



SASKATCHEWAN
HUMAN RIGHTS
COMMISSION

2022-2023 ANNUAL REPORT



1972-2022
SERVING SASKATCHEWAN FOR

50
YEARS

VISION

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

MISSION

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

GOALS

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

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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 2022-2023 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, 2022 and concluding March 31, 2023.

Sincerely,

A handwritten signature in dark ink, appearing to read 'B. Wilcox', with a long horizontal stroke extending to the right.

Barry E. Wilcox, K.C.

MESSAGE FROM THE CHIEF COMMISSIONER

As the interim Chief Commissioner of the Saskatchewan Human Rights Commission, it is a privilege to present this annual report, a summary of the activities and accomplishments of the past year, and a celebration of the Commission's 50th anniversary.

Anniversaries are a time for remembering past accomplishments, reflecting on progress that has been made, and also to prepare for the work that still needs to be done.

Reflecting on what has been done, it is clear there is a long tradition of championing human rights in Saskatchewan. For the past 50 years, the Commission has played an essential role in upholding that tradition by promoting and protecting the individual dignity, fundamental freedoms, and equal rights of every Saskatchewan citizen.

Since 1972, the Commission has worked with government and stakeholders as human rights evolved to meet the needs of our times and assisted the courts in landmark cases, such as *Saskatchewan (Human Rights Commission) v. Whatcott* 2013 SCC 11, that have changed the human rights landscape of Saskatchewan and Canada. The rights of women (1979), of persons with disabilities (1989), and of people in 2SLGBTQ+ communities (1993 and 2014) have been strengthened and supported through Saskatchewan's human rights legislation and the Commission's mandate.

Since its inception, the Commission has received more than 10,000 human rights complaints and fielded thousands more inquiries that have affected the lives of countless individuals.

When the challenges and discrimination people face run deeper than individual complaints, the Commission uses systemic advocacy to great effect. By bringing people together, working with stakeholders, and forging partnerships, systemic initiatives address big issues that affect groups of people throughout the province.

All of this would have been impossible without the inspired work of passionate and dedicated staff members. And while the Commission has done much over the past half century to define, refine, and advance human rights in Saskatchewan, our work is far from finished.

Equality and human rights are at the heart of a prosperous and unified vision for Saskatchewan. They are not abstract issues. They matter every day, particularly for racialized, marginalized, and disability communities. Human rights protections create equity, enable economic participation, and remove barriers.



They connect us to each other through shared sets of rights and responsibilities. They require us to treat each other fairly and with respect.

Human Rights have a significant role in driving the economy of our province by assisting Saskatchewan in being the best place in the world to live. Investing in human rights is an investment in people and in our shared future. Human rights – and the equality, respect, and dignity they promise – must be central to our policies and decision making.

Together, we can put into place the tools future generations need to ensure another 50 years of human rights advancements and build a province in which rights are respected and everyone can live free and equal.

Sincerely,

Barry E. Wilcox, K.C.
Chief Commissioner

MESSAGE FROM THE EXECUTIVE DIRECTOR



The Saskatchewan Human Rights Commission reached a historic milestone this past fiscal year. Fifty years ago, *The Saskatchewan Human Rights Commission Act*, 1972 established the Human Rights Commission in this province, a body committed to 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”. Diversity was seen as a basic human right and a fundamental human value.

Over the last 50 years, Saskatchewan’s population has grown by about 200,000 or approximately 25%. The demographic makeup of our province has changed significantly as well.

In 1972, 90.2% of the population was of European origin. Separated out from that body were: people identifying as Jewish (0.2%); people identifying as “Indian and Eskimo” (4.4%), and “others” (5.2%).

In contrast, Saskatchewan’s population, though still 66% European in ancestry, has grown through immigration from the Philippines, India, China, Pakistan, Nigeria, Vietnam, Bangladesh, and elsewhere, with about 14% of the population identifying as a visible minority. A full 17% of the population now identify as Indigenous, which includes a significant Métis population.

We have changed in other ways, too.

Today, Saskatchewan people engage in a variety of

religious practices and cultural traditions associated with religion and spirituality, while 37% of us identify as non-religious.

In 1972, less than 6% of the population was over 65 years of age. Today, that percentage has grown to more than 16%. Additionally, 20% of our current population is under the age of 15 years old. Saskatchewan has one of the smallest percentages of working-age people in Canada.

Further, Saskatchewan continues a trend to urbanization that began in the mid-1950s, with more than 2/3 of the population now living in cities and towns. Though there are now fewer independent farms, modern farms are large, sophisticated, multi-million-dollar businesses.

Saskatchewan women make up a significant portion of the workforce, and statistically have the highest levels of education in the province.

With the changes that have taken place in society since the Commission’s inception, what is the role of a modern Human Rights Commission?

Perhaps not surprisingly, the mandate of the Commission remains nearly the same as it was in 1972: to promote a “recognition of the inherent dignity and the equal and inalienable rights of all members of the human family” and to discourage and eliminate discrimination. Diversity is a fact, and no longer a goal. Saskatchewan’s motto “from Many Peoples, Strength” has never been more meaningful.

What does that mean in real terms?

Although the Commission receives complaints arising in the areas of education, public services, contracting and rental/property transactions, by the far the largest number of complaints arise in the area of employment.

Complaints of discrimination based on disability, age, sex, and race make up the majority of matters dealt with by the Commission. With a smaller pool of workers compared to the rest of Canada, it is not difficult to understand how discrimination in the workplace is detrimental to the economic health of the province.

Almost a quarter of the population (22.2%) self-declare as having some form of disability – be it intellectual, physical, or illness related.

Women, though statistically having the highest levels of education in the province, continue to face employment barriers such as access to the trades and apprenticeship, sexual harassment and violence in the workplace, and a continuing gap in pay equity. As difficult as it is to

believe, women continue to lose their jobs because they are pregnant or, as mothers, require time at home to physically recover from childbirth and to nourish their babies. These children enrich our province and are Saskatchewan's future workforce.

People in the province who are over the age of 50 face challenges in obtaining and retaining employment.

Mental health and addiction are identified as primary challenges in most municipalities in the province.

Workers come from diverse backgrounds and circumstances. Resolving issues of discrimination that erode secure and meaningful employment opportunities is key to a healthy economy and vital to attracting and retaining good people in the workplace and the province.

Discrimination-free places of employment have higher morale, increased productivity, and higher rates of return.

The Commission assists businesses by answering questions that will help with accommodating differences in the workplace. The Commission helps resolve individual issues of discrimination and works with the parties to preserve relationships.

The Commission also works with groups of individuals and institutions to resolve problems of systemic discrimination that are barriers to economic health. The Commission provides education about best practices so mistakes are avoided.

The work the Commission does is not easy and is often misunderstood. Because not everyone has experienced discrimination, it is difficult for some to understand that discrimination exists and more difficult to understand the toll it takes on those who do experience it.

In short, the Commission is as relevant today as it was in 1972 – if not more so.

The Commission will continue to work with communities to see that all people have access to an appropriate education, enjoy all amenities, and are able to seek and retain employment. The Commission will continue to work with businesses to ensure healthy workplaces that are discrimination-free zones.

Norma Gunningham-Kapphahn

Norma Gunningham-Kapphahn, JD (LL.B)
Executive Director



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CURRENT COMMISSIONERS

**Commissioner
Jan Gitlin**



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

**Commissioner
Colleen Cameron**



Colleen Cameron is an accomplished individual with policymaking, strategic planning, and communications experience in the telecommunications industry. She is an active leader in the Indigenous and health care communities in our province. Commissioner Cameron is a member of the Beardy's Okemasis First Nation, and currently resides in Saskatoon with her family.

**Commissioner
Heather Kuttai**



Heather Kuttai is an author and writer with a focus on disability issues. She has a background in disability policy development, leadership in management, and postsecondary education administration. She pioneered Disability Services for Students at the University of Saskatchewan. Commissioner Kuttai is also a three-time Paralympic medal-winning athlete and a Queen's Platinum Jubilee Medal recipient.

**Commissioner
Mike San Miguel**



Mike San Miguel is a community builder with a commitment to diversity, culture, and public service. He is a skilled leader in the non-profit housing industry, promoting the importance of safe, affordable homes and strong communities. Commissioner San Miguel has been recognized for his work with a Saskatoon Community Foundation leadership award and was a recent recipient of a Queen's Platinum Jubilee Medal.

**Commissioner
Fatima Coovadia**



Fatima Coovadia holds a Bachelor of Dental Surgery degree and a Master's Degree in Health Administration. She has worked in Saskatoon classrooms building knowledge, empathy, and understanding for all citizens in the community. She is a leader in the Muslim community, a consultant at Coovadia Consulting, and a Queen's Platinum Jubilee Medal recipient.

2022-2023 AT A GLANCE

Total number of new complaints received

451

Complaints formalized

101

Number of complaints referred to mediation

88

Number of completed investigations considered
by the Chief Commissioner

61

Disability-related complaints formalized

61

Number of files closed in 2022/23

476

Number of business line inquiries

469

Total number of inquiries in 2022/23

2,240



50 YEARS
SASKATCHEWAN HUMAN RIGHTS COMMISSION



FORMER CHIEF COMMISSIONERS (1972-2021)



TILLIE TAYLOR
Chairperson
(1972-1978)

Judge Tillie Taylor was the Saskatchewan Human Rights Commission's first chairperson. A Canadian judge who was known for being Saskatchewan's first female magistrate, she was an advocate for social justice in areas such as poverty, women's rights, and prison reform.

She received her Bachelor of Arts degree from the University of Saskatchewan in 1941. Later, after marrying and having two children, she returned to her studies and obtained her LLB in 1956. She was the only woman in her class.

After law school, Tillie worked in the Saskatoon Land Titles Office as deputy registrar. In 1959, she became the first woman to be appointed as a provincial magistrate in Saskatchewan.

Presiding over misdemeanour cases, she became more aware of the association between crime and poverty, and began to push for reforms through such organizations as the John Howard Society, the Medical Care Insurance Commission of Saskatchewan, and the Provincial Commission of Inquiry into Legal Aid. Collaborating with Roger Carter, the law school dean at the University of Saskatchewan, Tillie helped build opportunities for Aboriginal people to enter the field of law.

When the Saskatchewan Human Rights Commission was created in 1972, she was named its first chair. In 1976 she was elected as a director of the Canadian Research Institute for the Advancement of Women. From 1977 to 1987, Tillie served on the board of governors of the Canadian Council on Social Development.

Tillie Taylor passed away in 2011 at the age of 88.



KEN NORMAN
Chief Commissioner
(1978-1983)

In July, 1978, Ken Norman was appointed Chairperson of the Saskatchewan Human Rights Commission when the previous Chairperson, Tillie Taylor, retired.

On May 4, 1979, when *The Saskatchewan Human Rights Code* was assented to by the Legislature, Ken was named the province's first human rights Chief Commissioner.

The Code, which amalgamated and improved upon existing human rights statutes, governed relationships between people in important public areas of life like employment, education, and public services, and prohibited discrimination in these areas on a number of specific grounds: race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry, and place of origin.

During his tenure with the Commission, not only did Ken help author the Code and bring it into effect, but he was also instrumental in creating the first employment and education equity programs in Saskatchewan. Under his guidance, the Commission identified four main target groups – Indigenous persons, visible minorities, persons with disabilities, and women in underrepresented occupations – which needed to be deliberately addressed in order to enhance equity in the workplaces of Saskatchewan.

As Chief Commissioner, Ken worked to increase public understanding of human rights in the province and gain support for the work of the Commission.

He was also an ardent advocate for accessibility. In 1980, the Commission adopted the "Accessibility Standard Guidelines" to help eliminate barriers faced by people with disabilities. These guidelines assisted in interpreting the Code on accessibility matters.



