

CALLING FOR INCLUSION

The Canadian Human Rights Commission's
2022 Annual Report to Parliament



Canadian
human rights
commission

Commission
canadienne des
droits de la personne

Canadian Human Rights Commission

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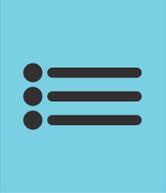


Table of contents

Interim Chief Commissioner’s message 1

Key gaps in Canada’s human rights protections: two stories3

Struggling to afford housing.....3
Learning hate6

Protecting human rights.....9

Helping people find help9
Modernizing our complaints process10
By the numbers11
New statistical trends15
Helping people find solutions16
Representing the public interest17

Promoting human rights..... 19

Calling for Inclusion: 45 Calls to mark 45 years.....19
Continuing our anti-racism work20
Promoting a more inclusive Canada20
 The right to accessibility20
 The right to pay equity21
 The right to employment equity.....21
 The right to housing22
Engaging the public23
Cultivating human rights knowledge & change24
Holding Canada to its international human rights commitments25

About the Commission 28

Our work.....28
Our people.....29



Interim Chief Commissioner's message

It is with great honour that I present the Canadian Human Rights Commission's 2022 Annual Report, *Calling for Inclusion*.

This was a significant year in many ways for the Commission. With grateful hearts we said farewell to our former Chief Commissioner, Marie-Claude Landry after her nearly eight-year mandate. The Commission saw a wave of progress during her era. We set out to put people first, and to ensure that access to justice could be a reality for all.

Those central visions guided our work once again in 2022 — a year that also marked the 45th anniversary of our founding legislation, the Canadian Human Rights Act.

The anniversary offered an opportunity to reflect on how different our world is, from when the Act was first brought into reality in 1977. From the surge of new technologies, to the drastic shifts in our climate, to the impact of social media, world politics and now the pandemic — it has all shaped the Canadian landscape, and particularly the Canadian human rights landscape.

We are proud to say that 45 years later, the Commission remains a strong, credible resource for people in Canada to turn to in the face of injustice or when seeking human rights expertise. In these fast changing times and turbulent climates, our role in promoting and protecting human rights is needed more than ever.

That is why I am so honoured to be part of this organization and to step in as leader on an interim basis. In my short time with the Commission, I have been impressed by the broad scope of issues that we are called upon to examine and lend our expertise to in a given year. These are issues raised by people's complaints of discrimination, issues brought to us by our large community of stakeholders, through our employment equity audits, and issues raised through proposed laws being considered by Parliamentarians.

After 45 years of great progress, the human rights landscape in Canada is as complex as ever. Our deeper understanding of unconscious bias, the roots of systemic racism, and the intersectional nature of discrimination has improved our understanding of a myriad of human rights issues that 45 years ago may have been overlooked, such as genetic rights and rights around gender identity. Added to all this is a host of new human rights considerations around climate change, artificial intelligence technologies, populism, misinformation and disinformation, and divisive rhetoric.

The task now before us is to ensure that human rights protections keep pace with our quickly evolving society, to keep adapting our Commission processes, and to keep advancing our knowledge so that we may provide an accessible and barrier-free path to justice.

It was with that in mind that this year we presented 45 Calls for Inclusion to mark the 45th anniversary of the CHRA. We outlined 45 human rights priorities for Canada — actions that we will continue to urge Canadian governments and people in Canada to take to help improve human rights for all.

The initiative has been a strong reminder that after decades of progress, human rights are not static. They evolve and shift and expand with society. This evolution is often led by human rights holders, activists, advocates, and defenders, whom we are grateful to learn from and to collaborate with. And as we all continue our work together, the progress of human rights can help to serve as a barometer and even a guide for our societal progress.

The task that was before us this past year, will be the same for years to come: to keep human rights issues front and center. Returning to the fundamental principles of human rights remains our best way forward to ensure we grow together as a society. We must adhere to what unites us as humans: that we are all inherently deserving of dignity and respect; that we all share a collective set of human rights and a responsibility to respect the rights of others; and that we should all have an equal chance to make for ourselves the lives that we wish to have.

At the close of 2022, I am filled with confidence in the team of dedicated people at the Commission. They are committed to ensuring the protection and promotion of fundamental human rights across Canada. I consider myself fortunate to work with them, to be their interim leader, and to present this snapshot of the hard work they carried out tirelessly in 2022.

Sincerely,

Charlotte-Anne Malischewski
INTERIM CHIEF COMMISSIONER
CANADIAN HUMAN RIGHTS COMMISSION



Key gaps in Canada's human rights protections: two stories

It has been 45 years since Parliament passed the Canadian Human Rights Act, prohibiting discrimination in Canada. Over the past 45 years, people in Canada have used this law to fight for human rights justice and change their lives and the lives of many others for the better.

But progress is not a straight line, and even after decades of progress many gaps remain. There is still so much work left to do before we can call Canada a truly inclusive society. The following stories shine a light on two key issues that are at the forefront of this next chapter of human rights in Canada, and that call for action.

Struggling to afford housing

From the little patch of grass in front of her townhouse, Ayesha Mohammed can see the future of her neighbourhood. A brand new six-story building rises above the rooves of the rows of 1960s townhouses that, interspersed with the odd high-rise apartment building, make up the southern Ottawa neighbourhood of Herongate.

Originally developed in the 1960s, Herongate has been home to a largely working-class, immigrant community, offering a rare combination of low rents, ample greenspace and, according to older residents, a friendly “village feel.”

But all that has changed in recent years. Landlords have changed, maintenance standards have plummeted, and a run-down character has set in, with garbage strewn across lawns and windows boarded up with plywood. Complaints by the residents and notices from the city went unaddressed by the landlord – including serious health and safety concerns. Those desperate for a place to live were forced to accept the inadequate conditions because it was their only affordable option.

In 2012, a large investor purchased Heron Gate Village and embarked on a campaign to redevelop the site. Two waves of evictions followed — in 2016 and 2018. Gradually, the original buildings are being replaced with condos and apartments which, for the most part, will be priced way beyond the reach of current residents.

Ayesha knows her days at Heron Gate Village are numbered. Every time she checks the mail, she is expecting an eviction notice. And she has no idea where she and her mother, who came to Canada as refugees from Somalia, will go next.

