



Stronger together

The Canadian Human Rights Commission's
2021 Annual Report to Parliament



Canadian
human rights
commission

Commission
canadienne des
droits de la personne

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Chief Commissioner's message

Throughout 2021, the pandemic continued to influence almost every aspect of our daily lives. This health crisis, economic crisis and human rights crisis has touched everyone — it is affecting all of us in some way.

While many have managed to adapt to a new normal, COVID-19 continues to put people living in vulnerable circumstances at even greater disadvantage. Many women, children, people with disabilities, older people, Indigenous peoples, Black people, racialized people, single parents, members of the LGBTQ2SI+ community, and people in our correctional institutions are bearing the brunt of this pandemic.

Efforts to manage the spread of the virus continue to amplify economic and social inequality for millions of people. This is contributing to a sense of fatigue and a growing loss of trust in public institutions. It is fueling divisive, vitriolic rhetoric and aggression in both public and virtual spaces. Healthcare workers, public servants, journalists and politicians are often the targets.

Despite what some people believe, human rights are not absolute. Protecting our individual rights and protecting our collective well-being are deeply connected. Being asked to wear a mask or get a vaccine in order to protect your health and the health of others is not a violation of your human rights. It is part of our collective responsibility to protect others.

Denying others their freedom in the name of your own is a distortion of rights. It is misguided and wrong.

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The right to peaceful protest is fundamental to our democracy, but nobody has the right to be violent or threaten others.

Brazen displays of symbols of hate and white supremacy is a threat to our democracy, our peace and prosperity. Dismissing or downplaying white supremacist rhetoric or hate in any form is reprehensible.

Hate divides us and shuts down debate. Hate is dangerous and has devastating consequences.

Now more than ever, we must look to human rights to guide our values, to promote social harmony, and to protect our peace and prosperity.

Now more than ever, we must look to human rights to guide our values, to promote social harmony, and to protect our peace and prosperity. Human rights are universal and the foundation of our free and democratic society.

Human rights are fragile and we must cherish and protect them and always be on guard. We must never take them for granted. It is in times of crisis that our rights are most at risk of eroding or being lost.

Here, just as in any other country in the world, we must make a concerted effort to uphold our rights and ensure that everyone is treated with equality, dignity and respect. Silence has a profound effect and should never be an option. If we remain silent, we are complicit.

While I am concerned, I remain optimistic. I believe that Canada is a caring, compassionate and resilient nation. Diversity, inclusion and acceptance are the values we hold dear. It is who we are. I am inspired and encouraged by countless examples of people in Canada coming together to help each other. It is a source of hope for a better future. It makes it clear that we are stronger together.

Together, we must call out hate when we see it. We must not tolerate threats, aggression, or violence directed at people because of what they look like, what they believe, or whom they love.

Together, we must confront the deeply rooted systemic racism that has long denied Indigenous peoples, Black people and racialized people a sense of belonging and full and equal participation in society.

Together, we must advance reconciliation. We must learn the truth about our shameful past, and take responsibility for it. Together, we must improve accessibility, eliminate barriers, and build a better world where everyone has full access to work, public spaces, information, services and transportation.

We must do more to promote gender equality and to ensure that everyone receives equal pay for work of equal value. We must ensure that everyone has the right to housing. We must do more to address homelessness and protect members of our society in vulnerable circumstances.

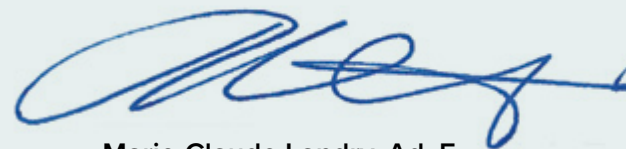
We must continue to push for a Canada where everyone feels welcome, valued and safe. Because when everyone can participate, everyone benefits.

My years as the Chief Commissioner of the Canadian Human Rights Commission have been some of the best years of my life.

The people who work for this organization are deeply committed to the principles of equality, dignity and respect. They believe in the work they do and care for the people they help.

It is an honour and a privilege to serve as Chief Commissioner, and as CEO, and to lead this important and extraordinary organization.

Please be kind to yourself, and to others.



Marie-Claude Landry, Ad. E.
Chief Commissioner
Canadian Human Rights Commission

Emerging issues: A closer look

The human rights landscape is evolving fast. Rapid advances in technology and our changing climate are impacting human rights in ways that were not imaginable even ten years ago.

Some of these human rights issues have been accelerated by the pandemic; others have been quietly brewing beneath the surface.

In the following stories, three Canadian experts help shed light on three emerging issues that are defining this next era of human rights.

Algorithms in policing

Police forces around the world, including many in Canada, are beginning to experiment with a new technology that uses automated surveillance and mass data processing to oversee populations and anticipate criminal activity. The approach, known as “algorithmic policing,” involves collecting large amounts of information about individuals — their faces, social media activity, networks they belong to — to better track and identify them, and to predict their behaviour.



An algorithm trained on when and where crimes have taken place in the past can anticipate where they may take place in the future. An algorithm fed with personal information — an individual’s address, social media activity, circle of friends — can generate a “risk score” of how likely that individual is to be involved in crime. Police forces can then allocate resources on the basis of these predictions.

It is an issue that is playing out in many countries around the world. Those studying it in Canada, like Kate Robertson, a criminal defense lawyer in Toronto, are looking to other countries to understand what risks exist. Take for example a recent story coming out of the United States.

In February of 2019, a 31 year-old Black man named Nijeer Parks was arrested in New Jersey and wrongfully charged with aggravated assault, unlawful possession of weapons, using a fake ID, possession of marijuana, shoplifting, leaving the scene of a crime and resisting arrest. He then spent 11 days in jail. Once released, he began the arduous process of proving that he was entirely innocent.

While many believe surveillance technologies offer greater efficiency and accuracy, critics point out that they also pose a serious threat to fundamental human rights, including the right to privacy, freedom of expression, equality and liberty.

The technology that led to Parks’ wrongful arrest: a facial recognition system that matched the photo on a fake driver’s license found at the scene of the crime with a photo of Parks’ face. Parks had nothing to do with the crime; he was over 40 kilometers away from where it took place. But it was his

misfortune to possess facial features that biometric software decided belonged to those of the actual culprit, a defect that cost Parks more than a year of his life. He remains shaken to this day. “You took being comfortable away from me,” he told CNN. The incident was the third documented case of a wrongful arrest based on flawed facial recognition technology in the United States.

Here in Canada, it serves as a cautionary tale, as our law enforcement agencies quietly integrate facial recognition and other forms of machine learning into their work.

While many believe surveillance technologies offer greater efficiency and accuracy, critics point out that they also pose a serious threat to fundamental human rights, including the right to privacy, freedom of expression, equality and liberty.

One obvious danger is that the technologies are imperfect, as illustrated by cases like Nijeer Parks’. Algorithmic policing is only as good — or bad — as the data that informs it. Research conducted in 2019 by the National Institute of Standards and Technology, a federal laboratory in the US, concluded that the

facial recognition systems currently in use are up to one 100 times more likely to misidentify non-white faces than white ones, based on the larger number of white faces that they have been trained on.

A further issue is that algorithms fed with existing policing data will reflect, and potentially amplify, the historical over-policing of certain populations, typically racial minorities. A more subtle impact is the chilling effect that automated surveillance has on minority groups that have traditionally been targeted by police. The freedom of association grants everyone the right to gather without fear or hindrance. But if, for example, members of a Black protest movement know that their online mobilisation is being tracked and their participation recorded — and that an algorithm could use that data against them one day — they may be less inclined to take part.

“Law enforcement agencies argue that these technologies may be useful,” says Canadian expert, Kate Robertson. “But ‘being useful’ is not enough to justify a practice that infringes on human rights.” She compares the use of these technologies with wiretapping. While police could learn a lot by listening



“Being ‘useful’ is not enough to justify a practice that infringes on human rights.”

Kate Robertson

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in on private conversations, they are not allowed to do it as a matter of course. Before violating an individual's right to privacy, police must demonstrate to a judge the legal necessity to do so.

While Canada has been slower to adopt algorithmic policing technologies than the US, it's impossible to know the actual extent of their use in this country. Police forces prefer not to discuss their techniques and can refuse to on legal privilege. Researching the question for a report published by the University of Toronto's Citizen Lab in 2020, Kate Robertson



learned that many law enforcement agencies — including both federal and municipal police forces of Saskatchewan, Calgary, Vancouver and Toronto — have obtained, are testing or are already using algorithmic policing technologies.

In a 2021 report to Parliament, Privacy Commissioner Daniel Therrien demonstrated that the RCMP had — despite its claims to the contrary — been using facial-recognition software purchased from the US technology company Clearview AI, in contravention of the federal Privacy Act. A further joint investigation by select federal and provincial privacy and access to information commissioners revealed that Clearview AI had accounts with 48 law enforcement agencies across Canada.

Further, some provincial governments are weighing the use of algorithmic assessments in their corrections systems. In this context, algorithms can be employed to make decisions on bail, sentencing and parole. It was one such algorithm that consigned Nijeer Parks to 11 days in a New Jersey jail before he was eventually released into a pre-trial monitoring program.

Algorithmic technologies have worked their way into Canada’s policing landscape. Even their fiercest critics acknowledge that they may have a productive role to play, but only if the necessary safeguards are in place. Currently they are not, and the communities that have the most to lose are the ones that have historically faced discrimination and over-policing and that may fear speaking up.

“These technologies require government oversight. The lack of transparency, and the recognition that these tools are inaccurate, flawed and discriminatory raise serious questions about whether they can ever be lawfully used,” says Kate Robertson. Until those questions are resolved, she and many others are calling for a moratorium.

Kate is aware of at least one racialized person in Ontario who was wrongfully arrested on the basis of a false facial recognition identification. “We can’t be reacting after the fact. We need to ensure that violations will be prevented, not remedied.”

Climate change and human rights

The heat wave that descended on Canada's Pacific coast in the summer of 2021 was the deadliest weather event in our country's history. At least 569 people died in British Columbia in the last week of June, as temperatures hovered stubbornly above 40 °C, barely cooling at night.



