

**2018/19 – 2020/21  
Agency & Tribunal  
Business Plan  
Human Rights Legal Support Centre**

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# Section 1: Executive Summary

## Key Achievements for the Previous Year

### Targets and Achievements

2016/17 Targets		2016/17 Achievements
25,000 inquiries answered 82% of calls are answered	➔	25,389 inquiries answered 80% of calls answered
67% settlement rate at mediation	➔	65% settlement rate at mediation
100 cases are settled between mediation and before/at hearing	➔	115 cases were settled between mediation and before/at hearing
85% of hearing-stage cases are settled at the hearing	➔	80% of hearing stage cases were settled at the hearing
90% of clients report being very satisfied or satisfied with HRLSC's services	➔	100% clients surveyed reported they were satisfied or very satisfied with HRLSC services
5 positive human rights stories in the media that featured the HRLSC's services	➔	6 positive human rights stories featuring the HLRSC's services, with over 100 print or broadcast items on our clients and services

# STRATEGIES FOR THE PLANNING PERIOD

## Mediation Project

Now in its fifth year, the Mediation Project expands HRLSC service delivery in areas identified for improvement by the 2012 Ontario Human Rights Review Report (the “Pinto Report”). The project has resulted in more applications being settled earlier in the process, reducing the number of human rights applications that require full adjudication at the Human Rights Tribunal. Investing in the Mediation Project increases capacity and creates significant efficiency by allowing the HRLSC to provide additional resources earlier in the human rights process, reducing the resources needed at the later stages. From 2013/14 to 2016/17 an average of 74% of mediation and hearing stage cases were settled before a full hearing was held.

Continuing this project and keeping it as fully operational (as funding permits) during the planning period will result in more timely access to justice for parties before the Tribunal, thus directly contributing to a more timely, efficient and effective human rights system.

A comparison of the base year (2012/13) with the average for the past four years of operation demonstrates the following results:

The overall number of individuals receiving in-depth legal assistance before mediation	➡	increased by 137%
The number of individuals represented at HRTTO mediations	➡	increased by 86%
The number of settlements achieved at HRTTO mediations	➡	increased by 77%
The number of settlements achieved before HRTTO hearings	➡	increased by 52%
The number of settlements achieved at HRTTO hearings	➡	increased by 26%

The Project is supported by financial assistance from the Agency and Tribunal Relations Division.

The HRLSC reaffirms our commitment to provide advice, assistance and legal services to individuals whose rights, under the *Human Rights Code*, have been violated.

In a climate of increasing hostility against racialized groups, we have noted, from the inquiries we receive, a disturbing rise in racial discrimination, particularly anti-black racism, Islamophobia and discrimination against Indigenous people. Additionally, in the past year there has also been several instances of anti-Semitic discrimination.

The HRLSC will respond to anti-black racism by working with Legal Aid Ontario to assist African Canadians who require legal assistance with matters that fall under the purview of the *Human Rights Code*. We will begin to track, more deliberately, the prevalence of inquiries from the African Canadian communities.

The HRLSC will respond to Islamophobia by continuing to liaise with agencies that provide services to Muslim communities. We will respond to discrimination against Indigenous people by maintaining our Indigenous Services Program which ensures that every person who identifies as Indigenous is offered the opportunity to receive legal assistance from one of our Indigenous staff members. And we will continue to monitor the instances of anti-Semitic discrimination.

More recently, media outlets have reported, almost daily, on the prevalence of sexual violence and harassment against women. These reports have spawned several movements that highlight the experience of women. Most notably is the #MeToo movement. The HRLSC reaffirms our commitment to meeting the challenge of addressing these emerging issues. The HRLSC will maintain our partnerships with agencies that support women who are victims of this form of discrimination and we reaffirm our commitment to take cases of sexual harassment to the Human Rights Tribunal in an effort to obtain appropriate redress for our clients.

Moreover, in the upcoming planning period, the HRLSC will begin an outreach campaign to ensure that the communities mentioned above (and other equity seeking communities) are aware of their rights under the *Code* generally and more specifically, HRLSC's services. Additionally, the HRLSC is committed to exploring other means of reaching Ontarians who may benefit from our programs. We will explore the development of digital media initiatives – including video, web tools, and apps - aimed at educating the public about their rights under the *Code* and the services of the HRLSC.

Finally, the HRLSC will provide high quality legal and support services (up to an including representation before the Human Rights Tribunal and appellate Courts where appropriate) in our continued effort to advance equality and promote human rights in the province of Ontario.

### **Diversity and Inclusion**

The HRLSC has built and maintains a workforce in which equity groups are represented at rates above the rates in the overall Ontario labour force, including in professional

positions where diversity is often lower. Employment equity is monitored regularly and incorporated in human capital planning.

The 2016 survey of the lawyer group found that:

88.9% self-identified as female

47.1% self-identified as racialized

11.8% self-identified as Aboriginal

44.4 % self-identified as having a disability

5.6% self-identified as having a sexual orientation other than heterosexual

The HRLSC has adopted a number of equity-related initiatives to support a diverse workplace, including a comprehensive ongoing program of staff training on issues of equality and inclusion. Over the planning period, the HRLSC will continue to:

- provide training on equity and inclusion to all staff;
- meet or exceed employment equity goals;
- include equity/cultural competency in the regular performance appraisal process for all staff; and
- incorporate diversity values and equity/cultural competence in all job competitions.

## **Section 2: Mandate**

### **LEGISLATIVE MANDATE**

Under the *Human Rights Code*, the HRLSC provides advice, assistance and legal services to individuals whose *Code* rights have been infringed, including legal representation in applications before the Human Rights Tribunal of Ontario (HRTO). The HRLSC is required to “establish and administer a cost effective and efficient system” for providing services throughout the province “using such methods of delivering the services as the Centre believes are appropriate”. (*Code*, s. 45.12 and 45.13)

### **VISION AND MANDATE STATEMENTS**

#### *Vision Statement*

The Human Rights Legal Support Centre strives to be a leader in advancing equality, in protecting human rights and in supporting every person's right to live and work with dignity and respect.

#### *Mandate Statement*

The Human Rights Legal Support Centre advances equality and protects human rights by providing a range of accessible and high quality legal and support services to those who have faced discrimination contrary to Ontario's human rights laws.

