

Ontario Human Rights Commission

A BOLD VOICE.

Annual Report | 2016 – 2017



Ontario
Human Rights Commission
Commission ontarienne des
droits de la personne

www.ohrc.on.ca

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June 30, 2017

Hon. Dave Levac
Speaker of the Legislative Assembly of Ontario
Room 180, Main Legislative Building
Queen's Park
Toronto ON
M7A 1A2

Dear Mr. Speaker:

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

In this regard, I am pleased to provide you with the Commission's Annual Report of its activities from April 1, 2016 to March 31, 2017 entitled "A bold voice".

Yours sincerely,

A handwritten signature in cursive script that reads "Renu Mandhane".

Renu Mandhane, B.A., J.D., LL.M
Chief Commissioner
Ontario Human Rights Commission

A message from Chief Commissioner Renu Mandhane

Canada 150: from aspiration to action



This year, Canada and Ontario launched year-long celebrations to mark the 150th anniversary of confederation. The festivities reinforce Canada's brand:

a place where refugees are welcomed, diversity is celebrated, multilateralism is encouraged, and the future is bright. In short order, Canada has become the go-to foil to contrast against world leaders who peddle exclusion, isolation and fear. Even the *New York Times* is smitten – ranking Canada the number one place in the world to visit and declaring us “hip.”

Like you, I want to believe that Ontario is a place where diverse people can contribute to society without discrimination. To that end, the Ontario Human Rights Commission (OHRC) launched a new strategic plan that prioritizes reconciliation with First Nations, Métis and Inuit (Indigenous) peoples, enforcing human rights in the criminal justice system, recognizing that poverty is a human rights issue, and educating the next generation about rights and responsibilities. We have committed to put people at the centre of all our work, while advancing evidence-based and practical solutions to tackle the discrimination they face.

Indeed, amidst the self-congratulation, my conversations with Ontarians make it clear that our actions as a society need to catch up to our aspirations. In Kenora, we learned that the municipal council defeated a motion that would have varied a zoning by-law to allow for a desperately-needed emergency shelter to serve Indigenous people in the downtown core. At the Thunder Bay jail, we met a young man from Lac Seul First Nation, Adam Capay, who was held in solitary confinement for more than four years, with disastrous impacts on his health. In Toronto, African-Caribbean youth didn't just tell us about streaming – they lived it. We heard from racialized Francophone newcomers who face unique discrimination in employment in places like Hamilton. And in Ottawa, the Muslim community told us about the heightened anxiety they experienced after the Quebec City shooting, and mourned the death of Abdirahim Abdi at the hands of police.

Each of these conversations highlights the lived reality of systemic discrimination, and the ongoing



Paul Champ @PaulChampLaw

Paul Champ Retweeted BC Civil Liberties

Ontario Human Rights Commission has never been so relevant, unafraid to ask questions and speak out in principled way.

colonization of Indigenous peoples, many of whom see little reason to celebrate the sesquicentennial.

On each of these issues and many others, the OHRC has been a bold voice in support of vulnerable and marginalized people's human rights. We spoke out when it was difficult and even unwelcome. We waded into the tense debate around accommodating Friday prayers for Muslim high school students in Peel region. We spoke out against indefinite and arbitrary detention of migrants in provincial jails. We urged the Toronto Police Disciplinary Tribunal to consider racial profiling at the hearing of two police officers who detained at gunpoint and assaulted four Black teenagers walking to a tutoring session in Lawrence Heights (even after we were excluded from the proceedings).

Silence isn't an option. Not when brave people share their stories and experiences with us, often at great personal risk. And not when we know that human rights victories are rarely won by operating in a comfort zone.

Realizing human rights requires struggle and determination ... and a thick skin. The OHRC faced a chorus of disturbingly hateful social media messages, calls, and emails over the past year. But, while all the negativity can wear you down, it is a sure sign that we are no longer preaching to the converted. We are making people uncomfortable and urging them to wield power in a way that disrupts the status quo. It may not always seem like it, but this is what progress looks and feels like.

Our collective efforts are yielding results. We are charting new relationships with Indigenous peoples based on mutual trust and respect. We empowered youth to stand up to Islamophobia by working with the community to launch the "Break the Behaviour" campaign. We welcomed the introduction of anti-racism legislation, which

responds to long-standing calls for government-mandated data collection in key sectors like education, policing and child welfare. And we are cautiously optimistic about the government's commitment to correctional transformation brought about by our ground-breaking work on solitary confinement.

One hundred and fifty years is relative infancy for a country. So, like any milestone birthday, the jubilation should be coupled with reflection on the work that needs to be done to make sure that future celebrations are more inclusive and meaningful to all people who call Ontario home.

The path ahead won't be easy. We must forge nation-to-nation relationships with First Nations, Métis and Inuit peoples. We must recognize housing as a human right and protect people from discrimination based on their socio-economic status. We must rebuild racialized and Indigenous peoples' trust in public institutions. We must make success for all students a priority. In short, we must tackle systemic discrimination in all its forms and create a culture of human rights accountability.

In July, while visiting Ottawa, then-President Obama proclaimed: "The world needs more Canada." There is much work to be done before we can rightfully hold ourselves out as a model for other nations to emulate. So, let's get to work – only together can we create an inclusive society where everyone's human rights are a lived reality.

Renu Mandhane



Krista Pawley @KristaSP

Human rights are not political – they are not right or left – they are universal
@RenuMandhane @EquitasIntl #pif <https://pbs.twimg.com/media/Cy9EdDCXAAALUho.jpg>

Thank you

This annual report is a testament to the talent, expertise and dedication of our staff and part-time Commissioners. Each one brings a unique perspective and passion to our work.

Thank you to our part-time Commissioners Raja Khouri, Fernand Lalonde and Ruth Goba for their many of years of service. And welcome to newly-appointed Commissioners Karen Drake, Rabia Khedr, Kwame McKenzie, Bruce Porter, Maurice Switzer and Léonie Tchatat, who each bring diverse and unique insights and experiences from across the province. As always, we are indebted to Commissioners Julie Lee and Errol Mendes who bring deep institutional knowledge.

Thank you also to our staff, whose knowledge and expertise ground all our work. Our staff team works hard to make our vision for Ontario a reality whether it be in Communications and Issues Management; Legal Services and Inquiries; Policy, Education, Monitoring and Outreach; or Centralized Corporate Services.

Finally, thank you to the other pillars of Ontario's human rights system. We are excited to continue to work closely with the Human Rights Legal Support Centre (HRLSC) and the Human Rights Tribunal of Ontario (HRTO) to fulfill the vision in the *Human Rights Code (Code)*.



Outgoing commissioners Raja Khouri (left) and Fernand Lalonde receive parting gifts from Renu Mandhane

QUOTE

We know that our work has the most impact when we amplify the voices of the most marginalized people, and when the public echoes our human rights message and demands action.

- Renu Mandhane, OHRC Chief Commissioner

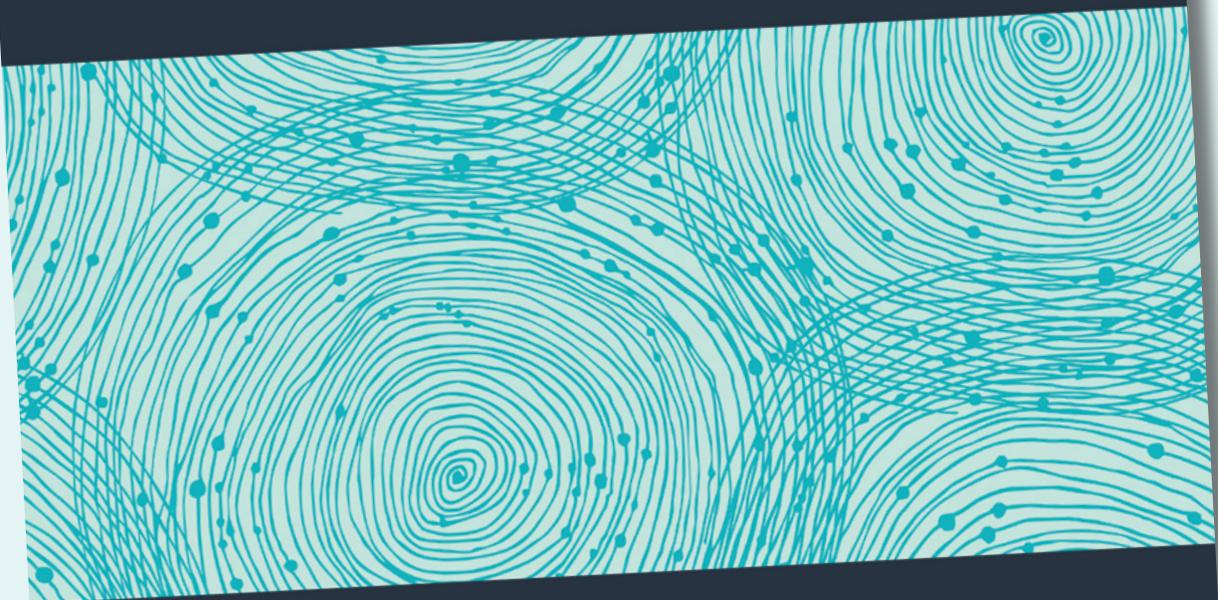
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STRATEGIC PLAN

PUTTING PEOPLE AND THEIR RIGHTS AT THE CENTRE

Building Human Rights Accountability

2017 – 2022



Ontario
Human Rights Commission
Commission ontarienne des
droits de la personne

People at the centre



After extensive conversations with nearly 300 people representing over 80 community organizations, the OHRC released our five-year Strategic Plan, *Putting people and their rights at the centre: Building human rights accountability* in December 2016.

We were urged to use our unique mandate to address anti-Black racism, Indigenous reconciliation, Islamophobia, the rights of children and youth, and persistent discrimination in employment and in the criminal justice system. People called on us to get at the root of much of today's inequality: the ever-present risk of poverty faced by people with disabilities, people with diverse gender identities, and many others the *Code* is meant to protect.

As our society becomes even more diverse, the lived reality of people with privilege and power is easily contrasted against people who continually find themselves on the margins. Today, the voices of people who were once silent (or silenced) have grown louder in their demands for a more just society – and not tomorrow or sometime in the future, but *today*.



Janina @JFogels

Digging this vision, fresh commitments to reconciliation, crim justice system, education + poverty @OntHumanRights <http://goo.gl/4j8hdz>

We're one of three pillars

The OHRC is one of three pillars that together promote, advance and enforce the human rights of all Ontarians. The other pillars are:

- Human Rights Tribunal of Ontario
- Human Rights Legal Support Centre.

The OHRC's **Strategic Plan** aims to put people at the centre of key decisions we make as a society. It outlines a framework for dealing with human rights issues in four strategic focus areas.

We commit to:

- Embody human rights through reconciliation
- Enforce human rights in the criminal justice system
- Advance human rights by addressing poverty
- Promote a human rights culture through education.



Native Law Centre @NativeLawCentre

The Ontario Human Rights Commission plans to focus on 4 areas, including reconciliation with Indigenous communities <http://www.cbc.ca/1.3886819>

A bold voice

Our new strategic plan positions the OHRC as a bold voice on critical and emerging human rights issues, and as an institution that will use its functions and powers to make sure that people and their human rights are at the very centre of the decisions we make as a society.

Through a focus on reconciliation, the criminal justice system, poverty and education, we will address the discriminatory impacts of broader systems of colonialism, state power, resource allocation, and enculturation – which cause nearly all *Code*-protected groups, especially those with intersectional identities, to be marginalized and to have their disadvantage exacerbated or perpetuated.

