



# People first





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# Chief Commissioner's message

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Looking back, I believe that 2017 will be remembered as a pivotal year for the advancement of equality in Canada – a tipping point. People across Canada joined the chorus of voices around the world speaking out against intolerance and the status quo in ways we have not seen in decades.

The groundswell of marches, protests, rallies and social media campaigns all shined a light on the fact that racism, misogyny and bigotry affect us all. They are far more common, personal and pervasive in Canada than most want to admit.

The truth is: we all know someone who has experienced discrimination or harassment – we may not have thought to ask, or we may not have been willing to listen or acknowledge it.

All this in the same year that we celebrated our inclusive and diverse society – from Canada 150 events, to 35 years of the Canadian Charter of Rights and Freedoms, to the 40th anniversary of the *Canadian Human Rights Act*.

In many ways, the issues and revelations that dominated our headlines stood in stark contrast to the milestones we were celebrating. The contradiction served to make it all the more clear that who we are and who we want to be are not always aligned. It underscored that equality, respect and inclusion are an ongoing pursuit, in an ever-changing society. We are not there yet – not even close. But we continue to make progress.

This year, thanks to the tireless efforts of human rights advocates, we saw two new grounds of discrimination added to the *Canadian Human Rights Act* – making it explicit that people are protected from discrimination regardless of their gender identity or expression, or their genetic characteristics.

These additions to the Act are proof that when our laws no longer reflect the reality of our society, they can change. They can evolve. We just need people to speak out and challenge the status quo.

That is why the unprecedented engagement that we witnessed in 2017 is so encouraging. Some of the people who came forward this year may very

The simple actions of one person can inspire others, can start movements, can change laws, can change workplaces and so much more.

well have been reluctant to do so in the past, but they saw an opportunity to bring about change.

Time and again, human rights complaints show the negative impact one individual can have over another. Yet the courage of complainants also shows us that one individual has the power to do good – not just for themselves, but for society as a whole.

The simple actions of one person can inspire others, can start movements, can change laws, can change workplaces and so much more.

As we marked the 40th Anniversary of the *Canadian Human Rights Act* this past year, we looked back on some of the individual actions that changed the lives of so many, for the better. It is in that spirit that our Annual Report features the stories of individuals looking to create positive and lasting change for countless others.

Each organization, each person, each individual, has the power to make a difference in people’s lives and to contribute to making Canada a more inclusive, greater country. Every employee at the Commission is an example of this – working together to bring about change. Each of their unique efforts and contributions has helped move human rights forward. I am proud to lead this team of human rights defenders, and I know that the work we are doing now is helping to shape the next 40 years of human rights in Canada, for the better.

One story at a time.



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



Photo: REUTERS/Shannon Stapleton

# What we did

Throughout 2017, the Commission kept pushing to put **People First** and to make the rights, the issues and the needs of people in Canada at the forefront of all that it did. From calling for stronger human rights protections for the transgender community and fighting for the fuller inclusion of persons with disabilities, to calling out hate and intolerance, to continuing to promote the rights of Indigenous peoples and other vulnerable groups across Canada—the Commission worked to be a voice for those who are fighting to have their voices heard.



# Improving access to justice for all

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“If we can’t use the law to stand up for our rights—and to defend the rights of others—then our rights are meaningless. Access to justice is as basic a human right as our right to safety, to security, to freedom of expression.”

Chief Commissioner Marie-Claude Landry, 2017



Brian Smith, Senior Counsel with the Canadian Human Rights Commission, on the steps of the Supreme Court of Canada in Ottawa in 2017.



Canada's Supreme Court, Ottawa.

## **Arguing for affordable access to human rights justice**

The central principle of Canada's federal human rights law is that it is available to everyone no matter their financial circumstances. When Parliament created the Canadian Human Rights Act, it was intended to be the most affordable remedy available to Canadians when they experience discrimination.

In a recent case before the Supreme Court of Canada, known as *Matson and Andrews*, the right to use this remedy to challenge a discriminatory law was called into question.

The Commission argued that anyone who has been denied access to a government benefit because of a discriminatory law has the right to argue their case before the Canadian Human Rights Tribunal. This option is a more affordable and accessible alternative to a Charter challenge. Without this right, these people would have to initiate and fund a Charter challenge to change their situation – a costly and daunting undertaking for anyone, let alone someone experiencing financial difficulty.

The case has far reaching implications as it could determine the level to which people in vulnerable circumstances are able to access the justice system. Advocacy groups and legal aid clinics – representing Indigenous people, women, persons with disabilities, racialized groups, as well as low-income and other marginalized populations – also intervened in the case.

The Supreme Court's decision is expected in the summer of 2018.

## **Calling out discrimination in Canada's prisons**

The Commission continued to work on behalf of vulnerable prisoners: Indigenous women; people illegally in Canada; inmates with mental disabilities; trans inmates; and people being held in solitary confinement. Through mediation settlements, work with Correctional Service Canada, public messaging and Parliamentary appearances, the Commission continued to call for federal leadership and action to improve how vulnerable offenders are treated within the Canadian justice system.

## **Simplifying the complaint process**

Over the past few years, the Commission has heard directly from its stakeholders and from individuals across Canada that its complaint process was too difficult, too complex, too intimidating.

During this last year, the Commission revamped its website and launched an interactive online complaint form to make it easier to find human rights information and to file a complaint. The Commission also established a Registrar's office to help complainants navigate the complaint process.

The new online complaint form has resulted in an unprecedented engagement with our website and complaint process, which immediately confirmed that many people needed a clearer and simpler way to access information and submit complaints.

“When we threw open our doors, we discovered a large number of people who had been looking for support online,” said Marie-Claude Landry. “We are working as fast as we can to give these people the answers and support they need. We are continuing to explore ways to respond to this heightened demand for help navigating the human rights process in Canada.”

This improved online presence is providing real-time information about the reasons people visit the website and access the Commission's complaint process – from not receiving services because of disability, to being denied employment because of race. This data will help guide the Commission in future policy development and resource allocation – helping all human rights defenders better understand the human rights landscape.

“When we threw open our doors, we discovered a large number of people who had been looking for support online. We are working as fast as we can to give these people the answers and support they need. We are continuing to explore ways to respond to this heightened demand for help navigating the human rights process in Canada.”

Chief Commissioner Marie-Claude Landry, 2017

## Opening the doors: the first 90 days

October 1, 2017 – December 31, 2017

When the Commission made its complaint process easier and more accessible, there was an immediate spike in the number of inquiries and the number of submitted complaints. Here is what the first three months looked like:

- **Over 11,000 people** accessed the complaint form to figure out whether their situation was discrimination and find out who could help them.
- **Over 1,100** complaints were submitted using this new tool.

