

**HRLSC** Human Rights Legal Support Centre

# **ANNUAL REPORT**

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**2019-2020**

**CAJDP**

**Centre d'assistance juridique  
en matière de droits de la personne**

**Ontario** 

The Human Rights Legal Support Centre provides services throughout Ontario and has lawyers located in Toronto, Guelph, Hamilton, London, Thunder Bay, and Windsor. Accordingly, we acknowledge our presence on the traditional territories of the Wendat, the Haudenosaunee, and Anishinaabeg, Attawandaron and Leni-Lunaape, the Métis homeland and particularly the Mississauga of the Credit. The place now called Ontario is home to many Indigenous people from across Turtle Island and we are grateful to have the opportunity to work and operate in this land.

The HRLSC also recognizes and acknowledges we are in the territory subject to the Dish With One Spoon Wampum Belt Covenant, an agreement between the Haudenosaunee Confederacy, the Anishinaabeg and allied nations to peaceably share and care for the land and waters of the Great Lakes region.

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# MESSAGE FROM THE CHAIR AND EXECUTIVE DIRECTOR

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On behalf of the Human Rights Legal Support Centre (“HRLSC”), we are pleased to present the Attorney General of Ontario with 2019 - 2020 Annual Report.

Human rights concerns are experienced by many Ontarians at some point in their lives; whether it is as an employee facing discrimination because of disability, a family being harassed in their rental housing because of their religion, a student being sexually harassed at a co-op placement or a shopper racially profiled in a store. The HRLSC’s services are integral to the human rights system, helping to ensure that claims of discrimination are heard, addressed and resolved, making Ontario a stronger and more equitable place to live and work.

One of the HRLSC’s cases this year particularly underscored the need for robust human rights systems and protections to address and dismantle racial discrimination. The case involved a six-year old Black child who was restrained and handcuffed at her wrists and ankles by the police at her school. The Human Rights Tribunal of Ontario found the “officers’ actions were an overreaction” arising out of subconscious racial biases and, consequently, that the student’s human rights were violated.

One of the significant challenges the HRLSC managed through this year was the loss of our project funding for the Mediation Program. The Mediation Program, which had been in place for five years, increased the HRLSC’s capacity to provide legal support to individuals filing a human rights application and to those needing representation at human rights mediations. Despite the need to scale back services, satisfaction with our

services remained tremendously high, with 97% of responses to our surveys rating our services as good or very good.

The HRLSC will continue to seek the support of our funder to ensure that we have the resources necessary to maintain high level legal services for Ontarians.

In March 2020, facing the unprecedented challenges of the COVID-19 pandemic, the HRLSC continued offering its services by becoming fully remotely operational within two weeks of Ontario's declaration of a state of emergency.

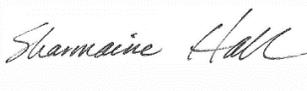
Four board members, Mary Gusella, Nancy Gignac, Kowthar Omar and Gilles LeVasseur, finished their terms this year. Mary and Nancy were long serving members, who guided the HRLSC with thoughtfulness and wisdom in its start-up and growth years. Kowthar and Gilles joined us later and brought keen interest and new perspectives. As we expressed appreciation and goodbyes to these previous board members, we welcomed a new member, Mary Joe Freire.

We are grateful to all the board members for their generosity in sharing their knowledge and expertise. We also want to thank the HRLSC's staff, located the across the province, for their dedication, compassion and hard work through this challenging and unpredictable year. Their expertise, fortitude and engagement with the issues and the HRLSC's clients are the core of our organization and our work on behalf of the people of Ontario.

*Ena Chadha, Chair*



*Sharmaine Hall, Executive Director*



# WHAT WE DO:

## OUR MANDATE AND SERVICES

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The HRLSC is an independent agency funded by the Government of Ontario's Ministry of the Attorney General.

### MANDATE

The HRLSC advances equality and protects human rights by providing a range of accessible, high quality legal and support services to those who have faced discrimination contrary to Ontario's *Human Rights Code*.

### What is discrimination?

Discrimination means treating someone differently and unfairly because of a personal characteristic such as race, disability, age or gender.

## Grounds of discrimination

The *Human Rights Code* prohibits unfair treatment in specific areas of our lives that is based on any of the following personal characteristics.

- Race
- Ancestry
- Citizenship
- Disability
- Family status
- Gender identity
- Age
- Receipt of public assistance<sup>1</sup>
- Sex, including sexual harassment and pregnancy
- Colour
- Place of origin
- Ethnic origin
- Creed (religion)
- Sexual orientation
- Gender expression
- Marital status
- Record of offences<sup>2</sup>

## Areas covered by the *Code*

The *Code* provides protection from discrimination in five areas of daily life, known as social areas.

- Employment
- Housing
- Services, goods and facilities
- Contracts
- Membership in a union or vocational association

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<sup>1</sup> This ground applies only to claims about housing.

<sup>2</sup> This ground applies only to claims about employment.

## OUR SERVICES

The HRLSC provides free legal help to individuals across Ontario who have been subjected to discrimination in a social area that is covered by the *Code*. The HRLSC helps people who bring their human rights concerns to the Human Rights Tribunal of Ontario (the “Tribunal” or HRTO).

- We offer a **toll-free telephone advice service** that helps callers to identify discrimination, understand their options, and decide if they should take legal steps.
- Our **legal services**, including advice and representation, assist clients with:
  - **filing human rights applications** at the Tribunal
  - **negotiating settlements;**
  - **attending mediations and hearings** at the Tribunal; and
  - **enforcing** a Tribunal order after a successful hearing or negotiated settlement.
- Our **online tools and guides**, along with our social media platforms, provide a gateway to Ontario’s human rights legal system.
- Our **services for Indigenous people** assist those who want to access the human rights process in Ontario and receive free legal help from an Indigenous staff person at the HRLSC. We provide this service in recognition of the fact that Indigenous peoples have not traditionally used the human rights process as the western legal perspective is foreign to the worldviews of many Indigenous peoples. The HRLSC is committed to providing Indigenous people with a culturally appropriate and accessible service.

# ACTIVITIES

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Partnerships and programs, notable cases and settlements, media coverage and organizational projects provide an overview of the HRLSC's endeavours this year.

