



**tdsb** | Human  
Rights Office

Annual Report 2018 - 2020

APPENDIX A



# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

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## EXECUTIVE SUMMARY

All students and staff have the right to learn and work in an environment free from discrimination, where they feel welcome, respected and safe. To do this, equity – built on a strong foundation of human rights – must be central to every decision we make in the Toronto District School Board.

In its Multi-Year Strategic Plan, the TDSB outlined its commitment to ensure that every student receives a great education by having equitable access to programs and resources and increased opportunities to succeed. A key action item coming out of this work was to create a culture where Human Rights moved beyond conflict management and towards a greater focus on education, understanding and system transformation.

Before effective change can happen though, we have to acknowledge the long-standing inequities and advocate for system change that centres human rights. We must also review our own data. This report connects data sets from a number of different TDSB surveys, censuses and sources to present current trends which have emerged within the Board. It also lays out a comprehensive plan to address the serious issues identified, through four specific areas: systemic accountability, capacity building within the organization, more effective outreach and engagement, and the creation of more effective incident and resolution processes.

Through this plan, the TDSB will be in a position to more effectively identify, address, remedy and prevent racism and discrimination and move closer to becoming a school system within which each and every student can succeed and reach their full potential.

### Understanding the Data

With more than 245,000 students and 40,000 staff, the TDSB is one of the most diverse school boards in Canada from the country's most multi-cultural city. Challenges experienced in the TDSB are often mirrored from societal challenges and human rights is no different.

This report is the first of its kind in the Toronto District School Board and beyond. It is critically important to note that some of the data contained within the report gives cause for deep concern. The data clearly indicates that the Board continues to have a serious racism problem. *Race or race related grounds* is the most frequent ground of complaint received by the Human Rights Office making up 54% of all complaints alleging a human rights violation. Disability is the second most frequently cited ground making up 20% of complaints.

Employees of the TDSB are required through policy to report to managerial staff any incidents of hate, bias or racism that they encounter through "hate activity reports." Incidents of racism and hate occur in TDSB schools daily and they do so in significant numbers. From September 2018 to April 2019, 15 "hate activity" reports were sent to the Human Rights Office. After identification of this issue, Board-wide communication with all system leaders was initiated, amplified and reinforced through multiple platforms. By the end of the 2018-2019 school year, 64 hate activity reports had been filed. Between June 2019 and August 31, 2020, 312 "hate incident" reports had been filed. Specifically, incidents citing anti-Black racism exceeded all other incidents reported by a wide margin. Incidents of Antisemitism have risen at an alarming rate as have incidents of homophobia.

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We must be relentless in addressing each and every one of these incidents. In the TDSB, every one of these incidents is now tracked and monitored through an updated data management system. Drawing greater emphasis to these issues has brought them to the surface so that they can be dealt with in a thorough manner and tracked appropriately for follow-up. The responsibility for doing so does not rest exclusively with staff within the Human Rights Office but also with each staff member of the Board. In fact, we must go beyond this and tap into the expertise that resides in local communities. Working through partnerships with community organizations and agencies will enable the Board to be more culturally relevant and responsive.

This report takes up data from the most recent Student and Parent Census as well as from the Staff Census and Well-Being survey in ways that have never been examined at TDSB. Through analysis of these data sets we have more evidence than ever that students who self-identify as being Black, Indigenous and Indigenous Spirituality-practicing students and gender non-conforming students are much less inclined to feel that school rules are applied to them fairly. Students that self-identify as having a “disability,” Black students, Latin American students, non-binary students, LGBTQ2S students and Indigenous Spirituality-practicing students feel much lower degrees of belonging in their school.

When Grades 7-12 students were asked whether their “teachers respect my background,” two groups were found to be significantly less likely to answer in the affirmative: Indigenous students and students who practice Indigenous Spirituality. Significant numbers of Grades 7-12 students also reported having lower degrees of well-being including East Asian students, students who practice Indigenous Spirituality, students who identify as disabled, agnostic and atheist students, students who practice Indigenous Spirituality, LGBTQ2S and non-binary students.

On the staff side, those who identify as being disabled, Black, Latin American or Muslim are less inclined to feel that “all backgrounds are treated fairly in our workplace.” Staff who identify as disabled are much less likely to feel that “harassment, discrimination or violence are harms that the TDSB aims to prevent.” 12% of strongly disagreed when they were asked if “my employer deals effectively with situations that may threaten or harm employees.” Only 55% of staff who identify as disabled agreed or strongly agreed with this statement. While it is extremely concerning that 10% of all TDSB employees reported experiencing discrimination, a recent [survey](#) by the *Centre for Canada’s Future* found that 30% of Canadians who identify with a specific diversity group reported experiencing at least one incident of discrimination at their current employer – including 41% of respondents with a disability, 40% of Indigenous respondents, 34% of respondents who identify as people of colour, 33% of LGBTQ2S respondents, and 33% of women, to put such data in some comparative perspective.

It is extremely important to note here that a disproportionate number of complaints from Black administrators involving allegations of anti-Black racism have emerged in the Board. To address this serious issue of anti-Black racism, a systemic review will be undertaken. This review will engage staff and community partners in a manner that will bring about authentic and meaningful change.

## **Advancing the Human Rights Office**

To make the kind of systemic change necessary, a strong, effective team must drive the work. Significant hiring has occurred in the Human Rights Office of the Board of human rights experts who will proactively contribute to schools and workplaces that are safe, welcoming and free of discrimination and

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harassment. These experts support and advise the TDSB community with respect to system transformation. This work however will not reside only in the Human Rights Office of the Board. Eliminating discrimination and hate is the responsibility of everyone working, learning and serving within the TDSB. We must all be committed to acknowledging long-standing inequities and advocating for change and we must recognize the importance of engaging with community partners in more accessible and culturally responsive ways.

## **Developing Strong Policy**

Creating and developing a strong policy framework is integral to this work. To that end, our recently reviewed and updated *Human Rights Policy* P031 will soon take effect. We have developed a comprehensive procedure for *Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools* (PR728). This procedure makes reporting of these incidents mandatory. It is important to be clear: ALL incidents of this type are to be reported and acted upon. The new procedure clearly outlines the steps that staff must follow in response to these types of incidents. The steps include supporting those individuals impacted by these incidents, addressing the inappropriate behaviours, putting in place corrective and preventative measures and effectively communicating these incidents to school communities in a transparent and timely manner. All TDSB policies and procedures are reviewed on an ongoing basis to ensure that, to the greatest extent possible, they are free of bias. These review processes will engage experts both within and outside of the Board.

## **Enhancing Systemic Accountability**

The TDSB must be transparent about our human rights commitments, plans, measures and progress. Everyone within our Board must know what is expected of them with respect to these commitments and be held accountable for upholding human rights. There must be consequences for poor human rights performance. The *Human Rights Action Plan* commits to develop a human rights accountability framework to clarify roles and responsibilities for human rights across the Board.

## **Building System Capacity**

The high expectations that we have for our staff in the area of Human Rights must be supported by meaningful and accessible learning opportunities. In order to be more successful in this work, staff within the Human Rights Office have developed and have a mandate to deliver professional learning to employees throughout the Board. This work has already begun. Staff have had the opportunity to learn through ongoing formal sessions but also by doing the work through structures like the Organizational Response Team. The hundreds of staff members that have participated in these meetings have been afforded the opportunity to learn and grow while working through difficult matters in a collaborative way.

## **Improving Outreach and Engagement**

TDSB staff, students and parents must be aware of their rights and responsibilities and how they can enforce these. Specifically, the human rights concerns of historically marginalized and disadvantaged groups must be identified, amplified and be at the centre of every decision made within the Board. The Human Rights Office of the Board through will work through their action plan to connect with other departments in the Board to better serve and engage students and parents. Human Rights must be brought closer to schools. This is being done through the development of resources for students and staff. It will also be supported by the creation of a "Human Rights Charter" for schools. Student Voice will be the most important element in the creation of the Charter.

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## **Resolving Incidents and Complaints**

Since the Board has begun to place greater emphasis on issues of human rights, there has been a surge in the number of incidents reported to the Human Rights Office. This has added to the backlog of cases and caused significant delay in the resolution of matters. To address this issue the Board is hiring additional staff and developing an Early Resolution Strategy with a focus on conflict resolution and mediation, where possible.

Excellence cannot be achieved within any school district without equity built upon a foundation of human rights. The Board must continue to raise the bar for all students and staff while relentlessly addressing the racism and discriminations directed towards students and staff based on their identities. To support this important commitment, the Toronto District School Board is working towards creating a culture where Human Rights means much more than a place where conflict is managed. This cultural shift is coming about through intentional work being carried out on multiple fronts.

We must enable, support and inspire the creation and preservation of a proactive, inclusive and transformational culture of Human Rights at the Toronto District School Board. In order to achieve this goal, we must make systemic changes across all areas of the Board. Strong accountability structures must be in place to ensure the monitoring of progress. Ultimately, this work must serve as a way of creating and building trust between the Board and those that we serve. In order for every one of our students and staff members to flourish, we have a duty to create schools and workplaces which are free of discrimination, harassment and hate. This is what every student and staff member at TDSB deserves. More importantly and significantly, it is their right.

## **1. Context**

### **Restructuring of the Human Rights Office & Broadening of its Mission and Mandate**

The TDSB has expanded the staffing of the Board's Human Rights Office (HRO) over the past two years from four designated staff positions at the beginning of September 2018 (1 Manager, 1 Human Rights Assistant, 2 Human Rights Investigators) to ten staff currently (1 Senior Manager, 1 Manager, 1 Human Rights Assistant, 2 Senior Human Rights Policy, Education & Organizational Change Specialists; 1 Human Rights Outreach & Engagement Officer; and 4 Senior Human Rights Officers). This reorganization and transformation of the HRO was facilitated by the hiring of a new Senior Manager in October 2018 (at which time there was only 1 casual Human Rights Assistant actively on staff). A new west office location was built in 2019 to accommodate the new HRO staff, as well as to help better protect the privacy and confidentiality of HRO service users.<sup>1</sup>

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<sup>1</sup>The Human Rights Office is thus currently spread across two locations: the previously existing fourth floor location at 5050 Yonge Street, which contains the offices of the Senior Manager, Human Rights Assistant, and two Policy, Education & Organizational Change Specialists, and the new office location at 1 Civic Court (3<sup>rd</sup> Floor), which contains the offices of the Manager and four Senior Human Rights Officers, whose activities are primarily focused on complaint resolution and investigation. The moving of the HRO's complaint function to the new location enabled a more discrete access point for persons wishing to file or discuss a human rights complaint in person, with the new location and spatial build better protecting parties' privacy and confidentiality interests.

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This expansion in HRO staffing corresponded with a renewed and expanded vision of the Mission and Mandate of the HRO. While the HRO has historical origins as a unit within Employee Services and has for much of its history (at least known recent history)<sup>2</sup> focused on *workplace* discrimination and harassment issues among *employees*, the HRO's renewed Mission and Mandate, stated below, more explicitly issues among *employees*, the HRO's renewed Mission and Mandate, stated below, more explicitly encompasses human rights protection *and* promotion for *all* TDSB members in both employment *and* educational services (i.e. seeking to more actively protect the human rights of all TDSB community members, including students). The HRO continues to impartially and fairly investigate, mediate, and address human rights and workplace harassment complaints and incidents, in keeping with the historic focus of HRO activity, however, we have also shifted our focus to more intentionally include proactively and systemically advancing human rights organizational change, in an effort to prevent human rights violations from occurring in the first place.

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<sup>2</sup> The HRO's focus on employment complaints in recent history is demonstrated in the type of complaints inherited by new HRO management in October 2011, which was all employment based, in keeping with (2017) revisions to Procedure 515. Nevertheless, a 2011-12 HRO Annual Report indicates that the Office did previously have designated positions focused on student human rights, as described in a section entitled *STUDENT SUPPORT RE HUMAN RIGHTS ISSUES* which states: "In 2005-2006, two Human Rights Student Programme Worker positions were terminated. The positions were great support to the Human Rights Office and to students who felt their human rights had been violated, and as such required the support of an advocate to have their concerns heard and addressed. The names of the Student Programme Workers were identified on the student *Know Your Rights* brochure. Since the termination of these program workers, the *Know Your Rights* brochure directs students to school staff or to the Human Rights Office if they wish to file a complaint. Students who call the HRO with human rights concerns are referred to the Students Equity Programme Advisors (SEPAs) with Equitable and Inclusive Schools, and/or the SEPAs with the Gender Based Violence Prevention Office. While there is an informal agreement that SEPAs will give support to students, there is a need for dedicated staff to support/advocate proactively and reactively on behalf of students pertaining human rights issues" (p.4-5).

## HRO MISSION

To enable, support, and inspire the creation and preservation of a proactive, inclusive, and transformational culture of human rights at the TDSB in which all members of the TDSB community:

- equitably flourish with dignity and respect;
- achieve equitable outcomes in TDSB learning and working environments, free from discrimination and harassment.

## HRO MANDATE

As the TDSB's centre of human rights expertise, the HRO:

- Advises the TDSB community about their human rights and obligations;
- Impartially and fairly investigates, mediates and addresses human rights complaints and incidents, including in the areas of employment and education;
- Proactively and systemically advances human rights organizational change including through:
  - identification of systemic issues;
  - professional development, education, and capacity building;
  - policy review and development;
  - outreach and engagement; and,
  - research, evaluation, reporting on the TDSB's human rights record.

## HRO VALUES

**Transformation** - We are committed to acknowledging long-standing inequities and advocating for systemic change to create environments that centre human rights.

**Collaboration** – We recognize the importance of engaging with stakeholders and partners in an accessible, sensitive, and meaningful way.

**Fairness** – We strive to conduct our work with professionalism, transparency, and integrity, ensuring due process is followed.

## Key Strategic Drivers

Among the key strategic drivers and enablers of the HRO's expanded mandate and resourcing was the Ministry of Education's September 2017 release of a new three-year strategy – Ontario's [Education Equity Action Plan](#) - which had as its overall aim "to identify and eliminate systemic barriers and discriminatory institutional and instructional practices that negatively impact the achievement and well-being of students". The Education Equity Action Plan led to the creation of the Education Equity Secretariat within

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the Ministry of Education, and to the “establishing [of] formal supports to promote, and ensure compliance with, principles of human rights and equity in every school board”. To this end, the Ministry designated funding for the creation of new senior level Human Rights and Equity Advisor positions for some 19 Boards.<sup>3</sup> As part of this initiative, the Ministry funded the TDSB \$426,075 per year beginning in 2018 and ongoing since, to support salary and benefits for 2.5 FTE positions within the TDSB’s Human Rights Office, as governed by (2018-20) and (2020-2021) Transfer Payment Agreements setting out the terms and conditions of this funding, including “to lead transformational change to further build cultures of respect for human rights and to identify and eliminate systemic barriers”.

Another key strategic driver for HRO activities in the last 2 year period has been the [Multi-Year Strategic Plan](#) (MYSP), first introduced in 2018 and updated in 2019. In addition to embedding human rights commitments throughout, the MYSP includes a separate and specific [Human Rights Action Plan](#) which aims to “identify and eliminate embedded systemic barriers and discriminatory and instructional practices that negatively impact the achievement and well-being of students and staff and lead to inequitable outcomes” (see Appendix B, Figure 1 for all mentions of human rights within the MYSP beyond the Human Rights Action Plan; see Appendix B Figure 2 for the Human Rights Action Plan).

## 1.3 Key Activities

### 1.3.1 September 1<sup>st</sup>, 2018 – August 31<sup>st</sup>, 2019

Much of the 2018-19 year was focused on rebuilding and restructuring the HRO, including revising and creating new job positions and hiring 10 new staff, including through six separate job competitions. The HRO’s new staff complement over the 2018-20 period included:

Summary of the HRO positions and staffing complement			
Position title	# of Positions	Reports to	Roles and responsibilities outlined in job posting
Senior Manager, HRO	1	Executive Superintendent, Human Rights and Indigenous Education	Oversee Human Rights Office and provides the Board system leadership promoting and advancing a culture of human rights in TDSB schools and workplaces.
Manager, HRO	1	Senior Manager	General management duties, but primary duties over 2019-2020 period involves complaint management & resolution

<sup>3</sup> According to the 2018-20 TPA: “The mandate of Human Rights and Equity Advisors is to, through moral suasion, work with the Director of the Board and the board’s senior team in order to further foster cultures of respect for human rights and equity, and to help identify and address systemically based human rights and equity issues, and to make generally known the availability of regionally based concerns and complaints services and to, where appropriate, refer members of board communities to the service” (2018-2020 Transfer Payment Agreement, p. 21).

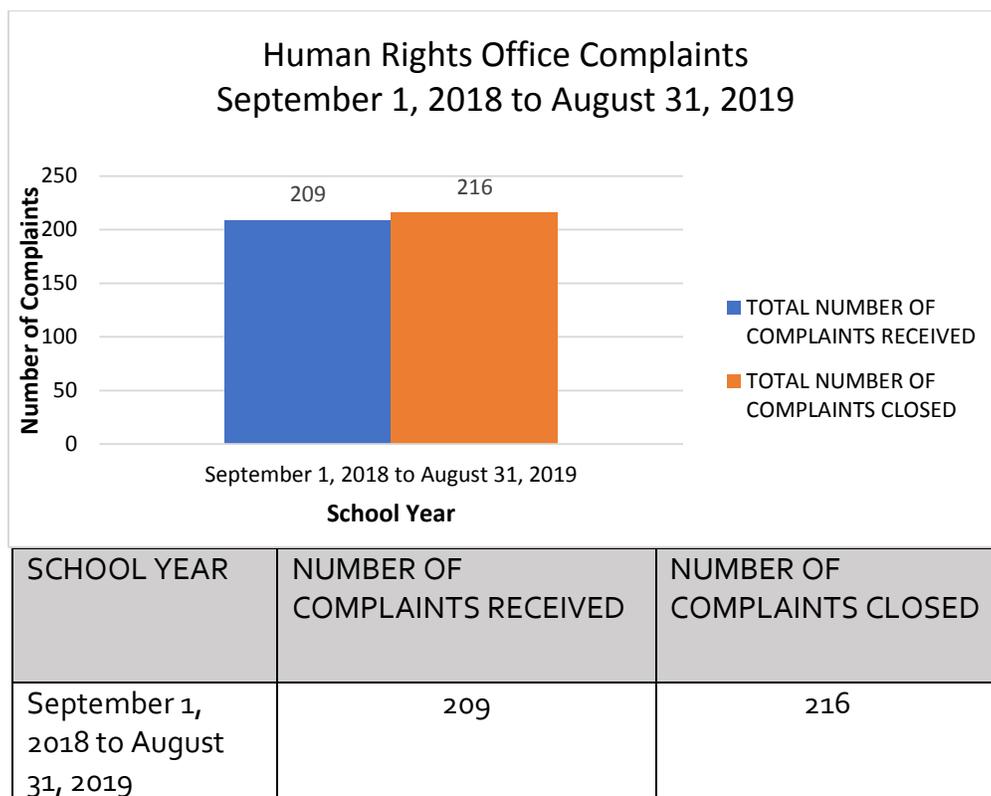
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Senior Human Rights Officers (SHRO)	4	Manager	Senior Human Rights Officers are responsible for resolving harassment and discrimination incidents and complaints – from conducting and overseeing investigations, to providing interpretation, advice, and guidance to staff on matters related to Human Rights Code, Human Rights, and Workplace Harassment Prevention Policies and Procedures.
Senior Human Rights Policy, Education and Organizational Change Specialists (SHRP's)	2	Manager (with dotted line to Senior Manager); Reported directly to Sr Manager 19-20 period.	The Senior Human Rights Policy, Education & Organizational Change Specialists are responsible for developing and reviewing system policies, practices, procedures, and initiatives from an inclusive human rights design perspective. They are also responsible for building human rights and workplace harassment prevention skills, understanding, competency, and capacity across the system through the design and delivery of human rights education programs and other capacity-building tools and initiatives.
Human Rights Outreach and Engagement Officer	1	Manager (with dotted line to Senior Manager); Primarily reported directly to Sr Manager for 19-20 period.	The Human Rights Outreach and Engagement Officer is responsible for developing and implementing focused outreach and engagement strategies to better serve and support the realization of human rights within the school community (including among students, parents, teachers, and staff).
Human Rights Assistant	1	Senior Manager	Administratively supports and manages office inquiries and complaint intake, and provides general administrative support to the Senior Manager, Manager and entire office.

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## Complaints management

Between September 1, 2018 and August 31, 2019, the HRO received 209 new Human Rights and Workplace Harassment Prevention complaints and closed 216 such complaints over this same period. There were an additional 64 Hate Activity Reports (515B forms) pertaining to hate-related incidents in schools submitted by school administrators to the HRO between September 1, 2018 and August 31, 2019. A more fulsome description and evaluation of complaint trends and hate activity trends, year over year, is contained in section 2.1b.



Complaint management consumed much of the fledgling office’s attention, as efforts were made to address the very large backlog of inherited cases (there were 287 existing active complaints carried over into the new 18/19 school year, as of September 1, 2018), including through the hiring in July 2019 and October 2019 of two additional short term Senior Human Rights to assist with complaint backlog reduction. The HRO also partnered with the Labour Relations Department on a Mediation Pilot with Canadian Union of Public Employees (CUPE), led by the Senior Manager of Labour Relations, that led to the resolution of more than 15 CUPE Unit C complaints in October 2018.

A concerted effort was made under the leadership of the new Senior Manager to modernize the HRO’s case management and incident reporting system and processes, including through the introduction of new digital case management software, and new online reporting portals, the work of which began in 2018, with support from the Information Technology (IT) Services Department that culminated in a major contract with KPMG to construct the new system builds on the Service Now platform (saving TDSB licensing and contracting costs due to economy of scale, due to pre-existing IT contracts and service agreements with KPMG and Service Now in other areas of the Board) . The new system builds beginning in 2018 included:

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- a new Racism, Bias & Hate (RBH) Reporting Portal for Principals and Superintendents to report and manage responses to incidents of racism and hate involving or impacting students
- a new Inquiry Portal and Complaint Portal for HRO human rights inquiries and complaints from TDSB community members
- a new case management system for managing and tracking human rights and workplace harassment complaints.

The RBH Portal was completed by the end of the 18/19 school year, at which time initial testing began, before launching a pilot at the beginning of the 19/20 school year (see Year 2 description of activities for more in this respect).

## Outreach & Engagement / Communications / Learning

Upon joining the Board in October 2018, the Senior Manager endeavoured to establish and build new relationships with the diverse members of the TDSB community. This was achieved in a variety of ways, including through the initiation of regularized formal meetings with CUPE, Elementary Teachers Federation of Ontario (ETFO), and Ontario Secondary School Teachers Federation (OSSTF) Leaders and Executives, engagements with Toronto School Administrators Association (TSAA), Toronto Supervisory Officers Association (TSOA) and Ontario Principals Council (OPC), as well as through formal meetings with Executive Superintendents and Superintendents in each of the four Learning Centres, to gain further insight into the practical human rights and workplace harassment issues arising in their respective areas, and to help identify priority issues and learning needs from their perspective, while getting feedback on proposed HRO plans and priorities.

A concerted effort was also made to better reach the school community, including through the creation of a new dedicated Outreach and Engagement Officer position (whose express mandate is to “help to further build a culture of human rights within TDSB schools”), as well as through targeted outreach and communications efforts. The Associate Director responsible for Student Voice, Parent & Community Engagement & Well-Being, for example, partnered with the Human Rights Office in the production, release and promotion (June 11, 2019) of a new [Expected Practices for Understanding, Addressing & Preventing Discrimination](#) Resource Guide (released June 2019; updated September 2019 and September 2020), which set out clear expectations for school administrators and staff on how to protect and promote human rights. This was accompanied by a live recorded Webinar for 500+ TDSB School Principals (June 12, 2019) explaining expectations for school-based administrators in addressing and preventing discrimination and answering related questions, as well as by supporting written and video communications by the Director of the Board, and the subsequent HRO production and release of a companion guide geared towards parents and students, [Protecting & Promoting Human Rights and Addressing Discrimination in our Schools](#). The HRO also provided training on the topic of “Addressing and Preventing Discrimination and Harassment in the School and Workplace” for approximately 30 Principal candidates (July 11, 2019).

The HRO Senior Manager also engaged in Board initiatives more specifically aimed at addressing anti-Black racism and advancing student excellence and achievement among Black students, including presenting at: the Black Student Excellence Summit (February 7, 2019) on the topic of *Human Rights and (Racial) Equity: Towards a Conceptual Framework*; the York Participatory Action Research Summer

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Institute on Black Student Success and Excellence to a class of TDSB student researchers (July 23, 2019) on the topic of *Identifying Discrimination: The Key Role of Research*; the Black Student Achievement Community Advisory Committee (April 1, 2019) to share key HRO developments and proposed human rights strategic priorities and plans, and invite feedback. The HRO Senior Manager also joined numerous Black Student Excellence and Success Planning meetings and joined the Black Student Excellence Research Committee. He was a panelist presenting on human rights and anti-Black racism efforts at the TDSB, at the annual *Akua Benjamin Legacy Lecture* and panel at Ryerson University – “Looking Back, Moving Forward” (October 31, 2019) – and at the February 4, 2020 *Blackness in Canada Policy Networking (BCPN) Conference: Critical Issues for Building Robust Community-Academic Alliances* (“Building a Public Policy network(s) and knowledge sharing partnership(s) aimed at influencing policy development, implementation and outcomes”).

Over the course of the HRO’s 2018/19 school year, the HRO furthermore provided targeted human rights professional development and learning for the Board’s senior management team, including through dedicated human rights-focused learning sessions at Senior Team Council for Superintendents, Executive Superintendents, Associate Directors and the Director, including on *Human Rights and Equity: Towards a Conceptual Framework* (February 11, 2019) and *Expected Practices for Understanding and Addressing Discrimination* (June 10, 2019), which included a presentation and role based scenario group work.

The HRO also helped to identify, support and recommend remedial training and resources for TDSB employees on such topics as sexual harassment, racism/anti-Black racism, and workplace harassment following substantiated workplace harassment investigations.

## **Policy /Governance/Accountability**

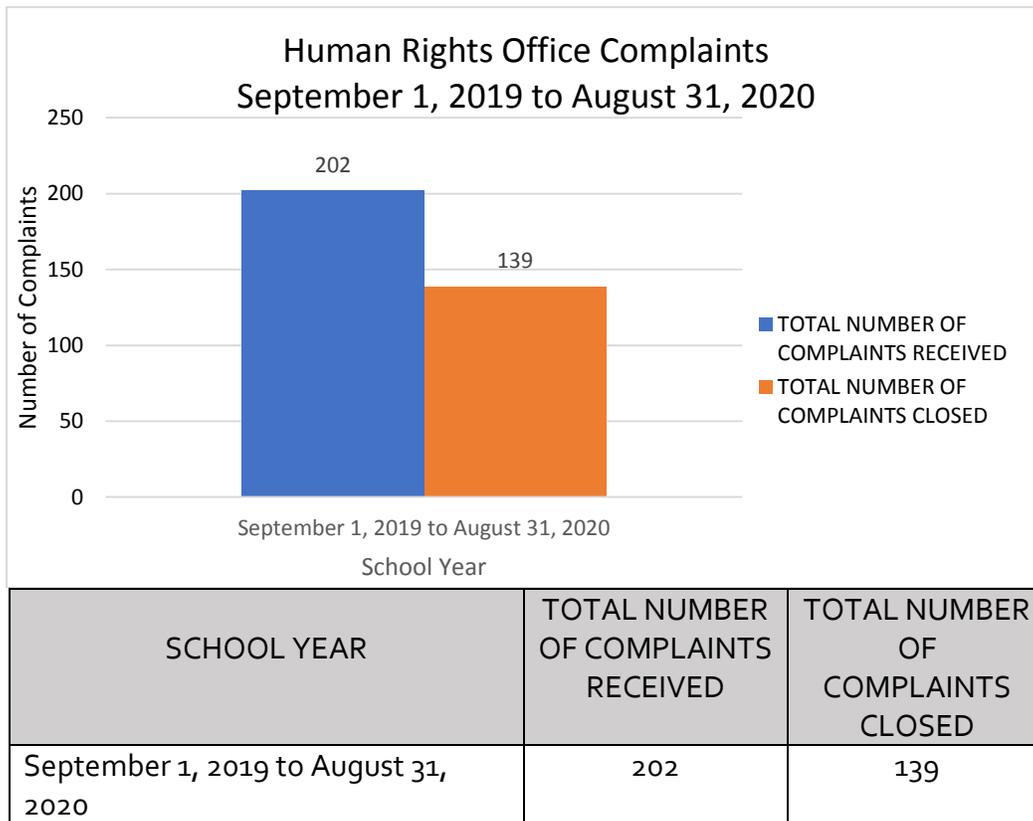
The HRO also developed new guidance materials internally in partnership with Employee Services to help inform their implementation of “religious holy day” provisions, engaging several Employee Service management meetings to discuss developments in creed human rights policy and case law. The HRO was also engaged by Employee Services on initial work around updating and consolidating the Board’s various Sexual Harassment Policies.

### **1.3.2 September 1st , 2019-August 31st , 2020**

#### **Complaints management**

The Human Rights Office received 202 new human rights and workplace harassment complaints over the course of the September 2019/20 fiscal school year and closed 139 cases over this same period.

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Complaint management and resolution continued to be a major focus of HRO activity over this period of time, which saw some turnover in staff, a very large growth in hate activity reports (291 in total) and in HRO consultations overall over the course of the 19/20 fiscal school year, following the launch of *Expected Practices for Understanding, Addressing and Preventing Discrimination* in June 2019 and targeted executive-level communications, as well as webinars and training on the need for administrators to report and consult on racism and hate activity in schools, with renewed emphasis on human rights accountability.

The complaint resolution side of the Human Rights Office – including the Manager, Human Rights Assistant, and Senior Human Rights Officers, as well as the Outreach & Engagement Officer who has been heavily involved in issue management this past year –began tracking consultations in January 2020, and saw a significant uptick in the volume of consultation request, counting 197 consultations between January 1 and August 31<sup>st</sup>, 2020. Most of these consultations were with Principals/Vice Principals (49%) and Superintendents/Executive Superintendents (40%) seeking advice on their human rights responsibilities. A more fulsome description and evaluation of complaint and hate activity trends, as well as consultations, year over year, is contained in section 2.

The HRO brought on a new temporary casual member of staff between November 2019 and January 2020 to assist with the digitization and organization of complaint files to support more efficient administration. The HRO’s contract with KPMG was also renewed on August 26, 2019 to complete the development of the Racism, Bias and Hate (RBH) Portal on the Service Now platform, as well as the new online Human Rights Inquiry Portal for TDSB staff to submit inquiries (which is nearing completion), and the HRO’s new case management system for human rights and workplace harassment complaints management and reporting.

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## **Policy/Governance/Accountability/Evaluation**

HRO efforts were also heavily focused on revising Board policies and procedures in the 19/20 fiscal school year, with policy renewal being deemed a critical primary ingredient of any future systemic human rights organizational change and human rights-focused professional development and capacity building across the Board. The Senior Manager of the HRO began engaging the Director of the Board and Executive Superintendents of Employee Services and Human Rights and Indigenous Education in discussions in December 2019 about the need to re-align organizational roles and responsibilities to better enable the HRO to attend to the protection and promotion of human rights not only for employees but also for students and the school community, and to address resource pressures. Meetings began in December 2019; at which time the Director of the Board made the executive decision to support the transitioning of non-human rights-based workplace harassment complaints – which accounted for 45% of all HRO complaints in 2018/19 year - to Employee Services. The original goal of transitioning these files out of the HRO was no later than the beginning of September 2020 and Employee Services was allocated additional funds for this purpose. Due to pandemic related activities work on this transition was still in progress at the start of the school year and is currently being completed.

The TDSB's (Po31) Human Rights Policy and (Po34) Workplace Harassment Prevention Policy were reviewed and revised internally to help effect this transitioning of roles and responsibilities including by separating human rights policies and procedures (the proper domain of the HRO) from non-human rights-based workplace harassment policy and procedure. A revised draft version of each of these two policies was tabled for Executive Committee approval for public consultation on August 31, 2020. The approval process for both policies, however, was also put on hold, due in no small part to competing pressures and priorities in the context of Covid-19 pandemic planning, which also led to a temporary moratorium on policy consultations at the time.

Just prior to the onset of the Covid-19 pandemic, the HRO developed a critical new Procedure ([PR728](#)) [Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools](#) which was approved by Executive Council December 17, 2019. The new procedure had its origins in a May 15, 2019 Trustee Motion ("[Dealing with Incidents of Racism and Hate](#)") that was approved by the Board on June 19, 2019.<sup>4</sup> The Motion followed a high-profile racist incident involving students in a TDSB school in the 18/19 school year which received extensive media coverage, and revealed some gaps and inconsistencies in how racism and hate incidents were being handled at the local school level. One of the main goals of the new procedure – and the accompanying new online reporting system (Racism, Bias and Hate Portal) developed to support its implementation - is to increase the TDSB's capacity to more effectively, consistently, appropriately and proactively identify, track, respond to and prevent incidents of racism and hate of all kinds in TDSB schools, including by helping local administrators resolve matters early, with the supports they need to do so effectively. The new procedure places a duty on all staff who witness or become apprised of a racism or hate/bias incident to report the incident to the school Principal, who must in turn report the incident through the new online portal to their Superintendent and the

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<sup>4</sup> The Trustee Motion called for (1) tracking incidents, (2) tracking actions taken, (3) communication and follow-up with students and parents/caregivers, and (4) an annual report to Trustees, presented by the Director, detailing the above elements in addition to information about post-incident student learning.

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Human Rights Office. The Superintendent, in turn, is responsible for overseeing and reporting any remedial action plans in response to the incident in the RBH portal, with advisory support from the HRO and a multi-disciplinary *Organizational Response Team* (ORT) as need be. The new procedure was received by the Governance and Policy Committee (GPC) and the Board on January 8th and February 5th, 2020, respectively, and became operationally effective for the first time – in revised form (based on Director directed revisions) - on June 24th, 2020.<sup>5</sup> The introduction of this new early resolution focused Procedure is a particularly significant signpost of the HRO's new and expanded mandate, as it began to position the HRO as a key player in addressing human rights issues and conflicts involving or impacting students in schools.

Another important development in the 19/20 school year was the formation of a *Human Rights, Equity & Indigenous Education Coordinating & Issue Management Committee* to provide a consultative forum for TDSB senior leaders to effectively coordinate and align human rights, equity and Indigenous rights related work across the TDSB. The first meeting of the Committee was held on March 6, 2020, chaired by the Associate Director of Equity, Well-Being and School Improvement, and was attended by the Executive Superintendent of Human Rights and Indigenous Education, the Superintendent of Equity, Anti-Oppression and Early Years, the Centrally Assigned Principal and Lead of the Black Student Excellence Initiative; Centrally Assigned Principal and Board Lead of Indigenous Education, and the Senior Manager of Human Rights.

## **Outreach & Engagement / Communications**

The HRO continued its outreach and engagement efforts in 2019/20, partnering with the *Jean Augustine Chair in Education, Community and the Diaspora*, and *York University's Institute for Social Research and Ontario Tech University* to host its first inaugural annual symposium, *Advancing Human Rights in Education: A Two Day Symposium on Organizational Best Practice*. The event was hosted at York University's newly built Student Centre on November 26<sup>th</sup> and 27<sup>th</sup>, 2019. Over 85 people participated in the symposium, mainly from various boards of education from across the Greater Toronto, Hamilton, and Ottawa Area. Directors of Education, senior administrative leaders, human rights and equity practitioners and representatives from the Education Equity Secretariat and other school boards across the GTA and province participated in this event to learn about organizational best practice in the administration of human rights in school boards. The keynote speech - *Human Rights At School: Where We Are And Where We Need To Be* – was given by Shree Paradkar, and moderated by Dr. Carl James. The event was deemed a great success and received very positive evaluations at its conclusion.

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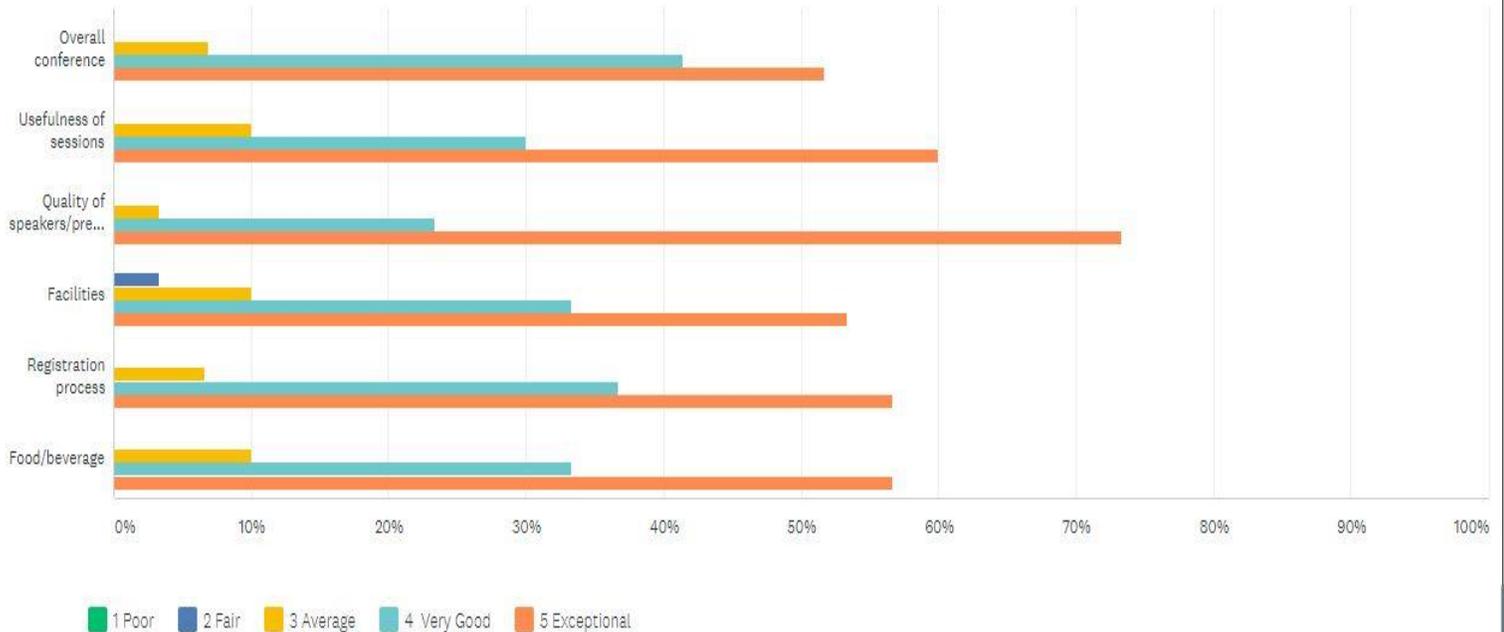
<sup>5</sup> PR728 was revised back closer to its original form with Executive Council approval on September 22, 2020, the revised version of which was made effective with the November 2, 2020 soft launch of the new procedure and online of the RBH Portal, the latter of which was hard-launched (i.e. made mandatory to use) on November 30<sup>th</sup>.

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The HRO continued regularized meetings and engagements with employees, administrators, bargaining agents, partners and community members to seek meaningful input on initiatives.

Your feedback is important to us and will help to inform future events. Please rate the following aspects of the symposium using the following scale: ...

Answered: 30 Skipped: 0



Advancing Human Rights in Education 2019 Symposium Feedback Form

🔍 (0)

## Feedback on Keynote

Answered: 28 Skipped: 2



Advancing Human Rights in Education 2019 Symposium Feedback Form

🔍 (0)

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For example, the HRO held regular meetings with the executive of OSSTF and CUPE; presented to the The Schedule II Network (TSTN) Executive (December 19, 2019); and developed and promoted new resource for students and parents, *Protecting & Promoting Human Rights and Addressing Discrimination in our Schools*. The HRO also presented to the Board's Equity Policy Community Advisory Committee (on January 27, 2020) on the new RBH (Racism, Bias, Hate) Portal and Procedure 728, with a focus on questions of race-based data collection (in particular the collection of Participant Observation Information to monitor potential racial bias). The HRO also participated and provided significant input on the Steering Committee of the TDSB's Gender Change Implementation Project to implement the Ministry of Education's directive to add two new genders for students in administrative data fields, in addition to female and male. The HRO also developed and released a new guideline for students and parents (October 2019) - *Protecting & Promoting Human Rights and Addressing Discrimination in our Schools* – to supplement the *Expected Practices for Understanding, Addressing and Preventing Discrimination* (for staff) guide released on the TDSB's website in June of 2019.

## Learning

The HRO also continued to offer professional development and learning to other areas of the Board to support human rights compliance and capacity building, including launching the first of a planned 8-part training series on conducting human rights investigations for senior leaders. The first learning session in the series – a one-hour (Introduction to Investigations) presentation and Q & A - was delivered by the HRO Manager to Superintendents in Learning Centre 2 and Learning Centre 3 on January 10, 2020, and Learning Centre 1 and Learning Centre 4 on February 6, 2020. The series was subsequently interrupted by the pandemic.

The HRO presented the new Procedure 728 (Reporting and Responding to Incidents of Racism and Hate) to Senior Team Council on January 13, 2020, and also hosted a learning/dialogue session on the RBH (Racism, Bias, Hate) Portal, on March 2, 2020 with the Vice-Chairs of the Toronto School Administrators' Association. Other HRO training activities in the 19/20 school year included:

- Human rights, equity and anti-racism training for the Swansea school parent council (January 28, 2020);
- *Becoming an Equitable and Ethical Leader* (Part II), delivered April 21, 2020 to Business & Operation Department staff who were registered in the Leadership, Excellence and Development Program ("LEAD"), as part of the "Leading with an Equitable Lens" module. The focus of the course was to provide an introduction to thinking about rights and responsibilities under the *Ontario Human Rights Code* (OHRC), *Occupational Health and Safety Act* (OHSA), Board policies P031, P034, PR515, and the *Expected Practices for Understanding, Addressing and Preventing Discrimination* Guide;
- *An Introduction to the Human Rights Complaints Process* – HRO training on the Human Rights and Workplace Harassment Complaint Process for Schedule II TSTN Network, December 19, 2019;

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- *Anti-Black Racism in the Workplace* online webinar (available [here](#)) produced and delivered by the HRO for the TSTN Network (July 31, 2020);

The HRO also updated the *Human Rights and Respect in the Workplace for Supervisors* mandatory Compliance Training e-Learning Module, which was uploaded to Key to Learn at the beginning of September 2020.

