

The Canadian Human Rights Commission's
2018 Annual Report to Parliament



Canadian
human rights
commission

Commission
canadienne des
droits de la personne

Speak out



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Chief Commissioner's message

In 2018, the world marked the 70th anniversary of the Universal Declaration of Human Rights. The Declaration was a response to unspeakable atrocities born from hatred. It united the world in a common cause: to promote the principles of equality, dignity and respect for all.

The *Canadian Charter of Rights and Freedoms*, the *Canadian Human Rights Act*, as well as provincial and territorial human rights legislation were all built on the principles in the Declaration. These laws have given people the power to speak out against discrimination and make change for the better – not just in their own lives, but in the lives of their fellow citizens.

Yet despite our progress, Indigenous Peoples, persons with disabilities, racialized individuals, religious groups, and individuals with diverse

sexual orientations or gender identities all continue to experience discrimination in Canada.

The Commission continues to work towards ensuring that everyone in Canada is treated fairly no matter who they are. Over the past year, we worked with people in vulnerable circumstances, human rights advocates, community representatives, parliamentarians and youth to raise awareness and call for action on the pressing issues affecting people's day-to-day lives in Canada.

Indigenous Peoples, persons with disabilities, racialized individuals, religious groups, and individuals with diverse sexual orientations or gender identities all continue to experience discrimination in Canada.

Improving our complaints process was our priority in 2018. We took steps to tailor our services to meet the needs of the people asking for help – putting people before process. We made it easier for people to contact us. Using our new online complaint platform, people who believe they have

been discriminated against can quickly find out if their experience forms the basis for a human rights complaint. If not, we redirect them to the appropriate organization. More people contacted the Commission in 2018 to complain than ever before. The number of complaints we accepted in 2018 is the highest in over a decade. I am encouraged by the numbers, yet I remain concerned that many people living with discrimination are unable or unwilling to ask for help.

The number of complaints we accepted in 2018 is the highest in over a decade.

This year will also be remembered for the proactive federal legislation and initiatives introduced to advance equality for people in Canada. From the proposed *Accessible Canada Act*, to pay equity legislation, to the National Housing Strategy, to anti-harassment legislation — the various proactive initiatives have the potential to advance equality and inclusion in Canada. It is no surprise that many people support these initiatives. Polls showed that people in Canada continue to see human rights as a defining concept of our shared identity.

At the same time, it has become clear that with the rise of populism here and around the world, an increasing number of people feel emboldened to

share racist and intolerant views. Some have even chosen to capitalize on this phenomenon — stoking fear of “the other” for political gain.

It is a disturbing trend. It confirms that more and more people are indifferent to those in vulnerable circumstances, and it encourages lies and misinformation. In fact, it’s dangerous. Hateful and intolerant rhetoric can lead to hate crimes and violence.

Violent acts, motivated by racism, xenophobia, misogyny, or religious intolerance are all examples of hate crime. So too are crimes motivated by bias against a person’s disability, sexual orientation or gender identity. The latest numbers from Statistics Canada show that police-reported hate crime in Canada was up 47% over the previous year.

In many ways, we are in uncharted territory. With the seismic shift in how we communicate and share ideas in this modern era, everyone has the power to be a broadcaster. One individual can be louder and influence more people than ever before.

A completely new generation of young people is being exposed to the lies inherent in the idea of racial and religious superiority. As a result, the threat posed by hate speech is amplified.

Canada's human rights protections do well in addressing discrimination, but they do little to address hate. That is why we have called on Parliamentarians to conduct a comprehensive study to better understand hate in the 21st century and how to fight it.

A study alone will do nothing to combat hate. In fact, it's going to take all of us. We all have a responsibility to speak out against hate, understand how it spreads, and find ways to shut it down.

Civil society, the justice system, human rights organizations and all levels of government have a role to play.

At the close of 2018, Canada has much to be proud of. But our sense of accomplishment must not result in us lowering our guard. We must continue to speak out against hate and intolerance and push for a society that values equality, dignity and respect for all.

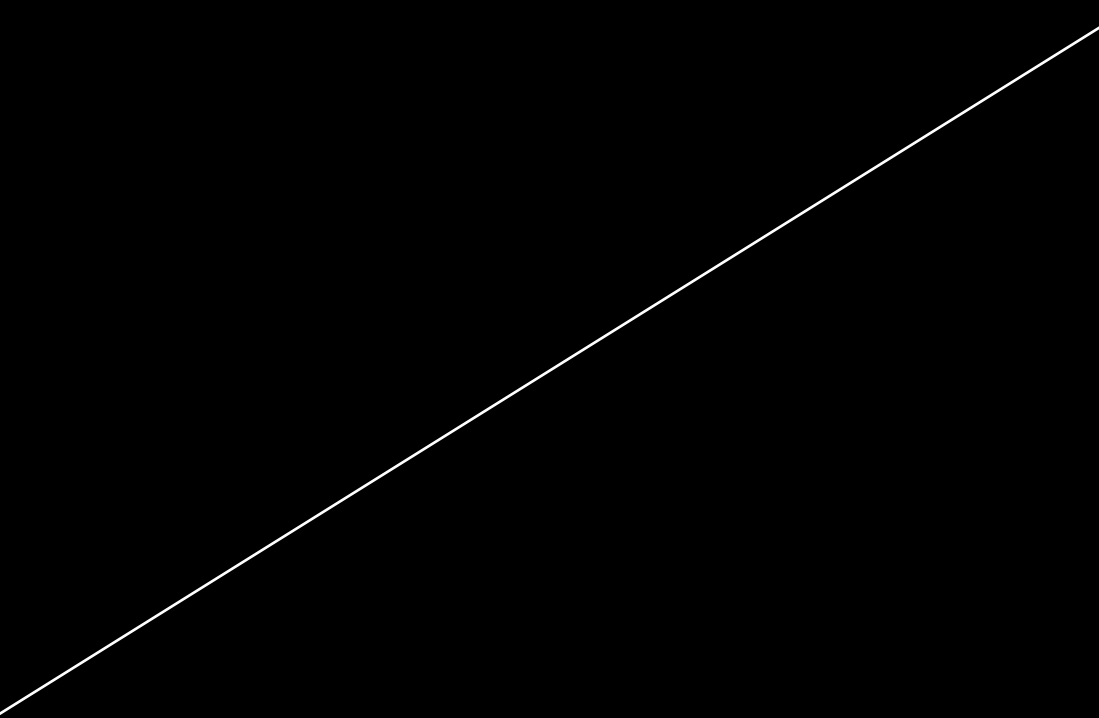


Marie-Claude Landry, Ad. E.
Chief Commissioner
Canadian Human Rights Commission





Speaking Out



Real stories of real people in Canada, who are speaking out, speaking up, and fighting for justice and equality — in their own ways, in their own lives.



Erasing hate

Corey Fleischer can vividly recall the moment he found the thing he didn't even know he was looking for. It was a summer's day in 2009. Corey, 28 years old at the time, was driving his power-washing business truck through downtown Montreal, when he passed a huge swastika spray-painted on a cinderblock at the side of the road.



He carried on to his job in the suburbs, but as he watched his eight-man crew scour a driveway clean, an arresting thought hit him. He sent his workers home, promised the customer to return the next day and drove back to that swastika. After twenty seconds of power-washing, the swastika was gone and with it, a feeling of aimlessness that had been weighing on Corey for years.

“It was an epiphany,” he says today. Watching the “colours bleed off that concrete slab” gave Corey a surge of satisfaction unlike anything he had ever felt before. He wanted to feel that way again. And again.

Since then, Corey has made it his mission to rid the public realm of signs of hate. For years, he kept his work to himself, fearing people would think he was “crazy.” Instead of playing softball or hockey, Corey would come home from work, pick up his dog and jump back in the truck to go looking. It was a scavenger hunt of sorts and every hateful piece of graffiti he sanded, chiseled or blasted into oblivion gave him an addictive high.

After five years working alone, in which he estimates he removed 50 pieces of hate from the greater Montreal area, Corey decided it was time to let others know what he was up to. He sat for hours at his computer, deliberating over whether he should really post some photos of his recent removals to Facebook. He feared judgement. Then he hit enter.

The next day, his social media feeds were on fire. There were countless media requests, but also messages from people from all over the world, alerting him to hateful graffiti in their towns or cities.

“That’s when the circle really started turning,” says Corey. “I had no idea that by posting pictures and videos of me removing hate, I would inspire others to do the same.”

People began posting photos of themselves removing swastikas, curses and insults from cityscapes across the world. Or they would post a photo of something and ask for Corey’s advice on

how to remove it. He says that some combination of sandpaper, nail polish remover and a little freshly-mixed cement will usually do the trick. But if it’s more involved than that, he will contact a local power-washer and ask them to do it. And he doesn’t mind paying out of pocket.

