

CANADIAN HUMAN RIGHTS COMMISSION

2009-2010

Report on Plans and Priorities

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The Chief Commissioner's Message

The repeal of Section 67 of the *Canadian Human Rights Act* (CHRA) in June 2008 marked a significant milestone in Canadian human rights history. The repeal extends human rights protection to more than 700,000 First Nations peoples living under the *Indian Act*.

With this victory comes responsibility. We must first increase awareness of the CHRA among First Nations and other Aboriginal people and, in so doing, take the time to listen and learn, and to adapt the human rights system so that it is effective and responsive to the needs of Aboriginal peoples in Canada. Recognizing the importance of this first step, we will integrate measures to meet this priority into all aspects of our work well before the repeal is fully implemented in June 2011.

A greater focus on outreach and a modern approach to raising awareness, preventing discrimination and resolving disputes has positioned us well to provide an active and influential role in this transition.

We will raise awareness through ongoing outreach efforts that focus on building relationships and promoting understanding of human rights, thereby reinforcing the Commission's standing as an authoritative and credible thought leader on issues of the day. Accordingly, it is our intention to further the debate on Section 13 of the CHRA regarding the regulation of hate on the Internet, by presenting a Special Report to Parliament during 2009–2010.

With stakeholder engagement, we will continue to develop modern and effective tools for discrimination prevention, employment equity and dispute resolution to work toward our long-term goal of influencing and encouraging positive and sustainable shifts in the culture of human rights in Canadian society.

Disputes will continue to be resolved in a non-adversarial manner at the earliest stage possible through our fair and transparent alternative dispute resolution process—implemented to protect the public interest through savings in time and money, reduced emotional distress and increased productivity.

Our dedicated and responsive workforce, supported by effective and sensitive leadership, will continue to be the foundation of the Commission's success.

The Speech from the Throne on November 19, 2008, reminded all Canadians that "Canada is built on a promise of opportunity, the chance to work hard, raise a family and make a better life. Today, it is more important than ever to deliver on this promise and ensure that all Canadians share in the promise of this land, regardless of cultural background, gender, age, disability or official language."

It is a privilege to lead and represent a team of public servants who demonstrate on a daily basis their professionalism, expertise and unwavering conviction for the work they perform.

Jennifer Lynch, Q.C. Chief Commissioner

COMMISSION OVERVIEW

1.1 Summary Information

Raison d'être

The Canadian Human Rights Commission's founding legislation inspires a vision for Canada in which "all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have," free from discrimination.

The Commission leads the administration of the *Canadian Human Rights Act* (CHRA) and ensures compliance with the *Employment Equity Act* (EEA). The CHRA prohibits discrimination on the grounds of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted. The EEA promotes equality in the workplace of four designated groups: women, Aboriginal people, persons with disabilities, and members of visible minorities.

Both laws apply the principles of equal opportunity and non-discrimination to federal government departments and agencies, Crown corporations and federally regulated private sector organizations. The provinces and territories have laws similar to the CHRA that address discrimination.

Following many years of debate, the section of the CHRA that denied Aboriginal peoples full access to human rights law was repealed in June 2008. The repeal is a milestone in the development of human rights law in Canada.

Responsibilities

The Commission has a mandate under the CHRA to promote equality of opportunity and to protect individuals from discrimination in employment and in the provision of services. The Commission's mandate includes receiving and processing complaints, investigating those that are determined to be within the Commission's jurisdiction, and making a determination as to the outcome: dismissal, conciliation, or a hearing by the Canadian Human Rights Tribunal. Throughout this process, the Commission encourages settlements by providing opportunities for dialogue and mediation.

Under the EEA, the Commission audits federally regulated employers to ensure that they are providing equal opportunities for employment.

A key part of the Commission's mandate is to engage in promotion and prevention activities that will foster public understanding of the role and activities of the Commission and of its core principle: equality of opportunity.

Strategic Outcome and Program Activity Architecture



1.2 Planning Summary

Financial Resources

The financial resources table below provides a summary of the total planned spending for the Canadian Human Rights Commission for the next three fiscal years.

Financial Resources (\$ thousands)

2009–10	2010–11	2011–12
20,651	20,649	20,649

Human Resources

The human resources table below provides a summary of the total planned human resources expected to be available to the Canadian Human Rights Commission for the next three fiscal years.

