



ONE HUMAN FAMILY



**2021-2022
ANNUAL
REPORT**

The Saskatchewan Human Rights Code, 2018

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 Bronwyn Eyre
Minister of Justice and Attorney General
Legislative Building
Regina, Saskatchewan

Dear Minister Eyre,

I am pleased to deliver the 2021-2022 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 for the fiscal year beginning April 1, 2021 and concluding March 31, 2022.

Sincerely,



Barry Wilcox, Q.C.
Chief Commissioner

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It is with great pride that I present this annual report as Interim Chief Commissioner of the Saskatchewan Human Rights Commission. I have served as a Saskatchewan Human Rights Commissioner since 2011, acting as Deputy Chief Commissioner for five of those years, and assumed the duties of Chief Commissioner when David Arnot was appointed to the Senate of Canada in July 2021. I would like to congratulate Senator Arnot on his well-deserved appointment and thank him for his excellent work over the 12 years that he was at the helm of the Commission.

Since becoming Chief Commissioner, I have met with numerous government officials, Indigenous leaders, educators, community organizations, advocacy groups and other stakeholders throughout the province. Through these conversations and my other duties as Chief Commissioner, I have learned much and continue

to do so with every new encounter. It is my belief that though Saskatchewan has its challenges, it is made up of an inherently principled, well-meaning and hard-working collection of diverse individuals.

I have also gained a deeper appreciation and understanding of what Van Morrison meant when he said, “The only constant in life is change.” The last two years of living in pandemic conditions have taught us that change is ongoing and inevitable. It is not to be feared but embraced. Without change there is no growth, no progress.

Although COVID-19 has affected every person and every community in Saskatchewan, bringing with it a myriad of health, economic, and human rights challenges, it has also presented us with opportunities for improvement;

MESSAGE FROM THE CHIEF COMMISSIONER

“Human rights are part of our everyday lives, whether we recognize them or not. Respect is essential. Not just respect for the similarities we share, but also for our differences. It is our differences that make us who we are as a province.”

opportunities for constructive and sustainable change. It is crucial that we seize those opportunities.

Human rights, and the equality and dignity they promise, must be central to policies and decision-making processes. It is extremely important to learn about our collective rights as well as the responsibilities that accompany those rights, while always respecting the rights of others. All must work together to repair fissures and polarization in our communities and our province in general. The Commission’s restorative justice mandate is designed to do just that.

While the Commission is mandated to receive, evaluate and enforce individual cases, the emphasis remains on resolving such complaints through mediation whenever possible. Parties are encouraged to come together, discuss their concerns, and reach their own resolution which is inevitably more gratifying to the parties than one imposed upon them by a court.

The restorative justice concept is also engaged in the

Commission’s continuing Systemic Advocacy initiatives. Rather than dealing with many individual complaints of a similar nature, the Commission works with affected parties to reach resolutions that benefit the group as a whole. The result of such initiatives is a reduction or elimination of systemic discrimination in this province while reducing costs and maximizing resources.

The Commission continues to promote the prevention of human rights infractions through education, fulfilling its public education mandate by making information available on our website, our social media pages, as well as through informational events. The Commission holds the view that few people knowingly wish to infringe on the rights of others and many unforced errors are made as a result of a lack of knowledge and understanding. Education is clearly the best tool we have to prevent and eliminate discrimination.

Human rights are part of our everyday lives, whether we recognize them or not. Respect is essential. Not just respect for the similarities we share, but also for our differences. It is our differences that make us who we are as a province. Our motto – “from many peoples, strength” – speaks directly to that. It tells us that we are better and stronger when we embrace diversity, inclusion, equality, and unity.

The Saskatchewan Human Rights Commission remains committed to advancing those principles. As we emerge into a post-pandemic world, the Commission will continue to adapt and transform to best serve the people of Saskatchewan by discouraging discrimination; fostering a culture of respect in our province; and protecting and promoting the individual dignity, fundamental freedoms, and equal rights of all citizens.

Barry Wilcox, Q.C.



Chief Commissioner
Saskatchewan Human Rights Commission

MESSAGE FROM THE OUTGOING CHIEF COMMISSIONER

On July 29, 2021, I was appointed through an independent selection process to the Senate of Canada. In the months since then, I have had the opportunity to reflect on my time as Chief Commissioner of the Saskatchewan Human Rights Commission.

During those moments of reflection, one sentiment has lingered longer and echoed louder than the rest – gratitude. I am grateful to have had the opportunity to lead the Commission and serve the people of Saskatchewan for so long. I am grateful to have been part of an organization that protects and promotes the individual dignity, fundamental freedoms, and equal rights of every citizen. No exceptions. And I am grateful to have worked, shoulder to shoulder, with so many intelligent, talented, and dedicated people. The SHRC staff exudes professionalism, integrity, neutrality, energy, and teamwork.

Together, we accomplished much.

When I was first appointed Chief Commissioner in 2009, I was mandated to revitalize the Commission in both spirit and vision. This was no simple task. At the time, the Commission had a reputation for overly long wait times and using litigation as the primary tool used to resolve complaints.

Over the course of the next decade, we worked diligently to change the Commission's reputation by transforming it into a model of best practices. The use of litigation was dramatically reduced.

Using restorative justice principles, the Commission now works with complainants and respondents to achieve appropriate case resolution. Formalized complaints are activated immediately; existing complaints are actively pursued to closure.

Positive, transformative change did not end there.

The Commission established a successful systemic advocacy team to pursue initiatives that attack

discrimination at its roots, take remedial action against discrimination, and improve Saskatchewan communities.

We helped launch the Concentus Citizenship Education Foundation, which is designed to: educate and empower students to understand their rights; encourage responsible, respectful, and participatory citizenship; and promote a commitment to justice in our pluralistic society.

We also played an important role in advancing human rights not only on a provincial level, but also at the national level. The success achieved at the Supreme Court of Canada in the appeal of *Saskatchewan (Human Rights Commission) v. Whatcott* remains the most valuable contribution the Commission has ever made to the promotion and protection of human rights and Canadian jurisprudence.

I am proud of all that we achieved at the Commission during my tenure and look forward to the new and exciting work that will be done in the years to come. With Barry Wilcox as the new Chief Commissioner, the Saskatchewan Human Rights Commission is in capable hands and headed in the right direction. A direction guided by integrity, respect, purpose, and continuity.

With thanks and gratitude,

Senator David M. Arnot



Former Chief Commissioner
Saskatchewan Human Rights Commission





Since coming to the Commission, I have had the pleasure of working with David Arnot, who until July 2021 was its Chief Commissioner. He has been a mentor and a friend, and I can only wish him well as he continues his work in the Senate on behalf of all Canadians. Congratulations, Senator Arnot.

I am very pleased that Commissioner Barry Wilcox, Q.C., who has been a Commissioner since 2011, stepped forward to accept the role of Interim Chief Commissioner upon Senator Arnot's departure. Chief Commissioner Wilcox has fully immersed himself in the day-to-day work of the Commission and we appreciate having him as part of the Commission team.

The year was marked by homophobic incidents in this province, a hate crime that resulted in the murder of an Islamic family in Ontario, and the "discovery" of unmarked graves in the vicinities of several Indian Residential Schools across Canada. I put the word discovery in quotes as Indigenous people knew of these burial sites long before 2021 – it is only now that their existence is known to the Canadian population at large.

The common denominator in each of these events is a violation of the right to live free of discrimination or systemically discriminatory practice.

As we transitioned out of the worst of the COVID-19 pandemic restrictions, a discussion about rights entered the discourse of everyday life. During the 2021-2022 fiscal, the Commission was inundated with questions about rights, and complaints about the perceived violation of those rights. Confusion, anger, frustration, and in some cases, a complete lack of understanding of human rights was evident.

Individuals asserted rights to free speech, freedom of assembly, freedom of mobility, and a right to live free of restrictions put in place for public safety and health. Some even asserted American constitutional rights without having an understanding that Canadians are governed by Canada's own constitutional laws and protections. People told the Commission that they were angry with the federal government, the provincial governments (ours and others), and municipal governments. Perceived individual rights were touted,

MESSAGE FROM THE EXECUTIVE DIRECTOR

NORMA GUNNINGHAM-KAPPAHN

while failing to recognize that respect for others and individual responsibilities accompany those rights; unfettered exercise of individual rights can violate the rights of others.

To be clear, the rights of Canadians are indeed protected from arbitrary actions by the state through the Charter of Rights and Freedoms, but those rights are not absolute.

Rights are not exercised in a vacuum but need to be enjoyed in balance with the rights of others. In that context, the right to peacefully protest the actions of government, and the right to petition the courts to intervene to support the rights of Canadians, are encouraged activities and are protected rights in and of themselves. Challenging the decisions and actions of our governments is essential to a healthy democracy, but the ways in which those challenges take place are regulated.

There is some overlap between the rights guaranteed by the Charter, and the rights protected pursuant to *The Saskatchewan Human Rights Code, 2018*. The Code is quasi-constitutional legislation. The rights protected by the Code are paramount over all other matters of provincial legislation except where expressly stated otherwise. The Commission is an independent body that reports to the legislature through the Ministry of Justice. The Commission is legislated to enforce compliance with the Code where individuals, corporations, crown corporations, government agencies or ministries are found to be in breach of its provisions. The Code is not a foundation to challenge non-discriminatory acts or policies set in place by duly elected governments (provincial or municipal). The Commission's jurisdiction is found only in the Code.

There is also some overlap between the rights protected by the Code and those protected by other pieces of provincial legislation. Many find the interplay between the Commission's human rights legislation and other areas of provincial regulation (such as Workers' Compensation, labour grievances, or landlord/tenant dispute resolution) confusing. To reduce confusion generally, the Commission has expanded and will

continue to expand its programs of proactive education. In addition to the Business Help Line that serves 300-400 people each year (a free-to-the-public service), the Commission provides "Human Rights 101" sessions and strives to tailor training to meet the needs of organizations. The Commission would rather provide education than prosecute complaints.

The Commission also works in collaboration with many organizations in the provision of human rights education in the province. Some examples include: the Enough Already project (anti-harassment education done in conjunction with the Saskatchewan Chamber of Commerce, the University of Saskatchewan College of Law, Sexual Assault Services of Saskatchewan, and the Saskatoon Industry Education Council); Ambit (a learning series realized through the support of Sask Sport Inc., Saskatchewan Polytechnic, and the Commission); and Reconcili-Action (a project partnership between the Office of the Treaty Commissioner, the Multicultural Council of Saskatchewan, and the Commission that focuses on the TRC's Call to Action 92). I urge you to read more about these cooperative initiatives in this Annual Report.

The Commission's systemic advocacy work continues to progress. The initiatives taken on by the Commission tend to arise from individual complaints that identify systemic problems (patterns of behaviour, policies, or practices that are part of the structures of an organization, and which create or perpetuate disadvantage for vulnerable persons). In combining a process of cooperative fact finding and issue identification, multi-party negotiation, and education, the Commission has found the means to change our community for the better, largely without the need for litigation.

Fiscal 2022-23 marks the 50th Anniversary of the Commission. Since its inception, the Commission has worked diligently to administer Saskatchewan's anti-discrimination laws and promote the principles of equality through public education. I look forward to continuing the work of the Commission as we mark this important milestone.



**VOICES OF THE
COMMISSION**

FATIMA COOVADIA

COMMISSIONER



Like hamsters in a maze, we are frantically trying to find our way out of the COVID-19 pandemic. The pandemic has dominated our private and public discourse, behaviour, and choices for the past two years, leaving us with a large collection of lessons learned and questions yet to be answered. In addition to social distancing and sanitizing stations, another phrase has been added to our lexicon: “new normal.” As we navigate our way towards what the new normal may be following this trying period, I reflected on what it may mean to human rights and the responsibilities that accompany these rights.

On the evening of January 29, 2022, my family and I drove to SaskTel Center and the Prairie Wind Art Installation in downtown Saskatoon. These monuments, along with many others across Canada, were lit in green as a way to remember and honour six Muslim men who were killed in a horrific Islamophobic attack at a mosque in Quebec City in 2017. The lighting of these monuments and the declaration of January 29th as a National Day of Remembrance of the Quebec City Mosque Attack and Action Against Islamophobia warmed my heart as a proud Canadian Muslim, but at the same time left me with questions: Now what? Is this it? Are once-a-year monuments and days of remembrance enough? Or is there an opportunity to reshape a “new normal” response to our social ills – be it racism, Islamophobia, antisemitism, homophobia, ableism, sexism, or any other “-ism” that taints the society we all aspire to live and thrive in.

In Canada, we enjoy many rights and freedoms and are often touted as global leaders in this regard. But, sadly, many of us fail to recognize that with these rights come a collection of responsibilities – responsibilities not only to protect these rights for ourselves, but also to ensure that we respect and uphold the rights of others. COVID has taught us that our individual sense of collective responsibility is what ultimately keeps us safe at all levels of society. During the pandemic most people followed protocols, adhered to mandates, were responsible with vaccination uptake and looked out for their family, friends, neighbours and loved ones, to keep us healthier as a community. This took enormous work. This required a concerted effort. This required action! When it comes to addressing human rights issues and righting the wrongs in society, a similar approach is needed. Tributes, Twitter platitudes, and candle-light vigils only go so far. And they clearly do not

go far enough as hate-related incidents continue to climb and dominate headlines on an increasingly regular basis. We wear commemorative ribbons, orange t-shirts, and wave flags, but we have so much more to do. Our “new normal” demands action – concrete steps must be taken to define problems, to unearth root causes, to educate citizens on why these problems plague us, to motivate others to ally and become part of the solution, and to provide a road map for change that comes with tangible, transparent and accountable parameters that can be measured. This can bring us closer to the goal of eradicating the problem, but requires acknowledging truths, having courageous conversations, exposing our dark history, owning our dysfunctional and discriminatory systems that are deeply rooted and entrenched within our institutions and that, on the surface, may appear equitable and reasonable but ultimately erode us from within. This begins with each one of us.

To achieve collective responsibility we need constructive individual action. The key word here is constructive. Throughout the pandemic, far too many people – especially those with the loudest voices online – acted in divisive, polarizing, and often destructive manners. Unfounded conspiracy theories arose, misinformation and disinformation spread like wildfire, perceptions were distorted, hate and discrimination proliferated. To compound matters, many of these individuals are able to remain relatively anonymous in their collective irresponsibility by joining together in large online groups with agendas that appeal to their echo-chambered audiences. Their voices are loud. Most dangerously, they camouflage much of their hate within larger causes that appear more legitimate, allowing their actions to have greater, more destructive consequences.

As we navigate our “new normal” we need to be vigilant in thwarting this growing trend as it works to undermine efforts upholding our democratic ideals. Anonymous individuals banding together in large masses can wreak havoc, evade responsibility for their actions, and create instability that is a threat to our fragile democracy. Left unintended, I fear that this trend toward radicalism may evolve into a new normal that jeopardizes public safety, divides communities, and endangers our democratic ideals. Constructive individual action should be the foundation upon which we rebuild a healthy social community – one that we owe ourselves and the generations to come.



MIKE SAN MIGUEL COMMISSIONER

On May 28, 2021, an estimated 200 unmarked graves were confirmed on the site of the former Kamloops Indian Residential School in British Columbia. Most were believed to be the graves of children. Waves of shame and disgust rippled across the country. Flags fell to half-staff. People bought shoes and toys to make memorials on the steps of city halls and legislature buildings from coast to coast. The Tk'emlúps te Secwépemc First Nation, Indigenous people throughout Canada, residential school survivors, their families, and their communities mourned.

As the weeks passed, the grief was amplified as more graves were confirmed at former residential school sites: 104 graves at the site of the Brandon Indian Residential school in Manitoba, 751 at Marieval Indian Residential School in Saskatchewan, 182 at the Kootenay Island Residential School, 160 at the Kuper Island Indian Industrial School.

Since late May 2021, more than 1,700 unmarked graves have been confirmed at former residential school sites. And while these numbers are certainly disturbing, they shouldn't come as a surprise. In 2015, the Truth and Reconciliation Commission's final report detailed the deaths of 3,201 children at residential schools. Former senator Murray Sinclair (who worked with the TRC) estimated that perhaps 6,000 children, if not more, died as a direct result of their residential school experience.

Canada's history will forever be stained by the realities of the residential school system, which forcibly separated at least 150,000 Indigenous children from their families and communities, prohibited them from practicing their culture and traditions, forbade them from speaking their languages, and subjected them to unthinkable horrors.

Yet, the residential school system does not live in the dark, forgotten corners of history. Its destructive legacy exists to this day, inflicting harm on families, survivors, and communities across the country through direct and intergenerational trauma.

The finding of unmarked graves over the course of the past year has forced people in Canada to look in the mirror and reflect on our country's failures. Lofty promises were made, mournful platitudes offered, apologies given – most recently by Pope Francis.

But promises, platitudes, and apologies only go so far. Substantive and transformative change requires deliberate and intentional action.

Everyone in Canada must learn the unvarnished truth about what happened in residential schools. The TRC stressed the importance of such education – recognizing the capacity for education to encourage understanding about this painful chapter in our country's history, and the role education must play in addressing the historical and present injustices Indigenous people face. At the same time, we must also listen carefully to what residential school survivors, First Nations Elders, and other Indigenous leaders are saying and heed their guidance.

