

**Ontario
Human Rights
Commission**

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April 15, 2019

Mayor Fred Eisenberger
Hamilton City Hall
71 Main Street West, 2nd floor
Hamilton, ON L8P 4Y5

Dear Mayor Fred Eisenberger:

RE: Harmful impact of Indigenous-themed sports logos in city facilities

We are writing to urge all municipalities in Ontario to engage Indigenous communities about the use of Indigenous-themed logos and team names in their sports arenas.

The Ontario Human Rights Commission (OHRC) recently intervened in an Application before the Human Rights Tribunal of Ontario (HRTO) which alleged that the use and display of Indigenous-themed logos and team names in the City of Mississauga sports arenas was discriminatory.

The OHRC conducted extensive outreach with Indigenous peoples to learn more about the impact of this use, and heard directly from youth across the province through the Indigenous Youth Council of the Ontario Federation of Friendship Centres. We intervened in the case to amplify the perspectives and voices of Indigenous youth and to highlight the harmful impact of stereotypes on youth.

The OHRC reached a settlement with the City of Mississauga and the Applicant. In the settlement, the City of Mississauga committed to:

1. Remove from its sports facilities all Indigenous-themed mascots, symbols, names and imagery related to non-Indigenous sports organizations.
2. Develop a policy on the use of Indigenous images and themes at its sports facilities, in collaboration with different groups such as the Mississaugas of the New Credit First Nation, the Peel Aboriginal Network, the Indigenous Youth

Council of the Ontario Federation of Friendship Centres and Indigenous Sport and Wellness Ontario.

3. Supplement its Diversity and Inclusion training with expanded material addressing reconciliation and Indigenous peoples.

The OHRC is now contacting municipalities in Ontario to ask that they follow suit. This is in keeping with the OHRC's mandate to identify, prevent, and eliminate discrimination, and to promote human rights within the province using a range of powers under the *Human Rights Code*.

Harmful Impact of Stereotypes on Indigenous Youth

Sports are drivers of social inclusion; they bring communities together and help youth develop their self-esteem. We recognize that municipalities are committed to providing environments that promote healthy and active lifestyles in the most inclusive manner. To this end, the OHRC and municipalities have a shared goal of actively removing barriers to participation in sports for Indigenous youth.

The OHRC recognizes that the use of Indigenous-themed names and logos by sports teams has been a long-standing norm in our society. However, it is time to revisit these pervasive images.

One of the purposes of Ontario's *Human Rights Code (Code)* is the "creation of a climate of understanding and mutual respect for dignity and worth of each person so that each person feels a part of the community." As service providers, municipalities have obligations under the *Code* to provide a service environment free of discrimination. Human rights law has found that images and words that degrade people because of their ancestry, race, color and ethnic origin, among other grounds, violate the *Code*.

Derogatory images and words can have a significant impact on the ability of affected individuals and groups to participate and benefit equally in services such as participating as a member of a sports team or attending games as a spectator. There can also be broader social and psychological impacts on such individuals and groups, including how they are viewed and treated in their community.

The American Psychological Association is among over 100 professional organizations that have adopted formal resolutions recommending the immediate retirement of Indigenous-themed names and logos by schools, colleges, universities, athletic teams and organizations. These resolutions are based on a growing body of empirical

evidence that demonstrate the harmful effects of these images. The scientific literature shows that Indigenous-themed names and logos:

1. Misuse cultural practices and sacred spiritual symbols;
2. Deny Indigenous peoples control over social definitions of themselves;
3. Perpetuate stereotypes of Indigenous people;
4. Create hostile environments for students and others;
5. Negatively impact the psychological functioning of Indigenous people (decreased self-esteem and community worth).

This research is summarized in Appendix A, the expert report of Dr. Jesse A. Steinfeldt, a sports psychologist.

In 2015, the Honourable Murray Sinclair and Chair of the Truth and Reconciliation Commission (TRC) noted the profound impact that stereotypes in sports have on young Indigenous people.

The TRC Final Report documents the challenges Indigenous youth face in forming their identities and the important role of sports in developing self-esteem. One of the TRC's Calls to Action includes a call to ensure that sport policies and programs are inclusive of Indigenous peoples.

Additionally, the TRC calls for Indigenous peoples' right to self-determination to be integrated into civic institutions in a manner consistent with the principles norms and standards of the *United Nations Declaration on the Rights of Indigenous Peoples*. The Indigenous Youth Council of The Ontario Federation of Friendship Centres has stated: "For too long Indigenous peoples have been branded by communities other than our own... We are the ones who can best create images of identity for our people". Indigenous communities must have ownership over their own images.

Next Steps

In our strategic plan, the OHRC committed to using our mandate and powers to engage in sustained trusting relationships with Indigenous communities that are built on dignity and respect, and by working to advance reconciliation and substantive equality.

The OHRC urges the City of Hamilton to take the first step in removing barriers to participation for Indigenous peoples by collaborating with diverse Indigenous communities to develop a policy on the use of Indigenous-themed logos and names in their sports facilities and arenas. We have copied the Hamilton Regional Indian Centre.

We have identified the following non-Indigenous sports organizations that use Indigenous-themed names and/or logos: Dundas Chiefs and the Stoney Creek Minor Hockey Association.

We believe that the City of Mississauga is taking important steps to show leadership and a commitment to reconciliation. The above-noted settlement sets a positive path forward for other municipalities to follow.

In keeping with the OHRC's commitment to public accountability and its duties in serving the people of Ontario, this letter and the response received may be made public.

Thank you for considering this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Renu Mandhane". The signature is fluid and cursive, with a small dot at the end.

Renu Mandhane, B.A., J.D., LL.M.
Chief Commissioner
Ontario Human Rights Commission

CC: Clerk's Office
Hamilton Regional Indian Centre