

Annual Report

THE NEWFOUNDLAND HUMAN RIGHTS COMMISSION

1991

TABLE OF CONTENTS

1.	Commission Members.....	2
2.	Executive Director's Remarks	5
3.	Human Rights – Issues of Interest	7
	- Sexual Harassment in the Workplace	
	- Policy on Aids	
	- Special Programs	
4.	Activities of the Human Rights Commission.....	11
	- Commission Meetings	
	- International Human Rights Day	
	- National Access Awareness Week	
5.	Statistics	15
	- Complaints Investigated 1991	
	- Total Files 1991	
	- Boards of Inquiry Pending	
	- Appeals Pending	
6.	From Our Files.....	21
	- Examples of Settled Complaints	
	- Examples of Dismissed Complaints	
	- Examples of Ongoing Complaints	
7.	Resource Library and Publications.....	27
8.	Staff	29

COMMISSION MEMBERS

The Newfoundland Human Rights Commission consists of seven members. They were appointed on July 6, 1989 by the Lieutenant-Governor in Council for terms of three, four and five years.



EVE ROBERTS, Chairperson

Eve Roberts, Q.C., is a partner with the law firm of Halley, Hunt in St. John's. She was called to the Bar of Alberta in 1965, and the Newfoundland Bar in 1981. Mrs. Roberts became a Queen's Counsel in 1989. She is a member of the Law Societies of Alberta and Newfoundland and the Canadian Bar Association. She is also contributing editor, Carswell's Practice Cases. Mrs. Roberts was a Director of Women's Legal Education and Action Fund (LEAF) from 1985 to 1987 and Chairperson of Leaf Newfoundland and Labrador from 1987 to 1989. Mrs. Roberts was a Director of Lieutenant-Governor's Family Life Institute; a member of Terra Nova Chamber Players since 1985; and a member of St. John's YM-YWCA from 1986 to 1990. She is also a member of the Women's Network, as well as a member of Planned Parenthood. Her appointment is for a five-year term.



E. JANE HOUSE, Vice-Chairperson

Jane Howse has a Bachelor of Arts (Psychology), a Master of Education in Educational Psychology, Guidance and Counselling from Memorial University of Newfoundland and a Master of Education (Deaf Education) from the University of Moncton. Ms. House is currently employed as a teacher at the Newfoundland School for the Deaf. Previously she was a guidance counsellor and social science instructor at the St. John's General Hospital School of Nursing. Ms. House is involved in various professional and voluntary organizations including the Newfoundland Teachers' Association, the Newfoundland and Labrador Council of Educators of the Deaf, and the Association of Canadian Educators of the Hearing Impaired in which she has served a term as Regional Director from Newfoundland. She was also a founding member and served on the executive of the Newfoundland and Labrador Physically Handicapped Association and the Newfoundland Wheelchair Sports Association. Ms. House is Past Chairperson and President of the Canadian Paraplegic Association, Newfoundland and Labrador, Inc. and is presently coordinator of a youth program at her church. Ms. House was appointed for a four-year term.



LINDA COLES

Linda Coles is currently working, as a supervisor of teacher interns, in the Student Teaching Division at Memorial University. Ms. Coles holds a B.A. (Ed.), a B.A. and a Masters degree in Education from Memorial University of Newfoundland. She has also attended summer schools at Laval University in Quebec and Oxford University in England. Ms. Coles has served on a number of committees and working groups with the Department of Education and the Newfoundland Teachers' Association, including the NTA Collective Bargaining Committee, Curriculum Committees, Education Week Committees, MUN-NTA Liaison Committee and various executive positions with Primary and Elementary Teachers' Councils and the St. John's Branch of the NTA. For the past three years she has been a member of the Communications and Publications Centennial Committee for the NTA and prior to that was the Provincial President of the Elementary Teachers' Special Interest Council. Ms. Coles has written and edited various publications and documents to be used for educational purposes including the script for the APEN Centennial Video for the Association of Professional Engineers, "Tickles the Clown and Susie's Visit to the Janeway" and "The Role of Play in Child Development." Ms. Coles has been appointed for a four-year term.



