



Mission Statement and Goals

The Saskatchewan Human Rights Commission promotes and protects the individual dignity, fundamental freedoms and equal rights of all members of the human family.

The Commission's goals, derived from *The Saskatchewan Human Rights Code*, are to:

- Discourage and eliminate discrimination;
- Investigate and resolve discrimination complaints quickly and effectively;
- Support and seek remedies for individuals and groups who suffer discrimination;
- Promote, approve and monitor equity programs;
- Promote research and education strategies to advance the principles of equality and diversity, and to encourage understanding of human rights issues;
- Promote leadership on human rights related public policy development and implementation; and
- Promote advances in human rights legislation and protection.

Letter of Transmittal

June 30, 2007

The Honourable Frank Quennell, Q.C.
Minister of Justice
Legislative Building
Regina, Saskatchewan
S4S 0B3

Dear Minister Quennell,

In accordance with section 49 of *The Saskatchewan Human Rights Code*, it is my privilege to submit to you the 2006-2007 annual report of the Saskatchewan Human Rights Commission.

This report reflects the activities of the Commission from April 1, 2006 to March 31, 2007.

Sincerely,



John C. Hill
Chief Commissioner (Acting)

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Highlights and Current Issues

2006-2007 was a busy year for the Commission, which made significant progress in service delivery and brought some long-term projects to fruition.

The Commission continued to improve the complaint process by reducing the average length of mediations and investigations from 10 months to eight months, encouraging the settlement of complaints, and using the flexibility of the complaint process to fast-track more files. The Commission was also very active in the litigation of complaints, including some high-profile and complex cases.

With the help of additional funding, the Commission completed the rebuilding of its Public & Special Programs Unit by hiring a full-time Education & Equity Advisor in the Saskatoon office. This made it possible for the Commission to implement its new equity program and re-establish its public seminar series. The Commission also hired a Policy Analyst & Researcher who will work with all units to improve their efficiency and effectiveness. The Commission continued to work in partnership with a variety of government agencies and community organizations to achieve common goals. This approach has allowed the Commission to stretch its resources while supporting the work of others.

New Equity Program for SHRC

The Commission's new Equity Program was launched in Regina and Saskatoon in early 2007. The events brought together equity partners from around the province, giving them an overview of the new program and its shift in focus from regulation and monitoring to support and capacity building. The Commission used the launch as an opportunity to release the report, *Working Together*, which provides an overview of the Commission's new equity program, its history, and the community consultation that guided its development.



Mel Grosse, Employment & Compensation Manager, City of Saskatoon, and Commissioner Mike Bacon at the new Equity Program launch in Saskatoon.

Legal Highlights

The Commission continued to be very active in human rights litigation. Milton Woodard, Senior Staff Solicitor, left the Commission in April 2006 after more than 25 years of service. His replacement, Janice Gingell, was welcomed to the Commission in May.

In 2006-2007, Tribunal and court decisions clarified human rights law with regard to a number of important issues. These decisions are summarized in a later section of this report. In keeping with the dominance of complaints concerning employment, many decisions involved discrimination in the workplace. One decision addressed an employer's duty to accommodate an employee's family status and her parental obligations; two upheld the right of an employee to return to work following maternity leave; and another addressed employer liability for sexual harassment by employees. Two employment decisions involved discrimination because of ancestry: in one case, an immigrant from Eritrea was subjected to escalating harassment in the workplace; in the other, four non-Aboriginal employees were chosen for layoff because of their ancestry.

Tribunal and court decisions also considered the impact of school discipline policies upon children with disabilities, the provision of public transportation services to persons with disabilities, the responsibility of unions as well as employers for discriminatory seniority systems, and the Commission's authority to refer complaints to the Saskatchewan Human Rights Tribunal for adjudication. An emerging line of Saskatchewan cases is exploring the proper balance between protections against discrimination because of sexual orientation and the right to religious freedom and expression.

Public Education Seminar Series Launched

The Commission presented half-day seminars to audiences in Saskatoon, La Ronge, Regina, and Prince Albert in February and March 2007. The seminars drew an impressive number of participants who wanted to know more about the prohibited grounds of discrimination covered by the *Code*, the complaint process, the duty to accommodate, and harassment prevention.

SaskRights Returns

The Commission launched a new, electronic version of *SaskRights* in March 2007. The newsletter picks up where the previous, print version left off six years ago. It will cover events, settlements of note, and human rights issues, and will be published quarterly.

Aboriginal and Northern Outreach

Building human rights awareness and providing greater access to services in northern Saskatchewan was one of the Commission's priorities in 2006-2007.

In May 2006, the Chief Commissioner and several Commission staff members attended the New North Justice Symposium in Prince Albert. New North is an entity of 35 northern communities which have organized to advocate, negotiate and initiate improvements with the provincial and federal governments to enhance the quality of life for northern people. The Chief Commissioner, the Children's Advocate and the Ombudsman hosted a "meet and greet" reception at the Symposium to talk with delegates about ways of improving services. The reception resulted in plans for three trips north.

The first trip took place in October 2006, when representatives of the three organizations, including agency heads, traveled to the north-central communities of La Ronge, Pinehouse Lake and Meadow Lake. The next trip took place in December with representatives visiting the north-west communities of La Loche, Buffalo Narrows, Ile à la Crosse and Beauval. These trips involved meetings with community members, community-based organizations and government representatives to familiarize them with the mandate and role of each organization. The meetings provided a forum for discussing ways in which the three agencies can provide greater access to their services. In Buffalo Narrows, representatives took part in a radio talk show to promote the event. Further plans are underway to visit communities in north-east Saskatchewan and the far north in 2007-2008. The three organizations also attended the November 2006 New North annual general meeting in Prince Albert to further raise the profile of each agency.



Agency representatives in Buffalo Narrows

The Commission took steps to improve its educational services to the north in 2006-2007. In addition to Commission representatives attending northern events where they were able to provide displays and distribute public education materials, the Commission chose Prince Albert and La Ronge as two of the four locations for its public seminar series.

Saskatchewan gets ready to end mandatory retirement

On November 7, 2006, the Government of Saskatchewan announced proposed amendments to *The Saskatchewan Human Rights Code* to end mandatory retirement. The *Code* currently defines “age” as “any age of 18 years or more but less than 65 years,” restricting protection from age discrimination to those persons between 18 and 64. The bill strikes out the words, “but less than 65 years.” The Commission received 18 complaints of age discrimination because of mandatory retirement during 2006-2007.

The Commission began recommending the elimination of the restrictive definition of age over 10 years ago, because it is inconsistent with the *Canadian Charter of Rights and Freedoms*. The Commission believes the amendments will be positive for persons not ready to retire at age 65, including those who have entered the workforce later than others, women who have taken time away from the workforce to raise children or who have experienced wage inequity while they were employed, and those who simply cannot afford to retire. With the proposed amendments, Saskatchewan will join the majority of Canadian provinces that no longer allow mandatory retirement based solely on age.

Coalition of Municipalities Against Racism and Discrimination

Racism continues to be a challenge facing the province of Saskatchewan. In 2006-2007, 24.6% of complaints to the Commission involved discrimination based on ancestry, which includes Aboriginal ancestry, nationality, place of origin, race, perceived race, and colour. One of the ways the Commission addresses this challenge is through the Coalition of Municipalities Against Racism and Discrimination. The Commission has been involved with this UNESCO initiative since 2005 and published a booklet this year for Saskatchewan municipalities which outlines how they can become involved. It provides a 10-point plan of action municipalities can use to counter racism, as well as a model declaration for mayors wishing to commit their municipality to the Coalition.



Resolving Complaints

In 2006-2007, the Commission received 2,875 inquiries and opened 175 complaint files.

Mediations and Investigations

In 2006-2007, the Mediations & Investigations Unit continued to:

- reduce the average length of mediations and investigations;
- prevent a backlog of unassigned investigations; and
- fast-track more files using the flexibility of the process in the *Code*.

As in 2005-2006, the Commission closed more complaint files than it opened, thereby improving the currency of active files.

The Mediations & Investigations Unit made headway in identifying complaints of a systemic nature and began looking at approaches to dealing with these cases. For this reason, the Commission encourages complaints where the outcome will have the largest impact for the greatest number of people.

In 2006-2007, the settlement of complaints was the preferred option to the investigation and litigation process for respondents and complainants alike. As a result, intake consultants, mediators, and investigators dealt with settlement files as a regular part of their work.

Settlements are an option at every stage of the complaint process and are undertaken through mediation, facilitation, conciliation, and talking circles. The conciliation process, which was introduced as part of the complaint process last year, occurs after an investigation has been concluded and there is a clearer picture of the merits of a complaint. Faced with the uncertainties and inconvenience of a Tribunal hearing, the parties are encouraged to consider settling the complaint after being provided with an assessment of the likely outcome were the matter to proceed to adjudication. Successful conciliation avoids unnecessary time delays and the costs of a hearing. Nine complaints were referred to conciliation by the Chief Commissioner this year with varying results.

Like other parts of the justice system, the Commission has been seeking alternative dispute resolution methods which are culturally appropriate for Aboriginal persons. The Commission has experimented with talking circles which bring together a circle of people under the guidance of an elder to share information on a problem, and endeavour to find a resolution. The circle addresses psychological issues, as well as procedural and structure issues, in order to restore balance and harmony in the community or workplace.

The Commission can defer action if the Chief Commissioner believes an alternative process, such as a union grievance, would be more appropriate. In 2006-2007, the Chief Commissioner deferred nine complaints pending a grievance proceeding under a collective agreement.

