

Ontario Commission  
Human Rights ontarienne des  
Commission droits de la personne



# **ANNUAL REPORT**

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## **2001-2002**

Ontario Human Rights Commission  
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Ontario  
Human Rights  
Commission

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Chief Commissioner

Commissaire en chef

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June, 2002

Honourable Carl DeFaria  
Minister of Citizenship and Minister Responsible for Seniors  
6<sup>th</sup> Floor, 400 University Avenue  
Toronto, Ontario  
M7A 2R9

Dear Minister:

Pursuant to Section 31(1) of the Ontario *Human Rights Code*, it is my pleasure to provide to you the Annual Report of the Ontario Human Rights Commission for the fiscal year 2001–2002, for submission to the Legislative Assembly of Ontario.

This report reflects the activities of the Commission from April 1, 2001 to March 31, 2002.

Yours sincerely,

A handwritten signature in black ink, appearing to read "K. Norton".

Keith C. Norton, Q.C., B.A., LL.B.  
Chief Commissioner

## MESSAGE FROM THE CHIEF COMMISSIONER

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I am pleased to report on the work of the Ontario Human Rights Commission for the April 1, 2001 to March 31, 2002 fiscal year.

This year, we celebrate the 40<sup>th</sup> anniversary of the Ontario *Human Rights Code*. In four decades, Ontario has become one of the most diverse communities in the world and gained international renown as a province of tolerance. Sadly, the tragic events of last September 11<sup>th</sup> and ensuing backlash against certain community members underlined the need for constant vigilance. We must

continue to build on the gains we have made over the past few decades in creating an environment of understanding and mutual respect between all communities.

During the weeks that followed, I participated in a number of multi-faith gatherings in Toronto. Those meetings emphasized my deep conviction that we cannot and should not allow such events to influence our behaviour towards our friends, neighbours, classmates or co-workers because of who they are, where they come from, or what faith they observe. In order to move forward, we must seize such moments to continue our important work in advancing and respecting each individual's human rights

I was reminded again that Ontario's greatest qualities are its rich cultural, ethnic and religious diversity and its strong commitment to human rights. In this regard, as in past years, we received a number of delegations from other countries that are looking to the Commission as a model for their own human rights commissions. Respect for human rights is part of the province's cultural foundation and it is encouraging to think that the Commission's work is having a global reach.

This year, the Commission experienced a sharp increase in the number of new complaints filed, most in the area of disability. While there may be a number of explanations for this, including increased public awareness, what is important is that the Commission is working hard to address the situation. We are fortunate to have received an additional \$1M in funding from the Ontario government for 2002-2003.

Finally, I wish to express my gratitude to Commission staff for their hard work in a challenging year and their continuing effort to serve the people of Ontario well.

A handwritten signature in black ink, appearing to read 'K. Norton'. The signature is fluid and cursive, written over a white background.

Keith C. Norton, Q.C., B.A., LL.B.  
Chief Commissioner

## **ABOUT THE COMMISSION**

*The Ontario Human Rights Commission (the "Commission") is an arm's length agency of government, accountable to the Legislature of Ontario through the Minister of Citizenship. The Commission's principal functions are set out in the Human Rights Code (the "Code") and include the investigation and settlement of human rights complaints. Under the Code, the Commission's work also includes promoting human rights and public awareness.*

## **POLICY AND EDUCATION BRANCH PROMOTION AND ADVANCEMENT OF HUMAN RIGHTS**

### **POLICY DEVELOPMENT**

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In keeping with its mandate to promote understanding of human rights and to conduct research to eliminate discriminatory practices, the Commission undertook a number of policy development initiatives in 2001-2002. Commission policies and guidelines are approved public statements that set out the Commission's interpretation of specific provisions of the *Code*. The development of policies and guides helps the Commission to advance understanding of the *Code* and inform the public and those involved in human rights work how the Commission will interpret and apply the *Code* when dealing with particular matters. Highlights of the past year are outlined below.

### **Age Discrimination**

The Commission continued to build on last year's work in the area of age discrimination. In June 2001, the Commission released its Consultation Report, *Time for Action: Advancing Human Rights for Older Ontarians*. *Time for Action* is the result of extensive research and the Commission's consultation with more than 100 organizations and individuals across the province.

*Time for Action* reports that a growing and significant proportion of the province's population is facing formidable barriers because of age-based discrimination. The Report highlights the role of ageism in limiting rights and opportunities for older Ontarians. "Ageism" refers to two concepts. First, ageism encompasses myths and stereotypes about older persons that are not based on the actual ageing process but rather society's reaction to older persons. The

second component of ageism is the tendency to structure society based on the assumption that everyone is young. By doing so, the real needs of older persons are not met.



*Time for Action* identifies four key areas in which older persons are most likely to feel the effects of ageism and to experience age discrimination: employment, health care, housing and transit. The Report also contains the Commission's commitments to do further work in this area as well as recommendations for government and community actions. One such recommendation is that the Ontario Legislature amend the *Code* to eliminate the blanket defence to mandatory retirement at age 65 and to provide protection against age discrimination to workers 65 and over. This recommendation has attracted a great deal of public and media attention.

In accordance with the Commission's public commitments, on March 26, 2002, the Commission approved a Policy on age discrimination against older persons. In the next fiscal year, the Commission will release the Policy and launch a public awareness campaign on ageism and age discrimination.

## Insurance

The Commission released *Human Rights Issues in Insurance: Consultation Report* in October 2001. The purpose of the consultation was to promote public awareness, understanding and advancement of human rights in the area of insurance and to examine alternatives to current practices.

The paper is the result of 19 submissions from representatives of the insurance industry, government and consumer groups offering their views on the Commission's 1999 Discussion Paper, *Human Rights Issues in Insurance*. The Commission also initiated two round table discussions – one with insurance representatives from the life/disability sector and the other from the auto/property sector – in the preparation of the Consultation Report.

In the Report, the Commission promotes the principle that the insurance industry should strive to move away from using enumerated *Code* grounds, such as age, sex and marital status, for risk assessment in auto insurance. Industry research to date supports the use of such risk assessment criteria as still reasonably necessary. The industry also maintains that access to information on pre-existing conditions and flexibility in setting risk criteria are important for ensuring affordable products. Consumer representatives raised several concerns including: reasonableness of exclusionary periods and use of genetic information; access to



affordable dispute resolution; lack of full policy disclosure; stringent and sometimes harassing medical reporting and policy discontinuance practices; and, claim-handling variations for so-called “softer” conditions such as mental illness. In the Report’s recommendations, the Commission takes the view that genetic testing and related information should not be used to deny insurance because of a disability or risks that might arise in the future.

The Commission is encouraging continued dialogue amongst the insurance industry, consumer groups and governments on human rights issues in insurance.

### **An Intersectional Approach to Discrimination**

Acknowledging that factors such as race, gender, age, place of origin and disability often intersect to produce unique effects is critical to ensuring that society meaningfully addresses people’s experiences of discrimination. Recent Commission policy and research initiatives have recognized that multiple grounds are often intrinsically linked and that discrimination is largely a product of the social construction of identity based on social, historical, political and cultural factors.

Building on the work that the Commission has already done, on March 21, 2002, the International Day for the Elimination of Racial Discrimination, the Commission announced the release of a Discussion Paper, *An Intersectional Approach to Discrimination: Addressing Multiple Grounds in Human Rights Claims*. The Discussion Paper explores how an intersectional approach applies to human rights claims and is the starting point in a process that will aim to develop some concrete tools for consistently applying an intersectional analysis in all areas of the Commission’s daily work.

### **Research Paper on Human Rights Commissions and Economic and Social Rights and Proceedings from Policy Dialogue**

In 2001-2002, the Commission made public the results of two earlier initiatives to explore ways the Commission can be more responsive to emerging human rights issues and address Ontario’s responsibilities under Canada’s human rights obligations.

The summary of proceedings from the Commission’s Policy Dialogue, *Human Rights Commissions: Future Directions*, was made available on the Commission’s Web site in February 2002.

In addition, the Research Paper, *Human Rights Commissions and Economic and Social Rights*, explores ways in which human rights commissions can become more involved in protecting and promoting economic and social rights and in implementing international treaties to which Canada is a party. The Research Paper reflects the research undertaken by Commission staff and is not a formal policy statement. The Paper is available on the Commission's Web site.

## **Policy on Discrimination Because of Pregnancy and Breastfeeding**

The Commission undertook a revision and expansion of its *Policy on Discrimination because of Pregnancy and Breastfeeding*. This Policy has been in place since 1999 and these latest revisions incorporate changes to the Ontario *Employment Standards Act* that came into effect in September 2001. The revised Policy clarifies the interaction between the *Employment Standards Act* and the *Code*.

The revisions to the Policy also detail rights and responsibilities of all regarding breastfeeding, particularly in employment and in public places, and emphasize that breastfeeding is a health and human rights issue rather than one of public decency. The Policy is intended to provide guidance to employers, landlords, service providers and the general public on the rights of pregnant and nursing women.

## **Implementation of the New Policy and Guidelines on Disability and the Duty to Accommodate**

The Commission continued to actively implement its *Policy and Guidelines on Disability and the Duty to Accommodate*, released in March 2001. It fulfilled its commitment to consult with stakeholders on the development of plain-language guides on the Policy to assist employers, unions and persons with disabilities in understanding their rights and responsibilities under the *Code*. The Commission held two focus groups to discuss drafts of the guides.

The first focus group included representatives of employee groups, legal clinics, unions, advocacy organizations and disability consumer groups. The second focus group included individual employers and groups that represent employers' interests. The information and feedback will be used in the preparation of the guides.

At the launch of the Policy, Chief Commissioner Keith Norton signalled the Commission's intention to examine the accessibility of the restaurant sector in Ontario. In this fiscal year, the Commission wrote to 29 high-profile restaurants, coffee shops and fast food chains to initiate a survey on the accessibility of their premises and their future plans to achieve accessibility. This initiative is ongoing and further measures are planned for the upcoming fiscal year.

In addition, the Commission has developed a strategy and Consultation Paper for its initiative on disability accommodation in the education sector. Public consultations will be conducted in the next fiscal year with a view to developing a consultation report as well as specific guidelines in this area.

### **Public Transit Accessibility**

The Commission invited written submissions from individuals and organizations regarding the issues raised in its *Discussion Paper on Accessible Transit Services in Ontario*, released in February 2001. Over 30 responses were received from transit providers, seniors' organizations, disability consumer groups, labour organizations, advocacy groups and individuals. The responses detailed concerns in a number of areas: funding for transit services, the setting of standards, transit service providers' roles and responsibilities, and the effect of inaccessible transit services on persons with disabilities, older persons, families with young children and others protected by the *Code*.

