



Canadian Human Rights Commission

Performance Report

For the period ending
March 31, 2000

Canada

Improved Reporting to Parliament Pilot Document

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*.

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Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis the *Part III of the Estimates* document for each department or agency into two separate documents: a *Report on Plans and Priorities* tabled in the spring and a *Departmental Performance Report* tabled in the fall.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

The Fall Performance Package is comprised of 83 Departmental Performance Reports and the President's annual report, *Managing for Results 2000*.

This ***Departmental Performance Report***, covering the period ending March 31, 2000 provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's *Report on Plans and Priorities* for 1999-00 tabled in Parliament in the spring of 1999.

Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government.

The government continues to refine its management systems and performance framework. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

This report is accessible electronically from the Treasury Board Secretariat Internet site: <http://www.tbs-sct.gc.ca/rma/dpr/dpre.asp>

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CANADIAN HUMAN RIGHTS COMMISSION
COMMISSION CANADIENNE DES DROITS DE LA PERSONNE

Canadian Human Rights Commission

Departmental Performance Report

**For the period ending
March 31, 2000**

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

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Section I: Chief Commissioner's Message

The Chief Commissioner's Message

I am pleased to present the Canadian Human Rights Commission's Performance Report for the period of April 1999 to March 2000.

During that period, the Commission continued to focus its attention on the two-year renewal project it has undertaken to improve its services to the public. In particular, the year was devoted to initiatives designed to make the complaints process more timely, transparent and effective. Two initiatives were especially important and successful. A special task force of employees from across the Commission was able to complete the investigation of a group of older complaints and thereby eliminate a backlog of cases. At the same time, as a way to shorten the time it takes to deal with new cases coming in, a voluntary mediation service was offered on a trial basis. In its first year of operation, the service had a 60 percent success rate for mediated cases, a result which the Commission finds encouraging.

At the same time, the Commission continued to carry out its usual activities. It completed work on over 1,300 complaints and responded to close to 50,000 inquiries from the public. It has also been initiating follow-up audits of employers who are subject to the *Employment Equity Act* to determine whether they have completed the work necessary to fully comply with the requirements of the *Act* since they were first audited. The Commission has found that most employers have made good progress and expects them to reach full compliance.

As the reporting year ended, the Commission looked forward to taking further steps towards improving how the *Canadian Human Rights Act* is operated. I am encouraged by the results we have seen in our first year of renewal and am certain that the second year will be equally challenging and successful.

Section II: Departmental Performance

2.1 Societal Context

2.1.1 Objective

To foster the principle that every individual should have an equal opportunity to participate in all spheres of Canadian life consistent with his or her duties and obligations as a member of society.

2.1.2 Priorities

During the period under review, the Commission gave priority to:

Dealing with all complaints in a manner that is transparent, timely and fair, with particular attention given to significantly reducing the number of older cases and to renewal of the complaints process.

Maintaining a comprehensive audit cycle for federally regulated employers covered by the *Employment Equity Act* in order to ensure their compliance with that *Act*, and to advance the representation in employment of women, persons with disabilities, members of visible minorities and Aboriginal people.

Fostering public understanding of the principles of human rights and employment equity, and awareness of the roles and activities of the Canadian Human Rights Commission.

2.1.3 Social and Economic Factors

The Commission's work has always been linked to the social and economic situation in Canada, especially since the groups that are most affected by socioeconomic disparities in Canadian society also tend to be among those who come to the Commission for assistance with human rights concerns.

The link is particularly clear between the limited access some groups have to employment and the widening gap between rich and poor. For example, the Commission continues to find that Aboriginal Canadians and people with disabilities are not represented at appropriate levels in the work force. Being excluded from employment opportunities can result in both economic and social consequences. Conversely, social factors such as lack of education can prevent individuals from gaining access to opportunities for employment.

While these are issues that continue to concern the Commission, there is, on the other hand, a growing awareness in Canada and internationally that economic and social development are linked to respect for human rights. Because the

actions of national and international institutions are increasingly viewed through a human rights lens, greater significance is being attached to human rights in Canada and elsewhere. For the first time, international economic institutions such as the International Monetary Fund, the World Bank, and the Organization for Economic Cooperation and Development are considering ways to promote human rights principles within their programs. There has also been a gradual evolution in the business community, where human rights are now more often taken into consideration as part of corporations' business strategies.

Canadian Human Rights Commission	
Planned Spending	\$ 15,197,000
Total Authorities	\$ 18,747,458
Actuals	\$ 18,436,483

Explanation of the 1999-2000 Total Authorities: The 1999-2000 total authorities represent an increase of \$3,550,458 or 23% over the 1999-2000 planned spending of \$15,197,000. This difference represents mainly the funding received through Supplementary Estimates 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 two pay equity complaints against Bell Canada and the Government of the Northwest Territories (GNWT) before the Human Rights Tribunal; and
- to fund collective bargaining agreements.

Explanation of the 1999-2000 Actual: The 1999-2000 Actual represents 98% of the total authorities. The difference of \$310,975 between the actual and total authorities represents mainly the postponement of hearings at the Human Rights Tribunal for two pay equity complaints (Bell Canada and GNWT).

2.2 Chart of Key Results Commitments

Canadian Human Rights Commission (CHRC)

To provide Canadians with:	To be demonstrated by:	Achievement reported in:
recourse where they believe that their rights under the <i>Canadian Human Rights Act</i> have been violated	<ul style="list-style-type: none"> complaints from the public are dealt with in a fair, timely and efficient manner 	<ul style="list-style-type: none"> DPR Section II Pages 6 to 18
greater equality in the workplace for the four target groups under the <i>Employment Equity Act</i> : Aboriginal people, members of visible minorities, women in the labour market and persons with disabilities	<ul style="list-style-type: none"> employers have employment systems in place that allow them to become more representative; higher representation of designated groups at all levels of the workforce 	<ul style="list-style-type: none"> DPR Section II Pages 19 to 21
public education and information on human rights principles	<ul style="list-style-type: none"> public understanding of the principles of the <i>Canadian Human Rights Act</i>, the <i>Employment Equity Act</i> and the role and activities of the Commission 	<ul style="list-style-type: none"> DPR Section II pages 22 to 25

2.3 Performance Accomplishments

Introduction

The Commission's two key roles are to protect and promote human rights. In its protection role, the Commission deals with complaints of discrimination filed under the *Canadian Human Rights Act*. In its promotion role, it educates Canadians about the *Canadian Human Rights Act* and the *Employment Equity Act* and informs them about the Commission's activities. It also conducts audits to ensure that federal government departments and federally regulated private companies are in compliance with the *Employment Equity Act*.

