

Reviewing City of Toronto Policies Governing the Use of Libraries and City Facilities by Individuals and Groups Promoting Intolerance or Discrimination

Date: March 3, 2021

To: City Council

From: City Manager and Chief People Officer, People & Equity

Wards: All

SUMMARY

The purpose of this report is to respond to Member's Motion 11.14, which requested the City Manager to review the City's policies governing the use of Libraries and City facilities by individuals and groups promoting intolerance or discrimination including:

- Consultations with LGBTQ2S+ stakeholders;
- A review of the City's policies governing the use of community spaces in City facilities by third parties in order to ensure that those policies uphold the City of Toronto's Vision Statement on Access, Equity and Diversity; and
- Consultation with Toronto Public Library on whether the Library's policies governing the use of community spaces in Toronto Public Library align with the City of Toronto's commitment to the Vision Statement on Access, Equity and Diversity and its Human Rights and Anti-Harassment/Discrimination Policy.

To address this motion and concerns from the community, the City completed a review of its policies and processes to ensure alignment with its Vision Statement on Access, Equity and Diversity and uphold its commitment to proactively ensure the use of inclusive City spaces is free from racism, hate speech, or prejudice.

Engagement with the community validated a number of existing initiatives and opportunities for divisions to strengthen the ways in which permits are administered to ensure the City continues to create safer more inclusive spaces.

The Toronto Public Library (TPL) has completed its own report in response to recommendation 2 in the Member Motion. Their report can be found in Attachment 1. The City's report will be shared with City agencies and corporations to support the consistent application of Human Rights policies as well as improve equity and inclusion practices across the Toronto Public Service, agencies and corporations.

RECOMMENDATIONS

The City Manager and Chief People Officer recommend that:

1. City Council direct the General Manager Parks, Forestry and Recreation, the General Manager, Economic Development and Culture, the Executive Director, Corporate Real Estate Management, the General Manager, Transportation Services and other impacted divisions, to review facility booking policies, procedures, guidelines, terms/conditions and complaints processes to ensure compliance with the City's standardized approach set out below in the Section of this report titled "Supporting Policy, Application and Process Alignment across Divisions" that is aligned with the City of Toronto's Vision Statement on Access, Equity, and Inclusion, the Corporate Facilities Display and Fundraising Policy, as well as Human Rights and Anti-Harassment/Discrimination and Hate Activity Policies ("Human Rights Policies") and other relevant corporate policies.
2. City Council direct the General Manager, Parks, Forestry and Recreation, the General Manager, Economic Development and Culture, the Executive Director, Corporate Real Estate Management, the General Manager, Transportation Services and other impacted divisions, in consultation with the City Solicitor, to track and monitor divisional complaints and resulting enforcement actions as well as instances of alleged hate activity or discrimination that result in permits being denied or revoked.
3. City Council direct the General Manager, Parks, Forestry and Recreation, the General Manager, Economic Development and Culture, the Executive Director, Corporate Real Estate Management, the General Manager, Transportation Services and other impacted divisions to develop processes to strengthen the administration and application of room/facilities booking policies and procedures to ensure adherences to City of Toronto Human Rights Policies and Procedures; such procedures should include staff training and increased communications and awareness, to the public, of existing policies.
4. City Council direct the Executive Director, Corporate Real Estate Management to work with respective City divisions to review City owned properties with an equity lens with the aim of promoting LGBTQ2S+ inclusion.
5. City Council direct the General Manager, Parks, Forestry and Recreation, the General Manager, Economic Development and Culture, the Executive Director, Corporate Real Estate Management, the General Manager, Transportation Services and other impacted divisions , to consult with the Lesbian, Gay, Bisexual, Transgender, Queer and Two-Spirit (LGBTQ2S+) Advisory Committee as necessary, through the implementation process and to report their progress on implementing Recommendations 1 to 4 above to the Advisory Committee by the fourth quarter of 2021.
6. City Council request all City Agencies and Corporations that oversee the use of spaces or facilities that are made available to the public to align their facility booking policies, procedures, guidelines, terms/conditions and complaints processes with the City's Human Rights and Anti-Harassment/Discrimination and Hate Activity Policies

("Human Rights Policies") and other relevant corporate policies of the City and of their Board, as appropriate.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of the recommendations within this report.

