

# CANADA 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Canada is a constitutional monarchy with a federal parliamentary government. In a free and fair multiparty federal election held on October 21, 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 (RCMP) reports to the Department of Public Safety, and the armed forces report to the Department of National Defense. Provincial and municipal police report to their respective provincial authorities. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included reports of indigenous women sterilized without their proper and informed consent. In addition, indigenous women suffered high rates of deadly violence, which government authorities during the year stated amounted to “genocide.”

There was no impunity for officials who committed violations, and the government took steps to identify, investigate, prosecute, and punish them.

### **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 no reports that the government or its agents committed arbitrary or unlawful killings.

#### **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, and there were no reports that government officials employed them.

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

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

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

Civil society groups challenged federal and some provinces' use of solitary confinement in the court system. Amendments to the law to limit use of solitary confinement passed in June and came into effect in November, but civil society deemed them insufficient and continued litigation. In March an Ontario judge ordered the federal government to pay 20 million Canadian dollars (C\$) (\$15.4 million) for violating the rights of thousands of inmates by holding them in solitary confinement for more than 30 days, with the money dedicated to mental health programs in the penal system.

In April a judge dismissed the manslaughter indictment of two correction officers for the 2015 in-custody death of Matthew Hines. The judge concluded the officers used reasonable and necessary force, which did not rise to the level of a crime.

Administration: Independent authorities investigated credible allegations of mistreatment and documented the results of such investigations in a publicly accessible manner.

Independent Monitoring: The government permitted visits by independent nongovernmental human rights observers.

### **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. Authorities provided detainees with timely information on the reason for the arrest and provided prompt access to a lawyer of the detainee's choice, or, if the detainee was indigent, a lawyer provided by the state without restriction. Bail generally was 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.

## **Trial Procedures**

The law provides for the right to a fair and public trial, and the independent judiciary generally enforced this right. 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 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.

#### **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 constitution and law provide 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.

In September the Supreme Court set aside a lower Quebec court ruling that required an investigative reporter to reveal her confidential sources. The court argued court orders to force disclosure should be used only as a last resort and sent the case back to the lower court for review. The case was the first test of a 2017 law to protect journalistic sources, including the identity of whistleblowers.

Freedom of Expression: 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.

On August 22, *Your Ward News* editor James Sears was sentenced to 12 months in prison, and on August 29, the publisher of the same product, LeRoy St. Germaine, was sentenced to 12 months of house arrest for two counts of willful promotion of hatred against Jews and women, following a conviction in January.

### **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 constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### **e. Internally Displaced Persons**

Not applicable.

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

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**

Not applicable.

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

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 on October 21, 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 Minorities: No laws limit the participation of women or members of minorities in the political process, and they did participate. 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 no reports of government corruption during the year.

Financial Disclosure: By law public officeholders, including elected members of the executive branch and their staffs and designated senior nonelected officials, must 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 from 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.

On August 14, the federal ethics commissioner issued a report concluding the prime minister attempted to influence the attorney general to order a review of the decision of the independent Office of Public Prosecutions not to grant a deferred prosecution agreement to the corporation SNC-Lavalin, which would have permitted the company to pay a fine and provide other remedy in lieu of a criminal trial on fraud and bribery charges. The ethics commissioner determined the prime minister's actions contravened Section 9 of the Conflict of Interest Act. The section prohibits public office holders from using their position to try to exert political influence to improperly benefit the private interests of a third party. The prime minister accepted responsibility publicly for his actions. There was no penalty associated with the federal ethics commissioner's finding.

### **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 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**

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 sentences of up to 10 years in prison, 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 enforced the law effectively.

On June 3, the government-commissioned National Inquiry into Missing and Murdered Indigenous Women and Girls released its final report. The volume concluded that the government's treatment of indigenous people amounted to genocide, remained ongoing, and required immediate action. The report came after a nearly three-year inquiry into killed and missing indigenous women and girls, during which more than 1,500 families of victims and survivors testified at hearings across the country. The report stated the police and criminal justice system historically failed indigenous women by ignoring their concerns and viewing them "through a lens of pervasive racist and sexist stereotypes." The report stated the violence against women and girls amounted "to a race-based genocide of Indigenous peoples, including First Nations, Inuit, and Metis."

Approximately 1,180 indigenous women were killed or disappeared from 1980 to 2012, according to a 2014 RCMP report. Indigenous advocates and the report 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.

Prime Minister Justin Trudeau stated his government accepted the inquiry's findings, "including that what happened amounts to genocide."

Police received training in treating victims of domestic violence, and agencies provided hotlines to report abuse. In May the public safety minister condemned the conduct of an RCMP officer who, in a recently released video from 2012,

asked a young woman who reported she had been sexually assaulted whether she was “turned on” during the alleged attack.

