

62 Beverley Street  
Toronto, ON  
M5T 1X9

June 8, 2012

Mayor and Members  
City of Toronto Executive Committee

**Re: Report 21.13 Review of the City of Toronto's policies on anti-discrimination**

The report on the staff review of the City of Toronto's policies on anti-discrimination is unclear on a number of points, and from my reading of the document and its attachment gives the impression that this is primarily a clarification and updating of the policies and administration. I acknowledge that there is a need to review, update and clarify processes.

I believe that what we are striving towards is not just meeting legal and policy obligations but towards creating a truly "civil society".

The Institute for Civility in Government has proposed the following description and it is one that needs to be considered as a goal.

*"Civility is claiming and caring for one's identity, needs and beliefs without degrading someone else's in the process....and it begins with us.*

*Civility is about more than merely being polite, although being polite is an excellent start. Civility fosters a deep self-awareness, even as it is characterized by true respect for others. Civility requires the extremely hard work of staying present even with those with whom we have deep-rooted and perhaps fierce disagreements. It is about constantly being open to hear, to learn, to teach and to change. It seeks common ground as a beginning point for dialogue when differences occur, while at the same time recognizes that differences are enriching. It is patience, grace, and strength of character."*

Having been involved with the introduction and management of these policies over nearly 30 years, I have comments on the proposals. It seems to me that the report goes beyond a review and if implemented as proposed will have the effect of changing and indeed diluting the City's approach. Perhaps that is not the intention, merely an omission.

I have provided my preliminary comments to the City Manager.

The City of Toronto has for a long time now presented itself as an organization in the “forefront” of human rights. At the founding of the City in 1792, Governor Simcoe passed legislation to prohibit the importation of slaves. As many of you already know the Fair Wage Policy was introduced in prior to the end of the 19<sup>th</sup> century (1893) and has taken up numerous challenges through the efforts of people such as William Hubbard, the first Black Councillor (1894-1913) and Acting Mayor of Toronto to address the attacks made on Chinese-owned laundries, and Constance Hamilton, the first woman member of Toronto City Council who sought to address immigration and refugee issues during the 1920’s. The City also hosted meetings to address women’s access to the vote.

In 1973, the City was the first order of government to recognize the need to protect the civil rights of persons on the basis of their “sexual orientation”.

In 1984 when this current anti-discrimination policy was approved by City Council to apply to grant recipients, suppliers of goods and services and agencies, boards and commissions, City Council was explicitly asked to spell out the grounds of anti-discrimination to ensure that it was not a general statement. At that time and for several years later, several grounds were not yet included in the Ontario Human Rights Code.

Since then, the City has been in the forefront on many efforts and have adopted a range of policy statements on Accessibility and Aboriginal Issues.

1. My first concern is that this proposal seeks to restrict coverage under legislation rather than uphold the full scope of grounds that are contained within the current anti-discrimination policy.

The City Manager has recommended that

*“City Council adopt the revised Declaration of Compliance with Anti-Discrimination Legislation form as contained in Appendix C”*

The proposed wording on the form is:

*All organizations/individuals in Ontario , including the City of Toronto , have obligations under the Ontario Human Rights Code, the Occupational Health and Safety Act, the Employment Standards Act, the Accessibility for Ontarians with Disabilities Act, and the Criminal Code of Canada. Organizations/individuals are therefore required to have and post policies, programs, information, instruction, plans and other supports, and an appropriate internal process available to their employees and service recipients to prevent, address and remedy discrimination, racism, harassment, hate and inaccessibility complaints under the applicable legislation.*

The reference to ONLY legislation suggests that where the City's standards are higher than legislation - which it has always been - that that coverage will no longer obtain.

2. It is not clear to which programs the proposed wording. There are a variety of Declaration forms in use.

(a) The Toronto Arts Council uses a variation of the declaration which makes it very clear that funding to artists under this policy is not meant censor works of art.

(b) The Declaration form used for suppliers captures data on the designated group status of ownership of firms doing business with the City. This allows the City to capture information on the procurement undertaken with these firms and has been previously reported in the City Manager's Status Reports. It was one of the recommendations in the Task Force on Community Access and Equity and reaffirmed in Council's Plan of Action on the Elimination of Racism and Discrimination.

There has been considerable interest in addressing diversity issues in the supply chain by Pan Am Games officials and I understand that the UK games also addressed this.

(c) The Declaration form for Nathan Phillips Square lays out additional standards for the use of the square such as a prohibition of beauty contests etc., and includes this requirement.

