

ONE HUMAN FAMILY



SASKATCHEWAN
HUMAN RIGHTS
COMMISSION
**ANNUAL
REPORT
2019-2020**

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.

The Saskatchewan Human Rights Code

Section 24

The commission shall forward the principle that every person is free and equal in dignity and rights without regard to religion, creed, marital status, family status, sex, gender identity, sexual orientation, disability, age, colour, ancestry, nationality, place of origin, race or perceived race or receipt of public assistance.

LETTER OF TRANSMITTAL

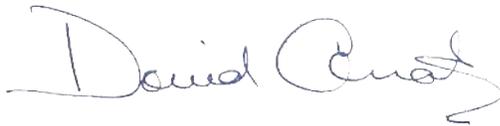
The Honourable Don Morgan, Q.C.
Minister of Justice and Attorney General
Legislative Building
Regina, Saskatchewan

Dear Minister Morgan,

I am pleased to deliver the 2019-2020 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, 2019 and concluding March 31, 2020.

Sincerely,



David M. Arnot
Chief Commissioner

P.O. Box 6011
Saskatoon, SK S7K 4E4

PHONE
306-933-5952

FAX
306-933-7863

TOLL FREE
1-800-667-9249

EMAIL
shrc@gov.sk.ca

WEB
saskatchewanhumanrights.ca

TABLE OF CONTENTS

MANDATE 1

LETTER OF TRANSMITTAL 2

TABLE OF CONTENTS 3

MESSAGE FROM THE CHIEF COMMISSIONER 4

MESSAGE FROM THE EXECUTIVE DIRECTOR 6

COMMISSIONERS 8

COMMISSIONERS IN THE COMMUNITY 9

COMMEMORATING 10

OBSERVING 12

STRATEGIC PLAN 14

SERVING COMMUNITY 16

EFFICIENCY OF PROCESS 24

PUBLIC EDUCATION 46

ADDRESSING OTTAWA 64

YEAR IN PICTURES 68

2019-2020 STAFF 72

ONE HUMAN FAMILY



MESSAGE FROM THE CHIEF COMMISSIONER

The 2019-2020 fiscal year was a busy one for the Saskatchewan Human Rights Commission. With more than 450 people filing individual complaints, the Commission worked hard to meet the expectations of the citizens of this province who face discrimination and inequity.

Beyond those numbers, however, are the stories. The people.

Every day at the Commission, I have the privilege to work with a staff that exemplifies professionalism, neutrality, and integrity. An energetic staff, dedicated to inclusion, equality, and equity. Together, we work as a team to ensure that we live in a province where human rights are both respected and protected.

As we embark on the first year of this new decade, it is crucial that these rights continue to be upheld, protected, and respected. Not only by our staff, but by every person in our province. Human rights are everyone's responsibility.

It is paramount we work together, respectfully and responsibly, as citizens of Saskatchewan and as members of one human family.

This is a goal we must have as individuals, organizations, and as a society.

This past year, I was invited by the Federal Standing Committee on Justice and Human Rights to address the topic of online hate speech. I spoke about the demeaning, damaging, and demoralizing effects of hate speech, and the need for us to work together – governments, human rights commissions, industry, regulatory agencies, and the public – to enact meaningful legislation that will effectively combat online hate and misinformation.

During a 2018 Parliamentary Study for Bill C-81, a Bill to introduce *The Accessible Canada Act*, I addressed the need for a barrier-free Canada, noting that accessibility is crucial to the inclusion of citizens with disabilities in the social, cultural, and economic life of our country. Later, *The Accessible Canada Act* received Royal Assent and became law.

Legislation is indeed a powerful agent of change. As members of one human family, we each have a personal responsibility to be the catalyst for that change.

As members of one human family, we must acknowledge that acts of hate and hate speech are on the rise, both online and in our communities. We must acknowledge that racial discrimination remains deeply-rooted in our society, that unnecessary barriers and unwarranted systemic discrimination against racialized and marginalized groups remain pervasive.

As members of one human family, we must not only acknowledge this, but we must also stand up and speak out – together. We must act in unison, with a common purpose and clear vision, so that everyone in our society feels safe and included. So that each and every citizen is treated equally, with dignity and respect.

As members of one human family, that is our responsibility.

David M. Arnot
Chief Commissioner

MESSAGE FROM THE EXECUTIVE DIRECTOR

The Commission marked this past fiscal year with the launch of a new strategic plan. The Commission's preceding Four Pillar Strategic Business Plan was based on the historical circumstance of the Commission and the province in the fiscal period 2009-10.

Much changed over the ensuing decade. The Commission revisited the previous strategic plan, and decided what needed to be amended or re-envisioned for the then upcoming 5-year period, 2019-2024. In setting the new direction, the Commission committed to:

- Evidence-based decision making
- Adoption and retention of best practices
- Understanding emerging trends and issues in human rights
- Working with stakeholders to develop appropriate and necessary services
- Respecting the lived experience and understanding its value
- Reconciliation, and the TRC Calls to Action as a means to reconciliation
- The development of evaluative tools and metrics to objectively assess the strength of services offered

In setting its renewed five-year strategic direction, the Commission recognized key demographic challenges:

- Urban growth - growth of urban areas and a greater reflection of population diversity in urban areas
- North/south geographic split - with unique challenges in northern communities
- Increasing addictions issues
- Mental health issues more recognized, but not well understood
- An aging population
- A population in which 1 in 20 Canadians are expected to have a disability by 2036
- Indigenous population growth with an overrepresentation of incarceration, child apprehension, HIV/AIDS, poverty, and lower than average graduation rates
- A continuing gender divide
- Poverty
- The intersectionality of discrimination

The Commission also recognized key service delivery challenges as it looked ahead:

- Relevance
- Provision of services and messaging to all parts of the province
- Provision of unique services to address stakeholder concerns
- Credibility
- Independence of the Commission from Government
- Unbiased provision of service
- Timeliness
- Resourcing – human and financial

This annual report reflects reporting on the first year of that plan. With that in mind, what do the numbers tell us?

Over the course of the past 36 months, fiscal years 2017/18 through 2019/20, the Commission has effectively dealt with individual complaints. In that time frame there were: 1,460 complaints received (an average of 41 per month), 383 formalized (av.11/m), and 1,529 matters resolved (av.43/m).

Due to an emphasis on better public education, better access to web-based information, and the implementation of an “are you in the right place?” screening tool, the Commission received 9% fewer complaints, while formalizing 30% of those received. More people found themselves in the correct process at the outset, and more people obtained help earlier to get to the right place to initiate a complaint.

During the same 36-month period, the Commission resolved nearly 80% of received complaints within a 12-month window, and resolved over 92% of all complaints within 24 months. With an historical closure rate of 43 complaints per month, the Commission is meeting service delivery goals.

In addition, over those 36 months, the Commission aided 1,365 employers and businesses through its Business Help Line. The Business Help Line provides advice to employers on how not to breach *The Saskatchewan Human Rights Code*. Historically, as more than 80% of complaints originate in the employment setting, the Commission provides this proactive intervention as an effective means to prevent discrimination in Saskatchewan.

What these numbers don't show is the impact systemic measures taken by the Commission are having in the community. As you will read in this report, the Commission continues its work with those who have the greatest lived experience of discrimination.

Nearly
80%

**of all complaints
received by the
Commission are
resolved within a
12-month window.**

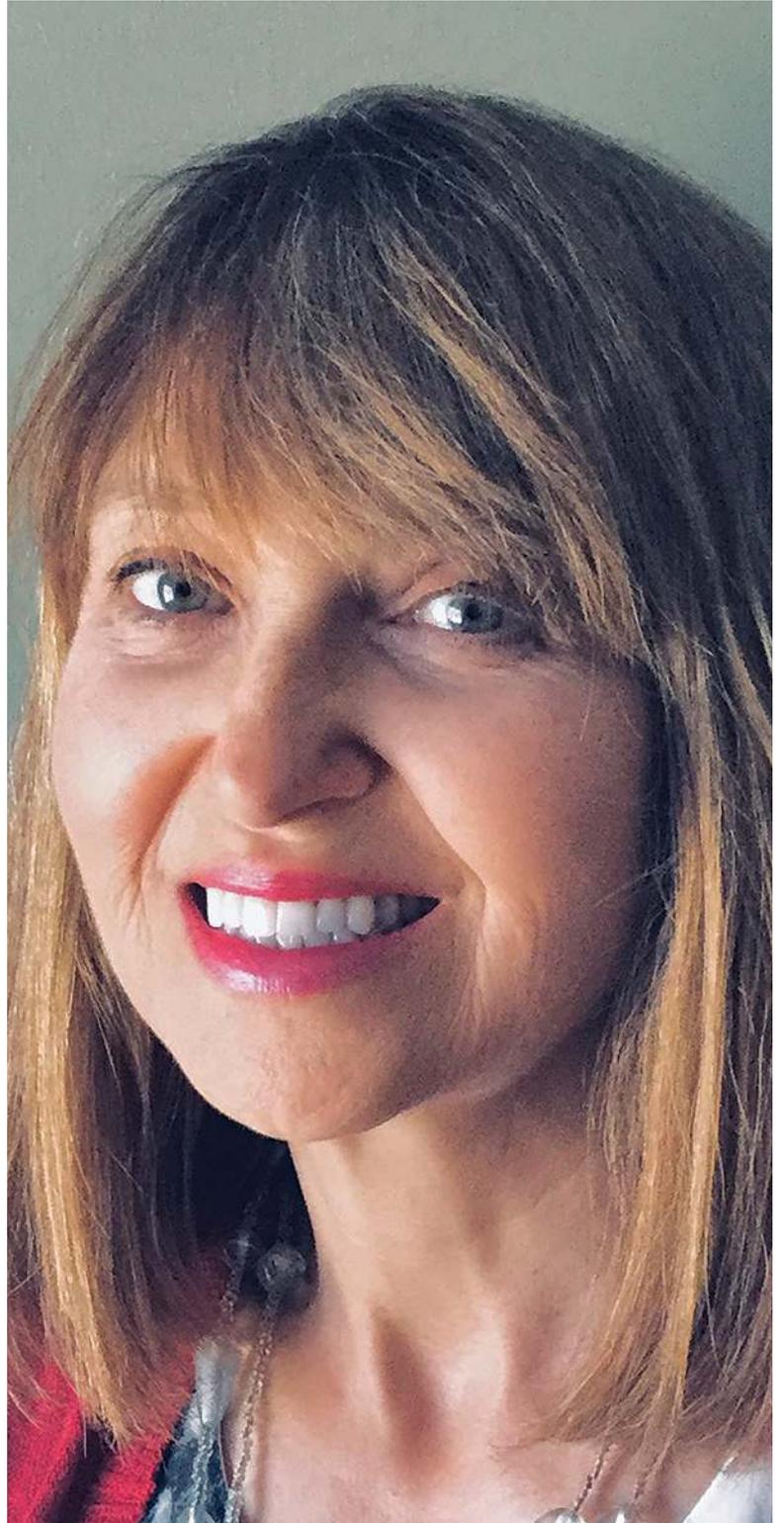
Barriers faced by those with disability, whether in the built environment, or in communication, are being addressed. The current standards of accessibility in our community are being challenged.

Long-held acceptance of sexual harassment is being tackled head on. Participation and acceptance are being advanced.

There remains work to do. Citizen Advisors are the Commission's eyes and ears in the community. Commission Champions encourage groups and individuals to invest their trust in the Commission and its processes.

The Commission continues to fulfill its education mandate through Courageous Conversations, stakeholder speaking engagements, and online initiatives.

As the 2020-21 fiscal year begins, the Commission looks forward to learning from its partners and continuing to fulfill its legislative mandate.



Norma Gunningham-Kapphahn
Executive Director

COMMISSIONERS



**Chief Commissioner
David Arnot**



**Deputy Chief Commissioner
Barry Wilcox, Q.C.**



**Commissioner
Jan Gitlin**



**Commissioner
Colleen Cameron**



**Commissioner
Heather Kuttai**



**Commissioner
Michael San Miguel**



**Commissioner
Fatima Coovadia**

COMMISSIONERS IN THE COMMUNITY



COMMEMORATING

Geneviève Bergeron
 Hélène Colgan
 Nathalie Croteau
 Barbara Daigneault
 Anne-Marie Edward
 Maud Haviernick
 Barbara Klucznik Widajewicz
 Maryse Laganière
 Maryse Leclair
 Anne-Marie Lemay
 Sonia Pelletier
 Michèle Richard
 Annie St-Arneault
 Annie Turcotte



30th Anniversary of the École Polytechnique tragedy

On December 6, 1989, a 25-year-old man entered the École Polytechnique de Montréal with an assault rifle and killed 14 women in cold blood.

Their deaths shocked a nation and, in 1991, sparked the Canadian Parliament to designate December 6 as a National Day of Remembrance and Action on Violence Against Women.

On this day, we wear white ribbons in remembrance of Geneviève Bergeron, Hélène Colga, Nathalie Croteau, Barbara Daigneault, Anne-Marie Edward, Maud Haviernick, Maryse Laganière, Maryse Leclair, Anne-Marie Lemay, Sonia Pelletier, Michèle Richard, Annie St-Arneault, Annie Turcotte, and Barbara Klucznik-Widajewicz.

