

GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD

Regulation: Human Rights

Reference No: R-AD-48

1.0 INTRODUCTION

The Greater Essex County District School Board is committed to providing a learning and working environment that actively promotes and supports the dignity, worth, and human rights of all. The Board strives to create a climate of understanding and mutual respect in accordance with the *Ontario Human Rights Code*, the *Ontario Health and Safety Act* and *Canadian Charter of Rights and Freedoms*.

This Regulation applies to all members of the Greater Essex County District School Board's community including, but not limited to, students, staff, trustees, contractors, parents/guardians, volunteers, permit holders and all other persons who are invited to or who work on Board property. This procedure also covers harassment and/or discrimination by such persons when engaged in a Board-related activity or undertaking, even if off Board property.

The working and learning environment is any place where employees perform work or work-related duties and functions. Schools and school-related activities, such as extracurricular activities and excursions, comprise this environment. Conferences and training sessions fall within the ambit of this policy and regulation, as does the Board's courier system, fax, e-mail, phones, mailboxes and all forms of electronic communications.

This Regulation has been developed in keeping with *the Canadian Charter of Rights and Freedoms*, the *Ontario Human Rights Code* and *the Ontario Health and Safety Act*. **The protected grounds are age, ancestry, citizenship, colour, creed, disability, ethnic origin, family status, gender identity, gender expression, marital status, place of origin, race, receipt of public assistance*, record of offences, sex and sexual orientation.**

*only with respect to housing / accommodation

1.1 All students, staff and community members of the Greater Essex County District

Regulation

- 1.13 Nothing in the Human Rights Policy and Regulation, including, in particular, the filing of a complaint under the complaint procedure, shall preclude a person from exercising any rights they otherwise have by law, including, in particular, the filing of an application with the Human Rights Tribunal of Ontario in accordance with the *Human Rights Code* or the filing of a grievance under a collective agreement.
- 1.14 If there is a determination on a balance of probabilities that a complaint has been filed in bad faith, the complaint process may discontinue and disciplinary action may occur.

2.0 ROLES AND RESPONSIBILITIES

2.1 The Board is responsible for:

- i) supporting a working and learning environment that is respectful of human rights and free of discrimination and harassment;
- ii) understanding and communicating with members of the community its commitment to this Human Rights Policy and Regulation;
- iii) implementing and operationalizing this Human Rights Policy and Regulation; and,
- iv) supporting and providing direction in the application of this Human Rights Policy and Regulation.

2.2 The Superintendent of Human Resources is responsible for:

- i) providing consultative services to superintendents, principals and managers in managing the Human Rights Policy and Regulation;
- ii) conducting a Threshold Assessment to determine if the complaint is best handled under this policy, or if it is a matter better dealt with through other Board processes such as, but not limited to, performance management or professional misconduct, objectionable behaviour, workplace violence, and/or progressive discipline;
- iii) conducting investigations, or assisting in the investigation of complaints;
- iv) implementing the Human Rights Policy and Regulation;
- v) working with Supervisory and Managerial personnel to promote the resolution of hu0 Td()TjEM.,rot1egulat toaltm toalive2 (e v)-4Tw 12.902 0 Td822e27ndente

Individuals who believe that they are targets of discrimination or harassment based on the protected grounds* may initiate a complaint.

2.9 Request for Information

A request for information and understanding of rights, responsibilities and options to resolution may be made by the Complainant or someone on behalf of the Complainant to the immediate supervisor or Equity and Inclusion Officer.

2.10 Available supports / assistance

Prior to initiating any complaint and throughout the complaint process, Complainants have a right to assistance and support. Individuals who are named as Respondents in a complaint as well as witnesses also have a right to assistance and support throughout the complaint process.

3.0 PRELIMINARY STEP TO RESOLUTION

All individuals may opt to forego the preliminary step stage.

3.1 Resolving at Preliminary Step:

- i) Inform the individual that the behaviour is discriminatory and/or harassing and must stop immediately.
- ii) Many disputes can be resolved quickly and effectively using this approach.
- iii) Supervisory and/or Managerial Personnel may attempt to provide support to both parties, if asked, in order to resolve the incident prior to the informal stage of this procedure.

4.0 SITE BASED COMPLAINT RESOLUTION PROCESS

4.1 Informal Resolution Process

Informal resolution is a process that o resoleso3hO(es)-2.1 5.9 (e61 Td02 Tc 0.007 Tw 0 -1.1411 (

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3. Examination of relevant material which may include files and records;
and,
4. Presentation of facts in a Formal Report to the Superintendent of Human Resources or their designate for a final decision within thirty working days.

4.3 Managerial Procedures for Dealing with a Complaint

Supervisory and managerial personnel may become aware of discrimination or harassment in the workplace or learning environment in different ways. They may observe discrimination or harassment directly or receive a report from the individual affected. The Human Rights Policy and Regulation require that those who are covered by the policy report immediately alleged occurrences of discrimination and harassment. Consequently, supervisory and managerial personnel must consider reports from third parties including community partners.

Supervisory and managerial personnel have a duty to respond to and take action to resolve any alleged or suspected situations involving discrimination and harassment in a timely manner. A resolution of a complaint can prevent further negative consequences while promoting the restoration of a healthy learning or workplace environment.

See Also: R-AD-48 Appendix A: Definitions and Terms of Reference
 R-AD-48 Appendix B: Human Rights Initial Complaint Form