



Canadian Human Rights Commission

Performance Report

For the period ending
March 31, 2001

Canada

Improved Reporting to Parliament Pilot Document

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament.

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of funds.

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Foreword

In the spring of 2000 the President of the Treasury Board tabled in Parliament the document “Results for Canadians: A Management Framework for the Government of Canada”. This document sets a clear agenda for improving and modernising management practices in federal departments and agencies.

Four key management commitments form the basis for this vision of how the Government will deliver their services and benefits to Canadians in the new millennium. In this vision, departments and agencies recognise that they exist to serve Canadians and that a “citizen focus” shapes all activities, programs and services. This vision commits the government of Canada to manage its business by the highest public service values. Responsible spending means spending wisely on the things that matter to Canadians. And finally, this vision sets a clear focus on results – the impact and effects of programs.

Departmental performance reports play a key role in the cycle of planning, monitoring, evaluating, and reporting of results through ministers to Parliament and citizens. Earlier this year, departments and agencies were encouraged to prepare their reports following certain principles. Based on these principles, an effective report provides a coherent and balanced picture of performance that is brief and to the point. It focuses on results – benefits to Canadians – not on activities. It sets the department’s performance in context and associates performance with earlier commitments, explaining any changes. Supporting the need for responsible spending, it clearly links resources to results. Finally the report is credible because it substantiates the performance information with appropriate methodologies and relevant data.

In performance reports, departments strive to respond to the ongoing and evolving information needs of parliamentarians and Canadians. The input of parliamentarians and other readers can do much to improve these reports over time. The reader is encouraged to assess the performance of the organization according to the principles outlined above, and provide comments to the department or agency that will help it in the next cycle of planning and reporting.

This report is accessible electronically from the Treasury Board of Canada Secretariat Internet site:

<http://www.tbs-sct.gc.ca/rma/dpr/dpre.asp>

Comments or questions can be directed to this Internet site or to:

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CANADIAN HUMAN RIGHTS COMMISSION
COMMISSION CANADIENNE DES DROITS DE LA PERSONNE

Canadian Human Rights Commission

Performance Report

**For the period ending
March 31, 2001**

The Honourable Anne McLellan, P.C., M.P.
Minister of Justice and Attorney General of Canada

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Section I The Chief Commissioner's Message

I am pleased to present the Canadian Human Rights Commission's Performance Report for the period of April 2000 to March 2001.

This Commission remains committed to ensuring a timely and transparent process for the delivery of its mandate. With that in mind, a service renewal project launched two years ago resulted in a number of measurable impacts on the efficacy of the complaint process in the current reporting period. The measures include the establishment of a specialized intake unit to ensure the early and proper referral of complaints, confirmation of mediation services as an element in the complaints process and a commitment to time limits for those aspects which are under the Commission's control.

While details on complaints handled during the year can be found in the report, the resolution of two cases involving the accommodation of persons with hearing difficulties will have broader positive benefit in our society (*Vlug and Canadian Human Rights Commission v. Canadian Broadcasting Corporation* and *Simser v. Tax Court of Canada*). Both cases underline the duty of the employer or service provider to accommodate up to the point of "undue hardship".

Through its mandate under the *Employment Equity Act*, the Commission works to end the under-representation in Canada's labour market of women, aboriginal peoples, visible minorities and persons with disabilities. Audits concluded by the end of this reporting period have found 50 employers in compliance with the *Act's* requirements, some 35 more employers than were reported in the Commission's previous performance report. We note in the report that it proved necessary to undertake a greater number of follow-up audits than originally anticipated when the program was established. If it were not for this additional requirement, the program would be very close to meeting its target of completing first round audits of employers covered by the *Act* in a five-year cycle.

With regard to strengthening the management practices of the Commission, we continued with year two of a four-year audit and evaluation program, implemented the Government's Financial Information Strategy, and undertook a study of our electronic infrastructure. On the Human Resources side, I requested that an independent workplace assessment be undertaken involving present and former staff of the Commission in order to understand the factors contributing to a higher than average turnover rate. The findings were presented to all staff and detailed discussions ensued at all levels. An action plan with clear accountabilities will be developed in the next reporting period.

Ensuring the effective and efficient delivery to citizens of our mandate under the *Canadian Human Rights Act* and the *Employment Equity Act* will continue to be our prime focus. The amelioration of our workplace environment and the strengthening of our human resource and management practices are also priorities on which we will focus.

We anticipate working closely with our federal colleagues on ways to improve our service capacity and program efficacy, including the upgrade of our electronic infrastructure. However, our current resource base limits progress on costly but important modernization initiatives.

Michelle Falardeau-Ramsay, Q.C.
Chief Commissioner

Section II Context

Over the last fifty years, and particularly since the enactment of the Charter of Rights and Freedoms in 1982, Canadians have become increasingly aware of the fundamental role that respect for human rights plays in ensuring freedom, justice and equality. Canadian courts, in particular the Supreme Court of Canada, have played a critical role in the development of this rights culture. Substantive equality for all Canadians and respect for the inherent dignity of all citizens have been at the core of rights jurisprudence in the last 20 years.

Growing respect and appreciation for human rights facilitates the work of the Commission by making both potential complainants and respondents more aware of their rights and responsibilities. It also has helped to move human rights discourse in Canada beyond notions of non-discrimination to a deeper understanding of the inter-play between human rights and social and economic development.

The broadening understanding of the complex nature of human rights is certainly positive. It does, however, raise fundamental issues on how the Commission should be organized and run. As was pointed out by the Canadian Human Rights Act Review Panel in its June 2000 report¹ the Commission is ill-equipped to deal with systemic and complex forms of discrimination or to promote the reduction of discrimination, through public education and advocacy, without recourse to the complaints system. These issues will have to be addressed if the Commission is to be effective.

Human rights are international, interdependent and indivisible. Increasingly Canadians are looking at their rights at home and the promotion of rights abroad through the lens of the international system of human rights conventions and institutions.

¹ Canadian Human Rights Act Review Panel, *Promoting Equality: A New Vision*. Department of Justice, 2000.

