



tdsb | Human
Rights Office
Annual Report 2021 - 2022





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1. Introduction

The Toronto District School Board (TDSB) is committed to upholding the human rights of students, staff and communities in both the provision of education and employment. Harassment, discrimination or hate have no place at TDSB. The TDSB recognizes that fostering safe, respectful, equitable, accessible, and inclusive learning and working environments are necessary to create joy, belonging and success for students, staff and communities. This endeavour is supported by the *United Nations Declaration of the Rights of Indigenous Peoples* and the *Truth and Reconciliation Commission's Calls to Action* that speak to the rights of Indigenous peoples in Canada. TDSB promotes human rights in accordance with the Ontario *Human Rights Code* and to fulfil the obligation to meet the needs of increasingly diverse communities. This endeavour is the moral, ethical and legal imperative of these times. The representation of Indigenous peoples and the changing demographics are illustrated in the 2021 Statistics Canada data.

- Approximately 2.2 million people reported Indigenous ancestry, alone or with other ancestries, representing 6.1% of the population of Canada.
- More than 450 ethnic or cultural origins were reported in the 2021 Census.
- South Asian (7.1%), Chinese (4.7%) and Black (4.3%) people together represented 16.1% of Canada's total population.

Among the racialized groups, South Asian, Chinese and Black populations are the largest groups in Ontario. In 2021, the South Asian population represented 10.8% of Ontario's population, followed by the Chinese population (5.8%) and the Black population (5.5%). In Toronto, 52% of the population belonged to a visible minority (as defined by the Employment Equity Act), 2016. The leading categories were South Asian (13%), Chinese (11%) and Black (9%) people.

The TDSB serves communities that include diverse religious affiliations. The following are key highlights from the Canada-wide data.

- 0.2% of the total population, reported a traditional Indigenous spirituality.
- The majority of the population reported as Christian.
- More than one in three Canadians reported having no religious affiliation or having a secular perspective (atheist, agnostic, humanist or other secular perspectives) (34.6%).
- 4.9% of the population reported their affiliation as Muslim.
- 2.3% of the population reported their affiliation to Hinduism.
- 2.1% of the population reported their affiliation to Sikhism.
- 1.0% of the population reported their affiliation as Buddhist.
- 0.9% of the population reported their affiliation as Jewish.

In Ontario, 16.3% of the population reported being affiliated with a non-Christian religion, the highest proportion in Canada. Ontario reported the highest percentage of Muslims (6.7%) and Hindus (4.1%). In Toronto, the largest representation by religion is Christian (46.2%), followed by Muslim (9.6%), Hindu (6.2%), Jewish (3.6%), Buddhist (2.3%) and Sikh (0.8%). Indigenous spirituality is reported as <0.1%.

In 2018, 4% of the population aged 15 and older identified as LGBTQ2+ (lesbian, gay, bisexual, transgender, queer, Two-Spirit, or those who identify with another non-binary gender or minority sexual identity according to Statistics Canada). In 2017, 22% of Canadians aged 15 and older identified as having a disability (Canadian Survey on Disability).

The Toronto District School Board (TDSB) has established the Human Rights Office (HRO) to support the board's endeavours to take a rights-based approach to education. This work is in alignment with the Ontario *Human Rights Code* that enshrines the right to equality and no discrimination in education and employment. Furthermore, the Education Act of Ontario establishes that the purpose of education "is to provide students with the opportunity to realize their potential and develop into highly skilled, knowledgeable, caring citizens who contribute to their society." Among the efforts to promote human rights, the creation and support of a human rights culture is necessary for the success and well-being of students, staff and communities.

Advancing human rights is necessary because of the historical and current contexts of "exclusion and marginalization, including racism, anti-Indigenous racism, anti-Black racism, ableism, sexism, transphobia & cissexism (discrimination and prejudice on the basis of gender identity), homophobia, and other forms of marginalization and prejudice. TDSB recognizes that sustained measures, both proactive and reactive, are required to eradicate discrimination and to ensure that all members of the TDSB community are included, welcomed, and feel valued in all TDSB environments" as articulated in the Human Rights Policy, P031. The issues of harassment, discrimination, hate and violence are pervasive Canada-wide with devastating effects and need to be addressed. Identifying and addressing individual and systemic discrimination is a vital undertaking for current and future success at TDSB. The Human Rights Policy was created:

To protect, promote and advance the human rights of all TDSB members to learn, function and work in an equitable, accessible, respectful and inclusive environment free of discrimination and harassment on the basis of the protected grounds of discrimination specified in Policy and protected under the Ontario Human Rights Code.

