

# **IDENTIFYING HUMAN RIGHTS ISSUES FOR THE NEXT DECADE**

**A Report Submitted to the Canadian Human Rights Commission**

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Ottawa

**July 1998**

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## I. Introduction.

This year marks the 50th anniversary of the *Universal Declaration of Human Rights* adopted by the United Nations General Assembly. The *Declaration* is considered to be the most important and far-reaching document of this century setting the direction for subsequent work in human rights. It is described as “an inspirational cornerstone document in the evolution of human rights in Canada, including the development of the *Canadian Charter of Rights and Freedoms*” (as stated in a release by the Department of Canadian Heritage).

This is an occasion to reflect upon human rights issues which still lie ahead of Canada, seen in the forefront of nations in its human rights record and practices, as evidenced by the United Nations award of the Nansen Medal for the treatment of refugees in the past and recently (March 2, 1998) for the Franklin Delano Roosevelt International Disability Award for the country's policies on persons with disabilities. During the last four consecutive years, Canada has also received the designation by the UN as the best country in the world to live in on the basis of social indicators that take into account the quality of life.

While we can rejoice at our success and celebrate the recognition we are receiving for our human rights record, it is also appropriate to attempt to foresee some of the changes in our environment that will be brought about by demographics, globalization, the new economy and the financial constraints on Canadian human rights commissions and their work in the next decade. At the same time, the budgets of federal and provincial human rights commissions in Canada have not increased in proportion to population growth, and in some jurisdictions, they have, in fact, declined.

At the annual conference of Canadian Association of Human Rights Associations in June 1997, it was pointed out by pollster Angus Reid that **human rights organizations are swimming against the current in the new economy of “swim or sink”**. His advice was: **“it is better to swim together than alone.”** It was also warned at the Conference that human rights organizations are facing a double whammy (Samuel, 1997). On the one hand, complaints related to human rights violations are increasing because of two reasons: (1) the orgy of downsizing due to technological changes and corporate mergers in the private sector, and deficit cutting in the public sector; (2) Canadians are becoming more aware of their human rights and with higher levels of education, the possibility of approaching a human rights agency for redress is increasing. At the same time, the resource base to deal with the complaints is either shrinking or not expanding commensurate with the demand for human rights redress.

This is the context of the current effort to look at some of the issues that Canada would face in the

**\*We gratefully acknowledge the funding provided for this work by the Canadian Human**

## **Rights Commission in Ottawa.**

next decade in order to help the human rights organizations to better prepare themselves for changes ahead. The authors of this paper do not pretend to have made a comprehensive survey of all the issues that might come up in the next decade or so. Their purpose is to help to lead appropriate human rights agencies to address fundamental questions rather than supply answers during this phase of the exercise. It is expected that a subsequent phase can provide some of the answers to the questions posed. If the idea of “swimming together” is accepted, answers to those questions using a methodology that is appropriate in consultation with interested human rights commissions can be provided.

This paper has six main sections: performance of Canadian human rights commissions in recent years in terms of complaints, and budgets; human rights and the projected demographic picture; the new economy and its directions; human rights and societal trends; conclusions; a list of questions to be developed in cooperation with the CHRC to be answered in any future work. What this paper tries to do is to provoke thoughts among human rights policy and program officials and other interested parties to formulate some of the appropriate questions related to the emerging environment. In this paper, we have chosen to focus upon the following:

### **II. Performance of Human Rights Commissions in Canada**

The number of complaints received or accepted by human rights agencies could be compared for periods 1989-90 and 1995-96, bearing in mind that some of these agencies did not accept all the complaints that were received for lack of resources. If the number of such complaints accepted by the federal agency and one provincial agency from each of the five regions (Ontario, Quebec, BC, Alberta and Nova Scotia) are added up, during the period in question the number of complaints rose about 68 percent (Samuel, 1997: 11).

An analysis of the resources available to meet such an increased demand for their services might be appropriate. Between 1991 and 1996, Canada’s population grew by 11 percent. The growth of the groups that require interventions by statutory human rights agencies was much higher than 11 percent. However, resources allocated for human rights agencies during approximately the same period decreased by 16 percent for CHRC. The resources base shrunk 23.1 percent for Ontario, 11.1 percent for Quebec, and did not grow at all for Nova Scotia. Only BC, and to some extent Alberta, showed an increase.

