



Human Rights Commission

Human Rights Commission: PATI Information Statement

The purpose of the Public Access to Information Act, 2010 (“PATI Act”) is to give members of the public (“requester” includes third party) the right to obtain access to information held by public authorities to the greatest extent possible, subject to exceptions that are in the public interest or for the protection of the rights of others.

Its purpose is to also:

- Increase transparency, and eliminate unnecessary secrecy, with regard to information held by public authorities;
- Increase the accountability of public authorities;
- Inform the public about the activities of public authorities, including the manner in which they make decisions; and
- Have more information placed in the public domain as a matter of routine.

The Information Statement

In creating a right of public access, pursuant to the provisions of Section 5(1) of the PATI Act, the legislation requires each public authority to make available details about the kind of information it holds and provide information as to how they may be accessed by preparing an information statement.

This information statement provides an overview of the Bermuda Human Rights Commission (“Commission or HRC”) as follows:

- Organization structure;
- Governing legislation;
- Functions, powers and duties of the Commission;
- Vision, Mission and Core Values;
- Summary of services provided;
- Classes of records held;
- Decision Making Processes; and
- Public Access to Information arrangements including contact information for the persons designated to respond to requests.



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PATI Exemptions and Information That May be Withheld:

Pursuant to Section 4(1) of the PATI Act, records relating to the exercise of quasi-judicial functions of the Human Rights Commission or records obtained or created in the course of carrying out certain functions of the Commission are exempted. The Human Rights Commission may not grant a request if it is:

- information which is exempt under Sec. 4(1)(b) of the PATI Act 2010 or which is otherwise protected from disclosure;
- information that does not exist or cannot be found after all reasonable steps have been taken to find it;
- information that is not held, or which has been disposed of in accordance with a legally authorized disposal schedule;
- information which is in draft form.

When a request for information is not fulfilled, the requester will be informed with an explanation of the decision and, as well, information on how to request a review of the decision.

Section A: Structure, Organization and Legislation [s5(1)a]

Structure, Organization and Governing Legislation

Role

The Human Rights Commission is the statutory body charged with promoting and protecting human rights in Bermuda.

Structure (*see organization chart*)

The Commission consists of a Board of twelve Commissioners, one of which is the Chair, and a staff of seven full time employees, one of is the Executive Officer. The Commission is a statutory authority, and the Office is a unit within the Department of Human Affairs which falls under the Ministry of Community, Culture and Sports.

The Commissioners are independently appointed by a Selection and Appointment Committee. The Commissioners have quasi-judicial authority to adjudicate complaints of discrimination. The Commissioners also have responsibility to inform the Minister responsible for Human Rights of Human Rights issues, who in turn shall ensure human rights are integrated into the development of policies within the Ministry and throughout Government.

The Executive Officer has powers to investigate complaints, collect evidence, and determine whether a complaint appears to have merit. Where a complaint appears to have merit, the Executive Officer shall refer the complaint to the Chair. The Chair will refer the complaint to a Human Rights Tribunal, and after hearing a complaint, the Tribunal has the power to determine whether the Act has been contravened and to order penalties.

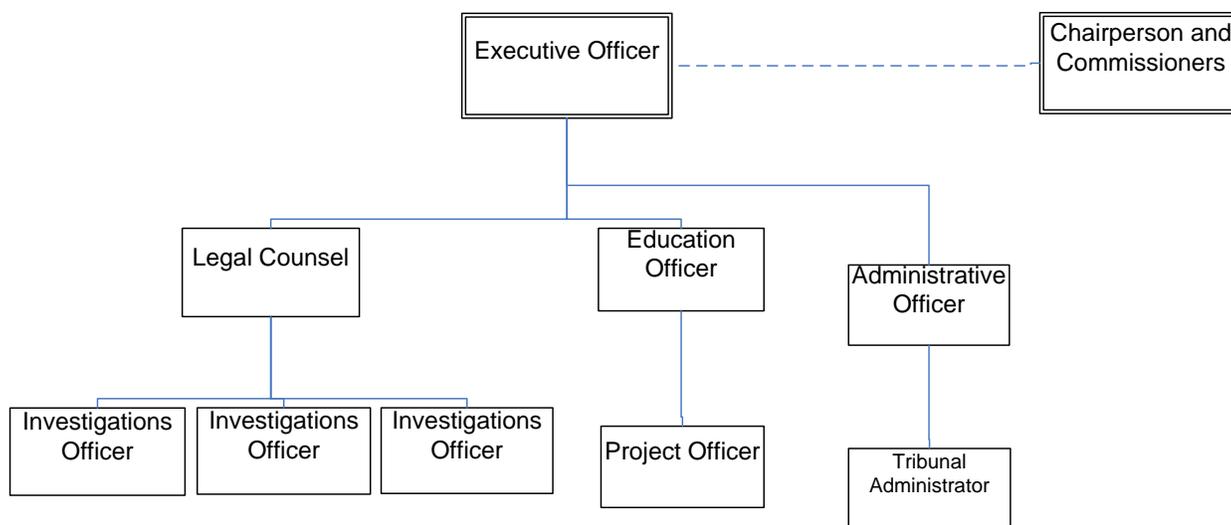
The relationship between the Executive Officer and the Chair can be characterized as a constructive partnership which enables interdependence and a culture of shared responsibility, while providing distinct



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lines of decision making and authority. The Executive Officer provides the Chair with reports on the day to day affairs of the Commission. The Executive Officer reports to the Department of Human Affairs on staffing and operational affairs of the Commission. The Executive Officer is statutorily bound to maintain strict confidentiality and shall not disclose information obtained during the course of an investigation.

