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Nunavut Human Rights Tribunal

Nunavunmi Inungnut Pitqutigiyauyunut Ihuaqhaiyiit

Tribunal des droits de la personne du Nunavut

**Annual Report
for the Reporting Period
April 01, 2007 to March 31, 2008**



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Nunavut Human Rights Tribunal
Nunavunmi Inungnut Pitqutigiyauyunut Ihuaqhaiyit
Tribunal des droits de la personne du Nunavut

Letter of Transmittal

June 27th, 2008

The Honourable Paul Okalik
Minister of Justice
Legislative Assembly
PO Box 1200
Iqaluit, NU X0C 0C0

Sir

It is with great pleasure that I present you, the Minister responsible for the Administration of the *Nunavut Human Rights Act*, the third annual report of the Nunavut Human Rights Tribunal for the fiscal year ending March 31st, 2008.

Respectfully submitted by

Errol Fletcher
Chair

PO Box 15
Coral Harbour, NU X0C 0C0

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Message from the Chair

The Nunavut Human Rights Act came into force on November 4th, 2004. The Act established the Tribunal as a direct access human rights model. What follows is our third report for the period commencing April 1st, 2007 and concluding on March 31st, 2008.

The highlight of this reporting period was our second Annual General Meeting, with a full compliment of members. We reviewed our processes, publications and active files. Members left the meeting with a sense of accomplishment and confidence to continue to adjudicate matters that come before us.

The meeting was conducted in our headquarters office located in Coral Harbour. The Tribunal staff are to be praised for a job well done establishing the Tribunal's office presence in Coral Harbour, implementing our system processes and procedures.

Arnaoyok Alooke and Myse If were appointed to the Tribunal in July of 2007. Alookey brings experience and traditional insight to the Tribunal. She has been an advocate of safe environments for children and women for many years.

In addition to years of working as an instructor with the Nunavut Arctic College, bringing a skill set gained as Justice of Peace in Iqaluit to the Tribunal.

It was a challenge for all Members to find the right balance among the demands of our full-time professional commitments, the Tribunal and our personal lives. The Tribunal was at full capacity during the second quarter of this reporting period and has remained at full capacity.

During 2007-2008 the Tribunal conducted one teleconference hearing. One Mediation was held resulting in a settlement.

To reiterate the thoughts of my predecessor, a strategy needs to be considered by the people and

institutions of Nunavut to ensure that everyone in Nunavut is aware of their rights and responsibilities covered under the Nunavut Human Rights Act. Public human rights education and advocacy must become a priority.

Errol Fletcher
Chair



Errol Fletcher is an Instructor at Nunavut Arctic College where he has taught for over 20 years. He has a Masters degree in Sociology and Adult Education. He is very involved in the community being a founding member and volunteer with the Baffin Help Line, an active Rotarian, a Justice of the Peace for Nunavut, a Nunavut member of Corrections Canada Advisory Committee, and a musician.

Our Logo





Figure 1 Tribunal Members & Staff October 2007, Coral Harbour

Left to Right: Imelda Angootealuk, Executive Director Intern; Sue Cooper, Vice-Chair; Rosie Tanuyak-Ell, Human Rights Officer; Leo Angootealuk, Human Rights Officer; Lousie Haulli, Member; Jim Posynick, Legal Counsel; Errol Fletcher, Chair; Marion Love, Executive Director; Arnaoyok Alookey, Member; and Sheriden Barnet, Mediator.

What is the Nunavut Human Rights Act?

The Nunavut Human Rights Act (*The Act*) was passed into law by the Legislative Assembly on November 4th, 2003 to provide all people of Nunavut with the guarantee that they shall have an equal opportunity to enjoy a full and productive life. It places responsibility on Government, all public agencies, boards and commissions and persons in Nunavut to fulfill this guarantee. Failure to provide equal opportunity is subject to the provisions set forth in *The Act*.

Application of *The Act* is to be done within the Inuit Qaujimajatuqangit (IQ) framework. *The Act* does not add or take away protections provided for in the Nunavut Land Claims Agreement.

The Act makes it against the law for any person(s), agency, business or government to unlawfully discriminate against any person in Nunavut.

What does it mean to Discriminate?

To unlawfully discriminate is to deny benefits or impose burdens, obligations or disadvantages on persons or groups of people; who have any one of the characteristics mentioned in s. 7(1) of *The Act*. *The Act* prohibits discrimination in the provision of services, goods or facilities or in the hiring of people or in their employment.

Here are two examples:

- A young woman is not hired for the job because she is pregnant (discrimination on the basis of sex and gender)
- A hotel refuses to provide a room to a single mother with two children. (discrimination on the basis of family status)

The Act does not allow discrimination in certain areas such as:

- while people are looking for work or are at work;
- obtaining or maintaining a membership in an employee's organization;

- accessing goods, services, facilities or contracts that are available to the general public;
- renting or attempting to rent any residential or commercial building; and
- publishing or displaying information or written material.

The Nunavut Human Rights Act prohibits discrimination on seventeen grounds:

- Race, colour, ancestry, ethnic origin, citizenship and place of origin
- Religion and creed
- Age
- Disability
- Sex, and Sexual orientation
- Marital and family status
- Pregnancy, including adoption of a child by a man or woman
- Lawful source of income; and
- A conviction for which a pardon has been granted.



Susan Cooper, Vice-Chair is a practicing lawyer with Chandler & Cooper in Iqaluit. She graduated from the University of Alberta Law School in 1987. She was admitted to the Law Society of Nunavut in 1999 and currently maintains an active membership with the Law Society of Nunavut and is a Director of the Canadian Civil Liberties Association. Susan practices mainly in the areas of criminal law, civil litigation and parliamentary law.

