

CANADA

EXECUTIVE SUMMARY

Canada is a constitutional monarchy with a federal parliamentary government. In a free and fair multiparty federal election held on May 2, the Conservative Party, led by Stephen Harper, won a majority of seats in the federal Parliament and formed a government. Security forces reported to civilian authorities, who maintained effective control over the forces.

The principal human rights problems included violence against women and disparities in access to government services between indigenous and nonindigenous peoples.

Other human rights problems included alleged abuse of civil rights by law enforcement officials, trafficking in persons, and harassment of persons belonging to religious and racial minorities.

The government took steps to prosecute and punish all government officials who committed abuses.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings. Authorities investigate and publicly report all fatalities that occur as a result of police action or in police custody.

On February 10, the Royal Canadian Mounted Police (RCMP) announced that it had addressed or was in the process of addressing all 16 recommendations on taser use issued by the Commission for Public Complaints Against the RCMP (CPC). The CPC's recommendations resulted from the investigation into the death of Robert Dziekanski in 2007 after four RCMP officers stunned him with a taser at Vancouver International Airport. On May 12, British Columbian authorities filed perjury charges against the four officers in connection with their testimony before the CPC on their confrontation with Dziekanski. On June 2, the British Columbian government passed legislation to establish the Independent Investigations Office, a civilian-led agency to investigate incidents involving police causing death or serious injury. The new office's mandate extends to all police forces operating in

the province, including the federal RCMP. The creation of the office was a key recommendation of the Braidwood Commission, a public inquiry into Dziekanski's death and taser-use policies.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, but there were isolated reports of degrading treatment by law enforcement officials. Investigations into allegations of physical assault and inappropriate searches of prisoners by the Ottawa Police Service (OPS) in the OPS's cellblocks during 2010 remained pending at year's end.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, and the government permitted monitoring in accordance with its standard modalities by independent nongovernmental observers.

In 2009 there were approximately 38,000 inmates and detainees, including 1,640 juveniles, and the official prison capacity was 38,600. In its 2009-10 report, the Office of the Correctional Investigator found that 532 offenders died in federal custody between 1998 and 2008. Of these fatalities, 107 were suicides, 36 were homicides, and the remainder from a range of known causes, including natural death and accident. Women comprised approximately 4 to 6 percent of the total number of prisoners. Prisoners and detainees had reasonable access to visitors, were permitted religious observance, and could submit complaints to judicial authorities without censorship. Authorities investigated credible allegations of inhumane behavior and documented the results of such investigations in a publicly accessible manner. The government investigated and monitored prison and detention center conditions. There is a prison ombudsman.

On July 13, an Ontario court sentenced a correctional officer to a 60-day prison term for an unprovoked assault in 2009 on a prisoner in Maplehurst Correctional Centre; the officer was also dismissed from the prison service. An investigation found three other officers complicit in the assault.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

National, provincial, and municipal police forces maintain internal security. Canadian 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. Civilian authorities maintained effective control over the RCMP and provincial and municipal police forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention

Authorities generally apprehended persons openly with warrants. A judge may issue a warrant after being satisfied that a criminal offense may 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 in practice. Authorities provided detainees with timely information as to the reason for the arrest, ensured prompt access to a lawyer of the detainees' choice and, if indigent, to one provided by the state, and granted prompt access to family members. Bail generally was available. Suspects were not detained incommunicado or held under house arrest. Detainees were released immediately after being charged, unless a judge deemed continued detention necessary to ensure the detainee's attendance in court, for the protection or safety of the public, or due to the gravity of the offense. Persons subject to continued detention had the right to judicial review of their status at regular intervals.

In December the Ontario Ministry of the Attorney General reported that 330 persons had appeared before provincial courts on charges related to public protests, violence, and vandalism during the 2010 G-20 summit in Toronto. Courts completed proceedings against 292 of these individuals by staying, withdrawing, or dismissing charges, diverting charges by requiring individuals to make charitable donations, or closing files due to errors in charge sheets. Thirty-two persons pled guilty. Separately, the cases of 34 individuals remained before the courts at year's end. During the summit, police had arrested approximately 1,100 individuals and released more than 800 without charge. Civil liberties' groups

alleged that police had arrested individuals arbitrarily; police and provincial agencies opened five separate reviews of police conduct at the summit, all of which continued at year's end.