Inaccessible public transit services are an important human rights issue because they impose barriers and prevent persons with disabilities, older persons and families with young children, from participating in community life.

A Consultation Report on these submissions will be released early in the 2002-2003 fiscal year.

## **ABORIGINAL HUMAN RIGHTS PROGRAM**

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2001-2002 is the second year of the Commission's Aboriginal Human Rights Program. The goals of this important initiative are to create and build on awareness of the *Code* among Aboriginal communities and to enhance their access to the Commission's services. Historically, Aboriginal people in Ontario have filed relatively few human rights complaints and many communities have little knowledge of the provincial human rights process.

The Commission is working in partnership with two Aboriginal organizations, Grand River Employment and Training (GREAT) of Ohsweken (near Brantford) and the Native Canadian Centre of Toronto (NCCT), in the development and delivery of this project.

### **Phase I:**

The first phase of the initiative involved consultations with 37 Aboriginal organizations across the province. The results of the consultations revealed that Aboriginal people face significant discrimination in housing. Discrimination in employment and services are also experienced but housing was identified as the most pressing concern.



In addition, Aboriginal communities and members were found to have little knowledge of the Commission's services and did not fully understand its potential to remedy the discrimination frequently faced, for example, in housing off reserve.

The report on the first phase made several recommendations as to measures the Commission could take to increase its presence in Aboriginal communities. These recommendations included strategies to enhance awareness in the Aboriginal community and improve access for Aboriginal persons to the human rights system.

### **Phase II:**

Phase II of the initiative was implemented in the summer of 2001.

A requirement of the project was that it should involve Aboriginal organizations in the delivery of the program. As a result of a rigorous process, the Native Canadian Centre of Toronto (NCCT) was selected to partner with the Commission. NCCT is a Friendship Centre and has existed in Toronto for over 30 years. It describes itself as "a community-based non-profit organization which provides a gathering place to deliver programs and services for Native people while striving to reflect the traditional Native cultural perspective".

A two-day training program for staff of both agencies was held in September 2001. It covered issues of concern in the attainment of equal opportunity for Aboriginal peoples and it informed all participants about the details of the project. It also provided opportunity for staff of the two agencies to get to know one another and to develop a mutual understanding of each other's issues.

A full-time human rights liaison officer began working at NCCT in January 2002. Within only a short time, people from the community began approaching him with questions concerning situations they were experiencing.

GREAT continues to be involved in the project and will be carrying on with Phase III (beginning in 2002-2003) which consists of identifying quality service standards and evaluating the project from both quantitative and qualitative standpoints.

There is a strong commitment among the three agencies to continue the project through the next fiscal year and the Commission looks forward to a beneficial outcome, especially for urban Aboriginal persons living in Toronto.

## AMETHYST AWARD

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In January 2002, seven members of the Commission's Policy and Education Branch were awarded the Government of Ontario's Amethyst Award for outstanding achievement by Ontario public servants in the development of the Commission's *Policy and Guidelines on Disability and the Duty to Accommodate*.



The award recognized the extensive research, public consultations and highly effective public education strategy used by the Branch's staff to create and promote the new disability policy, which set a national standard for persons with disabilities. This is the second Amethyst Award that the Commission has received. In 1998, the Commission was similarly recognized for the development and implementation of its Case Management Information System (CMIS) which has won both national and international acclaim.

## PUBLIC EDUCATION

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The fiscal year 2001-2002 is the second year of a three-year Public Education Strategy, *Getting the Message Out*, which governs the Commission's public education activities for the years 2000-2003.

Of particular note, this strategy commits the Commission to develop and enhance partnerships with the public, private and not-for-profit sectors and stresses the need for a plan that will promote effective relations with various stakeholders.

## Events and Presentations

For the seventh consecutive year, the high level of performance in public education was maintained. In the fiscal year 2001-2002, approximately 9,000 people attended 104 events where Commission staff were presenting or where display materials were available.

The Chief Commissioner made keynote presentations at conferences and symposia organized by the Ontario Association of Social Workers, Canada's Association for the Fifty-Plus (CARP), Schedule 2 Employers WSIB Conference and the Adult Protective Service Association of Ontario.

He also spoke at conferences, law schools, elementary and secondary schools throughout the province, and gave interviews on radio, television and in the print media on current human rights issues.

In October 2001, the Chief Commissioner made a presentation to the Standing Senate Committee on Human Rights. The Committee was conducting hearings to determine future directions for Canada to meet its national and international obligations. In his address to the Committee, the Chief Commissioner highlighted many of the gains that the Commission has achieved over the past five years and, in particular, how these have contributed to Canada's compliance with international human rights instruments at a national and provincial level.

## Publications

The Commission's Web site, [www.ohrc.on.ca](http://www.ohrc.on.ca), is an important tool in sharing documents with the public. All major Commission documents such as policies, consultation information, news releases, case summaries, information on the

various Commission processes, are all available on the Web site in French and English. In the 2001-2002 fiscal year, 233,090 unique visits were made to the site. On average, 638 people visited the site every day.

Following the events of September 11, the Commission compiled a list of resources and electronic links on its Web site to help students, parents and teachers deal with after-effects of the tragedy.

The Commission released six new leaflets in December 2001 as part of its ongoing mandate to increase awareness of human rights issues. The bilingual leaflets are written in plain language and cover crucial information Ontarians need about their rights with respect to



*hiring, sexual harassment, sexual orientation, racial harassment and pregnancy* including breastfeeding and one leaflet on the Commission.

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

*Rights Online* is an electronic publication posted on the Commission’s Web site that highlights the quarterly achievements of the Commission as well as links to other sites and resources on various human rights issues. It also features a *Commonly Asked Questions* section which addresses how the *Code* and Commission policies apply in particular situations. The newsletter is also distributed by e-mail or fax to stakeholders and anyone who requests a copy.

## Partnerships and Cooperation

The Commission is part of several partnerships that enhance its efforts to promote understanding of human rights.

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



In partnership with CCH Canadian Ltd., one of Canada’s largest and most respected information providers for human resources, legal and accounting professionals, the Commission published *Human Rights Policy in Ontario*, a compendium of the Commission’s human rights policies and guidelines. It was released in September 2001 and includes updated policies in the areas of disability, drug and alcohol testing, sexual orientation, pregnancy and gender identity.

The Commission also began a project with the Canadian Race Relations Foundation (CRRF) and a number of other partners to develop a training video and study guide dealing with racism, which will serve as a useful tool in schools, workplaces, communities and organizations (public or private sector). This project was an outgrowth of the CRRF’s earlier campaign *See People for Who They Really Are: Unite Against Racism* which consisted of several

short public service announcements featuring Canadian artists aired on Canadian television networks.

### **Advice on Human Rights Matters**

The Commission's mandate includes examining statutes, regulations, programs and policies to provide input on human rights aspects, as well as encouraging public and private entities to undertake measures to promote the objects of the *Code*. In this capacity, the Commission provided advice to the provincial government and private sector organizations in a number of areas.

For example:

- In April 2001, the Commission provided detailed input in response to the Ministry of Labour's consultation on reform of workplace tribunals and agencies.
- The same month, the Commission wrote to the Minister of Transportation pointing out that the vision requirements in the regulations under the *Highway Traffic Act* do not provide for individualized assessment of persons with vision disabilities.
- The Commission wrote to and met with the Ministry of Community and Social Services to provide ongoing comment on the issue of mandatory drug, alcohol and literacy testing of welfare recipients.
- In June 2001, the Commission wrote to the Honourable David Turnbull, Solicitor General, regarding its Policing Standards Manual (2000), Equal Opportunity, Discrimination and Workplace Harassment.
- In September 2001, the Commission wrote to the Minister of Education to request cooperation and offer support in dealing with any harassment or discrimination incidents in the school environments following the tragedy of September 11<sup>th</sup>.
- The Commission responded to reports that a company had an inappropriate drug and alcohol testing policy in place and asked impermissible questions on its application form. As a result of the Commission's intervention, the company changed its policy and procedures to ensure compliance with the *Code* and Commission policies.
- Human rights concerns raised by a legislative amendment allowing for compulsory blood testing for infectious diseases under certain circumstances were the subject of a letter from the Commission to the Minister of Health and Long-Term Care.



- In March 2002, the Commission presented an in-depth submission to the Ministry of Municipal Affairs and Housing, outlining the need for reform to the barrier-free access requirements in the Ontario *Building Code*. The submission describes priorities for change as well as the human rights principles that should be reflected in a revised *Building Code*.

## NATIONAL AND INTERNATIONAL INITIATIVES

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### Ontario Submissions

The Commission provides input into submissions required by Canada's reporting obligations under international human rights conventions as well as other national and international initiatives. In 2001-2002, the Commission provided comment on five documents:

- The United Nations' *Draft Optional Protocol to the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment*;
- *A World Fit for Children* – Ontario's Submission for Canada's contribution to the UN Special Session on Children slated for May 2002;
- Canada's 5<sup>th</sup> Report on the United Nations' *Convention on the Elimination of All Forms of Discrimination against Women*;
- Canada's 13<sup>th</sup> Report on the *Convention on the Elimination of All Forms of Racial Discrimination*; and,
- Canada's 14<sup>th</sup> Report on the *Convention on the Elimination of All Forms of Racial Discrimination*.

### Canadian Association of Statutory Human Rights Agencies

Representatives of all the human rights agencies in Canada attend the annual general meeting (AGM) of the Canadian Association of Statutory Human Rights Agencies (CASHRA). At the 2001 AGM, Commission staff were involved in delivering seminars on several human rights topics. The Commission was also integral to the drafting and adoption of two resolutions concerning social and economic rights.

The first resolution articulates CASHRA's recommendation that social condition as a ground of discrimination be included in human rights legislation

across Canada and the second resolution affirms CASHRA's commitment to giving full attention to economic and social rights within existing commission mandates.

Staff representing each of the CASHRA member agencies meet regularly by teleconference to share information and plan new public education and policy projects. With the assistance of the Human Rights Program, Canadian Heritage, the public education group is planning a three-day meeting to further plan educational activities which can be undertaken in partnership.

### **International Delegations and Visitors**

The Commission's involvement in international human rights continued to play a part in its work last year. It hosted representatives from human rights commissions and related agencies and groups from the following countries: Ethiopia, New Zealand, Ghana, South Africa, Vietnam and Japan.

