

ANNUAL REPORT 2018-2019



SASKATCHEWAN
HUMAN RIGHTS
COMMISSION

YEARS IN REVIEW



“FROM MANY PEOPLES, STRENGTH”



VISION

To have all Saskatchewan residents understand human rights, value diversity, engage in the responsibilities of their citizenship, and respect the human rights of others.

MISSION

To champion human rights by promoting and protecting dignity, diversity, and equality within Saskatchewan.

GOALS

- Discourage and prevent discrimination.
- Implement restorative justice measures in all complaint resolutions.
- Secure appropriate remedies for individuals and groups who experience discrimination.
- Seek systemic remedies for individuals and groups who experience discrimination.
 - Advance the understanding of human rights through research and education.
 - Provide leadership on public policy and legislation related to human rights and responsibilities.

LETTER OF TRANSMITTAL

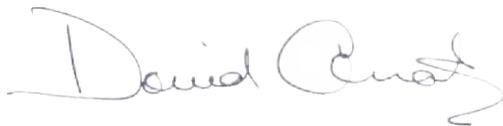
The Honourable Don Morgan, Q.C.
Minister of Justice and Attorney General
Legislative Building
Regina, Saskatchewan

Dear Minister Morgan,

I am pleased to deliver the 2018-2019 annual report of the Saskatchewan Human Rights Commission as required by Section 57 of *The Saskatchewan Human Rights Code, 2018*.

This report highlights the activities and successes of the Commission over the past 10 years, as well as for the fiscal year beginning April 1, 2018 and concluding March 31, 2019.

Sincerely,



David M. Arnot
Chief Commissioner

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MESSAGE FROM THE CHIEF COMMISSIONER



In 2009, I was appointed Chief Commissioner with a mandate to revitalize the Saskatchewan Human Rights Commission in both spirit and vision. At the time, the Commission had a reputation for having a prosecution ethos. There were long wait times and litigation was the primary tool used to resolve complaints.

The Commission needed to do things differently. An internal operations review was done to determine which processes were useful, what needed to be reevaluated and refreshed, and what needed to be changed. The aim of the Commission was to retain the practices that worked, to adopt practices that would enhance the Commission's ability to do its job, and to create new means by which to protect and promote human rights in this province.

The Commission underwent significant transition between 2009 and 2012. During that time, legislative changes were made to *The Saskatchewan Human Rights Code* and an internal staff restructuring created a new and energized Commission. The changes that were legislated to the Code in 2011 helped the Commission operationalize new approaches and implement best practices tools.

The Commission's new approach to its work was reflected in its Four Pillar Strategic Business Plan, which focused on litigation, mediation, systemic advocacy, and citizenship education to help fulfill its mandate.

The Saskatchewan Human Rights Commission has come a long way since then. We have successfully addressed the Ombudsman's 2007 concerns with lack of timeliness in the process. The use of litigation has been drastically reduced. Using restorative justice principles, the Commission works with both complainants and respondents to achieve appropriate case resolution. All the hard work and changes are paying off. There is no case backlog at the Commission. Formalized complaints are activated immediately, and existing complaints are actively pursued to closure. Over 70% of all complaints received are resolved in a year.

Our systemic advocacy team continues to achieve new and considerable successes. They pursue initiatives that attack discrimination at its roots, take remedial action against systemic discrimination, and improve Saskatchewan communities.

The *Concentus* Citizenship Education materials were made possible by the commitment and financial support of the Ministries of Justice and Education, the Law Foundation of Saskatchewan, and, through the generosity of private donors, Elaine and Sherwood Sharfe. These materials, made by teachers for teachers, are being used in schools throughout the province and are garnering interest from countries around the world.

I am proud of the achievements made by the Commission over the past decade. The Commission has come a long way and has become a model of best practice. That said, the Commission remains committed to being a learning organization, pursuing continuous improvement in order to best meet the needs of the citizens of Saskatchewan.

David M. Arnot
Chief Commissioner

MESSAGE FROM THE EXECUTIVE DIRECTOR



In the last 10 years, the Commission has faced a number of challenges and has made many positive changes. The public criticisms of delay and apprehension of bias at the Tribunal level that prompted the legislative changes in 2011 caused the Commission to rethink its process entirely. A process driven by principles of restorative justice, yet one that potentially ends in adjudication before the Court of Queen's Bench, carries some inherent challenges.

The new process had to involve the right mix of flexibility to allow parties to resolve differences without escalating grudges, while ensuring that the legal rigour and unbiased approach expected by the Court was respected and upheld.

Internally, I believe that we have had great success in matching the people to the task. We have respectful and professional intake staff and seasoned impartial mediators. Investigators balance fact finding while always seeking opportunities for the parties to resolve their issues without Court intervention.

Our legal staff, too, works with the parties to help them understand that when matters are referred to Queen's Bench for adjudication, the Commission acts on behalf of public interest, and not on behalf of the complainant to an action.

Our staff is a well-educated one, mostly comprised of those with masters level degrees and degrees in law. Hiring for potential is reflected in a staff that is energetic and professional.

The words "neutrality, integrity and teamwork" accurately describe the office ethos. We enjoy a gender balanced workplace, both at the staff and board levels. We are committed to generational representation and an equitable workforce that reflects the diversity in our province.

In striving to meet the Commission's mandate of ensuring respect for human rights, we have enjoyed great support and assistance from the community. The legal community has advocated for clients while seeking broad solutions. Those with lived experience have not only pressed the Commission to do better, but have shown us ways in which they most needed change. The Court has embraced its role in the serious nature of disposition of complaints of discrimination.

Although we have successfully met and solved many challenges, the Commission is alive to those that still require solutions.

The number of staff members is substantially the same as it was 10 years ago. However, complaints have increased in number from 173 in 2009-10 to 518 in 2018-19. Many of those complaints lead to dismissal at initial stages. People may be at the wrong office to lodge their concern, and not knowing where to access help leads to frustration. Some people have trouble navigating the individual complaint process. There is difficulty understanding why certain complaints cannot proceed.

We are actively working on solutions that are citizen focused. Better use of social media, user-friendly screening tools, and having accessible plain language on our website are some examples. We will keep listening to people in order to better meet needs.

An exciting challenge that has been embraced and has shaped the thinking of the Commission is the way in which broad-based change can be made in the community to solve issues for many, ideally without the need for litigation. Systemic change through stakeholder partnership is key to this process. Linking lived experience with the system knowledge of policy makers at the municipal and provincial levels of government has netted great gains.

The support of government at all levels has been integral to this process of cooperative change, and the Commission is grateful for that support.

The last decade has been one of positive and transformative change. We know that by continuing to work with our stakeholders, the next decade will be as well.

Norma Gunningham-Kapphahn
Executive Director

COMMISSIONERS APPOINTED 2009-2019



SASKATCHEWAN
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The operations of the Saskatchewan Human Rights Commission are overseen by the members of the Commission. One commissioner is appointed Chief Commissioner. This is a full time position that carries a number of legislated responsibilities. A second commissioner may be appointed as Deputy Chief Commissioner. This commissioner may act in place of the Chief Commissioner should the need arise. While no fewer than 3 commissioners are appointed to the Commission, there are generally more than 3 sitting at any one time.

Saskatchewan Human Rights Commissioners are appointed by the Government of Saskatchewan through an Order in Council. They are individuals who possess in-depth knowledge about human rights issues, as well as expertise in issues relating to vulnerable populations, community, social justice, and concepts of fairness, respect, responsibility, equality, and public service.

Since 2009, the Government of Saskatchewan has appointed 9 Commissioners to the SHRC.

David Arnot

Chief Commissioner – 2009 to present

Saskatchewan Provincial Court Judge David Arnot was appointed Chief Commissioner of the Saskatchewan Human Rights Commission on January 15, 2009.

Chief Commissioner Arnot attended the University of Saskatchewan, receiving his Bachelor of Laws degree in 1975. He began his legal career in the public service as Provincial Crown Prosecutor, and was promoted to Senior Crown Prosecutor in 1978. During his time as prosecutor, the Chief Commissioner was able to spearhead the establishment of one of the first sexual assault centres (then generally known as “rape crisis centres”) in North Battleford.

Five years following his call to the bar, Chief Commissioner Arnot became one of the youngest sitting judges in the Provincial Court of Saskatchewan, serving in North Battleford, Saskatchewan. During his time as a sitting judge, the Chief Commissioner produced and directed a number of video education projects, specifically to address the continuing education of the judiciary. He has been involved in education for the judiciary through the National Judicial Institute, the Western Judicial Education Centre, the Canadian Association of Provincial Court Judges, and the American Judges Association.

Thirteen years after he was appointed to the Provincial Court, Chief Commissioner Arnot was seconded by the Federal Government. His experience on the Saskatchewan Court would serve him well, first as Director General of the Aboriginal Justice Directorate, and then in 1996, as Special Advisor to the Deputy Minister of Justice for Canada.

On January 1, 1997, Chief Commissioner Arnot was appointed Treaty Commissioner for the Province of Saskatchewan, where he served for a period of 10 years. During this time, Chief Commissioner Arnot accepted a mandate which included educating the citizens of Saskatchewan about the treaty process, and the treaties that were alive and operating in the province.

In 2002, as a voice for reconciliation and with the guidance of Indigenous Elders, Chief Commissioner



Arnot introduced the phrase — “we are all treaty people” — a phrase that is now part of the Canadian lexicon. His work on the “Teaching Treaties in the Classroom Project” was specifically cited as a model for Canada by the United Nations Special Rapporteur on Racism in March 2004. Later, in October 2005, the Office of the Treaty Commission was selected by the Canadian Race Relations Foundation to receive its biennial Award of Excellence for education programs in the public and government sector.

In 2007, Chief Commissioner Arnot was honoured by the Canadian Bar Association Saskatchewan Branch as a recipient of the “Distinguished Service Award.” In 2014, he received the Miklos Kanitz Holocaust & Human Rights Award from Congregation Agudas Israel (Saskatoon).

Then, in 2016, Bell Media CTV Saskatoon recognized Chief Commissioner Arnot as the Saskatoon Citizen of the Year.

The following year, in September 2017, Chief Commissioner Arnot was placed on the University of Saskatchewan’s Canada 150 Nation Builders as an alumnus who champions human rights and social justice and who has played a role in building our nation.

In June 2018, Chief Commissioner Arnot was recognized by the Transformation Institute for Leadership and Innovation in Canada as one of the top 150 leaders and innovators in our country.



Barry Wilcox, Q.C.

Commissioner 2011 - present

Deputy Chief Commissioner Barry Wilcox is a senior member of Prince Albert's legal community, having obtained his Bachelor's Degree in Law from the University of Saskatchewan in 1980, and called to the Saskatchewan Bar in 1981. He is a partner with the Novus Law Group and is known for his expertise in mediation and alternative dispute resolution. Deputy Chief Commissioner Wilcox has appeared before all levels of court in Saskatchewan. He was appointed to the Commission June 2011, later appointed Deputy Chief Commissioner in 2018.



Jan Gitlin

Commissioner 2011 - present

Commissioner Jan Gitlin is a community leader and social justice advocate. She was a senior account executive at CTV Saskatchewan for over 20 years, has co-chaired the Saskatoon Holocaust Memorial for more than 30 years, and, in 2012, became a founding co-partner for Think Good. Do Good., a Saskatoon-based organization that works with schools to find ways to improve our world. Commissioner Gitlin has been a mentor for the University of Saskatchewan's Edwards School of Business.



Judge Paul Favel

Commissioner 2011 - 2017

Former Commissioner Paul Favel obtained his Bachelor's of Law Degree from the University of Saskatchewan in 1995, and was called to the Saskatchewan Bar in 1996. While practicing law with the McKercher law firm in Saskatoon, he worked extensively within the First Nations community, was a board member of Big Brothers Big Sisters Saskatoon, and a member of the Canadian Bar Association. In November of 2017, former Commissioner Favel was appointed to the Federal Court.



Nasser Malik

Commissioner 2011 - 2016

Former Commissioner Malik and his family immigrated to Canada from Pakistan. While living in Saskatchewan, he was employed as a supervisor at then PotashCorp's Cory mine operation. Former Commissioner Malik volunteered within Saskatoon's Ahmadiyya Muslim community – a movement that spans 190 countries and promotes tolerance and peace. Former Commissioner Malik holds various professional certifications and a degree in applied science and engineering from the University of Toronto.



Colleen Cameron-Bergan

Commissioner 2015 - present

Commissioner Colleen Cameron-Bergan is an accomplished executive with policy-making, strategic planning, and communications experience in the telecommunications industry. She is an active leader in the Indigenous and health care communities in our province. Commissioner Cameron-Bergan is a former board member with the St. Paul's Hospital Foundation. She is a member of the Beardy's Okemasis First Nation, and currently resides in Saskatoon with her family.



Heather Kuttai

Commissioner 2015 - present

Commissioner Heather Kuttai is an author and writer with a focus on disability issues. She has a background in disability policy development, leadership in management, and post-secondary education administration. She pioneered Disability Services for Students at the University of Saskatchewan. Commissioner Kuttai is also a three-time Paralympic medal-winning athlete, a member of the Saskatchewan Sports Hall of Fame, and an ambassador with the Rick Hansen Foundation.



Mike San Miguel

Commissioner 2016 - present

Commissioner Mike San Miguel is a long-time community builder with a demonstrated commitment to diversity, culture, and public service. He is a skilled leader in the non-profit housing industry, promoting the importance of safe, affordable homes and strong communities. Commissioner San Miguel has been an active member of the Filipino community in Saskatoon and has been recognized for his work with a Saskatoon Community Foundation leadership award.

Dr. Fatima Coovadia

Commissioner 2018 - present

Commissioner Fatima Coovadia holds a Bachelor of Dental Surgery degree and a Master's Degree in Health Administration. In concert with the Think Good. Do Good., she has worked in Saskatoon classrooms building knowledge, empathy, and understanding for all citizens in the community. She is a leader in the Islamic Association of Saskatoon, serves on the Board of the Remail Modern, and is a consultant at Coovadia Consulting.

COMMISSION STAFF 2018-2019



COMMISSION OPERATIONS

Norma Gunningham-Kapphahn – Executive Director

ADMINISTRATION

Connie Windecker – Administrative Assistant (part time)

Ryan Kennedy – Administrative Assistant (casual)

Dianne Jones – Legal Assistant

Andrea Papouches – Administrative Assistant (casual)

Karen Materi – Executive Assistant to the Commission

MEDIA

Adam Hawboldt – Media and Communications (part time)

LEGAL

Scott Newell – General Counsel to the Commission

Meghan Seidle – Counsel

Adam North – Counsel

Julian Bodnar – Counsel/Mediator (part time)

Lola Ayotunde – Articling Student

COMPLAINT RESOLUTION

Jocelyn Putland Wiebe – Director of Resolution

INTAKE CONSULTANTS

Nicole Hataley (casual)

Nicole Rimmer (part time)

Ken Truong

Paula Jane Remlinger – Intake Consultant/ Systemic Specialist (part time)

Shade Adeagbo – Intake Consultant/ Investigator (part time)

MEDIATORS

Clint Pederson (part time)

Carol Riekman (part time)

David Katzman (part time)

INVESTIGATORS

Julie Fendelet - Senior Investigator

Lewanna Dubray – Senior Investigator

Amjad Murabit

Robin Mowat – Investigator/Systemic Specialist (part time)

Robin Burlingham (part time)

Andrea Halstead (part time)

Daniel Kuhlen (casual)

Laurie Adrian Rude (casual)

Tomi Adebisi

Bill Craik (part time)

SYSTEMIC INITIATIVES

Darrell Seib – Director of Systemic Initiatives

Andy Livingston (part time)

Sheena McCallion (part time)

