



Human  
Rights  
Commission  
Bermuda

# ANNUAL REPORT 2024



**VISION**

A Bermuda that honours human rights for all.

**MISSION**

To protect and promote human rights through education, collaboration, advocacy, and enforcement.

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“Whereas, recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the World”

PREAMBLE TO THE HUMAN RIGHTS ACT, 1981

# Message from the Executive Officer

In 2024, the international human rights landscape continued to be shaped by profound contradictions. The extension of the UN Convention on the Rights of Persons with Disabilities to Bermuda marked a significant milestone, yet global conflicts, from Gaza to Sudan, offered painful reminders of the fragility of human dignity in the absence of justice. Against this backdrop, Bermuda was not immune to tension, advocacy, and the quiet persistence of people seeking equity.

This year, the Commission deepened its commitment to listen first, creating intentional platforms to centre lived experience, particularly from those most often silenced. Our work in 2024 was anchored by three powerful truths: the importance of public trust, the necessity of safe spaces for truth-telling, and the belief that community is our greatest strength and our clearest guide.

Disability was once again among the most reported grounds of discrimination, reinforcing the urgent need for systemic change. Our public consultation on Disability Inclusion and the culminating community conversation created space for people to name, in their own words, the barriers they face every day. Participants spoke of stigma, isolation, inaccessibility, and exhaustion but also of resolve. Through testimony, story, and shared imagination, they called on all of us to do better and be better. Their reflections will inform the Commission's report and recommendations to the Government of Bermuda in 2025.

Throughout the year, we saw an increase in intakes, public requests for education, and referrals across sectors. In every conversation, whether in outreach or complaint resolution, the Commission reaffirmed its mandate: to protect and promote human rights through education, collaboration, advocacy, and enforcement.

The Commission worked with service providers, employers, government departments, schools, and community organisations to ensure compliance with the Human Rights Act and strengthen understanding of the law. We were especially proud to support the Bermuda Tourism Authority in developing human rights-focused training for the hospitality sector, an industry deeply connected to national identity and global reputation.

We continue to be guided by the principle that rights come to life through everyday actions. How we hire and train, how we treat those around us, and how we speak up when something is not right. Every one of us has a role to play.

## The following are the Commission's highlights of 2024:

- The Legislature approved an operating budget of \$1,390,000 for the fiscal year 2024/25.
- On March 21, the Commission hosted the 'What Can I Do? What Can We do?' Conference at Pier 6, a day dedicated to learning, connection and collective action to protect and promote human rights in Bermuda.
- In June, the Commission launched a public consultation to gain deeper insights into the lived experiences of people with disabilities. The consultation was designed to hear from people with disabilities, their families, disability advocates, and support services and members of the public. It was aimed to create a platform for sharing experiences and highlighting the barriers faced while navigating life in Bermuda.
- The Commission received 179 intakes from members of the public, a 19% increase from the prior year. For the seventh straight year, disability, sex and ethnic or national origins were identified more frequently by members of the public as the basis for alleged discrimination.
- The Commission observed significant increases in intakes that appeared to contravene the Act. Increases were noted in intakes that advanced to the Complaint Received Stage and the Investigation Stage in contrast to previous years. Further, the Commission also observed increases in human rights complaints being referred to the independent Human Rights Tribunal for adjudication.
- The Commission received training for officers and volunteers from Vision Bermuda to assist low to no vision guests.
- The Commission provided consultative services to assist organisations and the Government to advance their human rights initiatives in Bermuda.
- The Commission acknowledged the extension of the UN Convention on the Rights of Persons with Disabilities (UNCPRD) to Bermuda in October 2024.
- The Commission participated in Beyond Inclusion's second annual Trunk or Treat event.

- The Commission joined the Peace March and the gathering on the Cabinet Grounds coinciding with the International Day of Solidarity with the Palestinian People, emphasizing the need for vigilance in protecting rights.
- The Commission collaborated with partner organisations on initiatives that addressed discrimination, racism, and inequity, such as Imagine Bermuda, Citizens Uprooting Racism in Bermuda, Bermuda is Love, Beyond Inclusion, Bermuda National Library, and the Bermuda Hospital Board's Mid-Atlantic Wellness Institute (MAWI).

As we close out 2024, I extend sincere thanks to our Tribunal panel members, and the independent Selection and Appointment Committee. I recognise the retirement of Sonia Astwood, whose three decades of service were marked by professionalism and care, and welcome Khianda Pearman-Watson to the team.

Finally, I acknowledge, with pride, the staff of the Commission, whose tireless efforts made each initiative in this report possible. Thank you for the grace, clarity, and heart you bring to this work every day.

Together, we remain committed to a Bermuda that honours human rights for all.

**LISA REED**

Executive Officer






# Statutory Duties

As Bermuda's National Human Rights Institution, the Commission takes a leading role in the modern interpretation of its statutory mandate and the promotion of the indivisibility and interdependence of all human rights.

The Commission has a statutory remit to protect and promote human rights under the Human Rights Act, 1981. The Commission's mandate involves education, the promotion of principles of non-discrimination and equality, and to investigate and endeavour to settle allegations of discrimination.

Under Section 14 of the Act, the Human Rights Commission is responsible for the administration of the Act and shall:

- 
- Encourage an understanding of the fundamental rights and freedoms of the individual guaranteed by the Constitution and 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 Human Rights Act, 1981;
  - Encourage and coordinate activities which seek to forward the principle that every member of the community is of equal dignity and has equal rights; and
  - Promote the conciliation 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 prosecution for contraventions of the Act.



# Officers of the Human Rights Commission



**Lisa Reed**  
Executive Officer



**Sonia Astwood**  
Manager, Finance and Administration  
(until Mar 2024)



**Arion Mapp**  
Legal Counsel



**Sara Clifford**  
Education Officer



**Darnell Harvey**  
Investigations Officer



**Treadwell Tucker**  
Investigations Officer



**Erlene Postlethwaite**  
Intakes Officer



**Khianda Pearman-Watson**  
Manager, Finance and Administration  
(Nov 2024)

The Officers of the Commission recognise the privilege it is to serve as Public Officers and stewards of the Human Rights Act, 1981. The Office strives to model a collaborative workplace culture taking time to foster teamwork, community mindedness and fellowship.



# Staffing Updates:

## A Farewell and a Welcome



**Sonia Astwood**

At the end of 2024, the Human Rights Commission bid a heartfelt thank you to our colleague, Sonia Astwood, who retires after 30 remarkable years of dedicated public service. Sonia was the cornerstone of our office operations, ensuring everything ran with efficiency and care. She was typically the first to arrive and the last to leave, going above and beyond to support the Commission's mission with integrity, warmth, and professionalism. Her ability to embrace change, demonstrated both her adaptability and commitment to excellence.

Sonia's contributions leave an special mark on the Commission. Though we are saddened by her departure, we celebrate her service. As she enters a well-earned retirement, we say not goodbye, but "make sure you visit us often!" Sonia, thank you for being a shining example of dedication and grace. Congratulations on a remarkable career.



**Khianda Pearman-Watson**

In November, the Commission was thrilled to welcome Khianda Pearman-Watson to the team as our Manager, Finance and Administration. Khianda is a finance professional with a strong background in both public and private sector accounting, including audit, financial reporting, and management accounting. Currently completing her ACCA designation, she combines technical expertise with a collaborative approach to drive operational efficiency and financial clarity. Khianda shared, 'I am looking forward to deepening my understanding of the Human Rights Act while continuing to strengthen the finance and administration function to better support the Commission's work.'



# Complaint Management Statistics

Members of the public can submit queries to the Commission and pursue complaints of discrimination, harassment or reprisal by filing complaints in accordance with section 14H of the Human Rights Act, 1981.

# 179

## INTAKES RECEIVED

The Commission received 179 intakes from members of the public primarily identifying discriminatory treatment based on disability, which comprised 17% of identified grounds. This was followed by the protected ground of sex at 15% and ethnic or national origins, which accounted for 14% of the identified grounds.

# 68%

## INTAKES CONCERNED EMPLOYMENT

Regarding the areas of discrimination identified by members of the public, 68% of the intakes concerned employment and/or the workplace. This total has combined matters under the protected areas in the Act, such as section 6(1), in addition to those falling within section 6(2), section 6(4), section 6B, section 9, and matters that came to the Commission, which were identified as being employment related.

# Statistical Analysis Intakes and Preliminary Inquiries

Where a person wishes to submit a complaint or query to the Office of the Human Rights Commission, they can do so in accordance with section 14H(1) of the Human Rights Act, 1981 (Act). An intake is classified as a complaint or query and consists of any form of contact made by a member of the public who intends to file a complaint or obtain information from the Office of the Human Rights Commission. For procedural purposes, individuals who submit an intake are referred to as complainants. When a complaint is filed and an appropriate individual, company or organisation is identified they are listed and referred to as a respondent.

When an intake is filed, the Executive Officer in the first instance is responsible for screening the complaint to determine whether it appears to disclose a prima facie case of discrimination. At this stage, if applicable, appropriate referrals are provided, and the matter may be forwarded onward to the respondent(s) with an invitation to reply, if it discloses a prima facie case of discrimination or dismissed, if it does not. The stage where notice is sent to the respondent(s), is referred to as the Complaint Received Stage.

When appropriate to do so, the Executive Officer may also conduct a preliminary inquiry in accordance with section 14I of the Act for the purpose of determining whether to undertake an investigation.

- Intakes are comprised of complaints and queries.
- A complaint is classified as a matter filed with the Commission by an individual who asserts that the Act has been contravened.
- A query is classified as a question regarding the Act or a request for information relating to human rights or rights generally.

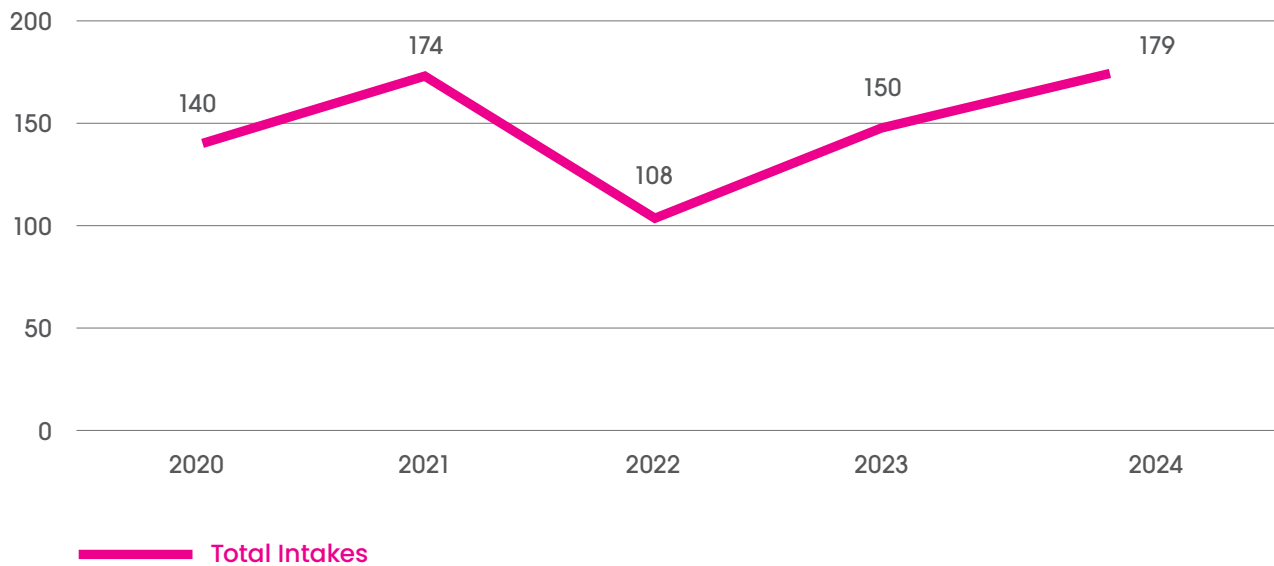
In 2024, the Commission observed significant increases in intakes that appeared to contravene the Act. Increases were noted in intakes that advanced to the Complaint Received Stage and the Investigation Stage in contrast to previous years. Further, the Commission also observed increases in human rights complaints being referred to the independent Human Rights Tribunal for adjudication.

- With respect to the Complaint Received Stage, there were 6 matters that moved to this stage in 2022, and 12 matters in 2023, while 27 advanced to this stage in 2024.
- With respect to the Investigation Stage, there were 3 matters that moved to this stage in 2022, and 5 matters in 2023, while 12 matters were referred to the Investigation Stage in 2024.
- With respect to the independent Human Rights Tribunal, there were a total of 6 matters referred to the Human Rights Tribunal between 2022 and 2023; however, in 2024 a further 6 matters were referred to the Human Rights Tribunal for adjudication.



# Statistical Analysis Intakes and Preliminary Inquiries

**Figure 1 - Total Intakes for the Period, 2020 - 2024**

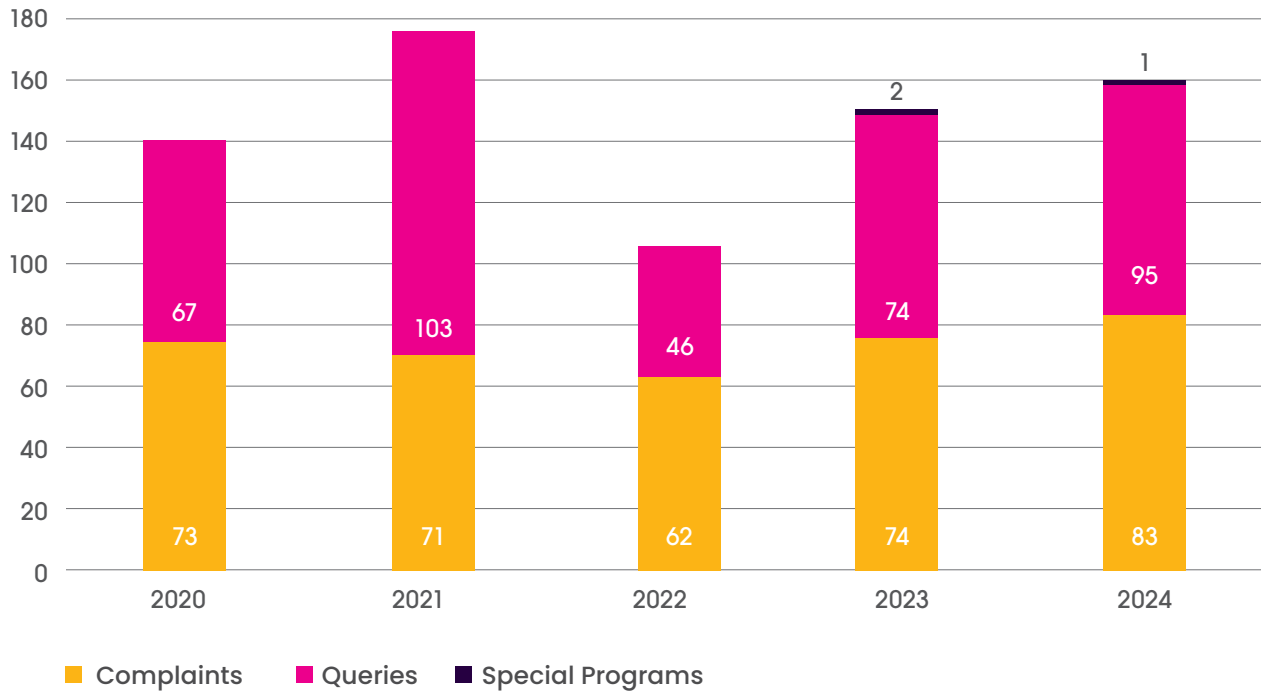


*Line graph describing the number of intakes received annually between 2020 and 2024. The X-axis represents the year range of 2020 to 2024. The Y-axis represents the total number with a range of 0 to 200 in intervals of 50. The graph shows an increase from 140 in 2020 to 174 in 2021, followed by a decrease in 2022 to 108, followed by an increase to 150 in 2023. The graph ends with an increase to 179 in 2024.*

**In 2024**, there were **179 intakes** filed with the Office of the Human Rights Commission by members of the public. In contrast to the previous reporting period, this was an increase of 19% (150 in 2023).

# Statistical Analysis Intakes and Preliminary Inquiries

Figure 2 - Intakes by Type for the Period, 2020 - 2024

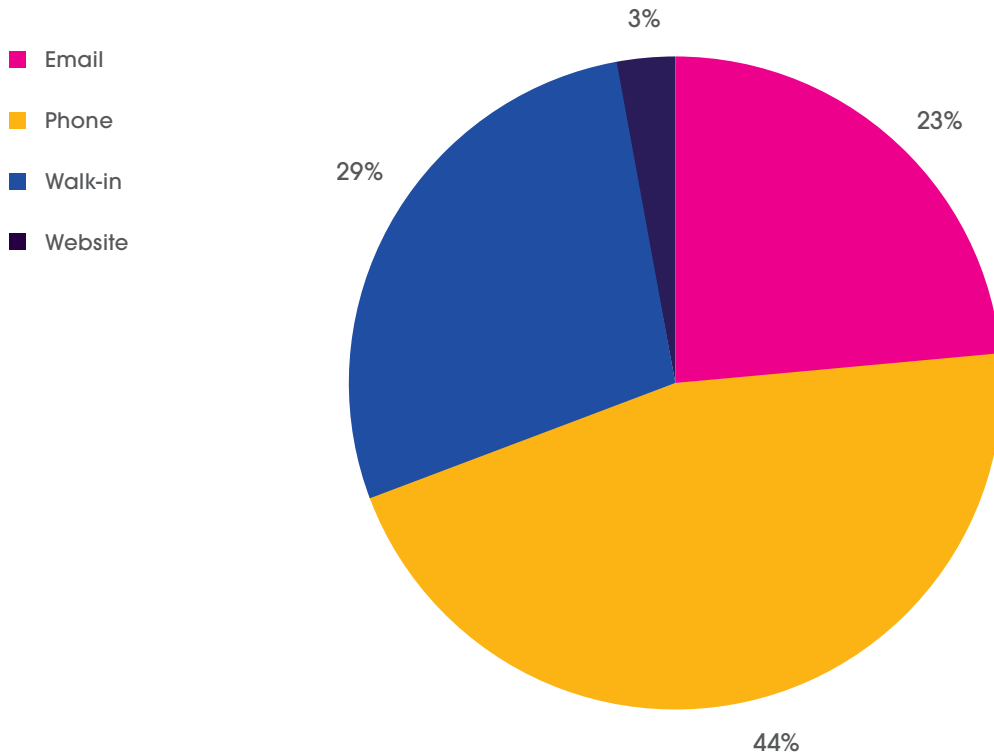


Bar graph setting out the number of annual intakes received between 2020 and 2024 as either complaints, queries or special Programs. The X-axis represents the year. The Y-axis represents the total number with a range of 0 to 200 in intervals of 20. The graph shows 73 complaints and 67 queries in 2020, 71 complaints and 103 queries in 2021, 62 complaints and 46 queries in 2022, and 74 complaints, 74 queries, and 2 special Programs in 2023. The graph ends showing 83 complaints, 95 queries and 1 special Program in 2024.