“I am worried,” she says on the phone from a water treatment plant in Ottawa, where she is working as a security guard. “Everything here is so expensive. Ottawa has a housing crisis.”

Ottawa ranks among the most expensive rental markets in Canada for a major city – behind only Vancouver and Toronto. Low vacancy rates also mean that available housing is scarce. Meanwhile, the waiting list for subsidized units in the city ranges anywhere from 5 years to 20 years depending on the size of the unit, with more than 10,000 households on the list.

In fact, all of Canada is experiencing a housing crisis. For many in the middle class, it will mean never owning the kind of houses they grew up in. According to the Royal Bank of Canada, the country's housing market reached peak unaffordability last year, with the average cost of home ownership in Canada accounting for 60 per cent of median household income.

But for others, it will mean not being able to afford any housing whatsoever. What's at stake in Canada's housing crisis are not just crushed dreams of home ownership but a fundamental human right: of access to adequate housing. And according to experts, one of the most serious threats to the realisation of that right is the mechanism behind what is happening at Heron Gate Village: financialization.

The financialization of housing refers to the process by which housing is treated as a financial commodity and an asset for profit, instead of its actual purpose: meeting people's basic right to shelter and a place to call home. As the trend gathers steam across Canada, financialization is driving up the price of housing, and eating away at a dwindling supply of affordable housing.

Financialization works in various ways, but the motive is always profit-driven and the main actors are financial entities. The company that bought Heron Gate Village, for instance, is a global investor, manager and owner of real estate; it manages over 24,000 residential units in Canada.

Companies like it, which package housing into investment products, are playing an ever more active role in Canada's rental market. Real Estate Investment Trusts (REITs) are one such investment vehicle. From no involvement in 1996, REITs owned some 200,000 rental suites in Canada in 2021, and combined with other types of financial firms, hold roughly 30% of the country's purpose-built rental housing.

These real estate companies and funds aim to drive profits for investors, shareholders and executives. They have no incentive — beyond what they are compelled to do by local municipal governments — to create or even maintain affordable housing. The strategy with older properties is often to invest as little as possible in the existing stock. This is something Ayesha and her neighbours in Heron Gate Village say they experienced first-hand whenever they reported a broken washer or burst pipe. They allege that they would often be berated by office staff before waiting weeks if not months for replacement or service.

Once facilities have degraded beyond a certain point, property owners can present demolition as the best option. And then they are free to develop a new class of real estate which, in keeping with their own logic, maximises the asset's financial value.

Martine August, a professor of urban planning at the University of Waterloo, finds it paradoxical that Canada, with its firm tradition of keeping social goods like education and health care in public hands, is tolerating this development.

“The right to profit has been elevated above the right to housing,” she says, pointing out that financialization inevitably leads to growing inequality and disproportionately impacts racialized groups.

Such was the case at Heron Gate Village. Following the 2018 evictions, in which 105 families lost their homes, 14 former tenants launched a human rights complaint, seeking redress at a provincial level. They claimed that: “the mass, forced displacement of an entire community of immigrants, people of colour, families, and people receiving public assistance amounts to systemic discrimination.” A ruling in their favour would set a landmark precedent for human rights protection against financialization. So far though, they don’t yet have answers about their complaint.

August argues that all levels of government must work to reduce the influence of financialization on housing, and not only as a matter of fairness. In 2019, the federal government codified the right to housing into law with the National Housing Strategy Act. It requires governments to ensure the provision of affordable, secure, accessible and decent housing to all Canadians. With some 235,000 Canadians experiencing homelessness every year, and forty per cent of tenants spending more than a third of their household income on rent, there is a long way to go.

Among the measures August recommends are a strengthening of rent control. Some provinces do not have any form of it, and those that do offer loopholes that are easily exploited. She also wants to see more rigorous anti-eviction legislation and limits to the proportion of housing that can be held by financial entities. Most importantly, she hopes for a shift in attitude.

“We have to realize that financial firms are in rental housing for what they can take, not what they can give,” she says.

Meanwhile, Ayesha is watching friends and former neighbours struggle to find housing in Ottawa, knowing that the task will soon fall to her. She’s checked the website of the Vista Local, the new apartment building that she can see from her front yard, whose one-bedroom studio suites cost more than the 3-bedroom townhouse she now shares with her mother and a roommate.

“Go without boundaries and move beyond the mortgage,” the website reads. “Own what matters and liberate what doesn’t... it’s time to choose a life that’s truly yours.”

If only she could.

Learning hate

In a single month in 2022, the Toronto District School Board reported six antisemitic incidents in its schools. At three schools, students in middle grades performed the Nazi salute and shouted Nazi slogans. This was in front of their Jewish teachers and classmates. Antisemitic graffiti appeared on three other high schools in that same month of February 2022.

The surge in antisemitism may seem shocking, but it is part of a broader trend. In the first year of the pandemic, police-reported crimes motivated by racial or ethnic hatred jumped 80%.

The two developments — the pandemic and the rise in hate crimes — are not unrelated. Spending countless hours online during lockdowns, people — adult and children alike — were exposed to more of hate-motivated and factually inaccurate content that pervades social media and gaming sites.

What would motivate 12-year-old Canadian urban kids in the year 2022 to re-enact one of the worst hand-gestures and declarations in human history? The answer lies in their back pockets. They've seen it done online.

The students admitted as much when questioned after the incidents.

“These are not ‘bad kids’,” says Marilyn Sinclair, the Markham-based daughter of a Holocaust survivor and founder of Liberation75, an organization that commemorates the liberation of the Nazi concentration camps and seeks to promote Holocaust education across Canada. “They’re not Holocaust deniers. They’ve just been subject to so much mis- and dis-information.”

The distinction is not just semantic. Misinformation is factually incorrect; disinformation is deliberately misleading, incorrect with malicious intent. It is not a new concept. In the 1920s, Joseph Stalin created what was called a “dezinformatsiya” unit within the Soviet security agency KGB. Its central duty was to spread false rumours and shape public opinion. But disinformation takes on new meaning in today’s digital universe. Social media — and the bots, trolls, hackers and microtargeters that underpin it — provide a breeding ground.

