



Human Rights Office, Annual Report, 2022-2023

To: Planning and Priorities Committee

Date: 15 May, 2024

Report No.: 05-24-4716

Strategic Directions

- Commit to the implementation of the Truth and Reconciliation Commission of Canada: Calls to Action.
- Belong - All students belong, are engaged, and valued in an inclusive environment.
- Achieve - All students reach high levels of achievement, success, and personal development.
- Thrive - All students graduate with the confidence, skills, and knowledge to thrive.
- Revitalize - All students and staff learn and work in inclusive, safe, and modern environments.

Equity as a guiding principle: Equity is foundational to all TDSB work and will be embedded throughout the strategic directions.

Recommendation

It is recommended that the Human Rights Office annual report for September 1, 2022 to August 31, 2023, be received.

Context

The Toronto District School Board (TDSB) has established the Human Rights Policy, P031, to meet to two key objectives.

- *To protect, promote and advance the human rights of all TDSB members to learn, function and work in respectful and inclusive environment free of discrimination and harassment on the basis of the protected grounds of discrimination specified in (the) 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.*

The Human Rights Office (HRO) plays a key role to support the implementation and application of the Human Rights Policy and the related procedures. Advancing human rights is a system-wide responsibility and it is vital that everyone contributes to a climate of understanding and mutual respect that benefits the TDSB community.

The HRO serves the needs of increasingly diverse communities including students, and staff who identify as Indigenous, Black, racialized, persons with disabilities, members of 2SLGBTQIA+ communities, persons from different faith groups, newcomers and refugees. This annual report details the work undertaken during the 2022-2023 year.

Action Plan and Associated Timeline

Harassment, discrimination, or hate are prohibited at TDSB. The HRO staff will continue to address human rights and Code-based workplace harassment complaints at TDSB. Building capacity to promote a culture of respect for human rights especially by supervisory staff is a key priority. As duty holders, board employees play an important role in promoting and protecting human rights. This endeavour is aligned with the Board's Multi-year Strategic Plan, 2024-2028.

Resource Implications

The work of the HRO is funded by the Board in keeping with its obligations to uphold human rights. In addition, the Ministry of Education provides some funding as well. Given the increasing demand and complexity of human rights matters, additional resources will be needed to expedite the work, especially complaint investigations.

Communications Considerations

This report is shared publicly on the Board's website including the HRO webpage.

Board Policy and Procedure Reference(s)

- Human Rights Policy (P031)
- Workplace Harassment Prevention and Human Rights Procedure (PR515)
- Reporting and Responding to Incidents of Racism and Hate Involving or Impacting Students in Schools (PR728)
- Equity Policy (P037)
- Employment Equity (P029)
- Caring and Safe Schools Policy (P051)
- Accessibility Policy (P069)

Appendices

- Appendix A: Human Rights Office, Annual Report 2022-2023

From

Human Rights System Lead, Mahejabeen Ebrahim at HumanRightsOffice@tdsb.on.ca

Executive Superintendent, Indigenous Education, Caring and Safe Schools at
Jim.Spyropoulos@tdsb.on.ca

Senior Manager Research and Development, Dr. David Cameron at
Research@tdsb.on.ca

Director of Education, Colleen Russell-Rawlins at Director'sOffice@tdsb.on.ca

Blank Page



tdsb | Human
Rights Office
ANNUAL REPORT 2022-2023



Table of Contents

1. Introduction.....	2
2. The Human Rights Office.....	4
3. Human Rights Office Activities	5
3.1 Advice and Consultation	5
3.2 Complaints Resolution.....	5
3.3 Systemic Initiatives.....	9
3.3.1 Racism, Bias and Hate (RBH) Portal.....	9
3.3.2 Policies, Procedures, and Practices.....	13
3.3.3 Professional Development, Training and Education.....	13
4. Conclusion and Future Work.....	14

1. Introduction

The Toronto District School Board (TDSB) is committed to upholding human rights in the provision of education and employment, in accordance with the Ontario Human Rights Code. The Board's Human Rights Policy (P031) enshrines the commitment to human rights and supports the creation of a culture of respect that benefits all. This endeavour is aligned with 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.

