



Black Legal Action Centre

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An Open Letter and Call for Support for Human Rights

On January 14, 2020, Premier Doug Ford seemingly circumvented the provincial appointment process to appoint two people to sit as Commissioners with the Ontario Human Rights Commission (OHRC). A Commissioner's role is to govern the OHRC and to provide it with strategic direction. The OHRC is supposed to be an independent and impartial organization that ensures all Ontarians are free from discrimination. The OHRC's independence from government and impartiality are necessary components for it to fulfill its mandate in a credible way.

According to a Toronto Star [report](#), though the [Public Appointments Secretariat](#) received 300 applications from people wishing to serve on the Commission, the two individuals appointed on January 14 were, it was reported, not part of the pool of applicants shared with the Chief Commissioner for her review, which is standard procedure. As a result, it is unclear whether the individuals actually applied for the positions to which they have been appointed.

If they did not, to say that this is problematic is an understatement. If they did not, all those who value human rights and believe in the importance of the human rights system should be enraged. We at BLAC, as members of the Black community are alarmed, and extremely concerned, about the integrity of the OHRC and its ability to combat racism, anti-Black racism and all other forms of discrimination in this province. We should all be extremely concerned about Ford's utter disregard to ensure representation of the diverse communities in this province on the governing body of the OHRC.

Indeed, this seems to be just one more step in Ford's gutting of the human rights system in Ontario (the [number](#) of human rights adjudicators has significantly been reduced since he took office) and further evidence of his complete disregard for a merit-based process with respect to public service in the province — remember [Ron Taverner](#). Make no mistake that Black and other communities in Ontario rely on the human rights system and the community legal clinic system (also gutted by Doug Ford) in order to access justice.

Since June of 2019, no Commissioners have been in place. Ford did not reappoint any existing Commissioners to their posts. This attrition of Commissioners, his apparent failure to appoint any that actually applied (as reported), and then to appoint only a supporter, and an active duty police service constable, appears to be an attempt to undermine the OHRC's credibility. The appointments come at a time when the OHRC is in the process of finalizing an [inquiry](#) into racial profiling and racial discrimination by the Toronto Police Service.

In December of 2018, the OHRC released its interim report on the inquiry called a [Collective Impact: Interim report on the inquiry into racial profiling and racial discrimination by the Toronto Police Service](#).



The statistics¹ it revealed were shocking to some, but for many in the Black community, the report provides critical data where our anecdotal evidence is disregarded or ignored.

The OHRC's role with respect to human rights policy and education for all equity-seeking communities in our province is critical. This is an unacceptable development in our province – just one of many – that will only serve to further entrench the systemic anti-Black racism that impacts our community in every facet of our lives. These appointments make a mockery of the OHRC's role, and are a direct attack on its integrity, on the work on anti-Black racism, and therefore, our community.

If you are concerned about the state of human rights in our province, as an individual or an organization, we encourage you to reach out to Premier Doug Ford to demand that he revisit his decision to make these appointments. He can be reached in various ways:

By email: doug.fordco@pc.ola.org

Through Twitter: [@fordnation](https://twitter.com/fordnation)

By Mail, Phone or Fax:

Hon. Doug Ford Etobicoke North
823 Albion Rd.
Etobicoke, ON M9V 1A3
Tel.: 416-745-2859
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¹ A Collective Impact: Interim report on the inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service, Ontario Human Rights Commission (November 2018) at p. 17: The data is disturbing and raises serious concerns about racial discrimination in use of force. Dr. Wortley notes that over-representation of Black civilians appeared to increase with seriousness of police conduct. In 2016, Black people made up 8.8% of the Toronto population. However, from 2013-2017, they made up:

- 25.4% of SIU investigations
- 28.8% of police use of force cases
- 36% of police shootings
- 61.5% of police use of force cases that resulted in civilian death
- 70% of police shootings that resulted in civilian death.

These numbers demonstrate that Black people are disproportionately represented in incidents involving TPS use of force that resulted in serious injury or death.

Dr. Wortley also analyzed SIU case-rates, which allow for a direct comparison of the experience of White people and Black people even though the population of White people in Toronto is greater than the population of Black people. Between 2013 and 2017, a Black person was far more likely than a White person to be involved in an incident involving Toronto Police use of force that resulted in serious injury or death. A Black person was:

- 3.1 times more likely than a White person to be involved in a SIU investigation
- 3.6 times more likely than a White person to be involved in a police use of force case
- 4.9 times more likely than a White person to be involved in a police shooting that resulted in serious civilian injury or death
- 11.3 times more likely than a White person to be involved in a police use of force case that resulted in civilian death
- 19.5 times more likely than a White person to be involved in a police shooting that resulted in civilian death.