



ONTARIO HUMAN RIGHTS COMMISSION
Year-End Results 2002-2003

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The Ontario Human Rights Commission (the "Commission") is an arm's length agency of the government, accountable to the Legislature of Ontario through the Minister of Citizenship. The Commission's principal functions are set out in the Ontario Human Rights Code (the "Code") and include the investigation and settlement of human rights complaints. The Commission is pleased to provide a summary of its Year-End Results for the fiscal year ending March 31, 2003. A more formal Annual Report will be available after official tabling in the Legislature.

Current Caseload

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 2002-2003, 1,776 new complaints were filed at the Commission. The Commission closed 1,954 cases, close to the same number as last year (1,932). Its active caseload as at March 31, 2003 was 2,137.

The Commission continued to maintain a caseload that is current, which means the average age of the cases is less than 12 months. For the 2002-2003 fiscal year, the average age of the caseload was 11.5 months, up slightly from 11 months in the previous year.

Age Discrimination

Building on the Commission's ongoing work in the area of age discrimination, in June 2002, the Commission released its *Policy on Discrimination against Older Persons because of Age*. The Policy was developed to help the public and Commission staff gain a better understanding of how the *Code* protects older Ontarians. It also aims to raise awareness among service providers, employers and landlords of their obligations under the *Code*. Six fact sheets were also published to provide a quick resource to explain the key issues in the Policy.

At the same time, the Commission announced its public awareness campaign, in partnership with CARP (Canada's Association for the Fifty-Plus), to counteract myths and stereotypes about older persons. The campaign features posters of older people with stickers on their foreheads that state a Best Before age and the tagline:

"Nobody has a shelf life. Stop age discrimination now. It's illegal, and it's just plain wrong."

There are different posters for employment, transit services, health care and housing - four key areas that affect older Ontarians.

Racial Profiling

As part of its commitment to initiate a project on race, ethnicity and origins, on December 9th, 2002, the eve of International Human Rights Day, the Commission announced that it would undertake a public inquiry to look into the effects of racial profiling on individuals, families, communities and society as a whole.

The Commission worked closely with community partners in the design of the process. On February 17, 2003, the initiative was launched and from February 18th to 28th, the Commission's phone lines were open in the evenings to receive submissions from the public. The Commission also received a number of submissions through an online questionnaire and by mail.

By the fiscal year end, the Commission had received over 800 contacts. On March 31st, the Commission held a one-day public inquiry session in Toronto during which thirteen (13) presenters, representing a cross-section of the submissions received, described the impact of profiling on themselves, their families, their communities, and society and its institutions. The session enabled the Commission to raise public awareness, particularly among those who may lack an understanding of the harmful effects of profiling.

The Commission intends to publish a report on the racial profiling initiative during the next fiscal year.

An Intersectional Approach to Discrimination The Commission released a Discussion Paper entitled, *An Intersectional Approach to Discrimination: Addressing Multiple Grounds in Human Rights Claims* and solicited feedback on how an intersectional analysis can be consistently applied in all areas of the Commission's work. The paper explores how factors such as race, gender, age, place of origin and disability often intersect to produce a unique experience of discrimination.

Aboriginal Human Rights Initiative – Phase III

The goals of this important initiative are to create and build on awareness of the *Code* among Aboriginal communities and to enhance their access to the Commission's services. The Commission is working in partnership with two Aboriginal organizations, Grand River Employment and Training (GREAT) of Ohsweken (near Brantford) and the Native Canadian Centre of Toronto (NCCT), in the development and delivery of this project.

In January 2002, during the second phase of the initiative, a full-time human rights liaison officer began working at NCCT to increase awareness of human rights and the Commission's services. The third phase was implemented in this fiscal year and was an evaluation of the project. The Final Report, written by GREAT, was submitted in March 2003 and reflected that while the model is effective, there is still a great deal of work to be done in this area.

The Commission will be following up on the recommendations of GREAT's Final Report to strengthen the program's viability and to develop a strategy to broaden the program geographically in Ontario.

Disability Issues

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

1. Building Code and Restaurant Accessibility

In March 2002, the Commission presented an in-depth submission to the Ministry of Municipal Affairs and Housing outlining the need for reform to the barrier-free access requirements in the Ontario *Building Code*. In July 2002, this document was made public along with a report on a Commission initiative to promote accessibility in the restaurant sector.

