

APPENDIX 1

Audit of City Performance in Achieving Access, Equity and Human Rights Goals

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Auditor General's Office

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EXECUTIVE SUMMARY

Why we conducted this audit?

This is the second audit conducted by the Toronto Auditor General relating to access, equity and human rights. Our first audit was conducted in 2003 in response to a recommendation by the Task Force on Community Access and Equity, adopted as amended by City Council in December 1999. The recommendation asked the Auditor General to oversee an audit on access, equity and human rights, once in each term of Council.

In adopting the 2004 audit report, City Council at its May 2004 meeting reiterated the request for the Auditor General to conduct an access and equity audit once in each term of Council. In response to the Council recommendation, the Auditor General included the audit in its 2008 work plan.

Audit objective and methodology

The overall objective of the 2008 audit was to determine the extent to which the City has achieved its access, equity and human rights goals. The audit work included a review of relevant policies and procedures, and interviews with staff, elected officials, and government, community and business representatives. In addition, a considerable amount of audit work involved benchmarking with organizations in the private and public sectors regarding their access and equity efforts. The audit covered the period from January 2004 to September 2008.

Since our last audit in 2003, the City has made progress in a number of areas and has undertaken numerous new initiatives. These initiatives are recognized throughout this report.

Audit findings

Our audit provided 29 recommendations pertaining to the following areas:

- Human rights;
- Civic engagement;
- Corporate planning and implementation;
- Divisional planning and implementation;
- Access, equity and human rights planning among City Agencies, Boards, Commissions and Corporations; and
- Monitoring and measuring progress.

EXECUTIVE SUMMARY

Human rights

The City of Toronto, as a service provider and an employer, has established policies and procedures and an internal Human Rights Office, to prevent and address harassment and discrimination issues. Recent amendments to the Ontario Human Rights Code and the Tribunal process compel the City to establish a credible and accessible human rights process as a viable alternative to the potentially costly Ontario Human Rights Tribunal process.

To ensure the City has in place a credible and objective human rights process, the audit recommended the City improve public accessibility, provide adequate resources, and identify opportunities to enhance the independence and authority of the Human Rights Office. While these will initially require changes to the existing City structure and have the potential for additional costs, the long-term societal benefits to the City are of greater importance.

Civic engagement

Civic engagement, in a nutshell, is about providing opportunities for the public to participate in City decision-making process. As such, civic engagement is essential to creating an equitable and accessible community. To strengthen civic engagement in the City, the audit recommended that the City develop a corporate strategy addressing fundamental issues such as defining the term “civic engagement” in the context of City operation and service, developing an inventory of civic engagement activities conducted by staff, and developing performance indicators to measure progress.

Corporate planning and implementation

The 2003 Plan of Action for the Elimination of Racism and Discrimination outlined a blueprint for the City to work towards achieving access, equity and human rights. To date key Corporate planned actions, such as completing a workforce survey and providing diversity and human rights training to staff, have not been fully implemented. Our review of practices in other large organizations provided a number of suggestions for improvement in City efforts.

EXECUTIVE SUMMARY

***Divisional
planning and
implementation***

In addition to the Corporate Plan of Action, each City division has been asked to develop a multi-year Divisional Access, Equity and Human Rights Action Plan to integrate access and equity into service delivery and operation. Implementation of divisional action planning is a significant step in achieving the City's access and equity goals. The audit provided a number of recommendations to enhance the planning process.

***Development of
access and equity
plans among City
Agencies, Boards,
Commissions and
Corporations***

As part of this audit, we contacted nine major City Agencies, Boards, Commissions and Corporations for a copy of their latest access and equity plan. None of these organizations have developed a comprehensive and formalized access, equity and human rights plan as required of City Divisions. However, many of these organizations have developed internal policies on employment equity, diversity and human rights. To ensure the City is achieving its stated access, equity and human rights goals as a whole, its Agencies, Boards, Commissions and Corporations should be requested to develop access, equity and human rights action plans consistent with the corporate goals and format.

***The City needs to
hold management
accountable for
achieving access,
equity and human
rights goals***

To enhance its overall accountability framework for achieving access, equity and human rights, the City should consider including access and equity related performance indicators in the annual performance evaluation of management staff.

This 2008 audit provides 29 recommendations some of which will require changes and additional resources while others require staff to re-examine how work can be done in a more effective and efficient manner. All of the recommendations should be viewed as suggestions for continuous improvement keeping in mind that any program or system will always have room for improvement.

BACKGROUND

Why the Auditor General conducted an access and equity audit

In January 1998, the then newly amalgamated City of Toronto, established a Task Force on Community Access and Equity to identify the necessary policies, administrative structures, program priorities and evaluation processes for achieving access and equity in the City. In December 1999, City Council adopted, as amended, the Task Force's 89 recommendations, and added eight recommendations.

One of the Task Force Recommendations, as amended by City Council, states that:

“Once in each term of Council, the City Auditor oversee an internal audit of the performance by the corporation as a whole in achieving its access, equity and human rights goals.”

In response to this recommendation, the City's Auditor General conducted a review in 2003 of the implementation of the Task Force's recommendations. The audit consisted of a detailed review of 29 of the 97 Task Force recommendations. The 2004 Access and Equity audit report provided 15 recommendations. The implementation of these recommendations has been assessed through the Auditor General's annual recommendation follow-up process commencing in 2006. As of June 2007, three of the 15 recommendations were still outstanding. The status of the outstanding recommendations was reported to Council in a 2008 report entitled “Auditor General's Status Report on Outstanding Audit Recommendations for City Divisions”.

In adopting the 2004 audit report, City Council at its meeting in May 2004 recommended that:

“The Audit for this term of Council begin and be completed by the end of this term of Council and the Auditor General be requested to consider including the Audit in his workplan”.

In response to Council's recommendation, the Auditor General included an access and equity audit in the 2008 work plan.

AUDIT OBJECTIVES, SCOPE AND METHODOLOGY

Objective

The overall objective of the audit was to determine the extent to which the City has achieved its access, equity and human rights goals. More specifically, the audit focused on determining the following:

- (1) Effectiveness of the existing governance and monitoring structure over access, equity, and human rights issues and activities;
- (2) The extent to which the corporate and divisional access and equity planned actions and targets have been implemented or achieved;
- (3) The progress which the City's Agencies, Boards, Commissions and Corporations have made towards achieving access, equity and human rights; and
- (4) Opportunities for improvement in the City's pursuit of access, equity and human rights goals.

Scope

The audit included a review of the existing structure, policies and procedures, and resources. The audit also included an assessment of the implementation of the 2003 Corporate Plan of Action and the Divisional multi-year Access, Equity and Human Rights Action Plans. Due to the large number of planned actions contained in these documents, a number of representative programs and targets were selected for detailed review.

As well, nine major City Agencies, Boards, Commissions and Corporations were contacted for information pertaining to their efforts in achieving access, equity and human rights goals.

AUDIT OBJECTIVES, SCOPE AND METHODOLOGY

Benchmarking

The audit consisted of a benchmarking component to identify access and equity related policies and practices in other organizations. The benchmarking component was included to identify opportunities for improvement.

The following organizations were contacted as part of the benchmarking process:

- HSBC Bank
- IBM
- Ontario Public Service
- Toronto Police Service
- TD Bank Financial Group
- University of Toronto

These organizations were awarded Canada's Best Diversity Employer Award in 2008 by Mediacorp Canada Inc. through the Canada's Top 100 Employers project. The competition aimed to recognize workplace diversity and inclusiveness.

Methodology

The audit covered the period from January 2004 to September 2008. The audit work included:

- A review of relevant policies, procedures and legislated requirements;
- A review of current literature and industry information on access and equity;
- Qualitative and quantitative analyses of information; and
- Interviews with relevant staff, elected officials, and government, community and business representatives including:
 - The Chief Commissioner of the Ontario Human Rights Commission;

AUDIT OBJECTIVES, SCOPE AND METHODOLOGY

- The Integrity Commissioner of the City of Toronto;
- Assistant Professor, School of Urban and Regional Planning, Ryerson University;
- Executive Director, Ontario Council of Agencies Serving Immigrants;
- Former and current members of the City of Toronto Community Advisory Committee on Disability Issues and Community Advisory Committee on Aboriginal Affairs;
- Elected Officials who are either current or former Chair or member of the Community Advisory Committee on Disability Issues, the Community Advisory Committee on Aboriginal Affairs, the Roundtable on Access, Equity and Human Rights, and the Working Group on Immigration and Refugee Issues, and
- Organizational representatives from the HSBC Bank, TD Bank Financial Group, IBM, University of Toronto, Ontario Public Service, and Toronto Police Service.

Compliance with generally accepted government auditing standards

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence that provides a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

AUDIT RESULTS

*Efforts by staff
and elected
officials*

Since our 2003 audit the City has implemented a number of initiatives in relation to access, equity and human rights. The implementation of these initiatives is testament to the ongoing commitment of both staff and elected officials in this area.

*Examples of
recent
accomplishments*

Many City accomplishments and initiatives have been highlighted in various staff reports to City Council. Certain of the more recent accomplishments are provided below as examples of progress made to date.

- The City of Toronto received the 2007 Diversity in Governance Award from the Maytree Foundation for the City's efforts in achieving representation of diverse communities in public appointments to City Agencies, Boards, Commissions and Corporations;
- Implementation of mentoring programs for internationally-trained professionals and City employees;
- Initiative to increase women's presence in local politics through a mentorship program;
- Provision of multilingual services, including 311;
- Development of divisional action plans on access, equity and human rights;
- Leadership role in founding the Canadian Coalition of Municipalities against Racism and Discrimination; and
- Implementation of the Trans Access Project to address systemic barriers for homeless transsexual/transgendered people seeking shelter and support.

The following sections contain our audit results and recommendations, which should be viewed as suggestions for continuous improvement keeping in mind that any program or system will always have room for improvement.

A. HUMAN RIGHTS

A.1. The Importance of Human Rights

“Respect for human rights, human dignity, and equality, is a core value in Canadian society, and a cornerstone of public policy. For this reason, human rights legislation has been recognized by the courts as having a unique importance, and indeed has been accorded quasi-constitutional status.” (Excerpt from Guidelines on Developing Human Rights Policies and Procedures, Ontario Human Rights Commission, January 2008)

Legal obligations for employers and service providers

Under the Ontario Human Rights Code, every person has a right to equal treatment free of discrimination. If a person believes that his or her rights under the Code have been infringed upon, the person may file a complaint at the Human Rights Tribunal of Ontario.

