

Ontario Human
Rights Commission

Annual Report
2017/18

Impact

today



Ontario
Human Rights Commission
Commission ontarienne des
droits de la personne

OHRC COMMISSIONERS

Our Commissioners have in-depth knowledge and expertise in human rights and issues relating to vulnerable populations, public policy, social values, and concepts of fairness, justice and public service. Read their bios [online](#).



Renu Mandhane
Chief Commissioner
Appointment:
October 30, 2015 –
October 29, 2020



Karen Drake
Appointment:
June 22, 2016 –
June 21, 2019



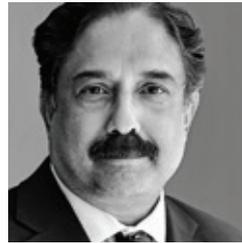
Julie Lee
Appointment:
September 8, 2009 –
March 7, 2018



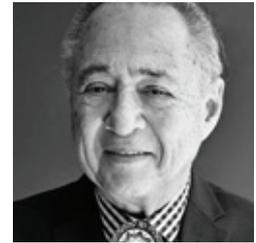
Bruce Porter
Appointment:
June 30, 2016 –
June 29, 2019



Mary Gusella
Appointment:
February 24, 2016 –
November 25, 2019



Errol Mendes
Appointment:
September 8, 2009 –
September 7, 2019



Maurice Switzer
Appointment:
June 22, 2016 –
June 21, 2018



Rabia Khedr
Appointment:
September 28, 2016 –
September 27, 2018



Kwame McKenzie
Appointment:
June 22, 2016 –
June 21, 2019



Léonie Tchatat
Appointment:
February 2, 2017 –
February 1, 2019



June 30, 2018

Speaker of the Legislative Assembly of Ontario
Room 180, Main Legislative Building
Queen's Park
Toronto (ON) M7A 1A2

Dear Mr./Mme 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 *Impact today, investment for tomorrow*, the Commission's Annual Report of its activities from April 1, 2017 to March 31, 2018.

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

IMPACT TODAY, INVESTMENT FOR TOMORROW

CONTENTS

- 08 OHRC by the numbers
- 10 A message from
Chief Commissioner
Renu Mandhane
- 13 Reconciliation
- 23 Criminal justice
- 35 Poverty
- 41 Education
- 45 Foundational strengths
- 57 2017/18 Financial
summary
- 58 Investments for tomorrow

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.

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.



The OHRC

is uniquely positioned to address persistent human rights abuses that damage individuals and communities, cost our economy billions of dollars, and which cannot be entirely or efficiently remedied through individual complaints to a court or tribunal. **The OHRC has a positive impact on our community today, and is a vital investment for our collective future.**

A LEADERSHIP VOICE

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

The
addition of social
condition
would significantly
strengthen
human rights
protection for
the most
marginalized
and vulnerable
Ontarians.
(p. 38)



The
human rights of
students in
Ontario's education
system are an
investment
in our shared future
as a society.
(p. 43)

The impact
of racial profiling
on Black
communities is
devastating.
Now is the time
to pinpoint the
problem areas,
and do something
about them.
There is no trust
without truth.
(p. 28)



OUR RELATIONSHIPS

We build and sustain strategic relationships with a broad range of individuals, groups, organizations and institutions, with a particular focus on regular community engagement and collaboration.



Our goal in bringing together a community advisory group is to get genuine, ground-level feedback on our work, and create durable relationships. (p.48)

We're working with Indigenous peoples to build a vision of human rights that steps beyond existing boundaries and reflects the issues, perspectives and aspirations of Indigenous peoples across Ontario. (p.16)



The protection, support and celebration of all children can only be assured when our community acknowledges and takes action to root out all forms of discrimination. (p.19)



EVIDENCE-INFORMED APPROACHES

We believe in evidence-informed approaches to understand the state of human rights and systemic discrimination in Ontario and to evaluate our own work. People's stories and lived-experiences are an important part of this accountability.



Our public opinion survey is a benchmark of attitudes that may be at the root of persistent inequality and discrimination in our society.
(p.50)



Christina Jahn's case set the stage for a major OHRC effort to protect the rights of people with mental health disabilities in Ontario's prisons.
(p.30)



Almost 1,650 individuals and organizations told us about racial profiling in Ontario. Our consultation confirmed the harm racial profiling continues to cause to individuals, families and the social fabric of communities.
(p.25)

OHRC BY THE NUMBERS

The OHRC's efforts to address systemic discrimination have a profound effect on the lives of vulnerable people across Ontario. It is difficult to attach a dollar value to this important work, but we have attached a notional value to a small sample of the work we do to show the value of investing in human rights.

TOTAL MARKETING VALUE
FOR MESSAGING, TRAINING,
ONLINE LEARNING

\$7,800,852



THE OHRC'S MESSAGE

87,949,187

People reached through
broadcast, print, online

2,928,685

Twitter impressions and
Facebook reach

5,774

@OntHumanRights and @LaCODP
Twitter mentions

\$806,952

MARKETING VALUE



VALUE OF OHRC TRAINING SESSIONS

7,008

Participants

175

Staff hours delivering
training/presentations

67

Training sessions

\$1,008,800

TOTAL ESTIMATED VALUE
TO ONTARIANS



TAKING THE LEARNING ONLINE

87,506

People who accessed eLearning

53,660

*Working Together:
The Code and the AODA* DVD
training participants

512

*Working Together:
The Code and the AODA*
training DVDs requested

\$5,985,100

TOTAL ESTIMATED VALUE
TO ONTARIANS

Note: All numbers are approximate; audience numbers may be higher than the estimates included here. Previous numbers for eLearning focused solely on "unique page views." This year's statistics have been refined to reflect only users who moved beyond the first page of the eLearning module.

ENGAGING WITH COMMUNITIES AND GOVERNMENT ACROSS OUR FOCUS AREAS

RECONCILIATION

1,569

People engaged through public education sessions

489

People engaged through meetings with Indigenous leaders and circles, dialogues and consultations

CRIMINAL JUSTICE

1,705

People engaged through public education sessions

104

Meetings and workshops with government and community groups

67%

57 out of 85 OHRC recommendations adopted in policing and corrections legislation

POVERTY

1,501

People polled about their attitudes towards people on social assistance

100%

4 out of 4 OHRC recommendations adopted in inclusionary zoning regulations

EDUCATION

1,198

People engaged through 11 public education sessions

38

Meetings and workshops with government and community groups

FOUNDATIONAL STRENGTHS

64

Speeches, statements, opinion editorials by the Chief Commissioner

64%

9 out of 14 OHRC recommendations adopted in *Anti-Racism Act* data collection standard and regulation

51%

94 of 183 OHRC recommendations relating to our four strategic focus areas adopted through the legislative process

A MESSAGE
FROM CHIEF COMMISSIONER
RENU MANDHANE

Discrimination

TOO COSTLY TO IGNORE

The Ontario Human Rights Commission (OHRC) is in the business of creating an inclusive society where everyone is valued and treated with equal dignity and respect. A recent poll we conducted showed that a strong majority of people in Ontario (89%) agree that students should learn more about human rights and responsibilities in school.

Discrimination is costly at an individual, institutional, economic and societal level. The President of the World Bank, Jim Yong Kim, notes that discrimination, whether based on sex, gender, sexual orientation, age or race, results in less balanced and less inclusive economic growth. The World Economic Forum agrees that “discrimination is bad for business.”

And it’s no wonder. Discrimination negatively affects people’s health, education and productivity. Systemic discrimination—patterns of behaviour, policies or practices that are part of the social or administrative structures of an organization, and that create or perpetuate a position of relative disadvantage—also undermines economic growth.

Egregious examples of discrimination—against women, Indigenous peoples and the Black community—have had intergenerational effects that entrench poverty for whole communities. Today, nearly a quarter

of Indigenous and Black households in Ontario have low incomes, and the McKinsey Global Institute estimates that persistent gender inequality will cost Canadians \$150 billion by 2026.

So, investing in human rights improves lives today, and it has a ripple-out effect that will benefit our communities and economy in the future. This report charts the OHRC’s progress in creating a culture of human rights accountability. It provides an update on our work to achieve the goals set out in our 2017-2022 Strategic Plan, [*Putting People and their Rights at the Centre*](#), which focuses on Indigenous reconciliation, the criminal justice system, poverty and education—areas where even small shifts in the landscape can have an exponential impact.

Chronic failure to address pressing human rights issues in each of these focus areas has resulted in significant costs—both economic and social. The Indigenous population in Ontario grew five times faster between 2001 and 2016 than the population as a whole. Yet, because of inter-generational trauma and the legacy of colonialism, Indigenous people have lower education attainment rates, higher unemployment rates, and lower incomes. It is essential that Indigenous people and communities are empowered so they can move away from surviving—to thriving. That’s why our push for the City of Timmins to fast-track reconciliation initiatives was welcomed by the Mayor, who acknowledged that it is essential to include Indigenous peoples if the community is to have long-term prosperity.



Canadians spend more than \$20 billion annually on criminal justice.

It is clear that we need to think about shifting our focus to support people in their communities.

And while overall crime rates have been steadily decreasing, people with mental health and developmental disabilities and addictions, as well as Indigenous and Black people, remain over-represented in our criminal justice system. Our wide-ranging consultation on racial profiling confirms that systemic racism corrodes community trust in public institutions, which undermines their effectiveness and makes everyone less safe. Our #TruthBeforeTrust inquiry into racial discrimination by the Toronto Police Service will provide targeted solutions that will make policing more effective.

Canadians spend more than \$20 billion annually on criminal justice. It is clear that we need to think about shifting our focus to support people in their communities. This “up-stream” approach will decrease victimization of innocent people and make depriving someone of their liberty truly a last resort. Our ground-breaking work to secure better mental health treatment for prisoners, including limiting the use of solitary confinement, will help with rehabilitation and set the stage for reintegration into communities.

The OHRC’s ongoing effort to address systemic discrimination in education is essential to make sure that children and youth are able to meet their full potential. People with disabilities are less likely to have

Discrimination is an affront to human dignity and has deep individual and community impacts. The social—and the economic—cost of ongoing systemic discrimination is simply too high.

a university degree or participate in the labour force, and more likely to be unemployed or have a low income. These barriers start in school but have lifelong impacts that have a high personal and social cost, including long-term reliance on the social safety net. That's why we spoke out against discrimination faced by post-secondary students with mental health disabilities. In the coming year, we will continue our efforts to make sure that all kids benefit from a decent education.

This year, we highlighted how economically marginalized people face unique forms of stigma. Our poll showed that a majority of Ontarians surveyed hold negative views about people on social assistance, which prompted us to call for more robust human rights protections for economically marginalized people. The *Safe Streets Act* is a good example of a law that systemically discriminates against homeless people and poses a barrier to their efforts to obtain housing and employment.

Systemic change is at the heart of the OHRC's mandate. We provide policy guidance, education and targeted recommendations that give duty-holders the necessary tools to proactively address human rights issues before they turn into applications before the Human Rights Tribunal of Ontario (HRTTO). Our proactive approach also reduces strain on the Human Rights Legal Support Centre (HRLSC).

Discrimination is an affront to human dignity and has deep individual and community impacts.

The social—and the economic—cost of ongoing systemic discrimination is simply too high.