Noncitizens may be detained and deported on national security grounds under immigration security certificates. The government issues certificates on the basis of confidential evidence presented to two cabinet ministers by intelligence or police agencies and reviewed by a federal court judge who determines "reasonableness" and upholds or revokes the certificate. A judge may order an individual detained during the security-certificate determination process if the government considers that the individual presents a danger to national security or is unlikely to appear at the proceeding for removal, and may impose conditions on release into the community, including monitoring. Individuals subject to a security certificate may see a summary of confidential evidence against them. Authorities provide full disclosure to court-appointed, security-cleared lawyers ("special advocates") who can review and challenge the evidence on behalf of these individuals, but may not share or discuss the material with them. The law establishes strict rules on the disclosure and use of secret evidence, prohibits the use of evidence if there are reasonable grounds to believe authorities obtained it as a result of torture, and provides mechanisms for review and appeal. At year's end three individuals were subject to security certificates and lived in the community subject to restrictions.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The judicial system is based on English common law at the federal level as well as in most provinces. In Quebec, civil law is derived from the Napoleonic Code; however, criminal law is the same nationwide. Trials are public, and defendants have a right to have their case heard before a judge alone or, for more serious cases, before a judge and jury. Defendants have the right to be present and to consult with an attorney in a timely manner. The government provides an attorney at public expense if needed when defendants face serious criminal charges, and defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys

generally have access to government-held evidence relevant to their cases. Defendants also enjoy a presumption of innocence and have a 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 court to bring a suit seeking damages for, or cessation of, a human rights violation. No mechanism existed for plaintiffs to appeal decisions to an international regional court. Remedies can be monetary, declaratory, or injunctive. Federal or provincial human rights commissions may also hear alleged human rights violations, although these bodies follow differing standards and procedures.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution and law provide for freedom of speech, including for members of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. Individuals could criticize the government publicly or privately without reprisal. The independent media were active and expressed a wide variety of views without restriction.

Freedom of Speech: The Supreme Court has ruled that the government may limit free speech in the name of goals such as ending discrimination, ensuring social harmony, or promoting gender equality. It also has 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. Provincial-level film censorship, broadcast licensing

procedures, broadcasters' voluntary codes curbing graphic violence, and laws against hate literature and pornography also impose some restrictions on the media.

Inciting hatred (in certain cases) or genocide is a criminal offense, but the Supreme Court has set a high threshold for such cases, specifying that these acts must be proven to be willful and public. Laws prohibit speech or programming containing any abusive comment that would expose individuals or groups to hatred or contempt and empower the federal Canadian Human Rights Commission (CHRC) and the federal Canadian Human Rights Tribunal (CHRT) to enforce the law in areas of federal jurisdiction. In addition, each province has its own human rights code.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. The CHRC investigates complaints about hate messages on Web sites and may forward cases to the CHRT for action.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedoms of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of

the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government offered alternatives to refugee claimants whose cases the Immigration and Refugee Board refused. The option for judicial review through the federal courts exists. Two other remedies of last resort are available through the Department of Citizenship and Immigration, including a "preremoval risk assessment" as well as an appeal to the minister of citizenship and immigration for a waiver based on humanitarian and compassionate grounds. The government accepted refugees for resettlement from third countries and facilitated local integration (including access to naturalization), particularly of refugees in protracted situations. The government also provided temporary protection to individuals who may not qualify as refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: On May 2, the Conservative Party won a majority of seats in the federal Parliament and formed a national majority government.

Participation of Women and Minorities: There were 76 women and seven indigenous individuals in the 308-member federal House of Commons; 38 members were born outside the country. There were 36 women and six indigenous persons in the 105-seat Senate (whose members are appointed by the governor general on the advice of the prime minister); 12 members were born outside the country. Women held 10 seats in the 39-member cabinet. Four of the nine members of the Supreme Court, including the chief justice, were women.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year. The Federal Accountability Act provides for transparency and accountability in government. The Office of the Public Sector Integrity Commissioner reports annually on allegations of corruption. A commissioner of lobbying administers a national registry of lobbying of designated public office holders.