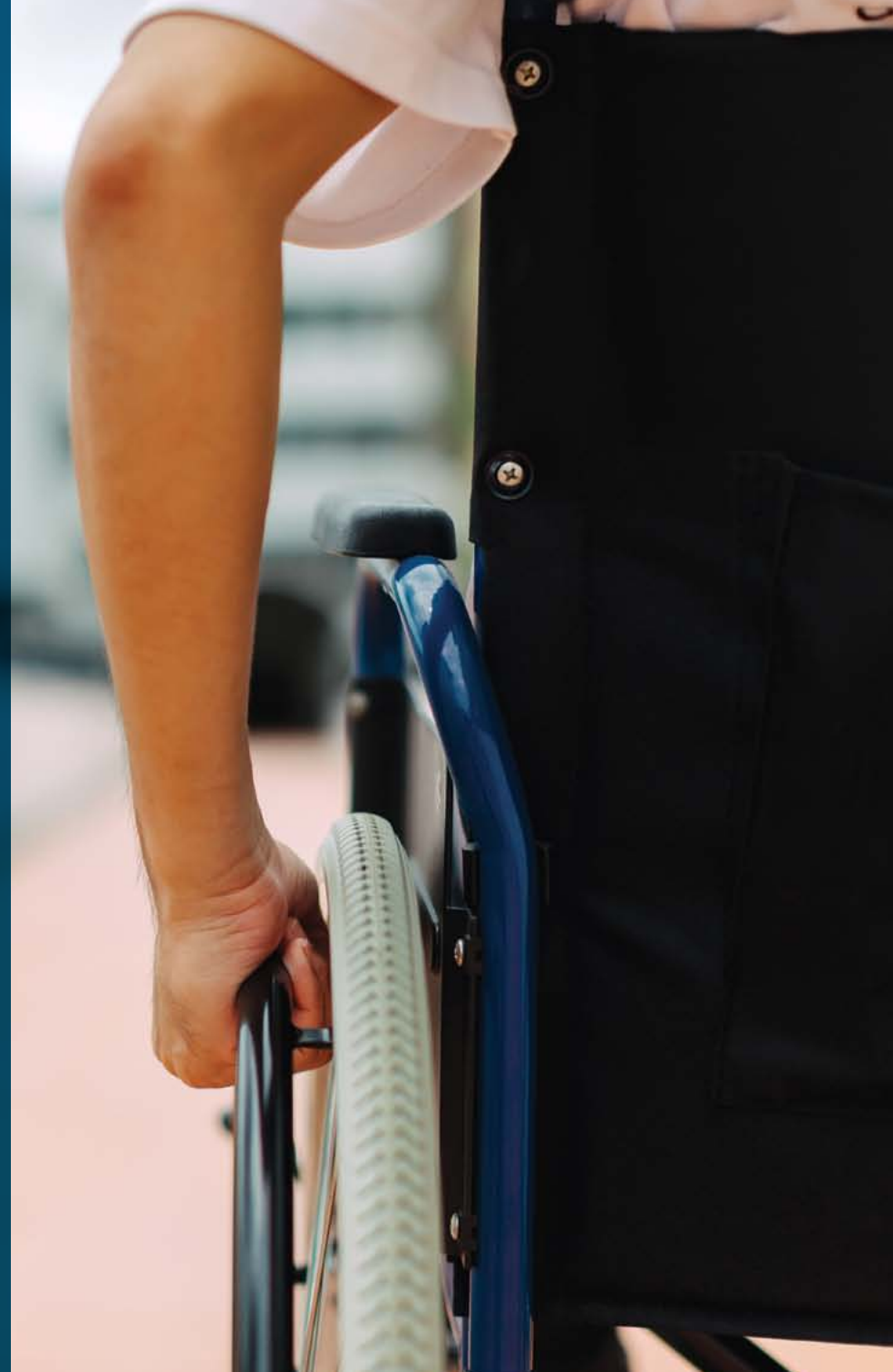


# Expanding accessibility and inclusion for all

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“Access to public places, jobs and education is a human right. At the end of the day, everyone is born with a unique set of abilities...but it is society that disables people, preventing them from full inclusion and participation.”

Chief Commissioner Marie-Claude Landry, 2017





In 2017, more than half of all of the complaints that the Commission worked to resolve involved discrimination against people with disabilities.

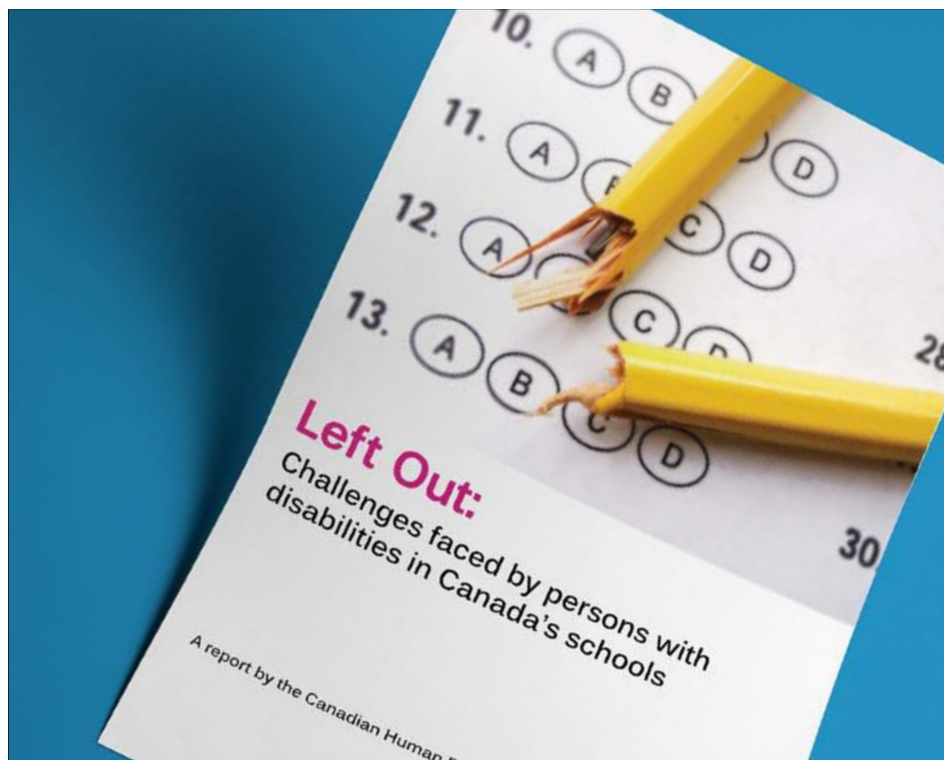
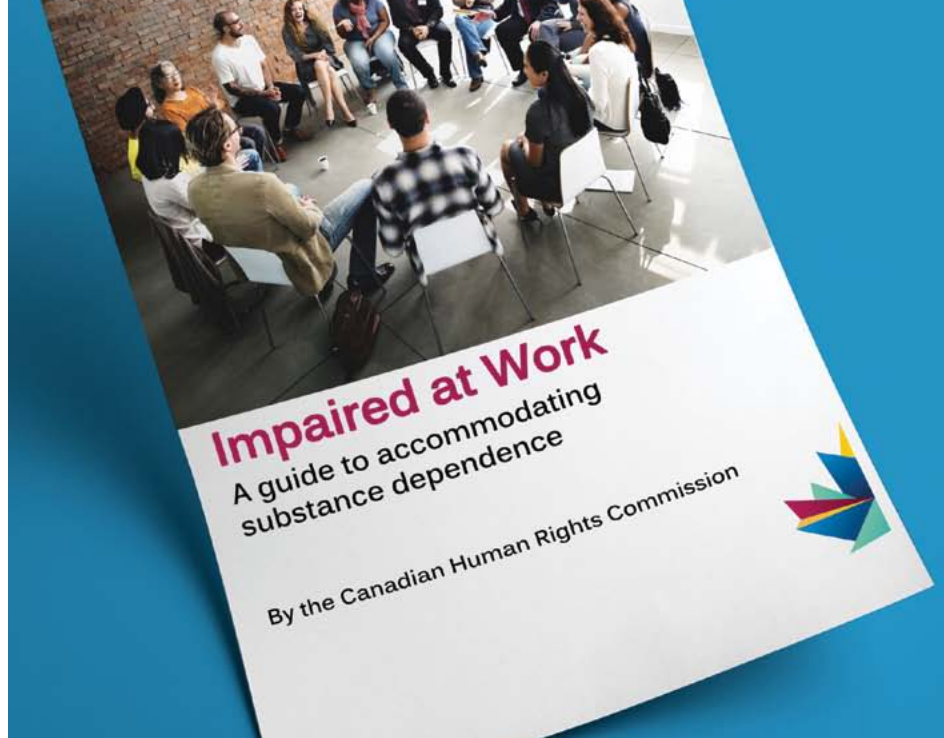
These complaints reflect the stark reality that people with mental and physical disabilities continue to be prevented from fully participating in Canadian society. Negative attitudes, inaccessible buildings, outdated policies or rules and ever-changing communication technology continue to create barriers – barriers that impede people’s involvement in the workforce, the classroom, and limit or prevent access to services.

The government’s upcoming accessibility legislation is an opportunity to make broad changes to how we treat people with disabilities. The Commission has participated in the government’s consultation process. Its recommendations drew from discrimination complaints, recent studies and research, as well as its work with various groups representing people with disabilities. The Commission has called for legislation that includes oversight provisions and stiff penalties for organizations that do not comply with the law.

## Guidance and Research

The Commission released *Impaired at Work: A guide to accommodating substance dependence*. The guide provides employers with five clear steps to accommodation and outlines the rights and responsibilities of the employee, job applicants, the employer, unions and/or employee representatives.

The Commission published *Left Out: Challenges faced by persons with disabilities in Canada's schools*. The report is part of the Commission's efforts to monitor Canada's implementation of the United Nations Convention on the Rights of Persons with Disabilities. The report confirmed that many people with mental or physical disabilities are not able to fully participate in Canada's education system.





# Advancing human rights law for all

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“...we must also ask ourselves, how must our human rights laws evolve to reflect and respond to the changes in society still to come – and yet to be even imagined.”

Chief Commissioner Marie-Claude Landry, 2017



Many will remember 2017 as a year where human rights laws saw significant changes that reflected Canada’s evolving society.

Parliament amended the *Canadian Human Rights Act* to recognize the rights of transgender people and to protect people from discrimination because of their genetic information.

The Commission continued to work with law-makers and stakeholders to ensure that changes to the law are effectively implemented and understood. The Commission also represented the public interest in various cases that could have a systemic impact on future Canadians.

### **Trans rights are human rights**

The Commission has long advocated for the rights of transgender Canadians to be included as a ground of discrimination in the *Canadian Human Rights Act*. In June 2017, Parliament added “gender identity or expression” as a prohibited ground of discrimination in the Act. The Commission continued to work in this area as complaints raise new and untested issues, for example gender markers on federal identification documents.

