



ONTARIO HUMAN RIGHTS COMMISSION
Year-End Results 2001-2002

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Current Caseload and New Pressures

Under Ontario's *Human Rights Code*, the Commission is required to receive all human rights complaints that fall within its jurisdiction. In the fiscal year 2001-2002, 2,438 new complaints were filed at the Commission representing a significant rise in complaints. This amounts to an increase of 663 cases or 37.6% over the total of 1,775 complaints filed in the previous fiscal year 2000-2001. Until this fiscal year, new complaints filed remained below 2,000 cases per year and averaged at 1,754 cases for the previous five fiscal years.

There was a marked increase in the number of complaints on the ground of disability. In the 2000-2001 year, 41.24% of complaints were filed on the ground of disability; this past year saw that figure rise to 49.78% of the total complaints filed. Out of the 2,438 new complaints filed this past fiscal, disability was cited 1,183 times.

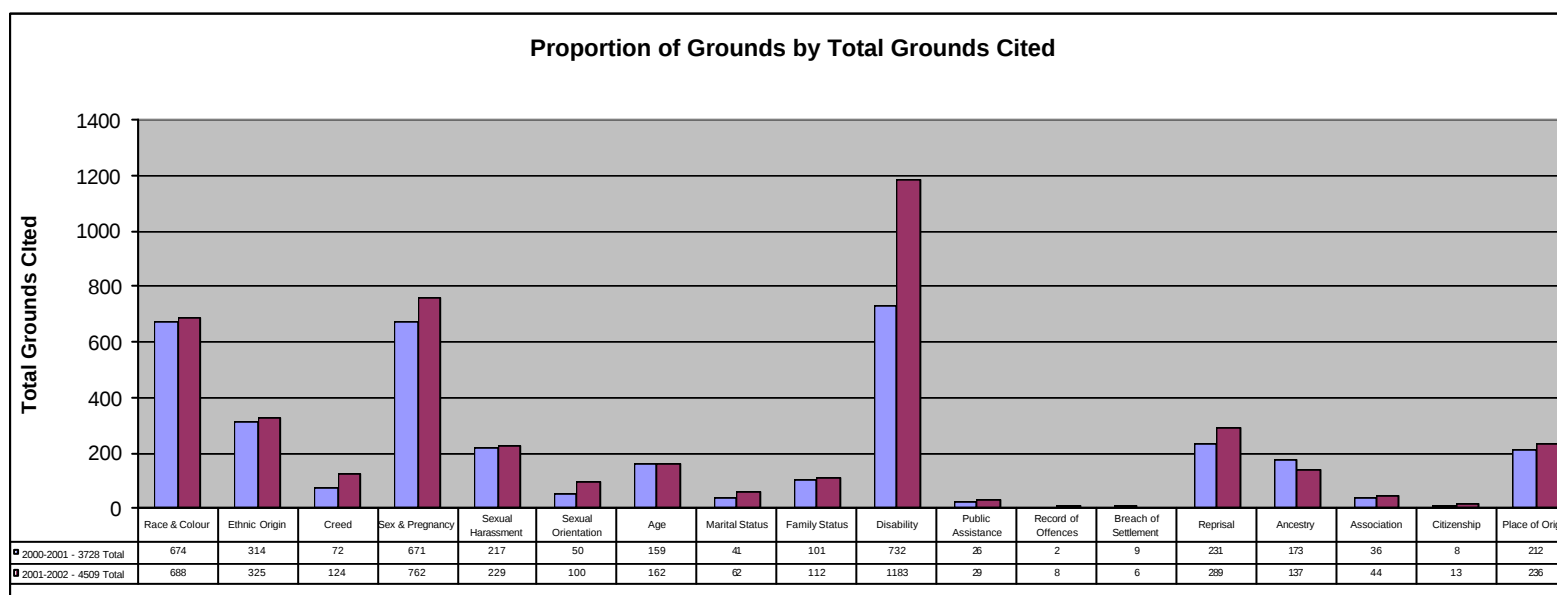
This trend does not appear to be unique to Ontario. An informal poll of other human rights commissions in Canada conducted by the Commission in January 2002 revealed that five of the six commissions who had comparable data reported an increase in new cases citing disability.