Finally, the HRO also launched its own internal HRO staff “Lunch and Learn” and “Think Tank” series to support HRO human rights professional development, problem-solving, information sharing, and team building. The first session was hosted by Natasha Prasad on December 13, 2019, on *Activating Indigenous Voices: The Role of Human Rights Education in Reconciliation*.

## Current Trends

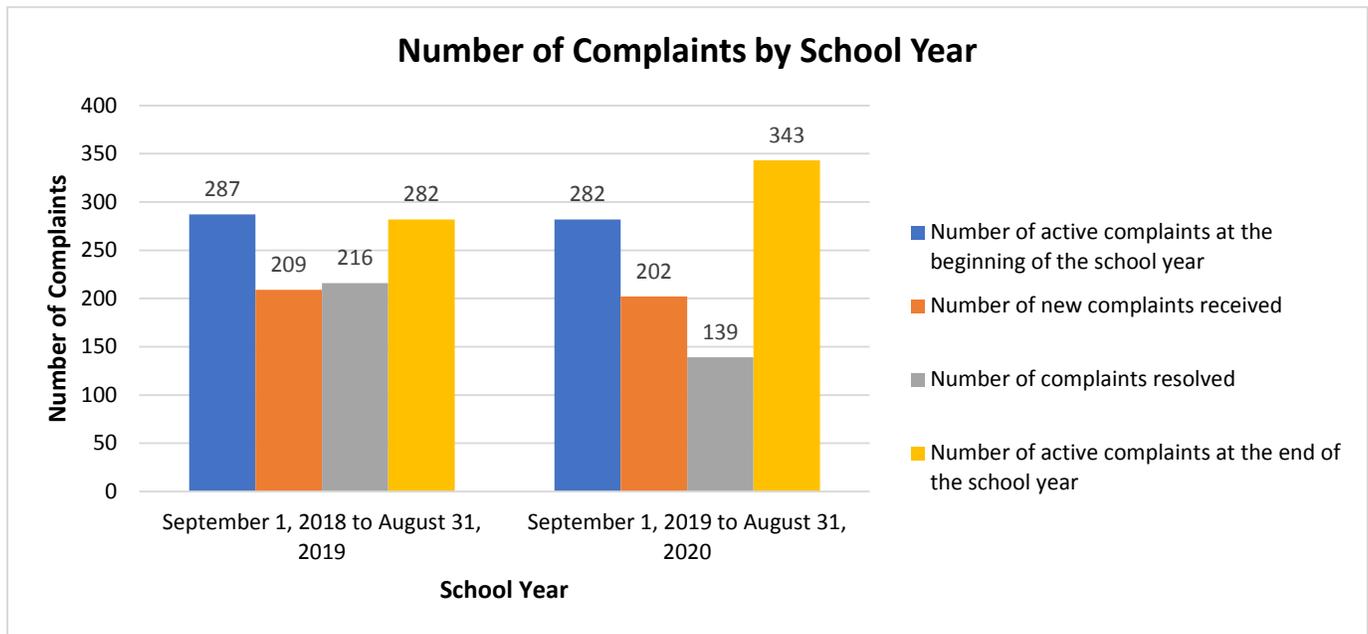
The following section provides and discusses notable current trends, as revealed by HRO complaint data and other relevant HRO data. All of the data cited below is contained in fuller detail and form, including accessible table form, in the Appendices (for full data sets, see Appendix B for Complaint Data, Appendix D for HRO Data, Appendix E for Hate Activity Report Data, and Appendix F for Consult Data).

### 2.1 Complaints

#### Number of complaints

The HRO began 2018 with 287 complaints (as of Sept. 1, 2018) and received another 209 complaints the same 2018/2019 school year (“school year” defined as September 1<sup>st</sup> to August 31<sup>st</sup>). By the end of the school year, the HRO had resolved and closed 216 complaints, and was left with 282 active complaints remaining (i.e. six less than what it began with). In the 2019/2020 school year, the HRO began with 282 complaints (as of Sept. 1, 2019) and received another 202 complaints that same year. By the end of the year (Aug. 31, 2020), the HRO had resolved 139 complaints, and was left with a total of 343 active cases. Reasons for the growing caseload and persisting backlog, including associated challenges, are discussed in sections 3.2.2. and 3.4.1 below).

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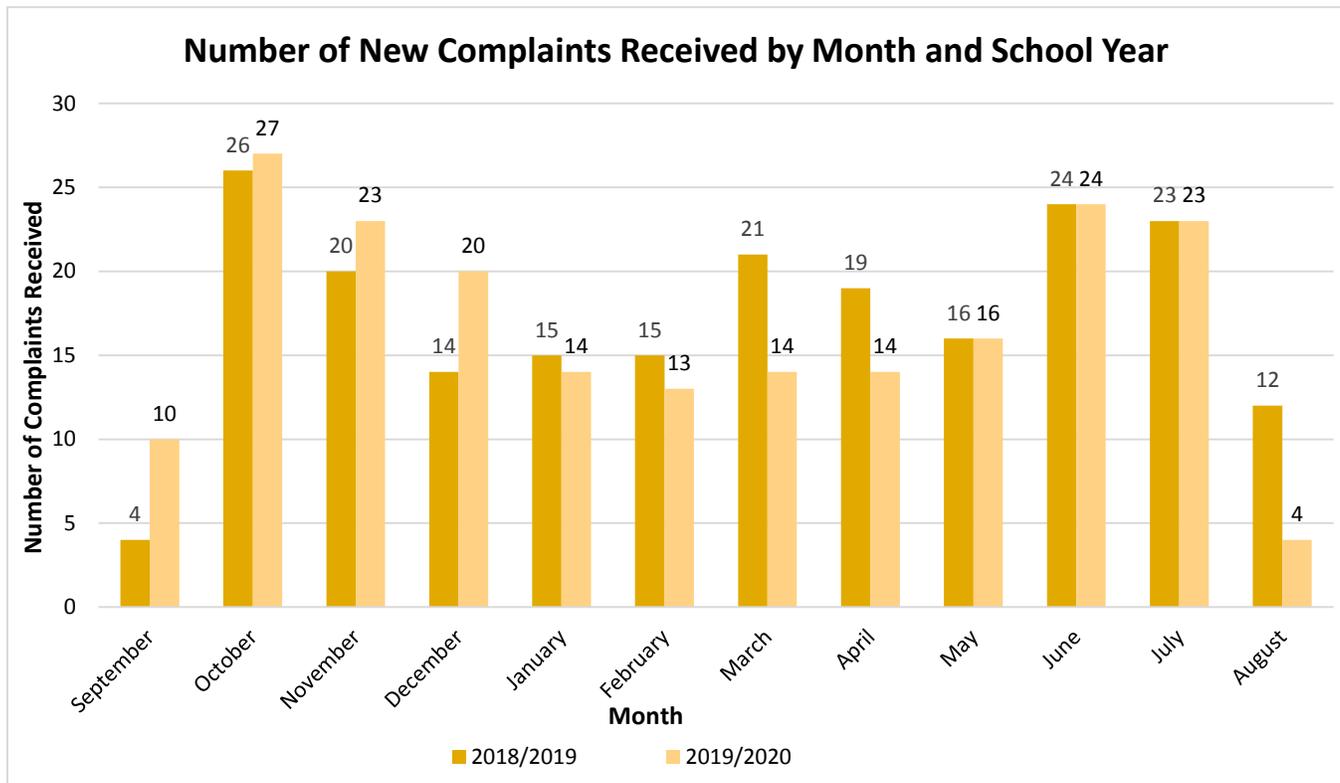


Number of Human Rights Office Discrimination and Harassment Complaints by School Year

SCHOOL YEAR	NUMBER OF ACTIVE COMPLAINTS AT THE START OF THE SCHOOL YEAR (September 1)	NUMBER OF COMPLAINTS RECEIVED	NUMBER OF COMPLAINTS RESOLVED	NUMBER OF ACTIVE COMPLAINTS AT THE END OF THE SCHOOL YEAR (August 31)
September 1, 2018 to August 31, 2019	287	209	216	282
September 1, 2019 to August 31, 2020	282	202	139	343

While TDSB school closures after March 14, 2020 due to the COVID-19 pandemic led to less people physically interacting overall in schools and workplaces, the number of complaints remained fairly steady over time, albeit decreasing slightly relative to preceding months when the HRO was on pace for a record number of complaints had the preceding average monthly rate of complaints been sustained over time.

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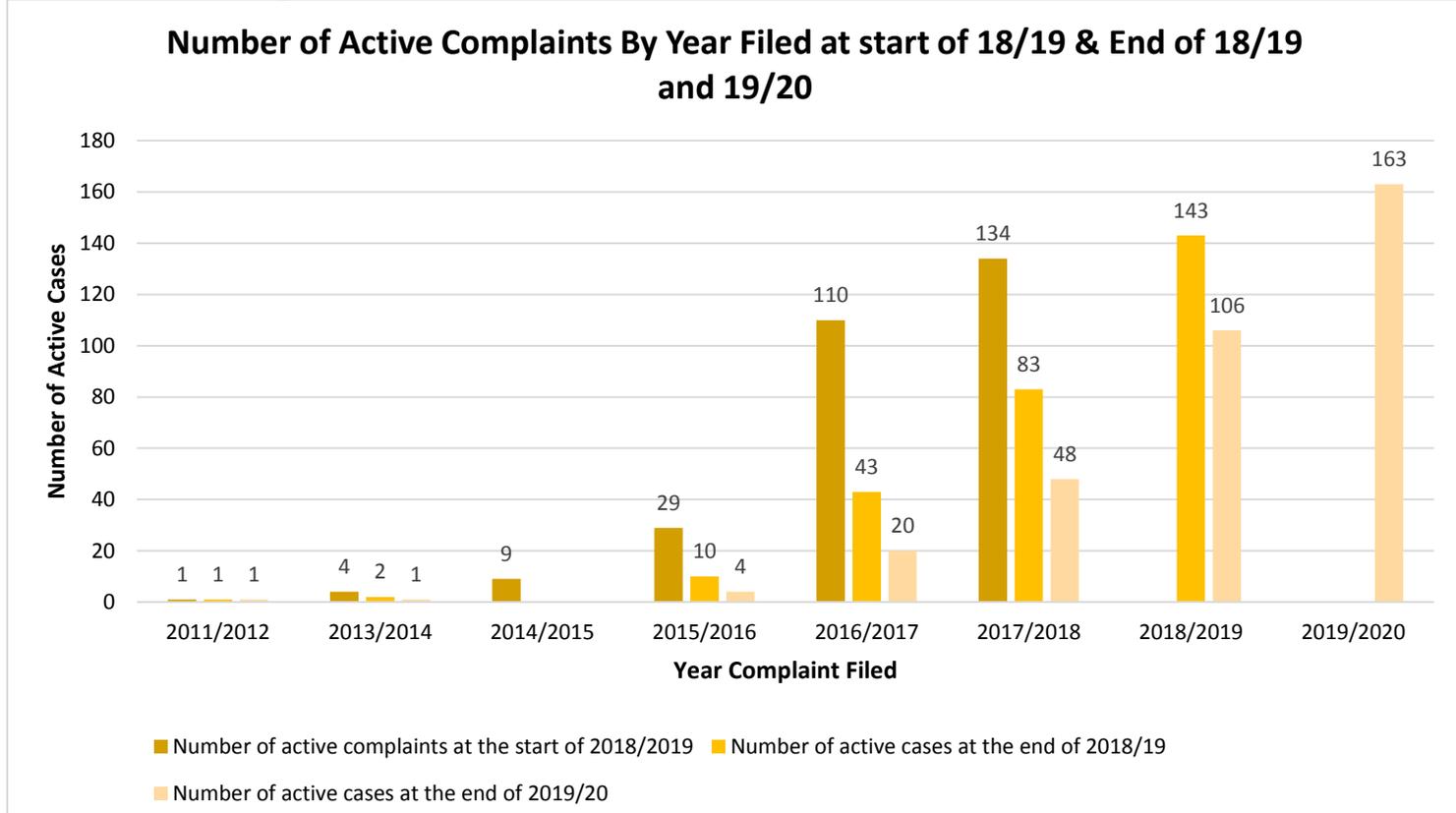
Number of New Complaints Received by Month and School Year

Month	Number of Complaints Received in the 2018/2019 School Year	Number of Complaints Received in the 2019/2020 School Year
September	4	10
October	26	27
November	20	23
December	14	20
January	15	14
February	15	13
March	21	14
April	19	14
May	16	16
June	24	24
July	23	23
August	12	4
<b>TOTAL</b>	<b>209</b>	<b>202</b>

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## Age of complaints

The HRO inherited a significant backlog of cases at the start of the 2018 school year – including many old cases dating years back – the oldest of which have been gradually reduced over time through targeted backlog reduction efforts (including with the hiring of temporary staff to address backlog in 2019), as demonstrated in the graph below.



However, the backlog of cases continues to grow, for reasons discussed in section 3.4.1, as revealed by the total average age of active cases which decreased from 446.7 at the start of the 2018/19 school year to 438.8 days by the end of the 2018/19 school year but then increased to 478.3 days in 2019/20.

Defining backlog as any case that is older than 270 days,<sup>6</sup> there was a backlog of 177 cases at the beginning of 2018/19 (constituting 62% of the total 287 cases), which was reduced to 171 cases (61% of all

<sup>6</sup> For the purposes of this Report, backlog is defined as any case that is older than 270 days (i.e. approximately 9+ months). While cases should ideally be resolved much earlier than 9 months –anything older than this becomes increasingly difficult to justify, even accounting for the fairly lengthy PR515 process from the point of acknowledgement of a complaint, to the threshold assessment phase (where the HRO or management may need to do further early information gathering), to the communication of next steps (where an investigator may be assigned), and factoring in the iterative process providing for consideration of party feedback at the report drafting stage where a formal investigation is conducted, and other such potential contingencies unique to the school board environment (e.g. the need in some cases for union/association representation at each phase, and availability of parties and representatives as such, including at the conclusion to communicate the results of the investigation and any corrective actions to be taken).

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282 active cases) by the end of 2018/19, but increased to a backlog of 228 cases (66% of all 343 active cases) by the end of the 2019/20.

MONTHS	DAYS	NUMBER OF COMPLAINTS AT BEGINNING OF 2018/2019	NUMBER OF COMPLAINTS AT THE END OF 2018/2019	NUMBER OF COMPLAINTS AT THE END OF 2019/2020
1 – 3	90 days or less	26	51	46
4 – 6	91 – 180	39	38	39
7 – 9	181 – 270	45	22	30
10 – 12	271 – 360	23	32	47
13 – 18	361 – 540	67	33	66
19 – 24	541 – 720	42	50	41
25 or older	721 and older	45	56	74
TOTAL		287	282	343
AVERAGE Age (days)		446.7	438.8	478.3

Reasons for the backlog and consequent delays in complaint processing are discussed in further detail in section 3.4.1

On somewhat positive note, the average age of cases that have been closed has reduced over time, from 576 to 539 days old (a reduction of 37 days), as discussed in section 3.2.2. Nevertheless, this is not an acceptable standard, and concerted efforts will need to be made to reduce this significantly over the coming months and years.

Number of Closed Cases by Age (Days and Months from Open to Close), 18/19 and 19/20

Months	Days	Number of complaints closed in 2018/2019	Number of complaints closed in 2019/2020
1 – 3	90 days or less	30	21
4 – 6	91 - 180	32	18
7 – 9	181 - 270	14	12
10 – 12	271 - 360	18	8
13 – 18	361 – 540	20	15
19 – 24	541 – 720	17	16
25 or older	721 and older	85	49
TOTAL		216	139
AVERAGE AGE (days)		576.19	538.99

## Type of complaints: human rights versus (non-Code) workplace harassment

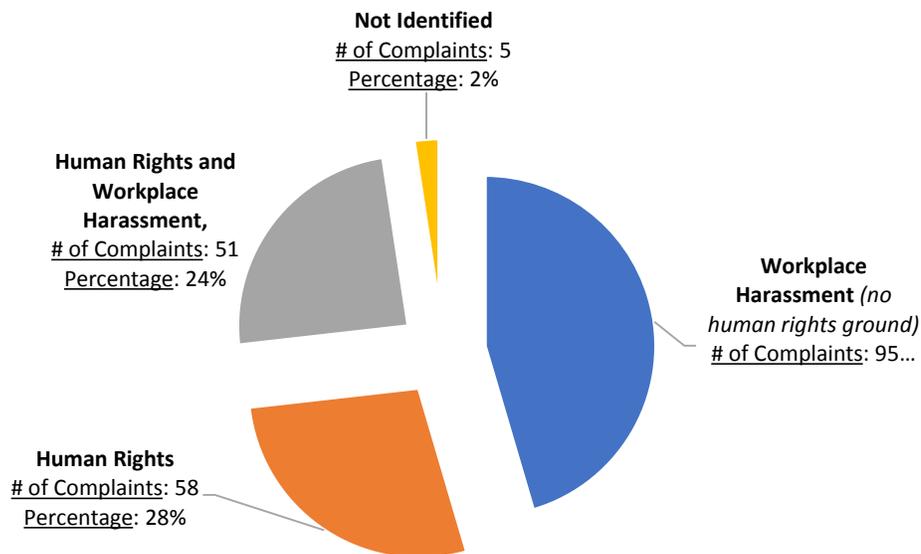
In 2018/19, 52% (109) of all cases (209) filed with the HRO in the 18/19 year cited human rights as a basis for the complaint. A further 45% (95) of all cases filed with the HRO in the 18/19 year cited workplace

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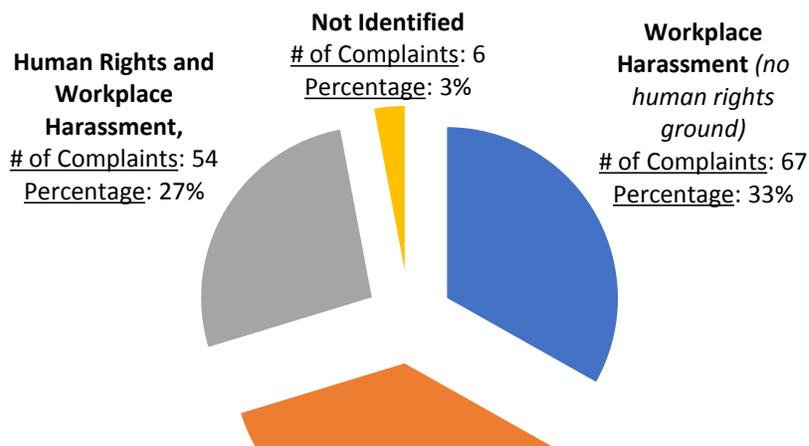
harassment as the basis for the complaint, with no human rights ground cited. In the 2019/20 school year, a growing proportion of cases filed with the HRO – some 64% (or 129 of 202) – cited human rights as the basis for the complaint, as compared to 33% (67) of all cases which cited workplace harassment in the absence of any human rights basis for the complaint.

TYPE OF COMPLAINT	2018/2019 NUMBER OF COMPLAINTS	2018/2019 PERCENTAGE	2019/2020 NUMBER OF COMPLAINTS	2019/2020 PERCENTAGE
Workplace Harassment (no human rights ground)	95	45%	67	33%
Human Rights	58	28%	75	37%
Human Rights and Workplace Harassment	51	24%	54	27%
Not Identified	5	2%	6	3%
TOTALS	209	100%	202	100%

**Number and Percentage of Human Rights Office Complaints Received by Type 2018/2019**



**Number and Percentage of Human Rights Office Complaints Received by Type 2019/2020**



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## Grounds

Of the complaints alleging a human rights violation, a large majority of cases in both 2018/19 and 2019/20 cited a race or race related ground (race, colour, ethnic origin, ancestry, place of origin, citizenship), including 49% (or 53 of 109 total) in 18/19 and 54% (70 of 129 total) in 19/20.<sup>7</sup> The next most frequently cited ground of complaints in 18/19 after race and race related, in descending order, was disability (20% or 22), not identified (17% or 19), sex (15% or 16) and age (11% or 12).

In the 2019/2020 school year, the most frequently cited ground after race or a race related ground was disability (22% or 28), age (21% or 27), not identified (14% or 18) and sex (9% or 12). See Appendix B, Figure 7 for all individual grounds cited, and accompanying tables, which show a particularly sharp increase in the number and percentage of 19/20 school year complaints based on ancestry as compared to the year before (increasing from 3 or 3% in 18/19 to 14 or 11% in 19/20) and age (increasing from 12 or 11% in 18/19 to 27 or 21% in 19/20).

Number and Percentage of Human Rights Complaints by Ground Groupings and Year

GROUND	2018/2019 NUMBER OF COMPLAINTS	2018/2019 PERCENTAGE	2019/2020 NUMBER OF COMPLAINTS	2019/2020 PERCENTAGE
Age	12	11%	27	21%
Creed	6	6%	5	4%
Disability	22	20%	28	22%
Family and Marital Status	10	9%	1	1%
Gender Identity and Gender Expression	8	7%	9	7%
Race and related grounds	53	49%	70	54%
Sex	16	15%	12	9%
Sexual Orientation	3	3%	5	4%

<sup>7</sup> The number of race related cases could be higher, among other reasons, because persons filing complaints based on religion or creed (for example due to an experience of Islamophobia or Antisemitism) could also be experiencing forms of racism. Some 6% or 6 cases cited creed in 18/19, and 4% or 5 cases in 19/20.

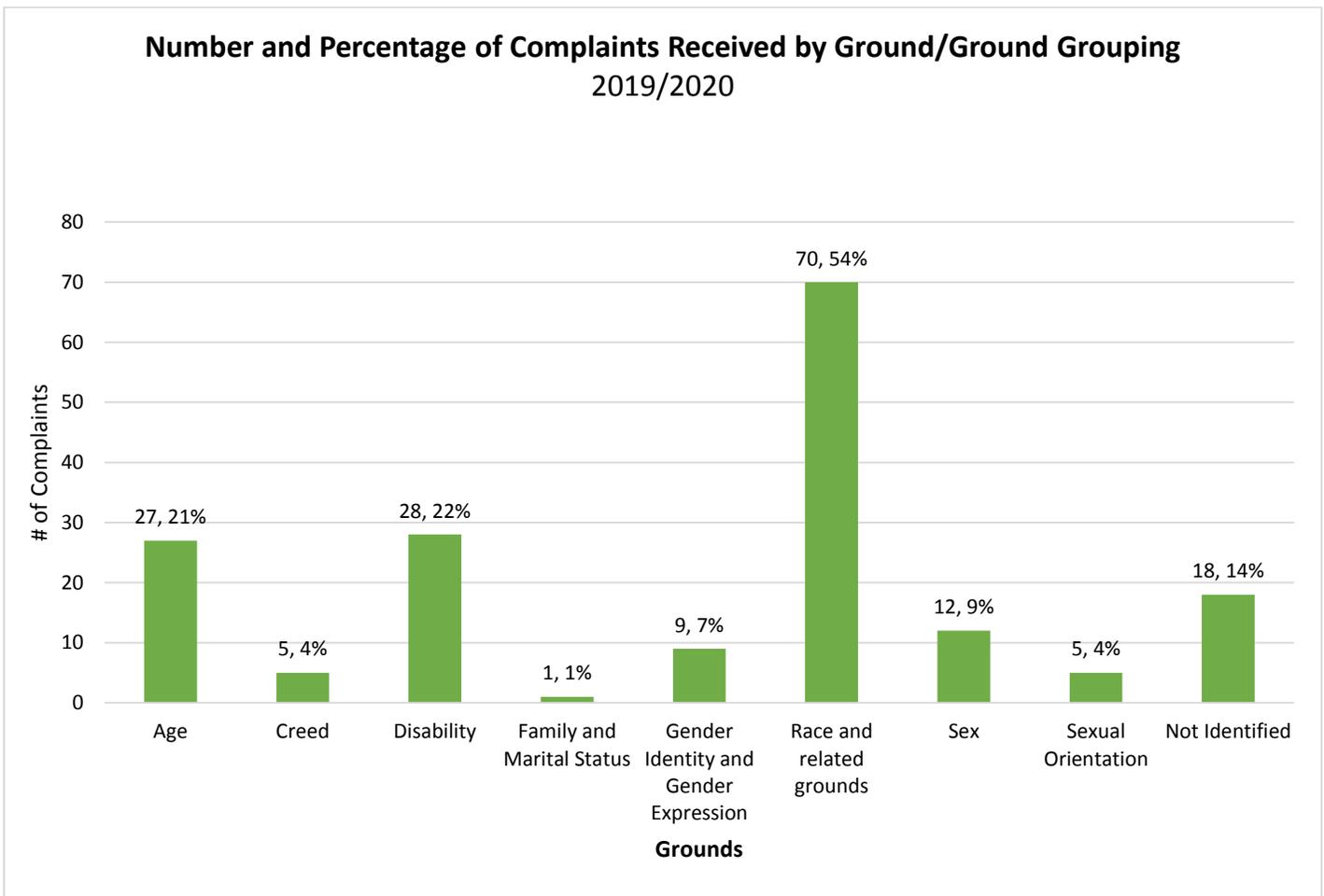
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Not Identified	19	17%	18	14%
Total Number of Complaints Involving Human Rights	109		129	

\*Some complaints claim more than one ground, so the totals exceed 100%.

\* Data only shows those complainants that selected human rights as the type of complaint

\* If a case cited more than one race related ground, this was counted only once as one complaint citing a race or race related ground, irrespective of how many (as the denominator is total complaints, not total grounds).



## Social Area

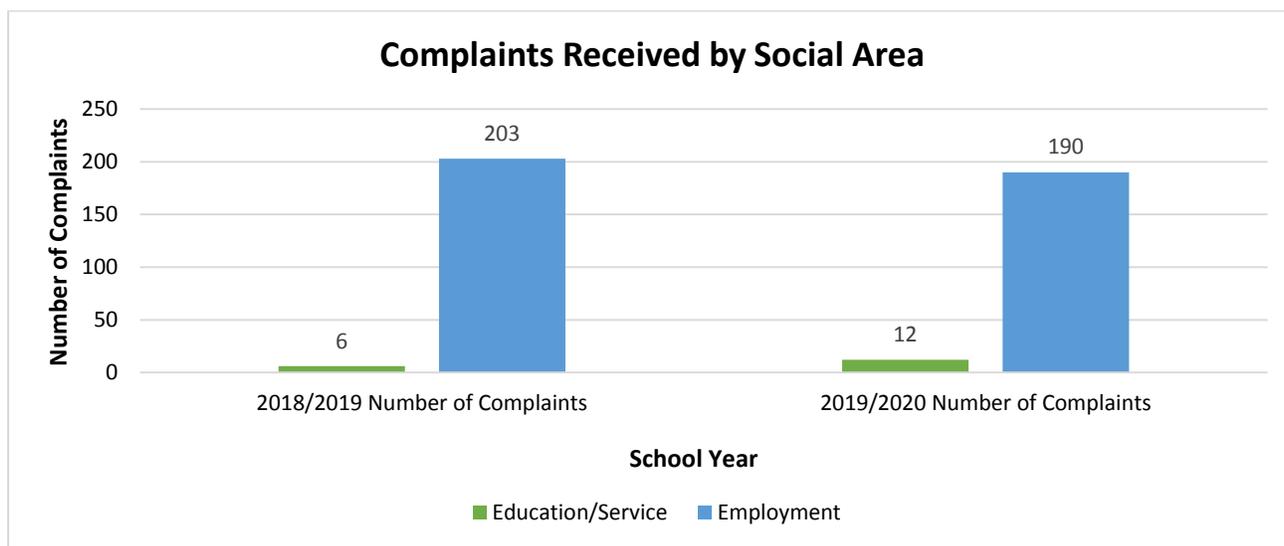
Almost all complaints filed with the HRO over the last two years have been workplace related, in keeping with the (2017) revised scope of the Workplace Harassment Prevention and Human Rights Procedure

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(PR515) governing the complaint process, which only applied to employees.<sup>8</sup> As a result, 97% of all cases (203 of 209) in 2018/19 and 94% (190 of 202) in 2019/20 pertained to issues and conflicts in the context of employment. Very few (6 in 18/19 and 12 in 19/20) related to the provision of educational services to TDSB students and community members – a trend that the HRO is actively seeking to rectify.

## Number of Complaints Received by Social Area, 18/19 and 19/20

SOCIAL AREA	2018/2019 NUMBER OF COMPLAINTS	2018/2019 PERCENTAGE	2019/2020 NUMBER OF COMPLAINTS	2019/2020 PERCENTAGE
Education/Service	6	3%	12	6%
Employment	203	97%	190	94%
TOTALS	209	100%	202	100%



<sup>8</sup> According to the Manager at the time, this was necessitated due to the capacity constraints of the Human Rights Office at the time. No doubt this was also impacted by the growing demands on the HRO with the passing of Bill 132 in 2017 which led to the update of PR515 and, among other things, revised the *Occupational Health & Safety Act* to place greater expectations and requirements on employers, for instance to investigate all workplace harassment complaints as appropriate in the circumstances, which reduced the scope for early resolution and alternative dispute resolution (in the absence of investigation), and led to much higher levels of investigation overall. According to some sources, in years past the HRO was able to mediate and this early resolve a much higher percentage of cases. The change in law has impacted many workplaces in a similar manner, increasing reliance on investigation, and with this, increasing complaint backlog.

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## Complainant Affiliation<sup>9</sup>

In 2018/19, the largest number of complaints were filed by members of Ontario (ETFO) (27% or 57 of 209 total complaints in 18/19, as compared to ETFO's comprising 37% of all TDSB Full Time Equivalent (FTE) staff as of Oct. 31, 2018), followed by OSSTF (23% or 49, as compared to OSSTF's comprising 17% of all TDSB FTEs as of Oct. 31, 2018), CUPE Unit C (18% or 37) and CUPE Unit D (10% or 20) (as compared to all of CUPE members comprising 26% of all TDSB FTEs as of Oct. 31, 2018).<sup>10</sup> In the 2019/20 fiscal school year, these employee groups remained the top four complainant groupings, in the same order. The relative TDSB FTE staff composition by employee groups also remained proportionally the same. Notably, however, ETFO complaints grew considerably - the most among any complainant grouping in 19/20 (comprising 38% or 77 of a 202 total complaints filed that year, as compared to 27% in 18/19 and their comprising 37% of all full-time TDSB staff as of October 31, 2019) while OSSTF complainant numbers dropped significantly (12% or 25, as compared to 23% the previous year, and their comprising 17% of all full-time TDSB employees as of Oct. 31, 2019), with Unit C (16% or 32) and Unit D (7% or 14) numbers decreasing moderately (as compared to all CUPE units comprising 36% of all TDSB FTEs as of Oct. 31, 2019).

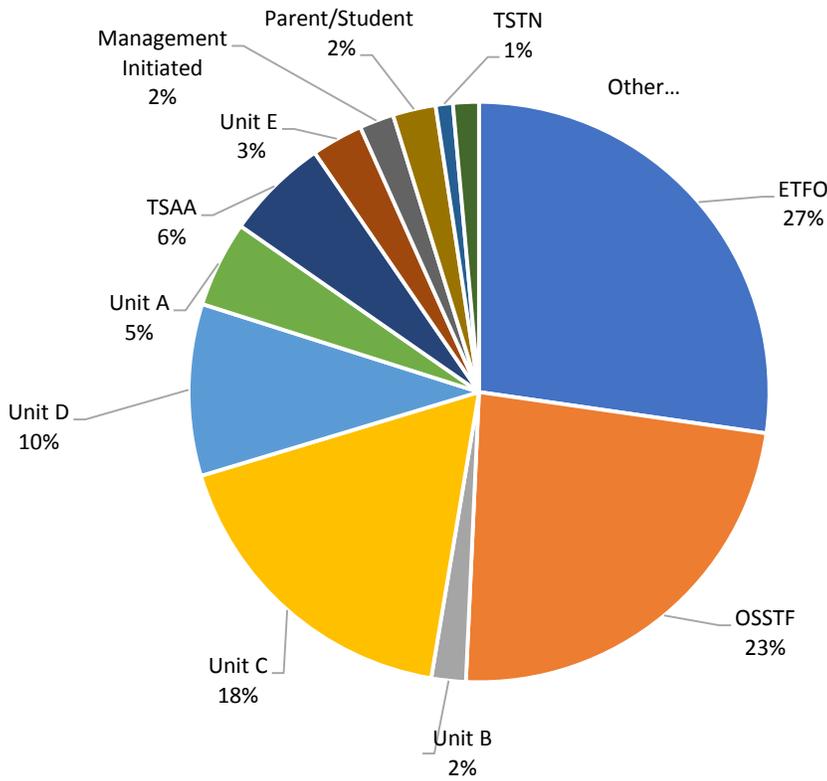
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<sup>9</sup> Complainant refers to a person who makes a complaint under the Board's Human Rights and Workplace Harassment Policies or Procedure.

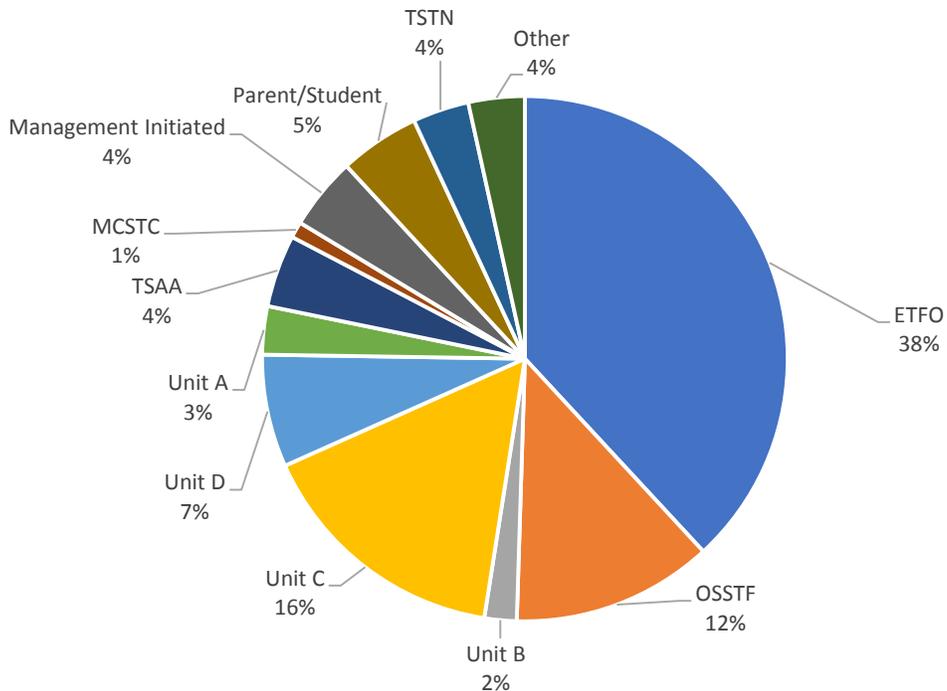
<sup>10</sup> TDSB staffing data by FTE employee groups leaves out significant numbers of TDSB employees employed on a part-time or occasional or casual basis, and thus is not entirely accurate as a benchmark, since complaint data covers all such employee groupings.

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**Percentage of Complaints Received by Complainants Affiliation  
September 1, 2018 to August 31, 2019**



**Percentage of Complaints Received by Complainants Affiliation  
September 1, 2019 - August 31, 2020**



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The greatest number of cases resolved in 18/19 were among CUPE Unit C affiliates (74 or 34%), followed by ETFO affiliates (50 or 23% of 216 cases closed), OSSTF (32 or 15%) affiliates and CUPE Unit D members (19 or 9%). The large number of CUPE cases resolved in 18/19 was partially impacted by a successful mediation pilot initiated that year in partnership with Labour Relations that resolved more than 15 such cases. In 19/20, the largest number of HRO cases resolved involved, in descending orders, complainants affiliated with ETFO (48 or 35% of total 139 cases resolved), OSSTF (22 or 16%), Unit C (39 or 25% of 139 cases closed), TSAA (9 or 6%), and Unit D (7 or 5%). See Appendix B Figure 10 for the above graphs in table form, as well as for a further breakdown of how many cases were closed in 18/19 and 19/20 school year by complainant affiliation.

## **Respondent Affiliation<sup>11</sup>**

In 2018/19, most complaints were filed against Principals and Vice Principals (Toronto School Administrator Association members), with TSAA affiliates accounting for a disproportionate 29% (60 of 209) of all complaint respondents, despite TSAA members only accounting for 3% of all TDSB FTE Employees.<sup>12</sup> The second largest respondent grouping were ETFO members (20% or 41, with ETFO FTEs accounting for 37% of all TDSB employees as of Oct. 31, 2019), OSSTF members (19% or 39, with members comprising 17% of all TDSB FTEs), Schedule Two Network members (TSTN, 19 or 9%, with TSTN members constituting less than 3% of all TDSB FTEs)<sup>13</sup> or CUPE Unit C (8% or 16) and Unit B (6% or 13) – with all CUPE units comprising 36% of all TDSB FTEs as of Oct. 31, 2019. This trend continued in 2019/20, for the most part, with Principals and Vice Principals accounting for an even greater share (39%) of all complaint respondents (202) in 19/20 (as compared to 29% or 60 in 18/19), followed by ETFO (16% or 32), TSTN (12% or 24) and CUPE Unit C (9% or 18), and OSTTF (8% or 16). Relative proportions of staff by employee groupings remained constant in 19/20 for baseline comparison purposes. (See Appendix B, Figure 11 for a table version of the data presented below, as well as for more on cases resolved each year by Respondent Affiliation).

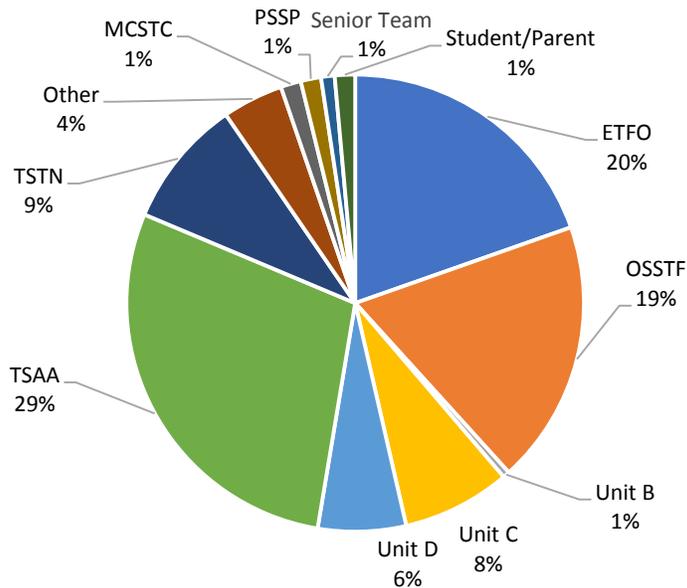
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<sup>11</sup> *Respondent* refers to a person, or other entity, against whom a complaint is made, whether an individual or an organization.

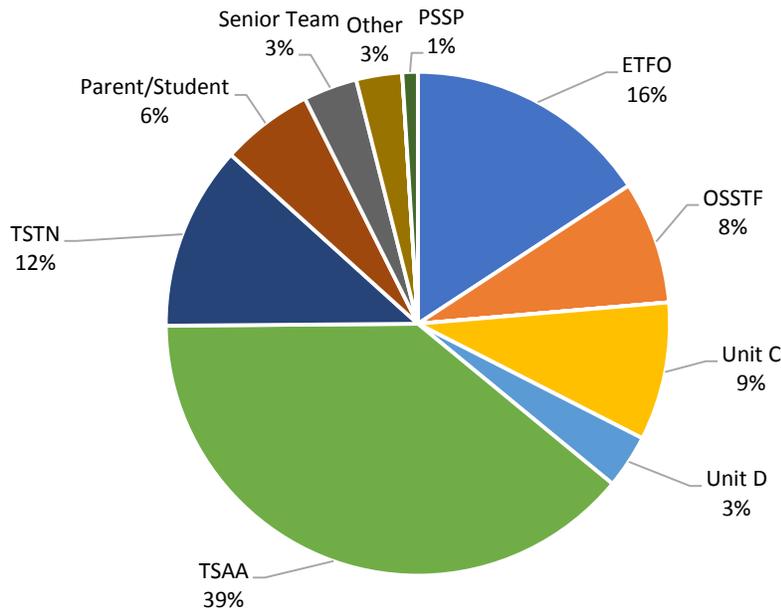
<sup>12</sup> TDSB staffing data by Full Term Equivalent employee groups leaves out significant numbers of TDSB employees employed on a part-time or occasional or casual basis, and thus is not entirely accurate as a benchmark, since complaint data covers all such employee groupings.

<sup>13</sup> All “Other Non-Union” employees, which includes TSTN members, but also numerous other employee groups (e.g. Superintendents and Senior Team members), accounted for 3% of all TDSB FTEs as of October 31, 2019.

