

# Fostering a Human Rights Culture in Ontario



Ontario Human Rights Commission  
**Annual Report 2023 - 2024**



Ontario  
**Human Rights Commission**  
**Commission ontarienne des**  
**droits de la personne**



**Ontario Human  
Rights Commission**  

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**Commission ontarienne des  
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## **Fostering a Human Rights Culture in Ontario**

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Ontario  
Human Rights Commission  
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droits de la personne

June 27, 2024

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

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Dear Mr. Speaker:

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

Accordingly, I am pleased to provide you with *Fostering a Human Rights Culture in Ontario*, the OHRC's annual report of its activities from April 1, 2023, to March 31, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia DeGuire".

**Patricia DeGuire**  
**Chief Commissioner**  
**Ontario Human Rights Commission**

## **The OHRC envisions**

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.

## **The OHRC's mission**

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.

## **Land acknowledgement**

The OHRC is based in what is now known as Toronto, guests on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. The OHRC recognizes that this land is the Traditional Territory of many First Nations, including the Mississaugas of the Credit First Nation, the Haudenosaunee, the Chippewa and the Wendat peoples.

The OHRC further acknowledges that Toronto is now home to many diverse First Nations, Inuit, and Métis peoples. It is mindful that Toronto is covered by Treaty 13, the Williams Treaties, and the Dish with One Spoon Wampum. The OHRC honours these lands and is grateful to the Indigenous peoples who have cared for and continue to care for lands across Turtle Island.

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# Message from the Chief Commissioner

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## Fostering a human rights culture in Ontario

Dear Mr. Speaker:

I am pleased to present this year's annual report, which shares how the Ontario Human Rights Commission (OHRC or Commission) delivered on its mandate to the public in 2023–2024. This is the first report since the OHRC released its [2022-2025 strategic plan](#).

The challenges we face today, whether health disparities, homelessness, hate, or global divisions, underscore the necessity and value of the Commission's work. The past year's events have reinforced the OHRC's strategic foresight and nimbleness to adapt to changing circumstances.

This report highlights the Commission's approach to fostering a human rights culture in Ontario in various ways, including collaboration and consultation with communities, governments, stakeholders, and partners to develop policies and recommendations that support people and organisations in creating a province where human rights are respected. The OHRC has thought outside the box and built within it, emphasising proactive prevention as a guiding principle in advancing human rights. Education is at the heart of OHRC's efforts to teach, promote, and protect human rights.

Some conditions existed before the current situation, but circumstances have changed, necessitating urgent action. Some of these actions are:

- The release of the [OHRC's final inquiry report into anti-Black racism in the Toronto Police Service](#);
- The release of the OHRC statement on [anti-hate](#) and [no room for hate in schools](#);
- Actively monitoring the progress of the implementation of the [Right to Read Inquiry report](#) recommendations;
- The release of the OHRC's policy guide on [caste-based discrimination](#);
- The agreement on [64 initial recommendations](#) to the Peel Regional Police (PRP) in the context of the Human Rights Project;
- The release of a [joint statement](#) by the Information and Privacy Commissioner of Ontario and the OHRC on AI technologies;
- Engagement with communities across the province to develop an Action Plan to combat [anti-Black racism](#) in Ontario's publicly funded education system;
- Fashioning and releasing the [Human Rights-Based Approach \(HRBA\) Framework](#) after COVID-19 to help provincial and municipal governments, healthcare providers, employers, advocates, and researchers fulfil their human rights obligations when building policies and programs; and
- Delivering a [statement](#) before the Standing Senate Committee on Indigenous Peoples to highlight some of the ways the current human rights system is failing First Nations, Inuit, Métis, and urban Indigenous people.

These actions are a fraction of the OHRC's comprehensive strategy to foster a human rights culture in Ontario.

Ontario needs a well-resourced province-wide anti-hate strategy to address the systemic and deepening challenges, which have increased exponentially. Recommendations and agreements on law enforcement must be understood, accepted, and implemented. Action plans, statements, and policies must be used to effect practical changes. Also, we must continue to implement the recommendations of the Right to Read as they are vital legacy for the future of our children.

The vision of the OHRC is one where human rights are not just ideals but lived realities, respected, protected, promoted, and sustained at all levels of society.

I am grateful to the entire Commission cohort, which serves and supports all Ontarians in making this responsibility clear to everyone. I am honoured to be the servant-leader of such a stellar team, who believes that the foundation of our democracy lies in the need for everyone to be treated with dignity and respect. With them, I call on all Ontarians to take up the mantle and support us in creating a society where everyone feels they belong.

**Patricia DeGuire**  
**Chief Commissioner**  
**Ontario Human Rights Commission**



# By the numbers

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## 2023–2024 By the numbers

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**55,956**

The number of times *From Impact to Action: Final report into anti-Black racism by the Toronto Police Service* was seen on social platforms. More than 45 news articles from major media outlets were published following the release of the report.

**400**

The number of people who engaged in a dialogue on anti-Black racism in education during 30 consultations across Ontario.

**615,664**

The number of times the Human Rights-Based Approach (HRBA) Framework was seen on social platforms.

## Website interaction 2024

**16,770**

People who accessed *Call it Out: Racism, racial discrimination, and human rights* through the OHRC website and external learning management systems.

**2,711,522**

People who accessed *Working Together: The Code and the AODA*, through the OHRC website and external learning

**24,465**

People who accessed *Human Rights 101* through the OHRC website and external learning management systems

# **Indigenous reconciliation**

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# Indigenous reconciliation

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## Indigenous Reconciliation Advisory Group

The Ontario Human Rights Commission continues to engage with, and seek advice from, the Indigenous Reconciliation Advisory Group (Advisory Group). The Advisory Group is made up of individuals from diverse First Nations, Inuit, Métis, and urban Indigenous communities and organizations who have deep knowledge of discrimination and inequality experienced by Indigenous people in Ontario.

The Advisory Group met three times over 2023–24, in May, November and February. Members provided valuable feedback on draft guidance on discriminatory displays of names, words and images as well as the development of policy positions on several issues. In addition to providing updates about their organizations' human rights work, members informed the OHRC's efforts to challenge the increase in hate expression by explaining the many ways Indigenous individuals and groups experience hate daily.

### Members include:

- Karen Drake (Co-Chair), Member of Wabigoon Lake Ojibway Nation, Associate Professor, Osgoode Hall Law School, York University and former Commissioner, OHRC
- Brian Eyolfson (Co-Chair), Member of Couchiching First Nation, Commissioner, OHRC

- Nancy Rowe (Giidaakunadaad), Knowledge Keeper, Mississaugas of the Credit First Nation
- Joel Abram, Grand Chief, Association of Iroquois and Allied Indians
- Beth Ann Boros, Co-interim Executive Director and Abigail Hill, Policy Advisor, Ontario Federation of Indigenous Friendship Centres
- Tim Bucci, Justice Director, Six Nations of the Grand River
- Brian David, former Director of the Akwesasne Justice Department and former Chief, Mohawk Council of Akwesasne
- Rachel Harmsworth, Legal Counsel, Human Rights Legal Support Centre (HRLSC)
- Jeffery Hewitt, Assistant Professor, Osgoode Hall Law School, York University
- Ray Hookimaw, Feathers of Hope
- Luke Hunter, Director of Governance and Treaty Implementation Nishnawbe Aski Nation
- Marian Jacko, Assistant Deputy Attorney General, Indigenous Justice Division, Ministry of the Attorney General
- Francis Kavanaugh, Ogichidaa (Grand Chief), Grand Council Treaty #3
- Amanda Kilabuk, Executive Director, Tungasuvvingat Inuit
- Dalton Latondress, Region 7 Youth Representative, Métis Nation of Ontario Youth Council
- Coralee McGuire-Cyrette, Executive Director, Ontario Native Women's Association
- Jennifer St. Germain, Chief Strategy Officer, Métis Nation of Ontario (MNO)

- Maurice Switzer, Principal, Nimkii Communications and former OHRC Commissioner
- Anishinabek Nation, (vacant seat)
- Canadian Human Rights Commission (vacant seat)

## **Witness before the Standing Senate Committee on Indigenous Peoples**

On April 19, 2023, the OHRC appeared as a witness before the Standing Senate Committee on Indigenous Peoples as part of the Committee's study on Indigenous People and the Canadian Human Rights Framework. The study focuses on the federal government's role in implementing the [National Inquiry into Missing and Murdered Indigenous Women and Girls](#)' Call for Justice 1.7, which calls for the establishment of an independent National Indigenous and Human Rights Ombudsperson and a National Indigenous and Human Rights Tribunal. The Chief Commissioner and Director of Policy, Education, Monitoring and Outreach represented the OHRC in Ottawa.

The OHRC delivered an [opening statement](#), followed by questions from the Committee.

The statement drew on what the OHRC heard at the 2018 [Indigenous Peoples and human rights dialogue](#), as well as engagements with the Indigenous Reconciliation Advisory Group, and other Indigenous partners since that time.

The OHRC noted some of the ways the current human rights system is failing First Nations, Inuit, Métis, and urban Indigenous people. For

example, human rights legislation is founded upon the assertion of Crown sovereignty and primacy over Indigenous law and custom. In addition, that processes used to resolve human rights issues are often antithetical to many Indigenous worldviews and approaches to conflict resolution.