In 2024, when comparing complaints and queries against each other, Figure 2 shows that there were more queries filed by members of the public contacting the Office. Figure 2 also shows that more complaints were filed in 2024 than the previous years referenced. Figure 2 illustrates that of the 179 intakes received, 95 were classified as queries, 83 were classified as complaints and 1 was a special Program application. Since 2022, there have been increases in complaints and queries received by the Office. In contrast to the previous reporting period, there was a 28% increase in queries received by the Office in 2024 and a 12% increase in complaints filed with the Office in 2024. Since 2023, the Human Rights Commission has implemented a comprehensive education and communications strategy, which sought to increase awareness of the Commission, and educate Bermuda’s residents on their human rights. This was a large focal point of the Commission’s strategic education and communication initiatives, which appears to have resulted in an increase in contact between our office and the public.

# Statistical Analysis Intakes and Preliminary Inquiries

**Figure 3 - Percentage Distribution of Intakes Received by Method of Contact, 2024**



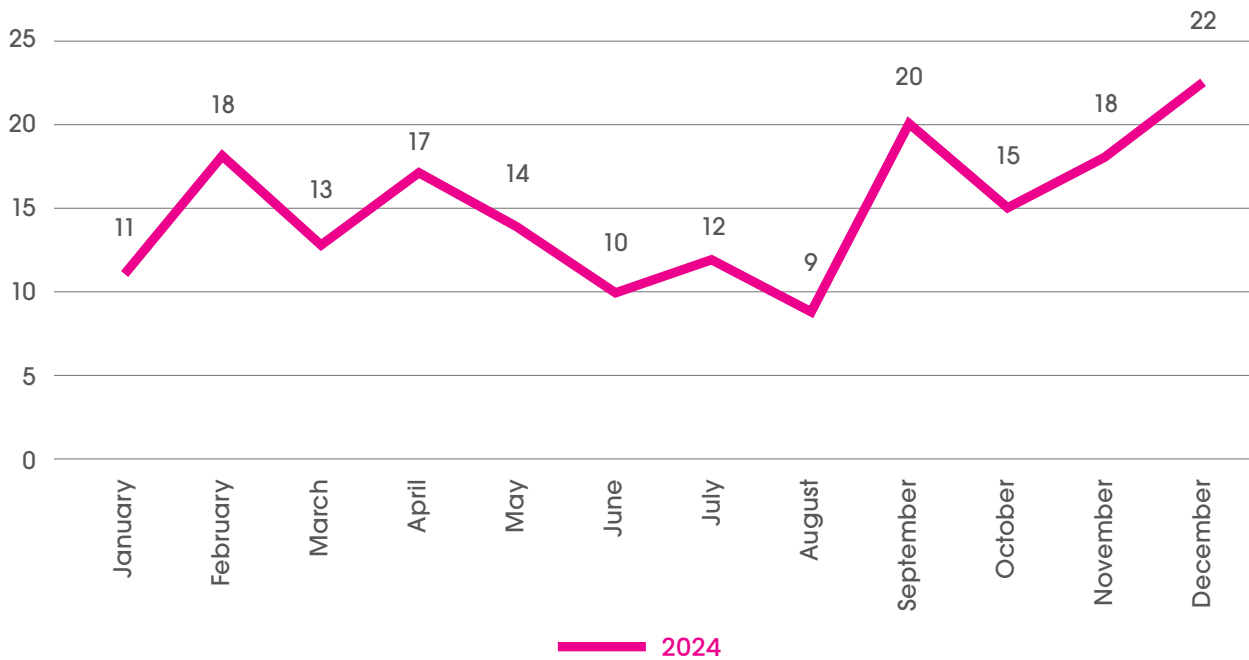
Note 1 - Percentage totals may not equal 100 due to rounding.

*Pie chart displaying the percentage of intakes received in 2024 by email 23%, by phone 44%, by walk-in 29%, and by website 3%.*

**In 2024, when comparing the Method of Contact for intakes, Figure 3 illustrates that members of the public are more likely to call the Commission to submit an intake.** The Commission receives intakes in various forms, such as through email, over the phone, with individuals logging intakes in-person at our office or through the Commission’s website – [www.humanrights.bm](http://www.humanrights.bm). There are also instances where the Commission commences an action, which results in it being logged as HRC own motion. Of all intakes received in 2024, members of the public contacted the Office by phone 44% of the time, in person at the office 29% of the time, by email 23% of the time, and through the website 3% of the time.

# Statistical Analysis Intakes and Preliminary Inquiries

Figure 4 - Annual Intakes by Month, 2024



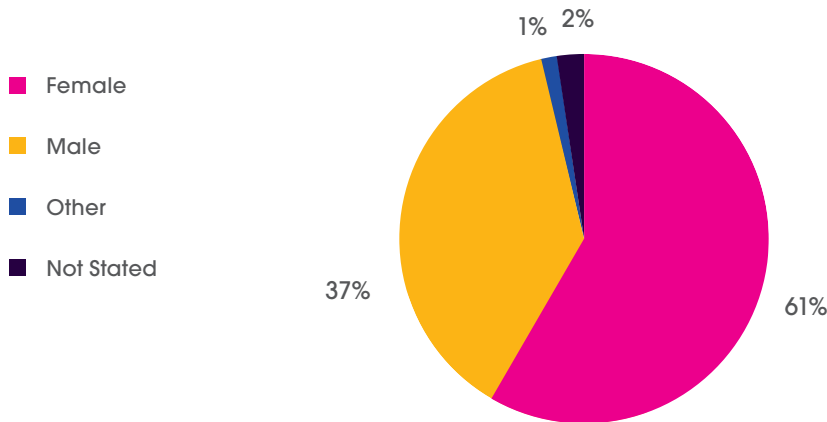
Line graph describing the total number of intakes received in each month in 2024. The X-axis represents the month. The Y-axis represents the total number with a range of 0 to 25 in intervals of 5. The graph shows an increase from 11 intakes in January to 18 intakes in February, a decrease to 13 intakes in March, an increase to 17 intakes in April, a decrease to 14 intakes in May, another decrease to 10 intakes in June, followed by an increase to 12 intakes in July, a decrease to 9 intakes in August, a steep increase to 20 intakes in September, a decrease to 15 intakes in October, an increase to 18 intakes in November and the graph ends with an increase to 22 intakes in December.

In 2024, when comparing annual intakes by month, Figure 4 illustrates that the highest month for intakes recorded was December 2024 (22 intakes) representing 12% and September 2024 (20 intakes) representing 11%. The lowest number of intakes recorded in a month was August 2024 (9 intakes), representing 5%. The mean average for intakes was 14.9 intakes per month. The total intakes received on a quarterly basis were roughly the same for first, second and third quarters of the year – Q1 (42 intakes), Q2 (41 intakes), and Q3 (41 intakes). However, a higher volume was received during the fourth quarter of the year with 55 intakes filed during the Q4 period.



# Statistical Analysis Intakes and Preliminary Inquiries

**Figure 5 - Percentage Distribution of Intakes by Sex of the Complainant, 2024**



*Pie chart displaying the percentage of intakes received in 2024 by sex for categories of female 61%, male 37%, other 1%, and not stated 2%.*

**Figure 5 illustrates the percentage distribution of intakes received by the sex of complainants.**

**In 2024, the voluntary demographic data received demonstrated that female complainants represented 61% of all intakes received in comparison to male complainants representing 37% of all intakes received.** Among the intakes received, there were 2% where complainants did not identify their sex, and these have been recorded as 'not stated.' Further, among the intakes received, there were 1% where complainants identified their sex as other. In comparison to the reported figures in 2023, the total number of female complainants increased from the previously reported figure of 53% and the total number of male complainants increased from the previously reported figure of 34%. In contrast to previous years, female complainants have consistently remained among the majority of individuals contacting the Commission (*previously reported as 64% in 2020, 59% in 2021, 66% in 2022, and 53% in 2023*).

A review of this demographic data against the more common areas of discrimination and protected grounds identified by complainants demonstrated a few patterns.

The protected grounds of disability, sex, ethnic or national origins and place of origin were identified on a more frequent basis by complainants than others.

## Statistical Analysis Intakes and Preliminary Inquiries

**Female complainants** were among the majority of complainants who identified sex as a protected ground when contacting the Commission. The figures showed that **female complainants represented 79% of intakes identifying the protected ground of sex** while male complainants represented 19% of intakes identifying the protected ground of sex. A deeper analysis of the demographic data relating to the immigration status of the female complainants referred to previously demonstrated that 76% of them were Bermudian while 15% were non-Bermudian with 9% identifying their immigration status as Spouse of a Bermudian.

The demographic data received demonstrated the **female complainants** were among the majority of complainants who identified disability as a protected ground when contacting the Commission. Specifically, **female complainants represented 66% of intakes identifying the protected ground of disability** in contrast to male complainants representing 28% of intakes identifying the protected ground of disability. With respect to the immigration status of the female complainants referred to previously, the demographic data received showed that 77% of them were Bermudian, 16% of them were non-Bermudian and 3% of them identified their immigration status as Spouse of a Bermudian.

The demographic data received demonstrated that with the protected grounds of ethnic or national origins female complainants represented 61% of those identifying these protected grounds in contrast to male complainants who represented 39% of intakes identifying ethnic or national origins. With respect to the protected ground of place of origin, female complainants represented 57% of intakes identifying place of origin while male complainants represented 43% with respect to this protected ground.

From the areas of discrimination set out within Part II of the Act, the Commission observed that section 6(1) – *employment*, section 6B(1) – *harassment within the workplace*, and section 5(1) – *goods, facilities and services* were identified on a more frequent basis by members of the public than others.

**Female complainants** were among the majority of complainants indicating that they experienced discrimination within the area of employment citing section 6(1) of the Act. The demographic data received demonstrated that female complainants represented 62.5% of intakes identifying section 6(1) of the Act, while male complainants represented 37.5% of intakes citing section 6(1) of the Act. In contrast to the last reporting period, there has been an increase in both female (*previously reported as 53% in 2023*) and male complainants (*previously reported as 33% in 2023*) identifying section 6(1) of the Act when filing intakes with the Commission.

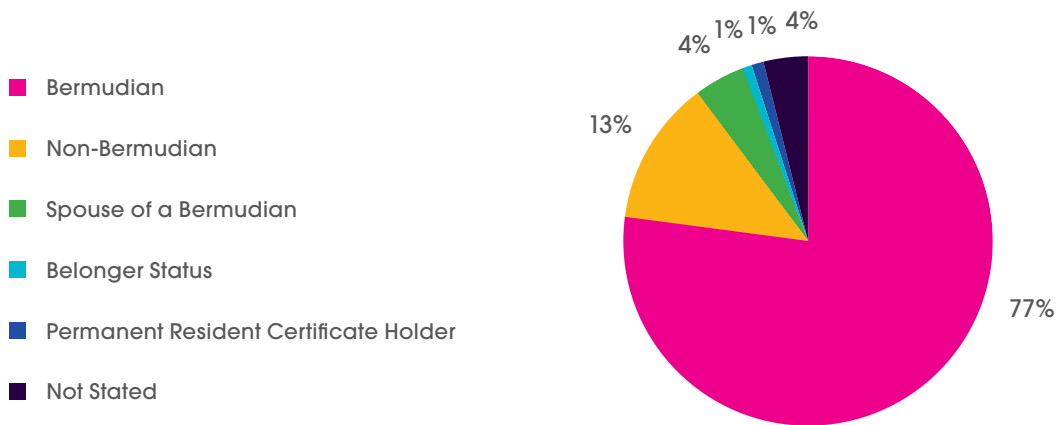
A deeper analysis of the demographic data relating to the immigration status of the female complainants referred to above showed that 80% of them were Bermudian, 11% of them were non-Bermudian and 3% identified their immigration status as Spouse of a Bermudian. For the male complainants referred to above, the demographic data showed that 71% of them were Bermudian, 24% of them were non-Bermudian and 5% of them identified their immigration status as Spouse of a Bermudian. A further analysis for the demographic data relating to the race of the female complainants referred to above showed that 80% of them were Black, 9% of them were Black and White, 6% were White and 6% identified their race as Other. With respect to

# Statistical Analysis Intakes and Preliminary Inquiries

the race of the male complainants referred to above, the demographic data showed that 62% of them were Black, 14% of them were Asian, 14% of them were White and 10% of them identified their race as Other.

**Female complainants** were among the majority of complainants who alleged that they were harassed within the workplace. They represented 64% of intakes referencing section 6B(1) of the Act. **Male complainants** represented 36% of all intakes alleging harassment within the workplace. In contrast to the last reporting period, there has been an increase in both female (*previously reported as 55% in 2023*) and male (*previously reported as 27% in 2023*) complainants alleging harassment within the workplace when contacting the Commission. Of those who alleged that they experienced discrimination when obtaining goods, facilities, and services in Bermuda (section 5(1) of the Act), **female complainants** were among the majority representing 52% while **male complainants** represented 37% of complainants identifying section 5(1) of the Act when contacting the Commission. In contrast to the last reporting period, there has been an increase in female complainants (*previously reported as 39% in 2023*) alleging that they experienced discrimination when obtaining goods, facilities and services. However, in contrast to the last reporting period there has been a decrease in male complainants (*previously reported as 44% in 2023*) identifying section 5(1) of the Act.

**Figure 6 - Percentage Distribution of Intakes by the Bermuda Immigration Status of the Complainant, 2024**



*Pie chart displaying the percentage of intakes received in 2024 by Bermuda Immigration Status for categories of Bermudian 77%, non-Bermudian 13%, Spouse of a Bermudian 4%, Belonger Status 1%, Permanent Resident Certificate Holder 1% and Not Stated 4%.*

**Figure 6 illustrates the percentage distribution of intakes received by the Bermuda immigration status of complainants.**

# Statistical Analysis Intakes and Preliminary Inquiries

In 2024, the voluntary demographic data received demonstrated that Bermudian complainants represented 77% of all intakes received in comparison to non-Bermudian complainants 13%, complainants who are a Spouse of a Bermudian 4%, complainants with Belonger Status 1%, and complainants who are Permanent Resident Certificate Holders 1%. The remaining 4% represented individuals who did not provide demographic data on their immigration status and are listed as not stated.

A review of this demographic data against the more common areas of discrimination and protected grounds identified by complainants demonstrated a few patterns:

The protected grounds of disability, sex, ethnic or national origins and place of origin were identified on a more frequent basis by members of the public than others.

**Bermudian complainants** were among the majority of complainants who identified disability as a protected ground when contacting the Commission. Specifically, Bermudian complainants represented 77% of intakes identifying disability as a protected ground while non-Bermudian complainants represented 13% and complainants identifying their immigration status as Spouse of a Bermudian represented 2% of intakes that identified disability as a protected ground. As the Commission collects demographic data on a voluntary basis, a further 9% were recorded as not stated. With respect to the protected ground of sex, Bermudian complainants were among the majority representing 71% while non-Bermudian complainants represented 19% and complainants identifying their immigration status as Spouse of a Bermudian represented 10%.

The protected grounds of ethnic or national origins were primarily cited by Bermudian complainants who represented 50% of intakes identifying ethnic or national origins while non-Bermudian complainants represented 37% of this total. For complainants identifying their immigration status as Spouse of a Bermudian, they represented 11% of this total with complainants who are Permanent Resident Certificate Holders representing 3% of all intakes identifying ethnic or national origins. For the protected ground of place of origin, Bermudian complainants were again among the majority representing 54% of all intakes identifying this ground in comparison to non-Bermudian complainants representing 34%. For complainants identifying their immigration status as Spouse of a Bermudian, they represented 9% of this total with complainants who are Permanent Resident Certificate Holders representing 1% of all intakes identifying the protected ground of place of origin.

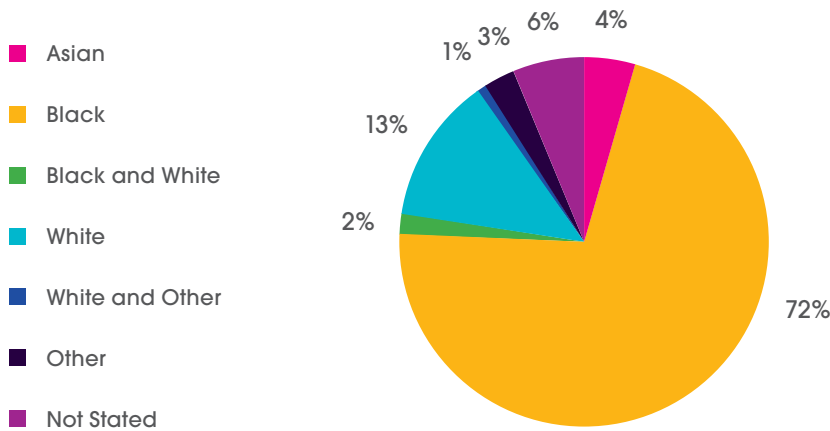
From the areas of discrimination set out within Part II of the Act, the Commission observed that section 6(1) – *employment*, section 6B(1) – *harassment within the workplace*, and section 5(1) – *goods, facilities and services* were identified on a more frequent basis by members of the public than others.

**Bermudian complainants** were often among the majority of complainants concerning varying areas of discrimination within the Act, such as section 6(1) – *employment*, section 6B(1) – *harassment within the workplace*, and section 5(1) – *goods, facilities and services*. Specifically, Bermudian complainants represented 77% of intakes relating to section 6(1), 75% of intakes relating to section 6B(1) of the Act, and 87% section 5(1) of the Act. In contrast to the last reporting period, Bermudian complainants continue to be among the majority of those filing intakes that identify section 6(1) of the Act (*previously reported as 50% in 2023*), section 6B(1) of the Act (*previously reported as 64% in 2023*), and section 5(1) of the Act (*previously reported as 72% in 2023*).



# Statistical Analysis Intakes and Preliminary Inquiries

**Figure 7 - Percentage Distribution of Intakes by the Race of the Complainant, 2024**



Note 1 - Percentage totals may not equal 100 due to rounding.

*Pie chart displaying the percentage of intakes received in 2024 by race for categories of Asian 4%, Black 72%, Black and White 2%, White 13%, White and Other 1%, Other 3%, and Not Stated 6%.*

**Figure 7 illustrates the percentage distribution of intakes received by the race of complainants.**

**In 2024, the voluntary demographic data received demonstrated that complainants identifying their race as Black represented 72% of all intakes received.** Complainants identifying their race as White represented 13% of all intakes received while complainants identifying their race as Asian represented 4% of all complaints received. Further demographic data on race showed that complainants who identified their race as Other represented 3%, complainants who identified their race as Black and White represented 2% and complainants who identified their race as White and Other represented 1% of all complaints received. As the Commission collects demographic data on a voluntary basis there were instances where complainants did not identify their race, and this has been categorised as not stated and represented 6% of intakes received.

A review of this demographic data against the areas of discrimination and protected grounds identified by complainants demonstrated a few patterns: The protected grounds of disability, sex, ethnic or national origins and place of origin were identified on a more frequent basis by members of the public than others.

## Statistical Analysis Intakes and Preliminary Inquiries

**Complainants who identified their race as Black** were among the majority of complainants who identified disability as a protected ground, as they represented 49% of that total while complainants who identified their race as White represented 15% of the that total. Also captured were 11% of complainants who identified their race as Other and 9% of complainants who identified their race as Black and White. Complainants who identified their race as Black were also among the majority of complainants who identified sex as a protected ground, as they represented 71% of that total. The demographic data shows that with respect to the protected ground of sex, complainants who identified their race as White represent 10% of the total, complainants who identified their race as Black and White represent 7% of the total, complainants who identified their race as Other represent 7% of the total and complainants who identified their race as Asian represent 5% of the total.

With respect to the protected grounds of ethnic or national origins and place of origin, complainants who identified their race as Black were among the majority of complaints as they represented 58% and 57% respectively. With respect to the protected ground of place of origin, complainants who identified their race as White represented 18% of this total while complainants who identified their race as Asian represented 16% of the total.