STRATEGIC PLAN

THE 4 PILLARS



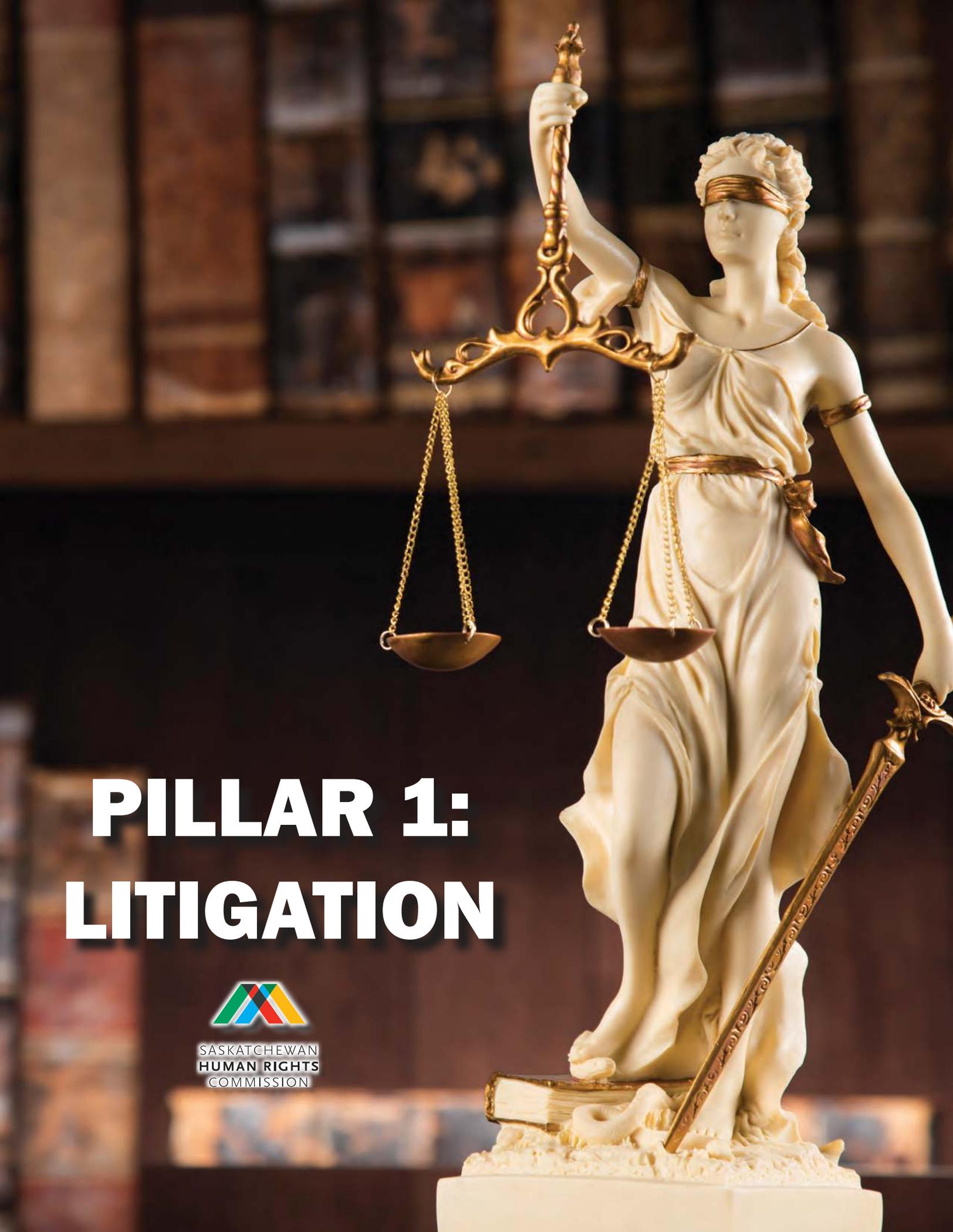
SASKATCHEWAN
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In January 2009, Judge David Arnot was appointed Chief Commissioner of the Saskatchewan Human Rights Commission. His task was to give new direction to the operations of the Commission and to develop a more comprehensive public education program. This was an opportunity for the Commission to review what was working and examine which areas could be enhanced by renewed energy and a new focus.

For the next year, the Commission reviewed its operations to determine if there were better ways to achieve the mandate of *The Saskatchewan Human Rights Code*.

A new focus emerged with a vision for the Commission to become a model of best practices. The goal was to provide efficient and effective human rights services, education, and complaint resolution by retaining existing best practices while establishing and fully implementing new best practice activities.

This vision was called the Four Pillar Strategic Business Plan.



PILLAR 1: LITIGATION



SASKATCHEWAN
HUMAN RIGHTS
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In 2011, the Saskatchewan Human Rights Commission shifted from being an infraction/reaction, prosecutorial body to a problem-solving organization. With this shift, came a new ethos centred around mediation, restorative justice, education, communication, and collaboration.

The ability to litigate complaints of discrimination remains a defining feature of the Commission.



The ability to litigate complaints of discrimination has been a defining feature of the Saskatchewan Human Rights Commission’s mandate.

When *The Saskatchewan Human Rights Code* was amended in 2011, the human rights tribunal system in Saskatchewan was eliminated. As a result, the tribunal’s adjudicative role and function was shifted to the Court of Queen’s Bench.

This helped address issues with timeliness of decisions and perceptions of bias.

These changes allowed the Commission to resolve more complaints through the use of alternate dispute resolution processes, while decreasing the use of litigation.

Even though litigation is essential to the complaints process, the Commission’s decision to litigate any case is never taken lightly.

Court intervention is a tool that is used sparingly and judiciously.

The phrase “litigation when necessary, but not necessarily litigation” is central to the Commission’s approach to the resolution process.

COURT OF QUEEN’S BENCH

RICE v BREHON (2012)

The first Court of Queen’s Bench trial the Commission was involved in, after Bill 160 abolished the Saskatchewan Human Rights Tribunal, was **Rice v. Brehon Agrisystems Inc.**

Chief Commissioner Arnot applied for a hearing pursuant to Lisa Rice’s complaint that the respondent discriminated against her on the grounds that she was pregnant.

Ms. Rice was a legal assistant who had been hired to work in Mr. Brehon’s solo practice/engineering business. She had left a much larger firm for the position. Two days after her start date, Ms. Rice told Brehon that she was pregnant. The next day, Rice claimed she heard her boss setting up an interview with a new legal assistant.

Then, according to Rice’s testimony, Brehon told Rice that he did not want to accommodate her and gave her



two months to find a new job. Within a week, Rice left the position blaming the “continued negative actions of Mr. Brehon.”

Brehon maintained that pregnancy was not a factor and that the decision to terminate Lisa Rice was predicated upon her inability to do the job. The Court of Queen’s Bench disagreed.

Ms. Rice found new employment at a law firm within a week of leaving her position at Mr. Brehon’s practice. She abandoned a claim for loss of wages, but was compensated for injury to feeling, dignity, or self-respect.

X v EMPIRE INVESTMENTS CORPORATION INC. (2014)

On July 4, 2014, the Court of Queen’s Bench found that Northwoods Inn & Suites owner-manager John Pontes sexually harassed a female hotel clerk contrary to the Code.

Pontes was ordered to pay damages to the complainant for gender-based discrimination and sexual harassment. He was ordered to pay \$31,900 for lost earnings, and costs in the amount of \$3,000 for vexatious, frivolous, and abusive conduct in the court proceedings.

Recognizing the quasi-constitutional nature of human rights law, the Court observed that significant harm to

the woman’s human rights occurred because of sexual harassment. For the Commission, this case created a significant legal precedent for respondents who disregard *The Saskatchewan Human Rights Code*.

OWENS v POST MEDIA (2016)

Between 1997 and 2012, Hugh Owens purchased advertising in the *Regina Leader-Post* to post selected Bible verses.

In 2013, however, the *Leader-Post* declined to publish Mr. Owens advertisement on the grounds that the Bible verses denounced homosexuality and were offensive to the paper’s readership.

Mr. Owens felt that he had been discriminated against on the basis of religion.

As part of an individual’s religious practice, a person has the right to publish their religious beliefs. “Publication” can include religious texts and extracts from religious texts.

At the same time, publishers have the right to determine the editorial content of their publications (i.e., freedom of expression). Like all other businesses, publishers are required to act in a non-discriminatory manner.

While the Commission acknowledged that the advertisement could be considered offensive to members of the LGBTQ community, there appeared to be a conflict between freedom of expression, for both Mr. Owens and the *Leader-Post*, and Mr. Owens right to freedom of religion.

To address the apparent conflict between freedom of expression and freedom of religion, the Commission referred Mr. Owens’ complaint to the Court of Queen’s Bench so that the Court could determine how these competing rights should be resolved.

On September 6, 2016, the Court of Queen’s Bench determined that the *Regina Leader-Post* did not discriminate when it refused to publish an advertisement that it deemed to be anti-gay. The Court accepted that the advertisement ran counter to the core values of the *Leader-Post*. It was also found that Mr. Owens was not refused because of faith or religion, or that he had been treated differently from other individuals who seek to place an advertisement that may offend.

The Court also found that Mr. Owens could communicate his beliefs in ways other than advertising in the *Leader-Post*. In the decision, the Court observed that, “resolution of conflicts amongst various rights, must be accomplished on a case-by-case basis with close attention being paid to the facts in each instance,” and that given the facts of this situation, “there has been no discrimination.”

DIRECTED MEDIATION



In 2013, the Commission began using Directed Mediation as a last-chance attempt at resolution prior to involving the court.

Directed Mediation is a facilitated discussion between the parties to a complaint. This discussion is conducted by the Commission and takes place at the discretion of the Chief Commissioner.

After the Chief Commissioner has reviewed the findings of the investigation and has determined that the complaint has sufficient merit to proceed to a hearing, the matter may be directed to mediation.

The Commission does not provide legal representation to any party but, in some cases, the Chief Commissioner may ask the Commission Lawyer to participate in Directed Mediation. In such cases, the role of the Commission Lawyer is to represent the Commission rather than any party.

The parties may also have a lawyer assist them with Directed Mediation. The mediator, who is independent from the Commission, works with the parties to the complaint in an attempt to arrive at a mutually agreeable resolution.

Settlement discussions in Directed Mediation are confidential. If the parties are unable to reach a settlement agreement, the complaint goes to the Court of Queen's Bench for a hearing.

However, the majority of complaints that are on track for hearing at the Court of Queen's Bench are resolved through Directed Mediation.

RACIAL AND SEXUAL HARASSMENT ISSUES RESOLVED THROUGH DIRECTED MEDIATION

Aboriginal employees of a Regina non-profit corporation alleged that they were repeatedly subject to unwelcome comments of a derogatory nature on the basis of race by the President of the Board of Directors.

As a result, two of the employees felt compelled to resign their employment.

These employees complained to the Commission about racial and sexual harassment, and complained that the organization failed to provide them an environment free from harassment.

Following the employees' resignation, the remaining Aboriginal staff members had their employment terminated. Some of these staff members also complained to the Commission about discrimination on the basis of race.

The respondent organization denied discrimination and claimed wrongdoing on the part of staff at the organization.

Following investigation, the matter was referred to Directed Mediation.

The parties agreed to settle all outstanding matters between them. The complainants received damage to dignity amounts ranging from \$2,000 to \$15,000.



DISCRIMINATION BASED ON DISABILITY

John* worked for a construction subcontractor [Company A] at a large worksite for many years. During this time, drug-sniffing dogs employed by the site owner “alerted” on John’s lunch bag, signaling that it smelled drugs. No drugs were found. However, John’s employer demanded that he take a drug test. The test was positive for marijuana use and John was referred to addictions treatment, which he ultimately completed.

Following completion of his treatment, John returned to work for another construction subcontractor [Company B] at one of the site owner’s worksites. John passed drug screening before attending the site. Upon showing up for work, John was approached by his foreman and superintendent who informed him that the site owner had instructed them to escort him off the site. John was laid off by his employer (Company B). He was later told that he was permanently banned from all of the site owner company’s worksites.

John complained that this treatment discriminated against him because of disability or perceived disability contrary to the *Code*. The complaint was made against the site owner and the Company B (employer) on the basis of sections 9, 15, and 16 of the *Code*.

The contract between the site owner and Company B included the following terms:

- The site owner had the authority to require Company B to remove employees from site without consideration of discrimination under the *Code*; and
- The worksite rules contained a “Zero Tolerance Policy” which required contractors to remove employees who were at work under the influence of drugs or alcohol without consideration of discrimination.

Following investigation, John was referred to Directed Mediation. A settlement was ultimately achieved by the parties. The terms of the settlement included:

- The respondents (the site owner and Company B) agreed to pay \$20,000 in respect of John’s claim for damage to dignity under the *Code*;
- The respondents agreed to pay \$15,000 as damages for the repudiation of John’s prospective employment contract;
- The site owner reinstated John’s site access privileges at its Saskatchewan worksites;
- The site owner agreed that it has an obligation under the *Code* to accommodate the disabilities of anyone working or attempting to work at one of its worksites in Saskatchewan to the point of undue hardship;
- The site owner agreed to review its policies, practices and procedures to ensure that individuals with addictions or perceived addictions are accommodated as required by law at its worksites in Saskatchewan, irrespective of whether they have a direct employment relationship with the owner;
- The site owner agreed to cooperate as required by law with the accommodation efforts of any contractors or subcontractors on its worksites in Saskatchewan; and
- The subcontractor [Company B] agreed not to enter into any contracts which could prevent them from fulfilling their duty to accommodate employees with disabilities in accordance with the *Code*.



DISCRIMINATION CASE RESOLVED IN DIRECTED MEDIATION

On December 10, 2014, Regina Police Service officers used force to detain Mr. Simon Ash-Moccasin while investigating a call. Mr. Ash-Moccasin did not match the description of the suspect in that investigation, nor was he engaged in any unlawful activity. He was subsequently released and filed a complaint alleging that the Regina Police Service discriminated against him in on the basis of his Indigenous ancestry.

The Regina Police Service did not admit to breaching the Code, but did apologize to Mr. Ash-Moccasin for how he was treated. The mediated settlement agreement placed heavy emphasis on the Regina Police Service's commitment to the Calls to Action of the Truth and Reconciliation Commission. It also ensured that the Regina Police Service would continue to train and educate its personnel to improve intercultural competency and prevent discrimination and bias in policing. Mr. Ash-Moccasin received monetary compensation as part of the mediated settlement.

PRE-HEARING CONFERENCE RESOLVES CASE

Mary*, an Aboriginal person, went to a large department store with her grandson. While departing the store with their purchases, Mary and her grandson were

In most cases, the complainant's name has been changed for anonymity. However, Mr. Simon Ash-Moccasin's complaint was publicly reported, as agreed upon by both parties.

Photo courtesy of the Regina Leader-Post

confronted by an employee who stopped them, searched her purse, and searched their bags. During this time, Mary says that non-Aboriginal customers exited the store without being subjected to questions or searches, even when the store alarm chimed.

Mary alleged that the store discriminated against her on the basis of race or perceived race.

The store agreed that Mary and her grandson were stopped while exiting the store, but denied that they were "physically restrained" or their bags "forcibly searched" as alleged. The store agreed that their employee should not have touched Mary's purse or looked inside it, but denied any discrimination.

The matter was referred to the Court of Queen's Bench. At a pre-hearing conference, the parties agreed to settle the matter without admission of liability.

NON-ACCOMMODATION OF DISABILITY LEADS TO \$30,000 SETTLEMENT

Amy*, a person with Post-Traumatic Stress Disorder, worked for an agricultural company. As a result of ongoing stress in her workplace, she informed Human Resources and her manager that she suffered from PTSD.

A couple of months later, Amy was provided a disciplinary letter by her manager, stating that she was obligated to have disclosed her disability before she was offered the job. Amy alleged she was told that the employer “didn’t need an employee with that kind of condition.”

Amy said she was told to pretend she didn’t have PTSD or choose to quit her job. Following this, Amy provided her employer with a medical note authorizing her to go on medical leave.

During this leave, the employer demanded that Amy return work items to the office, and suggested that her employment may be terminated. They demanded

responses to their correspondence within time frames that Amy was unable to meet due to her medical condition.

Amy complained that her employer discriminated against her in employment by failing to accommodate her disability to the point of undue hardship.

The employer denied the allegations, said they made their best efforts to accommodate Amy, and said that Amy failed to provide medical information to verify that she had a disability or required accommodation in the workplace.

The matter was referred to the Court of Queen’s Bench. A settlement was reached at the pre-hearing conference. Without admission of liability the employer agreed to pay Amy \$20,000 for damages to dignity. Amy also received \$10,000 in respect of legal expenses incurred in the complaint, and was given a letter verifying her employment with the agricultural company.

** Names have been changed*

FINDING LITIGATION MATTERS ON THE COMMISSION WEBSITE

During the 2018-2019 fiscal year, a new section was added to the Commission’s website that lists the complaints the Commission has referred to the Court of Queen’s Bench.

The section added to the Commission’s website allows the public to see what matters have been referred to hearing.

When a complaint is formalized, the Commission works to help parties find an appropriate and timely resolution. Most complaints are resolved through mediation. When mediation is unsuccessful, the complaint is referred to investigation to gather evidence that is then used in the complaint process.

Every year, many complaints are resolved as a result of the investigation process. However, when the parties cannot reach an agreed resolution, the investigator will present the fruits of the investigation to the Commission’s case management team.

The investigator and the Commission’s legal team meet with the Chief Commissioner to discuss the information.

The objective of this discussion is to determine whether the complaint should be dismissed, deferred, or referred to the Court of Queen’s Bench.

If, through the case management process, the Chief Commissioner feels the complaint has sufficient merit, it may be referred to the Court of Queen’s Bench for hearing.

In most cases, before a hearing takes place the parties will be directed to engage in one further mediation attempt.

In Directed Mediation, the respondent may provide a final offer of resolution. If the complainant rejects a final offer that the Chief Commissioner views as reasonable, the Chief Commissioner may dismiss the complaint.



PILLAR 2: MEDIATION



SASKATCHEWAN
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Mediation offers a collaborative, restorative, often faster, and usually less confrontational approach to resolution

Where the Commission's process has changed most notably in the past decade is in the refocused use of mediation to achieve appropriate case resolution.

Mediation is aligned with a restorative justice approach.

