

Dreams Delayed

Addressing Systemic Anti-Black Racism
and Discrimination in Ontario's
Public Education System



Ontario Human
Rights Commission
Commission ontarienne des
droits de la personne

Ontario Human Rights Commission

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Black Joy: Insights from Ontario's Black Students

During consultations with Black students, the Ontario Human Rights Commission asked, “What does ‘Black Joy’ mean to you?” Over 200 Black students provided responses with their reflections and experiences, which have been compiled into a word cloud. The word cloud reflects an insightful and vibrant representation of Black Joy for many Black students across Ontario.



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Chief Commissioner's Message

The contributions of Black communities are woven into the tapestry of our nation's history: from language and culture to economy and prosperity. Ontario has been enriched by those contributions. Despite this, Black communities continue to endure systemic discrimination and injustice across Ontario's institutional systems, including education, even after numerous initiatives over many decades to root it out.

Schools are not just spaces of learning. They are spaces for identity-building, community, and cultivating a strong sense of belonging. All duty-holders have a legal obligation for creating such spaces, so that all students, including Black students, receive an inclusive education, free from discrimination and harassment.

For decades, Black communities have highlighted racism and discrimination in education systems across Canada. Within Ontario's education institutions, racial discrimination and harassment continue to cast a shadow over the lives of Black children, youth, educators, and education workers. Laws, policies, and practices that perpetuate prejudices, beliefs, stereotypes, and discrimination against Black people have been embedded in Ontario's education institutions.

We know that racism has destructive and lasting impacts on the impacts on the mental health, socioeconomic status, and the overall well-being of Black, Indigenous, and other racialized people. Anti-Black racism, though, points to the unique experiences of racism that Black people endure. Thus, the OHRC's affirms the ongoing need to combat anti-Black systemic work on anti-Black racism and discrimination in Ontario's education system. It is vital to understand what anti-Black racism is and learn ways to tackle and root it out.

This Action Plan is a call to duty-holders at all levels to take immediate and decisive steps to address the discrimination Black students and educators experience and foster a more inclusive education system. This Action Plan provides a blueprint for change and places human rights at the core. It holds all duty-holders accountable for their legal obligation under the Ontario *Human Rights Code*. It sets out actions that must guide duty-holders across the education system to create a learning environment in which Black students can learn and reach their fullest potential.

Fostering substantive equality and a sense of belonging for **all** students, including Black students, will help cultivate a climate in which everyone can enjoy their right to read, to learn, and experience dignity and respect.

A handwritten signature in black ink, appearing to read 'Patricia DeGuire', is displayed on a light gray background.

Patricia DeGuire
Chief Commissioner

Land Acknowledgment

The Ontario Human Rights Commission acknowledges with respect our responsibilities to the land where we work and play and that which sustains our life. This land upon which the OHRC's office is situated is on the ancestral homelands of the Anishinaabek Ojibew Michizaagiig Nation, now known as the Mississaugas of the Credit. Michizaagiig territory in the past and present continues to host both Indigenous and non-Indigenous peoples.

The OHRC is committed to continuous knowledge building with respect to actions that address and resolve the ongoing impacts of colonialism. This is achieved by learning and understanding the history of this land, and treaty obligations. We are all Treaty people. Thus, we have a reciprocal obligation to recognise Indigenous Rights, to care for and respect the land, and to treat one another with respect.

Acknowledgments

This Action Plan is a testament to the efforts of many who are personally and professionally invested in the well-being and success of Black students.

The OHRC thanks all contributors, including:

- Members of the Anti-Black Racism and Discrimination in Education Advisory Group and OHRC's Commissioners who have advised the OHRC from the inception of this initiative.
- Education duty-holders and students who participated in the OHRC's roundtable discussions.
- Subject matter experts, key informants, and stakeholders who generously shared their expertise, research, and advice.
- Community leaders and organizers who provided extensive guidance and input on organizing consultations in their respective regions.
- Students, education professionals, and community members who actively engaged in meaningful discussion and shared space and time, both in-person and virtually, to drive positive change.
- Boards, schools, administrators, superintendents, human rights and equity advisors, and system navigators, principals, and educators who graciously assisted and welcomed the OHRC into their schools.

- Municipalities and communities across Ontario that graciously hosted the OHRC.
- Educators, academics, and students who served as facilitators during the roundtable discussions and enriched the dialogue with their perspectives, lived and living experiences, and insights.
- Unions, Ministry of Education staff, Faculties of Education, and other professional organizations that met with the OHRC.

Your contributions have enriched the OHRC's knowledge of the state of the education system for Black students, families and caregivers, communities, and education workers.

A note about terminology: Terminology is fluid and will evolve over time. People within a group may choose to use different terms to describe themselves. For the purposes of this Action Plan, the term "Black" will be used to describe people of African descent, which include, but are not limited to people of North American, African, and Caribbean descent.

Warning: This Action Plan deals with topics that may cause trauma to some readers. It includes references to the mistreatment of Black students, educators, and communities and includes references to racial violence. The following link provides a list of mental health support organizations if you need assistance [List of Supports](#).

Executive Summary

Ontario's publicly funded education system serves over two million children and youth.¹ Each of these students is entitled to an education that is free from discrimination and racism, including anti-Black racism, in accordance with the highest standards set out in the Ontario *Human Rights Code*, the *Education Act* and other related legislation.

Under the Ontario *Human Rights Code* (*Code*), all students, including Black students and young persons, are entitled to an education system that does not discriminate against them. Duty-holders in the education system must continually challenge anti-Black racism and discrimination and its impact on Black students and educators. They cannot allow it to happen in their schools. They must be accountable.

Numerous reports published over the years have shown that far too many Black students are not receiving the support they need to succeed and are experiencing discrimination and harassment within the system. Black educators and education administrators at all levels are also disproportionately burdened with addressing anti-Black racism and discrimination in schools. They often bear the responsibility to address systemic anti-Black racism and discrimination and are targeted and harassed within and outside their schools. Anti-Black racism and discrimination in the education system constitute a crisis that must be acknowledged and immediately addressed.

This Action Plan outlines the Ontario Human Rights Commission's strategy to address anti-Black racism in the education system. Developed with input from Black students, Black educators and administrators, and Black community members across Ontario, the plan identifies challenges, strengths, opportunities, and priorities for Black students, families, communities, and education service providers.

During 2022 through fall of 2024 the OHRC engaged with stakeholders, including community organizations, students, education workers, the Ministry of Education and other duty-holders, on anti-Black racism in Ontario's education system towards creating an Action Plan. The plan was also informed by an Anti-Black Racism in Education Advisory Group, roundtable discussions, consultations, key informants,

and written submissions. Following the roundtable discussions, the OHRC released the *What We Heard Report* and a compiled historical *Compendium of Recommendations*.

This Action Plan identifies [actions](#) to address anti-Black racism and discrimination in education: accountability and transparency, monitoring and evaluation, and student well-being. These actions are categorized into immediate and intermediate goals. If implemented, the proposed actions will substantially improve Black students' and Black educators' experience in the education system.

[Accountability and Transparency \(Actions #1 – #14\)](#)

Accountability is essential to ensure equality and non-discrimination for Black students in Ontario's publicly funded education system. It is essential that duty-holders shift from process-focused to outcome-focused accountability with committed leadership and systemic support for anti-Black racism initiatives which aim for positive outcomes for students.

Transparency ensures that the public can see if and how the Ministry of Education, school boards, administrators, educators, unions, and Faculties of Education are upholding their respective human rights obligations. It increases the public's awareness and understanding of existing information and mechanisms to confront anti-Black racism and discrimination.

[Monitoring and Evaluation \(Actions #15 - #23\)](#)

Monitoring in education should focus on achieving outcomes and progress in addressing anti-Black racism and discrimination. It involves measuring whether these outcomes are being met using clear agreed upon criteria. Effective monitoring requires collecting and analyzing data to understand and address systemic barriers. Consistent monitoring ensures transparency, accountability, and the ability to evaluate system performance on human rights issues, including well-being and student experiences.

[Student Well-Being \(Actions #24 - #29\)](#)

Well-being is a cornerstone of a successful education system, vital for fostering achievement and success aligned with students' interests, capacities, and ambitions. Discriminatory practices that limit these elements negatively impact well-being. It is essential that systemic change focus on altering the education

system to support Black students instead of expecting them to adapt to a discriminatory environment.

Summary of actions:

Accountability and Transparency

Action	
1	Education Duty-Holders Must Acknowledge Anti-Black Racism and Discrimination in Education – Immediate (1-2 years)
2	Education Duty-Holders Must Develop a Communication Strategy to Acknowledge Anti-Black Racism and Discrimination in Education – Immediate (1-2 years)
3	Ministry of Education Must Create a Provincial Framework to Address Human Rights and Anti-Black Discrimination – Immediate (1-2 years)
4	Ministry of Education Must Develop a Communication Strategy for the Accountability Framework – Immediate (1-2 years)
5	Ministry of Education Must Review the Policy and Protocol of PPMs – Immediate (1-2 years)
6	Ministry of Education Must Communicate Policy and Procedure Updates – Immediate (1-2 years)
7	Ministry of Education Must Establish a Threshold for Independent Intervention for <i>Code</i> violations – Immediate (1-2 years)
8	School Boards Must Communicate Roles and Responsibilities Related to Human Rights – Immediate (1-2 years)
9	Faculties of Education Must Establish an Accountability Framework for increased diversity of teacher candidates with particular attention to increasing the number of Black educators – Immediate (1-2 years)
10	Unions Must Establish an Accountability Framework for addressing the discrimination and harassment experienced by Black educators and addressing anti-Black racism when committed by members – Immediate (1-2 years)
11	Unions Must Establish a Communication Strategy for an Accountability Framework and Monitoring Framework – Immediate (1-2 years)

Action	
12	OCT Must Enhance Capacity on Anti-Black Racism and Discrimination – Immediate (1-2 years)
13	Education Duty-Holders Establish a Human Rights Office in Each School Board – Intermediate (3-5 years)
14	School Boards Must Develop Culturally Competent Communication Plans for Student and Family Engagement – Intermediate (3-5 years)

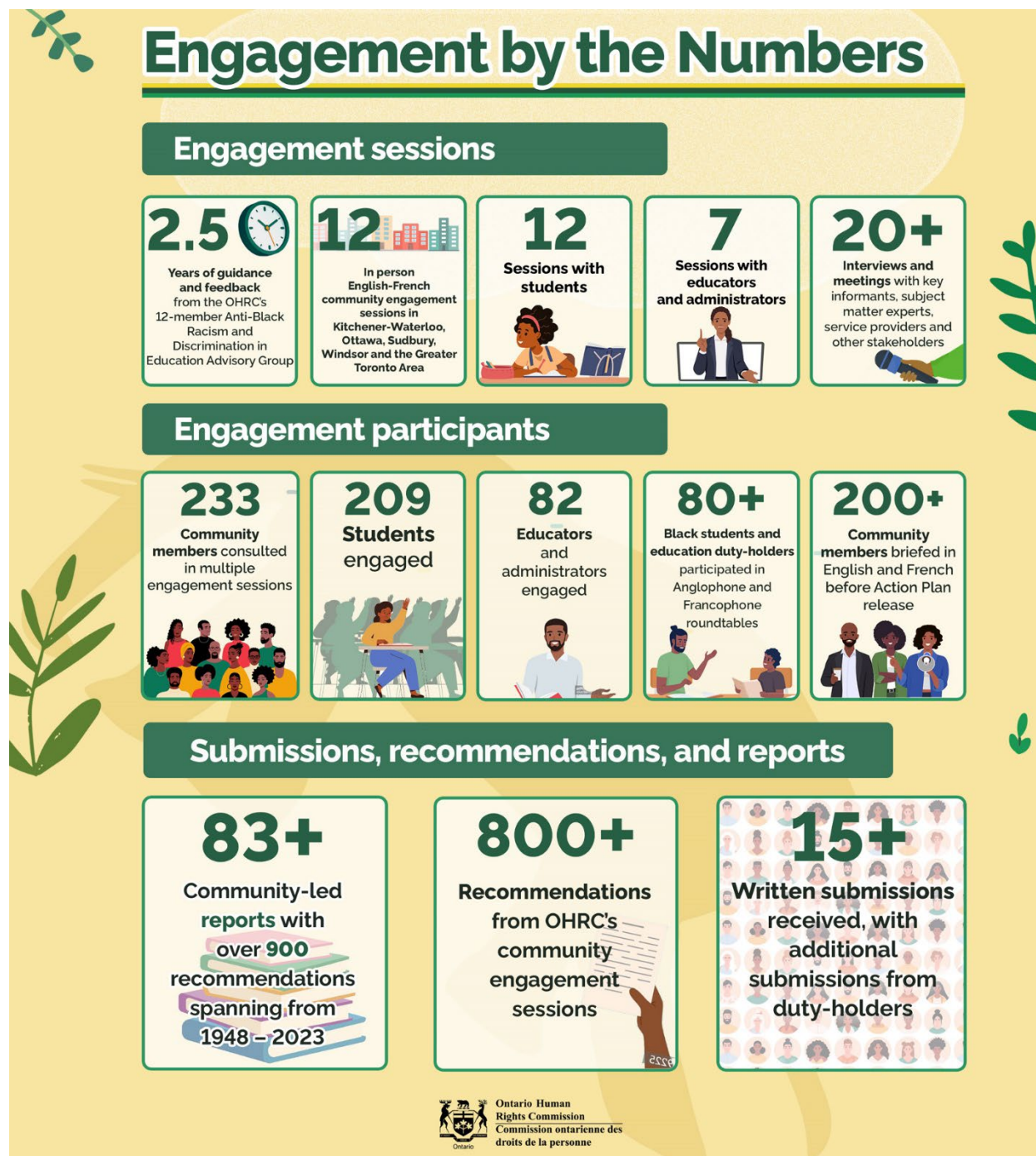
Monitoring and Evaluation

Action	
15	Ministry of Citizenship and Multiculturalism Must Amend Anti-Racism Act Regulation 267/18 and Data Standard – Immediate (1-2 years)
16	Ministry of Education Must Centralize and Standardize Data Collection, Analysis, and Reporting – Immediate (1-2 years)
17	Ministry of Education Must Publicly Publish Disaggregated Data on Ontario Data Catalogue – Immediate (1-2 years)
18	Ministry of Education to Establish and Implement a Monitoring Framework – Immediate (1-2 years)
19	Ministry of Education Must Establish a Cross-Ministry Data and Monitoring Working Group – Immediate (1-2 years)
20	Unions Must Establish and Implement a Monitoring Framework – Immediate (1-2 years)
21	Faculties of Education Must Establish and Implement a Monitoring Framework – Immediate (1-2 years)
22	Education Duty-Holders Must Review and Update Complaint Procedures and Processes – Immediate (1-2 years)
23	Education Duty-Holders Must Develop an Early Intervention System (EIS) for Racial Discrimination and Harassment – Intermediate (3-5 years)

Student Well-being

Action	
24	Ministry of Education Must Monitor and Expand the Graduation Coach Program for Black Students – Immediate (1-2 years)
25	Education Duty-Holders Must Expand the Student and Family Advocates (SFA) / System Navigator Program – Immediate (1-2 years)
26	School Boards Must Create Inclusive Guidance Counselling for Students Transitional Stages – Immediate (1-2 years)
27	School Boards Must Create Affirmative Education Spaces for Black Students – Immediate (1-2 years)
28	Education Duty-Holders Must Create Black Affirmative and Empowering Curriculum – Immediate (1-2 years)
29	Education Duty-Holders Must Develop Targeted Recruitment of Black Educators and Education Workers – Immediate (1-2 years)

Consultation and Engagement



This Action Plan results from a collective effort that prioritized input from Ontario's Black communities, including:

- Guidance and feedback from the OHRC's Anti-Black Racism and Discrimination in Education Advisory Group and Commissioners.
- 12 in-person English-French community engagement sessions in Kitchener-Waterloo, Hamilton, Ottawa, Sudbury, Windsor, and the Greater Toronto Area, and three virtual province-wide sessions (223 community members).
- 12 sessions with students (209 students).
- Seven sessions with educators (82 educators).
- Over 80 participants in four virtual roundtables with students and educators in English and French.
- 15 written submissions² and additional submissions from service providers.³
- Over 20 key informant, subject matter expert, service provider and stakeholder interviews.
- Over 800 recommendations from OHRC's community engagement sessions.
- Over 83 community-led reports with over 900 recommendations spanning from 1948 – 2023.

For more information on the OHRC's methodology, please refer to [Appendix F](#).

Chapter 1:

Introduction



1.1 The Black Population in Canada and Ontario

[Black](#) people were forcibly brought to North America, including Canada, as part of the Trans-Atlantic Slave Trade. The purpose was to fulfill the colonists' desire for free labour to increase personal wealth and help swell colonial economic enterprise. That was predicated on the dehumanization of Black people, treating them as property. The purchase and sale of Black people, along with the systemic violence inflicted by slavery, built and entrenched racist stereotypes that persist to this day.⁴

The story of Black people in Canada spans more than 400 years. It includes slavery, pioneering, urban growth, segregation, the civil rights movement, and civic engagement. Black communities are [intersectional](#) and diasporic, comprising individuals with diverse experiences, identities, and histories. They are an essential part of Canada's population, contributing as citizens, voters, and key drivers of communities and the economy. Addressing [anti-Black racism](#) and [discrimination](#) is not only an ethical and legal imperative but also essential to fostering a healthy and prosperous society.

Documented evidence of anti-Black racism in Ontario's education system dates as far back as 1850 when Egerton Ryerson, well known for his role in the establishment of residential schools in Canada, also advanced amendments to the *Common School Act* which allowed for racially segregated schools.⁵ Historian Robin Winks wrote:

"The Negro schools lacked competent teachers, and attendance was highly irregular and unenforced. Many schools met for only three months in the year or closed entirely. Most had no library of any kind. In some districts, school taxes were collected from Negro residents to support the [white] common school from which their children were barred.... The education received...could hardly have been regarded as equal."⁶

The effects of these forms of [oppression](#) continue today, and Black communities experience ongoing discrimination, social-economic inequalities, overrepresentation in the child welfare and criminal justice systems, and hatred.⁷

Statistics Canada [data](#) from 2021 to 2022 shows that reported hate crimes targeting the Black population were up 28 per cent.⁸

The Black population is diverse and growing

Canada's Black population continues to increase steadily. According to Statistics Canada's 2021 Census, over 1.5 million⁹ Canadians reported being Black or of African descent, representing 4.3 per cent of the country's total population and 16.1 per cent of the [racialized](#) population.¹⁰ Projections by Statistics Canada estimate that the Black Canadian population could double in size from 1.5 million in 2021 to over 3.0 million in 2041.¹¹

Statistics Canada also reported that the Black population was younger than the total population in Canada. The median age for the Black population was 30.2 years, while it was 41.2 years for the total population.¹² Children under 15 years old represented 26 per cent of the Black population and represented 16.5 per cent of the total population.¹³

Black students are not a monolithic group - they are [2SLGBTQIA+](#), religiously diverse, individuals with disabilities - amongst many other identities, including other *Code* grounds, and will have different experiences of discrimination and [racism](#) based on their unique, multiple identities.

Black Canadians in Ontario

As shown in [Table 1](#) of the Appendix, Statistics Canada reported that Ontario had the largest Black Canadian population of all the provinces and territories with almost fifty per cent (49.7%) of all Black Canadians living there. The population of Black Ontarians grew 22.5 per cent (141,025) since the 2016 census¹⁴ and made up a slightly larger proportion of Ontario's population (5.5%) than they did of any other provincial/territory population.

Statistics Canada's 2021 Census shows that the Black population in Ontario has over 300 different ethnic or cultural origins, with over 41 per cent being born in Ontario. Fifty-five (55.5 %) per cent of the Black population is born outside of Canada, with large diasporas from Jamaica, Nigeria, and other African and

Caribbean nations (see [Table 2](#) and [Table 3](#) in [Appendix E](#)). Ontario's Black population have diverse religious affiliations, including Christianity, Islam or no religious affiliation.¹⁵

Although the Black population made up only 5.5% of Ontario's total population, it represents thirty per cent of Ontario's Francophone population (see [Table 5](#)).

The 2021 Census show that 12,020 Black individuals in Ontario (2% of the Black population over the age of 15) held a degree in education - the majority were Black women (73.5%) (see [Table 6](#)). The Census also shows that almost forty-six per cent (45.7%) of Black Ontarians over the age of 15 did not have a post-secondary certificate, diploma or degree, which was slightly higher than the 42.5% of the general population without post-secondary credentials.¹⁶ Despite only representing 5 per cent of the total population over the age of fifteen, a higher proportion of Black Ontarians (5.36%) did not have post-secondary credentials and 5.4% did not have secondary (high) school diploma or equivalency certificate.¹⁷ This suggests that the Black population in Ontario faces educational gaps or [barriers](#) that must be addressed.

The largest proportion live in the Toronto Census Metropolitan Area (CMA)

[Table 7](#) of the Appendix highlights the population of Black Canadians in Ontario by census metropolitan areas (CMA¹⁸), as well as the proportion of the population they represented. A majority (64 per cent) of the province's 768,740 Black population lives in the Toronto CMA, an area comprised of many cities¹⁹, towns²⁰ and townships²¹ within the Golden Horseshoe.

The remaining 36 per cent of the Black population can be found in all regions across Ontario. This indicates that Black families are found in almost every school board [district](#) in Ontario; therefore, recommendations to address anti-Black racism and discrimination must be adopted province wide.

1.2 The right to an education requires addressing anti-Black racism and discrimination

What is Anti-Black racism?

“Prejudice, attitudes, beliefs, stereotyping, and discrimination that is directed at people of African descent and rooted in their unique history and experience of enslavement and its legacy. Anti-Black racism is deeply entrenched in Canadian institutions, policies, and practices, to the extent that it is either functionally normalized or rendered invisible to the larger White society. Anti-Black racism is manifest in the current social, economic, and political marginalization of African Canadians, which includes unequal opportunities, lower socio-economic status, higher unemployment, significant poverty rates, and overrepresentation in the criminal justice system.”²²

As noted earlier, anti-Black racism in Canada stems from the Trans-Atlantic Slave Trade and continues to negatively impact Black people regardless of origin.²³

Black communities have been highlighting issues of anti-Black racism and discrimination in education for decades, consistently calling for action to address systemic anti-Black racism. On March 28, 2023, the OHRC [announced](#) an initiative to address anti-Black racism and discrimination in the publicly funded education system (English public, English Catholic, French public, and French Catholic) in support of these longstanding calls. Research, roundtables, key informant interviews, written submissions and province-wide consultations reaffirmed the entrenched long legacy of anti-Black racism in the education system with multiple reports and hundreds of recommendations going as far back as 1948. Despite this long history of work by Black community advocates, academics and education professionals, Ontario’s education system does not consistently provide a learning and working environment for Black students, [educators](#) and professionals free from discrimination and [harassment](#). Many [duty-holders](#) acknowledge the need to address anti-Black racism; however there is a generalized lack of skill and commitment and sustained action by leaders and staff in education to make the

necessary cultural and institutional changes to address the discrimination faced by Black students and staff.



“The system, and people working inside the system need to understand that anti-Black racism morphs and adjusts in different environments. It’s like a chameleon.”

– Roundtable Participant



During consultations, the OHRC heard personal and unique experiences of anti-Black discrimination, which were consistent with historic reports of discrimination.²⁴ The OHRC heard about Black students being regularly exposed to racial slurs, being harassed based on their physical characteristics, or not feeling safe or supported to express their cultures. Culture shapes identity but students spoke about their experiences of discrimination based on racialization.

The OHRC also heard about Black educators experiencing burnout due to harassment and discrimination at all levels, the inability to advance professionally and leaving the education sector.

These forms of the systemic anti-Black discrimination in the education system must be immediately addressed.

The education system has developed some general approaches and mechanisms to counter discrimination, including anti-Black discrimination, such as human rights offices, complaints processes and equality initiatives. Many educators and administrators²⁵ are taking steps to support Black students learning in an environment free from discrimination and harassment. The OHRC commends the professionals who continue to do this work, often with insufficient and inconsistent resources and support from school leaders, administrators, unions, [school boards](#), [trustees](#), or the [Ministry of Education](#).

However, given the history of anti-Black racism, further sustained, focused and intentional efforts are needed to address the entrenched nature of anti-Black discrimination. This requires leadership, ongoing commitment to positive outcomes, and sustained action from all duty-holders to ensure that Black students can learn in a discrimination-free learning environment.

Chapter 2:

Scope and Purpose of Action Plan





“Addressing anti-Black racism and discrimination is not a nice-to-have, it is a legal obligation.”

– Ontario Human Rights Commission



In this Action Plan, the OHRC has examined the right of Black students to receive an education free from discrimination and harassment because of their [race](#), ancestry, colour, and ethnic origin. The Action Plan deals with issues that fall within the OHRC’s authority under the *Code* to protect human rights in Ontario and to identify and promote the elimination of discriminatory practices, which includes [systemic discrimination](#).

This Action Plan builds on preceding and existing initiatives, including ones led by community organizations, advocates, unions, and the Ministry of Education, to address discrimination in education. The OHRC is committed to addressing the needs of Black students through this Action Plan and ongoing monitoring and evaluation as one step towards promoting a human rights culture in Ontario and fostering a more [inclusive education](#) system for all.

The OHRC acknowledges that this report will replicate some previous work because of the many recommendations from previous reports which remain unimplemented. The OHRC aims to bring a human rights perspective to this longstanding issue and provide constructive and actionable paths towards fulfilling the right to education for Black students.

The Action Plan focuses on the publicly funded education system from kindergarten to Grade 12 (K to 12) and does not encompass other educational sectors such as post-secondary institutions or early childhood learning. This distinction ensures a targeted approach to addressing systemic issues within the K to 12 system.

The OHRC has not reviewed all Ministry of Education and school board policies pertaining to human rights, anti-Black racism or equity, [diversity](#), and [inclusion](#) (EDI), nor all documents related to the history of anti-Black racism and

discrimination in education. A detailed discussion of all manifestations of racism in Canadian society or Ontario is beyond the scope of this Action Plan. There are many documents and reports dedicated to specific issues of racism in Canada and in Ontario, such as the [*Report of the Commission on Systemic Racism in the Ontario Criminal Justice System*](#), [*Unequal Access: A Canadian Profile of Racial Differences in Education, Employment and Income*](#) and the OHRC's Report [*Paying the Price: The Human Cost of Racial Profiling*](#). The historic origins of anti-Black racism in New France, British North America, Upper Canada and Ontario are equally well-documented, and are rooted in the trans-Atlantic slave trade and the institution of slavery practiced throughout British North America.²⁶

For an extensive list of recommendations from community reports, please see the OHRC's [*Compendium of Recommendations*](#). For other OHRC reports, please see [Appendix K](#).

While the focus of this Action Plan is on Black students, educators, and educational workers in the education system, the OHRC acknowledges that students protected under various *Code* grounds, including disability, sexual orientation and gender identity, race, and creed, experience disadvantage in the education system.

The OHRC's extensive work over the past 20 years to redress systemic anti-Black racism has consistently revealed that disparities in education outcomes for young Black people interact with and compound systemic discrimination in other areas such as child welfare, policing, health and well-being, and employment. While these are outside the scope of the present Action Plan, we note them in recognition of the complex and multi-layered experience of discrimination based on race lived by Black children and youth across systems.

The OHRC acknowledges the disproportionate onus on and "consultation fatigue" of Black students, families, community members and educators to advocate for change within the system to create a discrimination free environment. Many Black students, families and educators who engaged with the OHRC during consultations expressed frustration about being part of similar discussions in the past without seeing meaningful change. As one participant stated, "I had this same conversation about data collection five years ago at another consultation...".²⁷

This Action Plan intends to clarify the relationship between the findings and the calls to action in the plan and the OHRC's human rights policy framework. OHRC policies set standards for individuals, employers, service providers, and policymakers to ensure compliance with human rights obligations. The Human Rights Tribunal of Ontario (HRTO) must consider OHRC policies when requested during proceedings. The OHRC can also challenge HRTO decisions or court orders that are inconsistent with OHRC policies to ensure that human rights principles remain central in shaping jurisprudence. OHRC policies have also factored into decisions of the Superior Court²⁸ and the Supreme Court²⁹ and given great deference by courts and the HRTO.³⁰ This legal weight amplifies the potential of this Action Plan to influence systemic change in education.³¹ By contextualizing the experiences of systemic [racial discrimination](#) of Black students and educators throughout Ontario's public education system, the OHRC aims to provide greater clarity about the work that must be done and the outcomes that must be achieved for all duty-holders to be in compliance with the *Code* obligations.

Chapter 3:

Education and Human Rights



“

“Everyone has the right to education...Education shall be directed to the full development of the human personality and to the strengthening of respect for human and fundamental freedoms.”

– Universal Declaration of Human Rights (Article 26)

”

Equal access to education is a human right guaranteed under the *Code*,³² the *Canadian Charter of Rights and Freedoms*³³ (*Charter*), and international law.³⁴

This section of the Action Plan provides a summary of legal frameworks, legislation, including the *Human Rights Code* which govern the obligations of all duty-holders, the rights of students³⁵ and employees in Ontario’s publicly funded education system, and the roles of parents,³⁶ community groups, and advocates.

The Preamble of the *Human Rights Code* states:

“And whereas it is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the Province;”.

3.1 International Law

International human rights law provides foundational principles and obligations for Member States to respect. The United Nations (UN) acknowledge the importance of education for its significance in human development and collective growth, and as vital for realizing other rights and freedoms.³⁷

Article 26 of the *Universal Declaration of Human Rights*³⁸ (UDHR) states that “everyone has the right to education”³⁹ and that the goal of education is directed “to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. [Education] shall promote understanding, tolerance and friendship among all nations, racial or religious groups.”⁴⁰

The UN states that education is “both a human right in itself and an indispensable means of realizing other rights” in two international covenants: the *International Covenant on Civil and Political Rights*⁴¹ (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR).⁴²

The ICESCR and other human rights instruments⁴³ elaborate on the UDHR and underscore the role of education in fostering a person’s capabilities, sense of [dignity](#) and self-worth so they can actively take part in and meaningfully contribute to society.⁴⁴

Education is essential to one’s personal, social and economic development, and vital to their ability to contribute to the well-being of their community. To realize this vision, all students must have equal access to a meaningful education. In Ontario, education partners each have their own distinct responsibilities to ensure this reality for all students.⁴⁵

3.2 Canadian Charter of Rights and Freedoms

The *Charter* is one part of the Canadian Constitution which takes primacy over all other laws in Canada. It guarantees certain civil, political and [equality](#) rights in the policies, practices, and legislation of all levels of government. The *Charter* applies to all publicly funded organizations, including schools. While human rights legislation

in Canada is considered quasi-constitutional, it is subject to and must be considered in light of the *Charter*.⁴⁶

Section 15 of the *Charter* states that “[e]very individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”⁴⁷ The Supreme Court of Canada (SCC) has consistently interpreted the equality rights guaranteed in section 15 of the *Charter* as “protecting substantive equality.”⁴⁸ Substantive equality is a view of equality “in which it is understood that differential treatment may be necessary in order to avoid perpetuating systemic disadvantages.”⁴⁹ The principle of substantive equality means government must focus on equal outcomes by considering the impact a law has on different groups. Governments must acknowledge and address [systemic barriers](#) that lead to inequality.

3.3 The Ontario *Human Rights Code* (the *Code*)

Except for the Constitution and federal treaties, the Ontario *Human Rights Code* has primacy—or takes precedence—over all other legislation in Ontario unless that legislation specifically states that the *Code* does not apply.⁵⁰ This means, for example, where the *Education Act* conflicts with the *Code*, the *Code* prevails unless the other law includes a specific exception. It is not enough for education providers to do what is required under the *Education Act*. They must also comply with the requirements of the *Code*, which may mean doing more than what is required under the *Education Act*.

The *Code* states that it is public policy in Ontario to recognize the inherent dignity and worth of every person and to provide for equal rights and opportunities without discrimination. The provisions of the *Code* are aimed at creating a climate of understanding and mutual respect for the dignity and worth of each person, so that each person feels a part of the community and feels able to contribute to the community.

The *Code* protects every person from discrimination and harassment based on 17 [protected grounds](#) in the five social areas of services, housing, contracts, employment and membership in unions and vocational associations.