Human Resources (Full-Time Equivalents—FTEs)

2009–10	2010–11	2011–12
190	190	190

Strategic Outcome: Equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the *Canadian Human Rights Act* and the *Employment Equity Act* by federally regulated employers and service providers, as well as the public whom they serve.

Performance Indicator

By 2011, the percentage of public service employees who indicated they were not a victim of discrimination on the job.

Target

84% (1% higher than in 2002 and 2005 Public Service Employee surveys).

Program Activity	Expected Results	Forecast Spending (\$ thousands)		Planned Spending (\$ thousands)		Alignment to Government of Canada
		2008-09	2009–10	2010-11	2011–12	Outcomes
Human Rights Knowledge Development and Dissemination Program	Awareness and understanding of the Acts are increased among federally regulated employers and service providers, as well as the public whom they serve.	3,412	2,725	2,725	2,725	A diverse society that promotes linguistic duality and social inclusion.
Discrimination Prevention Program	(1) Federally regulated employers and service providers are committed to preventing discrimination and to resolving disputes internally.	4,138	4,721	4,721	4,721	A diverse society that promotes linguistic duality and social inclusion.
	(2) The employment equity audit model is contributing to audited organizations meeting their employment equity plan goals.					
Human Rights Dispute Resolution Program	(1) Commission involvement in human rights disputes facilitates the resolution of disputes in a non-adversarial manner at the earliest stage possible, ensures that the public interest is addressed and increases understanding of the CHRA.	8,078	8,126	8,126	8,126	A diverse society that promotes linguistic duality and social inclusion.
	(2) Parties to disputes are satisfied with the dispute resolution process.					
Internal Services	Programs receive timely support from internal services, namely: communications; executive secretariat services; finance; human resources; information management & information technology; legal; and planning, audit and evaluation.	5,683	5,080	5,078	5,078	A diverse society that promotes linguistic duality and social inclusion.
Total Planned Spending*		21,311	20,651	20,649	20,649	

^{*} Details may not add to totals due to rounding.

Contribution of Priorities to Strategic Outcomes

Operational Priority	Туре	Links to Strategic Outcome	Description	
Increased awareness of the Canadian Human Rights Act (CHRA) and the Employment Equity Act (EEA) among Aboriginal peoples	New	Equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the CHRA and the EEA by federally regulated employers and service providers, as well as the public whom they serve.	 Since 1977, when the CHRA was passed, First Nations and their members had been prohibited from filing complaints on matters covered by the <i>Indian Act</i>. This barrier was removed with the repeal of Section 67 of the CHRA in 2008. As a result, the Commission has already begun to accept complaints against the federal government on matters related to the <i>Indian Act</i>. The repeal established a three-year transition period before complaints can be received against First Nations governing authorities on matters related to the <i>Indian Act</i>. The Commission has entered into discussions with key national Aboriginal organizations to plan for the full implementation of the repeal. For example, the Commission will need to work closely with Aboriginal organizations to ensure that its dispute resolution system is culturally appropriate. One of the first steps toward building capacity and readiness for the full implementation of the repeal is to raise awareness about the CHRA and the EEA among Aboriginal people. The Commission plans to increase awareness by working toward three outcomes: (1) Increased use of Commission materials developed for First Nations and other Aboriginal audiences. (2) Increased First Nations investment in learning to prevent discrimination. (3) Increased understanding of, and ability to explain, the Commission's complaint process by staff and leaders of national and regional Aboriginal organizations. 	
Management Priority	Туре	Links to Strategic Outcome	Description	
A strengthened management framework	Ongoing	Equality, respect for human rights and protection from discrimination.	 Following the 2006 assessment of the Commission against MAF (Management Accountability Framework) criteria, a multi-year action plan was developed. All managers of internal services are involved in this continuing improvement plan in preparation for the next MAF assessment in the fall of 2009. The Commission plans to maintain its value-based leadership, enviable workplace and model workforce, as evidenced by the ratings it achieved in the 2006 MAF assessment. 	

