

People First

The Canadian Human Rights Commission's
2015 Annual Report to Parliament



Canadian
human rights
commission

Commission
canadienne des
droits de la personne

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Chief Commissioner's message

It is with great pride that I present my first Annual Report to Parliament as Chief Commissioner of the Canadian Human Rights Commission. It is an incredible honour to lead such an important national institution.

Since my appointment in March 2015, it has been a priority to understand what Canadians expect from the Commission and to understand the needs of victims of discrimination—the very people who rely on the Commission.

I met with Cabinet Ministers, Agents of Parliament, academics, NGOs, law societies, First Nations community leaders, advocacy groups, employers, provincial and territorial human rights commissions, and several community organizations that work directly with people

living in vulnerable circumstances. By the end of 2015, I had met with over 65 organizations and hundreds of individuals across Canada. It was also as important for me to get to know Commission employees and hear what they had to say.

Everyone I spoke with was clear on what the Commission should be doing to protect and promote human rights in Canada. We must be the national voice on human rights in this country and work with partners to ensure we are heard. We must speak out when human rights are threatened. We must act in the public interest and operate independently from government. We must ensure that Canadians living in vulnerable circumstances can use the law to fight for their rights. We have a duty to make full use of our powers under the Canadian Human Rights Act, which includes initiating

discrimination complaints on behalf of those who cannot do it themselves.

I was also told that operating at arm's length of government is not enough. It is essential that the Commission is perceived as independent, especially in the eyes of people in vulnerable circumstances. When you consider that half the complaints we receive involve the government, the Commission's independence must be crystal clear. Trust is fundamental to an effective system.

Time and again I heard that in 2015, intolerance, prejudice and discrimination still exist. Thousands of our fellow citizens are still marginalized here in Canada. Too many do not have a voice.

There were troubling incidents over the past year. A mosque was burned. Muslim women were assaulted because of what they were wearing. News sites shut down comment boards because they were brimming with racism aimed at Indigenous peoples.

Persons with disabilities have to fight for equality every day. Correctional facilities still use solitary confinement to deal with offenders with mental health issues. Transgender Canadians still face discrimination, hostility and violence even when accessing essential services. First Nations, Métis and Inuit communities are still reeling from decades of neglect and inequality in receiving basic services. And the reality of missing and murdered Indigenous women and girls is a situation that must be urgently addressed.

“Now more than ever, inclusion, equality and respect must guide our values and all aspects of our daily lives.”

We must not take our human rights for granted. Human rights are universal and the foundation of any democratic society. Here, just as in any other country in the world, our rights are at risk when we are complacent. Now more than ever, inclusion, equality and respect must guide our values and all aspects of our daily lives.

I was told that people are counting on the Commission to support victims of discrimination and to promote human rights in Canada as universal values. I have heard them loud and clear. Together, with the full engagement of the Commission team, we have begun to change the way we work. Everyone has the will to be agents of change and to make a difference. Their expertise, commitment, and passion for human rights are driving the important changes taking place at the Commission. These changes put people first so that we can better meet the expectations of Canadians.

Canada has a long history of being a leader in human rights. We have been instrumental in the development of international conventions and declarations intended to ensure the protection of human rights at home and abroad.

For the most part, Canadians are caring and compassionate people. However, we have seen a serious erosion of human rights in Canada in recent years. We are all accomplices to injustice if we remain silent and indifferent. We must work together to restore the values of mutual respect, tolerance and dignity that have for so long defined and enriched this country. We all share a responsibility to once again make Canada a world leader in human rights.

We must all advocate for human rights and speak out as one voice in the face of discrimination. We are stronger and richer for our differences. We must all work together if we want to say: My Canada includes everyone.



Marie-Claude Landry, Ad. E.
Chief Commissioner



What we heard

In 2015, the Canadian Human Rights Commission met with over 65 organizations and hundreds of individuals that advocate for the rights of people in Canada.

These meetings included Cabinet Ministers, Agents of Parliament, academics, NGOs, law societies, First Nations community leaders, advocacy groups, employers, provincial and territorial human rights commissions, and several community organizations that work directly with people living in vulnerable circumstances.

The goal was to find out what people expect from their national human rights institution. The breadth and scope of the feedback was profound, yet several common themes emerged.

Following these discussions, the Commission developed a three-year plan to change the way it works so that it puts people at the centre of everything it does. The Commission is committed to being a national voice that is clearly independent from government, that represents people in vulnerable circumstances, and that speaks out on all human rights issues in Canada. The Commission will continue to collaborate with organizations and individuals from across the country to promote and protect human rights.

The Commission is grateful to everyone who offered their ideas and insight.

Becoming the national voice

What we heard

The Commission must be more vocal and must be *the* national voice on *all* human rights issues in Canada.

What it means

The Commission must be more proactive, more vocal and take the lead in setting the human rights agenda in Canada. This requires the Commission to speak out on all domestic human rights issues, regardless of legal jurisdiction related to complaints, and to use its voice to encourage social change.



“We need one cohesive human rights voice across Canada.”

**Janet Fuhrer, President
Canadian Bar Association**

“Silence is damaging. The Commission needs to be more vocal. It should be a leading light in the promotion of human rights in Canada, both domestically and internationally.”

John Packer, Director

Human Rights Research and Education Centre

University of Ottawa





“The Commission needs to be the ‘hard truth teller’ and be Canada’s human rights watchdog.”

Yvonne Peters, Chair

Manitoba Human Rights Commission

“One of the Commission’s priorities should be to redefine itself as a national voice [for human rights] by building partnerships with different stakeholders and increasing its presence.”

Fo Niemi, President

The Center for Research-Action on Race Relations





“The Canadian Commission can show people how human rights are something that is relevant in their lives, and what they can do about it.”

