

York Region District School Board

Human Rights Commissioner's Office (HRCO)

Annual Report 2021-2022

A report on the important and ongoing work of the Human Rights Commissioner's Office in addressing human rights complaints and supporting accessible learning and working 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.
- **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 The Human Rights Commissioner’s Office

1.1 Introduction and Purpose

The Human Rights Commissioner’s Office (HRCO) is deeply committed to building respectful learning, teaching 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).

Human Rights Policy #240 is based on Ontario’s Human Rights Code, which provides equal treatment without discrimination on the basis of the following 17 Code protected grounds:

Age	Disability	Marital Status	Record of Offences (employment)
Ancestry	Ethnic Origin	Place of Origin	Sex (incl. pregnancy)
Citizenship	Family Status	Race	Sexual Orientation
Colour	Gender Identity	Receipt of Public Assistance (housing)	
Creed	Gender Expression		

The HRCO has prepared this Annual Report in accordance with the Ministry Directions provided to the York Region District School Board (YRDSB or the Board). It describes the important and ongoing work of the HRCO in addressing human rights complaints in compliance with Ontario’s Human Rights Code (the Code) as well as leading and supporting the YRDSB system through human rights and accessibility education, learning and professional development during the reporting period of **September 1, 2021 to August 31, 2022**.

The 2021-2022 academic year was one of challenge and development for the HRCO. With COVID-19 impacting how we delivered service to the YRDSB community, the HRCO continued to adapt and engage in decision-making and critical conversations related to human rights issues.

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. Since 2017, more than 20 other school boards have established offices and/or positions tasked with addressing

human rights matters. The HRCO at YRDSB remains a progressive leader among school board human rights offices with its unique structure and mandate. Also unique to the HRCO is carriage of the accessibility portfolio for the YRDSB, which includes guiding the Accessibility Advisory Committee and its shared responsibility of championing accessibility and providing education and leadership on all matters related to accessibility and AODA compliance.

The HRCO Annual Report is presented to Executive Council and subsequently to the Learning, Equity and Well-Being Standing Committee. For the 2021-2022 reporting year, the HRCO Annual Report is presented jointly with the [Annual Accessibility Report](#). The HRCO Annual Report is posted online and made available to the public on the [HRCO Annual Reports webpage](#).

1.2 Commitment to Human Rights

The Board’s commitment to human rights is carried out through the two primary goals of the HRCO:

- 1. To act upon complaints confidentially, fairly and in a timely manner; and**
- 2. To support the prevention of discrimination and harassment through human rights and accessibility education, learning and professional development.**

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

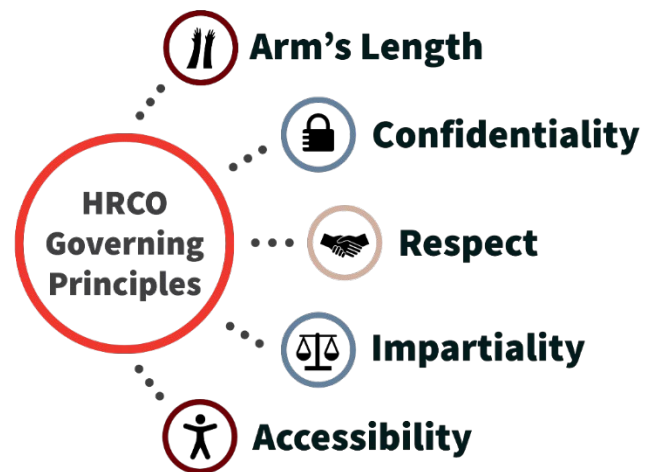
with a goal to championing human rights and accessibility beyond legal compliance and in a way that elevates lived experiences and voices within the Board community.



HRCO Governing Principles

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

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



While the HRCO is committed to championing equity and inclusivity, matters specific to equity engagement within schools are addressed through Inclusive Schools and Community Service (ISCS).

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 [HRCO Mandate Letter](#) by the Director of Education, the HRCO mandates are outlined on the next page.

- 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.
- 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.
- 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 2021-2022 reporting year:

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

The 2021-2022 budgetary allocation to the HRCO was \$528,000.

2.0 HRCO Case Management

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 directly to the HRCO through a confidential and online [Reporting Form](#).

Each Reporting Form is reviewed, assessed and logged by the HRCO. Intake files are assessed based on whether and/or how they connect to one or more of the 17 protected grounds of discrimination under the Code.

