

Summary Report:  
Public Consultation on  
**Systemic Racism  
and Discrimination**

within the Jurisdiction  
of the City of Montréal





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Summary report: Public consultation on systemic racism and discrimination within the jurisdiction of the City of Montreal

978-2-924750-85-8 (imprimé)

978-2-924750-86-5 (PDF)



On June 15, 2020, the Office rendered public the report on the consultation regarding systemic racism and discrimination within the jurisdiction of the City of Montréal. The subject of the consultation is complex and defining its limits was not an easy task. The City had no reference document at the start of the consultation and it took the *Service de la diversité et de l'inclusion sociale* seven months to produce a compilation of the actions taken on the matter.

More than 7,000 participations, both in person and online, were recorded during the various phases of the consultation which lasted almost two years. The documentation produced constitutes a rich source of testimonies, data, research and practices from both here and elsewhere. The documentation is available on the OCPM internet site: [ocpm.qc.ca/r&ds/documentation](http://ocpm.qc.ca/r&ds/documentation).

The Commission held was not an inquiry. The goal of the consultation was not to verify the alleged facts, but rather to draw a portrait of the current state of affairs, to highlight the solutions proposed by the collectivity and to enlarge perspectives in order to guide public decision-making.

**The 38 recommendations of the Commission involve, essentially, four major phases that are required in order to manage strategic change: recognizing the problem, measuring the problem, defining goals that lead to concrete actions and being accountable for these actions<sup>1</sup>. The recommendations are divided into two categories:**

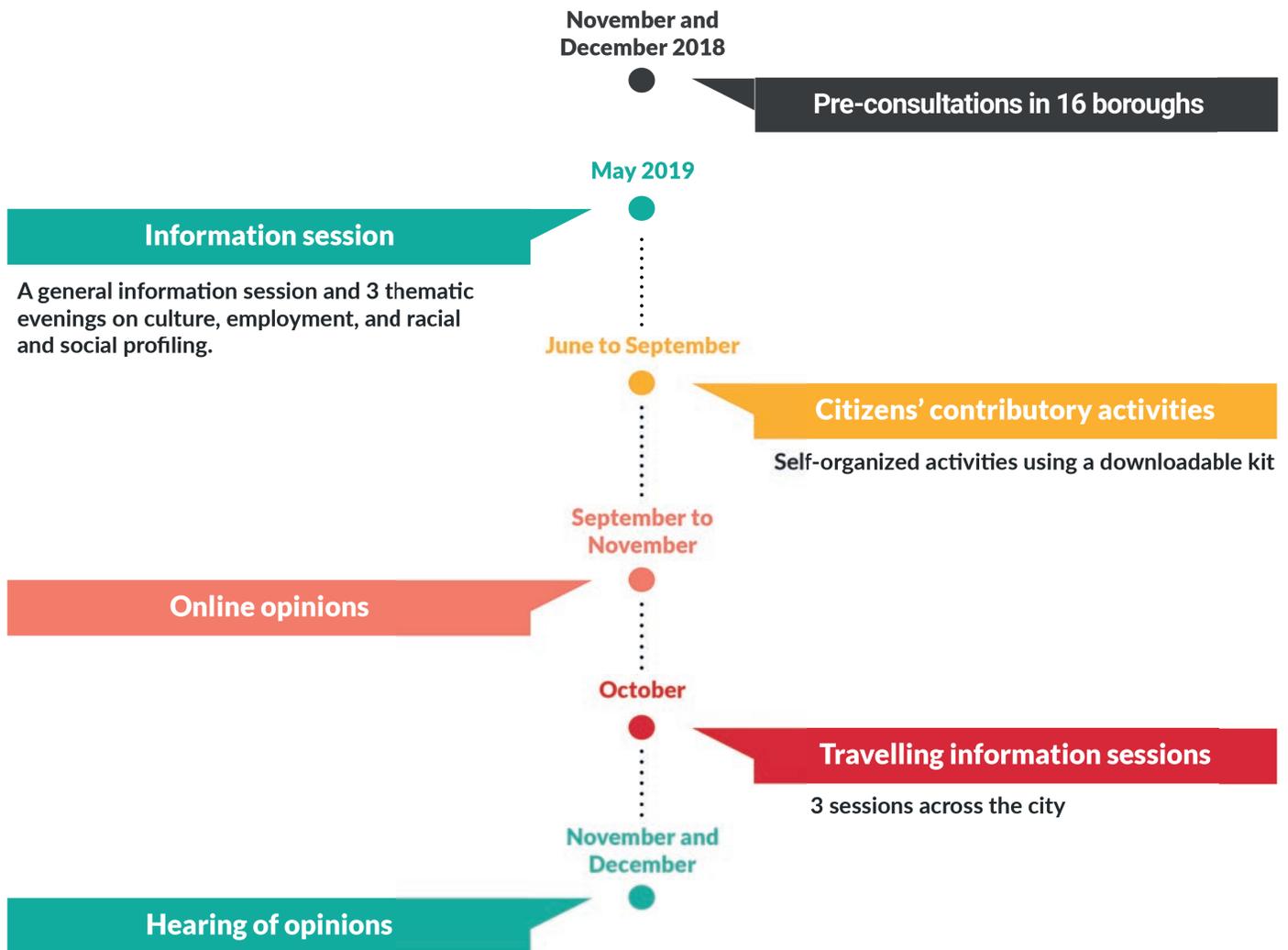
- **transversal recommendations that create a framework for the elaboration of a strategy to counter systemic racism and discrimination within the jurisdiction of the City;**
- **specific recommendations to implement this strategy within the various domains under the City's jurisdiction.**

The complete version of the report contains 252 pages, divided into three chapters. Chapter one presents the actions undertaken by the City as listed in its documents as well as the expectations of those involved in the citizens' Right of Initiative, particularly regarding specific themes. Chapter two is a summary of the preoccupations, the problems and the solutions presented by the persons, the organizations and the institutions that participated in the consultation. Chapter three contains the findings of the Commission and presents its analysis and recommendations as to the actions to be taken by the City of Montréal in the fight against systemic racism and discrimination. This document is a summary of this chapter. The complete version is available in French only at [ocpm.qc.ca/r&ds](http://ocpm.qc.ca/r&ds). In the case of discrepancy between these documents, the complete version prevails.

# 1 A Mobilizing Process, From the Beginning to the End

On July 27, 2018, a group composed of individuals and organizations submitted a petition containing 22,000 signatures to the Clerk of the City of Montréal requesting a public consultation on systemic racism and discrimination, in accordance with the citizens' Right of Initiative as per the Montréal Charter of Rights and Responsibilities<sup>2</sup>. Following the validation of 16,700 signatures, the City Clerk deemed the petition conform<sup>3</sup>. On August 29, 2018, the Executive Committee of the City of Montréal adopted a resolution mandating the *Office de Consultation publique de Montréal* (OCPM) to organize and hold the consultation<sup>4</sup>. It is important to acknowledge that without this citizens' initiative, the consultation would surely not have taken place.

The Commission, comprised of co-presidents Maryse Alcindor and Ariane Emond and commissioners Judy Gold, Habib El-Hage et Jean-François Thuot held several activities from August 29, 2018 to December 4, 2019. It quickly became clear that the participants of the consultation had numerous, precise and high expectations with regards to the municipal administration and with regards to the Commission as well. A large number of participants of diverse horizons expressed their satisfaction that they were finally being heard on subjects often swept under the table. Several persons mentioned their exhaustion at having to state and restate what so many reports and research had shown during the past decades. An impressive number of solutions were proposed by the end of the consultation.



## 2 A Mandate and a Vocabulary, Not a Consensus

Within a society, the language used to designate the identities of its comprised groups evolves as it is based on theories and relationships of power that change over the years and with varying public discourse. The Commission has chosen to use the expressions “racialized persons” and “racialized groups” to identify those that are the subject of the consultation, as these terms are a better reflection of social constructs than the terms “visible minorities”, “cultural communities” and “immigrants”. The Commission is aware that this choice may not form a consensus among the population. The Commission is also aware that there is not a consensus regarding the place of Indigenous people in this debate and the terminology used in this regard. In addition, the Commission heard the request of certain participants to include discrimination based on disability in the issues examined by the Commission.

It is clear to the Commission that the focus of the consultation is systemic racism and discrimination, that is to say, the analysis of the interaction between decisions, attitudes and institutional practices that are tinged with bias and that have prejudicial effects, intended or not, on racialized and Indigenous persons.

A significant segment of the population potentially faces obstacles due to systemic racism as both racialized groups and ethnic groups are subject to these phenomena. The City indicated that in 2016, more than a third of the Montréal population, 34.9%, identified as belonging to a visible minority or an Indigenous group, and 59% were born outside

of Canada or had a parent born outside of Canada<sup>5</sup>. Inequities involving these populations and subsequent generations must cease; it is a question of fundamental rights.