On December 6, we also reflect on the troubling rates of violence that women, girls, and LGBTQ2S individuals – of all social, economic, and cultural backgrounds – continue to experience throughout this country.

- Women have a 20% higher risk of being victimized by men.
- Indigenous women experience violence at a rate 2.7 times higher than that reported by non-Indigenous women.

- Between 1,000 and 4,000 Indigenous women and girls are missing and murdered in this country.
- Women living with physical and/or cognitive impairments are 2 to 3 times more likely to experience violence than women living without such impairments.
- Senior women are 24% more likely than senior men to face family violence.
- Half of all women in Canada have experienced at least one incident of physical or sexual violence since the age of 16.
- Northern Saskatchewan has the highest rate of violent crime against young women and girls in the country with a rate of 13,886 victims per 100,000 people.

With numbers this high and disproportionate, December 6 must not only be a day of remembrance and reflection. It must also be a day of meaningful action for citizens throughout Saskatchewan and across Canada.

We all have a responsibility to raise awareness, to speak up, and to develop meaningful, sustainable plans to eliminate violence against women and girls and the LGBTQ2S community.



**“INDIGENOUS RIGHTS,
TREATY RIGHTS, AND
HUMAN RIGHTS ARE
INTERCONNECTED AND
INSEPARABLE”**

- Chief Commissioner David Arnot



Library and Archives Canada

Exoneration of Chief Poundmaker

On May 23, 2019, Prime Minister Justin Trudeau issued a formal apology and exonerated Chief Poundmaker during a ceremony held at the Poundmaker Cree Nation in Saskatchewan.

Chief Poundmaker, whose Cree name was Píhtokah-anapiwiin, was convicted of treason-felony after leading his warriors in the Battle of Cut Knife in 1885. A battle in which he stopped his warriors from chasing retreating Canadian forces, preventing the death of numerous combatants.

Chief Poundmaker was sentenced to three years prison in Manitoba. He was released after serving less than a

year because he developed a respiratory disease. Chief Poundmaker died a few months later.

“The exoneration of Chief Poundmaker was a long overdue recognition of the truth,” said Chief Commissioner David Arnot.

“He was neither a traitor nor a criminal. Instead, he was a visionary and a staunch advocate of treaty rights. We must learn the truth about our shared history. We must honour the treaties, which are as alive and valid today as the day they were created. And we all must recognize that Indigenous rights, treaty rights, and human rights are interconnected and inseparable.”

OBSERVING



- International Day for People with Disabilities – December 3
- Human Rights Day – December 10
- International Day of Zero Tolerance for Female Genital Mutilation – February 6
- International Mother Language Day – Feb 21
- Black History Month – February
- International Women’s Day – March 8
- International Day for the Elimination of Racial Discrimination – March 21
- Cultural Diversity and Race Relations Month – March
- International Transgender Day of Visibility – March 31
- International Day Against Homophobia, Transphobia, and Biphobia – May 17
- Mental Health Week – May 6 - May 12
- National Accessibility Awareness Week – May 31 - June 6

Each of us want our children and loved ones to have opportunities to learn, to be productive, to be social, to enjoy life. That's what the *Code* does. It doesn't ask that you treat people with fairness and dignity; it insists on it.

-SHRC Staff Member

STRATEGIC PLAN



A NEW DIRECTION

In 2011, the Saskatchewan Human Rights Commission introduced the Four Pillar Strategic Business Plan. This plan marked a new approach to the promotion and protection of human rights in Saskatchewan. It called for a significant increase in the use of mediation and systemic advocacy, along with the continued use of litigation and public education to innovatively and proactively discourage discrimination in the province.

The Four Pillar plan resulted in numerous successes. It allowed the Commission to effectively address the Ombudsman's 2007 concern with the lack of timeliness of the process and helped to drastically reduce the use of litigation. Nearly 80% of all complaints are resolved in the year they are received. Over the past 10 years, only five complaints have been litigated in the Court of Queen's Bench. Under the Four Pillar plan, the Commission's Systemic Advocacy team continued to expand its scope and reach, achieving new and considerable successes throughout the province. Our public education mandate included supporting the Concentus Citizenship Education program, which provides curriculum-ready citizenship materials that are used in schools throughout the province.

Since the Four Pillar plan was launched in 2011, Saskatchewan has become much more diverse. The number of human rights complaints has more than doubled. There has been urban growth, a fast growing Indigenous youth population, an aging population, and many more people living with disabilities in Saskatchewan today. In order to adapt to these changes and best serve the citizens of Saskatchewan, the Commission has set a new strategic plan.

2019-2024 STRATEGIC PLAN

As a learning organization dedicated to best practices, the Saskatchewan Human Rights Commission has built upon our successful Four Pillar strategy and developed the new 2019-2024 Strategic Plan, which reflects the goals and priorities of the Commission. It is firmly rooted in evidence-based decision making, emerging trends, adoption of best practices, respect for lived experience, reconciliation, evaluation, and partnerships with stakeholders.

SERVING COMMUNITY



Forming strategic alliances, working with stakeholders, and engaging with community leaders helps the Commission to best serve the people of Saskatchewan.

COMMUNITY CHAMPIONS



“THE GREATNESS OF COMMUNITY IS MOST ACCURATELY MEASURED BY THE COMPASSIONED ACTIONS OF ITS MEMBERS.”

– Coretta Scott King

As part of the 2019-2024 Strategic Plan, with its renewed focus on serving community, the Commission is working to identify and engage with passionate and compassionate members of communities throughout the province.

The Commission recognizes the contributions of these individuals, and is committed to establishing close working relationships that serve the people of Saskatchewan.

Human Rights Community Champions are dedicated to promoting and recognizing the inherent dignity and the equal and inalienable rights of all members of the human family.

These individuals are committed to furthering public policy in Saskatchewan that ensures every person is free and equal in dignity in rights. They are also committed to discouraging and eliminating discrimination in the province.

KAMAO CAPPO/FRANCOIS BRIEN

In January, 2020, the Commission acknowledged Kamao Cappo and Francois Brien as Community Champions.

In 2017, an incident of racial profiling occurred while Mr. Cappo was shopping at a Canadian Tire store owned by Mr. Brien. That incident led to Mr. Cappo filing a complaint with the Saskatchewan Human Rights Commission.

Using the Commission mediation model – which offers people the opportunity to talk, understand each other, and tailor resolutions to their own needs – Mr. Cappo and Mr. Brien were able to reach a mutually beneficial settlement. Both parties wanted to work together to resolve the problem that created the complaint.

The result was a new training policy at Mr. Brien’s store that focused on strengthening relationships with Indigenous customers. A video called “Reconcili-Action:



The Power to Change” was also created. This video speaks to our shared history in Canada and the need to reconcile with Indigenous people.

Mr. Cappo was given the opportunity to review the contents of the video and provide feedback.

This outcome, and the way that both individual approached the matter, was a testament to understanding and an example of reconciliation in action. For that, they were recognized as Commission Community Champions.

RHONDA ROSENBERG

Rhonda Rosenberg, the Executive Director of the Multicultural Council of Saskatchewan, is also recognized as a Human Rights Community Champion.

Ms. Rosenberg exemplifies what it means to be a Human Rights Community Champion.

Her understanding of the power of education is commendable. Her commitment to eradicating racism is steadfast. Her devotion to multiculturalism in this province remains unwavering.

Saskatchewan Human Rights Commission Community Champions have diverse backgrounds. They may represent:

- Government
- Business
- Education
- Justice
- Health
- Community-based Organizations
- Faith groups
- Diverse age groups, and
- Diverse ethnicities

ADVISORY COMMITTEE



The Commission established an Advisory Committee to help it better understand and serve the province. The Committee is comprised of 13 community leaders whose diverse backgrounds and experiences help inform Commission strategies and initiatives.

ADVISORY COMMITTEE MEMBERS

- Cooper Muirhead – Inclusion Thought Leader
- Donnie Speidel – Indigenous Elder and Thought Leader
- Elliot Paus Jenssen – Retired Social Worker and Anti-Ageism Thought Leader
- Lauren Scharfstein – Lawyer and Anti-Hate Speech Thought Leader
- Max Fineday – Indigenous Thought Leader
- Murray Scharf – Retired Professor and Anti-Ageism Thought Leader
- Tasnim Jaisee – Student Thought Leader
- Nancy Winder – Engineer and Women in Non-Traditional Roles Thought Leader
- Nora Cummings – Senator and Métis Elder and Thought Leader
- Robert Doucette – Métis Elder and Thought Leader
- Ruth Cameron – Indigenous Elder and Thought Leader
- Sanjay Sthankiya – Tech and Innovation Thought Leader
- Jeanny Buan – Entrepreneur and Philanthropist Thought Leader

IN THE COMMUNITY



Making Saskatchewan more accessible

Society benefits when everyone can participate in all areas of public life. It is important for building owners, service providers, and employers to ensure that people with disabilities can access the buildings and places where the public is customarily admitted. They can do this by implementing universal and inclusive design principles.

This past year, discussions between the Commission and the Building Standards and Licensing Branch (Ministry of Government Relations) resulted in the creation of a first-ever Barrier-Free Design Guide for Saskatchewan.

This guide was launched at two meetings for municipal local authorities and builders. The Commission presented on the relationship between *The Saskatchewan Human Rights Code*, accessibility in the built environment, and

the need to accommodate people with disabilities in the public spaces and services in our province.

The new Barrier-Free Design Guide assists in addressing accessibility concerns. Complying with National Building Codes does not guarantee automatic compliance with *The Saskatchewan Human Rights Code*.

Careful thought should be given when building or renovating spaces. It's important to note that cost or businesses' inconvenience cannot be used to justify the absence of accessible facilities.

A need remains for continued outreach and partnership development with stakeholders – including leaders, officials, building owners, advocates, and people with disabilities.

IN THE NEWS



“THE HEALTH AND WELL-BEING OF SASKATCHEWAN IS DIRECTLY RELATED TO THE HEALTH AND WELL-BEING OF THE INDIGENOUS COMMUNITIES IN OUR PROVINCE.”

- Chief Commissioner David Arnot

Reconciliation in action

On July 14, 2019, the Saskatchewan Human Rights Commission held a press conference at the Delta Hotel in Regina to announce the resolution of a complaint involving Kamao Cappel and Francois Brien Enterprises Ltd.

The complaint was filed with the Commission after an incident occurred on July 26, 2017 while Mr. Cappel was shopping at Canadian Tire Associate Store #629 in Regina.

Mr. Cappel had entered the store to purchase a new chainsaw. While there, he was approached by a store manager and was asked to leave. When Mr. Cappel asked why he had to leave, an incident ensued in which the store manager used physical force against Mr. Cappel.

The resolution between the two parties was reached using the Commission’s restorative, face-to-face mediation model.

At the press conference, Mr. Brien acknowledged the incident and apologized.

“The store recognizes that members of Indigenous communities in Regina have suffered and continue to suffer from incidents of actual and perceived racism,” said Brien. “As a result, the store has taken proactive steps to ensure that it can become an example of how to provide exceptional service to Indigenous customers. To that end, the store has developed organization-wide training to train its members about how to properly serve customers of all backgrounds, with a specific focus on cultural competency training to strengthen relationships with Indigenous customers.”

Mr. Cappel accepted the apology.

“I look forward to working with the store in developing effective change to address racism toward Indigenous



RECONCILI - ACTION THE POWER TO CHANGE

communities in Regina, and perhaps develop models for others in the retail industry,” he said.

“I appreciate the response of Mr. Francois Brien and the good-faith settlement we achieved.”

Chief Commissioner David Arnot thanked everyone involved in the process for taking the time and effort to communicate, cooperate, and reach a positive outcome.

“People make mistakes,” he said. “It’s part of human nature. The important thing is to identify, correct, and learn from our mistakes. We have to allow for people and organizations to change. We have to work together so that we can grow together.”

Chief Commissioner Arnot concluded the press conference by saying:

The health and well-being of Saskatchewan is directly related to the health and well-being of the Indigenous communities in our province. We need to understand this. We need to understand one another because understanding is the first step towards reconciliation. I want to commend Mr.

Cappo and Mr. Brien for taking that first step This is an explicit and intentional move towards reconciliation. This is reconciliation in action. This is how we begin to understand each other and grow – as people and as a province.

“RECONCILI-ACTION” VIDEO

As part of the resolution agreement a video, “Reconcili-Action: The Power to Change”, was produced by SMSolutions. The video was designed to strengthen understanding and respect between Indigenous and non-Indigenous people. Both Mr. Cappo and Mr. Brien provided feedback during the creation process.

“The creation of such a video demonstrates leadership in addressing systemic discrimination in corporate Canada,” said Chief Commissioner Arnot. “It presents a genuine opportunity for Canadian Tire Canada to take an active, leading, and dynamic role in helping to make reconciliation a reality in our country ... My hope is that Canadian Tire will respond to the Truth and Reconciliation Commission’s Calls to Action by promoting this video in a meaningful, effective way.”

