



HUMAN RIGHTS

Legal References:	<i>Canadian Charter of Rights and Freedoms (Section 15); Ontario Human Rights Code (The Code); The Education Act. Occupational Health and Safety Act</i>
Related References:	Board Policy 1008 - Equity and Inclusion Board Policy 1004 - Harassment Board Policy 1002 -Occupational Health and Safety Board Policy 1009 - Violence in the Workplace Board Policy 6000 - Safe Schools Board Policy 6001 - Code of Conduct Board Policy G021 - Trustee Code of Conduct Board Policy 1012 - Religious and Creed Accommodations Board Policy 1018 - Anti-Racism Administrative Procedure 1210 - Code-Based Human Rights Complaint Resolution Process for Staff Administrative Procedure 1215 - Code-Based Human Rights Complaint Resolution Process for Non-Staff Administrative Procedure 1230 - Religious and Creed Accommodations Administrative Procedure 1235 - Gender Identity and Gender Expression Accommodation for Students Administrative Procedure 3730 - Sexual Harassment Guidelines Administrative Procedure 3740 - Prevention and Resolution of Workplace Harassment Administrative Procedure 3760 - Progressive Discipline Policy on Preventing Discrimination Based on Creed, Ontario Human Rights Commission, 2015 Policy on Competing Human Rights, Ontario Human Rights Commission, 2012 Dreams Delayed: Addressing Systemic Anti-Black Racism and Discrimination in Ontario's Public Education System, Ontario Human Rights Commission, 2025 United Nations Declaration on the Rights of Indigenous People, 2007 United Nations Universal Declaration of Human Rights, 1948
Effective Date:	<i>April 26, 2021</i>
Revisions:	September 16, 2026
Reviewed:	

1. Purpose

- 1.1. Guided by the principles of the United Nations Declaration on the Rights of Indigenous People, the Universal Declaration of Human Rights and the Ontario Human Rights Code (the Code), the Waterloo Region District School Board (WRDSB) is committed to providing working and learning environments that are free of discrimination and

harassment, where all individuals are treated with respect and dignity, and can thrive and fully contribute. We recognize the dignity and worth of every person and provide equal rights and opportunities without discrimination.

- 1.2. The WRDSB is dedicated to providing welcoming, inclusive, caring and safe schools and workplaces and will promote and enforce appropriate standards of conduct at all times in order to create a culture of respect for human rights.
- 1.3. The WRDSB is committed to meeting its obligations under the Code by addressing human rights complaints in a fair, equitable, confidential and timely manner that contributes to the protection and promotion of human rights.
- 1.4. The WRDSB and the Board of Trustees are committed to identifying and eliminating individual and systemic experiences of discrimination, which includes assessing all policies, procedures, programs, and operations for alignment with the principles of human rights.
- 1.5. The WRDSB is committed to providing mandatory human rights training and education for all WRDSB staff. Trustees and students will also be engaged in learning to support their knowledge and understanding of human rights and responsibilities pursuant to the Code.
- 1.6. The WRDSB is committed to honouring the remedial nature of the Code and will view complaints as an opportunity for learning, improvement, responsibility- taking, and healing.

2. Definitions

- 2.1. **Competing Rights:** Competing Rights is a situation where multiple people or groups have legal rights that could conflict (Source: [Ontario Human Rights Commission](#)).
- 2.2. **Discrimination:** Discrimination is unfair treatment that impacts someone negatively because of a Code ground. Discrimination can be direct (treating someone negatively, because of a Code ground), or systemic (a standard, rule, or practice resulting in unfair treatment). Discrimination does not have to be intentional. (Source: [OHRC Dreams Delayed](#))
- 2.3. **Duty to Accommodate:** Duty to Accommodate is the legal requirement to accommodate needs related to Code protected grounds. The duty includes a collaborative process to identify options and implement solutions that respect an individual's dignity and allow them to participate fully, without undue hardship. (Source: [OHRC Dreams Delayed](#))
- 2.4. **Harassment:** Harassment is a course of comments or actions (including physical harassment) that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known, or should be known, to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a protected ground.
 - 2.4.1. Reasonable action taken by the employer or supervisor relating to the management and direction of staff or the workplace is not harassment
- 2.5. **Human Rights:** are rights we have because we exist as human beings. Everyone is entitled to a life of equality, dignity, and respect, free from discrimination. Human rights are recognised and protected by a set of international and Canadian laws. In Ontario, human rights are protected by the Code. It is a provincial law that helps to make sure that