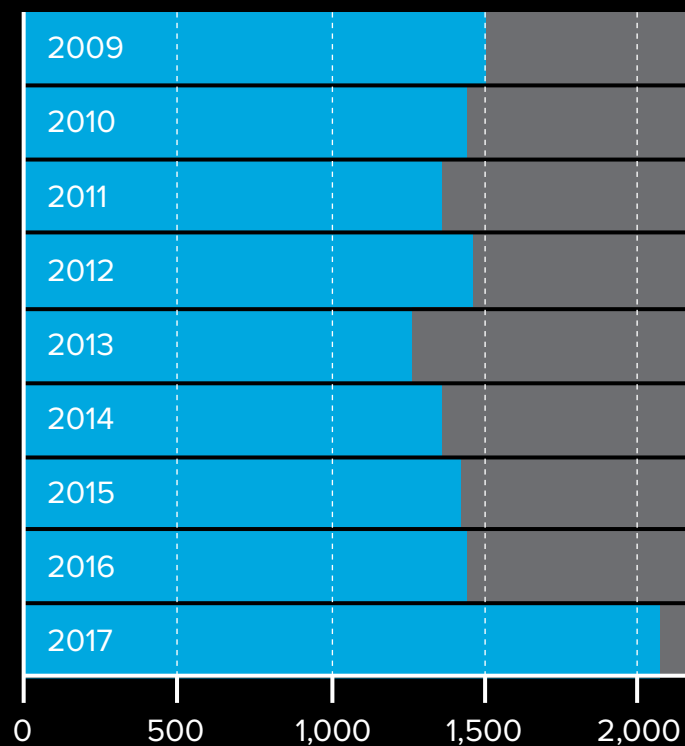
In 2018, Corey’s Facebook page got more than 100 million views. He points out that social media, often associated with negative behaviours like bullying, “is what you make of it.” Certainly, the movement that spun out of Corey’s simple gesture would be unthinkable without it.

This kind of collective action is heartening. It’s also very much needed. Corey’s movement, which he calls Erasing Hate, has got its work cut out for it. According to Statistics Canada, police-reported hate crimes have been steadily on the rise since 2014, with an alarming 47% increase from 2016 to 2017. The sharpest rises were in Ontario and Quebec, with non-violent hate crimes such as vandalism and graffiti accounting for the bulk of the increase.



“I had no idea that by posting pictures and videos of me removing hate, I would inspire others to do the same.”

Number of police-reported hate crimes



SOURCE: Statistics Canada

According to Statistics Canada, police-reported hate crimes have been steadily on the rise since 2014, with an alarming 47% increase from 2016 to 2017.

Some may consider these to be lesser misdemeanors — but Barbara Perry, hate crime expert and professor of criminology at the University of Ontario Institute of Technology, vehemently disagrees. She calls the visibility and blatancy

of graffiti “devastating” to the targeted community, while contributing to a “normalization of hate.”

There’s much speculation about what is behind this ugly upswell, but Corey worries less about root causes than about meeting its manifestation head on: eliminating signs of hate and encouraging others to do the same.

Corey acknowledges that being six foot two and 250 pounds might make his role easier. But ultimately, he feels the people behind these hateful acts are cowards, operating by cover of night and never owning up to what they do. The public erasure of their work is a far stronger statement than the work itself.

The widespread impact of Erasing Hate is inspiring. “A lot of people think that social change requires millions of dollars and complex algorithms,” he says. “All this required was a power washer and some water.”

And courage and determination. But Corey doesn’t play the hero. “I didn’t start with any grand plan,” he says. “To be honest, I started doing this just for myself, because it made me feel good.”

→ Throughout 2018, the Commission spoke out about the rising issue of hate and intolerance in Canada. At the close of 2018, in an appearance before the Standing Senate Committee on Human Rights, the Chief Commissioner encouraged the committee to launch a comprehensive study on hate.

Fighting for fairness

Well into her career as a registered nurse, Ruth Walden realized that something wasn't right. Looking around her workplace at the Canada Pension Plan, she saw a double standard at play: doctors were considered doctors but nurses, like herself, were considered "administrative workers." The distinction was not just semantic; it affected the terms of the nurses' employment and their career opportunities going forward.





It's one thing to notice that something in the system is broken; it's another to do something about it. Ruth wasn't looking for a fight, but she was looking for fairness. She set out to right what seemed to be a discriminatory wrong. Nineteen years later, she had succeeded.

Fresh out of nursing school, Ruth began working in acute care in various hospitals in Vancouver and later Ottawa. But when she heard of a government job at the Canada Pension Plan, determining who qualified for disability benefits, she applied and got it.

Ruth wasn't looking
for a fight, but she was
looking for fairness.

Ruth quickly realized that, although nursing credentials were mandatory for the position, her employer — the federal government — did not consider her a nurse in the position. Doctors working at the Canada Pension Plan, on the other hand, were deemed “health care professionals.” While they were doing much the same work as the nurses, they were better paid, had access to an appropriate union, and received professional recognition, enabling them to be reimbursed for their licensing fees and to apply for other medical positions within the public service.

“At first I thought it must be some kind of a mistake, there must be an easy fix,” says Ruth, now 61 and retired in Ottawa. “And I was reassured that other people were working on it.” But six years later, when nothing had changed, Ruth began to ask more questions. She contacted nurses at regional offices of the Canada Pension Plan, met with government managers and union officials and eventually reached what she felt was a “dead end.” So, in 2004, she turned to the Canadian

Human Rights Commission to make a complaint on the basis of sex discrimination, resulting in lower wages and fewer employment opportunities.

At the time, she says 95% of the nursing profession was female. Among the most serious of the disadvantages facing nurses at the Canada Pension Plan: because they were not deemed nurses in their current positions, they were not eligible for other nursing jobs in the public service.

Ruth describes the following years — an odyssey through courts and tribunals — as a “roller coaster” of wins and losses. The first hearings before the Canadian Human Rights Tribunal were held in 2007, with some 400 nurses submitting complaints. The Tribunal ruled that discrimination was indeed taking place and instructed the parties — the federal government, the Commission and the nurses — to resolve the issue among themselves.



“At first I
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an easy fix.”



When no agreement was reached, Ruth returned to the Tribunal for a remedy hearing, and this time it concluded that the nurses had failed to prove loss of pay and opportunity. It was a shocking reversal, and Ruth and her network appealed to the Federal Court, which ruled in favour of the nurses and sent the matter back to the Tribunal. The government tried to get that decision overturned, but lost in the Federal Court of Appeal. Ultimately, as Ruth and her fellow nurses were preparing for their third tribunal hearing, the federal government relented and settlement talks began. In 2012, the nurses and the federal government reached an agreement.

It was agreed that the practice had been discriminatory and that wage losses had been incurred. The landmark settlement, which provided financial compensation to approximately 800 nurses, was one of the largest of its kind in Canada's history.

The Tribunal also mandated that nurses working at the Canada Pension Plan be henceforth considered "health services" employees. As such, they belonged to their union's

nursing group which, in turn, negotiated better pay scales for the nurses going forward.

Having achieved what she calls a “reasonable resolution,” Ruth retired. The roller coaster had been exhausting, especially combined with her full-time job at the Canada Pension Plan. Since 2012, she has been savouring retirement: “clearing my head and getting my life back on track.”

Summarizing the main lessons of her crusade — which she emphasizes was not hers alone — Ruth says, “assumptions need to be re-examined” and one must remain willing to “look with open eyes.”

“Nursing has never been a high-status profession,” she says. “But it’s very important. If the nursing profession is not being treated with respect or equality by the government, who is going to want to be a nurse?”