Beyond our substantive areas of focus, we will aspire to be transformative in our approach. We will focus on our people, our community, developing evidence-informed approaches, and delivering practical advice.

We will continue to be a leadership voice across the full range of issues that fall within our mandate, and will retain capacity to address critical and emerging issues across all *Code* grounds and social areas.

These foundational strengths are the core – they will allow us to grow, learn, reflect and work towards our vision of an inclusive society where everyone takes responsibility for promoting and protecting human rights; where everyone is valued and treated with equal dignity and respect; and where everyone’s human rights are a lived reality.

Four strategic focus areas

We will concentrate our proactive efforts on four strategic focus areas:

- **Reconciliation:** We will embody human rights by engaging in sustained trusting relationships with Indigenous communities that are built on dignity and respect, and by working to advance reconciliation and substantive equality.
- **Criminal justice system:** We will enforce human rights and reduce systemic discrimination by seeking accountability in the criminal justice system.
- **Poverty:** We will advance the field of human rights law by making clear how systemic discrimination causes and sustains poverty, and addressing poverty within a human rights framework.
- **Education:** We will promote and strengthen a human rights culture in Ontario that encompasses both rights and responsibilities, with a special focus on educating children and youth and addressing systemic discrimination in our education system.

This year’s annual report reflects the OHRC’s work related to our new strategic plan – and the results we are already seeing.



Laura Track @lktrack

Thrilled to see “addressing poverty as a human rights issue” named as a priority in @OntHumanRights new strat plan

Our vision:

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

We believe that the way to realize this vision is to activate and engage the full range of our functions and powers under the Ontario *Human Rights Code* and our institutional expertise to dismantle the complex, intersecting dynamics and conditions that foster and perpetuate systemic discrimination.

Our mission:

Our mission is to promote and enforce human rights, to engage in relationships that embody the principles of dignity and respect, and to create a culture of human rights compliance and accountability. We act as a driver for social change based on principles of substantive equality. We accomplish our mission by exposing, challenging and ending entrenched and widespread structures and systems of discrimination through education, policy development, public inquiries and litigation.

Face-to-face engagement

Meeting and speaking directly with communities across Ontario is an important part of making sure our voice reflects the lived experience of people in the community. Chief Commissioner Mandhane made 40 presentations across Ontario in 2016-2017. These ranged from keynote addresses to speaking on panels to appearing via video. Here are some examples:

- Keynote address, Ontario Association of Chiefs of Police (street checks, 50 attendees)
- Keynote address, Association of Native Child and Family Services Agencies of Ontario (Indigenous child welfare issues, 300 attendees)
- Panelist, Elizabeth Fry Reclaiming Advocacy Conference (solitary confinement, 200 attendees)
- Panelist, Canadian Institute (policing, street checks, 75 attendees)

- Keynote address, Ontario Association of Community Legal Clinics (access to justice, role of community partners, 150 attendees)
- Keynote address, Ontario Educators Conference (sexual orientation, gender identity, 250 attendees)
- Keynote address, OPSEU Human Rights Conference (we're all responsible for human rights, 80 attendees).



Breaking bread at the Mosaic Interfaith Annual Peace Meal



Focusing on issues facing youth, with Office of the Provincial Advocate for Children and Youth Youth Amplifiers

Engaging on social media @OntHumanRights

The OHRC continues to have – and offer the community – an influential voice on social media. In 2015-2016, we had over 10,500 English and over 330 French followers on Twitter, and averaged 167,000 Twitter impressions per month. OHRC Chief Commissioner Mandhane is also active on Twitter, engaging directly with the public daily.



Talking about human rights with members of the Ontario Legislature Internship Programme

 **maskofbartman** @alexhundert @RenuMandhane, please make sure you talk to Anishinaabe folks abt deep & dangerous racism from cops and hospital in #Kenora.

 **Kavita Dogra** @KaveetsD On #HumanRightsDay I urge you to follow @hrw @HRWcanada @jhrnews @OntHumanRights and support the work they do in defending human rights.



The OHRC shows its support at the 2016 Toronto Pride Parade

"The LGBTQ rights movement has taught us that public displays of love can be acts of courage and strength... We will not take for granted what has been accomplished; we will strive for inclusion and for the elimination of hate."

- Renu Mandhane, Chief Commissioner

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Statement following the mass shooting at the Pulse Nightclub in Orlando, Florida

Starting in a “good way”: towards trusting relationships with Indigenous peoples



We are working towards strengthened relationships with Indigenous communities and groups; recognize colonialism, and address systemic racism, discrimination and inequality. We will work towards:

- Sustainable and trusting relationships with First Nations, Métis and Inuit communities in urban and rural areas throughout Ontario
- Greater understanding of the impact of colonialism on Indigenous peoples
- A human rights paradigm for Ontario that reconciles Ontario’s human rights system with Indigenous frameworks, concepts, processes, and laws
- Accountability for systemic racism and discrimination against Indigenous peoples.

Our strategic focus

The OHRC will embody human rights by engaging in and sustaining trusting relationships with First Nations, Métis and Inuit communities and groups. These relationships will be built on dignity and respect, and on working to advance reconciliation and substantive equality. We will contribute to nation-wide efforts that recognize the enduring impact of colonialism on Indigenous peoples. We will work in collaboration to support Indigenous communities as they determine and advance their own human rights goals and priorities.

“We have come to understand that any *meaningful* engagement has to be on Indigenous peoples’ terms, based on **their ideas** and experiences – **not ours.**”

Chief Commissioner Renu Mandhane

www.ohrc.on.ca

Channeling children's voices: taking a closer look at child welfare

In December 2015, the OHRC made several commitments to take up the calls to action of the Truth and Reconciliation Commission. One key commitment was to use our mandate to inquire into the overrepresentation of Indigenous and Black children and youth in Ontario's child welfare system. To that end, we requested Code-disaggregated data from all Ontario Children's Aid Societies (CASs) in February 2016. The majority of CASs responded positively to our data request.

We have now completed a preliminary review of the data on admissions into care, and issues have come to light. First, we learned that CASs have not prioritized race-based data collection, and the data that exists is inconsistent, incomplete, and/or non-descript. As a result, Ontario still does not have solid data on the racial background or Indigenous ancestry of children in their care.

The OHRC has long called for disaggregated race-based data collection to help organizations more effectively monitor potential discrimination, identify and remove systemic barriers, address historical disadvantage, and promote equity in service delivery and programming. Data collection by CASs would enable them to improve outcomes and supports for Indigenous and racialized children and youth in care, and their families.

Despite these challenges, our analysis of the best information available raises red flags: Indigenous and African Canadian children and youth are overrepresented in care in many CASs across the province. These are Ontario-wide problems: the overrepresentation of Black children is not exclusively a Toronto-area problem, and the overrepresentation of Indigenous children is not merely a Northern Ontario or rural problem.

The disproportionality of admission into care data is an indicator of systemic discrimination, which may be the result of stereotypes and/or disparities in service. The end result is poor outcomes for children, youth and their families, and for society



May 10, 2016 was Jordan's Principle Implementation Day – the day the federal government was to implement this child first principle that calls on the government of first contact to ensure First Nations children can access public services – including health care – on the same terms as other Canadian children. Organizations across Canada commemorated this day – and urged Canada to meet its commitments – by posing with Teddy Bears, one of Jordan's favourite things.

as a whole. For Indigenous children and youth, the disparities have additional roots in colonialism, including the intergenerational trauma of residential schools and the Sixties Scoop.

That's why, in our submission to Ontario's review of the *Child and Family Services Act*, we urged the government to direct all CASs to collect and publicly report on disaggregated data on a regular basis. We also called on the government to work closely with the Indigenous and Black communities to develop a data-collection directive.

We are currently preparing a more detailed report on the data we requested from the CASs, and will release it later this year.

“

“[Y]ou can see that the seeds we plant in childhood have lifelong consequences. If we plant seeds of discrimination then we set in play a strong likelihood of a tragic and difficult adulthood. But if we plant seeds of justice and equality and culture that breeds self-confidence, we're going to see those same positive experiences grow throughout their lives.

What I don't want to see is another generation of First Nations adults having to recover from their childhoods as so many survivors of the residential schools have had to do and as so many families of the murdered and missing women are now doing.”

– Dr. Cindy Blackstock

Source: Human Rights Now, Amnesty Canada Blog, www.amnesty.ca

“

“I work as a midwife, primarily with Aboriginal women, and have lost track of how many racist assumptions and mistreatments I've observed based on race. For example... calling social workers or child protection agencies because parents are young and native – massive profiling in the selection of who has that involvement.

Then, once that involvement starts, Aboriginal women are much more likely to have their babies removed for much more dubious reasons.”

– Mixed race, White and Aboriginal female, age 35-44



Orange Shirt Day 2016 | www.ohrc.on.ca

OHRC staff commemorated Orange Shirt Day on September 30, 2016, to recognize the enduring negative impact of residential schools

Seeing results

In September 2016, the Minister of Children and Youth Services announced that the government will make it mandatory for CASs across Ontario to collect race-based data in a consistent and meaningful way.

And Bill 89, which updates the Child and Family Services Act, addresses many of our recommendations, including:

- Designing services and placements that reflect the child's identity and needs related to creed, race, ethnicity, disability, gender identity and other grounds of the *Human Rights Code*
- Monitoring the application of the Act, including collecting data
- Reporting on the extent that child and family services are separating Indigenous and racialized children from their family environment, or otherwise not meeting their needs.

In March 2017, the Government of Ontario launched *A Better Way Forward: Ontario's 3-Year Anti-Racism Strategic Plan*, which responds to the OHRC's ongoing call for data collection. This plan sets out a framework and guidelines for collecting disaggregated race data. The goal is to strengthen and standardize race-based data collection, analysis and public reporting of disaggregated data by government and institutions.



Brad Gallant @BradGGallant

I just want my kids to go to school, a mall, an arena, watch tv or browse the web without institutionally sanctioned racism.

#NotYourMascot

Understanding the impact of cultural appropriation

Issues and debates around cultural appropriation took centre stage this year – in the context of schools, community sports, and even Major League Baseball.

The Human Rights Tribunal of Ontario (HRTO) invited the OHRC to intervene in *Gallant v. Mississauga*, a case about the use of Indigenous-based team logos and names in its sports arenas operated by the City of Mississauga. The HRTO invited us to intervene because the case raises issues of "significant public interest."

Brad Gallant, an Indigenous man and father, complained to the City of Mississauga about the use and display of Indigenous-based logos and team names in its sports arenas by five youth hockey associations.

Service providers, such as the City of Mississauga, have an obligation to ensure that their service environments are inclusive and free from discrimination and harassment against Indigenous peoples.

We conducted extensive outreach to learn more about the impact of the use of Indigenous-based sports logos and nicknames, and heard a variety of perspectives from Indigenous peoples.

The OHRC brought forward the perspectives of Indigenous youth, a group that is most directly affected by the issues in this case, by filing affidavit evidence from the Ontario Federation of Indigenous Friendship Centres' Aboriginal Youth Council. We also filed the evidence of an expert witness who researches the psychological impact of the use of Indigenous-based logos and names on youth.

The case continues at the HRTO.

"I have reviewed relevant empirical research in the scientific literature that addresses the psychological impact of Indigenous-themed mascots, nicknames, and logos in sport. This emerging body of research has produced results that indicate that this practice has a negative impact on the psychological functioning of Indigenous people in number of ways, both direct (e.g., lower self-esteem, higher levels of negative affect, higher psychological distress, less possible selves, lower community worth) and indirect (e.g., stereotype activation, stereotype application, creating a racially hostile environment; generating dehumanizing images of Indigenous people)."

