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**Subject:** OHRC statement on Integrity Commissioner's determination on part-time Commissioner conflict of interest  
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## OHRC statement on Integrity Commissioner's determination on part-time Commissioner conflict of interest

March 5, 2020

Today, the Ontario Human Rights Commission (OHRC) received a copy of the determination of Integrity Commissioner, the Honourable J. David Wake about the appointment of Police Constable Randall Arsenault as a part-time Commissioner. The determination was also shared with the Attorney General.

In January 2020, Chief Commissioner Renu Mandhane asked Commissioner Wake to consider whether the appointment of Mr. Arsenault creates a conflict of interest since the OHRC is involved in matters than involve Mr. Arsenault's employer, the Toronto Police Service (TPS).

Commissioner Wake noted his concerns that Mr. Arsenault's role with the TPS could interfere with his abilities to perform his duties as an appointee to the OHRC. Commissioner Wake directed Mr. Arsenault, at a minimum, to recuse (or remove) himself from any OHRC discussions or decision-making related to the TPS inquiry or other policing services matters. He also cautioned Mr. Arsenault that he may need to be recused from additional OHRC matters, notably those related to the criminal justice system.

Commissioner Wake directed Mr. Arsenault to take the following steps to mitigate

these potential conflicts:

- Immediately seek authorization from the TPS to be an appointee of the OHRC and provide a copy of this authorization to Chief Commissioner Mandhane
- Recuse or remove [himself] from discussions and decision-making at the TPS related to matters which fall under the jurisdiction of the OHRC
- Do not use provincial government resources, including time and email
- Do not use or disclose OHRC-related confidential information
- Do not participate in any lobbying activities directed at the provincial government
- Do not publicly comment, including through social media, on *any* subjects related to matters which fall under the jurisdiction of the OHRC.

The OHRC notes that international human rights principles require that Commissioners serve in their individual capacities, rather than on behalf of the organizations they represent, be able to engage in independent thinking, and not be perceived to be agents of the state. The OHRC is also aware of concerns raised by community groups about the appointment of an active-duty police officer to the governance body of the OHRC. The OHRC assures the public that it will continue to take all necessary steps to protect its real and perceived integrity and independence.

[Integrity Commissioner conflict of interest determination](#) (redacted by OHRC)

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*La Commission ontarienne des droits de la personne promeut et met en œuvre les droits de la personne,  
afin de créer une culture de responsabilité en matière de droits de la personne.*

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**Ontario Human Rights Commission**

180 Dundas Street West, 9<sup>th</sup> Floor  
Toronto, ON M7A 2G5

Phone: 1-800-387-9080, Email: [communications@ohrc.on.ca](mailto:communications@ohrc.on.ca), Web: [www.ohrc.on.ca](http://www.ohrc.on.ca)

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