
Human Rights in Saskatchewan

Emerging Issues in 2015 & 2016

An Environmental Scan

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Introduction

Human Rights in Canada and Saskatchewan have been very dynamic and will continue to be so in the remaining months of 2015 and 2016. With several significant reports, Supreme Court rulings, general elections and of course very active interest groups, human rights issues will continue to be front and centre in the months ahead.

Nationally, the Truth and Reconciliation Commission published *Honouring the Truth, Reconciling the Future* in June of 2015.¹ This marked the final step in the collection of statements from Residential School survivors. Currently, there has been no formal response from the federal government regarding any action on the recommendations.

As well, the highly controversial federal Bill C-51, *Anti-terrorism Act, 2015*, is an example of the often debated balance between human rights and public safety. In a comprehensive legal analysis of the *Anti-terrorism Act* by the Organization for Security and Co-operation in Europe (OSCE), it is clear that the Bill directly restricts freedom of expression and violates Canadian's privacy.²

The Supreme Court of Canada made two major constitutional rulings in early 2015, first saying that the right to strike is constitutional³ and then ruling in favour of assisted suicide.⁴ In both cases, the Supreme Court gave the federal government and the provinces one year to make appropriate regulations to adhere to the rulings.

Privacy has become a significant interest in Saskatchewan due to the Bowden affair of March 2015.⁵ The Saskatchewan Information and Privacy Commissioner, in his most recent report listed 35 substantial recommendations for consideration as privacy legislation has not been updated for 22 years.⁶

Here in Saskatchewan, activists celebrated "gender identity" being added as a prohibited ground to *The Saskatchewan Human Rights Code* in December 2014.⁷

¹ Truth and Reconciliation Commission. (2015). TRC releases calls to action to begin reconciliation. [News release]. Retrieved from

<http://www.trc.ca/websites/trcinstitution/File/TRCReportPressRelease%20%281%29.pdf>

² Office of the OSCE Representative on Freedom of the Media, *Legal Analysis of the Proposed Bill C-51, the Canadian Anti-terrorism Act, 2015: Potential Impact on Freedom of Expression*. May 2015, accessed July 2015 from <http://www.osce.org/fom/156261?download=true>.

³ Fine, Sean. "Canadian workers have fundamental right to strike, top court rules." *The Globe and Mail*. Jan 30, 2015. Accessed August 2015 from <http://www.theglobeandmail.com/news/national/top-court-upholds-canadian-workers-right-to-strike/article22717100/>

⁴ Fine, Sean. "Supreme Court rules Canadians have right to doctor-assisted suicide." *The Globe and Mail*. February 6, 2015. Accessed August 2015 from <http://www.theglobeandmail.com/news/national/supreme-court-rules-on-doctor-assisted-suicide/article22828437/>

⁵ Fraser, D.C.. "Wall confidant in Oliver Lodge firing process." *The StarPhoenix*. Aug 18, 2015.

⁶ Office of the Saskatchewan Information and Privacy Commissioner. *2014-2015 Annual Report – It's Time to Update*. June 2015. Accessed Aug 2015 from www.oipc.sk.ca/Annual_Reports/Annual_Report_2014-2015.pdf

⁷ Saskatchewan Human Rights Commission (10 December, 2014). Human Rights Day 2014. [News Release] Retrieved from: <http://saskatchewanhumanrights.ca/news/item/?n=51>

The following environmental scan outlines the current major human rights issues in Saskatchewan, or those affecting Saskatchewan, from human rights in employment to the rights of the GLBTQ, First Nations and Metis and New Canadian communities.

Current Major Issues in Saskatchewan

a) Employment

In January 2015, the Supreme Court of Canada declared that the right to strike is a fundamental right in Canada. The ruling came as a result of a Saskatchewan case brought forward by public-sector unions challenging a law passed in 2008 “that limited the right to strike by workers deemed by the government to be in essential services.”⁸ Saskatchewan has been given one year to create and enact new legislation that conforms to the Supreme Court ruling.⁹

A recent human rights issue relating to employment and immigration is the temporary foreign workers program. There have been instances of these workers being taken advantage of, paid less than minimum wage or charged excessive rents on provided suites.¹⁰ CBC reported that as of Sept 2013, more than 3,000 companies in Saskatchewan have received permission to hire foreign workers.¹¹ The federal government has started implementing changes to this program.¹² On April 1st, 2011, the federal government introduced a policy that requires any temporary foreign workers who have been in Canada for four years to leave for at least four years before they’re able to return.¹³ These four years were up on April 1st, 2015 and thousands of temporary foreign workers were forced to leave the country. This has been called by some to be “one of the most inhumane actions undertaken by the Conservative government during its years in power.”¹⁴

It is important to note that a vast majority of human rights complaints occur in the category of employment. In 2013-2014, 71% of complaints were filed in the employment category.¹⁵ The SK Human Rights Commission website explains some of the possible reasons for the ongoing problems in workplaces:

⁸ Fine, *The Globe and Mail*, January 30 2015.

⁹ The Canadian Press. “Essential services law deemed unconstitutional by Supreme Court.” CBC News. January 30, 2015. Accessed August 2015 from <http://www.cbc.ca/news/canada/saskatchewan/essential-services-law-deemed-unconstitutional-by-supreme-court-1.2937740>

¹⁰ Chabun, Will and Couture, Joe, “Labour Business duel over foreign worker program,” *The StarPhoenix*, Sept. 10th, 2013.