Serious historical injustices have led to and have perpetuated the social and economic disadvantages that currently exist among certain segments of the population. The dispossession of Indigenous peoples, colonialism, slavery, the unjust treatment of certain immigrants in the 20<sup>th</sup> century, such as Asians and Eastern European Jews, are just a few examples. Stereotypes associated with certain groups, be it Black, Arab, Asian or Indigenous, continue to nourish discriminatory acts in many areas, such as employment, culture and police intervention.

The Commission did not examine the issue of ableism, however, it clearly recognizes that systemic discrimination on the basis of disability does exist in Montréal. The Commission limited its analysis to systemic racism and, in an intersectional perspective, to other forms of discrimination when they intersect with those based on “race”, colour, religion and ethnic or national origin. This interpretation of the Commission’s mandate does in no way diminish the urgency to take concrete action on discrimination based on disability; in this regard, the municipal administration has recently launched a major universal accessibility project<sup>6</sup>.



### 3 The Non-Recognition of Systemic Racism and Discrimination



The City, in its reference documents and presentations, states that it unequivocally rejects all forms of racism and discrimination and that it is clearly committed to fight these phenomena<sup>7</sup>. The Commission, having analysed the multiple actions taken by the City, considers that numerous resources are being utilized for the benefit of newcomers to Québec and for the promotion of urban cohabitation, *vivre-ensemble*. The fight against racism and discrimination, however, entails much more than simply understanding diverse cultural codes. The Commission also notes the language used by the City in its interventions as well as by the management and employees of the boroughs, where the terms “people with an immigrant background” and “immigrants” are often used interchangeably.

“

It is a real catchphrase (...) ‘people with an immigrant background’, everyone has an immigrant background. So who are we talking about?

”

- Marjorie Villefranche, May 28, 2019 (translation)

Due, notably, to this lack of precision, the municipal administration is turning a blind eye to those who were born here, racialized groups and Indigenous persons, and who are affected by systemic racism and discrimination.

In order to foster the full participation of all segments of the population in the development of their city, as stipulated in the Montréal Charter of Rights and Responsibilities, the Commission considers that equal attention must be paid to a balanced deployment of actions in order to counter racism and discrimination as well as to assure the inclusion of all citizens.

## Discomfort or Racial Colour Blindness

The Commission notes, among numerous civil servants, a discomfort or a lack of will to identify the groups that are most susceptible to suffer from systemic racism and discrimination within their respective boroughs. The civil servants maintain that their mission is to serve the entire population in the same manner, regardless of their origin, and insist on the universal and neutral character of the services provided<sup>8</sup>. The citizens' testimonials during the consultations and the presentations made by the City confirm this approach.

The Commission is of the opinion that this approach, called racial colour blindness by certain analysts, evacuates the racial and/or ethnic dimensions from the decisions and actions taken by the City. Offering the same treatment to all, irrespective of their particularities, may perpetuate inequalities already ensconced in the system and turns a blind eye to the debate regarding the relationship of power between majority and minority groups. The City, consequently, is not adequately questioning its own practices; one cannot fight against something that one does not recognize.

The Commission also finds that, over the years, the City has diluted concepts as seen in the terminology used, from an explicit declaration against racial discrimination in 1989 to interventions around the notions of integration, inclusion and intercultural relations; in other words, naming things in manners that appear less conflictual.

When the Commission asked for precisions on actions taken by the City regarding the fight against racism and discrimination, the City's response was clear:



“

[...] the City of Montréal does not recognize the “systemic” nature of the two phenomena, namely racism and discrimination, and considers that the consultation will be the occasion to shed light on biases that may show that they are.<sup>9</sup>

”

- Response by the City of Montréal to the Commission, July 2, 2019 (translation)

This approach invalidates the experiences of those who are victims of systemic racism and discrimination and manifests an inability by the City to include their reality in the Montréal landscape.

## Finding #1

Although the City affirmed its commitment to fight racism and discrimination, the Commission finds that the actions taken by the City are geared, principally, to the integration of immigrants. The fight against racism and discrimination has been neglected. The systemic nature of these phenomena is not recognized. Consequently, the City does not question its policies and practices, nor its role in the production and perpetuation of inequalities within its various jurisdictions, such as employment and public security.

## Finding #2

The Commission finds that the actions taken by the City of Montréal regarding the fight against systemic racism and discrimination are sparse and, therefore, it is difficult to achieve results. The “culture” of producing differentiated data is non-existent and evaluations appear deficient. There is neither an administrative entity nor a political entity responsible and accountable regarding the achievement of results. Various structures, such as the Comptroller General, the Ombudsman and the Service de la diversité et de l’inclusion sociale share diverse responsibilities concerning the response to complaints, the elaboration of programs and evaluations, etc., however there appears to be no transversal approach. The Commission considers that none of the existing structures are currently able to efficiently fight against systemic racism and discrimination.



# 4 Transversal Recommendations, To Redress



As mentioned, the recommendations of the Commission involve, essentially, four major phases required to manage strategic change: recognizing the problem, measuring the problem, defining goals that lead to concrete actions and being accountable for these actions<sup>10</sup>.

The first step necessary to redress and rectify a situation is to formally recognize that a problem exists. This recognition can take many forms and be done in many ways. However, to demonstrate that a new approach will be taken by the City, it must be formal, explicit, solemn and public.

## Recommendation #1

**The Commission recommends that the City of Montréal publicly recognize, without delay, the systemic nature of racism and discrimination and commit to fight against these phenomena.**

The recognition must be more than simply symbolic. It must lead to change and involve dedicated administrative resources that will affect the change via an appropriate strategy comprising precise and measurable objectives.

The Commission does not believe that an existent structure at the City of Montréal is able to make the necessary changes. The City has not demonstrated, during its interventions, that it possesses a comprehensive, logical and transversal approach within its departments and services regarding the matter at hand. In its various action plans, the City does not mention long-term objectives, nor does it explain the relationship between the actions taken and the expected results in short or medium term.

The Commission believes that the City must acquire an expertise, a transversal authority who works with all of the administrative units of the City and the boroughs on the question of systemic racism and discrimination, as well as a chain of accountability regarding results. This new entity should be given sufficient and competent resources

so that it can successfully accomplish a job that requires detailed knowledge of the municipal apparatus as well as the comprehension of the underlying mechanisms that feed into systemic racism and discrimination. This new entity must be under the direct authority of the City Manager and be supported by a network of high-level respondents from each of the relevant services and boroughs.

To achieve the above, the Commission recommends that the City create the position of Commissioner to Counter Racism and Discrimination. This denomination already exists within the City of Montréal; a Commissioner for the Homeless and an Indigenous Affairs Commissioner work to render the actions of the City more effective in their respective domains as well as to counter the marginalization of these groups within the municipal structure.

## Recommendation #2

Recognizing the systemic nature of racism and discrimination, the Commission recommends that, by the month of October 2020, the Municipal Council create the position of Commissioner to Counter Racism and Discrimination and rapidly fill this position. Answering directly to the City Manager, the Commissioner will:

- Elaborate, within the next year, an action plan, subsequent to information gathered during the year;
- Coordinate the implementation of the action plan and its follow-up, following its adoption;
- Collaborate with the Ombudsman, the Inspector General, the Comptroller General and the Commission de la fonction publique de Montréal regarding improved responses to persons subject to racist and discriminatory acts;
- Prepare the content of an annual accountability report to be presented by the City Manager to the Municipal Council, as of the beginning of 2021.

Numerous participants to the consultation mentioned an incoherence between public discourse and the actions actually taken by the City to counter systemic racism and discrimination. Consequently, a redress and the operationalization of a required leadership necessitate a political involvement in addition to the administrative initiatives. To assure political transparency and accountability and to oversee the achievement of results,

the Commission considers that a respondent should be named from the members of the City's Executive Committee, who will serve as the vis-à-vis to the Commissioner. In this regard, in January 2018, the administration appointed an Indigenous Affairs Commissioner and in August 2018 added an elected official from the Executive Committee who is responsible for the dossier of reconciliation with Indigenous peoples.

## Recommendation #3

To improve the accountability of the municipal administration regarding the fight against systemic racism and discrimination, the Commission recommends that the City of Montreal immediately designate a member of the Executive Committee to be the elected official in charge of this dossier.

The recognition of racism and discrimination also necessitates the modification of certain texts that guide and define

municipal life, notably the Montréal Charter of Rights and Responsibilities.

### **Recommendation #4**

To expand and update the scope of the Montréal Charter of Rights and Responsibilities, the Commission recommends that the Municipal Council:

- Modify article 16 i) so that it includes the recognition of the systemic and intersectional character of the various forms of discrimination enumerated in the article;
- Adds its endorsement of the United Nations Declaration on the Rights of Indigenous Peoples to the preamble, emphasizing the City's adhesion to texts that promote fundamental rights.

### **The Need for Supplemental and Precise Data**

The Commission notes the lack of information available in order to plan interventions to counter systemic racism and discrimination and in order to measure the results and the differential impacts of municipal policies and programs on various segments of the Montréal population. For a long time, people have been advocating for the generalized use of a gender-based analysis and intersectionality (GBA+) within the City of Montréal.