Widely used in Indigenous communities in Canada, Australia, and New Zealand, this approach to justice is based on restoring and maintaining harmony. Best case outcomes include community building and mutual understanding.



MEDIATION

The Commission's mediation model invites party-driven resolution as an alternative to more expensive, confrontational, and time-consuming litigation. Parties are better able to tailor resolution to their own needs. Power imbalances are managed by the Commission without bias. There is no predetermined or expected outcome in mediation – save for the cooperative and respectful exchange of information. Prior to 2011, mediation had been an optional step in the Commission resolution process. After *The Saskatchewan Human Rights Code Amendment Act, 2010* was proclaimed, however, mediation was embraced as a usual and necessary early step in the complaint process. Putting a priority on mediation has diminished the need for investigation and significantly decreased the number of court hearings which, in turn, has reduced costs and improved complaint timelines.

FAMILY STATUS CASE RESOLVED

Marg* was a part-time night stocker for a large retailer. She was married and had a child at home. After just a few days of employment, management learned that Marg's child was unsupervised at home for about 90 minutes each morning. Management suggested that Marg reduce her workload by two hours a shift so she could be at home with her child until her husband returned from work. Marg thought that was a great idea.

Several months later, there was friction between Marg and her immediate supervisor, and the supervisor told Marg she would have to go back to working full shifts.

Marg protested to the supervisor and to senior management about what this would mean for childcare, but to no avail. That evening, after she left work at her regular time, Marg received a termination notice. She also received 4 weeks of severance.

Marg filed a complaint with the Saskatchewan Human Rights Commission. She believed her employer had discriminated against her on the basis of family status.

The matter was resolved in mediation. It was agreed that the friction between her and the immediate supervisor should have been resolved in a much better way, and that altering her hours so that her child would be unsupervised at home was not appropriate. The employer offered to compensate Marg for damage to dignity.

Marg accepted the offer and the file was closed.

MEDIATION RESOLVES MENTAL HEALTH CASE

Alice* was a long-term employee at a local business. She had been diagnosed with anxiety and depression, and was receiving medical treatment. Alice provided her employer with documentation substantiating her mental health issues and, for awhile, Alice's condition did not affect her work performance.

But when a series of personal and professional troubles arose, the stress and burn out began to weigh heavily on Alice. She began missing shifts and eventually had to take a medical leave from work.

While on leave, Alice's employment with the company was terminated.

Alice filed a complaint with the Saskatchewan Human Rights Commission. She believed the company had failed to accommodate for her illness and had discriminated against her on the basis of her illness.

The matter was resolved in mediation. The company offered to compensate Alice's lost income as well as compensate her for damages to dignity. Alice accepted the offer and the file was closed.

WOMAN DONATES SETTLEMENT FUNDS

Jocelyn* and her family went to a restaurant near their home for supper. Jocelyn is partially-sighted so they brought along her service dog Rusty*.

The family was looking forward to having an evening out together, but when they arrived at the restaurant they were denied entry because company policy did not permit pets in the establishment.

Jocelyn explained to a staff member that Rusty was a service animal and that denying her family entry to the restaurant because of the dog would be a violation of *The Saskatchewan Human Rights Code*.

Uncertain about what to do, the staff member called the restaurant's manager. After the call, the staff member reiterated that company policy did not allow animals in the restaurant.

Frustrated by the situation, the family left the restaurant.

Not only was Jocelyn upset that her service dog wasn't allowed in the restaurant, she was also concerned with the impact the incident had on her children. After the incident, her children became stressed about going to other restaurants and worried about being embarrassed in front of other patrons. So Jocelyn filed a complaint

with the Saskatchewan Human Rights Commission.

She believed the actions of the restaurant's staff constituted discrimination on the basis of disability, contrary to section 12 of *The Saskatchewan Human Rights Code*.

Her complaint was formalized and sent to the SHRC's mediation process.

Prior to mediation, the restaurant called Jocelyn to apologize for the incident and made sure it provided training to all its employees.

During mediation, the restaurant issued a formal apology and committed to including the perspective of people with disabilities in future training. It was also agreed that Jocelyn would receive a payment for damage to dignity.

Instead of keeping the money for herself, Jocelyn donated the settlement funds to the Canadian National Institute for the Blind.

**Names have been changed.*



PRE-COMPLAINT RESOLUTION



In 2012, the Commission began encouraging parties to resolve their differences before formal documents were written or exchanged. This is called pre-complaint resolution.

As the point of first contact with a complainant, the Commission's intake consultants are well-placed to seek an opportunity for a timely resolution that may not require a complaint to be formalized. In these situations, the intake consultant has the authority to help the parties reach an early resolution.

The pre-complaint process is for time sensitive complaints that can usually be resolved fairly quickly, sometimes within 24 hours of being brought to the attention of the Commission.

During the pre-complaint process, intake consultants have a duty to remain neutral – informing both parties to the complaint in an unbiased manner. This impartiality helps set the stage for productive conversations. A defensive environment is never the right one for resolution.

In pre-complaint, communication is key. It can help educate and bring about effective resolutions. Often, when the Code is clarified and explained, agreements are made and resolution is achieved.

SWIFT RESOLUTION IN BEAUTY SALON CASE

Mike* and his wife Katie* went to a beauty salon to get their eyebrows threaded — a hair removal technique involving the use of a thin cotton or polyester thread.

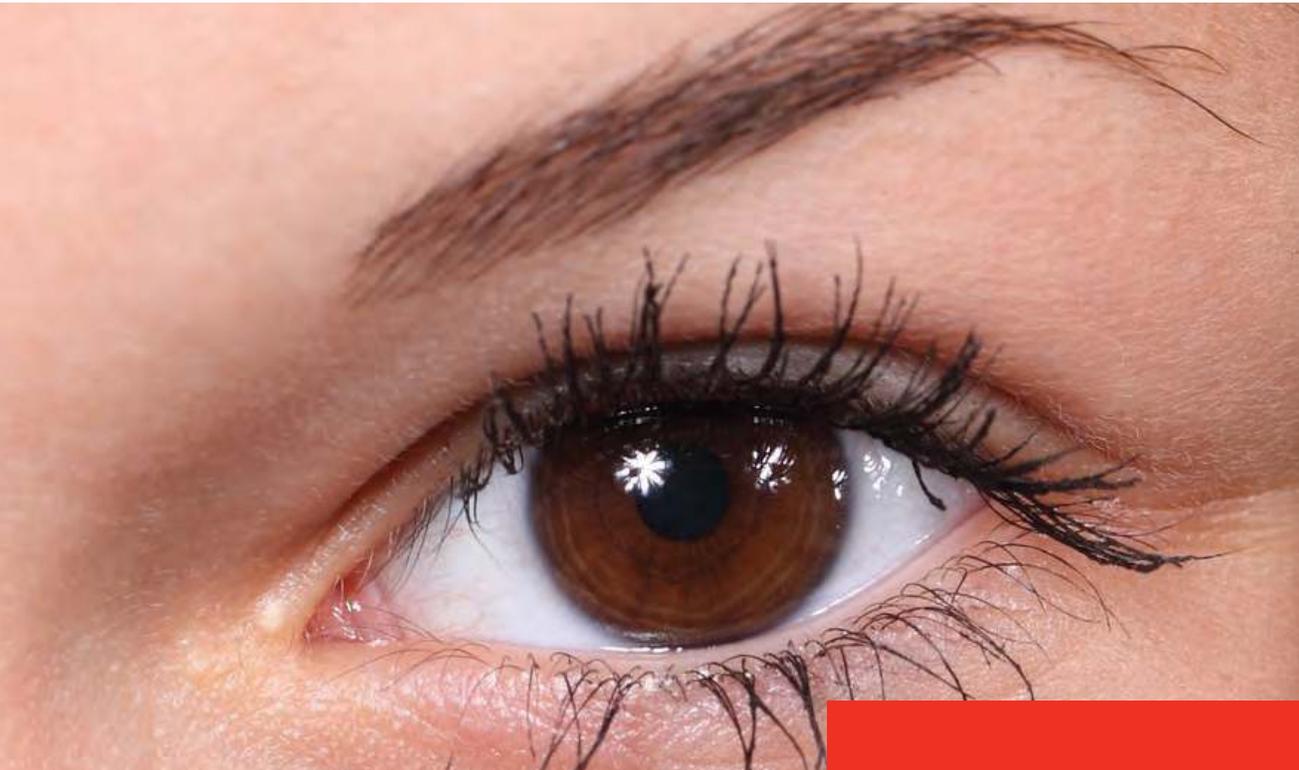
Katie had her eyebrows done first. When her threading was finished, she told an employee at the salon that her husband wanted his eyebrows done too and asked to have both services put on the same bill.

The employee informed Katie that the salon didn't do men's eyebrows. This caught both Katie and Mike off guard, and they left the salon.

Later, at home, they called the salon to address the issue. When they didn't receive a reply, Katie contacted the Saskatchewan Human Rights Commission believing the salon's actions constituted discrimination on the basis of sex.

An intake consultant spoke to both the salon owner and Katie, detailing the Commission's resolution process and explaining how a situation like this might benefit from the Commission's pre-complaint process.

Being relatively new to Canada, the salon owner admitted he was not fully knowledgeable about the province's laws and expressed the desire to resolve the situation as quickly as possible.



He offered an apology, a \$150 gift certificate, and invited Katie and Mike back to his salon for a better experience. They were happy with this.

DISCRIMINATORY RENTAL ADVERTISEMENT QUICKLY RESOLVED

Fred* contacted the Saskatchewan Human Rights Commission about an advertisement he'd seen on Kijiji. The ad was for a rental property in which the landlord was looking for someone who would keep the place clean and who didn't smoke. Near the end of the ad, the landlord included the condition that he didn't "want anybody on ASSISTANCE."

Fred felt this discriminated against people who receive public assistance, so he emailed the Commission voicing his concerns. The email was sent to an intake officer who, after reviewing the ad, noticed the landlord's phone number at the bottom. The intake consultant decided to pursue a pre-complaint resolution. He called Fred to discuss his complaint and to obtain more information, then called the landlord.

The landlord said he'd included the "nobody on assistance" condition because he had bad experiences with tenants not paying rent and damaging his property. The intake consultant informed him that *The Saskatchewan Human Rights Code* prohibits

440
**matters were resolved at
 intake during the 2018-2019
 fiscal year**

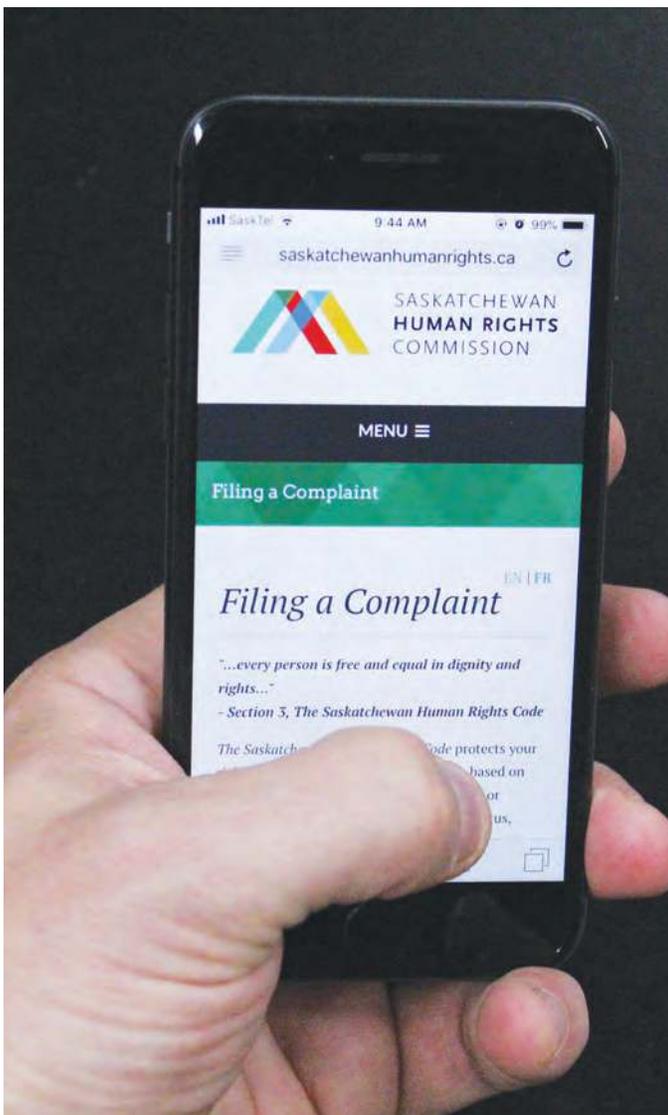
discrimination against people who are in receipt of public assistance.

The landlord understood. He said he would remove all words in the ad that may be discriminatory, especially the part that read: "Don't want anybody on ASSISTANCE."

When informed about this, Fred was happy with the outcome and was surprised at how quickly his concerns were addressed. Nothing more needed to be done.

** Names have been changed.*

FINDING INFORMATION ABOUT THE COMPLAINT PROCESS ON THE COMMISSION'S WEBSITE



The Commission's website provides the public with access to information and education resources pertaining to human rights in Saskatchewan.

These resources include: access to *The Saskatchewan Human Rights Code, 2018*; an updated screening tool; public reports; Commission policies; news releases; public statements issued by the Commission; fact sheets; recent complaint resolutions; and more.

During this past fiscal year, the Commission website received, on average, 278.5 page views per day. Of the 44,681 people who visited the site, 32,015 of those were new visitors.

There were also a number of additions to the website intended to make it more informative and easier to navigate.

ARE YOU IN THE RIGHT PLACE?

In order for the Commission to accept a complaint, the alleged facts must support a reasonable inference that *The Saskatchewan Human Rights Code* has been violated. If, after careful consideration, the evidence provided is insufficient to establish adverse treatment or discrimination based on any prohibited ground, the Commission cannot accept the complaint.

Other reasons a complaint may not be accepted include: lack of jurisdiction, it is outside the time allowed in which to file a complaint, or the complaint is within the jurisdiction of other outside agencies.

In 2009-2010, 173 files were opened by the Commission. Ten years later, in 2018-2019, 518 complaints were received.

To help deal with the steadily growing number of complaints, a screening tool was created for the Commission's website. This screening tool was devised to help people self-assess a potential complaint and determine if they are in the right place.

To do this, the person is asked two initial questions:

1. Did I experience discrimination or harassment based on one of the characteristics protected under the Code?
2. Did the incident occur in a "public" area?

All of the protected characteristics and public areas under the Code are listed.

If the person answers no to either (or both) questions they are advised that the Commission cannot accept their complaint.

If they answer yes to both, however, they are then asked a series of questions to ensure their complaint is timely and within the jurisdiction of the Commission.

If a person has been terminated from their job, harassed at work, or mistreated at work (but incidents are not linked to a protected characteristic), they will be directed via hyperlink to the agency that can best respond to their situation. The same is true if the person has a complaint about police conduct, or involves the federal government or a federally regulated industry.

Once a person has established there might be reasonable grounds for the Commission to accept their complaint, they are directed to a section of the website that explains How to File a Complaint.