It is unlawful to harass anyone based on any one of the prohibited grounds. Harassment is “unwelcome” conduct.

Through *the Act* a Tribunal was established to administer and make decisions under *The Act*. Initially three individuals were appointed for a four year term. The Chair and Vice Chair were appointed for two years. As of March 31, 2008 the following members Louise Hauilli was a appointed

upon establishment for a four year term; Sue Cooper was reappointed in November 2006 for a four year term and acted as Chair until Errol Fletcher was appointed Chair in July of 2007; Sally Kusugak was appointed in July of 2006 for a four year term. Sadly Mr. Aime Ahegona passed away in June of 2007. Mrs. Arnaoyok Alooke filled his seat in August for a four year term. The Tribunal as March 31, 2008 is at full strength.

What is a Tribunal?

The word “*Tribunal*” is borrowed from a Latin word, *tribunus*, meaning “magistrate” or “head of a tribe”. Tribunals in Canada are *persons or groups of persons* created by legislation to administer laws that are within the authority of the legislative body of a “Government”.

A Tribunal is established according to the legislation and obtains its authority and “power to act” from that legislation. The Nunavut Human Rights Tribunal’s authority and power to act is set out in the Nunavut Human Rights Act.

Tribunals are different from “Boards” and “Agencies” established by legislation because of their “adjudicative” role. To adjudicate is to “judge” or “decide”. Having an adjudicative role also means that decisions must be made in a certain way, i.e. by following legal rules and principles including the Principles of Fundamental Justice.

Because human rights are part of the “supreme law of Canada”, legislation that protects and enforces human rights in provinces and territories is referred to as “quasi-constitutional” law. “Quasi” simply means “as if it were” constitutional law.

The effect of human rights law being “quasi-constitutional” is that it is treated as extremely important law, law that is remedial in nature (law that is intended to correct wrongs rather than punish) and law that will be interpreted liberally so as to achieve its purposes, e.g. the purpose(s) set out in the Preamble to the Human Rights Act.

The Nunavut Human Rights Tribunal is a direct access model unlike its counterparts in other territories and provinces which have commissions. The only other direct access Tribunal is in BC. The direct access model means that the Tribunal makes all the decisions on matters before it. Staff provide information to the public on procedures and assist Applicants in completing Notifications. “Notifications” are documents completed by Applicants which states proceedings before the Tribunal.

The Tribunal is the decision maker at all stages of proceedings defined under *The Act*. Tribunal members are to be independent of their appointers (the Government of Nunavut) and impartial (without favor to anyone) in all proceedings before the Tribunal.

Louise Haulli resides in Igloodik, as a Community Wellness Coordinator with the Hamlet of Igloodik. As an active community member, she has helped organized community wellness programs utilizing Inuit traditional knowledge for elders, young parents and families. She strongly supports Elders in strengthening the community's traditional knowledge and values. Louise volunteers her time by visiting elders at their homes doing household chores.



What do I do if I think my human rights have been violated?

If you think your Human Rights have been violated you should contact the (Nunavut Human Rights Tribunal (NHRT) Office, located in Coral Harbour to request information and an application.

If you can answer YES to all of the following questions, you should consider filing a complaint:

- Did the events occur within the last 2 years? (exceptions can be made)
- Did the event occur within Nunavut?
- Did the event occur while seeking a service other than from a bank, airline, RCMP, a

Federal government department such as Human Resources Canada, Dept of Indian & Northern Affairs?

- Was the denial of a benefit or creation of a burden, obligation or disadvantage related to one or more than one of the 17 grounds listed above?

You should consider getting legal advice and representation from a lawyer or the Nunavut Legal Services Board.

How do I file a Notification?

A Notification form will need to be completed. Forms are available upon request from the Tribunal Office. A Notification is a form or application that must be completed by the person (the Applicant) who says he or she has been discriminated against. The form can be completed orally or in writing. It can be mailed, faxed, or emailed to the Tribunal office in any of four official languages, to the attention of the Tribunal Executive Director. Some questions found in a Notification are;

Who did it?

What happened?

Is it still occurring?

Who else knows about it or saw it?

How were you affected?

What would make it right?

The Notification can also be filed orally. In addition a Notification can be filed on behalf of an Applicant with her or his informed consent. Any documentation that will support the application should be attached to the Notification. Whenever possible, you should seek the services of lawyer. You may also have other persons in your family or community assist you in communicating with our office.

The individual or organization that is named in the Notification as a allegedly committing the act of discrimination is known as the Respondent. All people and/or organization listed in both the Notification and Reply are known as the Parties.

What is a “Human Rights Officer”?

The first person that you speak to in NHRT Office is likely to be a Human Rights Officer. Human Rights Officers are there to help you understand the practices and procedures set out in the Act, how to file Notifications and to make referrals to other agencies if necessary. They will also look after any special needs that Applicants may have, e.g. interpreter services. Anything that is said to a Human Rights Officer or the Director is confidential.

What happens after I file my Notification?

The Tribunal Executive Director will review the Notification to make sure that all necessary information is provided, such as:

- contact information for the applicant and respondent is complete
- the document is signed
- all details of the incident are provided
- requested documentation is translated into the language of the parties' choice



Arnaoyok Alookey was born on the land near Taloyoak in late 40's and remains tied to the land. She is great grandmother. She is an advocate of healthy family relationships. Arnaoyok is the Executive Director of Taloyoak Inuit Women's Group Shelter and is serving on Qullit Status of Women Council, National Aboriginal Health Organization, Midwives Association of Nunavut, Taloyoak Community Wellness Committee and Justice Committee. She co-authored the book *Inuit Dolls: Reminders of a Heritage*.

