



CANADIAN HUMAN RIGHTS COMMISSION

ANNUAL REPORT

2000

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© Minister of Public Works and Government Services 2001
Cat. No. HR1-2000
ISBN 0-662-65391-2

This publication is available as a sound recording, in large print, in braille,
and on computer diskette.

It is also available on the Commission's web site at:
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CANADIAN
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COMMISSION
CANADIENNE DES
DROITS DE LA PERSONNE

Chief Commissioner Présidente

March 2001

The Honourable Daniel Hays
Speaker of the Senate
The Senate
Ottawa, Ontario
K1A 0A4

Dear Mr. Speaker:

Pursuant to section 61 of the *Canadian Human Rights Act*, I have the honour to transmit the *2000 Annual Report* of the Canadian Human Rights Commission to you for tabling in the Senate.

Yours sincerely,

Michelle Falardeau-Ramsay, Q.C.



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Chief Commissioner Présidente

March 2001

The Honourable Peter Milliken, M.P.
Speaker of the House of Commons
House of Commons
Ottawa, Ontario
K1A 0A6

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Preface

The Canadian Human Rights Commission's Annual Report for 2000 and its companion volume, the *Employment Equity Report*, record commendable progress for the Commission. I note with pride our improvements to service in dealing with complaints, our work with provincial partners, our participation in international human rights activities, and our promoting of human rights in the workplace.

But, this report is not just about the Commission; it is also about Canada. Do we, as a nation, live up to our claims to respect human rights? Have we built a human rights culture? Do we abide by international human rights principles? What is the health of human rights in Canada?

Our report draws attention to facts that suggest that, as a nation and as individuals, we have much to do. I am disheartened to report that, in the year 2000, single mothers and elderly women continue to be more likely to live in poverty than most other Canadians; that people with disabilities are too often denied access to the workforce and the jobs that would improve their circumstances; that members of visible minority groups find themselves excluded from many aspects of our society; and that the living conditions of Aboriginal peoples, both on and off reserves, are well below those enjoyed by other Canadians.

How can this be, when Canada has long agreed with other countries on the importance of political and civil rights, as well as economic, social and cultural rights? Canada is often congratulated on its record and seen as a human rights leader. And yet, we cannot ignore that we fall short of our own standards — and those of the international community — in a number of areas.

Of special concern to me is the issue of pay equity. Pay equity embodies key human rights principles. It is as essential for the economic and social well-being of Canadians as it is for women's equality. And yet the current system for implementing pay equity finds itself at an impasse, with cases delayed by litigation and procedural questions. That is why, in February 2001, the Commission tabled a special report on pay equity, entitled *Time for Action*. The report assesses how federal pay equity provisions have worked up to now, and suggests how those provisions might be improved, based on the Commission's more than twenty years' experience in this area.

In fact, our Commission has long talked about the need for better tools for protecting and promoting all areas of human rights. The

recommendations put forward by the Canadian Human Rights Act Review Panel in 2000 were a welcome step towards improving the legislation. This is not to say that I am convinced by all of the Panel's proposals. And we still await word from the government on what changes it plans to make. But I am encouraged that we are thinking about how to chart a future course for our legislation — and for a Canada where human rights are a reality for everyone.

Our work in promoting human rights plays an important part in reaching that goal. In the coming months, my fellow Commissioners and I will speak to many people about human rights issues, especially about pay equity and human rights in the workplace. We will remind our audiences that human rights are a responsibility not just of the Commission and the human rights bodies in the provinces and territories. Human rights are an on-going responsibility of each Canadian. Only if we carry the idea of human rights into our daily lives and, as individuals, take action to make them a reality can Canada boast a true human rights culture.

Introduction

Making human rights a reality. This is the job of the Canadian Human Rights Commission. It means many things. It means helping resolve individual complaints of discrimination. It means bringing about broader changes in Canadian society. And it means teaching Canadians that respecting human rights makes our society better for us all. All of these elements are part of building a human rights culture.

Canada is often praised for its human rights record; and some would say that we have already won the major battles. But much as one wishes this to be true, there are still significant issues to be addressed. And as we operate increasingly in a global human rights network, we become more aware that Canada's performance is closely watched around the world.

By signing the majority of international human rights instruments on civil, political, economic, social and cultural rights, Canada has committed itself to principles that the international community has agreed are fundamental to human rights. And it has shown its commitment in its domestic policies, practices and laws. But many would say that our commitment extends to civil and political rights only; that we cannot make the same claim for economic, social and cultural rights.

There is growing awareness in Canada that to make human rights a reality we must focus more on the rights expressed in these instruments. Most recently, a parliamentary working group, led by Senator Lois Wilson, has been highlighting the relevance of international instruments to Canada. This movement is timely and will help enhance our understanding.

It is clear, too, that the Commission's own work relates closely to our international human rights obligations. The Commission's work on pay equity is a case in point: it can be traced directly to international instruments. The Commission's human rights protection and promotion roles are also derived from these obligations. The Commission believes that the *Canadian Human Rights Act* should make this clearer, that a more explicit link in the Act would demonstrate to all that our domestic human rights law embodies the international principles Canada is committed to respecting.

This report's first chapter, "Health of Human Rights in Canada," discusses significant Canadian human rights developments in 2000. By assessing the actions of our government, the decisions of our courts and tribunals, and other important events, the chapter measures

how Canada has fared in making human rights a reality. In the chapters “Human Rights Protection” and “Human Rights Promotion,” the report describes the Commission’s work over the twelve months under review.

This Annual Report is one of two reports the Commission has submitted to Parliament. Its companion volume, *Employment Equity Report*, fulfills the Commission’s legislative requirement to report annually on its work under the *Employment Equity Act*. The latter report describes the audit process which the Commission is required to carry out, and the progress made by employers in complying with the Act. The Commission also issues a *Legal Report* that provides information on key court and tribunal decisions in 2000.

Health of Human Rights in Canada

We are in the midst of a global rights revolution and Canada is leading the way. This was the message of the noted Canadian writer, Michael Ignatieff, in the 2000 Massey Lectures. It is an imperfect and incomplete revolution, to be sure. Yet Canada's attempt to build a society that respects diversity, strives to overcome disadvantage and celebrates the inherent rights of all its citizens, also serves as a useful lesson for other nations.

That human rights are universal, indivisible and interdependent is an underlying theme of the rights revolution, both in Canada and globally. Despite our individual differences and national peculiarities, all human beings possess inherent and fundamental rights that are ours simply by being part of humankind. Canada's commitment to this principle is underlined by both our ratification of many important international human rights treaties and instruments since 1945, and by the fact that we are seen as a model for the world community.

Increasingly, the Commission and Canadians involved in the human rights dialogue have begun to look at how our domestic human rights system meshes with our international obligations. After all, it is our actions — our Parliament's laws, our governments' programs, our courts' judgements, our individual acts in our personal and business lives — that demonstrate how close we have come to meeting the standards we have set for ourselves. The Commission hopes to explore this relationship in greater depth in the coming years.

So then, how fared the rights revolution in Canada in 2000? This report can only touch on some of the most salient events, but these nevertheless show both Canada's progress and how far we have yet to go.

Measuring our Performance on Race: The UN Conference

How Canada and the other nations deal with racism and diversity will be under scrutiny at the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The conference, to be held in Durban, South Africa in 2001, will focus on a range of issues, from the sources and forms of racism to strategies for full equality.

This important conference provides an opportunity to motivate Canadians to move beyond tolerance and embrace diversity. Already in 2000, as part of the preparations, the Department of Canadian Heritage's national and regional consultations were a valuable opportunity to discuss the many forms and effects of racism and intolerance. The Commission participated in these consultations and followed closely the issues that call for attention here at home.

Canadians now recognize that our historical record in treating racial and ethnic minorities is flawed. One thinks of Chinese immigrants required to pay a head tax to enter Canada or other Asians simply excluded from immigration; Japanese and Ukrainian Canadians interned because their country of origin was at war with Canada; or Jews denied refuge from Nazi persecution. The discrimination against, and segregation of, Blacks in numerous sectors of Canadian society and the encompassing mistreatment of the Aboriginal peoples are further examples of Canada's blemished past. The list goes on. It is not surprising, therefore, that a key theme to emerge from the consultations was Canada's need to take responsibility for this discrimination and to make amends.

The issue of redress and compensation for past wrongs is already emerging as a major theme of the World Conference Against Racism, despite some nations' reluctance to place the matter on the conference agenda. As Canadians know from our own experience with Indian residential schools and compensation for the internment of Japanese Canadians, redress of past wrongs is difficult and complex. Yet it must be addressed with determination and imagination if we are to build societies in which all human beings feel respected and valued. The Commission hopes that Canada will again show world leadership and explore ways to deal with this vital issue.

Preparations for the World Conference Against Racism are also underway at the international level. In December, the Commission's Secretary General accompanied the Canadian delegation to the Americas Regional Preparatory Conference in Santiago, Chile. Such regional meetings lay the foundation for renewed global and regional commitments and strategies to combat racism.

The historic treatment of indigenous peoples and dealing with its modern day manifestations is of concern throughout the Americas. The Commission hopes to work with a newly established Network of National Human Rights Institutions for the Promotion and Protection of Human Rights of the Americas to ensure that this issue, along with those relating to other disadvantaged groups, is given full discussion at the conference, and afterwards.

Ten Years after Oka

Ten years ago, an armed confrontation between Aboriginal people and the police and army at Oka, Quebec, moved the relationship between Aboriginal and non-Aboriginal Canadians to the forefront. At the time, the Commission issued a Statement on Federal Aboriginal Policy, entitled *A New Commitment*. This statement called for collaboration in redesigning the relationship between the Aboriginal peoples and Canada and in finding new ways of addressing questions fundamental to our co-existence. It is clear today that while progress has been made in ten years, it has been too little and too slow.

Important steps have been taken. The Royal Commission on Aboriginal Peoples made many concrete proposals for resolving long-standing issues. In response, the federal government issued a Statement of Reconciliation and an Aboriginal Action Plan, *Gathering Strength*. However, these steps are now several years old; and it is discouraging that many of the Royal Commission's recommendations have yet to be given the consideration they deserve.

Obviously, it will take many years to resolve the most pressing issues, such as land claims. Yes, more land claims agreements have been reached. In 2000, Parliament took an important step by passing legislation to implement the historic Nisga'a Final Agreement, the first comprehensive claim settled in British Columbia. However, overall, the claims process is still slow and fraught with too many twists and turns that give governments an advantage over First Nations seeking recognition of their legitimate rights. The modern claims process, which began in 1973, is now almost three decades old. In some cases, the daughters and sons of the Aboriginal leaders who first sat at the negotiating table are carrying on the fight. Claims are complex, and careful negotiations that ensure fair treatment for all those affected take time. But it is reasonable to expect Canada to bring this long unfinished business to a close before yet another generation of negotiators takes its place at the table.

Resolving Specific Claims

Resolving specific claims — those dealing with non-fulfilment of treaty obligations or poor administration of Indian interests by the government — is similarly discouraging. In 1990, the Commission endorsed the idea of an independent claims body to expedite and facilitate the resolution of the hundreds of pending specific claims. Such an entity, the Indian Claims Commission (ICC), was in fact created and has done commendable work.