Risk Analysis

1. Risk that the Commission will be unable to fulfill its mandate with current resources. This is a high risk.

Several new, unrelated, demands on the Commission's resources have emerged concurrently. The Commission is at risk of not being able to fulfill its mandate due to the subsequent strain on its existing resources. The most pertinent factors influencing this change are:

- Evolving society—A progressively more diverse Canadian society (e.g., growing racial and religious diversity, an aging population, changing family structures) contributes to increasingly complex human rights issues.
- **Expanded responsibilities**—Legislative changes to the CHRA have broadened the Commission's mandate to include hate on the Internet and to allow First Nations and their members to file complaints on matters covered by the *Indian Act*. The Commission is also required to monitor a larger client base as the number of federally regulated organizations continues to grow.
- Emerging lines of business—Canada's acceptance of an expanded leadership role in international human rights arenas has placed additional demands on the Commission's resources.

The Commission met its obligations for many years by responding to caseloads and reacting to events. The Commission's capacity to be effective is linked to its capacity to support a human rights culture in Canada. Amongst activities to effect human rights culture shifts, the Commission will process systemic discrimination complaints. While more time consuming at the front end than waiting for individuals in different organizations to come forward with the same kind of complaint, it is more effective in the long term by obtaining far-reaching impacts for a larger group of people.

Likewise, increasing understanding of the Acts, developing or identifying tools and best practices for promoting equal opportunity, and sharing these systematically with federally regulated organizations is more costly in the short term, but will be more efficient in the long term since organizations will be better equipped to prevent discrimination. The Commission is not sufficiently funded for these activities.

To mitigate this risk, the Commission will:

- continue to clearly define its core business;
- build on synergies with government departments and with provincial and territorial human rights agencies and commissions; and
- work to develop a business case to support a request for additional resources.



2. Risk that the demand and heightened expectations associated with the repeal of Section 67 of the CHRA will be greater than the Commission's mandate and/or access to resources. This is a high risk.

The repeal was truly a milestone in human rights law in Canada. Expectations are high regarding what the Commission can do to improve human rights for First Nations and other Aboriginal people. Even if some of the demands are simply not in the Commission's mandate to deal with insofar as they deal with matters not linked to a ground of discrimination in the Act (e.g., water quality), there is a risk that a misunderstanding of the Commission's role and mandate will lead to a loss of confidence.

As the Commission has been restricted in its ability to accept complaints against the federal government and band councils for matters dealing with the application of the *Indian Act* prior to the repeal, it is difficult to estimate how many new complaints of this nature might be brought forward in the coming years. Likewise, since relatively few complaints have been brought forward by or against Aboriginal people in recent years, the Commission will need to ensure that its dispute resolution model is culturally sensitive. Expectations are high and meeting them will be challenging.

To mitigate this risk, the Commission will:

- work to raise awareness of the CHRA among Aboriginal people so that expectations are better aligned with our ability to act; and
- monitor the effectiveness of these efforts.

3. Risk that the mandate of the Commission is not well understood. This is a medium risk.

If Canadians do not understand what the Commission can—and cannot—do, there is a risk that they will either not seek our services when needed (e.g., when they have been discriminated against) or that they will come to us with unrealistic expectations about our ability to assist them. During the last year the Commission was the subject of high-profile criticism, which may have increased confusion about its role because the commentary was not always accurate in its portrayal of the Commission's mandate and processes.

There is a growing need to enhance public awareness and understanding about human rights. The quality of the Commission's reputation is central to its ability to engage Canadians in these debates. At the same time, being a catalyst for discussion opens the Commission to heated criticism, as illustrated by the discussion on Section 13 of the CHRA regarding hate on the Internet.

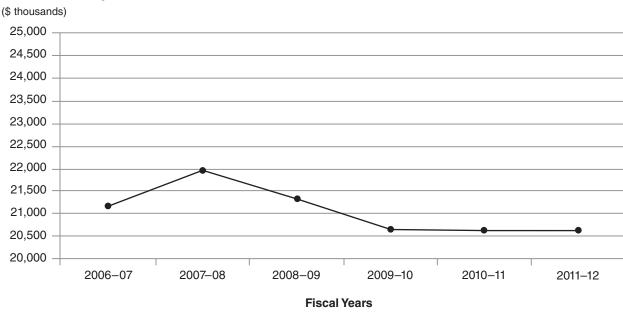
To mitigate this risk, the Commission will:

- continue to use communication and outreach to raise awareness of its mandate; and
- openly embrace its role as a catalyst and thought leader for discussion on human rights issues. For example, the Commission has initiated a process to better reconcile divergent views surrounding Section 13 of the CHRA, including the commissioning of a comprehensive and thought-provoking expert report to better inform the debate. This expert report will inform the development of a Special Report to Parliament, which the Commission will deliver in the next year under the provision of Section 61(2) of the CHRA.