From the areas of discrimination set out within Part II of the Act, the Commission observed that section 6(1) – *employment*, section 6B(1) – *harassment within the workplace*, and section 5(1) – *goods, facilities and services* were identified on a more frequent basis by members of the public than others.

**Complainants who identified their race as Black** represented 73% of intakes that identified section 6(1) – *employment*. Complainants who identified their race as White represented 9% of that total, while complainants who identified their race as Other represented 7%. Complainants who identified their race as Asian represented 5% with respect to intakes identifying section 6(1) while complainants who identified their race as Black and White also represented 5% of that total.

Where complainants alleged that they experienced harassment within the workplace, the demographic data shows that complainants who identified their race as Black were among the majority representing 69%. With respect to section 5(1) – *goods, facilities, and services*, complainants who identified their race as Black were again the majority representing 61% of the total with complainants who identified their race as White representing 16% of the total.

# Statistical Analysis Intakes and Preliminary Inquiries

**Table 8 - Intakes by Ground of Discrimination Cited - Section 2(2), 2024**

Ground	No. of Grounds	%
Race	21	8
Place of Origin	35	13
Colour	9	3
Ethnic or National Origins	38	14
Sex	42	15
Sexual Orientation	5	2
Marital Status	3	1
Disability	47	17
Family Status	24	9
Religion	12	4
Beliefs	2	1
Political Opinions	9	3
Criminal Record	11	4
*Pregnancy	5	2
**Age	10	4
<b>Total</b>	<b>273</b>	<b>100</b>

Note 1 - \* The right to no less favourable treatment because of sex includes the right to no less favourable treatment because a woman is or may become pregnant. These figures have been separated from the protected ground sex to identify that the issue raised related to pregnancy.

Note 2 - \*\*Protection afforded in section 4 and section 5.

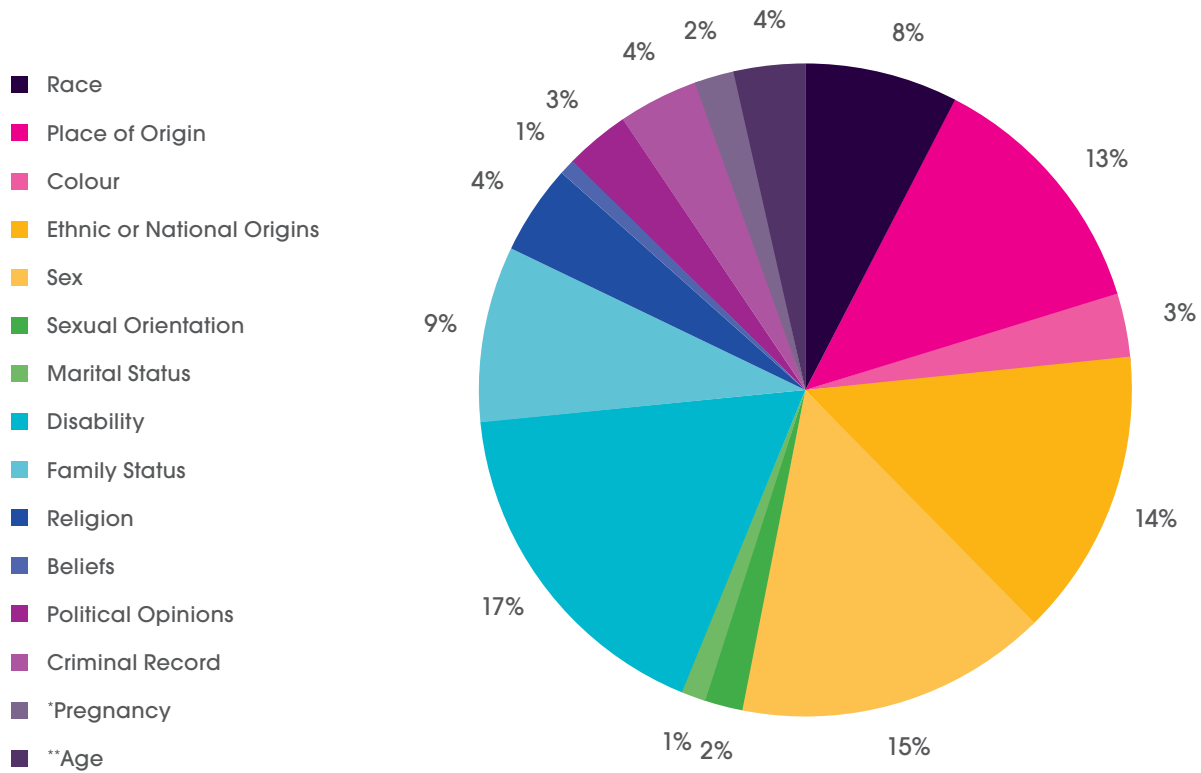
Note 3 - Not included within the statistics for intakes are those where the complainant did not state or identify a ground. The numbers provided reflect statistics for grounds as self-identified.

Note 4 - Percentage totals may not equal 100 due to rounding.

Note 5 - The statistics for intakes include both instances of direct and indirect discrimination, which were reported to the Commission and identified an applicable protected ground.

# Statistical Analysis Intakes and Preliminary Inquiries

**Figure 8 - Percentage Distribution of Intakes by Ground of Discrimination Cited - Section 2(2), 2024**



Note 1 - \* The right to no less favourable treatment because of sex includes the right to no less favourable treatment because a woman is or may become pregnant. These figures have been separated from the protected ground sex to identify that the issue raised related to pregnancy.

Note 2 - \*\*Protection afforded in section 4 and section 5.

Note 3 - Not included within the statistics for intakes are those where the complainant did not state or identify a ground. The numbers provided reflect statistics for grounds as self-identified.

Note 4 - Percentage totals may not equal 100 due to rounding.

Note 5 - The statistics for intakes include both instances of direct and indirect discrimination, which were reported to the Commission and identified an applicable protected ground.

*Pie chart displaying the percentage of intakes received by ground of discrimination in 2024 for categories of Race 8%, Place of Origin 13%, Colour 3%, Ethnic or National Origins 14%, Sex 15%, Sexual Orientation 2%, Marital Status 1%, Disability 17%, Family Status 9%, Religion 4%, Beliefs 1%, Political Opinions 3%, Criminal Record 4%, Pregnancy 2%, and Age 4%.*

**Table 8 and Figure 8 illustrate the percentage distribution of intakes received by ground of discrimination.**



# Statistical Analysis Intakes and Preliminary Inquiries

In 2024, among the individual protected grounds identified by complainants, **disability (17%), sex (15%), ethnic or national origins (14%) and place of origin (13%) were identified on a more frequent basis than others.** These were followed by family status, which represented 9% of all identified protected grounds, and race which represented 8% of all identified protected grounds.

In comparison to the last reporting period, the following observations have been made:

- The identification of **disability** by complainants increased exponentially between 2023 and 2024. In 2023, the protected ground of disability was identified 12 times representing 11% of all intakes identified; however, in 2024, this number grew to 47 representing 17% of all intakes identified.
- A similar trend has been observed with the protected ground of **sex**, as the total number of intakes that identified sex in 2023 was 20 representing 19% of all intakes identified; however, in 2024, the total more than doubled to 42 representing 15% of all intakes identified. Looking back to the reporting period in 2022, this demonstrates a significant increase over a two year period as the total reported at that time was 5 representing 10% of all intakes identified.
- The total number of intakes identifying **ethnic or national origins** also saw a significant increase in 2024 in contrast to the previous reporting period. In 2023, the total number of intakes identifying ethnic or national origins was 5 representing 5% of all intakes identified. In 2024, ethnic or national origins was identified 38 times representing 14% of all intakes identified.
- For the seventh straight year, complainants have identified disability, sex, and variations of race, place of origin, and ethnic or national origins on a more frequent basis than others.

The data within Table 8 and Figure 8 include instances where intakes identified both direct discrimination (*section 2(2)(a) of the Act*) and indirect discrimination (*section 2(2)(b) of the Act*). With respect to indirect discrimination, majority of these intakes identified the protected grounds of disability and religion.

# Statistical Analysis Intakes and Preliminary Inquiries

**Table 9 - Intakes by Area of Discrimination Cited, 2024**

Area	No. of Areas	%
Section 3 - Discrimination in Notices	1	1
Section 4 - Premises (Real Estate)	15	7
Section 5 - Goods, Facilities & Services	31	15
Section 6 (1) - Employment	56	27
Section 6 (2) - Employment	1	1
Section 6 (4) - Employment Applications	6	3
Section 6B - Harassment	36	17
Section 7 - Organisations	2	1
Section 8 - Reprisal	16	8
Section 8A - Hate Speech	1	1
Section 9 - Sexual Harassment	9	4
Employment Related	34	16
<b>Total</b>	<b>208</b>	<b>101</b>

Note 1 - Some areas of discrimination within the Human Rights Act, 1981 are not included in Table 9 because there was no information collected in 2024 for these areas.

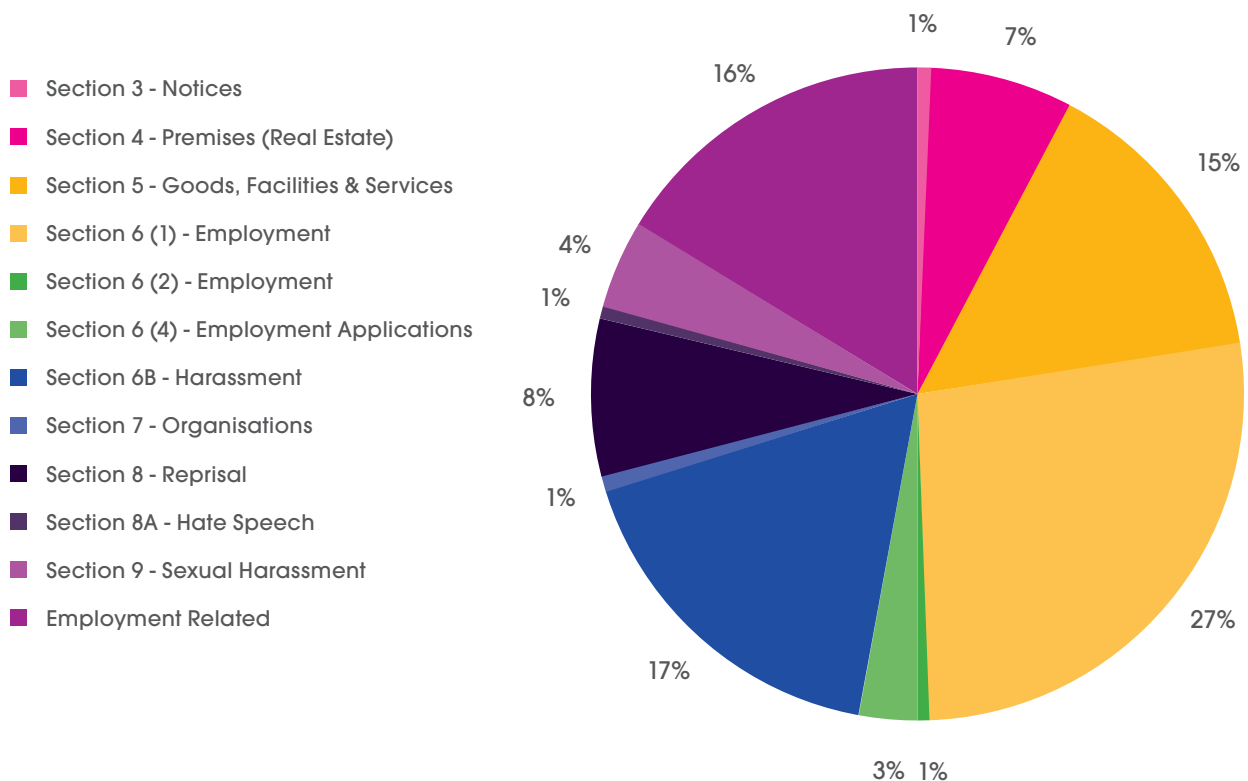
Note 2 - Not included within the statistics for intakes are those where the complainant did not state or identify an area of discrimination. The numbers provided reflect statistics for declared areas of discrimination.

Note 3 - Percentage totals may not equal 100 due to rounding.

Note 4 - In the past, section 4 was listed as referencing Land.

# Statistical Analysis Intakes and Preliminary Inquiries

**Figure 9 – Percentage Distribution of Intakes by Area of Discrimination Cited, 2024**



Note 1 – Some areas of discrimination within the Human Rights Act, 1981 are not included in Table 9 because there was no information collected in 2024 for these areas.

Note 2 – Not included within the statistics for intakes are those where the complainant did not state or identify an area of discrimination. The numbers provided reflect statistics for declared areas of discrimination.

Note 3 – In the past, section 4 was listed as referencing Land.

*Pie chart displaying the percentage of intakes received by area of discrimination in 2024 for categories of Section 3 – Notices 1%, Section 4 – Premises (Real Estate) 7%, Section 5 – Goods, Facilities, and Services 15%, Section 6(1) – Employment 27%, Section 6(2) – Employment 1%, Section 6(4) – Employment Applications 3%, Section 6B(1) – Harassment 17%, Section 7 – Organisations 1%, Section 8 – Reprisal 8%, Section 8A – Hate Speech 1%, Section 9 – Sexual Harassment 4%, and Employment Related 16%.*

**Table 9 and Figure 9 illustrate the percentage distribution of intakes received by the area of discrimination.**

# Statistical Analysis Intakes and Preliminary Inquiries

In 2024, among the areas of discrimination within the Act, a large portion of intakes concerned allegations of discrimination within employment and complainants primarily cited section 6(1) of the Act when contacting the Commission, which accounted for 27% of identified areas of discrimination. Complainants also frequently alleged that they were experiencing harassment within the workplace citing section 6B(1) of the Act and alleging that they experienced discrimination or harassment when accessing or seeking to access goods, facilities and services citing section 5(1) of the Act. Specifically, section 6B(1) of the Act represented 17% of all identified areas of discrimination and section 5(1) of the Act represented 15% of all identified areas of discrimination.

The Commission has continued to capture intakes, which broadly allege unfair practices within employment, but do not identify an area of discrimination. Intakes of this nature are logged as Employment Related and in 2024, when compared with the identified areas of discrimination, these intakes represented 16% of that total. The percentage total of **Employment Related** intakes remained the same between 2023 and 2024; however, the total number of matters increased in 2024 to 34 from the previously reported total of 21 in 2023. Intakes such as these identified employment related issues such as outstanding wages, probation related queries and unfair dismissal not alleged to be discriminatory in nature.

In comparison to previous reporting periods, the following observations have been made:

- Since 2019, when filing intakes with the Commission, complainants have identified section 6(1) of the Act – *employment* more than any other area of discrimination. The total number of intakes identifying section 6(1) of the Act increased between 2023 and 2024 from the previously reported total of 38, which represented 30% of intakes identifying an area of discrimination in that year to a total of 56 in 2024, which represents 27% of intakes identifying an area of discrimination.
- Since 2021, the total number of complainants identifying section 6B(1) of the Act – *harassment within the workplace* has increased from a total of 9 in 2021 to 36 in 2024. Further, since 2021, this area of discrimination has been one of the three most identified areas of discrimination by complainants.
- Since 2021, the total number of complainants identifying section 5(1) of the Act – *goods, facilities, and services* has steadily increased each year from a total of 7 in 2021 to a total of 10 in 2022, a total of 20 in 2023, and a total of 31 in 2024.
- In 2024, there was a significant increase in the total number of cases identifying section 6(4) – *Employment Applications* as an area of discrimination. The reported total in 2023 was 1, which represented 1% of intakes identifying an area of discrimination. In contrast to this reporting period, this area of discrimination was identified 6 times by complainants, which represented 3% of intakes identifying an area of discrimination.
- In 2024, the total number of complainants identifying section 9 of the Act – *sexual harassment* was the same as the total reported in 2023. The reported total in 2023 was 9, representing 7% of intakes identifying an area of discrimination while the reported total in 2024 was also 9 representing 4% of intakes identifying an area of discrimination.

# Investigations

In 2024, there were 22 investigations being carried out by the Office of the Commission. These investigations were at various stages of the investigations process. This total was an increase of 12 investigations above the 10 reported as being managed by the Office in 2023. Of these 22 matters, 12 were approved and referred for investigation in 2024, while 10 were previously approved in prior years and remained ongoing in 2024. Eleven of the 22 investigation matters closed in 2024. Six of the closed matters were referred to a Tribunal Hearing during the reporting period. The remainder were either resolved via mediation (3), or withdrawn (1) or abandoned (1) by the respective complainants.

**Table 10 - Active Investigations by Ground of Discrimination - Section 2(2) 2024**

Ground	No. of Grounds	%
(i) Race	3	11
(i) Place of Origin	4	15
(i) Colour	2	7
(i) Ethnic or National Origins	4	15
(ii) Sex	5	18
(ii) Sexual Orientation	1	4
(iii) Marital Status	1	4
(iiiA) Disability	4	15
(iv) Family Status	2	7
(vi) Political Opinion	1	4
<b>Total</b>	<b>27</b>	<b>100</b>

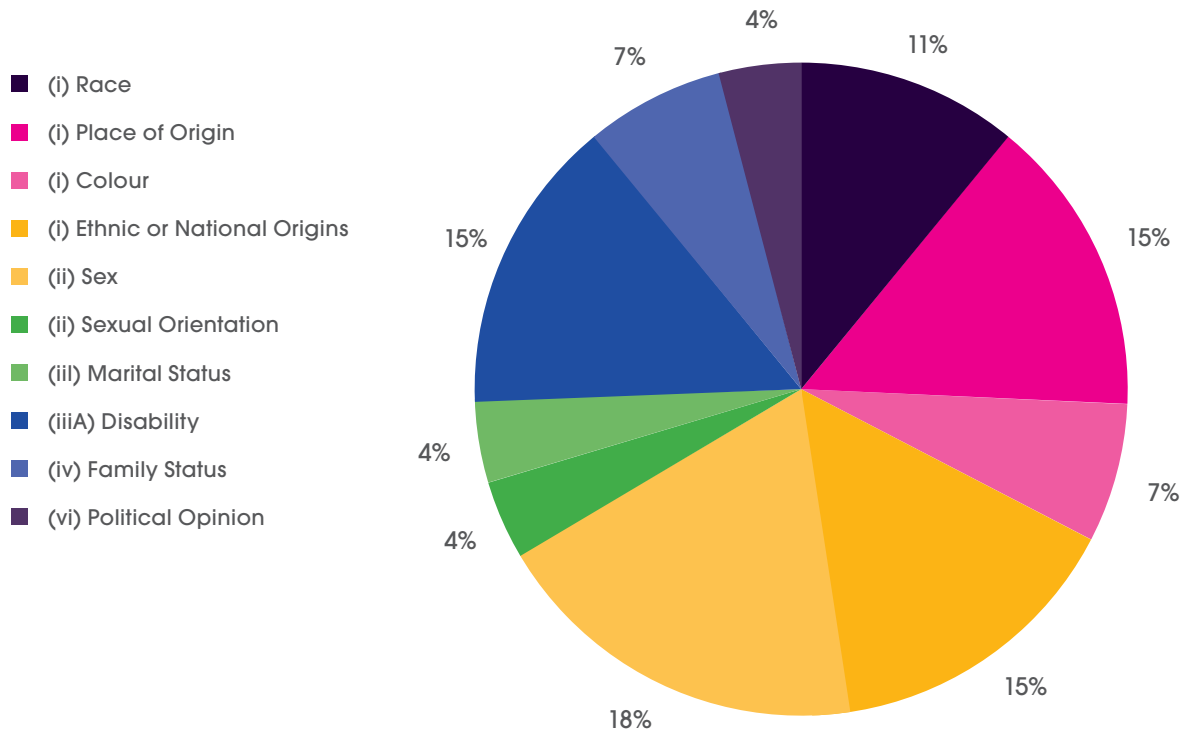
Note 1 - Complainants may identify multiple areas of discrimination (and within each area cite multiple allegations of discrimination) and thus, the total may be greater than the total number of investigations.