#### **II.1 Human Rights Challenges**

Human rights commissions will be confronted with significant challenges during the coming decade. Their success will depend on their ability to redirect their resources, adopt a new agenda for human rights, and embrace a proactive strategy for achieving their objectives. This decade should be viewed in the context of doing more with less, widening the circle of human rights protection, identifying new priorities, and enhancing the efforts of human rights commissions toward a proactive approach to human rights education and community awareness about human rights issues. In short, human rights commissions will be required to go through the fundamental process of renewal in order to enhance their ability to protect and promote human rights in the next decade.

## **II.2 Leadership, Vision and Strategy**

The three essential ingredients for the efficient and effective operation of human rights commissions in the next decade are **leadership, vision and strategy development**. More specifically new ideas, new directions and new initiatives must become the fundamental building blocks for an innovative style of effective and capable leadership, an inspiring and proactive vision for human rights and sound, workable strategies.

Human rights commissions have an important leadership role in setting the agenda for human rights discourse and practice. It is worth noting that the human rights agenda has been evolving during the last two decades and will continue to do so in the next decade. It is anticipated that the human rights agenda at the beginning of the new century will require leadership from human rights commissions in response to the structural changes in the Canadian economy and society. Demographic trends, globalization, and the advent of the information society and rapid advances in information technology and urbanization, have raised new issues in the definition, interpretation and implementation of human rights policies and programs. These are just a few examples of the issues that will become increasingly more prominent in the human rights agenda of the next decade. This will require all Canadian human rights commissions to provide enlightened leadership in addressing these issues. They will also be called upon to provide capable leadership in finding a balance between individual and collective rights and advancing the human rights agenda regarding economic and social rights.

## **II. 3 Proactive Approach**

Articulating an inspired and proactive vision for human rights in the next decade should become a major pre-occupation of human rights commissions. It should be a vision that enhances public awareness about the many significant features that unite Canadians across this vast and diverse country. The vision should affirm the fundamental principles and values of human rights.

Leadership and vision should be accompanied by the development and implementation of effective strategies. The strategies should be designed to deal with the national and international economic, social and cultural environments. The policies and programs developed should be realistic and down-to-earth. The experience gained in the last 50 years and lessons learned both nationally and internationally must be taken into account in the development of such strategies.

Human rights commissions ought to become a powerful force promoting a human rights culture in a continually evolving Canadian society. The implementation of a proactive and purposeful vision for human rights will require commissions to have innovative strategies to combat discrimination and promote equality empowered with a more effective arsenal of tools. This cannot be accomplished in a passive and reactive manner. It requires becoming strong advocates of an inspiring vision that promotes the fundamental human rights principles of justice, fairness, tolerance, equality, acceptance, inclusion, respect, accommodation and humanity as the centrepieces of social, economic and educational policies. Ultimately, it is these human rights principles and values which are the most enduring foundation upon which nation -building can flourish and prosper in a Canada that will advance leadership in the world.

## **II. 4 Workloads and Resources**

The next decade will be a defining one for Canadian human rights commissions. This decade will demand from human rights commissions innovative and creative solutions to the paramount challenge of meeting their mission and mandate in an era of financial restraints and human - resource downsizing on the one hand, and on the other, an increased work load of complaints' adjudication and a more prominent role in public education. This will most likely result in the evolution of human rights commissions from considering themselves as sole champions of human rights toward an emphasis on building partnerships (except in adjudicating individual complaints) with the public, private and non-government/volunteer sectors in the adjudication of individual complaints of discrimination and the delivery of their public education programs.

During the past two decades, human rights commissions have had to contend with a substantial increase in workloads at a time when these government agencies have had to absorb restraints in the appropriation of government financial and human resources. There is no denying that the general public has become better informed about human rights and has turned in increasing numbers to human rights commissions to redress grievances of discrimination and inequality. The complaint adjudication process, in addition to a quantitative increase in complaints, has also faced a qualitative increase in workloads.

More specifically, the addition of new grounds of discrimination in human rights legislation has broadened the scope of human rights protection for the more vulnerable disadvantaged and minority groups. Furthermore, the emergence of a larger number of complaints dealing with "compound" discrimination, such as that of a black woman who has experienced discrimination as a woman and as a black person, is another feature of the qualitative increase in workloads. At the same time, the complex nature of recent complaints has made the conciliation process more challenging and consequently more labour-intensive.