## **LINKING TO AGENCY AND TRIBUNALS RELATIONS DIVISION STRATEGIC MAP & THE HRLSC'S MANDATE LETTER**

The HRLSC is committed to supporting the Government and Ministry mandate. This commitment is reflected in the services we provide to the public, delivering access to justice for Ontarians who have experienced discrimination contrary to the *Human Rights Code*. It is also demonstrated in the initiatives we pursue, such as our Indigenous Services Program, aligning with the Ministry objective of fostering a fair and accessible justice system. The Centre's Mediation Program, which has resulted in:

- a four-year average increase of 137% in the number of clients receiving legal services before their human rights mediation;
- a four-year average increase of 77% in the number of cases settled before or at mediation; and
- a four-year average increase of 52% in cases settled before a hearing,

### **Support, Protect and Advocate for Vulnerable Ontarians**

The HRLSC vision and mandate statements illustrate our commitment to the support, protection and advocacy of vulnerable Ontarians. The HRLSC's philosophy and values underpin all our initiatives, ensuring that they are undertaken in a manner that promotes the dignity and respect of the clients we serve. In addition, our ongoing collaboration with the other pillars of the human rights system, the Ontario Human Rights Commission and the Human Rights Tribunal of Ontario, ensures that we are providing complementary services in meeting the needs of Ontarians who have been discriminated against (or in responding to discrimination or in enforcing their human rights) and contributing to making Ontario's human rights system one of the strongest in the world.

### **Access to Justice**

The Centre's commitment to access to Justice is demonstrated through our programs, which provide accessible legal services to Ontarians at all stages of the human rights enforcement process. Accessibility for all clients, from the first point of contact onward will continue to be a priority. We are committed to providing service in a language and format that is appropriate for each person who contacts us. We will continue to explore various tools to ensure, to the extent possible, that services are provided to service users in a language they are most comfortable with.

Additionally, The HRLSC will endeavor, over the next few years, to participate in targeted outreach to vulnerable communities. This will include communities who experience Anti-Black racism, Islamophobia and those who experience sexual violence. Over the upcoming reporting period, the HRLSC will continue to assist Legal Aid

Ontario in providing human rights services to Ontario's Afro-Canadian communities, an initiative that began in 2017.

Finally, the HRLSC will begin to explore the potential of increasing its use of digital platforms to enhance access to justice online.

## **Reconciliation**

We are committed to accessible, culturally appropriate service to the Indigenous communities. In the past reporting period, we reached our goal of providing Indigenous callers with direct access to Indigenous staff members at every level of service. We strongly believe that our service, in conjunction with our partnership with the Ontario Federation of Indigenous Friendship Centres (OFIFC), will continue to result in an increasing number of Indigenous people accessing the HRLSC's services when they face discrimination.

The HRLSC's ongoing partnership with the OFIFC provides train-the-trainer workshops at regional Friendship Centres around the province. This initiative promotes access to justice for Indigenous peoples and provides services in a manner that is culturally relevant. Tools, such as videos, will continue to be developed in partnership with the OFIFC to promote understanding of rights under the *Human Rights Code* and the HRLSC's services to Indigenous communities.

## **High Quality Legal Service**

The HRLSC will continue to strive to continually provide high quality legal services. We will continue to measure client satisfaction using a variety of methods and utilize feedback to improve client experiences. Typically over 90% of clients' surveyed rate the HRLSC's direct services as good or very good and generally over 80% are satisfied with our most commonly used self-help tools. Maintaining or building on these satisfaction rates is an ongoing priority for the HRLSC.

The HRLSC's detailed service and outcome data is used to inform planning and decision-making to ensure resources are used effectively and support flexibility and innovation in our service delivery. Enhancing digital service and online tools and resources will further support service innovation.

Specialized legal training and broader training on topics such as anti-oppression and vicarious trauma will continue to be provided to staff to maintain and enhance quality of service.

## **Section 3: Overview of Programs and Activities**

The HRLSC provides legal and support services to people who have experienced discrimination. Aligned with the MAG and the Ministry's Agency and Tribunal Relations Division vision of access to justice, innovation and client-centred and responsive services, the HRLSC service delivery model is efficient and flexible, providing vulnerable Ontarians with a range of accessible, relevant and effective legal services at all stages of the human rights process. With this service model and structure the HRLSC fully expects to continue to be effective, efficient and successful in fulfilling its mandate. However, as outlined in this plan, financial pressures resulting from lack of funding to maintain its Mediation Project and achieve reasonably competitive salaries may affect the HRLSC's ability to sustain this effective structure. Maintaining services will continue to be a high priority in financial, human resources and organizational planning.

### **Legal Information and Summary Legal Advice – Telephone Helpline and Website**

The HRLSC offers legal information in a myriad of platforms. Service users may access our website to use plain language tools and guidelines that provide direction on whether certain conduct might fall within the purview of the *Human Rights Code* all the way through to how to present one's matter before the Human Rights Tribunal of Ontario. Use of our website has increased by more than 25% each year for the past three years with over 150,000 users currently annually accessing the site. Additionally, the HRLSC maintains several social media platforms – including Twitter and Facebook –to promote accessibility and increase awareness of our services and the human system generally. We will continue to explore other digital initiatives to reach Ontarians who have faced discrimination.

We provide legal assistance to callers on our inquiry/intake line. The HRLSC staff responds to approximately 25,000 telephone, in-person and electronic inquiries annually, providing information that addresses how individuals can enforce rights under the *Human Rights Code*.

### **Legal Services and Representation**

The HRLSC employs an unbundled service model. This allows the Centre to offer legal services, including representation before the Tribunal, on a stage by stage basis. Unbundled service maximizes the number of applicants and potential applicants who receive HRLSC assistance for settlement negotiations, for filing applications, for representation at mediations and hearing and for enforcement of mediated settlements and Tribunal orders.

## **Assistance in Resolving Applications without a Hearing**

The HRLSC actively attempts to resolve human rights disputes at every stage of the process as well as prior to the commencement of an application. Early resolution of matters via settlement – including public interest remedies or remedies aimed at the prevention of future discrimination – reduces the personal cost to the claimant or applicant and the public costs associated with a full hearing. This service will continue to be an important cornerstone of our service delivery.

## **Province-Wide Service Delivery**

The HRLSC is mandated to provide service across Ontario; over two-thirds of callers to HRLSC advice lines are from outside the GTA.

The HRLSC has employed a multi-pronged approach to meet the challenge of providing province-wide service including:

- Placement of HRLSC staff in regional community legal clinics;
- Electronic access (telephone inquiries line, website resources, review of applications by email);
- Staff travel to regional mediations and hearings;
- Law Foundation Articling Fellowship partnership with legal clinics in Northern Ontario; and
- Human rights training for regional community-based agencies, including Indigenous Friendship Centres.

The HRLSC has regionally-based legal staff in Windsor, Thunder Bay, Ottawa, Guelph, Hamilton and London.

## **Indigenous Services Program**

The HRLSC Indigenous Services Program provides individuals who identify as Indigenous the opportunity to receive service from one of our Indigenous staff members. The HRLSC is committed to maintaining Indigenous staff at all service levels – intake, legal interviews and representation before the Tribunal. In addition to our Toronto office, Indigenous staff are located regionally in Thunder Bay and London. Training for all HRLSC staff on the delivery of culturally-appropriate legal services to members of Indigenous communities will be continued.