Section III Performance Accomplishments

3.1 Complaints

Background

Under the *Canadian Human Rights Act*, the Commission mediates, investigates and conciliates complaints of discrimination filed against employers and service providers who are under federal jurisdiction. The objective is to provide a remedy to individual victims of discrimination and to bring about changes to policies and practices which may have a discriminatory impact on groups of people. Complaints may be based on any of the eleven prohibited grounds listed in the Act: race, colour, national or ethnic origin, religion, age, sex, sexual orientation, marital status, family status, disability, and conviction for which a pardon has been granted.

The Commission refers to the Canadian Human Rights Tribunal cases where there is sufficient evidence to warrant further examination (usually after unsuccessful efforts at conciliation), or an important policy issue warrants a hearing. The number of cases referred by the Commission to the Tribunal has increased significantly in recent years.

The period under review was the second year of a process to improve the timely provision of service to the public. The need for timeliness was emphasized in the report by the Canadian Human Rights Act Review Panel (June 2000) and subsequently reinforced in a Supreme Court of Canada decision, *Blencoe v. British Columbia (Human Rights Commission)*.

Pay equity is a fundamental human right and an integral part of the *Canadian Human Rights Act*. The Commission investigates complaints of wage inequities between men and women in areas under federal jurisdiction. Pay equity cases can affect large numbers of individuals, and involve potential wage adjustments of many thousands of dollars. Investigations generally entail a series of steps to gather complete information about the jobs in question and assess their value so that a statistical analysis can determine whether a wage gap exists. Though relatively few in number, these cases can result in substantial changes in compensation patterns. They are, however, challenging to investigate and litigate.

A November 2000 decision by the Federal Court in a pay equity complaint against Bell Canada concluded that the Canadian Human Rights Tribunal was not fully independent of the Commission. This decision, which led to a temporary suspension of many tribunal hearings, was subsequently reversed by the Federal Court of Appeal and hearings have resumed. However, the respondent is now seeking leave to appeal to the Supreme Court of Canada.

At hearings in May and June 2000 in a complaint by the Canadian Union of Public Employees (CUPE) against Air Canada / Canadian Airlines, the Federal Court was asked to consider whether the value of jobs from different bargaining units can be compared. In July 2001 the Court issued a decision that different bargaining units constitute different “establishments” under section 11 of the *Act*, and that jobs from these units cannot be compared for pay equity purposes. This decision, which has important implications for pay equity, has been appealed by the Commission.

On February 15, 2001, the Commission submitted a special report to Parliament. *Time for Action* assesses the effectiveness of the federal pay equity provisions based on the Commission's experience over twenty years and identifies changes needed to remove the roadblocks which now prevent the achievement of pay equity.²

Resources

Executive Offices	582,500
Legal Services	3,238,500
Operations	184,700
<i>Investigations</i>	2,044,000
<i>Standards & Alternate</i>	
<i>Dispute Resolution</i>	2,049,600
<i>Pay Equity</i>	810,700
<i>Regional Offices</i>	804,000
Corporate Management	213,700
Total	9,927,700
Full-time Equivalents (FTEs)	96

Outcomes Achieved

Continuing to Improve the Complaint Process

While the Commission recognizes that speed must be balanced by thoroughness when it comes to human rights complaints, its objective is to effectively handle complaints in a timely manner. The Commission's review of its practices under current legislation resulted in a number of service improvements. Concrete steps to improve service to Canadians have been taken in the following areas:

² Canadian Human Rights Commission, *Time for Action*, February 2001.
http://www.chrc-ccdp.ca/pe-ps/TFA-LTD/SRPE_TC_TDM_RSPS.asp?l=e

Specialized intake unit: The Commission has instituted a specialized intake function responsible for screening complaints and addressing preliminary considerations, such as jurisdiction and statutory limitation periods. The creation of the new unit makes it easier to help complainants draft their complaints and to notify respondents more promptly of the complaints against them. The unit is also expected to identify complaints which could involve questions of a systemic nature meriting special attention in the form of studies, research projects, or public inquiries.

Referral to other redress mechanisms: In response to a decision of the Federal Court of Appeal in *Boutilier*³, the Commission has streamlined its approach to referring complainants to other redress mechanisms. In the past complainants were asked to exhaust other redress procedures, such as a union grievance or a procedure under another Act, before turning to the Commission. Now, in all cases where another redress procedure is available, the Commission accepts the complaint and exercises its discretion under the *Canadian Human Rights Act* to either deal with the complaint or require that the complainant first pursue the other process. The capacity of the other process to address the allegations of discrimination and the remedies that are available are taken into account. If the complaint is not resolved the complainant may then return to the Commission.

Mediation service: The Commission's mediation service, introduced in 1998 as a pilot project, has proved successful in resolving complaints and has been incorporated into the complaint process. Experience suggests that, once the service has established itself and become better known, up to 40 per cent of all complaints could be settled in a more effective and expeditious manner through mediation prior to investigation.

A six-month conciliation period: In the past, conciliators allowed the parties considerable latitude in continuing the negotiation process and, as a result, cases frequently remained active in conciliation for lengthy periods. The Commission recognizes that this is not helpful to the process and has decided that conciliation efforts will generally not continue beyond six months.

Reinstating face-to-face investigations: As a result of budget reductions, the Commission decided some years ago to conduct most interviews by telephone or correspondence. However this has not always proved effective, particularly in cases that turn on the credibility of witnesses. To the extent that resources permit, the Commission will carry out investigations face-to-face more often in cases where it is important that the investigator meet with the parties or witnesses.

³ The Commission's Legal Report may be found on the Commission's Web Site, www.chrc-ccdp.ca. Certain cases are highlighted in this report for ease of reference.

A focus on the obligations of employers and service providers: Two Supreme Court decisions handed down in 1999 have had a major impact on the Commission's procedures. In the Meiorin⁴ and Grismer⁵ cases, the Court clarified the obligations of employers and service providers to develop and apply standards and policies which are non-discriminatory and inclusive. As a result, investigators are placing greater emphasis on whether employers and service providers have met their obligations in this area. In cases where an individual has been affected by a discriminatory standard (i.e. one which excludes members of a particular group or treats a group more harshly than others without apparent justification), the onus is on the respondent to show that the standard is justifiable; that it was adopted in good faith, in the belief that it is necessary to accomplish its purpose; and that it is reasonably necessary to accomplish that purpose.