At TDSB employees are promoting safe, respectful, equitable, accessible, and inclusive learning and working environments for the success of students and employees. Advancing human rights to serve the needs of diverse communities remains of critical importance. The demographics of both the student and staff body are changing and increasingly are reflecting many identities and faith groups, as shown in the data collected by the Board.

Student Demographics at TDSB

The [Student Census of 2023](#) demonstrates that the TDSB is one of the most diverse student populations in Canada. The identity categories are in alignment with the Anti-Racism Data Standards.

- 36.8% of the students identify as White.
- 7 out of 10 students identify with a racialized group and included those identifying as South Asian (21.8%), East Asian (18%), Black (13.3%), Middle Eastern (8.9%), Southeast Asian (6.9%) and Latino/a/x (4.7%).
- 1.2% of students reported Indigenous Identity. *(Students could have reported Indigenous identity in more than one question on the Census. Further analyses with the Urban Indigenous Education Centre are yet to be undertaken with respect to how to calculate the total number of students who self-identified as Indigenous on the Student Census. It is important to note, the actual number of Indigenous students in the TDSB is likely much higher than what is reported in the Census).*
- 3.4% of students identify a gender identity(ies) outside of the gender binary. 14.4% of grade 7 to 12 students identify as part of the 2SLGBTQIA+ communities.
- Over one-quarter of students report that religion is not a part of their life. Those students who identified with a religion or spirituality include Christian (28.6%), Muslim (18.4%), and Hindu (10.1%), Spiritual but not religious (5.6%), Jewish (3.5%), Buddhist (3.4%), Sikh (0.9%) and Indigenous Spirituality (0.4%).
- 8% of students identify as having a disability or disabilities. *(It should be noted that students' perception of disability does not necessarily correspond to Special Education data).*

Staff Demographics at TDSB

The diversity of the employee (staff) cohort is noted below (Staff Census, 2022) and the participation rate was 83.1%.

- 73% of staff identified as women, 26% identified as men, and 1.5% of staff identified with the following: agender, genderfluid, gender non-conforming, genderqueer, non-binary, questioning, trans man, trans woman, Two-Spirit, gender identity(ies) not listed, or more than one gender identity.
- 1.3% of staff identified as First Nations, Métis, and/or Inuit. *(Staff could have self-identified as Indigenous in more than one question on the Staff Census).*
- About 55% of staff indicated they identify as White, 13% identified as South Asian, 11% identified as Black, 8% identified as East Asian, 4% identified with more than one racial or Indigenous identity, 3% identified as Middle Eastern or North African or West Asian, 2% identified as Southeast Asian, 2% identified as Latino/a/x, 1% identified with a racial identity not listed, and 0.4% identified as Indigenous.
- 44% of staff identified with Christianity, 30% as not religious, 7.4% with Islam, 5.7% with more than one religion/creed, 4.6% with Hinduism, 3.9% with Judaism, 1.6% with Buddhism, 1.2% with Sikhism, 1.0% with religion/creed not listed, and 0.3% with Indigenous spirituality.
- Almost 88% of staff identified as heterosexual and about 12% identified as asexual, bisexual, fluid, gay, lesbian, pansexual, queer, questioning, Two-Spirit, sexual orientation(s) not listed, or more than one sexual orientation.
- 6.4% of staff identified as a person with one or more disabilities.

The Human Rights Policy, P031 prohibits discrimination based on 17 grounds and the intersecting identities. Harassment, discrimination, hate, and violence have no place at TDSB. The Human Rights Office (HRO) was established to support TDSB's commitments and ongoing efforts:

- To promote a culture of human rights that is characterized by understanding and mutual respect, mindful of the dignity of individuals; and
- To support identifying and addressing discrimination.

This report highlights the work of the Board's Human Rights Office (HRO) during the period of September 1, 2022, to August 31, 2023. It provides an opportunity to reflect on the goals of the HRO in service of human rights and its capacity to advance TDSB's strategic objectives.

Data are presented on two key performance indicators:

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

This report also 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 work of the Human Rights Office is aligned with the Board's Multi-Year Strategic Plan (MYSP), 2024-2028.