During the period under review, the Commission undertook projects aimed at improving its complaints handling process. The projects were designed to make the process more client-focussed, transparent and effective.

Service Line 1 Complaints

Under the *Canadian Human Rights Act*, the Commission investigates, mediates and conciliates complaints of discrimination in employment and in the provision of goods and services customarily available to the general public, based on eleven grounds: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted. The Commission also has the authority to investigate complaints of wage inequities between men and women in areas under federal jurisdiction.

A description of the complaints management process can be found in Annex A.

The objective is to provide recourse to Canadians who believe that their rights, as set out in the *Canadian Human Rights Act*, have been violated

The Commission is committed to deal with complaints and pay equity issues in a manner that is transparent, timely and fair.

Services provided in 1999-2000- Dealing with complaints of discrimination

The purpose of the *Canadian Human Rights Act* is to provide a remedy to individual victims of discrimination, and to bring about changes to policies and practices with a potential impact on groups of people.

As illustrated in Figure 1 below, the Commission completed work on 1369 complaint files. Of these, 122 complaints (9%) were referred to alternate redress mechanisms and 208 complaints (16%) were settled through mediation, in the course of investigation or after the appointment of a conciliator.

In 50 cases (3.6%) 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 221 complaints (16%) were dismissed on the basis that the evidence gathered during investigation did not support the complainants' allegations, and in another 115 cases (8%), the Commission decided that it lacked jurisdiction, and would therefore not pursue the complaint.

The Commission referred 47 complaints (3%) for a hearing before the Canadian Human Rights Tribunal. These were either cases in which the Commission felt there was sufficient evidence to warrant further examination (usually following unsuccessful efforts at conciliation between the parties), or cases which the Commission felt involved an important or systemic issue that 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.

Finally, 606 cases (44%) were discontinued or closed before a complaint form could be signed because the complainants decided not to pursue them.

Figure 1 Complaint Outcomes, 1996/1997 to 1999/2000

	1999/2000		1998/1999		1997/1998		1996/1997	
Resolved/Settled in mediation, during investigation, or at conciliation	208	16%	182	11%	225	11%	225	13%
Referred to alternate redress mechanisms	122	9%	296	19%	285	14%	222	12%
Referred to a tribunal	47	3%	31	2%	27	1%	9	1%
Not dealt with ¹	50	4%	21	1%	31	1%	21	1%
Dismissed for lack of evidence	221	16%	190	12%	241	12%	237	13%
No further proceedings ²	115	8%	78	5%	146	7%	249	14%
Discontinued ³	606	44%	793	50%	1128	54%	835	46%
Total	1369	100%	1591	100%	2083	100%	1798	100%

¹ Cases that the Commission decided not to pursue because they were filed more than one year after the alleged act of discrimination, or were, technically, without purpose.

² Cases in which 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.

³ 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.

Figure 2 below shows that, as in previous years, the three grounds of discrimination most often cited by complainants in 1999-2000 were disability (36%), race, colour and national or ethnic origin taken together (27%) and sex (19%). Other complaints received cited age (7%), family and marital status (7%), sexual orientation (3%) and religion (2%).

Figure 2 Complaints Received by Ground of Discrimination, 1996/1997 to 1999/2000

Grounds of Discrimination	1999/2000		1998/1999		1997/1998		1996/1997	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Race / Colour	221	14%	316	15%	323	13%	373	17%
National or Ethnic Origin	205	13%	266	13%	288	11%	270	12%
Religion	27	2%	48	2%	60	2%	40	2%
Age	118	7%	270	13%	506	20%	145	7%
Sex	308	19%	404	19%	420	17%	417	19%
Sexual Orientation	47	3%	69	3%	66	3%	85	4%
Family / Marital Status	105	7%	172	8%	215	8%	202	9%
Disability	581	36%	580	27%	654	26%	665	30%
Pardon	7	0%	2	0%	5	0%	1	0%
Total ⁴	1614	100%	2127	100%	2537	100%	2198	100%

Improvements to the Complaints Process– Moving Toward a More Client-Focussed Service Delivery System

In the late fall of 1998, the Commission committed itself to a renewal plan to improve its services to the public. A number of the elements in this plan relate directly to efforts to make the complaints process more efficient and more client-focussed.

Over the past year, the Commission has implemented a number of measures to help deal with its caseload. These included a project to reduce a backlog of cases, the introduction of mediation services, enhancements to the Commission’s electronic complaints management system (CMS), the development of new time standards and procedures, a reduction in the number

⁴ The number of grounds cited exceeds the number of complaints, since many complainants’ allegations relate to more than one ground of discrimination.

of levels of review along with efforts to streamline the decision making process, and increased training for investigators.

Elimination of Complaints Older Than Nine Months: The Commission set up a special task force made up of employees from all of its branches and regional offices to deal with 600 of the oldest complaints then under investigation. By the end of 1999, 95% of these cases had been presented to the Commissioners for a decision.

Introduction of a Mediation Service: Courts, tribunals and regulatory bodies are increasingly turning to mediation as an alternative to investigation and litigation. The Commission began offering mediation to complainants and respondents in 1999 as part of a two-year pilot project, and mediation was offered to the parties in 227 complaints. In 86 cases, the parties declined to participate, however, mediation was completed in 103 cases, 62 of which were successfully resolved. At the end of the fiscal year, 38 mediations remained uncompleted. In its first year of operation, the mediation service therefore had a 60% success rate for mediated cases.

Schedule of Commission Meetings: Changes were made to the schedule of Commission meetings in order to expedite the process of reviewing completed cases. In the past, the Commissioners met once a month, with recesses in January and the summer months. In 1999, the Commissioners continued to meet over the summer to review cases, and more frequent use was made of division meetings involving one to three Commission members. The result was that some 500 complaints were presented to the Commissioners for a decision several months sooner than they would have been under the previous meeting schedule.

Review of Operational Standards: The Commission reviewed the complaints process and its operational standards. Procedures and standards have been revised and will be implemented incrementally during the current fiscal year. The Commission expects these standards to evolve over time.

A Comprehensive Human Resources Plan: The Commission has experienced difficulties over the past fiscal years recruiting and retaining qualified staff to perform the various functions. A human resource plan is being developed to ensure the Commission has the necessary level of resources to deliver its complaints-related services such as mediation, investigation and conciliation.

