

Ontario Human Rights Commission

2019 – 2020 Annual Report

PEOPLE

POWER

PROGRESS



Ontario
Human Rights Commission
Commission ontarienne des
droits de la personne

We envision an inclusive society where everyone takes responsibility for promoting and protecting human rights; where everyone is valued and treated with equal dignity and respect; and where everyone's human rights are a lived reality.

Our mission is to promote and enforce human rights, to engage in relationships that embody the principles of dignity and respect, and to create a culture of human rights compliance and accountability.

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As part of a commitment to fiscal responsibility, the OHRC is emphasizing a digital-first approach to service delivery and is not printing this annual report.



Ontario
Human Rights Commission
Commission ontarienne des
droits de la personne

June 29, 2020

Hon. Ted Arnott

Speaker of the Legislative Assembly of Ontario

Room 180, Main Legislative Building

Queen's Park

Toronto, Ontario M7A 1A2

Dear Mr. Speaker:

Under Section 31.6 (2) of the Ontario *Human Rights Code*, the Ontario Human Rights Commission (OHRC) is required to submit a report on its activities for the previous fiscal period by June 30 of each year, to be tabled in the Legislature.

In this regard, I am pleased to provide you with *People, power, progress*, the OHRC's annual report of its activities from April 1, 2019, to March 31, 2020.

Sincerely,

A handwritten signature in black ink, appearing to read "Raj Dhiri".

Raj Dhiri

Executive Director and Chief Legal Counsel

Ontario Human Rights Commission

Top outcomes

Reconciliation

- [City of Timmins](#) adopts Indigenous Peoples Engagement Framework to meet the unique needs of Indigenous citizens and communities
- 13 municipalities commit to engaging with Indigenous communities on Indigenous-themed names and logos in municipal sports facilities, with the aim of making sports inclusive for players and fans
- [Ontario legislature](#) debates bill to implement the United Nations *Declaration on the Rights of Indigenous Peoples*

Criminal justice

- [Ontario Association of Chiefs of Police](#) publicly commits to OHRC's key principles for eliminating racial profiling in law enforcement
- [Toronto Police Services Board](#) mandates collection and public release of race-based data on a wide range of police-civilian interactions
- [Supreme Court of Canada](#) finds that OHRC inquiry reports are persuasive evidence of social context in cases alleging racial profiling

Poverty

- Government of Canada adopts a human rights-based approach in its 2019 National Housing Strategy

Education

- [Ontario's](#) revised Health and Physical Education curriculum reflects the needs of LGBTQ2+ students and includes content on gender-based violence
- Toronto Catholic District School Board protects students and community members from discrimination and harassment based on gender identity and marital status in its new Code of Conduct

Anti-racism

- Ontario public service commits to an independent review of its Workplace Discrimination and Harassment Prevention policy and to take concrete steps to diversify its leadership
- [Facebook Canada](#) voluntarily agrees to take measures to address its facilitation of discrimination through its employment and housing advertising platform
- Government of Canada releases *Building a Foundation for Change: Canada's Anti-Racism Strategy 2019 – 2020*
- Ontario announces plans to begin collecting race and socio-economic data on a voluntary basis during COVID-19 testing

Measuring progress

Over the past year, the OHRC strengthened processes for establishing quantitative and qualitative indicators to assess our performance. We adopted key performance indicators (KPIs) for each of the focus areas in our Strategic Plan. To provide a clear picture of our progress towards our goals, the KPIs were strategically selected using different data sources and include a mix of quantitative and qualitative indicators, including ones that are survey-based,* compliance-based and procedure-based. The OHRC also identified KPIs related to our foundational strengths and organizational health.

82%

Key stakeholders surveyed who agree or somewhat agree that OHRC policies provide practical guidance

80%

Key stakeholders surveyed who agree or somewhat agree that the OHRC is a leader in the field of human rights

71%

Key stakeholders surveyed who agree or somewhat agree that the OHRC carries out its mandate effectively

1,790

Media hits referencing the OHRC, including 42 media interviews with the former chief commissioner, with a potential to reach 795,156,889 people**

*The OHRC surveyed 380 stakeholders within its advisory groups, along with human rights duty-holders in key sectors. We received 125 responses.

**Media hits include mentions of the OHRC in both print and broadcast outlets; potential reach is a total of each outlet's potential audience, as calculated by Cision.

Message from the Executive Director and Chief Legal Counsel

People, power, progress

For this year's annual report, three words come to mind: people, power, progress. It's a reminder of the progressive change that is possible when diverse people come together to claim their rights under Ontario's *Human Rights Code* (*Code*).

This potent formula lies at the heart of everything we do at the Ontario Human Rights Commission (OHRC). The linchpin of every OHRC success story is the lived experience of Ontarians, their willingness to speak truth to power, and their belief in the possibility of a better future.

People

In our 2017 – 22 Strategic Plan, Putting People and their rights at the centre, the OHRC explicitly committed to making human experiences the starting point for action. And over the past few years, we have taken many steps to more directly involve communities that face discrimination in our work.

We have remained steadfast in our efforts to engage with people across the province, who prove over and over again to be experts in their own lived reality. From people experiencing homelessness in Kenora, to front-line corrections workers

in Hamilton, to educators in Thunder Bay, Ontarians have shared their stories, hopes and dreams with us.

The OHRC has institutionalized its commitment to community-driven action by activating its power under the *Code* to create advisory groups. In November 2019, we hosted our third annual Community Advisory Group summit, bringing together community leaders to provide advice on critical and emerging issues. Consistent with our Strategic Plan focus areas, we also launched advisory groups to bring together experts in education, poverty and Indigenous reconciliation.

The OHRC has taken further steps to strengthen our relationships with human rights duty-holders. By creating an advisory group representing employers – from hospitality to manufacturing to tech – the OHRC will work cooperatively with Ontario businesses to make sure they get the knowledge, tools and resources they need to meet their human rights obligations.

And of course when talking about “people,” we must give a shout out to the small, dedicated and creative team of fewer than 40 who make up the OHRC. Our staff's commitment to human rights is behind every success, while the bold leadership of our

former chief commissioner Renu Mandhane and part-time Commissioners reflects a strong diversity of thought, expertise and experience.

Power

Systemic change is most likely when the OHRC makes strategic and concerted use of the full breadth of our statutory authority to effectively wield the people's power. Under the *Code*, the OHRC has the power to develop policies, educate the public, report on human rights, conduct public inquiries and litigate – all in the public interest. And the OHRC has used all of these powers this year.

The OHRC launched its new *Policy on eliminating racial profiling in law enforcement* with police chiefs from across the province, who committed to concrete action to end racial profiling once and for all. This included a specific commitment from the Toronto Police Service (TPS) to collect and publicly release disaggregated race data – one of the recommendations that flowed out of the OHRC's interim findings in our inquiry into racial profiling and racial discrimination against Black persons by the TPS.

The OHRC also educated thousands of people online and in person, in Sault Ste. Marie, Sudbury, London and beyond. We issued public reports to shine a light on human rights issues facing prisoners in Toronto, Hamilton and London. And coming out of previous engagements in

Timmins, the OHRC initiated litigation that would require culturally appropriate service delivery to Indigenous peoples consistent with their rights guaranteed in the UN Declaration on the Rights of Indigenous Peoples.

In a few short months, the OHRC will release final reports on two major inquiries: one into racial disparities in TPS service delivery and another into the human rights issues faced by students with reading disabilities. By obtaining data not otherwise available to the public, conducting key informant interviews, retaining world-renowned experts and holding public hearings, the OHRC is poised to tell the story of complex systemic discrimination in new, compelling and creative ways.

Progress

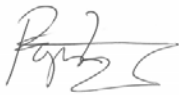
The OHRC marked incredible progress this year: from starting to tackle anti-Black racism in the Ontario Public Service to ensuring homeless people in Kenora have a roof over their heads to changing the conversation around how to best teach students with reading disabilities.

However, some of the most important results are not the subject of hard-hitting letters or front-page newspaper articles. When the COVID-19 pandemic swept across the country, the OHRC was the first human rights institution in Canada to offer guidance to employers and housing providers. And our leadership spurred other human rights commissions to follow suit.

Our entire team has also worked together to strengthen the OHRC's governance, efficiency, transparency and accountability to the public. These behind-the-scenes efforts allowed the OHRC to pass through a formal review by the government and an internal audit without substantial changes to our budget or mandate. The Attorney General also renewed the Memorandum of Understanding between the government and the OHRC and publicly recognized the OHRC's "excellent work."

We are also measuring and reporting on our progress in achieving the goals set out in our Strategic Plan. We have refined our performance measures and are reporting on many of them for the first time. This work has helped the OHRC position itself as a national and international leader in accountability and good governance.

People, power, progress. The OHRC has focused on people's experiences, activating the powers under the *Code* and promoting progressive change. This has inspired Ontarians to stand up for strong, independent and well-resourced human rights commissions. And it has placed the OHRC in an excellent position to continue to be an important voice for human rights across Ontario.



Raj Dhir
Executive Director and Chief Legal Counsel

Award-winning leadership

On May 22, 2020, former chief commissioner Renu Mandhane was appointed a Judge of the Superior Court of Justice of Ontario. The OHRC congratulates the Honourable Madam Justice Mandhane on her appointment, thanks her for her leadership, and wishes her every success in her new role.

In the past year, former chief commissioner Mandhane was recognized for her human rights leadership with two awards. In November 2019, she was awarded the 2020 Walter Tarnopolsky Human Rights Award by the International Commission of Jurists-Canada (ICJ-C). This is the "highest form of recognition for contribution to the promotion and protection of human rights and civil liberties that can be granted by the ICJ-C."

She also received a Special Recognition of Achievement award at Excellence Canada's 35th Annual Canada Awards of Excellence, "in recognition of her influential work as a lawyer focusing on human rights not only in Ontario but also internationally."

Human rights and pandemics: COVID-19

Several of the initiatives and outcomes outlined in this section occurred after March 31, the normal reporting period for this annual report. The OHRC decided to report on this work because we believe that it is in the public interest to provide information on this emerging and ongoing issue. Progress after May 1, 2020, will be reported in next year's annual report.

Putting human rights at the centre of pandemic management

After the World Health Organization (WHO) declared COVID-19 a pandemic in March 2020, the world – and the OHRC – faced a new reality. As we adapted to new public health measures that impacted our workplace, the OHRC quickly pivoted to consider our role in mitigating the negative impact of the pandemic on Ontario's most vulnerable and at-risk populations.

From January to March 31, 2020, the OHRC released seven different products providing practical guidance related to COVID-19, such as:

- [Policy statement on a human rights-based approach to managing the COVID-19 pandemic](#)
- [Actions consistent with a human rights-based approach to managing the COVID-19 pandemic](#)
- [COVID-19 and Ontario's Human Rights Code – Questions and answers](#)

We are also partnering with the Chinese Canadian National Council for Social Justice and the Chinese and Southeast Asian Legal Clinic to develop online resources for parents and students about COVID-19-related racism.

In an [op-ed in the Toronto Star](#), then-chief commissioner Mandhane wrote:

This pandemic has starkly revealed how vulnerable groups in our society do not benefit equally from public health guidance because of the precariousness

of their employment or housing, their limited access to water or internet, or because they are in state care. The sad reality is that in Canada many vulnerable communities were living in crisis before the pandemic and can no longer cope.

Without a deliberate and long-term commitment to human rights, COVID-19 and future pandemics will further exacerbate existing vulnerabilities and inequalities in our society. We can expect that this pandemic will have a particularly devastating impact on Indigenous peoples and racialized communities, precarious workers, people experiencing poverty and homelessness, women and children fleeing domestic violence, people with disabilities, mental health needs and addictions, older people living alone or in institutions, and people living in custody.

There is a transformative power in our momentary solidarity. Canada and Ontario's COVID-19 response has already included social policies aimed at keeping people housed, reducing income inequality, guaranteeing safe jobs, helping caregivers, and releasing non-violent prisoners back into the community. This is an impressive start and so much more progressive change is possible.

Through its response to this pandemic Canada has a unique opportunity to say "never again" to the social and economic inequality that has made some of us more vulnerable to this

deadly illness than others. By upholding the full range of civil, political, economic, social, cultural and Indigenous rights, Canada can send a strong message to the world: human rights are a beacon of light in times of darkness and uncertainty. Our actions during these unprecedented times may very well be our legacy. Let future generations remember that we put human rights at the centre of our COVID-19 response.