The Five Strategic Directions in the MYSP

1. Truth and Reconciliation - We commit to the implementation of the Truth and Reconciliation Commission of Canada Calls to Action.
2. Belong - All students belong, are engaged, and valued in an inclusive environment.
3. Achieve - All students reach high levels of achievement, success, and personal development.
4. Thrive - All students graduate with the confidence, skills, and knowledge to thrive.
5. Revitalize - All students and staff learn and work in inclusive, safe, and modern environments.

As TDSB's centre of human rights expertise, the HRO staff provide the following services.

- ❖ Advice and Consultation
The HRO advises members of the TDSB community about their human rights and responsibilities.
- ❖ Facilitating Complaints Resolution
The HRO provides complaint resolution by impartially and fairly investigating, resolving, mediating and addressing human rights complaints and incidents. The HRO may self-initiate inquiries, environmental scans or investigations where it reasonably believes that rights under the Human Rights 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:
 - 2.2.1 Identification of systemic human rights issues;
 - 2.2.2 Professional development, education, and capacity building;
 - 2.2.3 Policy and procedure review and development; and
 - 2.2.4 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 partners to foster a culture of human rights that benefits students, staff and communities. 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 staff advise members of the TDSB community, particularly employees with supervisory responsibilities about addressing human rights obligations (Table 1). The HRO supports the early resolution of complaints and incidents at the lowest level. The ongoing advice and consultation provided by the HRO builds capacity for the promotion of human rights and early intervention across the district.

Table 1: Advice and Consultations Provided

School Year	2019/2020	2020/2021	2021/2022	2022/2023
Total	190	402	613	494

During this reporting period from September 1, 2022, to August 31, 2023, 494 consultations were provided. Unlike, the other years, the 2019-2020 data is for eight months (January 1, 2020, to August 31, 2020) only. It is important to note that in 2021-2022 there were a number of consultations related to COVID.

3.2 Complaints Resolution

The HRO addresses human rights complaints of harassment and discrimination, 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. During this reporting period there were 120 human rights complaints filed and the majority were from employees (Table 2).

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
2022 to 2023	368	120	186

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 and Code-based workplace harassment complaints. Complaints about non-Code workplace harassment are referred to People and Culture and would not be reflected in this data. Given the focused effort by the TDSB to raise awareness among students, staff, and communities about the commitment to human rights, anti-racism, anti-oppression and equity, complaints to the HRO and reports of incidents in the Racism, Bias & Hate portal are expected.

Complaints Assessment

The HRO conducts a Threshold Assessment, to determine among other factors if the complaint falls within the scope and jurisdiction of the TDSB’s Human Rights Policy, P031 (Table 3).

Table 3: Threshold Assessments

Threshold Assessment	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
In Scope	54	77	69	92	45
Out of Scope	21	39	30	85	50
In Progress	7	20	52	33	25

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 (Table 4). Prohibited Ground means the grounds upon

which discrimination is prohibited under the Ontario *Human Rights Code* or the Board’s Human Rights Policy. The prohibited grounds are age, ancestry, citizenship, colour, creed (includes but is not limited to religion and Indigenous spirituality), ethnic origin, family status, gender expression, gender identity, marital status, place of origin, race, sex, sexual orientation, socio-economic status, record of offences (in employment only) and association with a person identified by a ground listed above.

Table 4: Complaints by Prohibited 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		2022/2023 COMPLAINTS NUMBER AND PERCENTAGE	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Race and Related Grounds	53	49%	70	54%	66	63%	118	61%	94	78%
Disability	22	20%	28	22%	22	21%	31	16%	27	23%
Age	12	11%	27	21%	14	13%	23	12%	16	13%
Sex	16	15%	12	9%	20	19%	13	7%	9	8%
Creed	6	6%	5	4%	15	14%	38	19%	15	13%
Gender Identity & Gender Expression	8	7%	9	7%	17	16%	26	13%	14	12%
Family and Marital Status	10	9%	1	1%	14	13%	17	9%	11	9%
Sexual Orientation	3	3%	5	4%	10	10%	11	6%	5	4%
Not Identified	19	17%	18	14%	10	10%	16	8%	13	11%
Total Number of Complaints	109		129		105		195		120	

Note: Percentages may not add up to 100 because some complaints identify more than one ground

Of the human rights complaints that were filed during this reporting period, the majority are based on race and race related grounds (race, colour, ethnic origin, ancestry, place of origin, citizenship) at 78%. The next most frequently cited ground is disability at 23%. The complaints citing age and creed were both at 13% each, followed by gender identity and gender expression at 12%. Some complaints are allegations of behaviour targeting individuals based on their membership in more than one prohibited/protected ground. It is important to note that in 2021-2022 there were a number of complaints related to COVID.