The Ontario Human Rights Code requires service providers and employers to provide an inclusive and non-discriminatory environment, and to take necessary steps to prevent and address harassment and discrimination.

Ensuring a workplace free of harassment and discrimination also goes beyond compliance with legislation. A healthy and inclusive workplace makes good business sense as it helps improve productivity as well as attracting and retaining valued employees. Recruitment and retention of valued employees has been recognized as a challenge that will be faced by the City over the next five years and onwards, according to a 2008 report prepared by the City’s Human Resources Division.

Cost associated with human rights complaints

In 2007, 19 complaints were filed at the Ontario Human Rights Commission against the City, and eight complaints have been filed as of August 2008. Based on a recent staff assessment, for each case that was filed against the City at the Ontario Human Rights Commission, the average per case complaint resolution cost to the City was \$65,000. This includes settlement cost, staff resources, and miscellaneous expenses such as training and rehabilitation. In addition, it took an average of four to five years to resolve a complaint through the Ontario Human Rights Commission or the Tribunal.

A. HUMAN RIGHTS

Potential impact from changes to the Human Rights Tribunal process

Effective June 30, 2008, the Ontario Human Rights Code was amended to enhance the complaint process. The key Code amendments directly impacting the City are as follows:

- Complaints can be filed directly with the Human Rights Tribunal of Ontario as opposed to the Ontario Human Rights Commission to avoid lengthy processing time;
- Employees have the option to file both a grievance with their union or association and a human rights complaint on the same issue;
- The previous \$10,000 cap on damages for mental anguish has been removed;
- The limitation period for filing a complaint is extended from six months to one year; and
- The Human Rights Commission's role to conduct an inquiry has been significantly enhanced.

In addition, a new Human Rights Legal Support Centre has been established by the provincial government to provide advice, support and representation for complaint applicants.

The need for a credible and accessible City process for human rights complaints

With a more expeditious and accessible complaint process, the Tribunal anticipated a twenty-fold increase in the number of complaints received. Although the actual impact on the City is too early to determine, City staff also anticipate an increase in the number of human rights complaints filed against the City.

The anticipated increase in human rights complaints will also increase demands on staff resources to prepare for and attend legal proceedings. As well, the City will likely sustain an increase in costs to resolve complaints at arbitration and tribunal hearings since the maximum limit on damages has been eliminated by the Code amendments. The City must therefore establish within its own administration a credible and accessible human rights process as a viable alternative to the potentially costly Human Rights Tribunal process.

A. HUMAN RIGHTS

A.2. The City's Approach to Human Rights

City Human Rights and Anti-Harassment Policy and Procedures

In order to ensure compliance with the Human Rights Code, the City of Toronto has established a Human Rights and Anti-Harassment Policy and the related complaint procedures, which were recently revised to be in keeping with changes to the City's organizational structure and the Ontario Human Rights Code. The City has also established a Human Rights Office, employee training courses, and other related policies including the Employment Accommodation Policy for providing workplace accommodation, and an Employment Equity Policy for achieving full equity in employment.

The City's Human Rights Policy is, in most cases, the only recourse for employees encountering personal harassment at work

Under the Human Rights and Anti-Harassment Policy and Procedures, staff and members of the public can contact the City's Human Rights Office to make an enquiry or file a complaint of discrimination or harassment.

City Policy goes beyond the Ontario Human Rights Code as it addresses certain non-Code discrimination and personal harassment issues. This latter provision is of particular importance for City employees, as personal harassment is not a human rights infringement protected under the Code nor can it be accepted as a basis for filing a grievance. The City's Human Rights Policy is, in most circumstances, the only recourse employees have when encountering personal harassment at work.

Personal harassment, as defined in the City Policy, is *"Harassment that is not related to a prohibited ground identified in the Ontario Human Rights Code. Personal harassment is improper comment and/or conduct, not related to a legitimate work purpose, directed at and offensive to another person."*

Examples of personal harassment include frequent angry shouting/yelling, unreasonable demands, and communication that is demeaning, insulting, humiliating or mocking.

A. HUMAN RIGHTS

City of Toronto Human Rights Office

The City Human Rights Office was established to provide advice and investigate allegations of harassment and discrimination relating to City employees and recipients of municipal services. The Office is responsible for, among other duties:

- Interpreting and implementing the Human Rights and Anti-Harassment Policy;
- Assessing the merits of a complaint and determining appropriate complaint investigation and resolution options; and
- Undertaking neutral, independent informal and formal investigations.

The City Human Rights Office is housed within the Human Resources Division. Reporting directly to the Executive Director of Human Resources, the Office is staffed by two senior human rights consultants and shares a support staff person with another divisional function. The Human Resources Division reports to the City Manager.

A.3. Opportunities for Improvement

While we recognize the City's pre-eminence in terms of human rights issues we are of the view that there continues to be areas where operational improvements may be possible. Our audit work identified improvement opportunities in the following areas:

- (1) Independence and authority of the Human Rights Office;
- (2) Oversight for human rights decision-making;
- (3) Jurisdiction over human rights complaints;
- (4) Human Rights Office resource limitations; and
- (5) Public accessibility to the complaint process.

Each of the above is discussed in detail in the following sections.

A. HUMAN RIGHTS

(1) Independence and Authority of the Human Rights Office

Previous audit recommendation

In our 2003 Access and Equity audit, we recommended that the Human Rights Office be relocated directly under the City Manager to ensure the Office's independence and objectivity (actual and perceived) in complaint investigations. While we acknowledge that changes have since been made to the organizational position of the Human Rights Office to increase its profile, housing the Office within the Human Resources Division, in our opinion, does not fully address the need for independence and objectivity.

Independence of the Human Rights Office

Our review of a number of enquiries and complaints received by the City Human Rights Office between 2007 and 2008 indicated that in most cases human rights staff were able to carry out their responsibilities independently and objectively. There are however certain circumstances where the independence of the Office could be questioned particularly in situations where complaints concern employees in the Human Resources Division. At least five such complaints or enquiries are received annually by the Human Rights Office.

Similar situations may occur when an enquiry or complaint involves senior management staff. Although the existing Complaint Procedure has specific provisions for complaints involving senior management (including notifying and consulting the City Manager and the option to retain an external consultant), these procedures do not afford either the complainant or the human rights staff a level of confidence and trust essential in dealing with this level of complaint.

In comparison, the level of independence and authority assigned to the City's Auditor General and the Integrity Commissioner in addressing complaints related to their respective functions is certainly greater than that of the Human Rights Office. Under the *City of Toronto Act, 2006*, the Auditor General is responsible for assisting City Council in holding itself and city administrators accountable, and the Auditor General's functions include investigation of complaints of fraud or waste of public resources. The Integrity Commissioner is responsible for addressing issues relating to conduct of members of Council and local boards.

A. HUMAN RIGHTS

Complaints of a human rights or harassment nature are being addressed by a process with comparatively less independence and authority

Both the Auditor General and the Integrity Commissioner operate at arms-length from City administration and report directly to City Council. Unlike the Auditor General and the Integrity Commissioner, the Human Rights Office is an internal unit with no authority to report directly to Council.

Consequently, complaints of a human rights or harassment nature are being addressed by a process with comparatively less independence and authority than those involving misuse of public resources or conduct of members of Council.

Should the City not treat human rights and harassment complaints at least as equally important as complaints of another nature?

In light of the importance of human rights and the need for the City to establish a credible and accessible complaint process both in fact and perception, the City should review the organizational placement of the Human Rights Office with a view to identifying opportunities for enhancing independence and authority.

Recommendation:

- 1. The City Manager review the organizational placement of the Human Rights Office with a view to identifying opportunities for enhancing its level of independence and authority recognizing:**
 - (a) The importance attached to the Human Rights Office;**
 - (b) The need for the independence of the Office; and**
 - (c) Recent changes to the Ontario Human Rights Code.**

Further, the City Manager report to City Council by June 2010 on the impact of the changes to the Ontario Human Rights Code. Such information to include the number of complaints filed at the Human Rights Tribunal of Ontario involving the City, complaint resolutions and the associated costs.

A. HUMAN RIGHTS

(2) Oversight for Human Rights Decision-Making

Human Rights Policy among City Agencies, Boards, Commissions and Corporations

City Agencies, Boards, Commissions and Special Purpose Bodies were requested by City Council in 1998 to implement a human rights policy consistent with the provisions of the City Policy. Following the latest changes to the Ontario Human Rights Code and City policy, City Agencies, Boards, Commissions and Corporations were advised by Council in 2008 to revise their policies and procedures to be consistent with provisions in the City Policy. However, City Agencies, Boards, Commissions and Corporations were not asked to report back to Council on their efforts.

The City as a result does not have a clear picture of how human rights issues are being dealt with by its Agencies, Boards, Commissions and Corporations.

Mandate does not cover City Agencies, Boards, Commissions and Corporations

The mandate of the City Human Rights Office is limited to City Divisions. Complaints of human rights infringements in relation to services or practices of City Agencies, Boards, Commissions and Corporations are addressed individually by the respective organization. This results in an inconsistent approach in responding to human rights complaints or enquiries related to service delivery and practices.

To ensure the City's human rights principles and values are consistently integrated into decision-making and service delivery, ideally the City should have a single Human Rights Office with a mandate which includes all Divisions, Agencies, Boards, Commissions and Corporations. However, given the existing organizational and administrative structure of the City and its independently operated organizations, establishing a single Human Rights Office is not a viable or practical option.

As an alternative, City Council should request its major Agencies, Boards, Commissions and Corporations to provide an annual human rights report to Council such that Council will be aware of the numbers and types of human rights complaints involving the respective Agency, Board, Commission and Corporation.

A. HUMAN RIGHTS

Recommendations:

2. **City Council request all Agencies, Boards, Commissions and Corporations to report to Council by June 2009 whether they have developed a human rights policy and related complaint procedures, whether the policy and procedures are in keeping with provisions in the City's policy and procedures, and implementation of these policies and procedures.**
3. **City Council request the major Agencies, Boards, Commissions and Corporations to provide an annual human rights report to Council detailing the numbers and types of human rights complaints received by the Human Rights Tribunal of Ontario involving the respective Agency, Board, Commission and Corporation, and the complaint resolutions and associated costs.**

The Integrity Commissioner cannot investigate complaints of human rights or non-Code harassment against a member of Council

(3) Jurisdiction Over Human Rights Complaints

In his 2008 End of Term Report to Council, the City's Integrity Commissioner expressed his concern over the jurisdiction of human rights and harassment complaints. The complaint protocol of the Integrity Commissioner stipulates that complaints of Human Rights Code discrimination or non-Code harassment against a member of Council cannot be investigated or dealt with by the Integrity Commissioner because the City has already established an anti-discrimination and anti-harassment policy to deal with these types of complaints. By default, all complaints of human rights discrimination and harassment are under the jurisdiction of the City Human Rights Office.