By pivoting to focus on the human rights issues related to the COVID-19 pandemic and by issuing cutting-edge and timely guidance, the OHRC has shown our continued relevance and impact as a human rights centre of excellence. Already, our efforts have been recognized by human rights commissions across the country, by national and international human rights organizations, and by community organizations.



Isfahan Merali @IsfahanMerali
Ontario Human Rights Commission's statement Covid-19. An important reminder on the need and obligation to accommodate under the Human Rights Code during this health crisis. Please share.



CLWF @CanLawWorkForum
Very helpful, and you can now add that the @OntHumanRights has issued the same position statement as it did re SARS, asserting that #Covid_19 is a "disability"

Protecting prisoners in the face of COVID-19

As Ontario's correctional system – already in a state of crisis – began facing the grim reality of the COVID-19 pandemic, the OHRC immediately engaged the government on how to best protect prisoners' human rights – and indeed, their lives.

In March 2020, the OHRC released a [policy statement](#) on maintaining human rights during the COVID-19 pandemic. Further, the OHRC also consulted with correctional experts and wrote a [letter to the Solicitor General](#) providing Ontario with advice on applying a human rights lens when taking steps to prevent COVID-19 transmission in its prisons, including early release for prisoners near the end of their sentences to reduce overcrowding – a recommendation that Ontario has adopted.

Media highlights

- The Observer, April 3, 2020, ["COVID-19 information disclosure restraint tied to human rights recommendations, public health says"](#) (reach: 20K)
- NetNewsLedger, April 3, 2020, ["Ontario Human Rights Commission - Respect the Rights During COVID-19 Pandemic"](#) (reach: 19K)
- Canadian Safety Reporter, March 16, 2020, ["Remember human rights during pandemic: OHRC"](#) (reach: N/A)

Collecting data a vital tool in pandemic response

Early this spring, the OHRC wrote Ontario's health minister encouraging her to mandate the collection and reporting of demographic data critical to effectively addressing the COVID-19 pandemic. This was nearly three years after the OHRC urged the government to require health care agencies to collect, analyze and report on race data under the *Anti-Racism Act*.

Demographic data collection is a best-practice, especially during crises like COVID-19. Strong data allows health care leaders to identify populations at heightened risk of infection or transmission, to efficiently deploy scarce health resources, and to ensure equal access to public health protections for all Ontarians. If one segment of Ontario's population is overlooked as we fight to flatten the curve, we risk prolonging the pandemic or triggering its resurgence.

The OHRC encouraged all levels of government to follow the lead of Toronto Public Health and pilot short-term data collection initiatives during the current emergency. This can include demographic data collection during testing, when positive tests are reported by local public health units, during admissions to hospital or intensive care, and/or when the province reports COVID-19 deaths. The government must also collect data to quickly identify

and address potential racial or social profiling when enforcing emergency and public health orders.

Historically marginalized groups are rightly skeptical of identity-blind health policies. Canada has a poor track record when it comes to protecting historically-disadvantaged groups from infectious diseases. In the nineteenth century, Indigenous peoples had the highest death rate from tuberculosis reported in any human population, largely due to systemically racist policies. Inuit communities continue to have extremely high rates of tuberculosis today. More recently, Ontario researchers established that ethnicity was a risk factor during the 2009 H1N1 pandemic.

During COVID-19 we have already heard troubling accounts from people in shelters, mental health institutions and jails, people with disabilities and addictions, Indigenous and racialized people, people without secure housing, and essential service workers in precarious or low-income jobs.

Without solid Ontario data to work with, the government must recognize data from comparable jurisdictions, including the United States, which shows, for example, that Black people among others are disproportionately dying from COVID-19. Looking to this data for guidance, Ontario must adopt action plans for vulnerable groups that include aggressive screening and testing.

The OHRC is encouraged by the government's new health data platform and its action plan for long-term care residents. Similar plans should be put in place for other vulnerable groups. These plans should be developed with public health and human rights experts, front-line workers and people with lived experience. Action plans should prioritize public health measures over law enforcement.

As this report was being finalized, the Ontario government announced plans to begin collecting demographic data, including on race, on a voluntary basis in the COVID-19 testing process.

Protecting vulnerable Ontarians from discrimination based on “social condition”

Ontario's *Human Rights Code* prohibits discrimination against a broad range of individuals and groups identified by ethnicity, race, gender, disability, family status, sexual orientation and other grounds. Beyond narrow protections in housing, one group largely missing from the *Code's* protection is people living in

poverty or experiencing other social conditions like homelessness. This is especially important now in light of the disproportionate, negative impact COVID-19 is having on people living in poverty.

The OHRC publicly supported Bill 35, the *Human Rights Code Amendment Act, 2018*, which would have added “social condition” as a protected ground of discrimination. The Bill defined social condition broadly to mean social or economic disadvantage resulting from employment status, source or level of income, housing status, including being homeless, level of education, or any other similar circumstance.

Since the *Universal Declaration of Human Rights* was adopted in 1948, the right to an adequate standard of living, including food, clothing and housing, has been recognized as a fundamental human right. While the *Code* specifically prohibits discrimination on the ground of “receipt of public assistance” in housing, it is important to uncover and understand the ways that poverty and systemic discrimination are intertwined in all social areas covered by the *Code*.

We have long called for social condition to be explicitly included as a ground of the *Code*. And in this time of crisis, we will continue to do so.

Reconciliation

Strategic direction: Embody human rights by engaging in sustained trusting relationships with Indigenous communities that are built on dignity and respect, and by working to advance reconciliation and substantive equality.

Measuring progress

936

People engaged with the OHRC about human rights and reconciliation, including 118 Indigenous leaders

92%

Indigenous leaders, community members and experts surveyed who agree or somewhat agree that OHRC products and activities reflect a deep understanding of Indigenous perspectives

85%

Indigenous leaders, community members and experts surveyed who agree or somewhat agree that the OHRC has meaningful relationships with Indigenous peoples

Deepening the OHRC's commitment to reconciliation

In June 2019, the OHRC responded to the final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, Reclaiming Power and Place. This report reaffirmed that Indigenous women, girls and 2SLGBTQQIA people are rights holders and found that “contemporary human rights protections can be helpful tools in making sure these rights are respected and upheld.”

The release of *Reclaiming Power and Place* was an important moment for the OHRC to reaffirm our commitment to reconciliation and show leadership by publicly committing to take up the Inquiry's Calls for Justice. Consistent with Call for Justice #1, we are taking concrete steps, in collaboration with diverse Indigenous peoples, to ensure that the Ontario *Human Rights Code* becomes an effective tool to implement the *UN Declaration on the Rights of Indigenous Peoples* at the provincial level, and to address persistent gaps in service delivery to Indigenous peoples both on- and off-reserve.

Consistent with Calls for Justice #3 and #7, we are also using our enforcement powers to ensure culturally safe delivery of health and police services in Northern Ontario. And consistent with Call for Justice #5, we made sure that our *Policy on eliminating racial profiling in law enforcement* reflects the lived experiences that lie at the heart of

Reclaiming Power and Place. In particular, we considered how police failure to adequately protect Indigenous women and girls and LGBTQ2+ people is a unique form of racial profiling based on persistent and damaging stereotypes.

Announcing new Indigenous Reconciliation Advisory Group

The OHRC's new Indigenous Reconciliation Advisory Group has 18 members from diverse First Nations, Métis and Inuit (Indigenous) communities and groups, including Elders and youth, who have deep substantive knowledge of discrimination and inequality experienced by Indigenous people. The Human Rights Legal Support Centre and Canadian Human Rights Commission are also represented. The Advisory Group operates on a consensus-decision making model, consistent with Indigenous protocols.

Members have provided advice on ways the OHRC can focus policy guidance to address inequalities in service provision experienced by Indigenous peoples in Ontario. They have also helped us engage with First Nations, Métis and Inuit communities for the Right to Read inquiry.

We recognize and take responsibility for the past failure of Ontario's human rights system – including the OHRC – to adequately protect the rights of Indigenous peoples. By sharing the journey with this Advisory Group, we hope to deepen our efforts and commitment to engage in – and sustain – trusting relationships with Indigenous peoples built on dignity and respect, and to work together to advance reconciliation and substantive equality.

Understanding the history and rights of the Métis peoples in Ontario

The OHRC continued to engage with Indigenous communities – in their locations and on their terms – when the former chief commissioner attended and spoke at the Métis Nation of Ontario (MNO) Annual General Meeting in August 2019. This event took place in Sault Ste. Marie, a Métis community that lies within the historic Métis Nation Homeland in Ontario. Here are excerpts from the former chief commissioner's speech:

We want to build sustainable and trusting relationships with Métis, First Nations and Inuit communities in urban and rural areas across Ontario.

Introducing the OHRC Indigenous Reconciliation Advisory Group

Karen Drake, Osgoode Hall Law School, York University
 Nancy Rowe, Mississaugas of the Credit First Nation
 Samantha Crowe, Feathers of Hope
 Brian David, Mohawks of Akwesasne
 Barb General, Six Nations of the Grand River
 Jeffery Hewitt, Osgoode Hall Law School, York University
 Julie Hodson and Nicole Parsons, Tungasuvvingat Inuit
 Luke Hunter, Nishnawbe Aski Nation
 Ogichidaa Francis Kavanaugh, Grand Council Treaty #3
 Sylvia Maracle, Ontario Federation of Indigenous Friendship Centres
 Kimberly Murray, Indigenous Justice Division, Ministry of the Attorney General
 Paul Robitaille, Métis Nation of Ontario Youth Council
 Jennifer St. Germain, Métis Nation of Ontario
 Maurice Switzer, Nimkii Communications
 Ramona Reece, Human Rights Legal Support Centre
 Keith Smith and Kathryn Fournier, Canadian Human Rights Commission

Ensuring equitable front-line services for Indigenous peoples

In February 2020, on the second anniversary of the deaths of Joey Knapaysweet and Agnes Sutherland, the OHRC announced it had filed an application with the Human Rights Tribunal of Ontario (HRTO) alleging discrimination based on Indigenous ancestry by public service providers in Timmins, Ontario. The OHRC initiated the application pursuant to its powers under s. 35 of the Ontario *Human Rights Code*. This application will support applications to the HRTO made on behalf of both people's families.

The parties named in the application include the Timmins Police Services Board, Timmins and District Hospital, Cochrane District Social Services Administration Board (which provides emergency medical services), and other social service agencies.

The February 2018 deaths highlight the serious and sometimes tragic result of systemic discrimination against First Nations peoples in Northern Ontario. Both Joey Knapaysweet and Agnes Sutherland traveled to Timmins from Fort Albany First Nation, more than 400 km away, to access health services that were not available in their community. These circumstances left them particularly vulnerable to discrimination.

The former chief commissioner visited Timmins in the weeks after their deaths, and many people in the community linked the deaths to systemic racism and unequal access to essential services.

In our application, the OHRC seeks a variety of public interest remedies, including requiring the respondents to:

- Engage with Indigenous communities to understand their concerns and needs
- Develop policies and provide training to ensure that their services are delivered in a culturally competent and safe manner, free of discrimination
- Develop a human resources plan to promote and expand the hiring and promotion of Indigenous staff
- Collect human rights-based data to identify problems and monitor solutions.

The OHRC acts in the public interest, and we are committed to ensuring that Indigenous peoples receive equal access to essential services consistent with their unique cultural and language needs.



Alvin Fiddler @gcfiddler

Miigwetch to the @OntHumanRights Commission & @RenuMandhane for your commitment to addressing issues of systemic racism in Timmins. We remember Fort Albany FN members Agnes Sutherland and Joey Knapaysweet, and hope that meaningful change will come from their tragic deaths.

Media highlights

- CBC News Network, February 5, 2020, "[Ontario Human Rights Commission files application against Timmins police](#)" (reach: 6.13M)
- TimminsToday.com, February 6, 2020, "[Discrimination allegation focused on 'public-service remedies': human rights commissioner](#)" (reach: 18K)
- The Sudbury Star, February 5, 2020, "[Discrimination alleged in two 2018 deaths in Timmins](#)" (reach: 46K)

City of Timmins embarking on reconciliation journey

In June 2018, the OHRC organized a Timmins Leadership Forum to create a safe space for Indigenous and civic leaders to come together to have an honest conversation. The forum was attended by approximately 25 community leaders, including the Mayor of Timmins, area Grand Chiefs (including from the James Bay coast), local Indigenous organizations, and community service providers including police, health care and education.