Data that is rigorously developed, compiled and analysed over a defined time period serve as a guide to informed decision-making and a tool to plan and adjust measures. As

explained by several organisations during the consultation, an administration must know the composition of its population and possess data in order to adequately govern. In Montréal, currently, an analysis of the variances between majority and minority groups in terms of living conditions, access to employment and municipal services and treatment received by municipal employees is an objective tool with which to measure the effects of discrimination.

### **Recommendation #5**

In order to adequately guide the City as to which measures to take in the fight against systemic racism and discrimination, and as to the eventual adjustment of these measures based on the evolution of data, the Commission recommends that the City of Montréal and the boroughs produce, every three years, comparative and differentiated populational data in order to analyse the variances between racialized persons, Indigenous persons and White persons with similar profiles (e.g., gender, age, education) in targeted sectors such as employment, public security (racial and social profiling), housing, culture, social and economic development as well as participation in democratic life. This data should be rendered public.

## Restore Confidence in the Treatment of Complaints

The Commission subscribes to the principle mentioned in the City's reference document, that "a person who wants to denounce racial or social profiling on the part of a municipal employee should be able to do so without difficulty"<sup>11</sup> (translation). However, according to many opinions heard during the consultation, including from former employees of the City, this is not the case.

The treatment of complaints of racism and discrimination at the city of Montréal is complex. The following are the independent monitoring bodies, excluding those concerning the *Service de police de la Ville de Montréal* (SPVM):

- The Ombudsman of Montréal who handles citizens' complaints relating to decisions of the municipal administration that violate the Montréal Charter of Rights and Responsibilities;
- The General Auditor who verifies and investigates the use of public funds by the municipal administration;
- The Inspector General who inspects and monitors the acquisition and execution of City contracts with its suppliers;
- The Commission de la fonction publique de Montréal which handles complaints relating to City staffing and human resources management.

During the hearings, those that initiated the consultation raised two issues that they consider worrisome. Firstly, all complaints alleging racist or discriminatory behavior on the part of City employees are nominal, i.e., one cannot lodge a complaint confidentially. In addition, the City seems to have withdrawn the power of inquiry from the Commission de la fonction publique de Montréal, and has given this power to the Comptroller General who, in their opinion, is not an independent body<sup>12</sup>.

The Comptroller General is under the authority of the General Manager and monitors the ethics and the use of public funds as per applicable laws and regulations. His mandate is not clearly delineated in available public information, neither are his procedural methods. Although the City has announced that his priority in 2020 is sound fiscal management<sup>13</sup>, the Commission notes that both the formal and informal jurisdictions of the Comptroller General has continually expanded over the past few years:

- The transfer of the ethics dossier from the General Auditor to the Comptroller General;
- The task of applying the *Politique de respect de la personne*;
- The announced participation of the Comptroller General, accompanied by an expert in human rights, in an inquiry and collaborative mechanism that will study the allegations of racial discrimination made by blue-collar workers in Montreal North<sup>14</sup>.

Like the group that initiated the consultation, the Commission is concerned about the lack of transparency regarding the work of the Comptroller General. This perception of opacity does not lend itself to a climate of confidence which is necessary to ensure a healthy working environment.

### Recommendation #6

So that City employees and the general population gain a better understanding of its positioning and gain confidence in the procedures concerning allegations of racism and discrimination, the Commission recommends that the City of Montréal clarify the role of the Comptroller General on these matters, and assure that actions taken by the Comptroller General are transparent and respect the rules of natural justice.

Furthermore, in order to counter systemic racism and discrimination, the independent control mechanisms must be better known and understood by the general public, and involve impartial procedures. The Commission is deeply

concerned by the lack of clarity regarding the handling of complaints of racism and discrimination within the City of Montréal and within para-municipal organizations.

## Recommendation #7

In order to render the monitoring bodies responsible and increasingly accountable in the fight against racism and discrimination, the Commission recommends:

- That the City of Montréal encourage those at the head of the independent monitoring bodies to implement measures to inform complainants of available recourse and to accompany them in the appropriate process, when necessary;
- That the official portal of the City centralize information regarding recourse available to the citizen or the employee who considers that his/her rights have been infringed by the City, by a municipal service or by the personnel representing the City. This information should be easily accessible and comprehensible.
- That a time limit be stipulated regarding the treatment of complaints lodged to the Ombudsman and to the Commission de la fonction publique de Montréal;
- That the Ombudsman and the Commission de la fonction publique de Montréal ensure that qualified and trained personnel handle complaints concerning racism and discrimination;
- That the Ombudsman and the Commission de la fonction publique de Montréal mention, in their annual reports, the number of complaints received on the grounds of racism and discrimination and the outcomes of these complaints. The anonymity of the parties concerned must be preserved.



## Training: Essential for a Sensitized and Informed Municipal Civil Service



Numerous comments were made regarding the training of municipal employees. Many participants to the consultation consider that training is an indispensable tool to mitigate the lack of knowledge, to facilitate the professional mobility of underrepresented groups and to transform the municipal apparatus, to a certain point. They, however, question the content of current training, the objectives, the frequency, the intended public and the evaluation processes needed to measure the results of the training.

The City has invested resources to train its personnel on the subject of cultural diversity. The Commission notes, however, that training related to the prevention of and the fight against racism and discrimination is virtually absent. Although complementary, the Commission considers that these are two distinct subject matters.

Whereas the goal of cultural diversity training is to sensitize and comprehend the cultural codes of persons of diverse origins, anti-racist training aims to eliminate the violation of fundamental rights, in accordance with the Charter of Human Rights and Freedoms. Anti-racism training focuses on the inequalities faced by racialized and Indigenous persons, on the sociohistorical causes of the inequalities, on the relationships of power that sustain racial discrimination and on the systemic manifestations that perpetuate it.

### Recommendation #8

In order to successfully manage the change towards a comprehensive fight against systemic racism and discrimination at all levels, the Commission recommends that the City of Montréal:

- Develop specific trainings on the subject of racism and discrimination, and that these trainings be mandatory for the entire municipal civil service (employees, professionals, management) as well as for the personnel of para-municipal organizations;
- Elaborate the content of the trainings in partnership with the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) and with community organizations involved in the fight against racism and discrimination;
- Elaborate a specific and mandatory training for management on the subject of the City's Equal Access to Employment Program, discrimination and racism;
- Evaluate the impact of these trainings on the targeted clientele.

## 5 Issues affecting Indigenous people

During the consultation, many persons, Indigenous and non-Indigenous, spoke about the specificity of the issues relating to the First Nations, Métis and Inuit populations living in Montréal and the municipal institutions. The Commission shares this view and has dedicated a section of the report to these specific issues. The Commission is also aware that many of these issues are well-documented, however actions are long overdue.

“

And I sit on lots of tables where we talk about these issues and bring it up and bring solutions and nothing happens... So, we don't want the apology, we want you to be accountable.

”

- Nakuset, May 29, 2019

In 2017, Montreal announced its intention to become a metropolis of reconciliation with Indigenous people. The Commission commends this initiative. The City of Montréal mentions on its internet site that the Montréal reconciliation strategy is based on three major principles: *a relationship of government-to-government, the transversality of the process of reconciliation, and the perennity of the process*<sup>15</sup>. (translation).

Following the opinions expressed by participants to the consultation, the Commission gained a better understanding of the scope of the City's initiatives and services. Actions that appear to be continuous in the reference documents are in fact occasional, adopted recommendations take time to be implemented, the participation of the City in major projects is sporadic and not well-established. In summary, the City announces interesting measures and several concrete commitments, however the Commission considers that the initiatives of City are scattered. Regarding coherence in municipal actions, the Commission finds that there is a discrepancy between the vision of a metropolis of reconciliation and the actual measures taken.



## Recommendation #9

In conformity with the principles of transversality, perennity and coconstruction that are set forth in the Strategy of Reconciliation with Indigenous Peoples, the Commission recommends that, by the end of the first mandate of the Indigenous Affairs Commissioner, the City of Montréal, together with Indigenous organizations, proceed to revise:

- The offer of municipal services to Indigenous persons, regardless of the borough in which an individual lives or in which an organization is located, in order to better adapt the services to the demographic reality of the Montréal Indigenous population;
- The system of grant subsidies for projects in order to examine if biases or organizational practices are disadvantaging Indigenous groups.

## Initiatives Requiring Perennity and Increased Support

The numerous opinions expressed regarding the work of the Indigenous affairs Commissioner clearly indicate that her role and the measures she has taken are greatly appreciated. The role of the Indigenous liaison officer of the SPVM seems also to be appreciated. The Commission is surprised to

learn that these two entities are functioning with extremely limited human and financial resources in spite of their ambitious and important mandates. Regarding the Indigenous affairs Commissioner, there is no mention of a continuity plan in the City's reference documents nor in its presentations.

## Recommendation #10

In order to strengthen and increase the support for measures concerning the relations with Indigenous people, the Commission recommends that the City of Montréal:

- Ensure the perennity of the mandate of the Indigenous affairs Commissioner and increase her resources so that she can adequately carry out the mandate conferred;
- Request that the SPVM work with the Indigenous groups in order to reinforce the work of the liaison officer in various sectors of police activities.