A copy of the Notification is sent to the person(s) or agency listed as the Respondent in the Notification. The Respondent has the right to reply to a Notification. The Respondent should complete a Reply to Notification form and return it to the Tribunal Office. The Respondent has 30 days to reply. Upon receiving the Reply a copy is forwarded to Applicant.

The Notification and Reply are reviewed by the Tribunal -referred to as the Part 4 Review- to decide whether to continue with proceedings or to dismiss the Notification using the criteria set out in section 23 and 24 of the *Act*:

- the events occurred within the last 2 years;
- a notification filed on behalf of some other person(s);
- whether the complaint should be dealt with under other legislation;
- whether the complaint is very minor, not understandable, silly or made for improper reasons;
- whether complaint is under one of the prohibited grounds;
- whether there is enough evidence of discrimination and no irrefutable defense; and
- whether the applicant was offered a reasonable settlement.

The Tribunal will provide a written decision of the Part 4 Review to both the Applicant and Respondent. The decision will either be to continue with proceedings or to dismiss the Notification.

The Tribunal may then try to settle the Notification using Tribunal members, independent mediators, community elders or other organizations. The Applicant and Respondent are encouraged to enter into mediation to settle the matter. If the matter is settled and a settlement agreement is made, the Notification is finished. However, if either party fails to keep the promises listed in the settlement agreement, it may be filed with the Nunavut Court of Justice and enforced through that Court. If no settlement is reached, the Tribunal will hold a formal, public hearing at which both the Applicant and Respondent may give evidence under oath and call witnesses.

A Tribunal member who has had no contact with the Applicant or Respondent during any of the proceeding process will be assigned to hear the Notification. The hearing process involves the hearing of evidence by affidavit and in-person (under oath) through witness, similar to the process in a court of law. The parties may have legal counsel.

After hearing evidence and the arguments of the Applicant and Respondent, the Tribunal will decide whether the Applicant has been discriminated against and if so, what should be done to correct the situation.

A written decision is made documenting the evidence that was heard and how the law was applied. A final decision may include an Order for a party to compensate the other party, to stop the prohibited conduct, to undertake a system wide program, to apologize or take any other corrective action the Tribunal feels is just. Orders of the Tribunal are enforceable in the Nunavut Court of Justice.

How many Inquiries and Notifications has the Tribunal received in this reporting period?

The Tribunal tracks both inquiries and notifications that come to the attention of the Staff. During the reporting period of April 01, 2007 to March 31, 2008, 10 notifications representing a decrease of 41% and 88 inquiries were received representing an increase of 13% over the previous reporting period.

Details of each follow.

	07-08	06-07	05-06	04-05 ¹	Total	%
Active					25	57%
Application						
Request for Reply	3				3	7%
Part 4 Review	6	9	1		16	36%
Mediation		1	1		2	5%
Request to Withdraw		1	1	1	3	7%
Deferred			1		1	2%
Closed					19	43%
Inactive		1		2	3	7%
Dismissed	1	3	1	2	7	16%
Withdrawn		2	2	1	5	11%
Settled			3	1	4	9%
Total	10	17	10	7	44	

¹ Represents the first 5 months of operation

Table 1 summarizes the status of all Notifications received since November 4, 2004. As of March 31,

2008 the Tribunal rendered decisions to close the files and to take no further action. The primary reason for closing the Notifications is that the Applicant has not communicated with the office regarding any change to the contact information. The Tribunal has changed its Rules of Procedure to deal with absentee Applicants.

The Tribunal has deferred one Notification so that processes external to the Tribunal can be finalized before the Tribunal renders decisions. Examples of such external processes are Union grievances and arbitration or civil action.

Tribunal has conducted no public hearings. Parties agreed to Mediation negating the need to go to a hearing. The Tribunal has had a 100 percent success rate using Mediation.

The Tribunal regained its full membership in the second quarter of the 07-08 fiscal year. File assignment was redistributed among the members easing the load prior to the appointment of the new members.

The greatest challenge facing the Tribunal in processing Notifications is balancing its responsibilities with professional and personal commitments.

During the Annual General Meeting (AGM) members participated in a decision writing seminar. This seminar gave the members the confidence to render several decisions.

Members partially dealt with the back log of Part 4 decisions that had accumulated over the past year. The average time that a Notification has been before the Tribunal is one year four months, as of March 31, 2008; the oldest file being three years old and the most recent being under six weeks. The filing duration time has been decreased by four months in this reporting period.

Once a Part 4 Decision is rendered that next greatest challenge is to schedule Mediation sessions. Often the scheduling spans 3 to 6 months.

zones. However, despite this, feedback that has been obtained from the Parties indicates that the teleconference Mediation sessions have been very productive and satisfying. Using the teleconference mode has not impeded the sessions nor full participation.

Table 2: Filing A Notification

	Active		Closed	
	Days	Years	Days	Years
Files Open	465	1.3	521	1.4
Part 4 Decision	424	1.2	414	1.1

Where are the alleged acts of discrimination occurring?

The Notifications have been filed from across Nunavut. Breakdown by community is not provided to protect identity of both applicants and respondents. Of ten notifications are filed by individuals once they have left Nunavut or are in the process of moving out of Nunavut.

