

SUBMISSION TO THE ANTI-RACISM DIRECTORATE

PREPARED FOR: Anti-Racism Directorate, Government of Ontario
PREPARED BY: Justice for Abdirahman Coalition – Research Team
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O ye who believe! Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor: for Allah can best protect both. Follow not the lusts (of your hearts), lest ye swerve, and if ye distort (justice) or decline to do justice, verily Allah is well-acquainted with all that ye do.

Surah An - Nisa, Verse 135

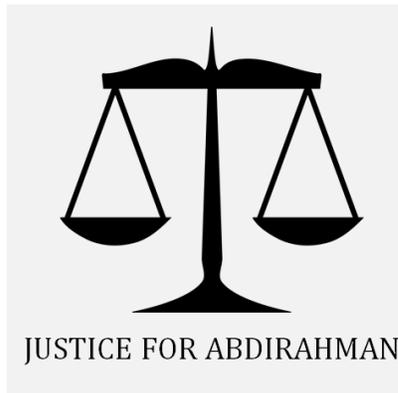


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BACKGROUND

The **Justice of Abdirahman Coalition** (the Coalition) is pleased to make a submission to the Government of Ontario's Anti-Racism Directorate pertaining to identifying and addressing various forms of institutional racism across sectors in Ontario.

On December 2nd 2016, the Coalition organized a discussion with members of Ottawa's diverse Black community, and the Ontario Government's Anti-Racism Directorate, to discuss issues of systemic racism. In preparation for that meeting, the Coalition prepared a series of questions with respect to each of the following themes highlighted in our discussion with the Anti-Racism Directorate: **Education, Employment, Criminal Justice, and Healthcare/Social Services**. These questions can be found in **Appendix II** of this report.

This submission addresses the four above mentioned sectors in Ontario and presents short term and long term recommendations aimed at providing an intersectional approach to identify and dismantle systemic racism apparent in these sectors. The coalition is available to provide further details and clarification should there be any questions, please do not hesitate to contact us directly.

EDUCATION

Research conducted by the Toronto District School Board (TDSB) on dropout rates by region of birth demonstrates that English-speaking Caribbean as well as Mexican and Central/South American students leave at the highest rates, 38 percent and 37 percent. By key languages, Somali-, Spanish-, and Portuguese-speaking students leave school at the highest rates: 35.1 percent, 37.5 percent, and 38 percent respectively.

Black students in high school feel alienated and are 7.41 times more likely to perceive discriminatory treatment by teachers, 17.5 times more likely to perceive discriminatory treatment in the application of suspension practices, 31.6 times more likely to perceive discriminatory treatment in the use of police by the school, and 26.9 times more likely to perceive discriminatory treatment by the police at school.

Furthermore, Black teachers across Ontario face racism and are underrepresented and under-promoted. Educational institutions operate as predominantly white and male spaces, in which the systemic racism is rooted in colonial and eurocentric values that create hostile learning environments for racialized students and teachers.

The Ontario school district should implement an anti-racism and ethno-cultural equity policy to recognize and eliminate systemic racism in order to foster equitable education for students and equitable employment practices for staff of all races and ethno-cultural backgrounds. Effective change can be achieved only through collective action by all those involved in the school system such as: trustees, superintendents, principals, teachers, support staff, parents, students, and the community. The Directorate should assist school boards in the establishing of partnerships with diverse local communities, particularly those that have traditionally not been involved in the life of the school.

SHORT TERM RECOMMENDATIONS

- Students and parents should be able to see themselves in the makeup of the school board. Employment equity legislations that targets the promotion of racialized teachers and facilitates the hiring of black teachers in school with a high number of black students should all be actioned.
- School boards in Ontario should adjust curriculum to adequately reflect a culturally and racially diverse community; emphasis should be put on highlighting the historic contributions of Indigenous, Black, and other ethno-cultural communities.
- Informed and representative counselling should be accessible to tackle discriminatory barriers for racialized students.

