CANADIAN HUMAN RIGHTS COMMISSION

Annual Report 1999

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CANADIAN HUMAN RIGHTS COMMISSION

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A companion Legal Report, which reports significant human rights decisions rendered by tribunals and the courts in 1999, is available, as is a separate reprint of the Employment Equity section of this publication.

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CANADIAN HUMAN RIGHTS COMMISSION
COMMISSION CANADIENNE DES DROITS DE LA PERSONNE

Chief Commissioner *Présidente*

March 2000

The Honourable Gildas L. Molgat, C.D.
Speaker of the Senate
The Senate
Ottawa, Ontario
K1A 0A4

Dear Mr. Speaker:

Pursuant to section 61 of the Canadian Human Rights Act and section 32 of the Employment Equity Act, I have the honour to transmit the 1999 Annual Report of the Canadian Human Rights Commission to you for tabling in the Senate.

Yours sincerely,

Michelle Falardeau-Ramsay, Q.C.

CANADIAN HUMAN RIGHTS COMMISSION
COMMISSION CANADIENNE DES DROITS DE LA PERSONNE

Chief Commissioner *Présidente*

March 2000

The Honourable Gilbert Parent, M.P.
Speaker of the House of Commons
House of Commons
Ottawa, Ontario
K1A 0A6

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Pursuant to section 61 of the Canadian Human Rights Act and section 32 of the Employment Equity Act, I have the honour to transmit the 1999 Annual Report of the Canadian Human Rights Commission to you for tabling in the House of Commons.

Yours sincerely,

Michelle Falardeau-Ramsay, Q.C.

ANNUAL REPORT 1999

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Members of the Commission

The Canadian Human Rights Commission was established in 1977. It is made up of two full-time members and up to six part-time members. The Chief Commissioner and Deputy Chief Commissioner are appointed for terms of up to seven years, and the other Commissioners for terms of up to three years. The following are brief biographies of the members who served on the Commission in 1999.

Michelle Falardeau-Ramsay

Michelle Falardeau-Ramsay, Q.C., was appointed Chief Commissioner in January 1997. After receiving a law degree from the University of Montreal and being called to the Quebec Bar, she pursued a career in labour relations law. She worked as a lawyer with the firm of Massicotte, Levac and Falardeau and later became a senior partner with the firm of Levac and Falardeau. In 1975, she joined the Public Service Staff Relations Board as Deputy Chairman, and in 1982 became Chairman of the Immigration Appeal Board. She was appointed Deputy Chief Commissioner of the Canadian Human Rights Commission in September 1988, and served in that capacity until taking up her present post.

Anne Adams

Anne Adams of Montreal joined the Commission in March 1999. She received her bachelor's degree from the University of Montreal in 1967, and a master's degree in industrial relations from Queen's University in 1987. During her work with Human Resources Development Canada, she developed the national women's employment policy and managed the implementation of the Employment Equity Act and the federal contractors' program for the region of Quebec. In 1991, as Executive Director of the Canadian Human Rights Foundation, Ms. Adams developed an international human rights training program, with particular focus on Eastern Europe and South Asia.

Over the years, Ms. Adams has served as a leader in many boards of trade and community organizations, including the Fédération des femmes du Québec. Since 1998, she has been President of the Femmes regroupées pour l'accessibilité au pouvoir politique et économique, or FRAPPE. In 1992, she received the Commemorative Medal for the 125th Anniversary of Confederation in honour of her community work, and in 1996 she launched AEA Strategies and Development Inc., which specializes in employment equity and international development.

Phyllis Gordon

Phyllis Gordon of Toronto, Ontario was appointed a Commissioner in May 1998. She received her Bachelor of Arts from McGill University in 1967 and her teaching credentials in fine arts from the University of Quebec in Montreal. She graduated from Osgoode Hall Law School in 1977 and was called to the Bar of Ontario in 1979.

For several years Ms. Gordon practised labour law and family law in Hamilton and Kingston, Ontario. Over the course of her career, she has acquired extensive experience and expertise in various human rights areas, including pay equity and employment equity. After serving as the Director of Parkdale Community Legal Services in Toronto for five years, she became, in 1994, the Chair of the Pay Equity Hearings Tribunal of Ontario. She currently has an arbitration and mediation practice, primarily in the area of labour relations.

Ms. Gordon has also served on the boards of directors of several community organizations involved with disadvantaged people and violence against women.

Yude M. Henteleff

Yude Henteleff, C.M., Q.C., of Winnipeg, Manitoba was appointed a Commissioner in November 1998. He had previously served as a Commissioner from 1980 to 1986. He is a senior partner with the law firm of Pitblado Buchwald Asper in Winnipeg. His areas of expertise include corporate and commercial law, mediation, and human rights. He has acted as an adjudicator of human rights complaints.

Mr. Henteleff serves on the boards of directors of a number of community organizations. Over the past thirty years, he has been an advocate for children with special needs. He has written and lectured extensively about them, and has been invited to speak on human rights issues affecting minority groups throughout Canada and abroad. He is the Honorary Solicitor for the Learning Disabilities Association of Canada, a member of the National Council of the Canadian Human Rights Foundation, and a member of the Advisory Board of the Manitoba Association of Rights and Liberties. He is a Governor of the Hebrew University of Jerusalem.

In 1999, Mr. Henteleff received the Learning Disabilities Association of Canada's Lifetime Achievement Award. In 1998, he became a member of the Order of Canada. In 1994, the Minister of Citizenship and Immigration awarded him the Citation for Citizenship. In 1992, he received the Commemorative Medal for the 125th Anniversary of Confederation in recognition of his community efforts. In 1989, the Manitoba Association of Rights and Liberties awarded him the Certificate of Merit for his efforts on behalf of minority groups. In 1984, the Minister of National Health and Welfare awarded him the Certificate of Honour for his volunteer efforts.

Robinson Koilpillai

Robinson Koilpillai, C.M., has been a member of the Commission since 1995. An educator, school principal, and community volunteer, he has worked in the fields of education, human rights, multiculturalism, and international development. He has served as Chairman of the Alberta Heritage Council, President of the Alberta Council for Global Cooperation, Executive Member of the Canadian Council for International Cooperation, and President of the Canadian Multicultural Education Foundation.

Over the course of his career, Mr. Koilpillai has introduced programs of study in multiculturalism and human rights for high schools, and developed proposals addressing the social, citizenship and human rights needs of new Canadians for governments at all levels. He has assisted the federal government in a review of foreign policy, and organized international development projects for disadvantaged communities. He has worked with non-governmental organizations dealing with human rights and international development to increase the effectiveness of their networking. He continues to organize public forums, seminars, workshops, and national and international conferences on public policy issues.

In 1980, Mr. Koilpillai received the federal Minister of Multiculturalism's Man of the Year Award, and in 1988, the Canada Council's National Award for Outstanding Educator. In 1998, Mr. Koilpillai was inducted into Edmonton's Hall of Fame and won the Alberta Achievement Award and the Lewis Perinbam Award in International Development. A 1992 Governor General's Commemorative Medal winner, he joined the Order of Canada in 1996.

Mary Mac Lennan

Mary Mac Lennan of Halifax, Nova Scotia became a member of the Commission in November 1995. She was called to the Bar of Nova Scotia in 1979 and pursued a career as a sole practitioner until 1990. From 1981 to 1982, Ms. Mac Lennan was the Provincial Coordinator for the Nova Scotia League for Equal Opportunities. She played a similar role in National Access Awareness Week in 1988, and served as the Multicultural and Race Relations Coordinator for the City of Halifax from 1990 to 1992. A recipient of the Nova Scotia Human Rights Award in 1993, Ms. Mac Lennan was appointed Chair of the Nova Scotia Human Rights Commission in 1996, after serving two terms as a member.

In 1999, Ms. Mac Lennan accepted the post of Equity Coordinator with St. Francis Xavier University, and is continuing her work on the human rights aspects of new reproductive and genetic technologies. She has also served on the editorial board of *Just Cause,* a law journal for people with disabilities and legal professionals.

Kelly Russ

Kelly Harvey Russ, a member of the Haida First Nation, was appointed a Commissioner in April 1998. He received the degree of Bachelor of Arts in Political Science and History in 1990, and the degree of Bachelor of Laws in 1993, both from the University of Victoria, where he was also president of the Native Law Student Society. In 1994, he became a member of both the Law Society of British Columbia and the Canadian Bar Association.

Now a sole practitioner, Mr. Russ's legal work centres on Aboriginal rights and issues arising from the Indian Act, and other federal, provincial and territorial legislation affecting Aboriginal peoples. In addition, Mr. Russ represents Aboriginal people in the fields of child protection and family law.

Preface

As I prepare to table the Annual Report each year, I pause to reflect on the Commission's progress during the year under review. I am pleased to note that 1999 saw successes that advanced the cause of human rights, such as the settlement of the pay equity case between the Treasury Board and the Public Service Alliance of Canada. The resolution of that case — the government's recognition that equal pay for work of equal value is a fundamental human right — crowned fifteen years of struggle. Furthermore, important court decisions acknowledged that people with disabilities have a right to fair access to the labour market.

The past year also saw significant progress made by the panel reviewing the Canadian Human Rights Act, whose efforts, we hope, will see to it that the legislation that enables our work reflects more accurately the values of Canadian society in the year 2000.

I am also proud of the renewal undertaken within the Commission itself in light of recommendations made by the Auditor General in a report published in September 1998. This renewal flows from our vision for the Commission, which encourages us to serve as a "dynamic and progressive leader, contributing to a society in which people respect human rights and diversity and treat each other with dignity."

When I am called to represent the Commission abroad, I am frequently reminded that our country is hailed as a leader in the field of human rights. We are the envy of many nations because of the human rights protection afforded by the Commission and its provincial and territorial counterparts. This makes me proud to be Canadian, and equally proud to work in an organization devoted to defending and promoting the rights of the least fortunate among us.

I must nonetheless confess to a certain feeling of unease. The gap between rich and poor continues to widen at the expense of those least able to afford it, and a country as wealthy as ours cannot be proud of poverty that continues to increase. Many single mothers have hardly anything to call their own, and worry about how to feed their children. Year after year, the needs of people with disabilities are overlooked — except if they find a way to touch our lives directly. The hurdles facing Aboriginal young people are evidenced by such factors as suicide rates eight times higher for young women and five times higher for young men than among their peers across the country. Racism, once thought to be on the decline, is now appearing in subtle new guises — more difficult to recognize, but as poisonous as ever.

This persistent unease strengthens my belief that our efforts to build a fairer society must continue — a society in which respect and dignity for each and every one of us are recognized as fundamental human rights. Then, and only then, will we truly have created a human rights culture in Canada.

Michelle Falardeau-Ramsay, Q.C.
Chief Commissioner

Introduction

The past decade witnessed more than its share of horrors — one need only point to Rwanda, Kosovo and East Timor. But it also saw the emergence of a widely shared acceptance of the principle that human rights were integral to the functioning of civil society. This imperative led to the arrest in the United Kingdom of the former President of Chile to face charges arising from the deaths of political opponents two decades earlier. It also paved the way for the establishment of a War Crimes Tribunal, and the holding of trials, under international auspices, of people accused of atrocities in their own countries. As expressed by Václav Havel, President of the Czech Republic, in his memorable address to the Senate and the House of Commons in April 1999, we are gradually bringing the human race to the realization that a human being is more important than a state.

Various factors are contributing to the increased significance attached to human rights: the emergence of pluralist democracies throughout the world, advances in information technology, and the blurring of national borders. For the first time, international economic institutions such as the International Monetary Fund, the World Bank, and the Organization for Economic Cooperation and Development are considering ways to promote human rights principles within their programs. The World Trade Organization is also examining how trade and human rights can be linked. A number of multinational corporations, realizing that social responsibility is needed to maintain sustainable growth, have begun to integrate human rights principles into their business strategies. Relationships between countries, once dominated by security and commercial considerations, now routinely include human rights components. More and more, human rights are now the lens through which the actions of governments are viewed.

Canada has both influenced and been affected by this evolution, as human rights and equity issues have moved into the mainstream of national concerns.

There is perhaps a growing awareness that economic and social development are intimately linked with human rights

Internationally, we have been commended once more by the United Nations Economic and Social Council as the country enjoying the best quality of life. However, we have also been taken to task for continuing socioeconomic disparities, most notably those affecting Aboriginal Canadians. At home, there is perhaps a growing awareness that economic and social development are intimately linked with human rights. It is certain that guarantees of equality before the law will ring hollow to those whose poverty, lack of education and limited access to employment continue to deny them equal opportunity. Aboriginal Canadians and people with disabilities continue to be over-represented in these categories.

The Machinery of Human Rights

In April 1999, the Minister of Justice announced the government's intention to undertake a comprehensive review of the Canadian Human Rights Act. A distinguished panel, chaired by Gérard La Forest, a former Justice of the Supreme Court of Canada, was appointed to examine the current law and report to the Minister on recommended changes. The Commission fully supports the review: while the Act has been amended from time to time, no comprehensive examination of the legislation has been undertaken since its enactment in 1977. Since then, of course, Canadian society and our understanding of the concept of human rights have undergone significant changes.

The review panel has solicited written submissions and has met with groups in various regions of Canada. The Commission has also met with the panel. The panel is expected to submit its report to the Minister in the spring of 2000. Naturally, the Commission awaits the results of the review with keen anticipation.

There are certain features of the present Act that, by common agreement, need attention. The existing complaints process is an obvious example. It has become too lengthy and complex, far from the simple model envisaged by the legislators a generation ago. There is a need to simplify procedures and introduce a level of flexibility that would permit the Commission to differentiate between cases presenting issues of substantive discrimination and those that are clearly matters of poor

labour relations or a manifestation of a breakdown in communications between the parties.

The Commission hopes that future changes to the law will also better equip it to address issues of systemic discrimination. Society has come a long way from the day when employers could openly deny job opportunities to particular groups, whether women, Jews, or people of colour. But barriers to employment and to accessing services continue to exist, often as the result of quite unintentional but nonetheless harmful policies or practices. In such instances, individual complaints are not always the most effective way to achieve change. Alternatives that the Commission would hope to see considered include the use of audit powers and the authority to undertake inquiries on specific issues, or in particular sectors or industries, without the need for a complaint to be filed.

The Commission has suggested in the past that more attention should be given to Canada's international human rights obligations

The Commission has suggested in the past that more attention should be given to Canada's international human rights obligations. Although little known to most Canadians, these are nonetheless commitments that should shape our responses to a range of issues. The review of the Canadian Human Rights Act provides an opportunity to incorporate in a more visible way the international dimension of human rights. For example, specific mention of Canada's adherence to such instruments as the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights might be included in any new law. Also, consideration should, in our view, be given to mandating the Commission to comment on Canada's performance in light of its international human rights commitments.

Towards a Renewed Commission

While the Commission strongly believes that a new legislated framework would assist in safeguarding human rights in the new millennium, this does not mean that life should stand still until Parliament decides to act. We are of the view that steps can be taken to improve the working of the present law. With this in mind, the Commission launched a renewal project during 1998, to be completed by April 2001.

Central to the renewal plan is the elimination of the current backlog of complaints, the retooling of existing complaints procedures, and an in-depth examination of the complaints management system. The goal is to improve the timeliness, transparency and effectiveness of complaints processing, which has become more complex in this rapidly changing environment.

During 1999, the Commission focused its resources on dealing with the complaints that were more than nine months old. As well, a pilot project to test mediation as a tool to help parties reach settlements early in the complaints process is under way, and is commented on in more detail in the chapter on Human Rights Protection. Compliance procedures, manuals and computer systems are also being updated.

A pilot project to test mediation as a tool to help parties reach settlements early in the complaints process is under way

During the year 2000, the Commission will review its service and performance standards to ensure that these adequately address Canadians' needs.

Decisions of Significance

A separate Legal Report summarizes the decisions of human rights tribunals and the courts handed down during the past year. Individual chapters in the report also provide more details on decisions related to their specific subject matter. But several cases whose impact is likely to be far-reaching are worthy of particular note.

First is the important settlement reached by the Treasury Board and the Public Service Alliance of Canada in the longstanding federal public service pay equity dispute. An agreement on how to calculate the compensation due to the complainants came on October 29, 1999, just ten days after the Federal Court upheld the July 1998 ruling by a human rights tribunal. The tribunal had found that government employees in predominantly female job categories were not receiving equal pay for work of equal value. The agreement affects some 230,000 current and former public servants, ranging from secretaries and clerks to hospital and library workers, more than 85 per cent of whom are women.

Though the decision provoked great discussion, the Commission views the resolution as a positive step. Job evaluation systems, such as those used for pay equity, enable us to move beyond comparing identical jobs. As long as women are concentrated in a small number of occupations, such systems will be needed to ensure fairness.

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Two Supreme Court of Canada decisions handed down during the year — one dealing with sex discrimination, the other with disability — will have an important impact in the human rights field.

The first case, *Meiorin*, concerned a woman who had been employed by the province of British Columbia in an elite firefighting unit for more than two years. In 1994, Ms. Meiorin failed one of several new fitness tests and lost her employment. A subsequent grievance launched by her union was appealed to the Supreme Court of Canada. The Court decided in favour of Ms. Meiorin, agreeing with an earlier arbitrator's ruling that the government had failed to justify the tests as a *bona fide* occupational requirement by providing credible evidence that her inability to meet the standard created a safety risk.

A second decision, *Grismer,* extended the application of the *Meiorin* principle to people with disabilities. Although Terry Grismer had repeatedly passed British Columbia's driving test, he had been denied a licence because the provincial Superintendent of Motor Vehicles refused to grant them to people with his particular visual impairment. Noting that many other countries granted licences to people with this impairment, the Court endorsed the principle that people with disabilities should be judged by what they are actually able to do, not by abstract or general standards.

Both the *Meiorin* and *Grismer* decisions oblige federally regulated employers and service providers to ensure that their standards foster real equality. They emphasize the need for systemic accommodation to ensure equal opportunity, rather than individual exceptions on a case-by-case basis.

The Commission will endeavour to ensure that employers and providers of services within the federal sphere are made aware of the significance of the *Meiorin* and the *Grismer* decisions, which are described further in the chapter on Disability.

Pay Equity

Few issues received more media attention in 1999 than the pay equity settlement reached by the Treasury Board and the Public Service Alliance of Canada. This was not surprising, given the history of the dispute and the significance and breadth of the settlement.

In all, the agreement settling the fifteen-year-old case amounts to some $3.5 billion and affects about 230,000 former and current federal government employees, ranging from secretaries and clerks to hospital and library workers. More than 85 per cent of the affected employees are women.

The case goes back to 1984, when the Alliance filed a complaint with the Commission on behalf of clerks, the majority of whom were women. The complaint prompted the government and unions to undertake a joint pay equity study. The study, carried out between 1985 and 1989, compared the skills, responsibilities, effort, and working conditions of different jobs. While the two sides agreed that predominantly female occupations deserved wage adjustments, they could not agree on how these adjustments were to be calculated. When further discussions proved fruitless, the government chose to make unilateral payments. The two unions representing employees in predominantly female jobs — the Public Service Alliance and the Professional Institute of the Public Service of Canada — reacted by complaining to the Commission that wage discrimination revealed in the joint study persisted.

When it became clear that the Commission could not bring the parties to a settlement, it referred the case to a human rights tribunal. The tribunal held over 250 days of hearings and argument on the case between 1991 and 1997. In an initial decision in 1996, the tribunal found that the joint study provided a reasonable basis for assessing whether further payments were required.

Meanwhile, the Professional Institute of the Public Service had settled its part of the case, securing wage adjustments for its members in predominantly female occupations such as nursing.

In 1998, the tribunal issued a second decision. This time, it set down a formula for calculating the adjustments owed to Public Service Alliance members in predominantly female jobs. In August 1998, the government responded by seeking judicial review of the tribunal's decision.

The federal government and the Public Service Alliance of Canada reached an agreement on how to implement the tribunal decision

On October 19, 1999, Mr. Justice John Evans of the Federal Court's Trial Division upheld the tribunal's decision. His ruling confirmed that section 11 of the Canadian Human Rights Act, like the Act as a whole, should be given a broad, purposive interpretation consistent with its status as quasi-constitutional legislation. In the context of pay equity, this means applying approaches that remedy the systemic undervaluation of work performed primarily by women. It also means avoiding unduly restrictive methodologies. The tribunal's decision, Justice Evans ruled, easily met these standards.

