

## **Human Rights Office 2006 Annual Report**

<b>Date:</b>	February 27, 2007
<b>To:</b>	Employee and Labour Relations Committee
<b>From:</b>	City Manager
<b>Wards:</b>	All
<b>Reference Number:</b>	

### **SUMMARY**

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This report provides an overview of the activities of the Human Rights Office for 2006.

The Human Rights and Harassment Policy articulates the City's commitment to human rights. All staff share responsibility for human rights. Human Rights staff will continue to work with Divisions to ensure Policy compliance, to integrate human rights principles into all City program and policy initiatives and to ensure staff have knowledge about their human rights responsibilities.

### **FINANCIAL IMPACT**

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There are no financial implications from this report beyond what has already been approved in the current year's budget.

### **DECISION HISTORY**

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.

## **ISSUE BACKGROUND**

Under the Ontario Human Rights Code there is a legal obligation to ensure that employment and service provision are free from discrimination and harassment. Resolving disputes of discrimination and harassment internally is recommended by the Ontario Human Rights Commission and is significantly less costly, less time-consuming and more effective at ensuring discrimination and harassment-free employment and service provision. 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 in employment: gender identity, level of literacy, political affiliation, membership in a union or staff association, and any other personal characteristic. The City's definition of "harassment" includes a policy commitment to the prohibition of non-Code or "personal harassment". This is not covered by the Ontario Human Rights Code but is starting to be addressed through provincial health and safety legislation, is covered by Labour Standards legislation in Quebec and is included in many organizations' anti-harassment policies.

The Human Rights Policy covers all City employees (full-time, part-time, contract and temporary), job applicants, 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, resolution and Policy compliance through the following activities:

1. Consultation, coaching and provision of expert advice
2. Interventions and complaint management
3. Education and communication
4. Policy development and advocacy

1. Consultation, coaching and provision of expert advice:

The City's Human Rights and Harassment Policy offers a range of dispute resolution processes that are consistent with industry best practices. Consulting, coaching and the provision of expert advice help City employees, management and residents understand their rights and responsibilities, prevent and resolve disputes themselves, prevent dispute escalation and foster timely dispute resolution. In addition to complaints of harassment and discrimination, consultations to the Human Rights Office cover a broad range of issues, including policy and program review, training needs, employment accommodation, discipline, collective agreement and service provision issues.

## 2.(a) Interventions and complaint management:

If the options noted above are not effective or appropriate for resolving a situation, Human Rights staff will intervene to facilitate resolution. This may involve an in-depth exploration of the concerns, consulting and/or interviewing other parties, an impartial review of documents, facilitating mediation, making and/or negotiating recommendations to resolve a dispute and addressing broader issues that caused or contributed to the dispute.

## (b) Formal complaints/investigations:

Approximately sixty percent of complainants request a formal investigation into their concerns. Through the variety of complaint resolution approaches referred to above, the Human Rights Office successfully resolves hundreds of complaints each year. Where the approaches referred to above are not appropriate or effective the Human Rights Office will undertake independent and neutral formal investigations. The effectiveness of alternate 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 summary of the number of consultations and complaints to the Human Rights Office in 2006. This information is used to identify trends, determine educational/training needs, identify policy and program development priorities, and develop strategic organizational interventions.

Table 1 provides an overview of the number of consultations, interventions and internal formal complaints managed by the Human Rights Office. The number of consultations and interventions handled in 2006 were fewer than 2005 but equivalent to 2004. The number of internal formal complaints in 2006 remained the same as 2005. There were no formal complaints regarding senior management or members of City Council that required retaining an external consultant.

Table 1 – Total Consultations, Interventions and Formal Complaints

Year	Consultations	Interventions	Internal Formal Complaints	Total by Year
2004	259	207	1	467
2005	324	207	2	542
2006	310	159	3	472

Table 2 provides an overview of the number of consultations, interventions and internal formal complaints managed by the Human Rights Office organized by prohibited ground. The total number in table 2 is slightly higher than the total number in Table 1 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.

Table 2 – Total Consultations, Interventions and Formal Complaints by Prohibited Ground

Prohibited Ground	Consultations			Interventions			Internal Formal Complaints			Total By Ground		
	2004	2005	2006	2004	2005	2006	2004	2005	2006	2004	2005	2006
Age	2	2	7			3				2	2	10
Ancestry	1	1								1	1	
Citizenship		1								0	1	
Colour		2		3						3	2	
Creed/Religion	10	17	10	6	8	5				16	25	15
Disability	19	30	46	37	54	33				56	84	79
Family Status	4	7	1		2	4				4	9	5
Gender Identity	1		1							1	0	1
Level of Literacy		1	1	1	1					1	2	1
Marital Status										0	0	
Origins – Ethnic	1	3		1	3	2				2	6	2
Origins – Place	1	2	2	1	2	2				2	4	4
Personal Harassment	79	71	81	88	87	67	1	1	3	168	159	151
Race	5	17	12	14	13	15			1	19	30	28
Record of Offences	1	2	1	4						5	2	1
Reprisals	3			2	1	1				5	1	1
Sex (Including Pregnancy)	8	8	12	3	5	6			1	11	13	19
Sexual Harassment	13	12	11	9	19	13		1		22	31	24
Sexual Orientation	3	5		3	1					6	6	
Membership in a Union or Staff Association	1	1		1						2	1	
Political Affiliation	1									1	0	
No Ground / Other	114	178	132	42	24	32				156	202	164
Total by Ground	267	360	317	215	220	183	1	2	5	483	582	505

