

Prince Edward Island Human Rights Commission



*Celebrating
Cultural
Diversity*



**Annual Report
2014-2015**

Human Rights Commissioners and Staff (2014-2015)



Standing: Alcide Bernard, Robert Acorn, Hon. Ellen Macdonald, Carmen de Pontbriand, Maurice Rio, Thomas Hilton, Wendy Baker, George Lyle & John Rogers.
Seated: Lorraine Buell, Anne Nicholson and Brenda Picard.

Cover Photos

Spontaneous Middle Eastern dance at DiverseCity Festival 2015 in Charlottetown which is the Association's largest inclusion event of the year. Photo courtesy of Craig Mackie, Executive Director of the PEI Association for Newcomers to Canada.

MCPEI Powwow 2014, Charlottetown, PEI
Photo used with permission of MCPEI

The Commission thanks Craig Mackie, Executive Director of the PEI Association for Newcomers to Canada and Don MacKenzie, Executive Director of the Mi'kmaq Confederacy of PEI, for educating staff and Commissioners on the roles, successes and challenges of their respective organizations.

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Prince Edward Island
Human Rights Commission

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de la Personne
de l'Île-du-Prince-Édouard

53, rue Water, C.P. 2000
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John Rogers
Commission Chair

September 30, 2015

The Honourable Wade MacLauchlan, Attorney General
Province of Prince Edward Island
PO Box 2000
Charlottetown PE C1A 7N8

Dear Minister MacLauchlan:

Re: *Prince Edward Island Human Rights Commission Annual Report – Fiscal 2014-2015*

On behalf of the staff and Commissioners of the Prince Edward Island Human Rights Commission, I am pleased to provide to you the Commission's Annual Report for the fiscal year 2014-2015.

We submit this report to you for presentation to the Legislative Assembly in accordance with section 22.1 of the Prince Edward Island *Human Rights Act* R.S.P.E.I. 1988, Cap. H-12.

Should you or your staff have any questions or require any further information, please do not hesitate to contact me.

Sincerely,

John Rogers
Chair

The challenge remains to continue this program without core funding. We hope to convince government that human rights education is an essential part of our work which should be properly supported.

The Commission faces other challenges. We look around PEI now and see a vibrant multi-cultural community; however, our Commission, like our Legislature, does not reflect that diversity. One concern in our Commission is the absence of First Nations members.

We know that racism is a fact on PEI and that aboriginal citizens experience it every day yet we rarely receive human rights complaints from them. The most reasonable explanation is that members of the aboriginal community don't feel the Commission is here for them. This situation must be addressed and I am confident this will become a focus for the Commission in the near future.

It has been a joy working with the staff of the Commission, Brenda Picard, Wendy Baker, Lorraine Buell and Tom Hilton. I wish them well. Brenda Picard has been an excellent addition to the team. She brings a wide range of skill and experience with her but the most exceptional gift she brought is her inclusive and warm approach to team building.

I would also like to express my appreciation to Ms. Baker who, in addition to her investigation work, represented the Commission as legal counsel on the majority of our Supreme and Appeal Court cases. The Supreme Court and the Appeal Court issued a number of written decisions during this fiscal year which are outlined in our Court Decisions section.

I would like to thank my fellow Commissioners, John Rogers, Alcide Bernard, Maurice Rio, George Lyle, Robert Acorn, Ellen Macdonald and Carmen de Pontbriand for their support and their commitment to human rights.

My term with the Commission expired May 19, 2015. I have truly enjoyed my time with the Commission and will treasure my memories for a long time to come.

A handwritten signature in cursive script, appearing to read 'Anne Nicholson', written in dark ink.

Anne Nicholson,
Commission Chair

Message from the Executive Director

Education is a key component of our work at the Commission. In addition to *The 4Rs* project, which you will read about in the Education Project Officer's report, much staff time is spent educating others. This may be through formal presentations to individuals, businesses or educational institutions or through the numerous phone calls, in person or e-mail inquiries we receive on a daily basis. Helping people understand their rights and responsibilities is key to preventing and minimizing the effects of discrimination. Having an Education Project Officer at the Commission has allowed us to significantly increase work on our education mandate.

The Commission was pleased this year to celebrate the many cultural communities in PEI. The Commission had the opportunity to hold one of our meetings at the Mi'kmaq Confederacy of PEI office in Summerside where we learned about the important role the Confederacy plays in our Province. The Commission is also pleased to be able to collaborate with the Mi'kmaq Confederacy in the development of our education resources relating to the issue of Indian Residential Schooling.

We invited Craig Mackie, Executive Director of the PEI Association for Newcomers to Canada, to educate us about their work, and we once again participated in the International Day for the Elimination of Racial Discrimination which took place in Stratford, PEI.

As part of *The 4Rs* Project, the Commission collaborated with Culture PEI, Arts Network for Children and Youth, local artists and others on ArtsSmarts 2015. Pre-service teachers worked with students, teachers and artists to explore human rights related themes in a unique and innovative way. School projects included an artistic exploration of PEI's increasingly diverse cultural make-up (Grade 3 West Royalty Elementary School), responsible environmental stewardship (Grade 6 Gulf Shore School), multiple human rights documents [UDHR, Charter, Act] (Grade 9 Hernewood Intermediate School) and local, national and international human rights defenders (Grade 10 Morell Regional High School).



Morell ArtsSmarts Project

In this grade 10 project, entitled: "Human Rights Defenders", students spent time researching human rights, including significant Human Rights events, upstanders and bystanders. They also briefly learned about what "rights" are. In groups of two, students used clear tape and their body parts to create pieces of a human body and then taped the parts together. One class formed a person standing up to represent sticking up for human rights, and the other class formed a person laying down to represent someone whose rights are being violated. Both classes wrote words that represent human rights. The words were cut out and taped outside of the body standing up in the form of a speech bubble. For the body laying down, words were cut out and taped inside of it before it was put together.

Approximately 250 people attended the ArtsSmarts open house at the Confederation Centre Art Gallery where the exhibits were displayed for two weeks.

Next year the Commission will begin awarding an English and French award at the Provincial Heritage Fair for students whose projects exemplify the spirit of Human Rights.

The Commission held its second open house on Human Rights Day, December 10, 2014. The event opened with a moving rendition of the India Arie song "*Gift of Acceptance*" from students in the grade six choir at Stratford Elementary School. We had remarks from the Minister of Education and the Deputy Minister of Environment, Labour and Justice. The Colonel Gray High School drama class wrote and performed a drama on issues of identity. Art work, which was prepared by students from East Wiltshire Intermediate, Queen Charlotte Intermediate, Vernon River Consolidated and Mount Stewart Consolidated, was on display during the celebration.



Grade 6 Choir Stratford Elementary

The Commission has three full time staff (1 Mediator/ Intake Officer, 2 Lawyers) and one contract position (Education Project Officer). The staff of the Commission acts at the intake, mediation, settlement, investigative and adjudicative stages of a complaint. Lawyers conduct investigations, have carriage of cases before the Human Rights Panel, and represent the Commission at Judicial Review and Appeal Court hearings. Staff members also create and deliver public education presentations. One of this year's initiatives was to increase the role of our Mediator /Intake Officer to identify appropriate cases and to explore the possibility of mediation and settlement at the early stages of a complaint.

I wish to thank each member of the staff for all of their hard work and dedication to the work and spirit of the Commission.

During the 2014-2015 year we had the benefit of eight Commissioners. I wish to thank each of our Commissioners who provided support and guidance to the Commission staff, in particular Anne Nicholson, our long standing Chair, who finished her term in May of 2015. In June of 2015 Robert Acorn completed his term as Commissioner and John Rogers was appointed the new Chair. I have enjoyed working with the Commissioners and look forward to continuing our work together into the future.

A handwritten signature in blue ink, appearing to read 'Brenda J Picard', with a stylized flourish at the end.

Brenda J Picard Q.C.
Executive Director

Education Project Officer's Report


Made in PEI: Rights, Responsibilities, Relationships and Resources (The 4Rs)

Recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

(PEI Human Rights Act, 2015, Preamble)

Relationships

Though dating back to 1968 and *An Act Respecting Human Rights*, the opening line of the preamble continues to set the spirit of the *Human Rights Act* and continues to inspire the educational work we do at the Commission. The essential principle of individual equality throughout “the human family” is our constant reminder that freedom gains traction when relationships are characterized by practices of mutual respect, understanding and support.