¹¹ “Lots of Sask. Firms hiring temporary foreign workers,” *CBC News*, Sept 2013, accessed Sept 2013, <http://www.cbc.ca/news/canada/saskatoon/story/2013/09/09/sk-temporary-foreign-workers-1309.html>,

¹² Canada’s Economic Action Plan, “Temporary Foreign Worker Program,” accessed Nov 2014, <http://actionplan.gc.ca/en/initiative/temporary-foreign-worker-program>.

¹³ Whittington, Les, “Temporary foreign workers warned to leave Canada as required.” *theStar.com*, April 01 2015, accessed July 2015, <http://www.thestar.com/news/canada/2015/04/01/foreign-workers-warned-not-to-dodge-deportation.html>

¹⁴ *ibid.*

¹⁵ Saskatchewan Human Rights Commission, 2013-2014 Annual Report, Sept 2014, p. 22

Sometimes discrimination can be unintentional, because traditional workplace policies, practices and structures can have unintended discriminatory effects. “Word of mouth” hiring, for example, tends to draw into the workplace people very similar to those already there. Physical barriers may go unnoticed by everyone except those affected by them.¹⁶

There is no doubt that work is where people spend a large portion of each day and to develop a healthy province, healthy workplaces need to be top of mind for legislators. It would be helpful for human rights to be taken into consideration when creating good labour legislation.

b) First Nations and Metis

Nationally, the Truth and Reconciliation Commission published its recommendations in June 2015. More than 6,750 survivor and witness statements were gathered from across the country.¹⁷ The report includes 94 calls to action to advance the process of reconciliation.¹⁸ As of the date this paper was written, there has been no formal response from the federal government regarding any action on the recommendations. At the Premier’s conference in July 2015, the provinces “not only pledged to act on the commission’s 94 recommendations but, in some cases, have already started.”¹⁹

Here in Saskatchewan, local groups have been calling on the provincial government to formally apologize for the “Sixties Scoop.” From 1966 to 1975, thousands of First Nations and Metis children were taken from their homes to be raised by non-Aboriginal families. Manitoba Premier Greg Selinger stated in his official apology in June 2015: “It was a practice that has left intergenerational scars ... With these words of apology and regret, I hope all Canadians will join me in recognizing this historic injustice.”²⁰ Leader of the Official Opposition NDP in Saskatchewan, Cam Broten called on the provincial government “to issue an apology for the ‘60s Scoop, and take action to address the damage the program inflicted.”²¹ Saskatchewan Premier Brad Wall responded by saying the province will apologize in the fall after consulting with Aboriginal groups.²²

The first half of 2015 has seen a renewed interest in missing and murdered Indigenous women, this is particularly relevant for Saskatchewan. A study done by Amnesty International, *Canada: Stolen Sisters: A Human Rights Response to Discrimination and Violence Against Indigenous Women in Canada*, outlines the serious lack of protection for the human rights of Indigenous women in Canada.²³ It notes that local, regional and

¹⁶ Saskatchewan Human Rights Commission, “Employment Equity in Saskatchewan,” accessed Aug 2013, <http://saskatchewanhumanrights.ca/resources/archives/employment-equity-in-saskatchewan>,

¹⁷ Truth and Reconciliation Commission. News Release (2015).

¹⁸ Ibid.

¹⁹ Bailey, Sue. “Premiers pledge to act on recommendations.” *The Canadian Press*. July 16, 2015.

²⁰ Editorial Board, “Aboriginal adoptees deserve apology,” *The StarPhoenix*, June 22, 2015.

²¹ Lypny, Natascia. “NDP calls for ‘60s Scoop apology.” *Leader-Post*. June 22, 2015.

²² Latimer, Kendall. “Saskatchewan government will apologize for ‘60s School but won’t offer financial compensation: Premier Wall.” *The StarPhoenix*, June 25, 2015

²³ Amnesty International, *Canada: Stolen Sisters: A Human Rights Response to Discrimination and Violence against Indigenous Women in Canada*. Amnesty International, October 2004, p. 4

national authorities are failing to do their part to provide the necessary levels of protection to prevent the kind of violence Indigenous women are suffering.²⁴ This protection should include thorough investigation and prosecution of those responsible.²⁵ Currently, numerous organizations and provincial governments, including the Saskatchewan government, are calling on the Federal government to complete an inquiry into the issue; so far these calls have been brushed aside or outright denied.

Cindy Blackstock of the First Nations Child and Family Caring Society of Canada has been fighting the federal government for nearly a decade over how much money it spends on child welfare.²⁶ Blackstock's long battle at the Canadian Human Rights Tribunal is expected to be resolved this year. She and the Assembly of First Nations say funding levels for First Nations child welfare agencies are 22 per cent lower than provincial agencies, despite First Nations carrying a far higher caseload of child welfare files.²⁷

Voter suppression disproportionately affects Aboriginal communities. In Saskatchewan in 2010, a number of changes were made to the identification requirements for voting eligibility requiring all Saskatchewan voters to have photo identification.²⁸ This is particularly difficult for First Nations people who are less likely to have photo identification.²⁹ However, according to an Elections Saskatchewan News Release, Chiefs or a Chief's designate can still use a Letter of Authorization to "verify that the names person, or attached list of named persons, are ordinarily resident on the reserve."³⁰

The Fair Elections Act that was passed by the federal government in 2014 also made changes that make it harder for Canadians to vote. Unlike the provincial legislation, the federal legislation has "done away with "vouching," commonly used on reserves where relatively few voters have identity cards that show their home address as required."³¹ The federal laws allow for one voter to confirm the address of another but both voters still require photo ID, must live in the same polling division and only one attestation is allowed per voter.³²

²⁴ *ibid.*

²⁵ *ibid.* p. 5

²⁶ Levitz, Stephanie. "Closing arguments begin in case of feds paying less for aboriginal kids in care." CTVnews.ca. October 20, 2014. Accessed August 2015 from <http://www.ctvnews.ca/canada/closing-arguments-begin-in-case-of-feds-paying-less-for-aboriginal-kids-in-care-1.2061564>

²⁷ *ibid.*

²⁸ McCall, Warren, "Sask Party Voting Changes Direct Attack on First Nations, Democracy," *Next Year Country Blog* Sept. 23, 2011, accessed Sept 10, 2013.