To ensure TDSB meets its positive human rights obligations, including to proactively identify, address, and prevent all forms of discrimination, including individual and systemic discrimination.

This report highlights the work of the Human Rights Office during September 1, 2021, to August 31, 2022. It provides an opportunity to reflect on the goals of the HRO in service of human rights and its capacity to achieve TDSB's strategic objectives. Data are presented on two key performance indicators:

- The number of Human Rights Complaints
- The number of Human Rights Complaints resolved through early resolution and investigations

This report allows for benchmarking progress with past endeavours of the HRO and for alignment with the needs of key stakeholders.

2. The Human Rights Office

The goal of the Human Rights Office as set out in the Multi-Year Strategic Plan (MYSP) and accompanying Action Plans, is to “Identify and eliminate embedded systemic barriers and discriminatory institutional and instructional practices that negatively impact the achievement and well-being of students and staff and lead to inequitable outcomes.”

The work of the HRO is aligned with the Multi-Year Strategic Plan (MYSP) that established five strategic directions.

Strategic Directions

1. Truth and Reconciliation
2. Create a Culture for Student and Staff Well-Being
3. Transform Student Learning
4. Provide Equity of Access to Learning Opportunities for All Students
5. Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being.

As TDSB’s centre of human rights expertise, the Human Rights Office is engaged in building a culture of respect for human rights. The HRO advances human rights by the provision of the following services.

- **Advice and Consultation**

The HRO advises members of the TDSB community about their human rights and obligations.

- **Complaints Resolution**

The HRO provides complaint resolution by impartially and fairly investigating, resolving, mediating and addressing human rights complaints and incidents, including in the areas of employment and education. The HRO may self-initiate inquiries, environmental scans or investigations where it reasonably believes that rights under this Policy may have been violated, including in the absence of a complaint.

- **Systemic Initiatives**

The HRO endeavours to proactively and systemically advance human rights organizational change including through:

- Identification of systemic human rights issues;
- Professional development, education, and capacity building;
- Policy and procedure review and development; and
- Outreach and engagement with school communities.

The HRO functions as the facilitative lead for the development, coordination and implementation of the Board-approved Human Rights Organizational Change programs in collaboration with other departments.

The HRO works with other departments to foster a climate of understanding and mutual respect for the dignity of each person. The HRO is committed to research, data collection, analysis, reporting and evaluation of TDSB’s performance in protecting and advancing human rights.

3. Human Rights Office Activities

3.1 Advice and Consultation

The HRO supports individual staff, mainly those with supervisory authority, to identify and address human rights issues, and to resolve matters at the lowest level possible. This early intervention work to address human rights obligations aims to reduce the escalation of human rights issues to formal complaints and grievances.

Table 1: Consultations Provided

School Year	2019/2020	2020/2021	2021/2022
Total	190	402	613

This reporting period is from September 1, 2021, to August 31, 2022. Unlike, the more recent years the data for 2019/2020 is for eight months only. The increasing needs in this area are related to factors such as confidence in the HRO services, complexity and capacity.

3.2 Complaints Resolution

The HRO addresses discrimination complaints as well as *Human Rights Code-based* workplace harassment complaints affecting employees. Student complaints of alleged harassment/discrimination are reported to the school administration and are addressed through the appropriate school policy or procedure (e.g., Caring and Safe Schools Policy, Bullying Prevention and Intervention Procedure, Sexual Misconduct by Students Procedure, Parent Concern Protocol). However, student complaints against the administration can be forwarded to the Board’s Human Rights Office.