Under section 1 of the *Code*, every person, including a student, has a right to be free from racial discrimination in the provision of any services, whether they are provided by a public or private body. Education is a public service. The *Code* protects students from discrimination and harassment in education based on their race, and other [prohibited grounds](#) such as disability, ancestry, place of origin, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity and gender expression.⁵¹

Race and racism



“While racism is a social phenomenon, it is racial discrimination that is a legally prohibited act.”

– Ontario Human Rights Commission



Race is not defined in the *Code*. Historically, race was defined as a natural or biological division of the human species based on physical distinctions including skin colour and other bodily features. There is no legitimate scientific basis for racial classification. While biological notions of race have been discredited, the social construction of race remains a potent force in society.⁵²

Racism is a wider social phenomenon than racial discrimination. Racism encompasses attitudes and behaviours that fall under the *Code* when they constitute discrimination.

At the **individual** level, racism can manifest overtly or through everyday interactions, and is often referred to as “everyday racism.” This form of racism can be subtle yet significant to those who experience it. While everyday racism may be too subtle to address through a human rights complaints process, there may be circumstances where everyday racism, as part of a broader context, is sufficient to

be considered racial discrimination. Likewise, some experiences of discrimination based on multiple *Code* grounds may not obviously centre race, leading to doubts about the veracity of claims of racism occurring, including in the minds of the person affected. However, the cumulative effect of these everyday experiences is profound.

At the **institutional** or systemic level, racism is evident in organizational and government policies, practices, and procedures and “normal ways of doing things” which may directly or indirectly, consciously or unwittingly, promote, sustain, or entrench differential advantage for some people and disadvantage for others.

At a **societal** level, racism is evident in cultural and ideological expressions that underlie and sustain dominant values and beliefs. It is evident in a range of concepts, ideas, images, and institutions that provide the framework of interpretation and meaning for racialized thought in society. This form of racism is communicated and reproduced through socialization and cultural transmission, such as the mass media (where racialized persons are often portrayed as different from the norm or as problems), schools, universities, religious doctrines and practices, art, music, and literature. Children begin to absorb these beliefs and values at an early age which perpetuates societal racism.

As noted, anti-Black racism in Ontario has specific historical roots in European colonialism and the trans-Atlantic slave trade, in which humans were treated as saleable goods in the triangular trade between Europe, Africa and the Americas. Anti-Black racism has been manifested in the legacy of the current social, economic, and political marginalization of African Canadians in society, such as the lack of opportunities, lower socio-economic status, higher unemployment, significant poverty rates, and overrepresentation in the criminal justice system. Across North America, including in Ontario, this has led to systemic anti-Black racism being embedded in power structures which perpetuate advantages for people of European descent, such as curriculum focused exclusively on European history, or setting aside the scientific or literary contributions of those not of European descent.

While the *Code* explicitly prohibits racial discrimination in all legal contexts, racism and racial discrimination remain widespread and even socially accepted among many people and in the culture of most institutions.

Discrimination and racial discrimination

As with racism, discrimination is often subtle and may take different forms. It may be direct, for example, some students receive worse treatment than others because of race and/or another *Code* ground, or indirect. Section 9 of the *Code* prohibits both [direct](#) and [indirect discrimination](#).

Discrimination may be specific or adverse. Adverse discrimination (also called constructive discrimination) happens when requirements, policies, standards, qualifications, rules, or factors that may appear neutral, have a negative effect on persons based on a prohibited ground of discrimination.

Discrimination can also be systemic⁵³ or institutionalized. This type of discrimination includes attitudes, patterns of behaviour, policies or practices within an institution or sector that create or perpetuate a position of relative disadvantage for persons based on *Code* grounds.

The OHRC's [Policy and Guidelines on Racism and Racial Discrimination \(2005\)](#) states that it is "not necessary for language or comments related to race to be present in the interactions between the parties to demonstrate that racial discrimination has occurred. However, where such comments are made, they can be further evidence that race has been a factor in an individual's treatment. Similarly, negative comments made about an individual advocating for human rights or equitable practices will tend to support an inference that race is a factor in an individual's or organization's interaction with that individual."⁵⁴

For example, the HRTO case of *Nelson vs Durham Board of Education* case, illustrates how systemic racism and subtle racial comments can intersect to create barriers for Black educators. The HRTO found that Mr. Nelson, a Black Vice Principal, faced systemic and direct racial discrimination in his attempts to be promoted to principal. The HRTO also found that,

"...irrelevant references to the race of [Mr. Nelson] and a Black teacher by management staff during interviews and/or discussions about transfer opportunities as well as admonishments to Black teachers who advocated for equitable practices 'not to expect things to change overnight' supported an inference that transfer and promotion decisions were influenced by considerations of race."⁵⁵

Discrimination on multiple code-grounds (Intersectionality)

Discrimination may be intersectional when it occurs based on two or more *Code* grounds. For example, students who identify based on more than one *Code* ground can experience discrimination in unique and compounded ways because of how their identities intersect.⁵⁶

The concept of ‘intersectionality’ has been defined as “intersectional oppression [that] arises out of the combination of various oppressions which, together, produce something unique and distinct from any one form of discrimination standing alone....”⁵⁷ An intersectional approach considers historical, social and political contexts and recognizes the unique experience of individuals based on the intersection of all relevant grounds.⁵⁸

Applying an intersectional or contextualized approach to multiple grounds of discrimination has numerous advantages. It acknowledges the complexity of how people experience discrimination, recognizes that such experiences may be unique, and considers the social and historical contexts of the group. It places the focus on society’s response to the individual, as a result of the confluence of grounds, and does not require the person to slot themselves into rigid compartments or categories.

In *Egan v Canada*⁵⁹ former SCC Justice L’Heureux-Dubé observed in her dissenting opinion that “More often than not, disadvantage arises from the way in which society treats particular individuals, rather than from any characteristic inherent in those individuals.”⁶⁰ L’Heureux-Dubé J., reiterated that categories of discrimination cannot be reduced to watertight compartments, but rather will often overlap in significant measure.⁶¹ In *Corbiere v Canada*,⁶² Justice L’Heureux-Dubé further articulated the notion of intersecting grounds of discrimination, holding that “Aboriginal women... can be said to be **doubly disadvantaged** on the basis of both sex and race.”⁶³ [Emphasis added.]

The HRTTO has also stated that individuals with “multiple/intersecting social identities may be particularly vulnerable.”⁶⁴

For instance, Black students with disabilities may face distinct disadvantages in education. They could be streamed into specific programs based on stereotypical

assumptions about their abilities, reflecting biases tied to both their race and disability.⁶⁵

Similarly, in policing, there is also a socially significant intersection between race and mental health that may affect officer decisions about use of force. There are stereotypes about Black people regarding violence and criminality, and concerns that police are more likely to use force in their interactions with Black people. Furthermore, people with mental health disabilities may be more likely to be subject to officer use of force because of responses to police instructions or behaviours that may seem unusual, unpredictable or inappropriate, or due to police reliance on stereotypical assumptions about dangerousness or violence.⁶⁶

Addressing such instances requires an understanding of how racism and ableism, or racism and mental health co-construct one another to create unique barriers, and thus requires an understanding of multiple forms of oppression.

Harassment and racial harassment

The public education system is mandated to maintain a safe learning environment for all students, including Black students; part of a safe learning environment includes addressing bullying and harassing behaviour.⁶⁷ The *Code* defines harassment as “engaging in a course⁶⁸ of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcomed.”^{69 70}

Black students have the right to be free from harassment in education. When a Black student or educator is harassed based on race in the education system, it is a form of discrimination and is therefore prohibited.⁷¹ The duty to prevent harassment lies with:

1. Educators or [education workers](#) who harass students based on a *Code* ground.
2. Educators or education workers who know or ought to know that a student is being harassed based on *Code* grounds, and who do not take effective individualized and systemic steps to remedy the harassment.

Harassment, including bullying is increasingly occurring through online technology, including text messaging, social media (e.g., TikTok, Snapchat, X, WhatsApp, Instagram, etc.), and email.⁷² Duty-holders in the education system who do not

address *Code*-related harassment when they occur, could be held liable for creating or allowing a poisoned environment for anyone subjected to such harassment.⁷³

Tribunals have accepted the negative impact that racial slurs have on racialized persons. Specifically, tribunals have recognised that when white people in positions of [power](#) directly or indirectly use racist language, visuals, or objects to insult Black or other racialized individuals, they reinforce historical belief that white people are superior to other races⁷⁴ and normalize racist speech and conduct in the institution.

The following types of behaviours would, in most instances, be considered harassment, regardless of intent:

- racial epithets, slurs or jokes^{75 76}
- being subjected to racial name calling or nicknames⁷⁷
- racial cartoons or graffiti⁷⁸
- comments ridiculing individuals because of race-related characteristics, religious dress, and/or hair styles for example
- singling out an individual for teasing or jokes related to race, ancestry, place of origin or ethnic origin
- being subjected to inappropriate references to racist organizations
- circulating racially offensive media, jokes, pictures or cartoons by text messages, group chats, emails, Direct messages or having a racially offensive screensaver or background on mobile devices⁷⁹

The HRTO has determined that a person does not have to object to the harassment at the time it occurs for a violation of the *Code* to exist.⁸⁰ A Black student or educator who experiences harassment may be in a vulnerable state or may choose to internalize the effects of the harassment because they are afraid of the consequences for speaking out at the time. Duty-holders have an obligation to maintain an environment that is free from discrimination and harassment, even if no one objects.⁸¹

Poisoned environment

While the *Code* defines harassment as "a course of vexatious comment or conduct...", one comment or incident, if sufficiently serious or substantial, could amount to creating a **poisoned environment**. A poisoned environment is "based on the nature of the comments or conduct and the impact of these on an individual rather than on the number of times the behaviour occurs."⁸²

A poisoned environment can arise in the context of educational services. Schools have a duty to actively maintain a positive non-discriminatory learning environment. Students are entitled to be free from a poisoned educational environment created either by inappropriate behaviour of an educator or education worker or by another student. The behaviour does not need to be directed at any individual to create a poisoned environment, and a person can experience a poisoned environment even if they are not a member of the affected group.

Educators or education workers have a responsibility to take immediate steps to intervene in situations where racial teasing, bullying or harassment may be taking place.

3.4 Education Act

International human rights law on education has influenced both federal and provincial human rights laws, as well as Ontario's *Education Act*. The *Education Act* is the primary legislation that governs education in Ontario,⁸³ and it establishes the framework for the organization, governance, and operation of publicly funded schools. The *Education Act* states:

"A strong public education system is the foundation of a prosperous, caring and civil society."⁸⁴

and,

"The purpose of education is to provide students with the opportunity to realize their potential and develop into highly skilled, knowledgeable, caring citizens who contribute to their society."⁸⁵

The *Education Act* and its accompanying regulations⁸⁶ set out the duties and responsibilities of different education partners. The *Education Act* states that all partners in the education sector, including the Minister, the Ministry of Education and school boards, have a role to play in enhancing student achievement and well-being, closing gaps in student achievement and maintaining confidence in the province's publicly funded education system.⁸⁷

Chapter 4:

Systemic Anti-Black Discrimination in Education



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“When we are looking for solutions to a system that wasn’t designed for us, one of the issues is understanding that systems feed systems. When we talk about the school to prison pipeline for Black boys, there are two systems at play. They work off of each other.”

– Community Member

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Systemic racial discrimination in Canada and Ontario is indisputable. Black and other racialized persons experience disproportionate poverty, over-representation in child welfare and in the prison population, and under-representation in key sectors of society such as politics, administration, economics, and media institutions. They also face barriers to accessing employment, housing, and healthcare, among other challenges. Canadian courts and Canadian law have long recognized the manifestation of anti-Black racism and discrimination.⁸⁸

4.1 The Current State of Anti-Black Discrimination in Education

The structural and systemic anti-Black racism embedded in the education system has sustained unchecked anti-Black discrimination that the Black community has complained about and reported on for decades.

The OHRC [*Compendium of Recommendations*](#) outlines a non-exhaustive list of reports and recommendations on addressing anti-Black racism in education in Ontario dating back to 1948. The Compendium confirms that systemic discrimination against Black students is long-standing and continues. The OHRC’s [*What We Heard*](#) report highlights the breadth, depth, severity, and regularity of systemic racism Black students, educators, and administrators experience in school boards across Ontario, a crisis which impacts the right to education in Ontario.

Black students and their families continue to face obstacles, barriers, disadvantages and reduced potential because of discrimination. Education is meant to foster

growth, creativity and innovation – to prepare students to contribute to society. When the education system fails Black students, it fails all Ontarians in missing out on the maximum economic, political and social contributions of this important segment of society.

Societal Challenges Impacting Black Students in Education

The COVID-19 pandemic exacerbated various social challenges, such as food security, housing precarity, rising income inequality, unequal health status, unequal access to mental health supports, vulnerability to the impacts of climate change and intimate partner violence. However, the COVID-19 pandemic also revealed the extent to which these inequalities already existed, with the result that Black populations suffered disproportionate rates of illness and death in Ontario. Statistics from Ontario and the Greater Toronto Area (GTA) demonstrated that COVID-19 disproportionately impacted historically marginalized groups, particularly low-income and racialized communities.^{89 90 91} Early reporting revealed that racialized groups, comprising just over half the population, accounted for 83 per cent of reported COVID-19 cases in Toronto.⁹² These groups also faced worse health outcomes, including higher mortality rates.

Evidence indicates that racialized individuals, including Black students, experienced significant mental health impacts during the pandemic.⁹³ Statistics Canada⁹⁴ found that racialized Canadians reported poorer mental health outcomes than their non-racialized counterparts, underscoring the intersection of systemic racism and health inequities. These challenges continue to have a disproportionate impact on racialized communities, including Black students, educators, and administrators.

The Ministry of Education must support Educators, administrators, and school boards with adequate resources to mitigate the impact of inequalities on Black students and families within the school communities. This could include improved school food programs, increased accessible and culturally relevant after school activities, increased mental health supports and applying a more inclusive approach to education services that supports Black students' unique intersectional identities.

“

“My school has an art program, and it is branded as a safe and exclusive space for queer people and not for anyone else. Queer majority is White, and they cater to that. As a Black queer person, I feel excluded. Students like me who are musically/artistically gifted feel excluded because we are not accepted into these spaces.”

– Black Student

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During consultations, the OHRC heard from educators and administrators about concerns over large classroom sizes, increased stresses, and increased workloads due to expansion of their duties beyond their regular teaching and administration responsibilities which has led to attrition of qualified professionals. The People for Education’s *2023-24 Annual Ontario School Survey* highlighted the ongoing staff shortages as a daily challenge for many schools in Ontario, noting the increased reliance on unqualified educators to fill critical gaps.⁹⁵

Duty-Holders’ Obligations in Addressing Systemic Discrimination

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“Complying with the Human Rights Code is a legal obligation.”

– Ontario Human Rights Commission

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Education providers have a positive obligation to make sure they are not engaging in systemic or institutional discrimination. This obligation exists even if no complaints have been filed. Duty-holders must actively assess and plan to mitigate discriminatory practices to foster a discrimination-free learning and working environment.

Our consultations in community pointed to inconsistent monitoring of and accountability for meeting human rights obligations in [Faculties of Education](#),⁹⁶ unions, schools, school boards and the Ministry of Education have contributed to a

culture of latent and overt racism against Black students and Black educators. This manifests through direct harassment and discrimination against Black students and educators, curriculum design, student discipline (including [suspensions](#), [expulsions](#), and [exclusions](#)),⁹⁷ educator discipline, hiring practices, labour relations, and teacher education.

Moreover, those who file complaints often face additional barriers, including silencing, harassment, and other forms of [reprisal](#) which inhibits accountability throughout the system.⁹⁸ These retaliatory actions not only harm the individuals involved but also perpetuate a system-wide lack of accountability and a culture that maintains the status quo. Documented cases illustrate the extent of this issue and its detrimental impact.⁹⁹

The impacts of such incidents extend beyond the immediate harm to individuals - they also deter others from coming forward with complaints. A lack of trust in the system's ability to provide fair and just outcomes exacerbates the problem and creates doubts about accountability for addressing and preventing discriminatory practices. This must change.

Chapter 5:

Findings and Discussion



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Black students must be recognized and treated as children and youth who are worthy of compassion and care, who are valued, and respected in affirming ways that signal to them that they are seen, they matter, and they belong in their school despite any areas of need. They must have access to everything that is available to all students in the system, be encouraged, supported, and receive opportunities and resources to enable them to thrive if they are in need. They should see themselves in every aspect of their school settings and be invited to share what may be missing in the books they read, pictures on the walls, and examples used in the classroom.”

– Submission to the OHRC

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5.1 Black student’s needs

Black students are very clear on what they need to succeed: educators and administrators who care about their success. Yet, they do not consistently see this happening. Educators must be equipped with knowledge, policies, and procedures to effectively address anti-Black racism and systemic discrimination in the education system.

It is important that educators and administrators use human rights-based approaches with emphasis on creating dedicated spaces for Black students, lesson planning and teaching that include Black people’s historical contributions to society, and other non-European cultural experiences as part of students’ education experience. These should be standard essentials in a diverse Ontario, and not be considered as ‘frills’.

The OHRC heard from some Black students and educators about experiencing a sense of belonging in some schools due to the existence of human rights-based approaches. Other students expressed their desire to see such approaches applied in their schools.

Using a human rights-based approach means Black students must be allowed to make mistakes, be disciplined with dignity, allowed to question and voice concerns, be challenged academically, have high expectations for learning and be provided with opportunities and supports to meet those expectations, experience culturally responsive teaching, and access spaces that support their identities.

“

“For me, Black Joy is being able to come into spaces with my full self and being able to feel safe and to show what I bring to the table. Sometimes you need to mute yourself in order to fit in, not because you want to fit in but in order to survive in the spaces we are in... but a space that is inclusive that allows me to grow to the best potential that I can be, that would be the Black Joy.”

– Black Educator

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Black Joy

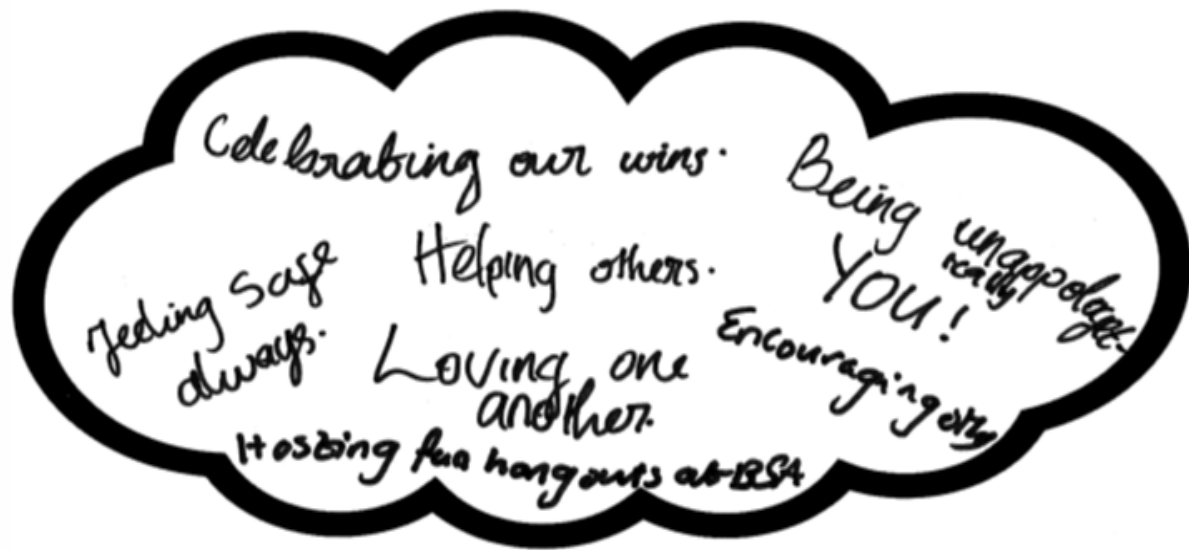
As previously stated, [‘Black Joy’](#) was a key theme during the OHRC’s consultations. This concept encompasses reclamation of Black humanity and upholds Black identity beyond victimhood despite the realities of racism and discrimination. Black Joy counters the impact of narratives and events that seek to normalize the dehumanizing and marginalization of Black people.¹⁰⁰ Black Joy is happiness, joy, creativity and the ability to thrive against forces of racism and discrimination.¹⁰¹

Black students in Ontario use Black Joy to affirm their positive self-image despite negative experiences, including negative messaging in the education system that create obstacles to their achievement and erasure of their communities’ contributions to society. Many students spoke about the joy they feel in the company of their Black peers, with family, during cultural celebrations, and in positive and supportive environments inside and outside of school. They said that joy shields them against the racism and discrimination they endure from educators, administrators, and other students.

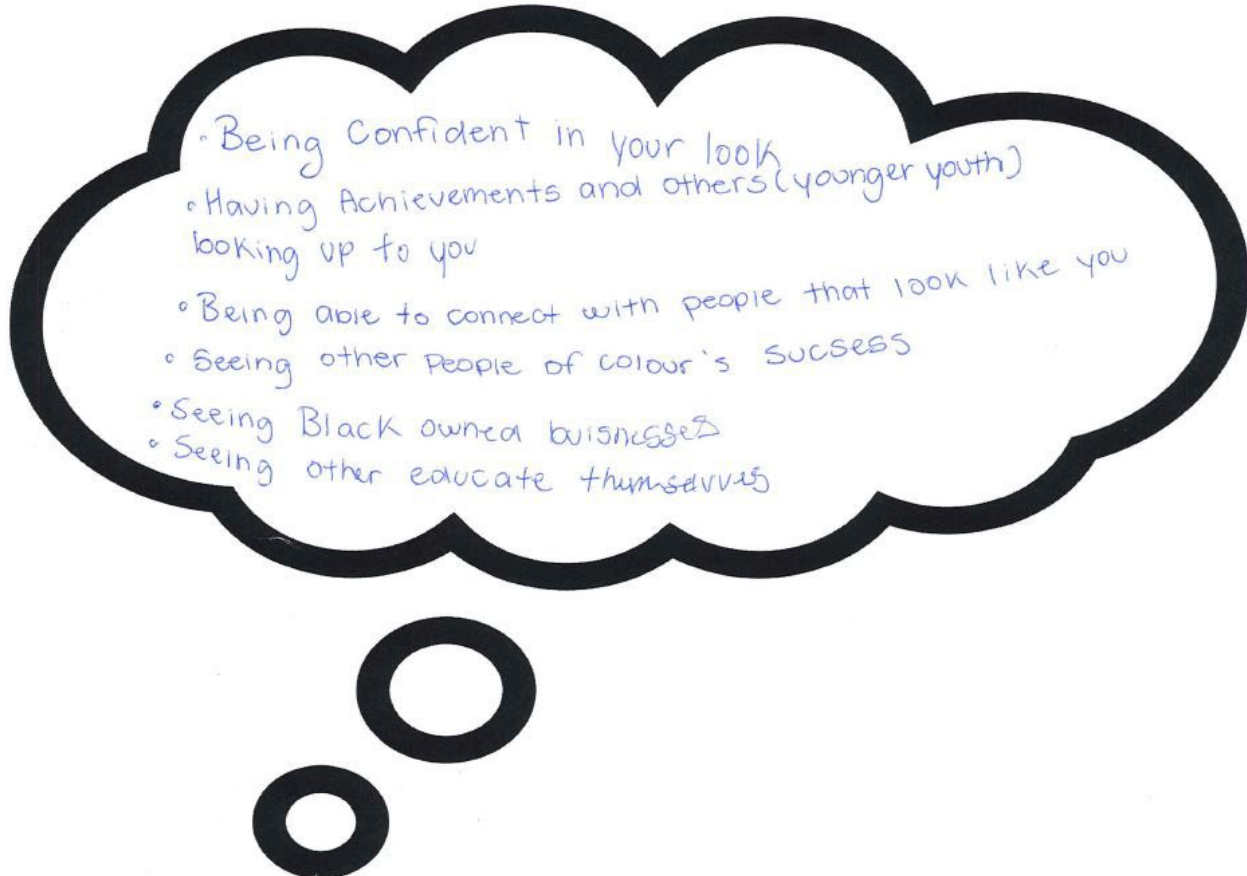
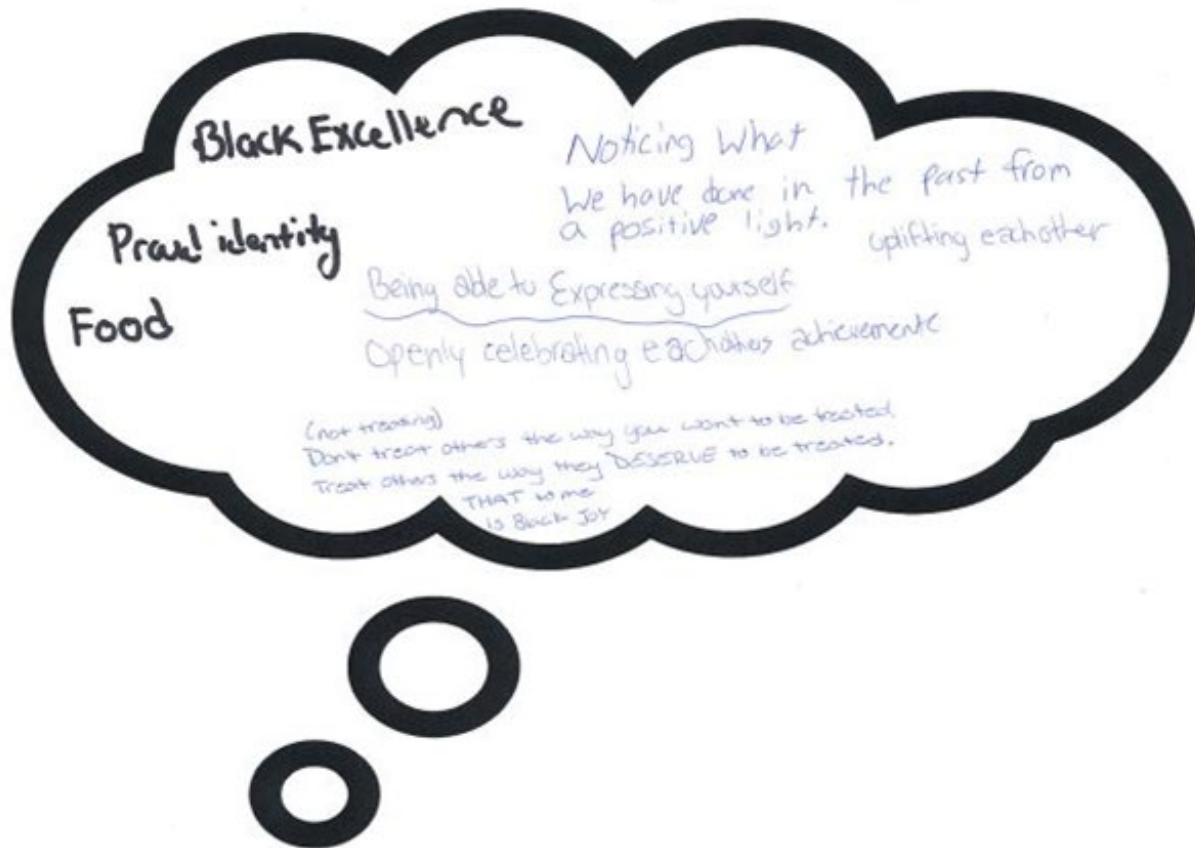
The OHRC acknowledges the education system's efforts to create positive outcomes for students through strategies, policies, and procedures to address systemic discrimination. However, these efforts often fail to achieve the desired result: an education system that maximizes the potential of each student and is free of discrimination against Black students. More work with sustained commitments is needed to promote Black joy by addressing the disparities that result in disproportionately poor outcomes for Black students.

The education system must emphasize positive experiences and outcomes for Black students to instill a sense of belonging and foster their ability to participate in and contribute to their communities and society.

What does Black Joy mean to you?



What does Black Joy mean to you?



Newcomer Black Students

Statistics Canada 2021 Census reports that over fifty-five per cent of Black Ontarians were newcomers¹⁰² with almost twenty-two per cent being between ages 0-19. Several Black students spoke about their experiences as newcomers to Canada, which were different from Black students who were born in Ontario or Canada and whose families were here for one generation or more before them. They spoke about identifying primarily with their cultural or national origins and that being labeled as “Black” was novel to them and did not entirely fit with their sense of identity. Black francophone newcomer students who identified as a linguistic minority within the larger Black community have different and specific needs than other Black students in an education context.¹⁰³

Both anglophone and francophone newcomer Black students described how their personal experiences of race-based discrimination in school made them aware of anti-Black discrimination and its erasure of their own sense of cultural identity.

Newcomer students are more likely to be multi-language learners, and they reported that in some instances their families experience greater challenges to get their children into appropriate classes because schools assume that their children do not understand English or French (in the case of Francophone families).

Newcomer students described family dynamics and pressures which impact how they and their families understand and are able or willing to interact with the education system. For instance, many Black francophone students described having parents with advanced post-secondary educations who place immense importance on high academic achievement but may not understand the challenges their Black children experience in Ontario schools. Many of these parents are also reluctant to confront educators or administrators on behalf of their children, based on cultural norms as well as fearing reprisal from the authority, including educators. More efforts are needed to reach out to parents and guardians to promote dialogue and understanding to make schools more accessible.

5.2 School Support Programs

School support programs are key initiatives to fostering a discrimination free learning environment for Black students. However, their effectiveness is often dependent on the level of administrative and financial supports they receive. It is important that schools and school boards continue to develop, implement, and support these programs. It is also important that the Ministry of Education support school boards in this endeavour.

Affinity Groups

Affinity groups are intended to bring people together over a commonality and share the mutual benefits of our shared identities. Affinity groups strive to form safe and brave spaces that offer support, healing, connection, and community.

Affinity groups, such as Black Student Associations (BSA) or Black Student Unions (BSU), play an essential role in providing Black students with opportunities for engagement, joy, and community. Whether students prefer diaspora groups, or inclusive groups, it is essential that these initiatives be supported as meaningful strategies to improve Black students' sense of belonging and well-being.



“Black students don’t feel they can join affinity groups in high school. When we had club fairs for students to sign up and join clubs, students were looking, and Black students were shy. White kids were just making fun of it. They don’t make it open to feel welcomed.”

– Black Student



BSAs and BSUs are one way to create a safe and welcoming space in the school and to build a sense of belonging for Black students through activities, targeted academic support, mentoring and peer support. Some students spoke about experiencing misconceptions or stereotypes from peers and educators. For example, non-Black educators questioning Black students on whether they are

working on school related tasks while in BSA/BSU affinity spaces or “just skipping.” Black educators also said that they experience push back from non-Black colleagues who perceive BSA/BSU spaces as “special treatment” for Black students. Some Black students choose not to join BSA/BSU groups because they fear negative comments from peers or educators or because they find the atmosphere too serious. This is particularly so for grade 9 students. Through their support for affinity groups, administrators and educators could demonstrate their commitment to promoting an inclusive and supportive learning environment.

Special Programs

During the OHRC’s consultations, educators and students identified many programs as successful practices that helped Black students overcome personal and academic challenges.

The Sankofa Centre of Excellence in the Ottawa-Carleton District School Board provides intensive, culturally responsive support to enhance the academic achievements and overall well-being of Black students. These programs help improve confidence, attendance, and engagement, leading to higher graduation rates and better community involvement.¹⁰⁴

The Greater Essex County District School Board’s Create Your Future (CYF) program also supports racialized students through personalized interventions that build meaningful relationships and provide essential resources. The implementation of CYF program has yielded positive outcomes by offering comprehensive support tailored to the holistic needs of Black and other racialized students.¹⁰⁵ CYF advisors provide academic guidance, social and emotional support, and exposure to social workers, community members, and higher education professionals for a more diverse and culturally relevant educational experience. This multifaceted approach enhances students’ academic attendance, well-being and performance and increases interest in post-secondary applications.¹⁰⁶

Similarly, the Centre of Excellence for Black Student Achievement in the Toronto District School Board (TDSB) prioritizes the needs and experiences of Black students from kindergarten to Grade 12, fostering environments where Black identity and achievement are celebrated. These initiatives resulted from persistent

community advocacy for systemic change, with a focus on “Black Joy, Brilliance, Excellence, and Success” while dismantling anti-Black racism and discrimination within educational institutions.¹⁰⁷

These programs have proven to be successful and would benefit from being connected or scaled to broader board and ministry level planning, policies, and strategies.