## Percentage of Complaints Received by Respondent Affiliation September 1, 2018 to August 31, 2019



## Percentage of Complaints Received by Respondent Affiliation September 1, 2019 - August 31, 2020

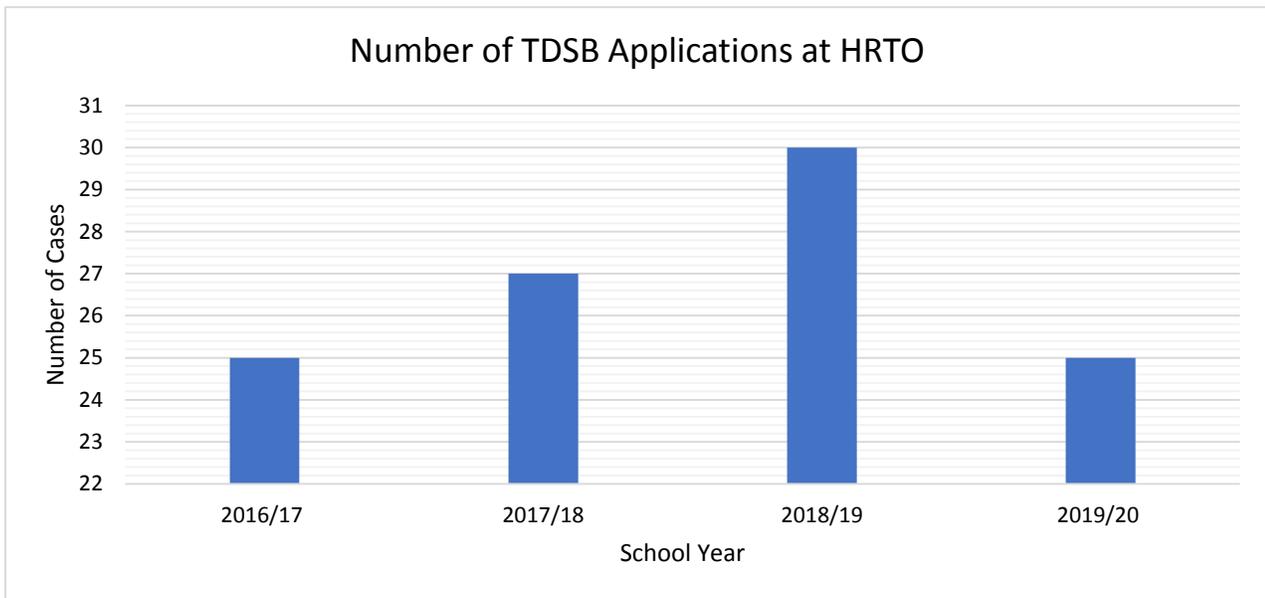


### 2.2 HRTO Applications

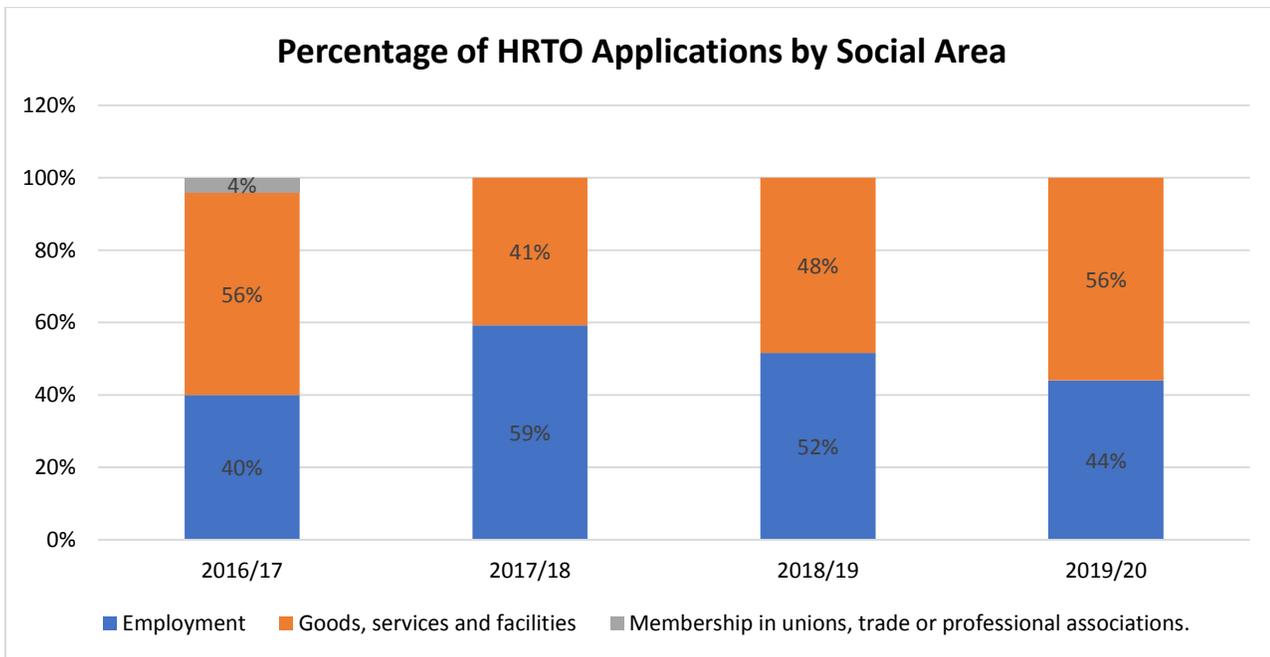
Data relating to HRTO “applications” (complaints) involving the TDSB can be instructive of the kinds of human rights issues prevailing at the Board, even if based on self-reports and perception. The data in this Report is derived from TDSB Legal Services, based on internal information.

The number of HRTO complaints involving a TDSB party has somewhat decreased in the 2019/20 year from 30 in 18/19 to 25 in 19/20.

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An increasing number of complaints filed with the Human Rights Tribunal of Ontario involving the TDSB are in the realm of educational service provision (56% in 19/20 school year, with employment related cases constituting 44% of all HRTO complaints that year).



By a large margin, the top two grounds of human rights complaints at the HRTO involving the TDSB in the 19/20 school year were disability (60%) followed closely by race (56%) with the next most frequently cited ground being sex (16%). This is not too dissimilar from HRO internal complaint data trends, though race complaints are significantly more frequent than disability or any other complaint grounds within the TDSB’s internal complaint process.

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Number and Percentage of TDSB Applications at HRTO by Grounds Cited

2019/2020		
GROUND	NUMBER OF HRTO APPLICATIONS	PERCENTAGE
Creed	3	12%
Disability	15	60%
Family and Marital Status	3	12%
Gender Identity and Gender Expression	2	8%
Race and related grounds	14	56%
Sex	4	16%
Sexual Orientation	2	8%
Reprisal	5	20%
Association	2	8%
Total Number of HRTO Applications Involving Human Rights	25	

## 2.3 Hate activity

### Number of Hate Activity Reports

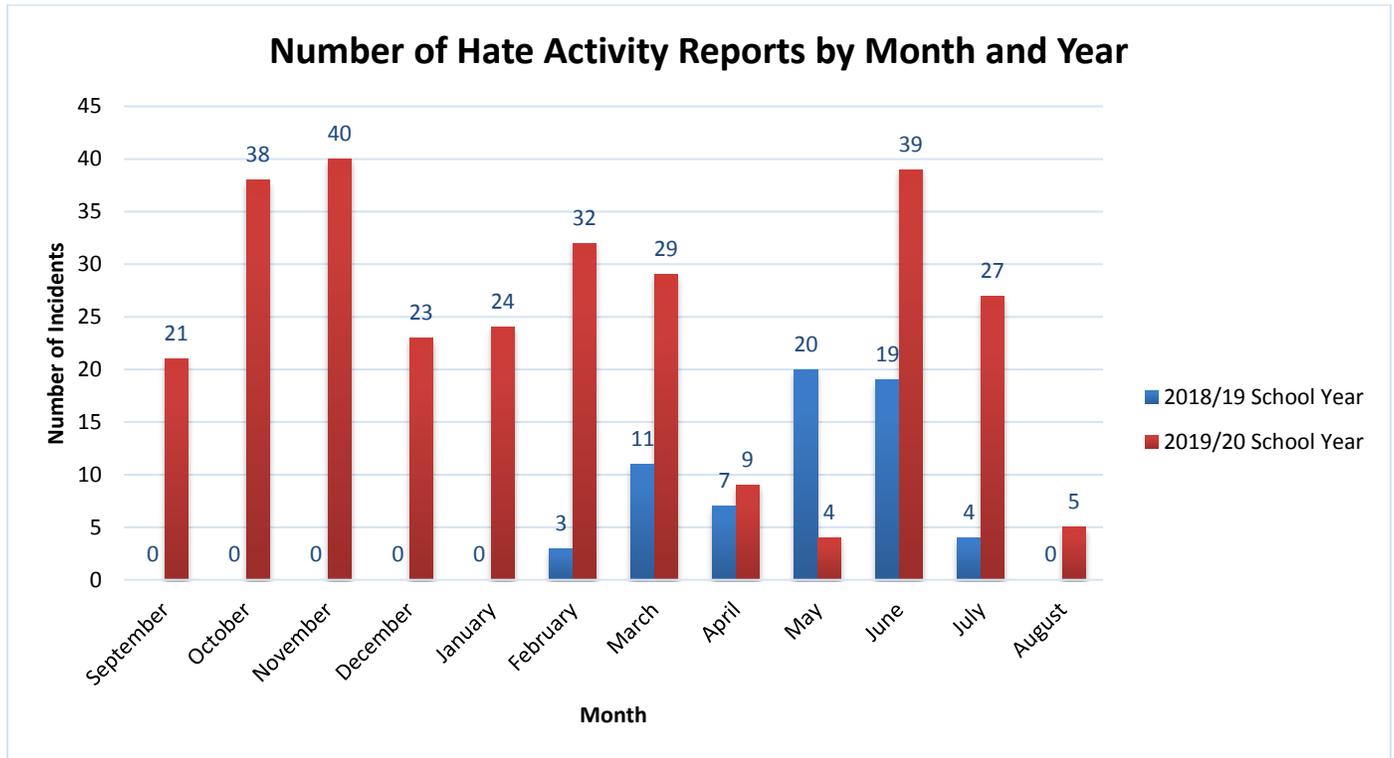
Under section 6.8 (“Hate Motivated Activity”) of Procedure 515 *Workplace Harassment Prevention and Human Rights* (the October 24, 2017 revised version),<sup>14</sup> employees were obliged to report to managerial staff “any hate-motivated violence or any incitement to hate-motivated violence” that they witnessed or encountered, including “any symbols displayed or other representations clearly identified with groups which promote hate and violence”. Managerial staff were in turn instructed to report this to their Superintendent and the HRO using a “515B Form”.

There were no hate activity reports reported to the HRO in 2018. However, by the end of the 18/19 school year, there were 64 Hate Activity Reports (515B Forms) submitted to the Human Rights Office, largely due to a communications push that began with an April 15, 2020 Memo from the Executive Superintendent of Human Rights and Indigenous Education to all Senior Team members (following

<sup>14</sup> The 2017 version of PR515 containing section 6.8 (“Hate Motivated Activity”) was operative over the 18/19 and 19/20 school years before being updated June 24<sup>th</sup>, 2020 when an entire new Procedure (728) *Reporting and Responding to Incidents of Racism and Hate Involving or Impacting Students* was first made operational, solely dedicated to addressing racism and hate activity, which led to the rescinding of section 6.8 in PR515. TDSB administrators, however, continued to use the old 515B forms for reporting purposes as an interim measure up until the end of October 2020, when new interim forms and then a Racism, Bias & Hate Online Portal was introduced and subsequently made mandatory in replacement of 515B forms on November 30, 2020 for reporting and tracking purposes. The definition of hate activity also evolved with the introduction of PR515 to include hate/bias incidents that are not a criminal offence. However, even prior to the introduction of PR728, at least since the June 2019 launch of, and concerted communications around, the *Expected Practices* Guide, administrators were being encouraged to interpret “hate activity” broadly and liberally, in a way that also covered incidents of hate/bias short of a criminal threshold.

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changes to the 515B form in March 2019),<sup>15</sup> which was in turn amplified and reinforced by concerted Director messaging and Board training for Administrators and Senior Team Council members following the release in June 2019 of the *Expected Practices for Understanding, Addressing and Preventing Discrimination* guide. The data verifies the impact of such communications as there were only 15 hate activity reports submitted from the beginning of 2018 school year to April 14, 2019, and this number nearly doubled to 28 between April 15<sup>th</sup> and June 10<sup>th</sup>, 2019, and shot up to 312 in the period June 11, 2019 to Aug. 31, 2020.



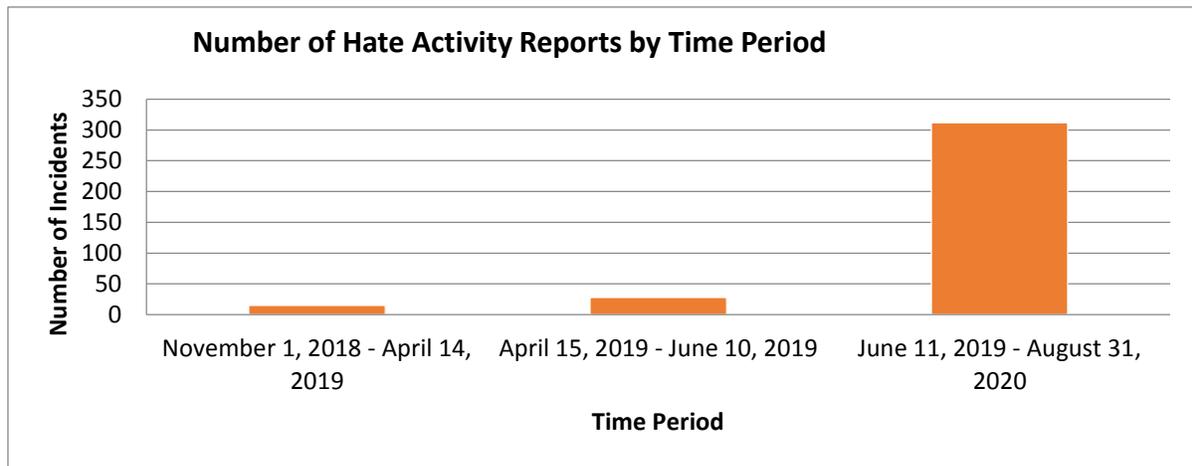
<sup>15</sup> The change made to 515B made by Executive Council in March 2019 was that references to “hate group activity” were changed to “hate activity” in PR515 and the 515B form. This change was communicated to all Senior Team members on April 15, 2019, including with a memo for distribution to Administrators which stated:

The purpose of this memo is to highlight the Toronto District School Board’s expectation that school administrators **report all cases of hate-motivated activity** to their Superintendent of Education by submitting a completed [Hate Activity Interim Report \(Form 515B\)](#) (attached), along with a copy to the Senior Manager of Human Rights. This requirement is detailed under Section 6.8(d), *Hate Motivated Activity*, in [TDSB Operational Procedure PR515, Workplace Harassment Prevention and Human Rights](#) (attached, please see pages 20-21).

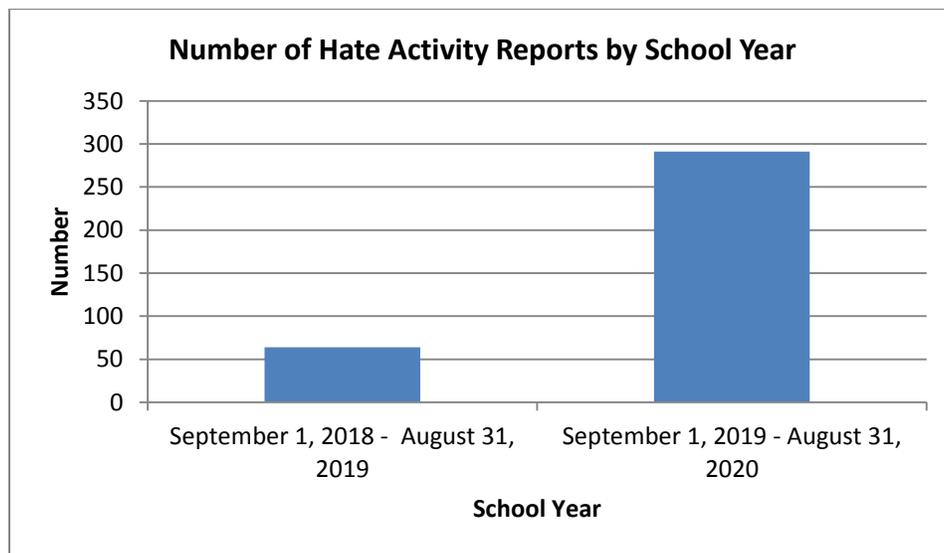
**Context:**

The Board is committed to ensuring that every TDSB school is a welcoming, respectful learning environment, free of hate, where all students, staff and school community members can feel safe and respected. At the individual school level, school administrators have primary responsibility for addressing any hate-motivated activity that threatens the safety and well-being of students and staff. School administrators depend on supports—advice, training, tools and programs—provided by a number of central staff including those in Caring and Safe Schools, Student Support Services, Communications, Human Rights, and others.

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There was a total of 291 hate activity reports submitted in the 19/20 school year, representing more than a quadrupling of the 64 hate activity incidents reported the previous school year.

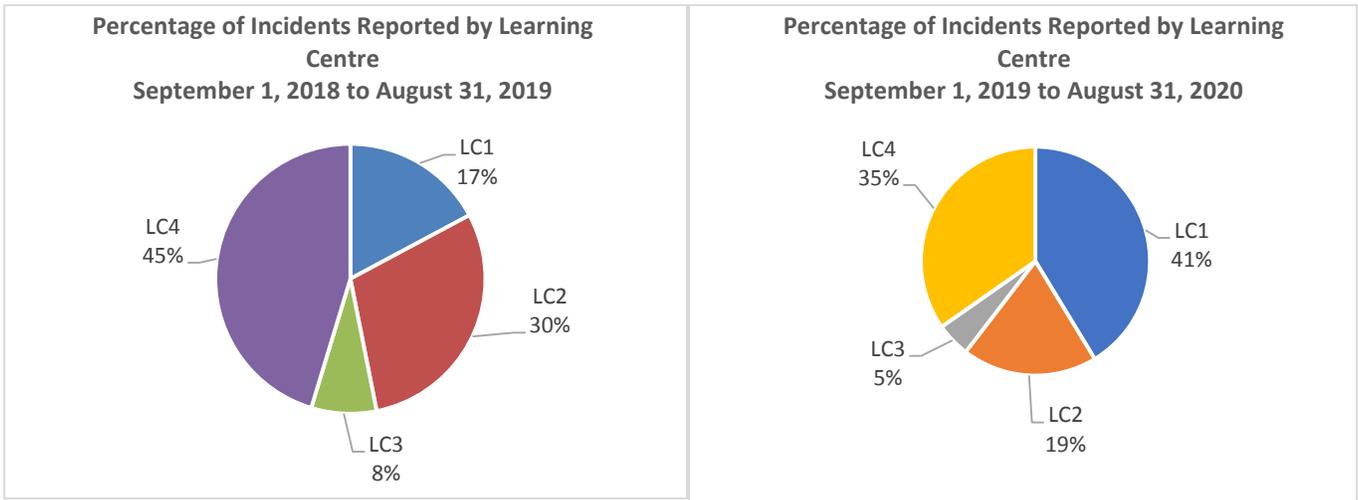


The data presented above also appears in table format in Appendix C, Figure 3.

## Hate Activity Reports by Learning Centre and Learning Network

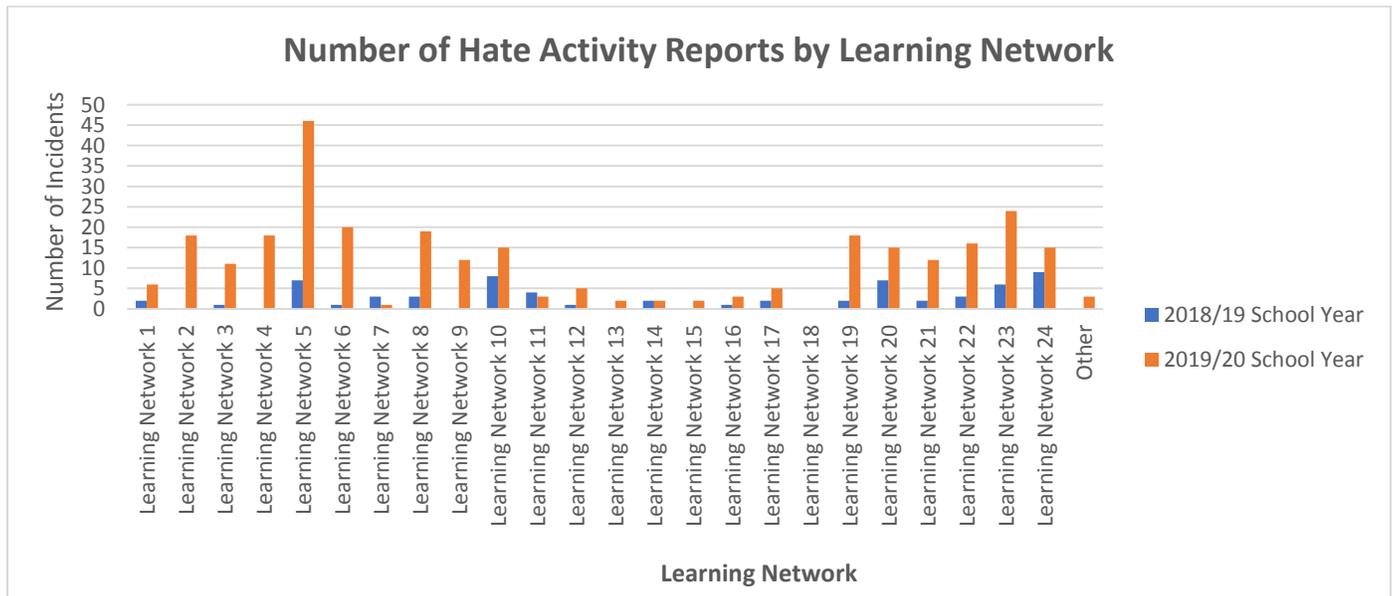
In the 18/19 year, most hate activity reports came from administrators in Learning Centre 4 (29), followed by Learning Centre 2 (19), Learning Centre 1 (11) and Learning Centre 3 (5), which submitted the fewest. The highest number of hate activity reports were submitted from Learning Network (LN) 24 (9), followed by LN 10 (8), LN 5 (7) LN 20 (7) and LN 23 (6). There were no hate activity reports submitted by LNs 2, 4, 9, 13, 15 and 18, and only one or two hate activity reports submitted from LNs 3 (1), LN 6 (1), LN 12 (1), LN 16 (1), LN 1 (2), (14), LN 17 (2) LN 19 (2) and LN 21 (2) in 18/19.

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In the 19/20 school year, most hate activity reports were submitted by administrators in Learning Centre 1 (119), and Learning Centre 4 (100), with fewer being submitted in Learning Centre 2 (55) and Learning Centre 3 (14). The highest number of hate activity reports in 19/20 came from LN 5 (46), LN 23 (24), LN 6 (20) and LN 4 and 19 (with 18 each). The fewest hate activity reports came from LN 18 (0 in both years), LN 7 (1), LN 13 (2), LN 14 (2), LN 15 (2), LN 11 (3), and LN 16 (3).

It is important to note here that numbers of hate activity reports do not necessarily reflect the actual number of hate related incidents and low numbers may be equally or even more a cause for concern, to the extent they reflect reporting patterns rather than actual incident patterns, which is difficult to assess. The fact that many Learning Networks exponentially increased their hate activity reports year over year is but one indication of the potential impact of reporting patterns on the data.



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Figure 14: Number of Hate Activity Incidents Reported by Learning Network and Learning Centre and School Year

LOCATION	2018/19 SCHOOL YEAR September 1, 2018 - August 31, 2019	2019/20 SCHOOL YEAR September 1, 2019 - August 31, 2020
Learning Network 1	2	6
Learning Network 2	0	18
Learning Network 3	1	11
Learning Network 4	0	18
Learning Network 5	7	46
Learning Network 6	1	20
<i>Learning Centre 1 Total</i>	<i>11</i>	<i>119</i>
Learning Network 7	3	1
Learning Network 8	3	19
Learning Network 9	0	12
Learning Network 10	8	15
Learning Network 11	4	3
Learning Network 12	1	5
<i>Learning Centre 2 Total</i>	<i>19</i>	<i>55</i>
Learning Network 13	0	2
Learning Network 14	2	2
Learning Network 15	0	2
Learning Network 16	1	3
Learning Network 17	2	5
Learning Network 18	0	0
<i>Learning Centre 3 Total</i>	<i>5</i>	<i>14</i>
Learning Network 19	2	18
Learning Network 20	7	15
Learning Network 21	2	12
Learning Network 22	3	16
Learning Network 23	6	24
Learning Network 24	9	15
<i>Learning Centre 4 Total</i>	<i>29</i>	<i>100</i>
<i>Other</i>	<i>0</i>	<i>3</i>
OVERALL TOTAL	64	291

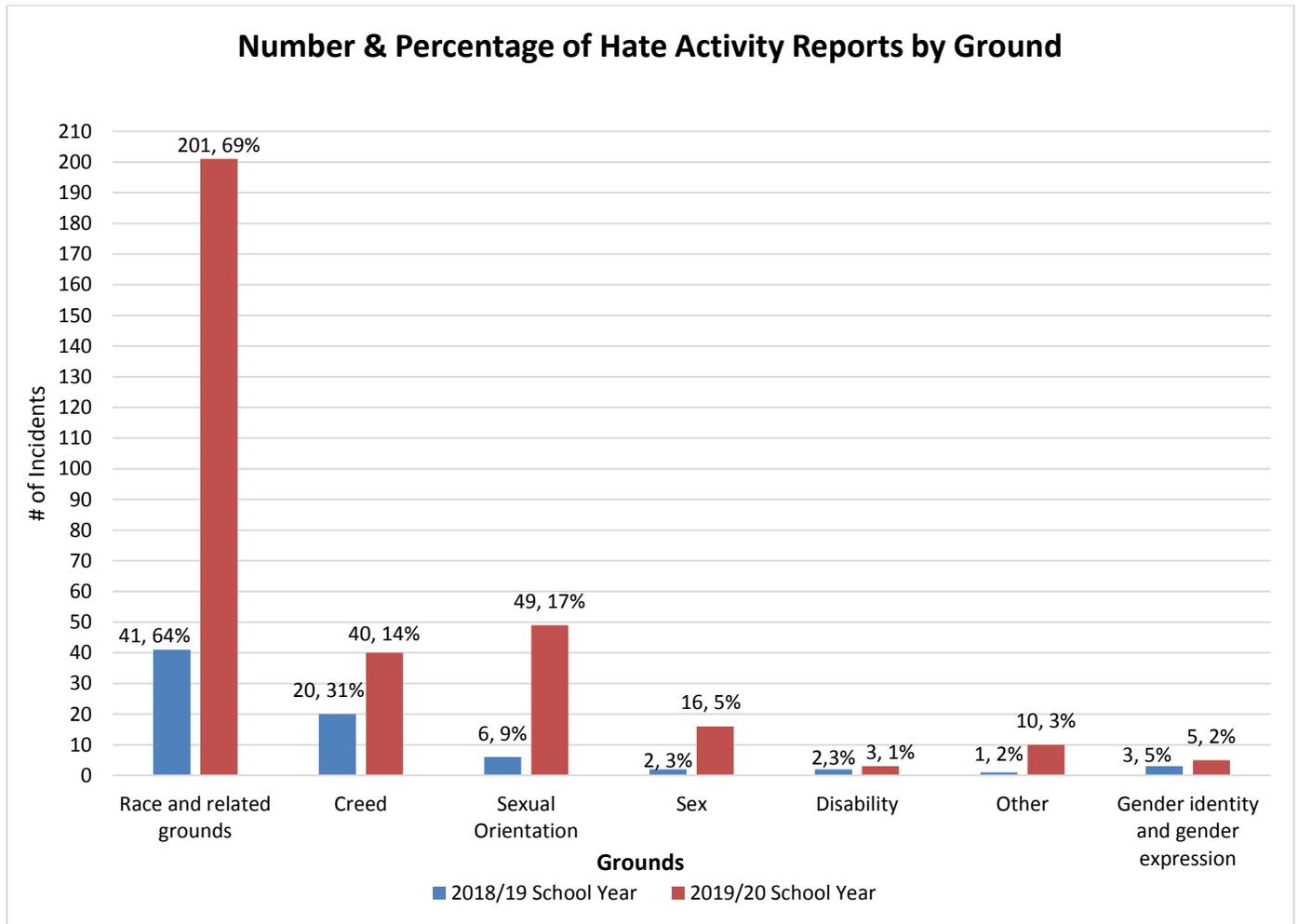
## Grounds

Hate activity reports - 515B forms - contain very little information and do not require the submitter to identify the grounds of hate involved, unlike human rights complaint forms which allow for self-identification of grounds. Each 515B form thus had to be coded to discern the grounds involved, which were most often contained in the general description field, or through further consultation. This descriptive coding process also enabled a closer, more disaggregated window into the types of hate

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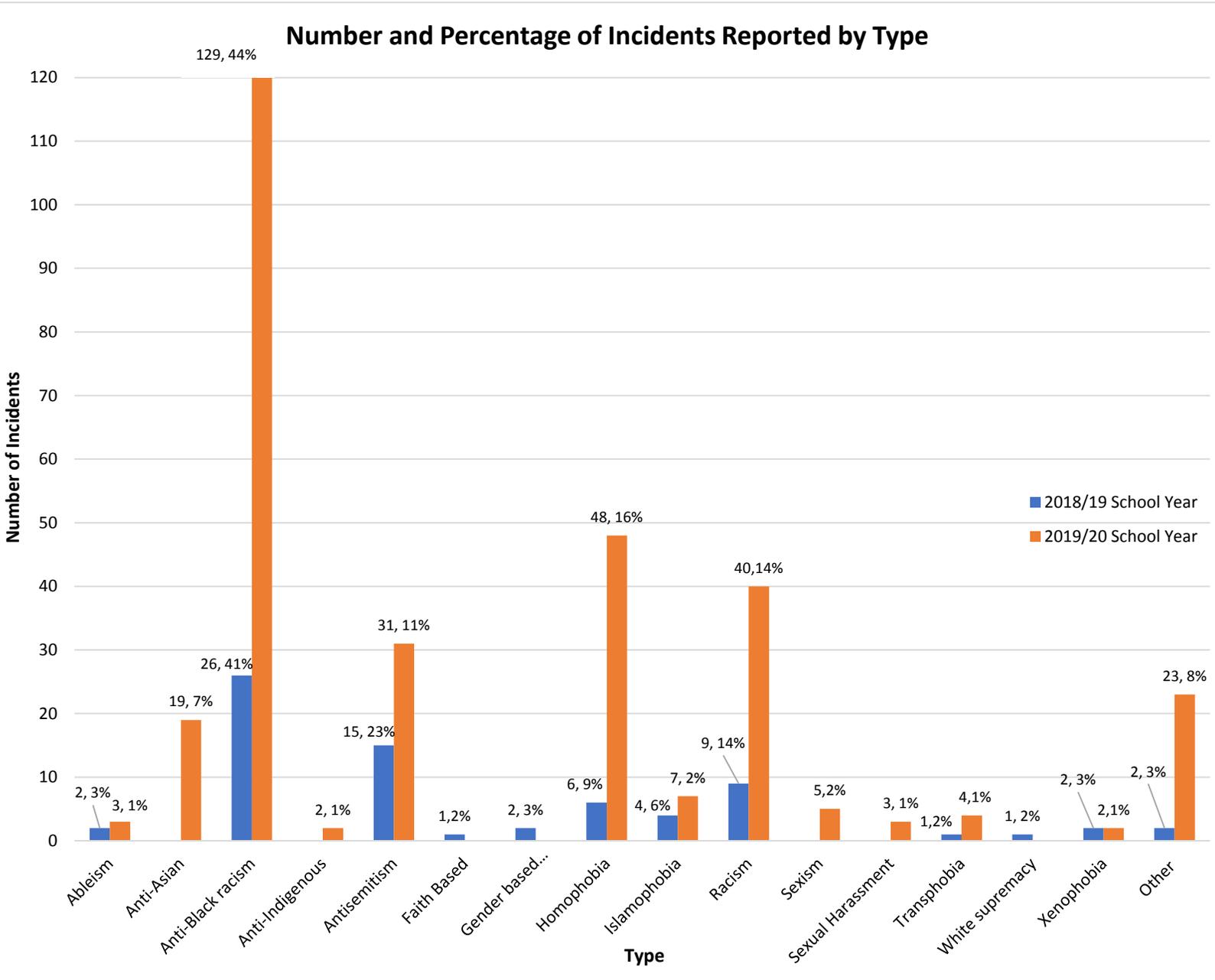
activity being reported, than allowed for by aggregate grounds like race, and thus provide a unique fine-grained window into the type of racism and hate predominant in schools.

The review of hate activity incident reports found that the overwhelming majority of hate activity reported related to race or a race related ground (64% or 41 of 64 cases in 18/19 and 69% or 201 out of a total 291 cases in 19/20). This was followed by religion/creed (31% or 20 of 64) in 18/19 and sexual orientation (17% or 49 of 291) in 19/20, at which time religion/creed switched places with sexual orientation to become the third most common ground (14% or 40 of 291) of hate activity.



Breaking down these categories of hate activity even further revealed that the overwhelming majority of hate incidents involved anti-Black racism, which accounted for 39% (or 25 of 64) of all hate activity reported in 2018/19, and 41% (119 of 291) of all hate activity reported in all schools in the 2019/20 school year, followed by antisemitism (23% or 15), other forms of racism (17% or 11), and homophobia (9% or 6) and Islamophobia (6% or 4) in 18/19. In 19/20 the second most common form of hate activity reported after anti-Black racism was other forms of racism (21% or 62), followed by homophobia (16% or 48) and antisemitism (11% or 31 of 291 total cases).

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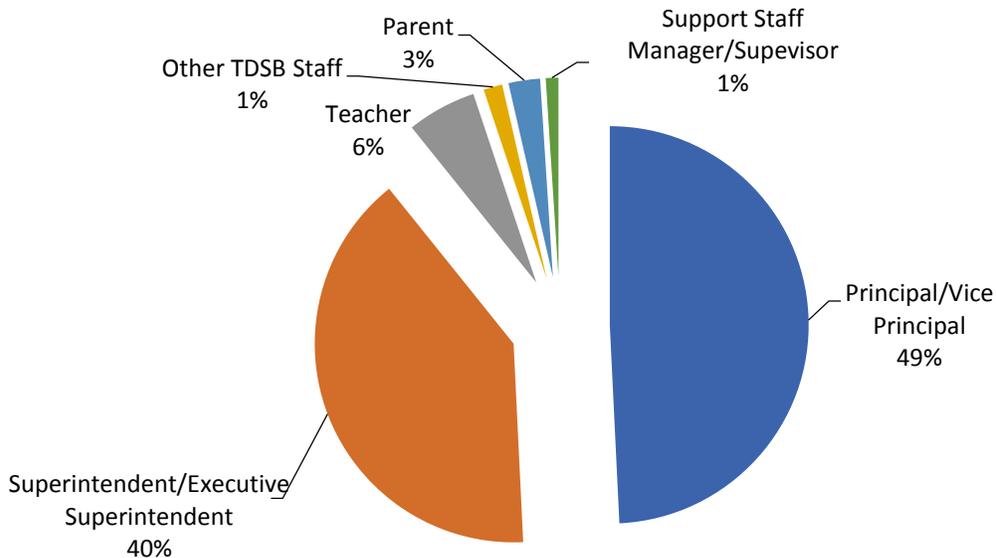
The data moreover reveals that there has been a relatively significant growth in the number of hate activity incidents reported involving anti-Asian racism (from 0 in 18/19 to 19 or 7% in 19/20), as well as in anti-Black racism (especially in absolute terms, from 26 or 41% in 18/19 to 129 or 44% 19/20), homophobia (from 6 or 9% in 18/19 to 48 or 16% in 19/20), other forms of racism (11 or 17% in 18/19 to 62 or 21% in 19/20) and antisemitism (at least in absolute terms, growing from 15 in 18/19 to 31 incidents in 19/20, albeit at reduced relative share of 11% versus 23% in 18/19).

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## 2.4 Consults

The following consults data began to be systematically compiled by HRO staff working on human rights complaint resolution – including the Manager, Human Rights Assistant, and four Senior Human Rights Officers, and Outreach and Engagement Officer - in January 2020 (by which time it became apparent that our new Inquiry Portal would not be ready for use this year). They counted 197 consultations over an 8-month period between January 1, 2020 and August 31<sup>st</sup>, 2020 – which anecdotally was found to be a significant increase in the number of consults from the previous year.<sup>16</sup> Most of these consultations were with Principals/Vice Principals (49% or 96 of 197) and Superintendents/Executive Superintendents (40% or 78 of 197) seeking advice on their human rights responsibilities, primarily with respect to human rights issues in the context of the provision of educational services to students.

**Number of Consults by Position of Person Consulting HRO**  
January 1 to August 31, 2020



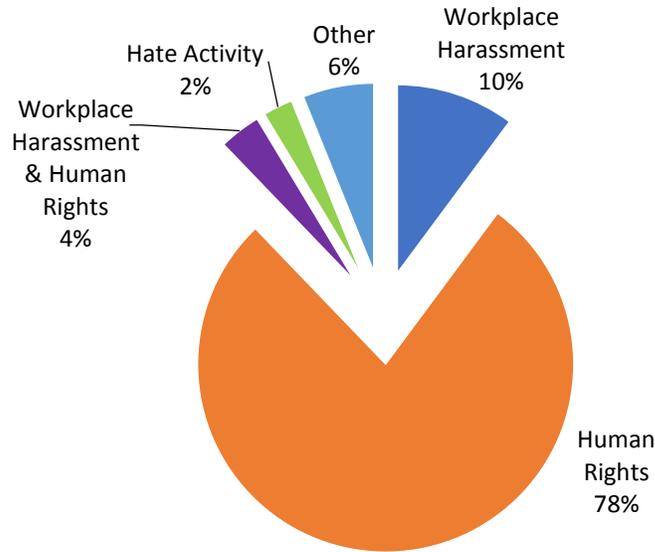
This is affirmed in the consult data that shows that advice was the most common type of HRO assistance requested (86% or 170), followed by assistance with investigation (12% or 23 inquiries). Most consults, moreover, related to human rights matters (78%), with a majority of consults pertaining to rights and responsibilities in the context of educational services (55% or 108), followed by matters in the employment context (44% or 87). Such data – together with the HRO’s growing involvement in helping to advise on the resolution of hate activity incidents in schools involving or impacting students - suggests that the HRO is beginning to succeed in apportioning a more balanced share of its time and resources to human rights issues in education, as this impacts on students. The number of HRO consults rose particularly after the introduction and operationalization of PR728 in June 2020, at which time

<sup>16</sup> Besides only representing one half of the school year, this number does not reflect the many consults routinely engaged in by the Senior Manager, Executive Superintendent of Human Rights and Indigenous Education, as well as somewhat less frequently, the Senior Policy, Education & Organizational Change Specialists.

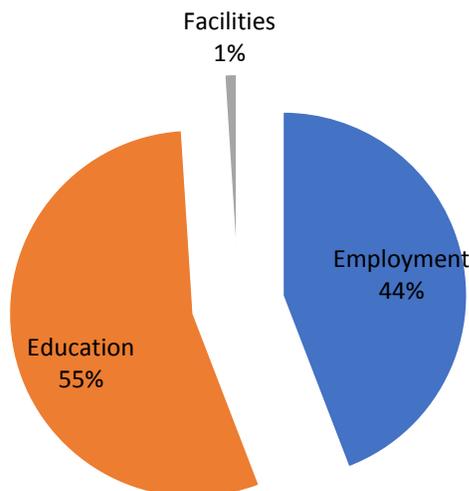
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Organizational Response Team meetings began to occur and account for many HRO consultations. (See Appendix F for further details on consultations, including very large spike in June 2020 following the operationalization of PR728 and its associated Organizational Response Team meetings at the end of the last school year).

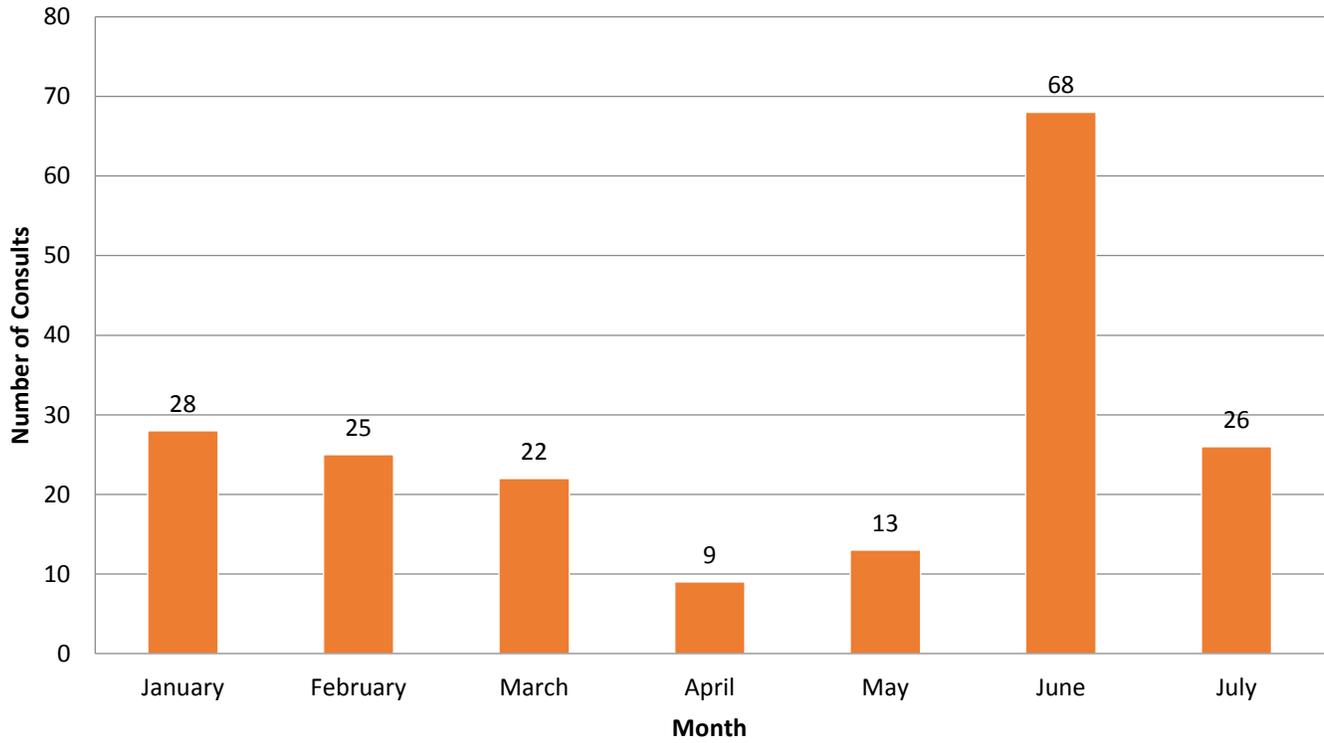
**Type of Consult**  
January 1 to August 31, 2020



**Consults by Social Area**  
January 1 to August 31, 2020



## Number of Consults by Month January 1 to August 31, 2020



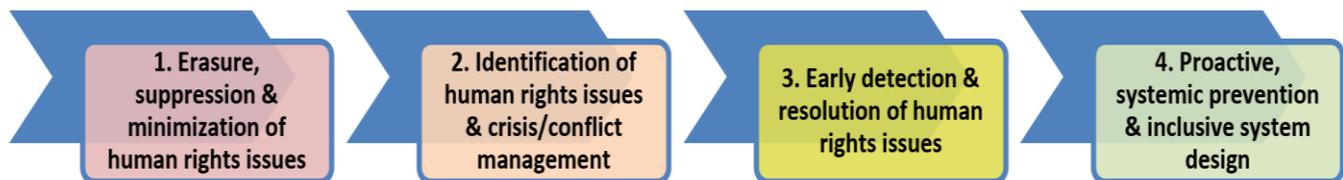
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## 3. Evaluating the state of human rights at the TDSB

### 3.1 Continuum of Human Rights Organizational Change – A Systemic Perspective of Where We Are At

In order to assess the state of human rights at the TDSB, and HRO efforts to date, it is necessary to have an orienting framework within which to situate where the TDSB is at on the human rights organizational change journey. The model below provides such an orienting overall evaluative framework, and may also be used to interrogate existing measures, and inform the further development of Key Performance Indicators (KPIs) in the future.