A conflict of interest and ethics commissioner administers the conflict of interest code for members of the House of Commons, as well as the law relating to public office holders. Provincial governments provide independent audits of government business and ombudsman services. Elected office holders (but not other public officials) are subject to financial disclosure laws for personal assets.

The law permits public access to government information, and in practice the government granted access for citizens and noncitizens, including foreign media. The law provides for denial of legal requests for information on limited and specific grounds given and cited in law, and there is a mechanism to appeal denials. The government released quarterly information on the public expenditures of senior government officials and also published expense information on individual ministerial Web sites and on a centralized Web site.

On May 13, the Supreme Court ruled that the access to information law does not provide for public access to all records from the offices of the prime minister and other ministerial offices as these offices do not qualify as “government institutions” under the law. The case resolves record requests made by various claimants almost 10 years ago.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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.

Human Rights Commissions and Legislative Committees: Federal and provincial human rights commissions enjoyed government cooperation, operated without government or party interference, and had adequate resources. Observers

considered them 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.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government enforced legal provisions effectively.

Women

Rape and Domestic Violence: The law criminalizes rape, 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. The government's statistical office reported that in 2010 there were more than 22,000 reported incidents of sexual assault, sexual assault with a weapon or causing bodily harm, and aggravated sexual assault against female and male victims. Government studies indicated that victims of sexual assault reported about one in 10 incidents to police.

The law prohibits domestic violence. Although the criminal code does not define specific domestic violence offenses, an abuser can be charged with an applicable offense, such as assault, aggravated assault, intimidation, mischief, or sexual assault. 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. Studies indicated that victims of domestic violence and spousal abuse underreported incidents.

In November imams, Muslim organizations, scholars, and Muslim community leaders joined a "Call to Action to Eradicate Domestic Violence," which declared that "domestic violence and, in the extreme, practices such as killing to 'restore family honor' violate clear and nonnegotiable Islamic principles." On December 9, participating imams and Muslim leaders issued a coordinated denunciation of violence against women, including honor-based crimes.

The federal statistical agency reported that there were approximately 593 shelters for abused women; the shelters provided emergency care, transition housing, counseling, and referrals to legal and social service agencies. Shelters admitted more than 64,500 women between April 1, 2009, and March 31, 2010, of whom almost three-quarters had fled abusive situations. Six in 10 of those women had not reported their abusive incidents to police. Moreover, only 27 percent of those reported incidents resulted in formal charges.

Police received training in treating domestic violence, and agencies provided abuse hotlines. The government's family violence initiative involved 12 departments, agencies, and crown corporations, including Status of Women Canada, a cabinet ministry. These entities worked to eliminate systemic violence against women and advance women's human rights. Provincial governments made efforts to address violence against women as well, including Ontario's Sexual Violence Action Plan, a C\$15 million (\$14.7 million) effort to prevent sexual violence and improve support for survivors of sexual assault.

Sexual Harassment: The law does not contain a specific offense of "sexual harassment" but criminalizes harassment (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. The government generally enforced these prohibitions.

Reproductive Rights: Couples and individuals enjoyed the right to decide freely and responsibly the number, spacing, and timing of children without government interference, and to have the information and means to do so free from discrimination, coercion, and violence. The publicly funded medical system provided access to contraceptive services and information, prenatal care, skilled attendance during childbirth, and essential obstetric and postpartum care. Women had equal access with men to diagnosis and treatment for sexually transmitted infections.

Discrimination: Women have marriage and property rights, as well as rights in the judicial system, equal to those of men. They were well represented in the labor force, including business and the professions. Women did not experience systemic economic discrimination in access to or in the terms of employment, credit, or pay equity for substantially similar work, or owning and/or managing businesses, although some equality and labor groups reported that women represented less than one fifth of senior officers in top executive positions in the private sector. The

federal statistical agency reported that hourly wages for women were, on average, about 17 percent less than for men. Women did not experience discrimination in education or housing.