As the next decade is anticipated to increase the quantitative and qualitative workloads of all Canadian human rights commissions as vulnerable groups demand and achieve human rights protection, the evolutionary process of widening the circle of protection will bring about increased demands on the already strained human and financial resources allocated to human rights commissions. The qualitative difficulties enveloped in the interface and complexity of human rights complaints is also anticipated to become more intense and result in an increased workload. The consequence of all this is the likelihood of backlogs and long delays in the complaint adjudication process and a strong affirmation of the maxim that "justice delayed is justice denied" unless innovative and creative solutions are found. The scope, complexity and rapidly changing nature of human rights issues will require appointed commissioners and full-time staff to undertake retraining and skill enhancement on a regular and frequent basis.

As a consequence of workload pressures and fiscal restraints applied by governments, an imbalance in the appropriation of funds and resources between the complaint handling and educational functions of human rights commissions has developed. It is a sad commentary that, at

a time when educational branches are being provided with dwindling financial resources, they are experiencing an increase in the demand for their expertise and resources by employers, unions, government departments, community groups, volunteer organizations, educational institutions and a host of other institutions that turn to human rights commissions for support and guidance.

## **II. 5 Education and Compliance Strategies**

In the short-term and more expedient solution practiced by human rights agencies has been to allocate proportionately more resources to their complaint branches at the expense of their educational agenda. This is a short-term band-aid solution that is not conducive to a longer term and ultimately more cost-effective solution. The next decade will require a competent and far-reaching resolution of this dilemma in favour of a more appropriate balance in resource allocations for the complaint and educational branches that is effective and efficient to provide sustenance to the proactive educational approach. The next decade must also develop a new strategy for human rights commissions that encompasses the interdependence and compelmmentarity of their compliance and educational agendas. Human rights commissions should be guided by three objectives in the resolution of human rights complaints: 1) simplify the process, 2) streamline the administrative functions, and 3) speed up the conciliation and adjudication phase. All of this must be done without compromising the confidentiality of the system and at the same time reducing the hurt and trauma experienced by individual complainants seeking redress. Educational branches on the other hand need to develop a proactive educational agenda whose implementation will require building partnerships with the private and public sectors as well as educational institutions and community organizations. All of this should reflect the regional differences in human rights issues within the context of the Canadian diversity of the twenty-first century.

## **III. Human Rights and the Demographic Picture**

The different human rights commissions in Canada were not unanimous in their mandate regarding the areas in which to receive complaints on human rights violations. Focusing attention on the two largest human rights commissions - the Canadian and Ontario Commissions - according to statistics available the most commons bases for complaints to the CHRC were (in 1994) in order of importance: disability, sex, age, race/colour, national/ethnic origin, family/marital status, sexual orientation and religion. For the Ontario Human Rights Commission (1988-89) they were disability, sex, race/colour, age, family/marital status and ethnic origin, and creed in that order.

A good knowledge of the demographic characteristics of a population, the basis of evaluating any society, is necessary in order to analyze and determine issues that could lead to development of policies and programs that produce results. When one tries to examine potential issues of the future, this information is vital. The size and characteristics of the population relevant to human rights violations and consequent complaints can be gleaned from population projections. In this section we will examine the projected growth for the total population of Canada with gender breakdowns; of the Aboriginal population, visible minorities, persons with work disabilities, seniors, foreign born, selected religious groups, and other s such as poverty and homosexuality trends during the next decade or so.

### **III. 1 Projected Canadian population**

Canada's population is projected to grow from 29.9 million in 1996 to 35.4 million in 2011, an increase

of 18.4 percent in 15 years (George, M.V. *et al.*, 1994: 67). Normally, a larger population would create more human rights complaints than a smaller population, other things remaining the same. This level of population growth is occurring more because of international migration and not because of natural increase (births minus deaths). For instance in 1993-94, natural increase contributed 47.6 percent of the population growth while by 2011 this will only be 14.3 percent. Such a change in the components of population growth has important implications for human rights, as will be seen later.

In the context of human rights issues, the sex distribution of the population is very important. During the period 1996 to 2011, the female population is projected to grow by 20.0 percent compared to a growth of 16.2 percent for males. For a better appreciation of the issues to be faced, the age distribution of the female population needs to be looked into. Issues of gender discrimination generally, pregnancy and pay equity-related issues in particular would loom larger in the years to come.

