



P.O. Box 1749
Halifax, Nova Scotia
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Item No.
Executive Standing Committee
24 November 2014

TO: Chair and Members of the Executive Standing Committee
Original Signed

SUBMITTED BY: 
Richard Butts, Chief Administrative Officer

DATE: 7 November 2014

SUBJECT: Council Appointment – Liaison to the HRM Acadian/Francophone Community

ORIGIN

Negotiations between Lucien Comeau and other Acadian/Francophone community representatives to resolve Mr. Comeau's Human Rights Complaint against the Municipality and the Province of Nova Scotia which has been referred by the Human Rights Commission to a Board of Inquiry for hearing.

LEGISLATIVE AUTHORITY

Section 35(2) (e) of the *Halifax Regional Municipality Charter*

RECOMMENDATION

It is recommended that Halifax Regional Council approve the appointment of Councillor Darren Fisher to act as an official liaison between Council and the HRM Acadian/Francophone community so as to better support how their interests are represented within the municipal government framework.

BACKGROUND

In March 2013, HRM staff met with Mr. Comeau and representatives from the Acadian Community and the NSHRC to better understand his complaint involving HRM's decision to not extend supplementary education funding to French public schools in 2003. One of the fundamental issues raised by Mr. Comeau *et al* was HRM's relationship with the Acadian community and how their interests are represented within the municipal government framework,

and in particular the decision-making process and outcome regarding supplementary education funding.

As a result of this meeting, HRM invited a number of French-speaking staff to actively participate in developing a restorative plan with Mr. Comeau *et al* to resolve the outstanding Human Rights Complaint. The HRM team is being led by Chief Jean-Michel Blais with support from Human Resources and Legal Services. All discussions between the two parties are now conducted in French. This change has been welcomed by Mr. Comeau and other representatives of the Acadian community.

DISCUSSION

The Acadian/Francophone Community Consultative Committee, as noted in the background section of this report was established to collaboratively build a restorative plan that provides a communal sense of remedies to the outstanding Human Rights complaint. The Committee is comprised of bilingual HRM staff members as well as Mr. Comeau and representatives of various Acadian and Francophone organizations, including the CSAP and student representatives.

The Consultative Committee has been meeting regularly; every two months since September 2013. Committee members are of the opinion that constructive relationships are being established thus far and work is being done respectfully and harmoniously to support each party's interests. The appointment of a liaison from Halifax Regional Council is viewed by the community members as being a very important part of a resolution plan as it will strengthen the relationship between HRM, Council and the Acadian and Francophone community.

Considering the significant presence of Francophones in District 6 (40% of all Halifax-area Francophones live in the district) it is recommended that Councillor Darren Fisher be named as the inaugural Council liaison. Councillor Fisher will also be invited to attend quarterly meetings of the Acadian/Francophone Community Consultative Committee until such time that the Committee's work is complete. Councillor Fisher has been apprised of this plan and has agreed to assume this function.

It is anticipated that a final plan to resolve the outstanding Human Rights Complaint should be completed in 2015 at which time the matter will be brought back to Council.

FINANCIAL IMPLICATIONS

n/a

COMMUNITY ENGAGEMENT **ENVIRONMENTAL IMPLICATIONS**

n/a

ALTERNATIVES

Halifax Regional Council could decide not to appoint a Liaison to the HRM Acadian/Francophone Community or appoint another member of Council.

ATTACHMENTS

- A. Comeau versus HRM – Nova Scotia Human Rights Complaint Information Report to Halifax Regional Council, 17 September 2013.

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Jean-Michel Blais, Chief, Halifax Regional Police 490-6500

Report Prepared by: Catherine Mullally, Director, Human Resources 490-7239

Original Signed

Report Approved by:

_____
John Traves, Director of Legal Services 490-4219



P.O. Box 1749
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Item No. 5
Halifax Regional Council
17 September 2013

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by Director

SUBMITTED BY: _____
Catherine Mullally, Director, Human Resources

DATE: 17 July 2013

SUBJECT: Comeau versus HRM – Nova Scotia Human Rights Complaint

INFORMATION REPORT

ORIGIN

The Nova Scotia Human Rights Commission has referred the Complaint of Lucien Comeau against HRM and the Province of Nova Scotia to a Board of Inquiry for hearing.

LEGISLATIVE AUTHORITY

Section 35(2)(e) of the Halifax Municipal Charter.