# 6 Thematic Recommendations

The City must also take specific measures in the fight against systemic racism and discrimination within its jurisdiction. As such, the report analyzes the following themes: employment,

racial and social profiling, culture, urban planning and land use, housing and citizen participation.

## 6.1 Employment at the City of Montréal

### Finding #3

Although the City of Montréal hopes to become exemplary in the area of employment diversity and is implementing several measures in this regard, the Commission finds that its Action Plan for Diversity in Employment 2016-2019 does not contain targets, deadlines or diagnostics regarding the various obstacles faced by the five groups included in the City's Equal Access to Employment Program (visible minorities, ethnic minorities, Indigenous people, women, persons with disabilities). The Action Plan lacks the precision and accountability required to support its objectives.

“

... diversity is not a legal concept,  
equality is.

”

- Adelle Blackett, May 28, 2019 (translation)

Over the years, the question of systemic discrimination in employment has been extensively discussed both in the Québec and in the Montréal public arena. The participants to the consultation spoke of the multitude of information that documents its existence and the difficulties faced by Indigenous persons and certain racialized and ethnic groups, both immigrants and Canadians, regarding hiring, promotion and job retention.

It is undeniable that the City of Montréal is a major employer, with influence. Regarding the diversity of its workforce, the data presented by the City attests to the slow progress made regarding the groups targeted by this consultation. After ten years of measures and actions, the proportion of visible minorities, ethnic minorities and Indigenous persons in the Montréal workforce increased from 12.3% to 19.1%<sup>16</sup>. Particular attention should also be paid to the internal promotion of racialized and Indigenous persons.



## Finding #4

In 2016, 2017 and 2018, after more than 10 years of equal access to employment plans, the proportion of persons hired to upper management positions in the City of Montréal and who self-identify as “visible minorities”, “ethnic minorities” or “Indigenous persons” was 0%. During these same years, 2% or less of the existing upper management self-identified as belonging to these categories<sup>17</sup>.

### Poorly Defined Targets, Clearly Insufficient Progress



The Commission considers that the Action Plan for Diversity in Employment 2016-2019 has significant shortcomings that are in fact deterrents to its implementation and to the public’s ability to monitor it. The Plan should have contained a diagnostic of the different obstacles faced by the groups included in the Equal Access to Employment Program<sup>18</sup>, and presented specific targets and adapted measures for each of these groups. The City cannot use the same strategies to deal with the lack of Indigenous persons and the lack of person with disabilities within its workforce.

In 2019, the City announced a hiring objective of 33% of persons targeted by the Equal Access to Employment Program for permanent or temporary positions. During the hearings, the City stated that this objective was met in less than six months<sup>19</sup>. This leads the Commissioners to conclude that with clear objectives and strong will, clearly expressed by the leadership, the City is able to rapidly reach its targets.

## Recommendation #11

The Commission considers that the City of Montréal should reinforce its next Action Plan for Diversity in Employment, and recommends that the Plan should, notably :

- Set specific targets of representativity for each group included in the Equal Access to Employment Program, including differentiated targets according to the category of employment (employees, professionals, management). These targets should be binding and be reached within the time framework of the Plan;
- Ensure that this representativity applies to the City of Montréal and to its boroughs;
- Include the production of an annual report, with differentiated data, on the progress made with regards to the Action Plan for Diversity in Employment, and to be presented to the Municipal Council, with a question period from the public.

## Positions to Fill: A Pressing Need

The media reported, in January 2020, that in five years, 25% of the City of Montréal's civil servants, 5,000 individuals, will be eligible for retirement. The Commission believes that this is an occasion not to be missed; an occasion for the City to significantly change its appearance and an invitation to manage change differently.

A study submitted to the Commission concluded that a diversified upper management fosters the transformation of an organization: "A diversified leadership contributes to a more efficient work environment, to higher rates of innovation, to better access to foreign markets and, in fact, to more satisfying financial results<sup>20</sup>". (translation) The Commission recommends the implementation of concrete measures that will ensure the presence of a certain number of racialized and Indigenous persons within the top echelons of the City.

Measures like these are not exceptional; they in fact already exist within the City. In a communication to the entire personnel in June 2019, the City of Montréal states that it is adopting "new workforce management practices" (translation), i.e., internal promotion, without postings, of non-unionized managerial positions<sup>21</sup>. The Commission considers that measures such as these could and should be implemented in order to redress the situation regarding racialized and Indigenous persons within upper management.



### Recommendation #12

The Commission recommends that the City of Montréal instruct its Human Resources Service to implement, by the end of 2020, a program of redress and promotion regarding the access of racialized and Indigenous persons to upper management positions in the City. This program, to be validated by the Commission des droits de la personne et des droits de la jeunesse (CDPDJ), should:

- Set specific and binding targets of representativity for upper management and administrative positions;
- Promote innovative talent management strategies, such as internal promotions, without postings, of non-unionized managerial positions;
- Produce an annual report with the results, using differentiated data.

The City, in its interventions, mentioned that it would pay “particular attention to issues of intersectionality<sup>22</sup>” (translation) with regards to its Equal Access to Employment Program. The three advisory councils (the *Conseil interculturel de Montréal*, the *Conseil des Montréalaises* and the *Conseil jeunesse de Montréal*) issued well documented analyses on the subject. The Commission considers that the City should, as a measure of redress, remediate the lack of racialized and Indigenous women in many categories of employment.



### Recommendation #13

The Commission recommends that the City of Montréal instruct its Human Resources Service to elaborate, by the end of 2020, a specific program of redress and promotion relative to management positions, particularly upper management positions, for women belonging to the groups targeted by the Equal Access to Employment Program.



### Essential Partners

The issue of seniority was mentioned as a possible barrier to the mobility of racialized and Indigenous persons who are newly integrating into the City’s employment structure. This is an issue that must be considered as part of a larger discussion regarding the procedures of internal promotions. In this regard, the Commission notes and deeply regrets the absence of labour unions representatives during the consultation. The participation of the unions is essential in the search for and in the implementation of promising actions that can bring about change.

### Recommendation #14

The Commission considers that the unions are essential actors in the fight against systemic racism and discrimination. In order for the next Action Plan for Diversity in Employment to be successful, the Commission recommends that, for the next collective agreement negotiations, the City of Montréal:

- Prepare propositions to accelerate the progression and the promotion in employment of persons who are members of the five groups included in the Equal Access to Employment Program;
- Request that the unions also prepare propositions in this regard.

“

... often the problem is that we envision a process of change from within, that hiring racialized persons into services that are deeply problematic and violent will change the fact that these services are problematic and violent. It's somewhat the solution of "cohabitation"... the idea that once people who don't know each other meet each other and learn to like each other, racism will disappear. People remain people. You can have all the good intentions in the world, these individuals are part of a system.

Conseil québécois LGBT, November 7, 2019 (translation)

”

## Zero Tolerance for Discriminatory Behaviors or Comments

The City, in its reference documents, should have elaborated upon the issue of a healthy work environment. The City acknowledges that it does receive complaints from its personnel and the CDPDJ has processed numerous complaints regarding the work environment at the City. And yet, the Commission notes that there is little self-reflection on existing conditions at the City and on its organizational structure that may be factors in the difficulties regarding the hiring, the promotion and the job retention of racialized and Indigenous persons.

It is one thing to hire, however it is another to retain talent in a work environment exempt of discrimination. The Commission suggests that a gender-based analysis and intersectionality (GBA+) be applied to all complaints lodged by employees as well as to the reasons of resignations within the past years (e.g. 10 years).



### Recommendation #15

The Commission recommends to the City of Montréal:

- That an explicit reference be made to harassment, discrimination and racial violence in the Code de conduite des employés and in Regulation 19-03, the Politique de respect de la personne;
- That a similar reference be included in the codes of conduct of the employees of other organizations and para-municipal structures connected to the City of Montréal (e.g., STM, SPVM);
- To examine complaints received using a gender-based analysis and intersectionality (GBA+) in order to detect recurring issues.



In 2018, 20,000 businesses were registered in the City's roster of suppliers, and 2.9 billion dollars were awarded in contracts<sup>23</sup>. As these relations have important financial implications, the Commission considers that the City should encourage its suppliers to develop a reflex that encourages equal access to employment.

In 2015, the *Commission sur le développement social et la diversité* of the City recommended that the Executive Committee ask the Government of Québec to broaden the scope of the Act Respecting Equal Access to Employment, so that the municipalities could implement a contractual obligation regarding equal access to employment programs. This recommendation appears to have received no reply from the responsible authorities. It would be advisable, according to the Commission, that the current Municipal Council decide whether to proceed in this regard.

### Recommendation #16

The Commission recommends that the City of Montréal, in the call for tenders and in the awarding of contracts, favour organizations that have high standards regarding equal access to employment, such as an Equal Access to Employment Program, and that the City take the following measures:

- Assign the monitoring of this to the Inspector General;
- Stipulate this new task in the mandate of the Inspector General;
- Publicize this task in the call for tenders and in the awarding of contracts.



## 6.2 Racial and social profiling

“

95% of the time, the person who stops us does not see us as human but rather as prey<sup>24</sup>.

