



# Plain Language Guide to Human Rights Policy #240

This plain language guide is an alternative format to [Board Policy and Procedure #240.0, Human Rights: Code-Related Harassment and Discrimination](#) (Human Rights Policy #240). It is a more reader-friendly version of the full policy. Links to the full policy document are included throughout this plain language guide.

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## 1. Introduction

York Region District School Board (YRDSB or the Board) is committed to ensuring that everyone has the right to learn and work free from discrimination and/or harassment. YRDSB promotes human rights and is dedicated to providing welcoming, safe, caring and inclusive schools and workplaces.

## 2. Policy Summary

[Policy and Procedure #240.0, Human Rights: Code-Related Harassment and Discrimination](#) (Human Rights Policy #240) was created in March 2018 to comply with the Minister’s direction to YRDSB. The Human Rights Commissioner’s Office (HRCO) addresses issues and complaints related to Ontario’s Human Rights Code (the Code) using Human Rights Policy #240.

Sections 3 to 9 of this guide are presented in a question and answer format.

## 3. What are Code-based complaints?

The HRCO deals with concerns or complaints where a person experiences discrimination or harassment related to the Human Rights Code. These types of complaints are known as “Code-based complaints” because they are based one or more of the 17 [Human Rights Code Grounds](#):

- |                     |                      |                                   |
|---------------------|----------------------|-----------------------------------|
| 1. Age              | 7. Ethic Origin      | 13. Race                          |
| 2. Ancestry         | 8. Family Status     | 14. Receipts of Public Assistance |
| 3. Citizenship      | 9. Gender Expression | 15. Record of Offences            |
| 4. Colour           | 10. Gender Identity  | 16. Sex (including pregnancy)     |
| 5. Creed (Religion) | 11. Marital Status   | 17. Sexual Orientation            |
| 6. Disability       | 12. Place of Origin  |                                   |

In order to make a Code-based complaint, there needs to be a connection between the negative treatment experienced and one or more of the Human Rights Code Grounds.

## 4. How do I report a Code-based issue?

Code-based issues or any human rights concerns should first be reported to your immediate supervisor. For example, the principal, manager or superintendent of the school or location where the events took place. It is encouraged to resolve concerns at the earliest possible stage. The table below outlines the recommended complaint pathways available to different groups in the Board community.

| Board Community Group | Primary Complaints Pathway  | Secondary Complaints Pathway  |
|-----------------------|---|---|
| <b>Students</b>       | <b>Principal:</b><br>Students along with their parent(s) or guardian(s) should bring human rights complaints to their school principal. | <b>Superintendent or HRCO:</b><br>If the human rights complaint is against the principal, then the issue should be reported to the proper Superintendent or HRCO. |

| <b>Board Community Group</b>           | <b>Primary Complaints Pathway</b>   | <b>Secondary Complaints Pathway</b>  |
|--|---|--|
| <b>Board employees (staff members)</b> | <b>Supervisor:</b><br>Board employees should bring human rights complaints to their immediate supervisor (principal or manager) where the event(s) took place.                      | <b>Superintendent or HRCO:</b><br>If the human rights complaint is against your supervisor, then the issue should be reported to the proper Superintendent or the HRCO.          |
| <b>Board unionized employees</b>       | <b>Union Representative:</b><br>Board employees who are part of a union should bring human rights complaints to their union representative and refer to their collective agreement. | <b>Superintendent or HRCO:</b><br>If the union is not able to resolve the complaint, then the issue should be reported to the proper Superintendent or the HRCO.                 |
| <b>Community members</b>               | <b>Principal or Manager:</b><br>Members of the Board community should bring human rights complaints to the school principal or department manager where the concerns took place.    | <b>Superintendent or HRCO:</b><br>If the human rights complaint is against the principal or manager, then the issue should be reported to the proper Superintendent or the HRCO. |
| <b>Trustees</b>                        | <b>Director of Education:</b><br>Trustees should bring human rights complaints to the Director of Education.  | <b>Integrity Commissioner:</b><br>If a Trustee's human rights complaint is against the Director of Education, then the issue should be reported to the Integrity Commissioner.   |
| <b>Special situations</b>              | <b>Director of Education:</b><br>If the human rights complaint is against the Human Rights Commissioner's Office, then the issue should be reported to the Director of Education.   | <b>Board of Trustees Chair:</b><br>If the human rights complaint is against the Director of Education, then the issue should be reported to the Chair of the Board of Trustees.  |

Refer to section 15 on [pages 17 to 18 of the Human Rights Procedure #240](#) for more information on the different complaints processes available to different groups.

