

**Consolidated Clause in Policy and Finance Committee Report 5, which was considered by City Council on June 27, 28 and 29, 2006.**

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## **Human Rights 2005 Annual Report**

*City Council on June 27, 28 and 29, 2006, adopted this Clause without amendment.*

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**The Policy and Finance Committee recommends that City Council receive the communication (June 19, 2006) from the Employee and Labour Relations Committee:**

Recommendation:

The Employee and Labour Relations Committee on June 19, 2006, received the report (June 1, 2006) from the City Manager respecting “Human Rights 2005 Annual Report” and forwarded a copy to the Policy and Finance Committee, and City Council, for information.

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(Report dated June 1, 2006, addressed to the Employee and Labour Relations Committee from the City Manager)

Purpose:

The purpose of this report is to present an overview of the Human Rights Office activities for 2005.

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 adopted the City of Toronto Human Rights and Harassment Policy and Procedures and the Hate Activity Policy on December 16 and 17, 1998. Section 5.20 of the Human Rights Policy requires the submission of an annual report to City Council 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 City 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 City employment, services and facilities, contracts, and occupancy of City owned accommodation.

Comments:

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

- (1) Enquiries and consultation;
- (2) Interventions and complaints management;
- (3) Education and communication;
- (4) Policy development; and
- (5) Advocacy and community liaison.

- (1) Enquiries and consultation:

The majority of enquiries to the Human Rights Office are handled effectively through the provision of expert information, confidential advice and coaching, enabling individuals to attempt to resolve matters themselves before filing a complaint or grievance.

- (2) Interventions and complaints management:

If advice, coaching etc. is not effective or appropriate at resolving a situation, a Human Rights Consultant engages in a thorough exploration of the issues and uses a variety of approaches to resolve the dispute. These include: offering comprehensive expert information, advice or guidance; negotiating resolution between the parties; facilitating a mediation; and or managing an informal investigation (see below).

- (a) Informal investigations:

Some interventions require interviewing the parties and witnesses, examining documentary evidence, making factual determinations, and providing and negotiating recommendations for resolution and workplace restoration.

(b) Formal complaints:

Formal complaints are filed with the Human Rights Office when satisfactory resolution cannot be reached through the enquiry or intervention stages. The division head is notified of the complaint, an investigation is undertaken, and the conclusions and recommendations to address and remedy the complaint are presented in a formal written report. Our experience to date is that the effectiveness of informal dispute resolution processes by the Human Rights Office results in few formal complaints.

Formal investigations involving senior management or members of City Council are conducted by an external specialist. This process is managed by the Human Rights Office.

All employees have the legal right to file a human rights complaint with the Ontario Human Rights Commission. Complaints filed at the Ontario Human Rights Commission are handled by the City's Legal Services Division in consultation with the Human Rights Office.

Statistics and Trends:

The following is a statistical summary of the number of consultations to the Human Rights Office in 2005. This information is used to identify trends, determine educational/training needs, identify policy and program development priorities, and identify and develop strategic organizational interventions.

In 2005, Human Rights Office staff were consulted equally by both employees and managers. Management consults tend to be related to requests for assistance in resolving issues themselves in their own work units. The increase in management consults are likely the result of education efforts focused on developing awareness of legal obligations and skills to address and resolve issues.

Table 1 provides an overview of the number of enquiries, interventions and internal formal complaints managed by the Human Rights Office. The number of enquiries increased significantly by 25 percent, the more complex consultations that led to interventions stayed the same at 207, and formal complaints increased to two.

Table 1 – Total number of Enquiries, Interventions and Complaints:

Year	Enquiries	Interventions	Internal Formal Complaint	Total by Year
2003	253	141	3	397
2004	259	207	1	467
2005	324	207	2	542

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

Prohibited Ground	Enquiries			Interventions			Internal Formal Complaint			Total By Ground		
	2003	2004	2005	2003	2004	2005	2003	2004	2005	2003	2004	2005
Age	1	2	2	3						4	2	2
Ancestry		1	1							0	1	1
Citizenship			1							0	0	1
Colour			2		3					0	3	2
Creed/Religion	14	10	17	10	6	8				24	16	25
Disability	15	19	30	19	37	54	1			35	56	84
Family Status	4	4	7	1		2				5	4	9
Gender Identity	1	1		1						2	1	0
Level of Literacy			1		1	1				0	1	2
Marital Status										0	0	0
Origins – Ethnic	2	1	3	2	1	3				4	2	6
Origins – Place		1	2	1	1	2				1	2	4
Personal Harassment	55	79	71	69	88	87	1	1	1	125	168	159
Race	9	5	17	14	14	13				23	19	30
Record of Offences	2	1	2		4					2	5	2
Reprisals	3	3		2	2	1				5	5	1
Sex (Including Pregnancy)	4	8	8	7	3	5	1			12	11	13
Sexual Harassment	8	13	12	11	9	19			1	19	22	31
Sexual Orientation	2	3	5		3	1				2	6	6
Membership in a Union or Staff Association	4	1	1	1	1					5	2	1
Political Affiliation		1								0	1	0
No Ground/Other	132	114	178	11	42	24				143	156	278
Total by Ground	256	267	360	152	215	220	3	1	2	411	483	558

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, if an employee believes that s/he has been denied a promotional

opportunity because of both race and age, both grounds are examined and counted for statistical purposes.