– Expert Report of
Jesse A. Steinfeldt, Ph.D., CC-AASP,
@IUSchoolofEd

Reconciliation starts with relationships

A key commitment of the OHRC is to regularly engage with Indigenous communities, organizations and leaders across Ontario, and to work together to find solutions to human rights issues that are of particular interest to Indigenous peoples.

The OHRC met with Chiefs and Band Councils across Ontario, leaders of Indigenous Friendship Centres representing urban Indigenous people, as well as Indigenous youth.

The OHRC also co-organized listening circles with Friendship Centres to help us understand concerns in diverse communities across Ontario, including Toronto, Thunder Bay, Sioux Lookout, Kenora, Fort Francis and Dryden.

*Stopping by the Sioux Lookout
Meno Ya Win Health Centre*



Stacy Laforme, Chief of the Mississaugas of the New Credit, shares his wisdom with OHRC staff

“Thinking until we feel”

Reconciliation requires all of us to commit to a better understanding of the history, culture, experiences, challenges and aspirations of Indigenous peoples across Ontario.

In a first step to build on this understanding, we worked with Commissioners Maurice Switzer and Karen Drake to plan a three-day conference for the entire OHRC staff and all of our Commissioners in March 2017.

Many Indigenous people have told us that we must “think until we feel.” This conference included elements that were both educational and moving.

The conference was opened by Mississauga of the New Credit elder Nancy Rowe, who was available throughout the three days to guide our journey.

The three days included sessions on Anishnaabe law and world views, the treaty relationship, and Indigenous peoples and organizations in Ontario. We heard directly from staff from the Chiefs of

Ontario, the Ontario Federation of Indigenous Friendship Centres, and the Métis Nation of Ontario.

We also learned from Residential School survivor Geronimo Henry. He talked to us about his experience at Mohawk Institute Residential School – called “The Mush Hole” by many survivors – and his long road to justice through the court system. He also talked about the promise of the Truth and Reconciliation Commission and some of the disappointments.

We visited Mississaugas of the New Credit First Nation and were hosted by Chief Stacey Laforme, and received teachings from Elders Nancy Rowe and Peter Schuler in in Kinomaagaye Gamik Lodge on the reserve.

And we heard from Tasunke Sugar, a youth worker at Toronto Council Fire, who talked about the impacts of intergenerational trauma on the current generation of Indigenous youth, drawing on his own experience as a first-time father. We ended the three days by making moccasins to send to Indigenous mothers whose children are apprehended at birth by child welfare agencies.



The Moccasin Project is having an impact already!

On March 27 APTN highlighted an important announcement. [Its video included] some of the baby moccasins that were made through this project along with the eagle feathers that were gifted. Also present was the first family who received the moccasins along with their daughter who are all doing very well!

Thank you to all who have gotten involved and are helping create change :-)

– Jodie Williams, The Moccasin Project



Making moccasins, supporting people in crisis

Commissioners/staff reflect on the teachings...

"I loved the residential school survivor – his story was fascinating, but deeply disturbing."

"I'm honoured to have been invited to their home. I learned a lot about Indigenous systems, such as their model of child welfare, and I think there's a lot of learning that needs to be done for these systems to get their proper respect."

"I was particularly struck by Tasunke Sugar's presentation. I never properly understood the

concept of intergenerational trauma before. I'm inspired to see so much hope coming out of so much hardship."

"The sharing of the presenters' lived experiences was invaluable. We arrived at the community stuffed with academic 'knowledge of history and culture. By Friday afternoon what was in the head was joined by the heart."

Residential school survivor Geronimo Henry and traditional knowledge-keeper Nancy Rowe share their experiences



Traditional roundhouse, traditional learning



OHRC Commissioner Maurice Switzer teaches us about treaties

Enforcing rights in the criminal justice system: holding the police accountable



Addressing discrimination in policing will make Ontarians safer

For nearly two decades, the OHRC has raised concerns and called for change to eliminate systemic discrimination in policing. Our goal has been to eliminate practices that, in too many instances, have become part of the culture of policing in Ontario.

We called for a new approach to policing in a May 2016 submission to the Ministry of Community Safety and Correctional Services on its Strategy for a Safer Ontario and changes to the *Police Service Act*.

Our strategic direction

The OHRC will enforce human rights and reduce systemic discrimination and inequality experienced by people who are among the most marginalized in our communities by seeking human rights accountability in the criminal justice system.

OHRC Chief Commissioner Mandhane called this “a once in a generation moment to provide input and change the course of policing in Ontario.”



Our submission cited serious human rights issues that undermine public trust in policing: racial profiling of Black and Indigenous people, discriminatory use of force on people with mental health disabilities, inequity in funding for First Nations police services and discrimination in the investigation of missing and murdered Indigenous women.

We made 21 recommendations to end discriminatory policing and rebuild community trust. Examples are to:

- Require police services to establish human rights-based data collection and retention systems
- Adopt and implement all appropriate standards, guidelines, policies and strict directives to address and end racial profiling in policing
- Commission an independent, human rights-focused review of the provincial use of force model, make the result public, and commit to implementing any recommendations
- Meaningfully engage and work closely with Indigenous communities to understand the concerns and issues they face in the context of law enforcement; and work with the federal government to develop a clear action plan with detailed timelines to address these concerns
- Ensure that officers are disciplined, up to and including dismissal, when their behavior is consistent with racial profiling or discriminatory use of force on people with mental health disabilities and/or addictions.

Reflecting community voices

The OHRC submission was endorsed by a broad range of community and advocacy groups, including:

- Aboriginal Legal Services
- African Canadian Legal Clinic
- ARCH Disability Law Centre
- Association of Black Law Enforcers
- Black Action Defense Committee
- Campaign to Stop Police Carding
- Canadian Civil Liberties Association
- Canadian Arab Federation
- Canadian Association of Black Lawyers
- Canadian Human Rights Commission
- Colour of Poverty – Colour of Change
- Empowerment Council
- Human Rights Legal Support Centre
- Jamaican Canadian Association
- Law Union of Ontario
- Metro Toronto Chinese & Southeast Asian Legal Clinic
- Ontario Federation of Indigenous Friendship Centres
- Peel Coalition Against Racialized Discrimination
- South Asian Bar Association
- South Asian Legal Clinic of Ontario
- Toronto Police Accountability Coalition.



QP Briefing @QPbriefing

Seen: OHRC points out flaws in new police carding rules





One community, many voices ...

“As Black Law Enforcers, we live and work in two worlds that have allowed us to develop unique perspectives. *From the inside out* we fully support the work of the Commission and organizations from our community that are focused on creating transparent, fair, safe, and equitable policing.”

– Kenton Chance, Association of Black Law Enforcers, @ABLE_org

“There needs to be an inter-ministerial effort to enable people to get their basic human needs met, which for many will prevent a crisis that ends up in an encounter with police. Encounters with police can result in a stay in a hospital or a jail – but in human and economic terms, it costs so much less to provide affordable housing and a decent income.”

– Jennifer Chambers, Empowerment Council, @EmpowermentCoun

“The Ontario Human Rights Commission’s submission to the Ministry of Community Safety and Correctional Services re: the Strategy for a Safer Ontario addresses matters of importance to our community in general and specifically speaks to anti-black racism. Most importantly, its recommendations are a rational, informed and comprehensive approach for effective, sustainable and community-based policing.”

– Alton Brooks, Jamaican Canadian Association, @JCA_Ontario

“The Ontario Federation of Indigenous Friendship Centres support these recommendations that we hope will bring change to policing in Ontario. Racial profiling and discriminatory community-based policing practises negatively affect urban Indigenous people in disproportionate numbers. Policing that involves responsive community engagement and trust-building are keys to safer communities.”

– Kelly Patrick, Ontario Federation of Indigenous Friendship Centres, @TheOFIFC



Jean-Paul Boudreau

@Boudreau_Ideas

Ontario Human Rights Commission publishes a “bold blueprint” for policing reform
<http://on.thestar.com/1RFYRop> #onpoli



Inspirit Foundation @InspiritFdn

Ontario human rights commission calling for changes in policing. Will this shift policing practices on the ground?



“Neptune 4” case highlights issues with police oversight

The OHRC sought to intervene in the “Neptune 4” case being heard by the Toronto Police Service Disciplinary Tribunal. Four Black teens were arrested at gunpoint by police officers in 2011 while on their way to a tutoring session. Security video shows one of the teens being punched and pulled to the ground. The teens were not convicted of any offence. Ontario’s Office of the Independent Police Review Director (OIPRD) found that charges of officer misconduct were warranted. The OHRC argued that the case raised issues of racial profiling.

In June 2015, we filed a motion seeking leave to intervene as a “friend of the court” to provide written and oral argument on racial profiling to the Tribunal. More than a year later, in July 2016, the Tribunal denied our motion on jurisdictional grounds.

In a public statement, we said that the denial of our motion “illustrates the fact that the Ontario police complaints system cannot be relied upon to address racial profiling and is not sufficient to restore public trust,” and that the OHRC remains concerned that “there is no effective mechanism to hold police accountable for systemic discrimination.” We also called on the government to “require independent, arms-length and public monitoring of police services and police services boards regarding systemic discrimination.”



Julius Haag @HaagJulius

OHRC barred from obtaining ‘intervenor’ status in police disciplinary hearing for officers in ‘Neptune Four’ arrests



TorontoStar Verified account
@TorontoStar

Let Ontario Human Rights Commission take part in Toronto police profiling case: #Editorial <http://on.thestar.com/29L7qER>

A Toronto Star editorial about our attempt to intervene said that “either the rules should be changed to allow hearing officers the right to grant organizations intervenor status in special circumstances, or the commission should apply for a judicial review of the hearing officer’s decision to create a legal ruling on the issue.”

Data collected by Ottawa Police Service consistent with racial profiling

In October 2016, OHRC Chief Commissioner Mandhane made a deputation at the Ottawa Police Services Board. We provided information about our report on the Ottawa Police Service’s (OPS) Traffic Stop Race Data Collection Project. The data was collected as a result of a 2012 settlement between the Ottawa Police Services Board and the OHRC, after Chad Aiken, a young Black man, filed a human rights complaint alleging racial profiling based on “driving while Black.”

As part of the settlement, the OPS agreed that its officers would collect race-based data on traffic stops for two years beginning in 2013. The OPS fully complied with the settlement and even went beyond what was required in its data collection efforts, resulting in a comprehensive police data collection initiative.

The researchers found that Black and Middle Eastern people experienced disproportionately high incidences of traffic stops, just as Mr. Aiken alleged in his human rights application. Young male Black drivers aged 16-24 were stopped 8.3 times more than would be expected based on their driving population. And young male Middle Eastern drivers were stopped 12 times more. Another concern was the result of the traffic stops of Black, Indigenous, Middle Eastern and other racialized drivers. The researchers concluded that “there was a greater propensity that these four racialized minority groups were traffic-stopped for nothing serious enough to be warned or charged, when compared with the White group.”

But collecting data is just one part of the story – and it is secondary to the devastating personal experiences of Chad Aiken and other people whose rights are often ignored, and who face great personal risk, all related to the colour of their skin or their religion.

When considered together with the personal accounts that led to the data being collected in the first place, the findings are alarming. They are entirely consistent with racial profiling, and cannot and should not be easily explained away. That’s why the OHRC – and racialized communities – were disappointed when the OPS took the position that the data did not “prove” racial profiling.



Desmond Cole Verified account
@DesmondCole

The community is demanding that police own up to racial profiling in Ottawa.

The OHRC called on the OPS to:

- Interpret the results in the context of the historical relationship between police and racialized and Indigenous communities in Ottawa and in Canada more generally
- Acknowledge that the high disproportionalities found in the data are strong circumstantial evidence of racial profiling
- Examine deployment strategies that lead to greater traffic stops for racialized people in “high crime” areas – which itself is likely to be a form of systemic racial profiling
- Put in place meaningful and effective measures to prevent and eliminate all forms of racial profiling.