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The road ahead will be long and difficult, but it is a road we share.

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In addition to listening and learning, governments, institutions, corporations, and individual Canadians must implement the TRC's Calls to Action. Implementation is about making tangible, concrete changes in the lives of Indigenous people and communities. It is about creating a society in which rights are protected and promoted through laws, policies, and practices.

The Calls to Action are clear, impassioned, and unequivocal. Taking action will improve the lives of all who have been negatively affected by the residential school system.

As members of one human family, we must heed these calls. We must listen. We must learn. We must act. Meaningful reconciliation requires working together so that we can repair relationships and build a more harmonious, understanding, and inclusive society.

The road ahead will be long and difficult, but it is a road we share. We must walk it, side-by-side and in the spirit of reconciliation, if we are to achieve the healing that is necessary.

JAN GITLIN

COMMISSIONER



To say the effects of the COVID-19 pandemic have been severe is an understatement. The pandemic was, at once, a global health crisis, economic crisis, and a human rights crisis. To compound matters, as the coronavirus spread from nation to nation, community to community, and person to person, it brought with it another virus – a virus of hate.

Anti-Asian, antisemitic, and Islamophobic sentiment surged online and in the streets. Conspiracy theories – fueled by xenophobia, propelled by misinformation – gained traction. Harmful, sometimes violent, acts of COVID-related hate escalated.

In Saskatchewan, we were not immune. A few months after the pandemic began, three buildings in Saskatoon were vandalized with hateful graffiti and a 15-year-old youth was subjected to racial slurs connected to the coronavirus before being physically assaulted in Bishop Mahoney Park. In February 2021, employees at a restaurant in Saskatoon were harassed by a barrage of anti-Asian remarks by a customer who refused to follow public health orders. Four months later, a Muslim man was attacked while out for a walk. His attacker assaulted him with a knife, cut his beard, and told him to go back to his own country.

These types of acts do not occur within a vacuum. Hate speech is intrinsically linked to hate crimes. History provides countless examples of extreme speech and related violence that was left unchecked and unchallenged – to terrible and tragic ends. We must learn from this history. We must avoid repeating the mistakes of the past. And we must work to create a post-pandemic future built upon the foundational values of inclusion, diversity, and harmony.

This is our responsibility as citizens and members of one human family. Yet, it is no small task. It may have taken less than a year for research teams around the globe to develop vaccines for the coronavirus, but finding an antidote to cure the virus of hate won't happen so quickly. It will take time, effort, and cooperation.

For its part, the Saskatchewan Human Rights Commission remains steadfast in its commitment to tackle the scourge of hate.

Eleven years ago, the Commission brought a complaint

before the Supreme Court of Canada seeking the Court's affirmation that people deserve protection from the most extreme and destructive forms of public expression because of the very real, and very dangerous, connection between hate speech and hate crime. The Court's response was unequivocal, unambiguous, and unassailable – every human being deserves equal moral consideration. Hate must not be condoned.

Under its mandate, the Commission continues to work with leaders and organizations to better understand hate, and to create explicit and purposeful strategies that will help eradicate hateful words and actions in our communities. The Commission also addresses hate and discrimination in what are often called the social areas of life – such as employment, education, and public services – through complaints, the courts, and public education.

In addition to time, effort, and cooperation – education is also key. It is the antidote to ignorance and hate. Nobody is born hating another person because of the colour of their skin or their religious beliefs. Hate is learned behavior. It is taught. That means people can also be taught to love and empathize. They can learn empathy, understanding, and respect. That is why we need K-to-12 education that teaches our children the rights of citizenship, the responsibility of citizenship, and the respect that every citizen deserves. Such materials are currently available through the Centensus Citizenship Education Foundation. Centensus, which grew from the Commission's mandate to educate, works with both the public and Catholic school systems in Saskatchewan to cultivate a new generation of citizens that are empowered, enlightened, engaged, ethical, and empathetic. A generation eager to learn about complex problems, able to critically seek information, and willing to tackle important social issues like hate.

Hate speech and hate crime have no place in our society. They are intentionally polarizing and insurmountably destructive. As we move forward into a post-pandemic world, we must collectively stand up and speak out. None of us can tackle hate alone.

Together, we need to confront hate in all its forms. Together, we must choose understanding over ignorance, inclusion over division, and love over hate. Together, we can foster unity and make a tangible, sustainable difference.



HEATHER KUTTAI COMMISSIONER

Even though it was years ago, my mother-in-law still talks with annoyance about it: the day we were shopping and I, a wheelchair user, asked a store clerk a question, and how she looked right over my head and responded to my mother-in-law instead of me. I admit, her irritation about the way I was dismissed still makes me smile because one, it is comforting to know that someone is on my side, and two, because this kind of thing happens all the time, in big and small ways. Although it can feel like just another “ism” to add to the long list in the world of social justice, ableism is real, destructive, and its hold on our world is strong.

Ableism is generally not as obvious as a dismissive store clerk, though. Ableism, or the discrimination against people with disabilities, can be a tricky issue to recognize because it is entrenched in social structures and attitudes. “Ableism can be hard to hold on to or pinpoint because it morphs. It lives in distinctly personal stories. It takes on ten thousand shifting faces, and for the world we live in today, it’s usually more subtle than overt cruelty.” (Taussig, 2020, 15.) Despite the subtlety, do not mistake its power. Ableism is steeped in the social systems in which disabled people live: unemployment, inaccessible and unaffordable housing, the invisible costs of disability related equipment and technologies, poverty, inadequate addiction and mental health services, segregated and second-rate education, years of restricted and substandard care in nursing homes and group homes, the inadequate health care system, violence perpetrated by caregivers, a lack of accessible public transportation, and physical barriers that affect access into buildings, businesses, restaurants, concerts, movie theatres, and even many public facilities like schools, libraries, pools, gyms, and skating rinks. As rooted in our social life as they are, many of these can still seem “obvious.”

However, even less obvious are the systemic ways that ableism exists, manipulates, and stays alive. For example, we uphold certain body types as better than others, and we praise certain kinds of fitness and narrow ideas of beauty. While there is nothing “wrong” with acknowledging and valuing health and wellness, what often happens at the same time is a stigmatization and devaluation of the wide spectrum of what it means to be a human with a body.

... the assumption that all people who are deaf would prefer to be hearing—the belief that walking down the aisle at a wedding is obviously preferable to moving down that aisle in a wheelchair—the conviction that listening to an audiobook is automatically inferior to the experience of reading a book with your eyes ... All of these are different flashes of the same, oppressive structure.” (Taussig, 2020, 15.)

Disability is placed far below ability on the list of what is believed to be a quality life (if it is on the list at all) and is in stark contrast with what it usually means to be healthy, beautiful, and competent. Unfortunately, the situation is no better on the mental health side, so deep are our values on what we believe is a stable and successful life. We do not notice how we hold mental toughness as a virtue and at the same time stigmatize mental illness, just ask any parents who have navigated the medical system for appropriate and timely mental health and psychiatric services for their child. Or ask the employee who has needed time off for stress when, by all appearances, it seems like there is “nothing wrong” with her.

Ableism is so entwined in our culture, it is often difficult to recognize, but at the same time, it is an attitude that is everywhere, fortified by our beliefs about what is considered a productive life. As disability and gender queer activist, Eli Clare writes, “Disability has been soaked in shame, dressed in silence, rooted in isolation.” (p.107). Furthermore, this already complicated issue has deeper and more layered understanding when it is intersected in the context of ageism, racism, classism, sexism, and/or sexual and gender identity.

Indeed, it is critical that we stop seeing these “isms” separately because it is when we realize how interlocked they are, that we see can see through to solutions, deeper understandings of one another, and how social change and human rights work does not exclude anyone. I wish I could say that I have not been dismissed by a store clerk since, but my hope is still strong that we are moving to a better world through the deeper understandings and advocacy in our communities, by our friends, and our families, especially our mothers-in-law.

Clare, E. 2009. *Exile and Pride: Disability, queerness, and liberation*. Duke University Press.

COLLEEN CAMERON

COMMISSIONER



There was a time, not so long ago, when having the Internet was a luxury. Those days are gone now, replaced by a digital era in which an Internet connection is essential. So essential, in fact, that in 2011 the United Nations declared access to the Internet to be a universal human right.

We live in a world where people rely on the Internet for news and information, communication, banking, healthcare, education, employment, and other essential services. For many people – especially those in rural and isolated areas – the Internet is necessary for full and effective participation in society, and serves as a lifeline for access to the world outside their geographic region.

Without reliable, high-speed Internet, people in these communities will be left behind.

This is especially true for many Indigenous communities in Saskatchewan, where residents are disproportionately affected by lack of broadband Internet access. When compared to other issues faced by Indigenous communities, lack of reliable Internet might not seem terribly significant – but it is.

The COVID-19 pandemic brought into sharp focus the importance of broadband Internet and shone a light on the digital divide. With work, school, and many other services shifting online, long-standing inequities were exacerbated as many Indigenous communities' marginalization was further increased by the pandemic lockdowns and isolation.

The pandemic disrupted health and mental health services throughout the province. Reductions and closures compounded existing healthcare barriers experienced by Indigenous people.

Without basic broadband Internet or the ability to travel, Indigenous people in remote communities couldn't access services and supports that they needed more than ever.

Lack of Internet negatively affected education. Many Indigenous youths in remote communities were unable to attend online academic and cultural teachings. For many post-secondary students, distance education was extremely difficult or even impossible.

Pandemic restrictions compounded by lack of Internet

access also exacerbated pre-existing economic inequalities. COVID led to many layoffs, and the internet became one of the only ways to search for and apply to jobs. For those who were still gainfully employed, working from home without the Internet was an almost insurmountable challenge.

As we move forward into the post-pandemic world, it is important that we address pre-existing Internet issues, establish digital equity, and bridge the connectivity gap.

It is essential to understand that due to the wide-reach and influence technology has on our lives, digital inequity has the ability to increase the existing socio-economic gap between Indigenous and non-Indigenous people that persists in every sector from housing, to education, to child welfare, to economic and food security, and more.

This is why bridging that gap should be the primary focus for our Indigenous leadership.

Fortunately, I know firsthand that steps are being taken in Saskatchewan to do just that.

In addition to being a Commissioner with the Saskatchewan Human Rights Commission, I am also an Indigenous Account Executive at SaskTel. The work I do, as part of SaskTel Indigenous Business Development team, involves bringing connectivity and Internet access to Indigenous communities.

Over the past decade, we have brought fibre optic connections to all Indigenous schools, band offices, and healthcare clinics – making them the most fibre-fed First Nations communities in Canada. We are also currently working, in partnership with our vendors, to bring wireless and fibre optic service to the homes of the people who live in these communities in order to help better connect Saskatchewan's Indigenous peoples.

The advantages of being digitally connected are vast. Better access to the Internet supports self-determination for Indigenous people and communities. It enhances Indigenous participation, innovation, and leadership in the economy. It improves access to education, healthcare, and other essential services.

Ultimately, it helps make Saskatchewan a better, more equitable, and increasingly inclusive province.

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





**SERVING THE
COMMUNITY**

COMMUNITY CHAMPIONS

The Commission works to identify and engage with passionate and compassionate members of communities throughout the province. Our 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 and rights. They are also committed to discouraging and eliminating discrimination in the province.



DR. FRAN FORSBERG

Dr. Fran Forsberg is a tireless advocate for human rights and inclusion in Saskatchewan, and was at the forefront of the landmark case that removed gender markers from birth certificates in the province.

She is an advocate for trans and gender diverse youth in Saskatchewan and has been foster mother to 160 children.



SENATOR DAVID ARNOT

David Arnot is a Canadian senator, serving since July 2021. A lawyer and judge, Senator Arnot previously served as the Chief Commissioner of the Saskatchewan Human Rights Commission (2009-2021) and as Treaty Commissioner of Saskatchewan (1997-2007). A firm believer in the power of education, Senator Arnot has devoted his life to advancing human rights and making the world a better place.



ELEANORE SUNCHILD, Q.C.

Eleanore Sunchild is a proud member of the Thunderchild First Nation.

She graduated from the University of Alberta, Faculty of Law in 1998 and has been a member of the Saskatchewan Bar since 1999. Throughout her professional career, Eleanore has been a champion for human rights, Indigenous rights, and treaty rights.



JOEL BERNBAUM

Joel Bernbaum is an actor, director, playwright, journalist and the founding artistic director of Sum Theatre. As the Artistic Director at SUM Theatre Saskatoon, Joel is dedicated to using the power of art to tackle big social justice issues. Over the years, he and the organization, have shown a continued and unwavering commitment to inclusion, community, citizenship, and accessibility.



DR. CHRISTINE LWANGA

Dr. Christine Lwanga graduated from University of Manitoba in October 2016. She taught at the University of Regina during 2017 and at the University of Manitoba during 2018. Most of her post-doctoral work is focused on research, policy, and holistic development among African-descent and marginalized communities. She is dedicated to promoting the inherent dignity and the equal rights of all members of the human family.

IN THE NEWS



DAVID ARNOT APPOINTED TO THE SENATE OF CANADA

On June 29, 2021, Prime Minister Justin Trudeau announced that Saskatchewan Human Rights Commission's Chief Commissioner, David Arnot, had been appointed as an independent Senator.

"This is a great honour and I am truly humbled," said Arnot. "The Prime Minister was clear when he spoke to me that he expects me to make a significant contribution to the work of the Senate, and to help tackle the broad range of challenges and opportunities facing our country. He also underlined the fact that I will be able to contribute to the work of the Senate in an independent and non-partisan fashion to ensure integrity and collaboration in service to Parliament and all Canadians."

Arnot was appointed Chief Commissioner of the Saskatchewan Human Rights Commission in 2009. Prior to that, he worked as the federal Treaty Commissioner for the Province of Saskatchewan, was a provincial court judge, a Crown prosecutor, and was Director General of Aboriginal Justice in the Department of Justice Canada.

In 1993, as a judge with the Provincial Court of Saskatchewan, Arnot worked closely with the

Poundmaker First Nation to pioneer the use of sentencing circles and restorative justice measures to promote healing in legal proceedings and to give a voice to victims, community members, and families in the pursuit of constructive resolutions. In 2004, Arnot's work on the "Teaching Treaties in the Classroom" project was recognized by the United Nations Special Rapporteur on Racism.

Arnot is the recipient of the Queen Elizabeth II Golden Jubilee Medal, the Distinguished Service Award from the Canadian Bar Association's Saskatchewan Branch, the Miklos Kanitz Holocaust & Human Rights Award, and the University of Saskatchewan's Canada 150 Nation Builders alumnus award. He was named CTV's 2016 Saskatoon Citizen of the Year and was recognized as one of Canada's top 150 Leaders and Innovators by the Transformation Institute for Leadership and Innovation in 2018.

"I am proud to be among the persons selected for a Senate appointment through an open process, led by the Independent Advisory Board for Senate Appointments," said Arnot. "I look forward to serving my province and my country in this capacity."

IN THE COMMUNITY

STC TRUTH AND RECONCILIATION

On August 20, 2021, Chief Commissioner Barry Wilcox attended the Saskatoon Tribal Council's (STC) Truth and Reconciliation Education and Awareness event at the Gordie Howe Sports Complex in Saskatoon.

The event honoured residential school survivors while promoting understanding and unity.

"Educational events like these are essential for meaningful reconciliation," said Chief Commissioner Wilcox. "Everyone must learn the truths of our shared history and what happened at residential schools. Education plays a vital role in uncovering, illuminating, and understanding these truths."

The STC's Truth and Reconciliation Education and Awareness event included teachings from Elders and Knowledge Keepers, recountings of the experiences of residential school survivors, as well as drums and sacred dances by traditional dancers.



\$2,738 RAISED FOR AIDS WALK

On September 26, SHRC Commissioner Heather Kuttai attended the Saskatoon AIDS Walk at Victoria Park. The annual fundraising event, which began in 1993, was hosted by Prairie Harm Reduction, OUTSaskatoon, and Saskatoon Sexual Health. With more than 160

participants, the 2021 AIDS Walk raised a record-breaking \$90,000.

Proceeds from the event help fund programming, support services, education, and resources for people living with and impacted by HIV/AIDS in Saskatoon and surrounding areas

"The Saskatoon AIDS Walk is an important day that I circle on my calendar every year," said Commissioner Kuttai, who raised \$2,738 for the event. "Not only is it a fundraiser, but it also helps raise awareness about the realities of AIDS/HIV in Saskatchewan."

USSU WOMEN IN LEADERSHIP GALA

On March 8, 2022, Norma Gunningham-Kapphahn, Executive Director of the Saskatchewan Human Rights Commission was a guest speaker at the University of Saskatchewan Students' Union's "Women in Leadership Gala." The event celebrated International Women's Day by highlighting women in leadership.

Gunningham-Kapphahn was joined by fellow guest speakers Manuela Valle-Castro (Director of Social Accountability, College of Medicine, U of S), Patricia MacDougall (Deputy Provost UofS) and Cara Bahr (CEO of the YWCA Saskatoon). The panel explored career challenges, provided advice critical for success, and discussed how their work as women in leadership impacts future generations.