### **III. 2 Projected aboriginal population**

The projections, prepared by Statistics Canada, for the Aboriginal population are to the year 2016 (Norris, 1995). The numbers used here are projections of the population with Aboriginal origins or ancestry based on the 1991 Census. In 1991, 1.1 million persons (adjusted by Statistics Canada for incomplete enumeration and under-coverage) indicated at least one Aboriginal ancestry.

The population with Aboriginal ancestry is expected to increase from 1.1 million 1991 to 1.6 million by the year 2016 under a medium-low growth scenario, almost a 50 percent increase. This scenario reflects a continuation of the current trends - i.e.- “a rapid decline in fertility and a decline in mortality combined with a continuation of current residential and regional migration patterns” (*Ibid*, 252).

Between 1991 and 2016, given the continuation of current trends, the registered Indian component of the Aboriginal population is expected to grow by 64 percent, from 254,000 to 418,000. The Aboriginal population is much younger than the Canadian population in general and is becoming more educated. When the Canadian population had a median age of 34 in 1991, the Aboriginal population had a median age of 22.5 (*Ibid*, 255). Ontario, BC and Alberta had, and will continue to have, the highest number of Aboriginal Canadians. However, in terms of proportions they would be most numerous in the Northwest Territories (63%), the Yukon (25%), Saskatchewan and Manitoba (15% each).

### **III. 3 Projected visible minority population**

The visible minority population in Canada has grown by leaps and bounds after changes in immigration policy in the sixties. The immigration levels have increased annually from 84,000 in 1985 to 225,000 in 1996. Though some changes are in the offing for the immigration program, according to official statements, the levels are not likely to be affected.

According to Statistics Canada projections, the visible minorities are likely to increase in numbers from 3.2 million in 1996 to 6.3 million in 2011, an increase of almost 100 percent in 15 years (Dai S. Y. and George M.V., 1996).

### **III. 4 Projection of persons with disabilities**

In 1991, one out of six Canadians had one or more disabilities. Up to 80 percent of those who wanted

to join the labour force could not do so. The unemployment of Canadians with a disability is twice that of able-bodied Canadians. Over half of all the working age persons with disabilities had incomes under \$10,000. They also face additional expenses related to these disabilities.

Statistics Canada has projected Canada's population with work disabilities. According to the medium projections (considered to be most likely), their numbers are to rise from 1.4 million in 1993 to 2.0 million in 2011, a 43.7 percent rise in 18 years (Statistics Canada, 1996: 29).

Ontario is expected to have 41.7 percent of persons with work disabilities, distantly followed by British Columbia with 15.8 percent, Quebec with 15.4 percent and Alberta with 11.7 percent (*Ibid*: 33).

### **III. 5 Projected number of seniors**

As is well known, Canadian society is aging and issues related to aging should become more important for Canadians. The median age of the population in 1996 was 35.1, and this is expected to rise steadily to 37.0 in 2001, 38.4 in 2006 and 39.5 by 2011 (George *et al.*, 1994:71).

The number of seniors (the 65 and over age group) will rise from 3.2 million in 1991 to 5.0 million in 2011, an increase of 56.3 percent (*Ibid*: 73). This is much higher than the rate of growth of the total population during the same period.

The babyboomers are now entering the 50 plus age group. The group will grow from 14 percent of the labour force to 28 percent in the next 20-30 years. We have not seen its impact as yet, but will very soon. At the same time the downsizing in the economy has affected the older persons much more than the others. Even in a low-unemployment economy as that of the US, of the 10 million or so unemployed older workers, a quarter are willing and able to work. The vast majority of them have substantial skills and education, could work in high-demand occupations, and are flexible about conditions of employment. Unfortunately, they cannot find work. A higher-unemployment economy in Canada would be much worse for older workers.

### **III. 6 Projected number of foreign born**

In 1996 there were about 5 million foreign born in Canada of whom over a million had come during 1991-1996. The arrival of the over one million during that period raised their proportion in the population from 16.0 percent in 1991 to 17.4 percent in 1996. In the period 1997-2011, it is assumed that the average annual level of immigration would be 225, 000. This takes into account the fact that the average level of immigration for 1994-1997 was 225, 000, and that is the level envisaged for 1998 as well. Official pronouncements indicate that this level may continue in future years. Assuming that their mortality ( though the mortality rate may have declined a little, it is not significant enough to make a great deal of difference) and re-migration rates are the same as for immigrants who came during the period 1961-1996, the 3.6 million or so immigrants who would arrive during the period 1997-2011 would raise the proportion of the foreign born in the population somewhat significantly, given the low fertility rate. Ontario and BC will be the main provinces of their concentration.

