



CANADIAN HUMAN
RIGHTS COMMISSION

Annual Report 2003



Canada¹³¹

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CANADIAN
HUMAN RIGHTS
COMMISSION

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CANADIENNE DES
DROITS DE LA PERSONNE

Chief Commissioner Présidente

March 2004

The Honourable Daniel Hays
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 *2003 Annual Report* of the Canadian Human Rights Commission to you for tabling in the Senate.

Yours sincerely,

Mary Gusella



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

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Chief Commissioner's Message

The Canadian Human Rights Commission is transforming the way it works to better protect and promote equality in Canada.

The last annual report described why and how the Commission embarked on this voyage of transformation. This year, the story is about the vehicle—the business model for human rights case management—and its early success in putting us in the right direction. And, it is about the adjustments that are still needed to better steer the overall human rights system in the future.

As always, the Commission seeks to advance human rights in Canada. And it offers Canadians under federal jurisdiction an avenue for resolving human rights complaints.

The Commission's new approach is already leading to better service in these areas. The striking results for 2003, including significant increases in productivity, are detailed further in this Report but I would like to highlight three of them:

- The number of final decisions on human rights cases, which includes pre-Tribunal settlements, increased by 79%.
- The average age of complaints in the caseload was reduced from 25.3 months in December of 2002 to 15.6 months in December of 2003.
- The number of cases two years old or older dropped by 48%.

In essence, the Commission is moving to focus more of its efforts and resources on human rights problems before they grow into damaging and lengthy disputes that are costly, both emotionally and financially. That means trying to resolve human rights issues early using such instruments as policies, information, training and mediation.

The new approach also involves improving the investigation and decision process for handling complaints, the traditional bedrock of the Commission's work. In 2003, the combination of an expanded mediation program, a streamlined investigation process and faster decision-making fueled the Commission's drive toward reducing its backlog of human rights cases. Management improvements supported these changes.

While these operational changes were going on, the Commission made submissions to Parliament on key human rights issues and worked to ensure that employers comply with the *Employment Equity Act*.



This new approach is a beginning. But there is more to do.

For broader change, the Commission depends on others. For instance, further improvements in handling human rights complaints hinge on co-ordinated efforts with the Canadian Human Rights Tribunal and others.

And legislative and regulatory changes to broaden and strengthen the human rights system will require action by Parliament and the Government of Canada. For the last 25 years, the *Canadian Human Rights Act* has served Canadians well. With some adjustments, it can be made even more effective in protecting human rights.

The Commission's proposals for the future are outlined in *Looking Ahead* at the end of this report. Taken together, these reforms are aimed at strengthening human rights, protecting the public interest and enhancing human dignity. These are values that all Canadians share.

Mary Gusella
Chief Commissioner

Highlights

Operational Results

- A 79% increase in the number of final decisions reached, including pre-Tribunal settlements.
- A 7% decrease in the caseload, from 1,412 cases in December 2002 to 1,311 in December 2003.
- A 48% drop in the number of complaints two years old or older.
- A 38% drop in the average age of complaints, from 25.3 months in December 2002 to 15.6 months on December 31, 2003.
- A 52% increase in the number of complaints resolved through alternative dispute resolution.
- A rise of 25% in the number of employers found in compliance with the *Employment Equity Act* to 40 in 2003 from 32 in 2002.
- A “very favourable” rating in an assessment of the Commission’s management capacity conducted by the consulting firm Deloitte & Touche on behalf of the Treasury Board Secretariat.

Human Rights Issues

- The Commission was active throughout the year on human rights issues of importance to Canadians. It made submissions to the government, Parliament and the courts on same-sex marriage, inclusion of all Aboriginal people under the *Canadian Human Rights Act*, pay equity and measures to ensure that human rights standards are preserved in the government’s new *Human Resources Modernization Act*.
- The Commission released public consultation papers on the human rights situation of women prisoners and policy statements on Aboriginal people and employment.
- The Commission engaged in outreach with provincial and territorial human rights commissions, the Canadian public and the United Nations on issues



such as the Canadian experience with multiculturalism, racism, disabilities and the rights of Aboriginal people.

- The Commission's work on individual complaints showed once again that the greatest number of complaints of discrimination came from persons with disabilities—fully 37% of all signed complaints (see table **Grounds of Discrimination Cited in Complaints**). Among the designated groups protected under the *Employment Equity Act*, persons with disabilities fared the least well, with federal employers reaching only 22% of their hiring and promotion goals. The 2001 census showed that 16% of Canadians have a disability and some 60% of them live below the poverty level. Taken together, these statistics show that persons with disabilities in Canada continue to experience significant levels of discrimination.
- Discrimination on the grounds of national or ethnic origin, race or colour accounted for 26% of all signed complaints, up from 19% the previous year, but on a par with the 24% received in 2001. Data from the Commission's employment equity audits also show that federal employers are meeting only 24% of the hiring and promotion goals they have set for visible minorities. Environics polling has shown that more than half the population believes that discrimination against non-whites is a problem in Canada. The Commission's complaints and employment equity data bear this out.

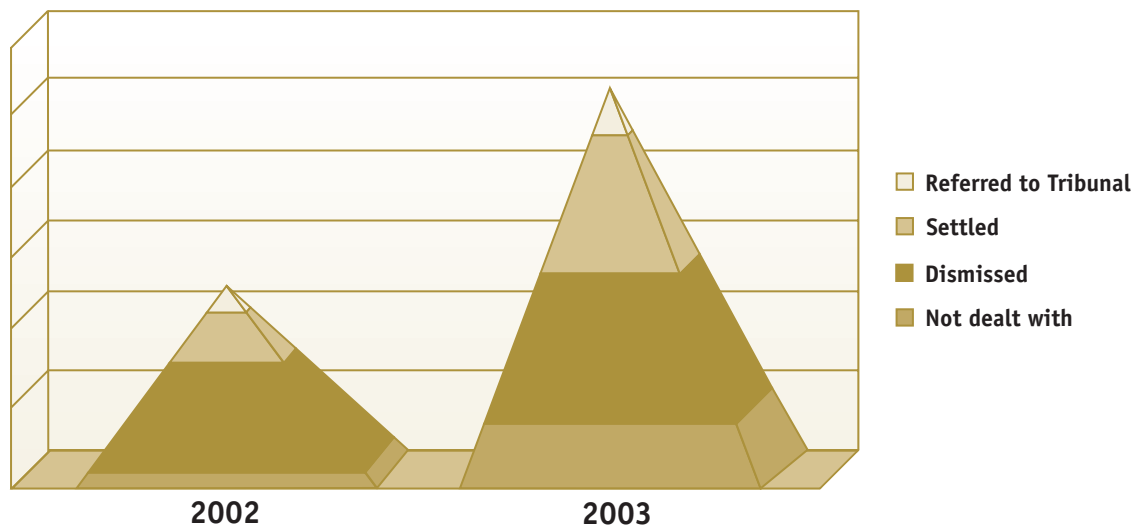


2003: A Year of Change and Results

Over the last year, the Commission has radically reshaped its operations to better protect and promote human rights and equality in Canada. It has developed an integrated approach to protecting and promoting human rights for Canadians, an approach that deals with each stage of the complaint process.

Figure 1 illustrates the relative number of signed complaints being handled at each stage of the complaint process, at any given time.

Figure 1 Case Overview



To accomplish its strategic focus, the Commission identified the short- to medium-term goals it needed to achieve in its 2003-2004 Business Plan. The goals are ambitious:

- ensuring no complaint is more than two years old by March 31, 2004 and no more than one year old in the fall of 2004;
- completing 1,200 cases leading to final decisions in the twelve months ending March 31, 2004, an increase of 392 cases or 49% over the previous year ending March 31, 2003;
- designing and launching, by November 1, 2003, a new case management model that will ensure the backlog never returns.

Figure 2 illustrates the basis of our new business model. It shows that financial costs of human rights disputes increase the longer they last.



Figure 2 Shifting the Model

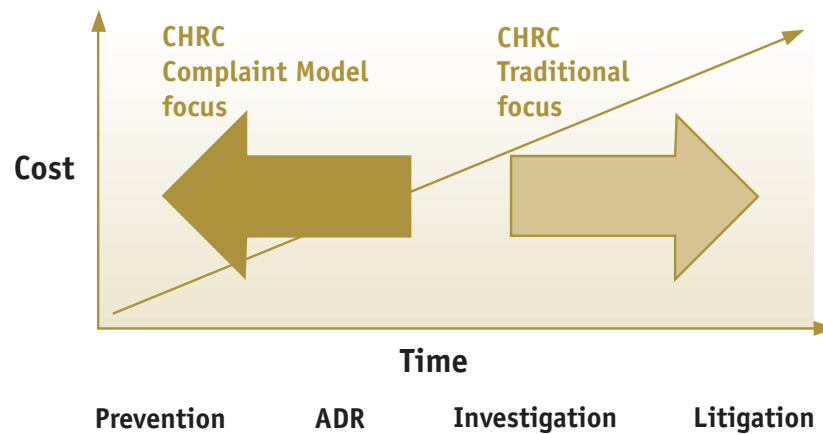


Figure 2 shows the disproportionate costs of case resolution when complaints proceed to a full Tribunal hearing. These cases take longer to resolve and rely upon litigation tools rather than tools that encourage cooperation and consensus building. This is done not only to reduce costs but to foster better and more meaningful complaint resolution by the affected parties.

Historically, the Commission has channeled most of its resources and energies into the investigation and litigation process which may include hearings before the Canadian Human Rights Tribunal. But, as the figure indicates, alternative approaches such as mediation may reduce human and financial costs considerably.

In fact, remedial efforts such as information, training and workplace policies against discrimination may prevent many abuses and disputes.

So, the Commission has launched a four-pronged strategy including:

- expanding the mediation program and streamlining the complaint process within this organization;
- realigning the Commission's legal activities to ensure the most effective use of limited resources and the best way to reflect the public interest;
- emphasizing prevention of discrimination through information, training and greater dialogue with public- and private-sector employers and unions; and
- developing new tools to address systemic human rights issues.

To support this strategy, the Commission reallocated its resources to focus more on preventing discrimination and early resolution of complaints.

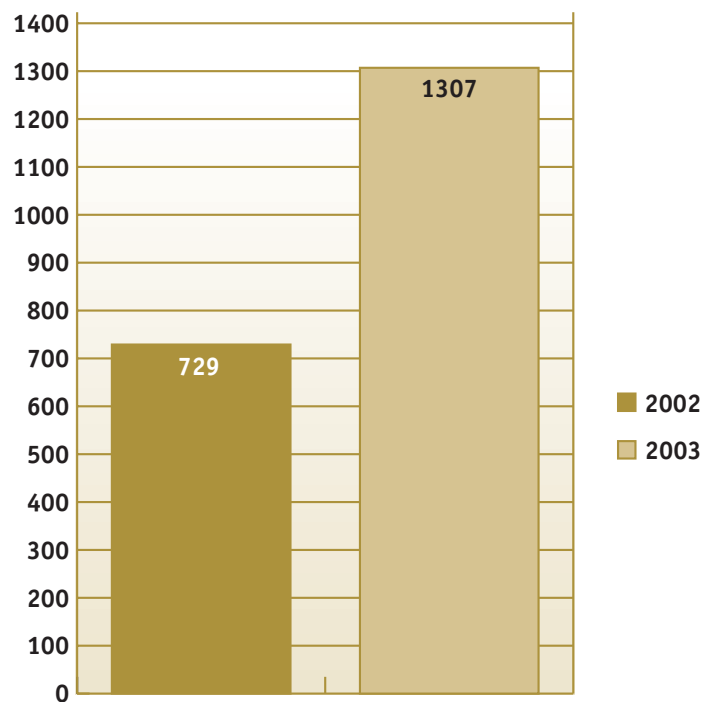
Service Improvements

- Expanded mediation, helping people resolve human rights complaints in a timely and fair manner that suited their needs.
- Streamlined intake and investigation processes, providing faster service and a more tailored approach to complaints.
- Improved decision-making process, resulting in more rapid and more frequent decisions.
- Strengthened management processes to support these changes.

These changes are already yielding striking results. The Commission is coming closer to meeting its objective of eliminating the case backlog in 2004.

The number of final Commission decisions¹ rose dramatically to 1,307 in 2003 from 729 in 2002, a 79% increase.

Figure 3 Total Number of Final Decisions



¹ Including pre-Tribunal settlements approved.