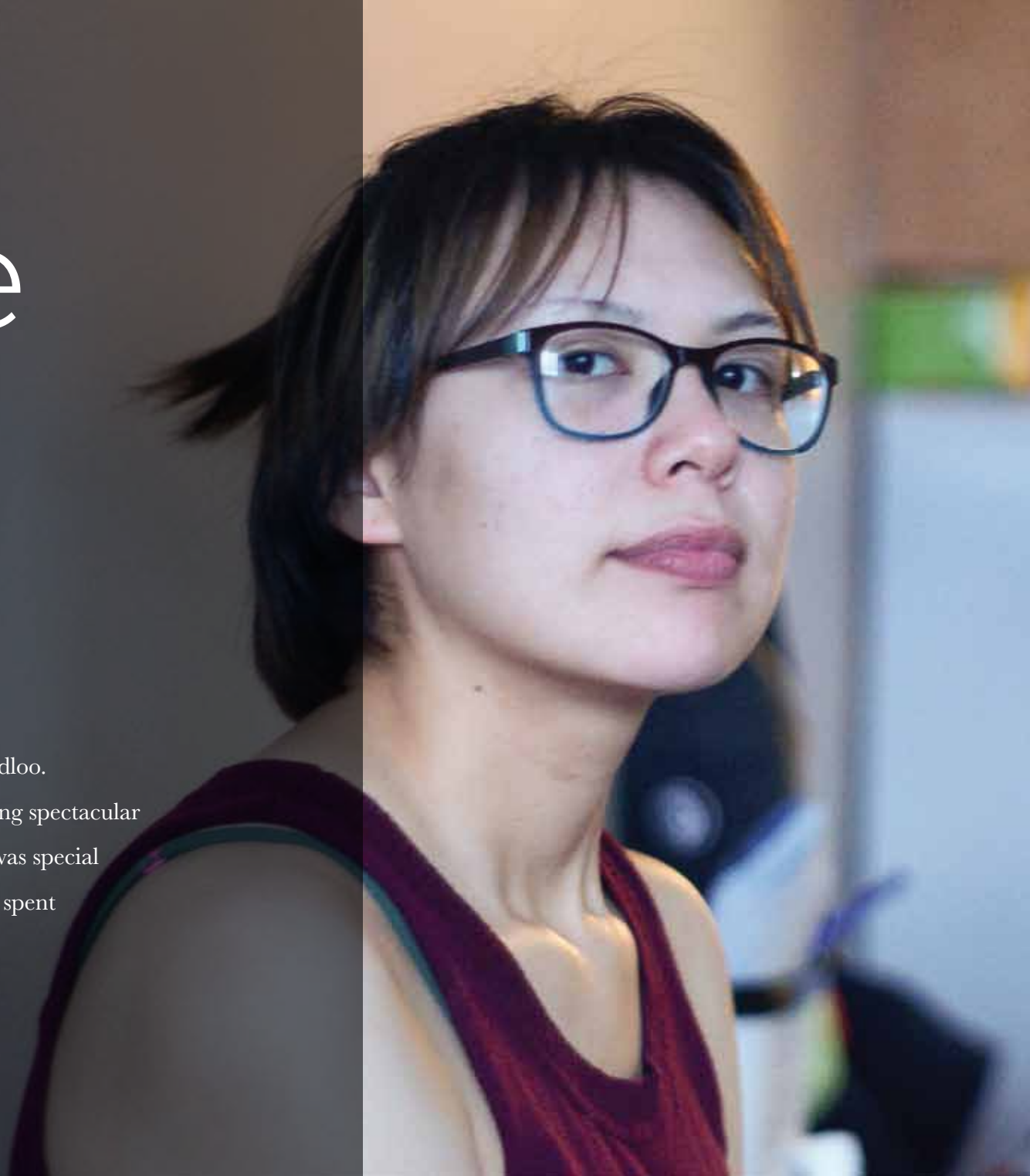
→ At the close of 2018, Canada’s first proactive pay equity law for federally regulated workers received royal assent. The *Pay Equity Act* puts the onus on employers to ensure equal pay for work of equal value across their organizations. The hope is that individuals, like Ruth Walden, might never again have to invest such vast amounts of time and emotional energy to fight for equality.

The Commission appeared before the Standing Senate Committee on National Finance to welcome and provide input on the pay equity legislation, saying that the legislation will advance human rights, and benefit employees, employers, and all of Canada.

The new law also establishes a Pay Equity Commissioner, who will be appointed in 2019 and whose mandate and office will be part of the Canadian Human Rights Commission.

A home of her own

Last Christmas was a special one for Jennifer Pudloo. The 25-year old single mother admits that nothing spectacular happened and that her budget was tight. But it was special because, for the first time in eight years, Jennifer spent Christmas in a home she could call her own.





Jennifer grew up in the Nunavut capital of Iqaluit. After graduating high school, she found work with the territorial government and was able to afford a bachelor apartment. But after a year, she lost the job, the income and the apartment. She put her name on a list for public housing and waited. For eight years, she had no fixed address.

While people in Canada hear a lot about the housing affordability crisis in cities like Vancouver and Toronto, the situation in Iqaluit — where food costs three times the national average and unemployment hovers around 10% — is dire.

With the average market rent of a two-bedroom apartment at \$2,600, two thirds of the city's 7,700 inhabitants rely on housing subsidized by their employer or the government. But housing is sorely lacking. According to the Canada Mortgage and Housing Corporation, 193 new public housing units are needed to meet Iqaluit's current demand.

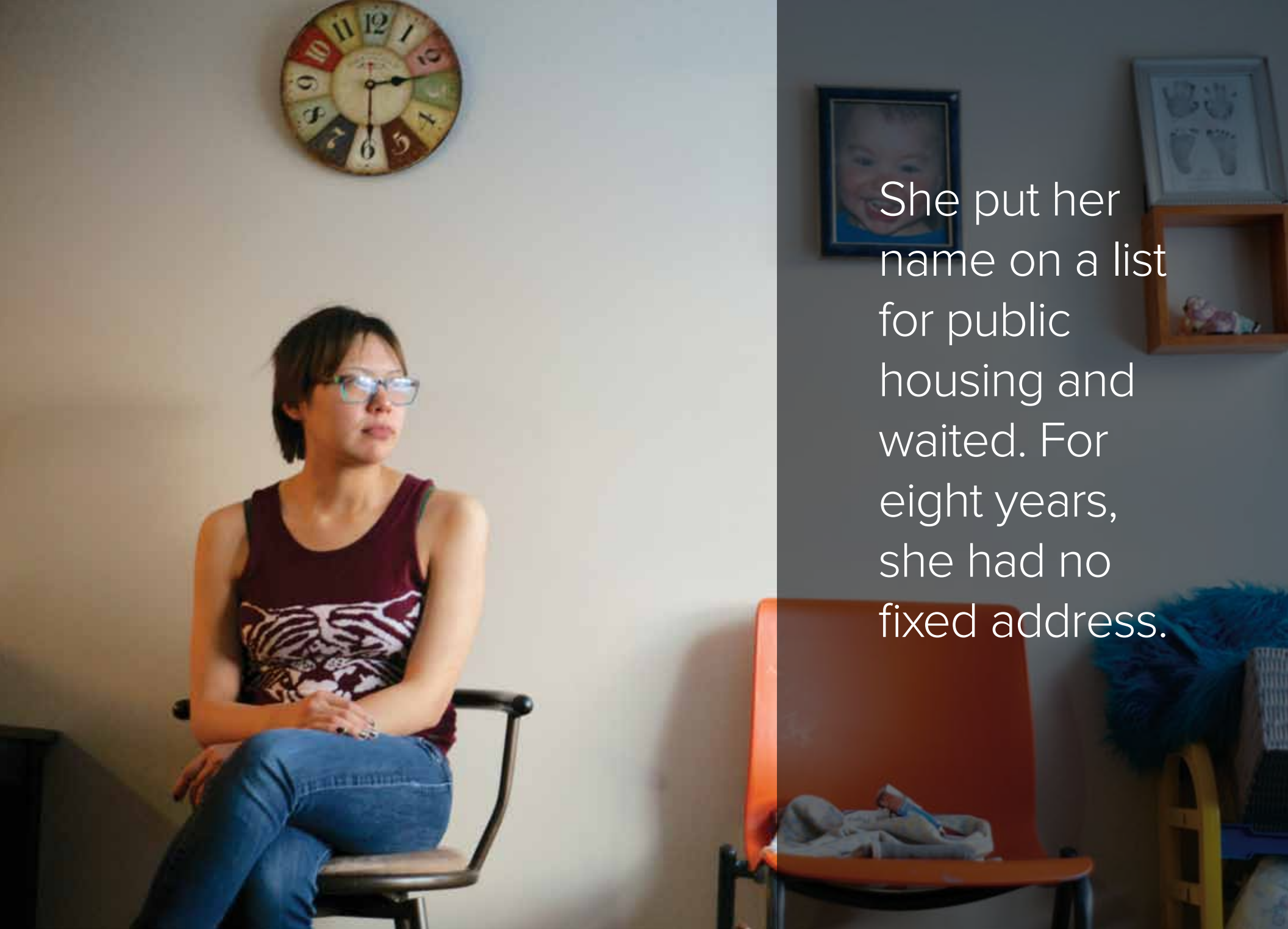
With winter lows regularly dropping below minus 30°C, shelter takes on urgent meaning. Like many in Iqaluit, Jennifer bunked in with family members. Over the years, she slept on couches, pull-out beds and mattresses, while working odd jobs at the local hotels or at the soup kitchen. Jennifer and her boyfriend were living with her uncle — he in his single bedroom, two other adults in the storage room, Jennifer and her boyfriend in the living room — when she got pregnant.

As soon as her son Hunter was born, Jennifer realized that her uncle's "party house" wasn't going to work anymore. She and Hunter moved into a women's shelter. Half a year later, she got a call from the public housing office. She moved into her two-bedroom apartment last December.

"It was very, very empty at first," she says, but now that she's collected some furniture and her own things, it feels more complete. But not entirely.

"Now that I have a home, I hope I can get my son back," she says, referring for the first time to an older son, Miles, now eight. Homeless when he was born, she says she "didn't want to put that emotional burden on him," so gave him to his father, who then moved to the South. She hasn't seen Miles in four years.