### **Genetic testing shouldn’t be a calculated risk**

Parliament also added “genetic characteristics” as a new ground of discrimination to the *Canadian Human Rights Act*. This change prohibits discrimination against a person based on their genetic makeup or their predisposition to a genetic disease. Other legal changes put in place criminal sanctions and penalties for the inappropriate use of genetic information.

In spring 2017, the Quebec government challenged the constitutionality of Bill S-201, the *Genetic Non-Discrimination Act*. The federal government and the government of British Columbia intervened in support of Quebec’s challenge.

While issues such as health insurance fall outside of federal jurisdiction, there remain several untested human rights implications associated with genetic testing. The Commission is intervening in the case and will oppose the constitutional challenge, arguing that adding “genetic characteristics” as a ground of discrimination in the *Canadian Human Rights Act* broadens human rights protection in Canada in an uncertain and evolving area of science and discovery.

## Indigenous rights and reconciliation

The Commission continued to work with the parties involved in the Child Welfare Case. While the Canadian Human Rights Tribunal has ruled that the federal government's funding formula for child welfare services on reserve is discriminatory, the work to find a reasonable and effective way to implement the necessary changes is now the challenge. Since the ruling, the Commission has participated in the discussions to represent the public interest as the parties moved towards the full implementation of Jordan's Principle by the federal government and reforming the child welfare program.

The Commission also continues to represent the public interest at the Tribunal in a number of other human rights cases involving First Nations communities, about matters including rights to accessible housing, and equal access to special education, health services, community living, and policing services on reserves.





# Promoting 40 years of human rights in Canada

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In 2017, the Commission celebrated the 40th anniversary of Parliament's creation of the *Canadian Human Rights Act*. The anniversary provided an opportunity to reflect on how far Canada has come as a country in the 40 years since its people acquired a federal law to fight for their rights and seek human rights justice. The Commission also saw the anniversary as an opportunity to imagine what lies ahead for the next 40 years of human rights in Canada—and what the Commission needs to do to ensure that the *Canadian Human Rights Act* can be a law that protects everyone in Canada, not only today, but in years to come.



The Commission hosted a national human rights symposium entitled “Beyond Labels” wanting to inspire a different conversation about human rights, while challenging our own thinking and conventions. For example, participants were asked to think about how labels play a role in the way we talk about human rights in Canada—in the way we divide up people’s rights into various grounds of discrimination. Participants were asked to think about whether labels lift up or put us down. Are labels empowering or are they holding us back? And ultimately, what do we need to put in place today so that human rights continue to evolve and reflect Canadian society into the future?

“We’re building a place where everyone can belong.”

Chief Commissioner Marie-Claude Landry, 2017



“I’m not fractions. I’m layers.”

KIM MILAN

From left to right: Tiq Milan and Kim Katrin Milan



“Human rights aren’t pieces of a pie –  
you don’t run out by extending them to all.”

RANDY BOISSONNAULT



“We are all one.”

CHIEF DR. ROBERT JOSEPH



**“We are stronger through inclusiveness.  
Proud of how Canada is moving beyond labels.”**

HONOURABLE JODY WILSON-RAYBOULD, MINISTER OF  
JUSTICE AND ATTORNEY GENERAL OF CANADA



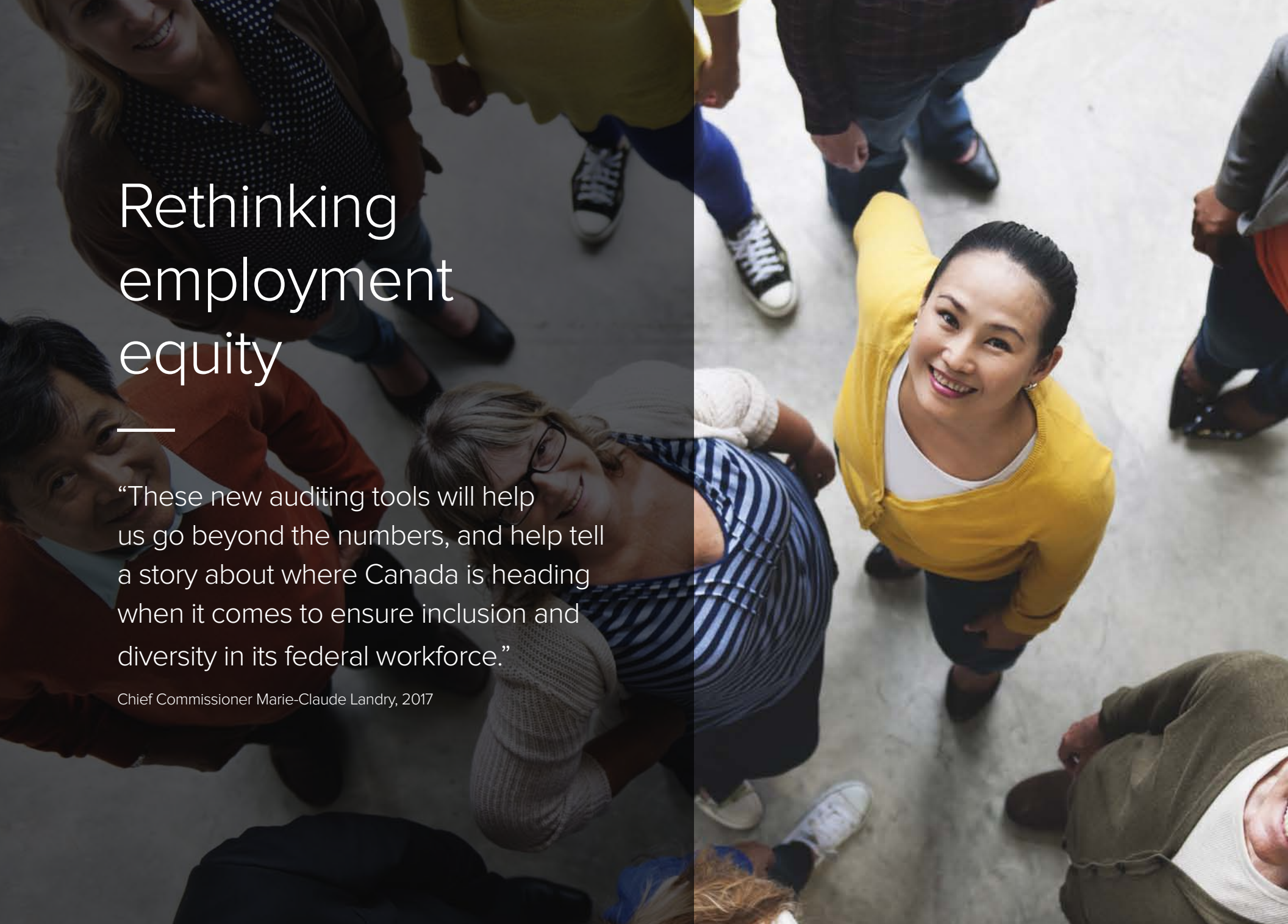
**“At the heart of human rights is human dignity.”**

SHAHINA SIDDIQUI



These new themes became a central part of the Commission’s public messaging in 2017. The result was an unprecedented year for the Commission in terms of public engagement, public discussion, and reaching new audiences. The Commission produced a Beyond Labels video series featuring human rights leaders and individuals sharing their views on whether labels play a positive or negative role. The response was incredible. People from across Canada took to social media to share their thoughts, to debate the ideas, to encourage others to join the dialogue. At the same time, the Commission also produced the 4040 Project—an anniversary video series that featured historic human rights milestones, current human rights issues in Canada, and interviews with influencers from across the human rights community.





# Rethinking employment equity

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“These new auditing tools will help us go beyond the numbers, and help tell a story about where Canada is heading when it comes to ensure inclusion and diversity in its federal workforce.”

Chief Commissioner Marie-Claude Landry, 2017

In 2017, the Canadian Centre for Diversity and Inclusion conducted a study on behalf of the Commission on matters relating to employment equity and the application of the *Employment Equity Act*. The Commission got to hear directly from employers from across Canada about what they thought about the employment equity audit process. The results are leading important changes in how the Commission will be conducting and reporting on workplace employment equity audits in the future.

“The last 40 years have seen an avalanche of change when it comes to representation of women, persons with disabilities, Indigenous persons, and visible minorities,” said Chief Commissioner Marie-Claude Landry. “Yet we also know that by enhancing our audit methods, the Commission can move the yardstick and define employment equity standards for the next 40 years.”

To that end, the Commission will conduct, for the first time, horizontal issue-based audits. In addition to the traditional audit of individual employers, the Commission will send auditors to several employers of the same industry to look at a specific gap in representation.