ROBERT J. MERCER

Robert J. Mercer is a graduate of St. Joseph's High School and St. Michael's College in St. George's, Newfoundland. He is also a graduate of General Motors Manpower Training Program and the Industrial Acceptance Corporation Financial Planning Program. Mr. Mercer is the owner, president and general manager of Bob Mercer Motors Limited in Corner Brook. He is also a member of General Motors Grand Sales Masters Club; West Coast Interfaith Social Welfare Council; Royal Canadian Legion Branch #38; Knights of Columbus; and the Canadian Progress Club. Mr. Mercer has been appointed for a five-year term.



LORRAINE EDWARDS

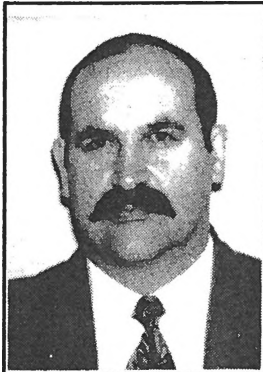
Lorraine Edwards resides in Lewisporte and is actively involved in community activities and associations, particularly those which provide assistance to persons with physical or mental disabilities. She is President of the Notre Dame Association for Community Living; past Chairperson of the Local Service District Committee of Stanhope; member of the Integration Committee for the 1990 Winter Games; member of Reye's Syndrome Foundation; and member of Blissymbolics Association of Newfoundland and Labrador. Mrs. Edwards has a diploma from Lethbridge Community College in Program Designing for Children who are Handicapped. Presently Mrs. Edwards is employed as Business Manager of L & J Edwards, Plastering & Painting Co. Ltd. Mrs. Edwards has been appointed for a four-year term.



BERT RIGGS

A native of Grand Bank, Bert Riggs is a graduate of Memorial University of Newfoundland with a Bachelor of Arts (Honours) and Bachelor of Education. In 1988 he completed an archivist training program at the National Archives of Canada and is presently employed as Archivist with the Centre for Newfoundland Studies at Memorial University of Newfoundland. He has been actively involved with the Newfoundland-Labrador Human Rights Association, a volunteer-based education and advocacy organization, since 1980, and served for a number of years on the Board of the Canadian Rights and Liberties Federation. He is Secretary-Treasurer of the Working Group on Child Sexual Abuse, a

Board Member of the St. John's Folk Arts Council and Past President of the Association of Newfoundland and Labrador Archivists. He was appointed for a three-year term.



CALVIN PATEY

Calvin Patey holds a Master in Education degree from Memorial University and is currently employed as Assistant Superintendent with the Labrador East Integrated School Board. He is a former member of the Newfoundland Teachers' Association and received the Association's Barnes Award for Professional Development in 1989. He is a past member and chair of the Melville Public Library Board; a co-ordinator of the Labrador Arts Festival; regional co-ordinator of Children's Book Week and the National Book Festival; and chair of the Happy Valley/Goose Bay Arts Council. Mr. Patey has been appointed for a three-year term.



Gladys Vivian

EXECUTIVE DIRECTOR'S REMARK

It is with pleasure I present to you the 1991 Annual Report of the Human Rights Commission. The intent of the report is to create a greater awareness of the role of the Human Rights Commission and to promote respect and compliance with The Human Rights Code, 1988.

We welcome to the staff of the Human Rights Commission Yvonne Penney who replaces John Van Gulick as Human Rights Investigator/Education Officer and Denise Browne, Human Rights Assistant, who came to the Commission through Government's Program for People with Disabilities. We are delighted to have both of these people join our staff.

Wendy Williams resigned her position as Commissioner in 1991 due to other work commitments with the Provincial Advisory Council on the Status of Women and the St. John's City Council. We regret the loss of Wendy as a Commissioner and extend to her best wishes.

In 1991 the Commission accepted for investigation ninety-five allegations of violation of The Human Rights Code, 1988. This is more than double the formal complaints accepted in 1986, the first year our Annual Report was released to the general public. The number of formal complaints accepted in 1986 was forty-six. In addition to investigating complaints, the staff of the Human Rights Commission endeavors to encourage compliance with the legislation through educational presentations and seminars. The demand for our services in this area has also increased considerably. While the workload at the Commission is continually increasing the number of personnel has not increased to keep pace with the demand for our services. We will continue to ask the Government of Newfoundland and Labrador, through the Minister responsible for Human Rights, the Minister of Justice, to approve additional positions for the Human Rights Commission.