THE GLOBAL VOICE

Commissioner Fatima Coovadia appeared on The Global Voice, the Saskatoon Open Door Society's radio show, on December 5, 2021. During the special episode, which served as a precursor to International Human Rights Day, Commissioner Coovadia spoke about growing up under Apartheid in South Africa and the journey that brought her to Saskatchewan. She also discussed human rights, the responsibilities that come with those rights, and the duty we each have to uphold the rights of others.

The Global Voice, which is a new to CFR 90.5FM Saskatoon Community Radio, celebrates diversity and inclusion by highlighting newcomer stories and talent. It is also a space for the broader community to be inspired, to learn about the institutions and organizations providing support to newcomers, the struggles they face and how to get involved in the good work being done by community organizations supporting newcomers.

As a learning organization, the Commission aims to be a model of best practices and continuously pursues improvement in order to meet the needs of Saskatchewan citizens.





**EFFICIENCY OF
PROCESS**



MESSAGE FROM THE DIRECTOR OF RESOLUTION Jocelyn Putland Wiebe

I reported last year that the 2020-2021 fiscal year was a challenging one for the Saskatchewan Human Rights Commission, as it was for most organizations. Commission staff had to adapt to remote work and new ways of doing business. The initial upheaval of the pandemic resulted in a decrease in the number of new complaints filed. Parties to complaints faced additional hardships and stress.

The 2021-2022 fiscal year also proved challenging, but it brought something of a return to “normal” for the Commission. Most staff returned to work in the office and it has been rejuvenating to see our colleagues in person! Commission staff accomplished a great deal in spite of the ongoing disruptions of the pandemic. The number of complaints filed and concluded has rebounded significantly as you will see in the “By the Numbers” section later in this report.

Human rights have been central to the discussion about the pandemic response. When examining the statistics from the 2021-2022 fiscal year, a theme emerges – that many individuals have a misunderstanding of their human rights and the role of the Commission.

The Saskatchewan Human Rights Code, 2018, prohibits discrimination based on certain protected characteristics. Those are:

- Race/perceived race or colour
- Place of origin, nationality, or ancestry
- Religion or creed
- Family or marital status
- Sexual orientation
- Gender identity
- Sex, including sexual harassment or pregnancy
- Disability (physical or mental)
- Receipt of public assistance
- Age (18 or more)

The Commission receives and assesses complaints of discrimination on the basis of those protected characteristics. If no connection to a protected characteristic can be demonstrated, the Commission cannot accept a complaint for filing and further investigation.

Public health officials, workplaces and service providers have implemented safety measures to mitigate the spread of COVID-19, such as gathering restrictions, masking requirements and vaccination policies. Most individuals have accepted these measures as necessary for the protection of our fellow citizens. There are, however, individuals who have opposed these measures for personal or political reasons, and doubt the necessity, efficacy or safety of these measures. These reasons typically do not have any connection to a characteristic protected by the *Code*. Yet, the Commission has seen many such complaints of “discrimination” filed based on personal or political beliefs that do not fall within the *Code*.

A robust complaint system is essential to the protection of human rights. As Director of Resolution, that is central to my role and I am always striving to improve the accessibility, timeliness and effectiveness of the complaint process. However, the pandemic has magnified the importance of the Commission’s public education mandate and the interconnectedness of education and the complaint resolution process. Public education is essential to preventing discrimination and ensuring the complaint resolution process runs as smoothly and efficiently as possible.

The Commission’s intake staff are available to provide information to callers and respond to hundreds of inquiries each year. The Commission also has a dedicated business inquiry line for employers and service providers to obtain information about their obligations before taking action which may potentially violate the *Code*.

It is incumbent upon each of us to understand not only our individual rights but also the responsibilities that accompany our rights, particularly during challenging times.

EARLY RESOLUTION

Parties are encouraged to resolve their differences at all stages of the complaint process. Resolution can occur before a formal complaint is filed, throughout mediation, and during the investigation process.



PRE-COMPLAINT RESOLUTION

Late in the 2021-2022 fiscal year, the Commission received a message via Facebook from Lawrence*. In the message, Lawrence explained that he struggles with mental health and that his doctor advised him, as part of his treatment plan, to have an emotional support animal.

The support animal was deemed fit by a veterinarian and the doctor wrote a letter detailing Lawrence's need for the animal. Lawrence provided the letter to the condo association responsible for his housing, but the association told him that his emotional support animal had to be re-homed by the end of the week.

Lawrence contacted the Commission. As the point of first contact with complainants, the Commission's intake consultants are well-placed to seek an opportunity for a

timely resolution that may not require a complaint to be formalized. The Commission refers to this process as pre-complaint resolution. In this case, the intake consultant reviewed the content of the case and contacted the condo association. The intake consultant explained that, under the Code, the Commission accepts and investigates complaints in housing where a complainant provides sufficient medical evidence to establish that an emotional support animal is required. If a person establishes a requirement for an emotional support animal, a "no pets" policy in rental or condominium housing does not apply. People with certain mental disorders rely on support animals for everyday living and require accommodation in housing.

The information provided by the intake consultant helped the condo association better understand the situation, Lawrence was allowed to keep his emotional support animal, and the file was closed.

APPROPRIATE RESOLUTION FOUND IN DISABILITY CASE

Doug* was a skilled technician for a 200+ employees manufacturer. Several years ago, he was injured at work and was on short term disability for a month. After he recovered, Douglas returned to light duties, doing a variety of jobs before becoming a safety facilitator with the company – a position he enjoyed for about three years. In 2020, Doug's disability was classified as permanent. Approximately four months later, the manufacturer placed Doug on disability leave, claiming there was no work for him. Doug believed he could have continued working for many more years, so he resigned after receiving an offer from another employer.

With his new employer, he did the same work as he had been doing for the original employer. Although the Doug found new work, he had to relocate and lose his seniority. Because of this, Doug contacted the Saskatchewan Human Rights Commission.

He believed his employer had refused to accommodate him to the point of undue hardship and had discriminated against him on the basis of his disability, contrary to section 16 of *The Saskatchewan Human Rights Code, 2018* (the Code).

The employer argued that keeping Doug on the payroll constituted an undue hardship.

The matter was resolved in mediation. The employer offered Doug compensation, and the file was closed.



COVID CASE RESOLVED IN MEDIATION

Jamie* had been working with an organization for six months when she contracted COVID-19. She developed symptoms in late November and tested positive two days later. Jamie quarantined and remained isolated as per instructions of the Saskatchewan Health Authority.

Upon returning to work, Jamie attended an in-person meeting and was told that her employment was being terminated. When she asked if she was being let go because she had COVID, Jamie alleged that one of the managers nodded while the other said they could not tell her why her employment was terminated. Jamie refused to sign a release and, as a result, did not receive any severance pay.

She contacted the Commission with reason to believe her employer had discriminated against her on the basis of disability/perceived disability, contrary to section 16 of *The Saskatchewan Human Rights Code, 2018*.

The matter was resolved in mediation. The employer agreed to pay compensation and the file was closed.

MEDICAL APPOINTMENT CASE RESOLVED IN MEDIATION

Tawni* signed an offer of employment with a local company prior to commencing training.

She understood that she would be working from home, unsupervised, for the first 8 to 12 weeks.

When Tawni's new employer told her she would have

to fly to Ontario for a week of training, she informed them that she had important medical appointments that would be difficult to reschedule because they were with a specialist.

The company was concerned that its new employee had waited until she was compelled to disclose that fact that she would require time off for appointments. It thought Tawni should have disclosed that information as soon as she knew about the appointments. An ensuing telephone conversation between Tawni and the company's human resources department became heated. Shortly after the conversation, the offer of employment was withdrawn.

Tawni contacted the Commission. Tawni believed the employer was far too hasty in canceling the offer of employment and had discriminated against her on the basis of disability. The case was resolved in mediation. Tawni received compensation for damage to dignity and the file was closed.

DUTY TO ACCOMMODATE MULTIPLE DISABILITIES

Mario* is a person with multiple disabilities. He informed his employer about his disabilities and explained that he would require certain accommodations. In the months that followed, workplace matters continued to arise that affected Mario's disabilities. He relayed this information to his employer, but no action was taken.

As a result of the employer failing to address Mario's concerns, an incident occurred in the workplace



during which he was injured. Mario was placed on paid suspension while the employer conducted an investigation. The employer concluded that Mario was at fault for the incident and terminated his contract of employment.

Believing the termination was connected to his disabilities and that his employer failed to accommodate him to the point of undue hardship, Mario contacted the Commission and filed a human rights complaint.

The matter was resolved during investigation. The employer agreed to pay compensation. The employer also provided an acknowledgment that Mario was placed in a difficult and dangerous situation and that he should have been given an opportunity to be interviewed before he was terminated. The file is now closed.

INVESTIGATION HELPS RESOLVE DISABILITY/DUTY TO ACCOMMODATE COMPLAINT

Donna* was a casual employee, then full-time permanent employee at a local business. After two years, she was promoted to a permanent full-time position as a cook.

After sustaining a non-work-related shoulder injury, Donna took medical leave for surgery and was in receipt of long-term disability benefits thereafter. A couple of

months later, she was medically approved to return to work with a lifting restriction of up to 30lbs. In the interim, the employer had filled her position and refused to return her to that job unless she was fit to lift the required 40lbs. Donna remained on benefits.

As a result of the COVID-19 pandemic, the employer laid off some staff positions, but the one Donna had held was not one of them and Donna's replacement continued to work throughout the pandemic. Eventually, Donna was cleared to return to work with no restrictions, but the employer refused to return her to the cooking job, instead offering her another position. The employer believed they had offered a reasonable accommodation. Donna declined the offer as it was of less pay and less professional value to her. As a result, her employment was terminated.

Donna contacted the Saskatchewan Human Rights Commission. She felt her employer could have done more to accommodate her and believed she had been discriminated against on the basis of disability, contrary to section 16 of *The Saskatchewan Human Rights Code*, 2018.

The matter was resolved during investigation through negotiation between the parties. The employer agreed to pay compensation and the file was closed.

* Names have been changed

PROTECTED GROUNDS

Discrimination is unfair action taken against someone because they belong to a certain group. It denies some the benefits and opportunities that are necessary for a life, like jobs or housing.

Discrimination can flow from prejudice, negative stereotypes, or a failure to consider the needs of others.

Discrimination based on 15 personal attributes – called protected grounds – is against the law under *The Saskatchewan Human Rights Code, 2018*.

These protected grounds are: disability, age, religion and religious creed, colour, sex, sexual orientation, race or perceived race, ancestry, nationality, place of origin, marital status, family status, gender identity, and receipt of public assistance.

AGE

Age is a protected ground under the Code. This means that you cannot be discriminated against because of your age where you work or live or go to obtain a service. In the Code, age is defined as being 18 years or older.

If you are 18 or older and experience discrimination based on protected ground in a public area, you are entitled to file a human rights complaint. Parents and guardians can file complaints for children under the age of 18.

Example: Older workers in an organization are excluded from training opportunities because of a perception that it is not worth investing in their future careers and/or that they are too difficult to train. This could be considered grounds for discrimination based on age.

RELIGION OR CREED

Under the Code, discrimination against someone based on religion or creed is against the law.

Everyone should have access to the same opportunities and benefits, and be treated with equal dignity and respect, regardless of religion or creed – this includes all aspects of religious observance and practice.

Example: An employer assigns an employee to weekend shifts without recognizing that the employee, who is Jewish, strictly observes the Sabbath and, therefore, can't work on that day. This could be a case of discrimination based on the grounds of religion.

SEX

Under the Code, sex means gender. The Code protects people from sexual harassment and discrimination, including assumptions about their abilities that result from stereotypes about how a specific gender “should” behave, dress, or interact. The right to equal treatment without discrimination because of sex also applies to pregnancy and pregnancy-related illness.

Example: It may be discrimination based on gender if, for instance, a beauty salon refuses to book an eyebrow-threading appointment because the customer is male and the salon doesn't provide that specific service for males.

DISABILITY

The Code protects people against discrimination based on physical or mental disability. The Code defines disability as ...

Any degree of physical disability, infirmity, malformation or disfigurement, including:

- *epilepsy;*
- *any degree of paralysis;*
- *amputation;*
- *lack of physical coordination;*
- *blindness or visual impediment;*
- *deafness or hearing impediment;*
- *muteness or speech impediment; or*
- *physical reliance on a service animal, wheelchair or other remedial appliance or device; or*

Any of the following disabilities:

- *an intellectual disability or impairment;*
- *a learning disability, or a dysfunction in one or more of the processes involved in the comprehension or use of symbols or spoken language;*
- *a mental disorder;*

Example: A landlord refuses to rent to a person who requires a service animal because the apartments have strict “No Pets” policy. This may be discrimination based on the protected ground of disability.



TARA'S STORY

Tara* was hired by a local company as a scientist. She was one of only two women working in her department.

Tara observed her male coworkers making inappropriate sexual comments about women in relation to advertising material they prepared. She also became aware of a rating system used by them when observing attractive women at trade shows. She witnessed them putting the system to use in her presence.

This made Tara feel uncomfortable. When she raised concerns with her boss, her concerns were dismissed.

During her employment, Tara also felt demeaned at times and treated differently because of her gender. For example, once, when she was injured and struggling with certain physical aspects of her job, one of her male coworkers told Tara that she was “worthless.” Another time, during a disagreement with her boss, Tara was told “not to play the victim.” She had become upset and had started to cry.

What's more, when the office's administrative assistant was away due to sickness, Tara was singled out, despite the fact she was hired as a scientist, to cover the phones and take orders. Even though all the members of her department were cross-trained to take calls and fill sale orders, no male colleagues were asked to help out. When Tara suggested that the phone duties should be shared equally by all employees, her boss told her she was being insubordinate.

The environment at her workplace became unbearable so Tara filed a complaint with the Saskatchewan Human Rights Commission. She believed the company had discriminated against her on the basis of gender and had allowed her to be sexually harassed in the workplace, contrary to Section 16 of The Saskatchewan Human Rights Code.

The matter was settled at the end of investigation. Tara received monetary compensation for damage to dignity and a letter of referral from her employer.



MARITAL STATUS

The Code protects people in relationships under the ground of Marital Status.

Marital Status is defined by the Code as being engaged to be married, married, single, separated, divorced, widowed or living in a common-law relationship.

Example: A company provides lodging for its married employees, but not for single employees. Such a policy could be considered discriminatory on the basis of marital status.

FAMILY STATUS

Another ground that provides protection for people in relationships is Family Status.

Family Status refers to being in a parent/child relationship. The child can be a son, daughter, stepson, stepdaughter, adopted child, etc. The parent can include a mother, father, stepmother, stepfather, adoptive parent, legal guardian.

Example: It could be discrimination if an employer changes someone's hours of work, making it impossible for them to provide care for their children – without providing proper accommodation.

PREGNANCY

The Code protects people who are or were pregnant, who may become pregnant, who just had a baby, and other pregnancy-related situations. Pregnancy includes the process of having a baby – from conception to the period following the child's birth. It also includes the post-delivery period and breast feeding.

Example: A restaurant owner asks a patron who is breastfeeding to either stop feeding their child in such a manner or leave the restaurant because her actions are bothering other customers. This could be considered discrimination based on the ground of pregnancy.

GENDER IDENTITY

Under the Code, discrimination and harassment because of gender identity is against the law.

Gender identity is not defined by the Code, but refers to each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as or different from their birth-assigned sex.

Gender identity is different from a person's sexual orientation.

Example: A company has a policy that requires all employees to identify as either male or female when signing their contract of employment. This may be discrimination on the basis of gender identity.

SEXUAL ORIENTATION

The Code makes it against the law to discriminate against someone or to harass them because of their sexual orientation.

Sexual orientation covers the range of human sexuality. It is different from gender identity.

Example: During a job interview, a woman mentions that she lives with her girlfriend. If the employer decides not to offer her the job because of this, even though she is the best candidate they have interviewed, it could be considered discrimination on the basis of sexual orientation.

RECEIPT OF PUBLIC ASSISTANCE

The Code protects against discrimination based on receipt of public assistance. Public assistance includes *The Saskatchewan Assistance Act* or *The Saskatchewan Income Plan Act*.

Example: An ad for a rental property is placed on Kijiji. It mentions that the landlord is looking for someone who would keep the place clean and who didn't smoke. Near the end of the ad, the landlord includes the condition that he doesn't "want anybody on ASSISTANCE." This may be considered discrimination on the grounds of receipt of public assistance.

RACE AND RACE RELATED GROUNDS

Often, society forms ideas about people based on geographical, historical, political, social and cultural factors, as well as physical traits such as skin colour.

Under the Code, every person has the right to be free from racial discrimination and harassment because of their race, perceived race, or other related grounds such as: ancestry, colour, nationality, or place of origin.

Example: At a local drug store, a person attempts to buy a bottle of mouthwash, but is denied service because the cashier believes the person is Indigenous and will abuse the product. This may constitute discrimination on the ground of race/perceived race.



MALCOLM'S STORY

Malcolm* worked for the same company for five years. As a man of African descent, he had experienced bullying and harassment in the workplace because of his perceived race. Malcolm tried to ignore this harassment, but when a new employee subjected him to racist and discriminatory remarks, Malcolm decided he had enough and reported the incident to his manager.

During the conversation with his manager things became heated. Malcolm left the room to cool off and collect himself. When he returned a short time later, Malcolm informed his manager that if the workplace harassment and racial discrimination was not addressed, he was going to file a human rights complaint.

