

SECTION Q:

Other Important City Policies

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Code of Conduct for Members of Council

Summary of the Code of Conduct for Members of Council, Agencies, Boards and Commissions

[Source: 2006-2010 Council Handbook]

Purpose

The Code of Conduct establishes high standards of conduct for Members of Council in order to protect and maintain the City of Toronto's reputation and integrity. It applies to all Members of Council and their office staff as well as citizen appointees to most local boards.

Gifts & Benefits

- **DO NOT** accept a fee, advance, gift or personal benefit connected directly or indirectly to your duties of office or position or allow your spouse, child, parent or staff member to accept the same.
- **IT'S OK** to accept gifts or benefits received as an incident of protocol or social obligation; a reported political contribution; services of volunteers; a memento of a function honouring a member; food and beverages at banquets and receptions provided the value is reasonable and the invitations from any one source are infrequent; subscriptions to newspapers and periodicals; food, lodging, transportation, and entertainment from other governments. However, except for reported political contributions, **IT'S NOT OK** to accept any gifts or benefits from lobbyists.
- **YOU MUST REPORT** to the Integrity Commissioner any permissible gift or benefit that exceeds \$300.00 in value or any combination of gifts and benefits in a calendar year from a single source that exceeds \$300.00 in value and, except in the case of food, lodging, transportation and entertainment from other governments, **YOU MUST NOT ACCEPT** any gift or benefit that exceeds \$500.00 in value or any combination of gifts and benefits in a calendar year from a single source that exceeds \$500.00 in value.

Confidential Information

- **DO NOT** disclose confidential information obtained as a result of your office, unless required by law or authorized by Council. This includes: information on the bidding on the sale of City property; personnel matters and items under litigation or negotiation; information infringing on the rights of others; price schedules in contract tenders or RFPs; personal information under the *Municipal Freedom of Information and Protection of Privacy Act*; certain census or assessment data.
- **DO NOT** use confidential information for personal or private gain, or for the gain of others.
- **DO NOT** seek access to confidential information from the City unless it is necessary for the carrying out of your functions and there is no City policy denying you access to that information.

City Property, Services, Resources

- **DO NOT** use or permit the use of City land, facilities, equipment, supplies, services, staff and other resources such as City-owned websites and materials for anything other than City business.
- **DO NOT** profit financially from the use of City-developed intellectual property (creative writing, drawings, inventions), computer programs, technical innovations or other potentially patentable items.

Election Campaign Work

- **DO NOT** use City facilities, equipment, supplies, services or other resources for any election campaign related activities.
- **DO NOT** undertake any campaign related activities on City property.
- **DO NOT** use people for election campaign activities during the hours in which they receive compensation from the City.

Improper Use of Influence

- **DO NOT** use the influence of your office except as a permissible exercise of your official duties and especially do not attempt to interfere with the decision of another person for the private advantage of yourself, your family, friends or associates, business or otherwise.

Business Relations

- **DO NOT** act as a paid agent before Council, its committees, or on ABCs except in compliance with the terms of the Municipal Conflict of Interest Act.
- **DO NOT** take payment or any form of benefit for providing introductions.

Current/Prospective Employment

- **DO NOT** allow future employment prospects to detrimentally affect your duties to the City.

Council Meetings

- **USE** decorum in your conduct at Council.

Staff

- **DO NOT** maliciously hurt the reputation, prospects or practice of staff, compel them to participate in partisan political activities, or threaten or discriminate against them if they refuse.

- **DO NOT** use influence, intimidation, or threats to interfere in staff duties including the duty to disclose improper activity.
- **SEND** requests that fall outside of a Council-approved budget, policy or process to the appropriate standing committee.
- **RESPECT** the role and professionalism of staff and particularly their duty to be politically neutral and objective and to operate without undue influence from Members of Council.

Lobbyists

- **ENSURE** that you serve the public interest when faced with lobbyists. **KNOW** when you are being lobbied and consider the following questions:
 - a) During the past year has anyone attempted to influence you personally?
 - b) Does this person do business or want to do business with the City?
 - c) Has this person tried to influence outcomes outside a public forum?
 - d) Is this person a provincially or federally registered lobbyist?
 - e) Does this person fall within the definition of lobbyist?
- When the Lobbyist Registration By-Law comes into effect, **DO NOT** communicate with unregistered lobbyists or lobbyists violating the by-law.

Discreditable Conduct

- **TREAT** the public, staff and Members of Council appropriately and without abuse, bullying or intimidation, and ensure that your workplace is free from discrimination and harassment.