Complaint Trends

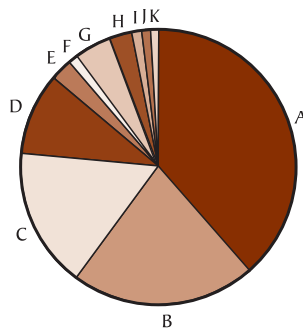
In 2006-2007, allegations of discrimination in employment (71.2% of all allegations) continued to dominate the statistics.

Approximately 36% of all allegations involved mental or physical disability. Allegations of discrimination based on sex (22%) and ancestry (20%) accounted for the next largest groups.

Eighteen complaints of age discrimination were directly linked to the issue of mandatory retirement. Women continued to be at risk of being discriminated against in pregnancy, with allegations of discrimination based on pregnancy increasing from 16 to 20 (25%) over last year.

Goals for 2007-2008

- Continue to streamline the investigation process to eliminate unnecessary delays.
- Review the complaint process to ensure that there are no obstacles existing for certain groups trying to access the system.
- Review our settlement program with a view to determining what process works best for the clients we serve.



Grounds of Discrimination

| | | |
|---|-------------------------------|-------|
| A | mental or physical disability | 36.3% |
| B | sex | 22.1% |
| C | ancestry | 20.3% |
| D | age | 10.4% |
| E | religion | 2.3% |
| F | marital status | 0.9% |
| G | family status | 2.8% |
| H | sexual orientation | 2.3% |
| I | receipt of public assistance | 0.5% |
| J | retaliation | 0.9% |
| K | other | 0.9% |

Settlements

In 2006-2007, 29.4% of dispositions were settlements. In comparison, only 8.0% of cases were referred to a Tribunal hearing for resolution.

The following is a sample of settlements reached in 2006-2007.

Ancestry

Shoe store complaint results in educational sensitivity training

An Aboriginal man and his son were denied entry to a shoe store by a store representative who said that company policy gave her the authority to deny persons entry without giving any reason. The complainant alleged that the store had discriminated against him because of race or perceived race. Settlement of the complaint included paying the complainant \$5,000 as compensation and providing an educational sensitivity training session to all employees at that location on issues related to racial discrimination and the provision of public services.

Marital Status

Husband and wife are terminated by company at same time

When the chief executive officer of a business was terminated, his wife was also fired but without cause. The complainant alleged that she was discriminated against because of her marital status and accepted \$10,000 in settlement of the complaint. The respondent also agreed to post an anti-discrimination policy on its premises.

Disability

Employer agrees to accommodate employee and pay \$12,000 in lost wages

A woman with a mental disability stemming from a physical disability alleged that her employer refused to accommodate her when it refused her request to work continuous night shifts. In settling the complaint, the respondent agreed to pay the complainant \$12,000 for lost wages and other benefits, as well as \$5,000 compensation. The respondent agreed to accommodate the complainant by allowing her to remain on night shifts, and will continue to offer her overtime shifts. Should the complainant wish to change the accommodation set forth in the settlement agreement, she must undergo a medical examination and functional capacity evaluation to determine if such accommodation is reasonable.

Complaint by blind man with guide dog prompts taxi company to develop and implement a service animal policy

A blind man alleged he was refused taxi service at an airport by three taxi drivers because his service dog was not in a carrier. In settling his complaint of discrimination in the provision of a public service, the corporate respondent developed and implemented an updated Service Animal Policy and placed window stickers in all taxi cabs indicating "Service Dogs Welcome." They also agreed to pay the complainant \$1,500 as compensation for injury to feelings.

Employer responsibilities in the accommodation of contract workers examined

An employee who worked on contract with the same employer for a number of years was terminated from his position while undergoing chemotherapy for cancer. The respondent refused to accommodate the complainant, believing it was not required to do so due to a breach of contract. However, in this case the verbal contract was continuous, "renewed" each year, and still existed at the time the contractor fell ill. By replacing the complainant and giving the replacement a higher salary for the same job, the respondent indicated the ongoing value of the position, which further supported the complainant's claim that he should have been accommodated. In settling

the complaint, the respondent agreed to pay the complainant \$8,356 as compensation and to provide him with a letter of reference based on his merits. The respondent also provided the complainant with a letter of regret in acknowledgement of injury to self-respect, and developed an accommodation in the workplace policy to promote human rights awareness among its employees.

Failure to accommodate employee with disabilities results in substantial settlement

A man with physical disabilities who took two medical leaves was demoted while on the earlier leave. He was then terminated while on the later leave when the organization was reorganized and his position eliminated. The employee alleged that his disabilities were the cause for the demotion and termination, and that his employer should have accommodated his disabilities by allowing him to return to work. In settling the complaint, the respondent agreed to pay the complainant \$43,078 in compensation.

Injured employee settles disability complaint for \$14,000

When an employee injured his back while on the job, he took a medical leave and received Workers' Compensation Board (WCB) benefits. In a letter to WCB, however, his employer questioned the legitimacy of the claim, alleging that the employee was embroiled in some workplace issues and that his injury was related to an earlier non-work-related condition. When he was ready to return to work, the employee was accommodated with a graduated return-to-work program, doing marginally meaningful work for up to four hours per day. After a series of assessments, WCB accepted the allegations that his condition was not related to the specific workplace injury and his WCB claim was discontinued. The employer then terminated the complainant, saying they couldn't afford to keep him on. They paid him for two weeks in lieu of notice, although *The Labour Standards Act* recommends four weeks. In settling, the respondent agreed to pay the complainant \$1,000 in dental benefits, and a severance payment of \$13,000.

Accessible parking for persons with disabilities at root of human rights complaint

A woman whose physical disability makes it hard for her to walk long distances filed a complaint when her employer failed to accommodate her with an accessible parking stall. The complainant was forced to repeatedly move her car in time-limited parking lots or to park a considerable distance from her job, both of which exacerbated her condition. In settling the complaint, the employer agreed to pay the complainant \$2,500 in compensation and revised its parking policy in consultation with her. The company which manages the parking lot paid her \$2,000 in compensation and the parking lot owners paid her \$500.

Sexual Harassment

Company which failed to protect employee from sexual harassment develops structured process for responding to future complaints

A female employee of a transportation company alleged she was subjected to unwanted attention of a sexual nature by one of her supervisors. She complained to the human resources department but no action was taken. This led her to confronting the supervisor, after which he began making her working conditions increasingly difficult. After she was denied a position she applied for, the complainant began to believe that reporting the incidents was a factor in denying her the job. She resigned from her position as a result. In settling the complaint, the complainant agreed to accept \$3,000 as compensation. The respondents also agreed to enhance their harassment policy to include a structured process for responding to complaints of sexual harassment.

Disability and Sex

Employer fails to protect female employee from sexual harassment and to accommodate disability sustained at work

A female employee alleged that her employer discriminated against her on the basis of both disability and gender when she was terminated without just cause. She alleged that the employer used an injury she had sustained on the job as an excuse for terminating her rather than accommodating it as a disability. The employee also alleged that she was subjected to sexual harassment from one manager over a period of time, and to sexist remarks from the next manager. In settling the complaint, the corporate respondent agreed to pay the complainant \$5,500. The corporate and individual respondents each agreed to comply with the anti-discrimination and anti-harassment policies recommended by the Occupational Health and Safety Branch of Saskatchewan Labour and to make copies available to all staff.

Family Status

Woman is terminated for staying home to look after sick child

A parent who was terminated from her job after she stayed home to take care of her sick child alleged that she was discriminated against on the basis of family status. In settling the complaint, the complainant agreed to accept \$3,000 as compensation. The respondent agreed to declare that it has a written policy against discrimination and harassment in its workplace, adheres to the policy, makes it available to all employees, and keeps a copy of the policy posted where all employees can access it.

Sex (Pregnancy)

Woman terminated from new position after disclosing pregnancy

Within hours of accepting a job offer, a woman learned she was pregnant. When she called to let her new employer know, the job offer was withdrawn. After the employee filed a complaint with the Commission, alleging she had been discriminated against because of her pregnancy, she was reinstated. The company kept her on for less than one month before terminating her due to an alleged company restructuring. In settling the complaint, the respondents agreed to pay the complainant \$5,000 in lost wages and \$2,500 for injury to feelings. The respondents also agreed to adopt an anti-discrimination policy and to create awareness of the policy in the workplace.

Employee fired during pregnancy settles complaint for \$7,000

Shortly after an employee informed her employer that she was pregnant, she was terminated from her job. She complained that her pregnancy was a factor in the decision to terminate her and that this constituted discrimination on the basis of sex (pregnancy). In settling the complaint, the complainant agreed to accept \$7,000 as compensation. The respondent also agreed to provide a job reference.

Sexual Orientation

Employer agrees to implement anti-discrimination policy after gay employee is harassed by co-worker and terminated

After a gay man disclosed his sexual orientation to a co-worker on his first day of work, his co-worker pursued the subject in a negative manner, at which point the new employee suggested they drop the subject. Shortly thereafter, his employer approached him and accused him of creating strife among the staff. Realizing that his employer was uncomfortable with his sexual orientation, the complainant asked if he should leave and his employer agreed. In settling the complaint, the complainant agreed to accept \$5,923 as compensation. The respondents agreed to adopt and implement an anti-discrimination policy to be posted in the staff rooms of all Saskatchewan businesses operated by them, and to be included in the orientation of current and future employees.