Sinclair is working with Toronto District School Board’s Jewish Heritage Committee. Together, they want to better understand exactly how and why antisemitism is seeping into the school system. In recent months, Liberation75 published a report based on a survey of 3,600 Toronto students from grades 6 through 12. Asked whether a Holocaust in which six million Jews were murdered had taken place, two thirds responded yes. Ten percent said they thought it was a fiction or exaggeration and 23 per cent didn’t know what to answer.

Part of the problem is ignorance. Sinclair hopes it will be addressed by making Holocaust education a mandated part of Grade 6 history curriculum. Ontario is the first province to agree to do this, beginning in the 2023 school year. But the much bigger and more complex problem, which extends well beyond the classroom, is the proliferation of online hate and disinformation, and how it manifests in the physical world.

As another example, in December 2022, two Ottawa students found a swastika on the floor of their high school and reported that another student made a Nazi salute gesture. With an investigation still ongoing at the close of 2022, the incident is just the latest in a series of antisemitic incidents in Ottawa schools, said Andrea Freedman, the president and CEO of the Jewish Federation of Ottawa. As reported by the Ottawa Citizen, Freedman says that incidents over the past 18 months have ranged from swastikas to gas chamber references and the use of the Nazi salute. She added that it can be hard to know for sure how many incidents. “Kids don’t necessarily tell their parents,” she explained.

In March 2022, the federal government convened an advisory group to help craft legislation to address the pressing human rights matter of harmful online content. Among the group’s experts were specialists in the law, child protection, psychology, media, communications, ethics and public policy. The challenge, in the Government’s own words, is to create “safe and respectful spaces online” while protecting freedom of expression for people in Canada.

It’s no easy task. Emily Laidlaw chairs the group. She is a professor of law at the University of Calgary, and holds a Canada Research Chair in Cybersecurity Law. Professor Laidlaw acknowledges that the inherent conflict between the right to free expression and the right to live free of hate will never be perfectly reconciled. What matters, she says, is the process through which those rights are balanced.

At the moment, the balance is off. Laidlaw sees the cumulative impact of online hate and disinformation as a “slow burn” in which harmful, hateful viewpoints have gradually become embedded — as in the Toronto students’ embrace of antisemitism. But it’s hard to know who to point a finger at: the purveyors of hatred; the online platforms that host and amplify it; or the gaps in the legislative framework that fail to prohibit it?

It’s these gaps that the Canadian Human Rights Commission has been vocal about for years. It goes back to the 2014 repeal of the section 13 of the Canadian Human Rights Act that once sought to address hate speech in Canada, rather unsuccessfully. We have said repeatedly — including at a 2022 event hosted by the Globe & Mail as part of their comprehensive study into hate in Canada — that this issue needs a comprehensive solution. It is not enough to add Section 13 back to the Canadian Human Rights Act. That was a blunt tool for an old era. We need better tools to address online hate that promotes antisemitism, and all other forms of religious intolerance, including Islamophobia.

Even in a new era of more inclusive classrooms, the reality is that hate is on the rise. And as matters currently stand, the only federal recourse for a victim of hate is the criminal justice system. Existing limits on freedom of expression, as defined in criminal law, are there for good reason: words and images can cause real harm. The question is how best to enforce those limits in our growing digital universe, and are they enough to address the problem?

Police can lay charges such as mischief, harassment, spreading hate propaganda, or incitement to violence, but these crimes are only rarely charged, can be hard to prove, and the perpetrators — often a diffuse mob hiding behind IP addresses — are hard to track down.

Professor Laidlaw would like social media platforms to be compelled to show how they are protecting their users from harm. She argues that just as carmakers must design cars with driver safety in mind, so too should social media companies prioritize the safety of their users — even if this complicates a business model that thrives on outrage, polarization and discord.

There are no easy answers and no quick fixes. But Professor Laidlaw feels it's essential that people in Canada remember: "Freedom of expression is not absolute. It is freedom governed by law."

In other words, freedom of expression is not a one-way street where hate has the right-of-way. As Canada's Supreme Court has said: "Not all expression is created equal."



Protecting human rights

Each year, the Canadian Human Rights Commission helps thousands of people address their human rights concerns or find information about their rights. In many cases, we help people resolve their issues quickly and informally. In other cases, we help them find the more appropriate place for them to bring their issue. Even then, sometimes a person still needs to file a formal discrimination complaint. If and when they do, the Commission helps guide them through that process.

Helping people find help

Every year, thousands of people contact the Commission through our website, by phone and by email to ask for help. In most cases, we are able to help people find the answers or solutions they need without them filing a formal discrimination complaint. In many instances, we are able to help people resolve issues quickly and informally. In other cases, we direct the complainant to the appropriate organization (e.g. a provincial or territorial human rights commission, or a designated organization that has the authority to resolve the complaint.)

The Commission also handles a significant number of formal discrimination complaints each year. As the Commission is taking steps to modernize its process and make it more accessible, it is still a legal process. As with all legal processes, human rights complaints can be complex, time consuming, and hard to navigate.

The Commission's human rights officers work with the parties to complete all the necessary steps. This often involves frequent one-on-one conversations and follow-ups with human rights officers. In cases when a complainant is in a vulnerable situation, we ensure they are helped as quickly as possible.

In 2022, **46,600** people contacted the Commission through our website, by phone and by email to ask for help.

Most are helped without needing to file a complaint.

Our commitment to those we serve

A human approach

We treat everyone with respect and dignity. We recognize the inherent humanity of the people we deal with. We listen actively and with empathy to the people we serve.

A flexible, case-by-case approach

We remain mindful of accommodating people's individual needs. And we use a common sense approach to adapt processes so that they are less bureaucratic.

Modernizing our complaints process

This past year, the Commission was committed as ever to improving and modernizing our complaints process. Improving access to human rights justice for people in Canada remains a constant priority.

Over the past few years, informed by user and stakeholder feedback, we have been working to make our complaints process more accessible for all, and provide an overall easier experience for the people who come to us for help.

