



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

HUMAN RIGHTS POLICY

If now they appeal again for help against you, we will defend their rights and fight you on sea and on land. - 1 Maccabees 8:32

Table with 2 columns: Drafted (May 23, 2024) and Meeting Date (June 4, 2024). Includes names of drafters: Antonella Ceddia and Derek Luk.

RECOMMENDATION REPORT

Graphic containing Vision and Mission statements, Toronto Catholic District School Board logo, and a stained glass illustration of hands holding a heart.

- List of names and titles: Brendan Browne (Director of Education), Adrian Della Mora (Associate Director of Academic Affairs & Chief Operating Officer), Derek Boyce (Associate Director of Corporate Services and Chief Commercial Officer), Ryan Putnam (Chief Financial Officer and Treasurer).

A. EXECUTIVE SUMMARY

A human rights policy is a foundational document for any healthy organization and a recommended best practice by the Ontario Human Rights Commission. While the Toronto Catholic District School Board (TCDSB) respects human rights and complies with the *Human Rights Code*, there is a need for a TCDSB Human Rights Policy. As such, this report identifies the rationale for drafting TCDSB's first Human Rights Policy.

The cumulative staff time required to prepare this report was 5 hours.

B. PURPOSE

1. To provide the Governance and Policy Committee with information and recommendation that a TCDSB Human Rights policy be developed.

C. BACKGROUND

Legal Framework – Charter of Rights & Freedoms, Human Rights Code, Education Act, AODA

1. The Board is required to respect human rights law as it is expressed in the Constitution Act, 1982, specifically Sched. B, 15(1) of the *Charter of Rights and Freedoms*, and in the *Ontario Human Rights Code*.
2. Section 15(1) of the *Charter of Rights and Freedoms* guarantees the right to equal protection under the law and equal benefit of the law, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. Courts have held that grounds analogous to those listed in s. 15(1) are also protected.
3. Under the *Human Rights Code*, everyone has a right to equal treatment without discrimination based on certain grounds, in certain social areas.
4. The areas protected by the Code include i) services, goods and facilities; ii) employment; and iii) contracts. In these areas, the protected grounds of discrimination are the following:
 - Race
 - Ancestry
 - Place of Origin
 - Colour
 - Ethnic origin
 - Citizenship

- Creed (religion)
 - Sex (including pregnancy and breastfeeding)
 - Sexual orientation
 - Gender Identity
 - Gender /Expression
 - Age
 - Family status
 - Marital Status
 - Disability
 - Record of offences (in employment only)
5. The Supreme Court of Canada has said that human rights legislation, i.e. the *Human Rights Code*, is not like other laws and that it has higher status than other pieces of provincial legislation because it is quasi-constitutional (almost as important as the constitution).
 6. The *Human Rights Code* takes primacy over all other provincial laws, unless the law specifically states that it operates notwithstanding the *Code*.
 7. Section 93 of the *Constitution Act, 1867*, recognizes and protects the rights and privileges held by denominational schools at Confederation. The *Human Rights Code* includes a provision that preserves the s. 93 Constitutional rights and privileges of separate school boards.
 8. The *Education Act* mandates that every board must promote a positive school climate that is inclusive and accepting of all pupils, including those of “any race, ancestry, place of origin race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.”

Human Rights Policy

1. The TCDSB does not currently have a human rights policy.
2. Currently, the TCDSB reflects human rights legal requirements in a guideline to its Code of Conduct.
3. The guideline to the Code of Conduct states that “community members must respect and treat others fairly, regardless of, for example, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability,” and that community members should generally respect the rights of others.

4. The guideline is not policy. A proper human rights policy is much more than a clause or reference in a guideline or even in a Code of Conduct which does not replace or negate the need for a comprehensive human rights policy.

D. EVIDENCE/RESEARCH/ANALYSIS

1. A human rights policy should reflect positively on the TCDSB, recognizes the importance of human rights laws in the day to day lives of TCDSB students, staff, and community members, and communicates the TCDSB's expectation that community members must respect human rights protected at law.
2. Such a policy operates as the cornerstone of the Board's commitment to human rights, and it sets the framework for a comprehensive and robust approach to human rights.

E. STAFF RECOMMENDATION

1. That GAP approve the work plan (Appendix A) for staff to develop a Human Rights Policy.