Next, the OHRC shared Indigenous partners' suggestions on ways the existing system could be improved to better fulfil Indigenous human rights including:

- using the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as the organizing framework for understanding, interpreting, and implementing Indigenous peoples' human rights in Canada
- amending federal, provincial and territorial human rights legislation to:
  - recognize the unique status of Indigenous peoples and stipulate that UNDRIP must inform interpretation and application
  - add Indigenous identity as a prohibited ground of discrimination
  - recognize collective rights and responsibilities as well as positive duties to realize social and cultural rights
  - require the appointment and hiring of Indigenous people at all levels of human rights institutions
  - permit creation of Indigenous-led Indigenous Human Rights Divisions
  - establish optional restorative justice processes and separate processes for handling systemic human rights complaints
  - providing sufficient dedicated funding to ensure these system changes can be effective



- changing the way human rights institutions work with indigenous peoples to advance human rights priorities including engaging in meaningful consultation, true partnership, and co-development.

On the question of whether new Indigenous-specific human rights institutions should be created, the OHRC noted that:

- respecting Indigenous self-determination and sovereignty means that Indigenous communities should have the right to create distinct and unique approaches to human rights and Indigenous-led human rights institutions, if they desire
- Indigenous peoples must determine what these approaches and institutions would look like, including their roles and powers
- any new institutions developed must be permanent and have sufficient dedicated funding to exercise all their roles and powers
- given the harmful impact of interjurisdictional neglect on the full realization of Indigenous human rights, all possible options must be explored to permit new Indigenous-specific institutions to address matters that fall within federal and provincial/territorial jurisdictions.

A [recording](#) of the April 19, 2023 session is posted on the Senate of Canada website.

## MOU renewed with Ontario Federation of Indigenous Friendship Centres (OFIFC)

In May 2023, the OHRC and the Ontario Federation of Indigenous Friendship Centres renewed their agreement to work together in a spirit of collaboration and partnership toward the goals of addressing anti-Indigenous discrimination across Ontario and supporting urban Indigenous self-determination. This was the second renewal of an agreement originally signed in 2017.

"Addressing systemic discrimination experienced by urban Indigenous people is critical work that we can not let up in advancing. Everyday Indigenous people in urban centres continue to experience harm due to racism and discrimination in accessing healthcare, housing, employment and more. The formalization of our relationship with the OHRC is welcome, and we look forward to building on six years of collaborative work grounded in reconciliation."

**Gertie Mai Muise, CEO**

**Ontario Federation of Indigenous Friendships Centres**

In keeping with the agreement, the OHRC and OFIFC continue to share information and data, engage with urban Indigenous people on policy development, and collaborate on initiatives to build human rights knowledge in urban Indigenous communities. OFIFC coordinates provincial advocacy in key areas such as health care, child welfare, violence against Indigenous women, girls, and 2SLGBTQQIA+ people,

racial under-policing and over-policing, the over-representation of Indigenous people in the provincial corrections system and continued efforts to bring UNDRIP into greater focus in addressing Indigenous human rights in Ontario.

## **Taking a human rights-based approach to discriminatory displays of names, words and images**

As part of the Human Rights-Based Approach (HRBA) Framework, the OHRC released [\*A Human Rights-Based Approach to Discriminatory Displays of Names, Words and Images\*](#), a resource for organizations to develop policies and procedures for human rights concerns that arise from the display of commemorations, road names, monuments, logos and other similar uses of symbols.

Respondents to an OHRC survey in 2021 described experiences in which schools, municipalities and other service providers did not have adequate processes to prevent and respond to situations involving displays of names, words and images that were derogatory, harmful, and possibly discriminatory. In some situations, those responsible dismissed the perspectives of affected groups, which created or exacerbated tensions in the community. They asked for clarity on the scope of people's rights and responsibilities and to identify an approach that is collaborative and facilitates understanding of different perspectives.

## Media highlights

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**Northern News, September 21, 2023,**

[“The changing of Chippewa's name has upset many”](#)

**The Observer, December 21, 2023,**

[“Board ordered to pay \\$20K to Indigenous teacher subjected to racial slurs”](#)

**The Hammer, January 16, 2024,**

[“Hamilton moves to ban Indigenous symbols from city sports teams and facilities”](#)

# **Criminal justice**

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# Criminal justice

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## **Final report on the inquiry into anti-Black racism by the Toronto Police Service (TPS), *From Impact to Action***

On December 14, 2023, the OHRC released its final report on the inquiry into anti-Black racism by the Toronto Police Service (TPS), [\*From Impact to Action\*](#). Along with its two prior reports [\*A Disparate Impact\*](#) (2020) and [\*A Collective Impact\*](#) (2018), *From Impact to Action* was the result of a six-year long inquiry by the OHRC, which gathered lived experiences from Black communities across Toronto, processed and analyzed data from the TPS and Special Investigations Unit, and reviewed years of case law. The final report sets out over 100 recommendations for change.

The OHRC launched its inquiry into anti-Black racism by the TPS in response to experiences that Black communities have repeatedly identified over many decades. The OHRC has heard accounts of harm, conflict and fear resulting from anti-Black racism in policing for years.

Through this inquiry, the OHRC sought to determine how anti-Black racism in society – a fact recognized by the courts and the police – has expressed itself in the policing of Black lives in Toronto. The inquiry undertook a detailed examination of the experiences of Black people interacting with TPS, and has been unique in gathering hard data together with the lived experiences of Black communities.

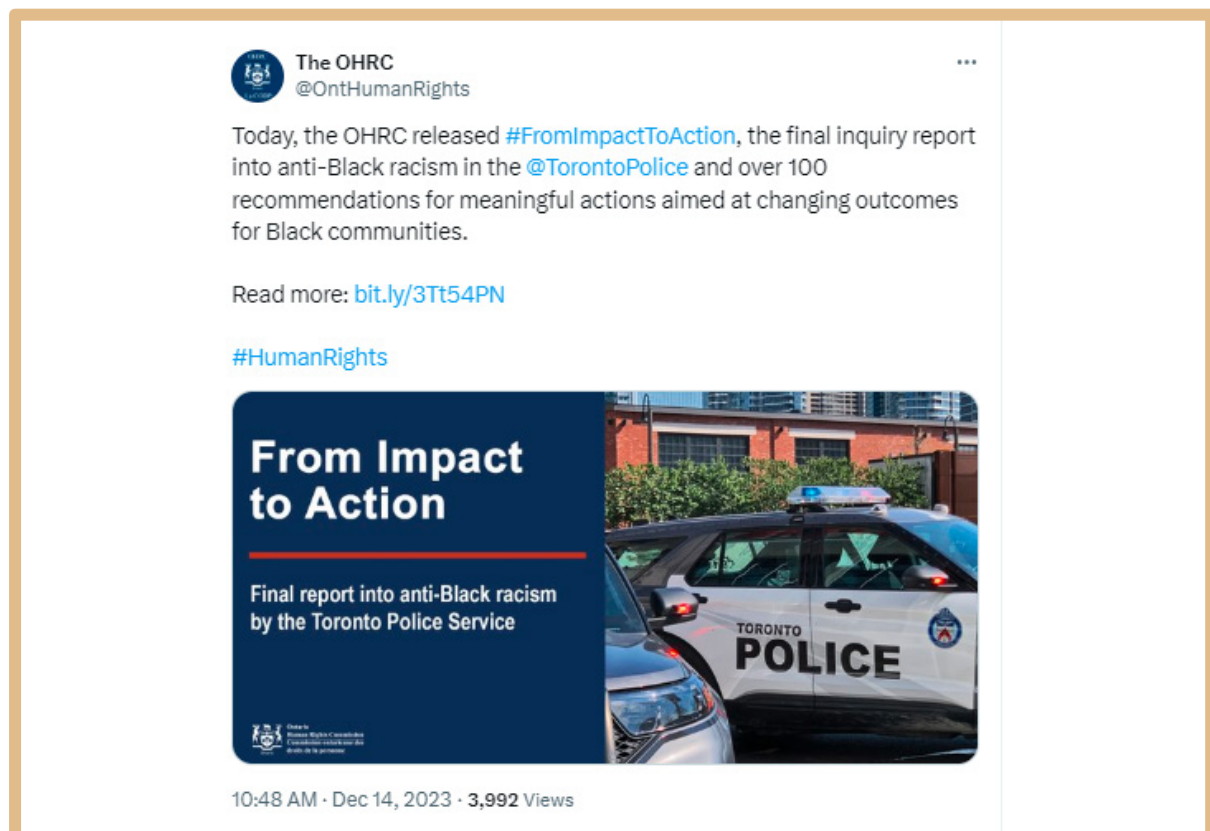
“The Ontario Human Rights Commission has produced an extensive, ground-breaking report documenting racial bias within the Toronto Police Service, and their analysis has led to the development of evidence-based recommendations. Since the release of OHRC’s interim report, *A Disparate Impact*, the TPS has enacted more meaningful reforms on important issues, including race-based data collection, than anytime during the previous three decades. I am cautiously optimistic that, if adopted, the OHRC’s recommendations will help reduce systemic racism, improve public transparency and police oversight, and begin to foster a relationship of trust between the TPS and Toronto’s Black communities.”