This year, the Commission closed 1,932 cases, close to the same number it closed last year (1,941). The Commission's active caseload as at March 31, 2002 was 2,300.

Despite the sharp increase in complaints received, the Commission continued to maintain a caseload that is current which means the average age of the cases is under 12 months. For the 2001-2002 fiscal year, the average age of the caseload was 11 months and the median age was 8 months.

The Commission also continues to reduce the average time required to process a complaint. In 2001-2002, it was 12.2 months down from 15.4 the previous year. The success of this time reduction is due in part to improvements in case management, the continued success of mediation to settle cases, and increased use of telecommunications technologies to help streamline the complaint process.

Since cases can cite more than one ground, a breakdown of total grounds cited across all new cases provides a better understanding of the increase in complaints filed in 2001-2002. The following chart shows that of the total grounds cited across all complaints filed, the ground of disability increased disproportionately to other grounds from 19.6% of a total of 3,728 grounds cited in 2000-2001 to 26.2% of a total of 4,509 grounds cited in 2001-2002.



Age Discrimination

In June 2001, the Commission released its Consultation Report, entitled *Time for Action: Advancing Human Rights for Older Ontarians* based on research and consultations with more than one hundred organizations and individuals across the province.

The Report noted that older persons encounter significant barriers to much-needed services. These barriers range from inaccessible buildings to an absence of specialized health services in some communities. There is also a need for more affordable and accessible housing that can meet the needs of older persons. Similarly, there is a need for accessible public transit systems for older persons and persons with disabilities so they can maintain their independence and fully participate in daily life.

Workplace issues for older persons are also a concern. One of the Report's recommendations is that the Ontario Legislature amend the *Code* to eliminate the section that allows for mandatory retirement at age 65 and to provide protection against age discrimination to workers 65 and over.

Insurance Issues

In October 2001, the Commission released its *Human Rights Issues in Insurance: Consultation Report*. The Commission promotes the principle that the insurance industry should strive to move away from using grounds, such as age, sex and marital status, for risk assessment in insurance. In other areas, these are considered discriminatory under the *Code*. But, industry research to date notes that the use of such risk assessment criteria is still necessary and the industry feels that by maintaining flexibility in setting risk criteria, it can ensure affordable products.

Human Rights Policies

Policies and guidelines are approved statements by the Commission. They set out the Commission's interpretation of specific provisions of the Ontario *Human Rights Code*.

The policies and guidelines help the Commission:

- to advance understanding of the *Code* and
- to inform the public on the proper interpretation of the *Code* in particular matters.

Consumer representatives are concerned that private health information and use of genetic information may unfairly limit or deny people coverage because a condition or illness might appear in the future.

The Report recommends that genetic testing and related information should not be used to deny insurance, because of a disability or risks that might arise in the future. The Commission is encouraging continued dialogue amongst the insurance industry, consumer groups and governments on human rights issues in insurance.

Policy on Discrimination Because of Pregnancy and Breastfeeding

The Commission revised and expanded on its 1999 *Policy on Discrimination because of Pregnancy and Breastfeeding*.

The Policy states clearly that women who are pregnant or nursing cannot be discriminated against in employment, housing accommodation, services and facilities. Employers have a duty to accommodate the needs of women arising from their pregnancy. Public places, such as shops and restaurants cannot deny service to a woman with an infant and should not disturb, or prevent her from breastfeeding her baby.

Disability Issues

Following the release of its *Policy and Guidelines on Disability and the Duty to Accommodate* in March 2001, the Commission undertook several initiatives to ensure equal access to goods, services and facilities for people with disabilities.

1. Restaurants and Building Accessibility

Restaurants provide services and are facilities under the *Ontario Human Rights Code*. In May 2001, the Commission wrote to 29 restaurant chains, coffee shops and fast-food chains to survey the accessibility of their premises. Several noted a heavy reliance on the *Ontario Building Code* as the measure for setting accessibility standards.

