

Toronto District School Board

Policy P.031 EMP:

Human Rights

Statement

The Toronto District School Board is committed to maintaining a learning and working environment which actively promotes and supports human rights. The Board recognizes the value of:

- each and every student;
- a strong public education system;
- a partnership of students, schools, family and community;
- the uniqueness and diversity of our students and our community;
- the commitment and skills of our staff;
- equity, innovation, accountability and accessibility;
- learning environments that are safe, nurturing, positive and respectful.

The Toronto District School Board is committed to meeting its obligation under the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code by providing safe schools and workplaces that respect the rights of every individual. Every student, employee, trustee, parent and community member has the right to learn and work in an environment free of discrimination and harassment. Discrimination and harassment based on legislated prohibited grounds will not be tolerated. Such behaviour must be addressed not only for its cost in individual, human terms but also for its cost to our social, economic and civic future.

The purpose of this policy is to prevent discrimination and harassment through greater awareness of and responsiveness to their deleterious effects and to ensure that human rights complaints are dealt with expeditiously and effectively through consistently applied policy and procedures. Nothing in this policy or procedures denies or limits access to other avenues of redress open under the law such as a complaint to the Ontario Human Rights Commission or a grievance.

The Toronto District School Board is committed to ensuring that education on human rights issues is provided for all staff and students.

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Policy Components

1. Legislative Context

1.1. Canadian Charter of Rights and Freedoms

The *Constitution Act [1982]*, which includes the Canadian Charter of Rights and Freedoms, is the supreme law of Canada. As such, all other laws and applicable workings of governments, including school boards, must be consistent with its provisions. The charter and Supreme Court of Canada decisions made under the charter guarantee everyone equality regardless of race, national or ethnic origin, citizenship, colour, religion, marital status, sex, sexual orientation, age or mental or physical disability. The charter and Supreme Court decisions also promote the development of programs which are designed to redress the conditions of disadvantaged individuals or groups.

1.2. Ontario Human Rights Code

The provisions of the Ontario Human Rights Code apply to private parties and provincial public institutions. The code exists to prevent discrimination and harassment and, through its special program provisions, to foster proactive steps to promote human rights. Human rights law prohibits the creation and/or fostering of negative or poisoned environments that threaten basic human rights.

2. To Whom Does This Policy Apply?

This policy applies to all Toronto District School Board students, employees, trustees and other users such as members of consultative committees, clients of the Board, parents, volunteers, permit holders, contractors, and employees of organizations not related to the Board but who nevertheless work on or are invited onto Board premises. This policy also covers discrimination and harassment by such persons which occur outside the study/work place, and which are proven to have repercussions that adversely affect the Board's learning/working environment.

3. Duties and Responsibilities

A school board has a duty to maintain an environment respectful of human rights and free of discrimination and harassment for all persons served by it. It must be ever vigilant of anything that might interfere with this duty. In fostering this environment, the Board expects that everyone will:

- be aware of and sensitive to issues of discrimination and harassment
- support individuals who are, or have been, targets of discrimination and harassment.
- prevent discrimination and harassment
- take reasonable steps to remove any discriminatory barriers in employment policies and practices and in accessing programs, resources, and facilities
- take all allegations of discrimination and harassment seriously and respond promptly
- provide positive role models
- not demonstrate, allow or condone behaviour contrary to this policy, including reprisal
- report immediately hate group activity

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3.1. Human Resource Services

The Human Resource Services Department of the Toronto District School Board has the responsibility to designate resources for ensuring the implementation of and compliance with this policy and procedures.

3.2. Teachers

Teachers have a particular obligation to ensure that the learning environment is free of discrimination and harassment and to respond speedily to breaches of this policy when they occur. The Board recognizes that preventive education and proactive practices are the best long-term strategies to achieve an inclusive learning and working environment. It is essential, therefore, that Toronto District School Board programs, curriculum, teaching methods and management practices support the values embodied in this policy.

3.3. Supervisory and Managerial Personnel

Supervisory and managerial personnel have a specific duty to implement the policy. This duty includes prevention of and response to discrimination and harassment and the education of staff, students and the school community.

Failure to take measures to address discrimination and harassment in the learning and working environment may have legal implications for the Board.

4. Grounds and Forms of Discrimination

4.1. Grounds of Discrimination

Under this policy, the Board upholds and supports the right to equal treatment without discrimination based on the following prohibited grounds:

- Age
- Ancestry
- Citizenship
- Colour
- Creed (faith)
- Disability
- Ethnic origin
- Family status
- Gender
- Gender identity
- Marital status
- Place of origin
- Race
- Same-sex partnership status
- Sexual orientation
- Socio-economic status

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4.2. Forms of Discrimination

Discrimination is defined as unfair treatment of a person or group based on the grounds listed above. Discrimination can occur in many ways including the following:

- Direct discrimination: Any action from individuals, groups or organizations, whether intended or unintended, which differentiates between persons based on their membership in a protected group as set out in this policy other than special programs designed to address the conditions of individuals or groups
- Indirect discrimination or condonation: Occurring when discrimination and harassing behaviour are either overlooked or accepted particularly by supervisory or managerial personnel
- Systemic discrimination: Arising from policies, procedures, practices and conduct which may not be discriminatory in their intent but adversely impact individuals or groups protected by this policy where the adverse impact arises from one of the prohibited grounds of discrimination
- Harassment: A form of discrimination defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Sexual harassment is a particular form of harassment. It can take the form of a sexual advance, request for sexual favours or sexual flirtation or banter made by any person, including a person in a position to grant, confer or deny a benefit, privilege, or advancement, where the person engaging in such conduct knows, or ought reasonably to know, that it is unwelcome. Sexual attention by an employee toward a student is unacceptable under any circumstances and shall constitute a violation of this policy
- Failure to reasonably accommodate a person short of undue hardship on any of the grounds covered by this policy.
- Discrimination against individuals because of their relationship or association with a person or persons identified by a prohibited ground of discrimination under this policy.
- Reprisals which may include threats, intimidation, denial of opportunity or undue negative focus on the rights of individuals or groups who claim and enforce their rights under this policy.
- Negative or “poisoned” environments created and fostered by acts or omissions that maintain offensive or intimidating climates for study or work. Poisoned learning environments include inappropriate or non-inclusive curriculum and pedagogy, bias or discriminatory barriers in existing policies, programs, or assessment procedures, and discriminatory comments made by teachers and other employees. Poisoned working environments thrive where there is managerial or supervisory condonation of discriminatory or harassing behaviour. Poisoned environments can also be created where there is inattention to fair and equitable recruitment and employment policies, practices and procedures.
- Hate group activities

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5. Hate Group Activities

Hate group activities represent some of the most destructive forms of human rights-based discrimination by promoting hatred against identifiable groups of people. Hate groups generally label and disparage people who may include immigrants, people with disabilities, members of particular racial, religious or cultural groups, people who are gay or lesbian. Hate group activities will not be tolerated. Such activities contravene this policy, and other potential board policies related to school safety and may also contravene the Criminal Code of Canada.

6. Complaints

All those who are covered by this policy are entitled and encouraged to complain about discrimination and harassment and are entitled to have access to the complaint procedures. In addition, nothing in these procedures precludes individuals who believe they are targets of (or have witnessed) discrimination and harassment from directly expressing that the behaviour is inappropriate and must stop immediately. Many complaints can be resolved quickly and effectively using this approach. In order to stop discrimination and harassment, supervisory and managerial personnel must expeditiously address and attempt to resolve complaints under this policy and procedures.