In 2017, Canada's Standing Senate Committee on Aboriginal Peoples issued a report on the housing challenges faced by the country's northernmost communities. Among the committee's findings: that over half the Inuit in Nunavik, or northern Quebec, live in overcrowded housing; that rates of tuberculosis, caused largely by poor housing, are 250 times higher among the Inuit than Canada's non-Indigenous population; that housing shortages correlate with "serious public health repercussions" including respiratory and mental illness. The report's title — "We Can Do Better" — feels like an understatement.



She put her name on a list for public housing and waited. For eight years, she had no fixed address.



Still, Jennifer's not complaining. She's visited a few cities in the South — Toronto, Montreal, Quebec — and found them “amazing” but also overwhelming. She can't imagine living anywhere but Iqaluit.

In her new apartment, Jennifer enjoys looking out the window at Frobisher Bay, playing peek-a-boo with Hunter in the downstairs playroom or watching television upstairs. She's reassured by the security camera outside and the dead bolt on the door. And now, she's setting up a second bed in Hunter's bedroom in the hopes that one day, his half-brother will come home to them.

She can't imagine
living anywhere
but Iqaluit.

→ In 2018, the Commission submitted its formal recommendations on the federal government's National Housing Strategy. Our various recommendations were part of an overarching recommendation to apply a human rights approach to the National Housing Strategy. For example, as part of a human rights approach, we recommended that the federal government ensure that the language and concept of human rights in the context of housing is clearly recognized and integrated throughout the entire Strategy. We also recommended that a diverse group of people with lived-experience with either poverty, inadequate housing or homelessness represent at least half of the National Housing Council.

An invisible disability

Anxiety, insomnia, aggression, paranoia, depression.

These are the invisible battle scars that still torment Dominique Brière, 25 years after serving as a UN peacekeeper during the Bosnian war.





“We landed at Sarajevo airport right in the middle of the bombing,” says Dominique. “The trauma started that first day and never let up.”

In 1992, after the fall of communism in Europe, the Balkan region fractured along ethnic lines and descended into a long and brutal civil war. Dominique went to the region as part of a large international peacekeeping force that was sent to protect civilians and curb the violence. But the mission in the former Yugoslavia was particularly difficult. The wounds of peacekeeping are not always caused by hostile fire or landmines, and they do not always leave physical scars. Human brutality on such a scale leaves a deep impact on those who see it.

“I witnessed many massacres and I came close to death myself,” Dominique says quietly. “I experienced a lot of stress in a very short period of time and that developed into PTSD.”

PTSD (post-traumatic stress disorder) is a mental health condition that can develop after exposure to trauma. Nearly 1 in 10 people in Canada may develop PTSD at some point in their lives. Military personnel and first responders are particularly vulnerable. Though the symptoms are often

invisible to the outside world, for people like Dominique who suffer from PTSD, the effects can be debilitating. Being in a crowd full of people can trigger an anxiety attack. Recurring nightmares lead to insomnia. Sleepless nights spark aggression and, around every corner, depression lurks.

“People don’t understand because these are invisible diseases, you can’t see what’s going on,” says Dominique. “People think we’re faking, that it’s not a real problem. I would much rather function every day without problems — but with mental health issues, every day is a new challenge. We never know how we’re going to react in a situation.”

According to Statistics Canada, more than one million people in Canada live with a mental health disability and – like Dominique – 90% of these people live with a physical disability at the same time. This co-occurrence, as Statistics Canada refers to it, makes it particularly challenging for people like Dominique to find a job and keep it, in large part because many people still wrongly believe that persons with disabilities are unable to work. Dominique has been off work for over a year, working instead on his health and quality of life.

In fact, in its 2018 report, *Roadblocks on the career path: Challenges faced by persons with disabilities in employment*, the Canadian Human Rights Commission found that across Canada, the employment rate for men and women with disabilities is substantially lower than people without disabilities. For men like Dominique who have disabilities, the employment rate is 49.8%, compared to the 77.1% employment rate of men without disabilities.

Dominique is not alone on his journey. A one-year-old black Portuguese water dog named Nala is at his side and on duty, 24-hours a day, seven days a week. Nala is a recent graduate of a not-for-profit organization that provides service dogs to veterans who suffer from PTSD and substance-use issues.

Nala is trained specifically to detect problems associated with PTSD. When Dominique is feeling anxious or stressed, Nala nudges him or puts her paw on his arm. This simple act distracts Dominique from the stressor, forcing him to interact with her and refocus on the present moment instead.



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“People don’t understand because these are invisible diseases, you can’t see what’s going on.”

“Since she’s been with me, I’ve reduced my prescription medications from 14 medications a day to four and my sleep has improved too. I don’t have to be hyper aware of everything around me while I sleep anymore because I know that she is doing that,” says Dominique, Nala sitting by his side. “My family and friends have noticed a big decrease in my stress and anxiety levels thanks to Nala.” Nala perks up at the sound of her name and nudges Dominique’s leg with her nose.

“You know we’re talking about you.” His face immediately softens into a smile.

“With PTSD, it is daily work if we want to be functional and healthy. With Nala’s help, I’m going to work on myself to get better.”



**The Commission’s position
on the inclusion of people
who use service dogs**

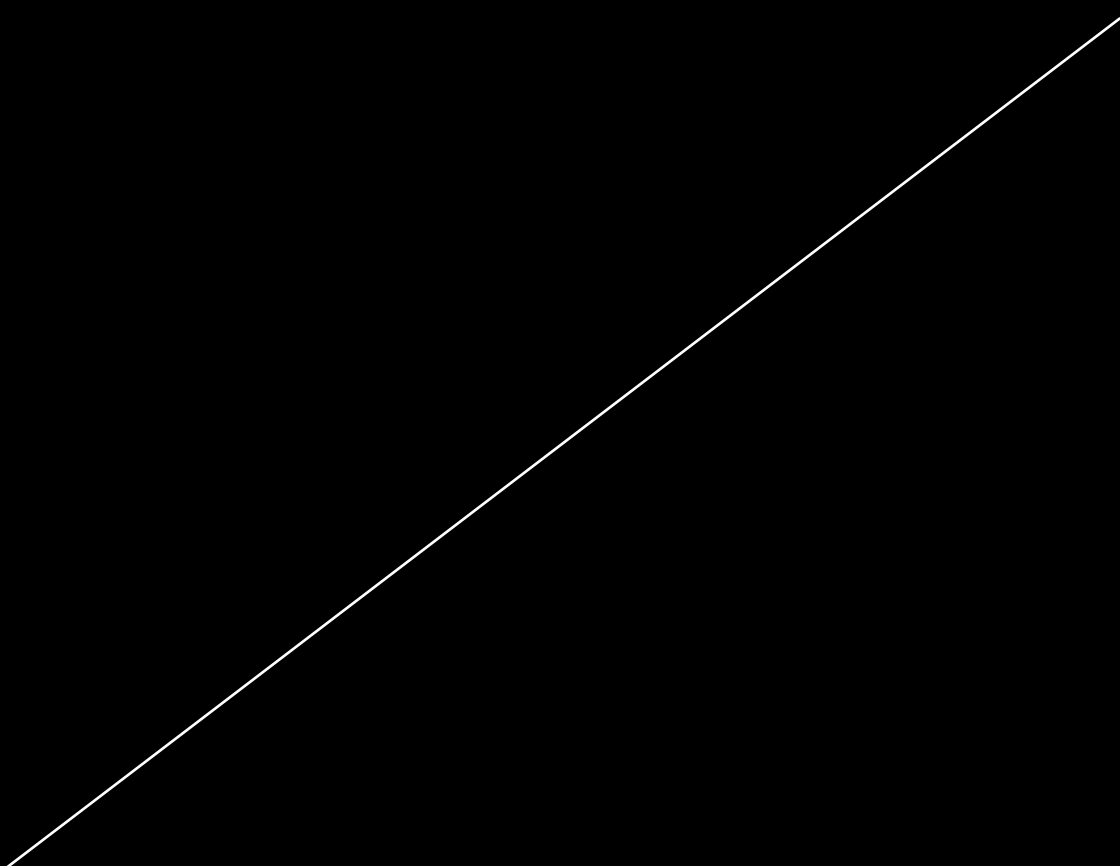
Persons with disabilities in Canada have a right to use a service dog to work, live and participate in their communities with dignity and independence. Governments, employers, and service providers have a legal obligation to recognize and respect this right. Service dogs are trained to perform specific tasks to support people with visible and non-visible disabilities. Leaving a service dog to do their work undisturbed is a simple way we can all help foster inclusion.

→ In 2018, the Commission provided input into the federal government’s proposed *Accessible Canada Act* — legislation that will put the onus on all institutions and “matters within the legislative authority of Parliament” to proactively eliminate barriers for all persons, especially those with visible and non-visible disabilities. In statements and addresses throughout 2018, Chief Commissioner Marie-Claude Landry publicly expressed how the Commission is eager to see this law passed and to see a barrier-free Canada become more of a reality.

