



## **TORONTO & YORK REGION LABOUR COUNCIL SUBMISSION TO THE HEARINGS ON AN ANTI-RACISM DIRECTORATE**

The Toronto & York Region Labour Council was founded in 1871. During the 145 years of struggle for justice for working people, the issues of racism and discrimination have been a constant reality in our world. The Labour Council is committed to working with our affiliates and community allies to fight for social, economic, environmental and racial justice. The recommendations in this document are drawn from decades of experience in that work.

The Labour Council welcomes the announcement by the Ontario government that it will once again create a provincial body with the mandate to explicitly challenge racism. There is much to be learned from the history of the Anti-Racism Directorate (ARD) formed in the 1980's and the Anti-Racism Secretariat formed during the NDP government in the 1990's, as well as the short-lived laws on Employment Equity.

The current Anti-Racism Directorate is on a "higher level" than a secretariat of the past, but this Directorate has a lower budget than the previous secretariat. If the Ontario Government is to be viewed as having the political will to tackle racism in the province then the Anti-Racism Directorate's budget must be reflective of meeting this objective. In our view the mandate and the work of the Directorate must be viewed as both open and transparent. In addition Government must pass legislation requiring the Minister responsible to report annually to the legislature on the work of the Anti-Racism Directorate and the strategy for the upcoming year. It is further our view that the advisory board to the Directorate must reflect the diversity of Ontario's community and include representation from both labour and the community.

There is much to be learned by the fact that the past Anti-Racism Directorate and Secretariat mentioned above are no longer in existence today. In order for the work of the Directorate to endure beyond a season it must be able to withstand changes in government. Without this ability both the office and the work of the Directorate would continue to be reset to zero each time there is a change of government.

Finally there is also much to be learned from the Truth and Reconciliation Commission Report about the tragic relationship with Indigenous Peoples.

The recent courageous work of the Black Lives Matter movement has brought the issues of institutionalized racism to the fore. The recognition of the depth of anti-Black racism in our society is the starting point for the conversation today. We also recognize the disturbing rise of Islamophobia across this country and the impact of political leaders in Canada and the United States fanning the flames of

bigotry and division. These issues and others are what differentiate today's Anti-Racism Directorate from the Directorates and Secretariats of the past. It is the Labour Council's view that these items must be included in the Directorate's pillars of priorities in order for the work of the Directorate to be successful.

In realizing the purpose of the Anti-Racism Directorate and addressing systemic racism in Ontario some fundamental issues need to be addressed. We raise the following as what we see as being the priority issues that need to be confronted in order to realize a meaningful change in attitudes, realities and values.

### **CRIMINAL JUSTICE AND MASS INCARCERATION**

The death of Andrew Loku was a flashpoint for the Black community around policing issues. In the same way as the killing of Sammy Yatim shocked the people of Toronto and the death of Abdirahman Abdi the people of Ottawa, it is clear that there needs to be a comprehensive reform of Ontario's police services. The Directorate should work with appropriate staff from the Attorney-General (and Solicitor General) and Human Rights Commission to develop a plan of immediate action to require full accountability of police; to require extensive anti-racism training of all police officers; to eliminate carding of people of colour; to establish new norms for dealing with people with mental health issues; to require police officers to co-operate fully with SIU investigations (and to have an independent SIU that reports to a civilian authority) and submit all relevant evidence to a civilian body; to amend the Police Services Act to ensure that governance of Police Services is clearly placed with Police Services Boards.

We recommend that the Directorate review the document "Saving Lives: Alternatives to the Use of Lethal Force by Police" published by the Urban Alliance on Race Relations in the year 2000.

The evidence of sentencing in Ontario's courts make it clear that there is substantial bias in the severity of sentences received by black and aboriginal people compared to their white counterparts. Recently, the Office of the Correctional Investigator unveiled in Parliament, its Annual Report for the 2014-2015 fiscal years. The report reveals that, overall; African Canadians are the fastest growing inmate population within Canada's federal prisons. The report goes on to state that from 2005-2015, the African Canadian inmate population grew by 69%, while the inmate populations of Indigenous people and Women has grown by more than 50%. The report further speaks to the federal incarceration rate for African Canadian being three times their representation rate in general society.