Dealing with Pay Equity Issues

During 2000–2001, the Commission received nine new pay equity complaints; seven of these each affect between 50 and 550 employees. It continued investigating complaints under section 11 of the *Canadian Human Rights Act* against a number of federally-regulated employers, including two large telecommunications companies, several federal government employers not covered by the 1999 settlement with the Treasury Board, and some smaller employers.

In the reporting period, two important cases were settled without protracted legal proceedings. In June 2000, the Commission approved a settlement reached late in 1999 between the federal government and its personnel administrators.

Another settlement involved a complaint brought by the National Indian and Inuit Community Health Representative Organisation, an organisation representing Aboriginal community health workers against Health Canada and the Treasury Board. NIICHRO argued that its members should receive the same pay equity adjustments that had already been granted to federal government nurses. As a result of negotiations during a pre-hearing mediation process, the parties reached a settlement calling for some \$47 million to be placed in a trust fund for distribution to 1,500 community health workers.

⁴ *British Columbia (Public Service Employee Relations Commission) v. BCGSEU*, [1999] 3 S.C.R. 3.

⁵ *British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights)*, [1999] 3 S.C.R. 868.

Litigation

The Commission litigated a number of cases with broader societal impacts. In *Green*, a case that involved aptitude tests used to determine eligibility for second language training, the Federal Court considered the effects of such testing on persons with a certain type of learning disability. While aptitude tests *per se* were not viewed as illegitimate, the Court underscored that it is important to consider the special needs of persons who have disabilities which inhibit their ability to score well on the test, but who are nonetheless fully able to learn a second language. This case highlights the importance of using a non-discriminatory assessment process in order to take into consideration the real potential of individuals.

In *Cramm*, the Federal Court also reviewed how comparator groups should be selected for the purpose of determining whether disadvantage constitutes discrimination. The matter before the Court involved the denial of collectively bargained job security benefits to persons who were absent from work without pay because of illness. The benefits were available as a function of time worked. Employees absent without pay for certain enumerated reasons (which included illness) were eligible on a limited basis which, in some circumstances, amounted to a denial of the job security benefit. Since the rules applicable to illness were the same as those applicable to the other enumerated reasons, no discrimination based on physical disability was found by the Court.

Another significant question reviewed by the Federal Court involved the application of section 67 of the Act which states that the legislation does not affect ". . . any provision of the Indian Act or any provision made under or pursuant to that Act." This section can have significant repercussions on cases involving discrimination by removing them from the scrutiny of human rights legislation. In the two cases considered by the Court, one invited the application of section 67 and the other did not.

The Commission also dealt with two important cases during the 2000–2001 fiscal year regarding the accommodation of deaf and hard-of-hearing persons. In *Vlug and Canadian Human Rights Commission v. Canadian Broadcasting Corporation*, the Tribunal found in the complainant's favour and ordered the CBC to caption all of its television programming on the English language network and Newsworld.

Another important step forward in the accommodation of Deaf and hard-of-hearing persons was achieved through a settlement reached in the case of *Simser v. Tax Court of Canada*. Before hearings began, the Tax Court issued a notice to the legal profession dated September 5, 2000 which enacted the following policy, effective immediately:

When a Deaf, deafened or hard of hearing person appears before the Court, the Registrar will arrange and pay for the services of a competent and independent real-time captionist or sign language interpreter or any other widely-recognized method of interpretation, as approved by the Registrar.

The policy applies to all parties and witnesses appearing before the Court; and to all lawyers or articling students pleading before the Court. Subsequent to the settlement, the Commission notified other federal agencies of the new policy and urged them to adopt a similar approach.

3.2 Employment Equity Act Enforcement

Background

The 1995 *Employment Equity Act*, which came into force on October 24, 1996, established statutory requirements for federally-regulated employers designed to ensure that members of four designated groups— women, Aboriginal peoples, persons with disabilities, and visible minorities— constitute an appropriate share of their workforces. At the same time, the Act established a compliance regime which mandates the Commission to monitor compliance through audits and take necessary action to ensure employers correct any areas of non-compliance.

The Commission conducts audits for compliance with twelve statutory requirements using 46 assessment factors. Where areas of non-compliance are found, signed undertakings are negotiated and the implementation of these undertakings is assessed through a follow-up audit. While negotiation and persuasion are the preferred approaches mandated by the Act, failure to implement undertakings may result in the Commission issuing a formal direction of work to be done. Continued failure to complete required work may result in a referral to a Tribunal to confirm a direction. An employer may also seek a Tribunal review of a direction.

As of March 31, 2001, the Act applied to 411 organisations employing 787,615 workers in the following sectors: 331 federally regulated private-sector organisations and Crown corporations with 100 or more employees (this includes banking, communications, transportation, and other industries such as uranium mines, grain companies, and federal museums); the 65 federal public service departments and agencies for which Treasury Board is the employer; and 15 public-sector separate employers with 100 or more employees (this includes agencies such as the National Film Board and the National Research Council).

Two significant contextual developments affect or will affect the Commission's implementation of its mandate. First, while the Royal Canadian Mounted Police, Canadian Forces and Canadian Security Intelligence Service (CSIS) are subject to the Act, the government had not issued the required Order-in-Council which would permit the Commission to conduct audits of these organisations. Second, in 2001, Human Resources Development Canada (HRDC) has identified an additional 86 private sector employers representing 23,535 employees who have not previously but must now submit reports. This brings the total of employers to 497, representing a workforce of 811,150 employees.

The objective of the *Employment Equity Act* is to ensure that members of the four designated group are represented in each employer's workforce according to their availability in the Canadian labour market. To achieve this objective, employers must take steps to ensure employment decisions are based only on valid qualifications. Employers are required to survey their employees, undertake a workforce analysis to determine if gaps in representation exist, and, where under-representation is found, complete an analysis of those employment systems which may contain barriers for the designated groups. Based on this assessment, an employer must develop a plan to remove barriers, implement positive measures to correct the effects of past exclusion, and establish both hiring and representation goals.