David Matas, Senior Legal Counsel

B’nai Brith Canada

“The Commission is a national body that is expected to speak out and has recognized authority to speak on human rights.”

Alex Neve, Secretary General
Amnesty International Canada



Affirming our independence

What we heard

The Commission must be truly independent from government, and more importantly, must be perceived as such.

What it means

The Commission must make it clear to the Canadian public that it operates at arm's length from the government. This involves speaking boldly on behalf of those who are not being heard, holding governments to account on their promises and obligations, speaking out on new bills and new laws, and acting in the public interest.



“When it comes to Canada’s human rights institution, independence is not only a strength, it is a must. It is our hope that the Commission will champion human rights for all Canadians in an inclusive and non-partisan manner.”

Shahina Siddiqui, President

Islamic Social Services Association

“The average Canadian person is not clear about the relationship between the Commission and the federal government. They tend to think the Commission is a department of government and they need to know that it is not. The Canadian Human Rights Commission is an independent entity outside of government.”

**Ruth Massie, Grand Chief
Council of Yukon First Nations**





“Canada’s human rights institutions matter. They are the public voice for human rights. When they are ‘risk-adverse’ and soft-spoken, there is a public silence about some of the toughest human rights problems... We need [the Commission] to be public, courageous, and outspoken advocates....”

**Shelagh Day, President
Canadian Human Rights Reporter**

Closing the gap

What we heard

The Commission must play a key role in building a new era for Indigenous rights

What it means

The Commission must use its expertise to help close the gap between Indigenous peoples and other people in Canada. The Commission must work with Indigenous peoples to influence public policy to remove barriers to equality and to improve access to justice.



“There is much work to be done to realize Indigenous human rights at the local, regional, national and international levels.”

National Chief Perry Bellegarde
Assembly of First Nations

“For decades, First Nations children and families have experienced deep levels of discrimination and often endured it alone. Thanks to the work of the Truth and Reconciliation Commission, the Canadian Human Rights Commission, and many others, that is beginning to change.”

Cindy Blackstock, Executive Director

The First Nations Child and Family Caring Society of Canada





“At the end of the day, Indigenous peoples want assurance that there will be results, that they have been heard and that there will be real changes to discriminatory policies or practices. Trust in the process is key.”

**Abram Benedict, Grand Chief
Mohawk Council of Akwesasne**

“The CHRC is uniquely placed to respond to the Truth and Reconciliation Commission’s recommendations. In fact, as a human rights body, it has an obligation to do so.”

Kim Pate, Executive Director

Canadian Association of Elizabeth Fry Societies



Ensuring human rights justice for all

What we heard

People in vulnerable circumstances do not have the same access to justice as everyone else.

What It means

The Commission must expand its reach and build partnerships to ensure that people living in vulnerable circumstances can find the support they need close to home. This requires the Commission to put a renewed emphasis on working directly in communities, with communities and for communities.



“In the past, federal and provincial human rights commissions really knew the people in their communities. So their work reflected the people they served. The people felt safe, and that they were being taken care of. This is how it should be.”

Lynn Jones, Chair

Global Afrikan Congress – Nova Scotia Chapter

“The Commission can develop a human rights hub. It can be a place people want to go. But it will also be important for the Commission to create networks in the communities to help broaden knowledge and ensure that tools and resources reach the most vulnerable groups.”

Renée Vaugeois, Executive Director

John Humphrey Centre for Peace and Human Rights





“The biggest barrier is that persons with disabilities are living in poverty. Complainants shouldn’t have to bear the burden of advancing the *Canadian Human Rights Act*.”

Tony Dolan, Chairperson
Council of Canadians with Disabilities

“There’s a phrase some of you will be familiar with, *nothing about us without us*. I think that should be a mantra for thinking about human rights protection. Always involve those whose protection you’re concerned about in the discussion about how to accomplish that protection.”

**Jennifer Nedelsky, Faculty of Law
University of Toronto**



Engaging Canada's youth

What we heard

The Commission must inspire young people in Canada to become human rights leaders in their communities.

What it means

The Commission needs to help bolster awareness among Canada's youth so they can stand up for their rights and the rights of others. This requires the Commission to consider its younger audiences in its planning and messaging.



“A culture of human rights begins with children and then expands. The perspective of young people is very important—and they are communicating differently.”

John Packer, Director

Human Rights Research and Education Centre

University of Ottawa

“It is difficult for our youth to speak out when they don’t have institutional and societal support around them. There is a need to educate our youth so they know their rights and so they can assert their rights.”

Omar Siddiqui, President
Canadian Muslim Leadership Institute





“We can empower our youth to be human rights ambassadors right in their own communities.”

**Abram Benedict, Grand Chief
Mohawk Council of Akwesasne**

We thank you

Aboriginal Council of Winnipeg
African Canadian Legal Clinic
Afrikan Canadian Prisoner Advocacy Coalition
Alberta Human Rights Commission
Amnesty International Canada
Ashanti Leadership and Professional Development Services
Assembly of First Nations
Association of Elizabeth Fry Societies
Atlantic Policy Congress of First Nations Chiefs
Bell Canada
British Columbia Civil Liberties Association
British Columbia Law Institute
Canada Border Services Agency
Canada Post
Canadian Association for Community Living
Canadian Association of Retired Persons
Canadian Bankers Association
Canadian Bar Association
Carers Canada
Canadian Civil Liberties Association
Canadian Coalition for Genetic Fairness
Canadian Armed Forces
Canadian Labour Congress
Canadian Museum of Human Rights
Canadian Muslim Leadership Institute
Canadian Pacific