From a corporate standpoint, the People and Equity Division will implement mandatory equity and inclusion education for all City Staff through the Toronto for All learning program, and this training is included in the 2021 Operating Budget of the City Manager's Office.

At the divisional level, all work to enact the recommendations above, including streamlining booking policies, tracking complaints, and strengthening adherence to Human Rights, Anti-Harassment/Discrimination and Hate Activity policies, will be included in divisions' respective 2021 Operating budgets.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

EQUITY IMPACT STATEMENT

The Lesbian, Gay, Bisexual, Transgender, Queer and Two-Spirit (LGBTQ2S+) communities include some of the most marginalized and vulnerable populations, who continue to face disproportionate and unique barriers when accessing and interacting with City programs and services. Particular segments of these communities such as youth, lower-income as well as Indigenous, Black and racialized members, face compounded barriers as a result of their intersectional identities.

The impacts of these inequities have been highlighted in a number of studies. In 2018, 10.4 percent of hate crimes were identified as being motivated by sexual orientation.¹ In 2017, 74 percent of hate crimes targeting transgender or asexual people involved violence. LGBTQ2S+ people are more likely to report unmet mental health needs and experience high rates of depression, anxiety, suicidal thoughts and acts, and alcohol and drug dependence. These barriers are further amplified with the Trans community where 77% of respondents in an Ontario-based survey had seriously considered suicide and 45% had attempted suicide.² Further, one in four youth experiencing homelessness in Toronto identify as LGBTQ2S+.³

¹ Statistics Canada. Police-reported date crime, by type of motivation, Canada (selected police services). 2019. <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510006601>

² <https://ontario.cmha.ca/documents/lesbian-gay-bisexual-trans-queer-identified-people-and-mental-health/>

³ City of Toronto. Street Needs Assessment, 2018. <https://www.toronto.ca/wp-content/uploads/2018/11/99be-2018-SNA-Results-Report.pdf>

These statistics emphasize the need for the City to protect its most marginalized and take proactive measures to ensure that spaces within City facilities are safe and inclusive for all communities to meet the expectations outlined in the City's Vision Statement on Access, Equity and Diversity (Attachment 2), as well as the obligations set out in existing Human Rights policies.

DECISION HISTORY

At its meeting of October 29, 2019, City Council requested the City Manager to review the City of Toronto policies governing the use of Libraries and City facilities by individuals and groups promoting intolerance or discrimination and to report directly to City Council in the first quarter of 2020.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM11.14>

COMMENTS

The recommendation to review City policies governing the use of libraries and City facilities was in response to two bookings in October 2019 that were seen as promoting hate or discrimination.

Following complaints from concerned residents that a church group using the Pam McConnell Aquatics Centre was doing so in a way that was intimidating towards LGBTQ2S+ communities, Parks Forestry and Recreation staff investigated the complaint and ultimately cancelled the group's permit.

The second incident took place in October 2019 at the Toronto Public Library (TPL), when a third party group booked a space to hold a "gender identity talk and Q&A".

The review focuses on City run facilities and is not inclusive of spaces or facilities overseen by agencies and corporations. It focuses specifically on instances in which potential hate activity or discrimination have been identified and is not intended to curtail freedom of speech protected under the Canadian Charter of Rights and Freedoms.

Given that the TPL is governed by the [Public Libraries Act](#), which authorizes public library boards to make rules regulating matters connected with the management of the library and library property, and has policies and processes separate from division-run City facilities, the TPL has prepared its own response to the Member's Motion 11.14 Item # 2, found in Attachment 1.

While City agency and corporation policies are outside the scope of the review described in this report, the report recommends that agencies and corporations that oversee the use of spaces or facilities that are made available to the public are requested to align their facility booking policies, procedures, guidelines, terms/conditions and complaints processes with the City's policies, where appropriate.

Community Consultations

Through a Request for Proposal (RFP) process, a third-party firm specializing in equity and inclusion with lived experience and professional involvement with LGBTQ2S+ communities, was selected in early 2020.

