

III. CONSULTATION

The appointment of the Task Force was greeted with much excitement and anticipation. Many individuals and groups in Ontario had called for a review of the *Code*. Now, they expected to be able to participate in this exciting opportunity to effect change. The Task Force strove, at all times, to include as many of these individuals and groups as its timeframe and resources allowed. This section explains how the Task Force did this.

Advisory Committee

The Minister of Citizenship greatly assisted the work of the Task Force by appointing 13 highly energetic and expert Ontarians to the Task Force's Advisory Committee. As a group they were representative of many communities concerned with human rights in Ontario. The Task Force found the Committee to be an invaluable component of its *Code* review. It met for eight full days in the space of four and an half months. It participated in designing the consultation process and in considering the principles and models that Ontarians want for a new enforcement system. With resource materials the Task Force provided to facilitate its participation, the committee members engaged in detailed and invaluable discussions with the Task Force which, in turn, resulted in timely and very thoughtful advice.

The Issues Paper

The Task Force acted quickly after its appointment to reach out to the many individuals and groups eager to participate in the *Code* review. It printed and distributed 10,000 copies of an issues paper: "Getting Human Rights Enforced Effectively." This paper provided a base of information, noted the problems with the current system, posed many questions for consideration, and identified a variety of solutions. For example, it posed the following questions: What body should promote the fair and effective enforcement of human rights and what should that look like? Should there be a separate resolution process for Aboriginal peoples? What procedures best identify, investigate, resolve, and decide human rights issues? To increase the issue paper's accessibility, the Task Force produced a two-page summary and translated it into Chinese, Vietnamese, Punjabi, Urdu, Hindi, Tamil, Portuguese, Italian, Spanish, Polish, and Greek. It was also provided in accessible formats to people with disabilities.

Communications

The communications strategy adopted by the Task Force served to make as many Ontarians aware of the *Code* review as possible. As a first step, advertisements were placed by the government in 14 newspapers across the province announcing its 1992 Consultation Program, including the *Code* review. Second, the Task Force sent a letter to over 5,000 individuals and groups inviting them to participate in the *Code* review. Third, on March 9, 1992, the Task Force held a press conference to release its issues paper and to announce the seven cities in which public meetings would be held in April. Over 1,000 media advisories and news releases were sent to daily and weekly newspapers, television and radio media, Francophone media, ethnic media, disability media, specialty media, and native media. Fourth, efforts to publicize the consultation process to people with visual disabilities were made through reading services and special media affiliated with the Canadian National Institute for the Blind. Finally, the work of the Task Force was communicated through interviews that Task Force members and staff gave to print and broadcast media representatives.

Community Participation Fund

The Task Force was mindful that much valuable input needed to be obtained from groups facing certain barriers to effective participation. To assist community groups in overcoming these barriers, it provided resources in the form of a Community Participation Fund. This fund encouraged participation from both historically and systemically disadvantaged groups and groups facing geographic and physical barriers. It assisted groups to do outreach to find out the concerns of their communities and bring those concerns to the Task Force. It also promoted discussion of the issues paper.

The Public Meetings

Individuals and groups actively participated in the public meetings the Task Force held in April. Accessible public meetings were held in seven cities that the Advisory Committee helped choose - Windsor, London, Ottawa, Toronto, Sudbury, Thunder Bay, and Scarborough. Generally speaking, mornings were devoted to general discussion, afternoons to presentations by groups and individuals, and evenings to an open forum. The Task Force observed that the general discussions allowed participants to focus their ideas and to build consensus among stakeholders; that, in their presentations, groups and individuals eloquently voiced issues of particular concern and made thoughtful recommendations; and that the open forums encouraged less formal dialogue, which brought other important concerns to the fore.

First Nations and Aboriginal People

The Task Force was asked to conduct a separate consultation with Ontario's First Nations and people of Aboriginal ancestry. In light of the provincial government's recognition of the inherent right of self-government of the First Nations, much time and effort was being directed to constitutional reform. Gordon B. Peters, Regional Chief of the Chiefs of Ontario, nevertheless, requested that the Ontario Native Council on Justice take a leadership role in preparing a response from Ontario's First Nations and people of Aboriginal ancestry. In turn, the Ontario Native Council on Justice coordinated a meeting with the Task Force, council members and other people of Aboriginal ancestry, which took place on May 15, 1992. This meeting was considered, by all attending, to be merely a starting point in formulating a comprehensive response to human rights enforcement in Ontario. The Ontario Native Council on Justice intends to explore the ideas proposed at this meeting more fully at its next annual general meeting. When Ontario's First Nations and peoples of Aboriginal ancestry formulate a position, they will make representations directly to the government.