Canadian Race Relations Foundation
 Centre for Israel and Jewish Affairs
 Centre for Research-Action on Race Relations
 Comité d'adaptation de la main-d'œuvre pour personnes
 handicapées
 Community Justice Society (NS)
 Conference Board of Canada
 Council of Canadians with Disabilities
 Council of Yukon First Nations
 Council on African Canadian Education
 Dalhousie Legal Aid Service
 Egale Canada Human Rights Trust
 Elizabeth Fry Society Yukon
 Federally Regulated Employers – Transportation and
 Communication
 Fetal Alcohol Syndrome Society Yukon
 First Nations Child and Family Caring Society of Canada
 Global Afrikan Congress (Nova Scotia Chapter)
 Health Association of African Canadians
 HIV & AIDS Legal Clinic Ontario
 Islamic Social Services Association
 John Humphrey Centre for Peace and Human Rights
 Manitoba Human Rights Commission
 Mohawk Council of Akwesasne
 National Bank of Canada
 National Centre for Truth and Reconciliation

Native Women's Association of Canada
 Nova Scotia Human Rights Commission
 Office of the Privacy Commissioner of Canada
 Ontario Human Rights Commission
 Public Interest Law Centre
 Public Service Alliance of Canada
 Purolator
 Regroupement des activistes pour l'inclusion au Québec
 Royal Canadian Mounted Police
 Solidarity Halifax
 Ujamaa
 Unifor
 University of Ottawa, Human Rights Research and
 Education Centre
 University of Toronto, International Human Rights
 Program
 Vanier Institute of the Family
 West Coast Prison Justice Society
 WestJet
 Yukon Aboriginal Women's Council
 Yukon Human Rights Commission

Lucas Silveira:

Struggling for acceptance



“I lost
everything
when I
became
a male.”

2015 brought a great deal of attention to many high profile transgender individuals. Caitlyn Jenner, a former Olympian, graced the cover of *Vanity Fair* magazine. Television programs *Orange is the New Black* and *Transparent* were celebrated by industry and audiences. In Manitoba, the province appointed its first transgender judge. In B.C., the University of Victoria established the first academic chair in Transgender Studies. In Ontario, the government dramatically expanded the referral process for gender reassignment surgery and issued improved policies for transgender inmates.

These changes reflect important milestones for the acceptance of transgender people in society.

The term transgender includes intersex people, people who transition (either medically or socially), two-spirit people, and gender non-binary or non-conforming people.

Challenges remain for transgender people in their everyday lives. Whether they work in retail, finance or the arts, many transgender people still experience discrimination. Lagging legal protections, outdated policies and intolerance create unnecessary barriers. Employers, as well as colleagues, often struggle to accept a person's transition.

Take Toronto musician Lucas Silveira. The singer-songwriter thought working in a creative field would make it easier to transition. However, the members of his all-female band, all lesbians, felt uncomfortable with his decision. “It was the biggest heartbreak of my life. A lot of the lesbians I knew had a preconceived notion of masculinity as being aggressive,” recalls Silveira, who began his gender transition when he was 32, a decade ago. “I lost everything when I became a male.”

The band he founded broke up, and Silveira had to forge on alone, as he struggled with the unknown impact of hormones, fearful the therapy would ruin his voice. (Fortunately, because he took a very low dose, it didn’t.)

“I felt like I was a man in the skin of a woman and I had no choice but to do this. I would wake up in the morning, look in the mirror and feel like I didn’t know who I was. But it caused a lot of issues with my band, my manager and my whole artistic identity,” he recalls.

Fortunately, Silveira, who continues to support himself as a musician, found a new audience in the trans community. But his struggle for acceptance is a common one. “A gender

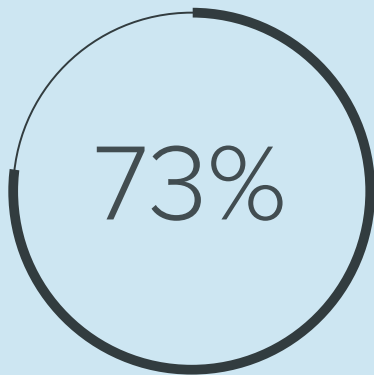
transition can scare people. People think you are mentally ill. It’s a huge stigma,” he says. “And, it is so visible so it isn’t something people can ignore.”

A 2011 survey on trans people in Ontario found that 18 per cent of respondents have been turned down for a job because of their trans identities, 73 per cent have been made fun of and 26 per cent have been assaulted.

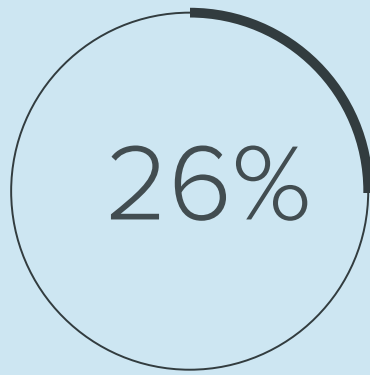
The survey, of 433 trans people, found that only one third were working full time, despite the fact that 71 per cent had at least some college or university education. The study, funded in part by the Canadian Institutes of Health Research (CIHR), also found that many people did not have identity documents that reflected their lived gender, impacting everything from their ability to drive, to being challenged when travelling, cashing a cheque or accessing services. This issue also affects job-hunting, especially for trans individuals trying to limit the disclosure of personal information to prospective employers.

2011 Survey

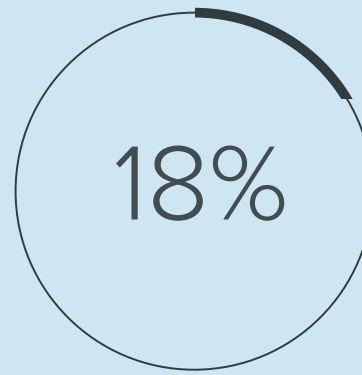
Discrimination of transgender people in Ontario



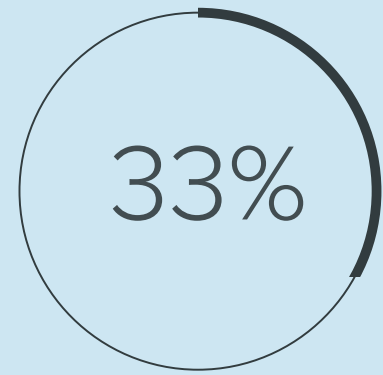
Made fun of



Assaulted



Turned down for a job



Working full-time



“Trans people challenge normative understanding of sex and gender. A cultural change in how we conceptualize gender is required for greater inclusion and safety.”