	<i>The 4Rs is a three year project made possible through generous support from the Law Foundation of PEI.</i>
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A key priority at the Commission over the past year has been to further develop mutually supportive working relationships amongst *The 4Rs* partner organizations. These working relationships have enhanced our ability to deliver programs of public education which forward the legal principles set out in the preamble to the *Act*. Furthermore, statistics in the table below confirm that strengthened working relationships are helping *The 4Rs* partners realize this first of two project objectives:

Objective #1:

The 4Rs will facilitate the delivery of human rights education in PEI schools.

<i>Strengthened working relationships</i> = <i>Enhanced public education programming</i>	# School Presentations	# School Participants
2013 (Pre-4Rs)	11	622
2014 (4Rs Year 1)	23	897
2015 (4Rs Year 2 – to date)	25	1028

¹ *The 4Rs* partner organizations Department of Education, Early Learning and Culture (DEELC); English Language School Board (ELSB); PEI Teacher's Federation (PEITF); and the UPEI Faculty of Education (UPEI FED).

Resources

Strengthened working relationships amongst *The 4Rs* partner organizations have also enabled timely delivery on this second of two project objectives:

Objective #2:

The 4Rs will develop age-appropriate and Department of Education-approved learning units for students that address human rights and responsibilities.

4Rs Resources in PEI schools	Status
Kindergarten – Grade 3 4Rs 3-Packs	Approved - 2014
Grade 4 Exploring Difference: How inclusive is our school?	Approval Pending *
Grade 5 Identifying then Challenging Stereotypes, Prejudice and Discrimination	Approval Pending *
Grade 6 The Universal Declaration of Human Rights and Convention on the Rights of the Child: What do these mean for our class and school?	Approval Pending *
Grade 9 Practicing Reconciliation through Education: The History and Legacy of Canada's Indian Residential Schooling System	Revision - 2015
Strengthened working relationships = Prompt Delivery of Cross-Curricular Learning Units	


* Approval anticipated October 2015

Proudly bearing the label 'Made in PEI', *The 4Rs* resources are initially drafted by pre-service teachers in the UPEI Bachelor of Education program during practicum placements at the Commission. Employing the latest curriculum-writing principles, pre-service teachers are tasked with designing cross-curricular learning units which promote inclusive learning environments and develop student's critical thinking, creativity, communication and collaboration skills (4Cs of 21st Century Skills).

The draft resources are then revised and edited by the Commission's Education Project Officer before being sent to Curriculum Specialists for review and feedback. Upon satisfactory completion of the review and revision stage, the resources are approved by the Department of Education, Early Learning and Culture. Approved resources are then marketed to teachers who are also encouraged to engage the educational services provided by the Commission.

This lengthy collaborative process ensures: students are exposed to quality learning units; teachers meet their professional responsibility to provide non-discriminatory learning environments; and the education system develops mutually supportive working relationships.

Indian Residential Schooling learning unit (Grade 9)

	<p>The residential school in Shubenacadie, Nova Scotia, was a means of religious conversion by the church and a means of assimilation by the government.</p> <p>From Feb. 5, 1930, until June 26, 1966, over 1000 Mi'kmaq children from Atlantic Canada attended the Shubenacadie Indian Residential School.</p> <p>(Unama'ki College, Cape Breton University, 2015)</p>
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Education is what got us into this mess — the use of education at least in terms of residential schools — but education is the key to reconciliation. We need to look at the way we are educating children. That's why we say that this is not an aboriginal problem. It's a Canadian problem. (Murray Sinclair, Truth and Reconciliation Commission, 2015)

By the end of Year 2 *The 4Rs* partner organizations hope to have introduced to grade 9 social studies teachers the 12 lesson unit titled: 'Practicing Reconciliation through Education: The History and Legacy of Canada's Indian Residential Schooling System'. The unit was initially drafted by pre-service teachers during a practicum placement in February 2015 and integrates principles of the *Act* and the *United Nations Declaration on the Rights of Indigenous Peoples*.

At present, we are working with curriculum specialists to incorporate revisions into the unit that have been recommended by representatives of the Mi'kmaq Confederacy of PEI. The Commission is collaborating with the Confederacy on this essential learning experience and welcomes the opportunity to participate in the implementation of recommendations made by the Truth and Reconciliation Commission.

We envision no better way to start the third and final year of *The 4Rs* project than by introducing this Indian Residential Schooling unit to grade 9 students in PEI classrooms.

The Commission again thanks the Law Foundation of PEI for helping fund *The 4Rs* project and raise awareness amongst young Islanders that achieving equality, freedom, justice and peace is an ongoing challenge in our communities.

As the Truth and Reconciliation Commission makes clear:

Canadians must do more than just talk about reconciliation; we must learn how to practise reconciliation in our everyday lives—within ourselves and our families, and in our communities, governments, places of worship, schools, and workplaces. To do so constructively, Canadians must remain committed to the ongoing work of establishing and maintaining respectful relationships.

(Truth and Reconciliation Commission of Canada, Summary, 2015, p. 20)

Respectfully submitted,

Thomas Hilton, Education Project Officer



"Mural of Multiculturalism" (2014-15)

by Emily Waye-MacSwain's Grade 3 students,
Mt. Stewart Consolidated School

From *The 4Rs* lesson: *What is PEI Culture?*
In this unit, students researched and drew pictures representing the diverse culture of classmates and of people in their community and throughout PEI.

Public Education and Frequently Asked Questions

Public education and information is provided by the staff and Commissioners. The Commission delivers education sessions to individuals, businesses and community organizations. The Commission also collaborates with educators to promote Human Rights awareness and education in schools.

During 2014-2015 the Commission provided education sessions to forty-six (46) organizations. Although these education sessions generally are requested by members of the public, some sessions are a component of a settlement agreement or part of a Panel order. These education sessions are tailored to meet the needs of the person or organization.

The Commission invites any business or organization interested in receiving our education service to contact us. In addition, individuals or businesses are encouraged to contact the Commission to discuss their questions. The Commission does not provide legal advice to callers and we recognize that each situation is unique; however, we can provide general information and best practice suggestions. The public is also encouraged to visit our website (www.peihumanrights.ca) to learn more about Human Rights issues.

The most common inquiries the Commission receives relate to employees with disabilities who require accommodation from their employer.

This section contains general information about the law. It is not a complete statement of the law and is not a substitute for legal advice. Each case is unique and must be determined based on its own facts.

What is a Disability?

Under the PEI *Human Rights Act*, a disability is defined as:

a previous or existing disability, infirmity, malformation or disfigurement, whether of a physical, mental or intellectual nature, that is caused by injury, birth defect or illness, and includes but is not limited to epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on an assist animal, wheelchair or other remedial device.

Common, temporary illnesses such as a cold or flu are not considered disabilities under the *Act*. If a temporary condition, such as pain, recurs as a part of a medical condition, it may be considered a disability, but not all illnesses are considered disabilities.

Under human rights law, drug or alcohol addiction is considered a disability. When an employee has an alcohol or drug addiction that is affecting job performance, the duty to accommodate still applies. Accommodation usually includes the employer granting the employee leave to seek treatment and allowing them to return to their position. The employee must be willing to get help for an addiction. Reasonable accommodation does not include the employer allowing a worker to be on the job while under the influence, or continuing to employ an employee who refuses to do anything about his or her addiction. The *Act* does not protect a person who uses drugs or consumes alcohol but does not have an addiction.

What is Accommodation?

Employers, service providers and property owners must accommodate the needs of individuals or groups protected by the *Human Rights Act*, up to the point of undue hardship. Sometimes it is necessary to adjust policies and procedures or modify physical surroundings to accommodate the needs of protected individuals or groups to provide fair or equitable treatment. While the duty to accommodate applies to all areas and grounds covered under the *Act*, it arises most often in employment regarding the ground of disability.

The duty to accommodate begins when the employer or service provider knows, or ought to have known, that the person has a disability and may require accommodation.

Generally, if an employee is in need of an accommodation, it is up to the employee to let their employer know about the disability and what their needs are. However, there may be times when the employer has a duty to inquire if the employee is in need of an accommodation. For example, if the employer becomes aware indirectly of the need, if the employee's conduct is a departure from the norm and may be linked to a disability or the employee is returning to work following a disability leave.

If the employee needs accommodation, it is up to the employee to co-operate with the employer to be sure that the employer gets the information they need. Sometimes this will include detailed medical information about the nature of the disability, the extent of the limitations associated with the disability and the expected duration. The details required will vary depending on the accommodation required.