## **Assistance to Survivors of Sexual Harassment**

The HRLSC continues to support Ontario's Action Plan to Stop Sexual Violence and Harassment. Over the upcoming planning period we will continue to monitor the developments of this important provincial initiative. The HRLSC has partnered with the

Barbara Schlifer Commemorative Clinic to offer women who have experienced violence greater access to justice by highlighting the option of the Human Right Tribunal of Ontario as a means to enforce their rights where sexual harassment occurs in one of the social areas outlined in the *Code*.

## **Section 4: Environmental Scan and Risks**

### **Business Environment: Risks**

The HRLSC's core budget remains unchanged since 2008, creating risk in the areas of service capacity and staffing. Regarding the first issue of service capacity, without full funding the successful Mediation Project creates potential shortfalls in other service areas as core budget funds are used to supplement the Mediation Project's partial funding. The risks if the Project is not funded include reduced services to applicants facing human rights mediations, fewer settlements, a slower and more costly human rights process as cases would take longer to settle or resolve. Cases taking longer to settle results in higher public costs to the system and to the Applicants and Respondents involved in the cases. Full funding of the Mediation Project will ensure that the higher number of settlements at mediations and before hearings will continue, while ensuring that the HRLSC's other core services, including providing legal information and support in response to initial inquiries, are maintained.

Looking secondly at staffing issues, the HRLSC's inability to provide adequate compensation increases has led to lawyer salaries that are significantly below compensation levels for lawyers within government, at the other provincial human rights agencies and at other Ontario operational service agencies, including Legal Aid Ontario. This has resulted in a 50% turnover in counsel and the loss of senior counsel.

### **External Factors:**

The demand for early stage legal services, such as advice and information about filing a human rights application or assistance with settling a discrimination claim may be influenced by larger societal contexts or specific events. The demand for the HRLSC's legal support and representation services at mediations and hearings is impacted by the Human Rights Tribunal's service levels and case processing times.

#### **Legislative framework**

The Centre is encouraged by the Government of Ontario's activities to promote inclusion as well as listen and respond to community concerns, including the introduction of the *Safer Ontario Act*, the establishment of the Anti-Racism Directorate and the implementation of the Action Plan to Stop Sexual Violence and Harassment. Systemic change achieved through these activities may, over a longer period, reduce discrimination in these areas. Realistically, these initiatives will likely result in an

increase in demand for the HRSLC's services as more Ontarians are encouraged to protect their rights and to seek legal redress for discrimination through the human rights system.

## **Economic and Societal Factors**

Increases in hate crimes may result in an increase in the number of individuals contacting our inquiry line for assistance with filing a human rights application. The Centre recorded a 39% increase in inquiries about discrimination from Muslim-identified people living in Ontario in 2016/2017 compared to the previous year.

<http://www.statcan.gc.ca/daily-quotidien/170613/dq170613b-eng.htm>

The HRLSC expects:

- An increase in reported discrimination, particularly against Muslim and racialized people and newcomers living in Ontario;
- An increase in confusing the enforcement of human rights with stifling freedom of expression; and
- Potential backlash against human rights agencies and advocates when inequality and racism are challenged.

## **Internal Factors:**

The HRLSC has a generally young or mid-career level workforce. Diversity and inclusion will continue to be workforce priorities for the Centre through the planning period. Progressive policies, team structures and practical problem-solving approaches aim to maintain positive labour relations for both unionized and non-unionized staff groups.

The current structure continues to meet the HRLSC's needs and no significant structural changes are planned. However, it is important for the HRLSC to maintain structural flexibility to respond to changes in the broader human rights environment or specific service needs. Salaries and benefits are the key program delivery drivers and therefore are the most significant factors affecting the HRSLC's ability to conduct its operations optimally and meet the expected challenges through this planning period. Turnover in the staff lawyer complement and the inability to retain senior legal counsel because of low compensation will continue to be significant internal factors that will affect the HRLSC. Retirements that occurred in senior positions, including at the executive, manager levels and in the Communications and External Relations position in 2016/17 are expected to postpone some of that impact until 2019/20.

A mandate review is expected to be undertaken by the Ministry in 2019/20. The HRLSC will participate in the review, providing data and information to support a thorough analysis.

The HRLSC's successful outreach to Indigenous communities to encourage the use of the human rights process to combat discrimination has increased demand for services, which is expected to continue through the planning period. While the number of inquiries by Indigenous people increased by over 100% since 2014/15, the actual numbers remain modest; further growth is anticipated as outreach and the training partnership with the OFIFC continues.

## **Section 5: Strategic Directions and Implementation Plan**

### **Environmental Impacts/Risks: Planning Assumptions**

The HRLSC continues to experience a high level of public demand for its legal and support services. During the planning period, it is expected that service pressure will increase as a result of the external environmental factors identified above. Data regarding service usage and the social areas and grounds of discrimination in our cases is used to identify and monitor trends and inform our short and long term service planning.

The HRLSC has noted a gradual overall increase at the intake level over the past four years and it is anticipated that this trend will continue in the coming years.

In 2016/17, the HRLSC noted a decrease in the number of mediations and hearings being scheduled by the Human Rights Tribunal. At the same time, the Tribunal's statistics began to reflect an increase in the number of applications filed. 2017/18 is reflecting a modest increase in mediations and hearings scheduled, a trend which potentially will continue in future years. However, the HRLSC is still concerned with the rate at which matters are getting to hearing and mediations. We note from the Tribunal's quarterly statistics that the number of new human rights applications, and matters pending, continues to increase. As the volume of our work – at mediation and hearing stage – is directly linked to matters scheduled at the Tribunal, we are anticipating an increase in the demand for HRLSC services as the Tribunal works to resolve these outstanding matters.

### **Overall Performance Measures**

High-level performance goals during the planning period will focus on the strategic and effective use of litigation resources in order to:

- Settle applications at the earliest stage possible;
- Provide legal advice and information to all requesting applicants who are capable of self-representation to succeed at the Human Rights Tribunal;

- Represent all applicants who would be disadvantaged if required to self-represent;
- Target resources when possible and streamline processes to anticipate and respond to specific human rights issues that gain public awareness;
- Take forward test cases that will clarify the law, have a broad positive impact on equality rights for historically disadvantaged communities and potentially reduce the need to litigate similar cases in the future; and
- Maintain access to information and advice through our inquiry service.