As well, many transgender people have to field intrusive questions about the nature of their surgery.

“A trans body is considered public. People are curious and many people have prurient questions. It can be very difficult,” notes a spokesman for Egale Canada Human Rights Trust, a national advocacy organization that promotes the equality of lesbian, gay, bisexual and transgender people. “Trans people challenge normative understanding of sex and gender. A cultural change in how we conceptualize gender is required for greater inclusion and safety.”

Trans rights and support groups are growing in cities and regions across Canada. Some, like the Trans Equality Society of Alberta, offer information on a wide range of trans rights issues, from voting to education.

While some companies—including Coca Cola and Apple—have specific guidelines on how to support trans employees, many do not.

Egale offers diversity training for employers, and recommends companies make inclusion of diverse gender identities and expressions a core value.

Egale recommendations for inclusion as a core value:

Be open-minded about people’s gender history and gender identities

Allow trans people to use the washroom of their gender identity, and provide gender-neutral bathrooms as another inclusive option

Use gender-neutral language such as “hello everyone,” rather than “hello ladies and gentlemen”

Cultivate a culture of inclusion so that regardless of someone’s identity, they can function within the work space

As Judge Kael McKenzie, appointed to the Manitoba court, said: “I’m just one example of many of my colleagues who are attaining certain levels of notoriety that can show people we are just people... we can achieve whatever we want to do with hard work and dedication.”

The Canadian Human Rights Commission will continue to press for the rights of transgender people to be made explicit in the Canadian Human Rights Act.

Mahadeo Sukhai:

Accommodating accomplishment



“You don’t
need to be
able to see
to think.”

Mahadeo Sukhai confidently greets a stranger in the lobby of Princess Margaret Cancer Centre in downtown Toronto, and accompanies her to the elevator. He presses the up button and ushers his guest off at the seventh floor, where he works as a cancer researcher in the Cancer Genomics Program at the University Health Network in Toronto. You would never know the 37-year-old is blind.

Sukhai is so adept at what he does, you cannot imagine the mountains he has had to climb.

He was the very first graduate student at University of Toronto to ask for accommodation in the workplace. Today, he leads a team of researchers working on new cancer diagnostic tests, based on genome science and personalized medicine.

“Most youth with vision loss wouldn’t consider a career in my field. Either they’ve been discouraged from it, or they themselves consider it impossible. How can you be a scientist if you can’t see?”

“Most youth with vision loss wouldn’t consider a career in my field,” he acknowledges. “Either they’ve been discouraged from it, or they themselves consider it impossible. How can you be a scientist if you can’t see?”

That’s what Sukhai himself had heard from many people throughout his life. He was lucky enough, though, to meet others, including his PhD supervisor, who offered their support, and allowed his abilities to flourish. “As one of my colleagues once said, you don’t need to be able to see to think,” he says.

Sukhai, who was born in Guyana, with congenital cataracts, first became interested in science when he was four years old after coming across a painting by Chesley Bonestell of what the artist imagined the sky would look like when viewed from Saturn’s frosty moon Titan. “It was simple but vivid and I could get the sense of it,” remembers Sukhai.

When he was 10, his parents immigrated to Canada to give him and his three older siblings a better future. At 15, Sukhai enrolled at the University of Toronto in the genetics program. By 28, he had finished a PhD in medical biophysics, and went on to complete two post-doctoral fellowships. Along the way, he accepted the fact that he had

to become his own advocate to obtain the accommodations he needed in the lab. Accommodating a scientist with vision loss was definitely not something the university had any experience with.

“There are always those who, if you don’t fit the mould, won’t lift a finger to help you,” says Sukhai, who required specialized software on computers to help him see images that others could view in a microscope. He also needed an assistant to carry out some of the precise measurements of liquids in the experiments he conducted.

“Earlier in my career my accommodations were tremendous and expensive,” he says. “But now that I am no longer a bench scientist, I need different kinds of accommodation, computational stuff, the right kind of computer screen.”

Rather than filing formal complaints, Sukhai negotiated with the university. Usually, his approach worked. Although to this day, in his role with the University Health Network, he doesn’t have a proper work space—instead, he sits right up next to a large screen in his small office.

Sukhai is resilient and tenacious; there was never a doubt in his mind he would succeed.

“Earlier in my career my accommodations were tremendous and expensive,” he says. “But now that I am no longer a bench scientist, I need different kinds of accommodation, computational stuff, the right kind of computer screen.”



“I say, judge me based on my character, and on my accomplishments.”

But he knows how difficult it can be, and has spent much of his career reaching out to others with disabilities, lobbying to make their way in the workplace easier. He has served on the boards of the Canadian National Institute for the Blind, the National Educational Association of Disabled Students, and the governing council of the University of Toronto. “Self-advocacy, education and volunteerism go hand in hand for me,” he says. “I cannot separate those three threads.”

The reality is that fully inclusive workplaces and accessible services are not yet in place for many Canadians with disabilities. Data collected by the Canadian Human Rights Commission shows that half of all discrimination complaints filed in Canada relate to disability in the workplace.

