

# **Ontario Human Rights Commission Annual Report 2005-2006**

Ontario Human Rights Commission  
180 Dundas Street W. 7<sup>th</sup> Floor  
Toronto ON M7A 2R9



June 29, 2006

The Honourable Michael J. Bryant  
Attorney General  
720 Bay Street  
Toronto ON M5G 2K1

Dear Minister:

Under section 31(1) 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, it is my pleasure to provide you with the Commission's Annual Report 2005-2006. This report reflects the activities of the Commission from April 1, 2005 to March 31, 2006.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Barbara Hall". The signature is fluid and cursive, with a long horizontal stroke at the end.

Barbara Hall, B.A, LL.B, Ph.D (hon.)  
Chief Commissioner

## ***Table of Contents***

<b>MESSAGE FROM THE CHIEF COMMISSIONER</b> .....	<b>1</b>
<b>COMMISSION ACTIVITIES 2005-2006</b> .....	<b>5</b>
<b>The Commission's Mandate</b> .....	<b>6</b>
<b>Human Rights Inquiries and Complaints from the Public</b> ...	<b>7</b>
Caseload at a Glance .....	7
Contacts with the Commission and Intake of Complaints ...	8
Cases Dismissed on Preliminary Objections .....	9
Mediation and Settlement .....	9
Withdrawn Complaints .....	10
Investigation and Referral of Complaints .....	11
<b>Litigation</b> .....	<b>13</b>
<b>Commission-Initiated Advice, Inquiry and Complaints</b> ....	<b>14</b>
Discriminatory Effect of School Discipline	
Legislation and Policies .....	15
Restaurant Accessibility .....	16
Discriminatory Effect of the <i>Change of Name Act</i> .....	16
Accessibility of Driving Schools .....	17
Mandatory Retirement .....	17
Drug and Alcohol Testing .....	18
Accessibility for Homebuyers with Disabilities .....	19
Other Matters .....	19
<b>Reforming Ontario's Human Rights System</b> .....	<b>20</b>
<b>Policy Development</b> .....	<b>22</b>
Policy and Guidelines on Racism and	
Racial Discrimination .....	24
Sexual Orientation Policy Update .....	25
Human Rights and the Family .....	26
<b>Promotion and Partnership</b> .....	<b>26</b>
Public Education .....	26
Aboriginal Human Rights Program .....	28
Call for a Canadian Coalition of	
Municipalities Against Racism and Discrimination .....	29

National and International Cooperation .....	31
www.ohrc.on.ca .....	32
<b>Corporate Services .....</b>	<b>33</b>
<b>Accountability Framework 2005-2006 .....</b>	<b>34</b>
<b>APPENDICES .....</b>	<b>37</b>
<b>List of Commissioners .....</b>	<b>38</b>
<b>Tables .....</b>	<b>46</b>
Table 1: New Complaints Filed by Social Area and Grounds Cited .....	46
Table 2: Monetary Damages in Settlements by Ground .....	47
Table 3: Cases Completed or Referred, by Disposition and Grounds .....	48
Table 4: Cases Completed or Referred, by Disposition and Social Area .....	49
Cases Completed or Referred by the Commission .....	50
<b>Fact Sheet: Commission Statistics for the Year Ending March 31, 2006 .....</b>	<b>51</b>
Public contact with the Commission .....	51
Breakdown of cases completed at the Commission .....	51
Commission decisions .....	52
Summary .....	52
<b>Case Summary Highlights .....</b>	<b>53</b>
Commission Settlements and Orders .....	53
Settlements and Decisions at the Human Rights Tribunal of Ontario .....	56
Decisions from Higher Courts .....	62
<b>List of Decisions, Settlements, Judicial Reviews and Appeals .....</b>	<b>66</b>
<b>List of Publications .....</b>	<b>70</b>
<b>Financial Statement .....</b>	<b>73</b>
<b>ENDNOTES .....</b>	<b>74</b>

## ***Message from the Chief Commissioner***

June 2006

I am pleased to report on the activities of the Ontario Human Rights Commission for the period April 1, 2005 to March 31, 2006.



In doing so, I would like to thank the staff of the Commission, and the Commissioners themselves, for their hard work and dedication to human rights.

Some, like myself, have recently joined the Commission, while others finished their time with the Commission this past year. All have made an important contribution. In particular, I'd like to recognize the invaluable leadership of Keith Norton for his nine years of service as Chief Commissioner, which ended in October 2005. I would also like to acknowledge and thank Commissioner Ivan Oliveira who served as interim Chief Commissioner until my arrival in December 2005.

During 2005-06, the Commission realized significant achievements in the fulfillment of its mandate to protect, promote and advance human rights for the people of Ontario.

The Commission mediated, investigated or otherwise completed a total of 2,117 individual complaints of discrimination (3% more than the previous fiscal year), and referred a total of 170 cases to the Human Rights Tribunal of Ontario for a hearing.

Following research and inquiry into the discriminatory impact of "safe schools" legislation and policies on racialized students and students with disabilities, the Commission initiated its own complaints to more directly seek a systemic resolution of the issues more directly. Several related complaints from students were settled through mediation.

A number of other cases included significant public interest remedies to help prevent future discrimination. A settlement with a school board

resulted in an agreement on comprehensive measures to ensure all staff have equal access to positions of responsibility in the school system regardless of race. A public interest remedy obtained in a lengthy case at the Human Rights Tribunal of Ontario now requires transit operators to announce subway stops to assist riders with visual disabilities and others to better navigate the system. The Commission also intervened in two cases at the Supreme Court of Canada: one advances human rights principles with respect to religious accommodation; and the other enhances the power of administrative tribunals to interpret and apply human rights legislation.

During the year, the Commission released a new *Policy and Guidelines on Racism and Racial Discrimination*, updated its *Policy on Discrimination and Harassment Because of Sexual Orientation* to reflect the rights of same-sex marriage partners, and undertook public consultations toward development of a policy on discrimination because of family status.

In addition to reaching more than 10,000 individuals at public education events, the Commission partnered with the Union of Ontario Indians to produce a new brochure on Aboriginal persons' rights under the *Code*. Available in Mohawk, Cree and Ojibway, the brochures were distributed to over 250 Aboriginal service organizations across the province. The Commission also continued its partnership with the Canadian Commission for UNESCO and other organizations in promoting a call for a Canadian Coalition of Municipalities Against Racism and Discrimination.

This past year also saw the Legislature of Ontario pass a Bill to end mandatory retirement. The Bill, which takes effect in December 2006, addresses a longstanding recommendation of the Commission to allow employees the choice to continue working past age 65.

For many years the Commission has called for change to improve Ontario's human rights system. It therefore welcomed the Attorney General's announcement last summer of his intent to develop proposals for reform by winter. Following on these proposals, in April 2006, the government introduced Bill 107, an Act that, if passed, will significantly amend Ontario's *Human Rights Code*. Public hearings are anticipated in the coming months. The Commission is working with stakeholders and government to ensure the Bill meets international principles for the establishment and strengthening of human rights institutions.

Ontario is home to some of the most diverse communities in the world. The health and safety of our combined community requires a strong integrated human rights system: one that can deal efficiently and effectively with individual complaints of discrimination; act in the public interest to protect and advance human rights; as well as promote respect for human rights through public education, partnership, and cooperation among individuals, organizations and institutions, across the province and elsewhere.

I look forward to the coming year, working to ensure the system, and in particular the Commission, has what it needs to achieve the goals of the *Code*: recognizing the dignity and worth of every person in Ontario and providing for equal rights and opportunities without discrimination.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Barbara Hall', with a stylized flourish at the end.

Barbara Hall, B.A, LL.B, Ph.D (hon.)  
Chief Commissioner





## **Commission Activities 2005-2006**

## ***The Commission's Mandate***

The Ontario Human Rights Commission (the “Commission”) is an independent, arm’s length agency of the provincial government, accountable to the Legislature through the Attorney General. As Canada’s oldest Commission, it was established in 1961 to administer the Ontario *Human Rights Code* (the “Code”). The Commission’s mandate is to protect, promote and advance human rights in Ontario, and this mandate is central to building stronger, safer communities.

The *Code* sets out the right of individuals in Ontario to be free from discrimination in employment, housing accommodation, goods, services and facilities, contracts, and membership in vocational associations and trade unions, based on fifteen prohibited grounds. These include: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy and gender identity), sexual orientation, disability, age (18 and older, except 16 and older in housing, and up to 65 in employment), marital status (including same sex partners), family status, receipt of public assistance (in accommodation only) and record of offences (in employment only).

The Commission has broad functions and powers under the *Code* and acts independently on behalf of the public interest. The Commission investigates complaints of discrimination, endeavours to settle complaints between parties, and litigates cases at the Human Rights Tribunal of Ontario and higher courts. The Commission also inquires into human rights matters, initiates complaints, and undertakes to prevent discrimination through research, policy development, cooperation, and public education. The Commission’s inquiry and intake, mediation, investigation, policy, and legal services work in an integrated fashion to fulfil all aspects of the Commission’s mandate.

## ***Human Rights Inquiries and Complaints from the Public***

### ***Caseload at a Glance***

In 2005-06:

- The Commission began the fiscal year with an active caseload of 2,733 cases
- 2,399 new complaints were received and added to the caseload
- 2,117 complaints from the caseload were completed at the Commission, on average at 12.9 months (approximately 3% more cases than in 2004-05, and 11% more than the 1999-2004 average)
- 143 cases were referred to the Human Rights Tribunal of Ontario, on average at 27.6 months (150 cases were referred in 2004-05)
- 27 additional cases were referred to the Tribunal after reconsideration by the Commission of a previous decision
- The Commission ended the fiscal year with an active caseload of 2,880 cases, 147 or 5% more cases than the beginning of the year
- Over the last few years, the Commission has received more cases than it has the resources to complete, resulting in a backlog of 581 cases at year-end
- 85 cases (3% of its active caseload) were over three years old at year-end

### ***Contacts with the Commission and Intake of Complaints***

As the first point of contact for members of the public, the Commission's Inquiry and Intake Service delivers important public education about human rights and responsibilities under the *Code*. Specific information is also provided about the Commission's policies and guidelines as well as how to file a complaint or access other external resources. Often, this information helps empower potential complainants to resolve matters so that a complaint is not necessary. The Commission's Inquiry and Intake Services also assist potential respondents to prevent or address discrimination within their organizations. Inquirers whose issues are not human rights-related are provided with referrals to more appropriate organizations for assistance in addressing their concerns.

Each year, a number of individuals turn to the Commission for help by filing a formal complaint. Under the *Code*, the Commission is required to receive all complaints filed by individuals.

In 2005-06:

- Commission staff dealt with over 43,011 telephone inquiries<sup>1</sup>
- 1,760 inquiries were received by letter
- 760 persons inquired in person at the office
- 824,887 individual visits were made to the Commission's Web site
- 2,399 formal complaints were filed with the Commission. This is the same number of complaints filed in the 2004-2005 fiscal period, and represents a 16.5% increase over the average of 2,060 new complaints filed per year over the five-year period from 1999-2004

### ***Cases Dismissed on Preliminary Objections***

The Commission may decide not to proceed with a complaint for reasons set out in section 34 of the *Human Rights Code*.

In 2005-06, of all cases completed at the Commission or referred to a Tribunal, 8.6% were dismissed based on such preliminary objections, on average at 9.5 months. Using the parties' written submissions, the Commission determined that:

- 2.0% of cases could have been dealt with by another legislated body, such as through a union grievance procedure under labour legislation or at the Workplace Safety and Insurance Appeals Tribunal
- In 4.0% of cases there was evidence the complaint was frivolous, vexatious, or made in bad faith
- In 0.2% of cases the matter was outside the Commission's jurisdiction
- In 2.4% of cases the events occurred outside the *Code's* six month filing requirement

### ***Mediation and Settlement***

The *Code* requires the Commission to endeavour to settle complaints, and mediation is an extremely successful aspect of the Commission's work. The Commission provides confidential mediation services early in the process to help settle complaints to the satisfaction of both parties and the Commission.<sup>2</sup> The Commission has a consistent 70% or higher success rate in resolving complaints at this stage. Successful early mediation brings about quick remedies, can incorporate public interest provisions, and reduces the need for individuals to go through more lengthy processes of investigation or litigation. One good example this past year was the significant public remedies obtained by the

Commission through early mediation of a complaint involving homophobic discrimination and harassment at Lakehead District School Board (see Appendix: *Case Summary Highlights*).