## LEGAL SERVICES BRANCH

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

At the end of the 2001-2002 fiscal year, the ongoing litigation in the Legal Services Branch comprised of: 87 Board of Inquiry files, 14 judicial reviews, 8 appeals and one case at the Supreme Court of Canada.

The following are highlights of some of the significant decisions and cases over the past year.

### APPEALS

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#### *Ford Motor Co. of Canada v. Ontario (Human Rights Commission)*, Ontario Court of Appeal Decision: December 14, 2001

The complainant, Mike Naraine, worked for nine years for Ford as an electrician. During that period of time he experienced continuous racial harassment. Mr. Naraine grew increasingly frustrated and compiled a disciplinary record including counts of insubordination. He was discharged from his job in 1985.

**Result at Board of Inquiry:** The Board held that Mr. Naraine's dismissal was improper because Ford had failed to consider the effect the poisoned environment was having on the complainant. Ford appealed the Board decision to the Divisional Court.

**Result at Divisional Court:** In a unanimous decision the Divisional Court dismissed the appeal. On the issue of delay, the Court noted that the Board was in an "excellent position" to determine whether there would be prejudice to Ford. The Court agreed with the Board's determination that it was appropriate to re-visit the issues addressed by the labour arbitrator in order to make a determination on the human rights issues. The Court held that the Board was entitled to exclude as irrelevant evidence of events subsequent to Mr. Naraine's termination from Ford. The Court upheld the Board's decision that Ford would be held liable for the racial harassment on the basis that it failed to do anything to address the racial slurs and graffiti at its Windsor operations. Ford sought leave to appeal the Divisional Court's decision. Leave was granted on the sole issue of whether the Board erred in ordering Mr. Naraine's reinstatement given the prior arbitral decision upholding his discharge.

**Result at the Court of Appeal:** The Court found that the Board had jurisdiction to hear and decide Mr. Naraine’s human rights complaint and was not bound by the prior decision of the arbitrator upholding the discharge. Though the Court recognized that arbitrators are permitted to interpret and apply “human rights and other employment-related statutes” since the 1992 amendment, this did not make the arbitrator’s jurisdiction exclusive or limit the Commission’s jurisdiction in any way. In the case of Mr. Naraine, his complaints pre-dated both the 1992 amendments to the *Labour Relations Act* authorizing arbitrators to apply the *Code*, and the amendments to the *Code* authorizing the Commission to defer to another tribunal in its discretion. The current scheme of concurrent jurisdiction was not available to the arbitrator hearing Mr. Naraine’s grievance. Thus, Mr. Naraine had no choice but to bring his complaint of *Code* violations to the Commission.

The Court also found that imposing reinstatement could not be upheld in the circumstances of the case. The Court set aside the decision of the Divisional Court with respect to the remedy of reinstatement, and set aside the Board of Inquiry’s order reinstating Mr. Naraine. In all other respects, the Board of Inquiry’s order was sustained.

**Current Status:** The Commission and the Complainant are seeking leave to appeal to the Supreme Court of Canada on the denial of reinstatement.

***OHRC v. Mr. A and Mr. B, Mr. C and D Ltd.***

**Ontario Court of Appeal Decision: November 14, 2000**

Complainant A was an employee of D Ltd. B was vice-president and manager of D Ltd. He was A’s direct supervisor, and also A’s wife’s brother (i.e. A’s brother-in-law). D Ltd. was owned by C, who was also a brother of A’s wife.

A worked for D Ltd. for 26 years without incident. Just prior to the termination of his employment, his daughter told him and his wife that she had recently uncovered a memory in therapy that B had sexually abused her when she was a child. A’s wife and daughter went to confront B (A’s wife’s brother) at his home. While A had driven his wife and daughter to B’s house on that evening, he was not involved in the confrontation. On Monday, A went to work as usual, where B terminated A’s employment.

**Result at Board of Inquiry:** The Board of Inquiry found as a fact that A was able to keep his personal and employment situations separate from each other. The Board then concluded that, in the absence of any other explanation, A was

fired because of the actions of his wife and the accusations of his daughter, and that the facts amounted to discrimination based on marital or family status.

**Result at Divisional Court:** The Divisional Court upheld these factual findings but said that, even though the parties were related through marriage, this case does not amount to discrimination on the basis of family or marital status.

**Result on Appeal:** The Court of Appeal allowed the Commission's appeal, agreeing that the grounds "family status" and "marital status" must include the particular identity of one's parent, child or spouse.

**Current status:** The case has been appealed at the Supreme Court of Canada. Both sides have made their arguments and the parties are now awaiting the Court's decision.

## DIVISIONAL COURT

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### *Brillinger and the Canadian Lesbian and Gay Archives v. Imaging Excellence Inc. et al.*

**Board of Inquiry Decisions: Sept. 29, 1999 and February 24, 2000**

The complainant, Ray Brillinger, sought printing services - envelopes, letter-head and business cards - from the respondent Imaging Excellence Inc. for the Canadian Lesbian and Gay Archives (the "Archives"). The president of Imaging Excellence, Scott Brockie, denied this service on the basis of his religious beliefs. Scott Brockie believes that homosexuality is contrary to the teachings of the Christian Bible. Brockie argued that his right to freedom of religion under section 2(a) of the *Canadian Charter of Rights and Freedoms* (the "*Charter*") acts as a defence to the denial of services.

The hearing proceeded in two stages: the first stage dealt with an infringement of the *Code* and the second stage addressed the section 2(a) *Charter* defence.

**Result at Board of Inquiry (First Stage):** The Board held that the Archives is protected under the *Code*. It held that organizations like the Archives are "so imbued with the identity or character of their membership, or so clearly representative of a group that is identified by a prohibited ground under the *Code*, that they cannot be separated from their membership and the organization itself takes on the protected characteristic".

The Board held further that both Ray Brillinger and the Archives were denied printing services contrary to section 1 of the *Code*. It held that Ray Brillinger was discriminated against indirectly as a member of the Archives and its then president, and because of his association with the Archives. The Board held that the Archives was discriminated against directly and by way of association.

**Result at Board of Inquiry (Second Stage):** The Board ordered the respondents to provide printing services to gays and lesbians and to organizations in existence for their benefit. It accepted the Commission's and the Complainant's concession that such an order contravenes Brockie's religious rights under s. 2(a) of the *Charter*, but held the infringement is reasonably justified under section 1 of the *Charter*.

The Board ordered Brockie and Imaging Excellence to pay general damages in the total amount of \$5,000 to Ray Brillinger and the Archives. It held that an order of this magnitude is necessary to indicate the seriousness of the breach that occurred.

**Current status:** The decision was appealed by the Respondents to the Divisional Court. The Divisional Court made a preliminary decision that the Board exceeded its jurisdiction by adding the Canadian Lesbian and Gay Archives as a Complainant. However, the Divisional Court ruled that the deletion of the Archives did not dispose of the appeal. Both sides have made their arguments and the parties are now awaiting the Court's decision.

***Service Employees International Union,  
Local 528 v. Ontario Jockey Club***  
**Divisional Court Decision: November 8, 2001**

The Ontario Jockey Club and the Service Employees International Union applied for judicial review of conflicting decisions of two arbitrators. The case concerned two employees who suffered the gradual onset of work-related injuries. Their Collective Agreement did not cover such injuries. The employees and the union argued that this constituted discrimination on the prohibited ground of handicap (now disability) under the Ontario *Code*.

The first arbitrator had found that an insurance plan that provides benefits only to employees with "identifiable incident" injuries does not violate the *Code*. The second arbitrator held that employees who were injured gradually experience the same debilitating conditions as employees injured by identifiable incidents, and thus possess the same income replacement needs. The arbitrator

ruled that the insurance plan was discriminatory on the basis of the grievor's handicap (now disability) contrary to subsection 5(1) of the Ontario *Code*.

**Result at Divisional Court:** The Commission intervened on behalf of the Union. The Court delivered a unanimous decision to allow the Union's application to quash the unfavourable decision and to dismiss the Jockey Club's application. The findings of the second arbitrator were upheld.

**Current Status:** The decision of the Divisional Court was not appealed.

## BOARD OF INQUIRY

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*Turnbull, Chapman, Fragale, Wong-Ward,  
Macaulay v. Famous Players Inc.,*

**Board of Inquiry Decision: September 10, 2001**

The five complainants use wheelchairs and alleged that Famous Players violated the *Code* by failing to provide wheelchair-accessible theatres, by having a policy of non-admittance for patrons in wheelchairs at its inaccessible theatres, and by having a "sign-in" policy for attendants who receive free passes when accompanying persons using wheelchairs.

**Result at Board of Inquiry:** The Board found that Famous Player's failure to provide accessible facilities constituted a *prima facie* violation of section 1 of the *Code*. The Board found that the defence of undue hardship in making the theatres accessible was not established and thus, failed. In terms of the non-admittance policy, the defence of undue hardship based on health and safety was also dismissed. Conversely, the "sign-in" policy for companions was not found to violate the *Code* because users of free passes are entitled to refuse to give their name and telephone number and still get the pass. The Board also found that other holders of free passes were asked to "sign-in", thus companions of persons in wheelchairs were not singled out by this policy.

As part of the remedy, the Board ordered that Famous Players make the impugned theatres wheelchair-accessible on a phased-in basis. The Board ordered that any film being shown exclusively at an inaccessible theatre must be shown at an accessible theatre at the request of a patron who uses a wheelchair. The Board also ordered that Famous Players review its training program for employees regarding the accommodation of persons with disabilities. The award included damages for the loss arising from the infringement of each of the

Complainants' rights ranging from \$8,000 to \$10,000 and \$2,000 as damages for mental anguish for one of the Complainants as a result of the Respondent's reckless conduct.

**Current Status:** Certain matters concerning remedy remain before the Board.

***Fuller v. Daoud and Desquilbet***  
**Board of Inquiry Decision, August 17, 2001**

The Complainant, a Black man, became a tenant of the Respondents, renting out a basement apartment from them in March of 1999.

Shortly after moving in, the Complainant was subjected to unauthorized entries into his apartment, racial harassment and his ceiling (the Respondent's floor) being stomped upon. The Complainant was eventually evicted from the apartment based on false accusations.

