

Annual Report 2020-21

CENTRE FOR FREE EXPRESSION

**Ryerson
University**

Centre for Free Expression
Faculty of Communication
& Design

Centre for Free Expression
Faculty of Communication and Design
Ryerson University
80 Gould Street
Toronto, Ontario

E: cfe@ryerson.ca

W: cfe.ryerson.ca

Contents

2	Introduction
3	Public Education
5	CFE Commentaries
8	Court Interventions
10	Projects
16	Law Reform
18	Research
20	Working Groups
24	Board, Fellows, Staff

Introduction

I am pleased to share with you the Centre for Free Expression's activities for 2020-2021.

The pandemic has created a difficult time for all of us. But the work of the Centre has never been more important. The challenges facing society are formidable, and there is little hope for real solutions without vibrant public discourse engaging all members of society. That requires rigorous defense and exercise of the expressive rights of all as well as robust assurance of the public's right to know.

The twin pillars of the Centre's work are promoting and defending the free expression rights of everyone, especially the marginalized, and protecting, in the words of the *Universal Declaration of Human Rights*, the basic human right of everyone "to seek, receive and impart information and ideas through any media and regardless of frontiers."

We need to be able to have difficult discussions, hear divergent perspectives, engage others' views, and embrace the nuance and complexity of issues with which we are confronted.

In pursuit of these endeavours, over the past twelve months, the Centre has held 23 public panels and in-depth conversations that have drawn audiences not just from across Canada but across the world. Topics have included exploration of free expression and social justice, restrictions on public access to information, surveillance, and ways of taming big tech. Videos of all are available on our website.

We have published 26 commentaries by leading Canadian experts on a range of issues related to freedom of expression and the public's right to know.

We have also been very active in promoting law reform, especially in relation to whistleblower protection, public access to information, anti-SLAPP legislation, and statutory protection for research confidentiality. Our research work, which involves researchers from several institutions, has primarily focused on whistleblower protection.

I am also pleased to report that the Centre has been granted leave by the Supreme Court of Canada and other courts across the country to intervene as a friend of the court in important cases broadly related to freedom of expression, press freedom, and public right to information.

The range, quality, and influence of the Centre's work is attributable to the many dedicated people who do the work of the Centre—on our Advisory Board, serving as co-investigators in our research, writing our commentaries, serving on our various issue-based working groups and advisory and steering committees. To each of you, we owe a debt of gratitude that goes beyond my ability to convey. Thank you to all who have contributed and continue to contribute to the Centre's work.

James L. Turk

Director

Public Education

The Centre hosted 23 virtual public events in 2020-21, reaching audiences across Canada and internationally. Videos of each are available on the CFE website.

Free Expression and Social Justice

Conflict Is Not Abuse: Overstating Harm, Community Responsibility, and the Duty of Repair

Sarah Schulman - In Conversation with Lana Dee Povitz
April 13, 2021

Cancel Culture in Theatre: What is to be done?

Carmen Aguirre - In Conversation with Marilo Nuñez
April 7, 2021

Comedy, Free Expression & Social Justice

Charlie Demers - In Conversation with Tara Henley
March 3, 2021

Transforming "Call Out" Culture

Loretta Ross - In Conversation with Asam Ahmad
February 24, 2021

Anti-Black Racism and Language

Vershawn Young - In Conversation with Awad Ibrahim
January 19, 2021

Cancel Culture, Censorship, and Free Expression

Panelists: Piers Benn, Christina de Castell, Inaya Folarin-Iman, Eric Lybeck
Moderator: James L. Turk
December 9, 2020

Anti-Black Racism and Inequality: What Is to Be Done?

Adolph Reed, Jr. - In Conversation with Umair Muhammad
November 17, 2020

Anti-Black Racism and the Theatre

Philip Akin - In Conversation with Luke Reece
November 3, 2020

Shakespeare: A Playwright for our polarized times?

Iqbal Khan - In Conversation with Carolyn Sale
October 28, 2020

Beyond Conflict: Theatre and the Art of Embracing Controversy or Dissonance

Iqbal Khan - In Conversation with Robin Sokoloski
October 15, 2020

Public Engagement: Ability, Right, and Opportunity

Demise of School Libraries: Consequences & Options

Panelists: Michael W. Apple, Brandi Bartok, Kamaljit Purewal, Dianne Oberg
Moderator: Richard Beaudry
May 12, 2021

Pressured To Be Silent: Workers, COVID & the Cost for Society

Panelists: Kit Andres, Syed Hussan, Gagandeep Kaur, Deena Ladd
Moderator: Myer Siemiatycki
May 5, 2021

Does Confidentiality Work Against Justice?

Panelists: Julie Macfarlane, Dan Michaluk, Ifeoma Ozoma, Emma Phillips
Moderator: Anna Myers
April 28, 2021

Broadband Access: How Can It Be a Reality for All?

Panelists: Paolo Cardullo, Ray Noyes, Sofia Ranchardos, Madeleine Redfern
Moderator: Alexandra Flynn
April 20, 2021

Ag-Gag Laws & the Public's Right to Know

Panelists: Robert Cribb, Jodi Lazare, Richard Moon
Moderator: Cara Zwibel
March 11, 2021

Canadian Authors and Books: An Endangered Species?