2. Building Code Reform

On March 1, 2002, the Commission provided the Ministry of Municipal Affairs and Housing with a submission outlining concerns with the current *Building Code* and ways in which human rights principles should guide an undertaking of *Building Code* reform. The submission emphasized the need to achieve greater harmonization between the *Building Code* and the *Human Rights Code*.

3. Education

As part of the commitments made at the time the Disability Policy was released, the Commission will be undertaking a series of public consultations on the issues of disability and education. Discrimination on the basis of disability in the area of education has been raised frequently over the past few years.

In recent years, changes in the way special education is funded and provided as well as accessibility issues have been of continuing concern to parents, teachers and students.

The consultation process will take place this Fall and Winter. The end result will be the development of a Consultation Report identifying any systemic issues related to disability and education and will set out recommendations for action.

4. Transit Accessibility

In April 2002, the Commission released *Human Rights and Public Transit Services in Ontario: Consultation Report*, that recommends achieving full integration and accessibility to all public transit services in the province. The report found gaps and inequities in the provision of accessible public transit services. Lack of such services perpetuates isolation among persons with disabilities and older persons, prevents their full participation in the community and hampers their dignity and independence.

The Commission continues to address complaints concerning lack of accessible public transit services in the province. In May 2001, the Commission sent six disability cases to a Board of Inquiry, challenging the lack of accessible transit services in Hamilton, Ontario.

Aboriginal Human Rights Initiative – Phase II

This Commission initiative is the result of research that showed Aboriginal Ontarians living off-reserve have little first-hand experience with the services of the Commission, yet they frequently experience discrimination in housing and employment. The Native Canadian Centre of Toronto (NCCT) was selected to partner with the Commission to help bridge this gap. A full-time human rights liaison officer began working at NCCT in January 2002 to increase awareness within the community of the *Code's* protections and the Commission's role in addressing human rights complaints.

Public Education and Information

In the fiscal year 2001-2002, approximately 9,000 people attended 104 events where Commission staff made presentations or where display materials were available.

The Chief Commissioner made several keynote presentations including the Standing Senate Committee on Human Rights. He spoke at conferences, law schools, elementary and secondary schools throughout the province. He also gave interviews on radio, television and in the print media on current human rights issues.

Following the events of last September 11th, the Chief Commissioner participated in a number of multifaith services. The Commission also compiled a list of resources and electronic links on its Web site to help students, parents and teachers deal with the after-effects of the tragedy.

Publications

In addition to its policy papers, the Commission produces leaflets and booklets explaining its processes and policies. In December 2001, it released six bilingual plain language leaflets on Ontarians' rights with respect to: *hiring, sexual harassment, sexual orientation, racial harassment, pregnancy including breastfeeding*, and one on the Commission.

The Commission also released an updated edition of *Teaching Human Rights in Ontario*, a package for secondary school teachers to use when explaining human rights issues to students. The new addition includes the 1999 amendment to the Ontario *Human Rights Code*, which added “same sex partnership status” as a protected ground, additional case studies as well as references to Web sites that deal with human rights issues.

The Commission continued to develop its partnership with the Human Resources Professionals Association of Ontario (HRPAO). Commission staff participated in HRPAO’s annual conference and made presentations at six other regional HRPAO events.

In partnership with CCH Canadian Ltd., the Commission also released *Human Rights Policy in Ontario*, a compendium of the Commission’s human rights policies and guidelines in September 2001.

The OHRC Web site

The Web site is in English and French. In the 2001-2002 fiscal year, there were 233,090 unique visits compared to 158,971 visits the previous year. On average 638 people visited the site daily compared to 435 visits per day the previous year.

Legal Services Branch

During 2001-2002, the Legal Services Branch received the following: 6 Board of Inquiry decisions, 30 Board of Inquiry Settlements, 6 judicial review decisions, 10 appeal decisions, and one Supreme Court of Canada decision.

At the end of the 2001-2002 fiscal year, the Legal Services Branch was handling the following ongoing cases: 87 Board of Inquiry files, 14 judicial reviews, 8 Court of Appeal and one case at the Supreme Court of Canada.

