

# York Region District School Board

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## Human Rights Commissioner's Office (HRCO)

### Annual Report 2020-2021

A report on the important and ongoing work of the Human Rights Commissioner's Office in addressing human rights complaints and supporting working and learning environments that are free of discrimination and harassment.



## How do I access the HRCO Annual Report?

The HRCO Annual Report is available in any of the following ways:

- **Online to the public:** Go to [HRCO Annual Reports](#) on the YRDSB web page.
- **By email:** [human.right@yrdsb.ca](mailto:human.right@yrdsb.ca).
- **By telephone:** Leave a voicemail at 905-884-2046 ext. 255, and the HRCO will follow-up with you.
- **In an alternate format upon request.**

## How do I provide feedback?

To provide feedback or send questions about any section of this Annual Report, please contact the Human Rights Commissioner's Office at:

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# 1.0 About the Human Rights Commissioner's Office

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## 1.1 Introduction

The Human Rights Commissioner's Office (HRCO) has prepared this Annual Report in accordance with the Ministry Directions provided to the York Region District School Board (YRDSB or the Board). The HRCO was established in 2017 as an arm's-length office and continues to act as an independent, internal and confidential process for any member of the Board community who experiences discrimination and harassment.

This Annual Report describes the important and ongoing work of the HRCO in addressing human rights complaints in compliance with Ontario's Human Rights Code, as well as leading and supporting the YRDSB system through human rights and accessibility education, learning and professional development.

This Annual Report provides a snapshot of key HRCO activities and mandates throughout its fourth school year of operation, between the periods of September 1, 2020 to August 31, 2021.

The HRCO Annual Report is presented to Executive Council and subsequently to the Learning, Equity and Well-Being Standing Committee (formerly Board Standing Committee) each spring. Following approval, this Annual Report will be posted on the Board's [HRCO Annual Reports webpage](#).

## 1.2 Commitment to Human Rights

The HRCO is committed to building learning and working environments that are free from discrimination and harassment. The work of the HRCO is guided by ensuring the Board's commitment to and compliance with its legal obligations to address issues of Code-based discrimination and harassment under [Board Policy #240.0: Human Rights: Code-Related Harassment and Discrimination](#) (Human Rights Policy #240). The Board's commitment to human rights is carried out through the two primary goals of the HRCO:

- 1. Human Rights Case Management** through a clear process for receiving and acting upon complaints brought forward by relevant YRDSB stakeholders in a confidential, fair and timely manner; and
- 2. Human Rights Education and Outreach** by supporting preventative actions through designing, delivering and advising on human rights and accessibility education, learning and professional development with the goal of building internal capacity and improving human rights awareness and knowledge across the system.

## A Coordinated Commitment to DAP 2.0

The HRCO goals are aligned with the [Director's Action Plan](#) (DAP 2.0) goals to support staff and students who are underserved and underperforming through a commitment to:

### Foster Well-Being and Mental Health

with a goal to build safe, inclusive and accessible learning and working environments where all feel they matter and belong based on principles of human rights.

### Champion Equity and Inclusivity

with a goal to increase our shared understanding of human rights, accessibility and the ongoing impact of colonialism through education, learning and outreach.

### Build Collaborative Relationships

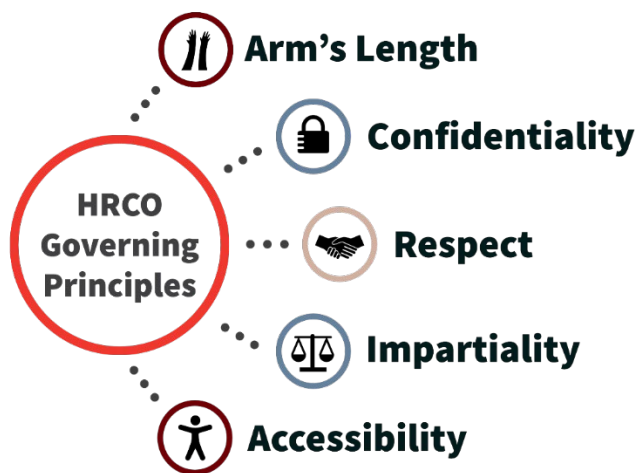
with a goal to build trust with staff, students and families through confidential and respectful communication as well as responsive actions.

### Empower Ethical Leadership

with a goal to championing human rights and accessibility beyond legal compliance and in a way that elevates lived experiences and voices within the Board community.