However, as its members have themselves stated, repeatedly and vociferously, the ICC lacks the statutory mandate or the independence

necessary to get the job done. At one point, the ICC Commissioners even submitted their mass resignation in frustration with the government's failure to create a more effective commission. Consultations between the government and Aboriginal leaders on establishing a new claims commission have been going on for years, but at the end of 2000 the matter still seems far from resolved.

Self-government and the *Indian Act*

Canada, to its credit, recognizes Aboriginal peoples' inherent right to self-government. Aboriginal communities do indeed have more autonomy and self-direction than ever before. And, despite the media focus on cases of poor management or financial waste — a problem not limited to Aboriginal governments — Aboriginal communities, by and large, are admirably managing their own affairs in the face of formidable challenges.

Experience shows that self-government regimes established under claims settlements such as the James Bay Agreement enable Aboriginal communities to provide a better life for their citizens. This is happening despite ongoing questions about the federal and Quebec governments' commitment to meet both the spirit and the letter of their obligations. Such concerns were brought to the Commission's attention by the Cree-Naskapi Commission, an independent body that monitors implementation of the self-government provisions of the James Bay Agreement. The Cree-Naskapi Commissioners pointed out that despite repeated recommendations for improving the situation, the federal government has yet to respond adequately to the Commission on issues such as claims implementation, self-government, housing and economic development. The Canadian Human Rights Commission urges the government to fully and fairly address these issues.

The vast majority of Aboriginal communities still operate under the *Indian Act*. All sides agree that this legislation is archaic and out of step with the realities of modern Aboriginal communities. At the end of the year, the Minister of Indian Affairs announced a major overhaul of the Act. Anyone with even a passing acquaintance with Aboriginal issues will remember similar statements by previous Ministers over the last 25 years, all with no result. Nevertheless, the Commission remains hopeful that this time meaningful and much needed change will occur.

Nunavut

When the new Territory of Nunavut opened its Legislative Assembly in Iqaluit in October 2000, the Chief Commissioner was honoured to participate in the opening ceremonies. The Inuit of the Eastern Arctic, who constitute the majority of the new territory's residents, have

embarked on an ambitious exercise in northern government. Although the logistical challenges are real, expectations are high. Nunavut will need the full support of the government and the people of Canada to ensure the success of this bold experiment.

Living Conditions in First Nations

Money and effort have been invested in improving housing and infrastructure in First Nations communities. More communities now have better housing, safe water and hygienic waste disposal systems. There are also some improvements in health and well-being, including a modest increase in life expectancy.

But Aboriginal people, as a group, remain among the most disadvantaged of all Canadians. The life expectancy of First Nations children born today is six and a half years less than their non-Aboriginal peers. They are also especially likely to be affected by Fetal Alcohol Syndrome and Fetal Alcohol Effect — a preventable disability which results from prenatal alcohol use by mothers. Canada's failure to ensure a full measure of social and economic equality for all its citizens is troubling. The commitment to achieve such equality is far more than a matter of kindly benevolence. It is a question of building a society in which all Canadian citizens enjoy the fundamental dignity and respect that are at the root of human rights both in Canada and internationally.

The Innu people of Labrador received particular attention in 2000. This same group made international news several years ago, when a video showed the suicidal behaviour of some Innu teenagers. Frustrated by their inability to control the situation, the Innu gained the public's attention in 2000 by calling on the federal and provincial governments to take a group of children addicted to gas sniffing into protective care, away from their communities.

In 1993, the Commission investigated the Innu of Labrador. It found that, as a result of special circumstances relating to Newfoundland's entry into Confederation, the Innu have been denied the same level of programs and services available to Aboriginal peoples in other provinces. The Commission recommended then that the federal government register the Innu as Indians under the *Indian Act*. Such registration would give them access to a much broader system of social and economic support. In late 2000, following the recent crisis, the government announced that the Innu in Labrador will be given the same access to programs and services as other First Nations in Canada.

The plight of Davis Inlet and other communities with similar problems raises serious questions about whether Canada is affording Aboriginal people the rights protected under international law. For example, the *Convention on the Rights of the Child* provides that governments will undertake “measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.” The *International Covenant on Economic, Social and Cultural Rights* recognizes “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

Aboriginal People Outside of Reserves

One matter that habitually falls between the cracks is the provision of programs and services — not to mention opportunities for self-determination — for Aboriginal people outside of Indian reserves. This is especially true of Métis and non-status Indians, many of whom live in our major urban centres. Although discussions are under way and some commitments have been made, federal and provincial governments have yet to devise a comprehensive approach to dealing with the needs of these groups. This is despite the fact that they now constitute a majority of Aboriginal people in Canada and face particular challenges, including social and economic conditions that can be worse than those on reserves. Discussions have begun with the Métis and non-status Indian organizations, but signs of real progress are still scarce.

The Minister of Indian Affairs announced this Fall that First Nations’ election rules would be amended to allow off-reserve band members to vote in elections for band councillors and in referenda held pursuant to the *Indian Act*. The government here is implementing the Supreme Court of Canada’s ruling in the *Corbiere v. Canada (Minister of Indian and Northern Affairs)* case. More than 200,000 new voters will now be able to have a say in elections and referenda that may have a significant impact on their lives.

Overall this is a positive development that will strengthen self-government. But as First Nations have pointed out, implementation of the Supreme Court decision will have little practical benefit if First Nation governments are not given sufficient resources to meet the needs of all their citizens.

Compensation for Past Acts of Discrimination

As was noted earlier in relation to the World Conference Against Racism, compensation for past acts of racial discrimination is a critical issue. In Canada, the experience of former students of Aboriginal residential schools, which were funded by the federal government and managed by church organizations, is one example. Both historic research and court decisions show that physical and sexual abuse were common occurrences in the residential school system, along with the systematic deprivation of Aboriginal culture and language. In 1998, the Canadian government expressed its profound regret for the wrongs suffered by Aboriginal peoples in these schools.

But, there are now more than 7,000 pending court claims relating to residential school abuse and several thousand more are predicted. As emphasized by the Law Commission of Canada's recent groundbreaking study of institutional child abuse, there are practical alternatives to litigating each case, a process that often re-victimizes people already scarred by their residential school experience. It is therefore encouraging to report that the Deputy Prime Minister has initiated discussions aimed at achieving a comprehensive and fair resolution of redress claims outside the court system.

Removing Barriers to Canadians with Disabilities

According to the 1991 Census, 4.2 million of us — one in six Canadians of all ages — had a disability. In many communities the rate is even higher. For example, approximately 30 per cent of Aboriginal adults report a disability — double the national rate.

In the year 2000, ensuring that workplaces, public facilities and services are accessible to Canadians with disabilities should be a matter of course. Unfortunately, it is clear that much must be done to make our society barrier-free. Having said that, there are several positive developments to report in the year under review.

Automated Banking Machines

Using automated banking machines (ABMs) has long been commonplace for most Canadians. However, for Canadians with disabilities this modern convenience is often inaccessible. Most ABMs have not been designed for the special needs of people who are blind, visually impaired, have dexterity problems or use wheelchairs. Point of sale devices, which enable consumers to debit purchases directly from their bank accounts, are also inaccessible to many people.

The Commission welcomes all efforts to create barrier-free access to ABMs and point of sales devices. To this end, it has worked in

Communication Barriers for People who are Deaf and Hearing Impaired

cooperation with the Canadian Standards Association, now known as CSA International, to facilitate the development of a new ABM standard. The Commission hopes to examine these issues further in 2001 and see what workable solutions can be devised.

We live in a world where hearing a TV broadcast or being able to participate in a court hearing or meeting may be vital to our social and cultural well being, and not least to our opportunities for employment and education. This reality means that the tens of thousands of people who are deaf or suffer hearing loss face formidable barriers to full participation in Canadian life. The Commission was accordingly pleased with two recent decisions that will help overcome barriers to communication for people who are deaf and hearing-impaired. Both started out as complaints submitted to the Commission.

Following hearings into a complaint from Henry Vlug of Vancouver, the Canadian Human Rights Tribunal ordered the CBC's English network and Newsworld to caption all of its television programming. This decision was of particular note because the tribunal applied the accommodation model set out by the Supreme Court of Canada in the 1999 *Meiorin* and *Grismer* decisions (discussed in detail in the Commission's 1999 Annual Report).

The tribunal found that the CBC had a legal duty to accommodate the needs of deaf TV viewers by providing full captioning unless it could prove that to do so would impose an undue hardship on the corporation. The CBC provided evidence claiming that full captioning would be unduly costly, but the tribunal was not convinced that this would be so. The tribunal decision reconfirmed that access is a fundamental right guaranteed by law that can only be denied for the most compelling reasons. The CBC has asked the court to review this decision, but the Commission is hopeful that common ground will be found to resolve this issue.

In another important Commission case, the Tax Court of Canada settled a complaint from a deaf person by introducing a new policy of providing sign language interpreters and captioning for deaf, deafened and hard-of-hearing people in all of its courts. Scott Simser filed a complaint with the Commission because, as an articling student with the Department of Justice, he was required to represent the Department before the Tax Court of Canada, where he needed real-time captioning of the proceedings. The Commission has brought this

Using Communications Technology

resolution to the attention of other federal agencies, boards and courts, and of provincial and territorial human rights commissions. It encourages them to follow suit and introduce policies like that of the Tax Court so that their proceedings are accessible to all Canadians.

A federal government task force, led by the National Research Council, made commendable progress in identifying strategies that will help the federal government use communications technology to serve both employees and members of the public who have disabilities. The task force's report, *Access for All Through Technology*, was released in March 2000. The recommendations aim to overcome existing impediments and make the federal public service technology environment accessible to all employees with disabilities. The report seeks to minimize the need to accommodate individuals on a case-by-case basis. The recommendations include adopting government-wide accessibility standards, endorsing a policy of accessible procurement, and promoting greater awareness of accessibility issues among federal employees, with particular emphasis on managers, information technology personnel and persons with disabilities.

The report's recommendations could have a significant effect on the employability and participation rates of employees with disabilities. However, Treasury Board Secretariat delayed responding to the recommendations until November, and then did so in a manner that showed less than the hoped for full commitment to early action. Because it is so important that employees, including those with disabilities, are able to participate in the job market, the Commission will be watching closely for concrete actions on this issue.

Raising a New Barrier

The Commission is troubled to hear that Citizenship and Immigration Canada is considering mandatory screening of immigrants for the Human Immunodeficiency Virus (HIV). The Commission understands that the government must consider threats to public health and potential burdens on the health care system as part of the immigration process. However, such considerations must be balanced against Canada's commitment to fundamental human rights and non-discrimination.

The Commission is not convinced that mandatory HIV testing is necessary to ensure the health and safety of Canadians. Nor does it believe that the acceptance of HIV+ immigrants would necessarily impose an undue burden on the health care system. To cite just one expert opinion, the United Nations, in reference to its international

guidelines on HIV/AIDS and Human Rights, states that “any restrictions [on liberty of movement or choice of residence] based on suspected or real HIV-status alone, including HIV-screening of international travellers, are discriminatory and cannot be justified by public health concerns.”

