



Human Rights Policy

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PURPOSE:

Hamilton Wentworth District School Board (HWDSB) is committed to providing learning and working environments that are welcoming, respectful, accessible, and free from discrimination and harassment. The *Human Rights Policy* is complementary to and does not substitute individual or group rights and responsibilities under the *Ontario Human Rights Code (the Code)*. The purpose of this policy is:

- to convey HWDSB's commitment to foster and maintain a culture of human rights in all HWDSB environments;
- to ensure that members of the HWDSB community understand their rights and responsibilities in upholding and protecting human rights where they learn, work, access or provide services;
- to put in place accountability measures and procedures for human rights concerns to be brought forward, and be resolved in a fair and timely manner; and
- to articulate the Board's commitment in fulfilling its positive human rights obligations.

The *Human Rights policy* applies to all members of the HWDSB community in all HWDSB environments, and affirms that:

- All forms of discrimination and harassment based on one or any combination of the human rights protected grounds identified in the [Ontario Human Rights Code](#) are prohibited in all HWDSB environments.
- HWDSB will take reasonable and proactive steps to foster a culture of human rights in all HWDSB environments and create accessible, respectful, and inclusive learning and working environments free of discrimination and harassment.
- HWDSB upholds and affirms Indigenous peoples' distinct, inherent and collective rights including Indigenous students' rights to language and culture.
- All HWDSB community members have the right to participating in addressing human rights-related concerns, without facing reprisal.
- HWDSB commits to treat all human rights concerns seriously and will not tolerate, condone or ignore discrimination and harassment issues in all HWDSB environments.
- HWDSB commits to put in place adequate measures in identifying and addressing adverse human rights impacts through inclusive design, prevention, mitigation and, where appropriate, remediation. The Board commits to providing reasonable and appropriate accommodations when inclusive design is not possible.



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GUIDING PRINCIPLES:

HWDSB community members and Human Rights

- HWDSB reaffirms the principles of equality, equity and non-discrimination in upholding universal human rights and dignity of all people.
- All HWDSB community members have a right to learn, work, access or provide services in an environment that is free of discrimination and harassment as set out in international agreements and Canadian law including the [United Nations Universal Declaration of Human Rights](#), the [Convention on the Rights of the Child](#), the [Canadian Charter of Rights and Freedoms](#), the [Ontario Human Rights Code](#), the [Education Act](#), the [Accessibility for Ontarians with Disabilities Act \(AODA\)](#), and the [Occupational Health and Safety Act](#).
- HWDSB affirms that education is foundational to human rights and is committed to prepare students for their role in society as engaged and responsible citizens that are not only aware of their rights, but also accept their responsibilities for protecting their own rights and the rights of others.
- Fostering and maintaining a culture of human rights at HWDSB requires providing equitable and inclusive services grounded in the principles of equity, inclusive design, anti-racism, anti-colonialism and decolonization, and anti-oppression; and identifying and addressing discriminatory biases and systemic barriers. The Board commits to governance and services grounded on human rights-based approach centred on principles of participation, inclusion, belonging, transparency and accountability.
- HWDSB acknowledges and commits to identifying and addressing impacts of historical and ongoing systemic discrimination and oppression that continue to have adverse impacts on the rights of individuals in accessing services and employment; including, but not limited to ableism, antisemitism, biphobia, classism, homophobia, islamophobia, racism (including Anti Indigenous racism, Anti Black racism, Anti Asian racism, and other specific forms of racism), sexism, transphobia and other systems of oppressions.

Indigenous Peoples and Human Rights

HWDSB recognizes Indigenous Peoples as the original inhabitants of this land. HWDSB commits to listening, understanding, encouraging care and respect, and cultivating reciprocal trust with Indigenous students, families and communities.

HWDSB acknowledges the devastating and ongoing harm that churches, the Canadian government on behalf of the Crown and educational systems have caused to First Nations, Métis, and Inuit people. So-called Residential and Training “Schools” and Federal Indian Day Schools used the guise of education



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and the guise of religion as a tool for forced assimilation and genocide to erase Indigenous cultures, governance models, knowledges, languages, laws and traditions.

