

The Human Rights-Based Approach Framework



A how-to for provincial policy
and program makers



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 support policy, program and service system planning and implementation in a way that mitigates discrimination and disproportionate adverse impacts on *Code*-protected groups.

What is the HRBA Framework?

The HRBA Framework is a web-based analytical and educational tool available to all broader public sector entities as well as provincial and municipal governments.

It supports the user to develop and deliver human rights-focused, inclusive, equitable, accessible, and responsive policy, program, and service initiatives.

It supports the province in creating by-laws, polices, programs and services to meet the needs, and rights, of all members of their communities.

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 the Ontario's *Human Rights Code (Code)* and provide you with the following outcomes:

- Discrimination-free and accessible provincial policy, program and services aligned with OPS equity tools¹
- Equitable municipal policies, programs and services that meet the needs of vulnerable groups
- Provincial by-laws, policies, programs and services that address issues of systemic discrimination

¹ **Relevant OPS equity tools include:** Anti-Racism Impact Assessment (ARIA), Indigenous Impact Assessment, Seniors Impact Tool, Francophone Lens, Gender and Diversity Analysis, OPS Inclusion Lens, Accessibility Review Tool and the Health Equity Impact Assessment.

Ontario's *Human Rights Code* and provincial policy

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](#).

Everyone has the right to be free from discrimination when they 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 services.

Many pieces of legislation grant specific powers and responsibilities to provincial bodies and service providers in Ontario, such as the [Health Protection and Promotion Act, 1990](#), [Education Act, 1990](#), [Public Hospitals 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](#).

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

While the HRBA Framework will support organizations in meeting their human rights obligations, it does not replace receiving legal advice where necessary.

Why should provincial policy and program makers use the HRBA Framework?

The HRBA Framework can help you:

- 1. Identify the human rights context** of the policies and programs being developed.
- 2. Work with impacted communities** to develop appropriate engagement processes, such as by documenting and tracking complaints related to discrimination in provincial policies and programs.
- 3. Conduct research and analysis** that considers and reflects human rights obligations, such as by using data and considering regular periodic reviews of policies, programs and services.
- 4. Develop options and recommendations** that respond to the rights, needs and perspectives of impacted communities.
- 5. Engage in decision-making** that thoroughly considers and addresses human rights obligations.
- 6. Uphold human rights** in policy and program development and delivery.
- 7. Monitor/evaluate outcomes** of policies to assess human rights' impacts.

Case study – Online Health Card Renewal Service

In January 2020, the government of Ontario launched an online Ontario Health Card Renewal Service. This online service allowed citizens to renew their health card online if they had a current driver's license and met other criteria (such as not needing a new photo, which is required every 10 years). However, many citizens with disabilities do not have a driver's license. As many people with disabilities also face barriers in travel, it is especially important that they are able to access, use and benefit from the convenience of any online services available to avoid travel and in-person services.

Several years ago, the Ministry of Transportation introduced the Ontario Photo Card at the request of the disability community. This was an excellent initiative to offer people with disabilities and others who do not have a driver's license an equal opportunity to obtain an official government identification card with a photo. Unfortunately, the Ontario Photo Card was not accepted as identification in the new online health card renewal system, so many people with disabilities were unable to use this option.

After the disability rights communities made their concerns known, the government addressed this barrier for people with disabilities and older adults by allowing the use of the Ontario Photo Card as an alternative so they could equally benefit from the new online service.

How the HRBA Framework could have helped

Discriminatory barriers often arise due to requirements or practices that seem neutral - such as requiring a driver's licence to access another service - but have unintended negative impacts on people identified by the *Human Rights Code's* prohibited grounds of discrimination, such as age or disability.

Using the HRBA Framework while developing the online Health Card Renewal system would have ensured that discriminatory barriers or potential barriers that prevent people from equally accessing and participating in the service were considered and addressed *before* the service was released to the public. This would have prevented discrimination, and saved time and resources by getting it right the first time.

Related OHRC policies to support the province

To get the most out of the HRBA Framework, the OHRC recommends using it in conjunction with other related OHRC policies, such as, but not limited to:

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

[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](#)

[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](#)