In 2022, this work carried on. We identified where we need to focus our efforts to continue creating a sustainable, efficient, accessible system, and address some of the obstacles raised in our preliminary review of our new process. Here are the highlights:

- We launched a new online complaint form. It has been tailored to help complainants provide us with the precise information we need to get them to the right place faster, and file a complaint more easily.
- We introduced Modernization.modernisation@chrc-ccdp.gc.ca, a generic email address dedicated to our modernization efforts. It allows us to receive accommodation requests from parties, better engage with stakeholders, and conduct user testing of our online complaints platform.
- We continued to make improvements to our online services and platforms to ensure that they are accessible for all. This work includes working with both screen reader software and plain language software.
- We continued to engage with individuals with lived experience in order to test our modernization improvements, and give us ongoing feedback.
- We updated our Complaint Rules to make them more inclusive for all.
- We launched an improved and illustrated section of our website that takes the reader through the various steps of the Commission's complaint process.
- We continued to provide staff training to human rights officers in our Complaints Branch.
- We established a new contract with a local distress center so that our officers can better support clients in crisis.

By the numbers

As a human rights screening body, the Commission reviews every complaint we receive. We can only accept complaints that meet the requirements outlined in the Canadian Human Rights Act. We help people resolve their issues in the quickest, most confidential, and fairest way possible. This can involve mediation, referral to another organization, or referral to the Canadian Human Rights Tribunal.

The Commission accepted **763** complaints in 2022.

As with most legal processes, human rights complaints can be complex and time consuming. It can often take several years for the parties to complete all the necessary steps.

The Commission had approximately **2,500** active cases in its system in 2022.

We helped settle **236** cases in 2022.

We dismissed **115** cases.

We deferred **473** cases at the preliminary issues* stage.

We referred **140** cases onward to the Canadian Human Rights Tribunal for adjudication.

*The Commission makes decisions on preliminary issues after accepting a complaint. Preliminary issues are questions that the Commission may need to resolve under section 40 and/or section 41 of the Canadian Human Rights Act before moving an accepted complaint forward. These issues may include: whether a complaint was filed too late; is the person filing the complaint unionized and has access to a grievance process that can deal with the human rights issues; is the person raising concerns that are not human rights issues etc.

The following numbers are related to the **763** complaints that were accepted by the Commission in 2022 because they met the necessary criteria of discrimination complaint.

Proportion of accepted complaints by grounds of discrimination

Ground	% Accepted 2022	% Accepted 2018 to 2022
Disability	47%	52%
Race-Colour-National or Ethnic Origin*	31%	33%
Sex	19%	19%
Family Status	8%	11%
Age	9%	10%
Religion	21%	11%
Marital Status	2%	3%
Gender Identity	2%	3%
Sexual Orientation	3%	3%
Pardoned Conviction	0%	0%
Genetic Characteristics	1%	0%

NOTE: In this graph, the total exceeds 100% because some complaints cite more than one ground.

*Includes complaints citing race, colour or national/ethnic origin as these grounds of discrimination are typically cited together.

From where did the 2022 complaints originate?

Canadian provinces and territories	% complaints accepted
Ontario	40%
Alberta	16%
British Columbia	16%
Quebec	11%
Manitoba	4%
Nova Scotia	3%
New Brunswick	3%
Saskatchewan	2%
Newfoundland and Labrador	2%
Yukon Territory	1%
Northwest Territories	0%
Nunavut	0%
Prince Edward Island	0%
Other / Multiple / Unspecified	4%
Grand Total	100%

WHAT were the 2022 complaints about?

61% Employment-related

39% Service-related

WHO were the 2022 complaints about?

Who	%
Federal Government	47%
Transportation	22%
Finance/Banking	11%
Communications	7%
Reserves/Band Councils	6%
Unions	1%
Other / Unknown	6%

Mental health: 44% of disability complaints were related to mental health. This represents 21% of complaints accepted by the Commission in 2022.

Intersectionality: 31% of complaints accepted in 2022 cited more than one ground of discrimination.

Harassment: 15% of complaints accepted in 2022 cited harassment.

DECISIONS IN 2022 BY GROUND

Decisions citing disability

Decision	%
Dismissed	13%
Referred to Tribunal	10%
Preliminary issues	47%
Settled	30%

Decisions citing race, colour, or national or ethnic origin

Decision	%
Dismissed	9%
Referred to Tribunal	21%
Preliminary issues	49%
Settled	21%

Decisions citing Sex

Decision	%
Dismissed	11%
Referred to Tribunal	12%
Preliminary issues	53%
Settled	23%

Decisions citing Family Status

Decision	%
Dismissed	22%
Referred to Tribunal	10%
Preliminary issues	47%
Settled	21%

New statistical trends

Top 3 kinds of complaints from federal inmates in 2022

Disability: 29%

Race, colour or national/ethnic origin: 28%

Religion: 16%

Top 3 kinds of complaints from Indigenous individuals in 2022

Race, colour or national/ethnic origin: 57%

(63% of which were related to Service; 37% of which were related to Employment)

Sex: 19%

Disability: 15%

Top 3 kinds of complaints centred on Black identity in 2022

Race, colour or national/ethnic origin: 60%

(62.5% of which were related to Service; 37.5% of which were related to Employment)

Sex: 15%

Disability: 12%

Note: 8% of the complaints the Commission accepted in 2022 were filed by individuals who identified as being Black.

Helping people find solutions

One of the most valuable services that a human rights institution can offer is the opportunity for early, effective, informal dispute resolution. Mediation is often the fastest way to a satisfying resolution. Mediation is a voluntary process in which both parties in a complaint work with an impartial Commission mediator to arrive at a solution.

In 2022, the Commission revamped our mediation model to increase our capacity so that we can resolve cases sooner or refer them to the Tribunal more swiftly. Here are the highlights:

- We are ensuring that both complainants and respondents are more prepared at mediation sessions, having completed the necessary Complaint, Response and Reply forms, now available online.
- We have levelled the playing field by allowing both parties to understand each other's perspectives in advance of mediation, thereby improving the discussion.
- We have equipped our Commission mediators to better evaluate the facts and merits of the case.
- We have moved to half-day instead of full-day sessions, to increase the total number of mediations that the Commission can offer.
- We have introduced a new, centralized mediation scheduling model that ensures timely mediation bookings while reducing the administrative burden on Commission staff.