Ultimately, it is not up to the employee or the doctor to determine how the person can be accommodated. The employer has the best knowledge of the Company and the options that are available. Ideally, the employer and employee will have good communication and share information sufficiently to allow the employer to determine the best options. However, the employee is not able to dictate the accommodation process. The accommodation offered by the employer does not have to be “perfect” or the “preferred” option for the employee. If the employer makes a “reasonable” offer which the employee doesn’t accept, the employer has satisfied the duty to accommodate.

Failure to accommodate an employee based on his or her needs as outlined in the *Act*, which is not justified by a genuine occupational qualification or undue hardship, is considered a direct contravention of the PEI *Human Rights Act*.

Some examples of accommodation include:

- Changes to the physical environment (adding ramps, lighting, heating);
- Changes to job duties – modifying the job or changing to a different position;
- Changes to usual schedule; and
- Creating an individual rate of absenteeism.

When is Accommodation not Necessary?

There are circumstances where an employer or service provider does not need to accommodate a person who is protected under the *Act*. These are cases where there is a genuine occupational qualification which can not reasonably be accommodated or the accommodation would create Undue Hardship.

A genuine occupational qualification is a legitimate work related requirement which is rationally connected to job performance. It requires a good faith belief that it is necessary to do the work and is, in fact, reasonably necessary to get the job done. For example, some people with disabilities are unable to have a driver’s licence. Having a drivers licence is a genuine occupational qualification for a taxi driver but it would not likely be one for a store clerk.

For an accommodation to create undue hardship it must create more than a minimal hardship. There are many factors to be considered to determine if the accommodation will cause undue hardship to a particular employer. Those factors will be different depending on the nature of the business or service provider involved. Some of the factors which may be considered include:

- The cost of the accommodation – it must be quantifiable and substantive (prohibitive);

The size and needs of the work place;
Whether the cost could be spread over time or shared with another organization;
Health and Safety issues including impact on colleagues and third parties;
Conflicting Rights – will the accommodation create a significant interference on someone else's protected rights;
Morale of other staff at the work place – these objections must be based on well grounded fears that the rights of other staff would be affected (not just their preferences);
The ability of the workplace to be flexible or interchangeable in its work positions.

What is a Judicial Review?

When an administrative body such as the Human Rights Commission makes a decision, the person who is affected by that decision may ask the Supreme Court of Prince Edward Island to review it. This is called a Judicial Review. A Judicial Review is not an appeal nor is it a rehearing of the case. It is an application to the Supreme Court which must follow the Court's rules and forms. The Court's role on Judicial Review is to review the process the Commission used in arriving at its decision.

If the Executive Director or Executive Director Delegate makes a decision to dismiss or discontinue a complaint, the Complainant has the right under s.25.1 of the *Act* to ask the Chair of the Commission to review the file. The Chair (or Chair Delegate) will determine whether they concur with the decision of the Executive Director or whether the matter should have been sent to a Panel of Inquiry. Either the Complainant or Respondent may ask to have the Chair's decision reviewed by the Supreme Court.

The Court does not hear evidence during a Judicial Review. It is the role of the Commission to prepare a Record of the evidence that was before the Executive Director and Chair at the time their respective decisions were made and it is that evidence, in document form, which is before the Court. The Judge will not substitute his or her own decision for that of the Chair. The function of the Court is to determine whether the Chair has reached a decision that is reasonable and procedurally fair. The Court determines whether the decision-making process is transparent, whether the Executive Director and Chair stated clear reasons for the decision and whether the decision falls within a range of reasonable outcomes. The Court recognizes that the Executive Director has the authority to dismiss a complaint at any time if she finds it to be without merit and, in most cases, the Court will not question the sufficiency of the investigation.

Powers and Duties of the Commission

Since the enactment of the *Human Rights Act* on September 11, 1976, the Prince Edward Island Human Rights Commission has been empowered to:

- administer and enforce the *Act*;
- develop a program of public information and education in the field of human rights to forward the principle that every person is free and equal in dignity and rights;
- advise government on suggestions, recommendations and requests made by private organizations and individuals;
- report as required by the Minister on the business and activities of the Commission;
- consider, investigate or administer any matter or activity referred to the Commission by the Minister or the Lieutenant Governor in Council.

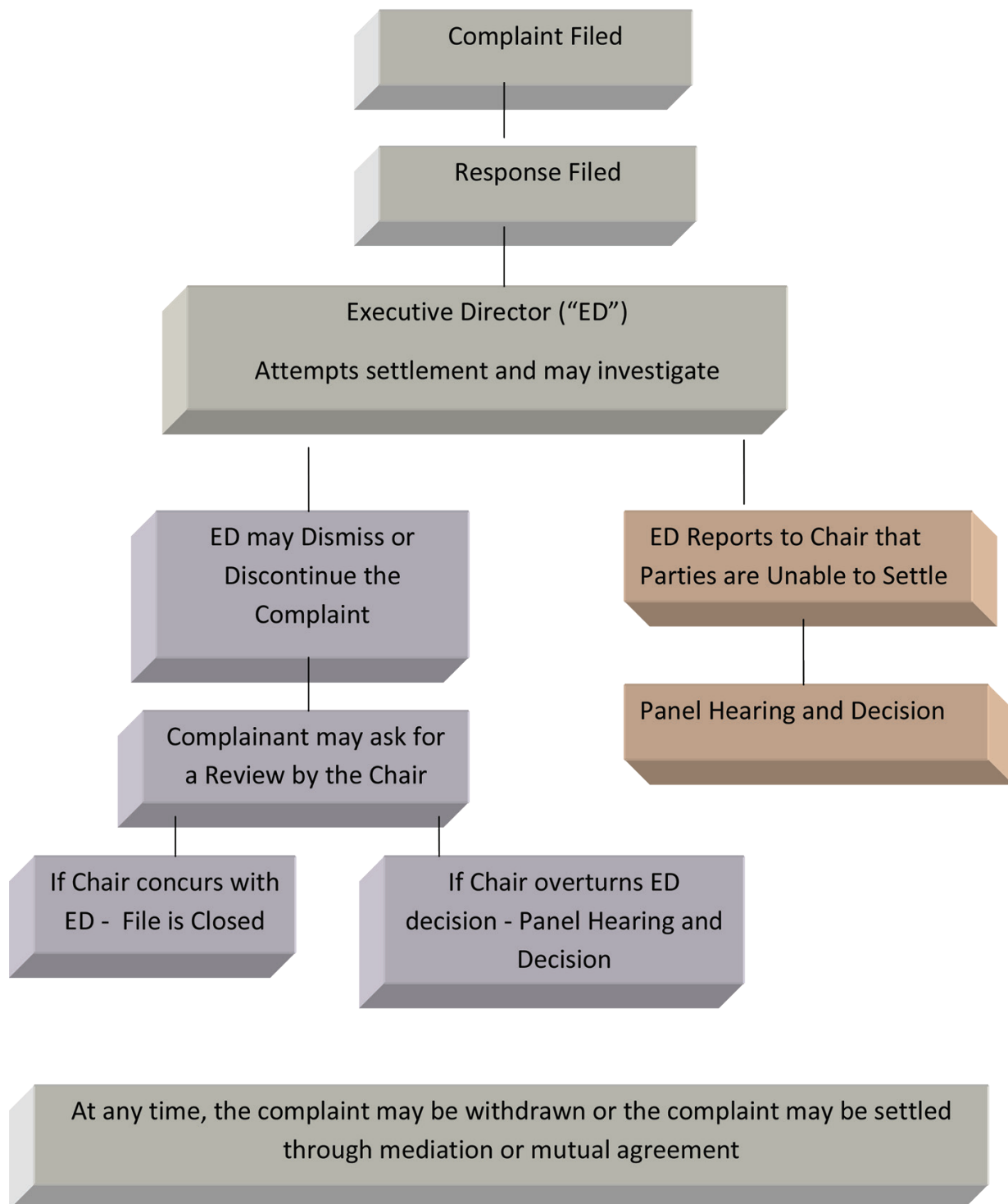
When a complaint is made to the Human Rights Commission, the typical process involves written exchanges of information between the Complainant and the Respondent (the person, business or entity that is alleged to have discriminated against the Complainant). The matter is then provided to the Executive Director or a delegate (Human Rights Officer) to investigate and attempt to settle the matter.

