

ONTARIO HUMAN RIGHTS COMMISSION Year-End Results 2000-2001

The Ontario Human Rights Commission is pleased to provide a summary of its year-end results for the fiscal year ending March 2001. The Annual Report required by the Human Rights Code will be delivered to the Government by June 30, 2001.

1 - Executive Summary

Current Caseload Achieved

For the fifth year in a row, the Commission closed more cases than it opened. In 2000-2001, we received and opened **1,775** complaints (that is, complaint forms completed and signed by the complainant) and closed **1,941**. As at March 31, 2001, the Commission's active caseload was **1,781**.

These statistics reflect considerable progress. In 1996, at the outset of Chief Commissioner Keith Norton's mandate, the caseload approached 3,000 cases. As **Figure 1.1** shows, the size of the caseload has dropped steadily to its current level regardless of whether the number of incoming complaints rose or fell.

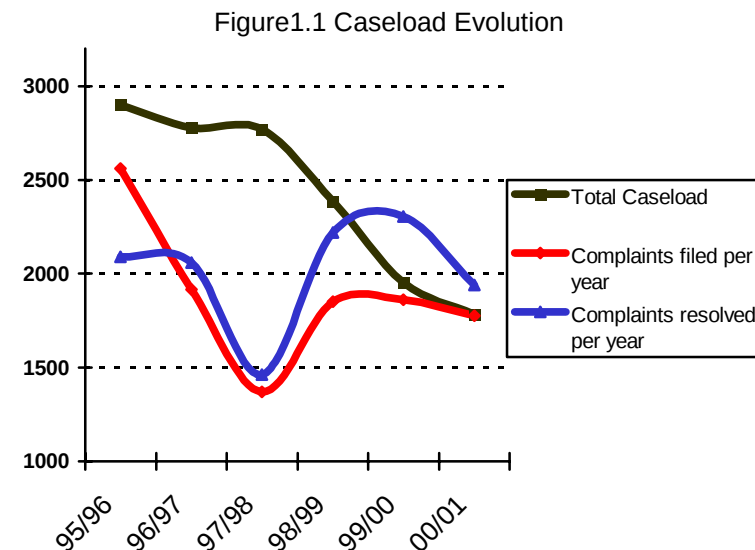


Table 1 Key Numbers for the Commission

Complaints opened	Complaints closed	% Cases settled	Annual Budget (millions)
1,775	1,941	51%	\$11.1 m

Using size and age of the caseload as indicators of the Commission's success in handling complaints, the agency has achieved a current caseload. We define "current caseload" to mean that both the average and median ages of the cases in the caseload are under 12 months. In 2000-2001, the average age was 10,4 months. The median age was 7 months.



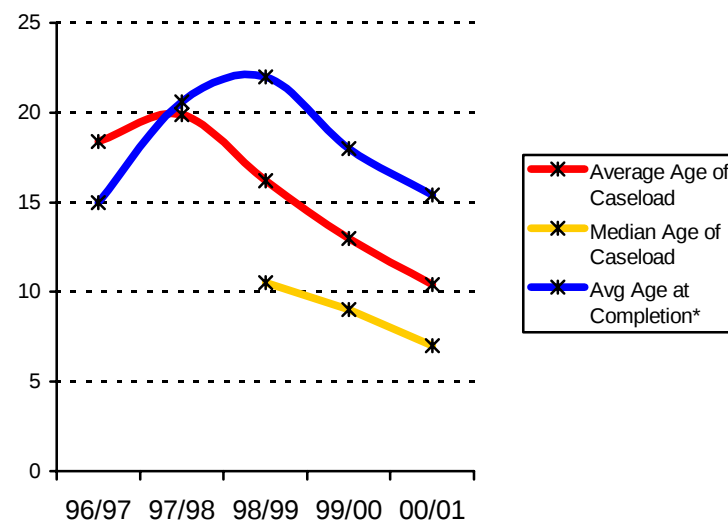
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The average time required to process a complaint* from opening to a decision is also improving. In 2000-2001, it was **15.4** months down from **18** months the previous year and a high of **22** months before that.

Improvements in the length of time it takes to handle complaints can be attributed to a number of successful strategies. Restructuring, performance management, new business processes such as mediation and centralized inquiries, and the use of cutting-edge information and telecommunications technologies have led to successes that have been recognized by the public, across government and in the media.