I would like to take this opportunity to thank our Commissioners and staff for their commitment and hard work in 1991. We look forward to the new year.

HUMAN RIGHTS

ISSUES OF INTEREST

SEXUAL HARASSMENT IN THE WORKPLACE

Sexual harassment on the job is a serious problem. It is also against the law and the courts are saying that employers are responsible should sexual harassment occur. The landmark ruling establishing employer liability in matters of sexual harassment was handed down in the case of Bonnie Robichaud and The Canadian Human Rights Commission v. Her Majesty The Queen. As Represented By The Treasury Board. In that case, Mr. Justice La Forest of the Supreme Court of Canada ruled "...that the statute (Canadian Human Rights Act) contemplates the imposition of liability on employers for all acts of their employees 'in the course of employment'...". Thus, it is in the best interest of all concerned for employers to have a strong visible policy prohibiting sexual harassment.

While there is no universally accepted definition of sexual harassment, in a general sense it is any objectionable emphasis on the sex of an individual. Some types of behavior which have been held to constitute sexual harassment include sexually suggestive gestures; sexist jokes causing embarrassment; repeated offensive sexual flirtations, advances, propositions; the display of sexually offensive materials and derogatory or degrading remarks directed towards members of one sex. The workplace environment is further tarnished when submission to such conduct becomes explicitly or implicitly a term or condition of employment; or when submission to or rejection of such conduct is used as a basis for employment decisions.

When sexual harassment occurs in the workplace there are costs involved for all parties. The costs for the company include decreased productivity; higher staff turnover rate; tainted corporate image; lawsuits; complaints to the Human Rights Commission and compensation to victims. Costs for the victim include increased sick leave; reduced career aspirations and motivation; unfair performance standards; deteriorating work habits; and transfer or dismissal. The costs for the harasser include disciplinary action (possibly dismissal); cash award to victim; legal costs; public embarrassment; decreased employment opportunities; and family strife. Because of the serious consequences for all involved parties, sexual harassment is not a topic that should be ignored or raised after a problem arises. Prevention through policy and education is the safest approach.

Employers should know that if one of their employees harasses another person in their establishment, they (the employer) may be held accountable and can be named as a party to a complaint under The Human Rights Code, 1988. To prevent this from happening, employers could implement a policy defining sexual harassment and the consequences for violating the policy. This policy should be distributed to all staff and posted on employee bulletin boards. Discuss sexual harassment in management and supervisory training sessions making sure that personnel are aware of the repercussions of sexual harassment. In orientation sessions with new employees, employers should deal with the issue of sexual harassment and make it known that any complaint will be taken seriously. It is important that employers also ensure that parties to complaints of sexual harassment are protected from reprisals.

On the other hand, employees should make it clear to the harasser that the conduct is unwelcome and unacceptable; they should document each case of sexual harassment noting details including date, place and witnesses, if present. Report all cases of sexual harassment to a person of authority. Remember, employees do not have to leave their job because of sexual harassment. Report the case to the Human Rights Commission and obtain advice on the proper action to take. Such action might involve filing a complaint with the Human Rights Commission who will carry out an investigation and endeavor to effect a settlement between the parties. Where a settlement is reached, no further action will be taken unless either party breaches the terms of the settlement. However, where a settlement cannot be reached, the Executive Director will report on the case to the Commission which will, in turn, decide whether or not to refer the matter to a Board of Inquiry. Essentially, a Board of Inquiry is a quasi legal procedure whereby both parties present their case to an independent adjudicator who determines if the Code has been violated. While the decision of the adjudicator is binding on all parties, it can be appealed to the Supreme Court of Newfoundland, Trial Division.

Ignoring the issue of sexual harassment will not make it go away. When we confront and discuss the issue, changes can take place. The problem will not disappear, however, until everyone learns to separate sexuality and work, and to view sexuality not as a symbol of power but as a special form of communication and intimacy.