We continue to monitor OPS’ efforts to address racial profiling in all its forms.

↳ Seeing results: Justice Tulloch provides roadmap for more effective police oversight

Across North America, including in Ontario, marginalized peoples’ calls for changes to police oversight have grown louder, with frequent demonstrations and demands for a complete overhaul.

In November 2016, the OHRC made recommendations to the Independent Review of Police Oversight Bodies, led by the Honourable Justice Michael H. Tulloch.

This review provided a critical moment to enhance monitoring and accountability for systemic discrimination in policing, and we called on the government to take bold steps to promote a culture of human rights accountability and rebuild trust in law enforcement.

The lack of transparent, independent and proactive monitoring and investigation of police services, coupled with an effective mechanism to hold police accountable for systemic discrimination, have been at the very heart of movements like Black Lives Matter and advocacy around justice for missing and murdered Indigenous women and girls. Accountability also underlies the Truth and Reconciliation Commission of Canada's calls to action to all levels of government, to eliminate the over-representation of Indigenous peoples in custody over the next decade.

In early April 2017, Justice Tulloch released his report, which reflected many of the community's and OHRC's recommendations. Taken together, the recommendations provide a framework that would allow for better monitoring and accountability for systemic discrimination and rebuilding public trust, including:

- Demographic data collection by police oversight bodies
- Independent prosecution and adjudication of public complaints, with interventions by third parties
- The ability of the Office of the Independent Police Review Director (OIPRD) to initiate investigations in the public interest, even if no complaint is filed
- Mandatory social and cultural competency training for staff, developed and delivered in partnership with Indigenous and other community organizations
- Recruitment to ensure that staff and leadership more closely reflect the communities they serve.

Implementing the recommendations is essential, but systemic discrimination can only be addressed if there is a cultural shift within police oversight agencies themselves.

We will continue to monitor the government and oversight agencies' implementation of the recommendations, and will comment on future legislation when it is introduced.

Responding to reports of systemic discrimination and racism by the Thunder Bay Police Service

In October 2016, we met with leadership of the Thunder Bay Police Service (TBPS) to discuss concerns that leaders and members of the Indigenous community had brought to our attention relating to alleged racism and systemic discrimination. The TPSB leadership reaffirmed a public commitment to cooperate fully with the investigation into systemic racism in the TBPS by the Office of the Independent Police Review Director (OIPRD).

Following this meeting, we wrote to the TBPS advising that the allegations of racism and systemic discrimination within the TBPS require proactive, immediate and independent steps to build confidence and trust in the TBPS. We called on the TBPS and the TPBS Board to undertake proactive efforts to develop and sustain organizational capacity to address human rights concerns, and to publicly commit to a coordinated, time-bound, and appropriately resourced human rights organization change project.

The Thunder Bay Police Service made a public commitment to embark on a major human rights organizational change initiative, following the steps in our guide, *Human rights and policing: Creating and sustaining organizational change*. Senior staff visited Thunder Bay and delivered training to help the TPSB begin their independent work on this project.

We continue to monitor ongoing issues related to the Thunder Bay Police Service, and look forward to the forthcoming review by the Office of the Independent Police Review Director (OIPRD).

“Unfounded” – a human rights issue

In February 2017, Chief Commissioner Mandhane wrote an op-ed in the *Globe and Mail*, framing Robin Doolittle’s investigation into the practice of listing police reports of sexual assault as “unfounded” – as a systemic human rights issue. She wrote:

Like much of the systemic discrimination in the criminal-justice system, failure to properly investigate and prosecute sexual offences likely begins with an overreliance, whether consciously or unconsciously, on stereotypes. These stereotypes or rape myths are myriad and well-documented: stereotypes about the types of women who get assaulted, how they should behave during an assault and how they should behave afterward...

In the past few years, high-profile trials and low conviction rates for sexual assaults have spurred conversations about these myths and the role they play in the courtroom. The data that underpins The Globe’s series sheds new light on this conversation. It shows how these myths likely operate in police services across the country in a way previously shielded from public scrutiny. That is the power of data – it can shine a spotlight on an aspect of a problem that has previously been overlooked...

First, police must acknowledge systemic discrimination in policing. They should consider retaining third-party experts to perform an audit of their operations and collect data to identify the many circumstances where systemic discrimination occurs. They must enact policies and procedures to eliminate discretionary decisions that are often the breeding ground for discrimination. They must make sure that all officers and leaders receive rigorous training on systemic discrimination and human rights, ideally incorporating expert knowledge and the lived experiences of the groups most affected. They must ensure that their service reflects the community it serves...

Ava Williams, an 18-year-old Western University student, has filed a lawsuit against the London police officer and the London Police Services Board, after her sexual assault allegation was deemed “unfounded.” The lawsuit alleges the detective investigating the case relied on stereotypes and rape myths, which amounted to discrimination based on gender contrary to the *Charter of Rights and Freedoms*.

Finally, independent monitoring and accountability must become accepted and standard practice. This includes continuously collecting and analyzing data to measure systemic bias in policing, and disciplining officers who engage in discriminatory practices...

Sexual-assault survivors must be taken seriously. Minority communities must be able to go about their daily lives in peace. Indigenous people must have their lives valued. People with mental-health disabilities must be provided with police assistance when they are in crisis. As a society, we can do nothing less.



Ottawa Rape Crisis @ORCC8964

YES! Nailed it @OntHumanRights

Chief Commissioner @RenuMandhane on #unfounded sexual assault cases and #humanrights

Protecting the rights of trans persons in police custody: *Waterman v. Toronto Police*

In July 2015, the OHRC intervened in a Human Rights Tribunal of Ontario Application filed by Boyd Kodak, a trans man who alleged that he was discriminated against based on gender identity and expression by both the Toronto Police Service (TPS) and the Ministry of Community Safety and Correctional Services (MCSCS). He alleged that he was placed in the women's sections of both police and correctional facilities; had his gender-affirming articles confiscated; was required to wear women's

institutional clothing in the correctional facility, at court, and when he was released; and was exposed to harassment.

Both Mr. Kodak and the OHRC sought systemic remedies that would require the TPS and TPSB to revise their policies and practices to respect the rights and specific needs and circumstances of trans people. We did not seek public interest remedies from MCSCS because after the application, it revised its policies on the treatment of trans prisoners, working closely with the trans community and the OHRC.

In 2016, Mr. Kodak, the OHRC, the TPS and TPSB reached a settlement requiring major steps to address the treatment of trans people in custody. The Toronto Police must:

- Retain a recognized expert on gender identity issues and policing
- Conduct consultation with the trans community
- Develop and publicly post information that addresses how the rights of trans persons should be respected during interactions with the police
- Protect trans people from harassment
- Develop a plan for ongoing monitoring, evaluation and review of the effectiveness of the new policies, procedures and training related to trans persons, including the option of human rights based data collection.



TOFemCo @tofemco

TOFemCo Retweeted CBC News

Congratulations Boyd Kodak! You fought the law and the law lost. #MakingChanges



Ending cruel and inhuman treatment in corrections



Since 2013, the OHRC has been calling on the government to severely limit the use of solitary confinement in correctional facilities. We had repeatedly raised concerns about the use of segregation on prisoners with disabilities, women, and Black and Indigenous prisoners.

For example, we intervened in the case of Christina Jahn, a woman with mental health disabilities and cancer. She filed a human rights complaint alleging that she was held in segregation for more than 200 days at the Ottawa-Carleton Detention Centre because of mental health disability and gender.

In 2013, we reached a settlement with Ontario's Ministry of Community Safety and Correctional Services (MCSCS) to improve the treatment of prisoners with mental health disabilities in Ontario's correctional facilities. However, the OHRC continues to have serious concerns that the terms of settlement have not been met and the over-reliance on segregation continues to violate the right of prisoners to be free from discrimination under the *Human Rights Code*.

That's why we made it a priority to visit prisons across the province and to meet with prisoners kept in solitary confinement. In 2016-2017, we

toured, met with management, and spoke with prisoners at the:

- Ottawa Carleton Detention Centre
- Brockville Jail
- St. Lawrence Valley Correctional and Treatment Centre (Brockville)
- Thunder Bay Jail
- Thunder Bay Correctional Centre
- North Bay Jail
- Kenora Jail.

The OHRC conducted a follow up-meeting with Smokey Thomas, President of the Ontario Public Service Employees Union (OPSEU).

We wrote letters to the MCSCS outlining our observations, including that:

- There is a major need for mental health services that are responsive to the specific needs of various Code protected groups, particularly women, Indigenous and racialized prisoners
- Infrastructure continues to be a nearly insurmountable barrier to limiting the use of segregation
- Over-crowding is a major and ongoing problem, and the shift towards a predominantly remand and the increasing use of intermittent sentences are creating instability in the prison environment

- Health-care resources, including psychiatric treatment, therapeutic support and targeted programming, are inadequate to meet the complex needs of the prison population
- There is insufficient culturally-relevant support for Indigenous prisoners, especially in jails where they comprise the majority of the population.

As changes are implemented in Ontario's correctional system, we will continue to monitor progress.

Data confirms alarming overuse of solitary confinement

In a 2016 submission to MCSCS's review of Ontario's use of segregation, we made several recommendations, including to:

- End segregation, and taking interim steps, such as external oversight and strict time limits, to reduce the harm of the practice
- Develop and implement meaningful alternatives to segregation, consistent with least restraint practices and MCSCS' duty to accommodate prisoners' *Code*-related needs to the point of undue hardship
- Adjust staffing models, and staff hiring, screening and training to ensure that staff with appropriate attitudes and behavioural skills are working with vulnerable prisoner populations
- Implement a system to collect and analyze human rights-based data on the use of segregation and its effects on *Code*-protected groups.

Following this submission, we asked MCSCS to provide disaggregated human rights-based data on its use of segregation. We reported our findings in a second submission to MCSCS in October 2016.

The statistics revealed alarming and systemic overuse of segregation. Over a three-month period, about 19% of prisoners (4,178 people) were placed in segregation at least once. Of the segregation placements during this time, roughly 1,383 were for 15 days or more. According to United Nations' standards, segregation placements longer than 15 days can be considered "torture or other cruel, inhuman or degrading treatment or punishment" and should be prohibited.

The OHRC continues to be extremely concerned about the disproportionate use of and harm caused by segregation for prisoners with mental health disabilities, and MCSCS' compliance with its obligations under the *Jahn v. Ministry of Community Safety and Correctional Services* settlement. As part of the settlement, MCSCS is prohibited from using segregation for prisoners with mental illness to the point of undue hardship. However, the statistics show that 38.2% of the prisoners (1,594 people) who were placed in segregation had a "mental health alert" on their file.



Paul Chislett @chislettshakeup

The inhuman treatment of #AdamCapay defies categorization. [http://www.theglobeandmail.com/opinion/editorials/ontarios-sickening-mistreatment-of-adam-capay/article32498319/?click=sf_globe_fb ...](http://www.theglobeandmail.com/opinion/editorials/ontarios-sickening-mistreatment-of-adam-capay/article32498319/?click=sf_globe_fb...) @Kathleen_Wynne #torture

Meeting Adam Capay

Mr. Capay's situation became public after a prison guard tipped off Renu Mandhane, the head of the province's human rights commission, when she was visiting the jail earlier this month. Ms. Mandhane found Mr. Capay alone at the end of a range on a windowless floor. After 1,500 days in solitary, she later told reporters, he suffered from memory loss and difficulty speaking. Because of the continuous artificial light, he could not tell day from night.