Panelists: Drew Hayden Taylor, Pilar Martinez, Barb Minett, Jim Lorimer
Moderator: Victor Rabinovitch
February 18, 2021

Legal Protections for Whistleblowers: What is needed in Canada?

Panelists: Ian Bron, Tom Devine, Anna Myers
Moderator: David Hutton
November 10, 2020

Surveillance

Protecting Privacy in the Digital Age

Panelists: David Hutton, Mariette Pilon, Teresa Scassa
Moderator: Brenda McPhail
February 10, 2021

Facial Recognition: A pathway or threat to our future

Panelists: Brenda McPhail, Tamir Israel, Jacob Schroeder
Moderator: Bernie Lucht
February 3, 2021

Smart Cities in Canada: Digital Dreams, Corporate Designs

Panelists: Alexandra Flynn, Blayne Haggart, Jennifer Raso, Mariana Valverde

Moderator: James L. Turk
November 24, 2020

Taming Big Tech-Examining the Alternatives

Defund Big Tech, Refund Communities

Panelists: Lilly Irani, Pedro Reynolds-Cuellar, Dawn Walker

Moderator: Andrew Clement
June 10, 2021

Take Control of Algorithms, Data, and Infrastructure

Meredith Whittaker - In Conversation with Andrew Clement
June 2, 2021

How to Destroy Surveillance Capitalism: Seize the Means of Computation

Cory Doctorow - In Conversation with Andrew Clement
May 19, 2021

CFE Commentaries

CFE provides regular commentaries by leading experts in Canada on issues related to freedom of expression and the public's right to know.

Academic Freedom

Faisal Bhabha, Associate Professor, Law, Osgoode Hall

- [Unrest in Higher Education: An Uncertain Way Forward](#) (April 29, 2021)

Jamie Cameron, Professor Emerita, Osgoode Hall Law School

- [The Professor, the Petition and the President: Professor Bhabha, B'Nai Brith, and President Lenton](#) (August 11, 2020)

Dax D'Orazio, Graduate Student, Political Science, University of Alberta

- [Free Expression on Campus: Assessing the Alberta Ministerial Directive](#) (March 25, 2021)

Len Findlay, Distinguished University Professor, English, University of Saskatchewan

- ["Safe Space" Classrooms within "Communities of Care"](#) (August 26, 2021)

Richard Moon, Distinguished University Professor, Law, University of Windsor

- [Bad Times at a Great University and Its Law School](#) (August 21, 2021)

Carolyn Sale, Associate Professor, English, University of Alberta

- [Expressive Freedom at Our Universities and Our Moral Obligations](#) (June 1, 2021)
- [Contest Over "Restructuring" and Collegial Governance at University of Alberta Could Set Dangerous New Precedent Across Canada](#) (Sept. 28, 2020)

Artistic Expression

Daniel Lelchuk, Associate Principal Cellist, Louisiana Philharmonic Orchestra

- [Beethoven to the Guillotine?](#) (October 23, 2020)

Censorship

Ummni Khan, Associate Professor, Law & Legal Studies, Carleton University

- [Don't Throw Rosemary's Baby Out with the Bathwater](#) (May 26, 2021)

Freedom of Expression

John Degen, Executive Director, Writers Union of Canada

- [Free Speech Caution Tape: Can We Trust Those Lines?](#) (Oct. 1, 2020)

Abbas Kassam, Lawyer, Ridout & Maybee LLP

- [Prophet Cartoons and Free Expression](#) (Nov. 5, 2020)

Danielle McLaughlin, Director of Education Emerita, Canadian Civil Liberties Association

- [There Cannot Be Real Anti-Hate Activism Without Freedom of Expression](#) (June 27, 2021)
- [Teaching in the Shadow of Conspiracy Theories](#) (March 4, 2021)
- [Why We Defend Nasty Speech](#) (January 14, 2021)
- [The Kids Are Not All Right: Freedom of Expression and the Online Classroom](#) (July 13, 2020)

Tim McSorley, Executive Director, International Civil Liberties Monitoring Group

- [Violent Hate Groups Must Be Held to Account — Using Rights-Violating Anti-Terrorism Laws Isn't the Way to Do It](#) (February 1, 2021)

Justin Safayeni, Partner, Stockwoods LLP

- [The Supreme Court's judgments on Ontario's anti-SLAPP legislation: Seven key takeaways](#) (Sept. 21, 2020)

Ivor Shapiro, Professor Emeritus, Journalism, Ryerson University

- [It's Complicated: Six Things Worth Discussing About Free Speech](#) (Nov. 18, 2020)
- [Dangerous Dialogues: How Speaking Freely Changes Lives \(And Sometimes Ends Them\)](#) (Oct. 8, 2020)

Freedom of the Press

Ivor Shapiro, Professor Emeritus, Journalism, Ryerson University

- [Just Facts: What's a journalist to do about truth today?](#) (May 6, 2021)
- [Unwanted Questions: Skepticism, not objectivity, is what makes journalism matter](#) (April 8, 2021)
- [Ugly voices \(continued\): can we turn down the volume?](#) (January 26, 2021)
- [Ugly Voices: What's the Point of Covering Hate?](#) (December 9, 2020)

Surveillance

Tamir Israel, Staff Lawyer, Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic

- [Commercial DNA Technologies, Algorithmic Tools, & Secrecy Threaten Fairness in Trials](#) (April 16, 2021)

Transparency

Mariana Valverde, Professor, Centre of Criminology & Sociolegal Studies, University of Toronto

- [Avoiding Accountability by Misusing Public Agencies: Metrolinx as Example](#) (June 21, 2021)
- [What have we learned from the Sidewalk Labs saga? Smart city plans in Toronto](#) (February 25, 2021)

Dax D’Orazio, Graduate Student, Political Science, University of Alberta

- [Freedom of Information, Universities & Transparency: Lessons from Emily Eaton and the University of Regina](#) (November 12, 2020.)