## HRCO Governing Principles



The work of the HRCO is shaped by five governing principles that have been developed throughout its four years of operation:

1. **Arm's Length**
2. **Confidentiality**
3. **Respect**
4. **Impartiality**
5. **Accessibility**

While principles of equity also govern all HRCO interactions, matters specific to equity engagement within schools are addressed through Inclusive Schools and Community Service (ISCS).

When HRCO was first established in 2017, there was only one other school board with a Human Rights Office in Ontario. Today, 16 other Boards have offices tasked with addressing human rights matters (though not all are involved in investigating Code-based complaints). However, the HRCO remains unique in both its mandate and orientation, when compared to other Boards.

### 1.3 HRCO Mandate

The HRCO mandate is centred on human rights and accessibility compliance and education as an arm's-length office for addressing complaints of harassment and discrimination. As articulated in the [2020-2021 Mandate Letter](#) by the Director of Education, the HRCO mandates are outlined below:

- Implement and monitor a department plan that is aligned to the Director's Action Plan and includes all elements of a comprehensive metrics logic model inclusive of data and evidence.
- Collaborate with the Associate Director, Schools and Operations to inform and refine an Accessibility plan for board sites that outlines the work needed and planned to improve accessibility. Report on this plan to the Accessibility Committee and trustees.
- Develop a professional development plan and learning modules for identified stakeholders that focuses on conducting investigations and gathering evidence and establishing best practices to uphold the Human Rights Code and Human Rights Policy #240 and operating procedure.
- Analyze themes emerging from HRCO complaints files and provide recommendations on a bi-annual basis, including the identified professional learning needs of employees. Present this data and your recommendation report to the Executive Council.
- Develop and implement a site-visit protocol that supports a proactive equity plan following recommendations made from site visits that enhances positive, respectful relationships that uphold human rights.
- Develop a human rights impact assessment tool for analyzing policies, practices and functions at the board in assessing potential influence on Board compliance

with the Human Rights Code and Policy #240 and in alignment with the Board's commitment to the principles outlined and the DAP and MYSP.

- Create an HRCO Strategic Direction Document articulating the key functions and directions guiding the human rights complaints process and human rights education/training modules
- Ensure that Human Rights 101 (online training module) is instituted at the commencement of the 2020-21 school year as part of the Board's mandatory human rights training
- Commence a standalone human rights case management tool for complaints management outside of the proposed RESOLVE platform
- Embed evidence gathering and monitoring in all elements of HRCO practices.

## 1.4 HRCO Staff and Budget

The HRCO was comprised of five Full-Time Equivalent (FTE) positions during the 2020-2021 reporting year (however, one Human Rights Officer position remained vacant for much of the 2020-2021 reporting year):

- Human Rights Commissioner
- Administrative Assistant
- Human Rights Officer, Early Resolutions [vacant]
- Human Rights Officer, Investigations
- Accessibility Officer

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The 2020-2021 budgetary allocation to the HRCO for its fourth year of operation was **\$522,000**.

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A total of \$436,870 was expended in the 2020-2021 reporting year, leaving a surplus of \$85,130. This surplus was primarily due to a vacancy in one Human Rights Officer position throughout the 2020-2021 reporting year.

The 2020-2021 total allocation included a supplies budget, of which only 22.9% was used as the HRCO staff continued to work remotely in large part throughout the 2020-2021 reporting year. No expenses were made from either of the professional development budget or AODA budget.

## 2.0 HRCO Case Management

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**HRCO Goal #1:** To act upon complaints confidentially, fairly and in a timely manner.

A core mandate of the HRCO is to address issues of discrimination and/or harassment that violate the Human Rights Code. Human rights concerns, issues, matters or complaints are typically reported to the HRCO through a confidential Reporting Form. Once submitted, the Reporting Form is reviewed and assessed by the HRCO. Intake files are categorized as either “Complaint” or “Advisory” based on the nature of the alleged human rights issue or matter and the type of assistance or engagement needed.

- **Complaint:** Matters requiring formal consultation and assessment to determine whether it can be addressed under Human Rights Policy #240. If the matter is determined to be “in scope” of the HRCO, complaints resolution processes can include: Early Resolutions, Site-Based Reviews and/or Formal Investigations.
- **Advisory:** Matters requiring guidance on addressing a general human rights concern or question. The HRCO may provide informal consultation on advisory matters or refer the matter to the appropriate department or unit within the Board.

Human rights issues or matters are brought forward to the HRCO in one of two ways:

- **First Instance:** Situations in which the HRCO is the first point of contact. The human rights matter has not been resolved by any other unit at the Board.
- **Referral:** Matters which have been first reviewed at another unit within the YRDSB and, with consent of the complainant, is referred to the HRCO.