### **III. 7 Projection of persons in selected religious groups**

Liberalized immigration policies have brought several non-Christian religious groups to the shores of

Canada. The major groups are Islam, Hindu, Sikh and Buddhist. An examination of the 1981 and 1991 censuses (latest available) shows that their numbers have increased significantly during the period. Their numbers were very small in 1971 and almost non-existent in censuses before 1971.

**Table 1. Projections of selected religious groups to 2011**

Religious group	1981	Actual	Projected	
		1991 (000s)	2001	2011
Buddhist	52	163	326	652
Hindu	70	157	345	759
Islam	98	253	658	1710
Sikh	68	147	323	711
Total	288	720	1652	3832

(Statistics Canada, *1981 Census: Population: Religion*, Cat. 92-912, pp 1-9 to 1-11; *Religions in Canada: The Nation, 1991 Census*, Cat. 93-319, pp 14-15; Projections by John Samuel & Associates Inc.)

There are no available official projections for these religious groups. However, if one assumes that their numbers will continue to increase at the same rate as they did in 1981-91 period, Canada could have the numbers shown in Table 1. The projected numbers in the columns for 2001 and 2011 assume that the Buddhist will grow two fold every decade (as they did in 1981-91), the Hindus and Sikhs will grow 2.2 times in a decade and the Muslims (those who follow Islam) by 2.6 times per decade.

It is obvious that these religious groups will show very high growth rates based on the assumption that immigration levels and sources will continue to remain the same as before. It should be remembered that the growth will come also as a result of natural increase within these religious groups. They are expected to add up to about 11 percent of Canadian population - roughly the same proportion as visible minorities in Canadian population in 1996.

### III. 8 Poverty trends

Michelle Falardeau-Ramsey, Canadian Human Rights Commission's Chair, soon after taking office had suggested that poverty be considered for inclusion as a factor that would cause discrimination. It is only too well known how the poor do not get a fair treatment in society. In 1993, about 1.4 million children alone were caught in the poverty trap. A Metro Toronto task force on services pointed out that young children living in poorest neighborhoods suffer a disproportionate share of the City's recorded incidents of abuse, school absenteeism, teen-aged parenthood and attempted suicide (Samuel, 1997: 5).

The definition of the term "poverty" has not been easy. There is no internationally accepted definition of poverty unlike for terms such as "employment", "unemployment", "gross domestic product",

“consumer prices”, as Canada’s Chief Statistician Ivan Fellegi pointed out (*The Daily*, Dec. 8, 1997). In Canada, Statistics Canada’s Low Income Cut-Offs (LICOs) has been used as demarcating the poverty line. Statistics Canada explains LICOs “as income levels at which families spend 20% of their income more than the average family on food, shelter and clothing” (Clarke, 1991: i). “They reflect consistent and well-defined methodology that identifies those who are substantially worse off than the average” (*Ibid*: 2).

The following table shows the number and proportion of low income persons in Canada from 1989 to 1996.

**Table 2. Low Income Persons in Canada, 1989-1996**

Year	No. of persons (000s)	Percentage
1989	3,779	14.1
1990	4,179	15.4
1991	4,543	16.5
1992	4,757	17.0
1993	5,143	18.0
1994	4,941	17.1
1995	5,205	17.8
1996	5,294	17.9

(Statistics Canada, *The Daily*, Dec. 26, 1997, pp.8-9)

As seen in the table above, the proportion of the poor has been in the range of 14 to 18 percent of the population. Among the significant variables that affect poverty are the rate of growth of the economy, unemployment rate, social programs to ameliorate poverty, the tax system, and other relevant socioeconomic factors. It is not easy to predict any of these in the context of the New Economy and the international competition for goods and services through globalization. At best one could only guesstimate that the percentage of those below the poverty line could be somewhere between 14 and 18 percent. In order to arrive at a single percentage for projection purposes, the average of the two (somewhat optimistically) at 16 percent is assumed to be the proportion of the poor in the year 2011. Applying this to the total population we arrive at 5.7 million as the probable number of the poor in 2011 indicating that the poor will be always in our midst. Their numbers would have risen by 7.5 percent over 1996.