Court Interventions

The Centre seeks leave to intervene in court cases where we feel our expertise will be useful to the court in reaching its judgment. In each case, we are represented by expert, *pro bono* legal counsel. The following are the interventions in which the Centre was engaged in 2020-2021.

A. Supreme Court of Canada

Case: *1704604 Ontario Ltd. v Pointes Protection Association*

Issue: Anti-SLAPP

CFE Counsel: Justin Safayeni (Stockwoods)

Status: Leave Granted - [Judgment](#) 2020-09-10

Case: *CBC v. The Queen and Ostrowski*

Issue: Publication Bans

CFE Counsel: Justin Safayeni (Stockwoods)

Status: Leave Granted - Awaiting Judgment

Case: *Toronto (City) v. Ontario (Attorney General)*

Issue: Freedom of Expression

CFE Counsel: Jamie Cameron, Pierre Gemson, & Christopher Bredt
(Borden Ladner Gervais)

Status: Leave Granted - Awaiting Judgment

Case: *BC (Attorney General) v Council of Canadians with Disabilities*

Issue: Public Interest Standing

CFE Counsel: Faisal Bhabha (PooranLaw)

Status: Applying for Leave

B. Federal Court of Appeal

Case: *Mirna Montejo Gordillo et al v. Canada (Attorney General)*

Issue: Failure of the Office of the Public Sector Integrity Commissioner

CFE Counsel: David Yazbeck (Raven Law)

Status: Leave Granted – Awaiting Hearing

Case: *Kattenburg v. Canada (Attorney General)*

Issue: Public Right to Know

CFE Counsel: Faisal Bhabha (PooranLaw)

Status: Leave Denied

C. Ontario Court of Appeal

Case: *Canadian Federation of Students v. Ontario*

Issue: Expressive Rights of Student Organization

CFE Counsel: Jennifer Saville & Phil Tunley (St. Lawrence Barristers)

Status: Leave Granted - Waiting for Judgment

Case: *Working Families Ontario v. Ontario*

Issue: Freedom of Expression

CFE Counsel: Jamie Cameron & Chris Bredt (Borden Ladner Gervais)

Status: Applying for Leave

D. Ontario Superior Court - Divisional Court

Case: *Attorney General for Ontario v. Information and Privacy Commissioner, 2020 ONSC 5085*

Issue: Access to Information

CFE Counsel: Daniel Sheppard (Goldblatt Partners)

Status: Leave Granted - [Judgment](#) 2020-08-27

Projects

The Centre has been able to continue most of its active roster of projects during the pandemic and to initiate new ones. Several, however, have had to be put on hold until campus pandemic restrictions are lifted.

1. Program to Assist Whistleblowers

Canada's whistleblowing laws provide little or no protection for whistleblowers. While actively advocating for reform of our laws and institutional practices, the Centre also aids public-interest whistleblowers. We provide information and assistance, make available *pro bono* legal advice, and connect them with investigative journalists, as appropriate. It is the only such program in Canada.

2. Report on the Relationship of Expressive Freedom and Social Justice

The Centre is preparing a report on the relationship of intellectual freedom and social justice, specifically how protections for expressive freedom have been essential for progressive social change historically and today.

3. Public Libraries Intellectual Freedom Policy Database

The Centre has created and maintains a [database of public library policies](#) related to intellectual freedom – materials selection, public internet use, library programming, and displays, and space rental. The database assists libraries in identifying best practices and in policy discussions and development.

4. Public Libraries Challenges Database

The Centre is in the final stages of creating a database of challenges that public libraries have received with respect to their collections (books, ebook, audio books, films, videos, music), programs, community use of space, and displays. The challenges database will contain each complaint/challenge, the background research the library undertook to respond to the challenge, and the library's response to the complainant. The database will allow comprehensive reports and research on the number and nature of challenges, the reasons, and the outcomes and how this varies by community, region, and over time.

5. Workplace Free Expression Database

Social media has radically transformed the ability of individuals to transmit and publish their thoughts and opinions. One consequence has been to blur the boundary between employees' public right to free expression and their private obligations as employees. Increasingly, employees are being disciplined or dismissed for engaging in social media-based activities outside of the workplace. This raises important questions about the extent to which personal activity outside of work is becoming subject to employer control. Working with Charles Smith at Thomas More College at the University of Saskatchewan and Daniel J. Pare at the University of Ottawa, the Centre has created and maintains a searchable online [database of legal decisions](#) regarding freedom of expression at work to facilitate research and information sharing on this topic.

6. Civic Engagement in Digital Community (Technology & Surveillance) Projects

The Centre for Free Expression has created the [Digital Communities Advisory Panel \(DCAP\)](#) to provide expert advice and information and to assist civic engagement in communities considering "smart cities" and initiatives.