Continuum of Human Rights Organizational Change: <sup>17</sup>



While the stages of human rights organizational change enumerated above are not necessarily traversed in a perfectly linear or sequential manner, the data in this Report suggests that the TDSB is predominantly at Stage 2 of this continuum (issue/complaint/crisis management), though in some respects the Board (e.g. lack of a formalized student/parent human rights complaint process and ongoing complaint backlog and delays in processing) the Board is in effect at Stage 1, and in others (e.g. the kind of proactive reporting of racism and hate activity in schools and monitoring of incidents and responses with the passing of PR728.) The Board is beginning to move towards Stage 3. In yet other respects still, for example, when the updated P031 Human Rights Policy becomes active in spring 2021 it will impose and embed new proactive “positive human rights duties” on system leaders and staff, so that the burden of upholding rights and maintaining discrimination free workplaces is placed more up front on the shoulders of “directing minds” and those with power, rather than on the victims of discrimination “after the fact” (the current complaint driven and focused model) - then there are some signs of hope and foundations that are being, and have been, laid which could enable the TDSB to become a true human rights leader in the future, if the Board stays the course. In this respect, the ongoing modernization of data collection, monitoring and reporting tools, begun over the last two years, will be a particularly essential precondition for a much more strategic, proactive and systemic approach to human rights enforcement. If put to proper and meaningful use, the increasing availability of more finely tuned diagnostic tools and more and more granular data should not only enable more targeted and proactive remedial and preventative interventions over time, but may also become increasingly operationalized and embedded into personnel and system performance evaluation and performance management systems and processes, in such a manner, ideally, as increasingly holds management and staff accountable for upholding human rights in their areas of supervision, in ways that have real and tangible consequence for their career trajectories at

<sup>17</sup> **Towards a Global Evaluative Framework** This simple model of the stages and characteristics of human rights organization change was developed by the HRO’s Senior Manager, Remi Warner, based on over a decade of experience working with mostly large public sector organizations on human rights organizational development, and as informed by the Ontario Human Rights Commission’s organizational change guide, [Human Rights and Policing: Creating and Sustaining Organizational Change](#) which provides a valuable resource for organizations beyond the policing sector.

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the Board, including hiring and promotion decisions. Once these conditions begin to be met - and the journey has begun (albeit with some resistance in places) - the days of leaving human rights issues to boil over and fester (as “not our core business”) only to pass on to the Human Rights Office to come in and clean up at the last hour (at the most difficult to resolve endemic stage of conflict years in the making), those days, hopefully, will be numbered.

## 3.2 Multi- year Strategic Plan Key Performance Indicators

The Multi-Year Strategic Plan sets out four Key Performance Indicators (KPIs) to gauge the success of the Human Rights Action Plan (see Appendix A). These include:

- Student, staff and parent census data
- The number of human rights complaints
- The number of human rights complaints resolved through “early resolution” and investigations
- The length of time needed to resolve human rights cases

The first KPI is discussed in section 3.2. and the last three indices are discussed in section 3.2.2 as well as 3.3 and 3.4. Future iterations of the Human Rights Action Plan will need to provide for a more well-rounded set of measures of the state of human rights protection and promotion at that Board, beyond merely complaint data, as this is as a minimal baseline indicator of performance.<sup>18</sup>

### 3.2.1 Census survey data

What students, staff and parents are telling us through perception survey data, including as concerns the fulfillment of their human rights, their equitable and respectful treatment, and overall well-being, inclusion and belonging at the TDSB (among other indices) are an important indicator of success for the Board’s human rights efforts.

Given the depth and breadth of TDSB Staff, Student and Parent Census survey data supplied to the HRO from TDSB Research and Development, notable findings are presented in the tables below with a particular focus on segments of the population whose experiences and perceptions significantly depart from those of their peers. In this regard, survey findings of “significance” have been operationalized on the basis of a 9/10ths standard<sup>19</sup> – with a 9/10<sup>th</sup> of a difference in responses among survey respondent

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<sup>18</sup> As the Board strives to move beyond Stages 1 and 2 of human rights organizational change, it will become increasingly necessary and important to gauge the nature and depth of systemic level change, which may not be captured by complaint data alone (insofar as it is conceivable to have a low number of complaints, or high rate of their early resolution, and yet still be lacking any meaningful or substantial transformation in relations of power, inequality and inequitable outcomes at the Board).

<sup>19</sup> The 9/10ths standard is an adaptation of the 4/5ths rule used by US government agencies to determine potential “adverse impact” and disparate treatment in the context of employment. The Uniform Guidelines on Employee Selection Procedures (1978) elaborates this rule, as used by America’s Federal Equal Employment Opportunity Commission: **Adverse impact and the “four-fifths rule.”** A selection rate for any race, sex, or ethnic group which is less than four-fifths (4/5) (or eighty percent) of the rate for the group with the highest rate will generally be regarded by the Federal enforcement agencies as evidence of adverse impact, while a greater than four-fifths rate will generally not be regarded by Federal enforcement agencies as evidence of adverse impact. (<https://www.govinfo.gov/content/pkg/CFR-2011-title29-vol4/xml/CFR-2011-title29-vol4-part1607.xml>; Accessed Dec 6, 2020).

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sub-groups<sup>20</sup> – deemed to be substantial enough as to warrant, at minimum, highlighting as a potential concern for further scrutiny from a human rights perspective.

## 3.2.1.1 Staff Census and Well-Being Survey (2017)

The 2017 Staff Census and Well-Being Survey, administered in the Fall of 2017, provides a high-quality baseline snapshot of the state of staff well-being overall – as indicated by more than 11,000 respondents. It also enables a disaggregated picture of the degree to which various subgroups perceive and report experiencing discrimination, consistent with the MYSP Human Rights Action Plan goal of identifying, addressing and removing “discriminatory institutional...practices” that “negatively impact staff” and “lead to inequitable outcomes”.

By way of summary, most (85%) TDSB staff agreed or strongly agreed that “people from all backgrounds are treated fairly in our workplace”. However, those who identify as disabled, Black, Latin American or Muslim diverged significantly with this consensus, being significantly less inclined to answer as affirmatively (applying the abovementioned 9/10ths rule of substantial significance). Moreover, while 3 out of 4 TDSB employees (76%) strongly or somewhat agreed that harassment, discrimination or violence are harms that the TDSB aims to prevent, one subgroup was significantly and substantially less inclined to agree with this finding: staff who identify as disabled (only 58% of whom agreed with this assessment). When asked if “My employer deals effectively with situations that may threaten or harm employees (e.g. harassment, discrimination, violence)”, 7 out of 10 (71%) strongly or somewhat agree that the TDSB effectively deals with such situations. Nevertheless, the fact that 1 in 8 (12%) employees strongly disagree with this statement is concerning, as is the fact that only 55% of staff who identify as disabled agreed or strongly agreed with the statement, standing out among demographic groupings.

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The Commission’s [“Questions and Answers to Clarify and Provide a Common Interpretation of the Uniform Guidelines on Employee Selection Procedures”](#) provides further information on this standard, and clarifies: “This ‘80%’ or ‘4/5ths’ rule of thumb is not intended as a legal definition, but is a practical means of keeping the attention of the enforcement agencies on serious discrepancies in rates of hiring, promotion and other selection decisions” (ibid.). The 4/5ths rule has also been cited in Canadian discrimination case law. For the purposes of this Report, a lower threshold than 9/10ths (say, 8/10ths) would have resulted in very few significant findings, while, on the other hand, a higher threshold would result in an overabundance of significant findings to the point of virtual meaninglessness. Consequently, the 9/10ths standard was decided upon, by the HRO, as a reasonable middle ground. Aside from the 9/10ths standard, the HRO survey analysis findings have also been narrowed down by excluding significant findings that pertain to non-cognizable groups. For example, the category of disability features three sub-categories: student who identify as disabled, those who do not, and those who are “not sure.” Although students in the “not sure” sub-category (10.6% of all grade 7-12 respondents) have significantly lower feelings of belonging and well-being than other students, they are a non-cognizable group in the sense that agglomerations of individuals who are “not sure” if they have a disability do not constitute a Code protected group.

<sup>20</sup> The 9/10th standard of “substantial finding” has been operationalized as follows, by way of example:

- 78% of students in grades 7-12 report that school rules are applied to them fairly (all the time or often)
- 69% of students who identify with race XYZ report that school rules are applied to them fairly (all the time or often)
- 9/10ths of 78% is 70% (rounded down) and since 69% falls below this threshold, the findings pertaining to XYZ students would be flagged as significant.

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In response to the question of whether or not staff are experiencing discrimination, a concerning 10% of respondents (N=1,185) answered “yes”, with the most frequently cited grounds of discrimination being identified, in descending order, as: race (33% or 386); Culture or Ethnicity (28% or 335); Age (27% or 321); Gender Identity (15% or 172) and Religion, Creed or System of Belief (11% or 136). Among those within the 10% of TDSB staff who reported experiencing discrimination, 25% (N=182) were disabled, 19% (N=29) were Latin American, 19% were (N=29) Muslim, 17% (N=119) were Black, 17% (N=130) were South Asian, 17% were Hindu (N=55), 15% identified as Mixed Racial Identity (N=75) and 15% identified as bisexual (N=15%).

While it is concerning that 10% of all TDSB employees reported experiencing discrimination, a recent (November 2019) [survey](#) by the Centre for Canada’s Future found that 30% of Canadians who identify with a specific diversity group reported experiencing at least one incident of discrimination at their current employer – including 41% of respondents with a disability, 40% of Indigenous respondents, 34% of respondents who identify as people of colour, 33% of LGBTQ+ respondents, and 33% of women, to put such data in some comparative perspective.

## Fair treatment of people from all backgrounds

Table 1 demonstrates that, overall, TDSB staff are inclined to agree with the proposition that people from all backgrounds are treated fairly; fully 85% of staff somewhat agree or strongly agree.

TABLE 1: PEOPLE FROM ALL BACKGROUNDS ARE TREATED FAIRLY IN OUR WORKPLACE		
	Percent	Count
Strongly Disagree	6%	681
Somewhat Disagree	10%	1,123
Somewhat Agree	37%	4,205
Strongly Agree	48%	5,486
Total	100%	11,495

However, based on the 9/10<sup>th</sup> significance standard, by which agreement of 77% or lower (85% x 0.9) qualifies as significant, there are four subgroups that have a more critical view of how fairly people of all backgrounds are treated. Specifically, as Table 2 shows, those who identify as disabled, Black, Latin American or Muslim stand out in this regard.<sup>21</sup>

TABLE 2: PEOPLE FROM ALL BACKGROUNDS ARE TREATED FAIRLY IN OUR WORKPLACE (Significant Findings for Somewhat Agree or Strongly Agree)		
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<sup>21</sup> For Table 2, and the significant findings tables that follow, we have excluded the responses of non-cognizable groups, as well as groups with very low respondent counts. So, for example, responses from survey takers who selected “prefer not to answer” (non-cognizable) for gender were excluded, and the same applied to those who listed two-spirited (11 respondents in total) as their sexual orientation.

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	Percent	Count <sup>22</sup>
Disabled – Yes	74%	542
Race – Black	74%	512
Race – Latin American	75%	115
Religion – Islam	74%	261

## Employer efforts to prevent harm from harassment, discrimination and violence

Generally speaking, staff hold the view that the TDSB makes efforts to prevent harm to employees. Three out of four employees (76%) agree, strongly or somewhat, that harassment, discrimination or violence are harms that the TDSB aims to prevent (Table 3).

TABLE 3: MY EMPLOYER MAKES EFFORTS TO PREVENT HARM TO EMPLOYEES FROM HARASSMENT, DISCRIMINATION OR VIOLENCE		
	Percent	Count
Strongly Disagree	10%	1,158
Somewhat Disagree	15%	1,687
Somewhat Agree	41%	4,662
Strongly Agree	35%	3,967
Total	100%	11,474

Rather strikingly, only one subgroup had a significantly lower than average assessment of how the TDSB performs such preventative functions. Specifically, 58% of staff who identify as disabled (N = 421) said the TDSB makes efforts to prevent the aforementioned harms, a figure below the overall agreement percentage that this finding highlights a need for dedicated engagements with employees who identify as disabled.

## Employer efforts to deal with potential threats and harms

Shifting to the related subject of how the TDSB deals with situations that may threaten or harm employees, seven out of ten (71%) employees strongly agree or somewhat agree that the TDSB effectively deals with such situations (Table 4). Still, it is rather concerning that a non-negligible fraction of respondents, one of eight (12%), strongly disagree.

TABLE 4: MY EMPLOYER DEALS EFFECTIVELY WITH SITUATIONS THAT MAY THREATEN OR HARM EMPLOYEES (E.G., HARASSMENT, DISCRIMINATION, VIOLENCE)		
	Percent	Count
Strongly Disagree	12%	1,395
Somewhat Disagree	17%	1,949
Somewhat Agree	40%	4,542
Strongly Agree	31%	3,498
Total	100%	11,384

<sup>22</sup> These counts represent the numbers of respondents from each demographic grouping who selected the given response.

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Among staff who had significantly lower agreement levels (on this measure, 64% or less), three subgroups have been identified, as shown in Table 5.

TABLE 5: MY EMPLOYER DEALS EFFECTIVELY WITH SITUATIONS THAT MAY THREATEN OR HARM EMPLOYEES (E.G. HARASSMENT, DISCRIMINATION, VIOLENCE) (Significant Findings for Somewhat Agree or Strongly Agree)		
	Percent	Count
Disabled - Yes	55%	397
Sexual Orientation – Bisexual	64%	94
Religion – Atheism	64%	335

It should be noted that staff who identify as disabled have, *yet again*, expressed views that are critical of the TDSB on these measures, all of which signals problems in need of serious exploration and, where possible, rectification.

## Experiencing Discrimination

In response to the matter of whether they are experiencing discrimination, 10% of respondents (N = 1,185) answered “yes.” In accord with HRO complaint data, Table 6 shows that race is the main ground upon which staff experience discrimination, followed by, in descending order, culture, age, gender identity and religion.

Table 6: Experiencing Discrimination – Main Grounds		
	Percent	Count
Race	33%	386
Culture or Ethnicity	28%	335
Age	27%	321
Gender Identity	15%	172
Religion, Creed or System of Belief	11%	136

With respect to the percentage of staff *within each subgroup* who report experiencing discrimination, 25% of staff who identify as disabled (N = 182) were experiencing discrimination. Other notable subgroups in this regard (bearing in mind that, overall, 10% of staff experienced discrimination) were staff who are Latin American (19%, N = 29), Muslim (18%, N = 62), Black (17%, N = 119) South Asian (17%, N = 130), Hindu (17%, N = 55), mixed racial identity (15%, N = 75) and bisexual (15%, N = 23).

Moving forward, as more staff surveys are conducted in the coming years, the HRO working closely with other departments in the Board will be paying particular attention to how the concerns of these subgroups are addressed within the TDSB.

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## 3.2.1.2 Student and Parent Census (2017)

The TDSB's 2016-17 Student and Parent Census,<sup>23</sup> based on 46,070 responses from grade 4-6 students and 86,593 responses from grade 7-12 students, constitutes a valuable source of information on student experiences with matters such as fair (or unfair) application of school rules, degrees of belonging, senses of well-being, perceptions of respect and related concerns. Usefully, from a human rights standpoint, the response data is broken down by variables such as religion, sexual orientation, race, dis/ability, gender identity, etc., all of which facilitates analyses of differentiated and/or convergent school experiences. Although the material which follows cannot be regarded as definitively indicative of the state of human rights at the TDSB, it is nonetheless reasonable to surmise that when multiple experiential and perceptual measures of fairness, well-being, respect, etc., are pointing in similar directions, positively or negatively, such findings can be regarded as a bellwether of what is occurring in schools week in and week out.

By way of high level synopsis, the data shows that Black and gender non-conforming students from grades 4 all the way through to grade 12 are significantly less inclined to feel that the rules are applied to them fairly, in addition to Indigenous students and Indigenous Spirituality-practicing students in grades 7-12. A substantial number of *Code* protected student groups in grades 7-12, moreover, feel lower degrees of belonging in school, including those who self-identify as having a "disability", Black students, Latin American students, non-binary students, LGBTQ+ students, and Indigenous Spirituality practicing students. When grades 7-12 students were asked whether "My teachers respect my background", two groups were found significantly less likely to answer in the affirmative: Indigenous students and students who practice Indigenous Spirituality. Significant subsets of the grades 7-12 student population also reported having relatively lower degrees of well-being, including: East Asian students, students who identify as disabled, agnostic and atheist students, students who practice Indigenous Spirituality, LGBTQ+ students and nonbinary students. The data informing this synopsis is presented in further detail, as well as in Appendix H.

### Application of School Rules

Among student respondents in grades 7-12, the vast majority report that school rules are applied to them in a fair manner. As shown in Table 1, 78% of students state that rules are applied fairly either all the time or often.

Table 1: SCHOOL RULES ARE APPLIED TO ME IN A FAIR WAY (Grades 7 -12)		
	Percent	Count
All the time	41%	34,484
Often	37%	31,072
Sometimes	16%	13,678
Rarely	4%	3,613

<sup>23</sup> For the 2016-17 census cycle, the Student Census was administered from Grades 4-12 and Parent Census was administered to parents/guardians of students in JK to Grade 6 (there was overlap to examine feasibility and compare data/accuracy for Grades 4-6 students). In cycles prior to 2016-17, the Student Census was administered from Grades 7-12 and Parent Census was administered to parents/guardians of students in JK to Grade 6. See TDSB website for more on this regular periodic survey: <https://www.tdsb.on.ca/research/Research/Parent-and-Student-Census>.

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Never	2%	1,793
Total	100%	84,640

Nonetheless, there are subsets of the overall grade 7-12 student body who report significantly different experiences:

- Under the category “race,” 64% of Black students (N = 6,604),<sup>24</sup> and 67% of Indigenous students (N = 135), say school rules are applied to them in a fair way all the time or often.
- Under the category “gender identity,” 64% of non-binary students (N = 561) say school rules are applied to them in a fair way all the time or often.
- Under the category “religion,” 66% of students who practice Indigenous Spirituality (N = 73) say school rules are applied to them in a fair way all the time or often.

Like their counterparts at higher grade levels, respondents in grades 4-6 tend to positively assess rule-related matters at the TDSB. Responding to a somewhat different question – whether rules are fair, rather than whether rules are fairly applied to them – 75% of these students regard rules as being fair all the time or often, as illustrated in Table 2.

Table 2: SCHOOL RULES ARE FAIR (Grades 4-6)		
	Percent	Count
All the time	45%	20,306
Often	30%	13,555
Sometimes	17%	7,784
Rarely	5%	2,129
Never	3%	1,140
Total	100%	44,914

Notably, however, two categories of grades 4-6 students are fair less inclined to see school rules are fair:

- Under the category “race,” 65% of Black students (N = 3,506) see rules as fair all of the time or often.<sup>25</sup>
- Under the category “gender identity,” 55% of non-binary students (N = 58) see rules as fair all of the time or often.<sup>26</sup>

These results demonstrate that Black students, from grade 4 all the way to grade 12, are less likely (based on the 9/10ths standard) to assess TDSB schools as environments in which rule-related matters are fair all

<sup>24</sup> Total number of Black respondents who selected all the time/often = 6604.

<sup>25</sup> Total number of Black respondents who selected all the time/often = 3506

<sup>26</sup> Total number of non-binary respondents who selected this = 58

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of the time or often. The same applies to non-binary students, a finding that is worthy of closer examination, even though the numbers of non-binary respondents, in both grades 4-6 and grades 7-12, are very small.

## Sense of Belonging

The Multi-Year Strategic Plan states that “students...feel a greater sense of well-being when they are engaged and feel that they belong, and feel safe and included.”<sup>27</sup> The grade 7-12 Student Census enables ascertainment of the degree to which students feel like they belong in their schools, and, as shown in Table 3, nearly two-thirds of students – 64% - feel like they belong in their schools all the time or often.

Table 3: I FEEL I BELONG IN THIS SCHOOL (Grades 7-12)		
	Percent	Count
All the time	28%	23,937
Often	36%	30,713
Sometimes	24%	20,094
Rarely	8%	7,020
Never	4%	3,467
Total	100%	85,231

On the basis of the 9/10<sup>ths</sup> significance standard (equal to or less than 58% for this survey question) there are a striking number of subsets of the student population who feel lower degrees of belonging:

- Under the category “disability,” 56% of students who identify as disabled (N = 4,366) feel a sense of belonging all of the time or some of the time.<sup>28</sup>
- Under the category “race,” 56% of Black students (N = 5,819), 55% of Indigenous students (N = 112), and 58% of Latin American students (N = 920) feel a sense of belonging all of the time or some of the time.
- Under the category “gender identity,” 44% of non-binary students (N = 398) feel a sense of belonging all of the time or some of the time.
- Under the category “sexual orientation,” 50% of LGBTQ+ students (N = 2,202) feel a sense of belonging all of the time or some of the time.
- Under the category “religion,” 52% of students who practice Indigenous Spirituality (N = 57) and 52% of students who practice Spirituality (N = 434) feel a sense of belonging all of the time or some of the time.

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<sup>27</sup> Pg. 4 – Multi-Year Strategic Plan

<sup>28</sup> Total number of respondents who identify as disabled = 7,760

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The fact that this many students, all of whom fall under the ambit of *Code* protected groups, report relatively low levels of belonging at their schools is a finding of concern and should be further explored through a human rights lens.

## Respect for Background

Whereas the sense of belonging question was pitched at a general level, with no specification of actors within school environments who positively or negatively shape experiences of belongingness, another question asks grade 7-12 students to report the degree to which teachers, specifically, have respect for their backgrounds. Here, the overall findings (presented in Table 4) are encouraging given that 92% of students indicate that all or most of their teachers respect their backgrounds.

Table 4: MY TEACHERS RESPECT MY BACKGROUND Grades 7-12		
	Percent	Count
All of them	76%	31,763
Most of them	16%	6,868
Some of them	5%	2,107
One or two of them	2%	861
None of them	1%	439
Total	100%	42,038

There are, however, two interrelated exceptions to this overall picture:

- Under the category “race,” 82% of Indigenous students (N = 82) report that all or most of their teachers respect their background.
- Under the category “religion,” 83% of students who practice Indigenous Spirituality (N = 43) report that all or most of their teachers respect their background.

## Well-being

All of the aforementioned survey findings – pertaining to rules and rule application, sense of belonging, and respect for backgrounds – bear upon a critical consideration, namely, student self-assessments of their well-being. On this measure, as shown in Table 5, 75% of students rate their well-being as middle or high on the survey’s well-being index.

Table 5: WELL-BEING INDEX (Grades 7-12)		
	Percent	Count
Low	25%	30,775
Middle/High	75%	94,339
Total	100%	125,114

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One-quarter of students rate their well-being as low, which is concerning, as are a series of findings showing that numerous segments of the grade 7-12 student body are not middle or high on the well-being index:

- Under the category “disability,” 55% of students who identify as disabled (N = 4,087) report their well-being as middle or high.
- Under the category “race,” 68% of East Asian students (N = 11,792) report their well-being as middle or high.
- Under the category “religion,” 50% of Agnostic students (N = 1,110), 56% of students who are Atheists (N = 2,666),<sup>29</sup> 54% of students who practice Indigenous Spirituality (N = 59),<sup>30</sup> 54% of students who practice Spirituality (N = 433) and 53% of students who practice another religion (N = 255) report their well-being as middle or high.
- Under the category “sexual orientation,” 36% of LGBTQ+ students (N = 1,546) report their well-being as middle or high.
- Under the category “gender identity,” 32% of non-binary students (N = 309) report their well-being as middle or high.

### 3.2.2 Number of complaints, time to resolve, and early resolution

The Multi-Year Strategic Plan also includes the following complaint related performance measures for the Board’s Human Rights Action Plan.

- The number of human rights complaints (success being defined as their reduction).
- The length of time needed to resolve human rights cases (the less time the better).
- The number of human rights complaints resolved through “early resolution” and investigations (the more resolved the better).

### Complaint numbers

The complaint data described in section 2.1 shows that the total number of active complaints has increased from 287 on September 1, 2018 to 343 complaints by August 31, 2020 (see section 3.3. for discussion of reasons for this trend). Reasons for the growth in human rights and workplace harassment complaint numbers are discussed in section 3.3.1. The total number of hate activity reports has also more than quadrupled from 64 hate incident reports in the 18/19 school year to 291 in the 19/20 school year.

From the perspective of the organizational change continuum discussed in section 3.1, an increase in the reporting of incidents of discrimination, harassment and hate may not necessarily be a negative phenomenon insofar as this can sometimes indicate that issues are increasingly being surfaced rather than suppressed – representing progress along the organizational change continuum from Stage 1 to Stage 2. It is a known phenomenon in the human rights world and literature for complaints to grow when organizations begin building up their internal human rights infrastructure and as they expand their

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<sup>29</sup> Total number of atheist respondents = 4,763.

<sup>30</sup> Total number of respondents who practice Indigenous Spirituality = 109.

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outreach and promotion efforts. A growing number of complaints and incident reports can also be indicative of the emergence of a more human rights friendly culture (at least relative to what preceded) where people feel safe to come forward, and have sufficient confidence in the internal process, to file complaints.<sup>31</sup> That said, while the increase in racism and hate activity reporting is more a result of new procedural accountabilities being imposed on administrators (which is a positive development), the growth in the number of active complaints at the HRO is more likely a function of the HRO’s strained capacity to resolve incoming complaints while dealing with a growing backlog (as discussed in section 3.4.1).

## Length of time to close cases

The total average age (in calendar days) of cases closed has decreased by 37.2 days year over year, from an average of age of 576 days for complaints closed in 18/19 to 539 days in 2019/20. These numbers are significantly skewed by the HRO’s inheritance of a large backlog of cases at the beginning of 2018, as demonstrated, for instance, in the number of cases filed in previous years on file with the HRO, and number of backlog cases (defined as more than 270 days old) inherited as of September 1, 2018.

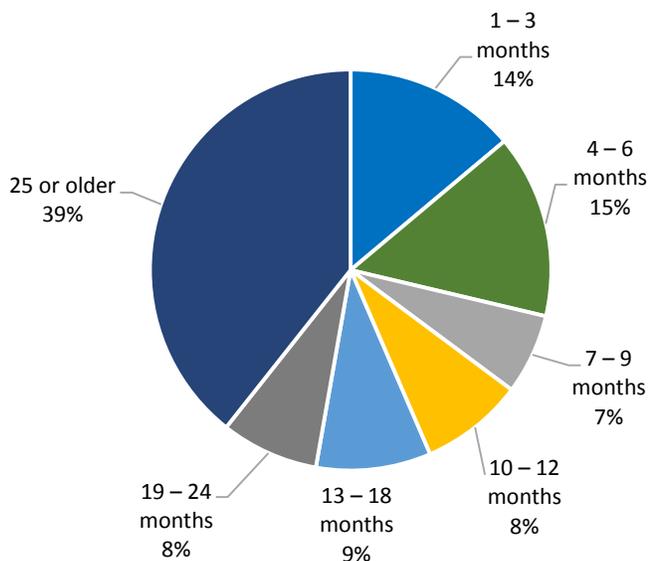
**Age of Closed Cases**

Months	Days	Number of complaints closed in 2018/19	Number of complaints closed in 2019/20
1 – 3	90 days or less	30	21
4 – 6	91 - 180	32	18
7 – 9	181 - 270	14	12
10 – 12	271 - 360	18	8
13 – 18	361 – 540	20	15
19 – 24	541 – 720	17	16
25 or older	721 and older	85	49
TOTAL		216	139
AVERAGE DURATION		576.19	538.99 days

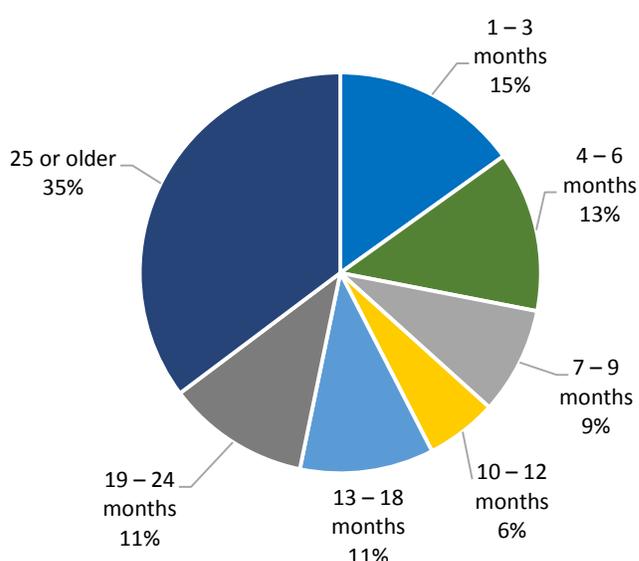
<sup>31</sup> Although HRO complaint numbers have remained fairly stable over the last two years, had trends continued in the direction they were moving just prior to the pandemic, the HRO was on track to have a record number of new cases submitted by the end of the 19/20 year. The fact that complaint numbers have remained stable over the pandemic – when there is significantly less interaction of workers in the workplace, as well as less students and parents in schools – suggests that overall complaint numbers may well continue to rise significantly once the Board is back to pre-pandemic school and working.

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Age of Cases Closed in 2018/19



Age of Cases Closed in 2019/20



The HRO has been closing many of these older cases over time but has not been able to keep up with all of the incoming files, a challenge discussed in 3.3.1.

It should be noted, furthermore, that closing cases earlier than later is not always an indicator of success, as the ultimate goal is to serve justice, make victimized parties whole, and restore relationships appropriate, wherever possible, and sometimes this means taking more time with cases, rather than prematurely closing or redirecting them. Anecdotally, for instance, the HRO in recent times has been spending more time on the threshold assessment phase than previously, out of vigilance and a concern to ensure we have sufficient information to dispose of the case appropriately (even though the prima facie standard technically puts the onus on the complainant). This is a positive development from an ends perspective, but could mean some cases take longer to close.

## Early resolution

The HRO has yet to operationalize an official measure of “early resolution”. Any such future measure would need to include cases that are resolved without ever making it to the complaint stage, which could require tracking the outcomes of consultations among other things (not always an easy undertaking). Early resolution as a measure may also include complaints that are resolved within 3 months of their filing (and in this respect there has been a very marginal increase in the numbers of complaints closed within 3 months from 14% of closed cases in 18/19 to 15% of closed cases in 19/20). On a positive note, though not fully quantifiable as yet (because what may appear to be a resolved “incident” could subsequently turn into a complaint within a year’s horizon, and because student complaints are not currently centrally tracked or handled by the HRO), there has been a very large increase in the number of reported incidents of racism and hate involving or impacting students that are being addressed and resolved early - and likely more appropriately with increasing HRO and central system support - as a result of the introduction of the new early resolution-focused Procedure 728 (Reporting and Responding to Incidents of Racism and Hate Involving or Impacting Students). PR728, for instance, requires (among other things) the reporting of any racism or hate/bias incident within 24 hours, immediately addressing any safety needs of impacted parties as soon as possible, and consulting with an Organizational Response Team wherever guidance on

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an appropriate response is required, and this no later than 3 working days after the incident report (with any extension of such timelines requiring Executive approval).

One small indication of the scale of current TDSB efforts to resolve racism and hate incidents early (*before* the complaint stage) is the fact the HRO has been involved in more than 62 Organizational Response Team meetings between May 29, 2020 and August 31<sup>st</sup>, 2020 alone (with the summer months traditionally being a down time) – and this trend has continued to increase in the new 20/21 school year. Plans are also underway (as discussed in section 4) at the HRO to increase the use of Alternative Dispute Resolution through a concerted HRO-led, board-wide strategy.

## 3.3. Overall Successes

### 3.3.1 Increased overall Board capacity

The HRO has gone from an office of one Executive Superintendent and then one Senior Manager with one casual Assistant and no staff (September/October 2018) – with over 200 cases to manage – to becoming a fully staffed office of ten FTEs, spread out over two offices (including a newly constructed west-end satellite office), with modernized case management and online reporting systems either built (e.g. RBH Portal) or well on their way to completion (e.g. forthcoming Human Rights Inquiry Portal and Complaint Portal, and case management system), and a significantly and proactively and systemically expanded and reoriented transformational mandate (extending the reach of the office beyond transactional complaint processing). The HRO got off the ground, drawing on the best practices and thinking of human rights and equity practitioners from around the GTA and province, as concerns the administration of human rights in K-12 educational settings. This was done through the hosting of a premier meeting of human rights minds at the HRO's inaugural Human Rights and Education Symposium, in partnership with York University in November of 2019.

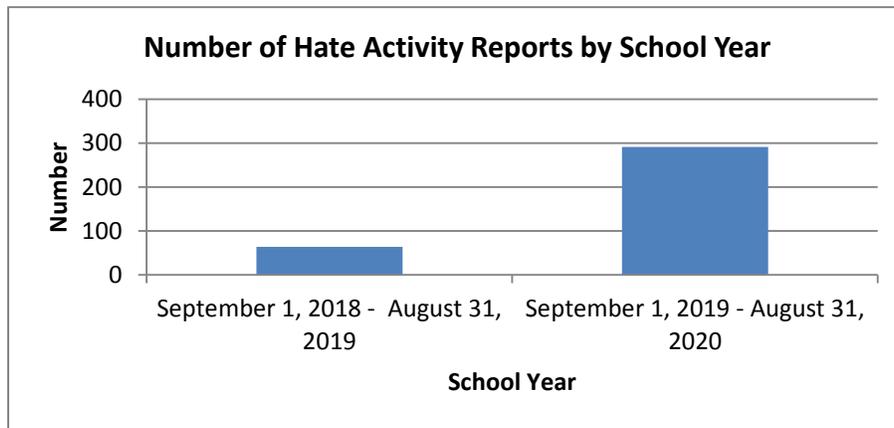
The investment of time, resources and labour renewing the HRO has incontrovertibly increased the capacity of the Board to protect and advance the human rights of all TDSB members, though this will take some time to fully bear fruit, as with all meaningful change (as much of this restructuring work beneath the scenes is low on the visibility horizon of initiatives but high in long term impact).

### 3.3.2 Increased HRO and Board capacity to effectively address student human rights issues

Another positive development has been the growth of the HRO's mandate and service offerings beyond the employment setting, which previously predominantly pre-occupied the HRO (at least in recent history), in order to better serve, protect and promote the human rights of students and parents, on the critical and essential service side of the Board's mandate. While we are only at the outset of this critical transition, and our ability to effectively engage and address student and parent human rights issues and concerns will be largely dependent on resourcing going forward, this growth in HRO service offerings and involvement is revealed in the following indicators through the following indicators:

a) exponential growth in the numbers of hate activity incidents in schools being reported to the HRO and directly involving the HRO in a consultative capacity included through the newly introduced Organizational Response Team.

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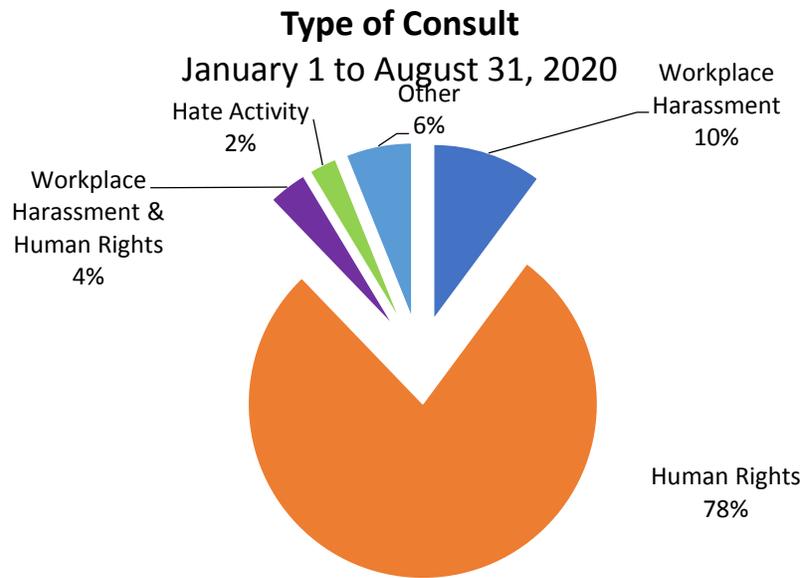
b) the growing number and proportion of complaints at the HRO involving human rights, including human rights in educational services year over year, demonstrating the HRO's increased focus on human rights in schools, rather than its previous disproportionate focus on non-human rights related workplace bullying and harassment (down from 45 % in 18/19 to 33% of the HRO's complaint portfolio in 19/20).

TYPE OF COMPLAINT	2018/2019 NUMBER OF COMPLAINTS	2018/2019 PERCENTAGE	2019/2020 NUMBER OF COMPLAINTS	2019/2020 PERCENTAGE
Workplace Harassment ( <i>no human rights ground</i> )	95	45%	67	33%
Human Rights	58	28%	75	37%
Human Rights and Workplace Harassment	51	24%	54	27%
Not Identified	5	2%	6	3%
TOTALS	209	100%	67	100%

SOCIAL AREA	2018/2019 NUMBER OF COMPLAINTS	2018/2019 PERCENTAGE	2019/2020 NUMBER OF COMPLAINTS	2019/2020 PERCENTAGE
Education/Service	6	3%	12	6%
Employment	203	97%	190	94%
TOTALS	209	100%	202	100%

c) the growing proportion of HRO consultations involving student and parent human rights issues.

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The above sampling of consultation subjects is consistent with what HRO staff anecdotally have noted (since we don't have consultation data from 18/19) as a significant transformation – since the 18/19 school year - in the subject matter of consultations among Human Rights Office staff, which increasingly concern human rights issues among students in schools.

### 3.3.3 Growing confidence and Trust in the HRO

While the HRO still has a long way to go to earn the full trust of the larger TDSB community, there is growing confidence and trust in the office, as shared anecdotally, but also as demonstrated concretely in the growing demand for HRO consultation services, including increasingly in relation to matters beyond and before the complaint stage (as most recently demonstrated by the HRO's substantial role in supporting the development of, and providing, guidelines and advice around COVID -19 accommodation issues, mask exemptions in particular). The extent of HRO consultation (mostly on rights and responsibilities) by administrators and senior team members in particular (see section 2.4) is further demonstrative of this, though greater attention will need to be paid to other TDSB community members in the future, to build relationships across, and more equitably serve, the entire TDSB community.

The fact that HRO complaint numbers have been on an upward trajectory – at least until the pandemic, when complaint numbers returned to 18/19 levels despite the significant reduction in close interpersonal interaction – is another potential indicator of ongoing confidence in the Board's internal human rights and workplace harassment complaint process by those whom it covers, namely employees. In this respect, there has been a particularly substantial growth in the numbers of complaints being filed by ETFO members year over year, though, conversely, also a significant decrease in complaints from OSSTF members (as discussed in section 2.1). Continued trust and confidence in the office moving forward will depend in significant measure on the HRO's capacity to reduce overall case backlog and delays in complaint processing through a concerted backlog reduction effort.

### 3.3.4 Increased human rights monitoring and data collection capacity

Another key positive development is the growing capacity of the HRO and Board to monitor the state of human rights at the TDSB, including through the collection and analysis of aggregate data trends, to better assess where we are at and inform where we need to be, to achieve the HRO's mission of creating

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a thriving culture of human rights at the TDSB. The extent of human rights data presented in this Report is but one indication of this enhanced human rights monitoring capacity, as is the growing number of racism and hate incidents being reported by TDSB Administrators, and the extent of detail captured in the new online RBH reporting portal.

This has been enabled by the HRO's growing resourcing and very intentional focusing of efforts on expanding our monitoring tools, functions and mandate, given the centrality of such data as a linchpin for more strategic, proactive and systemic human rights enforcement, in keeping with desired future goals and directions, to advance along the human rights organizational change continuum (Stage 4, as discussed in section 3.1). The modernization of data collection and reporting tools – including the introduction of an RBH (Racism, Bias & Hate) Portal, and forthcoming Inquiry and Complaint Portals and new case management system - are among the additional critical enablers of this transformation (thanks in part to ongoing internal support provided by IT Services), as are current policy and procedural transformations, which are placing an increasing onus on system leaders to proactively monitor and report human rights violations.