EFFICIENCY OF PROCESS



As a learning organization, the Commission modeling best practice and pursuing continuous improvement in order to meet the needs of Saskatchewan citizens.

EARLY RESOLUTION

The Commission increased its efforts to resolve complaints prior to the formal filing of a complaint, as well as, through the entire investigation process. Mediation is available to complainants and respondents who need assistance in resolving complaints earlier in the process.

EMOTIONAL SUPPORT ANIMALS

Sometimes a situation can be resolved by reaching out and talking to the parties involved in a complaint. This is often what our intake consultants do during the pre-complaint process, before a complaint has been accepted and formalized.

A family contacted the Commission regarding trouble they were having getting permission for their daughter, *Sierra, to have an emotional support animal (ESA) at her condo.

The parents were acting as advocates for their daughter, who is an adult with a disability. The condo association turned down the request, and the parties had become polarized.

A call to the condo association revealed that the board was confused as to why the individual who owned the condo (Sierra) had not asked them directly. She was living independent of her parents, had a job, and was able to interact with neighbours. Her disability was not readily apparent, and the board didn't understand the need for an ESA.

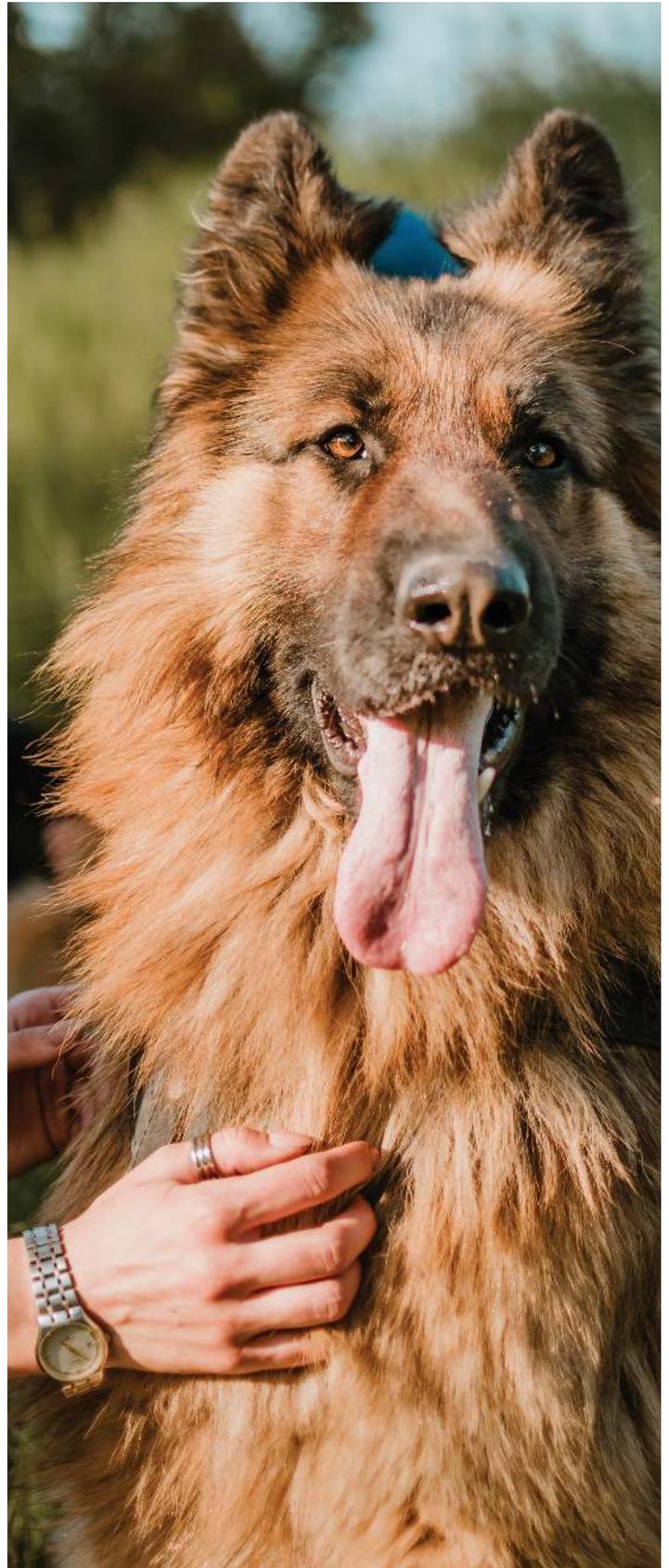
With permission, the intake consultant was able to help the board understand more about the individual's disability and why Sierra's parents were acting as advocates.

The board asked that the request for the ESA be made to them directly by Sierra as she was the owner of the condo. The parents were able to help their daughter prepare a written statement for the board that explained what the benefits of the animal were and provided medical documentation to support the request.

After another meeting, the board decided to approve Sierra's request for an ESA. As well, they are considering changing their by-laws to have a clear procedure for how to handle such requests in the future, as these types of requests are becoming more common.

DISABILITY AND DUTY TO ACCOMMODATE

Steven* suffered an extensive brain injury as a child. As an adult, Steven obtained a job through a government-sponsored program designed to match persons with disabilities with employers. The benefits of this employment were tremendous. Steven felt valued,



productive, and was able to live independently of his parents. He never missed a day and always did his best. However, after a while, Steven's relationships with his work colleagues began to deteriorate and intervention was needed.

Steven's parents urged his manager to speak with Acquired Brain Injury Services (SK) for ideas of what might be done to accommodate Steven and, perhaps, correct his behavior at work. The manager didn't take the advice. He terminated Steven's employment.

Steven's parents filed a complaint on his behalf. They felt the employer could have done more to accommodate their son. Steven's parents also believed he had been discriminated against on the basis of disability, contrary to section 16 of *The Saskatchewan Human Rights Code*.

The matter was resolved in mediation. The employer offered to compensate Steven for lost income and benefits, as well as for damage to dignity.

The employer also apologized and promised that senior management would receive appropriate training on best practices for accommodation. Steven, with assistance from his parents, accepted and the file was closed.

MENTAL HEALTH

Jake* has Bipolar Disorder, a disability which he disclosed to his employer when hired for an office position.

Jake was hospitalized for five weeks in connection with his disability. He informed his employer about the situation and kept in contact during his stay at the hospital.

While Jake was on medical leave, his employer reviewed his active file load. The employer said it found an unacceptable number of open files. On this basis, the employer terminated Jake's employment.

Jake disputed the number of open files and believed that his employer had terminated his employment because of his disability. Jake filed a complaint alleging that the employer had failed to accommodate his disability to the point of undue hardship.

The matter was resolved during **investigation** through negotiation between parties. The employer agreed to pay compensation in exchange for a signed release.

Complaints are often resolved in advance of a hearing. As more facts are established through investigation, it is not unusual for parties to better understand their positions and to seek a compromise in resolution.

FAMILY STATUS

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 left work. Marg thought this 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 a senior management person 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. She believed her employer had discriminated against her on the basis of family status, contrary to section 16 of *The Saskatchewan Human Rights Code*.

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.

The Saskatchewan Human Rights Code defines family status as "the status of being in a parent and child relationship."

The Code prohibits discrimination towards an individual based on this relationship. As with other Code grounds, employers and employees are both expected to cooperate in meeting the needs of employees based on their family status. This duty to accommodate is often associated with caregiving responsibilities of the parent.

APPROPRIATE CASE RESOLUTION

Brian* works for a company with offices in different cities around Saskatchewan. For more than a decade, Brian was stationed in an office close to home. When the company decided to close the office where Brian worked, some of the employees were given the option to work from home. Brian was not one of those employees. Instead, he was transferred to an office in a different city.



This created a problem because Brian is a person with a disability that requires accommodation. He provided his employer with a doctor's note attesting to the fact that Brian could not commute to another city for work due to his medical condition.

Brian provided further documentation, as requested by his employer, to support his need for accommodation. But no accommodation was provided and the employer insisted that Brian had to attend work in the other city.

Brian contacted the Commission. He believed his employer had refused to accommodate him to the point of undue hardship and, thereby, discriminated against him on the basis of disability, contrary to section 16 of *The Saskatchewan Human Rights Code*.

The matter was resolved through appropriate case resolution. The employer looked to accommodate Brian in the office in his home city. Brian's union helped resolve this office placement issue. As a result of the Commission's investigation process, the company offered to compensate Brian and to resolve all other outstanding issues.

PREGNANCY

Beth* was hired to be a Team Lead with a local company. It was a full-time, permanent position and she enjoyed her work. Beth had a good relationship with her colleagues and her clients.

Approximately a year after being hired, Beth went on maternity leave. Prior to leaving, she spent a couple of months training her replacement.

While on leave, Beth requested information about how to submit an application for an extension of her maternity leave. A month later Beth spoke to her supervisor on the phone and was informed that her position at the company had been eliminated. The supervisor told Beth that her replacement, the one she had trained, was doing a good job and that her position was being eliminated due to business needs. However, after her termination, Beth noticed the company posting jobs online and hiring new people.

Feeling the company could have done more to accommodate her, Beth filed a complaint.

Beth believed she had been discriminated against on the basis of sex (including pregnancy) contrary to section 16 of *The Saskatchewan Human Rights Code*.

The matter was resolved in directed mediation. The company offered to compensate Beth for damage to dignity.

Beth accepted the offer and the file was closed.

*All names have been changed.

SETTLEMENT OPTIONS



There are several ways in which a complaint can be settled, and appropriate settlements are determined on a case by case basis, in consultation with the parties involved.

WITHDRAWALS

The option to withdraw a complaint is available to the Complainant at any time. In some instances, the respondent will request that the complainant withdraw the complaint as part of a settlement

DAMAGES

In some cases, the payment of damages to the Complainant is appropriate. There are three main types of damages: damage to dignity, lost income, and disbursements/expenses.

An amount paid out for damage to dignity is an acknowledgment that the complainant has suffered. In Saskatchewan, the amount is capped at \$20,000.00, with that amount generally being reserved for extreme cases.

If a complainant has been unable to work in relation to the complaint, it may be reasonable for an amount to be awarded for lost wages. This amount must be based on an accurate representation of the income lost. Furthermore, the complainant is expected to do what they can to mitigate their circumstances by seeking other employment options.

Disbursements/expenses would be based on money spent in bringing forward the complaint. There is no cost for using the services of the Commission. However, if the complainant chooses to obtain paid legal counsel, the settlement might include the cost of counsel. If the

complainant has to travel to attend mediation, such expenses might be recouped as part of the settlement in the form of damages.

APOLOGIES

Many complainants arrive wanting an apology from the person they believe has wronged them. Some people want an acknowledgment of wrong-doing with a written or public apology made by the respondent. It is not within the Commission's power to compel anyone to apologize. However, an apology can take other forms: a positive letter of reference, a renewed working relationship, or a donation to an organization the complainant supports.

TRAINING

The majority of complainants state that they want something positive to come out of their complaint. If appropriate, a respondent might agree to undergo or provide training in an area related to the complaint. They may seek the Commission's assistance in updating policies that reflect a commitment to uphold the Code.

In determining what might be reasonable settlement components, complainants are encouraged to research similar settlements determined by Saskatchewan courts and to think creatively to arrive at a resolution that is satisfactory to both parties. Both parties must agree to the terms of any settlement, although the Commission will oversee the process to ensure the settlement is fair and reasonable. If the complaint goes to the Court of Queen's Bench, a judge will determine if there will be a settlement and what terms it will include.

LEGAL AND LITIGATION



During the 2019-2020 fiscal year, the Commission successfully used directed mediation and pre-conference hearings as a means of resolving complaints that would have otherwise proceeded to hearing at the Court of Queen's Bench.

HIRING-RELATED COMPLAINT RESOLVED AT PRE-HEARING CONFERENCE

Alex* was an immigrant and job-seeker who applied for multiple jobs within the same organization. Some of the job postings included a requirement for "local experience." All of Alex's work experience was gained outside of Canada. Alex filed a complaint against the respondent organization alleging that it refused to employ him on the basis of race and place of origin.

At the pre-hearing conference, the complainant and Respondent reached a mutually agreeable settlement consisting of a monetary component as well as a requirement for the Respondent to provide training for all of its managers tasked with hiring new employees.

PRE-HEARING CONFERENCE LEADS TO SETTLEMENT AND HUMAN RIGHTS TRAINING

Doris* commenced a leave of absence from her employment for medical reasons in the spring of 2016. After submitting medical notes, Doris promptly received correspondence from various representatives of her employer stating that she needed to submit further medical information. These representatives repeatedly asserted that Doris had abandoned her employment and/or was subject to disciplinary measures for failing to submit her medical records.

Doris asserted she was not abandoning her position, and had her doctor submit another note. Within a month of commencing her leave of absence, the respondent terminated Doris's employment.

At the pre-hearing conference, the parties agreed to, among other things, a monetary settlement, and human rights training for all management personnel.

RACIAL DISCRIMINATION CASE LEADS TO SETTLEMENT

In 2018, Paul*, a Canadian of Indigenous descent, attended a retail store and asked staff for assistance in making a purchase. The employee approached a manager, who then confronted Paul and told him he would have to come to the till and the employee could not run cash to the till for him.