HWDSB acknowledges that true reconciliation requires restorative steps based on renewed friendships, hope, honesty, mutual respect, peace, and trust. We must undertake meaningful reconciliation work guided by the four ethical standards of the teaching profession: care, integrity, respect to earn trust.

As treaty partners, all members of the HWDSB community, including trustees, staff, parents, guardians and caregivers, students, unions, volunteers, and partner organizations, are called to consider their individual and collective ethical responsibilities, to nurture and grow this relationship, and to enhance knowledge in support of commemoration, education, and healing/wellness.

Treaty responsibilities include working together with Indigenous peoples, in particular local communities, the Six Nations of the Grand River and the Mississaugas of the Credit First Nation in the spirit of the Two Row Wampum. We also consider responsibilities within the Dish with One Spoon Wampum, the Friendship Belt and the Silver Covenant Chain. All are based on the foundation of eternal friendship, respect and peace.

HWDSB affirms the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* and that Indigenous peoples have an inherent and collective right to sovereignty, self-determination and self-government.

HWDSB confirms the *United Nations Declaration of the Rights of the Child* which states that every child has the right to understanding and love, protection, education, housing, nutrition and medical care. In addition, all children, including Indigenous children, have the right to an education that is affirming and free from discrimination or harassment. These rights also includes every child's right to their nation of birth, their language, their name, and their right to be raised by their parent(s). Indigenous children lived under the threat of the genocidal policy regarding residential schools that was quietly expunged from the Indian Act in 2014. Every Child Matters.

INTENDED OUTCOMES:

- HWDSB community members are able to learn, work, and access services and facilities in all HWDSB environments without discrimination and harassment.
- Structures to ensure Human Rights are protected and upheld are in place including:
 - A process to identify, monitor and address barriers in organizational systems relating to Code grounds
 - Human Rights education and awareness of rights and responsibilities for all
 - Accountability measures and an effective and fair complaints procedure



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RESPONSIBILITY:

Director of Education
Members of Executive Council
All members of the HWDSB community

TERMINOLOGY¹:

Accommodation: are changes or modifications that organizations make to ensure a person is able to fully access facilities or services by removing barriers and discriminatory practices. Under *the Code*, organizations are required to prevent and remove barriers by providing reasonable accommodations.

Adverse impact: having a harmful result. Sometimes treating everyone the same will have a negative effect on some people.

Anti-racism: a proactive and consistent process of acknowledging racism; and of seeking to identify, challenge, disrupt and eliminate racism in all its forms (individual, institutional, systemic racism).

Anti-oppression: a proactive and consistent process of acknowledging different forms of oppression (colonialism, racism, ableism, classism, sexism, homophobia, biphobia, transphobia, classism, islamophobia, antisemitism, and other forms); and of seeking to identify, challenge, disrupt and eliminate oppressive ideologies, practices and outcomes.

Barrier: anything that prevents a person or groups of people with shared identities from fully taking part in all aspects of society, including physical, architectural, information or communications, attitudinal, economic and technological barriers, as well as policies or practices.

Board: Hamilton Wentworth District School Board or HWDSB

Board of Trustees: locally-elected representatives of the public, who are required to carry out their responsibilities in a manner that assists the Board in fulfilling its duties under the *Education Act*.

Collective Rights: Inherent rights which Indigenous peoples have practiced and enjoyed since time immemorial. Each First Nation historically functioned as a distinct society, so there is no one official overarching Indigenous definition. In general, they include rights to the land, rights to subsistence resources and activities, the right to self-determination and self-government, and the right to practice one's own culture and customs including language and religion. Collective rights are the result of Indigenous peoples' own occupation of their ancestral home territories as well as their ongoing social structures, patterns, political and legal systems. Therefore, collective Indigenous rights are separate and

¹ Sources for definitions are Ontario Human Rights Commission, Ontario Anti-racism Directorate, Ontario Education Equity Action Plan, Restorative Journey: Indigenous Educational Wellness



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distinct from rights afforded to non-Indigenous citizens under Canadian common law and were to be protected in Indigenous/Crown treaties. It should be noted that inherent rights were entrenched with responsibility. For example, Sewatokwá:tsera'/the Dish With One Spoon treaty agreement outlines the rights to utilize the entities that Mother Earth carries on her body, to share the sustenance and to protect her, in order to protect this same right for the coming faces.

