

Ontario Human Rights Commission 2018 – 2019 Annual Report



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

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

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

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

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As part of a commitment to fiscal responsibility, the OHRC is emphasising a digital-first approach to service delivery and is not printing this annual report.



Ontario
Human Rights Commission
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droits de la personne

June 18, 2019

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

Dear Mr. Speaker:

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

In this regard, I am pleased to provide you with *Foundation of Freedom*, the OHRC's annual report of its activities from April 1, 2018 to March 31, 2019.

Sincerely,

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

Measuring performance

10,100

Community members actively engaged by the OHRC

3,112

Audience for Chief Commissioner speeches

48

Leaders in the OHRC Community Advisory Group

\$ 5,474,100

OHRC 2018 – 2019 budget

19,270

OHRC Twitter mentions

39,354

OHRC and Chief Commissioner social media followers and friends

3,236,350

OHRC unique website hits

\$22,036,038

Advertising value broadcast, print, online, social media**

24,986,626

Twitter impressions and Facebook reach

\$29,285,138

Total marketing value for messaging, training, online learning*

Notes: All numbers are approximate; audience members may be higher than estimated; statistics on eLearning reflect only the users who moved beyond the first page of the eLearning module.

*Values for messaging derived from Meltwater and FP Infomart value and reach reports for publications, broadcast and online media and social media; notional values are estimated at \$500/full-day and \$100/half-day or less for training sessions, \$30/session for online eLearning modules, webcasts, etc.

**Numbers for potential reach and marketing value calculated by Meltwater.

Top 5 outcomes

- Employers across Ontario can no longer arbitrarily cut health, dental and life insurance benefits for workers 65 and over
- All 25 Ontario correctional institutions collect comprehensive human rights data on segregation use for public release annually
- City of Mississauga agrees to remove Indigenous-themed team names and logos from its sports facilities
- Toronto Police commit to using race-based data collection to promote evidence-based policy-making and organizational change
- *Comprehensive Ontario Police Services Act, 2019*, includes mandated human rights training, demographic representation on boards, and the creation of community safety and well-being plans that address systemic discrimination.

Message from the Chief Commissioner

Foundation of Freedom

Ontario's *Human Rights Code* echoes the *Universal Declaration of Human Rights* by recognizing that “the equal and inalienable rights of all members of the human family form the foundation of freedom, justice and peace.” For nearly 60 years, the Ontario Human Rights Commission (OHRC) has protected these rights, which are essential to the rule of law and the bedrock of our democracy.

Strong human rights protections are an enduring promise: that people will be free to make choices core to their inherent dignity without public or private interference, and that they will be free to go about their daily lives without discrimination or harassment based on ignorance, stereotypes, xenophobia or hate.

As a society, freedom from discrimination means that diverse individuals who call Ontario home are able to contribute to their communities to make them stronger and more prosperous.

In the 1960s, then-premier Leslie Frost created the OHRC – the first human rights institution in Canada – to formally recognize the moral, social and economic consequences of discrimination. The legislature enacted the *Code* to tackle the anti-Black racism in housing and restaurants, and anti-Semitism in workplaces and swimming pools – issues that were prevalent at the time.

Since those early days, our collective understanding of what it means to be free has expanded. In the 1970s, as the feminist movement gained steam and women entered the workforce, sex was added as a prohibited ground of discrimination. In the 1980s, the *Code* was amended to protect against discrimination based on disability, family status and sexual orientation, and to tackle systemic discrimination – the patterns of behaviour, policies and practices that are part of the social or administrative structures of an organization. In 2012, gender identity and gender expression became protected grounds – another first in Canada.

Since its beginning, the OHRC has stood for every person who wants to live in a society where these rights are cherished and protected. Over the past 20 years, the OHRC has led the fight to end mandatory retirement, challenged governments at all levels to end discrimination in housing, and highlighted the negative impact of solitary confinement on people with mental health disabilities. In short, the OHRC's work benefits nearly everyone who calls Ontario home.

And this year is no different. Here you will read about the OHRC's work to tackle discrimination facing trans people, people with mental health disabilities and people living in poverty. You will read about the OHRC's ground-breaking inquiry into racial profiling in policing, and our efforts to ensure that Indigenous peoples have access to culturally relevant services consistent with Canada's endorsement of the *United Nations Declaration on the Rights of Indigenous Peoples*.

You will also read about the important leadership role the OHRC continues to play in national and international efforts to end the use of solitary confinement. And you will get an update on litigation aimed at ensuring that the sexual education curriculum provides all children with information essential to their health and safety.

The right to equality is the right to exist as we are. It means that whatever our sex, race, ancestry, religion, ability, or gender identity and expression, we are free to live, learn and love in a way that is authentic and meaningful to ourselves and our families.

The *Code* represents our collective freedom and our collective conscience, and fulfilling its vision remains our top priority.



Renu Mandhane
Chief Commissioner, Ontario Human Rights Commission

Thank you

Thank you to our many partners who work with us to build a solid foundation of freedom. Thank you to our part-time Commissioners, who each bring diverse and unique insights and experiences from across the province.

Thank you to our many community partners, including members of our Community Advisory Group, whose knowledge and on-the-ground experience help us to put community perspectives at the centre of our work. And thank you to our staff, whose commitment, knowledge and expertise ground all our work.

A 2018 IPSOS poll found that 75% of respondents believe that “human rights are important for creating a fairer society in Canada.” The same poll found that Canadians identified “freedom from discrimination” as the most important human right to protect.

Reconciliation

Measuring performance

1,243

Community members engaged by the OHRC about reconciliation

402

People engaged through 6 public education sessions

50

Indigenous community leaders engaged to further reconciliation

96

Social media mentions of *To Dream Together*

209

Report pdf downloads of *To Dream Together*

1,559

Unique website views of *To Dream Together*

Foundation of freedom: A key aspect of freedom for First Nations, Métis and Inuit peoples is the realization of the vision of the *United Nations Declaration on the Rights of Indigenous Peoples*.

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



Jesse Wentte
@jessewente

*Wow, big news!
Mississauga agrees to
remove all Indigenous
sports mascots. Great
work Brad Gallant
and your legal team!
Amazing!*



Oktlaw @oktlaw
*OKT including OKT's
@mcpberk was
proud to represent
@BradGGallant in
this case. Removal of
Indigenous mascots in
Mississauga facilities
a very positive step
forward. We appreciate
@OHRC's active
contribution to this case
and the good news. A
good day!*

OHRC settlement addresses harmful impact of stereotypes on Indigenous youth

"For too long Indigenous peoples have been branded by communities other than our own ... We are the ones who can best create images of identity for our people."

– Indigenous Youth Council,
Ontario Federation of Indigenous Friendship Centres

Sports are drivers of social inclusion. They bring communities together and help youth develop their self-esteem. Stereotypical images in sports prevent individuals from equally accessing these benefits – and they create harmful impacts. Service providers have an obligation to remove these barriers and to make sure their service environments are free from discrimination.

In its Final Report, the Truth and Reconciliation Commission (TRC) documents the challenges Indigenous youth face in forming their identities, and the important role of sports in developing self-esteem. The TRC calls for Indigenous peoples' right to self-determination to be integrated into civic institutions in a way that is consistent with the principles of the *United Nations Declaration on the Rights of Indigenous Peoples*.

Indigenous peoples must have ownership over their own images. That's why the OHRC intervened in the case of *Gallant v Mississauga* before the Human Rights Tribunal of Ontario (HRTO). Mr. Gallant, a Mi'kmaq father, alleged that the use and display of Indigenous-themed logos and team names in City of Mississauga sports arenas was discriminatory.

We heard directly from youth across the province through the Ontario Federation of Indigenous Friendship Centres' Indigenous Youth Council. We intervened to amplify the perspectives and voices of Indigenous youth and to highlight the harmful impact of stereotypes on youth.

In November 2018, the OHRC reached a settlement with the City of Mississauga and Mr. Gallant in which the city committed to:

- Remove all Indigenous-themed mascots, symbols, names and imagery related to non-Indigenous sports organizations from its sports facilities
- Develop a policy on the use of Indigenous images and themes at its sports facilities, in collaboration with different Indigenous groups such as the Mississaugas of the New Credit First Nation, the Peel Aboriginal Network, the Indigenous Youth Council of the Ontario Federation of Indigenous Friendship Centres, and Indigenous Sport and Wellness Ontario
- Supplement its diversity and inclusion training with expanded material addressing reconciliation and Indigenous peoples.

The *Gallant* settlement sets a positive path forward for other municipalities to follow. The OHRC has written to 40 Ontario municipalities and urged them to work with local Indigenous communities to develop a policy on the use of Indigenous-themed logos and names in municipal sports facilities and arenas. The OHRC looks forward to reporting on progress in the future.

Media coverage

- CBC News, December 13, 2018, "Mississauga to remove Indigenous-themed mascots, imagery from sports facilities" (reach: 82.2 K)
- Globe and Mail, December 13, 2018, "Mississauga to remove Indigenous mascots, logos from arenas" (reach: 7 M)
- CTV News, December 13, 2018, "Mississauga settles complaint over use of Indigenous mascots and logos" (reach: 311 K)
- Toronto Star, December 14, 2018, "Mississauga removing Indigenous-themed mascots, imagery from all sports facilities" (reach: 3.11 M)
- InSauga, December 18, 2018, "Mississauga Removing Certain Mascots Following Human Rights Complaint" (reach: 236 K)



John D Hamilton
@HamiltonJohnD

"Wiidosendiwag" "they walk with each other" Congratulations to everyone! @TheOFIFC @jefferyghewitt @KarenDrake @jason_coppaway www.ohrc.on.ca/en/dream-together-indigenous-peoples-and-human-rights-dialogue-report.



Jodie Williams
@jodiesgot5

This wouldn't have been possible without the support from @RenuMandhane & @OntHumanRights thank you for your support and dedication to Indigenous Peoples



"There is a role for human rights institutions to be a go-between with the state, to support Indigenous advocates. [A] lot of the time human rights institutions have more legitimacy and authority than Indigenous advocates, so you can help to magnify our voices and help us get heard ... You have access to others that we may not."

– Dialogue participant

"I wish to commend you for the work of the Commission, in particular efforts to seek out Indigenous perspectives on these important national issues, and I look forward to hearing about the progress on the 26 recommendations outlined in the report. It is especially inspiring to see the spirit of collaboration reflected in the Commission's recommendations, in particular those aimed at all levels of government in Canada."

– David Lametti,
Minister of Justice and
Attorney General of Canada

To dream together: continuing to walk with Indigenous communities

"The key is where we are at today, which is knowledge exchange... We have an uncertain partner in Canadian society – so we have to have safe and welcoming places to do that, to dream together."