In 2018, in anticipation of the *Accessible Canada Act* coming into force, the Commission began working closely with other federal organizations that will have a role in resolving accessibility-related complaints. Together, we are committed to putting people over process. Through a “no wrong door” approach, we are putting measures in place so that people with accessibility-related complaints can be referred swiftly and easily to the right organization.



Complaining to the Commission



Each year, the Canadian Human Rights Commission helps thousands of people find the most efficient way to address their human rights concerns or find information about their rights. In many cases, the Commission helps people resolve their issues quickly and informally, or find the appropriate process to resolve their issue.

Improving access to our services

In recent years, many people made it clear that accessing the Commission's services was confusing, difficult and intimidating. In an effort to correct this situation, the Commission introduced a number of new initiatives, including a new online complaint platform that uses accessible and simple language. This change means that no matter where you live, filing a complaint takes the same effort and the same amount of time. Steps that once took weeks or months now take minutes.

25,000 people

contacted the
Commission to
complain in 2018

|
Surpassing
any other year

As a result, the Commission saw a dramatic increase in the number of people looking for help and wanting to complain because they believed they had been discriminated against. In fact, more people contacted the Commission to complain than in any other year in our history. The increase in volume has been significant.

The Commission takes a “no wrong door” approach and tries to help each and every person who asks for help — no matter how that request reaches us. This starts with determining whether a person has the basis of a human rights complaint and if so, whether the Commission is the right organization to help them.

With this new online complaint platform, many of these people are able to find help, find answers, or find a solution without filing a formal complaint with the Commission. In many instances, the Commission directs the complainant to the appropriate organization. For example, sometimes a complainant’s concern is best addressed by

provincial or territorial human rights Commissions, or other federal organizations that have been given the authority to resolve human rights complaints.

We have taken considerable steps to respond to this increase in demand for our services and to respond with efficiency to each complainant. Each person is treated individually, frequently requiring follow-up and one-on-one conversations with a human rights officer. In cases when someone is in a vulnerable situation, the Commission now takes measures to ensure they are helped as quickly as possible.

Only a fraction of the thousands of people who contacted the Commission went on to file a complaint.

Offering a new way to complain

The Commission introduced a new online complaint platform and saw a significant increase in the number of people who wanted to complain.

By completing a self-evaluation questionnaire, a person can figure out whether their experience meets the criteria needed to file a human rights complaint. The questionnaire also helps people determine whether their complaint belongs with the Commission, or another body, such as a provincial human rights commission or the Office of the Privacy Commissioner.

If the complainant's answers meet the necessary criteria, the second step is to complete and submit the complaint form. This is where complainants must provide details about who discriminated against them, what exactly happened, where it happened, when it happened, and why they believed it happened.



Of the **25,000**
who contacted
the Commission
to complain,
|
19,500 of them
did so through our
online platform.



Our commitment to
those we serve

→ **A human approach**

We treat others with respect and dignity, recognizing the inherent humanity of the people we deal with, and listening actively and with empathy to the people we serve.

→ **A flexible, case-by-case approach**

We offer tailored services, remaining sensitive, using common sense when responding to and accommodating individuals' needs, and adapting processes so that they are less bureaucratic.

By the numbers

Although the Commission reviews every complaint we receive, we can only accept complaints that meet the requirements outlined in *Canadian Human Rights Act*.

Throughout the process, Commission staff tailor the services they provide to best meet the needs of those asking for help. Whenever possible, the Commission encourages people to try to resolve their disputes informally and at the earliest opportunity. This often involves mediation.

When warranted, the Commission can refer the case to the Canadian Human Rights Tribunal for a hearing. In some cases, the Commission will participate in the hearing to represent the public interest. The following numbers are related to complaints that were accepted by the Commission in 2018.

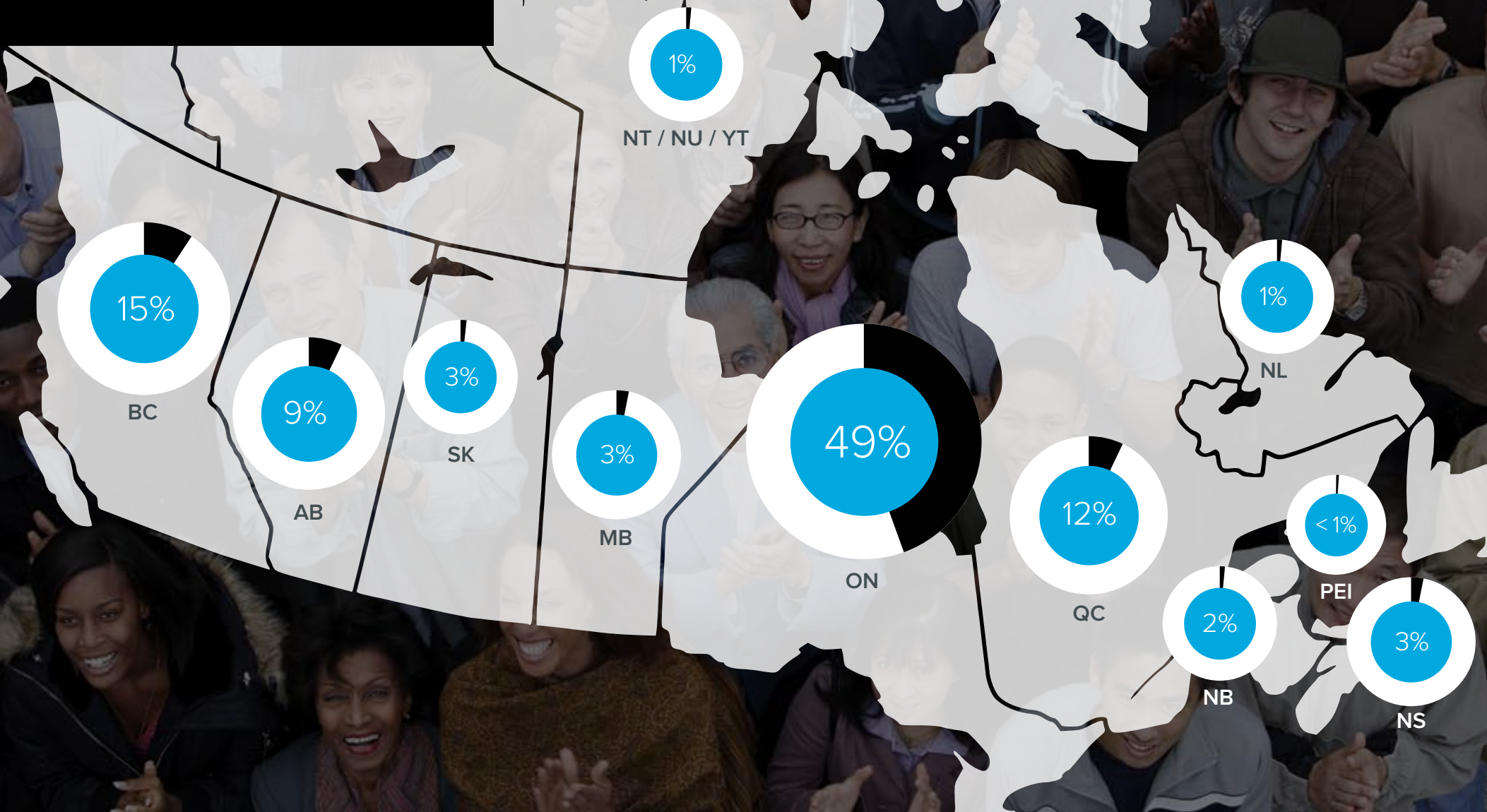




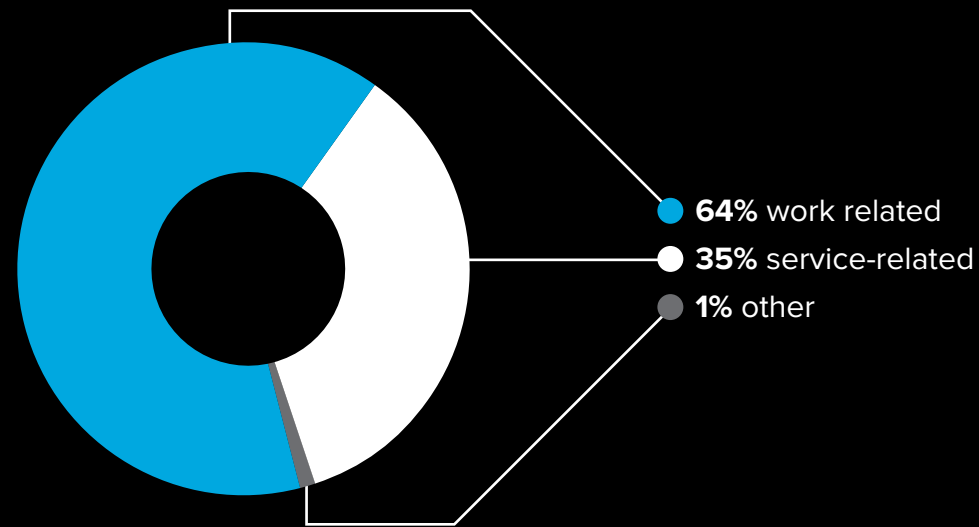
The Commission accepted
1,129 complaints

|
This is the highest in a decade.