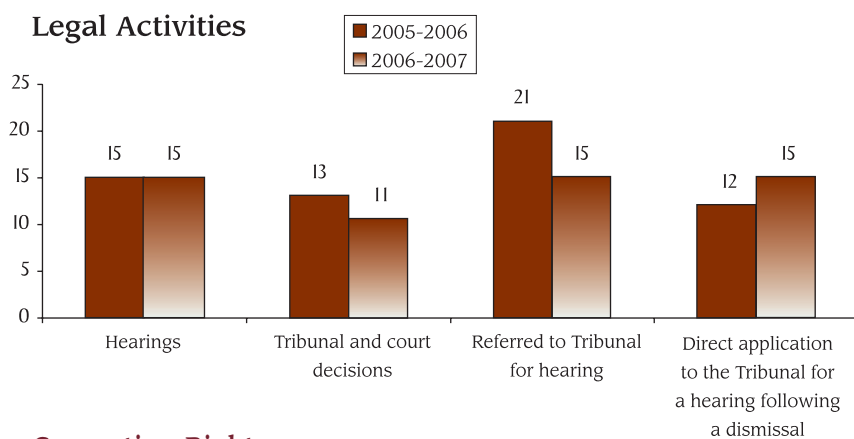
Tribunal and Court Decisions

The Commission participated in 15 hearings in 2006-2007.

As the independent provincial agency responsible for receiving complaints of discrimination under *The Saskatchewan Human Rights Code*, the Commission is authorized to receive and attempt to resolve complaints of discrimination. It does not have the statutory authority to order remedies to a human rights complaint or to penalize a person who has violated the *Code*.

If a complaint has merit but a settlement cannot be reached, the Chief Commissioner will refer it to a hearing before the Saskatchewan Human Rights Tribunal, an independent, quasi-judicial provincial body. The complainant may be represented at the Tribunal by the Commission's legal counsel. The Tribunal determines whether a violation of *The Saskatchewan Human Rights Code* has occurred and may order remedies.

A complainant may ask a Tribunal to review a complaint that has been dismissed by the Chief Commissioner. The Tribunal assesses the evidence gathered by the Commission and may decide to order an inquiry. This provision balances the Commission's role as "gatekeeper" in receiving and resolving complaints of discrimination. In 2006-2007, two of the 15 decisions that were appealed to Tribunal proceeded to a hearing.



Balancing Competing Rights

In 2006-2007, human rights cases continued to explore the proper balance between protections against discrimination based on sexual orientation and the right to religious freedom and expression. We await the Tribunal decision in *M.J. v. Orville Nichols*, a case in which a marriage commissioner declined to perform a civil marriage ceremony because same-sex marriages conflicted with his religious beliefs. The Commission and the Government of Saskatchewan argued that Nichols was not an employee of the government who should be accommodated, but a state official who had been appointed to conduct non-religious marriages. As such, he was obligated to perform marriages for all persons who met the criteria to be married. The case was heard by the Tribunal in January 2007.

This balance in *Code* protections was also examined by the Court of Appeal for Saskatchewan in *Hellquist and Dodds v. Hugh Owens*. Hugh Owens, a Christian who believes homosexuality to be a sin, responded to an advertisement in the *Saskatoon Star Phoenix* for gay pride week by publishing an anti-homosexual ad in the same newspaper. The ad consisted of references to four Bible passages that suggested, among other things, that homosexuals should be put to death. The passages were accompanied by an equal sign

and two stickmen holding hands with a “not-permitted” circle superimposed over the figures. Three gay men complained that this advertisement was contrary to s. 14 of *The Saskatchewan Human Rights Code*. A Human Rights Board of Inquiry found that Owens’ advertisement did contravene s. 14 of the *Code* and the Court of Queen’s Bench upheld that finding. Owens appealed the matter to the Court of Appeal, which found that the advertisement, properly considered in its full context, did not offend the *Code*. Rather, the Court found that Owens’ advertisement was his position on a subject which is a continuing public policy debate, rather than a message of hatred or ill will, and that the lower court had erred by failing to consider this wider context.

The related case of *Whatcott v. Komar, Taylor, Wallace and Hamre* provided another opportunity to examine the limits of religious freedom and expression. Whatcott has appealed a Tribunal finding (May 2005) that flyers he printed and distributed violated section 14 of the *Code*. The Tribunal held that the flyers deprived gay men and lesbians of their dignity and exposed them to hatred. The Tribunal decision was made prior to the Court of Appeal decision in *Owens*. Whatcott argued, on appeal to the Court of Queen’s Bench, that the material contained in the flyers was a reflection of his religious beliefs. He said that freedom of religion and expression encompasses the right to openly declare one’s beliefs. The Commission argued that the flyers, properly analyzed, amounted to “hate propaganda” and as such should not attract constitutional protections. The appeal was heard in November 2006. No decision has yet been rendered.

Tribunal Decisions

Discriminatory Effect of School Discipline Policies

September 14, 2006

Mahussier and Mahussier, v. the Prince Albert Roman Catholic School Division No. 6

In accordance with a school’s discipline policy, a child with a serious intellectual disability was suspended for using profanity in the classroom. The child’s disability made it difficult for him to understand that such language was inappropriate and his parents complained that the suspension for behaviour related to the child’s disability was discriminatory. The parents alleged that the school failed to accommodate their son’s disability and thus interfered with his right to receive full educational benefits. In its decision, the Tribunal noted that the respondent school board had made extensive efforts to accommodate the child and had not simply pursued a suspension-alone strategy to deal with the child’s behaviour. It determined that, due to a breakdown of the relationship between the parents and the school, continued efforts to come up with more effective accommodations could not move forward. The Tribunal dismissed the complaint, a decision which has been appealed by the Commission.

Accommodating Family Status in the Workplace

September 18, 2006

Palik v. Lloydminster Public School Division

Sandra Palik sought a two-day leave of absence from her job as a teaching assistant in order to accompany her 14-year-old son to a hockey tournament. Her son is an insulin-dependent diabetic. She feared that he could not independently monitor his blood sugar, diet and insulin needs. The policy of the school division was to discourage staff and students from being away from school for athletic events scheduled during school hours. Palik chose to accompany her son to the tournament despite the lack of permission. Subsequently, she was terminated from her employment for unauthorized absence. Palik’s complaint alleged that her workplace discriminated against her by failing to accommodate her family status. The Tribunal dismissed the complaint, stating that parental obligations must be assessed on an objective basis. The test for determining a “substantial parenting obligation” is to be based upon how a reasonable, informed person would assess the need. There is a spectrum of parental obligations, and what is reasonable for a young child may not be necessary for an older child. The Tribunal found that it was not essential to the child’s well being that he attend the tournament. It also determined that another adult could have attended to his health needs.

Sex Discrimination in the Workplace: Failure to Return an Employee to her Job or a Comparable Job Following a Maternity Leave

December 29, 2006

Phillips v. Distinctive Vertical Venetians Mfg. Ltd.

Roxie Phillips was employed by the respondent performing bookkeeping tasks prior to commencing a maternity leave. While on leave, her work was done by a replacement she had trained. When Phillips contacted her employer regarding her return to work date, she was told that her job had changed and that because business was slow she might not have a job to return to. Phillips notified her employer in writing of her intention to return to work but she did not attend the workplace on the day scheduled for her return as she understood that she did not have a job to go back to. Phillips filed a complaint of employment discrimination based on her sex, alleging that her employer had retained her replacement in preference to her. The respondent indicated that she had abandoned her job. The Tribunal decided that the respondent had breached the *Code*. It stated that, when confusion exists about an employee's return to work, the employer has a duty to clarify the situation. There is a heavy obligation on employers to ensure that employees who take a maternity leave are able to return to their former jobs or a comparable position. The respondent was required to pay the complainant \$4,800 for lost wages, \$360 in interest, and \$1,000 for injury to feelings.

Taxi Cab Accessibility

October 18, 2006

Scott v. Capital Cabs D&G Taxi Ltd. and Kuldip Sahota

Mark Scott has a limited ability to walk using crutches but generally requires a wheelchair for mobility. On arriving at the Regina Airport in early 2003, he tried to flag a taxi. The first taxi driver refused to take him because of a sore back. The second driver, Kuldip Sahota, refused to take Scott claiming that he didn't have enough room in his van. Sahota suggested that a wheelchair-accessible cab be called. When a third vehicle arrived, it turned out to be a regular car and the driver had no problem putting the wheelchair in the trunk. In its decision, the Tribunal noted that, despite knowing Scott's wheelchair was lightweight and folded, and despite seeing that Scott had crutches, Sahota stereotyped Scott by assuming that he had to use a wheelchair-accessible cab rather than inquiring about his needs. The Tribunal found that Sahota humiliated Scott by treating him as though he was not competent enough to communicate his needs and capacities, and ordered the respondent to pay Scott \$2,500 as compensation for injury to his dignity. It ordered a further payment of \$4,000 of costs based on its finding that Sahota was responsible for unnecessary delay in the proceedings. This decision has been appealed by Sahota.

Ancestry-Based Employment Discrimination

March 14, 2007

Kahsai v. Hitachi Canadian Industries Ltd.