Ten days after the court's ruling, the federal government and the Public Service Alliance reached an agreement on how to implement the decision.

This settlement had an almost immediate impact — a positive impact, in the Commission's view. Just six weeks after the agreement was announced, a tentative resolution was reached to pay equity complaints filed in 1991 by public servants involved in personnel administration. Worth tens of millions of dollars in back pay and ongoing wage adjustments, this settlement was scheduled to go before the Commissioners for approval early in the year 2000.

The Public Service Alliance case serves to highlight some of the strengths and weaknesses of section 11 of the Act. Its strength is that it provides recourse for those who believe their jobs are undervalued and thus underpaid because they are performed mostly by women. In so doing, it helps ensure Canada's compliance with international conventions that require equal pay for work of equal value.

The main difficulty with the law is its reliance on complaints, which can lead to needless confrontation, haphazard implementation, and burgeoning costs. A better approach, the Commission believes, would be based on positive obligations and cooperation between employers and unions. This approach to pay equity has already been adopted by several provinces, and by the federal government for employment equity.

The Commission is encouraging parties to settlements to adopt non-litigious dispute-resolution procedures

The Commission would welcome a public discussion of what must be done to ensure that the effectiveness of pay equity can be maintained in an era of globalization and changing patterns of employment. It is important that pay equity should continue to be treated as a human rights issue and that progress should be monitored by an arm's-length agency.

Meanwhile, to make the existing provisions as efficient as possible, the Commission is publishing documents that explain pay equity concepts in non-technical language. It is also increasing its use of mediation and encouraging parties to adopt non-litigious dispute-resolution procedures.

The Public Service Alliance case makes one thing clear: pay equity provokes discussion. Some still question the very idea of pay equity laws, maintaining that they interfere in the market's wage-setting mechanism. The Commission suggests that this view overlooks clear evidence that wages are influenced by values and traditions as well as supply and demand. Pay equity does affect salaries and employer-employee relations, but so do legal provisions on the minimum wage, occupational health and safety, and maternity and parental leave. Our market economy operates within ground rules fixed by legislatures. Pay equity should be viewed as one of these ground rules.

Other Pay Equity Cases

While the Public Service Alliance settlement dominated the headlines in 1999, a number of other pay equity complaints were also resolved, often with the assistance of the Commission. For instance, a final agreement was reached in a case settled two years earlier by Atomic Energy of Canada Ltd. and Local 404 of the Office and Professional Employees

International Union. The 1997 settlement included a set of initial payments and called for a joint pay equity study by the employer and union. That study was completed in November 1999, leading to additional payments and ongoing wage adjustments for predominantly female jobs. This case helps illustrate what can be accomplished when employers and unions choose to cooperate on pay equity.

The Commission supports the Universal Classification Standard's goals of universality, gender neutrality, and simplification

During the past year, legal proceedings continued on pay equity complaints brought against Bell Canada, the Government of the Northwest Territories, Canada Post, Air Canada, and Canadian Airlines. While all these cases involve questions of principle, they have often been tied up by procedural arguments filed by the employers — arguments that, at times, seem to do little more than stall hearings into the merits of the complaints. Details on major pay equity cases are provided in the Commission's Legal Report.

The Universal Classification Standard

The federal government continued its efforts to deal with pay issues in the public service on another front in 1999. Through the new Universal Classification Standard, 72 outdated standards will be replaced with a single system for ranking jobs. In 1999, the new system moved closer to implementation.

The Commission supports the Universal Classification Standard's goals of universality, gender neutrality, and simplification. A system that fairly recognizes features of work performed by women will go a long way towards avoiding future pay equity problems. During the development of the new system, Commission staff provided the Treasury Board with advice on how gender neutrality could be advanced.

The progress achieved by the Treasury Board on this challenging project must be recognized. However, it is important that gender neutrality principles and safeguards be fully applied as the work is completed.

Disability

The Commission continues to believe that the rights of people with disabilities deserve particular focus within the broader fabric of human rights. During the year under review, government, business and service providers took steps to ensure that people with disabilities have opportunities to participate fully in Canadian society. It is clear, however, that much more needs to be done before they share equitably in all that Canada has to offer.

Employment and accessibility are two of the principal challenges. As the chapter on Employment Equity notes, people with disabilities do not receive a fair share of hirings in either the public or private sectors.

Similarly, we are no closer to a national set of building codes that require accessibility for people with disabilities. In the fields of transport, access to information, and communications, progress largely depends on the pursuit of individual complaints. And though the Supreme Court of Canada's 1997 ruling in *Eldridge* v. *British Columbia* enjoined service providers to ensure accessibility, there is little evidence that this is taking place in a concerted way.

Ensuring Full Participation

Vigorous debate continued throughout 1999 on strategies to ensure full citizenship and participation for people with disabilities. This debate revolved around a number of documents. The first was *Reflecting Interdependence: Disability, Parliament, Government and the Community*, issued by the Parliamentary Sub-Committee on the Status of Persons with Disabilities. Then there was *A National Strategy for Persons with Disabilities: the Community Definition*, a work in progress issued by the Council of Canadians with Disabilities on behalf of a coalition of disability rights groups. Finally, there was the federal government's policy framework, *Future Directions,* and the related Federal Disability Agenda.

While these documents offer differing views on how to achieve change, each identifies the need for integrated, consistent and accountable services and support. Each recognizes the need for partnerships between federal, provincial and territorial governments, private business, community groups, and people with disabilities. And each recognizes the need to eliminate systemic barriers to participation.

Each document identifies the need for integrated, consistent and accountable services and support

Together with the principles adopted in the February 1999 Federal, Provincial and Territorial Social Union Framework Agreement, this common view offers hope for concrete change in the year to come. The Commission will contribute to that change by participating in various working groups and advisory bodies, and by continuing to provide advice and encouragement to those seeking to eliminate discrimination.

The Federal Disability Agenda

The Commission welcomes many of the initiatives in the Federal Disability Agenda. It is especially pleased to see work continue on a new Health and Activity Limitation Survey, or HALS, and the establishment of committees to examine issues such as accessible information technology.

The Commission supports the commitment to an "access and inclusion lens" to be applied to all programs, policies and practices. Equally important is the need to integrate this examination of new and existing programs and policies into a strategic planning and reporting framework, since it will inevitably reveal barriers. Removal of these barriers could best be achieved through the development, by all departments and agencies involved, of mutually reinforcing action plans. These would include time frames for implementation and a specific commitment of resources.

Both the disability rights sector and the Parliamentary Sub-Committee have expressed concern about the lack of accountability and enforcement of policy in government. The disability rights sector has called for a new and independent "responsibility centre" to act as an advocate within government. The Parliamentary Sub-Committee, meanwhile, has called for a "consolidated responsibility centre for disability issues ... to act in both policy and program areas."

While it fully supports the need to make individual departments and programs accountable for removing barriers, the Commission will continue to call for stronger enforcement and accountability systems.

The issue of reporting is crucial. The Parliamentary Sub-Committee called for the Treasury Board and Human Resources Development Canada to report annually on progress in the removal of barriers. To ensure integration, consistency, and accountability in all government programs and services, the reports would require information on outcomes, commitments and performance indicators.

The importance of taking active steps to meet the needs of minority groups was strongly reaffirmed by the Supreme Court of Canada

The government responded by saying that while it will develop an interdepartmental framework for reporting on progress on disability issues, it will, as a first step, look to integrate reporting into existing mechanisms.

While the Commission welcomes this commitment, it has concerns. For instance, the Parliamentary Sub-Committee went so far as to say that existing reporting mechanisms such as departmental performance reports serve to "perpetuate the isolation chambers that have prevented cross-departmental coordination and accountability." The Commission believes that annual reporting should be based on criteria developed in consultation with the community. To ensure that the issues receive suitable attention, such reports should preferably be prepared separately from departmental performance reports.

Many of the issues addressed in the Federal Disability Agenda fall within the ambit of the Canadian Human Rights Act. Under the Act, government departments and agencies are already required to eliminate barriers and provide accommodation up to the point of undue hardship. The importance of taking active steps to meet the needs of minority groups was strongly reaffirmed in 1997 by the Supreme Court of Canada in *Eldridge* v. *British Columbia* and in 1999 in *British Columbia (Public Service Employee Relations Commission)* v. *British Columbia Government and Service Employees Union*, better known as the *Meiorin* case. These rulings suggest that the removal of barriers to participation should be built into policies, services and programs, rather than being addressed after the fact through accommodation. The Commission

hopes that proceeding in this way will help achieve the vision expressed in *Future Directions.*

Access and Participation

During the year, the Commission continued to advise on the requirements of the law and to encourage a systemic approach to removing barriers. In this regard, Commission staff contributed to the work of Human Resources Development Canada's Interdepartmental Committee on Disability; the Treasury Board's Access Working Group; and the joint Treasury Board and National Research Council Interdepartmental Task Force on the Integration of Employees with Disabilities through Information and Communications Technologies. The Commission also contributed to the Committee on Barrier-Free Design Standards of the Canadian Standards Association, now known as CSA International, and to the Canadian Transportation Agency's and Transport Canada's Accessible Transportation Advisory Committees.

The Commission is pleased to see that the Canadian Standards Association has completed standards for accessible automatic teller machines

The Commission is especially pleased to see that the Canadian Standards Association has completed technical and design standards for accessible automatic teller machines. It hopes that manufacturers and all service providers, not only federally regulated financial institutions, will move quickly to introduce the machines across Canada once the standard is adopted. In this context, the Commission congratulates the Royal Bank of Canada, which received an award in 1999 for introducing audio automatic teller machines. The bank took action after a blind person lodged an accessibility complaint against it, and is to be commended for its willingness to address the problem, and to do so in consultation with organizations representing blind and visually impaired people.

The Access Working Group and the Interdepartmental Task Force are committed to ensuring that communications technology and Internet services are accessible. Their proposals, including matters relating to procurement contracts, home page design, and workplace accommodation, should receive serious consideration by the federal government and the business community.

The Commission continues to receive complaints about inaccessible transport services and facilities, particularly from people who have

difficulty accessing information and those who use mobility aids. On a positive note, the Canadian Transportation Agency issued a new voluntary Code of Practice in 1999 on the accessibility of ferries.

Another area of concern is the lack of access to teletypewriter facilities in airports, railway stations and booking services. The Commission and the Agency have received complaints, and are considering how best to address this issue. The Commission is also speaking with telecommunications companies about providing teletypewriter services in public areas.

The Commission continues to receive complaints about inaccessible transport services and facilities, particularly from people who have difficulty accessing information

In 1999, the Canadian Radio-television and Telecommunications Commission concluded a review of its policies in relation to private television. Part of that review included questions on closed captioning and providing descriptive video services to blind and visually impaired people.

The CRTC chose to stay with its 1995 policy on closed captioning, which requires that targets be set according to the annual advertising revenues of licensees. Similar targets were also established for French-language broadcasters. Although the extension of targets to the latter is welcomed, the technological advancements and reduced costs associated with captioning requirements may warrant a review of this policy in the near future.

Concluding that it would be premature to impose specific requirements, the CRTC also chose to encourage licensees to introduce descriptive video services gradually. In light of developments elsewhere, it is to be hoped that the CRTC will revisit this decision. For example, the United States' Federal Communications Commission has proposed a rule requiring larger television broadcasters to provide roughly four hours per week of prime time or children's programming accessible to people with hearing impairments.

Special Issues in Disability

Jurisprudence

Two decisions handed down by the Supreme Court of Canada in 1999 are likely to have a significant effect on the work of the Commission, and warrant particular attention by employers and providers of services to the public.

The first, the *Meiorin* case, dealt with an allegation of sex discrimination concerning a fitness standard for firefighters that the respondent claimed was a *bona fide* occupational requirement. Madam Justice Beverley McLachlin, who wrote the decision for the Court, revised the traditional test for *bona fide* occupational requirements, which led to different outcomes depending on whether the Court found that direct or adverse effect discrimination was at issue. Instead, the Court established a unified test addressing both types of discrimination. The *Meiorin* decision sets out a clear series of questions to be used when analysing standards or policies to determine whether they are discriminatory.

The decision also emphasizes the need to focus on substantive equality when designing standards and policies. As Justice McLachlin noted:

> Employers designing workplace standards owe an obligation to be aware of both the differences between individuals, and differences that characterize groups of individuals. They must build conceptions of equality into workplace standards. By enacting human rights statutes and providing that they are applicable to the workplace, the legislatures have determined that the standards governing the performance of work should be designed to reflect all members of society, in so far as this is reasonably possible. *(Paragraph 68)*

The second decision — *British Columbia (Superintendent of Motor Vehicles)* v. *British Columbia (Council of Human Rights)*, the *Grismer* case — dealt with an allegation of discrimination in the provision of licensing services. The respondent claimed that it had a *bona fide* justification to

Employers designing workplace standards owe an obligation to be aware of both the differences between individuals, and differences that characterize groups of individuals

exclude people with a particular visual disability from obtaining a driver's licence. The Court, applying the reasoning from the *Meiorin* decision, rejected the respondent's claim. In delivering the court's ruling, Justice McLachlin agreed that, in certain circumstances, it is reasonable to impose standards or rules on the provision of services. However, these rules will not survive the *Meiorin* test if they are not carefully designed to accommodate people with disabilities. To quote Justice McLachlin:

> This decision stands for the proposition that those who provide services subject to [human rights law] must adopt standards that accommodate people with disabilities where this can be done without sacrificing their legitimate objectives and without incurring undue hardship. *(Paragraph 44)*

Complaints received by the Commission and other agencies suggest that people continue to experience discrimination because they have tested positive for HIV or have AIDS

Naturally, the Commission welcomes both decisions, which clarify the obligations on employers and service providers to develop and maintain non-discriminatory and inclusive standards and policies.

HIV and AIDS

As the twentieth century was coming to a close, some 33.6 million people with the Human Immunodeficiency Virus, or HIV, faced the possibility of developing Acquired Immune Deficiency Syndrome, or AIDS. In Canada, although the number of AIDS cases is dropping, the number of reported HIV infections is on the rise. By the end of 1999, more than 54,000 Canadians had been exposed to HIV. Every day, about a dozen more are exposed.

Complaints received by the Commission and other agencies suggest that people continue to experience discrimination because they have tested positive for HIV or have AIDS. Examples include access to medical benefits, harassment in the workplace, and termination of employment. People with HIV and AIDS are also denied some services such as bank loans.

The year saw the release of a report on the legal and ethical issues surrounding injection drug use, HIV, and AIDS. The report, prepared by the Canadian HIV/AIDS Legal Network, noted that the spread of

HIV and hepatitis C among injection drug users in Canada merits serious and immediate attention. In 1996, half of the estimated new HIV infections were among injection drug users. The dual problem of injection drug use and HIV infection is particularly severe among certain groups, such as street youth. The report calls upon the federal government to examine how some current legislation, including the Criminal Code, has a disproportionate impact on the most vulnerable members of society. It concludes that from "an ethical perspective, considering alternatives to the current approach is not just possible, but required."

The dual problem of injection drug use and HIV infection is particularly severe among certain groups, such as street youth

Complaints

In 1999, the Commission completed work on 604 complaints of discrimination based on disability. Seventy-three cases were settled at mediation, at conciliation, or in the course of investigation. The Commission dismissed 70 cases for lack of evidence, appointed a conciliator in 102 cases, and referred eleven cases to the Canadian Human Rights Tribunal.

Disability Discrimination Complaint Outcomes for 1999	Number	Percentage
Settled[1]	73	12
Referred to alternate redress mechanisms	79	13
Referred to conciliation	102	17
Referred to a tribunal	11	2
Not dealt with[2]	14	2
Dismissed	70	12
No further proceedings[3]	32	5
Discontinued[4]	223	37
Total	604	100

1 *Cases that were settled before or during investigation, through mediation or at conciliation.*
2 *Cases that the Commission decided not to pursue because they were filed more than one year after the alleged act of discrimination, or were, technically, without purpose.*
3 *Cases in which the complainants withdrew or abandoned their complaints, the matters were outside the Commission's jurisdiction, or the complaints did not warrant referral to a tribunal.*
4 *Cases that were closed prior to investigation because the complainants did not wish to pursue them or because a link could not be established between the alleged act and a prohibited ground of discrimination.*

Women

In 1900, the vast majority of women were disenfranchised, economically dependent on men, prevented by social convention and safety concerns from venturing beyond narrow confines, and restricted in their ability to express individual identities. It was a time when the very notion of female carpenters, doctors, or musicians — not to speak of national leaders — was controversial, and eccentric at best.

Now it is common for a woman to drive a bus, build a table, or perform surgery. In fact, for the first time ever, women hold two of Canada's most important positions under the Constitution. In 1999, Adrienne Clarkson became Canada's Governor General, and Beverley McLachlin was named the first female Chief Justice of Canada (the formal appointment came on January 7, 2000).

While these achievements are significant, it is much too soon to rest on our laurels and ignore the real issues that persist. Substantive equality for women involves more than eliminating formal restrictions and blatant biases. It also means obtaining equal access to the resources and conditions needed to make a full life. Two of the most important areas in this regard are employment and the right to physical security.

The Employment Challenges

Women have long had to struggle to attain the same range of employment opportunity and income as men. In three out of four dual-income families, the male partner still makes more than the female. More women live in poverty. While non-traditional occupations have become more open to women, it remains difficult for many to enter senior positions, balance the demands of paid work and other responsibilities, and obtain the support of managers in ensuring harassment-free work environments.

The significance of having a woman in a senior job goes beyond the benefit to the individual. When a woman becomes a chief executive officer, vice president, or deputy minister, the organization sends a message that it is ready to provide opportunities to capable people, whatever their sex. Also, as women fill key decision-making roles in an organization, its sensitivity to the work styles and needs of women increases, thereby making it a more receptive employer for women in general.

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For these reasons, the Commission remains concerned that the glass ceiling has yet to be broken in many workplaces. Even as women have started to obtain jobs at the entry and middle levels in former male bastions, preconceptions about who will "fit" into executive positions, and the widespread use of personal connections for recruiting into them, still exclude many women from consideration. Changing this state of affairs should be a central objective for Canadian employers in the years to come.

The challenge of balancing paid work and other priorities may be another reason why women find it hard to move up the organizational ladder, or, in some instances, to keep their jobs at all. Although men also face this challenge, it affects women more frequently, since they do most of the work associated with the care of children, older family members, and other dependents. Census data, for example, show that twice as many women as men provide unpaid care to seniors.

The growing strain stemming from competing pressures was documented in a study by the Conference Board of Canada released in July, entitled *Is Work-Life Balance Still an Issue for Canadians and Their Employers? You Bet It Is!* Almost 50 per cent of participants reported a moderate to high degree of stress, compared to just 27 per cent in 1988. In August, the Conference Board issued a follow-up report, which emphasized that any effective response would have to include changes to corporate culture and policies.

When an organization "equally" expects all employees to work rigid hours, stay late, or do weekend shifts, it often places women at a disadvantage. By the same token, a supervisor who reluctantly grants a worker time off to care for her children, then labels her a "slacker," is

not really providing non-discriminatory working conditions. In contrast, an employer who accommodates employees' family responsibilities and provides flexible work hours creates a more truly equitable environment. In fact, the Conference Board's follow-up report concluded that managers sensitive to the personal and family needs of staff were well rewarded — their employees reported significantly higher job satisfaction and missed fewer days of work.

The challenge of balancing paid work and other priorities may be another reason why women find it hard to move up the organizational ladder

Government can help by encouraging employers to adopt a more flexible approach to the accommodation of domestic commitments, and by investing in initiatives related to the care of children, older Canadians, the chronically ill, and people with disabilities who require regular attention. As a study prepared by the Canadian Research Institute for the Advancement of Women (and sponsored by Status of Women Canada) noted in November, the disproportionate responsibility women have for such activities, combined with the poor recognition of home care work, have negative implications for women in terms of earnings and professional fulfilment. In an era of budgetary surpluses, directing more public funding to child care and home care programs is one way that Canada as a society can support people seeking to integrate paid employment and care of dependents.