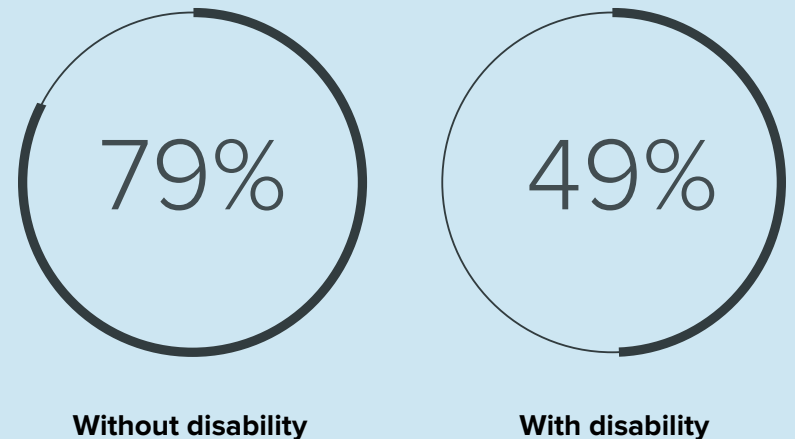
A recent study by Statistics Canada found that the employment rate of Canadians aged 25 to 64 with a mental or physical disability was 49 per cent, compared to 79 per cent for those without a disability. The study also found that employers may hesitate to hire people with disabilities due to a lack of knowledge about disability and accommodation issues, or concerns about cost or legal obligations.

Sukhai says even scientists can be prejudiced about people's abilities, basing their impressions on physical appearance.

"We are strongly conditioned that people who do this kind of work should look a certain way," he says. "I say, judge me based on my character, and on my accomplishments."

With half of all the discrimination complaints filed in Canada being related to disability, the Canadian Human Rights Commission continues to call for the implementation of the UN Convention on the Rights of Persons with Disabilities in Canada, and for the full inclusion and equality of persons with disabilities in Canada.

Study: Employment rate, 25 to 64 year-olds



Jeffrey Tekano:

Surviving solitary confinement



“You have
nothing to
occupy your
mind.”

For an inmate like Jeffrey Tekano, being placed in solitary confinement for 23 hours a day is akin to mental torture. Just the thought that he might be placed alone in a cell with only a mattress and a fluorescent light is enough to bring on a panic attack. Tekano, 57, suffers from post-traumatic stress disorder and attention deficit hyperactivity disorder. Being deprived of human contact makes him so anxious, he bangs his head on the wall until he bleeds from his ears or passes out. Once he suffered a “12-day concussion.”

“It is very distressing for me because I feel even more isolated. You have nothing to occupy your mind,” says Tekano.

It may come as a surprise to some that the practice of solitary confinement, also known as administrative segregation, is still used in Canada's prison system.

But it is.

Jeffrey Tekano was placed in solitary confinement by Correctional Service Canada on dozens of occasions from 2004 until 2009 at Kent Institution in B.C., where Tekano was serving a 21-year sentence for bank robbery. Sometimes, the practice was used to keep him safe from other prisoners who were frustrated by his head-banging. On other occasions when Tekano was having a panic attack, guards in riot gear would forcibly remove him from his cell, douse him with pepper spray, shackle him, and transfer him to solitary confinement.

With the help of Prisoners' Legal Services of B.C., Tekano finally filed a human rights complaint with the Canadian Human Rights Commission. His complaint was referred to the Canadian Human Rights Tribunal in 2010 and was eventually resolved.

Tekano was having a panic attack, guards in riot gear would forcibly remove him from his cell, douse him with pepper spray, shackle him, and transfer him to solitary confinement.

After he filed the complaint, Tekano was sent to a regional treatment centre where he was able to receive medication, therapy and treatment for his mental health issues. He learned how to cope with his anxiety. "I had counseling with a psychologist and with a nurse and a doctor and my frequency of self-harm decreased," he said in a telephone

interview from Chilliwack Community Correctional Centre, where he is now out on parole.

Jeffrey Tekano's story highlights the long-term damage that solitary confinement can do, especially to youth, and to those who suffer from mental disorders.

Sometimes the consequences are tragic.

Edward Snowshoe committed suicide in 2010 after spending 162 days in segregation. Ashley Smith, a teenager, strangled herself with a ligature in 2007, after more than 1,000 days in solitary confinement. A coroner's inquest recommended a prohibition on placing inmates in long-term segregation (longer than 15 consecutive days), and a limit of 60 days in a calendar year. It also recommended a ban on segregating inmates with histories of self-harm or mental health issues.

In the meantime, prisoners' rights groups are fighting for change through the courts. In Ontario, a law firm has commenced a class-action against the Attorney General of Canada, alleging an over-reliance on solitary confinement and a failure to provide adequate care for mentally ill inmates. The B.C. Civil Liberties Association and the John Howard Society of Canada have also filed

“Isolated prisoners have difficulty separating reality from their own thoughts, which may lead to confused thought processes, perceptual distortions, paranoia and psychosis.”

**Dr. Diane Kelsall, Deputy Editor
Canadian Medical Association Journal**



a lawsuit challenging the use of solitary confinement as unconstitutional.

The *Canadian Medical Association Journal* has called solitary confinement “cruel and unusual” punishment. “Isolated prisoners have difficulty separating reality from their own thoughts, which may lead to confused thought processes, perceptual distortions, paranoia and psychosis,” wrote Dr. Diane Kelsall, a deputy editor. “In addition to the worsening of pre-existing medical conditions, offenders may experience physical effects, such as lethargy, insomnia, palpitations and anorexia.” The editorial said the lack of stimulation and social interaction can lead to anxiety, depression and anger, and increase the risk of self-harm and suicide. Inmates should be placed in isolation only in “exceptional circumstances” for their own safety or for the safety of others and for the shortest possible time, it recommended.

In the case of Tekano, a doctor he saw while in prison described segregation as a form of mental torture for people who suffer from attention deficit hyperactivity disorder. The prolonged sensory deprivation and lack of stimulation in seclusion may actually worsen the condition. Psychiatric treatment is a better way to help stop self-harming behaviours, the doctor said.