## **Strategies to Increase Operational Effectiveness and Efficiencies and to Enhance Service Delivery while Controlling Costs**

### **A. Enhanced Legal Services To Settle Human Rights Applications**

The HRLSC continues to demonstrate significant benefit from the Mediation Project, which commenced in 2013. The Project created a small group of legal workers who assist callers at the application stage of the process. This enables HRLSC lawyers to focus their efforts on settling matters before they reach the hearing stage of the process. Greater access to legal assistance and representation at the mediation stage results in increased and faster client service, increased number of settlements (including public interest remedies) and operational efficiencies that benefit the HRLSC and the human rights system as a whole.

Since its inception, the Project has received partial year-to-year project funding from the Ministry which must also be supplemented by in year savings from the HRLSC budget. However without full permanent funding from the Ministry, the sustainability of the program and the current level of client service, including the higher numbers of settlements, becomes increasingly unsustainable.

### **B. Increased Regional Presence**

The HRLSC has established an innovative program that places legal staff in community legal clinics in regional centers around the province (Ottawa, Hamilton and Windsor). Additionally, we have relationships with non-governmental agencies in London and Thunder Bay that allow us to embed our staff in these service agencies. This has given the human rights system a regional presence, without the cost of establishing independent infrastructure and has reduced travel costs for representation at mediations/hearings in those regional centers. The HRLSC is committed to maintaining our regional service during the planning period.

### **C. Provincial Indigenous Human Rights Training Initiative**

Two years ago, the HRLSC and the Ontario Federation of Indigenous Friendship Centres (OFIFC) partnered on a joint program to develop and deliver human rights training to front-line staff of five Friendship Centres across the province. This project was funded by the Law Foundation of Ontario (LFO) and was a resounding success; creating greater access points to the human rights system that did not exist previously. The OFIFC has received additional funding to deliver the project to additional Friendship Centres. The HRLSC continues to support this project through our active partnership with the OFIFC by contributing the resources of one of our Indigenous lawyers.

#### **D. Indigenous Service Program**

The HRLSC continues to experience a significant increase in the usage of our service to Indigenous service users. Since May 2016, the HRLSC has maintained staff at every stage of service; this service commitment, as well as the ongoing training initiative with the OFIFC, has contributed to the increase of Indigenous service users who engage the HRLSC. There has been significant increases in the number of inquiries from Indigenous people over the past two years; current projections indicate there is likely to be increased representation for Indigenous clients at mediations and hearings as well.

#### **E. Ontario Human Rights Commission and the Human Rights Tribunal of Ontario**

The HRLSC will continue to develop its collaboration with the Ontario Human Rights Commission (OHRC) and the Human Rights Tribunal of Ontario (HRTO) to further enhance Ontario's human rights system. During the past year, the term of the HRLSC Board Member who is cross appointed to the OHRC, was renewed and a new OHRC Commissioner was cross appointed to the HRLSC. The role of the cross appointees is to promote better communication and collaboration between the two agencies.

The HRLSC and the OHRC have developed a Memorandum of Understanding, which will be signed and implemented once a permanent Chairperson of the HRLSC Board of Directors is appointed. The document, which was initiated by the HRLSC/OHRC cross-appointees, solidifies the organizations' intention to share information and is an expression of our commitment to work together for the advancement of human rights in Ontario.

Additionally, the HRLSC will continue to consult with and provide feedback directly to the Tribunal, through the Practice Advisory Committee, to improve processes in the human rights enforcement system. We will continue to seek the Tribunal's statistical data and share our data to inform our service planning.

## **F. Provincial Government Human Rights Initiatives**

In 2016, the Provincial Government established the Anti-Racism Directorate to address systemic racism in government policy, legislation, programs and services. In 2017 the Province passed the *Anti-Racism Act, 2017* and the Directorate has drafted a comprehensive 3 year anti-racism strategic plan. Among other things, the Directorate's goals include: public education and awareness, community collaboration and population-specific anti-racism initiatives. The HRLSC considers these to be important goals and will seek opportunities to work with the Directorate, where possible, to ensure that the message regarding the HRLSC's mandate to assist Ontarians with the enforcement of their human rights is appropriately disseminated.

## **G. Strategic Planning**

As a result of unexpected departures of key members of our Board of Directors, the HRLSC was not able to undertake the planned strategic planning process during the past year. Strategic Planning has been deferred to the upcoming planning period, pending the appointment of a full Board of Directors. The HRLSC will embark on a process to review and update its strategic plan. This will be an opportunity to perform a high-level review of the Centre's performance since the current plan was implemented in 2011. The process will also define the future direction of the HRLSC - determine priorities and strategies to guide the organization's activities for the next three to five years, within the context of promoting service innovation, flexibility and responsiveness to client needs.

## **H. Training**

The HRLSC will continue to provide specialized training about the human rights system and our services to community partners, such as community legal clinics, as is feasible within the Centre's resources. These training initiatives support enhanced capacity in our services and efficiency in the human rights system by increasing community knowledge and understanding of the human rights system and the process and options for resolving claims of discrimination.

## **I. Diversity and Inclusion Strategies**

In addition to the Provincial Indigenous Human Rights Training Initiative discussed above, the HRLSC has committed to a number of ongoing internal initiatives to promote inclusion and diversity in the workplace including:

- Ongoing employment equity planning, monitoring and reporting
- Supporting the initiatives of the Equity and Diversity Committee, comprised of both management and non-management staff

- Training on a range of diversity topics, such as ally-building, anti-oppression training and anti-black racism
- Identification of diversity goals in job description and performance requirements of Executive Director
- Development of diversity and cultural competence as required components of all job descriptions
- Including questions related to diversity and equity in all job competitions
- In accordance with the Law Society of Ontario requirements, development of a Human Rights and Diversity Policy.