Complaints that cannot be settled or resolved in some other way between the parties early on are referred for investigation: however, they may settle at any stage in the Commission's process or at the Tribunal. Year after year, the Commission assists parties to reach mutually agreeable resolutions in more than half of all cases completed at the Commission and in approximately 80% of cases at the Tribunal. The Commission seeks out systemic and public interest remedies in all settlements, designed to prevent future discriminatory conduct.

In 2005-06, of all cases completed at the Commission or referred to a Tribunal, 57.1% were settled by the Commission or resolved between the parties, on average at 12.4 months:

- 34.4% (778 cases) were settled through early mediation without investigation, on average at 7.4 months, representing a success rate of 71% of the 1,096 cases in which parties participated in early mediation
- 10.1% were settled at the investigation stage, on average at 26.2 months
- 12.6% were resolved between the parties, on average at 15.0 months

### ***Withdrawn Complaints***

Individuals may withdraw their complaints at any time, and for a number of reasons. For example, this will occur where the parties reach a settlement and an agreed upon term is that the complaint be withdrawn. Withdrawals can also arise early in the process if it becomes apparent that their concerns do not fall within the jurisdiction of the

Commission, or if the respondent's answer explains the situation to the complainant's satisfaction. Some complainants may decide not to pursue the matter any further after reviewing the Commission's investigation findings. In other cases, individuals simply decide they no longer wish to pursue a complaint that has been in the system for a long time.

In 2005-06:

- Of all cases completed at the Commission or referred to a Tribunal, 16.7% were withdrawn by the complainant, some as a result of a term of settlement, on average at 7.5 months

### ***Investigation and Referral of Complaints***

The Commission conducts a neutral and objective investigation and then determines whether there is sufficient evidence to warrant referring a case to the Human Rights Tribunal of Ontario for a hearing. The investigation process creates an opportunity for parties to be heard, to ask questions, and to provide further information or evidence in support of their views, such as documents or names of witnesses. The Commission also continues to seek opportunities for settlement during the investigation process, enabling parties to come to a resolution of the complaint in accordance with the *Code* and Commission policy.

Under s. 33 of the *Code*, the Commission has broad powers of investigation. It can interview parties and witnesses, conduct site inspections, seize and review documents, research and examine relevant data, such as statistical or demographic information, or employee and other organizational records. Through this process investigators may uncover evidence that is indicative of both individual and systemic discrimination.

Investigators consult with the Commission's legal and policy services to ensure that investigation plans, reports of findings and settlements consistently and properly interpret and apply the *Code* and Commission policy. Investigators also provide parties with information about how the *Code* and the Commission's policies relate to the case, and ensure that settlements include public interest remedies where they may prevent discrimination and harassment in the future. For example, during an investigation in 2005, the Commission successfully settled four cases with the Dufferin-Peel Catholic District School Board relating to race, disability, and school discipline policies (see Appendix: *Case Summary Highlights*).

Although complainants do not appear in person before the Commission, they are provided with a copy of the comprehensive staff investigation report that is prepared for the Commissioners, and their written submissions, together with the respondent's submissions, are provided to the Commissioners for consideration. Commissioners then decide whether there is sufficient evidence to support referral of the complaint to the Tribunal for a hearing.

In 2005-06:

Of all cases completed at the Commission or referred to a Tribunal, 17.6% received a Commission decision based on written submissions on the merits (s.36 of the *Code*), on average at 26.9 months:

- 8.5% of cases were dismissed because of insufficient evidence to warrant a Tribunal hearing, on average at 29.6 months
- 2.8% of cases were dismissed because of lack of cooperation by the complainant, on average at 17.4 months
- 6.3% or 143 cases were referred to the Tribunal for a hearing, on average at 27.6 months (150 cases were referred in 2004-05)



As of March 31, 2006, the Commission's active caseload was 2,880 cases. This represents an increase of 147 cases (or 5.4%) over last year's active caseload of 2,733. The average age of a case in the Commission's active caseload increased from 11.2 months to 12.9 months.

## ***Litigation***

Once a case is referred to the Human Rights Tribunal of Ontario, the Commission litigates the case, representing the public interest in the protection, promotion and advancement of human rights. In most cases, Commission counsel assist the complainant through the process by preparing the witnesses, pleadings, motions, and calling the evidence. At the hearing, Commission counsel seek and obtain remedies which help to prevent future acts of discrimination, such as training programs, the creation of anti-discrimination and harassment policies, internal complaint mechanisms and monitors.

In 2005-2006, 74% of cases were settled at the Tribunal, with active involvement of Commission counsel. The Commission obtained strong public interest remedies in almost all of these settlements. The Commission's litigation of cases before the Tribunal and at higher courts has been instrumental in enforcing the *Code*, advancing human rights jurisprudence, promoting the Commission's policies, and protecting the public interest. When complaints are referred to the Tribunal or are appealed to higher courts, the resulting settlements and decisions may create precedents and directions for advancing human rights law in Ontario, across Canada, and internationally. The Commission has been involved in a number of high profile cases that have overturned decisions of the Tribunal or other courts, adding to this important

body of case law. Seeking strong public interest remedies in decisions and settlements, and pursuing Commission initiated complaints, are fundamental to the Commission's litigation strategy (see Appendix: *Case Summary Highlights*).

In 2005-06, the Commission was involved in many cases at the Tribunal and in higher courts that resulted in:

- 15 final decisions, 33 interim decisions, and 2 decisions on costs, from the Human Rights Tribunal of Ontario
- 42 settlements at the Tribunal
- 8 judicial review decisions from the Divisional Court
- 1 decision on appeal from the Divisional Court
- 1 decision from the Court of Appeal, and
- 2 decisions from the Supreme Court of Canada.

As of March 31, 2006, the Commission is currently litigating:

- 462 complaints before the Tribunal (249 of these are autism cases and are being heard together)
- 8 cases before the Divisional Court (3 judicial reviews and 5 appeals)
- 3 cases at the Court of Appeal
- 2 case at the Supreme Court of Canada.

### ***Commission-Initiated Advice, Inquiry and Complaints***

The Commission favours a voluntary and cooperative approach to protecting and promoting human rights and resolving complaints. The Commission uses its broad mandate under section 29 of the *Code* to provide advice to organizations, review legislation for compliance with the *Code*, and inquire into situations that may have a negative impact relating to a *Code* ground.

The Commission may also choose to initiate a complaint under subsection 32(2), and use its powers under subsection 33(3) to investigate the matter. The Commission prepares a written report of its findings, and if no settlement is reached, it then decides whether to refer the matter to the independent Human Rights Tribunal of Ontario for a hearing.

### ***Discriminatory Effect of School Discipline Legislation and Policies***

This past year the Commission continued its efforts to address the disproportionate impact of the “safe schools” provisions of the *Education Act* on racialized students and students with disabilities. In July 2005, following considerable research and the release of a public submission raising concern, the Commission initiated complaints against the Ministry of Education and the Toronto District School Board, alleging that the application of the “safe schools” provisions and related discipline policies was having a disproportionate impact on these students. While it is paramount to ensure schools are safe, disciplinary measures must be fair, effective and non-discriminatory.

In October 2005, the Commission successfully conciliated a settlement of four similar complaints between individuals and the Dufferin-Peel Catholic District School Board, and in November 2005, it achieved a positive settlement in its own complaint against the Toronto District School Board. The complaint against the Ministry of Education remained unresolved at year-end.

### ***Restaurant Accessibility***

In late 2005, the Commission reviewed the progress of 25 restaurant chains towards commitments they had previously made to increase the accessibility of their premises to customers with disabilities. In 2003 and 2004, the restaurant chains committed to:

- Develop an accessibility policy and customer complaints procedure
- Review and identify accessibility barriers across corporate-owned and franchised premises
- Develop a standardized accessibility plan for future locations
- Develop a plan for existing facilities and begin removing barriers
- Monitor progress towards achieving accessibility and report back to the Commission in one year

A report on the outcomes of the restaurant accessibility initiative, including the achievements of the various restaurant chains and recommendations for moving forward, is being prepared for release this year.

As of March 31, 2006, a complaint initiated by the Commission against one restaurant chain remained outstanding.

### ***Discriminatory Effect of the Change of Name Act***

The Commission and the Information and Privacy Commissioner/Ontario (IPCO), cooperated in raising concerns with the Ministry of Government Services that the *Change of Name Act* has a discriminatory impact on transgendered persons. Specifically, a requirement that name changes be published and remain on a publicly accessible record has a disproportionately negative impact on transgendered individuals in that it forces them to publicly disclose their gender

transition. The Commission met with the Ministry and the IPCO in November 2005 and again in January 2006, and wrote to the Ministry in February 2006, to clarify how these requirements serve as a barrier for transgendered persons. The Commission has requested both a systemic barrier removal through legislative change, and a more immediate interim accommodation for transgendered individuals who feel threatened by the publication requirement and see it as preventing their access to the name change process.

### ***Accessibility of Driving Schools***

The Commission continued to work closely with the Ministry of Transportation and industry partners to address the barriers faced by persons who are deaf, deafened and hard-of-hearing in accessing driving school programs. In the Fall of 2005, the Commission was able to reach a positive settlement with Young Drivers of Canada in an individual complaint which raised similar concerns. However, the Commission is continuing to seek a system-wide solution.

### ***Mandatory Retirement***

Under the *Code*, in the area of employment, the legal definition of age is limited to people between the ages of 18 and 65. This means that the Commission cannot receive a complaint of age discrimination in employment from someone who is 65 or older. Following consultations on age discrimination in 2000,<sup>3</sup> the Commission reported that many groups and individuals emphasized the negative impact of mandatory retirement policies on the economic security, dignity and self-worth of older Ontarians. The Commission has since called on government to amend the *Code* and remove the upper age limit of 65.

In November 2005, the Commission made a submission to the Standing Committee on Justice Policy regarding Bill 211, the *Ending Mandatory Retirement Statute Law Amendment Act*. In its submission, the Commission commended the government for bringing forward this legislation, and supported its broad intent. However, the Commission also highlighted grave concerns about provisions of Bill 211 that limit the access of older workers to benefits and worker's compensation. The Bill, which owes much to the leadership of former Chief Commissioner Keith Norton, takes effect in December 2006. The Commission's concerns regarding benefits and compensation remain.

The Commission's work on age discrimination and mandatory retirement received international attention with an invitation to Chief Commissioner Norton to speak at the International Symposium on Age Discrimination in London, England, in September 2005.

### ***Drug and Alcohol Testing***

The Commission's *Policy on Drug and Alcohol Testing* recognizes that the law identifies dependence on a substance, such as drugs or alcohol, as a form of disability. The Commission provided considerable advice to a major employer in the mining industry regarding its policies for employee drug and alcohol testing, which include random and pre-employment drug testing for all employees. The Commission worked to encourage compliance with the *Code, Policy* and current case law, which recognize that pre-employment and random drug tests do not indicate an employee's current level of impairment or ability to perform their duties, but show only past use. The employer's policies came to the Commission's attention through an individual complaint, and the Commission has worked with the employer for over a year in an attempt to resolve the matter.

### ***Accessibility for Homebuyers with Disabilities***

The Commission worked with the Ontario Home Builders' Association (OHBA) to raise awareness in the homebuilding industry about the requirements of the *Code* and Commission policy with respect to customers with disabilities. This included the publication of an article in the industry's trade magazine and a presentation at the OHBA's annual conference. This initiative resulted from a positive settlement with public interest remedies that was reached in February 2005 between Mattamy Homes and a homebuyer who required design modifications to accommodate wheelchair use.

### ***Other Matters***

In 2005-06 the Commission also:

- Met with the government-appointed Hate Crimes Community Working Group to discuss: the links between hate crimes and discrimination and harassment prohibited by the *Code*; the importance of human rights in developing stronger, safer communities; and how the Commission's broad mandate, functions, and powers can help address tension and conflict that lead to hate crime.
- Continued to monitor the use of a medical surveillance form by General Motors, and requested a meeting to discuss ongoing human rights concerns raised by this practice.
- Wrote to the Minister of Community Safety and Correctional Services regarding recommendations that the proposed *Private Security and Investigative Services Act* include a statement of principle affirming the importance of the *Code*, and require private security officers to wear clearly displayed name badges.

- Sent a letter to school boards across the province to clarify their obligation to continue to provide Educational Assistants and Aides to students with disabilities in the event of a job action, and the necessity to develop plans to ensure that students with disabilities continue to receive accommodation during any work stoppage, so that they have equal access to services and facilities available to other students.
- Wrote to the Minister of Labour about legislation that simplified union certification processes within the construction sector. The Commission inquired into the Ministry's rationale for limiting these changes to this relatively non-diverse sector rather than including other sectors in which female and racialized workers predominate, and inquired into possible discriminatory impacts relating to sex and race.