Ephrem Kahsai, an immigrant from Eritrea, was employed with Hitachi Canadian Industries Ltd. from 1997 until 2002 when he was laid off. Kahsai alleged that Hitachi discriminated against him during his employment on the basis of colour and ancestry, and that Hitachi laid him off in retaliation for complaining about harassment. The Commission did not pursue the retaliation portion of the complaint before the Tribunal but Kahsai did so on his own behalf. The Tribunal accepted evidence which disclosed that Kahsai had experienced a series of discriminatory incidents during his five years of employment, which became more serious in magnitude over time. Under the *Code*, employers who fail to take reasonable steps to address allegations of discrimination in the workplace can become liable for the consequences. The Tribunal concluded that Kahsai had experienced discrimination, including two incidents of graffiti and vandalism by anonymous persons, and that the workplace harassment caused Kahsai to suffer severe psychological trauma. The Tribunal also found that, although Hitachi acted quickly in the two anonymous situations, they could have done more, sooner, to put an end to the discriminatory incidents taking place. However, it dismissed the claim that Kahsai's lay-off was discriminatory. Kahsai received \$7,000 in compensation for injury to feelings and loss of dignity. The Tribunal also ordered that Hitachi provide Kahsai with a reference letter.

Balan, Hryniuk, Roode and Lanoue v. Saskatchewan Indian Gaming Authority Inc. *January 23, 2007*
(Northern Lights Casino)

In the summer of 2002, four non-Aboriginal pit bosses employed at the Northern Lights Casino in Prince Albert were laid off by the Saskatchewan Indian Gaming Authority (SIGA). They each filed a complaint under *The Saskatchewan Human Rights Code* alleging that they were terminated from their employment due to their ancestry. SIGA's position was that they had been granted an exemption from the Commission allowing them to preferentially lay off non-First Nations employees in accordance with the Collective Agreement. At the heart of the complaint was whether or not the exemption, which allowed "preference to be given to First Nations in training, mentoring and promotional opportunities" also included "retention." The Tribunal found that a reference to a retention exemption had been an error and could not be relied upon as conferring an exemption. It ordered SIGA to pay the four complainants the sum of \$17,936 as compensation for lost wages from August 1, 2002 to March 4, 2003. It also ordered SIGA to pay Balan an additional \$5,000 to settle her grievance, as well as \$2,000 each to Balan, Hryniuk and Roode, and \$3,000 to Lanoue, as compensation for injury to hurt feelings.

Sex Discrimination in the Workplace (Harassment) *March 29, 2007*

Lark and Stonechild v. Gladrheims Care Home, and McCarron and McCarron

Betty Lark and Lynne Stonechild worked full-time at Gladrheims Care Home as care givers. They each launched a claim against the care home, owned by Audrey McCarron, alleging that the owner's husband, Gerry McCarron, had sexually harassed them while on the job thereby poisoning their work environment. Mr. McCarron allegedly told lewd jokes, stereotyped women as loose or frigid, and touched the women inappropriately. The Tribunal found the evidence of Ms. Stonechild to be compelling and persuasive, and held that Mr. McCarron had violated the *Code*. It did not find sufficient evidence of a violation against Ms. Lark. The Tribunal held the employer liable for the conduct of its employees. It ordered the respondents to jointly and severally pay Stonechild \$2,000 for injury to feelings and \$1,504 for lost wages, and to implement an anti-discrimination and harassment policy to be posted on the premises and distributed to its employees.

Court of Queen's Bench Decisions

Sex Discrimination (Pregnancy) in the Workplace

August 14, 2006

P.S.S. Professional Salon Services Inc. v. SHRC and Teresa Hitchings

The Court of Queen's Bench upheld a decision of the Saskatchewan Human Rights Tribunal, dated July 8, 2005, which found the respondent, P.S.S. Professional Salon Services Inc. contravened s. 16(1) of the *Code* by discriminating against the complainant on the basis of sex. The employer did not offer Hitchings her job back when she attempted to return from a maternity leave. The respondent alleged that the complainant was terminated because of her attitude and conduct in the workplace. The Court found that the Tribunal decision did not lack an evidential foundation and accepted the Tribunal finding that if Hitchings had not been on maternity leave she would have been disciplined rather than dismissed, and that her pregnancy was a factor in her dismissal. The employer has appealed this decision to the Saskatchewan Court of Appeal.

Court of Appeal Decisions

The City of Regina and Canadian Union of Public Employees Local 21 v. Gary Wayne Kivela and Saskatchewan Human Rights Commission *April 5, 2007*

Gary Kivela has cerebral palsy which prevents him from doing work other than truck driving. He fell behind in the seniority list because he could not work extended hours that required physical exertion. He was kept on casual status for 15 years. Suffering from stress and depression, he ultimately resigned from his position to access his pension plan. The Tribunal held that, but for discrimination based on disability, Kivela would have been awarded a permanent position by the end of 1998. His resignation was found to

be linked to the discriminatory treatment he had experienced. The Tribunal made an award of \$10,000, the maximum allowable under the *Code* for injury to dignity. The amount of compensation to be paid for lost wages was to be determined by agreement of the parties or, in the absence of an agreement, by the Tribunal. The Tribunal determined that the Union was responsible for paying 40% of the award and the City was responsible for the remaining 60%. On appeal, first to the Court of Queen's Bench and then to the Court of Appeal, the Tribunal decision was upheld. The Tribunal was directed to re-consider its award for injury to dignity, which it subsequently reduced to \$9500. The Tribunal is presently dealing with issues surrounding the calculation of financial compensation for Kivela's employment losses, including pension benefits, tax consequences for retroactive earnings, and the loss of potential overtime.

Women 2000 v. University of Saskatchewan

April 17, 2006

Seven women known as 'Women 2000' alleged that the University of Saskatchewan discriminates against women by operating a hockey program for them which is inferior to the men's program. None of the women were players or involved with the Huskie Women's Hockey team. The complaint was lodged in 2000, one year before amendments to the *Code*.

The University challenged the complaint on a number of grounds which were rejected by both the Saskatchewan Human Rights Tribunal and the Court of Queen's Bench. The U. of S. then appealed to the Court of Appeal. They argued that the complaint was a nullity because it was filed by Women 2000, an unincorporated association. However, the Appeal Court concluded the complaint was actually filed by seven individuals rather than an unincorporated association. The University also claimed that the Commission was required to obtain consent of the persons allegedly harmed prior to proceeding with a hearing of a complaint. The Court determined that the Commission was not required to obtain this consent in order to proceed with a hearing into the merits of the complaint. The court dismissed the appeal. The matter will be heard by a Tribunal in 2007-2008.

Supreme Court of Canada Decision

Council of Canadian with Disabilities v. VIA Rail Canada

March 23, 2007

A highly anticipated decision from the Supreme Court of Canada has clearly affirmed the universal application of human rights principles and the right to equality for people with disabilities.

In late 2000, VIA Rail bought 139 "Renaissance" cars from the European Channel Tunnel train service. VIA Rail was prepared to spend \$100 million to equip the cars for service, but had no plans for enhancing accessibility, claiming it would cause the company undue hardship to make them accessible to persons using wheelchairs. Instead, persons in wheelchairs would be transferred into on-board wheelchairs and assisted with services such as washroom use.

The Council of Canadians with Disabilities applied to the Canadian Transportation Agency complaining that many features of the cars constituted undue obstacles to the mobility of persons with disabilities. The Saskatchewan and Manitoba Human Rights Commissions took issue with VIA Rail's assumption that persons with disabilities should be content with fewer amenities than able-bodied persons. The commissions were granted leave to intervene, and submitted a written brief to the court. In its decision, the Supreme Court of Canada said, "It goes without saying that in weighing the competing interests on a balance sheet, the costs of restructuring or retrofitting are financially calculable, while the benefits of eliminating discrimination tend not to be." As a result of the decision, VIA Rail must modify its dining cars, sleeper units, washrooms and wheelchair tie-down areas in at least 30 of its 139 Renaissance cars.

Education, Prevention, and Community Partnerships

In 2006-2007, the Commission provided 69 presentations to more than 4,000 people, re-established its public seminar series, participated in 34 projects and partnerships that had an impact on many groups and individuals, and launched an electronic newsletter.

At the heart of *The Saskatchewan Human Rights Code* is the principle that every person is free and equal in dignity and rights. As part of its mandate to prevent and reduce discrimination, the Commission undertakes human rights education through presentations, print and electronic resources, its Web site, media relations, public events, partnerships and community outreach. A list of community and educational outreach activities can be found at Appendix A.

Moving Forward with New Staff Members

The Public & Special Programs Unit improved its educational capacity after a half-time Education & Equity Advisor (EEA) position was restored in Regina in 2005-2006, and a full-time EEA was hired in Saskatoon in September 2006. The two new staff members made it possible for the Commission to fulfill or make significant progress towards its educational goals for the year.

Public Education Seminar Series

Increased funding allowed the Commission to re-establish its public seminar series after a three-year hiatus, thereby fulfilling one of its major goals for 2006-2007. The half-day seminars focused on the prohibited grounds of discrimination covered by the *Code*, the complaint process, the duty to accommodate and harassment prevention. The series drew impressive numbers and was well received by audiences in Regina, Saskatoon, Prince Albert and La Ronge, and will be followed up by in-depth seminars on the duty to accommodate in May 2007.

Family Rights Handbook

The Commission continues to receive a significant number of pregnancy discrimination complaints from women in the workforce despite the fact that this type of discrimination has been illegal for more than 30 years. To help address this issue, the Commission partnered with a number of other agencies to publish *Pregnancy, Parenting and the Workplace*, a one-stop source of information on laws and policies relating to human rights, rights to leaves and benefits, and the accommodation of family needs. Launched in May 2006, this comprehensive handbook helps employers and employees work together to prevent violations of the law. Published in partnership with Saskatchewan Labour, Service Canada, Saskatchewan Health, and the Breastfeeding Committee for Saskatchewan, the booklet has been widely distributed. The Commission assisted in promotion of the booklet through the design and production of a poster and flyer.