The OHRC is uniquely positioned to address persistent human rights abuses that damage individuals and communities, cost our economy billions of dollars, and which cannot be entirely or efficiently remedied through individual complaints to a court or tribunal. The OHRC has a positive impact on our community today, and is a vital investment for our collective future.

Thank you

Thank you to our part-time Commissioners, who each bring diverse and unique insights and experiences from across the province. We especially thank Commissioner Julie Lee, whose guidance throughout her term was insightful and inspiring.

Thank you to our staff, whose knowledge and expertise ground all our work.

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



Renu Mandhane
Chief Commissioner



STRATEGIC DIRECTION

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

RECONCILIATION

RECONCILIATION

UNDERSTANDING HUMAN RIGHTS FROM AN INDIGENOUS PERSPECTIVE

The OHRC has made a commitment to reconciliation, and is taking many steps along this path. One of the most important was to bring together diverse Indigenous people and members of the human rights community to discuss a vision of human rights that reflects Indigenous perspectives, world views and issues.

Public Education and Outreach Officer
Rita Samson offers her insights on *Indigenous Peoples and human rights: a dialogue*.



The OHRC has a role to play in supporting and building a vision of human rights that reconciles with Indigenous world views, constitutions and laws. In February 2018, we took an important step along this path when we worked with Indigenous Elders, knowledge keepers, leaders, youth, academics and political and community-based organizations to host and engage in a three-day dialogue.

Representatives from the OHRC, HRLSC, Social Justice Tribunals of Ontario, and the Canadian Human Rights Commission also took part. This dialogue, at the Native Canadian Centre of Toronto, was a chance to talk about Indigenous perspectives on human rights, the promise of the United Nations *Declaration on the Rights of Indigenous Peoples* (UNDRIP) and ways to adapt human rights systems to better serve Indigenous people.

James Anaya, Dean of the University of Colorado Law School and former United Nations Special Rapporteur on the Rights of Indigenous Peoples, delivered a public lecture at the University of Toronto Faculty of Law.



Other participants included:

- Paul L.A.H. Chartrand, Professor of Law (retired), counsel to DDWest LLP, Michif Elder
- Leonard Gorman and Steven A. Darden of the Navajo Nation Human Rights Commission
- The Honourable Leonard S. (Tony) Mandamin, who serves on the Federal Court and is an ex officio member of the Federal Court of Appeal
- Sylvia Maracle, Executive Director of the Ontario Federation of Indigenous Friendship Centres (OFIFC)
- The Honourable Romeo Saganash, Member of Parliament for Abitibi-Baie James-Nunavik-Eeyou, whose private member's bill to implement UNDRIP recently passed second reading in Parliament.

Participants also benefited from guidance, teachings and reflections by knowledge keeper Nancy Rowe of the Mississaugas of the New Credit First Nation, and Elders Alex Jacobs (Whitefish Lake First Nation), Marlene Pierre (Fort William First Nation), and Pauline Shirt (Saddle Lake Reserve, Alberta, with deep connections to Toronto's Indigenous community).

The sessions encouraged open dialogue in keeping with Indigenous customs and practices. The discussions

In May 2017, the OHRC was pleased to deepen our relationship with Nancy Rowe (Giidaakunadaad). Ms. Rowe, a traditional knowledge keeper, is a citizen of the Mississaugas of New Credit First Nation. She has been invaluable in helping us meet our commitments towards reconciliation as set out in our Strategic Plan, including: helping to guide our dialogue with Indigenous peoples by ensuring that all discussions are respectful and in keeping with traditional

protocols; building the capacity of OHRC Commissioners and staff to understand the ongoing impact of colonialism; and providing advice as we develop collaborations with Indigenous communities and groups. We expect to spend more time with Nancy in the coming year!

“The concept of human rights is derived from a Western worldview. Indigenous people often see the human rights system as foreign and inaccessible. The OHRC’s dialogue helped us to better understand Indigenous worldviews and perspectives on human rights, so we can foster respectful relationships with Indigenous peoples and play a meaningful role in the reconciliation process.”

OHRC Commissioner Karen Drake



EMPOWERING ART BY CHIEF LADY BIRD

The artwork for the dialogue was created by Chief Lady Bird (@chiefladybird), who is a Chippewa and Potawatomi artist from Rama First Nation and Moose Deer Point First Nation. Through her art practice, Chief Lady Bird uses street art, community-based workshops, digital illustration and mixed media work to challenge the lens that Indigenous people are often viewed through. In her own words, her work “subverts the dominant culture’s frequent fetishization of Indigenous culture by highlighting the diverse experiences that we all come from.”

were ably facilitated by Vera Pawis-Tabobondung and moderated by Jeffery Hewitt and OHRC Commissioners Karen Drake and Maurice Switzer.

Several key themes emerged. For example, we heard how UNDRIP is an important starting point for understanding human rights from an Indigenous perspective. We also heard about how land, language and education are critical to the long-term progress of Indigenous peoples.

The dialogue helped us develop and strengthen relationships with Indigenous individuals and groups. It generated a wealth of ideas on how we can work with Indigenous communities to advance reconciliation and human rights. Participants talked about the important role the OHRC can play in exposing human rights abuses. They appreciated that we were willing and able to bring together diverse Indigenous perspectives to engage in respectful conversations.

The event was well-received by participants. The success of the event stemmed in large part from the efforts and guidance provided by the organizing panel, including Karen Drake, Jeffery Hewitt, Juliette Nicolet and Nicole Richmond. We also thank our partners who provided financial or in-kind support, including Osgoode Hall Law School, the Office of the President of York University, the Canadian Race Relations Foundation, the Ontario Federation of Indigenous Friendship Centres, Chiefs of Ontario, Métis Nation of Ontario, the University of Toronto Faculty of Law, and the Indigenous Justice Division, Ministry of the Attorney General.

The dialogue was an important collective first step. We look forward to continuing to work together with Indigenous peoples to build a vision of human rights that steps beyond existing boundaries and truly reflects the issues, perspectives and aspirations of Indigenous peoples across Ontario.

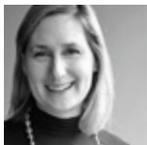
RECONCILIATION

Indigenous
and Black children
in child welfare

INTERRUPTED CHILDHOODS

It is an unfortunate reality that some children need to be placed in care by child welfare agencies to keep them safe. But too often for First Nations, Métis, Inuit, Black and other racialized families, being involved with the child welfare system is fraught with concerns that the system is not meeting their or their children's needs, and is in fact causing harm.

Senior Policy Analyst Anya Kater gives an update on our recent inquiry into the child welfare system.



For decades, Indigenous, Black and other racialized families and communities have raised the alarm that their children are over-represented in the child welfare system. In Canada, the number of Indigenous children in care is staggering, and the Truth and Reconciliation Commission of Canada (TRC) has called the situation a “growing crisis.” In her article “First Nations Child and Family Services: Restoring Peace and Harmony in First Nations Communities,” Cindy Blackstock says there are more Indigenous children in care today than there were in residential schools at the height of their use. And while their pathway through the child welfare system might be different, Black children are also over-represented.

The issues that lead to this over-representation are distinct, complex and multi-faceted. For example, low income, which is one of the inter-generational effects of colonialism, slavery and racism in society, is a major driver of child welfare involvement for Indigenous and Black children. Many Indigenous, Black and other racialized families, communities, advocates and others are also concerned that systemic racial discrimination in the child welfare system plays a significant role.

“The estimated cost per year spent on the apprehension of Black children in Ontario child welfare is \$60-70 million.”

Racial Profiling in Child Welfare: The Need for a Black CAS, 2013,
by Jennifer Clarke, Gordon Pon, Doret Phillips, Idil Abdillahi and Akua Benjamin

“We welcome the OHRC report, which confirms the concerns that the African Canadian community has been raising about disproportionality and disparities in child welfare for decades. OACAS, through the One Vision One Voice project, is supporting agencies in their work towards better data collection and analysis so that we have a more fulsome and transparent reflection of over-representation across the province. The vision is that the human rights of African Canadian children and families in this province will be maintained and valued within child welfare.”

Kike Ojo, Program Manager,
One Vision One Voice;
member, OHRC Community
Advisory Group

Our commitment to the TRC Calls to Action

To respond to these concerns, and to begin to act on the TRC Calls to Action, in 2016 we launched a public interest inquiry to examine the involvement of Indigenous and racialized children and youth in the Ontario child welfare system. We used our powers under the *Code* to request information from children’s aid societies (CASs) on their race-based data collection practices and how they track children and families receiving their services.

Our goal was to look at whether Indigenous and Black children are over-represented at CASs, particularly in admissions into care. We were concerned because racial disproportionality (the over- or under-representation of certain racial groups in a service relative to their proportion in the general population) and racial disparity (differences between racial groups at decision-making points in a service) may be indicators of systemic racial discrimination.

Indigenous and Black children over-represented in child welfare

We saw disproportionately high incidences of Indigenous and Black children in admissions into care from 2012 to 2015 at many mainstream agencies across Ontario. Although these findings are not conclusive of discrimination by CASs, they do serve as a starting point for CASs and the government to look critically at racial inequality in the sector.

When considered along with the long-standing issues people in Indigenous and Black communities have raised about discrimination in child welfare, the disproportionalities we found raise serious concerns for CASs. CASs should act on these findings by investigating whether their structures, policies, processes, decision-making practices and organizational cultures violate human rights.

“The protection, support and celebration of all children can only be assured when our community acknowledges and takes action to root out all forms of discrimination. As a lawyer representing both children and parents, I cannot overstate how much power our child welfare agencies wield. This authority must be exercised with real and profound respect for kids and their families—and most importantly with accountability.”

OHRC Commissioner Julie Lee

The government is introducing data collection initiatives that will be an important step forward in the child welfare sector. But to be effective, they must be put into action. We have recommended that CASs should be required by law to collect human rights-based data, including data based on race.

The OHRC urges CASs whose data showed notable disproportionalities to take concrete steps to:

- Acknowledge the disproportionalities and the potential impact they have on the trust and lived experiences of families and communities
- Investigate whether their structures, policies, processes, decision-making practices and organizational cultures adversely affect Indigenous and Black families, and potentially violate Ontario’s *Human Rights Code*.

Identifying and addressing potential systemic racial discrimination in the child welfare sector is only one part of the picture. The government, CASs, and civil society also need to address the broader social and economic issues that contribute to over-representation in child welfare. These issues require a multi-pronged response to create truly equitable outcomes for Indigenous and racialized children and families. Whether because of systemic discrimination in the child welfare system or broader social exclusion, the over-representation of Indigenous and Black children in admissions into care stands in the way of an Ontario that reflects the *Code’s* inclusive vision of society.

SPECIFIC FINDINGS:

- Indigenous children were over-represented in admissions into care at 93% of agencies we looked at (25 of 27), with many CASs showing extreme levels of disproportionality. These figures likely underestimate the proportions of Indigenous children admitted into care, in part because our sample only included non-Indigenous (mainstream) CASs.
- Black children were over-represented in admissions into care at 30% of agencies (8 of 27).
- Race-based data collection processes and practices are a patchwork across the sector.
- More than 40% of CASs did not know the racial backgrounds or Indigenous identities of more than one in five children their agency served, when considering referrals, cases opened for investigation, and admissions of children into care.
- For most CASs, the gaps and inconsistencies in the data collected make it statistically difficult to assess if racial disparities exist across different service decisions (such as placing children into care), which makes it difficult to assess whether systemic racial discrimination may be happening.