Complaints by Complainant Affiliation

The affiliation of the person filing the complaint, the complainant is provided in Table 5.

Table 5: Complainant Affiliation

Affiliation	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
CUPE	38%	29%	38%	32%	33%
ETFO	27%	38%	31%	40%	26%
OSSTF	23%	12%	14%	9%	12%
School Administration	6%	4%	4%	10%	14%
Schedule II	1%	4%	3%	2%	2%
Parent/Student	2%	5%	7%	4%	10%
Other	3%	8%	3%	2%	4%
TOTAL	100%	100%	100%	100%	100%

The largest number of complaints (33%) were filed by staff who are members of CUPE. The next highest number of complaints (26%) were filed by staff who are members of ETFO. 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. The number of complaints is proportional to full-time employee complement at TDSB.

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

Full Time Employees					
Employee/Bargaining Group	2018/19	2019/20	2020/21	2021/22	2022/23
ETFO	37%	37%	37%	36%	37%
CUPE	36%	36%	36%	37%	36%
OSSTF	17%	17%	16%	16%	17%
Principals & Vice Principals	3%	3%	3%	3%	4%
Other Non-union	3%	3%	3%	3%	3%
OSSTF - EW	2%	2%	2%	2%	3%
OCEW	2%	2%	2%	2%	2%
Staffing Total	100%	100%	100%	100%	100%

(ETFO – Elementary Teachers Federation of Ontario, CUPE – Canadian Union of Public Employees, OSSTF – Ontario Secondary School Teachers Federation, OCEW - Ontario Council of Education Workers)

Human Rights Tribunal of Ontario Applications

Individuals may choose to file a human rights complaint with the Human Rights Tribunal of Ontario (HRTO). There were 12 human rights applications during this reporting period (Table 7).

Table 7: HRTO Applications

Year	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
Number	30	28	5	29	12

The number of applications with Human Rights Tribunal of Ontario decreased during this reporting period.

Backlog Complaints

The HRO had a significant number of old cases (Table 8). The TDSB has committed funds to clearing the backlog cases and progress is being made.

Table 8: Backlog Complaint Data

Open files as of Sep 1, 2022	79
Closed files as of Aug 31, 2023	53
Open as of Aug 31, 2023	26

Over this reporting period, 53 files were closed and all of them were investigated.

3.3 Systemic Initiatives

This section will focus on three key areas:

1. Addressing racism, bias and hate related incidents;
2. Reviewing policies, procedures, and practices; and
3. Professional development, training, and education.

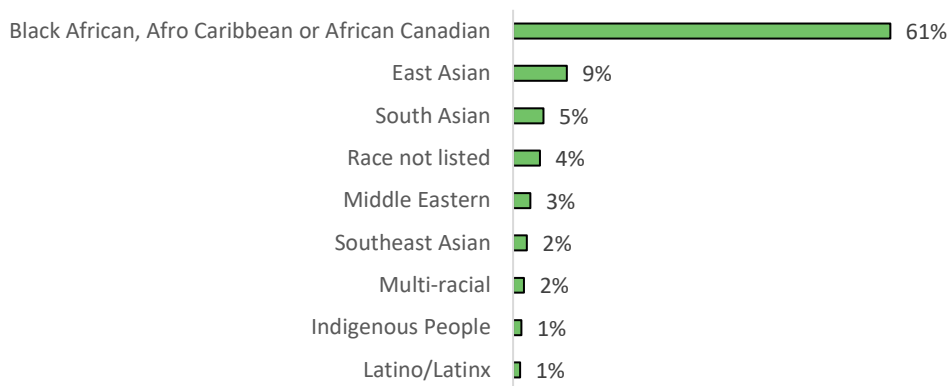
3.3.1 Racism, Bias and Hate (RBH) Portal

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.