LONG TERM RECOMMENDATIONS

- Active involvement and participation by members of the community in the development, implementation, and monitoring of school board policies and programs will ensure that community perspectives, needs, and aspirations are included and addressed accordingly.
- School boards should establish clear mechanisms of accountability to measure the implementation and effectiveness of integrating anti-racism and ethno-cultural equity principles into all aspects of education programs, services, and board operations.
- Race based data should be collected to determine whether the application of discipline in schools is having a disproportionate impact on students with disabilities and racial minorities.
- Principles of anti-racism and ethno-cultural equity should permeate all aspects of the Ontario school boards' organizational structure, including its mission statement and strategic plan, where it's applicable, and all areas of the boards' operations, policies, guidelines, programs, and practices.

EMPLOYMENT

Every person has the right to equal treatment free from racial discrimination and harassment in employment, under the *Ontario Human Rights Code*. Thus, a person's race or related grounds, such as place of origin, ethnicity, religion or ancestry, should not warrant differential treatment. In Ontario, around three-quarters of all human rights claims stem from the workplace. The 2006 Census data portrays that racialized Ontarians face higher poverty rates than non-racialized Ontarians in addition to labour market discrimination.

Unemployment rates and employment incomes reflect this discrimination. Racialized men in Ontario made 73.6 cents for every dollar than non-racialized men made. Racialized women made 84.7 cents for every dollar that non-racialized women made. Racialized women made 53.4 cents for every dollar non-racialized men made in 2005. Furthermore, first-generation racialized Ontarians aged 25–44 who have a university education earn less than non-racialized immigrants of the same age and educational attainment. There is an urgent need for suitable government policies to tackle the impacts of discrimination on racialized workers in Ontario by actively removing racial and gender barriers in the workplace.

A common concern amongst visible minority employees is that their opportunities for promotion and advancement are limited by bias in human resource practices. Presently, data on workplace diversity does not accurately capture the employment realities for visible minorities. An analysis of systemic bias includes data on the access of visible minority groups to employment. For example, this would disallow organizations to simply report that a certain percentage of its workforce is made up of visible minorities without accounting for their job categories, their underrepresentation at the upper middle management/upper management ranks as well as the ethnic makeup of the visible minorities.

SHORT TERM RECOMMENDATIONS

- Meaningful race based data, accompanied by “flow” data showing minority representation among those hired, promoted and terminated during the time period under study will provide a more accurate understanding of any bias embedded in an organization's human resources structure. This diagnostic data can be used to implement targeted bias correcting mechanisms.
- Diversity in employment is not only based on recruitment and hiring but also on retention of visible minorities. As such, the Directorate should implement policies for retention practices.
- The province should establish a Bias-Free Human Resource Support Services branch. This branch would be responsible for supporting employers and human resource specialists in adopting bias-free hiring, training and promotion practices.

LONG-TERM RECOMMENDATIONS

- The province should tie diversity to funding for any organization receiving public funds. If the administration, employees, service recipients or board of directors of an organization does not demonstrate a commitment to reflecting the diversity of the organization's geographic community or region, this should impact their funding. This will act as an incentive to employers who operate on public funds to increase their diversity. The Canada Council for the Arts has already adopted this funding model.
- Presently diversity initiatives are negatively perceived as giving a leg up to unqualified candidates for the sake of political correctness. Empirical research and facts on the matter, point out that diversity is critical to the enhancement of a competitive today's economy. Being able to define what customers and service recipients want can be the biggest opportunity or hindrance to innovation and success. As the ethnic makeup of customers and service recipient's change, so do the organizations and businesses that serve them. Public education efforts around diversity must tie into innovation and competition.

CRIMINAL JUSTICE

When an unarmed person is killed by the police, serious questions require concrete answers. The deaths of Sammy Yatim, Andrew Loku and Abdirahman Abdi, during interactions with police lead one to question, among other things, whether race is indeed a catalyst for fatal encounters with law enforcement. The three men had a few things in common; they were all racialized men who had a history of living with mental health issues.

There are strongly held perceptions that black and other racial minorities are often subjected to deadly use of force by the police, unnecessary prosecutions, wrongful convictions, harsh sentences, and mistreatment in prisons.

Upon release, many of these same individuals carry the burden and stigma of living with a criminal record. A criminal record is a record of criminal activity, regardless of the outcome in court. A criminal record is often held by the arresting police, in the CPIC database maintained by the RCMP in Ottawa. Even after a number of years and, even when it concerns a minor offence, a criminal record does not automatically disappear. A prior criminal record can create obstacles to many important things in life, including travel and employment and can be used to justify a harsher sentence in the event of further offences.