**On top of the changes to its employment equity processes in 2017, the Commission also:**

- negotiated agreements with 8 employers that were not in compliance with the *Employment Equity Act*. Each agreement outlined actions that the employer would take to improve their employment equity performance.
- produced 31 audit reports for federally regulated employers. These reports acknowledged the actions these employers have taken to fulfill their employment equity obligations.
- issued 4 status reports for employers that achieved good employment equity results in their industry sectors. The status reports also flag outstanding challenges facing these employers.

What  
they did

Sometimes the biggest changes come from the simplest actions or the most personal decisions. The people in these five stories have found their own ways to overcome discrimination or adversity for themselves or for others. Their stories show us that change that starts with one person can create a ripple-effect that helps many.

# Inspiring movement

Hannah Beach

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Hannah Beach says it's hard to pinpoint what prompted her to found Dandelion Dance, an Ottawa-based dance company aimed at girls of all shapes and sizes and from all walks of life. But as she begins talking, the answer becomes quickly evident.

"I was the youngest biological child of nine," she says over the phone from Vancouver Island, "in addition to the 11 kids that my parents fostered." Among her siblings was a younger brother, Jason, who had Down Syndrome and two First Nations sisters. "I grew up surrounded by diversity, its extraordinary richness and challenges."



One of those challenges was watching Jason struggle for acceptance in their small British Columbian town. He was a natural performer who loved to dance, but who was turned away by the local dance community. Hannah, herself a dancer from an early age, was frustrated. “I found it sad, not just for Jason, but for audiences as well. They didn’t know what they were missing.”

Hannah went on to attend ballet school at the Royal Winnipeg Ballet, but was put off by the high-pressure environment. She finished high school in British Columbia and then moved to Ottawa to work for L’Arche, an organization dedicated to building inclusive communities. She lived with five people with intellectual disabilities, creating a shared home where “everyone did everything.”

A few years later, as a single mother, Hannah was struck by the inequality of opportunity available to children in Ottawa. She decided to combine her passions for dance and social justice into a single project. Starting small, at the local community centre, she offered dance classes to girls. Not jazz or ballet, not requiring perfect bodies or fancy costumes,

Hannah’s classes provided “a space to be authentic” in which the girls could “create their own work.” Within two years, she had 120 students and waiting lists.

Over the past seventeen years, Dandelion Dance has become a one-of-a-kind institution. Seventy five girls, or people identifying as girls, between the ages of 6 and 18 are now enrolled in its classes, and 12 of them form a performance company. The criteria for enrollment have nothing to do with dance experience, nor does Hannah set any kind of quotas.

“I’m looking for girls who are interested and open, who want to make a difference,” she says. Through grants and charitable donations, Hannah can offer subsidies to roughly a third of the program’s participants but the demand remains huge; she dreams of the day that she can take every girl who wants to join.

The classes are structured as families and each teacher remains with one cohort through the program. The approach, which harkens back to Hannah’s experience with L’Arche, fosters trust and respect: an environment in which all kinds of issues emerge — body image, poverty, racism, even abuse. Hannah

“...a space to  
be authentic.”

never ceases to be amazed by how creatively the girls convert these often painful experiences into movement and moments of beauty. The performance company, which appears monthly at universities, schools, Parliament and international conferences, regularly receives standing ovations.

Hannah recalls a student who was deeply ashamed of her life in poverty and joined the company on condition that she work backstage. Gradually she ventured out from behind the wings, and ultimately choreographed a piece that featured her in a paint-splattered white costume, struggling to reach some grocery and shopping bags on the opposite side of the stage. An audience member was so moved by the performance that he offered to finance her university studies. She's now in the fourth year of a social work program at the University of Calgary.





Such gestures may be exceptional, but there is no question that Dandelion Dance has a profound impact on all its graduates. Hannah sees friendships develop between the girls whose paths would otherwise never have crossed. She sees girls, trained by social media to always present their most photogenic sides, celebrating their imperfections. And she sees a community that doesn't just talk about inclusion but practices it in everything that it does.

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Hannah Beach, Founder and Co-Executive Director, Dandelion Dance



The Dandelion Dance was a galvanizing moment at the Commission's 2017 "Beyond Labels" Human Rights Symposium held in Ottawa in September. The troop of young dancers left Symposium participants with a powerful and poignant interpretation of the key questions that guided the conference and the rest of the Commission's 40th anniversary year: Do labels lift up or put us down? Do labels empower us or hold us back? What role will labels have in the next 40 years of human rights?

# Pushing past barriers

Sydney Mills-Cooper

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At 18 months, Sydney Mills-Cooper was diagnosed with spinal muscular atrophy, a degenerative condition that causes a gradual loss of muscular control and strength. By the age of four she was in a wheelchair.

But Sydney was determined not to be defined by her condition. She went to kindergarten at the Catholic elementary school down the street from her home in Ajax, Ontario. Her family declined the school's offer to pick her up in the school bus, not because they had their own wheelchair-friendly vehicle but because she wanted to do what her friends were doing: walk to school.



With Sydney riding in her motorised wheelchair and her father walking next to her, the trip took ten minutes — more when neighbours hadn't shoveled their sidewalks, less when her dad let her go full throttle. And it's how she got to school for the first ten years.

That feeling of relative independence and doing what everyone else is doing is what Sydney, now 19, has always pursued. And it's in line with the objectives of the education system. Since the 1970s, there has been a push to no longer segregate kids with disabilities into separate institutions or special-needs classrooms. Mainstreaming, as it's called, enables roughly 60% of children with disabilities in Canada to attend the same schools as their friends and neighbours. The goal — to reduce stigmatisation and provide students with disabilities the same opportunities as their other peers — is a good one. But the execution presents huge challenges.

Sydney enjoyed elementary school. She was fortunate to have a local school with elevators that could accommodate her and a father who advocated tirelessly to ensure she had a dedicated Educational Assistant throughout the day.

But things got more complicated in high school, where her entitlement to her own Educational Assistant was under constant threat.

“When you look at me, you might think I don't need help,” says Sydney. While this could be a source of pride, it also meant that she was often overestimated. In fact, Sydney can't open her own computer, or take a cap off a marker. She needs help adjusting herself within her chair. She can't raise her hand to ask for help. Choking can be fatal.

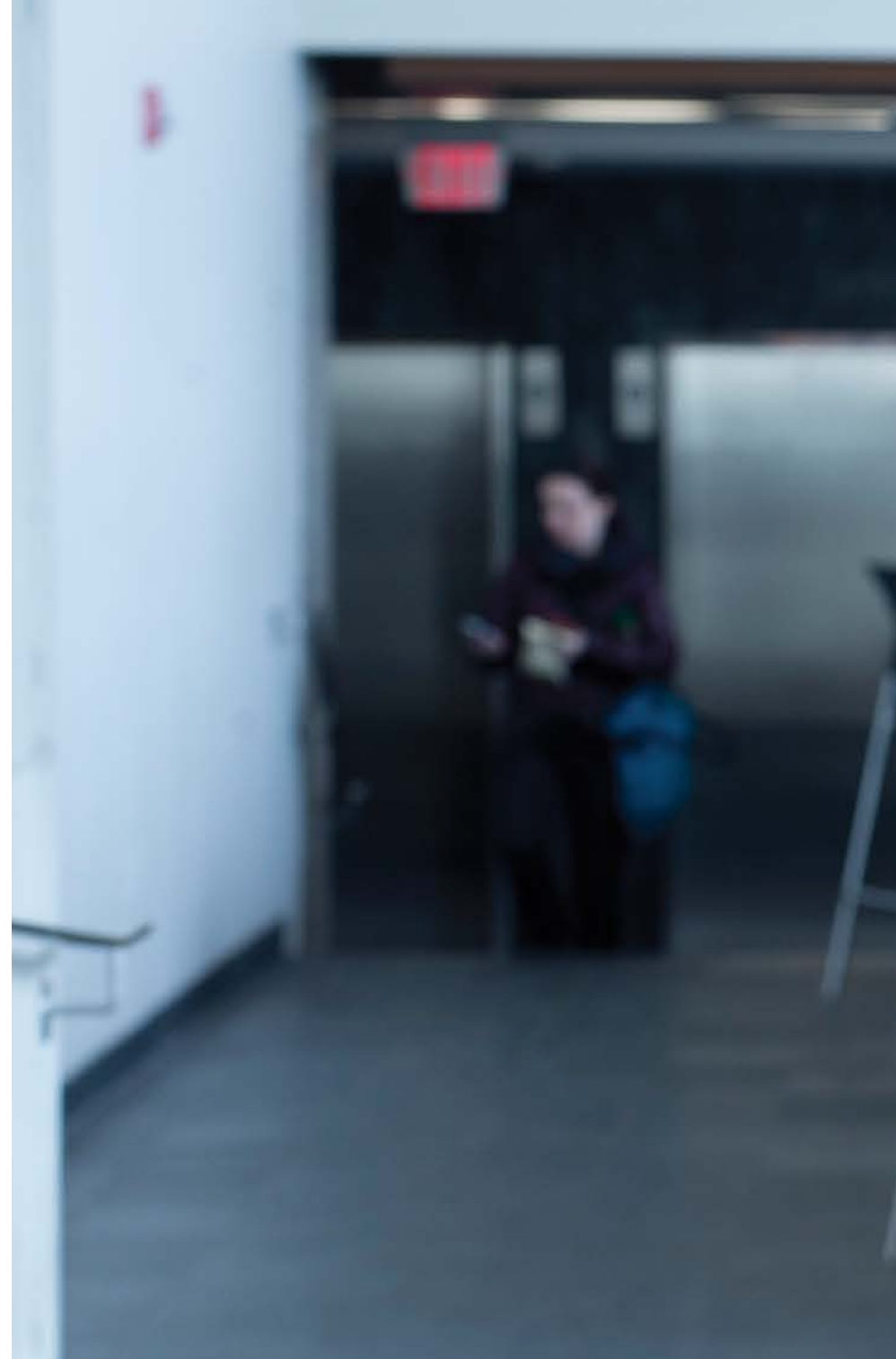
Nonetheless, the school wanted Sydney to share her support person with other special needs students, despite the fact that Sydney — unlike all the other special needs kids in the school — aspired to graduate with full credit. As a result, she was often surrounded by kids who were playing games, making noise and distracting her.