Status of Women Canada promoted the legal rights of women. Employment equity laws and regulations cover federal employees in all but the security and defense services. However, Aboriginal women living on reserves (where land is held communally) lack matrimonial property rights.

On October 31, the Canadian Human Rights Tribunal awarded nurses working for the Canada Pension Plan C\$2.3 million (\$2.25 million) in damages for pay equity discrimination dating back to the 1970s. On November 17, the Supreme Court awarded female postal workers at Canada Post C\$150 million (\$147 million) to settle a landmark pay-equity dispute that originated in 1983.

Children

Birth Registration: Citizenship is derived both by birth within the country's territory and from one's parents. Births are registered immediately, and there were no reports of the government's denying public services, such as education or health care, to those who failed to register.

Child Abuse: The federal statistical agency recorded that almost 55,000 children and youth were victims of police-reported violent crime in 2009, including approximately 41,000 assaults and 14,000 sexual assaults. Studies indicated that family members or individuals known to the victim represented a vast majority of the offenders. Most victims were girls, especially in sexual assault cases.

Sexual Exploitation of Children: The minimum age of consensual sex is 16 years. Persons convicted of living off the proceeds of prostitution of a child under 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 under age 18 to engage in prostitution face between five and 14 years' imprisonment. Persons who solicit or obtain the sexual services of a child under age 18 face between six months' and five years' imprisonment.

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. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

Approximately 1 percent of the population is Jewish.

The B'nai Brith Canada League for Human Rights received 1,306 reports of anti-Semitic incidents in 2010, a 3.3 percent increase from 2009. More than half of such reports came from the province of Ontario. The reports included 965 cases of harassment, 317 cases of vandalism, and 24 cases of violence. There were 32 cases involving attacks on synagogues, 139 involving private Jewish homes, and 26 involving community centers. Jewish students reported 86 cases of anti-Semitic incidents on university campuses, compared with 137 in 2009; another 84 involved primary and secondary school settings, compared with 73 in 2009. B'nai Brith also received 564 reports of Web-based hate activity, almost a 30 percent increase from 2009.

On March 25, the government passed a law with support from all parties to build a National Holocaust Monument in the national capital. The monument will commemorate Holocaust victims, promote tolerance and human rights, and educate visitors.

In early August vandals spray-painted swastikas and anti-Semitic messages on several synagogues in Toronto. Political leaders denounced the acts. Police investigations did not produce any arrests by year's end.

Trafficking in Persons

For information on trafficking in persons, see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health

care, or the provision of other state services or in other areas, and the government effectively enforced these prohibitions. The government effectively implemented laws and programs mandating access to buildings, information, and communications for persons with disabilities.

A class-action lawsuit against the Huronia Regional Centre, a former facility operated by the province of Ontario for persons with developmental disabilities, which was filed in 2010 by former residents alleging systemic abuse and neglect, remained pending at year's end. In August a court in Ontario allowed two similar lawsuits against the Rideau Regional Centre and the Southwest Regional Centre to proceed.

Proper facilities existed for the treatment of the mentally ill, but mental health advocates asserted that 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.

National/Racial/Ethnic Minorities

According to the Federal Statistical Agency, 1,473 incidents of hate crimes were reported to police in 2009 (an increase of 42 percent from 2008), of which 54 percent were motivated by race or ethnic bias. Blacks constituted the most commonly targeted racial group, accounting for 38 percent of racially motivated incidents, followed by South Asians at almost 13 percent. Racially motivated crimes against Arabs or West Asians increased from 37 incidents in 2008 to 75 in 2009. Approximately 40 percent of the hate crimes reported to police were violent.

On May 11, after a year-long investigation, the Quebec Human Rights Commission released a report finding that ethnic minorities in the province, and especially in Montreal, were subject to “targeted and disproportionate scrutiny by police forces.” The commission recommended that the provincial government take remedial measures, including the amendment of the Quebec Charter of Rights, Police Act, and police code of ethics to prohibit racial profiling. The commission also recommended that government departments adopt action plans to tackle racial profiling and that police academies implement antiracism training.