During this conversation, Paul asserts the manager assaulted him, used a racial slur when speaking to Paul, and tried to take Paul's phone and keys. The manager damaged some of Paul's property during the altercation. The manager sustained minor injuries during the altercation, and called the police to try and have Paul charged with a crime.

This altercation occurred while Paul's wife was present.

The manager denied assaulting Paul and denied discriminating against him. The manager asserted he did not have a propensity to discriminate.

During the pre-hearing conference, the parties agreed to a monetary settlement to compensate for Paul's injury to dignity, feelings, and self-respect pursuant to s.40 of the Code.

RETALIATION CASE RESOLVED THROUGH DIRECTED MEDIATION

Charlotte* had been with a local company for a year and a half, when a coworker began texting her inappropriate messages. These texts contained sexual remarks and comments about Charlotte's physical appearance.

Feeling uncomfortable with the situation, Charlotte set up a meeting with her supervisor to report the matter. She asked a coworker, Emma*, to accompany her for support. Emma agreed, but the meeting didn't go as expected.

Charlotte claimed her supervisor was dismissive of the sexual harassment allegation and, at one point, laughed about the situation.

The following week Charlotte was called in for another meeting and was fired. An hour later, Emma's employment with the company was terminated as well.

Both filed complaints with the Saskatchewan Human Rights Commission.

Charlotte believed she had been discriminated against on the basis of sexual harassment, contrary to section 16 of *The Saskatchewan Human Rights Code*. She also had reason to believe the company had fired her in retaliation for making a sexual harassment allegation, contrary to section 53 of the *Code*.

Emma believed her employment was terminated in retaliation for her offering support to Charlotte, also contrary to section 53 of the *Code*.

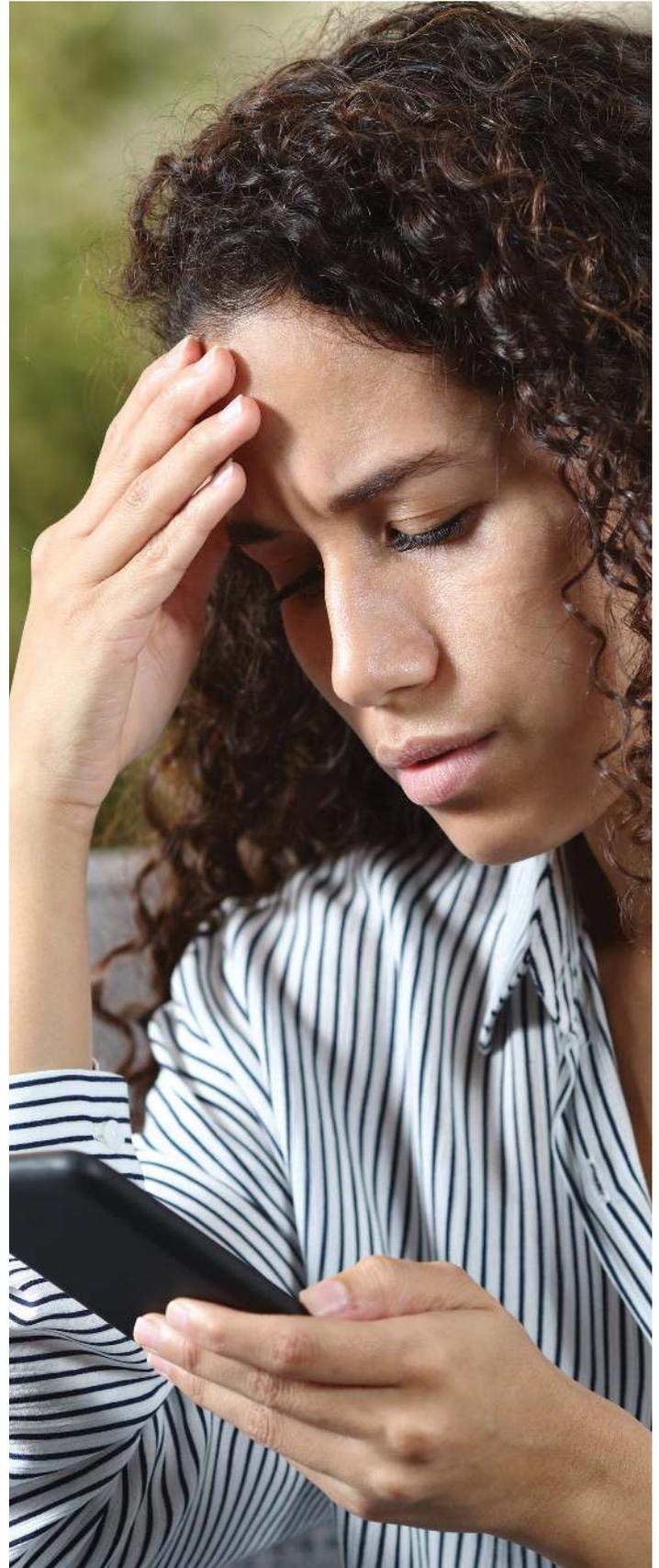
Charlotte's case was resolved during investigation, while Emma's was resolved in directed mediation. The company offered to compensate Charlotte and Emma's lost income, as well as compensate them for damages to dignity. Charlotte and Emma accepted the offers and the files were closed.

Employers should be cautious not to run afoul of the retaliation provision in *The Saskatchewan Human Rights Code*.

This provision does not allow an employer to discriminate against, penalize, intimidate, coerce, threaten to dismiss, or retaliate against a person because that person:

- Made or may make a human rights complaint; or
- Gave evidence, testified, or participated in a complaint in some way, or may do so in the future.

*All names have been changed



Frequently Asked Questions

I think I have a complaint. Can I speak to someone in person?

The Commission website has a new assessment tool called “Am I In the Right Place?” to help you determine if your complaint falls within the jurisdiction of the the Commission. If, after reading that section, you still have questions or concerns, you may contact the Commission by phone or email to speak with an Intake Consultant. We do not usually meet with complainants at the initial stages of assessment as your complaint must be submitted in writing regardless. You will be contacted if more information is required or if your complaint is not accepted.

I already talked to someone on the phone. Why do I have to send in a form?

We ask that all complaints be made in writing, using the Intake Questionnaire, to ensure we have all essential information documented. An Intake Consultant will be able to answer questions you may have about the process, but a more in-depth assessment needs to be made to determine if you have a complaint that the Commission can accept.

What happened to me doesn't fit on your list of protected characteristics. Can I submit a complaint anyway?

For the Commission to accept a complaint, it must clearly be related to at least one of the protected characteristics. If you are unsure, you are welcome to submit your complaint in writing and it will be assessed as part of our regular process.

I have a disagreement with my neighbour, a conflict with my spouse, and a stranger on the street called me by a racial slur. Can the Commission help me with these things?

The Commission has no jurisdiction over the actions of private citizens. Complaints must be within one of the following areas: education, employment, public services, housing contracts, professional trade associations, purchase of property, occupations, trade unions, or publications.

I want to make a complaint about something that happened 2 years ago. Can I do that?

There is a one-year limitation on filing a complaint. You must file your complaint within 12 months of the incident of discrimination taking place. Only in certain circumstances can an exception be made to this rule.

I'm from Saskatchewan, but the incident took place in another province. Where do I file my complaint?

The Commission only has jurisdiction over provincially-regulated services within Saskatchewan. If the discrimination took place elsewhere in Canada, you may wish to contact the human rights agency for that province or territory. If your complaint relates to a federally-regulated service or activity (Government of Canada, Transportation, Banking, Inter-Provincial Trucking, Broadcasting), you may wish to contact the Canadian Human Rights Commission.

I wasn't born in Canada and I'm not a Canadian Citizen. Can I file a complaint?

Yes. If you have been discriminated against on the basis of a protected characteristic in a “public” area, you may file a complaint. It will be assessed through our regular process.

Are you going to tell my employer I've been talking to you? I'm afraid of getting fired.

Any information you provide is confidential. In most cases, the employer or respondent is not contacted until after the complainant has signed a formal complaint document, which the Commission will send you if your complaint goes ahead. You will be notified when the respondent is being served with the complaint. In the case of a pre-complaint attempt, the Commission will only speak with your employer if you give permission to do so in order to resolve the complaint informally.

INFORMAL RESOLUTION FAQs (Also Known As Pre-Complaint or Pre-Formalization)

In some cases, an Intake Consultant may determine that a situation is appropriate for informal resolution. Usually such situations can be dealt with by providing information to a party about potential violations of *The Saskatchewan Human Rights Code*. If this is the case in your situation, an Intake Consultant may ask you if you are open to him or her contacting the other party. You will be asked to provide contact information for that person. Informal resolution usually involves some back and forth between the parties and the Intake Consultant, so patience is important. However, it may avoid the need to file a formal complaint.

Example 1: A pregnant woman is terminated when she tells her manager she is pregnant. An Intake Consultant would be able to explain to the manager that sex, including pregnancy, is protected under the Code, and therefore a person cannot be fired because of that. Ideally, the employee is returned to work.

Example 2: A person with a disability with a service dog is not allowed to enter a restaurant. An Intake Consultant can explain to the restaurant owner that there are special rules for service animals, and that a trained service dog is allowed to accompany its owner. The Intake Consultant can provide information about what the restaurant owner's rights are as well.

WITNESS FAQs

What does it mean to be a witness in a Human Rights Investigation?

If you are asked to be a witness as part of a human rights investigation, it means the Investigator has identified you as a person who may have relevant information to the complaint. While you may or may not have knowledge of the complaint itself, you may have useful information regarding the organization or individuals involved in the situation. The Investigator will set up a date and time with you to conduct an interview. The Investigator will ask you a number of questions relevant to the complaint.

Do I have to participate in a human rights investigation? What if I don't want to?

Yes, you are required to participate in a human rights investigation. Most witnesses who are contacted by the Commission willingly cooperate with the investigation. Failure to cooperate may lead to a Court order compelling your cooperation.

Does the Investigator act for either of the parties?

The Investigator does not act for any party. The Investigator is tasked with remaining neutral and unbiased while gathering information from the complainant, respondent, and any other witnesses. If the Chief Commissioner refers the matter to the Court of Queen's Bench for a hearing after the investigation, then the hearing will be conducted by Commission counsel.

What happens with the information I provide to the Investigator?

The Investigator will take notes during your interview and, at the end of the investigation, will prepare a Disclosure Report which contains information from each of the parties, relevant witnesses, and lists the relevant documentary evidence that has been collected.

The information you provide to the Investigator will be summarized in the Disclosure Report. The Disclosure Report is provided to the Chief Commissioner who ultimately decides if the complaint will proceed further or if it will be dismissed.

Will I receive a copy of the report at the end of the investigation?

No, you will not receive a copy of the Disclosure Report unless you are a party to the complaint.

Will my name be published or shared anywhere?

Your name will not appear in the Disclosure Report unless you have been named as an individual Respondent. If you are not a named respondent, your name will be anonymized.

I am worried that my employment will be affected if I speak to the Investigator. What can I do?

This is something you can speak with the Investigator about ahead of time. Employers and other respondent are notified that cooperation with an investigation is required. Section 53 of *The Saskatchewan Human Rights Code* protects against intimidation or discrimination of any individual who has or may participate in a complaint. If you suffer any adverse treatment as a result of your participation, you should contact the Saskatchewan Human Rights Commission to discuss how you might proceed.

Do I have to attend the interview in person?

The preference is for witnesses to attend interviews in person; however, often the witness and the Investigator are not located in the same community. As a result, many witness interviews are conducted via telephone or videoconference.

Can I bring someone with me to my interview?

You may have someone attend your interview, including your own legal counsel. However, you cannot have a party to the complaint, legal counsel for one of the parties, or another witness to the complaint. The individual accompanying you cannot answer questions directed towards you and should only be there for support. If you require a translator or interpreter for the interview, please notify the Investigator so necessary arrangements can be made.

Can I have my employer's lawyer come with me?

If you are considered a "directing mind" of the Respondent, Respondent counsel may request to sit in on your interview. An employee who performs management duties and/or has supervisory authority may be considered part of a company's "directing mind." This determination is highly fact-specific. Employees who are not "directing minds" of a company are not parties to the proceeding.

BY THE NUMBERS

Total number of new complaints received in 2019/20



451

Complaints formalized



134

Percent increase in files formalized compared to the previous year



5.5%

Business line inquiries



440

Number of employment-related complaints formalized



125

Number of disability-related complaints formalized



88

Number of files closed in 2019/20



565

Total number telephone inquiries



1,617

**Table 1: Summary of Complaints Formalized
April 1, 2019 to March 31, 2020 by Grounds¹ and Category**

**Total number of
new complaints
in 2019/2020:**

451

**Total number of
complaints formalized
in 2019/2020:**

134

CATEGORY	Age	Aboriginal Ancestry	Other Ancestry ²	Marital Status	Disability	Religion ³	Sexual Harassment	Sex / Gender / Other	Sex / Pregnancy	Family Status	Sexual Orientation	Public Assistance	Total Grounds	Grounds Cited
	Education	3	0	0	0	0	0	0	0	0	0	0	0	3
Employment	4	1	14	0	88	4	1	2	3	8	0	0	125	81.2%
Housing	0	1	1	0	0	4	3	0	0	0	0	0	9	5.8%
Public Services	0	0	0	0	0	0	6	0	11	0	0	0	17	11.0%
Total Grounds	7	2	15	0	88	8	10	2	14	8	0	0	154 ¹	100%
% Grounds Cited	4.5%	1.3%	9.7%	0.0%	57.1%	5.2%	6.5%	1.3%	9.1%	5.2%	0.0%	0.0%		
% Total Complaints	5.2%	1.5%	11.1%	0.0%	65.7%	6.0%	7.5%	1.5%	10.4%	6.0%	0.0%	0.0%		

Notes:

¹ Some complaints allege several grounds of discrimination. For this reason, the total number of grounds cited (154) exceeds the total number of complaints formalized (134).