Then-chief commissioner Mandhane commented, "We returned to Timmins to offer whatever support and guidance we

can to bridge these realities, and help build an ongoing conversation – that's the key place to start in understanding and making meaningful change."

This guidance is leading to important progress. In November 2019, on the recommendation of the OHRC, the City of Timmins adopted its Indigenous People Engagement Framework, to "educate, engage and enlist the community in the dream of Reconciliation in Timmins." The framework includes a series of actions under three key themes:

- Addressing humanitarian needs
- Delivering on the Truth and Reconciliation Commission's Calls to Action
- Strengthening economic alliances with Indigenous communities.

The framework has garnered solid support from Indigenous communities, who continue to call for the framework to be put into action as quickly as possible.

Media highlights

- The Timmins Daily Press, November 10, 2019, "[Council adopts draft Indigenous People Engagement Framework](#)" (reach: 51K)
- TimminsToday.com, November 7, 2019, "[Council approves 'action plan' to engage Indigenous community](#)" (reach: 13K)

Protecting human rights on the field and in the arena

In Ontario, we like to think of sports as an equalizer, as an arena for social inclusion. But for some Ontarians, especially Indigenous peoples, this is often not the reality.

Derogatory images and words can have a significant impact on the ability of Indigenous people to take part and benefit equally in services such as being a member of a sports team or attending games as a spectator. There can also be broader social and psychological impacts related to discrimination in sport, affecting how people are viewed and treated in their broader community.

To help address this harm and prevent it from recurring, the OHRC intervened in the case of *Gallant v Mississauga*, which involved removing Indigenous-themed team names, logos and imagery from municipal sports venues. In May 2019, after settling this case, the OHRC wrote to 40 Ontario municipalities and urged them to work with local Indigenous communities to develop a policy on the use of Indigenous-themed logos and names in municipal sports facilities and arenas.

We called on municipalities to take the following steps, which Mississauga agreed to in the settlement:

- Remove all Indigenous-themed mascots, symbols, names and imagery related to non-Indigenous sports organizations from municipal sports facilities
- Develop a policy on the use of Indigenous images and themes at municipal sports facilities, in collaboration with local First Nations and Indigenous groups and networks, the Indigenous Youth Council of the Ontario Federation of Indigenous Friendship Centres and Indigenous Sport and Wellness Ontario
- Supplement diversity and inclusion training with expanded material addressing reconciliation and Indigenous peoples.

To date, 13 municipalities, from Brighton to West Perth to Collingwood, have responded and taken steps such as changing logos or team names, putting policies in place prevent the use of Indigenous themes by non-Indigenous organizations, and increasing engagement with Indigenous nations and communities.

Sports are drivers of social inclusion. They bring communities together and help youth develop their self-esteem. We recognize that municipalities are committed to providing environments that promote healthy and active lifestyles in the most inclusive way, and will continue to call for change on sports fields and arenas across Ontario

Media highlights

- insauga.com, September 12, 2019, "[Mississauga Set to Remove Certain Images from Sports Facilities](#)" (reach: 56K)
- Northumberland News, September 6, 2019, "[Brighton minor hockey will discard Braves name, logo](#)" (reach: 40K)
- Newmarket Today, December 19, 2019, "[Redmen replacement name to be revealed next April: NMHA](#)" (reach: 7.K)
- CollingwoodToday.ca, September 5, 2019, "[Minor hockey league will take public suggestions for new logo](#)" (reach: 10.6K)



Sherry Mason @masonsherry

Sudbury makes the right choice. "Earlier this year the @OntHumanRights Commission sent letters to 40 municipalities across the province, asking mayors "to engage Indigenous communities about the use of Indigenous-themed logos and team names in their sports arenas."



Matt McPherson @mcpberk

Hopefully the start of a wave of change. Glad to see the leadership being shown by some municipalities in responding to letter from @OntHumanRights.

Reaffirming the OHRC's commitment to work alongside urban Indigenous people

Reconciliation is a process, a shared journey, based on trust and goodwill. In April 2019, the OHRC renewed its relationship with the Ontario Federation of Indigenous Friendship Centres (OFIFC) which will allow us to continue to connect with the 85.5 % of Indigenous people in Ontario who live in urban areas.

By reaffirming the Memorandum of Understanding, originally signed in July 2017, the OHRC and the OFIFC will continue to work together to build the capacity and human rights knowledge of Friendship Centre staff, share information and data, and engage with urban Indigenous people on policy development. The OHRC and OFIFC continue to coordinate provincial advocacy in key areas such as health care, child welfare and criminal justice.

"In collaborating with the OHRC, we have worked to increase Indigenous peoples' capacity to engage with the provincial human rights system across the Friendship Centre network. Our strengthened partnership allows us to continue to address the disproportionate rate of discrimination Indigenous people face."

– Armand Jourdain, President, OFIFC

Supporting access to justice for Indigenous people

The OHRC has partnered with Pro Bono Students Canada (PBSC) to establish its new Indigenous Human Rights Program (IHRP). The OHRC supported PBSC in its successful application for funding from the American College of Trial Lawyers. The College selected the PBSC to receive the 2019 Emil Gumpert Award, which came with \$100,000 in funding.

Working with its partners, including the Ontario Federation of Indigenous Friendship Centres (OFIFC), the IHRP will have a team of *pro bono* lawyers and law students delivering culturally-appropriate human rights assistance in a safe and welcoming setting, in both Toronto and Ottawa.

The OHRC will sit on the IHRP's Advisory Council to provide advice and guidance. The Advisory Council will be led by two Elders and/or Knowledge-Keepers.

"Speaking our truth" in Sault Ste. Marie

In February 2020, the OHRC provided training to 140 local employers, service providers and community advocates at two events hosted by the City of Sault Ste. Marie.

In response to an OHRC recommendation, the City organized a plenary session called "Reconciliation: speaking our truth." A panel of Elders and Chiefs from local First Nations as well as the director of the City's Indigenous Friendship Centre discussed the ongoing impact of colonialism on Indigenous people, current issues and needs affecting their communities, the Truth and Reconciliation Commission's Calls to Action and other steps necessary to achieve reconciliation. Other training day topics included racism and racial discrimination; human rights essentials; disability and the duty to accommodate; systemic discrimination; competing human rights; creed; gender identity and gender expression.

The OHRC also delivered a half-day training session for 50 participants on human rights organizational change.

Encouraging implementation of Indigenous rights in Ontario

In April 2019, the OHRC wrote the government to share our strong support for *Bill 76, United Nations Declaration on the Rights of Indigenous Peoples Act, 2019*. This bill was consistent with what we had heard from extensive engagement with Indigenous communities and organizations – that all levels of government should use the *UN Declaration* as the organizing framework for understanding, interpreting and implementing Indigenous peoples' human rights in Canada.

Criminal justice

Strategic direction: Enforce human rights and reduce systemic discrimination by seeking accountability in the criminal justice system.

Measuring progress

4,369

Unique website views for the OHRC *Policy on eliminating racial profiling in law enforcement*

667

Police leaders, services, associations and oversight bodies engaged in OHRC training on human rights

112

Media hits referencing the OHRC *Policy on eliminating racial profiling in law enforcement*, with a potential to reach 82,417,046 people

23%

Ontario police services (12 of 51) informed the OHRC that they collect some demographic data to identify disparities and potential human rights issues in delivering policing services

5,558

Ontario prisoners placed in solitary confinement between June 2018 and June 2019, despite having a mental health alert on their file, and in contravention of the Human Rights Tribunal of Ontario's order in *OHRC v Ontario (Jahn)*

183

Media hits referencing the OHRC's work related to corrections, with a potential to reach 84,718,628 people*

*Media hits include mentions of the OHRC in both print and broadcast outlets; potential reach is a total of each outlet's potential audience, as calculated by Cision.

Supporting police to eliminate racial profiling

In September 2019, the OHRC launched a historic policy that will serve as an important tool for eliminating racial profiling in Ontario. Senior Policy Analyst Tasha Manoranjan offers some details.

At the annual Ontario Association of Chiefs of Police (OACP) CEOs Day in September 2019, the OHRC launched an important new tool to combat racial profiling. The *Policy on eliminating racial profiling in law enforcement*, the first of its kind in Canada, offers practical guidance to support law enforcement to identify and eliminate this insidious and damaging form of discrimination.

Ontario's police leaders supported the need to identify, address and eliminate racial profiling. Police leaders made a commitment to the seven principles outlined in the policy to prevent and address racial profiling in law enforcement. Police leaders signaled a clear willingness to move from debate to action that will address the harm racial profiling causes Indigenous peoples, and Black and other racialized communities.

Police have an increasingly complex and difficult job. But – to echo the Supreme Court of Canada in *R v Le* (2019) – with extensive powers come great responsibilities. And in a jurisdiction

as diverse as Ontario – where approximately 30% of residents identify as racialized or Indigenous – one of these responsibilities is to ensure that all people benefit equally from police services.

In a modern and free society, people should not be singled out for heightened police scrutiny or denied adequate policing services due to their race, religion or ancestry. Today, we understand that taking concrete steps to eliminate racial discrimination in policing is critical to meeting obligations under Ontario's *Human Rights Code* and the *Charter of Rights and Freedoms*. And our new policy is designed to help law enforcement do just that.

The new OHRC policy is a companion to *Under Suspicion*, our research and consultation report on racial profiling in Ontario. *Under Suspicion* showed how racial profiling has a profound negative impact on the everyday lives of Indigenous peoples, and Black and other racialized communities. Our goal was to report on the lived experience of racial profiling and the many ways it causes harm.

The new policy builds on this work by offering practical guidance to help law enforcement eliminate racial profiling – and the harm it causes. It provides a pathway to build trust and to make our communities safer.

About the policy

The policy addresses both individual and systemic racial profiling. It explains how racial profiling can go far beyond the intentional actions of a “few bad apples.” And it explains the difference between legitimate criminal profiling, which is based on evidence – and racial profiling, which is based on hunches, biases and stereotypes.

In the wake of the findings of the National Inquiry into Missing and Murdered Indigenous Women and Girls, the policy offers guidance on emerging concepts such as racial under-policing. The OHRC defines racial under-policing as the failure to take appropriate action to protect the safety or security of an individual or group of people based on race, colour, ethnic origin, ancestry, religion, place of origin or related stereotypes, rather than proper investigations or preventative actions.

The policy features seven key principles and practices as the basis for positive change. It also discusses the potential pitfalls of cutting-edge artificial intelligence tools including predictive policing. It explores

how using software algorithms to assess risk may perpetuate racial discrimination. Put simply: if data is tainted by racial bias, machine-based determinations will replicate this bias.

“The impact of racial profiling on the Black community and other communities of colour is catastrophic. It prevents us from reaching our highest potential in a country that boasts about its diversity being its strength ... We fully endorse the principles and recommendations of the OHRC’s Policy on eliminating racial profiling in law enforcement.”

– Valarie Steele, Vice-President, Black Action Defense Committee (BADC)

“Racial profiling is a harmful reality: it harms those caught up unnecessarily in the criminal justice system; and it harms public safety and effective policing through the erosion of community trust and collaboration. The Canadian Civil Liberties Association strongly endorses this thorough Policy of the OHRC that seeks to end racial profiling by all measures necessary from training, to policy, operations, accountability and oversight.”

– Noa Mendelsohn Aviv, Equality Program Director, Canadian Civil Liberties Association

Key principles for eliminating racial profiling

Acknowledgement: Substantively acknowledge the reality of racial profiling, including the impact it has on individual and community well-being and trust in law enforcement, and recognize the specific impact on Indigenous peoples and racialized communities and individuals

Engagement: Actively and regularly engage with diverse Indigenous peoples and racialized communities to obtain frank and open feedback on the lived experience of racial profiling and effective approaches to combatting it

Policy guidance: Adopt and implement all appropriate standards, guidelines, policies and strict directives to address and end racial profiling in law enforcement

Data collection: Collect and analyze race data to identify and reduce disparity, and to manage performance

Monitoring and accountability: Regularly monitor racial profiling, and set robust internal accountability mechanisms at the governance, management and operational levels

Organizational change: Implement multi-faceted organizational change (for example, in relation to training, culture, hiring, incentive structures, etc.), consistent with the OHRC's guide, Human rights and policing: Creating and sustaining organizational change

Multi-year action plan: Form anti-racist action plans featuring initiatives geared toward achieving short-term and long-term targets for advancing all of these principles.

