

# CANADA 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Canada is a constitutional monarchy with a federal parliamentary government. In a free and fair multiparty federal election held in October 2019, the Liberal Party, led by Justin Trudeau, won a plurality of seats in the federal parliament and formed a minority government.

National, provincial, and municipal police forces maintain internal security. The armed forces are responsible for external security but in exceptional cases may exercise some domestic security responsibility at the formal request of civilian provincial authorities. The Royal Canadian Mounted Police report to the Department of Public Safety, and the armed forces report to the Department of National Defence. Provincial and municipal police report to their respective provincial authorities. Civilian authorities maintained effective control over the security forces. There were reports members of the security forces committed abuses.

Significant human rights issues included: reports of the use of unlawful deadly force by police; police use of undue or excessive force and harassment against indigenous persons; and official discrimination and violence against indigenous women and girls.

The government had mechanisms in place to identify, investigate, prosecute, and punish officials who may commit human rights abuses.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were several reports that police committed unlawful killings. Indigenous leaders asserted that a disproportionate number of indigenous persons, who

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constitute approximately 5 percent of the country's population, were killed during their interactions with law enforcement. In June a media outlet reported that, according to its analysis of all police shootings over the previous three years, an indigenous person was 10 times more likely than a white person to be killed by police. The media outlet found that 38 percent of individuals killed by police between January 2017 and June 2020 were indigenous. It also found that 46 percent of fatal police shootings that occurred during that time remained under investigation; law enforcement were charged with regard to one case, and 53 percent of officers involved in fatal shootings had been cleared.

On June 4, police in Edmundston, New Brunswick, killed indigenous woman Chantel Moore during a welfare check on her. On June 12, Royal Canadian Mounted Police (RCMP) killed indigenous man Rodney Levi after they were called to remove him from an event at a pastor's house in a community in New Brunswick. Provincial government investigations into both cases were in progress at year's end.

In June, two RCMP officers were charged with criminal negligence resulting in death for their roles in the fatal shooting of Clayton Crawford at a highway rest area in 2018. Police sought to interview Crawford as a witness in a case. He was killed when police shot into his moving vehicle.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices. In April the government announced it would not appeal the Supreme Court's March 2019 ruling that solitary confinement of longer than 15 days constituted cruel and unusual punishment, and the prohibition against use of solitary confinement went into effect. In June, however, the Office of the Correctional Investigator, a federal prison ombudsman, determined federal prisons utilized solitary confinement as a means of controlling or preventing coronavirus outbreaks within prisons. In August prison advocacy groups stated that delays in

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furnishing a federal oversight panel with data on segregation practices implemented in federal prisons in lieu of solitary confinement made it impossible to determine whether the government adhered to the law. In the same month, the Ontario Human Rights Commission filed suit against the province, alleging it failed to respect its commitments to end use of solitary confinement in the provincial correctional system for persons with mental health disabilities.

Impunity was not a significant problem in the security forces. Seven provinces had civilian units to investigate killings by police officers and complaints against police actions, and two provinces and three territories called in investigators from other police forces to investigate incidents involving their officers.

### **Prison and Detention Center Conditions**

There were some reports that prison and detention center measures designed to control the spread of coronavirus raised human rights concerns.

**Physical Conditions:** There were no major concerns in prisons and detention centers regarding physical conditions or inmate abuse. Adults and juveniles were held separately, although minors were held with their parents in immigration detention centers as an alternative to separating families.

In April and June, the federal Office of the Correctional Investigator reported that certain prison measures designed to control the spread of the coronavirus, including nearly total confinement to inmates' cells and lack of ability to communicate with the outside world, violated prisoners' human rights and could not be justified under federal and international law despite the public health crisis.

**Administration:** Independent authorities investigated credible allegations of mistreatment and documented the results of such investigations in a publicly accessible manner, although such investigations slowed starting in March due to the coronavirus pandemic.

**Independent Monitoring:** The government permitted visits by independent nongovernmental human rights observers, although such visits were largely curtailed starting in March due to prison visitation restrictions put in place in response to the coronavirus pandemic.

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### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

#### **Arrest Procedures and Treatment of Detainees**

Authorities generally relied upon warrants in the apprehension of persons. A judge may issue a warrant if satisfied a criminal offense might have been committed. A person arrested for a criminal offense has the right to a prompt, independent judicial determination of the legality of the detention. Authorities respected this right, although court operations were disrupted starting in March due to the coronavirus pandemic, which reduced prompt access to the judicial system. Authorities provided detainees with timely information on the reason for their arrest and provided prompt access to a lawyer of the detainee's choice, or, if the detainee was indigent, a lawyer was provided by the state. Bail was generally available. Authorities may hold persons under preventive detention for up to seven days, subject to periodic judicial review.

### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality, although public trials were suspended starting in March due to the coronavirus pandemic and resumed beginning in July.

#### **Trial Procedures**

The law provides for the right to a fair and public trial, and the independent judiciary generally enforced this right prior to the start of the pandemic, when public trials across the country were temporarily suspended as a public health measure. Aside from the pandemic, trials occur before a judge alone or, in more serious cases, before a judge and jury. Defendants have the right to a timely trial, to be present at their trial, and to consult with an attorney of their choice in a timely manner. The government provides an attorney at public expense if needed

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when defendants face serious criminal charges, and defendants may confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys generally had adequate time and facilities to prepare a defense. Defendants also enjoy a presumption of innocence, the right to be informed promptly and in detail of the charges against them (with free interpretation as necessary), the right not to be compelled to testify or confess guilt, and the right of appeal.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary in civil matters and access to a domestic court to bring a suit seeking damages for, or cessation of, a human rights violation. Remedies can be monetary, declaratory, or injunctive. Federal or provincial human rights commissions may also hear alleged human rights violations. Individuals may also bring human rights complaints to the United Nations or Inter-American Commission on Human Rights. Civil judicial procedures were particularly impacted by the pandemic, as courts prioritized criminal cases where possible.

### **Property Restitution**

Canada helped draft the Terezin Declaration and endorsed it in 2009. It also endorsed the Terezin Guidelines and Best Practices in 2010. Experts stated that Canada did not enact immovable property restitution laws because no such property was seized in the country during the Holocaust. According to the government, “the issue of displaced cultural property primarily affects those art museums and private collectors that acquired European fine and decorative art of unknown provenance from the period of 1933-1945.” The government’s Canadian Heritage Information Network hosts an online database known as Artefacts Canada, which contains five million object records and one million images from Canadian museums. Both museum professionals and the general public can access

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the database, which may assist museum professionals and Holocaust survivors and their heirs in identifying confiscated or looted movable property.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, 2020, can be found at <https://www.state.gov/reports/just-act-report-to-congress/>.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties, Including**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press. Independent media were active and expressed a wide variety of views without restriction.

**Freedom of Speech:** According to Supreme Court rulings, the government may limit speech to counter discrimination, foster social harmony, or promote gender equality. The court ruled that the benefits of limiting hate speech and promoting equality are sufficient to outweigh the freedom of speech clause in the Charter of Rights and Freedoms, the country's constitutional bill of rights.

The criminal code prohibits public incitement and willful promotion of hatred against an identifiable group in any medium. Inciting hatred (in certain cases) or genocide is a criminal offense, but the Supreme Court sets a high threshold for such cases, specifying that these acts must be proven to be willful and public. Provincial-level film censorship, broadcast-licensing procedures, broadcasters' voluntary codes curbing graphic violence, and laws against hate literature and pornography impose some restrictions on media.

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**Libel/Slander Laws:** The law criminalizes defamatory libel with a maximum penalty of five years' imprisonment, but courts seldom imposed such a punishment.

In June police arrested Andrzej Kumor, the publisher of Ontario Polish-language publication *Goniec*, related to anti-Semitic statements he published online. According to B'nai Brith Canada, police warned Kumor that he would be criminally charged for willful promotion of hatred if he published any additional anti-Semitic material, and he was released without charges. He later reportedly removed all anti-Semitic materials from *Goniec*'s online platforms.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights prior to the start of the global pandemic. In the months after the pandemic began in March, however, the government implemented measures to contain the spread of the coronavirus that restricted movement. For example, the government closed the

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country's borders to the arrival of new foreign travelers with limited exceptions, imposed a 14-day quarantine upon anyone permitted to enter from another country (such as returning citizens and residents), and recommended that citizens and residents of the country minimize foreign travel.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

**Durable Solutions:** The government accepted refugees for resettlement from third countries and facilitated local integration (including naturalization), particularly of refugees in protracted situations. The government assisted the safe, voluntary return of refugees to their homes.

**Temporary Protection:** The government also provided temporary protection (in the form of temporary residence permits) to persons who may not qualify as refugees.

### **g. Stateless Persons**

According to UNHCR, by the end of 2019, there were 3,790 persons in the country who fell under the UN statelessness mandate; 3,400 were considered as permanent residents and 390 as nonpermanent residents.