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

117,623

page views on the
Commission's website in
2019-2020

10.4%

formalized complaints alleging
discrimination based on sex/
pregnancy

In 2019-2020, the number of formalized
complaints related to religion increased by

167%

80%

increase in
the number
of complaints
formalized in the
area of housing

12.9%

decrease in the number
of total complaints

21%

increase in
the number
of complaints
formalized in the
area of public
service

5.5%

increase in the
number of formalized
complaints

Formalized complaints alleging
discrimination based on other
ancestry increased by

67%

54,857

visits to the Commission's website
in 2019-2020

Approximately

2/3

of complaints
formalized in 2019-2020
involved the failure
to accommodate
disability.

146%

increase in
Instagram
followers

71%

increase in
Facebook
followers

31%

increase in
Twitter
followers

\$2,421,000

The Commission's 2019-2020 approved budget

Table 2: Files Opened and Closed

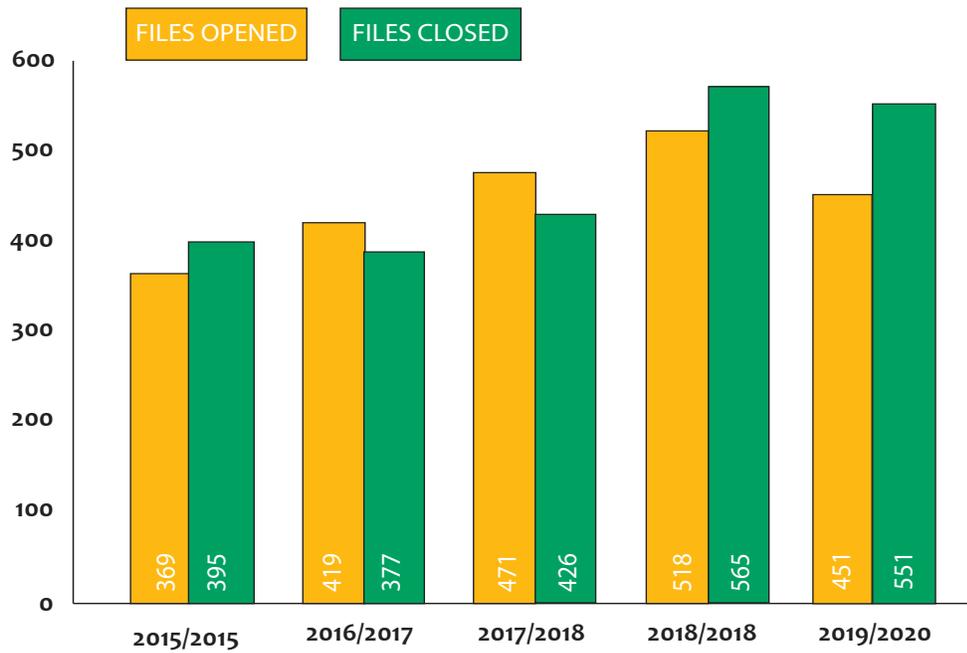
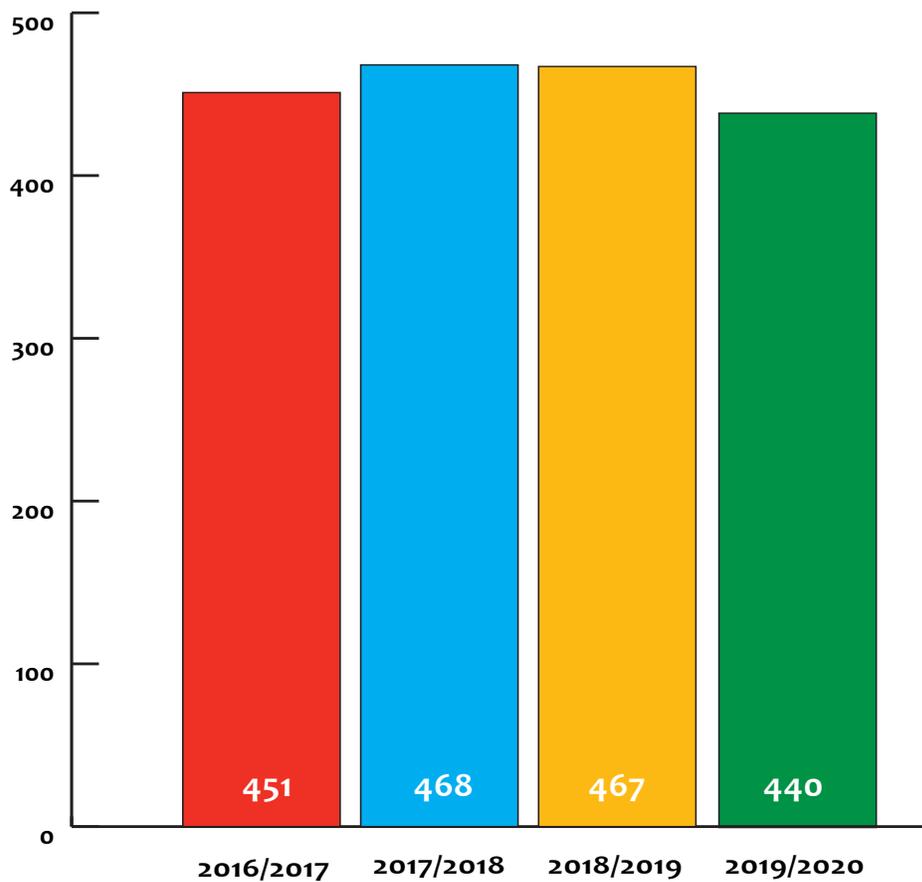


Table 3: Business Line Inquiries



HOW WE DO BUSINESS

If a person feels someone has discriminated against them, complaints can be made to the Saskatchewan Human Rights Commission in the following ways:

PHONE



(306) 933-5952
Toll Free: 1-800-667-9249

POST



P.O. Box 6011
Saskatoon SK S7K 4E4

EMAIL



shrc@gov.sk.ca

ONLINE



www.saskhumanrights.ca

In-person or face-to-face meetings are by appointment only. The Commission does not accept walk-in complaints.

ARE YOU FOLLOWING US ON SOCIAL MEDIA?



SYSTEMIC ADVOCACY

Over the course of the last year, the concept of “systemic” discrimination has become a prominent point of discussion on an array of social issues that affect identifiable groups of people. Inequity, inequality, and discrimination that affects cohorts of people can effectively be addressed by looking at the systems which, sometimes by design, and sometimes inadvertently, create barriers.

Systemic advocacy, in a human rights context, is intended to ameliorate a situation, practice, policy, or behaviour that discriminates against an identifiable group or cohort of people. The Commission’s mandate to prevent systemic discrimination is, therefore, intended to achieve large-scale change. Unlike individual complaint resolution processes, systemic advocacy is always intended to achieve orders-of-magnitude outcomes.

TRANSPORTATION - LEVERAGING PAST WORK FOR NEW OUTCOMES

Addressing transportation for persons with disabilities, the first systemic initiative which followed changes to the Code in 2011, continued to evolve in the 2019-20 fiscal year. Work with large-scale paratransit service providers, including Saskatoon, Regina, and Moose Jaw, culminated in the creation of the Commission’s Provincial Paratransit Standards.

This process involved the input of more than 78 service providers, and the assistance of personnel from the Ministry of Government Relations’ Transit Assistance for People with Disabilities (TAPD) program. The TAPD program committed to collecting and using statistics on trip denials.

The ultimate objective is to have no service denial. Service providers are reporting that increased demand, including from an aging population, and increased need by persons with disabilities, is placing pressure on their systems. The Commission has not yet had to assess any service provider’s efforts against these standards.

The Provincial Paratransit Standards were approved by the Commissioners in May 2019. In this way, the original 2012-2015 paratransit work continues to leverage positive outcomes.

EMPLOYMENT EQUITY PROGRAM REVIEW

In 2019, the Commission asked the Saskatchewan Bureau of Statistics to update the employment equity targets. The new targets, reflect the most current data available from Statistics Canada, including the 2016 Census of Population, the 2017 Canadian Survey on Disability, and the 2018 Labour Force Survey.

Equity Group	Target
Aboriginal People	
Provincial	14.0%
Prince Albert CA	35.0%
Members of a Visible Minority Group	
Provincial	10.6%
Regina/Saskatoon	16.8%
Persons with Disabilities	22.2%
Women in Underrepresented Occupations	47.0%

The new goals reflect overall growth in the visible minority population, and a more accurate target for people with disabilities. In addition to preparing an updated set of equity program metrics, the Commission received a background data set which enables a Census Metropolitan Area (CMA) and Census Agglomeration (CA) analysis of the population in Saskatchewan. This information gives the Commission a better understanding of the demographic trends for population growth related to visible minorities and Indigenous persons.

Visible Minorities (15-74)	Population	Visible minority	Visible minority
CA			
Estevan	124295	10735	8.6%
Lloydminster (Saskatchewan part)	10130	1130	11.2%
Moose Jaw	10975	1870	17.0%
North Battleford	24995	1675	6.7%
Prince Albert	13530	1185	8.8%
Swift Current	30550	2105	6.9%
Weyburn	13215	1150	8.7%
Yorkton	7550	685	9.1%
CMA			
Regina	395010	66200	16.8%
Saskatoon	176115	30420	17.3%
Grand Total	218895	35780	16.3%
Grand Total	519305	76935	14.8%

The Commission’s employment equity targets are well-used by program partners, and are reported in each fiscal year. While innovation is taking place, some partners are having difficulty in making progress in achieving the program’s goals. In March 2020, the Commission began an integrated review of the program. This review recognizes that while population-based targets are important to employers, specific and actionable information to achieve those targets is necessary.



D/DEAF AND HARD OF HEARING

From a human rights perspective, disability, like many of the prohibited grounds of discrimination in the *Saskatchewan Human Rights Code*, is intersectional. For example, a person may be, at the same time: deaf, a member of a particular faith group, married, have children, and have a gender identity that is different from their assigned sex at birth. Put another way, having a disability is not the only defining characteristic of a person.

Over the course of the last year, the Commission worked to address the systemic concerns of advocates for, and members of, deaf and hard of hearing communities. According to Statistics Canada, 5% of working age Canadians have a hearing disability. Moreover, 35% of these Canadians also have a seeing disability. Working systemically not only benefits those communities, but many other individuals and groups in our province.

DIVERSITY AND INCLUSION PRESENTATION

Previous work with the Community Planning Branch of the Ministry of Government Relations, resulted in a presentation by the Commission to the joint Ministry of Highways and Infrastructure/Government Relations Accelerated Leadership Development Program (ALDP) on February 12, 2020. The 21 program participants were identified by their respective ministries as having leadership potential.

The theme of the session was, “Building a Diverse and Inclusive Workforce: The Intersection of Human Rights and Leadership,” with the goal of identifying ways in which the program participants could build organizational community within the Government of

Saskatchewan. The Commission’s employment equity program, and the corresponding equity targets, were reviewed.

RENTERS IN RECEIPT OF PUBLIC ASSISTANCE

People renting housing who are also receiving public assistance from the government face unique challenges, including: 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.

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.

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.”

Over the past year, the Commission has continued to facilitate discussions between governments, landlords, advocacy organizations, and renters. In particular, discussion has centred on new circumstances created by the launch of a new program of public assistance – the Saskatchewan Income Support (SIS) program in July 2019 – and the City of Saskatoon’s consideration of a landlord registry.

SYSTEMIC IMPACT

WORKING WITH STAKEHOLDERS

Since 2011, addressing systemic discrimination has been a priority for the Saskatchewan Human Rights Commission.

Unlike the individual human rights complaint process, which typically works to resolve allegations of discrimination for a single person, systemic advocacy resolves inequity and discrimination that affects groups of people.

Addressing barriers that affect a community or cohort of people is, however, only part of what makes this work “systemic.” Systemic activities regularly involve multiple stakeholders.

That is, the people who experience inequity, the people and organizations who advocate for change, and the people who have the ability to make change, work together to transform the status quo.

Over the course of the past year, the Commission has worked with many stakeholders to address inequity and discrimination and achieve systemic outcomes for people in our province. Some of these stakeholders are listed in the image to the right.