As in previous years, personal harassment continues to be the most frequent area of complaint. Personal harassment or “non-code harassment” is harassment unrelated to a prohibited ground in the Ontario Human Rights Code. Non-code or personal harassment is included now in many organizations’ anti-harassment policies and is covered by legislation in Quebec. Some examples of non-code harassment include: complaints about conflict between co-workers, actions by supervisors, and perceived inconsistent application of policies and collective agreement provisions. In 2005, there was a significant increase in non-code harassment referrals to the Human Rights Office from the City’s bargaining agents, due in part to changes to provisions in the CUPE Local 79 Collective Agreement. The new provisions extend time limits for filing a discrimination or harassment grievance to allow a Local 79 employee to first try to resolve their issue through the Human Rights Office. Previously employees had to choose either the Human Rights Office or the grievance process.

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) followed by sexual harassment, and then creed. These trends are similar to those reported by the federal and provincial human rights commissions.

There was an increase in the “No Ground/Other” category where the Human Rights Office is consulted on issues unrelated to a specific prohibited ground. Issues relate to: procedural fairness, terminations, performance, collective agreements, policy application, etc.

There were no reports of hate activity received by the Human Rights Office in 2005, down from one in 2004 and three in 2003.

The City’s Legal Division reported a total of sixteen complaints filed at the Ontario Human Rights Commission in 2005 against the City of Toronto. This is more than double the seven complaints filed with the Commission in 2004. Two complaints were unrelated to employment and are still active. Fourteen are employment related: one was withdrawn, two have been settled, and eleven are active. The two most common grounds of the employment related complaints are disability (50 percent of complaints) and race, colour, ancestry, ethnic origin (35 percent of complaints).

Residents and service recipients may complain under the City’s Policy regarding discrimination and harassment in the administration and delivery of City services. This includes access to and use of City facilities, occupancy of City-owned accommodations or discrimination in legal contracts. In 2005, the Human Rights Office successfully resolved two complaints from residents and service recipients.

(3) Education and communication:

Increasing awareness of human rights principles and issues using a variety of methods is an integral part of the program. The Human Rights Office offers human rights training for all employees, has an on-line human rights coaching clinic, designs and delivers a variety of presentations to community stakeholders and in 2005 launched a WebPage to commemorate International Human Rights Day.

The WebPage contains information about and links to human rights related policies, training, resources, and contacts. Articles on current human rights issues and developments are posted regularly. This site is broadly promoted, is available to all employees, and can be found at:

[http://insideto.toronto.ca/HumanResources/human\\_rights/index.htm](http://insideto.toronto.ca/HumanResources/human_rights/index.htm).

The focus of the human rights training sessions is to identify, prevent and effectively deal with human rights issues. In 2005, 799 employees attended human rights information sessions. A total of 11 sessions were delivered through the City's corporate calendar. Twenty-eight customized training sessions, tailored to individual work units, were offered during the first six months of 2005.

As a result of the 2005 budget-related deletion of one human rights position, resources were prioritized to address complaints management to ensure compliance with Policy time lines. Staff will continue to explore options for alternate training delivery and will monitor the impact of this reduction on the program mandate.

Table 3 – Number of Human Rights Training Sessions and Participants:

Year	Corporate Training		Customized Training		Total	
	No. of Sessions	No. of Participants	No. of Sessions	No. of Participants	No. of Sessions	No. of Participants
2003	8	192	42	812	50	1004
2004	9	93	54	973	63	1066
2005	11	230	28	569	39	799

Table 4 – Number of Human Rights Training Participants by Cluster

Cluster	Total Number of Participants by Cluster	Division	Number of Participants				
			Employees	Management	Total		
City Manager's Office	15	Human Resources	12	3	15		
City Clerk's Office	6		4	2	6		
Citizen Focused Cluster A	328	Social Development, Finance and Administration	1	1	2		
		Children's Services	8	6	14		
		Emergency Medical Services	3		3		
		Public Health	13	67	80		
		Homes for the Aged	44		44		
		Parks, Forestry and Recreation	100	27	127		
		Shelter, Support and Housing Administration	2	5	7		
		Social Services	19	32	51		
		Citizen Focused Cluster B	347	Technical Services	1		1
				City Planning	1		1
Fire Services	42				42		
Municipal Licensing and Standards	1			7	8		
Policy, Planning, Finance and Administration	19				19		
Solid Waste Management	11			1	12		
Toronto Water	40			7	47		
Transportation Services	204			13	217		
Internal Services	102	Pension, Payroll and Employee Benefits	1		1		

Cluster	Total Number of Participants by Cluster	Division	Number of Participants		
			Employees	Management	Total
		Purchasing and Materials Management	2		2
		Revenue Services	26	30	56
		Facilities and Real State	35	8	43
ABCs	1	Toronto Zoo	1		1
<b>Total</b>	<b>799</b>		<b>590</b>	<b>209</b>	<b>799</b>

(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 principles. In addition to ongoing consultation on Human Resources policies and guides, Human Rights staff worked with City divisions in developing policies and guides related to accessibility, civic engagement, equity, and accommodation.

(5) Advocacy and community liaison:

In 2005, Human Rights Office staff participated in a number of City and community committees, work groups, networks etc., to advocate and promote human rights. Some examples include:

- (1) Advisory group re: Human Resources review of its Accessibility Plan - as required by the *Ontarians with Disabilities Act.*;
- (2) Roundtable on Access, Equity and Human Rights;
- (3) Interdivisional Staff Team on Access and Equity;
- (4) Canadian Association for the Prevention of Discrimination and Harassment in Education; and
- (5) Canadian Human Rights Practitioners Network.

Conclusion:

Consultations with the Human Rights Office continued to increase in 2005. The Human Rights Office will continue to explore proactive options to equip staff with the knowledge and skills required to prevent and address human rights issues and provide a workplace free from harassment and discrimination.

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