Contributing to the mass incarceration rates described in the report is the repeated use of Provincial jails as immigration detention centers. Those in Canada found to have no immigration status are often locked up in Provincial jails as they await deportation hearings. The 2015 United Nations working group on Arbitrary Detention has determined that people being held as it relates to minors and removal orders should be released after a reasonable period if the individual cannot be deported. In some countries this time period is as little as 90 days. Whereas Canada has no such time period these individuals are often held in Provincial jails indefinitely until the deportation is carried out. The individuals affected are

primarily from countries with black and brown peoples and therein lies the racial bias. As such the Province's participation in these incarcerations makes Ontario a contributor to the mass incarcerations described in the Correctional Investigator's report mentioned above. It is this Labour Council's view that lack of immigration status in Canada in and of itself does not make an individual a danger to the Canadian public and as such these individuals should not be sitting in Provincial or Federal jails.

It is further our view that the Directorate should demand that anti-racism and cultural competency training be taken by all judges in Ontario; by all Corrections staff and parole officers; and that the extensive work on alternative sentencing developed with Aboriginal communities be incorporated into a new regime of criminal justice in Ontario.

We call on the Ontario government to complete the implementation of the recommendations of the Roots of Youth Violence report, and invest in strategies to reduce levels of recidivism among young offenders, with a focus on those previously connected with gang culture

### **THE EDUCATION SYSTEM**

Labour Council believes that Ontario's education system should give every student what they need to succeed. In 2006 Labour Council's Task Force on Equity in Education provided a report to the Toronto District School Board (TDSB) that outlined a number of measures needed to address the inequality experienced by students of colour in Toronto's schools. These same issues should be considered for action across the province. They include:

- School Community Advisors to perform the crucial work of connecting families and neighbourhoods with the work of the TDSB and needs of students, particularly from newcomer communities. School community advisors performed an excellent service for newcomer and equity seeking groups. This structure/practice should be restored
- Commitment to the resources and political/staff leadership that will be needed to develop a multi-faceted "culture of equity" within the Board. Each school board having an anti-racism and equity policy with measurable goals and targets which are to be regularly reported to the Province and the public.
- Bolster the anti-racist and equity components of professional development for all teachers and administrators, and introduce mandatory equity training for every person serving on hiring committees.
- Ensure that the applicant pool for all positions to be hired reflects the availability of skills within the population of Toronto. Require all hiring committees to report on the demographics of the applicants and new hires at the TDSB, and create and publicly disseminate an annual report on new hires, retention and promotion

- Review how the TDSB implements the amended Safe Schools Act, including professional development around dealing with marginalized students and the hiring of child and youth workers to provide greater guidance and support to those students and their families.
- Addressing the “streaming” of racialized students to non-academic courses. This is a major systemic barrier that should be addressed by the directorate in order to affectively tackle Equity in Education.

The response to these recommendations from the TDSB Chair of the day was “these are great ideas, but we don’t have the money”. Clearly, the question of funding will be part of the dynamic of key institutions such as School Boards being asked to play a leadership role in tackling racism and discrimination. There will need to be a strong sense of political will at all levels of leadership to effect the needed change.

The province also controls the community college and university systems in Ontario. Systemic barriers to access by people of colour, immigrant families and Indigenous people need to be removed. Euro-centric bias in curriculum must be removed and those who instruct courses should reflect the diversity of the population of the local area.

### **THE ECONOMY**

For a brief period of time, Ontario had an employment equity plan to address the systemic barriers experienced by millions of our citizens and residents. Abolishing Employment Equity was among the first act of the Harris Conservative government. Over the last two decades, Ontario has experienced a massive growth of income inequality as jobs have outsourced and precarious work has replaced full-time secure employment. Hardest hit have been people of colour, Indigenous peoples, women, young people and people with disabilities. While some organizations and business strive to increase the diversity of their workforce, this is far from the norm across the economic sectors. The negotiation of a Framework Agreement for Community Benefits with Metrolinx is one small glimmer of hope to removing barriers in the vital construction industry. But far more needs to be done.