The consultant partnered with LGBTQ2S+ community organizations to hold five focus group discussions which took place in early March 2020 and October 2020 to create an inclusive and safe space in which community members could share their experiences. A total of 46 people with intersectional representation including Black, Indigenous and racialized peoples, Trans, religious, and youth groups as well as the broader LGBTQ2S+ community were consulted in the focus group setting.

In an effort to build on the small group responses and to obtain broader community input and insights, a second phase of consultation was undertaken using a survey. The survey was shared through the City's public engagement page, promoted through community partner organizations and was open for 18 days.

The community consultations, highlighted a number of key findings including:

- **Trust:** Results reflect that the community felt that the City was not responsive to LGBTQ2S+ concerns and the City's acknowledgement of the community was specific to campaigns like Pride month, while they remain largely invisible the rest of the year. The communities reported that trust has been eroded with the City.
- **Silencing:** The community felt that they did not have a voice in public forums and their concerns are often dismissed or ignored. The communities continue to seek more meaningful channels for ongoing communications and dialogue with the City.
- **Lack of safety:** The community viewed City spaces as not trans-inclusive environments. Participants noted the ongoing experiences of mis-gendering, experiences of harassment and discrimination by both City staff and patrons in these facilities. Participants also raised concerns around the City's failure to acknowledge or respond to complaints regarding incidents.

These three themes highlighted through the initial focus groups, provided the basis for further community feedback and recommendations made by the LGBTQ2S+ community. The themes are addressed below.

Addressing Community Feedback and Strengthening Accountability

The City reviewed its policies and processes to deliver and uphold its commitments to its Vision Statement on Access, Equity and Diversity to ensure groups cannot promote racism, hate activity and prejudice on City property.

Engagement with the community through the consultation process validated a number of existing initiatives underway as well as opportunities for divisions to strengthen the ways in which permits are administered to ensure the City continues to create safer more inclusive spaces for users of City's facilities. These opportunities lie in:

- Promoting more Inclusive Spaces,
- Building Organizational Capacity, and
- Supporting Policy, Application and Process Alignment across Divisions.

Each of these opportunities are reviewed in more detail below.

Promoting more Inclusive Spaces

A review of City spaces is currently underway, by Corporate Real Estate Management, to create more welcoming and inclusive spaces/facilities to address community concerns particularly related to the lack of gender neutral washrooms, change rooms and signage as a barrier.

The City is also in the process of implementing its [Workforce Equity and Inclusion Plan](#) in recognition of the need for greater representation and visibility of Indigenous, Black and equity-seeking groups, including LGBTQ2S+ individuals in City staff and decision-making positions. This plan will help to accelerate progress towards the City's goal of diverse representation at all levels of the organization to reflect the diversity of the population the City serves, as well as building a more inclusive workplace culture.

The City is also launching its LGBTQ2S+ Council Advisory Committee in March 2021. This committee is made up of community members and experts who will use their experiences and expertise to support the City in addressing systemic barriers facing the LGBTQ2S+ community.

Building Organizational Capacity

To strengthen organizational equity capacity, the City will be implementing mandatory equity and inclusion education for all City staff through the Toronto for All learning program, which is already funded by the People & Equity division. This curriculum supports an intersectional approach to learning through an anti-oppression and anti-discrimination framework that will support staff in delivering more inclusive services.

The City will also continue to promote the use of its Equity Lens Tool to support staff in identifying and removing barriers and support best practices in the planning, development and evaluation of policies, services and programs.

Supporting Policy, Application and Process Alignment across Divisions

Given the number of spaces that the City oversees, and the multiple purposes for which these spaces are used, a number of divisions have developed their own measures to guide their individual booking processes. To support the community's desire for the City to develop clear and consistent processes for booking and using City facilities, a number of overarching principles have been developed to strengthen adherence to the Human Rights policies and ensure a more uniform approach to booking/permitting.

City divisions who issue permits and oversee room bookings for City facilities will:

- Ensure the Declaration of Compliance with Anti-Harassment/Discrimination Legislation & City Policy (Attachment 3) is signed prior to permits being issued.
- Ensure [Human Rights and Anti-Harassment/Discrimination Complaint Procedures](#) are documented and clearly communicated to staff and the public.

