

Standing Committee on
Government Operations



Report on the Review of the 2020-2021 and 2021-2022 Annual Reports of the Northwest Territories Human Rights Commission

19th Northwest Territories Legislative Assembly

Chair: Mr. Rylund Johnson

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September 28, 2023

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Government Operations is pleased to provide its *Report on the Review of the 2020-2021 and 2021-2022 Annual Reports of the Northwest Territories Human Rights Commission* and commends it to the House.



Mr. Rylund Johnson
Chair, Standing Committee on Government Operations

STANDING COMMITTEE ON GOVERNMENT OPERATIONS

REPORT ON THE REVIEW OF THE 2020-2021 AND 2021-2022 ANNUAL REPORTS OF THE NORTHWEST TERRITORIES HUMAN RIGHTS COMMISSION

INTRODUCTION

The Standing Committee on Government Operations (Committee) has reviewed the 2020-2021 and 2021-2022 Annual Reports of the Human Rights Commission.^{1, 2}

The *Human Rights Act* requires the Commission to prepare an annual report. The report includes information on the numbers and grounds of complaints filed.³ The Speaker tables the report in the Legislative Assembly. Once tabled, Committee reviews the report.

As part of Committee's reviews, Committee received public briefings from:

- Mr. Charles Dent, Chair of the NWT Human Rights Commission;
- Ms. Nicole MacNeil, Executive Director of the NWT Human Rights Commission; and
- Mr. Sheldon Toner, Chair of the Human Rights Adjudication Panel.

The public briefings were held on April 26, 2022,⁴ and June 26, 2023,⁵ for the 2020-2021 and 2021-2022 annual reports, respectively.

This report summarizes Committee's reviews. Committee is recommending two legislative changes to address gaps that could give rise to human rights violations – the first, to prohibit genetic discrimination; and the second, to legislate accessible design standards. The report also makes observations about how the Human Rights Commission classifies and reports on human rights complaints.

RECOMMENDATIONS

Prohibiting Genetic Discrimination

The Human Rights Commission made one recommendation in its 2021-2022 annual report: To add genetic discrimination as a prohibited ground of discrimination in the *Human Rights Act*.⁶

The Human Rights Commission previously recommended – and Committee endorsed – this change in 2019.⁷ At the time, Committee also moved a motion to amend the *Human Rights Act* to this effect.⁸ The government declined to make the change, citing reluctance

to be the first province or territory to adopt such a ground. The government was also concerned that the change could undermine access to affordable insurance, based on a letter from a life and health insurance industry association.⁹

Since then, the federal government has amended its human rights legislation to prohibit discrimination on the ground of genetic characteristics.¹⁰ This Committee in the 18th Assembly also heard that all G7 countries have laws that protect against genetic discrimination, and that residents in the Northwest Territories want similar protections so that they can access genetic testing to identify inherited health risks without fear of reprisal.¹¹ Northerners should not be denied insurance coverage based on their genetic make-up. Committee therefore recommends:

Recommendation 1: That the Government of the Northwest Territories add genetic discrimination as a prohibited ground of discrimination in the *Human Rights Act*.

Legislating Accessible Design Standards

Disability continues to be the most common reason cited in complaints of discrimination. About three in five new complaints in 2021-22 alleged this ground of discrimination. Over the past ten years, this type of discrimination has been cited almost 170 times. The volume of such complaints highlights the relevance of taking action to make the Northwest Territories more accessible and accommodating for residents with disabilities.

For years, the Human Rights Commission has called for the government to adopt an updated building code with stronger accessibility standards. The government currently relies on the National Building Code as the minimum acceptable standard – but this is not necessarily considered accessible by the broad concepts of the NWT *Human Rights Act*.¹² The Commission has pointed to building standards from the Canadian Safety Association (CSA) as a preferred alternative.

Committee has previously endorsed the Commission's advocacy in this area. In 2020, Committee recommended that the government ensure building standards meet requirements in the NWT *Human Rights Act*. In response, the government referenced several encouraging examples of increasing accessibility requirements for the built environment.¹³ However, the government stopped short of committing to legislate more accessible building standards for all builders across new and existing infrastructure.

Committee believes that residents, builders, and building owners need to know what is required to make a building completely accessible. Committee acknowledges this work is complex and requires a broader cultural shift towards expecting inclusivity in the built environment. The government's role is to ensure residents have equitable access to opportunities and services, and standards and codes must be consistent with legislation.