Racial equality under the law “requires the criminal justice system to adapt to diversity within the community it serves. A system that provides only uniform treatment, in effect, treats people unequally by ignoring the needs of those who do not fit into its mould.”

SHORT-TERM RECOMMENDATIONS

- The province should mandate race-based data on use of force
- Anti-racism training for Justice professionals
- Employment of racialized persons in the administration of Justice
- Participation of racialized persons in the development of justice policies and monitoring of practices for evidence of racial inequality
- The province should mandate data on diversion of charges away from court proceedings, "plea-bargaining," and criminal justice services for accused persons and victim/witnesses

LONG-TERM RECOMMENDATIONS

- The province should mandate de-escalation training for police officers in Ontario.
- The province should work with the Federal government to amend Pardon Laws (CPIC records being a significant driver of recidivism) particularly for non-violent offenders.
- The province should invest in reintegration programs for young and adolescent offenders primarily, but also any inmate being released into the general population.
- The province should champion a rehabilitative approach to criminal justice, as opposed to the current retributive approach.

SOCIAL SERVICES AND HEALTHCARE

Many racialized people in Ontario live in poverty and face additional health problems from stress, unsafe working conditions, polluted neighbourhoods, and inadequate food. Many have trouble accessing culturally appropriate health care; social services and other needed supports. In Toronto, the number of immigrants who live in poverty has grown by 125%, and almost 60% of poor families are from racialized groups. Social assistance in Ontario was severely cut back in the 1990s, and the minimum wage keeps people well below the poverty line”.

Additionally, 10 percent of Canadians have difficulties meeting daily food requirements on a regular basis. This is an ongoing concern as “...in Toronto, the number of racialized families living in poverty increased 362% between 1980 and 2000, far greater than their population growth of 219%”. These findings confirm that poverty, unemployment, and underemployment are much more prevalent amongst racialized immigrant and refugees. When coupled with racism, these social determinants of health have generational impacts increasing the risk of developing common and serious mental illnesses.

In fact, the Case for Diversity Report demonstrates that ethno-cultural communities are at higher risk of suffering from major depressive episodes than their white counterparts. However, first-generation refugees and immigrants are both less likely to use mental health services (9.6 per cent and 6.3 per cent, respectively) compared with the non-immigrant population (12.5 per cent). The data mirrors findings from previous studies that show immigrants and refugees use services at much lower rates than their health needs would otherwise necessitate. Considering that population growth, particularly the labour force growth, will come from new comers, it is essential to have culturally appropriate and inclusive social services as well as healthcare that address the intersecting issues racialized communities experience.

SHORT-TERM RECOMMENDATIONS

- Ontario Works and Ontario Disability Support Programs should assess the availability and accessible services according to the needs of the population. In addition, training for Ontario Works providers should be integrated to better respond to racialized demographics.
- The Directorate should identify and address the potential effects of social services and health care decisions on marginalized groups.
- The Directorate should strive to implement mental health facilities and policies that will help service refugees and immigrants more effectively.

LONG-TERM RECOMMENDATIONS

- The Women's Directorate to support of economic security & mental health for racialized women in their mandate; create programs and services (such as: launching new employment training programs for racialized women experiencing, or at risk of, chronic poverty; micro-lending programs for racialized women to start small business to disrupt chronic poverty).
- In order to address economic and social deprivations of racialized communities in Ontario, the Coalition recommends that the Directorate examines how the Ministry of Government and Consumer Services is delivering vital programs, services, and products. Also, a mechanism to measure accessibility of services based on race should be implemented.
- To address food insecurity and food deserts, the Coalition would like to enforce the recommendation made by the UN Special Rapporteur on the Right to Food in Canada to create “a national policy to ensure food and nutrition security for all, based on human rights principles that define the objectives, and the formulation of policies and corresponding benchmarks”.
- Many factors related to the accessibility of current health services act as barriers for immigrants, refugees, and ethno-racialized populations. The most pertinent is the cultural incompatibility of existing services. The Directorate should collaborate with the Ministry of Health to enforce long term strategies that eliminate these service barriers.
- The Directorate must oblige the collection of raced-based aggregated data.