If one key feature of an equitable workplace is the flexibility to deal with demands on the domestic front, another is the provision of a harassment-free environment. This does not mean that offices and factory floors should be free of good-natured repartee. Rather, it means preventing offensive, unwelcome behaviour that denigrates and demoralizes certain employees, and avoiding the interplay of unequal power relationships and sexual innuendo or pressure.

The Commission continues to receive complaints from women alleging sexual harassment. In one such case, a woman working for a small family business complained that her allegation of harassment by a senior manager had been investigated by one of the manager's relatives. The complaint was settled when the employer agreed to provide anti-harassment training to all staff, and to revise its procedures so that future harassment allegations would be dealt with by non-relatives. In another case, four female employees complained of being subjected to lewd and derogatory remarks by a manager. Three resigned, while the

fourth took disability leave as a result of the stress. Settlement of this case resulted in an apology, letters of reference, and financial compensation for the four complainants, as well as the posting of an anti-harassment policy by the employer.

Public policy and society in general must work towards the day when no one feels at risk in her home or in public because she is a woman

Physical Security Means Real Equality

Real equality requires that women enjoy the same levels of safety and health as men.

In June, Statistics Canada released a report that revealed that in 88 per cent of spousal violence incidents, the victims are women. The Commission was therefore pleased that during 1999, the federal, provincial, and territorial ministers responsible for the status of women adopted a strategic framework and agreed to work cooperatively to deal with domestic violence and stalking. Public policy and society in general must work towards the day when no one feels at risk in her home or in public because she is a woman.

In the past, the Commission has expressed concern about the incarceration of maximum-security female inmates in prisons for men, which clearly makes them particularly vulnerable. Thus, the Commission welcomed an announcement by the Correctional Service of Canada in September that it would make changes to regional women's facilities to accommodate maximum-security inmates. The Correctional Service also plans to build facilities for medium- and minimum-security female inmates with special needs or mental health problems, and to increase the number of staff assigned to supervise and support these women.

On the other hand, the Commission is disappointed that the Correctional Service has not yet extended its staff harassment policy to inmates, as recommended by Madam Justice Louise Arbour in her 1996 report on the work of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston.

Women's right to physical security entails not only protection from attack, but also access to equitable health services. Historically, such access was hampered by subtle biases in medical research and treatment

Women's right to physical security entails not only protection from attack, but also access to equitable health services

that meant insufficient attention to women's health issues. A new awareness of this problem — spurred on, in part, by direct evidence of the biases in question — has already contributed to some noteworthy results, among them the Women's Health Strategy announced by the Minister of Health in March, and the World Conference on Breast Cancer held in Ottawa in July.

The last hundred years have seen women move from largely anonymous lives controlled by others to lives far more of their own creation. It has been a remarkable journey of the increasing recognition of rights and decreasing tolerance for prejudices and barriers based on sex. The continuation of this journey requires a willingness to press forward to take the steps needed to increase women's substantive equality in areas such as employment and physical security.

Complaints

In 1999, the Commission completed work on 387 complaints of discrimination based on sex. Sixty-three cases were settled at mediation, at conciliation, or in the course of investigation. The Commission dismissed 54 cases for lack of evidence, appointed a conciliator in 56 cases, and referred 24 cases to the Canadian Human Rights Tribunal.

Sex Discrimination Complaint Outcomes for 1999	Number	Percentage
Settled[1]	63	16
Referred to alternate redress mechanisms	33	9
Referred to conciliation	56	14
Referred to a tribunal	24	6
Not dealt with[2]	8	2
Dismissed	54	14
No further proceedings[3]	18	5
Discontinued[4]	131	34
Total	387	100

1 *Cases that were settled before or during investigation, through mediation or at conciliation.*
2 *Cases that the Commission decided not to pursue because they were filed more than one year after the alleged act of discrimination, or were, technically, without purpose.*
3 *Cases in which the complainants withdrew or abandoned their complaints, the matters were outside the Commission's jurisdiction, or the complaints did not warrant referral to a tribunal.*
4 *Cases that were closed prior to investigation because the complainants did not wish to pursue them or because a link could not be established between the alleged act and a prohibited ground of discrimination.*

Sexual Orientation

In a decade in which gay and lesbian Canadians made significant advances, 1999 may well come to be regarded as a watershed year. The issue that seemed to present an almost insurmountable challenge only a few years ago — the recognition of same-sex relationships in law — was effectively addressed when the Supreme Court of Canada decided, in *M* v. *H*, that same-sex couples must be treated in the same way as heterosexual couples. Public opinion research now shows that a majority of Canadians not only favour legislation to eliminate discrimination against lesbians and gay men, but increasingly approve of measures to protect and support their families. Indeed, while this report was being prepared, the Minister of Justice introduced a historic piece of legislation to extend the rights and responsibilities of same-sex couples.

Step by Step

The process of achieving equality for gay men and lesbians in Canada has been incremental, but marked by significant victories in the country's boardrooms, legislatures and courts. In the early Nineties, provincial governments, municipalities and private companies began offering benefits to their employees in same-sex relationships. Then, in 1996, a human rights tribunal ordered the federal government to extend medical and dental benefits to the same-sex partners of its employees. That same year, the government amended the Canadian Human Rights Act to add sexual orientation as a prohibited ground of discrimination.

More recent milestones included the Supreme Court of Canada's 1998 decision in *Vriend* v. *Alberta*, which required that province's government to add sexual orientation as a prohibited ground to its anti-discrimination legislation. After the decision was released, an Angus Reid poll found that three-quarters of Canadians supported legislation to ban discrimination based on sexual

orientation, and Alberta wisely resisted calls by the decision's critics to invoke the Charter's "notwithstanding" clause to override the court.

Also in 1998, the Ontario Court of Appeal decided, in *Rosenberg* v. *Canada (Attorney General)*, that the definition of "spouse" in the Income Tax Act was unconstitutional because it excluded same-sex survivor benefits from employers' pension plans. Again, critics of the decision attacked the courts for what they called "judicial activism," and called on the federal government to appeal the decision or to use the Charter's notwithstanding clause to circumvent it. The federal government chose not to appeal, thus removing a major barrier to employers who wished to provide same-sex survivor benefits to their employees.

The Ontario Court of Appeal decided that the definition of "spouse" in the Income Tax Act was unconstitutional because it excluded same-sex survivor benefits from employers' pension plans

At the Crossroads

A turning point for gay rights came in 1999, when the Supreme Court of Canada ruled in *M* v. *H* that Ontario's Family Law Act applied to same-sex couples who separated in the same way that it applied to heterosexual common-law couples. The case concerned the break-up of a long-term lesbian relationship, and the efforts of one of the former partners to obtain financial support from the other through the Family Law Act. The Court concluded that lesbians and gay men were as capable as heterosexuals of forming long-term, loving relationships in which one partner could become financially dependent on the other. As the majority stated:

> The societal significance of the benefit conferred by the statute cannot be overemphasized. The exclusion of same-sex partners from the benefits of section 29 of the FLA promotes the view that M, and individuals in same-sex relationships generally, are less worthy of recognition and protection ... such exclusion perpetuates the disadvantages suffered by individuals in same-sex relationships and contributes to the erasure of their existence. (*Paragraph 74*)

Although the decision addressed a specific piece of legislation in one particular province, *M* v. *H* arguably represents the most significant development in gay and lesbian rights in many years. It has clarified the high court's thinking on matters related to same-sex couples, and has

given impetus to governments across Canada to review their laws to ensure that homosexual and heterosexual couples are treated equitably.

Indeed, in the wake of *M* v. *H,* the government of Ontario introduced an omnibus bill to amend a number of provincial laws. Regrettably, it chose to bring its laws into line with the decision by creating a separate category for same-sex couples, prompting what is likely to be yet another round of litigation. Indeed, at the time the omnibus bill was introduced, the provincial government seemingly went out of its way to distance itself from the whole affair, with the Attorney General of Ontario observing that the bill was intended to satisfy the requirements of the high court while "preserving the traditional values of the family by protecting the definition of spouse." This grudging acceptance of the Supreme Court of Canada's ruling was in marked contrast to the approach taken by Quebec and British Columbia, when these provinces passed legislation to redefine the meaning of "spouse" in several provincial laws.

These changes are about fairness: they will ensure that all common-law relationships receive equal treatment under the law

The Winds of Change

As this report was being prepared, the federal Minister of Justice introduced a bill to create the *Modernization of Benefits and Obligations Act*, which would amend 68 federal statutes to extend benefits and obligations to same-sex couples. The law extends many of the rights and responsibilities of married couples to both same-sex and opposite-sex common-law partners in a range of areas, including taxation, pension benefits, access to employment insurance, conflict of interest requirements, and conjugal visits in prison. In introducing the legislation, the Minister described the bill as reflecting the values of Canadians enshrined in the Charter: "These changes are about fairness. They will ensure that all common-law relationships receive equal treatment under the law."

In the view of the Commission, the proposed legislation, by extending the status of "common-law partners" throughout federal law to both opposite-sex and same-sex couples, adopts a sensible approach to addressing an issue on which governments in the past have been unwilling to act.

Complaints

In 1999, the Commission completed work on 96 complaints of discrimination based on sexual orientation. The Commission dismissed fourteen cases for lack of evidence, and took no further proceedings in fourteen others.

Twenty-three cases were referred to conciliation. These included a group of eighteen complaints against the Department of Finance and the Canada Customs and Revenue Agency, which alleged discrimination in the Income Tax Act. These complaints raised a number of questions related to spousal benefits and deductions that may be resolved through the government's recently introduced omnibus legislation.

The cases sent to conciliation also included a complaint against the Department of Citizenship and Immigration in which the complainant alleged that he was denied the right to sponsor his same-sex partner's application for landed immigrant status as a Family Class member. In recent years, Immigration officials have shown some flexibility in dealing with this type of application, but the treatment has not been consistent, and the Immigration regulations have not been amended to recognize same-sex couples under the Family Class provisions. Although the question of immigration rights for same-sex partners is not addressed in the federal government's omnibus bill, the Minister of Citizenship and Immigration has indicated that she intends to introduce legislative amendments to deal with the issue later this year.

The complainant alleged that he was denied the right to sponsor his same-sex partner's application for landed immigrant status as a Family Class member

In 1999, the Commission also helped to resolve 23 complaints either at mediation, at conciliation, or in the course of investigation. Many of these involved the denial of benefits to employees in same-sex relationships, including a group of six complaints against Canadian Airlines, in which the company ultimately agreed to extend employment benefits to same-sex couples.

Sexual Orientation Complaint Outcomes for 1999	Number	Percentage
Settled[1]	23	24
Referred to alternate redress mechanisms	4	4
Referred to conciliation	23	24
Referred to a tribunal	0	0
Not dealt with[2]	5	5
Dismissed	14	15
No further proceedings[3]	14	15
Discontinued[4]	13	13
Total	96	100

1 *Cases that were settled before or during investigation, through mediation or at conciliation.*
2 *Cases that the Commission decided not to pursue because they were filed more than one year after the alleged act of discrimination, or were, technically, without purpose.*
3 *Cases in which the complainants withdrew or abandoned their complaints, the matters were outside the Commission's jurisdiction, or the complaints did not warrant referral to a tribunal.*
4 *Cases that were closed prior to investigation because the complainants did not wish to pursue them or because a link could not be established between the alleged act and a prohibited ground of discrimination.*

Aboriginal Peoples

Developments during 1999 highlighted a key challenge that confronts Canada as it attempts to deal with the needs and entitlements of its Aboriginal communities: how to achieve the fundamental collective right of Aboriginal people to cultural survival and self-directed lives, while taking into account other considerations, including the individual rights of non-Aboriginal Canadians.

Because this issue was long neglected, Canadians are still determining how to strike this complex balance, but the fact that we are breaking new ground should inspire, not discourage us. Upholding human rights often involves the reconciliation of competing claims and refocusing of priorities. Canadians are justifiably proud of their society's reputation abroad as a defender of rights. This image, however, can only be maintained in so far as we are prepared, here at home, to translate lofty principles into substantive action.

At the dawn of the twenty-first century, there should be little debate that Aboriginal people do indeed have a right to cultural survival and self-directed lives. From a legal perspective, this right stems primarily from treaties that helped lay the foundations for this country and the Constitution, particularly sections 25 and 35 of the Charter of Rights and Freedoms. From an ethical perspective, the right is rooted in the recognition that Aboriginal people were this country's first inhabitants, that solemn commitments were made in exchange for acquiescence in non-Aboriginal settlement, that fulfilment of those commitments was undermined by paternalism and prejudice, and now, that Aboriginal communities suffer from disproportionately high rates of poverty and social strain.

The question for Canada, then, is not whether its Aboriginal peoples enjoy fundamental collective rights, but rather what those rights' practical expression should be. Addressing this question requires a process of reflection, dialogue,

negotiation, and action aimed at more fully realizing Aboriginal rights — centuries after they began to be eroded — without being insensitive to other critical interests and concerns. Events related to this process can be clustered under three headings: new governance arrangements, clarification of Aboriginal rights through jurisprudence, and efforts to sustain Aboriginal identities and languages through cultural and communications initiatives.

A basic goal behind the establishment of Nunavut is to ensure greater self-determination for the Inuit of the Eastern Arctic

Governance

On April 1, 1999, the new territory of Nunavut came into being. Nunavut means "our land" in Inuktitut, the Inuit language, and the territory is Canada's largest, comprising one-fifth of the country's total land mass.

This important transition was the culmination of a long process that can be traced to the 1971 creation of the Inuit Tapirisat of Canada and the 1982 creation of the Tungavik Federation of Nunavut — organizations dedicated to advancing Inuit rights and negotiating a settlement in the North. In 1982, an initial plebiscite in the Northwest Territories endorsed the idea of a new territory in the Eastern Arctic. This was followed by the finalization in 1992 of the Nunavut Political Accord and its approval through a second plebiscite, and the 1993 passage by Parliament of the Nunavut Act.

A basic goal behind the establishment of Nunavut is to ensure greater self-determination for the Eastern Arctic's Inuit population. The new territory has an Inuit majority, brings the seat of government to Iqaluit — much closer to most Inuit communities — and is committed to the protection and promotion of Inuktitut and Inuit culture. Nunavut's birth, after years of discussion and preparation, is a momentous event in the life of the Inuit people, and an important step towards a more just Canada. As John Amagoalik, the man who signed the Nunavut Political Accord on behalf of the Inuit, has stated, "living under conditions of colonialism is something our children, thankfully, will not know. Our fathers experienced a time when their independence and human rights were stolen from them. Through the settlement of our land claims and the rebirth of Nunavut, our generation has won back our right to determine our political future."

Similar motives underlay the Nisga'a land claim treaty, which was ratified by the British Columbia legislature and the federal Parliament during 1999. This treaty, like the new Arctic territory, brings a welcome conclusion to a history of dispossession and painfully slow negotiation. The Nisga'a, who never surrendered their claim to ancestral lands, initiated discussions with the federal and provincial governments in 1887, petitioned the Privy Council in 1913, won a landmark case before the Supreme Court of Canada in 1973, and entered into formal treaty talks in 1976. Thus, a long journey led to the final agreement, which provides the Nisga'a with 1,992 square kilometres of land in northwestern British Columbia, a payment of $196.1 million over fifteen years, access to natural and economic resources, and self-government arrangements that allow the passage of laws "to preserve, promote, and develop Nisga'a culture and Nisga'a language."

The Nisgaà treaty brings a welcome conclusion to a history of dispossession and painfully slow negotiation

In contrast to the generally positive response to the establishment of Nunavut, the Nisga'a treaty provoked substantial controversy, including the longest-ever debate in the British Columbia legislature. Much of this controversy was spurred by the perception that the agreement would enshrine a form of "race-based" government. The treaty does grant certain prerogatives to members of the Nisga'a community in recognition of historic rights and contemporary needs, but it also goes to some lengths to ensure that the interests of the small number of non-Nisga'a residents of the Nisga'a territory are protected, and affirms that the Charter of Rights and Freedoms and other federal and provincial laws continue to apply in Nisga'a lands. In addition, it provides for phased elimination of tax exemptions enjoyed by the Nisga'a under the Indian Act.

Nisga'a Chief and lead negotiator Joe Gosnell has commented that the treaty is a balanced and sensible reconciliation of competing interests that should be celebrated as the proof that people of good faith can resolve their differences without confrontation or litigation. Speaking before the British Columbia legislature, Chief Gosnell emphasized that thanks to the treaty, the Nisga'a would "no longer be wards of the state, no longer beggars in our own lands ... We will be allowed to make our own mistakes, to savour our own victories, to stand on our own feet once again."

There is obviously nothing wrong with vigorously debating the merits of a particular agreement. However, as the Commission has stressed repeatedly, it is crucial that we recognize the unique situation of Aboriginal peoples and Canada's obligations to them. Self-government is an essential component in the range of remedies for past mistakes and current privations.

Self-government is an essential component in the range of remedies for past mistakes and current privations

Jurisprudence

Even as headway towards new governance arrangements was being made, the Supreme Court of Canada was dealing with questions that directly affect Aboriginal rights, and, in some cases, the balance to be achieved between those rights and other concerns.

In the highly-publicized case of *R.* v. *Marshall,* the Court upheld the right of members of the Mi'kmaq nation to fish, hunt, and gather resources for a living, while recognizing that this right could be circumscribed by compelling considerations such as conservation of resources and the historic participation of non-Aboriginal Canadians in the economic sectors in question. In recognizing Mi'kmaq rights and acquitting Mr. Marshall of charges under federal fisheries regulations, the Court confirmed the applicability of a 1760 treaty and stated that fisheries and similar rules should allow a "moderate livelihood for individual Mi'kmaq families." The Court encouraged a process of consultation and negotiation in situations where imperatives such as conservation might conflict with treaty rights.

The decision set off a wave of public discussion, and, on the East coast, serious and unfortunate violent outbursts. These incidents were sparked by fear of change regarding the source of livelihood, a lack of understanding between the two cultures, and, on occasion, a regrettable tinge of intolerance.

In the case of *R.* v. *Gladue,* the Court confirmed that in sentencing Aboriginal offenders, it is appropriate to take account of the unique circumstances of Aboriginal people — including disproportionate levels of incarceration, serious socioeconomic difficulties, and a traditional emphasis on restorative justice. In *Corbiere* v. *Canada,* the Court also struck down the Indian Act's blanket exclusion of off-reserve band

members from voting in band elections. The Court held that the Act made a distinction that denied off-reserve Aboriginal people equal benefit of the law. Furthermore, "aboriginality-residence" — off-reserve band member status — was a ground of discrimination analogous to those enumerated in section 15 of the Charter, which sets forth equality rights. The Court did not say that all members living off the reserve automatically had a vote, only that the restriction imposed by section 77(1) of the Indian Act was too sweeping. It therefore suspended this section for eighteen months, presumably to give Parliament enough time to amend the legislation.

These judgments, along with lower-court rulings on related matters, help to define Aboriginal rights and shape their concrete manifestation in modern-day Canada. Like new governance agreements, they underscored both the duty to ensure that Aboriginal people have the means to surmount disadvantage and sustain their cultures, and the importance of identifying strategies that do not conflict with other priorities.

Aboriginal peoples are making increasing use of cultural initiatives and communications tools to reinforce their languages and identities

Culture and Communication

Aboriginal peoples are making increasing use of cultural initiatives and communications tools to reinforce their languages and identities. For example, many new Aboriginal sites are being established on the Internet every year, and the government of Nunavut is taking advantage of new technology to link dispersed communities, disseminate information, and reinforce Inuit culture.

Especially notable during 1999 was the Canadian Radio-television and Telecommunications Commission's approval of a licence for the Aboriginal Peoples Television Network, or APTN, which began broadcasting on September 1. Providing programming in English, French, and a variety of Aboriginal languages to over eight million homes, APTN helps preserve and disseminate Aboriginal cultures, and, as the CRTC noted, offers a "cultural bridge between Aboriginal and non-Aboriginal communities."