Council Policies and Procedures

- **FOLLOW** all Council policies and procedures regulating the performance of your duties.

Reprisals and Obstruction

- **DO NOT** take or threaten reprisals against someone for complaining or providing information to the Integrity Commissioner and **DO NOT** obstruct the Integrity Commissioner in the performance of her or his duties.

Compliance

- **FAILURE** to declare a conflict of personal interest under the Municipal Conflict of Interest Act, or conviction of a criminal offence, can cause disqualification as a Member of Council.
- **VIOLATIONS** of the Code of Conduct can bring Council-imposed sanctions including a reprimand, loss of pay for up to 90 days, removal from membership or as Chair of a committee or local board, repayment or reimbursement of funds, return of property or its value, and a request for an apology.

The Municipal Conflict of Interest Act Explained

Under the Municipal Conflict of Interest Act and the City of Toronto Conflict of Interest Policies, elected officials, government employees and members of local Boards must declare a conflict of interest when potential personal gain may interfere with their ability to make objective decisions.

BIA Responsibility

Because BIAs work very closely with elected officials, government employees and other local Boards, there are many situations in which conflicts of interests may arise. It is critical that your BIA Board fully understands this policy to avoid potentially costly situations.

It is suggested that before assuming a Board position, members be given a copy of the Act and City of Toronto policy and be required to sign a form acknowledging that they are aware of what constitutes a conflict of interest.

Potential Conflicts of Interest

Elected officials, government employees and board members may not use their position or confidential information for private gain or the expectation of private gain or advancement. They may not accept indirect or direct gifts, money, discounts or favors including a benefit to family members, friends or business associates for doing work that they are paid for or otherwise empowered to do already. Benefits can arise from any situation in which a board member, elected official or government employee:

- Is a shareholder, director or senior officer of a private corporation;
- Has a controlling interest in or is a director or senior officer of a publicly traded corporation;
- Is a member of a body that has a financial interest in the matter; or

- Is a partner or employee of a person or body that has a financial interest in the matter.

Exceptions to the Policy

There are numerous exceptions to the Conflict of Interest policies. Please refer to the Municipal Conflict of Interest Act for a complete list. Some examples are:

- Having a personal financial interest in common with that of the general population (i.e. a board member who uses public utility services).
- Accepting promotional gifts or those of nominal value (i.e. a coffee mug or a letter opener with the company's logo or the occasional lunch).
- Having a "remote" or "insignificant" interest in an issue.
- Participation in elections to fill a vacancy, office or position.

Declaration and Reporting Procedure

The Municipal Conflict of Interest Act requires that the first item on the published agenda of each Board meeting be declarations of conflict of interest. When this item is addressed at the meeting, each member must state those agenda items for which they have a conflict and refrain from participating in any discussion, voting or attempting to influence decision making on those items.

Every declaration of interest must be recorded in meeting minutes. Where it is a public meeting, the nature of the conflict of interest must also be noted. If it is not a public meeting, the person with a conflict of interest must leave the room when the issue is being discussed and the conflict of interest must be noted in the minutes of the next meeting that is open to the public.

Consequences

An elector may, within six weeks of becoming aware of an undeclared conflict of interest, apply to a judge for a determination of whether the member has contravened the Municipal Conflict of Interest Act. An

allegation can be filed up to six years after a potential contravention.

In his or her decision, a judge may declare a Board member's seat vacant, disqualify them from further participation with the Board for up to seven (7) years and / or require restitution if there has been personal financial gain. If the contravention is committed through inadvertence or as error in judgment the judge may decide not to vacate their seat and disqualify them from participation.

References

More detail on conflict of interest policies can be found from the links below.

- City of Toronto: Conflict of Interest Policy, August 1, 2, 3 and 4, 2000.
<http://www.toronto.ca/legdocs/2000/agendas/council/cc/cc000801/adm16rpt/cl020.pdf>
- Toronto City Council Supplementary Conflict of Interest Policies: February 1, 2, 3, 2005
http://www.toronto.ca/integrity/pdf/supplementary-conflict-interest-guidelines_2005.pdf
- City of Toronto, Conflict of Interest Policies for Tenders:
http://www.toronto.ca/calldocuments/conflict_of_interest_policy.htm

Please note, each BIA Board of Management member should sign the Municipal Conflict of Interest guidelines before taking office.