Note 2 - There were two complaints of indirect discrimination identified by two complainants. Complaints of indirect discrimination are provided for in Section 2(2)(b). For these matters, the complainants identified indirect discrimination based on the protected grounds of place of origin and disability, respectively.



# Investigations

**Figure 10 - Percentage Distribution of Active Investigations by Ground of Discrimination - Section 2(2), 2024**



Note 1 - Complainants may identify multiple areas of discrimination (and within each area cite multiple allegations of discrimination) and thus, the total may be greater than the total number of investigations.

Note 2 - There were two complaints of indirect discrimination identified by two Complainants. Complaints of indirect discrimination are provided for in Section 2(2)(b). For these matters, the Complainants identified indirect discrimination based on the protected grounds of place of origin and disability, respectively.

*Pie chart displaying the percentage of active investigations by ground of discrimination in 2024 for categories of Race 11%, Place of Origin 15%, Colour 7%, Ethnic or National Origins 15%, Sex 18%, Sexual Orientation 4%, Marital Status 4%, Disability 15%, Family Status 7%, and Political Opinion 4%.*

**Table 10 and Figure 10 illustrate that the protected ground of sex (18%) was identified on a more frequent basis than any other ground of discrimination in matters under investigation in 2024.** Place of origin, ethnic or national origins and disability were equal in representation at 15% each. The protected ground of race comprised 11% of investigations while the remaining grounds of discrimination identified amounted to 26% in total.

# Investigations

**Table 11 - Active Investigations by Area of Discrimination, 2024**

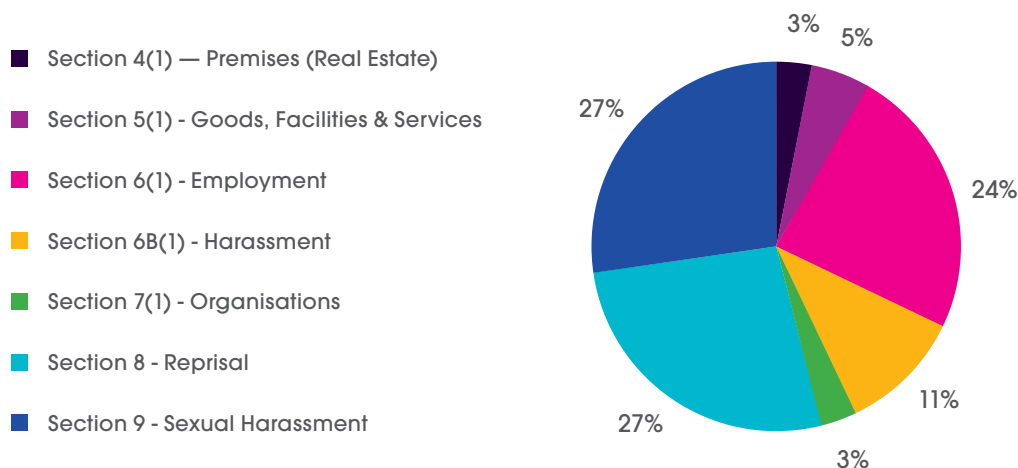
Area	No. of Areas	%
Section 4 – Premises (Real Estate)	1	3
Section 5(1) – Goods, Facilities & Services	2	5
Section 6(1) – Employment	9	24
Section 6B(1) – Harassment	4	11
Section 7(1) – Organisations	1	3
Section 8 – Reprisal	10	27
Section 9 – Sexual Harassment	10	27
<b>Total</b>	<b>37</b>	<b>100</b>

Note 1 - Complainants may identify multiple areas of discrimination and thus, the total may be greater than the total number of investigations.

Note 2 - Section 4 – Premises (Real Estate) were formerly labelled as Land.

# Investigations

**Figure 11 - Percentage Distribution of Active Investigations by Area of Discrimination, 2024**



Note 1 - Complainants may identify multiple areas of discrimination and thus, the total may be greater than the total number of investigations.

Note 2 - Section 4 - Premises (Real Estate) were formerly labelled as Land

*Pie chart displaying the percentage of active investigations by area of discrimination in 2024 for categories of Section 4(1) - Premises (Real Estate) 3%, Section 5(1) - Goods, Facilities & Services 5%, Section 6(1) - Employment 24%, Section 6B(1) - Harassment 11%, Section 7(1) - Organisations 3%, Section 8 - Reprisal 27%, and Section 9 - Sexual Harassment 27%.*

**Table 11 and Figure 11 illustrate that most allegations of discrimination under investigation in 2024, were identified as occurring in the areas of sexual harassment and reprisal, representing 27% each.** Investigations in the area of Employment under section 6 (1), represented 24%, with Complainants alleging discriminatory practices by employers such as refusing to refer or recruit; dismissing, demoting or refusing to employ or continue to employ; paying one employee at a rate of pay less than the rate of pay paid to another employee employed by him for substantially the same work; and, providing in respect of any employee any special term or condition of employment. Complaints of harassment in the workplace represented 11% in 2024. The remaining areas were comprised of, 5% being attributed to allegations of discrimination in the provision of goods, facilities and services, 3% in the area of premises (real estate) and 3% in the area of organisations.

# Investigations

## Section 15(1) - Investigation

When a decision is made that a complaint appears to disclose a prima facie case of discrimination, notice is sent to the respondent(s) of the complaint and inviting them to respond to the allegations made. Following receipt of a response from the respondent(s), the Executive Officer reviews all the information provided throughout the Complaint Received Stage with a view to determining whether to investigate or dismiss a complaint.

In accordance with section 15(1) of the Act, the Executive Officer shall investigate a complaint where it appears to be genuine that unlawful discrimination has occurred by reason of any alleged contravention of the Act or where the Executive Officer has reasonable grounds for believing that any person has contravened any provision of the Act.

If a decision is made to investigate, the Executive Officer provides all parties with notice of the decision and determines the terms of reference for the investigation. The Executive Officer delegates her authority over investigations to an Investigations Officer who conducts the investigation and objectively seeks such information from the parties and any witnesses that is deemed to be appropriate. During the investigation, the Executive Officer provides all parties to the complaint with an opportunity to provide documents, witnesses, and their own perspectives on the complaint. There are occasions during an investigation where the Executive Officer utilizes the powers available under section 16 of the Act to collect, inspect, and examine records, subject to any just claim of privilege. At the conclusion of the investigation, the Investigator provides the Executive Officer with the details obtained throughout the course of an investigation.

Prior to the commencement of an investigation, parties are invited to consider resolving the dispute by way of the Commission's Voluntary Mediation Program. Throughout the complaint process, Officers evaluate on an ongoing basis whether they have a conflict of interest in the relevant matter. Further, Officers understand that it is imperative for the Commission to maintain neutrality as an advocate for fairness throughout the investigative process.



# Complaint Summaries





# Complaint Summaries

The following are anonymised examples of complaints received during the reporting year.

## 1. Discrimination based on Sex – Sexual Harassment

Several individuals contacted the Commission alleging that they experienced and were experiencing sexual harassment within the workplace. The nature of what was described by the individuals appeared to disclose prima facie sexual harassment, and in some instances, conduct that may be deemed to amount to sexual assault. The various individuals alleged that they were being subjected to sexual comments and conduct within the workplace. The individuals filed complaints against their employers and colleagues, and their matters are progressing through the complaint handling process.

## 2. Discrimination based on Disability – Workplace Harassment

An individual contacted the Commission indicating that they were being harassed at work and identified their disability as being a factor in the identified harassing behaviour. The individual shared that they work in a small team, and everyone has been made aware of their disability. The individual shared that their team has also been provided with various ways to communicate with them to ensure that they are able to effectively work in the team. They reported that their manager has subjected them to a campaign of abuse by verbally harassing them, isolating them from the team and removing or frustrating the accommodations put in place by their employer. The individual shared that the impact of the behaviour described is that it is increasingly more difficult for them to work, especially with the accommodations being arbitrarily removed. Based on what was shared, it may be determined that a contravention of the Human Rights Act, 1981 has occurred.

## 3. Discrimination based on Disability – Goods, Facilities and Services

An individual contacted the Commission alleging that they were discriminated against by a service-provider when trying to access services in Bermuda. The individual shared that they notified the service-provider that they had a disability and would not be able to access the service without accommodation. They reported that their request for accommodation was met with “we do not do that.” Based on what was shared, the service-provider did not participate in the duty to accommodate process, and it may be determined that they contravened the Human Rights Act, 1981.

## 4. Discrimination based on Criminal Record – Employment

An individual contacted the Commission after they were terminated by their employer. The individual shared that after being convicted of a criminal offense, and their employer being aware of this, they were suspended and subsequently terminated because of the criminal conviction. Based on what was shared, section 6(1)(b) of the Human Rights Act, 1981 was identified as being applicable to their complaint and the protected ground of criminal record. The Commission has provided the Respondent with notice of the complaint and will seek to obtain their perspective with respect to whether there are valid reasons relevant to the nature of the particular offence for which they were convicted that would justify the difference in treatment.

# Complaint Summaries

## 5. Discrimination based on Family Status – Employment

An individual contacted the Commission after they were suspended and subsequently terminated by their employer. Prior to being terminated, their employer suspended them and shared that they became aware of a conflict of interest that exists as a member of their immediate family worked for a competitor. The employer shared that this was inconsistent with their employment contract, policies and procedures and they were terminated after being suspended for two weeks. Based on what was shared, the employer may be found to have contravened the Human Rights Act, 1981 as the employee's family status was a factor in the decision to terminate them.

## 6. Discrimination based on Place of Origin / Ethnic or National Origins – Employment

Various individuals contacted the Commission reporting that they were being paid in a discriminatory manner due to their place of origin and their ethnic or national origins. The individuals identified their immigration status as being non-Bermudian. When discussing their respective complaints, the individuals shared that they were being paid in a discriminatory manner and asserted that this was due to their place of origin and ethnic or national origins. One of the individuals shared that despite having the same role as colleagues who were Bermudian and performing substantially the same work, their rate of pay was significantly less than their colleagues. Another individual reported that despite being responsible for all of the employees in a small business, they learned through their engagement with the owner that they were being paid less than them because they are Bermudian. The individuals filed complaints against their employers, and their matters are progressing through the complaint handling process.

## 7. Employment Applications

A company contacted the Commission to obtain guidance concerning their employment application processes. The company shared that their application forms included questions seeking applicants to disclose whether:

- they had a disability.
- they were able to work on Saturday and Sunday.
- they had a criminal record.
- they had children.

The company inquired into whether their application form was compliant with the Human Rights Act, 1981. The Commission provided educational assistance to the company and discussed provisions within section 6 of the Human Rights Act, 1981, such as section 6(4), which prohibits the following – *“no person shall use or circulate any form of application for employment or make any written or oral inquiry that expresses either directly or indirectly any discriminatory limitation, specification, or preference or that requires an applicant for employment to furnish any information concerning any of the matters set out in section 2.”* The Commission shared

# Complaint Summaries

that this would relate to protected grounds such as disability, religion, family status, and criminal record. In addition to this, the Commission was able to assist the company in ensuring that their employment application processes were modified to be compliant with the Human Rights Act, 1981.

## 8. Reprisal / Retaliation

An individual filed an internal complaint with their employer about various forms of discrimination and harassment that they believed they were experiencing. The individual also informed their employer that they had contacted the Human Rights Commission about their concerns. Following this, the individual reported that they were subjected to various forms of retaliatory conduct through actions attributed to their employer and management. The individual identified section 8 of the Human Rights Act, 1981 and indicated a desire to proceed with a complaint on this basis.

## 9. Discrimination in Recruitment Processes

A company contacted the Commission with respect to employees that requested varying forms of accommodation. The accommodation requests related to their respective disabilities. The employer was seeking guidance on what needed to be considered by them in the duty to accommodate process in the different scenarios described. The Commission provided details to assist them with their understanding of the duty to accommodate process and recommended that they also obtain independent legal advice. As the scenario described indicated that the employer was considering terminating the employee with a disability, section 6(9C) of the Human Rights Act, 1981 was shared, which states – *“a disabled person shall not be considered disqualified for an employment by reason of his disability if it is possible for the employer, or prospective employer, to modify the circumstances of the employment so as to eliminate the effects of the disabled person’s disability in relation to the employment, without causing unreasonable hardship to the employer, or prospective employer.”*

The Commission shared with the company that they have a duty to accommodate a disabled person up to the point of unreasonable hardship, which refers to the limit of an employer’s capacity to accommodate without experiencing an unreasonable amount of difficulty. The Commission shared that the course of accommodation may involve some degree of inconvenience to them; however, inconvenience by itself is not a factor for assessing unreasonable hardship.

The company was provided with resources to understand the procedural and substantive components of the duty to accommodate process. For information purposes, the procedural component involves the considerations, the assessments and the steps taken to respond to an accommodation need. While the substantive component is about the appropriateness or reasonableness of the chosen accommodation as well as the reasons for not providing an accommodation, including proof of unreasonable hardship. The Commission shared with the company that a failure to give any thought or consideration to an accommodation need or request, including what steps if any could be taken, may represent a failure to satisfy the procedural duty to accommodate.

# Complaint Summaries

Finally, the goal of reasonable accommodation is to help everyone have equal opportunities, access, and benefits. Disability accommodations in the workplace enable people with disabilities with the opportunity to participate fully and equally, in circumstances where they otherwise would face barriers. The duty to accommodate stems, in part, from a recognition that the “normal ways of doing things” in organisations and society are often not “neutral” but rather may inadvertently disadvantage, privilege or better meet the needs of some groups relative to others. Instead of giving special privileges or advantages, accommodations help to “level the playing field” by ensuring that everyone is equally included and accommodated.

## 10. Indirect Discrimination – Disability / Religion / Place of Origin and Ethnic or National Origins (Employment)

Several individuals contacted the Commission reporting that they experienced and were experiencing instances of indirect discrimination. The nature of some complaints related to job requirements that required them to work on a specific day, which negatively impacted them because of their religious beliefs while another indicated that an ‘English-only’ policy was negatively impacting them based on their place of origin and ethnic or national origins. Individuals also complained that policies used in recruitment and hiring were indirectly discriminating against them because of their respective disabilities. These individuals alleged that they were being screened out and deemed unfit for employment because of the policies used and the impact it had on them with a disability. The individuals filed human rights complaints, and their matters are progressing through the complaint handling process.



# Voluntary Mediation Program

Mediation is a method of resolving complaints by bringing the parties together and helping them to move from a place of conflict toward resolution. It is a pragmatic process through which the Mediator helps the parties involved to work towards a mutually agreeable resolution. Once a conflict check has been completed, a mediator is appointed. To aid in resolving grievances, the mediation process is always voluntary and is delivered at no cost to either party.

In 2024, nine matters were involved in the Voluntary Mediation Program. Four matters were successfully resolved, four matters were unsuccessful in reaching a resolution and one matter remained actively involved in the process of the Voluntary Mediation Program through to the next year.



# Referral Process

The Commission provides a robust triage and referral process to assist the public in finding a resolution to their intake (whether a complaint or a query).

As previously reported, many intakes received by the Office of the Commission were based on employment discrimination allegations and as a result, most referrals in 2024 were made to the Ministry of Economy and Labour/Department of Workforce Development. Additionally, as an added recourse, Complainants were also referred to seek independent legal advice, which may be available through their own attorneys or through one of the free legal clinics on the Island to get guidance on their legal rights.

## **Other entities that formed the referral process in 2024, included the:**

- Age Concern
- Ageing and Disability Services
- Bermuda Bar Association
- Bermuda Is Love
- Bermuda Ombudsman
- Bermuda Industrial Union
- Bermuda Health Council
- Bermuda Police Service
- Bermuda Public Services Union
- Bermuda Union of Teachers
- Coalition for the Protection of Children
- Citizens Uprooting Racism in Bermuda (CURB)
- Department of Consumer Affairs
- Department of Education
- Department of Health
- Department of Immigration
- Department of Legal Aid Office
- The Pension Commission
- Employee Assistance Program
- Family Centre
- Financial Assistance
- Police Complaints Authority
- Rent Commission
- The Community Centre on Angle Street
- Treatment of Offenders Board
- Vision Bermuda
- Women's Resource Centre



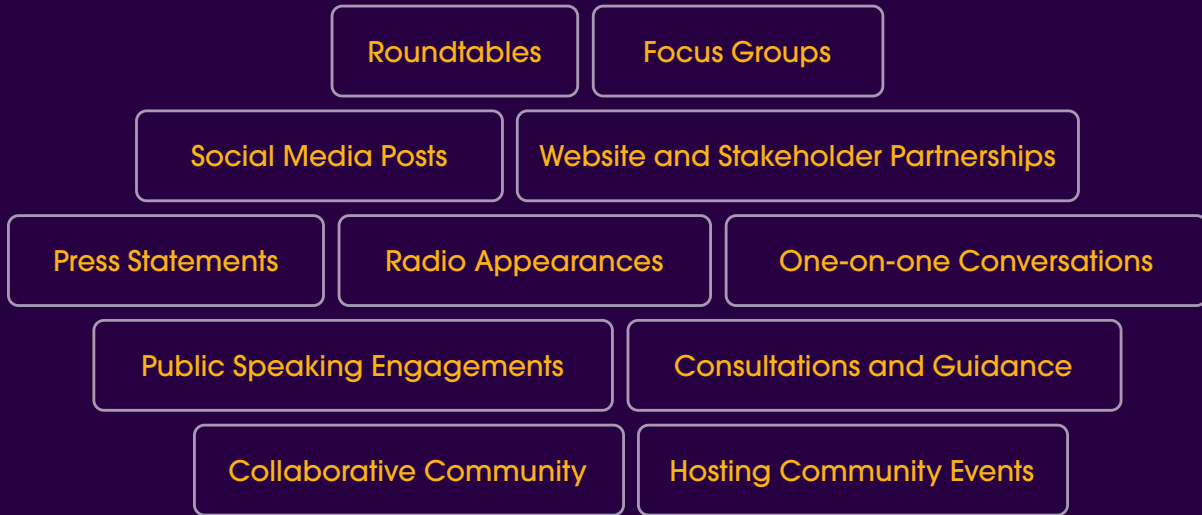
# Education and Awareness

Ensuring all residents in Bermuda understand their rights and responsibilities under the Human Rights Act is central to the work of the Human Rights Commission.

Everyone is protected under the Bermuda Constitution Order 1968 and the Human Rights Act 1981. To make these protections meaningful in everyday life, the Commission is committed to providing education and raising awareness in ways that are inclusive, engaging and accessible.

By working with stakeholders across the island, through diverse outreach efforts and partnerships, the Commission is committed to increasing awareness and encouraging active understanding of human rights, so every person knows how to stand up for themselves and others. Knowledge is the first step toward achieving equality and justice for all.

