

2022-2023 Annual Human Rights Office Report

Date: November 5, 2024

To: General Government Committee

From: Chief People Officer

Wards: All

SUMMARY

In accordance with the City's Human Rights and Anti-Harassment/Discrimination Policy, this report provides an update on the data trends and information related to human rights inquiries and complaints involving the City in 2022-2023, through the City's internal Human Rights Office (HRO) or external legal processes.

The report also identifies program initiatives and policy development undertaken by the HRO to prevent human rights breaches, thereby mitigating risks to the City while promoting equity and inclusion. In 2022 and 2023, the HRO received 1294 and 1190 inquiries respectively, constituting a 43 percent increase since 2019. While the HRO experienced a sharp rise in inquiries during the COVID-19 pandemic, demand for the HRO's services by members of the Toronto Public Service and the public has steadily increased and has not reduced to pre-pandemic levels. The HRO staffing complement in 2022-2023 was 7 positions. The HRO faced significant challenges and increased demand leading to service reductions, including no new investigations during this period.

Incidences of workplace harassment, incivility, and sexual harassment reported to the HRO have risen which may be partially connected to the resumption of in-person services and return to office environments, as well as greater awareness of the HRO. Additionally, the number of inquiries related to accommodation have not returned to pre-pandemic levels. Over the last five years, the HRO has also seen a significant increase in race and related inquiries, as well as inquiries related to gender identity and sex.

The increases described in this report highlights the continued manifestation of inequities that Black, Indigenous, People of Colour, trans and gender diverse communities face in employment and service. It also reflects a greater awareness of rights and responsibilities towards human rights, inclusion, equity and reconciliation leading individuals to contact the HRO.

RECOMMENDATIONS

The Chief People Officer recommends that:

1. City Council receive this report for information.

FINANCIAL IMPACT

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

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

EQUITY IMPACT

This report has been analysed for potential impacts on Indigenous, Black, and equity-deserving communities who use City services, facilities, and workplaces. The report reflects on the City's human rights policies and interplay with the City's Equity and Reconciliation Strategies and Plans.

A well functioning human rights program is a critical foundation from which the City's commitments towards equity, reconciliation, and inclusion can flow. The calls to action to address racism and enhance justice through the Reconciliation Action Plan are part of the accountability mechanisms to uphold the rights of First Nations, Metis, and Inuit peoples who use City of Toronto Services, facilities, or who are members of the Toronto Public Service. The HRO is committed to supporting the organization in preventing and addressing incidents of discrimination and harassment towards Indigenous peoples while working to support reconciliation through the application of the City's human rights policies and practices. The HRO will build on the critical work of decolonizing its own processes and exploring opportunities to enhance complaint resolution options which account for Indigenous ways of knowing, being and healing. The HRO will continue to provide support to enhance the inclusion of Indigenous peoples in City spaces such as in the recognition and promotion of rights to smudging, the use of sacred medicines, and time off for cultural observances and spiritual practices.

Complaint processes are often the last resort for individuals seeking redress and the HRO acknowledges that impacted communities' experiences of oppression may create additional barriers in coming forward, particularly for Black, Indigenous, and 2SLGBTQ peoples. To reduce the need for individuals to come forward, the HRO proactively works with Divisions to review their processes and practices to enhance inclusion and prevent the harms of discrimination or harassment prior to a complaint being made. As the HRO was unable to conduct new investigations during 2022-2023, it recognizes that this may have created additional barriers for individuals seeking redress directly through the HRO, as more complaints were required to be handled by the Division directly or

pursued through alternative legal channels. This may have negatively impacted equity deserving groups as one avenue of complaint resolution was temporarily impacted. The HRO remains committed to facilitating appropriate complaint resolutions and providing support to the organization to respond to harassment and discrimination complaints in accordance with the City's human rights policies and legislative obligations while working to embed equity, inclusion, and reconciliation.

DECISION HISTORY

At its meeting of July 16, 17, 18 and 19, 2013, City Council adopted the Human Rights and Anti-Harassment/Discrimination Policy, which requires the submission of an annual report to City Council about statistics and trends in human rights complaints and other initiatives:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EX32.1>

COMMENTS

Background

The Human Rights Office (HRO) is a confidential and neutral office that supports the City in meeting its legislative obligations to provide and maintain harassment and discrimination free workplaces and in the delivery of services and operation of facilities to residents. These requirements stem from the Ontario Human Rights Code (the Code), the Accessibility of Ontarians with Disabilities Act (AODA), and the Occupational Health and Safety Act (OHSA). The City has three key human rights policies which the HRO supports: the [Human Rights and Anti-Harassment/Discrimination/ Policy](#) (HRAP), the [Accommodation Policy](#), and the [Hate Activity Policy](#).