The Supervisor of Public & Special Programs promoted the workshop at two events in Saskatoon: the provincial "Future Generations" conference of the Saskatchewan Early Childhood Association in November 2006, and the international Work-Family Balance Conference in March 2007. The booklet was also used as the basis for internal staff training at the Commission.

Living in Harmony

At the Commission's request, the Minister of Justice declared March 21st as International Day for the Elimination of Racial Discrimination, the day when the citizens of Saskatchewan join with nations around the world to promote a society free from all forms of racism. March was a busy month for the Commission as staff and commissioners attended special events in Regina and Saskatoon recognizing this day.

Chief Commissioner Donna Scott was a guest speaker at the annual City of Saskatoon Living in Harmony Awards on March 21st. This event recognizes local organizations or individuals promoting cultural diversity and harmony, and showcases the talent of young Saskatoon artists as they reflect on their commitment to the principles of inclusion and mutual respect. In her remarks, Ms. Scott noted that the art contest is a highlight of the season, always leaving her with a sense of optimism "because of the creativity and idealism expressed by our young people."



Winning poster of the 2007 Living in Harmony Art Contest by student Rachel Couture.

Chief Commissioner Scott also gave an interview on the Coalition of Municipalities Against Racism and Discrimination for a special March 21st editorial feature in the *Saskatoon Star Phoenix* and the *Regina Leader-Post*.

Staff and commissioners attended the 25th anniversary gala of the Saskatoon Open Door Society on March 21st. The evening, which also celebrated the spring equinox and the New Year of some cultures, was filled with performances by a number of dance groups, awards, and a meal featuring foods from around the world.

Commissioner Judy White spoke on "Racism and Health" on March 30th at an event sponsored by the Saskatchewan Intercultural Association. The Commission also sponsored and helped organize Regina's annual "Spring Free From Racism" celebration.

International Human Rights Day

At the request of the Chief Commissioner, the Minister of Justice declared December 10th as International Human Rights Day in Saskatchewan. This is the date when the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights in 1948. This year, the Commission marked the date by partnering with Iskwewuk E-wichiwitochik (Women Walking Together) to organize an awareness-raising and remembrance brunch honouring Saskatchewan's missing Aboriginal women.

In her annual December 10th message, Chief Commissioner Scott addressed the need to protect the rights of those living in poverty. She noted that "poor Canadians live with negative stereotypes and social stigma, and routinely experience discrimination. Some jurisdictions in Canada have gone further by prohibiting discrimination based on 'social condition.' This ground serves to challenge stereotypes about the poor and to protect the destitute from discrimination."

"Overcoming poverty is not a gesture of charity, it is an act of justice. It is the protection of fundamental human rights."

– Nelson Mandela, 2006

Building Capacity within Racialized Groups

The Commission began development of a “train the trainer” package for use by organizations which serve new immigrants and refugees. The package will include handouts, referral lists and a PowerPoint presentation on human rights protections. Completion of this resource is expected in early 2007-2008.

The Commission and the Aboriginal Friendship Centres of Saskatchewan (AFCS) renewed their commitment to a multi-year educational partnership at the AFCS annual general meeting in September 2006, and at a meeting between SHRC staff members and the executive directors of Saskatchewan’s friendship centres.

The Supervisor of Mediations & Investigations presented a paper at New North’s Restorative Justice Conference in Prince Albert in March which addressed the use of talking circles as a culturally appropriate form of dispute settlement.

People with Disabilities

For several years, the largest single group of complaints to the Commission has involved discrimination because of disability. This issue has therefore become a priority in the Commission’s public education activities.

In November 2006, the Commission submitted a paper to the federal Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities entitled, “Employability in Canada.” The paper provided the Committee with information on ways in which equity programs, human rights education and advocacy initiatives can promote a representative workforce and help to overcome barriers which foster inequity in employment. Proactive strategies suggested in the paper include anti-racism education, anti-ageism education, recognition of foreign credentials, outreach recruitment, efforts to balance work and family needs, and respectful workplace policies.

For December 3rd, International Day for Persons with Disabilities, Chief Commissioner Scott wrote a special editorial entitled, “Protecting the human rights of persons with mental disabilities.” Published in the special features section of the *Regina Leader-Post* and the *Saskatoon Star Phoenix*, the opinion piece addressed the historical disadvantages, negative stereotyping and social prejudice experienced by persons with mental disabilities.

In early 2007, the Chief Commissioner and several staff members met with Vangelis Nikias, Manager of Intergovernmental Relations in Human Resource Development Canada’s Office of Disability Issues, to discuss the United Nations’ new “Convention on the Rights of Persons with Disabilities.” The Convention endeavours to elaborate in detail the rights of persons with disabilities and to set out a code of implementation. Countries that join in the Convention are committed to developing and carrying out policies, laws and administrative measures to combat stereotypes and prejudices, promoting awareness of the capabilities of persons with disabilities, while abolishing laws, regulations, customs and practices that constitute discrimination.

“The existing human rights system was meant to promote and protect the rights of persons with disabilities, but the existing standards and mechanisms have in fact failed to provide adequate protection to the specific cases of persons with disabilities. It is clearly time for the UN to remedy this shortcoming.”

- United Nations Human Rights
Commissioner Louise Arbour

Media Relations

Human rights issues continued to be of interest to local and provincial media outlets. The Commission received more than 85 media inquiries, many of which concerned Tribunal hearings.

As part of its community outreach activities, the Commission continued to participate in special display advertising opportunities by contributing guest editorials or advertisements to Saskatchewan newspapers on human rights anniversaries such as March 8th, International Women's Day.

Partnerships

Many of the Commission's educational activities depend on cooperation with others. This section highlights only a few of our partnership projects this year.

The Ombudsman, the Children's Advocate and the Office of the Information and Privacy Commissioner joined the Commission in organizing "trade fairs" in Regina and Saskatoon to provide more information about the mandate and services of each organization to provincial Members of the Legislative Assembly, federal Members of Parliament, and their assistants.

The Commission continued to partner with the City of Saskatoon's Cultural Diversity and Race Relations Committee in 2006-2007. The Supervisor of Public & Special Programs chaired a May 2006 event designed to obtain community feedback on the City's race relations survey, and staff provided several educational presentations to City employees.

The Commission also co-sponsored and helped develop the City of Saskatoon's e-book, "Living in Harmony: An Anthology." This publication is a collection of posters from the annual Living in Harmony Art Contest. It can be found on the City's Web site and will continue to expand over time.

The Commission once again supported the annual June 21st National Aboriginal Day celebrations in Saskatoon by providing volunteer and financial assistance.

During a vacation to the Cayman Islands this year, the Supervisor of Mediations & Investigations developed a connection with the Cayman Islands Human Rights Committee. He provided representatives of this relatively new human rights agency with an overview of the Saskatchewan Human Rights Commission's mandate, the complaint and settlement processes, and the Commission's public education role.

Goals for 2006-2007

- Continue to develop and provide educational seminars and presentations.
- Improve community capacity to provide human rights education.
- Continue educational efforts to prevent and reduce racism.

Equity within Workplaces and Learning Institutions

In 2006-2007, equity programs provided benefits to 38 employers with over 43,000 employees, students in 10 post-secondary institutions and more than 100,000 students in the kindergarten to grade 12 system.

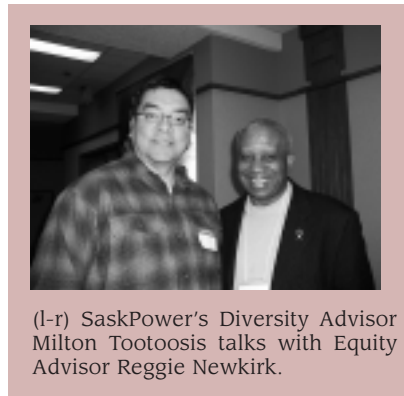
Equity programs work hand-in-hand with the anti-discrimination provisions of *The Saskatchewan Human Rights Code* to achieve the *Code's* fundamental objective of equality in dignity and rights. These broad, proactive programs attempt to overcome the systemic disadvantages experienced by certain groups in order to provide them with genuine equality of opportunity in education and employment. In today's context of economic growth and rising labour shortages, equity programs can help all residents of the province make a positive contribution to and receive equal benefit from Saskatchewan's economic well-being.

Re-staffing of the Public & Special Programs Unit made it possible for the Commission to achieve some of its key goals in 2006-2007, including the launch of a new equity program designed to make equity services as effective as possible.

The New Equity Program

The Commission's new equity program streamlines procedures, opens up approvals to a wide range of initiatives, and shifts its focus from regulation and monitoring to capacity building and partnerships. It is founded on the principles of flexibility, accessibility, expansion, innovation and accountability. Individual programs will no longer be required to fit a standard template; instead, creativity and innovation will be encouraged.

The approval process is now simpler and faster. New sponsors will obtain Commission approval by signing a two-page *Equity Partnership Agreement*. The process of preparing the agreement will typically take weeks, rather than the year or more previously required for program development. Approval requirements will be kept to the minimum required by section 47 of the *Code* and basic principles of fairness. Ongoing development of programs may occur after approval, with the support of Commission staff.