APPENDIX I

8. There are presently many tools such as the Salary or Clustering Analysis Template and Workforce Analysis Tools available through the federal government.
10. The Bias-Free Human Resource Support Services Branch would assist in developing tools, training and resources in order to ensure that those responsible for hiring have the supports they need to engage in bias free hiring practices. These tools would include interview guides that controlled for interviewer bias, mandatory bias-free training to everyone involved in hiring processes, and identifying software to automate the pre-screening processes of hiring. There are tools in currently place that can adapted as a guide by the Bias-Free Human Resource Support Services Branch, such as the *Peel District School Board Action Plan for Hiring and Promotion* in Peel and the *Royal Bank of Canada Diversity and Inclusion Blueprint 2020*.
21. Due to the lack of Canadian studies available that included an economic analysis of the service use of racialized populations, the Case For Diversity Project undertook a secondary analysis of data available in Ontario to determine the average cost of mental health services per person annually based on status: refugee, immigrant or non-immigrant.

APPENDIX II

Proposed Questions for the Anti-Racism Directorate

- A. **Scope of the Directorate**
- B. **Political Support and Continuity**
- C. **Effectiveness of the Anti-Racism Directorate**
- D. **Employment**
- E. **Education**
- F. **Healthcare**

| A - Scope of the Directorate | |
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| Questions | <ol style="list-style-type: none"> 1. Are there any concerns that the scope of your directorate is too broad? Have you considered conducting a needs assessment and focusing the directorate’s interventions in key areas that will produce measurable impact? (For example, longitudinal strategies within the education system; by following a cohort of students conducting specific anti-racism intervention – awareness campaigns, incident reporting scheme) 2. What concrete steps does the Directorate hope to take to appropriately identifying distinct challenges of systemic racism faced by Indigenous, Black and Muslim communities respectively? Assuming the aforementioned challenges are adequately identified, what will be the practical steps taken to support these communities in addressing these obstacles? 3. What direct action to address historical and ongoing injustices affecting racialized and Indigenous people has the Directorate engaged in? |

| B - Political Support and Continuity | |
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| Preamble | <p>This is not the first time the Ontario government has undertaken an anti-racism initiative and given that past efforts have been overhauled after changes in government (for example the employment equity programs under the Mike Harris government). Long-term, sustainable change will only be possible with full buy in by all stakeholders. It is important to work collaboratively with other community and government agencies in order to avoid the application of effort initiatives.</p> <p>As we have seen in the UK with Brexit and the United States with the recent election, there is a new form of populism driven by a segment of society who feel that their voices have been sidelined for too long. For this reason, it is important that any discussions of anti-racism include our fellow White Ontarians.</p> |
| Questions | <ol style="list-style-type: none"> 1. How do we ensure that we have the clear and unambiguous support of political leadership and ensure the continuity of that support? (Accountable to the legislature?) 2. How will Premier Wynne’s government ensure that any efforts undertaken will be here for the long haul? 3. How can we engage allies in other communities as well as the conservative caucus to endorse these initiatives? 4. What efforts are being made to engage White Ontarians in the various sectors and to increase |

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| | <p>greater social buy-in?</p> <p>5. How does the directorate foster inter-ministerial collaboration? Can the Minister propose an inter-ministerial budget commitment? Can the Minister propose a cross-government advisory body made up of, but not limited to, Indigenous, Black and Muslim people?</p> <p>6. Why has the Directorate been limited to a budget of only \$5 million? Why will the government not commit as much resources to this project as it did the Ontario Women’s Directorate and the Seniors Secretariat?</p> <p>7. Will the anti-racism directorate meet with various regulatory bodies to discuss how anti-racism can be incorporated into their professional standards guides?</p> <p>8. How will the Directorate ensure that these regulatory bodies are representatives of the communities who are subjected to Indigenous racism, anti-black racism, and islamophobia?</p> <p>9. What steps will the Directorate take to prevent the tokenization of Indigenous and racialized people? How will it engage with these communities in serious and meaningful ways? (i.e: Does the Directorate plan on hiring and including Indigenous and racialized youth in positions of responsibility at the provincial level?)</p> |
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| C - Effectiveness of the Anti-Racism Directorate | |
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| Preamble | In order to ensure the effectiveness of the anti-racism directorate, there must be ongoing evaluation to measure the progress of the anti-racism directorate’s mandate. We also need to ensure that we are targeting the communities most in need, that the directorate’s interventions are impactful and measurable. Further, it is in our opinion that long-term, sustainable change is only possible through statutory protection and compliance programs. |
| Questions | <p>1. How does the government plan on developing the necessary statutory framework to support the work of the Directorate? Has the Minister considered creating an Anti-Racism Bill?</p> <p>2. Has the Minister considered consulting with other Ministers, such as Ministers of Health and Long term Care and the Minister of Education in looking at legislative reform to the various health acts and the Education Act to reflect anti-racism principles?</p> <p>3. Do we have the sense as to whether the circumstances have changed since the policy was originally adopted?</p> <p>4. Can the directorate commit to conducting a literature review to pass strategies encountering racist beliefs and practices in Ontario and other jurisdictions?</p> <p>5. What steps will be taken to establish specific and measurable objectives and targets as well as accountability measures while recognizing the differential impact of racism as experienced by different racialized communities?</p> <p>6. Will the government commit to releasing a comprehensive strategy analogous to the comprehensive Poverty Reduction Strategy (along with the <i>Poverty Reduction Act [1]</i>) which set out fundamental principles to guide the Government’s actions in reducing poverty? Will the Minister be reporting annually to the legislature and the public on the progress of the strategy?</p> |