The Commission has long argued that decisions on medical inadmissibility should be based on expert assessment of individuals and should take into account medical, social and humanitarian considerations. Given wide variations in the pace at which a person progresses from being HIV+ to having AIDS, people should not be excluded as a group based on stereotypical presumptions about what their health may be in five to ten years.

Women in Prison

The Commission was pleased to learn that the Prison for Women in Kingston finally closed its doors in July 2000. “P4W,” as it was commonly — although not affectionately — known, has been replaced by four recently constructed regional facilities and an Aboriginal healing lodge.

Ever since the prison opened in 1934, concerns had been voiced about Canada’s only federal prison for women. As the Honourable Madam Justice Louise Arbour summed up in her 1996 inquiry report on incidents involving inmates at the prison, the consensus has been that “correctional programs and accommodations for women have been largely unsatisfactory and inferior in quantity, quality and variety to those for the male offender.”

One remaining problem is the situation of maximum security women inmates. Correctional Service Canada (CSC) has announced that it will build enhanced security units for these offenders. In the meantime, however, maximum security women inmates continue to be held in facilities for male offenders. Jailing women inmates in male institutions is inconsistent with the United Nations *Standard Minimum Rules for the Treatment of Prisoners*. All female inmates should be able to serve their time in a women’s correctional facility. They should also have access to the types of counselling, vocational and educational programs necessary for their eventual successful reintegration into society. The Commission therefore urges the Correctional Service to ensure the modifications to the regional correctional facilities for women are completed without delay.

Another overdue measure is the introduction of an anti-harassment policy for inmates. Independent officials, appointed by the government to monitor the employment of male correctional officers in female prisons, have encouraged CSC to develop such a policy as a first step toward addressing the sexual harassment of inmates by non-inmates. The Commission reiterates its view that this basic measure is needed.

Before the Courts

Many fundamental human rights issues come before the courts. In 2000, Canada's learned judges were active in exploring the evolving meaning and extent of equality under the law.

The courts continued to show leadership in clarifying the rights of persons with disabilities. In an important case that originated as a complaint to the Canadian Human Rights Commission, the Federal Court affirmed a tribunal decision that the federal government failed to accommodate the needs of an employee with a learning disability. In *Green v. Public Service Commission of Canada, Treasury Board and Human Resources Development Canada*, the tribunal found that these three departments discriminated against Nancy Green when she was denied a promotion. Ms. Green had not passed a mandatory second language aptitude test and was therefore deemed incapable of reaching the level of second language proficiency required for promotion. However, her results in the test were due to a learning disability, dyslexia in auditory processing.

The Federal Court agreed with the tribunal that the departments should better accommodate employees with learning disabilities. Recommended steps included training employees to accommodate people with learning disabilities and creating an alternative method for testing the second language aptitude of people with learning disabilities. The Commission has been advising the departments on the development of a training program.

In three cases from Quebec, the Supreme Court ruled that perceptions about a person's abilities can pose a barrier equal to real physical limitations. The complainants in *Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Montreal (City)*; *Quebec (Commission des droits de la personne et des droits de la jeunesse) v., Boisbriand (City)*, Réjeanne Mercier, Palmerino Troilo and Jean-Marc Hamon, were either refused jobs or dismissed from their positions because of real or perceived medical conditions, even though these conditions did not prevent them from performing their duties. The court was very clear in its ruling that employers cannot refuse employment to persons who have disabilities, ailments or physical

anomalies that they fear may be problematic in the future, when they pose no current problems.

The Ontario Court of Appeal has emphasized that employers must be able to justify drug testing. In *Entrop v. Imperial Oil*, the court was asked to consider whether Imperial Oil's alcohol and drug test is discriminatory on the basis of disability. The court adopted the analysis set down by the Supreme Court in the *Meiorin* and *Grismer* cases to determine whether testing was a reasonable requirement. Its conclusions hinged largely on whether testing can demonstrate that individuals are capable of performing the duties of their position. In the court's view, since alcohol testing can show actual impairment, it can be justified as long as the sanctions for a positive test are tailored to the individual situation. Random and pre-employment drug testing, on the other hand, does not provide information on the individual's capacity to perform a job and is therefore, according to the court, not justifiable.

The Commission's 1999 policy on drug testing allows for testing in limited circumstances. In light of the developments just described, the Commission is reviewing this policy to ensure that it is consistent with the current interpretation of the law.

A case of immediate and direct concern to the Commission was a judicial review decision by the Federal Court of Canada in a pay equity case involving Bell Canada and many of its female employees. As discussed further in the chapter on "Protection of Human Rights," Bell challenged the impartiality of the tribunal appointed to hear this matter. The court found that there was a possibility that a tribunal might not be impartial, and consequently suspended the proceedings of the tribunal. The Commission has appealed the decision. Meanwhile other tribunals have suspended their proceedings, awaiting a determination by the higher courts as to whether the bias issue raised by the Federal Court is valid.

This development is particularly troubling for the Commission. It was only two years ago, in 1998, that the government amended the *Canadian Human Rights Act* to address potential bias issues raised by a previous Federal Court decision arising from the same case. Now, with a renewed appeal process that may take several years to come to a final resolution, many important human rights cases are being delayed.

Legislative Changes

The application of international human rights instruments to Canadian domestic law is an issue of growing focus for the Commission and others involved in human rights.

Canada has ratified most major international human rights instruments since 1945. As befits these instruments, Canada assiduously expresses its commitment and respect for the human rights principles they set out. Although Canadian courts are paying more attention to the domestic implications of Canada's international obligations, Canada has been slow to incorporate such obligations into domestic law.

International treaties have been fully or partially implemented by legislation in such areas as refugee protection, extradition, taxation, intellectual property, and trade. The *Canadian Human Rights Act*, however, makes no specific references to international human rights instruments to which Canada is a party. By contrast, some provincial human rights codes — for example, Ontario's — recognize the *Universal Declaration of Human Rights* in their preamble. The Commission would like the government to give active consideration to incorporating international human rights treaties into domestic law. Such measures would help ensure Canada's full and clear adherence to its accepted international obligations.

The Equality of Same-sex Couples

With regard to Parliament's 2000 legislative agenda, the Commission was pleased to see practical steps taken toward recognizing the equality of same-sex couples. Bill C-23, *The Modernization of Benefits and Obligations Act*, was passed and came into effect in 2000. The Act required changes to 68 federal statutes, such as the *Old Age Security Act* and the *Income Tax Act*. Now benefits and obligations already applied to married or common-law couples are extended to same-sex couples. The Commission believes that these amendments are both practical and symbolic. They recognize the equality of same-sex couples not only abstractly or theoretically, but in practice through the concrete application of our laws.

Immigration and Refugee Determination Systems

During 2000, the government sought to reform the immigration and refugee determination systems. Bill C-31, *The Immigration and Refugee Protection Act*, died on the Order Paper when the federal election was called, but was reintroduced in February 2001. The bill would see significant modifications to Canada's immigration system. Some of these changes would be positive. Overall, however, the Commission is concerned that the bill may represent a retreat from Canada's enviable record as a welcome home for new immigrants and a refugee for those fleeing persecution.

This concern is perhaps best exemplified by the proposal to use the term "foreign nationals" for all non-citizens, even those granted permanent residence — the status that enables immigrants to apply

for Canadian citizenship. As the Canadian Council on Refugees noted, this change could well “promote a view of non-Canadians as ‘aliens’ and undermine the status of permanent residents as members of Canadian society.”

Given that we are all, with the exception of the Aboriginal peoples, the descendants of “aliens,” one must seriously question whether this proposed change reflects the kind of inclusive and open society that Canadians desire.

Among its positive provisions, the bill distinguishes clearly between immigration and refugee protection matters, recognizes common-law relationships — including same-sex relationships — and provides for the sharing of security information between countries. The bill would also ensure the right of refugees to have refugee determination decisions more easily reviewed.

On the negative side, the Commission is troubled by provisions of the bill that would expand the ground on which a refugee can be detained. The Canadian Office of the United Nations High Commissioner for Refugees expressed concerns over this part of the bill in a submission to the government. Unfortunately, several countries routinely detain large numbers of refugee claimants, sometimes in substandard conditions, and have been strongly criticized in international fora for failing to respect international norms. The Commission hopes that Canada is not headed down this road.

On the positive side the Commission was pleased to note that after years of debate and a court challenge, the government has decided to relax requirements for so-called “undocumented” refugee claimants to become permanent residents. These claimants, usually fleeing from countries where there has been a total collapse of civil authority, were in an unenviable situation. Unable to properly document their identity, they were required to wait a minimum of five years to apply for permanent resident status, which confers certain important benefits such as applying for family reunification. The government has now agreed that, in the absence of official documentation, affidavits from two people who can attest to a person’s identity will suffice.

The Commission was also glad to see that the government has seen fit to remove the \$975 Right of Landing Fee for refugees. It had long advocated that the fee was an unjustified burden imposed on people who had already experienced significant hardship.

Reports on Human Rights Issues

In April 2000, the Task Force on the Participation of Visible Minorities in the Federal Public Service, also known as the Perinbam Task Force, released its report, *Embracing Change in the Federal Public Service*. The report was much anticipated throughout the federal public sector.

Participation of Visible Minorities in the Federal Public Service

When it was launched a year earlier by the Treasury Board, the task force was asked to review the situation of visible minorities in the public service and develop an action plan. The plan was to include benchmarks and follow-up mechanisms which would ensure that it is realized. The report recommends that a series of benchmarks, training, management accountability and measurement strategies be implemented to make the public service corporate culture more hospitable to visible minorities and to raise the representation of visible minorities in the public service to their rate of availability. The report also calls for the government to seek external advice and commit \$10 million to ensure the successful implementation of the action plan.

The Treasury Board has endorsed the task force's Action Plan and has followed its recommendation to establish an external advisory group to advise and guide the Secretary of the Treasury Board and the President of the Public Service Commission. These are important first steps. The real work, however, still lies ahead; and unless there is an effective and sustained effort to act on the task force's recommendations, visible minorities will continue to face serious barriers in their public service careers. As the Commission emphasizes in its accompanying *Employment Equity Report*, it is essential that departments do more than simply hire to the level of the recommended benchmark. Hiring has to go hand in hand with positive measures that will eliminate the workplace barriers and address the negative attitudes that exclude visible minorities in the first place.

Elderly Single Women Living in Poverty

Elderly single women living in poverty were the focus of a report issued in 2000 by Status of Women Canada. *Reducing Poverty Among Older Women*, written by Monica Townson, noted that the situation of elderly women has improved in recent decades. However, in 1997, almost 50 per cent of elderly women living alone still had incomes below the Statistics Canada low-income cutoffs, a widely cited measure of poverty. On average, elderly women have incomes that are over \$10,000 less than their male counterparts. In a country as prosperous as Canada, this is a matter of grave concern.

Poverty among elderly women results in no small part from systemic problems such as the ghettoisation of women in pink collar jobs — jobs that are often undervalued and hence underpaid — and workforce absences to care for young and old family members. Problems such as these reduce a woman's ability to save for retirement. Townson notes that these types of issues must be addressed if poverty among the elderly is to be eliminated.