Enhancing police leaders' capacity to eliminate racial profiling

The OHRC has embarked on an ambitious plan to share its racial profiling policy with police services and communities across Ontario. We presented the policy to approximately 50 police leaders at the launch on September 20, 2019. Greater Sudbury Police Chief Paul Pederson, current president of the Ontario Association of Chiefs of Police (OACP), committed to the policy's principles, and Fred Kaustinen, Executive Director of the Ontario Association of Police Services Boards, spoke in support of the policy to the media.

Later in September, we presented the policy to the OACP's Equity and Diversity Committee in Ottawa. About 20 committee members from police services across Ontario took part.

In January 2020, we trained community advisory group members of the Greater Sudbury Police on the new policy. We engaged with Chief Paul Pederson and about 20 police service members on the content of the policy and its implementation.

In the coming year, we expect to work closely with the OACP to develop additional tools and resources to eliminate racial profiling.

Media highlights

- Toronto Star, September 20, 2019, "[Ontario Human Rights Commission unveils new policy to tackle racial profiling](#)" (reach: 9.38M)
- The Toronto Sun, September 21, 2019, "[Human Rights Commission policy to tackle racism in law enforcement unveiled](#)" (reach: 3.5M)
- The Globe and Mail, September 29, 2019, "[Ontario Human Rights Commission unveils policy to tackle racism in law enforcement](#)" (reach: 102K)

Toronto police to begin collecting race-based data

In September 2019, the OHRC made deputations to the Toronto Police Services Board (TPSB) as it considered its *Policy on Race-Based Data Collection, Analysis and Public Reporting*. This historic policy, which was the direct result of the OHRC's report *A Collective Impact*, will require race-based data collection across the full range of police-civilian interactions. Once it is fully implemented, it will make the TPS and TPSB national leaders in race-based data collection.

Decades of reports and recommendations, including the 1989 Clare Lewis *Report of the Race Relations and Policing Task Force*, have pointed to race-based data collection as the foundation for combating racial discrimination in law enforcement.

The new TPSB policy includes guiding principles that reflect the values underlying the *Human Rights Code*, and requires:

- Collecting race-based data on a wide-range of police-civilian interactions including but not limited to stops, questioning, searches, serious use of force, charges and arrests
- Collecting race-based data based on officer perception
- Regularly consulting and engaging with members of affected communities with lived experience of racial discrimination
- Internal and independent analysis of data and annual public reporting
- The requirement to develop action plans to "remove systemic barriers and advance racial equity."

Media highlights

- Toronto Star, September 6, 2019, "['A historic step forward': Toronto police board set to vote on making officers report race data on all stops](#)" (reach: 170K)
- CBC News Network, September 6, 2019, "[Toronto police board drafts 'historic' policy for collecting race-based data](#)" (reach: 3.80M)



Jim Rankin @Jleerankin

It's been called for for years, but @TorontoPolice will become a leader in collecting race-based data in a range of scenarios, including stops, searches, arrests and interactions involving police use of force. Via @wendygillis <http://bit.ly/2IAhmYX> @OntHumanRights



Notisha Massaquoi

@NotishaMassaqu1 Sep 19

Notisha Massaquoi Retweeted TPSBoard Today history was made. Thank you to my co-chair @UppalaC and all members of the Anti-Racism Advisory Panel for hrs and months of dedication and commitment. According to @OntHumanRights we have created the most far reaching race based data collection policy in Canadian history!

Supporting the Ottawa Police Service to address racial disparities in traffic stops

In November 2019, the Ottawa Police Services Board (OPSB) released its second report by Dr. Lorne Foster, Dr. Les Jacobs and the Ontario Tech/York University Research Team on the findings of three years of traffic stop data (2015 – 2018). This race-based data collection initiative arose from a settlement between the OHRC, the OPSB and the Ottawa Police Service (OPS), in the case of Chad Aiken. Mr. Aiken filed a human rights complaint alleging racial profiling based on “driving while Black.”

Overall, the number of traffic stops went down over the five years. However, the significant disproportionate rates for stopping Middle Eastern and Black drivers decreased only slightly over the five-year period.

The OHRC supports the recommendations in the second report. These include making developing police service procedures on racial profiling that include a clear definition of bias-neutral policing that includes explicit and implicit bias.

We have shared our support for the recommendations with the OPS, and have provided input into the development of an Equity, Diversity and Inclusion Action Plan. We continue to engage with new Police Chief Peter Sloly to offer our support for these initiatives.

Identifying racial disparities in service-delivery by the Toronto police

In November 2017, the OHRC announced an inquiry into racial profiling and racial discrimination of Black people by the Toronto Police Service (TPS). One year later, on International Human Rights Day, we released *A Collective Impact*, an interim report on our inquiry. Through analysis of Special Investigations Unit (SIU) case files, *A Collective Impact* uncovered marked racial disparities in police use of force resulting in serious injury or death.

Since the release of *A Collective Impact*, the OHRC has been analyzing TPS policies and procedures, preparing for and interviewing TPS leaders, and meeting with over 70 individuals from Black communities to hear their concerns about racial profiling and discrimination by the TPS. We continue to hear about fear, trauma, humiliation, mistrust and expectations of negative treatment by the TPS.

Dr. Scot Wortley, the expert retained to assist with this inquiry, is currently completing his analysis on certain charges, arrests and conditions and forms of release and use of force incidents involving the TPS. Dr. Wortley is also analyzing survey data on perceptions of bias and data related to street checks. The OHRC will release Dr. Wortley's expert reports on its website as they are finalized.

Given the current provincial and municipal states of emergency, the OHRC anticipates that there will be some delay in completing the inquiry. Despite these challenges, the OHRC remains committed to releasing a report with findings and recommendations before the end of 2020.

Supreme Court of Canada relies on OHRC's work on racial profiling

The Supreme Court of Canada recognized the OHRC's expertise in racial discrimination and racial profiling in its May 2019 decision, *R v Le*. The case involved Toronto Police entering the backyard of a Toronto housing co-operative townhouse to question four Black men and one Asian man without a warrant, consent or warning. The Court held that the accused had been arbitrarily detained contrary to the *Charter*.

The Court considered whether a reasonable person in the particular situation of the accused would have considered themselves to be detained. To understand the social context and experience of a racialized person being questioned by the Toronto police in 2012, the Court highlighted *A Collective Impact*, the OHRC's interim report on its inquiry into racial profiling and racial discrimination by the Toronto Police Service, as well as our 2017 racial profiling consultation report (*Under Suspicion*) and 2003 Inquiry (*Paying the Price*).

The Court recognized the important, “highly credible and authoritative” role played by the OHRC in identifying and explaining the social reality of discrimination and its effects, and recognized that such a role will be an important one into the future. The SCC noted: “Courts generally benefit from the most up-to-date and accurate information and, on a go-forward basis, these reports will clearly form part of the social context when determining whether there has been an arbitrary detention contrary to the [Charter](#).”

The Court also made important comments about the importance of police complying with human rights laws:

Requiring the police to comply with the *Charter* in *all* neighbourhoods and to respect the rights of *all* people upholds the rule of law, promotes public confidence in the police, and provides safer communities. The police will not be demoralized by this decision: they, better than anyone, understand that with extensive powers come great responsibilities. We share the view of the House of Lords, when rejecting the idea that imposing liability on the police would have similar consequences, that “Her Majesty’s servants are made of sterner stuff.”

Pushing for human rights in a correctional system in crisis

On any given day, about 8,000 people are detained in Ontario's prisons – most of whom have not been convicted of the crime for which they are being held. Behind secured fences and walls, hidden from public scrutiny, they face the harmful realities of a crisis in Ontario's corrections system – a crisis that puts already vulnerable groups at even greater risk of harm. OHRC Legal Counsel Insiya Essajee outlines some of our key work in corrections over the past year.

Monitoring and raising awareness of the crisis

The OHRC has now toured more than 10 prisons across Ontario to hear directly from prisoners and front-line staff, and to see prison conditions first-hand. Ontario's prisons are grossly overcrowded. Cramming three – and sometimes even four – people into small cells is common, with the weakest person being forced to sleep on a thin mattress on the ground beside an open toilet. Conditions are often unsanitary, with no windows or access to fresh air. Due to short staffing, people are often locked down, in their cells for days or even weeks on end.

Making things worse, Ontario's prisons have become warehouses for people with serious mental health disabilities and addictions, who regularly end up in segregation. These strained prison conditions are particularly challenging for women and Indigenous peoples, who often have histories of trauma. Rather than offering these vulnerable people rehabilitation, there is typically no access or inadequate access to physical and mental health care, addictions support, or culturally-safe and gender-responsive services.

This year, the OHRC publicly reported on the troubling conditions and human rights issues we identified on tours of the [Elgin Middlesex](#), [Hamilton-Wentworth](#) and [Toronto South](#) detention centres, generating media attention and increasing awareness and pressure for change.

Media highlights

- Global News, August 12, 2019, "[Human Rights Commissioner says Barton Street jail needs to address 'overcrowding'](#)" (reach: 3.32M)
- The Globe and mail, August 13, 2019, "[Ontario's human rights commissioner calls for reforms at 'overcrowded' Hamilton detention centre](#)" (reach: 11.82M)
- Toronto Star, August 13, 2019, "[Human rights commissioner sounds alarm on 'overcrowded' Hamilton detention centre](#)" (reach: 9.38M)
- FM96, May 24, 2019, "[Ontario's solicitor questioned about EMDC in wake of damning letter from human rights commissioner](#)" (reach: 38K)



Lynn Pigeau @LynnPigeau

[@RenuMandhane](#)

Your report came out at a perfect time. My walk on May 25th from EMDC to Queens Park is for the same reasons. Thank you!

Addressing Ontario's unconstitutional use of solitary confinement

The OHRC has long pushed for strict protections to limit how solitary confinement, also known as segregation, is used in Ontario's prison system. The OHRC's efforts have helped lead to major recent developments which mean that many of these protections are now legally required in Ontario.



Janet Laverty @janet_laverty

A new jail in conjunction with proper staffing, training and rehabilitation programs is the answer. I work there, the current infrastructure does not meet anyone's needs, not IMs and certainly not the staff on the front line. She is bang on in her candid assessment.



michelle maclean @micmaclean

Thank you for meeting with us today. I hope your tour was educational. Looking forward to your thoughts & insights for improvements for staff as well as inmates at Hamilton-Wentworth Detention Centre.

Advocating for segregation safeguards

The OHRC has consistently called on Ontario to implement safeguards for any ongoing segregation use. For example, when the government announced this year that it was consulting on changes to Regulation 778, which governs the use of segregation, we made a [submission](#) pushing for:

- A 15-day cap on all placements
- Banning segregation completely for vulnerable prisoners like pregnant and breastfeeding women, people with mental health disabilities, people who are self-harming, suicidal, or who need medical observation, and people with mobility impairments

- An independent external review of all decisions to hold someone in segregation.

The *Jahn v Ministry of Community Safety and Correctional Services* proceedings

We have also been tracking the impact of the [2018 Consent Order of the Human Rights Tribunal of Ontario](#) in the *Jahn v Ministry of Community Safety and Correctional Services* legal proceedings. In the *Jahn* proceedings, the OHRC got legally binding requirements for Ontario to ensure that prisoners with mental health disabilities receive appropriate mental health services and are not placed in segregation except as a last resort.

As part of the order, an Independent Reviewer, Justice David Cole, was appointed to monitor Ontario's compliance. His [2020 Final Report](#) concludes that Ontario has failed to meet many of the *Jahn* requirements. It says that prisoners with mental health disabilities are still "routinely" being placed in segregation, and not receiving mental health services. His report provides an important look at what is actually happening on the ground behind the walls of Ontario's prisons, and is an important part of holding Ontario publicly accountable for failing to meet its legal obligations.

Pushing for protections through the courts

The OHRC has also been contributing to how segregation cases have played out in the courts. Evidence about our work in the *Jahn* proceedings was an important part of the Ontario Superior Court's 2020 [Francis v Ontario](#) decision. The *Francis* decision is a major legal development on segregation in Ontario, and confirms that segregation causes devastating harm to prisoners. In *Francis*, the Court ruled that it is unconstitutional for Ontario to put people with serious mental illness in segregation, or to put anyone in segregation for more than 15 days. The Court also ruled that Ontario's failure to provide independent segregation review violated the *Charter*.