The Commission is also expanding the use of conciliation. Under section 47 of the Canadian Human Rights Act, the Commission can refer complaints to conciliation at various stages of the process. Conciliation is like mediation, but is mandatory, not voluntary.

Mediation and conciliation can be very effective at resolving both individual and systemic or complex complaints early in the process. The Commission offers this service free of charge to the parties and it has often resulted in significant outcomes for people who are involved.

29% of the complaints accepted were mediated in 2022.

59% of mediated complaints reached a settlement.

Representing the public interest

The Commission examines every discrimination complaint it receives. In some cases, the Commission will refer a complaint to the Canadian Human Rights Tribunal for a hearing. In cases where the issue has the potential to either affect the rights of many people in Canada or help define or clarify human rights law, the Commission's legal team will participate in the hearing and represent the public interest. In rare instances, a case will continue through Canada's court system, sometimes all the way to the Supreme Court of Canada. This can take several years.

Throughout 2022, the Commission participated in legal proceedings before the Tribunal and the federal courts. This included virtual Tribunal mediation sessions and even virtual hearings.

140 cases were referred to Tribunal in 2022:

- **57% were related to employment.**
- **40% were related to service.**
- **23% involved allegations of harassment.**

Services in First Nations communities

In January of 2022, the Canadian Human Rights Tribunal (Tribunal) released a decision that could help improve police services for the Pekuakamiulnuatsh First Nation. The complainant, Mr. Gilbert Dominique, on behalf of his Nation, alleged that the federal government failed to adequately fund and support the delivery of substantively equal policing services in his First Nations community.

The Tribunal agreed. After a full hearing, in which the Commission participated on behalf of the public interest, the Tribunal determined that this case amounted to discrimination on the basis of race, as well as national or ethnic origin. The federal government sought judicial review of the Tribunal's decision. A decision is expected sometime in 2023.

In addition, this past year, the Commission continued to participate in ongoing legal proceedings regarding the federal government's delivery of child and family services, and implementation of Jordan's Principle. The Tribunal released new rulings in 2022. They deal with matters such as major capital expenditures, age limits for access to services, training for government employees, funding for important research, as well as the relationship between the Tribunal's compensation awards and a potential class action settlement. The Commission remains committed to the ultimate outcome of seeing improved child and family services that protect the right of First Nations children to grow up safe with their families.

Expression in defense of human rights

In October of 2022, the Commission appeared before the Supreme Court of Canada to intervene in the case of *Hansman v. Neufeld*. The case deals with the law of defamation, freedom of expression, and the public interest in combating discrimination.

Mr. Hansman is a gay man and teacher who was the President of the British Columbian Teachers' Federation. The respondent, Mr. Neufeld, is an elected public school board trustee. When the province of British Columbia published materials promoting inclusive environments in schools regarding sexual orientation and gender identity, Mr. Neufeld made public, negative comments about the materials. Mr. Hansman publicly criticized Mr. Neufeld's negative comments. Mr. Neufeld sued Mr. Hansman for defamation.

The question before the Supreme Court is whether the public interest to allow debate over these issues outweighs Mr. Neufeld's right to continue his lawsuit. The Commission served as one of several interveners before the Supreme Court. We argued that in balancing the issues in this case, the Court should give more weight to Mr. Hansman's expressed ideas, because they support vulnerable and equity-seeking groups. We told the Court that people who speak out in support of equity-seeking groups, or respond to harmful discourse, should be able to do so without fear of lawsuits aimed at silencing them.

The Supreme Court's ruling is expected in 2023.



Promoting human rights

The Commission is responsible for promoting equality and inclusion in Canada. We do this by raising awareness, encouraging dialogue, conducting research and analysis, engaging with civil society and the international human rights community, providing expert advice and guidance to policy-makers and federally regulated employers and service providers, and speaking out on pressing human rights issues affecting people in vulnerable situations.

Calling for Inclusion: 45 Calls to mark 45 years

In 2022, the Canadian Human Rights Act (CHRA) marked its 45th anniversary. Since 1977, the Canadian Human Rights Act has given people in Canada a powerful tool to fight for inclusion, justice and equality. From recognizing 2SLGBTQI+ rights, to affirming the rights of Indigenous children, and creating a more accessible Canada, the Act has helped improve our country for the better.

After 45 years of progress towards being a world leader of human rights and equality, the reality is that far too many people in Canada continue to face discrimination and exclusion every day, both individually and systemically. Canada still has a long way to go on the road to inclusion. More must be done to include those still living in vulnerable circumstances. None of this can be solved with half measures. It will take a committed, concerted effort from all elements of Canadian society — Canadian governments, employers, service providers, organizations and people across Canada.

It was with all of this in mind that in 2022 we launched a campaign to mark the 45th anniversary of the CHRA, and to call for collective action — 45 calls in fact. One by one, we unveiled our 45 Calls for Inclusion over the fall of 2022. The final result is a national to-do list, a roadmap, to improve inclusion for all.

Most notably perhaps, is our final and 45th call for inclusion. It reaffirms that after 45 years, the CHRA must keep evolving with society, as it has over its history. In Call #45, we are calling for our founding legislation to be amended to better protect the socioeconomic rights of people in Canada. We will table our special report to Parliament on this very issue in 2023.

Continuing our anti-racism work

Over the course of 2022, the Commission’s core commitment to anti-racism action and change remained a pillar of our work. We continued to embed the various actions outlined in our 2021 Anti Racism Action Plan across all our roles — an employer, service provider, as a regulator and as Canada’s national human rights institution.

In September 2022, we published our second comprehensive Anti-Racism Action Plan Progress Report, which is available on the section of our website dedicated to our ongoing anti-racism work. It details how we are advancing anti-racism, equity and inclusion across our various roles. The report provides an update on the specific actions we have taken, the results we have achieved, and the next steps we will pursue to maintain our momentum.

Since our last Progress Report in June 2021, we have continued to make systemic improvements to our workplace. From strengthening our complaints screening process to improving access to justice for Indigenous, Black and other racialized people. We have used our engagement with our diverse network of stakeholders to inform continued improvements to our work.