The risk to Canadian society and the economy of not achieving equitable representation based on barrier free employment systems are several. Primary social objectives on equity, as articulated in the *Charter of Rights and Freedoms*, the *Canadian Human Rights Act* and government pronouncements, will not be achieved until equity is reached in the labour market. Continued discrimination distorts the labour market, under-utilizes available skills and competencies, and increases the costs of social programming, all of which undermines Canada's competitive advantage in the global economy. Many major business leaders, such as those in the banking sector, share this view. Conversely, the enforcement mandate must be implemented with an even hand, based on negotiation and persuasion where possible, and in such a manner as to minimize the regulatory burden. Employment equity, therefore, must be considered an investment rather than a cost.

Resources

Executive Offices	149,000
Employment Equity Branch	2,061,900
Total	2,210,900
FTEs	25

Outcomes Achieved

Primary Outcome Measurement

The primary outcome measure for the Act, and the Commission's enforcement mandate, is the level of representation of the four designated groups in each federal employer's workforce at all levels within the organisation. Successful performance, therefore, is signalled by a clear improvement in representation where under-representation was found to exist at the time of the audit.

Performance Assessment

While it is possible to establish that there remain significant areas of under-representation within the federal workforce, specific areas of under-representation are determined only when an employer has compared its levels of representation with appropriate labour market availability standards. To properly measure the program's impact one must compare, over time, the success of employers in compliance with the Act in making reasonable progress in closing gaps in representation.

In last year's performance report, the Commission indicated that it would begin assessing improvements in representation by those employers in compliance with the Act. This prediction has proven to be premature. As will be evident below, the low level of compliance at the time of most initial audits and the time it has taken employers to reach full compliance will delay an initial assessment until employer's reports are received in 2002. This assessment will cover the calendar year 2001 for the private sector and 2000/2001 for the public sector.

Secondary Performance Measurement

It is possible, however, to draw some conclusions from the Commission's secondary performance measure, the number of employers who have employment systems in place that will allow them to progress towards full representation. This is indicated by the number of employers found in compliance with all the requirements of the *Employment Equity Act*. By March 31, 2001, the conclusion of the third year of compliance audits, 50 employers among the 180 for which an audit had been initiated had been found in compliance, 35 more than reported in the previous performance report. (In addition, 14 audits have been cancelled because of a substantial change in the status of the employer.)⁶

⁶ See Table 8, Annex II for the status of all audits at March 31, 2001.

Performance Assessment

When audits began in October 1997, the Commission's goal was to undertake audits of all employers, 412 at that time, within a first audit cycle of five years. In terms of the performance measure outlined above, it was expected that most employers would be in or near compliance at an initial audit, that is they would have in place employment systems and action plans that would result in reasonable progress in closing any gaps.

As indicated in last year's performance report, the limited number of employers in or near compliance at the end of an initial audit, the extra work required when extensions are given, as well as the time required to issue a direction and verify subsequent compliance have severely taxed the Commission's resources. While there has been a marginal increase in compliance with a few statutory requirements at the time of an initial audit in recent years, this has not had a significant impact. There are disturbing indications that, given there are no penalties for non-compliance other than undertakings, employers are choosing to wait for the Commission to begin an audit before responding substantively to the Act's requirements.

While additional resources have been made available and applied to the program, it is clear that the Commission's original objective of initiating an audit of all employers will not be met in the remaining two years of the cycle. However, the total number of audits the Commission has initiated, including initial, follow-up and post-Direction audits, exceeds 300, suggesting that had most employers been at or near compliance at the time of an initial audit, the Commission would now be on track to meet its original target.

In response to the above, a strategy of targeting larger employers during years two and three of the audit program has resulted in approximately 58% of the federal labour force under the Act being under audit, (55% of the public sector and 56% of the private sector). By the end of the first five year audit cycle, December 31, 2002, it is now expected that closed and open audits will cover approximately 80% of employees in both sectors. Based on the 50 employers in compliance at the end of the review period, the status of current audits, and the general level of non-compliance found with initial audits, the Commission expects to reach a level of 100 employers with barrier free employment systems and action plans capable of achieving reasonable progress by March 31, 2002 .

3.3 Promotion

Background

The Commission has a statutory responsibility to undertake research and to promote awareness of human rights and the role of the Commission.⁷ This complements the Commission's other programs in contributing to the reduction of discriminatory practices in the workplace, fostering a diverse and inclusive society, and increasing understanding and acceptance of human rights principles. The Commission's publications, including its Annual, Employment Equity, and Legal Reports, are available on its web site⁸. It is encouraging to observe a number of reports related to human rights in the workplace issued by other organisations in the reporting period.⁹

As Canada's national human rights institution, the Commission is frequently called upon to play a role with its counterparts in other countries. The Commission's international activity is funded in large part by CIDA and the Department of Foreign Affairs and International Trade.

Resources

Executive Offices	514,900
Operations	79,200
Human Rights Promotion	1,441,300
Regional Offices	804,000
Corporate Management	556,800
Total	3,396,200
FTEs	37

⁷ The number of inquiries received by the Commission annually over the last decade is set out in Table 9, Annex II.

⁸ The web site address is <http://www.chrc-ccdp.ca>.

⁹ Examples such as the report of the Task Force on the Participation of Visible Minorities in the Federal Public Service, *Embracing Change*, April 2000, are discussed in the Commission's *Annual Report 2000*.

Outcomes Achieved

Changing public attitudes is part of the Commission's legislated mandate to develop and conduct research and disseminate information to promote public understanding of the role of the Commission. However, resources for this purpose are widely dispersed among headquarters and the regions making outcome measurement difficult and costly. Nonetheless, progress was made on a number of fronts.

Strategic Plan

The Commission's Strategic Communications Plan seeks to maximize the impact of its activities by focussing on three priority areas: delivering key messages to targeted audiences, conducting training sessions for federally regulated public- and private-sector employers, and maintaining human rights networks and partnerships.