Sometimes the path to making change is clear. The stakeholders are known, the issues are understood, and they agree to work together. In other situations, the Commission works with stakeholders to make the necessary connections between the policies, practices, and actions that, together, create equity.

African Canadian Resource Network
AIDS Saskatoon
Building Standards and Licensing Branch, Ministry of Government Relations
Camponi Housing
Canadian Mental Health Association (Saskatchewan)
City of Saskatoon
City of Saskatoon Fire Department
CNIB Foundation, Saskatchewan
College of Law, University of Saskatchewan
Community Planning Branch, Ministry of Government Relations
Community Research Unit, University of Regina
Department of Sociology, University of Saskatchewan
Inclusion Saskatchewan
Ministry of Education
Ministry of Health
Ministry of Justice
Ministry of Social Services
Mistawasis First Nation
Office of Residential Tenancies
Persephone Theatre
Prince Albert Police Service
Remai Modern
Renters of Saskatoon and Area (ROSA)
Rick Hansen Foundation
Safe Community Action Alliance
Sagehill Community Futures
Saskatchewan Advocate for Children and Youth
Saskatchewan Bureau of Statistics
Saskatchewan Chamber of Commerce
Saskatchewan Deaf and Hard of Hearing Services
Saskatchewan Health Authority
Saskatchewan Hotel & Hospitality Association
Saskatchewan Housing Corporation
Saskatchewan Landlord Association
Saskatoon Housing Initiatives Partnership
Saskatoon Industry-Education Council
Saskatoon Police Service
Saskatoon Poverty Reduction Partnership
Saskatoon Real Estate Services Inc
Saskatoon Tribal Council
Sexual Assault Services of Saskatchewan
Spinal Cord Injury Saskatchewan Inc.
The Children's Advocate
Vision Loss Rehabilitation Saskatchewan

SYSTEMIC INEQUITY, DISCRIMINATION, AND DISABILITY

Inequity experienced by people with disabilities can occur because of an unintended outcome of a policy or practice. A regularly out-of-service elevator, as an example, does not intentionally discriminate against a person with a mobility impairment who uses a wheelchair. Machines break down, service personnel may be busy, and parts sometimes need to be ordered.

However, a policy to delay repairs, or a practice to not prioritize accessibility, because “most people use the stairs anyway” may be discriminatory. The “system” perpetuates disadvantage in ways that sometimes even the person experiencing discrimination, or a well-meaning building operator, is unaware of.

As over half of the individual complaints received by the Commission involve the protected ground of disability, resolving systemic inequity experienced by people with disabilities is a priority for the Commission.

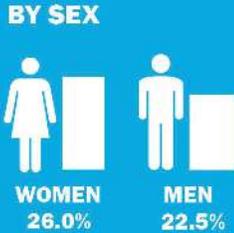
**DISABILITY
IN
SASKATCHEWAN**

24.3%

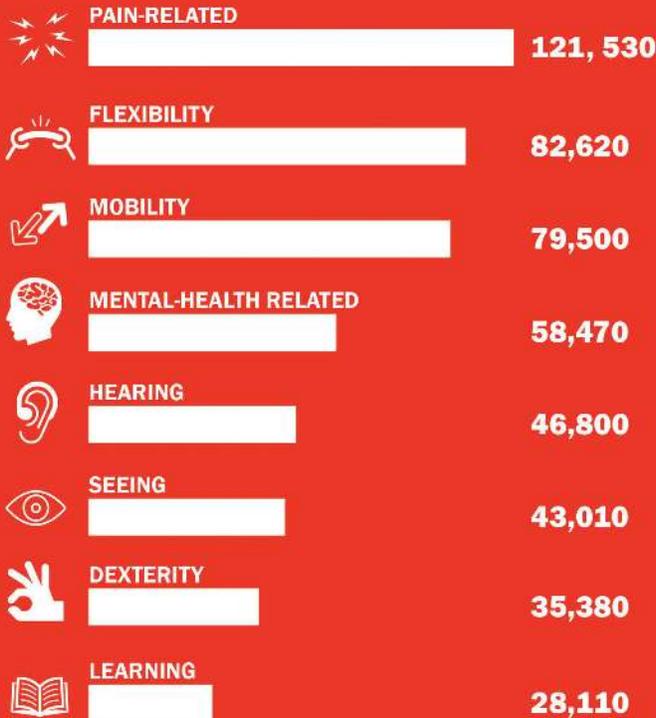
of the people in Saskatchewan, aged 15 and over, have a disability that limits daily activity

THAT REPRESENTS **196,260** SASKATCHEWANIANS

**PERCENT OF PEOPLE
IN SASKATCHEWAN
WITH AT LEAST
ONE DISABILITY:**



TYPES OF DISABILITIES



HUMAN RIGHTS COMPLAINTS

66%

of all discrimination complaints received by the SHRC last year were related to disability

DISABILITY AT WORK

22% OF PEOPLE IN THE LABOUR FORCE HAVE A DISABILITY

IN THE NEWS

Mosaic Stadium receives accessibility award



Over the course of the last year, the Saskatchewan Human Rights Commission met with many individuals and organizations to discuss barriers to accessibility in public buildings and spaces. Stakeholders, including people with disabilities, builders and building officials, architects and advocates, readily acknowledge the difficulties that exist. At the same time, examples of effective barrier-free designs have also been recognized.

One such success is Mosaic Stadium in Regina. On August 24, 2019, Mosaic Stadium became the first venue of its kind in Canada to be recognized by the Rick Hansen Foundation Accessibility Certification (RHFAC) program for its efforts to accommodate people with disabilities.

Some of the key features in the stadium include tactile way-finding, a washroom equipped with an adult change

table, and charging stations for electric wheelchairs in the accessible seating area.

The new RHFAC “Certified Gold” designation recognizes that meaningful accessibility accommodations have been incorporated into Mosaic Stadium.

This recognition also represents the collaborative efforts of municipal, provincial, and community stakeholders to prioritize the inclusion and accommodation of people with disabilities.

The Commission is committed to the equal access, participation, and enjoyment of the built environment. Acknowledging success, working together to remove barriers, and promoting accessibility standards will contribute to these goals.

“Systemic advocacy is about turning the negative – like systemic racism, gender bias, and ableism – around. The goal isn’t just to stop those things, it’s to replace them with systemic equity, fairness, and accessibility.”

-SHRC Staff Member

PUBLIC EDUCATION



Public education is an effective way to inform children, youth, and adults about their rights and responsibilities as citizens.

PUBLIC OUTREACH



The Commission participates in educational activities and partnership initiatives throughout Saskatchewan. The focus is on providing presentations, workshops, public awareness campaigns, and conferences while increasing presence at community events.

AFRICAN-CANADIAN RESOURCE NETWORK

In July, the Commission collaborated with The African-Canadian Resource Network and the Multicultural Council of Saskatchewan to put on a two-day conference in Regina. The conference theme – “Advancing Human Rights Values” – brought together community-based researchers, academics, policy makers, service providers, and community leaders to deliver presentations about policy, theory, and lived experience. The goal of the conference was to explore the mental health, social, and economic costs of oppression based on perceived race, gender, and religious differences.

Commission representatives delivered presentations on the Commission’s efforts and successes in addressing discrimination that affects large groups of people through collaboration and stakeholder engagement.

The Commission’s presentations highlighted recent successes in the areas of:

- Accessible public transportation,
- Issues facing the D/deaf and hard of hearing community, and
- Discrimination experienced by renters who receive public assistance.

The presentations also highlighted the relevance of immigration in addressing many of Canada’s human capital needs. The lived experiences of immigrants who

have been discriminated against were discussed, as were the economic costs of discrimination.

During the conference, the Commission advocated for a sustained systemic approach in addressing/ending discriminatory practices against immigrants.

In addition, the presentations discussed the challenges immigrant women face in the work environment, alluding to current research and lived experience reports.



MEET THE REGULATORS

Several members of the Commission attended the annual convention for the Saskatchewan Hotel and Hospitality Association (SHHA), held in Regina on May 28, 2019, to participate in the “Meet the Regulators” session and bring information about human rights to industry managers.

During the session, the Commission provided information on timely issues, including barrier-free design, washroom accessibility, and service animals and emotional support animals.

Attendees engaged in discussion with the presenters, and also took the opportunity to ask for information relating to specific human rights situations in their operation.

The Commission has worked informally with a number of businesses to successfully resolve the accessibility concerns of their customers.

A growing number of Saskatchewan residents report having one or more types of disabilities. People with disabilities want to enjoy public spaces, services and businesses, and share experiences with their families

and friends. Businesses that are accessible will find these customers returning again and again.

DIRECTED MEDIATION PRESENTATION

In June, the Commission gave a presentation to the Saskatchewan Administrative Tribunals Association (SATA) in Regina. The focus of the presentation was the Commission’s use of mediation in the complaint resolution process.

The Commission’s mediation model invites party-driven resolution as an alternative to often more expensive, confrontational, and time-consuming litigation. Parties are better able to tailor resolution to their own needs.

The Commission works to address power imbalances without bias. There is no predetermined or expected outcome in mediation – save for the cooperative and respectful exchange of information.

By placing a priority on mediation, the Commission has diminished the need for investigation and significantly decreased the number of court hearings which, in turn, has reduced costs and improved complaint timelines.

The presentation to SATA highlighted the Commission’s directed mediation process, which occurs after investigation.

Things to know about directed mediation:

- In most cases, before a hearing takes place, parties to a complaint are directed to engage in one further attempt at mediation called directed mediation.
- 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.
- The Chief Commissioner reviews the findings of the investigation and determines that the complaint has sufficient merit to proceed to a hearing.

TEDx TALK



On September 7, 2019, Chief Commissioner Arnot gave a TedX talk at the University of Saskatchewan in Saskatoon. His presentation was titled “The Responsibility Revolution: Investing in Human Rights and Democracy.”

Chief Commissioner Arnot began by telling the audience about the Rights Revolution, and how it marked a quantum leap forward for human rights in the 20th century. He then shifted focus to the 21st century, explaining the need for another revolution – the Responsibility Revolution.

“Why is a Responsibility Revolution so critical at this time?” asked Arnot. “Because we are in crisis. There are outright attacks on human rights and democratic ideals all the time. Racism, hate, and populism are on the rise everywhere. Some citizens are becoming engaged. Some are losing faith in democratic institutions. They accept half-truths and simple answers to complex problems. Our democracy is vulnerable. It is fragile.”

EDUCATION

Socrates knew that without an educated citizenry, democracy would devolve into demagoguery.

Chief Commissioner Arnot stressed this point, saying that “democracy is a race between education and chaos. Education must win.”

He went on to say:

The price of our freedom is eternal vigilance. One cannot be vigilant unless one has knowledge. Education generates knowledge. Education is the answer. It is the only effective response to the crisis we are facing. Education provides the pathway to

a better world. Education is the engine of democracy. We need to fuel that engine. The tank is low. The time is now.

Chief Commissioner acknowledged the importance of traditional education and the “old 3 R’s” (reading, ‘riting, and ‘rithmetic), calling them the “bread and butter of education.” He then expressed the need to add a social component to that foundation – a citizen education component.

“We need the new 3 R’s,” said Arnot, “Rights, Responsibility, and Respect.”

The new 3 R’s along with the 5 E’s (which will teach students to become more Empathetic, Ethical, Empowered, Enlightened, and Engaged) are the foundation of the citizenship education resources created by the Saskatchewan Human Rights Commission.

“Citizenship education is happening, right now, in the classrooms of Saskatchewan,” Arnot told the crowd. “School divisions are using citizenship education with incredible success. It has become a part of their culture ... There is hope for a better future, where rights are embraced, where responsibility is the norm, and where respect is paramount.”

Chief Commissioner Arnot concluded his TedX talk with a challenge:

I challenge you to take action. Your role in the Responsibility Revolution – as adults, teachers, and parents – is to ensure that our children learn the responsibilities of citizenship. Human rights and democratic ideals depend on it. The future your children inherit depends on you.

PUBLIC EDUCATION 2019-2020



1. **Building Standards and Licensing Branch Barrier Free Workshops** – April 30 and May 7, 2019
2. **Saskatchewan Hotel and Hospitality Association Trade Show, “Meet the Regulators” Session** – May 28, 2019
3. **House of Commons Committee on Justice and Human Rights – Hate Speech** – May 30, 2019
4. **UMAAS, “The duty to accommodate use of medical cannabis in safety sensitive positions”** – June 5, 2019
5. **Soroptimist International** – June 3, 2019
6. **Saskatchewan Administrative Tribunals Association** – June 6, 2019
7. **John Lake School** – June 11, 2019
8. **African-Canadian Resource Network conference, “Advancing Human Rights, Equality of Dignity and Opportunities”** – July 4 + 5, 2019
9. **Canadian Tire Press Conference** – July 24, 2019
10. **TedX** – September 7, 2019
11. **Saskatchewan Housing Network SHRC presentation** – September 25, 2019
12. **Mistiwasis First Nation SHRC presentation** – October 4, 2019
13. **Saskatoon Real Estate Services SHRC Presentation** – October 9, 2019
14. **Sagehill Community Futures (Humboldt), An Introduction to Human Rights** – October 23, 2019
15. **Community Research Unit, University of Regina, Duty to Accommodate** – November 4, 2019
16. **Prince Albert Bar Association, Treaty and Reconciliation** – November 12, 2019
17. **OTC Speakers’ Bureau** – November 21, 2019
18. **Innovative Approaches to Housing and Homelessness Conference** – November 21, 2019
19. **STF Women in Educational Leadership** – November 22, 2019
20. **The Advocate for Children and Youth, The Duty to Accommodate in Schools** – November 25, 2019
21. **Meewasin Rotary Club** – December 2, 2019
22. **CBA Administrative Law Section South** – January 21, 2020
23. **Ministry of Social Services Accessibility Legislation Consultation** – February 11, 2020
24. **Community Planning, Government Relations, Accelerated Leadership Development Program (ALDP)** – February 12, 2020
25. **UN Inter-parliamentary Union** – February 17, 2020
26. **Prince Albert City Police** – February 25, 2020
27. **Prince Albert Chamber of Commerce, Lunch n Learn** – February 27, 2020

IN THE NEWS



Human Rights in Prince Albert

Over the course of the past year, the Commission has been active in travelling to communities throughout the province to engage with stakeholders on a variety of human rights issues.