The Directorate should be a powerful advocate for Employment Equity in both the public and private sectors. It should co-ordinate initiatives and best practices to ensure that pro-active efforts are being successfully applied by a wide variety of economic actors. From dismantling barriers to internationally-trained professionals to setting goals for hiring in growing sectors, much can be achieved. It should also explicitly advocate for good, unionized jobs where employees have decent wages, benefits, and a voice at work.

There is a slogan that “The best anti-poverty program is a union”. That speaks to more than just wages. From the 1940’s when Toronto’s labour movement was fighting to outlaw discrimination in employment, unions have used collective bargaining to overcome racist and sexist policies of employers. In some cases unions have gone all the way to the Supreme Court to win equality rights. An effective grievance procedure is a key tool for working people to challenge discrimination at work. This contrasts

sharply with the reality of non-union workplaces, where records show that nearly 90% of employees wait till they have left a workplace before filing Employment Standards complaints, let alone have any power to oppose discrimination.

Racism also plays a role in maintaining agricultural workers in a state of indenture. Agricultural workers are the most precarious type of temporary workers and like domestic workers, are excluded from coverage provided by the Employment Standards Act. Agricultural workers pay into Employment Insurance while simultaneously being prevented from accessing that insurance. In addition agricultural workers are barred from organizing into a union and collectively bargaining improvements to their working conditions. Ontario should amend the laws and provide full rights to agricultural workers, and revise policies related to temporary foreign workers in conjunction with the government of Canada. Those amendments must provide access to employment insurance, access to workers compensation when injured and a pathway to citizenship for the Agricultural worker.

As Ontario seeks to unleash the incredible potential of a new “green economy” it will be crucial that the prosperity that accompanies that growth is fully shared. The Toronto Community Benefits project is the first in North America to include white-collar professional, administrative and technical jobs in the targets for diverse hiring. All of the work in energy, transit, building and green infrastructure should be seen as areas in which workers of colour can fill positions at every level of responsibility.

### **PUBLIC SERVICES**

In the work of the Anti-Racism Secretariat, a great deal of emphasis was focused on how various public services interacted with communities of colour and racialized employees. The new Directorate should review that work and ensure it develops plans for all aspects of the public sector – from healthcare to housing, municipalities to social services and Children’s Aid. The drive to outsource work from the public sector to private contractors has negatively impacted on thousands of workers – most of whom are immigrants or workers of colour. The link between economic decisions and lived reality of communities of colour must be recognized and acted upon.

Accessibility to public services is a key element of equity. From transit planning, to fees for recreation services, to language competency in healthcare – much depends on using an equity lens during decision making. A strong foundation of public services is essential for a just society. From well-resourced libraries to inclusion of Indigenous knowledge in development decisions and environmental policies, our society needs to invest in a common future. Therefore the Directorate must work with other agencies to protect and preserve public services in all areas, not only for the sake of jobs but also for the sake of the services themselves which are strong boosters for creating equitable communities.

Public service decisions are best made when formed with input of those most affected, and particularly those with the least power. Strengthening democratic practices in all public bodies is an important element of equity. Recruitment and inclusion in agencies, boards and commissions; municipal

committees and other decision-making venues will assist in breaking down barriers as well as better outcomes. The Directorate should be very intentional in advocacy for these measures.

### **THE INTERSECTIONS**

All equity work points to the need to understand intersectionality of oppression. Nobody exists with just one identity – we are defined by many other factors including race, gender, ability, age, sexual orientation, immigration status, language... we are all complex human beings. In welcoming the creation of an Anti-Racism Directorate we also are reminded of the many other systemic barriers and discrimination faced by too many of our neighbours and co-workers. Those must also inform the analysis and work of the Directorate.

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### **REPORT LINKS**

**United Nations Working Group on Arbitrary Detention Statement at the conclusion of its follow-up visit to Malta (23 – 25 June 2015)**

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16156&LangID=E>

**A Discussion on Criminal Justice Reform**

<http://www.oci-bec.gc.ca/cnt/comm/presentations/presentations20160310-eng.aspx>

This submission has been prepared by the Equity Committee of the Toronto & York Region Labour Council, and endorsed by the Labour Council Executive Board. *September 2016*

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