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 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 2018-2019, 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 asserted that FGM/C practitioners and victims often travelled to the country from which they immigrated for the illegal procedure, officials also sought to prevent the entry of FGM/C practitioners into Canada.

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

Coercion in Population Control: In December 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 October.

The most recent allegation from a woman claiming that she was sterilized without proper and informed consent occurred in December 2018 at a hospital in Moose Jaw, Saskatchewan. In April the Saskatchewan Health Authority confirmed it was investigating the complaint.

In January the Inter-American Commission on Human Rights issued a press release on coerced sterilization of indigenous women and girls that called on the government to take specific measures, including investigating the allegations, collecting data on sterilizations, holding accountable those responsible, criminalizing coerced sterilization, and ensuring reparations for victims.

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

Federal securities regulations require publicly listed companies to report annually on their gender diversity policies for boards. A Toronto-Dominion Bank study in March found women accounted for 24 percent of directors on corporate boards of the 243 members of the S&P/TSX Composite Index as of 2018, up from 13 percent in 2014. Separately, 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. Of approximately 1,200 named corporate officers of public companies, women earned 68 cents for every dollar earned by men.

Indigenous women living on reservations (where land is held communally) have matrimonial property rights. First Nations may choose to follow federal law or 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 not denied or not provided on a discriminatory basis. There were no reports of the government denying public services, such as education or health care, to those who failed to register.

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.

Early and Forced Marriage: The law establishes 16 years as the legal minimum age of marriage. 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 child younger than 18 engaging in prostitution face between five and 14 years' imprisonment. Persons who solicit or obtain the sexual services of a child younger than 18 face between six months' and five years' imprisonment. Children, principally teenage girls, were exploited in sex 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. In August the minister of public safety called the problem of child pornography "serious," with an increase of 288 per cent from 2010 to 2017 in police-reported incidents of child pornography. The number had increased from five cases per 100,000 in the population in 2010 to 18 per 100,000 in 2017.

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 2,041 reports of anti-Semitic incidents in 2018, a 16-percent increase from 2017. There were 1,809 incidents of anti-Semitic harassment in 2018, up 28 percent from 2017. Quebec, for the first time, had the greatest number of anti-Semitic incidents: 709 of 2,041 total occurrences in the country, despite Ontario having the largest Jewish and largest population overall.

On June 25, the government announced its new antiracism strategy, in which it adopted the International Holocaust Remembrance Alliance's definition of anti-Semitism.

On July 28, a Jewish man was allegedly assaulted by a taxi driver in Montreal and subjected to anti-Semitic slurs. The driver then allegedly threatened to kill the victim, who was visibly identifiable as a Jew because he wore a kippah, or Jewish head covering. The taxi company subsequently fired the driver, and Montreal police opened a hate-crime investigation.

## **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 constitution and law prohibit 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 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. In March the Ontario Superior Court ordered Correctional Service Canada to pay millions in damages based on a class action lawsuit brought by more than 2,000 inmates with mental disabilities who were placed in solitary confinement. The court found the prison system violated the inmates' constitutional rights by doing so.

In January the Supreme Court determined that persons with disabilities who are beneficiaries of discretionary trust accounts that they do not control should not have those assets taken into account when determining their eligibility for need-based social programs, including subsidized public housing and other benefits.

### **National/Racial/Ethnic Minorities**

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.

According to the government's statistical agency, 2,073 incidents were reported to police in 2018 that were motivated by hate, an increase of 47 percent over the previous year. The increase was largely attributable to an increase in police-reported complaints motivated by hatred of a religion or of a race or ethnicity. Hate crimes targeting the black population represented 16 percent of incidents.

In March the Nova Scotia Human Rights Commission released an independent report indicating black persons in Halifax were six times more likely to be street checked than white residents. (Street checks allow police officers to document information about a person they believe could be of significance to a future investigation, and they record details such as ethnicity, gender, age, and location.) In April, in response to the report, the Nova Scotia government ordered a moratorium on the practice while the government worked toward regulating the practice.

In June the federal government announced an antiracism strategy to fight systemic discrimination through community programs, public education campaigns, and combating online hate.

During the federal election campaign in October, a man in Montreal told the leader of the federal New Democratic Party Jagmeet Singh that he would “look like a Canadian” if he removed his turban.

## **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 harassment were sources of tension. Indigenous peoples remained underrepresented in the workforce, leadership positions, and politics; overrepresented on welfare rolls and in prison populations; and more susceptible than other groups to suicide, poverty, chronic health conditions, and sexual violence. According to the government’s statistical agency, the overall violent victimization rate (which includes sexual assault, assault, and robbery) for indigenous persons in 2014 was 163 incidents per 1,000 persons, more than double the rate of 74 incidents per 1,000 among nonindigenous persons.