Further participation by native community organizations took the form of presentations at the public meetings.

Ontario Human Rights Commission

The Ontario Human Rights Commission was part of the chorus of voices calling for a review of human rights enforcement. Throughout its review, the Task Force welcomed the Commission's valuable insights and suggestions for providing Ontarians with a fair, accessible, and practical enforcement system. The Task Force benefitted greatly from both the Commission's extensive and helpful brief and the regular meetings with the Chief Commissioner, the Vice-Chair of the Commission, Commissioner Reva Devins, and other Commission staff who assisted them. In particular, the Task Force acknowledges the able assistance of Reva Devins, who acted as the liaison between the Commission and the Task Force. The Task Force also wrote directly to all Commission staff and welcomed their helpful assistance and advice.

Office of the Boards of Inquiry Panel

In addition to meetings held with the Ontario Human Rights Commission, the Task Force regularly met with the Office of the Boards of Inquiry. Through discussions with Maryka Omatsu, Chair of the Boards of Inquiry and her staff, the Task Force gained a better understanding of the current operation of the Boards of Inquiry and of the Chair's vision for a new adjudication system. The Task Force further benefitted from the Chair's consultation with the adjudicators who make decisions within the constraints of the current system. Such

information assisted the Task Force in devising a new approach to adjudication of human rights claims, which will assure full and equal access to a hearing.

Strategic Consultations

In addition to the public consultations, a number of other meetings were held.

- The Task Force held two round table discussions with deputy ministers of relevant ministries. As Ontario's second largest employer and service provider, the Government could have a major impact, in the view of the Task Force, by taking proactive measures before the to file a claim arises. The Task Force believed that there was a need to address proposed proactive measures that, if adopted by ministries, will deal with discrimination before the need of filing a claim arises.
- The Task Force met with Chairs of other adjudicative and regulatory agencies to canvass solutions to commonly experienced problems.
- The Task Force met with the Employment Equity Commissioner, the Pay Equity Commissioner, and the Chair of the Pay Equity Hearings Tribunal to discuss the possible interrelationship of the three equality areas.
- The Task Force solicited views from the private and business sector, which resulted in submissions to the Task Force from, for example, the Institute for Equality and Employment and the Toronto Board of Trade.
- The Task Force met with representatives from the union community, including the Ontario Federation of Labour, the Canadian Auto Workers, the Canadian Union of Public Employees, the United Steelworkers of America, and the Ontario Public Service Employees Union.
- The Task Force consulted the legal community through the Labour Law subsection of the Canadian Bar Association - Ontario, the Canadian Association of Labour Lawyers, and the Inter-Clinic Committee on Human Rights Reform.
- The Task Force consulted formally and informally with representatives of equality-seeking groups and benefitted greatly both from their perspectives on the current enforcement system and from their passionate arguments in favour of reform. These groups included the Coalition on Human Rights and Disability Issues, the Minority Advocacy Rights Council, the Advocacy Resource Centre for the Handicapped, Persons United for Self-Help, the Centre for Equality Rights in Accommodation, the Canadian Jewish Congress, the Women's Legal Education & Action Fund, the Urban

Alliance on Race Relations, the Ad Hoc Committee for Wei Fu, and the Black Action Defence Committee.

- The Task Force also met with a number of individuals with expertise in the human rights system.

Research Consulted

The Task Force benefitted from research carried out on its behalf by the following groups and individuals with community and/or legal expertise in human rights.

- The Advocacy Resource Centre for the Handicapped analyzed enforcement and regulations as methods of dealing with systemic discrimination.
- The Centre for Equality Rights in Accommodation examined the role of claimants, community groups, and the Human Rights Commission in seeking to achieve equality rights.
- The Inter-Clinic Workgroup looked at what process should be followed in rejecting claims and whether it should be possible to give priority to a case in a particularly urgent situation.
- The Ontario Coalition Against Poverty examined how to make a claim process accessible and accountable to members of disadvantaged groups, particularly people who are poor.
- The Urban Alliance on Race Relations carried out research on what kinds of education strategies would best advance human rights and, in particular, how to inform people of colour of their rights.
- The Harvard Negotiation Project examined the issue of settlement and forms of alternate dispute resolution that could be used to better resolve rights claims.
- Mr. Justice Robert Reid, a recently retired judge of the Ontario Court (General Division) with special expertise in administrative law, examined what hearing process for rights claims would be appropriate and what provision should be made for appeals, reconsideration, and enforcement of decisions.