<http://nextyearcountrynews.blogspot.ca/2011/09/sask-party-voting-changes-direct-attack.html>

²⁹ *ibid.*

³⁰ Elections Sask. Letters of Authorization on First Nations Reserves. Oct 15, 2014. [News Release] Accessed August 2015 from <http://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/letters-of-authorization-on-first-nations-reserves/>

³¹ Beeby, Dean and Roman, Karina. "Elections Canada budgets \$1M for aboriginal ID issue in federal vote." CBC News. Jan 7th, 2015. Accessed August 2015 from <http://www.cbc.ca/news/politics/elections-canada-budgets-1m-for-aboriginal-id-issue-in-federal-vote-1.2893051>

³² Beaumont, Hilary, "Canadians Seek to Halt Fair Elections Act, Compare it to Voter Suppression in the US," *Vice.com*, July 3, 2015. http://www.vice.com/en_ca/read/canadians-seek-to-halt-fair-elections-act-compare-it-to-voter-suppression-in-the-us

In relation to Saskatchewan's population of self-identified Aboriginals (approx. 15%),³³ there have been relatively few complaints registered with the SK Human Rights Commission on Aboriginal Ancestry grounds. They have averaged at about 6% of all complaints over the past eight years. The 2012-2013 year saw the lowest percentage of complaints at only 3%³⁴, compared to the latter and former years that saw the highest number of complaints at 8% and 9% respectively.³⁵ All of the complaints based on Aboriginal Ancestry grounds are in the categories of Employment and Public Services, with a handful related to Housing.

Part of the reason for the low number of complaints could be related to jurisdiction. The Canadian Human Rights Commission covers any complaints about matters under the Indian Act or against First-Nations governments.³⁶ These two areas of complaints are new to Canadian law. Complaints regarding the Indian Act have been allowed as of 2008 and complaints about First Nations governments as of 2011. In the 2013 Annual Report of the Canadian Human Rights Commission, they stated that since 2011, "the Canadian Human Rights Commission has received 207 complaints against the Federal government and 317 complaints against First Nations governments."³⁷

c) Gender Identification and Expression

2014 saw a big win for the Saskatchewan transgender community when the Saskatchewan Human Rights Code was amended to include gender identity as a prohibited ground. The addition "eliminated any uncertainty about the rights of transgender people in our province."³⁸ Unfortunately, the amendments to the Saskatchewan Human Rights Code did not include the addition of gender expression as a protected ground as had been called for. MLA David Forbes, during second reading speeches said while praising the new amendment:

Every member of society expects explicit protection from our Human Rights Code — say what you mean and mean what you say — and we have that today. The struggle continues though for sure, for example, to ensure that there are supports in our schools for students who request support like GSAs [gay-straight alliance]. And we will continue to monitor whether gender expression is needed as well.³⁹

³³ Government of Saskatchewan "About Bureau of Statistics/Census and Population/Aboriginal Population" May 8, 2013 <http://www.stats.gov.sk.ca/stats/pop/2011Aboriginal%20People.pdf>

³⁴ Saskatchewan Human Rights Commission, 2012-2013 Annual Report, Oct 2013, p. 22

³⁵ Saskatchewan Human Rights Commission, 2011-2012 Annual Report, July 2012, p. 18. and Saskatchewan Human Rights Commission, 2013-2014 Annual Report, Sept 2014, p. 22

³⁶ Rennie, Steve, "Complaints to Canadian Human Rights Commission way up from first nations," *The Globe and Mail*, March 20 2013, accessed July 2013, <http://www.theglobeandmail.com/news/national/complaints-to-canadian-human-rights-commission-way-up-from-first-nations/article10018778/>

³⁷ Canadian Human Rights Commission, 2013 Annual Report to Parliament, March 2014, p. 2

³⁸ Saskatchewan Human Rights Commission (10 December, 2014). [News Release]

³⁹ Saskatchewan. *Legislative Assembly of Saskatchewan Debates and Proceedings*, 8 Dec 2014 (Mr. Forbes, NDP) <http://docs.legassembly.sk.ca/legdocs/Legislative%20Assembly/Hansard/27L4S/141208Debates.pdf>

The Saskatchewan amendment followed the introduction of Federal Bill C-279: the inclusion of gender identification as a prohibited ground for discrimination in the Canadian Human Rights Act. The Act passed through the House of Commons in March 2013 but was held up in the Senate and died there. Currently the Northwest Territories, Nova Scotia, PEI, Ontario, Manitoba and Newfoundland and Labrador have also amended their Human Rights Acts to include gender identity and/or gender expression as protected grounds.

