

Human Rights Can't Be Compromised

By Dr. Lorne Foster

Until the McGuinty Liberals won the last election, no government of any political stripe has dared to cross the line on human rights as a matter of public trust. No government has given up or tried to privatize its responsibility to safeguard human rights protections for the common good.

But now with another election in sight on Oct. 10, accomplishments by many Ontarians – particularly in the Chinese, Black and Jewish communities – are at risk if voters elect the McGuinty government to another term.

Today, we live in a multicultural society, but it is also one that is rife with inequalities, where discriminatory barriers are often more subtle and informal, than overt.

We find foreign-trained doctors, engineers, PhDs and assorted professionals of colour driving taxis, delivering pizzas, or doing other menial jobs. They are faced with discrimination at work, where they are stuck in “job ghettos” that are difficult for many to escape.

People with disabilities are often defined through their impairments, and treated as medical cases. They face corporate or peer strategies of exclusion, denial of difference, and physical barriers that ensure they are made to feel invisible.

Women who have comparable education and experience to men are still crashing into a “glass ceiling,” where obstacles to their advancement within the hierarchy of the workplace are not immediately apparent but are part of an unwritten policy.

Discrimination. Racism. Sexism.

All three exist in Ontario, indeed throughout Canada, and they are as much a challenge for long-time residents as they are for newcomers. So why is McGuinty, and Attorney General Michael Bryant, quietly dismantling a system that was built over 45 years to protect our rights?

Human rights and social justice remain a critical democratic challenge and should be public policy priority. Yet, the McGuinty Liberals have proudly abdicated public responsibility for human rights protections in the province by legislating a new process of systematic privatization. With little objection or curiosity from the so-called mainstream press, the Ontario Liberal party has recast the “common good” factor in human rights as an individual responsibility, and recast the governments' own role as a supposed facilitator of individual access.

Under the banner of “modernizing” or “reforming” the human rights system, Bill 107 introduced the “Direct Access” model. It proposes a one-track, self-service system akin to a super-market express line. This new legislation purportedly introduces a more open, accessible and faster human rights complaint resolution process, where applications are made directly to the Ontario Human Rights Tribunal for adjudication.

At a glance, this new model may appear to simplify and streamline management of human rights cases. In reality, it eliminates the current investigative and policy-compliance authority of the Ontario Human Rights Commission.

There is a cost – financial and social – in doing so. Direct access strips discrimination victims' of their previous right to have their claims publicly mediated, investigated and prosecuted if the evidence warrants, at no cost to the parties involved. It removes the recognition of public interest in all human rights cases; the result is that complaints are private interactions between parties – more akin to private civil litigation or small claims court.

Additionally, direct access will require victims of discrimination to hire a lawyer in private practice to collect witness statements, assess documents and prepare legal briefs.

Currently, those functions are handled by the Ontario Human Rights Commission, with a mind to preparing cases for consideration by the Ontario Human Rights Tribunal, at no cost to the complainant. Bill 107 will make sure that the victims of discrimination pay their own way to navigate through the complex legal processes involved in settling a claim.

Further, under the direct access model, the Tribunal can unilaterally dismiss a case without providing any reason. This falls far short of the goal to manage human rights in the public interest.

Last fall McGuinty muzzled any further debate on the seriousness of Bill 107 by breaking an earlier promise and shutting down scheduled public hearings in Toronto. McGuinty and Attorney General Michael Bryant would not entertain any challenge to Bill 107, or listen to those who will be most impacted by the new legislation.

The McGuinty Liberals' failure to engage the public in serious debate about Bill 107 is symbolic of a government that has lost its moral compass. It has breached the public trust and it has reneged on its social obligation to Ontarians.

On Oct. 10, voters have a chance to take the first step in restoring human rights to the public trust in Ontario by voting against McGuinty's Liberals, and encouraging other parties to shoulder their responsibility in government to uphold our human rights.

Make your vote count.

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