A 'Learning Organization': The Commission reviewed its current approach to training and its short-term and long-term training goals, and considered how to move towards a 'learning organization' culture. The Commission intends to put in place a training plan that supports the delivery of its inquiry, intake, mediation, investigation and conciliation services on an ongoing basis and continuously builds upon the expertise of its employees.

Investment in Technology: Over the past eighteen months, the Commission has invested in enhancing its Complaints Management System by moving into a Windows environment and improving the overall functioning of the technology. The Commission will continue to assess how technology can be used to improve both the efficiency and the quality of the service delivery system.

The overall goal of the Commission's Renewal Process is to have in place, by April 2001, a complaints process that is transparent, effective, timely and fair.

Grounds of Discrimination

The Commission deals with complaints of discrimination based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted.

Discrimination on the Basis of Race, Colour, Religion and National or Ethnic Origin:

In 1999-2000, the Commission received 453 new complaints of discrimination on the grounds of race, colour, religion and national or ethnic origin. During that same period, it completed work on 317 complaints of discrimination on the basis of these grounds, as described in Figure 3.

Figure 3 Analysis of the 317 complaints of discrimination on the basis of race, colour, religion and national or ethnic origin in 1999-2000	
40	cases were resolved or settled during investigation, conciliation or mediation
34	cases were referred to alternate redress mechanisms, such as a grievance procedure or an employer's internal complaints procedure
11	cases were referred to the Canadian Human Rights Tribunal for a hearing
9	cases were not dealt with because they were filed more than one year after the alleged act of discrimination, or were, technically, without purpose
61	cases were dismissed for lack of evidence
26	no further proceedings: cases in which 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
136	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

A complaint that required the Commission's continued attention was the case of *Chopra v. Health Canada*. Dr. Chopra joined Health Canada in 1969. In 1992, after being denied a promotion to a director-level position, he filed a complaint with the Commission alleging discrimination on the ground of race.

The complaint was investigated by the Commission and referred to the Human Rights Tribunal, where it was subsequently dismissed. In 1998, however, the Federal Court's Trial Division found that the Tribunal had erred by refusing to admit statistical evidence that visible minorities were under-represented in management positions within Health Canada. In a

decision subsequently upheld by the Federal Court of Appeal in January 1999, the complaint was sent back to the Tribunal for a new hearing.

Age Discrimination:

In 1999-2000, the Commission received 118 new complaints of discrimination on the basis of age. During the same period, it completed work on 141 complaints of discrimination on this ground, as described in Figure 4.

Figure 4 Analysis of 141 complaints of discrimination on the basis of age in 1999-2000	
9	cases were resolved or settled during investigation, conciliation or mediation
6	cases were referred to alternate redress mechanisms, such as a grievance procedure or an employer's internal complaints procedure
1	case was referred to the Canadian Human Rights Tribunal for a hearing
3	cases were not dealt with because they were filed more than one year after the alleged act of discrimination, or were, technically, without purpose
19	cases were dismissed for lack of evidence
15	no further proceedings: cases in which 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
88	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. For example, one case that was settled this year involved a 60-year-old man who had applied for the position of director with a major private-sector corporation. The successful candidate, who was considerably younger, did not meet the minimum requirements of the position. Although the complainant was not interviewed for the job, when he inquired about the rejection of his application, he was told that he lacked "creativity."

In another case, a 54-year-old man's position was abolished by the bank for which he worked. He had more seniority than his younger colleagues, and had received consistently positive job evaluations. After his employment was terminated, the bank hired two people to carry out his duties. The complaint

was settled through conciliation, and the complainant received financial compensation.

Sex Discrimination:

In 1999-2000, the Commission received 308 new complaints of discrimination on the basis of sex. During the same period, it completed work on 296 complaints of discrimination on this ground, as described in Figure 5.

Figure 5 Analysis of the 296 complaints of discrimination on the basis of sex in 1999-2000	
70	cases were resolved or settled during investigation, conciliation or mediation
24	cases were referred to alternate redress mechanisms, such as a grievance procedure or an employer's internal complaints procedure
15	cases were referred to the Canadian Human Rights Tribunal for a hearing
10	cases were not dealt with because they were filed more than one year after the alleged act of discrimination, or were, technically, without purpose
45	cases were dismissed for lack of evidence
21	no further proceedings: cases in which 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
111	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. In one such case, a woman working for a small family business complained that her allegation of harassment by a senior manager had been investigated by one of the manager's relatives. The complaint was settled when the employer agreed to provide anti-harassment training to all staff, and to revise its procedures so that future harassment allegations would be dealt with by non-relatives.

In another case, four female employees complained of being subjected to lewd and derogatory remarks by a manager. Three resigned, while the fourth took disability leave as a result of the stress. Settlement of this case resulted in an apology, letters of reference, and financial compensation for the four complainants, as well as the posting of an anti-harassment policy by the employer.

Sexual Orientation Discrimination:

In 1999-2000, the Commission received 47 new complaints of discrimination on the basis of sexual orientation. During the same period, the Commission completed work on 65 complaints of discrimination on this ground, as described in Figure 6.

Figure 6 Analysis of the 65 complaints of discrimination on the basis of sexual orientation in 1999-2000	
17	cases were resolved or settled during investigation, conciliation or mediation
3	cases were referred to alternate redress mechanisms, such as a grievance procedure or an employer's internal complaints procedure
0	case was referred to the Canadian Human Rights Tribunal for a hearing
5	cases were not dealt with because they were filed more than one year after the alleged act of discrimination, or were, technically, without purpose
11	cases were dismissed for lack of evidence
15	no further proceedings: cases in which 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	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

These cases included a group of complaints against the Department of Finance and the Canada Customs and Revenue Agency, which alleged discrimination in the *Income Tax Act*. These complaints raised a number of questions related to spousal benefits and deductions that have since been resolved through the Government's recently introduced omnibus legislation which received royal assent on June 29, 2000.

Discrimination on the Basis of Disability:

In 1999-2000, the Commission received 581 new complaints of discrimination on the basis of disability. During the same period, the Commission completed work on 455 complaints of discrimination on this ground, as described in Figure 7.

