



Build back better

The Canadian Human Rights Commission's
2020 Annual Report to Parliament



Canadian
human rights
commission

Commission
canadienne des
droits de la personne

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Rights Commission**

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Chief Commissioner's message

Over the course of 2020, the global pandemic changed almost every aspect of life in Canada. It has separated us from family, friends and colleagues. But it has also united us in a common challenge and singular focus.

COVID-19 has, above all, exposed the serious gaps in our social fabric and amplified the inequality experienced by millions of people in Canada. The pandemic is far more than a health crisis and an economic crisis – it is a human rights crisis.

Indeed, it has expanded the circle of vulnerability, amplifying long-standing issues of hate, intolerance and xenophobia and exacerbating pre-existing

economic and social inequalities. Many women, children, people with disabilities, older people, Indigenous people, Black people, people of colour, single parents, members of the LGBTQ2I community, and people in our correctional institutions are being put at an even greater disadvantage.

The disturbing video of the killing of George Floyd in the United States sparked outrage and protest around the world. This collective cry of “enough is enough” prompted a renewed conversation on anti-Black racism and the need to confront and dismantle the structural racism that is deeply rooted within our society.

Denying the existence of systemic racism in Canada stands in the way of our ability to fundamentally address it. Racism continues to deny

We must aspire to
build back better
– to make a new and
a better normal.

Indigenous people, Black people and people of colour a life free from discrimination. Governments, Canadians, and every organization must acknowledge the existence of systemic racism and discrimination and actively work to dismantle it. This includes the Commission.

In recent years, the Commission has been looking at how racism can manifest itself within our own organization and how it influences our daily work and the services we provide to Canadians. We are deeply committed to listening, learning and taking meaningful action. To support this, we have developed an Anti-Racism Action Plan. This Plan will be regularly updated and guide all aspects of the Commission's on-going anti-racism work.

Bringing about meaningful change of any kind must involve and include the voices, perspectives and lived experience of everyone — whether making an organization more diverse and inclusive, or building back from a national crisis.

When everyone
can participate,
everyone benefits.

As we look to recover from this pandemic, we must aspire to build back better — to make a new and better normal. A Canada where every voice is heard and where everyone is included.

We can improve accessibility for all.

We can eliminate the gender pay gap.

We can dismantle systemic racism in our laws, policies, practices and our institutions. We can challenge white privilege, and confront unchecked racial biases that continue to exist in Canada.

We can address housing need, homelessness, and the social challenges that have only deepened in the face of the pandemic.

Now more than ever, human rights matter. We must not tolerate aggression or acts of racism and violence aimed at someone because of the colour of their skin or where they are from. And words matter. We must stem the flood of hatred and intolerance that has found its way online and into our social discourse.

This pandemic has revealed Canada to be a resilient nation and one of great resolve. We owe it to everybody to ensure that we can all participate fully and feel welcome, valued and safe.

Because a Canada that includes everyone is a better Canada for everyone. In other words, when everyone can participate, everyone benefits.

My Canada includes everyone. Does yours? I'm confident that it does. And I know that we can improve and build back even better. That we can make a more equal Canada, where nobody is left behind. A Canada that supports all of us for who we are, where we're from, what we believe and who we love.

Let's all do our part.

Stay safe. Be kind. Wear a mask.



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



Building back better



Over the course of 2020, the pandemic both amplified pre-existing inequality in Canada, and created new barriers. Many of the measures put in place to control the spread of COVID-19 have had unintended and disproportionate consequences for people who were already living in

vulnerable circumstances. These stories touch on some of the many issues the pandemic has made worse for people. As Canada looks toward recovery, we have an opportunity to create a new and better normal where everyone is included.



Anti-Asian racism: A troubling trend

Vi Nguyen thought she was just running a quick errand. One April afternoon in 2020, the 42-year-old woman left her husband and children in the car while she dashed into a downtown Vancouver drugstore to buy iron supplements for her elderly mother.



In fact, Vi was running into a wall of hatred.

As she made her way to the drugstore's cash, she was aware of a man shadowing her. After leaving the store, he approached her on the sidewalk and said, in a calm voice, "Don't give me your f*****g disease." Then he turned and walked away.

As the coronavirus accelerated its spread across the globe last spring, some populist politicians, seeking to divide, blamed China. The number of anti-Asian racist incidents in Canada surged. Over the first nine months of 2020, British Columbia recorded the greatest increase. The Vancouver Police Department saw an 878% rise in hate crime incidents against Asians over the same period in the previous year.

Vi was well aware of this. In fact, it was one reason she was shopping for her mother. Vi's parents live on Vancouver's East Side, two blocks from the 7-Eleven where, a few weeks earlier, a 92-year-old Asian man with dementia had been shoved to the ground by a burly white man who yelled COVID-related insults at him.

When Vi got back into the car, her husband could see something was wrong. She recounted what had just happened. "Is it because of coronavirus?" her seven-year-old son asked from the backseat. "Is it because of how you look?"

As Vi's family drove home, a silent chill descended on the car. Everyone was processing what had happened. Vi's children didn't understand why their mother would be considered diseased. Vi was questioning her own reaction: why had she

"Is it because of
Coronavirus?" her
seven-year-old son
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of how you look?"

let the man “get away”? And her husband, Solomon Wong, was wondering if they should report the incident to the police.

Since the earliest days of the pandemic, there have been widespread reports of anti-Asian racism, hate-speech, vandalism, and assault. Some have referred to this rise in anti-Asian racism as a “shadow pandemic.”

But for Solomon and Vi, the drugstore incident was nowhere near the first of its kind. Solomon, who was born in Vancouver, remembers being taunted and chased by the predominantly white kids at his local school in Richmond, B.C. Vi, whose family came to Canada as government-sponsored refugees from Vietnam, experienced little discrimination while living in social housing on Vancouver’s Downtown East Side — “we were all immigrants or refugees, latchkey kids, had parents working double shifts.” But she was made acutely aware of her minority status as soon as her family bought a house in a “better” neighbourhood and began working its way up the socio-economic ladder.

Today, Solomon and Vi are both accomplished professionals; he is President and CEO of a global aviation industry

consultancy, while Vi worked in philanthropy for 13 years before a recent career change. They are discouraged by the lack of diversity at the senior level of their respective fields. But more than that, they are tired of being confronted with overt racism almost every time they venture outside Vancouver on day-trips or vacations. In places like Nanaimo and Parksville, they have had garbage thrown at them, been jeered and spat at and told to return to China — a place that means little to either of them.

Given their history, the couple felt it was important to report the drugstore incident. “I did it for my parents,” said Vi, recognizing that many victims of racism don’t have the confidence, language skills or trust in law enforcement to call the police.

Solomon was astonished by how complicated the reporting process was. Vancouver police offers no online reporting tool for race-based incidents meaning that he had to make multiple calls. He was told that the couple should have called 911 at the time, countering all advice they had ever heard about using that number only in the event of an “emergency.”



...they are tired of being confronted with overt racism almost every time they venture outside Vancouver on day-trips or vacations.



“It’s no wonder that so many of these things go unreported,” he says.

The process raised an interesting question: what standard do incidents have to meet to be of public interest? “Is it only real when you get punched in the face?” Vi asked. She also felt conflicted about drawing attention to herself, aware that, in the bigger picture, she is one of the lucky ones.

Many of Vi’s friends and colleagues responded to her story with, “I can’t believe this happened to you!” For Vi, the subtext was clear: such things are not supposed to happen to well-educated professionals like herself. Vi hates the converse thought: that there is an assumption by some people that certain categories of Canadians are more or less expected to be at the receiving end of racism.

For precisely this reason, Vi feels that all racist incidents need to be reported. In isolation, they are little more than data points. But taken together, they form a picture of those walls of hatred — their thickness and what it will take to dismantle them.

More than **600** incidents of hate targeting Asians in Canada have been reported to Chinese-Canadian groups since the pandemic began.

83% of the incidents were reported by East Asians.

44% were reported from B.C. - the most in Canada.

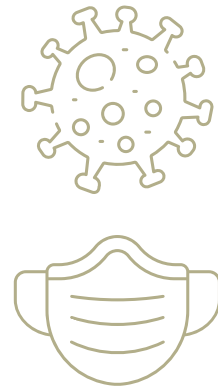
38% of the occurrences were reported in Ontario and **7%** in Quebec.

Women reported **60%** of all incidents.

Compiled by the Chinese Canadian National Council Toronto Chapter, Project 1907, the Vancouver Asian Film Festival and the Chinese Canadian National Council for Social Justice. Reported by the *Globe & Mail* (September 13, 2020);
Angus Reid Institute;
Corbett Communications;

43%

of surveyed Canadians of Asian descent report being threatened or intimidated as a direct result of the COVID-19.



30%

of surveyed Canadians of Asian descent report being frequently exposed to racist graffiti or messaging on social media since the pandemic began.