These achievements in case management enable the Commission to address other parts of the mandate such as promotion of human rights and public education.

Figure 1.2 Age and Processing Time



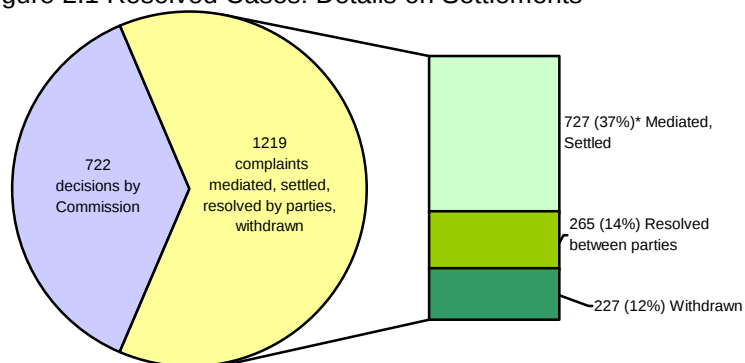
**This measure was not included as a performance objective in the last few years as the Commission purposely targeted older cases for closing.*



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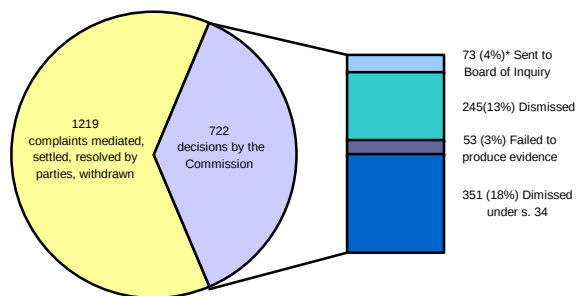
2 - Highlights in Case Management Achievements

Figure 2.1 Resolved Cases: Details on Settlements



* All percentages are based on the total amount of complaints resolved in fiscal 2000-2001.

Figure 2.2.a Breakdown of Commission Decisions



* All percentages are based on the total amount of complaints resolved in fiscal 2000-2001.

Mediation Services

Another principal area of the Commission's work today is mediation. Specially trained mediators offer voluntary mediation services, which, because of several unique design features, enjoy almost a 75% success rate (that is, almost 75% of complaints where the parties choose to mediate are resolved). It should also be noted that the mediation process is generally concluded within 3 to 6 months of filing a complaint.

This year, 51% of the Commission cases were resolved as a result of mediation services, as well as other more traditional settlement techniques such as conciliation.

Figure 2.1 shows the distribution of closed complaints, divided between cases closed as a result of a Commission decision and others, with a breakdown of settled and resolved cases.

Investigation Services

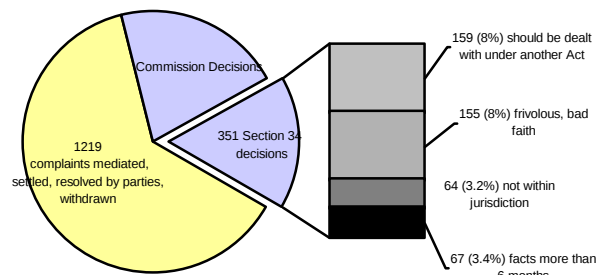
The success of the voluntary mediation program has affected the number of complaints at investigation.

Over the past several years, the number of cases under investigation has declined steadily from 1,780 in March 1998 to 631 this past fiscal year. This has enabled the Commission to focus its investigation resources on older cases, particularly those that are one year of age or older. During 2000-2001, the Commission committed to resolve 620 complaints representing 80% of cases that were one year or older as of April 1, 2000. At year-end, it had resolved 572 of the 620 or 92% of the target.



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Table 2.2.b Breakdown of Commission Decisions: Section 34



As decisions based on section 34 may involve multiple subsections, the sum of the subcategories indicated above exceeds the total of decisions made.

3 - Legal Services Activities

During 2000-2001, the Legal Services Branch received the following decisions rendered: 11 board of inquiry decisions, 12 judicial review decisions, 9 appeal decisions and 6 Supreme Court of Canada decisions (5 leave to appeals dismissed; one successful intervention).