### ***Reforming Ontario's Human Rights System***

At his annual press conference in July 2005, Chief Commissioner Norton re-iterated the urgent need for improving Ontario's human rights system in order to deal with a growing caseload. Strengthening the Commission's capacity to promote and protect human rights is also central to building stronger safer communities.

Therefore, the Commission welcomed the Attorney General's announcement to develop a blue print for reform of Ontario's human rights system by winter. In response, the Commission undertook an accelerated process to consult the public and stakeholders and report findings in time to be useful to the government.

In August 2005, the Commission released a Discussion Paper entitled *Reviewing Ontario's Human Rights System*. The Discussion Paper identified international principles and guidelines that must be applied in the design of any human rights system, and provided a context for



reform. The Discussion Paper and a questionnaire were sent to stakeholders across the province and posted on the Commission's Web site, and a total of 56 submissions were received. In addition, in September 2005, the Commission held three focus groups involving 31 individuals, including stakeholders with divergent views from across the province, experts from across Canada, and staff representatives from the Commission and the Human Rights Tribunal of Ontario.

In October 2005, the Commission released a Consultation Report entitled *Strengthening Ontario's Human Rights System: What We Heard*. While the Report reflected varying views, there was consensus that the current human rights system needs strengthening, and general agreement that a reformed system should:

- be timely and flexible in its approach to human rights complaints
- be independent and adequately resourced
- be harmonized with international obligations
- fill a cooperative role in the promotion of human rights
- be accessible regardless of disability, financial means, geography, language, culture or other power imbalances
- be able to effectively address systemic issues, and resolve simple cases more easily
- be expert and representative

On February 20th, 2006, the Attorney General announced proposals to reform the human rights system of Ontario. The proposals call for the Ontario Human Rights Commission to focus on "proactive measures", such as public education, promotion and public advocacy, as well as research and monitoring to address systemic discrimination in Ontario. Under the proposed changes, the Commission would "maintain the ability to bring a complaint on its

own behalf before the tribunal or to intervene in other complaints”, and would become home to a new racial diversity secretariat.

In addition, the proposals call for the institution of direct access to the Human Rights Tribunal of Ontario to replace the current system in which the Commission handles complaints through inquiries, intake, mediation, and investigation prior to referring cases with sufficient evidence to the Tribunal for a hearing. A third “branch” of the system was proposed to deal with the provision of legal support to complainants, but was not defined.

Throughout this process the Commission has clearly stated that while reform is needed, change must meet the established international principles, by which Ontario has become a leader in human rights both nationally and internationally. The Commission is working with stakeholders and the government to achieve common goals for a strengthened system with balance between an effective complaints mechanism for individuals and an expanded role for the Commission in public education, prevention and addressing systemic discrimination.

### ***Policy Development***

Development of policy statements is central to the Commission’s work to eliminate discrimination and to protect, promote, and advance human rights. Commission policies and guidelines:

- Provide Ontarians with detailed information about their *Code* rights
- Advance a progressive and purposive understanding of these rights
- Set standards for how employers, service providers, policy makers, and the Commission should act to ensure compliance with the *Code*

- Provide the foundation for the Commission's public education activities, awareness campaigns and Commission-initiated complaints
- Inform the Commission's litigation strategy

Policies are important public statements that set out the Commission's interpretation of the *Code* at the time of publication, and enable the Commission to speak authoritatively and with influence on human rights issues.

The Commission's policies and guidelines have received recognition, both nationally and internationally, from human rights practitioners, advocates, and stakeholders. While these policies are not binding on the Human Rights Tribunal, or on courts, they are often given great deference, applied to the facts of cases before the court or tribunal, and quoted in the decisions of these bodies.

The Commission's policy development is triggered and informed by a broad range of factors, such as: inquiries and complaints received from the public; the public education and communications functions; academic and social science research; the monitoring of social issues and trends; case law developments; and the provisions of the *Code* and *Charter*.

Public consultation also plays a major role in the development of Commission policy positions and documents. It is undertaken in a variety of ways, usually incorporating both verbal and written contributions from individuals and stakeholder organizations. The Commission regularly consults with a broad range of stakeholders, such as employers, professional and consumer organizations, unions, service and housing providers, government, experts, community groups, and advocates. Public consultations identify key issues and concerns, as well as possible approaches and best practices. And, they are one of the primary ways in which the

Commission remains actively engaged with its stakeholders, and ensures that they have a voice in the strategic direction of the Commission. Consultation also promotes organizational responsibility, respect and understanding of human rights, and voluntary compliance with the *Code*.

In keeping with its mandate to promote understanding of human rights and to conduct research to eliminate discriminatory practices, the Commission undertook a number of policy development initiatives in 2005-06.

### ***Policy and Guidelines on Racism and Racial Discrimination***

In June 2005, the Commission released its *Policy and Guidelines on Racism and Racial Discrimination*, presenting it to an audience of more than 100 community leaders, officials, and other stakeholders. This Policy updates and significantly expands upon the Commission's 1996 *Policy on Racial Slurs and Harassment and Racial Jokes* and builds upon the Commission's 2004 Inquiry Report, *Paying the Price: the Human Cost of Racial Profiling*. It provides much needed guidance to the public concerning their rights and responsibilities under the *Code*.

The new *Policy* describes a number of considerations to be used in examining whether racial discrimination has occurred, and stresses the importance of building an organizational culture of prevention and respect for human rights. It enables the Commission, other organizations, advocates and adjudicators to take a consistent approach to cases that involve race and related grounds. The *Policy* provides information, best practices, and approaches that are central to appropriate mediation, investigation, analysis and litigation of race-related cases, and to correcting systemic discrimination and historical disadvantage through incorporation of public interest remedies in settlements and decisions.

The *Policy* is based on extensive research and consultation that began in March 2004. The process included numerous focus groups with stakeholders representing a variety of perspectives and interests, a three-day Policy Dialogue Conference in which experts and stakeholders from across the country discussed relevant issues, opportunity for public comment on independent papers that were generated by the Policy Dialogue, and further input on specific issues from respondent-oriented stakeholders.

The Commission has responded to requests for public education presentations about the *Policy* from a number of organizations, such as the Ontario Police College, the Canadian Association for the Prevention of Discrimination and Harassment in Higher Education, and the Hamilton Police Service.

### ***Sexual Orientation Policy Update***

In 2005-06, the Commission updated and re-released its *Policy on Discrimination and Harassment because of Sexual Orientation*. The update reflects the significant developments in case law and changes to legislation relating to both sexual orientation and same-sex marriage since the release of the initial policy in February 2000. These include the March 2005 amendments to the *Code*, which, among other changes, redefined “marital status” to be inclusive of same-sex conjugal relationships.

The updated *Policy* includes an increased focus on subtle and systemic discrimination, and clarifies the responsibility of organizations to identify and address discrimination and harassment based on sexual orientation. The *Policy* is intended to improve understanding of discrimination experienced by lesbian, gay, and bisexual individuals, and to assist organizations to develop and maintain harassment-free environments.

### ***Human Rights and the Family***

In May 2005, the Commission began a public consultation on human rights and family status with the release of the Discussion Paper, *Human Rights & the Family in Ontario*. The Discussion Paper outlined key issues and invited submissions from interested parties. The Commission also released a questionnaire inviting individual Ontarians to share stories of how their family status had impacted their access to housing, employment and services. These materials were sent to over 300 stakeholders and posted on the Commission's Web site for feedback from the public.

The Commission heard from approximately 120 stakeholders, including employers, unions, housing providers, government, academics, community organizations, legal clinics, service providers, professional organizations, advocacy groups and individuals. Based on this feedback, the Commission held four roundtables during the fall of 2005, covering specific issues affecting older Ontarians, the definition of family status, employment and housing. In 2006-07, the Commission plans to release a Report and recommendations on the results of the consultation as well as a new policy.

### ***Promotion and Partnership***

The Commission engages in a wide range of educational activities and partnership initiatives, such as public awareness campaigns, presentations, workshops and conferences. It also engages in national and international cooperation, participates in intergovernmental task forces, and receives delegations from around the world.

### ***Public Education***

In keeping with its responsibility to promote understanding and awareness of and compliance with the *Code*, the Commission

has an important mandate to conduct public education throughout the province. Public education is delivered primarily through the Commission's Web site, publications, public awareness campaigns, speaking engagements and presence at community events.

In evaluating the many requests for speakers, the Commission focuses its resources on events and initiatives that have the potential to: promote systemic prevention of *Code* violations and advancement of human rights; significantly enhance the Commission's relationship with a strategic or underserved sector; "train trainers" to have a sustainable "multiplier" effect in the organization; and reduce discrimination across a sector and/or to decrease the incidence of formal human rights complaints.

The Commission does not have the capacity to accept all requests. In such instances, the Commission tries to work with the organization or individual to help meet their needs in other ways through Commission resources or referral to other organizations.

The Commission focuses its public education activities on issues that are associated with current human rights concerns. With the release of its *Policy and Guidelines on Racism and Racial Discrimination* during this fiscal year, the Commission followed up with presentations to various police services and school boards that are attempting to address issues of racial discrimination and racial profiling. At the invitation of the Ontario Police College, the Commission delivered a day-long training event on the *Policy* for senior command and equity staff from police services across the province.

The list of topics addressed in public presentations also reflects continued interest in such issues as harassment, disability and education, mandatory retirement and concerns around the "safe schools" provisions of the *Education Act*. During this past year,

the Chief Commissioners made a total of 17 presentations to members of the general public and visiting delegations.

During the 2005-06 fiscal year, the Commission had resources and capacity to accept over 70% of the requests it received. The Commission received 172 invitations and participated in a total of 136 public education events, reaching 10,428 individuals. These exceed the 2004-2005 numbers of 157 invitations received, 96 requests accepted, and 7,500 individuals reached. The majority of presentations in 2005-2006 were balanced throughout the education, business and public sectors, and evaluations of the presentations were very positive, with a satisfaction rate of 90.7%.

### ***Aboriginal Human Rights Program***

The Aboriginal Human Rights Program (AHRP) has now been in existence at the Commission for over six years. Throughout this time, the Commission has worked with partners in the Aboriginal community in various initiatives. The purpose of the AHRP is to create and build on awareness of the *Code* among people of Aboriginal communities and to enhance their access to the Commission's services.

This past year, the Commission continued in its progressive partnership with the Union of Ontario Indians (UOI), accomplishing two major projects:

- An article published in the June edition of the UOI's newspaper *Anishinabek News* on the rights of native persons under the *Ontario Human Rights Code*. The article described how the Commission can be of assistance, especially in discrimination and harassment situations where racism is identified. It focussed on the *McKinnon* Tribunal decision about an Aboriginal correctional services worker who had been subjected to vicious harassment as well as loss of job opportunities in the institution where he works.



- With the assistance of UOI, the Commission also initiated the development, publication and distribution of a brochure dealing with the rights of Aboriginal persons under the *Code* and describing the Commission's role in protecting those rights. The brochures, besides being made available in English and French, were translated into Mohawk, Cree and Ojibway. They were distributed by UOI to over 250 Ontario bands and organizations and agencies providing services to Aboriginal persons in Ontario.

In August, the Commission also participated in an exhibition fair organized by the Chiefs of Ontario in connection with their First Nation Education Conference 2005. In addition, the Commission was in attendance with its information booth at the Canadian Aboriginal Festival at the Rogers Centre (formerly, the Skydome) in November.

### ***Call for a Canadian Coalition of Municipalities Against Racism and Discrimination***

The Commission, along with several other organizations across Canada, has lent its expertise and support to the Canadian Commission for UNESCO (United Nations Educational, Social and Cultural Organization) in developing and advancing a Call for a Canadian Coalition of Municipalities Against Racism and Discrimination. The purpose of the Coalition is to establish a network of municipalities interested in, and committed to, adopting a Plan of Action to address racism and discrimination within their jurisdictions. Under the leadership of UNESCO Paris, a similar coalition is already established in Europe and coalitions are being developed simultaneously in other regions, including Africa and South Asia.

Some of the accomplishments of the Commission with regard to this project in the past year have been:

- A proposal calling for the establishment of a Canadian Coalition, supported in principle by members of the Canadian Association of Statutory Human Rights Agencies present at the June 2005 Annual General Meeting
- The Federation of Canadian Municipalities endorsed the Call for a Coalition and distributed information nationally, encouraging municipalities to consider joining the initiative
- OHRC promoted the Coalition at the following conferences: Large Urban Mayors Forum in Barrie, Association of Municipalities of Ontario Annual General Meeting, International Metropolis Conference in Toronto (including hosting a meeting of visiting delegates), and the Southwest Regional Conference of the Association of Municipalities of Ontario in London
- Chief Commissioner Hall presented on a panel at the Canadian Commission for UNESCO's Annual General Meeting in Montreal
- Chief Commissioner Hall also addressed a public gathering where the Mayor of Windsor signed a declaration of intent to join the Coalition

As of March 31, the City of Oshawa and the Town of Aurora have also given notice of joining or intent to join the Coalition, and other municipalities in Ontario and across Canada are in the process of developing resolutions for consideration at their councils.