”

- Rito Joseph, November 7, 2019 (translation)

Québec jurisprudence stipulates that discriminatory profiling is a violation of fundamental rights and constitutes systemic discrimination in the context of the work of police forces. The Human Rights Tribunal specifies that “*even if certain situations exist that one can qualify as ‘individual discriminatory profiling’ or ‘isolated cases’, discriminatory profiling is a systemic problem in the context of policing*”<sup>25</sup>. (translation) In a recent judgment authorizing the Black Coalition of Quebec to file a class-action law suit against the SPVM, the Superior Court of Québec notes that “*in spite of the actions taken for over 30 years, racial profiling is still a reality within the SPVM*”<sup>26</sup>. (translation)

Many organizations and individuals, particularly Black men and often young, testified before the Commission as to the impact of racial profiling on their lives: dehumanization, fear, frustration, and confusion. One organisation underlined the effects of the discretionary power exercised by police of the SPVM on homeless Indigenous women in Montréal<sup>27</sup>.

The issue of racial and social profiling is well-known and has been widely documented, including by municipal commissions. The municipal administration is well aware that its police subject Montrealers to differential treatment based on factors such as their race, their colour, their ethnic or national origin, their religion or their social condition.

Persons in authority use force without valid reason or reasonable suspicion. In spite of this, the Commission does not see measures commensurate with the urgency to act.

In 2018, the police service mandated a team of independent researchers to “*produce, from data generated by the SPVM as part of its activities, indicators regarding street checks done by the police in relation to the racial background of those intercepted*”<sup>28</sup>. (translation). In October 2019, when the Armony-Hassaoui-Mulone report was published, the Director of the SPVM stated that he was “*very surprised*” (translation) by the disparities reported. The Commission wonders why the Director was surprised, considering that in 2016 his predecessor had acknowledged the existence of profiling within the SPVM and in March 2018 the Executive Committee also acknowledged it. Deeply troubled by the regression, the Commission holds the firm conviction that the prerequisite to change never took place: the recognition of racial and social profiling by the senior management of the police force and the translation of this recognition into preventative and punitive actions taken by the SPVM.

### Finding #5

Racial and social profiling in Montreal is a phenomenon that has been largely documented for many years. It constitutes a violation of the fundamental rights of Montréal men and women. It is a violation of the Charter of Human Rights and Freedoms as well as of the Police Act and the Code of ethics of Québec police officers. The Commission is of the opinion that racial and social profiling will unfortunately continue to be a reality until such time that the organizational culture is called into question and incited to change by the upper management and senior direction of the police force.



A change in organizational structure involves the establishment of permanent structures and procedures. The measures taken cannot be sporadic nor occasional. Article 108 of the Charter of Ville de Montréal stipulates that the Director of the SPVM is appointed by the Government of Québec, following the recommendation of the *Commission de la sécurité publique* and the Agglomeration Council.

The Commission notes that the selection of the current Director of the SPVM included, for the first time, a public meeting of the *Commission de la sécurité publique*<sup>29</sup>. The Commission considers that the selection process should be more transparent, and that citizens' voices should be heard regarding the person who will direct the police force.

## Recommendation #17

The Commission esteems that racial and social profiling prevails within the SPVM and that it constitutes violence directed toward certain racialized groups and Indigenous persons. The Commission recommends:

- That the candidacy for the position of Director of the SPVM, selected by the Commission de la sécurité publique and the Agglomeration Council and recommended to the Government of Québec, be conditional on the candidate's recognition and understanding of the phenomenon of racial and social profiling as well as on his/her possessing the necessary skills to bring about a change in the culture of the organization;
- That the selection process be revised, requiring the finalists to make a presentation during a webcast meeting of Commission de la sécurité publique, which will include a question period from the public;
- That the senior direction of the SPVM review the tools and methods of recruitment in order ensure the elimination of candidates who manifest racial prejudice; this should apply to the selection of the next cohort of police recruits;
- That the SPVM provide an annual update, publicly and with data, regarding the implementation of the Strategic Plan to Support SPVM Personnel in the Prevention of Racial and Social Profiling 2018-2021 as well as regarding other measures taken in the fight against racial and social profiling. These updates should take place during meetings of the Commission de la sécurité publique and include a question period from the public.

## Fear of Police Officers

Approximately a third of the opinions expressed and comments made to the Commission during the consultation involved the issue of racial and social profiling; the message was clear:

- A myriad of reports has already been written documenting the phenomenon, however ignored by the direction of the SPVM;
- The population is anticipating audacious measures, concrete and permanent solutions, aimed at stopping the culture of impunity within the SPVM;
- The SPVM must be more transparent and attentive;
- The existing monitoring bodies must be examined in order to increase their independence or the perception of their independence.

Police interceptions are a sensitive and focal issue in the relationship between the City and its population. The Commission takes note of the commitments undertaken by the SPVM in response to the recommendations of the Armony-Hassaoui-Mulone report<sup>30</sup>. The Commission welcomes the decision of the SPVM to elaborate a policy on police interception. However, the Commission considers that this policy must explicitly establish principles and promote measures to eliminate racial and social profiling.



### Recommendation #18

The Commission endorses the five recommendations of the Armony-Hassaoui-Mulone report, and acknowledges the SPVM's commitment to elaborate a policy on police interception. To enshrine principles of anti-profiling in this policy, the Commission recommends that the City of Montréal ensure that the policy:

- Explicitly declares that racial and social profiling is a violation of the fundamental rights of Montrealers;
- Prohibits, subject to sanctions, police interceptions based on “race”, colour, ethnic or national origin, religion and social condition;
- Includes a revision of practices, tools, directives and intervention protocols in order to eliminate inherent systemic biases that compromise the right to equality;
- Systematically compiles data regarding police interceptions and renders this data available to the public in order to facilitate research and to regain the confidence of the public.

## Structure and Treatment of Complaints - To Review

Many diverse solutions were proposed during the consultation. The Commission finds that the structure and the functioning of the *Commission de la sécurité publique* (CSP) should be reviewed to enable the City to reinforce its ability to oversee the work of the SPVM and increase the accountability of its police force. Accordingly, the Commission considers that the

number of public meetings of the CSP should be increased and that two members, representatives of civil society, should be added to the CSP in order to broaden the perspectives and reinforce the transparency and independence of the institution.

### Recommendation #19

In order to reinforce the role of the Commission de la sécurité publique and the ability to oversee the work of the SPVM by municipal authorities, the Commission recommends to the City of Montréal:

- To make representations to the Government of Québec, by October 2021, to amend article 72 of the Charter of Ville de Montréal in order to increase the number of members of the Commission de la sécurité publique from seven to nine and to include two independent members, representatives of the public;
- That the two independent members have the right of vote, on a par with the other members;
- That the two independent members be selected for their expertise in matters relating, notably, to racial and social profiling and human rights;
- That the two independent members be appointed following a transparent selection process conducted by the Commission de la sécurité publique.

### Recommendation #20

In order to reinforce the accountability of the SPVM and regain confidence in institutional mechanisms, the Commission recommends that, by October 2021, the City of Montréal make representations to the Government of Québec to amend article 74 of the Charter of Ville de Montréal, in order to mandate the Commission de la sécurité publique to hold a minimum of six public meetings per year, and that:

- The calendar and agenda of each meeting be made public on the Friday before the meeting, at the latest, as is done for Municipal Council meetings;
- Each meeting be webcast and include a question period from the public;
- The archives of the agendas, the webcasting, the minutes and the official documents be available on line, as is the case for Municipal Council meetings.



52% of the files opened at the Commission [*des droits de la personne et des droits de la jeunesse*] concerning allegations of racial profiling over the past 10 years involve the City of Montréal, its police department or its transit agency. Nearly 90% of these cases, involve the SPVM.



- *Commission des droits de la personne et des droits de la jeunesse*, December 4, 2019 (translation)

There is a wide-held perception of a culture of impunity within the SPVM regarding complaints. A litany of recommendation and requests for inquiries, followed by declarations and subsequent inaction tarnish the image of the police.

The Commission notes the silence on the part of numerous municipal administrations, comprised mostly of White persons, when racialized and Indigenous groups complain about differential treatment, as well the death of several racialized Montrealers, gunned down by the police, that have eroded the public's confidence.

A credible compliant mechanism is an essential component in the fight against systemic racism and discrimination. The

existing mechanisms that deal with complaints against the SPVM are under the authority of the Government of Québec and not the City of Montréal. The Commission is aware that the City is currently making representations to the province regarding complaints handled by the CDPDJ and the *Commissaire à la déontologie policière*<sup>31</sup>. The Commission iterates the necessity to enhance the performance of these entities and to recognize that a part of the population actually feels at a loss when they want to file a complaint against the SPVM.

## Recommendation #21

In order to improve the performance and the perception of the complaint mechanisms against the SPVM, the Commission recommends that, in its representations to the Government of Québec, the City of Montréal consider the following conditions, a prerequisite to success:

- That the SPVM, the *Commissaire à la déontologie policière* and the *Comité de déontologie policière* provide clear and comprehensible information to complainants;
- The presence, within these entities, of personnel who are trained and qualified to handle complaints of racism and discrimination and able to conduct inquiries;
- The assurance that decisions regarding the complaints are communicated to the complainants in a clear and accessible manner;
- The establishment of an independent mechanism providing legal and psychosocial support to complainants.