– Dialogue participant

The OHRC continues to work towards a human rights system that reconciles with Indigenous frameworks, concepts, processes and laws. In November 2018, the OHRC released *To Dream Together: Indigenous peoples and human rights dialogue report*. The report summarizes key themes and recommendations arising from our three-day (February 21–23, 2018) dialogue that brought together Indigenous Elders, knowledge keepers, leaders, youth, academics, advocates, policy makers, political and community-based organizations and human rights institutions to discuss a vision of human rights that reflects Indigenous perspectives, world views and issues.

The report explores these main themes:

- Qualities of meaningful engagement and reconciliation
- Indigenous perspectives on human rights
- Contributions of Indigenous peoples and the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* to the evolution of human rights
- Key Indigenous human rights concerns
- Institutional responses on the ground.

It also recommends concrete actions for the OHRC, other human rights institutions, organizations and governments to advance reconciliation through human rights. For example, dialogue participants called on the OHRC and all human rights agencies in Canada to use the *United Nations Declaration on the Rights of Indigenous Peoples* as the organizing framework for understanding, interpreting and implementing Indigenous peoples' human rights in Canada.

The report is an important resource for the OHRC as we continue to work together with Indigenous peoples to build a vision of human rights that moves beyond existing boundaries and truly reflects the issues, perspectives and aspirations of Indigenous peoples across Ontario.

Our commitment to putting the *UN Declaration* into practice

An important theme arising from the dialogue was the critical role of the *UN Declaration* as the desired vision and framework for realizing Indigenous peoples' human rights. That's why the OHRC has committed to use the *UN Declaration* to frame its work to address racial discrimination and inequality in service provision experienced by Indigenous peoples in Ontario. Guided by an Indigenous Advisory Group we will take steps to clarify and show how the vision of the *UN Declaration* can be used to understand, interpret and implement human rights for Indigenous peoples under Ontario's *Human Rights Code*.

Introducing the OHRC's Indigenous Advisory Group (as of March 31, 2019)

- Renu Mandhane (Co-chair), Chief Commissioner, OHRC
- Karen Drake (Co-chair), OHRC Commissioner
- Jeffery Hewitt, Assistant Professor, University of Windsor Faculty of Law
- Sylvia Maracle, Executive Director, Ontario Federation of Indigenous Friendship Centres (OFIFC)
- Kimberly Murray, Assistant Deputy Attorney General, Indigenous Justice Division, Ministry of the Attorney General
- Keith Smith, Director General, Policy, International Relations and Communications, Canadian Human Rights Commission
- Maurice Switzer, Principal, Nimkii Communications

Timmins Leadership Forum sets the stage for meaningful change

In February 2018, two First Nations people from Fort Albany First Nation died in Timmins, Ontario. Although their deaths were not directly related to each other, the events leading up to their deaths reflect systemic discrimination that Indigenous peoples face when attempting to access services in many Northern communities. Both individuals had travelled to Timmins in search of health care services that were not available on their First Nation. This move left them

"If the Human-Rights Commissioner didn't come, where would we be now? I think there would have been a lot of anger, and our emotions wouldn't be received in a positive way as it is now. We have that opportunity to speak from our hearts and say how we feel and also to feel like we are also being heard."

– Mickayla Bird,
Acting Executive Director,
Timmins Native Friendship
Centre
Source: Claude Sharma, TVO,
"[How one Ontario town is tackling racism](#)," June 25,
2018.



without the support of their family and community members as they sought out the services they required.

In March 2018, an OHRC team visited Timmins. We heard a lot about the systemic racism and discrimination in service delivery that has a disproportionate negative impact on Indigenous peoples, who often travel long distances to receive essential services. We also heard about two recent high-profile tragic deaths that left the community shaken.

In June 2018, the OHRC organized a Timmins Leadership Forum to create a safe space for Indigenous and civic leaders to come together to have an honest conversation. The forum was attended by approximately 25 community leaders, including the Mayor of Timmins, area Grand Chiefs, local Indigenous leaders (including from the James Bay coast), and community service providers including police, health care and education.

The OHRC facilitated meaningful and honest communication between Indigenous peoples who experience everyday racism and discrimination in all aspects of life, and non-Indigenous people who may not recognize or acknowledge the extent of the problem because they do not witness it or receive formal complaints about it.

Chief Commissioner Mandhane commented, “We returned to Timmins to offer whatever support and guidance we can to bridge these realities, and help build an ongoing conversation – that’s the key place to start in understanding and making meaningful change.”

Freedom from discrimination based on creed: Indigenous Spirituality

In June 2018, the OHRC held two education sessions in Timmins focused on rights protections for people who practice Indigenous Spirituality. The morning session was geared to Indigenous individuals and organizations, while the afternoon session was geared to employers, housing, education and health care providers, police and other individuals and organizations providing services to Indigenous people.

A vast majority of session attendees found the information very useful. Several people noted that they planned on sharing what they learned with their families and co-workers. The OHRC hopes to make this training available to Indigenous and non-Indigenous people across Ontario.

Media coverage

- CTV, Northern Ontario, June 19, 2018, [Talking openly about racism in Timmins](#) (reach: 15.4 K)
- Timmins Daily Press, June 20, 2018, ["Race issues on agenda during human rights workshop"](#) (reach: 15.6 K)
- ICI Radio-Canada, June 20, 2018, [Un appui pour contrer le racisme envers les Autochtones à Timmins](#) (reach: 1.68 M)
- TVO, June 25, 2018, ["How one Ontario town is tackling racism"](#) (reach: 131 K)

Timmins showing leadership

In February 2019, we wrote to the new mayor of Timmins to encourage the city to work with Indigenous leaders to develop innovative, culturally appropriate, long-term and sustainable solutions to address homelessness in Timmins.

We met Mayor George Pirie on January 29, 2019, and were encouraged by his commitment to addressing racism and discrimination against Indigenous peoples in Timmins. In later meetings with Indigenous leaders, we heard concerns about homelessness related to a lack of appropriate supports for people who travel from remote First Nations to receive social and health services in Timmins. There were not enough emergency shelter beds in Timmins to meet the needs of the homeless population, many of whom are Indigenous.

In letter co-signed by local Indigenous leaders, the mayor let us know that the City of Timmins and many service providers met with Indigenous leaders to discuss homelessness. As a result, the City of Timmins, Nishnawbe Aski Nation, the Cochrane District Social Services Administration Board and service providers committed to work together to develop a comprehensive and integrated strategy to find sustainable solutions to homelessness.



Tackling systemic discrimination in the delivery of essential services

As part of its focus on reconciliation, the OHRC has initiated an application in the public interest at the Human Rights Tribunal of Ontario under s. 35 of the *Code* to ensure that Indigenous peoples in Ontario receive essential public services, in the areas of health and policing, in a way that is consistent with their cultural and linguistic needs.

Indigenous peoples in Canada have a long history of experiencing discrimination in the provision of public services. They face barriers rooted in a history of colonialism and inter-generational trauma, as well as implicit (and explicit) bias. The failure to provide public services that are consistent with the needs of Indigenous peoples effectively deprives them of those services, resulting in significant adverse effect for their health and well-being.

Understanding the history, culture and perspectives of Métis people

On the afternoon of January 23, 2019, the OHRC was privileged to host a staff training event with the Métis Nation of Ontario (MNO). Over 30 staff and Commissioners took part in this interesting and engaging training session.

MNO President Margaret Froh, Executive Senator Joseph Poitras and their team shared knowledge about the Métis Nation from historical, social, cultural, political and geographical perspectives.

President Froh's comments and prayer set the tone for a humbling learning session. The MNO team transported us from our Toronto boardroom into a Métis family home in Northern Ontario and into community life experiences of intergenerational fishing and hunting. The team used videos, photos and their own lived experiences to further enrich their presentation.

We look forward to an ongoing relationship of reciprocal teaching and learning with the Métis Nation of Ontario.

Advancing organizational commitments to reconciliation

Chief Commissioner Renu Mandhane and Commissioners Karen Drake and Maurice Switzer delivered a panel presentation on “Listening and learning – Indigenous peoples and human rights,” at an event hosted by the Maytree Foundation. The presentation offered four guiding principles to support organizational commitments to reconciliation:

- **Respect:** Learn about Canada’s history and the responsibilities of our collective treaty relationship with Indigenous Peoples, and the perspective and experiences Indigenous Peoples bring to this relationship.
- **Honesty:** Begin by humbly acknowledging what you don’t know, and making a commitment to work with the Indigenous community to fill in the missing knowledge.
- **Sharing:** Share in the responsibility for reconciliation by making a commitment to act on the Truth and Reconciliation Commission’s Calls to Action, including honouring the treaty promises made to share the land and its resources to ensure that everyone can share in Canada’s prosperity.
- **Strength:** Combine the lessons learned and the steps taken through respect, honesty and sharing, to make your commitment to reconciliation, an ongoing process of moving forward together as genuine treaty partners, travelling on separate paths but with a joint purpose to make Canada the best country it can be.

“A refreshing afternoon that I am sure each and every one of us in the audience walked away with a renewed sense of hope and a willingness to be open and sharing world views not just with Indigenous people but with one another. That’s what I enjoyed the most about the wisdom imparted today – it helps with any type of interaction whether it be with friends, family, co-workers, religious/cultural and social groups – it was a universal message anchored in Indigenous philosophy/wisdom. Thank you.”

– Susan Ward

“It was without question the most well-attended and engaged session that we have had. While I am pleased that the topic brought people out, it was your well curated lessons that pulled everyone in. Thank you for being so thoughtful and forthcoming in your sharing and teaching. Maytree’s goal with the program is to provide a learning opportunity to build the capacity of the sector, and yesterday’s session exceeded on all fronts.”

– Elizabeth McIsaac,
President, Maytree



Criminal justice

Measuring performance

3,280

Community members engaged about human rights in the criminal justice system

896

People engaged through 14 public education sessions

600

Crown prosecutors trained on racial discrimination

127

Meetings and training sessions with government and community groups

25

100% of provincial adult correctional institutions now collecting and publicly reporting on comprehensive human rights data on segregation use

2,512

Facebook engagements about *A Collective Impact*

6,875

Unique website views of *A Collective Impact*

109,000

Twitter impressions of *A Collective Impact*

87,353,083

Potential media reach of *A Collective Impact*

Foundation of freedom: Liberty and freedom from cruel and inhuman treatment form the core of our individual rights.

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

Racial profiling: *A Collective Impact* supports longstanding concerns about anti-Black racism in policing in Toronto

Concerns about anti-Black racism in policing in Toronto have persisted for well over four decades – and for the first time, an OHRC inquiry is adding hard numbers to the narrative. OHRC Legal Counsel Sunil Gurmukh offers details on our progress and next steps in this inquiry ...

In November 2017, the OHRC announced its inquiry into racial profiling and racial discrimination of Black people by the Toronto Police Service (TPS). The inquiry is unique because it marries the lived experiences of Black people with quantitative data, something that is often missing. The goal of the inquiry is to build trust in law enforcement and make our communities safer. In the words of Chief Commissioner Mandhane:

“... When diverse communities trust the police, they see themselves as allies of law enforcement rather than targets. Each person in Toronto, regardless of their race or the neighbourhood they live in, should be able to go about their daily life free from discrimination or harassment.”