DCAP's work starts from the perspective that connected communities should be characterized by democratic decision-making, democratic data governance, civic engagement, social justice, and protections of human rights as spelled out in the United Nations [Universal Declaration of Human Rights](#).

Initiatives undertaken include:

- National Connected Communities/Smart Cities Speakers Bureau
- Registry of individuals who can provide expert advice to civil society groups in relation to smart cities/connected community issues
- CFE public panels and commentaries examining issues related to community engagement, surveillance, public control of data, and democratic decision making.

Panel members are:

- **Nabeel Ahmed**, Programme Officer, One-to-One Advisory Service, Open North
- **Tanya Chung-Tiam-Fook**, Senior Lead, Indigenous Engagement, Evergreen and Future Cities Canada
- **Lisa Austin**, Professor, Chair in Law and Technology, University of Toronto

- **Nehal El-Hadi**, Science + Technology Editor, The Conversation Canada; Editor-in-Chief, Studio Magazine
- **Blayne Haggart**, Associate Professor of Political Science, Brock University
- **Fahmida Kamali**, Manager of Operations & Special Projects, Ryerson Leadership Lab
- **Tamir Israel**, Staff Lawyer, Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic (CIPPIC)
- **Brenda McPhail**, Director, Privacy, Technology & Surveillance Project at Canadian Civil Liberties Association
- **Jason Millar**, Assistant Professor or Electrical Engineering & Computer Science, University of Ottawa
- **Vincent Mosco**, Professor Emeritus, Sociology, Queens University
- **Mariette Pilon**, Lawyer, Ottawa; Member of the Quebec Bar
- **Renee Sieber**, Associate Professor of Geography, McGill University
- **Mariana Valverde**, Professor at the Centre for Criminology & Sociolegal Studies, University of Toronto

7. Code of Silence Awards for Outstanding Achievement in Government Secrecy

The Centre coordinates this joint initiative with Canadian Association of Journalists, News Media Canada, and Canadian Journalists for Free Expression to identify and present annually the [Code of Silence Award for Outstanding Achievement in Government Secrecy](#) to the most secretive department or agency at the federal level, among provincial governments, among local/municipal governments, and among Canadian law enforcement agencies. The objective is to highlight the inadequacies of access-to-information laws in Canada so as to build public awareness and pressure for better legislative protections for the public's right to know. The [recipients](#) are announced publicly in February and March. The 2020 recipients were the [Federal Cabinet](#); [Quebec Ministry of Forests, Wildlife and Parks](#), [City of North Bay](#), and the [Ottawa Police Service](#).

8. Peter Bryce Prize for Whistleblowing

The Centre introduced in 2021 the [Peter Bryce Prize](#) which is awarded annually by the Centre to honour individuals who serve the greater good by speaking up about wrongdoing and abuses of public trust.

The inaugural winner was Dr. John O'Connor whose reports, starting in 2006, of an unexpected number of cancers and other health problems among the residents of the remote northern Alberta community of Fort Chipewyan were rebuffed by authorities and have led to an ongoing fifteen-year struggle for the health rights of this largely Indigenous community and others downstream from the Alberta oil sands.

The prize is named after [Dr. Peter H. Bryce](#), an early Canadian whistleblower who, starting in 1907, spoke out about appalling public health conditions in residential schools and whose reports were suppressed by the Government of Canada. [Nominations](#) for the Prize can be made by any member of the public no later than December 31st of each year.

On Hold Due to Pandemic

1. National Whistleblower Archives at Ryerson University

The scheduled launch of the National Whistleblower Archives to be housed at Ryerson University was postponed due to the pandemic. The CFE proposed the idea, worked with the Chief Librarian and her staff to plan for it, and has arranged for important Canadian public-interest whistleblowers to donate their records to the Archives. The Archives will be launched once the campus fully reopens.

3. Partnership: Centre for Free Expression, UK's Box Clever Theatre, and Ryerson School of Performance

The Centre reached out to the UK's Box Clever Theatre which excels at using theatre to foster public discussions of difficult issues. A key figure in their work is eminent Shakespearian director, Iqbal Khan, whose productions of *Merchant of Venice* for Box Clever have been performed in the UK and Israel to explore anti-Semitism and whose Royal Shakespeare Company production of *Othello* fostered innovative discussions of race.

Khan was part of the Centre's virtual public education events in 2020-21. Plans to explore joint initiatives with the Ryerson School of Performance and other theatre schools are on hold until after the pandemic

4. Snowden Archive-in-a-Box Display in the Ryerson University Library

Also put on hold temporarily were the Centre and the Ryerson Library's plans to unveil the Snowden-Archive-in-a-Box -- a display designed for the library to educate students and faculty on privacy and surveillance. Created by CFE Senior Fellow, Evan Light, the Snowden-Archive-in-a-Box is a portable box containing a complete, searchable archive of all the published documents released to journalists by Edward Snowden. The Archive-in-a-Box allows users to connect via its own WiFi network, and browse from their own devices, without connecting to the Internet – making possible the browsing of Snowden's documents securely. As part of the display, there is a "WiFi sniffer" inside the box, which detects traffic on the box's network and displays it on the screen within the box. The data are not saved, but the display is a useful educational tool that shows how easily our "private" behaviour can be monitored. Once Ryerson opens from the pandemic, the Snowden-Archive-in-a-Box will be publicly displayed in the Ryerson Library and used as an educational tool.