The office has received inquiries from across

Table 3: Alleged Act Occurred Where

	07-08		08-07		06-06		04-05		Total	%	Nunavut
	Count	%	Count	%	Count	%	Count	%			
Baffin	5	50%	11	65%	7	70%	3	43%	26	59%	53%
Kivalliq	5	50%	6	29%	1	10%	3	43%	15	34%	28%
KIKIMEOT	0				2	20%	1	14%	3	7%	18%
Non-Nunavut			1	6%					1	>1%	
Total	10		17		10		7		44		

Canada. The number of inquiries received from Kivalliq may be exceptionally high as residents of Coral Harbour have direct access to the Tribunal. Ten percent (10%) of all inquiries in the 07-08 Fiscal year came directly from Coral Harbour.

Table 4: Where are the Inquiries Coming From?

	07-08		08-07		06-06		04-05		Total	Nunavut
	#	%	#	%	#	%	#	%		
Baffin	29	33%	33	42%	28	42%	26	59%	116	42%
Kivalliq	22	25%	27	35%	26	39%	8	18%	83	30%
KIKIMEOT	5	6%	10	13%	8	12%	5	11%	28	10%
Outside Nunavut	6	7%	3	4%	2	3%	2	5%	13	5%
NOT GIVEN	26	30%	5	6%	2	3%	3	7%	36	13%
Total	88		78		66		44		276	

The majority of the inquirers and applicants have noted that they obtained information about the Tribunal from publications posted in their Hamlet Offices.

² A notification or inquiry can list one or more grounds

What types of discrimination are being filed?

Sixty-six percent (66%) of the grounds recorded for inquiries were either not covered under the legislation or not given. Some examples of grounds not covered are wrongful dismissal, employer-employee relations issues, conduct of the RCMP, conditions of territorial and federal incarceration institutions, and parental access to children. Disability ranked the highest in inquiries but race ranked the highest in Notifications.

Table 5: Grounds³ Listed in Notifications Grounds Listed

	07-08		08-07		06-06		04-05		Total	
	#	%	#	%	#	%	#	%	#	%
Race	4	20%	11	28%	5	22%	3	18%	23	24%
Ethnic	2	10%	7	18%	3	13%	2	12%	14	15%
Disability			6	15%	2	9%	2	12%	10	13%
Ancestry	3	15%	1	3%	4	17%	1	6%	9	9%
Place of Origin	3	15%	3	8%	2	9%	1	6%	9	9%
Colour	2	10%	2	5%	2	9%	1	6%	7	6%
Sex	4	20%	2	5%	2	9%	1	6%	9	6%
Creed			1	3%	1	4%	2	12%	4	5%
Age			2	5%			1	6%	3	4%
Family Status			2	5%	1	4%			3	4%
Lawful Source of Income					1	4%	1	6%	2	3%
Citizenship	1	5%			1	6%			2	1%
Harassment			1	3%					1	1%
Pregnancy			1	3%					1	1%
Religion							1	6%	1	1%
Pardoned Conviction	1	5%								
Sexual Orientation										
Total	20	100%	39	100%	23	100%	17	100%	98	100%

The majority of inquiries are received by phone. Very few inquiries have been received through Canada Post or email. Contact is primarily made with the Tribunal office by phone. To a lesser extent email is used. No inquiries were made via Canada Post nor by fax.

As in previous years race has ranked the highest in Notifications filed. However, there was a marked increase in the grounds based on sex.

Thirty-eight percent (38%) of all inquiries are not covered under *the Act*. Some examples of grounds not covered are wrongful dismissal, loss of employment due to criminal charges being laid; complaints against Government of Canada agencies such as Canada Post. A gain there were inquiries regarding the conduct of the RCMP.

Sex as a grounds of discrimination ranked the highest in this reporting period and double for any previous reporting period.

As in previously reports the majority of the alleged acts took place while seeking work or at work.

Table 6: Grounds Listed in Inquiries

	07-08		08-07		06-06		04-05*		Total	
	#	%	#	%	#	%	#	%	#	%
Total Inquiries	88		78		88		44		278	
Not Covered	42	38%	35	42%	17	22%	8	12%	106	27%
Not Given	19	17%	22	24%	22	28%	4	6%	67	20%
Disability	1	1%	3	3%	8	10%	15	22%	27	11%
Ethnic	5	5%	2	2%	8	10%	10	14%	25	8%
Harassment	8	7%	5	5%	7	9%	5	7%	25	7%
Sex	12	11%	6	7%	7	9%	3	4%	28	7%
Race	6	5%	5	5%	2	3%	6	9%	19	5%
Ancestry	1	1%	2	2%	1	1%	4	6%	8	3%
Family Status	3	3%	3	3%	1	1%	1	1%	8	2%
Pregnancy	4	4%	1	1%	2	3%	1	1%	8	2%
Religion	1	1%	1	1%			0%		3	2%
Age	3	3%	1	1%	2	3%			6	1%
Colour	2	2%			0%		3	4%	5	1%
Lawful Source of Income	1	1%			0%		1	1%	4	1%
Place of Origin	1	1%	1	1%			0%		4	1%
Citizenship	2	2%			0%		0%		3	0%
Creed					0%		1	1%	1	0%
Pardoned Conviction					1	1%			1	0%
Sexual Orientation			1	1%			0%		1	0%
Total**	111	100%	82	100%	78	100%	69	100%	361	100%

Table 7: Notification Alleged Acts Occurred While Activity

	07-08		08-07		06-06		04-05		Total	
	#	%	#	%	#	%	#	%	#	%
Work or Seeking Work	10	100%	14	82%	5	80%	5	86%	36	82%
Membership			1	6%					1	3%
Seeking Services & Goods			2	12%	2	20%	1	14%	5	15%
Tenancy										
Publications										
Filing										
Total	10	100%	17	100%	10	100%	7	100%	44	100%