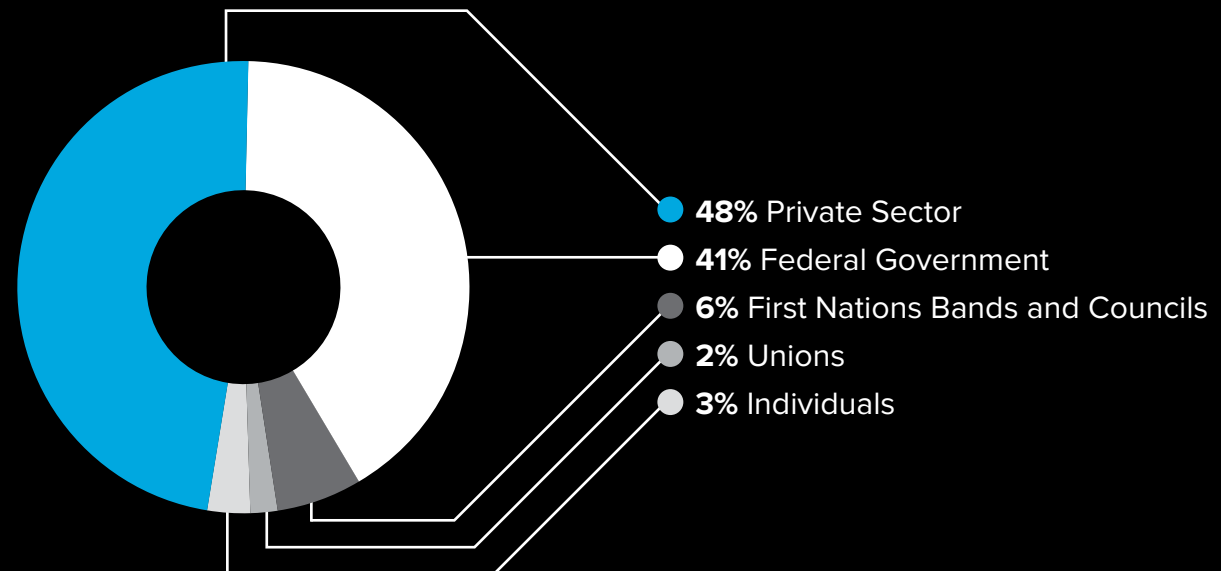
2018 Complaints accepted



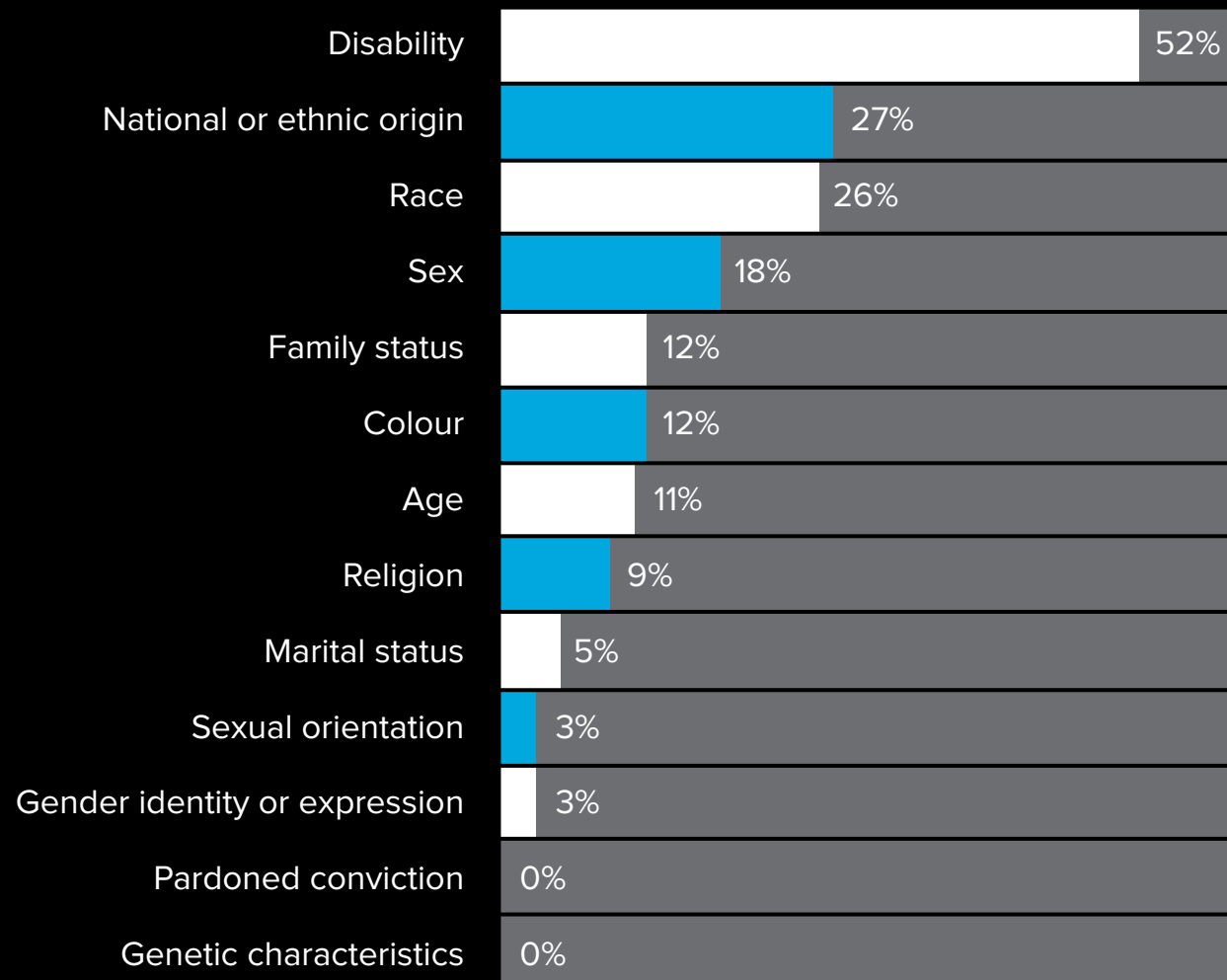
What are
the accepted
complaints
about?



Who are
the accepted
complaints
about?



Proportion of complaints accepted by grounds of discrimination



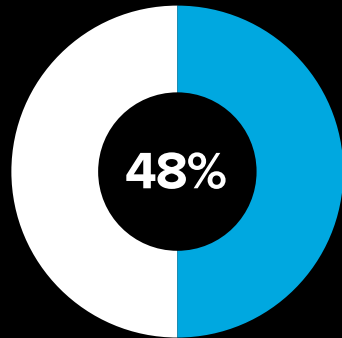
Over half of all disability complaints were related to **mental health**. This represents **27%** of all complaints accepted by the Commission in 2018.



43% of complaints accepted in 2018 cited **more than one** ground of discrimination

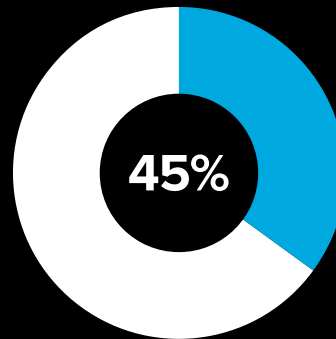
NOTE: In this graph, the total exceeds 100% because some complaints cite more than one ground.