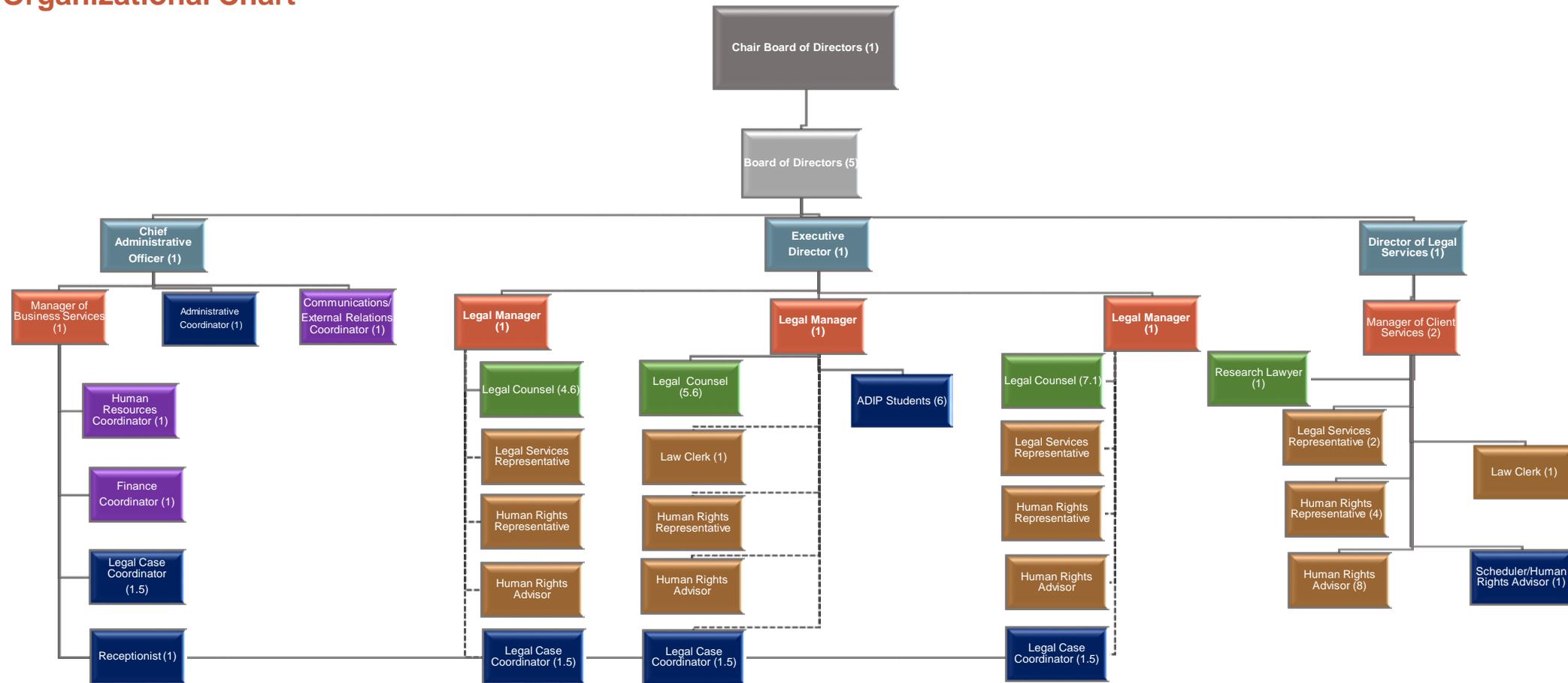
## **Section 6: Human Capital Plan**

### **Strategic Context**

The HRLSC's human capital planning is integrated with its operational and service planning and strives to reflect the core organizational values of substantive equality, accessibility, excellent quality of service and transparent processes. This integration and these priorities are incorporated throughout human resources decision-making, from executive compensation to salary structure decisions. Planning and decision-making in the organization is managed within the context of the commitment to access to justice, service excellence, innovation and effectiveness.

Assumptions for planning are based on past and current staffing trends. At the Board level, the HRLSC will be experiencing change through 2018 to 2019, as new Board members are appointed and long term members finish their service.

# Human Rights Legal Support Centre Organizational Chart



## Staff Numbers

Type	2017/2018	2018/2019	2019/2020
Permanent	51	51	51
Part-Time	3	3	3
Temporary	5	4	3
<b>Total</b>	<b>59</b>	<b>58</b>	<b>57</b>

## Management, union and non-union staff

Type	2017/2018	2018/2019	2019/2020
Management	9	9	9
Lawyer Group	19	18	18
Union - OPSEU	28	27	27
Non-Union	3	4	3
<b>Total</b>	<b>59</b>	<b>58</b>	<b>57</b>

## Management and Accountability Framework

The management group, led by the Executive Director and the administrative team, develops and manages human capital planning through the service and operational planning processes. Strategies are developed, implemented, analyzed and modified when circumstances change or when evidence indicates that different approaches are needed.

Senior management oversees the linkage of human capital planning to the strategic direction set by the Board of Directors through collaborative processes involving staff and stakeholders.

## **Workplace Demographics**

### Age Demographics

- 26% of the HRLSC staff is between 25 and 34 years old.
- 39% of the HRLSC staff is between 35 and 44 years old.
- 28% of the HRLSC staff is between 45 and 54 years old.
- 7% of the HRLSC staff is between 55 and 64 years old.

## **Human Resource Strategies**

Service delivery needs and goals are the most significant factors impacting human capital planning and management, with the overarching goal of maintaining a diverse, inclusive and healthy workplace.

Human capital planning continues to reflect flexibility and innovation, aligning with the plans and priorities outlined in the operational and strategic plans. The overarching priorities for the planning period include:

- maintain a diverse, inclusive and healthy workplace, including meeting or exceeding employment equity goals;
- retain legal staff;
- achieve competitive and sustainable salary structure for unionized and non-unionized staff
- develop and enhance staff structures to promote service flexibility, digital service delivery and staff development;
- finalize executive compensation plan;
- achieve effective Board succession;
- implement an employment engagement plan; and
- maintain or enhance training opportunities.

## Human Capital Planning Goals

**Goal:** Maintain and enhance a diverse, inclusive, healthy and flexible workplace and culture

### Initiatives & Strategies

- Meet or exceed employment equity targets through targeted recruitment processes and increasing diversity in management group;
- Offer development and mentoring opportunities;
- Maintain, review and adapt flexible workplace policies;
- Provide progressive training and resources that address issues related to inclusivity, mental health and other issues identified by staff or management;
- Participate in development of ATRD strategies, as viable; and
- Continue to utilize and develop employee/employer relations committee.

**Goal:** Achieve competitive and sustainable salary structure

### Initiatives & Strategies

- Continue to prioritize lawyer salaries in financial planning;
- Continue to pursue potential avenues for targeted funding for salaries;
- Revise salary structure for non-lawyer staff; and
- Implement executive compensation program, in accordance with Broader Public Sector Executive Compensation Framework.

**Goal:** Retain legal staff

### Initiatives & Strategies

- Continue to prioritize lawyer salaries in financial planning;
- Continue to offer training and development opportunities; and
- Continue to promote healthy workplace and work/life balance.

**Goal:** Develop and enhance structures to promote service and organizational flexibility and staff development

### Initiatives & Strategies

- Modify team structures if indicated; and
- Develop digital service committee with representation from various staff groups.

**Goal:** Promote smooth Board succession and transition

**Initiatives & Strategies**

- Utilize comprehensive governance and accountability materials developed by the Board to provide a foundation and structure for the new Board members;
- Provide orientation to new members; and
- Provide opportunities for skill sharing during overlap period between the expected appointment of new members and the departure of long term members.

**Goal:** Implement an employment engagement plan

**Initiatives & Strategies**

- Develop and deploy employment engagement survey independently or with partner agency; and
- Analyze survey results in conjunction with results from comparator organizations.

**Goal:** Maintain or enhance training opportunities

**Initiatives & Strategies**

- Continue to provide training, in accordance with current needs and the scope of the HRLSC's work.

