



ONTARIO HUMAN RIGHTS COMMISSION

# Reconnect. Renew. Results.

ANNUAL REPORT

2015-2016



Ontario  
Human Rights Commission  
Commission ontarienne des  
droits de la personne

# OHRC Commissioners



## **Renu Mandhane, Chief Commissioner**

Renu Mandhane is the former Executive Director of the International Human Rights Program at the University of Toronto's Faculty of Law. She has an LL.M. in international human rights law from New York University, and is a recognized expert. Renu sits on the Canada Committee of Human Rights Watch, and has appeared before the Supreme Court of Canada and the United Nations. She has also trained Canadian and foreign judges through the National Judicial Institute of Canada. Renu has worked at several domestic and international organizations to advance women's human rights, and has represented survivors of domestic and sexual violence and federally sentenced prisoners. Renu was appointed Chief Commissioner of the Ontario Human Rights Commission in October 2015.



## **Ruth Goba**

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

Ruth also worked in private practice focusing primarily on issues of gender, disability and racial discrimination in education and employment. Ruth served on the board of the National Association of Women and the Law (NAWL) and was a member of LEAF's Legal Committee. She has also taught Disability Studies at Ryerson University. Ruth also serves on the Board of Directors of the Human Rights Legal Support Centre.

*Appointment:* October 5, 2006 – December 31, 2017

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

## **Mary Gusella**



Mary Gusella has served as the Chief Commissioner of the Canadian Human Rights Commission, Canadian Chair of the International Joint Commission of Canada and the United States, a member of the Public Service Commission, President of the Atlantic Canada Opportunities Agency, and Chair and President of Enterprise Cape Breton Corporation.

In addition, she was a board member and President of the Institute of Public Administration of Canada and a member of the Canadian Human Rights Museum Advisory Committee. Ms. Gusella holds a membership with the Law Society of Upper Canada and the International Commission of Jurists – Canadian Section. She has a Certificate from the Canadian Securities Institute and holds undergraduate degrees from the Universities of Toronto and Ottawa. Ms. Gusella also serves on the Board of Directors of the Human Rights Legal Support Centre.

*Appointment:* February 24, 2016 – November 24, 2017

## **Raja Khouri**



Raja Khouri is president of the Canadian Arab Institute, a policy think tank he co-founded in 2011. Raja is co-founder of the Canadian Arab/Jewish Leadership Dialogue Group, and an international consultant in organizational development and capacity building.

Raja formerly served on several government and civil society bodies, such as Ontario's Hate Crimes Community Working Group (for the Attorney General and Minister of Community Safety and Correctional Services), the Minister of Education's Equity and Inclusive Education Strategy Roundtable, the Pride Toronto Community Advisory Panel, the Couchiching Institute on Public Affairs, and as advocacy co-chair of Human Rights Watch Canada. He served as president of the Canadian Arab Federation in the period following the events of 9/11.

Raja's earlier career included a senior management position at CIBC and management consulting tenures in Europe and the Middle East. He has designed and chaired conferences, given and moderated lectures, numerous media interviews, and published commentaries in journals and major Canadian dailies. He's the author of *Arabs in Canada: Post 9/11*.

*Appointment:* September 20, 2006 – December 31, 2016



## **Fernand Lalonde**

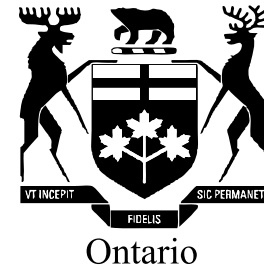
Fernand Lalonde retired from the federal public service in 2001 after serving in many roles including General Secretary of the National Joint Council, Executive Director of Appeals and Investigations for the Public Service Commission of Canada, and Director, Human Resources, Parks Canada.

Mr. Lalonde is a former President of the Canadian Public Personnel Management Association, and is currently a consultant providing services in union-management relations, dispute/conflict resolution, workplace assessments, training and executive coaching.

*Appointment:* May 18, 2005 – December 31, 2016

*Continued on inside back cover.*

June 30, 2016



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

Dear Mr. Speaker:

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

In this regard, I am pleased to provide you with the Commission's Annual Report of its activities from April 1, 2015 to March 31, 2016.

Yours sincerely,

A handwritten signature in black ink that reads "Renu Mandhane".

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



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# A message from Chief Commissioner Renu Mandhane



Photo: Jim Rankin,  
The Toronto Star

## Reconnect. Renew. Results.

2015-16 has been a time of transition for the Ontario Human Rights Commission (OHRC) – and for me personally, as I took on the role of Chief Commissioner in November. As is my nature, I adopted the “dive right in” approach and, just over six months into my term, the OHRC is well-positioned to embark on a bold new approach that emphasizes community trust, human rights accountability, and measurable impact.

## Reconnect.

The OHRC has been working hard to ensure that we are actively engaged as a leadership voice on complex human rights issues in our province – from carding to religious freedom to solitary confinement. I have travelled to hear directly from people about their concerns. We have connected with community partners, including writing to hundreds of stakeholders; inviting community groups to present at our Commission meetings; conducting one-on-one meetings

with Ministers, Officers of the Legislature, and police chiefs; and speaking at countless events to make sure that our message reaches thousands of people across Ontario.

We have also refocused our efforts to engage with First Nations, Métis, and Inuit peoples by placing an emphasis on building durable and lasting relationships that are grounded in a deep understanding of the unique human rights issues facing Indigenous peoples. I have personally undertaken to better understand the history and legacy of residential schools and the continuing impact of intergenerational trauma, as well as learning more about Indigenous peoples’ own conception of human rights.

We are committed to creating a circle of knowledge where learning from First Nations, Métis, and Inuit peoples – about their concerns and values – is given as much importance as providing information to Indigenous peoples about their rights under the *Code*. That’s the only way the OHRC can begin its journey towards a “nation-to-nation” relationship with Ontario’s Indigenous peoples.

We have also strived to make sure that our policies and positions reflect the lived experience of vulnerable and marginalized people. You will see this approach reflected in our work on racial profiling, carding, and solitary confinement. Despite our unique mandate and role as an arms-length government agency, we cannot lose touch with the people on the ground whose perspectives and day-to-day reality must be the foundation of our work.

## Renew.

The OHRC has also renewed its commitment to creating a climate of human rights accountability through strategic exercise of our enforcement powers under the *Code*. We have raised the stakes on various human rights issues by backing up our policy work with legal interventions and motions to enforce settlement terms before the Human Rights Tribunal of Ontario.

We have piloted an approach that brings the weight of our expertise into forums where our perspective may not always be expected (or welcome!). This past February, we appeared before the Toronto Police Disciplinary Tribunal to request permission to intervene in a matter involving use of force on four Black teenagers who were walking to a tutoring session in their Lawrence Heights neighbourhood. The case raises issues of racial profiling which, we believe, are relevant to officer misconduct. More

broadly, we sent a strong message that the OHRC is going to great lengths to ensure human rights accountability.

Similarly, we have used our inquiry powers to bring about systemic change. Immediately after the release of the Truth and Reconciliation Commission's Calls to Action, we wrote to Ontario's 47 children's aid societies requesting data to examine the over-representation of First Nations, Métis, Inuit, and Black children in the child welfare system. We adopted a similar approach when we wrote to all Ontario colleges and universities asking them to revise their accommodation policies to respect the privacy and dignity of students with mental health disabilities.

We are also re-evaluating how we do our work to isolate the factors that lead to success. For example, over the years we have dedicated significant resources to helping large institutions with human rights organizational change projects. This is a planned change process aimed at developing capacity within an institution to address and prevent human rights violations in their employment and service practices. It is a process of moving an organization to fully respect and accommodate the dignity, worth and rights of all people. Of course, this all sounds great, but having engaged in many such projects, we have seen mixed results. We are currently reviewing our work in this area and identifying key factors necessary for successful institutional change projects. For example, we know



that commitment from the leadership of an organization, along with a willingness to commit sufficient resources, are critical to success.

## Results.

This report highlights our progress on priorities articulated in our last strategic plan, namely to continue our work related to the *Code* grounds of race, Indigenous ancestry, mental health disability, family status and creed; and to focus on discrimination in services, housing, employment, and policing.

The report highlights several areas where our work has had a clear and direct impact on vulnerable Ontarians. Whether it is educating tens of thousands of people about their rights and how to exercise them, or improving the treatment of prisoners with mental health disabilities, or calling for an end to racial profiling in carding, there is growing evidence that our systemic work does indeed play out in people's everyday lives.

These successes would not be possible without the stellar work of our dedicated staff who continue to work closely with and learn from people across Ontario. And I thank our Commissioners, whose insight and guidance is so critical to shaping the work that we do. Special thanks go to Commissioners Larry McDermott, Fiona Sampson, Bhagat Taggar, and Maggie Wente who completed their terms in 2015-16. And, of course to Ruth Goba whose

leadership as interim Chief set the course for a new relationship with racialized communities and the foundation for a smooth transition.