In reaching these conclusions, the Court considered extensive evidence about the OHRC's work to obtain and enforce the *Jahn* requirements. While *Jahn* should have meant Ontario was not using segregation for people with mental illness, the Court found that Ontario has been "dilatatory" in its efforts to reform its use of solitary confinement and "unable to satisfy all the terms of the *Jahn* settlement orders." Ultimately, the OHRC's *Jahn* work helped provide the evidence needed for the Court to find that Ontario's use of segregation is unconstitutional.

The legal requirement for a 15-day time limit on administrative segregation placements is also established by *CCLA v Canada*, an Ontario Court of Appeal case in which the OHRC [intervened](#). The Court of Appeal unanimously held that administrative segregation of any prisoner for more than 15 days is cruel and unusual treatment, contrary to the Canadian *Charter*. In February 2020, the Supreme Court of Canada announced that it would hear an appeal of *CCLA v Canada*. However, in the spring of 2020, the federal government decided not to pursue the case at the Supreme Court, which means that the Court of Appeal's ruling stands and is the law in Ontario.

Combined, *CCLA* and *Francis* leave no doubt that the *Charter* imposes a strict 15-day time limit on segregation in Ontario, prohibits segregation for people with serious mental illness, and requires a fully-independent system of segregation review.

The impact of these protections

As a result of the *Jahn* proceedings, Ontario must now publicly release data on its segregation use every year. The [most recent data](#), for July 2018 to June 2019, shows that 12,059 people were put in segregation – sometimes repeatedly – and that almost half of them (46%) had a mental health alert. During that time period, there were almost 2,000 segregation placements that were for 30 continuous days or longer.

The OHRC continues to monitor Ontario's use of segregation and its compliance with the legal requirements from the *Jahn* proceedings and the *Francis* and *CCLA* court decisions. Our goal is to ensure that prisoners' *Code* rights are protected, and that no one in Ontario's prisons is subjected to the unconstitutional harms caused by this practice.

Joining forces with correctional workers to push for change

The OHRC and Ontario's front-line correctional workers came together this year to advocate for funding in the 2020 budget to address urgent health and safety issues.

Every day, Ontario's correctional workers are required to work in extremely challenging conditions without sufficient job security, training or support. Correctional workers do not feel safe, and many suffer from post-traumatic stress disorder (PTSD) as a direct result of their jobs.

In an unprecedented [joint submission](#), the OHRC and the Ontario Public Service Employees Union's Corrections Management-Employee Relations Committee (MERC), which represents front-line correctional staff, called on Ontario to dedicate funds in the 2020 budget for changes in Ontario's

corrections system. These changes are needed urgently to meet its human rights obligations and avert the very real risk of further deaths in custody and physical and psychological harm to correctional officers. With input from key stakeholders, the OHRC and MERC called on Ontario to dedicate funding to:

- Reduce overcrowding
- Support front-line staff
- Ensure prisoners have access to health care and rehabilitation
- Address the unique needs of Indigenous prisoners
- Enhance oversight and accountability
- Modernize correctional infrastructure and information management systems.

In January, then-chief commissioner Mandhane [presented](#) the joint submission in budget consultations by the Standing Committee on Finance and Economic Affairs, and the Minister of Finance. These presentations were made in Thunder Bay and Scarborough, respectively.

Enhancing mental health supports for front-line workers

The OHRC has consistently called for better mental health support for front-line workers. That's why in May 2019, we congratulated the government on its investments in mental health services for front-line workers including correctional officers, and Ontario Provincial Police personnel and their families.

Media highlights

- The Lawyer's Daily, February 14, 2020, "[Ontario human rights body, prison union urge 'appropriate investment' in corrections funding](#)" (reach: 16K)
- CBC News Network, January 22, 2020, "[Human Rights Commission head argues for corrections funding in Thunder Bay](#)" (reach: 3.80M)

Poverty

Strategic direction: Advance the field of human rights law by making clear how systemic discrimination causes and sustains poverty, and addressing poverty within a human rights framework.

Measuring progress

88%

Anti-poverty experts surveyed who agree or somewhat agree that the OHRC has meaningful relationships with key stakeholders working to address poverty

76%

Anti-poverty experts surveyed who agree or somewhat agree that the OHRC's work has resulted in government and community poverty reduction strategies that are responsive to human rights concerns

63%

Anti-poverty experts surveyed who used OHRC products to promote compliance with Ontario's *Human Rights Code* in their work to address poverty

1

OHRC test case to address discrimination against people with disabilities in housing (*Fulton v Guan*)

Supporting people experiencing homelessness in Kenora

In August 2019, the OHRC became aware of a decision to close the Kenora emergency shelter which was operated by the Ne-Chee Friendship Centre. After speaking with community members, the OHRC became concerned that closing the shelter would have a disproportionate negative impact on Indigenous peoples and vulnerable community members, and may violate rights protected under the *Code*.

On August 9, 2019, then-chief commissioner Mandhane [wrote](#) to call on the government to reconsider the decision to close the shelter. Following our letter, the deadline for closing the shelter was extended by a week, but the shelter was still closed on August 19.

Following the closure, in September, the former chief commissioner and OHRC staff visited Kenora to better understand the community's needs and to inquire into plans for the shelter's reopening. They met with the Kenora District Services Board (KDSB), the Ne-Chee Friendship Centre, Treaty 3 Grand Council Ogichidaa Francis Kavanaugh, Wauzhushk Onigum First Nation Chief Chris Skead, and other local leaders and service organizations, to discuss the issues surrounding the shelter, as well as homelessness and poverty more generally.

On September 17, the OHRC released a report and recommendations on homelessness in Kenora. The report identified the unique and growing social service challenges facing Northwestern Ontario and the homelessness and drug addiction crisis, which have a disproportionate impact on Indigenous peoples. The OHRC's report also identified a lack of trust and poor communication between the City and the KDSB and Indigenous people and groups.

And while the shelter re-opened in late September, the OHRC continues to actively monitor the situation.



Jon Thompson @JonSThompson

Kenora's homeless need to be involved and informed regarding shelter reopening, according to recommendations from Ontario Human Rights Commissioner Renu Mandhane to the Kenora District Services Board.



Ogichidaa Francis Kavanaugh @OgichidaaKav

September 11th I enjoyed a dinner in Kenora with Renu Mandhane, Lead Commissioner of the Ontario Human Rights Commission. We talked about the issue of our Homelessness and Shelter situation in Kenora and strategized on solutions.

Media highlights

- CBC News, October 1, 2019, [“Ontario chief human rights commissioner wants 'meaningful conversations' around Kenora shelter”](#) (reach: 73K)
- The Globe and Mail, August 12, 2019, [“‘Our voices will never be heard’: Shutdown of Northern Ontario shelter sparks backlash amid worsening drug crisis”](#) (reach: 102K)
- Kenora Daily Miner and News, September 20, 2019, [“City mishandling homelessness and drug addiction problem: OHRC report”](#) (reach: 29K)
- CKDR News (Dryden), August 10, 2019, [“Keep Kenora Shelter Open: Human Rights Commission”](#) (reach: 15K)

Enshrining the right to housing in law

For several years, the OHRC has added its voice in discussions about creating a national housing strategy that uses the [human right to housing as a foundation](#). The federal government listened to these voices when it launched Canada’s [National Housing Strategy](#) (NHS), in November 2017.

Progress continued on June 2019, when [Bill C-97](#) received Royal Assent establishing the *National Housing Strategy Act*. This act includes many features that the OHRC has called for over the past few years, including:

- Clearly setting out the obligation of all levels of government to progressively implement the right to housing in a timely way
- Addressing systemic inequality in housing based on disability, gender, race, gender identity, and age, prioritizing the people most in need
- Providing an accessible, effective public process for hearing, adjudicating and remedying systemic issues related to housing
- Establishing measurable goals, indicators and timelines and ensure robust, independent monitoring of progress by a body with jurisdiction to address systemic issues and hold government accountable
- Committing to and begin the process of developing a National Indigenous Housing Strategy, including an Urban Indigenous Housing Strategy, in partnership with Indigenous leaders, housing service providers and community organizations.

Protecting the right to housing for people with disabilities

The housing crisis in Canada is felt disproportionately by society's most vulnerable members. To find adequate housing, they must often seek out non-traditional living arrangements, such as single rooms in houses. The OHRC is taking action to ensure that the *Human Rights Code* can be relied on to protect vulnerable people from discrimination by applying to intervene in the case of *Fulton v Guan* before the Human Rights Tribunal of Ontario (HRTTO).

The applicant in this case has a visual disability, and like many people with disabilities, has generally relied on public assistance such as the Ontario Disability Support Program. In 2018, the applicant asked about renting a room. After exchanging text messages about viewing the room, he advised the prospective landlord of his disability. The applicant alleges that the landlord then refused to rent him the room because of his disability.

In these circumstances, the landlord is attempting to rely on s. 21(1) of the *Code*, which limits the right to equal treatment in housing when the unit or room being rented shares a bathroom or kitchen with the owner or the owner's family. The applicant is challenging the constitutionality of that defence under

s. 15 of the *Charter* because of its disproportionate and discriminatory effect on people with disabilities.

This *Charter* challenge directly engages the OHRC's strategic direction related to poverty, and we have sought to intervene to support this challenge. The s. 21(1) defence affects access to affordable housing for marginalized people, and even when they can secure this form of housing, it increases their vulnerability by permitting discrimination and potential harassment by their landlord.

Protecting the right to health for people without regular immigration status

People without regular immigration status face many challenges, especially related to health care. While OHIP-funded health care is available to the vast majority of people living in Ontario, people without regular immigration status are not eligible, despite having significant difficulty accessing health services. Recent studies have found that immigration status is the single most important factor affecting both a person's ability to seek out health care and their experiences when trying to access it.

In July 2019, we [wrote to the Minister of Health](#) to encourage her to fully consider the needs of people with irregular immigration status as it develops policies to transform and improve the public health care system. We are encouraged that Ontario extended OHIP coverage to non-insured people during the COVID-19 crisis, and we continue to call on the government to make sure that people without regular immigration status can access preventative health care for emerging and existing health conditions.

Introducing the OHRC Poverty Advisory Group

This past year, the OHRC created a new Poverty Advisory Group to guide its work on poverty and human rights, in line with its [2017 – 22 Strategic Plan](#).

Poverty Advisory Group members:

Mike Creek, Working for Change
Elisabeth McIsaac and
Nevena Dragicevic, Maytree
Yola Grant, Income Security
Advocacy Centre
Michael Kerr, Colour of Poverty –
Colour of Change
Kwame McKenzie, Wellesley Institute
Bruce Porter, Social Rights
Advocacy Centre
Douglas Varrette, Aboriginal Legal
Services of Toronto

Education

Strategic direction: Promote and strengthen a human rights culture in Ontario that encompasses both rights and responsibilities, with a special focus on educating children and youth and addressing systemic discrimination in our education system.

Measuring progress

46,965

Unique website views for the OHRC's *Teaching human rights in Ontario*

9,899

Ontarians engaged by the OHRC about human rights in education, including through the Right to Read inquiry

185

Media hits referencing the OHRC Right to Read inquiry, with a potential to reach 159,200,289 people*

28%

School boards (21 of 76) that informed the OHRC that they adopted one or more of the recommendations in the OHRC *Policy on accessible education for people with disabilities*

*Media hits include mentions of the OHRC in both print and broadcast outlets; potential reach is a total of each outlet's potential audience, as calculated by Cision.

Hearing directly from Ontarians about the Right to Read

Over two million children attend Ontario's public schools expecting to be taught to read. But students with reading disabilities such as dyslexia, who make up at least 10% of the student population, struggle or fail to learn to read, and the effects are devastating. OHRC Senior Legal Counsel Reema Khawja offers an update on an innovative step the OHRC is taking to enhance and enforce this right.

In October 2019, the OHRC launched Right to Read, its inquiry into human rights issues that affect students with reading disabilities in Ontario's public education system. The first of its kind, this inquiry highlights learning to read as a human right and investigates systemic barriers limiting equal access to this critical and fundamental skill.