Sample: Acknowledgement of Conflict of Interest

Definition:

A conflict of interest refers to a situation in which private interests or personal considerations may affect a Business Improvement Area Board of Management Member's judgement in acting in the best interest of the Board of Management. It includes using a Board Member's position, confidential information or corporate time, material or facilities for private gain or advancement or the expectation of private gain or advancement. A conflict may occur when an interest benefits any member of the employee's family, friends or business associates.

Acknowledgement and Undertaking:

Municipal Conflict of Interest Act, R.S.O. 1990

I, _____, an elected member of the _____ Business Improvement Area, hereby acknowledge having reviewed a copy of the Municipal Conflict of Interest Act, R.S.O. 1990, and I hereby promise and declare that I will disclose any pecuniary interests, direct or indirect as required by the Municipal Conflict of Interest Act, R.S.O. 1990, and that I undertake to abide by all other requirements of the said Act.

Signature

Witness

Date

Policy on Political Activities

Members of your BIA Board must prove that they understand and will abide by this policy by submitting a copy of the meeting minutes when this policy is adopted to the City of Toronto, Chief Administrative Officer (CAO).

Policy

1.0 This Policy on Political Activities defines eligible and ineligible uses of funds provided by the City of Toronto through funding programs as well as restricted and unrestricted activity within any City-funded activity.

In cases where a funding recipient devotes part of its resources to political activities:

- such political activities must be ancillary and incidental to its mandate, purpose, and project or service activities,
- such political activities must not include the direct or indirect support of or opposition to, any political party or candidate for public office.

2.0 An “ancillary and incidental” activity is one that is naturally connected with and subservient to a funding recipient’s larger mandate, purpose, and project, service, or educational activity, or something that exists only in conjunction with such larger mandate, purpose, and project, service, or educational activity.

3.0 A funding recipient may not use funds provided by the City to oppose or endorse a named candidate, party, or elected official. Funds provided by the City may not be devoted directly to such activities, or devoted indirectly through provision of resources to a third party engaged in partisan political activities.

4.0 Political activities undertaken as part of a City funded project not subject to any limitation include:

- all candidates meetings,
- oral and written presentations to the relevant Councillors to present the proponent’s views or to provide factual information,
- oral and written presentations or briefs containing factual information and recommendations to the relevant committees of Council,
- the provision of information and the expression of non-partisan views to the media that fall within the general ambit of the funding recipient’s mandate or purpose, as long as the devotion of resources to such activity is reasonable in the circumstances (i.e., is intended to inform and educate by providing information and views designed primarily to allow full and reasoned consideration of an issue, rather than to influence public opinion or to generate controversy),
- publications, conferences, workshops and other forms of communication that are produced or organized by a funding recipient in order to sway public opinion on political issues and matters of public policy,
- advertisements in newspapers, magazines or on television or radio to the extent that they are designed to attract interest in, or gain support for, a funding recipient’s position on political issues and matters of public policy,

- public meetings or lawful demonstrations that are organized to publicize and gain support for a funding recipient's point of view on matters of public policy and political issues, and
- mail campaigns: requests by a funding recipient to its members or the public to forward letters or other written communications to the media and government expressing support for the organization's views on political issues and matters of public policy.

However, none of the above activities may be carried out in a manner which may reasonably be construed as supporting a particular candidate, elected official or particular party.

(Adopted by City Council at its meeting on April 14, 15 and 16, 2003)

Lobbying Disclosure Policy for Requests for Proposals and Tender/Quotation Calls

Your BIA Board must adopt the City of Toronto's Lobbying Disclosure Policy or a policy that is consistent with the spirit and intent of the City's Policy (see below). Meeting minutes when this policy is adopted must be forwarded to the City of Toronto CAO's office.

Purpose

To enhance transparency in competitive procurement awards through a lobbying disclosure process for competitive Requests for Proposals and Tender and Quotation Calls issued by the City of Toronto, Purchasing and Materials Management Division (PMMD) on behalf of City Departments, Agencies, Boards or Commissions.

Note: Adopted by Council at its meeting held on March 1, 2 and 3, 2004, Report No. 2, Clause 16 of the Administration Committee.

Policy

1.0 Purpose

To enhance transparency in competitive procurement awards through a lobbying disclosure process for competitive Requests for Proposals and Tender and Quotation Calls issued by the City of Toronto, Purchasing and Materials Management Division (PMMD) on behalf of City Departments, agencies, boards or commissions.

2.0 Application

Lobbying disclosure shall apply to all competitive Requests or Calls issued by PMMD of any dollar value excluding Sole-Source purchases or Departmental Purchase Orders made in accordance with approved purchasing policies and City by-laws. Lobbying disclosure, with the disclosure criteria appropriately modified if necessary in consultation with PMMD and the City Solicitor, will be encouraged for adoption and application by City agencies, boards and commissions, Council established Task Forces and other City controlled organizations.

