

CANADA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Canada is a constitutional monarchy with a federal parliamentary government. In a free and fair multiparty federal election held in September, the Liberal Party, led by Justin Trudeau, won a plurality of seats in the federal parliament and formed a minority government.

Federal, provincial, municipal, and indigenous 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 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. There were credible reports that members of the security forces committed some abuses during the year.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; crimes involving violence against indigenous women and girls; and crimes involving violence or threats targeting Black, Asian, Jewish, and Muslim minorities.

The government had mechanisms in place to identify, investigate, prosecute, and punish officials who committed human rights abuses and corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were isolated reports that the government or its agents committed arbitrary or unlawful killings. Some family members of individuals killed by police said police may have committed unlawful killings during mental wellness checks or in response to calls to police by them for assistance when their relative was in mental

distress and at risk of self-harm or harm to others. For example on August 1, Montreal police in Quebec fatally shot Jean-Rene Junior Olivier after his family called police to report Olivier was confused, mentally unstable, and armed with a knife. Olivier's family said police responded inappropriately to a mental-health crisis and racially profiled Olivier, who was Black. Quebec's police investigation office opened an investigation into the death that remained in progress as of October.

In the 2020 cases regarding police-involved deaths of New Brunswick residents Rodney Levi and Chantal Moore, on January 26, New Brunswick's Public Prosecutions Service determined police acted lawfully and in self-defense in the death of Rodney Levi. On June 7, it found police acted lawfully and in self-defense in the death of Chantal Moore. Officials stated no criminal charges would be filed against officers in the cases.

Charges of negligence causing death filed in December 2020 against prison guards at the St. John's penitentiary in Newfoundland and Labrador in the 2019 death of Jonathan Henoche, an indigenous inmate at the facility, remained pending as of November. The province dropped charges against one of the nine guards in August on the basis there was no reasonable likelihood of conviction. Media reports indicated Henoche may have had a violent altercation with correctional officers prior to his death. Provincial police opened a homicide investigation that remained in progress as of November.

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.

Correctional Services Canada (CSC) stated it would review a February 23 report by federally commissioned researchers that concluded the government continued to use solitary confinement in federal prisons. The Supreme Court ruled in 2019 that

solitary confinement for longer than 15 days constituted cruel and unusual punishment, and the government passed legislation the same year prohibiting the measure. The February report stated that in practice isolation placements continued to regularly exceed the 15-day threshold and broke guidelines permitting inmates a minimum of four hours per day outside their cells.

In April the family of Edward Snowshoe, an indigenous man who killed himself in federal prison in 2010 after 162 days in solitary confinement, filed suit against CSC alleging racial discrimination, neglect, and failure to fulfill its duty of care in the man's death. The family sought 12.5 million Canadian dollars (C\$) (\$10 million) in damages. The case remained pending as of November.

There were no known developments in a suit filed by the Ontario Human Rights Commission in 2020 against the province of Ontario in which the commission alleged the province failed to respect its commitments to end use of solitary confinement in the provincial correctional system for persons with mental disabilities.

As of July 23, at least nine women in Newfoundland and Labrador reported incidents of sexual assault involving six former and one serving police officer of the Royal Newfoundland Constabulary (RNC). The nine women stated that on-duty police officers drove them home at night after the women had been drinking at bars in St. John's and sexually assaulted them; at least three other women said on-duty officers sexually propositioned them after driving them home from bars. The RNC opened an independent civilian investigation into the reports. The RNC disclosed it had conducted four separate investigations over the previous five years into similar reports but had filed no charges. The latest complaints followed the separate conviction in July of RNC officer Douglas Snelgrove in his third criminal trial on charges of sexually assaulting a woman in her home after driving her home from a bar in 2014. The third trial followed a successful appeal and a declared mistrial. Snelgrove was held in custody pending a sentencing hearing in November.

Prison and Detention Center Conditions

There were some reports of sexual assault and harassment of female inmates by

male prison staff, and of prison and detention center measures designed to control the spread of COVID-19 that raised human rights concerns.

Physical Conditions: There were reports of abuse in prisons and detention centers regarding physical conditions and inmate abuse. In February the Canadian Association of Elizabeth Fry Societies called for a public inquiry into reports of sexual coercion and violence against inmates by staff in women's federal prisons across the country. In March a former female federal inmate filed a class-action suit against CSC alleging a culture of sexual harassment and sexual assault by male staff against inmates. CSC stated it did not track complaints of sexual assault or criminal charges by staff. In 2020 police in Truro, Nova Scotia, charged a male guard at the Nova Institution for Women with six counts of sexual assault, six counts of breach of trust, and one count of communication for the purpose of obtaining sexual services in incidents between 2013 and 2018 involving four female inmates. The guard was no longer employed at the prison, and his trial was scheduled for January 2022. In 2020 a former correctional officer was charged in connection with sexual assault of a female inmate at the Grand Valley Institution for Women in Kitchener, Ontario. Adults and juveniles were held separately, although minors were held with their parents in immigration detention centers as an alternative to separating families.