Harassment



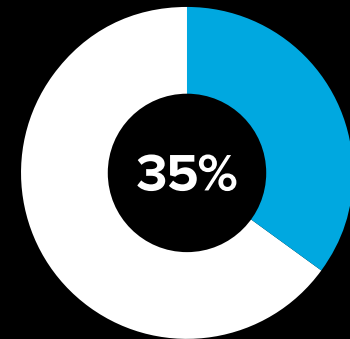
**Sexual orientation
complaints**

48% alleged harassment



**Sex
complaints**

45% alleged harassment

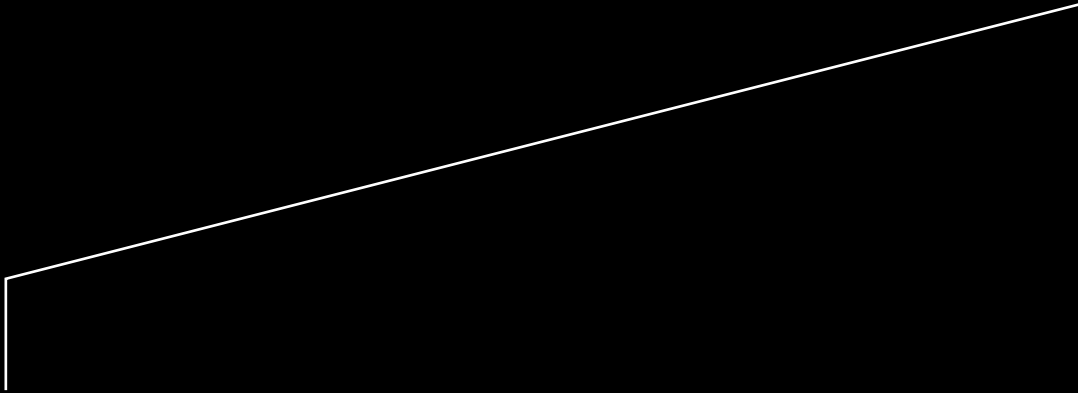


**Gender identity or
expression complaints**

35% alleged harassment

1 in 5
work-related
complaints alleged
harassment

1 in 20
service-related
complaints alleged
harassment



The number of complaints citing
**disability, national or ethnic origin, race,
colour, religion, and sex** were higher than
in any other year in the past decade.



Percentages based on number
of accepted complaints in 2018
related to each ground compared
to the ten-year average.



Helping people find solutions

The Commission tailors its services to meet the needs of the people asking for help. Mediation is one of the fastest, easiest and most people-centric options for resolving a complaint. As the Commission received substantially more complaints in 2018, it also saw an increase in demand for its mediation services.

Mediation is voluntary and confidential. Mediations are facilitated by the Commission's team of impartial mediators who travel the country to meet with the parties in person, right where they live. In 2018, circumstances even led a mediator to meet the parties in a hospital room.

Mediation gives parties the opportunity to craft their own solution to resolve the issue that led to the complaint.





1 in 4
complaints were
mediated in 2018.

|
64% of
mediated complaints
reached a settlement.



Representing the public interest

In a given year, the Commission will refer any number of discrimination cases to the Canadian Human Rights Tribunal for a hearing.

The Tribunal is an entirely separate organization that makes decisions about discrimination. It evaluates the evidence and arguments from both sides, and then determines whether discrimination has taken place and what remedies should be ordered. Only the Tribunal has the authority to decide whether discrimination has taken place.





In some cases, when a discrimination case has the potential to either affect the rights of many people in Canada or help define or clarify human rights law, the Commission's legal team will participate in the hearing and represent the public interest.

In rare instances a case will be appealed and will wind its way through Canada's court system, sometimes all the way to the Supreme Court of Canada. It can take years for a case to go to the Supreme Court. Most cases are resolved long before then.

Supreme Court decisions in 2018

In June 2018, the Supreme Court of Canada rendered decisions in a series of human rights cases that will each have a significant impact the rights of generations of people in Canada. One of the cases started as a human rights complaint filed with the Commission by the Matson and Andrews families.



80 cases were referred
to Tribunal in 2018

89% were related
to employment

48% involved
allegations of harassment

MATSON AND ANDREWS: THE RIGHTS OF EVERYONE IN CANADA

This Supreme Court decision will impact the rights of generations of people across Canada who depend in any way on a federal benefit for their well-being or even to put food on their table. For the Matson and Andrews families, it was a question of their Indian status. For other families in Canada, the federal benefit in question may be about disability, military service, compassionate care, or employment insurance.

In their human rights complaint, the Matson and Andrews families raised questions about how Indian status is outlined by the *Indian Act* — who can qualify for it, and who can pass it on to their children. The Canadian Human Rights Tribunal dismissed their complaints, saying the *Canadian Human Rights Act* cannot be used to directly challenge discrimination that is written into a law passed by Parliament. We disagreed, and filed appeals. Our appeal went all the way to the Supreme Court of Canada, which in 2018, upheld the Tribunal's decisions.

Essentially, this Supreme Court ruling means that people cannot use the human rights system when they are denied

benefits because of the wording of federal legislation. Instead, they will have to use the *Canadian Charter of Rights and Freedoms* and go through the civil courts. This can be expensive and time-consuming. For many families, it is simply not a feasible option for seeking justice.

THE CASE OF JEFFREY EWERT: THE RIGHTS OF ALL INDIGENOUS OFFENDERS IN FEDERAL CORRECTIONS

This Supreme Court decision is an important step for the human rights of Indigenous offenders in Canada, who are over-represented in our federal correctional system. The case centered around the use of risk assessment tests that help determine an inmate's safety risk based on their criminal history, personal characteristics and other various factors. However, there were questions about whether these tools could provide accurate assessments for Indigenous offenders, like Jeffrey Ewert. If not, Indigenous offenders could be misclassified as higher risk than they actually are. That kind of misclassification puts an inmate at a disadvantage in the correctional system.



In its decision, the Court ruled that Correctional Service Canada (CSC) failed to meet its legal obligations by not confirming the accuracy of the testing tools for Indigenous offenders. The ruling said that CSC must do more to ensure that risk assessment tests do not lead to discrimination and disparity in outcomes for Indigenous offenders.

The Supreme Court's ruling affirmed what has long been pointed out by the Commission, by the Office of the Correctional Investigator, and by prisoners' rights advocates: more work needs to be done to prevent discrimination and meet the unique needs of Indigenous offenders in the criminal justice system.

THE RIGHTS OF LGBTQ2I LAW STUDENTS ACROSS CANADA

Two Supreme Court decisions in 2018 have affirmed the rights of LGBTQ2I law students across Canada. At issue were the decisions of law societies in Ontario and British Columbia to deny accreditation to a proposed law school at Trinity Western University (TWU). The law societies rejected the application

on the basis that students would have been required to sign a covenant prohibiting sexual intimacy outside of marriage between a man and a woman.

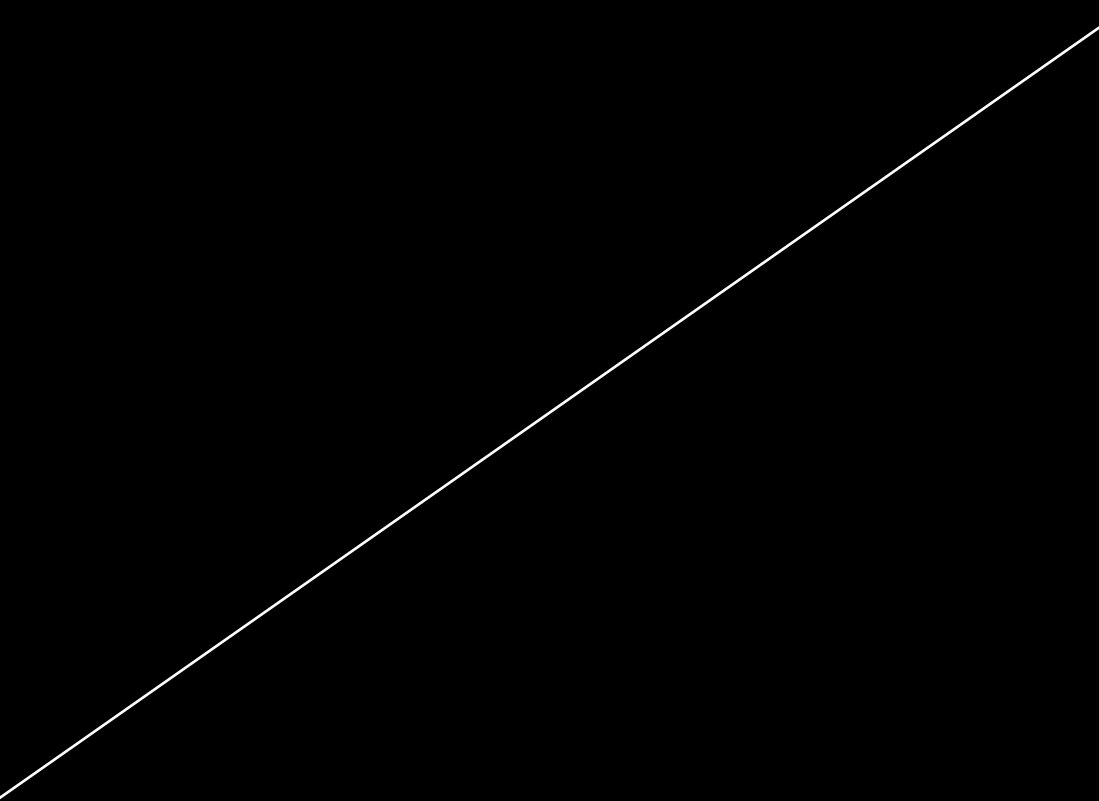
In upholding those decisions to not accredit TWU's law school, the Supreme Court of Canada recognized that the mandatory covenant was in effect a barrier to legal education and to becoming a lawyer. In fact, in its decision, the Court ruled that: "...supporting diversity within the bar, and preventing harm to LGBTQ law students were valid means to pursue the public interest." It added: "A diverse bar is a more competent bar."