The manager suggested that Malcolm take the rest of the day off and they start fresh the next morning.

When Malcolm arrived at work the next day, he was given a three-day suspension as a result of the way he'd spoken to his manager. Malcolm apologized for the tone of the conversation, but maintained that he was frustrated with the seeming lack of concern about the racism and discrimination in the workplace.

Three days later, when his suspension ended, Malcolm was fired.

Malcolm filed a complaint with the Saskatchewan Human Rights Commission. He believed the company had violated section 16 of *The Saskatchewan Human Rights Code* by discriminating against him on the basis of race. He also had reason to believe the company had fired him in retaliation for his warning about a potential human rights complaint, contrary to section 45 of the Code.

The matter was resolved during investigation. The employer offered to pay compensation to Malcolm. Malcolm accepted the offer.



MEDIATION



BY JULIAN BODNAR, Counsel/Mediator

Being restorative is not unfamiliar to me. It first came to my attention at the beginning of my legal career in the context of the importance of restoration of land.

In *Sulpetro of Canada Ltd. v. Palley*, 1983 ABCA 55, the Alberta Court of Appeal affirmed a lower court's decision, noting the following distinction between reclamation and restoration in an action relating to damages caused by industrial activity on farmland:

... the learned trial judge recognized that there is a difference between restoration and reclamation. The land may be reclaimed but it may take several years of cultivation and fertilization to restore it to its previous state as first class farm land. (para 4)

This distinction resonated, and I found myself acting in a restorative manner many times over the next 30 years of practice when advocating for respect of the environmental land interests of clients. Cases typically started out with affected parties being earnest about their respective legal rights as defined by statutes and case law. The primary challenge and best hope for taking a restorative approach towards land was to find a way to reconcile those rights into some semblance of mutual understanding and respect of everyone's interests in the environment. This also laid the groundwork for more positive future working relationships regarding environmental issues. Doing so required much learning and unlearning; particularly about what lies both above and beneath the surface of the land.

Fast forward to 2012. My first day of work with the Commission. Remarkably, and by coincidence, the idea of being restorative was again brought to my attention; this time as an encouragement for it to be a dominant theme in addressing human rights complaints. Perspectives on this theme were derived from the principles of restorative justice used in criminal procedures.

Mediation was to be used to help parties address human rights violations under the Code without having to resort to the litigation process. Human rights mediation is akin to the seeking of truth and reconciliation. It is an optimal way for parties to learn about each other's truths and perceptions of a human rights violation, as well as to self-determine ways to address any inequities.

As with the case of being earnest about being restorative in addressing and reconciling environmental rights and interests, I came to discover that there was much to learn and unlearn about using mediation for being restorative in human rights and interests. Now ten years later, having worked as both a mediator and lawyer with the Commission on hundreds of complaint files, I can offer a snapshot of my learning and unlearning, and what lies beneath human rights violations.

The first questions that came to mind when I began working at the Commission were: What might a restorative approach to address human rights complaints look like? And what might a restorative resolution of a complaint look like?

To address these questions, I deduced that the process had to be early and engaging and that the resolution had to be appropriate and accountable, remedial and reconciling, sustainable, and of systemic value. One might metaphorically say these considerations formed a sort of script that provided the background for a mediation play.

I soon learned there was much to be considered behind the script, or what lies beneath a human rights complaint, so that the mediation play was more than mere performative activism. I came to appreciate that the mediation of a human rights complaint was a process and not a procedure. Nor was it a one size fits all process.

Thus, mediation process design appropriate to each complaint and the parties became important. So, too, was the importance of engaging parties in pre-mediation discussions to ensure that they were prepared, reasoned, and engaged in the process.

This allowed the parties an opportunity to distinguish between a litigation rights mindset and a mediation interests mindset. The process was not just about addressing the stated grounds in a complaint. It was equally about understanding the wholeness of persons affected by it, often referred to as intersectionality in human rights. It is also necessary to recognize and defuse implicit or unconscious biases held by the parties,

or even the mediator, in order to reach a satisfactory resolution.

Mediation practice must also be trauma-informed and culture-informed, keeping in mind the pervasive roles of ableism and white privilege in discrimination.

Another important question came to mind: What are we trying to be restorative of in resolving a complaint?

The following considerations offer some context for answering this question. The Code identifies human rights and stipulates remedies for violations of those rights. That typically involves an appropriate acknowledgement and assessment of monetary losses and damage.

Though monetary compensation can be seen as restorative in an of itself, being truly so in the context of addressing human rights violations goes even further. Discrimination can cause humiliation and the erosion of human relationships. The only real antidote to humiliation is appreciation. Being restorative means respecting human dignity and being respectful of human diversity.

So how does all this relate to the Commission's encouragement to use a restorative approach in addressing human rights violations?

In its public education programs for better understanding and appreciating human rights, the Commission emphasizes the importance of the 3R's: Rights, Respect, and Responsibility. By being earnest about being restorative in addressing human rights complaints in a mediation process, one might say that we are laying the groundwork for a 4th R: Relationships.

The *Palley* case emphasized the importance of being restorative of land in reclaiming it. This ultimately identified the importance of being mindful of peoples' relationships to land and the environment, and amongst themselves.

Encouraging a restorative justice approach to address human rights complaints is an opportunity to identify and assess the damaging effects of human rights discrimination. A complaint resolved through mediation may be at an end. Parties' rights and interests in the complaint may have been reclaimed and remedied through a mediation process. But more importantly, an opportunity for restoration and fostering of human relationships damaged by a human rights violation, as well as for more learning and unlearning about human rights and human diversity, will have begun.



MESSAGE FROM THE GENERAL COUNSEL TO THE COMMISSION

Scott Newell

The Commission uses mediation and litigation processes before the Court of Queen's Bench and appellate courts to achieve complaint resolution. Although litigation is essential to the Commission's complaint resolution process, the Commission judiciously considers court intervention as a last-resort approach.

The Commission promotes the use of mediation as an effective method for resolving complaints. A mediator can assist the parties in reaching resolution of a complaint on mutually acceptable terms. Where the investigation of a complaint is deemed to have sufficient merit to proceed to Court for a hearing, the Chief Commissioner has the authority to direct parties to attend further mediation before the Commission files an application for hearing with the Court of Queen's Bench.

When the Chief Commissioner applies to the Court of Queen's Bench for a hearing, the Chief Justice of the Court has the discretion to order the parties to attend a Pre-hearing Conference. The purpose of the Pre-Hearing Conference is twofold: 1. To discuss potential resolution of the complaint; and 2. If a hearing is required, to ensure that the parties take all necessary steps to prepare for an efficient hearing.

Complaints that are deemed to have sufficient merit and are not resolved by agreement are sent to the Court of Queen's Bench for a hearing. The Court has the authority

“ *The Commission promotes the use of mediation as an effective method for resolving complaints.* ”

to determine whether a Respondent has breached the Code. The Court can implement remedial measures to correct or prevent discrimination and award monetary compensation to the complainant.

During the 2021-2022 fiscal year, the Commission successfully settled complaints in a conciliatory manner during Directed Mediation and Pre-Hearing Conferences. Twenty-one out of the twenty-eight complaints referred to directed mediation settled, and one of the nine that proceeded to Pre-Hearing Conference at the Court of Queen's Bench was resolved at that stage.

Some of the case summaries below illustrate how the Commission achieved conciliatory resolution of complaints and engaged the court when parties could not reach a mutually acceptable settlement.

2021-2022 BY THE NUMBERS:

- Number of complaints referred to Directed Mediation: 28
- Number of complaints resolved at Directed Mediation: 21
- Number of complaints heard at Pre-Hearing Conferences: 9
- Number of complaints resolved at Pre-Hearing Conference: 1
- Number of complaints that proceeded to a hearing: 1

LEGAL AND LITIGATION



DIRECTED MEDIATION

Sexual Harassment Complaint Resolved at Directed Mediation

B.R., a female employee at a fast-food restaurant, filed a complaint alleging sexual harassment. B.R. asserted that her manager (the owner's son) approached her in the restaurant parking lot during her break and asked if she could keep a secret. B.R. said that the manager asked if she wanted to "hook up." She said "no" and walked away.

B.R. reported the incident to another manager, who suggested that she complain to the owner. B.R. said that she had to work in close proximity to the manager the next day. During her shift, the manager called her a derogatory name for being "cold" to him. B.R. alleged that the manager continued to attempt to flirt with her and unnecessarily brushed against her several times.

B.R. reported her concerns to the owner. The owner investigated B.R.'s complaint and found it had merit, but did not adequately address the harassment. Shortly after the investigation B.R. received a text message stating that her employment was terminated. B.R. believed that the employer discriminated against her under s. 16 of the Code on the basis of sex by failing to protect her from sexual harassment in the workplace and by terminating her employment in retaliation for reporting harassment.

The employer denied discriminating against B.R. The owner asserted that B.R.'s complaint was investigated and directed that B.R. and the manager should not work in direct contact with each other. The employer asserted that B.R.'s employment was terminated because two employees on leaves of absence returned to work.

The Chief Commissioner reviewed the contents of the Commission's investigation and determined that the complaint had sufficient merit to proceed to a hearing. The Chief Commissioner directed the parties to engage in a mediation before the filing of a Court application.

At Directed Mediation, the employer offered B.R. compensation for damage to dignity and lost wages. B.R. accepted the offer and the complaint was resolved.

Correctional Policies Amended to Accommodate Methadone Treatment

M.C. was incarcerated in a Federal prison in Alberta. She was required to travel to Saskatchewan for court appearances. On those occasions she was temporarily held in Provincial Correctional facilities. M.C. had a history of opioid addiction. She was undergoing methadone treatment while in custody. Provincial authorities did not order methadone for M.C. until she was present in the facility. This resulted in delays in methadone treatment on three transfers.

On one occasion, M.C. was unable to administer methadone until two days after she arrived at the Provincial facility. This caused M.C. to experience severe symptoms of withdrawal.

The Chief Commissioner found that the complaint had sufficient merit to proceed to a hearing. He directed the parties to attend mediation.

The Ministry of Corrections, Policing and Public Safety agreed to amend its policies to ensure that individuals on methadone treatment would be administered medication on a timely basis.

The Ministry also offered M.C. financial compensation in settlement of her claim for damage to dignity. M.C. was not satisfied with the compensation offered. M.C. insisted on the maximum compensation available under s. 40 of the Code.

The Ministry applied to have M.C.'s complaint dismissed based on her rejection of the Ministry's offer. The Chief Commissioner found that the Ministry's offer was fair and reasonable under s. 33 of the Code. He dismissed M.C.'s complaint subject to receiving proof of payment of the settlement proceeds by the Ministry.

Blank Gender Designation Now Available on Saskatchewan Drivers' Licences

In 2016, the Court of Queen's Bench issued a consent order in response to a human rights complaint filed with the Commission. As a result of the order, transgender adults in Saskatchewan who want to change the gender designation on their birth certificate no longer require surgery to receive new identification.

In 2018, the Commission obtained a Court decision which required the Government of Saskatchewan to allow people under the age of 18 to change the gender markers on their birth certificates. Applicants were also given the right to have the gender designation removed.

R.B., a non-binary person, sought to have the gender marker removed from their drivers' license to match their birth certificate. Saskatchewan Government Insurance (SGI) allowed "M", "F", or "X" as gender options on birth certificates.

There was no ability to have the gender marker removed or left blank. R.B. filed a human rights complaint.

The Chief Commissioner directed the parties to attend mediation. SGI agreed to implement a change in policy which allows individuals to have the gender designation removed from their drivers' licenses. R.B. received monetary compensation as part of the settlement agreement.



PRE-HEARING CONFERENCE

Racial Profiling in Public Services Complaint Resolved

A.L. filed a complaint against a retail store after she was followed by staff while shopping. A.L. says that she asked store personnel why she was being followed. She asserted that she was surrounded by several store personnel and wrongfully accused of shoplifting. A.L. believed that she was targeted for surveillance based on her Indigenous ancestry.

The respondent said that it did not target A.L. for surveillance. According to the respondent, the target of surveillance was another individual who was in the store at the same time as A.L. The Chief Commissioner found that the complaint had sufficient merit to proceed to hearing. He directed the parties to attend mediation.

The parties resolved the complaint at mediation. The retail store agreed to pay A.L. compensation for her claim for damage to dignity. The retail store also agreed to provide training to all current and future employees to prevent bias and discrimination.

Employment Complaint Resolved at Pre-Hearing Conference

B.G. took a leave from his job for surgery. After completing physiotherapy, B.G.'s physiotherapist and surgeon cleared him to resume his regular job duties. B.G. contacted his employer to notify them of his medical clearance to return to work. The employer referred B.G. for independent assessments for fitness for work. B.G. underwent two assessments and was told he failed. The respondent relied on the third-party test results.

B.G. alleged that after his third-party tests he made several attempts to contact the respondent but was not returned to work. B.G. believed that the respondent discriminated against him on the basis of his disability contrary to section 16 of the Code. He filed a complaint with the Commission.

The respondent denied discriminating against B.G. It argued that it was impossible to accommodate B.G. in the workplace without significant safety risks. The respondent neither sought further medical clarification nor explored other options to integrate B.G. back into the workplace. The investigation revealed that the metrics used in the third-party assessments were not designed to accord with B.G.'s job duties.

The Chief Commissioner found that the complaint had sufficient merit to proceed to hearing. He directed the parties to engage in mediation prior to filing of a court application. The parties reached an agreement in mediation. B.G. received compensation for loss of employment and damage to dignity. In the course of the complaint process, the respondent conducted an internal policy review of its human resources policies, practices, and procedures to ensure that it complies with the Code in the future.

Settlement Prior to a Court Hearing Leads to Restaurant Accessibility Improvements

A disability-related human rights complaint between a family and McDonald's Restaurants of Canada Limited (McDonald's) was resolved immediately before the scheduled Court hearing.

In 2018, a family went to a McDonald's restaurant location in Saskatoon. The family parked in a designated accessible parking stall to provide suitable access for their child who uses a wheelchair. The poor condition of the parking stall interfered with their egress from the vehicle. Upon entering the restaurant, the family found that there was no available accessible seating for four. Two children attended a play area, but it was only accessible by stairs. The family decided they had to leave the restaurant. They filed a human rights complaint.

Under section 12 of *The Saskatchewan Human Right Code, 2018* (Code), a person cannot be denied access to a service or facility which is open to the public, based on prohibited grounds. Disability is a prohibited ground for discrimination under the Code. The Code creates legal obligations for businesses which often supersede accessibility requirements in building codes.

The Commission retained a building code professional who inspected the restaurant and provided a report outlining accessibility improvements. McDonald's undertook necessary modifications to improve accessibility at the restaurant. The family received monetary compensation as part of the settlement.

COURT HEARINGS

Rural Municipality Held Responsible for Discrimination by Court of Queen's Bench

The complainant, D.G. was employed by the Rural Municipality of Baildon ("R.M. of Baildon"). D.G. sustained a head injury and concussion in an accident that was unrelated to work. D.G. provided the R.M. of Baildon with a doctor's note that stated she would be absent from work. D.G. attempted to return to work a few months later. The Reeve and a Counsellor bullied her, which exacerbated her migraine headache symptoms. She recommenced medical leave. She provided the R.M. of Baildon with medical notes periodically during her absence.

Approximately eighteen months after D.G.'s original injury, the R.M. of Baildon advertised for a replacement. D.G.'s physician completed a medical questionnaire recommending a gradual return to work at part-time hours. The R.M. of Baildon refused to accommodate the request for a gradual return to work. The RM insisted that D.G. could only return to work when she was able to work full-time. The R.M. also asserted that continuing the accommodation process would be an undue hardship.

The Chief Commissioner applied to the Court of Queen's Bench for a hearing of the complaint. The Court found that the R.M. of Baildon discriminated against D.G. because of her disability. The R.M. failed to establish that accommodating a part-time return to work would have resulted in undue hardship. The Court awarded D.G. approximately \$112,000.00 damages for loss of wages, commissions and benefits and \$10,000.00 special compensation for damage to dignity.

The R.M. of Baildon has filed an appeal seeking to have the Court of Queen's Bench judgment set aside. The Commission has filed a cross-appeal seeking to increase the special compensation award from \$10,000.00 to \$20,000.00.

ARE YOU FOLLOWING US ON SOCIAL MEDIA?



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



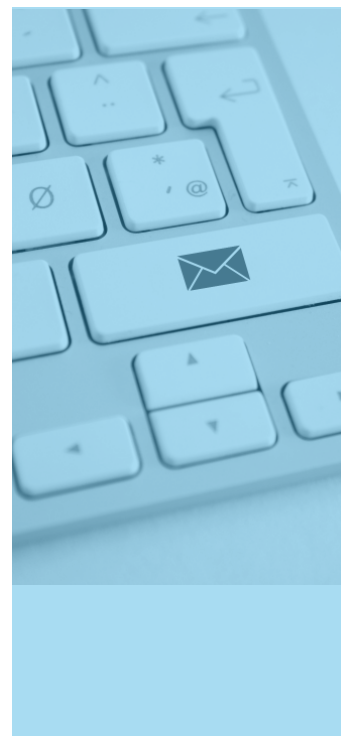
P.O. Box 6011
Saskatoon SK S7K 4E4

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 traffic.

