

Consolidated Clause in Policy and Finance Committee Report 5, which was considered by City Council on June 22, 23 and 24, 2004.

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Human Rights 2003 Annual Report

City Council on June 22, 23 and 24, 2004, amended this Clause by adding the following:

“That:

- (1) a copy of this Clause be forwarded to the Roundtable on Access, Equity and Human Rights for information and appropriate follow up at its first meeting; and*
- (2) the Executive Director of Human Resources be requested to report to the Policy and Finance Committee, by the end of 2004, on progress in implementing the recommendations in the Auditor General’s Access and Equity Audit.”*

The Policy and Finance Committee recommends that Council receive the communication (June 4, 2004) from the Employee and Labour Relations Committee as information:

Action taken by the Committee:

The Employee and Labour Relations Committee received the report (April 27, 2004) from the Chief Administrative Officer and forwarded a copy to the Policy and Finance Committee, and Council, for information.

Background:

The Employee and Labour Relations Committee on June 4, 2004, considered a report (April 27, 2004) from the Chief Administrative Officer presenting an overview of the Human Rights Office activities and initiatives for the year 2003; advising that the focus of the Human Rights Office, Human Resources Division, is on prevention, through: (1) the provision of advice, consultation enquiries and interventions, (2) complaints management, (3) education and communication, (4) policy development, and (5) community/stakeholder liaison; that the Human Rights Office will continue its proactive activities to equip employees and managers with the knowledge and skills required to prevent and address Human Rights issues in the workplace; and that these consultation, education and dispute resolution efforts are expected to bring positive results in providing a workplace free from harassment and discrimination which fosters a safe, healthy and equitable workplace.

Recommendation:

It is recommended that the report be received for information purposes.

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(Report dated April 27, 2004, addressed to the Employee and Labour
Relations Committee from the Chief Administrative Officer)

Purpose:

The purpose of this report is to present an overview of the Human Rights Office activities and initiatives for the year 2003.

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendation:

It is recommended that the annual report be forwarded to City Council for information.

Background:

City Council, on December 16 and 17, 1998, adopted the City of Toronto Human Rights and Harassment Policy and Procedures as well as the Hate Activity Policy. Section 5.20 of the Human Rights Policy requires the Human Rights Office, Human Resources Division, to submit annual reports regarding human rights activities.

The City's Human Rights Policy is modelled upon the framework recommended by the Ontario Human Rights Commission for corporate dispute resolution programs to deal with claims of discrimination and harassment. The City's policy goes beyond the Ontario Human Rights Code by including additional prohibited grounds of discrimination: gender identity, level of literacy, and political affiliation, membership in a union or staff association, and any other personal characteristic. Further, the City's definition of "harassment" is wider in scope than the Code as it includes a policy commitment to the prohibition of personal harassment.

The Human Rights Policy covers full-time, part-time, contract and temporary employees, volunteers, contractors, senior management and members of Council, as well as City residents and recipients of municipal services. The Policy applies to employment, contracts, services and facilities, and occupation of accommodation.

Comments:

The focus of the Human Rights Office, Human Resources Division is on prevention, through the following activities:

- (1) Provision of advice, consultation, enquiries and interventions ;
- (2) Complaints management;
- (3) Education and communication;
- (4) Policy development; and
- (5) Community/Stakeholder Liaison.

- (1) Provision of advice, consultation, enquiries and interventions:

Enquiries:

The majority of complaints are handled effectively at the enquiry stage through the provision of expert information and advice.

Interventions:

At the intervention stage of the process, a Human Rights specialist engages in a thorough exploration of the issues and uses a variety of approaches to resolve the complaint, including:

- (a) offering comprehensive expert information, advice or guidance;
- (b) negotiating resolution between the parties; and
- (c) facilitating mediation.

- (2) Complaints management:

Informal investigations:

Some interventions require interviewing the parties and witnesses, making factual determinations, and providing and negotiating recommendations for resolution.

Formal complaints:

Internal formal complaints are filed when satisfactory resolution cannot be reached through the enquiry or intervention stages. The department commissioner is notified of the complaint, an investigation is undertaken, and the conclusions and recommendations to address the complaint are presented in a formal written report.