When your core business involves ending discrimination in a province of over 13 million people, the biggest challenge is to ensure that the OHRC remains a catalyst for change or, more bluntly, to prove that our work can deliver results.

As we approach 10 years since the move to a direct-access human rights system in Ontario, we are well-positioned to embark on a strategic planning process to chart a bold new vision for our work. This will include a province-wide dialogue about our role, to allow us to develop priorities that resonate with the public and allow us to deliver results.

On a parting note, I want to express how deeply humbled and honoured I am to have been appointed as your human rights commissioner. Many times a week I have a "pinch me" moment when I realize that I have a tremendous platform to bring about positive change in our province. I am committed to making sure that the voices of the most vulnerable members of our community are heard at the table. Thank you for placing your trust in me.



Renu Mandhane  
Chief Commissioner



[Idil@iaafrikan](#)

[@OntHumanRights](#)

Ruth Goba will be missed by many.  
Wishing her the very best.

## Thank you, Ruth Goba!

The Commissioners and staff at the OHRC extend a special thank you to Ruth Goba, who served as Interim Chief Commissioner from February 28 – October 30, 2015. While many people would be happy simply keeping things afloat when serving in an interim role, Ruth chose to go another way. She led us boldly through a challenging time of transition with vision, wisdom and a sense of humour. Ruth helped to build strong community partnerships and was an inspiring leader on carding and racial profiling, and laid a solid foundation for our continued work in this area. Ruth was not afraid to take on challenging issues. In doing so, she has challenged and inspired all of us to continue to protect and enhance human rights across Ontario. Ruth will continue her term as a Commissioner, and will also lend her expertise on the Board of the Human Rights Legal Support Centre.





# Speaking out on racial discrimination

“*There is an erroneous, romanticized assumption that Canada is a “post-racial” or “race-less” society, with little or no history of racism.*

– Hodan A. Mohamed and Ruba Ali Al-Hassani,  
Racial Profiling Policy Dialogue

## Community speaks with a single voice: “End carding.”

Racial profiling is an issue at the heart of the OHRC's mandate to promote respect for human rights. For more than 10 years, the OHRC has taken very public positions on racial profiling, and has helped bring the connection to the Code to the public's attention.

Many racialized people in Ontario, especially African Canadians and Indigenous peoples, experienced racial profiling through “carding”. We joined a broad network of academics, community groups and concerned individuals to comment on the provincial government's draft regulation

on street checks and call for end to carding, as data showed that the practice was having a disproportionate effect on Black and Brown people, especially young men, and Indigenous peoples.

We will continue to develop community partnerships and call on police services and government to eliminate racial profiling.



*Racial Profiling Policy Dialogue, York University, February 2016.*



[Desmond Cole](#) Verified  
[account@DesmondCole](#)

Ruth Goba of [@OntHumanRights](#) says police carding “has no place in modern Canadian society.”  
<http://on.thestar.com/IJRD4KL>

## Political will needed to end carding

In an opinion editorial in the Toronto Star, Interim Chief Commissioner Ruth Goba wrote:

The impact of the Toronto Police procedure has been to stop people disproportionately in part because of their skin colour. This practice is corrosive and demeaning – in our opinion, it amounts to racial profiling and is illegal.

Statistics show that Black and Brown men are asked to identify themselves to police far more often than any other group in Toronto.

• • •

Of course, no one is suggesting police should not engage with the community, or collect the information it needs to make sure the community is safe. However, the way police gather this information can have a very detrimental effect on the community’s trust – as we have seen with carding.

• • •

[T]he “collateral damage” and “social cost” of carding are simply not acceptable.

• • •

It’s time to say enough, and end an insidious practice that contravenes the *Code* and has no place in modern Canadian society.

## New provincial regulation a good first step, but not enough to end racial profiling

The OHRC welcomed the Ontario government’s effort to address arbitrary and discriminatory stops by police. We made submissions during the Ministry of Community Safety and Correctional Services’ consultation and on the draft street checks regulation. The Government released the final regulation in March 2016.

The OHRC and its many community partners are still concerned that the regulation will not be sufficient to end arbitrary and discriminatory stops, some of which amount to racial profiling. The regulation will still permit random and arbitrary police stops of racialized individuals, including the collection and storage of personal information.

While this regulation is a good step forward, it won’t solve all of the issues and it will not on its own rebuild the trust that police need to provide effective service to communities across Ontario. Racial profiling is more than carding or street checks – it can and does occur in traffic stops, searches, DNA sampling, arrests, and incidents of officer use of force. The OHRC will be looking for more changes as the Government reviews the *Police Act* this coming year.

## New policy will tackle racial profiling in all its forms

The OHRC is currently drafting a new policy on racial profiling. This policy will help organizations, legal decision-makers and affected community members to better identify, address and prevent racial profiling as racial discrimination under Ontario's *Human Rights Code*. This is a lengthy process that includes, among other things, consultation with people who experience racial profiling, community groups, academic and legal experts, organizations and the general public.

### Reaching out – the survey

One of the starting points for developing the policy was to reach out and ask the public what they thought about racial profiling, and to share their experiences, ideas and concerns. The OHRC conducted an online survey that was open to the general public, and was promoted on the OHRC website, on social media, and through existing OHRC networks.

Over 1,500 people responded, and almost 500 people reported that they had personally experienced racial profiling. A detailed analysis will be released later in 2016.

## A racially motivated round-up

In an opinion editorial in the *Hamilton Spectator*, Interim Chief Commissioner Ruth Goba wrote:

We agree that discretion is important – vitally so. But we have always been clear: officer discretion must be informed and guided to prevent racial profiling – and discretionary decisions that are informed by racial bias should lead to officer discipline.

She went on to call the practice of stopping all young Black males in a neighbourhood following a shooting “a textbook description of racial profiling. It is not discretion in action – it is a racially-motivated round-up.”



[LauraBabcock](#)

[@LauraBabcock](#)

[@TheSpec](#) [@OntHumanRights](#)  
has an excellent point – Chief  
DeCaire offside on carding  
cc [@MGreenWard3](#) [@HHHamilton](#)





[Hodan A.@O\\_Huda](#)

There are multiple layers of [#intersectionality](#) in being Black/woman or man/queer and encountering [#racialprofiling](#) [@OntHumanRights](#) dialogue.



[Danica Samuel](#)

[@DanicaSamuel](#)

Siddiqui says [@OntHumanRights](#) recent initiative CREED is a step in the right direction. [#racialprofiling](#) [#yorku](#) [@NewCdnMedia](#)



[Ruba Ali Al-Hassani](#)

[@RubaAlHassani](#)

Day 02 of the [@OntHumanRights](#)' [#RacialProfiling](#) Dialogue is raising important questions & concerns, to say the least.

## Racial Profiling Policy Dialogue: Participants say the time to end racial profiling is now

We also hosted a three-day policy dialogue and public lecture on racial profiling in cooperation with the York University's Centre for Human Rights, School of Public Policy and Administration, and Institute for Social Research.

Leaders from Indigenous and racialized communities spoke passionately about the shared goal of ending racial profiling in policing, child welfare, retail, education and other sectors. Racial profiling is well documented and many participants were clearly concerned that it continues despite efforts to challenge it and end it. What's needed now is data to reveal the systemic nature of racial profiling and mechanisms to hold people and organizations accountable.

### Voices: Racial Profiling Policy Dialogue

[Deeply] imbedded and socially accepted prejudices and stereotypes about Black people have enabled almost every common human behaviour of a person of African descent to, at one time or another, be interpreted as "suspicious" and possibly connected to some form of criminal activity.

– Anthony Morgan

On the way to school; on the way home from the gym; riding their bikes through a community housing complex; waiting for the bus; sharing a smoke behind a building – youth describe negative interactions with the police. From their neighbourhoods, youth go to school, where interactions with teachers and school administrators increasingly mirror the relations of surveillance and discipline they experience on the streets.

– Naomi Nichols

[T]he law behaves as though Arabs and Muslims are not subject to stereotyping. Complainants and respondents in human rights cases involving Arabs and Muslims are treated as abstracted individuals, stripped away from the racialized contexts in which they live and immune to the particular harm, including spirit injury, that stereotypes impose.

– Reem Bahdi

[R]acial differences in stop and search activities contribute to negative perceptions of the police and justice system among minority civilians. These negative perceptions, in turn, may result in a lack of cooperation with the police and courts and ultimately contribute to minority involvement in crime and violence.

– Scot Wortley



“ [W]hile criminal profiling and racial profiling are theoretically distinct, these concepts often fuse in practice and in dialogue such that stereotypes that link certain segments of the population with heightened criminal propensity can shape police decision making in very problematic ways.

– Curt Taylor Griffiths and Sara K. Thompson

Rather than positively engaging with the community and building a sense of trust in the institution, the practice [street checks] would appear to have done the opposite. There is some hypocrisy in calling it a community engagement tool when police checks are at the very heart of bad police-community relations.

– Tim Rees

Racial profiling by child welfare is evidenced in the common practice of workers interviewing Black children at public schools without parental permission. This exclusionary practice denigrates Black parents’ authority by erasing their presence and voice.