Heat waves don't make for the kind of dramatic imagery that wildfires or flooding do. No front-page photos of towns scorched to embers or cars floating down surging rivers. People simply collapse in park bushes or pass away quietly in their upper floor apartments.

Just as some impacts of climate change will be more visible than others, so too will some people be more vulnerable to those impacts than others. Geography will play a role, so too will a range of social factors.

Dr. Ingrid Waldron fears that the human impacts of climate change are being overlooked in a more technical conversation focussed on 1.5 versus 2 degrees warming, carbon taxes and emissions targets.

“I'm not a climate scientist,” says the Montreal-born sociologist and professor at McMaster University, “I look at the problem through the lens of race, culture, gender, physical ability and other social factors.”

As with the pandemic, the worst impacts of climate change will be borne by communities that are already disadvantaged by long-standing structural inequities.

And through that lens, Dr. Waldron sees that some Canadians stand to lose a lot more than others. As with the pandemic, the worst impacts of climate change will be borne by communities that are already disadvantaged by long-standing structural inequities.

At a certain level, this seems obvious. A person living in precarious housing — maybe shoddily built, maybe uninsured — is going to have a harder time recovering from flooding than someone who is securely housed. A person living on a tight budget won't just be inconvenienced by the spike in food prices caused by extreme weather events; they may actually go

hungry. A person with a physical disability living in a non-air-conditioned apartment may experience a heat dome very differently from a non-disabled person living in a house with a back yard.

But it takes a second step to realize that these people — the ones who will be hardest hit in the long run — are statistically more likely to belong to certain groups: racialized, female, living with disabilities.

Dr. Waldron would like this intersectionality to be recognised by the federal government. She was the impetus behind Bill C-230, a private member's bill that called for a national strategy to address the connection between race, socio-economic status and environmental risk. Her concerns about environmental racism stem from research that demonstrates a geographic overlap between toxic industrial sites — landfills, pulp and paper mills, petrochemical facilities — and racialized and poorer communities. The arrangement exploits underprivileged and underrepresented groups, leaving them to deal with the health consequences of contaminated water, air and land.

A key example are Indigenous peoples in Canada, who are among the first to feel the effects of climate change due to their relationship to the land and the impacts of colonization. As stewards of their lands, Indigenous peoples have long been sounding the alarm about climate change, and have been leading efforts to combat it. Yet it remains that climate change threatens the ability of Indigenous peoples to exercise their inherent and constitutional rights, and to preserve and transmit their traditional knowledge and practices. This includes Autumn Peltier from the Wiikwemkoong First Nation, a teenage Water Protector, who has spoken out internationally since age 12.

As Dr. Waldron puts it: “In Canada, your postal code determines your health.”

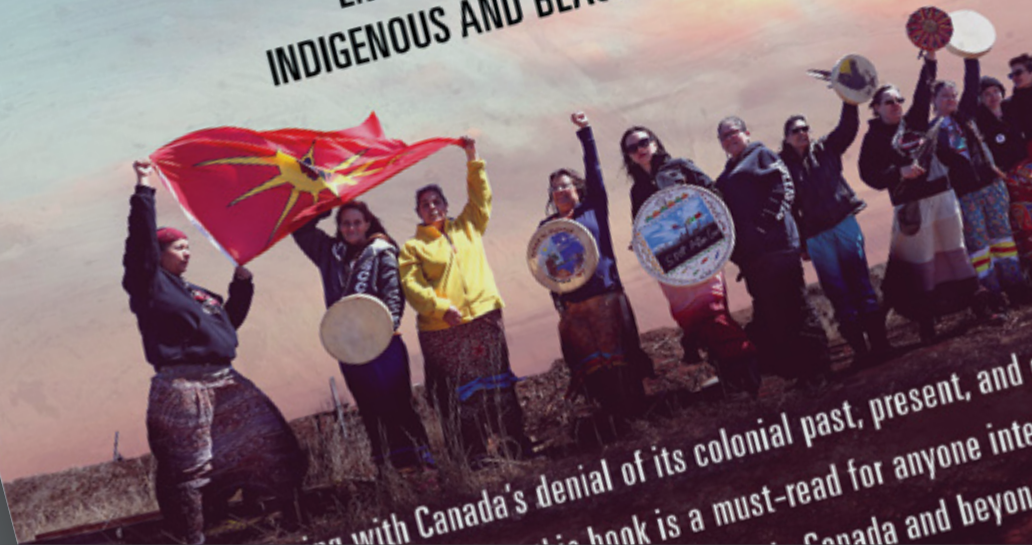
Bill C-230 was brought forward in the House of Commons by Nova Scotia MP Lenore Zann and received two readings before dying on the order paper when Parliament was dissolved last summer. But Dr. Waldron is not giving up. She sees the potential scope of environmental racism only expanding in an era of climate change. And her concern is shared globally.

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& IAN DANIEL



THERE'S SOMETHING IN THE WATER

ENVIRONMENTAL RACISM IN
INDIGENOUS AND BLACK COMMUNITIES



...with Canada's denial of its colonial past, present, and erasure of
...this book is a must-read for anyone interested in the
...Canada and beyond.



“In Canada,
your postal code
determines
your health.”

Dr. Ingrid Waldron,
author of “There's
Something in the Water.”

The ones who will be hardest hit in the long run are statistically more likely to belong to certain groups: racialized, female, living with disabilities.

On October 8, 2021, the United Nations Human Rights Council passed a resolution formally recognizing — for the first time — living in “a clean, healthy and sustainable environment” as a human right. Pointing to the interconnectedness of environmental degradation, climate change and human rights, it called on Member States to protect their most vulnerable populations from the worst impacts.

But Resolution 48/13 does more than that. Positioning a healthy environment as a human right strengthens the position of those fighting to combat climate change and environmental





decline. Around the world, civilian groups are taking governments to court for failing to adopt policies that support a healthy environment — and they’re winning.

David Boyd certainly believes they will. The Canadian environmental lawyer who is currently serving as the UN’s Special Rapporteur on Human Rights and the Environment considers the resolution a breakthrough. “This has life-changing potential in a world where the global environmental crisis causes more than nine million premature deaths every year,” he told media.

As the climate crisis deepens, it is hitting Canadians closer to home — in fact, it is hitting our homes directly, and our health and our livelihoods. Understanding how those impacts play out on the ground will be vital to protecting our most vulnerable citizens. And framing a healthy environment as a fundamental human right — and not just an aspiration — may prove a decisive step in the fight for our future.

Bots at our borders

We live in mobile times. Never before in human history have people travelled so much and so fast from one part of the world to another. Globalisation — the international flow of goods and people — is one part of the story. Unprecedented levels of forced displacement is the other. According to the United Nations High Commissioner for Refugees, over 82 million people are now living as refugees or internally displaced people, a figure which has doubled in the last twenty years.



This makes borders, and the immigration and security apparatus behind them, busy places. And fraught. At borders, individuals knock on the door to the state. It decides whether to grant them entry and on what terms. Those decisions, which can have existential consequences, are increasingly being made with the help of machines.

It's easy to see why. In 2019, Canada received over 64,000 asylum claims, the highest number on record. In that same year, Canada admitted 341,180 new permanent residents, the most in recent history.

Each new application to come to Canada represents a major administrative undertaking: the collection and analysis of a vast amount of information about applicants' personal backgrounds, professional qualifications, language aptitude, security status and family connections.

Immigration services also issue, extend, monitor and revoke visas and work permits. Canada's immigration and refugee processing system, chronically backlogged and delayed, would seem ripe for the kind of optimisation that artificial intelligence is designed to deliver.

These systems are also widely used in the private sector: by banks to decide who gets loans; by employers to sort through job applications; by universities to select certain types of students; or by property owners to filter out undesirable tenants.

Automated decision systems are technologies that aid or even replace human decision-makers. Trained with extant data, these technologies can be used to sort and combine inputted information to predict or shape outcomes, thus lightening the burden on human administrators.

Such systems are finding their place across the public service, for example in helping determine bail terms or sentences in the corrections system or identifying fraud within social services. These systems are also widely used in the private sector: by banks to decide who gets loans; by employers to sort through job applications; by universities to select certain types of students; or by property owners to filter out undesirable tenants.

In the context of an immigration system, automated decision-making can be trained to manage those mountains of applications by categorising them, raising red flags, assigning risk scores, proposing decisions or even making them.

Such systems are marketed on the basis of their objectivity. Machines, so the reasoning goes, know no bias. But this claim overlooks a fundamental truth of machine learning, captured in the phrase “garbage in, garbage out.” When an automated system flags the immigration application of a 23-year-old Muslim male engineer from Anatolia, the system can’t be charged with discriminatory bias. It has simply done its job.

The bias, which is embedded in the historical data that was used to train the system, is now guiding the technology.

It’s impossible to know to what extent automated decision systems have already been integrated into Canada’s immigration system, as governments don’t advertise their use. But investigations by journalists and researchers suggest that Canada, like many other jurisdictions, is testing out these technologies with a view to greatly expanding their use.

Since 2014, Immigration, Refugees and Citizenship Canada (IRCC) has been developing a “predictive analytics” system to classify cases according to their complexity. IRCC is also exploring the use of an automated system to screen cases for legal purposes. It uses case law and litigation trends to determine, for example, what chance a rejected application would have of being successfully challenged.

According to the government tender for this particular “Artificial Intelligence Solution”, the system could also be used by “front-end IRCC administrative decision-makers” (humans)



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“People have little recourse. How can they challenge these technologies, especially if they don’t even know they’re in use?”

Petra Molnar

These questions are critical to ensuring procedural fairness; every immigration and refugee applicant to Canada has the right to a “fair, impartial and open process,” as the Supreme Court put it in a 1999 decision.

“to aid in their assessment of the merits of an application before decisions are finalized.”

This may sound innocuous enough. But human rights advocates would like to know more about what informs these systems: what data they have been fed, what they have been trained to consider “merits” and “liabilities”. These questions are critical to ensuring procedural fairness; every immigration and refugee applicant to Canada has the right to a “fair,



impartial and open process,” as the Supreme Court put it in a 1999 decision.