She also got worn down by the rotation of nearly a dozen Educational Assistants. “For some of them, I was just a disability, not a person, not a teenager,” she says, explaining that the relationship is by definition highly personal and hands-on.

“For some of them, I was just a disability, not a person...”

She believes that most teachers did their best, but found that some babied her while others made her feel inferior for not keeping up with the rest of the class. In Grade Nine, the school assumed she wouldn't be able to do gym and put her in a Grade Ten food and nutrition class instead. But even if she couldn't play the sports her friends were playing, Sydney wanted to at least understand them and she insisted, successfully, that she be allowed to stay with her class.

After graduating high school, Sydney wanted, like most of her friends, to continue her education. She applied to Humber





College’s digital communications program and was accepted. And like most of her friends, she wanted to live on campus in residence.

It was an ambitious undertaking. Sydney applied for and was granted funding for both day and night shift attendants, but with the residence unwilling to provide an additional bedroom for the attendant, the arrangement fell apart. Now in her second year at Humber, Sydney is back in Ajax, living with her father and commuting to school — a two and half hour trip that involves a Go Train, subway and bus. She rarely gets home before 11 at night.

“Some days I’m too tired to go,” she says.

Now she’s on the lookout for shared housing in Toronto, closer to Humber, but not overly optimistic about finding something accessible and affordable in one of Canada’s most overheated real estate markets.

Life was easier for Sydney when her radius was smaller, but she’s not giving up. “It’s all about accommodation,” she says, and she is not referring to housing. “And good friends.”



In 2017, the Commission published the report *Left Out: Challenges faced by persons with disabilities in Canada's schools*. The report shows that for many people with mental or physical disabilities, Canada's education system can seem like a closed door. Among other findings, the report documents that 37% of persons with disabilities in Canada are taking fewer courses because of their disability, and 11% are choosing to end their education early because of their disability. The report is part of a Commission research series aimed at monitoring Canada's implementation of the United Nations Convention on the Rights of Persons with Disabilities.

**11% of persons with disabilities in Canada are choosing to end their education early because of their disability**

**37% of persons with disabilities in Canada are taking fewer courses because of their disability.**

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## Persons with disabilities



Data source: Canadian Human Rights Commission's 2017 report

# Braving the test

Gabrielle Lamontagne & Jessica Barton

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As Gabrielle Lamontagne\* discusses the thing that has nibbled away at her peace of mind for years, she pulls out her family tree. It's a geometric arrangement of squares (males) and circles (females) going back four generations. Some shapes are coloured in, some contain dots or question marks, some are slashed through. Hanging off a low branch is a question mark in a circle marked "ME."

The dots represent the BRCA mutation — a gene mutation that has cost many of Gabrielle's foremothers their lives; the question mark in this particular circle represents the fact that Gabrielle doesn't know if she carries the BRCA mutation.

\*Names have been changed to protect privacy.



BRCA's association with breast and ovarian cancers was established in the 1990s and testing for it has been available — and free for anyone with a strong family history of cancer — since then. It's a rare mutation, occurring in roughly one in five hundred Canadians, but it increases the risk of developing breast cancer by up to 85%, according to the Canadian Cancer Society.

Gabrielle, who is 27 and currently doing a residency in family medicine in Montreal, would like to know if she carries BRCA. What has held her back, until now, has been concerns about the implications the results could have on the cost of her insurance.

Bill S-201, the *Genetic Non-Discrimination Act*, was passed in the House of Commons in March 2017 in a resounding 222-60 vote. But until May, when it received Royal Assent, there was no legislation to protect Canadians against genetic discrimination. This meant that employers and insurers alike could request genetic information on their employees or clients, and use that information against them.

Gabrielle faced a vexing dilemma. Anticipating a career in private practice, she wanted to buy life insurance but she knew she would have to disclose the names of all doctors she had ever seen; her one visit to a psychologist resulted in the insurer excluding any psychological conditions from her policy. Knowing that genetic testing could have more serious repercussions — astronomical premiums or an exclusion of breast and ovarian cancers — Gabrielle decided to postpone it.

At about the same time, Jessica Barton\* was weighing the same choice. On the cusp of her 30th birthday, she and her sister and her mother had been debating for years whether they should be tested for BRCA. Jessica's maternal grandmother died of ovarian cancer in her 50s. Her great aunt, who had both breast and ovarian cancer also died in her 50s. For a long time, her mother had hesitated, concerned about repercussions on her — and her entire family's — insurance. But in 2013, after Hollywood celebrity Angelina Jolie went public with her decision to have a prophylactic mastectomy, having tested positive for BRCA1, Jessica and her family decided to proceed.

“I chose my health, and it was the right choice.”

“I chose my health,” Jessica says today, “and it was the right choice.” She and her mother both tested positive for the mutation. Jessica’s mother proceeded right away with an oophorectomy (removal of the ovaries) and Jessica began the “high-risk” screening program that anyone carrying the BRCA mutation is entitled to. For her, it means an annual MRI and mammogram. Once she has had children, Jessica plans to have an oophorectomy and she’s considering a mastectomy as well.

“Some people think a positive genetic test result is a death sentence,” says Jessica. “I don’t see it that way. Knowledge is power. The more you know, the more control you have.”





Source: Shutterstock

The *Genetic Non-Discrimination Act* added, among other changes, “genetic characteristics” as a new ground under the *Canadian Human Rights Act*, making it one of the 13 reasons a person can file a federal discrimination complaint in Canada. The new law has brought Gabrielle, Jessica and thousands of other Canadians, great relief. Doctors are reporting a sea change in attitudes as patients who have long feared hereditary conditions or have been fighting mysterious symptoms, agree to genetic testing, without fear of reprisal.

“It’s been one of the most humbling experiences of my career,” says Ronald Cohn, pediatrician-in-chief for Sick Kids Hospital in Toronto. Many of his patients are afflicted with rare conditions causing muscular disorders or cognitive delay. “I underestimated the amount of relief this — ‘just’ providing a diagnosis — would provide patients and their parents.”

Since the Act has passed, Gabrielle has had the BRCA test done. Now she awaits results. At last, she’ll be able to erase the question mark in her circle. Whatever replaces it, she’ll take it from there.



Dr. Ronald Cohn, Pediatrician-in-Chief,  
Sick Kids Hospital, Toronto.

In May 2017, the ground of “genetic characteristics” was added to the *Canadian Human Rights Act*. Having long advocated for the change, the Commission welcomed the passage of Bill S-201, *Genetic Non-discrimination Act*, and applauded its coming into full force. The Quebec government is challenging the constitutionality of Bill S-201. The Commission is intervening in the case to oppose the challenge.

On average, **72** Canadian women are diagnosed with breast cancer every day.

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Canadian women



are diagnosed with breast cancer every day

Data source: Canadian Cancer Society

# Driving towards change

Mandy Cooper & Nadine Gauthier

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When Mandy Cooper\* saw a poster advertising a Women in Transportation program at her local social services office, she stopped in her tracks. At 30, she had already tried her hand in several professions — personal support worker, school bus driver, kitchen chef and holistic practitioner — but none had been quite right. Trucking, she thought, might be a good match for her strong and independent personality, and an opportunity to make decent money.

\*We are protecting Mandy's real identity at her request.



