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Letter of Transmittal

The Honourable Craig Simailak
Minister of Justice
Legislative Assembly
P.O. Box 1200
Iqaluit, NU X0A 0H0

Dear Minister Simailak,

On behalf of the staff and members of the Nunavut Human Rights Tribunal, it is with great pleasure that I present you, the Minister responsible for the administration of the *Nunavut Human Rights Act*, the seventeenth annual report of the Nunavut Human Rights Tribunal for the fiscal year ending March 31st, 2022.

Respectfully submitted by



Jasmine Redfern
Chairperson

Nunavut Human Rights Tribunal
P.O. Box 15
Coral Harbour, NU X0C 0C0

Phone: Toll-Free 1-866-413-6478 / 1-867-925-8447

Fax: Toll-Free 1-888-220-1011

Email: nNunavuthumanrights@gov.nu.ca

www.nhrt.ca

Message from the Chair

Ullukkut, thank you for taking the time to read the 2021-2022 annual report of the Nunavut Human Rights Tribunal. The last year has been filled with many challenges and opportunities for the Nunavut Human Rights Tribunal and I am eager to share them with you as the new Chair.

I would like to thank our outgoing Chair, Maureen Doherty, for her years of service. Maureen sat as our Chair from 2017 to 2021. In her capacity as Chair, she worked hard to connect the Tribunal with adjudicators across the country including representing Nunavut at the Canadian Council of Administrative Tribunals board of directors. Maureen had an unparalleled ability to foster relationships and create a supportive atmosphere. She is sorely missed as a member of the Tribunal and our community.

The ongoing COVID-19 pandemic has created challenges for the Tribunal. The Tribunal has been unable to meet face to face since 2019. The Tribunal has had some struggles adjusting to online platforms particularly with connectivity issues such as limited bandwidth and the learning curve for new online platforms. Half of all members were appointed to the Tribunal during the pandemic. The inability to meet face to face has been a barrier to ensuring adequate

orientation and inclusion or team building. In addition, most members and staff have been personally affected by the virus straining our limited human capacity.

However, these challenges have given us time for reflection on the ways in which the Tribunal operate and explore new ideas. Since 2020, Tribunal members have begun participating in mediation towards the resolution of files. This ensures that community values represented by the Tribunal membership, such as *Inuit Qaujimajatuqangit*, are translated across the lifecycle of a file. This has also been a meaningful opportunity for members to participate in the resolution of files which primarily settle in mediation. The result, we feel, is a more holistic approach to our handling of complaints.

The Tribunal has been engaging with partners across the territory to discuss how to promote human rights, educate the public about filing with the Tribunal, and improve access to justice through improving the Tribunal's operation and process. As a result, the Tribunal has streamlined our screening process to ensure more timely processing of incoming files.

In addition, there have been legal developments that directly affect the jurisdiction and work of the Tribunal. In 2021,

the Supreme Court of Canada released the decision *Northern Regional Health Authority v. Horrocks*, 2021 SCC 42. The decision calls into question the jurisdiction of Human Rights adjudicators where unionized employees are involved. Many of the largest employers in Nunavut including the Government of Nunavut and Mines are unionized workplaces. The Tribunal had to pause our processing of files involving workplace complaints from unionized employees while we engaged in detailed legal research and discussions to incorporate this precedent in our work.

I am proud of the work the Tribunal staff, Tribunal members, as well as our legal counsel and mediator have completed the last year and I am eager to see our continued progress in the years to come.

Nakurmiik.

With warmth and kindness,



Jasmine Redfern
Chair
Nunavut Human Rights Tribunal

The Nunavut Human Rights Tribunal

The Nunavut Human Rights Tribunal (NHRT or Tribunal) is created by the *Nunavut Human Rights Act (Act)* and obtains all its powers from the *Act*. When people believe they have experienced discrimination or harassment at work, in their housing, or when receiving a service, they can file a claim with the NHRT, called a Notification. The Notification must include who they

believe violated their human rights and what information they have that shows this.

The NHRT is a quasi-judicial adjudicative body. This means it functions like a court but is less formal. The members of the NHRT are adjudicators who make decisions with respect to alleged violations of the *Act*. Members do not represent one side or the other. Instead, the Tribunal decides disputes which are presented by the parties.

When the NHRT receives a Notification, it has to decide whether it has the power to deal with it, for example by deciding whether the situation could be

discrimination or harassment (e.g., sometimes it is unfair treatment but is not discrimination or harassment under the *Act*).

