

Canadian Human Rights Tribunal Letter-Decision on the Joint Motion on the *Ontario Final Agreement*: Information Sheet



On March 30, 2026, the Canadian Human Rights Tribunal (Tribunal) released a [letter-decision](#) with full reasons to follow approving the Ontario Final Agreement on Long-Term Reform of the First Nations Child and Family Services Program in Ontario (OFA), while retaining the Tribunal's injunctive order forbidding Canada's discriminatory conduct in child and family services and stating that the Tribunal's reasons will guide the interpretation of the OFA. The Tribunal stated that the OFA and the Trilateral Agreement satisfy its orders in the Merit Decision ([2016 CHRT 2](#)) that Canada will cease its discriminatory practices through the First Nations Child and Family Services (FNCFS) Program in Ontario and the 1965 Agreement. The Tribunal granted the joint OFA motion based on the Tribunal's understanding and interpretation, which incorporate "the fundamental safeguards intended to permanently end the systemic racial discrimination found, prevent it from reoccurring, and protect First Nations children in Ontario for generations to come" (5-6).

In its letter-decision, the Tribunal affirmed that while the OFA satisfies the Tribunal's orders to permanently cease its discriminatory conduct, the OFA does not displace the permanent injunction that prohibits this discrimination. Canada remains legally obligated to cease and refrain from its discriminatory conduct on an ongoing basis, regardless of the OFA's term or Canada's administrative preferences.

A letter-decision is similar to an oral ruling from the bench. It is only a summary, and not a complete final decision. The Tribunal will release its full interpretation of the OFA and the Tribunal's full orders and reasons in the coming months.

Order Summary

Interpretation of OFA

The Tribunal acknowledged that there are potential issues with interpretation of the OFA; however, it did not agree that the parties should return to negotiations to address unclear wording and issues of interpretation. The Tribunal reasoned that returning to negotiations would result in further delay, which

would be detrimental to First Nations children and families, and that sending the parties back to negotiations would "require the Tribunal to disregard the will of the Chiefs in Ontario" and First Nations self-determination (p. 6). The Tribunal also stated that the parties who negotiated the OFA provided satisfactory explanations in response to the concerns raised, and that the interpretation of the OFA by the moving parties satisfies the Tribunal's orders (p. 6).

The Tribunal stressed that its findings and orders must remain the foundation for interpreting the OFA and for ensuring that Canada satisfies the Tribunal's permanent order to cease its systemic racial discrimination and prevent it from happening in the future.

Safeguards to protect children for generations to come

The letter-decision affirms that the Tribunal shares the Caring Society's concerns about whether or not the OFA contains sufficient safeguards to protect children for generations to come. To address these concerns, the Tribunal incorporated safeguards into the letter decision summary, its orders, and its reasons to follow, to ensure this protection. The safeguards are incorporated through the Tribunal's assertion that its overarching order for Canada to permanently end its systemic discrimination remains in place, despite the Tribunal's approval of the OFA without conditions.

The Tribunal found that, in its oral and written submissions, as well as in the text of the OFA, Canada made "a positive covenant to ensure that the racial discrimination found by the Tribunal has been eliminated and does not recur" (p. 7). The letter-decision further notes that Canada has an ongoing obligation to cease and desist the discrimination found in the Tribunal's 2016 Merit Decision and agrees to abide by all orders made under that decision, which will remain in full force and effect permanently. To clarify, the Tribunal states that the orders issued in this ruling hold Canada accountable under the *Canadian Human Rights Act*, the Tribunal's permanent cease and desist order, and the OFA.

Substantive Equality

The Tribunal grounds its orders and reasons on the principle of substantive equality, which is at the heart of this case. Substantive equality requires Canada to sufficiently fund and meet the real needs of First Nations children and families in ways that account for historical disadvantages, intergenerational traumas, systemic barriers, and unique circumstances. Canada is obligated to ensure that its provision of child and family services does not widen the gap between First Nations children and families, and that it does not perpetuate historical disadvantage.

Opting-Out and Exemption

Interested Parties Georgina Island First Nations (GIFN) and Taykwa Tagamou Nation (TTN) [opposed the approval of the OFA](#) for numerous reasons. In its letter-decision, the Tribunal ruled that the OFA will not apply to either First Nation.

The Tribunal ordered Canada to consult with GIFN within 90 days of the effective date of the OFA to determine and implement an interim solution in relation to the FNCFS Program. The interim solution must be as generous as the Tribunal's interim orders; identify and addresses the GIFN's specific and distinct needs; apply substantive equality as defined by the Tribunal; and ensure the accessibility barriers to the FNCFS Program are eliminated. The interim order will remain in effect until the GIFN reaches and implements a long-term agreement with Canada.

If a coordination agreement regarding the FNCFS Program has not been implemented for TTN upon the date that the OFA comes into effect, Canada must consult with TTN within 90 days and establish and implement an interim solution. The interim solution must be as generous as the Tribunal's interim orders; identify the TTN's distinct needs under the Program; and apply substantive equality as defined by the Tribunal.

Jurisdiction

The Tribunal will end its jurisdiction over all aspects of the Complaint and all associated proceedings in Ontario. It will, however, retain jurisdiction over all orders relating to Jordan's Principle and FNCFS outside of Ontario. *The overarching cease and desist order to end the racial discrimination, however, remains in force permanently, even after the OFA expires.*

Judicial Review of letter-decision

On April 29, 2026, Canada submitted a [letter of application for Judicial Review](#) of the Tribunal's letter-decision concerning the

OFA. On the same day, the Federal Court issued a [Notice of Application for Judicial Review](#) to the respondents in the case. Canada's application for Judicial Review challenges the decision only insofar as it exempts GIFN and TTN from the application of the OFA and orders Canada to consult on, establish, and implement custom interim remedies for those communities pending longer term solutions.

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