## Revising Training

It was brought to the Commission's attention that certain SPVM police stations offer training on the subjects of ethics, communication and intercultural relations, however not on antiracism. Numerous participants to the consultation recommended that the SPVM modify or improve the

content of police training. Several persons and human rights organizations noted that one awareness session or training of short duration without follow-up or an evaluation process will be of no benefit to organizational change.

### Recommandation #22

In order to prevent racial profiling and social profiling on the part of SPVM police officers and STM inspectors, the Commission recommends:

- That, before the end of the mandate of the current Director, the SPVM revise the curricula and the duration of their training sessions in order to integrate the notions of racial and social profiling and anti-racism. These trainings should be mandatory for the entire police force;
- That the contents of the trainings be elaborated in partnership with community organizations involved in the fight against racism and discrimination and the CDPDJ;
- That the acquired knowledge and skills regarding racial and social profiling be valued in the evaluation of police personnel and in the system of internal promotions;
- That the trainings be evaluated, periodically, in order to assess their impact on the targeted audiences;
- The organization of community immersion programs for police officers, to complement the updated trainings.



## Persons Without Status

The Commission questions the City's Policy of Access to Municipal Services Without Fear<sup>32</sup>. The Commission notes that, as per article 28 of the Montréal Charter of Rights and Responsibilities, the City aims to promote access to municipal services for all its residents, regardless of their immigration status. The intention is noble but difficult to put into practice because this policy encompasses "*all of the administrative units of the City of Montréal, with the exclusion of the Service de police de la Ville de Montréal (SPVM)*"<sup>33</sup>. (translation)

The Commission considers that if the SPVM is intercepting racialized persons without status as a control measure, without valid reason or reasonable suspicion, it is a matter of discrimination.

### Recommendation #23

In conformity with the spirit of the Montréal Charter of Rights and Responsibilities, the Commission recommends that the City of Montréal continue discussions with the SPVM on how to conjugate public security and the transmission of information on persons without status to the Canada Border Services Agency when there are no grounds for arrest.

## Hate Incidents and Hate Crimes

Hate crimes and hate incidents take place within the City's territory but they are not necessarily brought to the attention of the police by the population, nor to the specialized police unit - The Hate Incidents and Hate Crimes Unit - by the neighbourhood police stations. The City, therefore, cannot maintain an overall view of the situation. The Commission considers that close attention to these obstacles are warranted.

In the digital era, hateful content targeting persons and groups is rampant. Cyber hate is the dissemination of hateful messages to persons or groups (threatening, humiliating and degrading) through social media and other electronic means on the basis of, notably, sexual orientation, ethnic identity, gender identity, religious beliefs, colour of the skin, and age.

### Recommendation #24

Concerned by the increase in hate incidents, hate crimes and cyber hate on the territory of the City of Montréal, the Commission recommends to the City that, in the coming year, the SPVM reinforce and improve:

- The mechanisms and the procedures of internal reporting and compilation of data regarding hate incidents, hate crimes and cyber hate;
- Public communication to ensure that the population knows how to report a crime or incident in an accessible and efficient manner;
- Protection and support to victims who denunciate these crimes and incidents.

## Body Cameras, Facial Recognition and “Predictive Policing”

“

In recent decades, numerous police forces have been accused of using racial profiling and targeting neighbourhoods with a high proportion of visible minorities. If predictive policing is based on the analysis of data collected in a context of institutionalized racism and discrimination, this technology has the potential to create a vicious circle that only further targets visible minorities.

- *Conseil jeunesse de Montréal*, November 5, 2019 (translation)

”

During the consultation, the Commission heard numerous racialized men and women describe their fear of problematic police behavior and their desire for protection with the help of a tool they perceive as neutral. The use of body cameras was proposed as a solution to counter the camaraderie when lodging a complaint against a police officer. The City has

decided that the general use of body cameras is premature, yet it is monitoring the developing technology. Although the Commission was not provided with sufficient data to adjudicate on the matter, it esteems that the City should take into consideration the fear that motivates individuals and community groups to request the use of the cameras.

### Recommendation #25

The Commission recommends that the City of Montréal take the following measures, by the end of the mandate of the current Director of the SPVM:

- In collaboration with research teams in the City, conduct and publish the results of an ethical and criminological analysis prior to the widespread use of “predictive policing” and facial recognition technology by the SPVM;
- Regulate the eventual use of these technologies so as not to amplify racial and social profiling.

## 6.3 Culture

In its reference documents and in the 2017-2022 Cultural Development Policy, the City claims to place diversity at the heart of its actions in the area of culture<sup>34</sup>. However, the comments of the participants to the consultation painted a different portrait of the situation.

The City maintains that interculturalism is the framework underlying the measures taken by the *Service de la Culture*. The service supports events that “*promote dialogue, networking or interdisciplinarity between diverse ethno-cultural communities*”<sup>35</sup>. (translation). It also presents “diversity”

awards and offers training to its teams on the integration of immigrants. The intercultural approach is successful but only addresses a part of the problem, notably with regards to those having immigrated. The issue of systemic racism and discrimination in the cultural domain, however, transcends the problem of dialogue between cultures. Racialized artists and Indigenous artists must also benefit from visibility, funding and awards in the “regular” categories. The Conseil des arts de Montréal (CAM), a major player on the Montréal cultural scene, describes the issue as follows:

“

the reality of 2<sup>nd</sup> and 3<sup>rd</sup> generation artists (...) best demonstrates the existence of systemic racism and discrimination. Weak representativity of these groups in the financing of projects indicates that factors of exclusion exist, other than those affecting immigrant artists<sup>36</sup>.

”

- *Conseil des arts de Montréal*, November 7, 2019 (translation)

The Commission is of the opinion that the City can do better. Racialized and Indigenous artists’ cultural reality is a dynamic construct built from their unique life experiences and immersed in their diverse roots. To correct the inequities, the City must collect differentiated data and cease amalgamating visible minorities, racialized groups, Indigenous persons and immigrant artists.



## Finding #6

Even though the 2017-2022 Cultural Development Policy states that Montrealers are faced with systemic challenges regarding access to cultural institutions, the document contains neither binding targets nor objectives, elements necessary to redress. In addition, the Commission notes that the City has not undertaken an analysis of its own processes and procedures in the domain of culture that may in fact be obstacles to equality.

## Finding #7

The institutional structures that promote local artistic practice serve as a trampoline for the careers of artists. However, the interpretation of what constitutes “culture” is also based on relationships of power and a Eurocentric vision of what is valued. The Commission finds that as a funding body, the City has the necessary leverage to encourage organizations in the milieu to develop reflexes and practices that value the presence of racialized and Indigenous Montréal artists in their cultural offers and within their institutions.

### Lack of Representativity in Many Aspects

Major organizations in the artistic milieu have stated that systemic barriers contribute to the incongruence between the composition of Montréal society and the content of its cultural offer. The data presented by the City confirms this claim and reveals that in the area of performing arts, for example, “cultural diversity” represented 9% of the programming in 2009 and 14% in 2017<sup>37</sup>.

The confluence of institutional processes and biases lead to the under-representation of racialized and Indigenous artists in cultural institutions, in their programming, in decision-making spheres and on selection committees. Members of institutions have a tendency, often unconsciously, to consider their experiences and cultural references as the norm, which could translate into a lack of attention or interest in other artistic and cultural forms. History has clearly demonstrated that when the masculine experience takes center stage, the particular realities of women are ignored. The same holds true for racialized and Indigenous artists.



## Recommendation #26

The Commission recommends to the City of Montréal that its Cultural Development Policy, the action plans of the boroughs and the Action Plan on Diversity in the Accès Culture Network 2019-2023 (currently being elaborated) be revised to include specific measures to counter systemic racism and discrimination, notably:

- In collaboration with the boroughs, the funding bodies and civil society, to include binding targets in order to assure better funding of racialized and Indigenous artists;
- In collaboration with the boroughs, the funding bodies and civil society, to set binding targets of representativity, specific and differentiated according to the artistic discipline, to reduce the under representation of racialized and Indigenous artists in the cultural offer of the City;
- To publish an annual report on the progress made in reaching these targets.

A local proactive mobilisation in the cultural sphere is required in order to renew the public with regard to the fight against systemic racism and discrimination. As such, the museums funded by the City are precious tools; several of them highlight those who currently build and those who have built Montréal. However, several persons mentioned that the centralization of the City's cultural offer is a deterrent to the participation of artists living in peripheral neighbourhoods; a clear illustration of social and cultural inequity.

In its reference documents, the City indicates that since 2005, it offers cultural mediation activities in its boroughs to reach out to people who have limited access to cultural activities,

including racialized and Indigenous persons. The Commission, as well as numerous participants to the consultation, recognize the importance of the libraries and the *Maisons de la culture* to all Montrealers. However, in order to attain better sociodemographic representation of the Montréal population in its cultural activities, the City must increase its efforts and substantially increase the budget in the areas of art and culture.