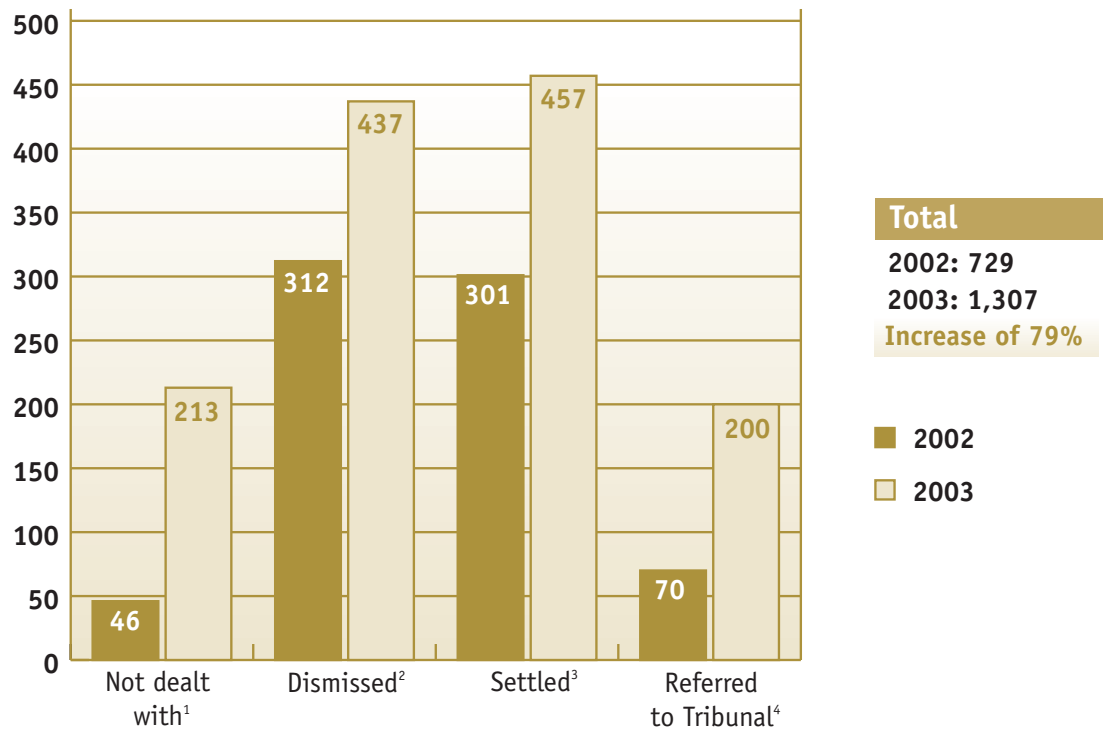
Table 1 Final Decisions by Results in 2003 vs 2002

Results of decisions	Final Decisions 2002		Final Decisions 2003	
	#	%	#	%
Not dealt with ¹	46	6	213	16
Dismissed ²	312	43	437	34
Settled ³	301	41	457	35
Referred to Tribunal ⁴				
<i>Referrals</i>	70	10	158	12
<i>Potential Referrals</i>	—	—	42	3
Sub-Total	70	10	200	15
TOTAL	729	100	1,307	100

In 2003, the Commission settled 156 cases more than it did in 2002.

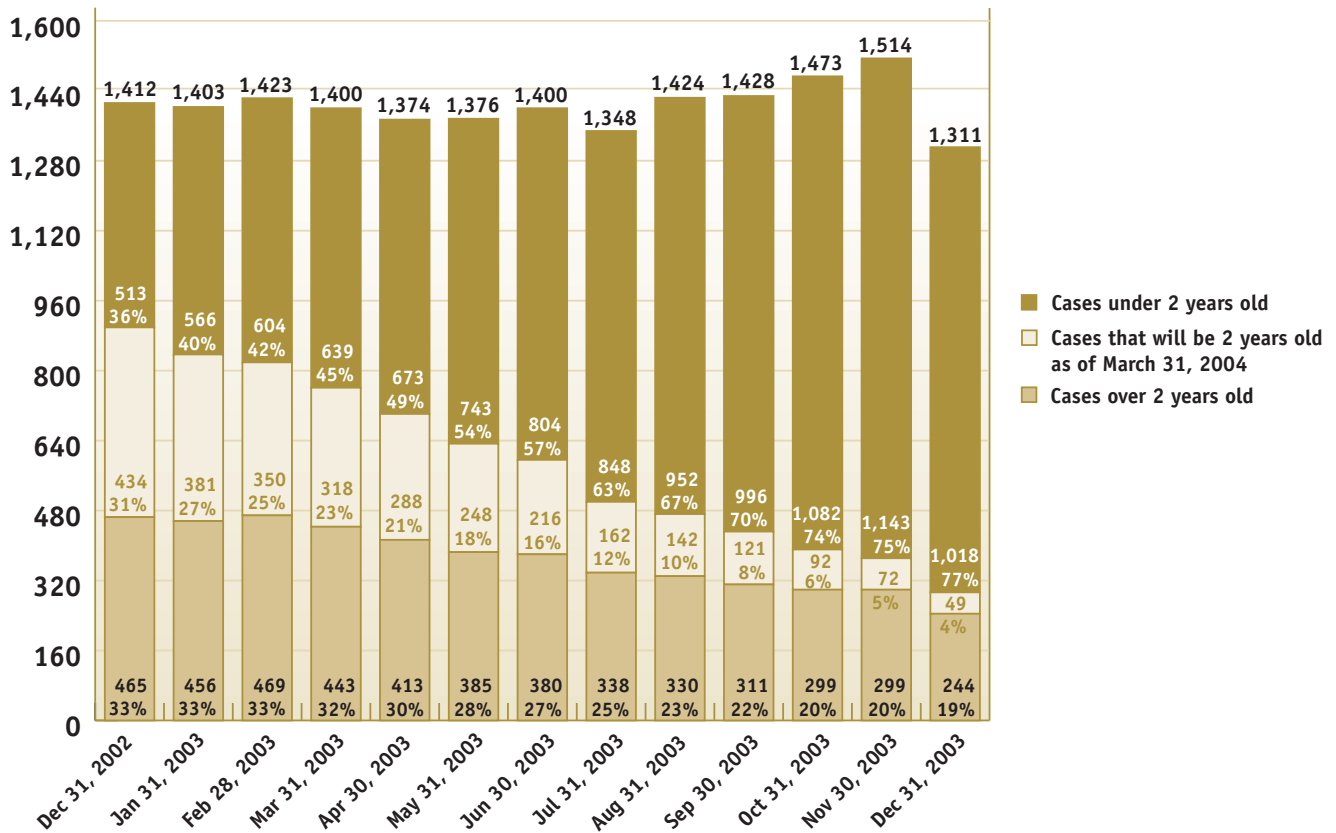
- 1 Cases that the Commission decided not to pursue under section 40-41 of the *Canadian Human Rights Act* because they were filed more than one year after the alleged act of discrimination, or because the complainants were asked to first pursue other redress mechanisms or other reasons.
- 2 Including cases in which the Commission took no further proceedings because the complainants withdrew or abandoned their complaints.
- 3 Settled in mediation, in the course of investigation, through conciliation or before Tribunal hearing.
- 4 Includes 42 complaints in which the Commission decided to both appoint a conciliator and refer the matter to the Tribunal. In these cases, the parties are given 60 days to try to settle the complaint. If conciliation is unsuccessful, the case proceeds directly to the Tribunal for hearings.

Figure 4 Final Decisions by Type in 2003 vs 2002



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Figure 5 Total Caseload by Age Category



In the same period, the number of cases two years old or older has dropped sharply. The Commission’s goal is to deal with most new cases within a year.

Focusing on older cases has yielded significant results as the average age of complaints had been reduced to 15.6 months by the end of 2003, down from 25.3 months in December 2002.

Following is a summary of why changes were undertaken at each phase of the complaint process, what the changes were and the results.

Inquiries

The first contact with the Commission is the officer in Inquiries.

The Commission staff handled a heavy load of calls on a wide range of issues before the system was overhauled in 2003. Many callers sought basic information or asked about issues outside the Commission's jurisdiction. Sometimes this contributed to delays in handling legitimate human rights complaints.

As a result, the Commission took a number of steps in 2003 to speed up service. These included:

- introducing a new automated telephone reply system to provide 24-hour, 7-day-a-week service;
- routing calls directly to intake officers and ensuring that public information agents provide as much support to callers as possible on the first contact; and
- strengthening and consolidating the information available on its website.

The Commission conducted an evaluation of the new automated telephone reply system three months after implementation. The results show that callers are receiving more information upon their first contact with the Commission and that callers with potential complaints are speaking directly with intake officers in a timely manner. As a result, the total number of calls handled by Reception has been halved. In addition, the average time to answer a call has gone from 40 seconds to 25. These positive changes at Reception have enabled the Commission to move the equivalent of one staff person to Intake Services in order to increase its ability to deal effectively with new complaints being filed.

As well, the Commission has improved handling of e-mail inquiries in the last two years, to the extent that it came second in response time and quality among provincial, federal and municipal government agencies in a January 2003 analysis by *Le Journal de Montréal*.





Case Work

CHANGES RELATING TO PROCESSES

- Completion of complaint forms by complainants instead of intake officers to ensure the Commission's objectivity and the complainants' ability to cover all of their concerns.
- Greater use of mediation.
- Stricter application of deadlines for filing complaints and submissions.
- Greater internal accountability.
- Improved Commission decision-making process.
- Creation of the Advisory Council on Alternative Dispute Resolution composed of eminent jurists.

Intake

Typically, the filing of a human rights complaint begins at intake. Working with the complainant, intake staff may refer the complainant to other avenues for resolving the situation or begin the formal complaint process in the Commission.

This year, the Commission made a number of changes, thereby speeding up handling of complaints at the intake level by four months. This was done without increasing resources.

Under the revised procedures, complainants generally get a prompt response from intake officers as to whether their situation could form the basis for a complaint. If not, they are immediately referred to the proper agency for dealing with their concerns.

If the intake officer determines that the Commission is the right place to file the complaint, the officer gives the complainant the necessary documents and information on how to make the formal written complaint. This is considerably faster than the old approach where the officer prepared the complaint and allows complainants to tell their stories in their own words.

These changes have been going on as the Commission grapples with a heavy and increasing load of complaints. The number of signed complaints rose to 1,084 in 2003 from 800 in 2002, representing a 36% increase. Because of process improvements at intake, the Commission is able to deal with more cases, and deal with them more quickly.

Stricter scrutiny of complaints under the provisions of the *Canadian Human Rights Act* enabled the Commission to direct many complaints to the appropriate body for resolution.

Table 2 Complaints Received by Province or Territory

	2002				2003			
	Potential complaints		Signed complaints		Potential complaints		Signed complaints	
	#	%	#	%	#	%	#	%
Ontario	655	40	329	41	863	40	464	43
Quebec	315	19	140	18	320	15	168	15
Alberta, Northwest Territories and Nunavut	190	11	91	11	282	13	133	12
British Columbia and Yukon	184	11	99	12	200	9	112	10
Manitoba	88	5	32	4	131	6	60	6
Nova Scotia	75	5	51	6	105	5	45	4
Saskatchewan	60	4	22	3	121	6	39	3
New Brunswick	63	4	21	3	77	4	32	3
Newfoundland and Labrador	10	0.5	8	1	31	1	17	2
Prince Edward Island	3	–	3	–	11	0.5	7	1
Outside of Canada	10	0.5	4	1	12	0.5	7	1
Total	1,653	100	800	100	2,153	100	1,084	100

There was a 30% increase in potential complaints received over 2002. This increase translated into a 36% increase in signed complaints in 2003.



Table 3 Grounds of Discrimination Cited in Complaints*

	2002				2003			
	Potential complaints		Signed complaints		Potential complaints		Signed complaints	
	#	%	#	%	#	%	#	%
Disability	888	43	438	44	795	33	495	37
Sex	379	18	188	19	413	17	204	16
Age	171	8	65	7	262	10	159	12
Race	144	7	71	7	289	12	146	11
National or ethnic origin	214	11	94	9	281	12	141	11
Colour	56	3	30	3	89	4	59	4
Family status	84	4	30	3	91	4	38	3
Religion	46	2	30	3	63	3	35	3
Sexual orientation	49	3	31	3	99	4	27	2
Marital status	27	1	14	2	35	1	15	1
Pardon	8	–	3	–	2	–	1	–
Total	2,066	100	994	100	2,419	100	1,320	100

* Total number of grounds cited exceeds the number of complaints received because some complaints deal with more than one ground of discrimination.