Disproportionality data via Google Maps

[Disproportionality indicator for Indigenous children](#)

[Disproportionality indicator for Black children](#)

[Disproportionality indicator for White children](#)



OHRC COMMITTED TO WORKING MORE CLOSELY WITH URBAN INDIGENOUS PEOPLES

In July 2017, the OHRC and the Ontario Federation of Indigenous Friendship Centres (OFIFC) signed an agreement with the ultimate goal of ending anti-Indigenous discrimination in Ontario. This agreement sets the stage for future collaboration with urban Indigenous communities based on trust, dignity, respect, and a shared commitment to reconciliation and substantive equality.

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

This agreement reflects the OHRC's commitment to engage with Indigenous leaders and communities on common issues and concerns. It will connect the OHRC with the nearly two-thirds of Indigenous people who live in urban areas and are protected from discrimination in housing, employment and services under the *Code*. Friendship Centres are the primary service delivery agents for Indigenous people seeking culturally-sensitive and culturally-appropriate services in urban communities.



July 10, 2017: Maurice Switzer, Renu Mandhane, Susan Barberstock and Sylvia Maracle make the OHRC and OFIFC partnership official in London, Ontario.

The OHRC has already partnered successfully with the OFIFC to hold focus groups across the province. Friendship Centres across Ontario have provided vital input on issues like racial profiling, understanding and accommodating creed, and child welfare. And throughout the journey, OFIFC Executive Director Sylvia Maracle has provided invaluable teaching and guidance.

We have delivered training to OFIFC staff on human rights essentials for Indigenous peoples, and the OFIFC played a key role in planning and delivering our *dialogue* event on human rights and Indigenous Peoples. As well, we continue to share information on various government initiatives such as reforms to policing, and the OFIFC provided critical feedback on our inquiry into child welfare.

THUNDER BAY: LEADERSHIP A POTENT WEAPON IN FIGHT AGAINST RACISM

In an ongoing effort to connect with people across Ontario, the OHRC visited and learned about the key issues in many communities across the province. In Thunder Bay, Chief Commissioner Renu Mandhane, Commissioners Maurice Switzer and Karen Drake, and the OHRC team heard concerns about policing and child welfare, trafficking of Indigenous women and girls, and everyday racism in almost every facet of their lives including employment, housing, healthcare and retail. Most strikingly, people talked about being “garbaged”—literally having garbage thrown at them while walking down the street, all because of their Indigenous ancestry.

“[U]nfortunately for our community [discrimination] is very normalized. There are generations who just say, ‘But that’s the way it is here.’ That you should walk up to the local restaurant and you show your money on the window before you can go in. They just think that’s what you do, and so when they come to places like this, they think, ‘How do I behave?’ ‘What do I do?’”

Sylvia Maracle, Executive Director of the Ontario Federation of Indigenous Friendship Centres. Watch “Indigenous people and racial profiling” [online](#).



We brought these concerns forward in meetings with city leaders, including the Mayor and police, and Chief Commissioner Mandhane urged further action in a July 2017 op-ed in the Thunder Bay Chronicle-Journal. She stated her concern that Thunder Bay had failed to effectively deal with the reality of widespread racism — and that responsibility for this and any solutions must start at the top. She called on elected officials, police chiefs and prominent citizens to step beyond a “business as usual” mindset and set a tone of respect and zero tolerance for racism and discrimination. She called on all people who call Thunder Bay home to demand that their leaders address racism head-on.

In a July 2017 response, the Acting Mayor wrote an op-ed in which he acknowledged the need to amplify and demonstrate the City’s commitment to combatting racism and discrimination.

Just over a month later, the City of Thunder Bay, Fort William First Nation and Nishnawbe Aski Nation (NAN) issued a joint “Statement of Commitment to First Nation Youth and Families.” The signatories acknowledged the “urgent need to improve relations” with the Indigenous population and to actively challenge and dismantle racism. To reach these goals, the parties committed to, for example, develop an anti-racism campaign and a Student Safety Plan to protect youth who come to Thunder Bay for school. Chief Commissioner Mandhane reached out to the City and NAN to signal our support for these initiatives and the OHRC’s willingness to be of continued assistance.

The OHRC is actively monitoring the ongoing reviews of the Thunder Bay Police Service and Board by the Ontario Independent Police Review Director and the Ontario Civilian Police Commission, respectively.

TIMMINS: UNDERSTANDING RACISM REQUIRES LEAVING YOUR COMFORT ZONE

In February 2018, Joey Knapaysweet and Agnes Sutherland, both from Fort Albany First Nation, died in incidents involving the Timmins Police Service.

In the wake of these tragic incidents, Nishnawbe Aski Nation Grand Chief Alvin Fiddler, Mushkegowuk Council Grand Chief Jonathan Solomon, and Fort Albany Chief Andrew Solomon issued a statement saying that they were “shocked” and wondering whether “systemic racism” contributed to the deaths. They lamented that “our people must continually leave their families and communities to come to cities to seek services that are not available in their respective communities.”

One month later, Chief Commissioner Renu Mandhane and Commissioner Maurice Switzer led an OHRC delegation to Timmins and surrounding areas as part of our commitment to reconciliation. While this trip was planned in advance of the recent deaths, we knew that our statutory authority to inquire into incidents of tension or conflict would be engaged. We spoke with local Indigenous communities and organizations, as well as people in Moosonee and Moose Factory. People identified the lack of adequate, culturally-appropriate and geographically-proximate health care, mental health care, education, administration of justice, and child welfare as current examples of systemic discrimination.

We heard about overzealous enforcement of public health bylaws that often posed a barrier to serving traditional Indigenous foods at gatherings. We heard that the local hospital’s Cree translators were only available to people who were admitted from out of town. We heard that some Indigenous children taken into care were sent to Sarnia (nearly 1,000 kilometers away) because there were too few approved Indigenous foster parents due to rules that require each foster child to have their own bedroom.

“Reconciliation is happening when Indigenous people see a non-Indigenous agency—like the Ontario Human Rights Commission—giving voice and support to their concerns.”

OHRC Commissioner Maurice Switzer

When asked if racism was a daily experience, many people answered “of course” or “it’s a normal part of living in town.” They noted that people perceived to be Indigenous based on stereotypes about appearance, dress or name were often singled out for adverse treatment. People noted that discrimination in housing is pervasive. There were stories about racial profiling in malls and stores—being followed by security or hassled when using a status card.

People expressed distrust of police. When asked why, they pointed to the legacy of residential schools, high profile incidents involving the Thunder Bay Police Service, and the perception that Indigenous youth are targeted for disproportionate police attention.

Our delegation also met with leaders in education, child welfare, health, policing, and social services.

While some institutions mentioned a strategic plan commitment to “diversity” or a committee that met infrequently, few could point to any meaningful action. With the notable exception of the local public school board director, there was no real sense of urgency in terms of investigating the issues, understanding the concerns, and taking action to tackle them.

We called on the Mayor and council to do more, and they have responded positively. On March 27, 2018, Timmins City Council passed a motion by Mayor Black that commits the City to form an Indigenous Advisory Committee, host cultural sensitivity and awareness training along with training on Truth and Reconciliation, and support setting up a leadership forum that brings local municipal leaders and Indigenous leaders together on a regularly scheduled basis.

The motion also included a commitment to raise three flags at City Hall on National Indigenous Day, including flags of the Mattagami First Nation (Timmins Traditional Territory), Nishnawbe Aski Nation, and the Métis Nation of Ontario.

For our part, the OHRC will return to Timmins to offer training and to help the City move forward.

Source: Op-ed by Chief Commissioner Renu Mandhane and Commissioner Maurice Switzer, published by [TVO](#) and available on the [OHRC website](#).



OHRC engagement in Moosonee at Keewaytinok Native Legal Services. Left to right: Shaheen Azmi, Renu Mandhane, Maurice Switzer, Logan Jeffries, Elizabeth Kamalatisit, Janina Fogels, Dawn Scott, Anita Nickoshie. Photo: Paul Lantz.



STRATEGIC DIRECTION

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

CRIMINAL JUSTICE

RACIAL PROFILING **INSIDIOUS AND DAMAGING**

“TTC suspends fare inspector after Black teen pinned to ground in streetcar incident.” “Black city councillor says Hamilton police ‘carded’ him.” “Judge says racial profiling likely, tosses charges against man after Toronto road stop.” “Shoppers Drug Mart forced to pay \$8,000 in Ontario racial profiling case.” These are just some of the recent news stories that describe people’s concerns and experiences of racial profiling.

Senior Policy Analyst Anya Kater offers an update on the OHRC’s work to eliminate the ongoing systemic problem of racial profiling.



Racial profiling is an insidious and particularly damaging type of racial discrimination that relates to notions of safety and security. For Indigenous and racialized people, too often the trust they should feel in police, child welfare, the education system and other public institutions is overridden by being unfairly singled out for surveillance, scrutiny, investigation and disproportionately harsh treatment.

We undertook a year-long public consultation on racial profiling in 2016. We shared what we learned in [*Under suspicion: Research and consultation report on racial profiling in Ontario*](#). Our aim is to provide policy guidance to law enforcement, child welfare and other sectors to understand, identify and eradicate racial profiling.

We connected with people and organizations representing diverse perspectives, including affected people from Indigenous, racialized and Muslim communities, legal and academic researchers, educators, human rights practitioners and police, among others. We conducted an online survey, analyzed applications made to the HRTO, held a policy dialogue, conducted focus groups with Indigenous peoples and received written submissions.



Racial profiling puts African-Canadians under suspicion for simply living while Black.

Almost 1,650 individuals and organizations told us about their experiences or understanding of racial profiling in Ontario.

Racial profiling exists and is harmful

During the consultation, we heard many concerns about racial profiling by individuals in authority, but also about institutional policies, practices, assessment tools and decision-making processes that may lead to racial profiling. We also heard about potential solutions. Some examples include awareness training, engaging with affected communities, and setting up mechanisms for accountability, such as complaint procedures, discipline procedures and data collection, analysis and reporting.

The widespread nature of incidents, along with a growing body of case law and social science and legal research, confirm that racial profiling exists, and that it is a broad concern shared by many Ontarians.

Our consultation confirmed the harm racial profiling continues to cause to individuals, families and the social fabric of communities. Racial profiling harms dignity and is associated with negative effects on mental and physical health. It contributes to barriers



“Racial profiling puts African-Canadians under suspicion for simply living while Black. It robs us of our individual identities. It permits black skin to be perceived as the opposite of innocent. It justifies black skin being seen as a symbol of danger or threat. It treats black skin as if it is a crime.”

Anthony Morgan, Barrister-at-Law, Falconers LLP.
Watch “It Must Stop” online.

“The Commission’s work in areas such as combating racial profiling in the policing and criminal justice system and seeking multiple ways to use our mandate to promote reconciliation with Indigenous peoples stands as testament to the commitment of all who work to ensure equality and diversity as our most precious asset as Ontario residents.”

OHRC Commissioner Errol Mendes

that prevent Indigenous and racialized people from achieving equal opportunity. And it corrodes people’s trust in public institutions, which can undermine their effectiveness and authority.

Racial profiling happens beyond policing

While racial profiling in policing continues to be a major issue, we heard that it happens in many sectors beyond policing. Racial profiling was reported in education, retail, child welfare, transportation, private security, national security and other areas.