The duties of the Executive Director (or her Delegate) are set out in section 22(3) and (4) of the *Human Rights Act*:

22(3) The Executive Director shall investigate and attempt to effect settlement of the complaint.

22(4) Notwithstanding subsection (3), the Executive Director may, at any time,
(a) dismiss a complaint if the Executive Director considers that the complaint is without merit;
(b) discontinue further action on the complaint if, in the opinion of the Executive Director, the complainant has refused to accept a proposed settlement that is fair and reasonable;
(c) discontinue further action on the complaint if it could be dealt with more appropriately by an alternate method of resolution under any other Act, or if grievance or other review procedures have not been exhausted;
or
(d) report to the Chairperson of the Commission that the parties are unable to settle the complaint

Typical Complaint Process



Human Rights Complaints must be made within one year of an alleged incident. The complaint must fall within one or more of the areas covered by the Prince Edward Island *Human Rights Act*. As well, the complaint must be based on one or more of the grounds covered by the Prince Edward Island *Human Rights Act*.

Complaint Statistics

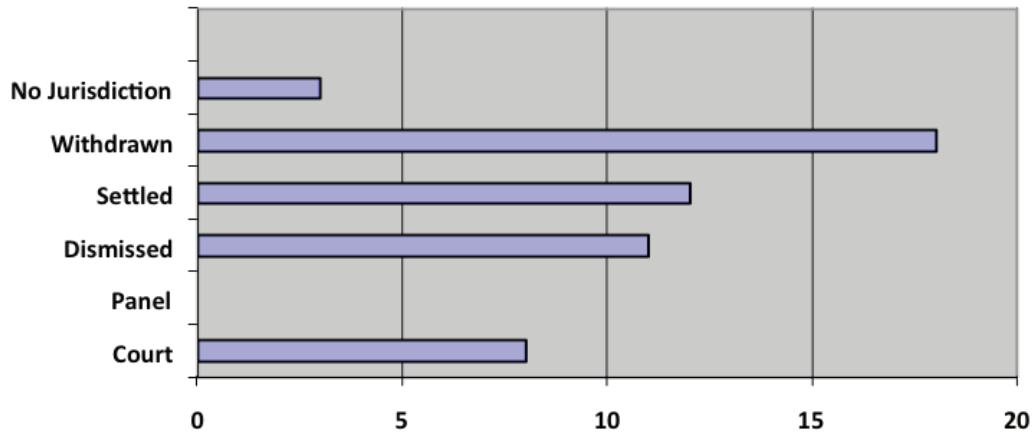
Eighty One (81) matters were carried over from previous years and Fifty One (51) complaints were received in 2014-2015, which resulted in a total of One Hundred Thirty Two (132) open files during this fiscal year. In addition to written complaints, the Commission received numerous phone, email and in-person inquiries from individuals and organizations concerned about their rights.

NUMBER OF COMPLAINTS IN AREA AND GROUND							
	Carried forward from previous years			Received in 2014-2015			
Ground of Discrimination	Employment & Volunteer Work	Services & Facilities	*Other & multiple areas	Employment & Volunteer Work	Services & Facilities	*Other & multiple areas	Total
Age	1			2		2	5
Association							
Colour, Race, Ethnic/National Origin	4	1	1	1	1		8
Creed/Religion	2			1	1		4
Criminal Conviction			1	3			4
Disability	21	4	6	16	3		50
Family Status				2			2
Gender Expression							
Gender Identity							
Marital Status							
Political Belief	4						4
Sex/Gender (including Pregnancy and Harassment)	8		1	6			15
Sexual Orientation							
Source of Income	1			3	1		5
Filing a Complaint/Giving Evidence				1			1
Multiple Grounds	17	6	3	3	5		34
Total Number of Complaints	58	11	12	38	11	2	132

Most complaints arise in the area of employment, while the most common ground of discrimination is disability.

* Other and Multiple Areas include: Accommodations, Lease or Sale of Property, Membership in Employee or Professional Organizations, and Advertisements and Publications.

**Complaint Outcomes
Closed Files
April 1, 2014 - March 31, 2015**



Closed Files (52)

No Jurisdiction: Three (3) complaints were deemed outside the jurisdiction of the Prince Edward Island Human Rights Commission.

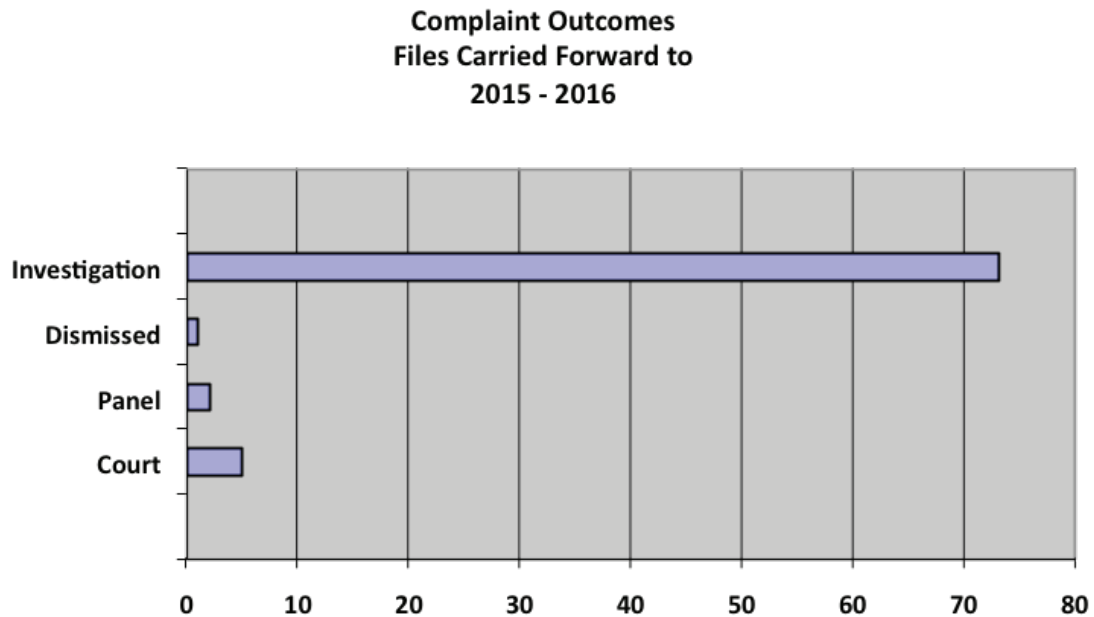
Withdrawn: Eighteen (18) complaints were withdrawn at various stages by the Complainant or were considered withdrawn as the complaint was deemed abandoned.

Settled: Twelve (12) complaints were settled through settlement discussions or mediation.

Dismissed or Discontinued: Eleven (11) complaints were dismissed or discontinued by the Executive Director or Delegate as set out in the *Act* (section 22(4)). Four (4) Complainants requested a review by the Chair and decisions were rendered.

Panel: There were no Panel Hearings this fiscal year.

Court Matters: Eight (8) Court matters were completed. Three (3) of these matters were discontinued/withdrawn by the Complainant, two (2) were dismissed (unreported), and three (3) written decisions were given. (See Court Decisions page 22).



Files Carried Forward to 2015-2016 (80)

Investigation/Settlement: Seventy three (73) complaints remain in various stages of the complaint process (investigation, settlement negotiations, held in abeyance...).

Dismissed or Discontinued: One (1) complaint was dismissed or discontinued by the Executive Director or Delegate as set out in the *Act* (section 22(4)) but remained open pending the Chair's decision on the request for review.

Panel: There are two (2) Panels pending. One (1) matter is awaiting Panel hearing pending the outcome of a Judicial Review, and one (1) matter is awaiting Panel hearing.

Court Matters: As of March 31, 2015, in addition to the matter noted above, there were two (2) other files awaiting Judicial Review hearings in the Supreme Court. The Supreme Court issued decisions in two (2) other cases. In both of these cases decision were given by the PEI Court of Appeal in the 2015-2016 fiscal year. (See Court Decisions page 23).

Settlements

The Commission encourages parties to attempt to find a mutually agreeable solution to complaints. The Commission's Mediator is now reviewing files to assess whether the parties are open to a mediation or settlement process at an early stage. By taking the time at the intake stage to canvass this, it gives the parties the opportunity to settle their issues and, in some cases, rebuild their relationships before they become more entrenched in their positions and without the delay of waiting for an investigation or panel hearing. Our Mediator can facilitate informal or formal mediation opportunities.