**Result at Board of Inquiry:** The Board of Inquiry found that the Complainant had been harassed and discriminated against because of his race. In calculating the award, the Board adopted a global approach to the assessment of quantum of damages. The Board found that a plain reading of subsection 41(1)(b) of the Ontario *Code* does not impose an upper limit on the monetary compensation the Board may order for loss arising from the infringement of the right to be free from discrimination and harassment. The only limit as imposed by the section is the amount awarded for mental anguish. This sum must not exceed \$10,000 and is granted only if the Board finds that the Respondent has infringed the right in a wilful or reckless manner. The award included damages for the loss arising from the infringement of subsections 2(1) and (2) of the *Code* in the amount of \$15,000 and damages for mental anguish in the amount of \$10,000.

**Current status:** The decision of the Board of Inquiry was not appealed and the Commission is taking steps to ensure compliance with the Board order.



# MEDIATION AND INVESTIGATION BRANCH

## INQUIRY AND INTAKE SERVICES

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The Inquiry and Intake Office is the first point of contact for members of the public calling for information on filing a human rights complaint. Through the Inquiry and Intake Office, callers receive basic information on the complaint process, how to file a complaint and other information about the human rights process.

During the fiscal year 2001-2002, the Commission's call centre received a total of 170,145 telephone calls, of which 64,154 opted to speak to an Inquiry Service Representative. Of the 64,154 calls, the inquiry staff spoke to 48,732 callers. On average, calls were responded to within 2.3 minutes (during the first 11 months of the fiscal year 2001-2002<sup>1</sup>). Staff sent out 4,618 intake questionnaires, and received 2,978 completed intake packages in return.

In the fiscal year 2001-2002, 2,438 formal complaints were filed which represents an increase of 663 complaints (or 37%) from 2000/2001.

## MEDIATION SERVICES

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Mediation is a formal and voluntary opportunity for parties involved in a complaint to meet and resolve their issues early in the complaint process. The settlement rate at mediation for this fiscal year is 73.6% compared with a 73.2% settlement rate in 2000/2001. In this fiscal year, 1,328 cases were closed in the Mediation Office. This is an increase of 7% over last year.

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1. The Commission experienced a service disruption when the Ontario Public Service Employees Union went on strike on March 13, 2002. Normal Inquiry and Intake Services were not provided during this period and this statistic is based on the 11 month period from April 1, 2001 to February 28, 2002.

## INVESTIGATION SERVICES

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The average age of a complaint from opening until a decision was made was reduced from 15.4 months last year to 12.2 months this fiscal year. The median age of a complaint from opening until a decision was made increased slightly from 7 months last year to 8 months this year.

The increase in the number of complaints filed, and the number of complaints referred to investigation has not, however, significantly affected the age of the Commission's caseload. The average age of the Commission's caseload on March 31, 2002 was 11 months, a minor increase from the average age of 10.4 months in 2000/2001 given the 37 % increase in the number of complaints filed. The median age of the caseload was 8 months compared with 7 months in 2000/2001.

These figures indicate that the Commission is still maintaining a current caseload (one that is 12 months or less), despite a 37% increase in the number of complaints filed with the Commission in fiscal year 2001-2002.

Given the increase in the number of complaints filed, the Commission did not close more cases than were opened for the first time in five years. Nevertheless, the Commission resolved 1,932 cases – close to the same number as last year (1,941). More cases would have been closed this year but for the Ontario Public Service Employees Union strike, which occurred on March 13, 2002, two weeks before the end of the fiscal year – March is, historically, the month in which the Commission closes the largest number of files.

The Commission opened 2,438 cases and closed 1,932 cases in fiscal year 2001-2002. The active caseload, as at March 31, 2002 was 2,300 cases.

The Commission referred 60 human rights complaints to the Board of Inquiry (Human Rights).

### **Increase in Complaints Filed**

Under Ontario's *Human Rights Code*, the Commission is required to receive all complaints that fall within its jurisdiction. In the fiscal year 2001-2002, 2,438 new complaints were filed at the Commission representing a general rise in complaints across most grounds of discrimination. This amounts to an increase of 663 cases (or 37%) over the total of 1,775 complaints filed in the previous fiscal year 2000-2001. Until this fiscal year, new complaints filed remained

below 2,000 cases per year and averaged at 1,754 cases for the previous five fiscal years.

Because cases can cite more than one ground, a breakdown of total grounds cited across all new cases will provide a better understanding of the increase in complaints filed in 2001-2002. The chart below shows that of the total grounds cited across all complaints filed, the ground of disability increased disproportionately to other grounds from 19.6% of a total of 3,728 grounds cited in 2000-2001 to 26.2% of a total of 4,509 grounds cited in 2001-2002. Looking only at the difference in total grounds cited between these last two fiscal years, by far, the ground of disability accounted for the largest proportion of the increase in grounds cited at 57.7%.

This same upward trend is also reflected in the number of new complaints filed citing the ground of disability rising from 41.2% in 2000-2001 to 48.5% in 2001-2002.

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

There has also been a disproportional increase in new complaints filed at the Commission citing the ground of sexual orientation with the number of cases doubling from 50 in 2000-2001 to 100 in 2001-2002.

Although no decisive conclusions can be drawn as to the cause of the overall increase in new complaints filed, or the greater and disproportional increase in complaints citing the grounds disability or sexual orientation, there are a number of factors that may have played a role. Significant events during the fiscal year 2001-2002, such as the Commission's implementation of its new *Policy and Guidelines on Disability and the Duty to Accommodate*, its consultations on transit accessibility and age discrimination, as well as the Ontario Government's enactment of the *Ontarians with Disabilities Act*, all have had an effect in promoting awareness of human rights issues facing persons with disabilities and might account for some of the increase in complaints filed.

Other factors include information dissemination and the Commission's involvement in public education events such as the Human Resources Professionals Association of Ontario's annual and regional conferences.

As well, high profile cases litigated before the Human Rights Board of Inquiry or on appeal to the courts, such as *Turnbull et al v. Famous Players Inc.*

and *Brillinger and the Canadian Lesbian and Gay Archives v. Imaging Excellence Inc. et al*, have drawn extensive media and general public attention to important issues such as the duty to accommodate persons with disabilities and the rights of individuals to services free of discrimination because of sexual orientation.

The increase in disability-related complaints may also relate to a broader understanding of what constitutes disability. Recent decisions of the Supreme Court of Canada<sup>2</sup> have confirmed that “social handicapping”, i.e., society’s response to a real or perceived disability, should be the focus of the discrimination analysis. Disability must be interpreted to include its subjective component, since discrimination may be based as much on perceptions, myths and stereotypes, as on the existence of actual functional limitations. This approach takes into account evolving biomedical, social and technological developments and includes a dimension that emphasizes human dignity, respect and the right to equality. This broad and liberal interpretation is consistent with the *Code*, which includes past, present and perceived conditions, and is reflected in the Commission’s *Policy and Guidelines on Disability and the Duty to Accommodate*.

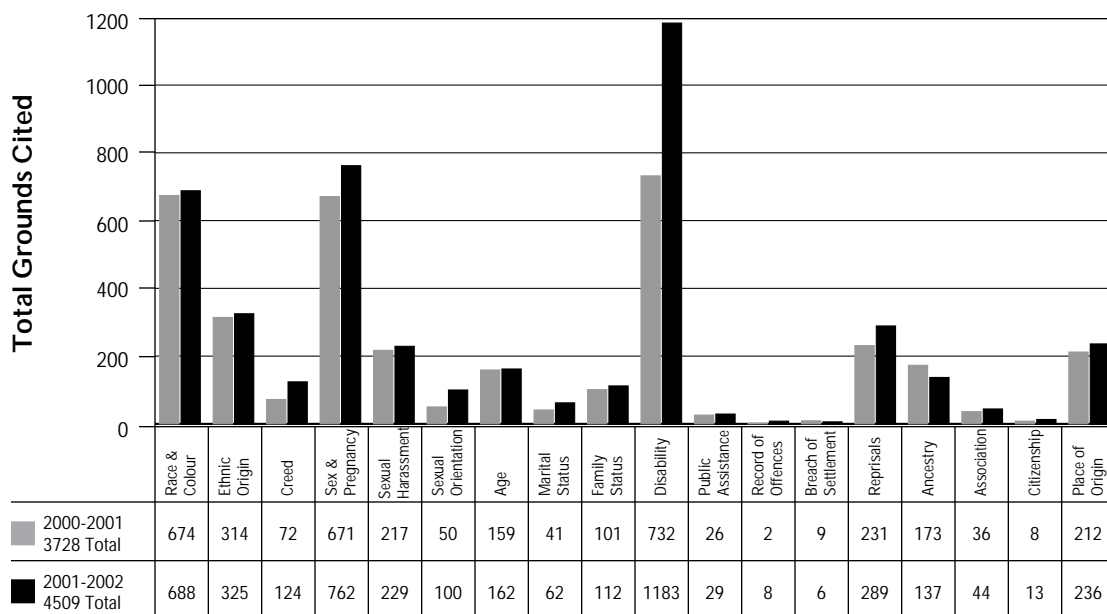
Public perception and confidence in the Commission’s ability and effectiveness in undertaking its mandated functions are also factors that impact on the public’s use of the Commission’s intake, mediation and investigation services. In addition to these compliance functions, the Commission views the promotion function of its dual mandate, carried out through its inquiry service, research, consultation, policy development, communication and public education activities, to be equally important to the advancement of human rights.

Finally, other institutions have responsibility and play important roles in the protection and promotion of human rights including government, large public service sectors such as health and education, the judiciary, the media, and other civil society and community organizations as well as individuals themselves. Their activity and any particular human rights matters that are at the forefront of public debate will also have bearing on the activity of the Commission.

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2. Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Montréal (City); Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Boisbriand (City), 2000 SCC 27 (3 May 2000), online: Supreme Court of Canada <http://www.lexum.umontreal.ca/csc-scc/en/index.html>. Granovsky v. Canada (Minister of Employment and Immigration), 2000 SCC 28 (18 May 2000), online: Supreme Court of Canada <http://www.lexum.umontreal.ca/csc-scc/en/index.html>.

### Proportion of Grounds by Total Grounds Cited



## CORPORATE INITIATIVES

On October 31, 2001, Andrea Broadley was appointed Executive Director of the Commission.

The Office of the Executive Director is responsible for directing the business operations of the Commission and acts as the administrative link with the Government through the Ministry of Citizenship’s Deputy Minister’s Office. One of its key functions is to set the strategic direction of the Commission through the development of long-term goals, annual business plans, approval of budgets and staff objectives.

The strategic planning exercise conducted in the fall of 2000 resulted in the implementation of various initiatives to enhance the services that the Commission provides. In this regard, the Commission implemented the Enhanced Integration Protocol whose primary purpose is to improve the investigative process by making effective use of the skill sets of all areas of the Commission. The Protocol calls for increased professional support from the legal and policy branches for investigations throughout the course of a complaint with the objective of continuing to improve the quality and timeliness in case management.