On December 10, 2018, Human Rights Day, the OHRC released *A Collective Impact*, an interim report on our inquiry. Through analysis of Special Investigations Unit (SIU) case files, *A Collective Impact* outlines our findings about TPS use of force resulting in serious injury or death. It also describes the lived experiences of Black communities and highlights relevant legal decisions.

In his analysis of SIU data from 2013 to 2017, Dr. Scot Wortley, Associate Professor at the University of Toronto Centre for Criminology and Sociological Studies, found that a Black person was:

- Nearly 20 times more likely than a White person to be involved in a fatal shooting by the TPS
- Nearly four times more likely than a White person to be involved in a TPS use of force incident that resulted in serious injury or death

“Numbers are what’s at the core of an Ontario Human Rights Commission report released Monday. I don’t know that it’s the first time the commission has backed up the anecdotal with hard data, but it’s the most astonishing such marriage I can remember.”

– Christie Blatchford,
National Post,
December 10, 2018

“The Ontario provincial government should implement the recommendations in the Ontario Human Rights Commission report: A Collective Impact: Interim report on the inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service and the Report of the Independent Street Checks Review conducted by the Honourable Michael H. Tulloch.”

– Amnesty International,
2019 Human Rights Report
Card and Agenda for Canada



- Less likely than a White person to have a criminal record or to have allegedly threatened or attacked a TPS officer in a use of force incident that resulted in serious injury or death.

SIU Director's Reports from 2013 to 2017 revealed:

- A lack of a legal basis for police stopping and/or detaining Black people in the first place
- Inappropriate or unjustified searches
- Unnecessary charges or arrests.

The OHRC engaged with approximately 130 individuals in Black communities in Toronto, including in Malvern, Rexdale, the Jane and Finch corridor and York South-Weston. Similar themes emerged in their stories and in the racial profiling case law.

We also heard first-hand about the damage that one person's negative experience can have on entire Black communities:

"The Dafonte Miller matter affects everyone in the community because it was so egregious and it was hidden and was allowed to be hidden for so long until someone else brought it forward ... [it] is a collective experience ... someone in your family has experienced some sort of trauma with the police – so it always brings you back to that event ... it's a collective impact ..."

The OHRC made several interim recommendations, including that the:

- TPS and Toronto Police Services Board (TPSB) acknowledge that racial disparities and community experiences outlined in *A Collective Impact* raise serious concerns
- TPS and TPSB continue to support the OHRC's inquiry
TPSB require the TPS to collect and publicly report on race-based data on all stops, searches and use of force incidents.
- Upon release of *A Collective Impact*, there were many statements of community support. For example, the Partnership & Accountability Circle, a group of 12 Black Torontonians who guide the City of Toronto's Confronting Anti-Black Racism Unit, indicated that it is "in full support of all of the OHRC's recommendations" and

"Federal, provincial and territorial governments should implement bans on racial profiling that includes putting an immediate stop to all random police street checks, which is backed up with compliance monitoring and independent oversight."

– Amnesty International,
2019 Human Rights Report
Card and Agenda for
Canada

demanded immediate action – “No more studies, no more handwringing, no more empty gestures. This must stop.”

The TPS and TPSB accepted the OHRC’s recommendations but stated that data collection required “further study.” As a result, the OHRC made a written deputation, urging the TPSB to require the TPS to “collect race-based data on all stops, searches, and use of force incidents by January 2020 and publicly release data on an ongoing basis.”

On December 18, 2018, the TPSB passed a unanimous motion stating that it is “committed to using the collection of race-based data to promote evidence-based policy-making and organizational change, including in monitoring systemic racial and other disparities to identify gaps, eliminate barriers and advance the fair treatment of every person.” The TPSB referred its demographic data collection policy to its Anti-Racism Advisory Panel (ARAP) to be reviewed with recommendations for amendments in Spring 2019.

On February 14, 2019, OHRC staff shared with ARAP their expertise on race-based data collection, including comparative information from the U.S. and U.K. The OHRC drew on lessons learned from data collection projects by the Ottawa and Kingston police.

The OHRC called for a new or revised data collection policy in Toronto to include six key elements:

- Mandatory race-based data collection
- Collecting race-based data on all police events (stops, searches, arrests, charges, use of force, etc.)
- Analyzing data and developing an action plan where evidence of racial bias or profiling is discovered
- A clear start date for data collection (e.g. within one or two years from the date a new policy is approved)
- Annual, public reporting requirements.

The inquiry continues.



Shelly Rich
@fitbodygal

The outcome of this report is not surprising, as the Black community has spoken about this for decades. What would be surprising and welcomed @marksaundersteps would be an acknowledgement of the data confirming systemic racism in policing, and a commitment to the data collection and accountability i.e. job loss. We need to move beyond the reality that training is enough when there are no checks and balances to observe how it is applied.



Princewill Ogban
@OgbanPrincewill

It's time to invest in public education on the dangers of policing Black lives than talk about bringing back carding. As a Black person this report creates more hypervigilance.



Media coverage

- BBC news, December 10, 2018, "[Report reveals 'gross' racial disparity in Toronto policing](#)" (reach: 313 K)
- Welland Tribune, December 10, 2018, "[Black residents more likely to die during interactions with Toronto police: report](#)" (reach: 80 K)
- Global News, December 10, 2018, "[OHRC releases interim report showing disturbing anti-Black racism exists within Toronto police service](#) (reach: 6.32 M)
- CTV News, December 10, 2018, "[Black residents more likely to die during interactions with Toronto cops: report](#)" (reach: 3.62 M)
- The Toronto Star, December 20, 2018, "[How will a bombshell report on 'disturbing' racial data change Toronto policing? The police response sets the tone](#)" (reach: 3.11 M)

Why collect data?

Regularly collecting, tracking and reporting data can help organizations to:

- Verify, monitor, measure and address gaps, trends, progress and perceptions
- Proactively identify opportunities for improvement and growth
- Attract, retain and motivate diverse, well-qualified people
- Improve the quality of decision-making, service delivery and programming
- Enhance perceptions of being progressive leaders in their sector or industry
- Achieve organizational goals and strategic objectives
- Gain trust, develop effective, respectful consultations, and secure the support of key decision-makers and stakeholders
- Reduce exposure to possible legal action and human rights complaints.

Source: *Count Me In!*, Summary, OHRC

Ending discriminatory street checks: submission to the Independent Street Checks Review

In March 2016, the Ontario government implemented Regulation 58/16: Collection of Identifying Information in Certain Circumstances – Prohibition and Duties. This regulation was developed in response to many reports of disproportionate police street checks involving Indigenous, Black and other racialized people. The regulation's goal is to ensure that police-public interactions are conducted without bias or discrimination.

In 2017, the government appointed the Honourable Justice Michael Tulloch to lead an independent review of the regulation. In May 2018, the OHRC made a submission to the review, which included three key recommendations:

- Expand the scope of the Regulation to direct police services to establish permanent human rights identity-based data collection
- Amend the Regulation to provide more guidance on the circumstances in which police may approach individuals in non-arrest scenarios and collect identifying information
- Adopt province-wide standards for collecting human rights-based data in accordance with the approach developed by the OHRC and endorsed by the Ontario Association of Chiefs of Police (OACP) and the Ontario Association of Police Services Boards (OAPSB).

The OHRC's recommendations were endorsed by 13 community and advocacy groups.

On December 31, 2018, Justice Tulloch released his report. Justice Tulloch recommended that police services adopt the standardized racial categories developed by the OHRC and endorsed by the OACP and the OAPSB for recording and reporting on the number of attempted personal information collections in the annual reports mandated by the regulation.



In response to your request for endorsement of the OHRC Submissions in regards to Street Checks review, the Association of Black Law Enforcers fully support[s] them. Thank you very much for involving us in this very important initiative.

– Ken Chance,
President, Association of
Black Law Enforcers



I am on the steering committee of the Canadian Association of Muslim Women in Law (CAMWL) and we wish to endorse the OHRC's submissions ... Thanks so much for reaching out – we are stronger together.

– Nabila Qureshi,
Canadian Association of
Muslim Women in Law



Continuing to support modern policing legislation

In August 2018, the OHRC wrote the Attorney General and the Minister of Community Safety and Correctional Services to inform their review of the *Safer Ontario Act, 2018*. When the government paused implementation of *Bill 175*, we again made submissions.

The recently passed *Comprehensive Ontario Police Services Act, 2019* reflects the OHRC recommendations. In its March 8, 2019 submission to the Standing Committee on Justice Policy, the OHRC stated that *Bill 68* is an opportunity to build trust because it:

- Recognizes and enshrines the *Charter of Rights and Freedoms* and *Human Rights Code* as essential to adequate and effective policing
- Clearly outlines the responsibilities of police services, boards and oversight agencies
- Provides a pathway to sustainable culture change through mandated training, demographic representation on boards, and the creation of community safety and well-being plans that address systemic discrimination
- Affirms the power of the Complaints Director to “examine and review issues of a systemic nature” and make recommendations following these investigations.

The OHRC went on to recommend that the policing legislation be strengthened by requiring mandatory human rights data collection, and ensuring the independent investigation and adjudication of police misconduct.

Continuing to focus on human rights in corrections

Protecting human rights must be paramount when the state deprives people of their liberty and freedom. OHRC Legal Counsel Matthew Horner outlines some of our work to ensure respect for the human rights of prisoners...

Jahn v Ministry of Community Safety and Correctional Services

This year, we have been actively monitoring the impact of the 2018 Order of the Human Rights Tribunal of Ontario in *Jahn v Ministry of Community Safety and Correctional Services*. The Order, obtained by the OHRC on consent of the government as part of a settlement, requires Ontario to eliminate segregation of prisoners with mental health disabilities in all but the most exceptional circumstances.

Data released by the government as part of the order showed that 2,118 of the 3,998 segregation placements during April and May of 2018 (over 50 per cent) involved a prisoner with a mental health alert on their file. These concerning statistics gave the public its first clear look at the extent to which persons with mental health disabilities are being subjected to further harm in Ontario's correctional facilities.

Justice David Cole and Professor Kelly Hannah-Moffat were appointed as part of that order to provide expert independent advice to the government and to review its work to ensure compliance with the order's terms by Fall 2019.

Justice Cole's interim review of the government's progress found that, while Ontario has shown a commitment to meeting the order deadlines and made improvements to how it tracks segregation, segregation "remains a routine approach to population management, including those with identified mental health concerns" and institutions vary in their efforts to reduce segregation. Areas that raise potential compliance issues and require close monitoring relate to Ontario's inability to identify mental health needs, the use of care plans and the delegation of healthcare duties intended to be performed by physicians/psychiatrists.