Allowing parties to develop their own solutions through settlement discussion is more effective and satisfactory and less expensive than the tribunal process. Settlement is particularly valuable when the relationship between the parties is likely to continue.

Settlements between Complainants and Respondents may be achieved at any time before a Human Rights Panel rules on a complaint. Even if the parties are unable to reach settlement during the early stages, the Executive Director or Delegate may facilitate a settlement during the investigation or preparation for panel hearings. Settlements can be reached without a finding or acknowledgment that the matter complained of was discriminatory.

Resolutions may include those things a panel could order but may also include things that a panel does not order. Settlements that have been made through the Commission have included making changes in policy or physical elements of a business or service, re-employment of the Complainant, accommodation at the workplace (hours of work, physical space), an apology or letter of reference or financial compensation.

Consistent with the Commission's mandate of providing human rights education, settlements often include an educational component for one or both parties to the complaint.

During this fiscal year twelve (12) complaints were settled through mediation or settlement discussions. Nine (9) of these related to employment, two (2) related to accommodations and one (1) related to services available to the public. The majority of these complaints named disability as the ground of discrimination.

Panel Hearings and Court Decisions in 2014-2015

There were no Panel Hearings held during the 2014 – 2015 fiscal.

Court Files Closed in 2014-2015

These three Judicial Review matters were discontinued by the Complainant. Court File Numbers: **S1-GS-23241, S1-GS-24890, and S2-GS-5760.**

The following case resulted in a reported decision.

Court File No. S1-GS-24958 **Reported Decision 2014 PESC 27**

The Complainant filed a complaint on 16 February 2011, alleging discrimination in the area of employment on the basis of political belief. He later amended the complaint to include the ground of disability. At the Court hearing he withdrew his claim of political discrimination. The Complainant had been a seasonal employee of the Respondent. He was hired each year on a contract. He had no right of recall. The Complainant usually worked from August to December. In 2010 he had to take a sick leave during that time frame. He was medically able to return to work in January. The Respondent indicated they would rehire him the following August (as usual). The Complainant claimed he should have been hired as soon as he was medically able and claimed lost wages for the weeks he would have worked had he not been off sick. The Executive Director dismissed his complaint as being without merit. That decision was upheld by the Chair of the Commission. The Complainant filed an application for Judicial Review. The Judicial Review was dismissed on 24 October 2014. The Court found the Commission's decisions reasonable and the Commission's process procedurally fair.

Decisions made in this fiscal year but reported in last year's Annual Report

The following matters were finalized in the 2014-2015 fiscal year but were reported on in the 2013-2014 report as they were completed prior to the printing of that report. You may obtain information on these matters by referring to the 2013-2014 Report or by visiting our website.

Court File No. S1-GS-25406 **Reported Decision 2014 PESC 9, and unreported decision June 17, 2014**

Note: Application for Leave to Appeal to Supreme Court of Canada was not granted.

Court File No. S1-GS-23407

Court File No. S1-CA-1270; Reported Decision 2014 PECA 13

Note: Application for leave to appeal to the Supreme Court of Canada was not granted.

Court File No. S1-CA-1287; Reported Decision 2014 PECA 15

Note: Application for leave to appeal to the Supreme Court of Canada was not granted.

Court Files Ongoing 2014 – 2015

Court File No. S1-GS-24710

On 7 March 2007, the Complainant filed a complaint alleging discrimination in employment on the basis of disability. He alleged that his employer believed he had a mental illness and tried to force him to undergo psychological testing. The Complainant stated that he had never experienced psychological problems and refused to attend the evaluation. He alleged that his employer terminated his employment because they believed he suffered from a mental health disability.

After investigating, the Executive Director dismissed the complaint as he found it to be without merit. The Complainant requested a review by the Chair of the Commission. The Chair Delegate concurred with the decision of the Executive Director.

The Complainant filed an application for Judicial Review. The Judicial Review has not yet taken place.

Court File No. S1-GS-24741

On 16 February 2011, the Complainant filed a complaint alleging discrimination in employment on the basis of source of income. He alleged that he was not being paid the full amount of Workers Compensation benefits to which he was entitled. The Executive Director dismissed the complaint because he found it to be without merit.

The Complainant requested a review by the Chair of the Commission, who concurred with the decision of the Executive Director. On 29 March 2012, the Complainant filed an application for Judicial Review. A date for the Judicial Review has not yet been set.

Court File No. S1-GS-25540

The Complainant filed a human rights complaint on 19 October 2010, alleging that the Respondents discriminated against him in the areas of employment and membership in an employee or professional organization on the basis of association, disability and source of income. His press pass was revoked and he alleged that his disability and disability-related advocacy were factors in the decision to revoke it. After investigating the complaint, the Executive Director dismissed it pursuant to s.22(4)(a) of the Act as he found it to be without merit.

The Complainant asked for a review by the Chair of the Commission. Upon review, the Chair did not concur with the decision of the Executive Director. She determined there were questions in the Complainant's complaint that would best be determined by a Panel of Inquiry, and referred his complaint to a Panel hearing.

The Respondents sought Judicial Review of the Chair's decision, and filed an application for Judicial Review on 29 April 2013. The Complainant made a Motion to strike the Respondents' application; however, he eventually withdrew that motion. The Judicial Review is scheduled to be heard on 16-18 September 2015.

The Panel of Inquiry has not yet been scheduled. Whether there will be a Panel of Inquiry is dependent upon the outcome of the Judicial Review.

Court File No. S1-CA-1298

Reported Decisions: 2014 PESC 18, 2014 PECA 17, 2015 PECA 4

The Complainant filed a complaint on 11 February 2013. He alleged discrimination in the area of employment on the basis of having laid a complaint and also on the basis of race, colour and ethnic or national origin. The Complainant had applied for a position with the Respondent in early 2012. In February 2012, the Complainant settled a number of cases with respect to previous similar complaints against this Respondent and signed a release preventing further actions.

The Executive Director determined that the terms of the release prevented the Complainant from pursuing this claim and dismissed his complaint as being without merit. The Complainant asked for the Executive Director's decision to be reviewed by the Chair of the Commission. The Chair concurred with the decision of the Executive Director. The Complainant filed for Judicial Review. The Court determined that the decisions made by the Commission, that this was not a new matter and was covered by the release, were reasonable. The Court dismissed the Judicial Review. The Complainant was ordered to pay \$14,500 in costs. **(2014 PESC 18)**

The Complainant appealed the decision of the Supreme Court. The Respondent sought an order for security for costs, and the Court ordered the Complainant to pay \$7,500 security for costs by 18 September 2014. The Complainant did not pay the security for costs. **(2014 PECA 17)**

In March 2015, the Respondent made a motion to dismiss the Complainant's appeal. The Court stated that dismissal of an appeal for procedural non compliance is a severe remedy, and correspondently is rarely evoked; however, the Court ordered that if the Complainant failed to pay security for costs by 10 April 2015, the case would be dismissed. The Complainant did not meet the requirement of the Court's order and the case was dismissed. **(2015 PECA 4)**

The Complainant sought leave to appeal to the Supreme Court of Canada. The Supreme Court has not yet rendered a decision as to whether leave to appeal will be granted.

Court File No. S1-CA-1302

Reported Decisions: 2014 PESC 20, 2015 PECA 8

On 16 April 2007, the Complainants filed a complaint alleging discrimination in the area of employment on the basis of political belief.

The Complainants were the owners of businesses which supplied and serviced Video Lottery Terminals (VLT's) to retailers. Most of the Complainants were members of the Liberal party. When the Conservatives took over Government in 2002, Government passed legislation removing the VLT's from corner stores and removed the role of the Complainants; essentially ending their businesses. The Complainants claimed the Respondent did not offer them appropriate compensation.

