

SASKATCHEWAN HUMAN RIGHTS COMMISSION

REPORT AND SUMMARY
OF
ACTIVITIES

April 1, 1977 to March 31, 1979

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Forward

In June, 1978, I was appointed as Chairperson of the Saskatchewan Human Rights Commission, along with "old hand" Commission members, Helen Hnatyshyn, William Gilbey and Chief Hilliard McNab. The appointments of Louise Simard as Vice-Chairperson, Kayla Hock and Gordon DeMarsh will forward the expanding work of the Commission.

During the past five years the Saskatchewan Human Rights Commission has shown itself to be an aggressive body concerned with human rights and civil liberties for all people in the province. During that period of time the Commission investigated more than six hundred (600) cases of alleged discrimination that were brought to it, and as well, dealt with a number of concerns in the areas of civil liberties under the provisions of The Saskatchewan Bill of Rights Act.

In the past, the people of Saskatchewan have shown an interest in human rights work as reflected by the requests from interest groups and organizations for speakers on human rights topics. Each year the staff of the Commission, as well as the Commissioners themselves reply to hundreds of these requests. Several long-term projects have been initiated in the field of human rights education and we expect to pursue them vigorously.

We anticipate that very shortly we will have a Human Rights Code in the province of Saskatchewan. New responsibilities and initiatives will be contained within that Code as well as new titles of discrimination.

I am pleased, therefore, to present this report on the work of the Saskatchewan Human Rights Commission for the period April 1st, 1977 to March 31st, 1979, and look forward to reporting in the future on an annual basis.

Ken Norman, Chairperson
SASKATCHEWAN HUMAN RIGHTS
COMMISSION

THE SASKATCHEWAN HUMAN RIGHTS COMMISSION

BACKGROUND

On April 21st, 1972 the Saskatchewan Human Rights Commission Act, Chapter 108 (1972) was given assent by the Lieutenant-Governor-in-Council. This legislation, for the first time in the history of Saskatchewan, provided for the establishment of a Human Rights Commission which would administer The Fair Employment Practices Act, The Fair Accommodation Practices Act, The Saskatchewan Bill of Rights Act and other legislation to be assigned to it. As well, the Commission was given the responsibility to promote the principle of equality of treatment and opportunity for all people in Saskatchewan.

On November 1st, 1972 five people were appointed by the Lieutenant-Governor-in-Council to serve five year terms as Commissioners, and on February 3rd, 1973 a Director and Secretary to the Commission was appointed. The Commission opened its Head office in Saskatoon in early February, 1973 and has since opened offices in Regina in June, 1974 and Prince Albert in October, 1974.

In 1978, Judge Tillie Taylor, Chairperson of the Commission, retired, as did another member of the Commission, Father Philip Loehr. Ken Norman of the College of Law, University of Saskatchewan, succeeded Judge Taylor and Chief Hilliard McNab, William Gilbey and Helen Hnatyshyn were reappointed for a further five year term. In addition, the Commission was expanded with Kayla Hock and Gordon DeMarsh being appointed as Commissioners. Louise Simard, a Regina lawyer, was appointed Vice-Chairperson.

MANDATE OF THE COMMISSION

ROLE OF MINISTER

The Honourable Roy J. Romanow, Attorney General of the Province of Saskatchewan, is the Minister responsible for the Commission.

MANDATE OF THE COMMISSION

The Saskatchewan Human Rights Commission Act gave the Commission a mandate in the field of human rights in three areas: complaints, research and education.

The legislation which the Commission administers prohibits discrimination in:

HOUSING

PUBLIC SIGNS AND NOTICES

EMPLOYMENT

MEMBERSHIP IN TRADE UNIONS, PROFESSIONAL SOCIETIES
AND OCCUPATIONAL ASSOCIATIONS

EMPLOYMENT APPLICATIONS AND ADVERTISEMENTS

PUBLIC ACCOMMODATION

because of:

RACE, CREED, RELIGION, COLOUR, SEX, NATIONALITY,
ANCESTRY OR PLACE OF ORIGIN

The Commission is charged with the duty of investigating complaints of discrimination on the above grounds and is given the power to resolve such complaints.