Table 2: Complaints Filed with the HRO

SCHOOL YEAR	ACTIVE COMPLAINTS AT THE START OF THE SCHOOL YEAR	COMPLAINTS RECEIVED	COMPLAINTS RESOLVED
2018 to 2019	287	209	216
2019 to 2020	282	202	139
2020 to 2021	343	151	90
2021 to 2022	404	210	246

In the years, 2018-19, 2019-20 and 2020-21, the HRO was addressing both human rights and all workplace harassment complaints. From July 2021 onwards, the HRO was addressing human rights complaints only, this includes discrimination complaints as well as Code-based workplace harassment complaints (non-Code based workplace harassment complaints are directed to Employee Services). There were 210 new human rights complaints filed during this reporting period and the majority were from employees. The total number of complaints resolved during this year increased significantly from previous years. Given the focused effort by the TDSB to raise awareness among students, staff, and communities about the commitment to addressing discrimination (including acts due to anti-Indigenous racism, anti-Black racism,

Antisemitism, Islamophobia, anti-Asian racism, homophobia, transphobia, and ableism), higher numbers of reports to the HRO and to the Racism, Bias & Hate portal are to be expected.

Complaints Assessment

The HRO conducts a Threshold Assessment (TA), to determine among other factors if the complaint falls within the scope and jurisdiction of the TDSB’s Human Rights Policy, P031.

Table 3: Threshold Assessments

TA	2018/2019	2019/2020	2020/2021	2021/2022
In Scope	54	77	69	92
Out of Scope	21	39	30	85
In Progress	7	20	52	33

Complaints that do not correctly fall within the purview of the Human Rights Policy are deemed out of scope. The term “in progress” refers to the assessments underway at end of this reporting period.

Complaints by Prohibited Grounds

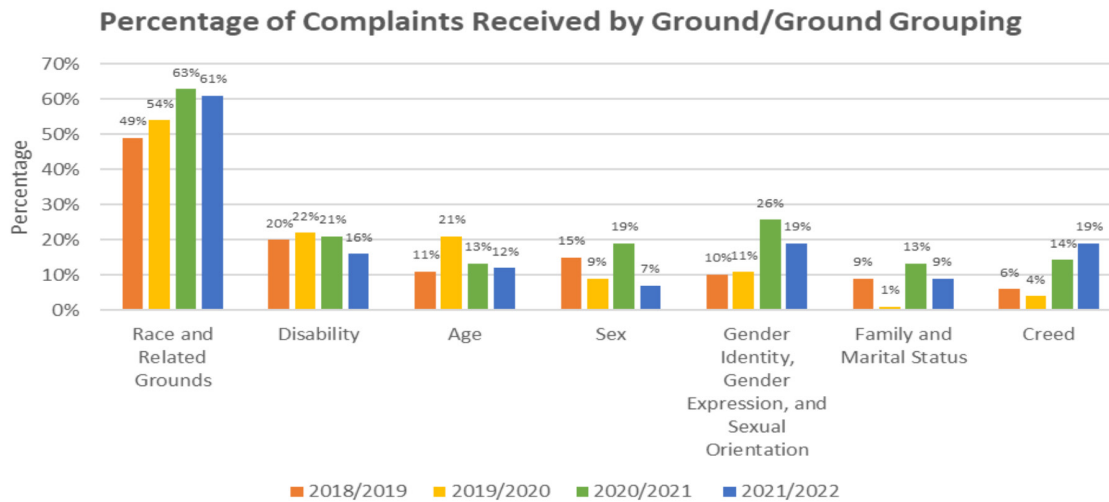
Complaints filed with the HRO are an allegation of a human rights violation based on prohibited ground of discrimination. Some complaints are allegations of behaviour targeting individuals based on their membership in more than one ground.

