

The Human Rights-Based Approach Framework



A how-to for health
and human service providers



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 health and human services, and build human rights capacity and expertise to move the dial on specific issues.

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 the user in planning, developing and delivering human rights-focused, inclusive, equitable and accessible policy, programs and services, and helps mitigate discrimination and disproportionate adverse impacts on *Human Rights Code*-protected groups.

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 make sure human rights inform your health and human services and provide you with the following outcomes:

- Discrimination-free health and human services that respect the dignity of all Ontarians, including vulnerable groups
- New mechanism 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* and Service Delivery

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](#).

You have the right to be free from discrimination when you receive goods or services or use facilities. For example, this right applies to:

- Hospitals and health services
- Schools, universities and colleges
- Public places, amenities and utilities such as recreation centres, public washrooms, malls and parks
- Services and programs provided by municipal and provincial governments, service agencies and non-profits organizations including housing, social assistance and benefits, child welfare, policing and public transit programs.

Many pieces of legislation grant specific powers and responsibilities to health and human-services providers in Ontario such as the [Education Act, 1990](#), [Public Hospitals Act, 1990](#), [Health Protection and Promotion Act, 1990](#), [Ontario Works Act, 1997](#), [Ontario Disability Support Program Act, 1997](#), [Accessibility for Ontarians with Disabilities Act, 2005](#), [Health Protection and Promotion Act](#), [Anti-Racism Act, 2017](#), [Child, Youth and Family Services Act, 2017](#), [Providing More Care, Protecting Seniors, and Building More Beds Act, 2021](#)¹.

With this authority comes a human rights responsibility. The *Code* requires that service delivery decisions consider all members of the communities they serve.

¹ Under the *Municipal Act, 2001*, municipalities have broad powers to pass bylaws (subject to certain limits) on matters such as housing, health, safety and well-being of the municipality. See the [HRBA Framework – A how-to for municipalities](#).

The *Code* also requires that such decisions do not have a disproportionate adverse impact on, or target, people or groups who identify with *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 to plan and provide health and human-services?

The HRBA Framework can help you:

1. **Identify the human rights context** of the services being delivered.
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** most impacted by child welfare systems to develop appropriate engagement processes, including urban and rural Indigenous communities and organizations.
4. **Conduct research and analysis** that consider and reflect human rights obligations, such as by collecting race-based data, and poverty-related information.
5. **Capture** your evidence-based research, analysis, and rationale for future reference.
6. **Develop options and recommendations** that respond to the rights, needs and perspectives of impacted communities.
7. **Engage in decision-making** that thoroughly considers and addresses human rights obligations.
8. **Uphold human rights** in service delivery.
9. **Monitor/evaluate outcomes** of policies to assess impacts on human rights.
10. **Become an expert** in human-right policy and program development, such as by implementing human rights and anti-discrimination training for all child welfare workers.

Case study – Racial profiling in child welfare

The HRBA Framework can help you develop services that aim to protect children and ensure that you consider and address issues of bias and racial profiling before you introduce child welfare policies and tools.

For example, the Framework can help address issues in the child welfare system. Indigenous, Black and other racialized children are overrepresented in the system when compared to their proportion in the general population due to many factors, including historical and structural inequalities. This overrepresentation may be one indicator of systemic discrimination, including systemic racial profiling².

Systemic racial profiling refers to patterns of behaviour, policies or practices that are part of an organization or sector's structure, which create a position of relative disadvantage for racialized and Indigenous peoples. These policies, practices or behaviors may appear neutral in that they don't specifically target a particular group, but may result in situations where Black, racialized or Indigenous peoples tend to experience greater scrutiny or negative treatment.

Although many different issues could lead to involvement by child welfare authorities, biased referrals and biased decision-making among these services may play a role, including the tools used by child welfare providers to determine if a child is at risk. Although they seem neutral, risk assessment standards and tools may lean towards more positive outcomes for White people and often disproportionately harm Black, Indigenous and racialized children.

Discriminatory barriers often arise due to requirements or practices that seem neutral – such as trying to protect the welfare of children – but have unintended negative impacts on people identified by *Code*'s prohibited grounds of discrimination, such as race.

² See the OHRC's [Under Suspicion: Concerns about child welfare](#) report on racial profiling including in child welfare.

Related OHRC policies to support health and human services delivery

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

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

[Policy on preventing discrimination based on mental health disabilities and addictions](#)

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

[Policy on human rights and rental housing](#)

[Policy on eliminating racial profiling in law enforcement](#)

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

[Policy statement on human rights in COVID-19 recovery planning](#)

[Policy on competing human rights](#)

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

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