Tekano says he has largely recovered from the damage of segregation, although he is still in a program for post-traumatic stress disorder and suffers from flashbacks. He is grateful for the support he has received from the staff at the centre in Chilliwack and is looking forward to living independently and getting a job. “I’m doing much better. I have learned to control my head-banging. But I have flashbacks and nightmares,” he said.

The Canadian Human Rights Commission will continue to speak out against the use of solitary confinement (administrative segregation). The Commission maintains that the practice should only be used in exceptional circumstances, as a last resort, for a very brief time, and never with inmates with serious mental health issues.



By the numbers

In any given year, the Canadian Human Rights Commission helps thousands of people determine whether they have a valid human rights complaint. In many cases, the Commission helps people resolve their issues quickly and informally, or find the appropriate process to resolve their concerns.

Only a fraction of the people who contact the Commission file a formal discrimination complaint.

The statistics below report on formal written complaints handled by the Commission in 2015.

By law, the Commission must consider every written discrimination complaint it receives. The Commission can decide not to deal with the complaint or refer it to an alternative dispute resolution mechanism. When possible, the Commission encourages people to try to resolve their disputes informally and at the earliest opportunity. In the event no agreement is reached, the Commission may conduct an investigation. When warranted, the Commission refers the case to the Canadian Human Rights Tribunal for a hearing.

2015 Complaints filed with the CHRC

1,207 complaints received¹

630 complaints accepted²

363 complaints referred to another redress process³

226 complaints settled

155 complaints dismissed

46 complaints referred to the Canadian Human Rights Tribunal

142 complaints not dealt with⁴

¹A received complaint, also known as a potential complaint, is a contact that falls within the mandate of the Canadian Human Rights Commission (CHRC), and that may lead to an accepted complaint after analysis and review.

²An accepted complaint is a document, in a form acceptable to the CHRC, that is filed by an individual or group of individuals having reasonable grounds for believing that a person or organization is engaging or has engaged in a discriminatory practice.

³The number of complaints referred to another redress process includes those that were referred to the Public Service Labour Relations Board or the Public Service Staffing Tribunal before they became accepted complaints.

⁴The CHRC can decide not to deal with complaints that do not meet the criteria listed under subsections 41(1) (c,d,e) of the Canadian Human Rights Act (e.g. the complaint fell outside of the CHRC's jurisdiction or the complaint was frivolous, vexatious or made in bad faith.)

Employment equity audits

In 2015, the Canadian Human Rights Commission conducted compliance reviews with a focus on ensuring progress towards equality in the workplace:

- The Commission produced audit reports for 41 federally regulated employers. These reports acknowledged the actions these employers have taken to fulfill their employment equity obligations.
- The Commission issued 48 status reports for employers that achieved good employment equity results in their industry sectors. The status reports also flag outstanding challenges facing these employers.
- The Commission negotiated agreements with 43 employers that were not in compliance with the Employment Equity Act. Each agreement outlined actions that the employer would take to improve their employment equity performance.

