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## Employee and Labour Relations Committee

<b>Meeting No.</b>	19	<b>Contact</b>	Patsy Morris, Committee Administrator
<b>Meeting Date</b>	Thursday, November 26, 2009	<b>Phone</b>	416-392-9151
<b>Start Time</b>	1:30 PM	<b>E-mail</b>	elrc@toronto.ca
<b>Location</b>	Committee Room 2, City Hall	<b>Chair</b>	Mayor David Miller

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Employee and Labour Relations Committee		
Mayor David Miller, Chair Councillor Pam McConnell, Vice-Chair Councillor Janet Davis	Councillor Frank Di Giorgio Councillor Doug Holyday	Councillor Cliff Jenkins Councillor Frances Nunziata

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**Declarations of Interest under the *Municipal Conflict of Interest Act*****Confirmation of Minutes – September 29 , 2009**

EL19.1	ACTION			Ward: All
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**Family Day for Non-Union Employees****Origin**

(November 16, 2009) Report from the City Manager

**Recommendations**

The City Manager recommends that:

1. Family Day be designated as a holiday for all non-union employees of the Toronto Public Service commencing 2010.
2. That City staff amend the Designated Holidays and Float Holidays Policy to add Family Day to the list of designated holidays for non-union employees.

**Summary**

In 2007, the Ontario provincial government designated the third Monday of February as Family Day as a holiday pursuant to the *Employment Standards Act*. It was recently negotiated as a holiday for the members of TCEU Local 416 and CUPE Local 79. Except for essential City services and various key 24-hour city operations (e.g., Police, Fire, EMS, Toronto Water), all unionized staff will not be working on Family Day and the City's main service operations to the public will be closed. The issue of providing Family Day as a designated Holiday for non-union employees should be addressed in light of the recent collective agreement changes for City unionized employees. In addition, the closure of non-essential services on Family Day is consistent with other single tier and regional municipalities in the Province of Ontario. As well, five of the largest special purpose bodies (e.g., Toronto Community Housing Corporation, Toronto Libraries) in the City and most other large public and private sector employers observe Family Day. City staff believe that it makes operational sense to provide Family Day as a designated holiday to all non-union employees effective commencing February 2010.

**Financial Impact**

The additional direct financial cost of providing Family Day to all non-union employees is \$146,501. This is attributable to overtime costs projected to be incurred by supervisors working on the designated holiday. The base salaries for the actual work day are already included in each division's annual budgets and not an additional expenditure.

The Deputy City Manager and Chief Financial Officer agrees with the stated financial impact contained within this report.

**Background Information**

Report - Family Day for Non-Union Employees

<http://www.toronto.ca/legdocs/mmis/2009/el/bgrd/backgroundfile-25297.pdf>

EL19.2	Action			Ward: All
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**Diversity and Positive Workplace Strategy****Origin**

(November 17, 2009) Report from City Manager

**Recommendations**

The City Manager recommends that:

1. City Council adopt the Diversity and Positive Workplace Strategy outlined in the attachment to this report.
2. City Council authorize the City Manager to undertake the following specific actions:
  - (i) develop and implement a new three-year corporate Employment Equity Action Plan 2010 – 2012;
  - (ii) require that a direct linkage be established between each manager's individual accountabilities for the corporate Employment Equity Action Plan through their annual performance planner;
  - (iii) incorporate the targets set out in the Employment Equity Action Plan in the strategies of the Toronto Public Service People Plan;
  - (iv) develop and implement a Diversity Education campaign for the Toronto Public Service;
  - (v) develop and implement training programs designed for supervisors and managers on "Inclusion in the Workplace: Race" and "Duty to Accommodate";
  - (vi) develop a corporate Conflict Resolution and Positive Workplace Policy and related training initiatives on respectful and positive workplaces;
  - (vii) create a mandatory five year corporate leadership curriculum that incorporates the issues of employment equity, diversity, inclusion and conflict resolution/positive workplace culture;
  - (viii) expand the scope of the current "Access, Equity and Human Rights Awards" to also include the recognition of contributions by employees of the Toronto Public Service; and

- (ix) include a Diversity and Positive Workplace Strategy progress report with the annual reporting of the Toronto Public Service People Plan.

## **Summary**

This report recommends a Diversity and Positive Workplace Strategy; a strategy that is an integral component of the goals and objectives established in the Toronto Public Service People Plan. The Strategy advances the City's goals to foster an organizational culture that champions and values employment equity, cultural diversity, ethical behaviour, anti-racism and positive, respectful workplace relationships.