Table 4 Type of Allegations Cited in Complaints*

	2002				2003			
	Potential complaints		Signed complaints		Potential complaints		Signed complaints	
	#	%	#	%	#	%	#	%
Employment-related (sections 7, 8, 10)	1,212	64	666	65	1,683	61	1,048	66
Harassment - employment (section 14)	311	16	164	16	455	16	249	16
Services-related (sections 5, 6)	290	15	128	13	456	16	195	12
Retaliation (section 14.1)	17	1	15	2	45	2	33	2
Harassment - services (section 14)	51	3	26	3	69	2	31	2
Hate messages (section 13)	11	-	4	-	29	1	10	1
Notices, signs, symbols (section 12)	0	-	2	-	13	1	9	1
Pay equity (section 11)	15	1	7	0.5	13	1	7	-
Union membership (section 9)	7	-	7	0.5	3	-	2	-
Total	1,914	100	1,019	100	2,766	100	1,584	100

* Total number of allegations cited exceeds the total number of complaints received because some complaints deal with more than one allegation.





Alternative Dispute Resolution (ADR)

The Commission expanded mediation services in 2003. A pilot mediation program, launched in 1999, showed that mediation assists participants to identify the real needs and interests behind a complaint. It allows them to set their agenda and, if they wish, work out their own solutions with trained Commission mediators. Used early enough, it may help repair damaged relationships in the workplace.

Voices of Complainants

“Because [the Commission employee] actually came to Halifax and met with me in person, it made me feel that what I did have to say was important indeed. Thank you.”

“Thank you for helping me deal with this situation. For helping me see that [it] was not a waste of time.”

“Whenever we encounter difficulty or lack of understanding, it is such an immense relief to encounter a person who understands our dilemma, frustrations, and accompanying uphill battle in overcoming barriers and removing obstacles. You didn’t simply furnish this understanding, but with very limited time prior to your own holidays, you cheerily took initiative in resolving a matter before it evolved into a much larger issue and negative experience for all. That pro-active, pro-humane response aided everyone, no one more than me.”

“I would like to commend you on the exceptional support received, the professional and knowledgeable quality of the information you provided really helped to right an injustice.”

The Commission provides trained, impartial mediators who help participants decide the ground rules of their discussions. They act as guides and facilitators. They ensure that settlements deal with policy or procedural changes that are in the public interest.

Conciliation is another ADR tool. The major difference from mediation is that conciliation is mandatory for the parties if the Commission believes there are benefits to further discussions. The emphasis is on neutral evaluation of positions. Like mediation, it is confidential. In 2003, the Commission decided that it may, when referring cases to the Tribunal, direct parties to conciliation for 60 days, failing which the file is sent to the Tribunal.

After creating the Alternative Dispute Resolution Services Branch in early 2003, the Commission set up an advisory council of eminent jurists to ensure the integrity of the ADR program and its consistency with human rights principles. Comprised of former justices Gérard La Forest, Claire L'Heureux-Dubé, Charles Dubin and Roger Kerans, the Council advises the Chief Commissioner on the program's overall approach, operational policies and procedures, measures to protect the public interest, training and staff development, and program evaluation. During this reporting period, the Council met on two occasions, in April and September.

The new branch's business plan is to help reduce the backlog of complaints, enter into agreements with employers and develop a network of mediators and other ADR practitioners. The agreements with employers are designed to increase rates of participation in mediation, protect human rights, deal with delays in the Commission and establish an overall commitment to alternative dispute resolution.

Voices of Respondents

"First, let me say how pleased I was yesterday with the tone of the mediation session. The atmosphere was much better and more productive than I had thought it might be. I think a large part of that is due to the relaxed, yet professional, style."

"Our previous experience with mediation was not always great, but, based on our recent experience, I and the other representatives have been "won over." I would welcome the opportunity to work with you and others in the branch again."

"The mediation was excellent—everything was very clear from the beginning."

"I know it was a particularly difficult mediation. But I believe that thanks to your kind and intelligent guidance, learning and growth happened, and that the seed of healing was planted."

The new, expanded effort in mediation led to a shift in resources within the Commission, an internal overhaul of procedures and a significant outreach effort. Along with creation of the Alternative Dispute Resolution Services Branch and the Advisory Council, the Commission has:

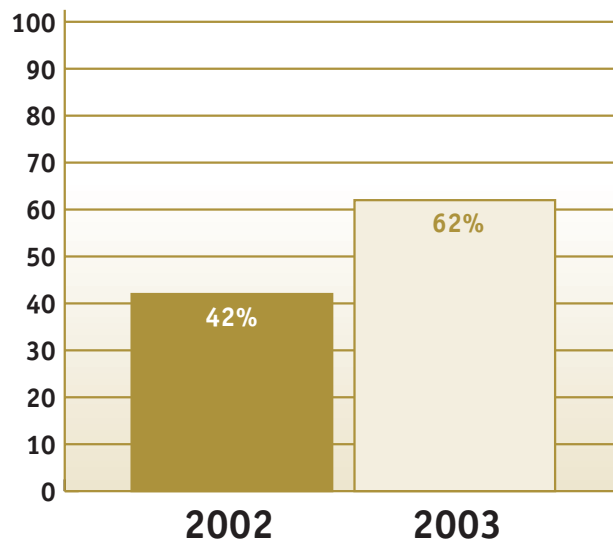
- assigned more staff to mediation, placed mediators in some regional offices and created a roster of contract mediators for better local service;



- installed a new case management structure;
- implemented and communicated strict timelines;
- set up a case monitoring system to ensure standards are met and results reported;
- encouraged parties to conciliate a complaint in a 60-day period before going to the Canadian Human Rights Tribunal;
- held meetings with key organizations responsible for 25% of complaints to seek their support for the new approach; and
- provided training sessions to respondents and unions about ADR and human rights.

In 2003, these efforts resulted in 52% more complaints resolved through alternative dispute resolution. The Commission participated in 457 settlements (mediation, conciliation and pre-Tribunal) compared to 301 in 2002.

Figure 6 Participation Rate in Mediation



Part of this effort involved the Commission sending 90 new cases to conciliation in 2003, down from 159 in 2002. During the year, 90 cases were completed leading to 57 settlements, and a settlement rate of 63% in conciliation. The Commission continues to improve the ADR process and will undertake a complete review of the conciliation model during the next calendar year.

This process is another example of how the Commission seeks to resolve complaints as quickly as possible. As a result of the conciliation efforts by Commission staff, only the cases that must absolutely be heard by the Tribunal find their way to it.

The Commission will continue to expand its efforts to inform stakeholders and enlist their support for the ADR initiative in 2004. The aim is to strengthen the capacity of organizations to manage their own mediation services and to prevent discrimination.

Investigation

Historically, the investigation process has been the main approach to dealing with complaints filed with the Commission. In general, this work involves trained investigators collecting facts from complainants, respondents and witnesses, and reporting findings to the Commissioners. Based on a written report with recommendations, the Commissioners decide whether the matter warrants further inquiry by the Tribunal.

The Commission was concerned with how long it took to steer a complaint through the investigation process. Part of the problem was that the Commission did not have legislative authority over timelines. In the *Looking Ahead* section, the Commission is proposing additional measures, including regulations, to increase its control over timelines.

The Commission's 2003-2004 Business Plan calls for the completion of 740² investigation reports leading to final decisions while working within existing resources. To achieve this, the Commission had to introduce a number of changes including:

- streamlining investigation reports;
- adhering to stricter deadlines; and
- reducing the time for Commission review and decision.

An important innovation was the creation of multidisciplinary teams to examine complaints of discrimination and suggest how they should be handled. The teams include staff from the Investigation, Legal and Policy branches. Early in the fiscal year, four multidisciplinary teams were set up based on grounds of discrimination. This specializing has enhanced the expertise of teams and ensured a multidisciplinary approach.

² For the 2003-2004 fiscal year, includes investigation reports, section 40-41 reports and pay equity investigation reports.



Other measures were put in place to overhaul the decision-making process including:

- a Case Support Committee to oversee and monitor performance as well as to guide the multidisciplinary teams. The Committee also ensures that the material being provided to the Commission is complete;
- technological changes to streamline decision-making by the Commissioners. Cases are now submitted in electronic format, which saves printing and makes it easier to hold Commission meetings;
- increasing the number of Commission meetings to process cases without delay;
- expediting cases through such methods as grouping of complaints.

These efforts led to a 99% increase in investigation reports submitted in 2003—850 compared to 428 in 2002—and ultimately in the number of final decisions made by the Commission.

The Commission is also responsible for investigating pay equity complaints. As with other types of complaints, the Commission felt that more timely handling of pay equity cases was essential. Pay equity complaints are complicated. But the Commission did not want complainants and respondents to wait years before dealing with legitimate workplace complaints that risked long-term harm to work relationships.

The measures the Commission took to improve handling of complaints at the intake and investigation levels also helped speed up processing of pay equity cases. The Commission has explored innovative ways to investigate pay equity complaints while ensuring they received in-depth analysis and timely service.

There were 35 active pay equity cases in 2003.³ By the end of the year, decisions had been reached on 14 pay equity complaints, 11 of which had been under investigation for over two years. Investigation reports on an additional 10 cases—eight over two years old—have been completed and are expected to reach the Commission for a decision by March 31, 2004. The 24 cases completed in 2003 represent 69% of active pay equity complaints in the Commission's caseload.

3 The year began with 48 pay equity complaints of which 24 were individual complaints against one employer. During the year, 11 new cases were added and the 24 cases against one employer were stayed by court order because of bankruptcy proceedings.

In addition, a key result for 2003 was the Commission's success at resolving, in significant numbers, the backlog of cases which had been launched by complainants years ago but put on hold while complainants chose other routes to settle their complaints.⁴

Legal Activities

In 2003, the Commission sought to focus its legal activities more effectively to prevent discrimination and protect human rights. This means ensuring legal resources are available to assist in all aspects of the Commission's work, whether related to the processing of complaints (from intake to Tribunal) or other initiatives such as special studies and policy work.

Litigation before the Tribunal and the courts is, and will always be, a vital component of the human rights landscape and the Commission's work. However, it can be costly and time-consuming. The Commission's legal budget is finite. Furthermore, the Commission, under the law, is not the representative of either the respondent or the complainant. It acts only to represent the public interest. Therefore, the Commission is working to ensure that its litigation activities are focused on matters that will have the greatest human rights impact. This means that the Commission must allocate its legal resources accordingly at the Tribunal stage.

In March 2003, the Commission and the Tribunal entered into a Memorandum of Understanding to discuss administrative matters.

During the transition of 2003, the Commission continued to play a key role in resolving complaints before the Tribunal. The Commission participated actively in all pre-hearing mediations. This work led to settlement of 64 complaints, saving costs and other resources that would have been incurred if these cases had gone to full hearings.

In 2003, the Commission also participated in 64 hearings, representing 242 hearing days or about 80% of the total hearing days held by the Tribunal. However, the Commission's role varied according to the type of case, recognizing that not every case is the same.

⁴ The Commission suspended investigation of 91 complaints (including the 24 pay equity complaints noted in footnote 3) against one employer and its related companies. The Superior Court of Ontario ordered a stay of all proceedings against the employer when the company sought bankruptcy protection in the spring of 2003. When the Court lifts the stay of proceedings, the Commission will resume investigation of the complaints.

Commission's Legal Activities in the Post-Referral Stage

	2002	2003
Complaints referred to Tribunal	70	158
Complaints settled post-referral	46	64*
Number of Tribunal hearing days in which Commission participated	n/a	242**

* Settlements include 24 complaints referred in 2002.

** This represents 80% of the total hearings days held by the Tribunal.

In addition to its work before the Tribunal, the Commission received 42 applications for judicial review of Commission decisions and was involved in several other matters before the Federal Court Trial Division and the Federal Court of Appeal. The Commission also intervened in three cases before the Supreme Court of Canada: *Commission québécoise des droits de la personne et des droits de la jeunesse (Morin) v. Québec (A.G.)*, *Pritchard v. Ontario Human Rights Commission* and the same-sex marriage reference. Each of the three cases has implications for the adjudication or protection of human rights in Canada.

During the reporting year, there have been some legal and legislative developments which have an impact on the Commission.