3.0 Definitions

3.1 All references in *Italics* below refer to definitions contained within Chapter 195 (Purchasing) of the City of Toronto Municipal Code, as amended from time to time.

3.2 In this policy:

“Bid” means a formal price response to a Call issued by the City;

“Bidder” means any legal entity submitting a competitive Bid in response to a Call by the City;

“Call” means a Solicitation from the City to external suppliers or providers to submit a Tender or a Quotation;

“Lobbying” for the purposes of this policy, means oral or written communications by Bidders/Proponents and/or representatives employed or retained by them, with members of Council, City officials, and staff, in order to promote or oppose any Bidder or Proponent, as the case may be, responding to a PMMD Call or Request;

“Proponent” means any legal entity submitting a Proposal in response to a Request issued by the City;

“Proposal” means an offer to furnish goods, services or construction, including professional or consulting services, as a basis for negotiations for entering into a contract;

“Quotation” means an offer to buy or supply specified goods or services at a price fixed as to the total amount or on a unit basis, or both;

“Request” means a *Solicitation* from the City to external suppliers or providers to submit a Proposal;

“Sole Source” means purchases made to one vendor for proprietary/patent/copyright reasons or the department head has determined emergency exists (as defined by the Municipal Code, Chapter 195, Purchasing); and

“Tender” means an offer in respect of a project at a price fixed as to total amount or on a unit basis, or both, and where all of the material terms, conditions and specifications to be met for the project, aside from price and, in some cases, time for completion, are contained in the call and determined at the time a bid is opened so that there is no prospect of negotiations between the parties.

4.0 Process to Apply Criteria

4.1 All Requests or Calls issued by PMMD on behalf of the City and subject to this policy (see Section 2.0), shall include a statement which advises Proponents or Bidders that they are required to ensure that no communication is made by the bidder/proponent or its representatives (including a third party representative employed or retained by it to promote or oppose any bid/proposal) unless such communication - relating to all meetings, written correspondence and telephone discussions that the representative has had with any Member of Council, City employee, appointed member of any City boards, agency, commission, task force, or related organizations - is disclosed by the filing of a disclosure form in accordance with this policy and that any false or misleading disclosure or nondisclosure may affect the award of future contracts.

Proponents or Bidders shall also be informed that failure to file a completed form (non-disclosure) shall be assumed to mean that no lobbying has been conducted by the Proponent or Bidder, its employees or representatives.

4.2 Disclosures of Lobbying are to be submitted on a form by Bidders/Proponents to be approved by the City Clerk from time to time (“the disclosure form”). Where there is

a meeting of Council at which Council will be making an award in respect of a Call/Request or, alternatively, a meeting of a committee of Council or other committee which has delegated authority to make an award in respect of a Call/Request, the disclosure forms must be up-to-date to the commencement of the time of the meeting at which the award will be made and must be filed with the City Clerk at or before that time. Where there is not a set meeting of Council or its committees to make an award, by virtue of a delegated authority to staff to make commitments (i.e. for contracts under \$500,000.00), Bidders/Proponents are nonetheless expected to comply with this Policy by filing with the City Clerk the disclosure form up to-date until the time of contract award determined by the City. Bidders and proponents are responsible for contacting PMMD to ascertain award status and timing for the purpose of compliance with this policy.

4.3 Disclosures are to contain the following information:

- (i) the name, address and telephone number of the Proponent or Bidder;
- (ii) the name, address and telephone number of each person retained, employed or designated by such Proponent or Bidder who has engaged in Lobbying in relation to the Proposal or Bid;
- (iii) the Request or Call document number in respect of which each person retained, employed or designated by such Proponent or Bidder has engaged in Lobbying;
- (iv) a description of the general nature of communications that each person retained, employed or designated by such Proponent or Bidder has made in Lobbying; and
- (v) the name of the person and department before whom such Proponent or Bidder has engaged in Lobbying.

5.0 Availability of Disclosure Information

5.1 The City Clerk will provide the disclosure information upon request to any member of Council, City staff or the public.