5.3 System supports

It is important for all students, including Black students, to have access to adequate, qualified and certified educators to teach and support them in a learning environment free from discrimination.

Historically, given the racism embedded in the public education system and the discrimination experienced by Black students, the onus to ensure that Black students receive a proper education has been on Black communities. More recently, and because of persistent advocacy, the education system has established some additional supports for students, parents, educators, and administrators to mitigate systemic discrimination and its effects and address the under-resourcing and burden on educators and administrators for students’ success.¹⁰⁸

Graduation coaches

Graduation coaches are educators who work with Black students in grades 9-12 to enhance their academic success and well-being. They provide mentorship, connect students and families to community resources, and collaborate with schools and post-secondary institutions to create pathways for graduation and future opportunities.

Dedicated graduation coaches play a vital role in supporting Black students' journey towards academic success and graduation by providing intensive and culturally responsive supports and advocacy for Black students and their families. Through personalized support, mentorship, and advocacy, these coaches provide a pathway to success for students who may otherwise be marginalized by discriminatory practices in the education system.¹⁰⁹ Several school boards have experienced

increases in student academic success, sense of attachment to school and pathways to post-secondary education through the graduation coaches program.

School board leaders need to bolster support for graduation coaches and clearly identify the roles and responsibilities of graduation coaches as part of the board student success program and board improvement planning. Educators and administrators can work collaboratively with graduation coaches to support Black students in reaching their academic goals and aspirations. Boards should collect data pertaining to student experiences, existing barriers and successful school graduation coaches' initiatives to increase opportunities for students and eliminate disparities.

Student and Family Advocates



“System navigators is a process that is working, but the way the role is positioned hierarchically and positioned in terms of response, everything they do is advice. Administration can ignore advice.”

– Black Educator



Student and Family Advocates (often referred to as System Navigators) are funded positions within community organizations that provide students and families with guidance and support to navigate the complexities of the education system.¹¹⁰

This service equips parents, caregivers, and families with knowledge to advocate for their children. Some organizations have helped parents and guardians navigate the education system, learn about policies and procedures, and become involved in school decisions about their child(ren). Student and Family Advocates have also helped with advocacy and legal support, capacity building, education support, addressing racism and bullying, and family and community engagement.¹¹¹

During consultations, the OHRC heard that school administrators frequently disregard the guidance of Student and Family Advocates', creating systemic barriers that limit Black students' access to supports and resources. SFAs also face

significant challenges, including resistance from school boards, difficulties engaging parents, limited program visibility, and defensive responses to feedback on anti-Black racism. Navigating complex school administrative systems further hinders their advocacy efforts.¹¹²

This conduct has a greater impact on families whose first language is not English (in English language schools) or French (in French language schools). These families are particularly affected by not having access to culturally responsive resources, including adequate educator education and training. It is incumbent on school leaders to learn about the role of the School and Family Advocates (SFAs) and work collaboratively with them to support Black students and their families.

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“Whether it’s a system navigator or another role, the education piece is critical—it opens parents’ eyes to their rights and the processes they don’t always understand. When we give parents information, it empowers them to advocate for their children or challenge what the school is doing. Too often, parents just go along with what’s being said, but those who know their rights can hold administrators accountable.”

– Black Educator

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Human Rights and Equity Advisors

In a 2019 memorandum to [directors of education](#) about the 2019–20 Priorities and Partnerships Fund, the Ministry of Education introduced the Human Rights and Equity Advisors project to provide “support for school boards to employ the services of Human Rights and Equity Advisors (HREAs).”

HREAs work with the Director of the board and with the board’s senior team to foster a culture of respect for human rights and equality, help identify and address

systemic human rights and equality issues and increase the board's human rights compliance.¹¹³

Some school boards have created HREA positions or offices to assist staff, parents (and students, where appropriate) to understand and enforce their rights under the *Code* and the *Charter*. HREAs' responsibilities also include developing human rights complaint procedures.

HREAs play an important role in promoting a culture of human rights, including transparency, accountability, non-discrimination, respect, and inclusivity within school boards, which is essential for supporting student achievement and well-being. They are instrumental in developing and advocating for school board policies on substantive equality. They work closely with senior leadership to identify and address systemic issues such as anti-[Indigenous](#) discrimination, anti-Black racism, anti-Asian racism, homophobia, transphobia, Islamophobia, antisemitism, and ableism. By fostering truly respectful and supportive environments for all students and staff, HREAs strive to ensure that publicly funded school boards operate in an equitable and just manner.

HREAs face structural obstacles within the education system to fully address complex human rights and equality issues, such as lack of resources and insufficient support from senior leadership. HREAs are often isolated within structures that are not staffed or designed to respond adequately to their requirements or to the systemic issues they aim to address. These obstacles prevent them from significantly changing entrenched discriminatory attitudes within the system. HREAs also experience mental strain from regularly engaging with situations of discrimination and inequality, which impacts their well-being and affect retention of services. Duty-holders must provide proper resources and effective support structures to ensure that HREAs can meet their mandate. Well-resourced HREAs with dedicated staffing, ongoing training, and clear support from senior leadership can be effective. An effective HREA would confidentially receive, address, and resolve incidents or complaints of discrimination and build internal expertise on rights and responsibilities under human rights laws and policies.

When properly resourced and supported, HREAs impartially and effectively advocate for Black families by addressing systemic discrimination, supporting the development of inclusive policies and practices that improve educational outcomes

for Black students, and creating an accessible avenue for families to report concerns.

Curriculum

The OHRC frequently heard concerns that an emphasis on the Black American experience can overshadow and erase the rich and diverse Black Canadian experience and history, which includes Canada's own history of slavery as well as contributions from the Black diaspora, including Black francophone communities. As noted earlier, systemic change requires that the Black Canadian experience be embedded in the K to 12 curriculum. Educators should not fear reprisal or other potential consequences for supplementing or extending the existing curriculum with applicable content and materials in culturally responsive ways. Changes to the curriculum to include the Black experience should be guided by consultations with organizations with vast knowledge and expertise in the Black Canadian experience.¹¹⁴

5.4 Engagement

Student voice

Students have valuable insights about their own experience that should inform and enhance educational practices. This is particularly true for students who are experiencing systemic discrimination. Soliciting feedback from students about their learning experiences helps educators understand what works, what needs improvement, and what additional support may be required. This also allows educators and administrators to tailor approaches to their student body, including Black students. For instance, some Black students may not want to be responsible to plan events for Black History Month, while others may, when they are provided supportive spaces in which their voices are heard, and they experience affirmation and belonging. Prior consultation with students in such situations would empower them and foster a collaborative and student-centered learning environment. It is important for students to be involved and see their input reflected in decisions and

actions that affect them. Educators need to foster student engagement and signal to Black students the importance of their voice.

Parent and community engagement



“Sometimes, it’s outside advocates who make the biggest impact. They come in, strongly advocate for their clients, and don’t need permission to do so. That’s when administrators often realize they need the system navigator’s help. It brings issues to light and shows them the potential consequences of inaction or mistreatment of Black families and students. After these experiences, administrators start to approach Black families and students more carefully.”

– System Navigator



It is also important that educators and administrators develop respectful and trusting relationships with parents, caregivers, and community organizations through engagement to gain their support on matters relating to Black students and encourage a sense of belonging and well-being. Recognizing the expertise available from parents and community organizations and building strong relationships between local schools and communities is essential for creating inclusive and supportive learning environments.

Schools must be intentional in eliminating the barriers experienced by Black families who advocate for their children. Collaboration with community grassroots organizations, supported by Ministry of Education’s policy directives, will strengthen dialogue between schools and communities and enable the development of structures that value and respond to parent and community advocacy.

When Black parents experience dismissive attitudes from educators, they feel frustrated, and some turn to external advocates to navigate the school and system in support of their children. The education system must positively engage with

Black parents and involve them in decision-making to meet the needs of Black students, including a safe space to seek meaningful redress for their concerns.

The education system must also ensure transparency in processes, policies, and communications to help families better understand and engage in their children's education.

It is important that educators and administrators seek to understand the diverse circumstances and backgrounds of Black parents to engage with them in meaningful ways. Economic challenges, work commitments, and other factors may impact Black parents' ability to participate in meetings in conventional ways. Schools must implement flexible approaches and seek input from parents on how to better engage them. It is also important to understand linguistic and cultural differences to help bridge gaps between schools and parents. The Ministry of Education must prioritize resource allocation and institutional support to promote effective school-parents engagement strategies.

Black francophones in Ontario¹¹⁵ also face marginalization because of race, language, and other factors, including but not limited to, place of origin, gender, disability, creed, and sexual orientation. It is important for French language school boards to collaboratively engage with Black francophone community organizations to create and facilitate opportunities for partnerships with Black francophone parents and guardians to ensure they are responsive to the needs of Black Francophone students.

Black students and their parents/guardians often do not receive adequate guidance from school counsellors before entering grades 8 and 9. These are crucial years and the lack of proper guidance can significantly affect students' educational and career opportunities. Schools must make a concerted effort to engage with parents/guardians of Black students during the elementary school years to help prepare their children to transition into secondary education.

5.5 System failures

Poisoned environment in schools

Anti-Black racism in Ontario schools is a crisis. Community and student consultation attest to the crisis of widespread normalization of racial slurs in schools and the alarming regularity with which Black students are subject to these racial slurs or comments. The normalization of racial slurs perpetuates a poisoned environment for Black and non-Black students.¹¹⁶ From a human rights perspective, this, and other forms of harassment, such as discriminatory treatment related to hairstyles or clothing emphasize the deeply ingrained nature of anti-Black racism. These behaviours not only impact individual Black students and educators, but also contribute to a poisoned environment within schools, fostering a culture where discriminatory language and behaviour is deemed acceptable. School boards staff must actively address the prevalence of racial slurs and harassment of Black students by staff and peers. Accountability for acts of discrimination as well as wider cultural change is necessary to protect Black students and staff.¹¹⁷

“

“Policies in boards say there is a restorative justice framework that exists in a way to address anti-Black racism; however, if someone intentionally calls a student the “N” word, you cannot force the student to engage in restorative justice. Now it is being weaponized against the Black student, and they are told they are being unreasonable and they get punished.”

– Black Educator

”

Black educators expressed to the OHRC that they experience exclusion from informal or formal networks, denial of mentoring or developmental opportunities, such as secondments and training that are available to others, and disproportionate blame for incidents within the workplace. Black educators also stated that they are often assigned less desirable positions and subjected to excessive monitoring, differential management practices, and deviation from

written policies and standard practices. For example, Black educators may be labeled as rude or aggressive or characterized as confrontational or insubordinate if involved in differences of opinion with non-Black educators. These characterizations may be made based on racist stereotypes about Black people. Penalizing Black educators for their alleged failure to get along with others, even when conflicts arise from racially discriminatory attitudes or behaviours by coworkers or senior administration, highlights the systemic nature of discrimination with the education system.

“

“I find I can’t be my true authentic self towards staff because I’m too much for them....when you’re a teacher in a system that really doesn’t have a lot of representation, you have to be all things to all people, and I find that exhausting.”

– Black Educator

”

School administrators often ignore instances of harassment and discrimination that Black educators experience, or union representatives contest them, fostering a culture of impunity and harm within schools. Deliberate inaction, minimization of complaints, and retaliation against complainants¹¹⁸ further contribute to a [poisoned work environment](#) and eventually leads to mental and physical illness on Black educators as well as burnout and attrition.

“

“I have felt anti-Blackness throughout my whole career but in the last few years it has definitely exacerbated.”

– Black Educator

”

Surveillance

The OHRC's work, dating back to 2003 onwards,¹¹⁹ refers to the serious negative social and psychological impacts of [racial profiling](#) in the education context on children and youth with significant effects on life outcomes. For example, Black students are disproportionately suspended and expelled, feeding into the "school-to-prison pipeline," which systemically funnels Black students out of educational settings and into the criminal justice system. These patterns of exclusion impact post-secondary opportunities and future life prospects. Fifty-four per cent (54%) of students who have been suspended at least once in their K-8 education have been found not to apply for post-secondary education.¹²⁰ Research with racialized students shows that participants see this practice as collusion between police and school officials to maintain an undue level of surveillance and harassment towards Indigenous, Black, and other racialized students.¹²¹

Police presence and surveillance inside schools has a disproportionate impact on Indigenous, Black and other racialized students. Historically, police have been part of a broader system of racism and discrimination across multiple levels, including child welfare¹²² and justice. Police in schools may subject Black and other racialized children, and particularly Black boys, to a higher level of surveillance that could ultimately significantly impact their mental health and education.¹²³ Even in the absence of police officers, school policies and practices often reflect a carceral culture of discipline, with Black students disproportionately subjected to oversurveillance, criminalization, and harsher disciplinary measures.

Any decision regarding police involvement in schools should be made only after carefully considering existing research and in consultation with all local voices, including parents, students, community members and organizations. School boards have a responsibility to ensure that the *Code*-protected interests of all students are acknowledged and protected when developing strategies to address safety concerns. Boards should follow the OHRC's [Human Rights-Based Approach Framework](#)¹²⁴ to ensure that any policies prioritize human rights.

Representation



“Black secretaries are underrepresented. What is the message? The implicit message is: Black people are not competent enough to work in offices/the workplace. How does the absence of Black secretaries affect students? Students who become hiring managers will be influenced by their early experiences.”

– Black Educator



The OHRC heard from Black students that they often struggle to find a supportive adult figure with whom they can identify within their school. They reported feeling overlooked, misunderstood, and unsupported, which affects their academic success, overall well-being, and sense of belonging within the school community. Reports suggest that this results from the lack of Black educators and cultural awareness in many schools, where staff are predominantly non-Black. Black students perceive these staff as lacking the cultural knowledge or desire to adequately support the learning and well-being of Black students.

The poor representation of supportive Black educators results from the alienation of Black employees from the education system because of ongoing systemic anti-Black racism and discrimination. School administrators can change this by intentionally increasing mentorship opportunities and support programs for Black educators and educational workers, and targeting the recruitment of qualified Black teacher candidates in faculties and school boards. As well, education unions and professional associations should collect and make use of data regarding the numbers and proportions of Black members to ensure working environments support members and enable success.

Nepotism and the “Old Boys’ Club”

Nepotism has a disproportionate impact on historically disadvantaged groups,¹²⁵ including Black students, educators,¹²⁶ and communities, by specifically excluding

them. The prevalence of nepotism and an “old boys’ club” culture within some boards and local schools presents significant barriers to achieving broader representation and creating a non-discriminatory environment for all students, educators, and staff.

The Simcoe County District School Board’s (SCDSB) Employment Equity Audit highlights systemic issues in hiring practices, particularly the reliance on relationship-based rather than skill-based recruitment. This, despite the original intention of Regulation 274¹²⁷ – revoked in 2020 and replaced by PPM No. 165: Teacher Hiring Practices¹²⁸ – to improve transparency and fairness in hiring processes, nepotism persists. This hinders the hiring of the most qualified candidates and limits organizational diversity. SCDSB employees expressed concerns that nepotism affects hiring and advancement opportunities and work environments.

The audit recommends refining hiring processes to emphasize candidates’ skills and abilities, centralizing the hiring of long-term occasional and permanent educators, and implementing targeted recruitment strategies informed by the Staff Census. Similarly, Windsor Black education professionals reported going through the interview process, then witnessing less-qualified candidates being hired on condition of later obtaining qualifications the Black candidate already had.¹²⁹ These systemic barriers, such as staffing through personal networks, can exclude people outside these networks from learning about, applying for, and showcasing their competencies for certain jobs.¹³⁰

Nepotism restricts the pool of applicants for positions and limits diversity. It prevents the hiring of qualified educators who reflect the community, thereby reducing the competency of the entire education body. It lacks transparency, erodes institutional trust and delegitimizes the administration of a school board. It also exacerbates staff shortages and perpetuates discriminatory attitudes and practices without monitoring and accountability, which impacts Black students’ well-being and achievement, and all students’ development.

School boards are required to develop local educator hiring practices that adhere to the expectations in PPM No. 165 while respecting provisions in existing collective agreements, the *Code*, and other applicable laws. While PPM No. 165 is helpful to

enable school boards to hire based on merit, diversity, and the unique needs of schools, it is not a concrete or final solution to the issue of nepotism.

Underrepresentation in Senior Roles and Leadership Gaps

Evidence from as early as 1850¹³¹ highlights the persistent underrepresentation of Black individuals in senior and leadership roles in education. Today, this underrepresentation remains stark, with estimates that Black school [principals](#) comprise only two per cent of all K to 12 school principals in Ontario.¹³²

School boards do not hire or retain Black senior administrators at rates proportional to the Black population in communities or the province, or in keeping with the achievements and abilities of Black education professionals. Black educators often do not get promoted to senior positions or supported when they hold such positions. This results in decreased professional growth for Black educators and poor Black representation in leadership. School boards must take corrective action to become more diversely representative at all levels.

Unequal Expectations leading to Systemic Burdens on Black Educators

Black educators often face unfair expectations in their roles. They increasingly must assume additional responsibilities that extend beyond the contractual expectations of their role. Because they are under-represented across school boards, they may be alone, or one of few with the lived experience to effectively address issues involving Black students in their school or school board. For example, Black educators told us that they have been asked to be the point person between Black students and their families, which has placed undue pressure on them, and created potential conflicts with school board administration.

School boards must ensure that all educators equally engage in supporting students, including Black students instead of disproportionately relying on Black educators to support Black students. To do otherwise will perpetuate historical systemic barriers and institutional racism that affect the mental health and well-being of Black educators. Many Black educators informed the OHRC about

experiencing stress, burnout and leaves of absences because of the added burden schools and school boards put on them because of their lived experience.

Roles of Unions

A union¹³³ may be held jointly liable with an employer where it has contributed towards discriminatory workplace policies or actions or where it prevents an employer from meeting its duties to address discrimination or harassment.¹³⁴

Unions should address allegations of discrimination or harassment from their members, work to include language about anti-discrimination in collective agreements, work with employers to develop internal policies and procedures, and take a proactive role in human rights training and education for their members in the workplace.¹³⁵

Unions and school boards must also uphold a discrimination free work environment through enforced accountability for discriminatory behaviour.

Under the *Charter*,¹³⁶ unions have a right to collective bargaining on behalf of their members, including the right to represent their members in disputing employer discipline. This includes representing members accused of discrimination or harassment. However, unions also have a duty to consider the interests of all members affected in such disputes.^{137 138} When considering the various affected interests in a dispute, a union should consider any commitments to addressing discrimination or harassment in the workplace which it has made in any governing documents and how prioritizing its commitment to anti-discrimination benefits its membership as a whole.

Role of Faculties of Education



“Fallacy is to believe you start at teacher’s college. Starts at the point where someone is in the classroom in the first place.”

– Black Educator



Faculties of Education (faculties) in Ontario universities have the responsibility to select future educators and prepare them to teach all students, including racialized students from diverse cultural backgrounds. Faculties have a significant influence on the quality of instruction students receive. They are where:

“[...] prospective teachers gain a foundation of knowledge about pedagogy and subject matter, as well as early exposure to practical classroom experience. Although competence in teaching, as in all professions, is shaped significantly by on-the-job experiences and continuous learning, the programs that prepare teachers to work in K–12 classrooms can be early and important contributors to the quality of instruction.”¹³⁹

Education stakeholders expect faculties to promote advances in knowledge, champion evidence-informed best practices, and provide expert advice within the education system.¹⁴⁰ Faculties are also critical in addressing systemic anti-Black racism by equipping future educators with the knowledge and skills to implement anti-racist and *Code*-compliant pedagogy.

Faculties of Education are responsible for ensuring the orientation and content of faculty programs integrate a human rights approach, including addressing anti-Black racism and discrimination. This means equipping educators with the ability to have constructive dialogue about human rights and racism in schools and in society, and to examine how these affect the educational experience of Black students. Teacher candidates with this knowledge and confidence will be able to navigate and engage with the diversities and realities they will meet in classrooms. Faculties must change their processes, course offerings and graduation requirements to achieve the desired outcomes and impacts.¹⁴¹

Faculties must also establish and implement effective strategies to recruit and retain more Black teacher candidates and integrate human rights into all aspects of educator training.

Faculties state that their programs comply with the *Human Rights Code* and relevant legislation and are grounded in these principles. Faculties have Educator Education Advisory Committees to provide feedback on how programs meet sector and student needs. They also use course evaluations to collect data to inform teaching improvements, evaluate pedagogical approaches, and inform program and curriculum review.

Currently, 18 of 23 Ontario public universities are signatories of the Scarborough Charter on Anti-Black Racism and Black Inclusion in Higher Education.¹⁴² Some institutions have also undergone reviews of experiences with anti-Black racism on campus and developed recommendations for change.¹⁴³

Despite these initiatives, systemic gaps and issues persist, and there appear to be gaps in faculties preparing well informed teacher candidates to navigate today's classrooms, including addressing human rights issues and anti-Black racism. Faculties of Education must employ evidence-based approaches to improve educator knowledge and pedagogy, and demonstrate measurable outcomes and impacts, to address human rights and discrimination in the classroom.

Role of Ontario College of Teachers

The [Ontario College of Teachers \(OCT\)](#) receives its mandate from the *Ontario College of Teachers Act*; it governs and regulates the teaching profession in Ontario. It establishes and maintains teacher qualifications, accredit post-secondary teacher education programs, and enforces professional and ethical standards.¹⁴⁴ The OCT's Ethical Standards explicitly outline the commitments and responsibilities of educators to care, respect, trust, and integrity.¹⁴⁵ As such, the OCT is pivotal to protecting the public from educators who do not meet professional and ethical standards or who do not have the required competencies to teach.

As the regulatory body for educators, OCT has implemented important measures such as its Professional Advisory on Anti-Black Racism and amendments to the Professional Misconduct regulation under the *Ontario College of Teachers Act*.

The professional advisory provides advice on how educators can improve their daily practice to proactively address anti-Black racism. The goal is to provide support in creating inclusive and supportive learning cultures that benefit all students.



“I want my educators to be educated.”

– Black Student



On November 6, 2020,¹⁴⁶ the Professional Misconduct regulation (O. Reg. 437/97),¹⁴⁷ was amended to include “making remarks or engaging in behaviours that expose any person or class of persons to hatred on the basis of a prohibited ground of discrimination under Part I of the *Human Rights Code*”¹⁴⁸ as an act of professional misconduct. This amendment was designed to prevent discrimination in and out of the classroom. This applies to all members of Ontario’s education professions, including teachers, consultants, vice-principals, principals, supervisory officers, directors of education, people working in non-school board positions, College members in private and independent schools, and positions requiring a certificate of qualification. The College investigates allegations of hatred and, if warranted, conduct a public hearing to resolve an allegation. However, OCT does not collect race data thus it is difficult to assess how they have dealt with complaints about anti-Black discrimination.

Professional Development and Training

Professional development and training are essential to challenging racism and discrimination in education. Yet reports about educators’ professional development and training consistently indicate that it is not effective – it is disjointed, uncoordinated, repetitive, unevaluated,¹⁴⁹ and unrelated to the practicalities of teaching or operating a school. Most professional development pertaining to race and racism training is often optional, which means that educators who most need this training may not participate.

The OHRC's *Policy and Guidelines on Racism and Racial Discrimination* (2005), states that “training in isolation from other initiatives is unlikely to succeed in fostering a non-discriminatory environment. Similarly, inadequate training is not likely to be effective in bringing about a change in attitudes or behaviour.”¹⁵⁰

A strategic approach to effective training would identify clear common outcomes to be achieved and allow local schools or school boards to engage in community-tailored approaches to achieve those outcomes. Meaningful training should be appropriate, timely and coordinated. Steps must be taken to engage experts, set clear goals, provide evidence-based research and resources, and evaluate learning against those goals and outcomes. Knowledgeable members from local racialized communities should be involved in the design, development and delivery of human rights and anti-Black racism training. Training should include specific and action-oriented approaches (e.g., community of practice or professional learning cycles) to interrupting discrimination and fostering positive and responsive learning environments for Black students in both elementary and secondary schools.

Monitoring and evaluation with local racialized communities and staff surveys can assess the effectiveness of the training to increase understanding and change attitudes about racial issues.¹⁵¹ Qualitative research and monitoring students' well-being and success can also help assess the effectiveness of the training for educators. School boards should include in all employees' annual performance plan the requirement to participate training on human rights, discrimination, and anti-racism. and concrete outcomes for addressing and preventing human rights violations.

Ontario's publicly funded education system serves over two million children and youth annually.¹⁵² Each of these students are entitled to an education that is free from discrimination and racism, including anti-Black racism in accordance with the standards set out in the Ontario *Human Rights Code*, the *Education Act* and other related legislation.

Duty-holders in the education system must actively challenge anti-Black racism and discrimination and their impact on Black students and educators. Duty-holders must be accountable for preventing racism and discrimination in their schools.

During consultation with students, parents, communities, and educators on anti-Black racism and discrimination, the OHRC heard three central concerns that must be addressed to effect change: **accountability and transparency, monitoring and evaluation**, and **student well-being**, each will be discussed below as points of action to eliminate all forms of discrimination, including anti-Black racism within the education system.

Chapter 6:

Actions for Implementation



6.1 Accountability and Transparency

The education system must have strong accountability systems that hold everyone who violates policies, procedures, or other legal obligations, including the *Code*, responsible.

The Ministry of Education, the College of Teachers, school boards, and Faculties of Education all have a duty under the *Code* to maintain an education sector that is free from harassment and discrimination, including a poisoned environment. This means taking prompt and practical steps to prevent, respond to, and eliminate discriminatory behaviour of which they ought reasonably to be aware. Unions should participate in employers' efforts to prevent and respond to discrimination and harassment in the workplace and they have a duty under the *Code* to represent its members in a discrimination-free manner. Doing otherwise condones the behaviour.

Policies, procedures, frameworks, and other guiding documents must clearly identify lines of accountability to prevent and address discrimination, harassment, and racism in the education system. Currently, procedures and processes to address these issues are not consistently applied, leading to duty-holders failing to take firm action.

Duty-holders must clearly outline concrete steps educators and school leaders must take to address discrimination and harassment and create positive change in their classrooms.

During consultations, the OHRC heard that the Ministry of Education's focus on accountability as a process instead of an outcome contributes to ongoing challenges to effectively combat anti-Black racism and discrimination. The Ministry of Education must shift to outcome focused accountability measures to improve educators' and school administrators' approach to addressing discrimination in their schools.

Transparency within the education system is important to ensure that the public understands how all duty holders uphold their human rights obligations. Currently, schools, school boards, and the Ministry of Education do not consistently communicate with students and parents, guardians, or communities about

incidents of anti-Black racism, discrimination or harassment within schools or how they are addressed.

Parents, guardians, and communities have a right to be informed. Educators, administrators, and other education staff must communicate with parents or guardians about discrimination within schools and how they address it.

School boards and schools must create trauma-informed and community-oriented approaches to communicate with students, parents, guardians, and communities. The Ministry of Education must support school boards and schools to deliver and implement these initiatives. School boards and schools must build partnerships with Black parents, guardians, and community organizations that involve dialogue on existing disparities and disproportions and how to address them.

The Ministry of Education, school boards and schools must clearly communicate to the public about existing legislation, policies and procedures, accountability, and reporting practices to improve human rights in the education system. School boards must also report on their progress in addressing anti-Black discrimination by highlighting improvements in Black student outcomes and detailing the specific actions and resources implemented to sustain these positive changes. All duty holders in the education system must strive for a culture of continuous improvement.

Faculties of Education

Faculties of Education must recognize their role in developing educators to educate diverse students. While Ontario Faculties of Education have recognized the need to diversify their student body to reflect the diversity of Ontario's population,¹⁵³ they still need to work with post-secondary institutions to develop robust recruitment strategies to attract more diverse teacher candidates. They must also develop systems to assess the impact of their curriculum, including human rights courses, and evaluate new educators' performance, including indicators on anti-Black racism, discrimination, and harassment.

Unions

Unions have an obligation to address discrimination and harassment in the education system. While much work has been done at the provincial level, OHRC consultations reveal existing challenges at the local level with anti-Black racism and discrimination within unions across the province, including a lack of representation within union leadership, under-reporting of anti-Black discrimination involving union members, and the general absence of data collection regarding racial discrimination and harassment in the workplace.

Unions should support their members who report and make complaints about discrimination, including systemic discrimination, even if the persons alleged to have engaged in discrimination or harassment are also union members. Once a union becomes aware of discrimination or harassment, it has a duty to consider the interests of all its members, especially those who are harmed by discrimination or harassment in the workplace.

Unions should collaborate with employers to develop internal human rights policies and procedures to protect their members from discrimination or harassment. Unions should also take a proactive role in human rights training and education for their members and assessing the effectiveness of such training through concrete human rights measures. Unions should also hold employers accountable for any discriminatory hiring practices.

Unions must also better inform the public about their roles in addressing complaints of discrimination or harassment, including anti-Black discrimination in the education system involving their members, and what they can or cannot disclose due to confidentiality.

School boards and schools

School boards must demonstrate to the public that they are accountable for establishing and maintaining a discrimination free school environment through transparent, functional, and accessible complaints systems for staff, students, parents, and families. It is important that school boards involve Black community

organizations and community members when developing complaints systems to address anti-Black discrimination.

School boards must immediately update their recruitment, hiring and promotion policies to remove barriers, such as bias and nepotism and ensure transparent hiring practices to attract more diverse candidates.

School boards and schools must also be accountable for providing resources to staff to support anti-Black racism initiatives, improving community outreach, and addressing allegations of discrimination, including anti-Black discrimination from educators, education staff, or students. They must also issue a comprehensive annual report including, for example, the number of complaints about discrimination, anti-Black racism within the board/schools, how they were addressed and the outcome.

Trustees

School board trustees play a critical role in upholding human rights and ensuring that anti-Black racism initiatives are meaningfully implemented within their boards. As elected officials, trustees must support duty-holders—including school boards, educators, and administrators—in advancing human rights work. Trustees must take an active leadership role, support those leading this work, and allow necessary change to happen. They should also be held accountable for their contributions to fostering a discrimination and harassment-free education system for students and education staff.

Ministry of Education

The Ministry of Education and the Ministry of Citizenship and Multiculturalism must increase school boards and schools' access to human rights and equality initiatives and programming, such as Human Rights and Equity Advisors, Graduation Coaches, and System Navigators. The Ministry of Education must also ensure each school board has a fully staffed central office with responsibility for human rights and substantive equality, including but not limited to anti-Black racism. The Ministry of Education should also immediately create a specific and ongoing fund (Core

Education Fund, previously known as the Grant for Student Need) to resource anti-Black racism initiatives in schools.

The Ministry of Education should ensure that all collective bargaining include strong commitments to protect human rights for all staff, students, and families.

Actions

This Action Plan includes concrete actions that all duty-holders within the publicly funded education system must take to improve outcomes, including the ones below for Black students and Black educators.

1. Black students in the publicly funded K to 12 education system must be able to learn in a school environment that are free from all forms of discrimination and harassment, including anti-Black discrimination.
2. Black students must be given equal opportunities to benefit from the education system to help them achieve their full potential to contribute to society. Within four years, the publicly funded education system should be able to demonstrate improved academic achievements for Black students, including:
 - a. Positive well-being and a sense of belonging
 - b. Improved EQAO results, especially in literacy and numeracy
 - c. Higher graduation rates
3. Within four years, the publicly funded education system should demonstrate improved relationships between educators and Black students, including reductions in:
 - a. Suspension rates
 - b. Unjustified formal and informal streaming
 - c. Calls to police and Children's Aid Society
4. Black educators and administrators in the publicly funded K to 12 education system can work in environments free from discrimination and harassment based on race and be given equal opportunities to achieve their full professional potential.

5. Within four years, the publicly funded education system should report an increase in:
 - a. Retention of Black educators
 - b. Black teacher candidates
 - c. Discipline for discriminatory behaviour towards Black educators

Immediate Actions (1-2 years)

Action 1 – Education Duty-Holders Must Acknowledge and commit/pledge to action on Anti-Black Racism and Discrimination in Education

All levels of the education system, including school boards, schools, unions, and Faculties of Education must make a clear, formal, and public acknowledgement of the structural and systemic nature of anti-Black discrimination and its impact on Black students and Black education staff's right to an education and work environment free from discrimination and harassment. Further, duty holders must recognize that systemic anti-Black racism is at the root of the tacit acceptance of the on-going discriminatory practices pervasive throughout Ontario's publicly funded education system.