BY THE NUMBERS

Total number of new complaints received in 2018/19



518

Percent increase in files opened compared to the previous year



5.5%

Complaints formalized



127

Business line inquiries



467

Number of employment-related complaints formalized



107

Number of disability-related complaints formalized



82

Number of files closed in 2018/2019



565

Total number telephone and email inquiries



1,374

**Table 1: Summary of Complaints Formalized
April 1, 2018 to March 31, 2019 by Grounds¹ and Category**

**Total number of
new complaints
in 2018/2019:**

518

**Total number of
complaints formalized
in 2018/2019:**

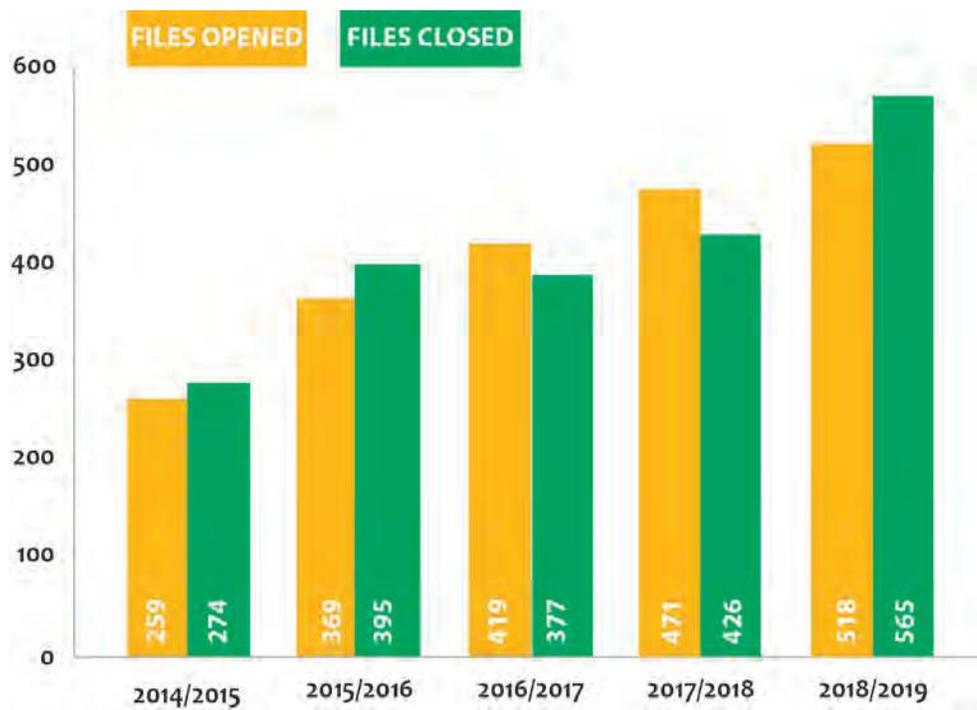
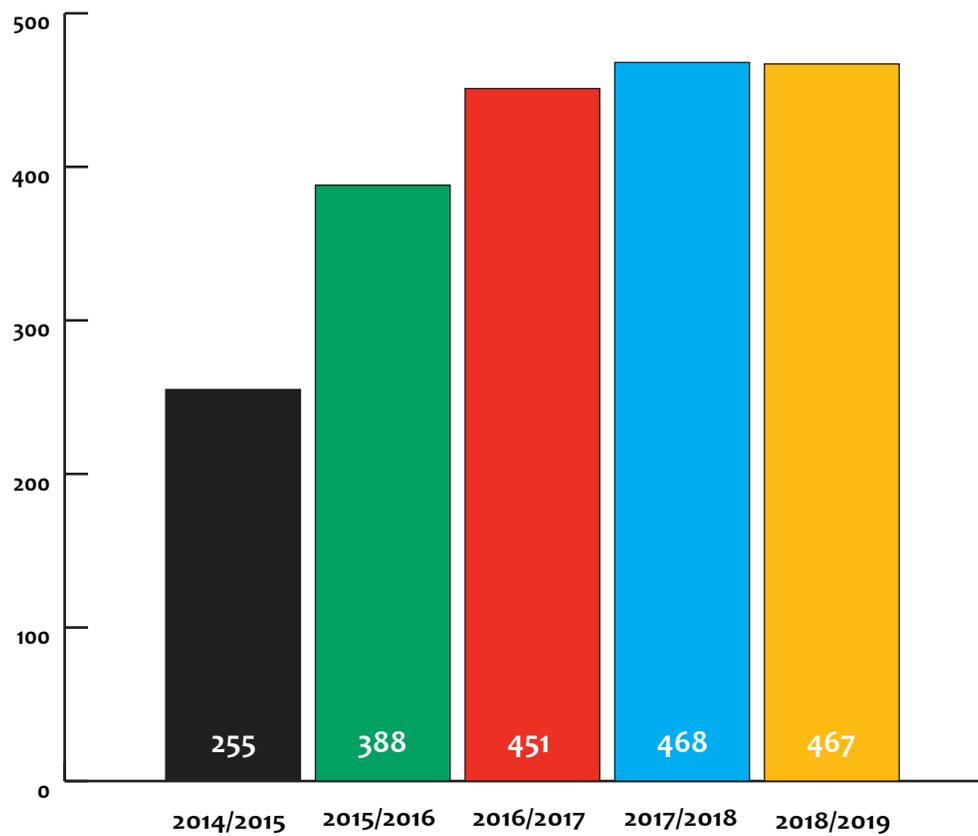
127

CATEGORY	Age	Aboriginal Ancestry	Other Ancestry ²	Marital Status	Disability	Religion / Creed	Sexual Harassment	Sex / Gender / Other	Sex / Pregnancy	Family Status	Sexual Orientation	Public Assistance	Total Grounds	Grounds Cited
	Education	0	0	0	0	1	0	0	0	0	0	0	0	1
Employment	15	1	6	1	71	2	10	5	13	10	2	0	136	87.2%
Housing	0	1	0	0	3	1	0	0	0	0	0	0	5	3.2%
Public Services	1	2	3	0	8	0	0	0	0	0	0	0	14	9.0%
TOTAL GROUNDS	16	4	9	1	83	3	10	5	13	10	2	0	156¹	100%
% Grounds Cited	10.3%	2.6%	5.8%	0.6%	53.2%	1.9%	6.4%	3.2%	8.3%	6.4%	1.3%	0%		
% Total Complaints	12.6%	3.1%	7.1%	0.8%	65.4%	2.4%	7.9%	3.9%	10.2%	7.9%	1.6%	0%		

Notes:

¹ Some complaints allege several grounds of discrimination. For this reason, the total number of grounds cited (156) exceeds the total number of complaints formalized (127).

² Other Ancestry includes colour, nationality, place of origin, race, and perceived race.

Table 2: Files Opened and Closed**Table 3: Business Line Inquiries**

101,654

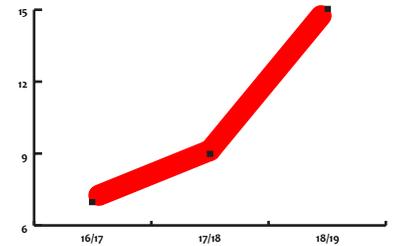
page views on the
Commission's website in
2018-2019

18.1%

of complaints formalized
alleged discrimination
based on pregnancy or
sexual harassment

12.6%

of formalized complaints
alleged age-based
discrimination. This has been
steadily increasing over the past
three years.



In 2018-2019, the number of formalized
complaints related to disability increased by

28%

The Saskatchewan
Human Rights
Commission closed

37%

more files in 2018/19
than it did during the
2017/18 fiscal year

428

followers on Instagram

44,681

visits to the SHRC
website during the
2018-2019 fiscal year

3,518

files have been closed by the Commission
over the past decade

Approximately

2/3

of complaints
formalized in 2018-2019
involved the failure
to accommodate
disability.

392

Facebook
followers

67%

decrease in
formalized complaints
alleging religious
discrimination

229

 Twitter
followers

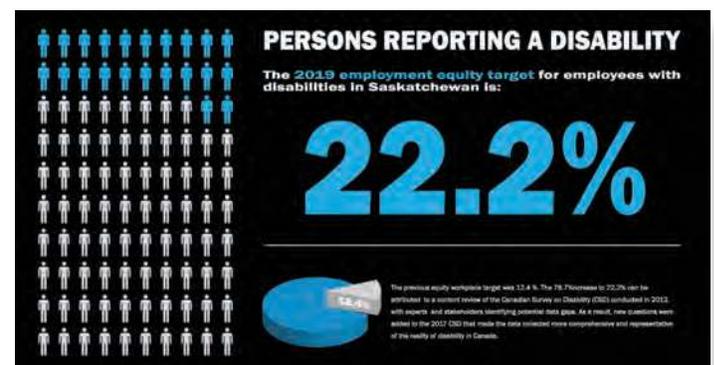
\$2,383,000

The Commission's 2018-2019 approved budget

EMPLOYMENT EQUITY TARGETS

The Saskatchewan Human Rights Commission is pleased to provide businesses, employers, and all interested stakeholders with the latest employment targets for four designated equity groups. These targets reflect the ideal workforce representation of visible minorities, Aboriginal persons, people with disabilities, and women in underrepresented occupations. In turn, these metrics are a benchmark for employers to evaluate their efforts to recruit and retain employees in the four equity groups. Expressed as percentages of the Saskatchewan population, the targets are informed by Statistics Canada’s 2016 Census and prepared with the assistance of the Saskatchewan Bureau of Statistics.

Every workplace should strive to create a representative for each of the target groups across the range of jobs and roles within its workforce. It is not sufficient to meet equity targets through the employment of equity group members in entry level positions only. Over time, the recruitment, retention, and promotion of employees within an organization should reflect the true picture of diversity in our society.





In December, 2017, the Saskatchewan Human Rights Commission launched its social media strategy.

The 2018-19 fiscal year was the strategy's first full year of operation.

Over the past year, the Commission's social media pages have been steadily growing and improving.

Posts from the Commission's Facebook page reached just over 270,000 people during the past fiscal year. On average, approximately 22 new people follow the page per month.

Tweets from the Commission's Twitter account receive close to 8,000 views, on average, per month. Over the past fiscal year, an average of 12.5 new people followed the account every 28 days.

The Instagram account has 428 followers.

Moving forward, the Commission intends to increase the use of social media to help fulfill its mandate.



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Bychuk
Solutions



SAFEBUS

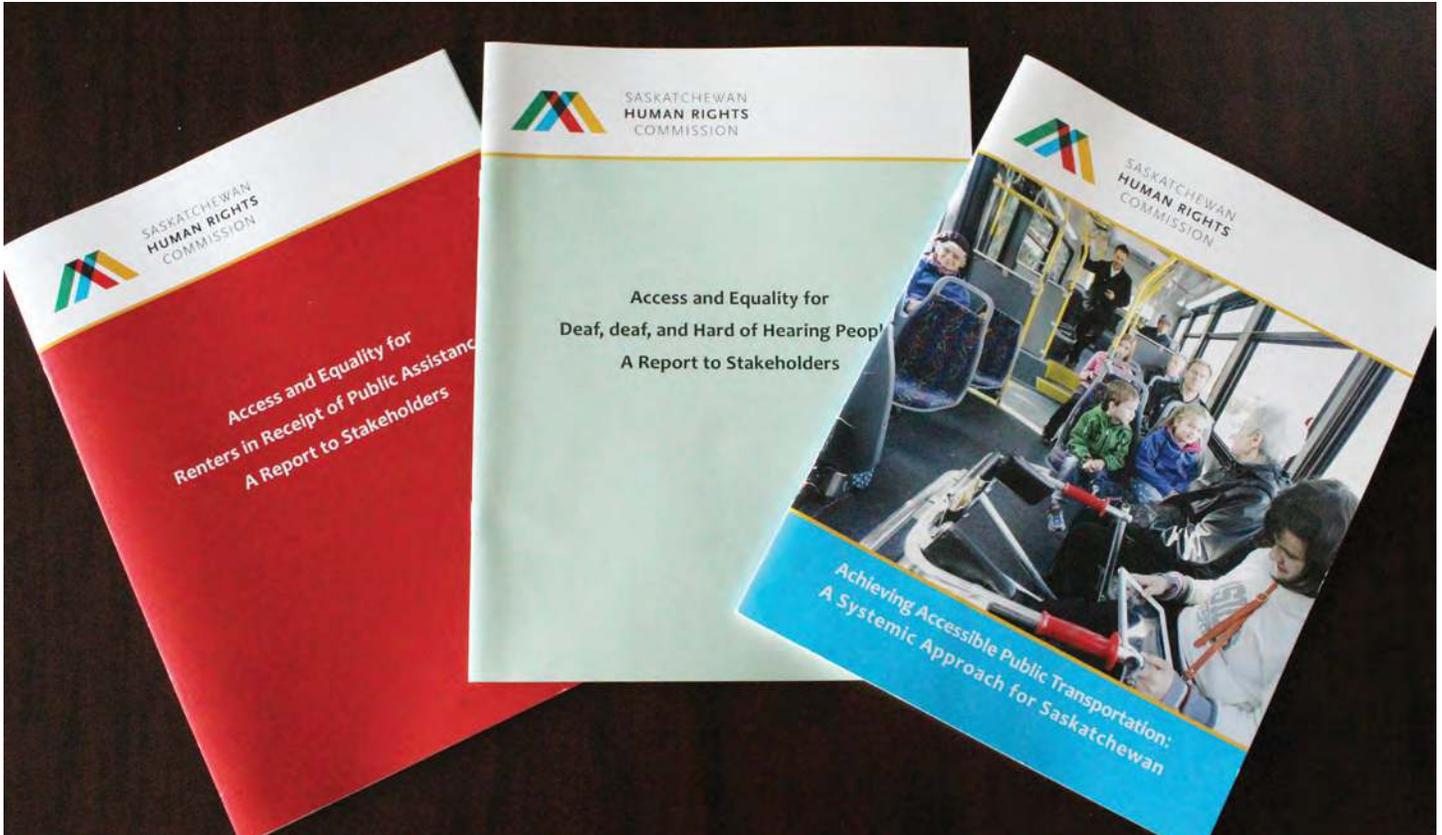
PILLAR 3: SYSTEMIC ADVOCACY



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When groups of people in Saskatchewan face a similar issue of discrimination that falls under *The Saskatchewan Human Rights Code*, the Commission may be able to address those concerns systemically. Systemic advocacy addresses discrimination that is known to, or has the potential to, affect groups of people based on protected grounds.

Since the *Code* was amended in 2011 to allow for the Commission to operationalize new approaches and implement best practices, it has put significant emphasis on its systemic advocacy initiatives – often with dramatic results.



The Saskatchewan Human Rights Commission uses systemic advocacy to attack discrimination at its roots, and to provide remedial action against systemic discrimination. It is an efficient and cost-effective approach that benefits large numbers of people in affected groups.



ACCESSIBLE TRANSPORTATION

REGINA

In the fall of 2012, the Saskatchewan Human Rights Commission received intake inquiries about perceived systemic discrimination relating to transportation services provided to persons with disabilities in the City of Regina.

In order to determine the scope of these concerns, the Commission consulted with individuals and stakeholder organizations in the community.

Those efforts resulted in “Achieving Equivalent, Comparable, and Accessible Public Transportation in the City of Regina: A Report to Stakeholders.”

This report, published in 2013, recommended change in five broad areas of concern: transit/paratransit, taxi services, barrier free access, training, and compliance with *The Saskatchewan Human Rights Code*.

In May 2013, stakeholder organizations, the City of Regina, and the Commission agreed to work together to find constructive ways to address the broad areas of concern.

An advisory committee was established and the participants met on a regular basis to consider actions that would address specific issues. Sub-committees were tasked with writing possible solutions for the five areas of concern.

One year later, the advisory committee prepared a consolidated report of the work of the sub-committees.

This report provided 19 specific actions to help improve transportation for people with disabilities in the City of Regina over the next four years. At present:

- The City of Regina continues to work towards complying with the recommendations from the committee.
- All transit and paratransit staff receive sensitivity, securement (i.e. secure anchoring of wheelchairs), and customer service training.
- The conventional transit fleet is entirely low floor accessible.
- A third party complaint procedure has been developed, allowing stakeholder groups to support individuals in the reporting incidents.
- A securement monitoring service has been developed.

Commission staff also assisted in the development of a taxi-cab bylaw relating to persons with disabilities. As a result of this work, there is now:

- A vehicle age limit on accessible vehicles within the taxi fleet;
- Elimination of a differential drop rate;
- Elimination of an additional charge for animal services;
- 24/7 service for accessible taxi cabs; and
- An increase in the number of accessible taxis.

SASKATOON

Since 2009, the Commission has collaborated with the City of Saskatoon on a variety of transportation and public accessibility initiatives.

In 2015, the Commission was asked for feedback on the City’s efforts to provide automated and visual bus announcements – technology that enables passengers with disabilities to either hear and/or see transit stop information.

The latest iteration of the technology used in Saskatoon allows quick and responsive change to the announcements, and for specific street names to be entered phonetically for correct pronunciation. Changes to the text-to-speech technology now work in tandem with GPS technology.

On August 17, 2017, a Commission representative attended a demonstration/ride along test of the new technology. Community stakeholders included the Saskatoon Council on Aging (SCOA), the Alliance of Blind Canadians, the CNIB, and the Bus Riders of Saskatoon advocacy group.

Throughout the ride-along community members provided feedback to City officials, particularly on volume levels of the announcements and clarity of the speech (for those who use English as an additional language).

On March 28, 2019, Saskatoon Transit announced it had finished transitioning to provide a fully accessible transit system for the City of Saskatoon. Fifty buses were purchased. Of those, 41 were accessible low-floor conventional buses, 9 were specialized buses with wheelchair lifts for Access Transit, and 4 were additional Access Transit buses. Chief Commissioner Arnot welcomed the announcement at a press conference hosted by Saskatchewan Transit, saying:

“This is a step in the right direction. Accessible transportation is a building block for a fair, inclusive and equitable society ... By removing barriers to transportation, we enable access to education and employment as well as to the services, opportunities and benefits of living in a thriving, multicultural and pluralistic city like Saskatoon.”

PARATRANSIT

In 2016, the Commission met with provincial paratransit service providers during their annual meeting. At that event, 5 targets for equitable service were presented. These guidelines received initial support and were later improved by incorporating feedback from service providers.

A revised version of the standards was circulated to all 78 recipients of the Transit Assistance for People with Disabilities (TAPD) program. Feedback on compliance was received from approximately 20% of the municipalities. The majority of these municipalities reported they were fully compliant; others reported partial compliance but indicated that steps were being taken towards full compliance.

As part of the feedback process, TAPD representatives offered statistical information that provided context for the standards. The information included the number of properties that are part of the TAPD program, fleet size, and total number of accessible units active within the province. It is anticipated that municipalities and/or service providers will adopt the standards for their paratransit service. As municipalities and service providers begin to use the guidelines for identifying and tracking trip denials, they can begin to identify and implement any necessary adjustments to their paratransit services to reach the goal of accommodating 99% of service requests. The standards will also provide a benchmark for accessible transportation throughout the province.