everyone enjoys equal rights and opportunities without discrimination in areas such as employment, housing and services. (Source: [Ontario Human Rights Commission](#))

- 2.6. **Intersectionality:** An approach that looks at how a person's different Code-protected identities (race, gender, disability, etc.) overlap to create unique barriers or experiences. (Source: [OHRC Dreams Delayed](#))
- 2.7. **Malicious/Vexatious complaint:** Intentionally making a false or dishonest complaint or making a complaint that is not based on facts. Making this kind of complaint is a form of harassment and a violation of this policy.
- 2.8. **Poisoned environment:** An unwelcoming or hostile workplace or school environment created when comments or actions demean individuals or groups protected by the Code. A poisoned environment can exist even if no single person was directly targeted. A poisoned environment can be caused by a single serious event or ongoing behaviour. (Source: [OHRC Dreams Delayed](#))
- 2.9. **Prohibited/Protected Grounds:** The [Code](#) and this policy prohibits discrimination or harassment based on these personal characteristics:
- Age;
 - Ancestry;
 - Citizenship;
 - Colour;
 - Creed (including religion);
 - Disability (including mental, physical, developmental or learning disabilities);
 - Ethnic origin;
 - Family status (such as being in a parent/caregiver-child relationship);
 - Gender identity;
 - Gender expression;
 - Marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship);
 - Place of origin;
 - Race;
 - Record of offences (conviction for a provincial offence, or for an offence for which a pardon has been received);
 - Sex (including pregnancy and breastfeeding);
 - Sexual orientation;
 - Association or relationship with a person identified by one of the above grounds;
 - Perception that one of the above grounds applies.
 - Any grounds that are added to the Code prior to revision of this policy.
- 2.10. **Reprisal:** Any action or threat of negative treatment made to someone for asserting their human rights, upholding the human rights of others, or participating in a human rights complaint resolution process. (Source: [OHRC Dreams Delayed](#))
- 2.11. **Sexual Harassment:** a form of harassment because of sex, sexual orientation, gender identity, or gender expression. (Source: [Ontario Human Rights Code](#))
- 2.12. **Systemic Discrimination:** a form of discrimination that happens when attitudes, behaviour, policies or practices, even those that appear neutral, create unfair barriers for or disadvantage protected groups. (Source: [OHRC Dreams Delayed](#))

- 2.13. **Undue Hardship:** The legal standard that is used to determine if a requirement is reasonable and bona fide. Undue hardship considers the cost, outside sources of funding, and health and safety requirements. Accommodation providers must accommodate Code-related needs when possible without undue hardship. (Source: Ontario Human Rights Code Section 11 (2))
- 2.14. **Hate Activities:** comments or actions that target a person or group and are motivated by bias, prejudice, or hate based on a Code-protected ground. Examples are: hate crimes, hate propaganda, advocating genocide, telephone/electronic communication promoting hate, and publicly displaying hate notices, signs, symbols, and emblems. (Source: Ontario Human Rights Commission)