The HRO and Board, nevertheless, are only at the beginning of this proactive monitoring journey, with a lot of work still to do – including updating complaint forms and tracking to better enable a more finely grained, disaggregated and intersectional analysis, with increasing traceability and locational accuracy to connect the dots between decision points, outcomes and responsible agents. The HRO, furthermore, recognizes the need to develop a more holistic and global framework of human rights evaluation that expands measures significantly beyond complaint data, and perceived differential treatment (as revealed in survey data), to turn a greater eye towards and spotlight on the monitoring of inequitable outcomes in education and employment, for which no non-discriminatory explanation or justification may exist (an initiative included in our future action plans, per section 4).

### **3.3.5 Increasing accountability for and mainstreaming of human rights responsibilities and increasing proactive focus of activity**

The growing monitoring, analysis and reporting of human rights outcomes and related data, together with the increasingly clarified nature and specification of roles and responsibilities in updated policies and procedures (including P031/P034/PR728/PR515), has begun to lead to a perceptible growth in accountability among TDSB members for upholding human rights. Regular, unfiltered, transparent reporting of such data publicly and internally, and incorporating this into performance evaluation and planning, will be critical to continuing to enhance accountability in the future.

Looking back, the concerted efforts of senior leaders to communicate human rights obligations, and perhaps even more impactfully, to enforce such obligations in a few high profile cases, has also played a key role in enhancing accountability and increasing vigilance around human rights obligations across the Board.

Among the most impactful and promising developments over the past year has been the increasing integration and embedding of human rights responsibilities into the day to day roles and activities of supervisory staff – most significantly through PR728 – which has significantly increased accountability for such matters among appropriate “directing minds”, and helped to ensure that issues do not disappear into oblivion before being properly resolved. The mainstreaming of human rights responsibilities and

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proactive positive duties in new and forthcoming TDSB human rights policies and procedures - which merely more explicitly articulate duties that already exist for supervisory staff in law (in which ignorance is no defence) – is the only sustainable model for ensuring a culture of human rights is created and sustained, especially in an organization as large as the TDSB (where human rights could never and should never be the sole preserve of a few human rights specialists).

The growing proactive focus and locus of human rights activity is a welcome departure from the recent past, though there remains much room for improvement on the ground in such respects.

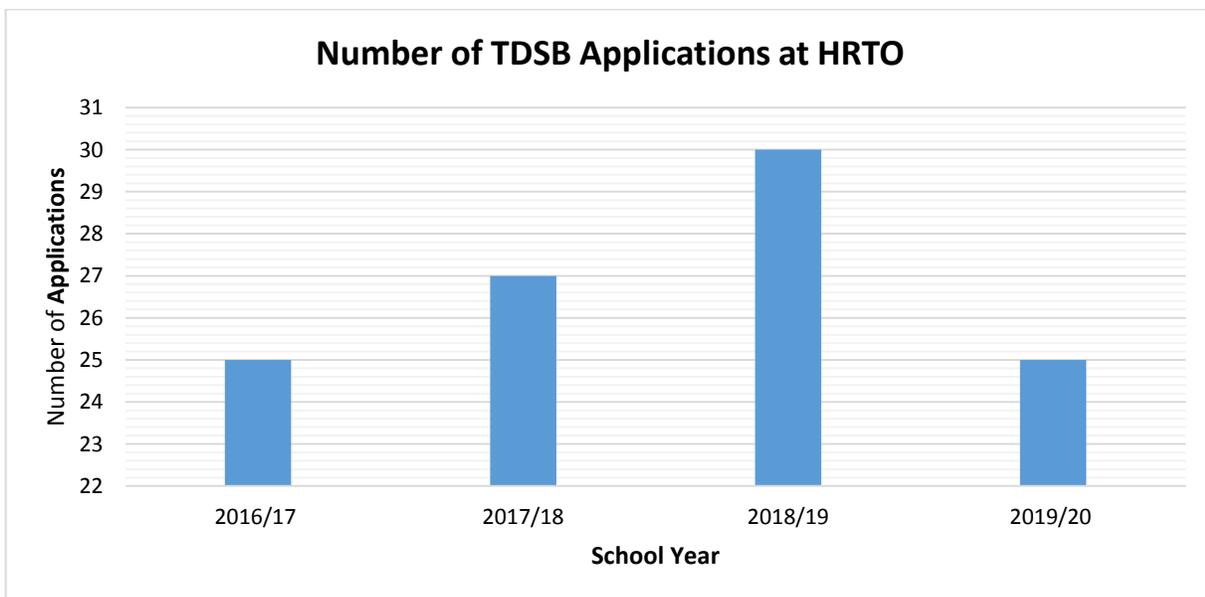
### 3.3.6 Human Rights Learning and Growth

There has also been significant learning and growth in human rights competencies among some segments of staff. While the HRO has done some targeted professional development and training, focusing mostly on senior team and administrators, most of the richest and lasting learning has happened more organically, through staff working through issues together - on the job, in real time - with HRO staff support and consultation, as exemplified through the Organizational Response Team process. Numerous staff have shared “eureka” moments, occasioned or inspired by HRO staff members, and this has been very encouraging to see take hold.

That said, the HRO has yet to fully launch its training program, with the exception of some online training modules and in-person sessions on PR728, and with major human rights policies and procedures recently revised and/or in process on the near horizon, there will be need for a significant expansion and institutionalization of human rights learning and capacity building in the near future (as discussed in future plans in section 4).

### 3.3.7 HRT0 complaints and HRO investigation costs

The expanded resourcing of the HRO has coincided with a moderate decrease in the number of HRT0 applications filed in the 19/20 year, per graph below.

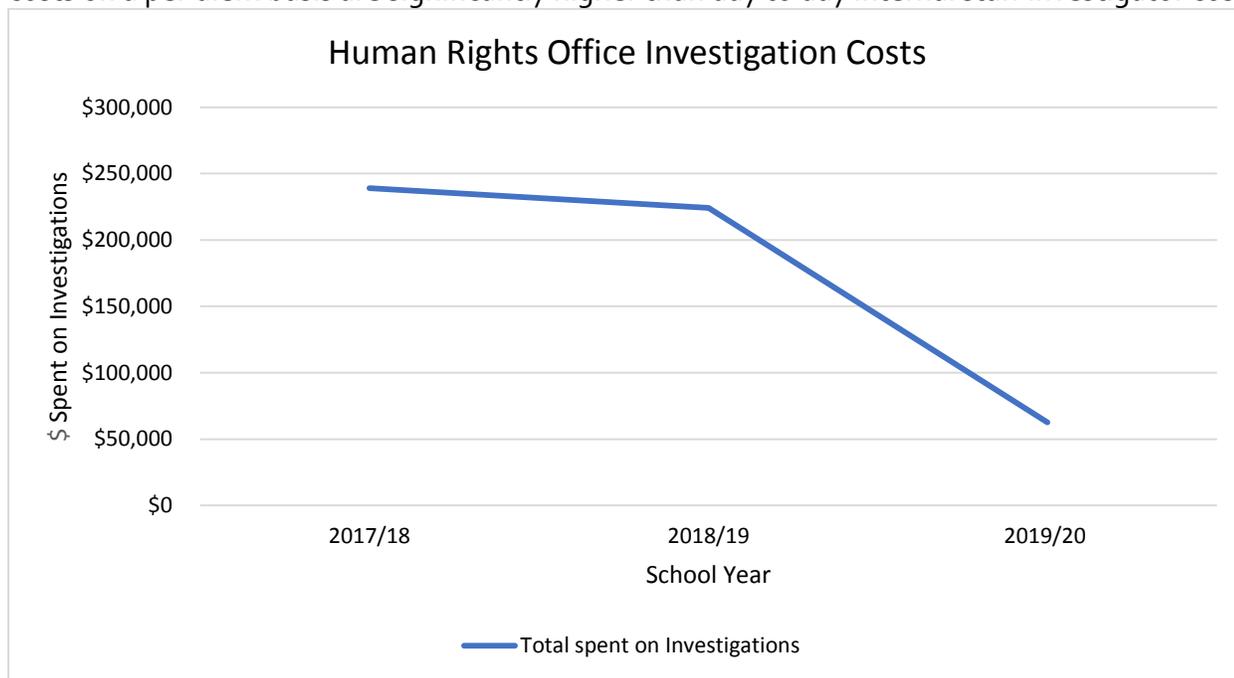


It is nevertheless difficult to establish anything more than co-relation, and certainly not causation, between such developments, given the large number of variables that could account for persons initiating

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external human rights legal proceedings against the Board within any single year. Over the long term, nevertheless, one would hope to see a decline in the need for members of the TDSB community to have to pursue external legal proceeding in search of recourse, provided the internal systems and processes are optimized in a manner providing for just recourse, reparation, and prevention which is the higher goal of human rights, rather than any instrumental cost savings.

Another result of the hiring of new staff to help investigate and resolve complaints has been the significant costs savings in external investigator costs, which have decreased 74% since the end of 2017/2018 school year. The future feasibility of the HRO staffing model for complaint handling, nevertheless, may have to be reviewed against other models deployed in other very large organizations (such as the Ontario Public Service), where human rights officers supervise rather than directly conduct investigations, due to the volume of complaints and time it takes for staff to conduct investigations, which is time away from offering other critical advisory services. Needless to say, external investigator costs on a per diem basis are significantly higher than day to day internal staff investigator costs.



### 3.4 Overall Challenges (including mitigation strategies) and concerns

#### 3.4.1. Persisting Backlog, Delays and Capacity issues

The greatest ongoing challenge facing the Human Rights Office is its capacity to keep pace with the more than 200+ newly incoming complaints each year, while simultaneously striving to reduce the large backlog of cases inherited in 2018, in no small part as a result of the office's previous under-resourcing, relative to the size of the Board and incoming complaints, as well as due to staff turnover challenges in recent history. These issues have been discussed in more detail in section 2 of the report under current trends.

Besides staff turnover, other key factors accounting for growing case load in 19/20 was the significant increase in demand for consultations with the HRO that same year (discussed above in section 3.3.3), and fairly dramatic expansion of the HRO's role and mandate beyond employment to addressing racism and hate incidents in schools, with the number of racism and hate incidents reported to the HRTTO rising

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dramatically over the 19/20 year, along with HRO's involvement in Organizational Response Team meetings.<sup>32</sup>

It should be noted here that the HRO's decision to expand its services to engage human rights issues (racism and hate in particular) impacting or involving students in schools with the introduction of Procedure 728 was premised on an agreement made in December of 2019 to transition the large number of non-human rights cases of workplace harassment/conflict - which accounted for almost half (45%) of all HRO complaints in 18/19 - to Employee Services. As noted earlier in the report that transition has not materialized to date, which has led to a challenging situation whereby the HRO had opened up a brand-new door of service provision, without ever closing the existing door of non-human rights service provision. Some of the reasons for this delay may be attributable to the pandemic in March 2020, which undoubtedly became a priority focus of attention, and which also led to all policy development being put on hold, including HRO revisions to P031 (Human Rights Policy) and P034 (Workplace Harassment Prevention Policy) to effect such changes in mandate among others. Despite HRO efforts, there was no transitional plan put in place. The consequent volume of activity within the HRO currently, thus, remains cause for concern, including from a staff retention perspective (as there are lots of opportunities for human rights professionals to work elsewhere, under less trying circumstances, in what is a growing field of employment).

Another significant factor contributing to the decrease in numbers of cases closed in the 2019/20 school year, over and above staff turnover and growing demands on service, was the fact that an increasing proportion of complaints filed in the 19/20 school year involved human rights grounds (as opposed to non-human rights workplace harassment issues).

Human rights cases are generally more complex and time-consuming to address, and more often than not involve direct HRO management and investigation, unlike workplace harassment complaints where no human rights grounds are involved (which, according to the terms of PR515, are generally redirected back to management to handle in the first instance, with the HRO supporting in an advisory versus lead managing role).

There has been a general increase in Human Rights complaints everywhere with increasing with increasing levels of social justice advocacy in the wake of the Black Lives Matter and Me Too movements among others. A final protection factor leading to longer case handling times has to do with changes in law since 2017, which found expression in changes that same year to the Board's Workplace Harassment and Human Rights Procedure (PR515) governing complaint handling. Among the statutory changes that took effect in 2017 as a result of Bill 132, Sexual Violence and Harassment Action Plan Act, 2016, was a new requirement for employers to ensure investigations "appropriate in the circumstances" are conducted into every incident and complaint of workplace harassment. This led to a large growth in the

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<sup>32</sup> Compounding this challenge further, in terms of HRO capacity constraints, was a decision in June 2020 to revise PR728 to require the convening of an Organizational Response Team for every single incident of racism, bias or hate in every school, all the time, which became unsustainable for the HRO, and which was subsequently revised back to the originally proposed version assented to by the Board of Trustees, which called for proportionate response and the convening of an ORT based on objective escalation criteria. This change was intended in part also to enable Board leaders and staff to spend more time on capacity building and prevention, against the reactive grain of so much work in this area.

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numbers of investigations initiated across the entire sector, which corresponded with a relative decline in the use of alternative dispute resolution methods that were historically used, in the absence of an investigation, to close many cases early.<sup>33</sup> The Ministry of Labour, moreover, may now conduct third party inspections to ensure compliance with such provisions, and complaints may now also be filed with the Ministry of Labour, including to request the review of files closed by the HRO, something that has also begun to take up time for HRO staff (though we have yet to be found in contravention of the Occupational Health and Safety Act).

Whatever the reason for the growing backlog of cases and delays in complaint processing, the HRO will need to pursue very intentional and concerted measures to mitigate and reverse this trend going forward, including by, for instance, hiring more staff (even if on a temporary basis) to deal with the backlog, streamlining PR515 to enable more timely and expedited investigation options, moving non-human rights cases out of the HRO (a top priority which would immediately alleviate some pressure), and/or, in the event that all this still falls short, considering moving to a new and different case management model (for example, whereby HRO Senior Human Rights Officers contract out all investigations and merely supervise them, as is the case in the Ontario Public Service, due to the volume of complaints and time/labour intensiveness of directly conducting human rights investigations). The HRO will also need to look at ways to expand early resolution options including by resolving matters before they become a complaint (akin to PR728 but as applies on the employment side), using ADR methods increasingly before and where there is a complaint, while doing so in a manner that meets all legal requirements. Finally, it will be critical and essential to build human rights capacity and mainstream accountability for human rights (through performance management, hiring and promotion etc.) among all Board staff in an effort to prevent human rights violations from occurring in the first place. The new HRO roles dedicated to this proactive preventative organizational change work and education, thus, must be maintained, if not expanded, to help facilitate this.

### 3.4.2 Management human rights competency

Leaders in TDSB with supervisory responsibilities must engage in additional learning with respect to human rights and equity in order to increase expertise and competencies in these areas.

TDSB Principals and Vice Principals are the number one group in terms of being named as respondents in complaints brought forward to the HRO. Especially, relative to the proportion of their numbers within the TDSB, see Appendix C.

To mitigate against trend this future hiring, promotion and staff performance management will need to better integrate human rights and equity competencies so that TDSB leaders are best equipped to lead schools in one of the world's most diverse cities.

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<sup>33</sup> For more on these changes in law, see for example <https://www.labourandemploymentlaw.com/2016/09/employers-take-note-ohsa-amendments-under-bill-132-are-now-in-force/> and <https://www.mondaq.com/canada/discrimination-disability-sexual-harassment/582644/bill-132-significant-changes-to-the-laws-in-ontario-that-employers-need-to-know-regarding-sexual-violence-and-harassment-in-the-workplace>.

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The idea that managing such issues as equity, inclusion, respect in the workplace and learning environment is not a core part of the job of teachers, administrators, supervisors, superintendent and senior leaders – and that one can do well in the organization notwithstanding competencies in such respects - is an idea and practice that must change, alongside the idea that human rights is the job of the HRO and not everyone's job (directing minds even more so, as an existing fact of law). All the training in the world will not remedy this situation if the practical reality on the ground remains that one can do just fine in the organization without such (erroneously conceived as "nice to have") skills.

### **3.4.3 Lack of awareness of HRO expanded mandate and downstream positioning and engagement**

Due to the HRO's recent historical focus on the handling of human rights and workplace harassment complaints in the workplace, many leaders in the TDSB continue to treat the HRO as a "complaint shop" that is only engaged downstream in the emergency room so to speak.

The HRO must be present at the table when the most impactful decisions on human rights outcomes among TDSB members are being discussed. All TDSB members – including senior management – stand to benefit from engaging the HRO more proactively upstream so that impactful decisions are considered through a human right lens up front, rather than downstream, after a crisis. The HRO will also need to do its part in amplifying its new and expanded mandate and role across the organization to facilitate this future transformation.

### **3.4.4 Substantive human rights issues, challenges and concerns at the Board: Anti-Black Racism, Indigenous issues, Disability Accommodation, Gender non-conforming students**

**The data indicates that racism is a serious problem – anti-Black racism in particular.**

The HRO is in the process of building a new complaint portal to enable a more precise disaggregated analysis of race related grounds among other things. Existing probing of the data for trends, however, has already revealed, for example, a disproportionate number of complaints from Black administrators involving allegations of anti-Black racism, that is suggestive of a potential systemic problem that will require further systemic inquiry (see upcoming initiatives in section 4). Staff census data also reveals that racialized employees are less likely to view the TDSB as a fair and non-discriminatory workplace (see Section 3.2.1.1)

HRO complaint data, which is almost entirely employment related, also reveals that there may well be a need for future targeted focus on disability related issues going forward. As disability was the second most frequent ground of complaints with the HRO internally after race. The (2017) Staff Census and Survey Data is particularly concerning as concerns the number of persons identifying as having a disability as perceiving the TDSB to be deficient in its human rights track record, with this grouping being the most likely to perceive problems in this respect among all equity seeking groups (see section 3.2.1.1).

#### **Student data**

Existing HRO data concerning racism and hate activity shows that anti-Black racism is by far the most frequent form of discriminatory conduct reported in schools. The data is quite alarming in this respect, as demands ongoing targeted attention to remedying and preventing anti-Black racism in schools.

Student survey data furthermore underlines a concerning pattern, with students identifying as Black, Indigenous, Latin American, gender-non-conforming, LGBTQ+ students generally reporting lower levels of belonging and fairness of treatment in schools etc. (see section 3.2.1.2). Such realities will need to be

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considered in human rights efforts going forward, including efforts to better integrate tenets, principles and aspirations of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRP) and recommendations of the Truth and Reconciliation Commission in future human rights efforts.

## **3.4.5 Human rights complaint process for students**

While the HRO's growing involvement monitoring and advising on the early resolution of incidents of racism or hate involving or impact students in schools under PR728 (see 3.3.2) is a positive development, existing policy and procedure still places the handling of human rights complaints by students or parents beyond the purview of the HRO and the Board's Procedure 515 (Workplace Harassment Prevention and Human Rights Procedure) which governs the human rights complaint process.

Beyond PR728 (which governs incident reporting and not complaints), which sets out some general high level expectations for the handling of discrimination in schools, there is therefore little by way of concrete, detailed and required steps governing how complaints from students and parents must be handled, beyond a general reference in PR515 to other Board policies and the parent concern protocol, none of which lay out in any detail a human rights complaint process for students and parents, other than a conventional management escalation process (per the parent concern protocol). This absence of specific direction and guidance in procedure leaves students and parents overly reliant on management discretion as to how their human rights concerns will be handled.

This procedural gap will need to be rectified in upcoming procedural revisions to PR515. Bringing student and parent complaints within the jurisdiction of PR515 or a specified procedure detailing how student/parent human rights complaints will be handled will increase accountability for the proper handling of such complaints, as well as provide administrators greater clarity and guidance on what is expected of them. It will also require ensuring there is adequate capacity and resources to implement any future student/parent complaint procedure, particularly if it will require a new expanded role for the Human Rights Office, given existing capacity constraints.

## **Action Plan and Associated Timeline**

The Human Rights Action Plan, as implemented by the HRO, centers systemic change as a foundation for human rights organizational change to effectively identify, address, remedy and prevent discrimination. This sequencing of work, though not perfectly linear, is reflected in the diagram below.

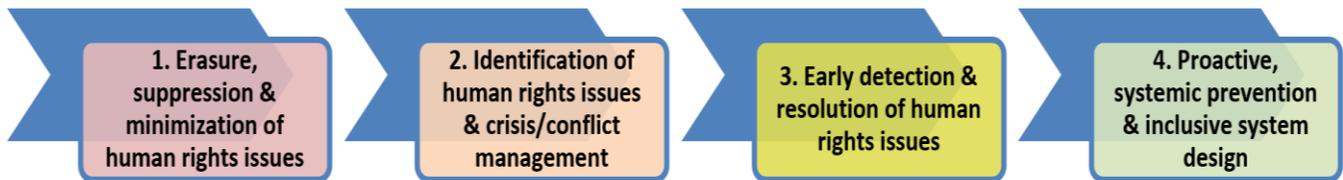
### **Sequencing of human rights organisational change**

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Concretely, this means for example that other areas of HRO activity such as professional development and learning or outreach and engagement are grounded in helping TDSB members understand their systemically enforced rights and responsibilities in their particular contexts and roles (rather than discussing human rights in the abstract, as people need to have this translated for them concretely on the ground in the context of systemic accountabilities). This approach and prioritization – aimed at building a culture of human rights on a systemic bedrock of human rights enforcement - explains why the HRO has expended so much of our energies over the past two years on renovating our policies and procedures and embedding new system monitoring tools to provide a meaningful foundation for long term human rights organizational change.

## Continuum of Human Rights Organizational Change



These systemic monitoring and policy development efforts, moreover, aim to advance the TDSB further along the above continuum of human rights organizational development, for example, by moving the Board beyond a reactively enforced individual-focused model of human rights compliance (human rights as “non-discrimination” as enforced through individual complaints) towards a more proactive and systemic approach that seeks to enforce human rights at more systemic levels, focusing equally on systemic monitoring, prevention and inclusive system design. Examples of this (“systems change”) priority area of work include the new and enhanced positive duties upon system leaders to report, monitor, analyse data trends, and develop prevention plans in the new PR728 and forthcoming Human Rights Policy, a draft of which has already been prepared and approved for consultation in 2021, which furthermore proposes the creation of a new Human Rights Program of “positive duties”, including

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training, performance management, data collection, analysis and public reporting, among other new positive requirements for system leaders.

## **Human Rights Action Plan: 2021 and Beyond**

The HRO currently has four main priority areas of work: 1. System Accountability; 2. Capacity Building; 3. Outreach & Engagement; & 4. Incident/Complaint Resolution. Each of these are discussed in turn below, including work scheduled for completion this year and beyond, and the desired outcomes of work in each of these activity areas.

This HRO Operational Plan is consistent with the Human Rights Action Plan in the TDSB's Multi-year Strategic Plan (see Appendix B Figure 2), however it provides further details of how this Plan is being operationalized on a practical level.

While the overall goal of the Human Rights Action Plan (HRAP) in the MYSP 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", Phase I of this work, per Operational Plan below, is focused on building a strong, firm foundation for lasting systemic human rights organizational change. The Operational Plan described below, thus, is the human rights organizational change strategy to infuse human rights principles into the work of the Board, in every school, and in every workplace, including through professional learning, education and inclusive system design, monitoring and barrier review (i.e. the first of 5 action plan commitments in HRAP).

### **1. Systemic Accountability**

The 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" (i.e. the third of five action plan commitments in HRAP). It also calls for "integrating principles of human rights in the Leadership Capacity Plan" (second of five action plan commitments in HRAP). These are integrated in the schedule of initiatives below.

The desired outcome of scheduled activity in this area of work is:

- All TDSB members are held accountable for upholding human rights with meaningful consequences for poor human rights performance.
- The TDSB is transparent about its human rights commitments, plans, measures and progress

Initiatives scheduled for competition 20/21 include:

- Finalize updates and revisions to PO34 (Human Rights Policy), PO31 (Workplace Harassment Prevention Policy), PR515 (Workplace Harassment Prevention and Human Rights Procedure) and hard launch of the new PR 728 (Reporting and Responding to Racism & Hate Incidents Involving or Impacting Students) and Racism, Bias & Hate Portal (completed November 30, 2020);
- Finalize updates in collaboration with Employee Services to policy directives and guidelines and related promotional materials governing PAID Miscellaneous Days for Religious Holy Days;

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- Support Indigenous Urban Education Centre with human rights positioning as need be regarding special program hiring and bona fide occupational requirements in support of targeted hiring measures
- Support 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.
- Support update of TDSB Guidelines for the Accommodation of Transgender and Gender Non-Conforming Students and Staff in collaboration with Gender-Base Violence team members

Further work the HRO aim to at least begin in the 20/21 school year and carry on moving forward includes:

- Update of new integrated Sexual Harassment Policy (in collaboration with Employee Services)
- Update TDSB's Guidelines and Procedures for Religious Accommodations
- Development of a more holistic and global TDSB and HRO Human Rights Performance Evaluation Framework and Scorecard including broader Key Performance Indicators
- Development of a Human Rights Organizational Change Program, including (but not necessarily limited to):
  - A process to identify, remove and prevent potential systemic forms of discrimination in TDSB policies, procedures or practices, whether by virtue of acts of commission or omission (including development of a Human Rights Impact Assessment Framework and Tool);
  - A performance management framework to integrate and embed accountability for human rights across the organisation, including in human resource hiring and promotion decisions and performance management;
  - 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; and
  - Information, learning and awareness to ensure TDSB members are aware of their rights and responsibilities under this Policy and have the necessary knowledge, skills and competencies to fulfill these.

## 2. Capacity Building

Capacity building initiatives scheduled for completion or starting this year relate primarily to professional development and learning, but also the development of tools and resources, and alignment and integration of governance structures and bodies to help coordinate, steer and inform overlapping areas of human rights related work at the TDSB (including which extends beyond the HRO Operational Plan and requires cooperation across functional work areas).

The desired outcomes of such work include:

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1. TDSB leaders & staff (including within the HRO) have the requisite knowledge, skills & resources to effectively fulfill their human rights duties;
2. Governance structures & processes support the integration of human rights perspectives into decision-making at all levels.

Initiatives within this operational pillar of action include:

- Development and delivery of a comprehensive Human Rights Education Program for TDSB members. Program to include education to support implementation of new policies and procedures.
- Development of interpretive guides and educational resources in support of effective implementation of new and updated policies and procedures (e.g. PO31, PR728, PR515 etc.)
- Backlog Reduction Plan aiming to ensure adequate resources and capacity within HRO, and appropriate policy/governance design, to enable elimination of backlog and timely resolution of complaints. Ongoing plan to include continual optimization of policies and procedures and review of resources and capacity to ensure these enable backlog reduction and timely complaint resolution (per Section 3.4.1)
- Creation of Human Rights/Equity/Indigenous Urban Education Committee to help better align and integrate work across our overlapping program areas

### 3. Outreach & Engagement

The desired outcomes of the Outreach and Engagement pillar of the HRO's work include:

1. TDSB staff, students & parents are aware of their rights & responsibilities & mechanisms to enforce these; and
2. The human rights concerns of historically marginalized & disadvantaged groups are identified & amplified, and shape decisions impacting them.

Some upcoming work in fulfillment of this ongoing strategic area of HRO work include:

- Development and launch of new internal and external facing website with regular updated HRO communications to the TDSB community
- Development of Student/Parent Outreach & Engagement Plan, to inform HRO efforts to better serve and engage student and parent members of the TDSB community, including in ways that will inform further future operational planning in other action pillar areas
- Initial development and piloting of a "Human Rights Charter for Schools" project whereby the HRO will partner with select schools in an effort to support human rights organizational development at the school level.

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## 4. Incident/Complaint Resolution

The existing Human Rights Action Plan speaks to the need to “address and resolve disputes effectively and expediently when they arise through conflict resolution and mediation facilitated by the Human Rights Office (ongoing)”; and to investigate human rights cases brought to the Human Rights Office in a timely and effective manner consistent with Board policies and procedures (ongoing)”.

Activity areas in this work primarily relate to (1) ongoing human rights and workplace harassment complaint management and resolution service provision; and further program development to support effective implementation of incident/complaint resolution procedures.

Upcoming initiatives in this respect include:

- Launch and optimization of Racism, Bias and Hate Online Portal for reporting and responding to incidents under the new Procedure 728 (Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools);
- Finalization and launch of new online Human Rights Inquiry Portal for fielding inquiries and receiving advisory HRO support for members of the TDSB community on issues of human rights concern;
- Launch of new online Human Rights Complaint Portal for filing human rights complaints with the Human Rights Office
- Development of Early Resolution Promotion Strategy to enhance early resolution of human rights incidents before the complaint stage wherever possible and appropriate.

## APPENDIX A: Strategic Documents

FIGURE A1: Multi-Year Strategic Plan: Embedded Human Rights Commitments

LEADERSHIP	
Leadership Development	Support the journey from informal to formal leadership through the Leadership Capacity Plan, ensuring aspiring, new and experienced leaders have knowledge and skills in human rights, anti-oppression and equitable practices and how issues of privilege, power and oppression result in

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	inequitable outcomes. Leaders will also develop content knowledge and pedagogical knowledge for leading (ongoing)
	Structural barriers will be removed that may exist because of our commitment to human rights, equity, anti-racism and anti-oppression
Leadership Development in Equity & Anti-Oppression	Build capacity among groups of educators who possess the facilitation skills and understanding to effectively co-lead learning in human rights, equity and anti-oppression (November 2018 and ongoing)
	Combat various forms of discrimination (e.g., anti-Black racism, anti-Indigenous racism, anti-Semitism, Islamophobia, anti-Asian racism, homophobia, transphobia, and the discrimination faced by those with physical and intellectual disabilities) through human rights training (to be determined)
	Use the principles of human rights, equity and anti-oppression as the foundation for delivering service excellence to students, staff, parents/guardians, and communities (ongoing)
	Provide professional learning to all managers/supervisors involved in hiring processes, to ensure that competency in equity and human rights is embedded in hiring practices and barriers to fair hiring are eliminated (Spring 2019)
International Partnerships	Review and ensure our guiding principles are in line with our beliefs and practices in human rights, equity, anti-oppression, and anti-racism as well as system priorities in deep learning and service excellence for consistency in planning, recruitment, and staff professional learning protocols (Fall 2018)
Board Policy and Procedure	Review and revise all Board policies and related procedures to ensure alignment with the Board’s Mission, Vision and Values and MYSP, with emphasis placed on equitable access to learning opportunities and outcomes, human rights, accessibility, equity, inclusion, anti-racism and anti-oppression.
	The TDSB will have more effective processes, outlined clearly in Board policy and procedure, to meet its commitments to students, staff and the community regarding human rights, accessibility, equity, inclusion, anti-oppression and anti-racism.
<b>TRANSFORM STUDENT LEARNING</b>	
Deep Learning: Mathematics	Form working groups to gather input from a variety of stakeholders (students, parents, teachers, coaches, administrators) to co-develop a system math plan that supports our school improvement process and is aligned with our commitment to human rights, equity, inclusion and anti-oppression in mathematics (Fall/Winter 2019)
Inclusion/Special Education	Study the recommendations in the Ontario Human Rights Commission Policy “Accessible Education for Students with Disabilities” in order to incorporate these recommendations into practice
Suspensions, Expulsions and Restorative Practices	Support school administrators in the application of human rights, anti-racism and anti-oppression principles in student discipline (ongoing)

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

Toward Excellence in the Education of Black Students: Transforming Learning, Achievement and Well-being – Leadership Development	Support leaders in evaluating curriculum resources and co-curricular programs focused on improving well-being based on criteria such as: developmental and cultural relevance, principles of equity and human rights, student interest and evidence of impact (ongoing)
	Monitor the focus of equity goals in schools for next steps in staff learning about anti-Black racism, human rights and anti-oppression
<b>CREATE A CULTURE FOR STUDENT AND STAFF WELL-BEING</b>	
Student Well-Being and Mental Health	Support leaders in evaluating curriculum resources and co-curricular programs focused on improving well-being based on criteria such as: developmental and cultural relevance, principles of equity and human rights, student interest and evidence of impact (ongoing)
<b>PROVIDE EQUITY OF ACCESS TO LEARNING OPPORTUNITIES FOR ALL STUDENTS</b>	
Long Term Program and Accommodation Strategy (LTPAS)	To reflect our commitment to human rights, equity, accessibility and inclusion in the accommodation drivers of the Long-Term Program and Accommodation Strategy (LTPAS).
Accessibility	Develop a new set of accessibility principles and standards that are aligned with the Board’s Equity Policy and Ontario Human Rights Commission (OHRC) disability rights objectives (e.g. OHRC policy for Accessible Education for Students with Disabilities) (December 2018)
	Create a five-year Multi-Year Accessibility Plan (MYAP) 2018-2022 (December 2018)
Employment Equity: Equitable Recruitment, Hiring, Promotion and Placement Processes Aligned with Principles of Human Rights	
<b>BUILD STRONG RELATIONSHIPS AND PARTNERSHIPS WITHIN SCHOOL COMMUNITIES</b>	
Issues Management for School and System Leaders	Support effective communication for all leaders in TDSB as well as the ability to communicate complex issues in community meetings and to facilitate difficult discussions with their staff, especially those discussions related to human rights.

FIGURE A2: Human Rights Action Plan (Updated October 2019)

**Provide Equity of Access to Learning Opportunities for All**

Human Rights

## What is our goal?

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.

## How will we achieve it?

- Develop and implement a human rights organizational change strategy to infuse human rights principles into the work of the Board, in every school, and in every workplace, including through professional learning, education and inclusive system design, monitoring and barrier review (ongoing)
- Integrate principles of human rights in the Leadership Capacity Plan
- 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 (ongoing)
- Address and resolve disputes effectively and expediently when they arise through conflict resolution and mediation facilitated by the Human Rights Office (ongoing)
- Investigate human rights cases brought to the Human Rights Office in a timely and effective manner consistent with Board policies and procedures (ongoing)

## How will we know we are successful?

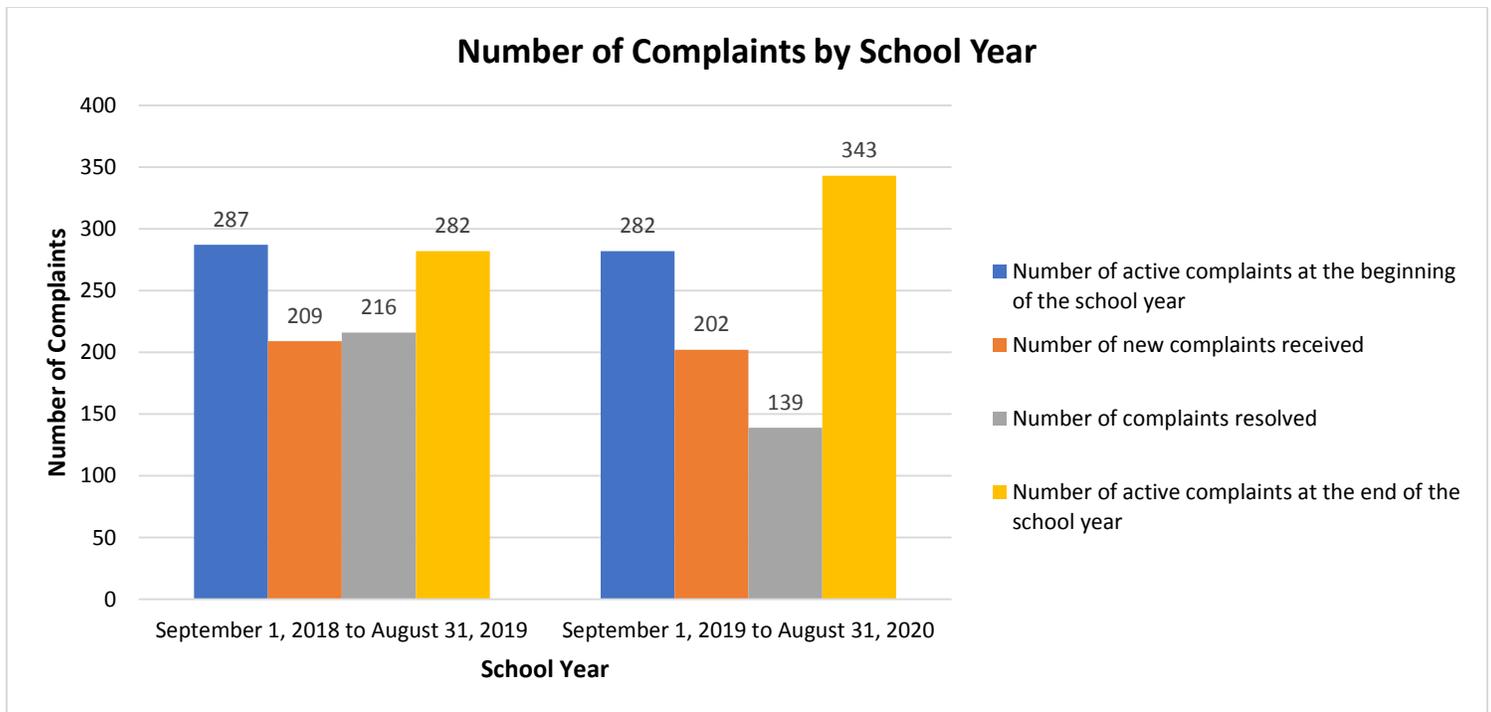
- Reviewing the number of human rights complaints resolved through “early resolution” and investigations.
- Monitor the length of time needed to resolve human rights cases.
- Decreasing the number of human rights complaints because of our professional learning efforts.
- Student, staff and parent census data.