Figure 7 Analysis of the 455 complaints of discrimination on the basis of disability in 1999-2000	
72	cases were resolved or settled during investigation, conciliation or mediation
52	cases were referred to alternate redress mechanisms, such as a grievance procedure or an employer's internal complaints procedure
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
68	cases were dismissed for lack of evidence
31	no further proceedings: cases in which 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
209	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

During the year under review, the Commission continued to provide advice on the requirements of the law and to encourage a systemic approach to removing barriers. In this regard, Commission staff contributed to the work of Human Resources Development Canada's Interdepartmental Committee on Disability; the Treasury Board's Access Working Group; and the joint Treasury Board and National Research Council Interdepartmental Task Force on the Integration of Employees with Disabilities through Information and Communications Technologies. The Commission also contributed to the Committee on Barrier-Free Design Standards of the Canadian Standards Association, now known as CSA International, and to the Canadian Transportation Agency's and Transport Canada's Accessible Transportation Advisory Committees.

The Supreme Court of Canada handed down two decisions in the Meiorin and Grismer cases which clarify the obligations of employers and service providers to develop and maintain non-discriminatory and inclusive standards and policies. The decisions are likely to have a significant effect on the work of the Commission (see *Legal Representation* below).

Pay Equity

Pay equity cases are generally systemic in nature, affect large numbers of individuals, and involve potential wage adjustments of many thousands of dollars. Though relatively few in number, these cases are challenging to investigate and litigate and can result in substantial changes in compensation patterns.

Pay equity cases: The most notable pay equity event of the year under review is resolution of the 15-year-old pay equity dispute between the federal government and the Public Service Alliance of Canada. This development came after the Federal Court upheld the July 1998 Tribunal Order in the case, and the parties negotiated a plan for implementing that Order. The Commission contributed to this outcome by presenting its views before both the Tribunal and Federal Court, and by publicly calling for an agreement without further delay.

The Commission also pursued litigation in major pay equity cases involving Bell Canada, the Government of the Northwest Territories, Canada Post, and Air Canada and Canadian Airlines International. In the first two of these cases, the employers -- like the federal government before them -- participated in joint pay equity studies with unions, later disassociating themselves from the studies' findings. During 1999-2000, the Commission continued to emphasize its belief that negotiated settlements of pay equity complaints are preferable to drawn-out litigation.

With respect to pay equity complaints under investigation, the Commission has encouraged settlements by introducing a mediation process which parallels the general mediation program. This has resulted in the early resolution of a number of complaints. In addition, the Commission has placed growing emphasis on the timeliness of pay equity investigations, which tend to be large in scope and technically complex. Finally, recognizing that "off-the-shelf" job evaluation systems have repeatedly been challenged as gender biased, the Commission has increasingly been developing case-specific systems for the purpose of examining whether allegations of wage discrimination have merit.

The Universal Classification System: The Universal Classification System (UCS) is an ambitious and important initiative aimed at replacing 72 outdated classification standards used by the federal government with one new, modern tool. The UCS has three objectives: universality, gender neutrality, and simplification. The Commission supports these objectives and, in light of its mandate, has a particular interest in the second. It therefore continued to provide input throughout 1999-2000 to the Treasury Board Secretariat, which leads the UCS project.

Legal Representation: *Contributing to Progress in Achieving Equal Opportunity*

One of the Commission's roles is to represent the public interest in cases before the Human Rights Tribunal and Federal Court with a view to contributing to the advancement of human rights. As shown in Figure 8 below, in 1999-2000 the Commission provided legal representation in 63 cases, representing a total of 254 hearing days. Pay equity cases accounted for 55% of the hearing days.

Figure 8 **Number of Cases and Hearing Days Before Tribunals and Courts 1996 to 2001**

	1996/1997		1997/1998		1998/1999		1999/2000		2000/2001	
	Cases	Hearing Days	Cases	Hearing Days	Cases	Hearing Days	Cases	Hearing Days	Cases	Projected Hearing Days
Tribunals	63	248	61	221	31	163	45	226	20	361
Federal Court/ Trial Division	17	18	26	35	14	21	13	24	8	5
Federal Court of Appeal	6	8	9	14	5	6	5	4	2	4
Supreme Court	4	6	2	2	1	1	-	-	1	-
Total	90	280	98	272	51	191	63	254	31	370

Key decisions of the Supreme Court of Canada and of various courts and tribunals during the year under review have given guidance on human rights legislation: the values that underlie the legislation; the scope of its protection; the limits to defences against it; and the correct analysis of complaints under the *Canadian Human Rights Act* and the *Charter of Rights and Freedoms*. The clearest direction, however, comes from the courts' emphasis on addressing discrimination systemically, instead of continuing to rely on individual analyses and solutions. The Commission contributed to these outcomes by presenting its views before both the Tribunal and Federal Court .

In *Law v. Canada (Minister of Employment and Immigration)*, the Supreme Court of Canada set out guidelines for the interpretation of human rights legislation in

Canada. The Court's articulation of the values that lie at the heart of equality — dignity and justice — provides direction for the future analysis of discrimination complaints.

- ▶ In *M v. H*, the Court gave guidance on the scope of the protection against discrimination provided by section 15 of the Charter: it indicated that the courts should consider whether legislation exacerbates pre-existing disadvantages and vulnerability when considering Charter challenges to it. The decision, which determined that section 29 of Ontario's *Family Law Act* was unconstitutional because it treated same-sex couples differently from heterosexual common-law couples, further recognized equal status under the law for lesbians and gay men.
- ▶ The Court's decisions in two cases clarified defences to complaints of discrimination. *British Columbia (Public Service Employee Relations Commission) v. British Columbia Government and Service Employees Union*, referred to as the *Meiorin* case, is one of the most important decisions to date in equality law. In establishing the correct legal test for *bona fide* occupational requirements, it removed the previous distinction between the remedies for "direct" discrimination, which clearly differentiates on prohibited grounds, and "adverse effect" discrimination, in which seemingly neutral actions have a hidden discriminatory effect. The case involved accommodation of female firefighters.
- ▶ In *British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights)*, which dealt with accommodation of a person with a visual impairment and is known as the *Grismer* decision, the application of the *Meiorin* test was extended to the provision of services. Both the *Meiorin* and *Grismer* decisions oblige federally regulated employers and service providers to ensure that their standards foster real equality. They emphasize the need for systemic accommodation to ensure equal opportunity, rather than accommodation on a case-by-case basis, as individual exceptions.
- ▶ A Federal Court ruling in the case of the *Public Service Alliance of Canada v. Treasury Board of Canada* confirmed that it was proper to interpret pay equity legislation broadly in order to address systemic discrimination against women. Furthermore, in declaring that equal pay for work of equal value was a fundamental human right, Mr. Justice John Evans established that the pay equity provisions of the *Canadian Human Rights Act*, like the legislation as a whole, were quasi-constitutional.