The HRO provides advice and complaint resolution services to residents who use City services, facilities, and accommodations; job applicants; and individuals contracting with the City, as well as the Toronto Public Service, Councillor Offices, Accountability Offices, and the Association of Community Centres (AOCCs).

This report includes data from 2022 and 2023 and compares it against data previously reported between 2019-2021¹ to capture trends as well as information regarding the number and nature of inquiries made to the HRO.² This report also summarizes

¹ The HRO received an influx of COVID-19 related accommodation requests and complaints in 2021, which are reflected in the data previously reported to Council. As such, to reflect any changes more accurately prior to and following the emergence from the COVID-19 pandemic, data dating back to 2019 is included in the report.

² Following the implementation of a new case management system in 2022, the HRO identified some differences in data from prior reporting periods, any significant changes are noted in this report. Additionally, inquiry data (e.g., total inquiries, grounds) may be underreported because of concurrent staffing challenges, which temporarily impacted case management practices.

changes made to relevant City policies and procedures, human rights data management, and the proactive work undertaken by the HRO.

The following is a summary of notable trends in the 2022-2023 data:

- In 2023, the HRO received 1190 inquiries,³ compared to 1294 in 2022 and 1935 in 2021.
- Over a five-year period, the demand for the HRO's services has increased by 43% from 833 inquiries in 2019 to 1190 in 2023.
- The HRO received 524 accommodation inquiries⁴ in 2022 and 353 in 2023, a pronounced decrease from the COVID-19 pandemic, where in 2021 over 1000 accommodation inquiries were received. Accommodation inquiries remain elevated compared to 2019.
- The HRO has seen a 126% increase of complaint-related inquiries in the five years between 2019-2023, rising from 323 to 729.
- Workplace harassment inquiries rose by 120% between 2021 and 2022 (from 103 to 227). As compared to 2019, workplace harassment inquiries to the HRO have risen by 88% in 2023 (from 130 to 245).
- Incivility related inquiries to the HRO rose by 43% between 2021 and 2022 (from 49 to 70), but by 433% for 2023 as compared to 2019 (from 9 to 48). The increase in incivility and workplace harassment inquiries suggest ongoing challenges in maintaining a respectful and harassment-free work environment.
- Inquiries citing sexual harassment rose from 55 to 87 between 2021 and 2022, representing a 58% increase, and again to 93 in 2023, an increase of a further 7%. This reflects a continued upward trend following a brief decrease during the height of the pandemic where there were less in-person interactions (2020-2021). Since 2019, sexual harassment has risen by 21% (from 77 to 93 inquiries).
- The HRO has seen a pronounced increase in inquiries citing race and related grounds since 2019 (ancestry had a 286% increase from 7 to 27 inquiries; colour a 125% increase from 24 to 54; ethnic origin a 164% increase from 25 to 66; and race had an increase of 83% from 64 to 117 inquiries).
- Inquiries related to gender expression and gender identity have increased since 2019 by 41 and 59%, respectively, (from 17 to 24 and 22 to 35 inquiries) while inquiries citing sex have risen from 29 in 2019 to 110 in 2023, a 279 % increase during this period.⁵
- In 2023, the HRO received at least 1.5 times as many creed, disability, and family status-related accommodation inquiries compared to 2019; these three grounds remain the most commonly cited in accommodation inquiries for 2022 and 2023.
- City's Legal Services Division reported a 336% increase in HRO Applications since 2021 (from 11 Applications to 48).

³ Interactions with the HRO are called "inquiries," and various data are recorded for each inquiry, including "grounds," which capture prohibited grounds under the Ontario Human Rights Code and/or additional grounds as outlined in the HRAP.

⁴ Accommodations relate to the obligation of the City of Toronto as an employer, facility and service provider to take steps to eliminate the disadvantage caused by systemic, attitudinal, or physical barriers that exclude groups protected under the Code from participating in all aspects of employment, use of facilities and service provision.

⁵ These grounds are often cited concurrently, and many may be engaged in tandem.