Table 8: Inquiries Occurred While Inquiry Activity

	07-08		08-07		06-06		04-05*		Total	
	#	%	#	%	#	%	#	%	#	%
Work or Seeking Work	35	41%	45	58%	36	55%	33	75%	150	54%
Membership					1	2%			1	0%
Seeking Services & Goods	8	9%	7	9%	7	11%	3	7%	25	9%
Tenancy	1	1%			2	3%	2	5%	5	2%
Publications			1	1%					1	0%
Filing					1	2%	1	2%	2	1%
Not Given	25	28%							25	9%
Not Covered	18	20%	25	32%	19	28%	5	11%	67	24%
Total Inquiries	88		78	100%	88	100%	44	100%	278	100%

Decisions

During the reporting period the Tribunal conducted one teleconference hearing. The Tribunal issued the following decision:

- that the Applicant's request to submit additional information would be allowed;
- that a report of a related issue would be treated as a separate matter;
- that the Tribunal does not have the jurisdiction or authority to grant the Applicant's application for judgment without a hearing.

The Tribunal has rendered decisions to suspend or close a file because the Applicant has not maintained contact with the Tribunal. The Rules of Procedure of the Tribunal will be revised making the Parties to the Notification accountable for maintaining current contact information with the Tribunal.

In addition the Tribunal has found that many Notifications are lacking the details needed to make decisions. Revisions are being made to the Notification and Reply forms and guides to detail the information required.

Currently decisions of the Tribunal are not published. A website is in development and will provide a venue for publishing decisions in the future.

Other Observations

Since the Tribunal has held one teleconference hearing to date, its business has not had any public exposure. All matters before the Tribunal are confidential unless an oral hearing is scheduled. The hearing proceedings are public and the decisions rendered become a public record.

The lack of face-to-face interaction with parties and the general public has been a challenge. Unless a notification is filed from Coral Harbour no face-to-face contact will be made with any of the parties

while the matter is before the Tribunal. In addition business affairs and administration among Members, legal counsel, mediator and staff is completed by teleconference. The Tribunal has only met three times in a face-to-face gathering since its inception.

Attention has been placed on keeping staff and Members trained. Additional funding was secured to enable the Tribunal to meet face-to-face. Staff traveled to two communities providing information and information packages to organizations, businesses and the general public during the reporting period.

A full page advertisement was placed in the Territorial newspapers unveiling our logo and commemorating International Human Rights Day.



Sally Kusugak Sally grew up in Arviat as a member of a large family. Her parents, Johnny and Rhoda Karetak still reside there with many of their children and grandchildren. Sally received her high school education at Sir John Franklin in Yellowknife. Sally and her husband Lorne live in Rankin Inlet and have 3 daughters. She has been an active member of the Nunavut Legal Services Board, and the Local Divisional Board of Education.

The Tribunal Office experienced a slight increase in inquiries immediately following the running of the advertisement.

Regardless of where the Tribunal office could have been located this issue would still prevail given the small population of each of the Nunavut communities and our geographic size. Aside from Iqaluit, less than 10% of Nunavut's population would have direct access to the Tribunal's services.

Currently, the mandate of the Tribunal does not include public education. Public education and outreach is the responsibility of the Nunavut Legal

Services Board (sec. 49). To date no strategy has been developed to address this issue. Education is the backbone of any human rights code.

Nunavut Legal Services Board (NLSB) currently has a full-time lawyer on staff who deals with legal matters outside criminal and family law. According to the NLSB Human Rights issues comprises at least twenty-five percent of the workload. The poverty law legal counsel has assisted many individuals in filing a Notification. However, services do not extend beyond filing.

Several applicants have related to the Staff that they are unable to secure legal counsel that has the capacity to deal with human rights issues. Many legal counsels are not taking any new clients.

Other Activities

Tribunal Staff participated in the 2007 Canadian Association of Statutory Human Rights Agencies (CASHRA) in Yellowknife, NT. This conference provided staff an opportunity to network with colleagues from across Canada.

Staff have been able to participate in GN sponsored professional development activities during this reporting period

Financial Statement

There is presently no Nunavut Human Rights Tribunal account to be audited independent from that of the Department of Justice, Nunavut. The Office of the Auditor General of Canada (OAG) carries out an annual audit of the Government of Nunavut (GN) financial administration, which currently includes NHRT transactions, because the GN is holding and issuing funds on behalf of the NHRT. This cannot be interpreted as the OAG having audited specifically the Tribunal, or having given an opinion on it.

GN provides support functions to the Tribunal. Such support includes payroll for all NHRT em-