The Commission may, if the complaint is not settled, convene an inquiry into the matter complained of and any party found by the Commission to be in contravention of any Act it administers may be ordered by the Commission to comply with the legislation to rectify any injury caused to any person, and/or to pay compensation to any person. An order of the Commission may be appealed on grounds of fact or law to the Court of Queen's Bench within 30 days of the order. A decision of that court is binding.

As well as handling complaints of discrimination, the legislation gives the Commission a wide mandate to further equality of opportunity for all citizens of this province. Its functions include carrying out research and educational programs with the purpose of:

- (a) forwarding the principle that every person is free and equal in dignity and rights without regard to race, creed, religion, colour, sex, nationality, ancestry or place of origin;
- (b) promoting an understanding of, acceptance of and compliance with the legislation it administers;
- (c) developing and conducting educational programs designed to eliminate discriminatory practices related to race, creed, religion, colour, sex, nationality, ancestry or place of origin;
- (d) Disseminating information and promoting understanding of the legal rights of residents of the province and conducting educational programs in that respect;
- (e) furthering the principle of the equality of opportunities for persons, and equality in the exercise of the legal rights of persons, regardless of their status;
- (f) conducting and encouraging research by persons and associations actively engaged in the field of promoting human rights;
- (g) forwarding the principle that cultural diversity is a basic human right and a fundamental human value

Changes in the Legislation

On October 31st, 1978, The Blind Persons' Rights Act was proclaimed.

This Act, which was given to the Saskatchewan Human Rights Commission to administer makes provision for blind persons accompanied by guide dogs (seeing-eye dogs) to be given fair and equal treatment in places of accommodation to which the public is customarily admitted.

In effect, the Act means that a blind person accompanied by the guide dog may not be denied access to a hotel or motel room, a restaurant or cafe, public transportation, taxi cabs, etc, because he or she is accompanied by a dog.

COMPLAINTS

During the period of time covered by this report, the Saskatchewan Human Rights Commission received 300 complaints.

TABLE 1
 SUMMARY OF FORMAL COMPLAINTS
 BY CATEGORY

April 1, 1977 to March 31, 1979

<u>Complaint Category</u>	<u>Number</u>	<u>Percentage</u>
Accommodation (Includes restaurants, hotels, theatres, beverage rooms, department stores, etc.)	70	23.33
Notices	23	7.67
Employment (Includes refusals to hire, firing and different terms and conditions of employment, application forms and advertisements for jobs)	155	51.67
Trade Unions	0	.00
Association and Expression	4	1.33
Property (Includes housing-rental and buying)	44	14.67
Education	3	1.00
Reprisals	0	.00
Right to an Occupation	1	.33

The following table shows the breakdown of complaints by grounds . . .

TABLE 3

BREAKDOWN OF COMPLAINTS
BY GROUNDS AND CATEGORY

April 1, 1977 to March 31, 1979

ACCOMMODATION

Race	53	17.67
Sex	11	3.67
Nationality(includes ancestry)	5	1.67
Other	1	.33

EDUCATION

Race	3	1.00
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RIGHT TO AN OCCUPATION

Religion	1	.33
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TRADE UNIONS

	0	.00
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EMPLOYMENT

Race	40	13.33
Sex	101	33.67
Religion	6	2.00
Nationality (includes ancestry and place of origin)	8	2.66

PROPERTY (HOUSING)