Supporting community through a crisis

Hector Addison understands the importance of roots. Since graduating from university in his native Ghana two decades ago, he and his wife have moved, for studies or work, from Athens, Ohio; to the Appalachian Mountains of West Virginia; to Mississauga; to Ottawa. Each of their three children was born in a different city.



Once in Ottawa, Hector's wife announced that she was going no further. With secure work and the children settled into school, Hector set out to create what had been missing in his life: a community association that would serve as an anchor for people like him, whose lives straddled continents, who were building homes away from home.

As co-founder of the African Canadian Association of Ottawa (ACAO) — an umbrella group that brings together the members of 53 African-descent cultural organizations in the National Capital Region — Hector was quick to realize that his community would be hit particularly hard by the COVID-19 pandemic.

A 2020 study confirmed that COVID-19 is disproportionately impacting the health and finances of Black Canadians. The study was carried out in June by the Edmonton-based African-Canadian Civic Engagement Council and the Innovative Research Group. It found 56% of Black respondents said their job, or the job of someone they knew, had been affected, compared with the national average of 46%.

The study also found that Black Canadians “are also more likely to feel that no matter what steps they take, their day-to-day routine puts them at an uncomfortably high risk of catching the virus.” The study confirms that many of the surveyed Black Canadians are occupying front-line jobs, such as cashiers, personal support workers, nurses and drivers. These jobs not only require them to work face-to-face with people on a daily basis, but often involve relying on public transit to get to work during the pandemic. All this not only puts Black Canadians at higher risk of infection, it also points to deeply rooted forms of systemic and structural racism in our society.

Hector was quick to realize that his community would be hit particularly hard by the COVID-19 pandemic.

Before the federal government started announcing support benefits for Canadians last spring, Hector and his organization were already putting together relief packages for any community member in need. The packages contained food, personal protective equipment, and household items: enough to get the recipient through roughly one month. Some individuals in the community made donations, others volunteered to shop, pack or to run errands — like picking up medications for seniors. Any Black person in the National Capital Region could apply for a package. ACAO received limited funding from the federal government through Canadian Red Cross, which has helped deliver food packages to some 175 families.

But Hector knew the need was not only material. Many people calling just needed someone to talk to. Hector understood that need well. Since a car accident in 2018, he has been suffering from a concussion and bouts of depression. “Some people were falling through the cracks,” he said. So he organized a series of online workshops, open to the community, on subjects ranging from mental health to household finances.





Any Black person in the National Capital Region could apply for a package.



“I do the best that I can,” says Shirley, who moved to Canada from Trinidad and Tobago 25 years ago, “and I’m not a complainer.” But she admits that the pandemic has been very hard on her and that the relief package from the ACAO was a “great help.”

Shirley, who would prefer not to use her actual name, worked as a personal support worker in Ottawa until arthritis and an injury forced her into retirement. She lives alone in a second-floor apartment and requires accessible transport to go shopping. Even before the pandemic, it was a struggle to fit her six-foot, stiff frame plus walker into the cramped van; she can’t imagine how this would work with distancing requirements.

Her daughters phone her daily but she doesn’t want them to feel responsible for her. She draws strength from her faith but acknowledges that without an income or means to get food, she is vulnerable.

Hector knows there are many Shirleys — each with their own story — across Ottawa. He’s determined to see them through the pandemic to the other side.

Racialized women working full-time, year-round earn an average of **33%** less than non-racialized men, earning **67¢** to the dollar.



56%

of surveyed Black Canadians say either they or someone in their household has had their job impacted by COVID-19.

The biggest group of Canadians (**62%**) who are worried about racism in their province are younger Canadians (ages of 18-34).



1 in 3
Canadians (**32%**)
believe that saying "there is systemic racism in Canada" is an exaggeration.

In this COVID-19 era, Black Canadians are more worried (**45%**) than other Canadians about paying their rent.

Canadian Women's Foundation;
Ipsos poll 2020;

The Association For Canadian Studies and the Canadian Race Relations Foundation. *Capturing The Pulse of the Nation*;
African-Canadian Civic Engagement Council and Innovative Research Group. *Impact of COVID-19: Black Canadian Perspectives*;

Isolation: Another barrier to equality

“It’s my birthday!” are the first words out of Vicky Levack, as she answers the phone from her Halifax nursing home on a grey December morning. “I’m 30 years old!”



But Vicky’s exuberance, describing the pizza party she has planned for her fellow residents and the fresh flowers that just arrived at her door, is short-lived. Birthday or not, she still won’t be able to leave her home, or to see friends. Turning thirty does nothing to change the reality of her life. “I am stuck in a nursing home,” she says.

As COVID-19 ravaged through long-term care homes in Canada, it shone a spotlight on our woeful neglect of seniors. But that neglect extends to another population: people with disabilities who — for a lack of alternatives — are forced to live in large institutional settings like nursing homes.

Vicky has spastic quadriplegia, a severe form of cerebral palsy that robs her of control of her body. She gets around in a wheelchair, uses speech-to-text technology to write and has no trouble expressing herself verbally.

Having grown up in Berwick, a village in the Annapolis Valley, Nova Scotia, which Vicky describes as “really cute but boring as hell” for a disabled adult like herself, she moved to Halifax

to go to university. She tried twice — two universities, two programs, two living arrangements — but it didn’t work out. Vicky got sick and couldn’t keep up with the work. “I needed more care than we realized,” she says.

The only institution in Halifax that could accommodate Vicky was Arborstone Enhanced Care, a nursing home that also offers long-term care to young adults with special needs. She expected to find people like herself there. “As it turns out,” she says wryly, ‘young adult’ means aged 18 to 64.”

All that changed last
March when her home
went into lockdown.
Outings and visitors
were prohibited.

Most residents at Arborstone are seniors, many with cognitive impairments. Vicky tried to make friends, but had trouble forging meaningful relationships. And when she did, they didn't last.

“Older people get sick and die,” she says. “I got tired of losing people I loved.”

Until COVID-19 struck, Vicky was able to lift her spirits with outings. She loved going to the mall, to movies or browsing in bookstores. She enjoyed getting together with her three-year-old niece, going out for dinner with her parents, meeting up with friends for coffee. Her calendar was full of meetings of the various disability rights groups she belongs to. She kept busy.

All that changed in March 2020 when her home went into lockdown. Outings and visitors were prohibited. The living room on her floor — where residents could meet to chat or do puzzles — was converted into a COVID-19 isolation room. Units within the home were prohibited from intermingling, meaning that Vicky could no longer visit her one resident friend, who lives on another floor.

Vicky understands the pandemic and the danger it represents. She says that, unlike many of her fellow residents, she knows to wear a mask, to physically distance, and ensure that her hands are clean. She would do those things, if she were allowed to go out. But she's not.

Instead, she stays in her room. She has plastered the walls with posters to cover their oatmeal colour, which she hates, and hung up the Ruth Bader Ginsberg tea towel her mother gave her with the quote about fighting for the things you believe in. She arranges and rearranges the plastic doll collection on her shelf. She watches out her window, hoping someone will walk down the little trail that disappears into the woods. She enjoys her little Christmas tree, even though she wishes it didn't have to be fake — or little.

And she thinks about how she would rather be living: in a loft shared with a few roommates and a caregiver, with a kitchen — where she could prepare her own meals — and a job out in the real world.



Vicky thinks about how she would rather be living. She doesn't want these things to just be dreams.



Vicky doesn't want these things to just be dreams. Nor should they be. There are community care options in Nova Scotia, administered by the Department of Community Services, which would answer Vicky's wishes. But the waitlist for those spots is over 1,600 people long, and Vicky has been told that given her medical needs, she wouldn't qualify anyway.

One day the pandemic will pass, and Vicky's limited freedoms will be restored. But she needs something beyond that to look forward to. She worries about her mental health. "I'm really lonely," she says. "I don't want to spend my 40th birthday here."

Of the approximately 13,000 Canadians with long-term conditions or disabilities who participated in a 2020 survey:

45%

reported the only income they received since the start of the pandemic was from non-employment sources.

40%

reported a major or moderate impact from the need for personal protective equipment.

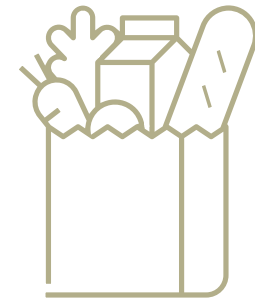
44%

reported a major or moderate impact on meeting their food and grocery needs.

From February to March 2020, Kids Help Phone saw an increase in volume through their phone line of **170%** and an increase of **114%** to their text line. These increases included conversations about isolation (up 48%), anxiety or stress (up 42%), and substance use (up 34%).

1/5

Just over one-fifth of the Canadian population has one or more disabilities.



Overall,

61%

of people in Canada with long-term conditions or disabilities report having difficulty affording at least one essential need such as groceries, cable access, or utilities.