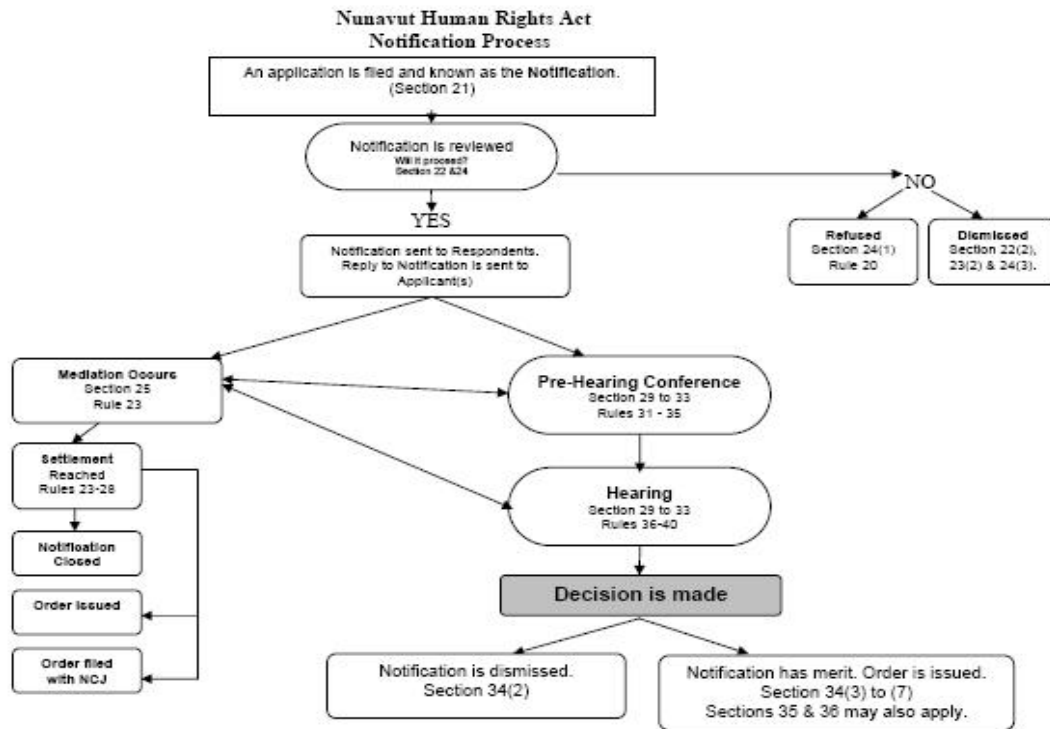
ployees, as well as accounting, human resources, and information technology for the Tribunal head office. GN also provides rent, building maintenance, translation services, and telecommunications in some instances. The cost of these services has not been estimated nor included the financial information.

A summary of the Tribunal operating budget and actual expenses are presented as they appear in the Public Accounts of the GN. Since all banking, accounts payable and receivable functions were handled by the GN, we cannot present a Balance Sheet or Cash Flow Statement specific to the Tribunal.

Description	Main Estimates	Actual as of March 31 2008	Actual as of March 31 2007
Salaries and Benefits	480,000	381,676	391,359
Travel and Transportation	45,000	95,752	26,478
Materials and Supplies	10,000	12,479	10,612
Purchased Services	15,000	22,909	8,713
Contract Services	160,000	24,004	43,188
Fees and Payments	19,000	37,490	5,401
Other Expenses	20,000	9,472	25,564
Total Operations & Maintenance	749,000	583,784	511,334

Appendix

The Notification Process

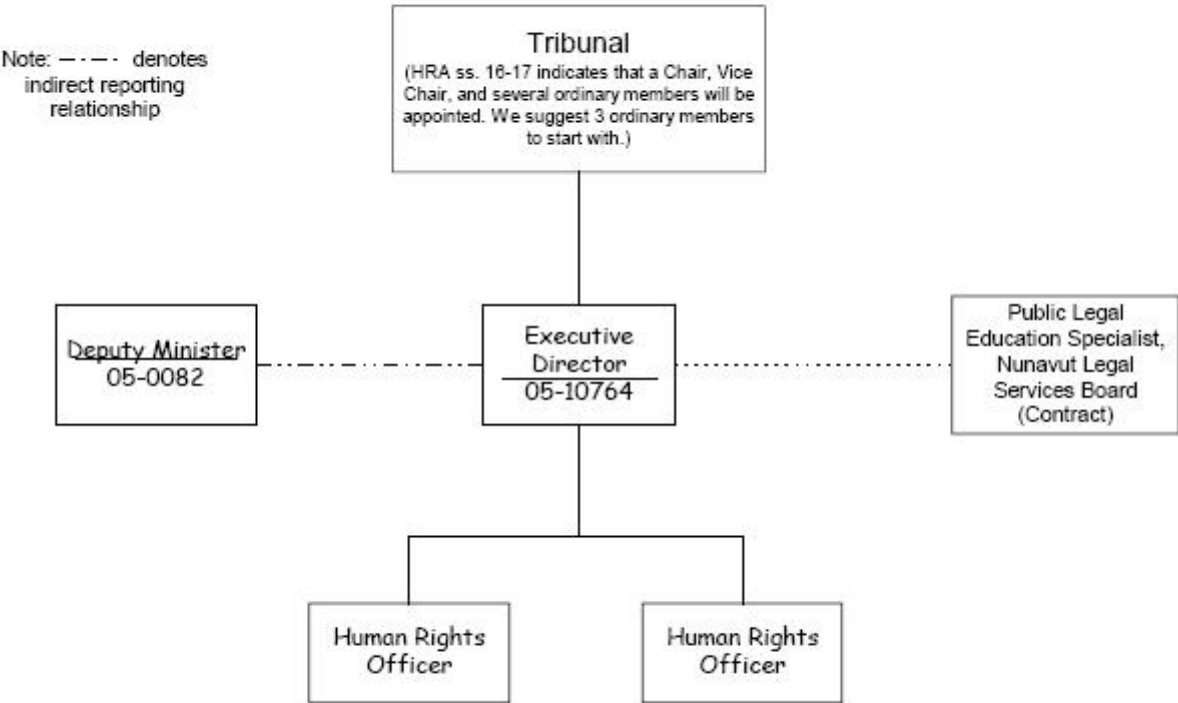


Notes:

- 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.