BY THE NUMBERS

Total number of new complaints received

513

Complaints formalized

146

Number of complaints referred to mediation

140

Number of completed investigations considered
by the Chief Commissioner

46

Disability-related complaints formalized

98

Number of files closed in 2021/22

506

Number of business line inquiries

361

Total number of inquiries in 2021/22

2,674

**Table 1: Summary of Complaints Formalized
April 1, 2021 to March 31, 2022 by Grounds and Category**

Total number of
new complaints
in 2021/2022:

513

Total number of
complaints formalized
in 2021/2022:

146

	CATEGORIES												TOTAL GROUNDS	% GROUNDS CITED
	Age	Aboriginal Ancestry	Other Ancestry ²	Marital Status	Disability	Religion	Sexual Harassment	Sex/Gender/Other	Sex/Pregnancy	Family Status	Sexual Orientation	Retaliation		
Education	0	1	0	0	5	1	0	0	0	1	1	1	10	6.0%
Employment	3	2	9	1	67	1	5	0	11	5	0	2	106	63.9%
Housing	1	1	1	0	8	1	0	0	0	1	0	0	13	7.8%
Public Services	1	5	4	0	18	3	0	2	0	2	1	2	37	22.3%
TOTAL GROUNDS	5	9	14	1	98	6	5	2	11	9	2	5	166 ¹	100%
% Grounds Cited	3.0%	5.4%	8.4%	0.6%	59.0%	3.6%	3.0%	1.2%	6.6%	5.4%	1.2%	3.0%		
% Total Complaints	3.4%	6.2%	9.6%	0.7%	67.1%	4.1%	3.4%	1.4%	7.5%	6.2%	1.4%	3.4%		

Notes:

¹ Some complaints allege several grounds of discrimination. For this reason, the total number of grounds cited (166) exceeds the total number of complaints formalized (146).

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

Table 2: Files Opened and Closed

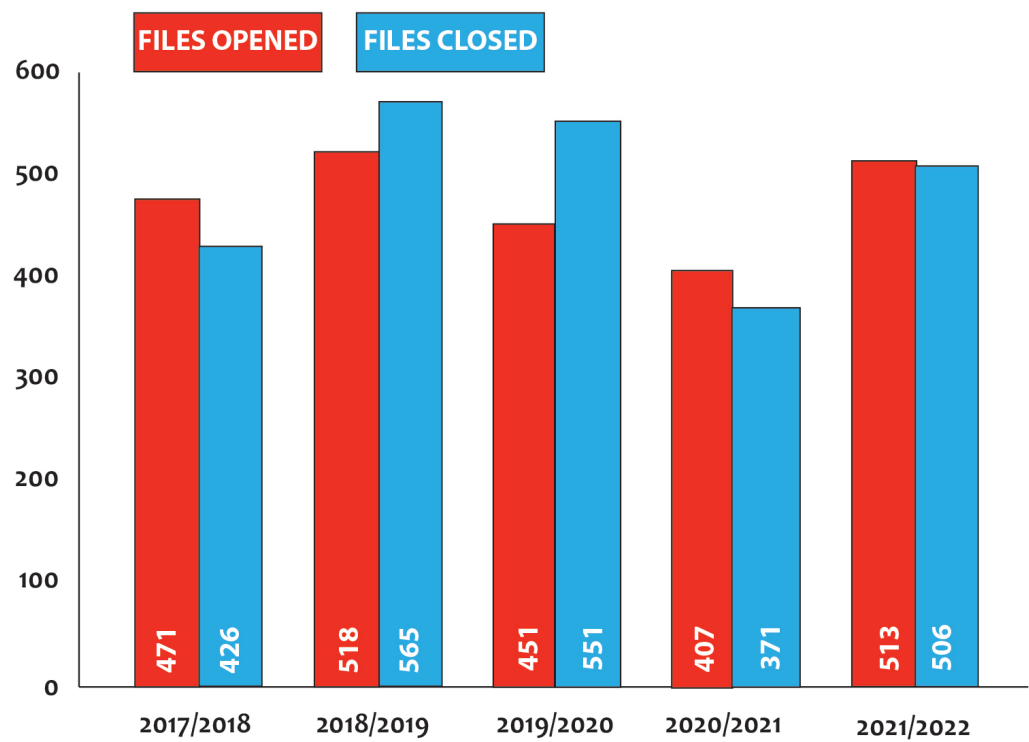
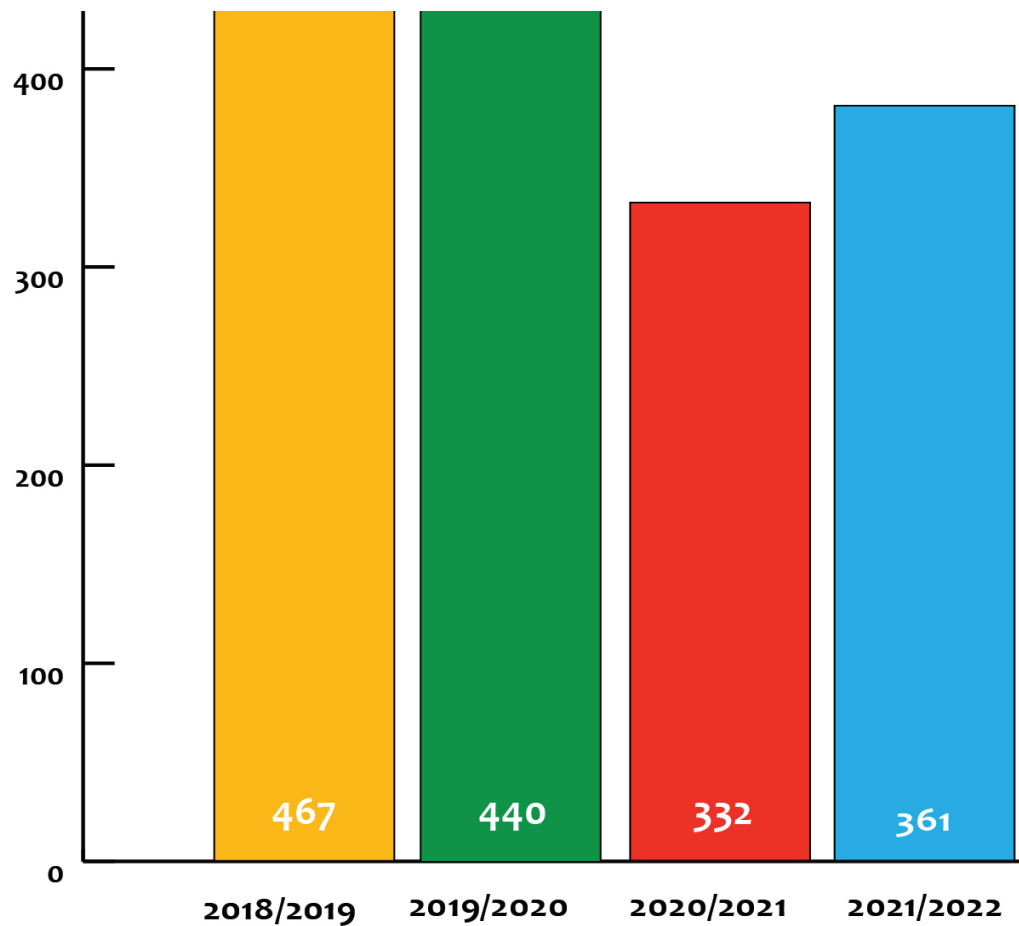


Table 3: Business Line Inquiries



1,720

Instagram
followers

67.1%

of complaints formalized in
2021-2022 alleged discrimination
based on disability

172,637

page views on the Commission's website in 2021-2022

63.9%

of complaints formalized
occurred in the area of
employment

463

Twitter
followers

50,494

people reached with the Commission's
Facebook page

106

more complaints
received in 2021-
2022 than the
previous fiscal year

40.7%

of people who visited the
Commission's website used the
Education Resources

70,672

visits to the Commission's website
in 2021-2022

Approximately

76%

more complaints were
formalized in 2021-2022
than in the previous
fiscal year

206%

more complaints formalized in the area
of public services than in the
2020-2021 fiscal year

8

times more formalized
complaints alleging
discrimination based on
family status in 2021-2022
than previous fiscal year

\$2,606,000

The Commission's 2021-2022 approved budget



MESSAGE FROM THE DIRECTOR OF SYSTEMIC INITIATIVES Darrell Seib

At its best, resolving systemic discrimination is about finding restorative solutions. Outcomes that, broadly speaking, repair harm, resolve conflict, and restore relationships between the harmed, those who have caused harm, and the community. It is also about recognizing that stakeholders need to be involved in repairing relationships for the future good of their community or communities. There are few, if any, punitive outcomes.

The Saskatchewan Human Rights Code, 2018 requires the Commission to respond to, and where possible proactively address, systemic discrimination, including in the receipt of goods, the provision of services, and while in the public places and spaces of our province. Where possible, the Commission advocates for a restorative multiparty approach. Responding in this way regularly requires the Commission to work directly with large-scale systems, as well as the stakeholders, advocates, and individuals, who together form an even larger system.

Three noteworthy systemic initiatives, each launched separately as part of the Commission's ongoing public Courageous Conversations series, and each drawing together stakeholders to achieve collaborative ends, marked important milestones this past fiscal year.

In October, the Commission released a new report – *Access and Equality for Renters in Receipt of Public Assistance*. This report documented three years efforts of a systemic advocacy committee. The committee included stakeholder organizations and government agencies who worked both individually and collectively to improve the understanding of renter's rights and obligations. Over the past three years, the federal government has made efforts to address housing concerns, as have various organizations and municipalities.

In November, the final report of the D/deaf and Hard of Hearing Systemic Advocacy Committee's work to address inequity, inequality, and barriers facing D/deaf and hard of hearing persons was released. This initiative benefited from the years' long commitment and expertise of multiple stakeholders, including

those with lived experience, advocates, and provincial government officials. The combined efforts led to a Universal Newborn Hearing Screening program across all Saskatchewan hospitals and a new pre-school opportunity for D/dHoH children in Regina and Saskatoon.

“ At its best, resolving systemic discrimination is about finding restorative solutions. Outcomes that, broadly speaking, repair harm, resolve conflict, and restore relationships between the harmed, those who have caused harm, and the community. ”

During the Courageous Conversations event in February 2022, the Commission reaffirmed its commitment and contribution to employment equity in the province. Major changes to the Employment Equity Partner Program were announced. These include a template for reporting requirements and building on the Commission's Business Help Line to provide information to employers through systemic team staff tasked with offering support to equity partners.

In addition to these three significant outcomes, which are also described in more detail in this report, the Commission advanced numerous initiatives, also detailed further, on its own and in partnership with leading community organizations.

EMPLOYMENT EQUITY PROGRAM



On February 23, 2022, the Saskatchewan Human Rights Commission affirmed its role in advancing the role of equity in the workplaces of our province by reinvigorating its Employment Equity Program. This program is the Commission's longest ongoing systemic initiative, intended to proactively prevent discrimination in our province's workplaces.

Proactive, systemic action in employment means identifying and remedying barriers that hinder equality. It means creating hiring and employment policies that are fair to all, and that effectively address systemic or institutional discrimination.

A recent challenge for some organizations has been to implement an equity plan to address barriers brought to light by the COVID-19 pandemic. In a period of months, the global pandemic reshaped workplaces and workspaces. The linked concepts of "accommodation" and "work from home" became commonplace. Organizations quickly established work-from-home accommodations that many disability advocates had been requesting for years.

Employers and employees continue to navigate a path forward, with some employees still working from home, some returning to work, and some looking for work. Many employers are also looking to make new hires. Responding to technological changes in the workplace, as well as to the needs and interests of workers and organizations, has changed the dialogue on workplace composition. Throughout the last year, as return-to-

work plans were put in place, organizations asked the Commission for input on retooling their diversity, equity, and inclusion practices.

After an internal review and discussions with several stakeholders, the Commission updated its employment equity program, including new information and resources for employers and employees. The Commission also made a commitment to providing equity-focused workplace education in order to better support equitable employment in Saskatchewan.

At present, there are over 160 employers and organizations across Saskatchewan that have signed on to the Commission's employment equity program as employment equity partners. These organizations represent many of the province's largest employers. Each of these partner organizations are implementing human resources measures that address and reduce barriers to employment in their workplaces.

Many of these organizations present their efforts publicly, including their successes, and acknowledge where they have work to do. All of them are working to address barriers facing the four equity groups included in the employment equity partner program – Indigenous persons, women in underrepresented occupations, "visible minorities" (or racialized persons and groups), and persons with disabilities. The Commission's Equity Targets for these groups help organizations structure their efforts to have their workforce mirror the makeup of the larger population of our province.

SYSTEMIC ADVOCACY REPORTS

D/dHoH REPORT

On October 28, 2021, for its 75th Courageous Conversations event, the Commission launched a new report, *Access and Equality for D/deaf and Hard of Hearing People: Update to Stakeholders 2021*. As an update to the 2016 systemic initiative launch report, this document captures the outcomes from work undertaken by the Commission's D/deaf and Hard of Hearing Systemic Advocacy Committee. That committee, established in the fall of 2016, included persons with lived experience, advocates, and representatives from the Ministries of Social Services, Health, Education, and Justice.

Together, the stakeholder committee and the Commission established consensus on a series of actions that would address inequity and inequality experienced by D/deaf and hard of hearing persons. The stakeholders developed a common understanding based on the premise that D/dHoH persons have a right to the accommodations necessary to access services (including the right to ASL interpretation).

Major investments from the Saskatchewan Government, and the Government of Canada, led to noteworthy results for members of the D/dHoH communities, including millions of dollars to fully fund newborn hearing screening across the province. The screening program is now offered province wide. The pursuit of a full suite of Early Hearing Detection and Intervention programming will benefit thousands of children annually. With funding from the Canada-Saskatchewan Early Learning and Child Care Agreement, two new pre-school programs were created to provide access to early educational intervention for children who are deaf and hard of hearing. These programs reduce barriers when communicating within families, with other children, and with other people in their community. The programs also prepare children who are deaf and hard of hearing for their Kindergarten to Grade 12 education. The programs can accommodate up to sixteen students in each Saskatoon and Regina.

Additional and related outcomes include:

- Contributions to the Saskatchewan Police College Curriculum, including an information package and scenarios designed to educate prospective police officers about how to interact with D/dHoH persons,
- New services for deafblind and Deaf-Plus persons,
- A working Text-with-9-1-1- service allowing

registered D/dHoH to directly access emergency services, and

- New Video Relay Services (VRS), telecommunication service that allows D/dHoH persons to communicate using ASL through Internet-based videoconferencing technology. VRS callers who use ASL are connected to non-signing individuals through a sign language interpreter who provides real-time interpretation for telephone calls.

The Commission continues to collaborate with organizations on specific problems facing people who are D/deaf and Hard of Hearing, including the many stakeholders that committed their time and expertise to this initiative. At an individual level, the Commission continues to promote and pursue the rights of D/deaf and hard of hearing residents, including receiving and responding to human rights complaints.

A copy of the report can be found at: https://saskatchewanhumanrights.ca/wp-content/uploads/2021/10/SHRC_DdHoH_Website.pdf

RENTERS IN RECEIPT OF PUBLIC ASSISTANCE REPORT

On November 23, 2021, the Commission released its second report on access to housing for people who receive public assistance titled *Access and Equality for Renters in Receipt of Public Assistance: Update Report to Stakeholders*.

This report summarized three year's work by the Commission's systemic advocacy advisory committee.

The committee included individuals with lived experience, advocates, representatives from community-based organizations, as well as municipal and provincial government organizations – all who met frequently over the course of three years. The committee focused on the issues facing renters who receive public assistance in the City of Saskatoon.

Research demonstrates that renters in Saskatchewan are often at a disadvantage when they are required to defend their rights. Vulnerable renters may have difficulty obtaining legal advice and representation.

Furthermore, renters are unlikely to succeed at Office of Residential Tenancies hearings and, with respect to the Commission's complaint process, vulnerable renters are often unwilling or unable to pursue a human rights complaint, due to ongoing challenges in their lives.



Efforts to improve system navigation and coordinated access continue. Concerns regarding meeting the needs of persons with addictions and mental health problems, as well as regarding housing affordability, were raised and addressed by stakeholder organizations and government agencies who worked both individually and collectively to meet these challenges. Take, for example, the “Rent Ed” program which is a partnership between Camponi Housing, the Saskatoon Housing Initiatives Partnership, the Saskatchewan Housing Authority, and the Office of Residential Tenancies.

This program gives renters the tools they need to apply for housing, meet their responsibilities as renters, and, at the same time, have their rights honoured.

This report incorporated legal considerations related to housing, as well as international and national perspectives. Over the past three years, the federal government made efforts to address housing concerns. Provincial organizations and municipalities are also working together to address housing issues.

This includes work to increase awareness about rights and responsibilities. *The Saskatchewan Human Rights Code, 2018* clarifies that access to housing cannot be denied based on prohibited grounds – which include gender, perceived race, and receipt of public assistance. In brief, it is discriminatory to not rent to someone because they receive public assistance.

The housing needs of those who receive public assistance, or who may be marginalized, will require ongoing attention. There are ebbs and flows in affordability and availability, as well as how people who receive public assistance are treated when seeking housing.