– Patrick White, *The Globe and Mail*,
November 21, 2016



Oleh Gusev @olehgusev

@RenuMandhane what can people do to put pressure on the state to take this guy out of solitary and try him in court?

“

The use of solitary confinement can have a negative impact on a person's health and can worsen pre-existing conditions, and it can be especially detrimental for youth and prisoners who suffer from mental illness.”

– Ruth Martin, Chair, Prison Health
Program Committee, College of Family
Physicians of Canada

Seeing results

Since the OHRC released the data on segregation and exposed Adam Capay's long-term pre-trial detention in solitary confinement, we have seen significant, measurable changes. Here are some of the details:

- \$55 million in new funding in the criminal justice system
- Appointment of Howard Sapers as Independent Advisor on Corrections (with specific mandate to ensure compliance with the *Jahn* settlement)
- Hiring of 239 additional staff to support prisoners including correctional officers, nurses, mental health nurses, social workers, recreational staff, psychologists, institutional managers

“Segregation is disproportionately used on, and has especially harmful effects for, Code-protected groups such as Black and Indigenous prisoners, prisoners with mental health disabilities, and women.”

– Chief Commissioner Renu Mandhane



www.ohrc.on.ca | @OntHumanRights

- Commitments to reduce the number of people and time spent in segregation, including limiting disciplinary segregation to 15 consecutive days
- Training for detention centre staff on mental health challenges and seclusion protocols
- Pilot programs in Toronto and Hamilton to provide psychiatric beds to acutely ill prisoners at facilities
- Review of current data collection practices.



Andy Mannix Verified account
@AndrewMannix

Major reforms happening in Canada: Ontario Human Rights commission rolls out plan to address solitary confinement

New facility will open doors to mental health services

In November 2016, the Government of Ontario announced the creation of the first dedicated mental health unit in Ontario for female inmates. This announcement flows from its commitments

Increasing awareness leads to protecting rights

Prisoners in solitary confinement can often be “out of sight, out of mind” – which means the human rights issues they face do not usually gain the public’s understanding or support. But the extensive media coverage of the Adam Capay case and other segregation issues has helped to increase both awareness and outrage. Increased awareness about these issues is reflected in the number of complaints received

in the *Jahn v. MCSCS* settlement with the OHRC on the use of segregation and treatment of prisoners, especially women with mental health disabilities.

The unit, expected to open in early 2018, will be part of a new 192-bed adult female detention centre on the site of the Roy McMurtry Youth Centre (RMYC) in Brampton. With capacity for 32 inmates, the unit will meet the specific, often complex needs of female inmates with mental health issues.

OHRC calls for reforms to immigration detention

The OHRC’s focus on corrections extended beyond solitary confinement. In April 2016, we expressed concern about detention of non-citizens in Ontario jails under the federal *Immigration and Refugee Protection Act* (immigration detainees).

We know that immigration detention is widespread, with thousands of non-citizens being detained in Ontario jails each year. Immigration detainees are a particularly vulnerable group who often identify on intersecting *Code*-protected grounds such as race, place of origin, colour, ethnic origin and citizenship. While immigration detainees held in

by the Ombudsman on Ontario since the OHRC made its first submission to MCSCS’ Provincial Segregation Review in January 2016, and called for a ban on solitary confinement for the first time. The Ombudsman’s recent *Out of Oversight* report on segregation states: “...Since then, we have continued to track segregation-related complaints. After witnessing an alarming increase in the number of these complaints and examining Adam Capay’s situation, it was clear to me that serious systemic concerns persisted.”

Ontario jails are entitled to protection under the *Human Rights Code*, we are concerned that the services provided to them are not consistent with the Ministry of Community Safety and Correctional Services' (MCSCS) obligations under the *Code*.

While calling for reform, in the interim we voiced our support for a series of recommendations from a University of Toronto report that have also been endorsed by many stakeholders.

These recommendations to MCSCS include:

- Ensure immigration detainees are held in the least restrictive setting consistent with management of a non-criminal population and protection of the public, staff members, and other prisoners, including in residential-treatment facilities if needed
- Ensure consistent and meaningful access to adequate in-person, health care (including mental health care), legal counsel, community supports, and spiritual and family supports
- Ensure that provincial legal aid programs are fully accessible to immigration detainees at all stages of the process, regardless of the length of detention, and that funding is sufficient to pay for independent mental health assessments.

↳ Seeing results

In August 2016, federal Public Safety Minister Ralph Goodale made a commitment to reform the immigration detention system so that detention is used only as a last resort. The government's reform objectives include:

- Increasing alternatives to detention
- Reducing the use of provincial jails for immigration detention

- Avoiding the detention of minors in the facilities as much as possible
- Improving physical and mental health care for detainees.

(Source: CBC, August 15, 2016)



John Howard Society

@ReducingCrime

'When the healthcare system fails to treat mental illness the criminal justice system punishes the symptoms' #UnlockingChange #BellLetsTalk

Organizational change plan must reflect emerging issues

The human rights organizational change project with MCSCS continued into its final year. This project arose out of the settlement in *McKinnon v. MCSCS*. The resulting Human Rights Plan includes 23 initiatives. MCSCS plans to continue this work until 2021, though the OHRC's involvement will end in August 2017.

Unfortunately, MCSCS has not made response to recommendations related to solitary confinement central to the project. As the project continues beyond the OHRC's involvement, it will be important to address all human rights issues, whether related to employment or correctional services, within the Human Rights Plan. It is also essential to put in place an effective approach to evaluate, monitor and assess the impact the entire project.

Embedding human rights in children's education



We want to create an environment where all children can reach their full potential. We will approach this by working to ensure that children and youth are educated about their human rights and responsibilities. We will strive to eliminate systemic discrimination that children and youth face in education systems so that, in this formative system, they have a lived experience where human rights are respected in practice.

Our strategic direction

The OHRC will promote and strengthen a human rights culture in Ontario that encompasses human rights entitlements and responsibilities, with a special focus on educating children and youth and addressing systemic discrimination in the education system.



AfterTheAfterThought @YuhNuhZeen

Consequences of #zerotolerance
#3Strikes targets & criminalizes Black/Racialized
students. School-Prison pipeline. @tdsb
@OntHumanRights

Promoting inclusive schools

In April 2016, we wrote to the Ministry of Education about its consultation on provincial and demonstration schools for students with disabilities, including the possibility of closing the provincial demonstration schools.

We highlighted broader systemic issues including lack of support and specialized programming to meet the needs of all children, ineffective mechanisms to resolve accommodation-related disputes, and the need for an accessible education standard under the *Accessibility for Ontarians with Disabilities Act (AODA)*.

About AODA standards

The AODA's regulations establish accessibility standards, which are requirements related to accessibility in various parts of our society. Standards include customer service, information and communication, employment, transportation, and design of public spaces.

Seeing results:

The government announced it would not close the provincial schools, and that it would create a new accessible education standard under the AODA.

Empowering youth to stand up to Islamophobia

In January 2017, the OHRC joined a coalition of national and provincial organizations and agencies to launch an awareness raising campaign that encourages Ontarians to stand up to Islamophobia and racism. The “Break the behaviour” campaign was a collaboration between OCASI – Ontario Council of Agencies Serving Immigrants, the Canadian Arab Institute (CAI), the National Council of Canadian Muslims (NCCM) and the OHRC, along with media studio Mass Minority.

The campaign features a range of public education strategies, including public service announcements and a social media campaign. One 30-second public service announcement (PSA) is geared towards school-aged children. It features a classroom where a student is telling racist jokes. A classmate intervenes to stop him from sharing another offensive punch line.

The campaign also includes a website (www.breakthebehaviour.ca) where people, including children and youth, are encouraged to sign a pledge that they will reject Islamophobia and racism in all its forms, and commit to working to overcome inequality and achieve a shared prosperity for everyone.

To date, over 165 media outlets have covered the “Break the behaviour” story, and estimates are that at least half of these have included the videos on their websites.



Break the behavior

Steve Orsini @SteveOrsini

Message to OPS employees: Racism stops when we break the behaviour. <https://www.ontario.ca/page/news-secretary#2017-Feb-06> ... <http://breakthebehaviour.ca/> @OCASI_Policy



“Canadians have by and large been incredibly welcoming of Syrian refugees and newcomers. However, there is troubling evidence of anti-immigrant and anti-Muslim sentiment in our communities which makes such a campaign both timely and necessary.”

– Amira Elghawaby, Communications Director at the NCCM.



Policy statement affirms the duty to accommodate diverse creed practices in schools

In 2017, the Peel District School Board faced increasingly negative attacks about their long-standing policy of accommodating Friday prayers for Muslim high school students. That's why we released our *Policy statement on religious accommodation in schools* in March 2017. This statement was based on the law and the OHRC's guidance, as presented in our *Policy on preventing discrimination based on creed*.

Under the *Code*, education providers have a duty to maintain environments free from discrimination and harassment based on creed. They also have a duty to accommodate people's sincerely-held creed beliefs, to the point of undue hardship. As a form of accommodation, education providers may offer on-site space for students to worship together during normal school hours.

Accommodation is provided on an individual basis, and consenting individuals may be grouped if it fulfills the need of each individual in the group. Accommodations cannot interfere with religious practice. People being accommodated are allowed to conduct prayers in conformity with their own teachings, not based on ways proscribed by the accommodation provider. This may include segregated prayers, if a group of individuals believe that segregated prayer is the proper manner of prayer.



Maria Relucio @marrelucio

Maria Relucio Retweeted HRLSC

It's good that people are becoming aware of their human rights and it's good that you are there to help @HRlegalhelp @OntHumanRights @RenuMandhane



Brian Woodland @brian_woodland

Reinforcement of our duty to accommodate @PeelSchools as we have said all along Thanks @StarGTANews @OntHumanRights

Showcasing student leadership on human rights

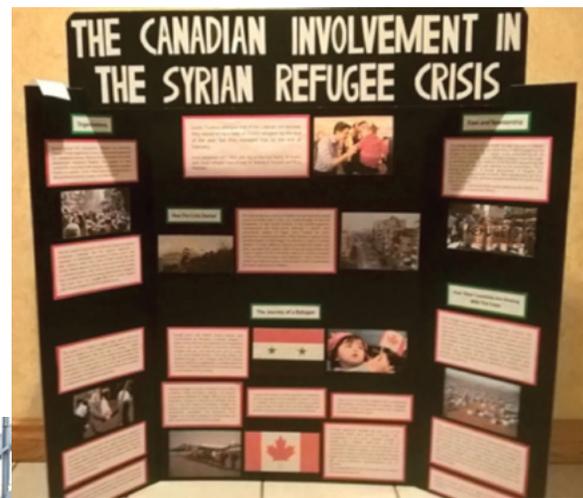
In June 2016, the OHRC was pleased to present the first-ever OHRC Human Rights Awards to students at Regional Heritage Fairs. Our goal was to celebrate students' achievements in researching and preparing a project about the history of human rights in Ontario.

The Ontario Provincial Heritage Fair brings together students from grades 4 to 10 in regions across Ontario. It includes a non-competitive, interactive history camp that ends with public showcases of students' projects to promote awareness of Ontario and Canadian history and heritage.



Grace Corby talks about same-sex marriage at the Durham Regional Heritage Fair

Students complete a research project using primary and secondary sources for sharing with their classmates and peers at their school and then at a Regional Fair. Each Regional Fair chooses students and projects to attend the Provincial Fair, which allocates extra spaces specifically for students who are Indigenous, speak French as a first language, or are non-traditional students.