Progress on Aboriginal issues during 1999 can be a source of guarded optimism

Building on Strengths

Progress on Aboriginal issues during 1999 can be a source of guarded optimism. After too many years of delay and neglect, tangible results are now visible. However, the Commission must reiterate the view expressed in previous annual reports that the government's response to the 1996 report of the Royal Commission on Aboriginal Peoples has been slow. We would not wish to minimize the significance of steps such as the January 1998 establishment of the $350 million Healing Fund, nor deny the good intentions underlying *Gathering Strength*, the government's official response to the Royal Commission's report. Nonetheless, much more attention still needs to be given to pressing issues such as urban Aboriginal unemployment and the denial of Indian Act status to descendants of some First Nations women who marry non-Aboriginal men. Arguably too, the pace of self-government talks needs to be accelerated.

The Commission itself was directly involved during 1999 in the negotiated resolution of a longstanding discrimination complaint by the Assembly of Manitoba Chiefs against Greyhound Canada. The signature of a settlement meant that the Assembly's multiple complaints under the Canadian Human Rights Act on behalf of Aboriginal job-seekers have now all been resolved. In some 40 cases, agreements have been reached that require employers to undertake outreach to Aboriginal communities and other initiatives to increase the representation of Aboriginal people in their workforces.

Canadian society has the opportunity to make the new century a period of healing and advancement for Aboriginal peoples. But to do so will require perseverance, understanding, and historical perspective. In an age of sound-bites and impatience, reflectiveness and respect will be needed to address what remains one of Canada's most pressing human rights problems.

Race, Religion and Ethnic Origin

The International Convention on the Elimination of All Forms of Racial Discrimination identifies discrimination on the grounds of race, colour and ethnic origin as an obstacle to friendly and peaceful relations among people, cooperation between nations, and international peace and security. The Convention has been ratified by a majority of the United Nations' member states. Yet, as the world enters a new century, the problems of racial and ethnic discrimination persist. As evidenced by events on several continents, we are a long way from seeing an end to ethnic conflict.

In Canada, open hostility between groups or communities is rare. Problems of this nature do arise, but judging by the complaints the Commission receives, racial discrimination in this country is most frequently encountered in the form of systemic barriers to employment, or in situations involving individual workers or service users. When such discrimination does occur, it is often subtle, and consequently more difficult to address.

Visible Minorities in the Public Service

In 1997, the Commission published a study entitled *Visible Minorities and the Public Service of Canada.* The report noted that the federal government's record in hiring and retaining members of visible minority groups was inferior to that of the private sector. The report also suggested that visible minority employees often viewed the public service as unresponsive and hostile. There was a general feeling that some aspects of the staffing system acted as barriers to the hiring and promotion of visible minority candidates.

In April 1999, the President of the Treasury Board set up the Task Force on the Participation of Visible Minorities in the Federal Public Service.
Lewis Perinbam, who chairs the Task Force, is a former Vice President of the Canadian International Development Agency whose career has included work

with the World Bank and UNESCO. The Task Force is made up of former public service employees and representatives from the private sector, academia, and visible minority organizations. It has indicated that it will consult widely, and develop an action plan aimed at improving the participation of visible minorities in the public service. The Commission views the establishment of the Task Force as a positive step, and looks forward to the publication of its report and to the government's subsequent response.

These survey findings emphasize the need for quick and effective action to deal with the concerns of public servants who are members of visible minority groups

The need for action to address barriers in the public service has been reinforced by the results of the Public Service Employee Survey, which were published in November 1999. Responses to questions on discrimination and harassment showed that 33 per cent of the employees who identified themselves as members of a visible minority group felt they had experienced discrimination in their work units. This compares to a rate of seventeen per cent for the public service as a whole. As well, 25 per cent of visible minority employees stated that they had experienced harassment.

These survey findings emphasize the need for quick and effective action to deal with the concerns of public servants who are members of visible minority groups.

Discrimination in Other Areas

Three studies published in 1999 highlighted problems related to race discrimination or racial stereotyping. One was a report prepared for Revenue Canada, which evaluated how Canadians view the service they receive from Canada Customs. The report suggested that racism was a real or perceived problem in certain areas. On a national basis, one-third of the respondents said they were not satisfied with the service they had received from Canada Customs in the four years before the study. Dissatisfaction levels were highest in Toronto, where the report found that black people were subjected to more delays or searches than other travellers, particularly when returning from the Caribbean.

A second report was issued by the Canadian Bar Association's Working Group on Racial Equality in the Legal Profession. This report, *The Challenge of Racial Equality: Putting Principles into Practice,* found that

systemic racism remains a problem in the form of seemingly neutral values and practices that inadvertently promote discrimination.

The Working Group put forward recommendations to increase the representation of lawyers from racial communities in law schools, and to remove systemic barriers to the participation of visible minority lawyers in all areas of the legal profession. The Commission welcomes the fact that the Canadian Bar Association has already agreed to implement a number of the recommendations, including surveying law firms with ten or more associates about their workplace equity policies. The Association will also request that the federal Department of Justice undertake a critical analysis of Statistics Canada's data on the legal profession every five years, and make its findings available to all interested parties. The availability of such data would be of great assistance in monitoring progress toward a more diverse legal profession.

Systemic racism remains a problem in the form of seemingly neutral values and practices that inadvertently promote discrimination

The third study, conducted by Dr. Frances Henry, Chair of Diversity at Ryerson University's School of Journalism, was an analysis of media stories that strongly identify a particular racial group with criminal behaviour. The report noted that "racializing" crime in this manner contributed to stereotypes and generalizations about minority communities, and could lead to increased marginalization.

The Challenges of New Canadians

From its opening in 1928 to its closing in 1971, Pier 21 in Halifax welcomed more than one million immigrants into Canada. On July 1, Pier 21 became a national monument, preserving for future generations a testament to the profound contribution immigration has made to the country.

But while Pier 21 celebrated the history of Canada's multicultural character, new and complex immigration issues arose in 1999. On Canada's west coast, the arrival of significant numbers of illegal Chinese migrants, in unsafe and overcrowded boats, sparked a heated public debate about Canada's refugee policy. Meanwhile, the debate about Canada's Right of Landing fee continued. In previous annual reports, the Commission has expressed concern about the financial burden that the $975.00 fee imposes on refugees. This is especially true in light of an additional $500.00 processing fee introduced in 1994.

The use of the Internet to promote hate has long been of concern to the Commission, which requested that a tribunal examine allegations that posted material could expose Jews to hatred or contempt

The Commission continues to believe that the imposition of a landing fee on refugees is out of step with Canada's humanitarian traditions. The good news is that, as this report was being completed, the federal government let it be known that it was reviewing the fee, and considering the possibility of eliminating it for refugees. The Commission hopes that the government will move quickly on this matter and drop both the fee and related expenses.

On a positive note, the Commission is pleased that a bill, tabled in 1999, contains a provision that would make a foreign child adopted by a Canadian citizen eligible for Canadian citizenship without first having to become a permanent resident. This would reduce the distinction between children abroad adopted by a Canadian and children born abroad to a Canadian.

Hate Messages

The use of the Internet to promote hate has long been of concern to the Commission. In 1996, the Commission requested the appointment of a human rights tribunal to examine allegations that material posted on the Internet by Ernst Zündel could expose Jews to hatred or contempt on the basis of their race, religion and ethnic origin. Since that time, the hearings on the merits of this case have begun, but have been delayed by various legal challenges by the respondent.

The Commission believes this case will clarify the extent to which the Act prohibits the telephonic communication of hate propaganda, and the extent to which the Act can be used to combat the spread of propaganda on the Internet, no matter where it originates.

Complaints

In 1999, the Commission completed work on 383 complaints of discrimination based on race, colour, religion, and national or ethnic origin. Thirty-four cases were settled at mediation, at conciliation, or in the course of investigation. The Commission dismissed 55 cases for lack of evidence, appointed a conciliator in 40 cases, and referred eleven cases to the Canadian Human Rights Tribunal.

One complaint that continued to preoccupy the Commission was the case of *Chopra* v. *Health Canada.* Dr. Chopra joined Health Canada in 1969. In 1992, after being denied a promotion to a director-level position, he filed a complaint with the Commission alleging discrimination on the ground of race.

The complaint was investigated by the Commission and referred to a human rights tribunal, where it was subsequently dismissed. In 1998, however, the Federal Court's Trial Division found that the tribunal had erred by refusing to admit statistical evidence that visible minorities were under-represented in management positions within Health Canada. In a decision subsequently upheld by the Federal Court of Appeal in January 1999, the complaint was sent back to the tribunal for a new hearing.

The Commission believes the Zündel case will clarify the extent to which the Act prohibits the telephonic communication of hate propaganda

Race, Religion and Ethnic Origin Complaint Outcomes for 1999

	Race and Colour		National and Ethnic Origin		Religion		Total	
	No.	%	No.	%	No.	%	No.	%
Settled[1]	13	7	15	9	6	23	34	10
Referred to alternate redress mechanisms	22	11	18	11	2	7	42	11
Referred to conciliation	24	12	15	9	1	4	40	10
Referred to a tribunal	5	3	6	4	0	0	11	3
Not dealt with[2]	8	4	1	1	0	0	9	2
Dismissed	29	15	22	13	4	16	55	14
No further proceedings[3]	12	6	11	7	0	0	23	6
Discontinued[4]	81	42	75	46	13	50	169	44
Total	194	100	163	100	26	100	383	100

1 *Cases that were settled before or during investigation, through mediation or at conciliation.*
2 *Cases that the Commission decided not to pursue because they were filed more than one year after the alleged act of discrimination, or were, technically, without purpose.*
3 *Cases in which the complainants withdrew or abandoned their complaints, the matters were outside the Commission's jurisdiction, or the complaints did not warrant referral to a tribunal.*
4 *Cases that were closed prior to investigation because the complainants did not wish to pursue them or because a link could not be established between the alleged act and a prohibited ground of discrimination.*

Age

Discrimination based on age is still a reality for young and older Canadians. In 1999, the United Nations acknowledged in separate ways the problems faced by both groups. First, it named 1999 as the International Year of Older Persons. It did so to celebrate the contribution older people make to society, and to highlight the challenges created by an aging population. Second, it marked the tenth anniversary of the United Nations Convention on the Rights of the Child. The Convention calls upon signatories to take all necessary action to protect children from economic and other forms of exploitation, ensure that children are protected against all forms of discrimination, and ensure that children with mental or physical disabilities are able to enjoy a "full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child's active participation in the community."

Canada's Aging Population

Canada has one of the world's most rapidly aging populations. It is predicted that by 2020, there will be as many people over 65 as there are children. As our population ages, there will be a greater demand for medication and services such as palliative care and health promotion programs. Public transport and housing will have to be made more accessible, and a significant investment will be needed in home support services.

During the year under review, the National Advisory Council on Aging examined some of these issues in its report, *1999 and Beyond: Challenges of an Aging Canadian Society*. The report notes that society is not taking full advantage of the skills of its older members, who are too often judged by their age rather than their abilities.

In a section covering work and retirement, the Council argued that ways must be found to keep older workers in the labour force as long as they are able and prepared to stay. It proposes that, when layoffs occur, all workers regardless of age should have the option of participating in job creation and training programs. It also suggests that employers develop policies that recognize the family responsibilities of employees with dependent older family members.

The Council argued that ways must be found to keep older workers in the labour force as long as they are able and prepared to stay

Canada is not alone in recognizing these issues. A conference on Valuing Older Workers hosted by the New Zealand Human Rights Commission noted that the "retention of productive older workers will not only have significant economic benefits, but will also contribute socially." Similarly, a British study, entitled *A Profit Warning: Macroeconomic Costs of Ageism*, argued that the failure to recruit and train older workers could lead to problems in meeting the demand for labour.

In general, as the population ages, industry is likely to face tighter labour markets, and older employees will become increasingly important. To meet the challenge, employers will need to develop strategies to ensure the retention and retraining of older workers.

Child Poverty and the Rights of Children

In 1989, the House of Commons unanimously resolved "to seek to achieve the goal of eliminating poverty among Canadian children by the year 2000." In 1999, Campaign 2000, a community-based coalition of groups established to monitor progress on the resolution, issued its annual *Report Card on Child Poverty in Canada*.

Using Statistics Canada's low-income cutoff data to identify the poorest families, Campaign 2000 presented a less-than-optimistic picture. In 1989, one of every seven children was described as poor, but by 1997 the proportion had risen to one of every five. At the same time, the *Report Card* noted, poor families were falling deeper into poverty, and the gap between the incomes of poor families and well-off families appeared to have increased.

Clearly the aspirations of Parliament in 1989 are far from being met. While the United Nations Human Development Index for 1999 ranked

Canada as the best country in which to live, the United Nations Human Poverty Index for the same year ranked Canada ninth in terms of its treatment of poor people.

The Committee expressed concern about the emerging problem of child poverty in Canada, especially among vulnerable groups

On a more positive note, 1999 marked the tenth anniversary of the United Nations Convention on the Rights of the Child, which remains the most widely adopted international human rights instrument. It has now been ratified by every country in the world except Somalia and the United States. Canada has consistently supported the Convention, and was in fact one of the first countries to sign it.

Countries that ratify the Convention agree to submit reports every five years to the United Nations Committee on the Rights of the Child describing their efforts in support of children's rights. The Committee examines the reports submitted by each country, and then issues observations and recommendations for action.

Canada has only reported once, in June 1994. The following June, the United Nations Committee on the Rights of the Child issued its observations on Canada's report. The Committee praised Canada for its general strengthening of human rights, particularly children's rights, through the Charter of Rights and Freedoms and through the adoption of legislative measures in the area of children's rights. At the same time, the Committee expressed concern about the emerging problem of child poverty, especially among vulnerable groups. While recognizing the steps already taken, the Committee noted the special problems still faced by children from disadvantaged groups, such as Aboriginal children, with regard to their rights to housing and education.

Complaints

In 1999, the Commission completed work on 197 complaints of discrimination based on age. Ten cases were settled at mediation, at conciliation, or in the course of investigation. The Commission dismissed 27 cases for lack of evidence, appointed a conciliator in ten cases, and referred five cases to the Canadian Human Rights Tribunal.

Most of the complaints dealt with questions related to employment. In many of them, it is clear that assumptions had been made regarding the

abilities of older workers. For example, one case that was settled this year involved a 60-year-old man who had applied for the position of director with a major private-sector corporation. The successful candidate, who was considerably younger, did not meet the minimum requirements of the position. Although the complainant was not interviewed for the job, when he inquired about the rejection of his application, he was told that he lacked "creativity."

In another case, a 54-year-old man's position was abolished by the bank for which he worked. He had more seniority than his younger colleagues, and had received consistently positive job evaluations. After his employment was terminated, the bank hired two people to carry out his duties. The complaint was settled through conciliation, and the man received financial compensation.

Cases like this, which are representative of many similar situations encountered by the Commission, underline the importance under human rights law of judging workers on their performance, not their age.

Age Discrimination Complaint Outcomes for 1999	Number	Percentage
Settled[1]	10	5
Referred to alternate redress mechanisms	11	6
Referred to conciliation	10	5
Referred to a tribunal	5	2
Not dealt with[2]	6	3
Dismissed	27	14
No further proceedings[3]	11	6
Discontinued[4]	117	59
Total	197	100

1 *Cases that were settled before or during investigation, through mediation or at conciliation.*
2 *Cases that the Commission decided not to pursue because they were filed more than one year after the alleged act of discrimination, or were, technically, without purpose.*
3 *Cases in which the complainants withdrew or abandoned their complaints, the matters were outside the Commission's jurisdiction, or the complaints did not warrant referral to a tribunal.*
4 *Cases that were closed prior to investigation because the complainants did not wish to pursue them or because a link could not be established between the alleged act and a prohibited ground of discrimination.*

Human Rights Protection

Under the Canadian Human Rights Act, the Commission has a dual responsibility to promote and protect human rights in Canada. In this latter role, the Commission receives, investigates and attempts to resolve complaints of discrimination based on the eleven prohibited grounds in the Act. Here the Act's purpose is to provide a remedy to individual victims of discrimination, and to bring about changes to policies and practices with a potential impact on many people.

The Complaints Process

The Commission receives about 50,000 inquiries a year at its headquarters in Ottawa, or at one of its six regional offices; in 1999, the Commission received 49,737 (Table 1). Most inquiries deal with matters that are beyond the Commission's jurisdiction. In these cases, Commission staff will normally suggest other avenues the callers might pursue to deal with their concerns.

If the matter does fall within the Commission's jurisdiction — i.e., if the person making the inquiry is alleging discrimination in employment or the provision of services on one or more of the eleven prohibited grounds in the Canadian Human Rights Act — an employee takes down the information on the caller's particular concerns, and explains how the complaints process works. The process is illustrated by a diagram opposite.

In 1999, the Commission received 1,430 complaints, slightly less than the average over the past few years (Table 2).

On receipt of a complaint, the complainant may be encouraged to pursue other available mechanisms, such as a grievance process or procedures under other legislation. Alternatively, if the matter is relatively straightforward, staff may

The Human Rights Process

Canadian Human Rights Commission

When the Commission Receives an Inquiry

- Employees provide information to people contacting the Commission
- Employees may direct people to another agency if the problem is not within the Commission's jurisdiction

After the Commission Accepts a Complaint

- When appropriate, officers refer the complainant to another redress mechanism (such as the employer's internal complaints process or a union grievance procedure)
- Where possible, mediation is offered to the parties
- Officers investigate the complainant's allegations and submit reports to the Commissioners for their decision

When the Commissioners Make a Decision

- The Commissioners may approve a settlement between the complainant and respondent
- They may appoint a conciliator
- They may refer a complaint to the Canadian Human Rights Tribunal
- They may dismiss a complaint or decide to take no further action because no link could be established between the alleged act and a prohibited ground of discrimination

Canadian Human Rights Tribunal

- Mediation may be offered to the parties
- If mediation is unsuccessful, a tribunal panel will conduct hearings on the complaint
- It will then make a decision on the complaint and order a remedy if the evidence supports the complainant's allegations

Federal Court of Canada

- The Federal Court may carry out a judicial review of a decision by the Commissioners
- The Court may also carry out a judicial review of a decision or order of the Canadian Human Rights Tribunal

If the matter is relatively straightforward, staff may attempt to resolve the situation quickly by contacting the employer directly

attempt to resolve the situation quickly by contacting the employer or service provider directly.

If, after discussing the situation with an officer, the complainant wishes to pursue the matter, he or she is helped to put the allegations of discrimination in writing. In 1999, a total of 566 such complaints were filed. A copy of the complaint form is then sent to the respondent (i.e., the employer or service provider in question) and, under newly adopted procedures described later in this chapter, the parties are invited to try to resolve the matter through mediation. If mediation is not an option in a particular complaint, or if it is attempted and fails to resolve the matter, then the complaint is turned over to an investigator to gather the facts in the case. Throughout the investigation, the parties have the option of opening or reopening discussions aimed at reaching a settlement.

After the investigation is completed, the investigator prepares a report, which is disclosed to the complainant and respondent for their comments. If, at this stage, either party introduces new facts or legal arguments, their submissions must be cross-disclosed, and additional investigation may be required. The matter is then presented to the Commissioners, who review the evidence gathered by the investigator along with any submissions received from the parties, and make a decision as to the disposition of the complaint.

Based on the evidence presented to them, the Commissioners can dismiss complaints, appoint a conciliator to attempt to resolve the matter, or ask the Canadian Human Rights Tribunal to hold a hearing into the complaint.

The Canadian Human Rights Tribunal is a separate body that has the power to

Table 1
Number of Inquiries
During the Last Ten Years

1999	49,737
1998	55,398
1997	47,200
1996	46,796
1995	36,574
1994	40,112
1993	46,292
1992	52,170
1991	52,284
1990	52,792

An inquiry is any initial contact with the Commission by a person, group, or organization seeking information or wishing to bring a situation or concern to the Commission's attention.