*- Events on Nathan Phillips Square should not stereotype on any ground covered by the City's Non Discrimination Policy.*

If the proposed Declaration does not list the grounds does it mean that only what is covered in legislation will apply.

The City's Grants Policy - Anti-racism, Access and Equity policy and Guidelines explicitly states the following:

*Discrimination is prohibited on the grounds of Age, Ancestry, Citizenship, Creed (religion), Colour, Disability, Ethnic Origin, Family Status, Gender Identity, Level of Literacy, Marital Status, Membership in a union or staff association, Place of Origin, Political Affiliation, Race, Receipt of Public Assistance, Record of Offences, Sex, Sexual Orientation or any other personal characteristic. The City of Toronto's Human Rights & Harassment policy protects which are in addition to those protected under the Ontario Human Rights Code. These grounds are: gender identity, level of literacy, political affiliation.*

I would urge the Executive Committee to amend or defer this report so that it can address the foregoing issues.

I would also urge the Executive Committee to consider the following:

- (1) Include within the proposed Declaration Form should existing city policy in addition to legislation;
- (2) Include within the proposed Declaration Form the grounds of non-discrimination that are covered in the City's current policy.

These are:

*On behalf of and with the authority of the organization named below, I hereby declare that this organization adopts and upholds the City of Toronto's policy statement which prohibits discrimination and harassment and protects the right to be free of hate activity, based on age, ancestry, citizenship, creed (religion), colour, disability, ethnic origin, family status, gender identity, level of literacy, marital status, place of origin, membership in a union or staff association, political affiliation, race, receipt of public assistance, record of offences, sex, sexual orientation or any other personal characteristics by or within the organization.*

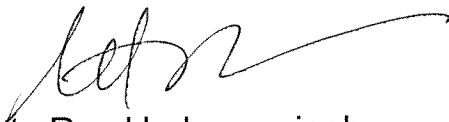
- (3) Continue to compile data on designated group participation in the purchasing process in the Declaration form used by bidders and suppliers;

(4) Continue to apply the anti-discrimination grounds as they currently stand to the Declaration for the Nathan Phillips Square guidelines.

(5) Continue to use the Declaration form by the Toronto Arts Council to clarify that the provisions protect artists from censorship.

Finally, I am also concerned that there has been no community consultative process regarding this review.

I hope that these comments provide an explanation of my concerns with the recommendation as proposed.

A handwritten signature in black ink, appearing to read 'Ceta', with a long, sweeping horizontal stroke extending to the right.

Ceta Ramkhalawansingh

*attachments*



City Manager's Office  
Joseph P. Pennachetti, City Manager

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## Declaration of a Non-Discrimination Policy

The City of Toronto requires that all organizations and individuals adopt this "Declaration of Non-Discrimination" as a condition of receiving funding or other support from the City. This Declaration Form must be formally adopted by the Board of Directors and submitted with the application. The name of your organization and the fact that you have adopted this declaration may be included in a public report to City Council.

**Declaration:**

On behalf of and with the authority of the organization named below, I hereby declare that this organization adopts and upholds the City of Toronto's policy statement which prohibits discrimination and harassment and protects the right to be free of hate activity, based on age, ancestry, citizenship, creed (religion), colour, disability, ethnic origin, family status, gender identity, level of literacy, marital status, place of origin, membership in a union or staff association, political affiliation, race, receipt of public assistance, record of offences, sex, sexual orientation or any other personal characteristics by or within the organization.

Name of Applicant (Organization or Individual):

Complete Address:

Email \_\_\_\_\_

Tel. No. \_\_\_\_\_

Postal Code:

Fax No. \_\_\_\_\_

Signing Officer or Name of Applicant (Name – please print):

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Authorised Signing Officer or Individual*

Date Declaration approved by the Board of Directors (or individual):

Minutes Attached

Minutes will be provided on request

In addition to adopting this Declaration, all recipients of funding or other support, are required to develop a Policy on Anti-Racism, Access & Equity, and develop Action Plans, pursuant to the City of Toronto Policy (Clause 5 of Strategic Policies and Priorities Committee Report 26). This Declaration is in keeping with the City of Toronto Human Rights and Anti-Harassment Policy & Procedures and Hate Activity Policy & Procedures (Report 19, Clause 2, Corporate Services Committee, City Council December 16 and 17, 1998).

Multi-Lingual Line 416-338-0338 and TTY 416-338-0889.