Duty-holders must also work with Black communities to establish and implement measurable plans and initiatives (e.g., human rights and anti-discrimination frameworks, human rights indicators and evaluations, targeted supports with impact evaluations) to address and report on anti-Black racism and discrimination.¹⁵⁴

Action 2 – Education Duty Holders Must Develop a Communication Strategy to Acknowledge Anti-Black Racism and Discrimination in Education

The OHRC calls on all levels of the education system, including school boards, trustees, schools, unions, and Faculties of Education to clearly communicate their acknowledgement of anti-Black racism and discrimination in education.

In collaboration with students, parents/guardians, and the community, school boards must adopt multi-modal and multilingual approaches to ensure the

acknowledgement and associated action plan reach the whole student populations and their families.

Action 3 - The Ministry of Education Must Create a Provincial Framework to Address Human Rights and Anti-Black Discrimination

The OHRC calls on the Ministry of Education to create a provincial policy and impact framework to address discrimination and harassment in Ontario's education system. This should include specific measures to combat anti-Black discrimination and harassment including addressing gaps in responsiveness and accountability through mechanisms to verify performance impact and improvement.

The Framework must include:

- a. A Multi-Year Plan (MYP) for sustainable expansion of resources and programs created to address anti-Black racism and discrimination. (See Actions [22](#), [23](#), [24](#), [25](#))
- b. Goals and outcomes pertaining to the hiring, promotion, and retention of Black educators and education workers, and employment systems review process. (See Action [29](#))
- c. An independent and comprehensive evaluation of the framework to determine effectiveness and potential improvements.
- d. A commitment from leadership at all levels of administration, including trustees, to drive systemic change and accountability.
- e. Training and support for leaders to effectively implement accountability measures specific to addressing racial discrimination with particular focus on anti-Black racism.
- f. Accountability measures for data governance.
- g. Accountability and enforcement measures for intervening in instances of racial harassment and discrimination.
- h. Clear guidelines for reporting and addressing human rights violations with transparent lines of authority for roles, responsibilities, and functions.
- i. Transparent and accessible complaints process for students, educators, education workers, parents, and community members. (See Actions [12b](#), [22](#))

Action 4 - The Ministry of Education Must Develop a Communication Strategy for the Accountability Framework

The OHRC calls on the Ministry of Education to develop a communication strategy for the provincial framework to address human rights and anti-Black discrimination and harassment referenced in **Action 3**.

The communication strategy must:

- a. Incorporate multi-modal and multilingual approaches to ensure [rights-holders](#) can access the information.
- b. Include multi-year plan with clearly defined outcomes.
- c. Include timeframe for compliance reporting.
- d. Be community and trauma informed.
- e. Be publicly available.

Action 5 – The Ministry of Education Must Review the Policy and Protocol of PPMs

While the Minister of Education has the authority under the *Education Act* (s. 8(1)(29.1)) to require school boards to develop and implement equity and inclusive education policies, the Ministry must ensure these policies are strengthened to explicitly align with human rights and anti-discrimination principles.

Updated policies should provide clear, mandatory guidance for school boards and ensure alignment with the provincial framework on human rights and anti-discrimination (see **Action 3**).

The Ministry of Education must:

- a. Embed human rights principles into relevant policy and program memorandums to ensure compliance with the *Code*.
- b. Conduct a review of PPM 119 (see [Appendix J](#)) and *Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools* (June 24, 2009) to align it with human rights and anti-discrimination principles and Anti-Racism Act (2017) and the Anti-Racism Data Standards (2018).

- c. Establish a separate PPM to address anti-Black discrimination with detailed guidelines and actions to combat anti-Black racism at all levels of the education system.
- d. Establish clear mechanisms for oversight and enforcement of the policy, with clearly delineated roles, functions, and responsibilities.
- e. Establish standards for human rights knowledge and anti-racism to be included in teacher qualifications.

Action 6 – The Ministry of Education Must Communicate Policy and Procedure Updates

The OHRC calls on the Ministry of Education to communicate to school boards, unions, and rights-holders about their policy reviews updates and to consult with school boards to establish the most effective manner of communication.

The Ministry of Education must:

- a. Provide rights-holders an overview of process.
- b. Provide completion timeframe.
- c. Provide publicly published update and incorporate multi-modal and multilingual approaches to ensure right holders have access to information.

Action 7 - Ministry of Education Must Establish a Threshold for Independent Intervention for *Code* violations

The OHRC calls on the Ministry of Education to establish a clear threshold for when it will engage an independent reviewer to address a serious or ongoing allegations of anti-Black racism within a school board. This threshold should be defined to ensure that any organization consistently violating the Ontario *Human Rights Code* faces appropriate remedial measures to address and rectify systemic issues. The threshold criteria must be developed in consultation with external experts who have a demonstrated competence in human rights and in addressing anti-Black racism. School boards must be able to demonstrate that they comply with all legal obligations.

The Ministry of Education must:

- a. Develop a clear and measurable threshold to address serious or repeated instances of racism and discrimination within a school board, with the authority to engage an independent reviewer. The threshold should consider the frequency and severity of the racism and discrimination, and its impact on students, families, school, and community. The threshold should be developed in consultation with external experts who have a demonstrated competence in human rights and in addressing anti-Black racism.
- b. Provide preventive support, including policy development and regular audits to school boards to ensure educators, principals, and senior leadership uphold and advance human rights principles.
- c. Ensure any investigator involved in reviewing and addressing human rights issues, including from trustees and student trustees, have extensive knowledge and experience in human rights.

Action 8 – School Boards Must Communicate Roles and Responsibilities Related to Human Rights

The OHRC calls on school boards to establish greater clarity of roles, responsibilities, qualifications, standards, and legal obligations of duty-holders (including but not limited to those with human rights portfolios) under the Ontario *Human Rights Code* and to clearly communicate these to the community.

Action 9 - Faculties of Education Must Establish an Accountability Framework for Increased diversity of teacher candidates with particular attention to increasing the number of Black educators

The OHRC calls on Faculties of Education to create and implement an internal human rights accountability framework to address anti-Black discrimination and harassment in education.

Faculties of Education must:

- a. Increase the diversity in teacher candidates through targeted recruitment.
- b. Secure a commitment to the framework from leadership at all levels within faculties.

- c. Provide training and support for leaders to effectively engage with and implement the accountability measures.
- d. Establish a comprehensive evaluation process with specific timelines to determine compliance and effectiveness of the framework.
- e. Establish assessments to measure the impact of courses on aspiring educators and their practice.

Action 10 – Unions Must Establish an Accountability Framework for addressing the discrimination and harassment experienced by Black educators and addressing anti-Black racism when committed by members

The OHRC calls on unions to establish and implement an internal human rights accountability framework to address anti-Black discrimination and harassment in education.

Unions must:

- a. Create an accountability framework that includes clear guidelines on and timelines for reporting and addressing human rights violations, including anti-Black discrimination and harassment, with transparent roles, responsibilities, and functions.
- b. Develop and implement accountability procedures for local union branches to investigate complaints of discrimination and harassment, including from Black educators and education workers.
- c. Hold members accountable for human rights violations, including anti-Black racism and harassment, and leadership for addressing complaints of discrimination or harassment from Black educators and education workers.
- d. Identify and implement transparent processes for reporting, investigating and following up on instances of anti-Black discrimination, harassment, and poisoned work environment. Unions have legal obligations under labour law to investigate complaints or potential grievances for merit. Where systemic patterns of anti-Black racism are identified within local unions, national branches have an obligation under the *Code* to establish processes to investigate and address these issues, including conducting reviews to ensure

fair representation of Black members. Where possible these investigations should be conducted by an independent investigator.

- e. Ensure all processes (e.g., grievance, arbitration) include a human rights lens.
- f. Integrate and implement human rights language, including discrimination and harassment into constitutions, by-laws, and collective agreements.
- g. Develop transparent and accessible complaints mechanisms for educators and education workers, including how they hold employers accountable and establishing a clear process for addressing discrimination between members. (See **Actions** [12b](#), [22](#))
- h. Establish a comprehensive evaluation process with specific timeframes to determine compliance and effectiveness of the framework.
- i. Secure a commitment to the framework from leadership at all levels within the union to drive systemic change.
- j. Provide training and support for leaders to effectively implement accountability measures.
- k. Establish a centrally administered complaints system to investigate external complaints against members.

Action 11 - Unions Must Establish a Communication Strategy for an Accountability Framework and Monitoring Framework

The OHRC calls on unions to establish a clear communication strategy to inform members of the accountability framework.

A communication strategy must be:

- a. Developed in partnership with Black members.
- b. Circulated to all local levels.
- c. Made accessible online and regularly updated.

Action 12 – OCT Must Enhance Capacity on Anti-Black Racism and Discrimination

The OHRC calls on the Ontario College of Teachers (OCT) to work with education partners to improve public awareness and access to its publicly available information about disciplinary processes, increase its capacity to investigate

incidents of anti-Black discrimination, and improve standards of practice regarding racism, discrimination and culturally responsive pedagogy.

OCT must:

- a. Review standards of practice regarding racism, discrimination and culturally responsive pedagogy.
- b. Create a mechanism to track complaints filed at the school board level that may also amount to professional misconduct.
- c. Explore ways to collaborate with other duty-holders to increase public awareness of publicly available information.
- d. Hire staff who have demonstrated knowledge and experience in investigating anti-Black racism, discrimination, and harassment.
- e. Work with Faculties of Education and school boards to increase educator engagement in anti-Black racism Additional Qualifications.

Intermediate Actions (3-5 years)

Action 13 – School Boards Must Establish a Human Rights Office in Each School Board

The OHRC calls on each school board to establish a central office to implement human rights policies and investigate human rights complaints from students and staff under the *Code*, such as discrimination, harassment, and poisoned environments, including anti-Black racism, and to develop human rights capacity within the board.

The Human Rights office must be established in collaboration with the community and supported by the Ministry of Education and the school board.

The Human Rights Office must:

- a. House HREAs.
- b. Respond promptly to incidents of discrimination.
- c. Be empowered to create accountability measures for board directors and school principals for human rights incidents.

- d. Assist students, parents, and communities facing discrimination and harassment to access information, navigate school systems and effectively advocate for students.

The Ministry of Education must:

- e. Empower and resource school boards to establish human rights offices which will engage and collaborate with community groups and stakeholders, collect and report data as per the Provincial Framework (Action 3), and investigate complaints.

Action 14 - School Boards Must Develop Culturally Competent Communication Plans for Student and Family Engagement

The OHRC calls on all school boards to partner with School and Family Advocates (SFA) or System Navigators to develop [culturally competent](#) communication plans to inform and engage parents and students at critical points in the educational transitions to improve their understanding of education pathways and opportunities.

School boards must:

- a. Collaborate with students, parents, and communities to establish multi-modal and multilingual approaches to targeted and effective communication, including:
 - i. Create a communication plan for parents/guardians and families about the transition from Grade 8 to Grade 9, and other significant decisions taking place in grades 1 to 6.
 - ii. Create a communication plan for parents and families about the transition to post-secondary school.
- b. Collaborate with parents/guardians of Black students and Student and Family Advocates to develop culturally relevant education and support services. These services should provide meaningful support to parents/guardians within/from diverse communities.

6.2 Monitoring and Evaluation

The education system's process driven procedures impede its ability to consistently identify and focus on addressing causes of discrimination and racism. This process-driven focus begins with the Ministry of Education and runs through the system. Therefore, the OHRC calls on all parties in the education system to re-focus efforts to address discrimination and anti-Black racism from process-driven to outcome-driven to achieve discrimination free learning environments.



"I think data and ongoing monitoring is key to driving change going forward. As we learn and create goals, we can measure success and failure i.e., reports of incidents. Are graduation rates changing up or down, are they on the rise or do we need a new plan?"

- Community Member



All duty-holders must develop and implement a human rights indicator framework that includes benchmarks and measures of success. The framework should include quantitative and qualitative data, and performance and compliance indicators to monitor the effectiveness of programs and initiatives and to monitor duty-holders' obligations to human rights standards.¹⁵⁵ Qualitative data is gathered through partnership with stakeholders including students, parents, and community members. This approach aligns with legal obligations under the *Code* and empowers rights-holders to advocate for meaningful change and uphold the highest standards of human rights for all.

Strong performance measures and data collection will hold the education systems accountable for combatting anti-Black racism and discrimination.

However, simply collecting data will not address past failures of education institutions to achieve real change. Likewise, the lack of quantitative measures specific to their setting should not prevent schools from taking steps to be more welcoming and safer environments for Black students, families, and educators.

Currently, the education system collects extensive data, however, it is not clear whether and how the data is being used to evaluate system performance on human rights issues. The OHRC asserts that data collection on all *Code* grounds is a leading practice. Both quantitative and qualitative data collection can be used to identify the nature and location of human rights issues, including systemic issues, and remove them.

The OHRC states in its publication [*Count me in! Collecting human rights-based data*](#) that good data collection serves to identify and verify or debunk theories and perceptions. For example, data can challenge the notion that racism does not exist in a school. Qualitative data is particularly important to measure progress, enhance transparency and accountability, and increase trust in an institution.¹⁵⁶

When conducting research and analysis, it is crucial to consider government and non-governmental sources of socio-demographic data collected in a program or policy area, including data from comparable initiatives in other jurisdictions. During the development of options and recommendations, it is necessary to mandate the collection of socio-demographic data. Lastly, when implementing programs and services, the collection of data must be carried out in culturally responsive and ethical ways.

In September 2023, the Ministry of Education released the Student Achievement Plan (SAP) which is a system planning tool that relies on the [disaggregated data](#) across several indicators and schools are encouraged to utilize local data, including data regarding specific student populations. However, the plan does not measure system performance (measured according to a determined set of indicators and outcomes that are comparable across the system and over time), with respect to student and educator well-being, critical indicators of meeting human rights obligations. Student and educator well-being should be part of broader systemic work on the monitoring and realizing non-discrimination in education. The SAP does not provide guidance to schools on how to analyze and interpret the data, how to engage students, parents, and communities, or how to measure outcomes for the data collection.

School boards and schools must measure what will lead to change and support initiatives and programs which achieve best outcomes for all students, including

Black students. They must regularly communicate outcomes to the Ministry of Education to support a province-wide students-outcome initiatives.

While school boards collect more data than is required under the SAP, they currently do not have the ability to share information between boards and learn from each other's experiences and leading practices. The OHRC calls on the Ministry of Education to work with school boards to establish a formal system to exchange information on measurable outcomes to address anti-Black racism discrimination and racism in schools.

The OHRC also calls on the Ministry of Education to establish a systematic and consistent approach for school boards to monitor and report on anti-Black discrimination and other human rights issues across the entire education system, with specific indicators to verify progress.

The Ministry of Education must hold school boards accountable for human rights outcomes within their schools through comprehensive outcome-focused metrics that include academic achievement, anti-Black discrimination, and students' sense of belonging and well-being.

Immediate Actions (1-2 years)

Action 15 - Ministry of Citizenship and Multiculturalism Must Amend Anti-Racism Act Regulation 267/18 and Data Standard

The OHRC calls on the Minister of Citizenship and Multiculturalism (MCM) immediately to review and amend the Anti-Racism Act (ARA) regulation 267/18 to designate the Ministry of Education as the primary authority for education data collection, instead of individual school boards. While the ARA and the *Human Rights Code* establish the legislative authority for data collection, the Minister should implement enhanced guidelines that go beyond the minimum standards. This should include establishing and mandating use of a comprehensive template to collect and report race-based data, and enforcement mechanisms for non-compliance.

The Ministry must:

- a. Amend the ARA to mandate school boards to collect and disaggregate data on student demographics based on *Code* grounds and non-*Code* grounds, to measure academic achievement, EQAO results, suspensions, expulsions, exclusions, graduation rates.
- b. Amend the ARA to mandate school boards to collect, disaggregate, analyze, and publicly report data on their workforce representation and tenure, particularly on educators, to support diversity within their board. This includes a schedule for data collection, analysis, and reporting, and ensuring that disaggregated data is published on Open Data.
- c. Amend the ARA and Regulation 267/18 to include a compliance framework for collecting data and reporting timelines to guide the Ministry of Education and school boards and to designate the Ministry of Education as the authority for data collection in publicly funded education.
- d. Create resources for school boards on stakeholder partnerships for the data collection, analysis, action planning and monitoring processes.
- e. Collaborate with Statistics Canada to align data collection standards with current socio-demographic data collection practices.

Action 16 - Ministry of Education Must Centralize and Standardize Data Collection, Analysis, and Reporting

The OHRC calls on the Ministry of Education to mandate a centralized and standardized process for all school boards to collect and publicly report demographic and *Code*-based data. This includes establishing and mandating use of a comprehensive template to collect and report race-based data.

Monitoring, reporting, and preventing discrimination in the education systems are important accountability measures. Data collection and climate surveys using disaggregated data are effective tools to do so and should include information on who experiences discrimination by racialized group and their intersecting grounds of discrimination. They should also outline the nature of incidents and where they happen.

The Ministry of Education must:

- a. Review EQAO to include race-based data collection.
- b. Identify the essential disaggregated data that all school boards must collect on an annual basis, in addition to other relevant data specific to school boards, to show outcomes for Black students.
- c. Develop a robust monitoring framework to ensure school boards collect and use *Code*-based data to address the impact of [racial disparities](#) on the mental health of student.
- d. Equip school boards with expert resources to monitor consistency in the collection, quality, and analysis of their data.
- e. Work with the Ontario College of Teachers to collect and publicly report data on the racial composition of the education professional body.
- f. Require school boards to record and publicly report on an annual basis the number of Black educators, staff, and students, and incidents of anti-Black racism in their board.
- g. Require school boards to use year-over-year data to identify and address patterns of anti-Black racism in their board, in collaboration with Black community organizations and families.
- h. Develop a framework that provides school boards guidance to collect, analyze and report findings from biannual employee surveys. Data collected from this survey may include, but not be limited to employee's day-to-day experiences, engagement, work environment and applicable *Code*-based data.¹⁵⁷
- i. Require school boards to publicly release [de-identified](#) disaggregated data from the biannual employee survey that assess their employment practices. This report should highlight important perspectives including but not limited to representation from historically marginalized groups, treatment in hiring, training experiences, and promotion.¹⁵⁸

Action 17 – The Ministry of Education Must Publish Disaggregated Data on Ontario Data Catalogue

The OHRC calls on the Ministry of Education to publicly release all de-identified disaggregated data on [Ontario Data Catalogue](#) to allow access to the public, communities, and researchers.

Action 18 - Ministry of Education Must Establish and Implement a Monitoring Framework

The OHRC calls on the Ministry of Education to establish a comprehensive provincial monitoring framework to ensure school boards effectively address disparities amongst students in educational outcomes. The framework should include, but not be limited to benchmark data, qualitative and quantitative outcomes, and performance and compliance indicators.

The Ministry of Education must:

- a. Develop and implement an outcomes monitoring framework with indicators measuring progress and achievement on anti-discrimination.
- b. Require school boards to report annually on outcomes, disaggregated according to *Code* grounds, including:
 - i. Educational achievement
 - ii. Student well-being
 - iii. Literacy, numeracy and graduation rates
 - iv. Discipline, suspension, expulsion, and exclusion rates
 - v. Number of human rights-related complaints.
- c. Identify disparities, create approaches to address them and identify remedial measures for lack of compliance.
- d. Provide preventive support, including, but not limited to **Action 13, 24, 25** to school boards to assist them in meeting their obligations, including policy development and regular audits.
- e. Develop mechanisms to monitor and evaluate school boards' initiatives and programs to hold school boards accountable.

Action 19 - Ministry of Education Must Establish a Cross-Ministry Data and Monitoring Working Group

The OHRC calls on the Ministry of Education to establish a working group, in collaboration with the OHRC, ARD, and other relevant community stakeholders, to review and update the outstanding recommendations from the Ministry of Education's 2017 report [*Unlocking Student Potential Through Data*](#).

The working group should develop a comprehensive plan to expand and enhance data governance, collection, analysis, and reporting within the public education system, and focus on implementing outstanding recommendations relating to data.

The working group must:

- a. Develop a comprehensive plan based on [*Unlocking Student Potential Through Data*](#) and implement the outstanding recommendations from the report. The plan should outline objectives, timelines, and deliverables for expanding and enhancing data governance, collection, analysis, and reporting within Ontario's public education system.
- b. Develop a robust human rights monitoring framework to track progress on implementing recommendations.
- c. Evaluate and strengthen existing data governance frameworks within the public education system to ensure compliance with privacy laws and ethical guidelines.
- d. With guidance from the Information Privacy Commission, implement protocols for secure data storage, access, and sharing among relevant stakeholders.
- e. Conduct a thorough assessment of current data collection practices across all school boards to identify and address gaps and strengths, and develop adaptable and consistent criteria for data collection for rollout across systems.
- f. Work with researchers, subject experts, and communities to develop strategies to identify and address discrimination or [*disproportionality*](#) among *Code*-protected individuals in the education system.

- g. Ensure an intersectional analysis is incorporated into existing and new data related recommendations to understand how vulnerable students are affected.
- h. Collaborate with Statistics Canada and relevant institutions to map, retrieve, maintain, and, to the extent permitted by law, share reliable, disaggregated data on Black representation over defined periods of time.
- i. Engage with diverse stakeholders including Black educators, students, parents/guardians, community organizations, and advocacy groups to seek input through consultations to ensure that the plan and indicator framework are inclusive, culturally sensitive, and responsive to community needs.
- j. Establish mechanisms for continuous monitoring and evaluation by the Ministry of Education and MCM on data-related initiatives and human rights indicators, as well as compliance management and operationalisation of oversight.
- k. Publicly publish a report on the results.

Action 20 - Unions Must Establish and Implement a Monitoring Framework

The OHRC calls on unions to monitor and evaluate all initiatives relating to their accountability framework guided by benchmark data, qualitative and quantitative outcomes, and performance and compliance indicators.

Action 21 - Faculties of Education Must Establish and Implement a Monitoring Framework

The OHRC calls on Faculties of Education in Ontario, in partnership with their post-secondary institution and associated human rights offices, to establish a monitoring framework that includes audit, reporting and evaluation to measure the impact of initiatives and programs and implemented by the faculties.

Action 22 - Education Duty-Holders Must Review and Update Complaints Procedures and Processes

The OHRC calls on all educational organizations, including school boards and unions, to review and update complaints procedures to receive, investigate, and resolve complaints of discrimination and harassment.

The complaints procedures should establish an anti-racism protocol for recognizing, acknowledging, tracking, measuring, investigating, and responding to incidents of discrimination, harassment, and poisoned environment reported by students, educators, staff, parents, or the school community. These mechanisms should also provide programs, interventions, and other supports for students and educators targeted by racism, witnesses of racism, and individuals who have engaged in racist behaviors, delivered by trained professionals such as social workers and psychologists. There should also be an effective internal complaint resolution process guided by the OHRC's Policy and Guidelines on Racism and Racial Discrimination.¹⁵⁹

Education organizations must implement robust data collection on complaints to monitor and address systemic issues, and share data about discrimination and harassment complaints with unions. Key considerations should include:

- a. The number of human rights complaints received, disaggregated by *Code* grounds.
- b. Whether the complaint was from a student, educator, education worker, or other staff.
- c. The name of the school in the complaint.
- d. The number of internal investigations relating to human rights disaggregated based on *Code* grounds.
- e. The number of applications filed with the Human Rights Tribunal of Ontario.

The Ministry of Education must:

- f. Mandate school boards to co-develop a school-based human rights complaints policy, procedure, and process with parents/guardians, caregivers, and members of the broader school community. This includes procedures for addressing issues with school policies or potential discriminatory suspensions, expulsions, and exclusions of children, detailing all recourse. The complaints procedure must consider the existing institutional barriers which impact victims of discrimination. Comprehensive data and reporting requirements should be publicly available.

- g. Mandate school boards to inform parents/guardians and caregivers about school human rights complaints policy, procedure, and process. This includes procedures to address issues with school policies and discriminatory use of discipline practices, including but not limited to, suspensions, expulsions, and exclusions. School boards must also inform parents/guardians and caregivers about their right to file an application with the Human Rights Tribunal of Ontario or a complaint with the Ontario Colleges of Teachers.

Intermediate Actions (3-5 years)

Action 23 - Education Duty-Holders Must Develop an Early Intervention System (EIS) for Racial Discrimination and Harassment

The OHRC calls on the Ministry of Education to work with school boards to develop and implement an Early Intervention System (EIS) to track and address potential racial discrimination and harassment complaints reported within the board or schools.

Early intervention systems (EIS), also known as early warning systems, can help school boards to quickly identify and prevent potential human rights issues before they happen. This can be done through collection and analysis of race-based data and identification of patterns of behaviour to alert supervisors of potential issues that must be addressed.

The EIS would help school boards to proactively address racial and other *Code*-based discrimination and harassment to ensure a safe learning and working environments for all students and educators.

The Ministry of Education in partnership with the relevant education partners must:

- a. Develop and implement an Early Intervention System (EIS) for school boards to prevent racial and other *Code*-based discrimination and harassment by administrators, educators, or education workers.
- b. Ensure the EIS aligns with leading practices for data collection, privacy protection, and fairness in monitoring potential misconduct.
- c. Integrate *Code*-based data into the EIS to effectively monitor and analyze incidents of discrimination and harassment.

- d. Develop procedures to capture and assess data on behaviors or incidents of anti-Black discrimination and harassment.
- e. Engage with the community, including Black students, families, and advocacy groups for input into the procedures and to receive feedback on the effectiveness of the EIS.
- f. Use data to publicly report on the effectiveness of school boards preventing racial discrimination and harassment using EIS.

School boards must:

- g. Use the EIS to promptly identify patterns of behavior or incidents that may indicate racial discrimination or harassment.

6.3 Student Well-being

Students' well-being is essential to pursuing success in education, as well as their life goals and aspirations. Black students in Ontario are forced to learn in an environment marked by longstanding systemic anti-Black racism. While some manage to succeed, many struggle because of the discrimination and harassment they experience. Black students should not have to learn in such an environment. Instead, they deserve, and is their right to learn in supportive and positive environs, which give them the same opportunities as other students - allowing them to be educated free from discrimination.

To foster well-being for **all** students, the Ministry of Education must resource, enhance and expand programs which have shown to improve Black students' experience in the education system. These programs include, affinity spaces, graduation coaches, tutoring, mentorship work-integrated learning opportunities, system navigators, curriculum supports, and information sharing that specifically seeks to address anti-Black racism and foster positive mental health and well-being of Black students and staff. The Ministry of Education must also provide guidance and support for the creation of school board policies and procedures to address discrimination and improve recruitment.

School boards and schools must have strong policies and procedures to combat racial discrimination and harassment and create a positive learning environment

for all students. School board policies should include a clear commitment to human rights and recognize that discrimination can take many forms. Policies should set out clear roles, responsibilities, procedures, and mechanisms for reporting discrimination to someone in authority, impartially investigating and resolving complaints, communicating outcomes to the parties involved while maintaining privacy and confidentiality.

School boards should take a [human rights-based approach](#) when developing or reviewing policies or initiatives and consider how discrimination, including anti-Black racism, may be a factor. This involves conducting research and engaging with affected communities, ensuring decision-takers understand and can address human rights issues, including human rights education training as a part of implementation and monitoring and evaluating the human rights impact of all policies and initiatives.

Representation is key. It is essential that school boards educators and leaders represent Ontario's and their local diverse demographics. Black and other racialized students should see educators, education workers and other staff in the system who look like them. Northern and rural school boards anticipating or experiencing a change in community demographics, should plan for and implement recruitment to reflect this change, including Black educators and develop appropriate supports. This will improve supportive networks for Black students and Black educators in non GTA-Toronto CMA communities.

As well, school boards and schools must regularly engage with Black students and families to foster their success in the education system. Many families, including Black parents/guardians, face barriers in participating in their children's education because of increased societal challenges, long or irregular work hours, income inequality, lack of access to transportation or childcare. School boards and schools must explore various options to engage with Black and racialized families other than the traditional 'parent/guardian-educator interview' or curriculum nights.

Currently, school boards do not have systematic ways to collaborate and share leading practices and lessons learned about Black students' well-being, anti-Black racism, and discrimination. This has had a systemic negative impact on Black students and Black educators who are exposed to anti-Black racism within schools and school boards.

School boards must explore opportunities to improve collaboration and share leading practices and lessons learned to ensure that Black and other racialized students can learn and succeed in a discrimination-free learning environment. This includes sharing effective practices, funding opportunities, programming, and networking opportunities to leverage the collective experiences of school boards and develop expertise to support anti-racism initiatives.

Immediate Actions (1-2 years)

Action 24 - Ministry of Education Must Monitor and Expand the Graduation Coach Program for Black Students

The OHRC calls on the Ministry of Education to increase provincial investment in the Graduation Coach Program for Black Students across school boards. In addition, the OHRC encourages expanding the program to all school boards and schools in proportion to the local student population.

The Ministry of Education must:

- a. Allocate ongoing funding and resources to expand the graduation coach program for Black students.
- b. Work with educators, students, and community organizations to establish program standards and guidelines for graduation coach programs across the province including hiring qualified coaches.
- c. Mandate school boards to collect and report on comprehensive data, including disaggregated data on an annual basis on the number of participants, academic achievements, graduation rates, and post-secondary placements for all participants in graduation coach programs.
- d. Monitor implementation of the graduation coach program across Ontario and conduct periodic evaluations of the program for effectiveness and changes.
- e. Include data in the Ministry of Education's centralized data repositories for analysis and public reporting.

Action 25 – Education Duty-Holders Must Expand the Student and Family Advocates (SFA) / System Navigator Program

The OHRC calls on the Ministry of Education to partner with the Ministry of Citizenship and Multiculturalism (MCM), Ministry of Children, Community and Social Services (MCCSS), and the Ministry of Francophone Affairs to fund the expansion of the Student and Family Advocates program (SFA) provincially with added responsibility to engage parents/guardians and caregivers of Black students to help them navigate the education system to advocate for their children. Data from Student and Family Advocate programs should be shared with the Ministry of Education.

This will foster stronger partnerships between schools and families of Black students, enhance student support, improve educational outcomes, and promote a more inclusive and equitable learning environment for Black students across the education system.

The Ministry of Education must:

- a. Work with the MCM, MCCSS, and MFA through the Black Youth Action Plan (BYAP) and Youth Opportunities Fund (YOF) to allow system navigators at the elementary and secondary schools levels to provide supports, including mentorship, tutoring, mental health support, and career guidance to Black students.

School boards must:

- b. Develop tailored strategies to support Black families to navigate the education system in culturally sensitive ways, including:
 - i. Foster partnerships with community organizations and cultural groups to provide additional support and resources to Black families.
 - ii. Conduct regular evaluations and gather feedback from parents and communities to assess the clarity, accessibility, and relevance of communicated information.
- c. Develop processes which enable Black families to work with the SFA program to Black communities through targeted outreach and communication.
- d. Strengthen supports for parent involvement committees (PIC) to broaden community participation and balance representation based on demographics.

Action 26: School Boards Must Create Inclusive Guidance Counselling for Students Transitional Stages

The OHRC calls on school boards to include parents/guardians and their children in the guidance counselling process when students reach grades 8 and 9. The transition into secondary school and the educational pathway selected in Grade 9 can significantly influence students' opportunities. While 'de-streaming' is ongoing, students and their parents/guardians would continue to benefit from understanding the different streams (e.g., 'academic' for university, 'applied' for college and trades, 'essential' for the workforce directly after high school). Including parents in targeted guidance counselling will enhance educators' accountability to students and parents/guardians during these educational transitional stages.

Action 27: School Boards Must Create Affirmative Education Spaces for Black Students

The OHRC calls on school boards to create affirming educational spaces that respect all Black students' intersecting identities.

School boards must:

- a.** Create inclusive school policies and practices that celebrate and validate Black students' intersecting identities within the school community, including, but not limited to, dedicated spaces for gathering and support.
- b.** Foster a school climate that promotes respect, understanding, and appreciation for diversity among students and staff.

Action 28: Education Duty-Holders Must Create Black Affirming and Empowering Curriculum

Representation in the curriculum is important to create a more and sustained inclusive non-discriminatory learning environment that imparts the richness of Ontario's communities to all students. A shift in curriculum development to intentionally incorporate Black history and Black experiences is essential to creating a positive learning environment for Black students. The Ministry of Education, school boards, and unions should support educators in learning and teaching culturally responsive curricula.

Faculties of Education, OCT, unions, and school boards should build capacity within the curriculum for student educators and educators to develop the skills and competencies the need to teach about Black intersecting identities and to address discrimination.