The *Public Service Modernization Act*, which received Royal Assent in November 2003, provides for a new adjudication regime for the federal public service. Under the new legislation, grievances filed under this regime and appeals of staffing actions can include allegations of discrimination under the *Canadian Human Rights Act*. The Commission is given standing but what that will mean in practice still must be worked out. The Commission will be working with other federal bodies to see how best to administer the new legislation so that the rights of Canadians under the *Canadian Human Rights Act* continue to be protected.

The Supreme Court of Canada issued a ruling in *Parry Sound (District) Social Services Administration Board v. O.P.S.E.U., Local 324* which also has implications for the Commission. The Court ruled that arbitrators have the jurisdiction to adjudicate human rights complaints. It said that labour arbitrators are specialized tribunals with expertise in labour matters even though they may not have the special knowledge of human rights commissions. It went on to say that labour tribunals could adjudicate human rights matters even when there is no direct connection to the collective agreement.

Employment Equity

The Commission is responsible for monitoring and ensuring compliance with the *Employment Equity Act* by federal departments, agencies and Crown corporations, as well as federally regulated employers in the private sector.

The Act's purpose is to ensure that four designated groups—women, Aboriginal people, persons with disabilities and members of visible minorities—have equal access to jobs and are fairly represented in the workplace.

A parliamentary review of the Act in 2002 concluded that there was widespread support for the legislation, that it should be maintained and that the Commission should get more resources to accelerate the pace of audits.

However, in 2003, the government did not renew additional funding which had been granted in 2000. As a result, resources for the Employment Equity Compliance Program were reduced by one-third, and staff levels dropped to 21 from 30.

While the Commission's compliance program has proven successful, these budget cuts make it no longer viable to continue using current approaches, as it would take at least another 10 years before all employers can be audited. Although only half of all employers have been audited, they already represent 76% of the workforce (see table 5).

Remaining employers are made up of three groups:

- three organizations that were included in 2002 as a result of an Order in Council represent 10% of the workforce;
- 58 medium-size employers represent 10% of the workforce; and
- 170 small employers represent only 4% of employees.

Table 5 Distribution of Employers Under the EE Act as of December 31, 2003

Employer Status	# of Organizations	% of Workforce
AUDITS DONE AND UNDER WAY		
Employers in compliance	145	28
Employers currently under audit	133	48
Total: employers audited or under audit	278	76
REMAINING AUDITS		
Canadian Forces, CSIS, RCMP	3	10
Employers with more than 500 employees	58	10
Employers with 100 to 500 employees	170	4
Total: unaudited employers	231	24
<p>Note: Data on audits remaining to be done is approximative, since the population of employers changes from year to year. Data on current audits includes some audits put on hold or cancelled.</p>		

To meet the challenge of fulfilling its mandate in the context of reduced resources while maximizing the program’s impact for designated groups, the Commission will initiate audits of the first two groups from 2004 to 2006. In the case of the private sector employers, the Commission will apply the lessons learned from its pilot project for small employers (see “Simplifying the Audit Process” below) initiated in 2003, which provided valuable information in applying streamlined processes designed to avoid the need for follow-up audits. The Commission is hopeful that these processes will prove successful for the great majority of these employers. This strategy will bring the number of employees covered by audits to a full 96%.

As for the large group of small employers who represent only 4% of the workforce, the Commission intends to conduct status reviews of their activities based on submitted documentation, and provide them with a statement indicating those areas where it appears additional work is required. If an employer is close to compliance, the review can be converted into a compliance review. Others may later be the subject of full compliance reviews, as resources allow.

In this way, the Commission will be in a position to more fully monitor the progress of employers who have been found in compliance, and launch implementation audits

of those who have failed to make reasonable progress in implementing their employment equity plans. This function is particularly critical in view of early results which indicate that although audited employers are making progress in increasing representation of designated groups, they are only reaching between 22% and 29% of the goals they have set in their employment equity plans.

The Commission is confident that the streamlined approaches outlined above will enable it to compensate for the lack of auditing resources, while allowing it to closely follow the progress of employers in order to ensure that they are meeting their objectives in increasing representation for designated groups in the workforce. That is the true measure of the program's success.

Delivering Results to Canadians

As part of the modernization of its management practices, the Commission developed in 2003 a logic model to assess the effectiveness of its Employment Equity Compliance Program.

The purpose of the *Employment Equity Act* is to remove barriers to the employment of the four designated groups, and to ensure that they are fairly represented in the workforce of federally regulated employers. As a result, the key indicator of the Act's success, and of the effectiveness of the Commission's program in ensuring compliance with the Act, is whether or not the representation of these groups is increasing.

Since the Act's inception in 1986, their representation has indeed increased, and some of this increase can be directly attributed to the Commission's audit program. The evidence for this is twofold:

- employers audited by the Commission decrease the gaps of under-representation in the years following the audit; and
- representation of the four designated groups is generally better in the workforce of employers who have been audited than of employers who have not.

These results indicate that the Act is generally effective, and that the Commission's work to ensure compliance with the Act delivers concrete results year after year.



Progress of Audits

In 2003, 278 of the 509 employers subject to the Act (or 55%) had been or were being audited, representing 717,575 employees or 76% of the workforce covered by the Act. This is a slight increase over 2002 figures.

Figure 7 Percentage of Employees Under the Act Covered by the Commission's Audits

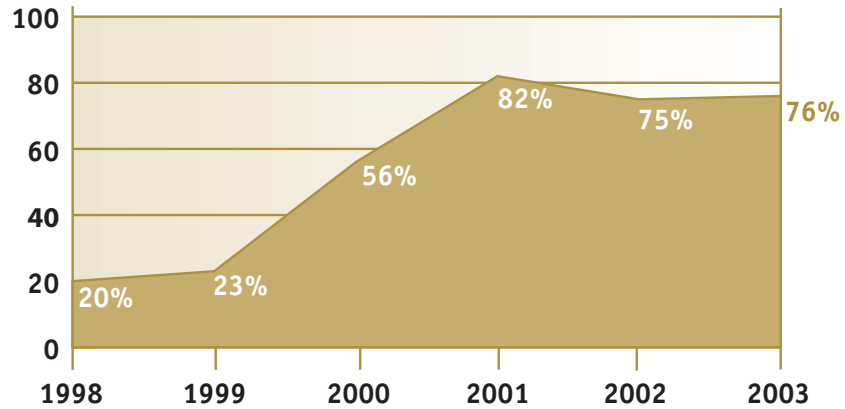
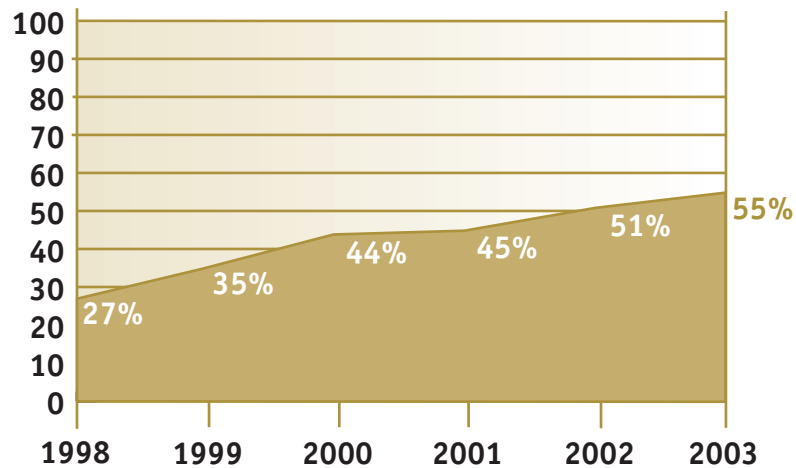


Figure 8 Percentage of Employers Under the Act Covered by the Commission's Audits



There was limited progress in auditing employers in 2003, reflecting the resources available. The dip in the percentage of employees covered by audits between 2001 and 2002 is due to many new employers coming under the Act in 2002. In 2003, the Commission launched 25 new audits, down from 38 in 2002.

Table 6 Audits Started and Completed 1998–2003

	2003		Cumulative 1998–2003	
	Started	Completed	Started	Completed
Initial audits	25	51	278	231
Follow-up to initial audits	22	14	166	135
Follow-up to directions	2	9	21	19
Cancelled	0	5	0	32
Total audits	49	79	465	417


As a result of audits, the Commission found 40 employers in compliance in 2003, compared to 32 the year before. This record number of employers found in compliance is due in part to a streamlined process introduced in 2003 to audit smaller employers, particularly 17 small government departments.

Since 1998, the Commission has found a total of 145 employers in compliance with the Act.

Table 7 Employers in Compliance

STATUS	2003	Cumulative 1998–2003
Employers with full representation, in compliance	0	2
Employers with under-representation, in compliance at the initial audit (without having to sign undertakings)	20	30
Employers with under-representation, in compliance at the follow-up audit (after signing undertakings)	20	113
Total employers in compliance	40	145
Employers who were issued a direction by the Commission	0	23
Tribunals (requested by the Commission or by employers)	0	8





In 2003, for the first time, the Commission did not have to issue any direction to employers to comply, nor to refer any employer to the Employment Equity Review Tribunal. This is a positive outcome, reflecting in part the emphasis which the Commission has put on helping employers to better understand their obligations by providing additional tools and more thorough explanations on audit standards and expectations. There is also mounting evidence that having a significant pool of large employers already in compliance may act as a catalyst for others to follow suit.

Simplifying the Audit Process

Most of the employers still to be audited are relatively small. To speed up audits of private sector employers with less than 300 employees, the Commission launched a streamlined and more supportive approach to auditing in 2003.

The Commission issued an information kit for employers and pilot-tested it in audits of 25 of these small employers. Commission staff worked with these employers with the aim of reaching compliance during the initial audit. It is expected most will comply in 2004 with audits lasting just over one year. That is considerably less than the normal three-year audits where employers have to sign undertakings requiring a follow-up audit.

“In my experience, the audit process [of the Commission] has been the most powerful tool—I might even say the only effective tool—to promote EE that I have seen so far in my career.”

—A member of the Toronto Employment Equity Practitioners Association

In 2003, the Commission audited 17 small federal departments and agencies that have fewer than 100 employees but are subject to the Act. Staff used a simplified set of requirements which proved effective, and 13 employers have now been found in compliance following audits lasting four to 11 months.

It is expected that the results of these two exercises will provide useful information in determining how the Commission can best streamline its approaches in order to ensure that its practices continue to be targeted where they can have the most beneficial impact for designated groups in the workforce.

From Intentions to Results: Monitoring Progress

Once employers are in compliance, the Commission begins monitoring to see whether they are meeting the short-term hiring and promotion goals they established in their employment equity plans. If they fail to make reasonable progress, the Commission

may audit these employers again. These new audits—or “implementation audits”—focus on whether they have implemented their employment equity plans.

To date, the Commission has completed monitoring of the three-year short-term goals for 26 employers in the federally regulated private sector, three departments and one separate employer. The results are mixed. No employers have met all their goals. However, they have implemented 27% of the goals for women, 29% for Aboriginal people, 22% for persons with disabilities and 24% for members of visible minorities.

Involving Stakeholders

The review of the *Employment Equity Act* and the evaluation of the Commission’s audit program in 2002 pointed to the need for closer cooperation between key stakeholders in implementing the legislation. Therefore, in 2003, the Commission:

- signed a new Memorandum of Understanding with Human Resources Development Canada clarifying the respective roles of both institutions and providing for closer cooperation; and
- established a Protocol with the Privy Council under which the Commission will inform the Clerk of the Privy Council twice a year and by department about the progress, successes and pitfalls of employment equity in the public service.

As well, the Commission is drafting a Memorandum of Understanding (MOU) with the Treasury Board Secretariat and the Public Service Commission, which represent the employer in the public service. The MOU will provide for better exchange of information and ongoing consultations.

Progress of Designated Groups

This past year, 419 employers in banking, communications, transportation and the “other” sector filed data on their combined workforces of about 630,000 employees as of December 31, 2002. The “other” sector includes a variety of employers such as grain companies, uranium mines, nuclear power operations, credit corporations and museums. Although there were 25,000 fewer hires in the private sector in 2002 than the previous year, there were still close to 84,000 opportunities to hire designated group members.





In addition, the Treasury Board Secretariat reported on employment equity in 71 federal departments and agencies, with a combined workforce of about 163,000 employees, as of March 31, 2003. Over 16,400 job openings were filled, about 1,000 fewer than the previous year, and over 5,200 of these hires were for permanent jobs.