“Always up for a challenge,” as she says, Mandy enrolled in the program. After a few months, she had her Ontario AZ trucking license and had been hired on to a large trucking company, working out of its Scarborough terminal.

The trucking industry needs Mandy — and lots more like her. Trucking remains the main mode of freight transport in Canada but it’s facing huge labour shortages; according to Canadian Trucking Alliance projections, the industry could be short as many as 48,000 drivers by 2024.

In the last decade, the industry has recognized the need to open the field to women who, as of 2011, made up only 3% of truckers in this country. “It wasn’t just the right thing to do; it was a business imperative,” says Isabelle Hétu, director of Programs and Services at Trucking HR Canada, an Ottawa-based non-profit that works on human resources issues in the trucking and logistics industries. In 2014, her organization launched a nation-wide “Women with Drive” initiative, designed to draw more women into the industry.

It’s not always an easy fit. A seasoned Ontario-based female trucker who prefers to remain nameless referred to an “Old Boys Club” in trucking that makes women feel like “they should be fetching the coffee” and tells millennials to keep their mouths shut. She has heard stories from female colleagues who have been asked to drive overloaded trucks, neglected by their dispatchers and sent on stretches without sufficient re-fueling options— but she says most are afraid to lodge formal complaints. They’re in a tiny minority and they fear for their jobs.

“I don’t want to be a snitch, I don’t want to get in trouble... There’s nobody to protect me.”

When Mandy joined the company, she asked how many women drivers were on staff and was told three, but that none were black like her. But she hasn't reached out to any of her female colleagues, nor is she in any rush to do so. "I don't want to be a snitch, I don't want to get in trouble. I'll be working overnights here. There's nobody to protect me. This is my life — my bread."

But not all female truckers have a hard time. Nadine Gauthier, 45, who has been driving trucks in the Montreal area for 14 years, absolutely loves her work. "You're free, you get to see a lot of places and meet a lot of new people," she says. Evidently, she's also good at it; in 2015, she became the first woman to be named *Ambassadeur de la Route* (Highway Ambassador) by the *Association du Camionnage du Québec* (Quebec Trucking Association), a distinction handed out every three years to truck drivers with a perfect driving record. Nadine says she has never experienced even a hint of discrimination at work and is glad to see the number of women drivers rising, slowly but surely, as employers offer more family-friendly schedules in an effort to recruit women.



Nadine Gauthier  
Photo: THE CANADIAN PRESS/Paul Chiasson



# “This is my life — my bread.”

Meanwhile, three months into her job, Mandy Cooper is still on probation and trying to remain optimistic. She hasn't gotten along well with either of her trainers, who have “treated me like a child,” berated her and reported every mistake she made back to her manager. But she's determined to stick it out and says that most of her co-workers have been supportive.

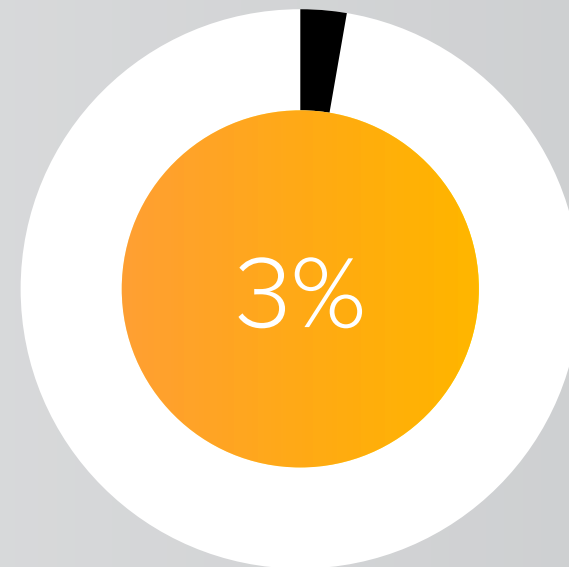
Mandy will be glad to put the training behind her. Once she's been formally hired, she'll feel more secure. “I'm looking forward to giving this a shot on my own,” she says.



In 2017, the Commission continued its work in promoting employment opportunity of the four groups of people designated by the *Employment Equity Act*: women, persons with disabilities, Indigenous persons and visible minorities. Future issue-based audits will include gender-based analysis so that the Commission can determine whether progress is being made with regards to the representation of women throughout all sectors of the workforce.

**Only 3% of commercial truck drivers in Canada are women.**

## Commercial truck drivers



are women

Data source: The Women's Trucking Federation of Canada

# Serving up inclusion

Iqaluit's Inclusion Cafe

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It's a blustery Monday in Iqaluit, a week before Christmas, and the lunch-hour rush at the Inclusion Cafe is just winding down. Some hundred people have been in to enjoy the beef soup and egg salad sandwiches and many have left carrying take-out boxes for family members at home.

"It's pretty cold out there," says Chef Michael Lockley, "so we make sure the portions are generous." Cold, more precisely, is -37 with the windchill and that's not unusual. Schools here close at -55, but the Inclusion Cafe is open every day, regardless of where the mercury stands.



Marilyn Apaloota, 21 years old, is wiping down tables and re-stocking the serviettes. She works here three to six days a week, depending on demand. It started as community service that Marilyn was obliged to serve as part of a court settlement, then she returned by choice as a volunteer, now she's on staff.

“I enjoy everything here,” she says — working with other people, learning new kitchen skills and making food that is, by her own admission, “pretty awesome.”

The Inclusion Cafe grew out of a simple idea that addressed two deficits in Nunavut's territorial capital: the lack of home-baked goods and the absence of inclusive employment opportunities for persons with disabilities. In 2010, the Nunavut Disability Society (The Nunavummi Disabilities Makinnasuaqtiit Society) asked the Qayuqtuvik Society Food Centre for use of its soup kitchen a couple days a week to train some of its members in the fine art of baking. Proceeds from the sales could go back into paying employee wages.

As the bakers branched out into caribou stew and chili, funding was secured to hire a chef to oversee a full catering menu under

It was a fruitful collaboration: those working for the Cafe could also help in the daily operation of the soup kitchen.

# “There’s always something to do.”

the banner of “Inclusion Cafe.” It was a fruitful collaboration: those working for the Cafe could also help in the daily operation of the soup kitchen, which in turn could incorporate the Cafe’s output into its meals.

The Cafe became a popular spot — not just to eat and hang out, but also to work. “It became clear that we had to broaden our definition of disability,” says Nalini Vaddapalli, a Disability Society board member and one of the project’s initiators. She says that many people in Iqaluit encounter barriers to employment beyond physical and mental disabilities; people with criminal records or a lack of work experience are often turned away. “They came knocking at the back door.”





Chef Lockley and Marilyn Apaloota  
in the kitchen of the Inclusion Cafe.

Having secured a territorial grant for skills training, the Cafe was able to hire and train up to 15 people not only in cooking but basic life skills, including managing a budget, keeping a schedule and working regular hours.

“It’s a long journey,” says Chef Lockley. And as a retired opera singer who left a life of concert halls and European tours to settle in Iqaluit and “make food for people who need it,” he knows what this means. Many of the people who come to the Inclusion Cafe have tried working for other commercial kitchens in Iqaluit and been overwhelmed by the demands placed on them. The need for skills training is huge, and Lockley is very pleased that the Cafe has just received five years of federal funding through an Indigenous and Northern Affairs Canada grant to expand its program.

While some employees have been able to parlay their skills into other jobs, others are content to remain in the Cafe’s supportive environment. “I come in the morning and make myself a pot of coffee,” she says. “There’s always something to do. I’m not much of a big planner but I’d like to stay here for now.”



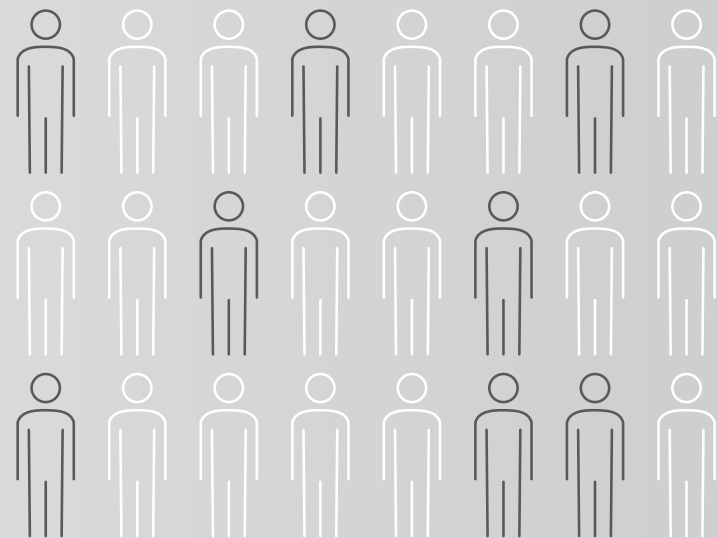
Inclusion Café in Iqaluit.