5.2 The City Clerk shall post disclosure information on the City's Website.

6.0 Insufficient Disclosure

6.1 Where a Proponent or Bidder has not fully disclosed Lobbying in accordance with this policy, or made false or misleading statements in any disclosure form filed with the City Clerk, any Proposal or Bid received from the Proponent or Bidder, as the case may be, shall not be considered for award in any further Request or Call for a period of one year from the time of such non-disclosure or false disclosure coming to the attention of the *Purchasing Agent*, unless such Proposal or Bid is approved by Council pursuant to a report from the Purchasing Agent setting out the extent and nature of any nondisclosure or false or misleading disclosure.

6.2 Where a Proponent or Bidder is alleged not to have fully disclosed Lobbying or to have made false or misleading disclosure in respect of a Proposal or Bid, the

Purchasing Agent shall investigate the allegation and make a determination whether in fact such has occurred.

7.0 Lobbying Prohibition

7.1 Despite the contents of this policy, Council reserves the right to invoke a “prohibition” requirement in any competitive Call or Request, namely, a “no lobbying” provision to the effect that a Bidder or Proponent and representatives employed or retained by it, can only make representations and present their arguments advancing or opposing a PMMD issued Call/Request in a public deputation to Committee or Council under the provisions of the City’s Procedural By-law, or to the media, and any designated contact party identified in the competitive Call or Request.

Procedure

The following is included in all calls and requests issued by the Purchasing and Materials Management Division:

1.0 Lobbying Disclosure

A bidder/proponent is required to ensure that no communication is made by the bidder/proponent or its representatives, including a third party representative employed or retained by it to promote its bid/proposal or oppose any competing bid/proposal (“lobbying”) unless such communication, relating to all meetings, written correspondence and telephone discussions that the bidder/proponent or its representatives have had with any Member of Council, City Official, appointed member of any City boards, agency, commission, task force, or related organization, is disclosed to the City Clerk. A communication for the purpose of this requirement does not include a communication to the authorized City project contact person. For the purpose of meeting this requirement, this form should be completed and submitted to the City Clerk prior to award.

2.0 Please provide the following information

- Competitive Call No. (in respect of which lobbying has occurred)
- Bidder/Proponent Name
- Bidder/Proponent Business Address
- Bidder/Proponent Business Telephone No.
- Name of each Representative (retained or employed that was engaged in lobbying in respect of the Competitive Call)
- Business Address of each Representative Named Above (if different than that of Bidder/Proponent)
- Business Telephone No. of each Representative Named Above
- List the names of individuals the bidder/proponent and/or his representative(s) have contacted within the awarding body (i.e. City, Agency, Board, Commission or related organization), other than the authorized project contact person, in connection with the Competitive Call named on this form. Contact within the awarding body could include but is not limited to meetings, written correspondence and telephone conversations.

3.0 This Disclosure Form is to be submitted up to the time of award of the competitive call.

4.0 Bidders and Proponents are responsible for contacting the City of Toronto, Finance Department, Purchasing and Materials Management Division at 416-392-7311 to ascertain award status and timing for the purpose of compliance with this policy.

5.0 The City Clerk will provide the disclosure information upon request to any members of Council, City Staff or the public.

6.0 The City Clerk shall post disclosure information on the City's Website.

7.0 By not returning this form, it will be assumed that no lobbying has been carried out by the bidder/proponent or its representatives.

Please return this form to: Ulli S. Watkiss, City Clerk, City Clerk's Office,
12th Floor, West Tower, City Hall, M5H 2N2

Name: _____
(Please Print)

Signature: _____

Date: _____

Contact
Manager, Client Services
18th Floor, West Tower, City Hall, 416-392-1302

Office of the Lobbyist Registrar

The Office of the Lobbyist Registrar promotes and enhances the integrity of City government decision-making through public disclosure of lobbying activities and regulation of lobbyists' conduct.

For more information or help with a registration or registry search, please contact the Office of the Lobbyist Registrar by phone at 416-338-5858 or by e-mail at lobbyistregistrar@toronto.ca.

BIAs

A Business Improvement Area or "BIA" is a geographic area designated by City Council as an improvement area. Within the improvement area, the owners of property in a business property tax class and business tenants of the property are the members of the BIA. There is a Board of Management for each BIA and the Board members are called directors.

A BIA Board of Management is a local board of the City

Under the *City of Toronto Act, 2006*, a Board of Management of a BIA is a local board (restricted definition). As a result, the directors of the Board of Management of a BIA are public office holders for the purpose of the lobbyist registration requirements.

General requirement to register to communicate with a BIA Board of Management

A person who communicates for payment (including a person who represents a business or is an owner of a business) with a BIA Board director or any staff on a subject matter defined in Municipal Code Chapter 140, Lobbying, must register before communicating:

1. regarding a decision to be made by the board of the BIA; and/or
2. regarding a decision to be made elsewhere with the City.

