



IDENTIFICATION

Department	Position Title	
Legislative Assembly	Human Rights Legal Counsel	
Position Number	Community	Division/Region
12-15231	Yellowknife	NWT Human Rights Commission

PURPOSE OF THE POSITION

The Human Rights Legal Counsel's responsibilities include supporting the development of a restorative and collaborative approach in all human rights work, including the complaint and adjudication processes. The incumbent will represent the Commission and the public interest at hearings of the Adjudication Panel, the Supreme Court of the NWT and the Northwest Territories Court of Appeal. In addition, the incumbent will provide advice and training to the Commission, the Director and staff on human rights, administrative and other areas of law as required.

Specifically, the purpose of the two-year term Human Rights Legal Counsel is to:

- Encourage and support a restorative and non-adversarial approach in all human rights work, including the complaint and adjudication process.
- Ensure that the administration of the human rights complaint process accords with the law.
- Ensure that the developing restorative dispute resolution process remains administratively fair.
- Provide legal advice to the Director and the Commission.
- Represent the Commission in adjudications and the Director in appeals.
- Produce training materials and provide legal advice to the Commission in its potential role as decision maker.
- Develop guidelines and provide legal advice to the Director and staff regarding the investigation process resulting from changes to the carriage of complaints and the threshold for referral.
- Analyze and provide recommendations in regards to the legal support requirements for the work of the Commission after the two-year term.

SCOPE

As a result of a comprehensive review of the NWT Human Rights System in 2014, the Human Rights Commission is integrating a restorative approach into all human rights work, including the human rights complaint process. A restorative approach takes into account the importance of relationships, considers the context in which issues take place, and encourages the participation of all those affected in resolving human rights disputes.

The Commission has identified that its present highly legalized and adversarial complaint process limits access to justice for unrepresented parties and has committed to developing a more accessible complaint process. The Commission has also identified the need to address the systemic issues underpinning many discrimination complaints.

Statutory amendments are being considered which will change the structure, roles and responsibilities of the Commission and the Director, including adding carriage of the complaint and raising the threshold for referring complaints for adjudication.

The incumbent will work in the NWT Human Rights Commission office in Yellowknife, reporting to the Director of Human Rights. The incumbent will work within the statutory requirements of the current *NWT Human Rights Act* and prepare the Director's office and Commission for the changes brought about by amendments to *the Act*.

The incumbent will be responsible to:

- Provide legal opinions and legal advice to the Director and the Commission as required.
- Work independently on files assigned by the Director, to represent the Commission's interests at hearings and appeals.
- Advise the Director and Commission whether complaints have systemic discrimination issues, and recommend the level of active intervention the Commission should consider to protect the public interest.
- Provide mentorship and training to human rights officers regarding investigation and other compliance procedures.
- Provide mentorship and guidance to human rights officers regarding the administrative fairness of the early complaint process as they implement restorative practices.
- Develop and provide training to Commission members in preparation for their role as decision makers under the amended legislation.
- Participate and work collaboratively to develop and encourage a restorative culture in every aspect of human rights work.

RESPONSIBILITIES

- 1. Provide legal advice and legal opinions to the Director and Commission regarding the:**
 - Review of human rights complaints.

- Development of a restorative approach in the complaint resolution process.
 - Procedures for investigating and screening human rights complaints for dismissal or referral to hearing.
 - Promotion of human rights by the Commission.
 - As requested by the Director or the Commission.
- 2. Assist in the preparation of staff for changes to the NWT Human Rights Act including:**
- Developing procedures regarding the investigation of complaints sufficient to provide the information required for a decision to refer or dismiss a complaint according to the amendments to *the NWT Human Rights Act*.
 - Developing procedures for the collection of documents needed to prepare a complaint to go forward to hearing both before and after the changes to *the Act*.
 - Providing in-service training and mentoring on the necessary procedures to staff.
- 3. Support the Commission in its role regarding complaints by:**
- Identifying and advising the Commission on complaints with systemic issues, including recommending the level of Commission intervention that would be appropriate to the public interest.
 - Representing the Commission as party to the complaint at adjudication.
 - Developing and delivering training for Commission members in principles of administrative law to prepare them for their role as decision makers in screening human rights complaints.
- 4. Ensure that the restorative approach in complaint processing and resolution remains administratively fair by:**
- Actively collaborating with staff to extend the development of a restorative approach in the complaint process, and
 - Conducting regular reviews of the complaint process to ensure that the process remains administratively fair as staff effect changes.
- 5. Advise the Director and the Commission whether the carriage of complaints and screening of complaints by the Commission can be carried out without the need for in-house legal counsel by:**
- Evaluating the procedures developed for investigation and carriage of complaints and advising the Commission regarding the screening of complaints.
 - Determining if the procedures can be carried out by staff with only outside legal advice, or whether in-house legal counsel will continue to be needed after the two-year transition period.
 - Making recommendations to the Director and Commission accordingly.

WORKING CONDITIONS

Physical Demands

Those experienced in a typical law practice environment. In rare instances the incumbent may have to travel to attend a hearing if held in another community in the NWT.

Environmental Conditions

No unusual environmental demands

Sensory Demands

No unusual sensory demands

Mental Demands

Must be able to work and appropriately deal with volatile and emotionally charged interactions with people and deal with information regarding unpleasant situations during complaint processing and complaint resolution.

KNOWLEDGE, SKILLS AND ABILITIES

Essential

- Full working knowledge and experience in relevant laws of Canada and the Northwest Territories including *the NWT Human Rights Act*.
- Specialized knowledge of domestic human rights principles, theories, and legislation.
- Significant litigation experience, including experience in appearing before administrative tribunals.
- Proven experience and skills related to mediation and alternative conflict resolution.
- An approachable manner and interpersonal empathy.
- Proven ability and experience in working collaboratively in a team environment.
- Demonstrated commitment to inclusion, diversity and human rights.
- Experience working with diverse and/or vulnerable individuals and communities.
- Excellent written and verbal communication skills. Fluency in English is essential, additional language skills (including French and Indigenous languages) are an asset.
- Advanced legal research and writing skills, including policy research.
- Computer literacy and proficiency in Microsoft Office.

Assets

- Experience with restorative approaches in legal settings.
- Experience in investigations.
- Background and knowledge of the NWT's historical, cultural and social context.
- Experience in mentoring others.
- Experience with developing and providing training in policy.
- Knowledge, training and applied experience in inclusive best practices for client service, such as providing service to high-conflict clients and trauma-informed communication.

Typically, the above qualifications would be attained by:

A law degree and membership in the NWT Bar, with a minimum of five years of experience as legal counsel working with vulnerable populations, extensive theoretical and practical experience in mediation, strong knowledge of human rights laws and principles, and significant litigation experience.

ADDITIONAL REQUIREMENTS

Position Security (check one)

- No criminal records check required
- Position of Trust – criminal records check required
- Highly sensitive position – requires verification of identity and a criminal records check

French language (check one if applicable)

- French required (must identify required level below)

Level required for this Designated Position is:

ORAL EXPRESSION AND COMPREHENSION

Basic (B) Intermediate (I) Advanced (A)

READING COMPREHENSION:

Basic (B) Intermediate (I) Advanced (A)

WRITING SKILLS:

Basic (B) Intermediate (I) Advanced (A)

- French preferred

Indigenous language: To choose a language, click here.

- Required
- Preferred