**Section 7: Information Technology (IT) / Electronic Service Delivery (ESD) Plan**

The highest priorities for the short term include completing changes and upgrades to the IT infrastructure and client tracking tool (CTT) to better support and integrate electronic service delivery pilots.

Completing implementation of a client portal, piloting an associated online access system and increasing the capacity of the automated interview scheduling module to increase efficiency and ease of access for clients continue to be high priorities. These initiatives will also build in flexibility to implement service delivery changes and support the HRLSC's ability to manage a higher and changing caseload. A digital services planning group, comprised of staff from various service delivery areas, will support the development and implementation of electronic service delivery initiatives and pilots.

Analytics will continue to be utilized to understand web site usage and inform changes and additions. We will continue to explore the use of web-based tools, including videos, to support the delivery of clear and accessible legal information and the HRLSC's unbundled legal service delivery model.

Longer term, systems will also be updated to further improve the flexibility and potentially, the scope of statistical data. For example, the possibility of cross referencing statistical data on social areas and grounds of discrimination will be investigated, potentially, in collaboration with the Ontario Human Rights Commission.

Enhancements to reporting functionality will continue to be developed over the longer term, to increase efficiency and support service analysis and planning. Improved caseload and intake reporting contributes to the HRLSC's ability to:

- make evidence based decisions regarding services and needs;
- try new initiatives or approaches;
- measure and analyze results and determine whether further adjustments are necessary; and
- provide information and data to the public and respond to media inquiries.

All ongoing and longer term projects will be dependent on available funds. Enhancements to the HRLSC's IT disaster recovery plans would support the HRLSC's business continuity plans, but improvements in this area will be scaled to available funds.

To support cost management and reduction, the HRLSC will continue, where feasible, to explore joint IT projects with broader public sector legal organizations with similar needs.

## **Section 8: Initiatives Involving Third Parties**

### **Ontario Federation of Indigenous Friendship Centres (OFIFC)**

In September 2015 the HRLSC and the OFIFC partnered to launch an innovative new program to promote access to legal services for Indigenous people experiencing discrimination. The Program was funded by the Law Foundation of Ontario (LFO), the HRLSC continues to contribute time of one of our Indigenous lawyers.

Between January and June 2016, the OFIFC and the HRLSC held culture-based, interactive regional training sessions that included 10 Friendship Centres across the province. Training resource materials were distributed to all 28 Friendship Centres. Feedback from the training participants was consistently positive. As a result, the LFO has provided additional funding for the program to be delivered to 5 additional

Friendship Centres. The first one took place in October 2017 in Cochrane, Ontario. This round of sessions will be completed by the spring of 2018.

### **Legal Clinic Partners/Regional Service Delivery**

The HRLSC plans to maintain its current compliment of lawyers located in northern, eastern and southwestern Ontario, housed in Legal Aid Ontario community legal clinics. Additional lawyer positions will be relocated to high needs areas, when possible.

### **Community Legal Education Ontario (CLEO) - Evolving Legal Services Research**

The HRLSC is a research site for CLEO's innovative, three-year, multi-site project looking at access to legal services. CLEO is leading this research with funding from the Law Foundation of Ontario. The York Institute for Social Research is also a partner on the project. The data collection phase of the project was completed in 2017, the analysis is expected to take place in 2018.

### **Aboriginal Intensive Program**

In 2018, the HRLSC is planning to partner, once again, with the Aboriginal Intensive Program at Osgoode Hall Law School. This partnership will result in the full time placement (for approximately 8 weeks) of a law student. The student will assist the HRLSC in providing culturally-appropriate service to Indigenous clients and will work under the mentorship of one of our Indigenous lawyers.

### **Osgoode Hall Law School, York University Anti-Discrimination Intensive Program (ADIP)**

The HRLSC will maintain our partnership with Osgoode Hall Law School via participation in the Anti-Discrimination Intensive Program. The Anti-Discrimination Intensive Program continues to be popular with Osgoode students. Each year, 12 students are selected for a semester long placement at the HRLSC. The students are exposed to every aspect of the HRLSC service delivery model. Each student is assigned a lawyer as mentor; students obtain valuable and practical experience in human rights law. The Centre is able to augment our telephone intake capacity with the assistance of the students. In addition, the HRLSC employs two to four students from the program each summer. A portion of the funding for these positions is provided by Osgoode.

## **University of Ottawa, Faculty of Law – Human Rights Clinical Legal Education**

Launched in 2016, the HRLSC will, if selected, continue to participate in the intensive legal education program with the Faculty of Law at the University of Ottawa. The Program places one student with our Ottawa based lawyer. Throughout the approximately six week placement, the student assists our lawyer in preparing client files for appearances before the Tribunal.

## **University of Toronto Student Legal Aid Program**

The HRLSC has continues its partnership with the student legal aid program at the University of Toronto to accept referrals of applicants who financially qualify for legal services through the law school's clinical legal education program.

## **Faculty of Law, University of Windsor Social Justice Fellowship**

Over the past two years the HRLSC has hosted students from the University of Windsor, Faculty of Law as part of their Social Justice Fellowship. Over a 10 week period, the student is exposed to all aspects of the Centre's work. They are able to gain valuable and practical skill by either working with our Windsor based lawyer or by working at our office in Toronto.

## **Harvard Law School, Public Interest Law Fellowship**

The HRLSC will host a Harvard Law School graduate commencing in January 2018. Harvard funds a one year, post graduate fellowship for students interested in pursuing public interest legal careers. The fellowship will allow the graduate to complete her articles with the HRLSC, the student will participate in all aspect of the Centre's work.

## **IT Partnerships with Similar Agencies**

The HRLSC engages in discussions with other broader public sector agencies to develop partnership based on the HRLSC's case management/client tracking tool (CTT). The HRLSC will continue to explore opportunities for joint IT projects with other agencies with similar work.

## **Service Agreement with Legal Aid Ontario**

The HRLSC was approached and agreed to assist Legal Aid Ontario (LAO) in providing service to Ontario's African Canadian communities. The HRLSC will accept direct referrals from LAO and provide brief services, summary legal advice, referrals and

representation on human rights matters. LAO/HRLSC agreement will ensure there is no reduction in legal services, with respect to legal matters covered by Ontario's *Human Rights Code*, for members of the African Canadian as a result of the LAO Board's decision to suspend funding to the African Canadian Legal Clinic. This service agreement is expected to continue until fall of 2018.

### **Barbara Schlifer Commemorative Clinic**

The HRLSC has partnered with the Barbara Schlifer Commemorative Clinic to offer women who have experienced violence greater access to justice by highlighting the option of the Human Rights Tribunal of Ontario as a means to enforce their rights under the *Human Rights Code*.