Code-Based

Matters where the negative treatment is directly linked to one or more Code ground(s) are known as “Code-based” complaints. Such Code-based complaints can be determined to be within scope of Human Rights Policy #240.

Non-Code

Complaints of discrimination or harassment that do not relate to any Code ground. These are considered “non-Code” complaints and are more appropriately addressed under another Board policy and/or by a different department or unit at YRDSB.

Important note: The HRCO does not engage in any human rights matters that are actively being reviewed or addressed by another department or area of the Board, even if it may be Code-based.

However, staff are welcome to refer matters to the HRCO if there are human rights concerns that they believe are best addressed by a Human Rights Officer.

The HRCO conducts confidential assessments that provide YRDSB constituents with information about their rights and responsibilities, including matters where complaints describe a Code-based human rights violation. The HRCO also promotes early dispute resolution processes wherever possible, as alternative approaches to resolving matters and/or conflict can preserve relationships and prevent escalation.

2.1 HRCO Intake File Summary

During the 2021-2022 reporting year, the HRCO received a total of **182 new intake files** from September 1, 2021 to August 31, 2022.

All HRCO intake files received are categorized into one of four types based on the nature of the alleged human rights issue or matter and the type of engagement needed:

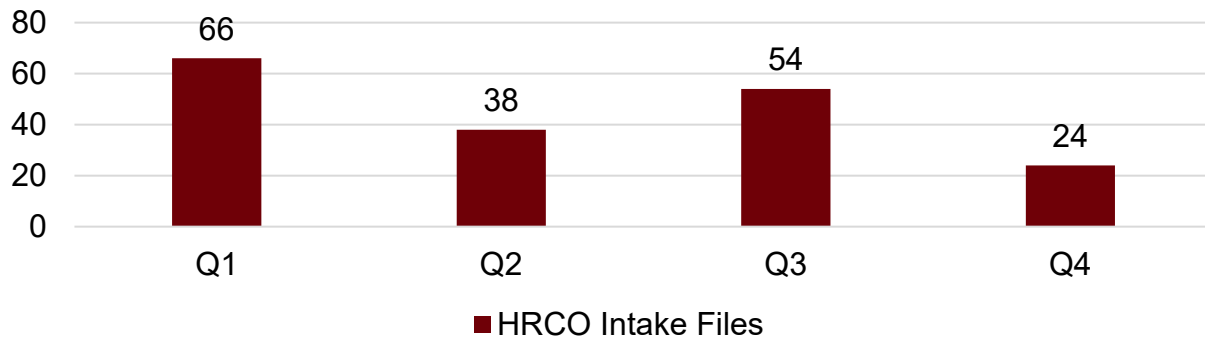
- **Advisory Files:** Matters that are determined to be non-Code complaints and should be addressed by another department or area of the Board. Advisory matters include direct and indirect referrals and guidance.
 - **Direct Referral:** Matters determined to be more serious in nature that require written consent and/or HRCO support to facilitate the referral.
 - **Indirect Referral:** Matters where the HRCO redirects the complainant to the appropriate Board area or department.
- **Consult Files:** Consultation with YRDSB departments, senior level staff or trustees on general human rights issues or other matters that may include a human rights component. The HRCO may be asked to provide general guidance from a human rights and/or accessibility perspective.
- **Complaint Files:** Matters requiring preliminary 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.
- **Other:** Questions or concerns from YRDSB constituents not related to human rights and most appropriately addressed by another Board department.

A breakdown of all HRCO intake files are presented in the table below based on each quarter (Q1, Q2, Q3, Q4) of the 2021-2022 reporting year.

Reporting Period	<u>Complaint</u>	<u>Consult</u>	<u>Advisory</u>	<u>Other</u>	Total
Q1 (Sep - Nov)	7	9	45	5	66
Q2 (Dec - Feb)	4	1	29	4	38
Q3 (Mar - May)	11	4	30	9	54
Q4 (Jun - Aug)	6	2	12	4	24
2021-2022 Totals	28	16	116	22	182

For the 2021-2022 reporting year, there was a 5% increase in total intake files compared to the previous 2020-2021 reporting year. For reporting purposes, files are tracked according to the date they are received at the HRCO, not the date of resolution.