- Track and investigate complaints and resulting actions, related to hate activity or discrimination.
- Report all incidents of hate activity to the Human Rights Office.
- Consult with the City Solicitor's Office in all instances of possible hate activity or discrimination prior to denying or revoking a permit.
- Escalate all hate activity or discrimination complaints to the division head.
- Consult with the City Solicitors Office to add a clause on relevant permit documents to explicitly outline the consequences of any breach of terms and conditions, including discrimination or hate activities as well as develop a process to ensure individuals/groups who have had permits revoked, are barred from obtaining future permits, where appropriate.
- Display prominently on the divisional/facility website and/or in the facilities:
 - The City's Vision Statement on Access, Equity and Diversity (Attachment 1), and
 - The Terms and Conditions of use of the facilities including the [Human Rights and Anti-Harassment/Discrimination Policy](#) and [Hate Activity Policy](#).

Once processes have been aligned, additional divisional staff training will be undertaken to promote greater adherence to City policies and practices and can be accommodated within existing budgets.

Human Rights Policy Review

The City has a robust [Human Rights and Anti-Harassment/Discrimination Policy \(HRAP\) and Complaint Procedures](#), which upholds the City's commitment to preventing, correcting, and remedying harassment and discrimination. Based on a review in consultation with the City Solicitor, changes to new section names and titles were added to ensure consistency. The revised policy is expected to be published following consideration of the Annual Human Rights Report by City Council in Q2 2021.

The HRAP requires all City contracts, agreements or permits for programs and services delivered by a third party individual or organization that has been contracted under the City's Purchasing Bylaw, awarded a grant under the Toronto Grants Policy, is receiving financial support from the City or using City facilities through a permit, include a signed copy of the Declaration of Compliance with Anti-Harassment/Discrimination Legislation and City Policy (Declaration) (Attachment 3). The Declaration requires authorized users of public space to certify that they will not be conducting any business that violates the Criminal Code of Canada, the Ontario Human Rights Code, and the City's Human Rights Policies and be subject to consequences for non-compliance.

Based on feedback, the Declaration is being simplified to ensure that those booking City facilities clearly understand that the Declaration must be signed as a condition of obtaining a permit, and of the possible consequences if the Declaration is breached.

The City's [Hate Activity Policy](#) condemns the promotion of hatred and supports the elimination of hate activity to enable a safe and inclusive City. The Policy sets out that the use of public facilities and properties within the jurisdiction of the City of Toronto will not be available or accessible to any individual or group that promotes views or ideas which are likely to promote discrimination, contempt or hatred for any person or group.

This language allows for proactive actions by the City, where appropriate and in a manner consistent with the Canadian Charter of Rights and Freedoms.

The Hate Activity Policy is being revised to include clearer direction that applicable agencies and corporations are required to have their own internal policies consistent with the City's Hate Activity Policy. Further, the [Hate Activity Procedures](#) were revised to include information on conducting risk assessments where hate activity is suspected and also highlights possible outcomes where hate motivated incidents occurred. If an employee of the Toronto Public Service is found to breach the Policy, they may be disciplined up to and including termination. The revisions are expected to be published in Q2 of 2021 when the Annual Human Rights Report is considered by City Council.

Conclusion

The Toronto Public Service remains committed to advancing diversity, equity and inclusion through our City services and facilities. The City recognizes and has made a commitment to Indigenous, Black and equity-seeking groups through organizational initiatives and strategies that aim to address systemic discrimination, remove barriers and promote equity. In an effort to live up to this vision, the City continues to seek ongoing opportunities to engage LGBTQ2S+ communities to improve its service delivery and build inclusive solutions.

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SIGNATURE

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ATTACHMENTS

Attachment 1 – Toronto Public Library Response to MM11.14 - Reviewing City of Toronto Policies Governing the Use of Libraries and City Facilities
Attachment 2 - Vision Statement on Access, Equity and Diversity
Attachment 3 - Declaration of Compliance with Anti-Harassment/Discrimination Legislation and City Policy