POLICY ON AIDS

1. The Human Rights Commission will accept for investigation complaints that allege discrimination.
 - a) as a result of infection with the Human Immunodeficiency Virus (HIV);
 - b) due to membership in a high risk group; and
 - c) where the discrimination alleged results from association with a person who suffers from the HIV infection;

These complaints will be investigated under the heading of Physical Disability.

2. The Human Rights Commission will consider being HIV infection free a bona fide occupational qualification (BFOQ) where an individual assessment has determined that no other arrangement of duties is possible and it is an essential requirement of a position that:
 - a) the employee perform invasive procedures;
or
 - b) the employee travel to countries which bar entry to those infected with the HIV;
or
 - c) the employee perform job duties which impinge on the safety of the public.

3. The Human Rights Commission will not consider employer or employee preference as sufficient to establish a BFOQ.

This policy was adopted by the Human Rights Commission on September 26, 1991.

SPECIAL PROGRAMS

While employment equity programs are not mandatory, the Human Rights Commission has authority to approve, upon the receipt of an application, programs designed to prevent or eliminate disadvantages encountered by any group protected under The Human Rights Code, 1988.

Any employer wishing to implement an Affirmative Action Program for a designated group of people may make application under Section 20 of the Code requesting approval of the program by the Commission. An example of a program approved by the Human Rights Commission is the Career Development Program For Persons With Disabilities sponsored by the Government of Newfoundland and Labrador. The objective of this program was to employ 25-30 persons with disabilities within the Provincial Public Service.

**ACTIVITIES
OF THE
HUMAN RIGHTS COMMISSION**

COMMISSION MEETINGS 1991

March 21 and 22, 1991

June 3, 1991

June 13, 1991, Teleconference

September 26 and 27, 1991

December 9 and 10, 1991

INTERNATIONAL HUMAN RIGHTS DAY

December 10 is celebrated across the country each year to mark the anniversary of the signing of the Universal Declaration of Human Rights. The text of the Declaration sets out objectives that Member Countries will strive to achieve for its citizens. The Human Rights Commission participates in projects and activities each year to celebrate International Human Rights Day.

The highlight of activities in 1991 was a Poster Contest sponsored by the Commission for students in Grades 5, 6 and 7. Information packages were sent to all principals across the province in September urging them to plan activities within their school and to participate in the 1991 Poster Contests.

The Human Rights Commission received 581 posters. The first place winner in the contest was Annie Patterson, St. Edwards School, Placentia. There were two second place winners, Kerry Gamberg and Adrienne Mercer, Bishop Feild School, St. John's. The third place winner was Chris Browne, St. Joseph's School, St. John's. Two other students received Honourable Mention. The Honourable Mentions went to Curtis Stamp, St. Anne's Elementary, Peter's River and Robin Tucker, St. Joseph's School, St. John's.

All participants in the Poster Contest received a certificate of appreciation and a Human Rights Day button from the Commission. In addition, the winners received engraved plaques.

NATIONAL ACCESS AWARENESS WEEK

National Access Awareness Week is a week proclaimed each year to create awareness of the capabilities of persons with disabilities. National Access Awareness Week aims to identify and remove barriers, both physical and attitudinal, in the areas of housing, education, employment, transportation and recreation.

As part of its education mandate, the Commission sponsored, in conjunction with other agencies, a one-day seminar at Hotel Newfoundland, St. John's, entitled Employment of Persons with Disabilities. Approximately sixty-five employers attended the seminar.