Further information: [www.toronto.ca/diversity](http://www.toronto.ca/diversity), [http://www.toronto.ca/grants/pdf/grants\\_policy\\_anti-racism\\_access\\_equity.pdf](http://www.toronto.ca/grants/pdf/grants_policy_anti-racism_access_equity.pdf) and [www.toronto.ca/diversity/grants](http://www.toronto.ca/diversity/grants)

Assistance with developing an Anti-Racism, Access and Equity Policy <http://www.toronto.ca/grants/aehr/policy.htm>

**City Funding Programs:**

(Check all that apply)

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> AEHR: Access Equity and Human Rights               | <input type="checkbox"/> GT: Graffiti Transformation            | <input type="checkbox"/> MJR: Major Recreation Funding                |
| <input type="checkbox"/> APCIP: AIDS Prevention Community Investment        | <input type="checkbox"/> HIF: Homeless Initiatives Fund         | <input type="checkbox"/> SDIP: Service Development Investment Program |
| <input type="checkbox"/> CFSE: Community Festivals & Special Events         | <input type="checkbox"/> INI: Identify 'N Impact (Youth-Led)    | <input type="checkbox"/> SNOW: Snow Shovelling and Lawn Care Program  |
| <input type="checkbox"/> CCC: Competitiveness, Creativity and Collaboration | <input type="checkbox"/> LASO: Local Arts Service Organizations | <input type="checkbox"/> SNP: Student Nutrition Program               |
| <input type="checkbox"/> CSI: Community Safety Investment                   | <input type="checkbox"/> Live Green: Live Green Toronto Grants  | <input type="checkbox"/> TAC: Toronto Arts Council                    |
| <input type="checkbox"/> CSP: Community Service Partnerships                | <input type="checkbox"/> MCO: Major Culture Organizations       |   |
| <input type="checkbox"/> DPCIP: Drug Prevention Community Investment        | <input type="checkbox"/> MNR: Minor Recreation Funding          | <input type="checkbox"/> Other _____                                  |

For Office Use Only  
**DECLARATION OF NON-DISCRIMINATION**

Group/Individual Name:

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Rosanna Scotti  
Director

City Manager's Office  
Joseph P. Pennachetti, City Manager

Strategic & Corporate Policy  
Healthy City Office  
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Tel: 416-392-8592  
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TTY: 416-338-0889

## Declaration of a Non-Discrimination Policy

The City of Toronto requires all firms or organizations who supply goods and services to the City and its Agencies, Boards, Commissions and Special Purpose Bodies, to adopt and to post the following Non-Discrimination Policy.

This Non-Discrimination Policy Declaration Form must be completed and submitted once the policy has been formally adopted.

On behalf of and with the authority of the firm/organization named below, I hereby declare that this organization/firm upholds policies which prohibit discrimination and which protect the right to be free of hate activity based on race, ancestry, place of origin, colour, ethnic origin, disability, citizenship, creed, sex, sexual orientation, gender identity, age, marital status, family status, receipt of public assistance, political affiliation, religious affiliation, record of offences, level of literacy or any other personal characteristics by or within the organization.

*Please type or print where applicable*

Date

Company/Organization Name

Supplier Number

<b>Legal Firm Name</b>	<b>Common or Business Name (if different)</b>
------------------------	---

<b>Address of Principal Place of Business;</b>	<b>Mailing Address (if different)</b>
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<b>Tel. No.</b>	<b>Fax No.</b>	<b>Tel. No.</b>	<b>Fax No.</b>
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<b>Name of Chief Executive Officer/President</b>	<b>Name of Employment Equity Official:</b>
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<b>Position Title:</b>	<b>Position Title:</b>
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<b>Signature of Authorized Official:</b>	<b>Date:</b>
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Check if Firm is more than 50% owned by\* (check all that apply):

- Aboriginal Peoples/First Nations Of Canada
- People with Disabilities
- Racial Minorities
- Women
- Not Applicable

*\* Please see Reverse for explanation of definitions*

The information requested on this form is, collected pursuant to Clause 6 of Corporate Services Committee Report 11, adopted by Council on July 29,30 and 31, 1998 and Clause 2 of Corporate Services Committee Report 19 adopted by Council on December 16 and 17,1998. Its purpose is to verify that your firm has adopted the Non-Discrimination Policy and to compile statistics for the purpose of monitoring the equal opportunity designated group status of the ownership of firms. If you have any questions about this declaration, please contact the Manager, Diversity Management and Community Engagement at 416-392-6824.