Louis Century
@LouisCentury

In case anyone needs a reminder of why @OntHumanRights is indispensable: It's thanks to Commissioner @RenuMandhane that we learned about Adam Capay's 4.5 year solitary - which a judge has now said violated his ss. 7, 9, 12 & 15 Charter rights.



Wade Poziomka
@WPoziomka

Just finished reading the 535 para decision on the horrendous treatment of Mr. Capay - 4 yrs 6 mths in solitary! This case highlights the importance of @OntHumanRights and @RenuMandhane in advancing our human rights - Great work Renu and team #onpoli

***R. v Capay* highlights need for independent review of segregation placements**

The OHRC continues to be on the forefront of efforts to ensure the government adopts an independent and effective segregation review process. *R. v Capay*, a case the OHRC was involved in, starkly highlighted the need for such changes.

R. v Capay centred on the four-year segregation of an Indigenous man who the Chief Commissioner met during an October 2016 tour of the Thunder Bay Jail. The OHRC brought public attention to his treatment and the broader issue of long-term segregation. Mr. Capay later brought an application alleging that his long-term segregation breached his *Charter* rights, and the Chief Commissioner gave key evidence in the proceeding.

The Court ultimately found that Adam Capay's isolation for over four years had a "serious, profound" impact on his "psychological integrity" and violated his *Charter* rights. Despite the known harm caused to prisoners by segregation, the Court found the government's internal segregation reviews to be "meaningless." Many of the reviews never took place and those that did were supported by sloppy and erroneous paperwork.

While giving evidence, prison expert Michael Jackson reflected on the Kafkaesque quality of Mr. Capay's segregation reviews: "When you look at these reviews and you see from month to month, from year to year, they're exactly the same. He was kind of trapped in a place and space that never changed ... People are filling out forms. They're checking boxes, but it's as if Adam Capay's disappeared."

The government's regional reviewer testified that he had never removed a prisoner from segregation and questioned whether he was authorized to do so. This falls far short of the "robust duty of procedural fairness" that Ontario courts have held should be applied in these types of cases. Relying on evidence about the OHRC's work, the Court in *R. v Capay* found that "The state misconduct in this case is not isolated," and that "the inadequacy and ineffectiveness of the segregation review process in Ontario has been a long standing and ongoing problem."

Based on these findings, the OHRC wrote to Minister Sylvia Jones urging her to take immediate steps to establish an external and independent review process for segregation decisions, including judicial review. Chief Commissioner Mandhane further outlined the OHRC's concerns in an opinion editorial that was published in the Globe & Mail on February 26, 2019.

Challenging indefinite segregation

The OHRC also intervened before the Ontario Court of Appeal in a constitutional challenge to indefinite administrative segregation (solitary confinement) in federal correctional institutions (*CCLA v Canada*).

Reinforcing the importance of our work in this area, the Court unanimously held that administrative segregation of any prisoner for more than 15 days is cruel and unusual treatment, contrary to s. 12 of the *Canadian Charter of Rights and Freedoms*. In reaching its conclusion, the Court relied on the OHRC's submissions in finding that the discretion of correctional authorities to limit the use of segregation is an insufficient safeguard against cruel and inhuman treatment. It held that "administrative segregation causes foreseeable and expected harm which may be permanent" and concluded that segregation beyond 15 days "outrages standards of decency."

Consistent with our concerns about segregation use in Ontario, the Court noted that "the effect of prolonged administrative segregation ... exposes inmates to a risk of serious and potentially permanent psychological harm." The Court further noted that "In principle ... those with mental illness should not be placed in administration segregation."

While in *CCLA v Canada*, the Court was considering the constitutional validity of federal legislation, the decision is equally applicable in Ontario, where prisoners in provincial institutions suffer the same harms from segregation. We have called on Ontario to implement a 15-day hard cap on administrative segregation.

"International human rights law is very clear. Prolonged solitary confinement, certainly beyond 15 days, constitutes torture or ill-treatment. Safeguards are necessary to ensure it is never used against children or people with mental illness and that international restrictions with respect to the use of solitary confinement against women prisoners are fully respected."

– Amnesty International,
2019 Human Rights Report
Card and Agenda for Canada

"A number of particularly cruel and tragic individual cases have received considerable media and public attention. The Ontario Human Rights Commission has taken a strong position calling for an end to the use of solitary confinement."

– Amnesty International,
2019 Human Rights Report
Card and Agenda for Canada



Concerns extend beyond segregation

The OHRC's concern for the human rights of prisoners extends beyond segregation policies.

The Chief Commissioner and OHRC staff visited three correctional facilities in 2018-19 (Monteith Correctional Complex, Vanier Centre for Women, and the Elgin-Middlesex Detention Centre), meeting with management, correctional officers, health care staff and prisoners.

Following those visits, in letters to the Minister of Community Safety and Correctional Services, the Chief Commissioner outlined several concerns that she had with the management of those facilities, including the limited culturally appropriate services provided for Indigenous prisoners, the lack of human rights-compliant risk assessment tools, and the high-cost of telephone services for prisoners.

Media coverage

- Thunder Bay Chronicle Journal, February 25, 2019, "Inmate who spent four years in solitary subject to 'abhorrent' treatment: judge" (reach: 27 K)
- Toronto Star, February 25, 2019, "Adam Capay segregation case shows a 'disturbing pattern' of disregard for rights in Ontario jails, judge finds" (reach: 3 M)
- CBC Thunder Bay, February 25, 2019, "Breaches of Ontario man's charter rights so 'abhorrent, egregious' that murder charge stayed, judge rules" (reach: 2 M)
- Globe and Mail, February 26, 2019, "End solitary confinement, says Ontario human rights commissioner in wake of Adam Capay case" (reach: 6.5 M)

Chief Commissioner receives Ed Mclsaac Human Rights in Corrections Award

In December 2018, Renu Mandhane was awarded the Ed Mclsaac Human Rights in Corrections Award, by the federal Office of the Correctional Investigator. Dr. Ivan Zinger, Correctional Investigator of Canada, wrote:

"In a distinguished career, Ms. Mandhane has brought public attention to correctional practices that are discriminatory or violate the human rights of prisoners, including federally sentenced women, Indigenous people, persons with mental health disabilities and immigration detainees ... Renu has become a leading voice on national and provincial efforts to end the use of solitary confinement. I am extremely pleased to recognize and celebrate Renu's contributions to improving corrections and protecting the human rights of incarcerated people."



Maria Aurora Nunez
@MariaNunezArt

*Congratulations
@RenuMandhane
for the well-deserved
award! Thank you also
to @OntHumanRights
for your dedicated work
to bring public attention
to correctional practices
that are discriminatory or
violate the human rights
of prisoners.*



Poverty

Measuring performance

44

Recommendations made in 7 submissions/letters related to poverty

140,560

Unique website page views on poverty-related reports, documents

Foundation of freedom: No person can be truly free in the face of persistent poverty.

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

Older workers deserve equal compensation

The OHRC intervened before the HRTO in *Talos v Grand Erie District School Board* to challenge a provision in the *Human Rights Code* that allowed employers to terminate or reduce benefits for employees age 65 and over. We argued that subsection 25(2.1) of the *Code* amounts to age discrimination under the *Charter of Rights and Freedoms*.

Mr. Talos, a high school teacher, had his extended health, dental and life insurance benefits terminated when he turned 65. He continued to work full-time because he wanted to continue his career in teaching but also needed to support his wife and provide for her cancer-related medical needs.

Mr. Talos alleged that the termination of his benefits amounted to discrimination in employment because of age. However, even though mandatory retirement ended more than a decade ago, subsection 25(2.1) of the *Code*, and related provisions in the *Employment Standards Act*, permitted employers to terminate or reduce group benefits for employees age 65 and older. Mr. Talos filed a *Charter* challenge, alleging that the *Code* provision amounted to age discrimination contrary to the right to equality under section 15 of the *Charter*.

In its 2018 decision, the HRTO found that the provision amounts to age discrimination contrary to the *Charter*. The decision recognizes the dignity and value of older workers and sends the message that all workers in Ontario deserve fair benefits.

The HRTO agreed with the OHRC that:

- Being stripped of group health and life insurance benefits at age 65 does not respond to the needs of older workers and that it worsens the economic disadvantage faced by people with disabilities, people with family responsibilities, and recent immigrants and refugees
- Subsection 25(2.1) of the *Code* reinforces stereotypes that older workers are less deserving of compensation and equality protections than younger workers, and sends the message that their labour is worth less
- It is financially sustainable to provide employees 65 and older with group health, dental and modified life insurance benefits.



Ellie Berger
@EllieBerger

So pleased to be a part of this landmark case, taking another step forward to end #ageism @OntHumanRights



After the decision was released, the OHRC wrote to the Minister of Labour and the Attorney General encouraging the government to protect all workers across the province and promote compliance with the *Charter* by amending the *Code* and the *Employment Standards Act* and its regulations. We also wrote to the Human Resources Professionals Association and the International Foundation of Employee Benefit Plans to advise them of the decision, so they can encourage their members to review their benefit plans to ensure that they are consistent with the law.

We hope the *Talos* decision breaks stereotypes about older workers – who deserve equal compensation for equal work.

Removing road blocks to employment

Refugees who settle in Ontario should be able to take part in and contribute to the community. But, they face a major road block – they can't get a driver's licence without restrictions for one year. Without a full driver's licence, they can't get driving jobs.

The OHRC intervened at the HRTO in the case of Shyesh Al-Turki, a Syrian refugee, challenging the Ministry of Transportation's requirements for foreign-licensed refugees. Like many other refugees, Mr. Al-Turki arrived in Canada with a foreign driver's licence and many years of driving experience. But unlike some other provinces, Ontario requires he also get a document from the country he fled, confirming that he had a valid driver's license for two out of the last three years. Like other refugees, Mr. Al-Turki couldn't get this documentation due to the ongoing war in Syria.

The result of the government's policy is that refugees are excluded from good opportunities to work in their new country. The policy also perpetuates the stereotype that refugees are a drain on public resources.

The OHRC is arguing that this policy discriminates against Convention Refugees based on their place of origin, ethnic origin, and/or citizenship. Our position is that there are other ways the government can ensure road safety while still giving refugees the chance to fully integrate and contribute to Ontario society. We argue that the government has not explored these options and is also not able to show that they would create an undue health and safety risk.

Calling for social assistance systems that reflect today's reality

In September 2018, we wrote to the Minister of Children, Community and Social Services to provide input and offer our human rights expertise on the government's plans to reform social assistance programs. The OHRC shares the government's view that social assistance programs are an important part of Ontario's safety net, and that too many people are living in and trapped in a cycle of poverty.

Alleviating poverty and homelessness benefits all Ontarians, because it creates a more inclusive, equitable and stable society, and alleviates pressure on emergency, health, law enforcement and other social services. We urged the government to take this opportunity to finally ensure an adequate standard of living, by establishing social assistance rates and rules that reflect current costs of living in Ontario's communities.