Statistics Canada;
Mental Health Commission of Canada; COVID-19 and Suicide: Potential Implications and Opportunities to Influence Trends in Canada – Policy Brief;

Building tiny homeless shelters

For most of 2020, Canadians were told to stay safe at home. It was sound public health advice in the context of a global pandemic. But for the hundreds of thousands of Canadians currently experiencing homelessness, it presented a major problem.



Khaleel Seivwright wasn't homeless when the pandemic struck his hometown of Toronto, Ontario, but he didn't really have a fixed address. He was drifting. It's a state of being he's chosen to live in for much of his adult life. It affords him freedom but also a deep appreciation of the need to have a place to call home.

As the city went into lockdown and Khaleel's work in construction dried up, the 28-year-old carpenter and musician decided to head north to Manitoulin Island to spend some time in an "intentional community." The concept wasn't new to him. In his mid-20's, he spent three years living in another such community in northern British Columbia. He found it enlightening. "I became a lot more involved in what I needed to live," he says, contrasting the life of growing food, collecting water and creating shelter to his upbringing in the Toronto suburb of Scarborough.

When Khaleel returned to Toronto at the end of last summer, he was struck by the number of tents scattered around city parks. While the city's shelter system scrambled to adopt physical distancing rules and increase its capacity to serve

Toronto's roughly ten thousand homeless people, many opted for a different solution: provisional encampments in parks.

Khaleel felt for them. Having spent a winter sleeping in the rough in Vancouver, he knew what that life was like. "You're constantly fighting against nature, against reality," he said.

Having spent a winter sleeping in the rough in Vancouver, he knew what that life was like. "You're constantly fighting against nature, against reality," he said.

So one September night in 2020, he loaded some building materials onto his truck and drove into the Don Valley, the wild ravine that snakes its way through Toronto's east end. He found a clear spot in the undergrowth, cranked up his generator to create some light and got to work, building a giant, habitable box. Modelled after the one he made for himself in British Columbia, it was complete with fiberglass insulation, a double-glazed casement window and a lockable door.

Over the next few days, he kept going back to work on it. On day three, he discovered a pile of possessions inside and a name painted on its wall.

The “tiny shelter” had cost Khaleel roughly \$1000 in materials and eight hours of his time. If that's all it took to get a person through the winter, he felt it was more than worthwhile. He started a campaign on GoFundMe. After his project was featured on the CBC nightly news, donations went from a trickle to a flow. Within weeks, he was able to rent a warehouse in downtown Toronto, order materials in bulk and focus exclusively on building tiny shelters — with the help of some 35 volunteers.

The shelters have been distributed to tent dwellers across the city. “I've met every person that took one,” Khaleel says. “And they're really happy.”

But in November, Khaleel received a letter from the City of Toronto's general manager of the parks, forestry and recreation division prohibiting the shelters' placement on city property; it claimed the dwellings contributed to “dangerous and unhealthy” living conditions and interfered with the city's objective of clearing the encampments.

Khaleel didn't buy it. How could the city claim to be concerned about these people's well-being, while depriving them of a safe, warm place to spend the winter? He knew from conversations with encampment dwellers that many would not enter a shelter even if it did have space.

According to street nurse Cathy Crowe, who has been working with Toronto's homeless for 33 years, the city's already overburdened shelter system presents very real health risks. In October, the Ontario Superior Court ruled that the city's shelters had failed to follow physical distancing guidelines.



He knew from conversations with encampment dwellers that many would not enter a shelter even if it did have space.



By that time, some 659 shelter residents had tested positive for COVID-19 and at least five had died.

Khaleel knows that his tiny shelters won't begin to fix the problem of homelessness in Toronto. But he's pragmatic, focussed squarely on a problem that many would prefer to look away from — and that is getting worse. Recently a young man called Khaleel to “reserve” a tiny shelter; he and his father had been served an eviction notice and had nowhere else to go.

“This isn't a permanent solution,” Khaleel acknowledges.

“This is just to make sure that people — some people — don't die in the cold this winter.”

Homeless individuals in Ontario are over

five times

more likely to die from COVID compared to other people.



At least

35,000

Canadians are homeless on a given night.

Canadian Observatory on Homelessness, Canadian Alliance to End Homelessness; Lawson Research Institute and the Institute for Clinical Evaluative Sciences; Canadian Women's Foundation; Statistics Canada;

27.3%

of people experiencing homelessness are women, and

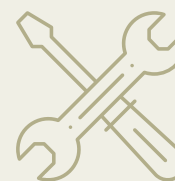
18.7%

are youth.



34%

of First Nations women and girls and **21%** of racialized women and girls, are living in poverty.



1 in 5

Indigenous people live in a dwelling that is in need of major repairs.

Protecting human rights

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 helps them find the appropriate process to resolve their issue.

Helping people find help

The Commission tries to help each and every person who asks for it — 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.

In most cases, we are able to help people find the answers or solutions they need without them filing a formal discrimination complaint. In many instances, we are able to help the person resolve their issue quickly and informally. In other cases, we direct the complainant to the appropriate organization. For example, sometimes a complainant's concern is best addressed



Our commitment to those we serve

A human approach

We treat everyone 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 a provincial or territorial human rights commission, or other organizations that have been given the authority to resolve complaints. Only a fraction of the thousands of people who contact the Commission end up needing to file a discrimination complaint.

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 takes measures to ensure they are helped as quickly as possible.

By the numbers

The Commission reviews every complaint it receives, and tries to resolve as many as possible informally and quickly. In many cases, we refer the complaint to the appropriate dispute resolution process.

The statistics outlined in this section break down those complaints in 2020 that the Commission was able to mediate, investigate or litigate because they met the criteria 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 discrimination complaint 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 many cases, the Commission will participate in the hearing to represent the public interest.

The following numbers are related to complaints that met the requirements outlined in *Canadian Human Rights Act*.