The OHRC used its unique powers under the Ontario *Human Rights Code* to obtain documents, data and information from a representative sample of eight English-language school boards and all 13 faculties of education in Ontario.

Assessing Ontario against established benchmarks

Working with an internationally-recognized expert on reading disabilities, Dr. Linda Siegel, the OHRC is assessing school boards

against five benchmarks that are widely recognized as essential to an effective and systematic approach to teaching reading:

1. The use of Universal Design for Learning – curriculum and teaching methods proven to teach the largest number of students to read
2. Mandatory early screening of all children in kindergarten or Grade 1 for potential reading difficulties using scientific, evidence-based screening tools
3. Access to effective science-based reading interventions for all children who are struggling to learn to read
4. Access to effective accommodations such as assistive technology
5. Timely and appropriate psycho-educational assessments when needed.

The OHRC is also requesting information from Ontario's faculties of education to see whether teachers are receiving

adequate training and the academic preparation necessary to support Ontario students' right to read.

According to the former chief commissioner, "Learning to read is not a privilege, it is a basic and essential human right. Failing to meet this human right is even more troubling since reading disabilities can be remediated with science-based approaches, early screening, intervention and support."

Parents and students mobilize in response to OHRC inquiry

Thousands of parents, guardians, students, teachers, educators and other professionals engaged with the OHRC through an online survey, four public hearings (Brampton, London, Thunder Bay and Ottawa), one community meeting (Kenora), Indigenous listening circles (London, Thunder Bay and Kenora), organization submissions, emails, meetings, telephone calls, artwork and social media. Community meetings planned for Barrie and Hamilton were cancelled due to COVID-19.

The OHRC heard first-hand accounts about what happens when a child does not have access to this human right. Some of the direct and immediate impacts on students include:

- Developing low self-esteem – thinking they are "stupid," "lazy" and unable to learn
- Teasing, bullying and social isolation
- Being streamed into school programs that limit their opportunities

- Developing school avoidance, anxiety and depression
- Thinking about or attempting suicide (even when as young as 10 years old).

Longer-term impacts include:

- Dropping out of school
- Under-employment
- Homelessness
- Mental health disabilities and addictions
- Involvement with the criminal justice system, including being incarcerated.

A student with a reading disability who spoke at the London public hearing said:

Elementary school was incredibly difficult for me. It felt like the other kids in class were staring at me and making fun of me because I couldn't read and something was wrong with me. I felt like the teachers didn't know what to do with me or how to help me so they just gave me extra time to complete my work which meant I often had to stay inside working during recess. I thought I was stupid... I felt like they were shoving me from grade to grade because no one knew how to help me. I had no self-confidence and I thought I was doing something wrong."

Families feel the effects too. Many described:

- Spending thousands of dollars on private services such as assessments, tutors and private schools
- Giving up their jobs or sacrificing their careers to tutor their children
- Negative impacts on the parent-child relationship, the relationship between

siblings and even the relationship between parents

- Feelings of fear, anxiety and helplessness while watching their children struggle.

The effects of not learning to read in school are compounded for the most marginalized groups. One mother at the Brampton public hearing, quoting from an [audio documentary](#) by Emily Hanford, said: “There’s a quote that stuck in my mind – ‘Getting what you need for a kid with dyslexia is a rich man’s game.’” When the public education system cannot meet the right to read, students with lower socio-economic status, who cannot afford private services, are left even further behind. Other compounding factors include being Indigenous, racialized, a refugee, an English language learner, Francophone, or in the care of children’s aid. We also learned about inequities depending on where in Ontario a child lives, with students in rural and remote communities facing additional challenges.

The inquiry continues, and plans are underway to release a report with findings, recommendations and next steps later in 2020.

Media highlights

- MSN News Canada, March 11, 2020, “[When Johnny can't read, his human rights are denied, commission hears](#)” (reach: 69.47M)
- CBC News Network, January 15, 2020, “[‘If you're dyslexic, you feel stupid,’ advocate says. Now, Ontario wants to change that](#)” (reach: 3.80M)
- Global News, January 29, 2020, “[London to host human rights commission inquiry into Ontario elementary school literacy](#)” (reach: 3.62M)
- Global News, January 30, 2020, “[London, Ont. parents gather to share struggles at emotional Right to Read inquiry](#)” (reach: 3.62M)
- Today's Parent, November 7, 2019, “[Your kid should be screened for a learning disability before Grade 1](#)” (reach: 1.72M)
- The Hamilton Spectator, October 3, 2019, “[Human rights commission launches public inquiry into reading levels in Ontario](#)” (Reach: 1.50M)
- CBC Radio One, January 14, 2020, “[Brampton mother says Ontario students with dyslexia can fall years behind before diagnosis](#)” (reach: 731K)

Skimmingy Cricket @kim45607978

The whole world is watching this inquiry and what actions will come of it #RighttoRead

SueCooperstock @SueCooperstock

Yes indeed. Teach teachers how to teach reading using systematic instruction, mandate early screening and remediation. In the meantime, fund programs that work, like O-G tutoring, Gow, etc. Hopefully the @OntHumanRights #RightToRead inquiry will shed light more publicly on this.

Mich @michmo19

My 13 year old also struggles with anxiety and school refusal due to his poorly supported LDs. At his worst, a few years ago, he thought jumping in front of a bus was better than going to school 😞



... Why do we need a public inquiry by @OntHumanRights to get kids the education they are entitled to and deserve in Ontario? This is intensely personal for me and my son.

Troy Samuel Logan @TroySamuelLogan

Hi @OntHumanRights. I am happy that you committed resources to assist students/families unpack their experiences with schools. Thanks, Troy

Tricia Ross @TriciaRossOtt

My son would hide in the bathroom every day and cry so his peers wouldn't see him and avoid anxiety of trying to do the work. He is a master of avoidance strategies. With the amazing support of his teachers we have made small strides but we constantly feel lost #RightToRead

Jodie Williams @jodiesgot5

Your team is incredible. The passion and commitment from yourself and the @OntHumanRights staff is truly appreciated beyond words.

Dyslexic Library @dyslexiclibrary

Yes, lots of celebration (and tears) in the dyslexic/LD community--thank goodness someone is finally listening to us! You may be interested in the launch video (starts at 14 min)--included voices from the community. #inclusion

Anne Marie @Anne_M_Hope

I can still picture my little one bravely marching into school in grades SK-5 ... she was like a little soldier every day trying to go in and make the best of it. Then at pick up: a sobbing mess. It never leaves you. #dyslexia ...

Monika Thakker @mthakker2

This was the first time I attended a @OntHumanRights public hearing. I'm deeply grateful for their work here and in the past supporting every student's right to an education that allows them to be children, fulfill their potential, and have a meaningful future.

Christy CeeCK @ChristyCeeCK

Thank you @OntHumanRights 4 doing this. I watched webcast last night. Devastating to see so many kids & parents cry as they shared stories. This is what this terrible educational discrimination does. Every Ministry, teachers' college & board senior leader should see these tears.

Trustee Norm Di Pasquale, TCDSB Ward 9 @normsworld

I have tuned into every @OntHumanRights #RightToRead inquiry Town Hall (including the last one tonight) and listened to countless stories of children left behind. We have a duty to ensure effective reading interventions so our students aren't left behind! #topoli #onted #onpoli

Larry Roberts @LarryPRoberts

20% of kids have LDs like dyslexia. Teachers in early grades aren't trained to help them – and therefore don't. They get frustrated and bullied for being 'slow' and act out. How much of the bullying problem could be avoided by helping different learners earlier?

Martha McIntosh @marthajmcintosh

My daughter was there tonight. So proud of her successes despite dyslexia #righttoread #thestruggleisreal Thanks to Ontario Human Rights Commission @OntHumanRights for listening to these stories.

Marg Knapp @KiddingRight3

Thank you for hearing directly from those affected, not unions, ministries and advocacy groups. The system is broken and direction is needed from a Human Rights perspective.

Aurelia Cotta @AureliaCotta

You can spend way less now on helping kids when young, or spend a lot more later on mental health treatment after they get depressed, on welfare when they can't get jobs, or on prison when they get convicted. Not hyperbole: 90% of prison inmates are functionally illiterate

Larkbarker @larkbarker

Not only that, Ss who can't read have a high correlation with mental health challenges, incarceration and low SES due to higher education barriers. It's no coincidence that Frontier College put out a report on 'Literacy & Language' as a poverty reduction strategy.



Wendy Rose @aintnosatchmo

@CBCOntarioToday I love this program today and am so pleased @OntHumanRights is looking into the right to read. I agree with everything @RenuMandhane has said. My experience is as a volunteer for a reading program that is evidence-based and focuses on phonics and decoding.

Bishop Allen Academy CSPC@AllenCspc

When a child doesn't receive right supports early on it places them at a high risk for mental-health challenges. Thank you @OntHumanRights for the #Right2Read inquiry & for uncovering the huge herd of elephants in the room! We hear you #Courage #SpecialED #OntED

Ensuring safe and respective environments in Catholic schools

In September 2019, the OHRC learned that some Toronto Catholic District School Board (TCDSB) trustees were opposed to the amendment of the Board's Code of Conduct to specifically include protections based on gender identity, gender expression, family status and marital status. This amendment would have brought the TCDSB's Code of Conduct in line with the provincial Code of Conduct and its obligations under the *Education Act*.

On September 17, 2019, the OHRC wrote to the Chair of the TCDSB and called on the Board to make sure that vulnerable members of the school community are protected. We emphasized that school boards have a legal duty to ensure a school environment that is free from harassment and other forms of discrimination based on all grounds protected under the *Code* – including gender identity, gender expression, family status and marital status.

We further highlighted that specifically referencing gender identity and gender expression in the TCDSB's Code of Conduct is particularly important, given the extreme vulnerability of transgender students. We noted research showing that transgender children and youth are extremely marginalized; have high rates

of depression and suicide; and experience isolation, harassment and bullying in school environments.

The OHRC monitored the situation closely, with staff attending several TCDSB meetings, and were pleased to see that in its November 8 meeting, the TCDSB voted to include gender identity and gender expression, family status and marital status in their Code of Conduct.

Media highlights

- CBC News Network, October 13, 2019, "[A mother is urging Toronto's Catholic board to amend its code of conduct to protect her family](#)" (reach: 3.80M)
- Toronto Star, October 20, 2019, "[Devil is in the details as Catholic school board battles over gender issues](#)" (reach: 9.38M)
- National Post, June 21, 2019, "[Gender politics has no place in the classroom](#)" (reach: 3.17M)
- The London Free Press, November 8, 2019, "[A Catholic school board's fudging on gender identity stirs pot](#)" (reach: 431K)

Advocating for an equitable, accessible health curriculum

All students deserve to see themselves and their families reflected in Ontario's mandatory education curriculum, and deserve the accommodations they need to succeed in school. The OHRC continued to offer guidance in these areas over the past year.

In August 2019, we [noted the release](#) of the 2019 Health and Physical Education curriculum, and commended the government for reintroducing and in some cases improving the mandatory content on sexual orientation and homophobia, diverse families, sexual and gender-based harassment and consent.

However, we also noted that delaying mandatory content on gender identity and gender expression until Grade 8 is a step backwards. Children must receive timely access to information to protect their health and well-being, break down stigma and have inclusive learning environments. Research shows that transgender children and youth are extremely marginalized, have high rates of depression and suicide, and experience isolation and harassment, including in school.

We are also concerned that the government is requiring schools boards to allow parents to exempt their child from the Human Development and Sexual Health curriculum for any reason. The curriculum

is meant to provide all children in Ontario with the information they need to be healthy and safe. Allowing parents to exempt children for reasons that go beyond religious accommodation undermines this goal.

In our statement, we urged school boards and teachers to address LGBTQ2 identities as much as possible when teaching the Human Development and Sexual Health curriculum – and to embed this learning in other parts of the curriculum, and in other school programs and activities. We also recommended that school boards collect detailed data on exemptions, and use this information to assess whether the exemption policies are having discriminatory effects on certain students.

Supporting students with disabilities who use service animals

In September 2019, we wrote to the government about the Ministry of Education's newly released school board policy on service animals. We supported the overall intent of the policy which recognizes

that school boards have a duty to accommodate the needs of students with disabilities up to the point of undue hardship, and that nothing in the new policy detracts from a school board's legal obligations under the *Human Rights Code*.