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

## APPENDIX B: HRO Complaint Data

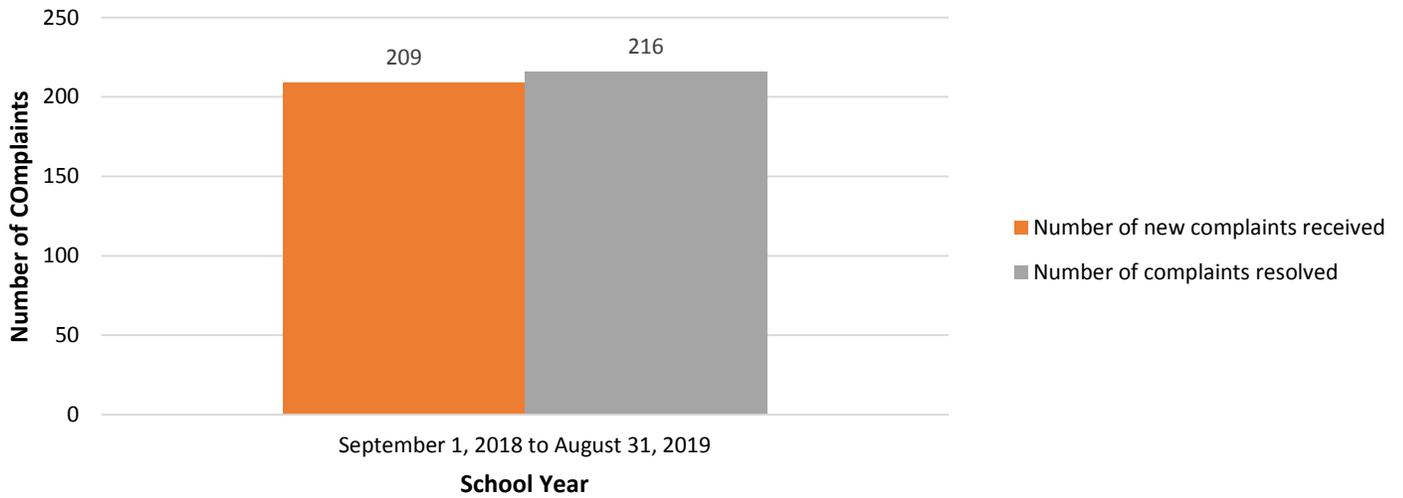
Figure B1: Number of Human Rights Office Discrimination and Harassment Complaints by School Year Received

SCHOOL YEAR	NUMBER OF ACTIVE COMPLAINTS AT THE START OF THE SCHOOL YEAR (September 1)	NUMBER OF COMPLAINTS RECEIVED	NUMBER OF COMPLAINTS RESOLVED	NUMBER OF ACTIVE COMPLAINTS AT THE END OF THE SCHOOL YEAR (August 31)
September 1, 2018 to August 31, 2019	287	209	216	282
September 1, 2019 to August 31, 2020	282	202	139	343

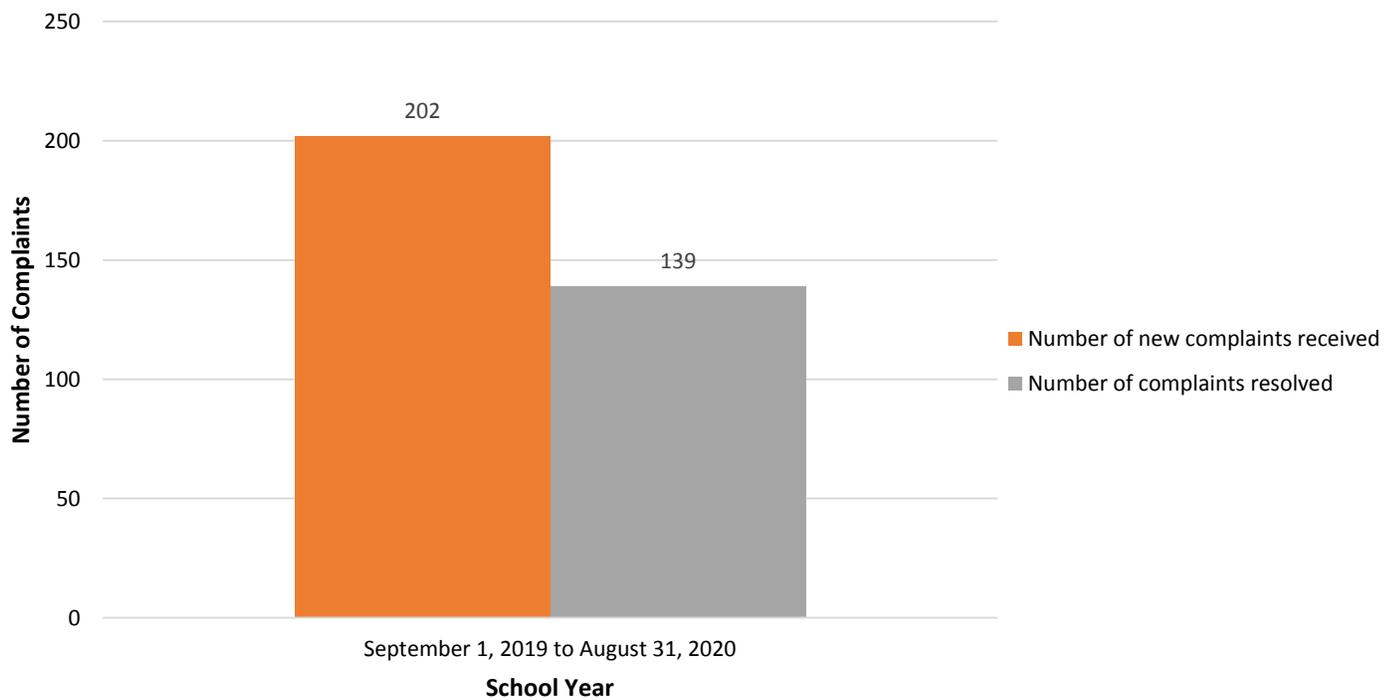


# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

### Human Rights Office Complaints September 1, 2018 to August 31, 2019



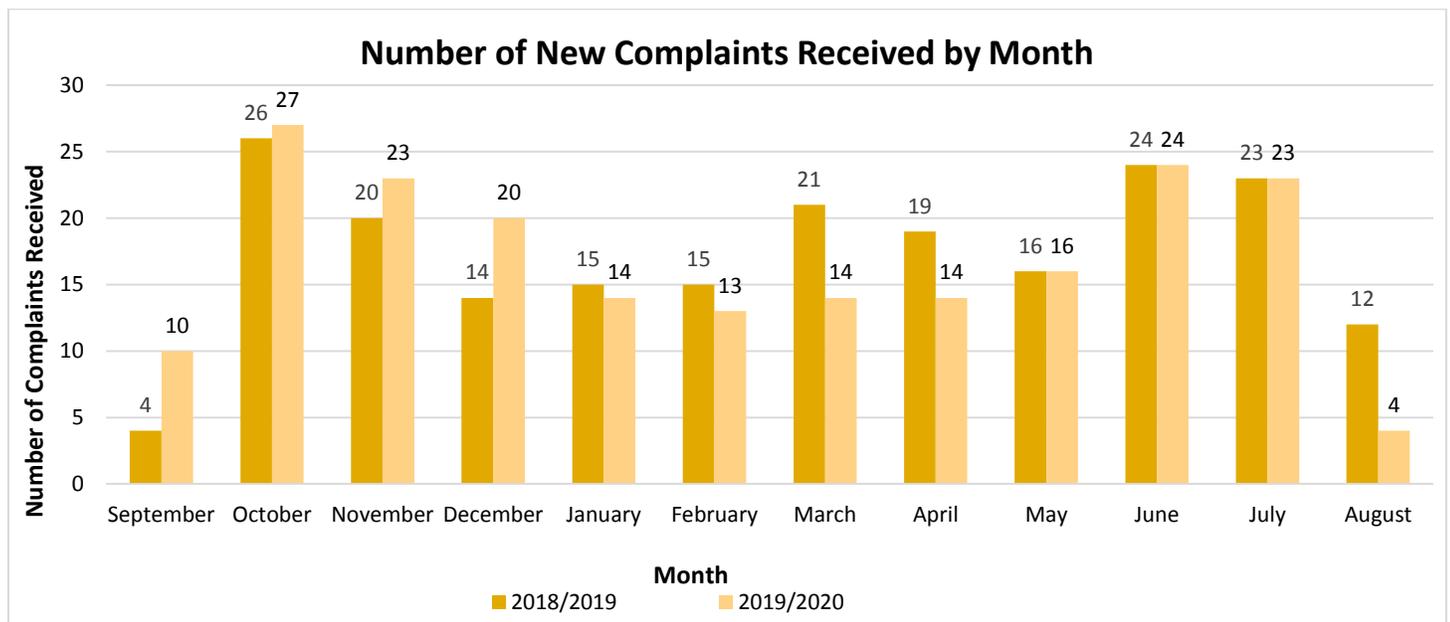
### Human Rights Office Complaints September 1, 2019 to August 31, 2020



# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

Figure B2: Number of New Complaints Received by Month

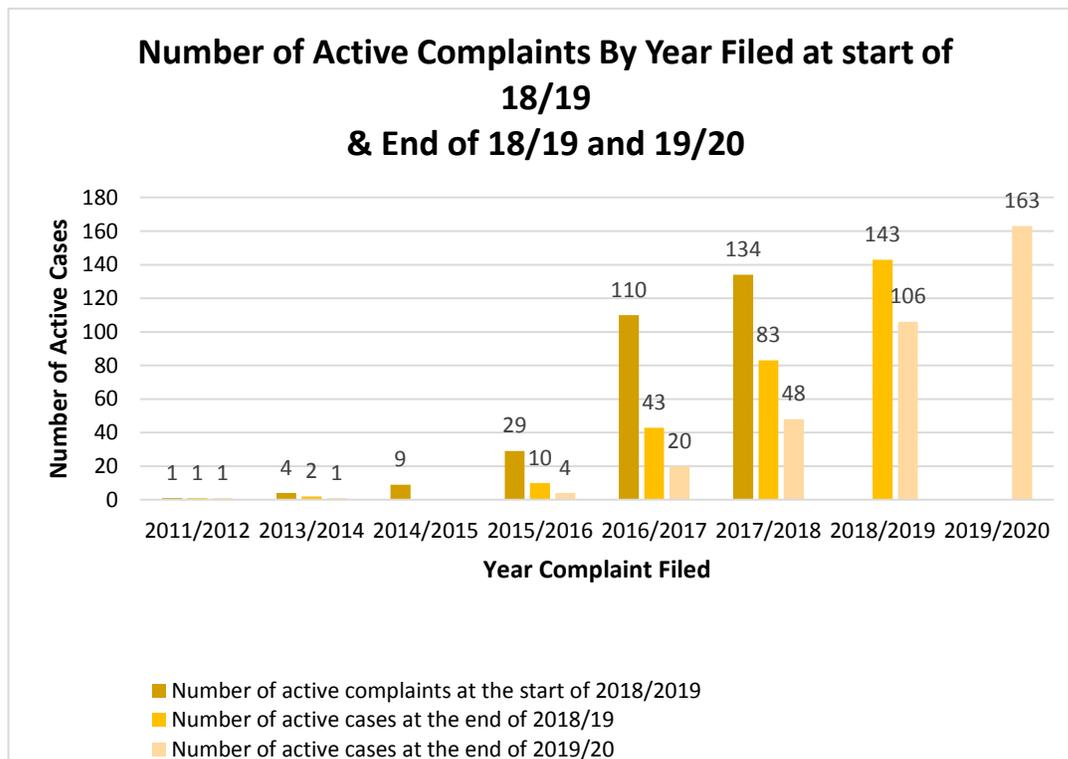
Month	Number of Complaints Received in the 2018/2019 School Year	Number of Complaints Received in the 2019/2020 School Year
September	4	10
October	26	27
November	20	23
December	14	20
January	15	14
February	15	13
March	21	14
April	19	14
May	16	16
June	24	24
July	23	23
August	12	4
TOTAL	209	202



# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

Figure B3: Number of Active Complaints by Year Filed in 18/19 and 19/20

Year Complaint Filed	Number of active complaints at the start of 2018/2019	Number of active cases at the end of 2018/19	Number of active cases at the end of 2019/20
2011/2012	1	1	1
2013/2014	4	2	1
2014/2015	9	0	0
2015/2016	29	10	4
2016/2017	110	43	20
2017/2018	134	83	48
2018/2019		143	106
2019/2020			163
TOTAL	287	282	343



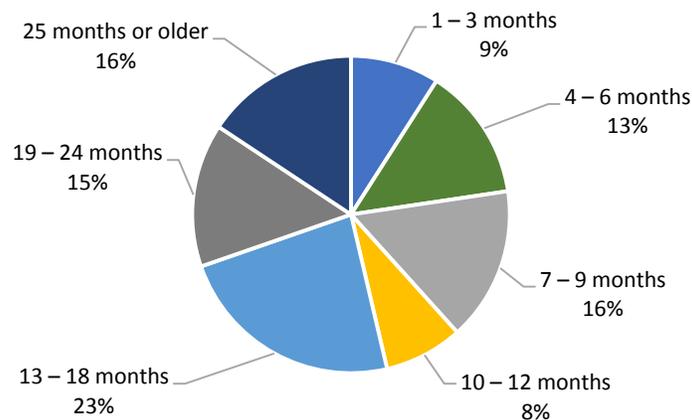
# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

Figure B4: Number of 2018/19 Active Complaints by Age Range (Days and Months)

MONTHS	DAYS	NUMBER OF COMPLAINTS AT BEGINNING OF 2018/2019	NUMBER OF COMPLAINTS AT THE END OF 2018/2019	NUMBER OF COMPLAINTS AT THE END OF 2019/2020
1 – 3	90 days or less	26	51	46
4 – 6	91 – 180	39	38	39
7 – 9	181 – 270	45	22	30
10 – 12	271 – 360	23	32	47
13 – 18	361 – 540	67	33	66
19 – 24	541 – 720	42	50	41
25 or older	721 and older	45	56	74
TOTAL		287	282	343
AVERAGE Age (days)			438.8	478.3

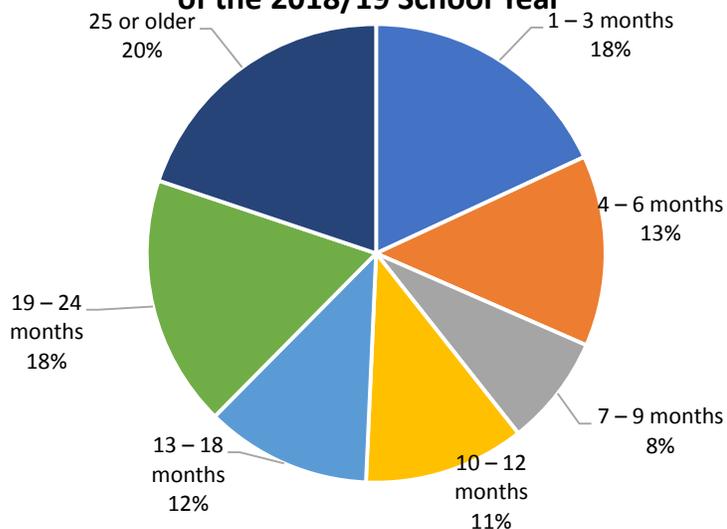
Note: Months are calculated in 30-day intervals

**Age in Months of Active Cases at the start of 2018/2019 School Year**

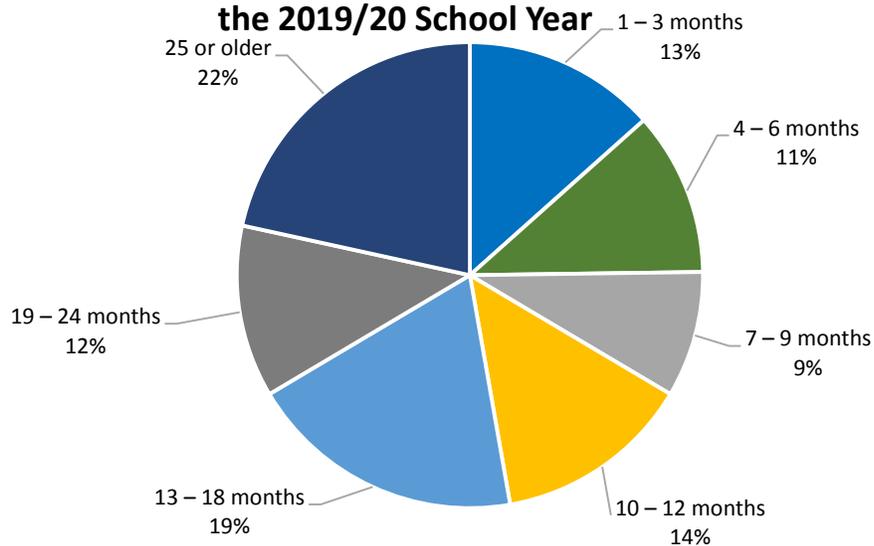


# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

### Age in Months of Active Cases at the end of the 2018/19 School Year



### Age in Months of Active Cases at the end of the 2019/20 School Year

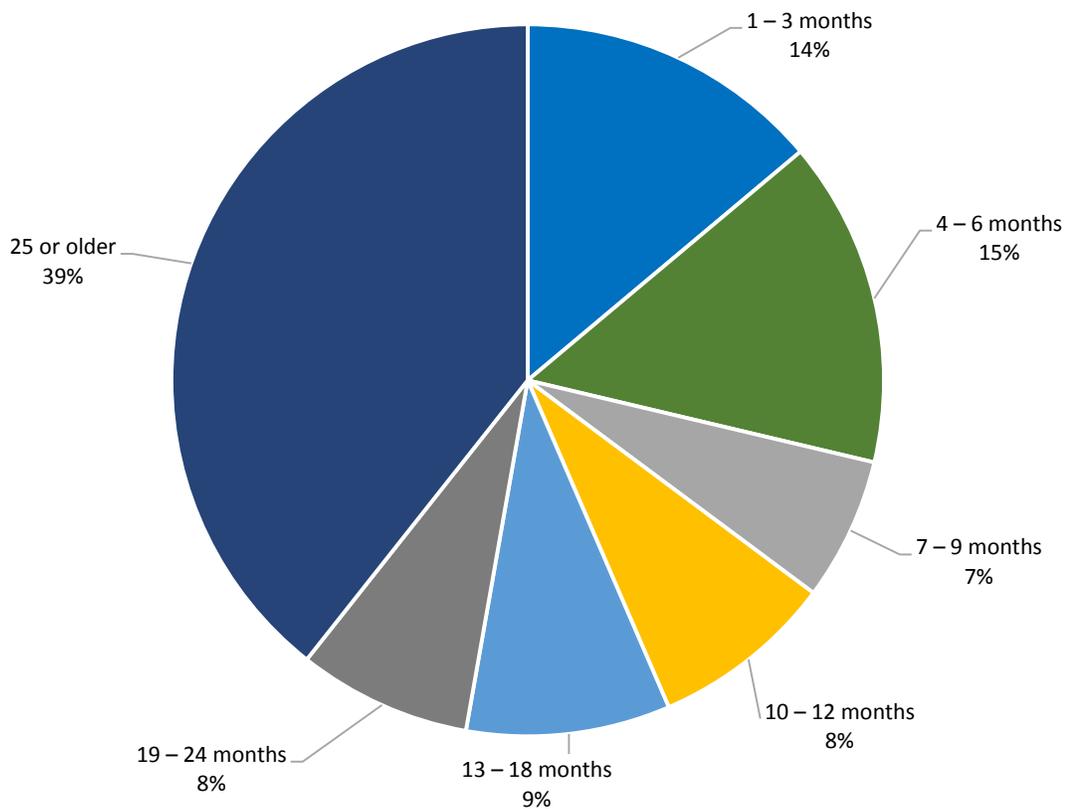


# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

Figure B5: Number of Closed Cases by Age (Days and Months to Close), 18/19 and 19/20

Months	Days	Number of complaints closed in 2018/2019	Number of complaints closed in 2019/2020
1 – 3	90 days or less	30	21
4 – 6	91 - 180	32	18
7 – 9	181 - 270	14	12
10 – 12	271 - 360	18	8
13 – 18	361 – 540	20	15
19 – 24	541 – 720	17	16
25 or older	721 and older	85	49
TOTAL		216	139
AVERAGE DURATION (days)		576.19	538.99

## Age of Cases Closed in 2018/2019



## Age of Cases Closed in 2019/20

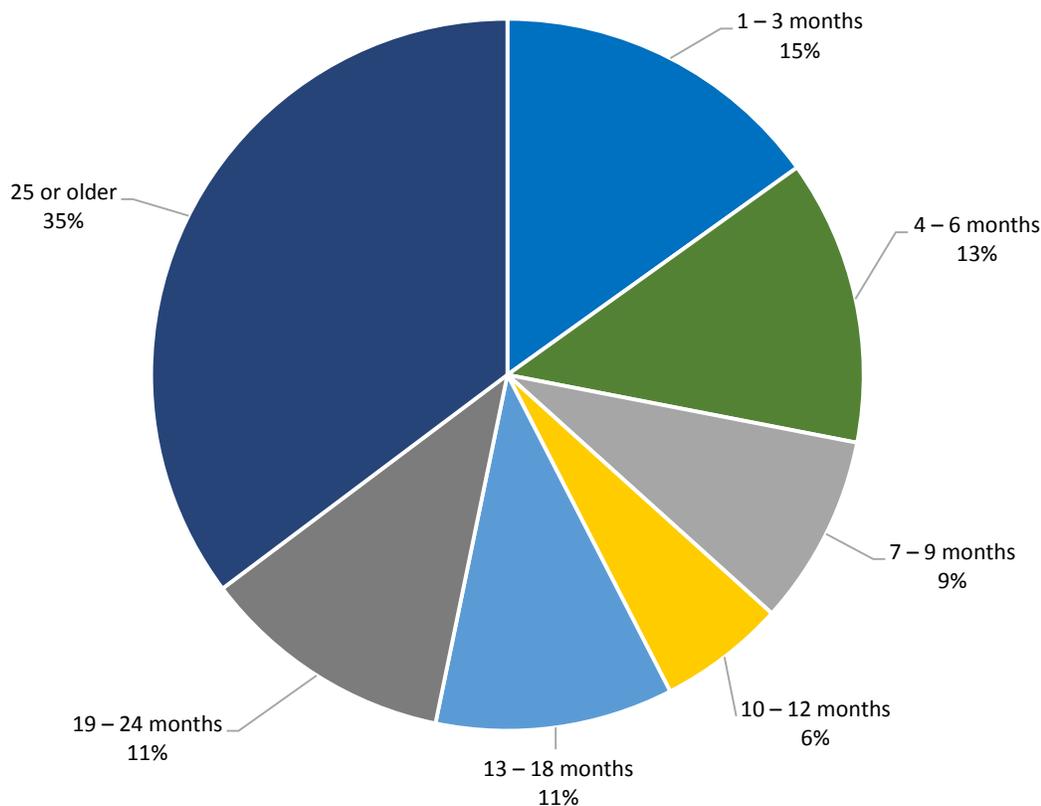
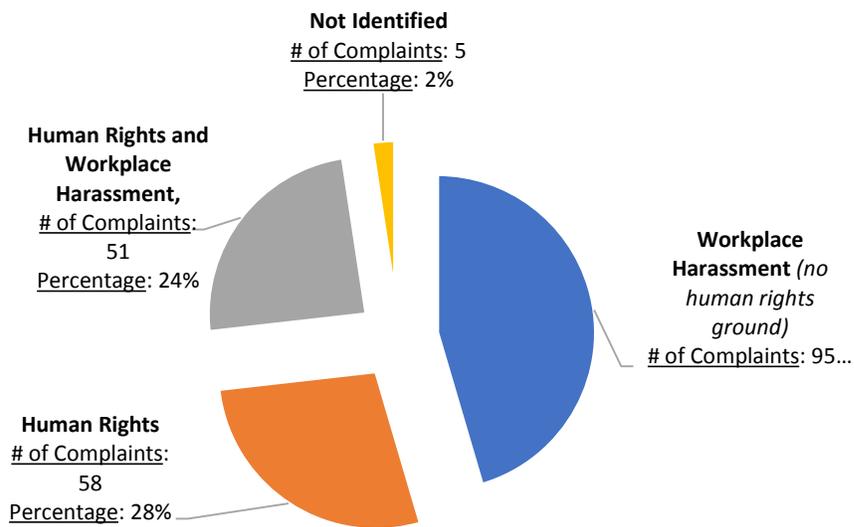


Figure B6: Number and Percentage of Human Rights Office Complaints Received by Type, 18/19 and 19/20

TYPE OF COMPLAINT	2018/2019 NUMBER OF COMPLAINTS	2018/2019 PERCENTAGE	2019/2020 NUMBER OF COMPLAINTS	2019/2020 PERCENTAGE
Workplace Harassment (no human rights ground)	95	45%	67	33%
Human Rights	58	28%	75	37%
Human Rights and Workplace Harassment	51	24%	54	27%
Not Identified	5	2%	6	3%
TOTALS	209	100%	67	100%

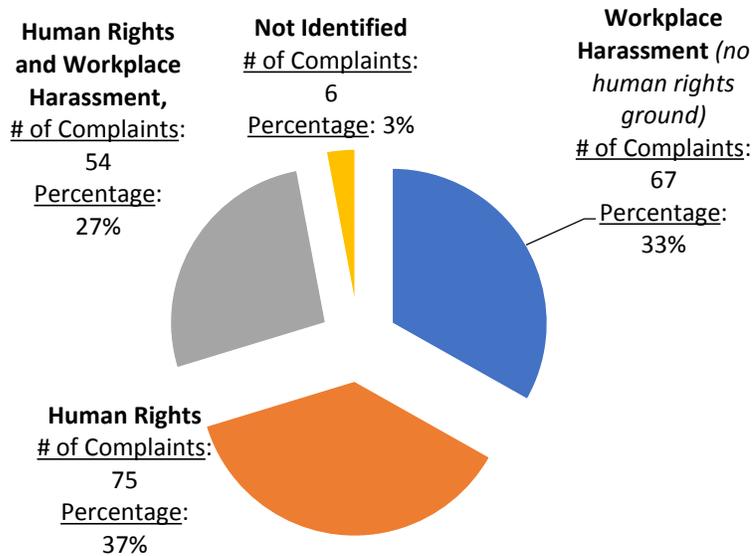
## Number and Percentage of Human Rights Office Complaints Received by Type

2018/2019



## Number and Percentage of Human Rights Office Complaints Received by Type

2019/2020



# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

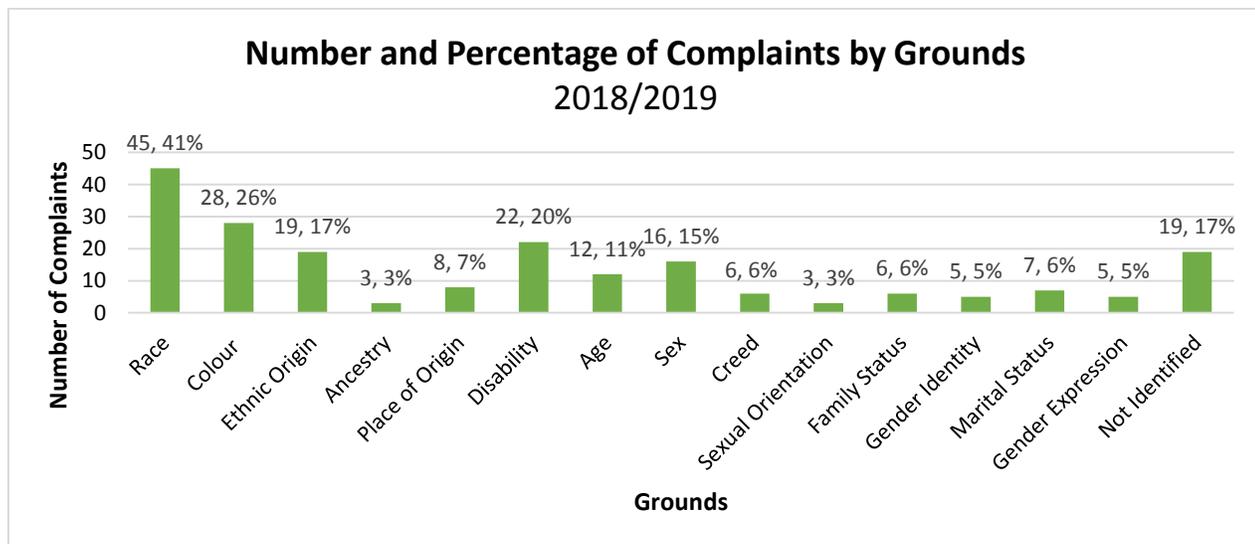
Figure B7: Number and Percentage of Human Rights Complaints by Ground, 18/19 and 19/20

GROUND	2018/2019 NUMBER OF COMPLAINTS	2018/2019 PERCENTAGE	2019/2020 NUMBER OF COMPLAINTS	2019/2020 PERCENTAGE
Race	45	41%	46	36%
Colour	28	26%	38	29%
Ethnic Origin	19	17%	27	21%
Ancestry	3	3%	14	11%
Place of Origin	8	7%	13	10%
Disability	22	20%	28	22%
Age	12	11%	27	21%
Sex	16	15%	12	9%
Creed	6	6%	5	4%
Sexual Orientation	3	3%	5	4%
Family Status	6	6%	1	1%
Gender Identity	5	5%	9	7%
Marital Status	7	6%	1	1%
Gender Expression	5	5%	5	4%
Not Identified	19	17%	18	14%
Total Number of Complaints Involving Human Rights	109		129	

\*Some complaints claim more than one ground, so the totals exceed 100%.

\* Data only shows those complainants that selected human rights as the type of complaint

Figure B8: Number and Percentage of Human Rights Complaints by Ground Groupings



# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

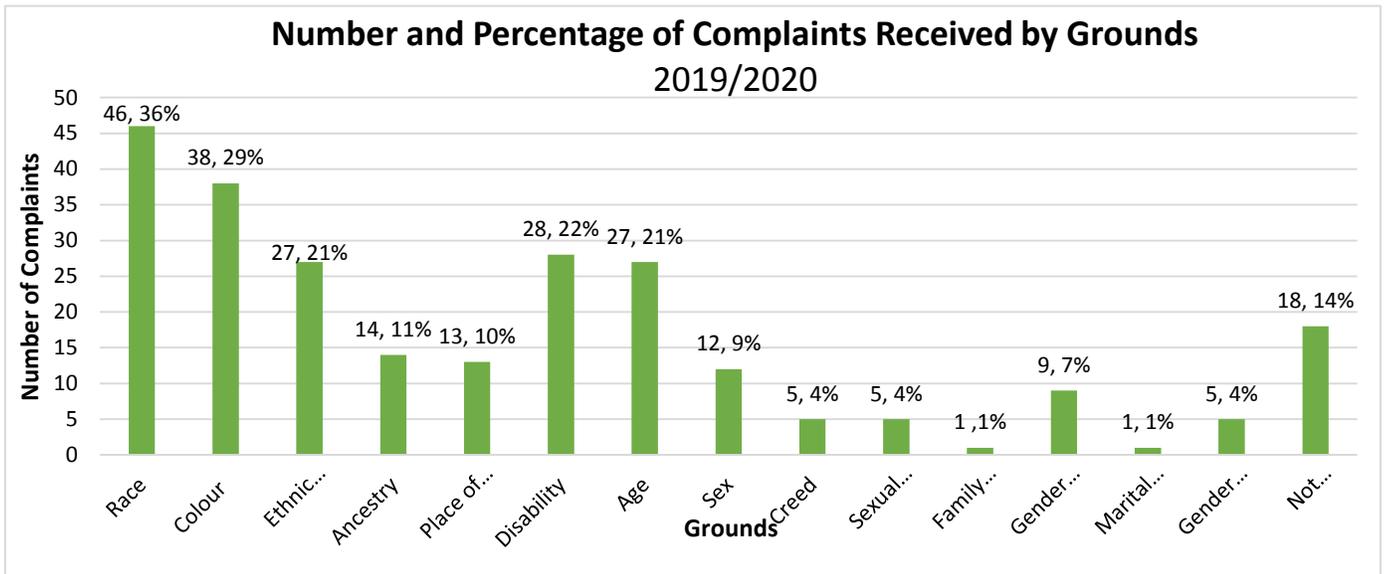
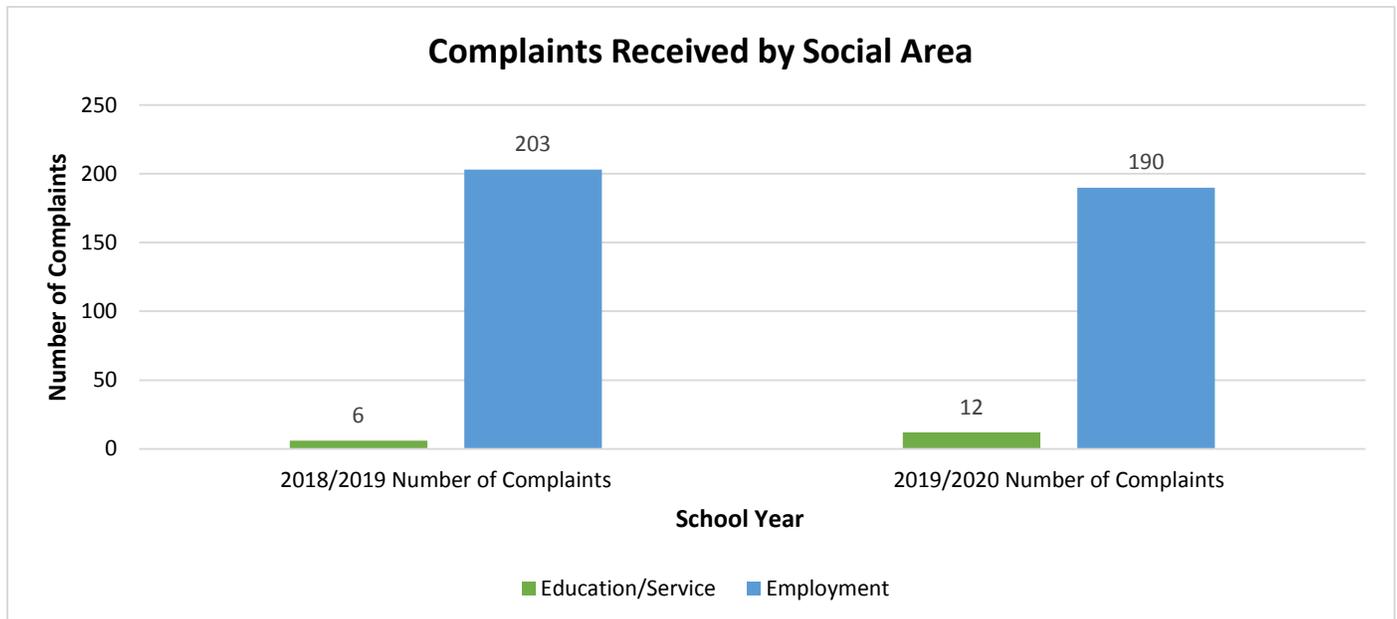


Figure Bg: Number and Percentage of Complaints Received by Social Area, 18/19 and 19/20

SOCIAL AREA	2018/2019 NUMBER OF COMPLAINTS	2018/2019 PERCENTAGE	2019/2020 NUMBER OF COMPLAINTS	2019/2020 PERCENTAGE
Education/Service	6	3%	12	6%
Employment	203	97%	190	94%
TOTALS	209	100%	202	100%



# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

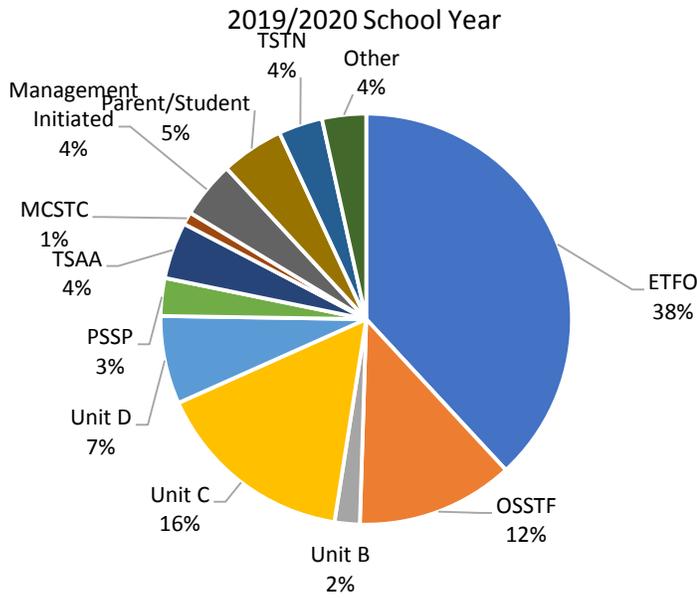
Figure B10: Number of Active & Closed Cases by Complainant Affiliation, 18/19 and 19/20

COMPLAINANT AFFILIATION	2018/2019 NUMBER OF COMPLAINTS	2018/2019 CLOSED CASES	2019/2020 NUMBER OF COMPLAINTS	2019/2020 CLOSED CASES
<b>TEACHING</b>				
Elementary Teachers' Federation of Ontario (ETFO)	57	50	77	48
Ontario Secondary School Teachers' Federation (OSSTF)	49	32	25	22
<b>TOTAL TEACHING</b>	<b>106</b>	<b>82</b>	<b>102</b>	<b>70</b>
<b>CUPE Local 4400</b>				
Unit B	4	2	4	1
<i>Unit B Positions include: Literacy Basic Skills Instructors, English as a Second Language/LINC Instructors, International Language Instructors, Concurrent Program Instructors, Black Cultural Program Instructors, Seniors' Day-time Instructors, Native Language Instructors and Parenting Workers, etc.</i>				
Unit C	37	74	32	39
<i>Unit C Positions include: Designated Early Childhood Educators, Educational Assistants, Special Needs Assistants, Aquatics Instructors, Food Services Staff in Instructional Programs, Lunchroom Supervisors, Noon Hour Assistants, and School Based Safety Monitors, Office Clerical and Technical Staff in Central Departments and in Schools etc.</i>				
Unit D	20	19	14	7
<i>Unit D Positions include: Head Caretaker, Shift Leaders, Caretakers, Part-Time Cleaners, Woodspersons, Security Guards, Stockkeeping, Warehousing, Courier Drivers, Bus Drivers, Auto Mechanics, etc.</i>				
<b>TOTAL CUPE Local 4400</b>	<b>61</b>	<b>95</b>	<b>50</b>	<b>47</b>
<b>OTHER</b>				
Unit A: Professional Student Services Personnel (PSSP)	10	10	6	3
<i>Unit A Positions Include: Child and Youth Workers, Child and Youth Counsellors, Attendance Counsellors, Audiologists, Multilingual Team Leaders, Occupational Therapists, Physiotherapists, Psychologists, Psycho-Educational Consultants, Social Workers, Speech and Language Pathologists, Student Equity Program Advisors, Child and Youth Counsellors, etc.</i>				
Toronto School Administrators' Association (TSAA)	12	7	9	9
<i>TSAA Positions include: Principals and Vice-Principals</i>				
Unit E: Maintenance & Construction Skilled Trades Council (MCSTC)	6	10	2	2
<i>Unit E Positions Include: Carpenters, , Locksmiths, Glaziers, , Bricklayers, Fire Equipment Mechanics, Iron Workers, Millwrights, Roofers, Sheetmetal Workers, Painters, Plasterers, HVAC Mechanics, Plumber/Steamfitters, Pneumatic Control Technicians, Boiler Makers, Sprinkler Fitter, Electricians, General Maintenance Workers, Estimator, etc.</i>				
Management Initiated	4	1	9	2
<i>Management Initiated are those complaints initiated by management on behalf of TDSB rather than on an individual basis</i>				
Parent/Student	6	5	10	3

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

COMPLAINANT AFFILIATION	2018/2019 NUMBER OF COMPLAINTS	2018/2019 CLOSED CASES	2019/2020 NUMBER OF COMPLAINTS	2019/2020 CLOSED CASES
The Schedule Two Network (TSTN)	2	4	7	0
<i>TSTN are those staff who have been specifically excluded from belonging to a bargaining unit because of the scope of their duties or who are in management positions.</i>				
Other	2	2	7	3
<b>TOTAL OTHER</b>	<b>42</b>	<b>39</b>	<b>50</b>	<b>22</b>
<b>OVERALL TOTAL</b>	<b>209</b>	<b>216</b>	<b>202</b>	<b>139</b>

**Percentage of Complaints Received by Complainant Affiliation**



**Percentage of Complaints Received by Complainant Affiliation**

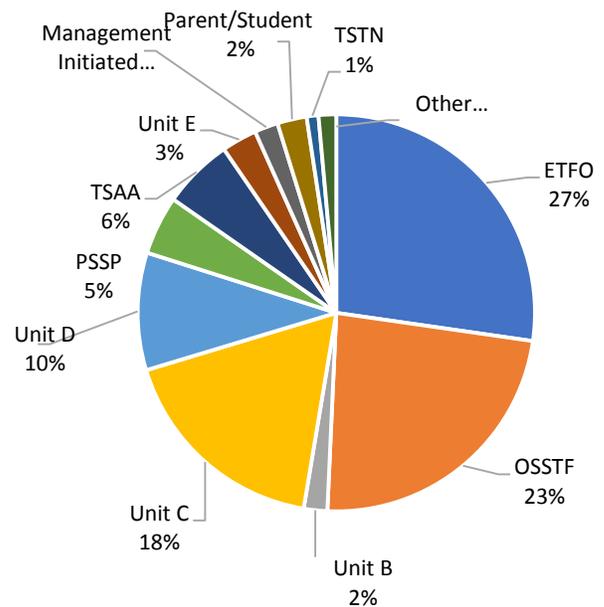


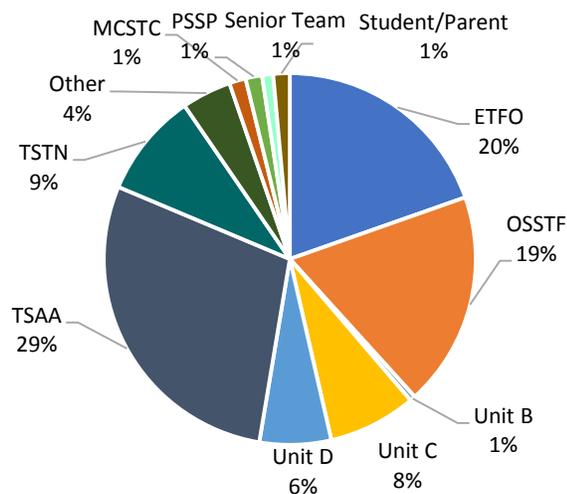
Figure B11: Number of Active & Closed Cases by Respondent Affiliation, 18/19 and 19/20

AFFILIATION	2018/19 NUMBER OF COMPLAINTS	2018/19 CLOSED CASES	2019/20 NUMBER OF COMPLAINTS	2019/20 CLOSED CASES
<b>TEACHING</b>				
Elementary Teachers' Federation of Ontario (ETFO)	41	35	32	21
Ontario Secondary School Teachers' Federation (OSSTF)	39	29	16	10
<b>TOTAL TEACHING</b>	<b>80</b>	<b>64</b>	<b>48</b>	<b>31</b>
<b>CUPE LOCAL 4400</b>				

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

Unit B	1	1	0	0
Unit C	16	27	18	17
Unit D	13	20	7	9
<b>TOTAL CUPE LOCAL 4400</b>	<b>30</b>	<b>48</b>	<b>25</b>	<b>26</b>
<b>OTHER</b>				
Toronto School Administrators' Association (TSAA)	60	66	79	50
The Schedule Two Network (TSTN)	19	10	24	3
Other	9	12	6	18
Maintenance & Construction Skilled Trades Council (MCSTC)	3	7	0	0
Professional Student Services Personnel (PSSP)	3	3	1	2
Senior Team	2	1	7	2
Student/Parent	3	5	12	8
<b>TOTAL OTHER</b>	<b>99</b>	<b>104</b>	<b>129</b>	<b>82</b>
<b>OVERALL TOTAL</b>	<b>209</b>	<b>216</b>	<b>202</b>	<b>139</b>

**Percentage of Complaints Received by Respondent Affiliation 2018/2019**



**Percentage of Complaints Received by Respondent Affiliation 2019/2020**

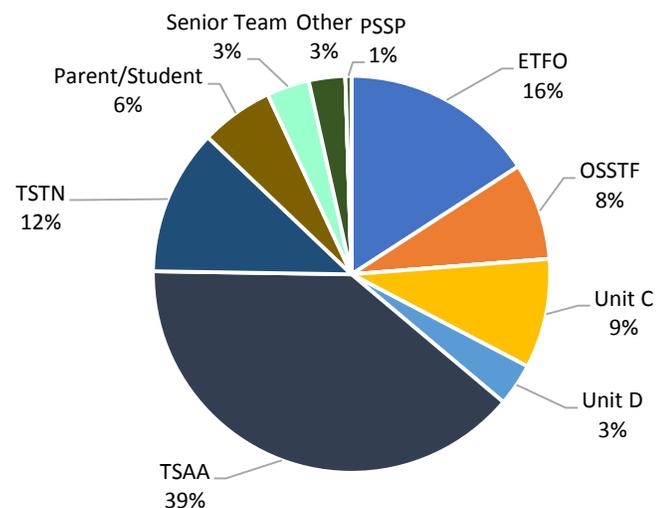


Figure B12: Number and Percentage of Human Rights Complaints by Ground, 18/19 and 19/20

GROUND	2018/2019 NUMBER OF COMPLAINTS	2018/2019 PERCENTAGE	2019/2020 NUMBER OF COMPLAINTS	2019/2020 PERCENTAGE
Race	45	41%	46	36%

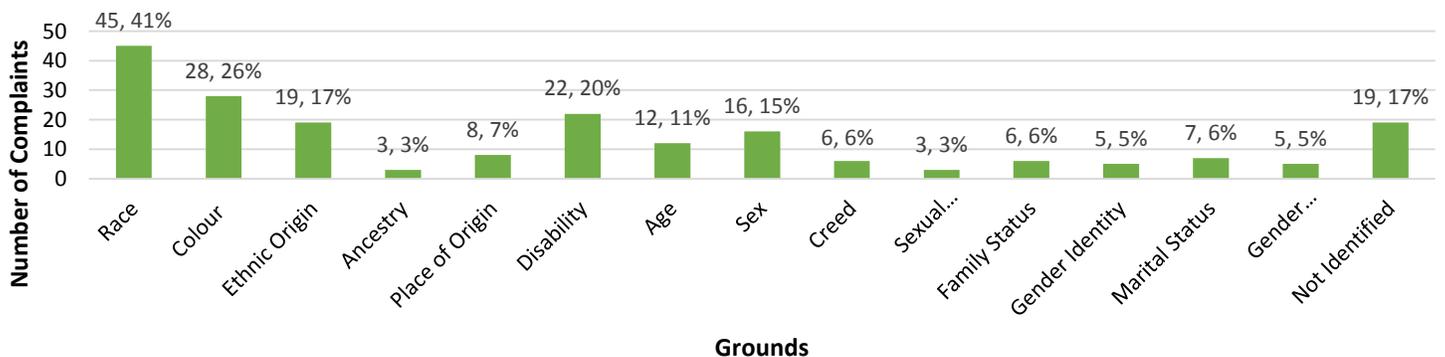
# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