Human rights advocates also worry about what they don't know. Between July and December of 2016, nearly three million people passed through the border control in Terminal 3 of Toronto Pearson International Airport. None of them will have known that they were on camera. In a pilot project, the federal government positioned 31 cameras in the terminal, capturing traveller's faces and comparing them with a Canadian Border Services Agency (CBSA) data base of 5,000 previously deported individuals. When a match was made, the person was pulled aside for a secondary inspection.

No public notice was provided about the project, details of which only emerged in the summer of 2021 through freedom of information requests by The Globe and Mail. CBSA says that nobody was deported as a result of it, but the technology company that ran the “Faces on the Move” project claims that 47 “real hits” (matches) were made.

“Borders provide the ideal testing ground for surveillance technologies,” says Petra Molnar, a Canadian human rights

lawyer and international expert on migration and human rights. “The power differential is huge. People have little recourse. How can they challenge these technologies, especially if they don't even know they're in use?”

Molnar is currently researching the use of surveillance technologies on the most powerless: refugees from Africa and the Middle East who have ended up on the shores of Greek islands as they attempt to reach Europe. She spends her days visiting a new class of refugee camp that is becoming a prototype on the fringes of Europe, one that surveils its inhabitants completely, where meals are provided in exchange for fingerprint and eye scans. She considers this the dangerously sharp edge of a “global border industrial complex.”

Canada's geography has spared it the mass migration challenge that Europe currently faces; the use of surveillance technologies on our borders is more discrete. But Petra Molnar argues that as one of the first countries to adopt artificial technologies in its public administration, Canada should play a leadership role in the global conversation over its use. And that the conversation should begin with a recognition of the threat they pose to human rights and dignity.

Enhancing equity and inclusion

Throughout 2021, the Commission continued its work to support federally regulated employers and service providers across Canada in taking proactive steps to eliminate barriers and help prevent discrimination. This work is dedicated to helping organizations meet their obligations under three federal laws: the Accessible Canada Act, the Employment Equity Act and the Pay Equity Act.

While the Employment Equity Act has been law since 1995, two of these laws are still relatively new to employers and service providers in Canada. The Pay Equity Act and its regulations came into force this past summer; the Accessible Canada Act became law in 2019; and the initial Accessible Canada Regulations came into force December 22, 2021.

Accessibility

The Accessible Canada Act takes a new approach to accessibility. Proactive accessibility legislation puts the onus on employers and service providers to identify and remove both existing and potential barriers, and prevent new ones.

The past year was primarily dedicated to preparing for the Accessible Canada Regulations to become law. The regulations provide federally regulated organizations with precise rules to proactively identify, remove and prevent accessibility barriers in their workplaces. For example, employers and service providers are required to develop and publish accessibility plans and progress reports, and establish a process to receive feedback from employee or the public.





The Commission also continued to develop tools and resources to help employers and service providers in understanding and meeting their regulatory obligations. These include compliance self-assessment tools, guidance and information explaining regulatory requirements. The Commission is designing an inspection program so that the Accessibility Commissioner can verify whether organizations are meeting their regulatory obligations, and then report to Parliament, the Chief Accessibility Officer, and the Canadian public.

As we prepare this Annual Report at the close of 2021, the Accessible Canada Regulations came into force in December 2021, and we anticipate the soon to be appointment of Canada's first Accessibility Commissioner.

Employment equity

In recent years, as part of our work to help employers in Canada proactively identify, remove and prevent barriers to employment equity, we added new tools to our auditing toolbox. One of them uses an innovative horizontal auditing approach to identify systemic barriers for specific designated employment equity groups within specific employment sectors. We are using this approach to produce sector-wide reports, complete with examples of the common practices that can be used to address under-representation and promote inclusion. Here are the highlights from our work in 2021 in conducting horizontal audits:

- **Completion of the audit on employment of Indigenous people in the banking sector:** In 2020, we had published a sector-wide report on the Employment Equity section of the Commission's website. This year, we completed the final steps of this horizontal audit process, which included monitoring of the management action plans for each organization. As both a test case for the effectiveness of this new auditing process and as an attempt to get an accurate picture of employment representation of Indigenous people in the banking sector, the audit has been a success. The audit was well received among stakeholders, which has confirmed the need for the Commission to continue to conduct targeted audits and to share good practices publicly.



- **Assessing barriers for people with disabilities in the communications sector:** Near completion, this horizontal audit focussed on identifying barriers faced by people with disabilities across the federally regulated communications sector. By the end of 2021, 17 employers received their individual reports as part of this horizontal audit process. A final sector-wide report will eventually be published on the Commission's website.
- **Identifying gaps in career-advancement for racialized people:** Over the course of 2021, we kept moving forward on this employment equity audit. The ultimate goal is to assess the level of representation of racialized people in management and executive roles in the federal public service. We want to identify key employment gaps as well as barriers to the recruitment, promotion and retention of racialized employees in management and executive positions. Once completed, the final sector-wide report of this audit will be released publicly so that every organization can benefit from the best practices we are garnering.

Other employment equity updates

Blitz Audit

In 2021, we launched the latest innovation in our audit toolkit: a new blitz approach for private sector employers with less than 300 employees. We have developed it to help smaller employers better understand their obligations under the Employment Equity Act, and to help them comply without having to go through a full audit. Using this blitz audit, we can help these employers identify gaps in representation in their workforce and measures to address any barriers.





Providing our input in how to improve the Employment Equity Act

When our society evolves it is important that our laws evolve with it. That is why in 2021 we lent our expertise to the federal government's task force reviewing the Employment Equity Act. From necessary updates to dated terminology, to other improvements needed to ensure this important legislation remains an inclusive tool for change, we are working to develop a formal submission on proposed changes to the Act.

Pay equity

The Pay Equity Act came into force on August 31, 2021. This means that it is now law that federally regulated employers take proactive steps to correct gender wage gaps within their organization.

Women need support more than ever. The COVID-19 pandemic continued to amplify pre-existing gender inequities, especially for racialized women, Indigenous women, migrant women, women with low-income, single mothers, LGBTQ2SI+ women and women with disabilities or mental health issues.

With the Pay Equity Act now in force, employers and workplace parties have to begin work to close the gender wage gap. One of the first requirements under the Act was that employers post a notice on or before November 1, 2021, to inform their employees that a pay equity process is underway within their organization.





Engagement and Outreach

To help employers prepare for this important first step, the Commission provided technical briefings to workplace parties who fall under the Act. We also continued cultivating relationships with both Canadian and international stakeholders, raised awareness on pay equity issues and shared information about key requirements of the new law. This year's engagement and outreach included:

-
- holding regular meetings with our two consultative groups; the Tripartite Working Group and the Technical Advisory Group;
-
- participating in over 80 events to foster engagement and build support;
-
- engaging with over 7,000 stakeholders, including employer and labour associations, non-governmental organizations, Indigenous women's groups, and other key partners; and
-
- responding to close to 200 requests for information.
-

Tools and Resources

To help employers and employees get started, the Commission provided a variety of education materials and a series of tools and resources to help better understand pay equity and how to establish the foundation for a successful pay equity process. These tools and resources include:

- Interpretations, policies and guidelines;
- Promising practices for employers;
- Infographics;
- Templates;
- An information request form;
- A Legislative Guide; and
- The Pay Equity Compass — a tool on our website that helps employees, employers, and unions determine if the Pay Equity Act applies to them and if so, connect them with the resources they need to start their pay equity journey. The Compass supports the new intake services that are being implemented.





The Commission also worked this year on preparing a pay equity toolkit for release in 2022. This toolkit is designed to support small to medium-sized federally regulated organizations with the development of a pay equity plan. It will include a Microsoft Excel tool, a user manual, a case study and a job evaluation guide.

An interactive Online Dispute Resolution Platform was also developed, and is currently being tested for deployment. This platform will allow federally regulated organizations and employers to share information, request guidance, and resolve their disputes, with or without the help of Commission staff.

Protecting human rights

Each year, the Canadian Human Rights Commission helps thousands of people find the most efficient way to address their human rights concerns or find information about their rights. In many of these cases, the Commission helps people resolve their issues quickly and informally, or helps them find the appropriate process to resolve their issue.

Helping people find help

Much of the work we do each year to protect human rights takes place well behind the scenes. From determining whether a person has the basis to file a human rights complaint at the federal level, to helping redirect people to the organization best suited to help them, we are working every day to help people in Canada who believe they have been treated unfairly.

This part of our work as a screening body helps ensure that the thousands of people who contact the Commission get to the right place to raise their human rights issues. Since we are able to help them resolve their issues informally, or direct them to the appropriate organization to handle their complaint, only a fraction of the people who come to us need to file a discrimination complaint with the Commission.

60,000
people
contacted the
Commission in 2021
to see if they have
the grounds to file
a complaint.

|
Most were helped without
needing to file a complaint

Once verified, we prioritize complaints where the alleged discrimination is ongoing or severe, or where the outcome may impact a larger number of people. There are a number of steps that may follow, such as mediation, referral to another organization, or being referred to the Canadian Human Rights Tribunal, which has the power to determine whether discrimination has taken place.

In 2021, we transformed this part of our work to better serve people in Canada.



Our commitment to those we serve

A human approach

We treat everyone with respect and dignity, recognizing the inherent humanity of the people we deal with, and listening actively and with empathy to the people we serve.

A flexible, case-by-case approach

We offer tailored services, remaining sensitive, using common sense when responding to and accommodating individuals' needs, and adapting processes so that they are less bureaucratic.

Modernizing our complaints process

In 2021, the Commission changed its approach to how we screen and refer complaints. In the simplest terms, we have changed what questions we ask, and when we ask them. This is important because now, if it is clear early on that a complaint does require a hearing because of the facts and/or legal issues raised, the Commission is working to send those files to the Canadian Human Rights Tribunal as soon as possible.

At its core, our new modernized complaint process allows complainants and respondents to move their case through the process quicker, and allows the Commission's limited number of analysts and human rights officers to focus their attention on those who need our assistance at every stage of the process.



We owe many of the improvements we have implemented this year to the invaluable feedback we received in 2020 from stakeholders representing racialized people in Canada. We heard from them about how the Commission could improve the way we screen complaints alleging racism. This past year, we incorporated their meaningful feedback, with the help of a consultant Mark Hart and his guiding report, into our complaints screening tools.