## PARTNERSHIPS AND PROGRAMS

Increasing awareness and creating connections

### New Services for Survivors of Workplace Sexual Harassment

Sexual Harassment and Assault Resource Exchange (SHARE)

In the fall of 2019, with funding from the **Department of Justice Canada**, the HRLSC began detailed planning for the implementation of *SHARE*, a new service to support workers who have been sexually harassed or assaulted at work. *SHARE* will launch in April 2020.

*SHARE* will offer free, culturally safe and accessible support services, including information and advice about all available legal and community resource options to assist survivors in making informed decisions about which, if any, steps they would like to take to address their concerns about being subjected to sexual harassment in the workplace.

*"All workers have the right to work in safe environments that are free from discriminatory gender and sexual harassment."*

SHARE

## Barbra Schlifer Commemorative Clinic Partnership

The HRLSC's partnership with the Schlifer Clinic, which began a few years ago, continued this year through **SHARE**. The partnership allows the Schlifer Clinic to refer their clients directly to **SHARE** to give them quick access to legal information and advice. This system of direct referral ensures that clients don't have to repeat their stories multiple times when accessing legal and support services.

## Ontario Human Rights Commission Policy on Eliminating Racial Profiling in Law Enforcement

The HRLSC was pleased to support the Ontario Human Rights Commission's new [\*Policy\*](#), which makes specific recommendations about identifying and preventing both individual and systemic racial profiling in law enforcement. It is the first policy of its kind in Canada.

*"Racial profiling is a daily reality for Black people in Ontario. Whether driving, shopping or simply walking down the street, they face unjustified invasive and discriminatory behaviour, scrutiny and treatment."*

Sharmaine Hall, HRLSC's Executive Director

## Law Student Program

### Anti-Discrimination Intensive Program (ADIP)

Each year, the HRLSC welcomes 12 students (6 each semester) from Osgoode Hall Law School's intensive program. This energetic collaboration provides development opportunities for the students and the HRLSC.

- Students develop specialized knowledge of anti-discrimination law.
- Participating in the human rights application process from beginning to end allows students to build transferable litigation and mediation skills.
- Students gain practical experience with front line legal services.
- The HRLSC gains increased intake service capacity.

*"Thank you for providing us with such a valuable learning experience [...] for sharing your knowledge and expertise so openly with us [...] Most importantly, we take away from our experience at the Center a sense of community and solidarity in this line of work. Getting to work in a collaborative and supportive environment with people who are dedicated to defending human rights was inspiring".*

ADIP Student

## Indigenous Services

### Outreach and Advisory Initiatives

#### Mobile Legal Clinic and Public Legal Education

Indigenous services staff in London continued to participate in the Indigenous Mobile Legal Clinic, hosted by N’Amerind Friendship Centre. The Clinic offers free legal consultations to local Indigenous community members in several areas, including human rights. HRLSC staff also provided a legal education session at N’Amerind as part of our ongoing partnership with the Ontario Federation of Indigenous Friendship Centres.

#### Ontario Human Rights Commission (OHRC) Indigenous Reconciliation Advisory Group

The HRLSC’s Indigenous Services Outreach Committee joined the Advisory Group this year. This group brings in-depth knowledge of discrimination and inequality experienced by Indigenous people and guides the OHRC’s decision-making as it seeks to show how the vision of the *UN Declaration on the Rights of Indigenous Peoples* can be used to understand, interpret and implement human rights for Indigenous peoples under Ontario’s *Human Rights Code*.

#### Pro Bono Students Canada (PBSC) - Indigenous Human Rights Program Advisory Council

The HRLSC’s Indigenous services staff are on the Advisory Council that will guide the design and launch and later evaluate PBSC’s pilot program over the next two years.

## HRLSC Staff in the Community

### Legal Education and Training

The HRLSC is pleased to participate in community and continuing legal educational programs. This year's forums and panels included:

- the annual **Human Rights Summit** at the Law Society of Ontario;
- a panel on addressing the experiences of Black students on campus for **Afrofest** at the University of Windsor;
- training for the staff of the **Worker's Action Centre**;
- a workshop on human rights as part of the **Canadian National Institute for the Blind's** Educate to Advocate initiative;
- a session on the *Human Rights Code* and the duty to accommodate for a **Disability Law** class at York University;
- training on workplace dispute resolution at **Osgoode Law School**;
- a presentation about the changes that were made to the procedures at the Human Rights Tribunal at the **Ontario Bar Association**;
- a presentation about Ontario's human rights system at Ryerson University's **Access to Justice Week**;
- a workshop at **George Brown College** for a human rights course on housing and homelessness; and
- a presentation on Ontario's Human Rights System to a Politics, the Law and Judicial Process in Canada class at **York University**.

# NOTABLE SETTLEMENTS

Settlements can change policies and practices

## Hospital to Ensure Deaf Patients Have ASL Interpretation

A woman who is deaf was not provided with an ASL interpreter or any other communication supports when she visited the emergency department of a hospital.

The HRLSC negotiated a settlement that included:

- provision, upon request, of American Sign Language (ASL) interpretation through Video Remote Imaging (VRI) to any person who is deaf, deafened, or hard of hearing who is seeking services at the hospital's emergency department or urgent care clinic;
- training and a tip sheet for clinic and emergency department staff on how to arrange for VRI; and
- \$3,750 in general damages.

## Training on Racial Bias in School

A racialized student had been bullied at school, including racially focused taunts, threats and physical violence. No actions were taken by the school with respect to this bullying.

A few months later, the two white classmates who had bullied the student alleged the student had now bullied them. The school's response was entirely different to the complaints of the white classmates. The school did a full investigation into these complaints.

The HRLSC negotiated a settlement that included:

- training on unconscious racial bias for the school staff and administration;
- letter of regret from the Principal; and
- \$16,000 in general damages.

## Police Service Agrees to Pilot Project for Sexual Assault Cases

A 21-year old was sexually assaulted by an acquaintance at a dinner at her friend's house. She reported the assaults to the police and was told a month later that her case had been deemed 'unfounded'.

The HRLSC negotiated a settlement that included:

- a process for reviewing all claims of sexual assault that do not result in charges being laid, including review by a panel that includes violence against women advocates;
- an annual report that outlines the findings of the reviews, including the recommendations made and the actions taken in response;
- publicly available annual reporting on the progress of this pilot project; and
- human rights training for the officers involved.