**Dr Scot Wortley, Professor  
Centre for Criminology and Sociological Studies,  
University of Toronto**

The inquiry found that Black people are subjected to systemic racial discrimination, racial profiling, and anti-Black racism. Interviews with the TPS and Toronto Police Services Board (TPSB) and a review of thousands of pages of documents revealed gaps in TPS and TPSB policies, procedures, training, and accountability mechanisms that have perpetuated discrimination and contributed to mistrust of police among Black people. *From Impact to Action* identifies ways the police

can be better prepared and supported in policies, procedures, training, education, and resources to protect against anti-Black racism in policing. It also recognizes the widespread consensus that some of the tasks that currently fall on TPS officers should be done by others with appropriate funding for these non-police responses.

The report builds on previous findings and recommendations by the OHRC and others. It reflects Black communities' calls for change. It recognizes recent steps the TPS and TPSB have taken to begin addressing systemic racism and improving accountability. The report also identifies where gaps still exist and what remains to be done by the TPS and TPSB to make wholesome changes and move *From Impact to Action*.





The OHRC is committed to working with Black communities, the TPS and TPSB to implement the recommendations through specific, systemic, and concrete actions that are independently monitored and enforceable. This approach will help build trust with Black communities.

## **Peel Regional Police Human Rights Project: Advancing Transparency, Accountability, and Community Trust**

In October 2020, the OHRC, Peel Regional Police (PRP) and the Peel Police Services Board (PPSB) entered into a Memorandum of Understanding to launch a multi-year organizational change project called the [Human Rights Project](#). This partnership was formed to address systemic racism and discrimination in policing and promote transparency and accountability. It also aims to enhance Indigenous, Black, and other racialized communities' trust in policing in Peel Region.

From its inception, the OHRC and PRP have actively engaged with diverse communities in Peel, seeking their lived experiences, concerns, suggestions, and recommendations to drive substantive changes in policing practices and culture.

Over the past year, the OHRC and PRP conducted a series of public engagement sessions on the project's seven guiding principles, gathering feedback from community members, groups, and organizations. This feedback has and will continue to inform

recommendations on legally binding commitments for PRP and PPSB to address systemic racism and discrimination in its policing operations and services.

A significant milestone was reached in June 2023 with the release of 64 initial recommendations. These recommendations, which encompass areas such as acknowledgement, engagement, human rights-based data collection, use of force, and organizational change, reflect leading practices and insights gleaned from consultations with Peel residents.

To commemorate the announcement, the OHRC, PRP, and PPSB produced a [video](#) highlighting the collaborative nature of the Human Rights Project.

“Today is an important step forward in the Human Rights Project. The OHRC is encouraged by Peel Regional Police’s commitment to human rights-centered work in dismantling systemic racism. We look forward to reaching legally binding commitments that will be informed by the lived experience of Peel communities to enhance accountability and address systemic racism in policing services and employment practices.”

**Patricia DeGuire,**  
**Chief Commissioner**  
**Ontario Human Rights Commission**

Looking ahead, the OHRC, PRP, and PPSB remain steadfast in their commitment to finalizing the recommendations that address systemic racism and discrimination, with community feedback serving as the cornerstone of this process.

Ongoing engagement activities, including community sessions in March and April 2024, and reviews by PRP's independent Anti-Racism Advisory Committee, will ensure that the recommendations align with the needs and perspectives of Peel Region residents. This work will result in an agreement in the form of legally binding recommendations issued by the Human Rights Tribunal of Ontario (HRTO).

## **Logan v Ontario (Solicitor General) – *settlement of remedies***

On May 24, 2023, the OHRC reached a settlement on remedies, following a decision by the HRTO, which found that the Ontario Provincial Police (OPP) had discriminated against migrant workers during a DNA canvass, based on race, colour and place of origin.

The OPP agreed to delete electronic DNA profiles and seal the migrant workers' personal information in their database, preventing its use in future investigations.

The settlement also included public interest remedies. The OPP agreed to:

- implement a Protocol on DNA canvasses

- develop training for officers on the Protocol, including guidance to mitigate the risk of racial discrimination
- collect, review and publish race-based data from future DNA canvasses
- consult with a human rights expert to review the Protocol, training and data collection and make recommendations to ensure DNA canvasses do not result in discrimination
- work with the OHRC to create a framework for combatting racial profiling and racial discrimination.

### **Work with Ontario Association of Chiefs of Police (OACP): Race and identity-based data**

The Ontario Association of Chiefs of Police consulted with the Ontario Human Rights Commission and data collection experts to develop a policy framework on race and identity-based data (RIBD) collection. The framework, *Building a Safe and Equitable Future: Starting the journey to implement a Race and Identity Based Data Strategy*, will help police services of all sizes develop RIBD collection strategies. The OACP passed a resolution to officially accept the framework on October 9, 2023.

While provincial law requires police services to collect and report race-based data on use of force incidents, the policy framework notes that implementing a robust RIBD strategy at an organizational level can help identify disparities in other areas such as service delivery, hiring or police actions that result in negative outcomes for the community.

The framework also notes that collaboration with RIBD experts and organizations that have expertise in human rights policy and criminology will help police services analyze and understand disparities identified by the data.

The OACP plans to develop a Centre of Excellence to support data collection by police services across the province and will continue to consult with the OHRC during this process.

### **Advocating for prisoners with mental health disabilities**

As part of its ongoing advocacy for prisoners with mental health disabilities, the OHRC participated in the three-week inquest into the death of Soleiman Faqiri who died in a segregation cell at an Ontario jail on December 15, 2016.

The Coroner's Inquest jury decided Mr. Faqiri's death was a homicide and made 57 recommendations to prevent future deaths. The jury accepted the OHRC's proposed recommendations to strengthen access to mental health care, keep prisoners with mental health issues out of segregation and increase accountability within the provincial corrections system.

The OHRC will continue to push for Ontario to implement these recommendations, particularly Recommendation 5 that the province establish strong independent oversight over corrections.

## Bringing an equality lens to the rights of persons experiencing poverty

The OHRC intervened in *Fair Change v Ontario*, a constitutional challenge to the *Safe Streets Act* (SSA) heard by the Ontario Superior Court of Justice in February 2024.

In a [decision issued on April 2, 2024](#), the Ontario Superior Court of Justice found sections of the SSA, which prohibit panhandling in certain circumstances, inconsistent with provisions of the Constitution and, to the extent of the inconsistency, of no force or effect. The declaration was effective immediately. The decision marks a significant step forward in affirming Ontario's obligation to respect the rights and dignity of all its residents, including the most marginalized.

The OHRC intervened in the Charter challenge because of its concern that the SSA has a serious negative impact on unhoused and street involved people who are disproportionately Indigenous, living with mental health disabilities and/or substance addictions, in receipt of social assistance, young and/or 2SLGBTQQIA+. Many of these individuals turn to panhandling to survive.

The OHRC argued that the law unjustifiably breaches multiple interconnected rights under the *Canadian Charter of Rights and Freedoms*, including freedom of expression (s. 2 (b)), the right to life, liberty and security of the person (s. 7) and the right to equal treatment without discrimination (s.15). The OHRC urged the Court to analyze all the *Charter* rights claims through an equality rights lens

and consistent with Canada's binding obligations under international law.

The Court found, based on the evidence filed, that equality rights were not infringed. However, consistent with the OHRC's submissions, the Court found that asking for money is a profound and important form of social interaction and that panhandling may be the only form of expression available to many individuals asking for help. As a result, the Court found that prohibiting panhandling that poses no public danger and does not interfere with the use of public space is not a justifiable limit on *Charter* rights.

Subject to any appeal, this decision means that people who panhandle can only be ticketed where their conduct poses a risk to public safety. This is consistent with human rights and international law.

The decision is likely applicable to municipal by-laws across the province that prohibit solicitation. Municipalities and law enforcement officials should review their by-laws and practices to ensure they comply with the Court's decision.

### ***Jahn* settlement**

For more than a decade, the OHRC has worked to limit the use of segregation (also called solitary confinement) in Ontario's prison system.

This work includes the 2013 *Jahn* settlement – an agreement by which Ontario recognized the harm that segregation causes people with

mental illness, and committed to limit its use of segregation for such individuals in all but the rarest of circumstances. While various policies aligning with that settlement have been put in place, thousands of prisoners with mental health issues continue to spend time in segregation conditions.

Since 2018, the OHRC has taken numerous steps to ensure that Ontario achieves operational compliance with the terms of the *Jahn* settlement and in February 2024, the HRTO began hearings on the OHRC's motion to enforce the settlement.

### **OHRC's submissions on Regulations to the *Community Safety and Policing Act (CSPA)***

On April 1, 2024, the [\*Community Safety and Policing Act, 2019 \(CSPA\)\*](#), came into force. The OHRC worked to ensure that the regulatory framework supporting the legislation establishes effective human rights protections. The OHRC made written submissions on several proposed regulations, including regulatory requirements for training and adequate and effective policing.



## Adequate and Effective Policing

In August 2023, the OHRC provided a [submission](#) on the proposed Adequate and Effective Policing (General) Regulation (“Regulation”) under the [Community Safety and Policing Act, 2019 \(CSPA\)](#).