Complaints data

FIGURE 1

2015

Complaints received
by province or territory

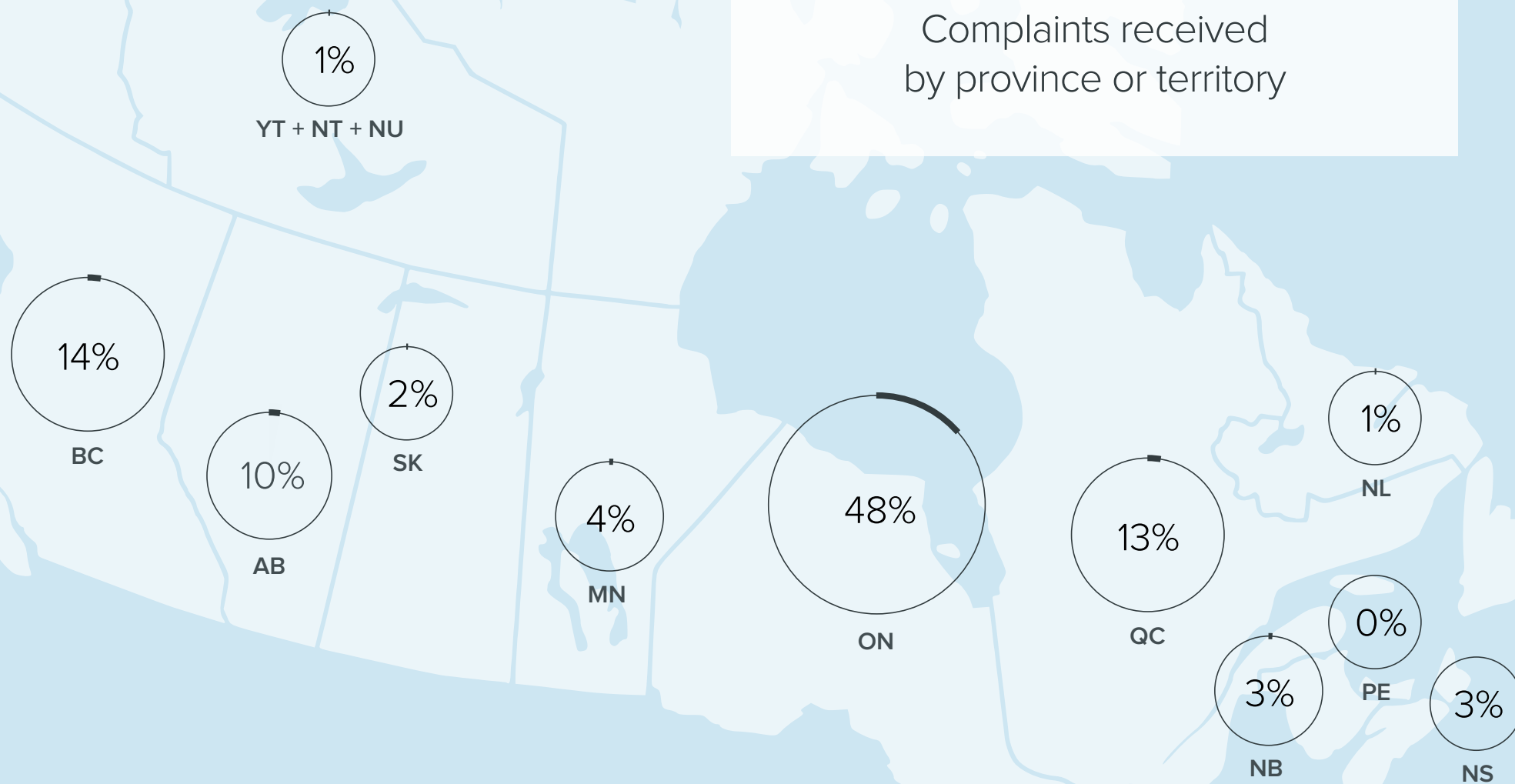


FIGURE 2

Complaints received by province or territory

Province / Territory	2013		2014		2015	
Newfoundland and Labrador	10	1%	16	1%	9	1%
Prince Edward Island	6	1%	6	1%	0	0%
Nova Scotia	52	4%	44	3%	36	3%
New Brunswick	42	3%	34	2%	38	3%
Quebec	146	12%	147	11%	160	13%
Ontario	565	46%	653	48%	583	48%
Manitoba	63	5%	60	4%	52	4%
Saskatchewan	58	5%	28	2%	28	2%
Alberta	134	11%	161	12%	126	10%
British Columbia	149	12%	199	15%	167	14%
Yukon, Northwest Territories, Nunavut and Outside of Canada	11	1%	16	1%	8	1%
Total	1,236	100%	1,364	100%	1,207	100%

The percentages may not add up to 100% due to rounding.

FIGURE 3

Complaints received by types of respondents

	2013		2014		2015	
Private Sector	496	40%	585	43%	492	41%
Federal Government*	602	49%	616	45%	588	49%
Reserves, Bands and Councils	93	8%	91	7%	81	7%
Unions	25	2%	44	3%	24	2%
Individuals	20	2%	28	2%	22	2%
Total	1,236	100%	1,364	100%	1,207	100%

The percentages may not add up to 100% due to rounding.

*Includes employers in the core public administration, separate federal government organizations or agencies, and Crown corporations.

FIGURE 4

Complaints received by types of allegation cited

	2013		2014		2015	
Employment-related (sections 7,8,10,11)	1,228	71%	1,347	70%	1,145	65%
Services-related (sections 5,6)	321	19%	376	19%	391	22%
Harassment - employment (section 14)	118	7%	138	7%	155	9%
Union membership (section 9)	22	1%	41	2%	20	1%
Retaliation (section 14.1)	22	1%	23	1%	25	1%
Harassment - services (section 14)	17	1%	12	1%	23	1%
Notices, signs, symbols (section 12)	7	1%	0	0%	0	0%
Total	1,735	100%	1,937	100%	1,759	100%

The percentages may not add up to 100% due to rounding.

Total number of allegations cited exceeds the total number of received complaints because some complaints dealt with more than one allegation.

FIGURE 5

Complaints accepted by province or territory

Province / Territory	2013		2014		2015	
Newfoundland and Labrador	--	--	--	--	--	--
Prince Edward Island	--	--	--	--	--	--
Nova Scotia	18	3%	18	3%	15	2%
New Brunswick	23	3%	16	2%	15	2%
Quebec	70	11%	86	12%	75	12%
Ontario	312	47%	343	48%	305	48%
Manitoba	25	4%	29	4%	31	5%
Saskatchewan	30	5%	13	2%	13	2%
Alberta	67	10%	77	11%	64	10%
British Columbia	99	15%	116	16%	103	16%
Yukon, Northwest Territories, Nunavut and Outside of Canada	10	2%	11	2%	4	1%
Total	661	100%	720	100%	630	100%

The percentages may not add up to 100% due to rounding.

-- Indicates that the data has been withheld to protect confidentiality.

FIGURE 6

Complaints accepted by types of respondents

	2013		2014		2015	
Private Sector	343	52%	407	57%	341	54%
*Federal Government	239	36%	216	30%	206	33%
Reserves, Bands and Councils	50	8%	53	7%	57	9%
Unions	20	3%	35	5%	17	3%
Individuals	9	1%	9	1%	9	1%
Total	661	100%	720	100%	630	100%

The percentages may not add up to 100% due to rounding.

*Includes employers in the core public administration, separate federal government organizations or agencies, and Crown corporations.

FIGURE 7

Complaints accepted by types of allegation cited

	2013		2014		2015	
Employment-related (sections 7,8,10,11)	749	69%	812	68%	692	64%
Services-related (sections 5,6)	214	20%	210	18%	250	23%
Harassment - employment (section 14)	71	7%	109	9%	99	9%
Union membership (section 9)	18	2%	34	3%	15	1%
Retaliation (section 14.1)	14	1%	25	2%	19	2%
Harassment - services (section 14)	11	1%	4	1%	14	1%
Notices, signs, symbols (section 12)	6	1%	0	0%	0	0%
Total	1,083	100%	1,194	100%	1,089	100%

The percentages may not add up to 100% due to rounding.

Total number of allegations cited exceeds the total number of received complaints because some complaints dealt with more than one allegation.