RON KRUZENISKI, K.C.
Chief Commissioner
(1983-1989)

Ron Kruzeniski obtained a Bachelor of Administration and a Law degree from the University of Saskatchewan. He was called to the Saskatchewan Bar in 1973, and was appointed King's Counsel in 1984. Ron was in private practice in Regina for 16 years, eventually becoming a partner at the firm Alexander, Kruzeniski, Goudie & McLaren. He was appointed Chief Commissioner of the Saskatchewan Human Rights Commission in 1983. As Chief Commissioner, he spearheaded a report calling for equal education in First Nation and Métis communities. His tenure was marked by significant advances in the area of affirmative action, both in the workplace and in school systems. Accessibility standards guidelines developed by the Commission were strengthened and promoted under Ron's guidance, setting a much-needed standard of accessibility for public buildings and facilities for those with disabilities.

Ron practiced law in the Ministry of Justice and, in 1995, was appointed the Public Guardian and Trustee. In 2014, he was appointed the Information and Privacy Commissioner for the Province of Saskatchewan.

Ron has been involved in various volunteer roles over the years including: the Alzheimer Society of Saskatchewan, the Canadian Bar Association National Elder Law Section, the Public Legal Education Association of Saskatchewan, the Saskatchewan Legal Aid Commission, the Law Society of Saskatchewan, the Regina Catholic School Board, the Campion College Board of Regents, the Regina Public Library Board and the Saskatchewan School Boards Association, and the Canadian Institute for the Blind. Ron is a recipient of the Saskatchewan Volunteer Medal, the Canadian Bar Association Community Service Award, and the Saskatchewan Centennial Medal.



THERESA HOLIZKI, K.C.
Chief Commissioner
(1989-1992)

Theresa Holizki has an honours degree in history, a Bachelor of Laws degree from the University of Saskatchewan, and received a Masters of Business Administration (MBA) degree in May, 1990. She was a partner in two private law practices in Saskatoon, as well as a member of the Saskatchewan Law Society, the Saskatoon Bar Association, and the Canadian Bar Association. In 1989, she was appointed King's Counsel.

Theresa served as Deputy Chief Commissioner of the Saskatchewan Human Rights Commission from 1983 to 1987. In August, 1989, she was appointed Chief Commissioner. During her time as Chief Commissioner, mental disability was added to *The Saskatchewan Human Rights Code* as a prohibited ground of discrimination. Section 14 of the Code was also broadened to provide greater protection for minority groups from published articles or broadcast statements that exposed them to hatred or ridicule or belittled them or affronted their dignity.

As Chief Commissioner, Theresa ensured that the Commission worked closely with schools in Saskatchewan. During her tenure, the Commission co-ordinated the development of a lesson plan for Grades 4-6 on the topic of racism. The package was sent to all elementary schools in the province. The Commission also worked with school boards throughout Saskatchewan to develop a series of initiatives designed to make schools more supportive of Indigenous students. This included hiring more Indigenous teachers, providing cross-cultural training, and ensuring policies and procedures were non-discriminatory. In 1991, under Theresa's guidance, the Commission refocused on developing new partnerships, and reinforcing existing ones, throughout the province in an attempt to build bridges between the Commission and all areas of the province.



DONNA GRESCHNER
Chief Commissioner
(1992-1996)

As a law professor at the University of Saskatchewan from 1982-2003, Donna Greschner taught the first seminars in feminist legal theory at the U of S and helped create the Women's Studies Research Unit. Donna holds a business degree and two law degrees.

From 1992-1996, Donna served as Chief Commissioner of the Saskatchewan Human Rights Commission. Some of the highlights of her four-year tenure include the addition of three new prohibited grounds to *The Saskatchewan Human Rights Code* – sexual orientation, family status, and receipt of public assistance.

She also initiated and carried out a *Code* review process, which was a substantial achievement.

Early resolution, a form of mediated settlement early in the complaint process, was implemented during her time at the Commission. Donna was also keenly interested in the Commission's equity programs.

As a member of the Saskatchewan and California Bars, Donna has advised many governments, First Nations, and non-profit organizations on constitutional questions.

She was a consultant to the Royal Commission on Aboriginal Peoples (1990-1991) and the Royal Commission on the Future of Health Care in Canada (2003). Her international work includes advising the African National Congress on constitutional issues (1991) and consulting on anti-discrimination policies for the Commission of Labour Co-operation (2004-2005).

From 2008-2013, Donna served as the Dean of the University of Victoria's Faculty of Law, where she is currently Professor Emeritus.



DONNA SCOTT
Chief Commissioner
(1996-2006)

Judge Donna Scott received her B.A. and LL.B from the University of Saskatchewan and was called to the Saskatchewan Bar in 1982. She engaged in private practice until becoming a Crown Solicitor with Saskatchewan Justice in 1986 and then Local Registrar for the Unified Family Court.

Donna was appointed as the Chief Commissioner of the Saskatchewan Human Rights Commission in October 1996.

She was re-appointed for a five-year term in November 1997 and for another five-year term in 2002.

During her time as Chief Commissioner, amendments were made to *The Saskatchewan Human Rights Code* in response to *Renewing the Vision* – a *Code* review report that put forward a number of recommendations for modernizing the *Code* and the human rights system in Saskatchewan.

For the first time, a human rights tribunal panel was established, paving the way for a consistent body of human rights jurisprudence in Saskatchewan. The amendments also added flexibility to the complaint process, changed some of the grounds of discrimination, and enhanced the remedy and enforcement provisions.

While Chief Commissioner, Donna served as president of the Canadian Association of Statutory Human Rights Agencies (CASHRA) from 2003 until the spring of 2006, and was CASHRA's representative to the International Association of Official Human Rights Agencies.

In 2007, she was appointed a judge of the Saskatchewan Provincial Court in Saskatoon.



JOHN HILL
Chief Commissioner (acting)
(2007, 2008-2009)

John Hill is a member of the Oneida Nation of the Thames near Southwold, Ontario. He received his LL.B. from the University of Saskatchewan and was called to the Bar in Saskatchewan in 1997.

John served as a senior advisor to the Saskatchewan Indian and Métis Affairs Secretariat on Interjurisdictional and Aboriginal affairs, and assisted in the development of the provincial Aboriginal framework policy and the First Nations self-government policy.

John also represented Saskatchewan as a negotiator in the tripartite self-government negotiations with the Meadow Lake Tribal Council.

A member of the Regina Bar Association, John practiced law with two private firms before establishing his own practice in 2004. He is recognized as a Mediator, having completed the Saskatchewan justice program on mediation. He has represented a number of First Nations governments and individuals on governance, treaty rights, economic development and residential school claims. He also served as a sessional lecturer in Aboriginal Studies at the Saskatchewan Indian Federated College.

Appointed to the Commission in July 2002, John was made Deputy Chief Commissioner in October 2003.

He served as Chief Commissioner (Acting) from May through October 2007 and June 2008 through January 2009.

In May, 2007, while John was acting Chief Commissioner, the Government of Saskatchewan announced legislative amendments to *The Saskatchewan Human Rights Code* that would effectively end mandatory retirement in Saskatchewan.



MARILOU MCPHEDRAN
Chief Commissioner
(2007-2008)

Senator Marilou McPhedran is a Canadian lawyer and human rights advocate. She graduated with a law degree from Osgoode Hall, York University and was called to the Bar of Ontario, Canada in 1978. She was granted an honorary Doctorate of Laws from the University of Winnipeg in 1992 and completed her Masters in Law (LL.M) in comparative constitutional law at Osgoode Hall in 2004.

She founded the International Women's Rights Project in 1998 and the Institute for International Women's Rights at Global College in 2009 - based on her intergenerational models "evidence-based advocacy" and "lived rights". When Chief Executive Officer of the Federal Centre of Excellence based at York University, Canada, she directed staff and programs that included a cyber research network on women's health and rights.

Marilou was appointed Chief Commissioner of the Saskatchewan Human Rights Commission on November 1, 2007 - succeeding Donna Scott who was appointed a judge of the Provincial Court for Saskatoon. Her first day on the job, Chief Commissioner McPhedran hosted Commission staff and others at the Chains & Links Human Rights Activism Conference. The conference was part of her responsibilities as Ariel F. Sallows Chair in Human Rights at the University of Saskatchewan's College of Law from which she resigned in order to take on her role as Chief Commissioner. The conference brought together members of the university community with local, national and international leaders using law, arts, technology and philanthropy as tools for positive social change.

In October 2016, Marilou was appointed to the Senate of Canada.



DAVID ARNOT
Chief Commissioner
(2009-2021)

Senator David Arnot is a graduate of the University of Saskatchewan, a former Senior Crown Prosecutor, and a former Judge for the Provincial Court of Saskatchewan. He was seconded from the Court three times (Director General of Aboriginal Justice Directorate for Justice Canada, Treaty Commissioner of Saskatchewan, Chief Commissioner of the Saskatchewan Human Rights Commission.)

Appointed Chief Commissioner in 2009, David was tasked with refreshing, revitalizing, and reimagining the Commission. To accomplish this, the Commission introduced the Four Pillars Strategic Business Plan in March of 2010. The plan marked a new approach to promoting and protecting human rights in Saskatchewan. It called for a significant increase in the use of mediation and systemic advocacy in complaint resolution, along with the continued use of litigation and public education to innovatively and proactively discourage discrimination in the province. In July, 2011, *The Saskatchewan Human Rights Code* was amended to incorporate the Four Pillars Plan.

During his tenure as Chief Commissioner, David championed best practices at the Commission and the use of appropriate case resolution. He was also instrumental in the creation of the Centurus Citizenship Foundation – which provides ready-to-use education resources used in schools throughout the province to educate and empower people to understand their rights and to be responsible, respectful, and participatory citizens committed to justice in our multicultural, pluralistic society

On July 29, 2021, David was appointed to the Senate of Canada as an independent Senator.

QUOTE

“

I was honoured to serve as Chief Commissioner and to work alongside dedicated colleagues from 1996 to 2007. I extend my congratulations and appreciation to the Saskatchewan Human Rights Commission on 50 years of protecting individual rights and freedoms, addressing systemic discrimination, and engaging in meaningful human rights education.”

JUDGE DONNA SCOTT
 Chief Commissioner
 1996-2006

HUMAN RIGHTS TIMELINE

1947

The Saskatchewan Bill of Rights Act, 1947

The bill was the first legislation of its kind in North America. It provided people in Saskatchewan with inalienable democratic freedoms like the freedom of expression and association, freedom from arbitrary imprisonment, and the right to vote.

1948



Universal Declaration of Human Rights

In response to the tragic lessons learned from World War II, nations of the world came together to establish common principles for protecting the rights of “all members of the human family” and adopted the Universal Declaration of Human Rights.

1950s

Saskatchewan Expands Rights

Saskatchewan expanded equality rights with *The Equal Pay Act, 1952*, which prohibited employers from paying women less than men for comparable work in the same establishment, as well as with *The Fair Employment Practices Act* and *The Fair Accommodation Practices Act*, which expanded the prohibitions against discrimination in employment and accommodation contained in the *Bill of Rights*.

1972



Saskatchewan Human Rights Commission Established

On April 21, 1972, *The Saskatchewan Human Rights Commission Act, Chapter 108 (1972)* was assented to by the Lieutenant-Governor-in-Council. On November 1, five people were appointed by the Lieutenant-Governor in-Council to serve five-year terms as Commissioners. Rather than seeking ineffectual criminal prosecutions, people could bring a complaint to the Commission, which would investigate the complaint and seek vindication of the individual's rights using civil procedures. The Commission was given the responsibility of administering Saskatchewan's anti-discrimination laws and promoting the principle of equality through public education.

1973

The Commission Opens

The Saskatchewan Human Rights Commission opened its office doors in Saskatoon. The Commission also held its first formal inquiry to hear a complaint alleging discrimination based on ancestry.

1979



The Saskatchewan Human Rights Code comes into effect

Amalgamating and improving upon previous human rights statutes, the Code governed relationships between people in important public areas of life like employment, education, and public services, and prohibited discrimination in these areas on a number specific grounds: race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry, and place of origin.