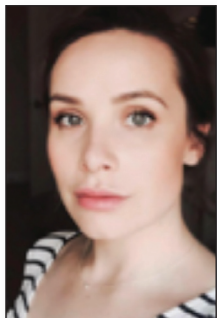
If the NHRT finds that the claim does fall under the *Act*, it can refer the matter for mediation, where the parties talk about the issues in the hopes of reaching an agreement or the Tribunal can hold a hearing. At a hearing, the NHRT will consider information from witnesses as well as documents and decide whether or not the person's human rights have been violated.

Tribunal Members

(2021-2022)

The NHRT consists of six (6) Tribunal members but during the reporting period, there were only four (4). The Tribunal members nominate a member to serve as the NHRT's Chair and another to serve as the Vice-Chair.

NHRT members are selected through a competitive process. Ads are placed in Nunavut-focused print media and on social media inviting interested and qualified Nunavummiut to apply. NHRT members must have an interest in and a sensitivity to human rights and to Inuit culture and values that underlie the Inuit way of life.



Jasmine Redfern
Chair

Jasmine Redfern

Chair

Jasmine Elisapi Redfern graduated with great distinction from the Nunavut Law Program earning a Juris Doctorate from the University of Saskatchewan. During school she earned awards for academic achievement and community involvement including the Brad Berg & Brian Rolfes LGBT Rights Scholarship. Jasmine articulated with Lawson Lundell LLP and the Nunavut Legal Services Board. Appointed to the Nunavut

Human Rights Tribunal in 2017, Jasmine has served as Chair to the Tribunal since 2021.

Jasmine brings over 10 years of experience in social policy and programs with a focus on Indigenous women, youth and 2SLGBTQ+ communities. She currently sits on the board of the Indigenous Peoples Resilience Fund and serves as Vice-President of the National Indigenous Law Student Society as well as Secretary-Treasurer of the Amautiit Inuit Women's Association.

Her past work includes Assistant Director of Social and Cultural Development at Nunavut Tunngavik, Vice-President of the Embrace Life Council, Co-Chair of the Inuit Caucus within the National Aboriginal Council for HIV/AIDS, and founding member of the National Indigenous Young Women's Council.

Jasmine is passionate about fostering safety and dignity for all Nunavummiut through implementation of the *Human Rights Act*. With training in interest-based mediation, Jasmine is committed to empowering parties through alternative dispute resolution and innovative adjudication.



Ookalik Curley
Vice-Chairperson

Ookalik Curley

Vice-Chairperson
(Term current through to December, 2020)

Ms. Curley took on the position of Acting Chair in September 2016, and in September 2017, she became the Vice-Chairperson. Ookalik was born in and continues to live in Iqaluit, Nunavut. She has been with the Government of Nunavut for 11 years now and was an

employee of the Municipality of Iqaluit for over 8 years. She is a graduate of Churchill Vocational Centre and received her Executive Certificate in Conflict Management from Stitt Feld Handy Group and the Faculty of Law, University of Windsor. She has been a member of various non-profit organizations in Iqaluit and is currently a member of Tukisigiavik Society and Labour Standards Board.



Angnakuluk Friesen
Tribunal Member

Angnakuluk Friesen

Tribunal Member
(April, 2019 – December, 2023)

Angnakuluk Friesen is originally from Rankin Inlet and currently works as an articling student with Public Prosecution Service Canada in Iqaluit. Having graduated from the USask College of law in 2021, Angnakuluk enjoys practicing both Human Rights law and Criminal Law. Angnakuluk is a mother, and a spouse. She is also a Nunavut Inuit. Their pronouns are She/They.



Paula Madden
Tribunal Member

Paula C. Madden

Tribunal Member

Paula C. Madden holds a Master of Arts in Canadian Studies and Indigenous Studies. She has spent most of the last seven years living and working in Nunavut. She is the author of *African Nova Scotian-Mi'kmaq Relations*. She has been involved in Human Rights work through scholarship and employment since 2004.

TRIBUNAL STAFF

The NHRT office is located in Coral Harbour. Reporting to the Department of Justice, Tribunal staff includes an Executive Director, a Human Rights Officer, and an Administrative Assistant.