The Commission, in partnership with the Canadian Coalition for UNESCO, is in the process of finalizing a booklet describing the purpose of the Coalition, common commitments and sample actions, and a model declaration for municipalities to sign. This booklet, also endorsed by the Canadian Race Relations Foundation, will form part of a toolkit that will be used to promote the Coalition provincially and nationally.

### ***National and International Cooperation***

The Commission cooperates at both the national and international levels in the promotion and advancement of human rights through liaison and participation on task forces and delegations. The Commission is a member of the Canadian Association of Statutory Human Rights Agencies (CASHRA), sharing its expertise through CASHRA's policy, education and legal sub-committees as well as its annual conference, which took place in Saskatoon in June 2005, and will take place in Fredericton in June 2006.

The Commission is also a member of the International Association of Official Human Rights Agencies (IAOHRA) and makes contributions to provincial or federal reports with regard to Canada's obligations under international human rights conventions. The Commission works to support its national and international partners in human rights advancement, hosting delegations and visitors from across Canada and abroad, and by participating in international conferences and symposia.

In September 2005, Chief Commissioner Norton was invited to deliver a presentation at an International Symposium on Age Discrimination in London England, highlighting the work the Commission has done on ageism, age discrimination, and mandatory retirement. The Commission also made 12 presentations to visiting international delegations during this fiscal year, for instance:

- Chief Commissioner Hall met with the Chief Commissioner of Afghanistan's Human Rights Commission
- The Commission met with the British Joint Committee on Human Rights about counter-terrorism policy and human rights
- The Commission met with delegates from Indonesia's Ministry of Justice and Human Rights and its National Commission on Human Rights along with their host Equitas,

the International Centre for Human Rights Education based in Montreal

- The Commission hosted representatives of the Moroccan Truth and Reconciliation Commission, who had particularly noted the work the Commission has done in dealing with racism and racial profiling

***www.ohrc.on.ca***

The Commission's Web site provides the public with access to a wide array of information and resources, including: an overview of the *Code* and the Commission's mission; description of the complaint process; case summaries; policies, plain language guides, public inquiry reports and Commission submissions; public education resources; news releases; and information on the proposed reform. During the fiscal year 2005-06, the Commission received 824,887 individual visits to its Web site, an increase of 57% (301,009 visits) over the previous year, representing the biggest increase in the past six years.

As these numbers demonstrate, the Commission's Web site is an increasingly important tool in the promotion of human rights in Ontario. The Commission has continued to improve the Web site to make it more user friendly, and to ensure that all new documents are accessible on the site, simultaneously in English and in French, on the day of their print release. In addition, the Commission is making more of its plain language materials available in up to 10 languages, with the addition this past year of Mohawk, Ojibwa and Cree. The Commission also ensures that its Web site is compatible with international accessibility standards for persons with disabilities.

## **Corporate Services**

The Commission plans and implements ongoing organizational improvement and staff training initiatives in order to better serve the people of Ontario. In 2005-06:

- As part of a commitment to ongoing staff development, the Executive Director's Office implemented Commission-wide training on dealing with homophobia and racism issues. The training sessions were organized around three core principles: *awareness* of individual experiences and how individuals interact; *analysis* by understanding the impact on victims and perpetrators; and *action* required for change to occur. All staff including management participated in the program, which was completed in January 2006.
- The Commission formed a working committee that will prepare an Accessibility Plan to ensure that the Commission's services and materials are accessible to the public. The committee will be responsible for reviewing current services and materials, and consulting with the Accessibility Directorate of Ontario and other stakeholders.

## Accountability Framework 2005-2006

Commitments 2005-2006	Achievements 2005-2006	Commitments 2006-2007
<b>Enforcement</b>		
The “call abandoned rate” for inquiries will be less than 25%	The “call abandoned rate” was 23%	The “call abandoned rate” will be less than 25%
Mediation Services will achieve a settlement rate of at least 72%	A settlement rate of 71% was achieved	Mediation Services will achieve a settlement rate of at least 70%
The average age of case inventory will be less than 12 months	The average age was 12.9 months on March 31, 2006	The average age will be less than 14 months
<b>Promotion</b>		
Develop a public awareness campaign	Worked with Toronto Police Services and Seneca College marketing program in the development of an awareness campaign on elder abuse and ageism	Partner with Seneca College marketing program to develop a Human Rights Awareness campaign
In partnership, launch an Ontario version of the UNESCO program calling for a Coalition of Municipalities Against Racism in Canada	A call to Ontario municipalities to join the Coalition began; City of Windsor made a formal declaration; focus groups with stakeholders were held and promotional materials are being developed; participated on UNESCO Canada’s national AGM panel	Release promotional materials and continue to cooperate with the Canadian Commission for UNESCO to launch a nation-wide Coalition
Expand community partnerships to support OHRC Aboriginal Human Rights program by: <ul style="list-style-type: none"> <li>• Releasing new brochure in multiple languages targeted to Aboriginal communities</li> <li>• Promoting human rights awareness through Aboriginal media</li> </ul>	Worked with the Union of Ontario Indians in the publishing and distribution of a new brochure in multiple languages Published an article in the June edition of the Anishinabek News and attended the Canadian Aboriginal Festival Developed public education linkages with the Chiefs of Ontario	Continue outreach to Aboriginal community organizations; attend relevant conferences; target Aboriginal media; involve Aboriginal community stakeholders in Commission consultations and events
Develop and launch new OHRC Web site, including the procurement and selection of a new site host	Completed development of new OHRC Web site and secured a new site host	Launch new OHRC Web site
In partnership, develop new model for next editions of OHRC publications Human Rights at Work and Human Rights Policy in Ontario	Explored options for ongoing involvement of HRPAA as a partner in publishing, along with a third-party	Publish next version of OHRC Human Rights Policy in Ontario
Achieve a satisfaction rate of 80%+ among participants at public education events	Met and exceeded satisfaction rate of 80%+	Maintain satisfaction rate of 80%+

Commitments 2005-2006	Achievements 2005-2006	Commitments 2006-2007
<b>Promotion</b>		
Review the Commission's public education strategy	Examined Commission's public education role in the context of the Commission's review of Ontario's human rights system	Develop a more proactive approach to public education
<b>Advancement</b>		
Release a Discussion Paper on discrimination because of family status, followed by targeted consultations	Released Human Rights and the Family in Ontario and completed public consultations toward development of a policy	Release both a Consultation Report and a Policy
Release Policy and Guidelines on Racism and Racial Discrimination	Released the Policy and Guidelines on Racism and Racial Discrimination	Continue to promote the new policy through public education and partnership initiatives
	Released updated Policy on Discrimination & Harassment Because of Sexual Orientation	Initiate a consultation process on housing issues
Intervene in leading appeal court cases involving important human rights issues	Intervened in 2 cases before the Supreme Court of Canada <ul style="list-style-type: none"> <li>• Multani v. Commission Scolaire Marguerite-Bourgeoys</li> <li>• Tranchemontagne and Werbeski v. Director of the Ontario Disability Support Program of the Ministry of Community Family and Children's Services and Social Benefits Tribunal</li> </ul>	Intervene in leading appeal court cases involving important human rights issues
	Support Government in reforming Ontario's human rights system in accordance with internationally accepted principles <ul style="list-style-type: none"> <li>• Released Discussion Paper, <i>Reviewing Ontario's Human Rights System</i></li> <li>• Completed a public consultation on the matter</li> <li>• Released a Consultation Report, <i>Strengthening Ontario's Human Rights System: What We Heard</i></li> </ul>	Contribute to reform process to improve and strengthen promotion, advancement and enforcement of human rights in Ontario Review and comment on any draft legislation Participate in any public consultation or hearings Play a key role in any transition and implementation planning to ensure users of the system continue to receive fair, quick and effective consideration of their matters, and that the wealth of knowledge and experience in the system not be lost





# Appendices

## ***List of Commissioners***

### **BARBARA HALL, B.A, LL.B, Ph.D (hon.)**

*Chief Commissioner*



Barbara Hall was appointed Chief Commissioner of the Ontario Human Rights Commission on November 28, 2005, after more than 30 years as a community worker, lawyer and municipal politician. She served three terms as a city councillor from 1985 on and as Toronto's mayor from 1994 to 1997. From 1998 to 2002 she headed the federal government's National Strategy on Community Safety and Crime Prevention and was a member of the Canadian Association of Chiefs of Police Crime Prevention Committee. Ms. Hall has also practised criminal and family law, been a member of the Ontario Health Ministry's Health Results Team, and lectured nationally and internationally on urban and social issues. She has a strong record of bringing diverse groups together to build safe and strong communities.

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

*Chief Commissioner*



Keith Norton served as Chief Commissioner of the Ontario Human Rights Commission from July 17, 1996 to October 16, 2005. He is an educator and a lawyer by training, having studied law at Queen's University in Kingston, as well as having received a diploma in education from the Ontario College of Education. He practiced criminal and family law in Kingston, Ontario, and taught at the secondary and post-secondary levels.

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

served as Minister of Health, Minister of Education and Minister of Colleges and Universities.

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

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

### **EVANGELISTA (IVAN) OLIVEIRA**

*Interim Chief Commissioner*



Ivan Oliveira served as Interim Chief Commissioner from October 17 to November 27, 2005. Mr. Oliveira is a realtor and educator by trade. He has been associated with the Brampton Real Estate Board for over 25 years and has chaired many of its committees, including Public Relations, Discipline, Political Affairs, Arbitration, Membership, Finance, Ethics and Appeals and served as the Board's president in 1987. He is a committed member of the Portuguese community and is the founder of the Portuguese Community School of Brampton where he supervises and implements curriculum. He has taught the Portuguese language in Ontario Secondary schools and he was responsible for the supervision and evaluation of 14 different language instructors under the International Languages Program. Mr. Oliveira is also a part-time adjudicator with the Assessment Review Board of the Ministry of the Attorney General, where he has chaired hearings dealing with property assessment matters. He has served on the executives of several organizations. Mr. Oliveira a recipient of several awards including the 2002 Queen's Golden Jubilee Medal. He was appointed to the Ontario Human Rights Commission in 2003.

## **JEANETTE CASE**



Jeanette Case was appointed to the Ontario Human Rights Commission in 2003. She is also a former member of the Assessment Review Board of the Ministry of the Attorney General, where she served as a part-time adjudicator on matters relating to property assessment. Ms. Case received certificates in Economics, Economic History and British Constitution at Leicester College of Arts and Technology in England, studied Sociology and Psychology at the University of Leicester Extramural Department, and holds a diploma in General Arts and Science. For years she has worked as a conveyancer and title searcher and has conducted orientation and training of community college students in title searching. She has volunteered with Silent Voice, the Canadian Cancer Society, St. Christopher House, Meals on Wheels and the Baycrest Centre for Geriatric Care.

## **PIERRE CHARRON**



Well-known and highly respected throughout the community and business world for his professionalism and skills as a lawyer, project manager and team leader, Pierre Charron has been a barrister and solicitor for the past 19 years. He is senior counsel in his own firm and also president of Charron Human Resources Inc, working in the field of harassment prevention and conflict resolution for the past nine years. Some highlights have included providing harassment prevention training to over 10,000 individuals and conducting or supervising over 100 harassment investigations for a variety of departments of the Government of Canada. Mr. Charron is a member of the Canadian Bar Association, Law Society of Upper Canada, l'Association des juristes d'expression française, Le Club Richelieu de Rockland, the Rockland Optimist Club, the Knights of Columbus, the Chamber of

Commerce and the Royal Canadian Legion. He is also a former municipal councillor. Mr. Charron was appointed to the Ontario Human Rights Commission in June 2005

### **VIVIAN JARVIS**



Vivian Jarvis is a founding member and past-president of her local chapter of the Canadian Mental Health Association. She is an active member of her community, having served as president of the Women's Auxiliary at Stratford General Hospital, Neighbourlink, conducting pastoral prison visitations in Ottawa and Hamilton and as Warden of her Church. Ms. Jarvis has served as a City Councillor for the City of Stratford and has worked in the Constituency Offices of MPs and MPPs. She has also stood for election to the Ontario Legislature. She was appointed to the Ontario Human Rights Commission in 2003.

