaway: Who is a Local Human Rights Hero You Look Up To?
- Pink Shirt Day
- International Day for the Elimination of Poverty
- John Peters Humphrey: Life, Legacy, and Resources

Impact of social media outreach, 2023-2024

				
Followers/Subscribers	1,523	596	86	230
Follower Growth from Previous Fiscal Year	362	85	25	130
Post Reach/Views	32.6 K	-	2.2 K	-
Shared and Comments/Reposts	3 K	-	-	30
Impressions	-	38.1 K	-	5.5 K

Video content

In 2023-24, as part of its commitment to provide accessible and comprehensive human rights information, the Commission created new video content to disseminate key messages, commemorate special days, celebrate human rights heroes, and promote human rights awareness.

These included **10 videos** in English and French on the following topics:

- John Peters Humphrey: Life and Legacy
- Celebrating Black History Month in New Brunswick
- A Human Rights Legacy: New Brunswick Human Rights Award Recipients
- Commemorating Claire Roussel-Sullivan: Chairperson 2020-2023

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 their 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 our society.

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.

Unconscious bias training

In February 2024, Commission Members and staff participated in a virtual, two-and-a-half-hour bilingual workshop entitled “Mitigating Unconscious Bias: Building the Foundation.” Facilitated by one of Canada’s leading providers of equity, diversity, and inclusion services, this workshop focused on understanding the subtle workings of unconscious bias in human behaviour, and how it impacts power relations and decision-making in the workplace.

The workshop defined and explained the roots of unconscious bias; enumerated types of biases and their implications; and suggested steps to mitigate unconscious bias in our interactions, in order to foster more inclusive and intercultural spaces, practices, and leadership.

In 2022-2023, the Commission delivered 49 workshops to 897 attendees:

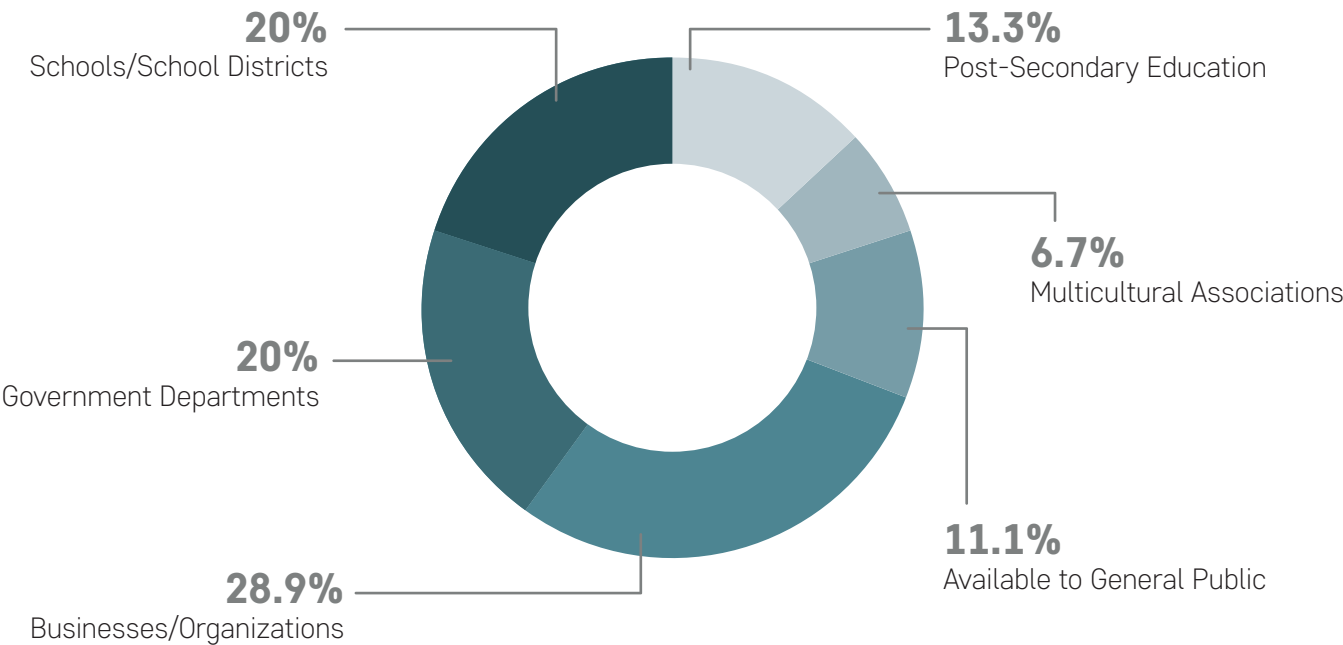
49
workshops

Compared to 46 workshops delivered last year.

897
attendees

Last year the Commission reached 1,645 persons, however, that number included settlement training to a government department comprising 898 participants.