Colour	28	26%	38	29%
Ethnic Origin	19	17%	27	21%
Ancestry	3	3%	14	11%
Place of Origin	8	7%	13	10%
Disability	22	20%	28	22%
Age	12	11%	27	21%
Sex	16	15%	12	9%
Creed	6	6%	5	4%
Sexual Orientation	3	3%	5	4%
Family Status	6	6%	1	1%
Gender Identity	5	5%	9	7%
Marital Status	7	6%	1	1%
Gender Expression	5	5%	5	4%
Not Identified	19	17%	18	14%
Total Number of Complaints Involving Human Rights	109		129	

*\*Some complaints claim more than one ground, so the totals exceed 100%.*

*\*Data only shows those complainants that selected human rights as the type of complaint*

**Number and Percentage of Complaints by Grounds**  
2018/2019



# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

**Number and Percentage of Complaints Received by Grounds**  
2019/2020

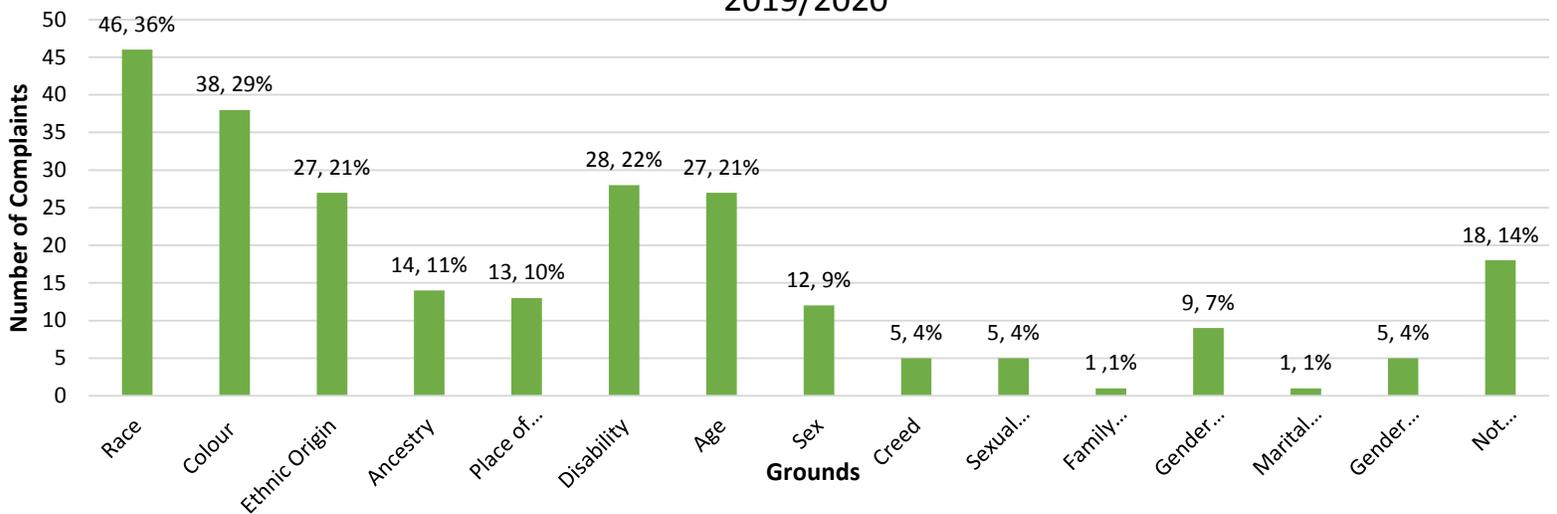


Figure B13: Number and Percentage of Human Rights Complaints by Ground Groupings

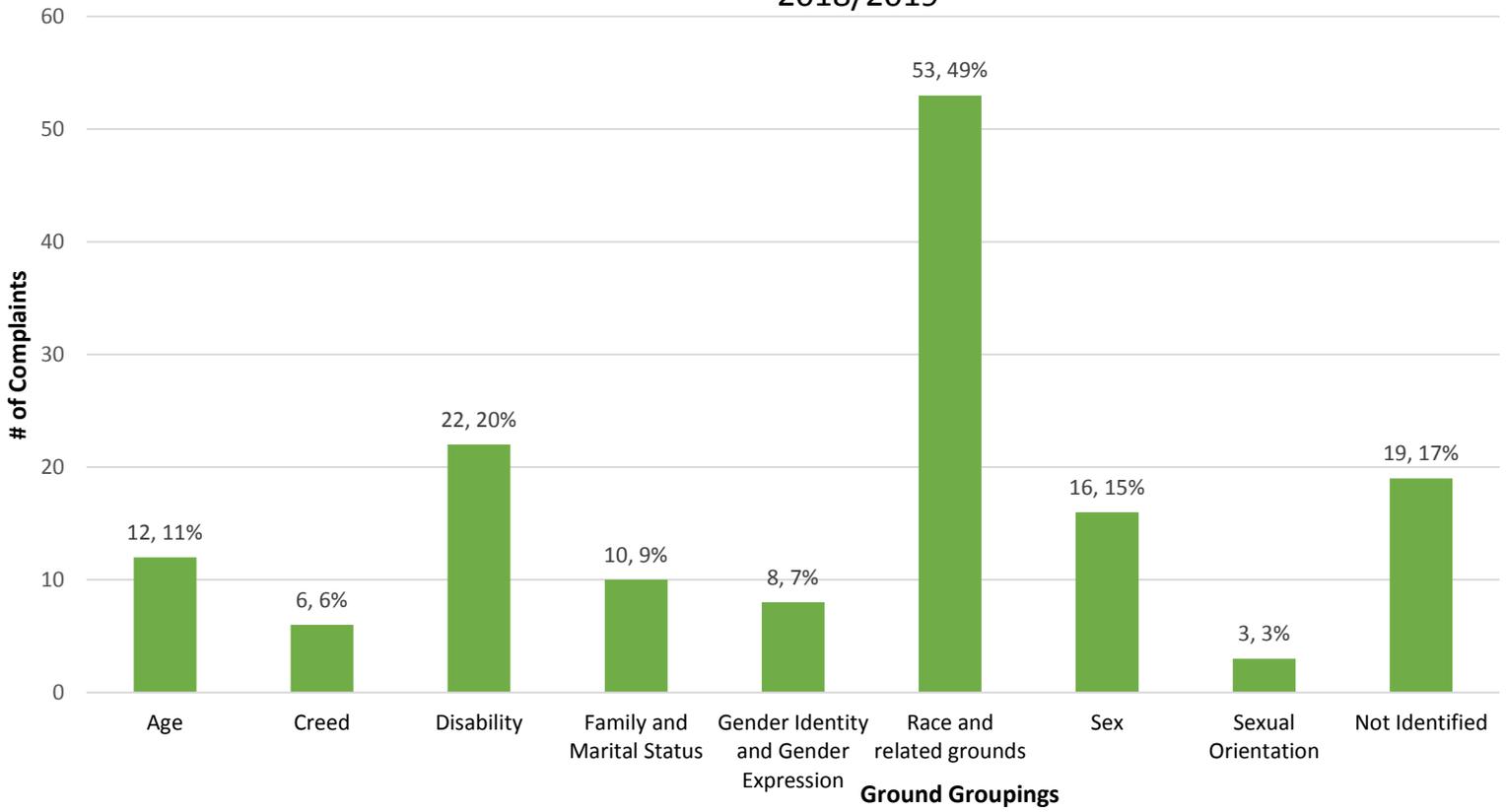
GROUNDINGS	2018/2019 NUMBER OF COMPLAINTS	2018/2019 PERCENTAGE	2019/2020 NUMBER OF COMPLAINTS	2019/2020 PERCENTAGE
Age	12	11%	27	21%
Creed	6	6%	5	4%
Disability	22	20%	28	22%
Family and Marital Status	10	9%	1	1%
Gender Identity and Gender Expression	8	7%	9	7%
Race and related grounds	53	49%	70	54%
Sex	16	15%	12	9%
Sexual Orientation	3	3%	5	4%
Not Identified	19	17%	18	14%
Total Number of Complaints Involving Human Rights	109		129	

\*Some complaints claim more than one ground, so the totals exceed 100%.

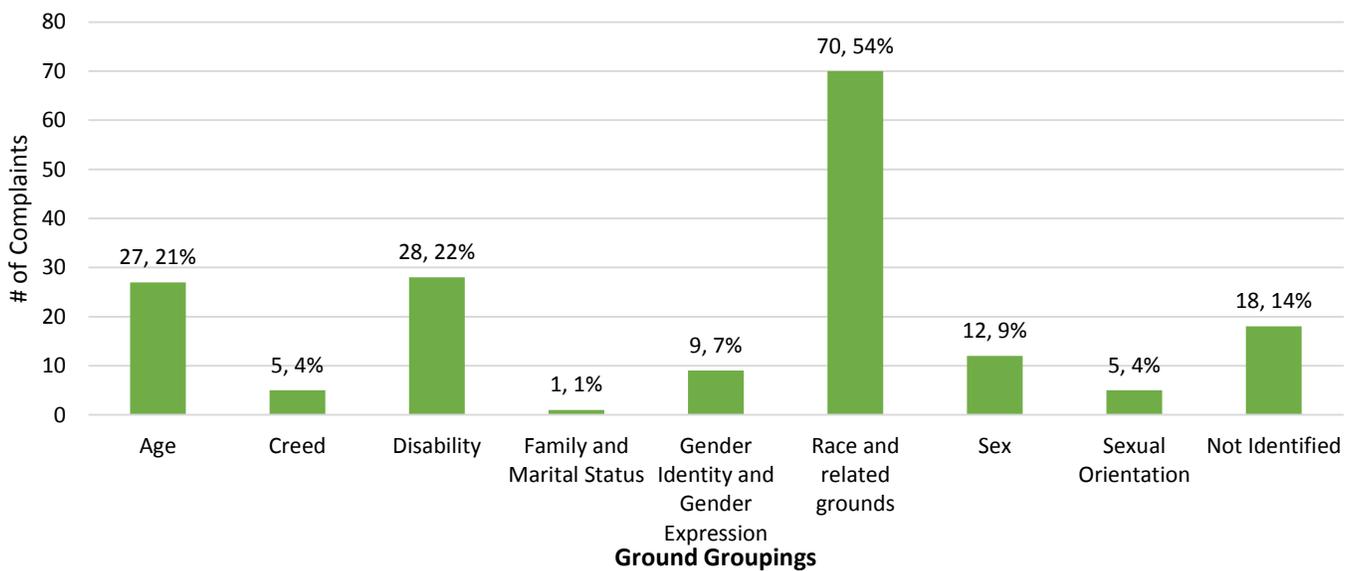
\* Data only shows those complainants that selected human rights as the type of complaint

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

**Number and Percentage of Complaints by Ground/Ground Grouping  
2018/2019**



**Number and Percentage of Complaints Received by Ground/Ground Grouping  
2019/2020**



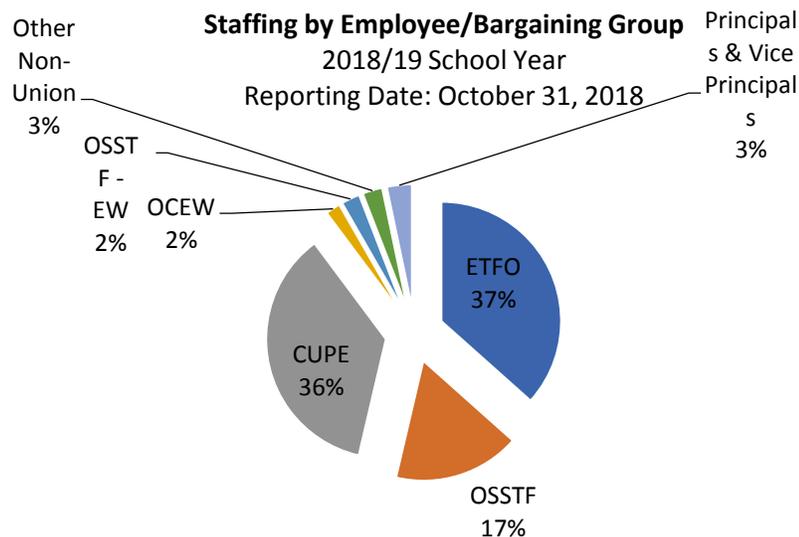
# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

## APPENDIX C: TDSB STAFF ALLOCATION BY EMPLOYEE BARGAINING GROUP

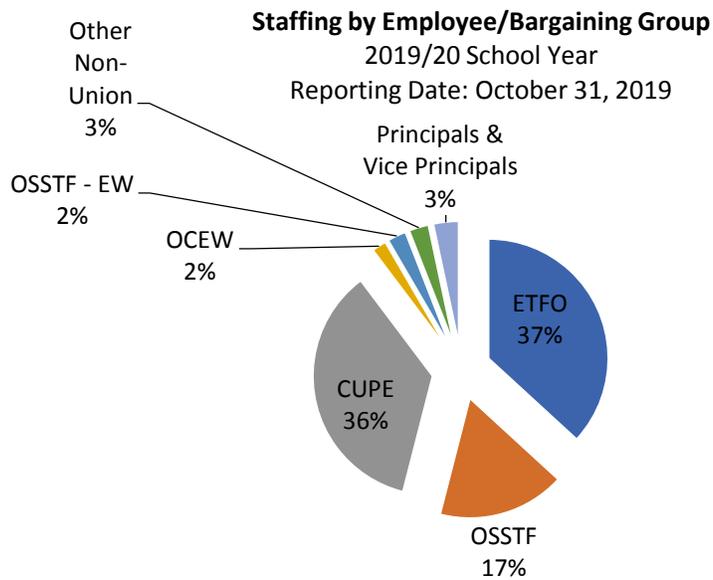
Figure C1: TDSB Staff Allocation by Employee Bargaining Group

2018/2019 School Year - Reporting Date: March 31, 2019	
Employee/Bargaining Group	FTE
ETFO	11091.2
OSSTF	4990
CUPE	10915
OCEW	566
OSSTF - EW	728.6
Other Non-Union	791
Principals & Vice Principals	996
Staffing Total	30077.8

2019/20 School Year: Reporting Date: October 31, 2019	
Employee/Bargaining Group	FTE
ETFO	10918.7
OSSTF	5090.8
CUPE	10596
OCEW	560
OSSTF - EW	727.6
Other Non-Union	768
Principals & Vice Principals	990.6
Staffing Total	29651.7



# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020



## APPENDIX D: HRTO Data

Figure D1: Number of TDSB Applications at the HRTO by School Year

Year	# of TDSB Applications at HRTO
2016/17	25
2017/18	27
2018/19	31
2019/20	25

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

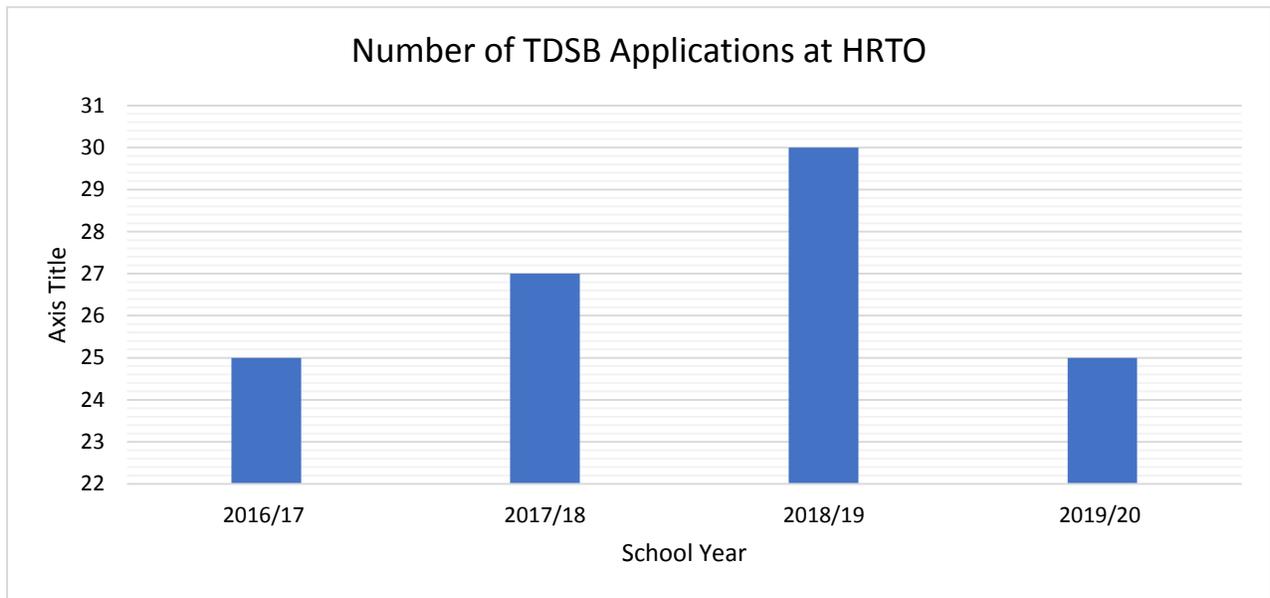
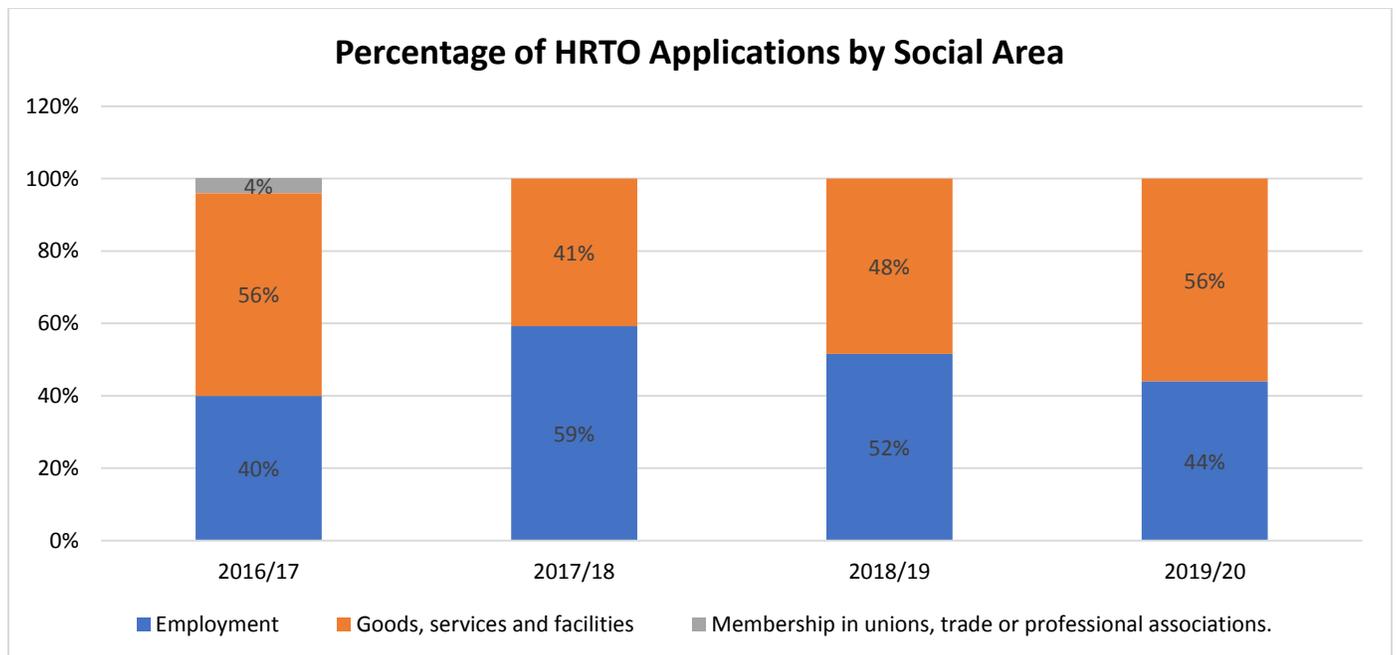


Figure D2: TDSB HRTO Applications by Social Area

Social Area	2016/17	2017/18	2018/19	2019/20
Employment	10	16	16	11
Goods, services and facilities	14	11	15	14
Membership in unions, trade or professional associations.	1	0	0	0
<b>TOTAL</b>	<b>25</b>	<b>27</b>	<b>31</b>	<b>25</b>



# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

## APPENDIX E: Hate Activity Report Data

Figure E1: Number of Hate Activity Incidents Reported by Time Period

TIME PERIOD	NUMBER OF INCIDENTS REPORTED
September 1, 2018 - August 31, 2019	64
September 1, 2019 – August 31, 2020	291
Total	355

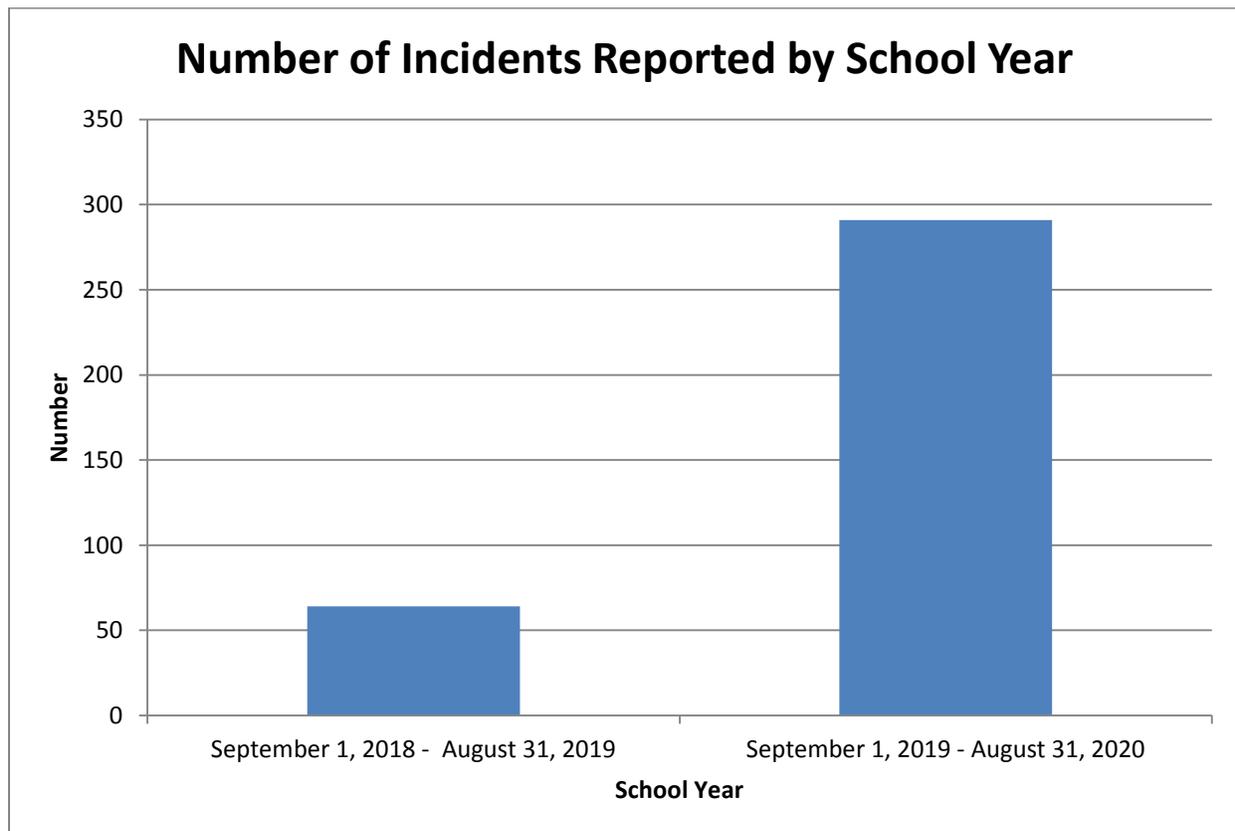


Figure E2: Number of Hate Activity Incidents Reported by Month

Month	2018/19 Number of Incidents Reported	2019/20 Number of Incidents Reported
September	0	21
October	0	38
November	0	40
December	0	23
January	0	24
February	3	32
March	11	29

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

April	7	9
May	20	4
June	19	39
July	4	27
August	0	5
TOTAL	64	291
AVERAGE (Sept-18 to Aug-19)	5	24

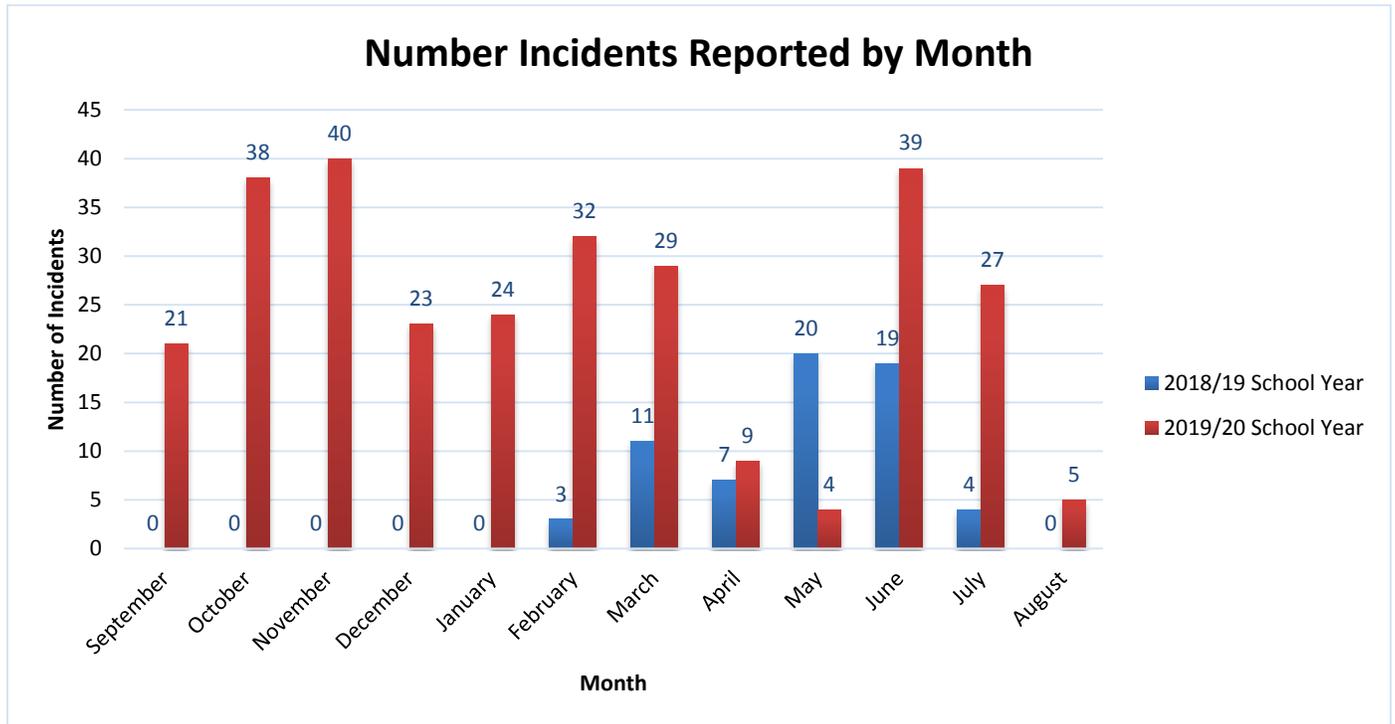


Figure E3: Number of Hate Activity Incidents Reported by Time Period

TIME PERIOD	NUMBER OF INCIDENTS REPORTED
November 1, 2018 – April 14, 2019	15
April 15, 2019 - June 10, 2019	28
June 11, 2019 - August 31, 2020	312
TOTAL	355

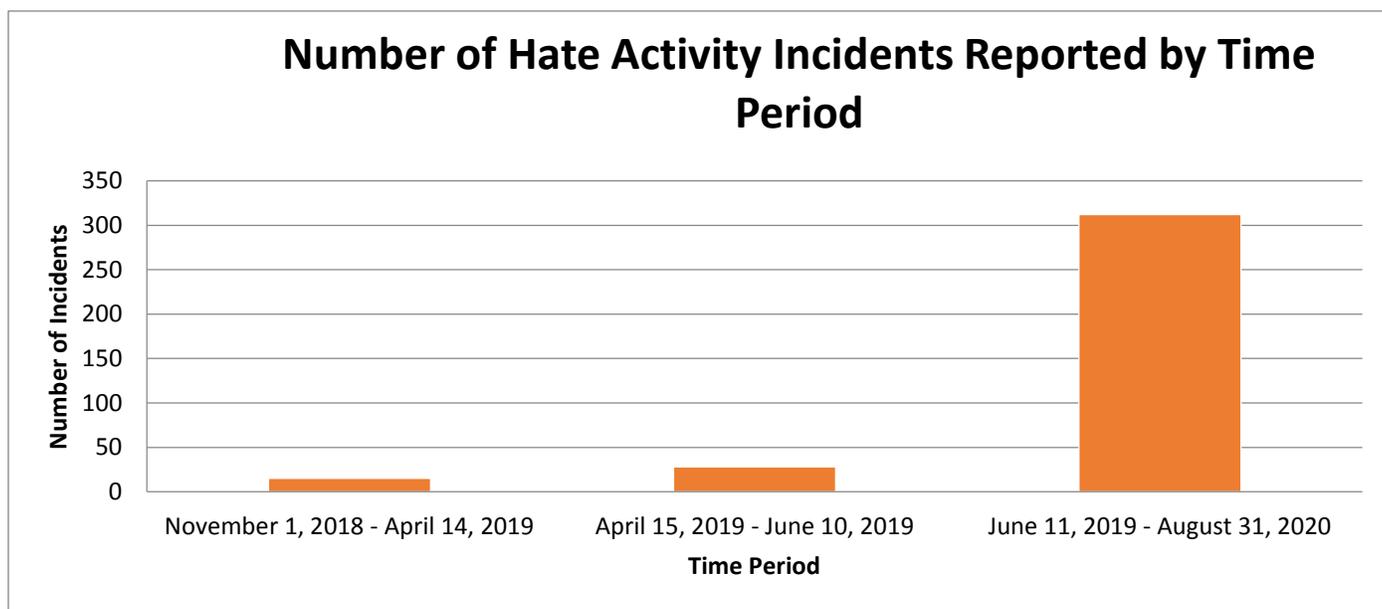
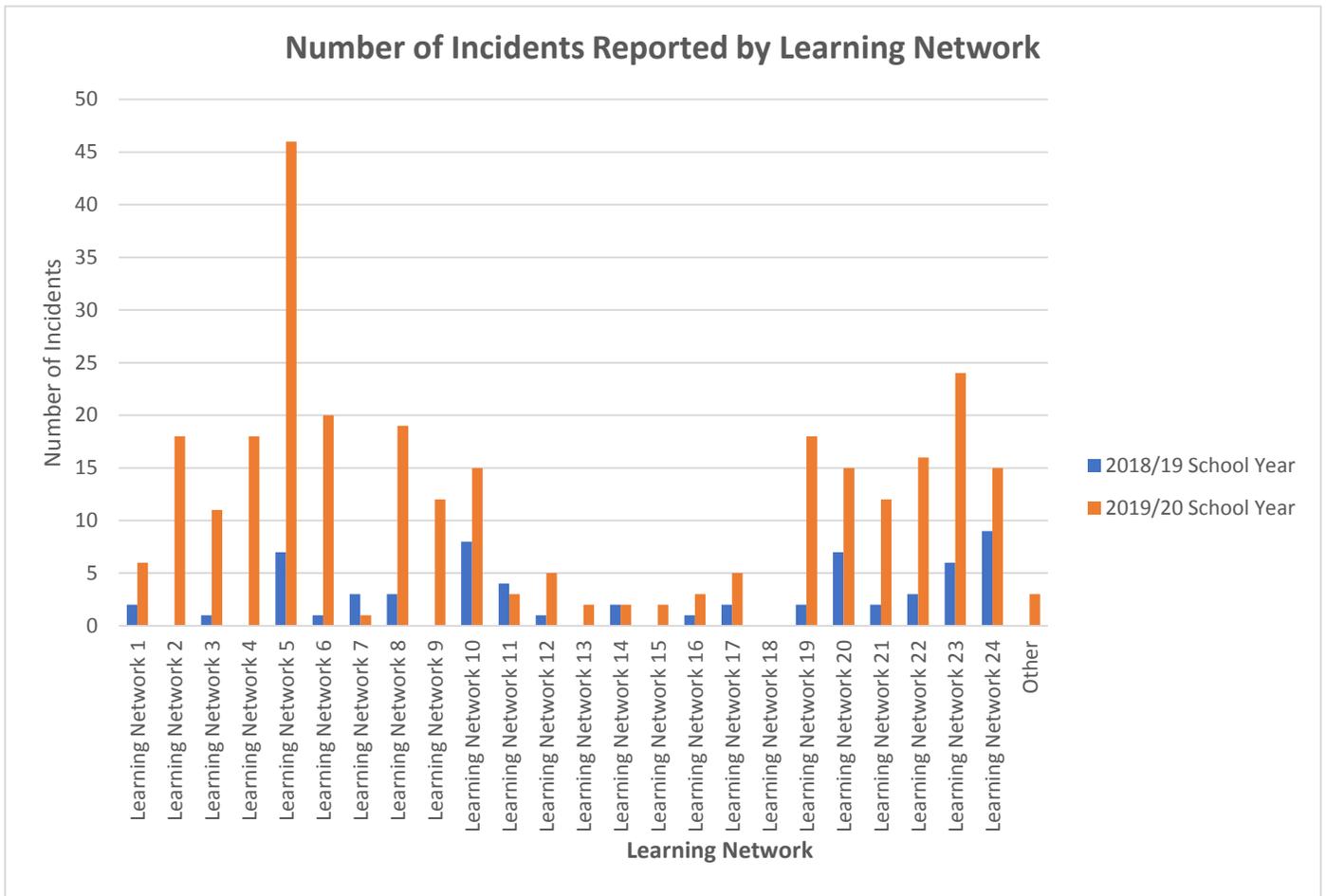


Figure E4: Number of Hate Activity Incidents Reported by Learning Network and Learning Centre

LOCATION	2018/19 SCHOOL YEAR September 1, 2018 - August 31, 2019	2019/20 SCHOOL YEAR September 1, 2019 - August 31, 2020
Learning Network 1	2	6
Learning Network 2	0	18
Learning Network 3	1	11
Learning Network 4	0	18
Learning Network 5	7	46
Learning Network 6	1	20
<i>Learning Centre 1 Total</i>	<i>11</i>	<i>119</i>
Learning Network 7	3	1
Learning Network 8	3	19
Learning Network 9	0	12
Learning Network 10	8	15
Learning Network 11	4	3
Learning Network 12	1	5
<i>Learning Centre 2 Total</i>	<i>19</i>	<i>55</i>
Learning Network 13	0	2
Learning Network 14	2	2
Learning Network 15	0	2
Learning Network 16	1	3
Learning Network 17	2	5
Learning Network 18	0	0
<i>Learning Centre 3 Total</i>	<i>5</i>	<i>14</i>
Learning Network 19	2	18

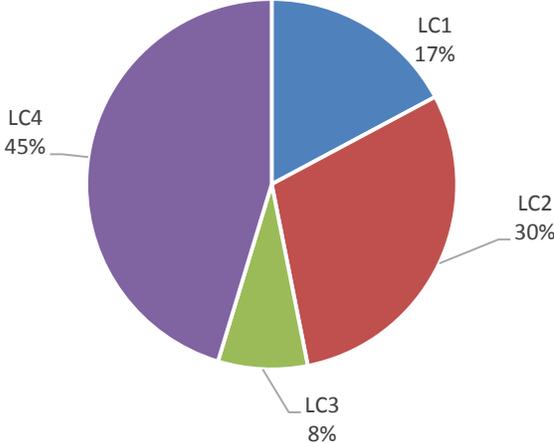
# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

Learning Network 20	7	15
Learning Network 21	2	12
Learning Network 22	3	16
Learning Network 23	6	24
Learning Network 24	9	15
<i>Learning Centre 4 Total</i>	29	100
<i>Other</i>	0	3
<b>OVERALL TOTAL</b>	<b>64</b>	<b>291</b>

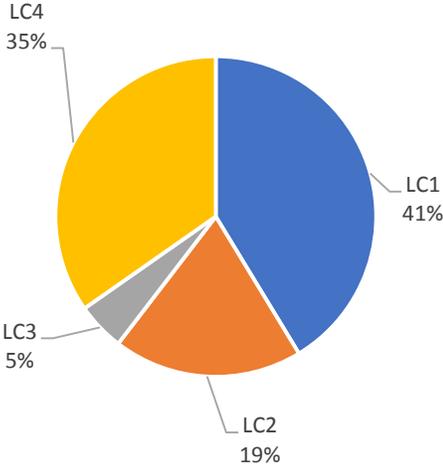


# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

**Percentage of Incidents Reported by Learning Centre**  
**September 1, 2018 to August 31, 2019**



**Percentage of Incidents Reported by Learning Centre**  
**September 1, 2019 to August 31, 2020**

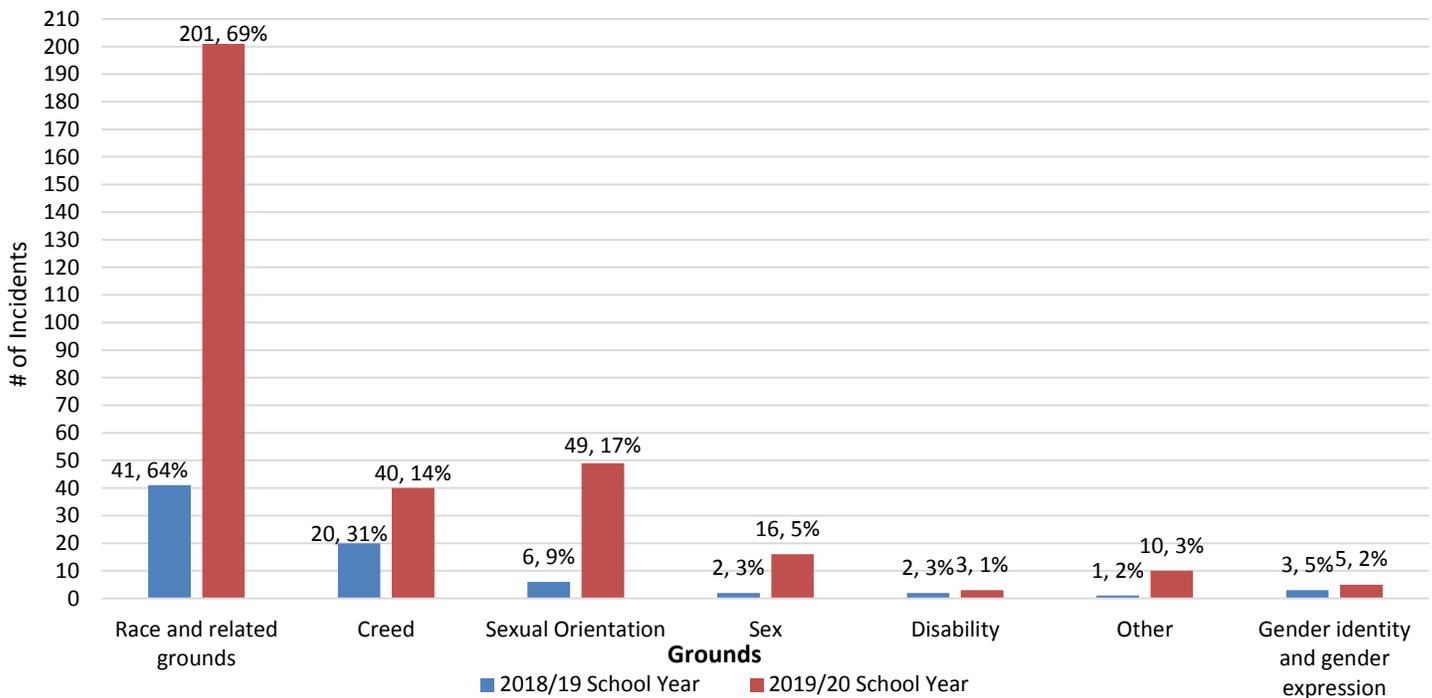


# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

Figure E5: Number of Hate Activity Incidents Reported by Ground

GROUND	2018/19 NUMBER OF INCIDENTS	2019/20 PERCENTAGE	2018/19 NUMBER OF INCIDENTS	2019/20 PERCENTAGE
Race and related grounds	41	64%	201	69%
Creed	20	31%	40	14%
Sexual Orientation	6	9%	49	17%
Sex	2	3%	16	5%
Disability	2	3%	3	1%
Other	1	2%	10	3%
Gender identity and gender expression	3	5%	5	2%
Total Number of Hate Activity Incidents Reported	64		291	