The following discussion compares workforce data in both the private and public sectors with the 1996 Census availability for women, visible minorities and Aboriginal people while the availability estimates for persons with disabilities are from the 1991 Health and Activity Limitation Survey (HALS). Employment equity data from the 2001 Census and 2001 Participation and Activity Limitation Survey will not become available until later in 2004. The accompanying graphs compare the progress of the four designated groups for the five-year period from 1997, when the current *Employment Equity Act* came into effect, to 2002. In the case of women, the graph looks at progress achieved in management ranks.

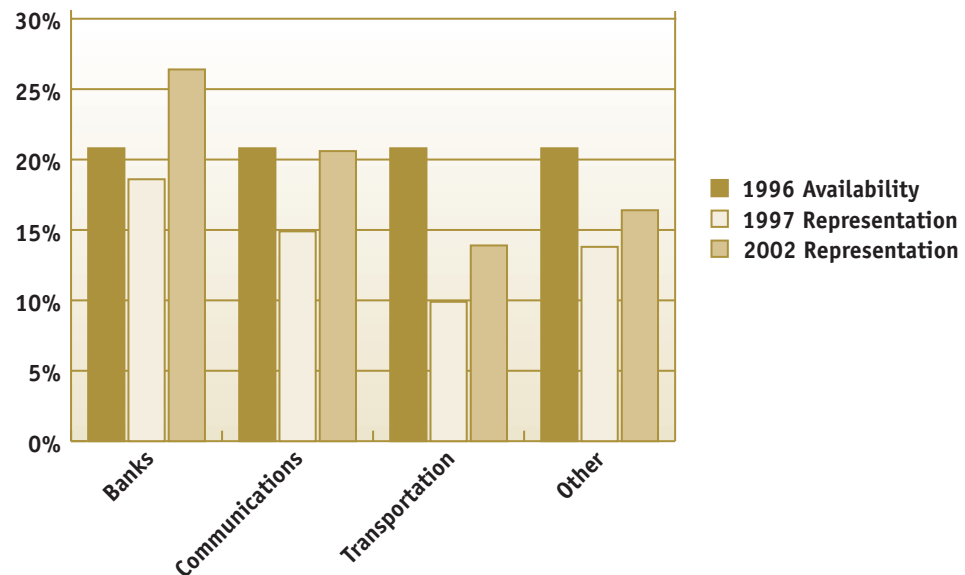
The availability estimates which the Treasury Board Secretariat has prepared for all designated groups include only Canadian citizens, since the *Public Service Employment Act* gives an absolute preference to Canadian citizens in hirings into the public service. This has the impact of reducing the overall availability of visible minorities from 10.3%, to 8.7%.

Women

In the private sector: Women's overall representation was 44.4% in 2002, in line with their 46.4% availability and virtually unchanged since 1997. There has been a notable increase, however, in their share of senior management positions, from 14.8% in 1997 to 20.0% in 2002, close to their 1996 Census availability of 20.8%.

Women's representation was highest in the banking sector at 71.1%. In this sector, women hold 84.7% of the clerical jobs, but now occupy over 50% of professional and managerial positions as well. In the banking sector, women's share of senior management jobs rose from 18.6% in 1997 to 26.4% in 2002.

Figure 9 Women in Senior Management Federally Regulated Private Sector



Women’s representation was lowest in the transportation sector where they held 25.4% of all jobs in 2002, somewhat higher than their 23.3% share in 1997. Women now hold 26.1% of all managerial and professional jobs in this sector. However, over 30% of the jobs in this sector are in the semi-skilled manual workers occupational group which includes various kinds of drivers. Only 11.7% of these jobs are held by women, close to half of whom work in part-time school bus driver positions.

The proportion of women in part-time and temporary jobs decreased from 25.0% in 2001 to 23.3% in 2002. Only 9.8% of men held part-time or temporary jobs. Although this pattern also holds true for visible minority women and women with disabilities, it is most noticeable for Aboriginal women, 24.6% of whom work on a part-time or temporary basis. The concentration in part-time and temporary employment and in lower paying clerical and sales and service positions helps in part to explain why, on average, women receive only 81% of the salary received by men.

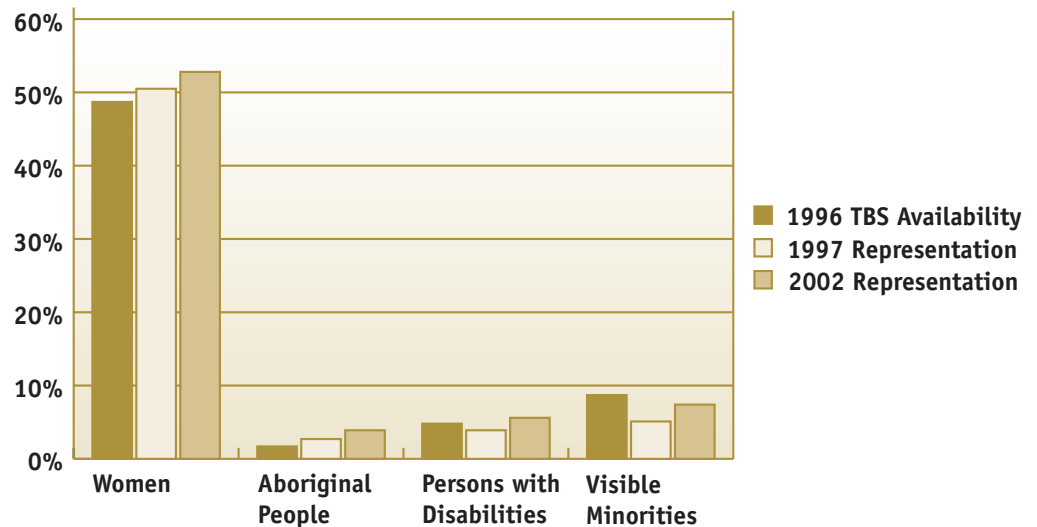
In the public sector: Women’s representation in the federal public sector was 52.8% as of March 31, 2003, somewhat higher than the Census benchmark of 46.4%. They received 55.9% of all hires, in line with their share the previous year.

Women’s share of positions in the executive group rose from 25% in 1997 to 34% in March 2003. Women received 43.9% of all hires into this group, a notable increase from the 28.6% they received in 1997. In the scientific and professional category, women’s representation also rose from 32.2% in 1997 to 40.3% in 2002.



Nevertheless, there is room for further progress. Women occupy 59.3% of all term positions, and are concentrated in administrative support positions compared to men. These factors contribute to the fact that 59% of women earn less than \$50,000 compared to 36.8% of men in the public service.

**Figure 10 Designated Groups
Federal Public Service**



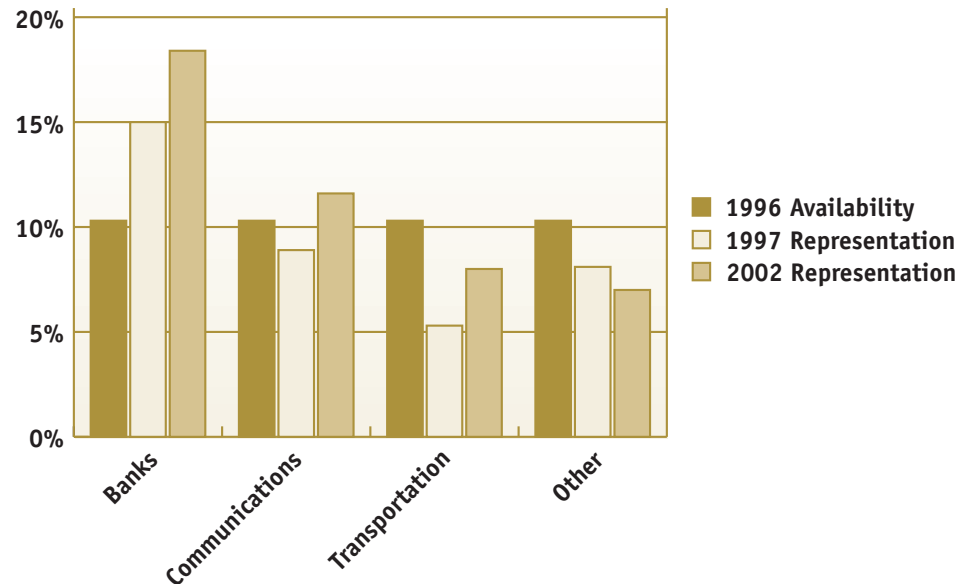
Members of Visible Minority Groups

In the private sector: The representation of visible minorities increased from 9.7% in 1997 to 12.2% in 2002. For the past eight years, visible minorities have received shares of hires that exceed the 1996 Census benchmark of 10.3%; in 2002, they received 12.8% of all hires.

The representation of visible minorities was highest in the banking sector where it increased from 15.0% in 1997 to 18.4% in 2002 due to consistently high shares of hires. In addition, visible minorities now hold 6.2% of all positions in senior management, up from 4.3% in 1997, and 22.0% of all professional occupations, compared to 18.3% in 1997.

Visible minorities also registered increases in the communications sector, from 8.9% in 1997 to 11.6% in 2002, and in the transportation sector, from 5.3% in 1997 to 8.0% in 2002. In contrast, the representation of visible minorities in the “other” sector fell to 7.0% in 2002 from 8.1% in 1997.

**Figure 11 Visible Minorities
Federally Regulated Private Sector**



In the public sector: Visible minorities increased their representation to 7.4% as of March 31, 2003, from 5.1% in 1997. However, this is still lower than the 1996 availability set by Treasury Board at 8.7% for the public service. Their share of permanent hires also fell somewhat from 12.3% in 2001 to 11.2% in 2002.

In endorsing the *Task Force on the Participation of Visible Minorities in the Federal Public Service* action plan, the government committed itself to a recruitment target for visible minorities of 1 in 5 by the end of fiscal year 2002-2003. In fact, the share of hires received by visible minorities in 2002-2003 was 9.5%, less than half the target. The action plan also set a target of 1 in 5 entries into the executive category to be reached by the end of fiscal year 2004-2005. As of March 31, 2003, visible minorities held only 4.2% of all executive positions. Out of the total of 82 hires into this category, they received only 7, or 8.5%.

Aboriginal People

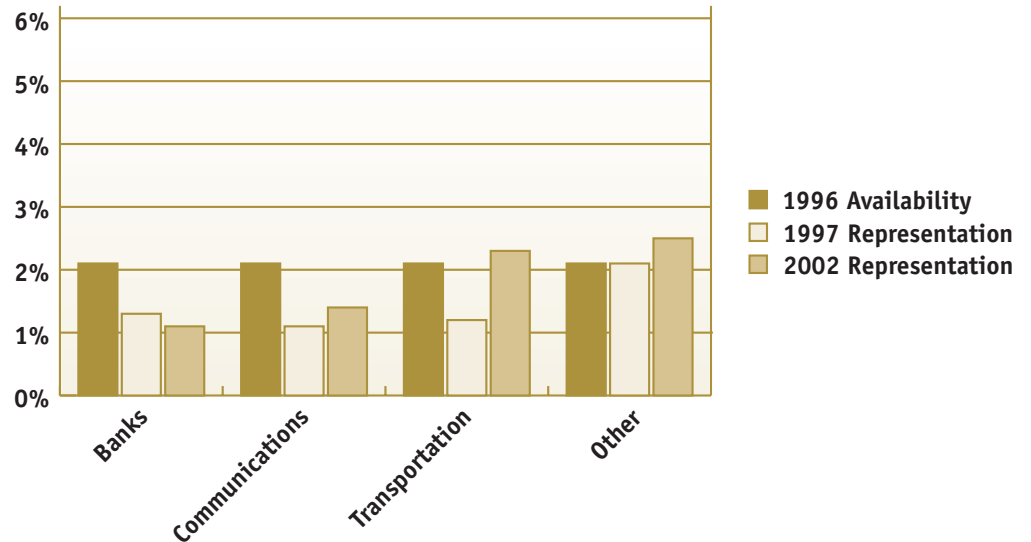
In the private sector: In 2002, Aboriginal people held 1.7% of all jobs in the federally regulated private sector, an increase compared to 1.3% in 1997, but still lower than the 1996 Census benchmark of 2.1%. Their share of hires in 2002 was 1.9%, an increase from the previous year. In 2002, their termination rates were higher than average, indicating that a lower retention rate may explain why more progress is not being made.