The OHRC is also particularly concerned about the extreme poverty faced by many Indigenous people across Ontario, and we urged the government to ensure that its plan addresses poverty faced by Indigenous communities in both rural and urban settings, and recognizes the rights of Indigenous peoples to self-determination and to consultation on legislative and administrative measures that may affect them, as set out in the *United Nations Declaration on the Rights of Indigenous Peoples*.



Making recommendations to strengthen the National Housing Strategy

In May 2018, we wrote to the federal Ministry of Families, Children and Social Development, and the Canada Mortgage and Housing Corporation, and made seven recommendations to strengthen Canada's first National Housing Strategy.

The right to housing has been recognized by Canada for over 70 years – since the adoption of the *Universal Declaration of Human Rights* in 1948. By ratifying the *International Covenant on Economic, Social and Cultural Rights (ICESCR)* over 40 years ago, Canada further committed to recognize and take steps to progressively realize this right.

Despite binding legal commitments, Canada's legal protection of rights related to housing is a patchwork and includes tenant protection, health and safety, human rights, as well as many other laws, regulations and programs. Housing organizations and civil society across the country have been tireless in their advocacy for a national approach that is comprehensive, strategic and results-driven.

Too many Canadians are under-housed, homeless or living in poverty. This situation is especially concerning from a human rights perspective, because many of the people who cannot access stable and affordable housing identify with grounds protected in human rights law. In almost every city, people with mental health disabilities and addictions are over-represented in the homeless population.

To ensure a fully rights-based approach that can realize the right to housing in Canada, we recommended that the National Housing Strategy and related implementation measures:

- Explicitly recognize the right to adequate housing as defined in international law
- Refer to the *Universal Declaration of Human Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *UN Declaration on the Rights of Indigenous Peoples* and other international human rights instruments addressing housing rights



Roger P Gervais CAPS
@RogerPGervais

*Thrilled to see
this letter and its
recommendations.*



Trinafourtwenty
@Jenese420

*Excellent
recommendations to
ease the burden of
affordable housing. Time
to show accountability.*

- Clearly set out the obligation of all levels of government to progressively implement the right to housing in a timely way
- Commit to addressing systemic inequality in housing on the basis of disability, gender, race, gender identity, and age, prioritizing those most in need
- Provide an accessible, effective public process for hearing, adjudicating and remedying systemic issues related to housing
- Establish measurable goals, indicators and timelines and ensure robust, independent monitoring of progress by a body with jurisdiction to address systemic issues and hold government accountable
- Commit to and begin the process of developing a National Indigenous Housing Strategy, including an Urban Indigenous Housing Strategy, in partnership with Indigenous leaders, housing service providers, and community organizations.

Some of these recommendations, especially the focus on recognizing housing as a human right, are reflected in the government's recent omnibus budget bill.



From zoning barriers to Golden Girls

It sometimes takes years to see the effects of the OHRC's work to address systemic discrimination. This definitely applies to our work on municipal planning and zoning.

Back in 2014, a group of four seniors wanted to co-own a house in the Township of Scugog, but got bogged down by red tape and zoning issues. The OHRC wrote to the Township of Scugog as it considered changes to its Zoning Bylaw, and offered a human rights lens on the issue of co-owned housing. We called on the Township to consider any elements of its Comprehensive Zoning Bylaw that would limit housing options for older residents, persons with disabilities or other vulnerable people – in other words, the people who are most likely to see co-owned housing as the best housing option.

Martha Casson, one of “Golden Girls of Port Perry,” wrote us early in 2019 with an update:

I hope that you remember me and the help that you gave me and others in Scugog when you investigated and then penned a letter for Barbara Hall to send to the Mayor of Scugog. You helped break down a terrible intention to use zoning bylaws to disallow a shared ownership home in Port Perry, simply because the owners would have been seniors and the town wanted to call a privately owned home a retirement home and zone it out of all residential areas.

There was so much controversy in our local papers that the intended buyers of that first house got cold feet and that house never materialized ... Well things have now come full circle. The next house, my house, had no zoning or permit issues at all and just two short years later my housemates and I have become the darlings of our community. The media, including The Toronto Star, has dubbed us The Golden Girls of Port Perry ... your early help has resulted in several mentions in many media venues in regard to how the Human Rights Commission helped us and without your assistance we would not have achieved any of this ... I am sure that you do a lot of work that is never recognized. We four Golden Girls fully recognize what you did and thank you for that.

Education

Measuring performance

3,041

Community members engaged about human rights in education

687

Participants attended training sessions on *Policy on accessible education*

394

Participants viewing livestream training session on *Policy on accessible education*

38

Community organization endorsements of OHRC recommendations

26

Meetings and training sessions with government and community groups

655

YouTube video views related to *Policy on accessible education*

11,007

Unique website hits for *Policy on accessible education*

Foundation of freedom: Addressing persistent barriers in education enables each person to fully and freely take part in society.

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

New policy and recommendations address longstanding education barriers for students with disabilities

Education is essential to building a culture of human rights – but only if every student is free to access education. Senior Policy Analyst Jeff Poirier provides an update on our work to make education more accessible to students with disabilities...

Almost 40 years ago, changes to the *Education Act* and the *Human Rights Code* legally bound Ontario's education system to include and accommodate the needs of students with disabilities. This was one step in ensuring that all students have the right to an education so they can gain the skills and knowledge they need to succeed, meet their full potential and contribute to society.

The impact of barriers and discrimination is undeniable. Ontarians with disabilities experience lower educational achievement and labour force participation, higher unemployment, and are more likely to live below the poverty line than people without disabilities.

Inclusive education and equitable student outcomes are pressing issues for many Ontarians. In August 2018, the OHRC published its new *Policy on accessible education for students with disabilities* which:

- Recognizes that education is vitally important to a person's social, academic and economic development
- Reflects a broad definition of disability
- Provides students and families with up-to-date information about their human rights and responsibilities
- Offers practical guidance for education providers to meet their legal duty to accommodate
- Reminds schools of their obligation to maintain accessible, inclusive and non-discriminatory environments.



Sherry Caldwell
@sherry_caldwell
Children with physical and developmental disabilities will benefit from your policy and recommendations! Looking forward to learning more. Thank you for this very important work!

Recommendations

The OHRC also made recommendations to various stakeholders on how to best meet legal obligations under the *Code*. For example, the OHRC called on government and education providers to:

- Communicate to students, parents, guardians and support persons about rights, participation in the accommodation process, and dispute resolution options
- Resolve persistent delays in evaluating needs and receiving accommodations
- Establish local dispute resolution mechanisms
- Evaluate special education funding structures and levels, and audit spending
- Require Universal Design for Learning (UDL) so that all students have flexibility to learn in different ways
- End the improper practice of “exclusion” under section 265(1)(m) of the *Education Act* whereby principals tell parents to keep students with disabilities home for part or all of the school day
- Ensure educators are properly instructed on disability issues, the requirements of the *Code* and UDL
- Collect data and report on progress.

Ten organizations publicly endorsed the OHRC’s recommendations, including the ARCH Disability Law Centre, Learning Disabilities Association of Ontario, Community Living Ontario, CNIB Foundation and Dyslexia Canada.

Promoting compliance with the new policy

Promoting compliance with OHRC’s policy and recommendations is important to make sure students with disabilities receive timely access to education. It can also help prevent and address disputes at the school level and avoid litigation at the Human Rights Tribunal of Ontario.

In August 2018, the OHRC wrote to the Minister of Education, the Minister of Training, Colleges and Universities and the Minister for Seniors and Accessibility encouraging the government to review the OHRC’s recommendations, make a public commitment to implement them, and take immediate steps to ensure that students with disabilities are able to access education with dignity and without impediment.



BC Human Rights @bchrc

*Check out this important new resource from the Ontario Human Rights Commission. It's highly relevant to the BC context, too.
@OntHumanRights
#AccessibleEd*



Elementary Educators @ETFOeducators

Today the @OntHumanRights released its Policy on Accessible Education for Students with Disabilities, ETFO applauds this. Now we all need to work together to put #AccessibleEd in to action for students to succeed.



"Ontario falls short of providing education to students with disabilities in a way that is fully inclusive and free from discrimination. The OHRC has taken an important and necessary approach to improve educational outcomes for students with disabilities. Its Recommendations are comprehensive, grounded, achievable, and accurately reflect the barriers and discrimination that students with disabilities face. ARCH applauds this release and urges all stakeholders to advance these recommendations so that all students in Ontario have an equal opportunity to learn."

– Robert Lattanzio,
Executive Director,
ARCH Disability Law Centre



Rita Russo
@rita_russo

Keynote

@RenuMandhane

@OntHumanRights

Commissioner: 'Schools are the very best places for human rights learning to take place.'

The OHRC also wrote to school boards and many other education providers about the new policy and recommendations and their legal obligations under the *Code*. As well, Chief Commissioner Mandhane wrote an opinion editorial, "All children should feel like they belong in school," which appeared in The Toronto Star on September 2, 2018.

All children should feel like they belong at school

In "All children should feel like they belong at school," an opinion editorial published in The Toronto Star on September 2, 2018, Chief Commissioner Mandhane wrote:

All children want to be included, both at home and at school. And students with disabilities have a legal right to be included in all aspects of the education system. Inclusion has a positive impact on cognitive and social development.

Unfortunately, Ontario's current approach to "special education" is premised on exclusion. It labels students with disabilities as "exceptions" before meeting their needs. Ironically, the "exceptional" label excludes many common mental health, intellectual and learning disabilities altogether, making it even harder for students to get help. Families find the process for identifying and supporting students with disabilities bureaucratic, confusing, alienating, unnecessarily adversarial and exhausting.

...

Ontario's special education system is nearly 40 years old and its core premise around "exceptionalities" stands in direct contrast to progressive shifts in society and law that embrace inclusion and universal design. It's time we rethink how we can truly support and include all children, while maintaining positive learning and working environments.

...

Kids going back to school shouldn't have to worry about whether they will receive the support they need for the coming year. And families shouldn't have to wait years for assessments and take time off work to navigate bureaucracies. All children should feel like they belong. We call on the government, school boards and educators to implement our recommendations.

Taking the accessible education message across Ontario

Since the release of the policy, the OHRC has delivered seven training events to over 310 organizations and individuals including school boards. The OHRC also released a two-part video series that leads viewers through key elements of the policy. The [videos](#), available on YouTube, are suitable for group viewing, are available in English (with both English and French captioning) and feature American Sign Language translation. View the videos at: <http://bit.ly/2FAueV0>.