Delivering Human Rights Messages

The Chief Commissioner and Commission senior management met members of Parliament and senior business and government officials throughout the year to discuss significant human rights issues. Given that today's attitudes will help define tomorrow's values, concerted efforts were made to involve young Canadians in major human rights events throughout the year, including an anti-hate conference in Halifax and a keynote presentation at a youth conference in Saskatoon on "Building Connections".

Another focus was participation and co-sponsorship of various seminars and conferences addressing racism in Canada. To mark the United Nations International Day for the Elimination of Racism and Discrimination, the Commission sponsored a public seminar in Ottawa on racism and its effects. The Commission also participated in the regional and national consultations held by the Department of Heritage in preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held recently in Durban, South Africa.

Training

Kits with material on the role of the Commission and the obligations of employers with respect to pay equity, employment equity, harassment, the duty to accommodate, and hiring and screening applicants were prepared to assist employers to put in place workplace policies and practices that reflect human rights values. The Commission also conducted workshops with employers on their duty to accommodate employees with disabilities, and held ongoing discussions with managers on the need for a representative workforce.

With the understanding that human rights jurisprudence can serve as a valuable tool for employers and service providers seeking to apply standards and policies that are non-discriminatory and inclusive, the Commission prepared and posted on its Web Site a comprehensive guide to explain the Supreme Court of Canada's rulings in the *Meiorin* and *Grismer* cases.

Human Rights Networks and Partnerships

The Commission works with other federal agencies and departments to promote government policies that address human rights issues. It participated in an information fair hosted by the Senate of Canada on services offered to persons with disabilities and collaborated with the Canadian Transportation Agency to develop a Code of Practice which addresses a range of communication barriers for travellers with sensory or cognitive disabilities. In response to the report of the Task Force on the Participation of Visible Minorities in the Federal Public Service, issued in April 2000, the Edmonton Regional Office and the Public Service Commission organized a symposium "Leveraging the Diversity Advantage: The Critical Role for Leaders."

On the federal-provincial front, Commission representatives participated at a conference organized by the Ontario Human Rights Commission to examine how economic, social and cultural rights embodied in international human rights instruments could be more fully integrated into domestic legislation and policies.

International Program

The prime focus of the Commission's international activities is to build links of mutual support and understanding between national human rights institutions. The Commission is a leading member of the International Coordinating Committee (ICC) of National Human Rights Institutions, as well as a member of the Accreditation Subcommittee of the ICC. In April 2000, at the annual meeting in Morocco, the Commission worked to ensure that future national human rights institutions conform to accepted international standards.

In November 2000, in collaboration with the Mexican National Commission for Human Rights, and with funding from CIDA, the Commission organized and co-chaired the Second Annual Meeting of National Human Rights Institutions of the Americas. It was resolved to establish a formal Network of National Human Rights Institutions to provide mutual assistance and cooperation in the conduct of each institution's domestic responsibilities. On the eve of the Summit of the Americas held in Quebec City in April 2001, the Commission received a contribution from the Department of Foreign Affairs and International Trade in support of work to formalize the Americas Network.

Since 1995, with funding from CIDA, the Commission has assisted the National Human Rights Commission of Indonesia (Komnas HAM) to improve research, investigation, protection and promotion functions. The assignment of a senior CHRC staff member to Jakarta for two years is considered by independent evaluators to be a major contributor to the institutional strengthening of Komnas HAM and the completion of their organisational development plan. The advisor returned to his position in CHRC in July of 2000 but is continuing to provide assistance from Ottawa with the implementation of the development plan. In 2000 this project also resulted in the training of Indonesian trainers in human rights education and promotion and in improvements to documentation and equipment at the Komnas HAM human rights documentation centres.

In India, the Commission renewed a CIDA-funded project with the National Human Rights Commission, which had been dormant for a number of years. Following a visit to India by a Commissioner and senior staff member in July 2000, and subsequent analysis and discussions, a sub-project to support the human rights of the disabled in India is now considered by both Commissions an appropriate focus for future bilateral co-operation.

In 2000–2001, the Commission received a large number of visiting delegations (Russia, Nigeria, Tunisia, Portugal, Rwanda, Bulgaria, Israel, Czech Republic, Japan, Ethiopia and Indonesia) seeking information on the Commission's role and responsibilities and the institutional structure for the protection of human rights in Canada in order to help improve the situation in their own countries. At the request of the Office of the UN High Commissioner for Human Rights, the Commission also hosted a one-month internship for three members of the Madagascar Human Rights Commission.

3.4 Corporate Services

Background

Corporate Services provides financial, personnel, strategic planning, evaluation and audit, materiel, information technology and information management services to support the program managers and staff who deliver services to Canadians in fulfilment of the Commission's mandate.

In recent years, the Commission has experienced a high rate of staff turnover which has affected program delivery. In order to identify and rectify the underlying causes, the Commission retained an outside consultant to prepare a workplace assessment report based on a detailed survey of current staff and former employees and focus groups.

During the period covered by this report, Corporate Services' priorities were to develop a Commission-wide plan for recruiting, retaining and developing employees; implement Treasury Board's Financial Information Strategy; and pursue implementation of performance measurement.

Resources

Executive Offices	264,800
Corporate Management	3,807,400

Total	4,072,200
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FTEs	38
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Outcomes achieved

Based upon recommendations of the Commission's Workplace of Choice Committee, the Workplace Assessment report received in May 2001 and ongoing consultation with staff, the Commission is developing a comprehensive action plan to address the broad spectrum of issues which were identified. Early action has been taken in a number of areas, including restructuring Corporate Services to create a separate Directorate of Human Resources.

Many recommendations of the Workplace of Choice Committee, composed of staff and management representatives, have been implemented. An employee handbook has been developed as well as new administration policies for the accommodation of persons with special needs. A telework policy is under development.

An Information Technology Study was completed in the reporting period which identified areas in need of infrastructure and software improvements. Government On-line is one such area. While preliminary ideas have been developed, additional funding will be needed to permit full implementation of this and other projects to modernize the Commission's electronic infrastructure.

During 2000–2001 the Commission undertook a performance measurement study that will form the basis for detailed discussions on performance measures for the Commission, including improved service to Canadians. The development of service standards for the complaints process is a major step forward.