External formal complaints filed at the Ontario Human Rights Commission are handled by the City's Legal Services Division, often in consultation with the Human Rights Office.

Formal investigations involving senior management or members of City Council are conducted by an external specialist and are overseen by the Human Rights Office. Staff of the Human Rights Office contract with the external consultant, outline expectations, and guide the process through the stages.

The following statistical summary of the number of consultations received by the Human Rights Office is compiled to: identify trends; promote timely interventions, determine educational/ training needs, identify policy and program development priorities, and identify and develop strategic organizational interventions.

Table 1 – Total number of Enquiries, Interventions and Complaints

Year	Enquiries	Interventions	Internal Formal Complaint	Total by Year
2001	284	44	0	328
2002	236	91	6	333
2003	253	141	3	397

Table 1 provides an overview of the number of consultations (enquiries, interventions and internal formal complaints) managed by the Human Rights Office - the total number increased by 20 percent between 2002 and 2003. By type of consultation, the number of enquiries increased slightly by 7 percent, the more complex consultations that led to interventions increased by 55 percent, and formal complaints decreased by 50 percent when comparing 2003 with 2002.

Table 2 – Total number of Enquiries, Interventions and Complaints by Prohibited Ground

Prohibited Ground	Enquiries			Interventions			Internal Formal Complaint			Total By Ground		
	2001	2002	2003	2001	2002	2003	2001	2002	2003	2001	2002	2003
												3
Age	5	7	1		3	3				5	10	4
Ancestry	0	3			2					0	5	0
Citizenship	1									1	0	0
Colour		1								0	1	0
Creed/Religion	15	20	14	2	8	10		1		17	29	24
Disability	50	44	15	6	19	19			1	56	63	35
Family Status	2	5	4		1	1				2	6	5
Gender Identity		1	1		1	1				0	2	2
Level of Literacy		2			1					0	3	0
Marital Status										0	0	0
Origins – Ethnic		5	2		2	2				0	7	4
Origins – Place		2			2	1				0	4	1
Personal Harassment	81	98	55	23	47	69			1	104	145	125
Race	33	13	9	5	5	14		1		38	19	23
Record of Offences	1		2							1	0	2
Reprisals	1	1	3		1	2				1	2	5
Sex (Including Pregnancy)	18	10	4	3	1	7			1	21	11	12
Sexual Harassment	6	18	8	1	4	11		4		7	26	19
Sexual Orientation	6	2	2		1					6	3	2

Prohibited Ground	Enquiries			Interventions			Internal Formal Complaint			Total By Ground		
	2001	2002	2003	2001	2002	2003	2001	2002	2003	2001	2002	2003
Membership in a Union or Staff Association			4			1				0	0	5
Political Affiliation										0	0	0
No Ground / Other	129	118	132	6	6	11				135	124	143
Total by Ground	348	350	256	46	104	152	0	6	3	394	460	411

Table 2 provides an overview of the number of consultations (enquiries, interventions and internal formal complaints) managed by the Human Rights Office organized by prohibited ground. The number of consultations by prohibited ground is slightly higher than the total number of consultations because some issues involve more than one ground. For example, an employee may feel that s/he has been denied a promotional opportunity because of both race and age. Both grounds are noted and explored and counted for statistical purposes.

Of the human rights related grounds, disability continues to be the most frequently cited. This pattern is consistent with the patterns observed at all public human rights commissions across Canada. The next most frequently cited grounds at the City were race and creed. This represents a change both from previous years and from trends at public human rights commissions where sex or sexual harassment were the second most frequently cited grounds.

Personal harassment continues to be the most frequent area of complaint and includes harassment by co-workers and supervisors, as well as perceived inconsistent application of policies and favouritism.

A large number of enquiries and some interventions fall under the 'no ground' or 'other' category. Information sought included: requests for human rights resources; general human rights policy questions; questions about various City policies and practices, especially human resources policies and staffing processes; as well as training requests. This category also captures consultations with City departments to review City policies and guidelines.

Three reports of hate activity were received by the Human Rights Office in 2003.

There were a total of nineteen complaints filed at the Ontario Human Rights Commission in 2003 against the City of Toronto. Twelve related to issues under provincial and not the City's jurisdiction. Of the remaining seven, one complaint was withdrawn, three were settled through mediation, and the Commission exercised its discretion to not deal with two. One complaint is still outstanding.

