

# The Human Rights-Based Approach Framework

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A how-to  
for employers

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Ontario  
Human Rights Commission  
Commission ontarienne des  
droits de la personne

Learn more about how the [Human Rights-Based Approach \(HRBA\) framework](#) can help you apply a human rights lens to your workplace policies, programs and services and support *Human Rights Code*-protected groups.

## What is the HRBA Framework?

The HRBA Framework is a web-based analytical and educational tool available to service providers, including non-profits and government services, employers, researchers, advocates as well as provincial and municipal governments.

It supports employers like you in creating work-based policies and programs in a way that mitigates discrimination and disproportionate adverse impacts on all employees.

Through probing human rights questions and considerations, the HRBA Framework educates and supports users to think differently – and leads to better outcomes – no matter the work we do.

Asking the right questions will help you comply with Ontario's *Human Rights Code (Code)* as an employer and provide you with the following outcomes:

- Discrimination-free work environment that respects the dignity of all employees
- New mechanisms to address issues of systemic discrimination
- Position yourself to meet the needs, and rights, of all the people you employ.

## Ontario's *Human Rights Code* in your workplace

The Ontario [\*Human Rights Code\*](#) is for everyone. It is a provincial law that gives everybody equal rights and opportunities without discrimination in areas such as jobs, housing and services. The *Code's* goal is to prevent discrimination and harassment because of [17 protected grounds, in five social areas](#), one of which is employment.

The *Code* states that every person has a right to equal treatment with respect to employment without discrimination or harassment 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.

The right to [equal treatment with respect to employment](#) covers every aspect of the workplace environment and employment relationship, including job applications, recruitments, trainings, transfers, promotions, apprenticeship terms, dismissals and layoffs. It also covers rates of pay, overtimes, hours of work, holidays, benefits, shift work, disciplines and performance evaluations.

## Workplace policies

You can use the HRBA Framework to develop human rights-based employment policies, such as:

- Flex-time policies to help your employees balance their work with care-giving obligations (relates to the *Code* ground of family status)
- Policies on uniforms or hours of work that consider your employees' religious observances (relates to the *Code* ground of creed)
- Recruitment policies that provide for widely accessible job ads that allow anyone to apply, rather than using word-of-mouth recruitment that tends to result in hiring people of the same groups as are already in the organization (relates to the *Code* grounds of gender, race or ethnicity).

Many pieces of legislation grant specific powers and responsibilities to employers in Ontario such as, the [Occupational Health and Safety Act, 1990](#), [Employment Equity Act, 1995](#), [The Workplace Safety and Insurance Act, 1997](#), [Employment](#)

[Standards Act, 2000, Accessibility for Ontarians with Disabilities Act, 2005, Working for Workers Act, 2021.](#)

With this authority comes a human rights responsibility. The *Code* prohibits workplace policies or programs that have a disproportionate adverse impact on people or groups that identify with one or more *Code* grounds.

The courts have said that because of the importance of the principles set out in the *Code*, it should be given a broad and generous interpretation. When there is a difference or conflict between the *Code* and another Ontario law, the *Code* has primacy unless the other law specifically states otherwise.

## Why should I use the HRBA Framework in my workplace?

The HRBA Framework can help you:

1. **Identify the human rights context** of the organizational policies and programs you are developing.
2. **Save time and effort** by considering every aspect of your project at the planning stage, rather than after it has already been implemented.
3. **Work with impacted communities** to develop appropriate engagement processes.
4. **Conduct research and analysis** to consider and reflect human rights obligations.
5. **Capture** your evidence-based research, analysis, and rationale for future reference.
6. **Develop options and recommendations** to respond to the rights, needs, and perspectives of impacted communities.
7. **Engage in decision-making** to thoroughly consider and address human rights obligations.
8. **Uphold human rights** when developing and delivering organizational policies and programs.
9. **Monitor/evaluate** outcomes of policies to assess human rights impacts.
10. **Become an expert** in human-right policy and program development.

## Example – Dress codes in your workplace

The HRBA Framework can help you to design inclusive rules for all employees, including men and women, people with disabilities, and anyone who needs accommodation for religious reasons.

For example, you can develop a dress code or dress rules that meet your business needs if they comply with the *Code*, such as requesting that your employees wear a uniform or a protective gear. However, you must make sure that your organization's uniform policy does not undermine your employees' dignity and right to fully participate in the workplace.

An employer should be prepared to prove that any sex-linked differences in the dress code justify occupational requirements. The dress code states that religious head coverings of any type may be worn with a uniform, and women can choose to wear pants instead of a skirt. Female employees who wish to dress modestly for religious reasons appreciate the option of being able to wear ankle-length skirts without needing to make an accommodation request.

Discriminatory barriers often arise due to requirements or practices that seem neutral – such as imposing a dress code at work – but have unintended negative impacts on people identified by the *Code's* prohibited grounds of discrimination, such as gender, sex or creed.

## Related OHRC policies to support employers

To get the most out of the HRBA Framework, the OHRC recommends using it in conjunction with other related OHRC policies:

[Policy on preventing discrimination because of gender identity and gender expression](#)

[Policy on removing the "Canadian experience" barrier](#)

[Human rights at work 2008 - 3rd edition](#)

[Guidelines on developing human rights policies and procedures](#)

[Policy on employment-related medical information](#)

[Policy on drug and alcohol testing](#)

[Policy on requiring a driver's license as a condition of employment](#)

[Policy on ableism and discrimination based on disability](#)

[Policy and guidelines on racism and racial discrimination](#)

[Count me in! Collecting human rights-based data](#)

[COVID-19 and Ontario's Human Rights Code – Questions and Answers](#)

[Policy on preventing discrimination because of gender identity and gender expression](#)