The proposed Regulation sets out standards with respect to the following functions:

- crime prevention
- law enforcement
- maintaining the public peace
- emergency response
- assistance to victims of crime

However, it does not contain any standards on how to help ensure police services comply with the *Code* and *Charter* as required for adequate and effective policing. To address this concern, the OHRC’s submission recommended that the regulation:

- 1) Emphasize that adequate and effective policing means complying with the *Code* and *Charter* and indicates how socio-demographic characteristics can and cannot be used in decision-making.
- 2) Ensure that the written procedures chiefs of police must establish are consistent with rights guaranteed in the *Code* and *Charter* and expand the list of required procedures.
- 3) Encourage the use of non-police response options for persons who are in crisis and provide guidance on police response in such situations.

## Training regulation

In September 2023, the OHRC provided a [submission](#) on the proposed training regulation under CSPA.

The CSPA states that no person shall be appointed as a police officer unless they have completed training on human rights and systemic racism. It also states that police officer training must promote respect for the diverse multiracial and multicultural character of Ontario society. With these principles in mind, the OHRC's submissions recommended that the proposed regulation direct police training to address specific forms of discrimination and racial profiling, include regular monitoring, incorporate community perspectives, and integrate procedural justice.

The submission also states that officer training must address the inequalities, systemic bias, and lived experiences of racialized communities, 2SLGBTQQIA+ communities, and Indigenous communities. The OHRC proposes that this can be achieved in part by shifting away from the current paramilitary training model to a professional model based on procedural justice.

The OHRC's submissions were received by the Ministry of the Solicitor General, but the draft regulations have not incorporated the OHRC's recommendations on training requirements or the Adequate and Effective Policing regulation. The OHRC continues to engage with the ministry on the development of these important regulations and the CSPA.

## Media highlights

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**Toronto Star, August 15, 2023,**

[“Toronto police hit with class action lawsuit over 'carding' stops”](#)

**The Canadian Press, December 14, 2023**

[“Black people disproportionately stopped, searched by Toronto police: report”](#)

**Newmarket Today, June 29, 2023**

[“York Regional Police Board approves anti-racism measures”](#)

# **Health and wellness**

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# Health and wellness

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## Poverty Advisory Group

In 2019, the OHRC created a Poverty Advisory Group (PAG) under section 31.5 of the *Code* to help guide its work. PAG members contribute diverse views on wide-ranging topics relating to poverty and overall well-being. Topics covered include the OHRC's Poverty POV (Point of View) consultation, COVID-19 recovery, social assistance, migrant workers, housing, homelessness, accessible housing, and member roundtables.

### Current members:

- **Patricia DeGuire**, Chief Commissioner and Poverty Advisory Group Chair, OHRC
- **Paul Bailey**, Executive Director, Black Health Alliance
- **Mike Creek**, Director of Strategic Initiatives, Working for Change
- **Rhonda Huneault**, Food security Manager, Tungasuvvingat Inuit
- **michael kerr**, Coordinator, Colour of Poverty – Colour of Change
- **Caitlyn Kasper**, Senior staff lawyer, Aboriginal Legal Services of Toronto
- **Elizabeth McIsaac**, President, Maytree
- **Kwame McKenzie**, Chief Executive Officer, Wellesley Institute
- **Wendy Porch**, Executive Director, Centre for Independent Living in Toronto
- **Bruce Porter**, Executive Director, Social Rights Advocacy Centre
- **Sami Pritchard**, Interim Director of Advocacy and Communications, YWCA Toronto

## Poverty Point of View (POV)

In the coming months, the OHRC will be developing a final report using the insights and experiences gained from the [Poverty POV](#) initiative to examine peoples' lived experiences with poverty, including homelessness and safe housing, and mental health and addictions disability services. The report will take a human-rights based approach to address how the inability to exercise the right to housing and mental health and addictions disability services causes and sustains poverty. The report will provide practical recommendations, and the OHRC plans to work with community partners to track progress and with duty-holders to help them adhere to their human rights obligations.

## Upholding the rights of people living in encampments

In fall 2023, the OHRC released [a how-to guide](#) to help municipalities apply the OHRC's [Human Rights Based Approach \(HRBA\) Framework](#) to decision-making including on policies and programs related to encampments.

The *Code* requires that municipal decision-makers consider all members of their communities including people living in homeless encampments. The *Code* also requires that decisions do not disproportionately impact or target people already subject to discrimination.

The [Federal Housing Advocate's](#) February 2024 [report](#) on homeless encampments in Canada found that residents are facing a dire human

rights crisis. While encampments are not a safe or sustainable solution for housing, they are often people's only safe and secure housing option. The Advocate highlights the concrete actions governments must take to uphold their human rights obligations and eliminate the increasing reliance on encampments.

The OHRC welcomes the Advocate's report and [calls](#) on Ontario to support the recommended actions including coordinating efforts to develop an encampments response plan, meaningful participation of encampment residents and an immediate end to forced evictions. Encampment residents are citizens and are rights-holders protected under human rights law, and everyone has the right to adequate, accessible and affordable housing. Solutions to homelessness and informal encampments must be grounded in human rights-based approaches and delivered with respect and compassion.

## **Proposed Amendments to Clarify and Enhance Rental Rules Related to Air Conditioning**

In May 2023, the OHRC submitted [feedback](#) to the government's proposed changes to the [Residential Tenancies Act, 2006](#), which would clarify and enhance rules related to the installation of air conditioning (A/C) units.

The OHRC welcomed the government's efforts to strengthen tenants' rights to access cooling in their homes and is pleased that the proposed changes aim to protect tenants' ability to install A/C units in their homes. However, given the disproportionate impact that lack of

access to cooling has on people, the OHRC had some concerns with the proposed changes.

The OHRC recommended that the legislation should ensure that cooling is deemed a vital service, as has been done with heating. When cooling is deemed a vital service, it would provide protection to tenants from having their cooling cut off for non-payment and would incentivize landlords to achieve cooling through other means. Also, the OHRC recommended that not all costs of the cooling are transferred to the tenant under lease agreements where the landlord has agreed to pay for utilities. This would make certain that vulnerable tenants truly gain access to cooling/air conditioning in the face of increasing temperatures.

A human rights-based approach to cooling/air conditioning will help all Ontarians have accessible, adequate, and safe housing.

### **Submission to the legislated review of the *Child, Youth and Family Services Act***

On July 14, 2023, the OHRC made a [submission](#) to the Ministry of Children, Community and Social Services' legislated review of the [Child, Youth and Family Services Act \(CYFSA\)](#). The submission called on the government to:

Review and implement all recommendations from the OHRC's report: [Interrupted childhoods: Over-representation of Indigenous and Black children in Ontario child welfare.](#)



Explicitly commit in the CYFSA to fully implementing the [United Nations Declaration on the Rights of Indigenous Peoples](#) and the [Truth and Reconciliation Commission of Canada's Calls to Action](#).

Explicitly recognize in the CYFSA the diversity that exists within First Nations, Inuit and Métis communities and respect this reality in the application of the Act.

Design and implement the CYFSA to ensure secure de-escalation, a form of secure isolation provided under the Act, is minimized, and does not cause harm to children or youth.

Explicitly recognize and support the right of First Nations, Inuit and Métis children and youth to receive instruction and participate in activities related to their linguistic identity.

Provide equal, adequate, and sustainable funding to First Nations, Inuit and Métis child and family service providers and prevention-focused Indigenous service providers.

Ensure access to customary care and adoption by urban Indigenous children, youth and families who may not be a member of, or identify with, a specific band or First Nation, Inuit, or Métis community.

Require collection of identity data based on Human Rights Code grounds for persons providing care for children and youth (e.g., foster parents) so that children and youth can be appropriately matched with care providers.

Require representation on the minister's advisory committee from all groups that seeks protection under the Code, especially Black and

Indigenous people who are over-represented and face disproportionate systemic discrimination in child welfare.

Mandate that periodic review of the CYFSA require analysis of information obtained through identity-based data collection, including analysis of disproportionate rates of admissions of Indigenous and Black children into care, and the extent to which the provision of services considers the child or youth's race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression.

The OHRC continues to monitor the impact of the recommendations provided.

### **OHRC raises concerns about Ontario's *Accessibility for Ontarians with Disabilities Act***

In May 2023, the OHRC made a [submission](#) to the fourth legislated review of the [Accessibility for Ontarians with Disabilities Act \(AODA\)](#) and met with the government-appointed reviewer Rich Donovan.

The OHRC raised concerns that Ontario will not achieve a barrier-free province without more regulatory standards and greater enforcement of existing standards intended to prevent new barriers. Ontario must also mandate the removal of existing barriers found throughout society.

Like reviewers before him, Mr. Donovan concluded that the state of accessibility in Ontario is in a crisis. His final [report](#) sets out bold ideas to breathe life back into the AODA and achieve an accessible Ontario,

like the establishment of a Premier’s crisis committee and a new accessibility agency. The OHRC agrees with Mr. Donovan’s recommendations.

Ontario has not realized the AODA’s promise of an accessible Ontario by 2025. Government and other institutional leaders must not fail in their legal obligations recognized by the courts to take positive steps to identify and remove existing barriers under the primacy of Ontario’s *Human Rights Code*.

### **Community Advisory Group – Groupe consultatif communautaire**

The OHRC first created a Community Advisory Group – Groupe consultatif communautaire in 2017 as a forum to enrich the OHRC’s understanding of critical and emerging human rights issues, offer advice and feedback on select OHRC initiatives, and build and foster relationships with and among the communities the OHRC serves.