## NOTABLE CASES

Cases decided at Tribunal hearings

### Tribunal finds police racially discriminated against six-year-old Black girl restrained and handcuffed at school

JKB v. Peel (Police Services Board), [2020 HRTO 172](#)

Two officers from Peel Regional Police carried a six-year-old Black girl to the office of her school, laid her on her stomach and handcuffed her wrists and ankles. She remained cuffed for 28 minutes. The decision by the Human Rights Tribunal of Ontario on February 24, 2020, described the ordeal as a "a clear overreaction" and stated that while the officers had a legitimate duty to maintain safety "this did not give them licence to treat the applicant in a way that they would not have treated a White six-year-old child in the same circumstances."

*"This case shows how implicit racial bias, and untrained officers can be a recipe for disaster. Police Service Boards across the province must take concrete steps to ensure that Black children, like all other children, are treated with compassion and respect."*

Roger Love, HRLSC lawyer

The applicant and her family are protected under a publication ban.

## Citizenship and Work Eligibility

Haseeb v. Imperial Oil Limited, [2019 HRTO 1174](#)

Mr. Haseeb was an international engineering student at McGill University. Upon graduation, he would become eligible for a three-year post graduate work permit. During his final term at McGill, he applied for an entry level position with Imperial Oil. Imperial Oil offered him a position. Shortly after, Imperial Oil revoked its job offer because he did not have permanent status in Canada but only a three-year work permit.

The HRLSC represented Mr. Haseeb at his liability and remedy hearings. In its liability decision in 2018, the Tribunal found that the requirement was discriminatory on the grounds of citizenship and acted as a complete bar to anyone who is not a citizen or permanent resident. The decision also stated that the permanent residency/citizenship requirement was not genuine, or bona fide, because it was not rationally linked to the performance of the job.

In its remedy decision in August 2019, the Tribunal awarded Mr. Haseeb \$15,000 in general damages and \$101,363.16 for lost wages. Public interest remedies were not ordered by the Tribunal because of the Respondent's evidence that, in response to the Tribunal's 2018 decision, it had changed its recruitment and hiring policies and procedures to remove the permanent residency/citizenship requirement.

## Pregnant Assistant Fired

Mannen v. Dr. Monika Spolia Dentistry Professional Corporation, [2019 HRTO 774](#)

Three months after she started working as a dental assistant, Ms. Mannen found out that she was pregnant and told her supervisor about it. A week later, she was asked to train a new assistant and her employment was terminated.

The Tribunal found that Ms. Mannen's employment had been terminated because of her pregnancy and awarded her \$20,000 in general damages and \$929.85 in lost wages and ordered the employer to provide training to staff on human rights and develop a workplace human rights policy.

## In the Media

### Informing the public

The HRLSC's cases regularly receive media coverage, which helps to inform and educate the public about human rights issues and discrimination, the human rights system and our services.

Our notable cases received news coverage and our services were mentioned in a variety of columns and publications this year.

*"If you need assistance navigating this situation, you should contact the Human Rights Legal Support Centre or an employment lawyer who can advise you . . ."*  
Toronto Star column

- [Global News](https://globalnews.ca/news/6619593/girl-handcuffed-peel-police-human-rights-tribunal-ruling/): <https://globalnews.ca/news/6619593/girl-handcuffed-peel-police-human-rights-tribunal-ruling/>
- [City News](https://toronto.citynews.ca/video/2019/09/20/policy-tackling-racial-profiling-in-law-enforcement-unveiled/): <https://toronto.citynews.ca/video/2019/09/20/policy-tackling-racial-profiling-in-law-enforcement-unveiled/>
- [Toronto Star](https://www.thestar.com/news/canada/2020/03/27/worker-rights-live-chat-toronto-employment-lawyer-hermie-abraham-answers-your-questions-monday-at-noon-et.html): <https://www.thestar.com/news/canada/2020/03/27/worker-rights-live-chat-toronto-employment-lawyer-hermie-abraham-answers-your-questions-monday-at-noon-et.html>
- [Sudbury Star](https://www.thesudburystar.com/news/local-news/race-a-factor-when-cops-handcuffed-black-girl-6-at-school-tribunal/wcm/c2a56e81-fc75-443b-adf3-1e7a9e9ecbae): <https://www.thesudburystar.com/news/local-news/race-a-factor-when-cops-handcuffed-black-girl-6-at-school-tribunal/wcm/c2a56e81-fc75-443b-adf3-1e7a9e9ecbae>

# ORGANIZATIONAL PROJECTS

Internal and external projects

## Schulich School of Business

### Enterprise Consulting Project

A team of MBA students from Schulich partnered with the HRLSC on a project with the dual aims of providing the HRLSC with **recommendations for the use of technology to increase website engagement and streamline intake services**, while giving the students valuable practical experience in data analysis and process innovation and improvement.

The HRLSC will be considering the one-time and ongoing costs and available funding to determine the feasibility of advancing the project's recommendations.

## Audit and Accountability

### Review

The Ontario Internal Audit Division reviewed the human rights system as part of the 2019-2020 Ontario Public Service-Wide Audit Plan. One phase of the review assessed the efficiency and cost-effectiveness of the HRLSC's operations. We expect to receive the report from the system wide review in 2020-2021.

## Strategic Plan

### Update

The HRLSC began the process of reviewing and updating its strategic plan this year to respond to new and emerging opportunities and challenges throughout the province and the human rights system.

## Responding to the Pandemic

### COVID-19

In response to the COVID-19 pandemic and as the outbreak evolved throughout the latter part of the fiscal year, the HRLSC:

- published information on our website; and
- quickly adapted the information provided to callers to our inquiry lines regarding common *Code*-based human rights concerns.

The pandemic had far-reaching effects on many aspects of community life, including the workplace, housing and public services, such as medical services and schools. Human rights concerns we heard about in the context of the pandemic included:

- workers suspected of having COVID-19 simply because of their race, place of origin or disability;
- employment-related health and safety issues; and
- issues related to family status, including accommodations for workers with childcare responsibilities who were working at home.

The HRLSC is committed to working to protect those who are disproportionately impacted and to addressing discrimination that might arise during or after emergency or unexpected situations.

# ANALYSIS OF OPERATIONAL PERFORMANCE

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An agile service model and comprehensive data collection underpin the HRLSC's responsiveness to changing environments and service demands.

## SUMMARY

### Results

- The HRLSC's service volumes decreased in many service areas. Indigenous service volumes remained high.
- Settlement rates at mediations and hearings remained consistent with or higher than previous years.
- Client satisfaction rates increased from previous years.