Accountability Framework

The Commission’s Accountability 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 2001-2002 fiscal year.

SERVICE AREA	2001-2002 COMMITMENTS	2001-2002 ACHIEVEMENTS (As of March 31, 2002 unless otherwise indicated)
PROMOTION AND AWARENESS OF HUMAN RIGHTS	Conduct one new public awareness campaign.	Initiated planning of campaign on ageism and age discrimination. Established partnerships with community organizations for development and delivery of the campaign.
	Implement Phase II of the Aboriginal initiative.	Implemented Phase II in partnership with Grand River Employment and Training (GREAT), Ontario Federation of Indian Friendship Centres and the Native Canadian Centre of Toronto (NCCT). Conducted two-day training on project for Commission and NCCT staff. Implemented pilot program with GREAT and NCCT: Human Rights Liaison Officer hired to conduct public education and handle public inquires. Received Summary Report on pilot program from GREAT.

SERVICE AREA	2001-2002 COMMITMENTS	2001-2002 ACHIEVEMENTS (As of March 31, 2002 unless otherwise indicated)
	Enhance accessibility of publications through a new series of 'one-pager' information sheets on all major areas of the <i>Code</i> .	Produced six new one-page plain language bilingual leaflets on: human rights policies on hiring, sexual harassment, sexual orientation, racial harassment, pregnancy (including breastfeeding) and one on the Commission.
	Achieve a satisfaction rate of 80% among participants for all public education activities.	Achieved satisfaction rate of over 80%.
	Other significant achievements.	Published <i>Human Rights Policy in Ontario</i> in partnership with CCH Canadian Ltd. Updated and released revised version of <i>Teaching Human Rights in Ontario</i> .
POLICY	Release Consultation Report on Age Discrimination.	Released Consultation Report, <i>Time for Action: Advancing Human Rights for Older Ontarians</i> , on June 26, 2001. Policy on age discrimination against older persons approved by Commission on March 26, 2002, for release in the next fiscal year.
	Develop workplace guides on disability issues in plain language for both employers and employees and a separate plain-language guide to inform people of their rights and responsibilities.	Prepared draft guides and held two focus groups for input: one with employee representatives and one with employer representatives. Feedback received to be used to further develop the documents.

SERVICE AREA	2001-2002 COMMITMENTS	2001-2002 ACHIEVEMENTS (As of March 31, 2002 unless otherwise indicated)
	Initiate consultations on disability in the education sector.	Developed Strategy and Consultation Paper in preparation for launch of consultations in next fiscal year.
	Develop Consultation Report on transit accessibility.	Consultation Report approved by Commission in March for release early in the 2002-2003 fiscal year.
	Other significant policy achievements.	Released the <i>Human Rights Issues in Insurance: Consultation Report</i> in October 2001. Updated <i>Policy on Discrimination Because of Pregnancy and Breastfeeding</i>. Provided ongoing advice to the provincial government and private sector organizations on a number of issues.

SERVICE AREA	2001-2002 COMMITMENTS	2001-2002 ACHIEVEMENTS (As of March 31, 2002 unless otherwise indicated)
	Ensure international obligations are integrated into all new policy work.	Integrated international obligations in Commission's work on age discrimination, intersectionality, disability, transit accessibility, social and economic rights, and pregnancy and breastfeeding. Provided input on Canada's reports under international instruments. Undertook or participated in initiatives to explore how Commissions can help Canada meet its international obligations, e.g. posting of Research Paper and Policy Dialogue proceedings on Web site, presentation to Standing Senate Committee on Human Rights, drafting and adoption of CASHRA resolutions on economic and social rights.
INQUIRY AND INTAKE SERVICES	Average response time on calls handled by inquiry service representatives will be within 2.5 minutes. Draft complaints within 15-20 days.	Average response time was 2.3 minutes (during the 11-month period prior to the Ontario Public Service Employees Union strike). Average time to draft a complaint was 14 days. This achievement was met at a level below the objective.