This year, the OHRC refreshed the membership of the Community Advisory Group – Groupe consultatif communautaire. The OHRC ensured representation from rights-holder organizations working across all *Code* grounds and social areas, increasing regional diversity, and making space to hear new voices and perspectives.

The newly-constituted Community Advisory Group – Groupe consultatif communautaire consists of 44 organizations, 10 of which serve francophone members who seek protection of the *Code*. Its first meeting took place on November 20 and 21, 2023. Members

participated in rich discussions on combatting hate and promoting well-being in the areas of housing and mental health. Advisory groups enhance the OHRC's ability to reflect and hear from the diversity of our communities.

**The member organizations of the Community Advisory Group are:**

- Action ontarienne contre la violence faite aux femmes
- Advocacy Centre for Tenants Ontario
- Advocacy Centre for the Elderly
- ARCH Disability Law Centre
- Association ontarienne des Sourd(e)s francophones
- Barbra Schlifer Commemorative Clinic
- Black Health Alliance
- Black Legal Action Centre
- Bridges Community Health Centre
- Canadian Centre for Housing Rights
- Canadian Civil Liberties Association
- Canadian Mental Health Association – Ontario
- Centre for Independent Living in Toronto
- Centre for Israel and Jewish Affairs
- Centre francophone du Grand Toronto
- Chinese & Southeast Asian Legal Clinic
- Colour of Poverty - Colour of Change
- Elizabeth Fry Society of Northwestern Ontario
- Fédération des aînés et des retraités francophones de l'Ontario

- FrancoQueer
- John Howard Society of Ontario
- Justice for Children and Youth
- Justicia for Migrant Workers
- La Fédération de la jeunesse franco-ontarienne
- Le Centre de santé communautaire du Grand Sudbury
- Le Centre des services communautaires Vanier
- Maytree
- MIAG Centre for Diverse Women and Families
- Le mouvement Ontarien des Femmes Immigrantes Francophones
- National Educational Association of Disabled Students
- Neighbourhood Legal Services (London & Middlesex)
- Ontario Association of Interval and Transition Houses
- Ontario Council of Agencies Serving Immigrants
- Ontario Federation of Labour
- Shepherds of Good Hope
- Solidarité des femmes immigrantes francophones du Niagara
- South Asian Legal Clinic of Ontario
- TG Innerselves
- The 519
- United Way Centraide - North East Ontario
- Urban Alliance on Race Relations
- Women's Enterprise Skills Training of Windsor
- Working for Change
- YWCA Toronto

## **OHRC seeks to protect housing rights of vulnerable communities**

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

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

In these circumstances, the landlord is attempting to rely on s. 21(1) of the *Code*, which limits the right to equal treatment in housing when the unit or room being rented shares a bathroom or kitchen with the owner or the owner's family. The applicant is challenging the constitutionality of that defence under s. 15 of the *Charter* because of its disproportionate and discriminatory effect on people with disabilities.

This *Charter* challenge directly engages the OHRC's strategic focus area related to health and well-being, and the OHRC intervened in the proceeding to support the applicant's challenge.

In May 2023, the OHRC participated in the hearing of this proceeding before the HRTO. The OHRC argued that the s. 21(1) defence is unconstitutional because it affects access to affordable housing for marginalized people and permits the precise type of indignity and humiliation that the *Code* and other human rights documents were intended to protect against.

The Tribunal has not yet released its decision.

## Media highlights

**Human Resources Director, November 9, 2023,**

[“OHRC releases web tool to help employers meet human rights obligations”](#)

**931 The Border, April 5, 2023,**

[“New protections for tenants proposed”](#)

**Sault This Week, October 2, 2023,**

[“Council satisfied protocol meets 'legal' and 'moral'”](#)

# Education

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# Education

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## Empowering Change: OHRC's Initiative to Tackle Anti-Black Racism in Education

This past year, the OHRC remained steadfast in its efforts and dedication to tackling anti-Black racism within the publicly funded education system and its deep-rooted presence in schools. Launched in October 2022, the Anti-Black Racism in Education (ABRiE) initiative signifies a concerted effort to address long-standing disparities and systemic discrimination faced by Black students, families, educators, education workers, and communities.

Central to this initiative is the OHRC's commitment to listening to and amplifying the voices of those directly impacted by anti-Black racism in the education system. Through a comprehensive review of community reports spanning seven decades, the OHRC produced a [\*Compendium of Recommendations\*](#), compiling over 190 recommendations from 83 grassroots reports, highlighting decades of community activism and grassroots efforts and the pervasive impact of anti-Black racism on students, families, and communities.

Building on this foundation, the OHRC held virtual roundtables in April 2023, engaging duty-holders in the education sector and Anglophone and Francophone Black students. These discussions explored recommendations and solutions to confront anti-Black racism in education. Subsequently, the OHRC published a [\*What We Heard\*](#)

[Report](#), summarizing key insights, themes, perspectives and quotes from students and duty-holders in the education system. The *What We Heard* report highlighted several themes:

- Transparency and accountability
- Representation and support
- Creation of affinity spaces and support for Black Joy
- Parent and student engagement, and networking between schools, boards, parents and community supports
- Building Francophone-specific networks, resources, and capacity

In June 2023, the OHRC issued a [call for written submissions](#), and received 15 contributions from unions and federations, school boards, centres of excellence for Black student achievement, community organizations, and universities. The feedback from the roundtables and the submissions served as a starting point for dialogue seeking to address key systemic challenges in the education system related to anti-Black racism. During this period, the OHRC also held key informant interviews with individuals and organizations.

Between October 2023 and February 2024, the OHRC conducted 30 consultations with community members, students, and educators across the province. The OHRC met with over 400 people in English and French in the following regions, ensuring a provincewide dialogue and perspective on anti-Black racism in Ontario:

- Kitchener-Waterloo
- Hamilton

- Sudbury
- Ottawa
- Windsor
- Greater Toronto Area
- Virtual Provincewide

Throughout this initiative, the OHRC has focused on centering student voices and involving them in discussions concerning their school experiences. These discussions were designed to hear directly from students about their learning experiences, opportunities and access, and ways that they are or are not engaged and excited about school. During each student engagement, students were asked to fill out a word cloud answering the question, "*What does Black Joy mean to me?*". The OHRC received hundreds of word cloud responses from students across the province, offering insights into how Black students seek to thrive, flourish and experience joy within their educational environments.

"By prioritizing the voices of Black students, the OHRC are empowering them and acknowledging their agency within a system that often disregards their perspectives. Recognizing student voices results in meaningful change. The work of the OHRC is already having a significant impact improving the outcome of all students and their on-going work will foster continued improvements and help to eradicate the long-standing issue of anti-Black racism in our schools and society."

**Patsy Agard, Principal, Ottawa-Carleton District School Board  
Past President of Ontario Principals' Council**

## Next steps

Looking ahead, the OHRC remains committed to providing effective guidance for duty-holders across the education system. With the release of the revitalized [Strategic Plan](#) for 2023–2025, education remains a top priority. The OHRC recognizes that the process of dismantling anti-Black racism and improving outcomes for Black students requires the ongoing collaboration and support of families, communities, partner organizations, and duty-holders.

The culmination of the roundtables, written submissions, key informant interviews, and comprehensive provincewide consultations will be an Action Plan. This plan will outline short, medium and long-term goals and recommendations and actions for implementation by duty-holders in the education sector, focusing on areas of practice, policy, and program implementation. Following the release of the Action Plan, the OHRC will develop a monitoring and implementation strategy. The OHRC aims to be responsive to the Black communities who consistently advocate for systemic change in the education system and will continue to work with the government, school boards and other education duty-holders to implement changes that will address systemic discrimination and anti-Black racism across the education system.



## Right to Read inquiry sparks ongoing shifts in the education system

The Right to Read inquiry report launched by OHRC two years ago has been a turning point for the education system in Ontario. The report's findings challenge the existing approach to teaching early reading and call for critical changes.

Implementing the recommendations has been an ongoing process that requires significant work and collaboration. However, the results of this shift cannot be overstated. By committing to this change, we can ensure that every child in Ontario has a fair chance to develop strong reading skills. A sustained commitment to this cause is essential to realise this vision.

## **Response from education partners**

The Ministry of Education (EDU) has responded urgently to critical recommendations and taken fundamental steps to address them. The EDU team collaborated with the OHRC inquiry team during the inquiry.

Even before the inquiry report was released, some leading school boards had already begun aligning their practices with evidence-based approaches, and now more are joining them in actively preparing for the changes initiated by the Ministry. Countless educators have worked tirelessly to further their learning and support their colleagues.

The OHRC commends the Ministry of Education, school boards, and educators' demonstrated commitment to improving student outcomes.

## **Curriculum**

Since the last Annual Report, the Ministry has revised and implemented the Grade 1 – 8 English Language and Français curriculum to align with evidence-based approaches to foundational reading skills. With the guidance of experts, the OHRC provided input to both language curricula, ensuring that they are evidence-based and effective. In January 2024, the Ministry announced that a new update to the Kindergarten program would be implemented in September 2025. These curricula and upcoming Kindergarten program are significant steps towards improving student equity outcomes.

## Screening

The Ministry introduced a new policy requiring all Year 2 Kindergarten to Grade 2 students to undergo screening using evidence-based tools for early reading skills. The policy was set to be implemented in September 2023 but was delayed until September 2024 to allow the Ministry to reach agreement with other education partners. Although screening is not mandatory, more school boards have proactively begun implementing universal screening.