Our consultation also helped us to better understand how racial profiling does not just happen when people in authority act on their conscious or unconscious bias. It can be far more subtle and can become part of the “normal” way an organization operates. We heard how racial profiling can be systemic and happen because of an organization’s embedded policies, procedures, decision-making practices and culture.

Where do we go from here?

In our report, the OHRC committed to:

- Develop policy guidance in the areas of policing and law enforcement, child welfare and court and corrections
- Collaborate with Indigenous communities to better understand their perspectives and develop resources to address Indigenous peoples’ human rights.



Press conference speakers included (left to right): Sylvia Maracle, Anthony Morgan, Renu Mandhane, Amira Elghawaby, Dianne Carter.



HAIRSTORY
@BEYONDOURHAIR
‘Racial profiling is real’ –
@OntHumanRights
@RenuMandhane
see their report #UnderSuspicion
<http://ow.ly/EVJr30bzIX4>

NATIONAL COUNCIL
OF CANADIAN MUSLIMS
@NCCM
A very imp. contribution to our
understanding of racial profiling
in #Ontario #UnderSuspicion
@OntHumanRights #onpoli
@coteau @RenuMandhane

MEDICAL HUMAN RIGHTS
NETWORK @IFHHRO
Healthcare in top 3 settings where
#indigenous feel racially profiled,
says @OntHumanRights.
@TheOFIFC weighs in.
<http://www.cbc.ca/news/canada/thunder-bay/racial-profiling-report-1.4097377>

CRIMINAL JUSTICE

"THERE
IS NO TRUST
WITHOUT
TRUTH."

People deserve not to be stopped, questioned, physically harmed, or charged by police because of the colour of their skin. Yet this continues to be a lived reality for members of Toronto's Black community.

Legal Counsel Sunil Gurmukh and Reema Khawja offer an update on the OHRC's inquiry into racial profiling and discrimination by the Toronto Police Service (TPS).



Racial profiling has caused much damage to Black communities in Toronto. We have seen:

- Black people being "carded" in numbers that far exceeded their representation in the population
- Black persons overly charged for possession of marijuana, even though studies show little difference in marijuana use between Black and White people
- Many findings from the courts and HRTD that TPS officers engaged in racial discrimination
- The CBC reported that Black people account for 36.5% of people who died in encounters with the TPS between 2000 and 2017, even though Black people made up just 8.3% of the city's population during this time.

We saw four Black teens, also known as the "Neptune 4," arrested at gunpoint, while on their way to a tutoring session in Lawrence Heights, even though the Office of the Independent Police Review Director found that the youth "were not misbehaving in any manner."

We saw a Black man, Mutaz Elmardy, stopped, punched in the face and searched, even though there was no basis to suspect him of criminal behaviour. The Ontario Superior Court of Justice found that he was a victim of racial profiling.

The impact of racial profiling on Black communities is devastating.



Press conference speakers included (left to right): Jamil Jivani; Alok Mukherjee; Chief Commissioner Renu Mandhane; HairStory Youth Advisory Members, Office of the Provincial Advocate for Children and Youth; Charlene Tardiel.

And we saw award-winning Black journalists, Marci len and Desmond Cole, respectively reporting about the “double standard of driving while Black” and “being interrogated by the police more than 50 times.”

The impact of racial profiling on Black communities is devastating. It contributes to their over-representation in the criminal justice system and mistrust of police. Chief Commissioner Renu Mandhane said, “Now is time to pinpoint the problem areas, and do something about them. Ultimately, there is no trust without truth.”

Our goal at the OHRC is to find that truth and set the stage to rebuild trust. And so, in November 2017, we announced that we launched a public interest inquiry into racial profiling and racial discrimination of Black persons by the TPS. Using our inquiry powers under the *Code*, we called for the TPS, Toronto Police Services Board (TPSB) and the Special Investigations Unit (SIU) to provide a wide range of data and documents, which we will review and analyze. We also committed to reaching out to the Black community to hear about their interactions and concerns firsthand.

The inquiry focuses on particular practices and activities of the TPS between January 1, 2010 and June 30, 2017 to determine their impact on the Black community. Areas of interest include stop and question practices; use of force incidents; police-related deaths; and arrests, charges, forms and conditions of release for various offence categories.



BLACK LIVES MATTER TO @BLM_TO
Big ups to @OntHumanRights for doing what so few provincial institutions are ready to do, walk the walk...
<http://fb.me/Bj7sb5Vx>

TOME SOJOURNER-CAMPBELL @TOMEESOJOURNER
@OntHumanRights @HRlegalhelp Today's announcement will have ripple effects across several sectors outside of police services. @preventcrp, we are leading a similar call for a provincial inquiry into consumer racial profiling as a systemic issue. #Ontario is leading the way.

OUR #TRUTHBEFORETRUST INQUIRY A TRENDSETTER!
On November 30, the day of our news conference to announce the inquiry, the story trended several times on Twitter, both in Toronto and across Canada.

“We know that racial profiling unchecked will continue to erode essential trust and undermine legitimacy as it relates to policing in Black and racialized communities. We also believe that racial profiling is not compatible with our vision of police services being provided in a fair, equitable, safe, and human rights-compliant manner.”

Charlene Tardiel, on behalf of the Association of Black Law Enforcers, at the OHRC press conference announcing the inquiry

I'M JUST TIRED.

I'm just tired. I got questioned before for driving my mom's car. She drives a red Kia, and a police officer asked me if this was my car... and he asked to pop the trunk of my car and asked for my license and registration, and kept asking me if this was my car.

I'm also tired of them all assuming that we're all the same and that we're all labelled as criminals. Do I look like a criminal to you? No?

I'm pursuing acting and modelling right now, and I don't want to be labelled as a criminal. I'm putting myself out there in every way, I'm putting myself on every TV show through my agency, and I'm working my way up to be a better person. And I want every other Black youth to follow their dreams and don't let any cop push you around.

I'm just tired. I know a lot of people are tired, he's tired, he's tired, everyone's tired, you're tired, and I just want it to stop. We're human beings — we're not animals, we're not “oh it fits the description,” no.

HairStory Youth Advisory Member, Office of the Provincial Advocate for Children and Youth, at the OHRC press conference announcing the inquiry



We will also look at the TPS and TPSB's culture, training, policies, procedures and accountability mechanisms relating to racial profiling and racial discrimination. And we will report publicly on our inquiry process, our findings and our recommendations. Our goal is to pinpoint where racial disparities exist and take targeted action that will help end racial profiling once and for all.

We have begun to hold focus groups with Black youth and community and advocacy organizations, and have met with the TPS to better understand their data systems.

The OHRC will continue to be part of the renewed national conversation about racial injustice. The opportunity to make change has never been timelier.



JUST WANTED TO SAY, a heart-felt thank you for bringing young people into the press conference. I met with them this morning before they left and they were so anxious and nervous. When they came back, it was as if they had battled Goliath and had won. So proud of each other and the importance of adding their voices to your work. Thank you for believing in them and providing them the opportunity to have their voices included in conversations that matter to them.

Laura Arndt, Youth Advocate, Office of the Provincial Advocate for Children and Youth

CRIMINAL JUSTICE

Making
mental health
treatment

A PRIORITY

IN ONTARIO CORRECTIONS

In 2012—after spending more than 200 days in segregation—Christina Jahn claimed that the Ontario government had violated her human rights. Her case set the stage for a major OHRC effort to protect the rights of people with mental health disabilities in Ontario’s prisons.

Legal Counsel Insiya Essajee, Matthew Horner and Nika Farahani offer an update on how Ms. Jahn’s case is leading to systemic change across Ontario.



Five years ago, the Government of Ontario made a legally binding commitment to a vulnerable group of people—prisoners with mental health disabilities. Ontario explicitly recognized that segregation was harmful for this group and agreed to prohibit segregation for people with mental illness except as a last resort.

In September 2017, after two independent reviews revealed that Ontario had not lived up to that commitment, we launched an application with the HRTO to hold the government accountable.

People held in segregation, also known as solitary confinement, are confined to a small cell for 22 or more hours a day with little human interaction. The Office of the Correctional Investigator has described it as the “most austere and depriving form of incarceration” administered in Canada.

Over five years ago, Christina Jahn filed a human rights application

In 2012, Christina Jahn filed a human rights case against Ontario’s Ministry of Community Safety and Correctional Services (MCSCS). While incarcerated in 2011 and 2012 at the Ottawa-Carleton Detention

“Christina Jahn opened my eyes when she came into our office in the fall of 2012 and told us her story. It was horrifying. Over 200 days in solitary confinement, struggling with mental illness and cancer, visits from family cancelled, denied phone calls, blankets and even a mattress removed as privileges, water turned off, all while her own fragile mental state disintegrated.”

Paul Champ, lawyer, Champ & Associates and member of the OHRC Community Advisory Group. Watch “Christina Jahn’s story was horrifying” [online](#).



Centre, she was living with mental health disabilities, addictions and cancer. She alleged that she was put in segregation for the entire period of her incarceration — about 210 days — and experienced brutal and humiliating treatment because of her gender and mental health disability.

When we heard about her experience, the OHRC was worried that what happened was part of a much bigger problem. We got involved in her case to tackle systemic issues with segregation and the treatment of people with mental health disabilities across Ontario’s prison system.

In 2013, we reached a major settlement that included a wide range of public interest remedies to reduce segregation and improve services for prisoners — particularly women — with mental health disabilities. As part of the *Jahn* settlement, Ontario promised to not use segregation for any prisoners with mental illness, except as a last resort.

Change on the ground elusive

In following years, we became concerned that the *Jahn* commitments were not leading to change for people on the ground. Last year, prompted by the egregious treatment of Adam Capay, both the [Ombudsman of Ontario](#) and [Ontario’s Independent Advisor on Corrections Reform](#) released reports confirming our concerns. Both reports showed a systemic and alarming overuse of solitary confinement, and that the government was not meeting its legal obligations. Howard Sapers, the Independent Advisor,

found that solitary confinement was the default — not the exception — for vulnerable prisoners like people with mental health disabilities.

In September 2017, [we filed a case](#) with the HRTO alleging that Ontario had failed to meet its legal commitments under *Jahn*. We said that Ontario had failed to prohibit the use of segregation for people with mental health disabilities, provide mental health screening and services, or accurately document, review and report on the use of segregation. At our press conference announcing this action, speakers included Honourable Kim Pate, Independent Senator for Ontario, Senate of Canada; Paul Champ, Lawyer, Champ & Associates, and member of the OHRC Community Advisory Group; Yusuf Faqiri, brother of the late Soleiman Faqiri; and Chief Commissioner Renu Mandhane.

2018: Tribunal orders government to uphold the rights of prisoners with mental health disabilities

In January 2018, our case resulted in an HRTO [consent Order](#) requiring the Ontario government to take specific steps, with detailed timelines, to make sure that the ban on solitary confinement for people with mental illness is effective.

This Order requires Ontario to create a system to identify prisoners with mental health disabilities, accurately track segregation use, and monitor the health of anyone placed in segregation.



CHRIS ECCLESTONE
@CECCLESTONE42
The criminal justice system is a lousy mental health care system just as a cement block is lousy nutritionally. Goal is not social programs.

AIDAN JOHNSON
@AIDAN_JOHNSON
#EndSegregation #BellLetsTalk #justice @OntHumanRights #celebration A true break-through in law for the rights of criminalized Ontarians with mental health disabilities/other-abilities.