## **Section 3. Freedom to Participate in the Political Process**

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The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

**Recent Elections:** Following a free and fair federal election in October 2019, the Liberal Party won a plurality of seats in the federal parliament and secured a mandate to form a national government.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women or members of minority groups in the political process, and they did participate. In the 2019 federal election, 726 of 2,146 House of Commons candidates were women, which was a record high. Women won a record 29 percent of the seats in the House of Commons. The government of New Brunswick provided financial incentives to political parties to field female candidates in provincial elections.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were allegations of government corruption during the year.

**Corruption:** In July the federal ethics commissioner launched investigations into the failure of the prime minister and finance minister to recuse themselves from the award of a sole source 900 million Canadian dollar (C\$) (\$692 million) pandemic-relief contract to the nonprofit organization WE Charity to administer a youth program. The prime minister, his family, his chief of staff, and some ministers, including the finance minister, had previously volunteered or fundraised for WE Charity, and some close family members of the prime minister and finance minister had earned income (e.g., speaking fees, direct wages, or salary) from the WE organizations. The commissioner also launched an investigation into the finance minister's acceptance of approximately C\$41,000 (\$32,000) in personal travel from WE Charity, which the minister said was an oversight and repaid when the matter became public.

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**Financial Disclosure:** Public officeholders, including elected members of the executive branch and their staffs and designated senior nonelected officials, are legally obligated to disclose information about their personal financial assets. Members of the legislative branch are not required to disclose financial holdings. These declarations, as well as an annual report, are available to the public through regular reports by a commissioner for conflict of interest and ethics. The commissioner may impose an administrative monetary penalty for noncompliance, but the law does not provide for criminal sanctions. Provincial governments provide independent audits of government business and ombudsman services.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were largely cooperative and responsive to their views.

**Government Human Rights Bodies:** Federal and provincial human rights commissions enjoyed government cooperation, operated without government or party interference, and had adequate resources. Observers considered the commissions effective. Parliamentary human rights committees operated in the House of Commons and the Senate. The committees acted independently of government, conducted public hearings, and issued reports and recommendations to which the government provided written, public, and timely responses. Most federal departments and some federal agencies employed ombudsmen. Nine provinces and one territory also employed an ombudsperson.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

#### **Women**

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**Rape and Domestic Violence:** The law criminalizes rape of men or women, including spousal rape, as sexual assault, and the government enforced the law effectively. Penalties for sexual assault carry prison sentences of up to 10 years, up to 14 years for sexual assault with a restricted or prohibited firearm, and between four years and life for aggravated sexual assault with a firearm or committed for the benefit of, at the direction of, or in association with, a criminal organization. Most victims of sexual assault were women.

The law provides protections against domestic violence for both men and women, although most victims were women. Although the criminal code does not define specific domestic violence offenses, assault, aggravated assault, intimidation, mischief, or sexual assault charges apply to acts of domestic violence. Persons convicted of assault receive up to five years in prison. Assaults involving weapons, threats, or injuries carry terms of up to 10 years. Aggravated assault or endangerment of life carry prison sentences of up to 14 years. The government generally enforced the law effectively. Police received training in treating victims of sexual assault and domestic violence, and agencies provided hotlines to report abuse.

Approximately 1,180 indigenous women disappeared or were killed from 1980 to 2012, according to a 2014 RCMP report. Indigenous advocates and a report issued in 2019 by the government-commissioned National Inquiry into Missing and Murdered Indigenous Women and Girls (NIMMIWG) stated the number was probably far higher, since many deaths had gone unreported. Indigenous women and girls make up an estimated 4 percent of the country's women but represented 16 percent of the women killed, according to government statistics.

The NIMMIWG concluded in June 2019 that the government's treatment of indigenous peoples amounted to "deliberate race, identity, and gender-based genocide," continued and required immediate action. The government failed to release an expected national action plan for addressing the inquiry's 231 recommendations, attributing delay to a number of factors including the pandemic. Critics noted the federal government took few steps during the year to implement the recommendations. On June 3, the national inquiry's former commissioners called for the government to appoint an impartial international organization to

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oversee implementation of the recommendations, which they said was “essential to address Canada’s responsibility for the commission of genocide and for violations of fundamental human rights.”