- In 2022 and 2023, 6399 and 5989 active Toronto Public Service employees completed mandatory training on Human Rights: to date, 92% of eligible employees have completed this training.
- In 2023, 409 managers completed Virtual Instructor-Led Training in Accommodations Essentials for Management and 653 managers completed Human Rights Essentials for Management.

Human Rights Office Structure

In 2022 and 2023, the HRO complement included 7 full-time permanent positions (1 Manager, 2 Sr. Human Rights Consultants, 3 Human Rights Consultants and 1 Complaints and Research Analyst). However, during this period the HRO staffing at times was significantly reduced; during four months in Q2/3 of 2023, there were only 2 active staff. This report outlines that the HRO has experienced a 43% increase in inquiries since 2019, however, HRO resources did not increase accordingly. Between 2022-2023, the HRO experienced a significant amount of turnover resulting in the HRO ceasing to be able to conduct HRO-led human rights investigations. Although the HRO did not initiate any new investigations during this period, the HRO continued to provide consultative and advisory services as well as early complaint resolution services. Despite these serious challenges, no backlog was created by the HRO in the provision of its services. The HRO stabilized its staffing levels by Q4 2023.

Summary of interactions with the Human Rights Office

Individual contacts to the HRO are called “inquiries,” which are further categorized by “issue type”. Between 2021 and 2022, inquiries decreased by 33 percent and again by 8 percent between 2022 and 2023. However, between 2019 and 2023, inquiries to the HRO have risen overall by 43 percent.

The demand for the HRO’s advisory, complaint resolution, and proactive support services remains high and continues to increase as divisions and stakeholders seek to ensure a strong human rights foundation to align their programs and services with commitments to enhancing equity, inclusion and reconciliation. While the HRO saw an exceptionally high organizational need for its services during the COVID-19 pandemic, demand remains substantially higher than pre-pandemic levels. This increase may also be partially attributable to novel challenges in fully resuming in-person services, hybrid work arrangements, increased polarization in society at large, as well as increased knowledge of the HRO’s services and human rights awareness more broadly. Additionally, the complexity of the issues the HRO is seeing, and awareness around human rights matters, continue to increase.

Table 1: Total internal and external inquiries from 2019-2023

	2019	2020	2021	2022	2023
Internal	619	786	1559	907	833
External	214	269	376	387	357
Total	833	1055	1935	1294	1190

Issue Types

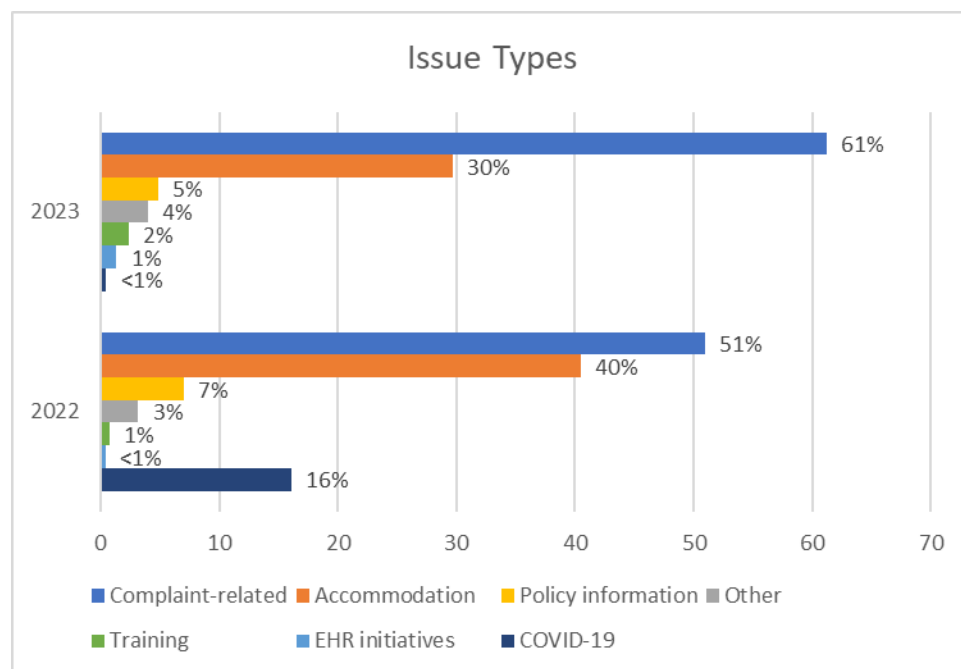
The HRO provides a wide range of services and support to City staff and residents that broadly fall under 6 categories:⁶