The Saskatchewan Human Rights Commission will use these guidelines when assessing the provision of accessible public transportation.

ACCESSIBLE PEDESTRIAN SIGNALS

Accessible Pedestrian Signals (APS) are an ongoing priority in both Saskatoon and Regina. These signals provide a means for people with disabilities, and in particular those with visual impairments, to judge when it is safe to cross an intersection.

In Saskatoon, City representatives agreed to retrofit a minimum of 6 signals each year until the City is completely APS compliant. New traffic signal installations that direct pedestrians will automatically be fitted with APS. Currently, there are over 100 APS signals functioning in Saskatoon.

The City of Regina currently has 69 intersections equipped with APS. As part of its vision to be an inclusive and accessible community, the City is committed to retrofitting 6 signalized intersections with APS each year. Any newly signalized intersections with pedestrian access are automatically installed with APS.



DEAF AND HARD OF HEARING

Following a comprehensive consultation with members of the D/deaf and Hard of Hearing (D/dHoH) community, the Commission published “Access and Equality for Deaf, deaf, and Hard of Hearing People: A Report to Stakeholders” in May 2016. After the report was published, the Commission along with community stakeholders, created the D/deaf and Hard of Hearing Stakeholder Advisory Committee in December 2016.

The group discussed priorities for research and action. Primary discussions focused on the need for early detection and assistance, the needs of children in schools, and the transition from schools. Later in the fiscal year, the committee agreed to focus on issues related to, and the needs of, Pre-Kindergarten children.



UNIVERSAL NEWBORN SCREENING

As part of the April 10, 2018 provincial budget, the Government of Saskatchewan announced an investment of more than \$520,000 for a new program to ensure that babies born in Saskatchewan hospitals are screened for hearing loss.

This investment in Saskatchewan's future generations came as a direct result of the collaborative work of the Ministry of Health and the Saskatchewan Human Rights Commission's systemic advocacy committee. The committee was established in response to the D/deaf and Hard of Hearing systemic initiative, and the Commission's public consultation report, "Access and Equality for Deaf, deaf, and Hard of Hearing People: A Report to Stakeholders", which heard it was "important to implement universal newborn screening for hearing disabilities."

"This newborn screening program is a first-of-its-kind support for families with D/deaf and hard of hearing children in our province," said Chief Commissioner Arnot. "It also represents the power of cooperation on systemic issues facing people with disabilities."

The investment has the power to positively affect all newborn children in our province.

The benefit to each child who is accurately diagnosed, over the course of their lifetime, will amplify this investment and the impact of this systemic resolution.

"This is one of the largest single outcomes achieved by a systemic initiative to date," said Chief Commissioner Arnot. "It would not have been possible without the dedication of government representatives, stakeholders, organizations, and individuals who have worked to address the concerns of people who are D/deaf and hard of hearing."

EARLY LEARNING PROGRAM

On November 23, 2018, the "Children Communicating, Connecting, and in Community" early learning program was officially launched at the St. Therese Lisieux Catholic School in Saskatoon.

Designed for children who are deaf and hard of hearing, as well as for children connected to the deaf and hard of hearing community, the program can accommodate up to 16 students in both the City of Saskatoon as well as the City of Regina.

It provides access to early educational intervention for children who are deaf and hard of hearing in order

to help reduce barriers when communicating within families, with other children, and with other people in their community.

In Saskatoon, the program is operated by Saskatchewan Deaf and Hard of Hearing Services. In Regina, it is operated by the Regina Public School Division.

This early learning program is a result of the collaborative work between the Ministry of Education and the Saskatchewan Human Rights Commission's D/deaf and Hard of Hearing systemic advocacy committee.

"This is an inclusive program that will help more children in this province achieve their full potential," said Chief Commissioner Arnot.

"It is also a testament to the power of cooperation and the importance of systemic advocacy. The Ministry of Education, together with the program operators, concerned parents, and all other stakeholders on the committee have worked to find a solution that helps make our province a better, more equitable place."

DISCRIMINATION IN HOUSING

In response to inquiries received from advocates working with renters receiving public assistance in Saskatoon, the Saskatchewan Human Rights Commission launched a systemic advocacy initiative to address discrimination in housing.

Advocates from multiple agencies told the Commission their clients were facing a multitude of issues. These issues included: discriminatory advertising for rental accommodation; landlords refusing to rent to people in receipt of public assistance; and income or damage deposit requirements that, in effect, prohibit those in receipt of public assistance from obtaining housing.

People in these situations are especially vulnerable to becoming homeless if they are evicted, so they are often hesitant to complain on an individual basis.

Working with several community organizations, the Commission hosted four public consultations and heard from dozens of renters affected by discrimination, as well as several agencies working with this population. People spoke of their lack of affordable housing options, the inadequacy of some of the available rental accommodations, and policy barriers to securing and maintaining housing, as well as direct discrimination by landlords.

In May, 2018, the Commission released a comprehensive, 40-page report called, "Access and Equality for Renters in Receipt of Public Assistance: A Report to Stakeholders."



The report addressed the discrimination and inequity experienced by people with disabilities, Indigenous persons, and people marginalized by mental health and addiction issues.

The extensive public consultation processes that informed the report identified seven key issues that need to be addressed:

1. Increase Awareness of Rights and Responsibilities
2. Improve System Navigation
3. Address the Disparity between Public Assistance and Market Rent
4. Improve Supports for those with Addictions and Mental Health Problems
5. Accessible Complaint Resolution Process
6. Licensing to Improve Property Maintenance and Pest Control
7. Planning Affordable Housing



Some other systemic initiatives the Commission has been involved in over the years include:

ACCESSIBLE WASTE COLLECTION

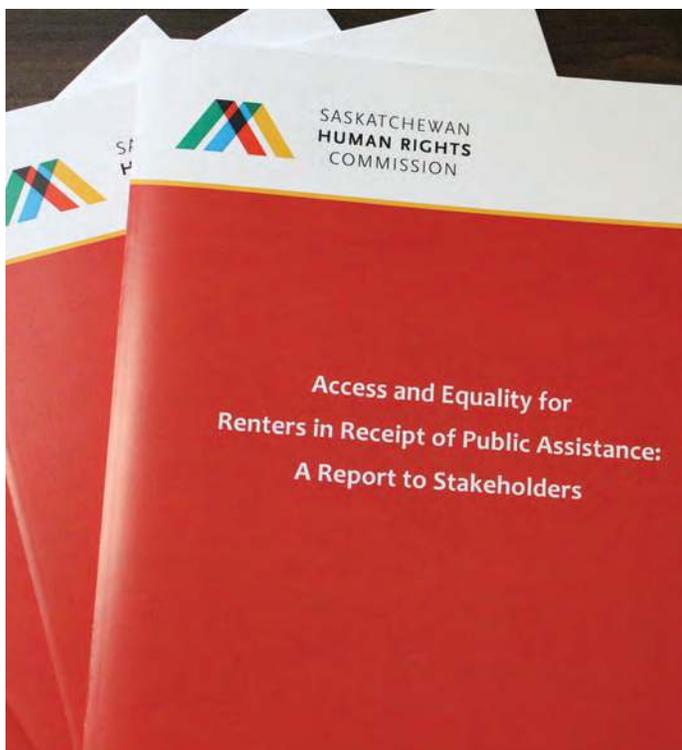
In 2007, the City of Saskatoon established a special needs garbage collection program.

The Commission attended the consultation event and emphasized the importance of offering the service in an equitable manner to residents who require this assistance because of age or disability.

DISABILITY SERVICES ALLIANCE (DSA)

The Commission acted as a catalyst for the formation of the DSA – a network of community-based organizations that provide services to people with disabilities.

The DSA aims to conduct community-based research in Northern communities, increase availability of services to people with disabilities in Northern Saskatchewan, and provide education about the rights and needs of people with disabilities.



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BARRIER FREE

Every year a significant percentage of complaints received by the Saskatchewan Human Rights Commission involve disability. Most of these complaints are related to employment and accessibility accommodation in the workplace.

At the same time, the Commission receives regular complaints about general inaccessibility, limited access to services, and negative attitudes towards people with disabilities.

On May 14, 2018 Commission staff met with the members of Barrier Free Saskatchewan (BFS) to discuss the next steps in addressing accessibility issues in the built environment.

Officials with the Building Standards and Licensing Branch attended this meeting. BFS, Building Standards, and the Commission engaged in a back and forth dialogue. Building Standards is preparing a guide to building accessible environments based on the National Building Code and CSA standards.

The Commission's systemic advocacy team is currently preparing its fourth major report which will help stakeholders understand the issues related to removing barriers to accessibility in the built environment.

Capturing the perspective of those with lived experience, advocates, local and provincial officials is nearing completion. Extracting relevant portions of the voluminous research on this issue, and relating it to the Saskatchewan context, is also underway.

The Commission worked closely with the Building Standards and Licensing Branch to produce a document that summarizes the National Building Code.

The summary helps builders, owners, and local authorities (i.e., municipalities) understand the disability-related aspects of national building codes.

Building Standards has prepared a second draft of their accessibility summary and anticipates presenting this document to a cross-section of their stakeholders in April 2019.

MOSAIC STADIUM ACCESSIBILITY

The Saskatchewan Roughriders' new home, Mosaic Stadium, is a positive example of accessibility in Canada.

Prior to Mosaic's grand opening, the Saskatchewan Human Rights Commission heard from individuals and stakeholders concerned about the potential accessibility of the stadium.

In response, the Commission reached out to the City of Regina to provide assistance, to give advice pertaining to building accessibility, and to see what could be done to improve the facility in order to make it accessible and inclusive for everyone.

Several meetings and discussions followed.

On August 31, 2016, a representative of the Commission attended an all-day "Substantial Completion Meeting" arranged by the Regina Revitalization Initiative.

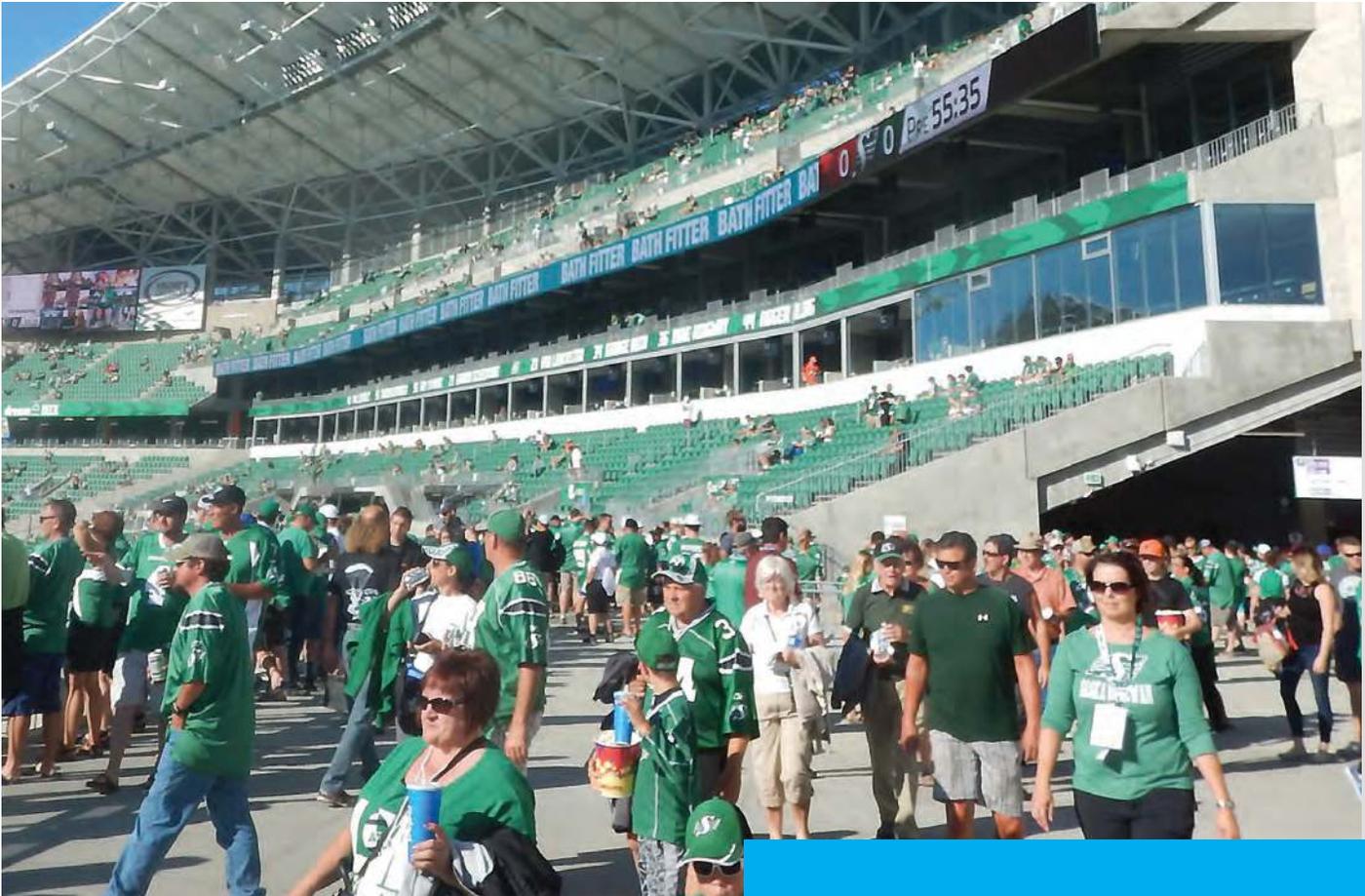
During this event, tours of the stadium features were highlighted including bathroom accessibility, elevators, signage, concessions, corporate boxes, accessible seating, etc.

As part of the completion of the stadium project, 3 test events were held. One event was a university football game, another was a concert. The third event held at the new stadium was a CFL preseason game. During each event, City of Regina officials sought feedback from attendees about existing accessibility features.

Throughout these testing events, City officials remained in contact with the Commission and with community stakeholders, obtaining feedback and suggestions on proposed improvements.

Some of the impressive initial features of the stadium included:

- Number of charge stations with accessible seating: 18 power boxes with 4 outlets on each box = 72 total power outlets.
- Number of power-assisted doors: 31.
- Visual aids (Braille): All room signage and every elevator had braille.
- Listening devices: 4 guest service stations where devices could be obtained.
- Tactile Way Finding: Tactile way finding strips led to all main entrance gates and 3 elevator lobbies. Tactile panels had also been installed at all pedestrian ramps.
- Elevators: 9 had power doors, braille, and audible signals.



Following feedback from meetings and the test events, improvements were made.

These improvements included:

- All 9 of the inclusive washrooms in the stadium were equipped with power-assisted doors. These are the 9 stand-alone inclusive restrooms that are available, above and beyond, the standard washrooms available to the public.
- A new signage package was implemented. The new package was much more attentive to details like overall size of signage, placement, size of lettering, colour contrast, etc. It also focused on strategic placement in key areas throughout the stadium.
- A power roof lift system and powered adult change table.
- The initial plan was to have 150 accessible parking spots, but after consultation there are currently 90 spots confirmed on the west side of the stadium and 75 spots confirmed on the east.
- In collaboration with the Saskatchewan Roughriders and Evraz, the City of Regina facilitated the development of an accessibility brochure to highlight important accessibility areas/features in the stadium.

“Mosaic Stadium became a reality through the vision and cooperation of various stakeholders being motivated by a common goal. We are fortunate to have a stadium of this quality in our city and province. Ensuring all people are able to attend various events and freely move around the facility was a high priority.”

- Roughriders President & CEO Craig Reynolds

PROVINCIAL STRATEGIES



The Saskatchewan Human Rights Commission has a long tradition of working with the Government of Saskatchewan to promote, protect, and advance human rights in this province.

Since 2009, the Commission has used its renewed mandate to help bring a human rights lens to a variety of wide-ranging and far-reaching provincial strategies through consultation, collaboration, and recommendations.

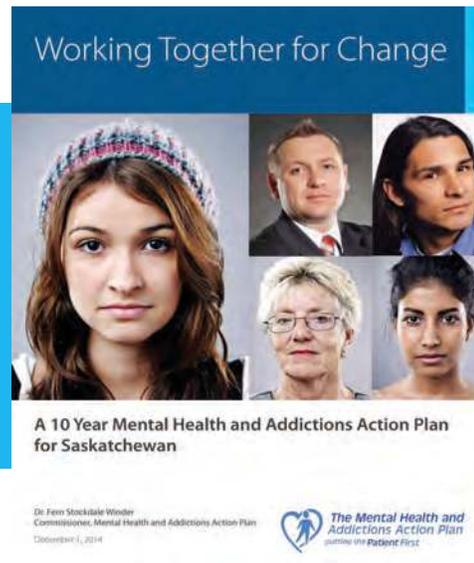
ANTI-BULLYING

In February, 2013, the Premier of Saskatchewan appointed the MLA of Saskatoon Fairview, Jennifer Campeau, as the Legislative Secretary to the Minister of Education responsible for the province's new anti-bullying initiative.