The Ministry of Education must:

- a. Ensure representation of Black intersectional identities in curriculum materials, textbooks, and supplementary resources.
- b. Develop and disseminate culturally responsive teaching resources that reflect the diversity of Black experiences, identities, and histories.
- c. Provide access to supplementary materials and tools that educators can use to enhance classroom discussions on intersectionality and diversity.
- d. In collaboration with Black communities, parents, and community organisations, research and integrate diverse Black narratives, histories, and contributions in the K to 12 curricula as core subject disciplines.

School boards must:

- e. In partnership with OCT and unions, school boards, implement mandatory professional development programs for educators on culturally responsive teaching practices.
- f. Partner with Black students, parents, community organisations and educators to assess the impact of curriculum transformation on learning experiences and educational outcomes.

Action 29: Education Duty-Holders Must Develop Targeted Recruitment of Black Educators and Education Workers

The OHRC calls on school boards to actively increase the diversity of leaders within the education system, specifically by including Black persons with lived experiences of discrimination. This approach will enable Ontario's public education system to more effectively better respond to the needs of all students, especially Black students.

School boards must:

- a. Develop targeted recruitment strategies to attract Black educators, educational workers, and staff.
- b. Establish networks and communities of practice where educators, administrators, and school staff can share knowledge, experiences, and resources related to creating safe and welcoming environments for Black students.
- c. Promote diversity throughout the education system, including educators, educational assistants, social workers, guidance counsellors, office staff, vice-principal, principals, and superintendent.
- d. Implement targeted initiatives to recruit and retain Black educators in northern Ontario, considering the unique challenges of geographic isolation, limited resources, and lack of supportive networks.
- e. Provide additional support and resources to ensure that Black educators in northern Ontario can thrive and contribute effectively to creating inclusive and positive educational environments.
- f. Incentivize educators in completing Additional Qualification courses in the areas of culturally responsive pedagogy, anti-racist pedagogy, trauma-informed pedagogy and supporting student well-being.
- g. Develop targeted strategies to ensure a pipeline of Black education leaders (including school and system leaders)
- h. Develop and implement strategies that are responsive to concerns about discrimination and harassment from Black leaders.

Faculties of Education must:

- i. Develop targeted recruitment and retention policies/strategies to attract Black educators, educational workers, and staff.

The Ministry of Education must:

- j. Review all hiring and promotion policies to identify and eliminate systemic barriers and biases.
- k. Require each school board to undergo a streamline comprehensive employment systems review process and provide report to the Ministry.

Ontario College of Teachers must:

- l.** Offer targeted professional development opportunities focused on culture awareness and culturally relevant or culturally responsive teaching, anti-racism education, trauma-informed practices, and supporting Black student well-being.
- m.** Identify baseline training that is mandatory for graduation.

Collaborative Actions:

- n.** School boards and Faculties of Education must increase diversity in leadership positions.
- o.** School boards, in partnership with Faculties of Education, should develop and implement outreach programs to encourage Black students to pursue careers in education. Resources should be allocated to provide support throughout potential student's educational journey (e.g., entrance scholarship and bursary).
- p.** The Ministry of Education, in partnership with stakeholders, should develop a standard hiring and promotion policy or guide to ensure equitable access to leadership positions.
- q.** In partnership with unions, school boards and the Ministry of Education must establish and enforce policies and practices that create safe, inclusive, and supporting working environment for Black educators and staff. Policies addressing *Code*-based discrimination and harassment, including a poisoned environment must be updated and publicly reported to all members.
- r.** School boards and unions should establish mentorship programs, professional development opportunities, and career advancement pathways to support the career growth and engagement of Black staff members.
- s.** OCT should improve offerings of targeted professional development opportunities focused on culturally responsive teaching, anti-racism education, trauma-informed practices, and supporting Black student well-being. School boards should incentivize educators in completing Additional Qualification courses in these areas.

Chapter 7:

Next Steps, Monitoring and Reporting on Implementation



“

**Teachers should support all students regardless of their race.
Teachers should be open minded and know that we are all human
and trying our best.”**

– Black Student

”

The safety, well-being, and success of all students in Ontario’s publicly funded schools must always be at the forefront. Yet, systemic anti-Black racism and discrimination within this education system is a crisis that requires urgent and sustained action. The OHRC conducted province-wide public consultations and has issued this Action Plan to address the crisis.

The Ministry of Education holds ultimate responsibility for ensuring the success and safety of all students in Ontario’s publicly funded education system, regardless of the decentralized nature of school governance.¹⁶⁰ The Ministry of Education sets the Ontario curriculum¹⁶¹ and is responsible for developing laws, regulations, policies, and programs for the education system. However, systemic gaps in policy and programs, data collection, and curriculum design reveal a troubling pattern: some students are seen, while others—particularly Black students—are overlooked.

Ontario’s public education system is highly decentralized. Ontario’s 72 publicly funded school boards have significant discretion on how to allocate funds and deliver services. The Auditor General for Ontario reports that the Ministry of Education’s explanation is, “that school boards are each governed by an elected board of trustees who have responsibility for making autonomous decisions based on local needs.”¹⁶² Nonetheless, the Ministry of Education can establish standards, outline expectations for school boards, and monitor the implementation of its policies and programs. It can also set provincial standards for assessment, evaluation, and reporting, and require boards to collect data.

Through province-wide consultations, the OHRC has identified many opportunities for improvement to combat anti-Black racism, discrimination and harassment, and create a safe and discrimination-free learning environment for **all** students and

their families. These start with duty-holders within the education system upholding their obligations under the *Code*, the *Education Act*, the Ontario College of Teachers *Code of Conduct*, and related Ministry of Education's policies and procedures.

This Action Plan calls first on the Ministry of Education, as the duty-holder ultimately responsible for administering publicly funded education in Ontario, to take the responsibility this entails. The OHRC calls on all duty-holders in the publicly funded education system such as: school administrators, educators, school boards, trustees, the Ministry of Education, unions and Faculties of Education, to be more transparent about their roles and obligations with students, educators and families, monitoring for and combating discrimination, harassment, and poisoned environments, including anti-Black racism and discrimination, and accountability for concrete human rights outcomes across the system for Black students, their families, and for Black educators.

They have a shared responsibility and accountability to creating a learning and working environment for students and staff in Ontario's education system that is free from discrimination and harassment.

The OHRC envisions a transformative change in the education system through the calls to action in this Action Plan. So, it calls on all stakeholders to collaborate and embrace a new paradigm that prioritizes human rights and substantive equality.

The OHRC will develop a strategy to monitor the implementation of this Action Plan and publish periodic updates on the implementation. The OHRC will work with duty-holders and rights-holders on the implementation of the calls to action to improve outcomes for Black students and educators.

The OHRC recognizes that school boards and other duty-holders are at different stages in the implementation of various human rights policies, including ones to address anti-racism, and anti-Black racism and discrimination. The OHRC will require school boards to demonstrate continuous improvement towards substantive equality under the *Code* for Black students and provide verifiable progress updates on the achievements. The OHRC will also continue to engage with unions, the Ministry of Education, Faculties of Education and the Ontario College of Teachers on the implementation of the calls to action in this Action Plan directed to them and will report publicly on outcomes.

The OHRC emphasizes that the Ministry of Education is accountable for these outcomes through the structures and policies it establishes. This responsibility provides both an imperative and an opportunity for the Ministry to fulfill its mandate to serve **all** children equitably. Addressing anti-Black racism and discrimination in education requires bold, systemic action to ensure that Black students are not only seen but supported, valued, and empowered to thrive. The path forward demands leadership, accountability, and a commitment to dismantling the barriers that have hindered the educational success of Black students and Black educators for far too long.

Appendices



Appendix A: About the artists Small Hype

[Small Hype](#) is an impact-driven design agency operating at the intersection of creativity and purpose. Founded on principles of cultural preservation, this innovative team brings together expertise in design, digital art, and storytelling to create meaningful visual and literary experiences. Their pioneering projects aim to resonate with diverse audiences globally, delivering high-quality branding, visual identity, and audiovisual productions that showcase African and Black excellence.

At the core of Small Hype's mission is a commitment to sustainability and social responsibility. The agency leverages its creative endeavors to promote literacy, empower communities, and advocate for cultural diversity in all spaces. With a special focus on African schools and children in the diaspora, Small Hype ensures their initiatives remain accessible to young readers worldwide, fostering a more inclusive creative landscape.

Small Hype's dedication to impact extends beyond their creative outputs. The agency prioritizes environmental sustainability and educational advancement, viewing these as integral to their role in shaping a better future. By combining innovative design solutions with a deep sense of purpose, Small Hype produces impactful products, inspires, and empowers communities, contributing to a more diverse and culturally rich global narrative.

Appendix B: About the Illustration

Hiding in Plain Sight – The Ontario Human Rights Commission's (OHRC) initiative to tackle anti-Black racism and discrimination in the province's publicly funded education system is aptly illustrated through the metaphorical artwork, "Hiding In Plain Sight." This artwork depicts the educational journey of two Black students who overcame racial obstacles to achieve high school graduation, despite the systemic barriers that often delay or derail the dreams of Black learners. Subtly woven and cleverly concealed in the piece is an elephant – symbolizing the "elephant in the room" – representing the pathway that charts the students' academic progress.

This imagery demonstrates the need to overcome long-ignored barriers caused by systemic racism and discrimination within Ontario's schools. The artwork emphasizes the pervasiveness of anti-Black racism and discrimination and the resilience, joy, hope, and potential to overcome barriers, and aligns with the OHRC's goal to help create an environment where Black students can flourish, free from discrimination and supported by their entire community in realizing their aspirations.

Appendix C: About the Ontario Human Rights System, Mandate and Authority

The OHRC is one of three pillars of Ontario's human rights system, alongside the Human Rights Tribunal of Ontario and the Human Rights Legal Support Centre. The OHRC's mandate, derived from the Ontario *Human Rights Code*,¹⁶³ is to advance, protect, and promote human rights and to prevent and eliminate systemic discrimination in Ontario. The *Code* sets out 17 protected grounds of discrimination in five social areas.¹⁶⁴ It is also the OHRC's duty to promote the policy that the dignity and worth of every person in Ontario be recognized and that substantive equal rights and opportunities be provided without discrimination that is contrary to law.¹⁶⁵

The OHRC's Functions

The OHRC has specific legal powers under the *Code*, including conducting inquiries and filing or intervening in discrimination applications at the HRTO.

Section 31 of the *Code* enables the OHRC to conduct inquiries into incidents or conditions of tension or conflict within a community, institution, or sector of the economy, make recommendations, and/or encourage and to ensure compliance with the *Code* across programs and policies.

Under Section 35, the OHRC may file its own applications to the HRTO, known as Commission-Initiated Applications, where it acts in the public interest rather than for any individual. These cases focus on systemic issues rather than, individual remedies such as personal compensation, with the HRTO as the final decision-maker on alleged discrimination.

Under Section 14 of the *Code*, programs designed to address the needs of historically disadvantaged groups are permitted and encouraged. This Action Plan is grounded in the authority that Section 14 grants all duty-holders to create policies, procedures, programs, and service delivery to address historical disadvantage. The aim of the *Code* is to enable individuals to overcome systemic

barriers to eliminate discriminatory impacts, and the actions outlined in this Action Plan are framed as necessary steps toward fulfilling this obligation.

Public Information, Education Programs, and Human Rights Lens

Through programs of public information and education, the OHRC encourages duty-holders to apply a human rights-based approach to reviewing existing and creating new policies and programs. A human rights-based approach is one which provides for analysis of policy and service delivery in light of anti-discrimination and other human rights obligations for duty-holders. It seeks to ensure that human rights are protected and enhanced by the policy or in service delivery (see [Appendix H: What is a Human Rights Based Approach \(HRBA\)?](#)).

Appendix D: Glossary of Terms

TERM	DEFINITION
2SLGBTQQA+	Lesbian, gay, bisexual, transgender, queer, questioning, intersex and Two-Spirited.
Additional Qualifications (AQ)	Additional Qualifications (AQs) aim to enhance the professional knowledge, skills, and practices of certified educators. These courses are offered by colleges, universities, educator federations, principals' and Supervisory Officers' organizations, community and subject organizations, and school boards, while OCT develops course guidelines, ¹⁶⁶ approves course providers ¹⁶⁷ and accredits AQ courses.
Artificial Intelligence	A subfield of computer science that develops intelligent computer programs to behave in a way that would be considered intelligent if observed in a human (e.g., solve problems, learn from experience, understand language, interpret visual scenes)
Accommodation	Adjusting services, environments, programs and practices or making other arrangements to remove barriers and better respond to or address individual needs based on a prohibited ground(s) so that individuals with prohibited ground(s)-related needs do not experience adverse effects. The duty to accommodate (see definition below) refers to employer's legal obligation under the <i>Human Rights Code</i> to make these adjustments. Accommodations must respect the individual's

TERM	DEFINITION
	dignity and maximize inclusion, integration, participation and independence.
Anti-Black racism	<p>“Prejudice, attitudes, beliefs, stereotyping, and discrimination that is directed at people of African descent and rooted in their unique history and experience of enslavement and its legacy. Anti-Black racism is deeply entrenched in Canadian institutions, policies, and practices, to the extent that it is either functionally normalized or rendered invisible to the larger White society. Anti-Black racism is manifest in the current social, economic, and political marginalization of African Canadians, which includes unequal opportunities, lower socio-economic status, higher unemployment, significant poverty rates, and overrepresentation in the criminal justice system.”</p> <p>– Government of Ontario</p>
Barrier	Anything that prevents a person or group from fully participating in and benefitting from all aspects of any area of society.
Black	For the purposes of this Action Plan, the term “Black” will be used to describe people of African descent, which include, but are not limited to people of North American, African, and Caribbean descent.
Black Joy	<p>Black Joy speaks to how Black people – individually and collectively – have been able to thrive academically, socially, and emotionally despite the systemic barriers they face and continue to face. Black Joy is not a denial or dismissal of struggles</p>

TERM	DEFINITION
	<p>faced by Black people but a refusal to be defined and limited by them. Black Joy flows from Black people's refusal to always focus on their struggles and negative experiences, and instead centres joy to change the narrative. Prioritizing the importance of joy, engagement, and belonging in schools as the foundation for achievement and student success, counters, and ideally decreases, the racism Black children begin to internalize and experience early in their lives. That is why access to Black Joy is vital for empowering Black students, because it helps to celebrate their identities, experiences, and abilities</p>
<p>Cultural competence/culturally competent</p>	<p>An ability to interact effectively with people of different cultures, particularly in human resources, non-profit organizations, and government agencies whose employees work with persons from different cultural/ethnic backgrounds. Cultural competence has four components:</p> <ol style="list-style-type: none"> 1. Awareness of one's own cultural worldview 2. Attitude towards cultural differences 3. Knowledge of different cultural practices and worldviews 4. Cross-cultural skills (developing cultural competence results in an ability to understand, communicate with and effectively interact with people across cultures.
<p>Data</p>	<p>Data consists of facts, figures, and statistics objectively measured according to a standard or</p>

TERM	DEFINITION
	scale, such as frequency, volumes or occurrences, but does not include information.
Discrimination	Discrimination exists when rules, standards or requirements have a differential impact on people based on a prohibited <i>Code</i> ground. In some cases, direct discrimination takes place through another person or other means. Discrimination can also occur when a rule, standard or requirement appears to be neutral but has a discriminatory impact nonetheless. Intent is not required for discrimination to exist.
De-identify	In relation to the information of an individual, means to remove any information that identifies the individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify the individual.
District	The corporate entity of a school board
Dignity	Recognition of a person's inherent worth and right to be valued and respected.
Disaggregated data	Disaggregated data is data that provides sub-categories of information, for example by ethnic group, gender, occupation, or educational status. Sometimes this is called demographic data. Unlike aggregated data, which groups information together, disaggregated data can reveal inequalities and relationships between categories.
Direct discrimination	A person discriminates "directly" when the action itself is discriminatory and when the person acts

TERM	DEFINITION
	on his or her own behalf. For example, a building manager who refuses to rent an apartment because he prefers to rent to someone of his own ethnic background is discriminating directly.
Directors of Education	Under the <i>Education Act</i> , the Director of Education is the “chief education officer” and “chief executive officer” and is required to “develop and maintain an effective organization and programs required to implement board policies” (s. 283).
Disproportionality	The state of being “out of proportion.” In services areas such as education, health, justice and child welfare, it is usually used to refer to the under- or over-representation of certain groups relative to their proportion in the general population.
Diversity	The presence of a wide range of human qualities and attributes within a group, organization, or society. The dimensions of diversity include, but are not limited to, ancestry, culture, ethnicity, gender, gender identity, gender expression, language, physical and intellectual ability, race, religion, sex, sexual orientation, and socio-economic status.
Duty-holders	All people have a responsibility for respecting human rights. Duty-holders are state or non-state actors that have the obligation to respect, protect, promote and fulfill the human rights of rights-holders. Duty-holders have the obligation to set up mechanisms for effective remedies and meet legal and other obligations relating to human rights issues.

TERM	DEFINITION
Duty to accommodate	The legal obligation under the <i>Human Rights Code</i> to accommodate students' and employees' needs related to a prohibited ground(s), to the point of undue hardship . The duty includes procedural and substantive elements to collaboratively identify accommodation options and solutions, and to provide accommodation that most respects the individual's dignity and needs, and that maximizes integration, independence and participation.
Educator	This term includes members of the education system who are certified by the Ontario College of Teachers to teach in publicly funded school. It includes elementary and secondary school educators, vice-principals, and principals.
Education system duty-holder	Are duty-holders employed or elected within the education system that have the obligation to respect, protect, promote and fulfill the human rights of rights-holders.
Education worker	This term includes education assistants, school library workers, administrative assistants, custodians and tradespeople. Early childhood educators, instructors, nutrition service workers, school safety monitors and social workers in schools and board offices.
Equity	A term commonly used to describe a condition or state of fair, inclusive, and respectful treatment of all people.
Equality/Substantive Equality	Equality under the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code means substantive equality. Substantive equality is

TERM	DEFINITION
	<p>concerned with ensuring that people have the freedom and equal opportunity to fully participate in society. Substantive equality takes into account the full social context of the individual in assessing the effects that laws, policies, programs or conduct may have on them. That social context may include a variety of factors, including the individual's experiences as a member of a historically marginalized group.</p>
Exclusions	<p>Where a school board refuses to admit a student to a school or classroom. This is different from suspension or expulsion. Section 265(1)(m) of the <i>Education Act</i> gives states:</p> <p>"Subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal's judgement be detrimental to the physical or mental well-being of the pupils;"</p>
Expulsion	<p>Expelled students are removed from school for an indefinite time. An expulsion does not have a time limit.</p>
Faculties of Education	<p>Thirteen public Faculties of Education offer English-language and two offer French-language initial teacher education programs in Ontario. Preparing for a career in teaching in Ontario currently involves successfully completing a three- or four-year bachelor's degree, followed by a two-year (four-semester) program of professional education accredited by the Ontario College of Teachers.</p>

TERM	DEFINITION
Indirect discrimination	Indirect discrimination is discrimination carried out through another person or organization. For example, a building manager tells her superintendent not to rent to people of a certain ethnic group because their food “smells too much.” The manager can be named in the human rights claim because she used the superintendent indirectly to discriminate against people because of their ethnic origin.
Harassment	Engaging in a course of vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome.
Inclusive Education	Education that is based on the principles of acceptance and inclusion of all students. Students see themselves reflected in their curriculum, their physical surroundings, and the broader environment, in which diversity is honoured and all individuals are respected.
Indigenous	A term used to collectively describe First Nations, Métis and Inuit.
Intersecting, intersectional, intersectionality	A framework or approach that considers how someone’s identification with more than one <i>Code</i> -protected ground or characteristic can result in unique or compounded barriers or discrimination (for example, how a student’s First Nations, Métis or Inuit identity, race, gender, socio-economic status, being a newcomer, refugee, English-language learner or being in the child welfare system, can combine with a reading

TERM	DEFINITION
	disability to create unique and overlapping experiences of disadvantage and discrimination).
Inclusion	Appreciating and using our unique differences – strengths, talents, weaknesses and frailties – in a way that shows respect for the individual and ultimately creates a dynamic multi-dimensional organization.
Intersectional Discrimination/ Intersectionality	Discrimination based on the overlap between or combination of two or more Prohibited Grounds. Often it is the result of identities that intersect in a socially significant way. It refers to discrimination that occurs based on two or more Prohibited Grounds that produces a unique and distinct form and experience of discrimination, and recognizes that people’s lives involve multiple overlapping identities, and that marginalization, exclusion and discrimination may be further exacerbated because of how these identities interact or “intersect”.
Ministry of Education	Under the <i>Education Act</i> , the Ministry of Education is responsible for overseeing all aspects of Ontario’s public education system. As well as funding and oversight functions, the Ministry has overall responsibility for developing legislation, regulations, and policies for education. The Minister of Education is appointed by the Premier, and is an elected Member of Provincial Parliament (MPP).
Oppression	Systemic social inequity reinforced by social institutions that is also embedded within individual

TERM	DEFINITION
	consciousness. It results from institutional and systemic discrimination and personal prejudice limiting and restricting opportunities and resources. Oppression works to benefit dominant or privileged groups and disempowers or subordinates others.
Ontario College of Teachers (OCT)	Ontario College of Teachers regulates the teaching profession and governs its members, as set out in the <i>Ontario College of Teachers Act</i> . The OCT develops codes of conducts for educators, investigates complaints and makes decisions about educator discipline and fitness to practice.
Ontario Teachers' Federation	The Ontario Teachers' Federation (OTF), established by the <i>Teaching Profession Act</i> , is the professional organization for all educators in Ontario's publicly funded schools. OTF is the official liaison between educators and the Ministry and provides advice and input about policy decisions.
Poisoned work environment	<p>A negative, hostile or unpleasant workplace due to comments or conduct that tend to demean a group identified by one or more prohibited grounds under the <i>Code</i>, even if not directed at a specific individual. A poisoned work environment may result from a serious single event, remark or action.</p> <p>While the notion of a poisoned environment has predominantly arisen in an employment context, it can specifically arise in the context of education services.</p>

TERM	DEFINITION
Power	Access to privileges such as information/knowledge, connections, experience and expertise, resources and decision-making that enhance a person's chances of getting what they need to live a comfortable, safe, productive and profitable life.
Principals	Principals are responsible for organizing and managing individual schools, including any budget the school board assigns to the school. They are responsible for the quality of instruction at their school and for student discipline. Principals are responsible for assigning teachers to classes and selecting textbooks and other learning materials from the approved Ministry list, with the help of teachers. Principals are also required to provide the Ministry with any information that may be required on the school's instructional program, operation or administration. ¹⁶⁸ For more information, visit one of the provincial principals' organizations: Ontario Principals' Council, Catholic Principals Council of Ontario, or Association des directions et directions adjointes des écoles franco-ontariennes.
Privilege	Unearned power, benefits, advantages, access and/or opportunities that exist for members of the dominant group(s) in society. Can also refer to the relative privilege of one group compared to another.
Prohibited/protected grounds	The Ontario <i>Human Rights Code</i> prohibits discrimination or harassment based on these personal characteristics. The specific protected

TERM	DEFINITION
	<p>grounds include age, ancestry, citizenship, colour, creed, disability, ethnic origin, family status, gender identity and gender expression (recently added to the <i>Code</i>), marital status, place of origin, race, sex (including pregnancy), sexual orientation, receipt of public assistance (in housing) and record of offences (in employment).</p>
Race	<p>Race is a term used to classify people into groups based principally on physical traits (phenotypes) such as skin colour. Racial categories are not based on science or biology but on differences that society has created (i.e., “socially constructed”), with significant consequences for people’s lives. Racial categories may vary over time and place and can overlap with ethnic, cultural or religious groupings.</p>
Racialized	<p>Racialized persons and/or groups can have racial meanings attributed to them in ways that negatively impact their social, political, and economic life. This includes but is not necessarily limited to people classified as “visible minorities” under the Canadian Census and may include people impacted by antisemitism and Islamophobia.</p>
Racial discrimination	<p>There is no fixed definition of racial discrimination. However, it has been described as any distinction, conduct or action, whether intentional or not, but based on a person’s race, which has the effect of imposing burdens on an individual or group, not imposed upon others or which withholds or limits access to benefits available to other members of</p>

TERM	DEFINITION
	society. Race need only be a factor for racial discrimination to have occurred.
Racial disparity	Racial disparity is unequal outcomes in a comparison of one racial group to another racial group.
Racial profiling	Any action that relies on stereotypes about race, colour, ethnicity, ancestry, religion or place of origin, or a combination of these, rather than on a reasonable suspicion to single out a person for greater scrutiny or different treatment.
Racism	An ideology that either explicitly or implicitly asserts that one racialized group is inherently superior to others. Racist ideology can be openly manifested in racial slurs, jokes or hate crimes. However, it can be more deeply rooted in attitudes, values and stereotypical beliefs. In some cases, these beliefs are unconsciously maintained by individuals and have become deeply embedded in systems and institutions that have evolved over time. Racism plays a major role in the social processes that give rise to and entrench racial discrimination.
Reprisal	An action or threat that is intended as retaliation for claiming, enforcing or refusing to infringe a right under the <i>Code</i> .
Rights-holders	All people are rights-holders. These include members of groups that are protected under Ontario's <i>Human Rights Code</i> : people who may face discrimination based on age, ancestry, citizenship, colour, creed, disability, ethnic origin,

TERM	DEFINITION
	family status, gender identity, gender expression, marital status, place of origin, race, receipt of public assistance (in housing only), record of offences (in employment only), sex and sexual orientation. Marginalized individuals and groups who are not protected by the <i>Code</i> are also rights-holders.
School Boards	The province's 72 publicly funded school boards are responsible for delivering special education programs and services in accordance with Ministry requirements – the <i>Education Act</i> , regulations and policy. School Boards There are 72 school boards in Ontario, including 31 English public boards, 29 English Catholic boards, 4 French public boards, and 8 French Catholic boards.
School Councils	School Councils provide advice to the principal and school board. Every school must have a school council, and members include parents, the principal, a teacher, a student (in high schools), a non-teaching staff member, and a community representative.
Supervisory Officers	Supervisory Officers often called superintendents, are accountable to the Board of Trustees through the Director of Education for the implementation, operation, and supervision of educational programs in their schools. You can contact your school superintendent if you cannot get the help you need from the school principal.
Support Staff	It takes a whole range of people to support students and keep a safe and healthy school

TERM	DEFINITION
	environment. Educational Assistants, Early Childhood Educators, Caretakers, School Secretaries, Social Workers, Speech and Language Pathologists are just some of these.
Suspension	A suspension means a student is removed from school temporarily for a specific period of time. Under section 306(4) “a suspension under this section shall be for no less than one school day and no more than 20 school days...”
Systemic discrimination, systemic barriers (structural barriers)	Consists of attitudes, patterns of behaviour, policies or practices that are part of the social or administrative structures of an institution, sector or system, that create or perpetuate a position of relative disadvantage for groups identified under the <i>Code</i> such as students with disabilities. The attitudes, behaviour, policies, or practices may appear neutral on the surface but nevertheless have an adverse effect or exclusionary impact.
Teachers	Teachers are the front-line representatives of the education system. They are responsible for preparing lesson plans, effective instruction and supporting their students. On request, teachers report to the principal on their students’ progress. Teachers are also responsible for taking part in regular meetings with students’ parents or guardians. ¹⁶⁹ Their many activities go beyond instruction and include encouraging students to pursue learning, maintaining classroom discipline, and evaluating students’ learning and progress.

TERM	DEFINITION
Trustees	Trustees are elected to the school board during municipal elections and represent the interests of parents and students in their area. They play a key leadership role in ensuring that schools operate within the standards established by the province, and that the programs and services remain responsive to the communities they serve.
Undue hardship	A legal test to describe the extent to which an organization must accommodate under the <i>Human Rights Code</i> . It is a high standard and must be supported by objective, real and direct evidence.

Appendix E: Demographic Data Tables

Table 1. Black Canadian Population by Province/Territory (2021 Census)

Province/Territory	Total Provincial Population	Black Canadian Population	% of Total Provincial Population	% of Total Black Canadian Population
Newfoundland and Labrador	510,550	3,590	0.7%	0.2%
Prince Edward Island	154,331	1,815	1.2%	0.1%
Nova Scotia	969,383	28,220	3.0%	1.8%
New Brunswick	775,610	12,155	1.6%	0.8%
Québec	8,501,833	422,405	5.1%	27.3%
Ontario	14,223,942	768,740	5.5%	49.7%
Manitoba	1,342,153	46,485	3.6%	3.0%
Saskatchewan	1,132,505	22,570	2.0%	1.5%
Alberta	4,262,635	177,940	4.3%	11.5%
British Columbia	5,000,879	61,760	1.3%	4.0%
Yukon	40,232	560	1.4%	0.04%
Northwest Territories	41,070	1,060	2.6%	0.1%
Nunavut	36,858	565	1.5%	0.04%
CANADA	36,991,981	1,547,870	4.3%	100%
Source: Statistics Canada, 2021 Census of Population				

Table 2: Black Ontarians by Place of Birth within Canada (2021 Census)

Place of Birth	Count	Percentage (%) of Total Black Population in Ontario
Newfoundland and Labrador	205	0.0%
Prince Edward Island	70	0.0%
Nova Scotia	3,025	0.4%
New Brunswick	515	0.1%
Québec	11,465	1.5%
Ontario	320,205	41.7%
Manitoba	1,385	0.2%
Saskatchewan	525	0.1%
Alberta	3,270	0.4%
British Columbia	1,510	0.2%
Yukon	10	0.0%
Northwest Territories	30	0.0%
Nunavut	70	0.0%
Total	342,275	44.5%

Place of Birth	Count	Percentage (%) of Total Black Population in Ontario
Source: Statistics Canada. 2024. (table). Special Interest Profile. 2021 Census of Population. Statistics Canada Catalogue no. 98-26-00092021001. Ottawa. Released March 20, 2024. https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/sip/index.cfm?Lang=E		

Table 3: Top Twenty Countries of Birth for Black Ontarians (2021 Census)

Place of Birth	Count	Percentage (%) of Total Black Population in Ontario
Jamaica	114,450	14.9%
Nigeria	54,515	7.1%
Ethiopia	20,285	2.6%
Somalia	20,230	2.6%
Ghana	18,370	2.4%
Trinidad and Tobago	16,190	2.1%
Eritrea	14,350	1.9%
United States of America	12,255	1.6%
Guyana	12,040	1.6%
Haiti	11,920	1.6%
Democratic Republic of the Congo	11,020	1.4%
Barbados	9,035	1.2%
United Kingdom of Great Britain and Northern Ireland	8,545	1.1%
Saint Vincent and the Grenadines	8,650	1.1%
Grenada	7,340	1.0%
Kenya	7,175	0.9%
Saint Lucia	5,165	0.7%
Cameroon	5,120	0.7%
Burundi	5,005	0.7%
Republic of the Sudan	4,555	0.6%
Total	426,460	55.5%
Source: Statistics Canada. 2024. (table). Special Interest Profile. 2021 Census of Population. Statistics Canada Catalogue no. 98-26-00092021001. Ottawa. Released March 20, 2024. https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/sip/index.cfm?Lang=E		

Table 4: Religious Affiliation of Black Ontarians (2021 Census)

Religion	Count	Percentage (%) by Total Black Population in Ontario
Buddhist	425	0.1%
Christian	530,760	69.0%
Christian (not otherwise specified)	218,260	28.4%
Anabaptist	250	0.0%
Anglican	27,825	3.6%
Baptist	20,500	2.7%
Catholic	118,415	15.4%
Christian Orthodox	20,630	2.7%
Jehovah's Witness	6,555	0.9%
Latter Day Saints	535	0.1%
Lutheran	1,295	0.2%
Methodist and Wesleyan (Holiness)	4,225	0.5%
Pentecostal and other Charismatic	69,745	9.1%
Presbyterian	5,190	0.7%
Reformed	220	0.0%
United Church	4,750	0.6%
Other Christian and Christian-related traditions	32,645	4.2%
Hindu	1,870	0.2%
Jewish	1,660	0.2%
Muslim	88,575	11.5%
Sikh	75	0.0%
Traditional (North American Indigenous) spirituality	60	0.0%
Other religions and spiritual traditions	4,615	0.6%
No religion and secular perspectives	140,695	18.3%
Total	768,740	
Source: Statistics Canada. 2024. (table). Special Interest Profile. 2021 Census of Population. Statistics Canada Catalogue no. 98-26-00092021001. Ottawa Released March 20, 2024.		