### **III. 9 Trends in Homosexual Population**

There are no projections for the homosexual population available. Even their current proportion in the total population is not known. What is known is that “homosexuality is immutable, and non-pathological, and a growing body of more recent evidence implicates biology in the development of sexual orientation” (Burr, 1993: 65). When more and more people are coming out the so-called closet to declare their homosexuality openly, one is forced to look at sexual orientation in a more open light.

It is certain that the human rights of homosexuals would require more attention too. It is difficult to estimate how fast the homosexual population would grow, however.

#### **IV. Human Rights and the Economy**

The single most important defining feature of the Canadian economy during the first decade of the twenty-first century will be the growth of the information technology sector and in consequence the human rights issues congruent with a vibrant and dynamic information society. The advent of the information technology sector as the engine of economic growth for the Canadian economy in the twenty-first century is also a vivid illustration of the confluence of economic and social policy from a human rights perspective. These changes will also require closer cooperation between human rights commissions and the privacy commissions.

Information technology sector will emerge in the next decade as the principal economic sector to generate the largest number of employment opportunities. In this regard, human rights commissions can anticipate an increase in workplace-related complaints of discrimination from the information-technology sector. Furthermore, the nature of the product and wider dissemination of the services of the information-technology sector will require a more avant-garde interpretation of existing human rights legislation as well as demands for the introduction of new legislation to confront the human rights abuses and discriminatory practices of the information age.

##### **IV.1 Globalization**

An adjunct of the predominance of the information technology sector will be the continued emphasis on the economics of globalization. International economic relations and the affirmation of free trade initiatives between trading partners, trading blocks and geographic regions from a global perspective will contribute to the debate on human rights. The Canadian economy in the next decade will be susceptible to the economic emphasis on globalization. Indeed, Canada will be under increased scrutiny to choose between the two prevailing schools of thought: The first school of thought that promotes the vision that countries should engage in international trade despite the divergence in human rights protection with a view to encouraging those countries with a poor human rights record to a higher level of human rights enforcement. The second school of thought which emphasizes the need to adopt an economic embargo against countries that do not comply with international standards of human rights compliance. However, Canadian human rights commissions will not have to deal with these issues directly.

##### **IV. 2 Workplace-Related Complaints**

By far, the largest number of individual complaints filed with Canadian human rights commissions concern discrimination in the workplace. The range of human rights violations and abuses that surface in the workplace include sexual harassment, sexist or racist behaviours in the form of slurs, jokes, graffiti or expression of hate; denial of equal opportunity for women or minority groups; discrimination on the basis of sexual orientation; refusal to make a workplace accessible to an employee or a client with a disability; unequal treatment because of a pregnancy; denial of employment opportunities for visible minorities; and pay disparity between men and women. Workplace related complaints are expected to increase during the next decade.

### **IV. 3 Economic Rights**

The next decade will require human rights commissions to provide more capable leadership and a more enlightened vision regarding economic rights. The increasing number of complaints about discrimination in the workplace suggest that the passive and reactive approach practised by human rights commissions during the recent past has been ineffective. Furthermore, the large number of complaints arising out of abuses of workers rights points to a disturbing pattern of overt and covert discrimination in the workplace and a poisoned work environment with negative side effects in terms of weak economic performance. It is therefore incumbent on human rights commissions to endorse a more proactive approach in the promotion and protection of economic rights in order to achieve a more positive record of accomplishments in this vital area of provincial and national economic prosperity.

The rights of labour unions to protect and enhance their interests are among the economic rights. In the US particularly and also in Canada, some multinationals have moved aggressively against unions aiming to tame them or maim them. In Canada, the employment earnings of workers under age 35 have declined substantially since the late 1970s. Those who lost their jobs were believed to be those who could not deliver “a fair day’s work for a fair day’s pay”.

### **IV.4 Social and Economic Linkages.**

Human rights continue to be perceived as an appendix of social policy. The fact of the matter is that human rights are a prime example of the interlinkages and interdependence between social policy and economic policy. The respect and promotion of human rights principles and values in the workplace and the economy in general are the only guarantees of cohesion and harmony in a multicultural and multiracial workforce, of a greater acceptance of gender equality, of the enhanced participation of persons with disabilities, and of the accommodation of other disadvantaged and vulnerable groups that have been the targets of historical and systemic discrimination. In short, the strong endorsement of human rights in the workplace is the most effective guarantee for the full and efficient utilization of our human resources with all their talents, creativity and expertise and the promotion of a work ethic that is conducive to economic success and prosperity.