This has in turn helped inform a more modernized process overall. As a first step, we made sure that any changes to our processes and any training to our complaints staff were guided by a trauma-informed approach. We set out to prevent complainants from having to re-tell their difficult story multiple times. This training has been especially focussed on Commission employees who are responsible for screening, analyzing and addressing discrimination complaints related to race, or that cite any of the three grounds of race, colour, or national or ethnic origin. Ongoing training, mentoring and enhancements to our complaints tools, templates, and processes are having a positive impact on the way we handle complaints related to race.

We have also levelled the playing field for complainants by ensuring that both parties in a complaint disclose all their information at the beginning of the process. No surprises. Total transparency upfront. We are doing this using a series of new online forms that will be updated in response to user feedback. These forms ask participants key questions at the beginning of the process so they can get to the mediation table or to a Tribunal hearing faster. With this information, and with the understanding that only the Tribunal can make the determination if discrimination has or has not taken place, we are able to refer complaints more swiftly.

In addition, we are being harder on our decisions to dismiss a complaint, and are putting those decisions through the utmost scrutiny and judgment. In other words, when it appears a complainant does not have the basis of proof, we spend the energy making sure we aren't missing something.

Our modernized complaints process is still a work-in-progress. As the world in which the people we serve continues to evolve, so too will our processes. The ultimate goal is to deliver a process that meets the needs of people in Canada.

By the numbers

As a screening body, the Commission's role is to help parties resolve their matters in the quickest, most confidential, and fair way as possible. This can involve mediation, referral to another organization, or referral to the Canadian Human Rights Tribunal.

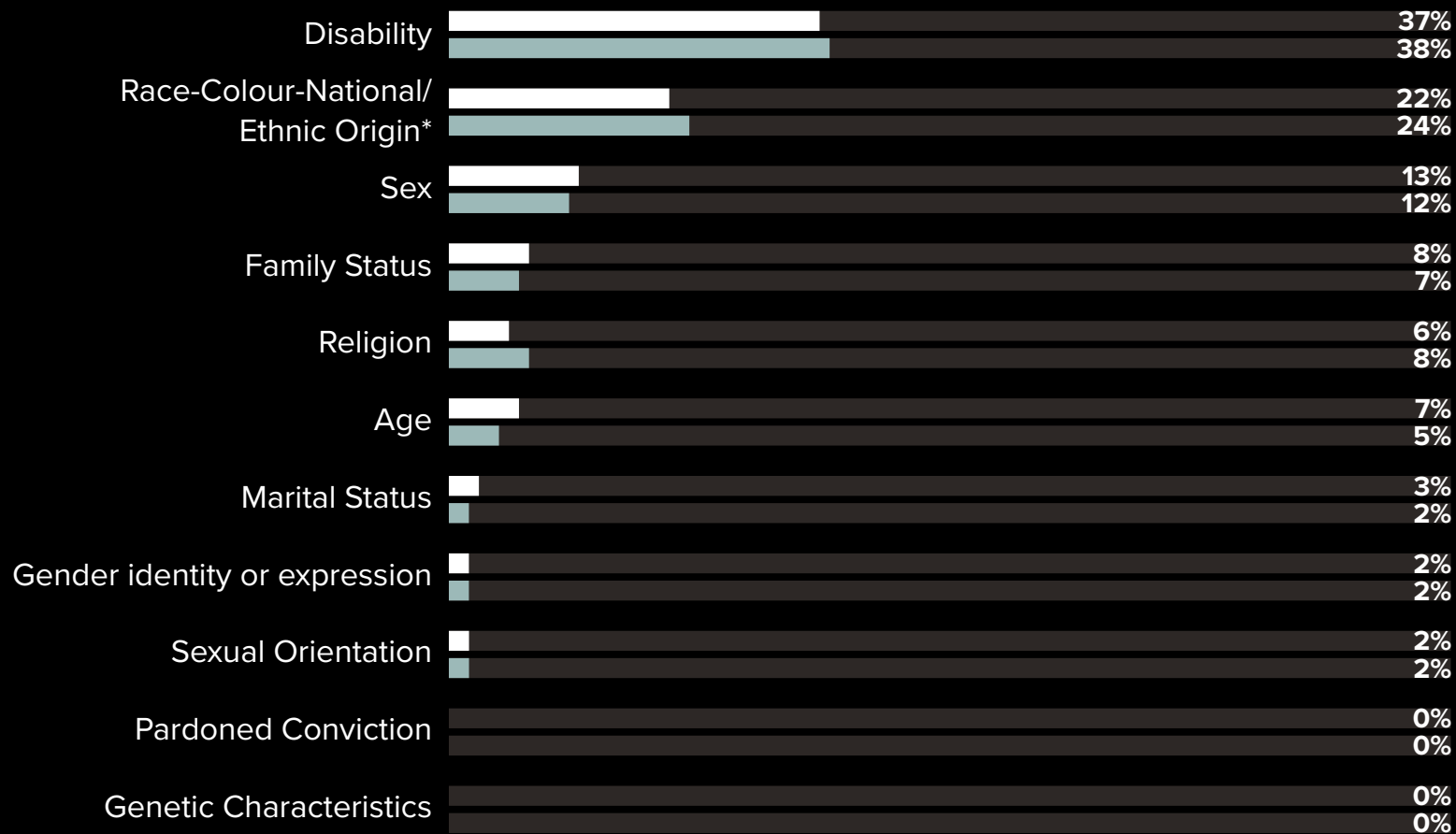


849 complaints

were accepted
by the Commission
in 2021



Proportion of complaints accepted by grounds of discrimination



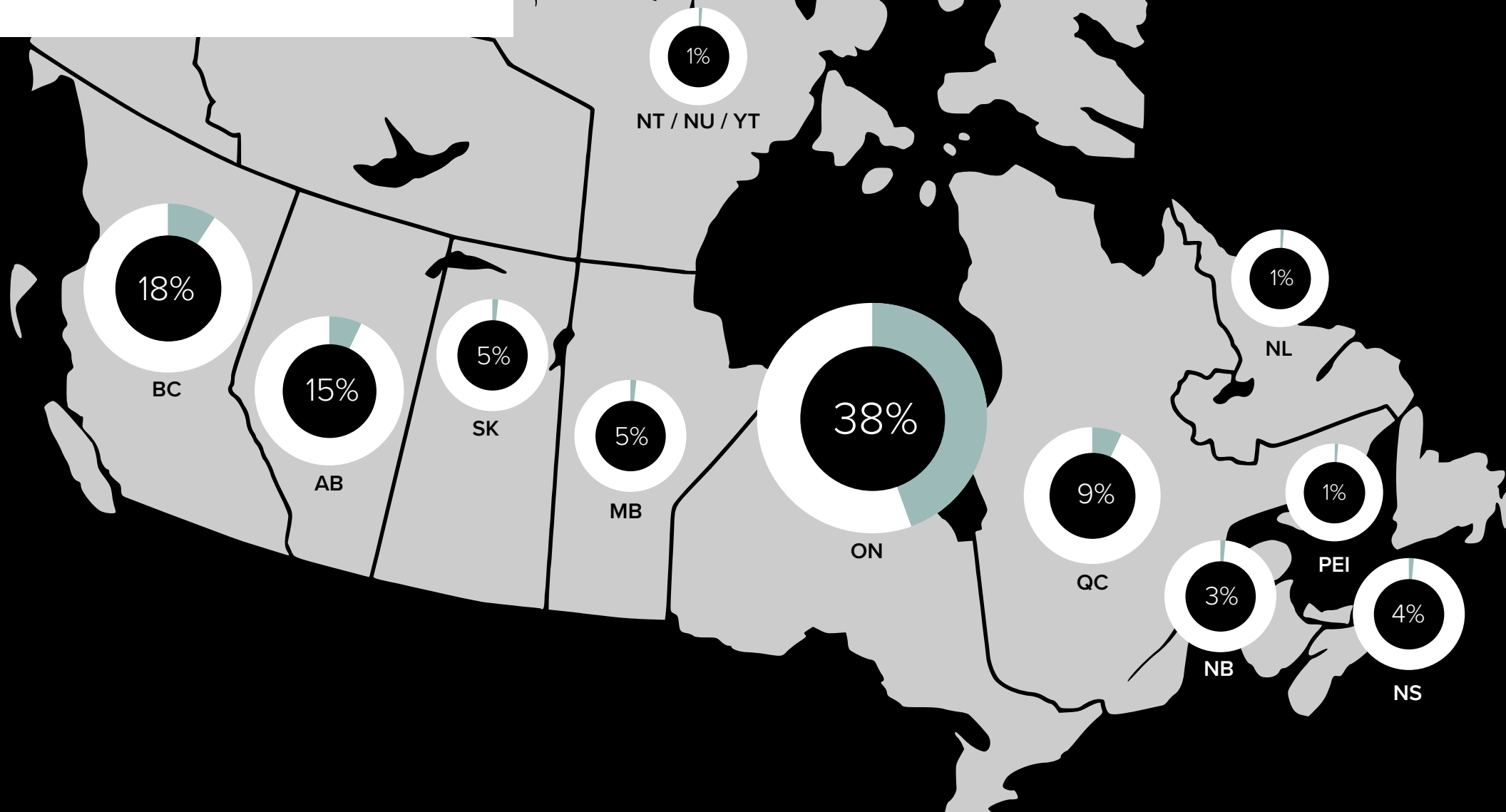
● 5 YEAR AVG ● 2021

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

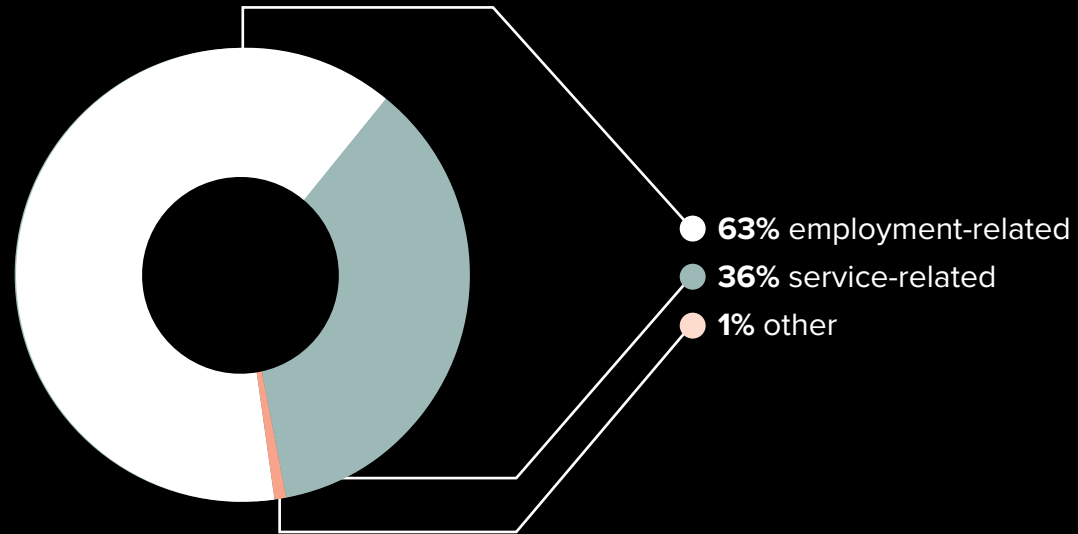
*combining the data of three grounds.