## **Section 9: Communication Plan**

The HRLSC has a flexible communications strategy to provide the public with understandable human interest stories about discrimination, human rights and the Centre's services. We also target specialty publications such as the *Law Times*, the *Human Resources Reporter* and key audience publications to provide more technical stories about the law and human rights enforcement.

The Communications Coordinator's retirement in late 2017 created both a knowledge deficit and an opportunity for the incoming communications person to explore new communication and outreach methods over the planning period.

The HRLSC's ongoing communications strategy involves:

- Creating opportunities with mainstream and community media to bring the stories of our clients to the attention of the broader public across the province.
- Targeted communication and collaboration with community-based services and partner organizations.
- Distributing media releases on key cases that illustrate systemic discrimination and have a broad impact across Ontario.
- Responding in a timely manner to all media inquiries and providing every assistance to journalists who are looking to understand the issues and the process.

### **Target Audiences**

- Generally, people who live in Ontario;
- Communities that are designated status under the *Code* with emphasis on hard-to-reach, under-serviced economically disadvantaged communities and linguistic minority communities;
- Community agencies serving *Code*-designated constituencies – local, regional and province-wide;

- Point-of-access services (e.g. settlement agencies, 211, Service Centres, call centres such as the Ministry of Labour’s Employment Standards hotline, etc.);
- Community legal clinics; and
- Existing community and human rights organizations and networks.

### **Key Messages**

- Ontario’s human rights system is working. People living in Ontario are able to take effective action to defend and enforce their human rights.
- Human rights claims are being resolved, mediated, litigated and decided, efficiently and effectively.
- Discrimination continues to have a negative impact on the lives of Ontarians in their everyday lives including workplaces, access to services and searching for or maintaining housing.
- There is help for those who are being discriminated against.
- Employers, service providers and landlords need to abide by the law.
- The HRLSC can develop systemic solutions to protect people living in Ontario from future discrimination.
- The Centre weighs evidence, credibility and a host of factors, in determining whether to proceed with a human rights case and only takes on meritorious claims.

### **Media**

The HRLSC has an ongoing relationship with mainstream, specialty, ethno-specific, language-specific and community media. We tailor particular messages of relevance to specific communities and emerging issues. The HRLSC has established itself as a trusted resource for journalists on human rights and access to justice issues, as well as offering background statistics and information to provide context for related stories. Despite repeated messages from each human rights pillar, there continues to be confusion over the role of the three separate parts of Ontario’s human rights system.

### **Facebook account**

In the summer of 2017 the Centre hired a Communications Intern through Humber College to help with a backlog of communications work. One of the results was the creation of the Centre’s first Facebook pages in English and French.

### **Twitter**

The HRLSC’s Twitter account is active in English and French and @HRlegalhelp is developing more followers in the legal and social justice communities, and the public at large. HRLSC can respond on Twitter to “hot topics” by reminding people living in Ontario of their rights and posting a quick link to legal resources and information.

### **Public Legal Education Materials**

The HRLSC mandate does not include public education or community outreach – these fall within the mandate of the Ontario Human Rights Commission. As the HRLSC can respond quickly to emerging issues, we will continue to provide tailored materials for disadvantaged communities when those materials are not readily available from other organizations.

The HRLSC will continue to develop and update information sheets and procedural guides designed to assist self-represented applicants at the Tribunal. Our website allows users to provide feedback about individual information sheets. We vary content, format and placement based on the results.

### **Videos**

In efforts to promote the HRLSC's legal services to a wider audience, specifically focusing on a younger demographic of people in Ontario, creating videos in English and French with closed captions is an opportunity to explore new ways of engagement. The Centre will highlight examples of how a person living in Ontario can file a human rights claim, scenarios of what a case may look like, and provide an overview what happens at the HRLSC.

## **Section 10: Diversity and Inclusion Plan**

The HRLSC has adopted a number of equity-related initiatives to support a diverse workplace, including a comprehensive ongoing program of staff training on issues of equality and inclusion. Over the planning period, the HRLSC will continue to:

- provide training on equity and inclusion to all staff;
- include equity/cultural competency in the regular performance appraisal process for all staff; and
- incorporate diversity values and equity/cultural competence in all job competitions.

The HRLSC continues to work on ensuring that our staff and Board reflect the communities that we serve. As such, over the planning period, we continue to strive to meet the equity-related initiatives that have been set out in our diversity plan.

Specifically, we will:

- Provide training on equity and inclusion to all staff and students;
- Include equity/cultural competency in the regular performance appraisal process for all staff; and
- Incorporate diversity values and equity/cultural competence in all job competitions.

In addition, and in accordance with the new obligations set for all licensees by the Law Society of Ontario, each lawyer and paralegal will create and adopt an individual Statement of Principles that acknowledges each person's obligation to promote equality, diversity and inclusion. Additionally, the HRLSC will develop and implement a Human Rights and Diversity Policy that specifically addresses issues of diversity and inclusion.

## **Section 11: Multi-Year Accessibility Plan**

AODA Area	Action	Completion Date
Customer Service	<ul style="list-style-type: none"> <li>• Survey clients who requested accommodation in the delivery of service; follow-up with reviews if any client accommodation needs not met</li> <li>• Implement ASL Video Integration or Skype Integration to provide remote interpretation for hearing-impaired members of the public and clients who use ASL</li> <li>• Review accommodation practices; update as necessary</li> </ul>	<ul style="list-style-type: none"> <li>• January 2013 &amp; ongoing</li> <li>• March 2016 and ongoing</li> <li>• Ongoing</li> </ul>
Procurement	<ul style="list-style-type: none"> <li>• Monitor procurement policies to ensure consistency with best practices (policies and practices have been updated to include accessibility considerations)</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing</li> </ul>
Training	<ul style="list-style-type: none"> <li>• Train staff on equity and accommodation issues; consult with staff on training needs</li> <li>• Support disability-related initiatives of Diversity &amp; Inclusion Committee</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing</li> <li>• Ongoing</li> </ul>
Information and Communications	<ul style="list-style-type: none"> <li>• Maintain website with enhanced accessibility features</li> <li>• All public documents are available in WORD.</li> <li>• All correspondence includes notification that other accessible formats are available.</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing</li> <li>• Ongoing</li> <li>• Ongoing</li> </ul>
Employment	<ul style="list-style-type: none"> <li>• Employment equity survey of staff</li> <li>• Accommodation needs survey of staff</li> <li>• Monitor progress toward meeting/maintaining accessibility goals</li> <li>• Revise recruitment precedents to ensure that applicants are aware of commitment to accommodate in recruitment process and if offered the position</li> </ul>	<ul style="list-style-type: none"> <li>• 2019</li> <li>• September 2018</li> <li>• Ongoing</li> <li>• Ongoing</li> </ul>

**Section 12: Three-year Financial Plan**

The most significant financial challenges facing the HRLSC in meeting its objectives are outlined elsewhere in this document, namely, maintaining our current capacity to deliver enhanced legal services through the Mediation Project and, secondly, finding funds to achieve competitive salaries during the planning period. Additional challenges facing the HRLSC are funding the executive compensation program as current executive compensation is below the mid-level of the ranges in the draft program.