Colonialism: The policy or practice of acquiring full or partial political control over another country, occupying it with '*unsettlers*²', and exploiting it economically. In Canada, this historically and currently means that Western European-derived ways of being, believing, knowing, and doing are implicitly or explicitly imposed as the standard or norm. Colonialism remains embedded in the legal, political and economic context of Eurocentric Canada today and in the lived experience of marginalized Indigenous peoples. For example, the Indian Act and the Canadian institutions known as Indian Residential "Schools", historic provincial child welfare misapplications, and non-Indigenous peoples' refusal to acknowledge the land and treaty rights of Indigenous people continues to contribute to this legacy.

Competing rights: situations where parties involved in 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.

Culture: The way in which people live, think and define themselves as a community.

Decolonization: In Canada, decolonization is related to Indigenous people reclaiming and restoring their culture, land, language, laws, relationships, knowledge, and a reaffirmation of traditional governance. Decolonization is also associated with other relationships between groups of people within Canada and in other countries and contexts around the world and can be linked to broader principles of inclusion and equity. Canada's identity as an '*unsettler*', colonial state complicates the task of decolonization, since the original colonizers are still here and acts of colonization continue to the present.

Discrimination: any form of unequal treatment based on a *Code* ground, whether imposing extra burdens or denying benefits. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people. It can be direct or indirect, individual or systemic. It may be intentional or unintentional, and it may take obvious forms (direct), or occur in very subtle ways (indirect). In any case, even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this policy. Hate activities and harassment are forms of discrimination. Putting measures to correct, relieve or remedy hardship or systemic discrimination experienced by persons or groups in an attempt to achieve equity, is not discrimination.

Duty to accommodate: Under the *human rights Code*, people identified by *Code* grounds are entitled to the same opportunities and benefits as everybody else. In some cases, they may need special

² Term used in place of "settler" as Indigenous Peoples don't see colonization as settling anything.



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arrangements or “accommodations” to take part equally in the social areas the *Code* covers, such as employment, housing and education. Employers, housing providers, and education providers have a legal obligation to accommodate *Code*-identified needs, unless they can prove it would cause them undue hardship.

Equality: The principle that each person must be treated equally by and under the law. In Canada, the right to equality is enshrined in provincial and federal human rights legislations and the *Charter*. Equality is often understood by the notions of both formal equality (treating everyone the same in all situations) and substantive equality (treating some differently than others in order to treat some equally).

Equity: A condition or state in which access to opportunities and resources are distributed fairly, justly and equitably. Equity involves treating some people differently or giving them what they need so they may meet the same outcomes as others.

Harassment: is defined in the Code as engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome. This policy covers code-based harassment, which is a type of harassment that is directed towards a person or group on the basis of a protected code ground(s). It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning, or unwelcome. More than one event must take place for there to be a violation of the Code. However, one incident could be significant or substantial enough to be interpreted as harassment. Some examples of harassment are: name-calling, unwelcome remarks, jokes, slurs, displaying derogatory or offensive messages, and bullying.

Hate Activity: comments or actions against a person or group motivated by bias, prejudice or hate based on factors connected to one or more code grounds. Examples are: hate incidents (non-criminal activities), hate crime (criminal activities), hate propaganda, advocating violence, bullying, promoting hate, and publicly displaying hate in notices, signs, symbols, and emblems.

HWDSB Community: means students, staff, parents, guardians, caregivers, trustees, community advisory committee members, school council members, permit holders, vendors, service providers, contractors, volunteers, visitors, all other persons who are invited to, access or provide services, or attend Board and school events and any person or entity who enters into an agreement, or uses school board property.