Worker and employer education in human rights and the promotion of a human rights culture in the economy are fundamental prerequisites in establishing an economic synergy that promotes a dynamic, productive, respectful and harmonious work environment. Human rights commissions must be prepared to assume the role of an economic catalyst and a proactive agent for the promotion and development in the workplace of sexual harassment policies, employment equity programs, affirmative action plans, policies on reasonable accommodation and pay equity. Indeed, one cannot emphasize enough the need for adopting and respecting human rights principles and values in the workplace.

### **IV. 5 Human Rights Culture in Business**

The protection and promotion of human rights in the workplace are no longer simply a moral or

ethical issue; within the demographic realities and financial constraints of the next decade, it is a fundamental prerequisite for business and economic success. Indeed, the degree to which the workplace is sensitive and responsive to gender equality and the various forms of diversity will determine success or failure in the highly competitive environment of the next decade. There is no denying that customer preferences and services demand from business corporations and government departments and agencies require a higher level of conformity to human rights principles and values. In short, respecting and promoting a human rights culture in the workplace is essential to safeguarding one's competitive edge in the domestic and global markets and ensuring qualitative excellence in the services provided.

#### **IV.6 Managing Diversity**

In the next decade, managing diversity effectively will be a key precondition for economic success. Globalization and economic interdependence have forced us to deal with people of different cultures and languages. Canada's workforce is becoming increasingly heterogeneous and demographic projections reveal that our population and workforce in the next decade will be significantly more culturally and racially diverse. The deepening and broadening of Canada's ethnic, cultural and religious diversity in the workforce offers unique challenges and magnificent opportunities. The ability to cope with diversity and use it to economic advantage is a skill that is becoming increasingly more important.

Diversity is a unique economic asset and a powerful force that can contribute to our competitive edge. Our future economic well being will require that special attention be given to those who find themselves at the margins of the working population: women, certain groups of immigrants, visible minorities, persons with disability, people with low levels of education, the poor and aboriginal people. Discrimination in the workplace against such persons is a violation of their economic rights. It represents a significant loss to the nation of the potential talents, creativity and contribution of our valuable human resources.

#### **IV.7 Employment and Pay Equity Strategies**

Human rights agencies must assume the educational role of promoting a greater awareness that employment equity programs are not about preferential treatment but rather about creating a level playing field that affords equal opportunity. Effective strategies for employment equity policies must promote the full and equal participation of all in the economic opportunities and rewards. It must contribute toward breaking the glass ceiling, dispersing the clustering of women and minorities in some occupations and sectors, and correcting the under-representation of women, minority groups, persons with disabilities, and Aboriginal persons from the decision-making process and from the corporate boardrooms. The recent federal court decision on pay equity is probably an indication of the change in the direction in which the wind is blowing for human rights agencies.

#### **IV. 8 Government and Corporate Downsizing**

The process of public and private sector downsizing, re-engineering and restructuring contributes to economic stresses that often find recourse to human rights commissions for alleged human rights violations. These conditions are likely to continue into the next decade with the

consequential increase in workplace-related human rights complaints. The overall economic malaise particularly in terms of weak employment opportunities is also conducive to an increase in human rights complaints. In short, the next decade will result in human rights commissions facing increasing pressures to make greater advances in economic rights, the new frontier of human rights. The role of the Canadian Human Rights Commission as Canada's dominant human rights agency, both multi-laterally and bi-laterally, promoting the creation and strengthening of national human rights institutions needs to be noted.

## **V. Human Rights and Society**

The areas that will be looked into here are the international context, public education, school curriculum, human rights in schools, the media and human rights tribunals.

### **V.1 The international context**

As a signatory to the UN convention on human rights, Canada bears an enormous moral and legal responsibility. Because, despite the fact that such instruments of emerging public international law do not have the force of national law and the sanctions that give domestic law its coercive power, the reputation Canada enjoys in world affairs as a civilised and progressive middle power obliges it to be a model in its human rights record.