Transgender activists in Saskatchewan continue to advance their rights in a number of other areas as well. One of these is to make amendments to the Vital Statistics Act to make it easier for transgender individuals to acquire accurate ID. Some are calling for the removal of sex from birth certificates completely⁴⁰ while others simply want the requirement for surgery before being allowed to change their sex on their ID to be lifted.⁴¹ Falon Dennison, a board member with Moose Jaw Pride explains: "What we're trying to get accomplished right now is to change the process so that a health care professional or medical health professional can essentially write you a letter saying the person should have their gender identity changed on their ID and it would be that simple."⁴² In August 2014, the Ontario government implemented changes to make it easier for both youth and adults to change the gender on their birth certificates, removing the requirement for sex-reassignment surgery.⁴³

Ontario created a new policy in January 2015 respecting trans inmates. This policy provides for "new admission and placement policies for trans inmates in the care and custody of provincial correctional facilities to ensure their rights are recognized and protected."⁴⁴

A group often overlooked is the Intersex community, people whose bodies, reproductive systems, chromosomes and/or hormones are not easily characterized as male or female.⁴⁵ They have been impacted by a number of human rights violations in recent history, including having their gender chosen for them at birth which involves at least one surgery

⁴⁰ Allen, Bonnie. "Mom of transgender child wants ID rules changed." *CBC News*. Mar 25, 2014. Accessed August 2015 from: <http://www.cbc.ca/news/canada/saskatchewan/mom-of-transgender-child-wants-id-rules-changed-1.2584966>

⁴¹ Djuric, Mickey, "MJ Pride demands better transgender rights in Sask." *Moose Jaw Times Herald*. July 3, 2015. Accessed August 2015 from: <http://www.mjtimes.sk.ca/section/2015-07-03/article-4203062/MJ-Pride-demands-better-transgender-rights-in-Sask/1>

⁴² *ibid.*

⁴³ Service Ontario. "Changing your sex designation on your birth registration and birth certificate." April 2015, accessed August 2015 from <http://www.ontario.ca/government/changing-your-sex-designation-your-birth-registration-and-birth-certificate>

⁴⁴ Ministry of Community Safety and Correctional Services. "Respecting Trans Inmates" News Release January 26, 2015. Accessed August 2015 from <http://news.ontario.ca/mcscs/en/2015/1/respectingtrans-inmates.html>

⁴⁵ *ibid.*

and often many more.⁴⁶ The Intersex community and allies created Intersex Awareness Day in 1996, recognized annually on October 26.⁴⁷

d) New Canadians

There has been a marked increase in immigration to Western Canada in the last few years, particularly noticeable because of the increase in visible minorities. An article in the *Western Policy Analyst* shows a continual growth in annual immigration to Alberta, Saskatchewan and Manitoba.⁴⁸ This same article asks: “has Canadian society been as accommodating as its various levels of government in embracing immigrants?”⁴⁹

This question is partially answered by looking at the number of human rights complaints in the three provinces. Of the Western provinces, Saskatchewan has seen the largest jump in immigrant-related complaints, from a consistent 13% of complaints before 2008 to almost 30% in 2008-2009. This number stayed up at approximately 24% until 2011-2012 when it dropped back down to 11%.⁵⁰

The Human Rights Commission commented on this jump in complaints in their 2010-2011 annual report: “Complaints from new Canadians accounted for one third of all complaints filed this year... The Commission has identified racism in employment as a growing area of concern for complaint processing and as a topic on which to focus public awareness.”⁵¹

Although there was a decline in the number of complaints from new Canadians in the last three years, it will be important to continue to educate workplaces around race relations as the immigrant population in Saskatchewan continues to grow. The Human Rights Commission has partnered with organizations like The Open Door Society to educate new Canadians on their rights⁵² but there do not seem to be many workshops listed in their annual reports targeted at educating employers on creating friendly workplaces specifically for new Canadians.

In 2015 there were two other major issues in Canada related to immigration and New Canadians. The first is Canada’s response to the Syrian refugee crisis. In 2013, the Canadian government committed to accepting 1,300 Syrian refugees fleeing the warring

⁴⁶ *ibid.*

⁴⁷ Wikipedia, “Intersex Awareness Day,” accessed Sept. 9, 2013, http://en.wikipedia.org/wiki/Intersex_Awareness_Day,

⁴⁸ Cousins, Kathryn J., “Immigration to the West and Human Rights: Is there a Correlation?” *Western Policy Analyst*, April 12, 2013.

⁴⁹ Cousins, Kathryn J., pp. 10-11

⁵⁰ Saskatchewan Human Rights Commission, 2011-2012 Annual Report, Oct 2013, p. 18

⁵¹ Saskatchewan Human Rights Commission, 2010-2011 Annual report, July 2011, p. 10, from Saskatchewan Human Rights Commission website, accessed April 5, 2013.

http://saskatchewanhumanrights.ca/learn/publications-guidelines-resources#Annual_Report,

⁵² Saskatchewan Human Rights Commission, 2011-2012 Annual report, July 2012, p. 7.

country.⁵³ Unfortunately, “it was only in March [2015] of this year that Canada finally met its 2013 commitment to accept 1,300 Syrian refugees.”⁵⁴ In January 2015, the government of Canada made another commitment to resettle 10,000 Syrian refugees by the end of 2017. Whether the country is on track to meet this target is unknown.⁵⁵ Compared to past refugee crises, like the “boat people” from Vietnam, 10,000 is quite a low target. Between 1975 and 1985, more than 110,000 Vietnamese refugees had settled in Canada.⁵⁶

The second recent issue in Canada for New Canadians is the passing of Bill C-24, *Strengthening Canadian Citizenship Act*. These amendments to the Canadian Citizenship Act became law in June 2014 and give power to the Citizenship and Immigration Minister to revoke Canadian citizenship if the right terms are met.⁵⁷ According to the Canadian Association of Refugee Lawyers, this Bill “makes Canada an outlier among western states” as stripping citizenship is not commonplace in other countries.⁵⁸ A court challenge of this Bill is pending.⁵⁹

e) People with Disabilities

In June 2015, the Government of Saskatchewan released a Saskatchewan Disability Strategy, *People Before Systems: Transforming the Experience of Disability in Saskatchewan*. Respecting, protecting and fulfilling of human rights were listed as one of the four drivers of transformation. The report heard from many in the disability community that “the United Nations Convention on the *Rights of Persons with Disabilities* continues to be an aspirational standard of equality and inclusion.”⁶⁰ The fourth recommendation in the report addresses these concerns, aiming to uphold rights and safety. The report recommends partnering “with the SHRC and CBOs to educate people experiencing disabilities on their rights and how to advocate for them and to develop and implement targeted public campaigns to increase awareness of the rights of people experiencing disability.”⁶¹ It will be important to monitor how the government acts on these recommendations.