STATISTICS

**COMPLAINTS INVESTIGATED ACCORDING TO HEADING OF DISCRIMINATION
IN 1991 UNDER
THE HUMAN RIGHTS CODE, 1988**

	Brought Forward 1990	New Cases 1991	Settled	Withdrawn or Dismissed	Referred for Board of Inquiry	Ongoing
SECTION 7 (Admission to Public Places, Services and Facilities)						
- Race						
- Religion						
- Religious Creed						
- Sex		1				1
- Marital Status	2	5	3	3	1	
- Physical Disability	1	3		2		2
- Mental Disability						
- Political Opinion						
- Color or Ethnic Origin						
- National or Social Origin						
SECTION 8 (Rental of Accommodation)						
- Race						
- Religion						
- Religious Creed						
- Sex						
- Marital Status	1			1		
- Physical Disability						
- Mental Disability						
- Political Opinion						
- Color or Ethnic Origin						
- National or Social Origin						

**COMPLAINTS INVESTIGATED ACCORDING TO HEADING OF DISCRIMINATION
IN 1991 UNDER
THE HUMAN RIGHTS CODE, 1988**

	Brought Forward 1990	New Cases 1991	Settled	Withdrawn or Dismissed	Referred for Board of Inquiry	Ongoing
SECTION 9 (Harassment of Occupant)						
- Race						
- Religion						
- Religious Creed						
- Sex						
- Marital Status						
- Physical Disability						
- Mental Disability						
- Political Opinion						
- Color or Ethnic Origin						
- National or Social Origin						
SECTION 10 (Employment)						
- Race		2				2
- Religion	1	4	1	1		3
- Religious Creed		3		1		2
- Sex	3	27	6	6	2	16
- Marital Status	2	3	3			2
- Physical Disability	9	20	1	11		17
- Mental Disability	3	2	1	2		2
- Political Opinion		1				1
- Color or Ethnic Origin	1			1		
- National or Social Origin		1	1			
- Age	1	2	2			1
SECTION 11 (Attachment of Wages)						
SECTION 12 (Equal pay for same of similar work)	2	1	1	2		

**COMPLAINTS INVESTIGATED ACCORDING TO HEADING OF DISCRIMINATION
IN 1991 UNDER
THE HUMAN RIGHTS CODE, 1988**

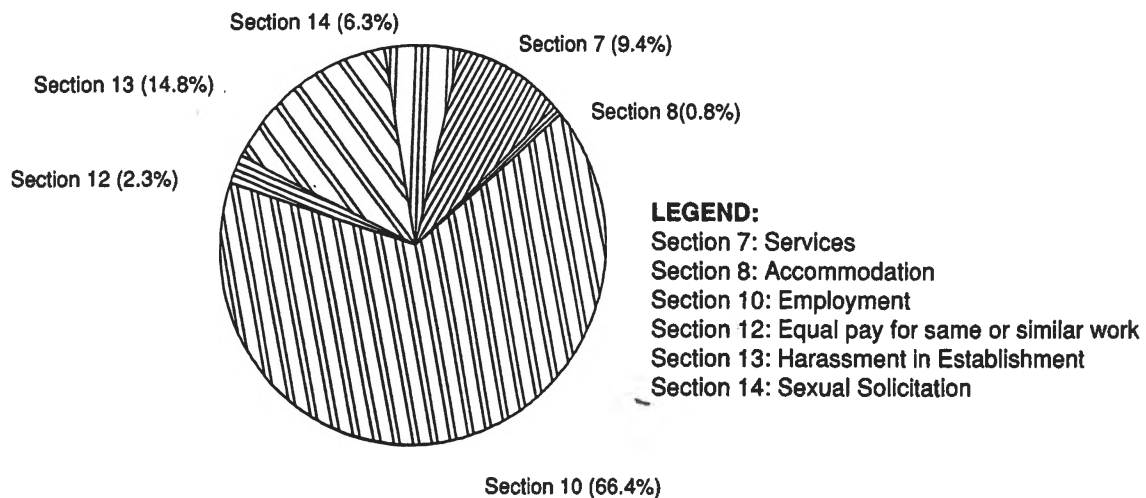
	Brought Forward 1990	New Cases 1991	Settled	Withdrawn or Dismissed	Referred for Board of Inquiry	Ongoing
SECTION 13 (Harassment in Establishment)						
- Race		1				1
- Religion						
- Religious Creed		1				1
- Sex	3	9	1	3		8
- Marital Status		1				1
- Physical Disability	2			2		
- Mental Disability						
- Political Opinion		1				1
- Color or Ethnic Origin	1			1		
- National or Social Origin						
SECTION 14 (Sexual Solicitation)	1	7	1	2		5
SECTION 16 (Retaliation)						
TOTALS	33	95	21	38	3	66

NOTE: A complaint may include one or more alleged grounds of discrimination.