In April 2017, the Commission travelled to Canada's North to meet with stakeholders, community leaders and individuals to share best practices and to hear firsthand about the challenges and barriers to justice that remote, Northern communities are facing. It was during this trip that the Commission learned about the Inclusion Cafe. The positive impact that the Cafe is having on an entire community inspired some of the themes and messages that the Commission delivered to its audiences throughout the rest of 2017: that all actions can make a difference and that individual actions have the power to create broad change towards inclusion for everyone.

**With one in three people experiencing food insecurity every month, Nunavut has the highest rate of household food insecurity in the country.**

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## People in Nunavut



one in three people  
experiencing food insecurity

Data source: [www.feedingnunavut.com](http://www.feedingnunavut.com)

# By the numbers

In any given year, the Canadian Human Rights Commission helps thousands of people determine whether they have a valid human rights complaint. In many cases, the Commission helps people resolve their issues quickly and informally, or find the appropriate process to resolve their concerns.

Only a fraction of the people who contact the Commission file a formal discrimination complaint.

The statistics below report on formal written complaints handled by the Commission in 2017.

By law, the Commission must consider every discrimination complaint it receives. The Commission can decide not to deal with the complaint or refer it to an alternative dispute resolution mechanism.

When possible, the Commission encourages people to try to resolve their disputes informally and at the earliest opportunity. In the event no agreement is reached, the Commission may conduct an investigation.

When warranted, the Commission can refer the case to the Canadian Human Rights Tribunal for a hearing.

# Complaints filed with the Commission in 2017

1,083

complaints received<sup>1</sup>

795

complaints accepted<sup>2</sup>

361

complaints referred  
to another  
redress process<sup>3</sup>

215

complaints settled

156

complaints  
dismissed

The reported number of received complaints may be artificially low. This is because an unprecedented number of complaint forms (over 1,100) were submitted to the Commission in the last 90 days of 2017, following the introduction of an interactive online complaint form. As a result, over 800 new inquiries received in 2017 had not yet been processed at time of writing.

# 58

complaints referred to  
the Canadian Human  
Rights Tribunal

# 90

complaints not  
dealt with<sup>4</sup>

<sup>1</sup>A received complaint, also known as a potential complaint, is a contact that falls within the mandate of the CHRC, and that may lead to an accepted complaint after analysis and review. In 2017, the CHRC made an administrative change which has reduced the number of complaints received by no longer creating case files for contacts where a complaint form was requested but not received. This change was put in place in mid-2017 and is reflected in the reduced difference between complaints received and accepted.

<sup>2</sup>An accepted complaint is a document, in a form acceptable to the CHRC that is filed by an individual or group of individuals having reasonable grounds for believing that a person or organization is engaging or has engaged in a discriminatory practice.

<sup>3</sup>The number of complaints referred to another redress process includes those that were referred to the Public Service Labour Relations Board or the Public Service Staffing Tribunal before they became accepted complaints.

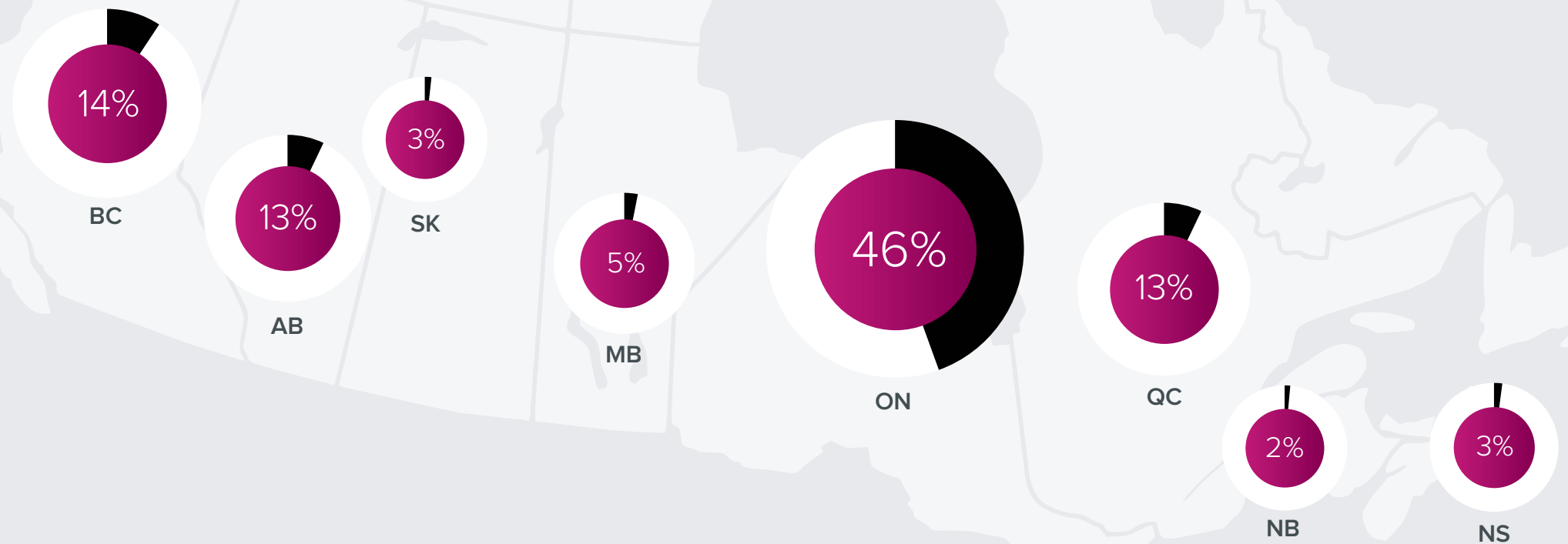
<sup>4</sup>The CHRC can decide not to deal with complaints that do not meet the criteria listed under subsections 41 (CDE) of the *Canadian Human Rights Act* (e.g. the complaint fell outside of the CHRC's jurisdiction or the complaint was frivolous, vexatious or made in bad faith.)

# Complaints data

FIGURE 1

**2017**

Complaints received  
by province or territory



Provinces or territory data suppressed when one or more values cannot be published for confidentiality reasons

**FIGURE 2**

## Complaints received by province or territory

Province / Territory	2015		2016		2017	
Newfoundland and Labrador	--	--	--	--	--	--
Prince Edward Island	--	--	--	--	--	--
Nova Scotia	36	3%	68	5%	34	3%
New Brunswick	38	3%	51	3%	27	2%
Quebec	160	13%	162	11%	138	13%
Ontario	583	48%	636	43%	497	46%
Manitoba	52	4%	94	6%	49	5%
Saskatchewan	28	2%	58	4%	34	3%
Alberta	126	10%	148	10%	136	13%
British Columbia	167	14%	234	16%	152	14%
Yukon, Northwest Territories, Nunavut and Outside of Canada	--	--	--	--	--	--
<b>Total</b>	<b>1,207</b>	<b>100%</b>	<b>1,488</b>	<b>100%</b>	<b>1,083</b>	<b>100%</b>

The percentages may not add up to 100% due to rounding.

-- Rows suppressed when one or more values cannot be published for confidentiality reasons

**FIGURE 3**

## Complaints received by types of respondents

	2015		2016		2017	
Private Sector	492	41%	641	43%	539	50%
Federal Government*	588	49%	702	47%	441	41%
Reserves, Bands and Councils	81	7%	84	6%	53	5%
Unions	24	2%	28	2%	22	2%
Individuals	22	2%	33	2%	28	3%
<b>Total</b>	<b>1,207</b>	<b>100%</b>	<b>1,488</b>	<b>100%</b>	<b>1,083</b>	<b>100%</b>

\*Includes employers in the core public administration, separate federal government organizations or agencies and Crown corporations. The percentages may not add up to 100% due to rounding.

**FIGURE 4**

## Complaints received by types of allegation cited

	2015		2016		2017	
Employment-related (sections 7, 8, 10 ,11)	1,145	65%	1,394	64%	990	63%
Services-related (sections 5, 6)	391	22%	553	25%	363	23%
Harassment - employment (section 14)	155	9%	158	7%	149	10%
Union membership (section 9)	--	--	--	--	--	--
Retaliation (section 14.1)	25	1%	37	2%	24	2%
Harassment - services (section 14)	23	1%	31	1%	17	1%
Notices, signs, symbols (section 12)	--	--	--	--	--	--
Intimidation (section 59)	0	0%	0	0%	0	0%
<b>Total</b>	<b>1,759</b>	<b>100%</b>	<b>2,185</b>	<b>100%</b>	<b>1,560</b>	<b>100%</b>

Total number of allegations cited exceeds the total number of received complaints because some complaints dealt with more than one allegation. The percentages may not add up to 100% due to rounding.