Expenditure Profile

The figure below illustrates the Canadian Human Rights Commission's spending trend from 2006–07 to 2011–12.

Commission Spending Trend



For the 2006–07 and 2008–09 periods, the total spending includes all Parliamentary appropriations: Main Estimates, Supplementary Estimates, and Treasury Board Vote 15 and 30. It also includes carry forward adjustments. For the 2009–10 to 2011–12 periods, the total spending corresponds to the planned spending. Supplementary funding and carry forward adjustments are unknown at this time and are therefore not reflected.

In 2007–08, the total spending is higher due to the funding received for the development of a new Complaints Management System and Employment Equity Audit Tracking System (this funding sunsetted in March 2008).

Voted and Statutory Items

This table illustrates the way in which Parliament approved CHRC resources, and shows the changes in resources derived from supplementary estimates and other authorities, as well as how funds were spent.

Voted and Statutory Items

(\$ thousands)

Vote # or Statutory Item (S)	Truncated Vote or Statutory Wording	Main Estimates 2008–09	Main Estimates 2009–10
10	Program expenditures	18,387	18,478
(S)	Contributions to employee benefit plans	2,221	2,173
	Total Commission	20,608	20,651

ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

2.1 Strategic Outcome

The Commission works toward equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the CHRA and the EEA by federally regulated employers and service providers, as well as the public whom they serve. All Canadians benefit when organizations are sensitive to human rights, consider differing needs, and respond to misunderstandings before they develop into discrimination complaints.

In its early decades, the Commission's approach to dealing with human rights complaints sometimes led to lengthy investigations and recurring backlogs. To deal with a backlog of complaints, many of the Commission's discretionary activities, which were meant to fulfill its broader public awareness responsibilities under the Acts, were diminished or cancelled.

The Commission subsequently adopted modern conflict management theory and research to identify and address the multi-faceted human rights issues facing Canadian society today. Since 2002, the Commission has broadened its approach toward fulfilling its mandate by shifting the focus to "front-end" discrimination prevention. In addition to streamlining operations, the Commission promotes and creates alternative ways of dealing with complaints in such areas as research, policy development and stakeholder awareness (e.g., organizational approaches that integrate human rights and employment equity into daily practice).

This section outlines the expected results of the three programs that contribute to the realization of the strategic outcome.

2.1.1 Program Activity: Human Rights Knowledge Development and Dissemination Program

	Human Resources (FTEs) and Planned Spending (\$ thousands)						
2009–10 2010–11				2011–12			
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending		
21	2,725	21	2,725	21	2,725		

Program Activity Expected Results	Performance Indicators	Targets
Awareness and understanding of the Acts are increased among	Number of new knowledge products and activities.	Eight (8) per year.
federally regulated employers and service providers, as well as the public whom they serve.	Number of visits to the website and subscribers for information updates.	• 525,000 visits to website and 1,470 subscribers.
	The percentage of human resource managers in federal government departments who are aware of the employer requirements under the Acts.	To be determined following first survey.

http://www.chrc-ccdp.ca/knowledge_connaissances/default-en.asp

Program Summary

The CHRA provides the Commission with the authority to influence societal understanding and behaviours by conducting information programs and research; fostering common policies and practices across Canada's human rights system; and using persuasion, publicity or any other means that it considers appropriate to discourage and to reduce discriminatory practices. The Commission conducts research studies, develops policy and engages key stakeholders in order to leverage scarce resources and to enhance public awareness and understanding of the CHRA and the EEA.

By ensuring stakeholder engagement in these activities, the Commission is able to build a strong base upon which federally regulated organizations may formulate their own policies, guidelines, prevention tools and practices. The knowledge base is strengthened by the Commission's international experience as Chair of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, and through its participation in multilateral and bilateral activities.

