

Standing Committee on
Government Operations



Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Human Rights Commission

20th Northwest Territories Legislative Assembly

Chair: Mr. Julian Morse

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SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Government Operations is pleased to provide its *Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Human Rights Commission* and commends it to the House.



Mr. Julian Morse
Chair, Standing Committee on Government Operations

STANDING COMMITTEE ON GOVERNMENT OPERATIONS

REPORT ON THE REVIEW OF THE 2022-2023 ANNUAL REPORT OF THE NORTHWEST TERRITORIES HUMAN RIGHTS COMMISSION

INTRODUCTION

The Standing Committee on Government Operations (Committee) has reviewed the 2022-2023 Annual Report of the Northwest Territories Human Rights Commission (Commission)¹. The Committee thanks Mr. Charles Dent, Chair of the NWT Human Rights Commission and Ms. Nicole MacNeil, Executive Director of the NWT Human Rights Commission for their appearance before the Committee on April 16, 2024.²

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

The Commission's 2022-2023 report highlights its focus on accessibility and community outreach. The Commission's work and recommendations are reflected in Committee's observations.

Committee has identified two recommendations brought forward from the Human Rights Commission that it wishes to bring attention to and seek additional information from the Government of the Northwest Territories – the first, to legislate accessible design standards; and the second, to prohibit genetic discrimination.

Although the report references other important areas of interest, Committee is hopeful that a more focused approach can lead to positive legislative changes that support the important work of the Human Rights Commission.

ABOUT THE HUMAN RIGHTS COMMISSION

The NWT Human Rights Commission is arms-length from the Government of the Northwest Territories. It is given legislative authority under the *Human Rights Act*. Most legislation in the Northwest Territories (NWT) has a Cabinet Minister responsible for the Act; however, this is different for the *Human Rights Act*. It says the Commission is responsible to the Legislative Assembly for the administration of the Act.

The Commission's role is to protect people from discrimination. They promote equality through education, research, and advocacy. The Act makes it illegal to discriminate or harass anyone based on age, disability, race, colour, ancestry, place of origin, sexual orientation, gender identity, family status, social condition, religion, political belief, or pardoned criminal conviction.

OBSERVATIONS

Legislating Accessible Design Standards

For years, the Human Rights Commission has called for the Government of the Northwest Territories (GNWT) 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 pursuant to the NWT *Human Rights Act*. The Commission has pointed to building standards from the Canadian Safety Association (CSA) as a preferred alternative.

Committee previously endorsed the Commission's advocacy in this area. Since at least 2018-19 the Commission and Committee have recommended that the GNWT ensure building standards meet requirements set out in the NWT *Human Rights Act*.

In GNWT's most recent response to Committee (tabled February 2021), the Government referenced encouraging examples of increasing accessibility requirements for the built environment.⁴ For example, Committee is happy to see the Department of Infrastructure's Fourth Edition of the "Good Building Practices for Northern Facilities" manual includes a process for determining accessibility targets for renovations of existing infrastructure.

Committee acknowledges that the work required to make buildings completely accessible is complex and requires a broad cultural shift towards expecting inclusivity in the built environment. However, Committee also believes that government has a responsibility to take the lead in the way our society approaches design and implementation of inclusive facilities.

<p>Recommendation 1: The Standing Committee on Government Operations recommends that the Government of the Northwest Territories enact accessibility legislation to facilitate the implementation of accessibility standards and regulations to help ensure people with disabilities can fully participate in their communities.</p>

The federal government and several provincial governments offer funding for projects that make communities and workplaces across Canada more accessible for persons with disabilities. Some examples include:

- Federal Enabling Accessibility Fund provides funding for projects that make Canadian communities and workplaces more accessible for person with disabilities.
- BC's Capital Projects Grant provides funding to not-for-profit organizations to support the completion of inclusive, accessible capital projects.
- BC's Workplace Accessibility Grant provides direct support to small business employers to create accessible work environments.
- Manitoba's Accessibility Fund provides project-based grants to help municipalities, non-profit organizations, and businesses remove barriers.
- Ontario's Trillium Foundation provides capital grants for projects that improve community facilities and spaces.
- Newfoundland's Inclusion Grant Funding is available to non-profit, community-based organizations to make their facilities more accessible.

Consequently, Committee recommends:

Recommendation 2: The Standing Committee on Government Operations recommends that the Government of the Northwest Territories develop a grant or contribution program to support businesses and/or not-for-profit organizations in becoming more accessible for persons with disabilities.

Prohibiting Genetic Discrimination

For several years, the Human Rights Commission has advocated - and Committee endorsed⁵⁶ - to add genetic discrimination as a prohibited grounds of discrimination in the NWT *Human Rights Act*. In 2019, Committee moved a motion to amend the *Human Rights Act* to this effect⁷; however, government declined to make the change, citing reluctance to be the first province or territory to adopt such a ground.

Since that time, the federal government has amended its human rights legislation to prohibit discrimination on the ground of genetic characteristics.⁸

Recommendation 3: The Standing Committee on Government Operations recommends that the Government of the Northwest Territories take immediate action to add genetic discrimination to the NWT *Human Rights Act* or provide rationale and justification for why the Government is not proceeding with this recommendation.

CONCLUSION

This concludes the Standing Committee on Government Operations *Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Human Rights Commission*.

Recommendation 4: The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a response to the recommendations contained in this report within 120 days.

ENDNOTES

¹ The 2022-2023 Annual Report is available at: <https://www.ntlegislativeassembly.ca/tables-documents/northwest-territories-human-rights-commission-annual-report-2022-2023>

² Available at: <https://www.youtube.com/live/WZlkdpTWOeY?si=xd2fXR3MhixbBHtX>. The Legislative Assembly uploads video recordings of public meetings and other special events to its YouTube channel.

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 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.

⁵ 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.

⁶ Report on the Review of the 2020-2021 and 2021-2022 Annual Reports of the Northwest Territories Human Rights Commission. Available at: <https://www.ntlegislativeassembly.ca/content/report-review-2020-2021-and-2021-2022-annual-reports-northwest-territories-human-rights#page=4>.

⁷ 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.

⁸ 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>.