The Commission continues to promote and pursue equal access to housing for everyone in this province, to receive and respond to individual complaints, and to address discrimination in housing as required.

The Commission thanks the following organizations for their significant contributions:

- The Ministry of Social Services;
- The Office of Residential Tenancies;
- The City of Saskatoon, including the Saskatoon Fire Department;
- The Saskatchewan Landlord Association;
- Renters of Saskatoon and Area (ROSA);
- The Saskatoon Housing Initiatives Partnership;
- Prairie Harm Reduction;
- Northern Saskatchewan Independent Living Centre;
- Saskatoon Indian and Métis Friendship Centre;
- Camponi Housing;
- Community Legal Assistance Services for Saskatoon Inner City Inc.;
- Flow Community Projects; and
- University academics and researchers.

A copy of *Access and Equality for Renters in Receipt of Public Assistance: Update Report to Stakeholders* can be found at: https://saskatchewanhumanrights.ca/wp-content/uploads/2021/11/HousingUpdate_Website.pdf

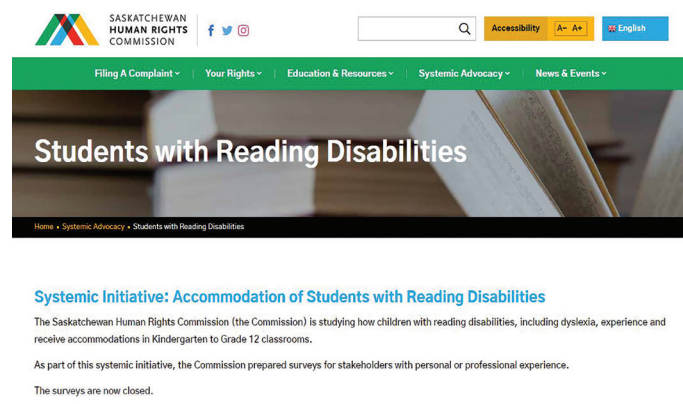
SYSTEMIC INITIATIVES

Several large-scale and multi-stakeholder systemic initiatives continued in the 2021-2022 fiscal year. Stakeholder engagement also increased substantially. The following brief summaries capture a cross-section of the Commission's commitment to advocacy and community outreach.

COLLEGE OF MEDICINE SYSTEMIC INITIATIVE

In September 2021, the College of Medicine at the University of Saskatchewan invited the Commission to conduct a collaborative review of the equity/inequity experienced by members of the College's community, including those who are Black, Indigenous, and people of colour.

In November 2021, the Commission's systemic specialists began meeting with students/residents in the College of Medicine, as well as with other stakeholders, to capture the concerns and issues which may need to be addressed. The Commission opened public participation in this process through an online survey. With the survey now closed and the interviews finished, the Commission is preparing a report outlining issues to be addressed.

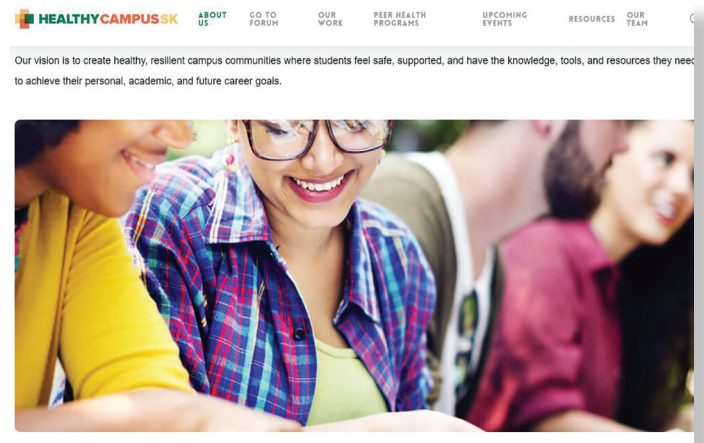


READING DISABILITIES SYSTEMIC INITIATIVE

The Commission continues to engage stakeholders on, and study, how children with reading disabilities, including dyslexia, experience and receive accommodations in Kindergarten to Grade 12 classrooms.

To gather additional information on a broader scale, two surveys were launched in March 2022. One survey was intended for individuals/families with lived experience, and the other for professionals/service providers who work with children who may have a reading disability.

The aim of the survey is to identify and clarify specific issues that stakeholders believe need to be addressed.



HEALTHY CAMPUS SASKATCHEWAN

In 2021, the Commission became a community partner with Healthy Campus Saskatchewan, a cooperative effort among 19 post-secondary institutions in the province focused on improving the student experience.

Healthy Campus Saskatchewan supports the overall well-being and mental health of students through information sharing, research, and implementing practices that enhance and expand on well-established equity and accommodation services.

The stakeholder institutions and community partners continue to work together to create new tools, resources, and learning opportunities for students. This includes awareness and prevention strategies that respond to suicide, sexual violence, and substance use. Healthy Campus Saskatchewan is also responding to the effect of the COVID-19 health crisis on each of these concerns, as well as on other factors that influence a post-secondary student's life.

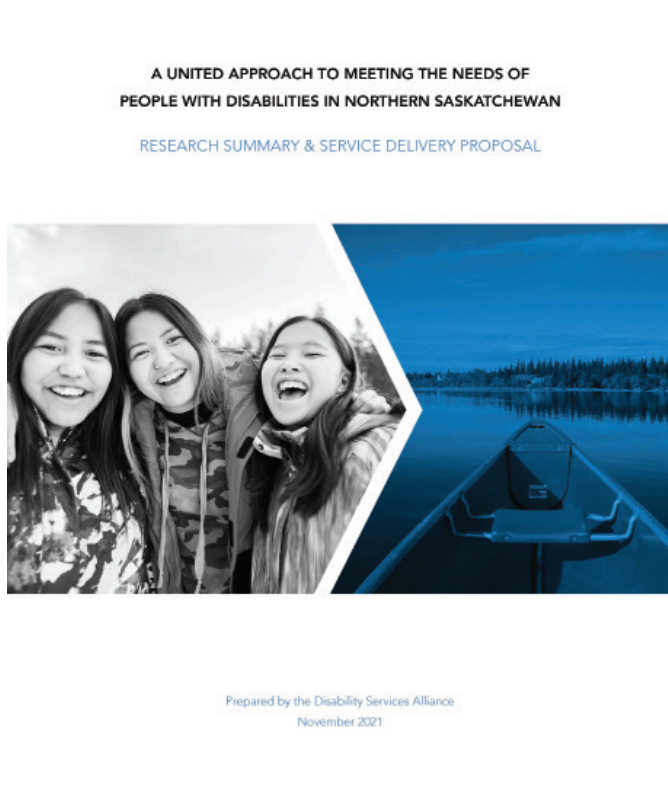
STATEMENT OF PROVINCIAL INTERESTS

Over the course of the last two years, the Commission provided feedback, language options, and human rights considerations to the Community Planning Branch of the Ministry of Government Relations on revisions to the updated edition of *The Statements of Provincial Interest Handbook*.

This province-wide strategy document captures the

objectives for community planning that have been incorporated into the most recent edition of the handbook. *The Statements of Provincial Interests Handbook* now asks planners, municipal leaders, and other officials to consider the range of transportation needs in a community; the housing needs of seniors, people with disabilities, and vulnerable populations; and for residential and planning decisions to comply with *The Saskatchewan Human Rights Code, 2018*.

The Commission continues to work with and support government ministries on new and ongoing initiatives.



DISABILITY SERVICE ALLIANCE

The Commission continues to support the efforts of the Disability Service Alliance (DSA) in addressing the needs of people with disabilities living in Northern Saskatchewan. The DSA members, including the Canadian Mental Health Association, Diabetes Canada, Inclusion Saskatchewan, Saskatchewan Deaf and Hard of Hearing Services, Saskatchewan Voice of People with Disabilities, Spinal Cord Injury Saskatchewan, and Vision Loss Rehabilitation Saskatchewan, engaged researchers to capture the lived experience of persons with disabilities.

The Code requires the Commission to conduct or encourage research that promotes human rights, promotes cultural diversity, and prevents or addresses systemic discrimination. This includes addressing inequity and discrimination based on disability, for individuals and for groups.

The DSA research – designed to respect Indigenous peoples, communities, and traditions, within a human rights context – found significant barriers to receiving disability-related services. The lived experience of people with disabilities in Northern Saskatchewan is complicated by access to the services and accommodations they need. Themes emerged relating to education, housing, disability devices, measures that support independence, and poverty. The DSA continues to engage stakeholders.

REGINA REGION LOCAL IMMIGRANT PARTNERSHIP

The Regina Region Local Immigrant Partnership (RRLIP) is a multi-stakeholder initiative that supports newcomers and immigrants to adjust and adapt to their new communities.

The Commission was invited to sit on RRLIP's Anti-Racism and Discrimination Working Group in October 2021. The working group held a virtual public forum and training opportunity on March 17. The event included a presentation by Mr. Kamao Cappel on his experience with the successful resolution of a human rights



INTERSECTIONALITY AND COMMISSION PROCESS



BY ANDREA HALSTEAD
Investigator

The term intersectionality was coined by Kimberlé Crenshaw in 1989 when she was looking for a way to articulate the unique experiences of black women, which she knew were distinct from those of both black men and white women. She looked at legal cases that dealt with the issues of both racial discrimination and sex discrimination, one of which was the 1976 case of *Emma DeGraffenreid v. General Motors* in Missouri.

Ms. DeGraffenreid alleged she had been discriminated against as a black woman based on a seniority policy that adversely affected black women, since the company did not hire black women before 1964. Without going into the details of the case, the judge ultimately concluded that a person could not combine two allegations of discrimination into one, in this case both race and sex. It was said that Ms. DeGraffenreid would need to prove she had been discriminated against for being a woman (General Motors employed women – predominantly white – in the office) or that she had been discriminated against for being black (General Motors employed several black men on the assembly line). The court did not accept that being a black woman was a separate and unique identity which would constitute possible grounds for discrimination. The court was unwilling to acknowledge black women as a unified group.

In reviewing this case, Crenshaw knew there needed to be a way to explain that not everyone is similarly situated in life. Crenshaw believed the court had a very narrow view of discrimination, ignoring the unique challenges facing black women specifically. Crenshaw started using the term intersectionality. While the term has its roots in black feminism, it has since been used to explain the many different intersecting identities that exist.

Since the term was conceived, the concept of intersectionality has been used as an effective anti-oppressive framework to consider how different forms of discrimination may work together to amplify disadvantage in the lives of individuals. Intersectionality seeks to reveal the complex interactions among multiple social categories, and how sexism, racism,

classism, colonialism, ageism, ableism (disablism), homophobia, transphobia, and other forms of oppression, simultaneously produce experiences of discrimination and privilege. The Commission is mindful of intersectionality in the work that it does, both within the individual complaint process and through systemic initiatives.

The Saskatchewan Human Rights Code, 2018 protects both individuals and groups of individuals from discrimination based on 16 prohibited grounds: race/perceived race, creed, colour, ancestry, family status, place of origin, nationality, receipt of public assistance, religion, age, marital status, disability, sex (including pregnancy), sexual harassment, sexual orientation, and gender identity. The Commission knows and understands that acknowledging intersectionality is critical for bringing about effective change in society.

When an individual wishes to file a complaint, they are asked to specifically identify which prohibited ground upon which they were discriminated against. The individual may identify just one prohibited ground or several. Typically, the individual must be able to point to some evidence, beyond mere speculation, that the adverse treatment they experienced was connected to one or more prohibited grounds of discrimination; however, an intersectional approach to human rights cases also considers the historical, social, and political context, and recognizes the unique experience of the individual based on the intersection of all the relevant grounds identified.

Once a complaint is formalized, the parties are invited to participate in mediation. Mediation is a confidential and without-prejudice process which allows parties to speak freely about the circumstances giving rise to the complaint. During this process, issues not previously identified – such as mental health issues – often come to light that may affect individuals involved.

As many Canadians grapple with mental health issues, it is important to recognize that an individual's mental health may be impacted by their race, gender, socioeconomic status, or several other factors. The process of mediation is an opportunity for open dialogue, to the degree that parties wish to share about their experiences. If parties are unable to resolve the matter through mediation, the Complaint proceeds to the investigation stage of the process.

The process of investigation can, at times, reveal that discrimination may have occurred based on additional prohibited grounds not previously identified at the outset of the complaint process. For example, a



complaint may be filed based on race, but further investigation may reveal that gender was likely a factor as well. Or a complaint may be filed based on disability, but the investigation shows that the adverse treatment may have also occurred because of stereotypes related to the person's family status and race. The Code allows for the amendment of complaints prior to a hearing. As such, complaints are occasionally amended to include additional grounds of discrimination where appropriate. The Commission aims to make any necessary amendments as promptly as possible to avoid concerns about procedural fairness. Investigators, like all Commission staff, are mindful of intersectionality and aim to be sensitive to the diverse needs of all parties and witnesses participating in the process.

The Commission continues to explore practical ways in which an intersectional approach can be applied in all areas of its work. Intersectional analysis in human rights cases is still an emerging area of law and a relatively new way of thinking about discrimination. Intersectionality is goal oriented and has a social justice intent. It is about recognizing the needs of individuals and understanding the root causes of inequity in society. In the area of human rights, reference is often made to Code-

protected groups, but it is inappropriate to characterize any of those groups as being homogeneous. In the Saskatchewan context, for example, the lived experiences of Indigenous women can be vastly different from those of white women, and different yet from the experiences of Black women, Muslim women, etc. When disability, family status, sexual orientation, or other prohibited grounds are factored in, the lived experiences of individuals can become even more divergent. There are other conditions and factors that may not directly be covered by the Code, but certainly contribute to a person's vulnerability or marginalization as well, including specific life experiences, levels of education, political beliefs, languages, hobbies, interests, style of dress, and so on.

The ongoing COVID-19 pandemic has exposed the reality that multiple structures of inequality have a multiplying effect when disadvantaged positions intersect in the same individual. If human rights commissions and the courts fail to consider intersectionality, and only address allegations of discrimination based on one prohibited ground at a time, in isolation, many discrimination complaints may "fall through the cracks."

Working systemically is another way the Commission seeks to address the impacts of discrimination on individuals from diverse backgrounds. For example, the Commission has an Employment Equity Program which is designed to assist and encourage organizations to improve diversity, equity, and inclusion in Saskatchewan workplaces. The four designated equity groups are Indigenous people, people with disabilities, visible minorities, and women in underrepresented occupations; however, recognizing the diversity within each of those Code-protected groups is also critical. While the Commission is mindful of the concept of intersectionality, there is more work to be done to advance the concept of intersectionality within human rights cases more broadly.

Intersectionality is a lens through which we can try to understand the way individuals experience the world differently. Crenshaw says the point of intersectionality is to make room for more advocacy and remedial practices to create a more egalitarian system. This connects directly with the purposes of the Code. Intersectionality is about considering people's experiences and identities without placing them into fixed, narrow categories. Oppressions are interlinked and cannot be solved in isolation. Society must work to eliminate all forms of discrimination and promote the recognition of the inherent dignity of all members of the human family.