The representation of Aboriginal people was highest in the “other” sector, which includes some mining, fish marketing and grain operations located in northern



and western regions and which employ a large number of Aboriginal people. In 2002, the representation of Aboriginal people in this sector was 2.5%, up from the 2.1% achieved in 1997. Progress is due to the fact that their share of hires for the last four years has been higher than availability. In 2002, this was the only sector where the termination rate of Aboriginal people was lower than average.

Figure 12 Aboriginal People Federally Regulated Private Sector



The lowest representation of Aboriginal people was in the banking sector where their share of jobs fell from 1.3% in 1997 to 1.1% in 2002. This decrease is due to the fact that Aboriginal people received only 0.9% of all hires, less than half the 2.1% Census benchmark.

In the public sector: In contrast with the private sector, the representation of Aboriginal people in the public sector rose from 2.7% in 1997 to 3.9% as of March 31, 2003. This past year, they received 4.5% of all hires overall, and 5.4% of all hires into permanent positions.

Among the 42 federal departments and agencies with 200 or more employees, the Department of Indian Affairs and Northern Development (DIAND) employs 18% of all Aboriginal employees in the federal public service. However, even with DIAND removed, the representation of Aboriginal people in the public service is 3.3%, substantially higher than the 2.1% Census benchmark.

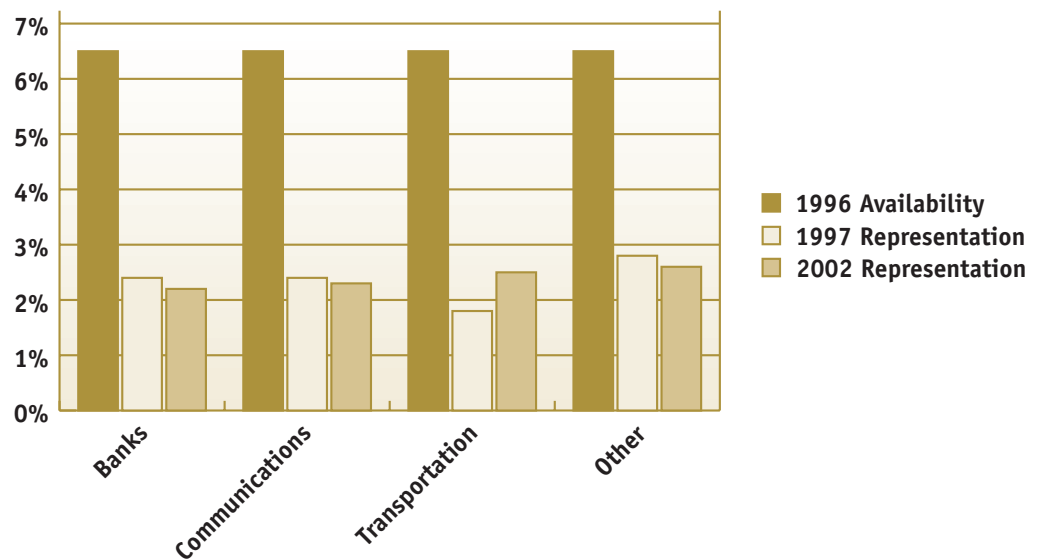
Overall, Aboriginal people received a share of hires substantially higher than the Census benchmark of 2.1% in all occupational categories. In the executive category, they received 8, or 9.8% of all hires, bringing their representation to 2.7%.

Persons with Disabilities

In the private sector: Since the first *Employment Equity Act* was put in place, of the four designated groups, persons with disabilities have benefitted least. Their representation in 2002 remained at 2.3%, virtually unchanged since 1997. In 2002, they received only 1.0% of all hires, substantially lower than the 6.5% benchmark. Since 1997, their representation has fallen in all sectors except transportation, where it rose from 1.8% to 2.5%.

Once again, persons with disabilities had their lowest representation in the banking sector where they held only 2.2% of jobs in 2002. Their share of hires in the banks was only 0.8%. The six largest banks, with total hires of over 19,000, hired only 164 persons with disabilities.

Figure 13 Persons with Disabilities Federally Regulated Private Sector



In the public sector: In contrast with the private sector, the representation of persons with disabilities in the public sector has increased annually from 3.9% in 1997 to 5.6% in 2002. This is higher than the Treasury Board benchmark of 4.8%, but still somewhat short of the 6.5% availability in the Canadian workforce based on the 1991 HALS.

The increase in the number of persons with disabilities in the federal public service appears to be mainly due to increased self-identification rather than to hires, since they received only 3.1% of all hires in 2002. No persons with disabilities were hired in the executive category, and the share of hires in all other occupational categories was substantially lower than either the Treasury Board benchmark of 4.8% or the 6.5% representation in the Canadian workforce.





Summary

Since 1997, women have made gains in management and professional occupations in both private and public sectors, but are still under-represented in non-traditional jobs in the transportation and other sectors. Visible minorities have registered increases in the private sector. In the public sector, they are now receiving an increased share of hires, but the 2001 Census data will introduce a higher standard, and significant efforts will be required for this group to achieve full representation. Aboriginal people registered increases in all sectors except banking. Persons with disabilities increased their representation in the public sector. In the private sector, in spite of ample hiring opportunities, persons with disabilities received far fewer hires than expected based on their availability, and as a result remained severely under-represented.

The Employment Equity Act requires employers to set hiring and promotion goals to remedy under-representation. Once the 2001 Census employment equity data become available, employers will have to revise their goals to take the higher benchmarks into account. The Commission will be monitoring whether they meet their goals. Where they do not, the Commission may initiate audits to examine whether they have implemented their employment equity plans, and may take additional enforcement action as required.

Challenges Ahead in Employment Equity

In 2004, with fewer resources available, the Commission will overhaul its employment equity work plans and approaches. The aim is to balance the need to audit employers which have not yet been audited, with the need to monitor and conduct implementation audits of those employers who have set hiring and promotion objectives in their employment equity plans.

Promoting Human Rights

Promoting human rights in Canada and helping other countries build their own capacity to further these rights are important initiatives of the Commission.

Promotion and Prevention

The Commission is responsible for developing and conducting information programs to foster public understanding of the *Canadian Human Rights Act*, the *Employment Equity Act*, and the role and activities of the Commission.

Along with its normal information role, the Commission views this function as an important component in the drive to prevent discrimination. As mentioned earlier, preventing discrimination leads to better workplaces and it can reduce the increasing flow of complaints.

In the fall of 2003, the Commission assigned additional resources to the task of expanding its discrimination prevention function, and this work is described in the *Looking Ahead* section of this report.

Among other things, turning the spotlight on prevention will require good information tools to be readily available to employers and their employees.

As part of its promotional activities in 2003, the Commission:

- published pamphlets on mediation and conciliation as well as a newsletter to promote alternative dispute resolution;
- published the first *Employment Equity Year-End Report* and a pilot information kit for employers to help them prepare for employment equity audits;
- released public consultation papers on the human rights situation of women prisoners and policy statements on Aboriginal people and employment;
- made submissions to the government, Parliament and the courts on same-sex marriage, inclusion of all Aboriginal people under the *Canadian Human Rights Act*, pay equity and measures to ensure that human rights standards are preserved in the government's new *Human Resources Modernization Act*; and
- developed a new website.





The Internet is used by more and more Canadians, and the Commission has undertaken to redesign and rebuild its website, and use it as the Commission’s main communications tool to promote its services to the public. The new website will be launched by the end of the 2003-2004 fiscal year. It is designed to be user-friendly and adapted to the visually- and mobility-impaired. The new website look has already been used in the Commission’s most recent publications.

SERVING CANADIANS	
Telephone inquiries	25,646
E-mail inquiries	5,024
Publications distributed	95,467
Website visitors	198,374

Along with other changes to the Commission’s processes in 2003, a greater emphasis was put on outreach and raising awareness as a means to reduce the number of complaints received and the incidents of discriminatory activity. By giving clients the tools to combat discrimination where it arises, and to change practices and policies that may lead to conflict, the Commission intends to be a force for preventing discrimination. Another area of interest was race, and the Commission participated in numerous conferences and roundtables on racial profiling and hate.

A total of 197 outreach or awareness-raising activities were undertaken by various branches of the Commission in 2003. One focus of attention was the responsibilities of employers, employees and unions in respect of the duty to accommodate under the *Canadian Human Rights Act* and the *Employment Equity Act*. Workshops were given especially to employer groups, focusing on managers and supervisors and their responsibilities and rights under the law. Employment Systems Review is always a focus of attention for Employment Equity and its stakeholders. The Regional Offices implement a great variety of outreach activities, including working with local employee groups, employers, students and the general public.

International

The creation of the Canadian Human Rights Commission in 1978 followed on the heels of Canada’s ratification of the *International Bill of Rights*. Since that time, the CHRC has played an important role in ensuring Canada implements its international human rights obligations domestically. From the start, the Commission has also been engaged at the international level—providing input when international human

rights standards are defined, assisting in the establishment of national human rights institutions in developing countries, forming international human rights networks to share best practices. In fact, the Canadian Human Rights Commission can take much of the credit for initially putting the issue of human rights commissions on the UN agenda, working for the adoption by the UN in 1991 of the *Paris Principles*, international standards on the independence and impartiality of national human rights institutions.

The Commission continues to play an important international role through its modest international program.

The Commission's international program delivers on the government's priority of promoting democracy and equality of opportunity through Canada's international work. The Commission has unique expertise in building human rights commissions that no other federal institution can provide. The strength of the Commission's international program was recently recognized in the Johns Hopkins University's *2003 Human Rights Quarterly* as playing a "leading role in the creation and strengthening" of national human rights institutions.

This past year, the Commission continued to support Canada's foreign policy and development aid objectives by helping other countries strengthen their national human rights institutions. In doing this, the Commission worked in partnership with departments such as the Canadian International Development Agency (CIDA) and the Department of Foreign Affairs and International Trade. The Commission worked on CIDA-funded projects with human rights commissions in India, Indonesia and Nepal to build their capacity in the areas of human rights education, the rights of persons with disabilities, complaints investigation and processing, and case management.

In 2003, the Commission hosted interns from Indonesia and the Republic of Korea and over 15 visiting delegations seeking more information on the Canadian human rights framework and the Commission's experience.

As well, the Commission continued its leadership role in developing a network to strengthen national human rights institutions and respect for human rights in the Americas. This was in line with Canada's commitment at the 2001 Summit of the Americas. The network, with over 20 participating institutions, held its Second General Assembly in 2003, followed by workshops on the role of national institutions in promoting and protecting the rights of persons with disabilities, and on human rights and security.

Throughout the year, the Commission continued to play a key role in organizations where international human rights standards and policies were developed. Among





these are the International Coordinating Committee of National Human Rights Institutions and the United Nations Commission on Human Rights.

The Commission contributed to Canada's reports on compliance with international human rights law, including international treaties on discrimination against women and discrimination in employment and occupation.

The Commission met with United Nations Special Rapporteurs and contributed policy documents to the UN on issues such as the independence of national institutions, the participation of these institutions in United Nations human rights meetings and the rights of persons with disabilities.

Modern Management

In February 2003, the Commission began implementing the government-wide Modern Comptrollership Initiative. The purpose of this initiative is to strengthen management practices and integrate financial information with other performance information. This should lead to more informed decisions, public policies and service delivery. Its successful implementation will help the Commission manage its resources more effectively and better account to Parliament and to Canadians for the use of these resources.

Implementation of the Commission's modern management initiative consists of three phases:

- training staff on principles and techniques to build understanding of the modern management initiative;
- assessing the state of current management practices with respect to the seven modern management pillars (values and ethics, risk management, integrated performance information, stewardship, leadership, human resources and accountability) against a common standard; and
- developing and implementing an action plan to address the gaps identified in the capacity assessment.

The first two phases have now been completed. The capacity assessment was conducted at the Commission through a series of interviews and workshops with senior and middle managers. The firm which conducted the assessment noted:

"The results of the management capacity assessment are very favourable and reflect senior management's ongoing commitment to organizational renewal aimed at improving management practices, creating a culture of continuous improvement and achieving better results."

—Deloitte & Touche

The full capacity assessment is available on the Commission's website at www.chrc-ccdp.ca.

The Commission is now developing an action plan to address the gaps identified in the report as well as additional matters outlined in the government's new Management Accountability Framework. Following are some highlights of progress to date:



Stewardship

The Commission has put in place robust systems and processes to monitor financial management and to ensure that funding is directed to evolving business plan priorities as required throughout the year. This includes monthly oversight by the Executive Committee of the Commission's financial situation.