The Diversity and Positive Workplace Strategy and the report recommendations are based on extensive research and consultation to identify challenges and opportunities and to establish best practices and key strategic objectives for the City of Toronto. To anticipate and effectively address these challenges and opportunities, the strategy sets out four broad goals as follows:

- We will have a workforce that reflects the diverse community the City of Toronto serves.
- We will have an inclusive and respectful workplace.
- We will have operational excellence because of our employee diversity.
- We will have a positive workplace culture.

These goals expand upon and further operationalize the Toronto Public Service People Plan 2008 – 2011. Progress in achieving the Diversity and Positive Workplace Strategy's objectives will be reviewed annually and reported with the Toronto Public Service People Plan to the Employee & Labour Relations Committee.

The new Diversity & Positive Workplace Strategy establishes a strategic direction and provides a consistent City-wide integrated approach to continuous improvement in the workplace, as it relates to diversity and positive working relationships for all employees. The Strategy establishes management accountabilities and has an implementation plan for the period 2010 - 2012.

The Executive Director of Human Resources will action all of the items recommended herein.

## **Financial Impact**

The financial implications of the strategy and recommendations will be accommodated through reallocation of resources and will result in no net impact for the 2010 Approved Operating Budget. Subsequent years' Operating Budgets for Human Resources Division and/or the City Manager's Office to implement the Diversity and Positive Workplace Strategy will be addressed through the budget submission process.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **Background Information**

Report - Diversity and Positive Workplace Strategy

<http://www.toronto.ca/legdocs/mmis/2009/el/bgrd/backgroundfile-25339.pdf>

EL19.3	ACTION			Ward: All
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## **Employment Equity Workforce Survey among Non-Union Staff - Response Rate and Representation Rate**

### **Origin**

(September 30, 2009) Report from the Executive Director, Human Resources

### **Recommendation**

The Executive Director of Human Resources recommends that:

1. The Workforce Survey among Non-Union Staff: Response Rate and Representation Rate be forwarded to City Council.

### **Summary**

On December 1, 2 and 3, 2008, City Council adopted a motion in response to the Audit Committee's November 4, 2008 Decision to request the following:

15. The Executive Director of the Human Resources Division provide a detailed report to Council by March 2009 on results of the 2007 workforce survey for non-union employees, including information on representation of designated groups and comparative results with census data.

This report is provided for information purposes regarding the results of the 2007 Workforce Survey among non-union staff working within the Toronto Public Service. It includes information on the representation of the four designated groups (women, visible minorities, People with Disabilities and Aboriginal Peoples) within non-union staff compared to census labour pool availability estimates, and outlines how the data presented is being used to help the Toronto Public Service (TPS) meet employment equity objectives. The 2007 workforce survey for the non-union workforce had a response rate of 75.4%.

Although the representation of non-union Aboriginal Peoples compares favourably to the 2006 Toronto Census Metropolitan Area (CMA) labour pool availability estimates, Aboriginal community advises that the representation of Aboriginal Peoples is higher than the Census arising from undercounting. The other three designated groups within the non-union workforce fall below the 2006 census labour pool availability for the Toronto CMA.

### **Financial Impact**

There is no financial impact resulting from this report.

### **Background Information**

Report - Employment Equity Workforce Survey among Non-Union Staff - Response Rate and Representation Rate

(<http://www.toronto.ca/legdocs/mmis/2009/el/bgrd/backgroundfile-25341.pdf>)

EL19.4	ACTION			Ward: All
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## Occupational Health and Safety Report - Third Quarter, 2009

### Origin

(November 9, 2009) Report from the City Manager and the Executive Director, Human Resources

### Recommendation

The City Manager and the Executive Director of Human Resources recommends that:

1. The Occupational Health and Safety Report, Third Quarter 2009 be forwarded to City Council.

### Summary

This report provides information on the status of the City's health and safety system, specifically on activities, priorities and performance during the first three quarters of 2009. There was a decrease in the number of lost time injuries (7.8%) and a decrease in the number of recurrence injuries (10.5%) relative to the first three quarters of 2008. The number of injuries where health care only was sought decreased significantly by 16.6%. WSIB invoiced costs were \$2.9 million lower than for the same time period in 2008, due to a reduction in costs associated with firefighter cancer claims.

Information is provided where there have been significant changes in accident experience and costs within divisions, as well as actions being taken to improve health and safety performance.