Rosie Tanuyak-Ell
Executive Director

Rosie Tanuyak-Ell Executive Director

Rosie Tanuyak-Ell manages the day-to-day operations of the Tribunal. She ensures all parties are properly informed of the Tribunal process, manages the budget, communications, staff and mediation services. She also ensures there is administrative support to the Tribunal members. Rosie was raised in Chesterfield Inlet and moved to Coral Harbour in 1996. She began working for the GN as the Income Support worker in 1999 and joined the Tribunal staff in March of 2006. She became the Executive Director in 2013.



Cindy Ningeongan
Administrative Assistant

Cindy Ningeongan Administrative Assistant

Cindy Ningeongan has been the NHRT office Administrative Assistant since September of 2014. In her role as the office administrator, she monitors calls, issues invoices to the finance department, orders office supplies and makes travel arrangements. Prior to working with the Tribunal, Cindy worked at the Hamlet of Coral Harbour as a finance officer.



Leo Angootealuk
Human Rights Officer

Leo Angootealuk Human Rights Officer

Leo Angootealuk has been a Human Rights Officer since March of 2006. In his role as the Tribunal's Human Rights Officer, he answers questions from Nunavummiut who are considering filing notifications, explaining the full Tribunal process in English or Inuktitut as needed. He attends trade shows and public events, supporting the public in understanding the Tribunal's purpose and process. Prior to joining the Tribunal,

Leo worked at the Sakku School in Coral Harbour as a student support worker.

Report on Tribunal Activities 2021-2022

INQUIRIES

Tribunal staff answer questions from people in Nunavut who have reason to believe discrimination occurred in one of the areas of activity as defined in the *Nunavut Human Rights Act*. People contact NHRT to learn what steps may be available for them to address the alleged discrimination. These people are known as potential Applicants.

Various organizations, companies, landlords, and government agencies also contact the Tribunal to ensure they are aware of their obligations and responsibilities under the *Nunavut Human Rights Act*. If a person or organization is formally accused by an Applicant of having allegedly engaged in a form of discrimination as described in the *Act* using the Tribunal process, the person or organization must formally respond. They are known as Respondents.

Providing information to both potential Applicants and potential Respondents, the Tribunal works to provide just, fair, and impartial human rights adjudicative services in Nunavut.

The Tribunal specifically tracks the number of inquiries received from potential Applicants each year.

In 2021-2022, there were a total of forty-three (43) inquiries received by telephone and email. This represents an increase in inquiries of one hundred forty-nine (149%) percent over the previous reporting period.

NOTIFICATIONS

After learning about the Tribunal process, some potential Applicants choose to file a Notification which is a formal document detailing the alleged discrimination as per the *Act*.

Table 1 below shows there were twelve (12) new Notifications filed with the Tribunal in this reporting period.

Once a Notification is received, Tribunal staff sends the Notification to the Respondent(s), who then has 60 days to file a formal response. When all parties have submitted their documents, the Chair assigns a Member to the file. The assigned Member reviews the Notification documentation and renders a Decision on whether the file should proceed or be dismissed.

In 2021-2022, there were sixteen (16) Notifications carried over from the prior year. Some were unresolved due to outstanding Replies from Respondents, Requiring a Notification Review Decision or scheduling of mediation proceedings.

Table 2 shows how many of those Decisions were to dismiss, withdraw, or send the Notification to mediation or the Pre-Hearing/Hearing process.

The Tribunal ended the 2021-2022 year with nineteen (19) open Notifications awaiting Replies, Notification Review Decisions, scheduling Mediations or on-hold. When Applicants fill in their Notifications, they are to identify the area of activity where the alleged act of discrimination occurred, as set out in the *Act*. In 2021-2022, 11 of the 12 new notifications alleged discrimination in employment, and 1 alleged discrimination area of tenancy, as illustrated in Table 3 on page 6.

| Table 1: Notifications Received During Reporting Period | | | |
|--|-----------|-----------|-----------|
| | 2021-22 | 2020-21 | 2019-20 |
| Carried over from prior reporting period ending March 31, 2022 | 19 | 16 | 16 |
| Received this reporting period (See Table 3 areas of activity details) | 12 | 11 | 12 |
| Notifications open at end of reporting period | 31 | 27 | 28 |

| Table 2: Decisions Rendered in Reporting Period | | | |
|---|-----------|----------|-----------|
| | 2021-22 | 2020-21 | 2019-20 |
| Notifications proceeding to Mediation | 1 | 2 | 3 |
| Notifications Dismissed/Closed | 7 | 4 | 7 |
| Notifications Discontinued | 2 | 2 | 0 |
| Notifications On-Hold | 0 | 1 | 0 |
| Notifications Withdrawn by Applicant | 0 | 0 | 0 |
| Notifications proceeding to Pre-Hearing/Hearing | 0 | 0 | 10 |
| Total Notification Decisions | 10 | 9 | 10 |