TOTAL FILES FOR 1991
(Including Transfers From 1990)

	Transfers From	New Cases 1991	Total Allegations in Section	Percentage of Total Complaint
Section 7 (Services)	3	9	12	9.4%
Section 8 (Accommodation)	1	0	1	0.8%
Section 9 (Harassment of Occupant)	0	0	0	0.0%
Section 10 (Employment)	20	65	85	66.4%
Section 11 (Attachment of Wages)	0	0	0	0.0%
Section 12 (Equal pay for same or similar work)	2	1	3	2.3%
Section 13 (Harassment in Establishment)	6	13	19	14.8%
Section 14 (Sexual Solicitation)	1	7	8	6.3%
Section 16 (Retaliation)	0	0	0	0.0%
Totals	33	95	128	100%

**Percentage of Total
by Section**



BOARDS OF INQUIRY PENDING

SECTION 10 (Employment)

- SEX

- (1) Leo Puddester v. Her Majesty the Queen in Right of Newfoundland as represented by the Ministry of Justice.
- (2) James Gilbert Janes v. Her Majesty the Queen in Rights of Newfoundland as represented by the Ministry of Justice

- PHYSICAL DISABILITY

- (1) Anna Mary Foley v. Waterford Hospital
- (2) Janet Bradley v. Ryder Enterprises

APPEALS PENDING

SECTION 7 (Accommodation, Services and Facilities)

- (1) Russell Rogers v. Department of Culture, Recreation and Youth
- (2) Dr. Paul Matthews v. Memorial University of Newfoundland

FROM OUR FILES

When the Human Rights Commission receives a complaint alleging a violation of The Human Rights Code, 1988, it is assigned to a Human Rights Officer for investigation. The officer will investigate and attempt to settle the matter. In many cases, complaints which are found to have merit are satisfactorily settled between the complainant and respondent. Some examples of these complaints settled in 1991 are given here, as are some examples of dismissed and ongoing complaints.

EXAMPLES OF SETTLED COMPLAINTS

SECTION 7 (access to public services, accommodation and facilities)

(1) Marital Status

A woman filed a complaint with the Human Rights Commission alleging that her automobile insurance had been cancelled because of her husband's impaired driving charge. She was advised by the insurance company that coverage would be reinstated at a cost three times the initial cost. The woman, herself, had an excellent driving record.

Upon being notified of the complaint, the insurance company reinstated the automobile coverage at the initial costs. This resolution was satisfactory to the complainant.

SECTION 10 (employment)

(1) Sex

A woman filed a complaint with the Human Rights Commission after she was told that a job opening for which she had made application had been filled by a male. She alleged that the employer told her the job was more suitable for a male because the duties of the job included heavy lifting.

The investigation determined that the respondent could not satisfactorily establish being male was a bona fide qualification to perform the duties of the job; that the male hired had higher qualifications than the complainant; that the employer received an application from a female who may be more qualified for the position than either the complainant or the person hired; and that the employer preferred to hire a male.

The complaint was resolved with a letter of apology noting that the respondent would, in future, comply with the provisions of The Human Rights Code, 1988 and a cash settlement of \$500.00.

(2) Religion and Religious Creed

A woman filed a complaint with the Human Rights Commission alleging discrimination on the basis of religion and religious creed after she was told that she was the best qualified applicant for a position as teacher's aid but would not be hired because she had worked for two years with another school board. The woman also filed a complaint with her union. As a result of her complaints, the woman was given the job and compensated for lost wages.

(3) Religion

A woman who had been employed as a janitor on a part time basis filed a complaint with the Commission when she was refused full time employment because of her religion.

The complaint was settled when the woman was offered full time employment by the respondent and accepted.

(4) Age

A man complained to the Human Rights Commission alleging discrimination on the basis of age when he was denied a job as a driver. The complainant was under 25 years of age and alleged that the respondent showed preference to those 25 years of age and older. The complainant was successful in finding temporary employment with another employer doing the same type of job.