On February 23, the federal correctional investigator reported a COVID-19 infection rate in excess of 10 percent of the total inmate population in federal facilities since March 2020, significantly higher than in the general population, and called for alternatives to incarceration. In April the John Howard Society of Canada and seven federal inmates filed a civil suit against CSC, claiming "unpredictable and indefinite" medical and administrative lockdowns in federal penitentiaries in British Columbia due to COVID-19 constituted solitary confinement. The suit also asserted CSC failed to provide adequate health care and protective equipment against the virus and withheld visitation, religious services, and programs and services required to qualify for parole eligibility.

In June Human Rights Watch and Amnesty International reported persons held in immigration detention were often held in solitary confinement. They called for the abolition of the practice and of the use of provincial jails to detain undocumented immigrants and persons inadmissible to the country.

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 provided detainees with timely information on the reason for their arrest and provided prompt access to a lawyer of the detainee's choice, or, if the detainee was indigent, a lawyer was provided by the state. Bail was generally 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 enjoy the right to a presumption of innocence; be informed promptly of the charges; have a fair, timely, and public trial; be present at their trial; communicate with an attorney of their choice (or have one provided at public expense if unable to pay); have

adequate time and facilities to prepare a defense; confront prosecution or plaintiff witnesses and present one's own witnesses and evidence; not be compelled to testify or confess guilt; and 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 and organizations may appeal adverse domestic decisions to the Federal Court of Canada for judicial review. The court may uphold, amend, or return the decision to provincial or federal human rights tribunals for review or a new hearing. Individuals may also bring human rights complaints to the United Nations or Inter-American Commission on Human Rights.

Property Seizure and Restitution

Canada helped draft the Terezin Declaration and endorsed it in 2009. It also endorsed the Terezin Guidelines and Best Practices in 2010. Experts stated that Canada did not enact immovable property restitution laws because no such property was seized in the country during the Holocaust. According to the government, "the issue of displaced cultural property primarily affects those art museums and private collectors that acquired European fine and decorative art of unknown provenance from the period of 1933-1945." The government's Canadian Heritage Information Network hosts an online database known as Artefacts Canada, which contains five million object records and one million images from Canadian museums. Both museum professionals and the general public can access the database, which may assist museum professionals and Holocaust survivors and their heirs in identifying confiscated or looted movable property.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly in July 2020, can be found on the

Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

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.

On August 6, British Columbia's information and privacy commissioner launched an investigation at the request of the Canadian Civil Liberties Association (CCLA) into the federal Liberal Party's use of facial recognition technology to screen candidates to run for the party in the 2021 federal election. The technology verifies the identity of members eligible to vote in nomination meetings.

Nomination meetings are normally held in person, but the party moved them online because of the COVID-19 pandemic. The CCLA asserted the Liberal Party's use of such software "sends the wrong message to municipal, provincial, and federal election officials that this technology is ready for prime time." The review was to determine whether the party complied with British Columbia's Personal Information Protection Act; it was the only province that had privacy laws subjecting activities of political parties to independent oversight, including the use of identity technology and of third-party automated identification verification service providers. The outcome of the review remained pending as of November.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media. Independent media were active and expressed a wide variety of views without restriction.

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.

Libel/Slander Laws: The law criminalizes defamatory libel with a maximum penalty of five years' imprisonment, but courts seldom imposed such a punishment.

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 and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights prior to the start of the global pandemic. Some provinces implemented measures to contain the spread of COVID-19 that restricted internal movement.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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 individuals who may not qualify as refugees.

g. Stateless Persons

According to UNHCR, by the end of 2020 (latest available figures), there were 3,790 persons in the country who fell under the UN statelessness mandate; a total of 4,139 stateless persons were in the country, including forcibly displaced stateless persons. The law provides for access to citizenship for stateless persons who have a birth parent who was a citizen of the country at the time of the birth, meets age and physical presence requirements, and has not been convicted of

specified criminal offenses. The minister of immigration has the discretion to grant citizenship to any person to alleviate cases of statelessness or of special and unusual hardship.

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 September 20, the Liberal Party won a plurality of seats in the federal parliament and secured a mandate to form a minority national government.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate. In the September federal election, 44 percent of 338 House of Commons candidates were women, up from a previous record high of 42 percent of female candidates in the 2019 election. Women won 30 percent of the seats in the House of Commons. 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.

Corruption: On May 13, the federal ethics commissioner reported his findings in investigations into former federal finance minister Bill Morneau's failure to recuse himself from the proposed award of a sole source C\$900 million (\$692 million) federal pandemic-relief contract in 2020 to the nonprofit WE Charity, and into the prime minister's relations with the charity. The contract was never issued. The commissioner found Morneau had a prior personal and professional relationship

with the charity's directors and broke federal ethics law by failing to recuse himself, by allowing his staff to "disproportionately assist" WE, and by "improperly furthering" WE's private interests. The breaches did not carry criminal or financial penalties. In a related investigation, the commissioner cleared Morneau of improperly accepting approximately C\$41,000 (\$32,000) in personal travel from WE Charity. Separately, the commissioner found the prime minister did not breach the act.