The initiative involved surveying 29 major restaurant chains in Ontario. A review of the responses revealed that the restaurant chains are setting their standards for accessibility based only on the Ontario *Building Code* that is in effect at the time of construction or renovation. Neither the *Code* nor the Commission's *Policy and Guidelines on Disability and the Duty to Accommodate* are considerations in setting standards for accessibility.

Accordingly, the Commission initiated its own inquiry into the accessibility of restaurant chains. The Commission's expert visited several locations of each of the seven chains in various parts of the province.

The results of the review were disappointing and revealed that there are facilities in operation in Ontario that do not meet even the most basic accessibility requirements of the current *Building Code*, nor the requirements of the Ontario *Human Rights Code*. In some cases, facilities are completely inaccessible while in others, persons with disabilities would face significant barriers, for example, in accessing washrooms.

In the next fiscal year, the Commission intends to share the results of this review with the seven chains to ascertain their plans for achieving accessibility in the future. The results of the review will also be made public.

2. Education and Disability

The Commission undertook significant work in the area of disability and education. In July 2002, the Commission released a Consultation Paper entitled *Education and Disability: Human Rights Issues in Ontario's Education System*. The Paper invited written submissions from any interested individual or organization on these and other human rights issues related to disability and education.

The Commission received 124 written submissions from community organizations, school boards, special education advisory committees, parents, students with disabilities, educators, colleges, universities, consultants, unions, advocacy groups, and government ministries. In November 2002, the Commission held public hearings in Ottawa, North Bay, Hamilton and Toronto. A consultation report and guidelines are currently being prepared and are expected to be released in the Fall of 2003.

3. Public Transit Report

In April 2002, the Commission released its Report on *Human Rights and Public Transit Services in Ontario*. The Report summarized input received from transit providers, seniors' organizations, disability consumers' groups, advocacy groups and individuals during the Commission's consultation on access to public transit services.

The Report states that there is a legal obligation under the *Code* for equal access to public transit services without discrimination based on prohibited grounds, yet found that persons with disabilities, older persons and families with young children face difficulties in accessing transit on a daily basis.

The Report contains recommendations for transit service providers to set a goal of full integration and accessibility, design services and facilities inclusively and take all steps short of undue hardship, including developing plans, to achieve this goal. The Commission encouraged the provincial government to set standards and timelines across the province and to consider the urgency and impact of accessibility issues in public transit services.

Under the new *Ontarians with Disabilities Act* (ODA), every public transportation organization in Ontario is required to prepare and make publicly available a yearly accessibility plan addressing the identification, removal and prevention of barriers to persons with disabilities in the organization's bylaws, policies, programs, practices and services. The Accessibility Directorate of Ontario notes that public transit providers should complete their first accessibility plans by September 30, 2003, one year after the date of proclamation of the ODA.

Increasing Awareness through Public Education

The Chief Commissioner participated in a number of public events including: three presentations on age discrimination, three presentations to youth in schools or conferences, one presentation in Santiago, Chile to the Universidad Diego Portales, at an international conference on human rights, and a presentation to the House of Commons Standing Committee on Justice and Human Rights on the topic of same-sex marriage. Commission staff also made several presentations to local chapters of the Human Resources Professionals Association of Ontario (HRPAO), school boards, teachers' forums, colleges and universities.

In 2002-2003, usage of the Commission's Web site, www.ohrc.on.ca, increased by 100,000 unique visits over the previous year.

In February 2003, the Commission used an electronic form placed on its site to facilitate online responses to the call for submissions regarding racial profiling. By March 31, 2003, over 500 contacts had been made using the electronic form.

The Commission also produced, in collaboration with COSTI, a multicultural service agency for new immigrants, plain-language brochures on sexual and racial harassment, hiring, how to file a complaint and Commission services in four additional languages: Urdu, Punjabi, Tagalog and Spanish.

The Commission continued to develop its partnership with the Human Resources Professionals Association of Ontario (HRPAO) and signed a framework agreement with HRPAO on a number of initiatives including, rewriting and updating "*Human Rights at Work*" to increase its usefulness to practitioners in the human resources field, working together in the delivery of workshops and presentations and other awareness campaigns. The Commission also launched a public awareness campaign to highlight the discrimination faced by older Ontarians because of their age in partnership with Canada's Association for the Fifty-Plus (CARP).

www.ohrc.on.ca

The Web site is in English and French. In the 2002-2003 fiscal year, there were 330,131 unique visits. On average, 904 people visit the site every day.

