

# Nova Scotia Human Rights Remedy: Update

In response to the NS Court of Appeal Decision on October 6, 2021 that there is systemic discrimination in Nova Scotia against persons with disabilities in the provision of social assistance, the Disability Rights Coalition (DRC) and the Department of Community Services (DCS) are working collaboratively to create a remedy that will end this discrimination and change the way that supports are provided in Nova Scotia.

External independent experts, Eddie Bartnik (Australia) and Tim Stainton (BC, Canada) have been leading an intensive Review process within a tight timeframe. The Review team have been working well with the DRC and DCS, both individually and together, and they are on schedule with the agreed timelines. The goal is to develop a systemic human rights remedy to eradicate the ongoing discrimination against persons with disabilities in their access to supports and services under the *Social Assistance Act* in Nova Scotia.

The first stage of the process consisted of a fact-finding mission, document review and consultation process. Prominence has especially been given to consultation with persons with disabilities and their allies. Through a series of in-person and virtual meetings, Mr Bartnik and Mr Stainton have consulted with over 140 individuals, including Minister McFarlane, the Minister of Community Service and Tracey Taweel, the Deputy Minister of Community Services. They hosted two community forums (one in-person and one virtual) and held dedicated discussions with representatives from the African Nova Scotian community, francophone community, and the Indigenous community. The first stage of effort also included site visits to services in Halifax and New Glasgow.

The second stage of the review process built on information gathered through the first stage, the recommendations of previous reports to the province of NS and work already underway. Through a substantive and interactive workshop process, the Review team worked with the parties to develop consensus on key directions and recommendations for transforming the system in NS to be human-rights based and responsive to the 4 areas of discrimination. There has been a positive process of engagement with a range of government departments beyond the DCS, reflecting the broad scope of the Remedy requirements and active engagement with the disability community, and DRC.

The third, and final, stage of the Review is currently underway. Building on the key directions identified in stage two, the Review team is in the process of developing a report and recommendations that will inform the ongoing process towards a systemic human rights remedy based on key steps, timeframes, benchmarks, indicators and measurable outcomes. The Review team's work is consistent with, structured and informed by the Nova Scotia Court of Appeal's October 6, 2021 decision and specifically its findings with respect to systemic discrimination. The Reviewers expect to submit their final Report by 3<sup>rd</sup> February 2023 for consideration by the DRC and the Province, prior to both parties reporting to the Board of Inquiry.

Eddie Bartnik and Prof Tim Stainton  
Independent Review Team  
January 10, 2023