⁵³ Petrou, Michael, “How has Canada fared on resettling Syrian refugees?” *Macleans.ca*, July 15, 2015, accessed July 2015 <http://www.macleans.ca/news/world/where-does-canada-stand-on-resettling-syrian-refugees/>

⁵⁴ Moneo, Shannon, “Canada must do more to help displaced Syrians,” *Ottawa Citizen*, July 10, 2015, accessed July 2015. <http://ottawacitizen.com/news/national/moneo-canada-must-do-more-to-help-displaced-syrians>

⁵⁵ Petrou, 2015

⁵⁶ Asian Heritage Month. “Boat-People”: A Refugee Crisis – Vietnamese-Canadian History.” Accessed August 2015 from <http://www.rcinet.ca/patrimoine-asiatique-en/le-mois-du-patrimoine-asiatique-au-canada/les-refugies-de-la-mer-la-communaute-vietnamienne/>

⁵⁷ “What dual citizens need to know about Bill C-24, the new citizenship law,” *CTVnews.ca*, June 17, 2015, accessed July 2015, <http://www.ctvnews.ca/canada/what-dual-citizens-need-to-know-about-bill-c-24-the-new-citizenship-law-1.2426968>

⁵⁸ Canadian Association of Refugee Lawyers, “Challenging Misinformation: Canadian Citizenship Law Explained,” accessed July 2015. <http://www.carl-acaadr.ca/challenging-misinformation>

⁵⁹ “What dual citizens need to know about Bill C-24, the new citizenship law,” June 17, 2015

⁶⁰ Government of Saskatchewan. *People Before Systems: Transforming the Experience of Disability in Saskatchewan*. June 2015. P. 10.

⁶¹ *People Before Systems: Transforming the Experience of Disability in Saskatchewan*. Pp. 21-22.

The Supreme Court of Canada ruled in February 2015 that Canadians have a right to doctor-assisted suicide.⁶² This is a controversial ruling for those in the disability community. The Spring 2015 edition of *Prairie Voice*, the newsletter of SVOPD, explains that the Council of Canadians with Disabilities and the Canadian Association for Community Living “are profoundly disappointed by today’s ruling and extremely concerned about the implications of the ruling.”⁶³ Others, such as the families of two women who originally launched the Court case as a means to end their suffering, are grateful for the decision: “We just felt that it was a fundamental right for Canadians that they should have this choice.”⁶⁴ The Federal government has been given one year to draft new legislation. SVOPD is right in their statement that “an immensely important discussion must now begin with Canadians and politicians at all levels, with civil society, health professions and the legal community.”⁶⁵

Mental and physical disability as grounds of discrimination make up the highest percentage, approximately 40%, of human rights complaints year after year in Saskatchewan. The vast majority of these fall into the physical disability category. Likely for this reason, the Human Rights Commission has done a fair amount of systemic advocacy around physical disabilities.⁶⁶ In June 2012, they helped change the mandatory \$17.00 fee for accessible taxis.⁶⁷ As well, Para-transit was cited as an ongoing issue that needs to be monitored in Regina and Saskatchewan.⁶⁸

Currently the Saskatchewan Human Rights Commission is planning a systemic initiative to look into issues faced by the deaf/hard of hearing community. This initiative is in response to a call from the Saskatchewan deaf and hard of hearing community for policy reform in the provision of services to deaf people across the province. In particular, it has been pointed out that “Saskatchewan is the only jurisdiction in North America failing to provide sign language as part of the early intervention for deaf children and their families” which puts it in violation of the UN’s Convention on the Rights of Persons with Disabilities.⁶⁹ It will be very important to monitor this initiative and ensure the deaf and hard of hearing community of Saskatchewan is satisfied with the results.

⁶² Fine, *The Globe and Mail*, Feb 6 2015.

⁶³ Saskatchewan Voice of People with Disabilities. “Assisted Suicide Decision Changes Landscape, Makes Disability a Defining Issue.” Spring, 2015.

⁶⁴ Cheadie, Bruce. “Right to Die: Supreme Court Strikes Down Ban on Doctor-Assisted Suicide.” *The Canadian Press*. February 6, 2015. Accessed August 2015 from http://www.huffingtonpost.ca/2015/02/06/right-to-die-supreme-court-canada-suicide_n_6628308.html

⁶⁵ Saskatchewan Voice of People with Disabilities, Spring, 2015.

⁶⁶ Saskatchewan Human Rights Commission, 2013-2014 Annual Report, Sept 2014, pp. 12-14

⁶⁷ Saskatchewan Human Rights Commission, 2011-2012 Annual Report, July 2012, p. 6.