### **FERNAND LALONDE**



Fernand Lalonde retired from the federal public service in 2001 after a distinguished career, serving as the General Secretary of the National Joint Council of the Federal Public Service of Canada, Executive Director of Appeals and Investigations of the Public Service Commission of Canada, Director of Personnel Services, National Museums of Canada and other positions in Environment, Parks Canada, Health and Welfare and Customs and Excise. He holds a Bachelor's degree in Economics and Mathematics from the University of Ottawa, a certificate in alternative dispute resolution and numerous post-degree courses in psychology, labour relations and organizational development. M. Lalonde is a consultant providing services in union-management relations and dispute

resolution to organizations as diverse as the Office of the Commissioner for Federal Judicial Affairs, Correctional Services Canada, HRDC, Public Works Canada and the Professional Institute of the Public Service of Canada to name but a few. He was appointed to the Ontario Human Rights Commission in May 2005.

### **JUDITH-ANN MANNING**



Judith-Ann Manning is President of Manning Consultants, a barrier-free consulting company specializing in accessibility and disability issues. She majored in Criminology and Law while at university. A lifelong volunteer, she is currently Co-ordinator of the University of Toronto's Wheelchair Access Committee and has held the positions of Chair of the North York Advisory Committee For Persons With Disabilities, co-Chair of the Board of Directors of the Centre for Equality Rights in Accommodation, and Vice-Chair of the Toronto Transit Commission's Advisory Committee on Accessible Transportation. As well, she is a friend on Transport Canada's Accessible Transportation: A1E09 – Committee on Transportation Accessibility and Mobility. Ms. Manning served as a Commissioner from February 2000 until February 18, 2006.

### **CHRISTIANE RABIER**



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

Ms. Rabier is active within the francophone community in Sudbury and has worked on a program for francophone women to attend post

secondary studies, as well as served as a consultant with TV Ontario on Continuing Education. She also served as a volunteer with Canada's Special Olympics in 1998 and Operation Red Nose in 1999.

### **GHULAM ABBAS SAJAN**



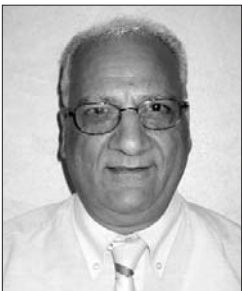
Ghulam Abbas Sajan served as a senior management auditor with the Management Board Secretariat of the Ontario government from 1975 to 1999, where among other things, he was responsible for audits and investigations in the Ministry of Health and Long Term Care. He was awarded a "Lifetime Achievement Award" in 2005 by the Ontario Public Service, Quarter Century Club. Prior to that service, he was employed by KPMG in Uganda and the United Kingdom. He is an active member of the Shi'a Islamic Community, having served as president of the Islamic Shi'a Ithna-asheri Jamaat of Toronto. Mr. Sajan is a director of the Association of Progressive Muslims of Ontario and is heavily involved in Interfaith activities, including acting as co-Chair of the group "Mosaic," which represents and promotes dialogue between various groups: Buddhists, Christians, Hindus, Jews, Muslims, Sikhs and Zoroastrians. He is active in affordable housing projects, seniors' services organizations and the "Out of the Cold Program," (for which he was awarded a Queen's Golden Jubilee Medal). He also initiated a child sponsorship program and currently sits on the Markham Race Relations Committee. In 2001, he was honoured with a Government of Canada award for outstanding service and contribution as a volunteer. Mr. Sajan was appointed to the Ontario Human Rights Commission in May 2005.

## **REGINALD STACKHOUSE**



Author of nine books and over 400 articles in newspapers, magazine and journals, Dr. Stackhouse is Principal Emeritus and research professor at Wycliffe College, University of Toronto. He holds a Ph.D. in historical theology from Yale University, an M.A. in Political Economy from the University of Toronto and is an honorary graduate of three colleges as well as canon of St. James Cathedral in Toronto. A former M.P., Dr. Stackhouse served two terms in the House of Commons, chairing the Standing Committee on Human Rights, was a Canadian representative to the United Nations General Assembly and a delegate to the United Nations Human Rights and Refugee Committee. He also served as a Commissioner on the Canadian Human Rights Commission and Chair of the founding Board of Governors of Centennial College of Applied Arts and Technology and later a member of the Ontario Council of Regents. He is a recipient of several awards including the 2002 Queen's Golden Jubilee Medal. Dr. Stackhouse was appointed to the Ontario Human Rights Commission in 2003.

## **BHAGAT TAGGAR**



Bhagat Taggar is a businessperson with an excellent record of service to the community. He is a chartered engineer (UK) and a professional engineer in Ontario. His work in various parts of the world, including serving as a city and regional councillor, a school governor and vice-chair of a race relations committee in the UK and an engineer in Zimbabwe, has provided him with a unique understanding of various and diverse cultures. Here at home, he is a past president of the Council of South Asians of Ontario, a past chairperson of Panorama India, has been a member of the Lion's Club and a professor of Engineering at Centennial College, in addition to owning his own



business. He was awarded the Queen's Golden Jubilee Medal for service to community in 2002, and is a member of the Speakers' Bureau of the Dominion Institute. Mr. Taggar was appointed to the Ontario Human Rights Commission in May 2005.

### **RICHARD THÉBERGE**



Richard Théberge was appointed to the Commission in February 2002. He is a lawyer by training, a policy analyst and accessibility consultant. He has held senior posts in the federal government analyzing and developing policies in connection with business and corporate law. He has volunteered with many organizations that work with the youth and disability communities and currently serves as Vice-President of the Ottawa Independent Living Resource Centre. Mr. Théberge has been recognized as a patron of deaf youth by the Jules Leger Centre in Ottawa, Ontario, as well as awarded a lifetime honorary membership in the Canadian Council of Independent Laboratories for his years of work on behalf of the independent testing industry.

## Tables

**Table 1: New Complaints Filed by Social Area and Grounds Cited (Total = 2,399)**

	Percent of Total Complaints Filed (%)	Percent of Grounds Cited (%)	Total Grounds	Vocational Associations	Services	Employment	Contracts	Accommodation
Age	8.80	4.36	211	3	38	161	1	8
Ancestry	7.75	3.84	186	9	28	126	2	21
Association	0.58	0.29	14		2	12		
Breach of Settlement	0.46	0.23	11		4	6		1
Citizenship	1.42	0.70	34	1	5	20		9
Creed	5.59	2.77	134	4	11	106		13
Disability	54.11	26.82	1298	19	207	1037	6	29
Ethnic Origin	17.09	8.47	410	13	72	296	3	26
Family Status	4.79	2.38	115	2	26	73		14
Marital Status	2.88	1.43	69	1	8	50	1	9
Place of Origin	11.13	5.52	267	7	22	210	2	26
Public Assistance	0.50	0.25	12		5	1		6
Race & Colour	37.93	18.80	910	27	211	637	4	31
Record of Offences	0.08	0.04	2			2		
Reprisal	14.51	7.19	348	8	25	303		12
Sex & Pregnancy	28.01	13.88	672	6	65	584	1	16
Sexual Harassment	2.42	1.20	58		3	54		1
Sexual Orientation	3.71	1.84	89		21	57		11
<b>Sum of Categories</b>		<b>100</b>	<b>4840</b>	<b>99</b>	<b>753</b>	<b>3735</b>	<b>20</b>	<b>233</b>
<b>Total Complaints Per Social Area</b>			<b>2399</b>	36	369	1885	10	90
<b>Percentage of all Complaints (%)</b>			<b>100.00</b>	1.50	15.38	78.57	0.42	3.75

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

**Table 2: Monetary Damages in Settlements by Ground**

Ground	Mediated			Conciliated			Total Cases Settled		
	Cases	Monetary Damages	Average	Cases	Monetary Damages	Average	Cases	Settlements	Average
Age	33	\$274,013.00	\$8,303.42	13	\$34,700.00	\$2,669.23	46	\$308,713.00	\$6,711.15
Ancestry	37	\$286,690.35	\$7,748.39	16	\$35,920.00	\$2,245.08	53	\$322,610.35	\$6,086.99
Association	9	\$66,000.00	\$7,333.33	3	\$6000.00	\$2000.00	12	\$72,000.00	\$6,000.00
Citizenship	2	\$16,400.00	\$8,200.00	3	\$21,700.00	\$7,233.33	5	\$38,100.00	\$7,620.00
Creed	29	\$129,750.37	\$5,163.79	5	\$15,300.00	\$3,060.38	34	\$165,050.00	\$4,854.41
Disability	339	\$2,839,843.54	\$8,377.12	110	\$744,952.74	\$6,772.30	449	\$3,584,796.28	\$7,983.96
Ethnic Origin	74	\$626,942.88	\$8,472.20	17	\$108,445.40	\$6,379.14	91	\$735,338.28	\$8,081.19
Family Status	30	\$174,827.50	\$5,827.58	11	\$32,750.00	\$2,977.27	41	\$207,577.50	\$5,062.87
Marital Status	14	\$75,100.00	\$5,364.29	7	\$23,000.00	\$3,285.71	21	\$98,100.00	\$4,671.43
Place of Origin	52	\$432,235.99	\$8,312.23	20	\$87,426.86	\$4,371.34	72	\$519,662.85	\$7,217.54
Public Assistance	1	\$165.00	\$165.00	1	\$1,500.00	\$1,500.00	2	\$1,665.00	\$832.50
Race & Colour	167	\$1,284,395.96	\$7,690.99	57	\$485,013.57	\$8,509.01	224	\$1,769,409.53	\$7,899.15
Reprisal	83	\$734,760.84	\$8,852.54	19	\$64,000.00	\$3,368.42	102	\$798,760.84	\$7,830.99
Sex & Pregnancy	147	\$885,834.34	\$6,026.08	51	\$250,550.00	\$4,912.75	198	\$1,136,384.34	\$5,739.31
Sexual Harassment	40	\$177,420.84	\$4,435.52	18	\$90,700.00	\$5,038.89	58	\$268,120.84	\$4,622.77
Sexual Orientation	25	\$218,599.23	\$8,743.97	4	\$25,000.00	\$6,250.00	29	\$243,599.23	\$8,399.97
Total for All Grounds*	1082	N/A	N/A	355	N/A	N/A	1437	N/A	N/A
<b>Total Cases</b>	<b>558</b>	<b>\$4,120,353.61</b>	<b>\$7,384.15</b>	<b>198</b>	<b>\$1,238,493.24</b>	<b>\$6,255.02</b>	<b>756</b>	<b>\$5,358,846.85</b>	<b>\$7,088.42</b>

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

**Table 3: Cases Completed or Referred, by Disposition and Grounds (Total = 2,260)**

	Percentage (%)	Total <sup>1</sup>	Withdrawn	Settled	Resolved	Referred to Human Rights Tribunal	Dismissed on Preliminary Objections (s.34)	Dismissed on the merits (s.36) <sup>3</sup>
Age	3.79	164	18	69	32	12	12	21
Ancestry	3.82	165	24	68	11	9	16	37
Association	0.69	30	4	12	1	3	6	4
Breach of Settlement	0.12	5			1	1	3	
Citizenship	.83	36	6	7	3	14	5	1
Creed	2.59	112	16	45	12	2	9	28
Disability	29.30	1267	213	585	160	61	116	132
Ethnic Origin	7.47	323	49	124	34	20	36	60
Family Status	2.41	104	15	51	12	5	10	11
Marital Status	1.20	52	7	24	7	7	4	3
Place of Origin	6.04	261	32	92	28	24	31	54
Public Assistance	0.16	7		2	2		2	1
Race & Colour	16.07	695	115	305	64	59	58	94
Record of Offences	0.05	2					1	
Reprisal	6.27	271	54	123	25	12	35	22
Sex & Pregnancy	13.64	590	109	261	80	39	39	62
Sexual Harassment	3.35	145	22	76	18	7	8	14
Sexual Orientation	2.20	95	13	40	10	10	10	12
<b>Sum of Categories</b>	<b>100</b>	<b>4324</b>	<b>697</b>	<b>1884</b>	<b>501</b>	<b>285</b>	<b>401</b>	<b>556</b>
<b>Total by disposition</b>		<b>2260</b>	377	1006	285	143 <sup>2</sup>	193	256
<b>Percentage of all Complaints (%)</b>		<b>100.00</b>	16.68	45.51	12.61	6.33	8.54	11.33

1. Because complaints can involve multiple grounds, the sum by grounds exceeds the total for all complaints filed.  
 2. 143 complaints were referred to the Human Rights Tribunal of Ontario (HRTO) under section 36 of the Code. A further 27 complaints, which had been previously closed by the Commission, were joined and referred to the HRTO under section 37 of the Code following reconsideration.  
 3. Complaints dismissed under section 36 of the Code include cases where the evidence did not warrant a hearing, or the procedure was not appropriate. In addition 2.8% of cases closed by the Commission were dismissed because the complainant did not participate in the Commission's investigation or the Commission was unable to contact the complainant.