Sole source contracts over \$15,000 and key contracting issues are reviewed weekly by an executive level Contracts Review Committee. Hospitality has been minimized and is within guidelines. Hospitality and travel expenses of the Chief Commissioner and the Secretary General will soon be available on the Commission's website. The Commission continues its efforts to reduce travel expenses on a case-by-case basis and more broadly through the relocation of three mediator positions to regional offices. It also develops and updates its internal audit, evaluation and risk management plan on an annual basis. It has completed an evaluation study of its Employment Equity Audit Program. The Management Summary and the Management Response and Action Plan with respect to this evaluation will be made available on our website by April 1, 2004.

The Commission is currently undertaking an evaluation framework of its Human Rights Complaints Program and a financial audit of Legal Services which are planned to be completed by March 31, 2004.

Accountability

The Commission has strengthened its approach to and criteria for executive performance agreements. And it has ensured that accountability cascades through the performance agreements at lower levels.

People

A number of foundation stones have been put in place for sound human resources management and a healthy workplace. The Commission provided alternative employment opportunities to indeterminate employees affected by the non-renewal of Employment Equity resources. The turnover rate of under 6% falls well within organizational norms for high performing organizations. The Commission continues to support the government priorities by implementing new human resources policies and programs directly linked to the business plan. And working within the existing budget, the Commission will help employees develop and complete learning plans so they will achieve peak performance.

Citizen-Focused Service

A new human rights business model has been described earlier in the report. The primary motivation in moving in this direction was to provide timely and high quality service to Canadians.

Performance Measurement

The Commission has embarked on a program to identify, in a more disciplined way, the outcomes it seeks to achieve and the measures that will show progress toward those outcomes. The program began with a Results-Based Accountability Framework for the Employment Equity Program. The measures can be found in the *Employment Equity* chapter under *Delivering Results to Canadians*. A similar approach is under way for the Human Rights Complaints Program and for the Commission as a whole. High performance and citizen-focused service depend on the Commission creating a “steady-state” capacity where the number of new signed complaints balances the number of cases closed in any given year. As noted elsewhere in the report, the Commission is on target to meet this objective.





Looking Ahead

Results from the Commission's recent innovations are very encouraging. But there is much to do.

So far, the reform process has been internal. The Commission has acted to improve service in areas under its control.

But there are broader needs that must still be met. Some of these were raised in recent reports on the Commission.⁵ A number of these reports call for legislative and regulatory changes beyond the Commission's existing powers.

In the Commission's view, these changes need not be major. The *Canadian Human Rights Act* and related legislation have been effective in guiding the human rights system. The Act is very comprehensive, substantial and continues to be innovative. However, over the last 25 years, all of its provisions and possibilities have not been given full expression and voice. The Commission's renewal process focuses on the premise that Parliament intended the Act to be comprehensively applied. Yet there are aspects of the Act that can be updated to further its original intent.

With that in mind, the Commission is proposing its perspective on the adjustments needed to make the human rights system even more effective in the 21st century. These are outlined in the following section.

A New Human Rights Landscape

Over the past year, the Canadian Human Rights Commission has been engaged in a process of reform—overhauling the complaints system, working hard to reduce the backlog of cases and putting in place a new system to address broad human rights issues. Many of these changes were described earlier in this report.

It is important to step back and look at the principles and values guiding the new approach to human rights management at the Commission. A recent public study determined that Canadians are deeply committed to human rights and equality. It also found that any reform of social policy had to be based on these values.⁶

5 Among these reports are the Auditor General Report in 1998, the 2000 Canadian Human Rights Act Review Panel and reports of House of Commons and Senate Standing Committees on Human Rights, Status of Persons with Disabilities and Public Accounts.

6 "The resolution of conflicts in the rebuilding of social policy—what is desirable versus what is affordable and manageable—must be based on values.", *Citizens' Dialogue on Canada's Future: A 21st Century Social Contract*, April 2003, page 6.

Five Guiding Principles for Change

Throughout its reform process, the Commission has been guided by the following five principles. The Commission's aim is a human rights system that:

- serves the public interest;
- transforms behaviour;
- is comprehensive;
- is preventive and forward-looking; and
- is independent, impartial and ensures good governance.

The Commission has begun a change process that will take more time and involve parliamentarians, non-governmental stakeholders and other actors in the federal human rights system, before it is fully defined and implemented.

Three important points to note:

- while some of these five principles can be met within the current legislation, others will require changes to the *Canadian Human Rights Act*. Some preliminary thinking on possible amendments to the Act is offered below for consideration;
- all principles can be met in part through the Commission's own processes, but they cannot be met fully unless other parts of the federal human rights system—namely the Canadian Human Rights Tribunal and federally regulated employers and service providers—also change; and
- the Commission's new directions for human rights aim at meeting many of the same objectives of the 2000 report of the Federal Review Panel, *Promoting Equality: A New Vision*, albeit through different means.

Principle One: Serving the Public Interest

Human rights commissions serve a number of purposes.

They are there to redress discrimination against individuals but also to correct persistent patterns of inequality, prevent discrimination before it occurs, inform the public about equality and identify emerging human rights issues.



The “Catch-22” for human rights commissions is that the task of dealing with the crushing weight of individual human rights complaints means that many of these other broader purposes are not fully met. Most of the Commission’s resources are consumed in the processing of individual complaints. As a result, the other tools at the Commission’s disposal which can help transform societal behaviour—such as information, promotion, research on emerging trends and other preventive measures—receive less focus.

Choosing the Right Tool for Each Case

Due to resource constraints and judicial decisions, the Commission has, over the years, moved away from its preventive roots. Instead, it has focused almost solely on investigation and litigation to resolve human rights disputes.

Adjudication remains important for many key human rights issues, but many other human rights disputes do not always require this adversarial framework. As the Law Commission of Canada writes, the “adjudicative process is two-sided, adversarial and backward-looking. It works to produce winners and losers.”⁷ But frequently the issues that divide parties are not two-sided; they are complex. Some cases require broad systemic remedies that are not achievable at Tribunal, such as policy changes affecting an entire sector rather than just one individual respondent. Sometimes the relationship between parties is ongoing and an adversarial process might cause more acrimony and damage to the relationship.

With this in mind, the Commission has begun to implement a system which helps to restore the balance and flexibility in the tools at its disposal.

Some human rights issues will be better suited to voluntary compliance instruments, such as information, alternative dispute resolution or special reports. Others will be best addressed through enforcement instruments such as formal investigation and full Canadian Human Rights Tribunal hearings.

The aim is to allow the best solution for the specific issue at hand.

The Commission is developing a tailored approach including:

- alternatives to the formal complaints route, such as special reports to Parliament or public inquiries; and

7 “From Restorative Justice to Transformative Justice,” Law Commission of Canada, 1999, Preface.

-
- within the complaints stream, a system of triage to ensure appropriate resources and approaches are taken to the cases which will have the greatest human rights impact.

Alternatives to Complaints: Options for Change

The Commission is developing a range of non-complaint tools to address systemic human rights issues. These range from the more “inquisitorial” approaches such as public inquiries or special reports to Parliament, to more “consultative” approaches such as policy studies. Many of these instruments are already available to the Commission under its promotion mandate in the *Canadian Human Rights Act*.

In 2000, the Federal Review Panel proposed that the *Canadian Human Rights Act* and the *Employment Equity Act* be amended to allow for systemic complaints—in effect, complaints affecting groups of Canadians or involving human rights issues of broad public interest. The Commission’s triage of cases and use of non-complaint tools for systemic issues meet the underlying aim of the Panel’s recommendations, but through more effective means. Although the Panel recommended that an inquiry power be explicitly added to the *Canadian Human Rights Act*, the Commission interprets its Act as already giving it the power to undertake policy inquiries.

However, to strengthen its ability to use non-complaint tools, the Commission is proposing a number of legislative or regulatory changes, including:

- enhanced powers to gather evidence in systemic inquiries;
- a requirement that the government respond within a specified period to special reports;
- confirmation that the Commission can review parliamentary bills for consistency with the *Canadian Human Rights Act*;
- granting of a general human rights audit power to allow a constructive, non-adversarial process under the *Canadian Human Rights Act* similar to that in place under the *Employment Equity Act*; and
- a more sound statutory basis for the Commission’s information, research and policy tools.



A Tailored Approach to Cases: Triage

“Resolving discrimination . . . on a case-by-case basis puts human rights commissions in the position of stamping out brush fires when the urgency is in the incendiary potential of the whole forest.”⁸

As a public body, the Commission has an obligation to deliver solid public administration from both a resource utilization perspective and a justice perspective. Therefore, it requires a solid public administration and a complaint process which is timely and efficient. After analyzing its role, the Commission has concluded that the public interest requires that human rights bodies be able to put the greatest resources into those cases which will have the greatest human rights impact.

The Commission has identified 10 factors to allow it to do this:

- whether the complaint raises broad-based policy or systemic issues;
- whether the complaint addresses a pressing public policy concern as identified by the Commission;
- whether the complaint raises a new point of law, will settle one that remains in doubt or change legislation, policies or programs;
- whether the complaint will significantly advance the purpose of the Act;
- the degree of factual, technical or legal complexity the case entails;
- the impact on the parties;
- the potential remedy;
- whether credibility is a key issue;
- whether the evidence on the record is sufficient; and
- the similarity of facts, issues or grounds with other complaints.

These factors enable Commission staff to identify the most appropriate approach to deal with a particular case.

8 Abella Report.

A Tailored Approach to Cases: Proposed Legislative Change

The Commission interprets its Act to allow it discretion, consistent with standards of procedural fairness, to triage—or sort—cases. Some legislative or regulatory amendments to introduce further procedural flexibility include:

- legislative amendments to allow the Commission to refuse to deal with a complaint where it does not advance the purpose of the Act;
- legislative or regulatory changes to confirm more flexible investigation procedures, power to enter premises and compel witnesses; and
- enforceable time limits for various stages of case management.

Again, these are not exhaustive proposals and will be further developed through discussions with stakeholders.

The Canadian Human Rights Tribunal: Possibilities for Reform and the Problem with Direct Access

It has been recognized that the Commission's compliance and education functions had been given short shrift over the years. The Review Panel proposed a system of direct access, where the Commission's complaints-handling function would be transferred to the Tribunal, leaving the Commission free to undertake information and policy work.

The Commission sees difficulties with the direct access model. In many instances, the more litigious approach at Tribunal can drive parties farther apart, rather than bringing them to a solution. The time it takes to bring a complaint from initial filing to final decision at Tribunal can be both lengthy and costly—a fact which raises both efficiency and justice concerns. The remedies needed to address systemic issues cannot always be easily arrived at through the Tribunal process. In other words, although there will always be a need for the Tribunal in a human rights system, not all human rights complaints can be best resolved through the Tribunal. Many types of complaints are better resolved earlier and through other means.

Even under the current system, there are elements of the Tribunal process that, in the Commission's view, need reform in order to better serve the public interest. The Tribunal process has become increasingly formal, cumbersome and costly through the years. As a result, many cases which are relatively straightforward become protracted over several days or weeks, frequently over a period of months. It is important that the Tribunal consider more effective and efficient means of conducting its inquiries as is contemplated by the legislation.



This raises justice concerns as well as efficiency concerns. The more complex the procedures, the higher the cost to the parties and to the taxpayer. For instance, a complaint which is resolved through alternative dispute resolution at the Commission costs roughly \$4,000. A case which proceeds all the way to the Tribunal likely costs close to \$100,000, including costs to the Commission, to the Tribunal and to the parties involved. In terms of delivering timely and fair justice, and in terms of ensuring an affordable and therefore sustainable system, the Tribunal is not always the best approach to resolving human rights complaints.

Parliament may wish to consider amendments to the legislation to make the Tribunal more accessible. These could include allowing for greater use of non-adversarial procedures already in place in other administrative tribunals, such as case streaming, expedited procedures and use of technology. Parliament might also consider taking up some form of the proposal made by the Federal Review Panel that legal assistance or duty counsel be made available at Tribunal. The Canadian Human Rights Commission has concluded an administrative Memorandum of Understanding with the Tribunal to discuss possible improvements to procedures in both bodies.

