



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

**Employment Standards Complaint Against the City of Toronto**

<b>Date:</b>	May 16, 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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At the April 12 - 13 meeting of City Council, the report from the City Manager and City Solicitor entitled "Employment Standards Complaint against the City of Toronto" CC7.5 was adopted. This report requested Council defer consideration of the report to the May 17 – 18, 2011 Council meeting to provide an opportunity for City staff and other parties to determine whether the dispute giving rise to the complaints may be resolved. The purpose of this report is to provide an update as to the 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. City Council adopt the confidential instructions to staff in Confidential 1; and
2. City Council authorize the public release of the confidential recommendations at the discretion of the City Solicitor if they are adopted.

## **Financial Impact**

The financial impacts are set out in the Confidential attachment. The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact statement.

## **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 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.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski  
City Solicitor

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Joseph P. Pennachetti  
City Manager