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| | <p>7. Does the current Anti- Racism Directorate have the adequate authority and resources for a compliance program?</p> <p>8. Will the current Anti- Racism Directorate be committed to the strong compliance program? Moreover, will the current Anti- Racism Directorate, conduct a self-assessment of its compliance program?</p> <p>9. Will the current Anti- Racism Directorate establish links with key compliance enforcement partners?</p> <p>10. Will the current Anti- Racism Directorate outline clear guidelines as to the penalties for non-compliance? Who will the Directorate consult in order to outline such penalties? Who will be enforcing these penalties?</p> <p>11. Will the directorate make it mandatory for all agencies in corporate and public sectors to collect religious and ethno-rationally disaggregated data, as well as conduct regular audits to report on whether their targets are being met?</p> |
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| D - Employment | |
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| Preamble | In Ontario racialized workers encounter labour market discrimination far greater than their non-racialized counterparts. According to the Ontario Federation of Labour “racialized workers are overrepresented in precarious jobs (i.e., employment that insecure, temporary, low paying, and with little chance for advancement).” [2] |
| Questions | <p>1. What steps will the anti-racism directorate take to address this systemic racism and dismantle the barriers preventing the full and equal participation of all racialized workers in Ontario’s labour market?</p> <p>2. Will the directorate issues policies and directives to all agencies in corporate and public sector on how to address systemic racism and require all of them to set targets with measurable goals and specific timetables?</p> <p>3. Should the Ministry of Training, Colleges and Universities be conducting ongoing researching regarding access to profession and trade in Ontario, as well as analyzing what helps or hinders immigrants seeking to access their trade or profession in Ontario?</p> <p>a. 1998, Foreign Academic Credentials Assessment Services Business Assessment (Ontario Government announced in 2000 that “an academic credential assessment service will provide employers, occupational regulatory bodies, academic institutions, private trainers and personnel agencies with high-quality assessments of foreign secondary and post-secondary educational credentials against Ontario standards”[3]. We do not know whether this initiative is still ongoing. What steps will the Directorate take to increase transparency in terms of ongoing research pertaining to employment barriers?</p> <p>4. How seriously is the Directorate willing to act on issues facilitating the integration of professional immigrants into the labour market?</p> <p>a. A simple search into Ontario’s approach to immigration and employment will reveal that there have been numerous studies and even more recommendations since 1988. There is no shortage of studies; the shortage has been in action.</p> |