Finally, Applicants identify the grounds of the alleged human rights violation. In many cases, a single Notification may identify more than one category. For example, an Applicant may feel they were discriminated against due to gender and race, checking off two grounds in their Notification. In 2021-20, there were 12 new Notifications filed, but there were 34 grounds identified.

MEDIATION AND PRE-HEARING/HEARING PROCEEDINGS

Historically, most files that are not dismissed in a Notification Review Decision proceed to mediation. NHRT staff assigns a mediator to work with the parties to come to a settlement decision. Only four percent (4%) of cases proceed to the Pre-hearing/Hearing stage, as most cases are settled through mediation.

| Table 3: Alleged Act of Discrimination Occurred in the following Areas of Activity for Notifications Received during Reporting Period | | | |
|--|----------------|----------------|----------------|
| | 2021-22 | 2020-21 | 2019-20 |
| Employment | 12 | 9 | 11 |
| Organizations and Associations | 0 | 0 | 0 |
| Goods, Services, Facilities or Contracts | 0 | 2 | 1 |
| Tenancy | 1 | 0 | 0 |
| Publications | 0 | 0 | 0 |
| Discharge, Suspension and Intimidation | 0 | 0 | 0 |
| Total New Notifications Area of Activity | 13 | 11 | 12 |

| Table 4: New Notifications by Grounds | | | |
|---|----------------|----------------|----------------|
| | 2021-22 | 2020-21 | 2019-20 |
| Race | 4 | 6 | 4 |
| Colour | 4 | 4 | 3 |
| Ancestry | 3 | 3 | 4 |
| Ethnic Origin | 3 | 5 | 4 |
| Citizenship | 1 | 0 | 2 |
| Place of Origin | 3 | 3 | 3 |
| Creed | 0 | 0 | 0 |
| Religion | 1 | 1 | 1 |
| Age | 1 | 0 | 1 |
| Disability | 4 | 4 | 3 |
| Sex | 3 | 2 | 1 |
| Sexual Orientation | 1 | 0 | 2 |
| Gender Identity | 0 | 0 | 0 |
| Gender Expression | 0 | 0 | 0 |
| Marital Status | 1 | 0 | 1 |
| Family Status | 3 | 0 | 2 |
| Pregnancy | 1 | 0 | 0 |
| Lawful Source of Income | 1 | 0 | 2 |
| A conviction for which a pardon has been granted | 0 | 0 | 0 |
| Total Grounds Listed during Reporting Period | 34 | 28 | 32 |

Table 5 shows the Tribunal carried over three (3) mediations from the previous reporting period. Two settlements were reached externally to the Tribunal's process.

One notification that was schedule Pre-Hearing/Hearing has been placed on hold because of Covid-19 restrictions.

COMMUNICATIONS

The Tribunal maintains an up-to-date website at www.nhrt.ca with detailed information on the various processes available to all parties involved in accessing the Tribunal's adjudicative services. We produce brochures, attend trade shows and place advertisements online on Nunavut news-oriented websites.

TRAINING AND CAPACITY BUILDING

Tribunal members bring a wide range of experience and formal training to their role in the Tribunal. To support the ongoing building of capacity, skills and knowledge, Tribunal members attend various national conferences, and Nunavut-focused workshops based on the needs of the current Tribunal members.

No conferences, in-person meetings and training sessions were attended because of COVID-19 or travel/isolation restrictions.

| Table 5: Mediation & Hearing Proceedings During Reporting Period | | | |
|---|----------------|----------------|----------------|
| | 2021-22 | 2020-21 | 2019-20 |
| Mediation Status | | | |
| Mediation Proceedings from prior reporting period ¹ | 3 | 3 | 3 |
| Mediations Directed to Proceed during reporting period | 1 | 2 | 2 |
| Mediations On-hold during reporting period | 3 | 1 | 1 |
| Mediations Pending | 1 | 3 | 2 |
| Mediations Open at end of reporting period ² | 4 | 3 | 5 |
| Settlements Reached external to process | 2 | 1 | 3 |
| Settlements | 0 | 1 | 0 |
| Pre-hearing and Hearing Status | | | |
| Pre-hearings | 1 | 1 | 1 |
| Hearings | 0 | 0 | 0 |

¹ Excludes any Mediations that were settled by end of reporting period.