- Complaint-related
- Accommodation
- Policy information
- Equity and Human Rights (EHR) initiatives
- Training review and development
- Referrals/Other

The most cited issue type to the HRO was ‘complaint-related,’ which comprised 51 percent of inquiries in 2022 and 61 percent in 2023. Between 2019 and 2023, the number of complaint-related inquiries received by the HRO have more than doubled, from 323 to 729, signifying an increase of 126 percent. The increase in complaint-related matters impacts the HROs ability to perform proactive work.

In 2022, ‘accommodation’ was cited as an issue type in 40 percent of inquiries, whereas in 2023, this issue type was cited in 30 percent of inquiries. The shift between 2022 and 2023 may in part be attributable to concerns related to COVID-19, which was specifically cited in 16 percent of inquiries in 2022 but fewer than one percent in 2023.

Figure 1: Issue types across inquiries, 2022-2023



⁶ Issue types are not mutually exclusive; that is, multiple issue types may be cited in a single inquiry, as applicable.

Complaint avenues for employees and service/facility users:

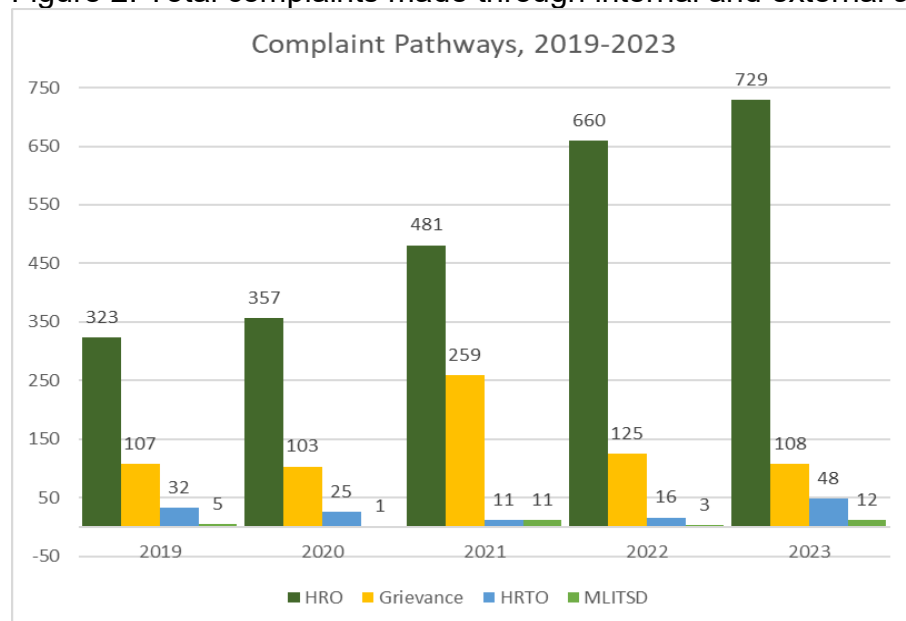
Individuals can resolve a complaint of harassment or discrimination through various avenues as outlined in the Human Rights and Anti-Harassment/Discrimination Policy's Complaint Procedures. Options include raising their concerns directly to divisional management, to the HRO to be addressed, or external avenues such as:

- Filing a complaint to the Ministry of Labour, Immigration, Training and Skills Development (MLITSD);
- Filing an application to the Human Rights Tribunal of Ontario (HRTTO); or
- Filing a grievance through the Collective Agreement process.

Figure 2 illustrates the various avenues for complaint resolution but does not include internal complaints raised to divisional management where the HRO was not involved.

Complaint-related inquiries to the HRO have more than doubled in the last five years, while the number of grievances filed peaked at the height of the COVID-19 pandemic but have returned to the levels seen in 2019.

Figure 2: Total complaints made through internal and external avenues 2019-2023



Breakdown of total grounds cited in HRO inquiries

The City's HRAP prohibits discrimination and harassment based on protected grounds under the Code and includes additional protections, such as level of literacy, membership in a union/association, and political affiliation. Staff are also protected from incivility, workplace harassment, and reprisal. Together, these are referred to as "grounds" under the HRAP. Grounds are recorded for every inquiry made to the HRO: Table 2 below provides a breakdown of the frequency in which each individual ground was cited by an inquirer and/or identified by HRO staff from 2019 to 2023 while Figures 3-6 further differentiate grounds cited in internal and external inquiries.

