



March 19, 2006

via facsimile (416) 325-3745

Premier Dalton McGuinty
Room 281, Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A1

Re: Proposed Reforms to the Ontario Human Rights Code

Dear Premier McGuinty,

We, DAWN Ontario: the Disabled Women's Network Ontario, are writing to voice our strong opposition to your Government's plans to weaken the Ontario Human Rights Code, announced on February 20, 2006. DAWN Ontario is a progressive, volunteer-driven, feminist organization promoting social justice, human rights and the advancement of equality rights through education, research, advocacy, coalition-building, resource development, and information technology. Our mission is to generate knowledge, information and skills to advance the inclusion, citizenship, human rights and equality of women and girls with disabilities. We work to illuminate the causes and multidimensional consequences of the growing inequality of wealth, income, power and opportunity in Canada; and to move this critical national problem onto the front burner of Canadian politics and public discourse. We seek to bring forward the distinctive perspective of women with disabilities in the campaign for full equality both for women, and for persons with disabilities.

DAWN Ontario fully supports the position regarding human rights reform of the Accessibility for Ontarians with Disabilities Act Alliance expressed in the February 27, 2006 letter to you from its chair, Ms. Catherine Dunphy. DAWN Ontario was actively involved in the work of the AODA Alliance's predecessor, the Ontarians with Disabilities Act Committee, in its campaign for strong effective disability accessibility legislation.

Women with disabilities are often doubly-disadvantaged. They need a strong, effective and properly funded Ontario Human Rights Commission, not a weakened one, to investigate and prosecute organizations that discriminate against them. Women with disabilities will rarely be able to afford to hire their own lawyer, conduct their own investigation, and prosecute their own human rights cases. They shouldn't have to depend on over-worked, understaffed Legal Aid clinics. Nor should they have to hope for lawyers to take their cases pro bono. Pro bono, in the end, is charity. We heartily commend lawyers for doing pro bono work. However, charity is no substitute for a public investigation and prosecution of human rights complaints.

We commend you for wanting to improve the human rights process enforcement. If your Government wants to tackle the Human Rights Commission's backlog, it should restore the Commission's budget.

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Mike Harris slashed it despite promising in 1995 to increase it. Harris weakened the Commission by budget cuts. Your plans would finish the job by legislation. Your plan is for a weakened Commission that just monitors, does public education, and may bring its own complaints or intervene in some others before the Human Rights Tribunal. This wrongly reduces the Commission to a shadow of its former self.

Your plan is being marketed as having the benefit of eliminating the “gate-keeping” role of the Ontario Human Rights Commission. In reality however, this is just an illusion. Your plan doesn’t eliminate the existence of a gate-keeper at all. All your plan does is transfer this job to the Ontario Human Rights Tribunal. That is not an improvement.

We are not saying the present situation at the Human Rights Commission is acceptable. It is not. The Commission needs to be properly funded. We need its practices and procedures to be improved. What we don’t need is your plan to dump onto the backs of vulnerable discrimination victims, like women with disabilities, the Human Rights Commission’s duty to investigate and prosecute discrimination.

Those marketing your Governments plans claim that two reports, produced in the 1990s, have recommended direct access to the Human Rights Tribunal. Yet of vital importance, both those reports also insisted on the importance for human rights complainants to be effectively represented at any human rights hearing into their case. Your government hasn’t promised this publicly-funded representation in its recent announcement. Your Government has been strikingly vague on this critical point. Why is this?

We add our voices to the growing list of those who your Government didn’t consult before announcing these radical changes to the enforcement of our human rights, and who urge your Government to call off those plans. We too call for an open, accessible public consultation on how best to reform the human rights enforcement process, before any new legislation is introduced. That consultation should not be based on any pre-decided plan to weaken the Human Rights Commission. Your Government should embark on any consultations with an open mind. You and your Party were rightly critical of the Harris Government when, in 1998, then-Citizenship Minister Isabel Bassett held consultations on what to include in the Ontarians with Disabilities Act, because she announced before the consultations even began that Government had already made important decisions on what the ODA must not include. We urge your Government to be true to your word, and not repeat that kind of unacceptable consultation.

We commend your Government for its open consultations on the Accessibility for Ontarians with Disabilities Act. That is the model you should follow in this case. During your AODA consultations, we and the disability community weren’t told you were planning to weaken the Human Rights Commission, and privatize its duties. Why is this plan being sprung on us now?

We look forward to hearing that your Government will give your plans a serious second thought, and will change your direction. We certainly hope your Government doesn’t try to rush its planned legislation through the Legislature this spring. Your Government made strong election commitments about democratic renewal. What better place is there for an open, fair, democratic consultation than in the area of a law as fundamental as the Ontario Human Rights Code.

Yours sincerely,

Barbara Anello
Acting Chair, DAWN Ontario

cc: Michael Bryant, Attorney General of Ontario via facsimile (416) 326-4016
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