FIGURE 8

Final decisions by type

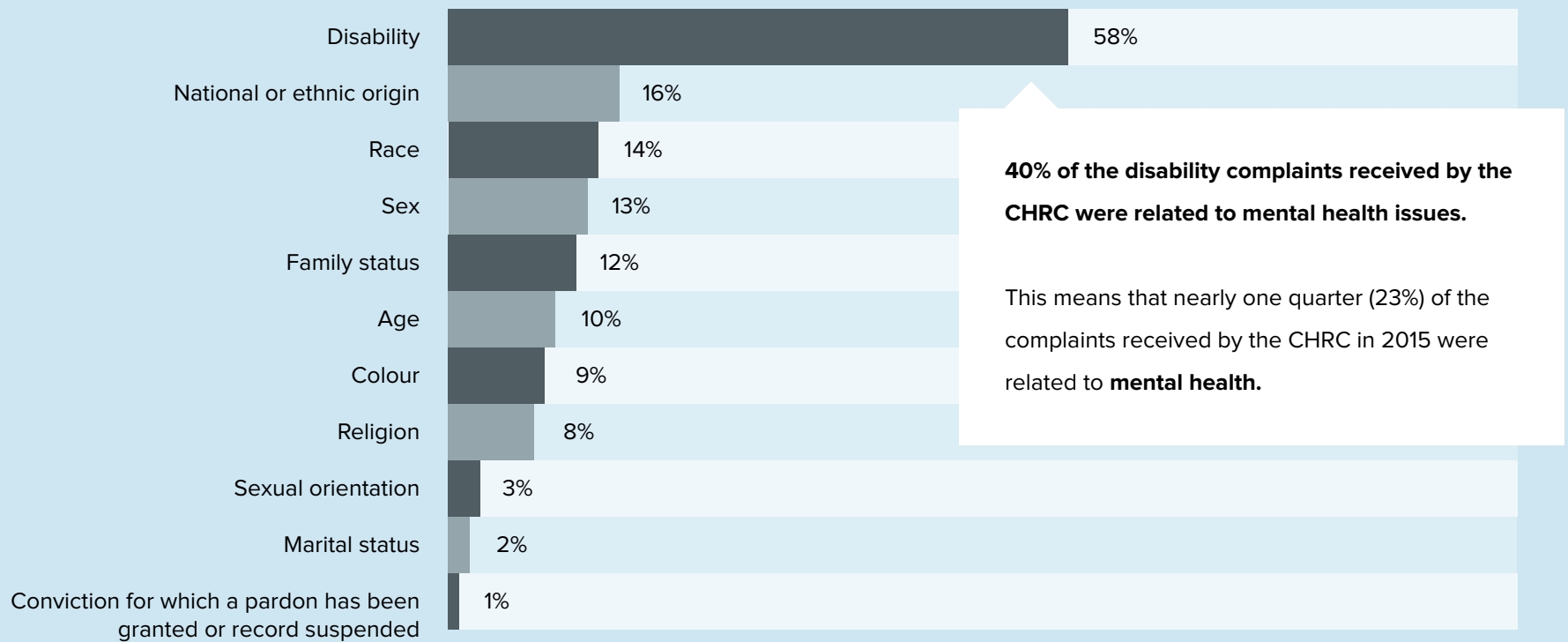
	2013	2014	2015
Section 40/41 Analysis*	344	283	260
Dismissed	196	217	155
Settled**	234	293	226
Referred to Tribunal	72	70	46
Total	846	863	687

* Under section 40/41 of the Canadian Human Rights Act, the CHRC may decide not to deal with a complaint because the complainant ought to pursue another redress mechanism, the incident occurred too long ago, or because the complaint is out of jurisdiction, or considered trivial, frivolous or vexatious.

**Total number of settlements includes all settlements reached between parties, with or without help from the CHRC.

FIGURE 9

Proportion of complaints received in 2015 by ground of discrimination



NOTE: In this graph, the total exceeds 100% because some complaints cite more than one ground.

A close-up photograph of a hand holding a small, rectangular pink sign. The sign has the word "equal" written on it in a bold, black, sans-serif font. The hand is positioned at the bottom of the frame, with fingers gripping the sign. The background is a blurred crowd of people, with several colorful pinwheels visible, suggesting a festive or protest-like gathering. The lighting is bright and natural, and the overall tone is positive and hopeful.

equal

About the Commission

Our work

The Canadian Human Rights Commission (Commission) is akin to an Agent of Parliament. It operates independently from government. As Canada's human rights watchdog, the Commission is responsible for representing the public interest and holding the Government of Canada to account on matters related to human rights.

The Canadian Human Rights Act gives the Commission the authority to research, raise awareness, and speak out on any matter related to human rights in Canada.

The Commission is responsible for administering the law, which protects people in Canada from discrimination when based on any of the 11 grounds such as race, sex and disability.

The Commission receives discrimination complaints and works with both the complainant and respondent to resolve the issues through mediation. When a complaint cannot be settled, or when the Commission determines that further examination is warranted, it may refer the complaint to the Canadian Human Rights Tribunal.

The Commission also works with federally regulated employers to ensure compliance with the Employment Equity Act. This contributes to the elimination of employment barriers in various workplaces for women, Indigenous peoples, persons with disabilities and visible minorities.

Our people



Marie-Claude Landry, Ad. E., was appointed Chief Commissioner of the Canadian Human Rights Commission for a seven-year term on March 30, 2015. The Chief Commissioner serves as the Chief Executive Officer and leads the Commission.

Commissioners



David Langtry



Tara Erskine



Sheila M. MacPherson



Judy C. Mintz



Kelly J. Serbu



Peggy Warolin

David Langtry serves as Deputy Chief Commissioner. Tara Erskine, Sheila M. MacPherson, Judy C. Mintz, Kelly J. Serbu and Peggy Warolin all serve as Part-time Commissioners.

The work of the Commission is carried out by a team of approximately 185 people.



Canadian
human rights
commission

Commission
canadienne des
droits de la personne