Table 4: Complaints by Grounds

GROUNDS	2018/2019 COMPLAINTS NUMBER AND PERCENTAGE		2019/2020 COMPLAINTS NUMBER AND PERCENTAGE		2020/2021 COMPLAINTS NUMBER AND PERCENTAGE		2021/2022 COMPLAINTS NUMBER AND PERCENTAGE	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race and Related Grounds	53	49%	70	54%	66	63%	118	61%
Disability	22	20%	28	22%	22	21%	31	16%
Age	12	11%	27	21%	14	13%	23	12%
Sex	16	15%	12	9%	20	19%	13	7%
Creed	6	6%	5	4%	15	14%	38	19%
Gender Identity and Gender Expression	8	7%	9	7%	17	16%	26	13%
Family and Marital Status	10	9%	1	1%	14	13%	17	9%
Sexual Orientation	3	3%	5	4%	10	10%	11	6%
Not Identified	19	17%	18	14%	10	10%	16	8%
Total Number of Complaints Involving Human Rights	109		129		105		195	

*The number and percentage of grounds cited will be larger than the total number of human rights complaints because some complaints cite more than one ground.

Graph 1: Complaints by Grounds



Of the human rights complaints filed, the majority continue to be based on race and race related grounds (race, colour, ethnic origin, ancestry, place of origin, citizenship) at 61%. The next most frequently cited ground is creed at 19%. The complaints citing disability were at 16%, followed by complaints based on gender identity and gender expression (13%) and sexual orientation (6%). The total number of complaints resolved by the HRO has increased since the previous reporting period as more staff had been hired.

Complaints by Complainant Affiliation

The affiliation of the person filing the complaint, the complainant is identified in this table.

Table 5: Complainant Affiliation

Affiliation	2018-2019	2019-2020	2020-2021	2021-2022
CUPE	38%	29%	38%	32%
ETFO	27%	38%	31%	40%
OSSTF	23%	12%	14%	9%
School Administration	6%	4%	4%	10%
Schedule II	1%	4%	3%	2%
Parent/Student	2%	5%	7%	4%
Other	3%	8%	3%	2%
TOTAL	100%	100%	100%	100%

* Percentage amounts automatically rounded up or down due to removal of decimals from calculations. Totals may not calculate to 100%

The largest number of complaints (40%) were filed by staff who are members of ETFO (Elementary Teachers Federation of Ontario). The next highest number of complaints (32%) were filed by staff who are members of CUPE (Canadian Union of Public Employees). The staffing data in the next table provides additional context about the employee complement at TDSB but is limited to the full-time employee complement only. OSSTF refers to Ontario Secondary School Teachers Federation and OCEW refers to Ontario Council of Education Workers.

Table 6: Affiliation of TDSB Full Time Employees (FTE)

Employee/Bargaining Group	2018-2019	2019-2020	2020-2021	2021-2022 (at 10/22)
ETFO	37%	37%	37%	36%
CUPE	36%	36%	36%	37%
OSSTF	17%	17%	16%	16%
Principals & Vice Principals	3%	3%	3%	3%
Other Non-Union	3%	3%	3%	3%
OSSTF - EW	2%	2%	3%	2%
OCEW	2%	2%	2%	2%
TOTAL	100%	100%	100%	100%

* Percentage amounts automatically rounded up or down due to removal of decimals from calculations. Totals may not calculate to 100%

Cost of Investigations (contracted services)

To provide continuous service, the HRO hires external contractors to support the resolution of human rights complaints.

Table 7: Investigation Costs

Year	Costs
2017/18	\$239,110
2018/19	\$224,248
2019/20	\$62,738
2020/21	\$150,252
2021/22	\$204,311

The costs during this reporting period are in keeping with previous years, except during the pandemic. It is anticipated that these costs will continue until a full complement of expert staff is available and builds capacity to perform as a high functioning team.

Human Rights Tribunal of Ontario Applications

Individuals may choose to file a human rights complaint with the Human Rights Tribunal of Ontario (HRTO).

Table 8: HRTO Applications

Year	2018-2019	2019-2020	2020-2021	2021-2022
Number	30	28	5	29

The number of applications with Human Rights Tribunal of Ontario during this reporting period is in keeping with previous years, except for the reduction seen during the previous year, during the pandemic.

Backlog Complaints

The HRO has a significant number of old cases that need to be investigated. The TDSB has committed funds to clearing the backlog cases and progress is being made.

Table 9: Backlog Complaint Data

Open files as of Sep 1, 2021	141
Closed files as of Aug 31, 2022	62
Closed Out of Scope	27

Over this reporting period, 62 files were closed and 27 of them were determined to be out of scope.

