



Huron-Superior Catholic

DISTRICT SCHOOL BOARD

PROCEDURAL GUIDELINES HUMAN RIGHTS

Purpose

In compliance with the *Ontario Human Rights Code* (OHRC), the Huron-Superior Catholic District School Board (HSCDSB) acknowledges its responsibilities to strive for an environment free of discrimination and harassment and to take reasonable steps to ensure this. Those in positions of responsibility and authority have a particular duty to take steps to prevent discrimination and harassment on the prohibited grounds outlined below and to support the implementation of its procedures.

Prohibited Grounds

The OHRC explicitly states that, “Everyone has a right to claim and enforce his or her rights under this Act.... without reprisal or threat for doing so.” HSCDSB will ensure that all efforts are taken to safeguard persons from reprisal actions when they are involved in a complaint under this policy.

A human rights claim must not be trivial, frivolous, vexatious, or malicious in intent. That is, such claims must not be made in bad faith, for the purposes of annoying or causing trouble, for a dishonest purpose, or with sinister motivation.

All claims must be directly linked to one of the prohibited grounds, as defined in the OHRC:

- Race
- Colour
- Ancestry
- Place of origin
- Citizenship
- Ethnic origin
- Creed (religion)
- Receipt of social assistance (housing only)
- Disability
- Age
- Marital status
- Family status (includes having children)
- Sex or Gender (includes being pregnant)
- Sexual orientation

- Gender identity
- Gender expression
- Record of offenses (employment only, must have been pardoned)

Preamble

For the purpose of this policy, the following terms are equivalent:

- Unequal treatment
- Differential treatment
- Discriminatory treatment
- Unfair treatment

Please note that, as permitted under Section 24(1) of the *Ontario Human Rights Code* and Section 29 of the *Canadian Charter of Rights and Freedoms*, hiring preference shall be given to Catholic candidates for all academic positions (i.e., early childhood educators, teachers, school administrators, senior administrators).

Every person is considered to be innocent of allegations, unless and until those allegations have been proven by due process. A complaint knowingly made in bad faith will be investigated under this policy and, if proven, the person who initiated the complaint (the complainant) may be subject to disciplinary action.

The alleged discrimination need not be intentional (i.e., perhaps the person responsible for the discriminatory behaviour/action did not mean to discriminate); only the result or effect of the action (i.e., unfair impact on the victim) will be considered relevant.

Initial Process

Each complaint will be dealt with thoroughly and promptly. Should the complainant begin proceedings before the Human Rights Tribunal of Ontario (HRTO) or in the courts in respect to the subject matter of a complaint being dealt with under this procedure, this internal procedure will not usually be interrupted. However, there may be circumstances under which the board may decide to cease or suspend its investigation until HRTO's proceedings are discontinued or brought to a conclusion.

HSCDSB recognizes that it is difficult to come forward with a complaint of discrimination and recognizes all parties' interests in keeping such matters confidential. To protect everyone's interests, confidentiality will be maintained throughout the complaint process to the extent practicable and appropriate under the circumstances.

Those who believe they are the subject of harassment or discrimination should follow the process outlined in what follows:

1. **Speak to the respondent** (i.e., the person who has alleged to have violated human rights). It may be appropriate in some instances for those who consider that they have been subjected to discrimination or harassment to voice their objection directly to the person(s) responsible, and clearly indicate that the conduct is unacceptable. This may bring resolution to the issues.
2. **Speak to an immediate supervisor.** In many cases, matters can be resolved by speaking to an immediate supervisor. You might wish to involve your union representative in this conversation, if you belong to a union.
3. **Speak to the Manager of Human Resources.** Where the complainant does not feel able to bring the matter directly to the attention of the person(s) responsible or the supervisor, or if he/she tries such an approach unsuccessfully, the complainant may seek the advice of the Manager of Human Resources in resolving the matter.

The Manager of Human Resources will meet with the complainant to review the facts of the situation and explain to the complainant the four possible scenarios:

- The alleged conduct does not appear to have violated any of the OHRC prohibited grounds or board policies.
- The alleged conduct does not appear to have violated one of the OHRC prohibited grounds; however, it does potentially fall under another policy, such as, but not limited to:
 - Policy 4002 – Third Party Complaints to the Board About Employees
 - Policy 4003 – Processing of Complaints
 - Policy 4024 – Safe Schools and Workplaces (Workplace Harassment Procedural Guidelines).
 - Policy 6003 – Occupational Health and Safety
 - Policy 6005 – Accessibility Standards
 - Policy 6017 – Return to Work / Accommodation
 - Policy 6021 – Conflict of Interest
 - Policy 6022 – Teacher Hiring Guidelines
 - Policy 6025 – Employee Code of Conduct
- The alleged conduct appears to have violated one of the OHRC prohibited grounds, but the complainant decides not to lay a formal written complaint. An informal resolution process could be followed, wherein the Manager of Human Resources attempts to alleviate the situation for the complainant.
- The alleged conduct appears to have violated one of the OHRC prohibited grounds, and the complainant wishes to lay a formal written complaint. This process requires the complainant to complete the appropriate form /

documentation, sign it, and submit it within six months of the offending incident(s) to the Manager of Human Resources. A copy of the written complaint will be provided to the respondent (i.e., the person who is the subject of the complaint).

Should the matter not proceed beyond this initial stage, the file will be closed.

Formal Complaint Process

Within thirty days of receiving a formal written complaint, the Manager of Human Resources will initiate the following process:

- o Copies of the formal written complaint will be provided to the respondent and his/her union or professional association, if applicable.
- o A request for a response to the allegations will be required from the respondent within fifteen days.
- o A thorough investigation will be conducted. This may require a member of the senior team, a representative from the Human Resources Department, and/or a third party investigator to interview people individually.
- o The investigator will keep thorough notes to document the investigation and accurate records of all interviews conducted.
- o The investigator will present his/her findings and decision in a report. Both the complainant and respondent will be advised in writing of the final decision. The file will then be closed.
- o If appropriate, the board may issue discipline and/or refer the matter to another authority (e.g., police services).

Record Keeping

The board will maintain independent files for each complaint or series of complaints. These files will not form part of an employee's personnel file, unless the complaint has been upheld and/or disciplinary action must be taken against the employee. All records of complaints (e.g., notes from meetings, interviews, results of inquiries) will be kept confidential, except where disclosure is required by a disciplinary, remedial, or legal process.