An evaluation framework for the Employment Equity Program has been completed with a view to undertaking an evaluation study in the next reporting period. This will incorporate the need for performance measures.

Corporate Services continued to implement Treasury Board's Financial Information Strategy and provided training to employees on the related software. Better financial information to support decision-making and reporting is anticipated.

Annex I Financial Information

Table 1 - Summary of Voted Appropriations

Financial Requirements by Authority (\$ thousands)		2000-2001		
		Planned Spending	Total Authorities	Actual
Vote				
Canadian Human Rights Commission				
10	Program expenditures	14,349.0	18,112.5	17,336.0
(S)	Contribution to employee benefit plan	2,024.0	2,271.0	2,271.0
(S)	Spending of proceeds from the disposal of surplus Crown Assets	-	3.2	-
Total for the Commission		16,373.0	20,386.7	19,607.0

Total Authorities are comprised of Main Estimates plus Supplementary Estimates plus other authorities.

Explanation of the 2000-2001 Total Authorities: The 2000-2001 total authorities represent an increase of \$4,013,740 or 24% over the 2000-2001 planned spending of \$16,373,000. This difference represents mainly the funding received through Supplementary Estimates and Special Warrants for the following:

- to continue to meet responsibilities under the *Canadian Human Rights Act* and the *Employment Equity Act*;
- to present evidence and legal arguments in three pay equity complaints against Canada Post, Bell Canada and the Government of the Northwest Territories (GNWT) before the Human Rights Tribunal; and
- to fund collective bargaining agreements and executive salary increase.

Explanation of the 2000-2001 Actual: The 2000-2001 Actual represents 96% of the total authorities. The difference of \$779,752 between the actual and total authorities represents primarily the postponement of hearings at the Human Rights Tribunal of two pay equity complaints (Bell Canada and GNWT).

Table 2 - Comparison of Total Planned Spending to Actual Spending

Commision's Planned versus Actual Spending (\$ thousands)			
Canadian Human Rights Commission	2000-2001		
	Planned Spending	Total Authorities	Actual
Full-Time Equivalentents -FTEs	189	214	196
Operating	16,373.0	20,386.7	19,607.0
Capital	-	-	-
Grants & Contributions	-	-	-
Total Gross Expenditures	16,373.0	20,386.7	19,607.0
Less: Respendable Revenues	-	-	-
Total Net Expenditures	16,373.0	20,386.7	19,607.0
Other Revenues and Expenditures			
Non-Respendable Revenues	-	-	-
Cost of Services Provided by Other Departments (Note 1)	1,898.6	2,079.2	2,079.2
Net Cost of the Program	18,271.6	22,465.9	21,686.2

Total Authorities are comprised of Main Estimates plus Supplementary Estimates plus other authorities.

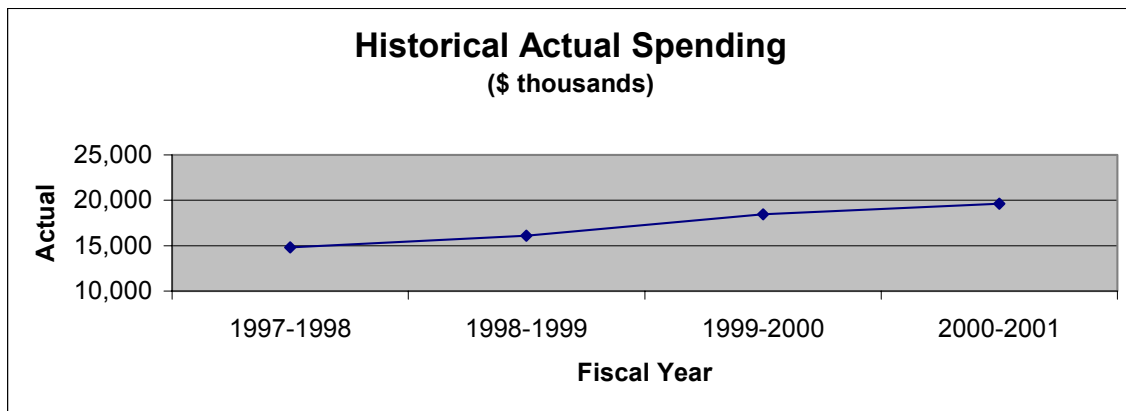
Note 1

Cost of Services provided by Other Departments is for Accomodation, Worker's Compensation and the Employee Insurance Plans.

Table 3 - Historical Comparison of Total Planned Spending to Actual Spending

Historical Comparison of Commission's Planned versus Actual Spending (\$ thousands)					
Business Line	Actual 1998-1999	Actual 1999-2000	Planned Spending	2000-2001	
				Total Authorities	Actual
Canadian Human Rights Commission	16,121.2	18,436.5	16,373.0	20,386.7	19,607.0
Total	16,121.2	18,436.5	16,373.0	20,386.7	19,607.0

Total Authorities are comprised of Main Estimates plus Supplementary Estimates plus other authorities.



The 2000-2001 actual represent an increase of \$4.8 million or 32% over the 1997-1998 actual of \$14.8 million. This increase was mainly for additional funding received for the following:

- to continue to meet responsibilities under the *Canadian Human Rights Act* and the *Employment Equity Act*;
- to present evidence and legal arguments in three pay equity complaints against Canada Post, Bell Canada and the Government of the Northwest Territories (GNWT) before the Human Rights Tribunal; and
- to fund collective bargaining agreements and executive salary increase.