## Examples of education and awareness methods



This year featured presentations and collaborations with **Bermuda Is Love**, **Social Justice Bermuda**, **Mid-Atlantic Wellness Institute**, **Bermuda College**, **Walk Together**, the **Bermuda National Library**, the **Department of Community and Cultural Affairs**, **Beyond Inclusion**, the **Department of Labour**, **Citizen's Uprooting Racism in Bermuda**, **Vision Bermuda**, the **Employee Assistance Program (EAP)**, the **Department of Corrections**, and the **Department of Customs**.

**7**  
**PRESS STATEMENTS**

**16**  
**RADIO INTERVIEWS**

FEATURE 1:

# Human Rights Conference: What Can I Do? What Can We Do?

“This conference is not about lofty ideals and grand gestures, it is about recognizing the power we each have to effect meaningful change where we live, work and play.”

LISA REED

On March 21, the Human Rights Commission hosted its 2024 *What Can I Do? What Can We Do?* conference at Pier 6 in Hamilton, a day dedicated to learning, connection, and collective action to protect and promote human rights in Bermuda.

The Commission was excited to host the free event exploring the role each person can play in creating a fairer, more equitable society. The convening brought together a diverse audience of seasoned advocates, support service professionals, and community members. The dynamic agenda featured interactive sessions designed to spark dialogue, build connections, and inspire action.





FEATURE 1:



# WHAT CAN I DO? WHAT CAN WE DO?

## JOIN US **MARCH 21, 2024 AT PIER SIX**

**The Human Rights Commission**  
INVITES YOU TO THE 2024 CONFERENCE

Our distinguished panelists are:

Amanda Marshall | Arion Mapp | Arlene Brock  
Justice Juan Wolffe | Latisha Lister Burgess

*These inspiring individuals will share their human rights insights and experiences to spark valuable dialogue and impactful action.*

*Join us for this crucial conversation about building a more accessible, inclusive and equitable Bermuda.*

[WWW.HUMANRIGHTS.BM/EVENTS](http://WWW.HUMANRIGHTS.BM/EVENTS)  
CALL 295-5859  
[INFO@HUMANRIGHTS.BM](mailto:INFO@HUMANRIGHTS.BM)



FEATURE 1:

# Human Rights Conference: What Can I Do? What Can We Do?

Executive Officer Lisa Reed opened with a call to action, outlining the Commission's mandate and the protections enshrined in the Human Rights Act. Aderonke Bademosi Wilson of ABWilson Consulting emceed the event, fostering an atmosphere of engagement and reflection throughout the day. Artist Yesha Townsend shared an original work, What Does It Mean to Be Human? This reflective piece urged attendees to examine the value they place on humanity and collective liberation. (A recording of the poem can be viewed on our website).

The Commission was spotlighted two local advocacy groups:

- **Bermuda Is Love**, represented by Aaron Critchlow
- **Social Justice Bermuda**, represented by TeAnn Hassell

Their inspiring examples demonstrate how individual action can drive collective change and the opportunities that exist in Bermuda to make an impact.

An enlightening panel discussion was moderated by Chen Foley. The panelists shared their perspectives on pressing human rights issues in Bermuda. Their thoughts reflected the diverse ways human rights advocacy is undertaken professionally and personally across the island.

## Panelists included:

- **Arlene Brock**: Managing Director of the Adult Education School
- **Latisha Lister-Burgess**: Executive Director, Employee Assistance Program (EAP)
- **Arion Mapp**: Legal Counsel, Human Rights Commission

- **Dr. Amanda Marshall**: Psychologist and disability rights advocate
- **The Hon. Justice Juan Wolffe**: Puisne Judge, Supreme Court of Bermuda

Accessibility and inclusion were incorporated into the conference planning process which included transportation, dietary needs, event cost of participation, facilities, communication methods, materials and religious observance. Special thanks to the Commission's accessibility advisors Keith Simmons, Vanessa Daniel, Lawreida Cartwright, Esme Williams, and Phyllis Harshaw.

To maximise inclusion and participation, the conference was livestreamed. Every member of the Commission team played an essential role in bringing the event to life, supported by Volunteer Ambassadors, who ensured guests were comfortable and could access everything they needed throughout the day. Heartfelt thanks go to Barbara Tucker, Julia Washington, Deborah Ingham, Valerie Bassett, Taneesha Ottley, and Alberta Tucker-Dyer.

Video recordings from the conference, including the panel discussion and poetry reading, are available on the Commissions website: [www.humanrights.bm](http://www.humanrights.bm)

## What did you value most about the event?

"The panel discussion design, the location, the helpful ambassadors, the engaging and enlightening presentations!"

"The diversity of the dialogue and the opportunity to engage with different people on human rights."

"The conversations and being made to feel so involved in the day."

"The interactive breakout sessions & discussions with peers."

"The event ambassadors providing support to get the food, the accessible stage with the ramp, the sign language interpreters."

"The discussion panel was amazing. And learning about the human rights organizations in Bermuda. The table discussions were spot on."

"I enjoyed the opportunity to meet people who are also rights minded. It exposed me to the organisations on island and enabled me to network so I can become more involved in making my community better."

"Poet Yesha Townsend, Sign Language Interpreters Lawreida Cartwright and Konnie Tucker, and group presentations – awesome!"

"Yesha Townsend's POEM, the breakout sessions, the panel and the spotlight segments. Valued it all!"

"Chen Foley was an exceptional moderator, and I also loved hearing each of the panelists!"

"Attention to detail – specifically for inclusivity."

"All the diverse people in the room and loved seeing the students."

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The feedback from attendees was incredibly valuable as the Commission is dedicated to continuous improvement and welcomes recommendations and ideas from the community.















FEATURE 2:

# Public Consultation on Disability Inclusion

Since 2018, disability has been among the most frequently reported grounds of discrimination in Bermuda.

Despite the legal protections in place to safeguard against disability-based discrimination in Bermuda, the lived experience of people with disabilities do not reflect inclusive policies, practices, or attitudes. Reports of challenges in accessing public spaces, employment, workplace environments, housing, and public services highlight persistent barriers to full socio-economic and cultural participation.

Barriers to inclusion for people with disabilities often stems from non-compliance with existing anti-discrimination protections under the Human Rights Act (and other domestic legislation) resulting in:

- Inaccessibility or lack of modifications in the physical environment and public transportation
- the absence of assistive devices and technologies

- non-adapted means of communication, non-inclusive workplace practices
- gaps in service delivery
- prejudice and stigma in society
- resistance to change and a lack of prioritization to eliminate discrimination and ensure access to life in Bermuda for persons with disabilities.

In June 2024, the Commission launched a public consultation to gain deeper insights into the lived experiences of people with disabilities. The consultation aimed to create a platform for sharing experiences and highlighting the barriers faced while navigating life in Bermuda.

The consultation sought to hear from people with disabilities, as well as families of people with disabilities, disability advocates, support services and members of the public.

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## Disability

Disability refers to physical, mental, intellectual, or sensory impairments that, **when interacting with various environmental and societal barriers**, may hinder full participation in society on an equal basis with others.

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**Disability inclusion** is a commitment to understanding the relationship between the way people function and how they participate in society and ensures that barriers are removed (or more importantly, never put in place) so that everybody has the same opportunities to participate in every aspect of life to the best of their abilities and desires.



FEATURE 2:

# Public Consultation on Disability Inclusion

## Objectives of the Consultation:

- Listen to and learn from the lived experiences of individuals with disabilities and their families in navigating life in Bermuda.
- Foster a broader conversation on accessibility, equitable opportunities, and societal attitudes towards disability to guide future education, awareness, and action.
- Present findings and recommendations to the Government of Bermuda to reinforce the urgency of fulfilling existing commitments, ensuring accountability, and advancing disability inclusion.
- Compile the data from the consultation to serve as a public resource for continued advocacy and education, supporting Bermuda’s commitment to eliminating discriminatory legislation, policies, and practices, and fostering a culture of disability inclusion.

## Methods of Engagement:

Between June and October 2024, public feedback was gathered through four key initiatives:

- **Public Online Survey:** The survey was also made available in hard copy format for individuals without digital access or those requiring assistance to complete it.
- **Focus Groups:** Facilitated discussions with people with disabilities, support service providers, and representatives from the public and private sector.
- **Stakeholder Consultations:** Engagements with public service providers across the mental health and disability sectors.
- **Community Conversation:** An open forum intended to generate collaborative action items attended by people with disabilities, members of the public, and stakeholders from the public and private sector.

A comprehensive report summarizing the findings is set to be published in 2025. The report aims to inform action, accountability and advocacy to fulfill existing obligations and support initiatives to advance disability inclusion in Bermuda.

## The Power of Language

The Commission acknowledges the importance of language, and its ability to empower and to exclude. The Commission uses the term disability to be consistent with the Human Rights Act and to reflect the broad spectrum of mental, intellectual, physical and sensory disabilities that exist. However, language is constantly evolving, and words related to identity are personal. For example, someone may describe themselves as having a disability, however others may choose to describe themselves as differently abled, having diverse support needs, or exceptionalities. Person-centered language puts people first, emphasizing their dignity, worth, and unique qualities. As we work together to uphold human rights, we must prioritize a person’s self-understanding and preference. Language matters, especially language that may cause harm or undermine a person’s humanity.

FEATURE 3:

# Community Conversation

On October 24, 2024, the Commission hosted a Community Conversation that brought together individuals with disabilities, disability support professionals, and public and private sector representatives. This event marked the culmination of the public consultation on Disability Inclusion. It was an opportunity to deepen awareness of the realities faced by people with disabilities in Bermuda, and our shared responsibility in building a more inclusive Bermuda.

## Prioritizing Accessibility: Ensuring Full Participation at the Community Conversation

Fostering an accessible experience was a priority for the Commission. Attendees were invited to share accommodation needs in advance, ranging from transportation and dietary restrictions to participation support, to ensure a welcoming and inclusive experience. To maximise participation, the event was livestreamed, and recordings made available on our website: [www.humanrights.bm](http://www.humanrights.bm).

## Examples of Accessibility in Action:

- **Vision Support:** With guidance from Vision Bermuda, trained volunteers assisted visually impaired guests through verbal greetings, seeking permission to assist, food descriptions using the clock-face method, and escorting to preferred seats.
- **Mobility Access:** The room layout ensured wide pathways and easy wheelchair access.
- **Table Ambassadors:** Volunteers were assigned to tables to offer assistance, where needed. They performed tasks like providing verbal greetings, seeking permission to assist, and escorting to preferred seats. Other tasks included getting refreshments, sharing full food descriptions of what was on offer and using the clock-face method to describe meal selection.
- **Hearing and Visual Support:** Sign language interpreters were provided, with visuals projected on screens and included in the livestream. Speakers also described their appearance for those with visual impairments.
- **Inclusive Activities:** All discussions and activities were designed to be accessible and engaging for participants with various abilities.



FEATURE 3:

# Community Conversation

## Lived Experiences in Bermuda

Five speakers shared their personal testimony of living with a disability in Bermuda. Each speaker offered powerful insights into daily challenges, advocacy and the urgent need for systemic change. A recording of the full testimonies is available at [humanrights.bm](http://humanrights.bm).



### Lisa Reed

Lisa Reed, Executive Officer of the Human Rights Commission, opened the Community Conversation by emphasising the importance of consulting directly with individuals with disabilities to drive meaningful change and ensure disability inclusion in Bermuda.

She addressed the gap between Bermuda’s legal protections against discrimination and the everyday realities faced by people with disabilities, where policies, practices, and societal attitudes often fail to support true inclusion.

Lisa shared her own experiences, highlighting how access to medical care and assistive technology, such as her electric scooter and accessible vehicle, enhanced her quality of life.

She also reflected on the experiences of discrimination she faced returning to Bermuda after completing her education, including barriers to employment and inaccessible public spaces (including restrooms in the workplace).

Lisa’s message was clear: dismantling ableism requires systemic change and a genuine commitment from all sectors of Bermudian society to eliminate exclusion and enable full inclusion for people with disabilities.



FEATURE 3:

## Community Conversation



Thea Furbert

Faced with limited services in Bermuda, she brought in an overseas Applied Behavior Analysis (ABA) specialist to support her son, a challenging and costly experience that inspired her to create Tomorrow's Voices, Bermuda's first autism early intervention center.

Today, Tomorrow's Voices provides critical ABA and Verbal Behavior services to children on the spectrum. Thea emphasized that no family should have to fight or pay out of pocket for essential care. She called on the government to take legislative action and ensure long-term, accessible support for all individuals with disabilities, regardless of income. Learn more about the incredible work of Tomorrow's Voices: [tomorrowsvoices.bm](https://tomorrowsvoices.bm).



Chyone Harris

Chyone Harris shared his journey of resilience and advocacy after becoming disabled due to an injury as a young man. Once thriving in a hospitality career he loved, losing that role was both a professional and personal challenge, one that pushed him to reimagine his path and purpose.

In 2024, Chyone earned his associate's degree from Bermuda College and is now pursuing his bachelor's. He spoke openly about the financial and systemic barriers people with disabilities face in accessing employment and support services in Bermuda. Determined to inspire change, Chyone emphasized the importance of Bermuda working together to create opportunities and real inclusion for people with disabilities. His mission: to ensure people with disabilities can live independently, work, and lead full, meaningful lives.

FEATURE 3:

# Community Conversation



**Esme Williams**

Esme Williams shared how her journey with vision loss became a catalyst for advocacy and community impact, guided by the belief that “your problem is your purpose.” She emphasized the power of self-advocacy and her commitment to advancing inclusion in Bermuda.

Esme highlighted key improvements needed to support dignity and independence for people with disabilities, including a dedicated bus service, better building accessibility, such as installing handrails, and sensitivity training for public-facing workers in transportation, hospitality, and food service.

Accessibility isn’t just about infrastructure, it’s about building a society where people with disabilities are respected, valued, and fully included. Her advocacy is a call for awareness, action and lasting equity.



**Patrick Reid**

Patrick Reid, shared his story through a video presentation. Born deaf and diagnosed shortly after birth, Patrick spoke about both the challenges and successes he has faced in the workplace. Now employed at the airport, he shared how he has been able to fulfill his role despite communication barriers. He highlighted the need for improved accessibility, particularly better access to verbal messages transmitted via the airport’s radio system and awareness training for employees.

Patrick’s story underscored the importance of inclusive workplace practices and employers investing in adaptive technology to allow individuals to be given equal opportunities and chance to thrive. His experience reinforces the duty of businesses, organizations, and public service to fulfill their accommodation responsibilities to understand what prospective and current employees need to succeed.

FEATURE 3:

# Community Conversation

## Action for Disability Inclusion

The second half of the Community Conversation, led by Aderonke Bademosi Wilson of ABWilson Consulting, used Appreciative Inquiry based questions to guide participants to reflect on the experiences of disability and imagining a more inclusive Bermuda.

### Paired Interviews: Deep Listening and Shared Stories

Participants were invited to pair up and engage in one-on-one interviews. The paired interview questions are as follows:

- Why is the work we are doing today around disability inclusion important for you, your organization, and Bermuda?
- Think of a time when you felt included and valued. What happened? How did you feel? What made the experience meaningful?

### Group Discussions: Actions for a Disability Inclusive Future

Participants engaged in small group discussions. Each table focused on these key questions:

- What common themes emerged from the paired interviews about what inclusion looks and feels like?
- Imagine an ideal inclusive environment, what changes, actions, and commitments are needed to create this space?
- What recommendations should the Human Rights Commission consider for their report on disability inclusion in Bermuda?



## Emerging Themes and Takeaways\*

Examples of the recommendations generated by attendees for improving disability included:

- Compliance with existing laws and ensuring accountability for those failing to ensure access to public services and facilities (employment and housing and services)
- Expanding accessible, reliable transportation, including more disabled parking, trained transit staff, and both visual and auditory stop announcements
- Improving workplace accommodations, such as having a dedicated employment officer for people with disabilities (assisting people with disabilities with meeting their employment needs and ensuring accessibility provisions are being made)
- Providing accessible and equitable financial assistance and ensure all officers undertake training to provide support/disability inclusion awareness training
- Offering sensitivity training to help the public better support and engage with people with disabilities
- Making hotels and tourist sites welcoming and accessible
- Ensuring planning regulations are upheld regarding accessibility
- Educating the public, especially youth, employers, leaders about disability inclusion
- Ensuring public buildings have lifts, ramps, and railings, the overall sentiment is that the bare minimum is not being provided.
- Consulting people with disabilities in decision making e.g. creating and enforcing legislation, program development, policies and practices: Nothing About Us Without Us!
- Making beaches, parks, restaurants, and entertainment venues fully accessible.

\* A comprehensive report summarizing the findings is set to be published in 2025. The report aims to inform action, accountability and advocacy to fulfill existing obligations and support initiatives to advance disability inclusion in Bermuda.









# Rights in our Community



# Trunk or Treat 2025: Coloring In(clusion): A Crayon Adventure



The Commission participated in Beyond Inclusion’s 2nd annual Trunk or Treat community event, an inclusive twist to traditional trick-or-treating. The Trunk or Treat event provides a fun and accessible environment for individuals of all ages with support needs (special needs and disabilities). Beyond Inclusion featured a sensory-friendly hour for those requiring a more relaxed and comfortable atmosphere as part of their commitment to ensure everyone’s enjoyment.

Participating organisations featured different sensory experiences and treats for guests to enjoy, and the energy and creativity on display was well received. The Commission is looking forward to next year’s event. The Commission created the theme, “Colouring In(clusion): A Crayon Adventure” featuring a commissioned cartoon and crayons for participants.

Coloring page available upon request





# Citizen's Uprooting Racism in Bermuda (CURB) Student Leadership Conference



The Commission was pleased to join CURB's second annual Student Leadership Conference, facilitated by Stacey-Lee Williams and Carol Swainson. The collaborative event took place from November 8-9 2024 with the theme, "Cultural Currents: Navigating Identity in Leadership."

Executive Officer Lisa Reed shared her personal and professional journey navigating life in Bermuda as a Black woman with a disability, offering guidance and insight into leadership:

"Inclusion is not just about physical access; it's about creating a society where everyone feels valued and empowered – seen, heard and understood.

"The exact same approach applies to leadership. It is about ensuring an environment where everyone is welcome. Leadership is modeling the behaviour we want to see. It is about advocating for yourself and others.

"Human Rights are brought to life by the decisions and choices we make each day, and leaders are created in the same way.

"Leadership is often about getting out of our own way, our own limited perspective, to envision a way forward that take into account the beautiful spectrum of our diverse identities and shared humanity."

**"Inclusion is not just about physical access; it's about creating a society where everyone feels valued and empowered – seen, heard and understood."**

LISA REED



## Palestine



2024 saw the global human rights community united in response to the devastating humanitarian crisis and widespread human rights violations continuing to be inflicted upon civilians in Gaza and the West Bank. In Bermuda, local advocacy gained momentum through groups such as the Peace Collective, Social Justice Bermuda, the Muslim Community of Bermuda, Progressive Minds, and Bermuda Is Love, all of whom played an active role in calling for a ceasefire. The Peace Collective, a diverse group of Bermuda residents dedicated to peace and justice, initially coordinated a candlelit vigil in 2023 calling for a ceasefire and the safe return of Israeli hostages captured by Hamas. In 2024, the group organized several opportunities for the Bermuda community to express solidarity with global calls to end the violence, ensure the return of Israeli hostages and Palestinian captives, and demand the immediate cessation of hostilities in Gaza.

The Commission joined in the Peace March and the gathering on the Cabinet Grounds coinciding with the International Day of Solidarity with the Palestinian People, emphasizing the need for vigilance in protecting rights: “Just because we enjoy certain rights today does not mean that they are guaranteed tomorrow. Human rights must always be protected; we must always monitor the gaps and constantly advocate for the rights that are missing.”