Race	33	11.00
Sex	3	1.00
Religion	5	1.67

ASSOCIATION AND EXPRESSION

Nationality	3	1.00
Other	4	1.33

NOTICES

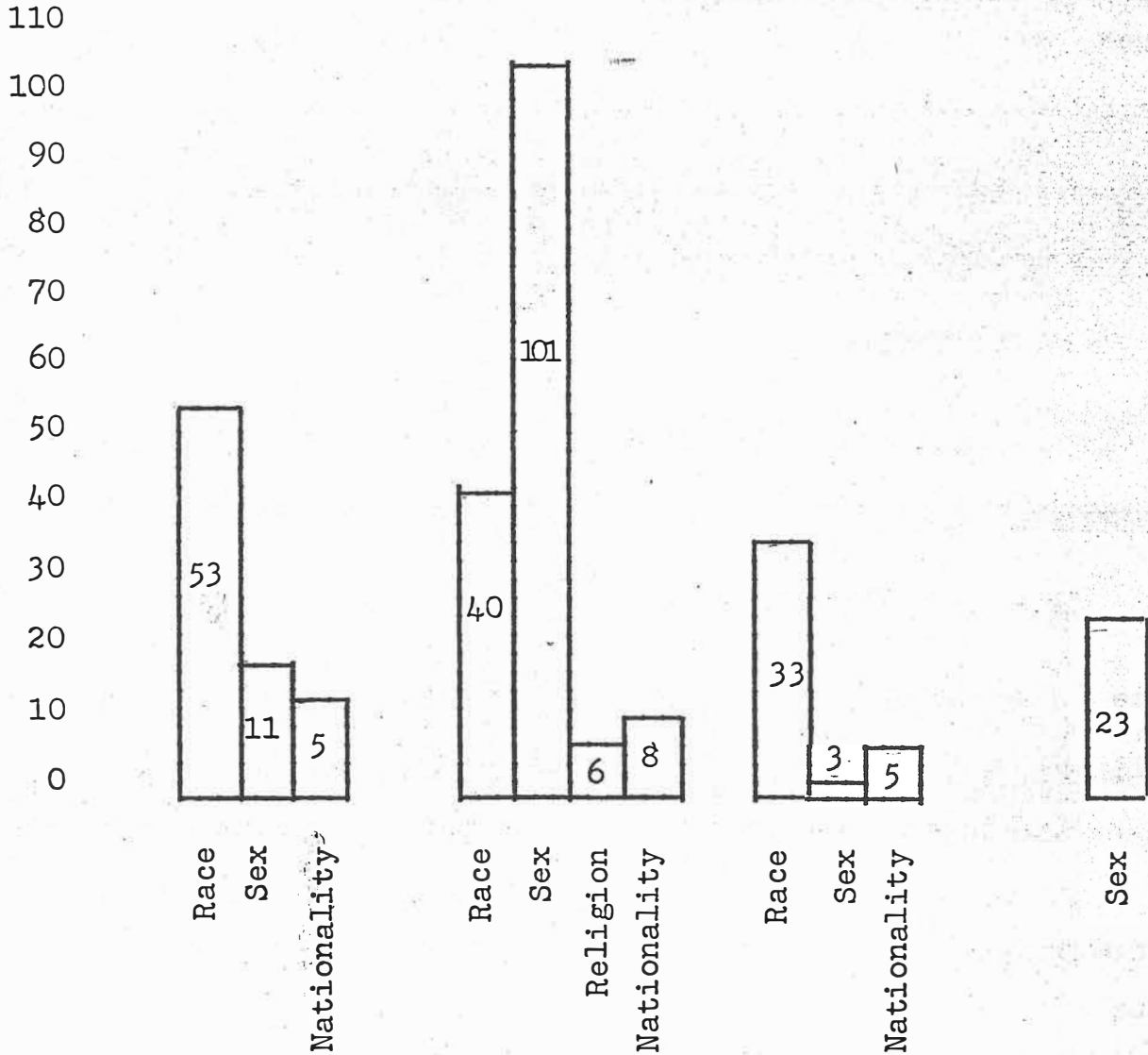
Sex	23	7.67
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BREAKDOWN OF MAJOR COMPLAINT AREAS

BY GROUNDS AND CATEGORY

April 1, 1977 to March 31, 1979

Accommodation Employment Property(Housing) Notices



Complaints

During the period under review, a total of 300 complaints were filed with the Commission. In addition, there were 107 informal complaints and 6,405 inquiries about matters of concern to individuals, but which were not related to the Commission's jurisdiction. Informal complaints are those which do not, at present, fall within the Commission's jurisdiction, but which contravene the spirit of human rights legislation. Complaints because of differential treatment because of age, physical handicap or marital status fall into the informal category.