Racial profiling is evidenced when child welfare workers solicit police accompaniment on home visits which socially constructs Black families as criminals and dangerous.

– Gordon Pon, Doret Phillips, Jennifer Clarke and Idil Abdillahi

The problem with the conversation – sometimes debate, sometimes unproductive argument – on street checks is the mistrust, lack of respect and lack of understanding on both sides.

– Gary V. Melanson

Incredibly, one participant who was a university student at the time of the interview, felt that the priorities of campus security did not include racialized women during heightened concerns over sexual assaults on campus when she was told “you don’t need to be protected, like, they’re not going to go after you.”

– Tammy C. Landau



[CAMWL@CAMWLnews](mailto:CAMWL@CAMWLnews)

Passionate convos taking place in this inclusive forum. Open & honest communication builds communities-police relations. [@OntHumanRights](https://twitter.com/OntHumanRights)



*Racial Profiling Policy Dialogue, York University, February 2016.*



### OHRC intervenes in racial profiling and discriminatory use of force case

THANK YOU for this decision and thank you for sharing it. It is important to me personally, as a man of colour, living in the GTA... Bravo to the OHRC.

– Via email



[Laura.Track@lktrack](mailto:Laura.Track@lktrack)

Great that

[@OntHumanRights](https://twitter.com/OntHumanRights) is intervening in racial profiling case, allowing Tribunal to consider systemic issues.



[Thanuja.Thananayagam](https://twitter.com/Thanuja.Thananayagam)

[@tjt\\_HR3](https://twitter.com/tjt_HR3)

This is great news [@RenuMandhane](https://twitter.com/RenuMandhane) [@OntHumanRights](https://twitter.com/OntHumanRights) Ontario Human Rights Commission joins Toronto carding case.

## Police officer misconduct cases should apply human rights law: “Neptune 4”

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

## Calling for data collection on stops, use of force: *Roberts v. Toronto Police Services Board*

The OHRC has intervened in a case at the Human Rights Tribunal of Ontario that raises issues of racial profiling and discriminatory use of force. Rohan Roberts, who identifies as Black, alleged that in 2014 two Toronto Police Service officers stopped and asked him for identification while walking to a friend’s Christmas party. He says he was then arrested, handcuffed and dragged to a nearby grassy area and beaten. Charges against him were later dropped.

As a remedy, the OHRC will ask the police to collect race-based data on all stops of civilians and incidents of use of force to identify, monitor and address patterns of officer behaviour that are consistent with racial profiling. Chief Commissioner Renu Mandhane commented, “The OHRC has been working with the Toronto Police Service and the Board for over a decade on ways to prevent racial profiling and to deal with it when it happens. This case exemplifies how little progress has been made. We are now turning to legal action so that officers and administrators are held accountable.”

## Black History Month: let’s celebrate the past, eradicate anti-Black racism today

Referencing ongoing racial profiling, this OHRC statement acknowledged Black community leaders working to end the continuing racial discrimination against Black Ontarians, and urged people to “become part of the growing chorus of voices calling for an end to systemic racism in our province.”



*Setting up the “Many Rivers to Cross” Exhibit at Queen’s Park for Black History Month, February 2016 (left to right): Elias Da Silva-Powell, OHRC; Vanessa Tamburro, OHRC; Janet Salmon, Ministry of the Attorney General; Dora Nipp, OHRC; Lyndsey Fonger, OHRC.*



## OHRC reports to the UN on systemic racism in Ontario

The OHRC made a submission on Canada's upcoming review under the UN Convention on the Elimination of Racial Discrimination, and reported that Indigenous peoples and racialized communities in Ontario continue to experience systemic racial profiling and other discrimination that is devastating to their lives.

Examples included arbitrary police stops, police use of force, police record checks, treatment of migrant and foreign trained workers, poverty and inadequate housing, over-representation in the child welfare system, and violence against women and girls. Canada is expected to appear before the UN Committee overseeing the *Convention*, which applies equally to all levels of government, in the coming year.



Former Ontario Fairness Commissioner Jean Augustine (left) and Interim Chief Commissioner Ruth Goba at Resisting Racism, the 40<sup>th</sup> anniversary event hosted by the Urban Alliance on Race Relations, October 2015.



Words cannot describe how important your contributions were to

the overwhelming success of the e(RACE)r Summit on March 21st. I continue to receive emails of appreciation from attendees thanking us for facilitating an authentic and risky conversation about race and racism on university and college campuses.

– Conference organizer,  
Wilfrid Laurier University

## E(RACE)r Summit on Race and Racism on Canadian University Campuses – Waterloo

Renu Mandhane spoke as a panelist on “Celebrating student civic engagement against racism in Canadian universities,” at a summit hosted by Wilfrid Laurier University’s Diversity and Equity Office and the Office of Aboriginal Initiatives: “It is not enough to simply react to an incident of racism after it happens... – the goal must be to put systems in place, remove barriers and create a learning environment where these issues are addressed proactively.” (Full speech available at [www.ohrc.on.ca](http://www.ohrc.on.ca))

## South Asian Bar Association 10<sup>th</sup> Anniversary Gala and Awards Night

In a keynote address, Renu Mandhane stated: “Regardless of where you work, if you are in this room, you are like me, very privileged in terms of the education and the opportunities we have enjoyed. But with this privilege comes responsibility. We need to recognize that many other people in Ontario’s South Asian community face real, systemic barriers to success.” (Full speech available at [www.ohrc.on.ca](http://www.ohrc.on.ca))



*Renu Mandhane delivers a keynote address.*

# Protecting prisoners' rights

## Call to end solitary confinement in Ontario jails

Every year, thousands of people are placed in segregation in jails and penitentiaries across the country. We don't know their names, their stories, or the personal impact that segregation has had on them. Only occasionally do their stories come to light. One such story is that of Christina Jahn, a woman with mental health disabilities and cancer who filed a human rights complaint alleging that she was held in segregation for more than 200 days at the Ottawa-Carleton Detention Centre because of mental health disability and gender.

The OHRC intervened in Jahn's case, and in 2013, a historic settlement agreement was reached with Ontario's Ministry of Community Safety and Correctional Services (MCSCS) to improve the treatment of prisoners with mental health disabilities in Ontario's correctional facilities. The settlement has led to major policy changes, including mental health

screening for all prisoners upon admission, and prohibiting use of segregation for any prisoner with mental health disabilities barring undue hardship.

These are important steps. Yet the OHRC continues to have serious concerns about the extent of the reliance on segregation and violation of inmates' right to be free from discrimination under the *Human Rights Code*.

The numbers paint a troubling picture. From April to August 2015, the Central-East Correctional Centre in Lindsay, Ont. placed more than 1,100 people in segregation. In the same four-month period, the Ottawa-Carleton Detention Centre placed more than 550 people in segregation. During a one-year period, four women at the Ottawa-Carleton Detention Centre were in segregation for more than 30 continuous days, and two for more than 60 aggregate days. We are in the process of seeking more complete disaggregated data from the Ministry.

Segregation is overused in both provincial and federal correctional systems – and causing particular harm to vulnerable groups, such as Black and Indigenous prisoners, women, and people with mental health disabilities.

The extent and gravity of *Code* concerns with the use of segregation is why the OHRC is taking the rare step of advocating that Ontario show bold leadership by publicly committing to eliminate this practice across all its institutions.

MCSCS is currently conducting a comprehensive review of Ontario's use of segregation. In response to the Minister's call for input from stakeholders, the OHRC made a submission calling for an end to segregation, and recommended interim measures, such as external oversight and strict time limits, to reduce the harm of the practice.

Other recommendations include:

- Develop and implement meaningful alternatives to segregation, consistent with least restraint practices and MCSCS' duty to accommodate prisoners' *Code*-related needs to the point of undue hardship
- Adjust staffing models, and staff hiring, screening and training to ensure that staff with appropriate attitudes and behavioural skills are working with vulnerable prisoner populations

- Make segregation placement decisions and healthcare assessments subject to external and independent review and oversight, including judicial review
- Ensure all prisoners and their legal representatives are given relevant information about and a genuine opportunity to challenge both the nature of and justification for segregation placements
- Implement a system to collect and analyze human rights-based data on the use of segregation and its effects on *Code*-protected groups
- Provide stakeholders and experts with an opportunity to review and publicly comment on any proposed changes to segregation practices and how they will be implemented.

Ending segregation is not a revolutionary, unrealistic, or aspirational idea. It is primarily one of commitment to adequate allocation of resources.

### **Prisoners must know their rights: intervening in the Jahn settlement contravention application**

The Jahn settlement required the MCSCS to provide all prisoners placed in segregation with a Segregation Handout setting out information about their rights. Information about prisoners' rights in segregation is now also included in MCSCS' Inmate Information Guide for Adult Institutions.