Service Line 2 Employment Equity Audits

The 1995 *Employment Equity Act*, which came into force on October 24, 1996, established a compliance regime requiring federal employers to ensure that members of the four designated groups constitute a fair share of their workforce. In 1998, the *Act* covered 412 organizations employing 850,708 workers in the following sectors: 333 federally regulated private-sector organizations and Crown corporations with 100 or more employees (the sectors include banking, communications, transportation, and other industries such as grain companies, uranium mines, nuclear power operations, credit corporations and museums); 65 federal public service departments and agencies for which the Treasury Board is the employer; and 14 public-sector separate employers with 100 or more employees.

The objective is to contribute to achieving equality in the workplace for the four designated groups under the *Employment Equity Act* by ensuring that employers identify and remove employment barriers, implement plans, and take appropriate special measures to ensure that the representation of women, Aboriginal people, members of visible minorities and persons with disabilities is consistent with their availability in the Canadian labour force.

The objective is to advance the representation in employment of women, persons with disabilities, members of visible minorities and Aboriginal people

The Commission is committed to maintaining a comprehensive audit cycle for federally regulated employers covered by the *Employment Equity Act* in order to ensure their compliance with that *Act*.

Figure 9 below shows the status of audits from the beginning of the Employment Equity Audit Program until March 31, 2000. To date, the Commission has initiated 146 initial audits and 82 follow-up audits.

Initial audits: Since the beginning of the audit program, the Commission has commenced 146 initial audits with employers. Upon completion⁵ of the audits, the Commission issued 108 reports: of those, 4 initial audits have resulted in a final report based on the employer being in compliance with the *Act* and the audits were closed⁶; 104 have resulted in issuance of interim audit reports for not being in compliance with the *Act*; 30 audits are still underway and 8 audits have been cancelled or suspended because of significant changes in the status of the employer. The 104 employers who received reports of non-

⁵ "Completed" refers to audits which have been concluded with signed undertakings (commitments made by employers to carry out further action in order to comply with the *Employment Equity Act*) or where the Commission has issued a direction requiring compliance with the *Act*. These employers are subject to follow-up audits.

⁶ "Closed" refers to audits which find the employer in compliance with the *Act*.

compliance have agreed to signed undertakings to reach compliance within a maximum of twelve months and they all require a follow-up audit. Eighteen of those initial audits were new ones initiated during the fiscal year under review. Based on the Commission's experience during its first audit years, the standard for the completion of an initial audit was established at 9 to 11 months.

Follow-up audits: To date, 82 follow-up audits have been initiated. Of this number, 66 were started in 1999-2000. Of all the follow-up audits begun, 11 were completed by March 31, 2000 with a finding of compliance. In 35 follow-up audit cases, the employers had been granted short extensions of up to 3 months to complete work necessary to reach compliance, and it is expected that with such an extension, the employers concerned will be able to reach full compliance. The Commission's experience with follow-up audits resulted in a standard for completion of 7 to 12 months.

The description of the compliance audit process can be found in Annex B.

Figure 9 Status of audits as of March 31, 2000

INITIAL AUDITS	Private	Public	Separate	Total
Initial Audits Begun	113	31	2	146
Reports Issued	84	22	2	108
In compliance	3	1	-	4
Follow-ups Required	81	21	2	104
FOLLOW-UP AUDITS				
Follow-Ups Initiated	66	14	2	82
In compliance	7	3	1	11
Directions Issued	2	1	-	3
Tribunals	-	1	-	1
Cancelled Audits (at various stages of audit)	-	8	-	8
TOTAL IN COMPLIANCE	10	4	1	15

At the time of the follow-up process not all employers were found in compliance, although most (approximately 80%) demonstrated good progress towards implementing their signed undertakings. In these latter situations, the Commission has granted up to 90-day extensions to complete the work. Additionally, three Directions were issued by the Commission for failure to complete the signed undertakings. One Direction was subsequently withdrawn because the company

was disbanded. One employer has requested that the Employment Equity Tribunal review the Commission's decision to issue a Direction.

The limited number of employers in compliance at the end of the initial audit, the extra work required when extensions are given, as well as the time required to issue a Direction and verify subsequent compliance, continue to strain audit resources. In response, the Commission has received additional resources and new compliance review officers will be hired in the current fiscal year. The Commission is focussing new audits primarily on larger employers, in both the public and private sectors. By the end of the coming year, employers with over 80% of public sector employees and over 60% of private sector employees will be undergoing or have completed a compliance audit.

In the coming year, the Commission will begin to assess whether or not employers who have been subject to an audit are demonstrating quantifiable improvements in the representation of the four designated groups in all occupational groups and categories.

Service Line 3 Human Rights Promotion

An important part of the Canadian Human Rights Commission's role is to increase public understanding and awareness of human rights and respect for human rights, in order to reduce and eventually eliminate the incidence of discrimination. In addition to the Commission, other government departments and agencies at all levels, as well as non-governmental organizations, all play important roles in the protection and promotion of human rights.

The objective is to foster public understanding of the principles of human rights and employment equity, and awareness of the roles and activities of the Canadian Human Rights Commission.

In 1999-2000, the Commission again focussed attention on projects aimed at improving the way it carries out its protection, or complaints-handling, role, as it had in the previous year. This required that resources from other program areas, including the promotion function, be temporarily allocated to the complaints process.

Reaching out to Canadians

Despite these constraints, in 1999-2000 the Commission continued promotion work in 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.

The Commission developed a strategic 3-year plan for its promotion activities, which is designed to maintain a balance between the Commission's dual roles and to coordinate and target its promotional activities in order to maximize the Commission's limited resources.

Commission representatives delivered information and training sessions on a wide range of subjects to a variety of audiences across the country and beyond, including employers, managers, harassment counsellors and students. Sessions provided information on the Commission's work and the *Canadian Human Rights and Employment Equity Acts*, and covered subjects such as employers' obligations under the *Acts*, workplace diversity and harassment in the workplace.

Throughout the year, the Chief Commissioner, Commissioners and other representatives of the Commission met with a range of individuals and organizations to speak about human rights issues and the work of the Commission, and to hear about their views and concerns. Meetings took place with community and advocacy groups, with employers and employer

associations, with other human rights commissions, and with the media. Commission representatives also delivered speeches on human rights at a variety of events.

The Commission carried out work in partnership with its provincial counterparts, as well as agencies and groups dedicated to one or many aspects of human rights. Joint workshops were held on issues such as harassment and the duty to accommodate.

