

December 5, 2017

Hon. Yasir Naqvi
Attorney General of Ontario
McMurtry-Scott Building, 11th Floor
720 Bay Street, Toronto, ON M7A 2S9

BY EMAIL: yasir.naqvi@ontario.ca

Dear Hon. Minister Naqvi:

Re: Bill 164 – *Human Rights Code Amendment Act*

We write to you as a coalition of community organizations whose work intersects closely with the proposed amendments to Ontario's *Human Rights Code*. The Colour of Poverty–Colour of Change (COPC) is a coalition of groups and individuals working to promote racial equity and racial justice in Ontario. The Chinese and Southeast Asian Legal Clinic (CSALC), the HIV and AIDS Legal Clinic Ontario (HALCO), the Income Security Advocacy Centre (ISAC), and the South Asian Legal Clinic of Ontario (SALCO) represent diverse communities with intersecting identities of race, disability, gender, and low-income.

We urge the provincial government to pass Bill 164, the *Human Rights Code Amendment Act*. Bill 164 calls for the extension of human rights protection against discrimination in Ontario to the poor, people with precarious immigration status, and people with police records. The Bill also proposes to add genetic characteristics as another prohibited ground of discrimination to the *Human Rights Code (Code)*.

Bill 164 recognizes the critical need for stronger human rights protections for some of the most vulnerable populations in Ontario by adding the following four new grounds of discrimination that reflect the realities of marginalized people:

- i. The addition of social condition, which includes employment status, income level, housing status (e.g., homelessness), and education level would send a powerful message that low income people are human beings who deserve to be treated with equal respect. Adding this prohibited ground of discrimination would inject the notion of social and economic rights into the framework of human rights law in Ontario and would be consistent with international obligations such as those in the *International Covenant on Economic, Social and Cultural Rights*. This addition is further consistent with the Court of Appeal for Ontario's inclusion of receipt of social assistance to equality rights protection under the *Canadian Charter of Rights and Freedoms (Falkiner)*.¹ It would also further Ontario's efforts on poverty reduction and the reform of income security programs;

¹ *Falkiner v. Ontario (Minister of Community and Social Services)*, [2002] 59 OR (3d) 481

- ii. The addition of immigration status would strengthen and explicitly recognize the current protection from discrimination based on citizenship. This addition recognizes the large and growing population of people with precarious immigration status, including migrant workers and live-in caregivers, and the urgent need to ensure their human rights are protected;
- iii. The addition of police records aligns with recommendations made by the province's *Changing Workplaces Review* and supports the goal of creating fair employment outcomes and fair workplaces. While the *Code* currently includes protections against discrimination based on convictions for provincial offences or criminal convictions for which a pardon has been granted, the extension of protections to police records would meaningfully enhance protections for vulnerable Ontarians. It also recognizes the adverse impact of criminalization on certain racialized communities including Indigenous peoples and people of African descent, and strengthens protection for people with mental health challenges; and
- iv. The addition of genetic characteristics would bring Ontario's *Code* in line with recent amendments to the *Canadian Human Rights Act* by prohibiting discrimination on the basis of actual or perceived difference in genetic information. This includes protection for people who refuse to undergo or disclose the results of a genetic test.

We acknowledge and support your strong agenda for reform in other areas of law which are designed to improve the lives of all Ontarians. Passing Bill 164 will further demonstrate your commitment to social justice by strengthening human rights protection for some of the most vulnerable people in Ontario.

We request a meeting with you at your earliest convenience to discuss support for Bill 164, the *Human Rights Code Amendment Act*.

Without your support Bill 164 will not succeed. We urge you to make the passing of Bill 164 a priority for this government.

Yours truly,

COPC, CSALC, HALCO, ISAC and SALCO

- cc. Hon. Kathleen Wynne, Premier of Ontario
Hon. Nathalie Des Rosier, MPP (Ottawa – Vanier)
Renu Mandhane, Chief Commissioner, Ontario Human Rights Commission
Melissa Banfield, Director of Policy, Ministry of the Attorney General