Table 4 - Resource Requirements by Organization and Service Line

Comparison of 2000-2001 RPP Planned Spending and Total Authorities to Actual Expenditures by Organization and Service Line (\$ thousands)

Directorate / Branch	Service Lines				TOTAL
	Complaints	Promotion	Employment Equity	Corporate Services	
Executive Offices					
<i>Total Authorities</i>	633.8	570.1	159.1	293.3	1,656.3
Actuals	582.5	514.9	149.0	264.8	1,511.2
Legal Services					
<i>Total Authorities</i>	3,454.9				3,454.9
Actuals	3,238.5				3,238.5
Operations - Headquarters					
<i>Total Authorities</i>	5,420.6	1,251.7			6,672.3
Actuals	5,089.0	1,520.5			6,609.5
Operations - Regional Offices					
<i>Total Authorities</i>	830.9	830.9			1,661.8
Actuals	804.0	804.0			1,608.0
Employment Equity					
<i>Total Authorities</i>			2,117.2		2,117.2
Actuals			2,061.9		2,061.9
Corporate Management					
<i>Total Authorities</i>	239.0	616.5		3,968.7	4,824.2
Actuals	213.7	556.8		3,807.4	4,577.9
TOTAL					
<i>Total Authorities</i>	10,579.2	3,269.2	2,276.3	4,262.0	20,386.7
Actuals	9,927.7	3,396.2	2,210.9	4,072.2	19,607.0
% of Total Actuals	50.6	17.3	11.3	20.8	100.0

Table 5 - Contingent Liabilities

Contingent Liabilities (\$ thousands)

List of Contingent Liabilities	Amount of Contingent Liability		
	March 31, 1999	March 31, 2000	Current as of March 31, 2001
Loans	-	-	-
Claims, Pending and Threatened Litigation			
Litigations			
Morgan vs CHRC	200.0	-	-
Ayangma vs CHRC	200.0	200.0	-
Total	400.0	200.0	-

Complaints

In 2000–2001 the Commission completed work on 1380 complaint files. As shown in Table 1 below, 539 of these cases (39%) were discontinued or closed because the complainants decided not to pursue them. The remaining 841 cases led to signed complaints. All signed complaints are eventually placed before the Members of the Commission for decision, after progressing through one or more stages of the complaint process (mediation, investigation, and conciliation).

Of the 841 signed complaints, 263 (19%) were settled through mediation, in the course of investigation or after the appointment of a conciliator. In 42 cases (3%), the Commission decided not to pursue the complaints because they were filed more than one year after the alleged act of discrimination, or were, technically, without purpose. A further 396 complaints (29%) were dismissed because the evidence gathered during investigation did not support the complainants' allegations, because the complainants withdrew or abandoned their complaints, or because the Commission decided, after efforts at conciliation between the parties had failed, that they did not warrant referral to a tribunal.

The Commission referred 140 complaints (10%) for a hearing before the Canadian Human Rights Tribunal. These were cases in which the Commission felt either there was sufficient evidence to warrant further examination (usually following unsuccessful efforts at conciliation), or an important or systemic issue warranted a hearing by a Tribunal. The Tribunal has the power to make a finding of discrimination and to order remedies such as reinstatement in a job, changes to policies, and financial compensation.

During the reporting period, over 1,100 cases were presented to the Commissioners for decision.

Table 1 Complaint Outcomes

	2000/2001		1999/2000		1998/1999		1997/1998	
Resolved/Settled in mediation, during investigation, or at conciliation	263	19%	208	16%	182	11%	225	11%
Referred to alternate ¹ redress mechanisms	-	-	122	9%	296	19%	285	14%
Referred to a tribunal	140	10%	47	3%	31	2%	27	1%
Not dealt with ²	42	3%	50	4%	21	1%	31	1%
Dismissed ³	396	29%	336	24%	268	17%	387	19%
Discontinued ⁴	539	39%	606	44%	793	50%	1128	54%
Total	1,380	100%	1,369	100%	1,591	100%	2,083	100%

¹ With the introduction in 2000–2001 of a new procedure, cases that are referred to an alternate redress mechanism are recorded under ‘not dealt with’.

² Cases that the Commission decided not to pursue because they were filed more than one year after the alleged act of discrimination, or because the complainants were asked to first pursue other redress procedures.

³ Cases dismissed because evidence was lacking, the complainants withdrew or abandoned their complaints, the matters were outside the Commission’s jurisdiction, or the complaints did not warrant referral to a tribunal.

⁴ Cases where, after preliminary analysis of the allegations, the complainants decided not to pursue the matter further. These cases did not lead to signed complaints, and the files were administratively closed without a decision by the Members of the Commission.

Table 2 Complaints Received by Ground of Discrimination

Grounds of Discrimination	2000/2001		1999/2000		1998/1999	
Race / Colour	156	11%	221	14%	316	15%
National or Ethnic Origin	146	10%	205	13%	266	13%
Religion	35	2%	27	2%	48	2%
Age	111	8%	118	7%	270	13%
Sex	286	20%	308	19%	404	19%
Sexual Orientation	39	3%	47	3%	69	3%
Family / Marital Status	89	6%	105	7%	172	8%
Disability	534	38%	581	36%	580	27%
Pardoned Conviction	6	0%	7	0%	2	0%
Total ⁵	1,402	100%	1,619	100%	2,127	100%

The distribution of the complaints by ground of discrimination continued to follow the pattern established in past years. Disability was the ground most often cited, followed by sex and race and colour. Other complaints received cited national or ethnic origin, age, and family or marital status. Fifteen of these complaints raised the issue of retaliation.

⁵ The number of grounds cited exceeds the number of complaints received as many complaints relate to more than one ground of discrimination.

2000–2001 Complaints on the Basis of Race, Colour, Religion and National or Ethnic Origin

In 2000–2001, the Commission received 337 new complaints of discrimination on the grounds of race, colour, religion and national or ethnic origin. During that same period, it completed work on 341 complaints of discrimination on the basis of these grounds, as illustrated in Table 3.

Table 3 Analysis of the 341 complaints of discrimination on the basis of race, colour, religion and national or ethnic origin in 2000–2001	
45	cases were resolved or settled during investigation, conciliation or mediation
38	cases were referred to the Canadian Human Rights Tribunal for a hearing
28	cases were not dealt with because they were filed more than one year after the alleged act of discrimination, or were technically, without purpose
130	cases were dismissed because evidence was lacking, the complainants withdrew or abandoned their complaints, the matters were outside the Commission's jurisdiction, or the complaints did not warrant referral to a tribunal
42	cases were referred to conciliation
58	discontinued: cases that were closed prior to investigation because the complainant did not wish to pursue them or because a link could not be established between the alleged act and a prohibited ground of discrimination

2000–2001 Complaints on the Basis of Age Discrimination

In 2000–2001, the Commission received 111 new complaints of discrimination on the basis of age. During the same period, it completed work on 202 complaints of discrimination on this ground, as described in Table 4.