A. HUMAN RIGHTS

Current complaint protocol relegates all human rights and harassment complaints against members of Council to an internal process with limited independence and authority

Not only does the current complaint protocol undermine the Integrity Commissioner's authority to address human rights and harassment related complaints, it also relegates all human rights and harassment complaints against members of Council to an internal process with limited independence and authority.

The Integrity Commissioner posed the following questions in his End of Term report:

“Is it appropriate to deny members of the public and staff access to the Integrity Commissioner when they have complaints of this kind?”

“What objectives are served by excluding harassment and discrimination complaints from the jurisdiction of the Integrity Commissioner...?”

Practical issue with the complaint protocol

In addition, the current complaint protocol requires the Integrity Commissioner and Human Rights staff at the outset of the process to discern whether the alleged behaviour or practice stemmed from a human rights related issue or other factors. This in practice could be difficult and, as pointed out by the Integrity Commissioner, a complaint may raise a mixture of issues, one of which might involve discrimination or harassment.

Under the *City of Toronto Act, 2006*, the City has recently created an independent and arms-length Ombudsperson as part of its accountability framework. Similar issues regarding human rights and harassment complaints will likely be encountered by the new Ombudsperson in addressing public complaints related to City services.

Given the independence and authority legislated to the Integrity Commissioner and the Ombudsperson, is it not in the best interest of the public to assign human rights and harassment related complaints to the Commissioner or Ombudsperson instead of, by default, to the Human Rights Office which currently has comparatively less independence and authority?

A. HUMAN RIGHTS

Recommendation:

- 4. The City Manager, in consultation with the City Solicitor, review the existing complaint protocol of the Integrity Commissioner in order to ensure that Councillor related human rights and harassment complaints are dealt with in a manner consistent with other complaints and is in the best interest of the public.**

Level of resources for the City of Toronto Human Rights Office

(4) Human Rights Office Resource Limitations

Since it was first established in 1998 following amalgamation, the City Human Rights Office has experienced a reduction in staffing level from three consultants and one support staff in 1998 to the current level of two consultants and a shared support staff person in 2008. The total number of complaints and enquiries has increased from less than 500 in 2000 to over 550 in 2007. Due to resource limitations, most of the enquiry and complaint files are recorded using hand-written notes.

In addition to responding to enquiries and complaints, the two human rights consultants are responsible for functions including designing and implementing corporate human rights initiatives, policy research and development, education and communication, responding to corporate and divisional requests, and office administration.

Given recent changes to the complaint process under the Ontario Human Rights Code, it is more important than ever for the City to establish a credible and accessible human rights process as a viable alternative to the potentially costly Human Rights Tribunal process. The City must ensure its Human Rights Office is adequately resourced to carry out its functions.

The Auditor General's Office has recently been approached by the Lobbyist Registrar in relation to the possibility of using a system similar to the Fraud and Waste Hotline complaint management system. The Human Rights Office may therefore want to explore the use of the Hotline's complaint management system to increase efficiency in complaint in-take and management functions.

A. HUMAN RIGHTS

Recommendations:

5. **The Executive Director of the Human Resources Division, in view of current changes to the Ontario Human Rights Code, review the current level of resources in the City's Human Rights Office to ensure that it is adequately resourced to carry out its responsibilities.**
6. **The Executive Director of the Human Resources Division consider adapting the Fraud and Waste Hotline complaint management system for use by the Human Rights Office to improve efficiency in complaint in-take and management functions.**

(5) Public Accessibility to the Complaint Process

Only a small number of the public filed a human rights complaint or enquiry to the City's Human Rights Office

Of the total 553 complaints and enquiries received by the City Human Rights Office in 2007, the majority were from City employees. The number of complaints and enquiries from the public (including residents and service recipients) was 17 in 2007, of which seven were related to job applicant accommodation and ten to service provision.

The small number of public complaints and enquiries to the Human Rights Office can be interpreted at least two different ways. It could mean that the public have few human rights issues concerning city services or practices, or it could simply be that few members of the public are aware of the existence of a City Human Rights Office and the option to file a complaint or make an enquiry.

Public is not clearly informed of the existence of the City human rights complaint process

Following the recommendations from our 2003 audit, the City Human Rights Office has made certain improvements to its profile. These improvements included adding to the City intranet (for use by City employees) a direct "link" to the Human Rights Office. In addition, a link to the City Human Rights and Equity Policies has been created under the "Employment" and "Human Resources Policies" Web pages on the City Web site. In our view, however, this change to the City Web site does not clearly inform the public of the existence of a City Human Rights Office to which a complaint can be filed by the public.

A. HUMAN RIGHTS

A number of U.S. cities provide more accessible public complaint information

In comparison with Toronto, a number of U.S. cities provide more accessible public information concerning their human rights office. For example, New York City, Kansas City, Missouri, and Iowa City have established their own human rights commission or office, and include complaint information on their respective Web sites to inform citizens on how to file a complaint in person, via telephone or on-line.

The Fraud and Waste Hotline administered by the City of Toronto Auditor General also has a separate Web page on its Web site enabling the public to file a complaint through a secure on-line form or via telephone.

In order to increase public accessibility to the Toronto Human Rights Office, the City Web site should include a direct link to its Human Rights Office. As well, the public and City employees should be given the option of filing a complaint or making an enquiry on-line via a Human Rights Office Web page. This will also help improve efficiency in complaint intake and record keeping, which are operational issues currently faced by the Human Rights Office due to limited staff resources.

In addition, as the mandate of the City Human Rights Office is limited to City Divisions, public complaints of human rights infringements in relation to services or practices of City Agencies, Boards, Commissions and Corporations are submitted directly to the respective organization. In our view, this does not facilitate public accessibility to the complaint process as the public is expected to identify the appropriate unit and personnel amid the labyrinth of different organizational and administrative structures.

Need for a consolidated point for filing human rights complaints

In developing a human rights complaint Web page, the Human Rights Office, in consultation with City Agencies, Boards, Commissions and Corporations, should consider profiling the Web page as an official, consolidated point for receiving all human rights related complaints and enquiries from the public. Instead of requiring the public to identify specific personnel in different city organizations, a consolidated Web site will enhance public accessibility and customer service.

A. HUMAN RIGHTS

Recommendations:

- 7. The City Manager increase the profile of the Human Rights Office in order to ensure the general public and City employees are aware of its role and mandate. The increased profile be accomplished by providing additional information on the Human Rights Office via the City's Web site. Consideration also be given to revising the Web page to accommodate a process whereby human rights complaints can be submitted online.**
- 8. The City Manager, in consultation with the City's Agencies, Boards, Commissions and Corporations, consider creating a consolidated Human Rights Office Web page for receiving human rights or harassment related complaints or enquiries concerning services and practices of the City's Divisions, Agencies, Boards, Commissions and Corporations.**

B. CIVIC ENGAGEMENT

B.1. Importance of Civic Engagement

“Among the values consistently identified throughout the Task Forces’ consultation process was the importance of citizen involvement in the affairs of the City and the necessity for a pro-active stance towards embracing the diverse communities within the City. ... Civic participation, however, is not just about exchange of information and two-way communication. It also means an opening up of the process of government so that residents can influence decision-making in the City.” (excerpt from Final Report of the Task Force on Community Access and Equity, January 2000, consultation findings regarding civic participation)

What is civic engagement?

Civic engagement is about providing opportunity for public input into government decision-making, and as such is a cornerstone in building an equitable and inclusive society. The Task Force on Community Access and Equity identified “strengthening the civil society” as one of four major themes emerging from its public consultation in 1998.

Further, the City’s Plan of Action for the Elimination of Racism and Discrimination, adopted by Council in 2003, states that:

“In recognition of the need to build strong communities, the City will use creative, innovative and proactive community engagement practices to facilitate diverse communities’ participation in the City decision-making process.”

Currently many city activities and policies are designed to seek input and participation from diverse communities. Examples of opportunities for participation in City decision-making are:

- City-wide public consultation events such as “Listening to Toronto” in 2004;
- Public appointments to City Agencies, Boards, Commissions, Corporations, and Advisory Committees;
- Public participation in local consultation meetings such as public meetings held under the Planning Act;
- Open houses, forums, and focus groups organized by City Divisions; and
- Opportunities for public deputation to City Council and Committees, and contact with ward Councillors.

In addition, the City Mayor and other elected officials participate in television or radio “one on one” broadcasts to speak directly to Torontonians.

B. CIVIC ENGAGEMENT

Who is responsible for civic engagement in the City?

Civic engagement activities in the City are dispersedly and independently conducted by various City divisions and at the corporate level. Many City Divisions, including Toronto Public Health, Parks, Forestry and Recreation, and City Planning, regularly seek public input and participation in program delivery and policy making.

At the corporate level, responsibilities for civic engagement are housed in Strategic and Corporate Policy within the City Manager's Office. Corporate responsibilities in civic engagement include:

- Coordinating the appointment of public members to City Agencies, Boards, Commissions, Corporations and Advisory Committees;
- Developing City-wide strategies and guidelines respecting civic engagement;
- Promoting engagement of specific population groups in City decision-making;
- Assisting community groups in organizing civic participation projects through City grants program; and
- Providing advice and assistance to staff and elected officials as requested.

B.2. Issues and Challenges

Commissioned research by the Governing Toronto Advisory Panel

In anticipation of the new *City of Toronto Act*, City Council in 2005 established a Governing Toronto Advisory Panel to advise on the future governance structure. The Advisory Panel commissioned Dr. Pamela Robinson, Assistant Professor, School of Urban and Regional Planning, Ryerson University, to conduct research on civic engagement in the City of Toronto. The research consisted of interviews with City staff, personal observations by the researcher, and a literature review.