Media coverage

- Toronto Star, August 29, 2018, "[People with disabilities face significant barriers in education, rights commission says](#)" (reach: 4.08 M)
- North Shore News, August 29, 2018, "[People with disabilities face significant barriers in education system: commission](#)" (reach: 44.3 K)
- Sault Star, August 30, 2018, "[Ontario called on to change the way it treats disabled students](#)" (reach: 18 K)
- The Varsity, September 10, 2018, "[Ontario Human Rights Commission releases new policy on accessible education](#)" (reach: 41 K)

OHRC responds to government education consultation with calls for equitable learning opportunities and outcomes

In December 2018, the OHRC made a comprehensive [submission](#) to the government's consultation on Ontario's education system. We emphasized that education is both a free standing right and an indispensable means of realizing other human rights. Unfortunately, many individuals and groups who experience discrimination do not benefit equally from education, especially Indigenous peoples, racialized persons (including racialized creed communities), women and girls, people who identify as lesbian, gay, bisexual, trans, queer, two-spirited or questioning (LGBTQ2+), people with physical, mental health and intellectual disabilities, and people living in poverty.



Jack Nigro

@JackNigro

Pleased to be part of the @OntHumanRights Education Sector Focus Group on how the Commission can support human rights education in Ontario schools. #theschoolsweneed



Karen Mock

@KarenMock

Replying to @JackNigro @OntHumanRights Glad to be part of the OHRC education focus group too. As racism, antisemitism, Islamophobia, homophobia and hate are on the rise, more important than ever to be proactive on human rights and equity education across the province ... indeed, across Canada!



Among our recommendations, the OHRC called on the government to:

- Prioritize student-centered decision-making
- Provide inclusive, accessible school environments free from discrimination
- Provide equitable student learning opportunities, assessments and outcomes
- Enhance curriculum to reflect Ontario's diversity and include human rights content
- Equip educators to teach human rights and meet their legal obligations
- Promote reconciliation with Indigenous communities, peoples and students.

Twenty-nine community organizations and individuals publicly endorsed our submission.

Reflected in the curriculum: pushing for LGBTQ2+ students to get the sexual health information they need to be safe

The government's 2018 elementary Health and Physical Education curriculum (known as sex-ed) – which all public schools are required to follow – had no mandatory learning on gender identity, gender expression, sexual orientation, homophobia or consent.

In August 2018, AB, an 11-year-old girl in Grade 6, filed a case at the Human Rights Tribunal of Ontario (HRTO) about the 2018 sex-ed curriculum. AB is trans and is not heterosexual, and said that the curriculum discriminated against her because of her gender identity, gender expression, sexual orientation and sex.

The OHRC got involved in this case to push for a curriculum that addresses the needs and identities of girls and LGBTQ2+ students, who are some of the most vulnerable people in our society. Studies confirm that LGBTQ2+ students often feel unsafe at school, that trans youth report high levels of self-harm, and that girls and LGBTQ2+ youth are at a greater risk of experiencing sexual and gender-based violence. This means that in addition to LGBTQ2+ kids having the

opportunity to receive sex-ed that is relevant for them, it is also important for other kids to understand LGBTQ2+ identities and concepts like consent.

As AB's case was being heard at the HRTO, another legal challenge about the change to the sex-ed curriculum was making its way through the Divisional Court. The Divisional Court released its decision earlier than expected and before the HRTO could decide the substance of AB's case. Because the Divisional Court found that teachers and school boards are required to teach inclusively, the HRTO found that the Court decision sent the message that all students must be included in the sex-ed curriculum this year, and that this would address AB's concerns.

Legal challenges relating to curriculum content are fairly new, and our intervention in AB's case was an opportunity to try and contribute to how the law in this area develops. We will continue to follow these issues and offer our human rights expertise to help understand rights and responsibilities when thinking about inclusive education.

Equipping educators to teach human rights

The OHRC made two presentations at Ontario Justice Education Network focusing on our teachers' guide, *Teaching human rights in Ontario*. Each session also included highlights of our recent work and other OHRC resources teachers might find useful (eLearning resources, website, social media).



Nora Findlay
@FindlayNora

This foundational document from @OntHumanRights also is an insightful & very valuable resource for #educators in other jurisdictions. #children's #rights #human #rights



Foundational strengths

Measuring performance

3,512

Audience members in 35 speeches by the Chief Commissioner and Executive Director

81

Media interviews with the Chief Commissioner

48

Leaders in the OHRC Community Advisory Group

214

Media inquiries

39,354

OHRC and Chief Commissioner social media followers and friends

3,236,350

Unique views of the OHRC website

Foundation of freedom: Bold leadership and innovative approaches are needed to promote human rights as a foundation of freedom across Ontario.

Strategic direction: The OHRC is focused on building and improving its organizational capacity to deliver leadership, evidence-informed approaches and practical guidance and solutions.

Our people

A conversation with Raj Dhir Executive Director and Chief Legal Counsel

You joined the OHRC as the new Executive Director and Chief Legal Counsel in October 2018. Tell us a little bit about your background.

Before joining the OHRC, I was a Portfolio Director in the Ontario Ministry of the Attorney General (MAG), where I was responsible for the coordination and provision of legal advice to 10 different ministries. I have also served as the Legal Director at the Ministry of Indigenous Relations and Reconciliation (as it was then) and as Deputy Legal Director in roles at the Constitutional Law Branch and Crown Law Office Civil within MAG and in the Ministry of Labour.

However, in many ways, my return to the OHRC feels like a homecoming. Prior to joining management, I spent more than 11 years as counsel at the OHRC, where I appeared before administrative tribunals and at all levels of court including the Supreme Court of Canada. As a result of this experience, I'm very familiar with the OHRC's mandate, the nature of its work and the organization itself.

What has been your focus during your first year?

Foremost, I want to ensure that we have a strong workplace and that our staff feels inspired to continue to work hard to advance human rights in Ontario. I have quickly capitalized on opportunities for enhancing the employee experience, for example by ensuring staff have access to timely information, are recognized for their outstanding work and have opportunities for meaningful career advancement.

I have also conducted one-on-one chats with staff and met with teams to better hear their ideas and concerns. Together with our management team, I worked on an action plan with concrete actions to enhance the employee experience, presented it to staff and we are now working hard to implement it. I'm proud of the strides we've taken so far.

What were the OHRC's biggest successes?

In corrections, we obtained a landmark Consent Order from the Human Rights Tribunal of Ontario in *Jahn v Ministry of Community Safety and Correctional Services*. This order



requires the government to accurately identify prisoners with mental health disabilities, and to track and monitor segregation use and its impact on health. It imposes significant accountability and transparency mechanisms on the Ministry of Community Safety and Correctional Services.

We also successfully intervened in *CCLA v Canada* at the Ontario Court of Appeal, which held that administrative segregation of any prisoner for more than 15 days amounts to cruel and unusual treatment contrary to section 12 of the *Charter of Rights and Freedoms*. While this case involved the federal corrections system, it is potentially a game-changer because the Court's findings apply equally in the provincial context.

In the area of policing, we released *A Collective Impact*. This report was the result of months of work, and featured a powerful analysis showing that Black people are significantly over-represented in all categories of serious use of force/death in their interactions with the police. Upon release in December, the report made international headlines and led the Toronto Police Services Board to commit to collect data.

In education, we released the *Policy on accessible education for students with disabilities*. This policy provides practical guidance on the rights and responsibilities of students with disabilities (and their families), and the obligations of education providers and decision-makers to accommodate disability-related needs. The policy was very well received and the practical guidance contained in the policy is being relied on by community members, advocacy groups and other stakeholders.

What are some of the biggest challenges currently facing the OHRC?

The OHRC has a mandate to serve the entire province. We are working hard within the existing restrictions on travel to maintain our reach and serve people across Ontario. We are focusing travel on priority areas and leveraging approved travel opportunities to meet multiple stakeholders and get as much value out of these trips as possible.

With a mandate focused on systemic discrimination, it is always a challenge to show the value and impact of our

work. To meet this challenge, we've taken significant steps to improve our processes for evaluation and continuous improvement. We have further developed key performance indicators to measure every aspect of progress on our strategic plan, and will use the data we gather this year to set benchmarks and targets for the years ahead.

What are your thoughts about the year ahead?

I returned to the OHRC because I believe in the potential of this organization and its mandate. I love the work and I admire and respect the people who work here. Our team is making an important and valuable contribution to promoting and defending human rights in this province – and that is something to be proud of. I'm excited about the year ahead and the challenges and rewards it will bring.

Meet our Commissioners

Renu Mandhane, Chief Commissioner

Renu Mandhane was appointed Chief Commissioner of the Ontario Human Rights Commission in October 2015. She is the former Executive Director of the award-winning International Human Rights Program at the University of Toronto, Faculty of Law. She has an LL.M in international human rights law from New York University. Renu began her practice focused on criminal law, and in that capacity she represented many survivors of sexual violence and prisoners. Renu has appeared before the Supreme Court of Canada and the United Nations. Most recently, Renu was recognized by Canadian Lawyer magazine as one of Canada's most influential lawyers for her advocacy related to solitary confinement.

Rabia Khedr, BA, MA

Having served a two-year term as a Commissioner with the OHRC, Rabia is a founder of the Canadian Alliance on Race and Disability, Executive Director of the Muslim Council of Peel and CEO of DEEN Support Services. An advocate and motivational speaker, Rabia has presented at local and international conferences to raise awareness about accessibility, inclusion, human rights and Islamophobia and has participated in several television broadcasts and documentaries. She received the Queen Elizabeth II Diamond Jubilee Medal in 2012 and the MAX Woman of the Year Award in 2017. Rabia is a married mother of four who happens to be blind.



Maurice Switzer

Maurice Switzer, Bnesi, is a citizen of the Mississaugas of Alderville First Nation. A lifelong journalist, he has been a daily newspaper publisher, communications director for Indigenous political organizations, and an adjunct university professor. He lives in North Bay where he serves on the board of the North Bay Indigenous Friendship Centre, the Nipissing University Council on Education, and as principal of a public education practice with a focus on the Treaty relationship.

Léonie Tchatat

Léonie Tchatat, a Franco-Ontarian of Cameroonian origin, is recognized for her leadership, building long lasting bridges between the larger society and diverse, newcomer Francophone communities. She is the founder and president of La Passerelle-I.D.É. She has contributed her expertise in inclusion issues to develop initiatives such as Compétences Culturelles, a skills training program declared a best practice by Immigration, Refugees & Citizenship Canada (IRCC) and the Government of Ontario.

Karen Drake

Karen Drake is an Associate Professor at Osgoode Hall Law School and a citizen of the Métis Nation of Ontario. Her teaching and research interests include Canadian law as it affects Indigenous peoples, Anishinaabe and Métis law, property law, and dispute resolution. She previously clerked with the Ontario Court of Appeal and the Federal Court, and currently serves as a member of the Board of Directors of the Human Rights Legal Support Centre.