**Table 4: Cases Completed or Referred, by Disposition and Social Area  
(Total = 2,260)**

Withdrawn by the Complainant <sup>1</sup>	11		330	31	5	<b>377</b>	16.68
Settled by the Commission	26		876	99	5	<b>1006</b>	44.51
Resolved between Parties	11	3	230	39	2	<b>285</b>	12.61
Dismissed based on Preliminary Objections (s. 34) <sup>2</sup>	4		112	67	10	<b>193</b>	8.54
Referred to Human Rights Tribunal (s. 36)	3	3	98	39		<b>143<sup>3</sup></b>	6.33
Dismissed on the merits (s. 36) <sup>4</sup>	24		175	52	5	<b>256</b>	11.33
<b>Total</b>	<b>79</b>	<b>6</b>	<b>1821</b>	<b>327</b>	<b>27</b>	<b>2260</b>	<b>100.00</b>
Percentage (%)	3.50	0.27	80.58	14.47	1.19	100.00	
	Accommodation	Contract	Employment	Services	Vocational Associations	Sum of Categories	Percentage of all complaints

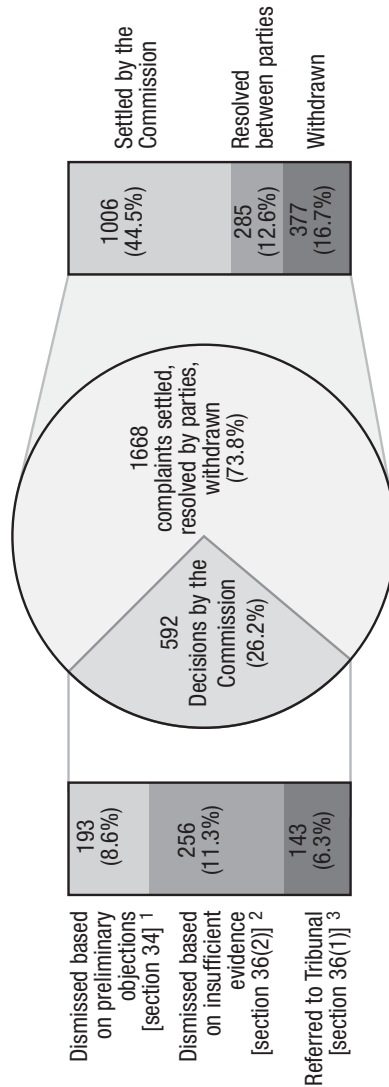
1. Some as a result of a term of settlement.

2. These cases were dismissed after a Commission decision based on written submissions.

3. 143 complaints were referred to the Human Rights Tribunal of Ontario (HRTO) under section 36 of the *Code*. A further 27 complaints, which had been previously closed by the Commission, were joined and referred to the HRTO under section 37 of the *Code* following reconsideration.

4. Includes cases where the evidence did not warrant a hearing, the procedure was not appropriate, or, in 2.8% of cases, Complainant did not participate in the Commission's investigation or the Commission was unable to contact the complainant.

## Cases Completed or Referred by the Commission 2005-2006 (Total = 2,260)



1. These cases were dismissed after a Commission decision based on written submissions.
2. Complaints dismissed under section 36(2) of the *Code* include cases where the evidence did not warrant a hearing, or the procedure was not appropriate. Also included are the 2.8% of cases where the complainant did not participate in the Commission's investigation or the Commission was unable to contact the complainant.
3. 143 complaints were referred to the Human Rights Tribunal of Ontario (HRTO) under section 36(1) of the *Code*. An additional 27 complaints under section 37 of the *Code* were joined and referred to the HRTO following reconsideration.

## ***FACT SHEET: Ontario Human Rights Commission Statistics for the Year Ending March 31, 2006***

### **Public contact with the Commission**

The Commission provides information to tens of thousands of Ontarians. Last year, Commission staff dealt with over 43,000 inquiries by telephone, 1,760 by letter, and 760 in-person visits. It also received 824,887 individual visits to its website. In addition, the Commission's public education activity on its policies and the Code reached a further 10,428 people. These contacts resulted in 2,399 new complaints being filed at the Commission.

### **Breakdown of cases completed at the Commission**

16.7% of cases were withdrawn by the complainant, some as a result of a term of settlement (Avg age: 7.5 months)

57.1% of cases were settled by the Commission or resolved between the parties (Avg age: 12.4 months)

- 34.4% of cases were settled through early mediation without investigation (Avg 7.4 months)
- 10.1% of cases were settled at the investigation stage (Avg 26.2 months)
- 12.6% of cases were resolved between the parties (Avg 15.0 months)

8.6% of cases were dismissed based on preliminary objections (s.34) after a Commission decision based on written submissions (Avg age: 9.5 months) determining that:

- 2.0% of cases could have been dealt with by another legislated body
- In 4.0% of cases there was evidence the complaint was frivolous, vexatious, or made in bad faith
- In < 0.2% of cases the matter was outside the Commission's jurisdiction
- In 2.4% of cases the events occurred outside the *Ontario Human Rights Code's* six month filing requirement

17.6% of cases received a Commission decision (based on written submissions) on the merits (s.36) (Avg age: 26.9 months):

- 8.5% of cases were dismissed because of insufficient evidence to warrant a Tribunal hearing (Avg 29.6 months)
- 2.8% of cases were dismissed because of lack of cooperation by the complainant (Avg 17.4 months)
- 6.3% of cases were referred to the Tribunal for a hearing (Avg 27.6 months)

*continued on next page*

*continued from previous page*

**Commission decisions**

Although complainants do not appear in person before the Commission, they provide written submissions based upon which, together with the respondent's submissions and a staff investigation report of findings, Commissioners decide whether the complaint has sufficient evidence to support referral to the Tribunal for a hearing. Once a case is referred to the Tribunal, the Commission litigates the case and represents the public interest, which typically coincides with the interests of the complainant.

**Summary**

- Commission began fiscal year with an active caseload of 2,733 cases
- 2,399 new complaints were received and added to caseload
- 2,117 cases from caseload were completed at Commission, at average age of 12.9 months
- 143 cases were referred to Tribunal: Average age 27.6 months
- 27 additional cases were sent to Tribunal after a reconsideration by Commission of a previous decision
- Commission ended the fiscal year with an active caseload of 2,880 cases
- 85 complaints were over three years old at year-end (3 % of active caseload)
- Over the last few years, Commission has received more cases than it has capacity to address, resulting in a backlog of 581 cases



## ***Case Summary Highlights***

The following are highlights of some of the significant decisions, settlements, and cases over the past year in which the Commission was involved.

### ***Commission Settlements and Orders***

#### **■ Toronto District School Board (Commission Settlement)**

The Commission and the Toronto District School Board (TDSB) reached an important settlement following a Commission-initiated complaint against the Board in July 2005. The settlement deals with the application of safe school provisions of the province's *Education Act*, its regulations and related TDSB policies. The Commission's complaint alleged that these provisions had a disproportional impact on racialized students and students with disabilities. The complaint was not referred to the Human Rights Tribunal of Ontario, but rather, was successfully resolved through cooperation and good will. The School Board has committed to a number of measures to address this issue including the collection of data concerning the impact of school discipline measures, the consideration of mitigating factors in the imposition of discipline, and notification to parents where the police are called on to school premises. A similar complaint initiated by the Commission in July 2005 against the Ministry of Education remains outstanding.

#### **■ Lakehead District School Board (Commission Settlement)**

The Commission settled a Thunder Bay case concerning discrimination based on sexual orientation. A mediated agreement between the parties involved will result in increased education and understanding around sexual diversity issues for students and staff of the Lakehead District School Board (the 'Board').

The complainant was subjected to harassment and discrimination based on perceptions of his sexual orientation from fellow students on numerous occasions. While the Board took action by disciplining the individual students involved, the complainant was also seeking broader, board-wide initiatives to curb future occurrences of harassment and discrimination based on sexual orientation.

The terms of the settlement reached by the parties include the joint development of a document entitled *Proactive Steps in Preventing Homophobic Harassment*, an equity statement the Board has agreed to adopt and promote, the effectiveness of which will be measured by the Board's Diversity Committee. The Board has also developed a draft Diversity Plan, and will be holding a "train the trainers" workshop titled, "We're Erasing Prejudice for Good," for one teacher from each of its schools. These teachers will then take this knowledge back to their schools where they will promote understanding of sexual diversity issues to staff and students.

■ **Dufferin-Peel Catholic District School Board  
(Commission Settlement)**

The Commission mediated a positive settlement of four complaints with the Dufferin-Peel Catholic District School Board. The settlement followed a Commission investigation of concerns that the application of school discipline policies was having a discriminatory impact on students from racialized communities and students with disabilities. Through cooperation and good will, the parties reached a very positive agreement, which will result in increased education and understanding around race and disability-related issues for the Board and the staff and students at its schools.

One of the key issues raised in the complaints was that mitigating factors were not being sufficiently considered before imposing a suspension or expulsion on a student. In one case, a student with attention deficit disorder asserted that his inability to sufficiently control his

behaviour due to his disability was not considered nor accommodated before he was suspended. In other cases, students related that they were the target of racial or other harassment. It was agreed that such mitigating factors are to be taken into account in determining whether discipline or measures less severe than suspension or expulsion are more appropriate.

As part of the resolution of these cases, the Dufferin-Peel Catholic District School Board has committed to undertake a number of measures ranging from anti-racism awareness and disability accommodation training, to sharing information on accessing the appeal process. Other initiatives include making alternative educational programs and services available to all students under suspension or expulsion, and working with the Commission to look at gathering statistics and ensuring measures undertaken respect the principles set out in the *Code*.

■ **Commission Inquiry into Para-transit Services in Toronto, London, Hamilton and Windsor (Commission Order)**

Under section 14 of the *Code*, the Commission has the authority to inquire into a program, on its own initiative, and has the discretion to declare, by order, that the program does, or does not, satisfy the requirements of the special program provision in subsection 14(1) of the *Code*.

The Commission decided to exercise its power under section 14 of the *Code* and initiated an inquiry into the para-transit services provided by the public transit providers in Toronto, London, Hamilton and Windsor. The Commission widely circulated a staff position paper in order to consult with transit providers and a large number of other stakeholder groups. After considering the submissions and the staff position paper, the Commission, in September 2005, made orders declaring that these para-transit services are not special programs.

The effect of the declaratory order is that complaints of discrimination relating to lack of accessibility or substandard para-transit service cannot be shielded from examination by the Code's protections for special programs. The Commission's section 14 decision is not final as applications for reconsideration of these declarations have been filed by these public transit providers.

### ***Settlements and Decisions at the Human Rights Tribunal of Ontario***

#### **■ Omoruyi-Odin v. TDSB (Settlement, H.R.T.O.)**

Mr. Omoruyi-Odin is a Black man who alleged discrimination in employment relating to race, and reprisal. He commenced his employment with the former Scarborough Board of Education in 1977, and has been continuously employed by it or its successor, the Toronto District School Board, since that time.

There were three issues in the complaint: (i) whether the complainant was denied promotional opportunities because of his race, colour, ancestry, and place of origin; (ii) whether the complainant was subject to reprisals as a consequence of initiating his human rights complaint; and (iii) whether there was systemic discrimination against African Canadians such as the complainant with respect to promotional opportunities, resulting in African Canadians being under-represented in positions of responsibility at the Board. The term "positions of responsibility" includes department heads, assistant department heads (both acting and permanent), vice principals and principals.

The parties agreed to settle the matter with no admission of liability or withdrawal of the allegations. The respondent Board agreed to a series of public interest remedies. They will develop a self-identification survey of all employees to track, among other things, the number of racial minority persons who are in permanent and acting positions of responsibility for the 2005-06 school year. They agreed to implement

equity-based performance indicators in selection, promotion, and competition processes. The Board will make the results of their reports and self-identification survey publicly available, and will develop a mentorship program, which will include supports for racialized teachers.

■ **Livingston v. Intelligarde International Incorporated, Toronto Transit Commission and Toronto Coach Terminal Ltd., et. al. (Settlement, H.R.T.O.)**

Mr. Livingston is a Black man who alleged that he was a victim of racial profiling, and that the respondents discriminated against him with respect to transit services because of his race, colour, ancestry and place of origin.