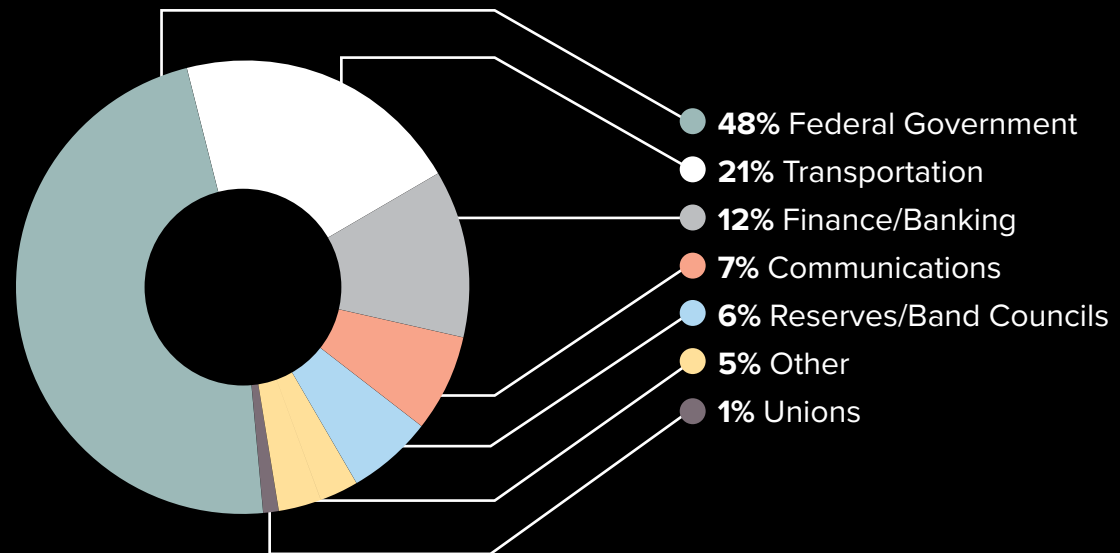
2021 Complaints accepted

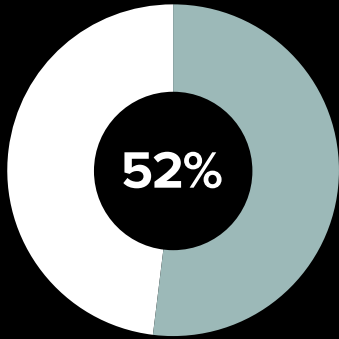


What are the 2021 complaints about?



Who are the 2021 complaints about?



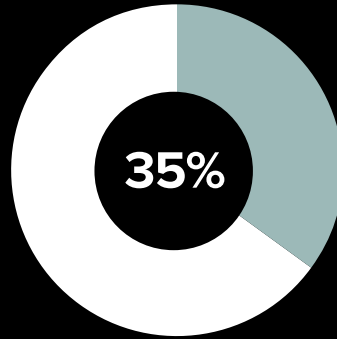


Mental health

Over half (**52%**) of disability complaints were related to mental health.

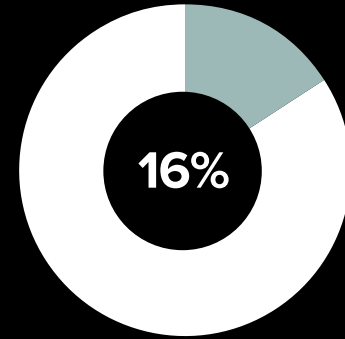


This represents **29%** of complaints accepted by the Commission in 2021.



Intersectionality

35% of complaints accepted in 2021 cited more than one ground of discrimination.