B. CIVIC ENGAGEMENT

Research findings

Dr. Robinson indicated that “*staff commitment to and enthusiasm for civic engagement activities at the City were deep and high.*”

Dr. Robinson however pointed out a number of issues and challenges facing the City in engaging the public, including:

- The City lacked a common definition of civic engagement. Different staff had different interpretations of what constituted civic engagement ranging from public participation in city-run recreational activities to community agencies receiving grants from the City.
- The City lacked a corporate-wide civic engagement strategy. The report states that: “*The City has no civic engagement strategy, no collectively agreed upon working definition of what is civic engagement, and City-wide civic engagement principles do not exist.*”
- City civic engagement activities were dispersed and independently conducted by staff at various divisions without a corporate-wide centralized or coordinating unit. However, Dr. Robinson indicated that the functionality of a centralized unit was being questioned by some staff.
- A detailed inventory of civic engagement activities in the City did not exist, and the City did not have corporate indicators or performance measures to gauge its progress or success in civic engagement.

Council directions regarding civic engagement

In response to recommendations from the Governing Toronto Advisory Panel and the City Manager’s report on implementing a new Council Governance Model, City Council at its meeting in June 2006 adopted, as amended, the recommendation from the City Manager for the City to “launch a community dialogue in the new term of council on reconnecting people with City government”.

As of September 2008, we are not aware of any City-wide community consultation activity that has been undertaken or planned in response to this particular recommendation.

B. CIVIC ENGAGEMENT

At the June 2006 meeting Council also adopted the following recommendation:

“the City Manager be requested to review, determine and report to the meeting of the Policy and Finance Committee to be held on September 18, 2006, on methods by which members of the community can be more actively engaged, and how Council can better interact with community groups that reflect the changing demographics across Toronto.”

As of September 2008, a report from the City Manager in response to the above recommendation had not been submitted to the appropriate Committee.

Recommendation:

- 9. The City Manager report back to the Executive Committee as requested by City Council in 2006 on methods by which members of the community can be more actively engaged, and how Council can better interact with community groups that reflect the changing demographics across Toronto.**

B.3. Opportunities for Improvement

Our review of the City’s overall efforts in civic engagement identified the following opportunities for improvement:

- (1) A corporate civic engagement strategy;
- (2) Use of public opinion surveys;
- (3) Formal civic engagement mechanisms;
- (4) Previous public consultations on methods to engage the public; and
- (5) Input from employee groups.

Comments on each of the above are provided below along with recommendations.

B. CIVIC ENGAGEMENT

(1) A Corporate Civic Engagement Strategy

Need for developing a corporate civic engagement strategy

The need for developing a City-wide civic engagement strategy was first identified in 2000 by the then Chief Administrative Officer reporting to Council on the results of a City forum on civic participation held in the same year. The forum consisted of a five-part discussion series engaging elected officials, academics, City staff and residents in a dialogue on how to strengthen “civil society” in the City. To date a City-wide civic engagement strategy has not been developed.

The need for developing a City-wide civic engagement strategy was reiterated in 2005 in the research conducted by Dr. Robinson and recommended by the Governing Toronto Advisory Panel. In particular, Dr. Robinson pointed out the importance of addressing fundamental issues such as establishing an administrative structure, defining the term civic engagement, and developing an inventory of civic engagement activities.

New corporate initiatives for civic engagement

Since the release of the 2005 report, the City has undertaken a number of initiatives for civic engagement at the corporate level including:

- Identifying and coordinating a network of approximately 300 City staff whose work functions include civic engagement;
- Developing an intranet site to connect and provide resources to staff and members of Council;
- Launching a quarterly newsletter for engagement staff; and
- Planning the launch of a new Web page by the end of 2008 to provide the public a one-stop approach to identify opportunities for participating in City governance.

B. CIVIC ENGAGEMENT

Staff advised that a corporate civic engagement strategy was being developed as part of the City Manager's work plan. To date however a corporate civic engagement strategy has not been completed, nor have some of the issues identified in the 2005 research report been addressed. The City has not explicitly articulated its overall strategy, goals, objectives, or specific planned actions in promoting civic engagement, all of which are fundamental to good planning and monitoring progress.

Recommendation:

10. The City Manager complete the development of a City-wide civic engagement strategy as recommended by the Governing Toronto Advisory Panel in 2005. The civic engagement strategy should address issues including:

- (a) Defining the term "civic engagement" in the context of City operation and service;**
- (b) Developing an inventory of civic engagement activities; and**
- (c) Developing performance indicators.**

(2) Use of Public Opinion Surveys

Use of public opinion surveys

To seek inputs from all sectors of the public, the City should consider incorporating a range of methods into its civic engagement strategy. One possible method is by means of a public survey. It is recognized that public surveys or opinion polls in general have pitfalls including costs, low response rate, and limitations on the types of questions. However, properly designed and conducted public surveys can be a valuable civic engagement tool to obtain opinions from a representative sample of the public and to detect trends over periods.

How public opinion surveys are used in certain U.S. cities

Public opinion surveys are commonly used by local governments in the United States. Known as Service Efforts and Accomplishments Reporting in the United States, this type of survey is designed to gauge residents' satisfaction with municipal services. A number of U.S. cities conduct public surveys annually and post results on the internet for public access. Examples include Portland, Oregon, Kansas City, Missouri, and Palo Alto, California.

B. CIVIC ENGAGEMENT

Telephone surveys of GTA residents

Currently the City does not directly conduct or commission any public survey, but subscribes to survey results from a firm that conducts quarterly telephone surveys of Greater Toronto Area residents. The survey measures respondents' views of the most important local issues, satisfaction with municipal services, as well as opinions on emerging issues in the City and the country. The City of Toronto does not exercise control over questions asked and how data are analysed, nor can the City release related survey results to the public without the consent of the survey firm.

Opportunity for incorporating public surveys as one of the many civic engagement methods

Given the City's current agreement to view results of a public survey, staff should explore the feasibility and cost-benefit of expanding the current arrangement to an annual public survey and incorporate this as one of the City's civic engagement methods. In developing this method, the City should ensure that information collected is useful in improving City services and decision-making, and survey results are available to the public via the City Web site.

Good governance requires timely and accurate information to facilitate decision-making. Valid public survey results can help the City gauge service quality from the public's perspective, and facilitate decision-making on the allocation of resources.

Recommendation:

- 11. The City Manager, in developing a corporate civic engagement strategy, explore the feasibility and cost-benefit of adding an annual public survey to the City's civic engagement methods. The public survey should collect information relating to improving City services and decision-making. Survey results should be available to the public via the City Web site.**

B. CIVIC ENGAGEMENT

(3) Formal Civic Engagement Mechanisms

In 2000, five Community Advisory Committees and four Working Groups were approved as formal civic engagement mechanisms

In the years immediately following the adoption of the Task Force recommendations in 1999, the City established five Community Advisory Committees on specific access and equity issues:

- Aboriginal Affairs Committee
- Disability Issues Committee
- Status of Women Committee
- Race and Ethnic Relations Committee, and
- Committee on Lesbian, Gay, Bisexual and Transgender Issues.

A key mandate of the Community Advisory Committees, as adopted by Council in December 1999, was to provide advice to City Council through Standing Committees and acting as a liaison with external organizations.

In 2000, City Council also approved the formation of four Working Groups to extend community input to additional access and equity issues but only the following two Working Groups were established:

- Working Group on Language Equity and Literacy Issues; and
- Working Group on Immigration and Refugee Issues.

The Working Group on the Elimination of Hate Activity had held only one meeting since its inception in 2002, and the Working Group on Employment Equity was not established due to the lack of workforce survey results.

Two Community Advisory Committees remain in 2008

Currently, only the Aboriginal Affairs Committee and the Disability Issues Committee are operational. The establishment of the Disability Issues Committee is required by the Ontarians with Disabilities Act. The remaining three Community Advisory Committees and the two Working Groups were not re-convened after their terms ended in 2003.

B. CIVIC ENGAGEMENT

Roundtable on Access, Equity and Human Rights

City Council subsequently established a broad-mandated Roundtable on Access, Equity and Human Rights in March 2004. The Roundtable made progress on several fronts one of which was the development of an “equity lens” to identify barriers in City services and programs. The Roundtable was however not re-convened after the 2006 term.

Diversity Advocate

In 2002, former Councillor Sherene Shaw was appointed by City Council as the City’s first Diversity Advocate. Although not a formal civic engagement mechanism, the Diversity Advocate played a role in assisting the diverse groups in bringing their issues to the forefront of City agendas. The Diversity Advocate position has not been filled since Councillor Shaw left the City in 2003.

At present the formal structures in existence in the City include the Community Advisory Committee on Aboriginal Affairs and the Community Advisory Committee on Disability Issues.

Operational challenges of the formal mechanism

The Community Advisory Committees, Working Groups, and the Roundtable when operational, had encountered certain issues such as difficulty in meeting quorum, setting realistic agendas, and maintaining ongoing commitment among members over time.

Value of the formal mechanism

Despite these challenges, the formal civic engagement mechanism was valuable in several ways:

- Provided a venue for like-minded members of the public and organizations to meet and discuss ideas and concerns;
- Acted as a sounding board for City Council and City staff;
- Provided a formal channel for diverse population groups to reach City Council; and
- Presented Council with advice representing a consensus from the group.

B. CIVIC ENGAGEMENT

Need for maintaining formal civic engagement mechanisms

While there were issues concerning the ongoing operation of each one of these Committees they nonetheless served a useful purpose. The City should therefore evaluate this particular formal civic engagement mechanism to ensure it is effective and inclusive of the diverse population groups. To achieve this, staff should review and address operational issues encountered in previous structures, as well as assess current needs for providing formal participation opportunities for diverse groups in the City. On a go forward basis, each of the formal civic engagement structures, whether it takes the form of a community advisory committee, working group, or a Roundtable, should be regularly evaluated to gauge its effectiveness in meeting its mandate.

Recommendation:

12. The City Manager, in developing a corporate civic engagement strategy, identify and advise Council on the need for establishing formal civic engagement mechanisms connecting the City's diverse population groups with City government. Steps to be undertaken should include but not be limited to:

- (a) Review and address past operational issues encountered by the Community Advisory Committees, the Working Groups, and the Roundtable on Access, Equity and Human Rights;**
- (b) Assess current needs for providing opportunities for specific population groups to advise City Council of issues specific to the groups; and**
- (c) Periodically evaluate formal civic engagement structures to identify and address issues affecting their effectiveness.**

B. CIVIC ENGAGEMENT

(4) Previous Public Consultations on Methods to Engage the Public

Input from the public has been requested in numerous public consultations on how best to engage them in city decision-making

The subject of civic engagement has been included in numerous public consultation events hosted by the City. The following sections list public consultation events where civic engagement was discussed. This list represents the events of which we are aware and as such it may not be comprehensive.