² Includes all Carry-over and new file at end of reporting period.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the statement of operations, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit 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 Tribunal's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Evaluate the overall presentation, structure and content of the statement of operations, including the disclosures, and whether the statement of operations represents the underlying transactions and events in a manner that achieves fair presentation.


We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

We also provide those charged with governance with a statement that we have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on our independence, and where applicable, related safeguards.

Report on Other Legal and Regulatory Requirements

We further report in accordance with the *Financial Administration Act* of Nunavut that, in our opinion, proper books of account have been kept by the Tribunal, the statement of operations are in agreement therewith and the transactions that have come under our notice have, in all significant respects, been within the statutory powers of the Tribunal.

Iqaluit, Nunavut
July 22, 2022


Chartered Professional Accountants
Lester Landau Accounting Professional Corp.

**NUNAVUT HUMAN RIGHTS TRIBUNAL
STATEMENT OF OPERATIONS
FOR THE YEAR ENDED MARCH 31, 2022**

| | Budget 2022 (Unaudited) | Actual 2022 | Actual 2021 |
|---------------------------|--|------------------------|------------------------|
| REVENUE | | | |
| Government of Nunavut | \$ 812,000 | \$ 812,000 | \$ 812,000 |
| Contributions repayable | - | (159,459) | (149,151) |
| | <u>812,000</u> | <u>652,541</u> | <u>662,849</u> |
| EXPENSES | | | |
| Purchased services | 15,000 | 86,780 | 104,936 |
| Freight | - | 2,937 | 1,458 |
| Honoraria | - | 15,492 | 13,633 |
| Legal counsel fees | 115,000 | 44,325 | 63,955 |
| Fees and payments | 19,000 | 7,260 | 2,807 |
| Other | 20,000 | 1,000 | 1,336 |
| Materials and supplies | 20,000 | 34,656 | 29,449 |
| Professional fees | - | 27,750 | 39,466 |
| Compensation and benefits | 533,000 | 432,116 | 401,882 |
| Training | - | 225 | 3,927 |
| Travel and transportation | 90,000 | - | - |
| | <u>812,000</u> | <u>652,541</u> | <u>662,849</u> |
| EXCESS REVENUE | <u>\$ -</u> | <u>\$ -</u> | <u>\$ -</u> |

NUNAVUT HUMAN RIGHTS TRIBUNAL NOTES TO THE STATEMENT OF OPERATIONS FOR THE YEAR ENDED MARCH 31, 2022

1. NATURE OF THE ORGANIZATION

The Nunavut Human Rights Tribunal operates under the *Human Rights Act* of Nunavut. The purpose of the Tribunal is to adjudicate over human rights issues arising in Nunavut. The Tribunal is a public agency and is tax exempt from income tax. The Tribunal's continued existence is dependent upon the continuing support from the Government of Nunavut.

2. SIGNIFICANT ACCOUNTING POLICIES

The statement of operations have been prepared, on a going concern basis, in accordance with the Financial Administration Manual of the Government of Nunavut and include the following significant accounting policies.

(a) Revenue Recognition

Restricted contributions related to general operations are recognized as revenue in the year in which the related expenses are incurred.

Unrestricted contributions are recognized in the year received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

(b) Use of Estimates

The preparation of the statement of operations in conformity with the basis of accounting disclosed in Note 2 to the statement of operations requires management to make estimates and assumptions based on information available as of the date of the statement of operations. Actual results could differ from those estimates.