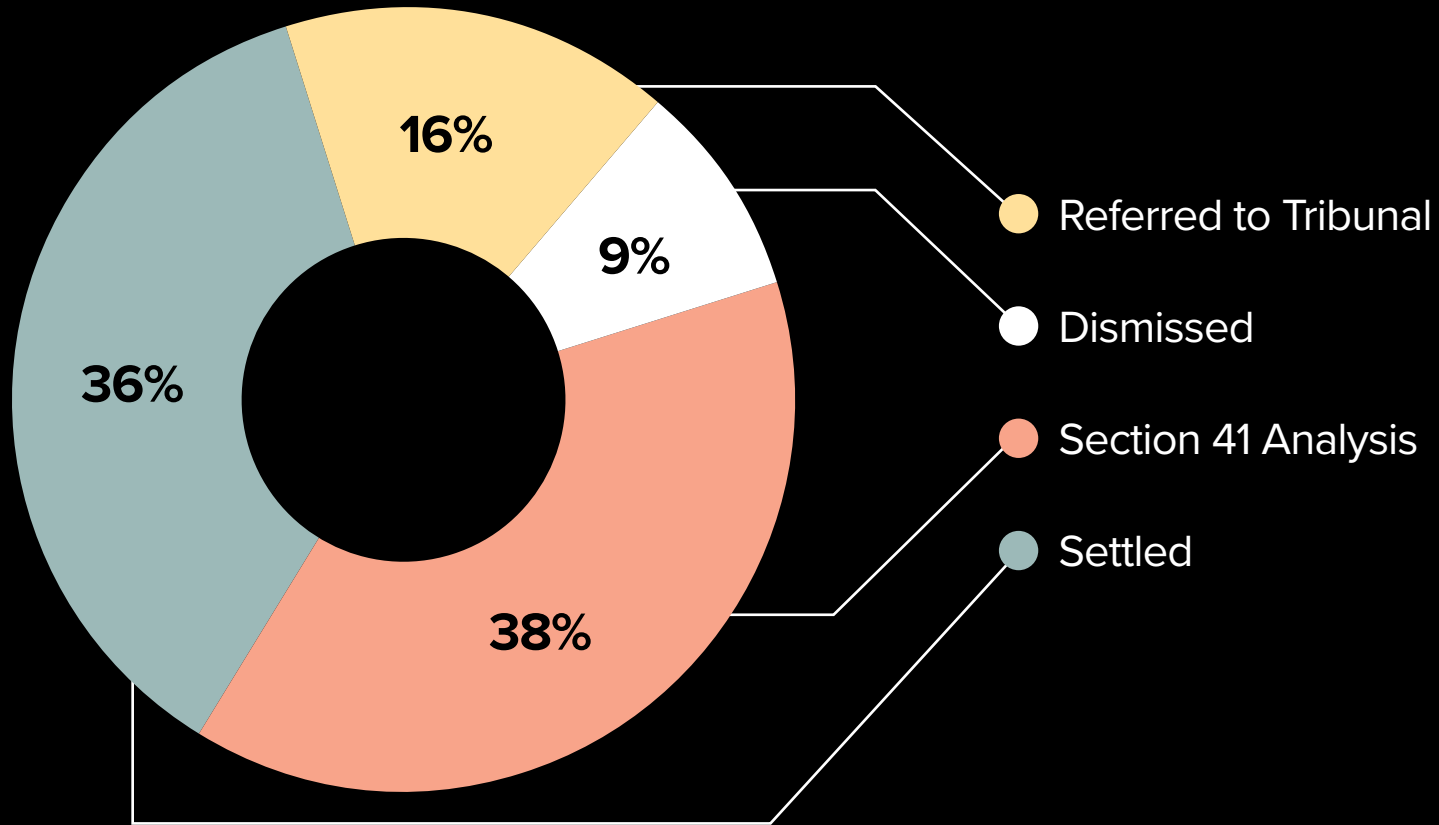


Harassment

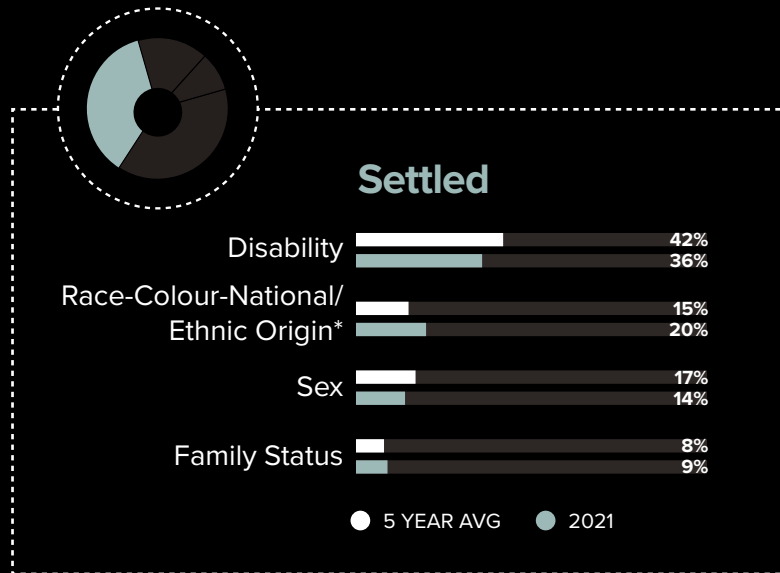
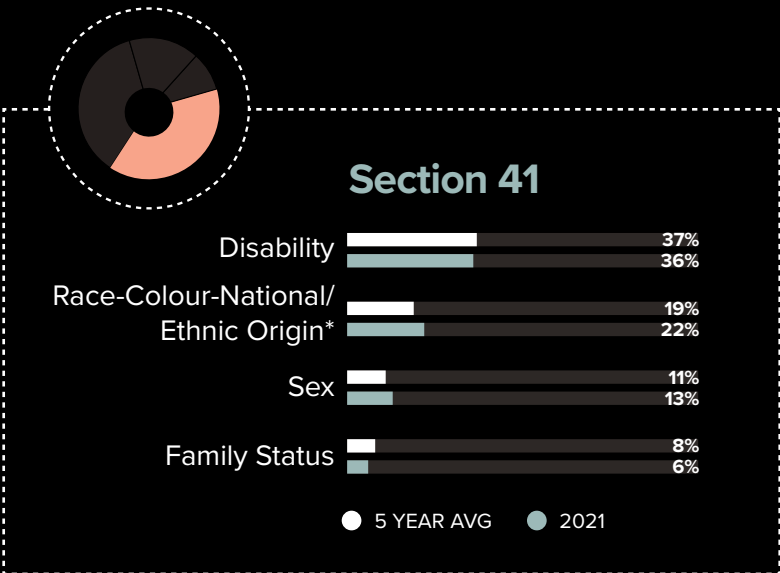
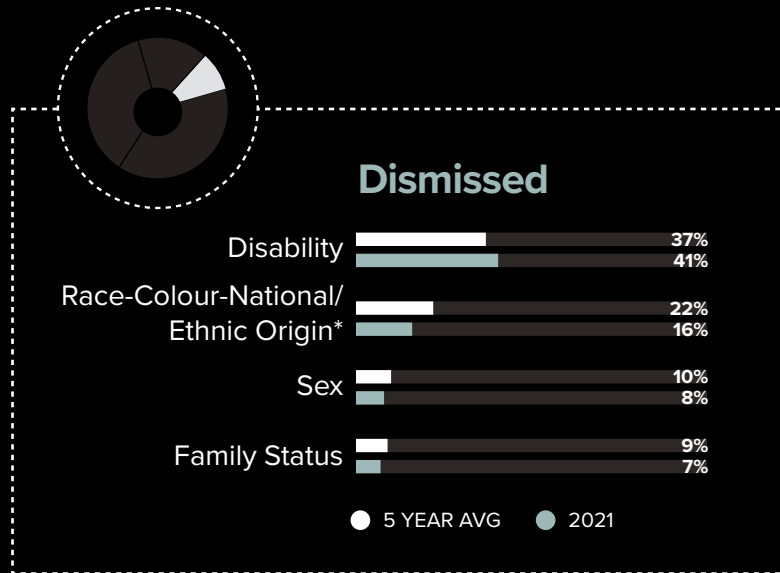
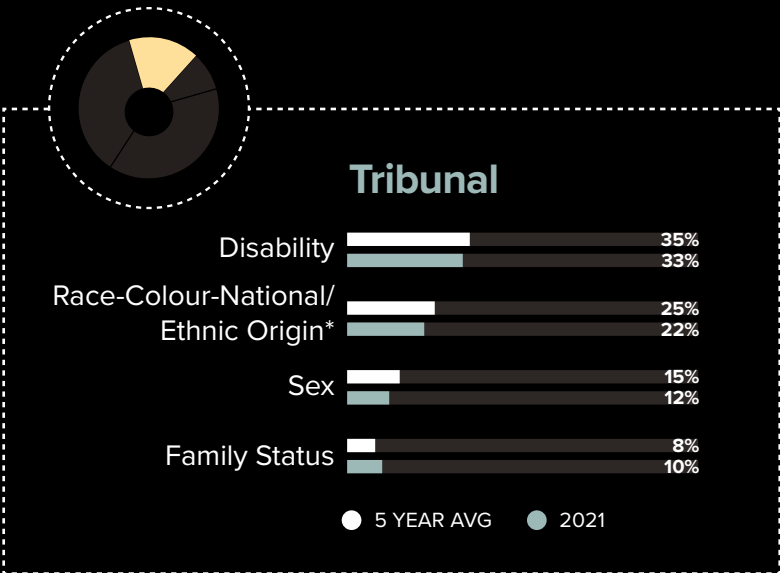
16% of complaints accepted in 2021 cited harassment.



Final Decisions 2021



Final Decisions by Ground



*combining the data of three grounds.

Doing more with our data

As part of our ongoing commitment to anti-racism action, we moved forward in 2021 with a project to help us better understand who is complaining to us, and what their experience has been in accessing and using our complaints process.

The first priority was to gather and analyze disaggregated, race-based data from past complaints. We sent an online survey to consenting complainants who between 2019 and 2020 had filed complaints based on any of the grounds of race, color, or national or ethnic origin. With great success on the first survey, we then expanded the project to survey additional consenting complainants who filed complaints in 2020 citing any of the 13 grounds of discrimination.

The following page outlines some of the highlights of what our data taught us in 2021 about the people who have come to us in recent years because they believe they have been treated unfairly.

Our plan is to make this data collection a permanent pillar of the Commission's online complaints process for all new incoming complaints. This is all part of our broader mission to improve the quality of information we have about who is experiencing discrimination in Canada — particularly with respect to systemic forms of racism and inequality.

Of those complainants who replied to our survey and who filed complaints alleging racism between 2019 and 2020, here is how they identified:

Indigenous: **25%** First Nations (**18%**), Métis (**5%**), and Inuk (Inuit) (**2%**)

Black: one-third (**32%**) (including of African-descent or Afro-Caribbean-descent)

South Asian: **12%**

Other races: **10%**

Having a disability: **25%** (equal distribution between mental and physical health-related disability)

Christian: One-third (**32%**)

No religion: **23%**

Indigenous spirituality: **13%**, Hindu: almost **6%**, Muslim: **5%**, Sikh: **3%**

Most have Canadian citizenship (**83%**) and almost half of those (**48%**) were born in Canada.

More than half (**56%**) have university degree, half of which are post-graduate degrees.

In management positions: **16%**

Work full-time: **90%**

More than half (**53%**) found it very difficult or difficult for their household to meet financial needs.

Helping people find solutions

A key component of the modernized complaints process we launched in 2021 is about allowing people to get to mediation more swiftly. This way, they have a chance to resolve their discrimination complaint informally and at the earliest opportunity.

Mediation is voluntary and confidential. Our mediation services are facilitated by the Commission's team of impartial mediators, who give both parties the opportunity to explain their side of the issue and try to resolve the concerns that led to the complaint.

1 in 3
(35%) of the
complaints accepted
were mediated in 2021.

|
64%
of mediated
complaints reached
a settlement.





In 2021, with COVID-19 restrictions still in place, we continued with our virtual mediation process, relying on video and teleconferencing to conduct mediation and conciliation sessions. In fact, this virtual mediation has helped improve and accelerate the way we process complaints. It has contributed to our collective goal in 2021 to find new ways to ensure that the people who come to the Commission for help are efficiently served.

Representing the public interest

The Commission closely 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 rare instances, a case will make its way through Canada's court system, sometimes all the way to the Supreme Court of Canada. This can take several years. 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, or in cases where the complainant is in a vulnerable situation, the Commission's legal team will participate in the hearing and represent the public interest all the way through the process.

This past year, as we moved through a third and fourth wave of the pandemic, the Commission continued to mitigate delays by participating in virtual legal proceedings, including online mediations and even online hearings.





128 cases were referred
to Tribunal in 2021

59% were related
to employment

22% involved
allegations of harassment

A victory for Indigenous children and families

In a 2021 hearing, the Federal Court upheld the landmark Canadian Human Rights Tribunal decision on Indigenous child welfare compensation. The Federal Court dismissed both of the Government of Canada's applications for judicial review on this matter. The first was related to compensation of First Nations children and their caregivers; and the second decision related to the issue of who is eligible for services under Jordan's Principle.

This all stems from the landmark 2016 decision by the Canadian Human Rights Tribunal in the case now known as the Indigenous Child Welfare Case. In that historic decision, the Tribunal found that the federal government discriminated against First Nations children by knowingly underfunding on-reserve child and family services, leading to "trauma and harm to the highest degree, causing pain and suffering."¹

1. 2019 Tribunal decision in "First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada": <https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/453537/index.do>