Table 5: Comparison of Knowledge of Official Languages in Ontario: Total Population vs. Black Population (2021 Census, 25% Sample Data)

Knowledge of Official Language	Total Ontario Population	Black Population in Ontario
English only	12,138,070	647,865
French only	38,390	11,560
English and French	1,512,160	103,750
Neither English nor French	343,135	5,565
Total	14,031,750	768,740
Source: Statistics Canada. 2024. (table). Special Interest Profile. 2021 Census of Population. Statistics Canada Catalogue no. 98-26-00092021001. Ottawa. Released March 20, 2024. https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/sip/index.cfm?Lang=E		

Table 6: Major Field of Study – Education by Gender, Broken Down by Visible Minority, Non-Visible Minority, and Black Population in Ontario

Major field of Study – Education	Total	Men	Women
Black population over 15 years of age in Ontario	12,020	3,195	8,825
Total Visible Minorities Population (includes Black pop)	82,515	15,495	67,025
Non-visible minority over 15 years of age in Ontario	275,740	63,990	211,750
Total Population over 15 (visible and non-visible)	358,255	79,480	278,775
Source: Statistics Canada. 2024. (table). Special Interest Profile. 2021 Census of Population. Statistics Canada Catalogue no. 98-26-00092021001. Released March 20, 2024.			

Table 7: Black Ontarians by Census Metropolitan and Census Agglomeration Areas (2021 Census)

Census Metropolitan or Census Agglomeration Area (CMA/CA)	CMA/CA Population	Black Canadian/Ontarian Population	% of CMA/CA Population
Toronto	6,142,880	488,155	8%
Ottawa - Gatineau (Ontario part)	1,116,795	86,675	8%
Hamilton	773,440	33,510	4%
Oshawa	411,400	33,080	8%
Kitchener - Cambridge - Waterloo	568,065	26,545	5%
London	535,780	18,780	4%
Windsor	415,505	16,325	4%
St. Catharines - Niagara	425,480	12,785	3%
Barrie	210,150	7,300	3%
Guelph	163,485	6,240	4%
Brantford	141,910	4,220	3%
Greater Sudbury	167,620	4,040	2%
Kingston	168,075	2,825	2%
Chatham-Kent	102,095	2,600	3%
Peterborough	125,990	1,530	1%
Belleville - Quinte West	109,245	1,440	1%
Sarnia	96,290	1,290	1%
Thunder Bay	120,960	1,245	1%
Woodstock	45,950	930	2%
Cornwall	59,750	850	1%
Essa	22,790	705	3%
Norfolk	66,225	655	1%
North Bay	70,170	655	1%
Sault Ste. Marie	75,425	640	1%
Kawartha Lakes	77,230	605	1%
Stratford	32,480	585	2%
Orillia	32,270	405	1%
Owen Sound	31,875	325	1%
Tillsonburg	18,300	315	2%

Census Metropolitan or Census Agglomeration Area (CMA/CA)	CMA/CA Population	Black Canadian/Ontarian Population	% of CMA/CA Population
Centre Wellington	30,650	300	1%
Wasaga Beach	24,590	285	1%
Petawawa	17,290	270	2%
Midland	26,360	265	1%
Timmins	40,315	255	1%
Ingersoll	13,545	230	2%
Cobourg	19,780	225	1%
Collingwood	24,270	210	1%
Brockville	30,885	200	1%
Port Hope	16,885	200	1%
Hawkesbury	11,645	160	2%
Pembroke	23,085	115	0%
Elliot Lake	11,220	90	1%
Kenora	14,610	60	0%
Source: Statistics Canada. Visible minority: Canada, provinces and territories, census metropolitan areas and census agglomerations with parts			

Appendix F: Methodology

Initial Meetings with Community

Between 2022 – 2023, the OHRC embarked on a collaborative journey, convening a diverse range of voices, including its Commissioners, partners, stakeholders, education workers, community organizations, alongside key representatives from the Ministry of Education on issues pertaining to anti-Black racism and discrimination in all of Ontario’s publicly-funded education systems.

On January 30 and February 9, 2023, the OHRC met with community organizations dedicated to combatting and addressing anti-Black racism and discrimination in education. The OHRC acknowledges the campaign for an inquiry into anti-Black racism and discrimination in Ontario school boards. However, it also heard from Black communities that they do not believe further studies and research were necessary to prove anti-Black racism and discrimination exist. The OHRC undertook secondary research on anti-Black racism and discrimination in Ontario’s publicly funded education systems, which included 83 reports, and 190 recommendations, starting from 1948 onwards. That research, undertaken by community groups, activists and academics over decades, provided overwhelming evidence of anti-Black racism and discrimination in education, and its impacts on students, families and communities.

Advisory Group

In October 2022, the OHRC established the Anti-Black Racism and Discrimination in Education Advisory Group to ensure that the OHRC’s initiative is informed by Black experts and community leaders. Drawing on their expertise and experience, advisory group members provided overarching information and advice to the OHRC, including on the initiative’s priorities and actions, and mechanisms and approaches to increase accountability for outcomes for Black students. They played an essential role in shaping the OHRC’s understanding of different phases of the initiative and its potential impact.

Roundtable

In April 2023 the OHRC convened a two-day virtual roundtable with duty-holders in the education system in both English and French, to identify and discuss trends and developments on anti-Black racism and discrimination in education. These roundtable discussions provided a platform for stakeholders within the education system to engage in a meaningful dialogue, share insights, and identify strategies and solutions on anti-Black racism and discrimination in the education system. Discussions were held on eight key areas, including successful pathways for students and parents, student achievement and Black Joy, professional development, performance indicators, data collection, accountability mechanisms, operational drivers, and relationships, policy and advocacy drivers.

The OHRC also sought insights from Black Anglophone and Francophone students on improving the education experience. The discussion focused on three key questions, namely, identifying challenges affecting Black students' success, discussing ways educators can better support students and their families, and determining the skills need to provide equitable opportunities for all students, regardless of their background.

What We Heard Report and Compendium of Recommendations

In June 2023, the OHRC released its [*What We Heard Report*](#), which encapsulates insights gleaned from the roundtable discussions involving both Black students and duty-holders within the education system. The report illuminates the experiences and challenges faced by Black people within the education system. The OHRC used the roundtable discussions and this report as a starting point for dialogue with community members.

In tandem with the *What We Heard Report*, the OHRC compiled the [*Compendium of Recommendations*](#), a repository of 83 reports spanning seven decades, from 1948 to 2023. These reports document the pervasive nature of anti-Black racism and discrimination within education and its enduring impact on students, families, and communities. Through the identification of over 190 recommendations, the

Compendium serves as a historical roadmap, aiming to educate the public and foster productive dialogue. These community reports and recommendations were the entry point from which the OHRC began this initiative.

Written Submissions

Between July and October of 2023, the public was invited to comment on the issues and ideas presented in the *What We Heard Report* and the *Compendium of Recommendations*. Partners and stakeholders were asked to submit recommendations and solutions on specific issues that would be addressed in the Action Plan. The goal was to gather additional information to directly support the report findings. The OHRC received written submissions from 15 individuals and organizations, including school boards, unions, universities, activists, and principal and teacher associations.

Public Engagements

This Action Plan seeks to centre the input of Ontario's Black communities, students, and educators on anti-Black racism and discrimination. **Thirty (30) community engagement sessions** were held with Black community members, Black students, Black educators and education workers, totaling a sampling of over **500 people**. These sessions served as vibrant forums for dialogue, giving both rights-holders and duty-holders the opportunity to be heard and share experiences. Additionally, **written submissions** from community members, stakeholders and service providers, along with **key informant interviews**, enriched the breadth and depth of the consultation process, representing a diversity of interests and perspectives.

Between October 2023 and February 2024, the OHRC initiated a consultation process aimed at developing this Action Plan. The OHRC conducted consultations specifically tailored to engage students in every location visited, providing a platform for students to honestly express their classroom experiences and interactions with educators and administrators, their successes and frustrations with school programs and initiatives, dynamics among peers, aspirations for their future, and ideas on how to make the education system a safer and more positive place, all which shed light on the multifaceted impacts of these experiences.

The consultations spanned the province, taking place both in person and virtually in the following locations:

1. Kitchener-Waterloo
2. Hamilton
3. Sudbury
4. Ottawa
5. Windsor
6. Greater Toronto Area

Locations were selected based on various factors such as geography, size, and demographic composition, including the proportion of Black individuals and Black Francophones in each location, as informed by the 2021 census data. This comprehensive approach ensured that the consultation process was inclusive, representative, and reflective of the diverse fabric of Ontario's educational landscape.

Stakeholder Meetings

The OHRC held many stakeholder meetings, which served as a platform for public outreach and key informant discussions, allowing the OHRC to connect with individuals and groups who possessed lived experiences, subject matter expertise, and related insights. By involving stakeholders from diverse backgrounds and affiliations, including those within the education sector, community and parent groups, governmental bodies, institutions, businesses, and grassroots movements, we aimed to foster a collaborative approach towards addressing systemic anti-Black racism and discrimination in education. The OHRC recognizes the importance of collective effort and commitment across the education sector and other parts of society to enact meaningful change. The OHRC extends its gratitude to unions, professional associations, principal organizations, trustee groups, Faculties of Education, directors of education, public and catholic school board associations, and other duty-holders for their ongoing support and collaboration throughout this initiative. Through the review of relevant documents and engaging discussions, we strived to gain comprehensive insights into the areas under consideration, laying the foundation for the important work that will flow from this Action Plan.

Appendix G: Know Your Human Rights

This summary highlights the key rights children and young persons have in the realm of education in Ontario. Please note, it is by no means extensive, this guide is merely to educate readers on principles outlined in the Ontario *Human Rights Code*, *Canadian Charter of Rights and Freedoms*, and the UN's Convention on the Rights of the Child. These rights form the foundation of Ontario's education system, guiding policies, practices, and advocacy efforts to ensure that every individual has the right to thrive and reach their potential in a safe, inclusive, and supportive environment.

Ontario *Human Rights Code*

Under the *Code*:

- Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. (Ontario *Human Rights Code*, Section 1)
- Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. (Ontario *Human Rights Code*, Section 5(1))
- A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member...¹⁷⁰ (Ontario *Human Rights Code*, Section 11(1))
- A right under Part I is infringed where the discrimination is because of relationship, association or dealings with a person or persons identified by a prohibited ground of discrimination. (Ontario *Human Rights Code*, Section 12)

Canadian Charter of Rights and Freedom

Under the *Charter*:

- Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. (*Canadian Charter of Rights and Freedoms*, Section 15)
- Everyone has the following fundamental freedoms:
 - a) freedom of conscience and religion;
 - b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
 - c) freedom of peaceful assembly; and
 - d) freedom of association. (*Canadian Charter of Rights and Freedoms*, Section 2)

UN Convention on the Rights of the Child

Under the *Convention on the Rights of the Child*:

- All adults should do what is best for you. When adults make decisions, they should think about how their decisions will affect children. Decisions regarding education must prioritize the best interests of the child, taking into account their well-being, development, and views. (Convention on the Rights of the Child, Article 3)
- You have the right to give your opinion, and for adults to listen and take it seriously. You have the right to participate in decisions affecting your education. (Convention on the Rights of the Child, Article 12)
- You have the right to choose your own friends and join or set up groups, as long as it isn't harmful to others. (Convention on the Rights of the Child, Article 15)
- You have the right to protection from being hurt or mistreated, in body or mind. (Convention on the Rights of the Child, Article 19)
- You have the right to special protection and help if you are a refugee (if you have been forced to leave your home and live in another country), as well as

all the rights in this Convention. (Convention on the Rights of the Child, Article 22)

- You have the right to special education and care if you have a disability, as well as all the rights in this Convention, so that you can live a full life. (Convention on the Rights of the Child, Article 23)
- You have the right to help from the government if you are poor or in need. (Convention on the Rights of the Child, Article 26)
- You have the right to a good quality education. You should be encouraged to go to school to the highest level you can. (Convention on the Rights of the Child, Article 28)
- Your education should help you use and develop your talents and abilities. It should also help you learn to live peacefully, protect the environment and respect other people. (Convention on the Rights of the Child, Article 29)
- You have the right to practice your own culture, language and religion. Minority and indigenous groups need special protection of this right. (Convention on the Rights of the Child, Article 30)
- You have the right to play and rest. (Convention on the Rights of the Child, Article 31)
- No one is allowed to punish you in a cruel or harmful way. (Convention on the Rights of the Child, Article 37)
- You have the right to help if you've been hurt, neglected or badly treated. (Convention on the Rights of the Child, Article 39)
- You have the right to know your rights! Adults should know about these rights and help you learn about them, too. (Convention on the Rights of the Child, Article 42)

International Convention on the Elimination of All Forms of Racial Discrimination

- In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: The right to education and training. (Article 5 (v))
- States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention. (Article 7)

Appendix H: What is a Human Rights Based Approach (HRBA)?

In October 2023, the OHRC released its [Human Rights-Based Approach \(HRBA\) Framework](#),¹⁷¹ an educational tool to support the public, government, service providers and employers across the province in designing and developing policies and programs that meet their obligations under the Ontario *Human Rights Code*. A human rights-based approach serves to identify inequalities and remedy discriminatory practices, while also empowering marginalized communities through their participation and inclusion in program or policy development. It enhances the capacity of government policy and decision-makers to respect, protect and fulfill their legal human rights obligations.

Integrating a human rights lens to policy and program development means recognizing and prioritizing the legal obligations outlined in international and domestic human rights frameworks. Rather than replicating past efforts, a human rights-based approach (HRBA) confronts systemic issues like anti-Black racism and discrimination with a systemic response. This approach acknowledges the undeniable facts regarding inequality and discrimination, refraining from debating them, and instead focuses on bringing the system into compliance with its *Code* obligations.

Within a HRBA, outcomes are clearly defined based on human rights principles such as equality and non-discrimination. The goal is not merely to create environments where individuals feel safe, but to ensure they are truly safe, as mandated by human rights law. This approach recognizes that marginalized communities often face barriers that deny them their fundamental rights, perpetuating cycles of discriminatory behaviour.

Central to the HRBA is the active participation and inclusion of marginalized and vulnerable communities in decision-making processes. By amplifying their voices, HRBA aims to empower these communities and redress discriminatory practices that have historically marginalized them. Moreover, it strengthens the capacity of policymakers and decision-makers to fulfill their legal obligations by integrating

human rights principles into every stage of program or policy development, implementation, and monitoring.

Through the adoption of a human rights-based approach, the OHRC not only addresses immediate concerns but also works towards long-term systemic change. It is through this lens that we navigate the complex landscape of anti-Black racism and discrimination in education, ensuring that our actions are rooted in principles of equality, non-discrimination, and respect for human dignity.

Appendix I: A Brief Note on Data

The OHRC has long advocated for the collection of data on *Code* and non-*Code* grounds¹⁷² for *Code*-consistent purposes that is in “accordance with section 16 of the [Canadian Human Rights Act](#),¹⁷³ the federal [Employment Equity Act](#),¹⁷⁴ and section 15(2) of the [Charter of Rights and Freedoms](#).”^{175 176} The data collection is fundamental for promoting and protecting human rights. Examples of collecting *Code* and non-*Code* based data for purposes consistent with the *Code* include collecting data to:

- monitor and evaluate potential discrimination
- identify and remove systemic barriers
- lessen or prevent disadvantage
- promote substantive equality for people identified by *Code* grounds.¹⁷⁷

Data is important for tracking student achievement and outcomes, and for accountability. Lack of data collection, analysis and reporting has been a major accessibility barrier in Ontario’s education system.¹⁷⁸

In 2017, under the [Anti-Racism Act \(ARA\)](#) anti-racism strategy, the justice, education¹⁷⁹ and welfare sectors were mandated to collect, analyze, use and publicly report race-based data to address racial inequities. According to the ARA, school boards were required to collect data in census administered to all students in the board.

In the Anti-Racism Directorate (ARD) [2023 annual progress report](#), they reported “as of January 1, 2023, all school boards in Ontario have begun collecting voluntary student race-based data about academic performance, special education received, suspensions, expulsions and the decisions made by principals to refuse to admit students to a school or classroom.” ARD reported there was a “100% data-collection compliance rate, and average response rate of 50% based on the 52 [of out 72] school boards that shared their overall results.

In its attempt to identify and review the “publicly reported” race-based data, the OHRC identified the following issues:

- The timing of the collection of data was inconsistent;

- The questions and responses were not consistent across school boards
- Lack of standardized wording and categories;
- Majority of the data was not publicly available;
- Data across school boards could not be compared (interoperability);
- Lack of transparency on who had access to data;
- Lack of transparency on who analysed the data and the credentials they had to do so.

A majority of these issues stemmed from the fact that school boards were left with the responsibility to collect, analyze and report on the data, not the Ministry of Education; and that the school boards did not receive an adequate formal framework on data governance or data stewardship. The ARA failed to provide clear framework and monitoring mechanism for the following:

- When the collection of data should be collected
- Whether or not the collection schedule among the 72 schools board align to ensure adequate comparison
- Whether or not all school boards asked relatively the same questions, and provided the same, if not, similar categories or variables
- How the data should be analyzed
- How the data should be publicly released/reported
- Timeframe on publicly reporting the data

The OHRC calls on the Anti-Racism Directorate to amend the ARA, giving the Ministry of Education the authority and responsibility to oversee the collection, analysis, and public reporting of behalf of all school boards. Transferring the authority and responsibility to the Ministry of Education ensures all school boards will have their data collected, analyzed and publicly reporting consistently, this will increase the ability to compare data accurately across school boards, thus increase transparency and accountability.

In addition, the Ministry of Education, in collaboration with school boards, community members and organizations and students, establish a formal data governance and data stewardship framework. Collaborating with community organizations, subject matter experts, and students in this process will ensure transparency, accountability, community governance and community trust are key

outcomes from this work. The OHRC highly recommends duty-holders try not to re-invent the wheel, but leverage the current work happening in other service areas:

- [Black Health Equity Working Group: Engagement, governance, access, and protection \(EGAP\) framework](#)
- [Ontario Health Data Council: Data Stewardship Strategic Working Group](#)
- [Statistics Canada's 6 Guiding Principles of Data Ethics](#)

We must reiterate: this work cannot be placed solely on school boards or their HREA offices. School boards do not have the resources and staffing to fully comply with their legislative obligations in a *Code*-consistent manner. The OHRC strongly suggests that the Ministry of Education commit to sustainable funding support model to assist school boards, or examine centralizing the collection, analysis, storage, use and sharing of this information.

A note on artificial intelligence (AI)

A data governance framework that includes policies, directives and regulations related to data quality, data stewardship, data privacy and security and data management is crucial in the collection, use and reporting of *Code*-based data. The accountability and transparency measures and outcomes woven into a strong data governance framework will become more important as [Artificial Intelligence](#) (AI) systems begin to move into the education system. The OHRC express concerns with the use of AI, early experience with this technology has demonstrated many risks to human rights, including data discrimination, racial profiling and a failure to ensure community participation and oversight of the system. Incorporating AI within a system where systemic discrimination exists across many *Code* protected grounds will undoubtedly exacerbate and reinforce discrimination.

Appendix J: Policy/Program Memorandum

119

Date of Issue: April 22, 2013

Effective: Until revoked or modified

Subject: Developing and implementing equity and inclusive education policies in Ontario schools

Application: Directors of Education

Secretary-Treasurers of School Authorities Superintendents

Principals of Elementary Schools Principals of Secondary Schools

Principals of Provincial and Demonstration Schools

Reference: This memorandum replaces Policy/Program Memorandum No. 119, "Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools", June 24, 2009.

Introduction

Ontario's publicly funded education system supports and reflects the democratic values of fairness, equity, and respect for all. Recognizing the importance of education, the Ontario government has established three core priorities:

- high levels of student achievement
- reduced gaps in student achievement
- increased public confidence in publicly funded education

An equitable, inclusive education system is fundamental to achieving these core priorities, and is recognized internationally as critical to delivering a high-quality education for all learners. "Equity and excellence go hand in hand. ... In a truly equitable system, factors such as race, gender, and socio-economic status do not prevent students from achieving ambitious outcomes. Our experience shows that barriers can be removed when all education partners create the conditions needed for success."¹⁸⁰

Providing a high-quality education for all is a key means of fostering social cohesion based on an inclusive society where diversity is affirmed within a framework of common values that promote the well-being of all citizens. Ontarians share a belief in the need to develop students' character and to prepare students for their role in society as engaged, productive, and responsible citizens. Active and engaged citizens are aware of their rights, but more importantly, they accept responsibility for protecting their rights and the rights of others.

On April 6, 2009, the Minister of Education released *Realizing the Promise of Diversity: Ontario's Equity and Inclusive Education Strategy* (hereafter referred to as "the strategy"). This document sets out a vision for an equitable and inclusive education system. The action plan contained in the document focuses on respecting diversity, promoting inclusive education, and identifying and eliminating discriminatory biases, systemic barriers, and power dynamics that limit students' learning, growth, and contribution to society. These barriers and biases, whether overt or subtle, intentional or unintentional, need to be identified and addressed.

The purpose of this memorandum is to provide direction to school boards¹⁸¹ on the review, development, implementation, and monitoring of equity and inclusive education policies to support student achievement and well-being. Our schools need to help students develop into highly skilled, knowledgeable, and caring citizens who can contribute to both a strong economy and a cohesive society.

Background

The ministry has issued several policy/program memoranda to support equity, student achievement, and positive school climates, including Policy/Program Memorandum No. 119, "Development and Implementation of School Board Policies on Antiracism and Ethnocultural Equity", July 13, 1993.¹⁸² When No. 119 (1993) was issued, many boards focused on creating learning environments that respected the cultures of all students. The antiracism and ethnocultural policies contained in No. 119 (1993) went "beyond a broad focus on multiculturalism and race relations"¹⁸³ to focus on identifying and changing institutional policies and procedures, as well as individual behaviours and practices that may be racist in their impact. No. 119 (1993) sought to equip students with the knowledge, skills, and attitudes to live in an increasingly diverse world, appreciate diversity, and reject discriminatory behaviours and attitudes. Several boards have expanded these antiracism and

ethnocultural policies into more inclusive equity policies that address a broader range of discriminatory factors.

In addition, it is now recognized that such factors as race, sexual orientation, physical or mental disability, gender, and class can intersect to create additional barriers for some students. Many organizations, including the United Nations, are recognizing the compounding impact of such intersections on discrimination. Ministry and board policies, therefore, should also take intersecting factors into account.

Although much has been done – and continues to be done – to build the publicly funded education system's capacity to foster equity and inclusiveness in boards and schools, evidence indicates that some groups of students continue to encounter discriminatory barriers to learning. Recent research shows that students who feel connected to teachers, to other students, and to the school itself do better academically¹⁸⁴

Policy/Program Memorandum No. 119 (2009) broadened the scope of No. 119 (1993) to take into account a wide range of equity factors, as well as all of the prohibited grounds of discrimination under the Ontario *Human Rights Code* and other similar considerations. No. 119 (2009) fully supported and expanded on the principles of antiracism and ethnocultural equity that were outlined in No. 119 (1993), and did not reflect a weakened or reduced commitment to antiracism or ethnocultural equity. By promoting a system-wide approach to identifying and removing discriminatory biases and systemic barriers, it has helped to ensure that all students feel welcomed and accepted in school life.

This memorandum brings No. 119 (2009) up to date so that it is in accordance with amendments to the Education Act; that is, school boards are now required to develop and implement an equity and inclusive education policy. This memorandum also updates No. 119 (2009) to reflect the fact that gender identity and gender expression are dimensions of diversity under the Ontario *Human Rights Code*.

Requirements for boards

All publicly funded school boards are required to develop, implement, and monitor an equity and inclusive education policy that includes a religious accommodation

guideline, in accordance with the requirements set out in this memorandum and the strategy, and that complies with relevant legislation, including amendments to the Education Act.¹⁸⁵

The strategy is designed to promote fundamental human rights as described in the Ontario *Human Rights Code* and the Canadian Charter of Rights and Freedoms, with which school boards are already required to comply, subject to subsection 93(1) of the Constitution Act, 1867, and section 23 of the Canadian Charter of Rights and Freedoms. Boards must comply with all other aspects of the Education Act and regulations made under the act, including Ontario Regulation 181/98, which pertains to students with special education needs.¹⁸⁶ Boards must also comply with the Municipal Freedom of Information and Protection of Privacy Act, the Ontarians with Disabilities Act (2001), and the Accessibility for Ontarians with Disabilities Act (2005), as applicable. Other relevant legislation, such as the Youth Criminal Justice Act, must be referenced where appropriate. In addition, boards should refer to *English Language Learners /ESL and ELD Programs and Services: Policies and Procedures for Ontario Elementary and Secondary Schools, Kindergarten to Grade 12*, 2007; Ontario's Aménagement linguistique Policy for French-Language Education, 2005;¹⁸⁷ and *Ontario First Nation, Métis, and Inuit Education Policy Framework*, 2007. They should also consult with their legal counsel and Freedom of Information coordinators to ensure that they are fulfilling all their legal responsibilities.

The equity and inclusive education policy of a board must address the eight areas of focus outlined in this memorandum, and must include a guideline on religious accommodation and an implementation plan. During the cyclical process of reviewing and revising their policies, boards will take steps to align all their other policies and procedures (e.g., on safe and accepting schools, student discipline, staff hiring and development) with their equity and inclusive education policy. This process will help to ensure that the principles of equity and inclusive education are embedded in all aspects of board and school operations.

School board policies must be comprehensive and must cover the prohibited grounds of discrimination set out in the Ontario *Human Rights Code*. The *Code* prohibits discrimination on any of the following grounds: race, colour, ancestry, place of origin, citizenship, ethnic origin, disability, creed (e.g., religion), sex, sexual

orientation, gender identity, gender expression, age, family status, and marital status. Boards may also address related issues resulting from the intersection of the dimensions of diversity that can also act as a systemic barrier to student learning.

Policy development

Equity and inclusive education policies and implementation plans will be consistent with the guiding principles and goals set out in the strategy, with the requirements in this memorandum, and with the revised ministry document entitled *Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation, 2013* (hereafter referred to as “the guidelines”). These three documents should be used together when boards are reviewing and/or developing and implementing their equity and inclusive education policy, and when conducting their cyclical reviews of all their other policies.

When reviewing or developing their equity and inclusive education policy, boards are expected to consult widely with students, parents,¹⁸⁸ principals, teachers and other staff, school councils, their Special Education Advisory Committee, their Parent Involvement Committee and other committees (e.g., Diversity Committee; First Nation, Métis, and Inuit Education Advisory Committee), federations and unions, service organizations, and community partners in order to reflect the diversity of the community.

Boards have flexibility to adapt their equity and inclusive education policy to take into account local needs and circumstances.

Areas of focus

The three goals of the equity and inclusive education strategy are as follows:

- shared and committed leadership by the ministry, boards, and schools to eliminate discrimination through the identification and removal of biases and barriers
- equity and inclusive education policies and practices to support positive learning environments that are respectful and welcoming to all

- accountability and transparency with ongoing progress demonstrated and communicated to the ministry and the community.

In order to achieve these goals, each school board policy on equity and inclusive education will cover the following eight areas of focus.

Board policies, programs, guidelines, and practices

Through cyclical policy reviews, boards will embed the principles of equity and inclusive education in all their other policies, programs, guidelines, and practices, so that an equity and inclusive education focus is an integral part of every board's operations and permeates everything that happens in its schools.

Boards should make every effort to identify and remove discriminatory biases and systemic barriers that may limit the opportunities of individuals from diverse communities for employment, mentoring, retention, promotion, and succession planning in all board and school positions. The board's work force should reflect the diversity within the community so that students, parents, and community members are able to see themselves represented. The board's work force should also be capable of understanding and responding to the experiences of the diverse communities within the board's jurisdiction.

Shared and committed leadership

Board and school leaders must be responsive to the diverse nature of Ontario's communities. Leadership is second only to teaching in its impact on student outcomes. School boards and schools are expected to provide leadership that is committed to identifying and removing discriminatory biases and systemic barriers to learning. Specifically, boards will identify a contact person to liaise with the ministry and other boards to share challenges, promising practices, and resources.

In accordance with the principles of the ministry's Ontario Leadership Strategy, effective board and school leaders promote the development of collaborative environments in which participants share a commitment to equity and inclusive education principles and practices. This collaborative approach includes and supports the active engagement of students, parents, federations and unions, colleges and universities, service organizations, and other community partners.

School-community relationships

Schools and boards will continue building their capacity – with the active engagement of parents and school community partners – to create and sustain a positive school climate that supports student achievement and well-being. Each board and its schools should review the structures of existing committees and partnerships to help ensure that they reflect the principles of equity and inclusive education. Boards should expand upon their outreach efforts in order to foster new partnerships that engage a cross-section of diverse students, parents, staff, community members, and various organizations, including business groups (e.g., business education councils). Boards are encouraged to draw upon the expertise of their partners to explore innovative ways of sharing resources that can help them meet the diverse needs of their students and provide new and relevant learning opportunities. Strong, positive, and respectful relationships are necessary to effect real change so that all students can reach their potential regardless of personal circumstances.

Inclusive curriculum and assessment practices

Students need to feel engaged in and empowered by what they are learning, supported by teachers and staff, and welcome in their learning environment. To this end, boards and their schools will use inclusive curriculum and assessment practices and effective instructional strategies that reflect the diverse needs of all students and the learning pathways that they are taking. Schools must provide students and staff with authentic and relevant opportunities to learn about diverse histories, cultures, and perspectives. Students should be able to see themselves represented in the curriculum, programs, and culture of the school. Also, since schools have a pivotal role in developing the work force of tomorrow, students should be able to see themselves represented in the teaching, administrative, and support staff employed at the school.

Boards are expected to draw upon strategies that have been shown by the evidence to support student success and reduce achievement gaps. These include reviewing resources, instruction, and assessment and evaluation practices to identify and eliminate stereotypes, discriminatory biases, and systemic barriers. For example, schools could make use of differentiated instruction, which takes into account the backgrounds and experiences of students in order to respond to their individual interests, aptitudes, and learning needs.

In order to help ensure that assessment and evaluation are valid and reliable and lead to improvement of student learning, teachers must use assessment and evaluation strategies outlined in the assessment and evaluation section of the curriculum policy documents. Assessment tasks should be designed to ensure consistency of standards, and any discriminatory biases in the way students' work is assessed and evaluated should be identified and addressed.

Religious accommodation

School board policies on religious accommodation must be in accordance with the Ontario *Human Rights Code* and the requirements stated in Policy/Program Memorandum No. 108, "Opening or Closing Exercises in Public Elementary and Secondary Schools", and in sections 27–29 ("Religion in Schools") of Regulation 298. As part of their equity and inclusive education policy and implementation plan, boards will include a religious accommodation guideline in keeping with the Ontario *Human Rights Code*, which prohibits discrimination on the grounds of creed (e.g., religion) and imposes a [duty to accommodate](#).¹⁸⁹ Accordingly, boards are expected to take appropriate steps to provide religious accommodation for students and staff.

School climate and the prevention of discrimination and harassment

Board policies on equity and inclusive education are designed to foster a positive school climate that is free from discriminatory or harassing behaviour. A positive and inclusive school climate is one where all members of the school community feel safe, included, welcomed, and accepted. The principles of equity and inclusive education support a whole-school approach to foster positive student behaviour. These principles must also be applied in progressive discipline, particularly when it is necessary to take into account mitigating and other factors.¹⁹⁰ When relationships are founded on mutual respect, a culture of respect becomes the norm. Boards will also put procedures in place that will enable students and staff to report incidents of discrimination and harassment safely, and that will enable boards to respond in a timely manner.

Regular school and board monitoring of school climate is essential. Monitoring through school climate surveys, as outlined in Policy/Program Memorandum No. 144, "Bullying Prevention and Intervention", can help identify inappropriate

behaviours, barriers, or issues that should be addressed. Boards are therefore expected to incorporate questions on equity and inclusive education in their school climate surveys. Boards must require schools to conduct anonymous school climate surveys of their students and staff and the parents of their students at least once every two years, in accordance with subsection 169.1(2.1) of the *Education Act*.