At the end of the 2000-2001 fiscal year, the Legal Services Branch was handling the following ongoing cases: 94 board of inquiry files, 9 judicial reviews, 7 appeals and 1 case at the Supreme Court of Canada.

Figures 2.2 a and b show the distribution of complaints closed as a result of a decision by the Commission. This year, the Commission referred **73** complaints to the Board of Inquiry (Human Rights).

During the same time, **351** cases were closed as a result of decisions not to deal with complaints under section 34 of the *Code*. A breakdown of the reasons for these decisions is provided in Figure 2.2b. The majority is the result of situations where the human rights complaint should have been dealt under another Act, or was outside the Commission's jurisdiction.



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4 - Information and Public Education

One of the most promising developments at the Commission in recent years is that significant resources have now been redirected to offer early information. In doing so, the Commission provides an important public service by giving information to callers, to employers and to the public about human rights in Ontario. This allows complainants to understand their rights and the human rights process so they can take steps to decide early on if a complaint is appropriate. As well, many potential respondents call for information about how to address human rights issues.

4.1 - Inquiry Services

The first point of contact for most members of the public is the commission information line. Callers receive basic information on human rights generally, on how to file a complaint and other information about the human rights process. During this fiscal year, our automated service answered a total of **163,765** calls. Staff responded to **52,848** calls or **81%** of the **65,207** calls where the person opted to speak to an Inquiry Service Representative. On average, calls were responded to within **3.4** minutes.

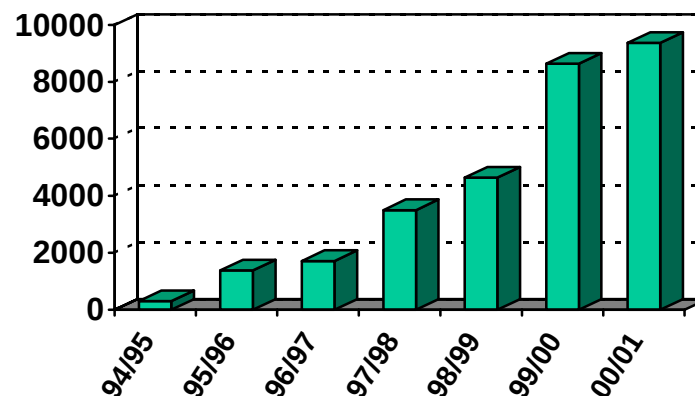
The Commission also provides referrals to other jurisdictions, law enforcement agencies, labour and employment departments and community service organizations.

4.2 - Public Education Results

For the sixth consecutive year, a larger audience has been present at events either sponsored by, or involving, the Commission. **Figure 3** reflects the number of persons present at scheduled public education events such as conferences, seminars and other events, but does not reflect people reached through public awareness campaigns and media contacts.

Partnerships with other organizations have extended the Commission's ability to maximize the effect of our public education resources. A strong alliance with the Human Resources Professionals Association of Ontario has resulted in increased access to the employment sector. A partnership with INFACCT Canada and Toronto Public Health gave rise to a successful campaign on Ontario municipal public transit

Figure 3 Number of Persons Reached in Public Education



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services on breastfeeding as a basic right for mothers and their babies. Working with the Council of Agencies Serving South Asians, the Commission developed a brochure explaining the human rights process in six South Asian languages. Other projects currently include the publication of the third edition of *Human Rights Policy in Ontario* with CCH Canada Ltd, a well known human resources and legal publisher.

These initiatives are part of the Commission's current public education strategy. In that strategy, the Commission recommends the business and education sectors be the major focus of educational activity. A cursory sector analysis of delivery of education reveals a balance across areas with an emphasis in these two areas.

5 - Policy Developments

This year, the Commission released several major policy documents that received considerable public attention.

First are the initiatives related to disability rights. Forty per cent of complaints filed with the Commission are from persons with disabilities. Studies show that persons with disabilities continue to experience widespread and endemic discrimination in all aspects of their daily lives. This year, the Commission released three key documents to help us begin to address the issue: (1) the *Policy and Guidelines on Disability and the Duty to Accommodate*; (2) the revised *Policy on Drug and Alcohol Testing*; and (3) the Commission's Discussion Paper on accessible transit services.