One example was a joint workshop by the Commission's Prairie Regional Office and the Manitoba Human Rights Commission on "Keeping Current on the Legalities of Harassment in the Workplace" for the Manitoba Association for a Respectful Workplace. Another was a workshop on "Harassment and the Duty to Accommodate" hosted by the Commission's Ontario Regional Office in association with the Ontario Human Rights Commission. This workshop was presented at the Institute for International Research's conference on "Law and Ethics in a Fast-Changing Workplace."

Commission headquarters and regional offices were involved in events marking special days such as International Women's Day and International Human Rights Day. The Commission was also represented at events for Black History Month, International Day for the Elimination of Racism, Access Awareness Week and Aboriginal Awareness Week.

The Commission released its Annual Report in March 2000. The report discussed human rights issues in general and the Commission's work in particular. It also included the Commission's third annual report under the *Employment Equity Act*.

Responding to public inquiries

The Commission receives approximately 50,000 inquiries from the public annually. An inquiry is any initial contact with the Commission by a person, group, or organization seeking information or wishing to bring a situation or concern to the Commission's attention. Many inquiries deal with matters that are beyond the Commission's jurisdiction. In these cases, the Commission suggests other avenues the callers might pursue to deal with their concerns. The Commission's regional offices and the central administration serve as points of contact for the public.

The Commission is accessible to the public: Canadians from across the country can reach a Public Information Agent of the Commission directly during working hours using a 1-800 and a 1-888 line; and people with a hearing impairment can access the Commission through a toll free TTY 1-888 line. Outside working hours, Canadians can reach the Commission by electronic mail and voice mail. Figure 10 below shows the number of inquiries the Commission received over the last decade.

Figure 10 Number of inquiries during the last ten years			
2000	49737	1995	40112
1999	55398	1994	46292
1998	47200	1993	52170
1997	46796	1992	52284
1996	36574	1990	52792

Changing public attitudes is part of the Commission’s legislated mandate to develop and conduct information programs to promote public understanding of the *Act* and of the role of the Commission. However, it is difficult to assess the Commission’s impact on public attitudes regarding human rights. For example, if the volume of complaints received by the Commission is taken as a measure of the impact of its work, either an increase or a decrease in complaints could be interpreted as an indication of greater awareness or understanding of human rights principles on the part of the public. An increase in the volume of complaints may indicate that Canadians are increasingly familiar with their rights and their recourse under human rights legislation. On the other hand, a decrease in the volume of complaints may indicate that Canadians in general, and employers and service providers in particular, have a better understanding of their responsibilities, and are therefore implementing policies and practices that are in line with the *Canadian Human Rights Act*.

Advising and Assisting Human Rights Commissions of Other Countries

At the international level, the Commission also continued to offer its experience and expertise, to the extent possible given its available resources, to countries seeking to establish or improve their own human rights institutions. For example:

In 1995, the Commission began working in concert with the Canadian International Development Agency (CIDA) to assist Indonesia’s human rights commission, Komnas Ham, in improving its research, investigation, protection, and promotion functions. Since 1997, the Commission has had a Canadian advisor working with Komnas Ham in Indonesia. A developmental plan for the organization is now in place, and a number of improvements have been made in the areas of staffing, investigation procedures, and automated systems.

The Commission signed joint cooperation agreements with Bolivia, Mexico and Peru that envisage the provision of technical assistance and mutual cooperation. Subsequently, the president and staff from the Bolivian agency took part in human rights seminars hosted for them by the Commission in Ottawa.

The Commission also received a large number of visiting delegations (from Morocco, Sri Lanka, Kenya, Bolivia 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.

Service Line 4 Corporate and Personnel Services

The Commission delivers its services to Canadians through its three service lines, Complaints, Employment Equity Audits and Promotion of Human Rights. They are supported by a fourth service line, Corporate and Personnel Services.

The objective is to ensure efficient management of the Commission's financial and human resources, and the implementation of the priorities established to improve its services to the public.

The Challenge

During the period under review, the Commission continued to deal with a number of initiatives that had been started in previous years and that had resource implications: the reduction of the backlog of cases; the implementation of measures under the Commission's renewal process; the requirement to conduct follow-up audits to ensure compliance with the *Employment Equity Act*; and the increasing demands for assistance in strengthening human rights institutions in other countries.

The Commission also continued the implementation of government-wide initiatives, particularly in the field of human resource management:

Making the Commission a Workplace of Choice: To follow up on the results of the Federal Public Service survey, the Commission, through a special employee-led committee, analysed the concerns raised by staff of the Commission and proposed corrective actions. The work of the committee focussed on three key issues: workplace environment, career development, and communication.

Pay equity: In the last months of the period under review, the Commission gave priority to the implementation of the federal public service pay equity decisions within the Commission.

Universal Classification Standard: The Commission spent a significant amount of effort dealing with the implementation of the Universal Classification Standard within its own organization. In addition to working on work descriptions and evaluations, the Commission gave priority to keeping employees abreast of the progress of the initiative.

During the period under review, the Commission undertook a restructuring exercise. Under the new structure, two Deputy Secretaries General are responsible for the Corporate Management Sector and the Operations Sector respectively, with the aim of strengthening the internal management of the Commission and improving service delivery to the public.

Section III: Consolidating Reporting

Section not applicable

Section IV: Financial Performance

Financial Table 1 - Summary of Voted Appropriations

Financial Requirements by Authority (\$ thousands)

Vote		1999-00		
		Planned Spending	Total Authorities	Actual
Canadian Human				
10	Program expenditures	13,312.0	16,564.3	16,254.6
(S)	Contribution to employee	1,885.0	2,174.0	2,174.0
(S)	Spending of proceeds from the disposal of surplus Crown Assets	-	9.1	7.9
Total for the		15,197.0	18,747.4	18,436.5

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

Explanation of the 1999-2000 Total Authorities: The 1999-2000 total authorities represent an increase of \$3,550,458 or 23% over the 1999-2000 planned spending of \$15,197,000. This difference represents mainly the funding received through Supplementary Estimates 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 two pay equity complaints against Bell Canada and the Government of the Northwest Territories (GNWT) before the Human Rights Tribunal; and
- to fund collective bargaining agreements.

Explanation of the 1999-2000 Actual: The 1999-2000 Actual represents 98% of the total authorities. The difference of \$310,975 between the actual and total authorities represents primarily the postponement of hearings at the Human Rights Tribunal for two pay equity complaints (Bell Canada and GNWT).