Table 2
Number of Complaints Received by Province or Territory, 1996 to 1999

	1999		1998		1997		1996	
	No.	%	No.	%	No.	%	No.	%
Newfoundland	30	2	46	3	20	1	50	3
Prince Edward Island	15	1	92	5	19	1	31	2
Nova Scotia	85	6	95	5	121	8	125	7
New Brunswick	61	4	62	3	50	3	56	3
Quebec	255	18	261	15	202	13	256	14
Ontario	533	37	579	33	525	34	647	36
Manitoba	95	7	162	9	140	9	84	5
Saskatchewan	69	5	78	4	97	7	69	4
Alberta, Northwest Territories and Nunavut	91	6	86	5	88	6	128	7
British Columbia and Yukon	196	14	315	18	265	18	353	19
Total	1,430	100	1,776	100	1,527	100	1,799	100

The number of complaints from different parts of the country varies somewhat from year to year. Not surprisingly, however, the highest numbers continue to originate in the country's three largest provinces, Ontario, Quebec and British Columbia.

issue subpoenas and to take testimony from witnesses under oath. It can make a finding of discrimination and order an employer or service provider to provide the complainant with an appropriate remedy. Remedies can include damages for hurt feelings, and compensation for loss of employment, lost promotions, or other lost opportunities.

The Commission can also approve a settlement agreed to by the parties, take no further proceedings in complaints that are otherwise resolved, or place cases in abeyance pending the outcome of similar cases or related litigation.

A conciliator is appointed by the Commission when there is evidence to support the complainant's allegations of discrimination. The conciliator is mandated to help the parties reach a settlement, and to report back to the Commission on the results. If conciliation is successful and an

The conciliator is mandated to help the parties reach a settlement, and to report back to the Commission on the results

agreement is reached between the parties, the Commissioners are asked to approve the settlement. If conciliation is unsuccessful, the case is returned to the Commission to decide whether an inquiry by a tribunal is warranted.

The Commission has committed itself to a two-year renewal plan to improve its service to the public

Complaints are referred to a tribunal when the Commission believes there is sufficient evidence to support further inquiry, and it has been unable to help the parties resolve the matter. Complaints that are heard by a tribunal can be the subject of judicial review by the Federal Court.

Improving the Process

As mentioned in the introductory chapter to this report, the Commission has committed itself to a two-year renewal plan to improve its services to the public. Many aspects of this plan relate directly to the complaints process and efforts to make it more efficient. Over the past year, several initiatives were undertaken to deal more effectively with the complaints caseload and to streamline complaints-handling procedures.

In late fall 1998, the Commission set up a special task force made up of employees from all of its branches and regional offices to deal with 600 of the oldest complaints then under investigation. By the end of 1999, 90 per cent of these cases had been presented to the Commissioners for a decision.

Changes were also made to the schedule of Commission meetings in 1999 in order to expedite the process of reviewing completed cases. In the past, the Commissioners met once a month, with recesses in January and the summer months. In 1999, the Commissioners continued to meet over the summer to review cases, and more frequent use was made of smaller sessions involving up to three Commission members. The result was that some 500 complaints were presented to the Commissioners for a decision several months sooner than they would have been under the previous meeting schedule.

The Mediation Pilot Project

Mediation is a voluntary process that is made available to complainants and respondents before any investigation has taken place

Increasingly, the courts, tribunals and regulatory bodies are turning to mediation as an alternative to investigation and litigation. In 1998, the Commission examined the possibility of incorporating a mediation service into the early stages of its complaints process, and a decision was made to begin offering mediation to complainants and respondents on a trial basis.

Unlike conciliation, which takes place after an investigation has been carried out and some evidence of discrimination has been found, mediation is a voluntary process that is made available to complainants and respondents before any investigation has taken place. As soon as a complaint form is signed, Commission staff determine whether the complaint could appropriately be referred to mediation. In most cases, mediation is a valid option. However, in some complaints alleging systemic discrimination, it may be more appropriate to proceed with an investigation to ensure that the broader implications of a complaint are thoroughly addressed.

If the complaint is considered suitable, the parties are asked whether they wish to participate in the mediation process. If either party declines, the complaint is assigned to an officer and investigated in the normal manner. If the parties agree to mediation, then the file is assigned to a mediator who arranges to meet with both parties together at the earliest opportunity. If mediation is successful, and the parties reach an agreement, the matter is referred to the Commission with a recommendation that the file be closed. If mediation is unsuccessful, the complaint is returned to the investigation unit and the matter proceeds in the usual manner.

In 1999, mediation was offered to the parties in 227 complaints. The parties declined to take advantage of the service in 86 cases, mediation was completed in 103 cases, and 38 mediations remained uncompleted at the end of the year. Of the 103 cases where mediation was completed, 62 were successfully resolved. These figures are encouraging. In its first year of operation, the mediation service had a 60 per cent success rate for mediated cases.

The pilot project on mediation will come to a conclusion during the year 2000, and the Commission will make a decision as to its continued use as part of the complaints process. In measuring the project's success, the Commission will consider the following questions:

The Commission also monitors employment equity programs implemented by some 40 employers as part of complaint settlements or tribunal orders

- Will mediation contribute to clients' satisfaction with the complaints process?
- By reducing the number of cases requiring investigation, will mediation reduce the overall time required to process complaints?
- Will the overall cost to the Commission of processing complaints be reduced?

Monitoring Employment Equity Settlements

The Commission also monitors employment equity programs implemented by some 40 employers as part of complaint settlements or tribunal orders. This monitoring function arose as a result of complaints filed under the Canadian Human Rights Act, and before the establishment of the Commission's auditing responsibilities under the Employment Equity Act.

Measures that can be required under complaints settlements include providing outreach services to members of under-represented groups, sensitivity training, revising recruitment and selection tools to eliminate subtle biases, consulting community organizations, and setting numerical goals. The Commission's role is to review progress reports submitted by the employers in question, analyse accomplishments, and outline areas for further work. The analyses are sent to both the employers and the complainants who first brought the cases forward. The largest of these groups are the Assembly of Manitoba Chiefs and the Disabled Persons Employment Equity Human Rights Group, or DPEEHRG.

Patterns of Discrimination: Complaints Received in 1999

As mentioned earlier in this chapter, the Commission received 1,430 complaints in 1999, of which 566 were signed complaints requiring

investigation (or mediation) and a decision by the Commissioners at the end of the process. Table 3 shows the frequency with which the eleven prohibited grounds of discrimination were cited by complainants. It should be noted that the number of grounds cited exceeds the number of complaints, since many complainants' allegations relate to more than one ground of discrimination.

The pattern of discrimination complaints has remained relatively constant over the past four years

The pattern of discrimination complaints has remained relatively constant over the past four years. In 1999, disability was once again the prohibited ground of discrimination most frequently cited. Discrimination based on disability was alleged in 600 cases, or 34 per cent of all complaints, a slightly higher proportion than in previous years.

Sex also continued to be frequently cited by complainants. In 1999, allegations of discrimination based on sex were raised in 325 cases, or 18 per cent of all complaints received.

Table 3
Number of Complaints Received by Ground of Discrimination, 1996 to 1999

	1999		1998		1997		1996	
	No.	%	No.	%	No.	%	No.	%
Disability	600	34	597	27	645	26	685	30
Sex	325	18	415	19	407	17	461	20
Race/Colour	258	15	312	15	339	14	358	15
National/Ethnic Origin	250	14	252	11	305	12	276	12
Age	134	8	321	14	453	18	159	7
Family/Marital Status	129	7	186	9	199	8	221	10
Sexual Orientation	42	2	75	3	70	3	99	4
Religion	30	2	48	2	55	2	47	2
Retaliation	7	0	6	0	6	0	8	0
Pardon	6	0	3	0	4	0	1	0
Total	1,781	100	2,215	100	2,483	100	2,315	100

The number of grounds cited exceeds the number of complaints, since many complainants' allegations relate to more than one ground of discrimination.

There has been a slight increase in complaints of racial discrimination compared to previous years

Complainants raising allegations of "racial discrimination" generally cite the grounds of race, colour and national or ethnic origin, and these grounds, taken together, represented 508 cases, or 29 per cent of all complaints received. This, again, is a slight increase from previous years.

The remaining grounds of discrimination were raised in considerably fewer instances. Taken together, these grounds were cited in nineteen per cent of all complaints received. No significant changes are to be noted in the pattern of complaints over the past four years, except for complaints citing the ground of age. The fluctuation in the number of age-related complaints, however, can be explained by the fact that the Commission has tended to receive more groups of related complaints on this ground than on any other. Groups of age-related complaints received in the past have questioned age-based limitations on particular pension plans, or eligibility for separation packages.

Table 4
Complaint Outcomes for 1996 to 1999

	1999		1998		1997		1996	
	No.	%	No.	%	No.	%	No.	%
Settled[1]	213	12	189	11	217	10	325	14
Referred to alternate redress mechanisms	174	9	297	17	301	14	327	15
Referred to conciliation	242	14	83	5	120	6	110	5
Referred to a tribunal	52	3	22	1	24	1	9	0
Not dealt with[2]	44	2	23	1	28	1	18	1
Dismissed	243	14	192	11	221	10	245	11
No further proceedings[3]	109	6	129	7	147	7	198	9
Discontinued[4]	713	40	824	47	1,087	51	989	45
Total	1,790	100	1,759	100	2,145	100	2,221	100

1 *Cases that were settled before or during investigation, through mediation or at conciliation.*
2 *Cases that the Commission decided not to pursue because they were filed more than one year after the alleged act of discrimination, or were, technically, without purpose.*
3 *Cases in which the complainants withdrew or abandoned their complaints, the matters were outside the Commission's jurisdiction, or the complaints did not warrant referral to a tribunal.*
4 *Cases that were closed prior to investigation because the complainants did not wish to pursue them or because a link could not be established between the alleged act and a prohibited ground of discrimination.*

Outcomes: Complaints Closed in 1999

In 1999, the Commission completed work on 1,790 files (Table 4).

The pattern of complaint outcomes tends to vary somewhat from year to year, but the figures for the past four years do not show any significant changes or trends in complaint outcomes, with the exception of a significant increase in the number of cases in which the Commission appointed a conciliator. In 1999, the Commission appointed conciliators in 242 complaints, up from 83 in 1998. In part, this increase can be attributed to the fact that the Commissioners reviewed a high number of cases in 1999 (Table 5) as a result of the backlog reduction project and changes to the Commission meeting cycle described earlier in this chapter. To deal with this large increase in the number of cases in conciliation, the Commission has redistributed some of its resources internally, and introduced new conciliation standards and monitoring procedures.

There has been a significant increase in the number of cases in which the Commission appointed a conciliator over the past four years

Also of interest, in terms of complaint outcomes, was the increase in the number of complaints that were settled, reflecting the early success of the mediation pilot project, and the higher proportion of cases referred to tribunals. Indeed, in 1999, the Commission referred 52 complaints to tribunals, more than twice the number referred in each of the previous two years. Twenty-four of these cases — almost half — were complaints of discrimination based on sex, and twelve of these were complaints alleging sexual harassment.

Table 5
Cases in Which Decisions Were Rendered by the Commission

1999	1998	1997	1996
1,039	656	808	1,024

Human Rights Promotion

As explained earlier in this report, the Commission focused its attention primarily on its protection role over the past year, and undertook a series of projects aimed at improving the way it handles complaints. To do this, the Commission had to reallocate its already limited resources, and reduce its efforts in other program areas.

Despite these constraints, however, the Commission carried out promotion work in three priority areas: delivering key messages to targeted audiences, conducting training sessions for federally regulated public- and private-sector employers, and maintaining human rights networks and partnerships. On the international scene, the Commission also continued to offer its experience and expertise, albeit in a limited way, to countries seeking to establish or improve their own human rights institutions.

Delivering Key Messages

Since its inception, the Commission has provided information and education programs on human rights, and made itself available to employers, service providers, and community groups wishing to learn more about the Canadian Human Rights Act. Every year the Commission receives numerous invitations to speak about issues related to discrimination and employment equity, and 1999 was no exception.

Chief Commissioner Michelle Falardeau-Ramsay keeps to a busy schedule of speaking engagements. In 1999, she delivered more than 25 speeches, and met with a number of community and advocacy groups. A few examples of her work follow.

Early in the year, the Chief Commissioner marked International Women's Day with a speech at the only remaining veterans' hospital in Canada, the Hôpital Sainte-Anne in Sainte-Anne-de-Bellevue, Quebec. Since 1999 was the International Year of Older Persons, she spoke about the effects of an aging population on women of the "sandwich generation," increasingly faced with the dual responsibility of caring for their aging parents and raising their own children. She spoke further on women's issues in Calgary, where she commemorated the work of the Famous Five and the Persons Case in a speech touching on gender equality and the law.

The Chief Commissioner spoke about the effects of an aging population on women of the "sandwich generation," caring for their aging parents and raising their own children

In the summer, the Chief Commissioner was invited for the second time to address the graduating class of officers at the Canadian Forces College. In what has become a permanent part of the College's curriculum, she spoke about human rights issues in general and the integration of women into the Forces in particular. Later in the year, she was invited by the Forces to discuss a related issue, the prevention of harassment in the workplace.

In the fall, the Chief Commissioner spoke at the 1999 Industrial Relations Conference on human rights in the workplace. Her remarks focused on employment equity, pay equity, sexual harassment, and accommodation. Also in the fall, the Chief Commissioner received an award from the Canadian Association for Community Living, in recognition of her leadership in promoting and defending the rights of people with disabilities.

Maintaining close relations with human rights stakeholders across the country is a priority of the Chief Commissioner. Late in the year, she worked closely with her counterpart Mary-Woo Sims of British Columbia at meetings with Aboriginal, multicultural, and other organizations focused on human rights across that province.

The six members of the Commission were also busy, participating in a variety of events across the country. Selected examples of their work follow.

Commissioner Phyllis Gordon represented the Commission at events marking the twentieth anniversary of Black History Month in Ontario.

Commissioner Henteleff received the Learning Disabilities Association of Canada's Lifetime Achievement Award, for more than 30 years of work on behalf of that community

She participated in the Spread the Seeds of Rights awareness walk in Toronto in the fall, and gave a speech to the North Halton Cultural Awareness Council commemorating the proclamation of the Universal Declaration of Human Rights.

Commissioner Yude Henteleff of Winnipeg is well known in Canada for his work on behalf of people with disabilities. In 1999 he helped establish the First Nations Disabilities Association of Manitoba, which is setting up a central organization to coordinate provincial and local services for Aboriginal people with disabilities.

Early in the year, Commissioner Henteleff worked for several weeks as a consultant to the human rights commission of Bolivia, which paved the way for the agreement between the Bolivian and Canadian commissions discussed later in this chapter. In the fall, he delivered a paper on "Special Needs Children and the Youth Justice System: Sliding Off the Scales of Justice" to a conference held in Ottawa on children at risk of coming into conflict with the law.

One of the highlights of the year for Commissioner Henteleff was receiving the Learning Disabilities Association of Canada's Lifetime Achievement Award, for more than 30 years of work on behalf of that community.

Commissioner Robinson Koilpillai has been involved for many years with the Canadian Multicultural Education Foundation and the Alberta Council for Global Cooperation. In 1998 he helped organize a major international human rights conference in Edmonton that featured Archbishop Desmond Tutu as a keynote speaker. Subsequently, Mr. Koilpillai helped set up the University of Alberta's Annual Lectureship in Human Rights to commemorate Archbishop Tutu's visit. He was also invited by the University of Calgary to help guide the work of its fledgling Diversity Institute, and accepted invitations to Kenya and Nepal to work with human rights organizations in those countries.

Commissioner Anne Adams delivered a speech to the Montreal West Rotary Club on human rights challenges in Canada, and a speech on the economic rights of women at the Congress on Violence against Women in Toronto, sponsored by UNESCO and the Réseau des femmes du sud

de l'Ontario. She also represented the Commission at a meeting in the Philippines of the Asia-Pacific Forum of National Human Rights Institutions.

In addition to her role as a member of this Commission, Mary Mac Lennan chaired the Nova Scotia Human Rights Commission for several years. Her term with the latter organization came to an end in 1999, leaving her more time for her new position as St. Francis Xavier University's Equity Coordinator, and her work on the human rights aspects of new reproductive and genetic technologies. Commissioner Mac Lennan also spoke frequently at events and panel discussions focusing on human rights.

Commissioner Kelly Russ addressed a conference in Vancouver sponsored by the Committee for Racial Justice on "Strengthening Accountability for Human Values and Rights." His other activities included delivering a speech to the Interfaith Association of British Columbia.

The Secretary General addressed senior Canadian Forces representatives from across the country at a conference on gender integration and diversity

In our annual report for 1998, we described the progress that had been made by the Canadian Forces in implementing a 1989 order of a human rights tribunal to achieve the full integration of women into the Forces within ten years. Although overall progress had been disappointing, we were encouraged by initiatives the Forces had taken to address the problem, including targeted recruitment plans and the establishment of a Defence Diversity Council. Early in 1999, the Secretary General, John Hucker, was invited to address senior Forces representatives from across the country at a conference entitled "Beyond Gender Integration: Building Diversity in the Canadian Forces." The Commission will continue to monitor progress in this area.

Human Rights Training

Information and training sessions on the Canadian Human Rights Act and the Employment Equity Act are an important part of the Commission's promotion work. Employers turn to the Commission to clarify their obligations, seek advice in developing policies and programs, and arrange training programs for their management staff

and employees. Training is provided by staff from the Commission's headquarters in Ottawa and the six regional offices.

The Chief Commissioner visited Bolivia and Peru; this led to the signing of joint cooperation agreements with both countries

The information and training sessions delivered by the Commission over the year covered a wide range of subjects and reached a variety of audiences. They included a roundtable discussion entitled "Workplace Diversity: Good Business Sense" in the Atlantic Region; a session for harassment counsellors for the Canadian Forces in Quebec; a presentation to Ontario-based employee relations managers of the National Bank of Canada in the context of the bank's "Work on Track" employment training program for people with disabilities re-entering the workforce; training sessions in Winnipeg for off-reserve Aboriginal youth entering the workforce; seminars for students of the Northern Alberta Institute of Technology; presentations to employment counsellors and supervisors from Human Resources Development Canada offices in British Columbia; a training seminar for employers in the Yukon; and sessions on religious accommodation for managers from Citizenship and Immigration Canada across the country.

As reported in the chapter on Employment Equity, only a small number of the employers audited during 1999 were found to be in compliance with the Employment Equity Act. It was not surprising, then, that the demand for workshops on employment equity for public- and private-sector employers remained high throughout the year. The number of these presentations is expected to increase in the year to come.

International Activities

In 1995, the Commission began working with Indonesia's human rights commission, Komnas Ham, to help improve its research, investigation, protection, and promotion functions. Since 1997, the Commission has had a Canadian advisor working with Komnas Ham in Indonesia. A developmental plan for the organization is now in place, and a number of improvements have been made in the areas of staffing, investigation procedures, and automated systems.

Last year, the Chief Commissioner visited Bolivia and Peru. This led to the signing of joint cooperation agreements with both countries that envisage the provision of technical assistance. Subsequently, the

president and staff from the Bolivian agency took part in human rights seminars hosted for them by the Commission in Ottawa.

In the spring, the Secretary General participated in a conference in Zimbabwe hosted by the Commonwealth Human Rights Initiative. The purpose of the conference was to discuss how member nations might work together to advance human rights throughout the Commonwealth.

The Commission also hosted visitors from a number of countries. These included Members and senior staff of the National Assembly of Kenya; the Minister of Justice for Sri Lanka; representatives of the National Assembly of Viet Nam; a member of the South African Commission on Gender Equity; and representatives of the Constitutional Council of Cambodia.

Much of the Commission's promotion work is carried out in partnership with its provincial counterparts, as well as agencies and groups with a human rights focus

Maintaining the Human Rights Network

Much of the Commission's promotion work is carried out in partnership with its provincial counterparts, as well as agencies and groups dedicated to one or many aspects of human rights.

One example is a joint workshop by the Commission's Prairie Regional Office and the Manitoba Human Rights Commission on "Keeping Current on the Legalities of Harassment in the Workplace" for the Manitoba Association for a Respectful Workplace. Another is a workshop on "Harassment and the Duty to Accommodate" hosted by the Commission's Ontario Regional Office in association with the Ontario Human Rights Commission. This workshop was presented at the Institute for International Research's conference on "Law and Ethics in a Fast-Changing Workplace."

The Commission is also a member of the Canadian Association of Statutory Human Rights Agencies, which links the federal, provincial and territorial organizations. CASHRA acts as a forum for the various commissions to discuss policy and program development, assess developments in jurisprudence, and share approaches to complaints management, promotional activities, and other areas of interest.