Such communications would only be required to be registered if they are not occurring in public or part of a public process.

If any BIA member wishes to communicate outside of a public meeting, including a BIA meeting or public process about their own business interest, this communication regarding a decision or approval would require registration.

There are some exemptions to communications requiring registration. Please check the website for general exemptions at: www.toronto.ca/lobbying.

TABIA

TABIA is not a local board (restricted definition) under the City of Toronto Act and TABIA board and staff members are not public office holders in their roles for TABIA.

No registration is required to communicate with TABIA. TABIA is exempted in Schedule B of Municipal Code, Chapter 140 and therefore TABIA is not required to register when acting in TABIA's official capacity to communicate with public office holders.

COMMUNICATION:

Exemptions from Registration:

Public meetings of the Board or its committees: A member of the BIA or their representative may participate in a Board or committee meeting. Public disclosure of any communication at these open meetings is already achieved and the communications are exempt from the registration requirement. (This includes written depositions sent to the Board for consideration at the meeting.)

General information: These communications deal with general information, for example how and where to apply, for a grant or other application (e.g., information required as part of the application, related factual information, or information about the review process as well as providing other factual information. Because there is no advocacy or promotion of the merits of the permission or approval, registration is not necessary.

Response to a written request from a Board director or Board/City employee: As long as the communication does not go beyond the general information discussed above, no registration is necessary.

Technical information: Sometimes the communications require technical expertise or language interpretation. As long as there is no advocacy or debate about the merits of the application, registration is not required.

Administrative process: Any Board/City staff that has a role in processing a particular application may be contacted by the applicant during pre-application consultation, to file an application, or during the application review process.

BIA Board directors communicating with the City

Board directors and staff *when acting in their official capacity* do not have to register when communicating with other City public office holders. This includes communication with Council Members and their staff, employees of the City, and members and employees of other local boards (restricted definition).

Anti-Racism, Access and Equity Policy Guidelines

City of Toronto Funding Policy - Appendix 2: Applicable to Recipients of Funding from the City of Toronto and its agencies, boards and commissions (Approved by City Council, December 16 & 17, 1998: Strategic Policies & Priorities Committee Report 6, Clause 5).

These guidelines must be read carefully and understood by the members of your BIA Board and they must each sign a declaration of non-discrimination before they assume their position.

1.0. Policy Statement

The population of the City of Toronto is made up of people from diverse communities and equity-seeking groups, e.g., women, people with disabilities, ethno-cultural and racial minorities, immigrants and refugees, faiths, the socio-economically disadvantaged, Aboriginal peoples, lesbian, gay, bisexual, transgendered persons. In recognition and support of this diversity, the City as a funder will ensure that:

- (a) it provides access for organizations representing these communities to the funding programs provided by the City of Toronto. This includes access to funding information, applications, staff resources, decision-making and funding; and
- (b) the services, programs and decision-making provided by organizations receiving funding are accessible to all residents of Toronto and that organizations receiving City funding are free from discrimination.

This policy recognizes that the changing nature of the population has implications for the operation of the City's funding programs as well as the delivery of services supported by City funding. In this context, the City recognizes that:

- (a) barriers to services exist for members of the City's diverse communities, particularly for equity-seeking groups;
- (b) organizations representing equity-seeking groups (e.g., women's organizations, Aboriginal organizations, ethno-specific and disability organizations) must continue to play a critical role in service delivery; and
- (c) the City of Toronto, as a funder, must act as a positive force in assisting the elimination of these barriers by providing support to both mainstream and equity-seeking organizations through the change process.

Access to services is the ability or extent to which communities or residents can attain needed services and achieve full participation in the planning, development, administration and delivery of those services. Access includes consumer/client access and organizational access.

To achieve this:

- (1) The City of Toronto will ensure its diverse communities, particularly those facing barriers and other forms of discrimination and disadvantage, have equitable access to its own services, resources and decision-making in order that all communities can fully participate in the City's social, economic, cultural and political life.
- (2) The City of Toronto will also require organizations receiving City funding to undertake planned and coordinated activities aimed at enabling diverse communities, particularly those facing barriers and other forms of discrimination and disadvantage, to participate fully in their services, programs and decision-making.
- (3) The City of Toronto undertakes this because it believes that when every individual makes a conscious effort to bring about equality and to engage in egalitarian practices, the City will be able to effect the systemic and social changes needed to create a community where all people live with dignity and peace. The City of Toronto also believes that its diverse communities need to partner with and assist each other in developing actions to eradicate discrimination and attain equality in our society and that the City can play a proactive and supportive role in this process.