⁶⁸ Saskatchewan Human Rights Commission, 2013-2014 Annual Report, Sept 2014, p. 12

⁶⁹ Dock Street Studios, “Saskatchewan’s Deaf Services,” *Dock Street Studios*, accessed July 2015 <http://dockstreetstudio.net/214118/2352833/government-academic/saskatchewans-deaf-services>

f) Privacy

Privacy has become a significant interest in Saskatchewan due to the Bowden affair of March 2015. Premier Wall apologized to the former Saskatoon care aide whose private information was wrongly shared between government agencies and passed on to the media.⁷⁰ Privacy is a fundamental human right recognized in the UN Declaration of Human Rights and underpins human dignity and other key values such as freedom of association and freedom of speech.⁷¹

The Saskatchewan Information and Privacy Commissioner, Ronald J. Kruzeniski, Q.C wrote in his Annual Report, 2014-2015, *Time to Update*:

It is time to update “The Freedom of Information and Protection of Privacy Act and The Local Authority Freedom of Information and Protection of Privacy Act. These statutes have not been updated in 22 years and need to reflect changes across the country and the impact of new technology”⁷²

The Commissioner listed 35 substantial recommendations for consideration including a 5-year review requirement for Privacy legislation to be updated and asked whether or not it is time to include private sector employees like British Columbia and Alberta in privacy law.⁷³

The Commissioner notes “Currently police forces are not included as local authorities. Police forces are generally bound by access and privacy provisions in all provinces except Saskatchewan and Prince Edward Island (with appropriate exemptions).”⁷⁴ Several Police Chiefs spoke out with concerns on this amendment.⁷⁵ This matter may continue to develop as the public interest in local police practice of “carding” of individuals grows.

g) Sexual Orientation

There are relatively few complaints registered with the Saskatchewan Human Rights Commission on the grounds of Sexual Orientation: over the past eight years, an average of 2% of complaints. This does not mean, however, that the discrimination no longer exists. According to Statistics Canada hate crime statistics for 2013, sexual orientation was the third most prevalent form of hate and “these hate crimes were more likely to be violent than hate crimes targeting other groups.”⁷⁶ In 2015, there are a number of issues that face the gay/lesbian/bisexual community in Saskatchewan and around the world.

⁷⁰ Fraser, D.C. *The StarPhoenix*. Aug 18, 2015.

⁷¹ Global Internet Liberty Campaign. “Privacy and Human Rights – An International Survey of Privacy Laws and Practice. Accessed Aug 2015 from <http://gilc.org/privacy/survey/intro.html>

⁷² OIPC. *2014-2015 Annual Report – It’s Time to Update*. p. 10

⁷³ *ibid.*

⁷⁴ *ibid.* p 14

⁷⁵ Melnychuk, Mark. “Sask. Police make their case.” *Leader-Post*. Feb. 25, 2014. Accessed Aug 2015 from <http://www.pressreader.com/canada/leader-post/20140226/281487864265775/TextView>

⁷⁶ Allen, Mary “Police-reported hate crime in Canada, 2013.” *Statistics Canada*, accessed Aug 2015, <http://www.statcan.gc.ca/pub/85-002-x/2015001/article/14191-eng.htm#a9>

In Saskatchewan, the Official Opposition raised the concern that Gay Straight Alliances, now referred to as Gender Sexuality Alliances (GSAs) were not being easily set up in schools after a Grade 11 student at a Regina Catholic High School was told she couldn't set one up.⁷⁷ The Opposition called on the Government to include information on GSA's on the Education website. Though there was resistance at first,⁷⁸ the government did post the information on the website.⁷⁹ In April 2015, the Opposition introduced Bill 612 - *The Respect for Diversity – Student Bill of Rights Act*, that would ensure students who request a GSA at school cannot be denied.⁸⁰ As of the writing of this paper, Bill 612 is still in front of the Legislature.

Some good news for the Gay and Lesbian community was the US Supreme Court ruling at the end of June 2015 that makes same-sex marriage a right nationwide. In the ruling, Justice Anthony Kennedy eloquently stated:

No longer may this liberty be denied. No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice and family. In forming a marital union, two people become something greater than once they were.⁸¹

Of course, the work is not finished yet. US Senator Jeff Merkley explains: “You can get married in the morning, you can publicize it on Facebook in the afternoon and you can be fired before you go to work the next day. Not only that, you can be thrown out of a restaurant, the theatre, you can be denied a rental contract, you can be denied a job.”⁸² The Democrats in the U.S. Congress introduced the Equality Act on July 23rd in hopes of protecting gay Americans from these kinds of discrimination.⁸³

h) Women's Issues

In the 2013-2014 year, of 369 human rights complaints in Saskatchewan, 74 complaints (approx. 20%) were accepted under the categories of Sexual Harassment, Sex/Other and Sex/Pregnancy.⁸⁴ Almost all of these were related to employment. This is similar to the rates in AB⁸⁵ and Manitoba.⁸⁶ This number of complaints is also consistent with the figures from the past eight years, 18% on average.

⁷⁷ Couture, Joe, “Teen presses province on gay-straight alliance,” *The StarPhoenix*, April 17, 2013.

⁷⁸ Ibid.

⁷⁹ Government of Saskatchewan, “Education/Comprehensive School Community Health/Anti-bullying/Youth,” accessed Aug 2013, <http://www.education.gov.sk.ca/Anti-Bullying/Youth>

⁸⁰ Saskatchewan NDP Caucus. (April 23, 2015) NDP introduces anti-bullying act. [News release], accessed July 2015: http://www.ndpcaucus.sk.ca/ndp_introduces_anti_bullying_act

⁸¹ Liptak, Adam, “Supreme Court Ruling Makes Same-Sex Marriage a Right Nationwide.” *Nytimes.com*, June 26, 2015. Accessed July 2015. http://www.nytimes.com/2015/06/27/us/supreme-court-same-sex-marriage.html?_r=0

⁸² Fitzpatrick, Meagan. “Equality Act seeks to protect gay Americans from discrimination.” CBC News. August 8, 2015. Accessed August 2015 from <http://www.cbc.ca/news/world/equality-act-seeks-to-protect-gay-americans-from-discrimination-1.3180441>

⁸³ Ibid.