-- Rows suppressed when one or more values cannot be published for confidentiality reasons

**FIGURE 5**

## Complaints accepted by jurisdiction

Province / Territory	2015		2016		2017	
Newfoundland and Labrador	--	--	--	--	--	--
Prince Edward Island	--	--	--	--	--	--
Nova Scotia	15	2%	33	4%	24	3%
New Brunswick	15	2%	25	3%	--	--
Quebec	75	12%	79	10%	96	12%
Ontario	305	48%	367	45%	352	44%
Manitoba	31	5%	46	6%	45	6%
Saskatchewan	13	2%	29	4%	26	3%
Alberta	64	10%	78	10%	110	14%
British Columbia	103	16%	142	17%	119	15%
Yukon, Northwest Territories, Nunavut and Outside of Canada	--	--	--	--	--	--
<b>Total</b>	<b>630</b>	<b>100%</b>	<b>816</b>	<b>100%</b>	<b>795</b>	<b>100%</b>

The percentages may not add up to 100% due to rounding.

-- Rows suppressed when one or more values cannot be published for confidentiality reasons

**FIGURE 6**

## Complaints accepted by type of respondents

	2015		2016		2017	
Private Sector	341	54%	428	52%	414	52%
Federal Government*	206	33%	308	38%	301	38%
Reserves, Bands and Councils	57	9%	50	6%	42	5%
Unions	--	--	--	--	17	2%
Individuals	--	--	--	--	21	3%
<b>Total</b>	<b>630</b>	<b>100%</b>	<b>816</b>	<b>100%</b>	<b>795</b>	<b>100%</b>

\*Includes employers in the core public administration, separate federal government organizations or agencies and Crown corporations.  
The percentages may not add up to 100% due to rounding.

-- Rows suppressed when one or more values cannot be published for confidentiality reasons

**FIGURE 7**

## Complaints accepted by types of allegation cited

	2015		2016		2017	
Employment-related (sections 7, 8, 10 ,11)	692	64%	884	64%	772	64%
Services-related (sections 5, 6)	250	23%	323	23%	295	24%
Harassment - employment (section 14)	99	9%	118	8%	88	7%
Union membership (section 9)	--	--	--	--	15	1%
Retaliation (section 14.1)	19	2%	28	2%	25	2%
Harassment - services (section 14)	--	--	--	--	14	1%
Notices, signs, symbols (section 12)	--	--	--	--	0	0%
Intimidation (section 59)	0	0%	0	0%	0	0%
<b>Total</b>	<b>1,089</b>	<b>100%</b>	<b>1,389</b>	<b>100%</b>	<b>1,209</b>	<b>100%</b>

The percentages may not add up to 100% due to rounding.

-- Rows suppressed when one or more values cannot be published for confidentiality reasons

Total number of allegations cited exceeds the total number of accepted complaints because some complaints dealt with more than one allegation.

**FIGURE 8**

## Final decisions by type

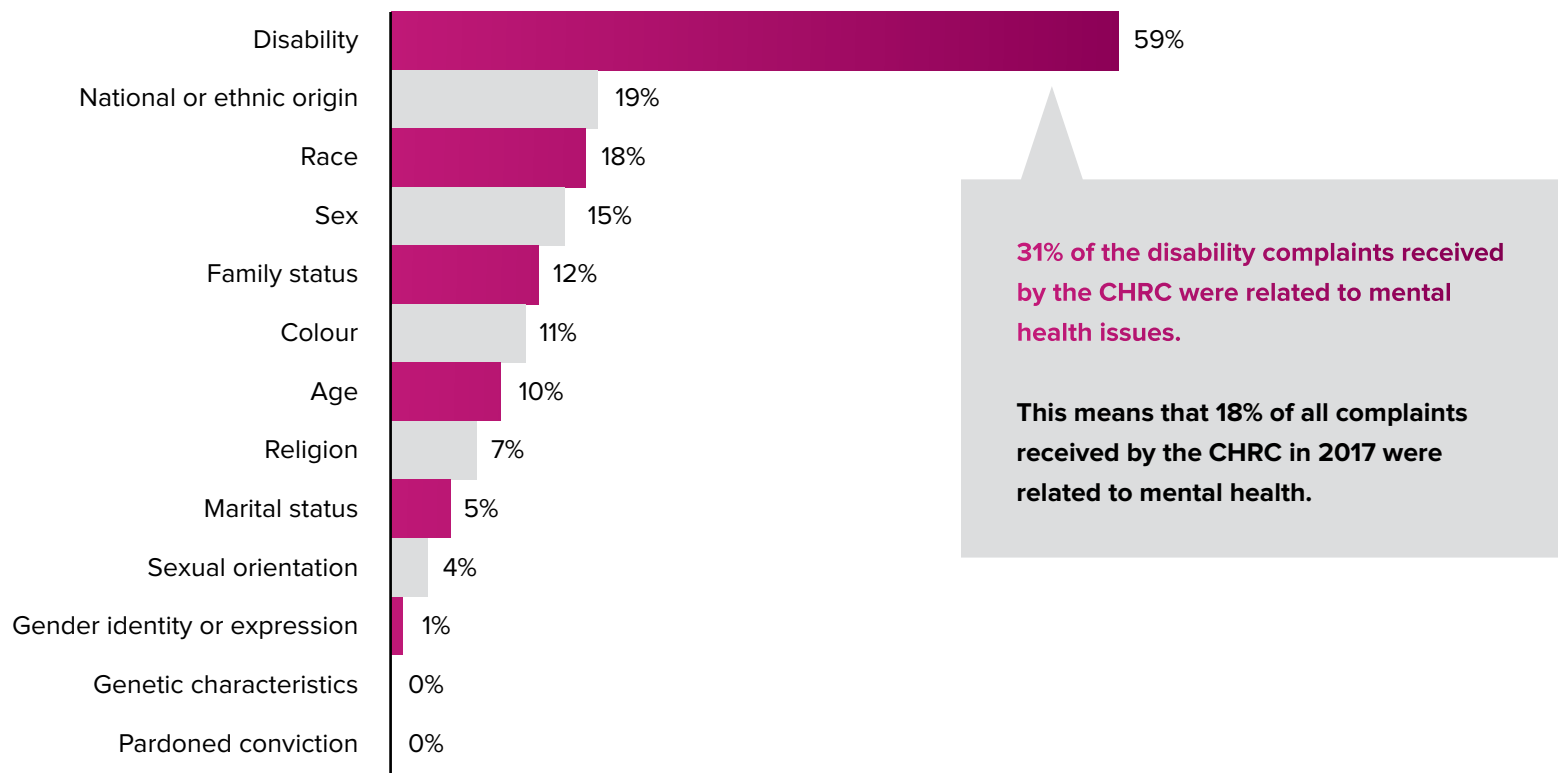
	2015**	2016**	2017
Section 40/41 Analysis*	260	234	218
Dismissed	155	164	156
Settled	226	268	215
Referred to Tribunal	46	41	58
<b>Total</b>	<b>687</b>	<b>707</b>	<b>647</b>

\*Under section 40/41 of the Act, the Commission may decide not to deal with a complaint because the complainant ought to pursue another redress mechanism, the incident occurred too long ago, or because the complaint is out of jurisdiction, or considered trivial, frivolous or vexatious.

\*\*Total number of settlements includes all settlements reached between parties, with or without help from the Commission.

FIGURE 9

## Proportion of complaints received in 2017 by grounds of discrimination



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



# About the Commission

# Our work

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The Canadian Human Rights Commission is akin to an Agent of Parliament. It operates independently from government. As Canada's human rights watchdog, the Commission is 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 law, which protects people in Canada from discrimination when based on any of the grounds of discrimination such as race, sex and disability.

The Commission receives discrimination 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 determines that further examination is warranted, it may refer the complaint to the Canadian Human Rights Tribunal.

The Commission also works with federally regulated employers to ensure compliance with the *Employment Equity Act*. This contributes to the elimination of employment barriers in various workplaces for women, Indigenous peoples, persons with disabilities and visible minorities.

# Our people

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The Commission operates across Canada with a team of approximately 160 people and is led by Chief Commissioner, Marie-Claude Landry.



**Marie-Claude Landry**

## Commissioners



**David Langtry**



**Sheila M. MacPherson**



**Kelly J. Serbu, Q.C.**



**Judy C. Mintz**



**Tara Erskine**



**Peggy Warolin**

In 2017, the Commission's executive team comprised Deputy Chief Commissioner David Langtry, part-time Commissioners Sheila M. MacPherson, Kelly J. Serbu, Q.C., Judy C. Mintz, Tara Erskine, and Peggy Warolin.



**Geneviève Chabot**

The Commission welcomed Geneviève Chabot to the position of Deputy Chief Commissioner in December.