Section 5. Governmental Posture Towards 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 largely 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 ombudsperson. Nine provinces and one territory also employed an ombudsperson.

Section 6. Discrimination and Societal Abuses

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 prison sentences of up to 10 years, 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 law 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 generally enforced the law effectively. Police received training in interacting with victims of sexual assault and domestic violence, and agencies provided hotlines to report abuse.

The law was appropriately enforced, but a study prepared for federal, provincial, and territorial ministers of justice and released to the public in 2018 acknowledged challenges in reporting, investigating, and prosecuting sexual assault cases. Crimes of sexual assault were self-reported, and the majority of incidents were not reported to police. According to studies in 2014 by the federal department of justice, 83 percent of survivors of sexual assault did not report their assaults to police in that year. Of all sexual assaults reported to and substantiated by police from 2009 to 2014, 43 percent resulted in police laying a charge, 21 percent proceeded to court, and 12 percent resulted in a criminal conviction over the six-year period. Indigenous women and girls were disproportionately victims of sexual abuse. In 2014 indigenous women reported a sexual assault rate of 115 incidents per 1,000 population, significantly higher than the rate of 35 per 1,000 reported by nonindigenous women.

Approximately 1,180 indigenous women disappeared or were killed from 1980 to 2012, according to a 2014 report by the Royal Canadian Mounted Police.

Indigenous advocates and a report issued in 2019 by the government-commissioned National Inquiry into Missing and Murdered Indigenous Women and Girls (NIMMIWG) stated the number was probably far higher, since many deaths had gone unreported. Indigenous women and girls made up an estimated 5 percent of the country's women but represented 16 percent of the women killed, according to government statistics. Indigenous women and children were also at

high risk of human trafficking.

The NIMMIWG concluded in 2019 that the government's treatment of indigenous peoples amounted to "deliberate race, identity, and gender-based genocide," that the harm continued, and that it required immediate remedy. On June 1, two years after the NIMMIWG report and one year later than the government had originally promised an official response, the Native Women's Association of Canada (NWAC) said it had "lost confidence" in the government and released its own NIMMIWG action plan without waiting for government action. NWAC is a nongovernmental organization (NGO) that had originally spurred creation of the NIMMIWG. On June 3, the government released its National Action Plan in response to the NIMMIWG inquiry's 231 recommendations. The government attributed the delay to the COVID-19 pandemic. The plan committed C\$2.2 billion (\$1.7 billion) over five years and C\$160.9 million (\$127 million) for data collection, counseling and support services, culture, health, justice, safety, and security, and to combat human trafficking. It committed to no timeline for action.

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 to advance women's human rights. The government continued a national strategy begun in 2017 to prevent and address gender-based violence, budgeting C\$101 million (\$77.8 million) over five years and C\$20.7 million (\$16.6 million) annually thereafter to create a center of excellence within Status of Women Canada for research, data collection, and programming, and to provide support for prevention, victim and family support, public education, justice, training, and programming. The 2018 federal budget allocated an additional C\$86 million (\$66 million) over five years, starting in 2018-19, 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.

In July preliminary findings from the Canadian Femicide Observatory for Justice and Accountability's (CFOJA) midyear report found 92 women and girls were killed between January and June, 79 of whom were killed by men. Indigenous women accounted for 12 percent of femicide victims, despite comprising 5 percent of the country's population. The CFOJA reported 60 women and girls were victims of femicide in 2020. NGOs reported higher demand for services during the COVID-19 pandemic and attributed increases in domestic partner fatalities in part to the stress of societal lockdowns. The Ontario Association of Interval and Transition Houses reported an increase of domestic violence fatalities in Ontario of more than 84 percent, from 19 to 35 in the first half of the year, compared with the same period in 2020.

On April 23, the Quebec government allocated C\$223 million (\$173.4 million) over five years to combat gender-based violence, including C\$90 million (\$70 million) for women's shelters. The new money, combined with allocations in the provincial budget in March and previous commitments, totaled C\$425 million (\$330.5 million) over five years. According to the Quebec public security minister, as of October, 16 women had been killed by their male partners in Quebec, a significant increase from an average of 12 deaths in the province attributed to domestic violence in a calendar year.

Female Genital Mutilation (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 leaked to media asserted that FGM/C practitioners and victims often traveled to the country of the practitioners' origin for the illegal procedure, officials also sought to prevent the entry of FGM/C practitioners into the country.

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 guidance.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of the government. A class action suit filed in 2017 against the province of Saskatchewan by at least 60 indigenous women who claimed physicians in the provincial health system subjected them to coerced sterilization or sterilization without proper or informed consent between 1972 and 2017 remained in progress as of November.

No significant legal, social, or cultural barriers or government policies adversely affected access to contraception; cost was cited as the most important barrier to contraception access in the country, particularly for young and low-income women and indigenous women in northern or remote communities where menstrual products and other imported consumer goods cost significantly more than in southern and urban communities. The government provided access to sexual and reproductive health services for survivors of sexual violence in hospitals and through dedicated sexual assault care centers, including emergency contraception as part of clinical management of rape.

