



August 31, 2011

Hon. Dalton McGuinty
Premier of Ontario
Room 281
Main Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Dear Premier McGuinty:

Re: Appointment of Andrew Pinto to review the amendments to the Human Rights Code which came into effect on June 30, 2008

The Ontario Federation of Labour (OFL) wishes to add its voice to those Ontarians questioning the appropriateness of your government's August 12, 2011 decision to appoint Andrew Pinto to conduct a review of the amendments to the *Human Rights Code* which came into effect on June 30, 2008. Amendments commonly referred to as Bill 107.

Section 57 of the Bill states that: "Three years after the effective date, the Minister shall appoint a person who shall undertake a review of the implementation and effectiveness of the changes resulting from the enactment of that Act."

For such a review to be effective and credible the person undertaking the review should be seen to be arms length, independent and impartial from the issue. We have no issue with Andrew Pinto's legal credentials or with his long commitment to community service. However, his active and public role as an advocate for Bill 107 which is a matter of public record does raise serious concerns about how arms length, independent and impartial he can be in reviewing such an important issue.

It is useful to briefly touch on the history of this issue to appreciate our concerns. The OFL and our affiliated unions have a long history of active involvement in human rights issues in our province. In 2006 after it was introduced the OFL joined with many equality-seeking organizations and individuals across Ontario to raise concerns that Bill 107 was more about the privatization of the enforcement of human rights than it was about enhancing



the rights of Ontarians. It was a spirited debate which included the November 21, 2006 decision by your government to invoke closure and shut down public hearings which you had promised, advertised at public expense and scheduled at Queen's Park. Bill 107 received Royal Assent on December 20, 2006.

There are still concerns about the effectiveness of the human rights system in our province which was created by Bill 107. At the OFL we are organizing an educational workshop for our membership to provide them with a greater understanding of the Human Rights Tribunal of Ontario and the Human Rights Legal Support Centre. While such educational initiatives are important there must also be a forum for Ontarians to review the changes brought in by Bill 107 and to engage in a public conversation on what kind of human rights system we want in our province.

The OFL is supportive of the recommendations put forward by the Metro Toronto Chinese and Southeast Asian Legal Clinic in their August 18, 2011 letter to the Honourable Christopher Bentley, the Attorney General of Ontario. These recommendations have been endorsed by other equality-seeking organizations. To quote from their letter:

“...it would be preferable for Mr. Pinto to step aside, in favour of an impartial reviewer. You could choose any number of qualified, impressive, neutral candidates, from among judges or law professors with expertise in human rights and administrative law, who took absolutely no part – both public and private – in the Bill 107 debate. Alternatively, if you insist on having Mr. Pinto take part, then we recommend that you appoint two additional individuals to collectively conduct this Independent Review with him. One of those should be a comparable individual drawn from among critics of the Bill. The other should be a judge or law professor, as suggested above, who will be respected as a neutral person on this issue.”

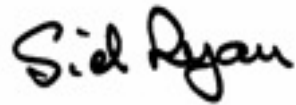
Swift action by your government will restore the credibility of this review process.

Premier Dalton McGuinty
August 31, 2011
Page 3

Section 57(2) of Bill 107 states: "In conducting a review under this section, the person appointed under subsection (1) shall hold public consultations." Such consultations must be extensive, held across Ontario and accessible so that Ontarians may have their concerns heard and reflected in the final report to the Minister.

We look forward to participating in a review process to protect and enhance the human rights of all Ontarians.

Yours truly,



SID RYAN
President
Ontario Federation of Labour

cc: Hon. Christopher Bentley, MPP, Attorney General of Ontario
M. Kelly, T. Downey
OFL Executive Board & Council

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