## Systemic issues

In May 2023, the OHRC made [submissions](#) to the government and appeared before the Standing Committee on Social Policy on Bill 98, *Better Schools and Student Outcomes Act, 2023*. This *Act* is intended to create a solid foundation for education partners to fulfil their human rights obligations. The *Act* addresses the recommendations of the inquiry by creating the groundwork for standardized approaches to ensure that students receive the same level and quality of services for early reading. Also, it amends the *Ontario College of Teachers Act to enhance teacher education*, particularly in reading instruction.

## The work must continue

Significant progress has been made, but it is evident that more foundational work needs to be done to ensure the right to read for every student. The inquiry outlines 157 comprehensive and interconnected recommendations for education sector partners on how to meet the right to read. Because these issues are systemic, a

consistent system-wide response is vital. Further, it is critical to implement all the recommendations in their entirety, with sufficient, stable, and ongoing funding, because together, they form a holistic approach towards addressing the problem.

During the past year, the OHRC met regularly with the Ministry of Education to delve deeper into how and when the Ministry plans to implement the recommendations of the inquiry. The Chief Commissioner initiated direct engagements with English-language school boards and the Conseil ontarien des directions de l' éducation de langue française to review progress and discuss challenges. Also, the OHRC has connected with parents, students, and advocacy organizations to learn about their experiences. It has also engaged with educators and administrators through public education events, webinars, and presentations.

The OHRC is renewing its call to everyone involved in Ontario's public education system to do their part to uphold the right of every student to learn to read. The OHRC will continue to meet with government and school boards to monitor progress and engage with students, parents, guardians, and advocacy organizations.



## OHRC working to ensure equality for teacher candidates

The OHRC intervened in [\*Ontario Teacher Candidates' Council v Ontario \(Education\)\*](#), a constitutional challenge to the Mathematics Proficiency Test (MPT) heard by the Ontario Court of Appeal in October 2023.

The OHRC intervened in the appeal as part of its longstanding work to challenge systemic discrimination in the education system. The OHRC's submissions highlighted the relevant context for analyzing section 15 of the *Canadian Charter of Rights and Freedoms (Charter)* claims. The OHRC argued that a strict evidentiary standard would affect the ability of equity-seeking groups to address discriminatory conduct.

The MPT was developed after a decline in Ontario elementary students' math scores. In response, Ontario amended the *Ontario College of Teachers Act* to add a requirement that teaching candidates successfully complete any prescribed examinations relating to mathematics before obtaining a certificate of qualification from the College. The government subsequently enacted a regulation mandating the Education Quality and Accountability Office (EQAO) develop and implement the MPT.

The Divisional Court had previously ruled that the test and related legislation were unconstitutional due to their disproportionate impact on racialized candidates. The Ontario government appealed that decision to the Court of Appeal.

The Court of Appeal overturned the Divisional Court's decision. The Court found that updated data showed the disparity in success rates among different demographic groups was much smaller than initially found in the preliminary data available when the Divisional Court made its decision.

While the Court accepted the lower court's finding that there is a significant diversity gap in the teaching profession in Ontario, the Court found that Ontario implemented measures to mitigate the MPT's potential negative impacts. The MPT was frequently administered to allow for multiple retakes and the EQAO was aware of potential equity concerns when developing the standardized test. The Court of Appeal concluded the MPT did not violate section 15(1) of the *Charter*.

The OHRC will continue to work to ensure that historically disadvantaged groups are protected from rules and laws that adversely affect them.

## Media highlights

**New Canadian Media, October 10, 2023,**

[“Advocate: DEI must continue, even after the tragic death of a Toronto principal”](#)

**CP24, November 20, 2023,**

[“The Ontario Human Rights Commission has recognized caste-based discrimination. What does that mean?”](#)

**The Spec, February 19, 2024,**

[“What parents need to know about kindergarten program](#)

# Human rights culture

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# Human rights culture

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## Helping organizations to put human rights at the centre of their policies and programs

In October 2023, the OHRC released its [Human Rights-Based Approach \(HRBA\) Framework](#), a new educational tool to support governments, service providers and employers across the province to design and develop policies and programs that meet their human rights obligations under the *Code*. The HRBA Framework can also be used by advocates and researchers to help bring a human rights approach to campaigns and projects.

As part of the HRBA Framework, five user guides were created to support people and organizations in the following sectors:

- [Health and human services](#)
- [Employer policy and programs](#)
- [Advocacy and research](#)
- [Provincial policy and programs](#)
- [Municipal by-laws, polices, programs and services](#)

The HRBA Framework helps people to think differently about their human rights obligations under the *Code*. The Framework consists of human rights-focused questions and considerations that support the user to develop policy, program and service initiatives that consider human rights principles and goals, including equality, non-

discrimination, meaningful participation of impacted groups, oversight and accountability.

The Framework was developed in collaboration and consultation with key stakeholders and partners, notably members of OHRC's Indigenous Reconciliation Advisory Group. Their valuable feedback and insightful recommendations were thoughtfully incorporated, enhancing the overall strength of the Framework.

“The OHRC workshop held in November 2023 included the Human Rights Based Framework as an analytical and educational tool to help apply an essential human rights lens to workplace policies, programs and services. The workshop helped our members to learn and think differently – leading to better outcomes – whether they are reading or writing reports. The workshop was very well-received by the membership.”

**Loretta Ryan, CAE, RPP, Executive Director  
Association of Local Public Health Agencies**

### **Potential outcomes of using the HRBA Framework include:**

- Human rights obligations are considered throughout the entire policy and program development cycle
- Policies and programs account for pre-existing sources of discrimination and inequitable conditions

- People benefit equally from policies and programs
- Policies and programs address structural-level inequities that interfere with human rights and adversely impacting people

The launch of the HRBA Framework was met with much interest and enthusiasm, particularly from municipalities and service providers who are seeking to apply the Framework to their work. Along with the Framework itself and the five user guides, the OHRC also published a comprehensive set of Frequently Asked Questions to further support users in implementing the Framework.

To date, the OHRC has presented the Framework to organizations such as the Association of Municipalities of Ontario, the Ontario



Municipal Social Services Association, and the Association of Local Public Health Agencies.

The OHRC will continue to raise awareness and educate governments, service providers and employers about this important tool and how organizations can use it to help meet their responsibilities and human rights obligations under the *Code*.

### **Addressing the rise in hate: a collective responsibility**

Over the past year, Ontario has seen a disturbing rise in hate expression. Recent data published by Statistics Canada in March 2024 shows a continuing surge in police-reported hate crimes in Canada, rising 89 per cent between 2019 and 2022. In 2022, Ontario recorded the highest hate crime rate at 12.7 incidents per 100,000. However, these statistics only provide a limited view of the issues as many incidents of hate crimes and other forms of hate expression are still not reported.

Hate speech includes the use of extreme language or other form of communication that expresses detestation for or vilifies an individual or group based on colour, ethnicity, place of origin, race, creed, gender, or sexual orientation, among other forms of identity. Hatred is often rooted in anti-Black, anti-Asian and anti-Indigenous racism, misogyny, homophobia, transphobia, antisemitism, Islamophobia and white supremacy. Members of the Jewish and Muslim communities have been the target of hate expression since the beginning of the Israel– Hamas war in October 2023.



Hate may begin with stereotypes, negative attitudes, and prejudice targeted at individuals and groups and can turn into acts of bias, discrimination, harassment, incitement of hatred, and even violence. Organizations operating in Ontario have a legal responsibility under the *Code* to take steps to prevent and respond to hate-motivated discrimination, all the while respecting and balancing everyone's right to freedom of expression.

In April 2023, the OHRC identified the rise in hate as a pressing issue in its [submission](#) to United Nations High Commissioner for Human Rights on Canada's fourth Universal Periodic Review. That same month, TVO published an OHRC [opinion editorial](#) calling on Ontario to implement a provincewide anti-hate strategy.

In June, the OHRC released a [statement](#) reminding school communities that under the *Code*, every student and educator has the right to a safe and welcoming learning and work environment, free from discrimination, harassment, and expressions of hatred. The OHRC followed up in September with "[No room for hate in schools](#)" stressing the importance of anti-discrimination and human rights training to shape the values and attitudes of educators and future generations, and to protect vulnerable students, educators, and allies against the harmful impacts of hate in all its forms. The OHRC [repeated](#) its call for a provincewide strategy throughout the year, and organizations like the Toronto District School Board have [spoken out](#) in support.

Since last fall, the OHRC has met with a broad range of organizations represented on its Community Advisory Group and the Indigenous

Reconciliation Advisory Group and heard many concerns about the rise of hate across communities, as well as ideas on how to prevent and address hate.

OHRC staff also met with government staff, fellow members of the Canadian Association of Statutory Human Rights Agencies and with Statistics Canada, and participated on the OPP Hate Crimes Community Group, to explore ideas on advancing understanding and collection of data on hate incidents.

Addressing hate is a collective responsibility. The OHRC continues its work to raise awareness of people's rights and legal obligations related to hate-motivated discrimination under the *Code*. Visit the OHRC's [website](#) for other resources and updates on taking action to build awareness and challenge hate in Ontario.