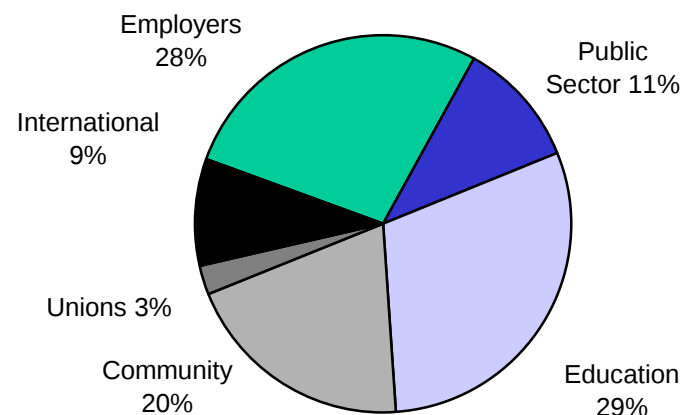


Figure 4 Public Education by Sector

Consultations on Age Discrimination

In its discussion paper on the rights of older persons, the Commission documents and explores human rights issues facing older persons in Ontario in employment, housing, services and facilities. Currently, age is cited as a ground in 7% of complaints received by the Commission. A majority of these complaints arise in the employment context. The response to this Paper was so positive that the Commission decided to conduct province-wide public consultations last Fall and Winter on these important human rights issues.



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These initiatives mark a new approach to disability rights. On March 22, 2001 the Chief Commissioner announced that the Commission will begin initiating complaints to address sector-wide practices and other factors that create barriers for persons with disabilities. One week after that announcement, the Commission sent six cases to the Board of Inquiry with respect to the accessibility of the para-transit system in Hamilton and initiated a complaint about the accessibility of Ontario's assistive devices program.

In its commitments made in the 1999-2000 Annual Report, the Commission undertook to implement an Aboriginal human rights initiative. The goals are to improve access to the Commission and to create and enhance awareness among Aboriginal communities of their protections under the *Code*. The first phase has now been completed. A report, prepared by the Ontario Federation of Indian Friendship Centres and Grand River Employment and Training, reviewed programs for Aboriginal communities through a province-wide consultation with Aboriginal organizations. It identified major sources of discriminatory treatment and barriers that prevent Aboriginal people from using the Commission's services, best practices for increasing awareness, and recommendations on program modifications. The Commission is proceeding with the second phase, which involves training workshops, public education programs and a pilot community-based awareness program.



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6 - Accountability Framework

The Commission has presented its accountability framework in the last three annual reports. The framework establishes targets for the organization's performance in the coming year and reports on achievements against previously established targets.

The following is a summary of achievements against targets in the 2000-2001 fiscal year.

SERVICE AREA	2000-2001 COMMITMENTS	2000-2001 ACHIEVEMENTS (As at March 31, 2001 unless otherwise indicated)
PROMOTION AND AWARENESS OF HUMAN RIGHTS	Conduct one new public awareness campaign.	A new province-wide campaign was launched on human rights and breastfeeding, in partnership with Infant Feeding Action Coalition (INFACT) Canada and Toronto Public Health. The campaign was in several major urban centres on public transit vehicles.
	Implement Aboriginal Initiative.	The Ontario Federation of Indian Friendship Centres and Grand River Employment & Training completed Phase 1 of the <i>Aboriginal Human Rights Initiative</i> , which is designed to create and sustain an awareness of human rights in off-reserve Aboriginal communities and to enhance equality for Aboriginal persons in Ontario.
	Ensure international obligations are integrated into all new policy work.	International human rights standards integrated into new policy work on age, disability and pregnancy (see below). Commented on Canada's reports under various international instruments.
	Launch policy initiative for CASHRA 2001	Ontario and Quebec co-launched the new policy and research group of the Canadian Association of Statutory Human Rights Agencies (CASHRA) and co-chaired the sub-committee on resolutions with respect to social and economic rights and social condition.
	Enhance accessibility of publications through new series of 'one-pager' information sheets on all major areas of the Code	Completed and posted on OHRC web site on March 22, 2001.
	Achieve a satisfaction rate of 80% among participants for all public education activities.	86% satisfaction rates reported on a 5-point scale for 3 factors: quality of presenter or presentation; effectiveness of materials and usefulness of presentation.