The OHRC was a party to a contravention of settlement application that was based on concerns that prisoners were not receiving this information. A second settlement agreement in December 2015 included further public interest remedies to ensure prisoners in segregation receive information about their rights. The terms include MCSCS posting signage in all segregation areas stating that prisoners must receive information about their rights, and developing a process for staff from the Elizabeth Fry Society and John Howard Society to notify MCSCS about any cases where this may not have occurred.

## Show bold leadership and commit to ending segregation

In a commentary in Law Times in March 2016, Chief Commissioner Renu Mandhane wrote:

The time to act is now. We cannot let another prisoner die alone in a jail cell while we consider how to reform a practice that is clearly harmful and contrary to human rights law ... The political environment is ripe for a new approach to corrections – one that is firmly grounded in equality, human rights and human dignity.

## In the news

Mandhane said the commission's position – and end to the practice in Ontario – is intentionally strong because removing segregation as an option would force the province to change the way jails operate.

– Amy Dempsey, “End solitary confinement, province urged,” The Toronto Star, February 29, 2016

The commission is right to be concerned, especially since it says data indicated segregation is used more against racial minorities, those with mental illnesses and women.

– “Truly the last resort,” Toronto Star editorial, March 1, 2016



[@LauraTrack@lktrack](https://twitter.com/LauraTrack)

Strong call from the [@OntHumanRights](https://twitter.com/OntHumanRights) Commission to end solitary confinement in Ontario jails.



## Corrections – an update on human rights organizational change

Since 2011, the OHRC has been engaged in a human rights organizational change partnership with the Ministry of Community Safety and Correctional Services (MCSCS) and the Ministry of Government and Consumer Services. This partnership is scheduled to end in August 2017. In 2014, the partners agreed to a Human Rights Plan that called for human rights initiatives to be completed in two phases, the first phase ending in 2017 and the second in 2021.

There is encouraging evidence that human rights experts in MCSCS are being increasingly consulted on new and emerging strategies and policies. We understand that a number of service and employment-related policies have been reviewed with a human rights lens, and we look forward to reporting on implementation of the recommended human rights-related improvements. This is an essential step in embedding human rights in the organization's work and culture. As well, several key initiatives are moving towards completion. An example is a Client Human Rights and Accommodation Policy that will provide direction on ensuring human rights for prisoners, probationers and parolees.

Despite these successes, the OHRC is concerned that a number of the first-phase initiatives have been

significantly delayed, and some important ones will not be completed by the end of the partnership in August 2017. It is clear that much work on developing human rights improvements has been going on behind the scenes, but few initiatives have been completed to date, and momentum towards positive human rights change is not likely easy to see for MCSCS employees. The OHRC is monitoring progress on the project closely.

One area of concern is the absence of an agreed-upon evaluation plan for the Human Rights Project Charter and Human Rights Plan. Evaluation is an essential part of ensuring accountability for human rights organizational change and assessing the degree of change achieved as well as the effectiveness of the initiatives undertaken. Work has been done in this area and we look forward to finalizing an evaluation plan and collecting baseline data to measure progress.

MCSCS is in the process of recruiting for a new Aboriginal Advisor in its unit responsible for the Human Rights Plan. However, the OHRC urges MCSCS to assign additional resources to support its human rights efforts, at least until the Human Rights Plan has been completed. This is a sector where emerging human rights issues are the norm, and the Ministry needs to position itself to be able to address these emerging issues in a timely manner, while also meeting its commitments under the Human Rights Plan within the initially proposed timelines.



# Refocusing, redefining creed

## Religious discrimination persists

Many Canadians believe that religious discrimination is no longer a problem in contemporary society. They point to “multiculturalism,” recent efforts to promote reconciliation with First Nations, Métis and Inuit peoples, along with Canadians’ eagerness to resettle Syrian refugees, as proof that we have learned the lessons at the core of the United Nations’ *Universal Declaration on Human Rights*.

But right here in Canada, we continue to see people being harassed and even assaulted because they follow a certain religion. We see a mosque being burned, women wearing hijab being harassed, and anti-Semitic slogans sprayed on synagogues. While these may be the acts of a hateful minority, Islamophobia continues to rear its ugly head.

Less extreme, but likely more pervasive than overt attacks are new stereotypes that view all religious people as inherently backward, less tolerant, less informed, or closed-minded. This is a different form of prejudice that appears to be socially

acceptable in our more secular society, and among many otherwise “progressive” or “liberal” individuals.

Of course, this is not to say that we cannot be critical of our own or other peoples’ religions, faiths or creeds, or of religion more generally; freedom of thought and expression are rightly protected under the *Charter of Rights and Freedoms*. But legitimate critique of creed cannot lead to harassment or other discriminatory treatment in protected social areas (employment, housing, services, contracts, unions), become an



excuse to not meet legal obligations to accommodate genuinely held creed beliefs and practices, or rise to the level of hate speech or hateful acts prohibited by the *Criminal Code*.

With debates around religion at the forefront of many peoples' minds, it was particularly significant that the OHRC launched its revised *Policy on preventing discrimination based on creed* on December 10, International Human Rights Day. The policy is an important step towards a more open and inclusive Ontario where differences in core beliefs, whether religious, atheist or otherwise, are valued, respected and accommodated—in short, the policy protects everyone.



Speakers at the launch of the Policy on preventing discrimination based on creed, December 2015 (left to right): Nasim Asgari, spoken word artist; Dr. David Seljak, Associate Professor, Religious Studies, St. Jerome's University, University of Waterloo; Dr. Karen Mock, Human Rights Consultant; Vanessa Tamburro, Information Officer, OHRC (host); Renu Mandhane, Chief Commissioner, OHRC; Dr. Remi Warner, Senior Policy Analyst, OHRC; Monica McKay, Director, Office of Aboriginal Initiatives, Ryerson University; Dr. Mohammad H. Fadel, Associate Professor & Canada Research Chair for the Law and Economics of Islamic Law, Faculty of Law, University of Toronto; Dianne Carter, Executive Director, OHRC.

## New creed policy: reflecting today's complex reality

On December 10, 2015 – International Human Rights Day – the OHRC released its updated *Policy on preventing discrimination based on creed*. The policy recognizes Canada's long history of religious discrimination. It reflects today's issues and changes to case law, and provides expanded information in areas like Indigenous Spirituality and creed-based profiling. Creed includes religion, broadly defined, and may include other non-religious belief systems that, like religion, substantially influence a person's identity, worldview and way of life.



Spoken word artist Nasim Asgari adds fresh insight at the launch of the OHRC's Policy on preventing discrimination based on creed, December 2015.

The policy was developed after extensive research, a public survey, dialogue with various religious, academic, legal and community organizations, and publication of findings.

The OHRC also prepared a checklist on the duty to accommodate creed and other resources for employers, landlords and service providers, and began training with groups across the province to help them meet their obligations under the *Code*.

### Speech: Launch of the *Policy on preventing discrimination based on creed*

Renu Mandhane delivered the opening address at the launch of our *Policy on preventing discrimination based on creed*, co-hosted by the University of Toronto Multi-Faith Centre noting that religious freedom was the root of the global human rights movement. (Full speech available at [www.ohrc.on.ca](http://www.ohrc.on.ca))

### A new year, a new home for refugees

In a statement welcoming Syrian refugees to Ontario, Chief Commissioner Renu Mandhane wrote about how the *Code* prohibits discrimination based on a person's place of origin and religion, among other grounds. She commented, "The OHRC is working with community groups to make sure that stereotypes and discrimination do not pose a barrier to people putting a roof over their head or food on the table."

“Racial profiling in the war on terror uses stereotypes of race, religion, ethnicity and country of origin as proxies for terrorism. Muslims of Arab, South Asian and African descent are perceived as already risks to national security by virtue of their membership in these communities, as the Maher Arar case very visibly demonstrated.

– Uzma Jamil, Racial Profiling Policy Dialogue



[@JackNigro](https://twitter.com/JackNigro)

“Having a creed is a human right. It is not a privilege.”  
[@OntHumanRights](https://twitter.com/OntHumanRights) Commissioner Mandhane at the Creed Policy launch. [#HumanRightsDay](https://twitter.com/OntHumanRights)

**The OHRC is working with community groups to make sure that stereotypes and discrimination do not pose a barrier to people putting a roof over their head or food on the table.**



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[Colinda Clyne@clclyne](#)

Nice to see

[@OntHumanRights](#) does not define [#Indigenous](#) spirituality but rather allows each to define own understanding [#HumanRightsDay](#)

## Honouring Holocaust victims is an important reminder of work left to do to eradicate racism

In a statement released on the International Day of Commemoration in Memory of the Victims of the Holocaust, Renu Mandhane called on Ontarians to remember the genocide that occurred during World War Two – and to honour its victims by standing in solidarity against misconceptions, stereotypes and discrimination that persist today.

## Cross-sex contact and competing human rights


Sometimes a person might ask for religious accommodation to reduce or have no contact with members of the opposite sex when receiving a service, in housing or while at work. The OHRC policy statement on creed accommodation involving cross-sex contact can help organizations deal with these types of competing human rights claims.