The Executive Director dismissed the complaint as being outside the one year limitation period. Through a series of Reviews and Appeals the matter was sent back to the Executive Director with a direction from the Court of Appeal that the discoverability rule applied. The discoverability rule means that the one year limitation period does not always begin when the alleged discrimination took place. If the Complainants claim they did not know about the discrimination at the time, the Commission must consider when they knew or ought to have known that the discrimination took place. In this case, the Executive Director reviewed the circumstances and determined that the Complainants did or should have known about the alleged discrimination when the alleged discrimination took place or at least more than a year before they filed their complaint, thus the matter remained outside the jurisdiction of the Commission as being filed outside the limitation period. He also determined that the Complainants were not employees of the Respondents and thus had no basis for a complaint under that area of discrimination. The Chair of the Commission upheld the decision of the Executive Director. The Supreme Court dismissed the Judicial Review stating the decision was reasonable on the time limit question. The Court did not address the employment issue. **(2014 PESC 20)**

On 28 May 2015, the Court of Appeal issued its decision upholding the decisions of the Executive Director and Chair. The Court found that the decisions made in this case as to when the alleged discrimination was or should have been discovered were reasonable. **(2015 PECA 8)**



“Island Cultures Quilt” (2014-15)

by Joanne McIsaac's Grade 3 students, Vernon River Consolidated School.

From *The 4Rs* lesson: *What is PEI Culture?* The children prepared a quilted map showing aspects of different cultures of some of the people who live on PEI (this map is not intended to be geographically representative of where various people live).

Commissioners (2014-2015)

Human Rights Commissioners are appointed by the Legislative Assembly on the recommendation of the Standing Committee on Communities, Land and Environment (previously the Standing Committee on Health, Social Development and Seniors). The Commissioners come from a variety of personal and professional backgrounds and bring their own experience and expertise to decision-making. They are appointed for terms up to three years and are eligible for reappointment.

Commissioners provide leadership in setting the direction and promoting the work of the Commission.

The Chair may be asked to review decisions of the Executive Director or Delegate when a complaint has been dismissed or discontinued.

If the matter is referred to a hearing, the Chair will appoint one or three Commissioners to sit on a Panel to hear evidence and submissions and determine if there has been a violation of the *Human Rights Act* and, if so, what remedy should be ordered.

Commission Chair - Anne Nicholson



Anne Nicholson of St. Andrews Point, Lower Montague, was born in Montreal, Quebec, and moved to PEI in 1975.

Commissioner Nicholson was appointed to the Commission on May 19, 2004, and reappointed on April 3, 2007. She assumed the role of Acting Chair in May 2009, and was appointed Chair in April 2010. In 2013 she was reappointed as Chair.

As a consultant, she has worked with community groups and governments on issues including equality, health, culture, relationship violence prevention, elder abuse prevention and social justice.

A graduate of UPEI, Anne chaired the PEI Advisory Council on the Status of Women, was Director of the PEI Rape/Sexual Assault Centre, Project Officer with Community Legal Information Association and served on the Premier's Action Committee for Family Violence Prevention, the Community Foundation of PEI and Family Violence Prevention Services Inc.

She is married to David Bergmark and they have three grown children, Dylan, Lukas and Chloe.

John G. Rogers, Commissioner



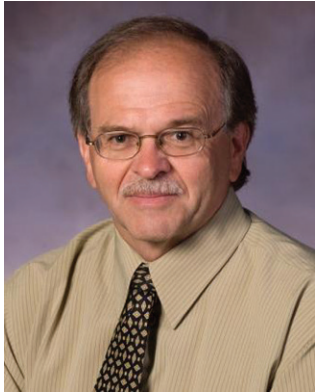
John Rogers of the Brae was appointed to the Commission in 2008 and reappointed in 2011 and 2014. Mr. Rogers holds a B.A. and B.Ed. from the University of Prince Edward Island and a M.Ed. from the University of Ottawa. He retired from the public school system in 2005 after serving as a teacher, vice-principal, and principal. Since retiring from the public school system Mr. Rogers has been employed as a sessional lecturer on the Faculty of Education at UPEI. He also devotes time to the family farm in Brae. Mr. Rogers has served on numerous organizations both at the local and provincial levels. He is currently a director of the Canadian Potato Museum in O'Leary and sits as vice-chair of the Leard's Pond Environment Project. Mr. Rogers is strongly committed to the fundamental principle that "all persons are equal in dignity and human rights" (Preamble, PEI *Human Rights Act*). He works towards the fair and equal treatment of all persons in our society.

George A. Lyle, Commissioner



George Lyle of Summerside was appointed Commissioner on April 16, 2009, and reappointed on April 17, 2012. Mr. Lyle, now retired, practiced law as a general practitioner from 1978 to 2014, in the Province of Prince Edward Island. Prior to that he held various positions with the Guaranty Trust Company of Canada. He is a graduate of the University of Ottawa Law School and a certificate program in Trust Business from Queens University. During his private practice of law, he held the position of Chairperson of the PEI Labour Relations Board and was President of the Law Society of Prince Edward Island and the PEI branch of the Canadian Bar Association. Mr. Lyle has served on various boards and has a strong community involvement in the city of Summerside.

Alcide J. Bernard, Commissioner



Alcide Bernard of Wellington was appointed Commissioner in April 2011 and reappointed in 2014. Mr. Bernard holds a B.A. and M.B.A. from University of Moncton. He retired from Old Dutch Foods Inc in March 2011 after having served in various management positions throughout his 25 years in the potato chipping industry. After working for the last three years with the Atlantic Commission on Acadian Tourism as Tourism Development Officer for PEI, Mr. Bernard has now retired. He currently serves as Chairman of the Incorporated Community of Wellington as well as having been involved in many other volunteer organizations in the Acadian community of Prince Edward Island.

Maurice H. J. Rio, Commissioner



Maurice Rio was appointed Commissioner on April 17, 2012. This is Mr. Rio's second appointment, having served on the Commission from 2006 to 2009. He returned to the Island after 22 years of public service with the Federal Department of the Solicitor General involved in national issues. He has studied at Dalhousie University, Memorial University and the University of Regina. Mr. Rio currently resides in the city of Summerside. He is a proponent of "natural justice" and is pleased to continue to serve on the Commission in his work for human rights.

Robert A. Acorn, Commissioner



Robert (Bob) Acorn, born and raised in Souris, P.E.I., was appointed Commissioner on April 17, 2012. He holds a degree in Political Science from Dalhousie University and a degree in Public Administration from the University of Prince Edward Island. He has worked with P.E.I. Housing Corporation, the University of Alberta, the Alberta Government, and most recently he was a management consultant with George May International in Edmonton. Mr. Acorn presently resides in Charlottetown with his wife Thelma (Walsh) Acorn. He has two children, Kim and Rick

Carmen de Pontbriand, Commissioner



Carmen de Pontbriand was appointed to the Commission on 2 May 2014. She is originally from Montréal, but currently resides in Charlottetown. Ms. de Pontbriand has extensive professional experience with municipal and local governments as well as having been a permanent member of the Veterans Appeal and Review Board of Canada. She holds certificates in tribunal administration, journalism and entrepreneurship. She is an active member of her community, participating in two choirs and various community organizations.

Hon. Ellen M. Macdonald, Commissioner



Hon. Ellen Macdonald B.A., L.L.B., L.L.D., (Honours), was appointed Commissioner in May 2014. She joins the Commission following her retirement from the Superior Court of Justice (Ontario).

Justice Macdonald was born and raised in Souris, Prince Edward Island where she currently resides. She graduated from Souris High School in 1966, U.P.E.I. in 1970, and McGill Faculty of Law in 1973. Justice Macdonald was admitted to the Ontario Bar in 1975 and practiced law in Toronto from 1975 to November 1991 when she was appointed to the Superior Court.

She has been involved extensively in continuing legal education for the judiciary as well as the Superior Court Judges' Association and Judges' Counselling Program. She has been a member of the 4H Boards of Directors including the Canadian Council of 4H Clubs, and was a past Director of the Ontario Advocates' Society and the Dellcrest Childrens' Center, a non-profit children's mental health centre, in Toronto. In November 2001 Justice Macdonald was awarded the Distinguished Alumni Award from UPEI.

Justice Macdonald retired from the bench in August of 2013. She is married and has one daughter.

Staff (2014-2015)

The Commission staff carries out the day to day functions of the Commission including processing, mediating, investigating and settling complaints. Staff are also involved in presenting cases during a Panel Hearing. Lawyers at the Commission appear before the Supreme Court and Court of Appeal. Education is a key role for all staff who frequently respond to inquiries from the public about Human Rights issues. All staff are involved in preparing written and on line informational materials, as well as providing education presentations on human rights.

Brenda J. Picard Q.C., Executive Director



Brenda Picard Q.C. has been the Executive Director at the Commission since August 2013.