Significant international events in 2024 further underscored the critical need to safeguard human rights in areas affected by conflict. On July 19th, the International Court of Justice (ICJ) issued a landmark advisory opinion declaring Israel’s occupation of the West Bank and East Jerusalem illegal under international law. The ICJ’s ruling carries substantial moral and legal weight, reinforcing international calls for an end to the occupation. In

November, the International Criminal Court (ICC) issued arrest warrants for Israeli Prime Minister Benjamin Netanyahu, former defense minister Yoav Gallant, and Hamas military chief Mohammed Deif, charging them with war crimes and crimes against humanity over atrocities committed during and since the Hamas-led attacks of 7 October 2023. Despite these legal and diplomatic measures, global calls for a ceasefire, humanitarian access in Palestine, and a path to peace remain obstructed, leaving millions of vulnerable citizens trapped in a cycle of violence and deprivation.

At the time of drafting this report, Gaza was in the grip of starvation due to Israel’s unlawful blockades. The Commission joins the international community in calling for the immediate cessation of starvation used as a weapon of War. The latest report from Human Rights Watch urges States to press the Israeli government to restore water and electricity access, and allow in desperately needed water, food, medical aid, and fuel. Israel as a warring party has an obligation to facilitate humanitarian aid. As the occupying power, Israel is also bound to ensure food and medical supplies for Gaza’s population.

The crisis in Palestine is emblematic of the broader struggle for human rights in conflict zones (around the world), as it sits at the intersection of some of the most fundamental protections: the right to life, the safeguarding of civilians, access to humanitarian aid, and freedom from collective punishment. It stands as a stark reminder that violations in one part of the world threaten justice and dignity everywhere. Whether through war crimes, discrimination, or systemic oppression, the erosion of human rights anywhere undermines the freedom of people everywhere.

SPOTLIGHT ON:

# Beyond Inclusion

The Human Rights Commission is proud to spotlight Beyond Inclusion— a powerful example of advocacy and action advancing disability rights in our community.

Founded by Brianna Ball-Roach and Rebecca Lawrence, Beyond Inclusion is a registered charity dedicated to creating enriching social and recreational opportunities for people of all ages with support needs, including disabilities and special needs. With passion and purpose, they champion the idea that inclusion is just the starting point, the bare minimum.

## **Their programs include:**

- Social outings for Buddies (ages 3–13), Teens (14–17), and Crew (18+), offering participants safe, fun spaces to build friendships, confidence, and connection.
- Inclusive events that bring together individuals of all abilities, fostering a strong sense of community and shared experience.
- Life skills sessions focused on empowering participants to develop independence in areas like communication, personal care, and daily living.
- Professional development training for educators, service providers, and caregivers, promoting understanding and inclusive best practices across sectors.

Beyond Inclusion envisions a Bermuda where every person, regardless of their support needs, feels truly valued and embraced as a







vital part of the community and has access to meaningful opportunities and experiences.

As the founders shared, "At Beyond Inclusion, we're fierce advocates for disability rights and social change. Our advocacy initiatives are designed to amplify voices, challenge norms, and create a more inclusive Bermuda for individuals with support needs. Whether it's legislative reform, community outreach, or raising awareness, we're here to champion

the cause and drive positive change."

To learn more about their work or find out how you can support their mission, please visit their website or follow them on social media.

[www.instagram.com/beyondinclusionbda](https://www.instagram.com/beyondinclusionbda)  
[www.beyondinclusionbda.com](https://www.beyondinclusionbda.com)

**"We're here to support you, your family, your organisation, or your community on the path to creating more inclusive and accessible spaces. So, let's embark on this journey together, and let's go Beyond Inclusion."**

BEYOND INCLUSION



# Consultations and Guidance

The Commission is both a complaints-handling authority and a public resource to promote understanding of human rights obligations and compliance with the Human Rights Act, 1981. Individuals, groups and organizations often seek consultation and guidance on various issues related to the Human Rights Act, 1981 and associated responsibilities.



# Consultations and Guidance

Examples from the past year include:

## Application Form(s)

The Commission consulted with organisations with respect to their employment applications. This engagement contributed to ensuring that recruitment was carried out in a manner that was compliant with the Human Rights Act, 1981. Throughout our engagement, the Commission shared resources and provided guidance to assist organisations with decision-making. Examples of potentially discriminatory queries during the application process included questions seeking to know whether an applicant had a disability, whether they had children, whether they had a criminal record and whether they were unable to work on Saturday or Sunday.

Among the resources provided was reference to the prohibition set out within section 6(4) of the Human Rights Act, 1981, which states the following – “no person shall use or circulate any form of application for employment or make any written or oral inquiry that expresses either directly or indirectly any discriminatory limitation, specification, or preference or that requires an applicant for employment to furnish any information concerning any of the matters set out in section 2.”

## Mandatory Drug Testing Policies

The Commission consulted with an organisation that contacted us during the development stage of a workplace policy that they were considering implementing. The workplace policy was described as a mandatory drug testing policy throughout the organisation, which would be applicable to all employees. Throughout our engagement, the Commission provided recommendations to

the organisation and identified considerations that would assist them in the development of their workplace policy. It was recognised that it is a legitimate goal for employers to have a safe workplace. Safety at work can be negatively affected by many factors, including fatigue, stress, distractions and hazards in the workplace. Drug and alcohol testing is one method employers sometimes use to address safety concerns arising from drug and alcohol use. Drug and alcohol testing has particular human rights implications for some people, such as those with addictions. Addictions to drugs or alcohol are considered disabilities under the Human Rights Act, 1981 and the Act prohibits discrimination against people with disabilities in employment. The Commission shared resources with the organisation to assist in their understanding of this issue and affirmed that drug and alcohol testing policies and programs may be discriminatory based on addictions or perceived addictions.

They raise human rights concerns where a positive test leads to negative consequences for a person based on an addiction or perceived addiction, such as automatic discipline or inflexible terms and conditions on a person’s job, not accommodating people to the point of undue hardship, or not respecting people’s dignity and confidentiality through the testing process. If drug and alcohol testing policies and programs discriminate against people based on addictions or perceived addictions, they may be justifiable if an employer can show that testing provisions are bona fide (legitimate) requirements of the job. However, employers should take a proactive approach to workplace drug and alcohol testing. Where these policies are necessary to achieve safety, employers should design them to avoid potential discriminatory impacts.



# Legal Matters



## United Nations Convention on the Rights of People with Disabilities (UNCRPD)

During the reporting period, the Human Rights Commission acknowledged the extension of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) to Bermuda in October 2024. The UNCRPD is a human rights treaty adopted in 2006 that requires signatories to ensure that people with disabilities have the same rights as others and sets out how to make our world disability inclusive. The Commission believes this development should be celebrated; however, it is important to recognize that the adverse impacts of a disability stem from the interaction between individuals with disabilities and social and environmental barriers that hinder their full and effective participation in society on an equal basis with others.

The Commission wishes to reiterate that in Bermuda, there are already commitments and obligations in place at the national level, which should result in those with disabilities being able to fully participate in society free from discrimination and the denial of their human rights. Despite these obligations and statutory requirements, this is not the reality for those with disabilities. The protected ground of disability remains one of the most frequently identified grounds of discrimination. These matters have included people being denied work, discriminatory employment practices, people not being

afforded equal access to information and education, people being denied access to services and transport systems, the built environment being developed without consideration to those with disabilities, and the existence of barriers to health, wellbeing and prosperity.

The UNCRPD requires there to be a removal of barriers faced by persons with disabilities; however, it is society's barriers that are the most pervasive and prevent those with disabilities from genuine inclusion, i.e., the ability to live independently, the ability to access public services, and the ability to access healthcare, the continued construction of inaccessible buildings. The extension of the UNCRPD gives Bermuda an opportunity to evaluate the collective will of the country and identify gaps that exist.

Bermuda can be an example in making our world disability inclusive. The extension of the UNCRPD to Bermuda will require active monitoring so gaps that exist locally are resolved and the rights and obligations enshrined within this treaty are fulfilled.

The Commission looks forward to working with the Government of Bermuda and other stakeholders to bring these international obligations to life for the people of Bermuda.





# Selection and Appointment Committee (SAC)

The independent Selection and Appointment Committee (SAC or Committee) is statutorily responsible for the independent recruitment, selection and appointment of Human Rights Commissioners and Human Rights Tribunal panel members. The selection and appointment processes reflect the appointment standards for National Human Rights Institutions (based on guidance set out by the United Nations under the Paris Principles) by creating a public application process to enable eligible persons in the community to be considered for appointment to the Human Rights Tribunal or as a Human Rights Commissioner. Seth Darrell serves as the Head of the Selection and Appointment Committee, together with committee members Cherie Dill, Chiara Nannini, Dennis Pimentel, and Robin Tucker.





# The Human Rights Tribunal

The Human Rights Tribunal is an independent body empanelled to resolve complaints of alleged discrimination in a fair, impartial, and timely manner. The Tribunal is tasked with making factual findings based on the evidence to determine whether unlawful discrimination has occurred. Where a Tribunal determines that discrimination has occurred, the Tribunal may order any party to do any act or thing that constitutes full compliance and rectify any injury caused, which may include financial restitution.

The orders of the Tribunal are enforceable and subsequently registered with the Supreme Court. Where a party wishes to appeal a decision of the Tribunal they may do so by way of the Supreme Court. The Human Rights (Appeals) Rules 2018 provide guidance for parties wishing to appeal a Tribunal decision.

In September 2024, the independent Selection and Appointment Committee, reappointed the following Tribunal Panel Members for a period of one year: Fiona Bada, Elaine Butterfield, Christopher Cunningham, Dawn Eversley, Sita Ingram, LeVince Roberts, Casey Schuler, and Claire van Overdijk. At the end of 2024, the Selection and Appointment Committee confirmed the appointment of five new Tribunal Panel Members for a period of two years: Amy Murray, Sarita Ebbin, Kate Fenwick, Kelly Hunt, and Samira Saya.

# Summary of Human Rights Tribunal Decisions

During the reporting period, the Tribunal made decisions on five matters, which have been registered with the Supreme Court of Bermuda in accordance with section 20B of the Human Rights Act, 1981. These decisions have been outlined below and are featured on the Human Rights Commission’s website within the Resources section. Please visit our website to learn more – [www.humanrights.bm](http://www.humanrights.bm)

## TRIBUNAL CASE 1 V. Pearman v. Commissioner of Corrections, Government of Bermuda

### Tribunal Decision

The panel members of the Human Rights Tribunal assigned to this matter were Jay Webster (Chair), Dawn Eversley (Member) and Elaine Butterfield (Member). The ruling was made on March 13, 2024.

### Facts

The Complainant, Valachi Pearman, was a former applicant for the post of Corrections Officer with the Respondent, the Commission of Corrections, Government of Bermuda. The Complainant has type 2 Diabetes, which is classed as a “disability” for the purposes of the Human Rights Act, 1981 and means that he is a “disabled person”. The Complainant applied for the post of Corrections Officer on March 30, 2019 and following the completion of the various pre-employment assessments, the Respondent informed the Complainant that they were unsuccessful in their application on November 1, 2019. The recruitment process comprised of the following pre-employment assessments – (i.) a written skills assessment test; (ii.) a panel interview; (iii.) a Corrections Officer Physical Abilities Test (COPAT); (iv.)

a Law Enforcement Selection Inventory (LESI) exam; (v.) an online pre-employment psychological assessment; (vi.) an interview with a Psychologist; and (vii.) a medical assessment (involving blood tests; an eye exam and a dental exam) undertaken by Dr Prabhakar Reddy Kayam.

The Complainant’s complaint against the Respondent was the decision to refuse to employ them was in breach of section 6(1)(b) of the Act as read with section 2(2)(a)(iiiA) [direct discrimination]; and/or the Respondent’s decision to refuse to employ the Complainant was a breach of section 6(1)(b) of the Act as read with section 2(2)(b)(iiiA) [indirect discrimination]. With respect to the allegation of indirect discrimination, the Complainant asserted that the condition which the Respondent applied to him that he could not fulfill because of his disability was the “exclusionary/disqualifying sections of the process utilised for screening and/or assessing applicants. Specifically, the condition complaint of is within the Department of Health – Policy and Procedure, which includes Guidelines on Medical Standards for Recruitment/Health and Physical Fitness Standards, which were utilised by the Medical Officer when disqualifying the Complainant based on his disability.”

All Tribunal Judgements can be found on the Commission’s website [www.humanrights.bm](http://www.humanrights.bm) under Resources

## TRIBUNAL CASE 1

The Complainant's position was that the Respondent's decision to not employ them was either direct or indirect discrimination because (i.) the Respondent determined not to employ him by reason of his disability; (ii.) his disability was a factor in that decision not to employ him; and/or (iii.) the Respondent failed in its duty to accommodate a disabled person up to the point of unreasonable hardship. The Complainant stated that the duty to accommodate a disabled person includes (i.) ensuring that disabled persons who are able to work can do so free from discrimination; and (ii.) ensuring that disabled persons who are otherwise fit to work are not unfairly excluded where working conditions can be adjusted without causing unreasonable hardship. The Complainant argued that if the Respondent considered that the Complainant was unable to perform the essential functions of the role of "Corrections Officer" then it should have given due consideration to whether it could, without causing unreasonable hardship, have made adjustments to its workplace or his duties to enable him to perform the role. The Complainant asserted that the Respondent did not consider any such adjustments. The Complainant asserted that that the duty to make adjustments comprises of a procedural and substantive component. The procedural component refers to the process such as the considerations, assessments and steps taken in response to the need to make an accommodation. The substantive component refers to the accommodation provided as to whether it is appropriate or reasonable as well as the reasons for not providing accommodation, including the proof of unreasonable hardship. The Complainant asserts that the Respondent failed in its duty to accommodate with respect to both the procedural and substantive elements. Finally, the Complainant asserts that a prima

facie case of discrimination was established, and the Respondent bears the burden of showing that the discriminatory condition or requirement is a bona fide occupational one and, if so, the burden of showing that it was not possible to modify the employment without unreasonable hardship.

In defence, the Respondent's position was that (i.) the Complainant has no right to be employed; (ii.) the Complainant was not subjected to direct or indirect discrimination; (iii.) if there was any discrimination (which was denied) it was indirect discrimination and allowable as a matter of law; (iv.) all potential employees were required to go through the same assessment process and therefore there is no less favourable treatment of one class of persons (as compared) to another class of persons; (v.) following completion of assessments undertaken by all prospective employees, and other factors, the Respondent decided that the Complainant was not a qualified candidate because he was unable to perform essential functions of the job, with or without reasonable adjustments; (vi.) there were other factors in the decision whether or not to employ the Complainant and not just considerations related to the Complainant having "unmanaged" diabetes; and (vii.) the Complainant's allegations are without merit because all persons applying to be employed are subject to the same selection process as the Complainant. Further, the Respondent argued that the condition applied to the Complainant was a requirement for all prospective employees to undertake and pass a medical assessment in line with the Department of Health's Policy and Procedure policy document dated March 2009 which has the legitimate aim of ensuring that candidates for uniformed services did not have any disqualifying medical conditions and had the physical attributes required to

## TRIBUNAL CASE 1

perform the essential functions of their role. Further, the Respondent's position was that (i.) the policy was a proportionate means of achieving that aim; (ii.) there were other factors that were taken into account when denying the Complainant, and (iii.) with regards to the duty to consider reasonable adjustments, the Respondent asserts that it would amount to unreasonable hardship for it to have made any modification. The basis of this position was that it would have been costly, disruptive and extensive and have had an operational impact on the public service provided by the Respondent. The Respondent stated that it would involve changes to an aspect of the employment because additional apparatus or facilities would be required to enable the Complainant as a disabled person to carry out his role on an effective and consistent basis. The Respondent stated that the Complainant was unable to perform the role because he had other health conditions, in addition to his type 2 diabetes, which was alleged to be unmanaged or uncontrolled. The Respondent submitted that the Complainant's unmanaged diabetes would affect the qualitative standard and performance of his duties as a Corrections Officer and put others at risk. Specifically, the Respondent asserted that as a public service provider it was not able to secure alternative funding and that there would be unreasonable cost implications from the Complainant's unmanaged diabetes due to the high risk of medical complications. The Respondent asserted that it was operating at under 90% operational efficiency and therefore it could rely upon the existence of an allowance pursuant to section 4 of Schedule 1 of the Act and was not required to make any adjustments to its operations to accommodate the Complainant.

### Allegations

The Complainant alleged that the decision to refuse to employ him was a breach of section 6(1)(b) of the Human Rights Act, 1981 as read with section 2(2)(a)(iiiA) [direct discrimination]. Further, the Complainant alleged that the decision to refuse to employ him was a breach of section 6(1)(b) of the Act as read with section 2(2)(b) (disability) [indirect discrimination].

### Preliminary Issue

The Respondent raised an issue within their defence, which was that whilst it had received notice from the Human Rights Commission dated January 23, 2020, confirming the submission of the complaint, it was alleged that the Human Rights Commission had failed to perform its duties pursuant to section 15 of the Human Rights Act, 1981. Specifically, it was alleged that (i.) the notice did not state whether the Executive Officer of the Human rights Commission intended to investigate the complaint, (ii.) the notice did not contain any grounds for where the Respondent was alleged to have breached the Act; and (iii.) neither the Respondent nor, in its belief, the Human Rights Tribunal were in receipt of any terms of reference.

The Tribunal investigated these matters prior to the full merits hearing and additional correspondence was obtained from the Human Rights Commission, including, a letter dated April 9, 2020 headed "RE: Human Rights Complaint – Notice of Intention to Investigate – CF 19-123" in which the Human Rights Commission set out its terms of reference and invited the Respondent to provide any further information relevant to the investigation within 21 days of the date of that letter. The Tribunal was informed by the Human Rights Commission that no response was received from the Respondent, and that, subsequently,

## TRIBUNAL CASE 1

a further letter dated April 16, 2020, was sent by the Human Rights Commission to the Respondent prior to the matter being referred to the Tribunal in May 2020.

The Tribunal empaneled to consider the complaint wrote to Counsel for the Respondent on September 20, 2023, confirming its findings that the Respondent's allegations against the Human Rights Commission appeared unfounded and enclosed copies of the relevant correspondence between the Respondent and the Human Rights Commission. The Respondent did not raise any further concerns in relation to this preliminary matter and the Tribunal considers this issue to have been conclusively resolved.

### Issues

Prior to outlining the issues in this matter, the Panel considered the background of the matter and the applicable legislative framework, which accounted for the law around direct and indirect discrimination within the Human Rights Act, 1981 with references made to section 2(2)(a) [direct discrimination] and section 2(2)(b) [indirect discrimination]. The Panel noted that the Complainant's condition was not disputed by the Respondent and found that the Complainant was a disabled person for the purposes of the Human Rights Act, 1981. The Panel moved on to frame the prohibition, which makes it unlawful for employers to discriminate in the circumstances set out in section 6 of the Human Rights Act, 1981, and specifically section 6(1)(b).

The Panel noted that for the present purposes, there are exceptions and qualifications to subsections to section 6 of the Human Rights Act, 1981, which were material, such as section 6(9A), section 6(9B), section 6(9C),

section 6(9D), section 6(9E), and the provisions of Schedule 1, specifically, section 4 of Schedule 1.

The Panel flagged that there does not appear to be any guidance under Bermuda case law from the Supreme Court relating to direct or indirect discrimination save for the case of *Roberts & Hayward v Minister of Home Affairs & Public Safety et al* [2008], which was considered by the Panel to be binding upon them and instructive in the matter.

