



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

Employment Standards Complaint Against the City of Toronto

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

SUMMARY

The purpose of this report is to seek approval and staff instructions regarding responding to complaints made by non-union employees to the Ministry of Labour under the Employment Standards Act, 2000.

RECOMMENDATIONS

City Manager and City Solicitor recommend that:

1. Council consider the confidential recommendations and that the confidential recommendations should only be released at the discretion of the City Solicitor.

Financial Impact

Any financial impact information is contained within the Confidential Attachment. The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

None

ISSUE BACKGROUND

At Council's April 29, 2009, meeting, City Council approved a motion to not approve payment of the 2008 Performance Based Re-earnable Lump Sum Payment that would be paid in 2009 for non-union employees. At the same time, Council approved that no 2009 Performance Based Re-earnable Lump Sum Payment would be paid in 2010 for non-union employees. A number of certain non-union employees filed complaints on October 26, 2009, under the Employment Standards Act, 2000, to the Ministry of Labour. Subsequently, the City of Toronto has been responding to an investigation being conducted by a Ministry of Labour's Employment Standards Officer regarding certain matters outlined in these non-union employees' complaints. On March 21, 2011, the Employment Standards Officer indicated that he had concluded his investigation and is now providing the City of Toronto the opportunity to review his decision and to advise him of certain City of Toronto decisions and actions, in writing, by no later than Tuesday, April 12, 2011. The ESO has subsequently agreed to extend the City's response time to no later than Friday, April 15, 2011.

COMMENTS

None

CONTACT

Darragh Meagher
Director, Employment Law
(416)392-2948
dmeaghe@toronto.ca

Bruce L. Anderson
Executive Director, Human Resources
(416)397-4112
banders2@toronto.ca

SIGNATURE

Anna Kinastowski
City Solicitor

Joseph P. Pennachetti
City Manager

ATTACHMENTS

Employment Standards Complaint