This global context in which Canada's human rights record and current initiatives is to be viewed is at once universal - the UN's declaration which covers political and economic rights - and "regional". Specifically, Canada is an active participant in the UN's human rights activities, as evidenced by Dr. Maxwell Yalden's membership of the UN Human Rights Tribunal. Canada also was one of the chief architects of the Harare Declaration of 1991 which provides the normative framework for good "governance" in Commonwealth countries. Indeed the principles enshrined in this document are meant to guide the actions of the respective countries of the Commonwealth in their treatment of their residents, notably of their minorities. At the operational or "functional" level, Canada has integrated human rights considerations into the conduct of its foreign policy, notably in the field of aid to developing countries. On the non-governmental front, prominent Canadians are active in organisations like Human Rights Watch that endeavour to keep countries on their toes.

### **V.2 Public Education about Human Rights**

One of the imperatives of good governance is active education of the general public about human rights. A corresponding obligation falls on governmental authorities to ensure that their military and civilian personnel are sensitised to the human rights dimension of their services to the public and the administration of their organisations.

In practical terms for Canadians, the three levels of government should be involved in active public education campaigns, primarily through their respective departments of citizenship and the human rights commissions. This task assumes greater urgency as the population becomes more diverse, mostly because of governments' liberalized immigration policies (referred to above) and increased international migration of peoples. This diversity affects both the clientele and the staff of public service agencies and private companies. The most palpable outcome of the exercise of

these rights is that of earning a living. The challenge of employment equity remains paramount, especially when more highly educated immigrants and their progeny enter the work force. It is perhaps noteworthy that human rights commissions typically have an explicit mandate to engage in public education and advocacy of human rights.

### **V.3 The School Curriculum**

One potential forum for increasing awareness of human rights issues is the school curriculum. It could even be argued that it is the quintessential medium for public education as it is practised. Educators will probably differ about philosophy and approach as well as on technical points of pedagogy, but there is likely to be agreement that some elements of “multiculturalism in education” might profitably be introduced early in the curriculum—ones that would at least attenuate if not eradicate stereotypes and prepare pupils to be more conscious of the worth and dignity of their classmates of different colours, and of cultural and religious backgrounds from their own. The idea of introducing courses in human rights in university courses, or offering a BA in human rights is being mooted in some quarters. Human rights commissions may have at least an employers’ interest in such a development in curriculum planning, particularly in the new millennium.

### **I.4 Human Rights in Schools**

A corollary of the attempt to inculcate notions of fundamental human rights in the minds of the young would be advancing the best human rights practices in educational administration. This is an area that will require increased attention, both at the administrative and the classroom levels. Some commissions have already been hearing from teachers about alleged discrimination on the job. This could become exacerbated. Nevertheless, it appears that the greatest challenge will come in sensitising the “mainstream” teachers to the importance of their wards of minority origin having equal access to a first-class education and, thereby, enhancing their prospects of finding good employment. This issue should not be considered as being a mere “immigrant” one. It seems to be one central to the training of First Nations youth and youngsters of colour. (It is difficult to envisage how some of these complaints would be formulated and how they would be handled but class actions emanating from parents or student councils are not inconceivable.)

### **V. 6 Human Rights Tribunals**

The tribunals have a potential for enhancing the enjoyment of human rights in Canada. They could, for example, help in the ‘oversight’ of governmental implementation of legislation, as in the case of the regime contemplated for the new federal *Employment Equity Act*. However, two aspects of the way these administrative tribunals operate bear scrutiny: the length of time spent on cases, and the number of lawyers who serve on them. Some observers see a direct causal relationship between the two. Furthermore, the courts are being increasingly called to review tribunal decisions and therefore the presence of a lawyer on tribunals is a necessity.

It is possible that tribunals will lose credibility if they proceed no faster or different than the courts, and because of the predominance of lawyers in the process, make their decisions based on narrow legalisms. The result could be that, justice delayed is justice denied, especially when the backlog in cases at most commissions is considerable.

**V. Conclusions**

In the paradigm of shift currently taking place in a “swim or sink” kind of economy and society developing, the predictions made at one time that discrimination will decline does not seem to be true any more. Employment discrimination in particular has become worse for many groups. It is increasingly becoming difficult to achieve equality of employment opportunities in a society that is becoming more conservative and more likely to turn a blind eye on rights violations. As noted by the Chief Commissioner of the CHRC, “technological developments and other wonders of modernization have failed to reverse growing disparities between North and South, rich and poor, those who can afford rights and those for whom the world has little practical meaning” (Falardeau-Ramsay, as quoted by Samuel, 1997: 13).

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