### Factors that impacted results

- The withdrawal of project funding for the Mediation Program, contributed to the reduced service volume.
- Backlogs and delays at the Tribunal likely caused the decline in requests for service for hearings, and, to a lesser degree, mediations.
- The COVID-19 pandemic contributed to the decline in requests for services in all areas during February and March 2020.
- Staff turnover on the intake lines and among senior counsel reduced capacity to respond to initial inquiries and provide legal representation.
- Retaining mid-level staff contributed to the high settlement and satisfaction rates and the flexible service model helped to manage the impact of changes.

# STATISTICS

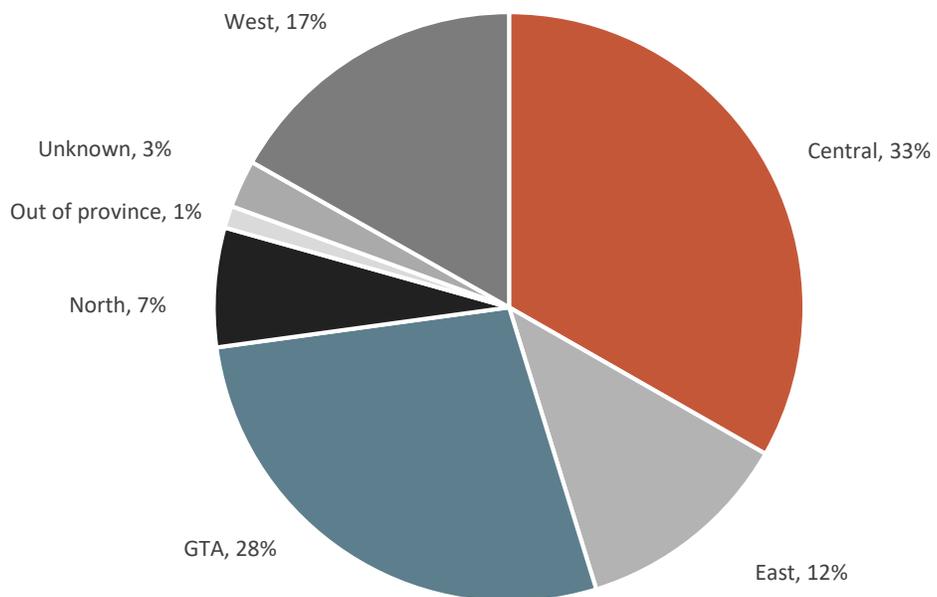
Providing legal services to thousands of people each year

- 19,084 Initial inquiries answered
- 13,409 Individuals received free legal assistance about a potential *Human Rights Code* infringement
- 1,841 Individuals received in-depth legal services from our lawyers and legal representatives
- 367 Mediations attended
- 368 Cases settled throughout the process—before a claim was filed, before or at mediation or before a hearing
- 279,598 Visits to our website

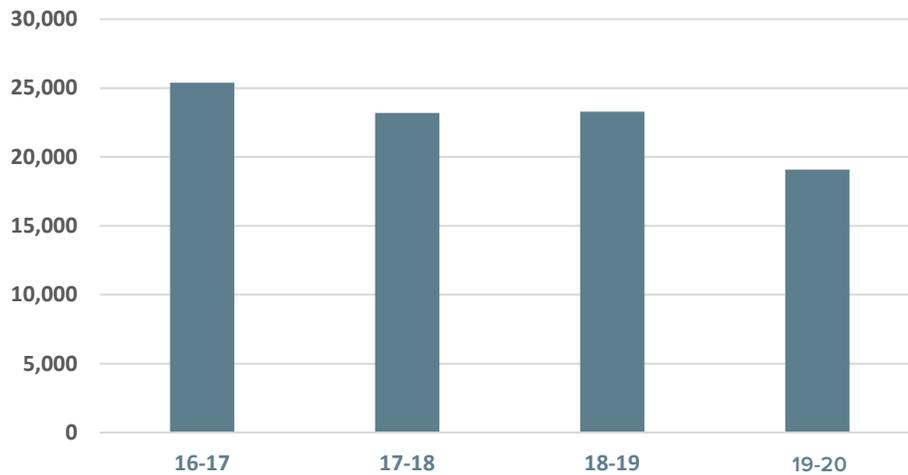
# Inquiries About Human Rights and Discrimination

Responding to inquiries from across Ontario

## Inquiries by Region



## Number of Inquiries Answered



The number of responses to initial inquiries (or intakes) decreased by 17% from the previous year. There were decreases in the number of incoming inquiries (i.e. intake service demand) and the HRLSC's capacity to respond to inquiries (i.e. intake services provided).

- Externally, there were fewer requests for hearing and mediation services because of scheduling delays at the Tribunal. The HRLSC saw a reduction in the number of inquiries received in the early stages of the COVID-19 pandemic (the last two months of the fiscal year), while noting that an increasing number were related to COVID-19 concerns.
- Internally, less in-depth legal service available required the inquiry line staff to spend more time with callers, which increased the length of calls and reduced the number of inquiries that could be answered. Turnover of inquiry line staff also periodically reduced our capacity.

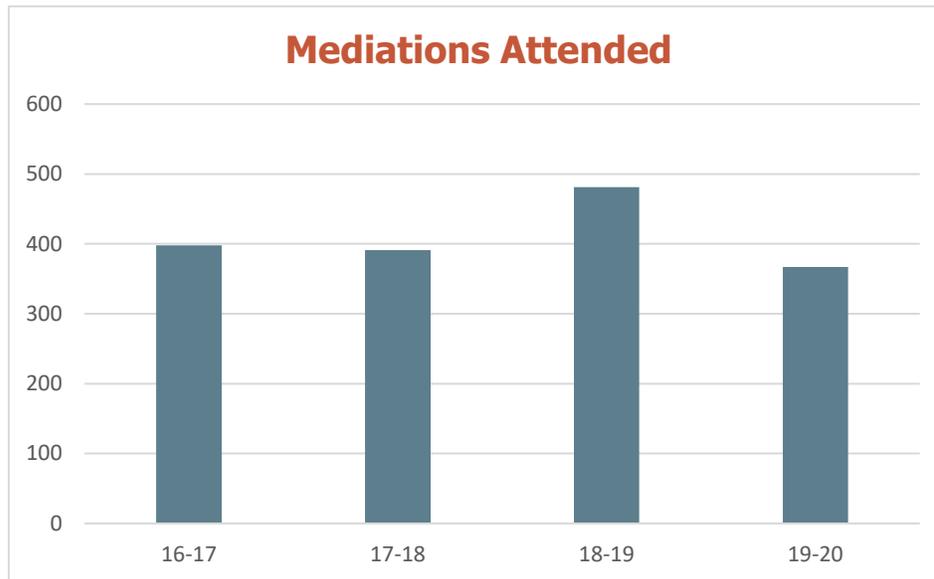
# In-Depth Legal Services



The HRLSC provided in-depth legal services to 1,841 individuals filing human rights applications or attending a Tribunal mediation or hearing. This was an expected decrease in services, mainly due to the loss of our project funding for the Mediation Program.