## Caste-based discrimination covered by Ontario's Code

In 2023, a number of organizations including the Toronto District School Board and the City of Brampton asked the OHRC whether differential treatment based on a person's so-called caste or social ranking, is a form of discrimination covered by the Ontario *Human Rights Code*.

The OHRC reviewed the case law and found that human rights tribunals and courts in Canada have recognized that caste-based discrimination is covered under one or more grounds in existing human rights legislation, such as ancestry, creed, colour, race, ethnic origin, place of origin, or family status. A United Nations [report](#) also recognizes caste-based discrimination as a global problem and a violation of human rights.

The OHRC held meetings with concerned groups, and in October 2023, released a new [policy statement](#) to raise awareness of people's rights and legal obligations to prevent and address caste-based discrimination under the *Code*.

Caste-based discrimination happens when someone is excluded or treated negatively in an area covered by the *Code* because of their social ranking in a caste system rooted in notions of purity about a person's ancestry and other factors. For example, a person might be denied a job or an apartment, or a school fails to address bullying related to a student's so-called lower caste.

Organizations have a legal obligation under the *Code* to make sure their environments are free from all forms of discrimination, and must respond when it happens.

## **OHRC tells Standing Senate Committee human rights systems need adequate resources for combatting anti-Black racism**

In spring 2023, Canada's Standing Senate Committee on Human Rights invited the OHRC to [share its perspective](#) on human rights system models – commission complaint screening versus direct tribunal access – and other functions and practices for combatting anti-Black racism.

The OHRC has operated under both models in its 60 plus-year history as Canada's oldest human rights commission. Commissions can play a unique and critical role to help address anti-Black racism and other forms of systemic discrimination under either model. However, to be effective, the OHRC must have an independent and clear mandate, with broad functions and powers, to both promote and enforce compliance with human rights laws.

Taking an integrated approach to using a commission's functions and powers is essential to addressing racism on a systemic scale. Commissions typically have unique powers to conduct public inquiries and undertake litigation to enforce human rights. They use other functions such as public education, consultation, policy development, and seeking compliance through collaboration, which are equally important and effective.

OHRC initiatives for combating racism in recent years have ranged from [\*To dream together: Indigenous peoples and human rights dialogue report\*](#) (2018), [\*Policy on eliminating racial profiling in law enforcement\*](#) (2019), [\*Logan v. Ontario \(Solicitor General\)\*](#), involving unlawful police DNA sampling of migrant workers, and [\*From Impact to Action: Final report into anti-Black racism by the Toronto Police Service\*](#) (2023), to the OHRC's current province-wide engagement on developing an [Action Plan](#) to tackle anti-Black racism in Ontario's publicly funded education system.

However, human rights institutions will not be successful in combating anti-Black racism or other forms of systemic discrimination under any model without true independence, representative staff and appointments, and adequate funding to exercise all their roles and powers.

## **Respect for human rights in the use of artificial intelligence**

2023 marked a breakout for Artificial Intelligence (AI). Driven by recent advancements in AI models and the release of publicly available generative applications, powerful AI tools can now be accessed through personal devices to create content, automate tasks and provide personalized assistance. Organizations in the public and private sectors are rapidly advancing the development and deployment of these technologies to make key decisions and deliver services.

As noted in the OHRC's [joint statement](#) with the Information and Privacy Commissioner (IPC) in May 2023, AI technologies have great

potential to benefit society in terms of improved health, education, public safety, and social and economic prosperity. They also present significant concerns to human rights, often using immense amounts of personal information that can produce discriminatory outcomes.

The OHRC and IPC called on the Ontario government to develop and implement effective guardrails on the public sector's use of AI technologies, and expressed the pressing need for Ontario to establish robust and granular rules that effectively address safety, privacy, accountability, transparency and human rights.

The OHRC looks forward to continuing to work with the IPC and the government to provide Ontarians with a better understanding of their broader human rights, including their privacy rights, concerning the use of AI technologies.

The public and private sector must ensure that their development and use of AI is in line with human rights standards. In February 2024, the OHRC wrote a submission to the Standing Committee on Social Policy on Bill 149, *Working for Workers Four Act, 2023*. The Act requires every employer who advertises a publicly advertised job posting and who uses AI to screen, assess or select applicants to include in the posting a statement disclosing the use of the AI.

The OHRC supports transparency in the use of AI technologies and called on the government to take further steps to require enhanced openness, safeguards for the use of such technologies, and mechanisms that would allow job seekers to exercise their rights and for employers to be accountable for their use. The OHRC also called

for the Ontario government to take a sectoral approach to regulating and enforcing the safe use of AI, including monitoring and enforcement of AI-related protections for job seekers.

The OHRC will continue to work collaboratively with its partners to prioritize human rights in the use of AI, and to strive for its safe use in Ontario.

## Media highlights

**Toronto Star, May 25, 2023,**

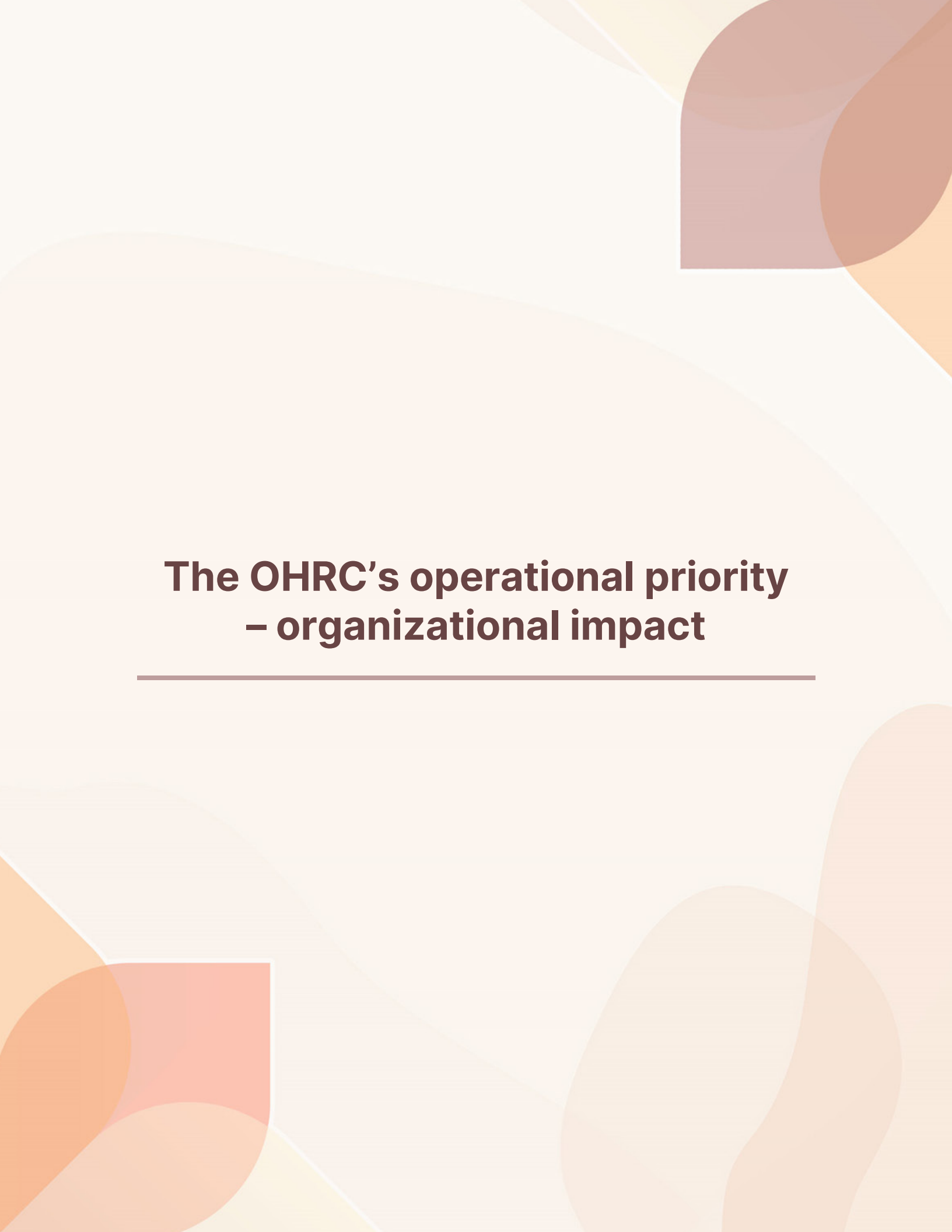
[“Ontario urged to develop ‘guardrails’ on public sector use of AI”](#)

**The Mooknayak, October 29, 2023,**

[“Ontario Human Rights Commission Recognizes Caste in its Policy Framework”](#)

**Global News, January 25, 2024,**

[“Ontario privacy commissioner feels urgency to address ‘Wild West’ risks of AI”](#)



**The OHRC's operational priority  
– organizational impact**

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# The OHRC's operational priority – organizational Impact

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## Message from the Executive Director

As I look back at this year, it is evident that the OHRC has reached a critical juncture. Since the launch of the strategic plan for 2023–25, the Commission has charted an ambitious course towards enhancing its organizational health and effectiveness. Managing institutional performance, ensuring alignment with the objectives, and adapting operations to fluctuating priorities have been essential to mirror the ever-changing landscape of risks and opportunities associated with the goal to foster a human rights culture.