The investigation revealed that the named respondent had a preference for drivers 25 years of

age and older. The complaint was settled when the complainant was given a job by the respondent plus \$100.00 cash and a letter to the Commission noting the requirement to abide by the provisions of The Human Rights Code, 1988.

SECTION 13

(1) Sex

A woman filed a complaint with the Human Rights Commission alleging harassment on the basis of sex against her employer. She alleged that her supervisor would put his hand on her shoulder, massage the shoulder and make comments to her with sexual overtones.

The complainant stated that her performance was criticized by the Supervisor when he did not receive the desired attention.

A settlement was reached during the investigation which included a sexual harassment policy to be implemented by the employer and \$1000.00 for the complainant.

EXAMPLES OF DISMISSED COMPLAINTS

SECTION 8

(1) Marital Status

Three men complained to the Human Rights Commission alleging discrimination in the rental of accommodations on the basis of marital status when they were denied an opportunity to rent an apartment. The complainants alleged they were told the owners preferred a married couple.

The investigation showed that the accommodations were denied and the damage deposit returned because of an unsatisfactory credit check.

The complaints was dismissed.

SECTION 10 (employment)

(1) Physical Disability

A woman filed a complaint with the Human Rights Commission alleging discrimination on the basis of physical disability against her employer. She had been employed with the company for 18 years and alleged that when she went to return to work after a back injury she was told her position was no longer available.

The investigation revealed that the complainant's position had been staffed on a temporary basis and was held open for a year. At that time the complainant informed the employer that she did not wish to return to her job but would rather complete a retraining program to enable her to find employment in another area. The complainant's position was then filled.

Seven months later the respondent was contacted by a representative of Workers' Compensation seeking an "ease back to work program" for the complainant. Although the position had been filled, the respondent agreed to the program and noted that the next available job would be offered to the complainant.

The complainant commenced the ease back to work program but indicated she was not contented with this arrangement as she was hoping to be retrained in another area. The respondent reports being asked by the complainant to report that she was not medically fit to perform the duties of the job. The respondent refused and suggested that the complainant contact her doctor.

The respondent also reported that the complainant had been offered employment as a summer replacement to be followed by a full time position commencing in the fall. The complainant refused.

The complaint was dismissed by the Commission.

(2) Physical Disability

A man who was employed as a cleaner filed a complaint with the Human Rights Commission after his employment was terminated. He alleged his employment was terminated because he suffered from epilepsy.

The investigation showed that the complainant was dismissed during his 30 day probationary period due to unacceptable performance and attitude. The complaint was dismissed.

(3) Sex

A woman alleged that she was discriminated against in the payment of wages based on sex. She stated that during an inventory weekend she did the same work as her male co-workers but received lower wages. The investigation showed that the woman had not performed the same duties as the males who received the higher wage. It was also learned that the employees were paid based on their experience and duties and that several males were also paid the lower wage. The case was dismissed.

EXAMPLES OF ONGOING COMPLAINTS

SECTION 7 (access to public services, accommodation and facilities)

(1) Sex

Early in 1991 a couple approached an automobile insurance company requesting coverage for their 19 year old son as an occasional operator of the family vehicle. The quoted cost for this coverage was \$301.00 for 6 months. After inquiring, they were advised that the same coverage for a female would be \$49.00. The couple then filed a complaint with the Human Rights Commission alleging discrimination on the basis of sex.

The position of the insurance company is the different rates for males and females are bona fide because males fall into a higher risk category.

Because there was a similar complaint being heard by the Supreme Court of Canada on December 6, 1991, the Commission deferred a decision on this complaint pending the decision from the Supreme Court of Canada.

SECTION 10 (employment)

(1) Religious Creed

A man filed a complaint with the Human Rights Commission alleging discrimination on the basis of religious creed when his employer placed him on inactive employment status due to an inability to accommodate his request that he not be required to work from sundown on Friday to sundown on Saturday.

The Investigating Officer is presently in the process of working out a settlement between the parties. The complainant has been given employment in another province; transportation and additional training required to perform the duties of the job will be paid for by the respondent; the complainant will be placed at a salary scale at \$200.00 above the monthly salary scale of the job

previously held; and the complainant will receive from the respondent \$1,000.00 in lieu of RRSP contributions.