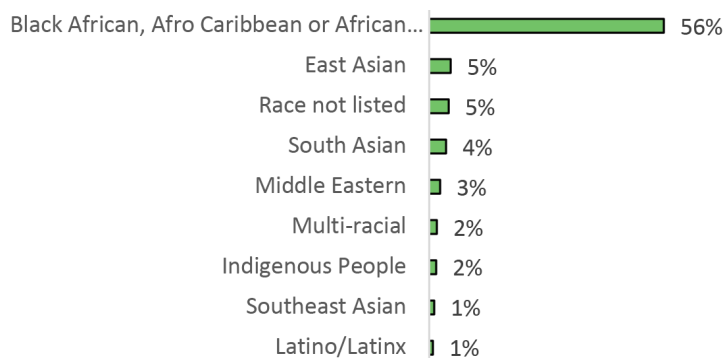
3.3 Systemic Initiatives

This section will focus on three key areas. The HRO engaged in additional endeavours that are included in the Appendix.

3.3.1 Racism, Bias and Hate (RBH) Portal

The Racism, Bias and Hate online reporting portal, enables detailed incident reporting on racism and hate incidents involving or impacting students in schools, as governed by the procedure for *Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools* (PR728). It also provides a record of responses to such incidents, in the form of action plans and communication strategies, while allowing for the identification of any potential lessons learned, good/best practices, future preventative measures required, and any other systemic considerations. The HRO supports the implementation and monitoring of the procedures for reporting and responding to the incidents of racism, bias or hate. Through increased outreach and education there has been an increase in identification and response to incidents of racism, bias and hate. There were 2,248 incidents reported during this reporting period. It is acknowledged that for a variety of reasons the data indicates but is not a definitive picture of incidences of racism, hate or bias in schools. The TDSB has created an **Anti-Hate and Anti-Racism strategy** for implementation to raise awareness, educate about and prevent racism, bias and hate. This strategy includes the specific actions to address Antisemitism and Islamophobia.

Table 10: RBH Incidents by Racial Groups

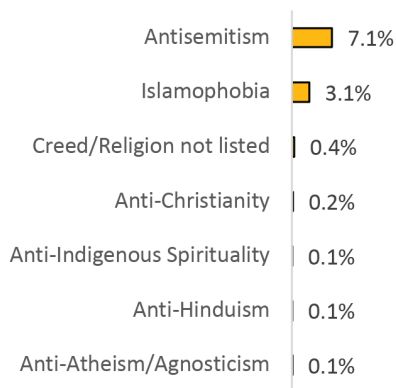


The large number of reports of anti-Black racism related incidents shines the light in an often-underreported area.

Racism is a serious concern, the Ontario Human Rights Commission highlights “the importance of identifying and addressing systemic discrimination and improving outcomes for students who are disproportionately affected by discrimination.”

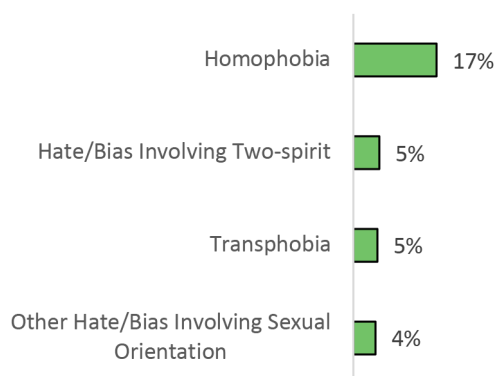
“The recent rise and increased visibility of anti-Black racism and hate in Ontario’s public education system has sparked renewed and persistent calls to combat these issues,” said Patricia DeGuire, Chief Commissioner. “The OHRC is heartened by the rise in community activism and engagement. Community voices and voices of Black professionals in the education system will be heard to address anti-Black racism in education and to identify and develop solutions focused on Black students’ well-being, achievement, and belonging.” (Statement of Chief Commissioner, Ontario Human Rights Commission).