2.0 Implementation

To implement these principles, the City of Toronto's funding programs will ensure that:

- (1) all organizations receiving City funding are non-discriminatory and promote the goals of anti-racism, access and equity;
- (2) all organizations receiving City funding take reasonable steps to ensure their services, programs and decision-making reflect the community they serve;
- (3) the City of Toronto's funding programs are accessible to organizations from Toronto's diverse communities, including organizations representing equity-seeking communities; and
- (4) all required documentation and conditions will be reasonable and funding will not be withheld if the applicant is taking reasonable steps to comply with City policy.

Actions required to do this are described below.

(1) Declaration of Non-Discrimination:

Every person has the right to live, work and serve in an environment free of individual as well as systemic harassment and discrimination. Regarding the operation of the City's funding programs, the City of Toronto requires that all individuals and organizations adopt a policy of access and non-discrimination based on the City's Human Rights Policy as a condition of receiving a funding or other support from the City's funding programs. Discrimination means someone is being treated unfairly because of her/his status. In some cases, discrimination also means someone is being treated unfairly because he or she receives welfare, or if the person has been pardoned for a criminal offence. The

Declaration of Non-Discrimination Form must be completed by individuals and organizations applying for funding or other supports.

Discrimination is prohibited on the grounds of Age, Ancestry, Citizenship, Creed (religion), Colour, Disability, Ethnic Origin, Family Status, Gender Identity, Level of Literacy, Marital Status, Membership in a union or staff association, Place of Origin, Political Affiliation, Race, Receipt of Public Assistance, Record of Offences, Sex, Sexual Orientation or any other personal characteristic. (The City of Toronto's Human Rights & Harassment policy protects grounds which are in addition to those protected under the Ontario Human Rights Code. These grounds are: gender identity, level of literacy, political affiliation. The Human Rights & Harassment policy has been approved by City of Toronto Council at its meeting on December 16-17, 1998 as embodied in Clause 2 in Report No. 19 of the Corporate Services Committee).

Discrimination could occur on the basis of employment, services, contractual arrangements, or membership in unions. It is essential to develop complaint/ mediation policies for incidents that could occur between employees, employees and management, employees and volunteers, employees and consumers, as well as between agencies.

(2) Anti-Racism, Access and Equity Components:

The following components are provided as guidelines to assist organizations receiving City funding in their efforts to integrate anti-racism, access and equity throughout their operations. The components address anti-racism, access and equity in the following areas:

- i. Governance;
- ii. Employment;
- iii. Services;
- iv. Choice;
- v. Training and Education; and
- vi. Information and Communications.

(a) Access to Governance - Organizations receiving City funding will ensure that members of the City's diverse communities have equitable access to the organization's decision-making process. This includes decision-making, policymaking, budgeting and allocations. The Board of Directors, its volunteer committees and staff need to be representative of the diversity of the community it serves, as well as be responsive to the changing demographics. New board members should be educated and trained to effectively govern the organization. The Board has to be accountable to its members and communities.

(b) Access to Employment - Organizations receiving City funding will ensure that members of the City's diverse communities have equitable access to employment. This includes recruitment, selection, staff development, performance evaluation, retention, promotion, termination. It also requires the identification and removal of

systemic barriers so that the organization's staff are representative of diverse communities and are able to serve the needs of the changing population.

- (c) Access to Services - Organizations receiving City funding will ensure that they undertake planned and co-ordinated activities aimed at making their services and programs accessible to diverse communities. This includes examining and making appropriate changes to those who provide the organization's services, those who are receiving services and the way in which services are provided to ensure they are non-discriminatory and promote the goals of anti-racism, access and equity. In this context, the organization's outreach, communications, and structures for intake, referral, needs assessment, program planning, monitoring and evaluation must be examined and appropriately changed. In addition, organizations receiving City funding must take into consideration provision of services to disadvantaged individuals, low-income persons, families in poverty, and equity-seeking communities.
- (d) Access to Choice - Organizations receiving City funding will ensure that their services, programs and decision-making provide a range of service options that enable the consumer or the community to make their own decisions about their lives and their community issues.
- (e) Access to Training and Education - Organizations receiving City funding will ensure that those involved in the delivery of services and programs are able to participate in appropriate education and training aimed at improving their knowledge, understanding and skills in order to work with and provide services to members of diverse communities, particularly equity-seeking communities.