Here are some of the considerations included in the policy statement:

- Where an accommodation has an adverse impact on others, organizations should apply a competing rights analysis as set out in the OHRC's *Policy on competing human rights*.
- Every competing rights situation has to be assessed based on all of the relevant facts. Context is critical and even small adjustments to the facts can lead to a different analysis and outcome in a competing rights situation
- People who want an accommodation that restricts interactions between men and women should generally provide advance notice to organizations
- Notice is particularly important where an accommodation request may have an adverse impact on the rights of others.

“Remembrance of the **Holocaust** must lead to a collective commitment to stand up and refuse to accept racism.”

- Chief Commissioner Renu Mandhane

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[www.ohrc.on.ca](http://www.ohrc.on.ca) | [@OntHumanRights](#)



Organizations have a duty to make sure everyone's human rights are respected. They should look for a way to accommodate an individual's creed. They must also protect and preserve the rights of women to take part equally in society. Sometimes that means accommodations will be limited or not possible at all.

## Public campaign to eliminate Islamophobia, race and creed discrimination

To remind the public of our collective human rights obligations, the OHRC is working on an anti-racism and anti-Islamophobia campaign led by a committed team of community partners. These partners include OCASI (the Ontario Council of Agencies Serving Immigrants), NCCM (National Council of Canadian Muslims), the Canadian Arab Institute, and the Ontario Ministry of Citizenship, Immigration and International Trade. Mass Minority is providing pro bono concept and design services.

This campaign and education program will include reminders to landlords, employers and service providers of their obligation to not discriminate because of religion or race.

## Reviving the Islamic Spirit Convention

On December 26, 2015, Renu Mandhane was a featured speaker at this international conference, attended by over 10,000 people. (Full speech available at [www.ohrc.on.ca](http://www.ohrc.on.ca))



[Amjad Tarsin](#)  
[@AmjadTarsin](#)

At the [@OntHumanRights](#) policy for preventing discrimination based on creed. Inclusive, insightful policy!



[Karen Mock@KarenMock](#)  
[@OntHumanRights](#)

Congratulations on launch of new policy on [#Creed](#). Honoured to be one of the community speakers.



“

Muslims include many ethnicities and racialized groups, including people of Arab, South Asian and African heritage. In the global context of the war on terror, the dominant perception is of Arabs, Middle Easterners and Muslims as all being the same group.

– Uzma Jamil



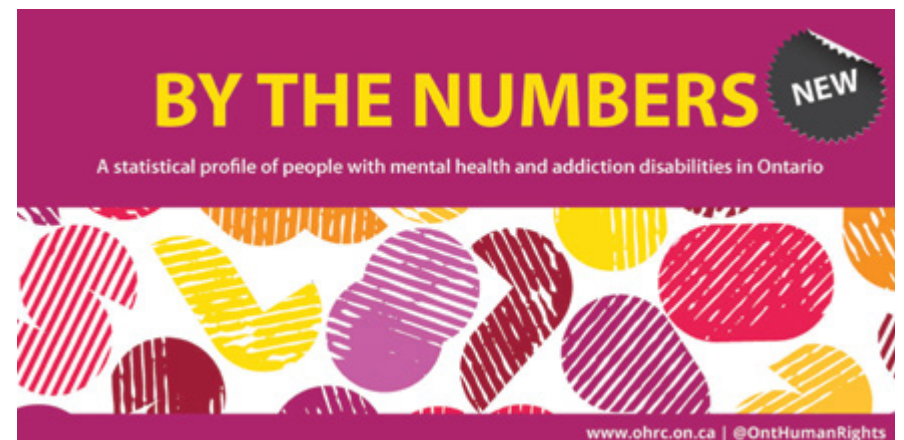
# Disability: ending stereotypes and stigma

## ***By the numbers* report highlights experiences of people with mental health and addictions disabilities**

In October 2015, the OHRC launched *By the numbers*, a statistical profile of people with mental health and addiction disabilities in Ontario. In its 2009-2011 consultation on mental health disabilities and addictions, the OHRC heard extensively from individuals, advocates, organizations and families about the many barriers people with mental health and addiction disabilities face.

Using customized Statistics Canada data from the 2012 Canadian Survey on Disability, the report looks at the prevalence and severity of mental health and addiction disabilities, and how people with these disabilities fare on indicators such as housing, education, employment, workplace discrimination and income.

"*By the numbers* is a tool that can help set the stage for increased understanding of what it means to have a mental health or addiction disability in Ontario today," said Interim Chief Commissioner Ruth Goba. "It offers a fresh, much-needed look at an issue that affects all Ontarians."





[CMHA Ontario](#)  
[@CMHAOntario](#)

New [@OntHumanRights](#) report shows stark reality of living with [#mentalhealth](#) or addictions in Ontario <http://ow.ly/TboyH> [#MIAW](#)

Report highlights:

- Of all Ontarians who report a disability, almost one-third (30.9%) report a mental health or addiction disability
- The unemployment rate of Ontarians aged 15-64 with mental health or addiction disabilities in 2011 (22.6%) was more than twice as high as Ontarians with other disabilities (9%) and almost three times higher than Ontarians without disabilities (7.7%)
- Many people with disabilities report they have been discriminated against in employment, regardless of disability type
- Almost 7 in 10 people with mental health and addiction disabilities report being disadvantaged at work due to their condition.

Disaggregated data, such as that contained in *By the numbers*, is an important tool in the fight against discrimination because it validates people's lived experiences.

## Ontario Shores embarks on new organizational change initiative

Ontario Shores Centre for Mental Health Sciences (Ontario Shores), a leading mental health centre in Whitby, Ontario, and the OHRC formed a

three-year partnership to review current and potential organizational practices and services through a human rights lens.

Three joint working groups have been discussing possible initiatives related to Ontario Shores' service delivery, employment practices and human rights education. Among other accomplishments, a human rights education strategy has been drafted and the partners have agreed to review key Ontario Shores policies and practices with a focus on human rights. We look forward to implementing these and other initiatives in the coming year.



*Signing the Ontario Shores Project Charter (left to right): Barb Mildon, Vice-President, Practice, Human Resources, Research and Chief Nursing Executive at Ontario Shores Centre for Mental Health Sciences; Don Mitchell, Mayor, Town of Whitby; Dianne Carter, Executive Director, OHRC; Karim Mamdani, President and CEO, Ontario Shores Centre for Mental Health Sciences; Lorne Coe, MPP, Whitby-Oshawa; Ruth Goba, Interim Chief Commissioner, OHRC.*



"We are extremely excited to champion this work in hopes it will benefit other hospitals and healthcare organizations going forward," said Karim Mamdani, President and CEO of Ontario Shores.

## Global Accessibility Awareness Day

Ahead of the Pan Am and Parapan Am Games, the OHRC issued a statement and an infographic campaign outlining the legal duty to provide accessible facilities, and supporting the AODA Alliance's call for a disability accessibility legacy.



## Police record check law reflects OHRC recommendations

Provincial legislation now provides for consistent practices for police record checks for employment, volunteer and other prescribed purposes. The OHRC made a submission during the Government's consultation in support of the new law, which is based on an Ontario Association of Chiefs of Police guideline. The OHRC and other groups helped develop the guideline over broader concerns about the negative impact on people with mental health disabilities, Indigenous peoples and racialized communities. Concern continues about the overuse of police record checks and some groups are calling for complementary changes to Ontario's *Human Rights Code*.

## Challenging funding limits to live in community settings: *Cole v. Ontario (Health and Long-Term Care)*

The applicant, Ian Cole, is a middle-aged man with a severe intellectual disability who lives in the community. To live in the community, Mr. Cole depends on the receipt of nursing services. The primary source of



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Proud of [@RenuMandhane](https://twitter.com/RenuMandhane)

& [@OntHumanRights](https://twitter.com/OntHumanRights) for taking initiative to [#endstigma](https://twitter.com/hashtag/endstigma) & provide more support for cops w/[#PTSD](https://twitter.com/hashtag/PTSD).



[Catherine Zahn](#)  
[@CatherineZahn](#)

A step in the right direction: reducing [#Prejudice](#) and [#Discrimination](#) against those with [#mentalillness](#).



[Class Campbell](#)  
[@class\\_campbell](#)

Yes! Lose the labels! Uni to provide accommodations based on identified needs. [#2016](#) [#SeeMyVoice](#).

funding for the nursing services is his local Community Care Access Centre (CCAC). The maximum funding for nursing services is set out in a regulation made under the *Home Care and Community Services Act, 1994*. At the time the application was filed, funding was available for nursing services to a maximum of four visits per day.

In 2012, Mr. Cole's doctor determined that he needed a fifth catheterization every day as a result of his neurogenic bladder. The local CCAC denied Mr. Cole's request for this fifth catheterization, because of the funding limit of four nursing visits per day set out in the regulation.

Mr. Cole alleges that the funding limit in the regulation discriminates against him and other people with complex disability-related needs because they are denied the level of services that they require to remain outside of institutional care. The OHRC has intervened in the case at the Human Rights Tribunal of Ontario, to assert that the regulation amounts to discrimination against Mr. Cole based on disability contrary to section 1 of the *Code* and is not protected as a "special program" as laid out in section 14 of the *Code*.