Indigenous People

Indigenous people constituted approximately 4 percent of the national population and higher percentages in the country's three territories: Yukon, 25 percent;

Northwest Territories, 50 percent; and Nunavut, 85 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 people remained underrepresented in the workforce; overrepresented on welfare rolls and in prison populations; and more susceptible to suicide, poverty, chronic health conditions, and sexual violence than other groups.

The law recognizes and specifically protects indigenous rights, including those 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 west that 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 and/or legal challenges. Since 1973 the federal government has concluded and implemented 22 comprehensive land claims and two stand-alone self-government agreements with indigenous people. As of January 2010, the government reported that negotiations for 69 self-government and comprehensive land claims were active. As of March 31, 504 specific claims or grievances filed by indigenous people regarding the implementation of existing treaties remained unresolved, according to government reports. Indigenous groups that cannot settle specific claims through negotiation within a three-year period may refer the claim to the Specific Claims Tribunal (a judicial panel) for a decision or to the courts.

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

In March an Amnesty International report called on provincial and federal governments to address gross disparities between indigenous and nonindigenous people in access to adequate child welfare services, clean water, education, and housing. On March 8, a federal auditor general's report found child welfare services in Nunavut Territory inadequate and reported that territorial services failed to protect children from placement in unsafe environments.

On June 9, a federal auditor general's report found that a "disproportionate number" of indigenous people lacked basic social services, especially education, housing, child welfare, and safe drinking water. On June 28, the Quebec Human Rights Commission reported that Inuit children in Nunavik, northern Quebec, were exposed to rates of domestic violence 10 times higher than the national average due to overtaxed or nonexistent community social services.

Also on June 9, the government and indigenous leaders partnered to launch a Canada First Nation Joint Action Plan to improve education, unemployment, and governance for indigenous people living on reserves. On June 18, the government extended the protection of the federal Human Rights Act to more than 700,000 Aboriginal people who live on reserves and who were specifically excluded from the ability to file complaints under the act before 2008. The protection came into force upon the expiry of a three-year transitional period.

On August 17, the Ontario Superior Court ruled that the provincial government had no authority to grant industrial logging leases on land in northern Ontario covered by a treaty between the federal government and the Grassy Narrows First Nation. The court ruled that the federal government had jurisdiction and responsibility to protect Aboriginal hunting and trapping treaty rights. The Grassy Narrows First Nation had litigated for 11 years to stop clear-cut logging on their traditional lands, arguing that clear cutting contaminated the water supply and adversely affected their quality of life.

In October the First Nations community of Attawapiskat, northern Ontario, declared a state of emergency over housing and living conditions on the reserve. National Aboriginal representatives alleged that similar conditions existed in Aboriginal communities across the country. The federal government provided emergency housing to residents of Attawapiskat and appointed a third-party manager for the community.

On November 18, the federal and the Newfoundland and Labrador provincial governments signed documents with the Labrador Innu relating to land claims, self-government, and an impact and benefit agreement relating to the Lower Churchill River development.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits discrimination based on sexual orientation, and the criminal code provides penalties for crimes motivated by bias, prejudice, or hate based on personal characteristics, including sexual orientation. Lesbian, gay, bisexual, and transgender organizations operated independently and without restriction. There was no official discrimination based on sexual orientation in employment and occupation, housing, statelessness, or access to education or health care.

There were occasions of violence and abuse against individuals based on sexual orientation, but the government generally implemented the law criminalizing such behavior effectively.

Other Societal Violence or Discrimination

There were no known reports of societal violence or discrimination against persons with HIV/AIDS. Courts generally interpreted prohibitions against discrimination on the basis of disability in federal and provincial human rights statutes to include discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers (except armed forces and police) in both the public and the private sectors to form and join unions of their choice, to conduct legal strikes, and to 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 ensure due process and 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 for workers fired for union activity.

Provincial governments have and enforce their own labor laws that apply to provincially regulated occupations. Agricultural workers in Alberta, Ontario, and New Brunswick do not have the right to organize or bargain collectively under provincial law.

The government effectively enforced applicable laws in a timely fashion and respected freedom of association and the right of collective bargaining in practice.