Consistent with previous patterns, personal or non-code harassment (harassment unrelated to a prohibited ground in the Ontario Human Rights Code) continues to be the most frequent area of complaint. Some examples of complaints of personal harassment include: conflict between co-workers, actions of supervisors and perceived inconsistent application of policies and collective agreement provisions. The Human Rights Office continues to address personal harassment referrals from the City's bargaining agents. Article 16.30 of the CUPE Local 79 Collective Agreement extends time limits for filing a discrimination or harassment grievance to allow a Local 79 member to first try to resolve their issue through the Human Rights Office. This provision supports the reduction of grievances under the City's Collective Agreements.

Of the grounds prohibited in the Ontario Human Rights Code, disability continues to be the most frequently cited. The next most frequently cited ground at the City are race related (race, colour, ancestry, ethnic origin and place of origin) followed by sex. These trends have been consistent over the past few years and are similar to those reported by federal and provincial human rights commissions.

There were no reports of hate activity received by the Human Rights Office in 2006.

The City's Legal Division reported a total of twelve complaints filed at the Ontario Human Rights Commission in 2006 against the City of Toronto. Eight were filed by employees and four by external complainants (service recipients and job applicants). This total is a reduction from the sixteen filed in 2005, but still an increase from the seven complaints filed with the Commission in 2004. Of the four complaints filed by external complainants, two remain active. Of the eight complaints filed by employees, two have been resolved, six remain active and are related to race (4) and disability (2).

Residents and service recipients may complain under the City's Policy regarding discrimination and harassment in the administration and delivery of City services, access to and use of City facilities, occupancy of City-owned accommodations, or discrimination in legal contracts. In 2006, the Human Rights Office received nine complaint/enquiries from residents and service recipients. Of the nine, three were related to job applicant accommodation and six were related to service provision.

### 3. Education and communication:

Ensuring that all City staff have knowledge about their rights and responsibilities is vital to the prevention of workplace harassment and discrimination. In 2006, the Human Rights Office developed a variety of training and educational resources to educate employees based on complaint trends and staff needs. Resources include: updated training offered through the City's Corporate Course Calendar for employees and for supervisors/managers; customized training for specific issues and workplaces; videos on harassment with Facilitator's Guides for use by division staff; detailed guidelines for employees and management on employment accommodation.

The Human Rights Office continues to offer self-paced on-line training modules on harassment and discrimination; a detailed guide for supervisors and managers on dealing with human rights and harassment complaints; and a Human Rights web page that includes regularly updated information on related policies, training, resources, and articles on current human rights issues. The web address is:

<http://insideto.toronto.ca/HumanResources/humanrights/index.htm>

The focus of human rights courses is to identify, prevent and effectively deal with human rights issues. In 2006, 13 training sessions were delivered to 298 employees (155 employees and 143 supervisors/managers). The Human Rights Office has worked with a number of divisions to deliver their own ongoing training, for example, Fire Services, Toronto Public Health and Parks, Forestry and Recreation have commitments to deliver training to all staff in their respective divisions.

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
2004	9	93	54	973	63	1066
2005	11	230	28	569	39	799
2006	12	283	1	15	13	298

#### 4. Policy development and advocacy:

In 2006, the Human Rights Office participated on and presented to a variety of City and community committees, work groups, networks etc., to advocate and promote human rights. Some examples include:

1. Joint Local 79/management Domestic Violence committee
2. Youth Cabinet
3. Seniors Forum
4. Roundtable on Access, Equity and Human Rights
5. Interdivisional Staff Team on Access and Equity
6. Canadian Association for the Prevention of Discrimination and Harassment in Education
7. Canadian Human Rights Practitioners Network
8. Diversity Training Reference Group
9. Ontario Human Rights Commission Restructure workgroup

Human Rights staff are regularly consulted on City policy and program initiatives to ensure promotion of and compliance with human rights principles. Examples of consultations in 2006 included: the abolition of mandatory retirement, Lay-off, Transfer and Screening guidelines, Non-Union Staffing Guide, division diversity programs. In addition, the Human Rights Office has begun the consultation process on revisions to the

City's Human Rights and Harassment Policy to be forwarded to City Council in the fall of 2007.

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## **SIGNATURE**

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