All HRCO files are also categorized based on whether and/or how they connect to one or more of the 17 protected grounds of discrimination under the Human Rights Code (i.e., Code grounds):

- **Code (or Code-based):** Complaints of discrimination or harassment where the negative treatment is directly linked to one or more Code ground(s), and where the complaint falls within Human Rights Policy #240.
- **Non-Code:** Complaints of discrimination or harassment that do not relate to any Code ground and are deemed to be more appropriately addressed under another Board policy and/or by a different department or unit at YRDSB.



- **Other:** Human rights issues or matters where the HRCO may offer general advice or guidance, but the issue is not directly related to Human Rights Policy #240.

During the 2020-2021 reporting year, the HRCO received a total of **123 new intake files** from September 1, 2020 to August 31, 2021.

Work also continued on any 2019-2020 files that may have been ongoing in the current reporting period. For reporting purposes, files are tracked according to the date they are received at HRCO, not the date of resolution.

The breakdown of all case management data from 2020-2021 reporting year is presented in the table below. A comparison of totals from the previous 2019-2020 reporting year are also included in the table.

## 2.1 HRCO Case Management Data Chart

Month	Complaint	First Instance	Referral	Advisory	Code	Non-Code	Other	Total (Complaint + Advisory)
Sept 2020	3	3	0	7	5	4	1	10
Oct 2020	4	4	0	8	5	6	1	12
Nov 2020	2	2	0	6	2	3	3	8
Dec 2020	4	3	1	3	2	4	1	7
Jan 2021	0	0	0	6	1	4	1	6
Feb 2021	2	2	0	11	3	8	2	13
Mar 2021	0	0	0	16	3	12	1	16
Apr 2021	0	0	0	2	2	0	0	2
May 2021	1	0	1	11	0	9	3	13
Jun 2021	0	0	0	12	3	8	1	12
July 2021	11	11	0	3	12	1	1	14
Aug 2021	0	0	0	11	2	7	2	11
<b>2020-2021 Totals</b>	<b>27</b>	<b>25</b>	<b>2</b>	<b>96</b>	<b>40</b>	<b>66</b>	<b>17</b>	<b>123</b>
2019-2020 Totals*	36	31	5	81	58	59	3	117

\*The full case management data chart from the previous 2019-2020 reporting year is available in the [HRCO Annual Report 2019-2020](#).

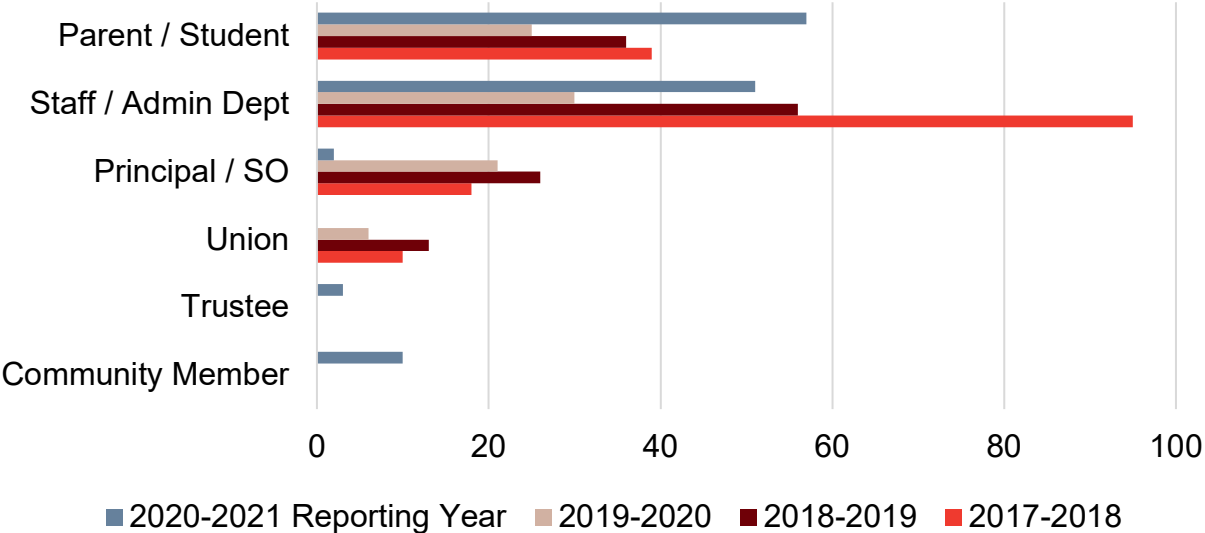
For the 2020-2021 reporting year, there was a 5% increase in total intake files compared to the previous reporting year. This is the first year-to-year increase in total intake files since the inception of the HRCO. There had been a gradual reduction in total files year-over-year through the first three years of operation.