The government's new service animal policy is consistent with advice we provided in May 2019 that the revised policy must:

- Allow a student to use a service animal in school to accommodate disability needs whether or not related to learning needs
- Not automatically limit the species of animal or disability-related function that could be accommodated
- Not automatically exclude animals that lack designated professional training or certification
- Allow a student with a disability to take part in the process for determining an appropriate accommodation for their service animal, and make sure the process maximizes the student's right to privacy.

We were pleased to see changes in the final policy that addressed many of our recommendations.

Introducing the Education Advisory Group

The OHRC has created an Education Advisory Group that includes members from a diverse range of expertise and perspectives. The group provides ideas and advice on promoting accessible education and an inclusive curriculum. As well, members play an important role in helping the OHRC identify emerging issues in education.

Education Advisory Group members:

Lindy Amato, Ontario Teachers' Federation
 Patrick Case, Ministry of Education, Education Equity Secretariat
 Amy Cooper, Equitas
 Dr. Rachel da Silveira Gorman, York University, Critical Disability Studies
 Dr. Carl James, York University Faculty of Education
 Annie Kidder, People for Education
 Justine Mackay, Ontario Student Trustee Association
 Dr. John Malloy, Toronto District School Board
 Sally Meseret, Ontario Student Trustee Association
 Cecil Roach, York Region District School Board
 Jessica Reekie, Ontario Justice Education Network
 Jodie Williams, First Nations, Métis and Inuit Education Association of Ontario

**Leading on
anti-racism and
accessibility**

Making the Ontario public service more inclusive

OHRC Legal Counsel Fatema Dada provides an update on our ongoing work to address systemic racism within the Ontario Public Service.

For several years, the OHRC has had serious concerns about systemic racism in the Ontario Public Service (OPS), especially and including anti-Black racism. Recently, a group of Ontario public servants asked the OHRC to raise this issue with the Secretary of Cabinet (SOC) on their behalf. The SOC is the head of the public service in Ontario.

To that end, since December 2017, the OHRC has engaged extensively with the SOC to help the government implement effective measures to address racism, discrimination and anti-Black racism.

In February 2018, the government launched its OPS Anti-Racism policy to “establish a systemic anti-racism and anti-oppressive approach regarding all aspects of employment in the OPS,” and establish principles and requirements for identifying, preventing, removing and mitigating systemic barriers in employment.

In November 2018, the OPS retained an external consultant, Arleen Huggins, to conduct a review and [report on complex cases](#) alleging workplace discrimination or harassment on race or related grounds.

The Huggins Report included several recommendations to improve the Workplace Discrimination and Harassment Prevention (WDHP) policy for employees complaining about racial discrimination or harassment.

While the Huggins Report shed some light on the systemic issues affecting the OPS, the OHRC has called for an [external independent review](#) of the entire WDHP program. We are pleased that the government has begun the process of retaining an external reviewer. The OHRC calls on the SOC to ensure that the external reviewer has expertise in systemic discrimination, anti-racism and anti-Black racism, and that they be required to engage with an expert advisory group comprised of employees with relevant lived experiences.

The OHRC continues to stress the importance of addressing and acknowledging lived experiences of racialized employees in the OPS. Employee networks such as the Black Ontario Public Service Employees Network (BOPSers) provide a unique opportunity for the government to engage and obtain critical feedback and suggestions. We

continue to urge the government to consider meaningful and timely engagement with relevant employee networks, and suggest establishing terms of reference to guide these engagements.

Beyond workplace discrimination and harassment, the OHRC has also called on the OPS to take further steps to diversify its leadership, including tracking and analyzing demographic data on leadership diversification. The OHRC is pleased that employees now have the opportunity to link their demographic information to the employment information contained in the Workforce Information Network (WIN). This will allow evidence-based decision-making around efforts to diversify OPS leadership. We have also stressed that leaders within the OPS must be held accountable for diversification through appropriate performance measures.

In an [op-ed in the Globe and Mail](#), reflecting on Quebec's controversial Bill 21, the former chief commissioner wrote:

...The message behind Bill 21 is that certain racialized and religious minorities are not qualified to serve the public, which is entirely inconsistent with the strong equality protections in the Canadian Charter of Rights and Freedoms and in provincial human rights codes.

... Beyond human-rights laws, however, there are also very good public policy reasons to eschew such a law. Prohibiting Jewish, Sikh and Muslim people – those most associated with wearing articles of faith – from the public service is an insurmountable barrier to creating a government that effectively serves the entire community. For government to serve “all the people” – to use the Premier’s words – the public service must reflect the full diversity of the population.

Ministers and other elected officials must be provided with impartial and objective advice that reflects the lived realities and unique needs of diverse communities, including religious minorities. One of the best ways to do that is to make sure the public service includes people from all walks of life.

... Ontario's public service falls short of reflecting population demographics, especially in senior leadership positions. Racialized employees make up approximately 25 per cent of Ontario's labour force, but only 11 per cent of senior executives in the provincial public service and 9 per cent of deputy ministers. Canadians should have access to similar information regarding the federal public service ...

While the Ontario public service has acknowledged that systemic discrimination exists, the statistics speak to the intractability of the problem and the ineffectiveness of more than 10 years of diversity policies and plans.

That's why the OHRC wrote the Secretary of Cabinet last month to call upon the government to do more to effectively address systemic discrimination and harassment in the provincial public service.



AfroCanCarib @ACCAHam

This is an issue for all levels of government – municipal, provincial and federal. We also need standard framework to collect disaggregated data to address #antiblackracism



Martha Lucia Garcia @MLGG2

In Toronto, look around at universities and hospitals; most top managers and top earners are white old males. Most short-term contracts are for women and non-white workers. This is public money. Time for accountability!

Remembering the deadly consequences of Islamophobia

In April 2019, the OHRC wrote the government to [support Bill 83, An Act to proclaim a Day of Remembrance and Action on Islamophobia](#). Passage of Bill 83 would be a fitting tribute to victims of hate and serve as an annual reminder of Ontario's commitment to human rights and ending hate and intolerance.

Following the attack on the Islamic Cultural Centre of Quebec City in 2017, the OHRC publicly supported the designation of January 29 as a day of remembrance. On the one year anniversary of the attack, then-chief commissioner Mandhane wrote an opinion editorial in the *Toronto Star* calling on the government to designate January 29 as the "National Day of Remembrance and Action on Islamophobia and Hate Crimes."

In November 2018, the OHRC wrote the federal Minister of Canadian Heritage and Multiculturalism to support the National Council of Canadian Muslims and over 100 community organizations in their calls to designate January 29 as a National Day of Action against Hate and Intolerance.

Passing Bill 83 would be an important symbolic step towards fighting hate in Ontario. The OHRC encourages the government to take the next steps to ensure that this Bill is sent back to the House for third reading and final passage as soon as possible.

Federal government unveils new anti-racism strategy

In July 2019, the OHRC [wrote](#) to commend the government of Canada for releasing *Building a Foundation for Change: Canada's Anti-Racism Strategy 2019 – 2022*.

We were pleased that Canada's Anti-Racism Strategy is consistent with recommendations made by the OHRC before the Standing Committee on Canadian Heritage in 2017, including committing to race-based data collection through Statistics Canada. To ensure that the data is collected in a way that maximizes its utility, we encouraged the federal government to consult with provincial human rights commissions, as well as provincial governments that have undertaken similar data collection initiatives.

We strongly encouraged the federal government to take a further step by enshrining these commitments into law through legislation. This was done in Ontario with the enactment of the *Anti-Racism Act, 2017*, which requires, among other things, that the government maintain an anti-racism strategy, prepare regular progress reports, review the strategy every five years, and consult with Indigenous peoples and diverse racialized communities as part of the review process.



NCCM @NCCM

This week NCCM attended the launch of the federal govt's #AntiRacism strategy. We advocated recently at the Justice Committee for specific funds to support digital literacy to combat online hate. We are happy this was included in their strategy.

...

We are also happy to see a working definition of #Islamophobia adopted which, as per our recommendation, was based on the @OntHumanRights definition. However, we stress the need for further consultation on this definition, and we are of the view that this must be considered only as a working definition until the government engages in robust consultation around the definition with affected communities.

Making Ontario accessible for persons with disabilities

In May 2019, the former chief commissioner and OHRC staff met with Ontario's Minister for Seniors and Accessibility to discuss legal requirements to make Ontario accessible by 2025.

The purpose of the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)* is to prevent and remove accessibility barriers in employment, services, housing and other areas. However, in his independent [report](#) on the third legislative review of the AODA, the Honourable David C. Onley concluded that, "This province is mostly inaccessible."

Echoing concerns raised by the OHRC in our 2018 [submission to his review](#), Onley said a top issue for Ontarians with disabilities is the accessibility of buildings, and retrofitting buildings to make this a reality.

The OHRC will continue to monitor progress towards true accessibility, and are committed to working with the government to make an accessible province a lived reality for Ontarians with disabilities.



Michael A. Moore, OCT
@JohnRossJPS

Since we will all be disabled in some way at some point in our life, I guess then we are all the problem. That means then we are all part of the solution. @ONAccessibility @AccessWatchDog @HonDavidOnley @DavidLepofsky @OntHumanRights



elizabeth attard @elizabethattar3

We are forever in the debt of those courageous and persistent people for their efforts in making accessibility a basic human right. When you think about it, how wrong is it that people have to advocate to simply gain access to public places? Thank you to those advocates!

Partnering to end discriminatory advertising on Facebook

In June 2019, the OHRC and Canadian Human Rights Commission (CHRC) joined forces to write a public [letter](#) to Facebook expressing concern that the way it allowed advertisers to target audiences was discriminatory, contrary to both Ontario's and Canada's human rights laws. We urged Facebook to put in safeguards to stop this from happening.

In January 2020, in response to our intervention, Facebook Canada [announced](#) it was making changes to prevent ads that discriminate contrary to human rights laws. Facebook has committed, by the end of 2020, to restricting any housing, employment and credit ads from being able to target people based on age, gender, postal code, or other traits protected from discrimination. Facebook will also create a separate "Ad Library" where anyone can see all of these ads.

The OHRC and CHRC will continue to engage with Facebook, and will closely monitor the implementation of these changes.



David D. Ayer @DavidAyer

Ontario Human Rights Commission stands up to Facebook, extracts promise to prevent discriminatory advertising, e.g. targeting by postal code

Media highlights

- Toronto Star, June 23, 2019, "[Time to combat ageist hiring practices](#)" (reach: 9.38M)
- CBC News Network, March 16, 2020, "['Indian students preferred': Discriminatory rental ads have people shying away from applying](#)" (reach: 6.13M)
- CBC Television Network, June 18, 2019, "[Human rights commissions targeting Facebook](#)" (reach: 230K)
- Canadian HR Reporter, January 20, 2020, "[Facing up to recruitment discrimination](#)" (reach: 18K)

Supporting people with addictions in the community

Back in 2012, the OHRC sent a letter to the City of Belleville about human rights issues when considering zoning for methadone clinics. We advised that Belleville's plans came very close to "people-zoning," which is prohibited under the *Planning Act* and could contravene Ontario's *Human Rights Code*.

Fast-forward to June 2019, when Belleville City Council approved a zoning change to support the Ontario Addiction Treatment Centre moving to a new location, despite significant community opposition. The Chair of the Planning Advisory Committee cited the earlier letter, and said our 2012 message still applies today.

Foundational strengths

Strategic direction: The OHRC is focused on building and improving its organizational capacity to deliver leadership, evidence-informed approaches and practical guidance and solutions.

Measuring progress

4,034,831

Unique views of the OHRC website

39,126

OHRC and former chief commissioner social media followers and friends

4,362

People engaged by the former chief commissioner and Executive Director at 38 public speaking events

68%

Community leaders and experts who agree or somewhat agree that the OHRC maintains effective relationships with stakeholders

34%

Human rights duty holders, including business leaders, police and school boards, who agree or somewhat agree that the OHRC maintains effective relationships with all stakeholders

Measuring our progress: in every business, results matter

Effectively gauging progress in anti-discrimination work can only happen when we look at evidence-based outcomes. Raj Dhir, the OHRC's Executive Director and Chief Legal Counsel, shares our experience developing performance indicators to measure our progress.