1980

Employment and Education Equity

The Commission gave approval to its first employment and education equity programs to promote equity and prevent discrimination in workplaces and classrooms throughout Saskatchewan.

1982



Charter of Rights and Freedoms passed

On April 17, 1982, the *Charter of Rights and Freedoms* was passed. It was a watershed in human rights protection that made all Canadians more conscious about rights as a legal tool to protect their interests.

1989

The Code is amended to include mental disability

Mental disability was added to the Code as a prohibited ground. The Code was also amended to provide greater protection for minority groups from published articles or broadcast statements that exposed them to hatred.

1993

Three new prohibited grounds added to the Code

Sexual orientation, family status, and receipt of public assistance were added to *The Saskatchewan Human Rights Code* as prohibited grounds.

1994

Early Resolution

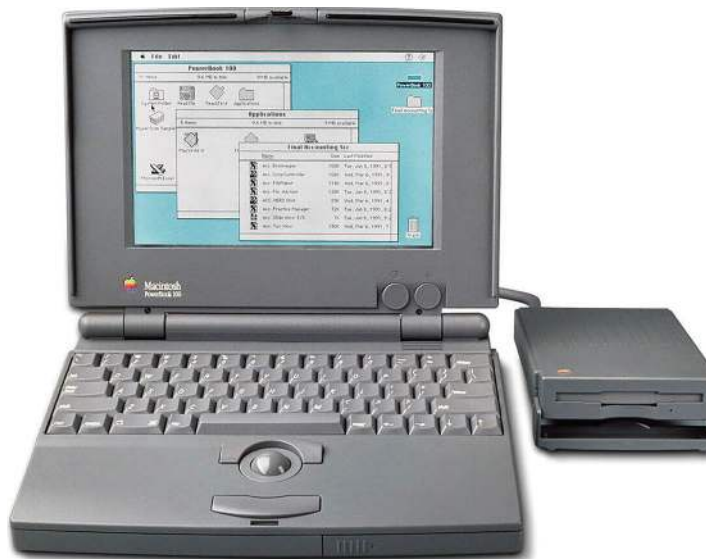
The Commission introduced a settlement process called “Early Resolution” as an alternative method of resolving human rights complaints.

1996

Court of Appeal and the Code

The Saskatchewan Court of Appeal established that *The Saskatchewan Human Rights Code* is quasi-constitutional, meaning it takes precedence over other provincial legislation – except where otherwise provided.

1997



The Commission Goes Online

The Saskatchewan Human Rights Commission launched its first website.

2001

Saskatchewan Human Rights Tribunal

The Code was amended so that the Saskatchewan Human Rights Tribunal, a permanent panel of adjudicators with human rights expertise, replaced the former system of Boards of Inquiry appointed by the Minister or Justice on a case-by-case basis.

2007

Code amended to end mandatory retirement

In May, 2007, the Government of Saskatchewan announced legislative amendments to *The Saskatchewan Human Rights Code* that effectively ended mandatory retirement in Saskatchewan.

2010

Four Pillars and Concentus

The Commission introduced its Four Pillar Strategic Business Plan which focused on: efficient and effective investigation of complaints of discrimination; increased focus on mediation and other forms of dispute resolution; systemic advocacy for complaints that affect multiple persons or groups; and preventative education regarding both the rights and responsibilities of citizenship.

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

2011

Code changes help revamp process

Changes to the *Code* helped the Commission fulfill the vision of its new Four Pillar Plan. These procedural changes were set in place to increase efficiency, enhance restorative justice measures, and move the adjudication of human rights complaints to the Court of King's Bench. Section 48 of the *Code* would allow positive measures to assist disadvantaged people without triggering possible *Code* violations.

2013

**Saskatchewan (Human Rights Commission) v. Whatcott**

The Supreme Court of Canada sided with the position advanced by the Saskatchewan Human Rights Commission in delivering a unanimous decision defining and prohibiting hate speech.

2014

Gender identity is added to the Code

In December, 2014, legislation was passed that clarified *The Saskatchewan Human Rights Code* and explicitly protected gender identity as a prohibited ground under the law.

2016

Regina Transit

Working systemically with the City of Regina, the Commission was able to facilitate widespread change for people with disabilities who use public transit.

2018

Systemic Advocacy and a bilingual Code

The Government of Saskatchewan announced it would invest in a new program to ensure babies born in Saskatchewan hospitals are screened for hearing loss. This investment would come as a direct result of the Commission's systemic advocacy initiative. The Systemic Advocacy Committee that made this initiative possible consisted of persons with lived experience, parents, audiologists, ASL interpreters, as well as the Ministries of Justice, Education, Health and Social Services. Also in 2018, *The Saskatchewan Human Rights Code* became bilingual legislation, being translated into French for the first time.

2019

Enough Already

Thanks to funding from a Government of Canada grant, a coalition was formed to address sexual harassment in the workplace. It consisted of the 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. The initiative was called Enough Already. The project would be a 5 year project during the course of which thousands of Saskatchewan employers and employees learned how to eliminate sexual harassment in the workplace.





NO MORE STOLEN SISTERS

On May 5, SHRC Chief Commissioner Wilcox and Executive Director Norma Gunningham-Kapphahn participated in the No More Stolen Sisters walk in Prince Albert to help raise awareness for Missing and Murdered Indigenous Women and Girls.

THEATRE IN THE PARK

On June 1, members of the Commission attended SUM Theatre's Theatre in the Park performance of "wâhkôhtowin" at wâhkôhtowin School in Saskatoon.

The family friendly show was about the kinship between all things and about how connections between relations have become more important to mend or hold close.

OUR LONDON FAMILY VIGIL

In June, Commissioner Fatima Coovadia spoke at an evening vigil to honour and remember the Muslim Canadian family killed the year before in London, Ont., and to stand together against Islamophobia, racism, and hate.

PRIDE PARADES

To celebrate Pride Month 2022, Commission members attended Pride Parades in both Saskatoon and Regina in June.

Hundreds of people were on hand at each location to recognize, value, celebrate and support LGBTQ2S+ people and their families.

WALK AGAINST HATE

On July 19, the Commission joined other members of the community in support of Eastview Walk Against Hate. The annual event was launched in Eastview in 2021 in response to a violent, hate-fueled attack against a local man of Islamic faith.

ROCK YOUR ROOTS

In September, on the National Day for Truth and Reconciliation, the Commission attended the Rock Your Roots Walk to support and honour the lost children and survivors of residential schools, their families, and communities.





HAND WARMERS FOR THE HOMELESS

In early November, Commissioner Jan Gitlin and Kevin Sharfe, Dealer Principal at Sherwood Chevrolet, dropped off 1,500 hand/feet warmers at Prairie Harm Reduction to help keep Saskatoon's homeless population warm this winter.

QUEEN'S JUBILEE MEDALS

Several members of the Commission Board and staff were awarded Queen Elizabeth II Platinum Jubilee Medals. The medals are awarded in recognition of significant contributions to the province. Recipients included: Interim Chief Commissioner Barry E. Wilcox, K.C., Commissioner Fatima Coovadia, Commissioner Heather Kuttai, Commissioner Mike San Miguel, Commissioner Jan Gitlin, Executive Director Norma Gunningham-Kapphahn, Director of Systemic Initiatives Darrel Seib, Systemic Specialist Maria Soonias Ali, and Mediator David Katzman.



U of S FILIPINO STUDENT ASSOCIATION

On November 23, Commissioner Mike San Miguel spoke to the University of Saskatchewan Filipino Students Association during its fundraiser to help people in the Philippines affected by Typhoon Paeng. Commissioner San Miguel spoke about the dangers of racism, noting the May 2020 incident in which a Saskatoon teenager of Asian descent was allegedly subjected to racial slurs and physical violence while riding his bike.



SASKATCHEWAN INTERNATIONAL FILM FESTIVAL

On December 3, Commissioner Mike San Miguel was acknowledged at the Saskatchewan International Film Festival (SIFF) Awards at TCU Place in Saskatoon. The theme of this year's festival – "Bridging People" – speaks to the SIFF's mission to break down cultural boundaries.

BRIDGE CITY ADVOCACY LAUNCH

In January, the Commission attended the official launch of The People Bridge Advocacy at Station 20 West in Saskatoon.

The People Bridge Advocacy is a non-profit, community-based organization dedicated to reconciliation and providing capacity development to newcomers and ethno-cultural communities. The organization aims to interconnect communities and strives for social and cultural integration, better economic opportunities, civic engagement, and a more equitable and just society.

RACE RELATIONS MONTH

On March 1, the Commission attended the Race Relations Month Opening Ceremony and flag raising at City Hall in Saskatoon.

SPS DIVERSITY BREAKFAST

On March 21, the Commission attended the Saskatoon Police Service Diversity Breakfast.

Every year since 2012, the SPS has hosted the annual event in commemoration of the International Day for the Elimination of Racial Discrimination. The focus of the breakfast is to recognize diversity in the community and within the SPS.

LUNAFEST

On March 8, International Women's Day 2023, Commissioner San Miguel represented the Commission at LUNAFEST, a film festival featuring films by and about women.



COMMUNITY EVENTS

OTHER COMMUNITY EVENTS ATTENDED BY THE COMMISSION IN 2022-2023 INCLUDE:

- Ramadan Iftar Dinner – April 8, 2022
- Regina Racism and Discrimination Summit – April 29, 2022
- Prince Albert, MMIWG March – May 5, 2022
- SEIC Culinary Gala – May 11, 2022
- Kulay Saskatoon – May 21, 2022
- Change of Command, RCMP HQ, Regina – May 26, 2022
- Reconciliation Flag Raising – May 27, 2022
- Nagar Kirtan Parade, Saskatoon – May 28, 2022
- Filipino Heritage Month Flag Raising Saskatoon – June 11, 2022
- Reconciliation Saskatoon, Reimagining Canada Day – June 16, 2022
- 36th Annual Vegetarian Banquet hosted by the Hindu Association – June 18, 2022
- ANCOP Charity Walk – August 27, 2022
- Saskatoon AIDS Walk – September 25, 2022
- Tapestrama – September 25, 2022
- Miyo-Wiciwitowin, Mosaic Stadium, Regina – September 29, 2022
- Every Child Matters, Prince Albert – September 30, 2022
- U of S, Prince Alberta Campus Community Reception – October 4, 2022
- Inclusion Saskatchewan Breakfast – October 6, 2022
- Regina Region Local Immigrant Partnership, Anti-Discrimination Response Training - October 24, 2022
- Wicihitowin Indigenous Engagement Conference – November 28 & 29, 2022
- Threads – January 25-26, 2023

COMMUNITY CHAMPIONS



NICOLE WHITE

Nicole White founded Moon Time Sisters in January 2017 after learning young people were missing school because they didn't have access to menstrual products. Since its inception, Moon Time Sisters has expanded to four provinces and has sent products to northern and remote communities across Canada.

Moon Time Sisters is the only national, Indigenous-led period equity organization supporting Northern and Indigenous menstruators. They collect and ship menstrual products to remote communities across the country where the products are provided to the community free-of-cost.

As a collective, they have partnered with over 65 northern Indigenous communities, and have shipped over 2 million period products to high schools, elementary schools, midwifery organizations, health care centres, Friendship Centres, shelters, food banks and community programs.



KATE DAY

Since 2004, Kate Day has been the facilitator of a school-based mental health team, supporting individuals with intellectual disabilities and co-occurring mental health issues. In her work as a special education teacher in Greater Saskatoon Catholic Schools (GSCS), Kate and a colleague, Rosanne Kerr (Coordinator of Student Services GSCS), noticed that mental health supports in the community were suddenly not available if the client had an intellectual disability.

Along with Rosanne, Dr. Lee Murray, and Dr. Bruce Gordon, Kate knew this was inequitable, and that youth and young adults with intellectual disabilities could be treated for mental health concerns, could access talk-therapy, and could improve their quality of life with mental health supports. Together with the support of GSCS, they created a team called Meitheal which aims to provide high-quality mental health services for this under-served population; give a rich experience for practicum students to learn about the needs and strengths of youth and young adults with intellectual disabilities; and advocate for services to be provided in the community to this population.