- In 1998, the Task Force on Community Access and Equity conducted public consultation on access, equity and human rights issues.
- In 2000, the City conducted a public forum entitled “Building the New City of Toronto: Reflections on Civic Engagement” involving elected officials, academics, City staff and residents. Staff identified 10 themes emerging from the discussions and the need to develop a City-wide civic participation framework.
- In 2002, the City undertook extensive public consultation sessions to further the work of the Task Force on Community Access and Equity. Toronto residents, community groups and organizations were invited to approximately 50 consultation sessions held across the City. One of the major discussion themes was civic participation, and consultation results were summarized in a report entitled ‘Just Do It’.
- In 2004, the Mayor and City Council launched two sessions of “Listening to Toronto”. In the second session in November 2004 participants were asked three questions, one of which was “*How can the City increase public involvement in civic affairs?*” Participants provided many suggestions that were grouped into seven major themes.
- In 2005, the Governing Toronto Advisory Panel conducted a series of meetings and interviews, an on-line citizen survey, and hosted a public consultation session. The panel recommended that the City develop a shared, common civic engagement strategy.

B. CIVIC ENGAGEMENT

The City should have collected a large number of public suggestions and expert advice on how best to seek public input

These consultations provided the City with a large number of public suggestions and expert advice on how best to seek public input and participation in City governance. It is therefore important for staff to review previous consultation results in developing the corporate civic engagement strategy.

City Council at its June 2006 meeting adopted, as amended, the recommendation from the City Manager for the City to launch a community dialogue in the new term of council on reconnecting people with City government. Staff should review previous public consultation results prior to organizing the community dialogue as directed by Council.

To this end, an excerpt from the conclusion of our 2004 audit report entitled “Review of the Implementation of Recommendations of the Final Report of the Task Force on Community Access and Equity on access, equity and human rights” states that:

“Community members participating in the public consultations for the development of the City Plan of Action for the Elimination of Racism and Discrimination in 2001 questioned why they were being consulted again when the City and other governments had “a catalogue of actions” that could be taken. This sentiment was echoed and captured in the title of the Council Reference Group’s extensive public consultations in 2002. The title of that report was, “Just Do It”. City staff have done significant work establishing frameworks and policies but it is now time to itemize, prioritize and then implement specific actions.”

Recommendation:

- 13. The City Manager undertake a review of public suggestions and expert advice from previous public consultations and commissioned research on civic engagement, and incorporate review results into the development of a corporate civic engagement strategy. Future public consultations should focus on obtaining public input related to City services, efforts and decision-making rather than how best to obtain public input.**

B. CIVIC ENGAGEMENT

(5) Input From Employee Groups

Employee groups can make a difference

The City of Toronto consists of over 35,000 employees (excluding those with City Agencies, Boards, Commissions and Corporations), many of whom are from diverse communities and are knowledgeable and passionate about the issues facing their community. It makes sense for the City to tap into this readily available resource by establishing a formal process, such as employee advisory or networking groups, to seek input from employees. These groups can also serve as a forum where employees can support and learn from each other, and discuss issues pertinent to their specific community and the workplace.

Many large organizations value employee inputs

Seeking employee input on diversity issues is a common practice among large organizations. For example:

TD Bank has employee networking groups on LGBT and disability issues

- TD Bank currently has an employee networking group on Lesbian, Gay, Bisexual and Transgender (LGBT) issues and another on disability issues. These networking groups are established for employees to share experiences and knowledge, and to bring concerns to management. TD bank is currently in the process of establishing a networking group on women's issues. In addition, TD Bank has an Employee Council for Employment Equity comprised of 30 management and employee representatives including those from the designated groups.

IBM has eight employee networking groups

- IBM in 1995 created eight task forces at the executive level to deal with issues relating to diverse communities including Asian, gays and lesbians, and women. Realizing the importance of obtaining staff input on these issues, all of the eight executive task forces recommended that the company create employee networking groups to support the executive task forces. Eight specific employee networking groups were created by IBM in 1997. In addition, IBM has many Diversity Councils consisting of employees representing the diverse communities to assist the company in addressing the unique issues relating to each diverse population group.

B. CIVIC ENGAGEMENT

University of Toronto has eight Equity Offices which regularly seek employee and student inputs

- The University of Toronto seeks employee and student input on diversity issues through regular events, educational initiatives, and support groups established by the University's Equity Offices. The University has established eight Equity Offices including an Anti-Racism and Cultural Diversity Office, a Lesbian, Gay, Bisexual, Transgender and Queer Resources and Programs Office, and a Sexual Harassment Office.

Recommendation:

- 14. The City Manager consider establishing a formal process to seek employee input on a proactive and regular basis on equity and diversity issues related to the community and the workplace.**

C. CORPORATE PLANNING AND IMPLEMENTATION

C.1. Corporate Support Functions

“Corporate functions can enable departments to understand and move ahead by providing supportive services such as training, human rights management, policy support and links to the community. There has to be a group within the organization charged with making sure awareness and action are taking place in all departments. The corporate function should be to build linkages to make things happen with departments, communities and Council. It should enhance the expertise and be a catalyst and have the time and resources to dedicate to this.” (Citation of City Commissioners’ view of corporate support functions for access and equity, staff report entitled “Resources for Access and Equity Functions”, adopted by Council in 2000)

Staff responsible for providing corporate support functions

The corporate access and equity functions are primarily performed by the Diversity Management and Community Engagement Unit and the Human Resources Division within the City Manager’s Office. Their roles and responsibilities in access and equity are described below.

Diversity Management and Community Engagement Unit

Acting as the corporate coordinator for access and equity issues and initiatives, the Diversity Management and Community Engagement Unit provides key functions such as:

- Coordinating the planning and reporting of Divisional Access, Equity and Human Rights Action Plans;
- Providing research and policy advice to the City Manager, Council and divisions;
- Administering the City’s Access and Equity grants program;
- Supporting the Community Advisory Committees on access, equity and human rights issues; and
- Implementing public education and awareness programs.

The Unit consists of one manager and seven professional staff.

Employment equity functions, Human Resources Division

The Human Resources Division as a whole is also responsible for integrating employment equity principles in recruitment, employee and labour relations, and training and development. The Division also leads the career bridging and profession-to-profession programs, and is responsible for implementing the employment equity survey.

C. CORPORATE PLANNING AND IMPLEMENTATION

C.2. Corporate Plan of Action

From Task Force Recommendations to Corporate Plan of Action

The City's strategic directions for achieving access, equity and human rights were established in 1999 when City Council adopted the final report from the Task Force on Community Access and Equity. These strategic directions were reinforced and refined in 2003 when the City developed its Plan of Action for the Elimination of Racism and Discrimination.

Following the release of the Task Force recommendations in 1999, the City undertook an extensive public consultation in 2002. Toronto residents, community groups and organizations were invited to approximately 50 public consultation sessions held across the City. Based on input received from more than 1,000 participants, the report entitled "Just Do It" was released in November 2002 detailing consultation results, and the City's Plan of Action was developed and adopted by Council in 2003. The Plan of Action is consistent with and reinforces the principles and recommendations from the Task Force.

A blueprint for access, equity and human rights efforts

In adopting the Plan of Action, along with its vision, goal, guiding principles and strategic directions, City Council endorsed a blueprint for the City to work towards access, equity and human rights. A major Council direction was to request City divisions to develop their individual access, equity and human rights action plans. To date divisions have completed two multi-year action plans - the first for 2004 to 2006 and the latest for 2007 to 2008.

C. CORPORATE PLANNING AND IMPLEMENTATION

C.3. Implementation of Corporate Plan of Action

Corporate access and equity strategies and planned actions are outlined in the 2003 Plan of Action. The Plan lists seven strategic directions and 33 “actions”, 14 of which have specific implementation timelines, and the remaining 19 are “on-going” activities. To date a specific staff report on the implementation of Corporate planned actions has not been provided to Council. An objective of this audit was therefore to assess the extent to which the major Corporate planned actions have been implemented.

The following major Corporate planned actions were assessed by this audit:

- (1) Develop a Corporate Access Action Plan Guide;
- (2) Develop a City-wide Accessibility Plan;
- (3) Complete the employment equity workforce survey;
- (4) Implement an employment accommodation policy;
- (5) Implement staff training and awareness programs;
- (6) Implement mentoring programs; and
- (7) Develop a Toronto Urban Aboriginal Strategy and Aboriginal Office.

***Access Action
Plan Guide for
City Divisions***

(1) Develop an Access Action Plan Guide including measurement indicators for use by City Divisions and Agencies, Boards, Commissions and Corporations, to prepare and submit their Action Plans to City Council.

Time Frame: June 2003

Division Responsibility: City Manager’s Office

Audit Conclusion: Implemented

The Diversity Management and Community Engagement Unit of the City Manager’s Office coordinates planning and reporting of divisional Action Plans. The Unit has developed a divisional template, sample indicators, and other supporting information, as well as providing training to divisional representatives in completing the Action Plan. The Action Plan Guide also provided Divisions with examples of outcomes, standard practices, and best practices.

C. CORPORATE PLANNING AND IMPLEMENTATION

- Accessibility Plan** (2) *Develop an Accessibility Plan as required by the Ontarians with Disability Act to remove barriers to services for people with disabilities, and submit reports to the provincial government.*

Time Frame: September 2003

Division Responsibility: City Manager's Office and divisions

Audit Conclusion: Implemented

Toronto City Council adopted the City's Accessibility Plan in 2003 which is filed annually with the Ontario Accessibility Directorate.

- Workforce survey** (3) *Complete the employment equity workforce survey of City divisions as outlined in the goal of the City's Employment Equity Policy to achieve a representative workforce at all occupational levels.*

Using the survey results to develop proactive employment equity plan and programs which include mechanisms for measuring and monitoring outcomes and results.

Time Frame: Survey completed early 2004 and employment equity plan targeted for fall 2004

Division Responsibility: Human Resources (formerly Corporate Services) and all divisions

Audit Conclusion: Not fully implemented

Workforce survey and a corporate employment equity plan are essential to achieving employment equity

This corporate action addresses two elements essential to achieving employment equity in the City: a workforce survey and a proactive employment equity plan.

A workforce survey is used to collect information on representation of designated groups (gender, ethnicity, and disability) in the workforce. Organizations use survey results to identify gaps in representation, develop strategies to address the gaps, and measure success of employment equity efforts such as outreach and hiring practices and criteria.

C. CORPORATE PLANNING AND IMPLEMENTATION

The City launched its first workforce survey in 2003 but the response rate was too low

The City of Toronto launched its first workforce survey in 2003. City employees were asked to complete, on a voluntary basis, survey questions pertaining to their gender, ethnicity, and disability. The survey achieved a 33 per cent response rate, which, according to staff, was too low for the results to be considered valid.