PAUL CHAMP
@PAULCHAMPLAW
Data shows over 60% of people in solitary confinement in Ontario on any given day have mental illness. At least now we know the numbers...

DOING THE MATH ON MENTAL HEALTH

Statistics Canada reports that in 2015-2016, it cost an average \$215 per day (or \$78,475 per year) to maintain an adult inmate in an Ontario correctional facility. At the same time, the Canadian Mental Health Association, Ontario reports that it cost \$72 per day (or \$26,280 per year) on average to house a person in the community with supports.

In January 2018, pursuant to the Order, the government appointed Honourable Justice David Cole as Ontario's Independent Reviewer, and Professor Kelly Hannah-Moffat as the independent expert on human rights and corrections. Professor Hannah-Moffat will provide impartial advice on the province's plan to track inmates placed in restrictive confinement and segregation, and on the way public data is released. Professor Hannah-Moffat is also a member of the OHRC Community Advisory Group. The Honourable Justice David Cole will issue a progress report on the government's compliance with *Jahn* in the fall of 2018, and a final report on overall compliance by September 2019. The final report will be posted publicly.

For people with mental health disabilities, segregation is a life or death concern. That's why it is critical to keep pushing for change as soon as possible. This Order is part of making that happen—and part of making sure the legacy of Christina Jahn's case is one of positive change across Ontario.

PRISON LAWS SHOULD PROTECT HUMAN RIGHTS AND PROMOTE REHABILITATION

In Spring 2018, Ontario passed the *Correctional Services and Reintegration Act*, which replaces our current corrections laws and will promote greater rehabilitation and community integration. We consulted extensively with Ontario about the new legislation, and pushed for important human rights measures that were included in the Bill, such as:

- Better identifying and prohibiting the use of segregation for vulnerable prisoners, such as people who are chronically self-harming, suicidal or have mental health disabilities, require assistive devices, or are pregnant or have recently given birth
- Having strict segregation time limits of 15 continuous and 60 aggregate days in a year
- Making segregation placement decisions subject to arms-length review and oversight in all correctional institutions
- Providing prisoners and their legal representatives with relevant information and opportunities to challenge segregation placements, without limiting the right to challenge placements through a *habeas corpus* application to the courts
- Requiring the government to provide annual reports of its progress implementing the Act
- Defining segregation based on conditions of confinement and requiring that all comparable placements are subject to legal protections.

"Someone who needed help was killed under government care. My brother needed a bed and a doctor, and instead he got handcuffs and fists. My brother should not have died the way he died. No human being should have."

Yusuf Faqiri, brother of the late Soleiman Faqiri. Watch "My brother needed a bed, a doctor, and instead got handcuffs, fists" [online](#).



Even in the most challenging environments, people have the right to be treated with dignity and respect, to have their religious beliefs accommodated and to live free from discrimination.

SETTLEMENT AN IMPORTANT STEP TOWARDS RESPECTING THE HUMAN RIGHTS OF DIVERSE PATIENTS

Even in the most challenging environments, people have the right to be treated with dignity and respect, to have their religious beliefs accommodated and to live free from discrimination. That's why the OHRC intervened in the case of *The Estate of Kulmiye Aganeh v Mental Health Centre Penetanguishene* at the HRTO. We intervened to address the accommodation of patients with diverse religious beliefs, and the link between race, mental health and the disproportionate use of restraints. In June 2017, we reached a settlement with the Waypoint Centre for Mental Health Care (formerly known as Mental Health Centre Penetanguishene).

Kulmiye Aganeh, a Black, Muslim man, was held in a secure psychiatric unit at Waypoint between December 2007 and March 2009. He died in March 2009 from sudden cardiac event due to toxicity from an antipsychotic medication, following an incident that involved the use of restraints.

Under the settlement, Waypoint has committed to consult with independent experts, Dr. Sanaz Riahi and Saleha Khan, to:

- Meet its obligations under the Ontario *Human Rights Code* relating to use of restraints on racialized patients and patients with mental health disabilities (seclusion, chemical, physical and medical)
- Collect human rights-based data on the use of restraints and provide annual reports analyzing this data to the OHRC for three years
- Provide training to all staff, including training focused on racial and religious discrimination and the duty to accommodate
- Develop and implement a policy on the right of patients to be free from creed-based discrimination, including the duty to accommodate to the point of undue hardship.

These steps aim to improve outcomes for some of Ontario's most vulnerable people.

SAFER ONTARIO ACT REFLECTS HUMAN RIGHTS ADVICE

The OHRC was pleased to see the government enact Bill 175, the *Safer Ontario Act*. This legislation is a modern vision of policing that reflects many of the issues the OHRC has raised over the past few years. We have worked with community coalitions, police services, the Ministry of the Attorney General, the Ministry of Community Safety and Correctional Services, and many individuals and organizations to advocate for policing that reflects and supports the communities it is designed to serve. And we have made several submissions, including to the Independent Police Oversight Review by the Honourable Justice Michael H. Tulloch.

Diverse stakeholders, including human rights groups, the Ombudsman, police chiefs and services boards, and the Ontario Federation of Indigenous Friendship Centres, all communicated their support for reforms to policing in Ontario.

Trust in police is especially fractured among groups protected under Ontario's *Human Rights Code*, because they bear the brunt of the criminal justice system's negative consequences. The prison population provides a snapshot of this... Indigenous and Black people are grossly over-represented, and the number of prisoners with addictions, and mental health or intellectual disabilities has grown dramatically in recent years. These impacts are felt at an individual, family and community level and can have inter-generational impacts on well-being.

We have long called for bold steps to promote accountability within policing and their oversight regimes and to build trust with historically marginalized communities. While this legislation won't remedy injustices of the past, it marks a significant step towards making our communities safer.

The *Safer Ontario Act* is an opportunity to build trust because it recognizes and enshrines the *Charter* and *Human Rights Code* as essential to adequate and effective policing. And it clearly outlines the responsibilities of police services, boards, and oversight agencies. It further enhances accountability by creating strong oversight entities.

The *Act* also reflects recommendations from Justice Michael Tulloch's review, along with lessons learned from recent high profile incidents involving serious injury and death. For example, it provides clear rules for what incidents fall within the jurisdiction of the SIU, and when they must be reported, and creates greater transparency in reporting from oversight agencies. The *Act* also calls for the arms-length investigation of police misconduct complaints, and allows an independent tribunal to oversee and impose meaningful disciplinary measures.

The *Act* also provides a pathway to sustainable culture change through mandated training, demographic representation on boards, and the creation of community safety and well-being plans that address systemic discrimination.

Policing must reflect and respond to the unique issues communities face. To do that, we need as much information as possible about what's happening on the ground. While the *Act* provides many avenues for collecting and acting on qualitative data, quantitative data is required to compel meaningful change. So we strongly urge the government to make the collection of human rights-based data mandatory for all police services and all police oversight agencies.

The *Safer Ontario Act* is a once-in-a-generation moment to fundamentally shift the culture of policing and create greater community trust in law enforcement. We will continue to track its progress and implementation.

ENDING THE STIGMA FACED BY POLICE WHO DIE FROM MENTAL HEALTH INJURIES

As a result of an April 2017 legal settlement between the OHRC, Toronto Police Service and Toronto Police Services Board, officers who die from mental health injuries — not just physical ones — sustained in the line of duty will have equal opportunity to have their names included on the Toronto Police Service's Memorial Wall.

Policing is a challenging, and sometimes traumatic, profession. Yet, police officers who sustain mental health injuries as a result of their work still face a great deal of stigma. Beyond ensuring that all members who lose their lives in the line of duty are treated with the same degree of recognition and respect, this settlement should signal to current members that they can seek support for mental health issues without being labeled as weak or unsuited to policing.

SPECIAL ISSUE OF CANADIAN DIVERSITY FOCUSES ON RACIAL PROFILING, HUMAN RIGHTS

The 2017 edition of *Canadian Diversity*, entitled "Racial profiling and human rights," was launched in September 2017. *Canadian Diversity* is a quarterly publication of the Association for Canadian Studies (ACS).

The essays in this special issue are the product of a Racial Profiling Policy Dialogue, led by the OHRC in partnership with York University's Centre for Human Rights, School of Public Policy and Administration, and Institute for Social Research in February 2016.

All of the contributors to the issue took part in the policy dialogue and offered substantial insights into the nature and consequences of racial profiling. Their essays provided insight on how to move the discussion forward in framing policy within Ontario and elsewhere in Canada for eradicating racial profiling in all its forms.



STRATEGIC DIRECTION

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

POVERTY

POVERTY

PROTECTING PEOPLE AGAINST DISCRIMINATION BASED ON SOCIAL CONDITION

Over the past year, the call has intensified to add social condition as a protected ground of the *Code*. In fact, poverty and its relationship with human rights is one of the OHRC's strategic focus areas over the next few years. But what does this all really mean?

Senior Policy Analyst Jeff Poirier explains.



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*.

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

Poll, StatsCan show negative attitudes, unequal treatment

People living in poverty experience various kinds of negative attitudes and unequal treatment in society. The OHRC's *Taking the Pulse* public opinion poll, released last December, showed that only a minority of respondents (39%) reported feeling positive towards people who receive social assistance. A majority



(62%) held the negative view that *it is understandable for a property owner or apartment manager to be concerned about renting to people on social assistance.*

Statistics Canada's 2016 Census shows even more inequality. While 14.1% of people in Ontario have low income (defined as half or less of the median adjusted after-tax household income), groups typically vulnerable to discrimination are even worse off. Higher poverty rates are found for groups such as people with disabilities (23.5%), Indigenous peoples (23.7%), Black people (24.1%), female-led families (29.8%) immigrants arriving between 2001 and 2016, (35.6%), and Arab people (40.6%).

Inequality doesn't stop there

Other research shows that groups vulnerable to discrimination are more likely to have lower levels of education, live in unsuitable and unaffordable housing or be homeless, participate less in the labour force, work in unstable jobs or be unemployed. All these factors contribute to poverty and the OHRC is very concerned that discrimination is at the root of them.

Beyond narrow protections in housing, one group largely missing from the Code's protection is people living in poverty.

“Poverty is intricately tied to systemic discrimination on prohibited grounds and in turn gives rise to further stigmatization and discrimination. Recognizing poverty as a human rights issue and addressing its devastating effects on identified groups is a strategic priority and a firm commitment informing all aspects of the Commission’s work.”

OHRC Commissioner Bruce Porter

“While the passing of Bill 164 will not necessarily compel the Government in Ontario to take positive action to address the issues of poverty and homelessness, it will at least bring to the public attention that low income people are also human beings who deserve to be treated with equal respect. It may even help open the door to policy changes to help eliminate widespread societal discrimination against those who live on the margins.”

Op-ed in the Toronto Star by Avvy Go, Chinese & Southeast Asian Legal Clinic, OHRC Community Advisory Group member; Debbie Douglas, Ontario Council of Agencies Serving Immigrants, OHRC Community Advisory Group member; and Shalini Konanur, South Asian Legal Clinic of Ontario.

The push to amend the Code to expand human rights protections

We have long called for social condition to be explicitly included as a ground of the *Code*. So has the United Nations. Their 2016 report on Canada’s compliance with treaty obligations under the *International Covenant on Economic, Social and Cultural Rights* says all federal, provincial and territorial governments should have “social condition” in their human rights legislation.