COLLEEN CHRISTOPHERSON-COTE

Colleen Christopherson-Cote has worked in community economic development for more than 20 years in both urban and rural communities across Saskatchewan. She has extensive knowledge on the complexity of human service systems and the intricacies of how public policy and practice indirectly and directly impact people.

She specializes in building intersectoral collaboratives and currently works as the coordinator for Saskatoon Poverty Reduction Partnership.

Over the past 15 years she has worked with collaborations that focused on housing and homelessness, community evaluation, community driven research, safety and wellbeing, harm reduction and substance use, early years, and emergency preparedness.

Colleen weaves webs of relationships that not only break through the confines of system silos but also disrupt the hierarchies within them that so often prevent timely, holistic action on critical issues.



DAVE NELSON

Dave Nelson has more than 40 years experience as a Registered Psychiatric Nurse and a Registered Social Worker. He has worked with the Canadian Mental Health Association for over 25 years, first as the Director of the Regina Branch, then as the Executive Director of Saskatchewan Division CMHA. He is currently the CMHA-SK Senior Program Consultant.

Dave has had a broad experience in advocacy for improvements to the mental health system, having been an original member of the Minister of Health's Mental Health Advisory Council for six years, the Premier's Disabled Persons Advisory Council for four years, a founding member and Past-President of the Mental Health Coalition and the Disability Income Support Coalition as well as numerous local and regional advisory and advocacy committees. Dave is particularly interested in the history of the mental health system in Saskatchewan and how we can learn from that history to improve the system in the future.

COMPLAINT RESOLUTION

PRE-FORMALIZED COMPLAINT RESOLUTION

Disability/Emotional Support Animals

The Commission received a call from Lauren* about her housing situation. Lauren claimed to have a mental health disability that required an emotional support animal. However, the condo complex where she rented a unit had a strict no-pets policy. She contacted the Commission in hopes of remedying the situation.

As the point of first contact with complainants, the Commission's intake consultants are well placed to attempt resolution prior to formalizing a complaint. In this case, the intake consultant reviewed the content of the matter and contacted both the landlord and the condo board.

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 both the landlord and the condo association understand the situation. Lauren provided appropriate medical documentation. Because of this, she was allowed to keep her emotional support animal and the matter was resolved.

MEDIATION

Pregnancy/Family Status

While employed by a company, Naomi* became pregnant and had a baby during the COVID-19 pandemic. She took a 6-month maternity leave. During her leave, Naomi's employer implemented a mandatory COVID vaccination policy. She received a letter requiring her to confirm her vaccination status.

Naomi was given 10 days to declare her status/provide proof of vaccination or it would be presumed she had abandoned her position. Naomi did not refuse to be vaccinated, but advised her employer she would discuss vaccination status prior to returning to work in 6 months. She also inquired as to why the mandatory policy applied to her while she was on maternity leave. Naomi was not provided a satisfactory explanation.



Two weeks after she received the letter, Naomi's employment was terminated due to her non-compliance with the employer's mandatory vaccination policy. She contacted the Commission feeling as though her employer had discriminated against her on the basis of sex and family status.

Where termination of employment has occurred for discriminatory reasons, potential individual damages might include: reinstatement; compensation up to \$20,000 for damage to dignity; loss of income; reimbursement of expenses incurred in the search for alternate employment; and/or other related out-of-pocket expense reimbursement.

In this case, the employer offered to compensate Naomi for damage to dignity and loss of income.

Sexual Orientation

Martin*, who is a bisexual man, attended a First Aid CPR course put on by an educational institution. Prior to the course commencing, Martin mentioned to the instructor that he had a husband. From that point on, the instructor allegedly treated Martin in an adverse manner, at times portraying a flamboyant character with a stereotypical effeminate lisp and at another time stating he "had a limp wrist." Throughout the course, Martin alleges he was singled out and embarrassed by the instructor.

Martin complained to the program coordinator about the instructor's behaviour. He advised the receptionist that he wished to make a formal complaint, and asked



the instructor to contact him. He was not contacted by anyone from the educational institution.

Martin reached out to the Saskatchewan Human Rights Commission. He felt the institution had discriminated against him on the basis of sexual orientation, contrary to section 13 of *The Saskatchewan Human Rights Code, 2018*.

During mediation, the educational institution offered to compensate Martin for damage to dignity. The institution also agreed to review its policies and procedures and reimburse Martin for the course. Martin accepted the offered resolution and the file was closed.

INVESTIGATION

Age

Irene* is a 64-year-old woman. She had worked with the same company for over a decade. The company made it known they were looking to recruit and retain younger people. During this time, Irene was asked multiple times when she was going to retire. She felt they wanted to replace her with a younger employee. Irene was then demoted to seasonal worker status and was laid off at the end of the season. A month later, she received a letter saying she would not be recalled back to work. Irene was replaced by a younger employee.

She contacted the Commission to file a complaint, believing her employer had discriminated against her on the basis of age.

This matter was resolved through negotiation during

investigation of the complaint. The employer offered to compensate Irene for damage to dignity. Irene accepted and the file was closed.

Pregnancy

Tana* became pregnant while employed at a non-profit organization, and later took a maternity leave. While on leave, Tana's employment with the organization was terminated. Tana had worked for the employer for about 5 years at the time, and before the termination notice had received glowing performance reviews. However, the performance review that accompanied the notice noted poor performance in all job areas.

Shortly after termination, Tana was able to secure comparable employment.

Tana contacted the Commission. She believed she had been discriminated against on the basis of sex (including pregnancy) contrary to section 16 of *The Saskatchewan Human Rights Code, 2018*. The employer alleged Tana had been fired not because of performance or pregnancy, but due to corporate restructuring.

In this situation, the onus is on the employer to disprove that the employee was fired due to pregnancy.

The matter was resolved during investigation. The employer offered to compensate Tana for damage to dignity and loss of income as well as reimburse her for therapy expenses related to the complaint.

DIRECTED MEDIATION

Disability

Jesse* suffered a workplace injury while employed as a mechanic. He didn't stop working, but was restricted to light duties on the advice of his doctor. His employer told him to go home because he could not perform the duties necessary for the job. Jesse did as he was told and remained home until his Workers' Compensation Board benefits were canceled.

Jesse was later cleared to return to work by his doctor, again with restrictions. He was sent home again by his employer and told to remain there until further consulted. Three weeks later, Jesse's employment was terminated and he was told to remove his toolbox from the shop.

Believing the termination was connected to his disabilities and that his employer failed to accommodate him to the point of undue hardship, Jesse contacted

the Commission and filed a human rights complaint. The Chief Commissioner found that the complaint had sufficient merit to proceed to a hearing and directed the parties to attend mediation. During Directed Mediation, the employer offered to pay damage to dignity as well as a retiring allowance. Jesse accepted the offer and the file was closed.

Race

Beth*, who is Indigenous, went to a hospital in severe pain. When she consulted the attending physician, Beth alleged she was treated negatively and felt as though she was viewed as an Indigenous “drug seeker.” The physician would not provide medicine for her pain and, instead, suggested she try a specific medicinal herb and to seek relief from an Elder and/or a traditional healer.

Beth contacted the Commission to file a complaint. She believed the hospital had violated section 12 of *The Saskatchewan Human Rights Code, 2018* by discriminating against her on the basis of race. The Chief Commissioner found that the complaint had sufficient merit to proceed to a hearing. They were ordered to attend a Directed Mediation. In Directed Mediation, the hospital offered to compensate Beth for damage to dignity. The hospital also agreed to provide training to its employees designed to develop an understanding and eliminate systemic racism in the workplace. As part of this training, Beth was invited to share her lived experience. She was also given a letter of apology.

Race

In 2022, two young women entered a store to purchase groceries. Shortly after, they noticed two security guards following them. They were the only Indigenous shoppers in the store at the time. The security guards stood at the end of each aisle they went to, and moved with them from aisle to aisle throughout the store. Feeling concerned that two male security guards were following them, they asked to speak to the manager. The manager responded by saying that the security guards were just doing their jobs. This was not the first time this had happened. Two years earlier, they had experienced a similar incident at the same store. Since they were both minors, the mother of one of the teenagers contacted the Commission and filed a complaint on her daughters’ behalf. She believed they had been discriminated against on the basis of race and colour, contrary to section 12 of *The Saskatchewan Human Rights Code, 2018*.

The matter was resolved in Directed Mediation. The store agreed to pay both complainants for damage to dignity. As part of the settlement, the store also agreed that all of its new uniformed security guards would receive training regarding bias and discrimination as a condition of employment during their probationary

period, and that all existing uniformed security guard employees will receive the same training as a condition of continued employment.

Disability

Aaron* is a person with a mental health disability who lives in a town in Saskatchewan. During the COVID-19 pandemic, he entered the Town Office and inquired about making donations to individuals not affiliated with the Town. The staff found the conversation unsettling and asked him to leave. He did so without incident.

A month later, Aaron returned to the Town Office to talk about his water bill. According to witnesses he was not wearing a mask during his visit (which was required based on COVID protocols at the time), and refused to put one on when asked. Witnesses also said he was blaring music on his phone. Police were called, but Aaron left on his own accord before they arrived.

The next day, after discussing the matter with police, the Town wrote a letter to Aaron banning him from all Town facilities – warning him he could be charged with trespassing should he try to enter any facilities. Aaron’s behaviour was consistent with his mental health disability.

Aaron’s mother spoke to the Town Council and told them about her son’s disability and asserted that her son was being discriminated against. The Town responded, requesting she obtain a letter from a medical professional who could advise Aaron was complying with his current mental health treatment plan and that Aaron has the mental capacity to make his own decisions.

The ban against Aaron was later lifted after Aaron’s mother persistently advocated in his behalf. However, by that time, Aaron had already moved away from the Town. Being banned from all the facilities in town, he felt there was nothing left for him in the town and that everyone was against him.

Aaron contacted the Saskatchewan Human Rights Commission. He had reason to believe that the Town discriminated against him on the basis of disability, by denying him services and failing to accommodate him to the point of undue hardship, contrary to Section 12 of *The Saskatchewan Human Rights Code, 2018*.

The matter was resolved in Directed Mediation. The Town offered to pay for damage to dignity. The Town was also required to provide training to employees, both new and existing, regarding bias and discrimination against members of the public with mental illnesses.

*Names have been changed

FILING A COMPLAINT

If a person feels someone has discriminated against them, complaints can be made to the Saskatchewan Human Rights Commission through a submission of an online form, via mail, telephone, or email. Once submitted, the Commission determines if it can formalize a complaint based on provincial legislation. Typically, pursuant to Section 29(1) of the *Code*, a complaint will be accepted if: the complaint falls within the jurisdiction of the commission; and the person provides sufficient evidence that reasonable grounds exist for believing that a person has contravened a provision of this Act. When the Commission receives a potential complaint, it must carefully consider the allegations. This generally involves requesting additional documentation from the Complainant to fully understand and assess the complaint. At that point, the Commission decides if there is enough evidence to believe the *Code* has been violated based on “reasonable grounds.” If there is, the complaint will be formalized and the Commission will work to help the parties find an appropriate and timely resolution. However, not all complaints are accepted and formalized.

Jurisdiction

In certain circumstances, the Commission doesn’t have jurisdiction to accept a complaint. If a person feels they have been discriminated against while receiving service from a federal public office, or during employment as a federal employee, or a federally regulated private company such as a bank, airline, or telecommunications company, the complaint is within the jurisdiction of the Canadian Human Rights Commission, and not the SHRC. Complaints that originated in another province must be advanced at their respective human rights commission or tribunal.