Number & Percentage of Hate Activity Reports by Ground



# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

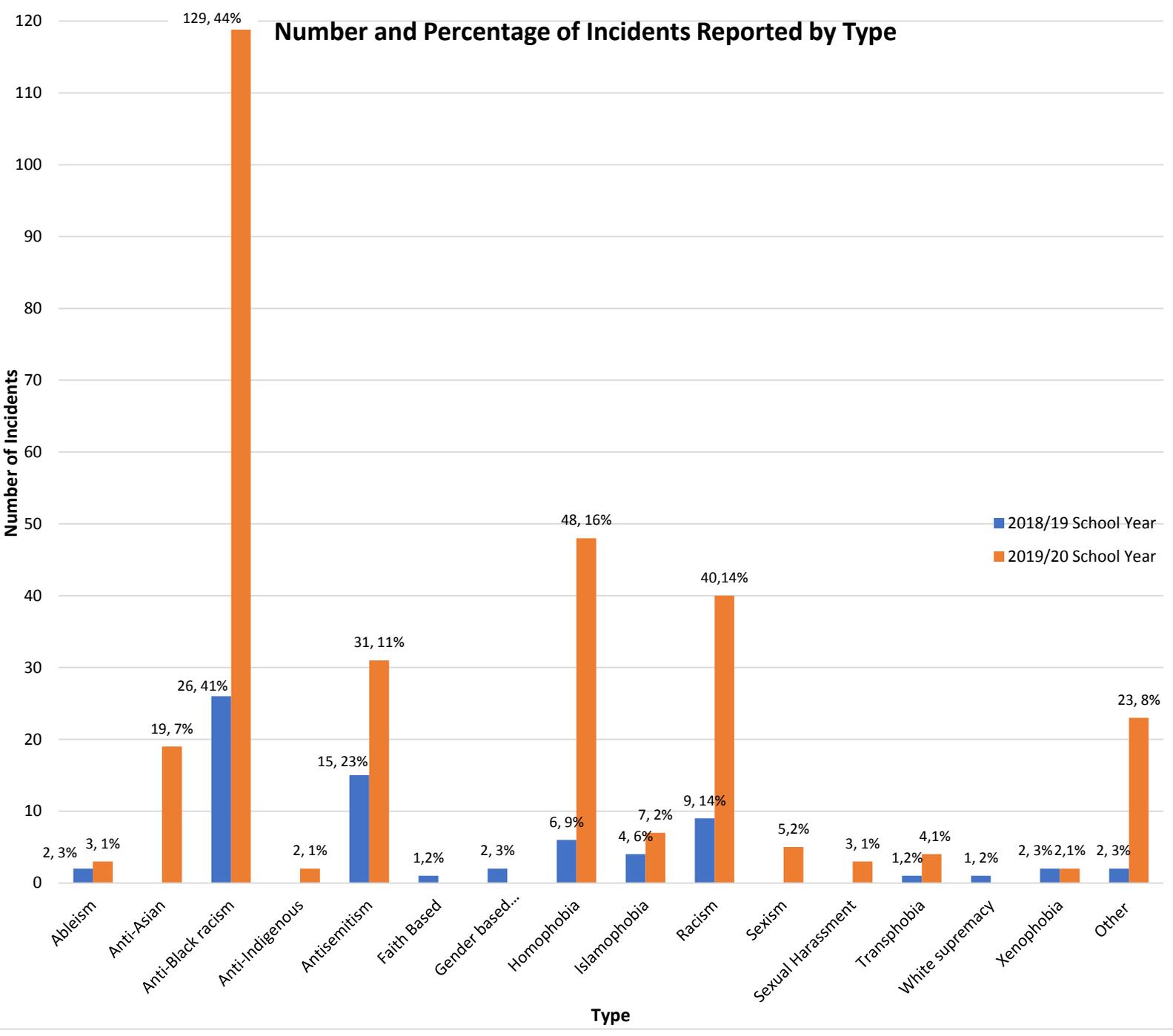
Figure E6: Number and Percentage of Hate Activity Incidents Reported by Type

TYPE OF INCIDENT	2018/19 NUMBER OF INCIDENTS	2018/19 PERCENTAGE	2019/20 NUMBER OF INCIDENT	2019/20 PERCENTAGE
Ableism	2	3%	3	1%
Anti-Asian	0	0%	19	47%
Anti-Black racism	26	41%	129	44%
Anti-Indigenous	0	0%	2	1%
Antisemitism	15	23%	31	11%
Faith Based	1	2%	0	0%
Gender based violence	2	3%	0	0%
Homophobia	6	9%	48	16%
Islamophobia	4	6%	7	2%
Racism	9	-14%	-40	14%
Sexism	0	0%	5	2%
Sexual Harassment	0	0%	3	1%
Transphobia	1	2%	4	1%
White supremacy	1	2%	0	0%
Xenophobia	2	3%	2	1%
Other	2	3%	23	8%
<b>Total Number of Incidents Reported</b>	<b>64</b>	<b>108%</b>	<b>291</b>	

Notes:

- “Racism” incidents are those incidents where there was a general attack on race but we do not have enough information to determine which race was specifically targeted.
- “Other” incidents are those incidents that do not involve a prohibited ground as outlined in the *Human Rights Code*

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# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

## APPENDIX F: HRO Consults Data

Figure F1: Consults by Position January 1 to August 31, 2020

POSITION	NUMBER OF CONSULTS	PERCENTAGE
Principal/Vice Principal	96	49%
Superintendent/Executive Superintendent	78	40%
Teacher	11	6%
Other TDSB Staff	3	2%
Parent	5	3%
Support Staff Manager/Supervisor	2	1%
Other	2	1%
TOTAL	197	100%

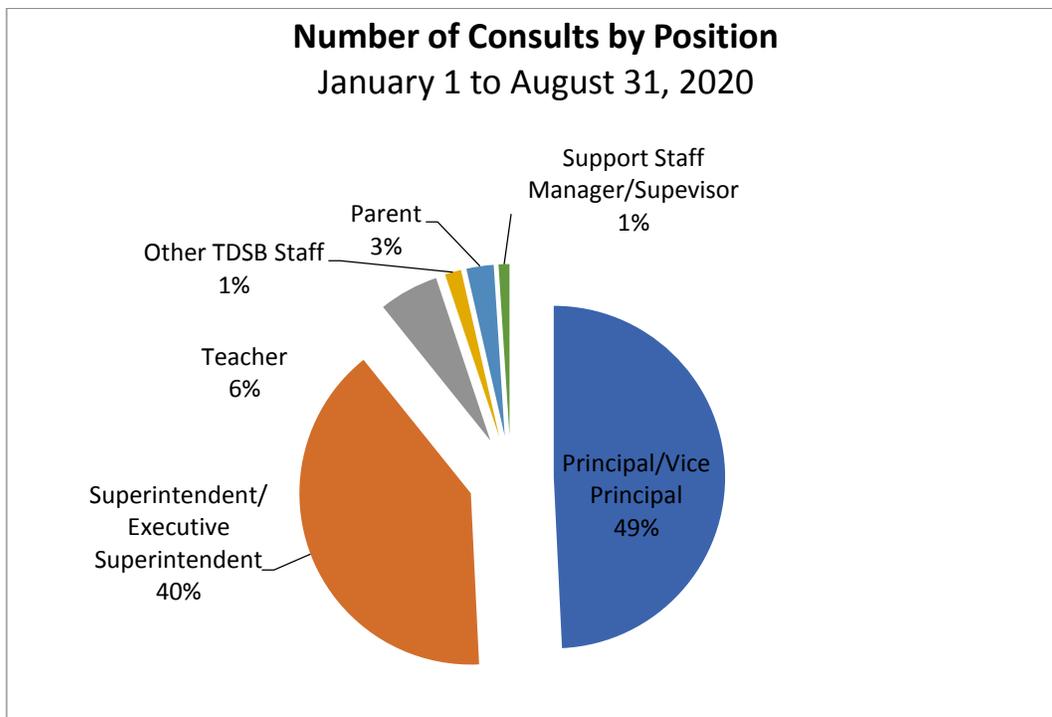


Figure F2: Consults by Type of Service

TYPE OF SERVICE	NUMBER OF CONSULTS	PERCENTAGE
Advice	170	86%
Assistance with Investigation	23	12%
Other	4	2%

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TOTAL	197	100%
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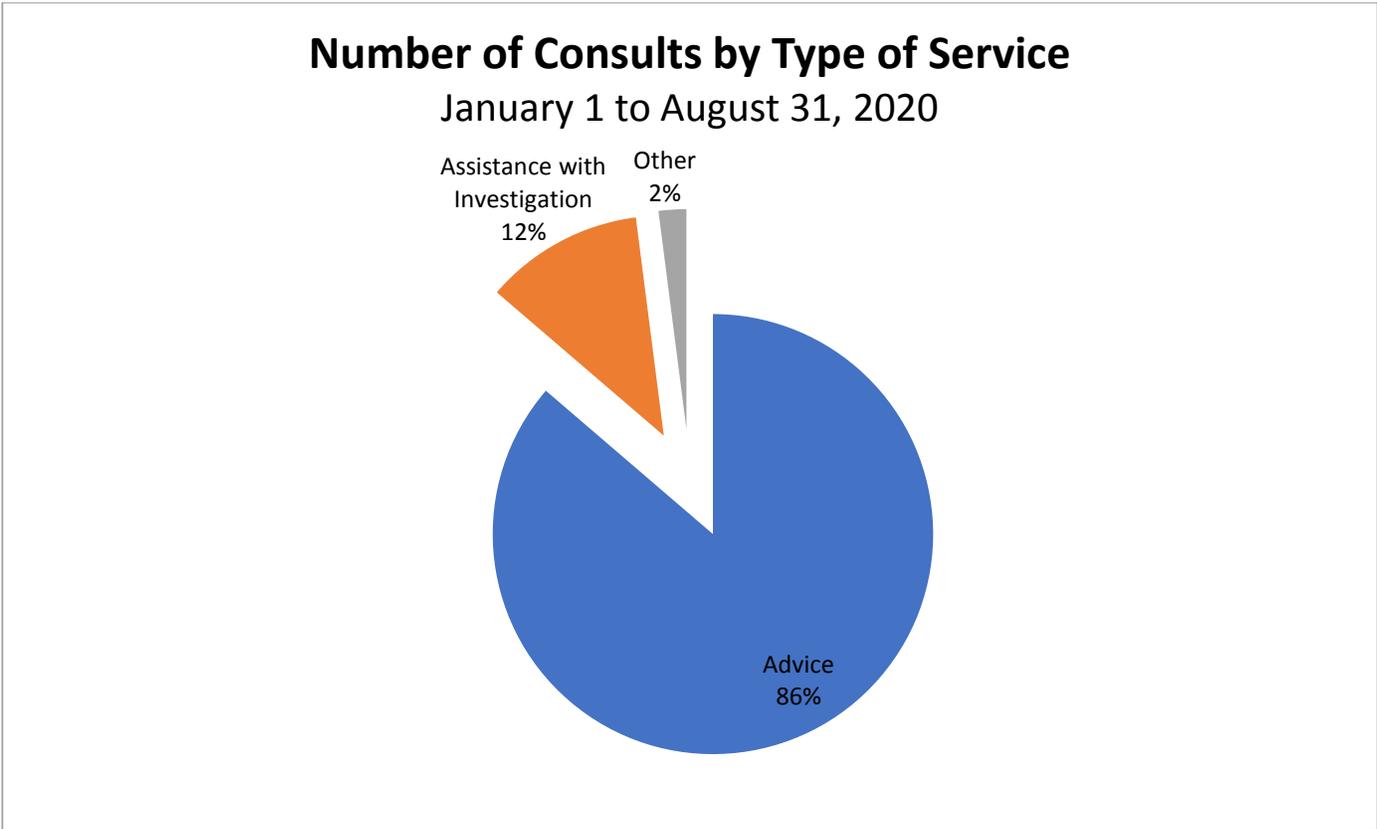


Figure F3: Consults by Type of Incident

TYPE OF INCIDENT	NUMBER OF CONSULTS	PERCENTAGE
Workplace Harassment	20	10%
Human Rights	153	78%
Workplace Harassment & Human Rights	7	4%
Hate Activity	5	3%
Other	12	6%
TOTAL	197	100%

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

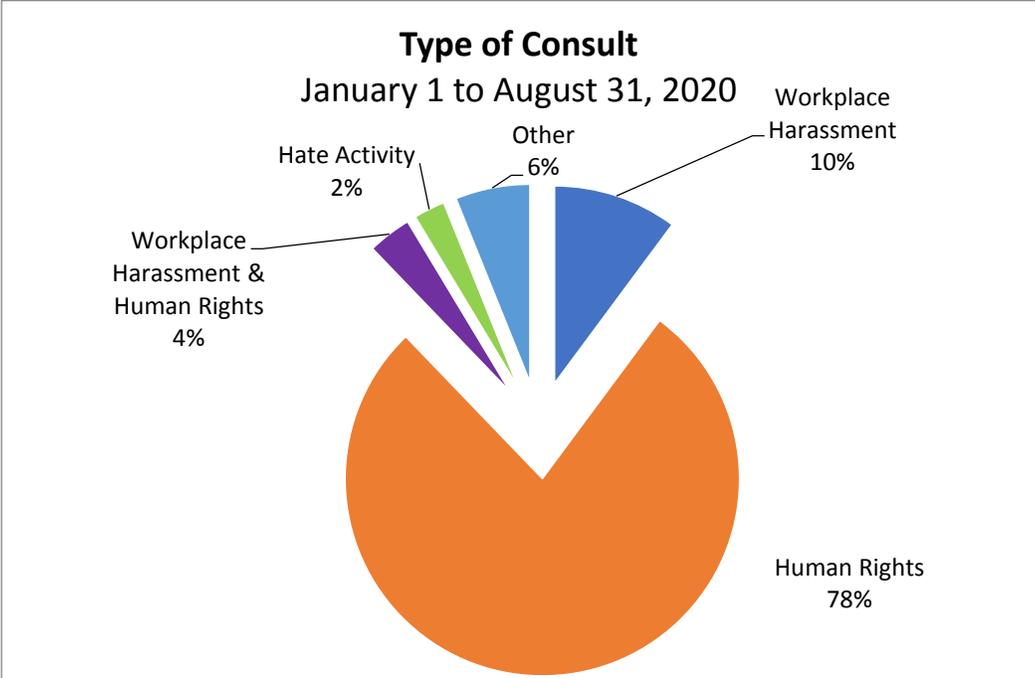
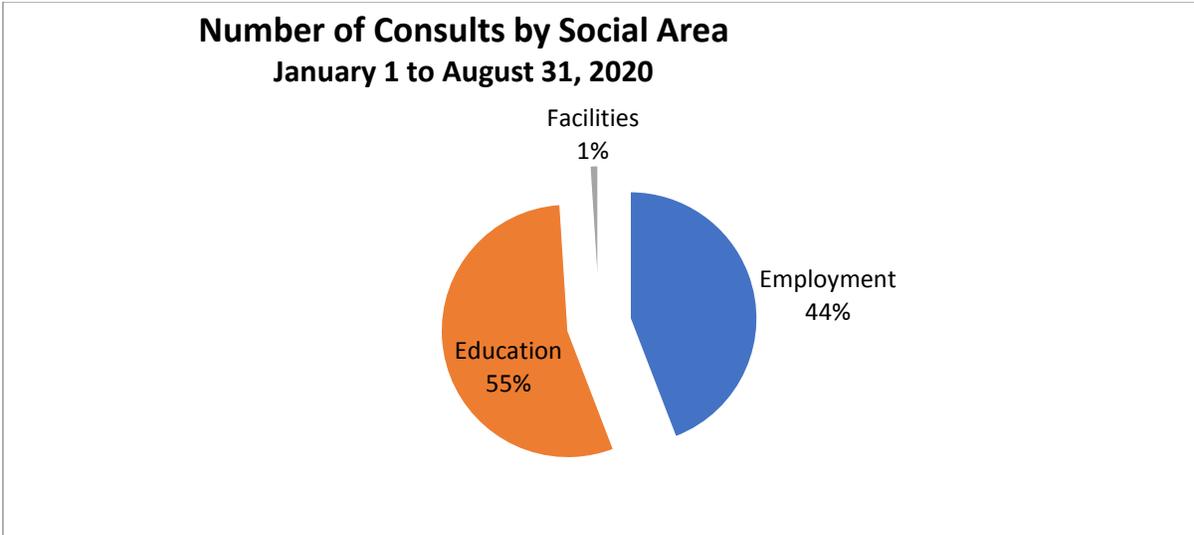


Figure F4: Consults by Social Area

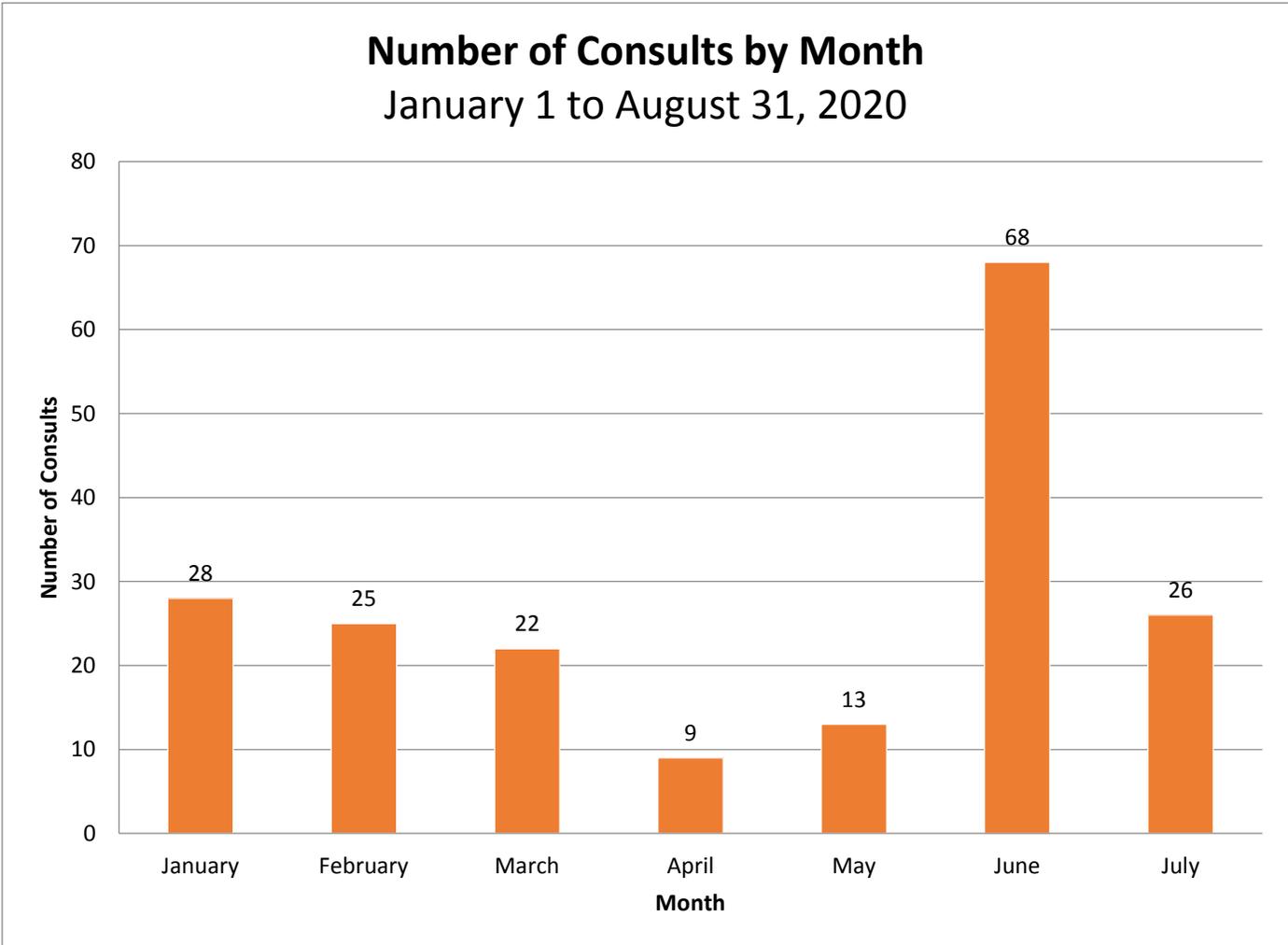
SOCIAL AREA	NUMBER OF CONSULTS	PERCENTAGE
Employment	87	44%
Education	108	55%
Facilities	2	1%
TOTAL	197	100%



# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

Figure F5: Number of Consults by Month

MONTH	NUMBER OF CONSULTS
January	28
February	25
March	22
April	9
May	13
June	68
July	26
August	6
TOTAL	197



# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

Figure F6: Organizational Response Team Meetings by Social Area

Organizational Response Team Meetings <i>First ORT convened on May 29, 2020</i>	
TYPE	NUMBER OF ORTs
Employment	23
Education	38
Facilities	1
TOTAL	62

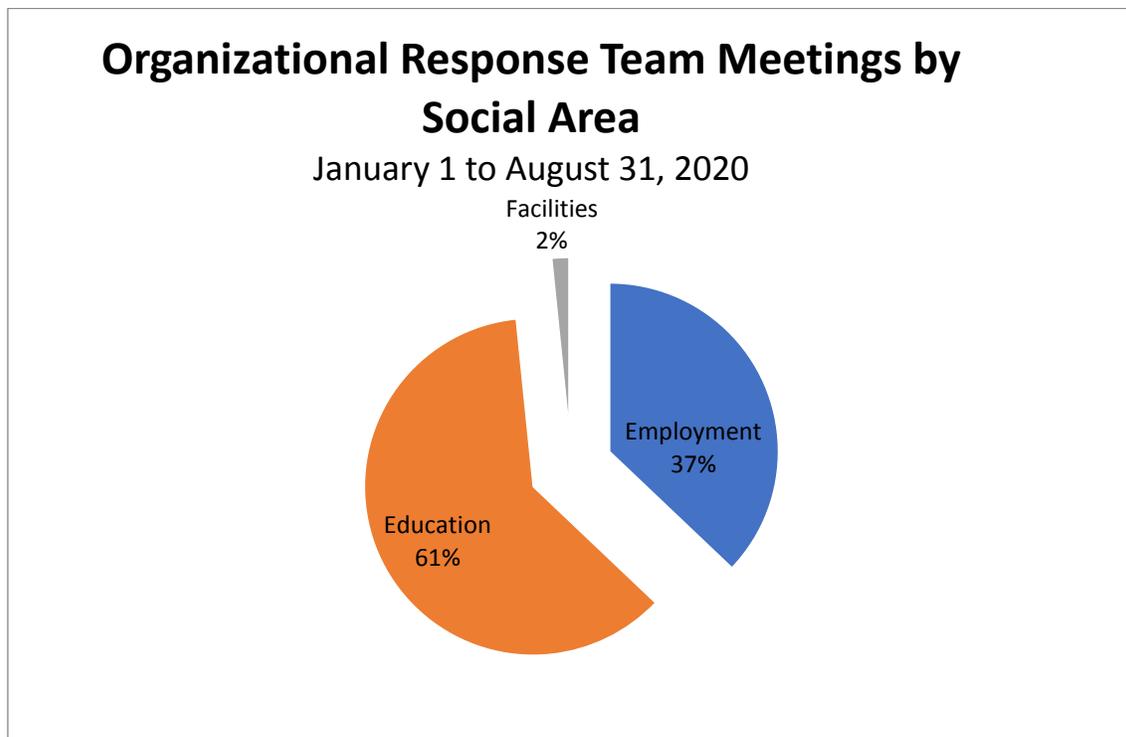
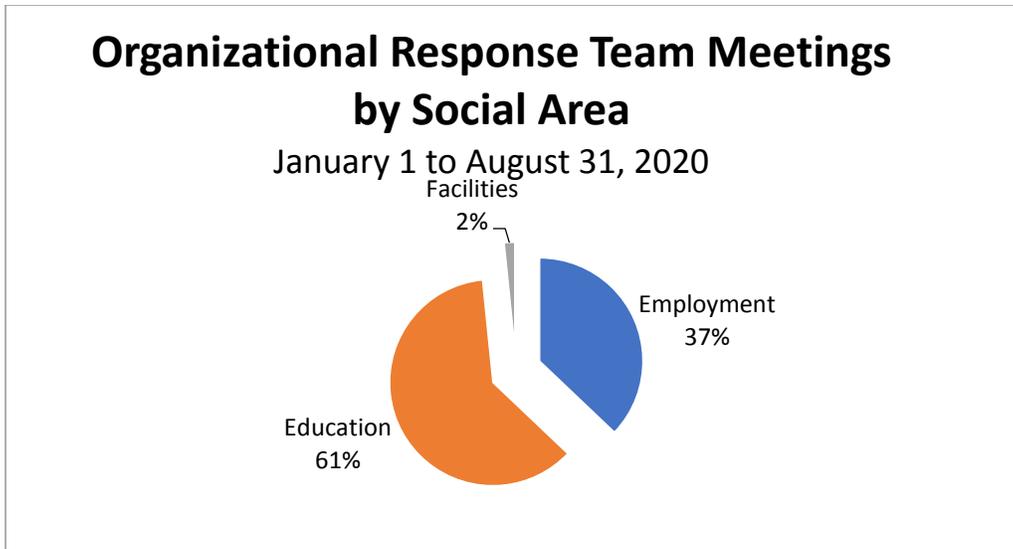


Figure F7: Organizational Response Team Meetings by Type

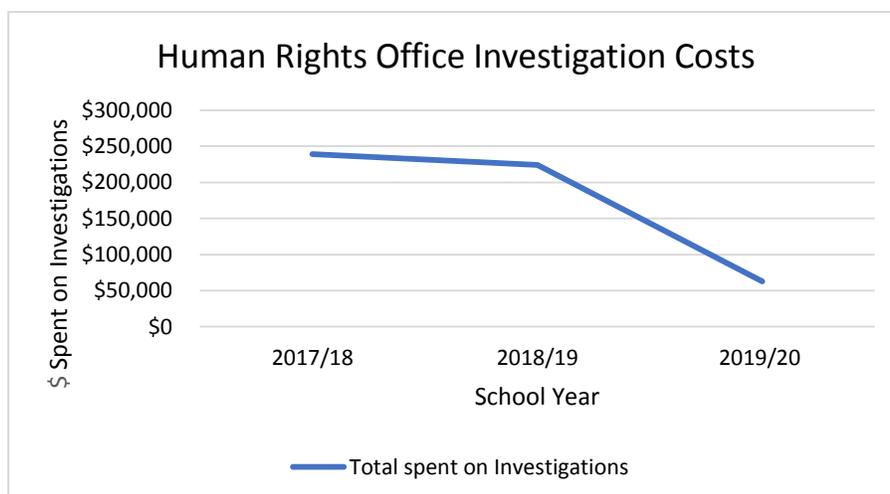
Organizational Response Team Meetings	
TYPE	NUMBER OF ORTs
Human Rights	60
Human Rights & Workplace Harassment	2
TOTAL	62

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020



## APPENDIX G: Human Rights Office Investigation Costs

Year	Total spent on Investigations
2017/18	\$239,110
2018/19	\$224,248
2019/20	\$62,738



# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

## APPENDIX H: 2017 Student Census Data Tables

Note: entries highlighted in red met the 9/10ths rule of (non-statistical) substantial significance as discussed in Appendix A, section 3.2.1.

### Application of Rules Student Census Grades 7 - 12

#### All Respondents

SCHOOL RULES ARE APPLIED TO ME IN A FAIR WAY		
	Percent	Count
All the time	41%	34,484
Often	37%	31,072
Sometimes	16%	13,678
Rarely	4%	3,613
Never	2%	1,793
Total	100%	84,640

#### Disability

SCHOOL RULES ARE APPLIED TO ME IN A FAIR WAY								
	All the time/Often		Sometimes		Rarely/Never		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Yes	73%	5,591	18%	1,409	9%	691	100%	7,691
No	79%	52,701	15%	9,998	5%	3,606	100%	66,305
Not sure	68%	6,100	22%	1,936	10%	928	100%	8,964
Total	78%	64,392	16%	13,343	6%	5,225	100%	82,960

#### Race

SCHOOL RULES ARE APPLIED TO ME IN A FAIR WAY								
	All the time/Often		Sometimes		Rarely/Never		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Black	64%	6,604	24%	2,417	12%	1,254	100%	10,275
East Asian	82%	10,179	14%	1,707	4%	468	100%	12,354
Indigenous	67%	135	21%	43	11%	23	100%	201
Latin American	74%	1,173	19%	300	7%	115	100%	1,588
Middle Eastern	76%	3,948	16%	822	8%	435	100%	5,205

## HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

Mixed	73%	6,900	18%	1,723	8%	795	100%	9,418
South Asian	83%	15,049	13%	2,344	5%	835	100%	18,228
Southeast Asian	79%	3,618	17%	799	4%	181	100%	4,598
White	79%	17,856	15%	3,494	6%	1,283	100%	22,633
Total	77%	65,462	16%	13,649	6%	5,389	100%	84,500

### Gender Identity

SCHOOL RULES ARE APPLIED TO ME IN A FAIR WAY								
	All the time/Often		Sometimes		Rarely/Never		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Female	80%	32,714	15%	6,304	5%	2,123	100%	41,141
Male	76%	32,278	17%	7,173	7%	3,161	100%	42,612
Non-binary	64%	561	23%	200	14%	121	100%	882
Total	77%	65,553	16%	13,677	6%	5,405	100%	84,635

### Sexual Orientation

SCHOOL RULES ARE APPLIED TO ME IN A FAIR WAY								
	All the time/Often		Sometimes		Rarely/Never		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Straight	78%	53,097	16%	10,972	6%	4,250	100%	68,319
LGBTQ+	73%	3,221	19%	820	8%	354	100%	4,395
Questioning	74%	1,128	18%	283	8%	120	100%	1,531
Total	77%	57,446	16%	12,075	6%	4,724	100%	74,245

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

## Religion

SCHOOL RULES ARE APPLIED TO ME IN A FAIR WAY								
	All the time/Often		Sometimes		Rarely/Never		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Agnosticism	78%	1,785	16%	370	6%	129	100%	2,284
Atheism	77%	3,721	16%	790	7%	328	100%	4,839
Buddhism	81%	2,658	15%	476	4%	133	100%	3,267
Christianity	75%	20,104	18%	4,799	7%	1,933	100%	26,836
Hinduism	85%	5,949	11%	794	3%	235	100%	6,978
Indigenous Spirituality	66%	73	20%	22	14%	15	100%	110
Islam	78%	12,296	15%	2,426	7%	1,103	100%	15,825
Judaism	79%	1,553	16%	318	5%	94	100%	1,965
Sikhism	84%	746	11%	97	5%	46	100%	889
Spiritual	72%	593	20%	168	8%	66	100%	827
More than one faith/religion	72%	917	20%	257	8%	108	100%	1,282
No religion	79%	13,221	16%	2,666	6%	954	100%	16,841
Other	68%	333	18%	88	14%	69	100%	490
Total	78%	63,949	16%	13,271	6%	5,213	100%	82,433

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

## Grade 4 – 6 Student Census 2017 Student Census Data Table

SCHOOL RULES ARE FAIR [GRADE 4-6 ONLY]		
	Percent	Count
All the time	45%	20,306
Often	30%	13,555
Sometimes	17%	7,784
Rarely	5%	2,129
Never	3%	1,140
Total	100%	44,914

Race

SCHOOL RULES ARE FAIR [GRADE 4-6 ONLY]								
	All the time/Often		Sometimes		Rarely/Never		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Black	65%	3,506	22%	1,194	13%	716	100%	5,416
East Asian	80%	4,296	15%	829	5%	251	100%	5,376
Indigenous	73%	86	14%	16	14%	16	100%	118
Latin American	75%	611	20%	160	6%	47	100%	818
Middle Eastern	77%	2,099	16%	427	7%	193	100%	2,719
Mixed	70%	3,900	21%	1,172	9%	493	100%	5,565
South Asian	84%	8,260	12%	1,145	4%	397	100%	9,802
Southeast Asian	77%	1,274	17%	286	6%	104	100%	1,664
White	73%	9,644	19%	2,489	8%	1,012	100%	13,145
Total	75%	33,676	17%	7,718	7%	3,229	100%	44,623

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

## Gender Identity

SCHOOL RULES ARE FAIR [GRADE 4-6 ONLY]								
	All the time/Often		Sometimes		Rarely/Never		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Female	79%	17,455	16%	3,450	5%	1,088	100%	21,993
Male	72%	16,340	19%	4,303	9%	2,160	100%	22,803
Non-binary	55%	58	26%	28	19%	20	100%	106
Total	75%	33,853	17%	7,781	7%	3,268	100%	44,902

Sense of Belonging – Student Census Grades 7 – 12  
2017 Student Census Data Tables

I FEEL I BELONG IN THIS SCHOOL		
	Percent	Count
All the time	28%	23,937
Often	36%	30,713
Sometimes	24%	20,094
Rarely	8%	7,020
Never	4%	3,467
Total	100%	85,231

## Disability

I FEEL I BELONG IN THIS SCHOOL								
	All the time/Often		Sometimes		Rarely/Never		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Yes	56%	4,366	26%	1,994	18%	1,400	100%	7,760
No	67%	44,891	22%	14,890	10%	6,913	100%	66,694
Not sure	49%	4,458	30%	2,747	20%	1,855	100%	9,060
	64%	53,715	24%	19,631	12%	10,168	100%	83,514

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

## Race

I FEEL I BELONG IN THIS SCHOOL								
	All the time/Often		Sometimes		Rarely/Never		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Black	56%	5,819	26%	2,715	18%	1,855	100%	10,389
East Asian	64%	7,904	26%	3,292	10%	1,235	100%	12,431
Indigenous	55%	112	25%	52	20%	40	100%	204
Latin American	58%	920	28%	440	15%	233	100%	1,593
Middle Eastern	64%	3,351	22%	1,163	14%	740	100%	5,254
Mixed	59%	5,583	25%	2,386	16%	1,511	100%	9,480
South Asian	69%	12,618	21%	3,905	10%	1,830	100%	18,353
Southeast Asian	60%	2,769	29%	1,333	12%	539	100%	4,641
White	68%	15,499	21%	4,772	11%	2,474	100%	22,745
Total	64%	54,575	24%	20,058	12%	10,457	100%	85,090

## Gender Identity

I FEEL I BELONG IN THIS SCHOOL								
	All the time/Often		Sometimes		Rarely/Never		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Female	62%	25,621	25%	10,415	13%	5,440	100%	41,476
Male	67%	28,630	22%	9,427	11%	4,790	100%	42,847
Non-binary	44%	398	28%	249	28%	256	100%	903
Total	64%	54,649	24%	20,091	12%	10,486	100%	85,226

## Sexual Orientation

I FEEL I BELONG IN THIS SCHOOL								
	All the time/Often		Sometimes		Rarely/Never		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Straight	66%	45,177	23%	15,779	11%	7,789	100%	68,745
LGBTQ+	50%	2,202	28%	1,260	22%	969	100%	4,431
Questioning	49%	760	31%	480	20%	313	100%	1,553
Total	64%	48,139	23%	17,519	12%	9,071	100%	74,729

## Religion

I FEEL I BELONG IN THIS SCHOOL								
	All the time/Often		Sometimes		Rarely/Never		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Agnosticism	59%	1,349	26%	594	16%	359	100%	2,302
Atheism	62%	3,039	23%	1,136	14%	701	100%	4,876

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Buddhism	63%	2,064	28%	909	10%	323	100%	3,296
Christianity	63%	17,107	24%	6,471	13%	3,432	100%	27,010
Hinduism	73%	5,131	19%	1,346	8%	542	100%	7,019
Indigenous Spirituality	52%	57	27%	30	21%	23	100%	110
Islam	66%	10,462	22%	3,518	12%	1,970	100%	15,950
Judaism	73%	1,431	19%	366	9%	174	100%	1,971
Sikhism	72%	639	20%	179	8%	72	100%	890
Spiritual	52%	434	26%	213	23%	188	100%	835
More than one faith/religion	59%	758	26%	332	15%	197	100%	1,287
No religion	62%	10,574	25%	4,300	12%	2,061	100%	16,935
Other	55%	273	25%	123	20%	100	100%	496
Total	64%	53,318	24%	19,517	12%	10,142	100%	82,977

Respect – Student Census Grades 7 – 12  
2017 Student Census Data Tables

MY TEACHERS RESPECT MY BACKGROUND		
	Percent	Count
All of them	76%	31,763
Most of them	16%	6,868
Some of them	5%	2,107
One or two of them	2%	861
None of them	1%	439
Total	100%	42,038

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

## Disability

MY TEACHERS RESPECT MY BACKGROUND								
	All of them/Most of them		Some of them		One or two of them/None of them		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Yes	90%	3,387	5%	195	4%	168	100%	3,750
No	93%	30,492	5%	1,544	3%	875	100%	32,911
Not sure	89%	4,018	7%	300	5%	206	100%	4,524
Total	92%	37,897	5%	2,039	3%	1,249	100%	41,185

## Race

MY TEACHERS RESPECT MY BACKGROUND								
	All of them/Most of them		Some of them		One or two of them/None of them		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Black	85%	4,294	8%	428	7%	358	100%	5,080
East Asian	93%	5,683	5%	331	2%	129	100%	6,143
Indigenous	82%	82	9%	9	9%	9	100%	100
Latin American	90%	722	5%	42	4%	35	100%	799
Middle Eastern	91%	2,302	6%	143	4%	98	100%	2,543
Mixed	91%	4,257	5%	248	4%	186	100%	4,691
South Asian	93%	8,457	5%	432	2%	200	100%	9,089
Southeast Asian	93%	2,157	5%	118	2%	47	100%	2,322
White	95%	10,634	3%	352	2%	234	100%	11,220
Total	92%	38,588	5%	2,103	3%	1,296	100%	41,987

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

## Gender Identity

MY TEACHERS RESPECT MY BACKGROUND								
	All of them/Most of them		Some of them		One or two of them/None of them		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Female	93%	18,991	5%	948	3%	555	100%	20,494
Male	91%	19,267	5%	1,140	3%	716	100%	21,123
Non-binary	89%	372	5%	19	7%	29	100%	420
Total	92%	38,630	5%	2,107	3%	1,300	100%	42,037

## Sexual Orientation

MY TEACHERS RESPECT MY BACKGROUND								
	All of them/Most of them		Some of them		One or two of them/None of them		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Straight	92%	31,507	5%	1,671	3%	965	100%	34,143
LGBTQ+	90%	1,876	5%	100	5%	109	100%	2,085
Questioning	91%	680	6%	48	3%	23	100%	751
Total	92%	34,063	5%	1,819	3%	1,097	100%	36,979

## Religion

MY TEACHERS RESPECT MY BACKGROUND								
	All of them/Most of them		Some of them		One or two of them/None of them		Total	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
Agnosticism	94%	1,035	4%	41	3%	28	100%	1,104
Atheism	94%	2,262	3%	83	2%	53	100%	2,398
Buddhism	93%	1,508	5%	81	2%	36	100%	1,625

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Christianity	91%	12,160	6%	750	3%	449	100%	13,359
Hinduism	94%	3,239	4%	147	2%	63	100%	3,449
Indigenous Spirituality	83%	43	8%	4	10%	5	100%	52
Islam	91%	7,161	6%	441	4%	282	100%	7,884
Judaism	95%	913	3%	24	2%	22	100%	959
Sikhism	94%	412	3%	12	3%	13	100%	437
Spiritual	86%	373	9%	37	6%	24	100%	434
More than one faith/religion	89%	573	6%	40	5%	34	100%	647
No religion	93%	7,782	4%	363	3%	218	100%	8,363
Other	84%	201	8%	18	8%	20	100%	239
Total	92%	37,662	5%	2,041	3%	1,247	100%	40,950

Well-Being – Student Census Grades 7 – 12  
2017 Student Census Data Tables

WELL-BEING		
	Percent	Count
Low	25%	30,775
Middle/High	75%	94,339
Total	100%	125,114

## Disability

WELL-BEING						
	Low		Middle/High		Total	
	Percent	Count	Percent	Count	Percent	Count
Yes	45%	3,318	55%	4,087	100%	7,405
No	27%	17,372	73%	47,005	100%	64,377
Not sure	51%	4,383	49%	4,275	100%	8,658
Total	31%	25,073	69%	55,367	100%	80,440

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## Race

WELL-BEING						
	Low		Middle/High		Total	
	Percent	Count	Percent	Count	Percent	Count
Black	19%	2,789	81%	12,004	100%	14,793
East Asian	32%	5,493	68%	11,792	100%	17,285
Indigenous	29%	91	71%	221	100%	312
Latin American	26%	589	74%	1,716	100%	2,305
Middle Eastern	22%	1,655	78%	5,866	100%	7,521
Mixed	28%	4,052	72%	10,437	100%	14,489
South Asian	21%	5,845	79%	21,355	100%	27,200
Southeast Asian	29%	1,738	71%	4,360	100%	6,098
White	24%	8,430	76%	26,287	100%	34,717
Total	25%	30,682	75%	94,038	100%	124,720

## Gender Identity

WELL-BEING						
	Low		Middle/High		Total	
	Percent	Count	Percent	Count	Percent	Count
Female	30%	18,538	70%	42,641	100%	61,179
Male	18%	11,574	82%	51,376	100%	62,950
Non-binary	68%	657	32%	309	100%	966
Total	25%	30,769	75%	94,326	100%	125,095

## Sexual Orientation

WELL-BEING						
	Low		Middle/High		Total	
	Percent	Count	Percent	Count	Percent	Count
Straight	29%	19,149	71%	47,172	100%	66,321
LGBTQ+	64%	2,746	36%	1,546	100%	4,292
Questioning	62%	928	38%	577	100%	1,505
Total	32%	22,823	68%	49,295	100%	72,118

# HUMAN RIGHTS UPDATE: ANNUAL REPORT 2018-2020

## Religion

WELL-BEING						
	Low		Middle/High		Total	
	Percent	Count	Percent	Count	Percent	Count
Agnosticism	50%	1,122	50%	1,110	100%	2,232
Atheism	44%	2,097	56%	2,666	100%	4,763
Buddhism	37%	1,181	63%	2,039	100%	3,220
Christianity	28%	7,274	72%	18,724	100%	25,998
Hinduism	24%	1,646	76%	5,176	100%	6,822
Indigenous Spirituality	46%	50	54%	59	100%	109
Islam	26%	3,921	74%	11,176	100%	15,097
Judaism	30%	582	70%	1,332	100%	1,914
Sikhism	22%	190	78%	677	100%	867
Spiritual	46%	371	54%	433	100%	804
More than one faith/religion	37%	456	63%	792	100%	1,248
No religion	36%	5,855	64%	10,555	100%	16,410
Other	47%	225	53%	255	100%	480
Total	31%	24,97	69%	54,994	100%	79,964