Table 4 Analysis of the 202 complaints of discrimination on the basis of age in 2000–2001	
24	cases were resolved or settled during investigation, conciliation or mediation
5	cases were referred to the Canadian Human Rights Tribunal for a hearing
18	cases were not dealt with because they were filed more than one year after the alleged act of discrimination, or were technically, without purpose
133	cases were dismissed because evidence was lacking, the complainants withdrew or abandoned their complaints, the matters were outside the Commission's jurisdiction, or the complaints did not warrant referral to a tribunal
13	cases were referred to conciliation
9	discontinued: cases that were closed prior to investigation because the complainant did not wish to pursue them or because a link could not be established between the alleged act and a prohibited ground of discrimination

Most of the age discrimination complaints dealt with questions related to employment. In many of them, assumptions had been made regarding the abilities of older workers.

2000–2001 Complaints on the Basis of Sex Discrimination

In 2000–2001, the Commission received 286 new complaints of discrimination on the basis of sex. During the same period, it completed work on 257 complaints of discrimination on this ground, as described in Table 5.

Table 5 Analysis of the 257 complaints of discrimination on the basis of sex in 2000–2001	
4	cases were resolved or settled during investigation, conciliation or mediation
5	cases were referred to the Canadian Human Rights Tribunal for a hearing
42	cases were not dealt with because they were filed more than one year after the alleged act of discrimination, or were technically, without purpose
63	cases were dismissed because evidence was lacking, the complainants withdrew or abandoned their complaints, the matters were outside the Commission's jurisdiction, or the complaints did not warrant referral to a tribunal
44	cases were referred to conciliation
99	discontinued: cases that were closed prior to investigation because the complainant did not wish to pursue them or because a link could not be established between the alleged act and a prohibited ground of discrimination

The Commission continues to receive complaints from women alleging sexual harassment, including the case of a woman whose employment was terminated after her supervisor learned of her intention to file a complaint.

2000–2001 Complaints on the Basis of Sexual Orientation

In 2000–2001, the Commission received 39 new complaints of discrimination on the basis of sexual orientation. During the same period, it completed work on 55 complaints of discrimination on this ground, as described in Table 6.

Table 6 Analysis of the 55 complaints of discrimination on the basis of sexual orientation in 2000–2001	
4	cases were resolved or settled during investigation, conciliation or mediation
6	cases were referred to the Canadian Human Rights Tribunal for a hearing
24	were dismissed because evidence was lacking, the complainants withdrew or abandoned their complaints, the matters were outside the Commission's jurisdiction, or the complaints did not warrant referral to a tribunal
14	cases were referred to conciliation
7	discontinued: cases that were closed prior to investigation because the complainant did not wish to pursue them or because a link could not be established between the alleged act and a prohibited ground of discrimination

2000–2001 Complaints on the Basis of Disability

In 2000–2001, the Commission received 534 new complaints of discrimination on the basis of disability. During the same period, the Commission completed work on 430 complaints of discrimination on this ground, as described in Table 7.

Table 7 Analysis of the 430 complaints of discrimination on the basis of disability in 2000–2001	
69	cases were resolved or settled during investigation, conciliation or mediation
64	cases were referred to the Canadian Human Rights Tribunal for a hearing
12	cases were not dealt with because they were filed more than one year after the alleged act of discrimination, or were technically, without purpose
174	cases were dismissed because evidence was lacking, the complainants withdrew or abandoned their complaints, the matters were outside the Commission's jurisdiction, or the complaints did not warrant referral to a tribunal
53	cases were referred to conciliation
58	discontinued: cases that were closed prior to investigation because the complainant did not wish to pursue them or because a link could not be established between the alleged act and a prohibited ground of discrimination

Employment Equity Act Enforcement

Table 8 - Status of Employment Equity Audits at March 31, 2001

INITIAL AUDITS	Private Sector 2001	Public Sector 2001	Separate Agencies 2001	Total 2001
Initial Audits Begun	143	34	3	180
Reports Issued	95	27	2	124
In Compliance	3	3	0	6
Follow-ups Required	91	24	3	118
FOLLOW-UP AUDITS				
Follow-Ups Initiated	82	22	2	106
In compliance	34	8	2	44
Directions Issued	10	3	0	13
In compliance following Direction	0	0	0	0
Tribunals	1	2	0	3
Cancelled Audits (at various stages of audit)	14	0	0	14
TOTAL IN COMPLIANCE	37	11	2	50

Initial audits: Since the first audits were launched in October 1997, the Commission has begun 180 initial audits and issued 124 reports. Only 7 resulted in a finding of compliance while 117 employers have signed undertakings designed to bring them into compliance within a specified time period, never more than one year.

Follow-up audits: As of March 31, 2001, 106 follow-up audits have been initiated of which 24 began in 2000/2001. Of all follow-up audits initiated, 44 had been completed with a finding of compliance by March 31, 2001. Most of these employers, however, required extensions of up to three months to complete the work.

Post-direction audits: If employers fail to implement their undertakings and the remaining work cannot be completed with a short extension, the Commission may issue a formal Direction of work to be completed by a specified date. By the end of the performance period under review, 13 such Directions had been issued. Post-Direction audits have started but none had been completed by March 31, 2001. In one case, a finding of failure to implement the Direction resulted in the Commission referring the case to a Tribunal. Hearings had not begun by March 31, 2001.

Human Rights Promotion

Responding to public inquiries: The Commission receives between 40,000 and 50,000 inquiries from the public annually. An inquiry is any initial contact with the Commission by a person, group, or organisation seeking information or wishing to bring a situation or concern to the Commission's attention. Many inquiries concern issues that are beyond the Commission's jurisdiction. In these cases, the Commission suggests other avenues the callers might pursue to address their concerns. The Commission's regional offices and the central administration serve as points of contact for the public. Table 9 shows the number of inquiries the Commission received each year over the last decade.

2001	43,453	1996	36,574
2000	49,737	1995	40,112
1999	55,398	1994	46,292
1998	47,200	1993	52,170
1997	46,596	1992	52,284