The Commission makes its publications available in alternative formats: sound recordings, large print, braille, and computer diskettes are used to ensure accessibility

Ongoing Promotion Work

The Commission responds to about 50,000 inquiries a year. Though the vast majority are received by telephone, the Commission's Internet site has added to number of requests for information and publications. Staff endeavour to respond to telephone enquiries within 24 hours. Public information officers are knowledgeable about services provided by other federal, provincial and municipal agencies, since many calls do not deal with matters under the Commission's jurisdiction.

Each year the Commission responds to over 800 media enquiries and participates in approximately one hundred interviews. The Commission's Internet site now includes a "media room" for news releases and backgrounders. Whenever possible, the links to other organizations mentioned in news releases (such as the Canadian Human Rights Tribunal) are established directly within each release to serve journalists' needs better.

The Chief Commissioner makes a point of meeting with the editorial boards of newspapers on a regular basis. In the fall, she met with the editorial board of the *Vancouver Sun*, where the discussion focused on human rights issues surrounding the Nisga'a treaty.

In 1999, the media were particularly interested in pay equity, focusing on the many developments during the year. They also devoted attention to the integration of women into the Canadian Forces, issues of mental disability, and mandatory retirement as an aspect of age discrimination.

The Commission makes its publications available in alternative formats. Sound recordings, large print, braille, and computer diskettes are used to ensure accessibility. The Annual Report and *Equality*, the Commission's newsmagazine, report on Canadian human rights developments at home and abroad, and are sent out in alternative formats upon request.

Employment Equity

When Parliament enacted Canada's first Employment Equity Act in 1986, it required federally regulated private-sector employers and Crown corporations to develop plans to achieve fair representation of designated groups in their workforces. Women, Aboriginal people, people with disabilities, and members of visible minority groups were to be represented according to their availability in the labour market. The law, however, had no enforcement mechanism.

Stronger legislation in the form of a new Employment Equity Act came into force on October 24, 1996. It set forth the same core obligations for developing employment equity programs, but it bolstered these obligations with a compliance monitoring process. Employers were required by twelve statutory provisions to analyse their workforces, review their employment systems, identify barriers, and implement corrective action plans to ensure that they made reasonable progress in dealing with under-representation. Furthermore, the new Act established the Canadian Human Rights Commission as the monitoring agency that would carry out compliance audits for federally regulated public- and private-sector employers. Employers were given a year to prepare for the upcoming audits, and the Commission's compliance work began in October 1997.

The overall objective of the Act is a federally regulated workforce that is fully representative of the four designated groups. Employers that have surveyed their workforces and have completed analyses that demonstrate full representation will be found in compliance if they maintain their employment equity programs. Secondly, employers whose workforces are not representative can nonetheless be found in compliance if they have completed work under each of the twelve statutory requirements and if the Commission is confident that their employment equity plans will result in reasonable progress towards equitable representation.

Employment Equity Compliance Audits

The Canadian Human Rights Commission carries out employment equity audits of federal departments, agencies, and federally regulated employers. The Employment Equity Act mandates the Commission to perform these audits and report to Parliament on the results every year. Working cooperatively with employers is the key; enforcement is a last resort.

Canadian Human Rights Commission

What Happens in an Initial Audit

- The employer receives an audit notification letter and is then contacted by a compliance review officer. The officer negotiates an audit plan and sends a questionnaire to the employer.
- Using the questionnaire's results, the officer completes a "desk audit" that assesses compliance against the Act's twelve requirements. The officer then visits the workplace to verify the findings and review the preliminary results with the employer.
- If the employer is in compliance, a final audit report is completed. If not, the officer drafts an interim report, indicating the undertakings required for compliance and time limits of up to twelve months for their completion.
- The officer and the employer then negotiate the undertakings and time limits in the report. Once an agreement has been reached, the employer signs the report.

What Happens in a Follow-up Audit

- The employer submits a progress report and a follow-up audit is conducted to assess whether the undertakings have been fulfilled.
- If the employer is then in compliance, a final report is issued. Thereafter, the Commission will monitor the employer's annual reports, and may begin a new audit if no reasonable progress is shown.

Why a Direction Is Issued

- When an employer refuses to agree to undertakings, or has not completed the work required by undertakings, the Commission may issue a "direction" to the employer. A direction is an official instruction that stipulates the work required and the time limit for its completion. The employer can review the recommendation for a direction and may submit comments to the Commissioners before they decide whether to issue it. A follow-up audit after the time limit elapses will assess whether the employer has fulfilled the direction.

Employment Equity Review Tribunal

- Once the Commission has issued a direction, the employer may request a tribunal to reconsider it. The Commission may also ask a tribunal to issue an order when a direction has not been fulfilled.

Federal Court of Canada

- The Court may carry out a judicial review of a decision of the Commission or a tribunal.
- A tribunal order may be registered with the Federal Court, thus giving it the force of a court order.

When the Commission reported last year on its work during 1998 — the first full year of employment equity audits — two employers were found to be fully in compliance: Status of Women Canada and A.J. Bus Lines. Most employers audited had been cooperative; however, they had only limited knowledge of the Act and its provisions.

Most employers audited were cooperative; however, they had only limited knowledge of the Act and its provisions

The results raised several issues: whether the rate of initial non-compliance would persist; whether employers would continue to cooperate with the audits; whether they would fulfil their undertakings; and finally, whether the Commission would need to resort to enforcement action.

Two years of experience have provided some answers. From a total of 111 initial audits completed, four employers were found to be in compliance. One hundred and three employers signed undertakings requiring follow-up audits. The remaining four audits were postponed or cancelled. As a result of follow-up audits in 1999, a further eight employers were found to be in compliance. A detailed look at the 1999 audit results follows.

Audits Under Way

Setting Goals

The Commission's goal for 1999 was to begin at least 100 audits, of which 75 were to be follow-up audits of employers' undertakings.

The Commission believed it could complete or close at least 90 audits during this time. Audits are considered "completed" when they are concluded with signed undertakings, or when an officer has recommended a direction. Audits are considered "closed" when the employer is found to be in compliance with the Act. This means that designated groups are already equitably represented in the employer's workforce, or that the Commission is confident that the employer's employment equity plans will achieve reasonable progress towards equitable representation.

Table 1
Measuring Progress against Goals

	1998		1999	
	Planned	Actual	Planned	Actual
Audits begun				
Initial audits	82	110	25	36
Follow-up audits	—	—	75	68
Total audits begun	***82***	***110***	***100***	***104***
Audits completed or closed			90	
Initial Audits		49		67
Follow-up Audits		—		20
Total audits completed or closed		***49***	***90***	***87***

Achieving Goals

In about two-thirds of the follow-up audits, employers were still not in compliance

Table 1 shows that the Commission completed or closed 87 audits during the same year. All but two employers required signed undertakings to bring themselves into compliance. In approximately two-thirds of the follow-up audits, employers were still not in compliance. However, because they had made significant progress towards compliance, they were granted extensions of up to 90 days to complete the remaining work. This, of course, lengthened the process, which meant that some follow-up audits were carried over to the year 2000. In four cases, the level of work accomplished was not sufficient to warrant an extension, and the Commission issued a direction to the employer to complete the undertakings.

Results and Findings

Initial Audits

As Table 2 indicates, only two of the 49 employers whose audits were completed or closed in 1998 were found to be in compliance. Initial audits in 1999 showed similar results: of 51 completed or closed audits,

only two employers, Nortel Networks and the National Parole Board, were found to be in compliance.

These initial compliance rates are still low. However, there are indications that a growing number of employers are taking the steps necessary to achieve compliance with the Act before their initial audit begins. For example, recent audits have found improved self-identification surveys and better workforce analyses. In particular, many employers have established employment equity advisory groups, consulted with union representatives, and trained employees on how they can help achieve compliance.

Many employers have established employment equity advisory groups, consulted with union representatives, and trained employees on how they can help achieve compliance

Follow-up Audits

The Commission began 68 follow-up audits in 1999 (Table 3) and completed assessments of progress for 39 of them during the year. It found eight employers in compliance: Alcan, Bearskin Lake Air Services Ltd., Cameco Corporation, Canada Maritime Agencies Ltd., the Canadian Radio-television and Telecommunications Commission, Northern Telephone Ltd., N. Yanke Transfer Ltd., and Seaspan International Ltd.

The Commission granted 25 of the 39 employers short extensions to complete their undertakings, and began to assess the progress they had made at year's end. Although final reports had not yet been completed, most of the employers appear to have achieved compliance.

Table 2
Status of Initial Audits, 1998-1999

	1998	1999	Total
Initial audits begun	110	36	146
Audits completed with undertakings	47	49	96
Audits closed, in compliance	2	2	4
Audits postponed or cancelled*	—	4	4

* *Refers to employers that are undergoing significant reorganizations, or are no longer subject to audits because their workforce has been reduced to fewer than 100 employees, or have gone out of business.*

Table 3 Status of Follow-Up Audits Begun in 1999		
Analysis under way		29
Analysis completed		39
90-day extension granted	*25*	
Closed, in compliance	*8*	
Directions issued	*4*	
Closed because the employer was no longer subject to the Act	*2*	
Total of follow-up audits		68

Issuance of Directions

One of the key elements the Commission considers before issuing a direction is whether an employer has completed a satisfactory employment systems review

By the end of 1999, four employers had not fulfilled their undertakings and had been issued directions: the Banca Commerciale Italiana of Canada, Conair Aviation Ltd., Fundy Communications (whose direction was rescinded when it was acquired by Shaw Communications), and Environment Canada, which is appealing the direction to the Employment Equity Review Tribunal.

One of the key elements the Commission considers before issuing a direction is whether an employer has completed a satisfactory employment systems review. The review is essential in identifying barriers to the employment of designated groups. If it is not conducted efficiently, the rest of the program is flawed. As a result, the employer cannot pursue activities that eliminate barriers, implement sufficient special measures to close the gaps, or set hiring and promotion goals at appropriate levels to achieve reasonable progress.

By the end of 1999, no employer had yet been referred to an employment equity tribunal for refusing to comply with a direction, since in no case had the time limit for completing work under the terms of a direction been exceeded.

Problem Areas

Identifying Barriers

Achieving employment equity requires employers to identify and eliminate barriers and establish special measures to overcome their effects. Ascertaining whether designated groups are under-represented within an organization, according to their availability within the appropriate labour market, is a first step. In 1999, an increased number of employers carried out this analysis successfully. On the other hand, identifying the barriers that contribute to under-representation continues to pose problems for most employers.

Achieving employment equity requires employers to identify and eliminate barriers and establish special measures to overcome their effects

As noted above, the employment systems review is one of the most critical aspects of employment equity. It requires a clear identification of both the formal and informal policies and practices that contribute to continued under-representation, including an examination of attitudes and behaviour. The Commission has issued a guide for employers to help them understand its requirements for employment systems reviews more clearly. It explains how employers' reviews will be assessed during compliance audits.

Human resource management is complex and changing rapidly. As a result, effective employment systems reviews require expertise, the commitment of appropriate resources, and a willingness to acknowledge the factors that contributed to the gaps identified in the workforce analysis.

Setting Realistic Hiring and Promotion Goals

As outlined above, most follow-up audits demonstrate that employers are close to achieving compliance as a result of fulfilling their undertakings. Not surprisingly, those who do not establish appropriate goals are less successful. In most cases, employers that had not quite achieved compliance fell short because they did not set adequate hiring and promotion goals. Even employers that have successfully identified and removed barriers are often reluctant to set goals that will lead to increased representation within a reasonable period of time.

If an employer carries out a proper workforce analysis, the results will provide a reasonable estimate of the hirings and promotions of designated groups that could be expected if there were no discriminatory barriers. An employer that sets hiring and promotion goals for designated groups at rates lower than labour market availability cannot expect to achieve progress towards equitable representation.

If goals are set at availability levels, it would take many departments about 28 years before full representation of some designated groups is reached

The Act is also explicit about other factors that must be taken into account once these benchmarks have been established. An employer must consider the size of each gap, the level of expected turnover, and the projected growth or contraction of employment in an occupational group or category. If the gap in representation is significant, or turnover and growth levels are low, hiring at availability levels will result in very slow movement towards equality.

For example, based on a forecasting model developed by the Public Service Commission, if goals are set at availability levels it would take many departments about 28 years before full representation of some designated groups is reached. In these situations, goals of one-and-a-half or double availability may be needed.

Conversely, if an employer's gaps are relatively small, or if substantial opportunities to hire and promote are expected over the three-year period covered by the plan, significant progress can be achieved through goals that more closely reflect availability. For example, some audited employers report turnover rates in excess of 50 per cent over a given period. This provides ample opportunity to make rapid progress in closing gaps.

The Commission recognizes that goals should not unduly exclude non-designated groups from job opportunities, and reminds employers to consider this when formulating their goals and special measures.

The Reasonable Progress Clause

Many employers believe that if they implement the Act's twelve statutory requirements, they are no longer subject to audits. This is not the case. The Act requires "every employer to ensure that its

employment equity plan would, if implemented, constitute reasonable progress toward implementing employment equity" and that "every employer shall make all reasonable efforts to implement its employment equity plan."

This means two things. First, before closing an audit, the auditor must be confident that the employer's plan will lead to reasonable progress. Second, once an audit has been successfully closed, the Commission will monitor performance by reviewing employers' annual reports. Private-sector companies submit these to Human Resources Development Canada, and public-sector employers submit them to the Treasury Board.

Some employers' creative investments in their employees have resulted in steady employment equity progress

Innovative Ideas

Some employers' creative investments in their employees have resulted in steady employment equity progress. One Ontario employer, Northern Telephone Ltd., working closely with its employees' union, included a provision in its collective agreement to permit the staffing each year of two positions outside the confines established by the agreement. Over the last year, this resulted in the placement of two Aboriginal employees in jobs where under-representation had been identified. The Cameco Corporation, in Saskatchewan, committed a million dollars to the College of Engineering at the University of Saskatchewan to improve the access of Aboriginal students to engineering and science programs.

One public-sector employer, the Atlantic Canada Opportunities Agency, found that when it valued key competencies over academic credentials, five women received executive intern positions. Over time, this approach is expected to substantially improve female representation in the Agency's senior management.

Similarly, N. Yanke Transfer Ltd., an employer in the transportation sector, achieved progress in new hirings of women in non-traditional positions by replacing extensive experience requirements with more generic competencies. The employer subsequently found the performance of these new employees to be strong.

In administering the audit program, the Commission makes every attempt to achieve results by emphasizing persuasion and cooperation

Audit Standards

Achievement of Current Standards

In administering the audit program, the Commission makes every attempt to achieve results by emphasizing persuasion and cooperation. The audit process, therefore, may take time to reach mutual agreement on required action. However, in the end, this is less time-consuming than resorting to enforcement measures.

That said, a distinction must be made between reasonable and unreasonable delays, and the Commission has developed performance standards for both initial and follow-up audits.

In most cases, these standards are being respected, leading to the profile of open and closed audits outlined in Table 4. Since the start of the program, the general acceptance of the audit process by employers has contributed significantly to these results.

Table 4
Audits Begun and Completed: 1998 and 1999

	Started	Finished
Initial audits	146	111
Follow-up audits	68	14
Total audits	214	125

Meeting Standards for Initial Audits

Performance standards for initial audits, reported in last year's annual report, are presented below. An audit requires, on average, between nine and eleven months to complete (Table 5). A review of current workloads, and the fact that the Commission's Employment Equity program is achieving its targets, indicates that in most cases these standards are being met. An improved information management system under development should permit a more precise measurement of results in future years.

Table 5
Standards for Initial Audits
Auditors will begin an audit within 90 days of notifying the employer.

Activity	Auditor	Employer
Complete and return survey questionnaire		30 days
Review survey questionnaire, complete initial assessment and validate findings through on-site visit	90 days	
Finalize analysis; write, submit and translate draft report	70 days	
Approve report and submit undertakings		30-60 days
Negotiate undertakings	30 days	
Finalize report and return to organization	7 days	
Obtain CEO's or DM's signature		15-30 days
From start to completion	***9 to 11 months***	

Setting Standards for Follow-up Audits

During 1999, the Commission developed and began to test new standards for follow-up audits. Based on the experience of the past few months, and the 68 follow-up audits begun, it appears the time required to conduct follow-up audits will closely mirror the standards developed for initial audits.

A follow-up audit will generally be completed within seven to twelve months (Table 6). The wide time range can be attributed to the extensions the Commission affords to employers that are close to compliance. As in the case of initial audits, the work may require an additional 28 to 62 working days for auditors.

Given the Commission's decision to issue short extensions to employers that are near compliance, the performance standard that requires auditors to provide prompt feedback to employers is especially critical. Auditors are required to adhere to a deadline of 45 calendar days in this respect.

The wide time range can be attributed to the extensions the Commission affords to employers who are close to compliance

Table 6

Standards for Follow-Up Audits

Compliance officers start a follow-up audit 30 days before the scheduled date by requesting a progress report from the employer.

Activity	Auditor	Employer
Complete and return the progress report		30 days
Complete preliminary analysis on compliance status	45 days	
Provide feedback on status to employer (includes possible on-site visit)	45 days	
Grant extension if modifications required	30 days	Up to 90 days
Finalize analysis; write, submit and translate compliance report*	70 days	
Obtain signature if report includes recommendations		15-30 days
From start to completion	***7 to 12 months***	
Disclose a recommendation for a direction if employer not in compliance	30 days	
Employer response		30 days

** If employer is in compliance at this stage, the audit is closed.*

An improved information management system under development should permit a more precise measurement of results in future years

Audit Plan for the Year 2000

Estimated Workload

Table 7 outlines the Commission's audit performance goals for the year 2000. As reported last year, the Commission's Employment Equity program is currently resourced to the level of ten auditors, each of whom is expected to manage ten audits per year.

Based on the initial audits conducted to date, and with its current resources, the Commission expects to begin 92 audits in the year 2000, of which 67 will be follow-up audits. In addition, 29 initial and 48 follow-up audits will be carried over from 1999, for a total workload of 169 ongoing audits in 2000. It is also projected that a total of 104 audits — 39 initial and 65 follow-up — will be completed or closed.

A Word of Caution

The experience of the past year indicates that it will be increasingly difficult for auditors to conduct ten audit equivalents per year, or for the Commission to accurately predict the number of audits launched and completed in a given year. An increasing number of variables may affect these calculations. These include the mix of initial and follow-up audits; the number of 90-day extensions granted; the requirement for a fuller audit of certain employers after a direction has expired; the need to begin monitoring the performance of employers that have been audited; and the need to conduct new audits of employers found not to be making reasonable progress.

The performance standard that requires auditors to provide prompt feedback to employers is especially critical

Finally, during the year 2000, the Commission intends to give increased emphasis to auditing larger employers. This could lead to a decline in the number of initial audits possible during the year, as outlined in greater detail in the next section.

Table 7
Results from 1998 and 1999, and Year 2000 Projections
Based on a Resource Equivalent of Ten Auditors

	1998		1999		2000	
	Actuals		Actuals		Planned	
	Started	Finished	Started	Finished	To Start	To Finish
Initial audits begun	110	49	36	7	25	10
Follow-up audits begun	—	—	68	14	67	25
Total audits begun	***110***	***49***	***104***	***21***	***92***	***35***
Initial audits carried over from previous year	—	—	61	53	29	29
Follow-up audits carried over from previous year	—	—	—	—	48	40
Total audits completed or closed	***49***		***74***		***104***	
Audit workload	110		165		169	
Audits per auditor	11		17		17	

During the year 2000, the Commission intends to give increased emphasis to auditing larger employers

The Five-Year Cycle

The Commission had planned to audit all employers under the jurisdiction of the Act during the first five years of its mandate. By December 1999, it was evident that meeting this objective might not be possible. Experience to date has shown that more than 95 per cent of employers require follow-up audits, most frequently because they are insufficiently aware of the requirements of the Employment Equity Act.

A shorter and simplified approach was introduced for audits of employers found to have completed only limited work, but it is too early to determine the long-term impact of this measure. Similarly, during 1998, the Commission encouraged the Treasury Board Secretariat, the Public Service Commission, and Human Resources Development Canada to provide additional technical advice through consulting services to public- and private-sector employers. If employers are to achieve compliance with the law at an earlier stage in the process, additional efforts will be required on their part — and from the agencies with a mandate to assist them.