## Systemic review of police officer mental health and suicide should look at workplace discrimination

The OHRC urged the Office of the Independent Police Review Director to adopt a human rights perspective in its review of police officers developing and dying from work-related mental health disabilities. These officers may experience discrimination and harassment that prevents them from seeking support and accommodation.

## Did race play a role in use of restraints? *Estate of Kulmiye Aganeh v. Mental Health Centre Penetanguishene*

Kulmiye Aganeh was a Black, Muslim man, who was being held in the secure psychiatric unit in the Mental Health Centre Penetanguishene. Mr. Aganeh died in custody in March 2009, following an incident involving the use of restraints. This application to the Human Rights Tribunal of Ontario alleges that Mr. Aganeh's race, creed and disability led to the disproportionate use of restraints on him.

The OHRC intervened to address the link between race and the disproportionate use of restraints in mental health facilities, and took part in mediation at the HRTO in October 2015. This proceeding is ongoing.

## OHRC files claim to highlight stigma facing police officers suffering from PTSD: *OHRC v. Toronto Police Service*

On November 11, 2015 – Remembrance Day – the OHRC filed an application with the Human Rights Tribunal of Ontario alleging discrimination in employment based on disability because of the Toronto Police Service's failure to include on its Memorial Wall officers who die by suicide as a result of a mental health disability incurred in the line of duty.

In recent years, there has been growing public awareness that the official duties of police officers can lead to serious mental health disabilities including post-traumatic stress disorder (PTSD), and in some cases, death by suicide.

The OHRC's application asks the HRTO to direct the TPS to change its practices and include the names of individuals who lose their lives from mental health injuries incurred in the line of duty on the Memorial Wall. This would ensure that they receive

the same degree of recognition and respect as officers who lose their lives by reason of physical injury in the line of duty. The OHRC is expecting other police services that maintain memorial walls to do the same.

A more inclusive Memorial Wall would recognize that the challenges of policing can take a toll on mental health, and would signal to current officers coping with mental health disabilities that they can seek support without being stigmatized.

## Disclosure of mental health diagnosis not needed to receive accommodation

Disclosing a mental health diagnosis should not be necessary to receive accommodation. York University worked with Ph.D student Navi Dhanota, ARCH Disability Law Centre and the OHRC to develop new documentation guidelines for students with mental health disabilities who request academic accommodations. The change in guidelines means that students will no longer have to disclose highly personal medical information, namely their Diagnostic and Statistical Manual (DSM) diagnosis, to register for mental health accommodations and supports.

While some students may voluntarily choose to disclose their diagnosis to York University's Disability Services, they are no longer required to do so. This



[Bruce Ryder@BBRyder](#)

Fight to memorialize police PTSD victims goes to Human Rights Tribunal in application initiated by [@OntHumanRights](#) <http://fw.to/mpDNiSh>



[Amber Smith](#)

[@amberthecanuck](#)

Another win for [#humanrights](#) and [#mentalhealth](#) ! [#AdultEd](#) facilitators – become advocates for your students!





[Beth A. Robertson](#)  
[@bethrobertson81](#)

Dhanota wins her fight in making 'accommodation' more accessible for student with mental health issues. Hurray!

The OHRC presented two webinars on mental health disabilities and addictions in 2015-16.

means that students decide whether or not to disclose sensitive medical information. Maintaining control and privacy over confidential medical information is particularly important given the social stigma still associated with mental health disabilities. Instead, the required medical documentation simply confirms that there is a diagnosed mental health disability without providing the specific diagnostic label, and provides the functional limitations that require accommodation.

The OHRC has inquired into the policies at colleges and universities across Ontario to ensure that their medical documentation requirements comply with the Code. This work is ongoing.

## Accommodate people with disabilities or pay the price: *Fair v. Hamilton Wentworth District School Board*

In this case, the Human Rights Tribunal of Ontario ruled that the school board did not accommodate Ms. Fair's mental health disability, namely post-traumatic stress disorder (PTSD) and fired her instead. The HRTTO ordered the board to reinstate her in a suitable job, pay roughly 10 years' back wages, make retroactive payments to the Canada Pension Plan, reinstate her years of service for pension purposes and pay her \$30,000 for injury to her dignity, feelings and self-respect.

The School Board sought judicial review of the HRTTO's decision to the Ontario Divisional Court, which deemed the HRTTO's decision and remedies to be reasonable. We intervened in this judicial review application to provide the court with our expertise on how accommodation is interpreted under human rights law, and to argue that the HRTTO's remedial authority is at the very heart of its expertise and therefore reasonableness, the most deferential standard of review, should be applied to HRTTO remedial orders.

We also intervened when the school board took the case to the Court of Appeal for Ontario, and appeared there in November 2015. A decision is pending.

**IN ONTARIO**

- 1 You generally have the right to keep your diagnosis private
- 2 You may have to provide medical documentation verifying that you have, or are being assessed for a disability
- 3 You may have to provide medical documentation identifying the functional limitations associated with your disability
- 4 Your accommodation needs should be met based on your functional limitations

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# Support for women and families

## End sexualized workplace dress codes that discriminate

Many restaurants and bars still require women to dress in high heels, tight dresses, low-cut tops and short skirts. Human rights decisions have found these policies and practices to be discriminatory. They make employees more vulnerable to sexual harassment, contribute to discriminatory work environments and exclude people based on sex, gender identity or expression and creed.

The OHRC's policy statement says that female employees should not be expected to meet more difficult requirements than male employees, and they should not be expected to dress in a sexualized way to attract clients.

When releasing this statement on International Women's Day, OHRC Chief Commissioner Renu Mandhane called for an end to sexualized dress codes. "Employers must make sure their dress codes don't reinforce sexist stereotypes. They send the message that an employee's worth is tied to how they look. That's not right, and it could violate the *Ontario Human Rights Code*."





First of all, thank you for acknowledging that these sexist dress codes

are a human right violation! ... I think policy statements like the OHRC has released is what is going to actually make change happen.

– Amy Tuckett-McGimpsey



[Allison Ferry@prairieferry](https://twitter.com/prairieferry)

Applause to

[@OntHumanRights!](https://twitter.com/OntHumanRights) Help pressure restaurants Canada-wide with this petition: <http://chn.ge/1ntM8xu> #DressCodes #IWD2016



[Neighbourhood Legal](https://twitter.com/nlstoronto)

[@nlstoronto](https://twitter.com/nlstoronto)

Excellent #IWD2016 initiative: [@OntHumanRights](https://twitter.com/OntHumanRights) calls for end to sexualized workplace dress codes that discriminate.

## From CBC.CA News, March 10, 2016:

The Ontario Human Rights Commission released a statement on International Women’s Day March 8 calling for an end to gender-specific dress codes, stating that those policies discriminate against female and transgendered employees.

In an interview on CBC Radio’s Edmonton AM, Cate Simpson, a spokesperson for Earls, said the change was made after months of consultation.

“We definitely reacted to the Ontario Human Rights Commission; we were unaware that was considered discriminatory.”



## Women cannot be denied training and promotion due to systemic sex discrimination: *Sjaarda v. Ottawa Police Service*

In December 2015, a settlement was reached with the Ottawa Police in *Sjaarda v. Ottawa Police Service*, a case that alleged a female police officer was denied training, job placement and promotion opportunities because of her family status, sex and maternity leaves. The OHRC intervened at the Human Rights Tribunal of Ontario to address systemic barriers to promotion and advancement that women can face.

As a result of the settlement, the Ottawa Police will conduct a systemic review of its workforce demographics, policies and procedures. The aim is to ensure that female police officers, particularly officers who take maternity leaves and have family caregiving responsibilities, have equal opportunity to be represented at all levels and ranks.

“While my family and I have been at the centre of this human rights case, it is important to acknowledge the other officers who have been marginalized”, said Constable Barb Sjaarda. “Many officers have experienced reprisal after coming forward with issues similar to mine, with some female colleagues going so far as to quit the profession out of frustration.

A change in policing culture, encouraged by policies

that respect human rights, can only be viewed as a positive step forward,” she continued.

## Statement on Sexual Harassment Awareness Week June 1-7, 2015

This statement stressed that sexual harassment is a critical issue in Ontario and noted the importance of conversations about its root causes, its impacts, how to prevent it, and how to address it when it occurs.

## Elder care and the test for family status discrimination: *Misetich v. Value Village*

In this case at the Human Rights Tribunal of Ontario, Ms. Misetich alleged that she was discriminated against when her employer proposed to accommodate her workplace injury by providing her with temporary modified duties that involved a shift change from her day shift to the night shift. The proposed accommodation and accompanying shift change interfered with her eldercare responsibilities.