For the claim of direct discrimination, the Complainant is required to demonstrate that he was treated less favourably than "other persons generally". The case of *Roberts and Hayward* confirmed that a comparator exercise can be applicable in direct discrimination claims, and where no appropriate comparator group is identified, the Panel found that they are at liberty to determine the appropriate hypothetical comparator group for the purposes of considering whether the Complainant's treatment was less favourable. The Panel found that the hypothetical comparator group in the present case were "other persons" who applied for the post of Corrections Officer, undertook the same pre-employment assessments as the Complainant and did not pass the medical assessment element but who did not share the Complainant's protected characteristic (i.e., non-disabled persons).

For the claim of indirect discrimination, the Complainant must identify a condition that applies equally to all persons (regardless of the protected characteristic [i.e., his disability]

but which places individuals sharing the Complainant's protected characteristic at a proportionate disadvantage as compared to others who do not possess that characteristic;



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that is not “justifiable” irrespective of the protected characteristic; and which operates to the detriment of the person with the protected characteristic such that he or she cannot comply with it.

The Panel set out that the case of Hayward & Roberts also considered the interplay between the requirement for “justification” (under section 2(2)(b) of the Act) (which the Court held in that case needed to be proved on the balance of probabilities) and provisions of section 6(9B) of the Human Rights Act, 1981 (i.e., the concept of a bona fide occupational requirement). In that case, the Court determined that “justification” was “essentially the same thing as demonstrating that it is a bona fide occupational requirement”. The Panel considered this guidance to be instructive and has adopted a similar approach to these concepts in this case. Prior to identifying the issues in this case, the Panel set out that the burden of proof in discrimination claims is that the Complainant must first establish a prima facie case of discrimination. If so established, the burden of showing that there was another non-discriminatory explanation for the less favourable treatment or that any condition or requirement was a bona fide occupational one and, if it was, the burden of showing that it is not possible to modify the employment without unreasonable hardship rests with the employer. The Panel found that the three-step test set out in *B.C. (P.S. EMPL. REL. COMM.) v BCGSEU* [1999] 3 SCR instructive. In summary, the employer must establish on the balance of probabilities that “(i.) the employer adopted the standard for a purpose rationally connected with the performance of the job; (ii.) the employer adopted the particular standard in an honest and good faith belief that it was necessary to the fulfillment of that legitimate work related

purpose; and (iii.) the standard is reasonably necessary to the accomplishment of that legitimate work-related purpose. This requires the employer to show that it is impossible to accommodate individual employees sharing the characteristics of the claimant without imposing undue hardship upon the employer.”

After considering the background to this complaint and the applicable legislative framework, the issues in the case were set out as follows:

### **Direct Disability Discrimination**

1. Was the Complainant treated less favourably by the Respondent than the Respondent would treat other persons generally (i.e., than an actual or hypothetical comparator group) because of his disability or did the Respondent deliberately treat the Complainant differently because of his disability?
2. If the Complainant was discriminated against by the Respondent because of his disability, was he unable to fulfill a bona fide occupational requirement of the role within the meaning of section 6(9B) of the Act?
3. If the Complainant was unable to fulfill a bona fide occupational requirement of the role, has the Respondent shown that it was not possible without unreasonable hardship to modify the circumstances of the Complainant’s employment so as “to eliminate the effects of [his] disability in relation to the employment.”?

### **Indirect Disability Discrimination**

1. Did the Respondent apply to the Complainant a condition which it applies equally to others generally but which:

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a. Puts persons of the same disability as the Complainant (i.e. a person with diabetes) at a disproportionate disadvantage as compared to others (i.e. persons without diabetes) who can comply with such a condition;

b. Cannot be justified (i.e. a proportionate means of achieving a legitimate aim) irrespective of the Complainant's disability; and

c. Places the Complainant at a detriment because he cannot comply with it.

2. If the Complainant was discriminated against by the Respondent because of a condition apply by it which has a disproportionate effect on him (as a person with diabetes) as compared to others (i.e. persons without diabetes) and the condition was not justifiable and did place him at a detriment, was he unable to fulfill a bona fide occupational requirement of the role, within the meaning of section 6(9B) of the Act?

3. If there was a bona fide occupational requirement, has the Respondent shown that it was not possible without unreasonable hardship to modify the circumstances of the Complainant's employment so as "to eliminate the effects of [his] disability in relation to the employment"?

### Judgment

With respect to the claim of Direct Disability Discrimination, the Panel in dealing with the first issue reiterated that the Complainant must show that he was treated less favourably by the Respondent than other people generally. The Panel found that the Respondent required all prospective employees for the role of Corrections Officer to undertake the same set out pre-employment assessments as the Complainant including the requirement to not have a disqualifying

medical condition as set out in the policy. The Panel found that the evidence indicated that the Respondent would have treated any employee, regardless of whether or not they were suffering from a disability the same in the event that they failed the medical assessment. Further, the Panel found no evidence to suggest that the Respondent would ever hire an applicant who was evaluated by the medical officer as having a disqualifying medical condition pursuant to the policy and thus deemed "unfit for recruitment", whether being classes as having a category A or B medical condition and whether or not that individual was suffering from a disability.

Finally, the Panel found that the claim for Direct Disability Discrimination is not upheld because he has not been able to demonstrate that he suffered less favourable treatment because of his disability as compared to other persons generally.

With respect to the claim of Indirect Disability Discrimination, the Panel in dealing with the first issue found that the Respondent applied a condition to the Complainant which it applied equally to others generally, specifically, the requirement that applicants do not have medical conditions which fall within the "reject" column of the guidelines on disqualifying medical conditions set out in the policy. The Panel found that due to the Complainant's disability being listed within the "reject" column of Appendix B of the policy, they were placed at a disproportionate advantage as compared to others (who did not have diabetes) because he was unable to comply with the terms of the policy.

With respect to justification, the Panel considered that this element could be dealt with at the same time as when they addressed whether there was a bona fide occupational requirement which the Complainant was

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unable to fulfil'. In doing so, the Panel stated that if there was a bona fide occupational requirement then this would support the argument that ensuring that the Respondent's employees do not have any disqualifying medical conditions which prevent them from performing the essential functions of their role or which present a significant risk to their safety and health or of others, is a legitimate aim and the policy is the most proportionate means of achieving that legitimate aim.

The Panel found that the Respondent did not establish on the balance of probabilities that there was a specific bona fide occupational requirement that the Complainant was unable to fulfill by virtue of his disability. The Panel found that the evidence provided by the Respondent with respect to the impact of the Complainant's medical condition on his ability to perform the essential functions of the role of Corrections Officer unsatisfactory and insufficient to demonstrate that the Complainant would not be able to fulfill a bona fide occupational requirement of the role.

The Panel found that the Respondent indirectly discriminated against the Complainant and that the policy applied to him was not justifiable (i.e. not a proportionate means of achieving a legitimate aim) and that there was no specific bona fide occupational requirement for the role of Corrections Officer that the Complainant could not fulfill by virtue of his disability.

With respect to the duty to accommodate a disabled person, the Panel found that as they found that the policy was not a bona fide occupational requirement, they were not required to make any findings as to whether or not it was possible for the Respondent, without unreasonable hardship, to modify

the circumstances of the Complainant's employment to ameliorate the effects of his disability, they considered it instructive to do so.

The Panel accepted the Complainant's evidence that at no point did the Respondent ever turn its mind to consider whether any modifications or adjustments could have been made to the role of Corrections Officer to accommodate him and eliminate the effects of his disability. Further, the Panel found that the Respondent's witnesses supported their finding that no accommodations or modifications were considered with respect to the Complainant's employment.

### Order

The Panel found that the Respondent unlawfully indirectly discriminated against the Complainant on the grounds of disability. Further, the Panel found that the Respondent is liable to the Complainant for compensation. The Panel awarded damages for loss of wages in the sum of \$47,400.00, which was equivalent to nine months' loss of earnings (less sums earning in mitigation of loss). With respect to the Complainant's claim for injury to feelings pursuant to section 20A of the Act, the Panel determined that the Complainant should receive an award for injury to feelings in the amount of \$7,164.73, which falls within the middle of the lower band. In total, the Complainant received \$54,164.73.

# Summary of Human Rights Tribunal Decisions

## TRIBUNAL CASE 2

### J. Conyers v. Minister of Education, Government of Bermuda

#### Tribunal Decision

The panel members of the Human Rights Tribunal assigned to this matter were Jay Webster (Chair), Dawn Eversley (Member) and Casey Schuler (Member).

The ruling was made on August 15, 2024.

#### Facts

The Complainant, James Conyers, was a male Bermudian educator with over twenty-five years' experience working in the Bermuda Public School System. The Complainant was employed at various schools during his career in both full-time and "allocated" substitute teacher positions. The Complainant applied on a regular basis between 2010 and 2017 for a full-time teaching position with the Respondent and each application was unsuccessful; however, he remained employed as an "allocated" substitute teacher. The Complainant asserts that the reason the Respondent treated him less favourably by not offering him a full-time teacher role was because he is a male Bermudian (first complaint). The Complainant was offered a full-time teacher position on a one-year fixed term contract between September 2017 and June 2018, which followed the Complainant's attorneys writing to the Respondent. In May 2018, the Complainant was appointed on a permanent basis to work at a Primary School; however, since the Complainant would attain the normal retirement age of 65 in 2019, his appointment in a permanent teaching position could not be extended to the 2019-2020 academic year.

In the decision, the Panel recalled the evidence of the Complainant, which confirmed the Complainant's agreement that the advertisements and interviews were not explicitly discriminatory, but the Complainant could not understand why he had not been offered a full-time position after working as a substitute for such an extended period, particularly when at the same school. The Complainant went on to explain that he formed the view from his regular rejections that the Respondent had a pattern of not using Bermudian (especially male) teachers to fill full-time teacher vacancies and preferred to employ non-Bermudian (mainly female) teachers. Finally, the Complainant shared that interview notes from his application to a position most likely in June 2017 referred to him as a "Black, Bidian" with the comment "conveyed a sense of entitlement." The Complainant indicated that he felt as if these comments were unjustified, inappropriate and indicated as bias against him as a black Bermudian man.

The Complainant informed the Respondent on February 15, 2019, that he wished to continue working beyond his normal retirement age and provided the necessary documentation to do so. His application was acknowledged on March 18, 2019, and he was informed of additional documentation required. The documents were provided on or about September 19, 2019. The Complainant contacted the Respondent on September 24, 2019, to enquire about the status of his application to be included in the published list of substitute teachers available for allocation for 2019 academic year. The Complainant asserted that he was told that he could not work whilst there was an ongoing Human Rights Commission

## TRIBUNAL CASE 2

investigation. The Complainant's attorneys wrote to the Respondent's attorneys the following day and raised concerns that if the Complainant was not included in the published list of substitute teachers for 2019 academic year on the grounds of his existing Human Rights Commission investigation, they considered that this would amount to unlawful discrimination under the Human Rights Act, 1981. In the end, the Respondent did not include the Complainant on the published list of substitute teachers on October 7, 2019, and the Complainant asserts that this was retaliation for having brought a complaint against the Respondent (second complaint).

### Allegations

In the first complaint, the Complainant alleged that the decision to refuse to employ the Complainant in a full-time teaching position during the period of 2010 to 2018 was a breach of section 6(1)(b) of the Human Rights Act, 1981 as read with section 2(2)(a)(i) and/or section 2(2)(a)(ii) and amounted to less favourable treatment of the Complainant by the Respondent because of his place of origin and his sex. In the second complaint, the Complainant alleged that the Respondent's decision not to include him on the list of substitute teachers was a breach of section 8(a) of the Human Rights Act, 1981.

### Preliminary Issue

The Respondent raised a preliminary issue of delay, which was that any acts or omissions relied upon by the Complainant which occurred more than two years before the first complaint was filed with the Human Rights Commission are out of time for the purposes of the limitation period in section 14H(1)(c) of the Human Rights Act, 1981.

The Panel set out the relevant section of the Act which deals with time limits:

Section 14H(1)(c) – "A complaint to the Commission – shall be made within six months after the alleged contravention takes place: Provided that the Executive Officer may entertain a complaint up to two years after an alleged contravention if he is satisfied that there are good reasons for the delay and that no one will be prejudiced by the delay."

The Respondent argued that it is mandatory for any acts or omissions relied upon by the Complainant to have occurred within six months of the date on which he submitted his first complaint. Further, the Respondent indicated that the Commission may consider any acts or omissions which took place up to two years before the date of the submission of the first complaint if there were good reasons for the delay and it would not prejudice either party.

The Complainant argued that no part of the first complaint is time barred as the principle of continuing discrimination or continuing acts is applicable to bring all the allegations dating from 2010 to 2018 within time. The Complainant argued that the rejection of each application was part of a continuous act extending over a period, rather than being a succession of unconnected or isolated specific acts, for which time would run from the date when the specific act was committed. Alternatively, the Complainant argued that if there is no continuing act, then there are good reasons for the delay, and no one will be prejudiced by the delay.

The Panel in their decision acknowledged that in cases involving alleged discrimination, often a complainant will seek to rely on a series of detrimental actions by their employer which may only be possible to detect if there is a continuing state of discriminatory affairs by reviewing the whole



## TRIBUNAL CASE 2

series of incidents, which may be spread over a significant period of time extending beyond the ordinary statutory limits.

The Panel found that as a matter of law, that it is permissible and not ultra vires for it to consider whether there is a continuing discriminatory state of affairs consisting of incidents which occurred more than two years prior to the date a complaint was submitted to the Commission, provided that the last act in the series took place within the statutory time limits and/or the continuing state of affairs persisted at that time. The Panel stated that in a scenario where there was found to be a continuing state of affairs and/or act of discrimination the whole series of acts or omissions would be within the normal statutory time limits. The Panel found that it is permitted as a matter of law to consider the totality of the Complainant's first complaint including matters that occurred more than two years before he submitted his first complaint to assess whether there is a continuing act of discrimination and/or continuing discriminatory state of affairs.

### Issues

With respect to the first complaint, the following issues were identified:

- a. Has the Complainant shown facts from which the Tribunal could conclude, in the absence of an adequate explanation, that an unlawful act of discrimination has taken place (i.e., a prima facie case)?
- b. If so, the Respondent must explain the reason for the alleged discriminatory treatment and satisfy the Tribunal on the balance of probabilities (i.e., more likely than not) the protected characteristic played no part in that decision?

With respect to the second complaint, the following issues were identified:

- a. Did the Respondent have knowledge of the fact that an allegation of a human rights infringement had been made by the Complainant?
- b. Did the Respondent know that they were taking retaliatory steps or objectively showing retaliatory intent?
- c. Did the Respondent take any retaliatory steps against the Complainant?

### Judgment

With respect to the first issue identified in the first complaint, the Panel set out that the Complainant must first show that he was treated less favourably by the Respondent than other persons generally. The Panel, in the absence of an actual comparator, found that the appropriate hypothetical comparator group in the present case was "other persons" who applied for full-time teaching positions with the Respondent and had the same qualifications and experience but who did not share the Complainant's protected characteristics (i.e., male Bermudian). In determining the first issue, the Panel found that the Complainant established a prima facie case of discrimination.

The Panel moved on to the second issue within the first complaint, which was to consider whether the Respondent has on the balance of probabilities shown that there was a non-discriminatory reason for the treatment and that the protected characteristics relied upon played no part in its decision-making process. The Panel found that there were credible reasons for not appointing the Complainant to full-time teaching positions which were unrelated

## TRIBUNAL CASE 2

to his place of origin or sex. The Panel determined that the first complaint fails, and this portion of the complaint was dismissed.

With respect to the issues identified in the second complaint, the Panel found that the Respondent knew that the Complainant had brought the first complaint, and their decision that he was not allowed to work as a substitute teacher because of the then ongoing investigation by the Human Rights Commission into his first complaint, which was confirmed by its failure to include him on the list of available substitutes on October 7, 2019 amounted to a retaliatory act or breach of the Human Rights Act, 1981.

### Order

The Panel dismissed the first complaint and with respect to the second complaint, found that the Respondent unlawfully victimized the Complainant by virtue of it retaliating against him by not allowing him to work and failing to include him on the October 2019 published list of substitute teachers in response to the ongoing investigation by the Human Rights Commission concerning the first complaint. The Panel found that the Respondent is liable to the Complainant for compensation.

The Panel awarded damages for loss of earnings in the sum of \$61,313.58, which was equivalent to one year's loss of wages (less sums earned in mitigation of loss). With respect to the Complainant's claim for injury to feelings pursuant to section 20A of the Act, the Panel determined that the Complainant should receive an award for injury to feelings in the amount of \$7,198.02, which falls in the middle of the lower band. In total, the Complainant received \$68,511.60.



# Summary of Human Rights Tribunal Decisions

## TRIBUNAL CASE 3

### L. Scott v. JetBlue Airways Corporation

#### Tribunal Decision

The panel members of the Human Rights Tribunal assigned to this matter were Christina Herrero (Chair), Dawn Eversley (Member) and Christopher Cunningham (Member). The ruling was made on September 4, 2024.

#### Facts

The Complainant, Lawrence Scott was employed by the Respondent, JetBlue Airways Corporation in the position of Supervisor of Airport Operations in Bermuda from May 8, 2006, to April 6, 2016. The Complainant was also appointed to the position of Shadow Minister of Transport for the Bermuda Progressive Labour Party for the period commencing in or about December 2013 through the remainder of his employment. In this role, the Complainant was responsible in relevant part for educating the public on the Airport Redevelopment Project as well as scrutinizing the decisions of the One Bermuda Alliance, including in relation to the Airport Redevelopment Project.

The following events were not disputed to have taken place in January and February 2016: (a) Mr Siggins received a telephone call about a reservation made in respect of a ticket donated by the Complainant; and (b) a meeting took place at JetBlue Headquarters in New York in February 2016. This meeting was attended by Mr. Hayes (the CEO of the Respondent), Mr Rob Land (the Respondent's SVP of Governmental Affairs and Associate General Counsel), Mr. Siggins, the then Premier of Bermuda, Mr Michael Dunkley, and other

government officials. The Complainant was suspended on March 3, 2016. It was not disputed that a formal investigation was undertaken by Ms Camacho, Human Resources Regional Manager for Crew Relations in relation to the Complainant's use of the Company's travel banks and the Complainant's donations of tickets. The Complainant's employment was summarily terminated for serious misconduct on April 6, 2016.

#### Allegations

The Complainant alleged that the termination of his employment was an act of unlawful discrimination under the Human Rights Act, 1981 (Act) on the grounds of his political opinion. The Complainant's position was that the Respondent discriminated against him by dismissing him and not continuing to employ him because of his political opinions in contravention of the Act. The Respondent denied the allegations made and specifically put forth the following position in the alternative (a) the Complainant lacked a political opinion protected by the Act, and (b) the termination of the Complainant's employment was in no way influenced by such alleged political opinion.

#### Issues

The Parties agreed a list of issues, which were as follows:

- (i) As at the termination date, did the Complainant possess "political opinions" protected by the Act; and
- (ii) If the answer is 'yes', was the Complainant dismissed by the Respondent because of his alleged political opinions.

All Tribunal Judgements can be found on the Commission's website [www.humanrights.bm](http://www.humanrights.bm) under Resources

## TRIBUNAL CASE 3

### First Issue

Counsel for the parties agreed that the legal test for the burden of proof in a claim of direct discrimination is that the Complainant must first establish a prima facie case of discrimination. If they do, then the burden of proof shifts to the Respondent to show, on the balance of probabilities that there was no discrimination.