HWDSB Environment: means Board property, schools, school buses, virtual or digital learning and working environment, social media, school or work-related events or activities, before- and after-school programs, extracurricular activities, co-instructional activities, excursions, and may include any other locations outside HWDSB that may have an impact on the school or work climate.

HWDSB Leadership: Senior administration (Executive Council, Principals, Vice Principals, Managers, Supervisors) and any person placed in a position of added responsibility within HWDSB.



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Human Rights Office (HRO): The Human Rights department at HWDSB that operates free of interference and is responsible for:

- Providing advice to the HWDSB community about their human rights and responsibilities.
- Managing the human rights procedure including resolving, mediating, investigating human rights concerns, in a consistent, timely, impartial, and fair manner.
- Initiating reviews, inquiries and investigations to identify human rights trends, discriminatory practices, and systemic issues; and make recommendations based on findings.
- Providing professional development and educational opportunities to create awareness and build capacity on issues of human rights and related topics under this policy.
- Collaborating and engaging meaningfully with community members to build trust, ensure accountability and receive feedback/input.
- Monitoring, evaluating, and reporting human rights trends at HWDSB.

Intersectionality: recognizes how each person simultaneously exists within multiple and overlapping identities. Intersectional oppression may arise out of the combination of experiences of oppressions, which, compounded, produce a distinct experience of discrimination or oppression. (See also 'Intersecting Grounds')

Intersecting Grounds: Discrimination can be connected to the compounding effects of more than one grounds of discrimination. For example, a Black Muslim woman can be seen as a "Black person," or as a "Muslim," or as a "woman" and is protected under the grounds of race, religion, and gender. She may experience discrimination on these intersecting grounds. (See also 'Intersectionality')

Inclusive design: Considering differences among individuals and groups when designing something, to avoid creating barriers. Inclusive design can apply to systems, facilities, programs, policies, services, etc.

Poisoned environment: a negative, hostile, or unpleasant learning or work environment created due to comments or conduct or activities that harass or discriminate against a person or a group. It might not be directed at a specific individual. A poisoned environment may result from a series of incidents or a single serious incident. Allowing inappropriate behavior to continue, and failing to adequately remedy and restore the environment following the incident(s) may result in poisoned environment.

Positive Human Rights Obligations: means an organization's duty to put in place measures to prevent human rights violations from occurring. Examples include: implementing policies to ensure human rights are fully recognized and respected, providing training, identifying, and addressing barriers to create inclusive and equitable environments by proactively applying principles of inclusive design, whenever reasonably possible.

Protected grounds/Code grounds: These are the human rights grounds upon which discrimination is prohibited under the *Code* and this policy:

- Age
- Ancestry



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- Citizenship
- Colour
- Creed (includes religion)
- Disability (including mental, physical, developmental, or learning disabilities)
- Ethnic origin
- Family status (such as a parent-child relationship, elder relationships)
- Gender Identity and Gender Expression
- Marital status (including the status of being 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 (may include language³)
- Race
- Sex (including pregnancy and breastfeeding)
- Sexual Orientation
- Record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received) (applies to employment only)
- Association or relationship with a person identified by one of the protected grounds
- Perception that one of the above grounds applies
- Socio-economic status (not a protected ground under the *code*, but protected under this policy)

Policy Violations: Under this policy, human rights violations include, but are not limited to:

- Discrimination and Harassment (examples: name-calling, unwelcome remarks, inappropriate jokes, slurs, displaying derogatory or offensive messages, bullying and intimidation and so on);
- Creating or contributing to a poisoned environment;
- Hate activities;
- Allowing inappropriate behavior to continue, and failing to remedy and restore the environment
- Failure of staff in fulfilling the Board's duty to accommodate, up to the point of undue hardship.
- Reprisal; (punishment and retaliation against a person for reporting an issue or complaint)
- Bad faith allegations, complaints, or accusations
- Providing false or misleading statements or information to in an investigation under this policy
- Failure to identify and eliminate discriminatory practices (including systemic discrimination)