The City was successful in surveying non-union employees in 2007

In 2007 the City re-launched the workforce survey but this time only for non-union employees. A 78 per cent response rate was achieved and the results have been compiled and tabulated. Staff is in the process of distributing survey results to various City divisions. As of September 2008 a report detailing the survey results has not been provided to City Council.

Recommendation:

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.

Plans to re-launch the workforce survey for unionized employees are underway

We have been advised that a workforce survey of unionized City employees is currently being planned and discussed with employee union representatives.

Many large organizations in the private or government sector conduct workforce surveys. Organizations governed by the federal Employment Equity Act are required to conduct a workforce survey. Other large organizations also routinely administer workforce surveys even though they are not legislated.

The City should review how other organizations conduct workforce surveys

The five organizations benchmarked - TD Bank, HSBC Bank, IBM, the University of Toronto, and the Ontario Public Service, all conduct a workforce survey on an annual or biennial basis with response rates ranging from 40 to 90 per cent. Among them, IBM and the University of Toronto were able to achieve high response rates at 85 per cent and 90 per cent respectively in 2007. The survey information was provided voluntarily by their employees.

C. CORPORATE PLANNING AND IMPLEMENTATION

What does it take to increase employee participation in workforce surveys?

There are certain common elements in how these organizations successfully conduct workforce surveys. Key success factors include the following:

- Working closely with employee union representatives;
- Relying on management to promote, communicate, and follow-up on survey completion;
- Maintaining survey anonymity; and
- Using specialized computer software to administer the survey and generate results.

Recommendation:

16. The Executive Director of the Human Resources Division review how other large organizations conduct workforce surveys and, where appropriate, adopt methods used by the other organizations to improve the response rate of the City workforce survey of unionized employees.

Need to increase survey participation of new city employees

In addition to surveying existing staff, the City also asks new employees to complete the workforce survey on a voluntary basis. Upon joining the City, employees are given a copy of the workforce survey by staff along with other employment related documents.

Results related to new employees' representation of diverse groups will be useful in measuring the effectiveness of current outreach and hiring practices. However, staff advised that survey results from new employees have never been tabulated or analysed due to the low response rate.

Efforts should be made to improve the survey response rate from new employees, in particular respecting how the City communicates the importance and benefits of the survey to new employees. Survey data should be tabulated and analysed so that information can be used to measure City progress in creating an inclusive workforce.

C. CORPORATE PLANNING AND IMPLEMENTATION

Recommendation:

17. The Executive Director of the Human Resources Division take steps to increase the workforce survey response rate among new City employees. Such steps should include, but not be limited to:

- (a) Improving the survey distribution method; and**
- (b) Improving the communication of the purpose and benefits of the survey to new City employees.**

Survey results should be analysed and periodically reported to City Council.

A number of organizations post workforce survey results on their Web sites

Our review also noted that a number of organizations post workforce survey results on their Web sites. The City should consider posting workforce survey results on the City Web site to demonstrate commitment to creating an inclusive workforce and the transparency of the Toronto Public Service. This may in turn help attract more people from diverse groups to the Toronto Public Service.

Recommendation:

18. The Executive Director of the Human Resources Division consider posting workforce survey results on the City Web site to demonstrate the City's commitment to creating an inclusive workforce.

A corporate Employment Equity Plan should be developed

The second part of this corporate planned action relates to the development of a proactive employment equity plan and programs. The City has established an Employment Equity Policy (adopted by Council in 2000), but to date a proactive employment equity plan has not been developed.

C. CORPORATE PLANNING AND IMPLEMENTATION

A number of senior staff indicated the need for a corporate employment equity plan even before availability of employee survey results. A corporate employment equity plan is necessary to outline City employment equity principles, set objectives for equitable representation, and identify the measures and tools staff can use to achieve objectives. A clear articulation of how the City will achieve employment equity, in the form of a Council endorsed document, may also help communicate the purpose and benefits of a workforce survey to union representatives and employees.

Recommendation:

19. The Executive Director of the Human Resources Division take steps to develop a proactive employment equity plan. Such a plan should include but not be limited to:

- (a) Establishing corporate objectives for equitable representation of diverse groups;**
- (b) Providing measures to remove barriers in achieving employment equity; and**
- (c) Including mechanisms for measuring and monitoring progress.**

Employment accommodation policy

- (4) *Implement an employment accommodation policy to provide appropriate accommodation, for instance, to employees with disabilities and employees who need religious accommodation.***

Time Frame: June 2003

Division Responsibility: Human Resources (formerly Corporate Services)

Audit Conclusion: Partially implemented

C. CORPORATE PLANNING AND IMPLEMENTATION

Employment accommodation is a legal obligation for all employers under the Human Rights Code, the Accessibility for Ontarians with Disability Act, and other related legislation. The City has developed an Employment Accommodation Policy (adopted by Council in 2004) with the goal to establish and maintain an inclusive workplace, and to provide workplace accommodation as required by legislation and City policy. Workplace accommodation can range from purchasing specialized equipment, to providing attendant care or sign language interpretation to employees.

The City does not have a Corporate pool of funding for employment accommodation

Currently funding for employee accommodation is provided for in individual divisional budgets. Consideration should be given to providing for such funding on a corporate-wide basis as is the case with most of the organizations we contacted. For instance:

- TD Bank and the Ontario Public Service each budgets a corporate fund of \$1 million per annum to address employee accommodation needs;
- The HSBC Bank, IBM and the University of Toronto each has a “fluid” corporate fund with no maximum limit for employee accommodation; and
- The Toronto Police Service has also established a corporate budget for employee accommodation.

A centralized fund for employee accommodation may also result in cost saving to the City. Purchases of specialized equipment or contracting services can be “bundled” at the corporate or divisional level to take advantage of price reduction from volume purchases.

Currently the City does not know how much it is spending on employee accommodation as this type of expense is not systematically tracked or reported. To aid future planning and budgeting, funding for accommodation should be systematically tracked and reviewed.

C. CORPORATE PLANNING AND IMPLEMENTATION

Recommendation:

20. The City Manager determine the feasibility and merit of establishing a corporate fund for employment accommodation. Where appropriate, divisional budgets be adjusted to reflect this change. Such a review take into account the practices of other organizations.

Training and awareness programs

(5) Implement a range of training and awareness programs, including the sensitizing of staff and management to the accommodation needs of employees with disabilities and employees who need religious accommodation, and making sure that training offered is current and addresses issues of gender, race, disability, religion, lesbian, gay, bisexual and transgender people, etc., and acknowledging the impact of the intersectionality of these factors.

Time Frame: To begin in May 2003

Division Responsibility: Human Resources (formerly Corporate Services) and City Manager's Office

Audit Conclusion: Partially implemented

The City of Toronto currently provides employees with two corporate training courses on diversity and equity, and two courses on human rights. The course attendance statistics are shown in the following table:

Course Type	Course Name	Years Offered	Total Number of Employees Received the Training (as of September 2008)	Average Attendance Per Year
Diversity and equity	Diversity at Work: Achieving Inclusion Through Best Practices	New in 2008	25	N/A
Diversity and equity	Equity Lens: A Tool for Addressing Diversity	2007 to 2008	66	33
Human Rights	Human Rights in the Workplace (for employees)	2001 to 2008	849	106
Human Rights	Managing Human Rights in the Workplace (for managers and supervisors)	2003 to 2008	495	83

C. CORPORATE PLANNING AND IMPLEMENTATION

The course attendance statistics clearly show, unless it is mandatory, the majority of City employees will not receive the diversity or human rights training despite course availability. Certain divisions, however, such as the Toronto Public Health, have taken the initiative to develop and provide diversity training to their staff.

Human rights training was made mandatory for management staff in 2008

Beginning August 2008, all managers and supervisors are required to complete a new half-day human rights training course entitled “Managing Human Rights Today”. The course was provided in response to the latest changes to the Ontario Human Rights Code and the City Human Rights and Anti-Harassment Policy. The training statistics above do not include the new mandatory human rights training. Staff anticipated that about 80 per cent of management staff would have received the training by the end of 2008.

The City presently does not have a plan to expand the mandatory human rights training to non-management employees.

Diversity training is mandatory in a number of organizations

Unlike the City, diversity training is mandatory in IBM, TD Bank, the Ontario Public Service, and the Toronto Police Service. Their training requirements are as follows:

- A section of the IBM Learning and Education Unit is dedicated to diversity training. At IBM, all managers are required to complete diversity training annually. A variety of methods are used to deliver diversity training including e-learning and training videos posted on the internet. Completion of training is tracked electronically with automatic reminder notices to staff for outstanding training requirements. In addition, management staff are held accountable through annual performance evaluations for meeting the company’s diversity training objectives for employees.

C. CORPORATE PLANNING AND IMPLEMENTATION

- TD Bank requires all managers to attend a one-day diversity training within two years of employment. A training course on respect in the workplace is mandatory for all new employees. Training is delivered through in-class sessions. TD's Learning and Development Division tracks training completion electronically, and managers routinely follow-up on staff whose training requirements are outstanding.
- The Ontario Public Service is undertaking a number of initiatives in relation to diversity training:
 - (a) Staff responsible for recruitment are required to complete specialized training on diversity and accessibility;
 - (b) A diversity training course, mandatory for all managers and available to all other staff, is being developed; and
 - (c) All existing training courses are being reviewed to ensure they include a diversity component.

Selected diverse members of the Ontario Public Service mentor Provincial Deputy Ministers

In addition, the Ontario Public Service is currently piloting an innovative "reciprocal" mentorship program to sensitize current leadership on diversity issues and to create a more diverse pool of employees for future leadership positions. Selected staff members from diverse groups "mentor" Deputy Ministers (the mentees) through six meetings a year. In return, staff members benefit from leadership skills and career guidance from Deputy Ministers.

- The Toronto Police Service requires supervisors, managers, and all uniform staff to undertake annual diversity training. In addition, all civilian employees receive diversity training upon joining the Service.

How can the City provide diversity and human rights training to over 35,000 employees in a cost-effective manner?

Almost every staff and external expert whom we interviewed indicated the importance and necessity for the City to provide mandatory diversity and human rights training to staff. The question for the City is no longer whether it should provide staff with diversity and human rights training. Instead efforts should now be focused on *how the City can provide diversity and human rights training to over 35,000 employees in a cost-effective manner.*

C. CORPORATE PLANNING AND IMPLEMENTATION

On a short-term basis, the City is faced with the immediate challenge of expanding the human rights training to union employees. On a longer term basis, the City needs to develop a comprehensive strategy setting goals, objectives, and action plans for providing diversity and human rights training to staff at all levels.