The emphasis of any anti-discrimination analysis is on the effects or results of distinctions, exclusions or preferences. So it should come as no surprise that any assessment of the OHRC's performance in addressing systemic discrimination must include evidence-based outcomes. Over the past year, following the direction of our Strategic Plan, the OHRC has worked hard to strengthen our processes for establishing quantitative and qualitative human rights indicators for use in these assessments, and to further our work to implement and realize human rights.

The OHRC initially approached performance measurement warily. There were concerns that it would not be possible, or worse, that it may not be appropriate to reduce our core business to human rights indicators. For example, how do you quantify the impact of the OHRC's *Policy on eliminating racial profiling in law enforcement*; or our intervention in a challenge to the constitutionality of the use of segregation in federal prisons?

These initial concerns were based on a misunderstanding of the purpose and nature of human rights indicators. Human rights indicators are dimensional tools – quantitative or qualitative factors – that provide a simple and reliable means to measure achievement, to reflect the changes connected to an intervention, or to assess the performance of a duty holder. Indicators can be subjective or fact-based, procedural or compliance-based. They can also be derived from various data sources.

Once there was a clear understanding about this, the OHRC started to get excited about the various possibilities that human rights indicators can serve. They can be used to measure our progress on meeting the goals in our Strategic Plan. They can allow us to make sure our work is effective and represents value for money. We can use them as a communication tool for reporting to senior management, our Commissioners, the public and the government.

In determining the OHRC's "key performance indicators" (KPIs), the OHRC's Commissioners recognized that not all indicators are "key." The KPIs were strategically selected, with a mix of different types of indicators and using different data sources, to attempt to provide a clear picture of our progress towards our goals.

The Commissioners adopted KPIs for each of the focus areas in the OHRC's Strategic Plan. For example, for the strategic goal of Indigenous reconciliation, the OHRC's KPI is survey-based: the percentage of key Indigenous leaders, community members and experts who agree that the OHRC's work reflects a deep understanding of Indigenous perspectives. For our corrections-related work, the KPIs are focused on compliance based on data that the Ministry of the Solicitor General is collecting: the number of prisoners in administrative segregation with mental health alerts or who have been in segregation for more than 15 days.

On poverty, a strategic priority area that has advanced more slowly than other areas, the Commissioners decided to adopt KPIs that are procedural (the OHRC will commence at least one new legal intervention related to the area of poverty) and qualitative (legal review of HRTO/Court decisions related to poverty).

In addition to the OHRC's strategic priorities, the Commissioners identified KPIs related to our foundational strengths. To assess the

impact of our "leadership voice," the OHRC's KPIs are derived from data analytics related to traditional and social media, website hits and unique views. The Commissioners also established KPIs related to the OHRC's organizational health which rely on an annual employee engagement survey for staff.

Our journey towards more robust performance measurement has influenced how we approach issues of human rights compliance. In the past, if the OHRC was involved in a systemic case, we may have sought certain "standards" from a duty holder, such as agreeing to develop a policy and human rights training. But without indicators, there was no way to know whether these standards were truly effective in eliminating discrimination. The OHRC's work in areas like corrections and racial profiling have shown that these standards, which may be seen as important achievements in and of themselves, are often insufficient by themselves to address systemic discrimination. Accordingly, we have recognized that to properly address systemic discrimination, there needs to be a constant focus on outcomes while ensuring there are evidence-based approaches for monitoring and accountability.

Finally, the OHRC's policy and legal work has been bolstered by our increasing use of evidence-based measures. For example, as a result of surveying policing and education stakeholders, we have richer data we can rely on to strategically focus our policy, education, outreach and promotion work. In addition, we have incorporated survey

methodologies into our inquiry work. In the Right to Read inquiry, we received well over 1,300 responses to a survey we developed for parents/guardians and students to share their experiences with reading disabilities and the education system.

In every business, results matter. Over the past year, the OHRC has championed continuous learning

and evaluation at the governance, management and operational levels.

Evidence-based approaches to understanding the state of human rights and for evaluating the OHRC's work are now core parts of our business. These approaches will make us stronger and bring us closer to addressing and eliminating systemic discrimination.

Continuing to build our relationships

The OHRC cannot work in a vacuum – we rely on the lived experiences and the insights of people, communities and sectors across Ontario to help us target our work to the areas it is needed the most. Jagtaran Singh, Executive Advisor to the Chief Commissioner, offers updates on two formal groups that are helping in this process.

Without a doubt, the OHRC cannot engage in its work without maintaining strong relationships. From individual advocates to community service providers, to public and private actors and leaders – the relationships the OHRC has developed over the years allow it to produce relevant policy guidance, reports and more.

In our Strategic Plan, the OHRC made an explicit commitment to make the human experience the starting point for action. Further to

this commitment, in 2018 the OHRC approved *Communities for Change*, its community engagement strategy. In our 2019 update to the strategy, we prioritized creating and engaging with “advisory groups” which can be created by the Chief Commissioner under the *Code*.

Community Advisory Group

The OHRC hosted our third annual Community Advisory Group (CAG) Summit over two days in November

2019, under the continued theme – *Ne-maam-mweh*, an Ojibwe term meaning “together as one.” We heard from community leaders representing diverse communities across Ontario, who offered their expertise, lived experience and insight on commitments made in the OHRC’s Strategic Plan.

The summit included discussion on a range of key human rights issues in Ontario. Major concerns that emerged included impunity for hate and discrimination experienced by racialized and religious communities, marginalization and exclusion of people living in poverty, and diminished commitment to Indigenous reconciliation.

The CAG provides a regular opportunity for community leaders to provide the OHRC with feedback on our work from a practical “on-the-ground” perspective, and helps us expand our reach and cultivate new relationships. This relationship-building (and expanding) is key to the OHRC’s continued efforts to protect and promote human rights for vulnerable communities across Ontario.

Employer Advisory Group

Employers play a critical role as human rights duty holders. One of the commitments under the OHRC’s Community Engagement Strategy and 2019 Update included “creating durable and reciprocal relationships with duty holders.”

In October 2019, the OHRC held its first Employer Advisory Group (EAG) meeting – a forum for us to deepen our relationship with business leaders, understand the challenges they face, and benefit from their experience, expertise and best practices in meeting obligations under the *Human Rights Code*.

The advisory group is comprised of 14 executives from diverse industries. By engaging with the EAG, we learned about the issues or concerns that duty holders found most pressing with the current human rights system, including a need for practical guidance for employers. Employers also expressed a strong desire to support diversity and inclusion in the workplace, but pointed out challenges navigating confusing or overlapping requirements under various legislative frameworks relating to human rights, workplace safety and insurance, occupational health and safety and labour relations. In addition, EAG members shared widespread frustration with the adjudicative process before the Human Rights Tribunal of Ontario (HRTTO).

Eager to progress further, the EAG set a second meeting in early February 2020. During this meeting, members set three practical goals: to evaluate the needs and priorities of employers; to evaluate current human rights tools and resources to determine if new tools are needed; and to recommend changes to the human rights adjudication process.

Introducing the OHRC's new Employer Advisory Group

Jane Albright, Ontario Municipal Human Resources Association
 Diane Brisebois, Retail Council of Canada
 Cindy Cacciotti, Council of Ontario Universities
 Dennis Darby, Canadian Manufacturers and Exporters
 David DeSantis, Council of Directors of Education
 Michael Duben, Ontario Municipal Administrators' Association
 Tony Elenis, Ontario Restaurant, Motel, and Hotel Association
 Kenneth Fredeen, Deloitte LLP
 Mary McNinch, Association of Canadian Search, Employment and Staffing Services
 Angela Mondou, Technation
 Plamen Petkov, Canadian Federation of Independent Businesses
 James Rilett, Restaurants Canada
 Rocco Rossi, Ontario Chamber of Commerce
 Laura Russell, Schedule 2 Employers' Group
 Carissa Tanzola, Ontario Bar Association
 Louise Taylor Green, Human Resources Professionals Association

Our Commissioners

Our Commissioners have in-depth knowledge and expertise in human rights and issues relating to vulnerable populations, public policy, social values, and concepts of fairness, justice and public service.

Randall Arsenault

Appointment: January 9, 2020 – January 8, 2022

Violetta Igneski

Appointment: January 9, 2020 – January 8, 2022

Karen Drake

Appointment: June 22, 2016 – June 21, 2019

Mary Gusella

Appointment: February 24, 2016 – November 24, 2019

Renu Mandhane, Chief Commissioner

Appointment: October 30, 2015 – May 21, 2020

Kwame McKenzie

Appointment: June 22, 2016 – June 21, 2019

Errol Mendes

Appointment: September 8, 2009 – September 7, 2019

Bruce Porter

Appointment: June 30, 2016 – June 29, 2019

2020 – 2021 performance targets

The OHRC continues our commitment to provide effective leadership on human rights for all Ontarians. The following are the OHRC's performance targets for the upcoming year.

Focus area: Reconciliation

Indicator	2019 – 2020 Benchmark	2020 – 2021 Target
Percentage of key Indigenous leaders, community members and who agree or somewhat agree that the OHRC's products and activities reflect a deep understanding of Indigenous perspectives	92% (based on a response rate of 18.3%)	5% increase in survey response rate

Focus area: Criminal justice

Indicator	2019 – 2020 Benchmark	2020 – 2021 Target
Percentage increase in number of police services that collect identifier data relating to services for the purposes of human rights compliance	23%	5% increase in the number of police services collecting identifier data
Number of prisoners in administrative segregation	12,059	Zero prisoners in administrative segregation
Number of prisoners with a mental health disability who also have mental health alerts	Unavailable from the Ministry of the Solicitor General at this time	100% of prisoners with a diagnosed or reported mental health disability have a mental health alert on their file

Focus area: Poverty

Indicator	2019 – 2020 Benchmark	2020 – 2021 Target
One new legal intervention in the area of poverty	1 intervention	1 new intervention
Qualitative review of HRTO/ court decisions relating to poverty issues	N/A	Review to be conducted in 2022

Focus area: Education

Indicator	2019 – 2020 Benchmark	2020 – 2021 Target
Percentage of school boards informing the OHRC that they have adopted OHRC recommendations in the <i>Policy on accessible education for students with disabilities</i>	27.6% (based on a response rate of 42.1%)	5% increase in the survey response rate 5% increase in percentage of school boards adopting recommendations in the <i>Policy on accessible education for students with disabilities</i>
Percentage of education and school board stakeholders who “agree” or “somewhat agree” that Ontario’s curriculum is inclusive of various groups in society	46% (based on a response rate of 41%)	5% increase in the number of education and school board stakeholders who “agree” or “somewhat agree”

Focus area: Leadership voice

Indicator	2019 – 2020 Benchmark	2020 – 2021 Target
Cumulative reach for OHRC in traditional and social media, OHRC website hits/unique views	Potential reach: 795,156,889 Social media followers and friends: 39,126 Unique website views: 4,034,831	Maintain potential reach and unique website views 5% increase in social media followers and friends over 2019 – 20 results
Percentage increase in relevant question areas in annual OPS employee engagement survey for OHRC staff	OPS 2019 employee engagement survey results (not yet available)	Targets will be established on review of the 2019 employee engagement survey results

Focus area: Our relationships

Indicator	2019 – 2020 Benchmark	2020 – 2021 Target
Percentage of community leaders and experts and duty holders, including employment and business leaders and police and school board stakeholders who “agree” or “somewhat agree” that the OHRC maintains effective relationships with all stakeholders	Community leaders and experts: 68% Duty holders, including employment and business leaders and police and school board stakeholders: 34%	Maintain number of community leaders who “agree” or “somewhat agree” 10% increase in the number of duty holders, including employment and business leaders and police and school board stakeholders, who “agree” or “somewhat agree”

2019 – 2020 financial summary (April 1, 2019, to March 31, 2020)

	2019-20 Printed Estimates (\$'000)	Revised Budget March 31, 2020 (\$'000)	Actual Expenditures March 31, 2020 (\$'000)	2019-20 Year End Variance from Revised Budget (\$'000)	
				\$	%
Salaries & Wages	4,520.8	4,002.2	4,001.3	0.9	0.02%
Benefits	362.2	446.9	446.1	0.8	0.18%
Other Direct Operating Expenses (ODOE)	285.3	659.0	658.0	1.0	0.15%
Total Expenses	5,168.3	5,108.1	5,105.4	2.7	0.05%

Total remuneration for seven part-time Commissioners: \$21,842.00

Total remuneration for full-time Chief Commissioner: \$185,982.42

Total remuneration for all appointees: \$207,824.42

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