The OHRC intervened and made submissions about the appropriate legal test for discrimination based on family status, arguing that the HRTO should not adopt the test for discrimination based on family status set out by the Federal Court of Appeal in *Attorney General of Canada v. Johnstone*, 2014. We submitted

that this test, which includes the requirement that the responsibilities in question amount to “legal responsibilities,” is overly onerous and particularly inappropriate where eldercare is at issue. Eldercare does not typically involve legal responsibilities.

The OHRC’s goal in intervening in this case was to advance an expansive interpretation of the *Code*. The HRTO’s decision is currently pending.

## 2015 Summit on Sexual Violence and Harassment

At this summit hosted by the Province of Ontario, Renu Mandhane delivered a plenary address on taking a human rights approach for preventing and responding to sexual violence and harassment and noted that “It is not an exaggeration to say that experiences of sexual harassment and violence can completely alter the course of one’s life.” (Full speech available at [www.ohrc.on.ca](http://www.ohrc.on.ca))

The OHRC presented a webinar on preventing sexual and gender-based harassment, in partnership with the Human Resources Professionals Association (HRPA).



[Darian Doblej](#)  
[@dariandoblej](#)

An inspiring speech by [@OntHumanRights](#) Commissioner! Providing great insight into what the OHRC does. [#SVHAP2015](#)



[OntWomen@OntWomen](#)  
[@OntHumanRights](#)

explains how Sexual Harassment can interfere with your education: <http://bit.ly/1HUAxxh>



Starchild Stela adds an artistic touch at the 2015 Summit on Sexual Violence, November 2015.





# First Nations, Métis and Inuit peoples: new era, new relationships

## OHRC takes up TRC calls to action on child welfare

The final report of the Truth and Reconciliation Commission of Canada, released in December 2015, catalogues in painstaking detail the cultural genocide perpetrated over a century against Canada's First Nations, Métis and Inuit peoples (Indigenous peoples). The residential school legacy continues to have a devastating intergenerational impact on Indigenous peoples – including the overrepresentation of Indigenous children in care and the large numbers of missing and murdered Indigenous women and girls.

One of the TRC's first calls to action is for all governments in Canada to commit to reducing the number of Indigenous children and youth in the child welfare system. It calls on governments to prepare and publish annual reports on the number of First Nations, Inuit and Métis children and youth

in care, compared with non-Indigenous children, the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.

We are also made aware by the African Canadian Legal Clinic and others about the over-representation of Black children and youth in the child welfare system.

**The OHRC will use its mandate  
to examine the overrepresentation  
of Indigenous and racialized children  
and youth in Ontario's child welfare system.**



[www.ohrc.on.ca](http://www.ohrc.on.ca)



[Ontario Association of  
Children's Aid Societies](#)

[@our\\_children](#)

Better understanding communities  
we work with is very important.  
OACAS & CASs will work  
w/ [@OntHumanRights](#) on this.

The OHRC responded by using our mandate to examine the overrepresentation of Indigenous and racialized children and youth in Ontario's child welfare system.

As a first step, the OHRC has written to Ontario's 47 Children's Aid Societies (CASs) to request disaggregated data on the children, youth and families each agency serves, starting from the point of first contact with the child welfare system, through to

admission, progress through it and transition out, as well as other information to help us understand the experience of vulnerable children in care. We have also met with the Ministry of Children and Youth Services (MCYS), the Office of the Provincial Advocate for Children and Youth and the Ontario Association of Children's Aid Societies (OACAS), to discuss steps that can be taken to improve outcomes for Indigenous and racialized children, youth and their families.



*Showing support for residential school survivors on Orange Shirt Day, September 30, 2015.*

MCYS is working with CASs to implement a single, integrated data management system that will be used across the province by 2019-20. The OHRC is engaging with MCYS to make sure that this system is used as an opportunity to enable CASs to report consistent disaggregated data across Code grounds to identify and develop solutions to address systemic discrimination.

The OHRC will decide next steps once we receive and have reviewed data provided by CASs based on advice received from Indigenous and racialized community leaders, organizations as well as child welfare experts.


### From the UARR Newsletter March 2016 – “Racial Profiling in Child Welfare”

Renu Mandhane, the Chief Commissioner of the Ontario Human Rights Commission recently indicated she would be requesting that all child welfare agencies in Ontario collect and disclose race-based statistics, including the number of Black children in their care. The Chief Commissioner must be commended for her position on this matter. These statistics are important to help identify and address systemic discrimination in the child welfare system, including anti-Black racism.

“We are living in a time where horrible things have happened but we have to acknowledge that the [TRC] has done so much work trying to hear the stories and address the wrongs. Ninety-four calls to action under two categories [legacy and reconciliation]... In terms of legacy, we’re talking about child welfare, education, justice... this is where we’re seeing the work to be done. The Indigenous missing and murdered women’s inquiry: It’s much bigger than the 1200 women [initially] identified. It’s on a much grander scale. [Forced] sex trade work... It’s as close as we can get to slavery. Those are the ugly truths that are starting to come out. Indigenous communities already knew this was happening. But [for the rest of Canada] it has taken this long.”

– Caitlyn Kasper,  
Aboriginal Legal Services of Toronto



 [Kristen Pennington](#)  
[@klpennington](#)

OHRC calls for race-based stats for kids in care. The over-representation of children of colour is staggering

### National Aboriginal Day statement

The OHRC acknowledged Canada’s long history of ignoring the legitimate rights Indigenous peoples and reiterated our commitment to working with First Nations, Inuit and Métis peoples to address systemic discrimination.





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Celebrating Aboriginal History Month  
Célébration du Mois national de l'histoire autochtone

2015

# Poverty: connecting human rights, housing, municipal planning

## Better recognition of rights in Long-Term Affordable Housing Strategy

In a submission to the Government's review of Ontario's Affordable Housing Strategy, the OHRC called for, among other things:

- Linking social assistance rates to the real cost of rental housing
- A portable housing allowance
- An inclusionary zoning law to allow mandating affordable housing units within development projects
- A requirement for municipalities to review their by-laws for discriminatory impacts
- Yearly reporting on the rates of poverty and core housing need for disadvantaged groups identified under the *Poverty Reduction Act* – immigrants, women, lone mothers, people with disabilities, Indigenous peoples and racialized communities.

The Government updated its Affordable Housing Strategy and addressed several of these recommendations coming from the OHRC and other groups. The updated Strategy includes: a new vision for a province where every person has an affordable, suitable, and adequate home; a portable housing benefit framework; more investment in affordable and supportive housing, an inclusionary zoning proposal, and development of an Indigenous housing partnership strategy.

The OHRC presented the webinar “Human rights and planning: the *Code* and the *Planning Act*,” in partnership with the Ontario Professional Planning Institute.





At the top of Agriculture Department...  
The poor people's campaign...  
The poor people's campaign...  
The poor people's campaign...

Beginning on International Day of Peace (September 21, 2015), the OHRC hosted a special exhibit of renowned photographer Laura Jones' Poor Peoples Campaign collection, which chronicled the historic 1969 march and campaign in Washington D.C.



# Human rights at work

## Human rights lens needed for Changing Workplace Review

The OHRC's submission to the Government's Changing Workplace Review points out that certain groups face many forms of discrimination in employment. As a result, the increase in non-standard working relationships such as lower pay temporary jobs, involuntary part-time work, and self-employment is having a disproportionate impact on vulnerable groups including Indigenous and racialized communities, women, youth and older workers, as well as persons with disabilities who are over-represented in these types of jobs.

The OHRC recommended several changes, including:

- Employment standards that apply equally to the various forms of work
- Minimum wages that better reflect the essential costs of living
- Pay equity provisions that cover all prohibited *Code* grounds, not just sex
- A review of employment standards and labour legislation exemptions for certain occupations, such as domestic and agricultural workers, that are over-represented by historically disadvantaged *Code* groups
- More flexible work schedules and personal leave provisions to accommodate religious, family or other *Code*-based needs
- Equal access to health and disability benefits for reasons related to pregnancy
- Pro-rated benefits to part-time employees
- Requiring collective agreements to have anti-discrimination provisions
- Essential service agreements and contingency plans take into account negative impacts of a strike on vulnerable *Code* groups
- Education and training that clarifies the relationship between obligations under the employment, labour and human rights laws.



[Omai B'Jeezus](#)

[@OmaiB'Jeezus](#)

[@OntHumanRights](#) ups its game

w/ sector-specific [#elearning](#)

“Removing the “Canadian

experience” barrier”

<http://bit.ly/CanExpOHRC>

[#cdnedchat](#)

## Removing the “Canadian experience” barrier – an award-winning effort

In March 2016, the Government of Ontario awarded the OHRC the Ontario Award for Leadership in Immigrant Employment, for its ongoing work to remove the “Canadian experience” barrier that many newcomers face in their search for employment. The OHRC’s *Policy on removing the “Canadian experience” barrier* is the first of its kind in Canada. It addresses the obstacles many skilled immigrants to Ontario face getting jobs or professional accreditation because their work experience from another country is not recognized. And it reframes the idea of Canadian

experience requirements as legitimate requirements – and instead, presents them more properly as discrimination under the *Human Rights Code*.