Private Members Bill 164, *Human Rights Code Amendment Act, 2017*, introduced in the Ontario Legislature last fall, would do just that—add protection for social condition in the areas of employment, vocational associations (like unions), housing, services and contracts. The Bill defines social condition broadly to mean social or economic disadvantage resulting from employment status, source or level of income, housing status, including being homeless, level of education, or any other similar circumstance.

The Bill also included new protections for genetic characteristics, police records and immigration status—which can all be factors leading to poverty.

In October 2017, the OHRC released a statement supporting the Bill, as did many other community organizations such as the South Asian Legal Clinic of Ontario, the Chinese and Southeast Asian Legal Clinic, and the Ontario Council of Agencies Serving Immigrants.

The addition of social condition would significantly strengthen human rights protection for the most marginalized and vulnerable Ontarians. This change would also bring our province in line with other provinces, namely, Manitoba, New Brunswick, Northwest Territories, and Quebec.

However, Bill 164 did not go to a final vote before the Ontario spring election, so legislative change would have to wait. In the meantime, our 2017-22 Strategic Plan commits us to developing a policy on poverty and human rights. We’re reaching out to individuals and groups, and invite all Ontarians to share their views and experiences.

"A better understanding of poverty

hopefully leads to better and new ways to engage and to learn from people who face systemic discrimination."

POVERTY: HEARING ABOUT THE LIVED REALITY FIRST HAND

In March 2018, OHRC staff and Commissioners spent three days learning about the lived reality of poverty from a variety of perspectives. This knowledge will help us as we intensify our efforts to deal with poverty as a human rights issue over the next few years. The training featured presentations from community groups and individuals with lived experience, and a role-playing exercise led by the United Way of Toronto and York region.

Staff and Commissioners said:

"Even material that I was familiar with was framed/presented in a way that was helpful because it came from a different perspective (e.g. lived experience)."

"A better understanding of poverty hopefully leads to better and new ways to engage and to learn from people who face systemic discrimination."

SUPREME COURT OF CANADA SUPPORTS BROAD HUMAN RIGHTS PROTECTIONS IN EMPLOYMENT

On December 15, 2017, the Supreme Court of Canada issued its decision in *British Columbia Human Rights Tribunal v Schrenk*, a case in which the OHRC intervened in March 2017. In its decision, the Supreme Court confirmed that workers are protected against discrimination and harassment not just by supervisors but also by co-workers and subordinates.

The Court found that the BC *Human Rights Code* "prohibits discrimination against employees whenever that discrimination has a sufficient nexus with the employment context." The majority of the Court overturned a BC Court of Appeal decision and found that discrimination and harassment do not require that the perpetrator be in a position of authority, or be able to exercise economic control, over the victim. It said that one of the purposes of the *Code* is to protect employees from the indignity of discriminatory conduct. This positive outcome is consistent with, and reflects the points the OHRC made in our factum and oral argument.

This decision is significant because it emphasizes several foundational principles for human rights, and it leaves the door open for better protecting rights in a variety of situations in employment, housing, services, etc. With the trend towards less standard, more precarious employment relationships (particularly for marginalized people), measures to ensure that workers are not left without protection are vital in today's society.

“The law isn’t fair, it’s wrong and it should be repealed.”

Gerry Williams speaks about his lived experience of poverty. Watch “Owing an unpayable debt” [online](#).



SAFER STREETS— OR INESCAPABLE POVERTY?

At its heart, the *Human Rights Code* promotes human dignity and respect, social inclusion, and the ability to reach one’s full potential—and many recent government steps support the goal of reducing poverty and ending chronic homelessness. But some Ontario laws—like the *Safe Streets Act*—are having the opposite effect.

In June 2017, Chief Commissioner Renu Mandhane wrote a letter to the Attorney General and spoke at a press conference calling on the government to repeal this act. Rather than promoting public safety, the *Safe Streets Act* criminalizes people for being poor. It perpetuates stigma against street involved and homeless people by portraying them as criminal, a nuisance or people appropriately feared by the rest of the public. It subjects them to greater police surveillance, fines and imprisonment.

Many people who are ticketed accumulate fines they are not in a position to pay. Some face imprisonment which, along with loss of liberty and other negative effects, results in the loss of their social assistance and potentially their housing. This unnecessary and disproportionate punishment creates additional barriers for an already disadvantaged group, especially when other laws exist to address conduct that raises legitimate public safety concerns.

The *Safe Streets Act* also poses barriers to people who wish to transition out of street involved life, because significant outstanding fines and/or records of conviction can prevent them from securing housing or employment or committing to mental health and/or addiction treatment.

The *Safe Streets Act* disproportionately affects people protected under the Ontario *Human Rights Code* and Canadian *Charter of Rights and Freedoms* who are either street involved or homeless. The Government itself has acknowledged this connection between poverty and membership in a *Code*-protected group in its *Poverty Reduction Act*.

Code-protected communities disproportionately experience poverty. In almost every city, First Nations, Métis and/or Inuit peoples, and persons with mental health disabilities and addictions are over-represented in the homeless population. Women, older persons, children and youth, transgender people and racialized communities face particular dynamics of marginalization. Often these grounds intersect to produce unique and compounded forms of discrimination, marginalization and poverty.

This law focuses on the symptoms of homelessness rather than on underlying causes such as the need for access to affordable housing, adequate income, education and employment opportunities and necessary supports for people dealing with mental health disabilities and addictions.

As a society, we must shift our focus from criminalization of homeless people to addressing the underlying causes of poverty. That’s what a rights-based approach to poverty requires. And we will continue to call on the government to also follow this approach by repealing the *Safe Streets Act*.

4

STRATEGIC DIRECTION

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

EDUCATION

EDUCATION

Allowing all
children and youth
to meet their

FULL POTENTIAL

While there have been some significant gains for people with disabilities in recent years, serious challenges to equality continue to exist throughout society—especially in education. So it’s imperative that the OHRC continues to advance human rights related to disability in our schools.

Senior Policy Analyst Cherie Robertson provides an update on our work over the past year.



For many years, disability has been the most frequently cited ground of discrimination under the Ontario *Human Rights Code* in human rights claims made to the HRTO.

The *Code* guarantees the right to equal treatment in education, without discrimination on the ground of disability, as part of the protection for equal treatment in services. This protection applies to elementary and secondary schools, and colleges and universities, both public and private. But are these protections really having the desired effect? Are they meaningful for the thousands of children and youth who go to school each day?

Despite a highly regulated and complex education framework designed to address “special needs,” a significant number of students with disabilities continue to face obstacles in their attempts to get an education in Ontario. In 2003, we published *The opportunity to succeed: Achieving barrier-free education for students with disabilities*, and followed this up with the 2004 *Guidelines on accessible education*, a comprehensive policy document that provided practical guidance to education providers and students on how to fulfil their duties and rights under the *Code*.

“Ensuring access and the human rights of students in Ontario’s education system regardless of their disability-related requirements is indeed an investment in our shared future as a society.”

OHRC Commissioner Rabia Khedr

Bringing down the barriers one at a time

Students with disabilities continue to face difficulties accessing services at all levels of the education system. Inadequate resources and supports in the classroom, long waiting lists for assessments, negative attitudes and stereotypes, physical inaccessibility, inappropriate requests for medical information, ineffective dispute resolution processes, and outright denial of disability-related accommodations are some of the barriers that many students with disabilities continue to experience.

In October 2017, we released a policy statement on “The duty to accommodate.” Chief Commissioner Renu Mandhane followed this up with a piece in the Huffington Post entitled “Don’t confuse accommodating mental health with lowering standards” that addressed misconceptions around accommodating students with mental health disabilities at colleges and universities.

Under the *Accessibility for Ontarians with Disabilities Act*, education providers, as both employers and service providers, are required to comply with accessibility standards set out in regulation. The Ontario government made this requirement even stronger when it announced a commitment to develop new accessibility standards for education in Ontario. In 2017, we joined the Office of the Provincial Advocate for Children and Youth and wrote to the Minister of Education, the Minister of Advanced Education and Skills Development, and the Minister Responsible for Accessibility, to offer our support in developing this standard to ensure that it reflects human rights principles and the responsibilities set out in the *Code*.

Guidelines updated, become policy

Barriers continue to impede students with disabilities in their quest for an education. That’s why we decided to update our 2004 *Guidelines on accessible education*. The updated version, which will be called the *Policy on accessible education for students with disabilities*, will take into account current social science research, case law developments, legislation and international human rights obligations.

The policy, set for release in 2018, will maintain our positions in key areas relating to disability accommodation (for example, it will reaffirm the high standard of undue hardship). It will also address new and emerging issues in the area of disability and education (e.g. the duty of education providers, in certain circumstances, to inquire into whether a student has needs related to a disability, and to offer assistance and accommodation, even if the student has not made a specific accommodation request). It will feature detailed guidance to students and education providers about their rights and responsibilities under the *Code*.

Education is one of our strategic priorities at the OHRC, and making sure students with disabilities have an opportunity to succeed will continue to be an important part of that priority. That’s why, alongside the release of the report, we will also issue recommendations to responsible parties to ensure equal access to education for students with disabilities.

A higher proportion of Indigenous people age 25 to 34 (20%) have no educational certificate, diploma or degree compared to non-Indigenous people (7.3%).

ADDRESSING THE UNIQUE NEEDS OF FIRST NATIONS STUDENTS WITH DISABILITIES

In November 2017, our Chief Commissioner wrote to the Minister of Education to highlight the unique needs of First Nations students with disabilities, particularly relating to Ontario's role in First Nations special education. Our letter supported the concerns raised by, and the recommendations included in, the May 2017 Ontario First Nations Special Education Review Report. Among other things, this report identified serious human rights concerns with Ontario's approach to First Nations children with special education needs attending provincial schools, and off-reserve First Nations students who wish to attend First Nations schools. Concerns included inequitable access to special education funding that directly affects the services available to First Nations children with special needs.

POST-SECONDARY EDUCATION AND MENTAL HEALTH — WITH LEARNING IN MIND

In 2016, we wrote to public colleges and universities in Ontario asking them to report on what steps they were taking to reduce systemic barriers for students with mental health disabilities. This inquiry led to our report, *With learning in mind: Inquiry report on systemic barriers to academic accommodation for post-secondary students with mental health disabilities*. Released in April 2017, the report describes the systemic barriers we identified, the modifications to post-secondary institutions' policies and procedures we requested, and the institutions' self-reported progress in implementing the changes.

In January 2018, we wrote to the University of Toronto to express concerns that its proposed University-Mandated Leave of Absence Policy may result in discrimination based on mental health disability. The policy includes an option to place students with mental health issues on leave, losing access to education,

student services and housing. We were concerned that by taking these steps the university might not be meeting its legal duty to accommodate to the point of undue hardship. At its meeting in January 2018, the University Affairs Board acknowledged our concerns and put the policy on hold pending further consideration of its human rights implications.

SHOWCASING STUDENT LEADERSHIP

For the second year, we were pleased to present OHRC Human Rights Awards to students at Heritage Fairs. The Ontario Heritage Fair Association brings together students from grades 4 to 10 to learn and prepare projects that promote Ontario and Canadian history and heritage.