**49,000
people**

contacted the
Commission to
complain in 2020

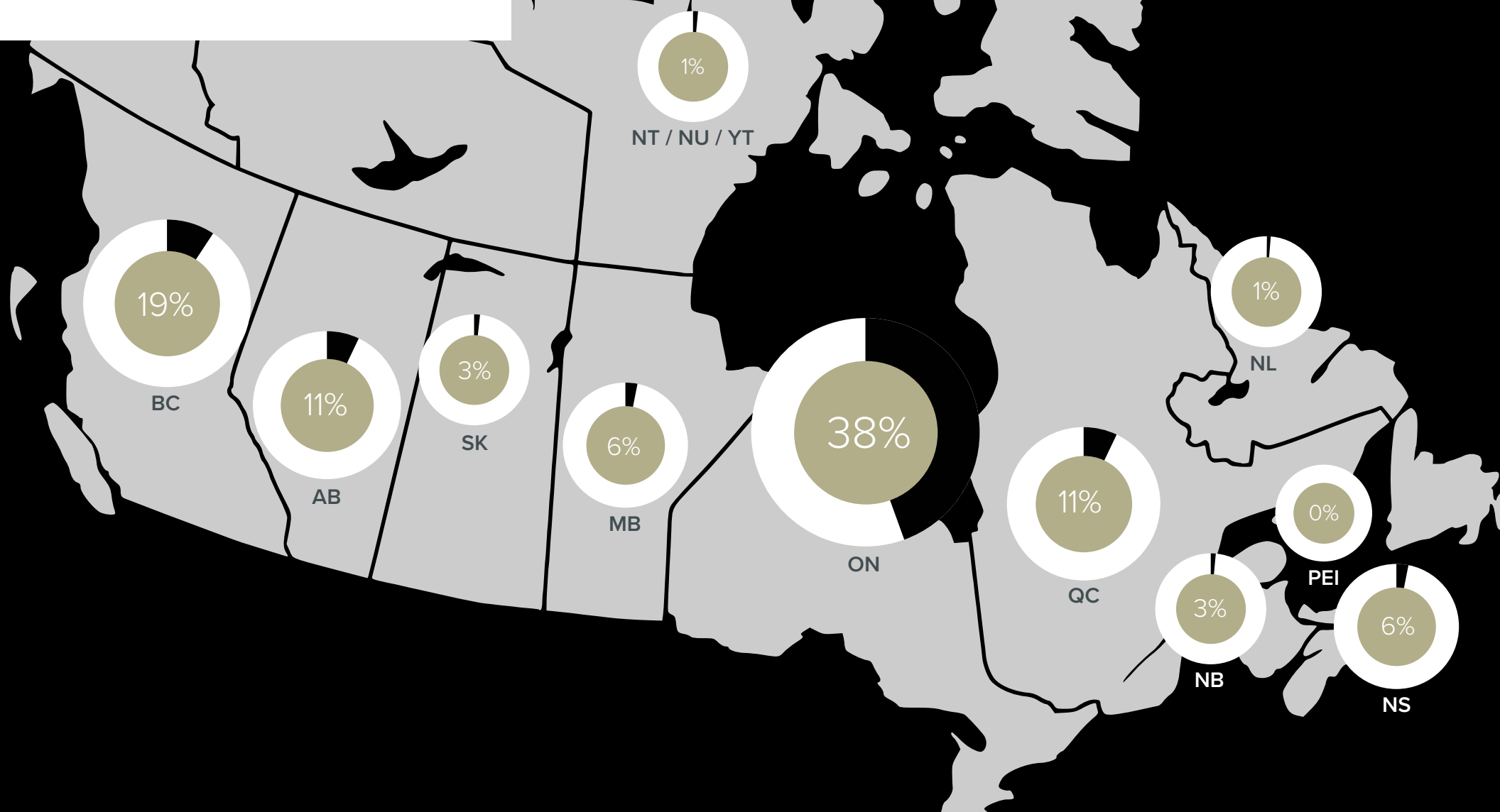


Most were helped without
needing to file a complaint

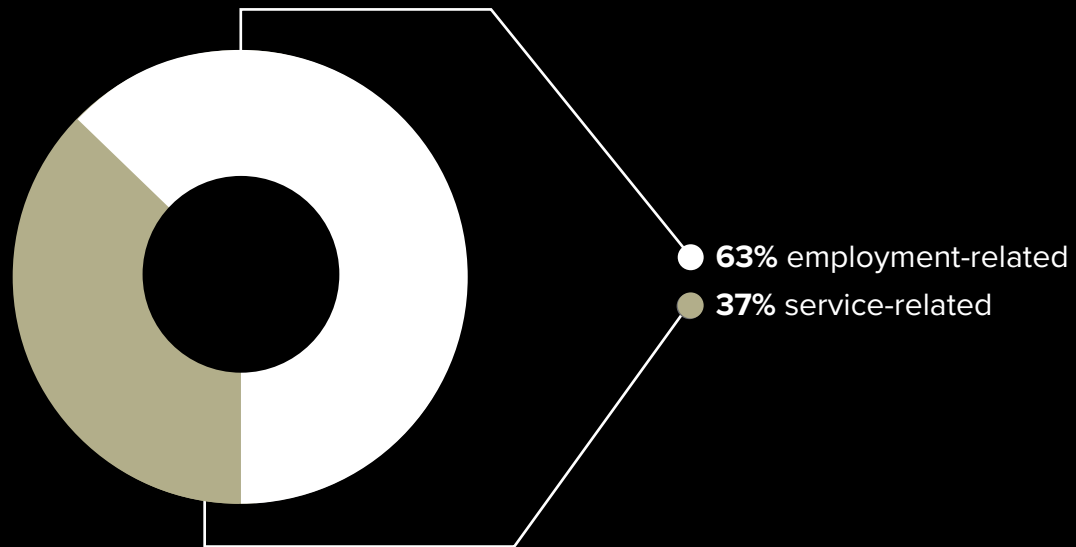
**1,030
complaints**

were accepted
by the Commission
in 2020

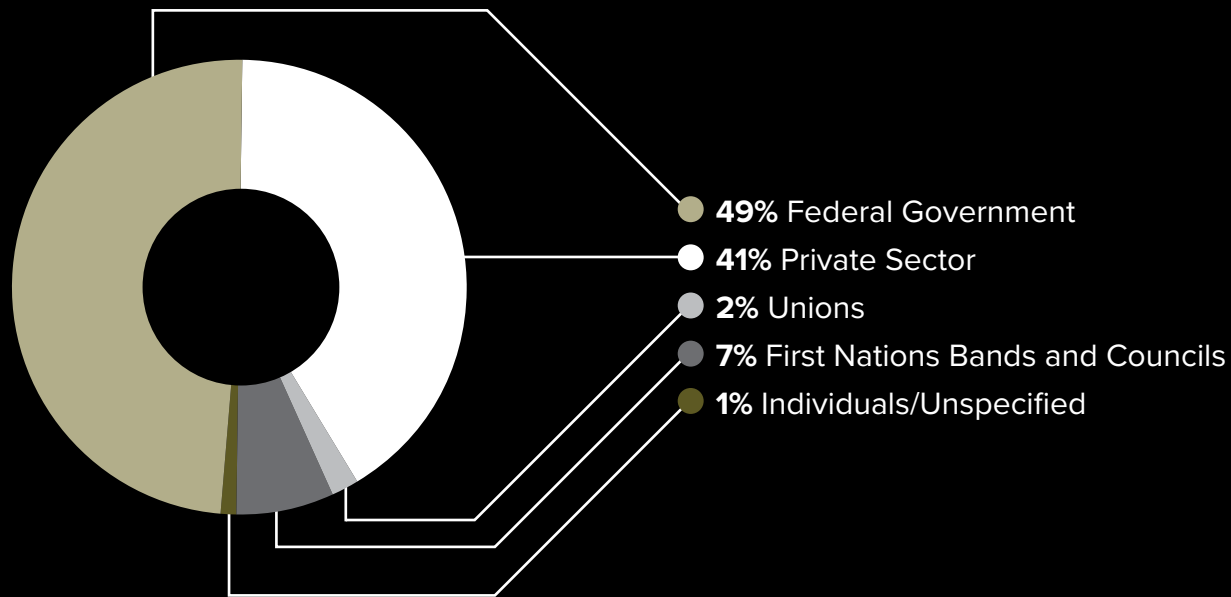
2020 Complaints accepted



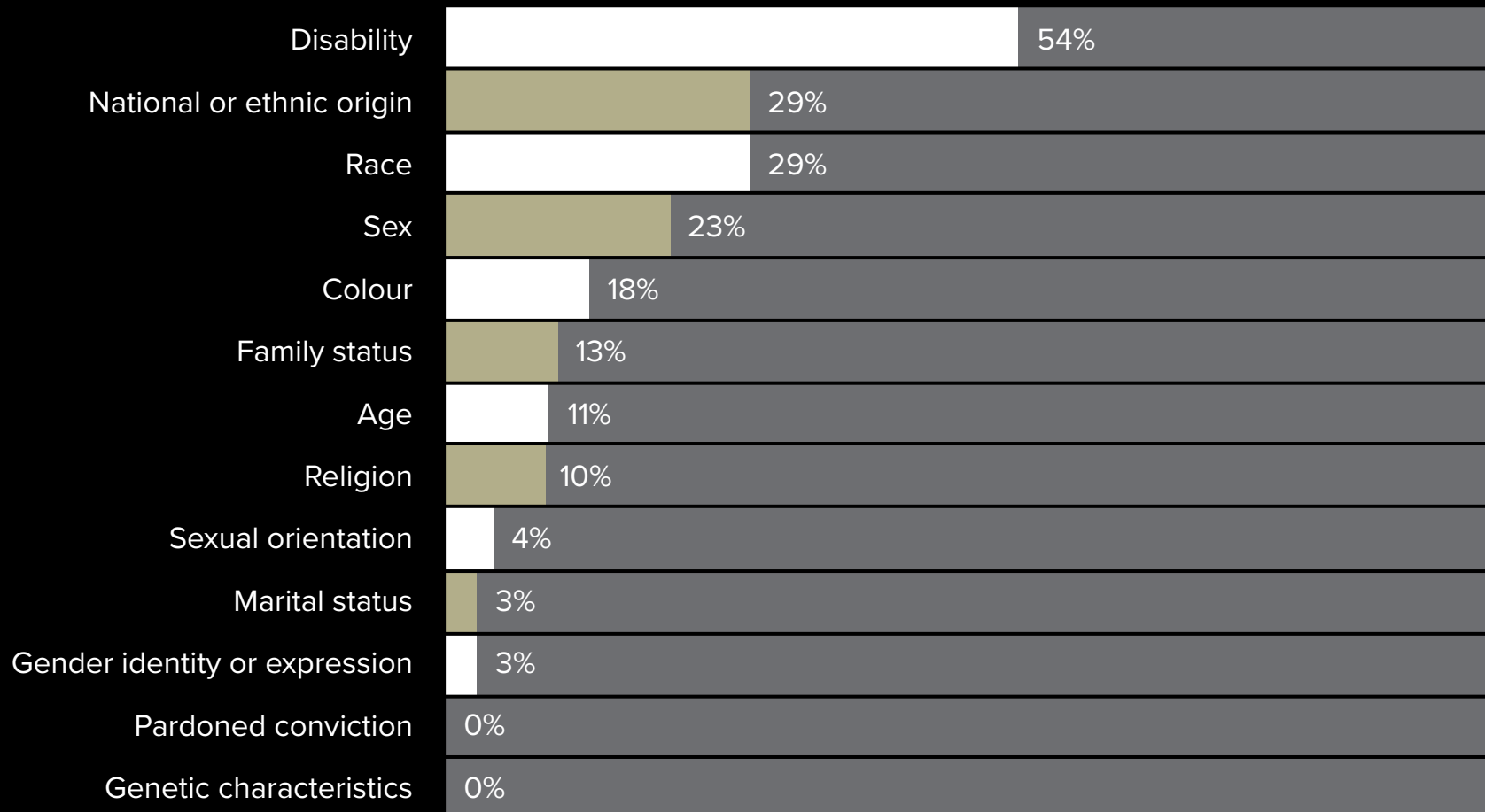
What are the complaints about?