The parties agreed to settle the matter with no admission of liability or withdrawal of the allegations. The corporate respondent agreed to a series of public interest remedies. It committed to putting up posters in the Bus Terminal indicating that it complies with the *Code*, and providing the Commission's contact information. It will require all security companies who bid for contracts to represent that (i) they have trained their officers on human rights and racial profiling, and (ii) they will comply with human rights legislation. It will also require all security officers at the Bus Terminal to comply with the *Code*, and, in cases of confrontation, present customers with contact information for the Terminal Manager. Further, Intelligarde, the security company, will develop and implement a written anti-discrimination policy, and provide it to its employees and all future customers. It will continue to provide human rights training to its officers, and will ensure that future training includes a discussion of the policy.

■ **Lewis v. TTC et al. (Settlement, H.R.T.O.)**

Mr. Lewis is a Black man who has been employed as a dispatcher in the Wheel Trans Division of the corporate respondent since 1992.

Mr. Lewis' first human rights complaint focussed on three job competitions for which he was unsuccessful: October/ November 1998, August 1999, and January 2000. Mr. Lewis' second human rights complaint concerned reprisals that he alleged he was subjected to after his first complaint was served on the respondents.

The parties reached a settlement with no admission of liability or withdrawal of the allegations. In addition to awarding the complainant a shift supervisor position on a nine-month secondment, the respondents also agreed to implement several public interest remedies. They will review and amend their existing policies to remove systemic barriers and ensure equality in employment and advancement opportunities at the TTC. They committed to developing a self-identification survey for all employees, and to retain one or more experts in data collection to assist them in preparation of this survey. They will notify and educate all employees of the survey's purpose prior to its implementation, and will make the results of the survey publicly available. They also committed to establishing hiring and mentorship processes that are bias-free and draw upon the input of racialized employees.

■ **A.B. v. Minister of Transportation and Minister of Government Services (Settlement, H.R.T.O.)**

A.B. is transgendered person who sought to change the sex designation on a driver's licence and birth certificate, before having sex reassignment surgery. The Ministry of Transportation had a practice (but not a written policy) whereby it would only change the sex designation on a driver's licence after the person had this surgery.

With respect to changing the sex designation on a birth certificate, the *Vital Statistics Act* requires that a person have "transsexual surgery" in order to get the designation changed. There is no definition of "transsexual surgery" in the *Act*. Historically, the Ministry (now called Government Services) assumed that the required surgery was genital sex reassignment surgery.

The parties agreed to settle the matter with no admission of liability or withdrawal of the allegations. As a result of this settlement, the Ministry of Transportation has advised the College of Physicians and Surgeons of Ontario, and will advise anyone who inquires, that it will change the sex designation on a driver's licence if a physician provides a letter advising that the physician has treated or examined the person and in the practitioner's opinion the change on the licence would be appropriate.

The Ministry of Government Services has advised the College of Physicians and Surgeons of Ontario, and will advise anyone who inquires, that it relies on the judgment of practitioners as to whether a person has had "transsexual surgery". This should allow, for example, a person who has had breast surgery to get the sex designation changed on a birth certificate.

The Ministry has also agreed to put the question of amending the *Vital Statistics Act* on its policy review agenda.

■ **Saab and Roberts v. Young Drivers of Canada and 1203078 Ontario Inc. (Settlement, H.R.T.O)**

Saab and Roberts alleged that the respondent driving school did not accommodate their disability as deaf customers. The driving school responded that the cost of sign language interpretation was two to three times the course tuition and, as such, was an undue hardship. Young Drivers of Canada further noted that they do not directly provide driving courses, but rather license their course-ware and trademark to independent franchisees, such as the driving school in question.

The parties agreed to settle the matter with no admission of liability or withdrawal of the allegations. The respondents agreed to a public interest remedy whereby they will create captioned videos of their lessons, which are filmed live from the perspective of a student taking their in-class driver training program. Young Drivers

of Canada also committed to working with the Ministry of Transportation on other long-term approaches to accommodating customers who are deaf as part of that Ministry's consultations with stakeholders on this issue.

■ **Larose v. Greater Sudbury Police Service et al.  
(Settlement, H.R.T.O.)**

Mr. Larose is a right leg amputee who uses a prosthetic leg. On December 8, 2001, he was pulled over, taken to the respondent police station and held for a number of hours, after which he was released without charge. He alleged that, during this period in custody, the respondents failed to accommodate his disability-related needs because they confiscated his prosthetic leg.

The parties agreed upon an amount in settlement of the matter with no admission of liability or withdrawal of the allegations. The corporate respondent provided a letter of apology to the complainant. The corporate respondent also agreed to renovate the Police Service's washrooms to better accommodate persons with disabilities. It will provide an on-site wheelchair, will train staff for such situations in the future, and will assign a human resources manager to address accessibility issues on an ongoing basis.

■ **Lepofsky v. Toronto Transit Commission (Decision, H.R.T.O.)**

In his complaint, Mr. Lepofsky requested that the Toronto Transit Commission ("TTC") make audible, reliable and consistent subway station stop announcements in order to accommodate the fact that, as a patron who is blind, he cannot read the station names printed on the station walls. In its decision dated September 29, 2005, the Tribunal held that, for over 10 years, the TTC failed to accommodate the Complainant and other "TTC patrons with similar disabilities".

The Tribunal ordered the TTC to immediately commence announcing subway stations, clearly and consistently at each station. It also ordered the TTC to conduct educational seminars for guards, drivers,



and senior management on the importance of reliable subway stop announcements.

The Tribunal also set up various monitoring protocols. It declared, for example, that its order be copied to the TTC Commissioners who are responsible for correcting the situation. In addition, the TTC must conduct monthly surveys, copied to the Tribunal, tracking the consistency and appropriateness of subway stop announcements. Finally, the Tribunal appointed Matthew Garfield, former Chair of the Human Rights Tribunal of Ontario, to monitor the situation. Mr. Garfield will have all necessary authority to deal with the parties as well as such others as he deems appropriate in order to carry out the Tribunal's orders.

■ **Huang v. 1233065 Ontario Inc. (Ottawa Senior Chinese Cultural Association) et. al. (Decision, H.R.T.O., under appeal)**

Ms. Huang alleged discrimination in services based on creed. She joined the respondent Association in 2001, and later that year, revealed to them that she was a Falun Gong practitioner. At a subsequent Association gathering, an Association council member informed her that she could no longer participate in Association activities. When the complainant called the Chair of the Association in early 2002, he told her that no Falun Gong practitioner could be a member of the Association. In December 2002, new council members were elected but they decided to uphold the previous decision to cancel her membership. Ms. Huang filed a complaint with the Ontario Human Rights Commission.

The Tribunal found that Falun Gong is a creed. In addition, the Tribunal found that "services" includes offering membership in an association. The Tribunal further found that the complainant was banned from the Association because of her beliefs.

The complainant was awarded damages for loss of dignity and damages for mental anguish. The Tribunal also awarded public

interest remedies. It ordered that the respondent Association immediately revoke the complainant's exclusion from the Association. It also ordered that the respondent Association post English and Mandarin *Code* cards, and to implement an anti-discrimination policy and amend its Constitution to address religious bias and discrimination.

The Tribunal decision is currently under appeal to the Divisional Court.

### ***Decisions From Higher Courts***

#### **■ *Losenno v. Ontario Human Rights Commission and Metroland Inc.* (Ontario Court of Appeal, leave to appeal to the Supreme Court of Canada denied)**

Mr. Losenno filed a complaint with the Ontario Human Rights Commission, alleging discrimination on the basis of disability. The Respondent offered to settle the matter and the Commission did not refer the matter to the Human Rights Tribunal of Ontario because it felt that the offer was reasonable. Mr. Losenno appealed this decision.

Since the settlement offer was consistent with the legislative intent of the Commission's enabling statute, the Court of Appeal held that the Commission could consider the settlement offer in coming to its decision to not refer the complaint to a Board of Inquiry. In addition, as Metroland did not claim privilege over its settlement offer, it could be placed before the Commissioners.

In determining the reasonableness of the offer, the Court further held that the Commission was entitled to significant deference and its decision could only be re-evaluated based on the standard of patent unreasonableness. The Court held that the Commission evaluated Metroland's offer and found it was equivalent to what the appellant could reasonably expect to receive should the case proceed to a Board of Inquiry (now the Tribunal). The Court agreed that it was open to the Commission to find that the offer was reasonable with regard

to the general, specific and public interest remedies. The Court also agreed that it was open to the Commission to find that many of the claims made by the appellant would not receive compensation.

Mr. Losenno sought leave to appeal to the Supreme Court of Canada; leave was denied.

■ **Multani v. Commission Scolaire Marguerite-Bourgeois  
(Supreme Court of Canada)**

This is a significant case on religious accommodation. Mr. Multani, a young Sikh student in Quebec, wished to wear his kirpan, a metal object resembling a dagger, worn as an expression of the Sikh faith. The school's governing board prohibited this. The Quebec Court of Appeal affirmed the governing board's decision. Mr. Multani appealed to the Supreme Court of Canada. The OHRC intervened because of its expertise arising from its success in a similar 1991 case. As a result of the Commission's argument in that case, all schools in Ontario must accommodate this religious practice, provided the kirpan is worn with safety conditions. In intervening in this case, the Commission argued that the Ontario practice set out in the 1991 precedent should be applied across Canada.

In its unanimous decision, the Supreme Court followed the submissions of the Ontario Human Rights Commission, and struck down the Quebec Court of Appeal's decision in finding that Mr. Multani should be permitted to wear his kirpan to school provided it was in a sheath, was difficult to remove and was worn under his clothes. The court held that the total ban on wearing of a kirpan violated the *Charter of Rights* and could not be justified as a reasonable limit prescribed by law.

■ **Tranchemontagne and Werbeski v. Director of the Ontario Disability Support Program of the Ministry of Community Family and Children’s Services and Social Benefits Tribunal (Supreme Court of Canada)**

The complainants applied for income support as persons with disabilities, but were denied. The Ontario Human Rights Commission intervened in the appeal to the Supreme Court of Canada, which was heard on December 12, 2005. At issue was whether the Social Benefits Tribunal could find that a section of the *Ontario Disability Support Program Act*, 1997 (the “ODSPA”) was inconsistent with the *Human Rights Code*, and therefore could be disregarded by that Tribunal. The section states that a person is not eligible for income support as a disabled person if his or her *only* substantial impairment is alcohol or other substance dependence or addiction. In contrast, the *Human Rights Code* recognizes alcohol and drug addiction as a disability.

The Social Benefits Tribunal refused to consider whether this section was contrary to the *Human Rights Code*.

In its ruling dated April 21, 2006, the Supreme Court agreed with the Commission’s position. The Court held that the *Human Rights Code* is fundamental law. Any tribunal that has the power to consider questions of law also has the power, as a matter of ordinary statutory interpretation, to determine whether another statute is inconsistent with the *Code*. In the case of an inconsistency, the *Code* prevails unless the other statute expressly states that it overrides the *Code*. The Social Benefits Tribunal could, therefore, determine if the effective exclusion of alcoholism from disability coverage was contrary to the *Code*. If that Tribunal makes such a finding then the remedy would be to ignore that restrictive provision in the ODSPA and to grant the disability benefit.

■ **Gurofsky v. Ontario Human Rights Commission  
(Supreme Court of Canada)**

The Commission argued that it had correctly decided, under sections 34 and 37 of the Ontario *Human Rights Code*, that Gurofsky's complaint could more appropriately be dealt with under the collective bargaining regime in place at his college. The Divisional Court agreed, holding that so long as the Commission was satisfied that a grievance was outstanding and had not been disposed of, it was not patently unreasonable for the Commission to decide that it was appropriate to be dealt with through the union process.

The Supreme Court of Canada dismissed the application for leave to appeal and, as is its practice, did not issue reasons.