To date, we have completed 17.5% (7) of our actions, while 52.5% (21) are in progress. The remaining 30% (12) of our actions have been integrated into our way of working.

Equally important to marking this progress is how our Progress Report reaffirms the Commission’s understanding of how systemic racism in Canada is deeply-rooted, complex and intersectional. We will continue to weave this understanding and our commitment to anti-racism into everything we do and everything we are.

Promoting a more inclusive Canada

The right to accessibility

In the spring of 2022, the Commission welcomed Michael Gottheil as Canada’s first Accessibility Commissioner. Mr. Gottheil leads the Commission’s Accessibility Unit in promoting and enforcing compliance with the Accessible Canada Act (ACA) and the Accessible Canada Regulations, which came into force at the end of 2022. Mr. Gottheil will table his own Annual Report to Parliament later in 2023, highlighting the achievements of his office over the last year, including observations and recommendations to the Minister.

These regulations are the first ACA regulations. They establish the rules that organizations must follow to comply with the ACA. Both the ACA and its regulations require federally regulated organizations to publish accessibility plans, feedback processes, and progress reports.

Over the course of 2022, the Commission developed guidance, tools and resources to help organizations understand and meet their obligations under the Act and its regulations. Key examples include launching Compliance Self-Assessment Tools and the “My Accessibility Portal,” which are available on the Commission’s website.

The right to pay equity

In November 2022, Pay Equity Commissioner Karen Jensen was appointed to the Ontario Superior Court, ending her term with the Commission. We thank Justice Jensen for her contribution and dedication in leading the Commission's Pay Equity Unit through the first integral years of its mandate. Lori Straznicky then joined the Commission as interim Pay Equity Commissioner for a one-year term, and will table her own Annual Report to Parliament later in 2023, highlighting the achievements of her office over the last year.

Throughout 2022, the Commission continued working to implement the Pay Equity Act (PEA) and Regulations. The PEA requires federal institutions and federally regulated organizations to ensure that they are providing equal pay to men and women doing work of equal value.

Consulting closely with stakeholders, we developed various online tools and publications to help people better understand and meet their obligations under the PEA. One of the key features of the legislation is that it requires regulated organizations to develop and periodically update a pay equity plan. The deadline for employers to submit their first pay equity plan is fast approaching. The Commission is here to help.

The right to employment equity

Over the course of 2022, our role in holding federally regulated employers to account under the Employment Equity Act (EEA) kept us busier than ever, with three initiatives standing out from the rest.

Identifying barriers to employment equity in Canada's telecom industry and federal public service

After several years of work that was briefly interrupted by the pandemic, in 2022 we published our final report on one of our most extensive horizontal audits in our history. It revealed that many people with disabilities do not have fair and equal access to employment in Canada's broadcasting and telecommunications sector.

With a workforce of nearly 130,000 employees, the broadcasting and telecommunications sector makes up a significant portion of the federally regulated workforce of Canada. Our sector-wide audit revealed that the representation of people with disabilities in the communications sector is well below the number of people with disabilities available to work in the sector.

The audit found key barriers for people with disabilities, including stigma and stereotypes, a lack of disability awareness training, the lack of employees with disabilities as role models or mentors, and difficulty negotiating reasonable accommodation in the workplace.

Implementing a blitz audit of smaller federally regulated organizations

The Commission has developed a new blitz audit approach that allows us to conduct spot checks of organizations' employment equity program.

With this approach, in early 2022, we audited 200 private sector employers, with fewer than 300 employees. The goal is to identify barriers regarding how they collect their information on employment equity, and to evaluate their workforce analysis for the four designated groups under the EEA. Once completed, this pilot blitz audit will provide a picture of the representation of designated group members in smaller federally regulated organizations and generate a sampling frame for future in-depth audits.

Providing input in how to modernize and improve the Employment Equity Act

In early 2022, the Commission took part in the consultation being done by the Government of Canada's Employment Equity Act Review Task Force to look at how to modernize and improve the employment equity framework in the federal jurisdiction in Canada.

Our recommendations to the taskforce were informed by 25 years of the Commission's frontline experience. Since 1997, we have been working to uphold the Employment Equity Act (EEA) by working with federally regulated employers and auditing their performance. Over that time, we have heard directly from various stakeholders about their experiences with the EEA.

Our recommendations to the Taskforce were delivered in a comprehensive report in which we have recommended many changes to the EEA that would bring it into step with other human rights legislation and advance the goal of substantive equality for all equity-deserving groups.

The right to housing

The housing crisis continued to weigh on people in Canada in 2022. Homelessness is on the rise, housing is unaffordable and unavailable, and disadvantaged groups are falling further behind. Shelters were pushed to a breaking point this year, and encampments grew. A record number of people died on the streets. Over the course of 2022, the Commission continued calling for the human right to housing for all. In public statements, we spoke out about the need for governments at all levels to take urgent action to uphold the human right to housing, including supports for people experiencing housing precarity and homelessness.

In 2022, the Commission and the Federal Housing Advocate, Marie-Josée Houle advanced the right to adequate housing and collaborate on this critical area of human rights in Canada. Following attacks on people experiencing homelessness in August, the Commission issued a joint statement with the Federal Housing Advocate to condemn this violence as a hate crime and demand dignity, safety, and protection for people experiencing homelessness. Upholding their human right to housing and protecting them from violence is a matter of life or death.

We spoke out about the need for better housing options for people with disabilities following reports that at least one person had accessed medically assisted death because they could not find suitable housing. Leaving people to make this choice because the state is failing to fulfill their fundamental human rights is unacceptable.

We also collaborated with Trans Pulse Canada to develop research on the experiences of inadequate housing in trans and non-binary communities in Canada. The research report will be released in 2023.

In 2022, we also provided a submission to the Accessible Standards Canada and CSA Group on the Accessible Private Homes standard. In it, we called for a various additions to the standard to help make it more inclusive. For example, we want the standard to include recognition of the disproportionate rates of poverty experienced by people with disabilities as well as their various intersecting identities and living situations.

Engaging the public

As Canada's human rights watchdog and national human rights institution, the Commission has a responsibility to be an independent, national voice for human rights in Canada. We must work closely with our network of stakeholders to stay on top of key and emerging human rights issues, and communicate those issues to Parliamentarians and the broader Canadian public.