As in the past discrimination in employment constituted the largest category of complaints with more than 50% of all complaints received falling into this category. As can be seen from Table 3 and the accompanying graph, more than two-thirds of the complaints received in employment were because of discrimination due to sex.

Twenty-three percent (23%) of all complaints dealt with by the Commission during the period under review were those concerned with access to public accommodation. Of these complaints, more than two-thirds were allegations that access to hotels, motels, and restaurants was denied to an individual because of his/her race or colour. Persons of Native ancestry were the largest category of complainants in this area.

Approximately thirteen percent (13%) of all complaints handled by the Commission were those of alleged discrimination in the rental or purchase of property. Of these, more than seventy-five percent (75%) of complaints in this category were made by people of Indian or Metis ancestry.

Table 2 shows the breakdown of complaints by grounds. Discrimination because of sex and race constituted the two largest categories of complaints. The percentage of complaints because of race has increased over the previous two years while the number of complaints because of sex has decreased slightly.

Several complaints were brought under Section 11 of The Saskatchewan Bill of Rights Act. These dealt with alleged denials of education because of race. In addition, many complaints are made to the Commission under Section 12 of The Saskatchewan Bill of Rights Act. That section dealt with prohibitions on signs, notices and emblems which tend to infringe or deny persons' rights to which they are entitled. All com-

plaints made within this category were alleged denial of rights because of sex.

In addition to investigating complaints which fell under the jurisdiction of the Saskatchewan Human Rights Commission, the Commission staff also investigated nine (9) complaints at the request of the Canadian Human Rights Commission. The Saskatchewan Human Rights Commission agreed to undertake investigations for the federal body until the Canadian Human Rights Commission had staff and facilities to undertake their own investigations.

Complaints were made to the Saskatchewan Human Rights Commission from all areas of the province.

Complaint Procedure

Under the supervision of the Director, Human Rights Officers receive and investigate complaints brought to the attention of the Commission. It is their responsibility to establish the facts and to attempt a settlement of the matter complained of. The Human Rights Officer is both investigator and mediator.

After the Human Rights Officer has completed the investigation and it appears there is probable cause for the complaint, it is the duty of the Officer to attempt to conciliate the dispute and arrive at an amicable settlement which will satisfy all parties. The vast majority of complaints are settled by conciliation, without resort to a Board of Inquiry.

The following are examples of cases that have been resolved by the Commission staff during the past two years. . . .

Accommodation . . . Race Discrimination

Because his own car was in the garage for repairs, a Metis man, in order to undertake his employment, wished to rent a car. Upon telephoning a car rental agency, he was informed that a car was available and that he should come down and complete the requirements for renting it for five or six days. Upon presenting himself at the car rental agency, the man was told that an error had been made and that all cars were leased.

After leaving the office, the man asked a friend to telephone the company and inquire if a car was available. His friend was told that one was available for rent.

The investigation showed that two cars were available at the time the complainant inquired about renting, and an agreement was reached between the Metis person who had complained and the company. Because of the inconvenience and time lost, the car rental company agreed to give the Metis complainant a car free for five days with full deductions and five hundred free miles.

Employment . . . Sex Discrimination

A woman applied for work as a welder. She was informed that the company would not hire outside of the union. However, it was learned that a number of males had been hired.

After making a complaint to the Saskatchewan Human Rights Commission, the woman began employment with the company. However, as she had lost pay and seniority because of the delay in hiring her, the company agreed to compensate her for lost wages.

Housing . . . Race

A Metis woman attempted to rent a house that had been advertised in a local newspaper. When the woman presented herself to take occupancy of the house, the owner said he could not rent the house to her as his real estate agent had taken a damage deposit from someone else.

Upon investigation by the Saskatchewan Human Rights Commission it was found that the agent had indeed rented the house to a white person, but had, in accepting his damage deposit, back dated the receipt to make it appear as if the white person had rented the house before the Metis woman.

As a result of the investigation the Metis woman was compensated for her humiliation and inconvenience and in addition received a written apology from the owner.

