



**COMMITTEE OF THE WHOLE**

**8 DECEMBER 2020**

**REPORT No. 20-084**

## **DEVELOPMENT OF A HUMAN RIGHTS POLICY**

Key Contact: Carolyn Tanner, Human Rights and Equity Advisor  
carolyn.tanner@ocdsb.ca

### **PURPOSE:**

1. To seek approval of the Consultation Plan to develop a human rights policy.

### **STRATEGIC LINKS:**

2. The development of a human rights policy supports the achievement of the Cultures of Caring and Social Responsibility of 2019-2023 OCDSB Strategic Plan through:
  - championing high learning expectations for all students in all programs;
  - prioritizing the dignity and well-being of students in inclusive and caring classrooms;
  - championing and nurturing a safe, caring and respectful workplace;
  - building authentic engagement with and among our communities;
  - removing barriers to equity of access, opportunity, and outcomes; and
  - and modelling responsible and ethical leadership and accountability.

A stand-alone human rights policy will also deliver on one of the commitments of the OCDSB Indigenous, Equity and Human Rights Roadmap. Seeking out the voices of the Indigenous, Black, minoritized, 2SLGBTQ+ and people with disabilities, including students, families, staff and communities, the District will collaboratively develop a policy and associated procedures that meet the priorities of the people it serves. The subsequent adoption of the policy will ensure that the promotion and protection of human rights is centred within the OCDSB. The consultation process will also contribute to the Strategic Plan outcomes of increasing student and parent voice, employee engagement and community partnership.

Finally, the consultation plan and development of the human rights policy is aligned with the establishment of the Office of the Human Rights and Equity Advisor and will set a clear direction for how to engage with the Office when needed. It is also in line with the District's priority character attributes: acceptance, appreciation, cooperation, empathy, fairness, integrity, optimism, perseverance, respect and responsibility.

## CONTEXT:

3. Currently the District has a variety of policies and procedures that relate to some aspects of human rights, but it lacks a foundational human rights policy that sets applicable human rights standards against which all other policies must comply and it also lacks accountability mechanisms for enforcement.

## KEY CONSIDERATIONS:

### 4. Background

In March 2020 the District hired a Human Rights and Equity Advisor in accordance with the terms of a transfer payment agreement with the Ministry of Education. The role of the Human Rights and Equity Advisor is to provide advice and support to build and maintain a culture of human rights across the organization and to oversee the investigation and resolution of human rights-based complaints.

On October 13, 2020 the District established two different mechanisms to strengthen human rights and equity within the Board. The Indigenous, Equity and Human Rights Division is responsible for program implementation and service delivery. The arm's length Office of the Human Rights and Equity Advisor is the mechanism that will provide accountability and seek resolution of human rights-related concerns and complaints.

### 5. Preliminary Work

A desk review of current OCDSB policies and procedures and human rights policies of other boards has been conducted by the Human Rights and Equity Advisor in order to identify gaps and best practices. Currently, the OCDSB has a variety of policies and procedures that deal with different aspects of harassment, discrimination and accommodation for both staff and students, however it lacks a uniform, foundational human rights policy and procedure document that sets the standard and details OCDSB's commitment to upholding human rights, preventing infringements and responding to human rights related concerns from students, families, staff and the community.

### 6. Legislative Framework

The United Nations *Declaration on the Rights of Indigenous Peoples* recognizes right of Indigenous Peoples to the dignity and diversity of their cultures, traditions, histories and aspirations and to have those appropriately reflected in all aspects of education, This right is reflected in the *Constitution Act*, the *Canadian Charter of Rights and Freedoms*, as well as in the Truth and Reconciliation Commission of Canada: Calls to Action 62, 63 and 64.

The right of a child to access education on the basis of equal opportunity, that reflects diversity and human rights, that develops the child to their fullest potential and that is free from discrimination is guaranteed by the United Nations *Convention on the Rights of the Child*, protected by the *Ontario Human Rights Code* and reflected in the *Education Act*. The best interests of the child must be the primary consideration in guiding actions that impact on that child.

The fundamental right to equality and to be free from discrimination is enshrined in the *Universal Declaration of Human Rights* and reflected in the *Canadian Charter of Rights*

*and Freedoms* and the *Ontario Human Rights Code*. This includes the right to be free from discrimination in both a learning and a working environment and is further reflected in the *Occupational Health and Safety Act*.