5. Free Expression in Schools

The Centre has developed a workshop for elementary and secondary teachers that addresses teachers' free expression rights. Special focus is put on (1) dealing with controversial issues in the classroom; (2) teachers and social media; (3) teachers and politics, and (4) restrictions on teachers' behaviour outside the school. The objective is to allow teachers to share experiences and explore their rights. The workshop will again be offered once the pandemic allows normal operations of the schools.

6. Ryerson National Security Faculty and Student Helpline

The Centre for Free Expression has developed a support service for Ryerson faculty and students who are approached by Canadian national security agencies requesting an informal or formal interview. The objective is to make Ryerson students and faculty aware of their rights and to assist if they decide to go ahead with the interview. (The program will not deal with requests for assistance in relation to police investigations.) The Helpline is modelled on, and is working with, similar initiatives at the University of Toronto and at Osgoode Hall Law School.

While the front end of each university's program has been designed for its own campus, the three programs will share a back end consisting of specially trained lawyers who will

provide *pro bono* advice and assistance to the faculty and students. Details of the initiative have been vetted by Ryerson General Counsel, Julia Shin Doi. The launch of the helpline has been delayed until the campus fully reopens.

7. Partnership: Freie Universität Berlin

The Centre was in the process of developing a partnership with the Freie Universität Berlin (FUB) involving joint research and policy initiatives with FUB and Ryerson faculty on issues of academic freedom, freedom of the press, and threats to liberal democratic values. The FUB has approached the Humboldt Foundation for support for a joint speaker series on freedom of expression and has included its partnership with CFE in its current Erasmus bid that would allow Ryerson students to spend three months to a year studying at FUB, which offers a number of relevant social science programs in English. We are also exploring several joint events on academic freedom and on freedom of the press. All of this has been delayed by the pandemic as we wait to see what will be possible in the next twelve months.

8. CFE Film Series

The fourth year of the CFE Film Series had to be cancelled because of the pandemic. We are planning to resume in 2021-2022 as soon as full use of campus facilities is possible.

Law Reform

1. Whistleblower Protection

There is little effective protection for whistleblowers in Canada under federal, provincial, or municipal legislation and regulations. Earlier this year, the International Bar Association and the US-based Government Accountability Project released a [report](#) assessing whistleblower protection laws in 38 countries. Canada ranked last (tied with Lebanon and Norway).

One of the Centre's key priorities is to help change this situation. In 2017, the Centre played an active role in the federal government's formal review of the federal whistleblower protection legislation - the *Public Servants Disclosure Protection Act* (PSDPA). We worked with the House of Commons' Government Operations Committee that undertook the review. Its report, adopted unanimously, called for major changes and has been ignored. The Centre has been pressing for the report to be taken up by the government. In the intervening period, we have provided advice to provincial and municipal governments with respect to their whistleblower protection legislation. In February and March, we played an active role in the Alberta government's statutory review of the Alberta *Public Interest Disclosure (Whistleblower Protection) Act*.

In February, the Centre published guidelines for whistleblower protection legislation and policies: [Evaluation Criteria for Protection of Whistleblowers: A guide for legislation and policy](#). The document was prepared by CFE Senior Fellows Ian Bron and David Hutton.

Currently, we are drafting a model Whistleblower Protection Act – the project being led by Edgar Schmidt, CFE Senior Fellow and former General Counsel, Justice Canada.

2. Access to Information

Public access to information and government transparency are vital to a healthy democracy. Unfortunately, Canada's access to information system is badly broken. For more than two decades, the federal government has largely ignored repeated recommendations for reform proposed by successive federal information commissioners and advocacy groups. In 2020, the President of the treasury Board announcement of the current statutory review of the *Access to Information Act* (ATIA) which did not begin in earnest until spring of 2021.

To try to make this review more productive, the Centre for Free Expression took the lead in creating a new network of civil society organizations that have an interest in promoting transparency and access to information. Named the Right to Information Alliance Canada (RTIAC), the network members are: BC Civil Liberties Association, BC Freedom of Information and Privacy Association, Canadian Association of Journalists, Canadian Civil Liberties Association, Canadian Institute for Information and Privacy Studies, Canadian Journalists for Free Expression, Canadian Media Lawyers Association, Centre for Access to Info & Justice, Centre for Free Expression, Centre for Law and Democracy, Environmental Defence, Greenpeace Canada, National Claims Research Directors, News Media Canada, Ontario Council of Hospital Unions, Stand.Earth, and World Press Freedom Canada. The Centre for Free Expression provides the administrative support of the RTIAC, and the CFE's Director chairs its monthly meeting.

While the CFE's and the network's immediate focus is on the current federal review of the *Act*, our work goes well beyond that – including advocacy for better provincial and municipal legislation and policy as well as working to advance transparency more generally in both the public and private sectors.