Human Rights Commission - Organizational Structure Chart



Governing Legislation and International Covenants

- The Human Rights Act, 1981 (the “Act”)
- The Bermuda Constitution Order 1967
- The European Convention on Human Rights
- Convention on the Rights of the Child, Convention on the Elimination of Racial Discrimination
- The Universal Declaration on Human Rights

Section B: Functions, powers, duties of the Authority [s5(1)b]

Functions, Powers and Duties

The Human Rights Act, 1981 was enacted by the Bermuda Legislature in December 1981 and, shortly thereafter in early 1982, the Human Rights Commission was established to administer the Human Rights Act.

As conferred by Section 14 of the Act, the functions of the Human Rights Commission are to:

- Encourage an understanding of the fundamental rights and freedoms of the
 - individual guaranteed by Chapter 1 of the Constitution and of the principle that all members of the Community are of equal dignity, have equal rights and have an obligation to respect the dignity and rights of each other;
- Promote an understanding of, acceptance of and compliance with the Act;
- Develop, conduct, research and arrange educational programmes designed to eliminate



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discriminatory practices;

- Encourage organizations within the Community and individual persons to carry on activities which will attract all members of the Community whatsoever;
- Encourage and co-ordinate any activities which seek to forward the principle that every member of the Community is of equal dignity and has equal rights; and
- Use its good offices for the conciliation, mediation and settlement of any complaints or grievances arising out of acts of unlawful discrimination and, where in its opinion such good offices are inappropriate, institute prosecutions for contraventions of the Act.

The Commission may also issue guidelines for the information of the public in relation to any matter relevant to its functions and, codes of practice for the elimination of racial discrimination and the promotion of racial equality.

Section C: Services and Programmes [s5(1)c]

Strategy and Summary of Services Provided

Vision

The Human Rights Commission envisions a community that honors and protects human rights for all.

Mission

The mission of the Human Rights Commission is to eliminate discrimination through advocacy, education and enforcement.

Core Values

As dedicated members of the Office of the Human Rights Commission, the staff holds these values as the foundation on which we perform our work and conduct ourselves. We believe in fairness, confidentiality, effectiveness, courage, personal responsibility and accessibility.

The Commission's strategic priorities are to:

1. Maximize the protection of human rights;
2. Provide impactful awareness and education;
3. Demonstrate operational excellence; and
4. Increase knowledge and capacity.

The Commission is committed to:

- Build organizational capacity in order to perform as a modernized regulatory body ensuring that complaints are dealt with swiftly;
- Provide educational information to the public to ensure they are knowledgeable about issues and, as well, are empowered to seek redress where offences may have occurred;
- Create meaningful partnerships with stakeholders to advance equality and human rights in Bermuda.



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The Human Rights Commission works with individuals, organizations, industries, schools, community groups, the Government and the public at large to promote understanding of human rights and their rights and responsibilities under the Human Rights Act. To that end, the Commission provides the following services:

- Education about the Human Rights Act, 1981;
- Fair and timely investigation of complaints of discrimination;
- Dispute resolution services by way of conciliation and mediation;
- Training and consultancy services about human rights, antidiscrimination practices and complaint mechanisms;
- Assistance under Section 18 for complaints referred to a Human Rights Tribunal.

Section D: Records and documents held [s5(1)d]

Classes of Records Held

The HRC creates a large number of documents and records in the course of its work. Documents held by the Commission fall broadly into the categories described below. The listing of these categories does not necessarily mean all documents are accessible in full or in part under the PATI Act.

Document Types

The types of documents held by the HRC include:

- Accounting and financial reports
- Annual reports
- Complaint and enquiry records
- Corporate files containing correspondence, memoranda, etc.
- Documents relating to the functions of the Commission and its statutory authority
- Investigation files
- Legal documents including legal advice, documents filed in courts and Tribunals, contracts and correspondence with parties to a complaint
- Minutes of meetings of the Commissioners
- Minutes of meetings of the Officers
- Personnel files relating to the employees of the Commission
- Policies and procedures
- Research reports, including surveys, research material and statistical data
- Tribunal files
- Strategic plans and business plans
- Training materials

The following types of documents are publicly available either at the Office of the Commission:

- Annual budget and quarterly financial performance reports
- Annual reports
- Brochures and Pamphlets



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- Forms for services including applications
- Intake and investigation statistics
- Media statements

Section E: Administration (all public access) manuals [s5(1)e]

Administrative Manuals

The following manuals are used by the Human Rights Commission:

- Bermuda Government Financial Instructions
- Civil Service Conditions of Employment and Code of Conduct

Section F: Decision-making documents [s5(1)f]

How Decisions Are Made

1. **Complaint Received** – In accordance with Section 15 of the Human Rights Act, a complaint is either received from the individual lodging the complaint or initiated by the Executive Officer. If a person has lodged a complaint, Officers work to obtain as much relevant information as possible to clarify the complaint. The Executive Officer considers the complaint and, if it is determined to be a prima facie case, the Respondent(s) are requested to respond to the complaint. Pursuant to Section 15A, the Executive Officer may decide not to further investigate a complaint.