These significant risks and related pressures will be mitigated through planning, regular analysis and assessment of expenditures and forecasts to align with service delivery goals, with adjustments made as necessary. The HRLSC's ability, as a small agency, to be flexible and respond quickly to changing circumstances, supports this risk mitigation strategy. Additional strategies include seeking one-time funds to support IT efficiency initiatives and digital service delivery goals. Costs are shared with partners, such as Osgoode Hall, whenever feasible to support the maximization of the HRLSC's financial resources.

Funding of \$600,000 for the Mediation Project is included in the planning for upcoming years and will support the HRLSC's ability to meet its service goals and targets. Funding the Mediation Project results in proven efficiencies for the HRLSC and the human rights system by settling cases earlier, diverting them from the Tribunal's hearing process. Loss of funding for this project would result in the loss of these efficiency gains.

The risk related to achieving competitive salaries is managed through ongoing planning, monitoring and reviewing of human resource needs and costs, while ensuring alignment with service delivery goals and targets. Vacancy management is implemented when unavoidable. Human resource changes are planned and analyzed with the goal of achieving salaries that are competitive in the broader public sector.

If funds are not available to sustain the Mediation Project and make progress toward achieving competitive lawyer salaries, the HRLSC would be forced to eliminate positions, reduce services and not meet its performance targets and the goals of the Mediation Project.

Planning for the upcoming three year period includes preparing detailed analyses of previous years' expenditures and identifying efficiencies, mainly in corporate ODOE expenses. Examples of efficiencies include accessing consolidated services or service partnerships where possible and renegotiating or procuring new service contracts, both of which have resulted or will result in operating cost reductions.

Staffing projections, in conjunction with forecasted service demand and caseloads, have been incorporated into fiscal planning for 2018/19 and future years. These projections are analyzed and modified on an ongoing basis to ensure that funds are utilized most effectively and financial risks are identified early.

The HRLSC's most significant assets are its IT systems, which are managed over a three or five year amortization period. By staggering replacement and upgrade dates, the HRLSC ensures that the financial impact is spread over multiple years. Capital IT projects are implemented based on available funding. Ministry-funded minor capital improvements to office space are planned to ensure that physical space is allocated most efficiently, supports accessibility, staff safety and the maintenance of programs such as the Mediation Project and law student programs.

The variances outlined in the budget below are due to vacancies created by temporary medical or other leaves. Variances are monitored and managed throughout the year and resources are realigned to ensure the most effective use of funds, with a priority of utilizing funds to support direct services.

### Multi-Year Operating Budget

Expense Category	2017-18 Budget	2017-18 YE Forecast	Explanation of Variance	2018-19 Budget	2019-20 Budget	2020-21 Budget
<b>Operating</b>						
Salaries and Wages (S&W)	4,194,900	4,253,800		4,253,800	4,253,800	4,253,800
Benefits	814,600	807,300		807,300	807,300	807,300
ODOE	734,700	833,100		833,100	833,100	833,100
Board Expenses	42,000	42,000		42,000	42,000	42,000
<b>TOTAL Operating</b>	<b>5,786,200</b>	<b>5,936,200</b>		<b>5,936,200</b>	<b>5,936,200</b>	<b>5,936,200</b>
<b>Revenue</b>						
Core Funding	5,336,200	5,336,200		5,336,200	5,336,200	5,336,200
Mediation Funding	525,000	600,000	MAG will be fully funding the mediation project	600,000		
Carryover						
<b>TOTAL Revenue</b>	<b>5,861,200</b>	<b>5,936,200</b>		<b>5,936,200</b>	<b>5,336,200</b>	<b>5,336,200</b>

## Section 13: Performance Measures & Targets

### 1. Performance Measure: The number of inquiries and telephone calls answered

2016/17 Performance Target	2017/18 Performance Target	2018/19 Performance Target	2019/20 Performance Target
25,000 inquiries answered	25,200 inquiries answered	25,300 inquiries answered	25,500 inquiries answered
82% of calls answered	83% of calls answered	84% of calls answered	85% of calls answered

### 2. Performance Measure: The settlement rate of HRLSC cases at HRTO mediations

2016/17 Performance Target	2017/18 Performance Target	2018/19 Performance Target	2019/20 Performance Target
67% of cases that reach mediation are resolved at the mediation stage	69% of cases that reach mediation are resolved at the mediation stage	70% of cases that reach mediation are resolved at the mediation stage	70% of cases that reach mediation are resolved at the mediation stage

### 3. Performance Measure: The number of cases the HRLSC settles before or at a HRTO hearing

2016/17 Performance Target	2017/18 Performance Target	2018/19 Performance Target	2019/20 Performance Target
100 cases are settled between mediation and before or at a hearing	110 cases are settled between mediation and before or at a hearing	115 cases are settled between mediation and before or at a hearing	115 cases are settled between mediation and before or at a hearing

4. Performance Measure: The percentage of hearing cases the HRLSC settles before or at the beginning of a HRTO hearing

2016/17 Performance Target	2017/18 Performance Target	2018/19 Performance Target	2019/20 Performance Target
80% of hearing stage cases are settled at the beginning of a hearing	80% of hearing stage cases are settled at the beginning of a hearing	85% of hearing stage cases are settled at the beginning of a hearing	85% of hearing stage cases are settled at the beginning of a hearing

5. Performance Measure: The number of clients who rate the HRLSC's service as good or very good

2016/17 Performance Target	2017/18 Performance Target	2018/19 Performance Target	2019/20 Performance Target
At least 90% of clients rate the HRLSC services as good or very good.	At least 90% of clients rate the HRLSC services as good or very good	At least 90% of clients rate the HRLSC services as good or very good.	At least 90% of clients rate the HRLSC services as good or very good.

6. Performance Measure: The number of media events about HRLSC cases that inform Ontarians about human rights entitlements and enforcement and HRLSC services

2016/2017 Performance Target	2017/18 Performance Target	2018/19 Performance Target	2019/20 Performance Target
HRLSC achieves positive media coverage for at least 5 human rights stories arising out of HRLSC services	HRLSC achieves positive media coverage for at least 6 human rights stories arising out of HRLSC services	HRLSC achieves positive media coverage for at least 6 human rights stories arising out of HRLSC services	HRLSC achieves positive media coverage for at least 6 human rights stories arising out of HRLSC services