(l-r) SaskPower's Diversity Advisor Milton Tootoosis talks with Equity Advisor Reggie Newkirk.

In most cases, continued approval of programs will be automatic upon the filing of brief annual reports. This reporting process will replace the detailed monitoring process of the past, in which sponsors were given individualized "terms and conditions" of continued approval by the Commissioners. Sponsor reports will be posted to the Commission's Equity site to promote transparency, accountability and information-sharing.

Equity sponsors, who are also known as equity partners (organizations with Commission-approved plans) can use equity programs by themselves or blend them with other strategies to promote equality, diversity and mutual respect. Previously, the Commission identified four equity groups (the groups that equity programs are designed to benefit): Aboriginal people, people with disabilities, visible minorities and women. In future, sponsors may seek approval for programs for additional groups, so long as they can demonstrate that the new groups experience disadvantages linked to a prohibited ground of discrimination. Equity sponsors will no longer be required to address the disadvantages faced by all

equity groups. A program may address the needs of one or more equity groups, so long as it considers the effects of multiple discrimination. For example, a program designed for Aboriginal people should consider the needs of Aboriginal women and Aboriginal people with disabilities.

The program's central implementation documents are the *Saskatchewan Human Rights Commission's Policy on Equity Programs*, and a standard-form *Equity Partnership Agreement*. Both documents are contained in *Working Together: A New Equity Program for Saskatchewan*, which can be downloaded from the Commission's Web site or ordered free-of-charge from the Government of Saskatchewan Publications Centre: <http://publications.gov.sk.ca>.

Although the new equity program builds on the Commission's history and experience, it is also a major departure from the past. Previously, employment equity and education equity were treated as separate programs. To signify that all equity initiatives are part of a continuum of experience, and for the convenience of sponsors operating in more than one area, the Commission will consider all initiatives approved under section 47 of the *Code* to be part of one broad equity program. In addition, the Commission will approve programs relating to housing and public services, as well as in the areas of employment and education. The Commission will also allocate more of its equity resources to developing and providing educational and other support services to equity sponsors.

Activities in 2006-2007

In keeping with the program's new emphasis on client support, the Commission developed a new Equity seal in time for the launch of the new program in early 2007. The seal confirms an organization's status as an active equity sponsor under section 47 of *The Saskatchewan Human Rights Code*. Organizations are entitled to use the seal if their equity program has a current approval.



In February and March of 2007, representatives of many equity sponsors attended the public seminars offering an introduction to human rights law.

A list of equity sponsors can be found at Appendix B.

Equity in Employment

In 2006-2007, the Commission initiated the first round of monitoring since 2002-2003 for employers with approved equity programs.

The reporting format has been greatly simplified. It asks sponsors for only two statistical tables (compared with the 12 tables formerly required), and a four-to-seven-page summary of activities during the past year. Commission staff will synthesize information contained in the reports to produce resources that are helpful to all sponsors.

The Commission's long-term goals for a representative workforce are based on Statistics Canada data showing the representation of equity groups in Saskatchewan's working age population. In 2007, the long-term goals are 13.9% for Aboriginal people, 3.1% for visible minorities, 9.7% for people with disabilities, and 47.0% for women in under-represented occupations.

"In financial circles, equity means the value of assets. In law, equity means the quality of being just, impartial and fair. The human rights definition encompasses both meanings."

- Working Together, A New Equity Program for Saskatchewan, p. 26

Equity in Education

Changes to the Commission's equity program coincided with Saskatchewan Learning's process of reorganization and renewal. Provincial school divisions have experienced several rounds of amalgamation in recent years, and Saskatchewan Learning has made some important changes to its own programs. For these reasons, the Commission will continue to review its role in education equity over the coming year. One goal of this process will be to align Commission activities with recent Saskatchewan Learning initiatives such as the Pre-K to 12 Continuous Improvement Framework. In the meantime, the Commission will continue to work with educational institutions to promote equitable learning opportunities for all students.

Partnerships and Links

Because equity programs can easily be combined with other strategies, the Commission will seek to develop broad partnerships with other agencies working towards diversity, inclusion and a representative workforce. To that end, the Commission has begun working with the Aboriginal Employment Development Program of First Nations and Métis Relations to develop consistent reporting procedures that will make it easier for employers to participate in both programs. With regard to equity in education, the Commission has begun discussions with the Department of First Nations and Métis Education Branch of Saskatchewan Learning and with the newly formed Aboriginal Learning Knowledge Centre, a project of the Canadian Council on Learning.

Goals for 2006-2007

- Refine the Commission's role in education equity.
- Continue to develop equity resources.
- Continue to build the capacity of equity sponsors to develop inclusive workplaces and learning environments.
- Begin revision of the policy definitions of the equity groups.

Exemptions

In 2006-2007, 12 new exemptions were granted, bringing the number of active exemptions to 200.

Section 48 of *The Saskatchewan Human Rights Code* gives the Chief Commissioner the authority to grant exemptions from the anti-discrimination provisions of the *Code* in situations where it is considered “necessary and advisable” to do so. The following examples reflect the kind of exemptions granted this year.

- The Saskatchewan Association of Community Living was granted an exemption to give preference to persons 29 years and younger in the hiring of a Youth Program Facilitator for its Fusion Inclusion program for youth between 14 and 19.
- An exemption was granted to the Saskatchewan Cerebral Palsy Association to give preference on the basis of disability when recruiting and hiring a summer student, in accordance with the requirements of the Association’s federal grants.
- In order to provide personal care in a way that maintains the dignity and privacy of clients, an exemption order was granted to the Saskatoon Association for Community Living Inc. allowing it to give preference on the basis of gender when recruiting and hiring a one-on-one support worker for a particular child/youth.
- A four-year exemption was granted to the Department of First Nations and Métis Relations in its delivery of the Saskatchewan First Nations and Métis Economic Development Program by allowing it to restrict admittance to the program to Canadian residents of Aboriginal ancestry or a Canadian corporation, partnership, association, or other legal entity that is majority-owned or controlled by Canadian residents of Aboriginal ancestry.
- The Women’s Community-Training Residence, operated by the Elizabeth Fry Society of Saskatchewan, was granted an exemption to give preference to women when recruiting a Director.

Exemption to developer denied

In 2006-2007, the Chief Commissioner declined to grant an exemption to a developer wanting to advertise and sell lots in a residential subdivision exclusively to persons 40 years of age or older, or alternatively to persons 45 years of age or older. Under the *Code*, discrimination is prohibited in relation to rental or leasing of housing accommodation, and in the purchasing of residential property. In reviewing this exemption request, the Chief Commissioner could not consider establishing a housing initiative where lifestyle preferences exclude families as something that requires protection. Further, it is unclear that residents who are 40 to 55 years of age and seeking to retire in an exclusively adult community have been historically disadvantaged or experienced discrimination requiring assistance in housing that would justify such an exemption.

Commissioners

The Chief Commissioner and four part-time Commissioners set policy, liaise with community partners and organizations, give human rights presentations, and make programming decisions. They bring expertise to the Commission on issues pertaining to its mandate.



(l-r) Judy White, Viviane Janvier, Donna Scott, John Hill (standing), Mike Bacon.

Donna Scott, Q.C., Chief Commissioner

Donna Scott, Q.C., was appointed as Chief Commissioner in October 1996, was re-appointed for a five-year term in November 1997 and re-appointed for a further five-year term in 2002. Ms. Scott received her B.A. and LL.B from the University of Saskatchewan and was called to the Saskatchewan Bar in 1982. She engaged in the private practice of law until becoming a Crown Solicitor with Saskatchewan Justice in 1986 and then Local Registrar for the Unified Family Court. She has served as president of the Public Legal Education Association (PLEA) and on the board of directors of the Elizabeth Fry Society. She has served as chair of the International Development Committee, Canadian Bar Association (Saskatchewan branch). She was president of the Canadian Association of Statutory Human Rights Agencies (CASHRA) from 2003 until Spring 2006 and has been CASHRA's representative to the International Association of Official Human Rights Agencies (IAOHRA).

John Hill, Deputy Chief Commissioner

John Hill is a member of the Oneida Nation of the Thames near Southwold, Ontario. He received his LL.B. from the University of Saskatchewan and was called to the Bar in Saskatchewan in 1997. Mr. Hill has served as a senior advisor to the Saskatchewan Indian and Métis Affairs Secretariat on Inter-jurisdictional and Aboriginal Affairs, and assisted in the development of the provincial Aboriginal framework policy and the First Nations self-government policy. As well, he represented Saskatchewan as a negotiator in the tri-partite self-government negotiations with the Meadow Lake Tribal Council. A member of the Regina Bar Association, Mr. Hill practiced law with two private firms before establishing his own practice in 2004. He is recognized as a Mediator, having completed Saskatchewan Justice's Civil Mediation Program. He has represented a number of First Nations governments and individuals on governance, treaty rights, economic development and residential school claims. Mr. Hill has also served as a sessional lecturer in Aboriginal Studies at the Saskatchewan Indian Federated College. He currently sits as a Senior Adjudicator on the federal government's Alternative Dispute Resolution program for claims of former Indian Residential School students. Appointed to the Commission in July 2002, Mr. Hill was made Deputy Chief Commissioner in October 2003.