Dr. Kwame McKenzie

Dr. Kwame McKenzie is the CEO of Wellesley Institute, a Professor of Psychiatry at University of Toronto and sits on the boards of the United Way, Ontario Hospitals Association and Community Food Centres Canada. He has experience of health, social factors and public policy having worked in academia and with government in Canada, UK, USA, the European Union and the Caribbean. He mixes urban and rural living. Kwame has an understanding of the complexities of human rights all the way from policy to the diversity of peoples in Ontario.

Bruce Porter

Bruce is the Director of the Social Rights Advocacy Centre. He is a human rights consultant for the Office of the High Commissioner on Human Rights working with the Special Rapporteur on the Right to Adequate Housing. Bruce is also a Maytree Fellow, has published extensively in the area of poverty and human rights, led important reforms within the UN system, and has initiated and coordinated litigation and law reform in Canada and internationally.

Errol Mendes

Errol Mendes is professor of constitutional and human rights law at the University of Ottawa and President of the International Commission of Jurists, Canada. He has been an adviser to civil society groups, the private sector, governments, including the Government of Canada and the United Nations. He has edited or authored 11 books in his areas of expertise. He is a recipient of the Order of Ontario and the Law Society Medal.

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.





Varsha Naik

@VarshaNaik2

Relationships are key for sustained impact and change. Stakeholder engagement is essential ingredient @DICharter @rdrpeel



((ihsaan)))

@ihsaan

Honoured to participate in the discussion, workshops and training sessions & grateful to the incredible team at @OntHumanRights for putting this Summit together #communitymeans #inclusionmeans #OHRCommunity



HRLSC Ontario

@HRLSC_ON

That's a wrap for Day 1 of #OHRCommunity! Can't wait for tomorrow when CAG members share their current projects — thanks @OntHumanRights for creating this vital space for discussions!

Our relationships

OHRC hosts 2nd Community Advisory Group Summit

Communities need to have an active voice in efforts to address human rights issues that affect them. The Community Advisory Group Summit is helping to give communities this voice...

The OHRC held its second annual Community Advisory Group (CAG) Summit from November 19 – 21, 2018. The summit theme was *Ne-maam-mweh*, an Ojibwe term that means “we are all together as one.”

Approximately 28 CAG members representing diverse communities took part in the summit. OHRC Commissioners and senior managers also attended. At the outset, Nancy Rowe, a traditional knowledge-keeper from the Mississaugas of the New Credit First Nation, welcomed participants to the territory, shared a teaching and led a smudge. Assistant Deputy Attorney General Irwin Glasberg offered words of welcome and recognized the importance of the CAG in connecting the OHRC to realities on the ground.

OHRC Chief Commissioner Renu Mandhane’s welcome elaborated on the significance of the summit theme “*Ne-maam-mweh* / We are all together as one,” noting that it reflects the universality of human rights, the power of working in solidarity and the opportunity that coming together offers to learn from, and be encouraged by, one another. She talked about how the summit’s goal was to bring the OHRC and CAG members together to share and discuss experiences, concerns and ways to advance the protection and promotion of human rights with the hope that participants would leave with a greater understanding of one another and a renewed commitment to walk forward together as one.

The summit program was designed together with CAG members, with specific input sought from First Nations and Métis members. For example, the OHRC opened this summit with two optional education sessions for CAG members. The first session was a primer on human rights and systemic discrimination. The second session was delivered by staff from the Ontario Federation of Indigenous Friendship

Centres (OFIFC) and drew on its full-day Indigenous Cultural Competency Training.

With a view to identifying environmental factors and critical and emerging issues, CAG members were asked to share what they were most concerned about in the current environment and to identify strategies that the OHRC and members might adopt to address these concerns. Some of the main concerns revolved around the rise of extremism and the need to increase and foster support for human rights among the broader public.

CAG members were also asked to provide feedback and advice on specific OHRC initiatives in each of its four strategic focus areas – reconciliation, criminal justice, poverty and education. The information provided will inform the OHRC’s work going forward. Overall, CAG members remain very satisfied with the quality and level of their engagement with the OHRC. Members encouraged the OHRC to ensure that it is capitalizing on the ability of CAG members to connect directly with people with lived experience and to include those voices in conversations.

CAG members indicated significant support for the value of the OHRC’s human rights work to communities and the need to ensure that the work continues. They further emphasized the importance of the OHRC continuing to have a presence across the province. They noted the need for the message of human rights, as well as deeper human rights capacity building, to reach communities outside Toronto and stressed that, in some cases, in-person interactions will be necessary for this to be achieved in a meaningful way. Going forward, it will be necessary to look at ways the OHRC can work with communities to make this happen.



Andréanne Fleck

@AndreanneFleck

*The Ontario Human Rights Commission's NEW policy guidelines on human rights and responsibilities related to cannabis is good for all employers AND users to know
#CannabisAndTheCode*



Practical guidance

New policy statement explains cannabis use and the Code

Canada made recreational cannabis legal this past year. The OHRC's [policy statement](#), released the day after legalization, provides guidance on the human rights implications around cannabis use at work, in housing and in public places. It also offers steps for determining when there is a duty to accommodate. This timely release generated significant media attention including radio and print coverage ([CBC News: Human Rights Commission releases guidelines on how to balance rights around pot legalization](#)).

Taking it Local arrives in Timmins

To build and sustain human rights, people across Ontario have to know they have rights, know how to defend them, and understand their human rights obligations. Public Education and Outreach Officer Darlene Kaboni tells the story of our Timmins Taking it Local training day...

In June 2018, the OHRC, along with our partners the City of Timmins and the Timmins Chamber of Commerce, held Taking it Local, a one-day training event. The 95+ attendees included the Mayor of Timmins, Indigenous leaders for the surrounding area (including the James Bay coast) and community service providers.

The OHRC hosts Taking it Local events in municipalities across Ontario. Taking it Local offers free information about key human rights issues in Ontario, to equip municipalities and local front-line service agencies with the information they need to support and advance human rights.

The Timmins Taking it Local event coincided with a sensitive time in Indigenous-community relations, following the February 2018 deaths of Joey Knapaysweet and Agnes Sutherland. It was important for the OHRC to acknowledge the ongoing issues and provide an educational foundation for the Timmins community to better understand the

effects of discrimination on Indigenous peoples. The day wrapped up with a town hall session where people could ask questions that arose from the plenaries and workshops, or other questions related to human rights.

Participants also suggested the following steps to help along the path to reconciliation:

- Provide more training on treaty and Charter rights
- Form a local reconciliation committee
- Involve youth in reconciliation
- Provide opportunities to understand the history of Canada from a “non-White narrative.”



OHRC recognized as an international leader in the fight to end racial profiling

I am writing to express my great thanks for the video presentation that you sent for the Equinet meeting [in Brussels, Belgium]. It was excellent and set the perfect tone and frame for the discussions that day with the European equality bodies present. The panel was very highly rated in their evaluations of the meeting! We particularly appreciated your description of the community consultations and reflection of those values in the inclusion of the powerful remarks by Anthony Morgan in addition to your own. They were important messages for the European bodies, many of whom are just starting this work and trying to find their way through challenging issues at a moment of increasingly xenophobic politics in many countries. I hope we may stay in touch and continue to learn from and share with the Ontario experience and we wish you all the best in your important work.

– Rachel Neild, Division Director,
Criminal Justice Cluster, Open Society Justice Initiative



Supporting a day of action against hate

The OHRC has publicly called on both the federal and provincial governments to commemorate January 29 as a day of action against hate.

Leadership voice

A key part of the OHRC's mandate is to provide advice to government on human rights issues. We regularly write or make submissions to ministry consultations and legislative committees, to add human rights considerations to new policies, legislation and other processes. We also offer a leadership voice to build public understanding and support for human rights protections. Here are some of the ways we met this mandate in 2018 – 19...

Facilitating public conversations about human rights

As a leading expert in the field, the OHRC works to inform public policy and public opinion on existing and emerging human rights issues. Through radio, television, print and social media engagement, the OHRC plays an active role in important discussions about human rights. Through the media, the OHRC interacts with people with diverse viewpoints, perspectives and ideas across the province.

In 2018 – 19, the OHRC's work was profiled across all major media platforms and was the subject of over 15 newspaper editorials and opinion editorials, as well as front-page stories and spreads. Several OHRC stories received national and international coverage.

Starting critical conversations

- At least 15 editorials and opinion editorials referred to the OHRC's work in 2018 – 2019:
- Ottawa Sun editorial, May 25, 2018, "[Workplace harassment an everyday reality for too many](#)" (reach: 127 K)
- Toronto Star editorial, June 5, 2018, "[Stop discriminating against seniors in the workforce](#)" (reach: 4.15 M)
- Maclean's opinion editorial, September 4, 2018, "[Remembering Bromley Armstrong, and the segregation of Canada's stories](#)" (reach: 874 K)
- National Post opinion editorial, December 10, 2018, "[Police and blacks in Toronto: The numbers tell a hard truth](#)" (reach: 2 M)

- Globe and Mail opinion editorial, December 12, 2018, [By affirming racism, the Thunder Bay police report asserts our Indigenous truth](#) (reach: 7 M)
- Toronto Sun editorial, December 27, 2018, [Lessons from our city's violent year](#) (reach: 1.15 M)
- Queens Journal editorial, February 28, 2019, [Capay case highlights prison culture of human rights violations](#) (reach: 30.3 K)
- Globe and Mail editorial, March 3, 2019, [Adam Capay's ordeal shows the way to fix prison segregation](#) (reach: 7M)

Media coverage

- CTV, Northern Ontario: [Talking openly about racism in Timmins](#) (reach: 15.4 K)
- Toronto Star: ["Mississauga removing Indigenous-themed mascots, imagery from all sports facilities"](#) (reach: 3.11 M)
- BBC news: ["Report reveals 'gross' racial disparity in Toronto policing"](#) (reach: 1.14 K)
- The Toronto Star: ["How will a bombshell report on 'disturbing' racial data change Toronto policing? The police response sets the tone"](#) (reach: 3.11 M)
- Globe and Mail: ["End solitary confinement, says Ontario human rights commissioner in wake of Adam Capay case"](#) (reach: 7 M)

Towards more effective implementation of Canada's international human rights obligations

In Summer 2018, the OHRC took part in public consultations and made a [submission](#) to inform Canada's response to draft human rights recommendations it received under the third cycle of the United Nations Universal Periodic Review (UPR). We proposed ways to implement recommendations in five areas we believe are pressing issues for all Canadians – Indigenous reconciliation, criminal justice, poverty, education and human rights accountability. The OHRC committed to working with all levels of government to ensure continued progress in protecting and promoting human rights, including rights enshrined in international treaties.



OHRC tells third AODA reviewer that renewed leadership is required to meet accessibility goals

In November 2018, the OHRC made a submission to the third statutory review of the *Accessibility for Ontarians with Disabilities Act (AODA)*, led by the Honourable David C. Onley, the former Lieutenant Governor. We raised concerns that Ontario will not achieve the legislated goal of a barrier-free province by 2025 without renewed leadership, more accessibility standards, greater compliance and better education about barriers.