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	28	57.1%
Accommodating students with disabilities	5	10.2%
Human rights and sexual harassment	5	10.2%
Duty to accommodate	3	6.1%
Housing and human rights	3	6.1%
Human rights and gender identity	2	4.1%
Duty to accommodate at work	2	4.1%
Navigating the compliance process	1	2%

Commission website

We connect with the public through different multimedia platforms to raise human rights awareness and promote social change. One such platform is the Commission's website.

The Commission's website houses a rich array of educational, research, and legal resources related to rights and responsibilities under the *Human Rights Act*.

The Commission's educational initiatives and events like presentations and webinars are promoted on its website, and our news releases, public statements, key engagements, and other relevant information are also featured on the website.

The website is also the portal where individuals can access the Commission's complaint forms to submit a human rights complaint, or to submit a request for a human rights presentation.

20,090

users within Canada visited the Commission's website in 2023-2024.

10,985

users within New Brunswick visited the Commission's website in 2023-2024.

Of the 10,985 users within New Brunswick who visited the Commission's website, 83.7 percent accessed the English website and 16.3 percent used the French website.

The average engagement time of visitors on both websites was above the industry average.

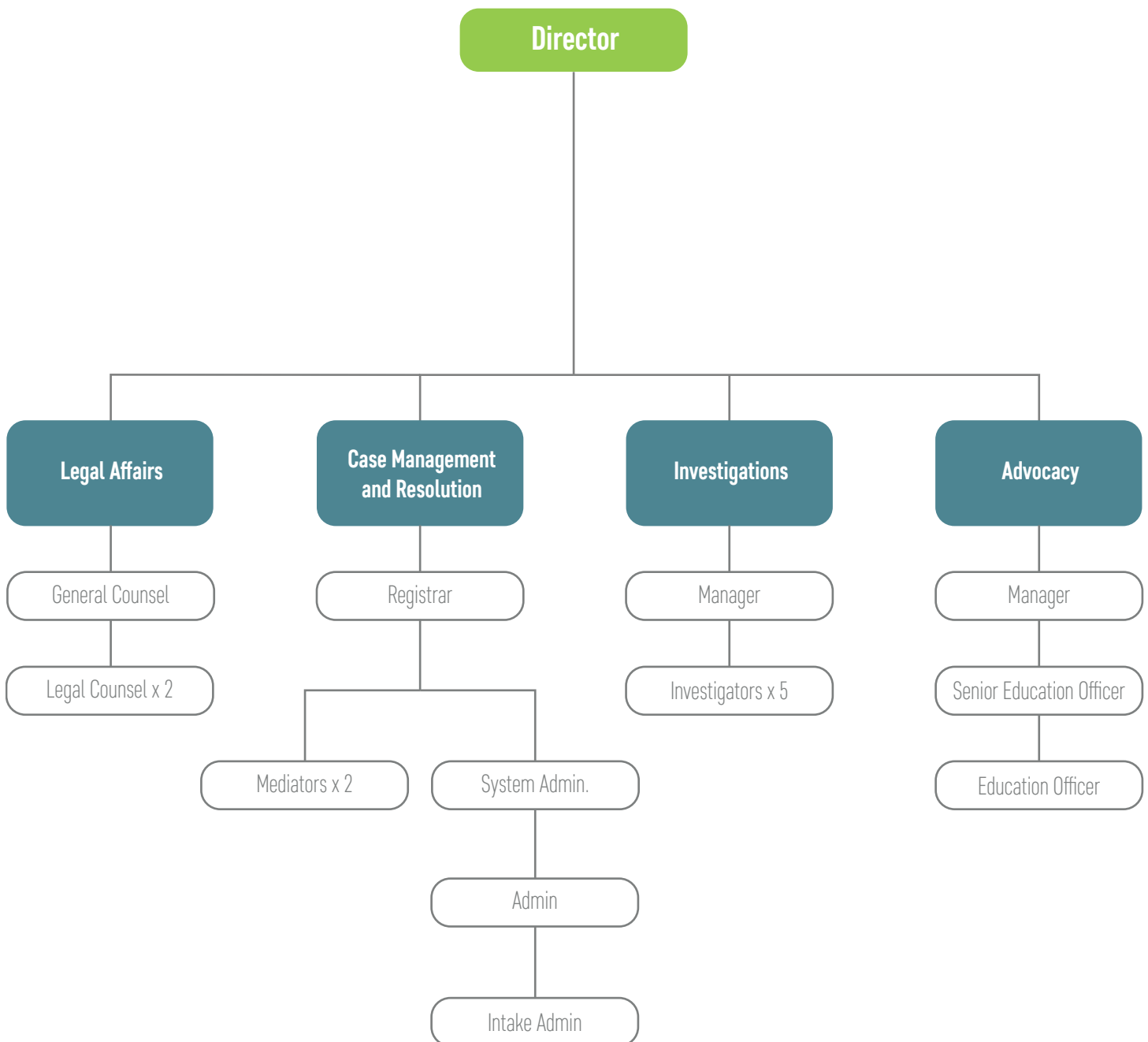


Appendices

The background of the page features a series of concentric, wavy lines in shades of dark teal and green, creating a sense of depth and movement. The lines are most prominent in the lower half of the image, where they curve upwards and outwards, resembling the pages of a book or a stylized landscape.