Women had access to emergency health care, including services for the management of complications arising from abortion. Skilled health attendants were available during pregnancy and childbirth and were publicly funded; however, women in rural, remote, and Arctic areas had more difficulty accessing care. Although the country's maternal mortality rate in 2018 was low at 8.5 per 100,000 live births, a 2016 medical study reported indigenous women had a two times higher risk of maternal mortality than the national average and a higher risk of adverse outcomes, including stillbirth, perinatal death, low-birth weight infants, prematurity, and infant deaths. The country's birth rate among females 15 to 19 years of age was 6.3 per 1,000 in 2019, the latest available figure, and varied widely by province. In Ontario, the most populous province that includes multiple urban centers, the birth rate was 4.3 per 1,000 females between the ages of 15 and 19. In the rural northern territory of Nunavut – 86 percent of the population of which was indigenous – the rate was 97.3 per 1,000. The country's national statistical agency cited low income, overcrowded or inadequate housing, lack of a

high school diploma, and lack of access to sexual health education and contraception as social determinants of higher birth rates among indigenous adolescents.

Discrimination: Women have the same legal status and rights as men, including under family, religious, personal status and nationality laws, as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. The government enforced these rights effectively.

In May the government released 2020 data regarding female representation and diversity on the corporate boards of approximately 669 publicly traded companies in the country required by law to disclose annual diversity data. Women held 25 percent of all senior management positions in the identified companies and 50 percent had at least one woman on their board of directors. Fourteen percent had set targets for the representation of women on their boards and 32 percent had written policies relating to the identification and nomination of women for board seats. 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 in 2018 (latest available figures), except at the top of corporate structures. The agency attributed the change to women's higher rates of public-sector work, unionization, and higher educational attainment and cited factors such as differences in the industries where men and women work, and the higher likelihood for women to work part-time, for the continuing gap.

An April 20 ruling by Quebec's Superior Court upheld most of a provincial law that bans specific public employees in positions of authority from wearing religious symbols at work. The Superior Court judge acknowledged the law violated the rights of Muslim women and had "cruel" and "dehumanizing" consequences for those who wore religious symbols but concluded it did not violate the country's constitution. The province had shielded the law by invoking a constitutional override provision that allows a province to suspend protected rights for a period of five years. The judge, however, struck down the application

of the law for two worker categories: members of the provincial National Assembly and those working for Anglophone school boards. Under the law judges, lawyers, police officers, and teachers in the majority Francophone public school system continued to be prohibited from wearing visible religious symbols at work. The two-tiered ruling was seen by minority rights groups as a major setback that they said would perpetuate violation of religious freedom and permit the continuation of legal discrimination in the province – especially against Muslim women. The judge remarked in his ruling that persons who “fall into this category can no longer seek out new jobs in the public service without compromising their beliefs.”

In June the Quebec government appealed the Superior Court ruling, which remained pending as of November. The government’s appeal paused the exemption from the law for Anglophone school boards; the English Montreal School Board asked the Quebec Court of Appeal for a temporary exemption to allow them to hire staff before the appeal was decided. A judicial decision on the temporary exemption also remained pending as of November. Separately, Muslim and civil rights organizations in Quebec in May said they would appeal the Superior Court ruling. Their appeal remained pending as of November.

First Nations women living on reservations (where land is held communally) have matrimonial property rights. First Nations may choose to follow federal law or may enact their own rules related to matrimonial real property rights and interests that respect their customs.

Systemic Racial or Ethnic Violence and Discrimination

The constitution, the law, and federal and provincial human rights laws provide for equal rights, protect members of racial or ethnic minorities or groups from violence and discrimination, and provide redress. The federal Canadian Race Relations Foundation coordinates and facilitates public education and research and develops recommendations to eliminate racism and promote harmonious race relations. The government enforced the law effectively.

There were reports of discrimination and violence against ethnic minority groups and racial profiling by police. In July the government’s national statistical agency

reported 2,669 hate crimes, up from 1,951 in 2019, a 37 percent increase and the highest number since comparable data became available in 2009. The increase was largely the result of hate incidents targeting the Black population (up 318 incidents and 92 percent from 2019) and the East or Southeast Asian population (up 202 incidents and 301 percent as of 2019).

On January 28, Montreal police arrested a Black man, charged him with attempted murder, assaulting a police officer, and disarming a police officer, and detained him for six nights after an officer was attacked at a separate location following a traffic stop. The man was exonerated and cleared of all charges on February 5, and Montreal's police chief apologized to him. Police denied the man had been racially profiled, and a public inquiry led by a Quebec Superior Court justice concurred on September 3. The judge found that both police and the prosecutor who authorized the charges acted lawfully and reasonably. The judge reported investigators made technical errors that delayed the man's release and recommended improvements in police training and procedures. Lawyers for the man described the judicial report as "one-sided" and confirmed the man would continue with a suit seeking redress for the wrongful arrest and detention that he had filed in July against the city and the province. The suit remained in progress as of October.