Legal Services Branch

During the 2002-2003 fiscal year, the Legal Services Branch was involved in the following resolutions: 13 Human Rights Tribunal of Ontario decisions, 37 settlements, 5 judicial review decisions, 4 appeal decisions, and one Supreme Court of Canada decision.

At the end of the fiscal year, the ongoing litigation in the Legal Services Branch comprised: 80 Human Rights Tribunal of Ontario files, 14 judicial reviews, 5 appeals, and one case at the Supreme Court of Canada.

Accountability Framework

The Commission has presented an Accountability Framework in each of the last five 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 2002-2003 fiscal year.

SERVICE AREA	2002 - 2003 COMMITMENTS	2002-2003 ACHIEVEMENTS (As at March 31, 2003 unless otherwise indicated)
Promotion and Awareness of Human Rights	In partnership, implement ageism and age discrimination public awareness campaign and related public education activities.	Public awareness campaign launched in June 2002 in partnership with Canada's Association for the Fifty-Plus (CARP).
	Implement Phase III of Aboriginal Human Rights Program.	Phase III implemented and the final report submitted in March 2003.
	Achieve a satisfaction rate of 80+% among participants for all evaluated public education.	Met and exceeded 80% satisfaction rate.
	<i>Teaching Human Rights in Ontario</i> : Make additional resources available to teachers on the Commission's Web site.	New case studies developed.
	Other significant achievements.	Plain-language guides on sexual and racial harassment, hiring, how to file a complaint and Commission services were released in Urdu, Punjabi, Tagalog and Spanish.
Policy	Release the Policy on age discrimination against older persons.	<i>Policy on Discrimination against Older Persons because of Age</i> released in June 2002 along with fact sheets that explain key areas of the policy.
	Release Discussion Paper, <i>An Intersectional Approach to Discrimination: Addressing Multiple Grounds in Human Rights Claims</i> , and solicit input from stakeholders.	Discussion paper released in September 2002 and feedback requested.

SERVICE AREA	2002 - 2003 COMMITMENTS	2002-2003 ACHIEVEMENTS (As at March 31, 2003 unless otherwise indicated)
	Conduct consultations on disability in the education sector with a view to developing a consultation report and specific guidelines.	Consultation paper released in July 2002. Public consultation sessions held in Hamilton, North Bay, Ottawa and Toronto in November 2002.
	Release the Consultation Report on transit accessibility.	Consultation report released in April 2002.
	Publish plain-language workplace guides on disability issues.	Drafts developed and shared with stakeholders. Under review based on feedback received.
	Undertake further work to promote accessibility among service providers in Ontario.	As a follow up to the survey of restaurant accessibility and the submission to the Ministry of Municipal Affairs and Housing concerning the <i>Building Code</i> , retained an expert to conduct restaurant accessibility and service reviews of seven restaurant chains.
	Initiate project on race, ethnicity and origin.	Initiated research on racism. Province-wide inquiry on racial profiling launched. Developed Terms of Reference defining racial profiling. Used Commission phone lines and Web site to receive submissions. Over 800 contacts received and analyzed. Public inquiry session held on March 31, 2003.
	Develop tools to help employers implement human rights policies and procedures in workplaces.	Established partnership with Human Resources Professionals Association of Ontario (HRPAO) to develop and produce appropriate materials.
	Ensure international obligations are integrated into all new policy work.	Integrated international obligations in Commission's work on: age discrimination, intersectionality, accessibility issues (transit, restaurants, education services) and racism.

SERVICE AREA	2002 - 2003 COMMITMENTS	2002-2003 ACHIEVEMENTS (As at March 31, 2003 unless otherwise indicated)
	Monitor relevant United Nations Conventions and Human Rights Decisions. Other significant policy achievements.	Provided input on Canada's reports under international instruments (e.g., provided information to Canada's delegation reporting before the United Nations Committee on the Elimination of Racial Discrimination and to the Ministry of Labour for Ontario's response to questions from the International Labour Organization). Undertook or participated in initiatives to explore how commissions can help Canada meet its international obligations, e.g., prepared a submission on behalf of the Canadian Association of Statutory Human Rights Agencies (CASHRA) to the Government of British Columbia's introduction of legislation to abolish its human rights commission. Provided significant and ongoing advice to the provincial government and private sector on a number of human rights issues.
Inquiry and Intake Services	Average response time on calls handled by an inquiry service representative will be within 2 minutes. Draft complaints within 14-18 days.	Average response time on calls was 3 minutes. Complaints drafted within 18 days.
Mediation and Investigation Services	Achieve at least a 65% settlement rate in cases in which mediation has been attempted.	Achieved a mediation settlement rate of 72.9%
	Once parties have agreed to mediation, the mediation will be completed within 3-6 months.	Mediation completed within 4 months.
	The average time required to resolve a complaint, from filing to closing, will be less than 14 months.	The average time required to resolve a complaint was 11.5 months.
Corporate Initiatives	Continue to implement the corporate strategic plan 2001-2003.	Strategic Plan implemented.