2. **Investigation and Conciliation** – An investigation into the complaint may begin once parties have provided their initial statements. At the same time, where appropriate, Officers will attempt to conciliate the dispute throughout the investigation process.

4. **Determination of Merit** – Following an investigation, if the matter is not resolved through conciliation, the Executive Officer considers the evidence adduced and then makes a decision as to whether or not the complaint appears to have merit. If it is determined that the complaint does not appear to have merit, the Complainant is offered the opportunity to be heard and a final decision is made. Pursuant to Section 18, the Executive Officer will refer any complaint, which following an investigation appears to have merit, to the Chair.

6. **Adjudication** – A Human Rights Tribunal is an independent body to hear cases of alleged discrimination. This body has no previous knowledge, involvement or information relating to the investigation process. The Chairperson receives only the complaint and respondents statement to inform them of the basis of the matter. At first instance, the Chair offers mediation in an effort to facilitate a resolution. If mediation is not successful, the Chair empanels a Human Rights Tribunal to hold a public hearing. The onus is on the parties to a complaint to supply the Tribunal all evidentiary materials to support their claim, including witness statements. The Tribunal is empowered to determine whether unlawful discrimination has occurred and make orders that may be registered with the Supreme Court in accordance with Section 20B.

7. **Appeals** – Pursuant to Section 21, parties can appeal decisions of a Human Rights Tribunal to the Supreme Court.



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Section G: The Information officer [s5(1)g]

How to Contact the Information Officer

In accordance with the PATI Act, applications for access to information must be in writing and directed to the Information Officer. The Commission’s PATI Information Officer (PIO) is responsible for validating and processing all PATI requests received by validating requests. The PIO will liaise with the requester, relevant decision maker or internal reviewer and third parties, in order to process requests in accordance with the PATI Act.

The Commission’s PIO’s are Sara Clifford or Kim Williams. Applications may be:

Submitted in Person	Submitted By Post	Submitted By Email
Human Rights Commission Mechanics Building, 3 rd Floor 12 Church Street Hamilton, HM 11 Tel: 441-295-5859	Human Rights Commission PO Box 734 Hamilton, HM CX	HumanRights@gov.bm The subject line should state – “PATI Request”

Process to Request Information Through PATI

Pursuant to Section 13 of the PATI Act, the request must:

- Be made in writing to the authority that holds the record;
- Identify the record or contain sufficient information to enable the authority to identify the record;
- Specify the form or manner the requester wishes to be given access.

Once a request is received and validated, an acknowledgement letter will be sent to the requester acknowledging receipt of the application and that an Information Officer will process the request in accordance with the PATI Act.

Reasonable Accommodation and PATI

The Human Rights Commission is committed to providing services which embrace diversity and which promote equality of opportunity. Pursuant to Schedule 1 of the Act, the Commission offers reasonable assistance when requested to applicants with disabilities. Where a requester has asked that the information provided is in an accessible format, the Commission will make reasonable attempts to honor that request.

Section H: Any Other Information [s5(1)h]

Fees and Charges:

The purpose of this Information Statement is to make the maximum amount of information readily available at minimum effort and cost to the public. There is no charge to the public for requesting information under PATI, however there may be costs to reproduce documents pursuant to the Government Fees Regulations 1976.



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Rights of Review

If you are dissatisfied with the response received, the PATI Act provides requesters with the right to appeal a decision via an internal review and external review process. In accordance with Part 5 of the PATI Act, internal review applications should be made to the Executive Officer within 28 days after the date of the initial decision.

Upon receiving such application, the Executive Officer will complete the review and notify the requester of the decision, reasons for the decision, and notice of the requester’s right to apply to the Information Commissioner for an external review of the Executive Officers decision in accordance with Part 6 of the PATI Act.

Section I: Information Statement: Copies and Updates [s5(2,3,4,5)]

Every public authority shall update its Information Statement at least once a year, and make it available for inspection by the public at reasonable times by [s5(1-5), PATI Act]:

Date Information Statement was updated: *March 31, 2015*

Locations of Information Statement:

Confirm copies of Information Statement are available at the following sites:

Office of the Human Rights Commission	Yes
The Bermuda National Library;	Yes
The Bermuda Archives;	Yes
Available electronically,	Yes
Website for public authority (insert site).	No
Have you published a notice in the Gazette indicating the places where the information statement is available for the public?	Yes
With the Information Commissioner.	Yes

Sign and Date:

Lisa M. Reed, Executive Officer ***March 31, 2015***