Year Three Audit Selections

During 1998 and 1999, the first two full years in which the Commission undertook audits, employers were grouped by industrial sector, size and location, and then randomly selected for audit. By the end of 1999, the 146 employers whose initial audits had begun represented 23 per cent of all employees working for federally regulated employers. Tables on the size and scope of employers covered by the Act are contained at the end of this chapter.

In its 1998 Annual Report, the Commission undertook to determine whether some adjustments might increase the initial impact of the audit program. During the year 2000, the Commission will focus on conducting initial audits of employers whose workforces exceed 1,000 employees. In this way, it is intended that by the end of the year 2000, over 60 per cent of federally regulated private-sector employees and 80 per cent of the public service's workforce will have been covered by audits.

An Assessment of Progress for the Four Designated Groups

As in the past, some designated groups fared better than others, and progress varied by industrial sector

Employers in the federally regulated private sector have been filing annual employment equity reports with Human Resources Development Canada for twelve years. The reports contain detailed data on the representation, hiring, promotion and termination of designated group employees.

In 1999, some 333 employers in banking, communications, transportation and "other" sectors filed data on their combined workforce of about 586,000 employees for the year ending December 1998. The "other" sector includes a variety of employers such as grain companies, uranium mines, nuclear power operations, credit corporations and museums.

For the public sector, the Treasury Board reported on employment equity in 65 federal departments and agencies, with a combined workforce of about 178,000 employees. The latest data for the federal public service are from March 31, 1999.

The increase of 2.8 per cent in the private-sector workforce can be attributed to the fact that several employers that did not report in 1998 submitted reports in 1999. In the private sector, over 80,000 positions were filled — about 14,500 more than the previous year. This suggests that there were ample opportunities to hire members of the four designated groups. Once again, however, few employers took advantage of these opportunities. As in the past, some designated groups fared better than others, and progress varied by industrial sector.

Overall, the federal public service decreased slightly in size during the year, but approximately 17,000 job openings were filled, of which 2,500 were for permanent positions. Some of these opportunities were used to hire designated group members, particularly women and Aboriginal people. However, as discussed below, people with disabilities and

members of visible minority groups were hired at rates substantially below their availability in the Canadian workforce.

There were ample opportunities to hire members of the four designated groups, but few employers took advantage of these opportunities

In evaluating the latest data, the following points should be kept in mind.

- The following sections compare workforce data in both the private and public sectors with the 1996 Census availability for women, visible minorities and Aboriginal people. The graphs included compare the progress of the four designated groups from 1987 to 1998.

- The availability estimates for people with disabilities date from the 1991 Health and Activity Limitation Survey, or HALS, since the survey did not form part of the 1996 Census.

- Because a new system of grouping occupations in the private sector was adopted in 1996, it is not always possible to make comparisons using these groupings with data from before that year.

- The availability estimates for members of visible minority groups prepared by the Treasury Board Secretariat use 1996 Census data and include only Canadian citizens. Previous estimates were based on the 1991 Census. The Treasury Board's estimate of 9.0 per cent availability for the public sector was similar to the 9.1 per cent availability estimate for the private sector, and both included permanent residents as well as Canadian citizens. Although the 1996 Census indicates that the overall availability of visible minorities has risen to 10.3 per cent, the Treasury Board's estimate has decreased to 8.7 per cent because it excludes permanent residents. The rationale for excluding them is that the Public Service Employment Act gives preference to Canadian citizens in hirings into the federal public service. However, this preference is currently the subject of a court challenge, and the Commission will therefore assess public service hiring goals for visible minorities against the 10.3 per cent benchmark.

- The shares of hirings or terminations in the following summaries refer to the percentage of people who are members of a designated

group. Normally, if there were no employment barriers, a designated group could be expected to receive the same share of hirings as its availability in the Canadian workforce. For terminations, however, the group's share should correspond to its existing representation within the organization.

People with disabilities and members of visible minority groups were hired at rates substantially below their availability in the Canadian workforce

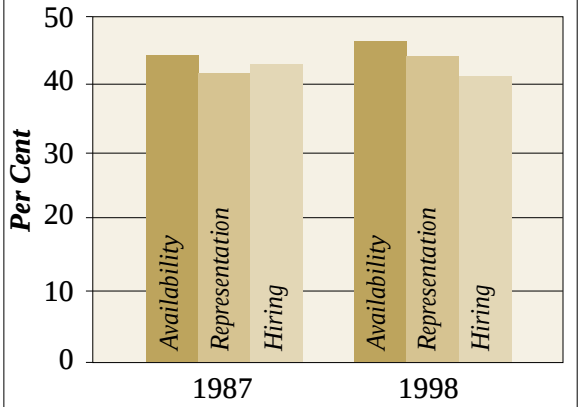
Women

In the private sector: The representation of women increased from approximately 40.1 per cent in 1987 to 44.3 per cent in 1998, and remains close to their 46.4 per cent availability**.** Women's share of hirings increased somewhat from 39.2 per cent in 1997 to 41.4 per cent in 1998.

Women's representation ranged from 72.5 per cent in the banking sector to 23.5 per cent in transportation and 25 per cent in the "other" sector. Their representation increased in most occupational groups in the private-sector workforce and in senior management positions in all sectors.

In the banking sector, women registered increases in management and professional occupations and now occupy close to half of all these positions. In senior management, their representation increased to 19.5 per cent in 1998, but was still somewhat lower than the 1996 Census benchmark of 20.8 per cent for these occupations. Overall, their share of hirings in banking has fallen dramatically from 76.3 per cent in 1987 to 59.1 per cent in 1998. This is largely due to a decrease in the number of clerical occupations in the banking workforce.

Women over the Past Decade – Private Employers and Crown Corporations



In transportation, women's share of hirings has increased from 21.9 per cent in 1987 to 29.8 per cent in 1998, leading to a

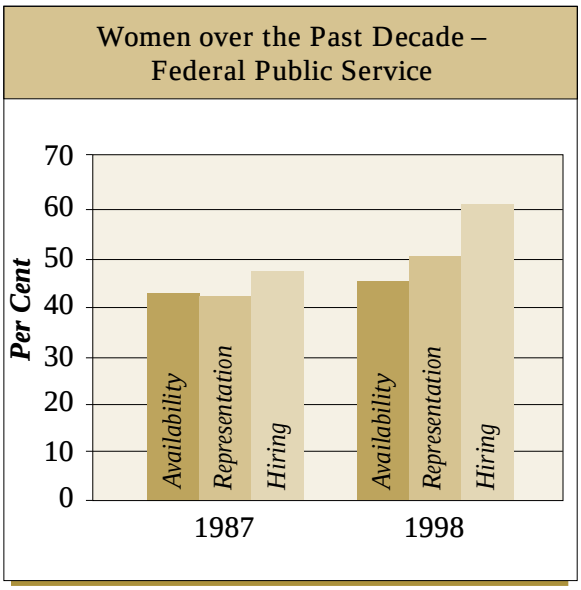
If there were no employment barriers, a designated group could be expected to receive the same share of hirings as its availability in the Canadian workforce

steady increase in their representation from 16.0 per cent to 23.5 per cent. Compared to 1997, women's share of hirings in some non-traditional occupational groups increased slightly, while remaining well below availability.

In 1998, about 22 per cent of women in the private sector worked part time, compared to approximately eight per cent of men. The pattern is similar for women who are members of a minority group: close to 27 per cent of Aboriginal women, and over 20 per cent of women with disabilities, worked in part-time jobs.

In the public sector: Women's representation in the federal public service was 51.5 per cent as of March 31, 1999, an increase of about one percentage point from 1997. This represents substantial progress since 1987, when their representation was about 42 per cent. The figure is also in line with women's 46.4 per cent availability in the Canadian workforce. Their share of hirings was about two percentage points higher than in 1997, and stood at 62.1 per cent as of March 31, 1999. However, only 11 per cent of all women hired obtained permanent positions, compared to 22 per cent of men. As in the past, a substantially higher proportion of women were hired into temporary positions, which are of course less secure.

Women's representation in the Executive group has increased by close to two percentage points since 1997, and now stands at 26.9 per cent. Their representation also increased in all other occupational categories.



For organizations with 200 or more employees, women's representation was highest in the civilian component of the Royal Canadian Mounted Police, at 81 per cent. This is because 74 per cent of the jobs in this component are clerical positions, in which

women are highly concentrated. Women's representation was lowest in the Department of Fisheries and Oceans, at 26.5 per cent. This is largely attributable to this department's high proportion of scientific, technical and operational jobs, in which women have traditionally been under-represented.

A substantially higher proportion of women were hired into temporary positions, which are of course less secure

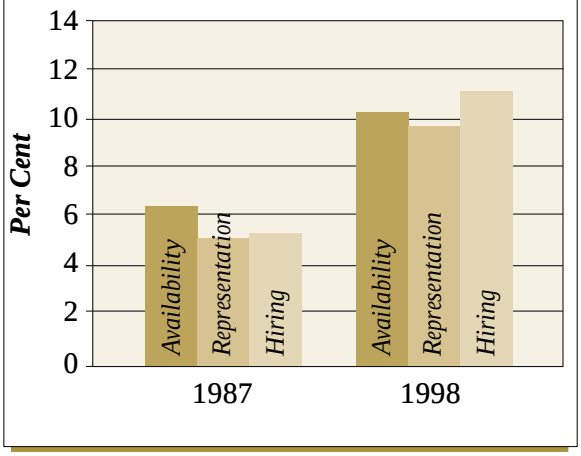
Members of Visible Minority Groups

In the private sector: The representation of members of visible minority groups has more than doubled in the past twelve years, increasing from 4.9 per cent in 1987 to 9.9 per cent in 1998. However, it remains below the 10.3 per cent availability rate established by the 1996 Census.

Overall, the share of hirings received by members of visible minorities decreased from 12.1 per cent in 1997 to 11.3 per cent in 1998. However, this remains substantially higher than the 5.2 per cent share recorded in 1987.

As in the past, the representation of this group varies considerably by sector. In banking, their representation is 15.3 per cent, slightly higher than the year before, but considerably higher than the 9.5 per cent registered in 1987. In communications, they make up 9.0 per cent of the workforce, up slightly from the previous year. This is below availability, but more than double their 4.0 per cent representation in 1987. Progress in both these sectors can be attributed to the fact that visible minority hirings took place at a rate higher than the group's general availability.

Visible Minorities over the Past Decade – Private Employers and Crown Corporations



In the "other" sector, visible minorities made up 7.9 per cent of the workforce in 1998, a substantial increase from 2.5 per cent in 1987. Their representation, however, was lower than the 8.1 per cent reported in 1997,

Progress in these sectors can be attributed to the fact that visible minority hirings took place at a rate higher than the group's general availability

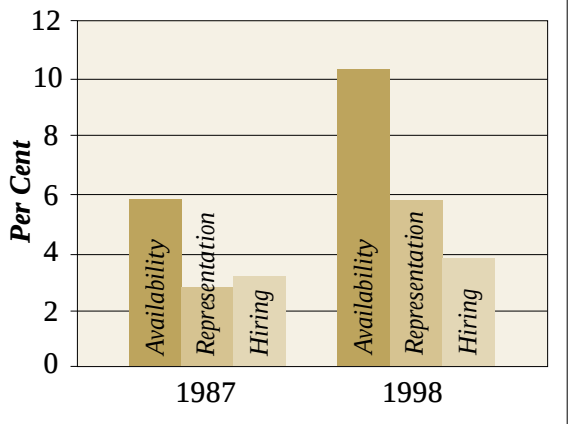
because their share of hirings fell from 15.5 per cent in 1997 to 6.4 per cent in 1998.

Progress was slowest in the transportation sector, where the representation of visible minority groups was 5.7 per cent in 1998, up from 5.3 per cent the year before and from 2.5 per cent in 1987. Although the group's share of hirings has been consistently below availability, their share of terminations has been in line with representation, enabling them to make small gains in a workforce that has shrunk more than 27 per cent since 1987.

Even though steady progress is being made for this group, much remains to be done. Members of visible minorities remain concentrated in some occupational groups and under-represented in others, including senior management.

In the public sector: As of March 31, 1999, the representation of members of visible minority groups in the federal public service stood at 5.9 per cent, slightly higher than the 5.1 per cent of 1997. The data indicate that there were 1,297 more members of visible minorities in the federal public service than in 1997. However, since only 730 new hirings took place, close to half of this increase can be attributed to a higher rate of self-identification. It is disappointing to note that, once again, departments did not take advantage of the ample hiring opportunities that existed to recruit members of this designated group, whose share of hirings was only 4.4 per cent, slightly higher than in 1997, but still far short of their 10.3 per cent availability in the Canadian workforce. In fact, if visible minorities had been hired at a level commensurate with their availability, they would have obtained 1,730 positions. Not only were they overlooked when it came to indeterminate

Visible Minorities over the Past Decade – Federal Public Service



positions, where their share was only 6.9 per cent, but also in term positions, where they received only four per cent of all hirings.

Although the share of hirings was low in each occupational category, it is encouraging to note that four of the 38 appointments to the Executive group, the most senior level of management in the federal public service, were visible minorities.

Among departments and agencies with more than 200 employees, the representation of visible minorities was highest in the Immigration and Refugee Board, at 18.3 per cent. It was close to ten per cent in Health Canada and Citizenship and Immigration Canada. However, 23 organizations had representation of less than half the 10.3 per cent Canadian workforce availability.

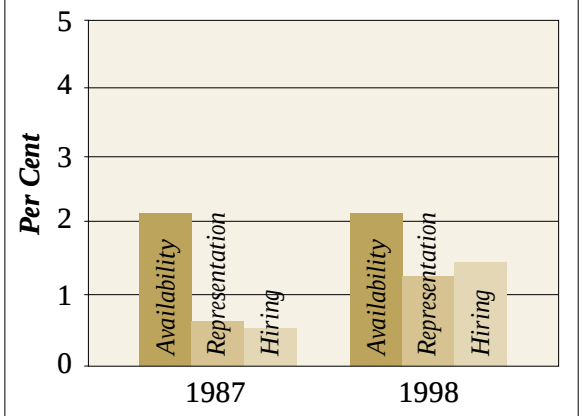
Members of visible minority groups remain concentrated in some occupational groups and under-represented in others, including senior management

Aboriginal People

In the private sector: Aboriginal people did not benefit from the substantial number of hiring opportunities in 1998. Although their representation in 1998, at 1.3 per cent, was higher than the 0.6 per cent reported in 1987, it was unchanged from the previous year. For the fourth year in a row, the Aboriginal share of hirings continued to decline, and, at 1.4 per cent in 1998, was considerably lower than the 2.1 per cent availability. The difficulties faced by this group were compounded by their disproportionately high share of terminations.

The only increase in Aboriginal people's representation came in the transportation sector. Although their share of hirings fell from 2.0 per cent in 1997 to 1.9 per cent in 1998, there were fewer terminations of employment than hirings. As a result, representation increased marginally from 1.2 per cent to 1.3 per cent.

Aboriginal People over the Past Decade – Private Employers and Crown Corporations



In contrast with the private sector, the representation of Aboriginal people in the public sector continued its increase of recent years

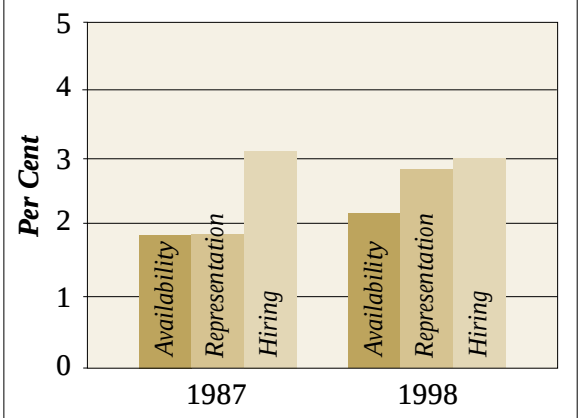
There was no change in Aboriginal people's representation in banking, at 1.3 per cent, or in communications, at 1.1 per cent. In these sectors, their share of hirings, although marginally higher than in 1997, was only about half their 1996 Census availability.

In the "other" sector, the steady progress of recent years came to a halt, as the Aboriginal share of hirings fell from 3.3 per cent in 1997 to 1.8 per cent in 1998, resulting in a decrease in representation from 2.1 per cent to 2.0 per cent.

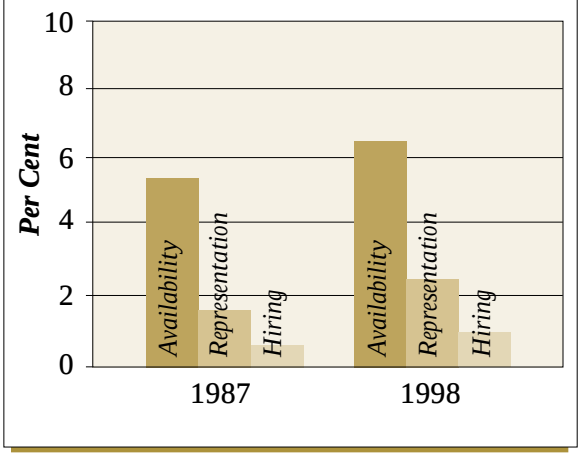
In the public sector: In contrast with the private sector, the representation of Aboriginal people in the public sector continued its increase of recent years, reaching 2.9 per cent as of March 31, 1999. This is higher than the 1996 Census benchmark of 2.1 per cent. However, as noted in previous years, there are dramatic differences in the distribution of Aboriginal people among federal departments and agencies. The Department of Indian and Northern Affairs, where over 27 per cent of employees are Aboriginal, employs close to 17 per cent of all Aboriginal employees in the federal public service. On the other hand, 23 of the 42 organizations employing more than 200 employees do not meet the Census benchmark.

In the federal public service as a whole, the data suggest that Aboriginal people received a fair share of hirings in all occupational categories, and to indeterminate and term positions. However, given the disproportionate impact of staffing actions at the Department of Indian and Northern Affairs, the Commission will pay close attention to the hiring goals of other departments and agencies to ensure they are sufficiently high to lead to a significant increase in the representation of Aboriginal people throughout the federal public service.

Aboriginal People over the Past Decade – Federal Public Service



People with Disabilities over the Past Decade – Private Employers and Crown Corporations

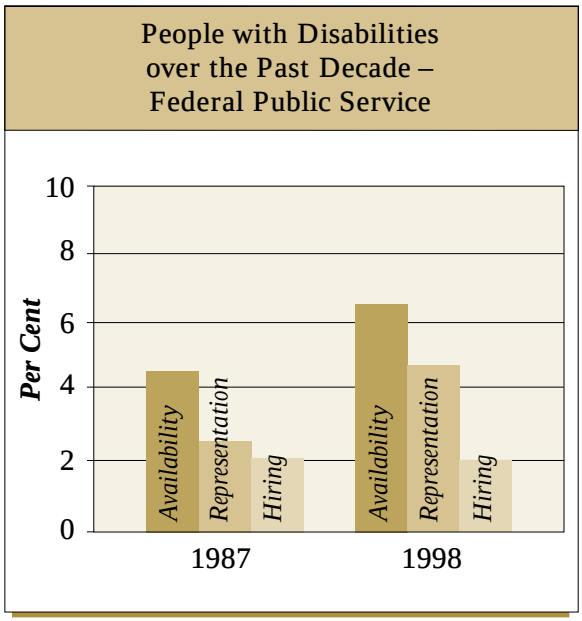


In the private sector: As noted above, 1998 saw a large increase in hiring opportunities, but people with disabilities did not reap any of the benefits. While their overall representation in the private sector remained unchanged at 2.3 per cent, their share of hirings fell for the fifth year in a row, and reached the lowest level since 1988. In the past twelve years, the share of hirings for people with disabilities has not come close to matching their availability in the workforce.

People with disabilities were under-represented in each industrial sector, ranging from a low of 1.8 per cent in transportation, to 2.3 per cent in banking, 2.4 per cent in communications and 2.9 per cent in the "other" sector. As in the past, the cause of this under-representation is directly attributable to the unfortunate fact that the group did not receive a fair share of job opportunities. In 1998, people with disabilities obtained only 0.9 per cent of all hirings, down from 1997 and less than one-seventh of the 6.5 per cent benchmark established by the Health and Activity Limitation Survey, or HALS. This dismal performance was apparent across all sectors, in none of which their share of hirings exceeded 1.1 per cent.