Police forces in major cities, including Vancouver, Toronto, Montreal, and Ottawa, reported an increase in incidents of harassment, violence, and graffiti based on race, ethnicity, or skin color against Asians between 2019 and 2020, including during the COVID-19 pandemic. Verbal harassment, targeted coughing and spitting, and physical aggression reportedly accounted for the majority of the incidents. According to the Vancouver Police Department, anti-Asian hate crimes in the city increased seven-fold in 2020. A June 8 poll by the Angus Reid Institute found 58 percent of Asian respondents to the survey said they had experienced at least one incident of anti-Asian discrimination in the previous year; 86 percent of those polled said the discrimination was societal, not institutional. On June 17, police charged two individuals with mischief after they allegedly threw a hot beverage at an Asian staff member and uttered racist slurs at a coffee shop in Richmond, British Columbia, on March 29 after the employee asked them to maintain social distance between customers. A British Columbia court scheduled a

hearing for the case in November. On August 18, the British Columbia Human Rights Commission launched a year-long public inquiry to investigate the increase in hate crime incidents in the province during the pandemic. The commission will not hold public hearings but will solicit expert and public written testimony and report in 2022.

The prime minister and government ministers condemned anti-Asian racism and “scapegoating” for the COVID-19 pandemic. In April the federal budget allocated C\$11 million (\$8.6 million) over two years to the Canadian Race Relations Foundation to combat racism during the pandemic and to establish a national coalition to support Asian-Canadian communities. In 2019 the government announced a C\$45 million (\$35.7 million) Anti-Racism Strategy over three years to combat racism and discrimination, including creation of an Anti-Racism Secretariat to coordinate initiatives across government, conduct outreach and public education, and engage indigenous people and community groups. On August 4, the government allocated C\$96 million (\$76 million) to Black community groups to support capacity and workspace development in addition to C\$25 million (\$20 million) in 2019 and C\$350 million (\$277.5 million) in 2020 to support Black entrepreneurs and address barriers to access to credit and systemic racism.

The government held a national emergency summit on anti-Semitism on July 21 and a separate summit on Islamophobia on July 22 to raise awareness, conduct public education, engage communities, and identify best practices to combat discrimination. The prime minister addressed both summits, and elected officials were invited to attend. The country’s special envoy for preserving Holocaust remembrance and combating anti-Semitism participated in the summit on July 21. In October the prime minister confirmed the government had made the role of special envoy for preserving Holocaust remembrance and combating anti-Semitism a permanent office with dedicated funding.

Indigenous Peoples

According to the government’s national statistical agency, 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, 51 percent; and Nunavut, 86 percent. Disputes over land claims, self-government, treaty rights, taxation, duty-free imports, fishing and hunting rights, and alleged police brutality and harassment were sources of tension. Indigenous peoples remained underrepresented in the workforce, leadership positions, and politics; more susceptible than other groups to suicide, poverty, chronic health conditions, sexual violence, human trafficking, and other violent crime; and overrepresented on welfare rolls and in prison populations.

On June 9, the provincial government of British Columbia agreed to a request by the indigenous Pacheedaht, Ditidaht, and Huu-ay-aht First Nations to defer commercial logging for two years on the Fairy Creek watershed on Vancouver Island, which included their territories. The logging company also agreed to the moratorium. Activists, including nonindigenous persons, had blocked roads to the site to stop commercial harvesting of old-growth trees since August 2020, resulting in more than 180 arrests after police enforced an injunction in May. Chiefs of the impacted First Nations asked activists to leave their territories and allow indigenous peoples to make decisions on how to use the land.

The law recognizes individuals registered under the Indian Act based on indigenous lineage and members of a recognized First Nation as Status Indians and 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.

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 indigenous land claims. 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, and indigenous title.

Supreme Court decisions 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.

On April 23, the Supreme Court affirmed the country’s constitutional obligations towards indigenous peoples extended to noncitizen indigenous persons with historical territory in Canada. The court determined indigenous rights stemmed from precolonial territorial control, even if that area was now outside the country’s borders.

Indigenous minors were overrepresented in foster care and in the custody of provincial child welfare systems. In 2020 the law changed to affirm and recognize First Nations, Inuit, and Metis jurisdiction over child and family services with the goal of keeping indigenous children and youth connected to their families, communities, and culture. On July 7, the government signed an agreement with the Cowessess First Nation, the first indigenous group under the law to take control of child welfare in its community. Indigenous groups must sign these agreements with the federal government on a case-by-case basis. They may develop their own child welfare laws or use traditional practices, either of which take precedence over federal or provincial law.

In September the Federal Court upheld two 2019 rulings by the federal Human

Rights Tribunal that awarded financial compensation to indigenous children in the child welfare system after 2006. The tribunal had concluded the government discriminated against indigenous children by willfully underfunding child welfare services on reserves that resulted in their removal from their families, and by failing to provide services as the result of a jurisdictional dispute between federal and provincial governments over which government should pay for care off reserves. The federal government acknowledged the discrimination but claimed the tribunal lacked jurisdiction and asserted the government wanted to resolve the issue as part of separate but related class-action lawsuits with a more generous financial settlement. On October 29, it announced that it would appeal the part of the tribunal's ruling that related to financial compensation, but not the section that mandated the government provide public services to First Nations children on the same basis as nonindigenous children. The government stated the parties had agreed to pause litigation until December to allow time to negotiate financial compensation as part of a comprehensive settlement package.

