



## STAFF REPORT ACTION REQUIRED

### Employment Standards Complaint Against the City of Toronto

<b>Date:</b>	April 10, 2011
<b>To:</b>	City Council
<b>From:</b>	City Manager and City Solicitor
<b>Wards:</b>	All
<b>Reason for Confidential Information:</b>	This report is about litigation or potential litigation that affects the City.
<b>Reference Number:</b>	CC7.5

### SUMMARY

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The purpose of this report is to provide an update as to staff response to complaints made by non-union employees to the Ministry of Labour under the Employment Standards Act, 2000.

### RECOMMENDATIONS

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#### City Manager and City Solicitor recommend that:

1. Council defer consideration of the confidential recommendations to Report CC7.5 to the May 17-18, 2011 Council meeting.

#### Financial Impact

There is no financial impact related to the deferral of this matter. The financial impact of the matter addressed in this report will be addressed at the time that the matter is placed before Council, at the May 17-18, 2011 meeting.

## ISSUE BACKGROUND

At Council's April 29, 2009, meeting, it decided not to approve the payment of the Performance Based Re-earnable Lump Sum Payment to non-union employees at their job rate in either 2009 or 2010. A number of non-union employees filed complaints under the *Employment Standards Act, 2000*, with the Ministry of Labour. The City of Toronto responded to these non-union employees' complaints. On March 21, 2011, the Employment Standards Officer assigned to investigate the complaints indicated that he had concluded his investigation and provided the City with the opportunity to review his decision. At the same time, he directed City staff to advise him, in writing, by no later than Tuesday, April 12, 2011 as to how it proposed to respond to his decision. This deadline was initially extended to Friday, April 15, 2011 and has now been extended until a date following the May 17-18 Council meeting.

## COMMENTS

Initially, the Employment Standards Officer indicated that the City must advise him of the manner in which it would respond to his decision by April 12, 2011. He has now agreed to extend that deadline to a date following the May 17-18, 2011 meeting of Council. This extension is required in order to provide an opportunity for City staff and other parties to determine whether the dispute giving rise to the complaints may be resolved. Any such resolution will require Council's approval. However, at this time, there is no proposed resolution for Council to consider. For this reason, staff recommend that Council defers its consideration of this matter until its May 17-18 meeting.

## CONTACT

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## SIGNATURE

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Anna Kinastowski  
City Solicitor

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Joseph P. Pennachetti  
City Manager