After hearing from more than 1,000 Saskatchewan residents, gaining knowledge through extensive research, and consulting with numerous organizations throughout the province – including the Saskatchewan Human Rights Commission – the Legislative Secretary proposed six key recommendations to address bullying and cyberbullying in Saskatchewan.

In order for the government to act on these recommendations, the Legislative Secretary proposed “Saskatchewan’s Action Plan to Address Bullying and Cyberbullying.”

On November 14, 2013 the Ministry of Education published the plan.



MENTAL HEALTH AND ADDICTIONS

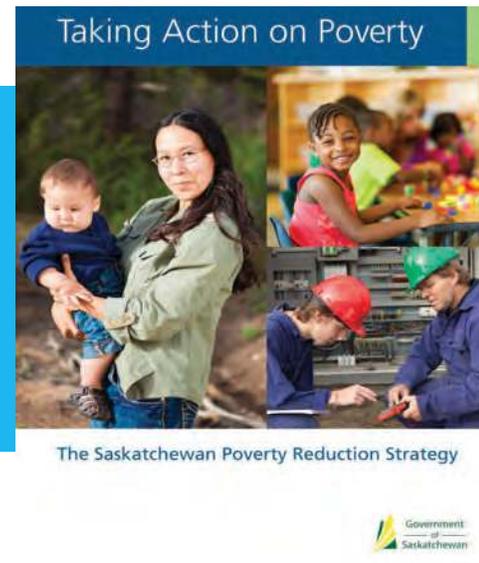
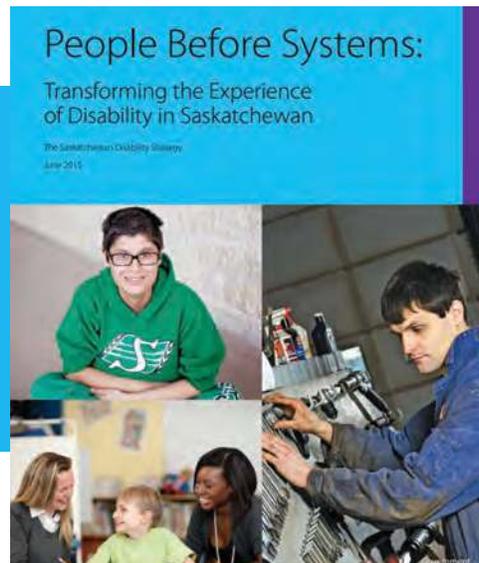
On December 1, 2014, Dr. Fern Stockdale Winder submitted her report – “Working Together for Change: A 10-Year Mental Health and Addictions Plan for Saskatchewan” – to the provincial government.

This report was the culmination of extensive public consultations carried out across the province. Consultations included an online and paper-based questionnaire, focus groups, stakeholder meetings, position papers from key groups, and a number of stakeholder engagement sessions.

As part of the consultation process the Saskatchewan Human Rights Commission met with Dr. Stockdale Winder to discuss mental health and addictions within both a human rights and educational context. In her report, Dr. Stockdale Winder recommended an increased awareness of mental health and addictions issues in children and youth through schools, including development of skills for lifelong emotional and social health.

In her recommendations, Dr. Stockdale Winder also stated:

“Well-being for everyone can be improved by teaching about the need for respect and the mutual responsibilities we have for each other. A promising effort in this area is the Citizenship Education Program which is developed by the Saskatchewan Human Rights Commission in partnership with education stakeholders.”



PROVINCIAL DISABILITY STRATEGY

In October, 2013, a Citizen Consultation Team (CTT) was appointed by the government to talk to the people of Saskatchewan and figure out how to make our province more welcoming, responsive, innovative, accessible, and inclusive for people with disabilities.

During the spring of 2014, the CTT conducted myriad consultations that helped inform the new provincial disability strategy – “People Before Systems: Transforming the Experience of Disability in Saskatchewan.”

The Commission was involved in many aspects of this strategy. That included initial consultations, when Commission representatives attended two public consultations and sat on three of the Priority Working Groups (community inclusion, transportation, and justice).

The Commission also attended a joint ministerial team and Citizen Consultation Team meeting as an observer, and was able to provide input and comment on the recommendations under discussion.

In June 2015, the provincial disability strategy was released. It contained four drivers of transformation support (one of which was “promoting and protecting human rights”) and consisted of 12 key recommendations.

Two of these recommendation explicitly suggested partnership with the Commission as a good place to start in order to achieve the desired objectives of the strategy.

POVERTY REDUCTION

In the 2014 Speech from the Throne, the government declared its intention to develop a poverty reduction strategy for Saskatchewan.

The first step in devising this strategy was to create an Advisory Group tasked with reviewing past and ongoing initiatives, identifying key gaps in poverty reduction, pinpointing opportunities to reduce the incidence of poverty, and to make recommendations to government that would inform the provincial strategy.

To do that, the Advisory Group met with numerous organizations that “serve vulnerable populations and have insights into the challenges of families and individuals living in poverty.”

The Saskatchewan Human Rights Commission was one of those organizations.

The Saskatchewan Poverty Reduction Strategy was released on February 24, 2016.

One of the early efforts the strategy deemed necessary to focus on was “expanding housing for ‘hard to house’ individuals to support their integration into the community.”

In 2018, after years of consultation, the Commission released “Access and Equality for Renters in Receipt of Public Assistance: A Report to Stakeholders” as part of a long-term systemic advocacy process to address the differential treatment, policies, and rules that can unfairly disadvantage people seeking rental accommodation.



David Arnot
Executive Director

PILLAR 4: PUBLIC EDUCATION



A key feature of the Commission's mandate, public education is an effective way to inform children, youth, and adults about their rights and responsibilities as citizens

The Commission has had the dual responsibility of administering Saskatchewan's anti-discrimination laws and promoting the principles of equality and equity through public education for the past 40 years.

Since *The Saskatchewan Human Rights Code Amendment Act, 2010*, was proclaimed, however, the Commission has put additional emphasis on its education mandate in a variety of ways.

CITIZENSHIP EDUCATION



Elaine and Sherwood Sharfe

In 2010, the Saskatchewan Human Rights Commission partnered with the Ministry of Education and the Ministry of Justice to establish the Centenus Citizenship Education Foundation. The purpose of the foundation was to develop a citizenship education program that would educate and empower individuals to understand their rights and to be responsible, respectful, and participatory citizens committed to justice in our multicultural, pluralistic society.

The project was premised on the belief that if we want to help children become responsible citizens of tomorrow, we need to support educators today. It was determined that a good way to support educators was to give them quality, class-room ready resources that work within the existing curriculum. To do that, the Centenus Citizenship Education Foundation partnered with government agencies, educators, educational stakeholders, and other leaders to forge a new approach to citizenship education.

Partners included: the League of Educational Administrators, Directors and Superintendents; the Saskatchewan Teachers' Federation; the Saskatchewan School Boards Association; the Office of the Treaty Commissioner; the Federation of Sovereign Indigenous Nations; the Ministry of Education; the University of Regina; the University of Saskatchewan; the Saskatchewan Education Leadership Unit; and SHRC representatives and invitees.

Working with these partners, Centenus commissioned classroom resources that would mesh directly with the interconnected aspects of school curriculum. These resources were created to improve the understanding of what it means to be a Canadian citizen and to promote the **3 R's** – Rights, Responsibility, and Respect.

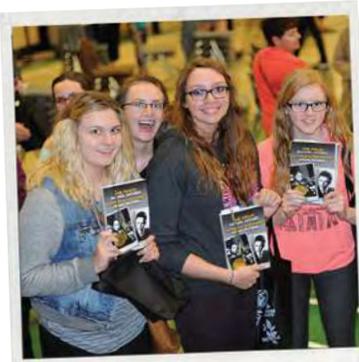
Over the span of an academic career, the resources were also designed to produce citizens who embody the **5 Essential Citizenship Competencies**.

The intended outcome is Grade 12 graduates who have functional knowledge and understanding of the rights and responsibilities of Canadian citizens, who display a genuine respect for others, and who have a fundamental commitment to making the province, our country, and the world a better place.

Between 2010 and 2015, the Commission focused considerable efforts on the creation of the citizenship education materials. A Teacher Development Committee was created, consisting of teachers in Saskatchewan from rural and urban centres. The committee held several meetings to produce the materials, which were written, vetted, and field tested by 51 teachers from seven school divisions. Feedback from teachers was incorporated into the final versions of the resources. Also during that time, in 2012, Centenus received significant financial support from the Law Foundation of Saskatchewan that helped complete the classroom resources.

In 2015, the K to 12 grade-specific teacher resources were made available to all teachers through the Centenus Citizenship Education Foundation website. (www.centenus.ca). Since then, educators have been able to read, download and print the materials from print-ready/high-quality PDF files.

In 2017, Elaine and Sherwood Sharfe – two well-known Saskatoon philanthropists and long-time supporters of human rights – generously donated \$1 million. This Cornerstone Contribution enabled Centenus to launch the current phase of its strategic plan.



Essential Citizenship Competencies (or the 5 E's) are broadly described as those large concepts that are the essence of citizenship skills, knowledge, and dispositions deemed necessary for an individual to participate fully as a respectful, responsible citizen.

Using enduring understandings and essential questions to stimulate thinking and to guide the inquiry, teachers will help students uncover the big ideas that need to be considered — and reconsidered — as the inquiry progresses in each unit of study. When taken in its entirety over the course of a student's Kindergarten to Grade 12 experiences, citizenship education is intended to build five essential citizenship competencies.

ENLIGHTENED

Historical events have an impact on today's decisions and today's understandings impact our perception and interpretation of historical and current events.

EMPOWERED

Governance and public decision-making reflect rights and responsibilities, and promote societal well-being amidst different conceptions of the public good.

EMPATHETIC

Within our pluralistic society, diversity is a strength. It should be understood, it should be respected and it should be affirmed.

ETHICAL

Canadian citizenship is lived, relational and experiential and requires understanding of Aboriginal, treaty and human rights.

ENGAGED

Each individual has a place in, and a responsibility to contribute to, an ethical civil society; likewise, government has a reciprocal responsibility to each member of society.



CONCENTUS ACHIEVEMENTS, CONTINUING WORK, AND OPPORTUNITIES

Today, the concepts of citizenship are being introduced to classrooms from Kindergarten to Grade 12. As students progress through their academic careers, this foundation will be built upon, incrementally, using appropriate resource materials that fit into the existing curriculum at each grade level.

Currently, the Concentus citizenship education resources are being used in more than 50 schools across the province.

Courageous Conversation forums are also being held to extend the reach of the resources and to give adult audiences access to the citizenship education pedagogy.

In 2015, Dr. Pasi Sahlberg – a preeminent Finnish educator and former Professor of Practice at Harvard University’s Graduate School of Education – said that he could not recall another project with a similar scope of such timely importance.

Accolades continued in 2016 when the citizenship education resources received an Award of Excellence honourable mention by the Canadian Race Relations Foundation (CRRF). The CRRF was established by federal legislation to serve as a conduit for information,

knowledge, and expertise designed to eliminate racial discrimination.

At the April 2017 u-LEAD conference, globally recognized leaders in education Dr. Simon Breakspear and Dr. Dennis Shirley asserted that community inclusion and citizenship are part of the next important focus – “the fourth way” – for the world’s education systems.

Concentus has demonstrated its commitment to being a central element of this fourth way of education.

Along with Salberg, Dr. Breakspear and Dr. Shirley, educators like Singapore’s Pak Ti, Scotland’s Carol Campbell, University of Alberta’s Dean of Education Jennifer Tupper, University of Saskatchewan’s Dean of Education Michelle Prytula, and University of Regina’s Dean of Education Jerome Cranston, have all commended the citizenship education materials – believing them to be the best available in the western world.

Concentus remains committed to offering these resources to partners throughout Saskatchewan, across Canada and around the world.

Initial conversations have been held with educators in Alberta and Ontario, as well as with agencies in Finland, Israel, Australia, New Zealand, and the United States.



COURAGEOUS CONVERSATIONS

The challenges that face society are numerous and complex. In a time when misinformation and misunderstanding is proliferating, in a province where deep social divides have been exposed, we must work together to cultivate understanding and bridge the divide.

As Saskatchewanians, Canadians, and as global citizens, we need to act on the responsibilities that come with our citizenship. We must learn about the issues that matter and initiate brave conversations that will have a positive impact in our schools, our workplaces, and our communities.

Since 2014, the Saskatchewan Human Rights Commission has hosted a Courageous Conversation Speaker Series. This series was designed to explore issues affecting our society within a human rights context.

The Courageous Conversation Speaker Series focuses on 6 core topics:

RACIAL DISCRIMINATION

INDIGENOUS CULTURES AND AWARENESS

GENDER

MENTAL HEALTH AND ADDICTIONS

DISABILITY

THE HOLOCAUST

These six topics were designated as cornerstones of the Courageous Conversation Speaker Series, making them more visible and accessible for discussion and action.

An understanding of these issues is foundational to the development of a full understanding of what it means to be a responsible, respectful, and participatory citizen committed to justice and equality in a pluralistic Canadian democracy.

2014-15

- 1 Dr. Izzeldin Abuelaish 2014
- 2 Lal Khan Malik 2014
- 3 Ambassador to Canada from Israel, Raphael Barak 2014
- 4 Adrienne Clarkson 2014
- 5 Bob Pringle 2014
- 6 John Ralston Saul 2014
- 7 Sallows Chair for Human Rights, Professor Kim Pate November 2014
- 8 Saskatoon Police Chief Clive Weighill 2015



2015-16

- 1 Open Door Society, Sultan Sadat 2015
- 2 Historian Jim Miller December 2015
- 3 Senator Lillian Dyck 2016
- 4 MNS President Robert Doucette 2016
- 5 Trans Rights Activist, Nicole Nussbaum 2016



2016-17

- 1 Jerusalem Foundation, Adit Dayan 2016
- 2 Professor and historian Bill Waiser 2016
- 3 International Human Rights Activist Irwin Cotler 2016
- 4 Sallows Chair for Human Rights, Professor Paul Finkelman 2016
- 5 Mayor Charlie Clark 2016
- 6 TRC Survivor Representative Eugene Arcand 2016
- 7 Archbishop Donald Bolen 2017



2017-18

- 1 Author Heather Kuttai 2017
- 2 Author Harold Johnson 2017
- 3 U of S Chancellor Roy Romanow 2017
- 4 Women Entrepreneurs, BMO, Clare Beckton 2017
- 5 Sexual Assault Centre, Saskatoon, Faye Davis 2017
- 6 Dr. Erika Dyck 2017
- 7 U of S Economics Professor Eric Howe 2018
- 8 Professor Angela Davis 2018
- 9 U of S VP Indigenization Dr. Jacqueline Ottman 2018
- 10 Women Entrepreneurs and Innovation 2018



2018-19

- 1 SPSP Blanket Exercise 2018
- 2 Reconciliation Event 2018
- 3 Photo Historian Paul Seeseequasis 2018
- 4 Adrian Picoli + Andy Hargreaves 2018
- 5 60s Scoop Survivor, Betty Ann Adam 2018
- 6 Dr Alaa Murabit 2018
- 7 Dr. Fatima Coovadia 2018
- 8 Angela Bishop + Doug Cuthand 2018
- 9 Mercedes Montgomery + Eliot Paus Jensen 2019
- 10 Julian Bodnar + Heather Kuttai 2019
- 11 Panel on hate speech 2019
- 12 Ishaan Gardee, Islamophobia 2019





PUBLIC EDUCATION



A key feature of the Commission’s mandate, and one of the pillars of its strategic plan, is public education. To help fulfill its public education mandate, the Commission engages in a wide array of educational activities and partnership initiatives throughout the province. These includes presentations, workshops, presence at community events, public awareness campaigns, and conferences. In 2018-2019, the Commission’s public education outreach included the business, community, education, and public sectors.

SUM THEATRE IN THE PARK

In the summer of 2018, the Saskatchewan Human Rights Commission and the Centensus Citizenship Education Foundation were the primary sponsors for Sum Theatre’s sixth annual Theatre in the Park (TITP) series.

Sum Theatre is a local theatre company located in Saskatoon. Its mission is to build strong communities by creating and producing innovative and exciting live professional theatre experiences. Their work is driven by passion, integrity, and inclusivity.

The play performed during Sum Theatre’s 2018 TITP series was *Queen Seraphina and the Land of Vertebrat* – the story of a land where everyone is disabled, and therefore everything must be accessible.

“The themes of this play and the sense of community building that the Theatre in the Park series fosters closely align with the vision and mandate of the Saskatchewan Human Rights Commission,” said Chief Commissioner Arnot.



Between July 2 and July 31, there were 29 showings of the play in community parks around Saskatoon.

Since people with disabilities were included in the cast, the stage for the show was unique – in that it had to be entirely wheelchair-accessible. Large, curving ramps were designed to loop in a vaguely figure-eight pattern to allow easy rolling around the performing area to accommodate all of the actors.