## 5. When should I report an issue to the HRCO?

If your complaint has not been resolved using any of the pathways listed above, then it can be reported directly to the HRCO. All communication with the HRCO is private and

confidential. Unless required by law, the HRCO will not disclose that you have reported a concern or complaint to anyone without your written permission.

## 5.1 Reporting Form

The online [HRCO Reporting Form](#) is available to any member of the Board community to report a human rights issue. You will need to include details about your issue, including the names of the people involved and your contact information. All Reporting Forms are received, reviewed and retained by the HRCO in confidence.

## 5.2 Consultation

The HRCO may request additional information or supporting documents related to your matter via email. You may then be offered a confidential meeting with a member of the HRCO to discuss your matter further. Please note that the first consultation meeting does not begin any official complaints process.

## 5.3 Assessment

An HRCO Officer will consult with the Human Rights Commissioner to decide if your human rights concern can be resolved by the HRCO.

**If your complaint is not Code-based**, then you will be referred to the appropriate Board department.

**If your complaint is Code-based**, the Human Rights Commissioner will recommend either an informal or formal complaints resolution process. You will then receive a reporting letter explaining how your complaint can be addressed by the HRCO.

Refer to sections 5 and 6 on [page 11 of Human Rights Procedure #240](#) for more information on what happens once a complaint is reported or referred to the HRCO.

## 6. How does the HRCO complaints resolution process work?

If it is decided that your human rights concern falls under Human Rights Policy #240, the HRCO will start the complaints resolution process.

### 6.1 Respondent's Right to Know

The "Respondent" is the person who the complaint is made against. The Respondent has a right to know the allegations against them and the complaint resolution processes being used. The Respondent will be notified by the HRCO about any complaint or investigation taking place.

## 6.2 Early Resolutions

Both parties will be given the option first to resolve their issues informally. These options are called [Early Resolutions](#). Early resolutions may include informal dialogues or mediation as a way of resolving concerns in a collaborative and respectful way.

## 6.3 Site-Based Reviews

The Human Rights Commissioner may also recommend a Site-Based Review of the specific school or department from which the complaint was reported. The purpose of a Site-Based Review is to explore possible systemic issues related to Code-based discrimination or harassment.

## 6.4 Formal Investigation

The HRCO may conduct a formal investigation if a human rights complaint has not been resolved through early resolutions. The person making the complaint will need to file a Formal Complaint Form (which is different from the HRCO Reporting Form).

A formal investigation includes:

- interviewing the parties involved;
- gathering information and evidence; and
- the HRCO's findings and final investigation report.

Refer to sections 7 to 13 on [pages 12 to 16 of Human Rights Procedure #240](#) for more information on the HRCO Complaints Resolution Processes.

## 7. What are possible outcomes of a Formal Investigation?

The final investigation report will decide whether the human rights complaint has been:

- 1) **supported (“substantiated”)**, or
- 2) **not supported (“not substantiated”)**.

Recommendations related to the outcome of the formal investigation may include:

- Counselling and/or training for one or both parties;
- Strategies to restore a positive working environment (restorative approaches);
- Disciplinary action in accordance with applicable Board policies; and/or
- Any other appropriate action.

## 8. What if I do not agree with the final outcome?

A request for reconsideration (or appeal) must be submitted in writing, within 10 business days from the date that the final investigation report is sent out by the HRCO. Following a review by the Human Rights Commissioner, the original decision can be:

- 1) **affirmed,**
- 2) **varied slightly,** or
- 3) **amended.**

Refer to section 13 on [page 16 of Human Rights Procedure #240](#) for details on the appeal process.

## 9. What is the timeline for addressing complaints?

Code-based complaints must be reported to the HRCO **within one year** after the last incident.

If more than a year has passed, you must explain in writing why there was a delay in reporting your human rights matter. The Human Rights Commissioner will decide whether to address the matter submitted more than one year after the last incident.

Refer to section 14 on [pages 16 to 17 of Human Rights Procedure #240](#) for more information on timelines for reporting a complaint.