### 2.2 Complaint Files vs. Advisory Files

The overall increase in 2020-2021 HRCO files is attributed to the 18.5% increase in total Advisory files (96), despite a 25% decrease in total Complaints files (27) compared to the previous reporting year. This increase in total intake files could be indicative of increased awareness of the HRCO across the Board community. A reason for this increased awareness and thus the increase in Advisory files may be related to the *Introduction to Human Rights* online module that was included as part of Board-wide compliance training at the start of the 2020-2021 school year. The completion of the *Introduction to Human Rights* module would have created a greater awareness of the HRCO beyond senior leaders and school administrators (principals).

To this point, 51 intake files came from Board staff or administrative departments during the 2020-2021 reporting year, a 70% increase from the previous 2019-2020 reporting year. A comparative bar chart of the HRCO files received by the different YRDSB constituencies or groups are presented below.

### HRCO Files by YRDSB Constituency



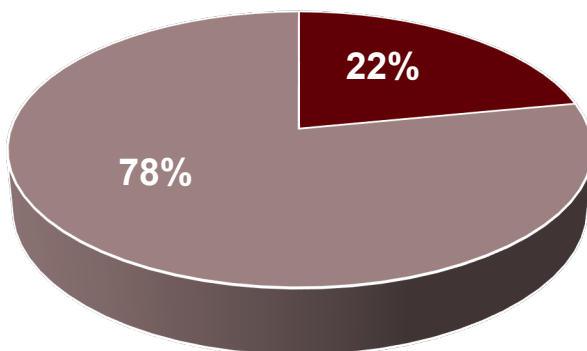
In addition to the increase in HRCO files from staff (51), there was even larger increase in intake files from parents and/or students (57) in the 2020-2021 reporting year. This is

a shift from previous reporting years where Board staff have consistently accounted for the highest number of files.

In total, 88% of intake files came from parents/students and Board staff or departments. An additional 10 files came from community members, 3 from Trustees and 2 from Principals or Superintendents (SOs). No files were received from unions in the 2020-2021 reporting year.

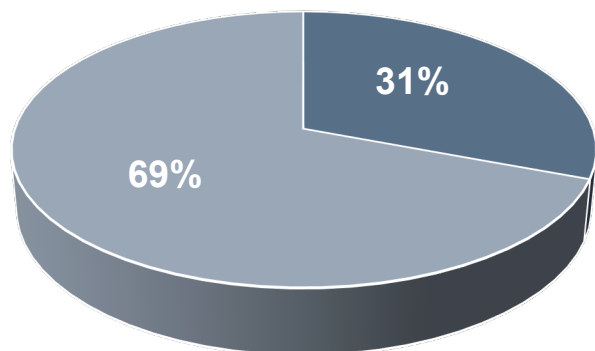
When comparing overall intake files, the vast majority (78%) of files continue to be Advisory in nature (96 total). By comparison, 27 of the 123 intake files (22%) were determined to be Complaint matters requiring assessment through the HRCO complaints resolution process. A two-year comparison of HRCO Complaint to Advisory files is presented in pie charts on the following page.