The City recently unveiled the Toronto Public Service People Plan and Learning Strategy 2008-2011. These two documents set out the City's long-term directions and goals to maintain a high performing, skilled, diverse and engaged workforce, and the steps in developing a systematic and comprehensive plan for training.

The Learning Strategy, in particular, identifies four corporate strategies incorporating many best practices:

- Review and adjust corporate learning policies and practices;
- Enhance technology to gain efficiencies in learning;
- Improve management, leadership and employee programs; and
- Strengthen commitment to a learning culture.

In keeping with the overarching corporate strategies, the following are suggested to increase efficiency in delivering diversity and human rights training:

- Integrating diversity and human rights training into other corporate training courses. For example, a module on diversity and human rights can be built into courses for enhancing management or communication skills;
- Creating a range of training tools and mechanisms including e-learning, train-the-trainers, work-site group training; and
- Utilizing Information Technology to enable e-learning and to track completion of training in a systematic manner.

Respect for diversity and human rights are people skills essential to all job functions, and related training should be considered a priority in developing specific training goals and objectives under the City Learning Strategy 2008-2011.

C. CORPORATE PLANNING AND IMPLEMENTATION

Recommendation:

21. The Executive Director of the Human Resources Division develop strategies, objectives and action plans to increase employees' awareness of human rights and diversity issues in the workplace. Further, the Executive Director ensure diversity and human rights training is considered a corporate priority in developing training strategies, goals and objectives under the City's Learning Strategy 2008-2011.

Mentoring programs

(6) Implement mentoring programs to assist employees to develop skills for occupational advancement and internationally trained professionals to access employment in their fields of expertise, and encourage and recognize employees who volunteer as mentors

Time Frame: Fall 2003

Division Responsibility: Human Resources (formerly Corporate Services) and City Manager's Office

Audit Conclusion: Fully implemented

The City has established a number of mentoring programs to assist employees and internationally trained professionals:

- The **Career Mentoring Program for Black/African Canadian employees** is a two-year mentoring program designed to assist Black/African Canadian City employees who aspire to enter into senior management positions by matching them with senior managers. Ten Black/African Canadian employees have been selected for the program for 2008-2009.
- The **Profession to Profession- Mentoring Immigrants Program** has been in place since 2004. The program aims to assist internationally trained professionals to overcome employment barriers by matching experienced City professionals with internationally educated immigrant professionals in the same fields of expertise. In 2007, 75 City employees volunteered their time to be mentors and were matched with internationally trained professionals.

C. CORPORATE PLANNING AND IMPLEMENTATION

- The City participates in the **Career Bridge** internship program designed to assist qualified and experienced foreign trained professionals to resume their careers in Canada. The program is administered by a not-for-profit organization. In 2007, 14 interns were hired by various City divisions through the internship program.

(7) Develop a Toronto Urban Aboriginal Strategy and Aboriginal Office in accordance with the principle of Aboriginal self-determination in partnership with the Aboriginal communities and other orders of government

Time Frame: Draft strategy by the end of 2003

Division Responsibility: City Manager's Office

Audit Conclusion: Not implemented

The number of Aboriginal peoples living in Toronto grew to an estimated 60,000 in 2006, according to the Toronto Public Service People Plan 2008-2011.

In 2007, the federal government made a long-term commitment on Aboriginal issues by investing \$68.5 million over five years across Canada. The Indian and Northern Affairs Canada has recently re-designed its Urban Aboriginal Strategy to better address current issues faced by urban Aboriginal Canadians, and to enable greater alignment with provincial and municipal programming. Toronto is one of 12 cities selected for the implementation of the federal Urban Aboriginal Strategy, which requires the City to match federal contributions.

Staff reported that the Toronto Urban Aboriginal Strategy is still in its developmental stage, and an Aboriginal Office has not been established. In light of the new federal initiative, efforts should be made to finalize the Toronto Urban Aboriginal Strategy and to report to Council on the development of an Aboriginal Office in the City.

Recommendation:

22. The City Manager report to Council on the development of a Toronto Urban Aboriginal Strategy and an Aboriginal Office by June 2009.

C. CORPORATE PLANNING AND IMPLEMENTATION

Equity Lens and Equity Impact Statement

Although not included in the Corporate 2003 Plan of Action, the work on developing an Equity Lens and Equity Impact Statement was a significant corporate initiative.

An “equity lens” is a tool to help identify and remove barriers in City policies, services and programs

The concept of an equity impact statement was first recommended by the Task Force in 1999. To develop an equity impact statement, the Roundtable on Access, Equity and Human Rights in 2005 established a work group to develop an “equity lens” that could be used to identify and remove barriers in planning, developing and evaluating City policies, services and programs. The results of the application of the “equity lens” can then be summarized in an equity impact statement to be included in reports to Council.

The City undertook a one-year pilot program to test the application of the “equity lens”

The “equity lens” was developed as a series of questions, and was field tested in specific programs of five City Divisions in 2005. City Council in September 2006 adopted the City Manager’s recommendation to conduct a one year pilot project to test the application of the “equity lens” and Equity Impact Statement. Council also adopted the recommendation that the results of the pilot be reported to Council at the end of the pilot period.

In September 2008, the Executive Committee approved the 2008 Annual Report-City of Toronto Accessibility Plan and requested the City Manager include additional information on the City’s “equity lens” in its submission to the Ontario Accessibility Directorate. Accordingly, the City Manager provided a staff report dated September 15, 2008 about the inclusion of the “equity lens” in the City’s Annual Report on the Accessibility Plan.

However, as of September 2008, a staff report on the pilot results of the “equity lens” and the next implementation steps has not been submitted to Council. Staff advised that the report would be submitted to Council in the fall of 2009.

Recommendation:

23. The City Manager report to Council on the pilot test results of the application of the Equity Lens and the Equity Impact Statement as directed by Council in 2006. The report should also provide clear recommendations on the next implementation steps of this initiative.

D. DIVISIONAL PLANNING AND IMPLEMENTATION

D.1. Completion of Divisional Action Plans

“Access and equity has to be part of the fabric of the way we do business. It has to be part of everyone’s job in terms of how we treat staff and how we provide services.”

(Citation of City Commissioners’ view of departmental functions for access and equity, staff report entitled “Resources for Access and Equity Functions”, adopted by Council in 2000)

City divisions have undergone two cycles of action planning

The report of the Task Force, adopted by Council in 1999, recommended that “each Department, Agency, Board, Commission and special purpose body submit an Access, Equity, and Human Rights Action Plan to City Council.” To date, City divisions have undergone two cycles of planning to produce a multi-year Divisional Access, Equity and Human Rights Action Plan for 2004 to 2006, and the latest for 2007 to 2008.

Based on divisional submissions, the City Manager provided a consolidated status report to City Council following each planning cycle.

Mobilizing divisions to undertake action planning is a complex task

Mobilizing and coordinating the City’s 42 divisions to undertake the action planning and reporting process was a complex task. The process was facilitated by the Diversity Management and Community Engagement Unit in the City Manager’s Office, and coordinated through an inter-divisional staff team on Access, Equity and Human Rights. Each division was also asked to identify a staff lead to coordinate internal planning and reporting.

Prior to each cycle of planning, divisions were invited to attend an information session organized by the Diversity Management and Community Engagement Unit on the preparation of divisional action plans. Divisions were also given a planning template in which they were to identify “activities” under the seven corporate strategic directions from the 2003 Plan of Action for the Elimination of Racism and Discrimination. In addition, the Diversity Management and Community Engagement Unit assigned a staff member to each division to assist in developing the individual plan.

D. DIVISIONAL PLANNING AND IMPLEMENTATION

Six divisions have not submitted their 07-08 Action Plans

As of May 2008, 36 of the total 42 City divisions had submitted their 2007-08 Action Plans either as a separate plan or a joint plan with other divisions. Six divisions have not submitted their 2007-08 Action Plans. None of these divisions provide direct services to the public.

Access and equity principles are particularly important for divisions providing direct services to the public. Nonetheless, all city divisions including those providing support services to other divisions (such as accounting or fleet services) can support access and equity through various aspects of their operations such as recruitment processes and diversity and human rights training for staff. It is therefore important that City divisions, regardless of size or type of operation, develop and submit access, equity and human rights action plans as required by City Council.

Recommendation:

24. The City Manager direct all City divisions to develop their respective Access, Equity and Human Rights Action Plan in accordance with Council direction.

D.2. Opportunities for Improvement

As part of the audit, we reviewed the following documents submitted by four City divisions:

- Divisional 2004-2006 Access, Equity and Human Rights Action Plan;
- 2006 Implementation Update; and
- Divisional 2007-2008 Access, Equity and Human Rights Action Plan.

Based on our review of divisional action plans, improvement opportunities were noted in the following areas:

- (1) Length of the planning cycle;
- (2) Implementation status of planned activities; and
- (3) Task-specific activities with measurable indicators.

Comments on each of the above are as follows:

D. DIVISIONAL PLANNING AND IMPLEMENTATION

(1) Length of the Planning Cycle

Length of planning cycle

Access and equity action planning was originally conceived as an activity with a three-year cycle, starting from 2004 to 2006. However, to coincide with the next term of Council, staff decided that the cycle commencing in 2007 would be shortened to two years from 2007-2008, then resumed to three years from 2009-2011.

An optimal planning cycle length needs to be determined balancing realistic future planning with process efficiency. When a planning cycle is too long, staff have difficulty developing realistic divisional actions far in advance. On the other hand, a planning cycle that is too short may render the process inefficient and burdensome.

In the 2004-2006 action planning cycle, although divisions were asked to provide specific planned activities for each year, divisional plans we reviewed provided specific information only for the first year. Phrases such as “same as above” or “ongoing” were routinely inserted for the second and third year. On the contrary, for the current 2007-2008 planning cycle (which was shortened to a two-year period), divisions provided specific planned activities for each of the two years.

A three-year planning cycle may be too long

This suggests that a three-year planning cycle may be too long for developing specific actions so far in advance. Shortening the planning cycle to two years may be easier for staff to envision and plan for future actions without undermining the overall efficiency of the planning process.

(2) Implementation Status of Planned Activities

Planning must be followed by implementation

Planning is only the first step. Planning must be followed by implementation for benefits to take effect. To this end, tracking and monitoring implementation is as critical as the initial planning.