Such training and education may involve Board members, staff and volunteers and include orientation and development in the areas of anti-racism, human rights, accommodation for people with disabilities, sexual orientation in the workplace and the community, etc.

- (f) Information and Communications - Organizations receiving City funding will ensure that information on its services, programs and decision-making and how they can be accessed as well as all of the organization's communications appropriately portray and are accessible to diverse communities. This includes external and internal communication and must address multilingual requirements as well as accommodate those who are sight and hearing impaired.

It is essential that the components listed above are implemented with an anti-racist approach. In this context, organizations receiving City funding will be involved in the development and promotion of unbiased attitudes, beliefs, policies and procedures as well as the identification and elimination of derogatory behaviours, actions, and practices of Board members, staff, volunteers, community members, residents and the organization's policies and procedures that have a direct or adverse impact on Aboriginal, ethno-racial and linguistic minority communities.

3.0 Access to City Funding Programs

In terms of the City's responsibilities, each City funding program will include the following into the operations of their funding programs:

(1) Environmental Scanning and Priority Setting:

This will require all funding programs to identify demographic, community and service trends, priorities of other funders, gaps in service and program delivery. This is done to enable funding programs to establish priorities for funding on a regular basis and, thereby, to encourage applicants to establish programs and services which meet community issues and needs.

(2) Allocation of Funds:

This will require all funding programs to undertake to provide funding based on both indicators of community need and community demographics. The issues of need as well as community demographics are determined in the environmental scanning process. In considering the allocation of funds, each funding program will need to determine the demographic make-up of the organizations seeking and receiving funding and undertake to ensure an equitable distribution of funds. Particular consideration will be given to organizations representative of equity-seeking communities.

(3) Outreach and Community Development:

This will require all funding programs to determine the most appropriate strategies to provide community outreach and development. Each funding program will ensure a planned and co-ordinated approach to these activities in order to increase the capacity of diverse communities and their organizations, particularly those representing equity-seeking groups.

(4) Setting Performance Standards and Monitoring Results:

This will require all funding programs to establish performance measures to guide the administration of funding programs and to set ways in which the funding administration process can be reviewed, assessed and improved. Monitoring results of funding administration is also essential to ensuring such programs are achieving their objectives, particularly respecting equity-seeking groups.

(5) Assessment of Organizations:

This will require each funding program to ensure that its funded organizations or recipients of other supports fulfill the anti-racism, access and equity policy outlined above. The policy is designed to ensure full civic participation of all communities and specifically to engage in efforts to achieve equality for all of Toronto's communities.

In addition, each funding program will require organizations receiving funds to develop access and equity action plans and to submit a report on this annually along with the funding application form. This information will be used in the funding assessment as well as become part of the information which will be analyzed and submitted to Council.

4.0 Policy Implementation

All of the City's funding programs are required to integrate the above policy and principles within their operations. This will be done in ways that are appropriate to the operations of each funding program and their capacity to undertake the activities identified above. To ensure this is being done, all funding programs will report annually on actions being taken to implement this policy.

In addition to reporting out annually, all funding programs will work together to streamline requests from organizations receiving funding from more than one City funding program.

In terms of organizations receiving funding:

- (1) all organizations will be required to file a Declaration of Non-Discrimination;
- (2) organizations with total annual operating budgets greater than \$25,000.00 will be required to submit documentation regarding their anti-racism, access and equity policies.
- (3) organizations receiving one-time funding will be required to include in their funding request how they intend to address the City's policy principles.

The City of Toronto recognizes that inequities, discrimination and disadvantage are generated and maintained through various means, including individual and systemic practices. To address this, the City recognizes that it, as well as organizations seeking and receiving City funding, needs to support the creation of an equitable society. Failure or unwillingness to engage in such activities could result in negative consequences and result in the withholding of City funding or the rejection of an application for funding.

Clause # 5, Report # 6 of the Strategic Policies and Priorities Committee Adopted by Toronto City Council December 16 & 17, 1998.

Declaration of Non-Discrimination

The City of Toronto requires that all organizations and individuals adopt this "Declaration of Non-Discrimination" as a condition of receiving a funding or other support from the City. This Declaration Form must be formally adopted by the Board of Directors (attach minutes of meeting) and submitted with the funding application. The name of your organization and the fact that you have adopted this declaration will be included in a public report to City Council.

Available at:

http://www.toronto.ca/grants/pdf/declaration_non_discrimination_policy.pdf

Freedom of Information Act

City Council on June 11, 2007, as amended.

<http://www.toronto.ca/cap/mfippa.htm>