**HRCO Complaint vs. Advisory Files 2020-2021**



■ Complaint Files ■ Advisory Files

**HRCO Complaint vs. Advisory Files 2019-2020**



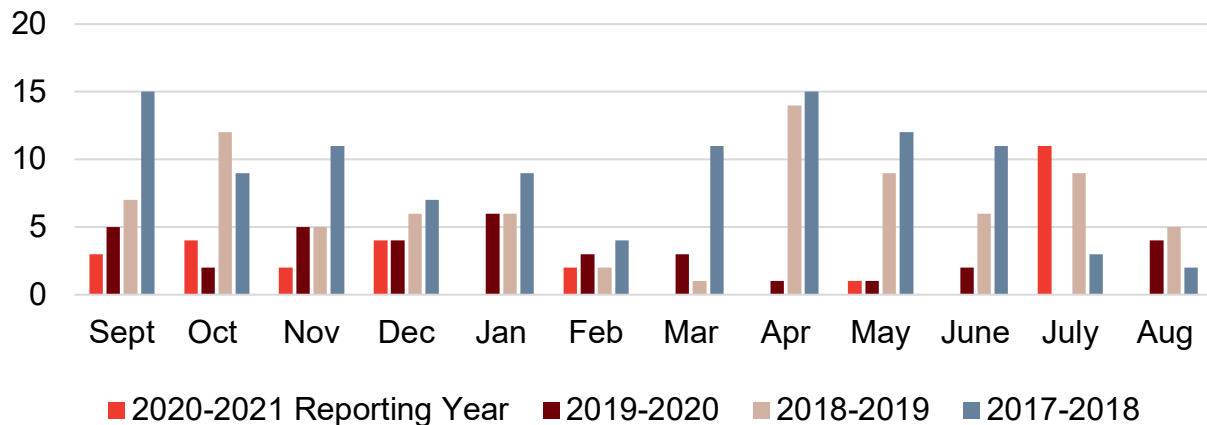
■ Complaint Files ■ Advisory

As noted in the comparative pie charts above, the proportion of Complaint to Advisory Files increased (80:20) in 2020-2021 by approximately 10% compared to 2019-2020 (70:30). This may suggest that YRDSB staff and wider Board community are beginning to address potential human rights issues before the need for formal engagement from the HRCO.

Additionally, the HRCO continues to make concerted efforts to resolve human rights issues through early resolutions and appropriate referrals where possible, rather than engaging in formal complaint resolution processes from the outset.

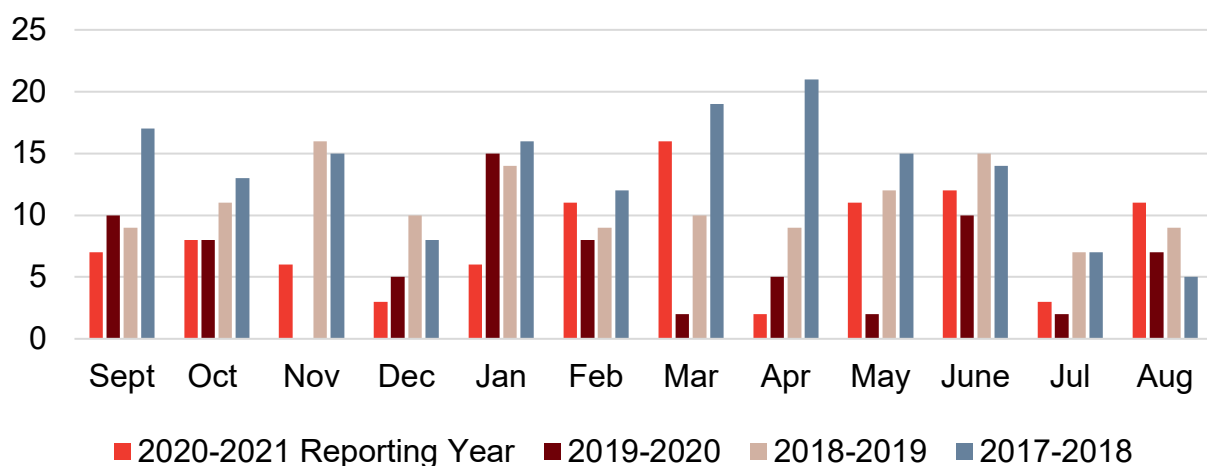
**Complaint Files:** Matters requiring formal consultation and assessment to determine HRCO jurisdiction and whether the matter can be addressed under Policy #240.

### HRCO Complaint Files by Month



**Advisory Files:** Matters requiring guidance on addressing a general human rights concerns or question. The HRCO may provide informal consultation on advisory matters or refer the matter to the appropriate department on unit within the Board.

### HRCO Advisory Files by Month

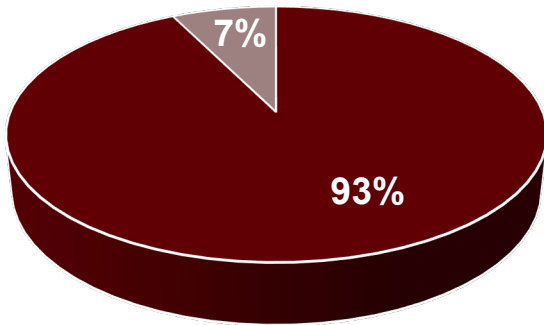


The number of Complaint and Advisory files were highest in the months of March (16), July (14) and February (13). By contrast, the lowest number of files was received in April (2). Overall, the HRCO received an average of 10.25 Complaint and Advisory files per month.