As part of the Prince Albert and District Chamber of Commerce's 2020 luncheon series, Chief Commissioner David Arnot addressed a group of approximately 30 local business and community leaders, as well as media, about human rights in Saskatchewan.

Chief Commissioner Arnot stressed the need for work environments, businesses, and services to be inclusive, accessible, equitable, and discrimination free.

He also urged those in attendance to understand and embrace the changes occurring in their communities.

"The number of people with disabilities is increasing," said Arnot. "In fact, 22.2% of working-aged people in Saskatchewan reported a disability. Here in Prince Albert, the visible minority population has more than doubled. The aboriginal population is also increasing. Nearly 40% of the working-aged people in this city are aboriginal."

Chief Commissioner Arnot added that 60% of the population aged 0-14 – Prince Albert's potential future workforce – is Aboriginal/Indigenous.

"As business leaders in this community, it is important that you understand these changes," explained Chief Commissioner Arnot. "It is important that you make a concerted effort to create equitable, accessible, and inclusive work environments in your community."

ACCESSIBLE TRANSPORTATION

Chief Commissioner Arnot talked about working with people in Prince Albert to improve accessible transportation in the city.

He cited the success the Commission has working systemically with stakeholders in Regina to improve transportation for people with disabilities.

"The City of Regina has become a model transportation service provider," said Chief Commissioner Arnot. "They have won awards for accessible transportation in Canada. They now have a fleet of low-floor, accessible buses and have removed the discriminatory rate differential for cabs."

Chief Commissioner Arnot urged Prince Albert stakeholders to follow a similar path.

"I really think we need to work with you in a positive and constructive way to make sure that wheelchair users in the City of Prince Albert are treated the same as they are in Regina and Saskatoon," said the Chief Commissioner.

Public Education “Lunch n’ Learn” in Sagehill



The Saskatchewan Human Rights Commission’s public education mandate often takes staff into communities throughout the province.

On October 23, 2019, a group of business proprietors, human resource personnel, and corporate managers met in Humboldt for a “lunch and learn” session lead by Commission staff member, Robin Mowat.

After providing the group with a brief background on human rights legislation in the province, Mowat introduced *The Saskatchewan Human Rights Code* and explained how it is designed to protect people from discrimination based on protected grounds in what are often referred to as public areas.

With the majority of complaints of discrimination stemming from the workplace, Mowat explained discrimination to the community business leaders in straightforward terms.

“When we talk about discrimination, we are talking about unfair actions against other people within those areas to which the *Code* applies,” Mowat told the group. “It could be a termination, a demotion, an unequal distribution of work or benefits like pay.”

Establishing workplace equity was also discussed, as was an employer’s duty to accommodate.

“Accommodation is flexible, but it has to be connected to the protected ground,” said Mowat. “It requires an understanding of what the disability is; maybe not the name, but the effect of the disability. For example, you may not need to know the condition is diabetes, but you need to know the requirements for breaks to inject insulin.”

It was further explained that accommodation may require changes in work shifts or days to accommodate religious beliefs. Moreover, accommodations do not necessarily require a perfect solution, but aim towards a reasonable solution that meets the requirement of the employer and the employee.

After the lunch and learn, questions were asked about the process and evaluation of employee disputes. Here, Mowat urged the group of business leaders to document the particular circumstances of a situation.

“If employers are dealing with a non-typical situation with an employee, it’s in both the business’ interest and the employee’s interest to document the interactions: the timeline, when things happened, when documents are requested and received,” said Mowat. “This is just so in the unfortunate eventuality of some kind of complaint, there’s a clear track record of documents that can help to clarify the situation.”

“One of the things that I feel makes a real difference in the work we do is being able to educate people. A human rights lens strengthens and empowers self advocacy.”

- SHRC Staff Member

COURAGEOUS CONVERSATIONS

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 frank 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

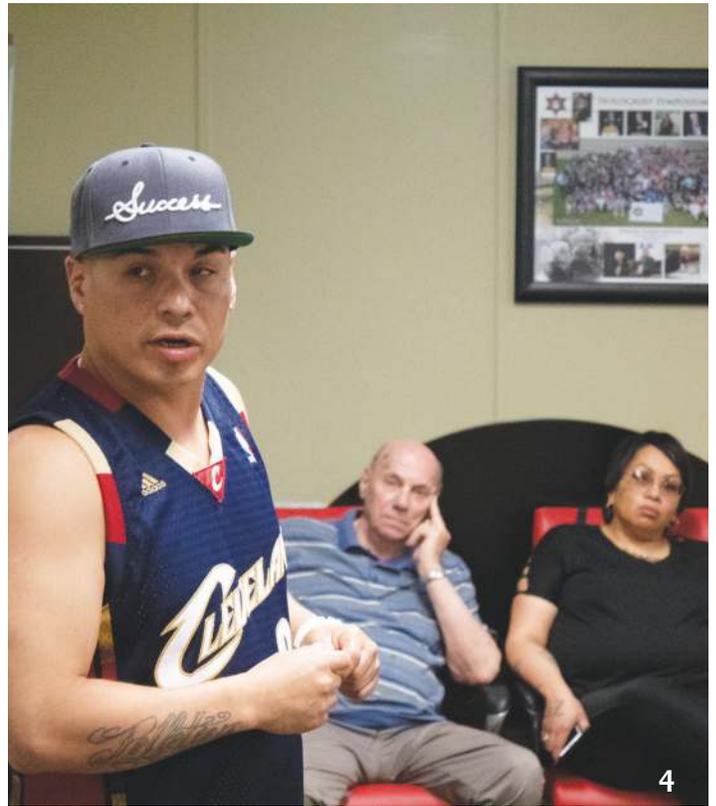
THE HOLOCAUST

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.

2019-2020 Courageous Conversations

1. **Christine Luongo – April 11, 2019**
2. **#consent, Sum Theatre - April 12, 2019**
3. **Mercedes Montgomery and Eliot Paus Jensen – April 25, 2019**
4. **STR8UP - May 30, 2019**
5. **Darlene Brander - June 6, 2019**
6. **Colleen Christopher-Cote – June 13, 2019**
7. **Senator Bev Busson – October 1, 2019**
8. **Liz Duret – Oct 24, 2019**
9. **Tracy Zambory – November, 2019**
10. **Tasha Hubbard – December 5, 2019**
11. **Belinda Daniels – December, 2019**
12. **CeCe Baptiste – January, 2020**
13. **Moving Forward – Feb. 4, 2020**
14. **From Many Peoples, Strength – Feb. 11, 2020**
15. **Mark Fisher – March 5, 2020**







BUSINESS HELP LINE



Businesses, particularly those that do not have in-house human resource departments, need information about 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.

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

The Commission's business
help line received

440

calls during the 2019-2020
fiscal year

Frequently Asked Questions

Every year, the Saskatchewan Human Rights Commission receives hundreds of inquiries from businesses, service providers, and other employers.

These inquiries range from questions about sick employees to questions about disability and accommodation. Since 2013, the Commission's expertise in these matters has been available to employers seeking information about human rights.

My employee doesn't want to provide any medical information. What can I do?

An employee requesting accommodation on the basis of a disability is required to participate in the accommodation process. This normally includes providing the employer information from a physician or specialist describing their needs.

However, there could be situations when such information is unavailable, or the employee is unresponsive. Employers must make all reasonable efforts to discover the reasons for the employee's absence or behaviour before escalating a request for information, or dismissing the employee.

Our company would like to hire more Indigenous people – are we allowed to preferentially hire them?

There are several sections of the *Code* which provide for lawful preferential hiring on the basis of a typically prohibited ground. Section 47 and 48 of the *Code* provide a framework for "employment equity" hiring practices. The Commission's Equity Partners Program assists employers with these issues.

I have an employee who has been away sick for more than 12 weeks. Is it legal to terminate their employment?

There is no maximum amount of time that an employee can be away from work due to disability. In some cases, an employee may be away from work due to disability for several years and still be expected to return to work.

My employee is seeking an accommodation that does not seem reasonable, but claims it is the law that I give in to their request. Is this correct?

Employers are required to accommodate an employee for their disability, up to the point of undue hardship. Furthermore, the requested accommodation must arise from a need related to the disability. If it is not obvious how a requested accommodation will meet the needs of an employee's disability, the employer may inquire further.

My employee is off work due to a non-employment related injury. Can I terminate them now?

While the Worker's Compensation Board only covers employees who are sick or injured in the workplace, the *Code* applies to all disabilities whether acquired at work or elsewhere. This includes disabilities acquired by the employee before they began working for a company or organization.

Can I terminate an employee who I believe is using drugs or alcohol?

In some cases, an employee who is using drugs or alcohol inappropriately is addicted, and this addiction may be classified as a disability. As with other disabilities, employees who suffer alcoholism or other drug addictions may need accommodation.

As such, an employer should seek to gather more information from the employee before dismissing her or him. Some workplaces will have stringent alcohol and drug policies because of the safety-sensitive nature of their work.

Employees who work in an impaired state may be a danger to themselves and others, and employers have a responsibility to provide a safe work environment.

I've been informed that the insurance provider has denied my employee disability benefits, or these benefits have now been cancelled. Can I now safely terminate the employee?

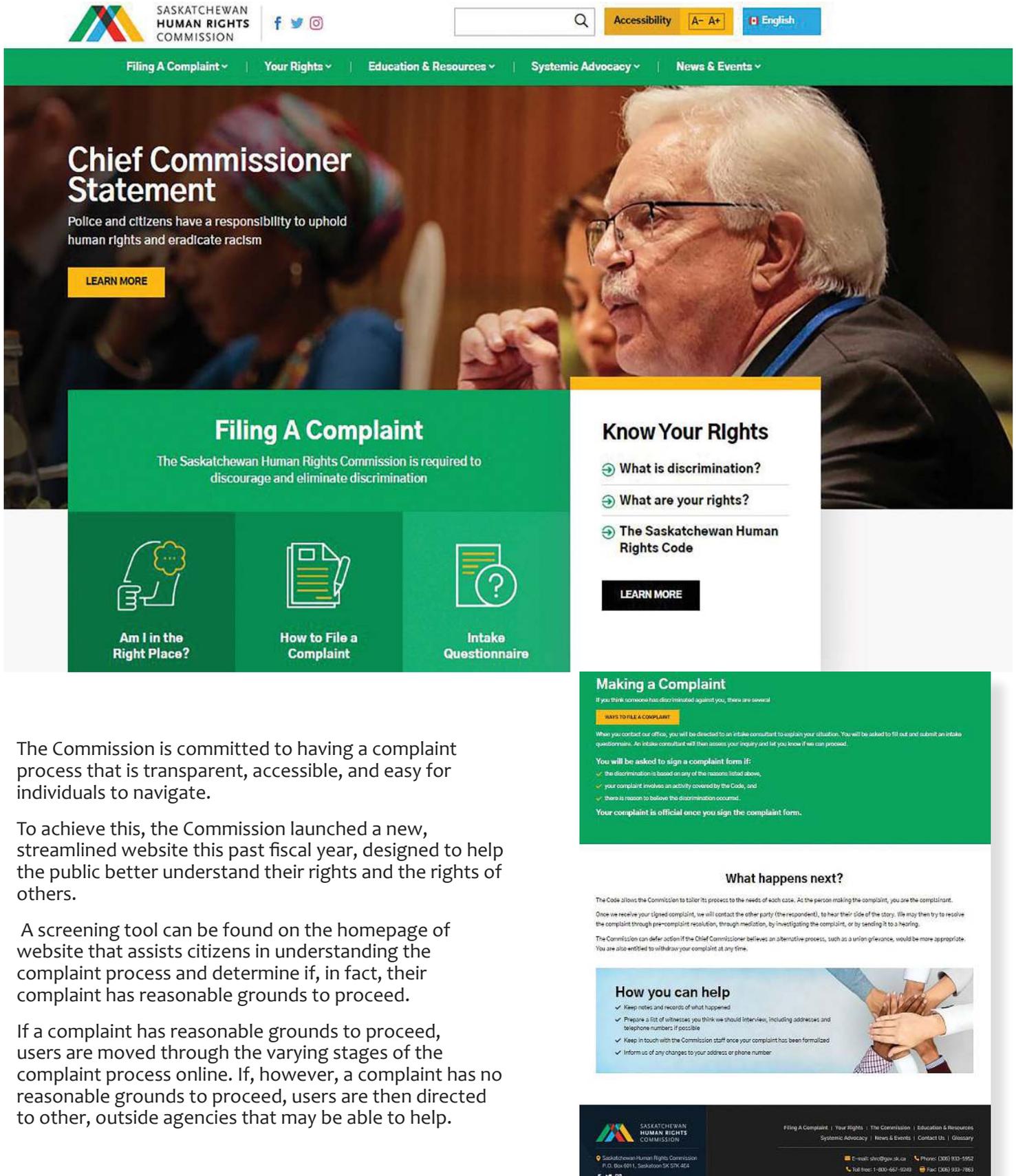
No. An employer must not rely on the insurance provider's actions. Employers must seek to determine for themselves whether or not an employee is able to return to work. In this situation, an employer should contact the employee and discuss the situation.