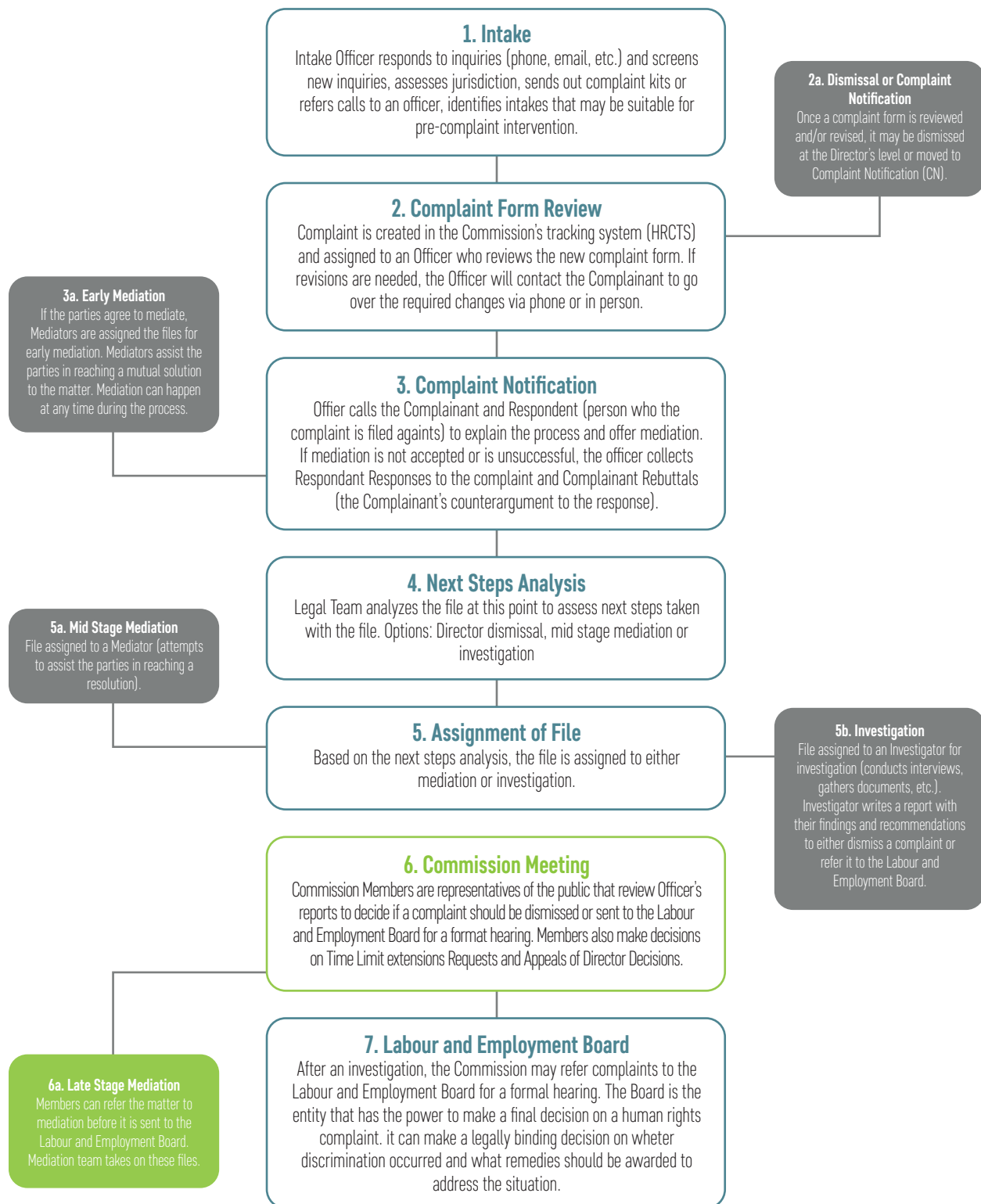
Appendix A

Organizational chart



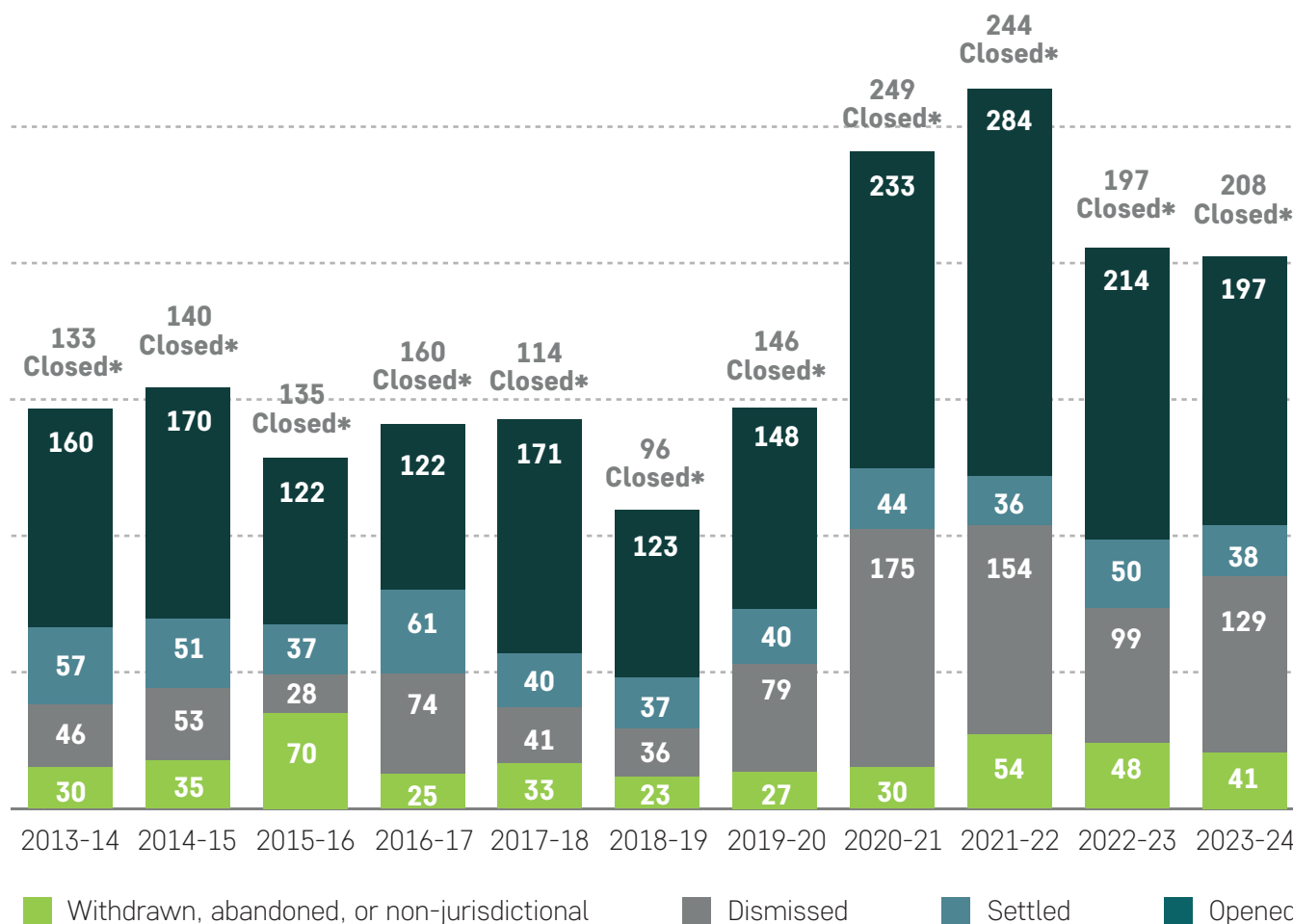
Appendix B

Complaint process



Appendix C

Formal complaints filed and closed, 2023-2024



* NOTE: Statistics of closed complaints only represent formal complaints closed by the Commission, not cases settled during pre-complaint interventions (PCIs) or formal complaints closed at the Labour and Employment Board or court levels.

Closed complaints include “Withdrawn, abandoned or non-jurisdictional,” “Dismissed,” and “Settled” complaints.

Appendix D

Summary of expenditures, 2023-2024

	Budget	Actual expenditures
Compliance and Education	\$ 1,777,898	\$ 1,763,413
Office of the Commission	\$ 59,007	\$ 41,466
Total	\$ 1,836,905	\$ 1,804,879

For detailed figures, please consult Supplementary Information in Volume 2, Public Account 2023-2024, Department of Post-Secondary Education, Training, and Labour.

Appendix E

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 available publications:

- Annual Reports
- Studies and Reports
- FAQs on Employment and Services
- Board of Inquiry Decisions
- Introduction to Grounds and Areas of Discrimination
- Human Rights Flyers for Newcomers (multilingual plain-language flyers)
- Newcomer's Guide to Human Rights (multilingual plain-language guides)
- Teaching Human Rights in New Brunswick (teacher's handbook)
- Human Rights Resources for K-12 Education