After graduating from Kensington Intermediate Senior High School (1979), Brenda attended Dalhousie University where she obtained her Bachelor of Arts (1982) and Bachelor of Laws (1985) degrees. She was admitted to the Nova Scotia Barristers Society (1986) and practiced in Stellarton.

Returning to PEI in 1990, Brenda was the first Co-ordinator of Transition and Support Services in Summerside. She was admitted to the Law Society of PEI in 1992. She was a partner at The Law Offices of Craig and Picard prior to her lengthy career at PEI Legal Aid, which preceded her current position. Brenda was appointed Queens Counsel in 2007.

Brenda has been a regular volunteer with her church and with many provincial and national organizations relating to family violence prevention, restorative justice and conflict resolution. Brenda resides in Charlottetown with her partner Rick and her son Micah.

Wendy Marie Baker, Human Rights Officer



Wendy Marie Baker was born in Halifax and grew up in the village of Spanish Ship Bay, Nova Scotia. She has lived and worked in several places across Canada, but has been proud to call Charlottetown her home since 2008. Wendy joined the Commission as Human Rights Officer in September 2010. She is a person with a disability. She has been a lifelong advocate for equity and equality, and supports the concept of promoting equality through education. Wendy received her Bachelor of Arts degree from Saint Mary's University in 1997 and a Diploma in Media Studies (Broadcasting) from the Atlantic Media Institute in 1999. She worked with the Canadian National Institute for the Blind for several years before returning to university. She received her law degree from the University of Victoria in 2006. Wendy has held legal positions in both the public and private sector, and is a member of both the Law Society of Newfoundland and Labrador and the Law Society of Prince Edward Island.

B. Lorraine Buell, Mediator / Intake Officer



Lorraine Buell is the Commission's Mediator and Intake Officer. She has been a member of the Commission's team since 1998. Lorraine is an Islander and a resident of Stratford, PEI. She is a member of the Canadian Payroll Association and the Council of Canadian Administrative Tribunals. She is a Commissioner of Oaths and Panel Clerk at Human Rights hearings. Lorraine received her Business Administration at Career Skills, Executive Office Administration at Holland College and Conflict Resolution Studies at University of Prince Edward Island. She has three children Scott(Amanda), Nick(Shalin) and Amanda(Ben) and three granddaughters Maxine, Emily and Everly.

Thomas V. Hilton, Education Project Officer



Thomas Hilton, a native of Charlottetown, holds a BA from Bowdoin College (Brunswick, ME) and Master of Education from UPEI. In May 2014, he received the Governor General's Gold Medal Award for his graduate research 'Schooling and the Practices of Freedom of Out Queer Youth on PEI'. Tom has worked with the Commission on public education outreach projects since 2011. Since December 2013, he has been working on Made in PEI: Rights, Responsibilities, Relationships & Resources (*The 4Rs*). Tom thanks the Law Foundation of PEI and project partners for their ongoing support of *The 4Rs* (for more on *The 4Rs* project - see Education Project Officer's Report). Tom serves as Board Chair of the PEI Literacy Alliance, an organization committed to building a culture of literacy, learning and prosperity on PEI.

Audited Financial Statements

**PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION**

Financial Statements
March 31, 2015

Management's Report

Management's Responsibility for the Financial Statements

The financial statements have been prepared by management in accordance with Canadian public sector accounting standards and the integrity and objectivity of these statements are management's responsibility. Management is responsible for the notes to the financial statements and for ensuring that this information is consistent, where appropriate, with the information contained in the financial statements.

Management is responsible for implementing and maintaining a system of internal control to provide reasonable assurance that reliable financial information is produced.

The Board of Commissioners is responsible for ensuring that management fulfills its responsibilities for financial reporting and internal control. The Board reviews internal financial reports on a regular basis and externally audited financial statements annually.

The Auditor General conducts an independent examination, in accordance with Canadian generally accepted auditing standards and expresses her opinion on the financial statements. The Auditor General has full and free access to financial information and management of the Prince Edward Island Human Rights Commission to meet as required.

On behalf of the Prince Edward Island Human Rights Commission

ORIGINAL SIGNED

Brenda J. Picard, Q.C.
Executive Director

May 28, 2015



Prince Edward Island Île-du-Prince-Édouard

Office of the Auditor General

PO Box 2000, Charlottetown PE
Canada C1A 7N8

Bureau du vérificateur général

C.P. 2000, Charlottetown PE
Canada C1A 7N8

INDEPENDENT AUDITOR'S REPORT

To the Commissioners of the Prince Edward Island Human Rights Commission

I have audited the financial statements of the **Prince Edward Island Human Rights Commission**, which comprise the statement of financial position as at March 31, 2015, and the statements of operations and accumulated surplus, changes in net financial assets, and cash flow for the year then ended and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on these financial statements based on my audit. I conducted the audit in accordance with Canadian generally accepted auditing standards. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risk of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall financial statement presentation.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Commission as at March 31, 2015, and the results of its operations, changes in net financial assets, and cash flow for the year then ended in accordance with Canadian public sector accounting standards.

B. Jane MacAdam, CPA, CA
Auditor General

Charlottetown, Prince Edward Island
May 28, 2015

**PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION**

Statement of Financial Position
March 31, 2015

	2015	2014
	\$	\$
Financial Assets		
Cash	44,292	46,280
Accounts receivable	<u>8,619</u>	<u>2,008</u>
	<u>52,911</u>	<u>48,288</u>
Liabilities		
Accounts payable and accrued liabilities (Note 3)	<u>16,232</u>	<u>52,397</u>
Net Financial Assets (Debt)	<u>36,679</u>	<u>(4,109)</u>
Non Financial Assets		
Prepaid expenses	<u>2,255</u>	<u>5,745</u>
Accumulated Surplus	<u>38,934</u>	<u>1,636</u>

(The accompanying notes are an integral part of these financial statements.)

Approved on behalf of the Prince Edward Island Human Rights Commission

ORIGINAL SIGNED

Commission Chair

ORIGINAL SIGNED

Commissioner

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION

Statement of Operations and Accumulated Surplus
for the year ended March 31, 2015

	Budget 2015	2015	2014
	\$	\$	\$
Revenues			
Grants - Province of Prince Edward Island	393,400	413,400	403,693
Other grants (Note 7)	<u>42,000</u>	<u>49,500</u>	<u>26,550</u>
	<u>435,400</u>	<u>462,900</u>	<u>430,243</u>
Expenses			
Commissioner per diems (Note 6)	43,000	18,370	30,945
Conferences and training	9,000	2,943	9,054
Equipment	2,000	575	6,310
Hearing expenses	1,500	1,575	-
Dues and fees	2,200	2,977	2,103
Miscellaneous	2,400	1,280	1,967
Office and special projects	9,300	13,153	13,916
Photocopying	4,000	3,857	3,847
Professional fees	1,000	300	400
Project - Made in PEI (Note 7)	45,000	53,822	17,301
Rent	21,500	21,500	21,500
Salaries and benefits (Note 8)	273,500	288,844	287,768
Travel - staff	5,500	4,775	3,250
- commissioners	12,500	8,858	11,399
Telephone	<u>3,000</u>	<u>2,773</u>	<u>2,994</u>
	<u>435,400</u>	<u>425,602</u>	<u>412,754</u>
Annual Surplus	<u>-</u>	37,298	17,489
Accumulated Surplus (Deficit), beginning of year		<u>1,636</u>	<u>(15,853)</u>
Accumulated Surplus, end of year		<u>38,934</u>	<u>1,636</u>

(The accompanying notes are an integral part of these financial statements.)

**PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION**

Statement of Changes in Net Financial Assets (Debt)
for the year ended March 31, 2015

	Budget 2015	2015	2014
	\$	\$	\$
Net Debt, beginning of year	(4,109)	(4,109)	(19,519)
Changes in year:			
Annual surplus	-	37,298	17,489
Prepaid expenses	<u>-</u>	<u>3,490</u>	<u>(2,079)</u>
Change in Net Financial Assets	<u>-</u>	<u>40,788</u>	<u>15,410</u>
Net Financial Assets (Debt), end of year	<u>(4,109)</u>	<u>36,679</u>	<u>(4,109)</u>

(The accompanying notes are an integral part of these financial statements.)

**PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION**

Statement of Cash Flow
for the year ended March 31, 2015

	2015	2014
	\$	\$
Cash provided (used) by:		
Operating Activities		
Annual surplus	37,298	17,489
Changes in:		
Accounts receivable	(6,611)	(1,578)
Accounts payable and accrued liabilities	(36,165)	22,551
Prepaid expenses	<u>3,490</u>	<u>(2,079)</u>
Cash provided (used) by operating activities	<u>(1,988)</u>	<u>36,383</u>
Cash, beginning of year	<u>46,280</u>	<u>9,897</u>
Cash, end of year	<u>44,292</u>	<u>46,280</u>

(The accompanying notes are an integral part of these financial statements.)

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION

Notes to Financial Statements
March 31, 2015

1. Purpose of the Organization

The Prince Edward Island Human Rights Commission (the Commission) is a corporate body established under section 16(1) of the *Human Rights Act* of Prince Edward Island. The Commission is responsible for administering and enforcing the *Human Rights Act* and providing education and public information in the field of human rights. The Commission also inquires into and endeavours to effect a settlement of any complaint of a violation of the *Human Rights Act* filed with the Commission as prescribed by the Act.

The Commission is a non taxable entity under the provisions of the federal *Income Tax Act*.

2. Summary of Significant Accounting Policies

Basis of Accounting

These financial statements are prepared in accordance with Canadian public sector accounting standards. Since the Commission has no unrealized remeasurement gains or losses attributed to foreign exchange, derivatives, portfolio investments, or other financial instruments, a statement of remeasurement gains and losses is not prepared.

The following accounting policies are considered significant.

a) Cash

Cash consists of balances on deposit with a financial institution.

b) Accounts Receivable

Accounts receivable are recorded at cost less any specific provision when collection is in doubt.

c) Prepaid Expenses

Prepaid expenses are charged to expense over the periods expected to benefit.

d) Accounts Payable and Accrued Liabilities

Accounts payable and accrued liabilities are recorded for all amounts due for work performed and goods or services received during the year.

e) Tangible Capital Assets

Tangible capital assets are recorded at cost provided the threshold of \$2,000 is met and are amortized on a straight-line basis over the estimated useful life. Tangible capital asset purchases that do not meet the threshold are expensed. No capital assets have been recognized because purchases did not meet the threshold for capitalization.

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION

Notes to Financial Statements
March 31, 2015

2. Summary of Significant Accounting Policies (continued...)

f) Revenues

Revenues from other grants are recognized in the period in which the transaction or event that gave rise to the revenue occurred. Revenues are recorded on an accrual basis, except when the accruals cannot be determined with a reasonable degree of certainty or when their estimation is impracticable.

Transfers from the Province of Prince Edward Island (revenues from non-exchange transactions) are recognized as revenue when the transfer is authorized, any eligibility criteria are met, and a reasonable estimate of the amount can be made.

g) Expenses

Expenses are recorded on an accrual basis in the period in which the transaction or event that gave rise to the expense occurred.

h) Financial Instruments

Financial instruments consist of accounts receivable, accounts payable, and accrued liabilities. They are carried at cost or amortized cost, less any provisions on accounts receivable. Provisions are calculated on a specific basis. Due to their short-term nature, the carrying value of these financial instruments approximates their fair value.

i) Use of Estimates and Measurement Uncertainty

The preparation of financial statements in conformity with Canadian public sector accounting standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the period. Items requiring the use of significant estimates include accrued liabilities, sick leave, and allocation of salaries and benefits to projects.

Estimates are based on the best information available at the time of preparation of the financial statements and are reviewed annually to reflect new information as it becomes available. Measurement uncertainty exists in these financial statements. Actual results could differ from these estimates and the difference could be material.

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION

Notes to Financial Statements
March 31, 2015

3. Accounts Payable and Accrued Liabilities

	<u>2015</u>	<u>2014</u>
	\$	\$
Accounts payable	2,226	2,209
Accounts payable - Province of Prince Edward Island	-	37,374
Accrued salaries and benefits	5,880	4,718
Accrued vacation pay	<u>8,126</u>	<u>8,096</u>
	<u>16,232</u>	<u>52,397</u>

4. Related Party Transactions

The Commission had the following transactions with the Province of Prince Edward Island:

	<u>2015</u>	<u>2014</u>
	\$	\$
Grants from the province	<u>413,400</u>	<u>403,693</u>

Included in salaries and benefits is salary expense of \$110,252 (2014 - \$69,545) and benefit expenses of \$18,462 (2014 - \$5,706) related to staff seconded from the province.

5. Contractual Obligations

The Commission has entered into a number of multi-year contracts which will become liabilities in the future when the terms of the contracts are met. Disclosure relates to the unperformed portion of the contracts.

	<u>2016</u>	<u>2017</u>
	\$	\$
Future operating lease payments	<u>23,791</u>	<u>7,094</u>

6. Commissioner Per Diems

Commissioner per diems include panels of inquiry, reviews, meetings, educational presentations, training and seminars, and other Commission business.

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION

Notes to Financial Statements
March 31, 2015

7. Project - Made in PEI

The Commission entered into grant agreements with the Law Foundation of Prince Edward Island to fund the project entitled "Made in PEI: Rights, Responsibilities, Relationships, and Resources". The first part of the project ran from December 1, 2013 to November 30, 2014 and the second part commenced on January 1, 2015 and ends on December 31, 2015. Revenue is recognized in accordance with the terms of the agreements. Total revenue recognized for the project during the year and included with other grants was \$49,500 (2014 - \$14,000). Total expenses recognized related to the project were \$53,822 (2014 - \$17,301).

8. Employee Benefits

a) Sick Leave

All employees are credited 1.5 days per month for use as paid absences in the year, due to illness or injury. Under existing employment agreements, employees are allowed to accumulate unused sick day credits each year up to the allowable maximum. Accumulated credits may be used in future years to the extent that the employee's illness or injury exceeds the current year's allocation. The use of accumulated sick days for sick leave compensation ceases on termination of employment and there is no obligation to settle these amounts with cash payments. A liability has not been calculated and no accrual has been recorded in these financial statements based on an analysis which indicated the liability was not significant.

b) Pension Benefits

Employees of the Commission participate in a defined contribution pension plan. The Commission makes contributions amounting to 8.09 percent on that part of the salary on which Canada Pension Plan contributions are made and 9.75 percent on salary when Canada Pension Plan contributions are not required. The employee is not required to match or contribute to the plan. These contributions are paid to a Registered Retirement Savings Plan (RRSP) or Registered Disability Savings Plan (RDSP) as selected by the employee.

During the year, the Commission incurred \$20,957 (2014 - \$12,750) in expenses for contributions to these plans.

c) Retirement Allowance

The Commission provides a retirement allowance to its permanent employees. The amount paid to eligible employees at retirement is equal to one week's pay for every year of service to a maximum of 30 weeks. The benefit costs and liabilities related to the allowance are the responsibility of the Commission but have been assumed by the province. Therefore, no liability has been recognized in these financial statements.

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION

Notes to Financial Statements
March 31, 2015

9. Financial Management

The Commission's risk exposure, as a result of the financial instruments on its statement of financial position at March 31, 2015, is limited to liquidity and credit risk. The Commission's financial instruments are not subject to significant market risk.

Liquidity Risk

Liquidity risk is the risk that the Commission will not be able to meet all its cash outflow obligations as they come due. This risk is mitigated by monitoring the level of financial assets in relation to amounts due and implementing fiscal restraint when necessary.

Credit Risk

The Commission is exposed to credit risk with respect to accounts receivable. The Commission mitigates this risk through a regular monitoring process. The Commission has no impaired accounts receivable at March 31, 2015.

10. Budgeted Figures

Budgeted figures have been provided for comparative purposes and were derived from estimates approved by the Commission.

Prince Edward Island Human Rights Commission

The Prince Edward Island Human Rights Commission is an independent body that investigates, attempts to settle and makes rulings on complaints of discrimination that fall under the Prince Edward Island ***Human Rights Act***

For more information, please contact us

In Person:

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Charlottetown PE C1A 7N8

By Phone:

902-368-4180 or
1-800-237-5031
(toll-free within Prince Edward Island)

By Fax:

902-368-4236

By Email:

contact@peihumanrights.ca

or visit our website:

www.peihumanrights.ca

"It is recognized in Prince Edward Island as a fundamental principle that all persons are equal in dignity and human rights without regard to age, colour, creed, disability, ethnic or national origin, family status, gender expression, gender identity, marital status, political belief, race, religion, sex, sexual orientation or source of income." (preamble to the PEI Human Rights Act)