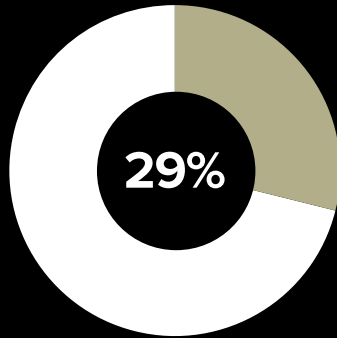
Who are the complaints about?



Proportion of complaints accepted by grounds of discrimination

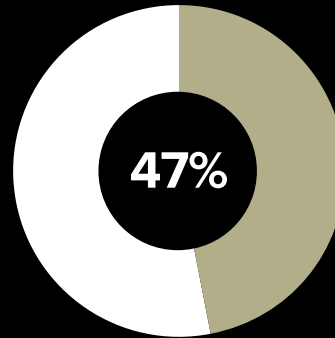


NOTE: In this graph, the total exceeds 100% because some complaints cite more than one ground.



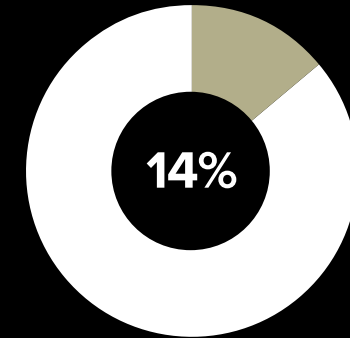
Mental health

29% of complaints accepted in 2020 were related to mental health.



Intersectionality

47% of complaints accepted in 2020 cited more than one ground of discrimination.



Harassment

14% of complaints accepted in 2020 cited harassment.

Doing more with our data

In a year that has shone a powerful light on systemic racism, the Commission continued to take steps to examine how our complaints process can better meet the needs of complainants who cite the grounds of race, colour, or national/ethnic origin in their discrimination complaints. As part of the Commission's commitment to anti-racist action, we are looking to gather disaggregated data from these complaints.

We established a project to retroactively collect and analyse race-based data from past complaints. We are also working to improve our ability to capture disaggregated race-based data from all new complaints that come to the Commission.

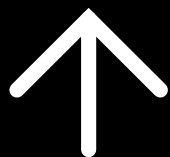
30%

of the total complaints
received by the
Commission between
2015 and 2020 have
been related to race
or religion



53%

increase in the
number of complaints
based on race or
religion in past
five years



Helping people find solutions

Whenever possible, we encourage people to try to resolve their discrimination complaint informally and at the earliest opportunity. This often involves mediation, which brings the parties together with an impartial mediator so they can craft their own solution.

Understanding the benefits of in-person dialogue, the Commission's team of mediators usually travels the country to meet with parties in person. Naturally this year, we had to take a different approach. We went virtual with this part of our work, using video and teleconferencing to conduct our mediation and conciliation sessions.

1 in 3
complaints were
mediated in 2020

|
66% of
mediated complaints
reached a settlement





Overall, we found the results and feedback to be positive. So much so, in fact, that this type of flexible service could have a place well beyond the pandemic.

Also in 2020, the Commission implemented a number of pilot projects to accelerate and improve the way we process complaints. In some instances, when it was deemed necessary, our team of Commissioners served as mediators to provide direct expertise on the cases.

Representing the public interest

The Commission closely examines every discrimination complaint it receives. In some cases, the Commission will refer a complaint to the Canadian Human Rights Tribunal for a hearing. In cases where the issue 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 wind its way through Canada's court system, sometimes all the way to the Supreme Court of Canada. This can take several years.

Due to COVID-19 restrictions, the Commission's litigation team adapted quickly to virtual proceedings. They successfully argued and settled cases before the Tribunal and Federal Courts, through online mediations and online hearings.





151 cases were referred
to Tribunal in 2020

34% were related
to employment

12% involved
allegations of harassment

Supreme Court ruling: Human rights victory for protection from genetic discrimination

A 2020 Supreme Court of Canada ruling means that people in Canada do not have to live in fear of being discriminated against based on their genetic information, or how it might be used against them in the future.

This Supreme Court decision was seen by the Commission as a victory for the human rights and privacy of all Canadians.

The Commission had intervened on behalf of the public interest in the Attorney General of Quebec's constitutional challenge of the *Genetic Non-Discrimination Act*, and called on all levels of government to protect Canadians against the harms of genetic discrimination.





The Commission highlighted the need to examine privacy and human rights in the light of new technologies such as genetic testing, which can intrude into our lives in novel and unregulated ways. The Chief Commissioner said that, “A human rights approach to privacy law reform in this country is needed to address emerging concerns about how technology and the digital world are increasingly affecting our everyday lives.” She added: “Technology and privacy are fundamental to the next generation of human rights. Everyone in Canada should be able to benefit from technology without fear.”

Preventing barriers

Taking proactive steps to eliminate barriers so that people do not experience discrimination is essential to building an inclusive society.

The Commission works to prevent discrimination through its work in administering and enforcing the ***Accessible Canada Act, Employment Equity Act*** and the ***Pay Equity Act***.

The Commission has created a Proactive Compliance Branch to ensure efficient and consistent service for organizations that are required to engage with the Commission in order to comply with these three laws.

Accessibility

Throughout 2020, the Commission continued to establish its new roles and responsibilities under the *Accessible Canada Act*, which received Royal Assent in 2019. The Commission is one of several partner agencies mandated to promote and oversee the enforcement of this law.

Accessibility is about creating communities, workplaces and services that enable everyone to participate fully in society without barriers, as is our human right. The ultimate goal of the Act is to achieve a barrier free Canada by 2040. A barrier is anything that hinders the full and equal participation of a person in Canadian life. Barriers can be physical, architectural, technological, informational or attitudinal.

The *Accessible Canada Act* will require federally regulated employers and service providers to proactively identify and remove current barriers to accessibility, and to prevent new ones.





In 2020, in anticipation of the law's first set of regulations, the Commission worked to develop an oversight program that will promote compliance with the *Accessible Canada Act*, and where necessary, apply enforcement action to ensure compliance. The Commission also worked in 2020 to develop regulatory guidance to help federally regulated organizations meet their obligations.

As well in 2020, the Commission continued to work with partners, through the Council of Federal Accessibility Agencies, to ensure a coordinated approach to implementation of responsibilities under the Act.

Canada's first Federal Accessibility Commissioner, who will be a full-time member of the Commission, is expected to be appointed by the Governor in Council in 2021.

Employment equity

Identifying gaps in employment for racialized people

In July 2020, the Commission began an employment equity audit to examine the representation of racialized people in management and executive roles across the federal public service. The first of its kind, the audit will identify key employment gaps as well as barriers to the recruitment, promotion and retention of racialized employees in management and executive positions. The audit will also identify best practices.

This follows years of preparation to develop a new horizontal audit process that focuses on identifying systemic barriers in specific industries, and that promotes more diverse representation, especially in management positions.

As part of the Commission's ongoing commitment to ensure we are walking the talk on anti-racist organizational change, we have invited a third-party auditor to examine the representation of racialized people, Indigenous people, and people with disabilities within the Commission, using a GBA+ (Gender-based Analysis) lens. The audit will help identify barriers to employment at senior levels for designated employment equity groups.



Assessing possible barriers for people with disabilities in the communications sector

In 2020, work began on a sector-wide horizontal audit on the employment of people with disabilities in the communications sector. Canada's communications sector employs approximately 150,000 people, making it one of the largest federally regulated sectors. In 2017, the representation rate for employees with disabilities in the sector was 3.3% — far below the labour market availability rate of 9.1%.

Through this horizontal audit, the Commission will identify barriers faced by people with disabilities in the communications sector; gather and share best practices, such as special measures that help increase representation and retain employees with disabilities; and ensure employers in this sector have adequate plans to correct under-representation and promote inclusion.

Pay equity

Laying the groundwork for a federal pay equity program

In November 2020, the Government of Canada proposed regulations needed to bring the *Pay Equity Act* into force, at which time employers will have three years to develop and implement their proactive pay equity plans. The Commission is developing educational materials, guidance documents and web-based toolkits to help employers and organizations better understand the regulations, determine if the *Pay Equity Act* applies to them, and if so, how to meet their obligations.

Throughout the year, the Commission cultivated relationships with both Canadian and international partners, and promoted the importance of pay equity across Canada, including the following op-ed piece in the *Toronto Star*.







In the midst of a ‘she-cession,’ we can close the gender pay gap

As originally published in the *Toronto Star* on September 17, 2020

We live in a time of turmoil and uncertainty. But, amidst the challenge, we have a great opportunity to rebuild the economy, strengthen businesses and promote worker well-being using tools that have been proven to work. Closing the gender wage gap is one of those tools.

