

## **Working with advertising vendors to uphold human rights and anti-harassment/discrimination standards**

**Date:** March 5, 2021

**To:** City Council

**From:** Chief Communications Officer

**Wards:** All

### **SUMMARY**

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At the February 2, 2021 meeting, City Council deferred consideration of Member Motion MM 28.9 to the Special City Council meeting on March 10, 2021 (DM30.2). This supplementary report provides information regarding proactive measures to uphold human rights and anti-discrimination/harassment standards with City of Toronto advertising vendors.

### **RECOMMENDATIONS**

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The Chief Communications Officer recommends that:

1. City Council receive this report for information.

### **FINANCIAL IMPACT**

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There is no financial impact arising from this report.

### **DECISION HISTORY**

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At its meeting on February 2, 2021, City Council deferred consideration of MM28.9 to the Special City Council meeting on March 10, 2021 (DM30.2):

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM28.9>

### **COMMENTS**

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The City of Toronto is committed to respectful, equitable service delivery and employment practices. This is codified in the [Human Rights and Anti-Harassment/Discrimination policy](#) (HRAP) which articulates the City's commitment to prevent and address harassment and discrimination. The goal of this Policy is to recognize the dignity and worth of every person (whether resident, service recipient or employee) and to create a climate of understanding and mutual respect.

The Strategic Communications Division provides communications services that help ensure the public has a clear understanding of the City's policies, priorities and programs. The Division is responsible for providing strategic and corporate communications planning, advertising and media relations to inform the public about City programs, services and emerging issues.

When selecting vendors to convey City messages through advertising, Strategic Communications considers many factors including applicable policies (such as City of Toronto Advertising Policy, City of Toronto Multilingual Information Provisions Policy), research, audience demographics, audience reach, overall editorial content alignment with message, geography, run dates and budget. Purchases of advertisements to specific target audiences fall under the Financial Control By-law, Chapter 71, Schedule A, Section 5.11 ([https://www.toronto.ca/legdocs/municode/1184\\_071.pdf](https://www.toronto.ca/legdocs/municode/1184_071.pdf)).

All persons conducting business with, for or with support from the City of Toronto are expected to adhere to the HRAP and applicable legislation. Further, Section 2.3 of the HRAP mandates that all City contracts, agreements or permits for programs and services delivered by a third party individual or organization that has been (i) contracted under the City's Purchasing Bylaw, (ii) awarded a grant under the Toronto Grants Policy, (iii) is receiving financial support from the City or (iv) using City facilities through a permit will include a signed copy of the Declaration of Compliance with Anti-Harassment/Discrimination Legislation and City Policy (the Declaration), and be subject to contract provisions regarding consequences for non-compliance. The Declaration requires vendors to confirm their compliance with applicable legislation and City policies, and sets out consequences for failure to demonstrate such compliance.

While there is a process in place for obtaining the Declaration from vendors selected through the City's Purchasing By-law, purchases made through Chapter 71, Schedule A are exempt from the Purchasing By-law under section 195-2.5F. As a result, vendors used for advertising have not historically signed the Declaration.

In an effort to proactively confirm compliance with applicable legislation and City policies, effective immediately, Strategic Communications will request that advertising vendors sign the Declaration. The Division will also undertake efforts to support small vendors that may not have policies in place in order to help them understand their obligations and to ensure they can continue to do business with the City. The Division, in consultation with the Human Rights Office (HRO) and Legal Services, will work with multinational media vendors that may not fall under the jurisdiction of the legislation associated with the HRAP to identify barriers and solutions that uphold City values of Human Rights and Anti-Discrimination, while maintaining these important advertising channels to reach residents.

Strategic Communications has also identified a process to raise concerns about potential violations of the Declaration and/or HRAP and other relevant policies and laws, in alignment with the Human Rights Office's established process -

<https://www.toronto.ca/city-government/accessibility-human-rights/submit-a-human-rights-harassment-or-accommodation-concern/>.

If an individual has a concern with an advertising vendor, they should first raise the complaint directly with that organization. If after raising it with the vendor, the individual is still unsatisfied or if there is no adequate complaints process in place, an internal City process has been established for complaints regarding City of Toronto advertising vendors as follows:

- 1) A concern can be reported to Strategic Communications Division or directly to the Human Rights Office.
- 2) If the concern is raised with the Division, the Division will report incident to HRO, consult with Legal Services as required, and other appropriate stakeholders
- 3) If the concern is raised with the HRO, with consent of the individual making the complaint, the HRO will contact the Division for follow up.
- 4) The HRO will provide advice to the Division regarding the application of the relevant policies and procedures. The HRO may provide facilitation/oversight to support the resolution of the concerns.
- 5) Where appropriate, the Division may consider whether any interim measures pending the review, including an interim suspension of advertising, are appropriate.
- 6) The Division will determine if a Declaration has been signed by the vendor.
- 7) The Division may require additional information or documentation from the complainant, the vendor or other affected groups or individuals.
- 8) Depending on the circumstances, the vendor may be given an opportunity to respond.
- 9) The Division will consider the nature of any breach of the Declaration, the HRAP, and/or any other relevant and applicable laws or City policies or procedures and the vendor's response, if any, and will consult with Legal Services, as needed, to determine if any further measures are appropriate. As further measures, the Division may consider, among other things, cancelling any current purchase orders with the vendor, or requiring the vendor to confirm compliance with the HRAP and other applicable laws and policies before placing any future advertisements with the vendor.
- 10) The Division will report the outcomes to the HRO and respond to the individual who made the complaint.

Strategic Communications has proactively initiated these measures to work with advertising vendors and establish a process whereby the public can raise concerns, all with the goal of promoting respectful conduct, tolerance and inclusion in our city while ensuring that key messages reach the residents of the diverse communities we serve.

## **CONTACT**

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**SIGNATURE**

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Brad Ross  
Chief Communications Officer

**ATTACHMENTS**

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