DATA SHOWS ACHIEVEMENT GAP FOR INDIGENOUS AND RACIALIZED ADULTS

2016 Census data shows a concerning achievement gap based on Indigenous identity and race. A higher proportion of Indigenous people age 25 to 34 (20%) have no educational certificate, diploma or degree compared to non-Indigenous people (7.3%). Only half of this Indigenous group (53%) has employment income, compared to 67.4% of non-Indigenous people. This Indigenous group also has a lower median employment income (\$14,769) compared to non-Indigenous people (\$22,720).

An achievement gap also exists when comparing racialized people age 25 to 34 with their non-racialized counterparts when looking at no educational certificate, diploma or degree (8.2% vs. 6.6% for non-racialized people), having employment income (63.9% vs. 67.2%), and median employment income (\$18,597 vs. \$23,849).



Over the coming years, the OHRC will focus on building and improving capacity in the following areas: leadership voice; our people; our relationships; evidence-informed approaches; practical guidance and solutions.

FOUNDATIONAL STRENGTHS

Our People

A CONVERSATION
WITH EXECUTIVE DIRECTOR
AND CHIEF LEGAL COUNSEL
DIANNE CARTER

1

The OHRC considers the vision of its Commissioners and the expertise of its staff as foundational strengths—and an ongoing challenge is to lead and prepare staff to bring the vision to life. What steps is the OHRC taking to enable and inspire staff to do this?

One of the foundational strengths identified in our Strategic Plan is “our people.” To meet the ambitious plans we have made, we need to have an engaged staff that is well informed and equipped with the tools to help us succeed. We can’t achieve our objectives without our people.

Our management team has committed to strengthening our workplace culture and environment to enhance personal and organizational well-being and connectedness, and we have taken several steps to do this. For example, we have set up an OHRC-wide education and training plan for staff and Commissioners, to help us collectively gain substantive knowledge about our strategic priority areas. To foster, value, and recognize the importance of teamwork, we established Interdisciplinary Teams in our four priority areas, allowing people from across the OHRC to share

information and expertise and to work collaboratively. It’s also important to balance the critical work we do with some fun. So we also have an “Internal Fun Team” that creates opportunities for us to get together informally for everything from pot luck lunches to lunchtime yoga, to lunch-and-learn events. The staff team also enthusiastically got involved in United Way events ranging from a pizza lunch to climbing the CN Tower!

2

What do you think was the OHRC’s biggest success?

Our Strategic Plan establishes four strategic priorities. Our effective implementation of the plan and consistent focus on priorities allowed us to achieve significant gains in advancing human rights in corrections and policing. It is often the case that strategic plans sit on the shelf and never turn into action. There are myriad human rights issues that call for action, but we have been disciplined in ensuring that our operational plan connects to results in our areas of strategic priority. At the same time, we have been responsive to emerging human rights issues.



3

How is the OHRC working to meet rising public demands in an era of tight budgets and growing accountability expectations?

We have been able to extend our reach in several ways. We have used traditional and social media to frame issues such as solitary confinement as human rights concerns. Our Chief Commissioner and staff have travelled the province to provide human rights training and to listen to community concerns—extending our reach beyond our offices in downtown Toronto. Perhaps most importantly, we have established what we hope will be enduring community partnerships. With those partnerships we have been able to consult to understand their perspectives, and work collaboratively on various initiatives.

4

Last year, you received an Ontario Human Rights Sheroes award from A Different Booklist Cultural Centre. Can you talk about what this meant to you?

I am grateful for the opportunity to do such meaningful work with a committed and competent staff team, with the guidance of our Commissioners, and with a Chief Commissioner who continues to demonstrate courage and leadership. The work to effect systemic change to address racism—which has been a persistent problem for generations—is slow and success doesn't happen overnight. Being recognized with this award inspires me to continue.

“Our effective implementation of the Strategic Plan and consistent focus on priorities allowed us to achieve significant gains in advancing human rights.”

“Cross-appointments at the governance level are proving to be an effective mechanism to coordinate the work of the OHRC and the HRLSC—two organizations with unique yet complementary mandates.”

OHRC Commissioner Mary Gusella, cross-appointed to the HRLSC Board of Directors (along with OHRC Commissioner Karen Drake)

FORMALIZING OUR PARTNERSHIP WITH THE HUMAN RIGHTS LEGAL SUPPORT CENTRE

In March 2018, we were pleased to finalize a formal Memorandum of Understanding with our valued allies at the HRLSC. This agreement is a commitment to share and coordinate our efforts to advance human rights in Ontario. Features include: holding regular meetings at several levels; advising each other of relevant legal proceedings; coordinating case information to help OHRC policies reflect lived experience; following a communication protocol; exploring joint opportunities for public outreach; sharing our strategic plans; looking for opportunities for joint training; and sharing statistics. We are planning a celebration that will bring our leaders and staff together to mark our renewed relationship and shared successes—especially as the HRLSC celebrates its 10th anniversary in 2018!

OUR RELATIONSHIPS: LISTENING, UNDERSTANDING, LEVERAGING #OHRCOMMUNITY

To be effective as a human rights organization, the OHRC has to be driven by the lived experiences and expertise of the many communities we serve across Ontario. But how do we make sure we do this in a meaningful and structured way? Janina Fogels, Executive Advisor to the Chief Commissioner, explains the plan for the OHRC’s Community Advisory Group...

For two days last November, 50 community leaders squeezed into our boardroom to establish a framework to share information, identify and discuss current human rights issues, slow-burning and urgent. Advocates, directors, activists, academics and policy analysts networked to enrich understanding of the environmental factors and some of the critical emerging issues relevant to our work. We all committed to work together to advance human rights in Ontario. And there was cake.

Our overarching goal in bringing together a community advisory group is to get genuine, ground-level feedback on our work, and to create durable relationships that can be leveraged in both an ad hoc and structured basis throughout the year.

It starts with earning trust

The OHRC is a mainstream government institution with over 50 years of history. We know that trust can be earned, and also lost. We’ve come to understand that trust is earned by understanding in a profound way the experiences of people who face human rights issues and the perspectives of people who advocate for them—listening to new voices and benefitting from the wisdom of people who have tackled systemic injustice and crises over time.

“The OHRC is incredibly well positioned to build a robust culture of human rights accountability and to deliver systemic change.”

Janina Fogels, Executive Advisor to the Chief Commissioner

Ultimately, human rights supporters and advocates absolutely have divergent views about when and what kind of advocacy is most effective— together, apart, collaborate, overturn. But identifying individuals with overlapping goals and similar projects guides the OHRC to use our authority in a way that is responsible, effective and accountable. The members help us use our leadership voice in a clear, relevant and bold way.

Building a robust culture of accountability

As one part of Ontario’s direct-access human rights model, the OHRC is incredibly well positioned to build a robust culture of human rights accountability and to deliver systemic change. Our policy, legal, education and communication teams need to be right on top of emerging human rights issues. We want to be thinking progressively about political trends. The best way to do this is to be open to hearing from the members of communities across Ontario who are immersed in our four areas of focus and working in reconciliation, the criminal justice system, and on poverty and education.

Community Advisory Group members encouraged us to make sure that their participation was impactful. We heard that working together means including transparent report-back mechanisms, the opportunity to provide relevant insights, and serious consideration of feedback and recommendations received.

We made commitments

The OHRC made several commitments to our Community Advisory Group members after our inaugural Summit, including to:

- Publicly release a report on the Summit
- Reflect members’ feedback in the OHRC’s Business Plan, Annual Report, and other OHRC documents
- Provide members with information about how to bring forward ideas for consideration by the OHRC, and create additional opportunities for community members to provide feedback to us on our programs and initiatives
- Provide members with advance notice of public communications and offer technical briefings
- Provide members with introductory human rights training, including the role, mandate and governance of the OHRC, in advance of the next summit
- Develop the next summit agenda in consultation with CAG members, especially and including Indigenous members and members who require accommodation.

Read *Communities for Change*, our report on our first Annual Summit and our Community Engagement Strategy, [online](#).



JEEWAN CHANICKA
@JEEWANC

Absolutely an amazing day with so many civic leaders at the @OntHumanRights Community Advisory Group
[#OHRCommunity](#)

UPPALA CHANDRASEKERA
@UPPALAC

Honoured to be part of Ontario Human Rights Commission’s Community Advisory Group!
Thank you @OntHumanRights for engaging all of us in your important work! @CMHAOntario @MHCC_ [#OHRCommunity](#)

MOJDEH COX
@MOJDEHCOX

I’m pleased to know that @OntHumanRights is committed to monitoring and reporting on the state of human rights in Ontario using data AND other evidence-informed approaches.
[#OHRCommunity](#)

A public opinion survey is a benchmark of insights into attitudes that may be at the root of persistent inequality and discrimination in our society.

EVIDENCE-BASED APPROACHES: OHRC TAKES THE PULSE ON HUMAN RIGHTS IN ONTARIO

Living in Ontario means that many of us interact with diverse people every day. Neighbours, work colleagues, fellow students, staff at local shops and restaurants— have you ever wondered about the discrimination they might experience for reasons like their skin colour, gender identity, sexual orientation, disability, or religious clothing? Or how people feel about you for these same reasons? Senior Policy Analyst Jeff Poirier reports on what we found when we asked these questions and more...

Part of our mandate at the OHRC is to report on the state of human rights in Ontario. This past year, we took a new approach by commissioning a public opinion survey. Our report, *Taking the Pulse*, was released last December to mark International Human Rights Day.

We wanted to get a snapshot of what people know about human rights, and their attitudes—positive and negative—towards groups protected under the *Human Rights Code*. We also asked about people's personal experiences with discrimination. And we know it's important to understand the perspectives of people we don't always encounter in our day-to-day work, which this survey helped us to do.

We organized the findings to line up with the four focus areas in the OHRC's Strategic Plan. And certain themes emerged that will help us as we continue along our plan. For example, the results showed that negative stereotypes persist towards certain groups like Indigenous peoples, Muslim and Arab people, other racialized communities, and people in receipt of social assistance. People who experience discrimination don't often report it to the organization where it happens. But the vast majority agrees that human rights education in schools is vital if things are going to change.

A public opinion survey is a benchmark into attitudes that may be at the root of persistent inequality and discrimination in our society. We hope our survey and report will help government, researchers and community groups to broaden public understanding of human rights. The report, tables and survey data are available online.

Survey Highlights

89%

A vast majority agreed that students should learn more about human rights in school

73%

A majority supported allowing transgender students to access washrooms based on their lived identity

71%

A majority supported providing prayer space for students who require it

70%

A higher proportion of Indigenous respondents (70% vs. 49% of all respondents) said they experienced some form of discrimination in the past five years

66%

Two-thirds of survey respondents thought that discrimination was at least somewhat of a problem in Ontario

63%

A majority (63%) believe race or colour to be one of the most common reasons why people experience discrimination, followed by sexual orientation (34%), disability (25%), and creed or religion (24%)

48%

Almost half kept their experience of discrimination to themselves; only 14% said they complained to someone in the organization where it happened

45%

45% of respondents who experienced discrimination or harassment in the past five years said it happened at work, 42% said it happened in a public place (i.e. outside the jurisdiction of the Code), 16% in a shop or restaurant, and 12% at school

35%

Only around 35% were at least somewhat familiar with Indigenous rights and the impact of colonialism on Indigenous peoples

“The existence of racism isn’t an idea to be debated—it is a lived reality.”

Chief Commissioner Renu Mandhane at the Standing Committee on Canadian Heritage, on M-103, September 2017.