## 2.3 First Instance vs. Referrals

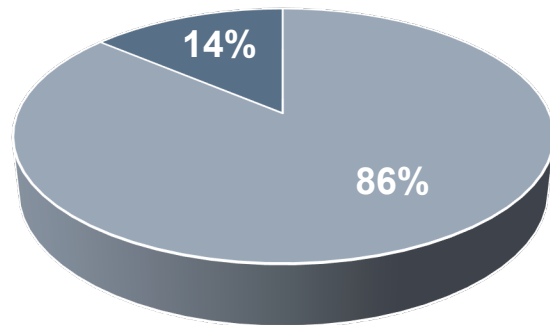
25 out of 27 total complaint files came to the HRCO at first instance (93%) while 2 files come through referral (7%). A two-year comparison of HRCO complaint files types is presented in pie charts below.

**HRCO Complaint File Type  
2020-2021**



■ First Instance ■ Referral

**HRCO Complaint File Type  
2019-2020**

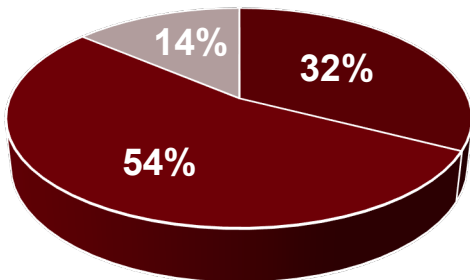


■ First Instance ■ Referral

The proportion of intake files received at first instance (93%) versus through referral (7%) continues to increase slightly year-over-year. Once again, this continues to suggest that as the YRDSB system continues to develop greater awareness of the HRCO, different groups are reaching out or engaging with the HRCO directly without referrals.