Appendix 2

Nunavut Human Rights Tribunal
Organizational Chart



Appendix 3:

RULES OF PROCEDURE OF THE NUNAVUT HUMAN RIGHTS TRIBUNAL

Purpose of the Rules

1. The purpose of these Rules is to assist Applicants and Respondents in obtaining just, fair and timely decisions and orders from the Tribunal.
2. These Rules must be followed during the course of proceedings before the Tribunal unless the Tribunal orders or directs otherwise.
3. If a Party fails to follow these Rules, the Tribunal may make any order or decision it considers appropriate in the circumstances including an order for the payment of costs.
4. Where these Rules are in conflict with the *Nunavut Human Rights Act* (the “*Act*”) or the *Regulations*, the *Act* or the *Regulations*, as the case may be, will prevail.

Definitions

5. For the purpose of these Rules:
 - (a) “Accommodation” refers to the adapting of facilities, services and procedures to meet the needs of individuals and groups of individuals;
 - (b) “Applicant” means any person (s) who completes a Notification that is received by the Tribunal.
 - (c) “Mediation” includes any problem solving process other than a hearing, including discussions and negotiations, between an Applicant and Respondent that the Tribunal deems acceptable.
 - (d) “Notice” means mailing by registered mail to the last known address of the Party unless personal service is affected by a Party or the Tribunal.
 - (e) “Notification” means a written record made by or on behalf of an Applicant under s. 21 of the *Act*.
 - (f) “Party” means an Applicant or a Respondent or any other person described in s. 28 of the *Act*.
 - (g) “Record” means documents that the Parties to a hearing agree to present to the Tribunal prior to a Hearing.
 - (h) “Reply” or “Reply to a Notification” means a written record in response to a Notification that is received by the Tribunal.
 - (i) “Respondent” means any person(s) named in a Notification who is alleged to have contravened the *Act*.
 - (j) “Tribunal” means one or more members of the Human Rights Tribunal appointed under s. 16 of the *Act*.

Notifications and Replies

6. An Applicant may complete a Notification and a Respondent may complete a Reply, personally or with the assistance of another person, including a person employed at the Nunavut Human Rights Offices, in writing or orally.
7. Where an Applicant or Respondent is given assistance under Rule 6, the Notification or Reply must contain the following information:
 - (a) a signed and witnessed consent of the Applicant or Respondent; and,
 - (b) the name, address, telephone number and such other contact information as the Tribunal may require of the person giving assistance.
8. The English language, the French language, Inuktitut language or Innuuqutun language may be used to complete a Notification or a Reply and may be used in any other correspondence or communications with the Tribunal.
9. A Notification must be filed with the Tribunal within two (2) years of the last alleged contravention of the *Act*.
10. The Tribunal will effect service of a Notification on the Respondents personally or by registered mail. If registered mail is used, the effective date of service will be the date of delivery appearing on the Canada Post website.

11. A Reply must be filed with the Tribunal within thirty (30) days of service of a Notification upon a Respondent by the Tribunal.
12. An employee of the Tribunal may require any Party to fully complete or clarify the contents of a Notification or Reply before delivering it to the Tribunal.
13. The Tribunal will acknowledge in writing the receipt of Notifications and Replies and will provide Respondents with a copy of an Applicant's completed Notification and Applicants with a copy of a Respondent's completed Reply.
14. If an Applicant fails to respond to communications from the Tribunal or otherwise fails to respond to procedural direction from the Tribunal, the Tribunal may give the Applicant reasonable notice of its intention to dismiss the Notification.
15. If an Applicant or a Respondent fails to respond to any Notice given by the Tribunal which requires a Party to follow a procedural direction within a fixed period of time, the Tribunal may:
 - in the case of an Applicant, dismiss the Notification in accordance with s. 24(3)(a) of the *Act*; or,
 - in the case of a Respondent, fix a date for hearing without further notice to the Respondent.
16. The Tribunal may allow an Applicant or a Respondent to amend a Notification or Reply, or extend or abridge any period of time fixed under these Rules, upon application to the Tribunal.
17. Filed Notifications and Replies will not be disclosed to the public by the Tribunal.

Special Remedies

18. An Applicant shall give notice to the Tribunal of any application to a Judge made under Sections 39 and 40 of the *Act* and shall file with the Tribunal a copy of any judgment, reasons for judgment or Order resulting from such application.

Decisions of the Tribunal

19. The Tribunal will file and serve upon the Parties to a Notification written reasons for all decision made under Part 4 or Part 5 of the *Act*.

Settlement Proceedings

20. The Tribunal may attempt to effect a settlement of the allegations contained in a Notification by using whatever resources and means, including mediation, it deems acceptable.
21. The Parties to a Notification may seek the assistance of such persons to help them effect a settlement as they deem necessary or advisable subject always to the discretion of the Tribunal to exclude persons whose presence during settlement proceedings are neither necessary or appropriate.
22. Parties (and any other persons who participate in settlement proceedings) agree to participate in settlement proceedings relating to allegations contained in a Notification are deemed to have agreed as follows:
 - (a) that the proceedings are private and confidential as between the Parties and the other participants and may not be disclosed to any person who is not a Party to the settlement proceedings nor be used in any other proceedings of any kind arising from a Notification;
 - (b) that they shall make full and complete disclosure of all relevant information, documents and materials, each to the other, that may reasonably be expected to be important to achieving a mutually satisfactory outcome of the settlement proceedings;
 - (c) that an agreement resulting from settlement proceedings initiated by the Tribunal shall be reviewed by the Tribunal;
 - (d) that the Tribunal may require the Parties to consent to an order setting out the terms and conditions of settlement.
23. An order resulting from settlement proceedings may be filed and enforced in the same manner as an order resulting from a hearing.
24. Nothing in this section is intended to prevent Applicants and Respondents from entering into settlement discussions on

their own and making agreements in relation to a Notification. Any agreement so made is subject to Rules 22 (c) and (d) and 23 herein.