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SERVICE AREA	2000-2001 COMMITMENTS	2000-2001 ACHIEVEMENTS (As at March 31, 2001 unless otherwise indicated)
	Launch new Web site that improves access, is easier to use and more client-focused.	New Web site launched on March 22, 2001.
POLICY	Release paper on Age Discrimination.	On May 31, 2000, the OHRC released its Discussion Paper entitled <i>Discrimination and Age: Human Rights Issues Facing Older Persons in Ontario</i> .
	Conduct consultations and develop public policy document on Age Discrimination.	The OHRC consultation paper setting out policy directions was publicly released in September 2000 and consultations were held across the province in the Fall-Winter 2000.
	Release <i>Policy on Discrimination and Harassment because of Gender Identity</i>	Released June 21, 2000. Available on web site and in print and alternative formats.
	Release consultation report on human rights issues in Insurance.	Consultation Report approved by Commission in June 2000.
	Revise <i>Guidelines for Assessing Accommodation Requirements for Persons with Disabilities</i> .	New <i>Policy and Guidelines on Disability and the Duty to Accommodate</i> released on March 22, 2001.
	Release report on survey of accessibility to transit vehicles.	<i>Discussion Paper on Accessible Transit Services in Ontario</i> released on February 19, 2001
	Conduct second policy dialogue	Policy discussion on "Human Rights and Human Development" held in partnership with Community Development Network on March 21, 2001



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SERVICE AREA	2000-2001 COMMITMENTS	2000-2001 ACHIEVEMENTS (As at March 31, 2001 unless otherwise indicated)
		Other significant policy achievements: During the fiscal year, the OHRC also released the updated <i>Policy on Drug and Alcohol Testing</i> to reflect the recent Ontario Court of Appeal decision in <i>Entrop v. Imperial Oil</i> and its <i>Policy on Female Genital Mutilation</i> to reflect amendments to child protection legislation and the <i>Criminal Code</i>. OHRC staff also prepared and released a research paper entitled: <i>Human Rights Commissions and Economic and Social Rights</i> (February 2001). Policy staff also undertook corporate responsibility for training on new policy work and for initiating a survey of accessibility in the OHRC (See Corporate Initiatives).
INQUIRY SERVICES	Average response time on calls handled by Inquiry staff will be within 2 minutes.	Average response time was 3.4 minutes
INTAKE SERVICES	Draft complaints within 15-20 days.	Average time to draft complaint was 28.6 days. Efforts to improve these times have resulted in the average time being decreased to 9.4 days in the fourth quarter of the fiscal year.
MEDIATION SERVICES	Achieve at least a 65% settlement rate in cases in which mediation has been attempted.	Settlement rate of 73% in cases in which mediation was attempted. This is comparable to last year's rate of 74%.
	Resolve a minimum of 1,300 cases through mediation services.	1,246 cases were resolved through mediation services.
INVESTIGATION SERVICES	Resolve 80% of cases over 2 years of age as at April 1, 2000.	572 of the 620 cases were resolved, or 92% of the target.



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SERVICE AREA	2000-2001 COMMITMENTS	2000-2001 ACHIEVEMENTS (As at March 31, 2001 unless otherwise indicated)
	Resolve a minimum of 850 cases through investigation services.	696 cases were resolved through investigation services, or 81% of the target.
	Reduce the median age of the caseload to below 9 months.	Median age of the caseload at March 31, 2001 was 7 months.
	Decrease the average age of the caseload to 12 months	Average age of the caseload on March 31 st , 2001 was 10.4 months
CORPORATE INITIATIVES	Implement Quality Service Standards	Quality Service Standards have been developed for each Branch.
	Develop training program on Public Education Techniques.	In light of the significance of the disability initiatives introduced this year, resources were reallocated to conduct a 2.5 day corporate training program on disability rights and the operational implications of the new <i>Policy and Guidelines on Disability and the Duty to Accommodate</i>
	Initiate Accessibility Review of Commission services and employment practices for persons with disabilities.	Internal survey of accessibility in services of OHRC was conducted. List of accessible services/measures will be posted on the Web. The Commission has upgraded its TTY capacity and launched a more accessible web site.