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

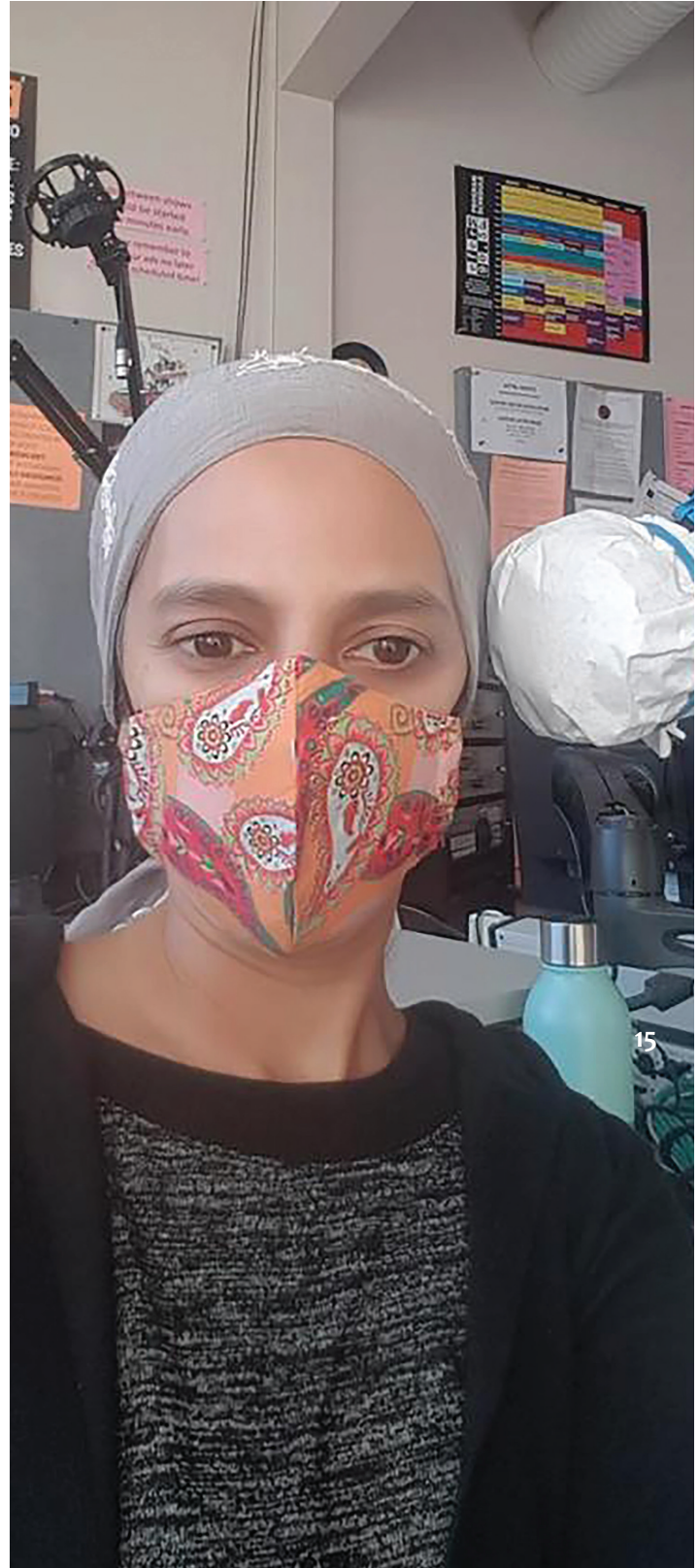




PUBLIC
EDUCATION

PUBLIC EDUCATION EVENTS 2021-2022

1. Saskatchewan School Board Association (SSBA) - Spring General Assembly – April 16, 2021
2. SSBA- Public Section, General Meeting and Professional Development, Student Citizenship Awards – June 4, 2021
3. SeedMaster, Workplace Diversity and Gender Equality presentation – June 14, 2021
4. Principals' Short Course – July 8, 2021
5. Ukrainian Canadian Congress of Saskatchewan, English for Employment Class – July 20, 2021
6. Ukrainian Canadian Congress, Presentation on Human Rights, English for Employment Class, Saskatoon – October 5, 2021
7. Human Rights, Canadian Pension and Benefits Institute, Saskatoon – October 12, 2021
8. University of Saskatchewan, College of Law, Human Rights Seminar Lecture – October 18, 2021
9. Law Society of Saskatchewan Administrative Law Update – October 19/20, 2021
10. Disabled Government of Saskatchewan Employee Panel – October 27, 2021
11. Introduction to Human Rights in Saskatchewan, Saskatchewan Intercultural Association, Saskatoon – October 28, 2021
12. Moose Jaw Newcomer Welcome Center, Introduction to Human Rights in Saskatchewan, Employee Human Rights, Moose Jaw – November 18, 2021
13. Sage Hill Community Futures, Presentation on Human Rights, Bruno – December 2, 2021
14. CBA Administrative and Labour Law Section Meeting – November 23, 2021
15. Global Radio for International Human Rights Day – December 5, 2021
16. Citizenship Education, SPSB – February 16, 2022
17. West Central Municipal Government Committee Presentation – February 24, 2022
18. Ukrainian Canadian Congress English for Employment Presentation – March 3, 2022



ENOUGH ALREADY

SEXUAL HARASSMENT IN THE WORKPLACE

Enough Already is a multi-stakeholder coalition determined to address and prevent workplace sexual harassment in Saskatchewan. The coalition – comprised of the Saskatchewan Human Rights Commission, the University of Saskatchewan – College of Law, the Saskatchewan Chamber of Commerce, the Public Legal Education Association of Saskatchewan, and the Saskatoon Industry-Education Council – is committed to making workplaces throughout Saskatchewan safe for everyone.

Since being launched in 2020, Enough Already has worked with government, businesses, industry associations, unions and community organizations to help increase awareness and knowledge about workplace sexual harassment.

During the 2021-2022 fiscal year, the Enough Already team facilitated 72 presentations to employers across the province, reaching nearly 2,400 people. On March 24, 2022, Enough Already hosted Good Business: Addressing Sexual Harassment in Saskatchewan Workplaces. The online event – which was held in partnership with Occupational Health and Safety – was attended by 253 people. The purpose was to educate the public on updates to the *Saskatchewan Employment Act*.

In addition to presentations and hosting events throughout the year, Enough Already continued to engage an increasing number of survivors of sexual harassment in the workplace, supporting them in their journey.

Enough Already also had the opportunity during this past fiscal to collaborate with governments on different levels. The team worked closely with the Ministry of Highways to educate employees about sexual harassment, holding a total of 10 training events across the Ministry. Enough Already also entered into a formal partnership with the City of Regina to educate and train city employees. It is the first mandatory training in the city's history. The majority of which will be completed between April and May 2022.

“We continue to see great uptake and engagement from Saskatchewan employers with our bystander leadership training,” said Nicole White, Project Lead for Enough Already. “Our training incorporates Saskatchewan-specific statistics, a solid business case for prevention, and meaningful tools, strategies, and supports for employees on what to do if they witness harassment in their workplace.”



ONLINE PRESENCE

Enough Already has a robust website that provides users with:

- Coaching for people in Saskatchewan who have experienced sexual harassment in the workplace;
- Ready-to-use training resources for employees, employers, and businesses;
- Online training tools designed to help employers educate and raise awareness about sexual harassment in the workplace; and
- Access to two hours of free legal advice, provided by the Public Legal Education Association of Saskatchewan.

Enough Already also continues to engage the public in strategic, online education campaigns. They have created friendly, supportive, and informative social media streams that focus on the role bystanders play in making sexual harassment a thing of the past. The campaign, along with many of their presentations, address the reluctance and fears of bystanders, while urging those who witness inappropriate behaviour in the workplace to stand up rather than step aside.

AMBIT

In August of 2016, Cheryl McCallum, then the Manager of Community Sport Development with Sask Sport Inc., came to the Saskatchewan Human Rights Commission to discuss an idea that might help bring people together through intercultural competency training. It was a bold idea that started with conversations and has now been realized in the Ambit project.

Racism and discrimination are a problem in this province. It prevents constructive and positive relationships from being built. Anti-racism or anti-bullying training sessions, as well as other training that aims to increase cultural awareness, have often been one-off events with little lasting impact.

With that in mind, Sask Sport Inc. (Cheryl McCallum), Saskatchewan Polytechnic (Dawn Fleming) and the Saskatchewan Human Rights Commission (Norma Gunningham-Kapphahn and Darrell Seib) formed a project partnership group – then known as the “Intercultural Competency Project” – and began building a framework to create training modules that would approach the problem differently, with an aim toward creating greater and lasting impact in the community.

In 2018, the project partnership group drew together a number of volunteers from diverse backgrounds to form the project Advisory Committee. Thanks go to advisory members: Norm Dray (chair, Together We Can), Dennis Chubb (Vardis Group), Elizabeth Duret (University of Saskatchewan), Wendy Stone (Regina Police Services), Audra Young (Regina Police Services), Ijeoma Udemgba Nwamuo (International Women of Saskatchewan), Amy Shipley (Sask Sport Inc.), Lisa Stewart (Sask Sport Inc.), and Michael Heimlick.

The Advisory Committee began its work by researching and consulting with many organizations across the province. This phase informed the Committee that many people in Saskatchewan need access to opportunities to engage in conversations about diversity, equity, and inclusion and want the ability to build the skills and knowledge needed to improve relationships to better serve the people of our province.

The Ambit learning series was developed through the hard work of the Advisory Committee, and by the writers on the project – Dawn Fleming, Cheryl McCallum, and Amy Shipley. The series provides a multi-module training opportunity for important conversations to take place in a judgment-free environment. Coming from a strengths-based approach, the modules encourage participants to consider diverse perspectives, and challenge the boundaries of what current thinking tells us about inclusion. Modules include concepts and ideas, opportunities for courageous conversations, and group

exercises and activities. Participants are invited to build their own unique perspectives on supporting diversity, equity, and inclusion. Ambit is a social innovation framework seeking to broaden thinking and foster community.

The Ambit materials were produced with the support of Sask Sport Inc., Saskatchewan Polytechnic, and the Saskatchewan Human Rights Commission. Funding was made available by the Anti-Racism Action Program supported by the federal Department of Canadian Heritage and by the Sask Lotteries Trust Fund.

The Ambit materials are now entrusted to United Way Regina and United Way Saskatoon and Area, and remain supported in alliance with the Saskatchewan Human Rights Commission.



Cheryl McCallum

RECONCILI-ACTION



In 2017, an incident occurred while Kamao Cappel was shopping at a Canadian Tire Store owned by Francois Brien. That incident led to the filing of a human rights complaint. As a problem-solving organization, the Commission's ethos is grounded in collaboration, communication, education, mediation, and restorative justice.

The Commission's restorative mediation model invites party-driven resolution. It is a model that offers people the chance to talk, to understand each other, and to tailor resolutions to their own needs. That is what happened between Mr. Cappel and Mr. Brien during their mediation process. Instead of being adversarial, they took the time and effort to communicate, cooperate, and reach a positive outcome. That outcome included a new training policy focused on strengthening relationships with Indigenous customers. This took the form of a video called *Reconcili-Action: The Power to Change*.

The video speaks of a shared history and the need to reconcile with Indigenous people. It was developed with the assistance of an Indigenous Oversight Committee that included community members, the Office of the Treaty Commissioner (OTC), the Multicultural Council of Saskatchewan (MCoS), the Saskatchewan Human Rights Commission (SHRC), and academics from the University of Regina who helped develop the story line, ensured content quality, and approved the final version. This

outcome, and the way both individuals approached the matter, was reconciliation in action.

The final report by the Truth and Reconciliation Commission has motivated many levels of government, community organizations, and businesses to include strategic efforts and actions that demonstrate reconciliation with Indigenous peoples. Call to Action 92 specifically requests that businesses more directly involve Indigenous people and take direct and cooperative action that addresses systemic anti-Indigenous racism.

Following the making of the video, *Reconcili-Action: The Power to Change* was donated to MCoS by the parties to the original human rights complaint. A partnership was formed between MCoS, the OTC, and the SHRC. The partners shared a mutual interest in addressing systemic racism throughout the province with an initial focus on the business community. The *Reconcili-Action* project is now known as ICARE – Intercultural Connections and Anti-Racism Engagement. It is dedicated to providing public education about Indigenous culture to business and corporate organizations. Workshops for business leaders (owners, managers, directors, etc.) are planned, as is the development of curricula for workshops (on-line/in-person), the creation of action plans for change in business templates, and website resources. The federal Department of Canadian Heritage has provided grant funding in support of this project.

COURAGEOUS CONVERSATIONS

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

Issues pertaining to racial discrimination, Indigenous cultures and awareness, gender, mental health and addictions, disability, and the Holocaust were designated as cornerstones of the Courageous Conversation Speaker Series, making them more visible and accessible for discussion and action.

These issues are 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.

ARIEL F. SALLOWS CHAIR IN HUMAN RIGHTS 2021 SPEAKER SERIES

Speaker

Dr. Michael Marshall
MBBS, MRCPsych, DMCC, PGDIP (MENTAL HEALTH LAW), CCT (PSYCHIATRY)

Dr. Michael Marshall qualified as a physician in 2001, after which he undertook his psychiatric training. While training as a psychiatrist, he developed an interest in transgender healthcare, mood disorders, and the psychotherapeutic management of trauma. He is the founder and serves as the medical director of The 2SLGBTQ+ Wellness Centre in Edmonton. The Centre, under his stewardship and direction, helps gender diverse individuals negotiate aspects of social, legal and medical transition. Dr. Marshall is trained as a psychiatrist but is also trained in mental health law, EMDR, ACT and various other psychotherapeutic modalities.



TRANSGENDER LIVES AND THE MANY INTERSECTIONS

Transgender individuals face many challenges due to failures of the systems around them - healthcare, law enforcement, education amongst others. This talk looks at the many intersections of identity that impact transgender people (i.e. gender, sexuality, race, ability, background) and how these may lead to further disadvantage. By naming these intersections, this talk aims to highlight the crucial role of allies in legal, healthcare, and other professions in leveraging their privilege to lessen the burden carried by trans people to navigate society.

**APRIL 23, 2021
11:30 AM- 1PM (CST)
via Zoom**

This speaker series is coordinated by the current Ariel F. Sallows Chair in Human Rights, Dr. Rachel Loewen Walker and co-hosted by the Saskatchewan Human Rights Commission.

Register at:
afstransgenderlives.eventbrite.ca



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SASKATCHEWAN
HUMAN RIGHTS
COMMISSION

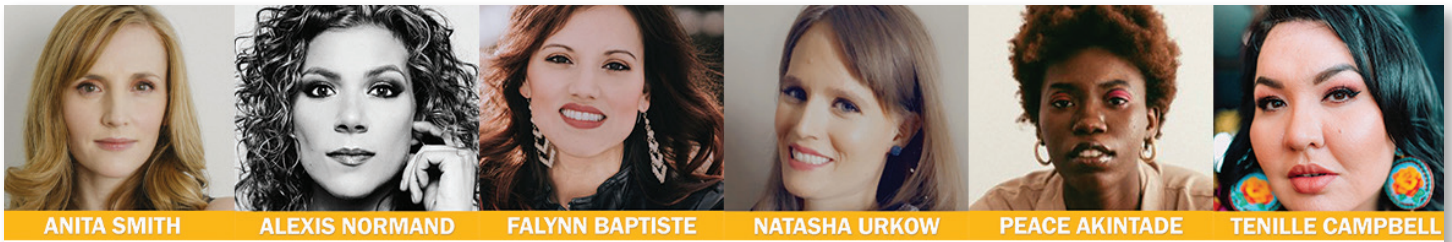
2021-2022 Courageous Conversations

1. In Cooperation with the Ariel Sallows Chair for Human Rights, College of Law, University of Saskatchewan, Dr. Michael Marshall – April 23, 2021
2. Chief Coroner Clive Weighill – May 20, 2021
3. Cheryl L'Hirondelle – June 24, 2021
4. John Langan – September 23, 2021
5. Presentation of the Deaf, deaf, Hard of Hearing Final report – October 28, 2021
6. Presentation of the Renters in Receipt report – November 25, 2021
7. Dr. Christine Lwanga – January 27, 2022
8. Supporting Inclusive Saskatchewan Workplaces Through Equity Plans and Partnerships – February 23, 2022
9. Running in the Dark – March 8, 2022





INTERNATIONAL WOMEN'S DAY



RUNNING IN THE DARK

On March 8, 2022, as part of its ongoing Courageous Conversation Speaker Series, the Commission hosted *Running in the Dark: A Courageous Conversation with Women in the Arts*.

The online event was hosted by CBC's Heather Morrison who, along with Saskatchewan Human Rights Commissioner Executive Director Norma Gunningham-Kapphahn, developed the idea and organized the Courageous Conversation.

"When Norma and I put our heads together to put this event together, we wanted to eschew the narrative of a woe-is-me scenario," said Morrison. "Women are so strong, they are so capable. We wanted to show that."

With the event being hosted on International Women's Day, the conversation focused on the 2022 theme of "Breaking the Bias" and included a panel of guest speakers who talked about female empowerment and shared lessons they have learned throughout the years.

Guest speakers included Anita Smith (actor/director/producer), Alexis Normand (musician/documentarian), Falyonn Baptiste (Cree-Métis singer/educator), Natasha Urkow (activist/public speaker/playwright/theatre artist), Peace Akintade (poet/public speaker/thespian) and Tenille Campbell (Dene/Métis author).

Chief Commissioner Barry Wilcox, Q.C., welcomed people to the event and said a few short remarks, concluding his introduction by saying:

Picture a society free off bias. Free of stereotypes and discrimination. A society that is equitable and inclusive. A gender-inclusive society where difference is valued and celebrated. Creating such a society requires smart solutions, dedication, and cooperation. It requires having conversations that matter – conversations that are courageous and constructive ...

It is no secret that women continue to face many social and systemic barriers in our society. We must work together to remove these barrier, to break the bias, to empower women, to advance gender parity, and to ensure that all women have full, equal and effective participation in public life, as well as in the workplace.

Host Heather Morrison curated the conversation, asking guest speakers about moments they felt empowered as women, how their artistic practices challenge preconceived notions of gender, and ways, as individuals, we can break the bias and achieve gender parity.



“Education, especially self-education, is so important. When I came here as refugee, I made it a point to learn about the Indigenous experience and Indigenous rights. It is a privilege to move to a safe place like Canada. The least I can do is learn about treaties and learn from Indigenous people to help break biases.”

“I did research about fertility priestesses in the culture where I’m from, and the misconceptions that surround them. Going back and reading about that and figuring out where exactly those misconceptions came from was eye-opening. One of the things I realized was that there was an erasure of women in leadership roles. People from western cultures who would document these women would erase the importance they played in the culture, in the chief system, in the community, and say it was just the men who led. The women had nothing to do with it. They were just the wives, just the mothers. Because in Europe, at the time, that was the standard. That’s what women were. So when people from colonial powers came to a different country, they had to change the narrative so that it fit their world view. When I learned about this there was a rush of feeling because the things that I do with my poetry is trying to build a different narrative. To re-establish a narrative of black women being joyful, black women being powerful, black women being outside their kinship roles. Outside of motherhood. Outside of wifehood.”