3. Application

- 3.1. This policy applies to all WRDSB students, staff, trustees, and other users such as members of consultative committees, clients of the Board, parents/caregivers, volunteers, permit holders, contractors, and employees of organizations not related to the Board but who work on or are invited onto Board premises.
- 3.2. Policy is an important way to dismantle systemic discrimination and set clear standards of conduct; WRDSB's Board of Trustees holds explicit responsibility for policy review and approval. This responsibility is foundational to recognizing and dismantling systemic discrimination and bias that contribute to the creation of conditions that violate this policy and the Code.
- 3.3. The WRDSB and all individuals who provide and receive services from the WRDSB are expected to uphold and abide by this Policy, by refraining from any form of harassment or discrimination, and by cooperating fully in any investigation of a harassment or discrimination complaint.
- 3.4. Managers, administrators and educators have the additional responsibility to act immediately if they observe, or receive allegations of harassment or discrimination. Managers and administrators are responsible for creating and maintaining an organizational environment that is free from harassment and discrimination, and should address all issues of harassment and discrimination.
- 3.5. This Policy does not prohibit special programs that advance equity and inclusion for members of historically marginalized communities - such special programs are not equivalent to discrimination under the Code.
- 3.6. The WRDSB has a duty to maintain an environment respectful of human rights and free of discrimination and harassment for all staff and individuals who receive services. It must be ever vigilant of anything that might interfere with this duty. In fostering this environment, the WRDSB expects that everyone will:
- uphold the duty to accommodate to the point of undue hardship, under the Code;
 - be aware of and sensitive to issues of discrimination and harassment through ongoing professional learning;
 - 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 using established protocols;
 - be a positive role model;

- not demonstrate, allow or condone behaviour contrary to this policy, including reprisal.
- 3.7. This policy applies to ensure that the WRDSB provides services and work environments free of discrimination and harassment, in alignment with the Code. The policy also prohibits discrimination or harassment based on the intersection of multiple grounds of discrimination (intersectionality).
- 3.8. This policy also covers discrimination and harassment that occurs in the extended working and/or learning environment, where the conduct is committed by someone covered by this policy and its impacts are proven to have repercussions that adversely affect the Board's learning or working environment.
- 3.9. Behaviours and practices that are contrary to this policy:
- 3.9.1. Discrimination, based on a protected ground (Section 2.9) is prohibited by this policy.
- The Code does not assume all adverse or unfair treatment is discrimination and requires more than identifying with a Code-protected group. The Code-protected identity(ities) must be at least one factor contributing to the adverse treatment; however they do not need to be the only factor.
 - Generally, this policy does not respond to general allegations of unfair treatment based only on speculation, accusation, suspicion, or belief with no evidence establishing a connection to a protected *Code* ground.
- 3.9.2. Harassment (in person or online), includes but is not limited to:
- Epithets, remarks, jokes or innuendos related to a person's race, gender identity, gender expression, sex, disability, sexual orientation, creed, age, or any other ground;
 - Posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means;
 - Singling out a person for humiliating or degrading "teasing" or jokes because they are a member of a Code-protected group;
 - Comments ridiculing a person because of characteristics that are related to a ground of discrimination. For example, this could include comments about a person's dress, speech or other practices that may be related to their sex, race, gender identity or creed. If a person does not explicitly object to harassing behaviour, or appears to be going along with it, this does not mean that the behaviour is acceptable. The behaviour could still be considered harassment under the Code.
 - Where harassment is not connected to a protected ground, staff are encouraged to address the concern under Administrative Procedure 3740 - Prevention and Resolution of Workplace Harassment and students are encouraged to address the concern under Board Policy 6000 - Safe Schools.
- 3.9.3. Sexual and gender-based harassment (in person or online), includes but is not limited to):
- Paternalism based on gender which a person feels undermines his or her self-respect or position of responsibility;
 - Unwelcome physical contact;