Canadian women earn an average of **89 cents for every dollar earned by men**. One way to address this gender wage gap is to require employers to analyze how they value and pay for work usually done by women and compare it to how they value and pay for work done primarily by men. This is known as pay equity.

Some may question whether now is the right time to push for pay equity, with the economy reeling from COVID-19. I believe it is our best option.

Economists are calling this the “she-cession” — a recession that particularly affects women, and which in

turn will have a lasting impact on our economy, our society and our households.

Women have been among the hardest hit by the pandemic. Many of the front-line workers who we rely on to serve and support our communities are women. Some are the poorest paid workers in the country. Many women have had to continue working while caring for children with little or no support. Others have had to leave the workforce to care for their families. Our economy and our society needs women back at work.

A plan that includes making sure that everyone receives equal pay for work of equal value is the right answer at the right time. Pay equity is good for business, good for the economy and good for Canadians. A recent U.S. study of over 4,000 companies worldwide found that increasing gender equity in the workplace helped increase revenue.

As Canada's first Pay Equity Commissioner, I'm looking forward to our new federal *Pay Equity Act* coming into force. This law will require employers covered by the act to examine their compensation structures and practices to determine

if people are being paid fairly according to the value they contribute to the organization, regardless of gender.

This can do so much to counteract the negative impact of the pandemic and resulting economic crisis on workers and businesses. Closing the pay gap would provide a significant boost to women's purchasing power, which would promote economic growth and help fuel our recovery.

What's more, doing the right thing — even in hard times — could inspire and motivate people to return to work and to do their best. Let's focus on the best ways to help businesses and workers recover and prosper in these new circumstances. Canada has an opportunity to design an approach to recovery that includes everyone - one that restores momentum in our efforts to bring about gender equality in Canada.

When women thrive, everyone thrives. Equal pay is a tool for economic recovery and prosperity. We need to embrace it, for the good of the economy, businesses and people.

Karen Jensen

Canada's Federal Pay Equity Commissioner

Promoting human rights

The Commission is responsible for promoting equality and inclusion in Canada. We do this by raising awareness, encouraging dialogue, conducting research and analysis, engaging with civil society and the international human rights community, providing expert advice to policy-makers, and speaking out on pressing human rights issues affecting people in vulnerable situations.

Confronting systemic racism in Canada

In recent years, the Commission has been undergoing an organization-wide process of internal evaluation to strengthen our work, and to take a closer look at how racism or racial bias may influence our processes, our decisions, and the way we serve people in Canada.

In 2020, this process involved developing the Commission's Anti-racism Action Plan. As part of the Action Plan, we have committed to publicly reporting on our efforts to bring about anti-racist organizational change and promote anti-racism across Canada.





Highlights of our anti-racism work in 2020



ADVOCACY AND POLICY

Participated in public debate to counter those arguing that systemic racism does not exist in Canada.

Raised awareness about how the COVID-19 crisis has amplified pre-existing racial inequality for Indigenous, Black and other racialized people in areas such as access to health care, access to housing, access to life saving essential services, economic opportunity, and over-policing.

Participated in the launch of the Act2EndRacism web platform to help people in Canada call out and report anti-Asian, COVID-driven racism right when it happens.

Co-hosted — with the Anti-Racism Secretariat of Canada — the “Confronting Racism and Addressing Human Rights in a Pandemic” web conference.

Acknowledged the International Decade of Persons of African Descent in public addresses and social media.

Celebrated Black History Month and participated in a series of events honouring the legacy of Fred Christie.

Called on Federal, Provincial and Territorial Ministers responsible for human rights portfolios to prioritize anti-racism initiatives.



LISTENING AND LEARNING

Met with racialized experts to hear their views on how the Commission can improve its processes for people filing race-based complaints. A comprehensive summary of the dialogue session can be found on the Commission's website: *Canadian Human Rights Commission Dialogue Session with Representatives from Racialized Communities on Advancing Racial Equality in Canada*.

Developed our Commission's internal draft Anti-Racism Action Plan to bring about lasting anti-racist organizational change.

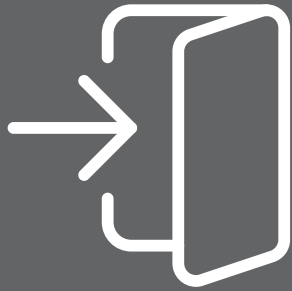


RESEARCH

Released the report on the results of the horizontal employment equity audit, looking at systemic issues in Indigenous employment in the banking and financial sector.

Began conducting a horizontal employment equity audit to look at the representation of racialized people at the management and executive level across the federal public service.

Initiated an independent third-party employment equity audit to examine the representation of racialized people, Indigenous people, and people with disabilities within the Commission, using a GBA+ (Gender-based Analysis) lens, to help identify barriers to employment at senior levels for designated employment equity groups.



ACCESS TO JUSTICE

Established a pilot project to ensure greater scrutiny of complaints that allege discrimination based on race, colour or national or ethnic origin.

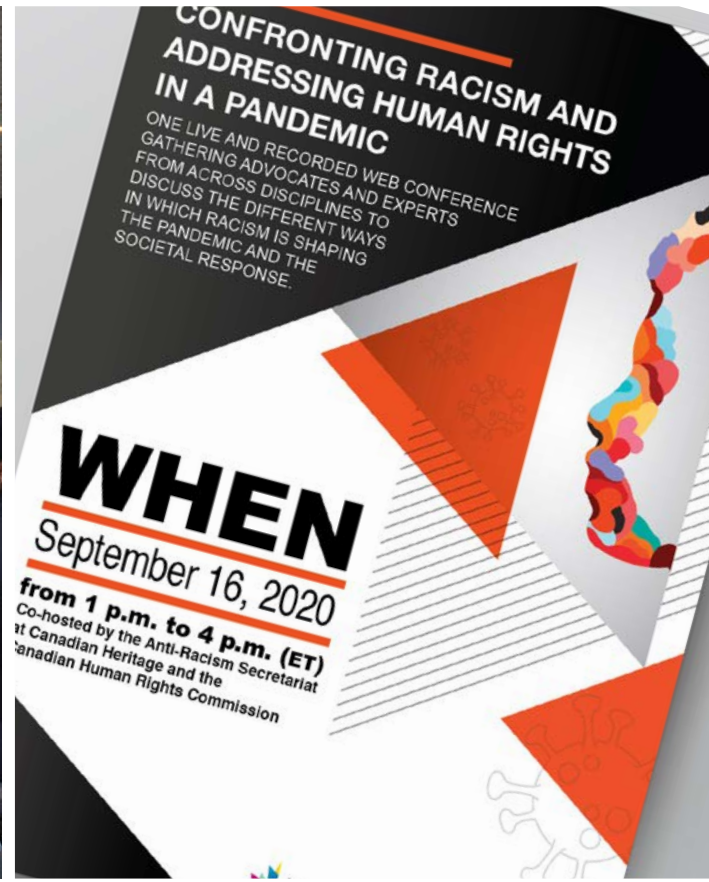
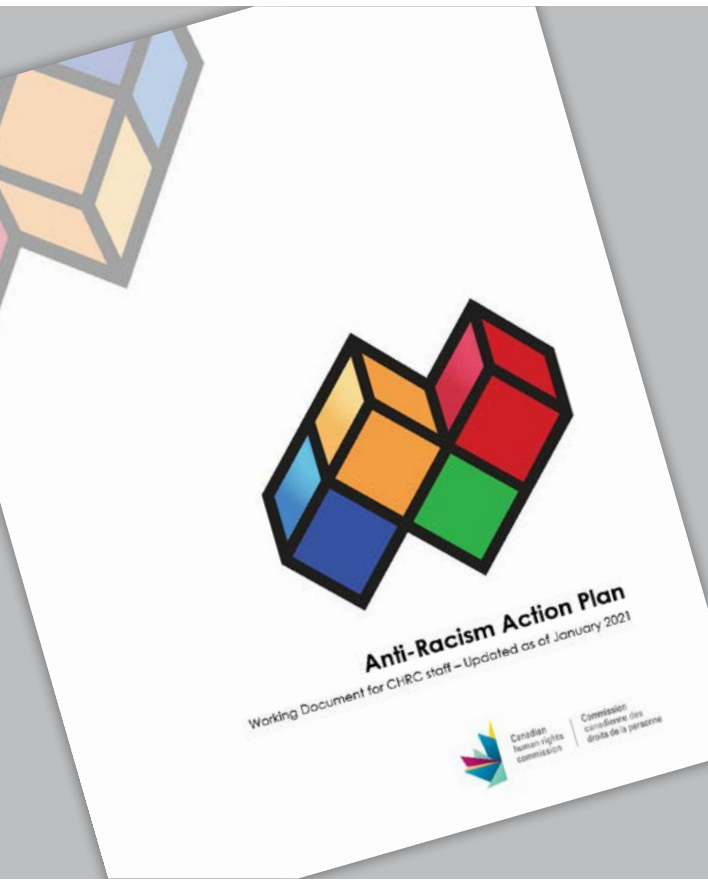
Launched a project to retroactively record and analyze race-based data from past complaints, and capture disaggregated race-based data for all new complaints.



