

# Annual Report

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## THE NEWFOUNDLAND HUMAN RIGHTS COMMISSION

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HONOURABLE G. R. OTTENHEIMER  
MINISTER  
DEPARTMENT OF JUSTICE

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# 1983

NEWFOUNDLAND  
HUMAN RIGHTS COMMISSION

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MINISTER RESPONSIBLE FOR HUMAN RIGHTS:

Honourable G. R. Ottenheimer  
Minister of Justice

COMMISSIONERS:

Abe Schwartz, Chairman  
Grand Falls

Dr. Cyril Poole  
Corner Brook

Beatrice Watts  
North West River, Labrador

Irene McGinn  
Glovertown

Herbert Buckingham  
St. John's

STAFF:

Fred Coates, Executive Director  
Gladys Courage, Human Rights Officer  
Gloria Murphy, Secretary

COMMISSION MEETINGS FOR 1983

1. January 27, 1983 - Public Meeting, Gander

The Commission received a brief from the Canadian Association for the Mentally Retarded, Newfoundland and Labrador Division, presented by Mr. Frank Fagan, President.

2. March 4, 1983, St. John's
3. May 17, 1983, Happy Valley - Public Meeting
4. July 7, 1983, St. John's
5. September 1, 1983, Corner Brook
6. November 2, 1983, St. John's
7. December 6, 1983, St. John's

ACTIVITIES FOR INTERNATIONAL HUMAN RIGHTS DAY, DECEMBER 10,  
MARKING THE 35th ANNIVERSARY

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- Notices were published in major papers in Newfoundland recognizing the 35th anniversary.
- Letters were sent to all town councils requesting their support for human rights. Several town councils responded in writing to state that their council joined with other groups around the world to reaffirm their faith in human rights.
- Letters were sent to Church leaders in the Province.
- Letters were sent to all school boards in the Province.
- Premier Brian Peckford signed a Proclamation declaring December 10, 1983 as Human Rights Day.

## EDUCATION AND AWARENESS

The Commission received numerous invitations from community groups for a representative to address their group on the Newfoundland Human Rights Code. Some of the invitations accepted include:-

- Women's Institute, Gander, January 10, 1983
- Women's Institute, Carbonear, January 17, 1983
- Training for Tomorrow, St. John's, February 2, 1983
- St. Clare's Hospital Teleconference, February 10, 1983
- NTA and Labrador West Integrated School Board - four workshops, February 24 and 25, 1983
- Women's Network, St. John's, March 8, 1983
- Wesley United Church Men's Service Group, March 16, 1983
- Career Exploration for Women, St. John's, March 9, 1983
- English as Second Language Group, St. John's, March 9, 1983
- Public Service Commission, April 15, 1983
- Conference on Immigrant Women, St. John's, April 27, 1983
- Career Exploration for Women, Bell Island, May 5, 1983
- Training for Tomorrow, St. John's, May 9, 1983
- Training for Tomorrow, St. John's, September 27, 1983
- MUN Extension and Human Rights Association's Community Legal Education Workshop, November 1, 1983
- Holy Heart High School, St. John's, five classes, November 3 and 4, 1983
- BJRT, St. John's, December 6, 1983
- Citizenship Court, December 9, 1983
- Masonic Lodge, November 1983

CONTINUED . . .

EDUCATION AND AWARENESS (Con't)

Several students in different fields of study visited the office during the year for assistance and material for their various projects. The topics of interest were mainly sexual harassment, affirmative action and women in employment.

Pamphlets and office consolidated copies of the Code have been widely distributed to schools, employers, and other interested individuals and groups.

## MEETINGS

Members of the Commission:-

- Attended one meeting of the Canadian Association of Statutory Human Rights Agencies (CASHRA)
- Attended two meetings of Federal-Provincial-Territorial Committee of Officials Responsible for Human Rights
- Served on three subcommittees formed to find a common interpretation of:-
  - a) International Human Rights Covenants
  - b) International Covenants on the Disabled Person
  - c) International Covenants for the Elimination of All Forms of Discrimination Against Women
- Attended Federal-Provincial-Territorial Meeting of Ministers Responsible for Human Rights

AMENDMENTS TO THE NEWFOUNDLAND HUMAN RIGHTS CODE

The Newfoundland Human Rights Code has been amended to prohibit harassment of an occupant of a commercial unit or dwelling unit, of a person in the workplace and of a person in an establishment because of race, religion, religious creed, sex, marital status, physical disability, political opinion, colour or ethnic, national or social origin of that person.

The amendment also prohibits any person who is in a position of power or authority over another from making a sexual solicitation or advance where the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

The amendment provides for the Newfoundland Human Rights Commission to approve "affirmative action programs" and that when approved such programs would not constitute a violation of the Code. The Act states that on the application of any person the Commission may approve programs designed to prevent, reduce or eliminate disadvantages respecting services, facilities, accommodations or employment that may be or are suffered by any group of individuals where those disadvantages would be, or are based on or related to the race, religion, religious creed, sex, marital status, physical disability, political opinion, colour, ethnic, national or social origin of members of that group.

## DECISIONS AND CASES

### Boards of Inquiry

When no settlement is effected in a complaint the chairman may recommend to the Minister of Justice that he appoint a board of inquiry.

A board of inquiry hears evidence from both the complainant and the respondent and forwards recommendations for settlement to the Minister based upon evidence heard as it pertains to the Newfoundland Human Rights Code.

An order of the Minister can be appealed by either party to a judge of the Supreme Court of Newfoundland.

#### 1. Sharon Curtis Against Coastal Shipping

Miss Curtis filed a complaint of sex discrimination when she was denied employment as an oiler with Coastal Shipping. The investigation supported Miss Curtis' allegation.