The government’s Family Violence Initiative involved 15 federal departments, agencies, and crown corporations, including Status of Women Canada, Health Canada, and Justice Canada. These entities worked with civil society organizations to eliminate violence against women and to advance women’s human rights. The government continued a national strategy to prevent and address gender-based violence, budgeting C\$101 million (\$77.8 million) over five years to create a center of excellence within Status of Women Canada for research, data collection, and programming. The 2018 federal budget allocated an additional C\$86 million (\$66 million) over five years, starting in 2018-19, and C\$20 million (\$15.4 million) per year thereafter, to expand the strategy with a focus on preventing teen-dating violence, bullying, and cyberbullying; health care for victims; investigative policing; police training; research; funding for rape crisis and sexual assault centers; and programs to prevent gender-based violence in postsecondary educational institutions. Provincial and municipal governments also sought to address violence against women, often in partnership with civil society.

**Female Genital Mutilation/Cutting (FGM/C):** The law prohibits FGM/C of women and girls and prosecutes the offense, including parents of minors, as aggravated assault with a maximum penalty of 14 years’ imprisonment. FGM/C occurred on occasion, predominantly in diaspora communities. While internal government reports leaked to media asserted that FGM/C practitioners and victims often travelled to the country of the practitioners’ origin for the illegal procedure, officials also sought to prevent the entry of FGM/C practitioners into the country.

**Sexual Harassment:** The law offers protections from sexual harassment at the workplace but does not articulate a specific offense of “sexual harassment” outside of work; instead it criminalizes harassment (defined as stalking), punishable by up to 10 years’ imprisonment, and sexual assault, with penalties ranging from 10 years for nonaggravated sexual assault to life imprisonment for aggravated sexual assault. Federal, provincial, and territorial human rights commissions have responsibility for investigating and resolving harassment complaints. Employers,

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companies, unions, educational facilities, professional bodies, and other institutions had internal policies against sexual harassment, and federal and provincial governments provided public education and guidance.

**Reproductive Rights:** Couples and individuals have the right to decide the number, spacing, and timing of their children; to manage their reproductive health; and to have access to the information and means to do so, free from discrimination, coercion, or violence. No significant legal, social, or cultural barriers or government policies adversely affected access to contraception; cost has been cited as the most important barrier to contraception access in the country, particularly for young and low-income women. The government provided access to sexual and reproductive health services for survivors of sexual violence, including through dedicated sexual assault care centers. Skilled health attendants were available during pregnancy and childbirth and were publicly funded, although women in rural and Arctic areas had more difficulty accessing care. The country's adolescent birth rate varied widely by province. In Ontario, the most populous province which includes multiple urban centers, the birth rate was 4.3 per 1,000 adolescents between the ages of 15 and 19, while in the rural northern territory of Nunavut, the rate was 97.3 per 1,000.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of the government during the year. In 2018 the Ministries of Indigenous Services and Health sent a letter to provincial and territorial ministers as well as to members of the medical community expressing concern over reports from indigenous women that they were involuntarily sterilized after giving birth. More than 100 women reported they had been sterilized without their proper and informed consent. At least 60 women joined a class action litigation against the province of Saskatchewan for their coerced sterilization between 1972 and 2017; the case was pending as of August.

**Discrimination:** Women have the same legal status and rights in the judicial system as men, and the government enforced these rights effectively.

In January the government released data regarding female representation on corporate boards. The government determined that in 2017 (the most recent year for which data was available), 18 percent of board seats were held by women.

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Solely men composed 61 percent of boards. Seven provinces and two territories require private-sector companies to report annually on their efforts to increase the number of women appointed to executive corporate boards. The government's statistical agency reported that hourly wages for women were, on average, lower than for men but that the wage gap had narrowed to 87 cents for women for every dollar earned by men, except at the top of corporate structures.

First Nations women living on reservations (where land is held communally) have matrimonial property rights. First Nations may choose to follow federal law or may enact their own rules related to matrimonial real property rights and interests that respect their customs.

### Children

**Birth Registration:** Citizenship is derived both by birth within the country's territory and from one's parents. Births are registered immediately and are neither denied nor provided on a discriminatory basis.

**Child Abuse:** The law criminalizes violence and abuse against children, including assault, sexual exploitation, child pornography, abandonment, emotional maltreatment, and neglect. Provincial and territorial child welfare services investigate cases of suspected child abuse and may provide counseling and other support services to families, or place children in child welfare care, when warranted.

**Child, Early, and Forced Marriage:** The law establishes 16 years as the legal minimum age of marriage with parental consent. Early marriages were not known to be a major problem.