- The service reduction for early stage (or application) interviews was expected to match the 50% staffing loss. The actual reduction for in-depth application interviews was 41% from last year. These better than expected results were due to managing vacancies to allow a higher level of staffing for part of the year and retention of experienced staff in this service area.

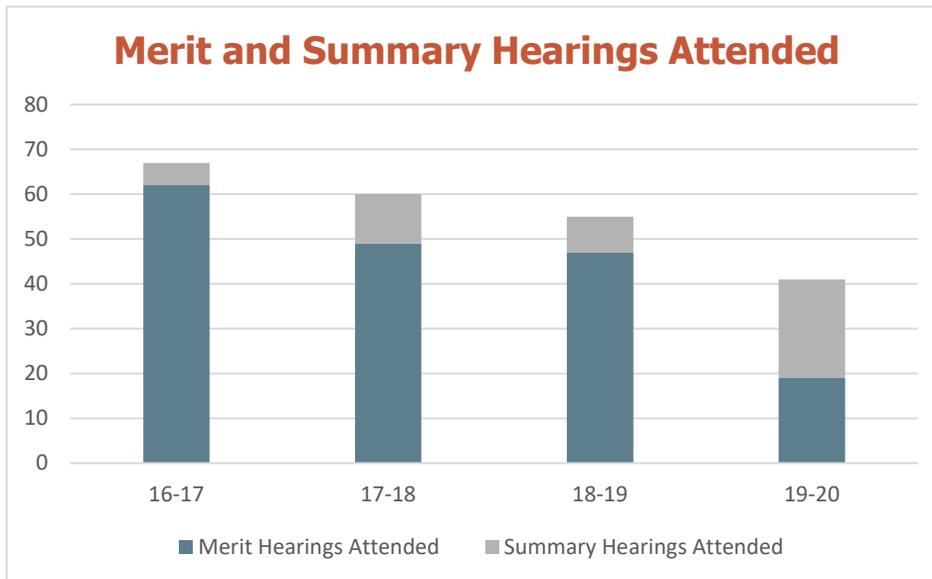
# Representation at Mediations



We provided legal representation for mediations to 367 people, almost 70% of those who contacted us about their mediation.

- The decrease was primarily a consequence of the loss of counsel positions due to the funding reduction, as well as a decrease in the number of mediations held by the Tribunal.
- Scheduling coordination with the Tribunal helped the HRLSC to plan and allocate staffing to respond to periodic fluctuations in the number of mediations held and contributed to achieving these results.

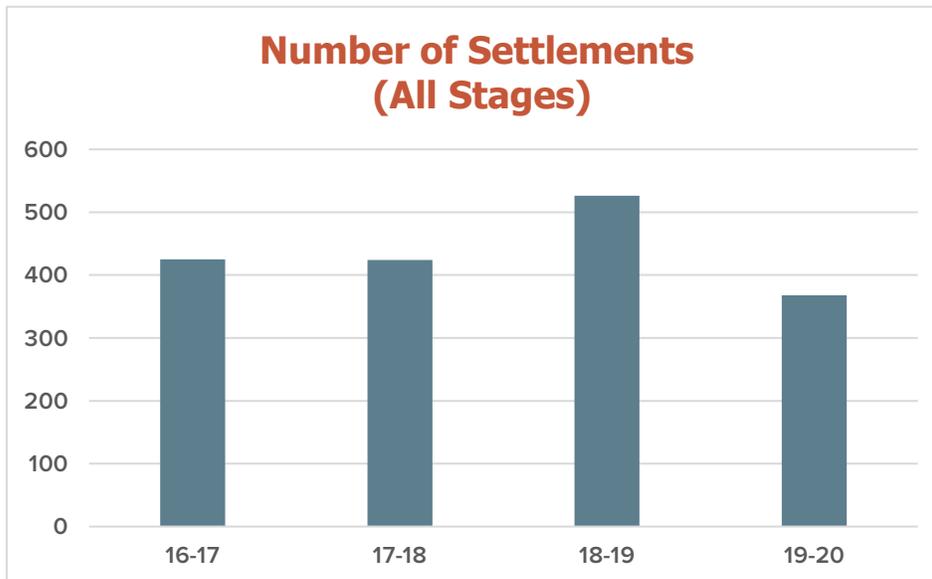
## Representation at Hearings



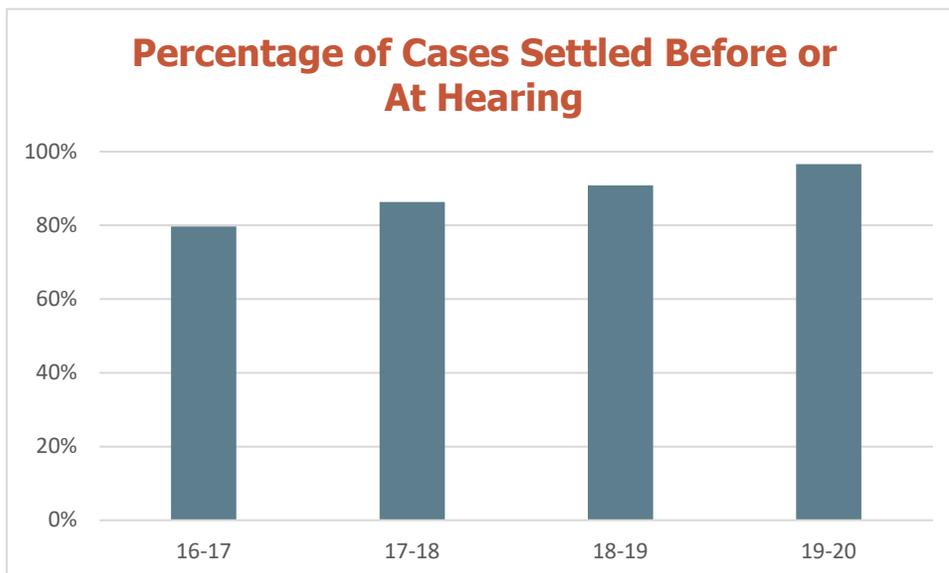
This year HRLSC counsel provided representation at 19 merit hearings (fewer than in previous years) and 22 summary hearings (more than in previous years).

