

November 15, 2006

## **PROPOSED AMENDMENTS TO STRENGTHEN HUMAN RIGHTS SYSTEM**

The McGuinty government is proposing enhancements to Bill 107, the Human Rights Code Amendment Act, 2006, which was introduced in April 2006. This legislation would, if passed, modernize and strengthen Ontario's 40-year-old human rights system, so that it could resolve complaints faster and more effectively, while remaining focused on preventing discrimination.

Under the proposed legislation, the Ontario Human Rights Commission's role would focus on proactive measures, such as public education, promotion, public advocacy, research and monitoring, to address systemic discrimination in Ontario, including racism and barriers to people with disabilities. A new complaints process would be implemented, with individual claims being filed directly with the Human Rights Tribunal of Ontario. Legal and advisory services would be put in place to both support and empower people seeking a remedy before the tribunal.

Key proposed amendments to the bill would entrench a range of available legal supports, enhance the Commission's independence, strengthen its investigative and public interest powers, and promote greater fairness in the tribunal process.

### **Proposed amendments to entrench a range of legal support services include:**

- Establishing in legislation a Human Rights Legal Support Centre
- Clarifying and ensuring that a range of legal support services would be provided, such as information, advice, assistance and legal representation
- Confirming public funding for the Human Rights Legal Support Centre
- Providing that the services would be available, where needed, across the province
- Providing that any person who is, has been, or may be an applicant seeking a remedy at the Tribunal would be eligible for services.

### **Proposed amendments to enhance the Commission's independence include:**

- Having the Commission report directly to the people of Ontario through the legislature
- Ensuring appointed commissioners would, for the first time, be required to have expertise in human rights
- Clarifying that the Commission acts independently, in the public interest, and at its own discretion when it undertakes any of its functions.

**Proposed amendments to strengthen the Commission’s investigative and public interest powers include:**

- Clarifying the Commission’s powers to ensure that it would have the ability to inquire into any matter, to examine documents, to question people, and to compel cooperation with its inquiries
- Clarifying that the Commission would have the right to intervene in any application before the Tribunal
- Adjusting transitional provisions to allow existing complaints to continue to be dealt with through the existing system.

**Proposed amendments to promote greater fairness at the Human Rights Tribunal of Ontario include:**

- Requiring that the Tribunal’s rules of practice and procedure facilitate fair, just and expeditious resolutions on the merits of the matters before it
- Ensuring all applications to the Tribunal that are timely and within jurisdiction, would not be finally disposed of without the parties having an opportunity to make oral submissions
- Restricting the Tribunal’s powers to dismiss applications without a hearing
- Eliminating the Tribunal’s ability to establish and charge fees
- Extending the limitation period for filing a claim from six months to one year
- Ensuring that adjudicators at the Tribunal have expertise in human rights.

A chart outlining these proposed changes to Bill 107 is available upon request.

The proposed Human Rights Code Amendment Act, 2006 received second reading on June 6, 2006, and is currently before the Standing Committee on Justice Policy.

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