

Human Rights-Based Approach Framework (HRBA)

Association of Municipalities of Ontario (AMO)
August 20, 2023
London, ON



Outline

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Ontario's *Human Rights Code*

- Ontario's *Human Rights Code* gives everyone equal rights and opportunities without discrimination.
- The *Code's* goal is to prevent and protect against discrimination and harassment and promote substantive equality based on **17 protected grounds** in **five social areas**:
 - Employment, housing, services, contracts, unions/associations
 - Race, gender, disability, creed, etc.,
- The aim of the *Code* is to;
 - Protect the dignity and worth of each person
 - Ensure equal rights and opportunities
 - Create a climate of respect and mutual understanding
 - Ensure that everyone can take part fully in society

Why a human rights-based approach?

- Under human rights law, all levels of government have obligations to make sure individuals receive equal benefits from public programs and are not subject to unequal burdens.
- When governments design policies and programs they must make sure that;
 - (a) vulnerable *Code*-protected groups receive the full and equal benefit of any strategy, policy or program and
 - (b) proactive steps are taken to relieve vulnerable groups of the disproportionate harms and disadvantages they have suffered

Why a human-rights-based approach cont.

- Governments, service providers, housing providers, and employers have an obligation under the *Code* to take positive action toward substantive equality.
 - This means that organizations must work to proactively identify and remedy the disproportionate impact that laws, policies or systems have on vulnerable groups
- Municipal bylaws, policies, programs and services must prioritize the human rights of the people in their region.
- Bylaw, policy, program and service delivery decisions that fail to account for related inequality and systemic discrimination risk violating the *Code*.

The Human Rights Based Approach Framework (HRBA)

- The Ontario Human Rights Commission (OHRC) has developed the **HRBA Framework** to support policy, program, and service planning and development in a way that mitigates discrimination and disproportionate impacts on *Code*-protected groups.
- The HRBA Framework will be a web-based analytical and educational tool available to all broader public sector entities, employers as well as provincial and municipal governments. Looking to release in late fall 2023.
- The HRBA is designed to be used by public service staff or other workers who design and recommend policy and program initiatives to decision makers. It can also be used for educational purposes.
- It supports the user in “how” to develop and deliver human rights-focused, inclusive, equitable, accessible and responsive policy, program and service initiatives.

The Human Rights Based Approach Framework (HRBA) cont.

- The HRBA is broken into seven stages with corresponding questions/suggested actions.
- **Stage one:** Context analysis – Identifying the human rights context of your initiative
- **Stage two:** Undertaking research & analysis – Conducting research and analysis that considers and reflects human rights obligations
- **Stage three:** Planning engagement – Working with impacted communities to develop an engagement process that works for everyone

The Human Rights Based Approach Framework (HRBA) cont.

- **Stage four:** Developing options & recommendations - Proposing options and recommendations that respond to the rights, needs and perspectives of communities identified during research and engagements
- **Stage five:** Seeking approvals - Decision makers have confidence in a recommended approach that thoroughly considers and addresses human rights obligations
- **Stage six:** Implementing programs & services – Upholding human rights in service delivery and implementation
- **Stage seven:** Monitoring & evaluation - Monitoring/evaluation frameworks to assess the human rights' impacts of the initiative

Municipal application of the HRBA

- Many of the service areas that are protected by the *Code* are the responsibility of municipal governments to design and/or deliver, such as social assistance, public health, policing, recreation services, libraries, and public transportation.
 - Municipalities also have *Code* responsibilities as employers.
- While municipalities have broad powers to pass bylaws (subject to certain limits) on matters such as housing, health, safety and well-being of the municipality, and to protect persons and property, the *Code* has primacy over the legislative framework for these powers.
- The *Code* also has primacy in matters related to land use planning and zoning.

Case study: “people zoning” & migrant workers in Kingsville

- In August of 2021 the Town of Kingsville passed an interim control by-law prohibiting any person from using any lands, buildings, or structures for the purpose of housing “agricultural workers” anywhere other than on the agricultural lands where they are employed until a housing study was completed.
- Designating a housing type based on the characteristics of the people who live there, creates a serious risk of “**people zoning**” that is inconsistent with the OHRC’s [guidance](#) and is a violation of the *Code*.

Case study: “people zoning” & migrant workers in Kingsville

- Under the *Code*, Kingsville has an obligation to make sure that the existing vulnerable position of migrant workers is not further exacerbated by town policies or by-laws.
 - Restricting where migrant workers can live will further isolate and marginalize an already vulnerable community
- The Town met with the OHRC and other stakeholders and revised their by-law to permit housing used by migrant workers anywhere in their community.

The HRBA would have helped to prevent the development of a discriminatory by-law from the outset.

OHRC resources

- [*In the Zone, housing, human rights and municipal planning*](#)
- [*Policy on human rights and rental housing*](#)
- [*Policy on eliminating racial profiling in law enforcement*](#)
- [*Policy on ableism and discrimination based on disability*](#)
- [*Policy and guidelines on disability and the duty to accommodate*](#)
- [*Policy on preventing discrimination based on mental health disabilities and addictions*](#)
- [*Policy and guidelines on racism and racial discrimination*](#)
- [*Policy on competing human rights*](#)
- [*Count me in! Collecting human rights-based data*](#)
- [*Policy statement on human rights in COVID-19 recovery planning*](#)

Discussion

- Questions?



Thank you

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