The right of persons with disabilities to equally access opportunities is set out in the United Nations *Convention of the Rights of Persons with Disabilities*, protected by the *Ontario Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act* and reflected in the *Education Act*.

The right of a person to be free from racial discrimination is set out in the United Nations *Convention on the Elimination of all forms of Racial Discrimination*. The right for women and girls to be free from discrimination is set out in the United Nations *Convention on the Elimination of all forms of Discrimination Against Women* and protected by the *Ontario Human Rights Code* and the *Anti-Racism Act*.

It is within this framework of rights and responsibilities that OCDSB seeks to develop a policy and related procedures that will set standards for behaviour, clarify roles and responsibilities and establish a mechanism for accountability.

## 7. Proposed Policy Framework and Consultation Process

The recently launched OCDSB Indigenous, Equity and Human Rights Roadmap calls for a human rights-based approach within the Board. A human rights-based approach centres around principles of equality and nondiscrimination, participation and inclusion, and transparency and accountability. This consultation process is designed around these principles.

The District proposes consulting with a diverse range of OCDSB stakeholders. The consultation will be done in two phases. Phase One will seek out information about current gaps and challenges related to human rights within the Board, identify any special considerations that are a priority for certain identity groups, make recommendations to improve accessibility to users and identify steps needed to ensure effective uptake of a new policy.

An internal working group of subject matter experts will draft a policy based on feedback from Phase One. Phase Two of the consultation will revisit the groups originally consulted to share and seek feedback on the draft policy. Efforts will be made to seek out feedback and use a collaborative process to ensure that the policy is relevant and accessible to a diverse range of anticipated users. Feedback will be considered and incorporated where possible.

In developing the policy, consideration will be given to enshrining the legal requirements set out in the domestic and international human rights framework referenced above. It is expected that the policy will: (a) include human rights-related concepts and principles (e.g., anti-racism, anti-discrimination, the duty to accommodate, and mechanisms to address human rights complaints); (b) explore individual and organizational roles, responsibilities and legal obligations to prevent and address all forms of discrimination, including in the form of racism, sexism, ableism, homophobia, transphobia, antisemitism, Islamophobia, anti-Sikhism; (c) establish processes for accommodation where needed; and (d) establish mechanisms for accountability that are accessible to diverse stakeholders.

The final phase of the consultation will involve bringing the finalized policy and associated procedures and informational tools back to the groups we consulted to share information about how the final policy will work and to answer questions. It is anticipated that this model of bottom up stakeholder engagement will not only result in a policy and related procedures that meet the needs of the OCDSB community, but will also strengthen engagement, partnerships and trust with students, families, staff and community members.

## **FINANCIAL CONSIDERATIONS:**

8. The consultation may incur costs related to interpretation or translation to allow for the participation of English language learners and people who are deaf and hard of hearing. It is not anticipated that the consultation will have any additional financial implications. The vast majority of the consultations will take place virtually and will be completed using existing networks and partnerships. Any costs that may arise will come out of existing budgets.

## **COMMUNICATION/CONSULTATION ISSUES:**

9. An internal Working Group of the following subject matter experts has been established to provide guidance for the design of the Consultation Plan:

- Human Rights and Equity Advisor
- Diversity and Equity Coordinator
- Vice-Principal, First Nations, Métis, and Inuit Education
- Instructional Coach, Inclusive, Safe & Caring Programs
- Trans and Gender Diverse Student Support Coordinator
- Mental Health and Critical Services Manager
- Human Resource Manager
- Legal Services Manager
- Investigation Advisor for Staff Misconduct; and
- Policy Analyst

The Group advised that a participatory approach be adopted for the development of the new policy in order to generate internal and external support.

## **RECOMMENDATION:**

THAT the Consultation Plan for the development of an OCDSB Human Rights policy, attached as Appendix A to Report 20-084, be approved.

\_\_\_\_\_  
Carolyn Tanner  
Human Rights and Equity Advisor

\_\_\_\_\_  
Camille Williams-Taylor

Director of Education and Secretary of  
the Board

**APPENDIX:**

Appendix A: Consultation Plan