OUR PEOPLE

Engaged external facilitators to meet with racialized and Indigenous employees to hear their personal perspectives and experiences with possible institutional and structural barriers within the Commission.

Continued to provide our staff with anti-bias training and see this ongoing training as essential to the way forward.



Engaging the public

The Commission is Canada's human rights watchdog. We are an independent, national voice for human rights in Canada. We rely on valued relationships within the human rights community and collaborative dialogue with advocacy organizations, Indigenous organizations, Canadian employers, youth advocates, law societies, academics, and other human rights advocates across Canada. We also engage with the broader Canadian public through our various multimedia platforms in order to raise awareness and encourage social change.





A HUMAN RIGHTS GUIDE FOR EMPLOYEES AND EMPLOYERS

COVID-19 and mental health
in the workplace

Canadian Human Rights Commission
Commission canadienne des droits de la personne



Now more than ever, it is vitally important that the Commission hear from stakeholders and those with lived experience. We continue to reach out and find ways to connect with people to better understand the needs of those in vulnerable circumstances living through this pandemic. In 2020, we remained engaged with our partners and other Canadians through a number of actions and virtual events, including:

Standing up for the rights of those specific groups who have been hit the hardest by the socioeconomic impacts of the COVID-19 crisis in a series of public statements and speaking engagements throughout the year.

Marking Canada's first ever Equal Pay Day and helping put Canada's first Pay Equity Commissioner on the map, calling for better protections for women in the face of this "she-cession."

Developing a new guide for employees and employers on mental health in the workplace in a COVID-19 era.

Sounding an alarm on COVID-driven racism, the rights of those in our prison system, and the rights of people with disabilities.

Coleading the Confronting Racism and Addressing Human Rights in a Pandemic virtual conference, together with the Government of Canada's AntiRacism Secretariat, with an attendance of over 3,500 people across Canada.

And participating in a host of live, virtual discussions and speaking engagements with our fellow human rights partners and defenders across Canada.

Conducting & supporting research

Research is a key foundation of human rights progress. It strengthens our knowledge and it allows us to discover where we can and must do better.

Throughout 2020, the Commission worked closely with partner organizations to support their original research, as well as nurturing our own. Altogether, this new knowledge helps inform the advice we provide Parliament, the advice we provide employers, and our work in helping to promote a more inclusive Canada for all.







Trans PULSE Canada Project 2020

In 2019, Trans PULSE Canada launched the first community-based survey on the lived experiences of trans and non-binary people in Canada. The Commission has lent our expertise and outreach to the project, which surveyed almost 3000 trans and non-binary people in Canada about issues including, mental and physical health, violence and suicide, and access to things like housing, employment and healthcare.

Over the course of 2020, the first findings were released in a series of initial reports. Together, these reports examined the health, safety and well-being of trans and non-binary people in Canada, including the impact of COVID-19 on this population, issues around identity documents, and intersectional discrimination. The series of reports are available on the Trans PULSE Canada website.

The Commission served as contributing author to one of the reports in the series. The report is entitled, *Trans PULSE Canada Report on the Health and Well-Being among racialized trans and non-binary people: Violence, discrimination, and mistrust in police*, and here are just a few of the key findings.

Life for racialized trans and non-binary people in Canada

Overwhelmingly, they reported higher levels of discrimination, violence and assault, as well as anticipated and actual negative experiences with police and the legal system.

Physical violence, sexual harassment, and sexual assault were all significantly more common among this population when compared to the non-racialized trans and non-binary population.

11% are housing insecure, and **16%** did not have enough to eat over the last year.

25% are living with a disability (compared to **18%** of non-racialized trans and non-binary persons).

Over their lives, **45%** had been harassed at work or school and **39%** had been physically assaulted.

Over the last 5 years, **72%** were verbally harassed, **41%** were physically intimidated or threatened, **49%** were sexually harassed, and **32%** had been sexually assaulted.

33% avoided calling 911 for police services (compared to 21%) and **24%** avoided calling 911 for emergency medical services (compared to 16%).

Only **1 in 5** would trust the police and courts systems if they were physically assaulted.

Supporting research to improve inclusion for transitioning employees

In 2020, after a year of meticulous and ground-breaking research led by Dr. Bretton Fossbrook, Pride at Work Canada and the Institute for Gender and the Economy released their final report, *Transitioning Employers: A survey of policies and practices for trans inclusive workplaces*. The report marks the first Canadian study of trans inclusion workplace policies among almost 70 employers. Overall, the report found that individual accommodations for transitioning employees are not enough and that improved practices are needed to ensure that trans and gender non-conforming individuals have safe and affirming workplaces.





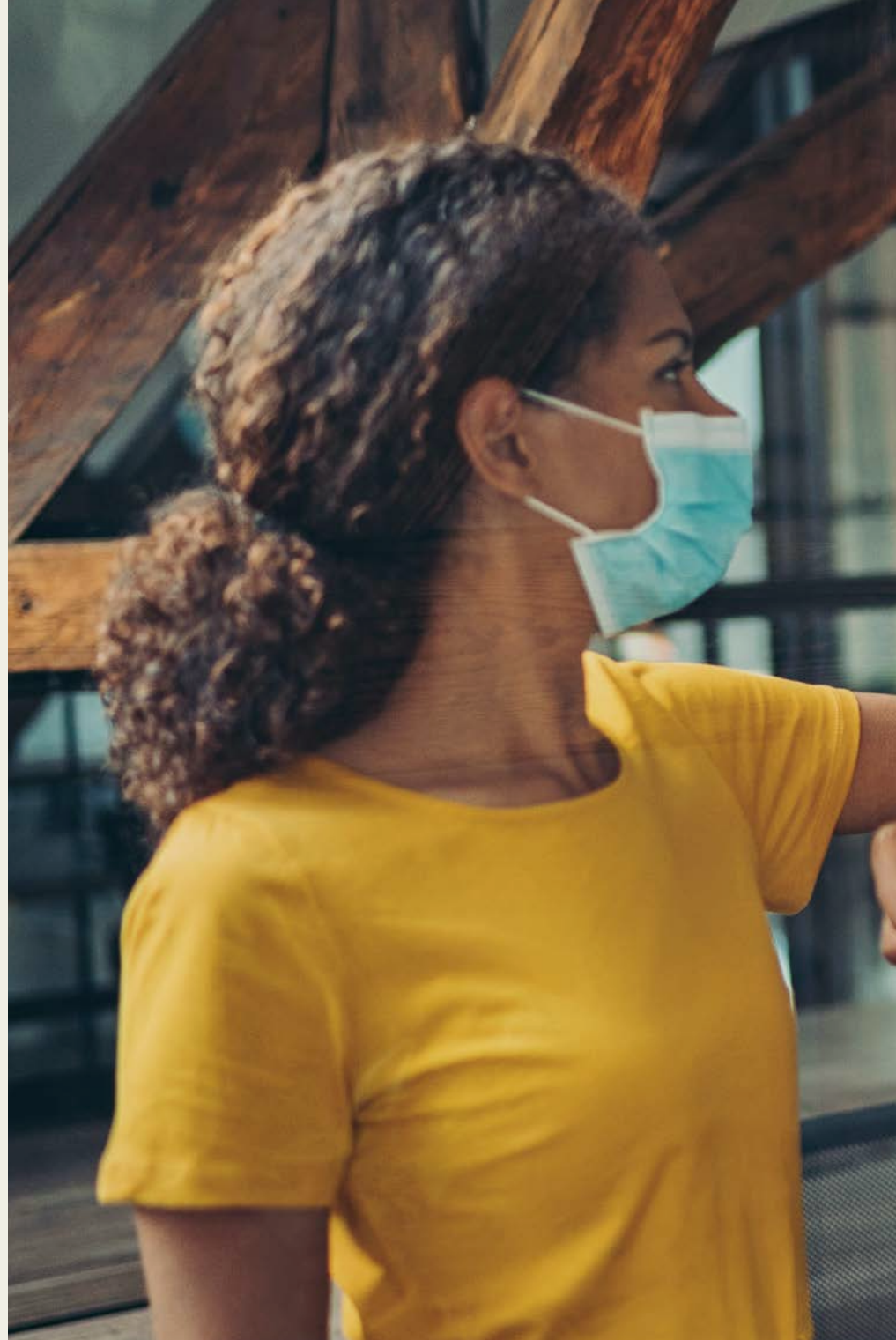
In the foreword Chief Commissioner Landry provided for the report, she wrote: “Important steps such as issuing clear executive leadership support and putting in place ongoing training on gender identity and expression, and unconscious bias, can bring economic and human rights benefits to employees, businesses, the economy, and our nation.”