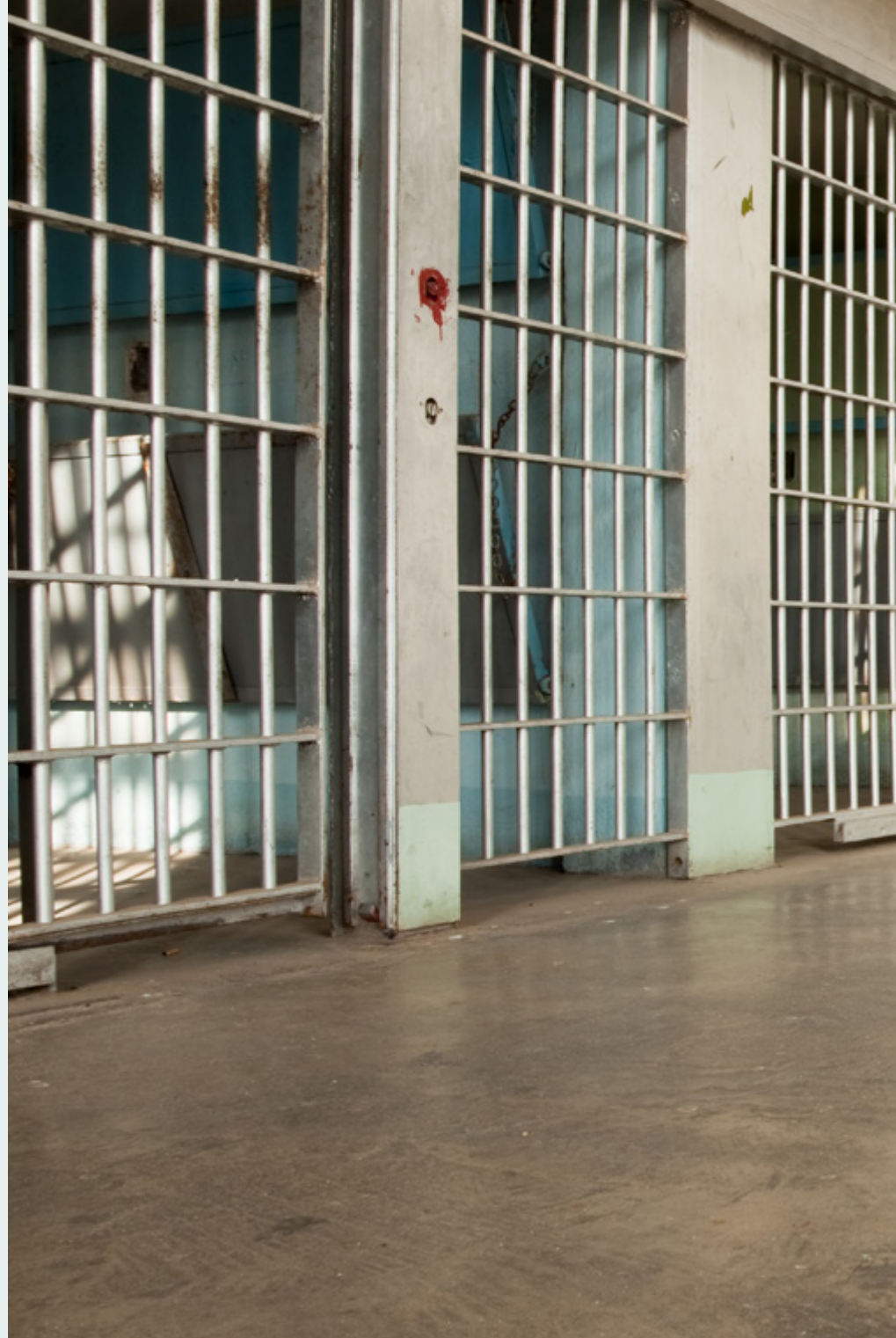
This Federal Court decision in 2021 is another vital step towards solidifying the 2016 Tribunal decision and the compensation it awarded to generations of First Nations children. At the time of writing, parties have reached a tentative and non-binding agreement-in-principle to reform the First Nations child and family service program, fully implement Jordan's Principle, and compensate 200,000 First Nations children and families who suffered as a result of Canada's discriminatory funding of these services. The Commission welcomed the historic \$40 billion dollar agreement-in-principle which, if approved and finalized, will end litigation that began in 2007 with a discrimination complaint to the Commission from the First Nations Child and Family Caring Society and the Assembly of First Nations.

Improving health services for those in federal custody

As a result of a complaint filed by Prisoners' Legal Services (PLS), the Commission reached a collaborative agreement with the Correctional Service of Canada (CSC) and PLS to improve health services for people in federal custody with an opioid use disorder.

The CSC committed to providing timely access to Opioid Agonist Treatment (OAT) through the elimination of waitlists and a focus on continuity of care, ensuring program discontinuation only when clinically appropriate or at the request of the patient. The CSC will work to create a recovery plan that is trauma-informed and culturally appropriate.

The ongoing opioid crisis is a serious concern across Canada. The Commission maintains that this issue must be addressed using a human-rights based approach that puts the medical needs of the individual first.





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 to policy-makers, and speaking out on pressing human rights issues affecting people in vulnerable situations.

A year of anti-racism action

In 2021, we made great strides in our anti-racism efforts as a human rights advocate, a human rights service provider and regulator, and a federally regulated employer.

We began the year by publishing the first iteration of our Anti-Racism Action Plan. It was another key step in transforming the invaluable feedback we have received from staff and stakeholder experts into meaningful and sustainable concrete action.

The collaboration continued as we gathered input on our Action Plan — where to strengthen it, how to hone it. It all helped inform a new iteration of the Plan that we launched in September on our anti-racism online platform. This latest version of our Action Plan details 49 concrete actions that touch all aspects of the Commission's work and establishes concrete timelines for each.

As an imperative measure to hold us accountable to this comprehensive set of commitments, we also published the first in a line of Progress Reports to come that will track milestones and results achieved in this important work.

It is all part of our mission to create lasting transformative change at the Commission.

We are listening.

We are learning.

We are taking concrete action.

Since this work began, the Chief Commissioner has met with and presented to numerous organizations to share with them our journey and what we have learned to, and support them in their commitment to anti-racism action.

This work is imperative to our organization. And we are approaching all of it in such a way that ensures that anti-racism efforts be embedded into the very way we operate as an employer, a service provider and regulator, and as an advocate. It is important to us that this work outlives any one particular employee's time at the Commission.



Here are just some of the highlights of our other 2021 anti-racism actions:



ACCOUNTABILITY AND TRANSPARENCY

- We had an independent third-party employment equity audit conducted to examine the representation of Indigenous people, racialized people, and people with disabilities within the Commission. The audit applied a GBA+ (Gender-based Analysis Plus) lens, and specifically helped identify any barriers to employment at senior levels within the Commission for these designated groups.
- At the request of the Clerk of Privy Council in response to the 2021 Call to Action on Anti-Racism, Equity and Inclusion, we submitted our “Walking the Talk: An Open Letter on the Canadian Human Rights Commission’s implementation of the Clerk’s Call to Action on Anti-racism, Equity and Inclusion.” Our open letter was essentially a comprehensive report, outlining in great detail the concrete actions we are taking to help create systemic change across our operations.



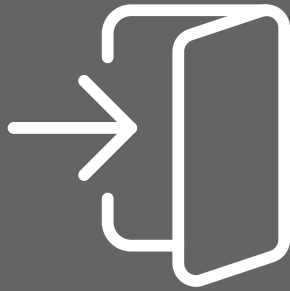
ADVOCACY AND POLICY

- In June, we provided a submission to the Working Group of Experts on People of African Descent, in which we highlighted ongoing challenges in Canada’s federal justice system that continue to disproportionately affect people of African descent, as well as opportunities the Commission has taken to advance its anti-racism efforts as Canada’s national human rights institution.
- We continued to speak out and raise awareness about systemic racism and discrimination in Canada, including in the criminal justice system, in the impacts of the pandemic on racialized communities, and in the need for more inclusive policies across decision-making organizations and federally regulated workplaces.



LISTENING AND LEARNING

- We struck a new Decolonization and Anti-racism Consultation Committee comprising a diverse team of Commission employees who, among several other responsibilities and functions, provide the perspectives of people with lived experience with racism to inform the evolution of the Commission’s work.
- We continued to lean on our trusted community of stakeholders and external experts for their input and feedback on our anti-racism transformative work and milestones.



ACCESS TO JUSTICE

- We moved forward with our retroactive collection of disaggregated race-based data of the people who have brought us their discrimination complaints since 2019.
- Ongoing training, mentoring and enhancements to our complaints tools, templates, and processes are having a positive impact in the way we handle discrimination complaints related to race, or that cite any of the grounds of race, colour or national or ethnic origin.



OUR TEAM

- We continue to invest in ongoing mandatory training for all Commission staff, including Commissioners, on implicit bias, and systemic racism and discrimination. In 2021, this included the session “Avoiding Harm when Discussing Racism,” by former Commissioner Edith Bramwell.
- We also invested in trauma-informed training for Commission employees who are responsible for screening, analyzing and addressing discrimination complaints that allege racism. In 2021, this included Myrna McCallum’s course, “The Four Pillars of Trauma Engagement,” as well as an extensive course delivered by Mark Hart on how to strengthen the handling of complaints filed on the grounds of race, colour, or national or ethnic origin.



Indigenous human rights: Continuing to uncover the truth

This past year will always be defined by the confirmation of what generations of Indigenous families and communities had always known to be the truth: that hundreds, even thousands, of Indigenous children were buried in unmarked graves on the grounds of what were then called Indian Residential Schools.

Over the course of the spring and summer of 2021, hundreds of unmarked gravesites were uncovered through local, community-based, Nation-led investigations. The discoveries forced people across Canada to come to a





reckoning about this shameful part of our collective history, and subsequently our collective responsibility to advance truth and reconciliation.

The Commission joined outraged, grieving voices across Canada. Across our public platforms, we honoured the lost lives and their families, and we called on people in Canada to join us in standing in solidarity with Indigenous peoples during this time of grief. We spoke out in support of widespread calls for action by all levels of government to fund efforts to investigate the grounds of every residential school in Canada.

We also marked the 2021 inaugural National Day for Truth and Reconciliation, which invited people across the country to educate themselves about the truth of Canada's history. The Commission maintains that it is long past due for all

non-Indigenous people in Canada to carry the burden of this knowledge, and to mobilize themselves in light of their responsibility to advance Truth and Reconciliation. We continue to encourage everyone in Canada to stand together in solidarity with Indigenous peoples, to learn the truth about what happened, and to push for cooperation by federal, provincial and territorial governments with Indigenous governments and communities so that every single long-lost child can be brought home.

On June 21, 2021, the United Nations Declaration on the Rights of Indigenous Peoples Act received Royal Assent and immediately came into force. The purpose of this Act is to affirm the UN Declaration as an international human rights instrument that can help interpret and apply Canadian law. It also provides a framework to advance implementation of the Declaration at the federal level.

This important milestone has come at an urgent time for the human rights of many Indigenous peoples in Canada, including the Innu Nation. In 2021, we received the Follow-up Report to the Canadian Human Rights Commission on the

Human Rights of the Innu of Labrador — a detailed account of the lived experiences of generations of Innu people.

The report is the product of a collaboration between the Innu Nation, Celeste McKay Consulting Inc., and Professor Donald McRae. Prof. McRae had worked on the Commission's first report that outlined the dire situation in Labrador, almost 30 years ago. In 2019, the Innu Nation invited Chief Commissioner Marie-Claude Landry for visits and consultations, which resulted in this 2021 report.