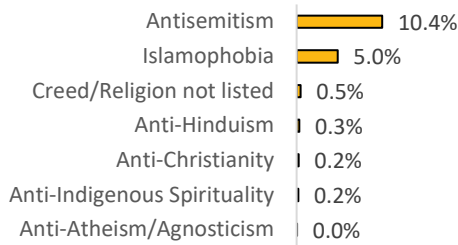
Data from the Racism, Bias, and Hate Portal shows 2,028 reported incidents were logged between September 1, 2022, and August 31, 2023. In a school system of over 238,000 students, the number of logged incidents during the 2022-23 school year equates to less than 1% of the student population. It is acknowledged that for a variety of reasons the data indicates but is not a definitive picture of incidences of racism, hate or bias in schools. Indigenous people are often underrepresented in data reports because of historical and current issues, it is likely that they are underrepresented in the incident reports as well. The work to support a respectful climate conducive for all remains a priority. The TDSB has created an Anti-Hate and Anti-Racism strategy and is working on the development and delivery of initiatives to address all forms of racism, bias and hate in schools, in accordance with the commitments to human rights and equity and the MYSP.

Table 9: RBH Incidents by Racial Groups



61% of the incidents involved anti-Black racism (Table 9). The next largest group involve incidents of racism towards East Asians (9% of all incidents). Compared to the previous year there is an increase in proportion of racism incidents towards Black Africans, Afro Caribbean or African Canadians (+5%) and East Asians (+4%), while the overall number of reported cases has declined (-220).

Table 10: RBH Incidents by Creed (Religion)



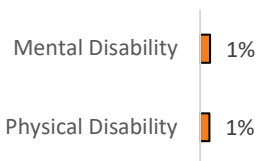
Overall, incidents due to creed/religion accounted for approximately 15% of all reported incidents, representing an increase of about +5% compared to the previous year. Antisemitism was reported the most frequently at 10% followed by Islamophobia (5%) (Table 10). Few incidents targeted other creeds/religions, which were each under 1%. Both Antisemitism and Islamophobia increased in proportion from the previous year (+3% and +2% respectively).

Table 11: RBH Incidents by Sexual Orientation and Gender Identity (2SLGBTQIA+ communities and identities)



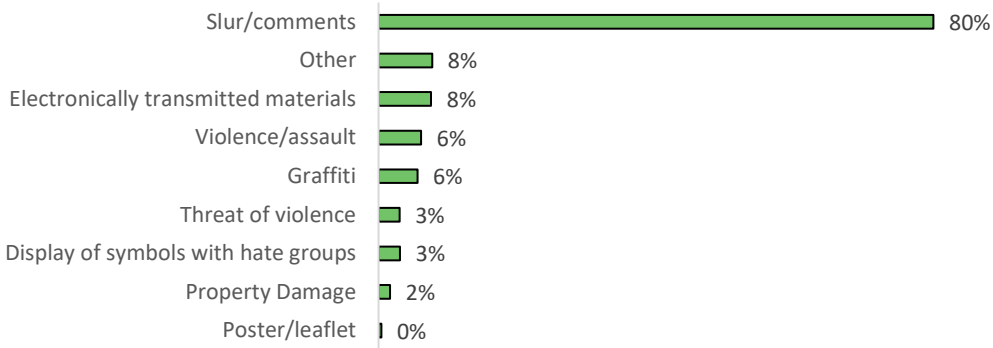
The most reported incidents involved gender/sexual orientation specifically, homophobia (13%) (Table 11). This represents a drop in proportion from the previous year where homophobic incidents accounted for 17% of all reported cases. Incidents targeting Gender Identity/Gender expression accounted for 5% of all reported incidents, which is in line with the previous year.

Table 12: RBH Incidents by Disability



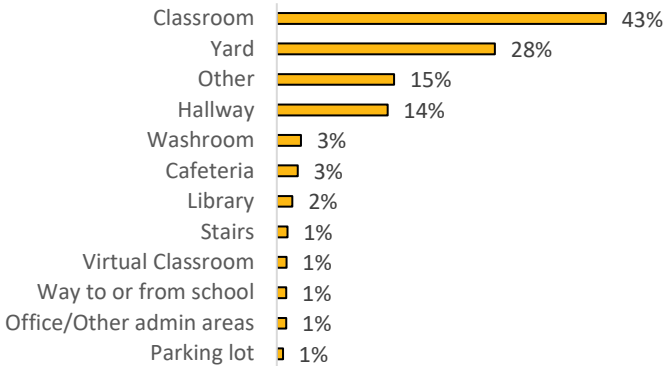
Incidents involving disability and perceived disability (Table 12) constitute a small percentage of all reported incidents (1% each).