Table 11: RBH Incidents by Creed (Religion)



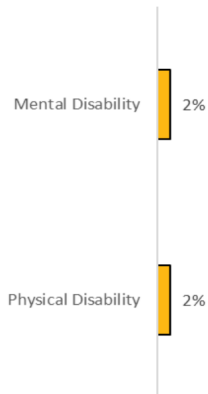
Overall, hate/bias directed at people for their creed/religion accounted for approximately 10% of all reported incidents. Antisemitism was reported the most frequently at 7% followed by Islamophobia (3%). Few reported incidents targeted other creeds/religions, which were under 1%. These numbers also correspond with previous findings.

Table 12: RBH Incidents by Sexual Orientation and Gender Identity (2SLGBTQ+ communities and identities)



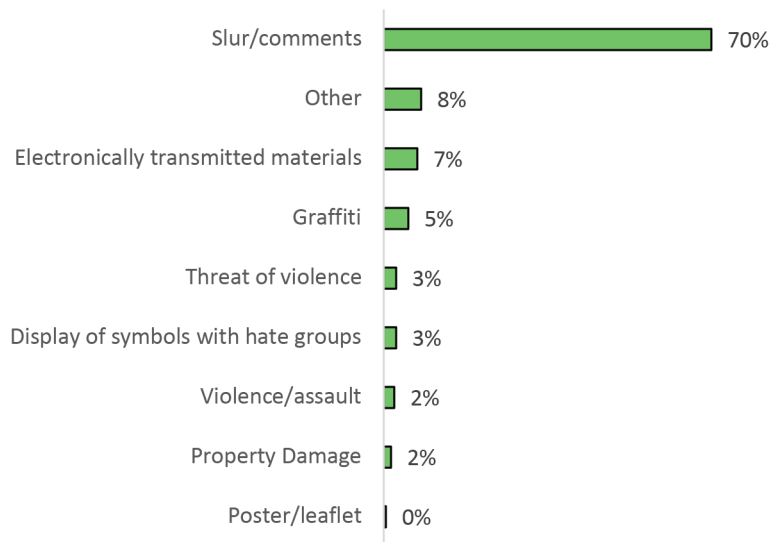
Overall, hate/bias directed at people for their sexual orientation or gender identity accounted for 25% of all reported incidents. Homophobia was reported the most frequently at 17%. A single incident may include more than one kind of behaviour, for example, Homophobia and hate/bias targeting Two Spirit individuals.

Table 13: RBH Incidents by Disability



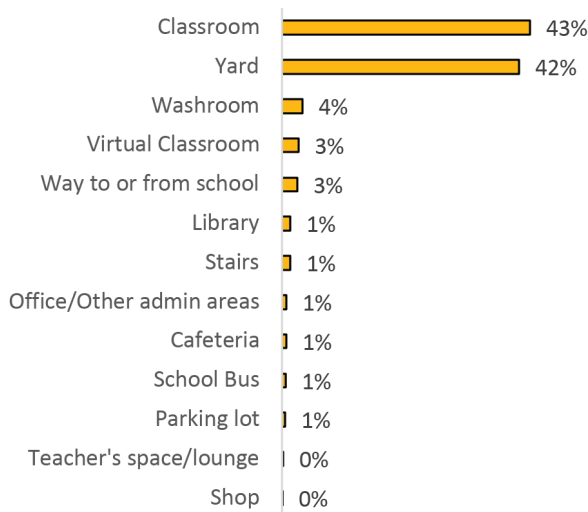
Overall, hate/bias towards persons with disabilities constitutes 2% of all incidents reported due to an overlap between the selection of mental and physical disability.

Table 14: Nature of RBH Incidents



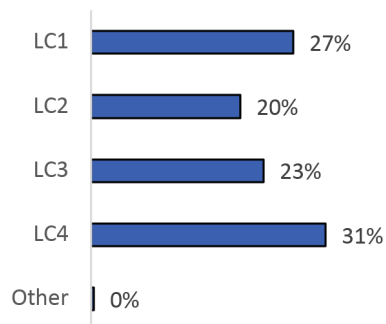
Overall, racism/hate/bias directed at people were slurs/comments, 70% of all reported incidents.