The following are the Commission's public commitment for the 2003-2004 fiscal year.

SERVICE AREA	2003-2004 COMMITMENTS
Promotion	• In partnership, implement age discrimination public awareness campaign and related public education activities. • Develop framework for Aboriginal Human Rights Program. • Achieve a satisfaction rate of 80+% among participants for all evaluated public education.
Advancement	• Release the Consultation Report on Disability and Education. • Release guidelines on application of the <i>Code</i> with regards to issues of disability in the education sector. • Develop consultation framework on race, ethnicity and origin. • Release consultation report on racial profiling. • Undertake further work to promote accessibility among service providers in Ontario
Enforcement	• Inquiry Service Representatives will answer 70% of telephone inquiries. • Achieve at least a 70% settlement rate in cases in which mediation has been attempted at the Commission. • The average age of cases in the investigation inventory will be no more than 14 months. • Average age of case inventory will be less than 12 months.

Table 1: New Complaints Filed by Social Area and Grounds Cited
Total Number of New Complaints 1,776

Accommodation	6	5	6			4	29	7	32	30	5	38	10		2	32	1		207	82	4.62%
Contracts						1	1	1			1				1				5	2	0.11%
Employment	105	98	6	6	26	49	745	177	61	26	153		337	2	161	383	132	28	2495	1226	69.03%
Services	13	23	6			25	390	32	8	4	29	2	53		6	19	6	6	622	456	25.68%
Vocational Associations	1		2			2	7		1							1	1		15	10	0.56%
Total Grounds	125	126	20	6	26	81	1172	217	102	60	188	40	400	2	170	435	140	34	3344	1776	100%
Percent of Ground Cited	3.74%	3.77%	0.60%	0.18%	0.78%	2.42%	35.05%	6.49%	3.05%	1.79%	5.62%	1.20%	11.96%	0.06%	5.08%	13.01%	4.19%	1.02%	100%		
Percent of Total Complaints Filed	7.04%	7.09%	1.13%	0.34%	1.46%	4.56%	65.99%	12.22%	5.74%	3.38%	10.59%	2.25%	22.52%	0.11%	9.57%	24.49%	7.88%	1.91%	188.29%		
	Age	Ancestry	Association	Breach of Settlement	Citizenship	Creed	Disability	Ethnic Origin	Family Status	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 2002/2003

Age	28	\$119,404.74	\$4,264.46
Ancestry	16	\$77,875.00	\$4,867.19
Association	3	\$8,000.00	\$2,666.67
Citizenship	2	\$24,000.00	\$12,000.00
Creed	17	\$65,667.65	\$3,862.80
Disability	272	\$1,732,205.54	\$6,368.40
Ethnic Origin	39	\$215,270.00	\$5,519.74
Family Status	17	\$115,898.25	\$6,817.54
Marital Status	8	\$116,300.00	\$14,537.50
Place of Origin	25	\$126,720.00	\$5,068.80
Public Assistance	3	\$2,000.00	\$666.67
Race & Colour	107	\$548,725.30	\$5,128.27
Record of Offences	2	\$14,000.00	\$7,000.00
Reprisal	45	\$266,562.81	\$5,923.62
Sex & Pregnancy	135	\$765,620.07	\$5,671.26
Sexual Harassment	41	\$206,586.51	\$5,038.70
Sexual Orientation	16	\$72,000.00	\$4,500.00
Total for All Grounds*	776	\$4,476,835.87	\$5,769.12
	Number Receiving Damages	Monetary 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 \$2,472,096.26

Table 3: Complaints Closed by Disposition and Grounds
Total Number of Complaints Closed = 1,954

