



HUMAN RIGHTS

Legal References:	<i>Canadian Charter of Rights and Freedoms (Section 15); Ontario Human Rights Code (The Code); The Education 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 Administrative Procedure 1230 - Religious and Creed Accommodations Administrative Procedure 1235 - Accommodation for Persons Who Identify as Transgender Administrative Procedure 3720 - Racial, Religious, and Ethnocultural Harassment Administrative Procedure 3740 - Prevention and Resolution of Workplace Harassment Administrative Procedure 3730 - Sexual Harassment Guidelines 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
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1. Preamble

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.

2. Commitments

2.1 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.

- 2.2 The WRDSB is committed to meeting its obligations under Ontario's Human Rights Code in addressing human rights complaints in a fair, equitable, confidential and timely manner that contributes to the protection and promotion of human rights.
- 2.3 The WRDSB and the Board of Trustees are committed to identifying and eliminating or modifying policies, procedures, systemic or personal practices that create barriers to opportunities or benefits that are generally available, where such a barrier is related to a ground protected by the Ontario Human Rights Code and is not a requirement, qualification, or factor implemented in good faith and legitimate in the circumstances and permitted by law.
- 2.4 The WRDSB is committed to providing mandatory human rights, anti-oppression and anti-racism 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 Ontario Human Rights Code.
- 2.5 The WRDSB is committed to honouring the remedial nature of the Ontario Human Rights Code and will view complaints as an opportunity for learning, improvement, responsibility-taking and healing.

3. Application of the Policy

This policy applies to ensure that the WRDSB provides services and work environments free of discrimination and harassment, in alignment with the Ontario Human Rights Code.

This policy applies to all WRDSB students, employees, 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.

This policy also covers discrimination and harassment by such persons which occurs outside of study or work spaces, and which are proven to have repercussions that adversely affect the Board's learning or working environment.

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 section 4), 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.

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. Employees may also have rights under collective agreements that will give them other choices for dealing with a problem.

Complaints of discrimination and/or harassment by or about WRDSB employees will be dealt with under the [Violence in the Workplace Policy \(1009\)](#) and [Prevention and Resolution of Workplace Harassment Administrative Procedure \(3740\)](#).

Complaints of discrimination and/or harassment by or about students will be dealt with under the [Safe Schools Policy \(6000\)](#) and the [Code Of Conduct Policy \(6001\)](#).

Complaints of discrimination and/or harassment by or about members of the WRDSB community including parents/caregivers, volunteers, community members and visitors will be dealt with under the [Code Of Conduct Policy \(6001\)](#).

Complaints of discrimination and/or harassment against a Trustee will be addressed under the [Trustee Code of Conduct \(G201\)](#).

4. Protected Grounds

This policy prohibits discrimination or harassment based on the following grounds, as indicated in the Ontario Human Rights Code:

- Age;
- Creed (religion);
- Sex (including pregnancy and breastfeeding);
- Sexual orientation;
- Gender identity;
- Gender expression;
- Family status (such as being in a parent/caregiver-child relationship);
- 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);
- Disability (including mental, physical, developmental or learning disabilities);
- Race;
- Ancestry;
- Place of origin;
- Ethnic origin;
- Citizenship;
- Colour;
- Record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received);
- Receipt of public assistance (in housing only);
- Association or relationship with a person identified by one of the above grounds;
- Perception that one of the above grounds applies.

The policy also prohibits discrimination or harassment based on any combination of these grounds. People may experience discrimination and harassment based on the intersection of multiple grounds of discrimination (intersectionality).

Persons who believe that they have been subjected to harassment and/or discrimination are encouraged to express concerns and register complaints. The WRDSB policy prohibits acts of retaliation or reprisal against an individual complainant or witness. All complaints of retaliation or reprisal must be immediately reported to a Principal, supervisor or manager.

Complaints of harassment, discrimination or reprisal will be promptly investigated. With respect to WRDSB employees, remedial action, which may include disciplinary action, will be taken, where appropriate, as per progressive discipline procedures.