Law societies have an overarching interest in protecting the values of equality and human rights. A legal profession that reflects Canada's diverse population contributes to better access to justice for all.





Promoting Human Rights



As Canada's national human rights institution, we also work to promote equality and inclusion by raising awareness, encouraging dialogue, engaging with civil society, providing advice to lawmakers on pressing and emerging issues and reporting on Canada's human rights progress.

From providing guidance to Canadian employers on the legalization of cannabis, to contributing to new laws on accessibility, pay equity, and sexual harassment, to our submission to the UN Committee Against Torture and Canada's Universal Periodic Review — the promotion and engagement side of our work in 2018 spanned many important issues.

Engaging the public

Throughout 2018, the Commission engaged with non-governmental organizations, Indigenous organizations, social justice advocates, Canadian employers, youth groups, law students, unions, academics, the media and the people of Canada. Through both broad-reaching communications efforts and in-person discussions, the Commission raised awareness, sparked dialogue, gathered expertise and heard first-hand accounts of the most pressing human rights issues in Canada.





Advising policy makers

The Commission is regularly called upon to provide human rights expertise on proposed federal laws, initiatives and policies. This year was no exception. Our positions on pressing and emerging human rights issues are informed through consultations with stakeholders and persons with lived-experience, our complaints and case law, and in-depth research and analysis. Through this work, the Commission remains on the leading edge of rapidly evolving social issues, enabling us to provide Parliament with carefully considered, up-to-date and informed advice on these issues.



In 2018 the Commission appeared before Parliamentary committees and made submissions on the following subjects:

A more accessible Canada (Bill C-81) — welcoming and contributing to federal legislation that will require institutions and matters under the legislative authority of Parliament to proactively identify, remove, and prevent barriers to accessibility for all persons, especially persons with disabilities;

Pay equity (*Pay Equity Act*) — welcoming and weighing in on Canada's first proactive pay equity law for federally regulated workers;

Harassment in federal workplaces (Bill C-65) — appearing before House of Commons and Senate Committees to help ensure that this new law, passed in October, improves access to justice for people who are the victims of harassment;

Indigenous rights (Private Member's Bill C-262) — advising Parliament on a bill aimed at ensuring Canada's laws are in harmony with the UN Declaration on the Rights of Indigenous Peoples;

National security measures (Bill C-59) — cautioning lawmakers in our written submission that any new national security measures should respect human rights law and prevent systemic discrimination of individuals based on their race, religion, or national or ethnic origin;

CONTINUED ON NEXT PAGE →

Ending solitary confinement (Bill C-83) — pushing the government to consider whether their proposed new law goes far enough to end solitary confinement and meet its intended purpose;

Women's rights (Private Member's Bill C-243) — supporting a national study into how the government can better protect the rights of women in Canada's workplaces, and to ensure that pregnancy is not a barrier to equality, accommodation or inclusion;

Housing and homelessness — lending our expertise to the National Housing Strategy by emphasizing housing as a human right and encouraging the government to apply a human rights approach to chronic homelessness in Canada;

Rights of Indigenous women — participating in a study of Indigenous women in federal justice and correctional systems by the House of Commons' Standing Committee on the Status of Women;

Islamophobia and all forms of systemic racism and religious discrimination — providing a submission on private member's motion M-103, a non-binding motion that called on the government to condemn these forms of discrimination;

Hate in a human rights context — calling on the Standing Senate Committee on Human Rights to launch a comprehensive study of the rise of hate in our public spaces, including the internet.



Working with the international community

As Canada's national human rights institution, the Commission is responsible for: holding the government to account on ensuring that it fulfills its international human rights obligations at home; monitoring how well Canada is abiding by international human rights treaties; and speaking out where Canada is falling short. In 2018, we did this during Canada's 3rd Universal Periodic Review at the UN Human Rights Council, and during Canada's review before the UN Committee Against Torture.





We also work with the international human rights community help promote human rights worldwide, and to help other national human rights institutions build their capacity to hold their own governments to account. By contributing this advice and expertise to the international community, the Commission influences how Canada's human rights performance is seen on the world stage, and helps ensure that our government lives up to its human rights commitments to all people in Canada.

Promoting employment equity

Pinpointing specific gaps in equity

In 2018, the Commission made it a priority to focus on systemic issues and close persistent gaps in employment equity.

This year, we added new tools to our auditing toolbox — with the goal of better understanding why women, Indigenous Peoples, persons with disabilities and racialized groups¹ still face barriers to equitable representation in the federally regulated workforces.

¹The Employment Equity Act uses the term “visible minorities.” The Commission is of the view that this is an antiquated term.





Despite the creation of the *Employment Equity Act* in 1995, we are still seeing challenges to equal representation. One of the Commission's mandates is to audit federally regulated workplaces to make sure they are meeting their roles and responsibilities under the Act. After more than 20 years, the overall representation of the four designated groups has increased across the federal public service. While challenges remain in certain departments and agencies, the overall picture is encouraging.

For federally regulated employers in the private sector, some progress has been made for Indigenous Peoples and members of racialized groups. However, no progress has been made for persons with disabilities, and the overall representation for women has declined.

That is why in 2018, the Commission focused on pinpointing where we are seeing these trends. Our analysis found that the most frequent barriers to employment are related to recruitment, lack of accommodation and career development.

Workplace culture, accessibility and incidents of harassment are also among the issues facing the four designated groups. Out of 947 barriers identified in employment equity audits between 2015 and 2019, the largest proportion was found in the ground transportation industry at 23.8%; the federally regulated production industry, at 22.2%; air transportation at 18.3%; and the telecommunications industry at 14.3%.

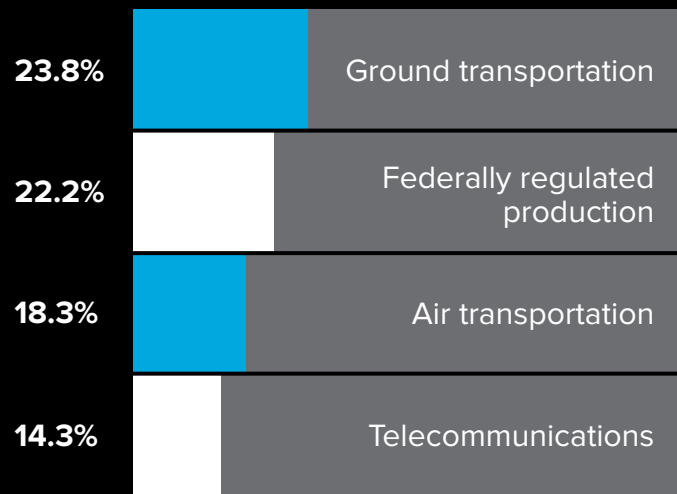
In 2018, the Commission adopted a horizontal audit approach, which focuses on systemic issues in specific industries. Each audit now has a gender-based lens to better understand the experiences of women across these groups. The new approach also looks at diversity and leadership to promote higher representation in management.



947 barriers

found in employment equity audits between 2015 and 2019

Where are the barriers found?



We launched the first horizontal audit in 2018 to look at Indigenous representation in the banking and financial sector — an area the Commission identified as facing a persistent lack of progress. Statistics show that since 1995, the number of Indigenous men and women in the industry has not changed (men up 0.1% — women down 0.1%). The audit should ensure that employers have adequate plans to correct persistent gaps and systemic issues. An industry-wide audit report, to be published in 2019, will present the main barriers faced by Indigenous Peoples in the banking and financial sector, along with best practices to promote their inclusion in this sector. Ultimately, with this new approach to our audits, we hope many other employers can learn about best practices to increase representation and retention.



About the Commission

Our work

The Canadian Human Rights Commission is Canada's human rights watchdog. We work for the people of Canada and operate independently from the Government.

The Commission helps ensure that everyone in Canada is treated fairly, no matter who they are.

We are responsible for representing the public interest and holding the Government of Canada to account on matters related to human rights.

Our work is guided by the *Canadian Human Rights Act*, which 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 grounds of discrimination such as race, sex and disability.

The Commission receives human rights 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 decides that further examination is warranted, it may refer the complaint to the Canadian Human Rights Tribunal for a decision.

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

The Commission operates across Canada with a team of approximately 200 people and is led by Chief Commissioner Marie-Claude Landry.



Marie-Claude Landry

Commissioners



Geneviève Chabot



Sheila M. MacPherson



Joanna Harrington



Rachel Leck



Dianna Scarth

In 2018, the Commission's executive team comprised Deputy Chief Commissioner Geneviève Chabot and part-time Commissioner Sheila M. MacPherson, while part time Commissioners Joanna Harrington, Rachel Leck, and Dianna Scarth were all appointed and welcomed to the Commission's table.