Boards of Inquiry

When complaints cannot be resolved by Commission staff, the matter is referred to the Commission for disposition.

The following are Boards of Inquiry held by the Commission from April 1st, 1977 to March 31st, 1979. In addition to the inquiries listed below the Saskatchewan Human Rights Commission announced others. These, however, were settled prior to a full hearing.

(1) Saskatchewan Human Rights Commission vs University of Saskatchewan

In 1976 a number of foreign students of Chinese ancestry laid complaints with the Saskatchewan Human Rights Commission alleging that the University of Saskatchewan, Saskatoon had discriminated against them by denying them an education because of their nationality and place of origin in contravention of Section 11 of The Saskatchewan Bill of Rights Act.

The students alleged that the University of Saskatchewan, by implementing the test of English as a foreign language (TOEFL), had treated them differently than Canadian-born students.

The matter could not be resolved and the Commission ordered a Board of Inquiry to be held. The University of Saskatchewan applied for a Writ in the Court of Queen's Bench to stop the Commission from proceeding, alleging that the Commission had shown bias during the investigation of the complaint.

Mr. Justice McLeod of the Court of Queen's Bench, in his decision, found that the Commission had shown bias during the investigation.

(2) Dana Lott vs North Park Centre

In December, 1978, the Commission heard evidence in the complaint of Dana Lott. Ms. Lott alleged that she had been denied a permanent position at the North Park Centre in Prince Albert because of her sex. Ms. Lott was a casual employee and bid on a permanent position which became available at the Centre. Ms. Lott claimed the Centre had refused to hire her because of her sex.

The board of inquiry adjourned and was completed in March, 1979 in Prince Albert.

(3) Lucille Leier vs Canadian International Paper Products Limited

Early in 1979 the Saskatchewan Human Rights Commission gave a decision into the complaint of Lucille Leier against Canadian International Paper Products Limited of Regina.

The inquiry into this complaint had been scheduled for March, 1977. The long period of time which elapsed before the matter was settled indicated its importance and significance.

Lucille Leier had complained that she had been denied sick benefits for a pregnancy-related illness. Ms. Leier left her job on November 28th, 1975 as a result of medical advice. After a series of examinations, Ms. Leier returned to work on January 5th, 1976 and upon return to employment, made an application for health insurance benefits under her group insurance plan at CIP Products. The insuring company, Metropolitan Life Insurance, rejected her application because of an exclusion in the contract which said no benefits were payable for pregnancy resulting in childbirth or complications.

Lucille Leier felt such an exclusion was sex discrimination and as such was in contravention of Section 3 of The Fair Employment Practices Act. Under that section of the Act discrimination is prohibited on the basis of sex in employment or in terms or conditions of employment.

Canadian International Paper Products sought an injunction in the Court of Queen's Bench to stop the Commission from proceeding with the inquiry. The company alleged that the refusal to pay sick benefits to pregnant women did not constitute sex discrimination within the meaning of The Fair Employment Practices Act. The Court of Queen's Bench ruled otherwise, indicating that the Commission could proceed with the matter.

CIP Products then appealed the Court of Queen's Bench decision again claiming that the Commission had exceeded its jurisdiction when it had determined that a denial of benefits for pregnancy related illness was discrimination because of sex. Chief Justice Culliton of the Court of Appeals, in his decision, stated that "a decision as to whether the complaint is one which is contemplated by the pertinent legislation and if so whether discrimination is or is not established are matters of the Human Rights Commission. Such statutory rights and duties of the Commission cannot be usurped by the Court under the guise of prohibition proceedings in which it is sought in effect a determination of the complaint on its merits."

In the fall of 1978, the Saskatchewan Human Rights Commission heard the complaint and dismissed it.

Ken Norman, Chairman of the Commission said the Commission's decision was taken in light of recent court decisions regarding pregnancy related illnesses. The question to be decided by the Commission was "does the exclusion of pregnancy related illnesses from coverage under an employee disability protection plan constitute sex discrimination?" Mr. Norman's decision in part said, "In the United States due to adverse reaction from two Supreme Court decisions in 1974 and 1976 stating that disparity in treating pregnancy related and other illnesses differently does not constitute sex discrimination. A law was passed in Congress to correct the situation which was viewed as unjust."