SERVICE AREA	2001-2002 COMMITMENTS	2001-2002 ACHIEVEMENTS (As of March 31, 2002 unless otherwise indicated)
MEDIATION AND INVESTIGATION SERVICES	Achieve at least a 65% settlement rate in cases in which mediation has been attempted.	Settlement rate of 73.6% in cases in which mediation was attempted. This is comparable to last year's rate of 73.2%
	Once parties have agreed to mediation, the mediation will be completed within 3 to 6 months.	The average age of 1,328 cases closed by mediation was 4.1 months.
	The average time required to resolve a complaint, from filing to closing, will be reduced from 15.4 months to less than 14 months.	The average age of a complaint from opening until a decision was made was reduced from 15.4 months last year to 12.2 months this fiscal year.
CORPORATE INITIATIVES	Begin implementation of corporate strategic plan 2001-2003.	Implemented Enhanced Integration Protocol and improved the investigative process by utilizing legal and policy staff input throughout the process.

The following are the Commission's public commitments for the 2002-2003 fiscal year.

SERVICE AREA	2002 - 2003 COMMITMENTS
PROMOTION AND AWARENESS OF HUMAN RIGHTS	In partnership, implement ageism and age discrimination public awareness campaign and related public education activities.
	Implement Phase III of Aboriginal Human Rights Program.
	Achieve a satisfaction rate of 80+% among participants for all evaluated public education.
	<i>Teaching Human Rights in Ontario</i> . Make additional resources available to teachers on the Commission's Web site.
POLICY	Release the Policy on age discrimination against older persons.
	Release Discussion Paper, <i>An Intersectional Approach to Discrimination: Addressing Multiple Grounds in Human Rights Claims</i> , and solicit feedback from stakeholders.
	Conduct consultations on disability in the education sector with a view to developing a consultation report and specific guidelines.
	Release the Consultation Report on transit accessibility.
	Publish plain-language workplace guides on disability issues.
	Undertake further work to promote accessibility among service providers in Ontario.
	Initiate project on race, ethnicity and origin.
	Develop tools to help employers implement human rights policies and procedures in workplaces.
	Ensure international obligations are integrated into all new policy work.
	Monitor relevant United Nations Conventions and Human Rights Decisions.
INQUIRY AND INTAKE SERVICES	Average response time on calls handled by Inquiry Service Representative will be within 2.3 minutes.

SERVICE AREA	2002 - 2003 COMMITMENTS
	Draft complaints within 14 - 18 days.
MEDIATION AND INVESTIGATION SERVICES	Achieve at least a 65% settlement rate in cases in which mediation has been attempted.
	Once parties have agreed to mediation, the mediation will be completed within 3 - 6 months.
	The average time required to resolve a complaint, from filing to closing, will be less than 14 months.
CORPORATE INITIATIVES	Continue to implement the corporate strategic plan 2001-2003.

Tables

Table 1: New Complaints Filed by Social Area and Grounds Cited
Total Number of Complaints Filed: 2,438

Accommodation	6	4	3			13	22	31	90	10	20	27	36		7	16	7	5	297	168	7%
Contracts		1	2				4		2	1	4		6		3	4	1		28	11	0%
Employment	136	94	23	5	8	83	228	65	902	44	166		520	7	262	693	219	64	3519	1900	78%
Services	18	35	15	1	5	27	67	16	173	7	44	2	116		15	43	1	29	614	334	14%
Vocational Associations	2	3	1			1	4		16		2		10	1	2	6	1	2	51	25	1%
Total Grounds	162	137	44	6	13	124	325	112	1183	62	236	29	688	8	289	762	229	100	4509	2438	100%
Per cent of Ground Cited	4%	3%	1%	0%	0%	3%	7%	2%	26%	1%	5%	1%	15%	0%	6%	17%	5%	2%	100%		
Per cent of Total Complaints Filed	7%	6%	2%	0%	1%	5%	13%	5%	49%	3%	10%	1%	28%	0%	12%	31%	9%	4%	*		
	Age	Ancestry	Association	Breach of Settlement	Citizenship	Creed	Ethnic Origin	Family Status	Disability	Marital Status	Place of Origin	Public Assistance	Race & Colour	Record of Offences	Reprisal	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Sum of Categories	Total Complaints Per Social Area	Percentage of all Complaints

*Note: Because complaints can involve multiple grounds, the sum by grounds exceeds the total for all complaints filed, and the corresponding percentages of total complaints exceed 100%.