# ACCOUNTABILITY FRAMEWORK

The Commission has presented an Accountability Framework in each of the last four annual reports. The framework establishes targets for the organization's performance in the coming year and reports on achievements against previously established targets.

The following is a summary of achievements against targets in the 2001-2002 fiscal year.

SERVICE AREA	2001-2002 COMMITMENTS	2001-2002 ACHIEVEMENTS <small>(As of March 31, 2002 unless otherwise indicated)</small>
Promotion and Awareness of Human Rights	<ul style="list-style-type: none"> <li data-bbox="349 585 623 649">• Conduct one new public awareness campaign.</li> <li data-bbox="349 774 638 838">• Implement Phase II of the Aboriginal initiative.</li> <li data-bbox="349 1271 683 1392">• Enhance accessibility of publications through a new series of 'one-pager' information sheets on all major areas of the <i>Code</i>.</li> <li data-bbox="349 1470 683 1561">• Achieve a satisfaction rate of 80% among participants for all public education activities.</li> <li data-bbox="349 1580 632 1638">• Other significant achievements.</li> </ul>	<p data-bbox="713 585 1070 649">Initiated planning of campaign on ageism and age discrimination.</p> <p data-bbox="713 668 1125 759">Established partnerships with community organizations for development and delivery of the campaign.</p> <p data-bbox="713 778 1096 958">Implemented Phase II in partnership with Grand River Employment and Training (GREAT), Ontario Federation of Indian Friendship Centres and the Native Canadian Centre of Toronto (NCCT).</p> <p data-bbox="713 977 1125 1041">Conducted two-day training on project for Commission and NCCT staff.</p> <p data-bbox="713 1060 1125 1170">Implemented pilot program with GREAT and NCCT: Human Rights Liaison Officer hired to conduct public education and handle public inquiries.</p> <p data-bbox="713 1190 1083 1253">Received Summary Report on pilot program from GREAT.</p> <p data-bbox="713 1273 1112 1452">Produced six new one-page plain language bilingual leaflets on: human rights policies on hiring, sexual harassment, sexual orientation, racial harassment, pregnancy (including breast-feeding) and one on the Commission.</p> <p data-bbox="713 1472 1112 1501">Achieved satisfaction rate of over 80%.</p> <p data-bbox="713 1580 1066 1671">Published <i>Human Rights Policy in Ontario</i> in partnership with CCH Canadian Ltd.</p> <p data-bbox="713 1690 1125 1748">Updated and released revised version of <i>Teaching Human Rights in Ontario</i>.</p>

SERVICE AREA	2001-2002 COMMITMENTS	2001-2002 ACHIEVEMENTS (As of March 31, 2002 unless otherwise indicated)
Policy	<ul style="list-style-type: none"> <li>• Release Consultation Report on Age Discrimination.</li> <li>• Develop workplace guides on disability issues in plain language for both employers and employees and a separate plain-language guide to inform people of their rights and responsibilities.</li> <li>• Initiate consultations on disability in the education sector.</li> <li>• Develop Consultation Report on transit accessibility.</li> <li>• Other significant policy achievements.</li> <li>• Ensure international obligations are integrated into all new policy work.</li> </ul>	<p>Released Consultation Report, <i>Time for Action: Advancing Human Rights for Older Ontarians</i>, on June 26, 2001.</p> <p>Policy on age discrimination against older persons approved by Commission on March 26, 2002, for release in the next fiscal year.</p> <p>Prepared draft guides and held two focus groups for input: one with employee representatives and one with employer representatives.</p> <p>Feedback received to be used to further develop the documents.</p> <p>Developed Strategy and Consultation Paper in preparation for launch of consultations in next fiscal year.</p> <p>Consultation Report approved by Commission in March for release early in the 2002-2003 fiscal year.</p> <p>Released the <i>Human Rights Issues in Insurance: Consultation Report</i> in October 2001.</p> <p>Updated <i>Policy on Discrimination Because of Pregnancy and Breastfeeding</i>.</p> <p>Provided ongoing advice to the provincial government and private sector organizations on a number of issues.</p> <p>Integrated international obligations in Commission's work on age discrimination, intersectionality, disability, transit accessibility, social and economic rights, and pregnancy and breastfeeding.</p> <p>Provided input on Canada's reports under international instruments.</p> <p>Undertook or participated in initiatives to explore how commissions can help Canada meet its international obligations, e.g. posting of Research Paper and Policy Dialogue proceedings on Web site, presentation to Standing Senate Committee on Human Rights, drafting and adoption of CASHRA resolutions on economic and social rights.</p>

SERVICE AREA	2001-2002 COMMITMENTS	2001-2002 ACHIEVEMENTS <small>(As of March 31, 2002 unless otherwise indicated)</small>
Inquiry and Intake Services	<ul style="list-style-type: none"> <li>• Average response time on calls handled by inquiry service representatives will be within 2.5 minutes.</li> <li>• Draft complaints within 15-20 days.</li> </ul>	<p>Average response time was 2.3 minutes (during the 11-month period prior to the Ontario Public Service Employees Union strike).</p> <p>Average time to draft a complaint was 14 days. This achievement was met at a level below the objective.</p>
Mediation and Investigation Services	<ul style="list-style-type: none"> <li>• Achieve at least a 65% settlement rate in cases in which mediation has been attempted.</li> <li>• Once parties have agreed to mediation, the mediation will be completed within 3 to 6 months.</li> <li>• The average time required to resolve a complaint, from filing to closing, will be reduced from 15.4 months to less than 14 months.</li> </ul>	<p>Settlement rate of 73.6% in cases in which mediation was attempted. This is comparable to last year's rate of 73.2%.</p> <p>The average age of 1,328 cases closed by mediation was 4.1 months.</p> <p>The average age of a complaint from opening until a decision was made was reduced from 15.4 months last year to 12.2 months this fiscal year.</p>
Corporate Initiatives	<ul style="list-style-type: none"> <li>• Begin implementation of corporate strategic plan 2001-2003.</li> </ul>	<p>Implemented Enhanced Integration Protocol and improved the investigative process by utilizing legal and policy staff input throughout the process.</p>



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

SERVICE AREA	2002-2003 COMMITMENTS
Promotion and Awareness of Human Rights	<ul style="list-style-type: none"> <li>• In partnership, implement ageism and age discrimination public awareness campaign and related public education activities.</li> <li>• Implement Phase III of Aboriginal Human Rights Initiative.</li> <li>• Achieve a satisfaction rate of 80+% among participants for all evaluated public education.</li> <li>• <i>Teaching Human Rights in Ontario</i>. Make additional resources available to teachers on the Commission's Web site.</li> </ul>
Policy	<ul style="list-style-type: none"> <li>• Release the Policy on age discrimination against older persons.</li> <li>• Release Discussion Paper, <i>An Intersectional Approach to Discrimination: Addressing Multiple Grounds in Human Rights Claims</i>, and solicit feedback from stakeholders.</li> <li>• Conduct consultations on disability in the education sector with a view to developing a consultation report and specific guidelines.</li> <li>• Release the Consultation Report on transit accessibility.</li> <li>• Publish plain-language workplace guides on disability issues.</li> <li>• Undertake further work to promote accessibility among service providers in Ontario.</li> <li>• Initiate project on race, ethnicity and origin.</li> <li>• Develop tools to help employers implement human rights policies and procedures in workplaces.</li> <li>• Ensure international obligations are integrated into all new policy work.</li> <li>• Monitor relevant United Nations Conventions and Human Rights Decisions.</li> </ul>
Inquiry and Intake Services	<ul style="list-style-type: none"> <li>• Average response time on calls handled by Inquiry Service Representative will be within 2.3 minutes.</li> <li>• Draft complaints within 14 - 18 days.</li> </ul>
Mediation and Investigation Services	<ul style="list-style-type: none"> <li>• Achieve at least a 65% settlement rate in cases in which mediation has been attempted.</li> <li>• Once parties have agreed to mediation, the mediation will be completed within 3 - 6 months.</li> <li>• The average time required to resolve a complaint, from filing to closing, will be less than 14 months.</li> </ul>
Corporate Initiatives	<ul style="list-style-type: none"> <li>• Continue to implement the corporate strategic plan 2001-2003.</li> </ul>

# APPENDICES

## LIST OF COMMISSIONERS

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KEITH C. NORTON, Q.C., B.A., LL.B.

Chief Commissioner

Keith Norton was appointed Chief Commissioner of the Commission on July 18, 1996. He is an educator and a lawyer by training, having studied law at Queen's University in Kingston, as well as having received a diploma in education from the Ontario College of Education. He practiced criminal and family law in Kingston, Ontario, and taught at the secondary and post-secondary levels.

Mr. Norton is a former Minister of Community and Social Services and served as Parliamentary Assistant to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs. He has also served as Minister of Health, Minister of Education and Minister of Colleges and Universities.

As Minister of the Environment between 1981 and 1983, Mr. Norton became the first Canadian cabinet minister to testify before a Committee of the United States Senate. Throughout his career, Mr. Norton has championed issues related to persons with disabilities, senior citizens and the disadvantaged. He has also been involved in a number of business ventures.

Mr. Norton is a former President of the Canadian Human Rights Tribunal.



CHERYL BLONDELL

Cheryl Blondell was appointed to the Commission in February 1997. She is an Assistant Crown Attorney in the Ministry of the Attorney General. She formerly served as Criminal Duty Counsel with the Ontario Legal Aid Plan, where she advised and represented accused persons. Ms. Blondell worked for the Commission in the summer of 1989 as part of the team that created the Systemic Investigations Unit.



PETER LI

Peter Li is the General Manager of Sing Tao Daily News, Eastern Edition. Mr. Li was appointed to the Commission in September 1997. He is a member of the Chinese Canadian Development Committee of the Hospital for Sick Children Foundation and sits on the Asian Business Committee of Metro Toronto and York Region's Junior Achievement. Mr. Li was a member of Canada Trust's Asian Advisory Council. He has also served as a Director of the Chinese Information and Community Services and was a past Vice-President of the Chinese Canadian Advertising, Media and Marketing Association. Mr. Li is a former General Manager of Hotel Victoria and Project Administrator of the Chinatown Centre.



