

## Resource: Collecting human rights-based data

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Most people know that asking questions related to the protected grounds in the Ontario *Human Rights Code (Code)* in hiring processes is not allowed, and therefore, think that collecting and analyzing data that identifies people on the basis of race, disability, sexual orientation and other Code grounds is also not allowed. Collecting data on Code grounds for a Code-consistent purpose is permitted and is in accordance with Canada's human rights legislative framework, including the Code, the Canadian Human Rights Act, and the federal Employment Equity Act. Data collection can play a useful and often essential role in creating strong human rights and human resources strategies.

The Ontario Human Rights Commission (OHRC) interprets the term “data collection” broadly to include gathering information using both quantitative research methods such as surveys, and qualitative research methods such as focus groups.

A primary consideration when collecting Code-ground related data is to make sure that any data collected is done in a way that follows accepted data collection techniques, privacy and other applicable legislation, and is collected for a purpose that is consistent with the Code, such as to:

- monitor and evaluate discrimination
- identify and remove systemic barriers
- lessen or prevent disadvantage
- promote substantive equality for people identified by Code grounds.

There are many benefits for regularly collecting data using accepted data collection research methods. Some examples are:

- **Good data can help identify and verify issues, theories and perceptions**, such as perceptions of equal opportunity and treatment, institutional barriers to recruitment and hiring of older persons, factors encouraging and inhibiting student achievement, accessible services for persons with mental illness, changing cultural and linguistic needs of patients, diverse leadership in the corporate sector, racial profiling in law enforcement, and the role of socio-economic disadvantage in the rental housing market.
- **Good data can help to proactively address issues, measure progress and capitalize on opportunities.** Collecting data can help measure a general state of affairs, not limited to specific cases or events. When data is gathered, tracked and analyzed in a credible way over time, it becomes possible to measure progress and success (or lack of it). Budgets, policies, practices, processes, programming, services and interventions can then be evaluated, modified and improved.
- **Good data can gain trust, develop effective, respectful consultations, and secure the support of key decision-makers and stakeholders.** Collecting, tracking and evaluating data on an ongoing basis can provide organizations with credible, compelling information when communicating with key decision-makers and stakeholders about support for sensitive policies, programs or initiatives.

## Considerations

Collecting sensitive information can create feelings of anxiety or distrust and raise concerns about privacy and confidentiality. Potential anxiety, distrust and concerns by:

- clearly communicating the rationale, method and benefits of collecting data
- clarifying who has access to the information and why
- outlining how the information collected will be handled and stored confidentially in compliance with privacy, human rights and other applicable legislation
- surveying all employees or service users, rather than just staff or service users representing or perceived to represent targeted groups
- consulting with affected communities and other appropriate individuals/organizations.

Where there are well-documented concerns about discrimination or a history of previous data collection initiatives reinforcing discrimination or stigma, community involvement and oversight may be needed. Consulting with community representatives and other appropriate individuals/organizations (like Employee Resource Groups can help foster an informed understanding and dialogue, so that data collection initiatives are well supported and effective.

### Collecting Data in a Code- Consistent Way

Collecting information about characteristics based on Code and non-Code grounds may lead to fears that the information might be used to treat a person or group in a discriminatory way, give unmerited preference to a particular group that does face historical discrimination, or lead to individuals being identified or “outed.” To address such fears, the following guidelines are strongly recommended to make sure that data involving Code and non-Code grounds is collected and used in a legitimate and appropriate way:

- The purpose of the data collection should be clearly set out.
- There should be a plan in place for storage and access to data
- Data collection takes should be the least intrusive alternative that most respects dignity and privacy of individuals
- Questions should allow for self-identification (options and/or a blank to complete)
- Answers should be anonymous when possible

The method should distinguish between the appropriate collection, use and disclosure of information. There should be a rational and objective connection between the nature of the information being collected and its intended use.

**Note:** In addition to the Code, data collection must comply with freedom of information and privacy protection legislation.

Adapted from: [Count me in! Collecting human rights-based data](#), Ontario Human Rights Commission.