Committee therefore recommends:

Recommendation 2: That the Government of the Northwest Territories develop building standards legislation that incorporates minimum requirements for accessible design. The legislation should require new infrastructure to adhere to Canadian Safety Association (CSA) standard B651 “Accessible Design for the Built Environment” and set a timeline for existing infrastructure to meet the standard.

OBSERVATIONS

Classifying Human Rights Complaints

There are 22 grounds protected by the *Human Rights Act*. In its annual report, the Human Rights Commission breaks down how many times each of the 22 grounds was cited in complaints.

Committee notes that certain grounds are conceptually closely related to others. For example, “race”, “ancestry”, “place of origin”, and “ethnic origin” seem closely related. Committee is concerned that the multitude of grounds could distort our understanding of the nature of human rights complaints in the Northwest Territories – in particular, that what the general public would consider to be “racism” may be undercounted in official statistics because these complaints are classified under a ground besides “race”. Committee encourages the Commission to explore this issue further and provide more understanding through the annual report.

CONCLUSION

This concludes the Standing Committee on Government Operations’ *Report on the Review of the 2020-2021 and 2021-2022 Annual Reports of the Northwest Territories Human Rights Commission*. Typically, Committee includes a recommendation in each report requesting a response from government within 120 days. The recommendation is then moved as a motion in the House and Cabinet is required to respond.¹⁴ However, since the 19th Legislative Assembly will dissolve in less than 120 days, Committee has decided to leave out this recommendation and requests that the government provide a public response to this report, even of a preliminary nature, before the beginning of the 20th Assembly.

ENDNOTES

¹ The 2020-2021 annual report is available at: https://www.ntassembly.ca/sites/assembly/files/td_483-192.pdf.

² The 2021-2022 annual report is available at: https://www.ntassembly.ca/sites/assembly/files/td_710-192.pdf.

³ The requirements for the NWT Human Rights Commission's annual report are laid out in Section 21 of the *Human Rights Act*. Available at: <https://www.justice.gov.nt.ca/en/files/legislation/human-rights/human-rights.a.pdf#page=24>.

⁴ Available at: <https://www.youtube.com/watch?v=JZeQ3OASYmw>. The Legislative Assembly uploads video recordings of public meetings and other special events to its Youtube channel.

⁵ Available at: <https://www.youtube.com/watch?v=KMvb8XX1Fe0>.

⁶ Available at: https://www.ntassembly.ca/sites/assembly/files/td_710-192.pdf#page=4.

⁷ See the discussion in Committee's report from the 18th Assembly on Bill 30: *An Act to Amend the Human Rights Act*. Available at: https://www.ntassembly.ca/sites/assembly/files/cr_15-183.pdf#page=9.

⁸ See Motion 1 in Committee's report from the 18th Assembly on Bill 30: *An Act to Amend the Human Rights Act*. Available at: https://www.ntassembly.ca/sites/assembly/files/cr_15-183.pdf#page=16.

⁹ The letter was from the Canadian Life and Health Insurance Association and solicited by the Department of Justice. Available at: https://www.ntassembly.ca/sites/assembly/files/td_379-183.pdf.

¹⁰ See Bill S-201: *An Act to prohibit and prevent genetic discrimination*, which received assent on May 4, 2017. Available at: <https://www.parl.ca/DocumentViewer/en/42-1/bill/s-201/royal-assent>.

¹¹ See the discussion in Committee's report from the 18th Assembly on Bill 30: *An Act to Amend the Human Rights Act*. Available at: https://www.ntassembly.ca/sites/assembly/files/cr_15-183.pdf#page=10.

¹² Available at: https://www.ntassembly.ca/sites/assembly/files/td_483-192.pdf.

¹³ See the Government of the Northwest Territories Response to Committee Report 4-19(2): Report on the Review of the 2018-2019 Northwest Territories Human Rights Commission Annual Report. Available at: https://www.ntassembly.ca/sites/assembly/files/td_320-192.pdf.

¹⁴ As required by Rule 9.4(5) of the *Rules of the Northwest Territories Legislative Assembly*. Available at: https://www.ntassembly.ca/sites/assembly/files/td_527-192.pdf#page=40.