The last word in Canada on the question was in October, 1978 when the Supreme Court in Ottawa ruled that discrimination on the grounds of pregnancy was not sex discrimination.

The Commission's decision went on to state further that "other than the Canadian Supreme Court decision we could have ruled that the case in question was discrimination on the basis of sex, in violation of The Fair Employment Practices Act. We would have preferred that a dichotomy be recognized between those who face a risk of pregnancy and those who do not rather than between pregnant women and non-pregnant persons. The former case assumes that only women face a risk of pregnancy, thus differentiating between the sexes."

"Both the Ontario Legislature and the United States Congress have made specific provision to cover discrimination against pregnancy related matters. We hope the Saskatchewan legislature will demonstrate before long that it has similar vision."

Equal Work-Equal Pay

Complaints concerning maternity leave and "equal work - equal pay" are investigated by the Women's Division of the Department of Labour. Upon completing their investigation Officers of the Women's Division refer the matter to the Saskatchewan Human Rights Commission if a settlement cannot be achieved. Boards of Inquiry are then established by the Saskatchewan Human Rights Commission to determine a settlement in each complaint.

During the past two years, the Saskatchewan Human Rights Commission has heard three "equal work - equal pay" complaints.

1.) Department of Labour (Women's Division) vs K-Mart, Yorkton, Saskatchewan

On October, 1977 the Saskatchewan Human Rights Commission heard testimony in an equal pay case brought by the Women's Division, Department of Labour. The Women's Division had received a complaint that female full-time clerks in the K-Mart store in Yorkton had been discriminated against in that the rates paid to them were less than rates paid to full-time male salesclerks working in the same establishment for jobs involving similar skill, effort and responsibility.

Upon hearing evidence the Commission ordered that all female full time sales clerks be paid at the same rate of pay as the male full time sales clerks employed in the store. Back pay was also ordered for female staff who had been performing similar work to male employees for the period of time that such work had been undertaken.

2.) Department of Labour (Women's Division) vs Simpsons-Sears Limited, Moose Jaw

Several women complained to the Women's Division, Department of Labour that they were paid less than a male employee for doing similar work involving similar effort, skill and responsibility in the same establishment at the Simpsons-Sears store in Moose Jaw. Upon hearing evidence the Saskatchewan Human Rights Commission ordered Simpsons-Sears to pay its female employees at the same rate as male employees for similar work. The Commission also ruled that back pay be awarded to women who had been doing similar work as a male employee for a period of time under question.

Simpsons-Sears appealed the Commission's decision in the Court of Queen's Bench. The Court of Queen's Bench determined that, in substance, the Commission's decision was correct, though alterations were made in the period of time for which the Commission had made an award to the female employees.

3.) Department of Labour (Women's Division) vs Russelsteel Limited/Ltee.

In September and November, 1978 the Saskatchewan Human Rights Commission heard evidence into the complaint of a female employee at Russelsteel Limited/Ltee., of Saskatoon. The woman complained that she had been paid less than males for doing similar work in the sales area of the company.

Upon hearing evidence the Commission found that the woman was consistently paid a lower amount than male employees for work involving similar skill, effort and responsibility.

The complainant and the company were ordered to come to a mutually agreeable settlement concerning back pay. If the parties could not come to a mutually agreeable settlement the Commission would determine the amount of the settlement.

This decision has been appealed to the Court of Queen's Bench.

EDUCATION ACTIVITIES

"The Commission shall;

-develop and conduct educational programs designed to eliminate discriminatory practices related to race, religion, creed, colour, sex, nationality or place of origin;

-disseminate information and promote understanding of the legal rights of residents of the province and conduct educational programs in that respect . . ."

With the establishment of the Commission in 1972 the thrust of activities was to inform residents of the existence of the Commission, the existence of human rights legislation and the rights and responsibilities of all persons under that legislation.

Commission staff were interviewed by the media and responded to requests for speakers from schools, service clubs, native organizations and interest groups.