Among our recommendations, we called for:

- New retrofit requirements to remove existing barriers created under old Building Codes
- Stronger procurement requirements to prevent new barriers
- Mandatory data collection and training on under-representation and related physical, attitudinal and systemic barriers that employees and other persons with disabilities experience
- Naming organizations that fail to meet regulatory requirements
- Continuing to develop accessibility standards for education and health care, and considering other areas for new standards such as residential housing, political elections, sports and recreation
- Better harmonization between requirements of the AODA, the Building Code and the Human Rights Code
- Raising public profile and setting annual targets for achieving the AODA's 2025 goal.

The Reviewer's recommendations reflect 12 of the OHRC's 17 recommendations, in areas such as:

- Creating new standards for K-12 and post-secondary education
- Health care and the built environment
- Retrofitting existing buildings
- Raising the public profile of the AODA and its relationship with the Code
- Strengthening accessible procurement of goods, services or facilities.

Other noteworthy letters

- To the Toronto Police Services Board, communicating the OHRC's support for its unanimous decision to work towards an external review into systemic concerns related to missing persons investigations, of special importance for rebuilding trust with the LGBTQ2S+ community, and offering to provide advice to the external reviewer (May 17, 2018).
- To the Minister of Transportation, commending the government for exempting Sikh motorcyclists from the requirement to wear a helmet, consistent with the position that the OHRC took in the *R v Badesha* case 10 years earlier (October 22, 2018).



2019 – 2020 performance targets

The OHRC continues our commitment to provide effective leadership on human rights for all Ontarians. The following are the OHRC's performance targets for the upcoming year.

Reconciliation	<ul style="list-style-type: none"> • Interpret the Ontario <i>Human Rights Code</i> to give effect to the <i>UN Declaration on the Rights of Indigenous Peoples</i> • Culturally relevant and safe services are provided to Indigenous peoples
Criminal justice	<ul style="list-style-type: none"> • Accountability for racial profiling and effective strategies to end it • Non-discriminatory treatment of prisoners with mental health disabilities • 15-day cap and independent oversight of segregation placements
Poverty	<ul style="list-style-type: none"> • Enhanced public understanding of the lived experience of poverty • Recognition of freedom from poverty as a fundamental human right
Education	<ul style="list-style-type: none"> • Inclusive and accessible education for children with disabilities • Educators have relevant resources to teach students about human rights and responsibilities
Evidence-informed approaches	<ul style="list-style-type: none"> • Mandatory human rights-based data collection in key sectors, including policing, corrections, education, child welfare and health
Leadership voice	<ul style="list-style-type: none"> • Leadership on critical and emerging human rights issues
Our people	<ul style="list-style-type: none"> • Improved OHRC employee experience
Practical guidance and solutions	<ul style="list-style-type: none"> • Practical guidance that helps employers to meet their human rights obligations

Meeting our 2018 – 2019 performance targets

In our 2017 – 2018 annual report, the OHRC set out several performance targets that would guide our work in 2018 – 2019. Here are our commitments, and our progress in meeting them in the past year.

Our commitments	Our progress
Reconciliation	
Binding commitments to effectively implement the <i>UN Declaration on the Rights of Indigenous Peoples</i>	<ul style="list-style-type: none"> Recommended that federal and provincial governments implement the <i>UN Declaration on the Rights of Indigenous Peoples (To dream together: Report on our Dialogue on human rights and Indigenous peoples)</i> Publicly supported <i>Bill 76, United Nations Declaration on the Rights of Indigenous Peoples Act, 2019</i>; introduced and passed second reading in the Ontario legislature Federal <i>Bill C-262, United Nations Declaration on the Rights of Indigenous Peoples Act</i>, is awaiting first reading in the Senate
Implementation and monitoring of the Truth and Reconciliation Calls to Action	<ul style="list-style-type: none"> Convened a leadership forum sharing Circle with municipal and Indigenous leaders in Timmins to address anti-Indigenous racism and reconciliation Trained 402 community members across Ontario on reconciliation Recommended that education providers track and report on progress in meeting TRC Calls to Action Recommended that provincial prisoners have access to Indigenous spiritual services and culturally relevant rehabilitation programs Addressed the harmful impact of stereotypes on Indigenous youth who take part in recreational sports (<i>Gallant v Mississauga</i>) Filed application with the HRTO to ensure culturally relevant health and police services for Indigenous peoples

Criminal justice	
Accountability for racial profiling and effective strategies to end it	<ul style="list-style-type: none"> • Interim recommendations related to racial profiling accepted by the Toronto Police Services Board (<i>A Collective Impact</i>) • Made recommendations on data collection that were accepted by the Toronto Police Services Board and referred to Anti-Racism Advisory Panel (ARAP) for further study. ARAP has sought and received the OHRC's expert advice • Provided training on racial profiling to leadership of the London Police Services Board and London Police Service • Contributed to developing and publishing Irwin Law's book: <i>Racial Profiling and Human Rights in Canada: the New Legal Landscape</i> • Developing <i>Policy guidelines on racial profiling for law enforcement</i> to help police meet their human rights obligations
Timely implementation of the <i>Correctional Services and Reintegration Act</i> at all provincial correctional facilities	<ul style="list-style-type: none"> • Toured correctional facilities and made recommendations to ensure protection of human rights in correctional services • Collected and publicly reported data about the use of segregation, pursuant to <i>Jahn</i> order • Justice Cole's Independent Interim Report on government compliance with the <i>Jahn</i> Order recommended legislative reforms to address human rights issues • Judicial decisions confirmed that segregation must be limited to 15 days and subject to independent oversight (<i>CCLA v Canada, R v Capay</i>); intervened in <i>CCLA v Canada</i> and provided evidence in <i>R v Capay</i>
Poverty	
Adoption of a human rights-based approach to poverty reduction and homelessness	<ul style="list-style-type: none"> • Made recommendations to government to ensure human rights protections in reforms to social assistance • Made recommendations to inform federal and provincial governments on consultations on housing supply, national housing strategy and pay transparency • Required that the employer must provide benefits to workers aged 65 and over <i>Talos v Grand Erie District School Board</i>
Prohibition of discrimination based on "social condition" in Ontario's <i>Human Rights Code</i>	<ul style="list-style-type: none"> • Publicly supported <i>Bill 35, Human Rights Code Amendment Act, 2018</i>, which would add "social condition" as a protected ground of discrimination; introduced in legislature and passed first reading

Education	
Inclusive and accessible education for children with disabilities	<ul style="list-style-type: none"> • Provided practical guidance to rights- and duty-holders through our <i>Policy on accessible education for students with disabilities</i> • Called on 93 Ontario education providers and government to adopt the OHRC's recommendations related to accessible education • Trained 1,144 educators to allow them to meet their human rights obligations • Advised government on the development of an Education Standard under the <i>Accessibility for Ontarians with Disabilities Act</i> • Made recommendations to government that educators provide inclusive, accessible learning environments free from discrimination
Schools that teach children about human rights and responsibilities	<ul style="list-style-type: none"> • Recommendation that education providers enhance the curriculum to reflect diversity and include content on human rights (Submission to Education System Consultation, endorsed by 29 community groups) • Intervened before the HRTO to ensure that Ontario's sexual education curriculum reflects all students and their families, and provides diverse students with information they need to be safe and healthy (<i>AB v Ontario</i>)
Foundational strengths	
Evidence-informed approaches Mandatory human rights-based data collection in key sectors, including policing, corrections, education, child welfare and health	<ul style="list-style-type: none"> • Reported on disaggregated data on police-civilian interactions that result in serious injury and death in Toronto (<i>A Collective Impact</i>) • Made recommendations on data collection that were accepted by the Toronto Police Services Board and referred to the Anti-Racism Advisory Panel (ARAP) for further study. ARAP has sought and received the OHRC's expert advice • <i>Anti-Racism Act, 2017</i> contemplates mandatory data collection in key sectors; data collection has begun in the child welfare sector as recommended by the OHRC (<i>Interrupted Childhoods</i>) • Collected and public reported on data about the use of segregation, pursuant to the <i>Jahn</i> order

Leadership voice Leadership on critical and emerging human rights issues	<ul style="list-style-type: none"> • Provided 55 letters, submissions, public comments making recommendations or providing advice on legislation, regulations, policies, programs • Chief Commissioner spoke at 32 events, reaching over 3,100 people • Made a submission to the Hon. David Onley on the 3rd review of the <i>Accessibility for Ontarians with Disabilities Act</i> • Convened 40 diverse community leaders to identify critical and emerging issues (Community Advisory Group Summit) • Made a submission to inform Canada's response to recommendations made during the UN Human Rights Council's Universal Periodic Review (3rd cycle) • Chief Commissioner received Correctional Investigator of Canada's 2018 Ed McIsaac award for human rights in corrections • Publicly supported federal and provincial bills calling for commemoration of January 29 as a day of action against hate
Our people	<ul style="list-style-type: none"> • Embarked on a planning process to enhance communication and clarity with staff, and to improve the working experience of OHRC staff at all levels • Continued to hold all-staff training sessions to update and grow staff expertise in areas ranging from issues affecting Indigenous peoples to plain-language writing
Practical guidance and solutions	<ul style="list-style-type: none"> • Offered practical guidance through public education sessions, videos, eLearning, policies and policy statements (on cannabis, for example)

2018 - 19 Financial summary

(April 1, 2018 to March 31, 2019)

(\$'000)	2018 -19 Printed Estimates	Revised Budget March 31, 2019	Actual Expenditures March 31, 2019	2018-19 Year End Variance from Revised Budget	
				\$	%
Salaries & Wages	4,601.4	4,004.9	3,976.2	28.7	0.71%
Benefits	362.2	453.9	437.9	16.0	3.51%
Other Direct Operating Expenses (ODOE)	510.5	623.0	624.5	-1.5	-0.24%
Total Expenses	5,474.1	5,081.8	5,038.7	43.1	0.84%

Total remuneration for eight part-time Commissioners: \$70,243.48

Total remuneration for full-time Chief Commissioner: \$186,649.37

Total remuneration for all appointees: \$256,892.85

OHRC Commissioners

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

Renu Mandhane, Chief Commissioner

Appointment: October 30, 2015 – October 29, 2020

Karen Drake

Appointment: June 22, 2016 – June 21, 2019

Mary Gusella

Appointment: February 24, 2016 – November 24, 2019

Rabia Khedr

Appointment: September 28, 2016 – September 27, 2018

Kwame McKenzie

Appointment: June 22, 2016 – June 21, 2019

Errol Mendes

Appointment: September 8, 2009 – September 7, 2019

Bruce Porter

Appointment: June 30, 2016 – June 29, 2019

Maurice Switzer

Appointment: June 22, 2016 – December 31, 2018

Léonie Tchatat

Appointment: February 2, 2017 – February 1, 2019

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