The Revd Fr. WILLIAM G. CLIFF

Fr. Cliff was appointed to the Commission in February 1997. He is the Rector of the Collegiate Chapel St. John the Evangelist at Huron University College and Anglican Chaplain to the University of Western Ontario in the Diocese of Huron. He is a former member of the University of Western Ontario Senate, a former Padre with the Royal Canadian Legion and Police Chaplain holding the rank of Honourary Inspector, and a Fellow of the National College of Music (U.K.) An active singer and performer, Fr. Cliff, with three other colleagues have sung in numerous concerts and released 3 recordings to raise money for the relief of hunger. To that end, he has been made an honorary life member of the Primate's World Relief and Development Fund; the international development fund of the Anglican Church of Canada, for services to the fund. Trained at the University of Western Ontario Faculty of Music, King's College and Huron University College, Fr. Cliff has served parishes in London, Simcoe, Hanover, Durham, Strathroy, and Adelaide, Ontario.



RICHARD MILES

Before his appointment to the Commission in July 1992, Richard Miles held senior administrative positions with the Ministry of Community and Social Services, the Federal Secretariat for Disabled Persons Office, and the Handicapped Action Group Incorporated in Thunder Bay. Mr. Miles was appointed by the Minister of Citizenship, Culture & Recreation to the task force, which conducted a procedural review of the Ontario Human Rights Commission.



MARNIE PAIKIN, CM

Marnie Paikin was appointed to the Commission in September 1996. She is a past President of the Canadian Council of Christians and Jews, and a recipient of the Province of Ontario's "Outstanding Woman Award" and of the Human Relations Award of the Canadian Council of Christians and Jews. She has been inducted into the Hamilton Gallery of Distinction and has been appointed a Member of the Order of Canada. Ms. Paikin is currently a Director of Atomic Energy of Canada Ltd. and of Westcoast Energy Inc.



NALIN KANUCK

Nalin Kanuck was appointed to the Commission in September 1997. He is a Management and Financial Consultant. He is also an advisor on Race Relations to the York Region Board of Education. Mr. Kanuck is a former Justice of the Peace in Sri Lanka, a position that required him, among other judicial functions, to investigate human rights violations. He was also Chairman and Managing Director of the Regional Development Board in the Ministry of Regional Development in Sri Lanka. He also functioned as a Director of the National Youth Service Council in Sri Lanka's Prime Minister's Office. Mr. Kanuck has a Bachelor of Applied Arts in Public Administration from Ryerson University, Toronto, a Bachelor of Arts Degree from the University of Ceylon and an Executive Diploma in Public Administration from the University of Colombo, Sri Lanka. The City University of California also awarded him an Honourary Doctorate Degree in Public Administration. He is a graduate of the Canadian Institute of Certified Administrative Managers and a Fellow of the British Institute of Management, England.



MICHEL LALONDE

Michel Lalonde is Reeve of the East Hawkesbury municipal council, having served over the last 20 years as Councillor and as Deputy Reeve. He was appointed to the Commission in December 1997. In 1993, Mr. Lalonde served as Warden of the Council for the United Counties of Prescott and Russell. He was subsequently elected to the Council's executive, planning and public works committees. He received the Award of Merit for the County of Prescott for the year 1985 and also served as President of the Prescott Mutual Insurance Board and of the Hawkesbury and District General Hospital Board. A farmer by occupation, Mr. Lalonde is an active participant in the local farming community. He served from 1989 to 1996 on the board of directors of the Glengarry, Prescott and Russell Local Agricultural Employment Board and as President of the Prescott Peer Review Committee for Environmental Farm Plan from 1993 to 1997.



CLAUDETTE ROBINSON

Claudette Robinson was appointed to the Commission in March 1998. She studied at the University of Ottawa and McMaster University. Ms. Robinson is the French Coordinator at Sheridan College and a language consultant for corporate clients. She has co-authored a series of French readers for elementary and secondary schools. She was the author and co-author of three national French television series for TVO educational programs one of which she hosted. She has been consultant for the Halton Board of Education, has taught at the University of Ottawa summer school and has been Principal of the Teaching French as a Second Language course for the Ministry of Education.



#### ABDUL HAI PATEL

Abdul Hai Patel was appointed to the Commission in April 1999. Mr. Patel received his primary education in India, secondary education in Barbados and post-secondary education at York University.

Mr. Patel is a recipient of the Canada 125 commemorative medal from the Governor General for Community Service. He is a recipient of the Volunteer Service Award from the Ministry of Citizenship, Culture and Recreation, a member of the South & West Asian consultative committee of the Toronto Police, and a coordinator of the Islamic Coordinating Council of Imams-Canada. Mr. Patel is also the Vice-Chair of the Association of Employees for Employment Equity with New Horizon Solutions Inc., a division of Ontario Power Generation Company and serves as a member of the Provincial Committee of Power Workers Union on Employment Equity and Diversity.



#### CHRISTIANE RABIER

Christiane Rabier was appointed to the Commission in April 1999. Ms. Rabier received her PhD from the University of Nice-Sophia-Antipolis; she received her Masters from the University of Montreal and studied public law at the University of Montpellier in France. She is currently Chair of the Department of Political Science and Vice-Dean of Social Sciences and Humanities at Laurentian University in Sudbury.

Ms. Rabier is active within the francophone community in Sudbury and has worked on a program for francophone women to attend post secondary studies, as well as served as a consultant with TV Ontario on Continuing Education. She also served as a volunteer with Canada's Special Olympics in 1998 and Operation Red Nose in 1999.



#### JUDITH-ANN MANNING

Judith Ann-Manning was appointed to the Commission in February 2000. Ms. Manning is an Accessible Services Planner/Barrier-Free Consultant. She majored in Criminology and Law at the University of Toronto. She currently is the Co-ordinator of the University of Toronto's Wheelchair Access Committee and has held the position of Chair of the North York Advisory Committee For Persons With Disabilities, co-Chair of the Board of Directors of the Centre for Equality Rights in Accommodation, and vice-Chair of the Toronto Transit Commission's Advisory Committee on Accessible Transportation. Ms. Manning also volunteers at the Sunnybrook Health Science Centre in the annual Run for Research.



**MAE RADFORD**

Mae Radford was appointed to the Commission in April 1999. Ms. Radford received a diploma in nursing from the Toronto Western Hospital and a Bachelor of Arts in health administration from York University. She is currently the manager of volunteer services, overseeing operations of a team of 1700 volunteers who deliver friendly visiting, palliative care volunteer visiting, transportation, and Meals on Wheels for the VON Hamilton-Wentworth.

Ms. Radford is a member of the Coalition of Community Health and Support Services, which advocates for community-based health care. She is a member of the Ontario Community Support Association and the Chair of District B. Ms. Radford is the vice-chair of the Citizen Committee for Violence Against Women for the City of Burlington.



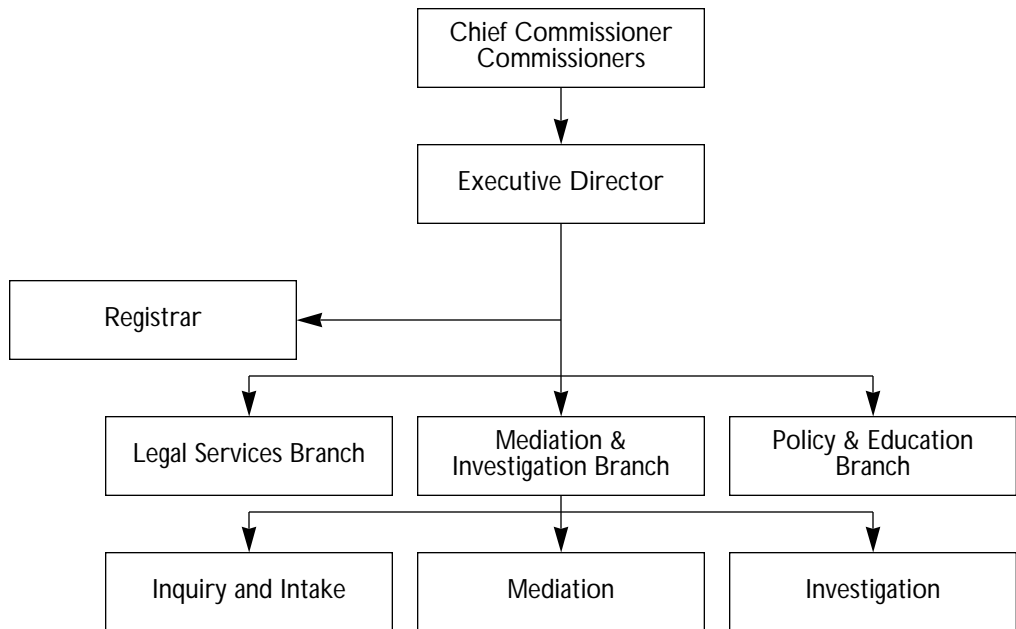
**RICHARD THÉBERGE**

Richard Théberge was appointed to the Commission in February 2002. He is a lawyer, policy analyst and communications consultant. He has held senior posts in the federal government analyzing and developing policies in connection with business and corporate law. He has volunteered with many organizations that work with the youth and disability communities. He has been recognized as a patron of deaf youth by the Jules Leger Centre in

Ottawa, Ontario, as well as awarded a lifetime honorary membership in the Canadian Council of Independent Laboratories for his years of work on behalf of the independent testing industry.

## ORGANIZATIONAL CHART

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## BRANCH DESCRIPTIONS

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### Office of the Chief Commissioner

The **Office of the Chief Commissioner** provides leadership and guides the Commission in carrying out its statutory functions in a way that ensures that, at both the government and community levels, human rights are protected in the province. The Chief Commissioner and Commissioners set policy direction and make decisions about complaints relating to the *Code*.

### Office of the Executive Director

The **Office of the Executive Director** provides leadership and direction to senior management staff of the Commission in carrying out its statutory mandate; directs the development and implementation of corporate and operational plans; and leads the planning and implementation of ongoing organizational improvement initiatives within the Commission. The Registrar's Office, attached to the Office of the Executive Director, is responsible for processing Reconsideration requests, co-ordinating all functions related to Commission and Panel Meetings, and Freedom of Information and Ombudsman issues.

## Mediation and Investigation Branch

The **Mediation and Investigation Branch** handles all the enforcement functions of the Ontario Human Rights Commission through a network of offices across the province.

The public's first contact with the Commission is through the centralized Inquiry and Intake Unit. This office handles all inquiries and drafts complaints from across the province. The Mediation Office provides mediation services as well as processing Section 34 requests which gives the Commission discretion not to deal with a complaint, if it could have been resolved elsewhere, is filed in bad faith, is out of time or is outside the Commission's legal authority. The Investigation Office undertakes investigation and conciliation of complaints.