All Commission offices continue to supply information concerning human rights. Requests for information have increased each year, as has the demand for speakers. With increasing frequency, Commission staff are asked to participate in seminars or workshops and conferences concerning human rights and human rights related fields.

Public Service Commission Workshops

During the years covered by this report, the Saskatchewan Human Rights Commission initiated a series of workshops through the Public Service Commission of Saskatchewan for government employees on human rights legislation. The workshops, offered on a regular basis each year, have attracted management and supervisory personnel. The workshops deal with human rights legislation in employment, public accommodation and housing.

School Programs

Continuing interest has been expressed in human rights work by institutional education, high schools, community colleges and the universities. The Commission staff speak, on a regular basis, to courses in adult upgrading, community awareness, law, sociology, psychology, and the social studies. Because of this interest in the Commission's work, speaking engagements are now offered on a regular basis and are integrated into the courses of study.

Commission staff maintain a continuing contact with ethnic and minority groups, women's groups, and other volunteer agencies for the purpose of receiving concerns of these groups and maintaining an update on the Commission's work. The Commission, in the past, has found this to be an effective way of informing all persons throughout the province of the human rights legislation and concerns.

In addition to work with interest groups, the Commission staff maintains continual contact with agencies working with the physically and mentally handicapped, schools, government departments at the Municipal, Provincial and Federal levels.

The TASC Project (Teacher Awareness of Stereotyping in the Classroom) established by the Human Rights Advisory Committee continues to be a success. The Human Rights Advisory Committee consists of representatives from the Saskatchewan School Trustees' Association, the Saskatchewan Teachers' Federation, Saskatchewan Department of Education and the Saskatchewan Human Rights Commission. Over the past two years, the Human Rights Advisory Committee has conducted more than one hundred workshops for teachers and College of Education students in Sexism, Handicapism and Racial Prejudice. During the past two years more than one thousand teachers and prospective teachers have been involved in the project.

The TASC workshop idea is unique in Canada as are the materials and presentation. The workshop component in Handicapism was recently accepted for presentation at the Council for Exceptional Children Conference in Dallas, Texas.

SUMMARY OF EDUCATIONAL ACTIVITIES

Activity	Number
Speeches	77
Broadcasts (Radio-Television)	28
Conferences	98
Community Meetings (Consultation and Liaison)	782
Newspaper Interviews	11
Displays at Conventions, Workshops	29

In order to respond to the large number of requests Commission offices have received concerning human rights legislation, a series of newspaper advertisements were carried by all large Saskatchewan dailies and weeklies in 1979. The Problem Solved format illustrates the kinds of work the Commission does and how the Commission can be successfully used to solve a variety of complaints.

The Commission staff has been active in the academic field apart from speaking in education institutions. During the past two years the Commission staff has published eight articles in academic and professional journals on matters relating to human rights. Publicity given to these articles has attracted numerous requests for human rights materials and speakers.

Commission Publications

The following is a list of publications produced by the Saskatchewan Human Rights Commission to date:

A Place to Live
Fair Employment Practices and You — A Guide for Trade Unions
Fair Employment Practices and You — A Guide for Employers
Fair Accommodation Practices and You
A Guide for Employers Regarding Employment Application Forms and Interviews Under the Saskatchewan Human Rights Legislation
Guidelines for Advertisers and Publishers
What Are Your Human Rights?
Your Rights as Women in Saskatchewan
Sex Bias in Primary Readers
Prejudice in Social Studies Textbooks
— Supplement to Prejudice in Social Studies Textbooks
Report and Summary of Activities — report of the first two years of the Saskatchewan Human Rights Commission
— Report of the second two years of the Saskatchewan Human Rights Commission
A Pictorial History of the Metis and Non-Status Indian in Saskatchewan
Saskatoon Native Housing Report
What's a Human Right? — poster
Sex Stereotyping in Children's Books — slide tape presentation
You Can't Win With a Bigot — slide presentation
They Hear More Than We Say — tape slide show
Alternatives to Stereotype Attitudes in the Classroom — tape slide presentation

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