The award has historically acknowledged employers and organizations that champion workplace diversity; show leadership in recruiting and mentoring immigrants; or show the positive impacts of hiring immigrants. The award has also recognized immigrants who are entrepreneurs and create jobs in the province.

## Challenging age limits in the Code: *Talos v. Grand Erie District School Board* (HRTO)

Subsection 25(2.1) of the *Code* permits employers to cut or reduce benefits to workers aged 65 and older. In this Human Rights Tribunal of Ontario case, the age-related distinction permitted by subsection 25(2.1) of the *Code* with respect to group health, dental and life insurance benefits is being challenged under section 15 of the *Charter*. The OHRC is intervening in this case, to assert that subsection 25(2.1) of the *Code* amounts to age discrimination and violates section 15 of the *Charter*. It allows employers to provide older workers with less compensation for equal work, and sends a message that they are less valuable.





# The right to be yourself: gender identity, gender expression

## Systemic barriers for transgender persons in police, corrections: *Waterman v. TPS & MCSCS*

This case at the Human Rights Tribunal of Ontario concerns allegations of discrimination based on gender identity and disability. A trans man alleges he was placed in the women's sections of police and correctional facilities, had his gender-affirming prosthetic confiscated, was required to wear women's institutional clothing, and was exposed to harassment. The OHRC intervened on the issue of gender identity and gender expression, to address systemic barriers faced by trans persons in interactions with police and corrections. This matter is currently before the HRTO.



[Shana Calixte@sisteroutsider](#)

Again, very impressed w/ [@OntHumanRights](#) staff's ability to explain, in plain language, concepts like gender identity & gender expression.

## Continuing to promote the *Code's* newest grounds across Ontario

The OHRC continued its commitment to the human rights of transgender people and people of diverse genders. In particular, we made presentations or led training on gender identity and gender expression in the following locations:

- Jer's Vision Conference, Oakville
- Pan Am Games Pride House, Toronto
- Ontario Police College, Aylmer
- Ontario Bar Association, Toronto
- Rainbow Health Ontario Conference, London.



[Randy Slepchik@BadRandall](#)

Unsure how gender expression & identity work under the Ontario [#HumanRights](#) Code. See this [@OntHumanRights](#) brochure:



Ontario  
Human Rights Commission  
Commission ontarienne des  
droits de la personne

# Celebrating Pride Week 2015

## Célébration de la Semaine de la fierté



*Celebrating Pride Week 2015.*



# Connecting with communities

## Outreach, education across Ontario

In 2015-16, the OHRC continued to provide training with organizations and communities across Ontario. OHRC staff spoke at 69 public education sessions, reaching over 5,000 people. These face-to-face connections are an important part of maintaining an ongoing dialogue with partners and organizations, and with people who simply want to know more about their rights.

As well, almost 350 people attended Human Rights Training Days in Sudbury, in partnership with the Greater Sudbury Police Service, and Peel Region, in partnership with the United Way of Peel Region and the Regional Diversity Roundtable of Peel. These training days offered a wide range of sessions on topics like mental health, Indigenous peoples and human rights, preventing discrimination based on creed, and human rights basics.

With the aim of extending the impact and reach of our education activities to the widest possible audience, the OHRC works with partners to present “train-the-trainer”

sessions. These sessions help equip trainers with knowledge and experience of a specific sector to add Code-related information to their training sessions.





[D&I Charter of Peel](#)  
[@DICharter](#)

The town hall of [#TiLocal](#) begins w/ discussions abt whiteness in organizations & importance of leadership [#equityinpeel](#) [@OntHumanRights](#)

It is an ongoing challenge to offer human rights training and education to people across Ontario – which is why the OHRC continues to expand its online learning resources. In 2015-16, the OHRC hosted live webinars and developed other online training resources that generate thousands of “unique page views” (the number of distinct individuals requesting pages) on the OHRC website. Here are some highlights:

- “Working Together” – The Code and the AODA: over 750,000
- eLearning modules (including various versions of HR101, Rental Housing, Preventing Sexual and Gender-based Harassment, and Removing the “Canadian Experience” Barrier): over 250,000
- Recorded webinars: over 8,600
- Teaching Human Rights: over 8,000.

## Social media – modern tools for modern conversations

The OHRC’s Twitter following grew over 43% to almost 8,000, and Facebook fans grew almost 50% to over 4,400. Early in 2016, the OHRC added French language Twitter and Facebook accounts to build engagement with Franco-Ontarians.



Welcoming students from Osgoode Hall Human Rights Theory and Practice course, April 2015.

# Financial summary

2015-2016 Financial Summary (April 1, 2015 to March 31, 2016)					
	2015-2016 Printed Estimates (\$'000)	Revised Budget March 31, 2016 (\$'000)	Actual Expenditures March 31, 2016 (\$'000)	2015-2016 Year End Variance from Revised Budget (\$'000)	
				\$	%
Salaries & Wages	4,702.7	4,000.6	3,971.2	29.4	0.74%
Benefits	356.2	459.1	450.2	8.9	1.99%
Other Direct Operating Expenses (ODOE)	517.6	796.5	834.1	-37.6	-4.51%
Total Expenses	5,576.5	5,256.2	5,255.4	0.8	0.01%

Total remuneration paid to OICs in 2015-16 (i.e. travel time, preparation time, per diem): **\$161,361.42**





**Julie Lee**

Julie Lee is a lawyer, practicing family law in London, Ontario. Julie clerked for the Honourable Mr. Justice Iacobucci at the Supreme Court of Canada in 1999 – 2000. Before her legal education, she worked in the anti-violence movement as an educator, administrator and advocate.

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

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



**Larry McDermott**

A member of Shabot Obaadjiwan First Nation, Larry McDermott served as an Ontario municipal politician for 28 years including as the first national rural chair of the Federation of Canadian Municipalities (FCM).

He is currently Executive Director of Plenty Canada, a non-profit organization devoted to environmental protection and healthy communities, and a member of the Sciences Sectoral Commission of the Canadian Commission for UNESCO.

*Appointment: September 8, 2009 – March 7, 2016*



**Errol Mendes**

Professor Mendes is a lawyer, author and professor, and has been an advisor to corporations, governments, civil society groups and the United Nations. His teaching, research and consulting interests include public and private sector governance, conflict resolution, constitutional law, international law and human rights law and policy. He has authored or

edited 11 leading texts in these areas. He has been a Project Leader for conflict resolution, governance and justice projects in China, Thailand, Indonesia, Brazil, El Salvador and Sri Lanka.

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

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



**Fiona Sampson**

Fiona Sampson is the Executive Director of “the equality effect,” a non-profit organization that uses human rights law to transform the lives of women and girls. Fiona has worked as counsel for the OHRC and as the Director of Litigation at the Women’s Legal Education and Action

Fund (LEAF). Fiona has appeared as counsel before the Supreme Court of Canada on many occasions, representing women’s NGOs in different equality rights cases.

She has worked as a legal consultant with, amongst others, the Ontario Native Council on Justice, the DisAbled Women’s Network (DAWN) of Canada, Education Wife Assault, and the Ethiopian Muslim Relief and Development Association.

Fiona has published numerous articles on women’s equality and disability rights, and has her Ph.D. in women’s equality law from Osgoode Hall Law School, York University.

*Appointment: September 8, 2009 – March 7, 2016*



**Bhagat Taggar**

Bhagat S Taggar has an excellent record of service to the profession of engineering, as an educator, to public service and to human rights. He is a chartered electrical engineer from England and a professional engineer in Ontario. As a senior engineer for the capital city of Zimbabwe (during the

two years following independence), he earned praise from the Parliamentary Speaker for his advisory work to farming co-operatives.

Before coming to Canada in January 1983, Bhagat was an engineer in England and a City and County Councillor. He also served on various public service bodies in England. In Canada, he worked in highly specialized technical areas. Bhagat served as a college professor in Canada and as chair of the Electronics Advisory Committee for Centennial College. He was also the owner, founder and President of a private career college.

As an activist, The Toronto Star listed Bhagat among the “movers and shakers” of the Toronto community (Oct. 15, 1992). He has chaired and presided over many community organizations, such as Panorama India and the Canadian Council of South Asians. He is a recipient of the Queen’s Golden Jubilee Medal for Service, and has served as the Chair of the Employment Insurance Board for Scarborough.

At the OHRC, Bhagat has played an active role in key issues such as mental health and addiction disabilities, removing the “Canadian experience” barrier from employment, and human rights governance.

*Appointment: May 18, 2005 – December 31, 2015*




**Maggie Wentze**

Maggie Wentze is a partner with Olthuis Kleer Townshend LLP, representing First Nations and First Nations-controlled organizations, corporations, and service providers across Canada. Maggie is the past President and current Vice-President of Aboriginal Legal Services of Toronto. Maggie is frequently asked to speak at conferences and to law students about Aboriginal legal

issues. She is a mentor to Aboriginal law students and participates often in career panels at the University of Toronto law school.

*Appointment: October 5, 2006 – December 31, 2015*





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