Professional learning

Professional learning activities must be ongoing, evidence-based, and focused on positive outcomes. Boards will therefore provide opportunities for teachers (including guidance counsellors), support staff, administrators, and trustees to participate in training on topics such as antiracism, antidiscrimination, and gender-based violence, and will provide information for students and parents to increase their knowledge and understanding of equity and inclusive education. Boards are also encouraged to draw upon existing expertise within their own organization, other boards, and their own community partners and agencies. Changing individual and collective behaviour, as well as organizational and institutional practices, will help to ensure that the education system is free from discrimination.

Accountability and transparency

Ongoing and open communication to keep all stakeholders informed of a board's goals and progress will increase transparency and public confidence in the board and its schools. It is expected that boards will post their equity and inclusive education policy on their website.

Board and school improvement plans, within the context of a board's strategic multi-year plan, will take into consideration the board's equity and inclusive education policy. The plans should focus on identifying and removing any barriers to student learning in order to reduce gaps in achievement and provide a respectful and responsive school climate.

Each board will post the Director of Education's annual report on its website, which will inform the ministry and the local community about the progress the board has made in meeting its strategic objectives in the previous school year and the action the board is taking in those strategic priority areas where goals are not being met.

Implementation

The ministry recognizes that school boards are at different stages in the implementation of an equity and inclusive education policy. The ministry expects boards to demonstrate continuous improvement, so that progress is evident on an annual basis towards the goal of embedding the equity and inclusive education policy into all operations of the board.

Implementation plans will:

- contain clearly stated annual objectives and measurable outcomes at both the board and school levels
- reflect consultation with community partners, and show evidence of active and ongoing partnerships with students, parents, and diverse communities
- contain indicators for measuring and evaluating progress

Resources

To support boards in developing, implementing, and monitoring their policy on equity and inclusive education, the ministry is providing practical strategies, advice, and templates in the guidelines. The ministry will also review and conduct research on promising practices in equity and inclusive education, and will disseminate this information to boards.

Appendix K: OHRC Reports

- [*What We Heard Report: Anti-Black Racism in Education Roundtables*](#)
- [*From Impact to Action: Final report into anti-Black racism by the Toronto Police Service*](#)
- [*Under suspicion: Research and consultation report on racial profiling in Ontario*](#)
- [*The Ontario Safe Schools Act: School discipline and discrimination*](#)
- [*An intersectional approach to discrimination: Addressing multiple grounds in human rights claims*](#)
- [*Policy on eliminating racial profiling in law enforcement*](#)
- [*Policy and guidelines on racism and racial discrimination*](#)
- [*Under suspicion: Concerns about racial profiling in education*](#)
- [*Interrupted childhoods: Over-representation of Indigenous and Black children in Ontario child welfare*](#)

Endnotes and Bibliography



Endnotes

¹ For the 2023-2024 school year the Ministry of Education reported 2,080,498 students were enrolled in the public school system, see Ontario, “Facts about elementary and secondary education” (last updated 11 October 2024), online: <ontario.ca/page/facts-about-elementary-and-secondary-education>.

² On July 27, 2023, the OHRC released a call for written submissions to identify concrete and practical solutions to combat anti-Black discrimination and harassment and hold duty-holders accountable. The OHRC received submissions from the following individuals and organizations:

1. Algonquin College
2. Black Youth Helpline
3. Toronto Metropolitan University’s Diversity Institute
4. Durham District School Board
5. Elementary Teachers’ Federation of Ontario
6. Halton Black History Awareness Society
7. Laura Mae Lindo
8. Liza Karunakaran
9. Ontario Alliance of Black School Educators
10. Ontario Association of Social Workers
11. Ontario English Catholic Teachers’ Association
12. Ontario Principals’ Council
13. Ontario Public School Boards’ Association Black Trustees’ Caucus
14. Ontario Secondary School Teachers’ Federation
15. Toronto District School Board’s Centre for Excellence of Black Student Achievement

³ The OHRC received additional written submissions from the following:

1. Ontario Teachers’ Federation
2. Elementary Teachers’ Federation of Ontario
3. Ontario English Catholic Teachers’ Association
4. Ontario Secondary School Teachers’ Federation
5. Ontario Association of Deans of Education

⁴ James A. Rawley. *The Transatlantic Slave Trade: A History*, revised edition. Dexter, MI: Thomson-Shore Inc., 2005; Robyn Maynard. *Policing Black Lives: State Violence in Canada from Slavery to the Present*. Halifax and Winnipeg: Fernwood, 2017[Rawley, *The Transatlantic Slave Trade* (2005); Maynard, *Policing Black Lives* (2017)].

⁵ [K. L. Robson, Sociology of Education in Canada licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. \(2019\).](#)

⁶ *Negro School Segregation in Ontario and Nova Scotia. Canadian Historical Review* 1969 50:2, 164-191

⁷ See Department of Justice Canada, “Canada’s Black Justice Strategy” (online: Government of Canada) <justice.gc.ca/eng/cj-jp/cbjs-scjn/index.html>

⁸ See Statistics Canada Police-reported hate crime, 2022 <https://www150.statcan.gc.ca/n1/daily-quotidien/240313/dq240313b-eng.htm>

⁹ According to Statistics Canada 2021 Census reported 1,547,870 Canadians reported being Black or of African descent, see Statistics Canada, “The Canadian census: A rich portrait of the country’s religious and ethnocultural diversity” (online: Statistics Canada, 26 October 2022) [150.statcan.gc.ca/n1/en/daily-quotidien/221026/dq221026b-eng.pdf?st=BGpr-GHD](https://www150.statcan.gc.ca/n1/en/daily-quotidien/221026/dq221026b-eng.pdf?st=BGpr-GHD).

¹⁰ According to Statistics Canada 2016 Census 1,198,540 Canadians reported being Black or of African descent, representing 3.5% of the country’s total population, see Statistics Canada, “Diversity of the Black population in Canada: An overview” (online: Statistics Canada, 27 February 2019) [150.statcan.gc.ca/pub/89-657-x/89-657-x2019002-eng.htm](https://www150.statcan.gc.ca/pub/89-657-x/89-657-x2019002-eng.htm)

¹¹ Statistics Canada, *Black History Month 2023... by the numbers*, March 2023, Statistics Canada, <https://www.statcan.gc.ca/en/daily/by-the-numbers/black-history-month>.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ According to Statistics Canada 2016 Census, the Black population in Ontario was 627,715, representing 4.7 of the province’s population. Statistics Canada, “Ontario [Province] and Ontario [Province] (table), Census Profile. 2016 Census” (Statistics Canada Catalogue no. 98-316-X2016001 online, released 29 November 2017) www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/index.cfm?Lang=E

¹⁵ Statistics Canada, “Table 98-10-0342-01 Religion by visible minority and generation status: Canada, provinces and territories, census metropolitan areas and census agglomerations with parts” (online released on 26 October 2022) [150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=9810034201](https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=9810034201)

¹⁶ Katherine Wall & Shane Wood, *Education and Earnings of Canadian-born Black Populations*, published by authority of the Minister responsible for Statistics Canada, August 22, 2023, © His Majesty the King in Right of Canada as represented by the Minister of Industry, 2023, all rights reserved. Use of this publication is governed by the Statistics Canada Open Licence Agreement.

Statistics Canada. 2024. (table). *Special Interest Profile*. 2021 Census of Population. Statistics Canada Catalogue no. 98-26-00092021001. Ottawa. Released March 20, 2024.

<https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/sip/index.cfm?Lang=E>

¹⁷ *Ibid.*

¹⁸ A census metropolitan area (CMA) or census agglomeration (CA) is formed by one or more adjacent municipalities centered on a population centre (known as the core). A CMA must have a total population of at least 100,000 based on the data from the current Census of Population Program, of which 50,000 or more must live in the core based on adjusted data from the previous Census of Population Program. To be included in the CMA or CA, other adjacent municipalities must have a high degree of integration with the core, as measured by commuting flows derived from data on place of work from the previous Census program. See Statistics Canada, “Census metropolitan area (CMA) and census agglomeration (CA)” (online, updated on 9 February 2022) [statcan.gc.ca/census-recensement/2021/ref/dict/az/definition-eng.cfm?ID=geo009](https://www150.statcan.gc.ca/census-recensement/2021/ref/dict/az/definition-eng.cfm?ID=geo009)

¹⁹ Toronto, Mississauga, Brampton, Markham, Vaughan, and Pickering see Statistics Canada, “Statistical Area Classification by Ontario [Province and Territory] – Variant of SFC 2016” (online 17

November 2016)

statcan.gc.ca/imdb/p3VD.pl?Function=getVD&TVD=317043&CVD=317047&CPV=35535&CST=01012016&CLV=2&MLV=5>[Statistics Canada, Statistical Area Classification].

²⁰ Oakville, Richmond Hill, Milton, Ajax, Newmarket, Caledon, Halton Hills, Aurora, Whitchurch-Stouffville, Georgina, New Tecumseth, Bradford Gwillimbury, East Gwillimbury, Orangeville, and Mono, see note above.

²¹ King, and Uxbridge, *supra* note 12.

²² Ontario, “Data Standards for the Identification and Monitoring of Systemic Racism: Glossary” (online: updated 12 February 2024) <ontario.ca/document/data-standards-identification-and-monitoring-systemic-racism/glossary>.

²³ Rawley, *The Transatlantic Slave Trade* (2005); Maynard, *Policing Black Lives* (2017) *supra* note 6.

²⁴ C.E. James & T. Turner, “Towards Race Equity in Education: The Schooling of Black Students in the Greater Toronto Area” (online: [pdf] 2017) <edu.yorku.ca/files/2017/04/Towards-Race-Equity-in-Education-April-2017.pdf>.

²⁵ The term “administrator” is used inclusively throughout this Action Plan to refer to principals, vice-principals, superintendents, and other supervisory officers.

²⁶ Natasha Henry-Dixon, *Underground Railroad* (online: updated 3 March 2023, The Canadian Encyclopedia) <thecanadianencyclopedia.ca/en/article/underground-railroad>

²⁷ OHRC Community engagement session 2023.

²⁸ Ontario Human Rights Commission (OHRC), Examples of OHRC’s Inquiries and Investigation Strategy, online at: <https://www3.ohrc.on.ca/en/our-commitment-service/litigation-and-inquiry-strategy>.

²⁹ The Supreme Court in *R. v. Le*, 2019 SCC 34 at para 96 referred extensively to the OHRC’s body of work on racial profiling, identifying the OHRC as a “highly credible and authoritative source.” The court went on to note that courts may rely on OHRC reports as part of the “social context” when determining whether there has been a breach of the *Charter*.

³⁰ In *Quesnel v. London Educational Health Centre* (1995), 28 C.H.R.R. D/474 at para. 53 (Ont. Bd. Inq.), the tribunal applied the United States Supreme Court’s decision in *Griggs v. Duke Power Co.*, 401 U.S. 424 (4th Cir. 1971) to conclude that OHRC policy statements should be given “great deference” if they are consistent with Code values and are formed in a way that is consistent with the legislative history of the Code itself. This latter requirement was interpreted to mean that they were formed through a process of public consultation.

In addition, the Ontario Superior Court of Justice has quoted at length excerpts from the OHRC’s published policy work in the area of mandatory retirement and stated that the OHRC’s efforts led to a “sea change” in the attitude to mandatory retirement in Ontario. The OHRC’s policy work on mandatory retirement heightened public awareness of this issue and was at least partially responsible for the Ontario government’s decision to pass legislation amending the Code to prohibit age discrimination in employment after age 65, subject to limited exceptions. This amendment, which became effective December 2006, made mandatory retirement policies illegal for most employers in Ontario: Assn. of Justices of the Peace of Ontario v. Ontario (Attorney General) (2008), 92 O.R. (3d) 16 at para. 45. See also *Eagleson Co-Operative Homes, Inc. v. Théberge*, [2006] O.J. No.

4584 (Sup.Ct. (Div.Ct.)) in which the Court applied the OHRC's *Policy and guidelines on disability and the duty to accommodate*, available at: www.ohrc.on.ca/en/resources/Policies/PolicyDisAccom2.

³¹ Ontario Human Rights Commission, *Your guide to Special programs and the Human Rights Code: Purpose of the Code* (online [pdf] updated December 13) <ohrc.on.ca/sites/default/files/Your%20guide%20to%20Special%20programs%20and%20the%20Human%20Rights%20Code_2013.pdf>.

³² The *Human Rights Code*, R.S.O. 1990, c. H.19 [the *Code*] preamble states

“AND WHEREAS it is public policy in Ontario to recognize the dignity and worth of every person and to provide for **equal rights and opportunities** without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the Province;...”

Section 1 of the *Code* guarantees the right to equal treatment in services, without discrimination on 17 grounds. Education, in its broadest sense, is a “service” within the meaning of the *Code*. The scope of “educational services” will include the mastery of knowledge, academic standards, evaluation and accreditation. It may also encompass the development of a student’s personality, talents and mental and physical abilities to their fullest potential, and may include co-instructional activities such as school-related sports, arts and cultural activities, and school functions and field trips. At the lower grade levels, the service of education will typically be defined more broadly and may include the student’s overall social, physical and academic development in the educational setting. At the higher levels of education, formal educational services will be defined more narrowly and will focus increasingly on academic standards and accreditation.

³³ Canadian Charter of Rights and Freedoms, Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), c 11 [*Charter*].

³⁴ United Nations, *Universal Declaration of Human Rights*, 10 December 1948, GA Res 217A (III), UNGAOR, 3rd Sess, Supp No 13, UN Doc A/810 [UDHR] <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

³⁵ The term “student” is used inclusively throughout this Action Plan to refer to a pupil and student trustee.

³⁶ The term “parent” is used inclusively throughout this Action Plan to refer to parents, guardians, and caregivers.

³⁷ The principle of education being a human right is also present in following UN treaties:

1. *Convention on the Rights of the Child*, 20 November 1989, GA Res 44/25, UNGAOR, 44th Sess, Supp No 49, UN Doc A/44/49 [CRC], art 28.
2. *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, GA Res 2106 (XX), UNGAOR, 20th Sess, Supp No 14, UN Doc A/6014 [CERD], art 5(e)(v).
3. *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, GA Res 34/180, UNGAOR, 34th Sess, Supp No 46, UN Doc A/34/46 [CEDAW], art 10.

4. *Convention on the Rights of Persons with Disabilities*, 13 December 2006, GA Res 61/106, UNGAOR, 61st Sess, UN Doc A/61/611 [CRPD]; art 24.

5. *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, 18 December 1990, GA Res 45/158, UNGAOR, 45th Sess, UN Doc A/45/49 [ICMW], art 30.

³⁸ UDHR, *supra* note 28

³⁹ *Ibid*, art 26(1) goes on to say:

“Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.”

⁴⁰ *Ibid*, art 26(1), 26(2).

⁴¹ International Covenant on Civil and Political Rights, 19 December 1966, 999 UNTS 171 art 18 (entered into force 23 March 1976, accession by Canada 19 May 1976) [ICCPR].

⁴² Committee on Economic, Social and Cultural Rights, General Comment 13 on the right to education. UNCESCR, 21st Sess, UN Doc E/C.12/1999/10 (1999) at para 1.

⁴³ See for example CRC, *supra* note 29; CRPD, *supra* note 29; the *Code*, *supra* note 26.

⁴⁴ See for example *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 UNTS 3, art 1 (entered into force 3 January 1976, accession by Canada 19 May 1976) [ICESCR], art 13 (“they further agree that education shall enable all persons to participate effectively in a free society”); CRPD, *supra* note 29 art 23 (“States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community”); CRPD, *supra* note 29 art 24 (“States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to... Enabling persons with disabilities to participate effectively in a free society”); the *Code*, *supra* note 26 at Preamble (“...having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the Province;”).

⁴⁵ Ontario Human Rights Commission, *Right to Read: Public inquiry into human rights issues affecting students with reading disabilities* (online: 2022, pg. 45) <ohrc.on.ca/en/right-to-read-inquiry-report/introduction>.[OHRC, Right to Read]

⁴⁶ Section 52 of the *Charter*, *supra* 27 acts to make sure that any law that is inconsistent with the *Charter* is, to the extent of the inconsistency, of no force or effect.

⁴⁷ *Ibid*.

⁴⁸ Library of Parliament, *Section 15 of the Canadian Charter of Rights and Freedoms: The Development of The Supreme Court of Canada's Approach to Equality Rights Under the Charter*, (HillStudies)(1 September 2021).

⁴⁹ *Ibid*.

⁵⁰ Examples of where the *Code* does not apply include:

- when persons with certain disabilities (such as uncontrolled seizures) are prohibited from driving under the *Highway Traffic Act*.
- if a stranger on the street insults you by making a racist comment, because this did not happen in a specific social area, such as at your job or in a restaurant.
- record of offences protection does not apply to offences where there has only been a charge. It only applies to convictions.
- provisions of the *Liquor Licence and Control Act, 2019* and the regulations under it relating to providing for and enforcing a minimum drinking age of nineteen years.
- provisions of the *Smoke-Free Ontario Act, 2017* and the regulations under it relating to selling or supplying anything to which that Act applies to persons who are, or who appear to be, under the age of 19 years or 25 years.

⁵¹ The *Code*, supra note 26 s 1.

⁵² Ontario Human Rights Commission, *Policy and Guidelines on Racism and Racial Discrimination* (online: updated 30 June 2008) <ohrc.on.ca/en/policy-and-guidelines-racism-and-racial-discrimination>, see pg. 12 [OHRC, *Policy and Guidelines on Racism and Racial Discrimination* (2008)]

⁵³ For detailed information on how to identify systemic discrimination, see *Ibid*, s 4.1.

⁵⁴ Refusing to hire someone because they are perceived as a “troublemaker” as a result of having made a previous human rights complaint against the respondent or other organizations, has also been found to be discriminatory; see *Abouchar v. Toronto (Metro) School Board (No. 3)* (1998), 31 C.H.R.R. D/411 (Ont. Bd. Inq.). It could also constitute a reprisal under s. 8 of the *Code*.

⁵⁵ *Nelson v. Durham Board of Education* (No. 3), 1998 CanLII 29889 (ON HRT)[*Nelson v Durham Board of Education*], at paras 132 – 136. The Board of Inquiry found that “Mr. Nelson was discriminated against directly because of his race when, as a vice-principal, he was offered less release time from teaching to perform administrative duties than his white counterparts; when he was refused approval to take the principal’s course and told that ‘only those with an expectation of succeeding’ were being approved; and when he was challenged about his ability to be a principal of a ‘white school’.”

In addition, Board of Inquiry also found:

“there was a systemic pattern of discrimination based on race at the Durham Board of Education. The Durham Board arbitrarily decided who to promote. There were no established policies regarding criteria for promotion, rotation, or release time, and no policy to ensure that teachers would be treated in a non-discriminatory way.

The Board of Inquiry found further that many teachers, all of them white, who were less experienced or less qualified than Mr. Nelson, were promoted to principalships during the period when Mr. Nelson was seeking promotion.”

⁵⁶ The OHRC has explored this “contextualized” or “intersectional” approach to discrimination analysis at length in its discussion paper “An intersectional approach to discrimination: Addressing

multiple grounds in human rights claims" (online: 2001) <ohrc.on.ca/en/intersectional-approach-discrimination-addressing-multiple-grounds-human-rights-claims>.

⁵⁷ Mary Eaton, "Patently Confused: Complex Inequality and Canada v. Mossop" (1992) 4:1 National Journal of Constitutional Law 1 at 229.

⁵⁸ C.A. Aylward, "Intersectionality: Crossing the Theoretical and Praxis Divide" (paper distributed at *Transforming Women's Future: Equality Rights in the New Century: A National Forum on Equality Rights*, presented by West Coast LEAF, 4 November 1999)

⁵⁹ *Egan v Canada*, [1995] 2 SCR 513, 124 DLR (4th) 609 [Egan]

⁶⁰ *Ibid.* at 551–52, 124 DLR (4th) 609, L'Heureux-Dubé J, dissenting.

⁶¹ *Ibid.* at 563.

⁶² *Corbiere v Canada*, [1999] 2 SCR 203, 173 DLR (4th) 1 [Corbiere].

⁶³ *Ibid.* at para 73, L'Heureux-Dubé J, concurring.

⁶⁴ *Asfaha-Negusse v Toronto (City)*, 2019 HRT0 1650. See also *Baylis-Flannery v DeWilde (Tri Community Physiotherapy)*, 2003 HRT0 28, in which the Tribunal found that the serious forms of discrimination Ms. Baylis-Flannery endured, with respect to her race and her sex, were intersectional in nature. See also *Hogan v Ontario (Health and Long-Term Care)*, 2006 HRT0 32 and *Falkiner v Ontario (Minister of Community and Social Services)*, [2002] OR (3d) 481, OJ No 1771 [Falkiner]. At paragraph 72 of *Falkiner*, the Court of Appeal for Ontario found:

"Because the respondents' equality claim alleges differential treatment based on an interlocking set of personal characteristics, I think their general approach is appropriate. Multiple comparator groups are needed to bring into focus the multiple forms of differential treatment alleged."

⁶⁵ For example, the Toronto District School Board reported in 2013, students who identify as Black are the largest racial category represented in congregated Special Education schools (over doubly represented at 30.2%), and are notably under-represented in Gifted, International Baccalaureate (IB), Advanced Placement (AP) and Elite Athlete programs. See Toronto District School Board, "Selected School-Wide Structures: An Overview, Fact Sheet 9" (online [pdf] at 3) <tdsb.on.ca/portals/research/docs/reports/school-widestructuresanoverview%20fs-final.pdf>. See also Toronto District School Board, "Selected In-School Programs: An Overview, Fact Sheet 8" (online [pdf] at 3) <tdsb.on.ca/Portals/research/docs/reports/In-SchoolProgramsAnOverview%20FS_%20FINAL.pdf>.

⁶⁶ OHRC, *Submission of the OHRC to the Ministry of Community Safety and Correctional Services on the Strategy for a Safer Ontario* (online: at 21-24) <[*Strategy for a Safer Ontario Submission*]>.

⁶⁷ Under the *Education Act*, R.S.O. 1990, c. E.2. [Education Act]:

s. 169(1) "Every board shall, (a.1) promote a positive school climate that is inclusive and accepting of all pupils, including pupils of any race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability;

(a.2) promote the prevention of bullying."

Also s.170(1) states “Every board shall,

(7.1) establish and provide annual professional development programs to educate teachers and other staff of the board about bullying prevention and strategies for promoting positive school climates; 2012, c. 5, s. 4

(7.2) provide programs, interventions or other supports for pupils who have been bullied, pupils who have witnessed incidents of bullying and pupils who have engaged in bullying, and the programs, interventions and other supports may be provided by social workers, psychologists or other professionals who have training in similar fields, as determined by the board; 2012, c. 5, s. 5”

s.300(1):

“The Ministry may establish a code of conduct governing the behaviour of all persons in schools. 2000, c. 12, s.3.” One of the purposes of the code of conduct is to (7) “prevent bullying in schools. 2000, c. 12, s. 3; 2012, c. 5, s. 10 (1); 2017, c. 26, Sched. 1, s. 30 (2).”

⁶⁸ Human rights case law has established that, depending on the circumstances, one incident could be significant enough or substantial enough to be harassment: see *Murchie v. JB’s Mongolian Grill* (No. 2), 2006 HRTO 33 (CanLII) [Murchie]; *Haykin v. Roth*, 2009 HRTO 2017 [Haykin]; *Wamsley v. Ed Green Blueprinting*, 2010 HRTO 1491 (CanLII) [Wamsley]; *Ford v. Nipissing University*, 2011 HRTO 204 (CanLII); and *Gregory v. Parkbridge Lifestyle Communities Inc.* 2011 HRTO 1535 (CanLII) [Gregory].

⁶⁹ Section 10(1) of the *Code*, supra note 26.

⁷⁰ The reference to comment or conduct “that is known or ought reasonably to be known to be unwelcome” establishes both a subjective and an objective test for harassment. The subjective part is the harasser’s own knowledge of how his or her behaviour is being received. The objective component considers, from the point of view of a “reasonable” person, how such behaviour would generally be received. Determining the point of view of a “reasonable” person must take into account the perspective of the person who is harassed. In other words, the HRTO can conclude based on the evidence before it that an individual knew, or should have known, that their actions were unwelcome. (See *Reed v. Cattolica Investments Ltd. and Salvatore Ragusa*, [1996] O.H.R.B.I.D. No. 7 [Reed]. See also, *Gregory*, supra note 59 at para. 87 citing *Ghosh v. Domglas Inc.* (No. 2) (1992), 17 C.H.R.R. D/216 (Ont. Bd. Inq.) [Ghosh] at paras. 43 to 48; and *Dhanjal v. Air Canada*, (1996), 28 C.H.R.R. D/367 at p. 50 (C.H.R.T.) [Dhanjal].)

⁷¹ *Janzen v. Platy Enterprises Ltd.*, [1989] 2 S.C.R. 1252; *Haykin*, supra note 59.

⁷² See, for example, *Perez-Moreno v. Kulczycki*, 2013 HRTO 1074 (CanLII) that deals with posting discriminatory comments on Facebook, and *C.U. v. Blencowe*, 2013 HRTO 1667 (CanLII) that deals with harassing text messages.

⁷³ See the OHRC’s *Policy on preventing sexual and gender-based harassment*, (online [pdf], 2013) <ohrc.on.ca/sites/default/files/policy%20on%20preventing%20sexual%20and%20gender-based%20harassment_2013_accessible_1.pdf> for more information.

⁷⁴ *Fuller v. Daoud* (2001), 40 C.H.R.R. D/306 at para. 84 (Ont. Bd. Inq.).

⁷⁵ In [Ontario College of Teachers v Chrisopoulos 2022 ONOCT 10 \(2022-11-06\) \[OCT v Chrisopoulos\]](#), para 9, the Panel found Theodoros Chrisopoulos, who was employed by the Toronto District School

Board as a teacher abused students verbally, contrary to subsection 1(7) of Ontario Regulation 437/97 by making several inappropriate and culturally insensitive comments to students. For example, in reference to how students were acting in his class, Mr. Chrisopoulos mimicked students and said “Yo “N****a, yo N****a [using the full word in both instances]”. The Panel agreed

“Teachers are expected to set positive examples for students and to be respectful of the diverse cultures that form part of their school communities. Using racial slurs and making derogatory comments when addressing students is offensive and suggests that people of colour are intellectually and culturally inferior and unworthy. Such comments amount to verbal abuse of students by the Member.”

⁷⁶ In [Ontario College of Teachers v. Surlan, 2023 LNONCTD 50](#), the panel of the Discipline Committee (Panel) alleged that Gorian Surlan, who was employed by the Toronto District School Board as a teacher, guilty of professional misconduct as defined in the Ontario Colleges of Teachers Act, 1996 when the member “attended School with his entire face painted in black paint. The Member intended to dress as a zombie for Halloween, but was perceived by students, the School and the community as being dressed in Blackface, an offensive and racist act. Gorian Surlan plead guilty to the allegations of professional misconduct against him, particularly breaches of Ontario Regulation 437/97 subsections 1(14), 1(15), 1(18) and 1(19). At paras 9 – 13, the Panel found the member “breached the standards of practice, ‘Commitment to Students and Student Learning,’ ‘Professional Knowledge’ and ‘Leadership in Learning Communities.’ The Panel found that the member breached the ethical standards of “Care, Respect, Trust, and Integrity” by wearing Blackface. The Panel found the member “demonstrated a concerning lack of awareness of its dehumanizing history, and perpetuated a harmful stereotype overtly, in front of students. Although the Member did not intend any harm, the Panel finds that he failed to commit to students’ well-being, honour their human dignity and emotional wellness, and respect social justice.”

⁷⁷ *McKinnon v. Ontario (Correctional Services)*, 2007 HRTO 4 (CanLII); *Naraine v. The Ford Motor Company*, 2006 HRTO 25 (CanLII); *Smith v. Mardana Ltd.*, 2002 CanLII 46512 (ON HRT).

⁷⁸ In [Ontario College of Teachers v Drakes, 2019 ONOCT 69](#), paras 6-9, Nicole Elizabeth Drakes, who was employed at Peel District School Board posted a social media of a photograph of the back of a Black student adjacent to an image of a gangster from a film. Ms. Drakes took the photograph of the Black student at the school and posted photograph, along with the name of the school, to her Instagram account. The Board deemed Mr. Drakes’ post as “offensive and racist”, when Ms. Drakes “realized she made a mistake and her post could be perceived as racially insensitive (despite the fact that his was never the intention), she immediately took it down. She also resigned from her employment with the Board August 31, 2018.

⁷⁹ In [Ontario College of Teachers v Corradetti, 2023 ONOCT 50 \(2023-07-11\)](#), para 9, the Panel found Mr. Michael Anthony Corradetti, who was employed by the Simcoe Muskoka Catholic District School Board as a teacher abused students verbally, contrary to subsection 1(7) of Ontario Regulation 437/97. Mr. Corradetti made repeatedly demeaning comments to or about students in which he openly showed a video that he recorded of himself shared his personal opinions about “ ‘Black Lives Matter’, white privilege, the use of ‘n’ word in hip hop and rap music, and cultural appropriation”. The panel noted “members of the teaching profession are expected to ensure that the diversity that exists in Ontario’s schools is respected and that they do not alienate any students by publicly sharing their personally held, intolerant views. Such demeaning and discriminatory comments have

no place in the classroom as they are an affront to the human dignity and diverse cultural and gender identities of students.”

⁸⁰ In *Harriott v. National Money Mart Co.*, 2010 HRTO 353, para 108, it was confirmed that a person is not required to protest or object to the harassing conduct.

In *Emslie v Doholoco Holdings Ltd.*, 2014 CanLII 71723 (MB HRC) at para 63, a sexual harassment case does not have to object to the acts of harassment at the time they occur; *T.M. v. Manitoba Justice*, 2020 CSHG para. 96,350 at para 204, a sexual orientation harassment case, it was confirmed that person who is being harassed does not need to object to the conduct at the time that it occurred, and that there could be many factors for why there is a delay in reporting the misconduct, including fear of reprisal.

⁸¹ In the case of employment, amendments to the *Occupational Health and Safety Act*, R.S.O. 1990, c.O.1 [*OHSA*] require all employers with over five employees to establish policies on harassment and violence in the workplace and to review these annually.

⁸² OHRC, [Policy and guidelines on racism and racial discrimination](#) supra note 44.

⁸³ The following are key pieces of legislation that interact with the public education system in Ontario: *Education Act*, *Ontario College of Teachers Act*, 1996, *Ontario Human Rights Code*, *Child, Youth and Family Services Act*, 2017, *Accessibility for Ontarians with Disabilities Act*, 2005, *French Language Services Act*, *Ontario Labour Relations Act* and *Ontario College of Early Childhood Educators Act*, 2007.

⁸⁴ *Education Act*, supra note 58, s.0.1(1)

⁸⁵ *Ibid.* s. 0.1(2)

⁸⁶ *Education Act*, Ontario Regulation 224/23 Provincial Priorities in Education – Student Achievement, subsection 11.2 (1) outline the following as the provincial priorities in education in the area of student achievement: 1. Achievement of learning outcomes in core academic skills; 2. Preparation of students for future success; and 3 Student engagement and well-being.

⁸⁷ *Education Act*, supra note 58, s. 0.1(3).

⁸⁸ *R. v. Morris*, 2021 ONCA 680 (CanLII), <<https://canlii.ca/t/jjhd9>> at paras 1, 123; *R. v. Theriault*, 2021 ONCA 517, at para. 212, leave to appeal to S.C.C. dismissed; *R v S (RD)*, 1997 CanLII 324 (SCC), [1997] 3 SCR 484, <<https://canlii.ca/t/1fr05>>, at para 46; *R v Parks* (1993), 1993 CanLII 3383 (ON CA) at para 54; *R. v. Spence*, 2005 SCC 71 at 369; *Adams v Knoll North America*, 2009 HRTO 1381, judicial review dismissed, 2010 ONSC 3005 (Div. Ct.) at para 45; *Sinclair v. London (City)*, 2008 HRTO 48 (CanLII); *Action travail des femmes v. Canadian National Railway*, [1987] 1 S.C.R. 1114; *National Capital Alliance on Race Relations v. Canada* (Health and Welfare) (1997), 28 C.H.R.R. D/179 (C.H.R.T.) [hereinafter NCARR] at para. 164 *R. v. Morris*, 2021 ONCA 680 (CanLII), <<https://canlii.ca/t/jjhd9>> at paras 1, 123; *R. v. Theriault*, 2021 ONCA 517, at para. 212, leave to appeal to S.C.C. dismissed; *R v S (RD)*, 1997 CanLII 324 (SCC), [1997] 3 SCR 484, <<https://canlii.ca/t/1fr05>>, at para 46; *R v Parks* (1993), 1993 CanLII 3383 (ON CA) at para 54; *R. v. Spence*, 2005 SCC 71 at 369; *Adams v Knoll North America*, 2009 HRTO 1381, judicial review dismissed, 2010 ONSC 3005 (Div. Ct.) at para 45; *Sinclair v. London (City)*, 2008 HRTO 48 (CanLII).