The Respondent took the position that the Complainant did not identify protected political opinions, and therefore the complaint must fail. The Panel took the position that it was necessary to consider whether the Complainant identified a protected characteristic. The political opinion identified by the Complainant was cited as follows:

“The Complainant held the political opinion that the Airport Redevelopment Project was a bad deal for Bermuda because it would: reduce the country’s revenues by \$50 million per annum; increase the operating cost of airlines, the cost of which would be passed on to the passengers, therefore making ticket prices to Bermuda uncompetitive negatively impacting our tourism product; change the airlines categorization of Bermuda from a year-round destination to that of a seasonal one; place the country in a position where the people of Bermuda will never own our airport again; increase the country’s liability with the potential of having to pay out a Minimum Revenue Guarantee to Aecon; and undermine Bermudian job security; and equipping the airlines greater bargaining power to the Bermuda Government’s detriment.”

The Respondent’s position is captured as follows: (a) they noted that the HRA does not define the term “political opinions”; (b) they identified that the United Nations Universal Declaration of Human Rights, the European Convention on Human Rights and the Constitution of Bermuda do not contain any definition of “political opinions”; (c) they relied on the case of *Grainger Plc & Others v Mr T Nicholson* (dealing with discrimination on the grounds of “religion or belief”) to say that the principles and criteria which Justice Burton identified in *Grainger* as being required for a belief to qualify for protection should likewise apply to the “political opinions” characteristic under the HRA; and (d) they stated that if the Panel were to reject the “Grainger test”, then the Panel should look to the natural and ordinary meaning of the words which would be keeping with Parliament’s presumed intention.

The Panel in their decision did not accept that the “Grainger test” or the principles and criteria set out in *Grainger* can be neatly mapped on to the protection of “political opinions” under the Act. The Panel in their decision referred to the specific language of section 2(2)(a)(vi) of the Act (“religion or beliefs or political opinions”). The Panel took the position it is a factual inquiry by the Panel whether opinions amount to political opinions subject to protection under the Act.

In this case, the Panel accepted that the political opinion identified by the Complainant is capable of protection as a protected characteristic under the Act and that the Complainant has established a prima facie case of discrimination.



## TRIBUNAL CASE 3

### Second Issue

When dealing with the issue of whether the Complainant was dismissed by the Respondent because of his alleged political opinions the Panel addressed the evidence in chronological order in the following key parts (a) the call from Mr Land, (b) the New York Meeting, and (c) the investigation and termination of the Complainant's employment. The Panel noted that, as accepted by both parties, this case involves the Panel being asked to draw inferences. The key issue is whether the inferences the Panel is being asked to draw are reasonable and whether they satisfy the preponderance of the evidence standard.

The Complainant's position with respect to the phone call with Mr Land was that he "felt as if he was being given by Mr Land either wittingly or unwittingly, a subtle yet coded ultimatum." Further, the Complainant confirmed that he understood the coded message because he is a politician. The Panel found that there was a more reasonable and more likely explanation of the call from Mr Land, which was that the Company had valid concerns that the Complainant was not clearly distinguishing himself when speaking in the public domain as Shadow Minister and when speaking in his role as an employee of the Company, and that Mr Land called him to ask him to do so.

With respect to the New York Meeting, the Panel found that the evidence from all witnesses was lacking. The Panel commented on the contemporaneous documentation, which showed that as at February 11, 2016, the Company did not plan to terminate the Complainant's employment.

With respect to the Complainant's termination, the Panel was unanimous in its strong assessment that Ms Camacho was a reliable witness. The Panel accepted her testimony that she was unaware of, and did not hold strong views regarding the Complainant's political affiliations or beliefs at the time the investigation commenced or through its duration. This was accepted by the Complainant. The Panel found that given Ms Camacho's position as the person in charge of the investigation, and the Complainant's acceptance that Ms Camacho's conduct of the investigation could not have been motivated by the political opinion.

This evidence led the Panel to conclude that the Complainant's case must fail as the termination was not based on the Complainant holding a political opinion and was therefore not discriminatory.

### Order

The Panel dismissed the complaint and ordered the Complainant to pay the Respondent costs in the sum of \$1,000.00 pursuant to section 20(1)(c) of the Human Rights Act, 1981.

# Summary of Human Rights Tribunal Decisions

## TRIBUNAL CASE 4

### Taylor v. Minister for Economy and Labour, Government of Bermuda

#### Tribunal Decision

The panel members of the Human Rights Tribunal assigned to this matter were Fiona Bada (Chair), Elaine Butterfield (Member) and Christopher Cunningham (Member). The ruling was made on November 7, 2024.

#### Facts

The Complainant, Taylor filed a complaint with the Human Rights Commission, which alleged that they experienced discrimination based on place of origin when seeking to access goods, facilities and services. The Complainant wrote to the Department of Immigration asking for formal confirmation that the Complainant is deemed to “belong” to Bermuda as that term is defined by section 11(5) of the schedule to the Bermuda Constitution Order 1968. As a minor, the Complainant is deemed to belong to Bermuda under section 11(5)(d) of the Constitution as a dependent of their parents who are both naturalized British Overseas Territories citizens, Bermuda.

The Complainant’s request to the Department of Immigration sought for the department to (i.) provide a letter confirming the Complainant’s immigration status and (ii.) affix a stamp stating that they belong to Bermuda in their Canadian passport. The Department of Immigration provided the Complainant with the letter as requested but informed them that they were unable to affix a stamp in their passport as no such

stamp was in existence and further, that the obtaining and application of such a stamp would have to be approved by the Minister of Economy and Labour who has responsibility for immigration in Bermuda.

#### Issues

Counsel for the Respondent raised a preliminary issue, which involved the Human Rights Tribunal’s jurisdiction to hear the complaint. This issue was dealt with as a preliminary issue. The Respondent’s position was that section 5 of the Human Rights Act, 1981 does not apply to the performance of “distinctly governmental functions”.

#### Preliminary Issue

The Panel set out reference to section 5(1) of the Human Rights Act, 1981 and the corresponding definition of what amounts to discrimination within section 2(2)(a)(i) of the Act. As applicable to this case, the Panel also referred to section 5(2) of the Act, which provides that “facilities and services” include, amongst other things, “services of any business, profession or trade or local or other public authority.” The term “public authority” includes government departments, courts and tribunals and any persons whose functions are functions of a public nature.

The Panel made reference to section 31 of the Human Rights Act, 1981, which deals with the application of the Act to the Crown and people acting in the course of service to the Crown. Section 31(1) states that the Human Rights Act, 1981 applies “to an act done by a person in the course of service to the Crown in a civil capacity in respect of the Government of Bermuda or in a military capacity in Bermuda or to an act done on

## TRIBUNAL CASE 4

behalf of the Crown by a statutory body, or a person holding a statutory office, as it applies to an act done by a private person.”

In their decision, the Panel indicated that the Minister of Economy and Labour is a person holding “statutory office” under section 31 of the Human Rights Act, 1981. In the present case, the Minister derives their powers from the Bermuda Immigration and Protection Act 1956 and is granted specific powers by statute to make decisions regarding persons’ immigration status.

### Judgment

The Panel in reaching their decision referred to the case *Re Amin* [1983] 2 AC 818, and Lord Fraser of Tullybelton who provided guidance on the interpretation of the equivalent of section 31 of the Human Rights Act, 1981, which appears below:

“it applies only to acts done on behalf of the Crown which are of a kind similar to acts that might be done by a private person. It does not mean that the Act is to apply to any act of any kind done on behalf of the Crown by a person who is holding statutory office. There must be acts... done in the course of formulating or carrying out government policy, which are quite different in kind from any act that would ever be done by a private person, and to which the Act does not apply... These exceptions will no doubt be effective to protect acts which are of a kind that would otherwise be unlawful under the Act. But they do not in my view obviate the necessity for construing [section 31] as applying only to acts which are at least similar to acts that could be done by private persons.”

This position was confirmed in the case of *Minister of Home Affairs et al v Marco and Paula Tavares* [2018] Bda LR 47 where it was held that the Minister’s actions could not be

regarded as supplying facilities or services of a public authority within the natural or ordinary meaning of those words.

The Panel set out that as the Human Rights Act, 1981 is stated only to apply to those acts done on behalf of the Crown which are of a kind similar to acts done on behalf of the Crown which are of a kind similar to acts that might be done by a private person, acts in pursuance of government policy or the performance of distinctly governmental functions do not fall within the ambit of the provision of services. The Panel noted that a distinction must be made between the provision of a service and regulatory functions as not all acts carried out on behalf of the Crown fall within the ambit of section 5 of the Act.

The Panel set out that a determination must be made as to whether the stamping of a passport in the manner sought by the Complainant is a facility or service under section 5 of the Human Rights Act, 1981 or a governing, regulating or controlling function which would exclude it from the scope of the Human Rights Act, 1981.

The Panel set out that the function of determining or designating a person’s immigration status is the responsibility of the Minister and is evidenced by the issue of documentation including certificates or Bermudian status, permanent residency certificates, and work permits. The provision of factual information includes the issue of letters confirming immigration status, and entry and exit stamps in passports.

The Panel expressed their opinion that a distinction must be made between actions or decisions that can be regarded as determining immigration status, which is

## TRIBUNAL CASE 4

a regulatory or controlling function, and those that represent statements of fact, which would be a facility or service under the Human Rights Act, 1981.

The Panel set out that affixing a stamp in a passport is a governmental function equivalent to a decision of the Minister. The Panel in their ruling set out that the act or omission of the Department of Immigration in this case did not amount to a facility or service and it therefore falls outside the purview of the Human Rights Act, 1981.

### **Order**

The Panel stated that affixing a stamp in a passport is a governmental function equivalent to a decision by the Minister.



# Summary of Human Rights Tribunal Decisions

## TRIBUNAL CASE 5

### M. v. G. and K.

#### Tribunal Decision

The panel members of the Human Rights Tribunal assigned to this matter were Claire van Overdijk KC (Chair), Casey Schuler (Member) and Levince Roberts (Member). The ruling was made on December 4, 2024.

#### Judgment

Following the Complainant's failure to comply with an Order made by the Human Rights Tribunal, the Panel stated that affixing a stamp in a passport is a governmental function equivalent to a decision by the Minister.

#### Summary of Human Rights Tribunal Matters

During the reporting period, the Human Rights Tribunal was engaged in the adjudication of various human rights complaints that were referred in 2024. Examples have been provided to highlight some of the issues being adjudicated, which have not yet resulted in a decision by the Human Rights Tribunal.

#### Reprisal

This matter before the Human Rights Tribunal concerns an individual that alleged that they experienced acts of reprisal and/or retaliation in order to prevent them from making a complaint or disclosure and/or with a view to penalizing them for making a complaint or disclosure in contravention of section 8 of the Human Rights Act, 1981. They alleged a contravention of section 8(a) and section 8(c) of the Human Rights Act, 1981.

#### Discrimination based on Place of Origin and/or Ethnic or National Origins by Employer

This matter before the Human Rights Tribunal concerns an individual that alleged that their employer was paying them in a discriminatory manner due to their place of origin and/or national origins. This matter specifically concerns section 6(1)(b) of the Human Rights Act, 1981, as read with the protected grounds within section 2(2)(a)(i) – place of origin and/or national origins.

#### Discrimination based on Sex and/or Sexual Orientation by Employer/ Workplace Harassment based on Sex and/or Sexual Orientation

This matter before the Human Rights Tribunal concerns an individual that alleged that they were terminated because of their sex and/or sexual orientation. Additionally, they alleged that they were harassed within the workplace because of their sex and/or sexual orientation. This matter specifically concerns section 6(1)(b) of the Human Rights Act, 1981, as read with the protected grounds within section 2(2)(a)(ii) – sex and/or sexual orientation and section 6B(1) of the Human Rights Act, 1981 as read with the protected grounds within section 2(2)(a)(ii) – sex and/or sexual orientation.

#### Sexual Harassment within the Workplace

This matter before the Human Rights Tribunal concerns an individual that alleged that a colleague subjected them to behaviour that amounted to sexual harassment, and alleged that their employer failed to take actions reasonably necessary to ensure that sexual harassment did not occur. They alleged a contravention of section 9(3) of the Human Rights Act, 1981.

All Tribunal Judgements can be found on the Commission's website [www.humanrights.bm](http://www.humanrights.bm) under Resources



# Financial Accountability

Statement of Accounting Officer's Responsibilities for the Period  
April 1, 2024 to March 31, 2025.

The Legislature approved the Operational Budget for the 2024/25 fiscal year at \$1,390,000.

The responsibilities of the Accounting Officer of the Commission include keeping proper records of expenditure of the budget funding allocation received by the Commission from the Legislature. By the 31 March of each fiscal year, the Accounting Officer must certify that the office's account balances are correct and provide a reconciliation of those balances with supporting documentation. Performance reports are issued by the Executive Officer on a quarterly basis and are available to the public upon request.

# \$1.39m

**OPERATIONAL  
BUDGET 2024/25**

The Legislature approved the Operational Budget for the  
2024/25 fiscal year at \$1,390,000.

# In Remembrance



## Robert Anthony

The Commission is deeply saddened to share the loss of our former colleague and cherished friend, Robert Anthony.

Robert joined the Bermuda Human Rights Commission in 2010, and his contributions during those formative four years left an impact that continues to shape our team and our work. Robert's expertise as consultant legal counsel guided the Commission through complex intakes and investigations, and his steady commitment and insight were invaluable. Those who worked with him carry forward the legacy of his thoughtful guidance, integrity, and unwavering dedication.

Lisa Lister Reed, Executive Officer, recalls Robert's influence: "Robert provided invaluable legal guidance in shaping our complaint management processes and advising on other matters, particularly during our team's early years. From holiday

celebrations to team lunches, his humor and friendly presence made our time together brighter. He reminded us of the importance of camaraderie, and his laughter became a cherished part of our team's spirit. He will be remembered for his expertise and the warmth he shared with us all." Darnell Harvey, Investigations Officer, reflected on Robert's mentorship: "Robert was there for me as I learned the ropes, bringing calm patience to every challenge. I'll always remember those quiet mornings when he'd get in early, focused, until a lively topic drew him in, showing us his passion and spirit. He was deeply respected and will be remembered as a great friend and mentor, his impact lasting well beyond his time here."

The Commission extends our condolences to his family and friends.

# In Remembrance



## Reverend Canon James W. Francis

The Human Rights Commission honours the life and legacy of Reverend Canon James W. Francis and extends our heartfelt condolences to his family.

Canon Francis was a trailblazer in Bermuda's Anglican community and a steadfast advocate for justice. As the first Bermudian of African descent to serve as Canon Residentiary at the Cathedral of the Most Holy Trinity, he broke new ground in both spiritual leadership and community engagement. His tenure at the Cathedral was followed by two decades as rector of Christ Anglican Church in Devonshire, where he continued to serve with distinction until his passing at the age of 96.

Beyond his ecclesiastical duties, Canon Francis was a tireless champion for human rights. In 1986, he was appointed Chairperson of the Human Rights Commission, where he led efforts to combat discrimination and promote inclusivity. Under his leadership, the

Commission achieved a significant milestone in 1988 with the first amendment to the Human Rights Act 1981, adding protections against discrimination for persons with disabilities.

Canon Francis was recognized for leading with dignity, intellect, and conviction. He did not court popularity but instead spoke difficult truths with grace and resolve. As Major Kenneth Dill, former Executive Officer of the Human Rights Commission, reflected in his poignant dedication: *"Canon Francis was not one who spoke loudly or sought to dominate any space. Yet, when he spoke, you listened. His advocacy was grounded in a profound belief in the equal worth of all people, and he used his influence—both as a spiritual leader and a public servant—to call for meaningful, structural change."* The Commission remains committed to upholding the values Canon Francis embodied and is grateful for his extraordinary example.



# In Remembrance



## Margot Cox

The Human Rights Commission acknowledges with deep respect the passing of Margot Cox and extends our condolences to her family. Though the Commission only came to know her in recent years, Margot’s passionate commitment to advancing disability rights left a lasting mark.

Margot was open about her personal experience of becoming disabled later in life and encountering the harsh realities of an inaccessible Bermuda. She expressed that having taken access for granted for much of her life, she suddenly found herself excluded from spaces and services across the island. She poignantly reflected how too often we fail to protect rights until we are personally impacted by their absence.

Her consistent advocacy was centered around dignity, and the duty to ensure inclusion for persons with disabilities as a

bare minimum. She expressed her shock at the dismissive responses from businesses and public services when trying to engage in problem-solving, but she persevered. Margot’s advocacy included celebrating the examples of proactive measures. She urged businesses and public services to collaborate with people with disabilities to address barriers. Her call for enforcement of the Human Rights Act 1981, which prohibits discrimination based on disability, was a powerful reminder of the legal and moral obligations to ensure equal access for all. Margot’s legacy is a testament to the power of individual action in driving societal change, and the Commission remains committed to advancing the cause she so passionately championed.







# Annexes

## Letter of Transmittal

The Office of the Human Rights Commission was established under the Human Rights Act, 1981, and the Commission's statutory powers and duties are described in the Human Rights Act, 1981 and Commissions of Inquiry Act, 1935. As a non-Ministry office, we receive a budget allocation from the Legislature and are subject to the standards enshrined in the Public Treasury (Administration and Payments) Act, 1969. This is the Annual Report for the year January 1, 2024 to December 31, 2024 which reflects the story of the work carried out during this period for the fulfilment of the Commission's statutory mandate.

## Timeline of the Human Rights Act

View online version [humanrights.bm/wp-content/uploads/2022/09/HRC-timeline2022.pdf](https://humanrights.bm/wp-content/uploads/2022/09/HRC-timeline2022.pdf)

## Definitions

**Disability** refers to physical, mental, intellectual, or sensory impairments that, when interacting with various environmental and societal barriers, may hinder full participation in society on an equal basis with others.

**Disability inclusion** reflects a commitment to understanding the relationship between the way people function and how they participate in society, and ensuring everybody has the same opportunities to participate in every aspect of life to the best of their abilities and desires.

**Accessibility** is the practice of making information, services, activities, and/or environments meaningful and usable for as many people as possible. Accessibility seeks to ensure that no one is excluded, and that people can do what they need to do in a similar amount of time and effort as someone that does not have a disability.

**Discrimination** refers to less favourable treatment of individuals or groups based on characteristics such as race, disability, sex, age, religion, sexual orientation, or other attributes. Harassment may be defined as engaging in vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

**Reasonable Accommodation** refers to modifications or adjustments to a job, or the work environment, or the way things are usually done during the hiring process to enable a qualified individual with a disability to have an equal opportunity not only to get a job but also to perform their job tasks to the same extent as a person without a disability.



# How to Contact the Human Rights Commission

The public is encouraged to contact the Office of the Human Rights Commission if they believe they have or may have experienced discriminatory treatment as the Human Rights Act, 1981 may be applicable. If you have any questions or wish to receive more information about your rights, you are welcome to contact the Commission. You can choose to call, email, or visit the Office to make contact.

Walk-In:	Human Rights Commission Milner Place Ground Floor, 32 Victoria Street, Hamilton HM12
Mail:	32 Victoria Street Hamilton HM CX
Phone:	(441) 295-5859
Email:	<a href="mailto:info@humanrights.bm">info@humanrights.bm</a>
Web:	<a href="http://www.humanrights.bm">www.humanrights.bm</a>



“I am only one, but still  
I am one. I cannot do  
everything, but still I can do  
something; and because  
I cannot do everything,  
I will not refuse to do  
something that I can do.”

HELEN KELLER







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