Table 2: Settlements by Ground in Cases Mediated in 2001/2002

Age	\$57,743.49	13	\$4,441.81
Ancestry	\$19,500.00	5	\$3,900.00
Association	\$1,410.00	2	\$705.00
Citizenship	\$2,400.00	2	\$1,200.00
Creed	\$87,867.00	17	\$5,168.65
Ethnic Origin	\$148,206.00	27	\$5,489.11
Family Status	\$116,292.75	23	\$5,056.21
Disability	\$818,369.46	165	\$4,959.81
Marital Status	\$44,300.00	8	\$5,537.50
Place of Origin	\$108,550.00	23	\$4,719.57
Public Assistance	\$9,320.00	7	\$1,331.43
Race & Colour	\$311,840.00	58	\$5,376.55
Reprisal	\$246,637.66	43	\$5,735.76
Sex & Pregnancy	\$578,506.64	120	\$4,820.89
Sexual Harassment	\$224,117.40	43	\$5,212.03
Sexual Orientation	\$59,500.00	13	\$4,576.92
<i>Total for All Grounds*</i>	\$2,834,560.40	569	\$4,981.65
	Monetary Damages	Number Receiving Damages	Average

*Note: Because complaints can involve multiple grounds, the total sum of monetary damages by ground exceeds the sum of monetary damages by complaints \$ 1,635,249.51.

Table 3: Complaints Closed by Disposition and Grounds
Total Number of Complaints Closed: 1,932

Dismissed	21	29	14	1	1	13	47	8	79	10	34	9	85	1	30	81	11	10	484	249	13%
Failed to provide Evidence	4	2			1		2	3	12	1	3	1	14		5	20	5	1	74	35	2%
Not Dealt With – (Sect. 34)	23	21	2	1	1	17	56	2	98	6	37	1	92	2	19	30	6	9	423	218	11%
Referred to Board of Inquiry		4		1	2	1	8	2	22	1	5	4	16		7	26	8	1	108	60	3%
Resolved	29	20	2		1	11	43	14	129	6	28	6	103		34	103	23	6	558	296	15%
Settled	52	43	4		2	41	113	48	387	17	85	8	252	1	111	349	128	22	1663	851	44%
Withdrawn	15	12	9	1	1	5	26	13	91	3	14	4	57		25	88	25	5	394	223	12%
Total	144	131	31	4	9	88	295	90	818	44	206	33	619	4	231	697	206	54	3704	1932	100%
Percentage	4%	4%	1%	0%	0%	2%	8%	2%	22%	1%	6%	1%	17%	0%	6%	19%	6%	1%	100%		
	Age	Ancestry	Association	Breach of Settlement	Citizenship	Creed	Ethnic Origin	Family Status	Disability	Marital Status	Place of Origin	Public Assistance	Race & Colour	Record of Offences	Reprisal	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Sum of Categories	Total for All Complaints	Percentage of all Complaints

Note: Because complaints can involve multiple grounds, the sum by grounds exceeds the total for all complaints filed.

Table 4: Complaints Closed by Disposition and Social Areas
Total Number of Complaints Closed: 1,932

Dismissed	24	3	155	61	6	249	249	13%
Failed to provide Evidence	3		28	3	1	35	35	2%
Not Dealt With (Sect. 34)	20		112	71	15	218	218	11%
Referred to Board of Inquiry	5	1	50	3	1	60	60	3%
Resolved	30		219	43	4	296	296	15%
Settled	54		727	68	2	851	851	44%
Withdrawn	18	4	180	21		223	223	12%
Total	154	8	1471	270	29	1932	1932	100%
Percentage	8%	0%	76%	14%	2%	100%		
	Accommodation	Contracts	Employment	Services	Vocational Associations	Sum of Categories	Total for All Complaints	Percentage of all Complaints