⁸⁹ Mowat, D. and Rafi, S. COVID-19: Impacts and Opportunities. (online: 15 September 2020), City of Toronto <toronto.ca/legdocs/mmis/2020/ex/bgrd/backgroundfile-157346.pdf>.

⁹⁰ Region of Peel “Covid-19 and the Social Determinants of Health: Race and Occupation”,(online: [pdf] 2020). Peel Public Health. <peelregion.ca/coronavirus/_media/COVID-19-race-and-occupation.pdf>.

⁹¹ Guttman, A., Gandhi, S., Wanigaratne, S., Lu, H., Ferreira-Legere, L.E., Paul, J., Gozdyra, P., Campbell, T., Chung, H., Fung, K., Chen, B., Kwong, J.C., Rosella, L., Shah, B.R., Saunders, N., Paterson, J.M., Bronskill, S.E., Azimae, M., Vermeulen, M.J., Schull, M.J. “COVID-19 in Immigrants, Refugees and Other Newcomers in Ontario: Characteristics of Those Tested and Those Confirmed Positive, as of June 13, 2020”,. (online: [pdf] September 2020).Institute for Clinical Evaluative Sciences <<https://www.ices.on.ca/wp-content/uploads/2023/06/Full-Report-8.pdf>>.

⁹² City of Toronto. “Toronto Public Health releases new COVID-19 socio-demographic data” (online: 2020). <toronto.ca/news/toronto-public-health-releases-new-socio-demographic-covid-19-data/>.

⁹³ Wellesley Institute. “The Impact of COVID-19 on mental health and Well-Being: A Focus on Racialized Communities in the GTA”(online: [pdf] March 2022) <wellesleyinstitute.com/wp-content/uploads/2022/03/The-Impact-of-COVID-19-on-Mental-Health-and-Well-being-A-Focus-on-Racialized-Communities-in-the-GTA.pdf>.

⁹⁴ Statistics Canada . “The mental health of population groups designated as visible minorities in Canada during the COVID-19 pandemic”. (online: [pdf] 2 September 2020) <www150.statcan.gc.ca/n1/en/pub/45-28-0001/2020001/article/00077-eng.pdf?st=e-mEf0-L>.

⁹⁵ People for Education. “Staff shortages a daily issue for many Ontario schools”. (online: 24 March 2024) <peopleforeducation.ca/our-work/staff-shortages-a-daily-issue-for-many-ontario-schools/>. [People for Education]

⁹⁶ In this report, references to Faculties of Education as duty-holders may include the post-secondary institution in which they are located.

⁹⁷ In *WS v. Ottawa Catholic School Board*, 2019 HRTO 619 (CanLII) Interim Decision, the HRTO accepted that the specific reasons put forward for seeking the amendment, i.e., “the allegation that the applicant’s ‘aggressive behaviours’, which resulted in both students and staff apparently being frightened of him, and which eventually resulted in his exclusion, were not only a manifestation of his disability and/or of his anxiety, but also related to his physical presence, which included his size as well as his race and colour.”

⁹⁸ See OHRC’s Policy and guidelines on racism and racial discrimination, section 7: “In practice, it is very important that all human rights claims be taken seriously and that persons making complaints not be subjected to discipline or reprisal for raising the issue of racial discrimination. Section 8 of the *Code* prohibits reprisal for asserting a human rights claim.”

⁹⁹ For example, in *Ontario College of Teachers v Riesberry*, 2023 ONOCT 60 [[OCT v Riesberry](#)], the member, a principal employed by the Halton Catholic District School Board, admitted to engaging in racist conduct and comments. The tribunal’s findings highlight the emotional and psychological toll of such incidents on Black educators and their colleagues. One Black male teacher described the member’s use of racial slurs and other racist comments as a direct attack on his human dignity. Witnesses to the member’s conduct were also deeply affected, with one staff member left in tears and others expressing fear or intimidation that inhibited the ability to respond.

¹⁰⁰ See Kim Pham. "[Celebrating Black Joy as an Alternative Form of Resistance and Reclaiming of Humanity](https://voiceofoc.org/2021/02/celebrating-black-joy-as-an-alternative-form-of-resistance-and-reclaiming-of-humanity/)" (online: Voices of OC 1 February 2021) <voiceofoc.org/2021/02/celebrating-black-joy-as-an-alternative-form-of-resistance-and-reclaiming-of-humanity/>.

¹⁰¹ See National Museum of African American History and Culture, "Black Joy: Resistance, Resilience, and Reclamation" (online: Smithsonian Institution, n.d.), <nmaahc.si.edu/explore/stories/black-joy-resistance-resilience-and-reclamation>; Chatelaine, "Black Joy" (online: Chatelaine, 19 June 2020) <chatelaine.com/living/black-joy/>

¹⁰² According to Canada Revenue Agency, newcomers to Canada may be a

"landed immigrant, permanent resident or refugee who has been in Canada for up to five years before a given census year."

In Census results, newcomers are labelled as "First generation" which includes persons who were born outside Canada, see Canada Revenue Agency, "Newcomers to Canada (Immigrants)" (online: Canada.ca 17 June 2024) <canada.ca/en/revenue-agency/services/tax/international-non-residents/individuals-leaving-entering-canada-non-residents/newcomers-canada-immigrants.html#h_1>

¹⁰³ In Mélissa, Villella, *Critical Incidents in Educational Leadership: An opportunity for professional (un)learning*. (2023). Dr. Villella reports in her narrative case study of critical incidents of anti-Black racism in French-language education across Canada. In the example below, the author identifies incidences of microinvalidations based on the students place of origin and newcomer status :

"I'm doing a follow-up evaluation with... a teenager from mainland Africa... who had had very large gaps in schooling... and I had concerns about the level of work he is being given [by his classroom teacher]. Because sometimes... if a student does not know how to read, there is a tendency to pick up materials for learning to read in the younger ones... but it's not cognitively stimulating... because I have a 15-16-year-old [male] who... is practising bobo - baba [sounds]. But this is a young person who is being treated like a... student who has a disability."

Also, In Parents of Black Children's (PoBC) report, "A Call to Action: Systems abuse of Black students within Ontario's education system" (online [pdf] March 2022) <parentsofblackchildren.org/wp-content/uploads/2022/03/PoBC-System-Abuse-Report- Final Updated.pdf>, PoBC revealed case studies highlighting systems abuse of Black students. Case Study #3 (page.26) details a story of Black Francophone families in the Ottawa area with children enrolled in the Conseil des écoles publiques de l'Est de l'Ontario school board. The case study alleges Black Children were being de-streamed often times without the consent of their parents. By de-streaming these students the families believed "their children were not being challenged academically or [received] the quality education that is their right." When the parents were included in the de-streaming, they reported to PoBC that school staff were not transparent on the consequences of switching from academic to applied, resulting in Black student's ineligible to apply to University. Based on PoBC assessment of the situation, "the common factor with all these families involved was their ethnicity and race."

¹⁰⁴ Ottawa-Carleton District School Board, "Sankofa Centre of Excellence Graduation" (online: OCDSB) <ocdsb.ca/our_schools/sankofa_centre_of_excellence_graduation#:~:text=Advancing%20the%20academic%20success%20of,especially%20within%20education%20and%20employment.>>.

¹⁰⁵ Greater Essex County District School Board, “Create Your Future Program” (online: GECDSB) <<https://www.publicboard.ca/en/family-and-community-support/create-your-future-program.aspx>>.

¹⁰⁶ The Create Your Future Program (CYF) successfully subsidized application fees for 150 students, addressing financial barriers to higher education. This program also provides wrap-around support, connecting students with social workers and relevant community services to address their social and emotional needs, and facilitate culturally relevant experiences such as field trips and history courses that highlight the positive aspects of Black history and culture. The CYF program also facilitates opportunities for students to engage with education stakeholders, fostering discussions on equity and inclusivity within the school board and empowering students to have their voices heard in decision-making processes. For example, in some boards there have been updated directives around racial slurs to help build more inclusive learning and working environments where all students and staff feel valued and accepted. Students have been given the opportunity to have the first set of eyes on these directives and share how it has affected them and how it should be changed and/or implemented.

¹⁰⁷ Toronto District School Board, “Toronto District School Board’s Centre of Black Excellence for Black Student Achievement: Honouring the Voices of Community”, (online: TDSB) <<https://www.tdsb.on.ca/portals/0/docs/CEBSA-Compendium-web.pdf>>.

¹⁰⁸ People for Education, *supra* note 86.

¹⁰⁹ See Windsor-Essex Catholic District School Board, “Graduation Coach for Black, African & Caribbean Students” (online WECDSB) <wecdsb.on.ca/about/equity/graduation_coach> for more information on these programs.>

¹¹⁰ Ontario’s Student and Family Advocate (SFA) Program (online: updated 2025) <studentandfamilyadvocate.com/>

¹¹¹ Ontario’s Student and Family Advocate Program Annual Report: 2023 – 2024, Parents of Black Children, (online)<parentsofblackchildren.org/wp-content/uploads/2024/05/SFA-COP-2023-2024-Annual-ReportV2.pdf>.

¹¹² *Ibid.*

¹¹³ Nancy Naylor (Ontario Ministry of Education), Memorandum to Directors of Education et al. re “2019–20 Priorities and Partnerships Fund” (26 April 2019) at 8, online: Government of Ontario <efis.fma.csc.gov.on.ca/faab/Memos/B2019/B15_EN.pdf>.

¹¹⁴ Michael J Feuer et al, “Evaluation of Teacher Preparation Programs: Purposes, Methods and Policy Options” (Washington, DC: National Academy of Education, 2013) at 1.

¹¹⁵ According to Statistic Canada’s 2021 Census of Population survey, 43,455 Ontarians identified themselves as Black and spoke French as their mother tongue. 9,835 Black Ontarians identified both English and French as their mother tongue. (Statistics Canada. 2024. (table). *Special Interest Profile*. 2021 Census of Population. Statistics Canada Catalogue no. 98-26-00092021001. Ottawa. (online: Released March 20, 2024)<gc.ca/census-recensement/2021/dp-pd/sip/index.cfm?Lang=E >

¹¹⁶ In *OCT v Chrisopoulos*, *supra* note 66 , para 12, the Panel found that by Mr. Chrisopoulos making discriminatory racial comments such as

- “students formed gangs because they were uneducated”

-
- “people who appreciate ‘Black language’ are uneducated” and
 - “students at the School should be thinking of careers in the skilled trades instead of thinking they should become lawyer or go into medicine”

created a poisoned environment and one that is not conducive to academic success.

In *Ontario College of Teachers v Texeira*, 2022 ONOCT 40, the Member, James Ian Texeira, pled guilty to the following racist conduct and comments:

- (a) divided students into competing [XXX] teams based on shirt colours and the friend groups shared amongst new immigrant students which sometimes resulted in students being divided along the lines of race and/or nationality, for example, Canadian, Vietnamese, Korean, etc.;
- (b) commented to an international student who was sitting with a Canadian student, “Oh, you’re not sitting with your friends today?” which made the student feel uncomfortable;
- (c) on one occasion, when he chose a team, selected two Black students and then looked at a student of Arab descent and said words to the effect of, “close enough, so you be a captain, too”;
- (d) did not adequately and effectively intervene when students in his class used racially insensitive language and swear words;
- (e) made comments to his class about how students had chosen to seat themselves using words to the effect of, “black students with black students, white students with white students”;
- (f) discussed common stereotypes with his class that students should avoid relying upon, such as the stereotype that Korean students are good at certain things and that Black students are good at basketball.

In para 11, The Panel found that the Member’s repeated engagement in demeaning, racist, and insensitive comments and conduct toward students promoted division and created a poisoned learning environment.

¹¹⁷ *OCT v Riesberry*, supra note 88 para 12. The Panel found [Riesberry’s] “racist comments and disrespectful, dishonest conduct had a significant impact on the school community and created a poisoned workplace environment.” The Panel found the Member’s conduct “especially concerning as it can reasonably result in creating an uncomfortable learning environment for students.”

¹¹⁸ In *OCT v Riesberry*, supra note 88 , para 4-15 details the racist conduct and comments Julie Ann Riesberry (the Member) pled guilty to committing while employed by the Halton Catholic District School Board as a principal. In para 21, The Panel included the following in their decision:

“The events that are described in the paragraphs above were disturbing and upsetting to colleagues at [XXX]. Person A (a male teacher at [XXX] who identifies as a Black person), found the Member’s comments and use of N-word **upsetting and painful**. He considered that his **personal human dignity was attacked when having to endure the unwelcome comments by the Member**. Colleagues who witnessed the Member’s interactions with Person A contacted him to offer support in light of the Member’s comments. A staff member who witnessed the incident described in paragraph 9 above

was upset and in tears following the incident. Other staff at [XXX] were upset and disturbed by the Member's racist comments and use of N-word but **felt too intimidated or fearful to respond.**"

¹¹⁹ OHRC, *Paying the Price: The Human Cost of Racial Profiling*, 2003, (online) <ohrc.on.ca/en/paying-price-human-cost-racial-profiling> [OHRC, *Paying the Price*].

¹²⁰ Robert Brown, Kelly Gallagher-Mackay, and Gillian Parekh, *Redefining Risk: Human Rights and Elementary School Factors Predicting Post-Secondary Access*, Education Policy Analysis Archives, Vol. 28, No. 21, February 2020.

¹²¹ Oba O. For a fairer education system, get the police out of schools (online: 22 July 2020). The Conversation <theconversation.com/for-a-fairer-education-system-get-the-police-out-of-schools-141552>.

¹²² OHRC, *Interrupted childhoods: Over-representation of Indigenous and Black children in Ontario child welfare*, (online: February 2018) <ohrc.on.ca/en/interrupted-childhoods-over-representation-indigenous-and-black-children-ontario-child-welfare>.

¹²³ Fante-Coleman, T., Jackson-Best, F. Barriers and Facilitators to Accessing Mental Healthcare in Canada for Black Youth: A Scoping Review (2020) *Adolescent Res Rev* 5, 115–136 (2020). <doi.org/10.1007/s40894-020-00133-2>

¹²⁴ OHRC, *Human Rights Based Approach to Policy and Program Development*, (online: 2023) <ohrc.on.ca/en/human-rights-based-approach-program-and-policy-development> [OHRC, HRBA].

¹²⁵ In the 2008 case, *Kalyn v. Vancouver Island Health Authority*, the BC Human Rights Tribunal (BCHRT) ruled that Suzana Kalyn was discriminated against by the Vancouver Island Health Authority (VIHA) on the basis of her sex when she was labeled a troublemaker and her employment was terminated. Mr. Kalyn was employed as a security staff with the VIHA, who encountered "problems because she was a woman in a traditionally male-dominated workplace, and she asked repeatedly to be treated fairly by management." Ms. Kalyn alleged because of her efforts to call out "unfair practices and the 'old boys club attitude' that existed," she was labeled a troublemaker and terminated.

The BCHRT concluded that Ms. Kalyn's insistence on being treated fairly and without discrimination "led to her being as a trouble-maker that VIHA got rid of." The Tribunal continued to state "under these circumstances, being labeled as a troublemaker cannot be meaningfully separated from her gender." The Tribunal also acknowledged "there was also a significant difference in the way Ms. Katlyn's termination was handled and her sex was a factor." See <<https://www.canlii.org/en/commentary/doc/2008CanLIIDocs599#!fragment/BQCwhgziBcwMYgK4DsDWszlQewE4BUBTADwBdoByCgSgBplTCIBFRQ3AT0otokLC4EbDtyp8BQkAGU8pAELcASgFEAMioBqAQQByAYRW1SYAEbRS2ONWpA>>.

¹²⁶ *Nelson v Durham Board of Education*, supra note 46, at paras 132 – 136.

¹²⁷ *Education Act*, Ontario Regulation 274/12: Hiring Practices, (online) <ontario.ca/laws/regulation/120274>.

¹²⁸ Ontario, "Policy/Program Memorandum 165: School board teacher hiring practices", (online: updated 12 December 2024) <ontario.ca/document/education-ontario-policy-and-program-direction/policyprogram-memorandum-165>.

¹²⁹ Greater Essex County District School Board, “Dismantling Anti-Black Racism Background Report 2022 – 2027”, (online [pdf]) < publicboard.ca/en/family-and-community-support/resources/Documents/Dismantling-Anti-Black-Racism-Strategy/Dismantling-Anti-Black-Racism-Background-Report-FINAL.pdf>, pg. 53 – 54.

¹³⁰ Simcoe County District School Board, “Employment Equity Audit”, (online: [pdf], 2022)<cdns14.sharpschool.com/UserFiles/Servers/Server_210898/File/Human%20Rights%20and%20Equity%20Office/EEAP/SCDSB-Employment-Equity-Audit-Report.pdf>.

¹³¹ In 1850, Mary E. Bibb, an African American woman who fled the U.S. due to the Fugitive Slave Act, settled in Canada. She took the initiative to establish and operate a private school in Windsor for Black children, as they were excluded from attending White public schools, and she did so without any government support, see Henry, N. L., “Racial Segregation of Black People in Canada” (The Canadian Encyclopedia, 8 September 2021), online: <https://www.thecanadianencyclopedia.ca/en/article/racial-segregation-of-black-people-in-canada>, as cited in Butler, A. & Campbell, A., “Black School Leaders in Low-Income Urban Ontario Schools: Striving for Social Justice” in C. McGregor & S. Bedi, eds, *Diversity Leadership in Education: Embedding Practices of Social Justice* (Montreal: McGill-Queen’s University Press, 2024) 263–276, online: <https://doi.org/10.2307/jj.11660113.23>.

¹³² This underrepresentation is further underscored by findings by ONABSE that 60 per cent of the 148 respondents felt that racism impacted their career advancement, while 51 per cent cited personal biases about Black people serve as barriers to promotion, see Ontario Association of Black School Educators, *Voices of Ontario Black Educators: An Experiential Report* (Online: [pdf] 2015) < https://www.turnerconsultinggroup.ca/uploads/2/9/5/6/29562979/onabse_voices_of_black_educators_final_report.pdf>.

¹³³ While unions fundamentally aim to defend workers’ rights, ensure fair treatment and promote safe work environment, they have historically faced challenges in fully upholding these principles for all workers, particularly Black labourers. In the early twentieth century, for example, Black men working on the railways were often relegated to low-level positions as waiters, cooks, or porters. The Canadian Brotherhood of Railway Employees (CBRE) refused union membership to Black porters employed by CN Railways. This exclusion led Black porters to establish their own union, the Order of Sleep Car Porters (OSCP), in 1918.

Efforts to admit Black members to the CBRE failed in 1919 but succeeded the following year in 1920. However, even after the CBRE permitted Black membership, anti-Black discrimination persisted when the union collaborated with the employer, CN Railways, by creating two segregated and restrictive classifications: “Group I for more highly paid white workers, such as inspectors, dining-car stewards and sleeping-car conductors; and Group II for black workers, including porters and former GTR cooks.” The segregated classifications existed until both groups were merged in 1964. See White, Julie, “Looking Back: A Brief History of Everything” in David M. Rayside & Gerald Hunt, eds, *Equity, Diversity, and Canadian Labour* (Toronto: University of Toronto Press, 2007) pg. 25-48; Das Gupta, Tania, “Racism and the Labour Movement” in David M. Rayside & Gerald Hunt, eds, *Equity, Diversity, and Canadian Labour* (Toronto: University of Toronto Press, 2007) pg. 180-207; . Calliste, Agnes. 1987. ‘Sleeping Car Porters in Canada: An Ethnically Submerged Split Labour Market.’ *Canadian Ethnic Studies* 19 (1):1–20.

¹³⁴ *Central Okanagan School Dist. No. 23 v. Renaud*, [1992] 2 S.C.R. 970.

¹³⁵ See OHRC, *Human Rights at Work 2008, Third Edition* (online: OHRC, 2008) <ohrc.on.ca/en/human-rights-work-2008-third-edition> Part II, s.4.d, Unions.

¹³⁶ Section 2(d) of the *Charter*, supra note 27.

¹³⁷ *J.D. v CUPE Local 101*, [2001 CanLII 6897](#)

¹³⁸ See *Gendron v. Supply and Services Union of the Public Service Alliance of Canada, Local 50057*, 1990 CanLII 110 (SCC), [\[1990\] 1 SCR 1298](#) at page 1328; and *J.D. v. Canadian Union of Public Employees Local 101*, [2001 CanLII 6897](#) (ON LRB) at paras 43 and 49.

¹³⁹ Feuer, M. J., Floden, R. E., Chudowsky, N., and Ahn, J. *Evaluation of teacher preparation programs: Purposes, methods, and policy options*. (online:[pdf] 2013). Washington, DC: National Academy of Education <<https://files.eric.ed.gov/fulltext/ED565694.pdf>> at 1.

¹⁴⁰ OHRC, Right to Read, supra note 37, pg. 199-200.

¹⁴¹ See National Council of Teachers of English, *Racial Literacy: An Office Policy Brief* (online: NCTE, April 2021) <https://ncte.org/wp-content/uploads/2021/04/SquireOfficePolicyBrief_RacialLiteracy_April2021.pdf>.

¹⁴² University of Toronto Scarborough, Scarborough Charter on Anti-Black Racism and Black Inclusion in Canadian Higher Education: Principles, Actions, and Accountabilities, “Signatories of the Scarborough Charter: (online) <<https://utsc.utoronto.ca/scarborough-charter/signatories-scarborough-charter>>.

¹⁴³ See York University, Vice-President Equity, People and Culture, “Addressing Anti-Black Racism: A Framework on Black Inclusion”, (online) yorku.ca/vpepc/anti-black-racism-framework; and University of Windsor, *Anti-Black Racism Task Force Report* (online:[pdf] 2021) uwindsor.ca/antiblackracism/sites/uwindsor.ca.antiblackracism/files/10453_abr_task_force_report_6re.pdf.

¹⁴⁴ *Ontario College of Teachers Act*, 1996, S.O. 1996, c. 12, section 3 [*Ontario College of Teachers Act*].

¹⁴⁵ Ontario College of Teachers Ethical Standards, online: <https://www.oct.ca/public/professional-standards/ethical-standards>

¹⁴⁶ Ontario College of Teachers, *Press Release: Ontario College of Teachers Announces New Policy on Anti-Black Racism* (online: OCT, 6 November 2020) <https://oct.ca/public/media/press-releases/2020/20201106_3>

¹⁴⁷ *Ontario College of Teachers Act*, Ontario Regulation 437/97: Professional Misconduct, (online: updated 12 December 2024) <<https://www.ontario.ca/laws/regulation/970437>>

¹⁴⁸ *Ontario College of Teachers Act*, Ontario Regulation 619/20: Professional Misconduct (Amendment0, (online: 6 November 2020) <www.ontario.ca/laws/regulation/r20619>

¹⁴⁹ In its conversations with various duty-holders, the OHRC found that professional development training is not evaluated, and its impact is therefore not able to be identified.

¹⁵⁰ OHRC, *OHRC, Policy and Guidelines on Racism and Racial Discrimination (2008)*], supra note 44.

¹⁵¹ OHRC, *OHRC, Policy and Guidelines on Racism and Racial Discrimination (2008)*], supra note 44.

¹⁵² See note 1.

¹⁵³ For examples of current commitments and programs aimed at diversifying the student body, see the Ontario Association of Deans of Education's (OADE) Statement on Commitment to Anti-Black Racism Education and Black Inclusion in Ontario Higher Education can be found online:

<https://www.yorku.ca/edu/2024/05/13/launch-of-the-oade-commitment-to-anti-black-racism-education-and-black-inclusion-in-ontario-higher-education/>; and

University of Toronto – Ontario Institute for Studies in Education (OISE) Black Future Educators' Pathway (BFEP) <https://www.oise.utoronto.ca/ctl/black-future-educators-pathway>

¹⁵⁴ OHRC, *HRBA*, supra note 113.

¹⁵⁵ In the Office of the United Nations High Commissioner for Human Rights, *Human Rights Indicators: A Guide for Measurement and Implementation* (01 January 2012), pg.18 . outlines common categories of indicators used for human rights:

1. **“Fact-based or Objective – Quantitative Indicators:** an indicator articulated in quantitative form and based on information on objects, facts or events that are, in principle, directly observable and verifiable. Ex. Prevalence of underweight children under five years of age.
2. **Fact-based or Objective – Qualitative Indicators:** Indicator articulated as a narrative, in a categorical form, and based on information on objects, facts or events that are, in principle, directly observable and verifiable. Ex. Factual description of an event involving acts of physical violence, a perpetrator and a victim.
3. **Judgement-based or Subjective – Quantitative Indicators:** Indicator articulated in quantitative form and based on information that is a perception, opinion, assessment or judgement, using, for instance, cardinal/ordinal scales. Ex. Percentage of individuals who feel safe walking alone at night.
4. **Judgement-based or Subjective – Qualitative Indicators:** Indicator articulated as a narrative, not necessarily in a categorical form, and based on information that is a perception, opinion, assessment or judgement. Ex. Assessment expressed in a narrative form of how independent and fair the judiciary is?”

For more information see <ohchr.org/en/publications/policy-and-methodological-publications/human-rights-indicators-guide-measurement-and>.

¹⁵⁶ OHRC, “Count me In! Collecting human rights based data”, (online [pdf] 2009), https://www.ohrc.on.ca/sites/default/files/attachments/Count_me_in%21_Collecting_human_rights_based_data.pdf, pg. 10 – 11.

¹⁵⁷ Employee survey should cover a wide range of workplace topics, including but not limited to staffing practices, respectful environment, professional development, teamwork, tools and workspace, stress and workload, pay and benefits, recognition, job suitability, empowerment etc. See British Columbia Public Service (BCPS), “Work Environment Survey (WES)” (online: updated 20 September 2024) <gov.bc.ca/gov/content/data/statistics/surveys/wes> for generally background on employee engagement surveys.

¹⁵⁸ For an example of data gathered from an employment equity assessment see the BC Public Service (BCPS) Workforce Profiles Dashboard. The information from the Dashboard helps the BCPS make evidence-based decisions towards equitable treatment in hiring, training and promotion see

British Columbia, “Workforce Profiles” (online: Government of British Columbia, 2024) <rap.apps.gov.bc.ca/workforceprofiles/#/?Year=2024&Employee_Type=ALL&Des_Grp=IND&Des_Grp=DIS&Des_Grp=VM&Des_Grp=WOM&Des_Grp=2SLGBTQPlus&Ministry_Key=BCPS>.

¹⁵⁹ OHRC, Policy and Guidelines on Racism and Racial Discrimination, pg. 49.

¹⁶⁰ See Office of the Auditor General of Ontario, 2017 Annual Report, Volume 1, Auditor General, 2017 Annual Report, (online at s. 3.08) <auditor.on.ca/en/content/annualreports/arreports/en17/v1_308en17.pdf>. [Auditor General, 2017 Annual Report, Volume 1]

¹⁶¹ *Education Act*, supra note 58, s 8(1)(2).

¹⁶² Auditor General, 2017 Annual Report, Volume 1, supra note 154 at 3.08, 429.

¹⁶³ The *Code* supra, note 26.

¹⁶⁴ *Ibid.* Part I “every person has a right to equal treatment free from harassment and discrimination in five social areas: employment, housing, services, unions and vocational associations and contracts. Every person is free from discrimination and harassment in these social areas based on one or more protected grounds. The grounds are citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance (in housing) and record of offences (in employment)”.

¹⁶⁵ *Ibid.*, s.29(a).

¹⁶⁶ Ontario College of Teachers, *Schedules and Guidelines for Additional Qualifications* (online: OCT) <<https://oct.ca/members/additional-qualifications/schedules-and-guidelines>>.

¹⁶⁷ Ontario College of Teachers, *Course Providers for Additional Qualifications* (online: OCT) <<https://www.oct.ca/members/additional-qualifications/course-providers>>.

¹⁶⁸ *Education Act*, R.R.O. 1990, Regulation 298, Operations of School – General , s 11[RRO 1990, Reg 298].

¹⁶⁹ *Ibid.*, s 20.

¹⁷⁰ Exception to the *Code*, supra note 26, s. 11(1): (a) “the requirement, qualification or factor is reasonable and bona fide in the circumstances; or (b) it is declared in this Act, other than in section 17, that to discriminate because of such ground is not an infringement of a right. R.S.O. 1990, c. H.19, s. 11 (1)”.

¹⁷¹ OHRC, “Human Rights-Based Approach to Program and Policy Development,” (online: October 2023), ohrc.on.ca/en/human-rights-based-approach-program-and-policy-development.

¹⁷² See OHRC, “Count me in!”, supra note 151.

¹⁷³ *Canadian Human Rights Act*, R.S.C. 1985, c. H-6. See s. 16.

¹⁷⁴ *Employment Equity Act*, S.C. 1995, c. 44.

¹⁷⁵ *Charter*, supra note 27.

¹⁷⁶ OHRC, “Count me in!”, supra note 151, pg. 3.

¹⁷⁷ *Ibid.*, pg. 8-9.

¹⁷⁸ *Ibid.*,

¹⁷⁹ Schools were also required to collect race-based data by the [Education Equity Action Plan](#).

¹⁸⁰ Ministry of Education, Ontario, *Reach Every Student: Energizing Ontario Education* (Toronto: Ministry of Education, Ontario, 2008), pg. 8.

¹⁸¹ Ontario, *Policy/Program Memorandum 119* (online: updated 18 December 2024) www.ontario.ca/document/education-ontario-policy-and-program-direction/policyprogram-memorandum-119> [Ontario, PPM 119], In this memorandum, *school board(s)* and *board(s)* refer to district school boards and school authorities.

¹⁸² Others include Policy/Program Memoranda No. 108, "Opening or Closing Exercises in Public Elementary and Secondary Schools", January 12, 1989; No. 127, "The Secondary School Literacy Graduation Requirement", October 13, 2004; No. 128, "The Provincial Code of Conduct and School Board Codes of Conduct", December 5, 2012; No. 144, "Bullying Prevention and Intervention", December 5, 2012; and No. 145, "Progressive Discipline and Promoting Positive Student Behaviour", December 5, 2012. Sections 27–29 ("Religion in Schools") of Regulation 298 replaced No. 112, "Education about Religion in the Public Elementary and Secondary Schools", December 6, 1990.

¹⁸³ Ontario, PPM 119, *supra* note 224, Ministry of Education, Ontario, *Antiracism and Ethnocultural Equity in School Boards: Guidelines for Policy Development and Implementation* (Toronto: Ministry of Education, Ontario, 1993), p. 7.

¹⁸⁴ Ontario, PPM 119, *supra* note 224, D. Goleman, *Social Intelligence: The New Science of Human Relationships* (New York, NY: Bantam, 2006).

¹⁸⁵ Paragraph 8(1)(29.1) of the *Education Act*, *supra* note 58, gives the Minister of Education the authority to require all school boards to develop and implement an equity and inclusive education policy, and, if required by the Minister, to submit the policy to the Minister and implement changes to the policy as directed by the Minister.

¹⁸⁶ *Education Act*, Ontario Regulation 181/98: Identification and Placement of Exceptional Pupils, "Identification and Placement of Exceptional Pupils", requires school boards to consider placement of students with special education needs into regular classrooms before considering alternative placements.

¹⁸⁷ Ontario, PPM 119, *supra* note 224, Boards should also refer to Policy/Program Memorandum No. 148, "Policies Governing Admission to French-Language Schools in Ontario", April 22, 2009; and *L'admission, l'accueil et l'accompagnement des élèves dans les écoles de langue française de l'Ontario – Énoncé de politique et directives, 2009*

¹⁸⁸ Ontario, PPM 119, *supra* note 224, In this memorandum, *parent(s)* refers to parent(s) and guardian(s).

¹⁸⁹ Under the *Code*, *supra* note 26, the duty to accommodate requires accommodation to the point of undue hardship. For further details, see the OHRC, *Policy on Creed and the Accommodation of Religious Observances* (online [pdf] updated December 2009) https://www.ohrc.on.ca/sites/default/files/attachments/Policy_on_creed_and_the_accommodation_of_religious_observances.pdf.

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