Natasha Adamus explored the Syrian refugee crisis at the Thames Valley Regional Fair



Congratulations to all the participants at the Ontario Provincial Heritage Fair

Photo: Ontario Heritage Fair Association

Education that empowers

The OHRC played a leading role in 12 major education events, including almost 2,350 participants. Some examples are:

- Taking it Local regional training days in North Bay, with partners Nipissing University and the City of North Bay; and in Hamilton, with partners McMaster University and the City of Hamilton
- Full- or half-day training on creed and human rights, at the Canadian Multifaith Federation Educational Conference, Mississauga and London; with partner Nipissing University,

North Bay; with partner Thunder Bay Multicultural Association; and in partnership with Thunder Bay Indigenous Friendship Centre

- Full-day training in collaboration with Toronto West, South, North and East Immigration Partnerships, on the “Canadian experience” barrier and racial discrimination in employment.



Andrew Mills @andrewsquirts

So pleased to have @RenuMandhane & @MayorAlMcDonald on campus at @NipissingU for #TiLocal @OntHumanRights on this snowy northern day!



On behalf of the CCLA and CCLET, I would like to thank you once again for re-arranging your plans in order to join us for our 20th Annual Fundamental Freedoms Conference.

Your keynote address opened the students' eyes to some of the failings of our justice system, and in particular the real impacts of those failures on people like Adam Capay. Equally important, you gave the students concrete ways to take action against injustice and foster a climate for human rights in Ontario.

– April Julian, Canadian Civil Liberties Education Trust

Training – and connecting – across Ontario

Many organizations across the province invited us to share our voice on current human rights issues, and to share what's new in specific human rights areas. The OHRC staff team made 64 presentations in the last year, with a live audience of over 3,150 people. These ranged from presenting a workshop on creed and human rights at the Peel District School Board to giving a guest lecture at Ryerson University on human rights and ethical perspectives on racial profiling. As well, many events were webcast or recorded, further expanding our ability to speak out across Ontario.



TAKING IT LOCAL
 A municipal update on human rights
 FOLLOW OUR LIVE TWEETS | NOVEMBER 24, 2016

Ontario Human Rights Commission
 Commission ontarienne des droits de la personne

NIPISSING UNIVERSITY

NORTH BAY

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Learning the latest about human rights at Taking it Local Hamilton

Recognizing that poverty is a human rights issue



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

There is a strong connection between the *Code* and poverty. The *Code* applies to the people who are most at-risk of having low income, and in the parts of society where the causes – and effects – of poverty are most keenly felt. These include people with disabilities, Indigenous peoples, racialized people, women, caregivers, single parents, older persons, newcomers, people with diverse genders, and newcomers.

And the situation is often worse for many people who have inter-sectional identities, such as racialized women with disabilities or two-spirited Indigenous youth.

Over the next few years, our goal is to advance the field of human rights law by making clear how systemic discrimination causes and sustains poverty and “social conditions” such as homelessness and hunger. We will also make clear how systemic discrimination disproportionately affects people experiencing poverty.

Our work will focus on:

- Recognizing the connection between human rights under the *Code* and economic and social rights protected in international law
- Adding explicit protection under the *Code* from discrimination for people who experience poverty, hunger and homelessness
- Making sure that proposed strategies to address poverty are responsive to human rights concerns.

We know that this is an area where we have some of the most challenging work left to do.

Our strategic focus

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

One step from homelessness

Let me share with you an experience I recently had in one Ontario town. During a visit with community members at the local Indigenous Friendship Centre, I heard first-hand about how poverty can make access to justice for human rights violations impossible.

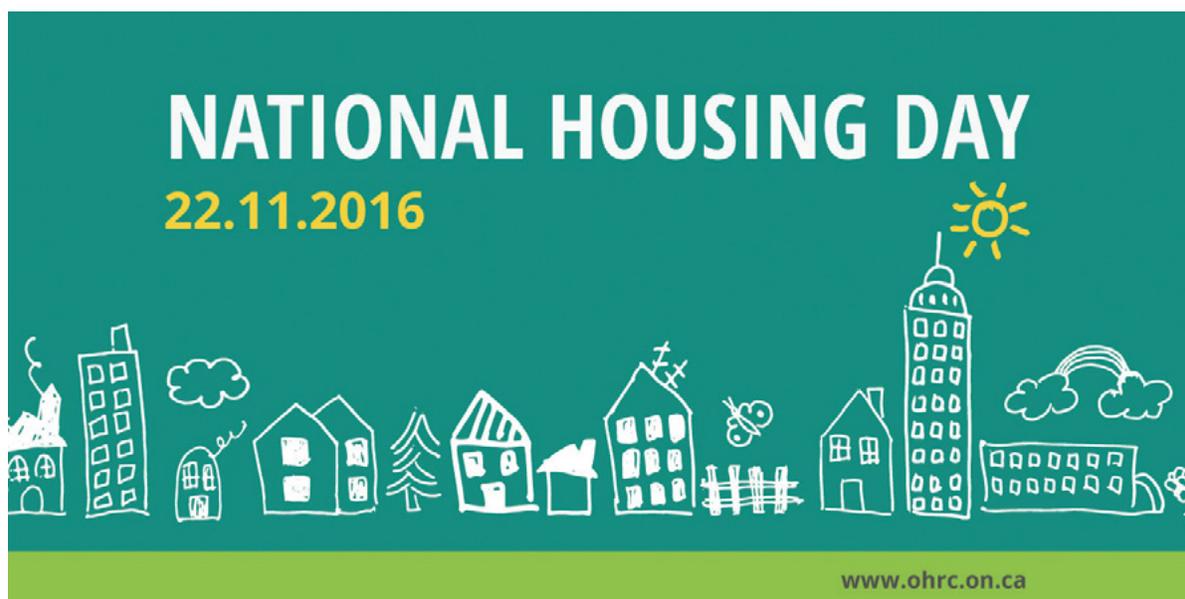
Community members told me that there was only one apartment building in town that was affordable to people on social assistance. Many of the tenants were elderly First Nations people with mobility-related disabilities. Some of them regularly used a walker to get around. But there was a big problem – the ground floor apartments were priced out of their range and there was no elevator.

So the tenants had a choice – they could be trapped in their apartments, or they could find alternative ways to get to the main floor. I was told that the common solution was for people to throw their walkers down the stairs and then go down on their bottoms. They relied on the kindness of others to get back to their homes

safely. That's definitely not the sense of dignity envisioned in the *Code*.

They were unwilling to complain to the Human Rights Tribunal and asked me not to make any inquiries on their behalf. They were concerned that speaking out would render them homeless. They feared that the landlord would force them to leave their homes, retrofit the building, and then charge higher rates that would be unaffordable for them. They also feared that they would be labeled a “trouble-maker” which would have impacts in other areas of their life – like with their employer or health-care provider. There is an inherent harm to human dignity when what you have is so precarious that you're not willing to risk it to get something better. Even if that “better thing” is actually something you are legally entitled to.

– OHRC Chief Commissioner Mandhane,
speech at Vibrant Communities Canada,
Cities Reducing Poverty:
When Business is Engaged



Protecting people who experience poverty, hunger and homelessness from discrimination

In 2016, the UN Committee on Economic, Social and Cultural Rights which monitors Canada's compliance with its international obligations recommended, as it has in the past, that Canada include the ground of social condition in its federal and provincial human rights codes.

We know that people who experience poverty, hunger and homelessness face social stigma and discrimination that is distinct from other forms of discrimination, and the need for protection is urgent.

So we are intensifying our longstanding call to make this happen in Ontario.



OHRC Inquiry Analyst Jacquelin Pegg gets ready to record a video on human rights and rental housing at the Landlord's Self-Help Centre

Affordable housing – seeing results

For many people who identify with *Code* grounds, stable, affordable housing is a vital starting point for overcoming barriers that prevent them from taking part in – and contributing to – life in Ontario. Unfortunately, the lack of housing can be the biggest barrier of all. For many years, the OHRC has worked on many fronts to move forward, ranging from using our legal powers to remove minimum separation distances that limit housing options from municipal zoning bylaws, to calling for inclusionary zoning for affordable housing.

In the past year, we have seen significant results on both fronts. First, the Ministry of Housing is advising municipalities to make sure that minimum separation distances appearing in zoning and official plans do not discriminate.

Second, Bill 7 – the Promoting Affordable Housing Act, 2016 received Royal Assent in December 2016. For the first time in Ontario, the legislation requires municipalities to include inclusionary zoning in official plans by:

- Authorizing the inclusion of affordable housing units within buildings or units
- Providing for the units to be maintained as affordable housing units over time.

REPORT

NOT ON THE MENU

Inquiry report on sexualized and gender-based dress codes in Ontario's restaurants



Ontario
Human Rights Commission
Commission ontarienne des
droits de la personne

Protecting vulnerable workers from discrimination



To coincide with International Women’s Day in March 2017, the OHRC released a new report that outlines commitments made by many of Ontario’s largest and most well-known restaurant chains to eliminate discriminatory dress codes for restaurant staff. *Not on the Menu: Inquiry report on sexual and gender-based dress codes in Ontario’s restaurants* outlines findings from an inquiry into dress codes at certain restaurants operating across Ontario.

People who work in restaurants can be vulnerable to sexual harassment and discrimination because of the precarious nature of their work. That’s why we decided to take the extra step of reaching out to restaurants because we heard that workers often didn’t feel empowered to raise their concerns due to fear of reprisal.

Following the release in March 2016 of the OHRC’s Policy position on sexualized and gender-based dress codes, the OHRC wrote to the companies, informed them about dress code concerns and obligations under the *Human Rights Code*, and asked them to commit to taking steps to comply.



Ron Wener @UofT_Ron

Ron Wener Retweeted The OHRC

Let’s hope that this get enforced across the province @OntHumanRights #StopSexistUniforms

We chose “industry leaders” to have the widest possible impact – 14 companies representing more than 25 multi-location brands and hundreds of restaurants. Some were Toronto- or Ontario-specific, while others were larger, nationwide companies.

While the inquiry focused on specific companies, all Ontario restaurants – and other employers – have a legal obligation to make sure their dress requirements comply with the *Code*.



JEEP GUY @jeepguycanada

@CBCharlsie @cbcmarketplace

@OntHumanRights as they should. Disgusting what some restaurants want the female staff to wear.



“Excellent customer service doesn’t have a cup size. I hope women will call us for legal help if cleavage is deemed an essential skill in their workplace.”

– Kathy Laird, former Executive Director, Human Rights Legal Support Centre

Some of the restaurants involved:

- Cactus Club Café
- Bier Markt
- East Side Mario's
- Kelsey's
- Milestones
- Montana's
- Fionn MacCool's
- Earl's Kitchen and Bar
- Firkin Group of Pubs
- Duke Pubs
- Baton Rouge
- JOEY Restaurants
- The Keg Steakhouse and Bar
- Moxie's Restaurants
- Shoeless Joe's Sports Grill
- Canyon Creek
- Jack Astor's
- REDS
- Gabby's Restaurant Group



"Whether we are talking about migrant workers, people in minimum wage service jobs, or people on rotating contracts, which is becoming the new normal, people are often afraid to assert their rights or call out discrimination. Many think that coping with discrimination or harassment on the job is better than having no job at all."

– OHRC Chief Commissioner Mandhane, speech at Vibrant Communities Canada, Cities Reducing Poverty: When Business is Engaged



Men think it's ok in these restaurants to hit on the girls working and make sexual comments, and I do think it is a direct result in terms of how we are presented to them [by the dress code requirements].

Seeing results

The response from the companies was encouraging with all of them either developing new policies or amending existing ones. In general, companies expressed support for addressing dress codes, sexual harassment and other human rights concerns in their workplaces.

The OHRC thanks Restaurants Canada (@RestaurantsCA) and the Ontario Restaurant, Hotel and Motel Association (@ORHMA) for their cooperation in sharing OHRC resources with members, and helping to identify and address concerns.

