

Human Rights Policy

Human Rights Policy Framework and Development Plan

October 2021

- HWDSB is responsible for ensuring that learning and work environments are safe, inclusive and free from discrimination, bias and harassment.
- HWDSB's [Equity Action Plan](#), a key element of the board's Positive Culture and Well-being strategic priority, commits to develop safe and inclusive reporting structures by:
 - Assessing discrimination and harassment reporting policies, procedures and processes;
 - Improving and/or establishing processes that enable students and staff to safely report incidents of code-based discrimination and harassment; and
 - Exploring the need for a human rights policy and procedure to support and improve protocols used in handling code-based complaints and allegations.

- HWDSB currently has a number of policies and related procedures that include elements of human rights tenants such as the Equity and Inclusion Policy 5.4, the Workplace Violence and Harassment Prevention Policy 4.9, and the Accommodation of Staff Policy 4.1.
- These policies, however, might not specifically address human rights concerns and might not define a clear and consistent human rights complaints process in a manner that is accessible, consistent and clear to everyone.
- A human rights policy and associated procedures would serve as an anchor to related policies and further HWDSB's commitment to a learning and work environment that is safe, inclusive and free from discrimination, bias and harassment.

Responsibilities and accountabilities for upholding human rights and preventing discrimination and harassment are set out in various international and Canadian legislations and policies.

International

- The United Nations Declaration of Human Rights
- The United Nations Declaration on the Rights of Indigenous Peoples
- The United Nations Convention on the Rights of the Child
- UN Convention on the Rights of Persons With Disabilities
- Committee on the Rights of Persons with Disabilities General comment No. 4 (2016) Article 24: Right to inclusive education

Canada

- **The Ontario Human Rights Code**
- The Anti-Racism Act, 2017
- Accessibility for Ontarians with Disabilities Act
- Canadian Human Rights Commission
- Accessibility Act
- Occupational Health and Safety Act
- The Truth and Reconciliation Commission of Canada's Report and Calls to Action
- Education Act
- Related ministry Policy/Procedure Memoranda

- Serves as a guide to ensure that human rights is embedded through out HWDSB functions, policies and procedures
- To identify policy gaps in addressing the promotion and protection of human rights, sets out rights, and defines roles and responsibilities of all stakeholders in HWDSB in upholding and protecting human rights in HWDSB work and learning environments.
- Improve accountability mechanisms and provide a clear and consistent structure for human rights concerns to be brought forward and be resolved in a timely manner using fair, culturally responsive, restorative justice and other approaches.
- Promotes proactive approaches to identify, prevent and address different forms of systemic discrimination, harassment and oppression.

The policy applies to all members of the HWDSB community including, but not limited to,

- Staff
- Students and parents/guardians/caregivers
- Trustees
- Community Advisory Committee members
- School Council members
- Permit holders, vendors, service providers, contractors, volunteers, visitors and all other persons who are invited to, work at, or attend Board and school events.

1. Historical and Current Contexts

- Acknowledgement of historical and ongoing systemic discrimination and oppression including, but not limited to colonialism, racism, ableism, ageism, sexism, homophobia, biphobia, transphobia, classism, islamophobia, antisemitism and other forms of oppression and discrimination.
- Application of intersectional, anti-colonial, anti-oppressive, anti-racist frameworks

2. Indigenous Human Rights

- Recognizing that the current state of the education system is built on legacies of colonialism and Indigenous Peoples' rights have been marginalized, the policy development should give particular considerations to Indigenous Human Rights, recognizing the distinct rights of Indigenous students, staff and communities, as a collective right versus individual-based rights.

2. Indigenous Rights...(Continued)

- Considering the motion passed by Trustees to comply with the First Nations, Métis and Inuit Advisory Committee resolution #21-89 (April Board meeting) stated as:
“The Board live upto its commitment to working in parallel with Indigenous communities, recognizing, honouring and affirming their distinct approaches to Indigenous Human Rights”
- The policy to have a section dedicated for Indigenous human rights with a commitment to develop a separate Policy on Indigenous Human Rights. The development of this section and the policy to be lead by *Indigenous staff, elders, and leaders in consultation with Indigenous students, families and local communities.*

3. Community engagement/Public Consultation

- **First Phase engagement (listening)**- to be conducted *before drafting the policy* to seek input, engage diverse voices, build relationships and identify gaps in current policies/practices, to collaboratively develop the human rights policy and associated procedure.
- **Second phase public consultation** to be conducted after the drafting of the policy to gather further input and feedback to inform the drafting of the final policy and procedure.
- Stakeholders include: students, Trustees, Advisory Committees, Staff, Parents/guardians/caregivers, Unions, Community partners,
- Intentionally target to gather diverse voices, specially from people that experience discrimination due to disabilities, race, gender identity, sexual orientation, ancestry, ethnicity, religion, and other code grounds.
- Consultation methods to include survey, focus group discussions, written/audio submissions etc.

4. Policy alignment- Review and create alignment with:

- Related HWDSB policies,
- Employee collective agreements and terms and conditions,
- The Ontario Human Rights Commission policies and guidelines,
- OHRC's guide to developing human rights policies and procedures
- The Truth and Reconciliation Commission of Canada's Report and Calls to Action
- Promising practices from other school boards and the Ministry of Education
- ETFO submission to the Ministry on Human Rights Procedures

5. Final products:

- Develop a **human rights Policy**
- Develop a **human rights procedure** to ensure effective implementation of the policy, including a human rights complaints procedure
- Review and **update existing policies for alignment and consistency** (e.g. Equity and Inclusion Policy 5.4, Workplace Violence and Harassment Prevention Policy 4.9, Staff Accommodation Policy 4.1)

STEP 1

Action Item	Timeline
Draft a policy framework and a policy development plan	Summer 2021
Establish a human rights policy advisory to support with policy development process	Sept- October 2021
Finalize policy framework and policy development plan in consultation.	Sept-October 2021

STEP 2

Action Item	Timeline
Community Engagement (Phase one, pre-draft)	November-December 2021
Conduct analysis and identify themes from community engagement to inform the policy/procedure development.	December 2021-January 2022
Draft the human rights policy/procedure and (if applicable) submit for a review by a human rights policy advisor, including the section on policy on Indigenous rights.	February-March 2022
Present Draft Policy to the Policy Committee recommending for public consultation on the draft	April 2022

STEP 3

Action Item	Timeline
Conduct Public Consultations (Phase two-post draft): Present the draft policy for the formal public consultation. Additionally share the draft procedure to be accountable and responsive to those that participated in the community engagement.	May 2022 (30 days)
Revise the draft policy and submit for a review by a human rights policy advisor and/or legal counsel. Revise procedure.	June-Sept 2022
Present Revised Policy to the Policy Committee and then to the Board of Trustees for policy approval	October 2022

STEP 3

Action Item	Timeline
Develop a monitoring and evaluation plan for the human rights policy and procedure(s) to ensure accountability mechanisms are in place to measure progress/implementation of policy/procedure	After October 2022
Review related policies and procedures for alignment	Ongoing after October 2022