Time

The Commission is not obligated to accept a complaint that is more than a year old. Pursuant to Section 29(5) of the *Code*, “the commission shall refuse to accept a complaint and shall not initiate a complaint if the complaint is made more than one year after the person making the complaint became aware, or should have been aware, of the alleged act of discrimination.” However, in accordance with Section 29(6) of the *Code*, the Commission may, under certain circumstances, accept a complaint after the one-year period has passed if the Chief Commissioner deems it appropriate to do so. In exercising their discretion to extend the limitation period, the Chief Commissioner assesses the length of the delay, the reasons for the delay, public interest factors, and balances the prejudice that would accrue to the parties from accepting or declining the complaint.

Outside Agencies

An intake consultant can refer the complaint to another agency or service provider if their help would be more appropriate. For example, if the complaint is criminal in nature, the intake consultant will advise the complainant to contact the police. If the complaint involves workplace harassment, under certain circumstances, the consultant may tell the complainant to report to Occupational Health and Safety. In every instance, the intake consultant will do their best to ensure the information is delivered quickly and accurately.

Reasonable Grounds

For the Commission to accept a complaint, the alleged facts must support a reasonable inference that the *Code* has been violated. This requires evidence that: (1) the complainant possesses a characteristic protected by the *Code*; (2) that the complainant has experienced an adverse impact; and (3) the protected characteristic was a factor in the adverse impact. If the evidence provided is insufficient to establish adverse treatment or discrimination based on a prohibited ground, the Commission cannot accept the complaint. However, if a complainant wishes to provide more information or evidence to substantiate their allegations, the SHRC will wait up to 14 days before it presumes the complainant does not wish to proceed any further with the process.

Dismissal

Even if a complaint is formalized by the Commission, there is still a chance it may be dismissed. Throughout the complaint process, Section 30(2) of the *Code* gives the Chief Commissioner the authority to dismiss a complaint, at any time after a complaint is filed or initiated. The Chief Commissioner may find, after careful consideration, that the complaint is without merit, that it raises no significant issues of discrimination, or that the complaint has been appropriately dealt with pursuant to another Act or proceeding.

Deferral

The Chief Commissioner can also elect to defer a complaint to another process they feel can offer a more appropriate remedy. For instance, an individual whose employment was terminated might have previously initiated a union grievance process in addition to filing a human rights complaint. In this case, the Chief Commissioner can defer the Commission’s complaint process in order to determine if union-employer negotiations will achieve an outcome that would otherwise meet the objective of the *Code*.

LEGAL AND LITIGATION



ADAM NORTH, JD (LL.M)

Desai v. North Ridge Development Corporation

In 2022, the Commission advanced a complaint to hearing in King's Bench Court; *Desai v North Ridge Development Corporation*, 2023 SKKB 3 [*Desai*]. The Court rendered its decision in the matter in 2023.

The complainant, Ms. Desai, claimed that her employer discriminated against her on the basis of family status when it required her to return to work when her elderly mother became unwell during an extended visit with family in another province.

Ms. Desai had travelled out of province to assist in her mother's care and wished to remain there for two weeks but was required to return after only one week. Ms. Desai's mother regularly resided with Ms. Desai and had protracted health issues, about which the employer had been informed.

Ms. Desai returned to work as directed by her employer but resigned with two weeks' notice. Ms. Desai asserted that she felt compelled to resign given that her employer had become inflexible with regards to her mother's needs, which were protracted and not going to improve.

The Commission regularly receives complaints on the basis of family status, but they are much less common than complaints based on some other prohibited grounds.

Family status discrimination has been the subject of disagreement among Courts and Tribunals in Canada, despite well-settled principles applying to all human rights matters.

Tribunals and Courts elsewhere in Canada have found that, in workplace settings, family obligations will often come into conflict with work obligations, and that this does not always amount to discrimination.

The Federal Court of Appeal and the British Columbia Court of Appeal have each held that complainants alleging their employers have failed to adequately accommodate them on the basis of their family obligations will need to prove elements not present in other types of discrimination cases.

Specifically, the British Columbia Court of Appeal held that complainants must show:

- a change in a term or condition of employment imposed by an employer;
- which results in serious interference with a substantial parental or other family duty or obligation.

And the Federal Court of Appeal held that complainants must show:

- a child is under the complainant's care and supervision;
- the childcare obligation at issue engages the complainant's legal responsibility for that child, as opposed to a personal choice;
- the complainant has made reasonable efforts to meet those childcare obligations through reasonable alternative solutions, and that no such alternative solution is reasonably accessible; and
- the impugned workplace rule interferes with the fulfillment of the childcare obligation in a manner that is more than trivial or insubstantial.

Either of these tests place burdens on complainants that are not present in claims of discrimination on the basis of any other prohibited ground.

Ultimately, Ms. Desai's claim of discrimination was not accepted by the Court. Primarily, the Court was not satisfied that Ms. Desai's elderly mother needed Ms. Desai to be with her for an additional week, and in fact, Ms. Desai did return to work during the time she had requested to be away.

Rather, the Court found that Ms. Desai's request for time off was based on logistical concerns about when it was more convenient for Ms. Desai to return to Saskatchewan. Therefore, the Court held, Ms. Desai had failed to establish a *prima facie* case of discrimination.

While the Court found that Ms. Desai did not establish a *prima facie* case, the Court did make important

statements about the law in this area.

The Court of King's Bench decided that the long-established principles of human rights law apply to family status cases, including child care and elder care cases. Specifically, a complainant will have established a *prima facie* case if she or he can show that:

- she or he has a protected characteristic of family status;
- she or he suffered an adverse impact; and
- her or his family status was a factor in that adverse impact.

The effect of this decision is that other factors (such as the extent of the complainant's own efforts to find alternative ways to satisfy their family obligations) will only be considered at the second stage of legal analysis, where the employer is required to show its actions were justifiable.

This does not mean that accommodation of family obligations falls squarely on the employers (and by extension other employees), but it does mean that employers will need to make efforts to find reasonable accommodation for employees with child care or elder care obligations, up to the point of undue hardship, and this will need to be done in cooperation with the employee seeking accommodation.

The potential solutions that employees and employers may reach will be based on the specific circumstances of each case, in much the same way as a disability accommodation, or needs arising from other prohibited grounds of discrimination.

Arcand v. Banff Constructors Ltd.

The Complainant, Lance Arcand, filed a complaint with the Saskatchewan Human Rights Commission alleging discrimination in employment based on his race. Arcand, a First Nations person, was hired by Banff Constructors Ltd. in August, 2018 to work as a heavy equipment operator at the Regina Bypass project, in and around Regina, Saskatchewan.

Arcand initially worked with a crew of 12 or 13 other equipment operators, but within a couple weeks was moved to a location away from the other crew members, where he was assigned to load material into trucks with his excavator. Arcand alleged that after he was moved to this location, his supervisor made derogatory jokes and comments to him that were based on his race. Arcand further alleged that his employment was terminated by Banff just days after he complained about his supervisor

to its human resources department.

The termination of Arcand's employment was not in issue at the hearing of the complaint. That portion of the complaint had been dismissed as it had been determined in another forum that Arcand had been laid off from his position with Banff for legitimate business reasons.

At the hearing, Banff denied that Arcand's supervisor made any jokes or comments to Arcand based on his race. Banff further reiterated to the court that the termination of Arcand's employment had nothing to do with his complaint about his supervisor. Arcand was laid off as it was the end of the construction season, and the Regina Bypass project was winding down.

The hearing judge noted that Arcand had submitted detailed written complaints to Banff's human resources department regarding alleged safety issues and harassment by his supervisor, but there was no mention of any racial remarks.

Arcand's supervisor expressly denied making any comments or jokes regarding Arcand's race. The judge further noted the evidence of Banff's labour advisor who testified that on two occasions he specifically asked Arcand during telephone conversations if any of the issues outlined in his written complaints were related to his race, and that Arcand indicated they were not.

Despite evidence from Arcand's counsellor regarding a conversation with him while he was working for Banff, in which he indicated that his supervisor was making racial comments toward him, the court was satisfied that the comments were never made.

While the court ultimately determined there had been no breach of *The Saskatchewan Human Rights Code, 2018*, it was critical of Banff's decision not to investigate Arcand's written complaints regarding safety issues and harassment by his supervisor.

CUPE, Local 21 and Jane Doe v. City of Regina and Saskatchewan Workers' Compensation Board

The Commission has applied to intervene in an application for judicial review by CUPE, Local 21 and Jane Doe which seeks to set aside a decision of the Worker's Compensation Board.

Jane Doe has a grievance against the City of Regina as a result of sexual harassment. Jane Doe was seeking certain damages, including compensation under s. 40 of the *The Saskatchewan Human Rights Code, 2018* for damage to dignity and self-respect. The City of Regina

applied to the Workers' Compensation Board (WCB) for a ruling under s. 169 of *The Workers Compensation Act* (the Act). The WCB found that Jane Doe had a compensable injury under the Act so s. 168 of the Act barred Jane Doe from obtaining any additional compensation through her grievance proceeding.

The Commission believes that the WCB ruling is incorrect. The WCB did not consider that the Code is quasi-constitutional legislation that supersedes regular legislation. The Court's ability to order an employer to pay damages for breaches of s. 16 of the Code compensates victims of discrimination in the workplace. It also deters employers and individuals from committing acts of discrimination.

The effect of the Board's decision is to eliminate additional compensation under the Code for women who are harassed in the workplace and suffer a workplace injury. This may include victims of sexual assault. Women who are harassed and not injured would still be entitled to compensation under the Code. The Commission believes this is an illogical result that is inconsistent with the intentions of the Legislature.

Workplace sexual harassment complaints represent approximately 10% of the total complaints received by the Commission. The vast majority of complaints are received from women.

The Commission believes that Code protections in employment are vital to promote equality for women under s. 15 of the *Canadian Charter of Rights and Freedoms*. The Commission also believes that Code protections for women in the workplace contribute to security of the person under s. 7 of the *Charter*.

Although this case involves a complaint of sexual harassment, the Commission believes that it could extend to any act of discrimination in the workplace. As such, this decision undermines the workplace rights of racial and ethnic minorities, people with disabilities, and the LGBTQ2+S community.

The Commission expects that its intervener application will be heard in June 2023.

DG v RM of Baildon No. 131

The complainant, D.G., was employed by the Rural Municipality of Baildon (Baildon). D.G. sustained a head injury and concussion in an accident that was unrelated to work. D.G. provided 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

Councillor bullied her, which exacerbated her symptoms. She recommenced medical leave. She provided Baildon with medical notes periodically during her absence.

Approximately 18 months after D.G.'s original injury, Baildon advertised for a replacement. D.G.'s physician completed a medical questionnaire recommending a gradual return to work with part-time hours. Baildon refused to accommodate the request for a gradual return to work.

Baildon insisted that D.G. could only return to work when she was able to work full-time. Baildon also asserted that continuing the accommodation process would be an undue hardship.

The Commission accepted D.G.'s complaint in the fall of 2016. Efforts were made to resolve the complaint by mediation early in the process. After mediation proved unsuccessful, the complaint was investigated fully.

Evidence was gathered and was considered by the Chief Commissioner. The Chief Commissioner found there were no grounds to dismiss the complaint and directed the parties to enter into mediation once again with a view to encouraging resolution of the matter.

In the fall of 2019, the Chief Commissioner applied to the Court of King's Bench for a hearing of the complaint. At this point in the process, the timeline for resolution of the complaint is largely within the direction of the Court.

In response to the Commission's application, a pre-hearing conference was ordered and took place in the fall of 2020. As the matter did not resolve at that stage, a hearing was ordered and took place in March of 2021. The Court rendered its decision in April 2022.

The Court found that Baildon discriminated against D.G. because of her disability. Baildon 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, benefits, and \$10,000.00 special compensation for damage to dignity.

Shortly following the decision, Baildon filed its appeal of the matter with the Court of Appeal, asking the Court to set aside the hearing decision. In March of 2023, it filed the balance of the legal documents required to advance the appeal.

The Commission filed a cross-appeal seeking to increase the special compensation award from \$10,000.00 to \$20,000.00.