LEADERSHIP VOICE: MOVING PAST DEFINING RACISM — TO ENDING IT

In September 2017, Chief Commissioner Renu Mandhane made a presentation to the Standing Committee on Canadian Heritage, on M-103, a federal government motion on systemic racism and religious discrimination. Here are some excerpts...

Every day, people tell me about their experiences of discrimination. For them the existence of racism isn’t an idea to be debated—it is a lived reality.

Since 9/11, we have seen a rise in discrimination against Muslim people or people perceived to be Muslim. We have heard concern that the term “Islamophobia” is vague and that it could be interpreted to include any criticism of the Muslim faith.

In our *Policy on preventing discrimination based on creed*, we define Islamophobia as “racism, stereotypes, prejudice, fear or acts of hostility directed towards individual Muslims or followers of Islam in general.” We have used this definition for many years without controversy. This is a straightforward definition that is completely in line with other terms we routinely use in human rights law, such as anti-Black racism, anti-Semitism, or transphobia.

Beyond individual acts of intolerance, Islamophobia can lead to viewing and treating Muslims as a greater security threat on an institutional, systemic and societal level.

Stereotypes of Muslims as a threat to security or Canadian values have been particularly pronounced, and have contributed to a hybrid of racial and religious profiling. From the OHRC’s perspective, it is vital for our leaders to recognize the ideological foundations of hate and discrimination and to name this in a clear fashion. That’s why it is important to call out Islamophobia, anti-Black racism, anti-Semitism and anti-Indigenous racism.

[T]he Government can and must lead — by calling out racism, and putting policies and programs in place to send a strong, consistent message that racism and Islamophobia are damaging to individuals, communities, and ultimately to all of us who wish to live in peace and harmony.

The Government of Canada must continue to unequivocally call out Islamophobia, anti-Semitism, anti-Black racism, and anti-Indigenous racism. Second, it needs to establish and appropriately fund anti-hate and anti-racism initiatives and programs. Third, the Government must take concrete steps to identify and eliminate systemic discrimination, including mandating the collection of human rights-based data across government services.

For over 20 years the Government has required federal departments to conduct gender-based impact analysis. So our final recommendation is to require impact analysis based on race.

Let’s give the world more of the Canada that we all aspire to, one where everyone’s human rights are a lived reality. And let us not be hobbled in our efforts by those who are more concerned with defining racism than ending it.

“Anti-racism has been at the heart of our work from our beginning and we have long called for broader anti-racism efforts from government and its agencies.”

RENEWING AN ANTI-RACISM FOCUS IN GOVERNMENT

In a May 2017 submission to the Standing Committee on General Government, the OHRC welcomed *Bill 114, An Act to Provide for Anti-Racism Measures*, which was ultimately enacted later in the year as the *Anti-Racism Act*. Anti-racism has been at the heart of our work from our beginning and we have long called for broader anti-racism efforts from government and its agencies.

We are pleased to see legislation that binds the government to a sustained commitment to anti-racism and includes several key anti-racism measures. These include a measurable anti-racism strategy with targets and indicators; applying an anti-racism lens in developing, implementing and evaluating government policies; and race-based data collection, analysis and reporting.

We are also pleased to see that “A Better Way Forward,” Ontario’s 3-year Anti-Racism Strategic Plan recognizes intersectional aspects of racism and discrimination, and contains initiatives that target systemic forms of racism that affect many racialized groups. It also responds to a troubling increase in levels of antisemitism and Islamophobia in society.

While the anti-racism framework established in the Bill is a positive step forward, the OHRC recommends that the government take further steps to make sure the framework improves the daily lives of racialized people across Ontario.

We continue to call on the government to make disaggregated race-based data collection mandatory, as soon as possible. We also call on the government to address any issues that are revealed by the data.

The *Anti-Racism Act* is a good starting point for identifying systemic racial discrimination. But it can only bring real change on the ground when it results in action. That’s the challenge in the years ahead.

“Ontario is home to 611,000 Francophones, of whom 10% are visible minorities. I congratulate the OHRC for its commitment towards understanding the historical and socio-demographic make-up of the diverse Francophone communities. While there has been significant progress in respecting the two official languages, there is still a need for greater education and awareness for all Ontarians.”

OHRC Commissioner Léonie Tchatat

CHANGING DATA COLLECTION FROM “CAN DO” TO “MUST DO”

In September 2017, we wrote to the Hon. Michael Coteau, Minister Responsible for Anti-Racism, about the need to make mandatory the data collection initiatives outlined in the *Anti-Racism Act*. We urged the government to implement a regulation that requires public sector organizations to collect, analyze and report on race-based data. In particular, we called on the government to set regulations that require public sector organizations, including health care, corrections, law enforcement, education, and child welfare organizations, to collect, analyze and report publically on race-based data. The regulation must outline the specific data that should be collected in each of these sectors, which will require consultation with the respective ministry or public sector organization, community and advocacy groups, the Information and Privacy Commissioner of Ontario, and the OHRC.

The regulation was passed in April 2018, and we are currently reviewing it.

CONNECTING FRENCH-LANGUAGE MINORITY RIGHTS AND THE CODE

In June 2017, the OHRC released a policy statement explaining the relationship between the Ontario *Human Rights Code*, language-based discrimination and French-language minority rights under other laws. The statement offers an overview of the forms of discrimination based on language in association with grounds protected under the *Code*.

It also reflects concerns about differential treatment experienced by Francophone groups, including racialized Francophone communities. The statement aims to promote respect for the inherent dignity of Franco-Ontarians and their full participation in society without discrimination based on *Code* grounds related to language.

“An absolutely wonderful and necessary event!

We need more of these discussions more often!”

Participant from the Taking it Local human rights event
in London, Ontario

PRACTICAL GUIDANCE: BUILDING A CULTURE OF HUMAN RIGHTS ACCOUNTABILITY

Human rights education is a good investment. When people know their rights and responsibilities, we avoid unnecessary applications to the HRTO.

In 2017-18, the OHRC took part in or led over 67 training sessions, attended by over 7,000 people.

Examples include:

- Canadian Centre for Gender and Sexual Diversity: panel on LGBTQ employment and the law
- Muslim Council of Peel: workshop—overview of human rights and emerging trends affecting the Muslim community
- Ontario Association of Police Service Boards: speech on human rights and policing—creating and sustaining organizational change
- Human Resources Professionals Association: workshop on accommodating employees with disabilities
- Ministry of Health and Long-term Care: presentation on environmentally-linked illness and disability
- York Region District School Board: workshop on human rights compliance
- Durham Region Training Day: variety of current human rights issues ranging from treaty rights to disability and the duty to accommodate
- Taking it Local London: full-day training on current human rights issues ranging from systemic discrimination to preventing sexual and gender-based harassment.

Chief Commissioner Renu Mandhane made 41 speeches (including two via video) at sessions across Ontario, attended by over 5,200 people. Highlights include:

- Halton Poverty Roundtable, Oakville, keynote address
- Forum of Canadian Ombudsman (FCO) and Association of College and University Ombudspersons Conference, Ottawa, panel presentation
- Ontario Principals' Council, Mississauga, keynote address
- Chiefs of Ontario, Lac Seul First Nation, via video.

Durham Region Training Day strikes the right chord

The Women's Multicultural Resource & Counselling Centre wrote:

“It was a remarkable day on Thursday, April 27th, 2017 in Durham Region. It was a history in the making. The Region received about 200 guests from within and outside the Region for this conference. “Take It Local,” Human Rights Training Day in Durham Region was an initiative orchestrated by the Women's Multicultural Resource and Counselling Centre of Durham (WMRCC). The event was held at the Trent University, Oshawa Campus. This training was in partnership with the Trent University and the Regional Municipality of Durham Region, with the Chief Commissioner, and the staff of the OHRC, delivering the training.”

What people had to say about Taking it Local London

“An absolutely wonderful and necessary event!
We need more of these discussions more often!”

“[OHRC Commissioner] Maurice Switzer was informative, engaging and inspiring—I could listen to him all day.”

“I'd like to see a focus on police, courts and corrections—as a criminal defense lawyer I see issues every day and want to be armed with information and the ability to do something concrete.”

“I'd like to learn more about how to be an appropriate/effective 'ally.'”

“The Commission’s new eLearning program is a great resource for identifying and addressing racism. Every member of the Ontario Public Service will have the opportunity to access this training as part of our internal Anti-Racism Policy. By tackling systemic racism head-on, we can achieve our goal of building a more inclusive, equitable and respectful workplace.”

Steve Orsini, Head of the Ontario Public Service

#CALLITOUT: NEW ELEARNING PROMOTES ANTI-RACISM EDUCATION AND INCLUSION IN ONTARIO

On March 21, 2018, we celebrated the International Day for the Elimination of Racial Discrimination by launching [Call It Out](#). This new interactive eLearning program is a tool designed to raise awareness of the history and impact of racism and racial discrimination and to promote a culture of human rights in Ontario.

Call It Out is based on the OHRC’s *Policy and guidelines on racism and racial discrimination*, which focuses on practical examples and encourages dialogue around exclusion, discrimination and harassment based on race.

The eLearning program is also an effective workplace resource, designed to complement employers’ existing diversity and inclusion training programs. Plans are underway to roll this training out to 60,000 employees of the Ontario Public Service.

TEACHING NEWCOMERS ABOUT HUMAN RIGHTS

In 2017, we launched a new video series, [Human rights and newcomers](#). These short videos were created to assist Syrian refugees by providing a basic overview of human rights in Ontario. Of course, the videos can help all newcomers, support agencies and the public learn about their rights and responsibilities under Ontario’s *Human Rights Code*. The short videos are also available in English and French, and also with Arabic subtitles:

- Racial harassment
- Housing is a human right
- Discrimination based on creed
- Removing the “Canadian experience” barrier.



2017-18 FINANCIAL SUMMARY

(April 1, 2017 to March 31, 2018)

(\$'000)	2017-18 Printed Estimates	Revised Budget March 31, 2018	Actual Expenditures March 31, 2018	2017-18 Year End Variance from Revised Budget	
				\$	%
SALARIES & WAGES	4,682.1	3,893.6	3,876.8	16.8	0.43%
BENEFITS	362.2	481.4	488.0	-6.6	-1.38%
OTHER DIRECT OPERATING EXPENSES (ODOE)	517.9	931.0	898.8	32.2	3.46%
TOTAL EXPENSES	5,562.2	5,306.0	5,263.6	42.4	0.80%

INVESTMENTS for tomorrow

As we enter year two of our five-year Strategic Plan, we are focused on these outcomes:

1

RECONCILIATION

- Binding commitment to effectively implement the UN Declaration on the Rights of Indigenous Peoples
- Implementation and monitoring of the Truth and Reconciliation Commission's Calls to Action

2

CRIMINAL JUSTICE

- Accountability for racial profiling and effective strategies to end it
- Timely implementation of the *Correctional Services and Reintegration Act* at all provincial correctional facilities

3

POVERTY

- Adoption of a human rights-based approach to poverty reduction and homelessness
- Prohibition of discrimination based on "social condition" in Ontario's *Human Rights Code*

4

EDUCATION

- Inclusive and accessible education for children with disabilities
- Schools that teach children about human rights and responsibilities

5

FOUNDATIONAL STRENGTHS

- Mandatory human rights-based data collection in key sectors, including policing, corrections, education, child welfare and health
- Leadership on critical and emerging human rights issues

**IMPACT TODAY,
INVESTMENT FOR TOMORROW**

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