In the public sector: In contrast, the representation of people with disabilities increased in the public sector, from 3.9 per cent in 1997 to 4.6 per cent in 1998. Although this is close to the 4.8 per cent benchmark used by the Treasury Board, it is still short of the group's 6.5 per cent representation in the Canadian workforce (based on the 1991 HALS). Moreover, the data suggest that the increase was largely attributable to increased self-identification.

Although the overall number of people with disabilities in the federal public service increased during the year, their share of hirings remained disappointingly low



Although the overall number of people with disabilities in the federal public service increased by 1,194 during the year, their share of hirings — 380 in total — remained disappointingly low. They obtained only 51 (two per cent) of the 2,533 permanent positions filled, and only 329 (2.4 per cent) of the 14,000 term positions of three months or more. Not a single person from this designated group was hired into the Executive group. Of the close to 4,000 hired into administrative and foreign service jobs, only 59 were people with disabilities. They received only 34 of the 3,000 hirings into scientific, professional and technical jobs.

In the past twelve years, the share of hirings for people with disabilities has not come close to matching their availability in the workforce

The continuing poor record of the federal public service with regard to hiring people with disabilities is reflected in the fact that 38 of the 42 public-sector organizations employing more than 200 employees fell short of the 6.5 per cent HALS benchmark. In fact, seventeen organizations had fewer than half of the people with disabilities that would be expected, and only four met or exceeded the 6.5 per cent HALS benchmark: the Canadian Transportation Agency, Human Resources Development Canada, the Public Service Commission and the civilian division of the RCMP.

Summary

Despite progress for some designated groups, the results of the past year make it clear that movement towards an equitable federal workforce continues at a snail's pace. In particular, Aboriginal people and people with disabilities in the private sector, and visible minorities and people with disabilities in the public sector, are simply not making acceptable gains.

Partnerships for Change

The results of the past year make it clear that movement towards an equitable federal workforce continues at a snail's pace

The Public Sector

For a number of years, the Commission has registered its growing concern over the serious inequities that persist in the federal public service, particularly for people with disabilities and members of visible minority groups.

Concerns on the part of visible minorities undoubtedly contributed to the establishment of the National Council of Visible Minorities in the Public Service, whose members included more than 200 employees from eighteen federal departments and agencies. The Council organized its inaugural conference in October 1999; its participants included the Deputy Prime Minister, deputy ministers and senior public servants, and a representative from the Commission. The conference, whose title was "Building a Representative Federal Public Service Now and in the New Millennium," sought to promote a more cooperative approach among departments and agencies and to raise awareness of the employment equity issues facing visible minorities.

The conference focused on the slow pace of change in the federal public service, and heard encouraging words from the Deputy Prime Minister, who emphasized that:

> Employment equity is a key element of the renewal of the federal public service, which will continue to provide excellent service to all Canadians. The measures aimed at increasing the representation of visible minorities at all levels are an important part of this overall strategy — culture change, commitment by senior management, communication, education and the forging of partnerships that cut across departments and regions of our federal public service — are all key to our success in this area.

Another important initiative during 1999 saw the establishment of the Task Force on the Participation of Visible Minorities in the Federal Public Service, chaired by Lewis Perinbam. The task force, which

Another important initiative during 1999 saw the establishment of the Task Force on the Participation of Visible Minorities in the Federal Public Service, chaired by Lewis Perinbam

includes representatives from advocacy groups and individuals with public- and private-sector experience, is undertaking a comprehensive review of barriers affecting members of visible minority groups. The Chief Commissioner took the opportunity to meet the task force. The Commission hopes that when the task force issues its report, the recommendations will receive prompt and serious attention.

During 1999, Commission staff continued to work closely with their counterparts at Human Resources Development Canada to ensure the smooth implementation of the Employment Equity Act. However, the Commission remains concerned over the capacity of the Department's consultative services to provide the necessary level of assistance to ensure that private-sector employers and Crown corporations develop and implement appropriate employment equity plans. Despite the considerable efforts of those assigned to provide assistance, the low level of initial compliance with the Act suggests that an increase in the level of resources devoted to this task would pay ample dividends.

The RCMP, the Canadian Forces, and the Canadian Security Intelligence Service

When the Employment Equity Act received Royal assent, provision was made to extend its coverage to the Canadian Forces, the Canadian Security Intelligence Service and the RCMP. It is regrettable that these agencies continue to remain outside the Act's purview. The Commission is unaware of any valid reason for the continued delays in issuing the necessary order in council to extend the Act's coverage.

The RCMP cooperated fully with the Commission on a voluntary employment equity review several years ago. It has since demonstrated excellent progress towards achieving equity in employment. There is no reason to suppose that the Canadian Forces or CSIS would be less successful, and their continued absence from the statutory scheme sends an unfortunate message.

Preparing for the Legislative Review

The Employment Equity Act includes provision for a review of the legislation after five years. The Act came into force on October 24, 1996, with an initial year for employers to prepare for the Commission's audits, which began late in 1997. A legislative review is therefore expected to begin near the end of 2001, or four years after the Commission received its audit mandate. Two performance measures that will undoubtedly be relevant to any such review are the increase in the number of employers with non-discriminatory employment systems in place, and the growth (or decline) in the representation of designated groups at all levels of employers' workforces.

In this regard, the Commission has established as a goal that one year after having been found in compliance, at least 80 per cent of employers initially found to have under-representation will show improvement. The number of compliance audits begun and completed of course remains an important operational goal. But in the end, the success or failure of the Act will be measured by the degree to which the federal workforce achieves equity.

The Commission has established as a goal that one year after having been found in compliance, at least 80 per cent of employers initially found to have under-representation will show improvement

Table 8
Total Number of Employers and Employees by Sector
Subject to the Employment Equity Act
And under Audit
As of December 31, 1999

Sector	Sub-Sector	Subject to the Act		Under Audit	
		Employers	*Employees*	*Employers*	*Employees*
Private Sector	*Banking*	18	174,133	7	9,450
	Communications	98	194,780	32	53,844
	Transportation	167	156,861	58	37,697
	*Other**	50	60,814	16	18,330
Federal Public Service		65	178,479	31	83,068
Separate Federal Agencies		16	106,817	2	609
Total		414	871,884	146	202,998

* *The "other" sub-sector includes such diverse industries as grain companies, uranium mines, nuclear power operations, credit corporations and museums.*

Table 9
Public-Sector Organizations
Under Audit by Employer Size

	Public Service *As of March 1999*				Separate Agencies *As of January 2000*			
	Subject to the Act		Under Audit		Subject to the Act		Under Audit	
	Employers	*Employees*	*Employers*	*Employees*	*Employers*	*Employees*	*Employers*	*Employees*
10,000 plus	5	100,216	3	43,651	2	85,739	0	0
2,000-9,999	15	65,316	8	31,107	5	17,661	0	0
1,000-1,999	2	2,450	1	1,233	0	0	0	0
500-999	8	5,375	6	4,120	2	1,475	0	0
100-499	18	4,515	13	2,957	7	1,942	2	609
Less than 100	17	607	0	0	0	0	0	0
Total	65	178,479	31	83,068	16	106,817	2	609

Table 10

Private-Sector Organizations and Employees Subject to the Employment Equity Act

By Province and Sector

As of December 31, 1999

	Sector									
	Banking		*Communications*		*Transportation*		*Other**		*Total*	
	Employers	*Employees*	*Employers*	*Employees*	*Employers*	*Employees*	*Employers*	*Employees*	*Employers*	*Employees*
Newfoundland	5	1,491	4	2,757	6	1,475	0	0	15	5,723
Prince Edward Island	4	386	2	487	3	284	0	0	9	1,157
Nova Scotia	6	5,274	7	5,423	13	3,200	2	1,835	28	15,732
New Brunswick	6	2,722	8	6,437	10	3,310	0	0	24	12,469
Quebec	14	31,378	33	42,350	41	27,442	9	2,454	97	103,624
Ontario	13	88,180	52	79,608	74	49,142	30	35,088	169	252,018
Manitoba	6	5,106	12	7,399	20	12,020	15	5,247	53	29,772
Saskatchewan	5	4,207	7	3,040	11	3,604	9	5,003	32	15,854
Alberta	8	13,970	19	19,080	35	19,601	11	5,543	73	58,194
British Columbia	9	20,212	21	23,504	37	27,368	12	2,449	79	73,533
Northwest Territories	2	78	2	346	4	670	0	0	8	1,094
Yukon	2	74	1	309	0	0	0	0	3	383
Residual**		1,055		4,040		8,745		3,195		17,035
Canada***	18	174,133	98	194,780	167	156,861	50	60,814	333	586,588

Note:

* *The "other" sub-sector includes such diverse industries as grain companies, uranium mines, nuclear power operations, credit corporations and museums.*

** *Employees for whom no detailed reports were filed since employers only have to report in those regions where they have at least 100 employees.*

*** *The number of employers reported by province and territory includes regional offices, which are not included in the "Canada" line.*

Table 11

Private-Sector Organizations and Employees under Audit by Province and Sector

As of December 31, 1999

	Sector									
	Banking		*Communications*		*Transportation*		*Other**		*Total*	
	Employers	*Employees*	*Employers*	*Employees*	*Employers*	*Employees*	*Employers*	*Employees*	*Employers*	*Employees*
Newfoundland	0	0	0	0	2	223	0	0	2	223
Prince Edward Island	0	0	0	0	0	0	0	0	0	0
Nova Scotia	0	0	4	617	5	727	3	1,968	12	3,312
New Brunswick	0	0	5	4,700	3	1,224	0	0	8	5,924
Quebec	5	2,944	12	8,135	13	4,313	4	969	34	16,361
Ontario	5	2,883	16	15,935	22	10,550	9	6,879	52	36,247
Manitoba	0	0	4	950	5	1,369	4	2,564	13	4,883
Saskatchewan	0	0	1	220	1	142	3	3,226	5	3,588
Alberta	1	370	8	9,638	12	4,987	3	916	24	15,911
British Columbia	2	2,824	7	12,400	11	9,200	4	932	24	25,356
Northwest Territories	0	0	0	0	2	591	0	0	2	591
Yukon	0	0	0	0	0	0	0	0	0	0
Residual**		429		1,249		4,371		876		6,925
Canada***	7	9,450	32	53,844	58	37,697	16	18,330	113	119,321

Note:

* *The "other" sub-sector includes such diverse industries as grain companies, uranium mines, nuclear power operations, credit corporations and museums.*

** *Employees for whom no detailed reports were filed since employers only have to report in those regions where they have at least 100 employees.*

*** *The number of employers reported by province and territory includes regional offices, which are not included in the "Canada" line.*

Structure of the Commission

Under the overall direction of the Chief Commissioner, the *Secretary General*, as the Commission's chief operating officer, is responsible for the Commission's operations at headquarters and in the regions.

The *Executive Secretariat* provides administrative services to the executive offices, including coordinating Commission meetings, supporting the Senior Management Committee, managing executive correspondence, and preparing briefing materials. It is also responsible for access to information and privacy.

The *Legal Services Branch* provides advice to the Chief Commissioner, Commission members and staff. Legal officers also represent the Commission in litigation before tribunals and the courts.

The *Anti-Discrimination Programs Branch* is responsible for the mediation, investigation, and conciliation of complaints, including pay equity complaints, as well as the monitoring of complaint settlements. The Branch also provides a quality assurance function for cases presented to the Commission, trains staff involved in anti-discrimination activities, and establishes performance standards and operational policies.

The *Employment Equity Branch* conducts employment equity audits with employers in the private and public sectors to assess their compliance with the requirements of the Employment Equity Act.

The *Human Rights Promotion Branch*, which includes staff at headquarters and in the Commission's six regional offices, conducts programs to promote the principles of equality, foster public understanding of the Canadian Human Rights Act, and inform people of the work of the Commission. The Branch is responsible for contacts with the media and for editorial services.

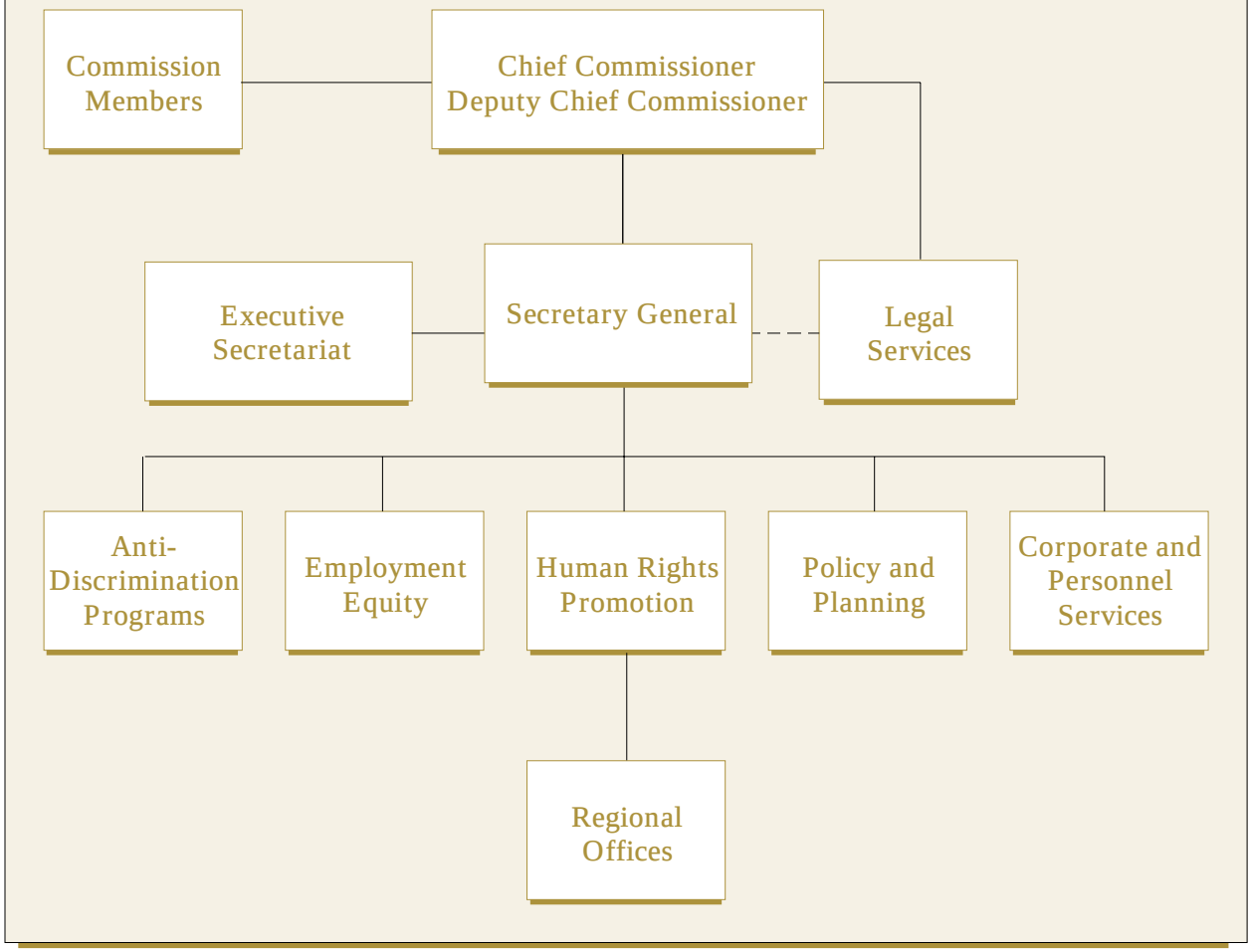
The *Regional Offices* perform a promotion and compliance role. They carry out education and outreach activities with community groups, employers, service providers, unions and

provincial human rights commissions. They are the first point of contact for people wishing to file complaints of discrimination, and provide assistance in the processing of complaints.

The *Policy and Planning Branch* is responsible for providing policy, planning and review, and research assistance. Human rights issues are monitored by the Branch, and policy proposals, guidelines, and research reports assist Commission decisions and support the operational branches. The Branch also coordinates the Commission's activities to assist human rights institutions outside Canada.

The *Corporate and Personnel Services Branch* provides headquarters and regional offices with support services in assets management, finance, informatics, information management, and library services. It also provides support services in staffing, classification, pay and benefits, staff relations, training and human resources planning, official languages, and health and safety.

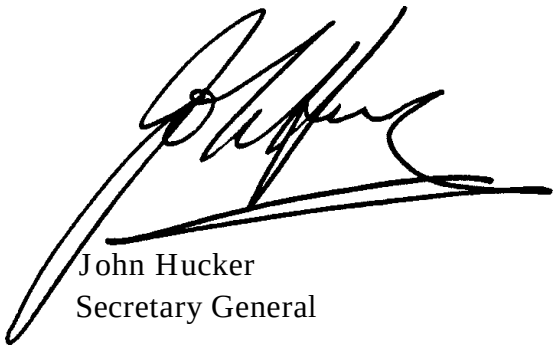
Organization



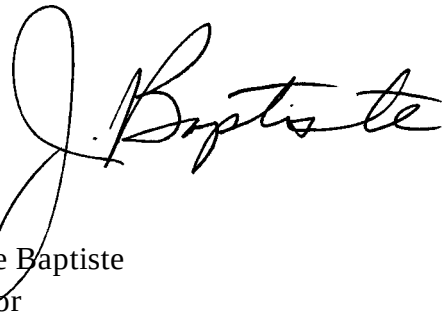
Financial Statement

The financial statement that follows has been prepared in accordance with significant accounting policies and with the requirements and standards for reporting established by the Receiver General for Canada.

The management of the Canadian Human Rights Commission is responsible for developing and maintaining a system of internal controls designed to provide reasonable assurance that all transactions are accurately recorded, that they comply with the relevant authorities, and that the financial statements on the Commission's results of operations are safeguarded. Financial information included in the ministerial statements, in the Report on Plans and Priorities, and elsewhere in the Public Accounts of Canada is consistent with this financial statement, unless otherwise indicated.



John Hucker
Secretary General



Joanne Baptiste
Director
Corporate and Personnel Services

Statement of Operations for the Canadian Human Rights Commission
For the Year Ending March 31, 1999
In Thousands of Dollars

Service Line	1998-99 Actual	1999-2000 Forecast
Promotion of Human Rights	3,699	2,980
Complaints	7,584	9,969
Employment Equity Audits	1,929	2,161
Corporate and Personnel Services	2,909	3,274
Total use of appropriation	16,121	18,384*
Add: Cost of services provided by government departments	1,799	1,794
Total	***17,920***	***20,178***

* *The 1999-2000 forecast was developed as of January 31, 2000, and includes contributions to employee benefit plans, amounting to $1.9 million.*

Notes on the Statement of Operations

These notes form an integral part of the Statement of Operations.

1. Authority, Mandate and Operations

The Canadian Human Rights Commission was established in 1977 under Schedule II of the Financial Administration Act in accordance with the Canadian Human Rights Act.

The mandate of the Canadian Human Rights Commission is to discourage and reduce discriminatory practices by dealing with complaints of discrimination on the prohibited grounds in the Canadian Human Rights Act; conducting audits of federal departments and agencies and federally regulated private companies to ensure compliance with the Employment Equity Act; conducting research and information programs; and working closely with other levels of government, employers, service providers, and community organizations to promote human rights principles.

The Commission's expenditures are funded by an annual appropriation from Parliament.

2. Significant Accounting Policies

This statement of operations has been prepared in accordance with the requirements and standards for reporting established by the Receiver General for Canada. The most significant accounting policies are as follows:

a) Expenditures Recognition
All expenditures are recorded for all goods and services received or performed up to March 31, 1999, in accordance with the government's payable-at-year-end accounting policies.

b) Capital Purchases
Acquisition of capital assets are charged to operating expenditures in the year of purchase.

c) Services Provided without Charge by Government Departments
Estimates of amounts for services provided without charge from government departments are included in the operating expenditures. They mainly consist of accommodation costs and payments to employee insurance plans.

NOTES