- The lower number of merit hearings was due in part to a 33% reduction in requests for representation at the hearing stage because of delays at the Tribunal.
- The loss of senior counsel through the year also reduced our capacity to provide representation at merit hearings.
- With reduced demand for merit hearing services, the HRLSC was able to provide more assistance at more summary hearings, representing at 22 summary hearings in 2019-2020 vs 8 the previous year.
- The HRLSC also increased its success in settling cases before a hearing. Only 3% of cases went on to a full merit hearing.

# Settling Cases



Settlements remove disputes from the Tribunal system, saving public and private costs of adjudication and increasing the speed and efficiency of the human rights system, while ensuring that applicants have legal help to address and remedy discrimination.



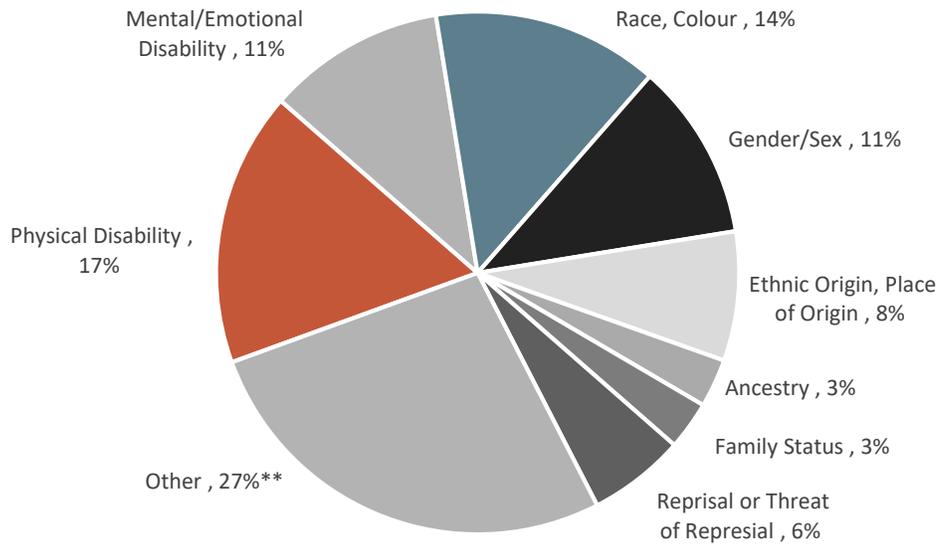
The percentage of hearing stage cases that settle before a hearing has increased consistently over the past four years. Expertise gained over the HRLSC's 12-year existence and relatively stable staffing among mid-level legal positions likely contributed to the high settlement rates this year.

# Indigenous Services



The Indigenous services program continued to make a significant contribution to the HRLSC through 2019-2020, with service levels remaining relatively constant with the previous year. The HRLSC has Indigenous staff in Toronto, as well as in western and northern regions of the province. Their outreach initiatives and community connections are pivotal to the success of this program and the HRLSC's ability to continue to offer culturally appropriate services to Indigenous communities.

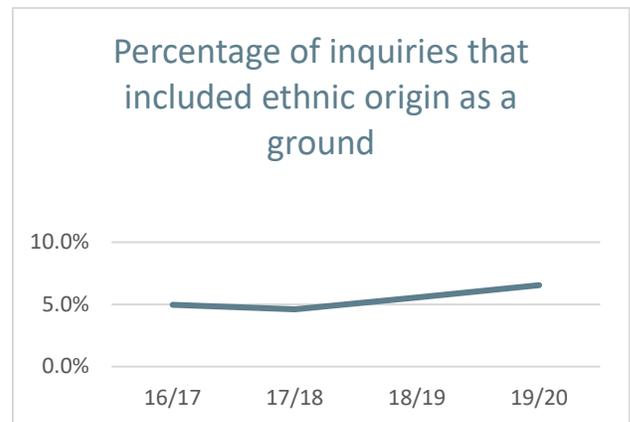
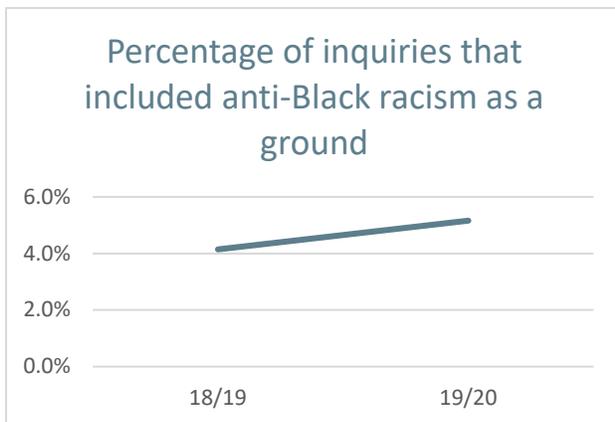
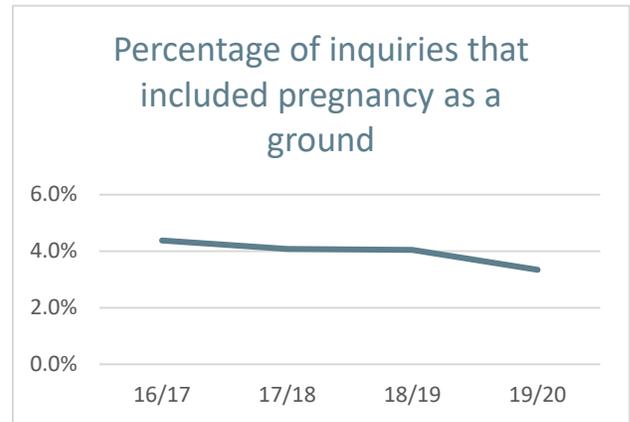
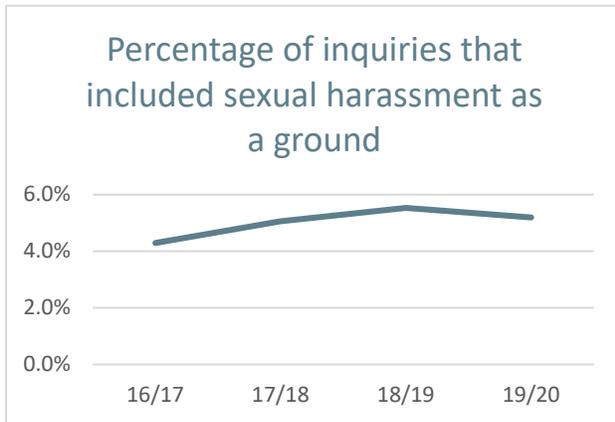
# Most Common Grounds of Discrimination