Gender Integration and Employment Equity in the Canadian Forces

The Minister of National Defence's Advisory Board on Gender Integration and Employment Equity issued its first report in April 2000. The report noted that while some parts of the Canadian Forces have shown progress, integrating women into combat occupations continues to be a problem, particularly for Land Forces Command.

The Advisory Board made a number of recommendations and identified two critical needs. The first need is for an inclusive and welcoming environment in the Canadian Forces, not only for women, but for Aboriginal people and members of visible minorities as well. The second is for leadership which fosters this kind of environment and ensures that there are opportunities for women, Aboriginal people and members of visible minorities. The Advisory Board recommended ways to improve attitudes and practices in certain areas of the Land Forces Command, which appears to lag behind the Air and Maritime Commands in this respect. The report called upon the Army to demonstrate "through deeds, not only words, that diversity is imperative to operational effectiveness." The Board has done excellent work, and the Commission urges the Minister to prolong its mandate so that the necessary steps can be completed.

Executive Women

Although things have improved somewhat, the glass ceiling for women in senior management positions has not yet been shattered. Two studies looked at this issue during 2000. The Women's Executive Network and the Conference Board of Canada both reached similar conclusions about the barriers women executives still face.

The Women's Executive Network report, *Moving Forward 2000: The Experience and Attitudes of Executive Women in Canada*, included the results of a survey of 350 executive women. The results showed that, although many respondents believed that most forms of gender-based discrimination will have been eliminated by mid-century, over 40 per cent believe that gender-based discrimination will never completely disappear. Respondents were optimistic that women would eventually hold half of the senior positions in the federal public service. They were more doubtful that the same situation would apply

in the private sector. Younger women were less optimistic than older women regarding the speed of progress.

The Conference Board's study, *Creating High Performance Organizations: Leveraging Women's Leadership*, emphasized that, even though it was considered to be important to hold managers accountable for gender diversity, less than half of the organizations surveyed actually monitored whether managers successfully fostered workplace diversity. Even fewer track promotions or termination rates by gender.

Both surveys confirm a concern the Commission has been raising for some time: that the so-called "glass ceiling" has yet to be broken in many workplaces, and that Canadian employers must make changing this state of affairs a priority.

A New Vision Requires a New Act

The Commission has for some time suggested that the *Canadian Human Rights Act* be updated to better deal with contemporary manifestations of discrimination in Canadian society. It was therefore pleased that the Minister of Justice charged a panel, chaired by Justice Gérard La Forest, to review the Act. In 2000, the panel issued its report, *Promoting Equality: A New Vision*, with far-reaching recommendations.

We are pleased that the panel has highlighted many of the same principles of reform the Commission has advocated over the years. For example, the panel emphasized the importance of empowering the Commission to focus on preventing discrimination rather than dealing with its aftermath. This could be done by measures such as inquiries and audits, strengthened regulatory and standard-setting powers, and increased resources for research and policy development and for promoting respect for human rights. A new idea of particular interest to the Commission is the concept of internal responsibility systems. The Commission has long favoured dealing with issues in the workplace, where resolution can often be achieved quickly and fairly. The idea of making internal responsibility a formalized process, requiring all employers to have internal redress systems, is worthy of serious consideration.

The Commission agrees with the panel's recommendations for making the complaint system quicker, and more efficient, transparent and accessible. It welcomes a recommendation that would make education and promotion a statutory function on a par with the complaint process and resourced accordingly. The Commission also welcomes the recommendation to include social condition as a prohibited ground of discrimination.

The Commission has initial reservations on other recommendations. The direct claims model, which would allow claimants to bring their cases directly to the tribunal, is certainly an innovative and challenging new approach, but could end up with problems similar to those in the current system. As the review's authors would no doubt agree, the direct claims model is part of an integrated package of recommendations. It would have to be adopted along with other necessary adjuncts — such as the internal responsibility model or increased research, policy and promotion work — to reduce the number of cases and avoid overloading the system or making it prohibitively expensive.

The potential power imbalance between the parties in a complaint will also have to be addressed. Many federal respondents are large corporations or government departments with legal units to protect their interests. Human rights claimants, on the other hand, are usually individuals who do not have the same resources. The potential for respondents to have the upper hand is obvious. The panel recommends that a system of legal clinics be established to provide legal advice to claimants. The problem here is that, if current legal aid systems are any indication, the proposed clinics may be inadequately resourced, and therefore seldom able to provide legal services comparable to those available to major respondents.

As was emphasized earlier in this chapter, our domestic human rights system is part of an international system of human rights protection. The panel's recommendation that the Commission be formally mandated to continue its work with foreign national human rights institutions is therefore welcome, as is the endorsement of an explicit role for the Commission in monitoring Canada's compliance with its international human rights obligations. In this regard, the Commission supports the Parliamentary human rights linkage initiative under the leadership of Senator Lois Wilson, with whom the Chief Commissioner met in October 2000. The initiative is looking at ways to ensure that international human rights commitments are respected in Canada and at the possible role that government, civil society and institutions such as the Commission could play.

The panel recommends that the preamble of the *Canadian Human Rights Act* include a reference to the various international agreements that Canada has entered into that refer to equality and discrimination. This would be an important first step in ensuring that all our international obligations are fully reflected in our domestic law.

One legislative issue that was not within the Review Panel's terms of reference, but requires urgent attention, is that of pay equity. 2000 saw the implementation of the largest pay equity settlement in Canadian history after years of tribunal and court hearings. However, the years of litigation and hundreds of days of hearings needed to achieve this settlement make it painfully obvious that the present pay equity system is fundamentally flawed.

The government has committed itself to a comprehensive review of pay equity, and toward the end of 2000 there were indications that it was organizing a panel to undertake this task. By the time this Annual Report is made public, the Commission will have tabled in Parliament a special report on pay equity which assesses how pay equity provisions have worked up to now, and suggests how they might be improved for the future.

Human Rights Protection

One of the Commission's roles under the *Canadian Human Rights Act* is to protect human rights in Canada. In that role, the Commission investigates and attempts to resolve complaints of discrimination filed against employers and service providers who are under federal jurisdiction.

The Commission deals with complaints alleging discrimination in relation to one 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, or a conviction for which a pardon has been granted. In addition to resolving complaints of discrimination against individuals, the Commission also seeks to bring about changes that could affect broad groups of people by investigating complaints of systemic discrimination and unequal pay.

As set out in the *Canadian Human Rights Act*, a complaint can move through a number of different stages, depending on the circumstances of the case. Some complaints can be dealt with fairly quickly, depending on the nature of the allegations and the willingness of the parties to settle the matter. Other complaints can take more time, especially if a full investigation must be carried out, or if the Commission decides, at the end of the investigation, to appoint a conciliator or refer the matter to the Canadian Human Rights Tribunal for a hearing. A chart describing the complaint process can be found later in this chapter.

In 2000, the Commission made a number of improvements to this process that are expected to help it deal with complaints as efficiently and quickly as possible and provide better service to Canadians. A new mediation service has already helped to resolve a number of cases without resorting to an investigation. At the same time, a series of refinements to the investigation process, including firmly enforced time standards for different stages, is expected to make the Commission's procedures shorter, more efficient and more transparent.

New Complaints

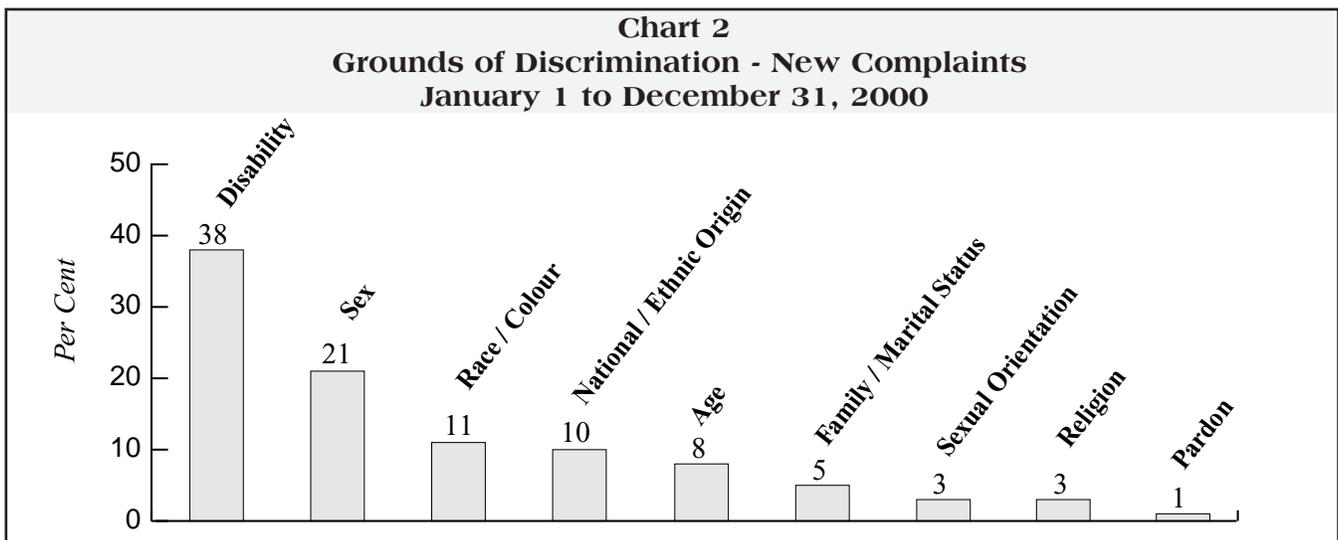
In 2000, the Commission received 1,238 new complaints. Of these, 562 were put into writing and signed by the complainant, initiating the Commission's investigation and decision-making process. Cases that did not lead to a signed complaint were discontinued for a variety of reasons. Sometimes, after further analysis, it was determined that the matter did not fall within the Commission's jurisdiction. In other cases, the complainant decided not to proceed with the matter, or the situation was settled through other means.

The charts in the following pages provide information on the types of new complaints received by the Commission in 2000 by province, ground of discrimination and allegation.

Chart 1 below shows the complainants' province of residence for new complaints received over the last three years. As in previous years, most complaints originated in Ontario, Quebec and British Columbia.

Chart 1 New Complaints received by Province or Territory 1998 to 2000						
	1998		1999		2000	
	No.	%	No.	%	No.	%
Newfoundland	46	3	30	2	16	1
Prince Edward Island	92	5	15	1	8	1
Nova Scotia	95	5	85	6	80	7
New Brunswick	62	3	61	4	45	4
Quebec	261	15	255	18	204	16
Ontario	579	33	533	37	496	40
Manitoba	162	9	95	7	78	6
Saskatchewan	78	4	69	5	54	4
Alberta, Northwest Territories and Nunavut	86	5	91	6	127	10
British Columbia and Yukon	315	18	196	14	123	10
Outside of Canada	-	-	-	-	7	1
Total	1,776	100	1,430	100	1,238	100

Chart 2 shows how often each of the eleven prohibited grounds of discrimination was cited by complainants in new complaints in 2000.