(2) Physical Disability

A woman complained to the Commission alleging discrimination on the basis of physical disability when her employment was terminated after she missed 3 days work due to illness. A handbook given to all employees, by the employer, noted an entitlement to seven days sick leave per year. The employer took the position that some minor illnesses which he referred to as, leave for incidental reasons, were not provided for in the allotted sick leave. Thus, the complainant, after missing three days on three different occasions was terminated without warning.

To date, a settlement has not been reached. It is expected that the Commissioners will make a decision on this complaint at their first meeting in 1992.

(3) Physical Disability

A man filed a complaint with the Human Rights Commission after he was told he would not be considered for a position with a mining company because his medical report revealed that he had suffered from asthma attacks even though the condition was under control. The respondent's position is being free from asthma is a bona fide requirement for the job. The investigation is ongoing.

(4) Age, Marital Status and Sex

A woman complained to the Human Rights Commission that she was discriminated against during an employment interview. She stated that during the interview she was questioned about her marital status and asked if she had children and their ages. She stated that the interviewer commented that the company was looking for a young, single, male. The respondent has since offered the woman a position with the company and settlement negotiations are ongoing.

(5) Physical Disability

A man filed a complaint with the Human Rights Commission after his employee medical benefits were terminated when his employer changed carriers while he was off work and in receipt of Workers' Compensation. The respondent took the position that the termination of benefits are reasonable. He alleged that the injury was not a legitimate workplace injury because the former insurance carrier had denied him long term disability insurance.

The complaint was amended to include harassment and discrimination in employment when the employer refused to take the complainant back to work on an ease back program after Workers' Compensation deemed him fit to return to work. Settlement negotiations are ongoing.

(6) Physical Disability

A man filed a complaint with the Human Rights Commission alleging discrimination on the basis of physical disability when he was denied an opportunity to return to work after being absent due to a disability for one year. He had been employed with the company for 27 years. The respondent's position is that the complainant was not permitted to return to work because of a provision in the Collective Agreement.

The complaint was amended to include the Union as a party to the complaint. Settlement negotiations are ongoing.

RESOURCE LIBRARY
AND
PUBLICATIONS

LIBRARY

The Human Rights Commission has a small resource library and encourages students and interested individuals to use the facility. Space can be provided in the Boardroom for study purposes. The resources in our library have been helpful to students writing papers on topics related to human rights legislation.

PUBLICATIONS AND PRODUCTS DISTRIBUTED BY THE COMMISSION

1. Office consolidated copies of The Human Rights Code, 1988
2. Human Rights: An Employer's Guide to the Human Rights Code
3. Pamphlets:
 - Sexual Harassment in the Workplace
 - Sexual Harassment in Schools/Universities
 - Guideline for Employers and Job Applicants
 - The Human Rights Code, 1988: Our Provincial Law Against Discrimination - Questions and Answers
4. Posters
5. 1990 Annual Report
6. Lapel pins with the Commission's logo
7. The VHS tape **The Charter and You: The Canadian Charter of Rights and Freedoms**
8. The VHS tape **Sexual Harassment: Sexual Harassment on Campus**

STAFF



Gladys Vivian
Executive Director



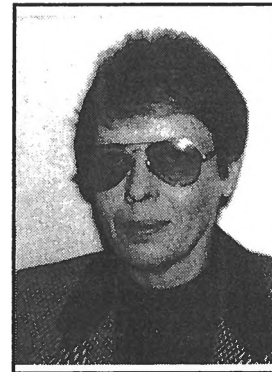
Patricia Corbett
Human Rights Officer



Yvonne Penney
Human Rights Officer



Denise Browne
Human Rights Technician



Colleen Cooke
Secretary

FOR FURTHER INFORMATION CONTACT:

Human Rights Commission
P.O. Box 8700
345 Duckworth Street
4th Floor
St. John's, Newfoundland
A1B 4J6

Telephone: 729-2709, 729-2326, 729-5812
Toll Free: 1-800-563-5808
Fax: 729-0790