**Sexual Exploitation of Children:** The law prohibits the commercial sexual exploitation of children, the sale of children, and offering or procuring a child for child prostitution and practices related to child pornography. Authorities enforced the law effectively. The minimum age of consensual sex is 16 years. Persons convicted of living from the proceeds of the prostitution of a child younger than age 18 face between two and 14 years' imprisonment. Persons who aid, counsel, compel, use, or threaten to use violence, intimidation, or coercion in relation to a

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child younger than age 18 engaging in prostitution face between five and 14 years' imprisonment. Persons who solicit or obtain the sexual services of a child younger than age 18 face between six months' and 10 years' imprisonment. Children, principally teenage girls, were exploited in sex trafficking. Children from indigenous communities, at-risk youth, runaway youth, and youth in the child welfare system were at high risk for trafficking.

The law prohibits accessing, producing, distributing, and possessing child pornography. Maximum penalties range from 18 months' imprisonment for summary offenses to 10 years' imprisonment for indictable offenses.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

Approximately 1 percent of the population is Jewish.

The B'nai Brith Canada League for Human Rights received 2,207 reports of anti-Semitic incidents in 2019, the latest available figures and an 8 percent increase from 2018. Out of this total, there were 2,011 incidents of anti-Semitic harassment in 2019, up 11 percent from 2018. B'nai Brith also reported there were 11 cases of anti-Semitic violence and 221 reports of anti-Semitic vandalism in 2019.

In January a Quebec man appeared in court on charges of inciting hatred and advocating genocide for posting alleged racist and homophobic slurs on social media in 2019 and in January. The posts targeted Jews, Muslims, black persons, and homosexuals, and it promoted Aryan supremacy. In June he pled guilty to inciting hatred against an identifiable group through social networks. A court sentenced him to seven and one-half months in prison and released him with credit for time served in pretrial detention.

In June an Ontario man was arrested for allegedly painting swastikas and the names of Adolf Hitler, senior Nazi officials related to the Holocaust, and Anne

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Frank at nine different sites in Barrie, Ontario. The man was charged with nine counts of mischief for vandalism of property.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, including their access to education, employment, health services, transportation, the judicial system, and other state services. Federal and provincial governments effectively implemented laws and programs mandating access to buildings, information, and communications for persons with disabilities, but regulation varies by jurisdiction. The federal Accessible Canada Act became law in June 2019 to “identify, remove, and prevent” accessibility barriers in areas that fall under federal jurisdiction.

Disability rights nongovernmental organizations (NGOs) reported that persons with disabilities experienced higher rates of unemployment and underemployment, lower rates of job retention, and higher rates of poverty and economic marginalization than the broader population. Mental-disability advocates asserted the prison system was not sufficiently equipped or staffed to provide the care necessary for those in the criminal justice system, resulting in cases of segregation and self-harm.

### **Members of National/Racial/Ethnic Minority Groups**

The law prohibits discrimination because of race. Federal, provincial, and territorial human rights commissions investigated complaints and raised public awareness. The federal Canadian Race Relations Foundation coordinates and facilitates public education and research and develops recommendations to eliminate racism and promote harmonious race relations.

In September, five indigenous persons attacked and stabbed a black man in a Manitoba park while yelling racial slurs. Police arrested three of the perpetrators

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charged them with assault and public incitement of hatred, and continued to search for the other two assailants.

### **Indigenous People**

Indigenous peoples constituted approximately 5 percent of the national population and much higher percentages in the country's three territories: Yukon, 23 percent; Northwest Territories, 52 percent; and Nunavut, 86 percent. Disputes over land claims, self-government, treaty rights, taxation, duty-free imports, fishing and hunting rights, and alleged police brutality and harassment were sources of tension. Indigenous peoples remained underrepresented in the workforce, leadership positions, and politics; more susceptible than other groups to suicide, poverty, chronic health conditions, and sexual violence; and overrepresented on welfare rolls and in prison populations. In January the government announced the proportion of indigenous persons serving federal sentences had reached a record high: indigenous women constituted 42 percent of all incarcerated women, and more than 30 percent of all incarcerated individuals were indigenous. According to the government's statistical agency, approximately 22 percent of all homicide victims in 2018 were indigenous, and the rate of homicide was five times higher for indigenous persons than nonindigenous persons.

The law recognizes individuals registered under the Indian Act based on indigenous lineage and members of a recognized First Nation as Status Indians and eligible for a range of federal services and programs. Status and services are withheld from unregistered or nonstatus indigenous persons who do not meet eligibility criteria for official recognition or who may have lost status through marriage to a nonindigenous person or other disenfranchisement. In 2016, according to the government's statistical agency, 52 percent of children in foster care were indigenous, although indigenous children accounted for less than 8 percent of the child population. Approximately 14,970 of 28,665 foster children in private homes younger than age 15 were indigenous. In January a law came into effect that affirms and recognizes First Nations, Inuit, and Metis jurisdiction over child and family services with the goal of keeping indigenous children and youth connected to their families, communities, and culture. In July the government of Ontario announced reform of its child welfare system with a goal of reducing the

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number of indigenous children in provincial foster care by 25 percent and mandating that 85 percent of placements be made with caregivers related to a child's family of origin to allow children to retain cultural, familial, and community connections.