Table 15: Location of RBH Incidents



Overall, racism/hate/bias was identified and addressed in classrooms and the school yard, 43% and 42% of all reported incidents respectively. This data indicates that school staff are involved with identifying and responding to incidents, and it is very likely that students may be coming forward to report incidents as well.

Table 16: RBH Incidents in each Learning Centre (LC)



Racism/hate/bias incidents were identified and addressed in all four Learning Centres. These Learning Centres cover different geographic areas of the district.

3.3.2 Policies, Procedures, and Practices

Governance structures and processes support the integration of human rights perspectives into decision-making at all levels. This reporting period the HRO focussed on developing capacity to implement the Human Rights Policy and its procedures as well as the procedures to report and respond to incidents of racism, bias or hate.

3.3.3 Professional Development, Training and Education

The HRO facilitates capacity building initiatives primarily as professional development and learning, and through the development of tools and resources to help coordinate, guide and inform human rights related work at the TDSB. The desired outcome is for TDSB leaders and staff to have the requisite knowledge, skills and resources to effectively fulfill their human rights duties. Toward that end, the HRO staff provided 40 sessions mainly to management including central staff and school-based administrators.

Table 18: Professional Learning and Education

2021/2022 Training Data

Trainings/Workshops Delivered	40
Topics	7
People Reached	1,011
School Admin	26%
Business/Support Management	25%
Teachers	5%
Students	4%
Business/Support Staff	2%
Other	38%

Table 19: Topics Covered

Course Name	Number and Percentage of Trainings	
PR728 and the RBH Portal	17	43%
Incident Response	11	28%
Practical Guide to Understanding Human Rights	3	8%
Ground-specific Orientations	3	8%
Practical Guide to Implementing Human Rights	2	5%
The Duty to Accommodate	2	5%
Naming Discrimination	2	5%
Total	40	100%

* Percentage amounts automatically rounded up or down due to removal of decimals from calculations. Totals may not calculate to 100%

The HRO staff provided sessions in seven human rights related areas during this reporting period.

4. Conclusion and Future Work

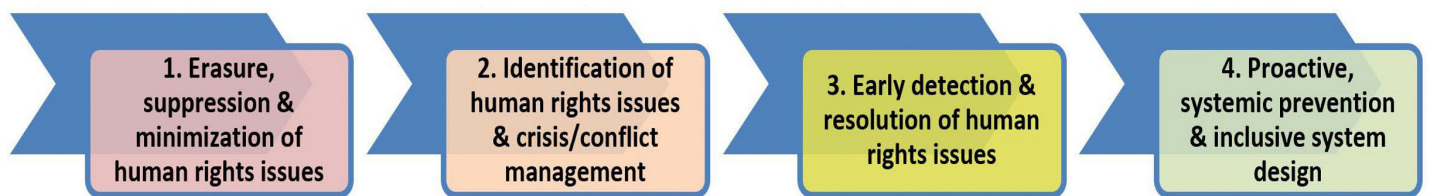
The TDSB exists to serve the education needs of diverse communities. With a commitment to truth, reconciliation, equity, anti-racism and anti-oppression, the TDSB strives to foster conditions that recognize the dignity and worth of all individuals. The TDSB includes groups that are historically and currently underserved such as those who identify as Indigenous, Black, racialized people, persons with disabilities, members of 2SLGBTQ+ communities, newcomers, and refugees. Toward that end, the HRO works with stakeholders to create and maintain a culture of respect for human rights. As communities are engaged in a deeper discourse about human rights there is also heightened scrutiny of these issues. The pandemic has had a significant negative impact on the climate Canada-wide, therefore the work of advancing human rights remains important.

The OHRC is aware that many duty-holders across the public school system have made efforts toward advancing and maintaining the human rights of everyone by using resources which address discrimination, including anti-Black racism, homophobia, and hate. However, it continues to hear about the increasing violence targeted at education officials for doing human rights work.