Mike Bacon

Mike Bacon is a partner in AccessExperts Consultants, a business concentrating on accessibility audits, awareness training and pre-employment training for persons with disabilities. Mr. Bacon, born and raised in Saskatoon, graduated from the University of Saskatchewan with a Bachelor of Arts Honours degree in psychology in 1991. He is active as President of the Saskatoon Special Interest Cooperative, a small business loans association, and as a director of the Canadian Wheelchair Sports Association. Mr. Bacon has been a member of the Canadian Wheelchair Rugby Team and became a silver medal winner at the Paralympics in Athens in September 2004. One of his favourite activities is speaking to Grade 6-12 students about brain and spinal cord injury prevention for Think First Saskatchewan, a foundation dedicated to preventing brain and spinal cord injury through education. Mr. Bacon was appointed to the Commission in October 2003.

Viviane Janvier

Viviane Janvier was born and raised in La Loche. Of Métis/Dene heritage, she is fluent in the Chipewyan language. Ms. Janvier studied journalism and social work at the University of Regina and the First Nations University of Canada. She is a certified mediator and facilitator. Ms. Janvier brings her in-depth understanding of the social issues and history of Aboriginal peoples to her work in community development and community justice initiatives. She has served as a Director for the La Loche Friendship Centre, and worked in management with the La Loche Community Development Corporation. Ms. Janvier was elected an alderperson for the Northern Village of La Loche in October 2003. She also serves on numerous boards and committees, including the La Loche Police Management Board and the Dene Koe' Self Help Council. Ms. Janvier was appointed to the Commission in October 2003.

Judy White

Judy White is an assistant professor with the Faculty of Social Work at the University of Regina's Saskatoon campus and Counsellor with Family Service Saskatoon. Ms. White was born and raised in Trinidad. After receiving a Bachelor of Arts from the University of the West Indies, Ms. White went on to receive a scholarship from the Government of France to pursue social work studies at the Institut de Travail Social et de Recherches Sociales in Montrouge, France. She also pursued studies in the administration of health and social organizations at the University of Lille II, France. Ms. White has Bachelor of Social Work and Masters of Social Work degrees from the University of Regina, and is currently a doctoral candidate with the University of Manitoba. She sits on the board of International Women of Saskatoon and is a member of the Board of Governors of the Prairie Centre of Excellence for Research on Immigration and Integration. She is also involved in collaborative work with other immigrant and refugee serving organizations. Ms. White was appointed to the Commission in February 2005.

Appendix A: Community and Educational Outreach Activities

PRESENTATIONS

Where more than one presentation was delivered, that number is indicated in parentheses.

SHRC HALF-DAY SEMINARS

La Ronge (2)
Prince Albert
Saskatoon
Regina

NORTHERN EXCHANGE II

As part of its Aboriginal and Northern Outreach project, the SHRC delivered human rights presentations in Buffalo Narrows, Ile à la Crosse, La Loche, La Ronge, Meadow Lake, and Pinehouse Lake.

Educational institutions & organizations

Saskatchewan Institute of Applied Science and Technology, Saskatoon (2)
University of Regina, Department of Justice Studies
University of Regina, Faculty of Social Work, Regina (2)
University of Regina, Faculty of Social Work, Saskatoon (3)
University of Regina, Saskatchewan Police College (4)
University of Saskatchewan

Professional, business & labour organizations

Canadian Society of Safety Engineers, Saskatoon (2)
IMI Brokerage Company Ltd., Saskatoon
Canadian Union of Public Employees, Health Council, Regina
Saskatchewan Construction Safety Association, Saskatoon (3)

Employers & government

City of Moose Jaw, Race Relations Committee
City of Saskatoon, Engineers Group Parks Canada
Saskatchewan Association of Health Associations (SAHO), Saskatoon
SaskFerco, Belle Plaine
Stepping Stones Child Care Centre, Regina

Community-based organizations

Aboriginal Friendship Centres of Saskatchewan, Saskatoon (2)
Canadian Mental Health Association, Regina
International Women of Saskatoon (2)
Kids' First, Saskatoon
Neil Squire Society, Regina (2)
Open Door Society, Saskatoon
Saskatchewan Intercultural Association, Saskatoon (2)
South Saskatchewan Independent Living Centre, Regina
YMCA, Youth and Young Adult Readiness Program, Regina

Conferences, public consultations & events

City of Saskatoon, community consultation on race relations survey
City of Saskatoon, Living in Harmony Awards Ceremony
City of Saskatoon, Western Cities Conference (2)
Information sessions for MLAs, MPs and their assistants, Regina and Saskatoon (3)
Keeseekoose First Nation, Circle of Strength Youth Conference, Yorkton (3)
National Aboriginal Day Celebration, Regina
Launch of Pregnancy, Parenting and the Workplace, Saskatoon
Launch of SHRC's New Equity Program, Regina and Saskatoon (2)
Prince Albert Métis Women's Association, Restorative Justice Conference
Quota International of Estevan, Women of Today Awards
Saskatchewan Early Childhood Association, Future Generations Conference, Saskatoon
Saskatchewan Employment Equity & Diversity Association, Eddy Awards Banquet, Regina
Work-Family Unit, Saskatchewan Labour, Work-Family Conference, Saskatoon

COMMUNITY OUTREACH & PARTNERSHIPS

In addition to delivering presentations, staff and Commissioners were involved in 34 community outreach and partnership projects and events that included displays, ongoing committee work, consultations and project development.

The organizations and government departments with which the Commission worked in 2006-2007 included:

- Aboriginal Friendship Centres of Saskatchewan
- Aboriginal Government Employees Network
- Aboriginal Learning Knowledge Centre, Saskatoon
- Breastfeeding Committee for Saskatchewan
- Canadian Association of Statutory Human Rights Agencies (CASHRA)
- Public Education Partners / Partenaires en éducation publique et populaire (PEP /PEPP) Network of CASHRA
- Canadian Commission for UNESCO
- City of Saskatoon, Cultural Diversity and Race Relations Committee
- City of Saskatoon, Duty to Accommodate Conference
- Crown Investments Corporation
- First Nations and Métis Relations
- Immigration Branch, Advanced Education and Employment
- Iskewuk E-wichiwitochik (Missing Aboriginal Women) Committee
- March 21 Planning Committees of Regina and Saskatoon
- Moose Jaw Race Relations Committee
- National Aboriginal Day Committees of Regina and Saskatoon
- National Aboriginal Day Celebrations in Regina and Saskatoon
- New North
- Office of the Saskatchewan Information and Privacy Commissioner
- Ombudsman Saskatchewan
- Prairie Spirit School Division
- Regina Regional Intersectoral Committee
- Rights and Democracy
- Saskatchewan Anti-Racism Network
- Saskatchewan Children's Advocate Office
- Saskatchewan Culture, Youth and Recreation
- Saskatchewan Employment Equity and Diversity Association
- Saskatchewan Health
- Saskatchewan Justice
- Saskatchewan Labour
- Saskatchewan Labour, Labour Standards Branch
- Saskatchewan Labour, Work and Family Unit
- Saskatchewan Learning, First Nations and Métis Education Branch
- Saskatchewan Public Service Commission
- Saskatchewan Visible Minority Employees Association
- Saskatoon Indian & Métis Friendship Centre
- Saskatoon Open Door Society
- Service Canada
- South Saskatchewan Independent Living Centre
- Spring Free From Racism Committee, Regina
- University of Saskatchewan, College of Education, Breaking the Silence Conference

Appendix B: Equity Sponsors

| Employers | Date Approved |
|--|----------------------|
| City of Prince Albert | May 1997 |
| City of Regina | February 1987 |
| City of Saskatoon | February 1987 |
| Community (Saskatoon) Health Services Association | June 1996 |
| Crown Investments Corporation | March 1995 |
| Government of Saskatchewan | |
| Out of Scope | June 1987 |
| Saskatchewan Government Employees Union | November 1988 |
| Canadian Union of Public Employees | July 1989 |
| John Howard Society | June 1996 |
| Information Services Corporation of Saskatchewan | November 2004 |
| Law Society of Saskatchewan | November 1999 |
| Northlands College | September 1995 |
| Parkland Regional College | March 2002 |
| Prince Albert Co-operative Health Centre | October 1991 |
| Regina Police Service | March 1992 |
| Regina Public School Division | March 1994 |
| Regina Women's Community Centre | March 1998 |
| Saskatchewan Apprenticeship and Trade Certification Commission | March 2006 |
| Saskatchewan Communications Network | February 1996 |
| Saskatchewan Crop Insurance Corporation | May 1997 |
| Saskatchewan Gaming Corporation | January 1999 |
| Saskatchewan Government Insurance | February 1984 |
| Saskatchewan Human Rights Commission | January 1980 |
| Saskatchewan Institute of Applied Science & Technology (SIAST) | March 2001 |
| Saskatchewan Legal Aid Commission | March 1994 |
| Saskatchewan Liquor and Gaming Authority | January 1999 |
| Saskatchewan Opportunities Corporation | November 1996 |
| Saskatchewan Research Council | December 1992 |
| Saskatchewan Teachers' Federation | January 1991 |
| Saskatchewan Transportation Company | August 1994 |
| Saskatchewan Water Corporation | August 1994 |
| Saskatchewan Watershed Authority | August 1994 |
| Saskatchewan Workers' Compensation Board | February 2006 |
| Saskatoon Police Service | October 2002 |
| SaskEnergy | March 1994 |
| SaskPower | August 1995 |
| SaskTel | October 1992 |
| The Co-operators | August 1995 |
| University of Regina | October 1997 |
| University of Saskatchewan | September 1992 |

Pre-Kindergarten to Grade 12 School Divisions

Living Sky
North West RCSSD
Northern Lights
Prairie Valley
Prince Albert RCSSD
Regina RCSSD
Saskatchewan Rivers
Saskatoon
St. Paul's RCSSD

(Approval dates are not given in this section, because the boundaries of many school divisions have been changed by the process of amalgamation.)

