

WeirFoulds Partner Raj Anand provides comment to CBC on human rights complaints pertaining to municipalities not flying Pride flags

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On April 27, 2023, WeirFoulds Partner Raj Anand, who is a former Chief Commissioner of the Ontario Human Rights Commission, was interviewed by the CBC's Allision Devereaux on the human rights implications of a municipality choosing not to fly the Pride or Progress flag at municipal buildings.

The conversation was in response to a bylaw which had been passed earlier in the week by the Township of Norwich, Ontario, which banned all non-government flags from being flown at municipal buildings, which includes Pride and Progress flags, and refused to recognize June as Pride month. The decision sparked a considerable outcry from the local community, and resulted in Oxford County Pride launching a human rights complaint with the Ontario Human Rights Tribunal.

Raj addressed the criteria for finding that the Ontario Human Rights Code had been violated, stating that the claimant "would have to show that the providing or the allowing of Pride flags or of any flags is a service that is provided by the municipality, and secondly, the group in question [...] are being treated differently, either intentionally or by the effect on them of an apparently neutral bylaw."

He clarified that in order for Norwich to not be found in violation of the code, they would have to prove that flying the Pride flag, or the flag of any disadvantaged group as recognized under the protected grounds of the Ontario Human Rights Code, "would cause undue hardship to the municipality", either by being cost-prohibitive or by creating an untenable situation for municipal staff. If the concern is anticipated tearing down of flags, the municipality has means of enforcement that it could use to prevent any other sort of vandalism. Essentially, if human rights could be denied because of a "heckler's veto", we would not have human rights protections at all.

As to whether or not Norwich had a valid defence that this decision was necessary in order to prevent undue hardship, Raj said, given that these celebrations have taken place for several decades and in many places, "I'm not sure the claim that this would wreak havoc in Norwich will play very credibly."

You can hear the full interview with Raj Anand on [CBC Listen](#).



www.weirfoulds.com

Toronto Office

4100 – 66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7

Tel: 416.365.1110
Fax: 416.365.1876

Oakville Office

1320 Cornwall Rd., Suite 201
Oakville, ON L6J 7W5

Tel: 416.365.1110
Fax: 905.829.2035