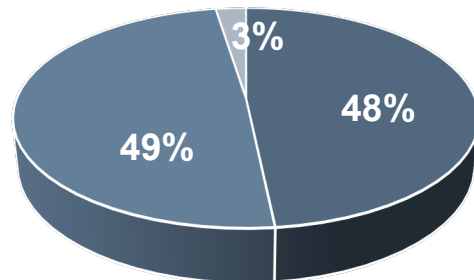
## 2.4 Code vs. Non-Code

**Code vs. Non-Code Files  
2020-2021**



■ Code ■ Non-Code ■ Other

**Code vs. Non-Code Files  
2019-2020**

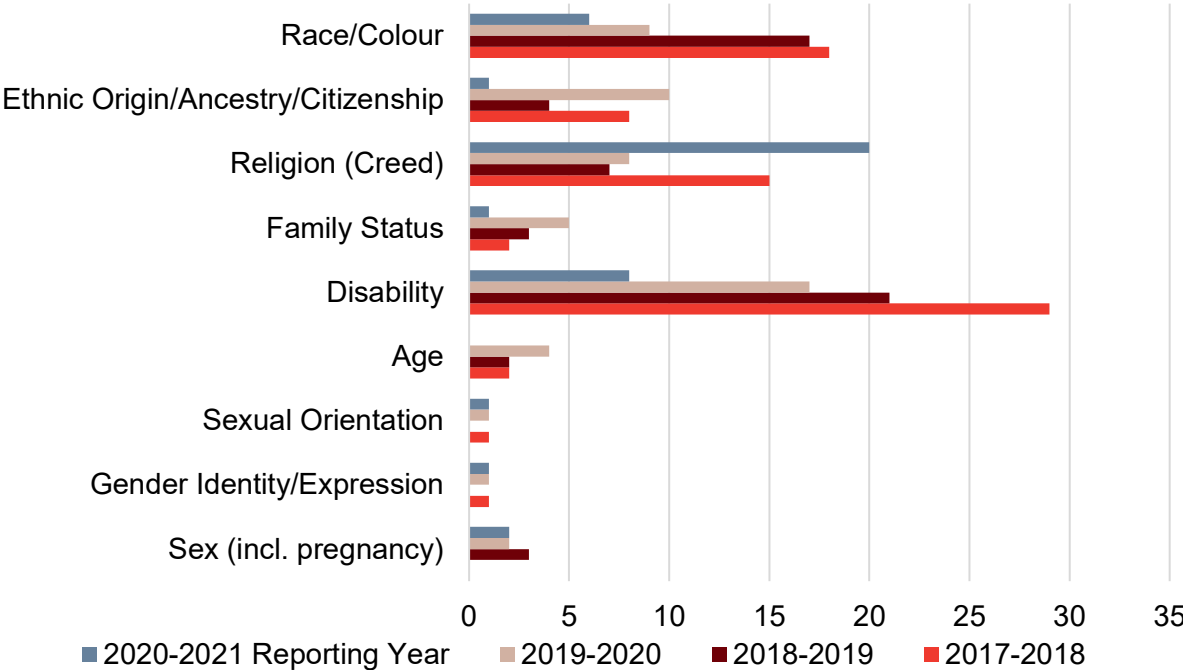


■ Code ■ Non-Code ■ Other

During the 2020-2021 reporting year, 32% of the files were Code-based, which means they fell within one of the 17 protected Code Grounds under the Human Rights Code. By contrast, 54% of the intake files were considered non-Code. The remaining 14% of files were considered human rights issues or matters on which the HRCO provided general advice or guidance, but where the issue did not fall under Human Rights Policy #240.

The next comparative bar graph depicts the total HRCO Code-based files by Code ground during the 2020-2021 reporting year compared to the previous three reporting years.

### HRCO Code-Based Files by Code Ground



From the 40 HRCO files that were determined to be Code-based, the highest number (20) fell within the Code ground of Religion/Creed, which represented 50% of all Code-based files. This is a stark difference compared to the 13.8% of 2019-2020 files related to Religion/Creed. A primary reason for this increase was due to a significant number of identical complaint files brought forth by a number of individuals from a particular faith group.

Complaints based on Disability (formerly the highest reported rates of incidents over the past three reporting years) dropped to 20% compared to 29.3% in 2019-2020. Complaints based on Race/Colour represented 15%, which remained consistent with the 15.5% from previous reporting year.

A noticeable change was a decrease in complaints pertaining to Ethnic Origin, Ancestry, Place of Origin or Citizenship, which dropped significantly from 10 files in 2019-2020 to 1 file in the 2020-2021 reporting year.

## **2.5 Case Management Summary Analysis**

Overall, the total number of 2020-2021 HRCO files increased by 5% compared to the previous reporting year. Likewise, complaint files coming to the HRCO as First Instance also continue to increase. This means more staff, students and parents are engaging with the HRCO directly. The reason for this could be a greater awareness of the HRCO, which may be directly related to the increased education and outreach portfolio which has provided professional learning and development in a number of areas throughout the Board.

As noted earlier, parents and/or students represented the highest number of intake files for the first time in four years. The majority of intake files were traditionally from staff or administrative departments. This suggests that the Board community beyond staff are becoming more aware of the HRCO. Additionally, the HRCO received the largest number of intake files directly from YRDSB students to date. While the majority of student-related files have been Advisory in nature, it nevertheless is an encouraging sign that students have started to self-advocate for their human rights.

Human rights are inherent rights. We all have them and have a right to exercise them. Human rights are rooted in principles of dignity, fairness, equality, respect and independence. The HRCO aligns with the Boards' Strategic Priorities, as set out in the Multi-Year Plan and the Director's Action Plan by:

- understanding the adverse impacts of discrimination and harassment on the overall health and well-being of staff, students and parents;
- recognizing that human rights extends beyond legal compliance; and
- embedding human rights principles through education and training with the goal of building an inclusive and equitable learning and working environments based on a student-centred approach.

The next section of this report will outline the wealth of human rights education and engagement carried out over the course of the 2020-2021 reporting year.

## 3.0 Human Rights Education and Outreach

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**HRCO Goal #2:** To support the prevention of discrimination and harassment through human rights and accessibility education, learning and professional development.

During the reporting period of September 1, 2020 to August 31, 2021, the HRCO developed and delivered human rights and accessibility education, learning sessions, and other professional development engagements throughout the YRDSB community. Engagements and participation with relevant external stakeholders are also listed in this section.

### 3.1 Accessibility Learning and Professional Development

- May 7, 2021: Creating Accessible Web Content - Session 1 to Library Technician Network
- June 8, 2021: Accessible Content Core Skills - Session 2 to Library Technician Network

### 3.2 Anti-Black Racism Steering Committee Meetings

- September 23, 2020
- October 22, 2020
- November 25, 2020
- January 27, 2021
- February 24, 2021
- June 23, 2021

### 3.3 Cultural Competency Training

- March 3, 2021: Cultural Competency Training joint session delivered to Trustees and the Integrity Commissioner

### 3.4 Introduction to Human Rights Module

- September 2020: Introduction to Human Rights online module introduced as part of the Board-wide compliance training (converted from half-day in-person professional development session)