Reconciliation: In Canada, the term was used by the federal government when it was required to establish the Truth and Reconciliation Commission as part of the Indian Residential Schools Settlement Agreement. It has come to describe attempts made by individuals and institutions to raise awareness about colonization and its ongoing effects on Indigenous peoples. Reconciliation also refers to efforts made to address the harms caused by various policies and programs of colonization. For some, the word represents an opportunity to reflect on the past, to heal and to make right. For others, however, current

³ Language is a characteristic that may be racialized or connected to one of the race-related Code grounds such as, ancestry, ethnic origin, and place of origin. There is also a link between an accent spoken and these Code grounds.



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gestures of reconciliation are merely performative and lack meaningful action to address the harms done by colonization. Ideally, reconciliation is something that both parties would agree to, as opposed to having it announced, ordered or proclaimed.

Reprisal: an action or threat that is intended as retaliation or punishment for claiming or enforcing a right under the *Code and under this policy*. Section 8 of the *Code* protects people from reprisal or threats of reprisal.

Remedy/ Remediation: The means to recover a right, or to prevent or repair a wrong. Remedies for violations of this policy may include but are not limited to: a victim impact statement, an apology, healing circle, counselling, education, reprimands, suspension, expulsion, transfer, or termination of employment, depending on the nature and severity of the behaviour.

Self-determination: The right of Indigenous Peoples to manage their affairs, provide stewardship over the land, maintain a cultural and political community, and uphold government-to-government relations with all other nations, including present-day nation states. The criteria for maintaining nationhood status, language, culture, ceremony, governance and territory, must be honored.

Special programs: are programs or measures that an organization may create to address inequalities and help generate opportunities for people who experience discrimination, hardship, and disadvantage. To be a special program, the program must meet one of the following conditions: (a) it must relieve hardship or economic disadvantage, or (b) help disadvantaged people achieve, or try to achieve, equal opportunity, or (c) help eliminate discrimination.

Sovereignty: Indigenous peoples maintain a distinct identity as the only group who have nation to nation agreements with the Crown. Treaty and other rights and freedoms entrenched in *The Royal Proclamation of 1763* and *the Canadian Charter of Rights and Freedoms* related to land resources and protections, as well as the right to deal directly with the Crown.

Systemic barrier: a barrier embedded in the social or administrative structures of an organization, including the physical accessibility of an organization, organizational policies, practices and decision-making processes, or the culture of an organization. These may appear neutral on the surface but exclude members of groups protected by the *Human Rights Code*.

Systemic discrimination: patterns of behaviour, policies or practices that are part of the social or administrative structures of an organization which create or perpetuate a position of relative disadvantage, advantage, or privilege for people of certain for groups.

Treaty: A treaty is a legal, nation to nation agreement. Indigenous/ European treaties were expressed as promises and conveyed in wampum (purple and white beads of quahog shell) between peoples. They are sacred and are to be honored forever - "as long as the sun shines, as long as the grass grows, as long as the rivers flow".



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Undue Hardship: Circumstances involving cost, health or safety issues that would make it impossible or extremely difficult for an employer or service provider to meet the duty to accommodate. Organizations covered by the *Code* have a duty to accommodate to the point of undue hardship.

ACTION REQUIRED:

To foster a culture of human rights in all HWDSB environments and create accessible, respectful, and inclusive learning and working environments free of discrimination and harassment, HWDSB will:

- establish a human rights procedure that defines the internal resolution process, grounded on principles of equity, accountability, and transparency.
- address and remedy violations of this policy appropriately, in a timely, fair, and culturally responsive manner, in accordance with applicable policies, procedures and the law.
- meet its duty to accommodate persons based on a protected ground(s), up to the point of undue hardship, in accordance with *the Code* and other applicable legislations; fostering principles of dignity, independence, inclusion and full participation.
- identify and address systemic barriers and trends that may lead to discriminatory outcomes, and meet its positive human rights obligations, when applicable, applying principles of inclusive design and by setting up special programs.
- ensure that all new policies, procedures, guidelines, programs, and reviews of existing ones, comply with this policy and the *human rights code*;
- promote human rights education and build capacity to embed human rights into all decision making with a goal of integrating human rights responsibilities in Board governance and across all classrooms, schools, and systems.
- Acknowledge inherent and collective Indigenous rights and develop specific culturally responsive strategies to identify and address barriers to Indigenous education by consulting with Indigenous communities, staff, students and families.
- nurture public trust and ensure accountability around human rights concerns, solutions, and outcomes.

Staff will implement and maintain procedures to operationalize this policy and will ensure:

- A human rights procedure and communication plan are developed and implemented.
- HWDSB community members will receive information regularly about this policy and its associated procedure through communications, training, and education.
- Annually, a public report will be compiled on the number, types, trends and systemic issues of human rights concerns, complaints, and other related issues pursuant to this Policy.
- A feedback mechanism will be created to consistently evaluate the effectiveness of the policy and its associated procedure, which will be reviewed on a regular basis.



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PROGRESS INDICATORS:

Intended Outcome	Assessment
HWDSB community members are able to learn, work, and access services and facilities in all HWDSB environments without discrimination and harassment	Human rights incidents, inquiries, reviews and reports School climate surveys Staff voice surveys Parent/community voice surveys Human rights- Data collection and feedback mechanism
Structures to ensure Human Rights are protected and upheld are in place including: A process to identify, monitor and address barriers in organizational systems relating to <i>Code</i> grounds Human Rights education and awareness of rights and responsibilities for all Accountability measures and an effective and fair complaints procedure	Environmental scan reports, policy reviews Human rights incidents, inquiries, reviews and reports Training evaluation and feedback School climate surveys Staff voice surveys Parent/community voice surveys Human rights- Data collection and feedback mechanism

REFERENCES:

Legal Framework

[United Nations Universal Declaration of Human Rights](#)
[United Nations Declaration on the Rights of Indigenous Peoples](#)
[United Nations Convention on the Rights of Person with Disabilities](#)
[United Nations Declaration on the Rights of the Child](#)
[Canadian Charter of Rights and Freedoms](#)
[Ontario Human Rights Code](#)
[Occupational Health and Safety Act](#)
[Accessibility for Ontarians with Disabilities Act](#)
[Education Act](#)
[The Final Report and Calls to Action of the Truth and Reconciliation Commission](#)
[Jordan's Principle](#)

HWDSB Policies and Resources

[HWDSB First Nations, Métis and Inuit Education Policy](#)
[Equity and Inclusion Policy 5.4.](#)
[HWDSB Code of Conduct Policy 5.3.](#)
[Accommodation of Staff Policy 4.1.](#)
[Barrier-Free Learning Environments Policy 1.1.](#)
[Occupational Health and Safety Policy 4.3](#)
[Workplace Violence and Harassment Prevention Policy 4.9](#)
[Bullying Prevention and Intervention Policy 5.2](#)
[HWDSB Indigenous Cultural Safety Team](#)



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Other resources:

[Policy on Ableism and Discrimination Based on Disability \(OHRC\)](#)

[Policy on Accessible Education for Students with Disabilities \(OHRC\)](#)

[Policy and Guidelines on Racism and Racial Discrimination \(OHRC\)](#)

[Policy on preventing Discrimination on the Basis of Creed\(OHRC\)](#)

[Policy on preventing Sexual and Gender-based Harassment\(OHRC\)](#)

[Policy on preventing Discrimination because of Gender Identity and Gender Expression\(OHRC\)](#)

[Policy on Discrimination and Harassment because of Sexual Orientation\(OHRC\)](#)

[To Dream Together: Indigenous Peoples and Human Rights Dialogue Report \(OHRC\)](#)

[Restorative Journey: Indigenous Educational Wellness \(2021\)](#)

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