The Commission expects that the appeal of the matter will be heard in the fall of 2023.

McDonald, Evans, and Young v. The Government of Saskatchewan

The Saskatchewan Human Rights Commission received 3 independent complaints from individuals who had been Justices of the Peace, but who were required to retire pursuant to s.8(2) of *The Justices of the Peace Act, 1988, J-5.1* ("the Act"). In Saskatchewan, provincial legislation requires Justices of the Peace to retire at age 70. That retirement is mandatory, without regard to the individual's capacity to continue in the role.

Justices of the Peace are appointed by the Government of Saskatchewan by Order in Council. There are similar mandatory retirement provisions in place for Judges of the Provincial Court.

The Complainants believe that the Government of Saskatchewan discriminated against them on the basis of their age by forcing them to retire at the age of 70. The Commission accepted the complaint for investigation, and thereafter the matter was referred to hearing.

At a hearing in December of 2022, the Commission advanced the argument that s. 8(2) of the Act is constitutionally invalid as it is not consistent with s. 15(1) of The Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982 (the "Charter"), and therefore is of no force and effect. Section 15(1) of the Charter states:

15 (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Further, *The Saskatchewan Human Rights Code, 2018*, specifically protects people from discrimination in their occupation. The Code binds the Crown (the Government of Saskatchewan) and every law is inoperative to the extent that it authorizes something prohibited by the Code, unless that law falls within an exemption contained in the Code, or, the legislature has expressly declared a law to be exempt from the human rights protections of the Code.

After hearing, the Court reserved judgment. A decision is expected in the matter in 2023.

SYSTEMIC ADVOCACY



SASKATCHEWAN
HUMAN RIGHTS
COMMISSION

The Case for a Restorative Response to Perceptions
of Systemic Inequity at the University of
Saskatchewan College of Medicine: A Systemic
Investigation Summary Report

COLLEGE OF MEDICINE

In September 2021, the College of Medicine at the University of Saskatchewan invited the Commission to conduct a systemic investigation into concerns about systemic inequity experienced by members of the College's community, including those who are Black, Indigenous, and people of colour.

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 also opened public participation in this process through an online survey.

That process, undertaken from November 2021-April 2022, led to the creation of "The Case for a Restorative Response to Perceptions of Systemic Inequity at the University of Saskatchewan College of Medicine: A Systemic Investigation Summary Report."

This report, which was released on March 30, 2023,

represents the culmination of dozens of hours of interviews, survey results, and a topic area literature review. Based on the views and experiences of stakeholders and information received, the report identifies nine key issues to be addressed that will require collective involvement of the Commission, the College of Medicine, and key stakeholders. As such, the Commission considers this report to be the beginning of a process of improvement – one step in a larger systemic effort to make the College of Medicine an equitable learning organization.

The Commission is committed to continued collaboration with stakeholder groups through multi-party discussions designed to respond to, address, and remove inequity and systemic barriers experienced by students, faculty, and staff at the College of Medicine. This, in turn, has the potential to positively affect the wider health care system in this province and advance medical education in a way that benefits the people of Saskatchewan.

STREET CHECKS

In May 2018, the Saskatchewan Police Commission adopted a policy titled “OC 150 Contact Interviews with the Public”. This policy provides a framework for police officers in Saskatchewan to speak to and engage with members of the public with the intention of gathering information not related to a specific known incident or offence. These interactions are commonly referred to as “street checks.”

The Saskatchewan Human Rights Commission is reviewing the policy from a rights-based perspective. This review considers the potential for the use of personal characteristics, known as prohibited grounds under *The Saskatchewan Human Rights Code*, as determining factors for police to engage in street checks. Under the Code, conducting street checks based on prohibited grounds may be discriminatory.

To assess and address the potential for discrimination in street checks, the Commission conducted a systemic investigation, consulting with and interviewing stakeholders about their perceptions of street check policy and practice.

This engagement captured the perspectives of police services leadership, community-based organizations, academics, and researchers. The Commission also reviewed relevant Canadian research and case law that related to and informed the Saskatchewan context.

The ensuing report, as a summary of the research and issues, will be one step in a larger systemic effort. The Commission is committed to working with stakeholder groups, through multi-party discussion, to respond to,

address, and discuss police policy in Saskatchewan. The report is expected to be released during the 2023-2024 fiscal year.

READING DISABILITIES

In the fall of 2020, the Commission initiated a systemic investigation stemming from concerns of discrimination and inequity experienced by students with reading disabilities in the K to 12 education system in Saskatchewan. The aim was to study how children with reading disabilities, including dyslexia, experience and receive accommodations in classrooms throughout Saskatchewan.

A combination of community and stakeholder consultation, research, and two surveys was used to yield insight into the lived experience of students, parents, caregivers, educational professionals and medical professionals that support those with reading disabilities, how they view and navigate the current system, and ways in which the current practice can be improved upon.

The Commission’s Reading Disabilities report is expected to be released during the 2023- 2024 fiscal year.

SASKATCHEWAN ASSOCIATION OF RURAL MUNICIPALITIES

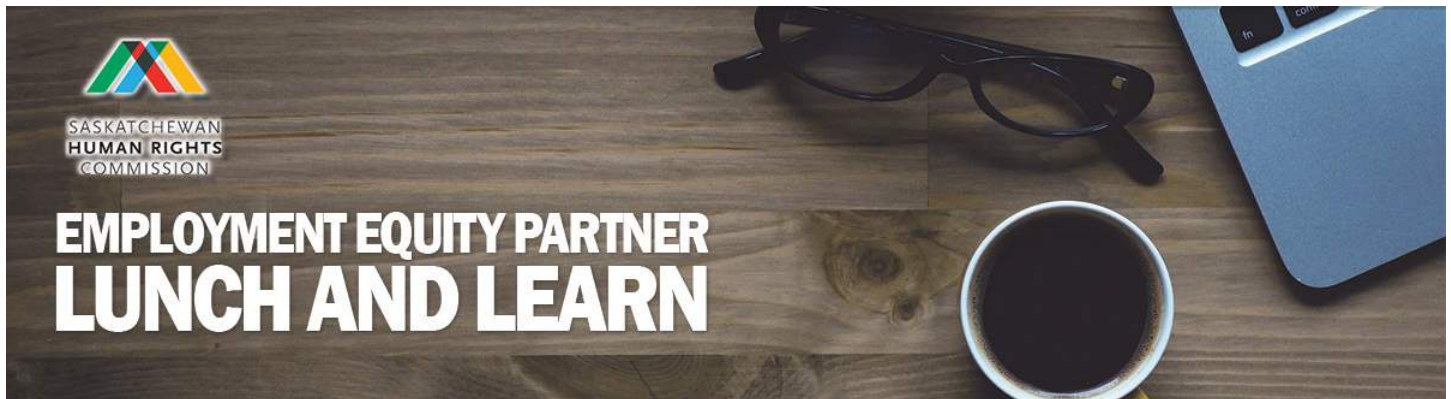
In June, 2022, the Commission met with the president of the Saskatchewan Association of Rural Municipalities (SARM), Mr. Ray Orb, and the Executive Director, Mr. Jay Meyer. At the meeting, discussions focused on opportunities for the Commission and SARM to connect to rural municipal leadership.

Suggested areas for partnership and stakeholder engagement included public education presentations, webinars, and articles written for SARM publications.

At a follow-up meeting in October, the Commission committed to working proactively with SARM members and organizations to provide human rights education, information, and resources that support municipal governance. This opportunity will extend the Commission’s reach across the province.

In February, 2023, members of the Commission’s systemic team gave a presentation about *The Saskatchewan Human Rights Code, 2018* and the Commission’s processes to SARM’s Municipal Oversight Committee. At the meeting, human rights-related issues facing rural municipalities were discussed. The Committee is preparing a more thorough summary of these issues which the Commission will help them address.

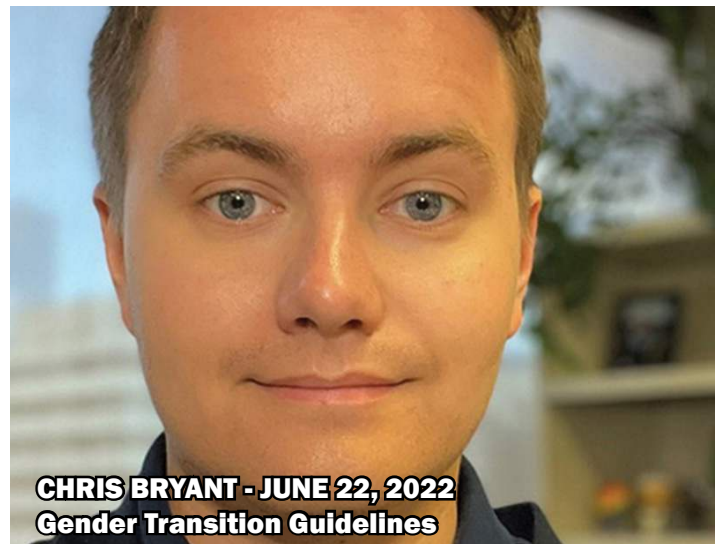
LUNCH & LEARN SERIES



In June, 2022, the Saskatchewan Human Rights Commission launched its Employment Equity Partner Lunch and Learn Series. Hosted online, the series features experts from around the province speaking about equity, diversity, and inclusion in the workplace.



TRUDY NICOLLE - JUNE 22, 2022
Gender Transition Guidelines



CHRIS BRYANT - JUNE 22, 2022
Gender Transition Guidelines



THIAGO PRADO - SEPTEMBER 29, 2022
Increasing Diversity, Equity, and Inclusion



EUGENE GROSH - SEPTEMBER 29, 2022
Increasing Diversity, Equity, and Inclusion



JESS HAMM - OCTOBER 26, 2022
Embedding Anti-Racism in the Workplace



PAULINE STREETE - DECEMBER 15 2022
Equity: The Foundation for Diversity and Inclusion



ABDUR REHMAN AHMAD - MARCH 30, 2023
Leading with an equity mindset for hiring and retention



ANTHONY OLUSOLA- FEBRUARY 16, 2023
Workplace Diversity – A Smart Move for Business Growth.



DR. ANGELA JAIME - JANUARY 26, 2023
deybwewin (Saulteaux) | taapwaywin (Michif) | tapwewin (Cree)

2022-2023 BY THE NUMBERS

During the course of the 2022-2023 fiscal year, the Saskatchewan Human Rights Commission has helped protect and promote the human rights, freedoms, and dignity of people throughout Saskatchewan. These are the numbers.

88

complaints referred to mediation during the 2022-2023 fiscal year

76.9%

of all complaints formalized in 2022-2023 occurred in the area of employment

17

files were referred to Directed Mediation in 2022-2023

30%

more calls to the Business Help Line in 2022-2023 than in the previous fiscal year

13

files were resolved through Pre-Complaint Resolution in 2022-2023

7.9%

of complaints formalized involved the prohibited ground of sex/pregnancy

117K

page views on the Commission's website
in 2022-2023

169

educational sessions provided by Enough
Already in 2022-2023

18.8%

complaints involved the prohibited grounds
of race, ancestry, nationality, colour, and/or
place of origin

60.4%

complaints formalized in 2022-2023 involved
the prohibited ground of disability

476

files closed by the Commission during the
2022-2023 year

63%

fewer formalized complaints in the area
of public services in 2022-2023 than in the
previous fiscal year

The Commission's operating budget for the 2022-2023 fiscal year was

\$2,606,000

**Table 1: Summary of Complaints Formalized
April 1, 2022 to March 31, 2023 by Grounds and Category**

**Total number of
new complaints
in 2022/2023:**

451

**Total number of
complaints formalized in
2022/2023:**

101

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	Receipt of Public Assist.		
Education	0	1	1	0	5	0	0	0	0	0	1	0	0	8	6.15%
Employment	2	1	11	3	47	2	7	6	8	8	4	1	0	100	76.9%
Housing	0	0	0	0	6	0	0	0	0	0	0	0	2	8	6.15%
Public Services	0	1	7	0	3	0	0	2	0	0	1	0	0	14	10.8%
TOTAL GROUNDS	2	3	19	3	61	2	7	8	8	8	6	1	2	130 ¹	100%
% Grounds Cited	1.5%	2.3%	14.6%	2.3%	46.9%	1.5%	5.4%	6.2%	6.2%	6.2%	4.6%	0.8%	1.5%		
% Total Complaints	2.0%	3.0%	18.8%	3.0%	60.4%	2.0%	6.9%	7.9%	7.9%	7.9%	5.9%	1.0%	2.0%		

Notes:

¹ Some complaints allege several grounds of discrimination. For this reason, the total number of grounds cited (130) exceeds the total number of complaints formalized (101).