D. DIVISIONAL PLANNING AND IMPLEMENTATION

Many planned activities in the 2004-06 Action Plans were not mentioned in 2006 implementation updates

In the 2004-2006 action plan template provided to divisions, staff was asked to report “activities”, “planned results” and “expected outcomes” for each year, but the template did not include a section for divisions to report implementation status. Instead divisions were asked in 2006 to provide an implementation update in a separate document. While divisional updates illustrated long lists of accomplishments, many of the specific planned activities in their 2004-2006 Action Plans were not mentioned in the 2006 implementation updates. Consequently, the extent to which these planned activities had been implemented could not be determined based on the divisional updates.

The 2007-08 action plan template has a section for reporting actual outcomes

The 2007-2008 action plan template has been improved as it includes a section under each objective for divisions to report “actual outcomes”. Since this section had not been completed by divisions at the time of our audit, it is not known at this point whether this new section will adequately track implementation. Nonetheless, to improve implementation tracking, divisions should be asked to link the “actual outcomes” to the planned activities in their respective action plans.

In addition, because current planning covers two years from 2007 to 2008, reports on “actual outcomes” will occur at the end of 2008 instead of annually. To encourage divisions to “take stock” at the end of each year, they should provide an annual implementation update to their respective action plans even though the planning cycle extends over two years.

Recommendation:

- 25. The City Manager consider the following for further improving divisional action planning in relation to access, equity and human rights:**
- (a) Shortening the planning cycle from three to two years; and**
 - (b) Requesting divisions to link implementation status to planned activities on an annual basis.**

D. DIVISIONAL PLANNING AND IMPLEMENTATION

(3) Task-Specific Activities with Measurable Indicators

Key to an effective action plan is the inclusion of task-specific activities with corresponding measurable indicators. Above all an action plan needs to be cohesive in that its objectives, planned activities, and indicators are synchronized and supportive of each other.

Certain planned activities are vague and lack proper indicators

The following were observed in the actions plans reviewed:

- (a) Planned activities are vague in identifying specific actions to be undertaken. For example:
 - “Ongoing encouragement of the expansion ...” and
 - “Protecting the City’s designated Employment Districts for employment use as per”.
- (b) Action plans lack corresponding indicators even though the activities are task-specific such as commencing a specific training session or revising divisional protocol.
- (c) Certain indicators included in action plans are not related to the planned activities.

One of the action plans we reviewed lacks cohesiveness throughout the document where divisional objectives do not align with corporate directions, the planned activities do not support the objectives, and no measurable indicators are included for the planned activities. This may represent the exception rather than the norm but it is indicative of the need for further staff training and secondary review in developing effective action plans.

Recommendation:

26. The City Manager provide divisions with adequate staff training and corporate support to help improve the effectiveness of action plans including the development of task-specific activities and measurable performance indicators relevant to corporate direction and divisional objectives.

E. PROGRESS IN ACCESS, EQUITY AND HUMAN RIGHTS PLANNING AMONG CITY AGENCIES, BOARDS, COMMISSIONS AND CORPORATIONS

Council Recommendations

Two of the 1999 Council approved Task Force recommendations related directly to City Agencies, Boards, Commissions and Corporations:

Recommendation 77:

“Each department, agency, board, commission or special purpose body submit an Access, Equity and Human Rights Action Plan to City Council”; and

Recommendation 83:

“Agencies, boards and commissions be requested to implement access, equity and human rights policies and programs consistent with those of the City Council”.

In addition, the City’s 2003 Plan of Action requested that:

“The City’s Agencies, Boards, Commissions and Special Purpose Bodies conduct employment equity surveys with the results to be reported to City Council”.

The City Manager, in the latest Status Report - Action Plans on Access, Equity and Human Rights, 2007-2008, further recommended that:

“City Agencies, Boards, Commissions and Corporations (ABCCs) be requested to advise City Council on their access, equity and human rights initiatives and accomplishments in 2009.”

E. PROGRESS IN ACCESS, EQUITY AND HUMAN RIGHTS PLANNING AMONG CITY AGENCIES, BOARDS, COMMISSIONS AND CORPORATIONS

In accordance with these Council directions, the City Agencies, Boards, Commissions and Corporations should have:

- Developed and submitted an Access, Equity and Human Rights Action Plan to City Council;
- Implemented access, equity and human rights policies and programs consistent with those of the City; and
- Conducted employment equity surveys and reported results to Council.

The City Agencies, Boards, Commissions and Corporations should also report to Council in 2009 on their efforts towards achieving access, equity and human rights.

A formal process has not been established to ensure development of action plans by the City's organizations

As City Agencies, Boards, Commissions and Corporations report to Council through their respective governing bodies, it is difficult to track their individual efforts and accomplishments over time in access, equity and human rights. As a result, the City does not know which of its Agencies, Boards, Commissions and Corporations have met Council directions for access, equity and human rights initiatives. Since the City Manager's Office coordinates the planning and reporting of Divisional Action Plans, it is recommended that the City Manager's Office undertake a centralized coordinating role for tracking and reporting access, equity and human rights efforts and initiatives made by City Agencies, Boards, Commissions and Corporations.

One of the objectives of this audit was to assess the progress which the City Agencies, Boards, Commissions and Corporations have made towards achieving access, equity and human rights. The City has over 60 Agencies, Boards, Commissions and Corporations. Our audit focused on the large Agencies, Boards, Commissions and Corporations whose operations are solely funded by the City. Nine Agencies, Boards, Commissions and Corporations were contacted by the Auditor General's Office in May 2008 and were requested to provide a copy of their latest access and equity plan.

E. PROGRESS IN ACCESS, EQUITY AND HUMAN RIGHTS PLANNING AMONG CITY AGENCIES, BOARDS, COMMISSIONS AND CORPORATIONS

Nine organizations were contacted for access and equity information

The following nine Agencies, Boards, Commissions and Corporations were contacted:

- Exhibition Place
- Toronto Atmospheric Fund
- Toronto Community Housing Corporation
- Toronto Economic Development Corporation
- Toronto Parking Authority
- Toronto Police Services Board
- Toronto Public Library Board
- Toronto Transit Commission
- Toronto Zoo

Toronto Board of Health was not included in the contact list because its access and equity action plan has been included as part of the City's divisional multi-year action plans.

Excluded from the 2008 contact list were the quasi-judicial boards, a number of affiliated corporations and organizations, arena boards, arts and heritage organizations, community centres and facilities, and advisory boards.

None of the nine organizations have developed a formal access, equity and human rights plan

All of the nine organizations contacted responded to our request for information. While many of these organizations have developed internal policies on employment equity, diversity and human rights, none of them have developed a comprehensive and formalized access, equity and human rights plan as required by City Council.

To ensure the City is achieving its stated access, equity and human rights goals as a whole, the major Agencies, Boards, Commissions and Corporations should be required to develop access, equity and human rights action plans consistent with Corporate goals.

Recommendations:

- 27. The City Manager establish a formal process whereby access, equity and human rights initiatives and accomplishments by the City's major Agencies, Boards, Commissions and Corporations is systematically tracked and reported to City Council on a periodic basis.**

**E. PROGRESS IN ACCESS, EQUITY AND HUMAN RIGHTS
PLANNING AMONG CITY AGENCIES, BOARDS,
COMMISSIONS AND CORPORATIONS**

- 28. City Council request the City's major Agencies, Boards, Commissions and Corporations to complete an access, equity and human rights action plan consistent with divisional action plans by 2010. The City Manager should facilitate the planning process and report to City Council on implementation status.**

F. MONITORING AND MEASURING PROGRESS

“Performance management is a tool that helps employees and managers work together to develop realistic work plans. It helps employees to contribute to the goals of their unit, division and ultimately the City as a whole. It also ensures that the work we each perform is in line with the values of the City.” (excerpt from City of Toronto Human Resources intranet Web page)

The City needs to hold management accountable for achieving access and equity goals and objectives

Development of divisional action plans is a first step in integrating access, equity and human rights into day-to-day City operation and service delivery. Each City Division is then held accountable for implementing its planned activities through regular monitoring and reporting to City Council. In addition, for access and equity to permeate throughout the City, it needs to include management performance in its overall accountability framework for achieving access, equity and human rights.

Access, equity and human rights are not part of the annual performance evaluation for management staff

The City’s management staff are held accountable for their work through the annual performance evaluation process. The annual evaluation examines a number of core competencies such as management’s commitment to continuous learning, fiscal accountability and leadership. However, work related to access, equity and human rights is not part of the existing annual management performance evaluation.

As part of their annual performance evaluation, City management staff are also required to complete a Management Responsibility Control Checklist to assert effective controls in their area of operations. The Checklist assesses management responsibilities in areas such as conflict of interest, values and ethics, and procurement, but management responsibility in achieving unit or divisional access, equity and human rights objectives is not included in the Checklist.

Large organizations include diversity in their performance evaluation and bonus system

We were informed by the University of Toronto, IBM and the HSBC Bank that they have incorporated diversity in their annual performance evaluation of management staff. Details on how they evaluate their staff on diversity performance, however, were not forthcoming from these organizations as the information relates to their employee bonus systems and is not public.

F. MONITORING AND MEASURING PROGRESS

Dealing with many competing work priorities, City management staff may not immediately view access and equity work as their priority. Incorporating access and equity related performance indicators into the City's annual performance evaluation enhances accountability and helps build a work culture that values and celebrates accomplishments for this important corporate priority.

Recommendation:

29. The Executive Director of the Human Resources Division, in consultation with the City Manager, consider including specific access, equity and human rights performance indicators in the annual performance evaluation of management staff.

CONCLUSION

*Living up to
the City motto
“Diversity our
Strength”*

If the City is to live up to its motto of “Diversity our Strength”, access and equity must be part of the fabric of how the City conducts its business and delivers services. The implementation of divisional action planning is a significant step in integrating access and equity into City services and operations.

However, a number of other areas can be further improved. To achieve its access, equity and human rights goals, the City needs to enhance its human rights complaint management process, develop a corporate civic engagement strategy, implement a workforce survey, and increase its level of diversity and human rights training.

The City should also look outward to other organizations many of which have invested considerable resources and efforts in making diversity and equity part of their organizational “DNA”. A number of recommendations in our audit report were made on the basis of organizational best practices.

As access, equity and human rights is a fundamental value held by the City, efforts in this area must go beyond compliance with legislated or City requirements. In some cases, the most important question that should be asked in decision-making is: “what is the right thing to do if we really want to create an equitable and inclusive society?”