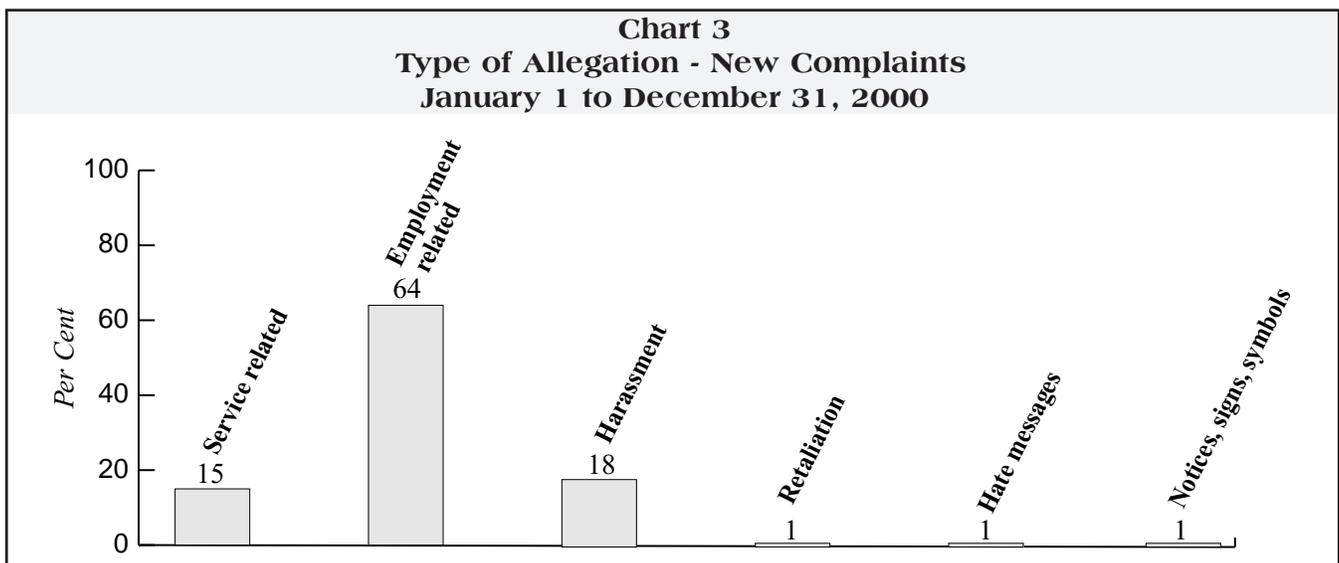
The distribution of complaints by ground of discrimination in 2000 continued to follow the pattern established in past years: disability was the ground most often cited, followed by sex and race and colour. Disability was cited in 38 per cent of new complaints in 2000, which is an increase from 34 per cent in 1999 and 27 per cent in 1998. Discrimination based on sex was alleged in 21 per cent of all complaints, and race, colour and national or ethnic origin combined accounted for another 21 per cent. Sexual orientation, religion and conviction for which a pardon has been granted continued to be the least cited grounds.

The complaints received on the ground of disability indicate that accommodation and accessibility remain two of the Commission’s main challenges. While the courts have spoken clearly on the requirement to accommodate individual differences, the Commission is receiving more, not fewer, cases where individuals allege that their employer failed to provide them with the tools or conditions necessary to do their jobs.

Discrimination based on sex continued to take many forms — from women who alleged that they have been denied jobs because employers prefer to hire men, to others who alleged that some condition of employment, such as a physical test, unfairly ruled them out despite their qualifications. And a significant number of complaints based on sex were filed by women alleging harassment at their places of work.

Most of the complaints the Commission received on the grounds of race, colour and origin also related to employment. Allegations of differential treatment at work concerned such matters as training and promotion, or failure to provide a workplace free of harassment.

Chart 3 shows the nature of the allegations cited in new complaints in 2000.



A majority of complaints alleged discrimination in relation to employment (64 per cent). These included complaints of differential treatment, refusal to accommodate, refusal to hire, or termination of employment. Another 15 per cent of complaints were service related, most involving denial of a service, differential treatment in the provision of that service, or refusal to accommodate a special need. Harassment, in either employment or the provision of services, was cited in 18 per cent of the complaints. More than 20 years after the *Canadian Human Rights Act* came into effect, the Commission continues to deal with complaints from persons who are subject to racial slurs, sexual comments, and even physical assaults in the workplace.

Completed Cases

As in 1999, the Commission again dealt with a large number of cases in the year under study. Commissioners continued to meet over the summer months to review cases, and made more frequent use of smaller sessions involving up to three Commission members.

Chart 4 shows the number of signed complaints which were submitted to the Commissioners for a decision from 1998 to 2000. Under the *Canadian Human Rights Act*, all signed complaints must ultimately be submitted to the Commissioners for disposition. In some of these cases, the Commissioners made preliminary decisions, for example by ruling on technical matters, such as questions of jurisdiction, or by deciding to refer the complaints to conciliation. In other cases, the Commissioners made final decisions on the complaints, and the files were closed.

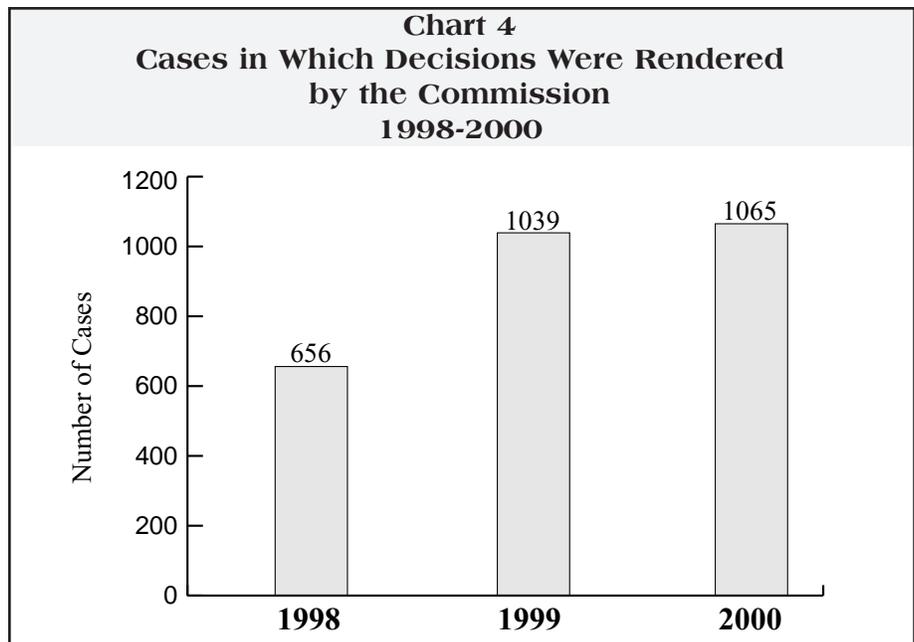


Chart 5 below summarizes the final outcomes in cases where the Commission completed its work. The chart distinguishes between cases where the Commissioners took a final decision on their disposition, such as decisions to dismiss the complaints on the merits or to refer them to the Canadian Human Rights Tribunal for further inquiry, and cases which were discontinued by the complainant before a complaint form was signed. In these latter cases, initial research and analysis was carried out by staff, but the files were administratively closed without requiring a decision from the Commissioners.

Chart 5						
Cases in which the Commission completed its work						
1998 to 2000						
Final Outcome	1998		1999		2000	
	No.	%	No.	%	No.	%
Discontinued ¹	824	59	713	52	585	41
Not dealt with ²	23	2	44	3	39	3
Dismissed	192	14	243	18	263	19
No further proceedings ³	129	9	109	8	109	8
Settled	189	14	213	15	286	20
Referred to a tribunal	22	2	52	4	123	9
Subtotal	555	41	661	48	820	59
Total	1,379	100	1,374	100	1,405	100

1- 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.

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 alternate redress.

3- 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.

Chart 5 shows an increase in the number of settled complaints, reflecting the success of the Commission's mediation service. The chart also shows an increase in the number of cases referred to the tribunal in 2000. This is due, in part, to the results of a special backlog reduction project undertaken by the Commission in 1999 and reported in our annual report for that year. The project put more investigation reports than usual before the Commission in 1999, increasing the number of cases dismissed or referred to conciliation that year. In 2000, many of the cases which could not be resolved at conciliation were returned to the Commission for a decision, and were subsequently referred to the tribunal.

Success with a New Approach

In the past, most complaints filed with the Commission were turned over to an investigator and ultimately adjudicated, once the investigator had collected sufficient information for the Commission to make a decision. The Commission has always believed, though, that a large number of complaints could be resolved without resorting to investigation and litigation if the parties could be brought together early in the process to consider possible solutions. For some time now, the Commission has been promoting early resolution informally, through its intake and investigation staff. But investigation and negotiation are an uneasy mix, and the resolution of human rights complaints calls for a degree of authority and a level of skill that cannot easily be provided through an informal process.

For these reasons, the Commission began offering mediation services in 1998, on a pilot-project basis. The project tested the idea of providing mediation services prior to investigation in contrast to conciliation, which is made available to the parties after an investigation has been carried out. The Commission has provided conciliation services since its inception; but it had not attempted to mediate between the parties, in any systematic way, prior to any fact finding.

The two-year pilot project came to an end in the fall of 2000. During this time, mediation was offered to the parties in some 500 complaints. By the project's conclusion, 205 mediation sessions had taken place and settlements had been reached in 115 cases (56 per cent). The participation rate in the program, i.e., the proportion of complaints in which both parties agreed to participate, was 60 per cent. These are promising results for a new program that introduced a novel approach into a well-established process. Evaluations showed that the majority of complainants and respondents felt that mediation had been worthwhile whether or not a settlement was reached.

Based on the results of the pilot project, the Commission has decided to make mediation a permanent feature of the complaint process, and to promote the service with major federal employers and service providers over the next year. Judging by experience to date, up to 40 per cent of all complaints could be settled through mediation, once the service has established itself and become better known.

Concerns have been expressed that complainants could be pressured through mediation into accepting settlements that meet their personal objectives but fail to address the issues of systemic discrimination that might be related to their complaints. In fact, results to date show

that mediated settlements can include the broader remedies that have hitherto been available only through conciliation or by order of a tribunal. For example, mediated settlements have included commitments by employers and service providers to develop new policies and amend procedures, such as:

- providing anti-harassment training to staff;
- modifying an internship program to accommodate people with disabilities;
- improving the accessibility of services through TTY; and
- developing an anti-discrimination handbook.

The Commission will continue to monitor its mediation service closely to ensure not only that it meets the needs of the individuals at the table but also that it satisfies the public interest.

Efficiency and Service: Finding a Balance

Even before the La Forest panel had issued its report recommending major changes to the *Canadian Human Rights Act* (see the previous chapter), the Commission had begun to examine its current practices to see how it could improve the complaint process in the absence of amendments to the law. The review led the Commission to adopt a number of innovations which are expected to provide better service to Canadians. Chief among these has been the development of service standards related to each stage of the complaint process. These standards cover such matters as the time allocated to drafting complaints, the length of time a complaint can remain in mediation or conciliation, and the total time a case can remain under investigation before being submitted to the Commission for decision. The standards, which come into effect in 2001, represent a public commitment by the Commission to deal with complaints efficiently, quickly and in a transparent manner. They will serve as benchmarks to measure the Commission's performance over the year, and will be re-evaluated periodically.