The inquiry: what we heard...

"In a competitive market, the value should be based on the customer experience; the food, the drink, the ambience and the quality of service, not sexualizing the workers."

– Hospitality sector expert

"There is a whole sexist culture in the industry, including and going beyond dress codes: the 'casting couch,' ageism, sexism... There is lots of harassment of servers by cooks in the back of house. Male servers also get harassment, though females are predominantly servers, and back of house are predominantly males."

– Hospitality sector expert

Providing practical guidance on accommodating people with disabilities



Disability continues to be the most cited ground of discrimination in applications to the Human Rights Tribunal of Ontario. As our understanding of disability evolves, the need is greater than ever for practical guidance for employers, housing and service providers, and for people with disabilities themselves. That's why in the past year the OHRC has done extensive work to update and clarify rights and responsibilities relating to disability.



Katherine Grzejszcza @KGrzejszczak

Katherine Grzejszcza Retweeted

The OHRC

Bedtime reading for union stewards



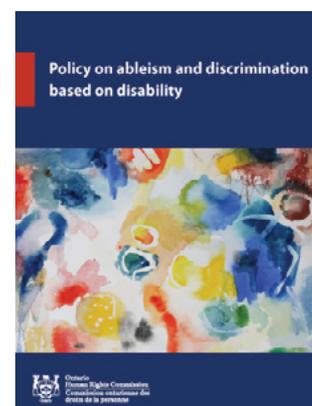
Paul Schabas @LSUCTreasurer

Paul Schabas Retweeted The OHRC

New policy from the OHRC on disability and anti-ableism — an important resource for lawyers — launched @ARCH's AGM. Congrats to both

Calling out ableism: updated policy looks at emerging issues

In September 2016, the OHRC launched its updated *Policy on ableism and discrimination based on disability*. The update reflects 15 years of important case law developments, new international human rights standards, and evolving social science research. We were honoured to launch the policy at the Annual General Meeting of ARCH Disability Law, which continues to be an important partner in advancing the rights of people with disabilities.



Highlights of this updated policy include:

- Current case law and best-practice examples from the employment, housing and service sectors
- An evolving legal definition of disability that reflects the changes in what is considered a disability. For example, conditions that were not previously recognized as disabilities in the past now are, such as multiple chemical sensitivities and food-related anaphylaxis
- The history of discrimination based on disability
- Discussion on ableism and underlying attitudes and beliefs that lead to discrimination.

The policy also looks at the unique experiences of people who face discrimination based on disability combined with other *Code* grounds, such as age, sex, sexual orientation, race, another type of disability, etc. And it clarifies what medical information can and can't be asked for when a person makes an accommodation request, and clearly states that employers, housing and

service providers have a duty to inquire if they think someone may need an accommodation based on a disability, even if the person hasn't made a specific request.



Stephen Shore @SShore_Ogletree

Stephen Shore Retweeted The OHRC

Employers: When an employee's doc balks at your request for supporting medical info, remind them you have the @OntHumanRights on your side.



Catherine Backman @cath_back

Catherine Backman Retweeted

The OHRC

Haven't read complete report yet, but title sounds progressive – might critique in class, ask students if this is a step forward #OT365



People with disabilities have made some significant gains, but even with these new rules in place – **serious barriers to equality continue to exist** throughout society.

- Renu Mandhane, OHRC Chief Commissioner

www.ohrc.on.ca

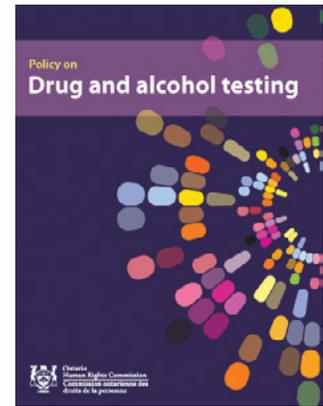
Providing guidance to employers considering drug and alcohol testing

In October 2016, the OHRC launched an updated *Policy on drug and alcohol testing*.

This policy offers guidance to Ontario employers and employees about drug and alcohol testing, and about the potential human rights concerns arising from testing.

Drug and alcohol testing policies and programs have human rights implications for people with addictions. Addictions to drugs or alcohol are considered “disabilities” under the Ontario *Human Rights Code*. People with current, past or perceived addictions to drugs or alcohol are protected from discrimination in employment, services, housing and other social areas.

The policy lays out where testing policies and programs may discriminate and where they may be justified. It gives guidance on how to design them to respect human rights, where testing is necessary to achieve safety. It incorporates updated case law and research and it sets out user-friendly examples to advise people about their rights and help employers make informed decisions about drug and alcohol testing.



“The OHRC’s updated policy provides clear, concise guidance on how to balance what are, at times, competing factors: the importance of providing a safe workplace for everyone, and the need to respect the privacy and the human rights of your employees.”

- Bill Greenhalgh, CEO of the HRPA

www.ohrc.on.ca

Clarifying the role of medical professionals in the accommodation process

In February 2017, the OHRC released its *Policy statement on medical documentation to be provided when disability-related accommodation requests are made*.

The statement provides an overview of the:

- Legal duty to accommodate people with disabilities, including mental health disabilities
- Role of medical professionals in the accommodation process
- Type and scope of medical information needed in the accommodation process.

Generally, the accommodation provider does not have the right to know a person's confidential medical information (for example, the cause of the disability, diagnosis, symptoms or treatment) unless this information clearly relates to the accommodation being asked for, or the person's needs are complex, challenging or unclear and more information is needed.

“

“The Ontario Human Rights Commission's intervention in this case and York's commitment to change have created a landmark precedent which will change the understanding of accessibility and (dis)ability when receiving university accommodations. All students go to school to invest in their future and to succeed, and I believe this change will help them achieve this goal to the best of their ability.”

– Navi Dhanota,
Applicant in *Dhanota v. York University*

Fact:

Generally, the accommodation provider **does not** have the right to know a person's confidential medical information, such as the diagnosis.

Ontario Human Rights Commission | www.ohrc.on.ca

↳ Seeing results: students who apply for government loans don't need to reveal sensitive personal information

We wrote to the Ministry of Training, Colleges and Universities in April 2016, asking it to revise its policies so that students are only required to provide a medical certificate that verifies the existence of a disability, without having to disclose a specific diagnosis, when applying for bursaries and grants for students with disabilities. The MTCU revised its disability-related eligibility criteria identified in OSAP forms and guidelines to remove the requirement for disclosure of mental health diagnosis.

We are in the final stages of an inquiry into the policies at colleges and universities across Ontario to ensure that their medical documentation requirements comply with the *Code*. A final report will be released later this year.

Increasing independence for people who rely on home care: *Cole v. Ontario (Health and Long-Term Care)*

As part of a coalition of interveners, the OHRC reached an important settlement in the HRTO case of Ian Cole, a middle-aged man with a severe intellectual disability who lives in the community. To live in the community, Mr. Cole depends on the receipt of nursing services that are primarily

funded by his local Community Care Access Centre (CCAC). The maximum funding is set out in a regulation and provided for nursing services to a maximum of four visits per day.

In 2012, Mr. Cole's doctor determined that he needed five visits per day, but the CCAC denied based on the funding limit. Mr. Cole alleged discriminated against him and other people with complex disability-related needs because they are denied the level of services that they require to remain outside of institutional care.

In June 2016, the OHRC and other intervenors reached a settlement with the Ministry. The Ministry agreed to issue a memorandum to CCACs regarding service maximums in the regulation. The memorandum requires CCACs to consider the full range of service options based on client need and provide the necessary referrals to additional community support services or inter-professional resources in primary care practices for clients who are receiving or reaching the service maximums, to help them continue to live independently in the community.

The Ministry also agreed to consult with community representatives to address systemic reform within the home care and community services system for persons with intellectual disabilities.

A leader in the movement to protect people with diverse gender identities from discrimination



The OHRC's voice on gender identity and gender expression continues to be amplified by communities across Ontario, and by governments across Canada.



Between The Lines @btllaw21

Between The Lines Retweeted

The OHRC

Great initiative taken by the @OntHumanRights to create more a more inclusive society for trans, non-binary, gender non-conforming folks.



july @softpencey

Reminder for trans people and students living in Ontario: the Ontario Human Rights Code protects your right to use whatever bathroom

↳ Seeing results – changes on identity documents

In Spring 2016, the Ministry of Government and Consumer Services launched a major consultation on storing and sharing name and sex designation change information.

In our May 2016 submission, we stated our ongoing concerns that the Ministry's current system for storing information on names and sex designations discriminated against trans persons and violated the *Code*.

The government is launching a new policy in Spring 2017.

Respecting gender identity in the dressing room: *J.T. and Ontario Human Rights Commission v. Hockey Canada*

In September 2016, Hockey Canada's Ontario branches posted transgender inclusive policies in time for the 2016-17 hockey season. This step was part of a settlement between Hockey Canada, on behalf of its Ontario members, the OHRC and Jesse Thompson, a trans teenaged boy who played amateur hockey and courageously decided to take on the system.

In 2013, Thompson filed a human rights application at the Human Rights Tribunal of Ontario against Hockey Canada alleging discrimination in services based on gender identity. As an amateur hockey player, he was denied access to the boys' locker room, which he alleged "outed" him and exposed him to harassment and bullying. The Human Rights Legal Support Centre represented him, and OHRC intervened in the case.

The new policies create a more trans-inclusive environment by upholding the human rights of transgender and gender-diverse players. Players who identify as trans can use the dressing room corresponding to their gender identity, be addressed by their preferred name and pronoun, and have the privacy and confidentiality of their transgender status respected.

As well, Hockey Canada's Ontario branches have agreed to deliver training on the policies to more than 30,000 coaches and trainers in Ontario.

"Jesse's courage and passion for justice inspired us all. His determination shows how much one person's struggle can transform lives for the future."

– Melissa Mark, Jesse's lawyer from the Human Rights Legal Support Centre, @HRlegalhelp



Kat Ferguson @Kat_Fergie

Kat Ferguson Retweeted The OHRC

@HockeyCanada @YouCanPlayTeam @OWHAhockey Hoping this includes non-binary ppl on HRT as well. I miss my old team!!



Mama Walks @RealJillWalker

21h21 hours ago

Mama Walks Retweeted The OHRC
So PROUD of my nephew @_mrthomps !!!!!



OHRC recognized as leader in the field

In June 2016, Toronto's The 519 Church Street Community Centre launched a companion-resource to the OHRC's *Policy on preventing discrimination because of gender identity and gender expression*. "Creating Authentic Spaces, A Gender Identity and Gender Expression Toolkit to Support the Implementation of Institutional and Social Change" includes information and resources to make spaces more welcoming and supportive to people of all gender identities.

In November 2016, the OHRC released Questions and answers about gender identity and pronouns in response to widespread misinformation about related obligations under the *Code*. The OHRC stated: "The words people use to describe themselves and others are very important. The right terms can affirm identities and challenge discriminatory attitudes. The wrong ones can disempower, demean and reinforce exclusion."

In December 2016, Canada's then-Correctional Investigator Howard Sapers called on Correctional Services Canada to revamp its policies on placement based on gender identity and gender reassignment

surgery. He cited Ontario as the first province to take look at these issues, and as a leader in respecting human rights based on gender identity in its prisons. He called for the federal system to follow Ontario's lead and move from housing prisoners based on genitalia to housing them based on their lived gender identity.

And in March 2017, the Nunavut government voted unanimously to include gender identity and gender expression to the territory's *Human Rights Act*. In discussions in the legislature, Justice Minister Keith Peterson cited the OHRC, as one of the first provinces or territories in Canada to take this step.