The law recognizes and specifically protects indigenous rights, including rights established by historical land claims settlements. Treaties with indigenous groups form the basis for the government's policies in the eastern part of the country, but there were legal challenges to the government's interpretation and implementation of treaty rights. Indigenous groups in the western part of the country that had never signed treaties continued to claim land and resources, and many continued to seek legal resolution of outstanding issues. As a result the evolution of the government's policy toward indigenous rights, particularly land claims, depended on negotiation or legal challenges.

The law imposes statutory, contractual, and common-law obligations to consult with indigenous peoples on the development and exploitation of natural resources on land covered by treaty or subject to indigenous land claims. According to a Supreme Court ruling, the federal government has the constitutional duty to consult and, where appropriate, accommodate indigenous peoples when the government contemplates actions that may adversely affect potential or established indigenous and treaty rights.

A Supreme Court decision affirmed that indigenous title extends to territory used by indigenous peoples for hunting, fishing, and other activities prior to contact with Europeans, as well as to settlement sites. Provincial and federal governments may develop natural resources on land subject to indigenous title but are obliged to obtain consent of the indigenous titleholders in addition to existing constitutional duties to consult, and where necessary, accommodate indigenous peoples in matters that affect their rights. If governments cannot obtain consent, they may proceed with resource development only based on a "compelling and substantial objective" in the public interest, in which the public interest is proportionate to any adverse effect on indigenous interests. The court has established that indigenous titles are collective in nature.

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First Nations, Inuit, and Metis former students of federal and provincial government-funded day schools filed a national class-action lawsuit in 2018 for alleged physical, sexual, and psychological abuse and loss of culture and language, which they claimed they suffered in church-run schools they were legally compelled to attend since 1920. In May 2019 the federal court approved a settlement between the government and former students who suffered harm while attending the schools, whereby some former students would receive C\$10,000 (\$7,700) in individual compensation, and students who experienced physical and sexual abuse were eligible for additional compensation, ranging from C\$50,000 (\$38,500) to C\$200,000 (\$154,000). The claims period was scheduled to remain open until July 2022.

Contaminated drinking water was a problem in many indigenous communities. The 2018 budget provided C\$172.6 million (\$133 million) over three years for infrastructure projects to support high-risk water systems. The government committed to end all drinking water advisories on indigenous lands by March 2021.

In October, Joyce Echaquan, an indigenous woman, used her cellphone to record derogatory and discriminatory comments made to her by nurses at a Joliette, Quebec, hospital as she lay dying and asked for pain relief. The hospital fired a nurse and orderly when the recording became public. The prime minister publicly deplored the abuse as an example of systemic racism. The premier of Quebec, whose government has jurisdiction over health care, issued a public, formal apology to the Echaquan family and publicly committed to investigating complaints of racism and mistreatment of indigenous patients at the hospital and to introducing training on indigenous culture for physicians and nurses. At the request of the Quebec government, the provincial chief coroner ordered a public inquiry into Echaquan's death that remained pending at year's end.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

Conversion therapy designed to change a person's sexual orientation is lawful, and government data reflected that approximately 20 percent of sexual minority men

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had undergone some form of conversion therapy. The law prohibits discrimination against lesbian, gay, bisexual, transgender, and intersex persons in housing, employment, nationality laws, and access to government services, including health care, and the government enforced the law.

Police-reported hate crimes based on sexual orientation declined 15 percent in 2018 (the most recent data available) to 173 incidents.

In June a gay man camping in British Columbia was assaulted by seven strangers and suffered a concussion. The group reportedly yelled antigay slurs at the man while beating him. Police investigated the incident but as of October had made no arrests.

### **Other Societal Violence or Discrimination**

There were reports of societal violence and discrimination against members of other minority, racial, and religious groups, but the government generally implemented effectively the law criminalizing such behavior.