The Commission has instituted a specialized intake function with responsibility for screening complaints and addressing preliminary considerations, such as questions of jurisdiction and statutory limitation periods. The creation of a specialized unit will make it easier to help complainants draft their complaints, and make it possible to notify respondents more promptly of the complaints against them. The unit will also help identify questions of a systemic nature which might be more effectively addressed through other means, such as studies, research projects, or public inquiries.

Once the complaint is at the investigation stage, time limits will be enforced. For example, respondents and complainants will be given every opportunity to state their positions, but the process will not be delayed if the parties fail to provide requested information within a reasonable time. As another example, deadlines for the parties to submit comments on investigation reports will be strictly adhered to.

The Commission has also amended its procedures for referring complainants to other redress mechanisms. In the past, when a complainant had access to another redress procedure, such as a union grievance or proceedings under another Act, the complainant was asked to pursue this avenue first, and to return to the Commission if the results were unsatisfactory. The Commission now takes complaints in these cases. It exercises its discretion under the *Canadian Human Rights Act* either to deal with the complaints or to ask the complainants to pursue first the other process. In making this decision, it takes into account the capacity of the alternate process to address the allegations of discrimination and the remedies that are available there. This procedure is in keeping with the Federal Court's 1999 decision in *Mohammed v. Canada (Treasury Board)*, which reaffirmed the primacy of the *Canadian Human Rights Act* as the vehicle for addressing issues of discrimination.

Significant changes have been made to the Commission's conciliation function. In the past, the parties were given considerable latitude to pursue settlements as long as there was reasonable hope of success. As a result, cases frequently remained active in conciliation for long periods of time. The Commission recognizes that this is not helpful to the process, and has decided that cases referred to conciliation will be resubmitted to the Commissioners for consideration within six months. We hope that many cases will be wrapped up more quickly than this.

Complaint 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.
- If the matter is within the Commission's jurisdiction, an officer reviews the situation with the complainant in greater detail and explains the complaint process.
- If the complainant wishes to pursue the matter, a complaint form is prepared.

After the Commission Accepts a Complaint

- The respondent is advised of the complaint as soon as it is filed with the Commission.
- When appropriate, the Commission will refer the complainant to another redress mechanism (such as a grievance process, or a procedure under other legislation).
- Mediation may be offered as an option to both parties.
- If the matter remains unresolved, an officer investigates the allegations and prepares a report to the Commissioners on the investigation findings.
- The parties are given an opportunity to comment on the investigation report before it is submitted to the Commissioners.

When the Commissioners Make a Decision

- All complaints are reviewed by the Commissioners.
- The Commissioners can
 - refuse to deal with complaints received more than one year after the alleged acts, or which are beyond the Commission's jurisdiction;
 - approve a settlement between the parties or appoint a conciliator to help the parties arrive at a settlement;
 - refer the matter to the Canadian Human Rights Tribunal for further inquiry;
 - dismiss the complaint for lack of evidence.

Canadian Human Rights Tribunal

- On referral by the Commission, the Tribunal will conduct hearings into the 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 of the Commission.
- The Court can also review a decision or order of the Canadian Human Rights Tribunal.

Pay Equity

During the year under review, the Commission prepared a special report to Parliament on pay equity. The report, *Time for Action*, was issued in February 2001. Pay equity is a fundamental human right and an integral part of the *Canadian Human Rights Act*. However, the Commission's more than twenty years of experience with the current provisions have shown that changes are needed to remove roadblocks which now prevent the effective achievement of pay equity.

The present complaints-based approach is not well-suited to addressing forms of discrimination that are subtle, largely unintentional and integrated into complex systems. In major cases it can lead to confrontation, litigation and delays, rather than cooperation and timely results. Its impact is also uneven since only employers targeted by complaints are required to take any initiatives on pay equity.

Time for Action points to the impasse in the present system and proposes a model that will encourage parties to work together, provide clarity on what is expected, and, over time, achieve broad compliance with the principle of equal pay for work of equal value.

Pay Equity Cases

In the meantime, work continues under the present pay equity system. The Commission is currently investigating complaints filed under section 11 of the *Canadian Human Rights Act* against a number of federally-regulated employers. These include two large telecommunications companies, several public sector institutions not covered by the 1999 settlement with Treasury Board, as well as some smaller employers. Pay equity investigations generally entail gathering complete information about the jobs in question, assessing their value and preparing a statistical analysis to determine whether a wage gap exists.

An important complaint was settled in 2000 after being investigated and referred to a tribunal by the Commission. The National Indian and Inuit Community Health Representative Organization (NIICHRO), which represents Aboriginal community health workers, filed the complaint against Health Canada and Treasury Board in December 1992. NIICHRO argued that its members should receive the same pay equity adjustments that had been granted to their federal government counterparts. 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. The settlement is an important victory for Aboriginal women. At the same time, it

shows the advantages for all sides of resolving complaints without recourse to litigation.

Another significant settlement was approved by the Commission in June 2000. This resulted from an agreement reached late in 1999 between the federal government and its personnel administrators. The settlement resolved a complaint dating back to 1991 and covered more than 6,000 employees.

On a disappointing note, a November decision by the Federal Court brought hearings into a pay equity complaint against Bell Canada to a halt. The court concluded that the Canadian Human Rights Tribunal was not fully independent of the Commission. While she made it clear that her ruling is not about the employees' entitlement to pay equity, Justice Tremblay-Lamer identified two problem areas: the fact that the tribunal must apply *Equal Wages Guidelines* issued by the Commission, and the tribunal Chairperson's authority to extend members' appointments until the review of a complaint has been completed. The judge was concerned by the possibility, however remote, that the Chairperson might pressure a tribunal member into reaching a decision not of their own choosing, in order to have their work term extended.

Although the Commission immediately filed an appeal, the decision will cause further delays not only for the 20,000 Bell Canada employees affected by this case, but also for those involved in other cases before the tribunal. For example, hearings into the complaint against Canada Post — already the longest-standing pay equity case before a Canadian Human Rights Tribunal — have been suspended until the independence issue is resolved.

Proceedings continued in a number of other cases during the year. The complaint against the Government of the Northwest Territories was still before the Canadian Human Rights Tribunal. And a decision is awaited from the Federal Court on issues related to a complaint by CUPE against Air Canada/Canadian Airlines. At hearings in May and June of 2000, the court was asked to consider whether the value of jobs from different bargaining units can be compared. Its decision could affect the investigation and litigation of many future pay equity complaints.

Human Rights Promotion

Under the *Canadian Human Rights Act*, the Commission is charged not only with investigating and resolving complaints, but also with promoting awareness and understanding of human rights, and carrying out research on human rights issues. While these roles are separate, ideally they work in concert. Clearly, greater knowledge about, and acceptance of, human rights principles will help prevent discriminatory acts or policies.

After focussing its resources on its complaints-handling role in recent years, in 2000 the Commission was able to place renewed emphasis on human rights promotion. The Commission has developed a three-year strategy which identifies the key messages the Commission wants to convey and the audiences it wants to hear them. The strategy also reinforces the importance of partnerships with other organizations to help broaden its reach. In 2000, the Commission began to lay the foundation for this approach for the coming years. It worked to promote human rights in the workplace through new tools and educational initiatives, and forged links with partners to help bring its messages to a broader range of Canadians.

Bringing Human Rights into the Workplace

During the year, the Commission focussed its promotional activities and materials on the workplace, primarily because a majority of the complaints it receives arise there and the number of people affected by this type of discrimination is large.

The Commission has prepared kits that contain practical information to assist employers in implementing workplace policies and practices that reflect human rights values. For example, the kit explains the *Canadian Human Rights Act* and *Employment Equity Act* and what the Commission actually does when it receives and processes complaints. It also includes material that clarifies employers' obligations regarding specific issues such as pay equity, employment equity, harassment, the duty to accommodate, and hiring and screening job applicants. The kits are being distributed to federally-regulated private and public sector employers and service providers across Canada, and will also be available on the Commission's web site.

The Supreme Court's decisions in the *Meiorin* and *Grismer* cases, which were discussed in detail in the Commission's Annual Report for 1999, make it clear that employers and service providers should apply standards and policies which are non-discriminatory and inclusive. Translating judicial pronouncements into practical realities is sometimes difficult. The Commission has therefore prepared a comprehensive guide with input from a range of sources. The guide

will be published and posted on the Commission's web site early in the spring of 2001. The Commission hopes that it will serve as a template for employers to develop their own policies and procedures.

In the meantime, the Commission conducted workshops and information sessions with employers across the country on their duty to accommodate employees with disabilities. Commission staff from all of its regional offices and its Promotion, Legal Services and Employment Equity Branches in the National Capital Region, met with employers, employees and union representatives, among others. In their meetings, staff focussed on accommodation and challenges in the workplace, including harassment and employment equity.

The Commission also spoke to managers about what they can do to make sure their workforces are representative of the Canadian population. The Commission's regional office in Edmonton, together with the Public Service Commission, helped organize a symposium, "Leveraging the Diversity Advantage: The Critical Role for Leaders," in response to the Perinbam Task Force's report on visible minorities in the federal public service (discussed in "Health of Human Rights in Canada"). The symposium was designed for senior managers in the public and private sectors and leaders of unions and educational institutes. It was the first of a series organized by the PSC in which the Commission has participated, with the objective of challenging employers to ensure that all sectors of Canadian society are represented in their human resource plans.

The Commission also tries to help open doors to groups that often have difficulty gaining access to the workforce. Following on the success of a similar initiative last year, regional staff in Quebec organized a face-to-face meeting between groups with an interest in the employment of Aboriginal people and employment equity coordinators from the seven major banks. The meeting has already resulted in collaborative efforts between participants.

Broadening our Reach

Working with its provincial partners is a particularly important way for the Commission to reach a broader spectrum of Canadians with messages about human rights. Last May, commissions from across Canada met in Banff, Alberta for the Annual Human Rights Conference of the Canadian Association of Statutory Human Rights Agencies (CASHRA). At the conference, Commission staff gave presentations on the *Meiorin* and *Grismer* decisions and accommodation issues. A highlight of the conference was the launch of a joint educational initiative to convince employers and businesses of the benefits of incorporating into their workplace policies and

practices that respect human rights. Since the conference, partners on the CASHRA Public Education Network — which includes staff from the federal, provincial and territorial commissions working in the area of promotion and education — have produced a poster for employers entitled “Human Rights Are Everyone’s Business.” Other joint committees, including the CASHRA Legal and Policy Committees, have also continued their work throughout the year.

In December, the Commission took part in an important conference organized in Toronto by the Ontario Human Rights Commission, which examined how economic, social and cultural rights embodied in international human rights instruments could be implemented domestically. Experts considered in particular how such rights can be incorporated into the legal work of human rights commissions in Canada. The Canadian Human Rights Commission will continue to work with its Ontario counterpart to follow up on these discussions.