\*Includes: sexual harassment, sexual orientation, gender identity, gender expression, and pregnancy.

\*\* Includes all other grounds.

# Changing Grounds



3

The HRLSC tracks specific grounds of discrimination in our cases to help us understand needs and plan our services. We identified a few changes in our data this year.

- The proportion of requests for services is generally increasing for claims of sexual harassment or discrimination because of ethnic origin or anti-Black racism.
- The proportion of requests for services for claims of discrimination because of pregnancy is declining.

We began collecting statistics for inquiries related to COVID-19 in March 2020.

<sup>3</sup> Data only available for the last two fiscal years.

# PERFORMANCE MEASURES

Ambitious goals to assess our results and service quality

## 2019-2020 Achievements

75% **84%**  
*TARGET ACHIEVED*

### Percentage of Hearing Cases Settled at a Hearing

The settlement rate at hearing was over the target. Retention of mid-level legal staff likely contributed to this result. When combined with the number of cases that settled before a hearing started, the settlement rate was 97%.

95 **86**  
*TARGET ACHIEVED*

### Number of Cases Settled Before or at Hearing

The target was not met due to fewer requests for HRLSC's hearing services because of delays at the Tribunal. The delays at the Tribunal were not anticipated and therefore not taken into consideration when the target was set. Additionally, the loss of two senior counsel also reduced our capacity to take on hearing stage cases. The HRLSC will monitor the Tribunal's hearing schedule and may adjust its target to better reflect a realistic number of hearing cases that can be expected and taken on.

66% **66%**  
*TARGET ACHIEVED*

### Settlement Rate at Mediation

The percentage of cases settled at mediation was maintained at the target rate, despite the reduction in capacity to provide representation due to the loss of our project funding for the Mediation Program. This continues to be an ambitious target, higher than was achieved in many previous years, and higher than what is generally achieved in Tribunal mediations.

70% **68%**  
TARGET ACHIEVED

## Telephone Answer Rate

The HRLSC telephone answer rate was slightly below our target. The lower answer rate was due mainly to talk times on our inquiry lines being, on average, almost two minutes longer than the previous year. Longer talk times were due to the reduction in staffing for in-depth legal services as a result of the budget cut. The reduced capacity to provide in-depth legal services meant that the inquiry line staff spent more time answering questions on the initial call. The loss of experienced staff members, which was an indirect result of the loss of funding, was also a factor in the answer rate, as significant time is needed to train front line staff in this specialized area of law. The HRLSC continues to develop and pilot, within existing resources, staffing frameworks and IT tools to augment our inquiry line service.

70% **96%**  
TARGET ACHIEVED

## Clients Who Rated Service as Good or Very Good

Although the HRLSC's feedback ratings are generally high, client feedback was exceptionally positive this year. Most clients indicated in the surveys that they were pleased with the legal assistance they received from the HRLSC. A general theme was the importance of there being "... **somewhere to go when facing** discrimination...". Suggestions for improvements included having more staff, shorter wait times and more assistance earlier in the process. Additionally, outside of client surveys, staff regularly receive thank you notes and other positive feedback from clients.

2 **26**  
TARGET ACHIEVED

## Positive Human Rights Stories in the Media that Featured the HRLSC's Legal Services

The HRLSC's cases and services continued to receive media coverage this year, exceeding the target. Most media coverage was in Ontario. Fewer cases received coverage this year, likely due to the loss of our Communication Coordinator position, the lower volume of cases and, late in the year, COVID-19.

# RISK EVENTS

Many of the identified potential risks materialized this year. The most significant events were the result of externally driven circumstances.

## **1. Maintaining services after the loss of project funding for the HRLSC's Mediation Program**

- The project funding loss resulted in reduced service capacity.
- The loss of our Communications and Outreach Coordinator position reduced our capacity to generate and maintain effective communication and outreach material and initiatives.

This risk was mitigated by planning service reductions and spreading them over several areas to lessen their impact on clients and the human rights system. The high settlement and satisfaction rates indicate that the mitigation strategies were effective.

## **2. Turnover among staff and inability to retain or replace lawyers**

- The loss of staff also impacted our capacity to provide legal services most significantly at the early stage (answering inquiries) and at the later stage (representing clients at hearings).
- The HRLSC continues to face the challenge of retaining experienced lawyers; with a static permanent budget we are unable to maintain competitive salaries.

This risk has been mitigated by filling vacant positions with newly called lawyers. However, this practice is not a sustainable way to provide salary increases. To avoid the likelihood of layoffs, the HRLSC will continue to

seek the Ministry's support to address this looming hardship.

### **3. Service disruptions due to external factors**

- The delays and backlogs at the Tribunal and the COVID-19 pandemic impacted our services this year.

Obtaining information from the Tribunal about their mediation and hearing scheduling plans was helpful with planning and prioritizing the HRLSC's staffing throughout the year.

Although the COVID-19 pandemic had a significant impact on service demand and delivery near the end of the fiscal year, the HRLSC responded quickly to move staff in all areas to work from home with minimal service loss. This was due to the HRLSC's:

- flexible and nimble service model that allows for pivots in service priorities or delivery methods;
- modern IT systems; and
- experience with remote workers and practical approach to continuity planning.

### **4. Potential labour disruption**

Labour negotiations were planned and managed with a cooperative approach and concluded successfully.