More than 7,500 people attended the show during its month-long run.



“I challenge you to be adaptive, be creative, be innovative, be collaborative ... I challenge you to use your skills to help your clients work out solutions as part of a systemic change ... Be builders. Be catalysts for innovative solutions. Be an agent of change.”

- Chief Commissioner Arnot

CBA MID-WINTER MEETING

On January 31 and February 1, 2019, lawyers from around the province gathered at the Delta Bessborough in Saskatoon for the Canadian Bar Association (Saskatchewan Branch) Mid-Winter Meeting. This year’s theme was “Enhancing Justice.”

As a learning, networking, and information-sharing event, the 2019 CBA SK Mid-Winter Meeting included sessions on substantive legal matters, emerging issues in the legal profession, topics pertaining to greater social issues, and areas that impact the law and lawyers.

The meeting opened on the morning of January 31 with remarks from Justice Minister Don Morgan, Q.C. He was followed, in the opening plenary, by Chief Commissioner Arnot.

The Chief Commissioner gave a presentation titled “Embracing Change, Innovation, and Moving Forward.” It focused on the need for adaptability, innovation, and collaboration in changing industries. He recounted the steps that led to the Commission’s Four Pillar Business Strategy, and the hurdles the SHRC had to overcome in order to move forward as a collaborative, problem-solving organization.

Chief Commissioner Arnot ended the presentation with a challenge to the Saskatchewan CBA members, a challenge that echoed the principles that helped bring about substantive change in the SHRC.

CALLS TO ACTION STUDENT LEADERSHIP RETREAT

On February 11, the Saskatoon Public School Division (SPSD) held a Calls to Action Student Leadership Retreat at the SPSP’s Indigenous Learning Centre. The idea for the retreat sprang from a Courageous Conversation the Commission hosted the previous year. On September 27, 2018, Betty Ann Adam spoke to the Commission and guests about her experience with the Sixties Scoop. It was a powerful Courageous Conversation that piqued the interest of members of the SPSP who had attended. Soon after, the Commission began collaborating with the SPSP and Centurus Citizenship Education Foundation to create the inaugural Calls to Action Student Leadership Retreat.

The event was designed to be a day of learning, collaborating, visioning, and planning for students. Chief Commissioner Arnot welcomed the participants. He spoke about the importance of the Truth and Reconciliation Commission’s Calls to Action and the need for journalistic integrity.

To help give the event context, and to provide students with something tangible to take home, the Commission created a booklet called “Road to Reconciliation: A Calls to Action Resource Handbook”. This booklet consisted of an introduction written by Betty Ann Adam, a copy of her award-winning story *Scooped: How I lost my mother, found my family, and recovered my identity*, a summary of the Truth and Reconciliation Commission Report, and all 94 TRC Calls to Action.

BEST PRACTICES CONFERENCE

On March 21, the Commission, in collaboration with the University of Regina, hosted the 2019 Human Rights in the Workplace Best Practices Conference.

Designed to explore human rights solutions to real-world challenges facing businesses today, the full-day conference was divided into six information sessions – each moderated by a Commission staff member.

Session 1 – Accommodating Disability

This was conducted as a live, non-rehearsed interview session that focused on creating an accommodating workplace for those with disabilities, and featured Brent Lustig from the City of Regina.

Session 2 – Women in Underrepresented Occupations

A panel – consisting of three female members of Regina Police Service (Stephanie Mansfield, Cst. Brittany Zulyniak, Cpl. Melinda Lalach) – gave an overview of data about the topic and provided real-life examples of some of the challenges (e.g. structural and attitudinal barriers) faced by women in traditionally male roles.

Session 3 – Mental Health and Addictions in the Workplace

This was a two-part session featuring Kristin Anderson (Ministry of Labour Relations and Work Safety) and

John O’Connor (Canadian Mental Health Association) that discussed: 1. the importance of a “common-sense”, collaborative approach to managing a workforce; and 2. issues to consider when addressing culpable and non-culpable performance issues arising from mental health and addictions in the workplace.

Session 4 – Recruiting and Retaining Diversity

The City of Saskatoon’s Jodi Fick-Dryka lead this session about diversity and inclusion in the workplace that reviewed some leading practices for recruiting and retaining a diverse workforce.

Session 5 – Sexual Harassment in the Workplace

Anti-harassment policies and their key principles were discussed in the day’s penultimate session. There was also a stage-by-stage walkthrough – led by employees from the Saskatchewan Public Service Commission (Bridget McLeod and Lisa Linford) – that provided details on how to deal with sexual harassment in the workplace.

Session 6 – TRC’s Calls to Action in the Workplace

Kallie Wood and Chris McKee of Converging Pathways led the final session of the conference. They talked about Truth and Reconciliation and the growing need for people and organizations to put the Calls to Action into practice.



Session 6



Session 2



Session 4



Session 1



(306) 933-8274

BUSINESS HOTLINE

Businesses, particularly those that do not have in-house human resource departments, need answers to human rights related questions.

In an effort to be proactive, and to help businesses avoid making mistakes that result in human rights complaints, the Commission established a business hotline in 2014.

Businesses and organizations in Saskatchewan can call for human rights advice – free of charge. Every year the Commission receives hundreds of calls from businesses, service providers and other employers seeking this type of advice.

These inquiries range from questions about sick employees to questions about disability and accommodation.

Calls can take as little as 10 minutes or can last up to an hour.

The Commission's business
hotline has received

2,028

calls since it was launched
in 2014

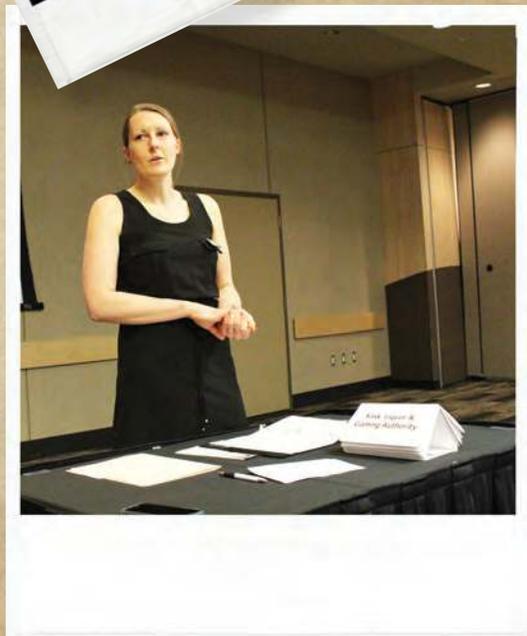
A DECADE IN PHOTOS

2009-2019













LANDMARKS IN HUMAN RIGHTS



SASKATCHEWAN
HUMAN RIGHTS
COMMISSION

In 1979, the Government of Saskatchewan enacted *The Saskatchewan Human Rights Code*.

This new legislation amalgamated the prior human rights statutes into one document. It governed relationships between people in important public areas of life, such as education, employment, trade unions and professional associations, public contracts, purchase of property, rental accommodation, and public services.

The *Code* also contained protection from the distribution of hate literature. At the time, the *Code* included protection on the grounds of: race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry and place of origin.

Forty years have passed since the *Code* was first proclaimed, and human rights law has continued to progress to better protect the individual dignity, fundamental freedoms and equal rights of Saskatchewan citizens.

Over the course of the past decade, court decisions and government legislation have helped human rights evolve and adapt to meet the needs of the times. Here are a few of the landmark advancements for human rights in Saskatchewan since 2009.

SUPREME COURT OF CANADA HATE SPEECH DECISION (2013)

Between 2001 and 2002, William Whatcott published four flyers that he placed in the mailboxes of homes in Saskatoon and Regina.

The flyers contained homophobic messages including “Keep Homosexuality out of Saskatoon’s Public Schools!” and “Sodomites in our Public School.” The fliers also referred to LGBTQ people as “dirty,” “filthy,” and “degenerate.”

Four complaints were made to the Saskatchewan Human Rights Commission alleging that the flyers promoted hatred against individuals because of their sexual orientation in violation of s.14(1)(b) of *The Saskatchewan Human Rights Code*.

The Saskatchewan Human Rights Tribunal found that the flyers constituted hate speech. The Saskatchewan Court of Queen’s Bench upheld this finding. The Saskatchewan Court of Appeal, however, held that the flyers did not contravene the Code.

The Court of Appeal was of the view that in the context of a debate about policy and morality, the flyers could not be considered a hate publication.

The Saskatchewan Human Rights Commission appealed to the Supreme Court of Canada.

At the Supreme Court level, Whatcott challenged the constitutionality of the hate speech provision in the Code, arguing that the provision breached his freedom of expression and freedom of religion, and could not be justified.

On February 27, 2013, the Supreme Court of Canada unanimously sided with the Saskatchewan Human Rights Commission in finding that William Whatcott violated *The Saskatchewan Human Rights Code* by delivering hate-filled anti-gay messages in flyers.

Canada’s highest court also ruled that the flyers were



found to be hateful and had the potential to harm individuals in the community.

The decision to litigate was not taken lightly. In fact, the Commission has litigated only five cases relating to the dissemination of hate in the last 34 years and considers prosecution a tool to be used sparingly and judiciously and only in the most extreme cases.

The success of the **Saskatchewan (Human Rights Commission) v. Whatcott** appeal at the Supreme Court of Canada is the most valuable contribution the Saskatchewan Human Rights Commission has ever made to the promotion and protection of human rights and to Canadian jurisprudence.



The decision applies a very narrow, yet very necessary, fettering of free speech for extreme cases. This case outlined the clear indicators of hate speech with a stronger, clearer, and modified objective test to be applied.

The unanimous decision made by the Supreme Court of Canada was strong, unequivocal, unambiguous, and unassailable: every human being deserves equal moral consideration. Indeed, it is one of the most precise and definitive judgments made by the Supreme Court of Canada. This case was also a decisive victory for human rights in Canada and a decisive victory for human rights commissions and the work and service they provide to Canadian society.





COURT RULES THAT MARRIAGE COMMISSIONERS CANNOT REFUSE TO MARRY SAME-SEX COUPLES BASED ON OWN RELIGIOUS VIEWS (2011)

In January 2011, the Saskatchewan Court of Appeal declared proposed changes to *The Marriage Act, 1995* to be unconstitutional because they violated the Canadian Charter of Rights and Freedoms and could not be justified as a reasonable limitation on equality rights. The proposed changes would have allowed marriage commissioners to refuse to perform civil marriages which were inconsistent with their religious beliefs.

Events leading up to the decision began with a complaint to the Commission in 2005 when a marriage commissioner refused to perform a civil marriage for an applicant because his partner was another man.

Civil marriages are frequently the only option for same-sex couples, because courts have held that religious officials may refuse to marry people because of their sexual orientation. The complainant in **M. J. v. Nichols** said the experience was devastating: “I couldn’t believe that as a human being I wasn’t going to be treated as a real person.”

The Commission referred the complaint to a hearing, taking the position that Mr. Nichols’ refusal conflicted with his duties as a public official to provide a statutory service in a non-discriminatory way. The complaint was

upheld by the Saskatchewan Human Rights Tribunal and Court of Queen’s Bench and was in the process of being appealed to the Court of Appeal when the government drafted changes to *The Marriage Act* and asked the Court of Appeal to comment on whether they were consistent with the Charter.

In finding the amendments to be unconstitutional, the Court referred to the “historical marginalization and mistreatment of gay and lesbian individuals” and concluded that the proposed changes would “perpetuate disadvantage and involve stereotypes about the worthiness of same-sex unions.” It said the amendments would cause genuine, personal harm to the persons being refused service as well as harm to their friends, families and communities, and would undermine the fundamental principle that the state serves everyone equally.

The Court noted that *The Marriage Act* did not affect the freedom of marriage commissioners to hold religious beliefs or worship as they chose. It said marriage commissioners do not act as private citizens when they discharge their official duties. They serve as agents of the province, and their root obligation is to solemnize civil marriages in keeping with how the concept of marriage is legally defined from time to time. The Court stated: “It would be a significant step backward if, having won the difficult fight for the right to same-sex civil marriages,

gay and lesbian couples could be shunned by the very people charged by the Province with solemnizing such unions.”

The proposed amendments stated that they would apply “notwithstanding *The Saskatchewan Human Rights Code*,” and the Court described the use of such a broad override of the Code as extraordinary and unprecedented. It noted the negative precedent which the proposed amendments might set, stating “. . . if the proposed legislative amendments were constitutionally acceptable, so too would be virtually any legislative provision protecting individual discrimination in the delivery of services to same-sex couples, in either the public or the private sector, on the basis of religious disapproval of a same-sex lifestyle.” Following this decision, the respondent in **M.J. v. Nichols** withdrew his appeal to the Court of Appeal.

VITAL STATISTICS LEGISLATION CHANGED TO RECOGNIZE SAME-SEX AND NON-BIOLOGICAL PARENTS (2010)

P.S. and K.W. complained that the Ministry of Health discriminated against them on the basis of their sex and sexual orientation in the provision of public services through the operation of *The Vital Statistics Act, 1995*. The complainants are the same-sex parents of a child born in 2007.

They alleged that they requested the Ministry of Health’s Department of Health Registration and Vital Statistics to register both of them on the Ministry’s “Statement of Live Birth” as their child’s parents, but the Ministry denied their request on the basis that *The Vital Statistics Act, 1995* and its regulations allowed only the biological mother and a father of a child to be recognized as parents. The complainants alleged that this restriction denied same-sex couples and their children the right of equal recognition as a family and denied non-biological parents the right of equal recognition as parents.

The respondents addressed this complaint by changing the definition of “parent” in *The Vital Statistics Act, 2009* to mean “a mother, father or other parent” and by defining “other parent” to mean in relation to a live birth “a person other than the mother or father who is cohabiting with the mother or father of the child in a spousal relationship at the time of the child’s birth and who intends to participate as a parent in the upbringing of the child.”

A birth certificate was issued naming both complainants as the parents of their child, whose Registration of Live Birth was amended to include the particulars of both parents. The respondents also agreed to compensate the complainants for the legal fees which they incurred to confirm their status as the parents of their child.

GENDER IDENTITY ADDED TO CODE (2014)

On December 8, 2014, the Government of Saskatchewan amended *The Saskatchewan Human Rights Code* to include gender identity as a prohibited ground. Gender identity is connected to an individual’s inherent sense of self and particularly the sense of being male or female. A person’s gender identity is fundamentally different from, and does not determine, their sexual orientation that is also protected under the Code.

While the addition of gender identity as a prohibited ground applies to the rights of all people in Saskatchewan, this provision clarifies the rights of transgender people.

Transgender people are uncomfortable with, and disagree with, in whole or in part, their birth-assigned gender identities. This may include people who identify as transsexual and people who describe themselves as being on a gender continuum rather than identifying with “male” or “female.” Transgender people may or may not undergo hormone treatment and/or surgical procedures.

Supporters of the transgender community had been asking for changes to the Code that would clarify the rights of transgender individuals. Research indicates that transgender people often face discrimination in employment, housing, and many other areas of everyday life. As well, there is an elevated risk of suicide, assault, and other forms of violence.

Advocates state that their work often involves the provision of frontline support to transgender people in both employment and business situations. Adding gender identity to the Code provides a starting point for conversations about accommodations in workplace and in service provision.

Since the change to the Code, no cases have been heard by the Court in Saskatchewan, although the Commission has accepted and resolved human rights complaints based on gender identity. The Commission has also worked with the media, community groups, and stakeholders to assert the importance of gender identity under the Code. Exploring opportunities for education, and fostering mutual understanding, are a part of appropriate case resolution under the Commission’s refocused mandate.



VITAL STATISTICS LEGISLATION CHANGED TO ALLOW TRANSGENDER ADULTS A CHANGE IN SEX DESIGNATION ON BIRTH CERTIFICATES WITHOUT SURGERY (2016)

Prior to February 2016, *The Vital Statistics Act*, 2009 required transgender adults to have “gender reassignment surgery” before their birth certificate could be changed to reflect the sex consistent with their gender identity.

By consent, an order was issued by the Court of Queen’s Bench, giving authority to the Registrar of Vital Statistics to change the sex designation for transgender people 18 years of age and older.

The consent order was issued in response to a complaint filed by Mrs. Laura Budd with the Saskatchewan Human Rights Commission.

The Commission applied to the Court for a hearing on her behalf, and argued that the existing legislation was contrary to section 12 of *The Saskatchewan Human Rights Code*.

“Mrs. Budd’s commitment to this process will greatly benefit all transgender people in our province. We know that transgender people face discrimination in housing, employment, and they also face travel restrictions – in part because of the mismatch between their gender identity and their government issued identification.”

- Chief Commissioner Arnot

Section 12 of the *Code* states that no person or group can be denied accommodation, services, or facilities based on a prohibited ground – in this case, the ground of sex.

In May 2016, Mrs. Budd’s human rights complaint was resolved, and a one-time donation of \$20,000 was paid to Moose Jaw Pride for the purpose of providing public education about the rights of transgender people.

The Government of Saskatchewan approved legislation that amended the existing laws to comply with the order.

This request also triggered a change to the designation on a birth certificates.