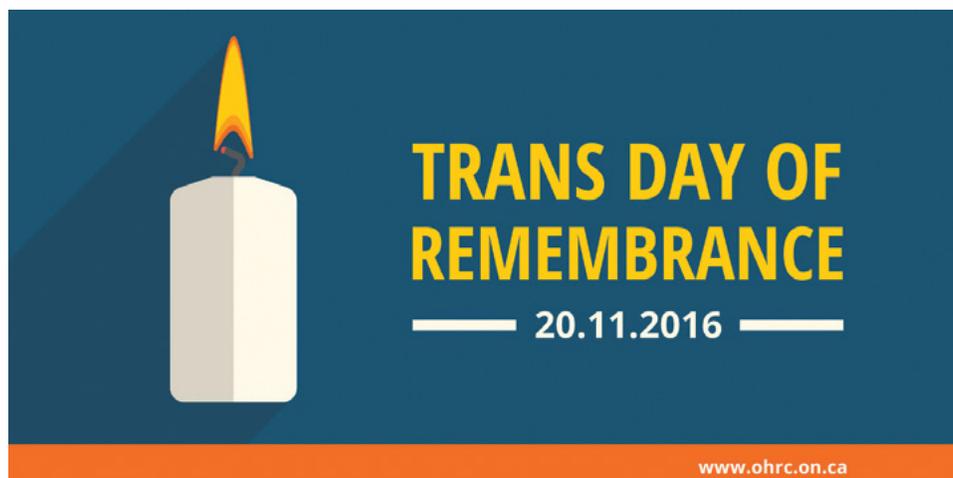
Taking gender identity to @Twitter:

TODAY: We honour the memory of those whose lives were lost in acts of anti-transgender violence. #TDoR #TDoR2016 pic.twitter.com/yFTgbk1Rox

– 34,700 impressions in November 2016

New policies from Hockey Canada's Ontario branches are trans-inclusive. Others should do the same. #YouCanPlay pic.twitter.com/TmFH09XCSi

– 15,800 impressions in September 2016



Financial summary



2016-2017 Financial Summary (April 1, 2016 to March 31, 2017)					
	2016-2017 Printed Estimates (\$'000)	Revised Budget March 31, 2017 (\$'000)	Actual Expenditures March 31, 2017 (\$'000)	2016-2017 Year End Variance from Revised Budget (\$'000)	
				\$	%
Salaries & Wages	4,761.2	4,009.9	3,975.9	34.0	0.85%
Benefits	362.2	422.6	441.0	-18.4	-4.36%
Other Direct Operating Expenses (ODOE)	528.8	912.7	898.7	14.0	1.54%
Total Expenses	5,652.2	5,345.2	5,315.6	29.6	0.55%

OHRC Commissioners



Renu Mandhane, Chief Commissioner

Renu Mandhane is the former Executive Director of the International Human Rights Program at the University of Toronto's Faculty of Law. She has an LL.M in international human rights law from New York University. Renu sits on the Canada Committee of Human Rights Watch, and has appeared before the Supreme Court of Canada and the United Nations. She has also trained Canadian and foreign judges through the National Judicial Institute of Canada. Renu has worked at several domestic and international organizations to advance women's human rights, and has represented survivors of domestic and sexual violence and federally sentenced prisoners.

*Appointment: October 30, 2015 –
October 29, 2017*



Karen Drake

Karen Drake is an assistant professor at the Bora Laskin Faculty of Law at Lakehead University and a citizen of the Métis Nation of Ontario. Her teaching and research interests include Canadian law as it affects Indigenous peoples, Anishinaabe law and Métis law. She is the co-editor-in-chief of the Lakehead Law Journal and a commissioner

with the Métis Nation of Ontario's Commission on Métis Rights and Self-Government. She previously clerked with the Ontario Court of Appeal and the Federal Court of Canada and currently serves on the board of directors of the Indigenous Bar Association. Commissioner Drake resides in Thunder Bay.

*Appointment: June 22, 2016 –
June 21, 2019*



Ruth Goba

Ruth Goba is a lawyer who has worked both domestically and internationally on issues related to economic and social rights (ESR), with a particular focus on women's rights. Before joining the OHRC, Ruth worked for an international NGO in India on women's housing, land, property and inheritance rights and with the UN Special Rapporteur on the Right to Adequate Housing. Upon her return to Canada, she worked with the Centre for Equality Rights in Accommodation (CERA), a human rights organization that advocates for housing and the elimination of poverty. From 2007 to 2009, she held the position of Executive Director at CERA. Ruth also worked in private practice focusing primarily on issues of gender, disability and racial discrimination in education

and employment. Ruth served on the board of the National Association of Women and the Law (NAWL) and was a member of LEAF's Legal Committee. She has also taught Disability Studies at Ryerson University. Ruth also serves on the Board of Directors of the Human Rights Legal Support Centre.

*Appointment: October 5, 2006 –
February 3, 2017*

*Interim Chief Commissioner:
February 28 – October 30, 2015*



Mary Gusella

Mary Gusella has served as the Chief Commissioner of the Canadian Human Rights Commission, Canadian Chair of the International Joint Commission of Canada and the United States, a member of the Public Service Commission, President of the Atlantic Canada Opportunities Agency, and Chair and President of Enterprise Cape Breton Corporation. In addition, she was a board member and President of the Institute of Public Administration of Canada and a member of the Canadian Human Rights Museum Advisory Committee. Ms. Gusella holds a membership with the Law Society of Upper Canada and the International Commission of Jurists – Canadian Section.

She has a Certificate from the Canadian Securities Institute and holds undergraduate degrees from the Universities of Toronto and Ottawa. Ms. Gusella also serves on the Board of Directors of the Human Rights Legal Support Centre (HRLSC).

Appointment: February 24, 2016 – November 23, 2017



Rabia Khedr

Rabia Khedr is a dedicated volunteer and advocate for diverse communities, women and individuals with disabilities. She is a human rights consultant with diversityworX, founder of the Canadian Association of Muslims with Disabilities and a member of the Mississauga Accessibility Advisory Committee, which she chaired for eight years. Commissioner Khedr has also been on the board of directors for the Ontario Women's Health Network and a member of the Region of Peel Accessibility Advisory Committee.

Appointment: September 28, 2016 – September 27, 2018



Raja Khouri

Raja Khouri is president of the Canadian Arab Institute, a policy think tank he co-founded in 2011. Raja is co-founder of the Canadian Arab/Jewish Leadership Dialogue Group, and an international consultant in organizational development and capacity building. Raja formerly served on several government and civil society bodies, such as

Ontario's Hate Crimes Community Working Group (for the Attorney General and Minister of Community Safety and Correctional Services), the Minister of Education's Equity and Inclusive Education Strategy Roundtable, the Pride Toronto Community Advisory Panel, the Couchiching Institute on Public Affairs, and as advocacy co-chair of Human Rights Watch Canada. He served as president of the Canadian Arab Federation in the period following the events of 9/11. Raja's earlier career included a senior management position at CIBC and management consulting tenures in Europe and the Middle East. He has designed and chaired conferences, given and moderated lectures, numerous media interviews, and published commentaries in journals and major Canadian dailies. He's the author of *Arabs in Canada: Post 9/11*.

Appointment: September 20, 2006 – December 31, 2016



Fernand Lalonde

Fernand Lalonde retired from the federal public service in 2001 after serving in many roles including General Secretary of the National Joint Council, Executive Director of Appeals and Investigations for the Public Service Commission of Canada, and Director, Human Resources, Parks Canada. Mr. Lalonde is a former President of the Canadian Public Personnel Management Association, and is currently a consultant providing services in

union-management relations, dispute/conflict resolution, workplace assessments, training and executive coaching.

Appointment: May 18, 2005 – December 31, 2016



Julie Lee

Julie Lee is a lawyer, practicing family law in London, Ontario.

Julie clerked for the Honourable Mr. Justice Iacobucci at the Supreme Court of Canada in 1999 – 2000. Before her legal education, she worked in the anti-violence movement as an educator, administrator and advocate.

She is the co-founder of second stage housing in Huron County and the past executive director of the London Abused Women's Centre in London, Ontario. Julie's advocacy has also been directed at achieving equity and dignity for same-sex families.

Appointment: September 8, 2009 – March 7, 2018



Kwame McKenzie

Kwame McKenzie is the CEO of Wellesley Institute. He is a

Professor of Psychiatry at University of Toronto and medical director of health equity at Toronto's Centre for Addiction and Mental Health. He is a member of the Mental Health and Addictions Leadership Advisory Council to Ontario's Minister of Health and sits on advisories to the Ministry of Education, Ministry and Housing and the Provincial Poverty Reduction Strategy. He serves

on the boards of the United Way Toronto and Ontario Hospitals Association.

*Appointment: June 22, 2016 –
June 21, 2019*



Errol Mendes

Professor Mendes is a lawyer, author and professor,

and has been an advisor to corporations, governments, civil society groups and the United Nations. His teaching, research and consulting interests include public and private sector governance, conflict resolution, constitutional law, international law and human rights law and policy. He has authored or edited 11 leading texts in these areas. He has been a Project Leader for conflict resolution, governance and justice projects in China, Thailand, Indonesia, Brazil, El Salvador and Sri Lanka.

Since 1979, Professor Mendes has taught at Law Faculties across the country, including the University of Alberta, Edmonton, the University of Western Ontario, London, Ontario and the University of Ottawa from 1992 to present. He recently completed a Visiting Fellowship at Harvard Law School.

*Appointment: September 8, 2009 –
March 7, 2018*



Bruce Porter

Bruce Porter is a leading advocate for the rights of people

living in poverty and the homeless. He is currently serving as the

executive director of Canada's Social Rights Advocacy Centre and is a senior advisor to the United Nations Special Rapporteur on adequate housing. Commissioner Porter recently co-directed a 10-year collaborative research project on social rights in Canada and has co-edited two books on social rights, in addition to writing many articles on the subject. Commissioner Porter lives and works outside of Huntsville, Ontario.

*Appointment: June 30, 2016 –
June 29, 2019*



Maurice Switzer

Maurice Switzer Bnesi is a citizen of the Mississaugas

of Alderville First Nation. He is the principal of Nimkii Communications, a public education practice which focuses on the treaty relationship between First Nations and the Canadian government. He has served as the director of communications for both the Assembly of First Nations and the Union of Ontario Indians. Commissioner Switzer was also the first Indigenous publisher of a daily newspaper in Canada and currently resides in North Bay.

*Appointment: June 22, 2016 –
June 21, 2018*



Léonie Tchatat

Léonie Tchatat, a Canadian of Cameroonian origin,

is recognized for her leadership building long lasting bridges between the larger society and

diverse, newcomer Francophone communities. She has contributed her expertise in inclusion issues to develop initiatives such as Compétences Culturelles, a skills training program declared a best practice by Immigration, Refugees & Citizenship Canada (IRCC) and the Government of Ontario. She is the driving force behind Ontario Business Platform 3.0, a holistic entrepreneurship platform that has helped dozens of young Francophone entrepreneurs launch their business projects in Ontario. She has launched two province-wide awareness raising campaigns under the title "Immigrant veut dire" ("Francophone immigrant means: a stronger Ontarian francophonie!").

Ms. Tchatat launched and currently co-chairs the first-ever Francophone Workforce Development Council, and serves on IRCC's Comité directeur – Communautés francophones en situation minoritaire. In 2012 she joined the Ontario government's Expert Roundtable on Immigration, and in 2014 she served on the Technical Advisory Group supporting Ontario's work on the Poverty Reduction Strategy. She is currently a member of the City of Toronto's French Committee and serves on the Ontario Planning Board for a French-language university. She is a well-known spokesperson and the proud mother of two boys.

*Appointment: February 2, 2017 –
February 1, 2019*



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