Planning Highlights

The Knowledge Centre will contribute to the 2009–10 priority of increased awareness of the CHRA and the EEA among Aboriginal people by supporting an increased use of Commission materials developed for First Nations and other Aboriginal audiences. The Commission will have met its goal if, by the end of 2009–10, it receives 500 requests for, or downloads of, new and existing publications aimed at First Nations and other Aboriginal audiences.

Benefits for Canadians

The Commission creates knowledge and undertakes activities or initiatives with the intention of raising awareness of the Acts and of the principles of human rights. Insofar as key stakeholders are involved in developing these products, and so long as there is easy access to them online, Canadians will benefit from the sharing of high-quality and easily accessible knowledge.

Once Commission products or activities have been shared, the expectation is that the recipients will understand the main messages and will be motivated to apply the knowledge. As a result, federally regulated organizations and the public they serve will have a better understanding of the rights and responsibilities outlined in the CHRA and the EEA. A shared understanding of the Acts is a strong basis for building equality and respect for human rights.

2.1.2 Program Activity: Discrimination Prevention Program

	Human Resources (FTEs) and Planned Spending (\$ thousands)						
	2009–10 2010–11 2011–12						
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending		
52	4,721	52	4,721	52	4,721		

Program Activity Expected Results	Performance Indicators	Targets
Federally regulated employers and service providers are committed to preventing discrimination and to resolving disputes internally.	Number of prevention initiatives completed. Percentage of MOU signatories surveyed bi-annually who demonstrate commitment.	• 50 a year. • 60%.
The employment equity audit model is contributing to audited organizations' meeting their employment equity plan goals.	Number of audits completed. Percentage of audited organizations that will have met their employment equity plan goals within six (6) years of the first employment equity audit.	40 a year.50%, by March 2011.

http://www.chrc-ccdp.ca/preventing_discrimination/default-en.asp

Program Summary

The Commission is mandated by the EEA to ensure, through audits, that federally regulated employers comply with the Act. To date, the Commission has initiated audits for 41% of federally regulated employers, representing 75% of the workforce under its mandate. Beginning in 2003, the Commission also undertook follow-up audits, which formally assess the achievement of goals set by employers during the initial employment equity (EE) audit. Monitoring progress is a key component of the Commission compliance audit activities to ensure sustainable actions by employers.

The Commission supports employers who are proactive in complying with the CHRA and the EEA. It provides targeted services, such as training, to employers with whom a Memorandum of Understanding (MOU) has been signed. MOUs are in place with 14 employers, representing almost 25% of employees under the Commission's mandate, but only 1% of federally regulated employers. However, an expansion of these highly regarded services would require additional resources.

To partially address the resource shortfall, and to complement its important legislated compliance role, the Commission is developing a Maturity Model for human rights and employment equity. This additional tool/approach will assist employers and service providers under federal jurisdiction to develop and carry out self-assessments of an integrated human rights and employment equity system. Testing and eventual implementation of the Maturity Model will require significant strategic changes, which are currently under development, in how the Commission engages stakeholder relations and undertakes its operations.

Planning Highlights

The Discrimination Prevention Program will contribute to the priority of increased awareness of the CHRA and the EEA among Aboriginal people by supporting First Nations communities who decide to invest in learning how to prevent discrimination. The Commission will have met its goal if 10 major First Nations and other Aboriginal stakeholders participate in learning activities sponsored by the Commission.

Benefits for Canadians

By completing employment equity audits, the Commission ensures that the audited organization has developed a plan for meeting its EE goals. Implementing the plan (e.g., hiring members of the four designated groups in accordance with their availability in the Canadian workforce) should move the audited organization closer to reaching its EE goals, which the Commission assesses during a follow-up audit. Benefits to Canadians are achieved as the audits lead to both increased compliance with the "letter" of the EEA and to increased understanding of what is required to give expression to the "spirit" of equality of opportunity.

MOU organizations are actively involved in defining what support they need to better integrate respect for human rights in their workplaces and in their relations with clients. The immediate outcome of this stakeholder engagement is a joint appreciation of responsibilities to prevent discrimination and/or to resolve disputes internally. This is followed by an enhanced application of human rights practices in workplaces and in service delivery areas. The ultimate benefit for Canadians is a decrease in discriminatory behaviours, a decrease in complaints related to human rights, and the encouragement of self-sustaining human rights cultures in federally regulated organizations.