Text Telephone (TTY) 416-338-0889

Please return to the address shown above  
(Private Sector Firms)

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**POLICY DECLARATION**

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**Definitions:**

**Aboriginal/  
First Nations  
of Canada:**

A person is an Aboriginal person if he or she is a member of the Indian, Inuit or Metis peoples of Canada.

**Disability:**

A person is a "person with a disability" if the person has a persistent physical, mental psychiatric, sensory or learning impairment and,

- (i) the person considers himself or herself to be disadvantaged in employment by reason of that impairment, or -
- (ii) the person believes that an employer or potential employer is likely to consider the person to be disadvantaged in employment by reason of that impairment.

**Race:**

A person is a member of a racial minority if the person is, because of his or her race or colour, in a visible minority in Canada. The fact that a person is an Aboriginal person does not make him or her a member of a racial minority





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## Declaration of Adoption of a Non-Discrimination Policy

The City of Toronto's policy of non-discrimination covers the following grounds:

- a) Events on Nathan Phillips Square should not exploit the bodies of men, women, boys, or girls solely for the purpose of attracting attention, and specifically, beauty pageants will be prohibited.
- b) Events on Nathan Phillips Square should not stereotype on any ground covered by the City's non-discrimination policy. \*
- c) Events or symbols appearing on Nathan Phillips Square should not promote the hatred or derision of any group covered by the City of Toronto's non-discrimination policy.
- d) Events appearing on Nathan Phillips Square shall be consistent with the principle of respect for the dignity and worth of all persons.

I declare on behalf of myself, or the organization which I represent, that the organization complies with the following grounds:

race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap

as outlined in the Ontario Human Rights Code with respect to the services which are provided to the public and further that the event to be held on Nathan Phillips Square will be open to all those interested such that there is no discrimination in any way as to attendance at the event.

Application Date: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_  
Please Print

Signature of Applicant: \_\_\_\_\_

Organization: \_\_\_\_\_

Name of Event: \_\_\_\_\_

Date of Event: \_\_\_\_\_

- (3) The City of Toronto undertakes this because it believes that when every individual makes a conscious effort to bring about equality and to engage in egalitarian practices, the City will be able to effect the systemic and social changes needed to create a community where all people live with dignity and peace. The City of Toronto also believes that its diverse communities need to partner with and assist each other in developing actions to eradicate discrimination and attain equality in our society and that the City can play a proactive and supportive role in this process.

II. Implementation

To implement these principles, the City of Toronto's grants programs will ensure that:

- (1) all organizations receiving City grants are non-discriminatory and promote the goals of anti-racism, access and equity;
- (2) all organizations receiving City grants take reasonable steps to ensure their services, programs and decision-making reflect the community they serve;
- (3) the City of Toronto's grants programs are accessible to organizations from Toronto's diverse communities, including organizations representing equity-seeking communities; and
- (4) all required documentation and conditions will be reasonable and grants will not be withheld if the applicant is taking reasonable steps to comply with City policy.

Actions required to do this are described below.

- (1) Declaration of Non-Discrimination:

Every person has the right to live, work and serve in an environment free of individual as well as systemic harassment and discrimination. Regarding the operation of the City's grants programs, the City of Toronto requires that all individuals and organizations adopt a policy of access and non-discrimination based on the City's Human Rights Policy as a condition of receiving a grant or other support from the City's grants programs. Discrimination means someone is being treated unfairly because of her/his status. In some cases, discrimination also means someone is being treated unfairly because he or she receives welfare, or if the person has been pardoned for a criminal offence. The Declaration of Non-Discrimination Form must be completed by individuals and organizations applying for grants or other supports.

Discrimination is prohibited on the grounds of Age, Ancestry, Citizenship, Creed (religion), Colour, Disability, Ethnic Origin, Family Status, Gender Identity, Level of Literacy, Marital Status, Membership in a union or staff association, Place of Origin, Political Affiliation, Race, Receipt of Public Assistance, Record of Offences, Sex, Sexual Orientation or any other personal characteristic. (The City of Toronto's Human Rights & Harassment policy protects grounds which are in addition to those protected under the Ontario Human Rights Code. These grounds are: gender identity, level of literacy, political affiliation. The Human Rights & Harassment policy has been approved by City of Toronto Council at its meeting on December 16-17, 1998 as embodied in Clause 2 in Report No. 19 of the Corporate Services Committee).

Discrimination could occur on the basis of employment, services, contractual arrangements, or membership in unions. It is essential to develop complaint/ mediation policies for incidents that could occur between employees, employees and management, employees and volunteers, employees and consumers, as well as between agencies.