Principle Two: Transforming Behaviour

Putting the “Human” Back into Human Rights

Discrimination is something that is lived and felt by Canadians in their daily lives. A person with a disability has to ask a stranger for help with a bank machine if the machine is too high to reach from a wheelchair. A woman is sexually harassed by her manager at work. An Aboriginal person is denied a job because of his race. A visible minority member is singled out for differential treatment.

A human rights system needs to be able to answer two simple questions to be credible and effective: What does the victim of discrimination need to begin healing? And what will make the person or the organization responsible for discrimination change its behaviour?

The traditional reaction of the Canadian Human Rights Commission and other similar bodies has been to turn to formalized processes to resolve human rights issues— investigation, an adversarial process before a tribunal and binding, formal remedies.

However, formalized processes are not the only way, and often not the best way, to deliver what is just, fair and timely.

The primary goal of a public body like the Canadian Human Rights Commission should be to establish what is and is not acceptable behaviour under the *Canadian Human*

Rights Act. Then, the Commission should work with all parties to find the best way to repair the damage, deal with the issues that led to the discrimination and ensure it does not happen again.

Procedures have to be highly flexible and creative. They have to allow for the active participation of complainants and people responsible for discrimination in finding solutions. They have to be accessible. They should include a range of remedies to repair the harm done to the individual and to address the root causes that led to the discrimination in the first place. Processes need to encourage the development of respectful relationships among the parties.

Alternative Dispute Resolution

Current Situation

Under the Commission's new approach to human rights, the focus is on finding solutions that are better able to resolve human rights issues and restore dignity. This idea is at the heart of the Commission's approach to alternative dispute resolution (ADR), described in the section *2003: A Year of Change and Results*.

Proposed Legislative Change

The Commission has already taken a number of steps over the past year to strengthen its alternative dispute resolution capacity and to ensure that the public interest is met throughout the ADR process. Areas for possible legislative, regulatory or policy change include measures to make the processes more efficient and effective, such as:

- binding timelines for conciliation;
- encouraging the development and use of internal ADR mechanisms consistent with human rights in federal departments, agencies and Crown corporations, and federally regulated companies; and
- introducing the option of binding arbitration.

Principle Three: A Comprehensive System

For a national human rights system to be credible, it must be available to *all* Canadians who suffer discrimination. This has been recognized by Parliament as, over the years, the meaning of discrimination has expanded to include new groups and new grounds.



Aboriginal People: There are still groups of Canadians who do not have access to human rights protection at the federal level. In 1977, when the *Canadian Human Rights Act* was first introduced, an exception was included in the legislation preventing Aboriginal people who have suffered discrimination under the *Indian Act* from filing complaints (s. 67). This means that government action or action by band councils which flows from powers in the *Indian Act* are exempt from scrutiny by the Canadian Human Rights Commission and the Canadian Human Rights Tribunal. Aboriginal people are the only people in Canada who do not have full access to a human rights complaint mechanism when they encounter discrimination. Until the exemption in section 67 of the Act is amended, they will continue to be unable to file the same range of human rights complaints as all other Canadians.

Social Condition: There are also other gaps in the legislation that the Commission proposes be filled. Chief among them is the addition of “social condition” as a ground of discrimination. Since 1976, when Canada ratified the International Covenant on Economic, Social and Cultural Rights, the government has had an obligation to look at poverty as a human rights issue. In many respects, Canada has fallen short in meeting this duty. The United Nations Committee on Economic, Social and Cultural Rights has commented on the persistence of poverty in our country for particularly vulnerable groups and has called on Canada to “expand protection in human rights legislation . . . to protect poor people . . . from discrimination because of social or economic status.”

The Commission is therefore proposing that Parliament consider adding the ground of “social condition” to the *Canadian Human Rights Act* to respond to this need. Most provincial human rights codes include grounds related to poverty, such as “social condition” or “source of income.” The idea is that a person’s social condition must not be used to discriminate against him or her. For instance, financial institutions may assume that all people who have low paying jobs are an unacceptable risk for a loan. Or, an employer may impose unnecessary job requirements that deny employment to capable people who have low literacy skills as a result of their social disadvantage.

In the past, it has been proposed that “social condition” be added to the list of prohibited grounds of discrimination in the *Canadian Human Rights Act* (CHRA). In addition, the CHRA Review Panel recommended a number of other precisions to the grounds, including clarification of the definition of disability, prohibition of mandatory retirement and the addition of gender identity, among others. It was also proposed that references to international human rights standards be added to the preamble and that the Commission be given the mandate to report on the government’s domestic implementation of its international human rights treaty obligations. The Commission supports these legislative changes.

Principle Four: A Preventive and Forward-Looking System

Prevention: Future Directions

The Commission is committed to a broader strategy of prevention that seeks to work with the major respondents and assist them in putting in place a culture of human rights in the workplace. The Commission is proposing that departments and other federal entities should ensure that their internal responsibility systems dealing with conflicts in the workplace are consistent with human rights. The CHRA Review Panel, in its proposals regarding internal responsibility systems, suggested that a number of elements be in place. These include policies and programs to promote equality, training for all managers and employees, monitoring and documenting of equality issues, liaison with the Commission and other bodies, and management-labour cooperation to ensure the balance and independence of the internal process.

In addition to internal responsibility systems, employers should train managers and employees, and ensure strong workplace policies and awareness of human rights standards and remedies to prevent human rights abuses. The Commission is currently designing a human rights prevention function which will assist employers in this regard.

A Forward-Looking System: Options for Change

A primary objective of human rights legislation is to change persistent patterns of inequality and identify emerging human rights issues. It has been recommended that the Commission should improve its ability to provide qualitative information about the state of human rights in Canada. All of these recommendations point to the need to improve the Commission's policy research capacity.

The Commission's new approach to human rights is guided by a desire to strengthen the information and voluntary compliance functions. Many of the policy inquiries and studies mentioned above will fulfil the purpose of identifying emerging and pressing human rights issues. Options for new policy tools include the development of human rights impact analysis to allow the Commission, Parliament and other stakeholders to assess the human rights effect of new government initiatives or legislation. Other options include a periodic report on the state of human rights in Canada by developing human rights indicators to allow assessment of progress.



Principle Five: Ensuring Good Governance

Independence and Impartiality

Current Situation

Part of the mandate of the Canadian Human Rights Commission is to ensure that all employees and recipients of services under federal jurisdiction have access to a system for resolving human rights complaints. As a result of its complaint and audit activities, the Commission is often involved in proceedings where the federal government is a party. In fact, over 50% of signed complaints received by the Commission name a federal department, agency or Crown corporation as the respondent. In addition, the Commission appears before parliamentary committees and other bodies to comment on proposed government legislation and programs.

The independence of the Commission is key. The UN Principles Relating to the Status of National Institutions for the Protection and Promotion of Human Rights (*Paris Principles*) guarantee the independence and impartiality of national human rights institutions. The concern in Canada is that the relationship between the Commission and government is structured in a manner which can raise perceptions of conflict.

The lawyers who represent the federal government before the Canadian Human Rights Tribunal come from the Department of Justice. This is the same department that approves Commission budgets and Treasury Board submissions. It is also the Department of Justice that is responsible for proposing amendments to the *Canadian Human Rights Act*. The Treasury Board is the official employer of all public servants and is implicated in many cases dealing with employment in the public service. The Treasury Board is also the central agency that oversees the Commission's budget and mandates our reporting requirements. Audits carried out under the *Employment Equity Act* often challenge policies and programs for which the Treasury Board is responsible.

The governance issue is clear—the Commission must often be critical of the government, even opposing it before tribunals and courts. The Commission is not, like a federal department, an instrument of government policy. This calls for a much different system of responsibility and accountability.

Options for Change

The Commission believes that the solution is to strengthen the relationship between it and Parliament in terms of financing and reporting. A strong relationship with Parliament will help to enhance the Commission's independence while ensuring

accountability. It will also help to address the “democratic deficit” by increasing Parliament’s engagement in the Commission’s mandate. Other federal agencies, such as the Office of the Auditor General and the Office of the Chief Electoral Officer, have arrangements that ensure a closer relationship with Parliament. The Commission believes that many of these provisions could apply equally to this organization and doing so would strengthen overall human rights governance.

Coherent Governance

Current Situation

A related issue is the coherence of the overall human rights governance structure. The *Canadian Human Rights Act* is a fundamental and quasi-constitutional law. It enshrines basic rights that are fundamental to Canadian democracy. Where there is conflict between the Act and other legislation, the Act has primacy. It is therefore important to ensure that the mandate of the Commission is not unduly encroached upon by other agencies or tribunals.

Otherwise, the federal government could develop a patchwork of human rights standards. Depending on which body is interpreting them, the specialized knowledge of the Canadian Human Rights Commission and the Tribunal would not be brought to bear on human rights disputes and the independence of the Commission would be diminished.

Increasingly, however, the Commission has noted examples of other federal agencies making determinations that, in whole or in part, touch upon fundamental issues of human rights. These decisions are not always made according to the same standards and jurisprudence that would be applied by the Commission or the Tribunal.

Options for Change

The Commission does not believe it should have exclusive jurisdiction over all matters dealing with human rights. Specialized bodies have an important role. The point is to ensure that there is an overall coherence with regard to the protection of human rights. The Commission sees two options to ensure overlap is reduced and coherence enhanced:

- Parliament may wish to consider amending the *Canadian Human Rights Act* to ensure that the Commission has the opportunity to take jurisdiction, if necessary, to advance human rights when fundamental issues relating to the interpretation of the Act are raised in other fora; and





- the Commission will continue to work with other regulatory bodies, federal departments, agencies and Crown corporations, and federally regulated employers to enhance partnerships, through Memoranda of Understanding such as those concluded with the Clerk of the Privy Council and the Canadian Transportation Agency, to promote implementation of human rights standards.

Conclusion

At this stage, the ideas for legislative change set out above are presented as options only. More conversations with stakeholders and with Parliament are required before they can be fully defined. The Commission's aim is to build a system that serves human rights better: one that meets many of the underlying objectives of the 2000 CHRA Review Panel, *Promoting Equality: A New Vision*, but in a manner which avoids many of the pitfalls of the direct access claims model.

Biographies of Commissioners

Mary M. Gusella

Mary Gusella was appointed Chief Commissioner on August 7, 2002. A member of the Bar of Ontario, she obtained her LLB from the University of Ottawa. She also holds a certificate from the Canadian Securities Institute and has completed courses in negotiation and mediation in the Professional Instruction for Lawyers Program at Harvard Law School. In her three decades in the Public Service of Canada, Ms. Gusella served in many senior level positions including that of Deputy Minister of Multiculturalism and Citizenship, President of the Atlantic Canada Opportunities Agency and Chairman and President of Enterprise Cape Breton, Commissioner of the Public Service Commission, Head of The Leadership Network, and the Canadian Chair of the International Joint Commission. Ms. Gusella's major areas of expertise and professional interest are organizational change, people management and innovation. She has served on the Board of Trustees of the National Film Board of Canada, on the Board of Directors of the Institute of Public Administration of Canada and as President of that institute in 1999–2000.

Anne Adams

Anne Adams of Montréal joined the Commission in 1999. She holds a BA from the University of Montréal and a Masters in industrial relations from Queen's University. She is a bilingual and bicultural Canadian who, during her career in the public service of Canada, worked to advance the cause of women's rights and human rights at home and abroad. She developed the women's employment policy for Canada and managed the implementation of the *Employment Equity Act* and the Federal Contractors Program in the Quebec Region. As Executive Director of the Canadian Human Rights Foundation, she went on to develop a very successful international human rights training program. In 1992, Ms. Adams received the Commemorative Medal for the 125th Anniversary of Confederation in recognition of these efforts. She has served on a number of boards of trade and boards of directors of community organizations, including la Fédération des femmes du Québec. Since 1998, she has served as president of FRAPPE (Femmes regroupées pour l'accessibilité au pouvoir politique et économique). In 1996, she launched AEA Strategies and Development Inc., specializing in employment equity and international development.





Robinson Koilpillai

Robinson Koilpillai, C.M., has been a member of the Commission since 1995. An educator, school principal, and community volunteer, Mr. Koilpillai has served as Chairman of the Alberta Cultural Heritage Council, President of the Alberta Council for Global Cooperation, Executive Member of the Canadian Council for International Co-operation, and President of the Canadian Multicultural Education Foundation. 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 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 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 persons with disabilities and for legal professionals interested in disability rights issues.

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 people. In addition, Mr. Russ represents Aboriginal people in the fields of child protection and family law.