This past year, in close discussions with stakeholders, in public engagements with audiences and across our various media channels, we worked to remain a bold, national voice for human rights in Canada by:

- Continuing to sound the alarm on hate in Canada, and the need for a coordinated and proactive legislative solution.
- Voicing the need to address violence against people experiencing homelessness.
- Speaking out against hate symbols and hate propaganda, particularly during various public protests throughout 2022.
- Calling for urgent action needed to stop sexual coercion and violence in federal prisons.
- Applauding and fully supporting the Honourable Louise Arbour in her "Report of the Independent External Comprehensive Review of the Department of National Defence and the Canadian Armed Forces" as a roadmap towards deep organizational change.
- Speaking up about systemic anti-Black racism in Canada and recognizing how key human rights cases are finally articulating the deep roots of anti-Black racism in Canadian society, and the complex psychological and sociological impacts.
- Advocating in support of the rights of people with disabilities. For example, we spoke out on how the problems faced by Canada's airline industry in 2022 disproportionately impacted travellers with disabilities.
- Urging Canada to address the systemic inequality and inadequate access to services for many people with disabilities so that they do not see Medical Assistance in Dying as their only option.

- Appearing before the Standing Senate Committee on Human Rights to contribute to their study on Islamophobia. We told them that: Islamophobia is racism; that anti-Muslim racism permeates all aspects of society, including workplaces; and that we must do more to ensure that Muslim people in Canada feel welcome, included and valued in workplaces and society.

Cultivating human rights knowledge & change

As a centre for human rights knowledge, a large part of the Commission's work each year is to provide and support a range of human rights research, guidance and knowledge. This work is far-reaching. It helps inform important discussions within Canadian society, within Canadian academia, at the international table, and in a parliamentary committee. This year, we focussed our knowledge work on several key issues, with artificial intelligence being key among them.

Human rights and artificial intelligence

In the fall of 2022, the Standing Committee on Access to Information, Privacy and Ethics released their report, "Facial Recognition Technology (FRT) and the Growing Power of Artificial Intelligence." It is a comprehensive report consisting of in-depth analysis and 19 recommendations. Overall, the Committee's study confirmed that Canada's current legislative framework does not adequately regulate FRT and other forms of artificial intelligence (AI). They confirmed that without the right legislative framework in place, a national pause should be put on the use of FRT in policing.

Earlier in 2022, the Commission made a submission to the Committee to offer our knowledge and insights to that report. We looked closely at the various human rights implications of this emerging issue, with a focus on the use of FRT in policing. We raised concerns that the over-surveillance of Black and Indigenous communities would be exacerbated through the use of FRT which itself is often biased against people of colour. We are encouraged by how the report and its recommendations are well aligned with our human rights perspective on the use of FRT and AI in the policing sector. We welcomed one recommendation in particular that calls for an update to the Canadian Human Rights Act to ensure that the CHRA protects people in Canada from discrimination caused by the use of facial recognition technology and other artificial intelligence technologies.

We welcome steps such as the government response, and debate on Bill C-27, which proposes a new Artificial Intelligence and Data Act, and a new Artificial Intelligence and Data Commissioner. It also proposes the regulation of AI systems that may cause serious harms, including those stemming from bias or discrimination. It is our hope that government actions and new legislation will integrate human rights perspectives and lead to legal and policy changes that will better protect human rights and privacy rights.

Holding Canada to its international human rights commitments

The Commission is Canada's national human rights institution. We engage with international partners and with UN committees to help promote human rights worldwide. As part of this work, we monitor and report on whether Canada is meeting its international human rights obligations.

Monitoring disability rights in Canada

Throughout 2022, we continued our work as Canada's National Monitoring Mechanism responsible for monitoring Canada's implementation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

We continue to focus this work on three key priority areas: housing, poverty, and work and employment. These key priority areas were identified during our public engagement process in 2020 with people with disabilities from across Canada, as well as the organizations that advocate on their behalf, and with families and caregivers of people with disabilities.

For the housing priority, we worked with the Federal Housing Advocate, Marie-Josée Houle, and her office, to advance the right to housing for people with disabilities in Canada. In June, the Commission co-hosted a virtual panel at the United Nations with the Federal Housing Advocate. This was part of a larger meeting of countries who have signed on to the CRPD. The virtual panel discussion highlighted the intersection of housing rights and disability rights in Canada. This accessible virtual event was attended by more than 100 participants and included panelists with diverse lived experiences. It also included the Federal Housing Advocate, Marie-Josée Houle. The discussion helped raise awareness of our upcoming work with the Federal Housing Advocate to jointly monitor this important area of human rights.

At this virtual panel, participants expressed an interest in engaging directly with the Commission on this topic of intersecting housing rights and disability rights. To facilitate this, the Commission and the Office of the Federal Housing Advocate hosted two engagement sessions in November and December with people with disabilities, and their families and caregivers. These sessions were co-developed with people with disabilities as well as allies and advocates. People with diverse lived experiences and perspectives participated. We learned from participants that they are experiencing significant barriers to accessing their rights in Canada, including:

- **Finding safe and accessible housing:** Participants said that it is currently very difficult to find accessible housing, that their safety is at risk, and that accessibility standards are not consistent.
- **Navigating discriminatory systems:** Participants said that they experience discrimination from landlords, neighbours, and social support programs.
- **Managing increasing challenges with the rising cost of living:** Participants said that it is getting increasingly difficult for them to afford to live in Canada. For some people, it impacts their ability to live independently, go to school, and even live with their partner.
- **Securing support for caregivers:** Participants said that the lack of supports for people who need care can force them to live in institutions, and can cause compound pressures on family members.

The response to these engagements was very positive, and rights holders expressed interest in attending similar events in the future. The results from these engagement sessions will continue to inform our monitoring and advocacy work.

For the other two priority areas — poverty, and work and employment — we provided a submission to the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities in November 2022. This was to inform the Committee’s study of Bill C-22 (the Canada Disability Benefit Act.) This proposed law would see the federal government create a Canada Disability Benefit. We recommended that Bill C-22 be passed into law and implemented as swiftly as possible. We added that the Bill could be strengthened by:

- better articulating Canada’s obligations under international human rights treaties and under the National Housing Strategy Act,
- better reflecting the human rights principle of intersectionality, and
- better reflecting the human rights principle of meaningful engagement (“Nothing Without Us.”)