BACKGROUND

The complainant Lucien Comeau has filed separate but similar complaints against HRM and the Province of Nova Scotia in respect of the period of time during which the Municipality provided supplementary funding for the Halifax Regional School Board but not for the Conseil Scolaire Acadien Provincial ("CSAP"), the province wide school board providing French first language schools with HRM.

HRM was formed in 1996 by the amalgamation of the four separate municipalities operating in Halifax County. Prior to the amalgamation, the two former cities of Halifax and Dartmouth had historically provided supplementary funding to their local school boards. The former Town of Bedford and the Municipality of Halifax County did not provide such funding. The *Halifax Regional Municipality Act* amalgamating the four municipalities required HRM to continue providing the supplementary funding for the Halifax Regional School Board ("HRSB"), and that obligation was also carried forward by section 530 of the *Municipal Government Act* ("MGA").

The legislation recognizes the schools' reliance on this source of funding as it limits reductions by permitting HRM to only gradually phase out. The supplementary funding is raised by separate area rates in Halifax and Dartmouth, which are based on the assessed value of taxable property and business occupancy assessments.

In 2003-2004, the children of Mr. Comeau attended school in the former city of Dartmouth administered by the Conseil Scolaire Acadien Provincial ("CSAP"). The Complainant filed complaints against HRM dated June 26, 2003 and the Province dated July 30, 2004 objecting to the fact that CSAP did not participate in the MGA mandated supplementary funding and wished to have the funding extended to CSAP schools. In November, 2006 the MGA was amended to extend participation in the supplemental funding to the CSAP schools on an equal basis to the HRSB schools retroactive to April 1, 2006. Likewise, the Halifax Regional Municipal Charter continues supplementing funding for both the HRSB and the CSAP. By continuing this complaint, Mr. Comeau seeks to use the provisions of the Nova Scotia Human Rights Act to further extend the retroactive application of the statutory supplementary funding of CSAP schools to the date of his 2003 complaint.

The Nova Scotia Human Rights Commission investigated the complaint and found that CSAP schools received more per capita funding per student than the HRSB schools, however, the report recommended the appointment of a Board of Inquiry based on the conclusion that a "prima facie case of discrimination" existed because if given access to this additional source of money the CSAP schools would be able to offer more services.

HRM sought a judicial review to set aside the Commission's decision to refer the Complaint to a Board of Inquiry. HRM was successful in the Nova Scotia Supreme Court but not on appeal to the Court of Appeal or Supreme Court of Canada. As such, the matter was returned to the Board of Inquiry to continue proceedings.

DISCUSSION

The Nova Scotia Human Rights Commission (NSHRC) has recently begun to advance a restorative approach for handling Human Rights disputes. As of January 2012 parties involved in the Human Rights investigation process have been invited to participate in a new process that seeks to repair relationships and find solutions to complaints in a more collaborative and expeditious way. HRM and Mr. Comeau and other stakeholders have agreed to take the restorative approach as an alternative to the Board of Inquiry as a way of resolving this complaint.

In March 2013, HRM staff met with Mr. Comeau and representatives from the Acadian Community and the NSHRC to better understand the underlying harms caused as a result of HRM's decision to not extend supplementary education funding to French public schools in 2003. One of the fundamental issues raised by Mr. Comeau et al was HRM's relationship with the Acadian community and how their interests are represented within the municipal government

framework and in, particular, the decision making process and outcome regarding supplementary education funding.

As a result of this meeting and in keeping with the restorative process change by the NSHRC, Legal Services has invited a number of French speaking staff to actively participate in developing a restorative plan with Mr. Comeau et al to resolve the outstanding Human Rights Complaint. The HRM team is being lead by Jean Michel Blais, Chief of Police with support from Human Resources and Legal Services. All discussions between the two parties are now conducted in French. This change has been welcomed by Mr. Comeau and other representatives of the Acadian community. The parties will be continuing to meet over the next few months to build the resolution plan.

FINANCIAL IMPLICATIONS

To be determined.

COMMUNITY ENGAGEMENT

ATTACHMENTS

N/A

If the report is released to the public, a copy can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Catherine Mullally, Director, Human Resources (902) 490-7239

Original Signed by Director

Report Approved by: Martin Ward, Q.C. Acting Director, Legal, Insurance & Risk Mgt Services (902) 490-6532
