

11. Human Rights

“ . . . recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world . . . ”

Preamble to the U.N. Universal Declaration of Human Rights, 1948.

Equality of human dignity and freedom from discrimination are fundamental rights established in the Universal Declaration of Human Rights and guaranteed in the Canadian Charter of Rights. All Canadians are entitled to these rights.

This principle and the solidarity of working people leads the labour movement in Ontario to continue its efforts to ensure that every worker is treated fairly and has access to training and promotional opportunities without discrimination of any form as prohibited under the Canadian Human Rights Code and the Ontario Human Rights Code.

While much of the progress in the area of human rights is a direct result of the efforts of the labour movement, and while unions will continue to fight for better working conditions for all workers, our efforts are not enough. The protection of human rights cannot be left to collective bargaining. Human rights language in collective agreements will not eradicate the systemic discrimination that members of marginalized groups encounter in employment.

The inherent right of human beings to be free from discrimination must be protected by enforceable legislation. A responsible Government must ensure that all workers, in particular, workers in non-union workplaces who do not have the protection of a collective agreement, are free from discrimination - not only in the workplace, but in society generally.

More than fifty years after the adoption of the Universal Declaration of Human Rights by the General Assembly of the United Nations, there is no absence of evidence that many people in Ontario continue to experience discrimination, especially in employment.

Over the years, several studies have verified the discriminatory practices aboriginal people, people with disabilities, people of colour and women experience not only when seeking employment, but also after they are hired. Most comprehensive was the 1989 Abella Royal Commission on Employment Equity. For people of colour, the impact of systemic discrimination in employment continues to be pervasive. In the early 1990s, the Stephen Lewis Report identified “anti-black” racism as a specific form of discrimination.

A report by the City of Toronto's Access & Equity Unit, "*Ethno-Cultural Inequality in Toronto: Analysis of the 1996 Census*", showed unemployment rates at more than 40 percent for black groups while for Europeans it was under 6 percent. The 2001 Galabuzi report, "*Canada's Creeping Economic Apartheid*", indicated that the inequality was increasing.

A look around in any city tells us that Canadians come from every country of the world. According to the most recent census, Canada continues to rely on immigration for population growth. Yet while we encourage immigration of educated and highly skilled workers, we ignore the racism and discrimination these new Canadians face when they get here.

Recently, a study based on the 1996 census by sociologist Jeffrey Reitz found that, "*discrimination against immigrants is creating a brain waste that costs Canada's economy up to \$15 billion a year.*" Even with comparable education and skills, immigrants are paid less than Canadian-born workers. This study also showed that Canadian-born racial minorities are also paid less with the shortfall about the same for blacks born in Canada and black immigrants.

Recommendations for A People's Charter:

If our goal is to work for a society based on justice and equality, a society that values the inherent right of people to a decent job, education, health care, affordable housing, worker protection laws and social justice then we must support legislation and the enforcement of human rights remedies for all forms of discrimination in employment.

- ***Enforcement of Human Rights in Ontario.***
- ***Legislation to ensure workplace equality for aboriginal people, people with disabilities, people of colour, gay, bisexual, lesbian and transgendered people and women.***
- ***Resources to strengthen the Ontario Human Rights Commission, with a functioning race-relations department.***

- ***The Human Rights Commission must be pro-active in enforcing the Human Rights Code. A case-by-case approach will not remedy systemic discrimination.***
- ***Amendment of the Code to allow third party complaints.***
- ***Complainants must be able to file claims and have them processed in a timely manner.***
- ***A significant increase of the amount of general damages for pain and suffering.***