25. Where a settlement agreement is made between Parties to a Notification, the Applicant may request in writing that further proceedings before the Tribunal be discontinued subject to the review conducted by the Tribunal under Rule 22.
26. The Tribunal may reject a request to discontinue proceedings in relation to the settlement of a Notification where, in the view of the Tribunal:
 - the settlement agreement does not dispose of all of the allegations contained in the Notification;
 - there are Parties to the Notification who have not settled;
 - the settlement agreement does not address systemic issues arising from the allegations;
 - the settlement agreement is unconscionable.
27. An Applicant may withdraw all or part of a Notification using a form provided by the Tribunal, at any time prior to entering into a settlement agreement with a Respondent.

Pre-hearings

28. The Tribunal may require the Parties to attend a pre-hearing conference for the purpose of facilitating the just, fair and timely resolution of the Notification.
29. Without limiting the generality of Rule 28, the Tribunal may use a pre-hearing conference to:
 - (a) discuss issues relating to the Notification and Reply and the possibility of simplifying or settling all or part of such issues;
 - (b) discuss the content of the Record, if any, that is to be given to the Tribunal before hearing;
 - (c) determine the procedures to be used before and during the hearing, including (but not limited to) the disclosure of documents and witness summaries, the form and manner of giving notices to the Parties and requiring the attendance of witnesses, the need for and type of recording of evidence, any preliminary applications and the date, time and location of the hearing;
 - (d) determine whether any of the Parties require accommodation.
30. The Tribunal may hold pre-hearing conferences via telephone, teleconference, video-conference or in such other manner as the Tribunal may direct.
31. If a Party fails to attend a pre-hearing conference after having received Notice of a Pre-hearing Conference, the Tribunal may proceed to hold the Conference and make decisions or orders in relation to the hearing, in the absence of the non-attending Party.
32. A pre-hearing conference or a hearing may be adjourned by the Tribunal on its own motion or upon application of a Party.
33. Unless the Tribunal decides not to deal with a Notification for any reason, the first pre-hearing conference shall take place within sixty (60) days of the receipt of a Respondent's Reply.

Preliminary Applications

34. Applications to the Tribunal before a hearing shall be made in the following manner:
 - (a) the Applicant shall prepare a Preliminary Application form and deliver it by telecopier or such other agreed upon means to the Executive Director;
 - (d) the Executive Director shall serve a copy of the Preliminary Application on the Parties and make arrangements for the preliminary application to be heard and notify the Parties accordingly.

Hearings

35. Hearings shall be oral unless otherwise directed by the Tribunal and may take place at such places, at such times and in such manner, including via telephone, teleconference or videoconference, as the Tribunal may order or direct, on Notice to the Parties.

36. Where a Party fails to attend a hearing for which Notice was given, the Tribunal may proceed with the hearing in the absence of the Party and make decisions and orders based on the evidence adduced at the hearing.
37. Hearings may be attended by the public unless the Tribunal, on its own motion, or upon application by a Party, decides that members of the public are to be excluded for all or part of a hearing.
38. Hearings will not be recorded unless the Tribunal so directs or unless a Party makes acceptable arrangements at its own cost for a recording and transcription of the proceedings and provides the Tribunal and the other Parties to the hearing with a copy thereof.
39. The Tribunal at or before the hearing may decide how the hearing will be conducted and, without limiting the generality of the foregoing, may require the Parties to file and exchange written briefs and legal authorities prior to the hearing, summon any person as a witness, require any person to produce documents, records or things and administer oaths and affirmations.
40. The Tribunal may give such directions and orders to the Parties and to members of the public who are in attendance at hearings as it deems necessary to facilitate the orderly conduct of proceedings.
41. Unless the Tribunal decides not to deal with a Notification for any reason, a Hearing shall take place within ninety (90) days of the first pre-hearing conference.

Decisions and Orders of the Tribunal

42. A decision or order of the Tribunal is effective the date on which it is made unless otherwise specified by the Tribunal.
43. The Tribunal may issue decisions and orders signed in counterparts by the Members of the Tribunal.
44. A Human Rights Officer or the Executive Director of the Tribunal may, under their signatures, certify that copies of original documents issued by the Tribunal are true copies and such copies may be filed and used in proceedings before the Tribunal as if they were the original documents.
45. Technical or typographical errors in a written decision or order of the Tribunal may be amended by the Tribunal on its own motion or upon application of a Party.

Service of Documents

46. Unless specifically provided otherwise in these Rules, any notice required to be given or any document required to be served by the Tribunal or a Party may be given or served personally, by registered mail, by Email or by telecopier.
47. Notwithstanding Rule 46, a Human Rights Officer or the Executive Director may, to expedite proceedings, give oral notice of proceedings to a Party via telephone.
48. A Party who is required by the Tribunal to give proof of service must do so under oath.

Inuit Culture and Values

49. Where applicable, these Rules shall be interpreted in a manner that recognizes and makes special provision for Inuit culture and values that underlie the Inuit way of life.

Appendix 4:

Various publications are available upon request. All publications are available in Inuktitut, English, French and Inuinnaqtun. Then Nunavut Human Rights Act is available in 3 languages.

Nunavut Human Rights Act
Nunavut Human Rights General Information
The Application Process
Rules of Procedure

Contact our Office

By Phone

Toll Free 1-866-413-6478
1-867-925-8447

By Fax

1-867-925-8453

By Email

Nunavuthumanrights@gov.nu.ca

By Mail

Nunavut Human Rights Tribunal
PO Box 15
Coral Harbour, NU X0C 0C0