“There is an unspoken francophone hierarchy. Near the bottom, you have people in a place like Saskatchewan with parents of francophone descent who have kids that speak French and, if they’re lucky, they have jobs where they can speak in French ... at the top, are francophones in Europe. For me, I come from a family where one of my parents speak French and the other doesn’t. And I grew up feeling like I wasn’t as good as other people I knew who had two French speaking parents.”

My music never really took off in Quebec. I internalized that as “I suck.” At one point, I threw my hands up in the air and quit. I went to do music in English. Because of that, some people accused me of assimilation. That lasted for a while, but now I’m in a new place. A place where I’m asking myself different questions and relating to those questions differently. I’ve gone back to my roots and have begun writing music about the tension points and the preconceived notions in the francophone community.”

“The question about a time I felt powerful made me uncomfortable off the hop. To tackle it, I had to define what it meant to me to be powerful. And decided that feeling powerful is having the capacity and means to finish a task. To feel like I’m trusted and can bring a vision to fruition. There’s a feeling of alignment where you can step into your own self while still being able to relate to others.”



"I encourage women to unapologetically own space in their world. I get messages from men all the time pitching themselves and their work saying that I should throw my time, my energy, and my resources to make their work happen. And I don't get those messages from women. I think that's because, often, we feel like we're not entitled to occupy space the same way that men do."

"I love to ignore gender in casting. It's probably the way I challenge preconceived notions the most. I tend to cast different genders from what the playwright intended. At Shakespeare on the Saskatchewan, I once cast an all-female production of *Julius Caesar* – which is typically done with only a couple of female actors and a lot of male actors. Then in 2019, in a production of *As You Like It*, I changed a whack of male roles to female roles so that we could achieve gender parity there. The next step in the practice, at least for me, is to offers support and roles to the transgender and non-binary community to ensure they aren't being held back by gender roles that are assigned in casting."

"Use your voice and whatever connections you have to push people forward. As strong, independent women we have to push people in decision making positions to do better. To be better."



"As a First Nations person, if asked me as a kid if I would you be a music artist who sings in the Cree language and a teacher who teaches the Cree language, I probably would've looked at you and said 'absolutely not'. At that time, the experiences I had in the non-Indigenous community were very negative to the point where if felt the need to change myself and abandon a lot of who I was as a girl raised in the safety and comfort of a First Nation. I stripped that away in order to gain acceptance in the non-indigenous world. It was a cloud over me. A cloud of preconceived notions. But as I got older, things began to pivot. I'm thankful for those negative experiences because they helped shape who I am today. Becoming an educator brought me face-to-face with Indigenous students and made me realize, yes I love teaching other courses, but our language (as Indigenous people) is important. I'm just a small piece of the puzzle that is trying to preserve all Indigenous languages."

My journey as an artist evolved over time with my own healing journey. I've always loved to share music an connect with people. Singing is such an intimate moment with you and the audience ... people come to these events with their own frame of reference, we are all going through our own things, we bring to our experiences and whatever message is being conveyed in that moment. I love that connection.



“Coming back into theatre after an acquired spinal cord injury, for me, is power. It’s taking back the autonomy and the independence that you lose when you rely on others for so much support. I feel powerful every time I perform. And, for that matter, even when I’m auditioning. I’m certainly not the only artist who uses a wheelchair, but in Saskatchewan it certainly feels that way.”

“People’s expectations can be low. They see a performer with a disability and it’s easy to surprise them because they don’t expect the capacity or the capability that many artists with disabilities possess.”

“If someone asks me what I do, when I tell them I’m in theatre, their eyes bulge. Judging by physicality is common. It’s real. Sometimes I use a manual wheelchair, sometimes I use a power wheelchair. People often associate a power wheelchair, or an electric wheelchair, with brain injuries and they assumed that the only part of theatre I should, or would, be occupying is the audience. Which is kind of joke because so many theatres are inaccessible.”

“Social interaction is imperative to breaking barriers that we have in society. To breaking the stigmas that surround people with disabilities and other marginalized communities.”



“My first book came out in 2017. It was called #IndianLovePoems, and what people didn’t know about me is that I wasn’t ready to become the face of Indigenous erotica (in this province) ... in the months leading up to the book launch there was, not self-doubting in the mirror, but like “is this a sexy face? Is this?” I was constantly thinking about being a public figure and speaking about pro-sexuality. Pro-Indigenous sexuality, especially. When the shipment of books, the first run, finally came to my house I didn’t know how to feel. When I cut open the box, my hands were shaking. I told myself, ‘you can’t undo this now’. At the reading, I slipped into the room filled with 75-100 of my favourite people and just read raunchy poetry all night. People were kind enough not to notice, or at least mention, that my voice shook a little and my hands trembled. But by the end of the night, I realized we needed this discourse. We needed to have this conversation. Women were aching for this. Aching for free space to talk about our bodies and our sexuality with laughter, with joy, and with seriousness.”

“We need to push against the stereotypes people have of Indigenous women. Art opens up a discourse about Indigenous women that we wanted to have. That we needed to have. Art provides a safe place to talk about sexuality that isn’t connected to healing or trauma.”

BUSINESS HELP LINE



The Commission operates a Business Help Line providing timely human rights information to employers, businesses, landlords, and others. Every year, the Business Help Line receives hundreds of calls on a variety of human rights topics, with calls taking as little as 10 minutes or lasting up to an hour.

In 2021-2022, the Commission's Business Help Line continued to field a number of questions relating to COVID, especially regarding workplace vaccination policies. Typically, vaccines and vaccination policies are not, in themselves, matters of human rights. However, a duty to accommodate could arise where an employee has existing disabilities, or sincere religious beliefs, that prevents them from complying with their employer's vaccination policies. As such, the Commission produced a specific vaccine-related FAQ to assist businesses and employers in understanding their obligations under the Code in these circumstances.

In other respects, the inquiries to the Business Help Line returned to pre-pandemic content. Most inquiries were about the duty-to-accommodate employees with disabilities. There were also a notable number of inquiries from landlords and businesses about emotional support animals.

The Commission's business
help line received

361

calls during the 2021-2022
fiscal year



FREQUENTLY ASKED QUESTIONS

The Saskatchewan Human Rights Commission receives hundreds of inquiries per year from businesses, government agencies, service providers, and other employers. Offering businesses the information they need to avoid Code infractions is an important outreach for the Commission.

Q1: We hired an employee who we believe purposely misled us during the hiring process, neglecting to disclose a disability that will seriously impact their ability to do the job we hired them for. Are we required to accommodate them, or can we terminate their employment?

In general, employees are not under any obligation to disclose a disability. Sometimes, employees may hide accommodation requirements because of perceived stigma or fear of discrimination. That an employee does not voluntarily disclose a disability in the early stages of the hiring process does not change the employer's duty to accommodate once an accommodation need has been identified on the job. If an employee can be accommodated, the employer must accommodate to the point of undue hardship. Undue hardship is generally defined as an unbearable financial cost or a considerable disruption to business, or an interference with the rights of others. The size of the employer's operation or labour pool may be taken into account, as well as safety considerations and the nature of the employment contract. Termination should only be considered if an employee's restrictions objectively prevent them from performing a bona fide occupational requirement. A bona fide occupational requirement is an essential task that cannot be accommodated without undue hardship. Even in this case, an employer may still be able to accommodate the employee in a modified or different position.

Q2: Can service animals or support animals be excluded from condominiums or apartments that have a "no pets" policy?

No. Service animals and support animals are not "pets" and access should not be restricted under a "no pets" policy.

Q3: What can of additional fee can I charge a tenant or owner who keeps a service or support animal?

Accommodating a tenant with a support animal may result in some additional expense or inconvenience

to the landlord. Unless the expense or disruption impacts the landlord's operation in a fundamental way (to the point of "undue hardship") the expense or inconvenience must be accepted. In the event that a support animal causes significant damage to a rental unit, the tenant may be held financially liable.

Q4: 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.

Q5: 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.

Q6: We have an employee who is away on sick/disability leave. We have been paying for their health benefit premiums since they have been gone. Can we stop paying for them now?

Every employer will have their own policy for how and when they pay for health benefit premiums. Employers are not under any obligation to pay for these premiums, except that employers should not discriminate against employees with disabilities. Proper notice should be given to employees affected by changes in such policies. Where an employer ceases to pay for the premiums for a benefit plan due to an employee leave of absence, the employee is entitled to continue participating in that benefit plan so long as they pay for the premiums. Employer's should inform employees of this option.

COVID Q&A

Q1: Can I lay off employees during COVID-19?

Yes. A lay off is not a termination of the employment relationship, but is a temporary furlough as defined under the *Saskatchewan Employment Act*. Note that there are some changes to layoff procedures during a public health emergency.

However, an employee who has been ordered to self-isolate, due to contracting or being exposed to the coronavirus, may be eligible to access the new public health emergency leave for the duration of the order, rather than receive a layoff.

At the end of their isolation/recovery period, such an employee would expect to return to work.

Q2: Do I have to recall all my employees who are on layoff?

No. However, employers must follow the procedures in the amended Act and Regulations. Moreover, layoffs, recalls, and terminations must not be discriminatory under *The Saskatchewan Human Rights Code*. Employees who may have been exposed to the coronavirus, but have recovered or completed the isolation period, should not be excluded from the recall process.

Q3: My employee says they have contracted COVID-19, and cannot work – can I terminate their employment?

Terminating an employee because they have contracted or been exposed to the coronavirus may be discriminatory under *The Saskatchewan Human Rights Code*.

Q4: Can I require my employee to provide a doctor's note?

An employer may request evidence to support an absence from work. For ill employees, this typically would be a certificate from a medical professional confirming the absence is required from medical reasons.

Q5: My employee is unable to return to work because they don't have childcare, can I dismiss them?

An employee is responsible to secure adequate care for their children, and should pursue all reasonable measures to do so.

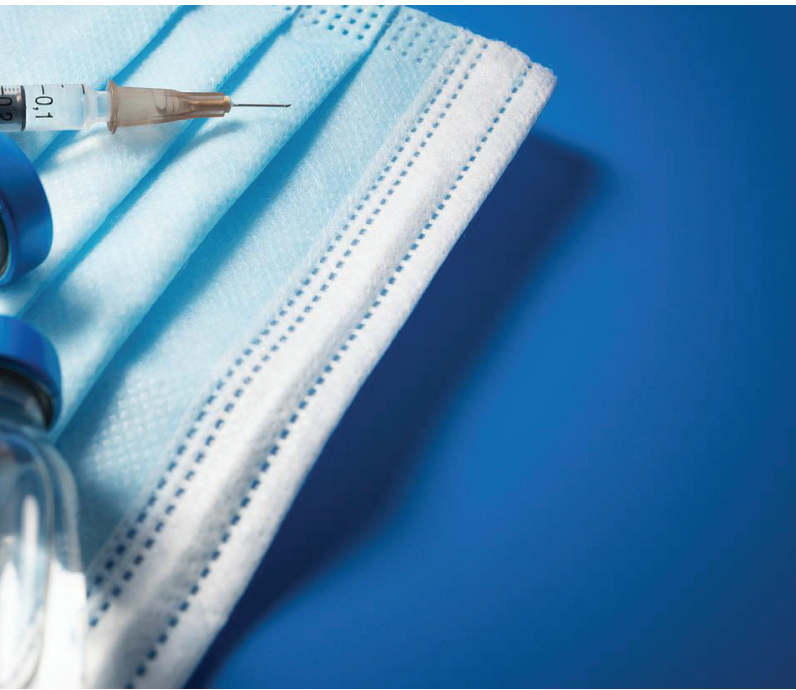


Q6: My employee is sick with COVID-19 – when should I bring them back to work?

A person who has contracted COVID-19 will be required to isolate and may have to seek treatment for symptoms relating to the disease, which may vary the time to recovery. Public Health officials will provide guidance on the recommended duration for isolation. In some cases, employees may be able to provide an employer with confirmation from public health officials or medical practitioner that they are cleared to return to work.

Q7: What if my employee(s) doesn't want to return to work?

Employees who are reluctant to return to work may feel so for a variety of reasons. Employers should inquire as to the reasons. Many employees feel uncertain about how safe their workplace is. Employers must make sure they are following the public health guidelines for distancing, personal protective equipment (PPE), and cleaning to meet occupational health and safety requirements. Employees who continue to have concerns about safety should follow Occupational Health and Safety (OHS) reporting procedures. However, some employees may not be able to return to work due to an underlying disability. COVID-19 may create additional risk factors for some disabilities. Employers have a duty to accommodate employees with a disability, and should engage them in the accommodation process.



As well, some employees may have difficulties returning to work due to issues with childcare. Employers have a duty to accommodate employees on the basis of family status for childcare requirements. Employers should engage with the employee in the accommodation process.

An employer has a duty to accommodate an employee on the basis of family status, including for childcare issues, where an employee does not have a reasonable way to obtain childcare. An employer is not required to pay an employee who is not working (unless the employee has access to workplace policies or a collective agreement that would entitle them to payment).

Q8: Am I required to allow my employees to work from home?

No. However, you may wish to facilitate a work from home plan where possible, in accordance with public health recommendations/orders. If you choose to have your employees work from home, you will need to pay them at the same rate.

As well, work from home arrangements may need to be considered as part of an accommodation process/plan for an employee who is unable to work in the office (due to disability, and-or family status). However, persons who believe they have been subject to discrimination on the basis of disability, or other prohibited grounds, may contact the SHRC.

Q9: As a business open to the public, can we continue to restrict access based on proof-of-vaccination (aka vaccine passport)?

Vaccines and vaccination policies are not, in themselves, matters of human rights. However, where a customer or client is precluded from complying with a proof-of-vaccination policy due to an existing disability, or where they have a sincere religious objection to receiving the vaccine, a business will have a duty to accommodate.

What type of accommodation is appropriate will depend on the type of businesses and the circumstances of its operation.

Q10: Does the province require my employees to receive the vaccine?

The latest public health order does not require employees be vaccinated. However, some organizations, including the Government of Saskatchewan and Saskatchewan Health Authority, did implement a proof of vaccination policy for its employees.

Q11: As an employer, am I permitted to require my employees to receive the vaccine?

Employers seeking to make vaccinations mandatory for all or some of their employees should consult with a lawyer. Where mandatory vaccination policies are implemented, employers may be required to accommodate employees on the basis of disability or religion.

Q12: As an employer or business, if I proceed with mandatory vaccines or proof-of-vaccination, can my employees/customers pursue a human rights complaint against us?

Vaccines and vaccination policies are not, in themselves, matters of human rights. As such, mandatory vaccinations are unlikely to lead directly to human rights complaints.

However, where an employee or client is precluded from complying with a mandatory vaccine policy due to a disability, or where they have a sincere religious objection to receiving the vaccine, an a duty to accommodate discussion is triggered. In these cases, employees may be able to pursue a human rights complaint if reasonable accommodation is not offered.

A YEAR IN PICTURES 2020-2021





HUMAN RIGHTS LITERATURE

The Saskatchewan Human Rights Commission is mandated to promote research and education strategies to advance the principles of equality and diversity and encourage understanding of human rights. On January 18, 2022, the Commission added a Human Rights Literature section to its website. The addition was intended to help make human rights more accessible and understandable for the public – in an everyday, immersible context.

Books have the power to further human rights education. They can personalize human rights that may, otherwise, seem obscure or abstract. They can present unique perspectives, teach us empathy, foster understanding, and help readers imagine a world based on human dignity, rights, and equality. With that in mind, Commissioner Heather Kuttai leads a new section of the website dedicated to reviewing books that deal with

important human rights issues. The books Commissioner Kuttai reviewed possess the ability to awaken new worlds, stimulate thought, and provoke discussion about human rights and society.

From January through March 2022, five books were reviewed: *The Break and The Strangers* by Katerina Vermette; *By Chance Alone* by Max Eisen; *Washington Black* by Esi Edugyan and *Beloved* by Toni Morrison; *I Am Not A Number* by Jenny Kay Dupuis and Kathy Kacer, illustrated by Gillian Newland; and *Firewater: How Alcohol is Killing My People (and Yours)* by the late Harold Johnson.

These books – while fundamentally different in scope, genre, and nature – all speak to the human condition and the unassailable importance of human rights, individual dignity, and respect.



REVIEW QUOTES

The Break and The Strangers – “Neither book is an easy read, but important ones rarely are, because what may happen while reading these stories of pain, grief, and abuse, is a shift and a depth in understanding intergenerational trauma, systemic racism, and the often messy and complicated layers of violence and crime.”

By Chance Alone – “With unfathomable resilience, Max does more than just live. He perseveres and goes on to educate thousands about the Holocaust, the horrors of war, and how we must continue to strive for a world that is rooted in love, respect, and compassion.”

Washington Black and Beloved – “Both novels are lessons in how education is key to understanding, how injustice of the past affects injustice of the present, and

how systems create and reinforce racism in our world. I recommend them both.”

I Am Not a Number – “Despite being called a number instead of her name and being severely punished for speaking her language, Irene (the main character) tries to stay true to her promise. Even though she can’t speak her name, family, culture, and language out loud, she keeps them alive inside her heart.”

Firewater: How Alcohol Is Killing My People (and Yours) – “*Firewater* is a book that exposes alcoholism in ways our society, as a whole, is reluctant to address, and it also offers solutions and hope for ways to, as Johnson said, ‘live a good life.’ His visionary leadership and storytelling will be missed.”

COMMISSION STAFF

2021-2022



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