(3) Education and communication:

Increasing awareness of human rights issues through education is an integral part of the program. With the continued emphasis on prevention, training increased by 30 percent from 773 employees in 2002 to 1004 in 2003. This growth is significant, especially as there had already been a 40 percent increase in the number of employees trained from 483 in 2001 to 773 in 2002.

Regular human rights information sessions for staff are offered through the corporate training calendar. Customized training sessions tailored to the most prevalent issues were also offered:

- (a) to work units as a whole;
- (b) as part of workplace restoration following investigation of a human rights complaint; and
- (c) to educate new staff in order to communicate expectations regarding the City Human Rights policies at an early stage.

Of the 1004 employees trained by Human Rights Office staff in 2003, 192 participated in the training through the corporate calendar and 812 participated in customized training sessions (see Tables 3 and 4 below).

Table 3 – Training offered through the corporate calendar

Year	2000	2001	2002	2003
No. of Sessions Conducted	10	7	5	8
No. of Participants	215	105	63	192

Table 4 – Customized human rights training 2003

Department	Division/Unit	No. of participants	Total By Dep't
Community and Neighbourhood Services	Homes for the Aged	77	
	Shelter, Housing and Support	57	
	Shelter, Housing and Support – Management Session	48	182
Corporate Services	IT	22	22
Economic Development, Culture and Tourism	Management Session	190	190
Works & Emergency Services	Transportation	127	
	Solid Waste	103	
	Water and Waste Water	57	
	Technical Services	10	
	Support Services	12	

Department	Division/Unit	No. of participants	Total By Dep't
	Fire Services	57	
	Leading Through Excellence (Management Session)	52	418
Grand Total for 2003			812

The corporate calendar sessions conducted were for all levels of staff. To ensure supervisors and managers have the opportunity to improve their human rights skills and knowledge to fulfil their obligations under the Human Rights and Harassment Policy, the Human Rights Office partnered with senior management in certain work areas to deliver customized training.

In partnership with departmental senior management and corporate employment equity staff, training sessions were conducted for all Economic Development, Culture and Tourism management staff in 2003. Training focussed on the City's Human Rights Policy, skills to manage human rights complaints, and the City's employment equity commitments. In an ongoing partnership with Works and Emergency Services, human rights information was delivered to supervisory staff as part of the "Leading Through Excellence" program.

A number of other methods were used to disseminate human rights information and educate staff. Some examples include: development and communication of guidelines such as the "Guidelines and Procedures to Address Hate and Harassment Activity Related to Use of City Technology" and "Dealing with Human Rights and Harassment – A Guide for Supervisors and Managers"; an article in employee newsletter regarding the Interfaith Calendar. The new Online Coaching Clinic modules on "Dealing with Discrimination and Harassment" was launched on International Human Rights Day (December 10) and received a significant number of hits following the launch.

(4) Policy development:

The Human Rights Office is consulted on a variety of City Policy initiatives within and outside Human Resources to ensure promotion of and compliance with human rights commitments.

(5) Community/stakeholder liaison:

In 2003, Human Rights Office staff took part in a number of activities to support human rights initiatives within the City by participating in various committees and work groups.

The Human Rights Office provides ongoing support, assistance and information to nominating committees for the selection of members for Special Purpose Bodies and ABC's. In 2003, Human Rights Office staff monitored the selection processes for appointment to:

- (a) Toronto Public Library Board;
- (b) Toronto Community Housing Corporation;
- (c) Toronto Port Authority Board; and
- (d) Community Preservation Panel.

Another undertaking for 2003 was participating in the selection committee for the T.T.C.'s Advisory Committee on Accessible Transit. Human Rights Office staff participated in establishing a selection process, reviewing all applications, interviewing selected candidates, and making recommendations regarding the successful appointments.

Conclusion:

The Human Rights Office will continue its proactive activities to equip employees and managers with the knowledge and skills required to prevent and address Human Rights issues in the workplace. These consultation, education, and dispute resolution efforts are expected to bring positive results in providing a workplace free from harassment and discrimination which fosters a safe, healthy and equitable workplace.

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