On September 24, the Federal Court approved a financial settlement reached in June by the federal government with indigenous former students who attended indigenous residential schools on a day basis but did not reside at the schools. Court approval was required to verify the agreement was "fair and reasonable." The agreement was the third relating to compensation for abuse experienced by students compelled to attend the schools. In 2019 the Federal Court approved a financial settlement between the government and indigenous former students to compensate students who suffered physical, sexual, and psychological abuse and loss of culture and language while attending federal and provincial government-funded day schools. The claims period was scheduled to remain open until July 2022. The government and churches that operated indigenous residential schools on the former's behalf reached a settlement with indigenous former students in 2006, the largest class action settlement in the country's history. As of March when the claims period closed, the government had disbursed more than C\$ three billion (\$2.3 billion) to claimants.

In May the Tk'emlups te Secwepemc First Nation in British Columbia announced the discovery of 251 unmarked graves on the site of the former Kamloops Indian Residential School that they believed included the remains of indigenous children

who attended the school. The prime minister said the discovery served as a “painful reminder of that dark and shameful chapter of our country’s history.” Indigenous communities in British Columbia and other provinces subsequently identified undocumented grave sites on or near the locations of former residential schools totaling more than 1,200 graves. More than 130 indigenous residential schools operated across the country between the 1870s and 1996. As of August the federal government had received more than 100 applications from indigenous nations or groups for funding to locate, identify, and commemorate the remains and had committed C\$27 million (\$21.4 million). Provincial governments in Alberta, British Columbia, Saskatchewan, Manitoba, and Ontario also pledged funding for a combined federal and provincial total of approximately C\$62 million (\$50 million) as of October.

Contaminated drinking water was a problem in many indigenous communities. On July 30, the government announced an out-of-court settlement of C\$ eight billion (\$6.3 billion) to compensate 258 First Nations and to fix water quality systems on reserves. The settlement was subject to approval by the Federal Court to determine whether it was fair. The government had committed to end all drinking water advisories on indigenous lands by March 2021 but missed the deadline. In March it recommitted to end the advisories but did not provide a timeline. As of September the government stated 117 long-term water advisories had been lifted since November 2015 and 45 long-term water advisories remained in effect in 32 indigenous communities.

On October 1, a Quebec coroner concluded that racism contributed to the death of Joyce Echaquan, an indigenous woman who died in a Quebec hospital in 2020 and recorded racist abuse on her cell phone directed toward her by nursing staff. The coroner found Echaquan did not receive the medical care to which she was entitled and that the care provided by the hospital was “imprinted with prejudice and biases” that prompted staff to neglect, minimize or misdiagnose her symptoms because she was indigenous. The coroner issued several recommendations, including that the provincial government recognize the existence of systemic racism within its institutions. The premier of Quebec stated Echaquan experienced discrimination and Quebec would continue to combat racism, but he denied the existence of systemic racism in the province. The prime minister recognized

Echaquan's death as an example of systemic racism. In October Echaquan family members said they would file suit against the hospital where she died.

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 neither denied nor provided on a discriminatory basis.

Child, Early, and Forced Marriage: The law establishes 16 years as the legal minimum age of marriage with parental consent. Early marriages were not known to be a major problem.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, sale, grooming, offering, or procuring children for commercial sex, 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 child sex trafficking face between two and 14 years' imprisonment. Persons who aid, counsel, compel, use, or threaten to use violence, intimidation, or coercion in relation to child sex trafficking face between five and 14 years' imprisonment. Persons who solicit or obtain the sexual services of a child younger than age 18 face between six months' and 10 years' imprisonment. Children, principally teenage girls, were exploited in sex trafficking. The country was a destination for child sex tourism, and Canadian tourists committed child sex tourism crimes abroad. Children from indigenous communities; at-risk youth; runaway youth; lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) children; and youth in the child welfare system were at high risk for 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.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

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 government enforced laws against discrimination effectively.

The B'nai Brith Canada League for Human Rights received 2,610 reports of anti-Semitic incidents in 2020, the latest available data, representing an 18 percent increase from 2019. Of this total, there were 2,483 incidents of anti-Semitic harassment in 2020, up 23 percent from 2019. B'nai Brith also reported there were nine cases of anti-Semitic violence, of which approximately 44 percent were related to the COVID-19 pandemic, and 118 reports of anti-Semitic vandalism in 2020.

In May the Friends of Simon Wiesenthal Center for Holocaust Studies filed a complaint with the Royal Canadian Mounted Police regarding the flying of a Hitler Youth flag on private property in Breton, Alberta. Police officers spoke to the property owner, who refused to take down the flag. The center also filed a separate police complaint the same month regarding the flying of a Hitler Youth flag at a property in Boyle, Alberta. The property owner removed the flag after police spoke to him.