The Commission has also found opportunities to meet and talk to youth across the country, recognizing that their attitudes toward human rights will shape Canadian values in the future. A deliberate effort was therefore made to involve youth in activities linked to major events in the calendar, such as African Heritage Month and the International Day for the Elimination of Racial Discrimination. An anti-hate conference in Halifax in March featured panels and speakers who commented on the various manifestations of hate and how to take action against hatred. The conference was attended by educators, students and representatives of government and community groups. A Commission representative moderated a panel discussion. On the other side of the country, the Commission’s Prairie Regional Office gave the keynote presentation at the kick-off for a youth conference in Saskatoon on “Building Connections.” Sponsored by the Public Legal Education Association, the conference was attended by young people from across Saskatchewan.

The Commission works with other federal agencies and departments to promote government policies that address human rights issues. Collaboration with the Canadian Transportation Agency included an opportunity for the Commission to contribute to the development of a Code of Practice that will address a range of communication barriers for travellers with sensory or cognitive disabilities, including the lack of telephone teletypewriters (or TTYs) in airports. In September, the Chief Commissioner visited the Agency to discuss our organizations’ common objectives, with particular emphasis on the need to eliminate barriers preventing people with disabilities from fully participating in society.

In an important initiative aimed at groups that may not otherwise know about its work, the Commission's Prairie Regional Office collaborated with the Manitoba Association for Rights and Liberties and the Community Legal Education Association to sponsor and produce a plain language brochure called *Understanding your Human Rights*. This publication has been distributed to every school in Manitoba, as well as to various agencies that provide services to immigrants, refugees and people learning English as a second language.

Building Awareness among Canadians

The Commission made many other efforts in 2000 to promote the full range of human rights issues among as many Canadians as possible. Special milestones on the human rights calendar, like International Women's Day or Black History Month, always provide an ideal opportunity to deliver important messages, and, as in the past, the Commission's regional offices and headquarters participated in many related events. For example, one of the International Women's Day activities co-sponsored by the Ontario Regional Office, together with Niagara Region International Women's Organization, was an all-day conference on "The Struggles and Obstacles Faced by Women." In the Atlantic Region, the Commission continued its tradition of helping to organize the annual Harmony Brunch that commemorates International Day for the Elimination of Racial Discrimination. It was also involved in planning a one-day conference in Halifax to mark International Day for the Elimination of Poverty and raise awareness of the links between poverty and race.

Speaking through the Media

The Commission's promotional efforts include the use of mainstream and community media. Coverage of human rights issues during the year ranged from pay equity to harassment in the workplace and disability rights. Commission staff dealt with some 500 inquiries from the media and organized interviews with the Chief Commissioner and other senior officials.

The Commission profiled disability issues by publicizing two important developments in 2000. One was the Tax Court of Canada's new policy on providing sign language interpreters and captioning in its courts, as a result of a complaint to the Commission. The other was a Human Rights Tribunal ruling in the *Henry Vlug v. Canadian Broadcasting Corporation* case. Both cases dealt with accommodation for people who are deaf and hard-of-hearing, and were significant advances. In addition to issuing press releases, the Commission carried out interviews with local and national media, and published articles in several magazines on the cases in question.

Pay equity received media attention again during the year, notably when the Federal Court of Canada stayed all proceedings in the Bell Canada pay equity complaint, and many cases before the Canadian Human Rights Tribunal were subsequently suspended. The Commission took this opportunity to express its frustration that women who have already been subject to salary discrimination for many years continue to be denied compensation.

Other cases that generated media interest included the Federal Court's affirmation of the Canadian Human Rights Tribunal's order in the Nancy Green complaint, and a tribunal decision on the complaint in *Helen Oster v. International Longshoremen's and Warehousemen's Union*. In the latter case, the tribunal agreed with the complainant that the union was not justified in its decision not to refer her to a job that would have required shared sleeping accommodations, simply because she is a woman.

These cases are discussed in further detail in earlier chapters or in the Commission's separate *Legal Report*.

Staying Connected

During the year, the Commission responded to close to 35,000 telephone inquiries from the public. These included requests for information about the Commission's work and calls about potential complaints. Many callers raise matters that are not within the Commission's jurisdiction and are advised of other avenues they might pursue to deal with their concerns.

The Commission's web site continues to be an additional source of information on the Commission and on human rights. An important feature of the site is that it can be translated through software designed for blind and visually impaired people, making it more widely accessible. The site includes all of the Commission's publications, and a link to the Commission's e-mail inquiry service, called INFO COM. Commission staff processed almost 2,000 e-mails received through INFO COM in 2000, and it is expected to be used increasingly as awareness of the service grows.

Connecting to the International Human Rights Network

The Commission continues to play a role with respect to human rights beyond Canada's borders. While the Commission's first responsibility is always to ensure that Canadians understand and respect human rights, it believes it also has an obligation to do what it can to help ensure that the principles contained in the *Universal Declaration of Human Rights* are realized outside Canada's borders as well as within.

As a result, the Commission is happy to share its expertise in human rights with commissions in other parts of the world when asked. This occurs most often through the auspices and financial support of CIDA or the Department of Foreign Affairs and International Trade, but also at the request of the United Nations High Commissioner for Human Rights. Every year, the Commission receives visitors from other countries who are interested in learning about its operations, and it is involved in projects with other commissions to provide them with technical assistance.

A Focus on the Americas

Building links of mutual support and understanding between national human rights institutions is one of the primary focuses of the Commission's international activities. Consequently the Commission was pleased to be encouraged by the United Nations High Commissioner for Human Rights, Mary Robinson, to help in the establishment of an hemispheric human rights network. In November 2000, in conjunction 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. Under the Commission's leadership, the meeting resolved to establish a formal Network of National Human Rights Institutions for the Promotion and Protection of Human Rights of the Americas.

The main objectives of the Network will be to encourage greater protection and promotion of human rights by exchanging information, staff training, joint projects, periodic regional meetings and seminars, and generally providing mutual assistance and cooperation in the conduct of each institution's domestic responsibilities. Over the coming year, a small working group, of which the Commission is a lead member, will begin developing the statutes and operational plan to firmly establish the new Network and begin to realize its broad objectives. One of the first substantive issues to be addressed by the Network was the role of national institutions in the upcoming World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in Durban, South Africa, in September 2001.

In March 2000 the Commission signed an agreement of understanding with the National Human Rights Commission of Mexico designed to strengthen collaboration by building on a cooperative arrangement first established in 1997. Under the new agreement, the two commissions will look at collaborating in areas such as indigenous rights, HIV/AIDS, sexual and commercial exploitation of children, alternate dispute resolution, religious

discrimination, judicial training and the strengthening of regional human rights institutions. It is anticipated that these initiatives will get under way in 2001.

Discussions were also undertaken late in the year with the Defensoria del Pueblo (Ombudsman) of Bolivia, based on an agreement of understanding initiated in 1999. The intended focus areas for this project are the rights of indigenous peoples, women's issues, children's rights and the human rights of persons with disabilities.

Multilateral Activities

In addition to its work with other countries in the Americas, the Commission continues to participate actively in the international network of national human rights institutions for the promotion and protection of human rights. As a leading member of the International Coordinating Committee of National Institutions, the Commission has worked to encourage the establishment of effective national human rights institutions in countries where none yet exist, and to develop relationships with existing commissions. Commission representatives also attend the yearly meetings of the United Nations Human Rights Commission.

In July, representatives from more than fifty human rights institutions in the Commonwealth, including the Commission, met for a conference in Cambridge, England. Delegates stressed the importance of receiving support from their counterparts in other parts of the world, particularly for institutions that are trying to promote human rights under difficult circumstances. In its final communique, the conference resolved to support a set of basic principles for the sound functioning of national human rights institutions in the Commonwealth, and to ask the Commonwealth Secretariat to continue its efforts to strengthen the bonds between the institutions by means such as an Internet-based information exchange and periodic seminars and meetings.

Providing Technical Assistance

Several of the Commission's ongoing projects with other commissions continued, and new projects were initiated. Since 1995, the Commission has been providing the National Human Rights Commission of Indonesia (Komnas HAM) with assistance in management, training of investigators, and human rights education and promotion. The Commission is pleased to have been of assistance to Komnas HAM during its formative years, in light of the key role it plays in ensuring the protection, promotion and advancement of human rights for all the people of Indonesia. The current phase of the project extends to 2002.

Elsewhere in Asia, Commission representatives travelled to Nepal and India at the request of CIDA to discuss possible technical assistance initiatives. The Commission has worked in the past with the National Human Rights Commission of India and would therefore be renewing this relationship. The Commission in Nepal, on the other hand, is newly created and has asked for assistance in starting up its operations.

The Commission also hosted visits from several national human rights institutions throughout the year, and offered several internships, including one for three members of the Madagascar Human Rights Commission, at the request of the Office of the UN High Commissioner for Human Rights. Representatives from the Nigerian and Indonesian human rights commissions also completed internships at the Commission in 2000.

The Commission takes pride in observing that many of the foreign human rights institutions it works with view Canada as a leader in human rights, and is pleased to share with them the benefit of its experience. In doing so, it learns as much as it teaches.

Commissioners' Biographies

The Canadian Human Rights Commission was established in 1977. It is made up of two full-time members and up to six part-time members. The Chief Commissioner and Deputy Chief Commissioner are appointed for terms of up to seven years, and the other Commissioners for terms of up to three years. The following are brief biographies of the members who served on the Commission in 2000.

Michelle Falardeau-Ramsay

Michelle Falardeau-Ramsay, Q.C., was appointed Chief Commissioner in January 1997. After receiving a law degree from the University of Montreal and being called to the Quebec Bar, she pursued a career in labour relations law. She worked as a lawyer with the firm of Massicotte, Levac and Falardeau and later became a senior partner with the firm of Levac and Falardeau. In 1975, she joined the Public Service Staff Relations Board as Deputy Chairman, and in 1982 became Chairman of the Immigration Appeal Board. She was appointed Deputy Chief Commissioner of the Canadian Human Rights Commission in September 1988, and served in that capacity until taking up her present post.

Anne Adams

Anne Adams of Montreal joined the Commission in March 1999. She received her bachelor's degree from the University of Montreal in 1967, and a master's degree in industrial relations from Queen's University in 1987. In the course of her career in the public service, Ms. Adams managed the implementation of the *Employment Equity Act* and programs in the Quebec Region. She has served as Executive Director of the Canadian Human Rights Foundation and on the boards of many community organizations, including the Fédération des femmes du Québec. Since 1998, she has been the President of Femmes regroupées pour l'accessibilité au pouvoir politique et économique, or FRAPPE. In 1992, Ms. Adams received the Commemorative Medal for the 125th Anniversary of Confederation. In 1996, she launched AEA Strategies and Development Inc., specializing in employment equity and international development.

Phyllis Gordon

Phyllis Gordon of Toronto, Ontario was appointed a Commissioner in May 1998. In June 2000, Ms. Gordon announced her resignation from the Commission to accept a position as Executive Director of the Advocacy Resource Centre for the Handicapped (ARCH).