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

** The graph provides a breakdown of formalized complaints only.

FACTS AND FIGURES



20

Public Education events led by the Commission in 2022-2023



79

Complaints settled during the 2022-2023 fiscal year



447

Registered for the Employment Equity Lunch and Learn Series



35

Community events attended by members of the Commission in 2022-2023

FORMALIZED COMPLAINTS In 2022-2023 ...

10.8%

of all complaints occurred in the area of **public services**

6.9%

of all complaints involved the prohibited ground of **sexual harassment**

7.9%

of all complaints involved the prohibited ground of **family status**

5.9%

of all complaints involved the prohibited ground of **sexual orientation**

In 2020, the Commission helped launch [Enough Already](#), a multi-stakeholder coalition determined to address and prevent workplace sexual harassment in Saskatchewan. [Enough Already](#) is committed to working with government, business, industry associations, unions and community organizations to make workplaces throughout Saskatchewan safe for everyone.



ONLINE

In 2022-2023, Enough Already gave **129** online presentations to companies and organizations throughout Saskatchewan.



IN PERSON

Enough Already gave **33** in-person presentations and attended 6 networking/promotional events last fiscal year.



ATTENDANCE

The total attendance for all of Enough Already's education sessions in 2022-2023 was

6,563

FINANCIAL RESOURCES OF THE COMMISSION



The Saskatchewan Human Rights Commission's budget allocation for 2022-2023 was \$2.606M. Over the years, there have been many operational changes that posed a critical challenge to meeting party expectations and Court-imposed deadlines.

While resourcing the Commission is an issue, the Commission has implemented innovative practices to maintain a high level of service.

In the summer of 2011, a revised Saskatchewan Human Rights Code was proclaimed in force and effect in the province. The revisions made to the Code markedly changed the human rights complaint process and how

complaints are procedurally managed and adjudicated. Some of the more significant changes included:

- A change in the adjudication process to assure unbiased adjudication. The legislation changed to refer matters to the Court of King's Bench for hearing. The change also recognized the quasi-constitutional rights of citizens that are embedded in the Code.
- Alternate and Appropriate Dispute Resolution (ADR) became formally embedded in the process at all stages,

from initial inquiry to hearing, allowing off-ramping from the trial process.

- Investigation and resolution of systemic patterns of discrimination were formally added to the Commission's mandatory processes.

While significant process changes were made, there was no reduction in the mandatory work of the Commission, which continues to include:

- The development and conduct of educational programs designed to eliminate discriminatory practices, and
- The conduct and encouragement of research in the field of human rights.

Between 2012 and 2022, the volume of work of the Commission significantly increased. For instance:

- The number of inquiries made to the Commission doubled. Each inquiry is personally answered.
- The number of inquiries that became "matters" for initial decision as to whether a prima facie case of discrimination had been made also doubled. Each of those matters receives a written decision concerning jurisdiction of the Commission.
- Because of the early intervention of pre-formalized complaint ADR processes, the number of matters that required formalized court pleadings increased somewhat, but generally remained within an overall average increase of 10%.
- Over the 10-year period starting with the first King's Bench hearing, the Court has interpreted the Code to allow more procedural steps to be imported from the standard civil litigation process. In consequence, additional legal analysis and resourcing is necessary and more time is required to allow these steps to occur.
- The Commission is committed to resolution of discriminatory practice through systemic ADR methods rather than Court of King's Bench class action complaints which is exponentially more costly and time consuming than reaching resolution by consensus.

In fiscal year 2022-23 the Commission:

- Conducted 25 pre-formalized complaint resolution attempts.
- Wrote 306 legal decisions in the complaint process.
- Resolved 476 open complaint files.
- Wrote legal pleadings for 101 formalized complaint matters.
- Approved resolution in 83 matters.
- Completed investigations in 61 matters.
- Guided 105 matters through Mediation and Directed Mediation processes.
- Made application for hearing to the King's Bench Court in 10 matters.
- Took carriage of 6 matters through the Court of King's Bench prehearing process.
- Took 5 matters through the hearing process.
- Managed appeal materials on 2 matters.
- Responded to FOIP and Judicial Review applications.
- Participated in Questioning on 2 matters.
- Participated in 8 motions in King's Bench Chambers.
- Provided online resources to 47,946 people through the Commission's website.
- Provided meaningful and timely advice to 469 employers via the Commission's Business Help Line.
- Reached hundreds of employers and employees through the Commission's equity program.
- Worked with numerous stakeholders in the province.
- Assisted the Ministry of Justice with inquiries.

The performance of the Commission continues to provide services in a timely manner utilizing its allotted resources which is a testament to the skill and professionalism of its staff.

PUBLIC EDUCATION



PRINCE ALBERT CHAMBER OF COMMERCE

As part of the Prince Albert and District Chamber of Commerce's 2023 Lunch Series, Chief Commissioner Barry Wilcox, K.C., addressed a group of local business and community leaders, as well as media about human rights in Saskatchewan.

Chief Commissioner Wilcox stressed the importance of education and the need for employers and employees to understand their rights, as well as their responsibilities.

After providing a brief overview of the Commission's complaint process and discussing the prohibited grounds and public areas protected under *The Saskatchewan Human Rights Code, 2018*, Chief Commissioner Wilcox gave those in attendance a sense of just how many employment-related complaints the Commission receives.

"Last year, the Commission formalized a human rights complaint nearly every other day," he told the audience. "In most cases, these complaints involved discrimination in the area of employment. In fact, in 2021-2022, 64% of complaints formalized were related to employment. The year before, it was 87%. The year before that – 86%."

Chief Commissioner Wilcox went on to explain that the vast majority of these complaints involved the same handful of protected grounds: disability, age, sex/pregnancy, and Aboriginal/other ancestry.

"As you can see," said the Chief Commissioner, "year after year, discrimination remains a very real and very persistent problem in Saskatchewan workplaces ... As business leaders, it is important for you to make a concerted effort to create equitable, accessible, inclusive, and discrimination-free work environments for everyone."

THE COMMISSION INFORMS CITIZENS ABOUT THEIR RIGHTS, HOW THEY ARE PROTECTED BY LAW, AND PROVIDES INFORMATION TO REDUCE ERRORS THAT LEAD TO BREACHES OF THE CODE.

PUBLIC EDUCATION EVENTS 2022-2023

1. Regina Open Door Society – June 9, 2022
2. Saskatoon Sexual Health, Labour Relations and Workplace Safety, Demystifying Mediation Presentation Discussion – June 29, 2022
3. Wounds to Wisdom – August 31, 2022
4. Len Grant Trucking, Human Rights Presentation, Unity – October 21, 2022
5. Mark It Read – October 23, 2022
6. Healthy Campus Saskatchewan – November 9, 2022
7. Good Business, Chapter 2, with Enough Already – November 16 & 17, 2022
8. Chokecherry Studios, Human Rights Presentation – December 6, 2022
9. Facilitator, U of S, 1st Year Dispute Resolution Course (Allan Stromberg) – January 4-6, 2023
10. Human Rights Semester Seminar U of S (Adam North) – January - April 2023
11. Regina Public Library, Public Programing Presentation on Housing – January 19, 2023
12. Ministry of Labour Relations and Workplace Safety, Café Conversation Presentation – January 25, 2023
13. Ranch Ehrlo Presentation to Life Skills Program – January 25, 2023
14. City of Saskatoon, Presentation to Council – January 25, 2023
15. University of Regina, Presentation to Graduate Business Students – January 31, 2023
16. Canadian Bar Association (Allan Stromberg) – February 14, 2023
17. Saskatchewan Association of Rural Municipalities – February 14, 2023
18. University of Regina, Undergraduate Social Work – February 27, 2023
19. MITACS, University of Manitoba, CC UNESCO, SHRC DEI Initiative, City of Saskatoon Knowledge Mobilization Workshop – March 16, 2023
20. Truly Alive Youth and Family Foundation Inc. – March 20, 2023



BUSINESS HELP LINE

Businesses, particularly those that do not have in-house human resource departments, need information about human rights related questions. In an effort to be proactive, and to help businesses avoid making mistakes that result in human rights complaints, the Commission established a business help line in 2014. Businesses and organizations in Saskatchewan can call for human rights advice – free of charge. Every year the Commission receives hundreds of calls from businesses, service providers and other employers seeking this type of advice.

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

Number of inquiries received by
the Commission's Business Help
Line during in 2022-2023:

469



WEBSITE



In keeping with its mandate, the Saskatchewan Human Rights Commission hosts a broad range of educational materials on its website designed to help people in Saskatchewan better understand their rights and responsibilities, file complaints, and access other human rights-related information.

LANGUAGE AND ACCESSIBILITY FEATURES

In the top, right-hand corner of the Commission's website you will find a yellow Accessibility box. By clicking on the "+" or "-" sign you can increase or decrease the size of the website's font to best suit your needs.

Next to the Accessibility box, there is a blue language box. The default language is set to English. When you click on the language box, a drop-down menu appears featuring more than 100 available languages, accompanied by the flag of the country for each respective language.

Use the cursor on the right to scroll until you find the language of your choice and click on it.

FINDING INFORMATION

A green menu bar spans the top of the Commission's web page for easy navigation.

The menu bar is comprised of six sections. If you have an idea what section the information you are looking for might be in, hover over that section and menu of sub-sections will appear.

For example, if you want to find out what the Commission has been doing lately, hover over the News & Events section and a drop-down menu will appear featuring the latest news, events, community engagement, etc. Click on the desired menu item and the website will take you directly to that page.

If you are unable to locate the information that you are

seeking, use the Search function located at the top of the page, next to the Accessibility box.

Enter keywords into the search bar and press Enter to conduct a website-wide search.

FILING COMPLAINTS

When the Commission's website was redesigned in 2020, one of the main goals was to create a screening tool that would assist people in filing complaints, understanding the complaint process, and determining if their complaint has reasonable grounds to proceed.

The Filing Complaints section, which can be found as a drop-down in the main menu or in clickable boxes under the banner image, is divided into five specific subsections:

- Am I in the Right Place?
- How to File a Complaint
- Ways to File a Complaint
- Road to Resolution
- Intake Questionnaire

The Am I in the Right Place? subsection provides information about prohibited grounds and public areas in which people are protected from discrimination under *The Saskatchewan Human Rights Code, 2018*.

If, after reviewing this information, a user feels their complaint has reasonable grounds to proceed, they are then moved through the varying stages of the Commission's complaint process online with the final online step being an Intake Questionnaire that is submitted to the Commission. If, however, a complaint has no reasonable grounds to proceed, users are directed to other, outside agencies that may be able to help them.

YOUR RIGHTS

Under the Your Rights section of the website, visitors can find a downloadable version of *The Saskatchewan Human Rights Code, 2018* along with information to help them better understand what discrimination is and how they are protected under the Code.

