

An Act respecting Anti-Racism in Ontario

Preamble

Whereas Canada has undertaken obligations under the *International Convention on the Elimination of All Forms of Racial Discrimination*, guaranteed the equality rights of every individual in Canada under the *Canadian Charter of Rights and Freedoms*, and guaranteed the right to be free from racial discrimination and harassment afforded to every individual in Ontario under the *Human Rights Code*;

And whereas, as recognized in such documents as the “Honouring the Truth, Reconciling for the Future”, “Report of the Commission on Systemic Racism in the Ontario Criminal Justice System”, and the “Root Causes of Youth Violence”, racism and racial discrimination remain a persistent reality in Canadian society;

And whereas the elimination of racism and racial discrimination supports the social, economic and cultural development of Ontario;

The Government of Ontario on February 16, 2016, announced the establishment of an Anti-Racism Directorate.

The Anti-Racism Directorate is guided by the vision of a province where systemic barriers that prevent racialized peoples from achieving their full potential, and contributing to and participating in a prosperous and healthy Ontario are removed.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Purpose

1. The purpose of this Act is to establish an Anti-Racism Directorate in Ontario.

Definition

2. In this Act,
 - (a) Minister means the Minister Responsible for Anti-Racism;

- (b) Racialized peoples include members of Indigenous communities and communities of colour, otherwise referred to as “visible minority” as the term is defined under the *Employment Equity Act*, **S.C. 1995, c. 44**;
- (c) Racism refers to differential or unequal treatment on the basis of race or on the basis of one or more protected grounds intersecting with race. It includes individual, institutional and systemic discrimination against racialized individuals and groups.

Anti-Racism Directorate

- 3. The Anti-Racism Directorate shall,
 - (a) Identify systemic racism by:
 - i. requiring all of government and government-funded ministries, agencies, boards, commissions, corporations, directorates, and secretariats to collect, analyze and publicize disaggregated race-based data on an annual basis;
 - ii. engaging in regular consultations with racialized communities; and
 - iii. supporting research into individual and systemic racism and racial discrimination;
 - (b) Work to remedy and prevent systemic racism by:
 - i. developing, at least once every five years, an anti-racism strategy, containing clear, objective and measurable targets;
 - ii. significantly reducing the racialized disparities and disproportionalities in the social determinants of health;
 - iii. issuing recommendations, policies, targets and directives aimed at achieving the goals, objectives and targets of the Directorate’s anti-racism strategy;
 - iv. requiring all of government and government-funded ministries, agencies, boards, commissions, corporations, directorates, and secretariats to conduct audit to ensure compliance of the policies, targets and directives issued by the Directorate, and reporting the results of the audit to the Directorate at least once every five years;
 - v. publically naming, and speaking out against racism and racial discrimination as it occurs;

- vi. developing processes and procedures to ensure that all of government and government-funded ministries, agencies, boards, commissions, corporations, directorates, and secretariats consider the impact of all legislation, policies, programs, and services on racialized communities; and
 - vii. increasing public education and awareness of individual and systemic racism and the impact of racism on affected individuals and communities.
- (c) Measuring the success of the Directorate's efforts by:
- i. monitoring and reporting on an annual basis on the compliance of all of government and government-funded ministries, agencies, boards, commissions, corporations, directorates, and secretariats with the recommendations, policies, targets and directives issued by the Directorate;
 - ii. setting a new target for the Directorate at least once every five years; and
 - iii. analyzing and reporting on multi-year trends in disaggregated race-based data from all of government and government-funded ministries, agencies, boards, commissions, corporations, directorates, and secretariats.

Principles

4. Every new or modified anti-racism strategy is to be based on the following principles:
- (a) That members of racialized groups, especially members of Indigenous and Black communities, are to be involved in the design and implementation of the anti-racism strategy.
 - (b) That all people in Ontario deserve to be treated with respect and dignity.
 - (c) That all Ontarians benefit from the elimination of legislation, policies, and practices that prevent the full participation of racialized peoples in Ontario's economy and society.
 - (d) That not all groups of people share the same level of marginalization as a result of racism. The anti-racism strategy must recognize the heightened

level of marginalization of certain groups, including Indigenous and Black communities.

- (e) That racialized groups be supported so that they can play a meaningful role in the anti-racism strategy.
- (f) That an effective anti-racism strategy requires financial resources and a sustained effort by all of government, government ministries and government-funded agencies, boards, commissions, corporations, directorates, and secretariats.
- (g) That the third sector, including not-for-profit, charitable and voluntary organizations that increase public awareness of and work to challenge individual and systemic racism are integral to an anti-racism strategy.

Contents of anti-racism strategy

- 5. Every new or modified anti-racism strategy is to include the following:
 - (a) A set of specific measurable targets;
 - (b) Initiatives designed to improve the conditions of all members of racialized communities; and
 - (c) Indicators to measure the success of the strategy, including but not limited to income, employment, education, health, housing, involvement with the criminal justice system, involvement with child welfare system, food security, and standard of living.

Anti-racism target

- 6. At least once every five years, either as part of the development of a new anti-racism strategy, or the ongoing development of the anti-racism strategy, the Government of Ontario shall establish a set of specific anti-racism targets, and shall include the regular collection, analysis and publication of disaggregated race-based data across all of government and government-funded ministries, agencies, boards, commissions, corporations, directorates, and secretariats.

Annual report

- 7. (1) The Minister shall, commencing at the end of 2017, prepare an annual report on the Anti-Racism Directorate, including the anti-racism strategy, the Directorate's activities to support the anti-racism strategy, and available information relating to the indicators set out in the strategy.

Report to be tabled

- (2) The Minister shall, not later than March 31 of the following year,
 - (a) lay the annual report before the Legislative Assembly, if the Assembly is in session; or
 - (b) deposit the annual report with the Clerk of the Assembly, if the Assembly is not in session.

Regular consultation

8. (1) The Minister shall regularly consult at such times as the Minister considers appropriate with such key stakeholders, other orders of government, members of the private, public and not-for-profit sectors and individuals, including members of and organizations representing the interests of racialized communities, as the Minister considers advisable with respect to the Directorate and the anti-racism strategy.

Groups to be consulted

- (2) The individuals and groups to be consulted by the Minister must include representatives of communities at heightened risk of marginalization resulting from individual and systemic racism, including members of Indigenous and Black communities.

Development of a new anti-racism strategy

9. (1) At least once every five years, the Government of Ontario shall assess the anti-racism strategy then in effect.

Consultation

- (2) As part of an assessment under this section, the Minister
 - (a) shall inform the public of the proposed assessment of the strategy and solicit the views of the public with respect to the strategy; and
 - (b) shall arrange for consultations to be carried out by such means as the Minister believes will facilitate participation by key stakeholders, other orders of government, members of the private, public and not-for-profit sectors and individuals, including members of racialized communities.

Groups to be consulted

(3) The individuals and groups to be consulted by the Minister must include representatives of communities at heightened risk of marginalization resulting from individual and systemic racism, including members of Indigenous and Black communities.

New anti-racism strategy to be issued

(4) Based on its assessment of the anti-racism strategy then in effect and after consideration of the written and oral representations it receives, the Government shall develop and issue a new anti-racism strategy for Ontario.

Publication

10. The Minister shall publish on a Government of Ontario website,
- (a) each specific anti-racism target established by the Directorate;
 - (b) each annual report required under section 7;
 - (c) each anti-racism strategy issued by the Directorate; and
 - (d) the name of each group involved in the consultation processes.

Commencement

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. The short title of this Act is the *Anti-Racism Act, 2016*.