Post-Secondary Educational Institutions

| | Date Approved |
|--|----------------------|
| College of Arts and Science, University of Saskatchewan | February 1988 |
| College of Dentistry, University of Saskatchewan | April 1995 |
| College of Medicine, University of Saskatchewan | January 1993 |
| College of Nursing, University of Saskatchewan | January 1991 |
| College of Pharmacy and Nutrition, University of Saskatchewan | August 1994 |
| Gabriel Dumont Institute (GDI) and Saskatchewan Urban Teacher Education Program (SUNTEP) | August 1980 |
| Northern Teacher Education Program (NORTEP) and Northern Professional Access Program (NORPAC) | September 1981 |
| Saskatchewan Institute of Applied Science and Technology | May 1990 |
| School of Physical Therapy, University of Saskatchewan | September 1996 |
| Western College of Veterinary Medicine | September 1997 |

Tables

Table 1: Summary of Complaints Received April 1, 2006 to March 31, 2007 by Ground and Category
Total number of complaint files: 175

Note: Some complaints allege several kinds of discrimination. For this reason, the total number of grounds cited (212) exceeds the total number of complaints (175).

| Category | Age | Aboriginal Ancestry | Other Ancestry | Marital Status | Mental Disability | Physical Disability | Religion & Creed | Sexual Harassment | Sex/Pregnancy | Sex/Other | Family Status | Sexual Orientation | Public Assistance | Other | Retaliation | Total Grounds | Grounds Cited |
|-----------------------|-----------|---------------------|----------------|----------------|-------------------|---------------------|------------------|-------------------|---------------|-----------|---------------|--------------------|-------------------|----------|-------------|---------------|---------------|
| Application Forms | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0.5% |
| Education | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 5 | 2.3% |
| Employment | 20 | 3 | 14 | 2 | 2 | 61 | 0 | 13 | 17 | 9 | 5 | 2 | 0 | 1 | 2 | 151 | 71.2% |
| Housing | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 4 | 1.9% |
| Occupations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 0.9% |
| Public Services | 1 | 10 | 12 | 0 | 0 | 10 | 3 | 0 | 2 | 2 | 0 | 1 | 0 | 0 | 0 | 41 | 19.3% |
| Publications | 0 | 1 | 1 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 6 | 2.8% |
| Purchase of Property | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | 0.9% |
| Total Grounds | 22 | 15 | 28 | 2 | 2 | 75 | 5 | 14 | 20 | 13 | 6 | 5 | 1 | 2 | 2 | 212 | |
| % of Grounds Cited | 10.4% | 7.1% | 13.2% | 0.9% | 0.9% | 35.4% | 2.3% | 6.6% | 9.4% | 6.1% | 2.8% | 2.3% | 0.5% | 0.9% | 0.9% | | 100.0% |
| % of Total Complaints | 12.6% | 8.6% | 16% | 1.1% | 1.1% | 42.9% | 2.9% | 8.0% | 11.4% | 7.4% | 3.4% | 2.9% | 0.6% | 1.1% | 1.1% | | |

Table 2: Files Opened and Closed

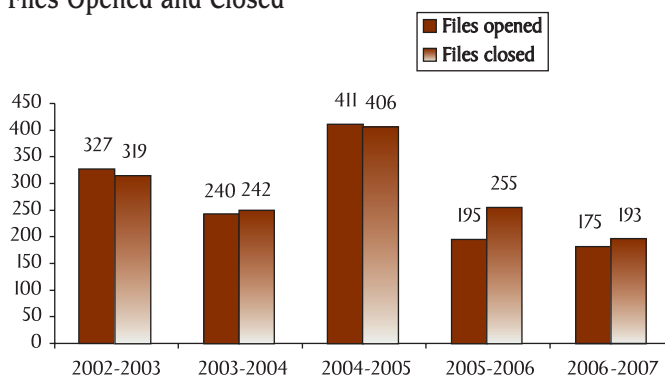


Table 3: Processing of Complaints

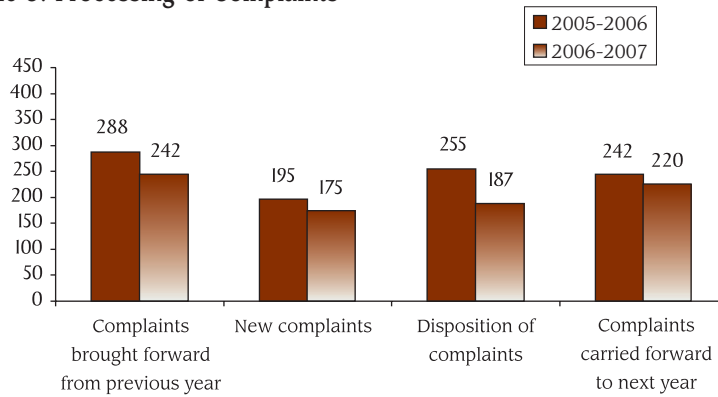
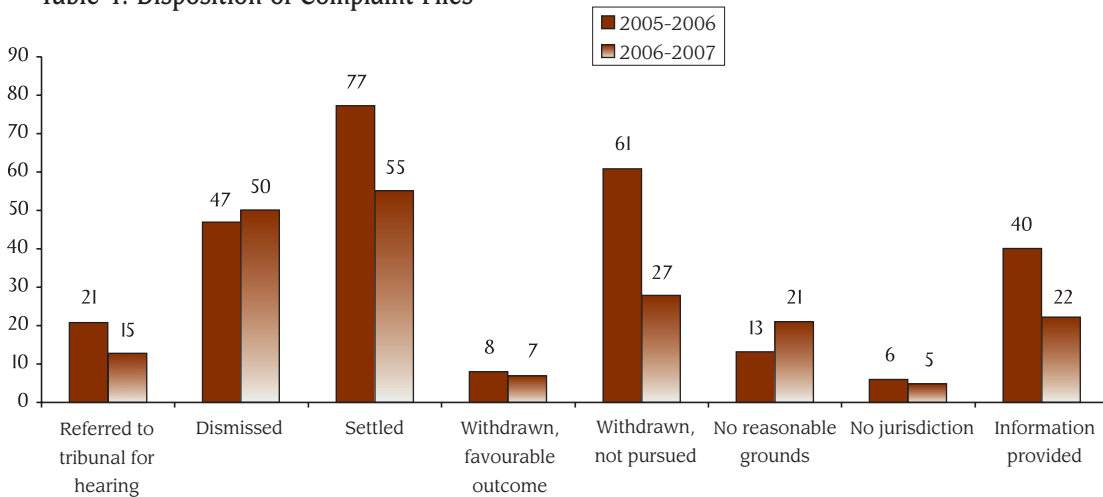


Table 4: Disposition of Complaint Files



Financial Expenditures

In 2006-2007, the Commission operated with a budget of \$1.539 million and a staff of 20.3 full-time equivalents (FTEs).

| | 2002-2003 | 2003-2004 | 2004-2005 | 2005-2006 | 2006-2007 |
|----------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| FTEs | 17.8 | 17.8 | 17.8 | 20.3 | 20.3 |
| Salaries, benefits and honoraria | \$1,046,000 | \$1,093,000 | \$1,112,000 | \$1,300,000 | \$1,382,000 |
| Operating expenses | \$147,000 | \$157,000 | \$194,000* | \$194,000* | \$157,000 |
| Total | \$1,193,000 | \$1,250,000 | \$1,306,000 | \$1,494,000 | \$1,539,000 |

*includes \$37,000 for the CASHRA conference

Commission Staff

The work of the Commission is carried out by its professional human rights staff.
In 2006-2007, the Commission had the equivalent of 20.3 full-time employees,
including individuals who worked on a full-time, part-time, casual or temporary basis.

Commission Staff

Saskatoon

Laurie Adrian Rude – Investigator
Jan Cadman – Legal Secretary
Linda Charlton– Education & Equity Advisor
Dianne Derkson – Secretary
Norma Farkvam – Staff Solicitor
Janice Gingell - Senior Staff Solicitor
Lois Henderson – Budget Coordinator
Chantelle Johnson – Policy Analyst & Researcher
Charis Kamphuis – Summer Student
Tim Korol – Investigator/Facilitator
Ryan Kennedy - Casual Secretary
Genevieve Leslie – Supervisor of Public & Special Programs
Marci Macomber - Investigator/Facilitator
Bev MacSorley – Investigations Secretary
Lorraine Pura – Education & Equity Advisor
Bill Rafoss – Supervisor of Mediations & Investigations
Fiji Robinson – Communications Coordinator
Brenda Rorke – Human Resources Coordinator
Karen Ross – Secretary to the Commission
Karen Topolinski – Investigator/Facilitator
Kathy Upton – Intake Consultant

Regina

John Abraham – Investigator/Facilitator
Heidi Chan – Secretary
Laurena Daniels – Intake Consultant
Lisa Donovan – Administrative Secretary
Rebecca McLellan – Manager of Operations
Robin McMillan – Investigator/Facilitator
Heather Monus – Education & Equity Advisor
Reginald Newkirk – Investigator/Education & Equity Advisor
Julie Powell – Investigator/Facilitator
Mirjana Topalovic - Secretary



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