Since the majority of human rights complaints occur in the area of employment, there are also two subsections to help 1) employers and 2) employees understand their rights and responsibilities (like duty to accommodate

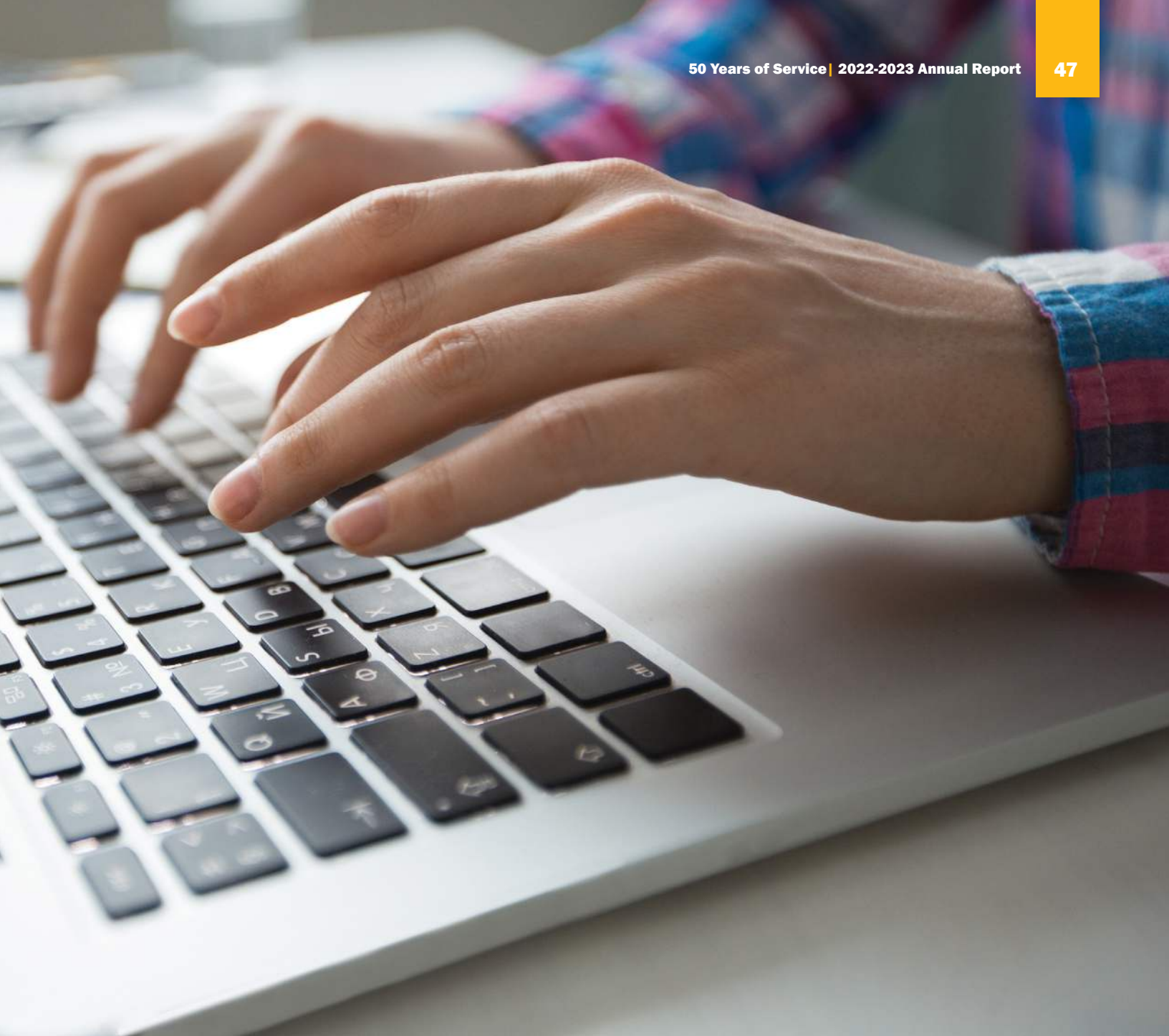


and undue hardship) under the Code.

RESOLUTIONS

In 2022, a Resolutions section was added to website to provide users with the particulars about complaints the Commission has resolved over the years, as well as complaints that have been referred to the Court of King's Bench.

The Settlements and Resolutions subsections outline specific complaints, prohibited grounds, protected activities, the stage of the complaint process at which the complaint was resolved, and what type of resolution was reached. These complaints are anonymized to protect the identities of both the Complainant and the Respondent.



Where a resolution is not reached, the matter is referred to the Court of King's Bench for hearing. This subsection, along with the Settlements subsection, contains a search function that is sortable by keywords, prohibited grounds, and protected areas.

There is also an expandable list of complaints currently before the Court available on the website.

EDUCATION & RESOURCES

The Education & Resources section provides a plethora of information about human rights and how they apply to people and organizations in Saskatchewan. This includes:

- Information about the Commission's Employment and Education Equity Programs;
- Publications – such as annual reports dating back to 1972 and other reports released by the Commission over the years;
- Policies and guidelines that assist in administering and interpreting the Code; and
- Downloadable information sheets that explain human rights and how they pertain to specific topics (e.g. sexual harassment, age, transgender people, etc.)

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.



YVONNE RAYMER - Remaining in Housing vs. Rehousing

MONDAY, MAY 30 - 10am

A green graphic with various icons: a play button, a pie chart, a megaphone, a computer monitor with a line graph, and a hand holding a coin. The word 'ADVERTISING' is written in large, light green letters. At the bottom, the text reads 'THE SASKATCHEWAN HUMAN RIGHT COMMISSION PRESENTS: ADVERTISING AND THE REPRESENTATION OF AGE, ILLNESS, AND GENDER'. The Saskatchewan Human Rights Commission logo is in the bottom right corner.

THE SASKATCHEWAN HUMAN RIGHT COMMISSION PRESENTS:

ADVERTISING

AND THE REPRESENTATION OF AGE, ILLNESS, AND GENDER

SASKATCHEWAN HUMAN RIGHTS COMMISSION



DR. BARBARA PHILLIPS



DR. MARJORIE DELBAERE



DR. MAUREEN BOURASSA



ng – a proactive approach.



KERRY BENJOE

Understanding How Residential School Shaped Me



KAYLA DEMONG

Harm Reduction: Human Rights in Action.



REBECCA RACKOW + DAVE NELSON

Disability Service Alliance

FREQUENTLY ASKED QUESTIONS

The Saskatchewan Human Rights Code, 2018 supports the rights of persons with disabilities who use service animals to participate in the public areas of life, including housing, employment, education, and access to public services and places.

The Saskatchewan Human Rights Commission's Business Help Line regularly receives inquiries about accommodating people who require service animals and support animals. The following are some of the most frequently asked questions:

Q: Does the Code require Service Animals to be trained by an official organization or certified trainer?

A: No. The Code does not include requirements for Service Animal training or certification. However, most Service Animals are trained by professional trainers with experience in training animals to assist persons with disabilities.

Q: Where must a person with a Service Animal be given access?

A: A person with a Service Animal must not be turned away in rental housing, or by condominium corporations, regardless of any pet policies.

Employers are required to allow employees to attend work with their Service Animals.

Customers with Service Animals must not be denied access to facilities or services, including retail stores, restaurants, or service centres.

Schools, colleges, and universities must allow students to attend with Service Animals.

Provincial and municipal governments must not deny access or services to persons with Service Animals.

Q: Are there any limits on Service Animals?

A: In rare circumstances, such as when there are legitimate health and safety requirements (e.g., allergies), minimal restrictions may be applied. Such limitations would need to be addressed on a case-by-case basis.

In the rare event where a Service Animal is out of control, and/or the handler does not take effective action to control of their animal, it may be reasonable to temporarily remove the animal from the premises.

Q: Is there any standard identification for Service Animals in Saskatchewan?

A: No. There are no guidelines for service animal identification in Saskatchewan. Some Service Animals may wear a vest, harness, and/or tags.

Q: What questions can we ask to determine if a dog is a Service Animal?

A: In situations where it is not obvious that a dog is a Service Animal, a handler may be asked:

- Is the Service Animal required because of a disability?
- What work or task has the dog been trained to perform?

No inquiries may be made about the nature of the person's disability. Nor can a handler be required to have their service animal demonstrate their training.

Q: What about identification?

A: A handler may wish to show some type of medical information, certification, or other documentation confirming the need for their Service Animal. Such documentation may be useful in confirming the need for accommodation, though it is not required that they carry it. A request to provide documentation may be reasonable in certain situations.

Q: Who is responsible for the care and supervision of a Service Animal?

A: The handler has full responsibility for caring for and supervising the Service Animal. This includes toileting, feeding, grooming, and veterinary care.

Q: What can staff do when a Service Animal is being disruptive?

A: If a Service Animal is out of control and the handler does not take effective action to control it, staff may request that the animal be removed from the premises.

Q: Can a person have their Service Animal with them as they use self-service food lines?

A: Yes. Service Animals must be allowed to accompany their handlers to and through self-service food lines (e.g., a "salad bar").

2022-2023 STAFF



COMMISSION OPERATIONS

Norma Gunningham-Kapphahn – Executive Director
 Scott Newell – General Counsel to the Commission
 Jocelyn Putland Wiebe – Director of Resolution
 Darrell Seib – Director of Systemic Initiatives
 Karen Materi – Executive Assistant to the Commission
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Robin Mowat
 Kayode Akomolafe
 Maria Soonias Ali
 Alanna Carlson

MEDIA

Adam Hawboldt



I am happy to have been asked to write a few words on this occasion of the 50th anniversary of the Saskatchewan Human Rights Commission. Judge Tillie Taylor occupied its inaugural chair for the first five years. Though established under *The Saskatchewan Human Rights Act*, the Commission's jurisdiction covered other existing anti-discrimination statutes, *The Fair Employment Practices Act*, *The Fair Accommodation Practices Act*, and *The Blind Persons' Rights Act*. The Commission's primary mandate was reactive, to enforce the anti-discrimination provisions in these laws from investigation to adjudication.

For the Commission's second five years, I served first as chair and then, from May 1979, as chief commissioner under the newly proclaimed *Saskatchewan Human Rights Code*. The Code was comprehensive incorporating all existing anti-discrimination laws as well as *The Saskatchewan Bill of Rights, 1947*, the very first such legislation in Canada. Beyond that, what I found most exciting was the Code's pioneering proactive regulatory provisions aimed at systemic institutional change in the direction of diversity. The Commission identified four "target groups" in this regard. These groups remain to this day as "the four equity groups": Indigenous persons, women in underrepresented occupations, "visible minorities" (or racialized persons and groups), and persons with disabilities."

In its last Annual Report, the Saskatchewan Human Rights Commission stated, "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." Forty-four years ago, our eyes were on that very prize. It was with some satisfaction that I read a report card in the Commission's most recent Annual Report, "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."

KEN NORMAN

Chief Commissioner
1978-1983

In my first Message from the Chief Commissioner, published in the 2008-2009 annual report, I wrote that "respect for one another and working towards respect for one another are integral components of every successful community and every successful human endeavour." I also spoke about the importance of diversity, harmony, and inclusion. About how human rights, and the universal respect and responsibility those rights engender, are the foundation on which Saskatchewan is built.

As the Chief Commissioner of the Saskatchewan Human Rights Commission from 2009 until 2021, those words helped guide and inform the decisions made by, and changes made to, the Commission – which were many. In 2011, legislative changes were made to *The Saskatchewan Human Rights Code* and an internal staff restructuring created a new and revitalized Commission. Best practice tools were implemented. A new approach – reflected in the Four Pillar Strategic Business Plan – focused the Commission's energies on litigation, mediation, systemic advocacy, and public education. The results were considerable. We decreased complaint wait times, reduced the use of litigation, used restorative justice principles to achieve appropriate case resolution, and bolstered the Commission's public education initiatives.

We spearheaded the creation of the Centurus Citizenship Education Foundation. We changed the discourse on hate speech in Canada. The Supreme Court of Canada's unanimous decision in *Saskatchewan (Human Rights Commission) v. Whatcott* remains the Commission's greatest contribution to Canadian jurisprudence. And we ensured that people could live in a province where human rights were both respected and protected.

SENATOR DAVID ARNOT

Chief Commissioner
2009-2021