The Commission shares the opinion that :

“ access is also a question of psychological predisposition and the sense of inclusion – one must be able to relate to the offer, and feel “legitimate” in the venues that one frequents<sup>39</sup>.

”

- Culture Montréal, November 11, 2019 (translation)



## Recommendation #27

The Commission recommends that the City of Montréal mandate its Service de la culture to take the following measures, prior to the deadline of the current 2017-2022 Cultural Development Policy, and to be applied to future cultural policies and action plans:

- Produce, annually, differentiated data per borough regarding the attendance of racialized and Indigenous people at municipal cultural activities in order to better comprehend the state of affairs;
- Establish citizen committees in every borough, representative of the city's demographic reality, to reflect on programming and on the renewal of the public in the Maisons de la culture;
- Broaden the scope of its cultural mediation programs so that, minimally, a cultural mediator and liaison officer jointly oversee the cultural venues in each borough. The cultural mediator will reach out to racialized and Indigenous artists and to the racialized and Indigenous public, in an intersectional perspective.



### Access to Public Funding

The Commission emphasizes the importance of institutional support as a trampoline to an artistic career. Québec has massively invested in the development of structures to promote local artists and culture. Further action is now necessary in order for the City to enable its diverse artists to benefit from the established structures.

The Commission notes that the City revised several funding programs and modified evaluation criteria following recommendations of *Conseil interculturel de Montréal*. The City also increased the budgetary envelope due to, notably, an entente with the *Ministère de la Culture et des Communications du Québec*. The Commission considers that, in spite of the existing various funding sources, the decisions regarding the granting of funds and awards remain a challenge. A rigorous follow-up is necessary to ensure that these changes in fact benefit an increasing number of racialized and Indigenous artists.

## Recommendation #28

The Commission recommends that the Service de la culture and the Conseil des arts de Montréal implement the following, prior to the deadline of the current 2017-2022 Cultural Development Policy:

- Financial incentives for subsidized organizations who plan to implement measures to include racialized and Indigenous persons in their programs and projects as well as on their Boards of Director;
- Grant these financial incentives proportionately to the quantity, quality and scope of the proposed measures of inclusion.

## Indigenous Persons and Culture

The Commission is concerned by the lack of protection for Indigenous art in Montréal. The Commission considers that in the absence of authentication measures to counter products that appear Indigenous but are fabricated internationally, artistic practice is depreciated. The Commission is also aware of the need to create a physical place of reconciliation where Indigenous art and culture can also be celebrated. A venue such as this does not exist in Montréal and, during a meeting with Indigenous groups, spokespersons mentioned that the reality of Indigenous persons is often non-existent in the public domain.

The Commission was informed, by a participant during the hearings, that certain dispositions of municipal by-law G-2, By-Law Concerning Tourist Guides, contain administrative measures that reproduce injustice towards Indigenous people and their history. In order to become a guide, the by-law stipulates the requirement to enrol in training offered by an institution designated by the Executive Committee. However, according to the participant, the content of the training largely evacuates the contribution of Indigenous people to the history of the City.

## Recommendation #29

The Commission recommends that within the next year, the City of Montréal, in collaboration with Indigenous organizations, examine the possibility of establishing an Indigenous cultural center in Montréal, and ensure that the training provided to guides includes substantial and accurate content relating to Indigenous history, art and culture.

The cultural milieu, in constant transformation, is a vehicle to establish social connections. The Commission finds that in the cultural domain, the awareness regarding greater cultural equity, while not perfect, appears greater than in other jurisdictional areas of the City. Notwithstanding the concerns expressed by citizens regarding the flagrant lack of

representativity, the interventions of several organizations of the milieu, notably, the *Conseil des arts de Montréal*, *Diversité artistique Montréal* and *Culture Montréal* are a source of inspiration.

### Recommendation #30

In order to eliminate the biases that directly or indirectly disadvantage racialized and Indigenous artists, the Commission recommends that the City of Montréal instruct its Service de la culture to implement the following measures, prior to the deadline of the current 2017-2022 Cultural Development Policy:

- Revise funding practices and processes to examine if inherent biases exist that disadvantage racialized and Indigenous artists;
- Solicit the collaboration of organizations in the cultural milieu who have experience in human rights and in the fight against racism, as well as the Service de la diversité et de l'inclusion sociale, during the course of this revision;
- Establish internal mechanisms to assist the personnel to signify procedures or practices that contravene the right to equal treatment.



## 6.4 Urban Planning and Land Use

Concerning urban planning and land use, the issues brought before the Commission involved, notably, the intersection of two grounds of discrimination: race and social condition. During the pre-consultations in the boroughs, the community groups spoke about the impact of territorial disparity on racialized and Indigenous persons, highlighting the large concentration of racialized persons in the poorest neighbourhoods of the City and, inversely, the low concentration of racialized and Indigenous persons in the more affluent neighbourhoods and boroughs.

The majority of the opinions expressed during the consultation underlined the unequal distribution of resources between and even within the boroughs; the poorest neighbourhoods receiving less public investment and municipal services. Many individuals and community groups deplored the isolation of peripheral neighbourhoods and the deficient services provided by the *Société de transport de Montréal* (STM) to these neighbourhoods, the presence of food and sanitary deserts, the little investment in green space and in the maintenance of infrastructures. The *Direction de la santé publique de Montréal* and the *Institut national de santé publique du Québec* have documented several of these disparities and their consequences on the health and life expectancy of Montrealers<sup>40</sup>.



### Finding #8

The Commission is well aware that the relationship between poverty and systemic racism and discrimination is inextricable, and land use is the visual echo of the inequalities present in the City. Consequently, fighting poverty is essential in the fight against systemic racism and discrimination.

Data and differential analyses of this data is essential in order to measure the inequities in living conditions within Montréal. The advisory councils and several community organizations questioned the quality of the training offered by the City on gender-based analysis and intersectionality (GBA+). The Commission considers that this expertise should not depend solely on citizens who are voluntary members of

councils or on a few civil servants. The City should associate itself with research centers to obtain differentiated data and comprehensive demographic portraits. Lived experience is also knowledge to be valued. In this context, research on territorial disparity should involve a participatory approach.

### Recommendation #31

Regarding the fight against systemic racism and discrimination and territorial disparity, the Commission recommends that the City create a working group composed of representatives of the boroughs and the municipal services concerned (e.g., Service de l'urbanisme et de la mobilité, Service de la diversité et de l'inclusion sociale), members of civil society as well as research teams to elaborate a strategy, a timetable and indicators to measure success in order to analyse and take action on:

- Foods deserts in the boroughs;
- The deficient accessibility to public transportation;
- Territorial equity in the creation of green spaces;
- Maintenance of parks and infrastructures.



## Contribute to the Perennity of the Community Milieu

Community organizations offer essential services to the populations who are the object of this consultation and require recognition from the City. Several organizations spoke of their fragile financial viability. Furthermore, the Commission was informed that both the city-centre and the boroughs are not fully aware of the work done by organizations who work with racialized and Indigenous groups. The Commission believes that this lack of knowledge is an obstacle to the obtention of funding.

Indigenous organizations mentioned that in spite of their financial precarity and limited resources, they receive

numerous requests for assistance from the City who does not possess internal expertise on matters relating to the Indigenous Montréal population. An organization deplored the fact that even when there are funding possibilities, the process of obtaining funding from the City is arduous.

The Commission invites the City to explore alternative methods of funding and find a balance between supporting the issue of the fight against systemic racism and discrimination and the responsible and accountable use of public funds.

### Finding #9

It was often repeated that project-based funding, compared to mission-based funding, leads to economic fragility. In addition, the manner in which the City and the boroughs award funding and select the social issues that “deserve” to be funded is susceptible to substantial bias.

## Places of Worship and Burial Sites

The question of places of worship and burial sites is delicate. The borough councils oversee zoning by-laws that regulate their establishment. The City’s reference documents indicate that, during the past few years, some boroughs have imposed a moratorium on new places of worship and others have

adopted different measures. These variations create inequity within the territory of the City. The Commission considers that making piecemeal decisions on this issue is not in the best interest of the City of Montréal nor of its population.

### Recommandation #32

The Commission recommends that the City of Montréal elaborate, within the year, a regulatory framework with regards to places of worship, which takes into account:

- Social issues such as harmonious relations between citizens as well as rights and responsibilities as to places of worship;
- Urban planning issues, such as methods and tools, notably specifying the norms and criteria in order to aid the civil servants to identify, evaluate and classify the principal, accessory, occasional and conditional use of buildings intended for religious, community, cultural and educational activities.

## 6.5 Housing

The right to housing, without discrimination, is guaranteed by the Québec Charter of Human Rights and Freedoms. The *Conseil Jeunesse de Montréal* mentioned that the *Régie du logement* does not hear cases of discrimination exercised by landlords, resulting in additional prejudice for groups protected by the Charter who are receiving differential treatment based on personal characteristics.