- Suggestive or offensive remarks or innuendoes about members of a specific gender;
 - Propositions of physical intimacy;
 - Gender-related verbal abuse, threats or taunting;
 - Leering or inappropriate staring;
 - Bragging about sexual prowess or questions or discussions about sexual activities;
 - Offensive jokes or comments of a sexual nature;
 - Rough and vulgar humour or language related to gender;
 - Display or distribution of sexually offensive pictures, graffiti or other materials including through electronic means;
 - Demands for dates or sexual favours;
 - Sexual solicitation or advances by persons in a position to grant or deny a benefit to the recipient.
 - Staff may address a concern of sexual harassment under Administrative Procedure 3740 - Prevention and Resolution of Workplace Harassment or Administrative Procedure 1210 - Code-Based Human Rights Complaint Resolution for Staff.
- 3.9.4. Hate-related activity or behaviour (see 2.14) ;
- 3.9.5. Creating or contributing to a poisoned learning or working environment;
- 3.9.6. Condoning or failing to address or prevent potential discrimination;
- 3.10. Interfering with an investigation or complaint resolution process under the Policy;
 - 3.10.1. including acts or threats of reprisal against (See 2.10.),
 - 3.10.2. influencing someone to provide false or misleading information;
 - 3.10.3. knowingly providing false or misleading information;
 - 3.10.4. breaching confidentiality provisions of the complaint resolution process;
 - 3.10.5. making a vexatious, malicious, frivolous or bad-faith complaint or allegation(s);
- 3.11. Failure to fulfill the the procedural or substantive duty to accommodate under the *Code* (see section 2.3);
- 3.12. Other human rights violations or violations of the Policy.
- 3.13. The WRDSB policy prohibits acts or suggestions of retaliation or reprisal against any individual involved in a human rights complaint resolution process including a reporter, complainant or witness. All complaints of retaliation or reprisal must be immediately reported to a Principal, supervisor/ manager, or the Human Rights Branch. Reprisals are grounds for a complaint under the Human Rights Policy.
 - 3.13.1. Corrective measures implemented for an individual who is found to have violated the policy are not reprisal.
- 3.14. Anyone who is covered by this Policy is entitled and encouraged to use the process to bring forward a concern or complaint regarding any discrimination and harassment they face.

- 3.15. In addition, nothing in any of the Board's procedures precludes individuals who believe they are targets of (or have witnessed) discrimination and harassment from directly expressing to the individual that the behaviour is inappropriate and must stop immediately. Many complaints can be resolved quickly and effectively using this approach.
- 3.16. In order to stop discrimination and harassment, supervisory, administrative and managerial personnel must expeditiously address and attempt to resolve complaints under this policy and involve the Human Rights Branch as appropriate.
- 3.17. In order for the complaint resolution process to proceed, the person receiving the complaint would need to establish "prima facie" discrimination (discrimination on its face). A complainant would need to identify that they have a characteristic protected from discrimination (see Protected/Prohibited Grounds, section 2.9), they have experienced an adverse impact through their engagement with the school board, and that the protected characteristic was a factor in the adverse impact.
- 3.18. Complaints brought forward by WRDSB staff members will be addressed through AP1210 - Code-Based Human Rights Complaint Resolution Process for Staff.
- 3.19. Complaints brought forward by WRDSB non-staff members will be addressed through AP1215 - Code-Based Human Rights Complaint Resolution Process for Non-Staff.
- 3.20. Complaints against Trustees will be addressed through the Trustee Code of Conduct (G201).
- 3.21. Complaints of harassment, discrimination or reprisal will be taken seriously and responded to following the appropriate administrative procedures. With respect to WRDSB staff, remedial action, which may include disciplinary action, will be taken, where appropriate, as per progressive discipline procedures.
- 3.22. This Policy is not intended to discourage or prevent persons from exercising any other legal rights they may have pursuant to any other law, including the right to file a complaint with the Human Rights Tribunal of Ontario or any other administrative law process. Staff may also have rights under collective agreements that will give them other choices for dealing with a complaint.
- 3.23. In situations where competing rights may be involved, the WRDSB will follow the Ontario Human Rights Commission's organizational process for addressing competing human rights.