The Branch also develops multi-year strategies to effectively manage the Commission's caseload and procedures for the mediation and investigation of complaints. In addition, the Branch assists in carrying out the Commission's public education mandate.

## Policy and Education Branch

The **Policy and Education Branch** provides leadership and direction for the promotion and advancement of human rights and supports the enforcement of the *Code*.

The Branch ensures the promotion of human rights through compliance with the *Code* and with international human rights obligations. This includes the development of public policy statements, formal guidelines and research on a broad range of human rights and social justice issues. The Branch is responsible for national and international liaison, issues management, media and stakeholder relations, the Web site and publications. It also conducts public consultations and focus groups and represents the Commission on intergovernmental task forces and delegations.

The Branch is responsible for the strategic planning function for public education and communications at a corporate level and for implementing a wide range of educational programs and partnership initiatives, such as public awareness campaigns, presentations, workshops and conferences. The Branch also provides communications and policy support to the Offices of the Chief Commissioner and the Executive Director.

## Legal Services Branch

The **Legal Services Branch** assists the Commission in fulfilling all aspects of its mandate, including compliance, public education and litigation. Its activities include providing legal advice to senior management, Mediation and Investigation managers and officers concerning investigation and conciliation of cases, providing legal opinions requested by the Commission, and serving as legal counsel to the Commission before the Board of Inquiry and the courts (on matters of judicial review and appeals).



## LIST OF PUBLICATIONS

	Publications Ontario	Web Site
<b>Plain Language Documents</b>		
Female Genital Mutilation: Questions and Answers (available in English/French, Arabic/Somali, Swahili/Amharic) (8/99)		√
Guide to the Human Rights Code (5/99)	√	√
Guide to Mediation Services (5/97)		√
Hiring (11/01)	√	√
Hiring? A Human Rights Guide (9/99)		√
Human Rights at Work (9/99)	√	√
Human Rights in Ontario (available in English/French; Bengali/Urdu; Hindi/Punjabi; Gujarati/Tamil) (7/00)	√	
If You Have a Human Rights Complaint – A Complainant’s Guide (5/97)		√
If You Receive a Human Rights Complaint – A Respondent’s Guide (5/97)		√
Pregnancy and Breastfeeding (11/01)	√	√
Pregnancy – Before, During and After: Know Your Rights (5/99)	√	√
Protecting Religious Rights (1/00)	√	√
Racial Harassment (11/01)	√	√
Racial Slurs and Harassment and Racial Jokes (6/96)		√
Role of the Commission: What you need to know (11/01)	√	√
Sexual Harassment(11/01)	√	√
Sexual Harassment and Other Comments or Actions About a Person’s Sex (11/96)		√
Sexual Orientation (11/01)	√	√
<b>Policies and Guidelines</b>		
Guidelines on Special Programs (11/97)		√
Policy and Guidelines on Disability and the Duty to Accommodate (11/00)		√
Policy on Creed and The Accommodation of Religious Observances (10/96)		√
Policy on Discrimination and Harassment Because of Gender Identity (3/00)		√
Policy on Discrimination and Harassment Because of Sexual Orientation (1/00)		√
Policy on Discrimination and Language (6/96)		√
Policy on Discrimination Because of Pregnancy (5/99)		√
Policy on Drug and Alcohol Testing (9/00)		√
Policy on Employment-Related Medical Information (6/96)		√
Policy on Female Genital Mutilation (FGM) (11/00)		√
Policy on Height and Weight Requirements (6/96)	√	
Policy on HIV/AIDS Related Discrimination (11/96)		√
Policy on Racial Slurs & Harassment & Racial Jokes (6/96)		√
Policy on Requiring a Driver’s Licence as a Condition of Employment (6/96)		√
Policy on Scholarships and Awards (7/97)		√
Policy on Sexual Harassment & Inappropriate Gender-Related Comments and Conduct (9/96)		√

	Publications Ontario	Web Site
<b>Other Publications</b>		
Annual Report	√	√
Developing Procedures to Resolve Human Rights Complaints Within your Organization (6/96)		√
Human Rights Code	√	√
Human Rights Code Card (11" x 17")	Contact the Commission	
Mediation Services Participant Satisfaction Report (9/99)	Contact the Commission	
Human Rights Policy in Ontario (2001)	Contact CCH Canadian Ltd. 90 Sheppard Avenue East Suite 300 Toronto, ON M2N 6X1 Toll Free: 1-800-268-4522 E-mail: <a href="mailto:cservice@cch.ca">cservice@cch.ca</a>	

## LIST OF PUBLIC EDUCATION ACTIVITIES

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### Aboriginal

Ontario Federation of Indian Friendship Centres

### Business/Legal

Akzo Nobel Coatings Ltd.

Bancroft Institute

Canadian Association of Pre-Retirement Planners

Casino Niagara

Centre for Labour-Management Development

Hicks Morley (3)

Human Resources Professionals Association of Ontario (HRPAO)

- Brantford

- Guelph and District

- Halton

- North Bay Chapter

- Northwestern Ontario

- Quinte Chapter

- Toronto (HRPAO Annual Conference 2002)

Huronian Bed and Breakfast Association

INFONEX – conference

Lancaster House & U of T Industrial Relations – conference

Law Society of Upper Canada

Matrix Logistics Services Limited

Metropolitan Toronto Lawyers' Assoc.

Osgoode Hall Law School, Community and Legal Aid Services Programme

Rapistan Systems Ltd.

slmsoft.com Inc.

Spherion Workforce Architects

The Canadian Institute (2)

TSC Stores Ltd.

### Community

Adult Protective Service Association of Ontario (APSAO)

Ajax Baha'i Community

Beatrice House

Canadian Association of Community Living (3)

Canadian Association of Retired Persons

Canadian Hearing Society

Chinese Lingual-Cultural Centre of Canada

City of Kitchener Race Relations Committee

COSTI Immigrant Services (2)

Future Abilities and Creative Employment (FACE)

Independent Living Centre London & Area

Les Amis Francophiles du Niagara

London Area Mediators' Association

Markham Race Relations Committee

Ontario Gerontology Association

Parkdale Intercultural Association – Job Fair

Peel Region Islamic Circle of North America Pride 2001

Toronto Theatre Alliance

Victim-less 2001 Conference (Halton Regional Police Services)

Volunteer Centre of Toronto Ready and ABLE Conference

Wabano Centre for Aboriginal Health

Warden Woods Community Centre

Wood Green Community Centre

YMCA – Employment Services Information Warehouse

## LIST OF PUBLIC EDUCATION ACTIVITIES

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### Education

Bear Creek Secondary School  
 Canadore College – North Bay (2)  
 Collège des Grands Lacs  
 Dufferin-Peel Catholic District School Board  
 George Brown College: Human Resources Programme (2)  
 Georgian College – Human Resources Management  
 La Cité collégiale  
 Laurentian University (2)  
 McMaster University  
 Nantyr Shores Secondary School  
 Niagara College  
 Ontario Business Educators Association  
 Queen's University – School of Policy Studies – MPA Programme  
 Ryerson Polytechnic University – School of Disability Studies  
 Sheridan College  
 University of Waterloo  
 Wilfrid Laurier University – Special Needs Office  
 York University Faculty of Education  
 York University – Labour Studies Programme

### International

Ethiopian Delegation  
 Human Rights Forum 21 (Japan)  
 Kylie Clode, Policy Manager, New Zealand Disability Strategy, Disability Issues Directorate, Ministry of Health  
 Mr. Seth Obo – Commission on Human Rights and Administrative Justice, Ghana  
 Mr. Ashraf Mohomad – Legal Resources Centre, South Africa

Michael Powles - New Zealand Human Rights Commission  
 Parliamentary Centre – Asia Programme (8 delegates from Vietnam)  
 Paul Rishworth-University of Auckland (New Zealand)

### Public Sector

British Columbia Human Rights Commission  
 Canadian Human Rights Commission – Policy Branch  
 City of Hamilton – Social & Public Health Services  
 City of Toronto – Access & Equity Unit  
 Employment Resource Managers' Network  
 Employment Standards Intake Centre, Ministry of Labour  
 Ministry of Labour  
 Ministry of Natural Resources  
 Mount Sinai Hospital  
 Municipal WSIB Users Group  
 New Brunswick / Nova Scotia Human Rights Commissions  
 Ombudsman Ontario  
 Ontario Association of Social Workers  
 Ontario College of Teachers  
 Ontario Multifaith Council  
 Ontario Non-Profit Housing Association  
 Schedule 2 Employers' / WSIB Conference  
 Standing Senate Committee on Human Rights

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

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

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

**Table 2: Settlements by Ground in Cases Mediated in 2001-2002**

Age	\$ 57,743.49	13	\$ 4,441.81
Ancestry	\$ 19,500.00	5	\$ 3,900.00
Association	\$ 1,410.00	2	\$ 705.00
Citizenship	\$ 2,400.00	2	\$ 1,200.00
Creed	\$ 87,867.00	17	\$ 5,168.65
Disability	\$ 818,369.46	165	\$ 4,959.81
Ethnic Origin	\$ 148,206.00	27	\$ 5,489.11
Family Status	\$ 116,292.75	23	\$ 5,056.21
Marital Status	\$ 44,300.00	8	\$ 5,537.50
Place of Origin	\$ 108,550.00	23	\$ 4,719.57
Public Assistance	\$ 9,320.00	7	\$ 1,331.43
Race and Colour	\$ 311,840.00	58	\$ 5,376.55
Reprisal	\$ 246,637.66	43	\$ 5,735.76
Sex & Pregnancy	\$ 578,506.64	120	\$ 4,820.89
Sexual Harassment	\$ 224,117.40	43	\$ 5,212.03
Sexual Orientation	\$ 59,500.00	13	\$ 4,576.92
<b>Total for All Grounds*</b>	<b>\$ 2,834,560.40</b>	<b>569</b>	<b>\$ 4,981.65</b>
<b>*Note:</b> Because complaints can involve multiple grounds, the total sum of monetary damages by ground exceeds the sum of monetary damages by complaints \$1,635,249.51	Monetary Damages	Number Receiving Damages	Average