In July Toronto police charged a man with assault and municipal by-law infractions for antisocial behavior in two separate anti-Semitic incidents. On July 6, a man with a swastika drawn on his bare chest yelled anti-Semitic slurs and threw an object at a Jewish person in a public park, and on July 10, the same man, again with the swastika drawn on his chest, yelled anti-Semitic slurs at three Jewish women walking in a public park with a baby. When a Jewish man intervened, the assailant punched the man several times. Police investigated whether to file hate-crime charges in both incidents. In September the same assailant was arrested and charged with one count of assault and one count of failure to comply with a release order in a third anti-Semitic incident in Toronto.

The man approached a woman at a subway station, asked her multiple times whether she was Jewish, performed a Nazi salute, and attacked her when she ignored his questions. The woman was not Jewish.

In August unknown vandals defaced election signs of two Jewish candidates in Montreal, Quebec, with swastikas. On August 17, the prime minister tweeted the graffiti was “completely unacceptable” and that he stood “in solidarity” with the two candidates and with “the entire Jewish community against this type of hatred.”

On July 21, the government hosted an emergency national summit on anti-Semitism and announced C\$ six million (\$4.7 million) in funding for 150 projects to support communities at risk of hate crime. On July 5, the Ontario government gave C\$327,000 (\$258,500) to the Friends of Simon Wiesenthal Center to develop anti-Semitism courses for teachers and students in the province’s schools.

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 law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, and persons with disabilities could access education, employment, health services, transportation, the judicial system, and other state services on an equal basis with others. Children with disabilities attended school with peers without disabilities. Federal and provincial governments effectively implemented laws and programs mandating access to public buildings, information, and communications in accessible formats for persons with disabilities, but regulation varies by jurisdiction. The government enforced these provisions effectively. The law requires employers and service providers to “identify, remove, and prevent” accessibility barriers in areas that fall under federal jurisdiction.

Disability rights 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 others. Persons with

disabilities were at increased risk of human trafficking. 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.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits discrimination by state and nonstate actors against LGBTQI+ persons in housing, employment, nationality laws, and access to government services, including health care, and the government enforced the law. Conversion therapy designed to change a person's sexual orientation is lawful. A 2020 study by the British Columbia-based nonprofit Community-Based Research Centre that promotes the health of individuals of diverse sexualities and genders found 20 percent of sexual-minority men surveyed reported experiencing sexual orientation, gender identity, or gender expression change efforts, and, of them, almost 40 percent (or 47,000 men) reported having experienced conversion therapy. LGBTQI+ individuals were at increased risk of human trafficking.

In January the Quebec Superior Court invalidated provisions in the province's civil legal code that prevented individuals from changing their birth gender designation to reflect their gender identity, required parents to identify as a mother or father rather than parent on a declaration of birth, and required individuals ages 14 to 17 years to obtain approval from a physician or health professional to change their gender designation on official documents. The court ruled the code deprived transgender and nonbinary persons of dignity and equality and gave the province until December 31 to amend it. In April the Quebec government appealed the decision that struck down the requirement for minors to obtain permission from a physician or health professional to change their gender designation; the case remained in progress as of November.

On June 15, Egale Canada, a LGBTQI+ NGO, filed an application at the Ontario Superior Court to challenge the constitutionality of exemptions in the law that permit nonconsensual aesthetic surgeries on the genitalia of intersex infants and children. The application remained pending as of November.

On March 21, unknown vandals painted a homophobic slur on the road outside the home of Ottawa's mayor, an openly gay man. In a tweet the prime minister condemned "ignorance and inexcusable hate" and expressed his support for the mayor. The city removed the graffiti.

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.

On June 6, a man struck and killed four members of a family with his vehicle and injured a fifth member as they waited on a sidewalk in London, Ontario, to cross the street. The family wore traditional Pakistani clothing. Police arrested the assailant, charged him with four counts of first-degree murder and one count of attempted murder, and added terrorism charges on June 14 in what they said appeared to be a "planned and premeditated attack" motivated by race and religion. The prime minister, premier of Ontario, and community and cultural leaders condemned the attack and publicly attributed it to Islamophobia, intolerance, and hate. The assailant's trial remained pending as of November.

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

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. Bargaining units had access to mediation at any time and the choice of binding arbitration or conciliation to resolve disputes with employers. 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 mediation and binding arbitration if labor negotiations fail. 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 in a federal or federally regulated industry 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 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 Labor Relations and Employment Board for a resolution.

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 organize. 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 remedies and penalties such as corrective workplace practices and criminal prosecution for noncompliance and willful violations. Penalties were generally sufficient to deter violations and were commensurate with

those for other laws involving denials of civil rights. 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 enforced the law, although NGOs said enforcement lacked resources. The law prescribes penalties that are sufficiently stringent to deter violations. The government investigated and prosecuted cases of forced labor, including domestic servitude, and penalties were commensurate with penalties for other analogous serious crimes. The government's efforts to identify victims and address forced labor, through both law enforcement and victim identification and protection measures, remained inadequate.