Yude M. Henteleff

Yude Henteleff, C.M., Q.C., of Winnipeg, Manitoba was appointed a Commissioner in November 1998. He had previously served as a Commissioner from 1980 to 1986. He is a senior partner with the law firm of Pitblado Buchwald Asper in Winnipeg and serves on the boards of directors of a number of community organizations. He is also a Governor of the Hebrew University of Jerusalem. Mr. Henteleff has received a number of awards for his community work, including the Learning Disabilities Association of Canada's Lifetime Achievement Award in 1999 and the Commemorative Medal for the 125th Anniversary of Confederation in 1992. In 1998, he became a member of the Order of Canada.

Robinson Koilpillai

Robinson Koilpillai, C.M., has been a member of the Commission since 1995. An educator, school principal, and community volunteer, Mr. Koilpillai has served as Chairman of the Alberta Cultural Heritage Council, President of the Alberta Council for Global Cooperation, Executive Member of the Canadian Council for International Cooperation, and President of the Canadian Multicultural Education Foundation. In 1980, Mr. Koilpillai received the federal Minister of Multiculturalism's Man of the Year Award, and in 1988, the Canada Council's National Award for Outstanding Educator. In 1998, Mr. Koilpillai was inducted into Edmonton's Hall of Fame and won the Alberta Achievement Award and the Lewis Perinbam Award in International Development. A 1992 Governor General's Commemorative Medal winner, he joined the Order of Canada in 1996.

Mary Mac Lennan

Mary Mac Lennan of Halifax, Nova Scotia became a member of the Commission in November 1995. She was called to the Bar of Nova Scotia in 1979 and pursued a career as a sole practitioner until 1990. From 1981 to 1982, Ms. Mac Lennan was the Provincial Coordinator for the Nova Scotia League for Equal Opportunities. She served as the Multicultural and Race Relations Coordinator for the City of Halifax from 1990 to 1992. A recipient of the Nova Scotia Human Rights Award in 1993, Ms. Mac Lennan was appointed Chair of the Nova Scotia Human Rights Commission in 1996, after serving two terms as a member. In 1999, Ms. Mac Lennan accepted the post of Equity Coordinator with St. Francis Xavier University, and is continuing her work on the human rights aspects of new reproductive and genetic technologies. She has also served on the editorial board of *Just Cause*, a law journal for people with disabilities and legal professionals.

Kelly Russ

Kelly Harvey Russ, a member of the Haida First Nation, was appointed a Commissioner in April 1998. He received the degree of Bachelor of Arts in Political Science and History in 1990, and the degree of Bachelor of Laws in 1993, both from the University of Victoria, where he was also president of the Native Law Student Society. In 1994, he became a member of both the Law Society of British Columbia and the Canadian Bar Association. Now a sole practitioner, Mr. Russ's legal work centres on Aboriginal rights and issues arising from the Indian Act, and other federal, provincial and territorial legislation affecting Aboriginal peoples. In addition, Mr. Russ represents Aboriginal people in the fields of child protection and family law.

Organization of the Commission

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

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

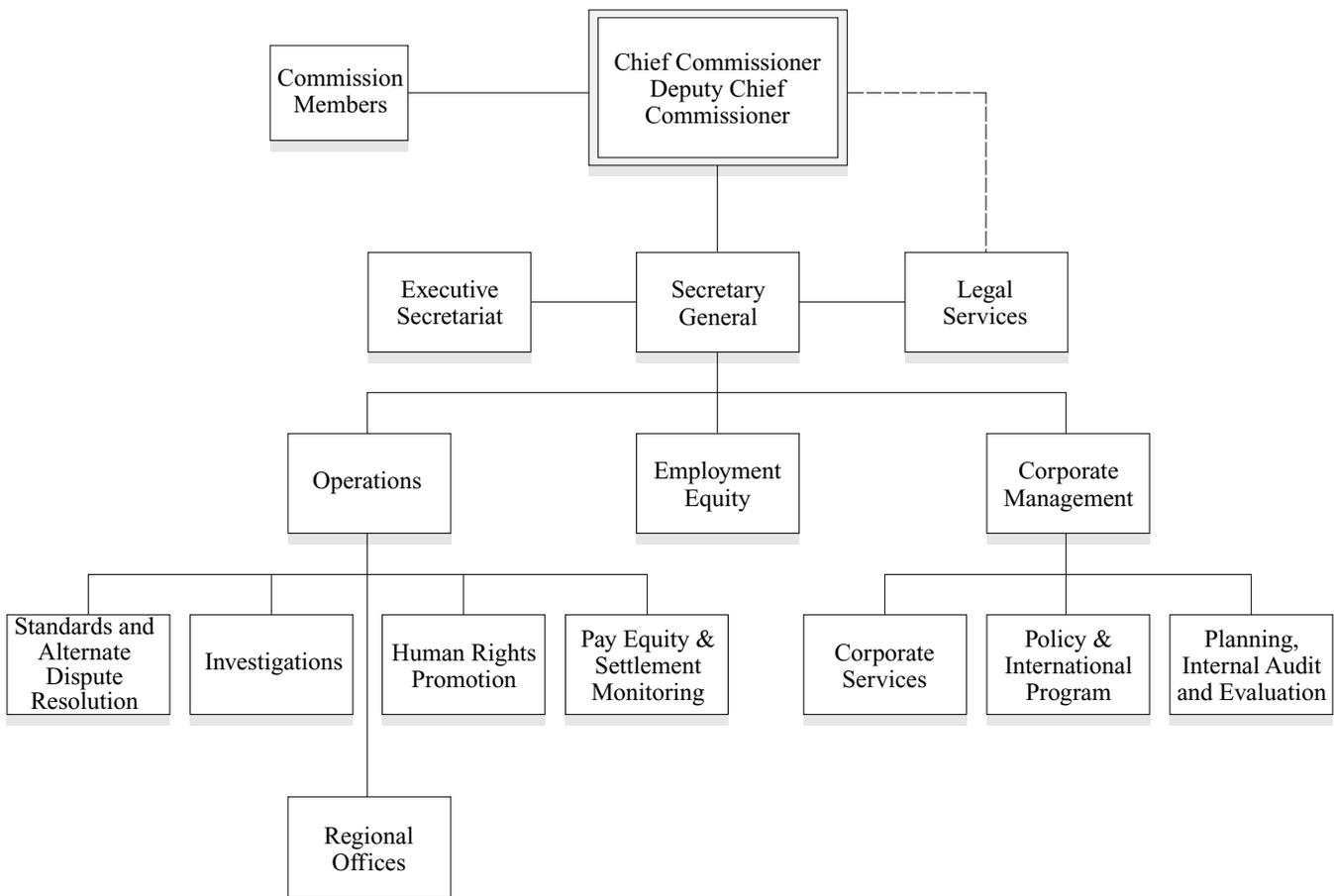
The *Legal Services Branch* provides advice to the Chief Commissioner, Commission members and staff. Legal officers also represent the Commission in litigation before human rights tribunals and the courts.

The *Operations Sector* includes the *Standards and Alternate Dispute Resolution Branch*, the *Investigations Branch* and the *Pay Equity and Settlement Monitoring Branch*. This sector is responsible for the mediation, investigation and conciliation of complaints, including pay equity complaints, as well as the monitoring of complaint settlements. In addition, the Sector provides a quality assurance function for cases presented to the Commission, trains staff involved in the complaint process, and establishes performance standards and operational policies. The *Human Rights Promotion Branch*, which includes staff at headquarters and in the Commission's six Regional Offices, is also part of the Operations Sector. It conducts programs to promote the principles of equality, foster public understanding of the *Canadian Human Rights Act*, and inform people of the Commission's work. The Branch is responsible for contacts with the media and for editorial services. The *Regional Offices* carry out education and outreach activities with community groups, employers, service providers, unions and provincial human rights commissions. They are the first point of contact for people wishing to file complaints of discrimination, and provide assistance in the processing of complaints.

The *Corporate Management Sector* consists of two branches and a separate Division. The *Policy and International Program Branch* is responsible for providing policy, planning, and research assistance. The Branch monitors human rights issues, and develops policy proposals, guidelines, and research reports to help the Commission

reach decisions and support the operational branches. It also coordinates the Commission's activities to assist human rights institutions outside Canada. The *Planning, Internal Audit and Evaluation Division* carries out the Commission's planning and review activities. 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.

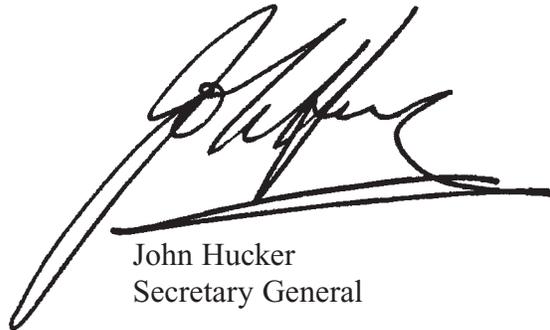
The *Employment Equity Branch* conducts employment equity audits with employers in the private and public sectors to assess their compliance with the requirements of the *Employment Equity Act*.



Financial Statement

The financial statement that follows has been prepared in accordance with the reporting requirements and standards of the Receiver General for Canada, and with significant accounting policies.

Financial information included in the ministerial statements, in the *Report on Plans and Priorities*, and elsewhere in the *Public Accounts of Canada* is consistent with that contained in this financial statement, unless otherwise indicated. Some of the information included in the financial statement is based on management's best estimates and judgements with due consideration given to materiality.



John Hucker
Secretary General



Mary Walsh
Deputy Secretary General
Corporate Management

Canadian Human Rights Commission Statement of Operations for the Year Ended March 31, 2000 <i>(in thousands of dollars)</i>		
Service Line	1999-2000 Actual	2000-2001 Forecast
<i>Expenses</i>		
Promotion of Human Rights	2,709	3,353
Complaints	10,133	10,587
Employment Equity Audits	2,181	2,370
Corporate Services	3,413	3,723
Total use of appropriation	18,436	20,033
Add: Cost of services provided by government departments	1,965	2,119
Total	20,401	22,152

The accompanying notes are an integral part of the Statement of Operations.

Notes on the Statement of Operations

Authority, Mandate and Operations

The Canadian Human Rights Commission was established in 1977 under Schedule II of the *Financial Administration Act* in accordance with the *Canadian Human Rights Act*.

The mandate of the Canadian Human Rights Commission is to discourage and reduce discriminatory practices by dealing with complaints of discrimination on the prohibited grounds in the *Canadian Human Rights Act*; conducting audits of federal departments and agencies and federally regulated private companies 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.

The Commission's expenditures are funded by an annual appropriation from Parliament.

Significant Accounting Policies

This statement of operations has been prepared in accordance with the requirements and standards for reporting established by the Receiver General for Canada. The most significant accounting policies are as follows:

a) Expenditures Recognition

All expenditures are recorded for all goods and services received or performed up to March 31, 2000, in accordance with the government's payable-at-year-end accounting policies.

b) Capital Purchases

Acquisitions of capital assets are charged to operating expenditures in the year of purchase.

c) Services Provided without Charge to Government Departments

Estimates of amounts for services provided without charge from government departments are included in the operating expenditures. They mainly consist of accommodation costs and payments to employee insurance plans.