In September 2023, staff at the OHRC and the Human Rights Legal Support Centre came together for joint training to learn about contemporary forms of antisemitism. The OHRC continues to be committed to training staff, recruiting exceptional talent, and fostering a high performing, engaged, inclusive, and resilient workforce.

An important function of the OHRC is the relationships that are built and maintained with Ontarians. Where OHRC staff interact with the public, commitments have been renewed for strengthening service delivery and resource allocation. In 2023, the OHRC took significant steps to support all staff in improving OHRC's overall delivery of French Language Services (FLS) by providing FLS mandatory trainings

and learning opportunities. The OHRC also started to transform its website to meet the needs of all Ontarians, including people with disabilities.

To make progress on its multi-year operational plan, the OHRC evaluated its organizational and functional gaps, improved capacity to draw upon data for decision-making through new reporting tools, integrated risk management into business processes, and launched an internal communications website. Additionally, the OHRC enhanced its ability to communicate with new technologies, collaborate and offer accessible services by making improvement to its facilities.

As we look ahead, reinforcing the OHRC's value in fulfilling the *Human Rights Code's* promise continues to be a driving force. This involves championing the cultivation of a human rights culture through continuous operational performance management improvements. A robust, autonomous, and properly resourced OHRC has the potential to make significant strides in advancing human rights for everyone.



**Michael Harris**  
**A/Executive Director**

## Year 1 of Strategic Plan – Performance Update

In early 2023, to support the objectives in the 2023–25 Strategic Plan and to assist with evaluating ongoing organizational performance and risks, the OHRC started developing a performance and risk management framework. The OHRC collected granular metrics and risks for outcomes related to operational plan activities on a quarterly basis. These are an integral part of the OHRC's performance management system, which aims to improve capacity to make data driven decisions.

The following performance indicators represent the intended outcomes of the OHRC's work from 2023 to 2025. The key outcomes of the OHRC's work are observed most clearly by duty holders and community organizations that deliver services and advocate for justice. Many of the indicators are reliant on information solicited from stakeholders. Where results are not available, the OHRC expects to be able to establish baselines and collect data in 2024.

Outcomes	Performance Measures	Baseline	Targets	2023 Results
<b>Reconciliation</b>				
The OHRC is a trusted ally to Indigenous communities in the work of reconciliation	Percentage of Indigenous partners who agree that the OHRC maintains relevant and effective relationships	TBD*	5% increase (by year 3) in the number of Indigenous partners who agree that the OHRC maintains relevant and effective relationships based on the results of the biennial survey (By year 3)	<b>N/A</b>
<b>Criminal justice and Health and well-being</b>				
Duty-holders have and use accessible, relevant and practical human rights tools	Percentage of duty-holders who report having accessed relevant and practical human rights tools	TBD*	10% increase in the number of duty-holders who report they have accessed relevant and practical human rights tools (By year 3)	<b>N/A</b>
<b>Education</b>				
Duty-holders in the education system are implementing changes that address systemic discrimination	Percentage of school boards that have a plan to implement the Right to Read recommendations	0%	Year-over-year increase to 100% by year two (75% in year 1 and 100% in year 2) of school boards having a plan to implement the Right to Read recommendations (By year 3)	<b>N/A</b>
<b>Human rights culture</b>				
The public is more knowledgeable about human rights	Public satisfaction with the OHRC's products	TBD*	80% satisfaction with OHRC products (By year 3)	<b>N/A</b>
<b>Organizational impact</b>				
Improved employee experience	Percentage increase in employee experience rates	69.5%	2% increase in the employee experience rate based on the results of the biennial employee experience surveys	<b>73.4%</b>

## Operational Key Performance Indicators

In addition to its Operational Plan, the OHRC has five Action Plans that aim to ensure compliance with leading practices and legislation and foster a healthy, inclusive, and supportive work environment. The 2023–24 Action Plans have been introduced or re-developed, and progress towards achieving the commitments within these plans is closely monitored.

### The OHRC currently has the following internal Action Plans:

- **Accessibility Action Plan** – An actionable annual plan to prevent and remove barriers for persons with disabilities, and meet the requirements set out in the *Accessibility for Ontarians with Disabilities Act, 2005* and its regulations.
- **Anti-Racism Action Plan** – Developed in consultation with OHRC staff, an annual plan to improve anti-racism competency and capacity, diversify talent pools, and foster an anti-racist and inclusive workplace.
- **Employee Experience Action Plan** – A bi-annual plan focused on improving internal communications, improving mental health and wellness of OHRC staff, and improving access to learning and career development opportunities.
- **French Language Services Action Plan** – An annual plan focused on improving the OHRC’s French language services through organizational and process improvements, and employee training and development.
- **Mental Health and Wellness Action Plan** – A bi-annual plan to directly target and address organizational barriers and

shortcomings that may negatively impact employee mental health and wellness.

While many of OHRC's commitments within these Action Plans have an internal focus on the employee experience, organizational effectiveness and legislative compliance, many of the commitments also relate to services and supports provided to Ontarians. The following Operational Key Performance Indicators show the OHRC's progress and performance in important areas where it interacts with the public.

Operational KPIs	Outcomes	Baseline	Baseline Date	Target
<b>Public complaints about staff and service policies/operational procedures</b> To measure response times related to public complaints and inquiries (including those related to accessibility/accommodation) about OHRC staff and service, policies, and operational procedures (% of complaints that are responded to within the required response time)	Public complaints response time meet service standards	Unknown	TBD	100% of complaints are responded to within 14 business days
<b>Freedom of Information</b> To measure the OHRC's compliance rate in fulfilling its FOI obligations	The public gains access to responsive records, in full or in part, when requested	Compliance rates: 100% 82% 100% 95%	2022 2021 2020 2019	100% compliance rate
<b>French Language Services</b> To measure the proactive availability of FLS (% of public events held or offered to be held in French, when relevant)	FLS are proactively offered to community groups and the public	66%	2022-23	100% of public events are offered in French

<p><b>French Language Services</b> To measure the amount of designated bilingual positions (DbP) filled with the appropriate level of French language proficiency</p>	<p>FLS are offered in equal quality and availability to English services at OHRC service points (i.e., phone, mail, email)</p>	<p>50%</p>	<p>2022-23</p>	<p>100% of DbPs are filled with the appropriate level of proficiency</p>
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## Website Transformation

The OHRC is embarking on a comprehensive website refresh and transformation project, with an aim to upgrade the underlying content-management system technology and enhance accessibility, design and user experience.

The Commission completed the phase one of this project, which entailed technical reviews, assessments of the current website, user needs analysis, and the development of options and recommendations for the website's future state. The insights and recommendations derived from this phase will guide further work during phase two, which began in March 2024. The expected completion date of this project is November 2024.

Anticipated outcomes include a modern and accessible website, improved searching and wayfinding, enhanced user experience, website performance improvements, and increased content-management efficiency.

# **Financial summary**

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# Financial summary

Financial summary (April 1, 2023 to March 31, 2024)	2023–24 Printed Estimates	Revised Budget March 31, 2024	Actual Expenditures March 31, 2024	2023–24 Year End Variance from Revised Budget	
	(\$'000)				%
<b>Salaries &amp; Wages</b>	\$4,489.6	\$4,289.3	4,184.2	105.1	2.5
<b>Benefits</b>	\$395.1	513.8	514.3	(0.5)	0.1
<b>Other Direct Operating Expenses (ODOE)</b>	\$626.2	\$721.6	722.7	(1.2)	0.2
<b>Total Expenses</b>	\$5,510.9	5,524.7	5,421.3	103.4	1.8

## 2023–24 OHRC Appointee remuneration

Appointee (full-time)	Total remuneration for FY 2023–24	Annual Salary
Patricia DeGuire, Chief Commissioner	\$173,587.96	\$174,184.00
<b>Total</b>	\$173,587.96	\$174,184.00

Appointee (part-time)	Total remuneration for FY 2022–23	Per diem remuneration rate
Violetta Ighneski, Commissioner	\$1,416.00	\$472.00
Randall Arsenault, Commissioner	\$3,186.00	\$472.00
Jewel Amoah, Commissioner	\$2,714.00	\$472.00
Brian Eyolfson, Commissioner	\$2,714.00	\$472.00
Gary Pieters, Commissioner	\$2,714.00	\$472.00
Sandra Bell, Commissioner	\$2,360.00	\$472.00

## Commissioners

OHRC 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.

Commissioner	Appointment
<b>Patricia DeGuire</b> Chief Commissioner	<b>Re-appointment:</b> August 19, 2023 – August 18, 2026
<b>Jewel Amoah</b>	<b>Re-appointment:</b> May 28, 2022 – May 27, 2025
<b>Randall Arsenault</b>	<b>Re-appointment:</b> January 9, 2023 – January 8, 2025
<b>Brian Eyolfson</b>	<b>Re-Appointment:</b> November 12, 2022 – November 11, 2025
<b>Violetta Ighneski</b>	<b>Re-appointment:</b> January 9, 2023 – January 8, 2025
<b>Gary Pieters</b>	<b>Re-appointment:</b> March 25, 2023 – March 24, 2026
<b>Sandra Bell</b>	<b>Appointment:</b> March 23, 2023 – March 24, 2025



**Ontario**  
**Human Rights Commission**  
**Commission ontarienne des**  
**droits de la personne**

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