3. Research Confidentiality

In an effort to provide statutory protection for research confidentiality in Canada, the Centre has taken a number of steps. Following publication of Ted Palys, John Lowman, and James Turk's research [paper](#) on statutory protections for research confidentiality in the United States, representatives of the Centre met with senior officials of Canada's three granting councils (NSERC, SSHRC, and CIHR), staff in the Office of the Privacy Commissioner, and staff in the Department of Justice to chart a way forward to the introduction of such legislation in Canada. Subsequently, a Centre legal team is developing appropriate draft legislation. It will then seek the approval of the granting councils as a prelude to meeting with the appropriate federal cabinet ministers and their staffs.

4. Provincial Anti-SLAPP legislation

The Centre has a long-term goal for the adoption of anti-SLAPP (Strategic Lawsuit Against Public Participation) legislation by the seven provinces that do not currently have it (all provinces except Ontario, Quebec, and British Columbia). To achieve that goal, the Centre is assisting with the creation of coalitions of provincial and local organizations in each province that will carry forward a campaign for the adoption of anti-SLAPP legislation based on the [Ontario's Protection of Public Participation Act, 2015](#) – arguably the best in North America.

Research

1. Whistleblowing in Canada's Live Performance Industry

The Centre completed an online survey of harassment and discrimination in the Canada's live performance industry. The SSHRC Partnership Engage Grant was conducted in collaboration with Canadian Actors' Equity Association.

The research focused on the extent and nature of harassment and bullying in the industry, how people respond, the effectiveness of existing whistleblowing policies and practices, and impediments to whistleblowing. The objective was to contribute to the development of more effective organizational policies and practices.

A [report](#) of our findings was published by the Centre in October. Subsequently, the Centre held workshops to discuss the findings. The workshops were sponsored by Canadian Actors Equity Association for members of the live entertainment industry and by Mass Culture/Mobilisation Culturelle for those working in the broad range of other creative industries.

The CFE research team is:

- James L. Turk, Director, Centre for Free Expression (Principal Investigator)
- Leslie Berger, Associate Professor and KPMG Foundation Fellow in Accounting, Lazaridis School of Business and Economics, Wilfrid Laurier University (Co-Investigator)
- Louis-Etienne Dubois, Assistant Professor, Department of Creative Industries, Faculty of Communications and Design, Ryerson University (Co-Investigator)
- Jonathan Farrar, Associate Professor, Department of Accounting, Lazaridis School of Business and Economics, Wilfrid Laurier University (Co-Investigator)
- Catherine Loughlin, Professor and Associate Dean, Research and Knowledge Mobilization, Sobey School of Business, St. Mary's University (Co-Investigator)
- Alexandra Orlova, Professor, Department of Criminology and Faculty of Law, Ryerson University (Co-Investigator)

2. Survey of Whistleblowing Policies and Practices in Health Care

Despite repeated calls for the health care industry to adapt high reliability practises similar to industries such as aviation and despite most experts agreeing that health care must move toward a system of high reliability management as soon as possible, little action has been taken. Key elements for high reliability are leadership, two-way

communication, employee involvement, learning cultures, and attitudes toward blame. Currently those in the health care sector that report errors, near misses, and inappropriate practices often pay a high price. There is increasing recognition that health care must move from a culture of silence to a culture of voice.

The CFE research team (see above) is preparing a SSHRC Partnership Development Grant application to do an online survey and follow-up interviews about whistleblowing policies and practices in Ontario hospitals and long-term care facilities. The research will be carried out in partnership with the Ontario Council of Hospital Unions, Canadian Union of Public Employees, Service Employees International Union, and Unifor. The focus will be on organizational practices to ensure voice within health care institutions and factors associated with their success or failure.

3. Police Secrecy

CFE awarded the first of its FCAD-funded early stage SRC grants to Lisa Taylor, Associate Professor of Journalism, whose research will identify trends in Ontario police agencies' release of identifying information about victims of homicide. The research is seeking to determine if, as it appears, information vital to the public's understanding of fatal crime is being withheld from journalists and, by extension, the constituencies they serve, with increasing frequency.

Working Groups

CFE Whistleblowing Initiative (CFEWI) Steering Committee

The [CFEWI Steering Committee](#) plays a central role in advising and helping carry out all the Centre's work in relation to whistleblowing. The Centre sees one of its most important missions to protect Canadian society by making responsible whistleblowing possible through effective protection for Canadian whistleblowers. This will enable Canadians to live and work with integrity and to combat misconduct that may threaten the well-being of our communities and our democracy.

As indicated throughout this report, the Centre's whistleblowing-related work is multifaceted. It raises public awareness through organizing public events focusing on whistleblowing issues, publishing public educational materials on the importance of whistleblowing, promoting stories of whistleblowing through social media, and by assisting journalists covering whistleblowing stories. The CFE [website](#) is the principal source of information about whistleblowing and whistleblowers in Canada.

The Centre publishes analyses of existing whistleblowing laws in Canada; makes recommendations for new/improved whistleblowing laws based on research and international best practices; provides advice to governments, school boards, and private organizations; maintains a database of major whistleblowing cases in Canada; investigates whistleblowing laws and policies in other countries to glean insights for Canada; and is preparing to undertake benchmarking research in Canada on public and private sector organizational whistleblowing policies and practices.

Ryerson has created a dedicated CFEWI [fund](#) for donors who wish to support this work.

The Centre for Free Expression is now the Canadian member organization of the Whistleblowing International Network – the international network of whistleblowing NGOs.