There were reports of harassment of members of East Asian communities, especially ethnic Chinese, related to the coronavirus pandemic, including name-calling, negative social media posts, and intimidation. In March a white man shoved an elderly East Asian man with dementia out of a Vancouver convenience store and onto the ground while yelling racist slurs related to the coronavirus. Police charged the assailant with assault.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

Federal and some provincial laws, including related regulations and statutory instruments, provide for the right of workers in both the public and the private sectors to form and join independent unions, conduct legal strikes, and bargain collectively. Workers in the public sector who provide essential services, including police and armed forces, do not have the right to strike but have mechanisms to provide for due process and to protect workers' rights. Workers in essential services had recourse to binding arbitration if labor negotiations failed.

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The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity. There were no reports of antiunion discrimination or other forms of employer interference in union functions.

Federal labor law applies in federally regulated sectors, which include industries of extra provincial or international character, transportation and transportation infrastructure that cross provincial and international borders, marine shipping, port and ferry services, air transportation and airports, pipelines, telecommunications, banks, grain elevators, uranium mining and processing, works designated by the federal parliament affecting two or more provinces, protection of fisheries as a natural resource, many First Nation activities, and most state-owned corporations. These industries employed approximately 10 percent of workers.

The law requires the government and a bargaining unit to negotiate an essential services agreement defining an essential service and identifying the number and type of employees and the specific positions within the bargaining unit necessary to provide such essential service and, consequently, do not have the right to strike. If the parties are unable to agree, either party can apply to the independent Federal Public Sector Labour Relations and Employment Board for a resolution. The law also allows a bargaining unit to choose between arbitration and conciliation as the process for resolving collective bargaining disputes if it is unable to resolve the dispute directly with the employer.

Provincial and territorial governments regulate and are responsible for enforcing their own labor laws in all occupations and workplaces that are not federally regulated, leaving categories of workers excluded from statutory protection of freedom of association in several provinces. Some provinces restrict the right to strike. For example, agricultural workers in Ontario and Quebec do not have the right to organize or bargain collectively, or experience restrictions on such rights, under provincial law. Migrant workers in specific occupations, such as agriculture or caregiving, may also be exempt from minimum wage, overtime, and other labor standards protections in specific provinces.

The government generally respected freedom of association and the right of collective bargaining. The government effectively enforced applicable laws and regulations, including with remedies and penalties such as corrective workplace

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practices and criminal prosecution for noncompliance and willful violations. Penalties were generally sufficient to deter violations and were commensurate with those for other laws involving denials of civil rights. Administrative and judicial procedures were not subject to lengthy delays and appeals.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, and the government effectively enforced the law. The law prescribes penalties that are sufficiently stringent to deter violations. The government investigated and prosecuted cases of forced labor, including domestic servitude, and penalties were commensurate with penalties for other analogous serious crimes. The government's efforts to identify victims and address forced labor, through both law enforcement and victim identification and protection measures, remained inadequate.

The federal government held employers of foreign workers accountable by verifying employers' ability to pay wages and provide accommodation and, through periodic inspections and mandatory compliance reviews, ensuring that employers provided the same wages, living conditions, and occupation specified in the employers' original job offer. The government can deny noncompliant employers the permits required to recruit foreign workers for two years and impose fines of up to C\$100,000 (\$77,000) per violation of the program. Some provincial governments imposed licensing and registration requirements on recruiters or employers of foreign workers and prohibited the charging of recruitment fees to workers.

There were reports that employers subjected employees with temporary or no legal status to forced labor in the agricultural sector, food processing, cleaning services, hospitality, construction industries, and domestic service. During the pandemic there were also reports that some employers barred migrant workers from leaving the work location, hired private security to prevent workers from leaving, and deducted inflated food and supply costs from their wages. NGOs reported bonded labor, particularly in the construction industry, and domestic servitude constituted the majority of cases of forced labor and that some victims had participated in the Temporary Foreign Worker Program.

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In June the prime minister publicly acknowledged that the government had “not done enough” to protect migrant farm workers from the coronavirus pandemic. In August the government committed C\$58.6 million (\$44.9 million) to improve the health and safety of migrant farm workers, including increased inspections and better accommodations.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor. There is no federal minimum age for employment. In federally regulated sectors, children younger than age 17 may work only when they are not required to attend school under provincial legislation, provided the work does not fall under excluded categories (such as work underground in a mine, on a vessel, or in the vicinity of explosives), and the work does not endanger health and safety. Children may not work in any federally regulated sector between the hours of 11 p.m. and 6 a.m. The provinces and territories have primary responsibility for regulation of child labor, and minimum age restrictions vary by province. Enforcement occurs through a range of laws covering employment standards, occupational health and safety, education laws, and in regulations for vocational training, child welfare, and licensing of establishments for the sale of alcohol. Most provinces restrict the number of hours of work to two or three hours on a school day and eight hours on a nonschool day and prohibit children ages 12 to 16 from working without parental consent, after 11 p.m., or in any hazardous employment.