### **5. Potential negative media attention**

Negative media coverage is an ongoing and unpredictable risk inherent to providing legal services to the public. The HRLSC's case selection criteria and team approach support the effective management of this risk.

# ANALYSIS OF FINANCIAL PERFORMANCE

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## Cost Allocation

Funding Source	Expense	16-17	17-18	18-19	19-20
<b>Ministry of the Attorney General</b>					
	Salaries & Benefits	86%	86%	87%	<b>87%</b>
	Operating	14%	13%	13%	<b>13%</b>
	Board	1%	1%	1%	<b>1%</b>
<b>Department of Justice Canada (new)</b>					
	Salaries & Benefits				<b>70%</b>
	Operating				<b>30%</b>

The proportion of expenses for staffing, operating and Board costs remained consistent with previous years.

Salaries and benefits continue to be the highest proportion of the HRLSC's costs. The HRLSC has effectively managed funds to maintain stability in each major budget area over the past four years to optimize service delivery and accurately reflect service costs. Expenditures and costs are monitored and assessed to ensure appropriate and balanced allocations in each budget area to support and maximize services.

## Cost Summary

	16-17	17-18	18-19	19-20
<b>Ministry of the Attorney General</b>				
Salaries & Benefits	5,057,423	4,968,821	4,880,405	<b>4,180,009</b>
Operating	940,589	734,415	749,922	<b>603,024</b>
Board	36,521	41,040	25,919	<b>32,223</b>
<b>Total</b>	<b>6,034,533</b>	<b>5,744,276</b>	<b>5,656,246</b>	<b>4,815,256</b>
<b>Department of Justice Canada (new)</b>				
Salaries & Benefits				<b>170,999</b>
Operating				<b>71,676</b>
<b>Total</b>				<b>242,675</b>

The HRLSC had been working with a reasonably static budget from 2016 to 2019 and the withdrawal of the project funding for the Mediation Program in the 2019-2020 fiscal year created fiscal challenges in maintaining competitive salaries and adequate staffing levels.

The funding reduction caused the elimination of positions, which resulted in lower costs in 2019-2020. Temporary vacancies caused by staff turnover also contributed to the lower salary and benefit costs.

The lower costs in operating expenses were due mainly to significantly lower travel and regional office costs as a result of the staff reductions, fewer hearings due to the delays at the Tribunal, and, later in the year, the COVID-19 pandemic. The lower regional office costs were due to the ongoing initiative to move regional staff to home offices. This move to home offices began a few years ago, well before the pandemic.

Board costs were higher this year as vacant Board positions from the previous year were filled. The Board costs were exceptionally low in 2018-2019 due to vacancies.

Expenses for the *SHARE program*, funded by the Department of Justice Canada, reflect partial year costs, as the program became operational partway through the fiscal year.

Costs are effectively managed through monitoring, analysis and responsive and timely decision-making, which is supported with an agile service delivery model. The most significant financial challenge for the HRLSC continues to be maintaining adequate staffing to maintain services and competitive salary levels to retain staff.

# FULFILLMENT OF MANDATE LETTER

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## Priority

Support the Ministry of the Attorney General's priorities by promoting access to justice, finding efficiencies and improving the services of Ontario's court and adjudicative tribunal systems. Continue to carry out the agency's responsibilities as set out in the *Human Rights Code*.

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Support the government's evidence-based decision-making framework to ensure programs and services are effective, efficient, relevant and sustainable.

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Support the government's Open Government initiative to demonstrate a more open and transparent government including the application of the Open Data Directive.

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Continue to manage the Mediation Program and make best efforts to meet performance targets.

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Continue to build on the work that has begun with the cross appointments with the OHRC and the joint work with the OHRC and HRTO to improve Ontario's human rights system and reporting on its progress.

## Achievement

- Responded to more than 19,000 inquiries about discrimination, providing legal information
- Provided in-depth legal services to almost 2,000 individuals; represented more than 300 applicants at mediations and hearings
- Maintained high rates of settlement before or at mediations or hearings
- Received consistently high client service ratings

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- Collected and analyzed service data and trends to inform planning
  - Operational performance sustained within available resources
  - Financial and human resource strategies proven effective in bolstering sustainability

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- Comprehensive open data available on HRLSC's website

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- Mediation Program produced increased service levels and settlements over its five-year existence
  - Unable to sustain service levels due to elimination of funding; despite this settlement rates were maintained in 2019-2020

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- HRLSC/OHRC MOU signed in 2018
  - HRLSC supported OHRC's policy on eliminating racial profiling in law enforcement
  - No new cross appointment has been announced since November 2019.

# BOARD OF DIRECTORS AND STAFF

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## Our Board

The HRLSC's Board members have been appointed by the Lieutenant Governor in Council for the following terms.

Appointee	Total Remuneration 19 - 20	Per Diem Remuneration Rate
<b>Ena Chadha, Chair</b> February 21, 2018 to February 20, 2021	\$ 14,376.40	\$566
<b>Patrick Nadjiwan</b> September 17, 2009 to December 11, 2020	\$ 1,875.00	\$375
<b>Nancy Gignac</b> September 17, 2009 to November 24, 2019	\$ 1,125.00	\$375
<b>Mary Gusella</b> September 17, 2009 to November 24, 2019	\$ 1,125.00	\$375
<b>Karen Drake</b> August 17, 2017 to August 16, 2020	\$ 1,875.00	\$375
<b>Tamar Witelson</b> February 8, 2018 to February 19, 2022	\$ 1,875.00	\$375
<b>Gilles LeVasseur</b> February 21, 2018 to February 20, 2020	\$ 2,812.50	\$375
<b>Kowthar Omar</b> February 21, 2018 to February 20, 2020	\$ 2,062.50	\$375
<b>Mary Joe Freire</b> February 21, 2020 to February 19, 2021	\$ 187.50	\$375
<b>Total</b>	<b>\$ 27,313.90</b>	not applicable

## Our Staff

The HRLSC's staff members bring diverse professional experience and knowledge to our team. Our lawyers and paralegal staff are committed human rights advocates who come from community legal clinics, employment law firms, Legal Aid Ontario, the Ontario Human Rights Commission, the Ministry of the Attorney General and many community organizations.

*Human Rights Legal Support Centre  
180 Dundas Street West, 8th Floor  
Toronto, Ontario, M7A 0A1*

*[www.hrlsc.on.ca](http://www.hrlsc.on.ca)*

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