Financial Table 2 - Comparison of Total Planned Spending to Actual Spending

Commission's Planned versus Actual Spending (\$ thousands)

Canadian Human Rights Commission	1999-00		
	Planned Spending	Total Authorities	Actual
Full-time Equivalents - FTEs	180	198	191
Operating	15,197.0	18,747.4	18,436.5
Capital	-	-	-
Grants & Contributions	-	-	-
Total Gross Expenditures	15,197.0	18,747.4	18,436.5
Less: Respendable Revenues	-	-	-
Total Net Expenditures	15,197.0	18,747.4	18,436.5
Other Revenues and Expenditures			
Non-respendable Revenues	-	-	-
Cost of Services Provided by Other Departments	1,794.0	1,964.4	1,964.4
Net Cost of the Program	16,991.0	20,711.8	20,400.9

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

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

Historical Comparison of Commission's Planned versus Actual Spending (\$ thousands)

Business Line	Actual 1997-98	Actual 1998-99	Planned Spending	1999-00	
				Total Authorities	Actual
Canadian Human Rights Comm'n	14,786.0	16,121.2	15,197.0	18,747.4	18,436.5
Total	14,786.0	16,121.2	15,197.0	18,747.4	18,436.5

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

Financial Table 4 - Contingent Liabilities

Contingent Liabilities (\$ thousands)

List of Contingent Liabilities	Amount of Contingent Liability		
	March 31	March 31	Current as of
	1998	1999	March 31, 2000
Loans	-	-	-
Claims, Pending and Threatened Litigation			
Litigations			
<i>Morgan v. CHRC</i>	200.0	200.0	-
<i>Ayangma v. CHRC</i>	25.0	200.0	200.0 ⁷
Total	225.0	400.0	200.0

⁷ Case subsequently dismissed June 21, 2000

Section V: Departmental Overview

Mandate

The Canadian Human Rights Commission was established in 1978 to administer the *Canadian Human Rights Act*. The purpose of the *Act* is to promote equality of opportunity and to protect individuals and groups from discrimination based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, or conviction for an offence for which a pardon has been granted.

The Commission also has a mandate under the *Employment Equity Act*, legislation that seeks to correct disadvantageous conditions of employment experienced by women, Aboriginal people, persons with disabilities and members of visible minorities.

Both the *Canadian Human Rights Act* and the *Employment Equity Act* apply to federal departments and agencies, Crown corporations, and federally regulated private sector companies .

The Canadian Human Rights Commission aims to discourage and reduce discriminatory practices by investigating complaints of discrimination under the grounds prohibited by the *Canadian Human Rights Act*, conducting audits to ensure compliance with the *Employment Equity Act*, conducting research and information programs; and working closely with other levels of government, employers, service providers, and community organizations to promote human rights principles.

Vision Statement

- ❑ We envision the Canadian Human Rights Commission as a dynamic and progressive leader, contributing to a society where people respect human rights and diversity and treat each other with dignity.

Mission

- ❑ We protect and advance human rights by providing a forceful, independent and credible voice for promoting equality in Canada.
- ❑ We work to discourage discrimination and disadvantage and ensure compliance with the *Canadian Human Rights Act* and the *Employment Equity Act*.
- ❑ We share our experience and cooperate with human rights institutions in Canada and in other countries.

Operating Environment

The Commission is an agency reporting to Parliament. Its statutory authority covers all areas of federal jurisdiction, including federal departments and agencies, Crown corporations, private companies that regularly transport goods or people across provincial or national borders, chartered banks, companies that handle radioactive materials, interprovincial or international pipelines, federally regulated broadcasters, telecommunications, and grain elevators.

Organization of the Commission

The *Canadian Human Rights Act* provides for the appointment by the Governor in Council of a Chief Commissioner, a Deputy Chief Commissioner and a maximum of six part-time members. The Chief Commissioner and the Deputy Chief Commissioner are full-time members appointed for a term not exceeding seven years; other members are appointed for a term not exceeding three years.

The Commission delivers its program through the offices of the Chief Commissioner and the Secretary General, and two Deputy Secretaries General, one heading the Operations Sector and another one the Corporate Management Sector. The Operations Sector consists of the following branches: Investigation, Alternate Dispute Resolution and Standards, Pay Equity and Human Rights Promotion, and the regional offices in Vancouver, Edmonton, Winnipeg, Toronto, Montreal, and Halifax; the Corporate Management Sector includes the following branches: Policy and Planning Branch and Corporate Services Branch. The other branches are Employment Equity; Legal Services; and the Executive Secretariat. An organization chart can be found in Annex C.

Business Line Description

The Canadian Human Rights Commission maintains four service lines: Complaints, Employment Equity Audits, Human Rights Promotion and Corporate and Personnel Services.

- Complaints:** The investigation, mediation and conciliation of complaints, supported by legal advice and policy research, to provide appropriate remedies to victims of discrimination and to eliminate instances of systemic discrimination.
- Employment Equity Audits:** The auditing of federal government departments and federally regulated private companies to ensure they take the steps necessary to eliminate obstacles to the employment and career advancement of women, Aboriginal people, persons with disabilities, and members of visible minority groups.

-
- ❑ Human Rights Promotion: The promotion of human rights principles through research, the development of policies intended to assist employers and service providers, public education, the dissemination of information, and liaison with government, other human rights organizations and advocacy groups.
 - ❑ Corporate and Personnel Services: The development of policies, procedures and systems for management and decision-making; and the provision of ongoing administrative services in support of the Commission's programs.

Section VI: Other Information

Contacts for Further Information and Departmental Web Sites

Mary H. Walsh, Deputy Secretary General, Corporate Management : (613) 943-9512

Michèle A. Bousquet, Chief, Planning, Review and Audit: (613) 943-9047

Web site at: <http://www.chrc-ccdp.ca>

Statutes Administered by the Canadian Human Rights Commission

Canadian Human Rights Act, R.S. 1985, C. H-6 as amended
Employment Equity Act 1995, C .44

Statutory Annual Reports and Other Departmental Reports

The Commission's Annual Report to Parliament is tabled on or before March 31 of each year. The report is available as a printed book, on the Internet at <http://www.chrc-ccdp.ca>, and as a sound recording, in large print, in braille and on computer diskette to ensure it is accessible to people who are visually impaired.

Description of the Complaints Process

Canadian Human Rights Commission

When the Commission Receives an Inquiry

Information is provided on the Commission and the *Canadian Human Rights Act*. The person may be directed to another agency if the matter is not within the Commission's jurisdiction.