The members of the CFE Whistleblowing Steering Committee are:

Sandy Boucher

Corporate Investigator, Grant Thornton
LLP Advisory Services

Michèle Brill-Edwards

Pediatrician & Clinical Pharmacologist,
and prominent Canadian Whistleblower

Ian Bron

Ph.D. student in public policy at Carleton
University, former naval officer and
federal civil servant, and prominent
Canadian whistleblower

David Hutton

Former Executive Director, Federal
Accountability Initiative for Reform
(FAIR)

Peter Jacobsen

Partner, WeirFoulds LLP

Anna Myers

Executive Director, Whistleblowing International Network (WIN)

John O'Connor

Physician and prominent Canadian Whistleblower

Amélie Perron

Professor, School of Nursing
Faculty of Health Sciences
University of Ottawa

Edgar Schmidt

Former General Counsel
Justice Canada, and Prominent
Canadian Whistleblower

James L. Turk

Director, Centre for Free Expression &
Distinguished Visiting Scholar
Ryerson University

David Yazbeck

Partner
Ravenlaw LLP

Working Group on Intellectual Freedom

To help guide its work on intellectual freedom, the Centre has created a [Working Group on Intellectual Freedom](#). The working group will help the Centre identify and undertake appropriate public education, research, and advocacy regarding intellectual freedom. This is especially important amidst growing calls for restricting libraries' collections, programs, displays, and community facility use to limit access to perspectives that are deemed wrong or offensive.

Member of the working group are:

Richard Beaudry

BC School Librarian;
Chair, Canadian Federation of Library
Associations Intellectual Freedom
Committee

Christina de Castell

Chief Librarian,
Vancouver Public Library

Carla Graebner

Librarian for Data Services and
Government Information
Simon Fraser University

Pilar Martinez

CEO
Edmonton Public Library

Shawn Mitchell

Acting Director, Collections and
Membership Service
Toronto Public Library

John Pateman

Chief Librarian
Thunder Bay Public Library

Toni Samek

Professor and past Chair
School of Library and Information
Studies, University of Alberta

Alvin Schrader

Professor Emeritus, University of Alberta
and former President of the Canadian
Library Association

James L Turk

Director, Centre for Free Expression &
Distinguished Visiting Scholar
Ryerson University

Marcellus Turner

Chief Executive Officer and
Chief Librarian
Charlotte Mecklenburg Library

Mark Williams

Chief Librarian & CEO
Milton Public Library

Working Group on Academic Freedom

The public mission of post-secondary education is to advance and disseminate knowledge and educate students. These ends cannot be achieved without the academic freedom of academic staff to be guided by their best professional judgment. Yet, academic freedom is being seriously undermined in a wide variety of ways. To assist the Centre in its public work of education about the nature and importance of academic freedom, highlighting current threats, and working to help ensure that real academic freedom rights are extended to all academic staff, the Centre has created a [Working Group on Academic Freedom](#) whose members bring exceptional expertise to this work.

Members of the working group are:

Faisal Bhabha

Associate Professor
Osgoode Hall Law School
York University

Dax D’Orazio

PhD Candidate, Political Science
University of Alberta

William Bruneau

Professor Emeritus, Educational Studies
University of British Columbia

Len Findlay

Distinguished Professor Emeritus
University of Saskatchewan

Jamie Cameron

Professor Emeritus, Constitutional Law
Osgoode Hall Law School

Mark Gabbert

Associate Professor, History
University of Manitoba

Peter S. McInnis

Associate Professor and Chair, History
St Francis Xavier University

Carolyn Sale

Associate Professor
English & Film Studies
University of Alberta

Penni Stewart

Professor Emeritus, Sociology
York University

James L Turk

Director, Centre for Free Expression &
Distinguished Visiting Scholar
Ryerson University

CFE Board, Fellows, Bloggers, Staff

CFE Advisory Board

Faisal Bhabha

Associate Professor
Constitutional & Human Rights
Osgoode Hall Law School
York University

Jamie Cameron

Professor Emeritus
Constitutional Law
Osgoode Hall Law School
York University

Andrew Clement

Professor Emeritus & Co-Founder
Identity Privacy and Security Institute
Faculty of Information
University of Toronto

Brendan de Caires

Executive Director
PEN Canada

Ryder Gilliland

Founding Partner
DMG Advocates LLP

David Hughes

Executive Director and
Managing Editor, Content
CTV News

Peter Jacobsen

Partner
WeirFoulds

Meghan McDermott

Senior Staff Counsel
British Columbia Civil Liberties Association

Shelagh Paterson

Executive Director
Ontario Library Association

Toni Samek

Professor
School of Library and Information Studies
University of Alberta

Robin Sokoloski

Director of Organizational Development
Mass Culture

Laura Tribe

Executive Director
OpenMedia

David Walmsley

Editor-in-Chief
Globe and Mail

Vershawn Young

Professor
English Languages & Literature,
Communications Arts, University of
Waterloo

Cara Zwibel

Executive Director
Canadian Civil Liberties Association

Senior Fellows

Leslie Berger

Associate Professor
Lazaridis School of
Business and Economics,
Wilfrid Laurier University