Saskatchewan residents may also request an update to their sex designation on their Saskatchewan Health Card and Saskatchewan Driver’s Licence.

Changing government identification now requires:

- a statutory declaration that is signed before a Commissioner for Oaths or Notary Public;
- a letter from a physician or a psychologist; and
- processing fees to change the birth registration and the long form birth certificate.



Photo courtesy of the Regina Leader-Post

FORSBERG V GOVERNMENT OF SASKATCHEWAN AND DYCK V GOVERNMENT OF SASKATCHEWAN (2018)

On May 24, 2018, Saskatchewan became the first jurisdiction in Canada where the Court ordered the provincial government to allow for the removal of gender markers on birth certificates.

“This court order marks an important day in our province. The ability to remove gender markers from birth certificates will greatly benefit our transgender community,” said Chief Commissioner Arnot after the court order was announced. “I would like to thank the complainants and their families for their courageous pursuit of this important human rights issue.”

The Court of Queen’s Bench order was in response to two human rights complaints filed with the Saskatchewan Human Rights Commission — one in 2014, the other in 2017.

The Commission applied to the Court for a hearing on behalf of the complainants, arguing that portions of existing legislation were contrary to section 12 of *The Saskatchewan Human Rights Code*.

Section 12 of the *Code* states that no person or group can be denied accommodation, services, or facilities based on prohibited grounds — in this case, the grounds of sex and gender identity.

The province admitted that sections 31 and 65 of *The Vital Statistics Act, 2009* did, in fact, breach *The Saskatchewan Human Rights Code*.

The order removed the age limit, allowing people under the age of 18 to apply for changes to the gender marker on their birth certificate, and required the Government to allow for “M” and “F” designations to be removed.

As was stated by the Court: “*The (Saskatchewan Human Rights) Code* is essential to the health and strength of our community ... section 3 captures the objects of the *Code* which include recognition of the inherent dignity and equal, inalienable rights of persons. The *Code* also supports the advancement of public policy that aims to eliminate discrimination. Such discrimination includes the denial of services offered to the public on the basis of a prohibited ground.”

The Court noted that one such ground is gender identity.



TRUTH AND RECONCILIATION



SASKATCHEWAN
HUMAN RIGHTS
COMMISSION

The health and well-being of our society is directly related to the health and well-being of our Indigenous communities.

In 2015, the Truth and Reconciliation Commission asked us all – Indigenous and non-Indigenous people alike – to work together to build a healthy society. In order to do that, we must understand each other. Understanding is the first step towards reconciliation. It is imperative that all Canadians understand the past in order to create a better future.

That is why students everywhere must learn about the importance of the treaty. They must know the relationship between human rights, treaty rights, and Indigenous rights. They must also learn the history of Indigenous people, and understand both sides of the story around treaty making.

Through its citizenship education initiative, the Commission is working to foster this understanding because students are owed an honest assessment of what went right, what went wrong, and how the wrongs can be repaired within a modern context.

CALLS TO ACTION

On December 15, 2015, Canada’s Truth and Reconciliation Commission (TRC) made public its report on the legacy of the Indian residential schools. That report contained 94 carefully assembled, encompassing, and clear Calls to Action.

The Calls to Action are intended to address the past and to help change the lives of Indigenous people who have been affected by the residential school system. The TRC asked all Canadians to work together to heal the relationship between Indigenous people and all other Canadians.

The TRC was clear that education, at many levels, is necessary. Its final report repeatedly references the need for education and practical training in dealing with human rights.

The phrase “This will require skills-based training in intercultural competency, conflict resolution, human rights, and antiracism” appears five times. In addition to the training, the TRC casts the experience of many residential school survivors as human rights violations.

With broad mandates to promote, protect, and educate the public, human rights commissions have an important role to play in reconciliation.

The Saskatchewan Human Rights Commission is answering this call to support reconciliation through citizenship education.

In partnership with teachers, educators, and administrators—and with the support of the Ministries of Education, Justice, and the Law Foundation of Saskatchewan—the SHRC created classroom resources that explore the relationship between human rights, Treaty rights, and Indigenous rights.

The citizenship resources review First Nations governance and culture, and emphasize awareness about the residential school experience.

First Nations and Indigenous perspectives are acknowledged and talked about in conjunction with citizenship considerations. The citizenship resources are linked to the Office of the Treaty Commissioner’s “Teaching Treaties in the Classroom” curriculum.

MURDERED AND MISSING INDIGENOUS WOMEN AND GIRLS

Human rights commissions also have a role to play in addressing violence and discrimination against Indigenous women.

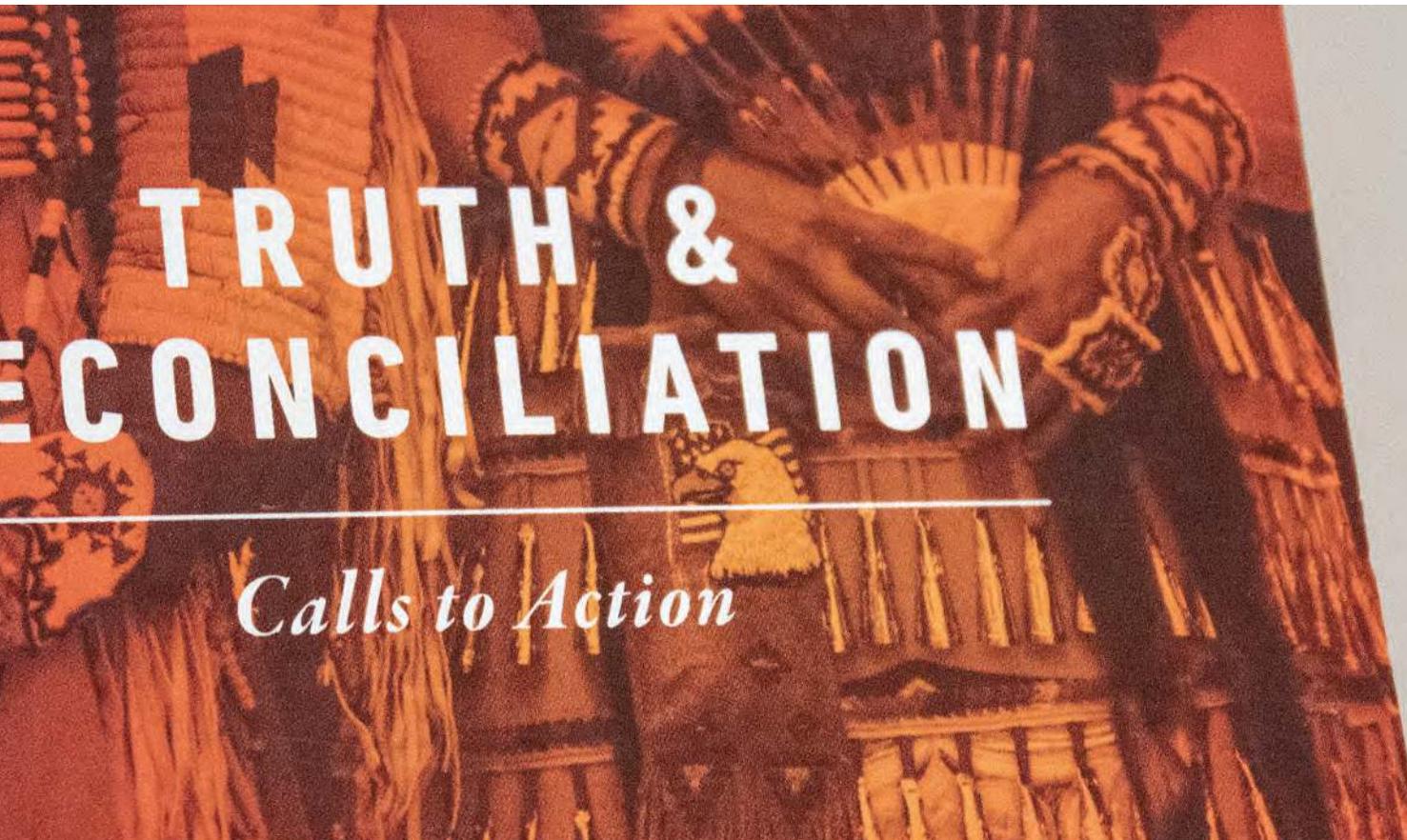


With one of the highest per capita Indigenous populations in Canada, Saskatchewan has an opportunity to address the findings of the Truth and Reconciliation Commission, and particularly those that relate to Indigenous women and girls. The TRC challenged all Canadians to understand the detrimental and long-lasting effects of the residential school system such as over-incarceration, negative health consequences, and poverty. In turn, leaders across Saskatchewan are responding.

Health and anti-poverty advocates in Saskatchewan have spoken about the social determinants of health, including Indigenous status, gender, and disability.

Legal advocates recognize the relationship between gender, mental health, and the over-incarceration of Aboriginal Women.

Post-secondary education leaders are also thinking about what they can do to foster understanding and create meaningful careers for Indigenous men and women. This is important as women are less likely to



TRUTH & RECONCILIATION

Calls to Action

nal Centre for
and Reconciliation

find employment when compared to men. Moreover, research shows that Indigenous women are less likely to find employment than Indigenous men, non-Indigenous men, or women.

The Saskatchewan Human Rights Commission has met with, presented at, and been a part of many of the discussions that have taken place in response to the TRC's report and Calls to Action. The Commission, like all other human rights agencies across Canada, has an important role to play. In short, the pursuit of dignity for individuals, and for groups, is the mandate of human rights commissions in this country.

Justice and safety issues for Indigenous women, and in particular those Indigenous women with mental health, addictions, and disability-related issues often have ties to dignity, equity, and discrimination. Recognizing that Aboriginal women and girls are too frequently reported missing, murdered, and harmed, Chief Commissioner Arnot, wrote the Government of Canada on February 16, 2016, urging it to work in partnership with Aboriginal peoples' organizations to:

(1) Develop and implement a national action plan that will focus urgent attention on addressing and preventing the root causes of violence against Aboriginal women and girls, including poverty and systemic discrimination; and

(2) Establish an independent and inclusive inquiry into missing and murdered Aboriginal women and girls in Canada.

IN THE NEWS



SASKATCHEWAN
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This year, events in Pittsburgh and New Zealand challenged all of us to address the rise of hate – both online and in our communities.

With hate crimes and hate speech increasing at home and abroad, the Commission continued to educate the public on the detrimental effects of hate and urged citizens to respect everyone (no exceptions), to do what is right, and to stand together against the swelling wave of hate and ignorance.

NEW ZEALAND MASSACRE



On March 15, 2019, two terrorist attacks – one at the Al Noor Mosque, the other at the Linwood Islamic Centre – were carried out by an individual in Christchurch, New Zealand.

The attacks killed 51 people and injured 49 others. In the wake of this tragedy, Chief Commissioner Arnot released the following statement:

“On the evening of March 14, 2019, the Saskatchewan Human Rights Commission held a public Courageous Conversation event about hate speech. Our panel discussed the potential dangers of hate speech and how, when left unregulated, unchecked or unchallenged, it can incite hate crime.

During the event – half a world away in New Zealand – those potential dangers became a grim reality as 51 people were killed and almost as many others were injured when a gunman opened fire at two mosques in central Christchurch.

It was an act of terror borne in hatred, amplified in dark corners of the Internet, and carried out against Muslims in their places of worship. It is crucial to understand that violent, hateful acts do not occur in a vacuum. Words matter. Words have the power to shame, maim, and inflame. Hate speech is the impetus that leads to hate crime. This has been said before. It was said last year in the wake of the Pittsburgh Synagogue Shooting. It was said in 2017 after the attack on the Islamic Cultural Centre of Quebec. And it is important to say it again now – words matter.

At times like this, however, it is important to realize that words are not enough. Well-intentioned platitudes are ineffectual. Hate crimes are happening with alarming regularity, around the globe and here at home.

New Zealand seems an unlikely priority for a terrorist attack. However, the similarities between Christchurch and many Canadian cities are clear and concerning. Like Christchurch, Canadian cities are thriving and democratic. Like Christchurch, our communities are multicultural, multi-theistic, and pluralistic.

We need leadership in our communities. We need action.

We need to stand in unison against hate, challenge words that are harmful, denounce violent acts, and demand that our leaders find new ways to stem this rising tide of fear, ignorance, misinformation, and malice.

The old ways are not working. We have to find new solutions. Hate speech provisions with real consequences have to be enacted in Canadian legislation.

The Supreme Court of Canada asserts that the best way to curb and regulate hate speech is not within the *Canadian Criminal Code*, but through human rights commissions. Commissions in every province and territory have a mandate to promote dignity and equality and to eradicate hate and ignorance. These agencies have to be properly funded to accomplish that task.

Free speech cannot be used as a shield to protect hate speech. The Supreme Court of Canada has been clear on this point. Just as Canada does not allow slander, libel, perjury, defamation, insider trading, and fraud, it does not allow people to express points of view in such a fashion as to demean people to the status of animals, or stir hatred and violence against certain groups.

We have to invest in education so that the youth of tomorrow no longer espouse the hate we see today. An explicit K to 12 education on the rights of citizenship, the responsibility of citizenship, and the respect that every citizen deserves, without exception, should be mandatory. We have to develop a made-in-Canada-for-Canada plan to ebb the wave of hate that appears online daily.

Tools are needed to better monitor online hate sites to help protect minority groups in Canada.

Security agencies require a clear mandate to investigate hate speech, right-wing extremism, and radicalized influences.

Enacting meaningful legislation that will hold individuals accountable for disseminating hate online is key. Canada needs to take its cue from England and Germany who are creating legislation that holds social media companies accountable for allowing hate to be published, shared, and spread on their platforms.

It is critical that we do the right thing. We need to choose unity over division, understanding over ignorance, and respect over hate.”

MS ST. LOUIS APOLOGY

In May 1939, the MS St. Louis left Germany with nearly a thousand passengers. More than 900 of those passengers were German Jews seeking safety and refuge from persecution at the hands of the Nazis.

The Jewish refugees on board the MS St. Louis were denied entry to Cuba, the United States, and Canada. They were forced to return to Europe, where the United Kingdom, Belgium, France, and the Netherlands agreed to take them in. However, when the Nazis conquered Belgium, France, and the Netherlands in 1940, 254 MS St. Louis passengers were killed in the Holocaust.

On November 7, 2018, Chief Commissioner Arnot was in the House of Commons, via special invitation, to witness Prime Minister Justin Trudeau apologize to the Jewish refugees that Canada turned away.

“We used our laws to mask our anti-Semitism, our antipathy, and our resentment,” Prime Minister Trudeau told the House of Commons. “We are sorry for the callousness of Canada’s response. And we are sorry for not apologizing sooner. We apologize to the mothers and fathers whose children we did not save, to the daughters and sons whose parents we did not help. To the imprisoned Jewish refugees who were forced to relive their trauma next to their tormentors. To the scientists, artists, engineers, lawyers, businessmen, nurses, doctors, mathematicians, pharmacists, poets, and students. To every Jew who sought safe haven in Canada, who stood in lines for hours and wrote countless letters. We refused to help them when we could have ... We failed them. And for that, we are sorry.”



SYNAGOGUE SHOOTING



On October 27, 2018, a gunman entered the Tree of Life synagogue in Pittsburgh during Shabbat morning services and opened fire. The shooting, which left 11 dead and 7 injured, was the deadliest attack on the Jewish community in the history of the United States. Three days later, at a community gathering in the Congregation Agudas Israel, Chief Commissioner gave the following remarks:

“Saturday’s attack at the Tree of Life synagogue in Pittsburgh was an odious act fueled by intolerance, ignorance, and malice – a stark and somber reminder that hate still exists in this world.

In the wake of this tragedy, Canadians from coast to coast have declared their support for the grieving Jewish Community in Pittsburgh, and have voiced their solidarity with Jewish communities across the country. This kind of unity is a step in the right direction, a step towards a better and brighter future. But more work needs to be done, both abroad and at home. Canada is not without its shortcomings. We live in a free and democratic society, but we are not free from Anti-Semitism – which, statistics show, is on the rise in our country. Nor are we exempt from senseless acts of violence or immune to the language of hate.

It is important to remember that words matter. Hate speech is the impetus that leads to hate crime – as we witnessed in Pittsburgh on the weekend. There is no place for this in our society. There is no place for hateful words or hateful actions, for intolerance or terrorism.

It is the duty of the whole community to respond to hate speech. The burden is not to be carried alone by the targeted group. We must work together. We must stand up and speak out, in unison, against hate. We must challenge words and actions that are harmful and divisive. We must have courageous conversations about the ills afflicting our society in order to find ways to remedy them.

The increase of Anti-Semitism and the recent rise of hate speech in our country should be a deep concern for every citizen. As citizens, not only do we have the responsibility to respect the rights and freedoms of others, we also have the responsibility of upholding these rights and standing with those whose rights and freedoms come under threat.

It is time to band together and rise above hate. It is time to invest in education and relationship building that will help eradicate hateful words, hateful ideas, and hateful actions in our communities. It is time to make this world a better place.”



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