5. Key Concepts

5.1 Discrimination: means any form of unequal treatment based on a Code ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices, procedures or policies that appear neutral, but disadvantage one or more individuals based on grounds

protected by the Code. Discrimination may take obvious forms, or it may happen in very subtle ways. It can be perpetrated by individuals, or by the system, institution or organization. Racism, and specifically anti-Indigenous and anti-Black racism, are often experienced through systemic discrimination (see 5.7). Even if there are many factors affecting a decision or action, if discrimination is one such factor, it constitutes a violation of this policy.

This Policy does not prohibit discrimination under special programs for advancing reasonable accommodation, equity programs and or pilot projects with the goal of achieving equity and inclusion for members of historically marginalized communities.

5.2 Harassment: means 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 ground of discrimination identified by this Policy. Harassment can occur in person or online. Personal conflict and reasonable action taken by the employer or supervisor relating to the management and direction of staff or the workplace is not harassment. Harassment can occur based on any of the grounds of discrimination.

5.2.1 Examples of harassment include:

- 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.

5.3 Sexual Harassment: a form of harassment with explicit or implicit sexual overtones.

5.3.1 Examples of sexual and gender-based harassment can include:

- Gender-related comments about a person's physical characteristics or mannerisms;
- 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 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.

5.4 Poisoned environment: a poisoned environment is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the

attention of management) that create a discriminatory work environment. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment.

5.5 Malicious complaint: A claim that is deliberately and maliciously filed in order to damage the reputation of a person or group, or otherwise filed in bad faith, or which is known or ought to have reasonably been known by the complainant to have no reasonable basis in fact may be considered harassment and a violation of this policy.

5.6 Reprisal: Reprisal is the negative treatment or suggestion of negative treatment of a person because of their involvement in a human rights complaint, investigation or resolution process. Reprisals are grounds for a complaint under the Human Rights Policy.

5.7 Systemic Discrimination: Institutional practices, attitudes, systems or structures that operate to limit an individual's or group's right to opportunities, or exclude an individual or group from participation on the basis of a prohibited ground. It is a pattern of discrimination that arises out of apparently neutral institutional policies or practices, that may be self-reinforcing and/or reinforced by institutional structures and power dynamics that create disproportionate adverse impacts, barriers to opportunities generally available and/or the differential and unequal treatment of members of certain groups. Systemic discrimination does not occur when the requirement, qualification or factor is in good faith and legitimate in the circumstances or is permitted by law.

5.8 Workplace Harassment: A form of personal harassment that involves engaging in a course of vexatious comment or conduct against a worker in a workplace, where such conduct is known or ought reasonably to be known to be unwelcome. Workplace harassment does not include legitimate performance management of an employee.

5.9 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, and people who are 2SLGBTQIA+. 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.

5.10 Competing Rights: Involve situations where parties to a dispute claim that the enjoyment of an individual or group's human rights and freedoms, as protected by law, would interfere with another's rights and freedoms. This complicates the normal approach to resolving a human rights dispute where only one side claims a human rights violation. In some cases, only one party is making a human rights claim, but the claim conflicts with the legal entitlements of another party or parties. 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.

6.0 Complaints

Anyone who is covered by this Policy is entitled and encouraged to use the process to complain about any discrimination and harassment they face.

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 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,

administrative and managerial personnel must expeditiously address and attempt to resolve complaints under this policy and involve the Human Rights Branch as appropriate.

7. Roles and Responsibilities

Policy is an important way to dismantle systemic discrimination and set clear standards of conduct; WRDSB's Board of Trustees hold 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 Ontario Human Rights Code.

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.

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.

The WRDSB has a duty to maintain an environment respectful of human rights and free of discrimination and harassment for all employees 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;
- provide positive role models;
- not demonstrate, allow or condone behaviour contrary to this policy, including reprisal;
- report immediately to the Human Rights Branch any hate group activity.