Total HRCO Intake Files by Reporting Period (Quarterly)

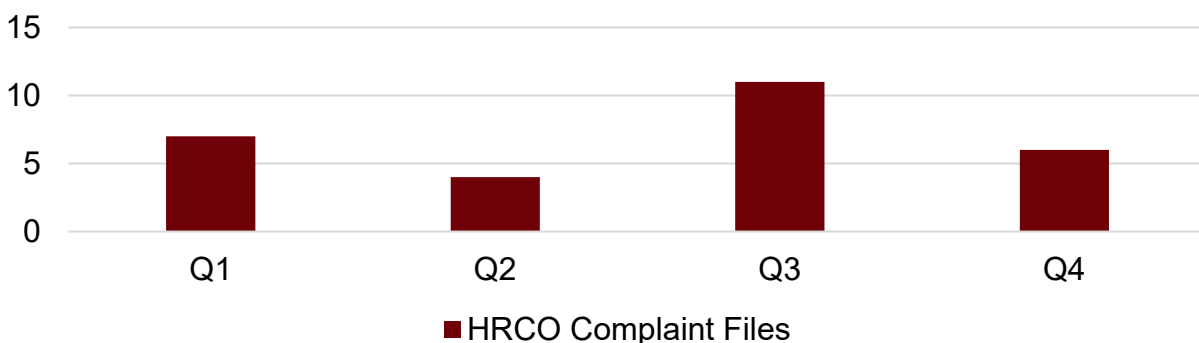


The HRCO received an average of 45.5 files per quarter during the 2021-2022 reporting year. The highest number of intake files were received in Q1 (66) and Q3 (54), coinciding with the return to in-person working and learning in the fall (Q1) and the latter part of the school year following the return from the mid-winter break (Q3).

Advisory Files: Consistent with previous reporting years, approximately 60% of files were Advisory in nature, with the HRCO providing general guidance to complainants on these Advisory matters and direct or indirect referrals to other departments/areas of the Board. Advisory files may also include matters that have already been addressed through another complaint process within the Board, or where a parallel process is already underway with another area of the Board working to address the matter.

2.2 Complaint and Consult Files

HRCO Complaint Files by Reporting Period (Quarterly)



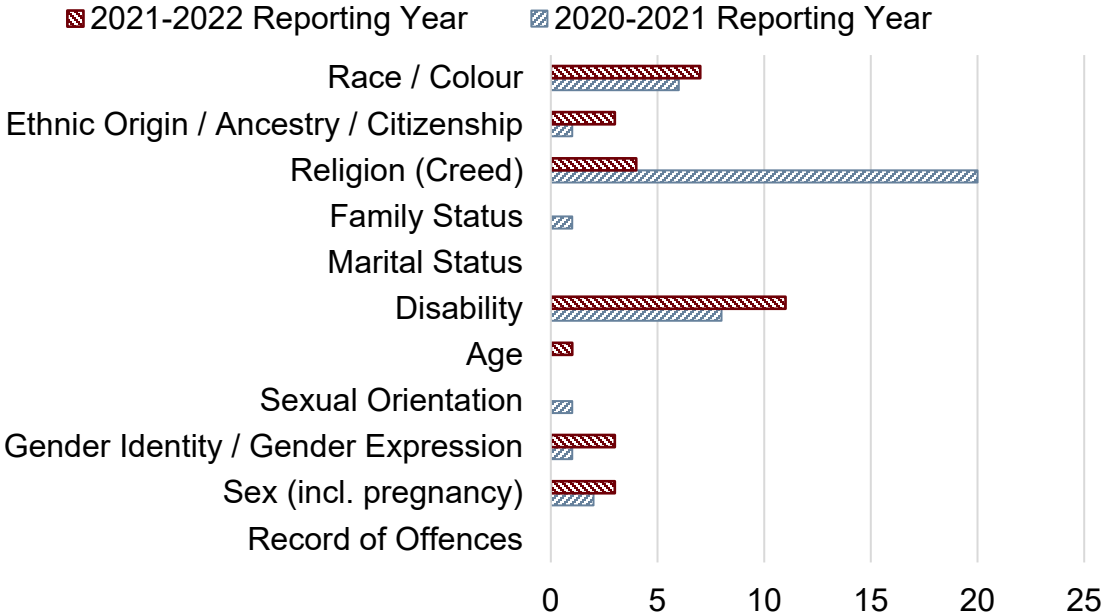
Complaint files: The HRCO addressed 28 Complaint matters in 2021-2022, with the highest number of Complaints received in Q3, as vaccine and mask mandates were ending in Ontario and the focus shifted from COVID-19 to other matters impacting working and learning environments.