## List of Decisions, Settlements, Judicial Reviews and Appeals

HRTO Final Decisions	Grounds
August v. Richland Marketing Inc. o/a Richland Technical Services ( <i>complaint successful – amended decision</i> )	sex; sexual harassment
Boodhram v. 2009158 Ontario Limited o/a A Buck or Two #342 ( <i>complaint successful</i> )	disability
Davis v. 1041433 Ontario Limited o/a Trust Flooring Group, McAulay ( <i>complaint successful</i> )	disability
Deroche v. Yeboah-Koree, Recycling Renaissance International Inc. ( <i>complaint successful</i> )	disability
Farias v. Chuang c.o.b. as Queenstate Dental Care ( <i>complaint successful</i> )	sex; sexual harassment; sexual solicitation
Flamand v. DGN Investments, Lacasse Guenette ( <i>complaint successful</i> )	ancestry; family status
Francis v. Gordian Operations Inc. o/a Whistlers Restaurant, Mastoras ( <i>complaint withdrawn</i> )	race; colour
Howard v. De Ruiter ( <i>complaint dismissed and decision on costs</i> )	family status; handicap; marital status; sex
Huang v. 1233065 Ontario Inc. (Ottawa Senior Chinese Cultural Association) o/a Ottawa Chinese Senior Association, Xu, Guo ( <i>complaint successful</i> )	creed
Laskowska v. Marineland of Canada Inc. ( <i>complaint dismissed</i> )	sexual harassment
Lepofsky v. Toronto Transit Commission, Ducharme ( <i>complaint successful</i> )	disability
Metcalf and Hoogerdijk v. Papa Joe’s Pizza & Chicken Inc., Toufighjou ( <i>complaint successful</i> )	sex; sexual harassment; sexual solicitation; reprisal; family status; association
Pleasant v. Mainline Manufacturing & Installing, Greeley ( <i>complaint successful</i> )	colour; race; disability
Sanford v. Koop ( <i>complaint successful</i> )	sex; sexual harassment
Stephens and Symister v. Lynx Industries Inc., Schram, Morris ( <i>complaint dismissed and decision on costs</i> )	colour; race
A.B. v. Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation and her Majesty the Queen in Right of Ontario as represented by the Minister of Government Services	sex

## List of Decisions, Settlements, Judicial Review and Appeals

<b>HRTO Final Decisions</b>	<b>Grounds</b>
Andrews v. Rideau Mailing Services Inc., Darwin, Smith, Quinty	disability
Casasola v. Commercial Spring & Tool Ltd., Munoz Malue	sex
Chatoori v. Canadian Tire Corporation Ltd., Gregory	race; place of origin; ethnic origin
Cheng v. Starwood Group Inc., Greenberg, See	sex; sexual solicitation; sexual harassment; reprisal
Cockburn v. triOS College Business Technology Healthcare Inc., Li	disability
Dennison v. Intercon Security Ltd.	sexual orientation
Desando v. The Corporation of the City of Thunder Bay Fire and Rescue Service	disability
Farr v. Steelcase Canada Ltd., Allison	sex; sexual harassment
Faukovic v. Peel Condominium Corporation 232	family status; marital status
George v. Steelcase Canada Ltd., Allison	sex, sexual harassment
Grandin v. Rollag Manufacturing Corp. o/a Tallus, Jahn	disability
Grayer v. East York Residential Services Ltd.	disability; sexual orientation
Gyimah v. Toronto Police Services Board, Fassbender, Redi	race; colour
Hill v. Grand & Toy Limited/Grand & Toy Limitée	disability
Hogg by his next friend Hogg v. Reliable Liftx Inc., Schmitt	disability
Jerlandino v. Hamilton East Kiwanis Boys' and Girls' Club, Harkness, Morris	ethnic origin; race; place of origin
Jowsey v. Super Deals Travel Service Inc., Filion, Elsbury	disability
Kiessling v. The Corporation of the Town of Kirdland Lake, Day	disability; family status; harassment
Kochberg v. Matrix Metal Ltd.	breach of settlement
Larose v. Greater Sudbury Police Services Board, Haggart, Rinaldo	disability
Livingston v. Toronto Transit Commission, Intelligard International Inc., Gadsby, Toronto Coach Terminal Inc.	ancestry; colour; place of origin; race
McEwan v. Commercial Bakeries Corporation, Rea	disability
Michell v. Accident Support Services Ltd., Minster	sex
Nabeta v. Trillium Health Centre, Douglas, Savage	disability
Nawaz v. Commissionaires (Great Lakes), Gordon, Noel	disability

*continued on next page*

## Appendices

*continued from previous page*

<b>HRTO Final Decisions</b>	<b>Grounds</b>
O'Donnell v. Hiscox, Hiscox, Capman	disability
P v. Non-Profit Service Provider, T and E	colour; ethnic origin
Plouffe v. Complex Services Inc. o/a Casino Niagara	disability
Reyes, Ayson, Juan, Rimando Lucena, Solis v. The Kitchen Table, Powell Rumgig, Shiach	race; harassment
Ryan v. 1274766 Ontario Limited o/a Project Automation, Jorgensen	disability
Sepetis v. Town of Ajax, Van der Made, Duchemin	reprisal
Shepard v. Rose Valley Homes Inc., Pollo-Perez, Adeo Contracting Ltd.	sex; sexual solicitation; sexual harassment; reprisal
Shepherd v. Roy Foss Motors Ltd., Bone Rizzutto Morrison	colour; race; disability; harassment
Slaytor v. High Class Car Wash Ltd., Bregman	disability
Tebow v. 690721 Ontario Ltd. o/a Tim Hortons, Pecaric, Pecaric	family status
Terry v. Wheels International Freight Systems Inc., Loreti	disability
Grayer v. East York Residential Services Ltd.	disability; sex; sexual solicitation
Toneguzzo v. Kimberly Clarke Inc.	disability
Turnbull v. Riverview Poultry Ltd., Heatherton	sex; pregnancy
Urciuoli v. Hamilton Police Service Board, Cruse, Vechter	family status; marital status; sex
Wakutz v. Parton, Bailey Rogala, 1168264 Ontario Inc. o/a Home Health Care Depot	sexual harassment; sex; sexual solicitation
<b>Divisional Court (Appeal)</b>	<b>Grounds</b>
Smith and OHRC v. Mardana Ltd. (c.o.b. as Mr. Lube) and Leelstaff Ltd. (c.o.b. as Mr. Lube) and Iswood Ltd. (c.o.b. as Mr. Lube) and Strynadka and Neal ( <i>costs decision</i> )	race



List of Decisions, Settlements, Judicial Review and Appeals

<b>Divisional Court (Judicial Review)</b>	<b>Grounds</b>
Kabala v. The Attorney General of Ontario, Lewis, Q.C., the Ombudsman Ontario, O.C., Chief Commissioner, OHRC, DeStefano, Investigator, OHRC, Ontario Labour Relations Board and the Ontario Ministry of Labour ( <i>application dismissed</i> )	disability
Kamalanathan v. OHRC ( <i>application dismissed</i> )	ethnic origin; place of origin; race
Losier v. OHRC ( <i>application dismissed</i> )	disability; sex; reprisal
McLean v. OHRC and Peel Regional Police Services Board ( <i>application dismissed</i> )	race
OHRC v. Human Rights Tribunal of Ontario, Her Majesty the Queen in right of Ontario (Minister of Community and Social Services), Locke and Office of the Worker Adviser ( <i>application dismissed as moot</i> )	disability
Universal Workers Union, LIUNA Local 183, Averro, Quinn, Dionisio v. OHRC, Human Rights Tribunal of Ontario, Tubbs ( <i>application granted</i> )	colour; race; reprisal
York Advertising and Murphy v. HRTO et al. ( <i>application granted and decision on costs</i> )	sex; sexual harassment
York Advertising and Murphy v. HRTO et al. ( <i>application judgment on consent</i> )	sex; sexual harassment
<b>Court of Appeal</b>	<b>Grounds</b>
Losenno v. OHRC and Metroland Inc. ( <i>appeal dismissed</i> )	disability
<b>Supreme Court of Canada</b>	<b>Grounds</b>
Multani v. Commission scolaire Marguerite-Bourgeoys and Attorney General of Quebec ( <i>OHRC was intervener, appeal granted</i> )	creed
Tranchemontagne and Werbeski v. Director of the Ontario Disability Support Program of the Ministry of Community, Family and Children's Services ( <i>OHRC was intervener, appeal granted on April 21, 2006</i> )	disability

## List of Publications

All documents available in English, French and additional languages where noted.

Plain Language Documents	Publications Ontario	Web Site
Aboriginal People & the Ontario <i>Human Rights Code</i> (available in English, French, Cree, Mohawk, Ojibway) (12/05)	✓	✓
Age Discrimination: Your Rights & Responsibilities (07/03)	✓	✓
Female Genital Mutilation: Questions and Answers (available in English, French, Amharic, Arabic, Somali, Swahili) (8/99)	✓	✓ (English & French only)
Guide to the <i>Human Rights Code</i> (5/99)	✓	✓
Guide to Mediation Services (5/97)		✓
Hiring: Your Rights & Responsibilities * (11/01)	✓	✓
Hiring? A Human Rights Guide (3/99)		✓
Human Rights at Work (1/04)		✓
Human Rights in Ontario: A Complainant's Guide (available in English/French; Bengali, Chinese, Gujarati, Hindi, Punjabi, Somali, Spanish, Tagalog, Tamil, Urdu, Vietnamese) (7/00)	✓	✓
If You Have a Human Rights Complaint – A Complainant's Guide (5/97)		✓
If You Receive a Human Rights Complaint – A Respondent's Guide (5/99)		✓
Pregnancy and Breastfeeding (11/01)	✓	✓
Pregnancy - Before, During and After: Know Your Rights (5/99)	✓	✓
Protecting Religious Rights (1/00)	✓	✓
Racial Harassment: Your Rights & Responsibilities * (11/01)	✓	✓
Racial Slurs and Harassment and Racial Jokes (6/96)		✓
The Commission: What you need to know * (11/01)	✓	✓
Sexual Harassment: Your Rights & Responsibilities * (11/01)	✓	✓
Sexual Harassment and Other Comments or Actions About a Person's Sex (11/96)		✓
Sexual Orientation: Your Rights & Responsibilities (11/01)	✓	✓

\* Available in English, French, Chinese, Punjabi, Somali, Spanish, Tagalog, Urdu, Vietnamese

<b>Policies and Guidelines</b>	<b>Publications Ontario</b>	<b>Web Site</b>
Guidelines on Accessible Education (09/04)		√
Guidelines for collecting data on enumerated grounds under the <i>Code</i> (09/03)		√
Guidelines on Special Programs (11/97)		√
Policy and Guidelines on Disability and the Duty to Accommodate (11/00)		√
Policy on Creed and The Accommodation of Religious Observances (10/96)		√
Policy on Discrimination Against Older Persons Because of Age (03/02)		√
Policy on Discrimination and Harassment Because of Gender Identity (3/00)		√
Policy on Discrimination and Harassment Because of Sexual Orientation (1/06)		√
Policy on Discrimination and Language (6/96)		√
Policy on Discrimination Because of Pregnancy and Breastfeeding (10/01)		√
Policy on Drug and Alcohol Testing (9/00)		√
Policy on Employment-Related Medical Information (6/96)		√
Policy on Female Genital Mutilation (FGM) (11/00)		√
Policy on Height and Weight Requirements (6/96)		√
Policy on HIV/AIDS Related Discrimination (11/96)		√
Policy on Requiring a Driver's Licence as a Condition of Employment (6/96)		√
Policy on Scholarships and Awards (7/97)		√
Policy on Sexual Harassment & Inappropriate Gender-Related Comments and Conduct (9/96)		√

*continued on next page*

Appendices

*continued from previous page*

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

***Publications are only available through Publications Ontario  
1-800-668-9938 or via the Commission's Web site: [www.ohrc.on.ca](http://www.ohrc.on.ca)***

## Financial Statement

### Financial Position as of March 31, 2006 (\$'000)

	2005-06 Printed Estimates	Revised Budget Mar. 31, 2006	Actual Expenditure Mar. 31, 2006	2005-06 Year-End Variance	
				\$	% of Revised Budget
Salaries & Wages	9,496.5	9,672.3	9,642.2	30.1	.31
Employee Benefits	1,200.8	1,128.6	1,190.0	(61.4)	(5.44)
Other Direct Operating Expenses (ODOE)	2,208.7	2,168.3	1,870.8	297.5	13.72
<b>Total Expenses</b>	<b>12,906.0</b>	<b>12,969.2</b>	<b>12,703.0</b>		
Revenue – Freedom of Information Costs			(.3)	.3	
Revenue – Receipt of Legal Awarded to Commission Costs			(13.5)	13.5	

Note: The Commission does not retain any revenue generated from Freedom of Information inquiries or legal costs awarded to the Commission.

## ***Endnotes***

- <sup>1</sup> The Commission responded to 43,011 (or 77%) of the 56,070 telephone calls received. The rate of “abandoned” calls does not account for individuals who call back again successfully and are able to speak with an inquiries representative.
- <sup>2</sup> Over 87% of respondents to a client survey in 1999 stated that they would use mediation again if they had another human rights complaint.
- <sup>3</sup> Ontario Human Rights Commission, *Time for Action: Advancing Human Rights for Older Ontarians* (Consultation Report).