Our submission provided some of the findings from our 2020 public engagement process to support the importance and urgency of Bill C-22. This included highlighting that people with disabilities identified poverty as one of their top concerns, and that many face barriers to obtaining an adequate standard of living. We also highlighted how many have told us that they are living in poverty because they cannot work and financial supports are inadequate.

Sharing our expertise at the international table

As part of our role as Canada’s national human rights institution, we make regular submissions to the United Nations and related bodies about how well Canada is doing in meeting its international and domestic human rights obligations. Our submissions raise new and emerging human rights concerns, and draw attention to long-standing inequities. In 2022, we engaged with the international human rights community on several key human rights issues, including as an active member of the Global Alliance of National Human Rights Institutions. Here are some highlights:

- We were profiled by the Commonwealth Forum of National Human Rights Institutions (CFNHRI). They profiled a synopsis of our Action Plan for our role as Canada’s National Monitoring Mechanism for the CRPD. It was featured as a part of “Upholding disabled people’s human rights: case studies from Commonwealth national human rights institutions,” along with a short animation.
- We contributed to the CFNHRI practical guide for NHRIs working with civil society to better uphold the human rights of people who face discrimination due to sexual orientation, gender identity, gender expression or sex characteristics.
- We provided our insights on an international panel hosted by Equinet and CFNHRI on Protecting human rights and equality in the age of AI.
- We made a submission to the Committee on the Rights of the Child, in which we provided insight on the progress of children’s rights in Canada. We highlighted many gaps and challenges. After concluding its review of Canada, the Committee took up twelve of our sixteen recommendations, including those related to: the housing rights of children; children with disabilities; Indigenous children and youth; and intersex youth. The Committee also took up our recommendation that Canada needs to address systemic racism and discrimination against racialized and Indigenous children.
- We provided a submission to the Committee on the Rights of Persons with Disabilities on the Draft Guidelines on Deinstitutionalization. We recommended a number of additions to the Committee’s draft guidelines. For example, that they include mention of accessible housing. We also recommended that the guidelines be developed with consideration for the unique and distinct ways Indigenous people with disabilities have experienced institutionalization (i.e. residential schools, prisons, and foster care.)



About the Commission

Our work

The Canadian Human Rights Commission is Canada’s human rights watchdog. We work for the people of Canada and operate independently from the Government. The Commission helps ensure that everyone in Canada is treated fairly, no matter who they are. We are responsible for representing the public interest and holding the Government of Canada to account on matters related to human rights.

The Canadian Human Rights Act gives the Commission the authority to research, raise awareness, and speak out on any matter related to human rights in Canada. The Commission is responsible for administering the Act, which protects people in Canada from discrimination when based on any of the grounds of discrimination such as race, sex and disability. Under the Act, the Commission receives human rights complaints and works with both the complainant and respondent to resolve the issues through mediation.

When a complaint cannot be settled, or when the Commission decides that further examination is warranted, it may refer the complaint to the Canadian Human Rights Tribunal for a decision. In cases where the issue has the potential to either affect the rights of many people in Canada or help define or clarify human rights law, the Commission’s legal team will participate in the hearing and represent the public interest.

In addition to its work under the Employment Equity Act, the Commission supports the Accessibility Commissioner and the Pay Equity Commissioner in working with federally regulated employers to ensure they are addressing discrimination through proactive compliance with the Accessible Canada Act and the Pay Equity Act. This contributes to the elimination of employment barriers and wage discrimination in federally regulated workplaces for women, Indigenous peoples, people with disabilities, and racialized groups.¹

¹The Employment Equity Act uses the term “visible minorities.” The Commission is of the view that this is an antiquated term. The Commission is using the term “racialized groups” in the interim.

Our people

The Commission operates across Canada with a team of approximately 360 people.

Commissioners

This year saw significant changes around the Commission's leadership table.

On November 30, 2022, Marie-Claude Landry's term as Chief Commissioner came to a close. Appointed in 2015, Ms. Landry led a wave of important changes at the Commission in her nearly eight years as leader. We thank her for steering the Commission through an era of putting people first, improving access to justice for all, and being a bold national voice on all human rights issues, as Canada's national human rights institution.

Serving temporarily as Interim Chief Commissioner is Deputy Chief Commissioner Charlotte-Anne Malischewski, who was appointed to the Commission in October 2022. She brings to the position extensive experience in human rights and administrative law, and her commitment to building a more just and equitable society.

In February 2022, the Commission welcomed the appointment of Marie-Josée Houle as Canada's First Federal Housing Advocate. The Federal Housing Advocate is an important and independent voice who pushes for change on widespread housing issues and homelessness that continue to deny people an adequate place to live in Canada.

In the spring of 2022, the Commission welcomed Michael Gottheil as Canada's first Accessibility Commissioner. Mr. Gottheil leads the Commission's Accessibility Unit in promoting compliance with and enforcement of the Accessible Canada Act (ACA), and the Accessible Canada Regulations, which came into force at the end of 2022.

In the fall of 2022, Karen Jensen was appointed Judge of the Superior Court of Justice of Ontario in Ottawa. During her time at the Commission, Justice Jensen served as the first Federal Pay Equity Commissioner, and contributed greatly to implementing the Pay Equity Act, which aims to help close the gender wage gap in federally regulated workplaces. We have been pleased to welcome Lori Straznicky to the role of Pay Equity Commissioner on an interim basis.

By the close of 2022, the Commission's new leadership team comprised: Interim Chief Commissioner, Charlotte-Anne Malischewski; Federal Accessibility Commissioner, Michael Gottheil; Interim Pay Equity Commissioner, Lori Straznicky; full-time Commissioner, Sasha Kiran Cragg-Gore; full-time Commissioner, Jose Ordonez (as of early 2023); part-time Commissioner, Dianna Scarth; part-time Commissioner, Julie Lassonde; and part-time Commissioner, Valerie Richer.

All decisions on discrimination cases are rendered by this team of human rights Commissioners, often referred to as the Commission.