Authorities effectively enforced child-labor laws and policies, and federal and provincial labor ministries carried out child-labor inspections either proactively or in response to formal complaints. There were reports that limited resources hampered inspection and enforcement efforts. Penalties were sufficient to deter violations.

There were reports child labor occurred, particularly in the agricultural sector. There were also reports children, principally teenage girls, were subjected to sex trafficking and commercial sexual exploitation (see section 6, Children).

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### **d. Discrimination with Respect to Employment and Occupation**

The law and regulations prohibit discrimination with respect to employment or occupation on the basis of race, color, sex, religion, national origin or citizenship, disability, sexual orientation or gender identity, age, language, HIV-positive status, or other communicable diseases. The law does not include restrictions on women's employment concerning working hour limits, occupations, or tasks. In June 2019 Quebec overrode constitutional protections of freedom of religion for a period of five years to pass a law that restricts the wearing of visible religious symbols--including hijabs, kippahs, turbans, and crosses--by certain public-sector employees to enforce a policy of religious neutrality in the delivery of provincial public services. Some provinces, including Quebec, New Brunswick, and Newfoundland and Labrador, as well as the Northwest Territories, prohibit employment discrimination on the grounds of social origin, "social condition," or political opinion. The government enforced the law effectively, and penalties were sufficient to deter violations. Penalties were generally commensurate to laws related to civil rights.

Federal law requires, on a complaint basis, equal pay for equal work for four designated groups in federally regulated industries enforced through the Canadian Human Rights Commission: women, persons with disabilities, indigenous persons, and visible minorities. Ontario and Quebec have pay equity laws that cover both the public and private sectors, and other provinces require pay equity only in the public sector.

Authorities encouraged individuals to resolve employment-related discrimination complaints through internal workplace dispute resolution processes as a first recourse, but federal and provincial human rights commissions investigated and mediated complaints and enforced the law and regulations. Some critics complained the process was complex and failed to issue rulings in a timely manner. Foreign migrant workers have the same labor rights as citizens and permanent residents, although NGOs alleged discrimination occurred against migrant workers and that some refugee claimants faced language and other nonlegal barriers that made it difficult to enter the workforce.

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### **e. Acceptable Conditions of Work**

There is no national minimum wage. In 2018 the government adopted the Market Basket Measure as its first official poverty line. The income level varies based on family size and province; for example, the threshold for a family of four in Ottawa was \$47,233 in 2018, the most recent date for which data was available. The government effectively enforced wage rates, and penalties were generally sufficient to deter violations.

Standard work hours vary by province, but the limit is 40 or 48 hours per week, with at least 24 hours of rest. The law requires payment of a premium for work above the standard workweek. There is no specific prohibition on excessive compulsory overtime, which is regulated by means of the required rest periods in the labor code that differ by industry. Some categories of workers have specific employment rights that differ from the standard, including commercial fishermen, oil-field workers, loggers, home caregivers, professionals, managers, and some sales staff.

Federal law provides safety and health standards for employees under federal jurisdiction. Provincial and territorial legislation provides for all other employees, including foreign and migrant workers. Standards were current and appropriate for the industries they covered. Responsibility for identifying unsafe situations resides with authorities, employers, and supervisors, not the worker. Federal, provincial, and territorial laws protect the right of workers with “reasonable cause” to refuse dangerous work and to remove themselves from hazardous work conditions, and authorities effectively enforced this right. The government also promoted safe working practices and provided training, education, and resources through the Canadian Center for Occupational Health and Safety, a federal agency composed of representatives of government, employers, and labor.

Minimum wage, hours of work, and occupational health and safety standards were effectively enforced, and penalties were commensurate with those for similar crimes. Federal and provincial labor departments monitored and effectively enforced labor standards by conducting inspections through scheduled and unscheduled visits, in direct response to reported complaints, and at random.

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Penalties were sufficient to deter violations. Some trade unions claimed that limited resources hampered the government's inspection and enforcement efforts.

NGOs reported migrants, new immigrants, young workers, and the unskilled were vulnerable to violations of the law on minimum wage, overtime pay, unpaid wages, and excessive hours of work. NGOs also alleged that restrictions on the types of labor complaints accepted for investigation and delays in processing cases discouraged the filing of complaints.

According to the Association of Workers Compensation Boards of Canada, during 2018, the most recent year for which data were available, there were 1,027 workplace fatalities.