Worker organizations were independent of the government and political parties. Workers exercised the right to strike in practice.

Labor unions complained that federal or provincial governments' actions in several cases constituted interference with collective bargaining rights. On February 22, the Quebec government adopted back-to-work legislation to end a two-week strike by Quebec crown prosecutors. On June 16, striking Air Canada ticket agents settled their dispute with the company after the federal government introduced back-to-work legislation in parliament to end the strike. On June 26, the federal parliament passed back-to-work legislation to end a legal strike by Canada Post workers.

On September 20, Air Canada and its flight attendants' union reached a tentative settlement after the government gave formal notice of its intent to introduce and expedite back-to-work legislation to avert a pending strike. Flight attendants subsequently rejected the pending deal. On October 12, the government referred the stalled contract talks to the Canada Industrial Relations Board for review, legally suspending an imminent strike. The government cited the negative impact of a strike on travelers and the economy as cause for its action. On November 7, the board imposed the agreement reached in September without alteration.

In April the Supreme Court upheld an Ontario law prohibiting agricultural workers (including foreign migrants) in the province from bargaining collectively. The ruling overturned a 2008 decision by the Court of Appeal of Ontario that had struck down the law as unconstitutional. In 2010 the International Labor Organization had noted the law violated the human rights of agricultural workers.

There were no reports of violations related to collective bargaining rights or other antiunion discrimination.

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 government investigated and prosecuted several cases of forced labor and domestic servitude, informed workers of their legal rights, and maintained some measures to hold employers of foreign migrant workers accountable. However, there were reports that foreign (or noncitizen or foreign-born) adults were subjected to forced labor in the agricultural sector, food processing, cleaning services, hospitality, and construction industries; domestic servitude; and prostitution. Nongovernmental organizations (NGOs) reported that

bonded labor and domestic servitude constituted the majority of cases of exploitation.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

Child labor legislation varies by province, and there are sufficient laws to protect children from exploitation in the workplace. 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 under age 15 or 16 from working without parental consent, after 10 or 11 p.m., or in any hazardous employment. During official school or academic breaks, the federal government employed youths between ages 15 and 17 for work that is unlikely to endanger their health or safety.

Child labor laws and policies were enforced effectively, and the child labor inspections were carried out by federal and provincial labor ministries. Child labor was not a problem in the country.

d. Acceptable Conditions of Work

Minimum wage rates ranged from C\$8.80 to C\$11.00 (\$8.62 to \$10.78). Some provinces exempt agricultural, hospitality, and other specific categories of workers from minimum-wage rates, and Ontario has a minimum-wage rate for youths under age 18 who work less than 28 hours per week when school is in session that is lower than the respective minimum for adult workers.

Standard work hours vary by province, but in each 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. Entitlement to paid annual leave varies by province, but the law requires a minimum of 10 days paid annual leave per year (or payment of 4 percent of wages in lieu) after one year of continuous employment. Some provinces mandate an additional week of paid leave to employees who have completed a specified length of service. 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, while provincial and territorial legislation provides for all other employees, including foreign and migrant workers. Federal, provincial, and territorial laws protect the right of workers with “reasonable cause” to refuse dangerous work and remove themselves from hazardous work conditions, and authorities effectively enforced this right.

Authorities effectively enforced labor standards. Federal and provincial labor departments monitored and enforced these standards and conducted inspections proactively through scheduled visits, reactively in response to complaints, and at random.

Enforcement measures included a graduated response, with a preference for resolution via voluntary compliance, negotiation, and education; prosecution and fines served as a last resort. Some trade unions argued that limited resources hampered the government's inspection and enforcement efforts.

In February the province of Ontario named a new interim council for health and safety and in August named its first chief prevention officer to oversee reforms of provincial policy in line with key recommendations of a 2010 expert panel on Ontario's workplace health and safety system.

Some NGOs reported that 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, and they alleged that restrictions on the type of labor complaints accepted for investigation and delays in processing cases discouraged the filing of complaints in practice. There were no known developments in the investigation into the workplace fatalities of two Jamaican migrant agricultural workers in a fruit-processing facility in Ontario in 2010.