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. Forced labor, fraud, coercion, and the withholding of identity and travel documents from workers was a criminal offense with penalties that include imprisonment. The government's national strategy to combat human trafficking committed to prevent human trafficking in federal procurement supply chains. In August the government's procurement agency, Public Services and Procurement Canada, updated its code of conduct for procurement for vendors supplying products and services to the government that included new provisions relating to human and labor rights, and to mitigate risks in supply chains. The government amended its Customs Tariff Act in 2020 to prohibit the importation of all goods produced, in whole or in part, by forced or compulsory labor, irrespective of their country of origin. 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. During the pandemic there were also reports that some employers barred migrant workers from leaving the work location, hired private security to prevent workers from leaving, and deducted inflated food and supply costs from their wages. NGOs reported bonded labor, particularly in the construction industry, and domestic servitude constituted the majority of identified cases of forced labor and that some victims had participated in the Temporary Foreign Worker Program.

In July the government announced amended regulations to improve protections for migrant workers, including mandating that employers inform workers of their rights, prohibiting reprisals for workers who file complaints, requiring employers to provide access to health care and health insurance, strengthening employment assessments of applications from employers, and increasing the frequency and scope of enforcement inspections. NGOs cited lack of oversight and enforcement of quarantine and isolation for outbreaks of the virus among migrant agricultural workers.

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 all of the worst forms of child labor. 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 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, were subjected to sex trafficking – including child sex tourism – and other forms of commercial sexual exploitation (see section 6, Children).

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

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 (including pregnancy), religion, national origin or citizenship, ethnicity, disability, sexual orientation or gender identity, age, language, HIV-positive status or other communicable diseases, and refugee status. Refugees and statelessness NGOs reported stateless persons may have difficulty in obtaining legal employment. The law does not include restrictions on women’s employment concerning working hour limits, occupations, or tasks. In 2019 Quebec used a legal exemption to override 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, kippahs, turbans, and crosses – by certain public-sector employees in the province 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 or “social condition.” Some provinces list political opinion as a prohibited ground of discrimination, but the federal Human Rights Act does not extend this protection to federally regulated workers. The government enforced the law effectively, and penalties were sufficient to deter violations. Penalties were generally commensurate with laws related to civil rights.

Federal law requires 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 generally have the same labor rights as citizens and permanent residents, although workers in specific sectors such as agriculture or caregiving were exempt from minimum wage, overtime, and other labor standards protections in specific provinces. 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

Wage and Hour Laws: There is no national minimum wage. Employees are subject to the minimum wage of the province or territory in which they are employed. In June the government amended the law to apply a federal minimum wage of C\$15 (\$11.87) per hour, effective December 29, for workers across the country in federally regulated sectors. If the minimum wage of a province or territory is higher than the federal minimum wage, the law requires employers to pay federally regulated workers the higher minimum wage in that jurisdiction. In 2018 the government adopted the Market Basket Measure (MBM) as its first official poverty line. The income level varies based on family size and province; for example, the threshold for a family of four in the national capital, Ottawa, was C\$48,391 (\$38,300) in 2019, the most recent date for which data was available. The minimum wage was less than the MBM for a family of four, notably in urban centers. The government effectively enforced wage rates, and penalties were generally 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. Employment and Social Development Canada is responsible for regulation and enforcement of wage and hour standards in federally regulated sectors across the country, and departments of labor, training, and employment in each province and territory regulate labor standards in all other employment sectors in their respective jurisdictions. Some trade unions claimed that limited resources and number of inspectors hampered the government's enforcement efforts, including delays in addressing complaints.

Occupational Safety and Health: 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. Inspectors conducted proactive workplace visits to raise awareness of hazards, advise parties of their rights, duties, and obligations, and to promote and assist with compliance, and reactively in response to fatalities, injuries, and complaints. 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 enforced by the same authorities. Standards were effectively enforced, and penalties were commensurate with those for similar crimes. 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. Inspectors had authority to require remedies and initiate sanctions, including fines, suspensions, or closures. Penalties were sufficient to deter violations.

NGOs reported migrants, especially agricultural migrant workers, 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. Federal and federally regulated workers could file complaints related to unpaid wages and health and safety, and grievances for unjust dismissal and genetic testing. Restrictions varied between provinces in provincially regulated industries, and time limits existed to file complaints.

According to the Association of Workers Compensation Boards of Canada, during 2019, the most recent year for which data were available, there were 925 fatalities related to the workplace, including from traumatic injuries and work-related exposure to chemicals or disease-causing substances.

Informal Sector: In 2020 the government's national statistical agency estimated GDP at market prices for activity in the informal sector in the country in 2018 at C\$61.2 billion (\$49.2 billion), or 2.7 percent of total GDP. Residential construction, retail trade, finance, insurance, real estate, rental services, and accommodation and food services were the largest sectors of informal activity, and wages and tips accounted for the largest share of unreported income. The federal government has authority to enforce standards over federal workers and in federally regulated industries and provincial governments in all other sectors, but standards were not enforced in practice because work in the informal economy was not reported. Similarly, workers in the informal economy were not subject to federal or provincial wage, hour, and occupational health and safety laws and inspection in practice because the work was not reported. Employers or businesses often classified workers in the gig economy as self-employed independent contractors and not employees, which left them without protections afforded under labor statutes, including the right to unionize or bargain collectively; to occupational health and safety protections, minimum wage, and sick leave

provisions; and access to employment insurance.