(c) Accrual Basis

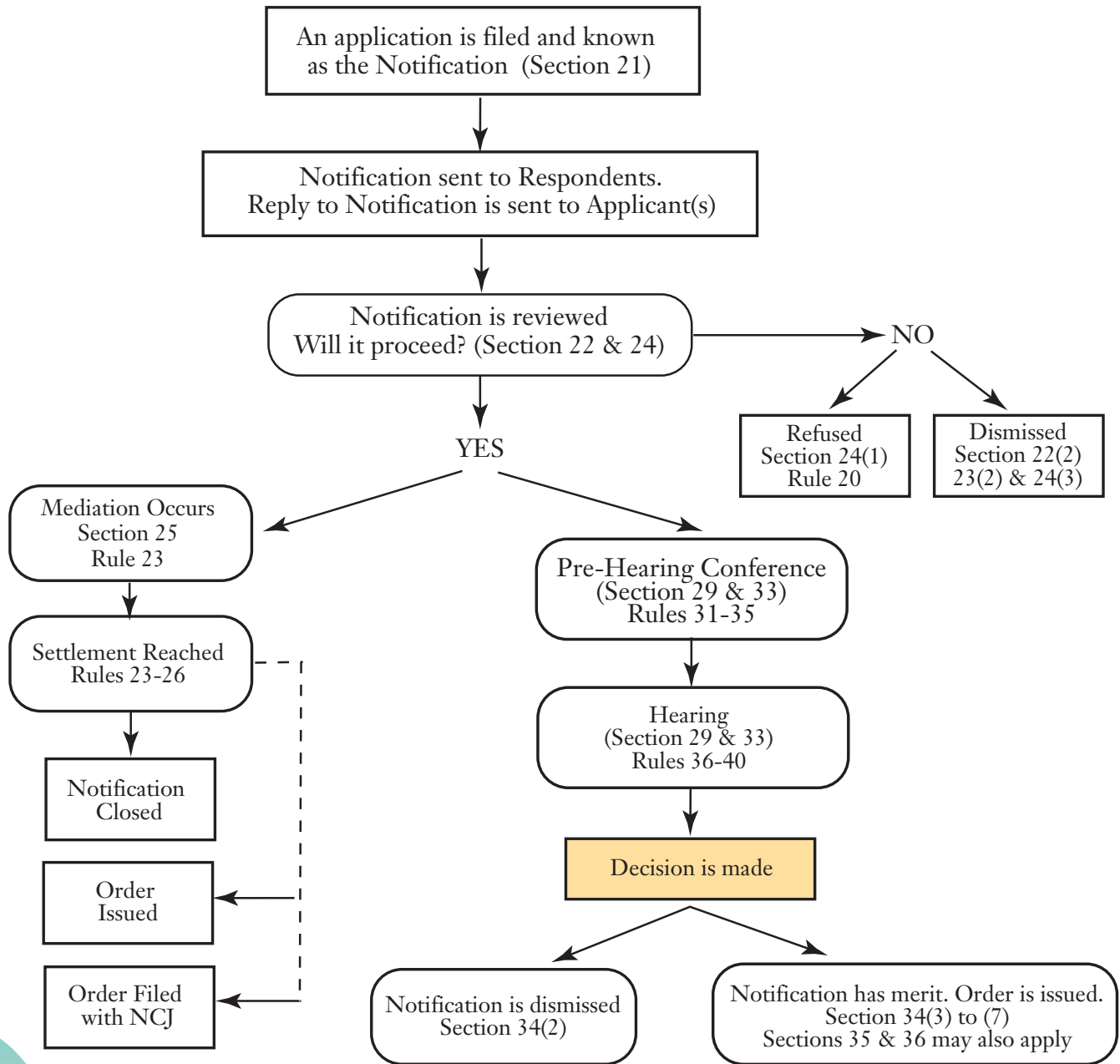
The statement of operations has been prepared on the accrual basis of accounting.

3. COVID-19

The COVID-19 pandemic has developed rapidly during the year and continues to affect businesses in Nunavut and throughout the world. At this stage, the impact on our Tribunal and results has not been significant and based on our experience to date we expect this to remain the case. Consequently, at the time of issuance of this statement of operations, the effect that the unexpected, abrupt decline in economic activity will have on the Tribunal's operations, revenues, and expenses is not yet known.

Appendix A: Notification Process

Nunavut Human Rights Act Notification Process



Notes:

- If a settlement is not fulfilled, an order may be issued by the Tribunal (Section 26).
- Any Party to the Notification can appeal to the Nunavut Court of Justice within 30 days after the service of a Decision or Order of the Tribunal (Section 38).
- Special Remedies under Part 6 can be applied.



P.O. Box 15
Coral Harbour, NU X0C 0C0

📍 1 867 925 8447

☎ 1 866 413 6478

📠 1 888 220 1011

nunavuthumanrights@gov.nu.ca
www.NHRT.ca