⁸⁴ Saskatchewan Human Rights Commission, 2013-2014 Annual Report, Sept 2014, p. 22

⁸⁵ Alberta Human Rights Commission, 2011-2012 Annual Report, Dec. 4 2012, p. 10, http://www.albertahumanrights.ab.ca/about/annual_report.asp

The 2011-2012 Annual Report from the Human Rights Commission singled out the continued concerns around pregnancy in the workplace. “The Commission continues to be surprised at the numbers of complaints of discrimination related to pregnancy. Over the past 5 year period these complaints have averaged above 10% of all complaints.”⁸⁷ Clearly, more education is needed for employers, “there are very few valid reasons for terminating someone’s employment due to pregnancy or maternity leave.”⁸⁸ An example printed in the report discusses a woman who was laid off when her employer found out she was pregnant; she was awarded a \$1,500.00 settlement.⁸⁹

During the summer of 2015, Three Ontario women raised the issue of right of toplessness in public spaces.⁹⁰ While nudity rights have been recognized here in Saskatchewan, some activists saying the right to breastfeed in public should be protected in the Human Rights Code have flagged the impact on breastfeeding.⁹¹

External Human Rights Initiatives

Aside from Amnesty International, a strong international human rights organization mentioned many times in this report, there are notable organizations working in the United States: The Human Rights Campaign, The Southern Poverty Law Center and the Polaris Project.

The Human Rights Campaign is working for Lesbian, Gay, Bisexual and Transgender Equal Rights. “Founded in 1980, HRC advocates on behalf of LGBT Americans, mobilizes grassroots actions in diverse communities, invests strategically to elect fair-minded individuals to office and educates the public about LGBT issues.”⁹²

Organizations like HRC exist to a much smaller scale in Canada, national groups such as Egale and PFLAG or local groups in Saskatchewan like Out Saskatoon and the UR Pride Centre for Sexuality and Gender Diversity advocate for the GLBT community independent of the government.

The Southern Poverty Law Center is a civil rights organization founded in 1971 in Montgomery, Alabama. The center is “dedicated to fighting hate and bigotry, and to

⁸⁶ Manitoba Human Rights Commission, 2011 Annual Report, Nov. 2012, p. 12,

http://www.manitobahumanrights.ca/publications/annual_reports/annual_report_2011.pdf

⁸⁷ Saskatchewan Human Rights Commission, 2011-2012 Annual Report, July 2012, p. 8.

⁸⁸ *ibid.*

⁸⁹ *ibid.* p. 10

⁹⁰ Kretzel, Lasia. “Bare facts about Sask. topless laws.” News Talk 640 CKOM. July 29, 2015. Accessed August 2015 from <http://ckom.com/article/199113/bare-facts-about-sask-topless-laws>

⁹¹ Saskatoon Breastfeeding Matters. *Summary of Rights Instruments and Policy Statements to support women, children in the fulfillment of their human rights to breastfeed.* Accessed August 2015 from <http://www.saskatoonbreastfeedingmatters.ca/documents/Breastfeeding%20Rights%20instruments%202013.pdf>

⁹² Human Rights Campaign, “About Us,” accessed August 2013 <http://www.hrc.org/the-hrc-story/about-us>.

seeking justice for the most vulnerable members of society.”⁹³ Their work has become even more critical in light of the growing racial tensions in the U.S. Events such as the shooting in Ferguson and the attack in Charleston.

The Canadian Museum for Human Rights opened in September 2014. The Museum’s mission statement states it will play an essential role in: “preserving and promoting our heritage at home and abroad; contributing to the collective memory and sense of identity of all Canadians; inspiring research, learning, and entertainment that belong to all Canadians.”⁹⁴ This could be the future home of Canadian projects similar to those coming out of Alabama.

The Carter Center “is guided by a fundamental commitment to human rights and the alleviation of human suffering.”⁹⁵ Although a lofty mission statement, the Carter Center has had many major accomplishments all over the world since it was founded in 1982.⁹⁶ One of The Carter Center’s programs focuses on strengthening democracy, including a partnership with the University of Calgary in 2006 “to develop breakthrough media maps, designed to increase transparency in finance reform and democracy-building efforts.”⁹⁷ This is just one small example of the kind of service these international human rights organizations can provide to improve Canada’s human rights.

The Polaris Project is “a leading organization in the global fight against human trafficking and modern-day slavery”⁹⁸ based in Washington DC. Locally, NASHI is a Saskatoon-based charity that is raising awareness of human trafficking, particularly among youth and in Ukraine.⁹⁹ There is evidence that there may be linkages between the many cases of missing Aboriginal girls and women and domestic human trafficking, but as mentioned earlier, this is not recorded well.¹⁰⁰

⁹³ *ibid.*

⁹⁴ Canadian Museum for Human Rights, “About the Museum,” accessed Sept 2013.