On June 3, the National Inquiry into Missing and Murdered Indigenous Women and Girls released its final report (see Women above).

The law recognizes individuals registered under the Indian Act based on indigenous lineage and members of a recognized First Nation as Status Indians and thereby 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 June a new law affirmed and recognized First Nations 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 Assembly of First Nations, the country's largest indigenous advocacy group, reported a study that found 47 percent of First Nations children lived in poverty, rising to 53 percent of First Nations children living on reservations.

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 land claims by First Nations. 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.

The Supreme Court has 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.

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 from 1920. In May the crown-indigenous relations minister announced a proposed class-action settlement with students who suffered harm

while attending the schools, offering C\$10,000 (\$7,700) in individual compensation. Those students who experienced physical and sexual abuse are eligible for additional compensation, ranging from C\$50,000 (\$38,500) to C\$200,000 (\$154,000). A court approved the settlement in August.

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 the premier of Quebec made an official apology to First Nations and Inuit people for historic discrimination against them by the Quebec government. The premier said Quebec had “failed in its duty” toward them and sought their forgiveness. The apology was a first step in fulfilling the recommendations of a provincially commissioned judicial inquiry that reported in September that indigenous persons were the victims of “systemic discrimination” in the province. The inquiry was called following reports of police abuse and discrimination against indigenous people.

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

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. The law prohibits discrimination based on sexual orientation, gender identity, and gender expression, and the criminal code provides penalties for crimes motivated by bias, prejudice, or hate based on personal characteristics, including sexual orientation. The federal government directed public servants to use gender-neutral terms, such as “parent” instead of “mother” or “father,” when interacting with the public and committed to delete a requirement to provide a parent’s “maiden name” when completing government forms on behalf of their children to ensure terminology is inclusive and does not discriminate against same-sex parents. As of June citizens may identify as gender “X” on their passports.

Manitoba, Saskatchewan, and the Northwest Territories explicitly prohibit discrimination based on gender identity. Ontario, Nova Scotia, Prince Edward Island, Alberta, Newfoundland and Labrador, Quebec, New Brunswick, and British Columbia prohibit discrimination based on gender identity and gender

expression. Nunavut and Yukon Territories prohibit such discrimination implicitly based on “sex” or “gender.”

Provinces and territories have different requirements for persons to change their legal gender marker in documents such as birth certificates and identifications. Some provinces require one or more physicians to certify the applicant has completed sex reassignment surgery before an applicant may change their legal gender marker. The provincial governments of Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, British Columbia, Ontario, Saskatchewan, Manitoba, and Alberta allow residents to change their gender marker with a personal or physician’s declaration indicating the individual’s gender identity.

Police-reported hate crimes targeting sexual orientation rose 16 percent in 2017 (the most recent data available) to 204 incidents.

In March the British Columbia Human Rights tribunal ordered a man to pay C\$55,000 (\$42,300) to prominent Vancouver transgender activist and former British Columbia political candidate Morgane Oger for distributing flyers targeting her gender identity as a reason not to vote for her.

In 2017 the government issued a formal apology to, and reached an agreement in principle and a maximum C\$110 million (\$84.7 million) financial settlement with, former federal public servants, including members of the military and RCMP who were investigated and sometimes fired because of their sexual orientation over 30 years ending in the 1990s. A total of 718 persons sought compensation by the May 2019 deadline under a settlement finalized in 2018. Eligible individuals expected to receive between C\$5,000 (\$3,850) and C\$175,000 (\$134,800), depending on the gravity of their cases.

On August 23, three unknown men allegedly attacked a gay fashion designer and his partner in the Quebec town of La Malbaie, shouting homophobic insults while kicking and beating the couple. The victims eventually escaped and sought medical treatment for moderate injuries. Police launched an investigation into the attack, and politicians were quick to condemn the alleged aggression.

### **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 the law criminalizing such behavior effectively.

## **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. 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 who are 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 effective remedies and penalties such as corrective workplace practices and criminal prosecution for noncompliance and willful violations. Penalties were sufficient to deter violations. 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 and domestic servitude.

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. 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.

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 they 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, subjected to sex trafficking and commercial sexual exploitation (see section 6, Children).

### **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. In June 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, kippas, 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. 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.

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

There is no national minimum wage and no official poverty income level. As of June provincial and territorial minimum wage rates were above the low-income measure, which is half the after-tax median income level adjusted for family size. The government effectively enforced wage rates, and penalties were 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. 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. 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 2017, the most recent year for which data were available, there were 951 workplace fatalities.