The research also provides insight and concrete ways businesses can implement two United Nations tools: the 2011 Guiding Principles on Business and Human Rights, and the 2017 Standards of Conduct to foster inclusion for members of the LGBTQ2SI community. Read the full report at: <https://prideatwork.ca/transitioning-employers/>

Making connections

Maintaining a strong connection with Canadians and with our human rights colleagues at home and abroad remained an important part of our work this year. Adapting to a new COVID19 normal, we embraced video calling to conduct virtual meetings that helped to keep us informed and connected to important human rights issues in Canada and around the world.

Like any year, we worked to ensure that the voices of Canadians were included in our work. But 2020 in particular provided a unique opportunity in this regard.





Asking Canadians with disabilities about our new National Monitoring Mechanism role

In 2019, the Government of Canada formally designated the Commission as the body responsible for monitoring Canada's implementation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

The Commission is responsible for monitoring progress and reporting on whether the Government of Canada is doing all it can to meet the human rights obligations outlined in the Convention.

In the spirit of “nothing without us,” the Commission sought input from people with disabilities and the organizations that advocate on their behalf from the outset of this new work.

In June 2020, we conducted a survey asking people to weigh in on our new role. We asked people from across Canada where this broad new role should put its focus. We asked them how they want to be involved in this work. We asked them to tell us what is most important in our path forward as Canada's National Monitoring Mechanism.

Here are just some of the highlights:

WHAT WE HEARD

In June and July 2020, the Commission asked people across Canada what they think is most important in our monitoring of the CRPD, and how they want to be involved in this part of our work.

2,927

Survey responses

64%

identify as having a disability

48%

are familiar with the CRPD

TOP **3** AREAS
OF CONCERN:

Poverty

Housing

Work &
employment

54% 

think the CRPD will have
a positive effect

86% 

feel Canada is doing a poor
job promoting the rights of
people with disabilities

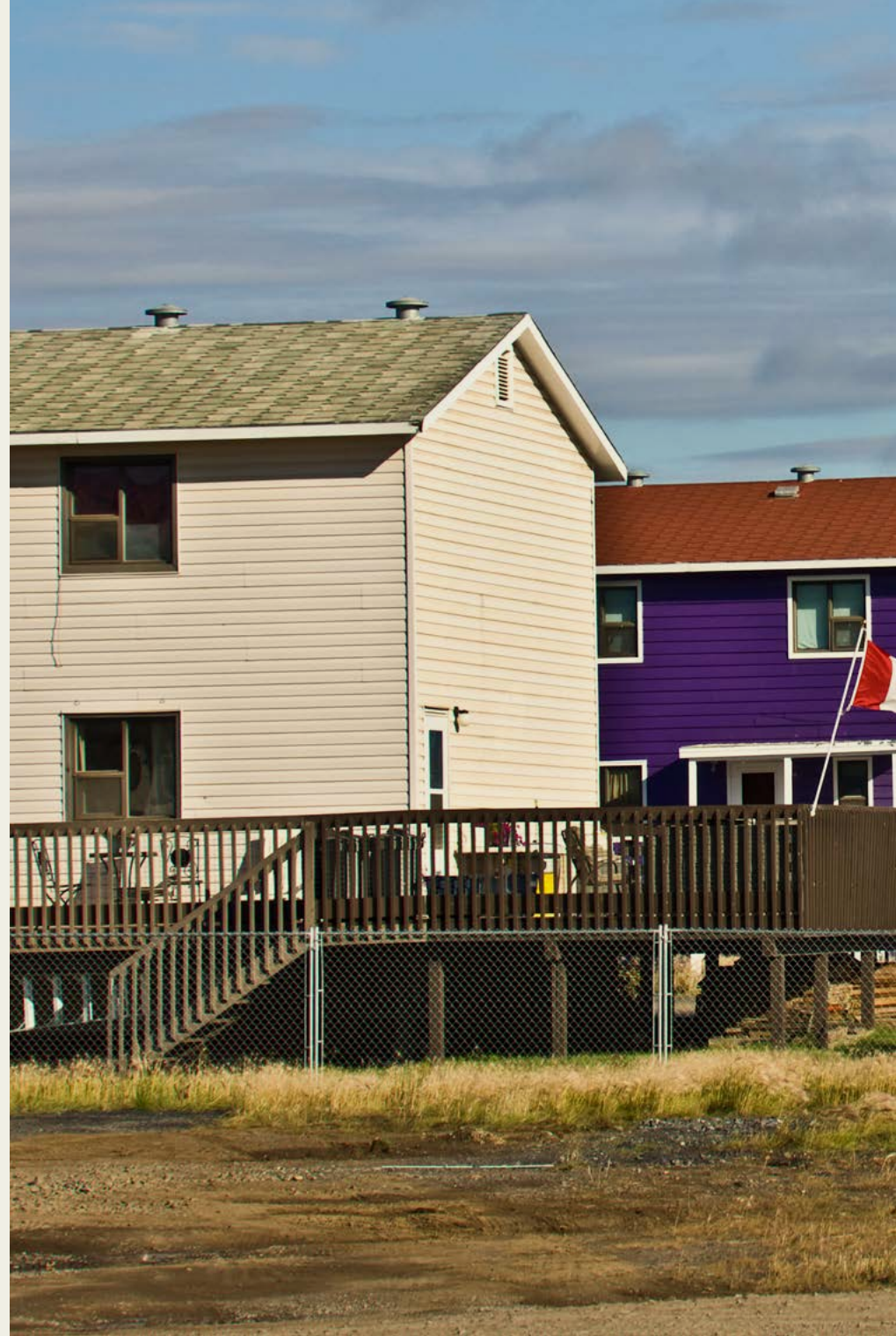
83% 

feel Canada is doing a poor
job of protecting the rights
of people with disabilities

Housing as a human right

In a year in which the right to housing has never been more critical and prevalent in the minds of Canadians, we commissioned new research, and engaged with stakeholders in preparation for the 2021 Governor in Council appointment of Canada's first Federal Housing Advocate.

We met with Leilani Farah, the outgoing United Nations Special Rapporteur on the Right to Adequate Housing, as well as Balakrishnan Rajagopal, the incoming Special Rapporteur, to discuss key issues, how we can advance the right to housing in Canada, and how we can help Canada meet its international human rights obligations on these matters.





The Housing Advocate will receive submissions from people in Canada, including those with lived experience in housing need or homelessness, who are experiencing systemic housing issues. Throughout 2020, the Commission developed the systems that will receive these submissions and collect data on systemic housing issues in Canada.

Helping level the playing field, together

In 2020, the close collaboration between the Commission and the Ontario Human Rights Commission helped result in an important decision by Facebook to begin enforcing new rules that will prevent advertisers from discriminating against people in Canada when it comes to jobs, housing and credit services.

In a joint public letter and subsequent discussions, we reached out to Facebook Canada to raise our concerns. Under Canadian human rights law, employers are prohibited from restricting their job advertisements to audiences based on age, gender, race or religion, unless the restriction is a bona fide occupational requirement or is part of a specific initiative.





Together, with findings from CBC News, our concerns were heard. Facebook Canada's decision means that advertisers will no longer will be able to target their Facebook ads at exclusive groups of people based on criteria such as their age, gender or postal code. Instead, advertisers will need to broaden their advertisements and ensure they are inclusive and available to everyone.

The timing could not be more important, with COVID-19 putting record numbers of Canadians out of work or in precarious housing and financial circumstances. Now more than ever, people in Canada need and deserve an equal chance to pursue new opportunities.

About us

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.

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 Act, which protects people in Canada from discrimination when based on any of the grounds of discrimination such as race, sex and disability. Under the Act, 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. In cases where the issue 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.

The *Accessible Canada Act*, the *Employment Equity Act*, and the *Pay Equity Act* give the Commission the authority to work with federally regulated employers to ensure they are preventing discrimination and promoting inclusion through proactive compliance with these laws. This contributes to the elimination of employment barriers and wage discrimination in federally regulated workplaces for women, Indigenous peoples, people with disabilities and racialized groups.*

*The *Employment Equity Act* uses the term "visible minorities." The Commission is of the view that this is an antiquated term. The Commission is using the term "racialized groups" in the interim.

Our people

The Commission operates across Canada with a team of approximately 265 people and is led by Chief Commissioner Marie-Claude Landry.

Commissioners

In 2020, the Commission's executive team comprised Deputy Chief Commissioner Geneviève Chabot; Pay Equity Commissioner, Karen Jensen; full-time Commissioner Edith Bramwell; and part-time Commissioners Joanna Harrington, Rachel Leck, and Dianna Scarth.

1. Joanna Harrington
2. Geneviève Chabot
3. Edith Bramwell
4. Karen Jensen
5. Rachel Leck
6. Dianne Scarth
7. Marie-Claude Landry