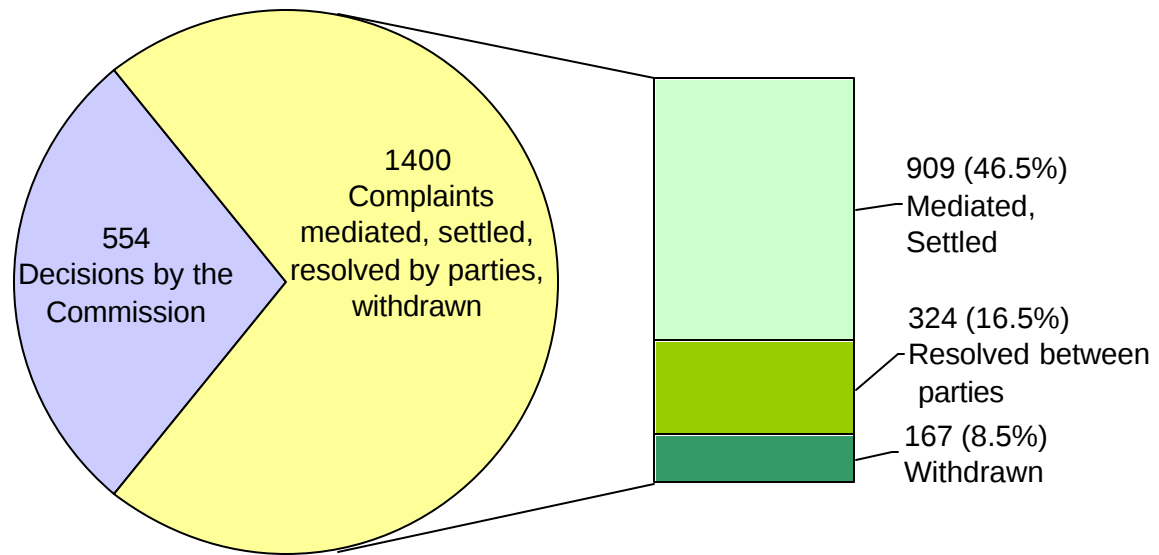
Dismissed	16	37	6	1	2	15	125	60	8	3	47	4	119		18	59	14	18	552	271	13.87%
Failed to provide Evidence		1	1			2	27	6	3	2	3		13		2	8	2	1	71	40	2.05%
Not Dealt With – (Sect. 34)	19	20	4	2		8	113	39	10	8	23	2	82	3	18	36	8	6	401	185	9.47%
Referred to Human Rights Tribunal	3	6				2	17	8	4	1	4	3	22		12	38	11	3	134	58	2.97%
Resolved	24	12	10	1		12	185	30	10	11	21	3	71	1	40	102	25	9	567	324	16.58%
Settled	66	51	11		1	40	550	100	33	18	63	6	244	2	102	277	92	22	1678	909	46.52%
Withdrawn	16	9	2	1	2	12	89	23	15	10	21	2	42		18	43	11	7	323	167	8.55%
Total	144	136	34	5	5	91	1106	266	83	53	182	20	593	6	210	563	163	66	3726	1954	100%
Percentage	3.86%	3.65%	0.91%	0.13%	0.13%	2.44%	29.68%	7.14%	2.23%	1.42%	4.88%	0.54%	15.92%	0.16%	5.64%	15.11%	4.37%	1.77%	100%		
	Age	Ancestry	Association	Breach of Settlement	Citizenship	Creed	Disability	Ethnic Origin	Family Status	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 Grounds
Total Number of Complaints Closed = 1,954

Dismissed	14	4	191	60	2	271	13.87%
Failed to Provide Evidence	5		31	4		40	2.05%
Not Dealt with (Sect. 34)	9	1	115	49	11	185	9.47%
Referred to Human Rights Tribunal	8		39	11		58	2.97%
Resolved	12	1	267	43	1	324	16.58%
Settled	38	2	799	65	5	909	46.52%
Withdrawn	6	2	140	16	3	167	8.55%
Total	92	10	1582	248	22	1954	100%
Percentage	4.71%	0.51%	80.96%	12.69%	1.13%	100%	
	Accommodation	Contract	Employment	Services	Vocational Associations	Sum of Categories	Percentage of all complaints

Resolved Cases: Details on Settlements



Breakdown of Commission Decisions