As the report clearly outlines, since the publication of a second Commission report in 2002, there has been significant progress, both domestically and internationally, in the promotion and protection of Indigenous rights. However, there has been little change in seven crucial areas of life for the Innu People, all which rely on government services: health; child and family services; education; language and culture; housing; policing and the justice system; and overall economic well-being.

The Follow-up Report outlines five key recommendations to the federal government:

- 1.** Commit to the conclusion of the Modern Treaty negotiations in accordance with human rights obligations.

- 2.** Take action to resolve critical gaps in services to ensure substantive equality.

- 3.** Move quickly to complete negotiations on the decommissioning of the old village site on Iluikoyak Island to allow the site to be adapted by the Innu according to their own priorities and values.

- 4.** Support anti-racism measures to address systemic racism facing the Innu. As well, the Province of Newfoundland and Labrador should give high priority to advancing the work of the anti-racism working group that it had agreed with the Innu in 2019 to establish. The intended mandate of this working group is to address systemic racism in health care and other services.

- 5.** Together with the Government of Newfoundland and Labrador, ensure the timely launch of the inquiry into the treatment of Innu children in provincial care.

Advancing the human right to adequate housing for all

In a year where housing affordability, evictions, and homelessness weighed heavily on the minds of people across Canada, the Commission advocated for the right to adequate housing for all.

In public statements, we spoke out about how Canada must uphold the rights of people experiencing homelessness and called on governments at all levels to take specific steps to fulfil the right to adequate housing and improve housing conditions for those most in need.



Throughout 2021, the Commission made preparations in anticipation of the appointment of Canada's first Federal Housing Advocate. This included finalizing and testing the systems that will allow the Federal Housing Advocate, as part of their many functions and duties, to receive submissions from people in Canada who are experiencing systemic housing issues, housing need, and homelessness.

The Commission also conducted research and preliminary engagement with key stakeholders throughout 2021, including the National Housing Council, to inform a deeper understanding of current housing issues and where best to focus the efforts of the future Advocate. The research was conducted using an intersectional lens and a participatory approach, in collaboration with civil society and people with lived experience.

The Federal Housing Advocate's role will be the first of its kind in Canada, with a mandate to promote and protect the right to housing for all. They will work in collaboration with the Commission, and independently from government. The Advocate will drive change on systemic housing issues by receiving public submissions and amplifying the voices of

affected communities, by making recommendations to improve Canada's housing laws, policies and programs, and by holding governments to account on their human rights obligations.

This accountability mechanism is unique in the world, offering Canada — and the Commission — the opportunity to be a world leader on domestic implementation of the human right to adequate housing.

Working with the international community

The Commission is Canada's National Human Rights Institution. We regularly engage with international partners and with United Nations 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. We do this by making submissions to the United Nations and related bodies about how Canada is faring and where there are areas of concern that need to be addressed. It allows us to raise concerns about new and emerging human rights issues, while also reiterating calls for action to address long-standing inequities.



In 2021, we engaged with the international human rights community on a variety of human rights issues, including:

- The rights of Indigenous peoples
- Violence against Indigenous peoples, including violence against Indigenous women and girls; the forced or coerced sterilization of Indigenous women; and the legacy of the residential school system
- The right to life and adequate housing
- Pay equity
- Online hate
- Technology and privacy
- Federal detention, including the overrepresentation of certain groups and the use of solitary confinement
- Immigration detention
- How Canada’s federal justice system is having a disproportionate negative effect on racialized people, particularly those of African descent
- The rights of people with disabilities — especially the disproportionate effect of the global pandemic
- How international partners can better implement the right to work and employment for people with disabilities

Charting the way forward for the rights of people with disabilities

This year, the Commission continued to build momentum on its work to monitor the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

The Commission was formally designated as the body responsible for monitoring the CRPD in 2019. This means it is the Commission's responsibility to monitor and report on whether Canada is doing all it can to meet its human rights obligations for people with disabilities as outlined in the Convention.



In 2021, our focus was to chart a course for how to take the feedback we received in 2020 from people across Canada, and put it into action.

On a new section of the Commission’s website, you can now find a series of interactive tools, including a video, and an easy read executive summary to explain this new part of the Commission’s work. We have also published our Action Plan in PDF, and HTML with ASL and closed-captioned videos. This Action Plan will guide us into the next phase of our monitoring process and provide a framework for our monitoring efforts.

It is grounded in four key areas: advocacy, empowerment, collaboration, and communicating results.

The Action Plan also establishes the top three priorities that we will focus on when monitoring the rights of people with disabilities in Canada. These three priorities were carefully selected and are based on the feedback we received from people across Canada.

The three priorities are:

- poverty,

- housing, and

- work and employment.

Along with these priority issues and key areas, our Action Plan also provides broad direction on how we are going to do this monitoring work, who should be involved, what information will be collected, how that information should be shared, and what supports might be needed for others to take part in the monitoring work.

It is essential that our monitoring work be meaningful for people with disabilities, and contribute to real change. Throughout this process, we are continuing to work in close collaboration with people with disabilities, their families and caregivers, and with advocacy organizations.

Engaging the public

The Commission is Canada's human rights watchdog. We are an independent, national voice for human rights in Canada. We rely on valued relationships within the human rights community, and collaborative dialogue with advocacy organizations, Indigenous organizations, Canadian employers, youth advocates, law societies, academics, and other human rights advocates across Canada. We also engage with the broader Canadian public reached our various multimedia platforms to raise awareness and encourage social change.





In 2021, it was more important than ever that we remained closely connected with our partners, with people in Canada, and with the voices of those with lived experience. Throughout the past year, we engaged with audiences through a host of virtual speaking events, through engagement with our human rights partners both within and outside government, and through an open dialogue with the Canadian media.

Across our various platforms, we worked to remain a bold, national voice for human rights in Canada by:

Continuing to sound the alarm about systemic racism and discrimination in Canada, in all forms.

Raising concerns about the rights of prisoners.

Calling for all levels of government to help advance the human right to adequate housing for people experiencing homelessness.

Recommitting ourselves to dismantling systemic racism and discrimination by developing and implementing our Anti-Racism Action Plan across our organization.

Advocating for the rights of those disproportionately affected by the COVID-19 pandemic.

Welcoming the coming into force of the Pay Equity Act and educating federally regulated organizations on their new responsibilities to proactively close the gender wage gap.

Advocating for the investigation of all former residential school sites, calling on all non-Indigenous people in Canada to learn the truth about this shameful part of our history, and holding Canada accountable for meaningful action towards reconciliation with Indigenous peoples.

Advising lawmakers that medical assistance in dying should never be the only alternative, but rather, a meaningful choice among many viable and dignified options. And that any law on the issue should improve care, services, and substantive equality in Canada — especially for people with disabilities; and that any law on the issue should comply with and meaningfully monitor Canada’s international human rights treaty obligations, and be developed in full consultation with diverse voices from Canada’s disability community.

Lending our voice on the urgent issue of systemic racism and racial discrimination in Canada’s entire criminal justice system — from police surveillance, to profiling and targeting, to sentencing to incarceration.

Talking to business leaders and decision-makers in Canada about how we are learning at the Commission that to be a leader in your industry also means being a leader in “The Big Three”: anti-racism values and practices; accessible service and accessible business, and creating a culture of pay equity and gender equality.

From left to right: Celeste McKay, Co-Author of the report; Professor Don McRae, Co-Author of the report; John Olthius, Counsel for the Innu Nation; Grand Chief Etienne Rich, Innu Nation; Deputy Grand Chief Mary Ann Nui, Innu Nation; Chief Eugene Hart, Sheshatshiu Innu First Nation; Yvette Michel, Innu Nation; Marie-Claude Landry, Chief Commissioner, Canadian Human Rights Commission; and Keith Smith, Director General, Policy and Communications, Canadian Human Rights Commission.



Conducting and supporting research

We are living in an era where people in Canada are navigating a never-ending influx of information that is available at their fingertips. Some of it is good. Some of it is not. It has never been more important to ensure that quality data and quality human rights research are informing the national conversation, and driving important changes that will advance equality and better protect human rights.



Each year, the Commission conducts and supports a range of human rights research. In 2021, we focussed on several key areas:

- Together with the Ontario Human Rights Commission and the Law Commission of Ontario, we launched a joint research initiative on the emerging issue of artificial intelligence and human rights. We also participated in a peer review of a report from the Global Privacy Assembly’s working group on privacy, data protection and other rights and freedoms.

- We sat on the Institutional Stakeholder Advisory Committee to lend our expertise to the ongoing research project, entitled “Communities United for Racial Equality,” that was launched by the Institute for Research and Education on Race Relations.

- We worked with Indigenous Works in the launch of a joint project that aims to promote Indigenous recruitment and retention within the banking and financial sector.

- We also continued to champion important research being done in the area of LGBTQ2SI+ rights. This included collaborating on the 2021 TransPULSE Canada report on trans and non-binary immigrants and newcomers; and supporting Pride at Work in the development and launch of their guide, entitled “Know Your Rights: A Guide for LGBTQ2+ Employees.”

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.

The Accessible Canada Act, the Employment Equity Act, and the Pay Equity Act give the Commission the authority to work with federally regulated employers to ensure they are preventing discrimination and promoting inclusion through proactive compliance with these laws. 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.* The Commission also serves as the National Monitoring Mechanism for Canada's implementation of the United Nations Convention on the Rights of Persons with Disabilities. This designates the Commission as the body responsible for monitoring how the Convention is put into action in Canada, and to identify gaps and priority issues that need to be addressed.

*The 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 290 people and has been led by Chief Commissioner and Chief Executive Officer, Marie-Claude Landry since 2015.

Commissioners

In 2021, the Commission comprised four full-time Commissioners, including Chief Commissioner Marie-Claude Landry; Deputy Chief Commissioner Geneviève Chabot; Pay Equity Commissioner, Karen Jensen; and Commissioner Edith Bramwell. The Commission also included three part-time Commissioners: Joanna Harrington, Rachel Leck, and Dianna Scarth.

- 1.** Joanna Harrington
- 2.** Geneviève Chabot
- 3.** Edith Bramwell
- 4.** Rachel Leck
- 5.** Dianne Scarth
- 6.** Karen Jensen
- 7.** Marie-Claude Landry