Table 13: Nature of RBH Incidents



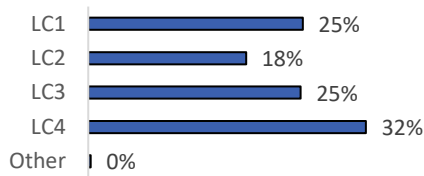
Overall, racism/hate/bias incidents were slurs/comments, which constitutes 80% of all reported incidents (Table 13).

Table 14: Location of RBH Incidents



Most reported incidents took place in the classroom or school yard. The proportion of incidents in the classroom remained the same year-over-year, while incidents reported in the school yard saw a decline of -14% (Table 14). Locations not previously reported (Other and Hallway) had significant proportions of incidents taking place in each locale (15% and 14% respectively). There were a few incidents that took place in multiple locations.

Table 15: RBH Incidents in each Learning Centre (LC)



Racism/hate/bias incidents were identified and addressed in all four Learning Centres (Table 15). The distribution of incidents among the Learning Centres was comparable to the previous year with nearly a third of incidents reported in Learning Centre 4 (32%).

3.3.2 Policies, Procedures, and Practices

To uphold human rights, governance structures and processes are reviewed with a view to integrating these obligations. The HRO supports:

- Deepening awareness about human rights and responsibilities;
- The review of Board policies, procedures, and practices to integrate human rights and responsibilities; and
- Developing capacity to implement the human rights policy and its related procedures.

Policies and procedures reviewed during this period included the following.

- *The revision of the old employment equity policy*
- *The respect in the workplace procedure*
- *The interim measures pending complaints procedure*
- *Police School Board Protocol*
- *The procedure for implementing special programs in central and elementary school programs and*
- *The fundraising policy.*

3.3.3 Professional Development, Training and Education

The HRO develops and delivers learning and skill development sessions on human rights and related matters (Table 16). This work is focused on supporting senior leaders and administrators to fulfil their responsibilities to promote, uphold and address human rights for the benefit of all, across the district.

Table 16: Professional Learning and Education

2022/2023 Training Data	
Topics	10+
People Reached	435
Business/Support Management/System Leaders	61%
School Admin/Superintendents	21%
Teachers/Students	11%
Business/Support Staff	5%
Trustees	2%

Table 17: Topics Covered

Course Name	Percentage of Trainings
Advancing Human Rights for Superintendents/System Leaders	34%
PR 728 - Racism, Bias, and Hate Portal	17%
Ethical Leadership for Human Rights, Part I and II	11%
Creating a Culture of Human Rights: Orientation for Newly Appointed Principals and Vice-Principals	10%
Human Rights 101	6%
Advancing Human Rights	4%
Special Education and Inclusion Professional Learning Session for Superintendents and Executive Superintendents	5%
Presentation on human rights (for students)	8%
Taking a Human Rights Based Approach to Education (students with Disabilities focus)	3%
Ongoing Human Rights Office related learning	2%

4. Conclusion and Future Work

The TDSB takes a human rights-based approach to education and employment, remaining deeply committed to supporting the needs of diverse communities. In this endeavour HRO staff and other employees work collaboratively across departments and schools in the district, to provide public education. The report highlights the HRO’s efforts to address the challenges in a changing landscape and identify areas of opportunity. At the end of this reporting year, four key areas of priority emerged and will be areas of focus for the HRO staff.

1. Continue to support consultation and advice provision especially on early intervention and remediation strategies.

2. Continue to support the resolution of human rights and Human Rights Code-based workplace harassment complaints.
3. Develop and deliver additional professional learning on human rights; and
4. Strengthen the capacity of the HRO team to support employees and in particular those with supervisory responsibilities, to address human rights proactively and respond to a complaint or incident.

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