Overall, the HRCO received an average of 7 Complaint files per quarter. Given the often complex nature of human rights issues, these Complaint matters generally require significant time for fact finding, research and consultations with other staff/departments (with consent from complainant) and are therefore normally a multi-week/month process.

Consult files: The HRCO also regularly receives requests for consultations from other departments or areas of the Board on questions or concerns related to human rights issues or student/ staff-related matters that include a human rights component. In 2021-2022, the HRCO received 16 requests for consultations from various Board departments, Superintendents and Trustees, with the highest number of requests received in Q1.

This period coincided with the return to school with strict COVID-19 public health measures still in place, which resulted in an increased number of questions and concerns from students, parents/guardians and staff regarding mask and vaccine mandates, return to in-person teaching/work for staff living with disabilities, and requests for other accommodations.

HRCO Complaint and Consult Files by Code Ground



In the 2021-2022 reporting year, disability and race/colour were the highest reported Code grounds to the HRCO. This is consistent with previous reporting years.

Disability-based complaints (including mental health): Complaint and consult files related to disability continue to be one of the highest reported Code grounds to the HRCO. Disability-based allegations were largely based on an alleged failure to accommodate students (e.g., disregarding student or staff mental health issues, or not addressing bullying related to a disability) and staff. A trend connected to the return to in-person working were disability-based complaints based on denied virtual work accommodations for school-based staff.

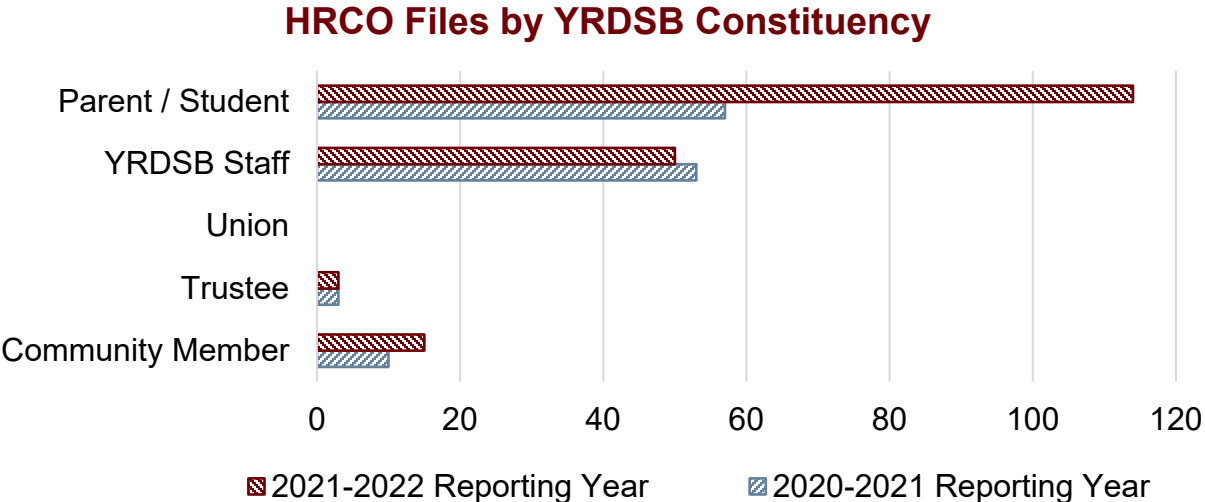
Race-based complaints: The HRCO also received complaints from parents of racialized students alleging discrimination based on race (e.g., racist comments or remarks). From the race-based allegations, files relating to incidents of anti-Black Racism were received in higher numbers compared to other racialized or Indigenous identities. The HRCO engaged with the Dismantling Anti-Black Racism Strategy implementation team for support and/or referral of matters related to anti-Black racism.

Gender identity and/or expression-based matters: The HRCO’s engagement on issues related to gender identity and/or expression were largely consultative in nature. Discussions were focused on the rights of students to express their preferred gender identity with or without parental consent.

As the understanding and acceptance of different gender identities and expressions appear to differ depending on the school administrator, the decision-making processes related to these matters likewise appear to differ from school to school. A more common understanding of gender identity and expression is needed across the system.

2.3 HRCO Files by YRDSB Constituency

The following bar graph illustrates the source of complaints that were brought to the attention of the HRCO.



Increase in student submissions: A notable trend from the past two reporting years has been the increase in HRCO Reporting Forms submitted by YRDSB students. The majority of intake files have been traditionally submitted by YRDSB staff. The increase in student submissions as a whole was initially taken as an encouraging sign that students had started to self-advocate for their human rights. However, a review of individual student submissions revealed that the vast majority would have been most appropriately directed to and addressed by the school administration.

