

**Consolidated Clause in Policy and Finance Committee Report 4, which was considered by City Council on April 12, 13 and 14, 2005.**

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### **Human Rights 2004 Annual Report**

*City Council on April 12, 13 and 14, 2005, amended this Clause by adding the following:*

*“That a copy of this Clause be forwarded to the Roundtable on Access, Equity and Human Rights for information.”*

*This Clause, as amended, was adopted by City Council.*

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**The Policy and Finance Committee recommends that City Council receive the communication (March 9, 2005) from the Employee and Labour Relations Committee:**

Action taken by the Committee:

The Employee and Labour Relations Committee received the report (February 25, 2005) 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 March 9, 2005, considered a report (February 25, 2005) from the Chief Administrative Officer presenting an overview of the Human Rights Office activities and initiatives for the year 2004.

Recommendation:

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

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(Report dated February 25, 2005, 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 2004.

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 submission of 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, political affiliation, membership in a union or staff association, and any other personal characteristic. Further, the City's definition of "harassment" includes a policy commitment to the prohibition of personal harassment and is therefore wider in scope than the grounds based harassment covered by the Ontario Human Rights Code.

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

Comments:

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

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

- (1) Provision of advice, consultation 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, a Human Rights specialist engages in a thorough exploration of the issues and uses a variety of approaches to resolve the complaint, including: offering comprehensive expert information, advice or guidance; negotiating resolution between the parties; facilitating mediation; and informal investigations (see below).

### (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 and guide the process through the stages.

#### Statistics and Trends:

The following statistical summary of the number of consultation requests 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 provides an overview of the number of consultations (enquiries, interventions and internal formal complaints) managed by the Human Rights Office. A total of 467 inquiries were received in 2004, an increase of 17.6 percent from the 397 received in 2003. The number of more complex consultations that led to interventions increased by 46.8 percent, from 141 to 207 and formal complaints decreased from 3 to 1.

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
2004	259	207	1	467

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

Prohibited Ground	Enquiries			Interventions			Internal Formal Complaint			Total By Ground		
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004
Age	7	1	2	3	3					10	4	2
Ancestry	3		1	2						5	0	1
Citizenship										0	0	0
Colour	1					3				1	0	3
Creed/Religion	20	14	10	8	10	6	1			29	24	16
Disability	44	15	19	19	19	37		1		63	35	56
Family Status	5	4	4	1	1					6	5	4
Gender Identity	1	1	1	1	1					2	2	1
Level of Literacy	2			1		1				3	0	1
Marital Status										0	0	0
Origins – Ethnic	5	2	1	2	2	1				7	4	2
Origins – Place	2		1	2	1	1				4	1	2
Personal Harassment	98	55	79	47	69	88		1	1	145	125	168
Race	13	9	5	5	14	14	1			19	23	19
Record of Offences		2	1			4				0	2	5
Reprisals	1	3	3	1	2	2				2	5	5
Sex (Including Pregnancy)	10	4	8	1	7	3		1		11	12	11
Sexual Harassment	18	8	13	4	11	9	1			26	19	22
Sexual Orientation	2	2	3	1		3				3	2	6
Membership in a Union or Staff Association		4	1		1	1				0	5	2
Political Affiliation			1							0	0	1
No Ground/Other	118	132	114	6	11	42				124	143	156
Total by Ground	350	256	267	104	152	215	6	3	1	460	411	483

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.

Personal harassment continues to be the most frequent area of complaint. It is harassment unrelated to a specific prohibited ground and includes complaints about harassment by co-workers and supervisors, as well as perceived inconsistent application of policies and favouritism.

Of the more traditional human rights grounds, disability continues to be the most frequently cited. The next most frequently cited ground at the City are race related complaints (race, colour, ancestry, ethnic origin and place of origin). This pattern is consistent with that reported by provincial and federal human rights commissions across Canada.

Data was also collected regarding whether the consultation was initiated by employees seeking advice or raising a complaint or managers seeking advice on how to manage a human rights situation. The data that indicates human rights office staff were consulted equally by both employees and managers.

A large number of enquiries and an increasing number of interventions fall under the 'no ground' or 'other' category where human rights expertise unrelated to a specific ground was provided, for example: reviewing policies and guidelines to ensure compliance with human rights principles; answering questions about the City's human rights policy and procedures; providing guidance on investigation processes; providing advice on staffing and hiring processes; providing advice on management responsibility for human rights issues; as well as requests for copies of policies and resources.

One report of hate activity was received by the Human Rights Office in 2004, down from the three received in 2003.

There were a total of seven complaints filed at the Ontario Human Rights Commission in 2004 against the City of Toronto. Two related to issues that were not within the City's jurisdiction. The Commission decided not to deal with these complaints, and the complainants filed an application for reconsideration. Of the remaining five; four are active in the commission's process, and one is being scheduled for mediation.

(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 from 1004 employees in 2003 to 1066 in 2004. There has been a significant growth in the numbers of City staff who received human rights training over the years, for example 483 employees were trained in 2001.

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: to work units as a whole as part of workplace restoration following investigation of a human rights complaint and to educate new staff in order to communicate expectations regarding the City Human Rights policies at an early stage. The customized training sessions delivered to departments is the most effective way of delivering information

efficiently and addressing a unit’s unique needs. Of the 1066 employees trained by Human Rights Office staff in 2004, 93 participated in the training through the corporate calendar and 973 participated in 54 customized training sessions (see Tables 3 and 4 below).

Table 3 – Training offered through the corporate calendar

	2002	2003	2004
No. of Sessions Conducted	5	8	9
No. of Participants	63	192	93

Table 4 – Customized human rights training 2004

Department	Division/Unit	No. of participants
ABC (47)	Toronto Zoo (management)	47
Community and Neighbourhood Services (361)	Homes for the Aged	246
	Homes for the Aged (management)	9
	Social Services	11
	Public health (management)	95
Corporate Services (27)	City Clerks	14
	Human Resources	13
Finance (99)	Revenue Services	99
Economic Development, Culture and Tourism (47)	Parks and Recreation	16
	Parks and Recreation (management)	31
Works and Emergency Services (392)	Transportation	83
	Solid Waste	61
	Water and Waste Water	26
	Fire Services	41
	Fire Services (management)	31
	Leading Through Excellence (management)	150
Total number of participants		973

Other methods to disseminate human rights information and educate staff included: an article in the employee newsletter regarding; information sessions and presentations; and the Online Coaching Clinic modules on “Dealing with Discrimination and Harassment”. In addition, staff have begun developing a Human Rights section for the City’s intranet.

- (4) Policy development:

The Human Rights Office is regularly consulted on a variety of City Policy initiatives within and outside Human Resources to ensure promotion of and compliance with human rights commitments. Working with Employment Equity staff, the Employment Accommodation Policy was developed and approved by Council on July 20, 2004.

(5) Community/stakeholder liaison:

In 2004, 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 such as Access, Equity and Human Rights Committee, Accessibility Guidelines Sub-group, and Domestic Violence Committee. Staff also attended community group meetings to present the City's policy.

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 2004 Human Rights Office staff monitored the selection processes for appointment to: Toronto Police Services Board, Licensing Tribunal, Exhibition Place Board of Governors, Metro Toronto Convention Centre, Committee of Adjustment, Toronto Parking Authority, Toronto Region Conservation Authority, St. Lawrence Centre, Toronto Public Library, Property Standards Committee, and the TTC's Advisory Committee on Accessible Transit.

Conclusion:

The Human Rights Office provides 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 aimed at providing a workplace free from harassment and discrimination, which fosters a safe, healthy and equitable workplace.

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