<http://museumforhumanrights.ca/about-museum#UjDPubxU8Zw>,

⁹⁵ The Carter Center, “Our Mission,” accessed Sept 2013 <http://www.cartercenter.org/about/index.html>,

⁹⁶ The Carter Center, “Accomplishments,” accessed Sept 2013,

<http://www.cartercenter.org/about/accomplishments/index.html>

⁹⁷ The Carter Center, “Canada,” accessed Sept 2013 <http://www.cartercenter.org/countries/canada.html>

⁹⁸ Polaris Project, “About Us,” accessed Sept 2013, <http://www.polarisproject.org/about-us/overview>

⁹⁹ NASHI, “Home,” accessed Sept 2013, <http://www.nashi.ca/home/>

¹⁰⁰ Sethi, Anupriya, “Domestic Sex Trafficking of Aboriginal Girls in Canada: Issues and Implications,” 2008, accessed Sept 2013, <http://www.springtideresources.org/resource/domestic-sex-trafficking-aboriginal-girls-canada-issues-and-implications>

Conclusion

In a recent visit to Canada to review our human rights record, Sir Nigel Rodley, a British member of the UN Human Rights Committee stated, “this is not the Canada I once knew.”¹⁰¹ The Committee found that Canada was not meeting the standards of the International Covenant on Civil and Political Rights, listing almost every serious social issue “with clear implications for human rights.”¹⁰²

It is important to keep the human rights of Aboriginal people top of mind with the final Calls to Action of the Truth and Reconciliation Commission. In particular with aboriginal women it will be crucial to ensure that appropriate steps are being taken to prevent the abuse and violence. The outcome of the Cindy Blackstock case will need to be examined as well as the provincial apology for the ‘60s Scoop.

Gender identity issues continue to make headlines and will likely continue to be at the front of LGBTQ movements in Canada. It will be important to watch the progress of Bill 612 *An Act to provide for the Respect for Diversity and the Rights of Students*.¹⁰³

As noted earlier, there is a determined urgency for updating the privacy laws in Saskatchewan, as an increasing interest and pressure demands that corrective action must be taken quickly. The challenge will be to do a thorough and complete update and not a quick response to certain issues.

At both the federal and provincial levels, the development of legislation that adheres to the two major Supreme Court rulings regarding the right to strike and the right to access to doctor-assisted suicide will need to be closely monitored.

In conclusion, Saskatchewan has a long history of leadership in human rights. *The Saskatchewan Bill of Rights* was passed in 1947, one year before the UN adopted the *Universal Declaration of Human Rights*¹⁰⁴ and the first of its kind in North America. Human rights issues are certainly not a thing of the past, however, and new concerns emerge almost daily in Canada and Saskatchewan. The test will be how we, today, show our leadership.

¹⁰¹ Neve, Alex, “This is not the Canada I once knew,” *Rabble.ca*, July 16, 2015, accessed July 2015, http://rabble.ca/blogs/bloggers/views-expressed/2015/07/this-not-canada-i-once-knew?utm_content=buffer16d45&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer

¹⁰² *ibid.*

¹⁰³ “Anti-bullying Consultations Set to Begin,” Government of Saskatchewan, press release, May 30, 2013, accessed Sept 2013, <http://www.gov.sk.ca/news?newsId=5331a8f9-15ba-4151-b34c-532c3cde7318>

¹⁰⁴ Saskatchewan Human Rights Commission, 2005-2006 Annual Report, July 2006, p. 2, accessed April 2013, http://saskatchewanhumanrights.ca/learn/publications-guidelines-resources#Annual_Report

Appendix A

A History of Human Rights in Saskatchewan

The Saskatchewan Bill of Rights was passed in 1947 during the CCF years of Tommy Douglas. The Bill had little force in law but it helped set the precedent against discrimination. Laws passed in the 1950's improved equality rights in employment including *The Equal Pay Act*, *The Fair Employment Practices Act* and *The Fair Accommodation Practices Act*. The legislation expanded prohibitions against paying women less than men and discrimination in employment and housing.

The Allan Blakeney NDP Government passed *An Act to Establish a Human Rights Commission* in 1972. The Commission was tasked with enforcing the *Bill of Rights*, as well as educating the public on the principles of equality.¹ Also in 1972, sex was added to the *Bill of Rights* as a prohibited ground of discrimination.

Blakeney's government also passed *The Saskatchewan Human Rights Code* in 1979. It amalgamated all statutes into one code. *The Code* included protection on the grounds of: race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry and place of origin. In 1989, the Conservative government of Grant Devine amended *The Code* to include mental disability as a protected ground and in 1993, sexual orientation, family status and receipt of public assistance were added by the Roy Romanow government.²

Lorne Calvert's NDP government in 2001, created and implemented the Tribunal panel process. The Tribunal panel was expected to "provide more expertise and result in more consistent and timely decisions."³ In 2007, the Calvert Government passed an amendment to end mandatory retirement.⁴ Mandatory retirement was inconsistent with the *Canadian Charter of Rights and Freedoms*. Before the change to the legislation, age as a protected category was limited to those between the ages of 18 and 65.

Brad Wall's SK Party government passed several contentious amendments to the Saskatchewan Human Rights Act including the dissolution of the Human Rights Tribunal process in 2011.⁵ Later, in 2014, the Wall government extended the Human Rights Code to include Gender Identity and greater protections for renters, regardless of sexual orientation.⁶

¹ Saskatchewan Human Rights Commission, 2005-2006 Annual report, July 2006, p. 2, from Saskatchewan Human Rights Commission website, accessed April 2013,

http://saskatchewanhumanrights.ca/learn/publications-guidelines-resources#Annual_Report

² *ibid.*

³ *ibid.*

⁴ "Human Rights Commission applauds government's amendments to end mandatory retirement," Saskatchewan Human Rights Commission, press release, May 18, 2007.

⁵ Saint-Cyr, Yosie. "The Saskatchewan Human Rights Tribunal Eliminated." *Slaw*. August 4, 2011 accessed August 2015 from: <http://www.slaw.ca/2011/08/04/the-saskatchewan-human-rights-tribunal-in-the-process-of-being-eliminated/>

⁶ Government of Saskatchewan, "Province Increases Protection Against Discrimination." December 2, 2014. Accessed August 2015 from <http://www.saskatchewan.ca/government/news-and-media/2014/december/02/human-rights-code-act>