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

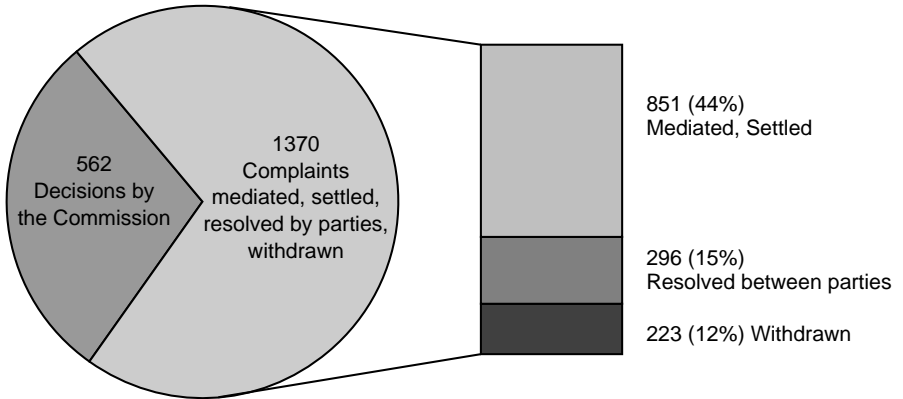
Dismissed	21	29	14	1	1	13	79	47	8	10	34	9	85	1	30	81	11	10	<b>484</b>	249	13%
Failed to Provide Evidence	4	2			1		12	2	3	1	3	1	14		5	20	5	1	<b>74</b>	35	2%
Not Dealt With (Sect. 34)	23	21	2	1	1	17	98	56	2	6	37	1	92	2	19	30	6	9	<b>423</b>	218	11%
Referred to Board of Inquiry		4		1	2	1	22	8	2	1	5	4	16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

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

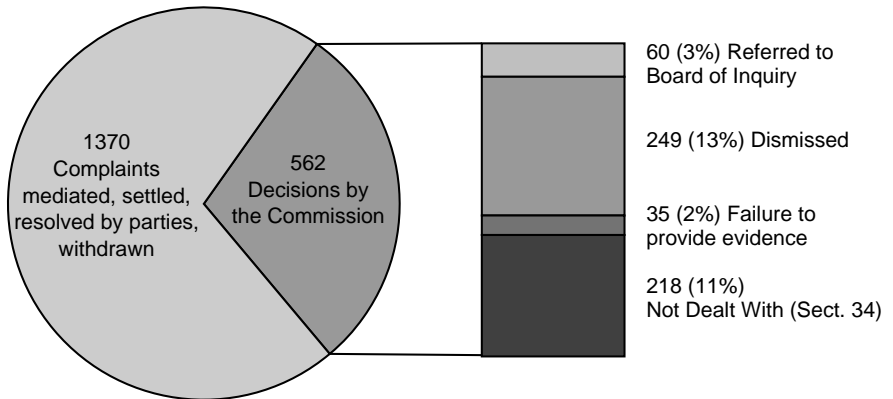
**Table 4: Complaints Closed by Disposition and Social Area**  
**Total Number of Complaints Closed = 1,932**

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

### Resolved Cases: Details on Settlements



### Breakdown of Commission Decisions



## BOARD OF INQUIRY DECISIONS AND SETTLEMENTS

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### Decisions

#### Age

*Sinclair and Newby v. Morris A. Hunter Investments Ltd. et al.*

#### Breach of Settlement

*Seguin v. Ininew Friendship Centre et al.*

#### Colour

*Fuller v. Daoud and Desquilbet*

*Seguin v. Ininew Friendship Centre et al.*

*Sinclair and Newby v. Morris A. Hunter Investments Ltd. et al.*

#### Ethnic Origin

*Fuller v. Daoud and Desquilbet*

#### Handicap

*Turnbull, Chapman, Fragale, Wong-Ward, Macaulay v. Famous Players Inc.*

#### Race

*Fuller v. Daoud and Desquilbet*

*Sinclair and Newby v. Morris A. Hunter Investments Ltd. et al.*

#### Reprisal

*Seguin v. Ininew Friendship Centre et al.*

*Jones v. Amway of Canada et al.*

#### Sex

*Aass and Ross v. 811120 Ontario Limited et al.*

#### Sexual Solicitation

*Aass and Ross v. 811120 Ontario Limited et al.*

### Settlements

#### Age

*Thomas and Killingbeck v. General Electric Canada Inc. et al.*

*Feeney, Cossar and Gladish v. Sharisma Marketing Inc. et al.*

*Bennett, Ilkov, McKellar, Fermanis, Roblero and Kellman v. Cinram*

*Sadaat v. Hanley Corporation et al.*

*Turan v. McMaster University Mechanical Engineering Dept. et al.*

#### Ancestry

*Thornton v. Her Majesty the Queen et al.*

*Turan v. McMaster University Mechanical Engineering Dept. et al.*

#### Colour

*Sadaat v. Hanley Corporation et al.*

*Neptune v. Lavigne Tire Sales Limited et al.*

*Fuller v. Daoud and Desquilbet*

*Thornton v. Her Majesty the Queen et al.*

*Ladouceur v. Central Taxi et al.*

#### Ethnic Origin

*Yenie v. Ideal Parking Inc. et al.*

*Petkovski v. 104055 Ontario Ltd. et al.*

*Fuller v. Daoud and Desquilbet*

*Turan v. McMaster University Mechanical Engineering Dept. et al.*

#### Family Status

*Gilao v. York Condominium Corporation No. 340*

*Franklin v. 629703 Ontario Limited et al.*

*Wray v. City of Hamilton et al.*



**Handicap**

*Rodway v. Orange Properties Ltd. et al.*  
*Lapierre v. Kidd Creek Mines et al.*  
*Blake v. Grand Valley Knechtles et al.*  
*Jeppesen v. Corporation of the Town of Ancaster Fire and Emergency Services et al.*  
*Lesser v. IBM Canada Ltd. et al.*  
*Burke v. Toronto District School Board*  
*Darocy v. Globe Manufacturing Inc. et al.*  
*Mirzaie v. Rochester Aluminum Smelting Canada Ltd. et al.*  
*Brady v. City of Toronto Fire Department*  
*Seeberan-Edwards v. Neinstein et al.*

**Harassment**

*Mirzaie v. Rochester Aluminum Smelting Canada Ltd. et al.*  
*Broughton and M.C. Warren & Associates v. Warren*  
*Rowe v. Stevanovich et al.*

**Place of Origin**

*Sadaat v. Hanley Corporation et al.*  
*Yenie v. Ideal Parking Inc. et al.*  
*Turan v. McMaster University Mechanical Engineering Dept. et al.*

**Race**

*Sadaat v. Hanley Corporation et al.*  
*Yenie v. Ideal Parking Inc. et al.*  
*Neptune v. Lavigne Tire Sales Limited et al.*  
*Fuller v. Daoud and Desquilbet*  
*Thornton v. Her Majesty the Queen et al.*  
*Receipt of Public Assistance*  
*Franklin v. 629703 Ontario Limited et al.*

**Reprisal**

*Petkovski and 104055 Ontario Ltd. et al.*  
*Seeberan-Edwards v. Neinstein et al.*  
*Wilson and Thorne v. Hi-Lo Investment et al.*

**Sex**

*Wray v. City of Hamilton et al.*  
*Broughton and M.C. Warren & Associates v. Warren*  
*Pitcher v. Tubefit Inc. et al.*  
*McLaughlin et al. v. Grenville Student Transport Authority et al.*  
*Turan v. McMaster University Mechanical Engineering Dept. et al.*  
*O'Dowd v. Bell Sigma Inc. et al.*  
*Rowe v. Stevanovich et al.*

**Sexual Harassment**

*O'Dowd v. Bell Sigma Inc. et al.*  
*Ladouceur v. Central Taxi et al.*

**Sexual Solicitation**

*Rowe v. Stevanovich et al.*  
*Ladouceur v. Central Taxi et al.*

**Divisional Court  
(Judicial Review)****Ancestry**

*Lanuza v. Toronto Hospital and OHRC.*

**Association**

*Sandringham Place Inc. et al. v. OHRC*

**Colour**

*Lanuza v. Toronto Hospital and OHRC*

**Family Status**

*Sandringham Place Inc. et al. v. OHRC*

**Handicap**

*Sandringham Place Inc. et al. v. OHRC*  
*Service Employees International Union et al. v. The Ontario Jockey Club et al.*  
 (OHRC as Intervenors)

**Place of Origin**

*Lanuza v. Toronto Hospital and OHRC*

**Race**

*Lanuza v. Toronto Hospital and OHRC*

**Sex**

*Lanuza v. Toronto Hospital and OHRC*

*Pritchard v. Sears Canada Inc. and OHRC*

**Sexual Harassment**

*Pritchard v. Sears Canada Inc. OHRC*

**Reprisal**

*Pritchard v. Sears Canada Inc. and OHRC*

**Court of Appeal**

**Creed**

*Speaker of the Legislative Assembly of Ontario and OHRC v. Freitag*

**Handicap**

*OHRC and Dofasco Inc. v. Jeffrey et al.*

**Harassment**

*Thomas v. OHRC and Midas Canada Inc.*

**Race**

*Shiu and OHRC v. Superior-Greenstone District School Board et al.*

*OHRC and Naraine v. Ford Motor Company of Canada Ltd. et al.*

**Sex**

*Thomas v. OHRC and Midas Canada Inc.*

Leave to Appeal to CA dismissed:

**Ancestry, Colour, Race, Harassment**

*Patel v. The Regional Municipality of Peel et al. and OHRC*

**Supreme Court of Canada**

Leave to Appeal to SCC dismissed:

**Ancestry, Colour, Race, Harassment**

*Patel v. The Regional Municipality of Peel et al. and OHRC*

**FINANCIAL STATEMENT**

**2001-2002 Actual Year-End Financial Position (\$'000)**

	2001-02 Printed Estimates	Year-End Budget Adjustments	Revised Budget Mar. 31, 2002	Actual Expenditure Mar. 31, 2002	2001-2002 Year-End Variance	
					\$	% of Revised Budget
Salaries & Wages	<b>7,924.1</b>	<b>(1,003.8)</b>	6,920.3	6,642.4	277.9	4.0
Employee Benefits	<b>1,349.1</b>	<b>71.6</b>	1,420.7	1301.6	119.1	8.4
Other Direct Operating Expenses (ODOE)	<b>2,087.9</b>	<b>1,444.4</b>	3,532.3	3,416.1	116.2	3.3
	<b>11,361.1</b>	<b>512.2</b>	<b>11,873.3</b>	<b>11,360.1</b>	<b>513.2</b>	<b>4.3</b>

**Note:** The OHRC 2001-02 budget, with Management Board approval, increased by \$512.2 at year-end (to fund Labour Adjustment Costs \$147.2 and base budget shortfall \$365.0).