Sandy Boucher

Corporate Investigator
Grant Thornton LLP
Advisory Services

Bruce Campbell

Adjunct Professor
York University, Faculty of
Environmental Studies

Susan Caron

Former Director of
Collections and
Membership Services
Toronto Public Library

Jonathan Farrar

Associate Professor
Lazaridis School of
Business and Economics,
Wilfrid Laurier University

Len Findlay

Distinguished University
Professor Emeritus
University of
Saskatchewan

Mark Gabbert

Associate Professor
Department of History
University of Manitoba

David Hutton

Former Executive Director
Federal Accountability
Initiative for Reform

Peter Jacobsen

Partner
WeirFoulds LLP

Lara Karaian

Associate Professor
Institute of Criminology
and Criminal Justice,
Carleton University

Abbas Kassam

IP Litigation & Privacy
Lawyer
Rideout & Maybee LLP

Ummni Khan

Associate Professor
Department of Law and
Legal Studies, Carleton
University

Evan Light

Assistant Professor
Communications Program
Glendon College
York University

Catherine Loughlin

Professor and Associate
Dean
Research & Knowledge
Mobilization, Sobey School
of Business
Saint Mary's University

Peter S. McInnis

Associate Professor and
Chair of History
St Francis Xavier University

Ruth Merskey

Public Policy and
Leadership Professional
Government of Ontario

Richard Moon

Professor of Law
University of Windsor

Alexandra V. Orlova

Associate Dean of Arts,
Research & Graduate
Studies
Ryerson University

Ken Rubin

Investigative public
interest researcher and
author

Ivor Shapiro

Professor
School of Journalism,
Ryerson University

Charles Smith

Associate Professor
Department of Political
Science, St. Thomas More
College, University of
Saskatchewan

Penni Stewart

Professor Emerita
Department of Sociology,
York University

Lisa Taylor

Assistant Professor School
of Journalism, Ryerson
University

Mariana Valverde

Professor
Centre for Criminology &
Sociolegal Studies,
University of Toronto

Junior Fellows

Michelle Allan
Graduate Student
School of Journalism
Ryerson University

Max Binks-Collier
Journalist

Evan Brander
J.D. candidate
Ryerson University
Faculty of Law

Madigan Cotterill
Graduate Student
School of Journalism
Ryerson University

Joseph Fish
Graduate Student
School of Journalism
Ryerson University

Sam Kary
Freelance Researcher &
Analyst

Amber Mitchell
Graduate Student
Faculty of Information and
Media Studies
Western University

Ahsan Moghul
Graduate Student
Joint program in
Communication & Culture
York & Ryerson

Danielle Neri
Graduate Student
School of Journalism
Ryerson University

Josh Scott
Graduate Student
School of Journalism
Ryerson University

Adil Syed
Freelance Researcher &
Writer

Paula Tran
Graduate Student
School of Journalism
Ryerson University

Bloggers

Richard Beaudry
Chair
CFLA Intellectual Freedom
Committee

Faisal Bhabha
Associate Professor
Osgoode Hall Law School

Jamie Cameron
Professor Emeritus
Osgoode Hall Law School

John Degen
Executive Director
Writers' Union of Canada

Dax D'Orazio
Ph.D. Candidate
Department of Political
Science
University of Alberta

Anver M. Emon
Professor & Canada
Research Chair in Religion,
Pluralism and the Rule of
Law
University of Toronto
Faculty of Law

Len Findlay
Distinguished Professor
Emeritus
University of
Saskatchewan

Alexandra Flynn
Assistant Professor
Allard School of Law
University of British
Columbia

Andrea Gonsalves
Partner
Stockwoods LLP

Tamir Israel
Staff Lawyer
Samuelson-Glushko
Canadian Internet Policy
and Public Interest Clinic
(CIPPIC)

Lara Karaian
Associate Professor
Institute of Criminology
and Criminal Justice,
Carleton University

Abbas Kassam
IP Litigation and Privacy
Lawyer
Ridout & Maybee LLP

Ummni Khan
Associate Professor
Department of Law and
Legal Studies, Carleton
University

Daniel Lelchuk

Associate Principal Cellist,
Louisiana Philharmonic
Orchestra

Danielle S. McLaughlin

Former Director of
Education
Canadian Civil Liberties
Association

Tim McSorley

National Coordinator
International Civil Liberties
Monitoring Group (ICLMG)

Richard Moon

Distinguished University
Professor &
Professor of Law
University of Windsor

Justin Safayeni

Partner
Stockwoods LLP

Carolyn Sale

Associate Professor
Department of English &
Film Studies, University of
Alberta

Toni Samek

Professor
School of Library and
Information Studies
University of Alberta

David Schneiderman

Professor of Law and
Political Science
University of Toronto

Alvin M. Schrader

Professor Emeritus
School of Library and
Information Studies,
University of Alberta

Ivor Shapiro

Professor, School of
Journalism
Ryerson University

Charles Smith

Associate Professor
Department of Political
Science, St. Thomas More
College, University of
Saskatchewan

James L Turk

Director, Centre for Free
Expression
Ryerson University

Natasha Tusikov

Assistant Professor
Criminology Program,
Department of Social
Science, York University

Mariana Valverde

Professor
Centre for Criminology &
Sociolegal Studies,
University of Toronto

Staff**Ange Holmes**

Coordinator

James L Turk

Director



Centre for Free Expression
Faculty of Communication
& Design