After the Commission Accepts a Complaint

When appropriate, an officer will refer the complainant to another redress mechanism (such as an employer's internal complaints process or a union grievance procedure).

When appropriate, mediation will be offered as an option to the complainant and the respondent.

If the matter remains unsettled, an officer will investigate the allegations and report to the Commissioners on the investigation findings.

When the Commissioners Make a Decision

All complaints are reviewed by the Members of the Commission.

The Commissioners can refuse to deal with complaints which are more than one year old, or which are beyond the Commission's jurisdiction.

They can approve a settlement between the parties or appoint a conciliator to help the parties arrive at a settlement.

They can refer a complaint to the Canadian Human Rights Tribunal for further inquiry.

They can dismiss a complaint for lack of evidence.

Canadian Human Rights Tribunal

On referral by the Commission, the Tribunal will conduct hearings into a complaint.

After weighing the evidence that is presented, the Tribunal will make a decision on the merits of the complaint and order an appropriate remedy.

Federal Court of Canada

The Federal Court can be asked by either party to review a decision by the Commission.

The Court can also review a decision or order of the Canadian Human Rights Tribunal.

Description of the Compliance Audit Process

The Canadian Human Rights Commission carries out employment equity audits of federal departments, agencies, and federally regulated employers. The *Employment Equity Act* mandates the Commission to perform these audits and report to Parliament on the results every year.

What Happens in an Initial Audit

- The employer receives an audit notification letter and is then contacted by a compliance review officer. The officer negotiates an audit plan and sends a questionnaire to the employer.
- Using the questionnaire's results, the officer completes a "desk audit" that assesses compliance against the Act's twelve requirements. The officer then visits the workplace to verify the findings and review the preliminary results with the employer.
- If the employer is in compliance, a final audit report is completed. If not, the officer drafts an interim report, indicating the undertakings required for compliance and time limits of up to twelve months for their completion.
- The officer and the employer then negotiate the undertakings and time limits in the report. Once an agreement has been reached, the employer signs the report.

What Happens in a Follow-up Audit

- The employer submits a progress report and a follow-up audit is conducted to assess whether the undertakings have been fulfilled.
- If the employer is then in compliance, a final report is issued. Thereafter, the Commission will monitor the employer's annual reports, and may begin a new audit if no reasonable progress is shown.

Why a Direction Is Issued

- When an employer does not agree to undertakings, or has not completed the work required by undertakings, the Commission may issue a "direction" to the employer. A direction is an official instruction that stipulates the work required and the time limit for its completion. The employer can review the recommendation for a direction and may submit comments to the Commissioners before they decide whether to issue it. A follow-up audit after the time limit elapses will assess whether the employer has fulfilled the direction.

Employment Equity Review Tribunal

- Once the Commission has issued a direction, the employer may request a tribunal to reconsider it. The Commission may also ask a tribunal to issue an order when a direction has not been fulfilled.

Federal Court of Canada

- The Court may carry out a judicial review of a decision of the Commission or a tribunal.
- A tribunal order may be registered with the Federal Court, thus giving it the force of a court order.

Organization of the Commission

Under the overall direction of the Chief Commissioner, the Secretary General, as the Commission's chief operating officer, is responsible for the Commission's operations at headquarters and in the regions.

The **Executive Secretariat** provides administrative services to the executive offices, including coordinating Commission meetings, supporting the Senior Management Committee, managing executive correspondence, and preparing briefing materials. It is also responsible for access to information and privacy.

The **Legal Services Branch** provides advice to the Chief Commissioner, Commission members and staff. Legal officers also represent the Commission in litigation before tribunals and the courts.

The **Operations Sector** is responsible for the mediation, investigation and conciliation of complaints, including pay equity complaints, as well as the monitoring of complaint settlements. The Sector also provides a quality assurance function for cases presented to the Commission, trains staff involved in the complaints process, and establishes performance standards and operational policies.

The Operations Sector is also responsible for **Human Rights Promotion Branch**, which includes staff at headquarters and in the Commission's six regional offices. It conducts programs to promote the principles of equality, foster public understanding of the *Canadian Human Rights Act* and the *Employment Equity Act*, and inform people of the work of the Commission. The Branch is responsible for contacts with the media and for editorial services.

Regional Offices perform two functions. They carry out education and outreach activities with community groups, employers, service providers, unions and provincial human rights commissions. They are also the first point of contact for people wishing to file complaints of discrimination, and carry out investigations.

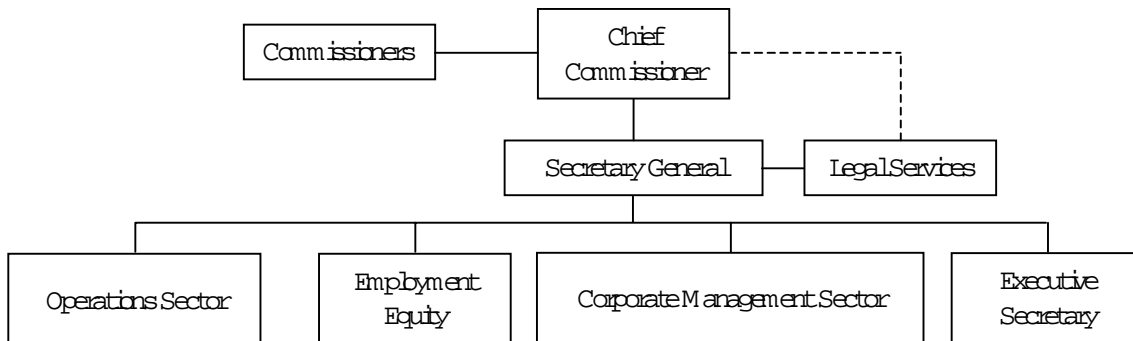
The **Corporate Management Sector** through the **Policy and Planning Branch** is responsible for providing policy, planning, review and audit, and research assistance. Human rights issues are monitored by the Policy and Planning Branch, who also develops policy proposals, guidelines and research reports to assist Commission decision making and support the Operations Sector. The Policy and Planning Branch also coordinates the Commission's activities to assist human rights institutions outside Canada.

The Corporate Management Sector also includes the **Corporate Services Branch** which provides headquarters and regional offices with support services in assets management, finance, informatics, information management, and library

services. It also provides support services in staffing, classification, pay and benefits, staff relations, training and human resources planning, official languages, and health and safety.

The **Employment Equity Branch** conducts employment equity audits with employers in the private and public sectors to assess their compliance with the requirements of the *Employment Equity Act*.

Organizational Structure



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