The CDPDJ stated that certain systemic factors result in socioeconomic precarity among certain segments of the

Montréal population, which affects their capacity to find adequate housing. Consequently, discrimination in housing is in fact of a systemic nature.

The Commission would like to emphasize the increased obstacles in the search for affordable, sanitary and adequately sized housing for those affected by intersecting grounds of discrimination.

### Recommendation #33

Considering the abundant documentation attesting to discrimination faced by racialized persons and Indigenous persons in housing, and in the context of a rental housing shortage where it is even more difficult for racialized and Indigenous persons to find adequate housing, the Commission considers that a gender-based analysis and intersectionality (GBA+) must be applied to all projects and all reflections on housing. The Commission recommends that the City:

- Conduct, every three years and in collaboration with experts on the subject of anti-racism, an intersectional evaluation on the allocation process of vacant lots to community groups who intend to build social and community housing, as well as on the selection process by these community groups of residents to live in the housing, in order to ensure equitable access to social housing;
- Ensure, within the next two years, that the various components of the program *AccèsLogis Montréal* include specific and adapted measures to support those most susceptible to have difficulty finding housing, notably racialized women who are disabled and racialized women in precarious financial situations;
- Support social housing projects for Indigenous persons, to be elaborated with groups representing Indigenous persons and initiate, during the coming year, a project in this regard;
- Encourage the *Société d'habitation du Québec* to eliminate a clause limiting access to social and community housing to persons who are citizens or permanent residents, in order to offer increased and inclusive access to Montrealers.

## Finding #10

Access to housing is a fundamental need. Abundant documentation of discrimination towards groups protected by the Charter was brought to the attention of the Commission. It is evident that in the context of a housing shortage, it is even more difficult for members of several racialized, Indigenous and immigrant communities to find adequate housing.

In addition to access to housing, the condition of housing is a significant issue for the racialized persons and Indigenous populations of the City. Community groups from various boroughs spoke about the concentration of unsanitary housing in neighbourhoods with high concentrations of racialized persons. Unsanitary housing is a scourge and an issue of public health. Many participants to the consultation mentioned that new arrivals were particularly susceptible to unscrupulous landlords in this regard.

The By-Law Concerning the Sanitation, Maintenance and Safety of Dwelling Units and the 2018-2021 Action Plan for Decent Housing Conditions are clear documents. The Commission asks that the City go further, that it improve its procedures and provide adequate resources to attain the intended objectives in the set timeframes.



## Recommendation #34

In order to apply the By-Law Concerning the Sanitation, Maintenance and Safety of Dwelling Units and the 2018-2021 Action Plan for Decent Housing Conditions more effectively, the Commission recommends that the City of Montréal prioritize the following measures:

- The inspection of the 31, 200 residential units that present elevated and medium risks as detected by the indicators used to measure unsanitary risks, by Autumn 2021;
- The increase of coercive measures and the frequency of their use in order to carry out the necessary work of sanitization in the units.

## 6.6 Participation in Democratic Life

The ability to participate in all facets of democratic life is the corollary to the exercise of fundamental rights and to other issues addressed during the consultation.

Systemic racism and discrimination is an issue of structural barriers. The pernicious effects of these barriers are the interiorization of feelings of exclusion and inferiority. A sociohistorical perspective is important to understand that not to be able to “*imagine oneself*” in a position of authority is the effect of history and the relationships of power. During a meeting of the Commission with Indigenous organizations, a participant stated: “*Many among us have the feeling that they are inferior and cannot aspire to occupy leadership positions or functions*”<sup>41</sup>. (translation) Systemic racism and discrimination infringes the right to dream and, by the same token, the right to the City. It is an obstacle to personal growth and to the enrichment of the community.

The strong wish to contribute and to express one’s concerns constitute, among others, the backbone of this consultation.

The balance between an invitation from the municipal administration, credible and accessible mechanisms of participation and citizen mobilization is the prerequisite for participation in democratic life. The actual possibility to influence decisions to be made by the City is dependent on this balance of power as well as on confidence in the institutions.

The Commission welcomes the efforts made by the city-centre and the boroughs to promote the participation of Montrealers from all horizons. The Commission believes, however, that several initiatives that have been taken are sporadic whereas they should complement structural and permanent changes. The Commission iterates that the analysis of obstacles affecting racialized and Indigenous persons and the establishment of mechanisms to reduce these impediments to participation are prerequisites to exemplary leadership.



“

A sociohistorical perspective is important to understand that not to be able to “*imagine oneself*” in a position of authority is the effect of history and the relationships of power.

”



## Increased Representation on Boards of Directors

In spite of repeated commitments and action plans to “promote diversity”, it is clear that in the absence of accountability, old reflexes tend to perpetuate themselves. The lack of appointments of racialized and Indigenous persons to para-municipal organizations has often been deplored. The data of the City in this regard indicates that this imbalance persists.

To change the face of the Boards of Directors that are subject to Municipal Council appointments, the Commission insists that the City give itself numerical targets to be reached in definitive timeframes and accountability on the part of the elected officials

### Recommendation #35

The Commission recommends that the City of Montréal set specific and binding targets of representativity for the Boards of Directors and other organizations and entities that are subject to Municipal Council appointments, and target:

- Parity between women and men;
- A third of the positions to be filled by racialized and/or Indigenous persons;
- The candidates to be selected in an intersectional perspective (e.g. gender, age, persons with disabilities, sexual orientation);
- The upcoming appointments to be prioritized in this sense;
- The adoption of a municipal by-law on this matter within the upcoming year.

## For More Representative Municipal Entities

### Finding #11

Although the Commission commends that a women/men parity zone has been reached among the elected officials, it finds that despite two unanimous motions encouraging the political parties to present diverse Montréal candidates during the elections, the Municipal Council still does not reflect the sociodemographic reality of the City.

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Good will, a clear conscience or virtue are often thought of as being the same as actual results.

”

- *Table sur la diversité, l'inclusion et la lutte contre les discriminations*, December 3, 2019 (translation)

The Commission shares the opinion that “(g)ood will, a clear conscience or virtue are often thought of as being the same as actual results<sup>42</sup>” (translation). The Commission would like to underline that a women/men parity zone in the Municipal Council is the result of political will. Several successful measures were taken in this regard; these measures should now be reviewed and adapted, in an intersectional perspective, to encourage the participation and training of diverse candidates.

The imposition of mandatory fixed targets is an issue of debate. The Commission, however, considers that racialized and Indigenous persons face systemic barriers and, consequently, the status quo will only perpetuate the under-representation of voices that are essential to Montréal democracy.

### Recommendation #36

In order for the next Municipal Councils and Agglomeration Councils to actually reflect the sociodemographic reality of the City, the Commission recommends that all Montréal municipal parties:

- Examine the measures implemented to attain and maintain parity between women and men and adapt these measures to recruit and ultimately elect racialized and Indigenous candidates;
- Implement these measures for the 2021 municipal elections.

The City in fact has a tool that can be useful in the implementation of non-partisan measures and collaboration: the *Commission de la présidence du conseil* (CPC). Established by the Municipal Council in 2012 and comprised of elected officials and directed by the presidency of the Council, a neutral and impartial entity, the CPC “oversees the functioning

of the democratic institutions of the City of Montréal and citizen participation<sup>43</sup>” (translation) and proposes, among other things, measures that promote participation. In 2020, the CPC planned to “launch a comprehensive reflection on the theme of municipal democracy<sup>44</sup>.” (translation) In the current context, this is an opportunity not to be missed.

### Recommendation #37

The Commission recommends to the City of Montréal that the Commission de la présidence du conseil (CPC), as part of the reflection on the theme of municipal democracy, examine, as a priority, measures to be implemented so that the Municipal Council adequately represents the sociodemographic reality of the City.

## 6.7 Towards Increased Accountability

The conditions of success in the management of change include: the recognition by senior officials that a problem exists and their will and commitment to resolve the problem; adequate administrative training, personnel training, fixed and concrete objectives with explicit deadlines, follow-up and monitoring mechanisms as well as accountability on the part of the responsible authorities. The last element refers to the rendering of accounts based on results, within an imputable management.

From the beginning to the end of this consultation, numerous Montrealers asked for bold gestures by the City in order to demonstrate its commitment to fight systemic racism and discrimination and to assure its population that it will be accountable in this regard. The Commission considers that accountability, the foundation of a democratic society, encompasses the clear, complete, reliable and public rendering of accounts (verifiable, as far as possible), done in a specific timeframe and based on actual results.

“

Once recommendations have been formulated by the OCPM, we expect the City of Montréal to elaborate an action plan to ensure that these recommendations are translated into concrete actions and that there is real involvement of citizens in the follow-up.

”

- *La Structure de Promotion de l'Innovation et de la Créativité (SPIC)*, November 5, 2019 (translation)

### Recommendation #38

The Commission recommends to the City of Montréal that, in the immediate and annually, the Commission sur le développement social et la diversité and the Commission de la sécurité publique hold joint public meetings in which the General Manager will report on the measures taken to counter systemic racism and discrimination and on the implementation of the action plan on the subject. These meetings are to include a question period from the public.

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