The Manager of Coastal Shipping went to Miss Curtis' apartment, stating he needed an oiler immediately. He expressed concern when he discovered the applicant was a female. He had thought the name on the application was Shawn Curtis. The Manager admitted that the complainant was the better qualified of the two applicants, but stated that the ship was not equipped for female employees.

The Manager's efforts to find alternate employment for the complainant during attempted settlement were unsuccessful. The Minister appointed a board of inquiry to hear the complaint. The hearing took place in the Commission boardroom on November 2, 1983. The decision and order is pending.

#### 2. Marie Furlong-Bass Against the Deer Lake Integrated School Board

Mrs. Furlong-Bass filed a complaint with the Commission against the Deer Lake Integrated School Board alleging sex discrimination in employment. She had applied for a position as guidance counsellor at Elwood Regional High School, and while qualified and experienced, was denied an interview. She reports that although the school is co-educational there are no permanent female teachers on staff and there has not been for approximately ten years. She felt that the school board did not wish to employ females in that particular school, and filed a complaint with the Commission

The Minister appointed a board of inquiry. The board adjourned on October 27, 1983 to determine jurisdiction of the Commission to hear the complaint. Their decision is pending.

FROM OUR CASE FILES

Conciliation in two cases of sexual harassment:

A young woman, who was fired from her job after refusing to share a room with her employer during a business trip, filed a complaint with the Commission alleging sexual harassment. The complainant contacted other employees and ex-employees to determine if they had encountered similar experiences. As a result, the Commission received a second complaint against the same employer. This complainant states she resigned from her job when she felt unable to cope with the advances of her employer. Derogatory comments were then reported to have been made in the community by the employer about the complainant.

The investigator showed that the two complainants had reasonable grounds for their allegations.

As a result of conciliation efforts, the respondent paid one complainant the sum of \$1500 and published a notice in local papers apologizing to the second complainant.

Discrimination in pay complaint dismissed:

A lady, employed as a cook in a local establishment, filed a complaint with the Commission alleging discrimination in pay when she learned that male co-workers were paid higher wages. The lady believed that she had more seniority than the two male cooks who were receiving higher pay.

The investigation showed that while the lady was the first of the three cooks to commence employment with the establishment, she did indeed have less seniority and experience. There were a number of years when the lady had worked only a few months. Her employment had been on a full-time basis only the last four of the 20 years in question. She had received regular raises and promotions with the establishment as experienced cooks and had worked on a full-time basis since being hired about 10 years ago.

The complaint was dismissed.

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Complaint of Discrimination in Provision of Service  
Because of Marital Status Settled:

A lady filed a complaint with the Commission after a business would no longer honour her credit card. She was advised that her husband, from whom she is separated, had asked that the card be cancelled. The card had been issued to "Mrs." and the complainant was still receiving bills for the outstanding balance.

The investigation showed that a joint application had been made by the complainant and her husband for the card. The manager agreed that the complainant would receive no more bills for the outstanding balance and invited her to complete an application to determine her eligibility for credit.

Sexual Harassment Complaint Substantiated and Settled:

A young woman was brought to the Commission office by her mother when she repeatedly became ill after her employer called her to return to work. She had been laid off on a temporary basis. A complaint of sexual harassment was filed with the Commission.

The girl commenced employment with the respondent after completing high school. The alleged fatherly affection for the girl turned into the sexual advances. The last encounter was reported to have entailed some force with the complainant receiving bruises.

The complainant did not want any publicity because of concern and affection she felt for the respondent's family. She requested that the respondent refrain from contacting her. He agreed with her request and the complaint was settled. The respondent's offer of employment in an environment free from sexual harassment was refused by the complainant.

Discrimination in services on the Basis of Physical  
Disability Complaint Dismissed:

A gentleman filed a complaint with the Commission after a theatre attendant asked to remove his wheelchair from the aisle until the end of the movie. He had been informed that the theatre could only accommodate the wheelchair at the back of the theatre. This location was unacceptable to the complainant as he was attending the movie with friends and wished to sit with them.

The investigation showed that the request to move the wheelchair was to comply with fire regulations. The complaint was dismissed.

FEMALE COMPLAINTS - 1983

Section 9 Employment

1. Sexual harassment - 4 complaints  
3 settled, 1 dismissed
2. Sex discrimination - 5 complaints  
1 inquiry - order in favour of complainant  
1 inquiry pending  
2 closed (without settlement)  
1 dismissed
3. Religion - 1 complaint  
1 dismissed
4. Ethnic Background - 1 complaint  
1 dismissed

Section 7 - Services

1. Marital Status - 4 settled
2. Physical Disability - 1 dismissed

Section 8 - Dwelling Unit

1. Marital Status - settled

Section 10 - Pay Discrimination

1. Sex - dismissed

TOTAL: 18 Complaints

NOTE:

Only complaints that require an investigator to go to the site to investigate are recorded. Complaints by telephone or by letter that are outside the legislation are not recorded. Also, complaints that are referred to other departments or agencies are not recorded.

MALE COMPLAINTS - 1983

Section 7 - Services

1. Marital Status - 1 complaint, dismissed
2. Physical Disability - 1 dismissed, 1 settled

Section 9 - Employment

1. Marital Status - 3 complaints, 2 settled, 1 dismissed
2. Race - 1 complaint, referred to Canadian Commission
3. Religion - 1 complaint, dismissed
4. Physical Disability - 2 complaints, 1 withdrawn, 1 dismissed
5. Social Origin - 1 complaint, settled
6. Age - 1 complaint, dismissed

TOTAL: 12 Complaints

NOTE:

Only complaints that require an investigator to go to the site to investigate are recorded. Complaints by telephone or by letter that are outside the legislation are not recorded. Also, complaints that are referred to other departments or agencies are not recorded.