Duty-holders, such as the Ministry of Education and school boards, have a legal duty to ensure that education is provided in manner consistent with the *Code*. Also, the *Code* requires that people engaged in this work be able to do so without being subjected to discrimination and harassment and without fear for their safety and security. (Ontario Human Rights Commission, Statement on Code Obligation of Education Officials)

The Continuum of Human Rights Organizational Change model used by the HRO is helpful to track progress made with human rights work during this reporting period.

Figure 1: Continuum of Human Rights Organizational Change



The increased reporting of complaints and incidents in the Racism, Bias and Hate portal appear to indicate that the TDSB is moving through stages 2 and 3 of the continuum. These stages are characterized by increased identification, management, as well as the resolution of human rights issues system wide. The HRO plays a role in supporting issue identification and redress as well as the development of policies, procedures, and practices to address human rights. The HRO, the Equity department and the Urban Indigenous Education Centre work with administrators, managers, and staff to restore environments where human rights violations have occurred. Educational efforts are key in restorative work. Capacity building of staff to deepen awareness and knowledge is ongoing. Action plans are created collaboratively to restore the climate and environment. Individuals who are impacted are provided supports for their wellbeing.

This report highlights the HRO's efforts to address the changing landscape and identify areas of opportunity. At the end of this reporting year, three key areas of focus that emerged are:

- Supporting consultation and advice provision;
- Resolving the increasing number of complaints; and
- The need to identify and address systemic discrimination.

The HRO will work to address these emerging areas in the upcoming year.

1. Focus on proactively promoting a culture of respect for human rights:
 - a. Through the development and delivery of comprehensive Human Rights related professional learning;
 - b. By providing guidance and training for administrators and managers to intervene early;
 - c. Embedding human rights in policies and procedures; and
 - d. Updating the Workplace Harassment Prevention and Human Rights Procedure, PR515.
2. Align the resources and expertise in the Human Rights Office to address these areas of focus, including hire and train new staff members.
3. Increase capacity to manage complaints including creating an early resolution option through Alternate Dispute Resolution processes to resolve complaints.

Websites

Human Rights Office

<https://www.tdsb.on.ca/About-Us/Human-Rights>

Ontario Human Rights Commission

<https://www.ohrc.on.ca/en>

Related Policy and Procedures

Human Rights Policy, P031

Workplace Harassment Prevention and Human Rights Procedure, PR515

Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in School, PR728

5. Appendix

HUMAN RIGHTS ACTION PLAN: 2021 AND BEYOND

The October 2019 Human Rights Action Plan commits to “develop and implement a human rights accountability framework to clarify roles and responsibilities and integrate and mainstream accountability for human rights across the Board, including through policy, procedure, and performance management and evaluation.” It also calls for “integrating principles of human rights in the Leadership Capacity Plan.”

The implementation of this human rights organizational change strategy is ongoing. The following list highlights some specific initiatives and accomplishments during this reporting period.

1. Coordinate efforts with the TDSB Centre of Excellence for Black Student Achievement in the goal of dismantling anti-Black racism within the school board, including improving the experiences of Black students and staff – this is work ongoing.
2. Update the TDSB Guidelines for the Accommodation of Transgender and Gender Non- Conforming Students and Staff – this work is in progress.
3. Create a new Gender Identity Records Procedure – this work is underway and involves extensive and ongoing consultation.
4. The integrated Sexual Harassment Policy (in collaboration with Employee Services, Policy Services, GBV team, Caring & Safe Schools) – was updated.
5. Update the TDSB’s Guidelines and Procedures for Religious Accommodation – this work is in progress.
6. Data collection, analysis and reporting to measure and evaluate the TDSB’s progress in protecting and advancing human rights, and to inform appropriate remedial and preventive systemic interventions. This work is underway with respect to the Racism, Bias and Hate Portal data.
7. Development of interpretive guides and educational resources in support of effective implementation of new and updated policies and procedures. The training and resources related to PR728 were prepared.
8. Revise mandatory human rights e-learning for all staff – this work was completed and made available for Sept 2021.
9. A new management e-learning course was developed.
10. Designed and delivered the human rights component for Part 1 - Leading an Equitable and Inclusive Workplace Culture: Understanding Anti-Oppression & Anti-Racism training, for business operations supervisory and managerial staff.