### **3.5 Investigations Toolkit to Senior Leadership Team (SLT)**

- November 6, 2020: Guide to Internal Investigations: A Toolkit for YRDSB Leaders (Investigation Toolkit) at SLT Quarterly Planning Session
- January 15 and 21, 2021: 1:1 drop down sessions for Investigations Toolkit with Senior Leaders

### **3.6 Site Visit Review**

- March 3, 2021: HRCO Site Visit Protocol presentation to Executive Council (Site Visit Review process formalized into a Board protocol)
- December 2, 2020 to March 29, 2021: Site Visit Review of YRDSB school

### **3.7 Unconscious Bias**

- January 10, 2020: Bias-Free Training for VP Selection Committee
- November 19, 2020: Introduction to Unconscious Bias
- December 16, 2020: Unconscious Bias Training presentation to Executive Council
- January 26, 2021: Bias-Aware Recruitment and Hiring to VP Selection Committee
- February 8, 2021: Unconscious Bias Training for Student Trustees

### **3.8 External Presentations and Committees / Networks**

#### **Human Rights and Equity Leaders Network**

- March 30, 2020
- April 15, 2020
- May 13, 2020

#### **Human Rights and Equity Advisors Community of Practice Committee**

- September 10, 2020
- October 9, 2020
- October 28, 2020
- November 13, 2020
- December 17, 2020
- January 29, 2021
- February 25, 2021
- April 1, 2021
- April 29, 2021
- May 27, 2021
- June 24, 2021
- July 29, 2021
- August 25, 2021

#### **Osgoode Professional Development**

- February 28-29 and April 3-4: Osgoode Certificate in Human Rights for Education Professionals presentation

## **Pacific Rim International Conference on Disability and Diversity**

- March 1, 2021: An integrated Approach to Disabilities Inclusion: Connecting Accommodation and Accessibility and Principles of Equity (virtual poster presentation)
- March 2, 2021: Accessible Content Core Skills: Building more accessible learning and working environments at YRDSB

## **Principal's Qualification Program (PQP)**

- August 4, 2021: Ontario Institute for Studies in Education (OISE) / University of Toronto (U of T) PQP training on the HRCO at YRDSB

## 4.0 Accessibility Portfolio

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The Board's commitment to accessibility and compliance with the AODA is led by the HRCO. Specifically, the Accessibility Officer within the HRCO is responsible for managing the accessibility portfolio for YRDSB. Accessibility is further guided through the shared responsibilities and collaborative commitments of the [AODA Advisory Committee](#).

This commitment to accessibility is aligned with the four MYSPP priorities and carried out through four Multi-Year Accessibility Goals.

### 4.1 Multi-Year Accessibility Goals



#### **Provide Accessible Customer Service**

Provide customer service excellence by promoting accessibility best practices that give meaningful access to all students and staff, including those with disabilities.



#### **Understand Accessibility as a Process**

Provide accessibility training, education and outreach to build awareness, knowledge and attitudes to identify, remove and prevent barriers to accessibility.



#### **Engage the AODA Advisory Committee**

Engage the AODA Advisory Committee that operates through shared responsibilities and inter-departmental collaboration, while also engaging people with disabilities.



#### **Publish an Annual Accessibility Report**

Complete and publish an Annual Accessibility Report to demonstrate accountability for the Board's progress in implementing the Multi-Year Accessibility Plan.

## 4.2 Annual Accessibility Report 2020-2021

As required under the Accessibility for Ontarians with Disabilities Act (AODA), an Annual Accessibility Report is prepared as a separate document from the HRCO Annual Report. The Annual Accessibility Report describes the measures that YRDSB has taken in the 2020-2021 school year to identify, remove and prevent barriers for students, staff and people with disabilities.

The Annual Accessibility Report follows the five standards by describing the various Multi-Year Accessibility Goals and objectives achieved in the reporting year. The five sections of the Annual Accessibility Report are outlined below:

1. General Requirements Achieved in 2020-2021
2. Customer Service Standards Achieved in 2020-2021
3. Information and Communication Standards Achieved in 2020-2021
4. Standards for the Built Environment  
Achieved in 2020-2021
5. Employment Standards Achieved in 2020-2021

The completed Annual Accessibility Report 2020-2021 was approved in December 2021 and is available on the Board's [Accessibility Reports and Plans webpage](#).

Feedback or questions about the Annual Accessibility Report is both encouraged and essential for advancing accessibility at YRDSB in a way that recognizes the needs of all learners and people with disabilities. Contact the Accessibility Officer to provide feedback via email at [aoda@yrdsb.ca](mailto:aoda@yrdsb.ca).