What are the Employer's rights?

An employer has broad discretion in assigning work or setting the terms of employment, including scheduling and salary. However, the reasons for employer decisions must not be discriminatory according to the *Code*, and must adhere to other legal requirements under the Employment Act and other pertinent laws and rules.

An employer is prohibited from discriminating against an employee on the basis of a prohibited ground. If an employee is requesting an accommodation for reasons related to a prohibited ground (such as disability or religion), an employer is entitled to reasonable information that supports the accommodation request.

WEBSITE



The Commission is committed to having a complaint process that is transparent, accessible, and easy for individuals to navigate.

To achieve this, the Commission launched a new, streamlined website this past fiscal year, designed to help the public better understand their rights and the rights of others.

A screening tool can be found on the homepage of website that assists citizens in understanding the complaint process and determine if, in fact, their complaint has reasonable grounds to proceed.

If a complaint has reasonable grounds to proceed, users are moved through the varying stages of the complaint process online. If, however, a complaint has no reasonable grounds to proceed, users are then directed to other, outside agencies that may be able to help.

“I let people know right away that the Commission does not act as an advocate for either party; the Commission will help where it can, but it is neutral through the process.”

- SHRC Staff Member

ADDRESSING OTTAWA



Twice during this past fiscal year, Chief Commissioner Arnot was called on to provide human rights expertise to the federal government.

COMMITTEE ON JUSTICE AND HUMAN RIGHTS



By Andrijko Z. - Own work, CC BY-SA 3.0, <https://commons.wikimedia.org/w/index.php?curid=24517057>

On May 30, 2019, the Canadian House of Commons Standing Committee on Justice and Human Rights convened in Ottawa for the 1st Session of the 42nd Parliament.

The topic for discussion was online hate.

Addressing the Committee via Skype, Chief Commissioner David Arnot spoke about the recent proliferation of online hate speech, propaganda, and radicalism. He noted that:

- In 2016, Cision documented a 600% increase in the amount of hate speech in social media postings between November 2015 and November 2016;
- In 2019, Léger Marketing indicated that 60% of Canadians report having seen hate speech on social media.

“These statistics should not come as a surprise to anyone,” said Chief Commissioner Arnot.

“When the federal government repealed section 13 of the Canadian Human Rights Act in 2013, we lost the capacity to protect against this. For the past six years, Canadian citizens have had little ability to protect themselves against online speech and discrimination.”

The fundamental problem, Chief Commissioner Arnot explained, is that Criminal Code provisions are often ineffective when addressing online hate. Prosecutions are few. Proof of intent to promote hatred against a certain group beyond a reasonable doubt is almost impossible to meet.

To remedy this and to begin effectively addressing the rise of hate, Chief Commissioner Arnot provided four recommendations for the Committee to consider.

1. Reintroducing prohibitions against hateful expression in the Canadian Human Rights Act;
2. Creating legislation that holds companies financially accountable for hosting, spreading or creating content that foments online hate;
3. Providing Canadian agencies with the means and mandate to monitor and investigate online hate, extremism and radicalized influences; and
4. Investing coast-to-coast in digital literacy education and citizenship education designed to decrease the possibility of young Canadians being influenced by hate, discrimination, and misinformation online.

THE ACCESSIBLE CANADA ACT

ACCESSIBLE CANADA ACT

VISION PROACTIVELY ELIMINATE AND PREVENT BARRIERS AND ENSURE GREATER OPPORTUNITIES FOR PERSONS WITH DISABILITIES

MORE THAN 6 MILLION CANADIANS AGED 15 AND OVER HAVE A DISABILITY

LESS THAN 60% OF THOSE AGED 25 TO 64 YEARS HAVE JOBS

CANADIANS WITH MILDER DISABILITIES EARN 12% LESS AND THOSE WITH MORE SEVERE DISABILITIES EARN 51% LESS AND THEY ARE MORE LIKELY TO LIVE IN POVERTY

“NOTHING WITHOUT US”: the Accessible Canada Act will be implemented in partnership with persons with disabilities and the disability community.

Employment and Social Development Canada / Emploi et Développement social Canada

Canada

On June 21, 2019, Bill C-81, the Accessible Canada Act, received Royal Assent and subsequently became law on July 11, 2019. The legislation was an important step taken by the federal government to create a barrier-free Canada that ensures people with disabilities have an opportunity for equal participation in society.

Prior to the passing of the bill, Chief Commissioner Arnot was asked to speak at a Parliamentary Study.

Below are excerpts from his presentation:

The Conference Board of Canada estimates that by 2036 one in five Canadians will have a disability. This is not surprising, considering our demographics are changing. We're all getting older. The Baby Boomer cohort, of which I am a member, is getting older. They have expectations, they have wealth, they are vocal, and they need and expect accessibility.

Human rights commissions are at the front lines of dealing with the business, social and individual impact of not accommodating people with disabilities. Last year more than 57% of the complaints that came to the human rights commission in Saskatchewan were disability-related, and fully one-third of those complaints were disability in the area of employment.

Canadians with disabilities experience systemic discrimination and inconsistency in the built environment, employment and access to services within and across all jurisdictions. Canadians with disabilities deserve a systemic response to systemic discrimination. That response must be common, consistent and continuous.

We must remind ourselves of the intersectionality facing individuals with disabilities. Particularly, number one, women with disabilities, children with disabilities and indigenous people with disabilities are disproportionately impacted. I am mindful that governments are working to support these groups I've just identified, but I think leadership is required, and existing good governance through legislation enables the federal government to take up that leadership role.

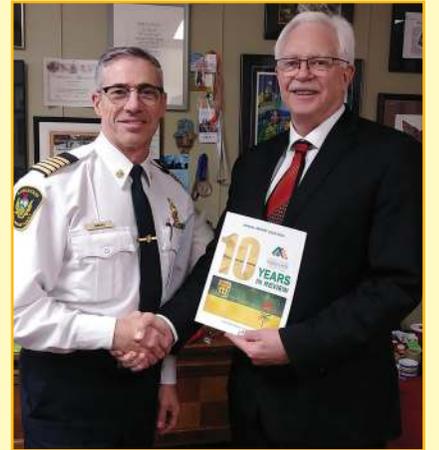
In recognizing that Bill C-81 has fundamental application to significant areas of life for people with disabilities—I'm thinking about the federal jurisdiction in transportation, communications and banking—we must also recognize that there is a strong business case for accessibility.

The Conference Board of Canada suggests that getting accessibility correct in the workplace could have a positive \$16.8-billion impact on the Canadian economy. In 2013, the panel on labour market opportunities for persons with disability reported that despite an aging population and a looming skills shortage, this significant talent pool of persons with disability is being overlooked.

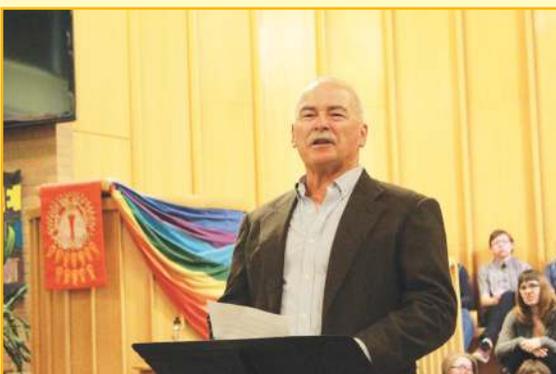
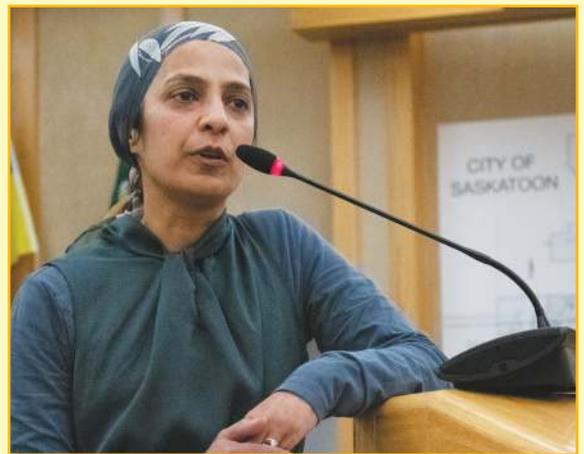
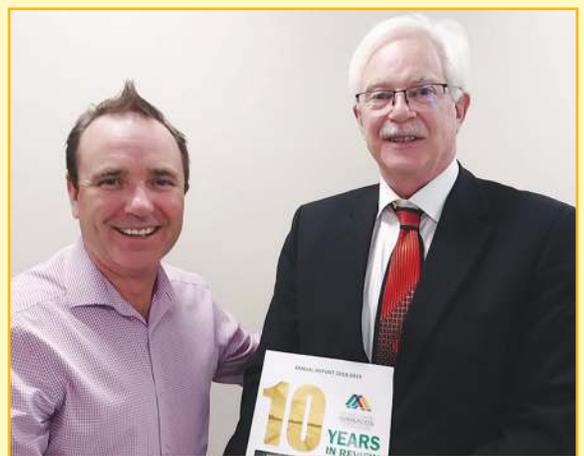
Accessibility is crucial to the inclusion of citizens with disabilities in the social, cultural and economic life of our country. Increasing accessibility in buildings, businesses, and the public and community spaces we all use makes good sense from a business perspective.

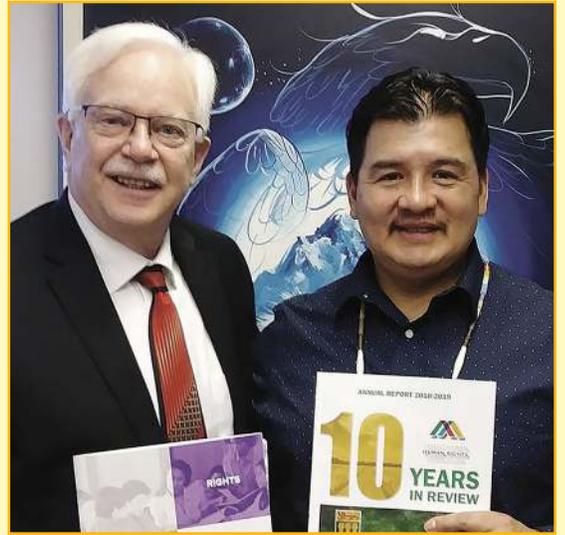
It is also a best practice for inclusion of people with disabilities, so that all people in Canada are able to participate to the fullest extent in the life of Canada.

THE YEAR IN PICTURES











SHRC STAFF

Commission Operations

Norma Gunningham-Kapphahn – Executive Director

Administration

Karen Materi – Executive Assistant to the Commission
 Connie Windecker – Administrative Assistant
 Dianne Jones – Legal Assistant
 Leah Steuart – Legal Assistant
 Andrea Papouches – Administrative Assistant

Media

Adam Hawboldt – Media and Communications

Legal

Scott Newell – General Counsel to the Commission
 Meghan Seidle – Counsel
 Adam North – Counsel
 Julian Bodnar – Counsel/Mediator
 Amjad Murabit – Counsel

Complaint Resolution

Jocelyn Putland Wiebe – Director of Resolution

Intake Consultants

Nicole Hataley – Intake Consultant/Counsel

Nicole Rimmer

Ken Truong

Paula Jane Remlinger – Intake Consultant/
 Systemic Specialist

Shade Adeagbo – Intake Consultant/Investigator

Allan Stromberg – Intake Consultant/Investigator

Filip Cupial

Maria Soonias Ali

Patricia Olusolo

Mediators

Clint Pederson

Carol Riekman

Investigators

Julie Fendelet - Senior Investigator

Lewanna Dubray – Senior Investigator

Andrea Halstead

Daniel Kuhlen

Laurie Adrian Rude

Alanna Carlson

Robin Burlingham

Systemic Initiatives

Darrell Seib – Director of Systemic Initiatives

Sheena McCallion – Systemic Specialist

Robin Mowat – Systemic Specialist

Kayode Akomolafe – Systemic Specialist

David Katzman – Systemic Specialist/Mediator