HRCO confidentiality and consent: A challenge in this regard has been the strict confidentiality that governs the HRCO complaints resolution process at all times. As per HRCO process, written consent is required from the student (along with parental consent in some cases) before the matter can be referred by the HRCO to the school principal or Caring and Safe Schools. By contrast, matters submitted through the [Report It tool](#) are immediately shared with the school principal and all other relevant parties to be addressed more promptly.

HRCO Reporting Form and Report It tool confusion: A further analysis of the student submission trend revealed that students may be completing and submitting HRCO Reporting Forms inadvertently in an attempt to access the Report It tool. The HRCO met with Caring and Safe Schools to discuss the increase in HRCO student submissions and compare processes.

3.0 Human Rights Education and Outreach

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, 2021 to August 31, 2022, 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 Human Rights and/or Accessibility Learning and Professional Development

The HRCO is actively engaged in developing and facilitating professional development and learning opportunities for YRDSB staff to build awareness and understanding of the importance of human rights and accessibility. Throughout the 2021-2022 reporting year, the HRCO facilitated or participated in the following workshops or sessions:

- October 28, 2021: Beyond Compliance: Accessibility Acceptance - Equity Symposium 2021 workshop
- March 6, 2022: Human Rights and Inclusion panel discussion - Corporate Management and Professional Staff (CMPS) Induction session
- May 4, 2022: Human Rights and Accessibility at YRDSB - PEAC Regional Symposium 2022 workshop
- July-August 2022: Renewed and integrated the Introduction to Human Rights online module as part of accessibility compliance training.

Additional accessibility-specific learning sessions facilitated during the 2021-2022 reporting year can be found in the Annual Accessibility Report 2021-2022.

3.2 Dismantling Anti-Black Racism Strategy Implementation Plan Committee

Following the system launch of the [Dismantling Anti-Black Racism Strategy](#) (DABRS) in March 2021, DABRS Implementation Plan Committees were created for each of the seven priorities and actions outlined in the DABRS. The HRCO was engaged to participate in Priority 3: Create Black-Affirming Learning and Working Environments, and attending the following meetings and working sessions during the 2021-2022 reporting year:

- September 3, 2021
- December 15, 2021
- January 13, 2022
- March 9, 2022
- May 26, 2022
- June 9, 2022
- July 6, 2022 (small work group session)
- July 7, 2022 (small work group session)

3.3 Unconscious Bias (UB)

A core aspect of recognizing inequities, underrepresentation and disproportionalities is through understanding unconscious bias. The HRCO continued to develop, update and facilitate a number of unconscious bias learning sessions to specific groups who engage in YRDSB hiring processes. Learning sessions included YRDSB-specific examples and preliminary strategies for identifying and mitigating biases.

- October 1, 2021: Unconscious Bias for Principal Selection Committee (session 1)
- October 5, 2021: Unconscious Bias to Principal Selection Committee (session 2)
- January 24, 2022: Unconscious Bias and Bias Awareness for Student Trustees Selection Committee
- January 25, 2022: Unconscious Bias to Vice-Principal Selection Committee (session 1)
- January 28, 2022: Unconscious Bias to Vice-Principal Selection Committee (session 2)
- February 10, 2022: UB Learning Session to Associate Director Selection Committee

3.4 External Presentations and Committees / Networks

Human Rights and Equity Advisors Community of Practice Committee

The Ministry of Education facilitates a community of practice with Human Rights and Equity Advisors (HREAs) and other human rights practitioners working at school boards across the province. The purpose of this community is to share resources, discuss systemic human rights issues and provide support.

- | | | |
|----------------------|---------------------|-------------------|
| • September 29, 2021 | • January 26, 2022 | • April 28, 2022 |
| • October 27, 2021 | • February 24, 2022 | • May 26, 2022 |
| • November 25, 2021 | • March 24, 2022 | • June 30, 2022 |
| • November 29, 2021 | • March 31, 2022 | • August 18, 2022 |

4.0 Accessibility Portfolio

The Board's commitment to accessibility 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 MYSP 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 2021-2022

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 2021-2022 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 2021-2022
2. Customer Service Standards Achieved in 2021-2022
3. Information and Communication Standards Achieved in 2021-2022
4. Standards for the Built Environment Achieved in 2021-2022
5. Employment Standards Achieved in 2021-2022

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.