2.1.3 Program Activity: Human Rights Dispute Resolution Program

Human Resources (FTEs) and Planned Spending (\$ thousands)						
2009–10		2010–11		2011–12		
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending	
64	8,126	64	8,126	64	8,126	

Program Activity Expected Results	Performance Indicators	Targets	
Commission involvement in human rights disputes facilitates the resolution of disputes in a non-adversarial manner at the earliest stage possible, ensures that the public interest is addressed and increases understanding of the CHRA.	The ratio between the number of new disputes opened and the number of disputes dealt with along the full dispute resolution continuum. By 2011, the percentage of disputes settled at the Commission out of the total of those dealt with.	 A 1:1 balance. 40% by 2011, or a benchmark established after one year of collecting data. 	
Parties to disputes are satisfied with the dispute resolution process.	When surveyed, parties to disputes report they are satisfied that the dispute resolution process was fair, user-friendly and/or flexible.	To be determined.	

http://www.chrc-ccdp.ca/disputeresolution_reglementdifferends/default-en.asp

Program Summary

The Commission provides dispute resolution services in cases of alleged discrimination by federally regulated employers, unions and service providers. The Commission screens allegations of discrimination to ensure they fall within its jurisdiction and if so, the parties are offered services to assist them in resolving the matter before filing a complaint. Once a complaint is formally filed, the case is further screened to determine whether it should be referred to another redress mechanism or dealt with through the Commission dispute resolution process, which may involve mediation or investigation. Complaints that are not settled are sent to the Commission for review; the Commission may dismiss the complaint, send it to conciliation, or send it to the Canadian Human Rights Tribunal for a hearing. Ultimately, if the case is referred to the Canadian Human Rights Tribunal for inquiry, one of the Commission's litigators may participate in the proceeding to make submissions in the public interest.

Planning Highlights

The Dispute Resolution Program will contribute to the priority of increased awareness of the CHRA and the EEA among Aboriginal peoples by ensuring that relevant staff and leaders of national and regional Aboriginal organizations understand the Commission's complaint process. The Commission will take into account the unique circumstances present in First Nations communities, and will need resources to ensure that its complaint process is culturally appropriate. Success will be reached if 50% of relevant staff (e.g., the front-line staff of 10 regional and/or national First Nation or other Aboriginal organizations) report that they are confident in their ability to respond to questions from their members about the Commission's dispute resolution process.

Benefits for Canadians

For dispute resolution services to be meaningful, the parties to disputes need to understand the Commission's processes and service standards. Their satisfaction with services received is an important indicator of the Commission's success. The Commission emphasizes the importance of dealing with complaints and finding solutions through dialogue by encouraging non-adversarial methods of dispute resolution. The parties to all cases—resolved or unresolved—benefit from a fair, expeditious and accessible human rights process, and gain an increased understanding of the CHRA.

Through accessing information and tools via Commission staff, employers should increase their understanding of how to prevent complaints and ensure that their workplace is free from discrimination; and complainants should have a better understanding of their rights and responsibilities under the CHRA. The ultimate benefit to Canadians is protection from discrimination and increased compliance with the CHRA.

By participating in precedent-setting human rights cases, the Commission contributes to the clarification and development of human rights law, which increases protection for all Canadians and affirms the fundamental value of supporting diversity.

2.1.4 Program Activity: Internal Services

Human Resources (FTEs) and Planned Spending (\$ thousands)						
2009–10		2010–11		2011–12		
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending	
53	5,080	53	5,078	53	5,078	

Program Summary and Planning Highlights

Programs receive timely support from internal services, namely: communications; executive secretariat services; finance; human resources; information management and information technology; legal; and planning, audit and evaluation.

Internal Services, in conjunction with internal clients, are committed to developing key service standards during 2009–10. Performance to the key standards will be monitored and reported.

The Commission will continue to implement its MAF Action Plan.

SUPPLEMENTARY INFORMATION

3.1 Green Procurement

The reader may obtain information on the Commission's green procurement by accessing the following website: http://www.tbs-sct.gc.ca/rpp/2009-2010/index-eng.asp.