Bill 168, the Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) received second reading in the provincial legislature on October 5<sup>th</sup>. On October 20<sup>th</sup>, it was further debated, carried and referred to the Standing Committee on Social Policy.

### Financial Impact

There are no financial impacts to this report beyond what have already been approved in the current year's budget.

### Background Information

Report - Occupational Health and Safety Report - Third Quarter, 2009

(<http://www.toronto.ca/legdocs/mmis/2009/el/bgrd/backgroundfile-25331.pdf>)

Appendix A - WSIB Claims Data

(<http://www.toronto.ca/legdocs/mmis/2009/el/bgrd/backgroundfile-25332.pdf>)

Appendix B - LTI Frequency

(<http://www.toronto.ca/legdocs/mmis/2009/el/bgrd/backgroundfile-25333.pdf>)

Appendix C - WSIB Costs for All Firm Numbers

(<http://www.toronto.ca/legdocs/mmis/2009/el/bgrd/backgroundfile-25334.pdf>)

Appendix Di - WSIB Invoiced Costs

(<http://www.toronto.ca/legdocs/mmis/2009/el/bgrd/backgroundfile-25335.pdf>)

Appendix Dii - WSIB Invoiced Costs

(<http://www.toronto.ca/legdocs/mmis/2009/el/bgrd/backgroundfile-25336.pdf>)

EL19.5	Information			Ward: All
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## Grievance and Arbitration Activity - Quarterly Report, 2009

### Origin

(November 10, 2009) Report from the Executive Director, Human Resources

### Summary

The purpose of this report is to provide the quarterly grievance and arbitration activity from July 1 to September 30, 2009.

### Financial Impact

There are no immediate financial implications in relation to this report.

### Background Information

Report - Grievance & Arbitration Activity - Quarterly Report, 2009  
<http://www.toronto.ca/legdocs/mmis/2009/el/bgrd/backgroundfile-25340.pdf>

EL19.6	Information			Ward: All
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## Toronto Public Service People Plan 2008 Annual Report

### Origin

(November 17, 2009) Report from the City Manager

### Summary

The purpose of this annual report is to provide information on the progress made in 2008 in implementing the Toronto Public Service (TPS) People Plan 2008 – 2011. The Employee and Relations Committee adopted the People Plan in July 2008 and City Council received the People Plan for information in September 2008.

Overall, in 2008 there was significant progress in implementing the People Plan by the divisions and corporately, most notably perhaps in the goals related to health and safety, learning and in leadership. The Annual Report includes several examples of concrete and practical actions undertaken corporately and by Divisions. Divisions have implemented different actions under the People Plan that reflect the various businesses, working environments and operational issues requiring attention.

While there continues to be much work needed to implement fully the Toronto Public Service People Plan during its first cycle, particularly in assisting divisions to develop their own people plans, the expectation is that implementation issues will be addressed over the Plan's three-year cycle and beyond.

**Financial Impact**

There are no financial implications contained in this report.

**Background Information**

Report - Toronto Public Service People Plan 2008 Annual Report

(<http://www.toronto.ca/legdocs/mmis/2009/el/bgrd/backgroundfile-25337.pdf>)

Appendix A - Toronto Public Service People Plan 2008 Annual Report

(<http://www.toronto.ca/legdocs/mmis/2009/el/bgrd/backgroundfile-25338.pdf>)

EL19.7	ACTION			Ward: All
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## **Toronto Water 2010 - 2019 Capital Program - Concerns Identified by the Toronto Civic Employees' Union, Local 416**

**Origin**

(November 3, 2009) Letter from the Executive Committee

**Recommendation**

The Executive Committee on November 2, 2009, amongst other things:

1. Referred the communication (November 2, 2009) from Mr. Mark Ferguson, President, Toronto Civic Employees' Union, CUPE Local 416, to the Employee and Labour Relations Committee with a request that the Committee review the concerns outlined in the aforementioned communication and make recommendations related to any health and safety issues raised within this communication.

**Summary**

Letter from the Executive Committee submitting the Committee's decision from its meeting on November 2, 2009, respecting the communication (November 2, 2009) from Mr. Mark Ferguson, President, Toronto Civic Employees Union, CUPE Local 416, outlining concerns regarding the 2010 Operating Budgets: Solid Waste Management and Water Divisions.

**Background Information**

Letter - Toronto Water 2010 - 2019 Capital Program - Concerns Identified by the Toronto Civic Employees' Union, Local 416

(<http://www.toronto.ca/legdocs/mmis/2009/el/bgrd/backgroundfile-25324.pdf>)