| E - Education | |
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| Preamble | The Peel District School Board and Durham District School Board have committed to collect race based last month [4]. For a decade, the Toronto District School Board committed to completing a student census every five years [5]. The Ottawa-Carleton District School Board completed a student census in 2011 [6] but currently has no plans to repeat the process. |
| Questions | <ol style="list-style-type: none"> 1. Does the Directorate believe that the current public school curriculum is euro-centric and is not representative of the historical contributions of Indigenous and Racialized communities? 2. Is there any current initiative the Anti-Racism Directorate is working closely with the Ministry of Education or a School Board? The Directorate is mandated to increase public awareness and education on anti-racism. Will this extend to educational reforms, which incorporate the dismantling of Indigenous racism, anti-black racism and islamophobia within the public school curriculum? 3. Has the Anti-Racism Directorate studied results from the Toronto District School Board data collection over the past decade? 4. Are there plans to make this data collection initiative mandatory across the province? 5. If yes, is there any plans to develop and implement solutions to address disproportionately high anomalies in terms of admission and juvenile drop-out rates by the Anti-Racism Directorate? 6. A project of this nature depends on the quality of data collected. Does the province have any plans to ensure high quality data by doing quality assurance on the different school boards? 7. Has the Directorate considered the relationship between higher tuition fees and the legacy of historical racial exclusion in higher education? <ol style="list-style-type: none"> a. The Canadian Association of University Teachers suggests [7] that access to post-secondary education will be increasingly divided along income lines. Furthermore, recent census data indicates that Aboriginal peoples and individuals from subordinate racialized groups tend to fall below the Low-Income Cut Off (LICO) more so than others. The result of this is lowered earnings, leaving them less able to support the educational advancement of their children. |

| F - Healthcare | |
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| Preamble | It is surprising that anti-Black racism and racism against other racialized persons could be present in an area so important to the well-being of a society such as healthcare, however it exists and has been documented in historically and in recent years. For this particular case, it appears that Black nurses and other racialized nurses are often subject to harassment from patients (who do not want a non-white nurse to care for them), their superiors and fellow nurses who have conscious or subconscious prejudices against racialized people and create a negative environment for these nurses (i.e. micromanagement, work assignments in areas that have no possibility for promotion, picking fights, etc). |
| Questions | <ol style="list-style-type: none"> 1. Some patients want to choose the race of their nurse. However, this should not matter in healthcare. Accommodating racism or racial bias should not be allowed in health care professions. Should there be legislation/bill set to ensure that patients cannot choose the race of their nurse? How should this look? |

2. Given that their race is often a reason why racialized nurses are targeted by superiors and fellow nurses as well as patients, leading to dismissal or demotion for trivial reasons, HR and disciplinary actions need to be tracked. As well, racialized nurses often are placed in areas without paths to promotion. How should we address this?
3. Considering that the nursing union is quite powerful, how can we ensure that the rights of racialized nurses are protected by their union as white nurses' rights are? Ideas? (e.g. liaison between union and nurses).
4. Should there be any efforts to track HR actions regarding racialized nurses? This could assist in uncovering issues or patterns regarding this vulnerable population. For example, these variables could be required to track this issue:
 - Race of nurse
 - Hospital
 - Work Area (i.e. geriatrics)
 - Age
 - Gender
 - Number of years of work
 - Position Title
 - Salary/pay grade
 - Number of Warnings, reason for warnings
 - Dismissal reasons (if any)
5. Many factors related to the accessibility of current health services act as barriers for immigrant, refugees, and ethno-racialized populations. The most pertinent is the cultural incompatibility of existing services. Does the Directorate plan on collaborating with the Ministry of Health & long term care in order to eliminate access barriers?
 - Using data from the Canadian Community Health Survey comparing Canadians who experienced a major depressive episode, indicate that people who self-identified in the survey as Black, South Asian or as belonging to a subgroup consisting of Japanese, Chinese and Korean respondents, were 60 per cent, 85 per cent and 74 per cent less likely, respectively, than respondents who identified as White to seek treatment [8]
6. Because there were no Canadian studies available that included an economic analysis of the service use of racialized populations, the Case For Diversity Project [8] undertook a secondary analysis of data available in Ontario to determine the average cost of mental health services per person annually based on status: refugee, immigrant or non-immigrant. Findings suggest that first-generation refugees and immigrants are both less likely to use mental health services (9.6 per cent and 6.3 per cent, respectively) compared with the non-immigrant population (12.5 per cent). This mirrors findings from previous studies that show immigrants and refugees use services at much lower rates than their health needs would otherwise necessitate. What mechanism will the Directorate put in place in order to service immigrants and refugees in Canada?
 - While a large body of research indicates that race and ethnic background play a crucial role in health status, the quality of care received and outcomes, these data are not routinely collected in healthcare settings in Canada. Results from this secondary analysis illustrate the stark disparity in service use between immigrants and refugees and non-immigrants in Canada.

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