Table 2: Total grounds cited to the HRO across all inquiries 2019-2023

Grounds - All	2019	2020	2021	2022	2023
Age	17	29	32	33	28
Citizenship	3	2	4	7	11
Creed	46	37	673	166	86
Disability	116	185	275	183	186
Family status	110	262	214	241	161
Gender expression	17	10	20	11	24
Gender identity	22	16	32	26	35
Harassment-related ¹	--	--	--	278	279
Harassment ²	--	--	--	42	25
Sexual harassment ³	77	38	55	87	93
Workplace harassment ³	130	85	103	227	245
Incivility	9	24	49	70	48
Level of literacy	0	5	10	8	5
Marital status	7	2	8	8	4
Membership in a union or staff association	5	2	6	3	7
Political affiliation	1	0	4	5	3
Race and related ⁴	--	--	--	167	169
Ancestry	7	9	20	27	27
Colour	24	43	56	62	54
Ethnic origin	25	47	46	63	66
Place of origin	21	41	26	39	32
Race	64	146	143	112	117
Receipt of public assistance	2	2	5	5	5
Record of offence	0	0	5	2	2
Reprisal ⁵	22	19	46	48	43
Sex (including pregnancy and breastfeeding) ⁶	29	52	76	105	110
Sexual orientation	19	7	20	26	24
No specific ground	350	335	518	325	361
Non-jurisdictional/Referral ⁷				387	341
Total Grounds	1123	1398	2446	2318	2143

¹. Composite of harassment, workplace harassment, and sexual harassment; this total reflects number of inquiries citing one or more of these grounds. Please note that the sum of harassment-related inquiries is not included in the sum of Total Grounds.

². Harassment here refers to non-Code and non-workplace harassment, which is often non-jurisdictional. This type of harassment was not previously reported, explaining the lack of data for 2019 - 2021.

- ³ Workplace Harassment as defined in OHSA includes harassment based on sex, gender identity, gender expression, and/or sexual orientation (i.e., sexual harassment), and non-Code harassment (i.e., harassment involving workers that is not based on a Code ground).
- ⁴ Composite of ancestry, colour, ethnic origin, place of origin, and race; this total reflects number of inquiries citing one or more of these grounds. This analysis was performed beginning in 2022 to better assess the number of inquiries with this grouping of grounds as many are often cited concurrently. Please note that the sum of race and related inquiries is not included in the sum of Total Grounds.
- ⁵ Reprisal refers to complaints citing retaliations as defined in the HRAP Complaint Procedures.
- ⁶ Inquiries citing sex may include accommodation inquiries, complaints of sexual harassment, and sex-based discrimination. Since 2022, HRO identifies the specific protected ground engaged when allegations of sexual harassment are raised (i.e., sex, sexual orientation, gender identity and gender expression).
- ⁷ No ground and non-jurisdictional/referral were previously combined but have been separated to reflect a distinction between inquiry types. Issues that may not cite a prohibited ground or may be general in nature (e.g., certain policy information inquiries) are captured under No ground, whereas Non-jurisdictional/referral captures inquiries that fall outside of the HRO's jurisdiction as outlined in the HRAP.

Inquiries received by the HRO often cite more than one ground. In 2022, 1294 inquiries cited 2318 grounds, and in 2023, 1190 inquiries cited 2143 grounds. On average, nearly two (1.8) grounds were cited per inquiry in both 2022 and 2023, reflecting the complexity of the inquiries and potential intersectionality of issues raised to the HRO.

In 2022 and 2023, 278 and 281 complaint-related inquiries cited more than one ground, respectively, constituting a 54 percent increase since 2021, when 182 complaint-related inquiries cited multiple grounds. In the last five years, the HRO also saw a pronounced and disproportionate increase in the number of inquiries citing certain protected grounds under the Code, notably race and related grounds, sex, gender identity, disability, and creed. Any response to a Code-based inquiry, particularly one in which more than one ground is cited, requires a sophisticated analysis. The HRO applies an intersectional lens to assess and respond to the combined impact of multiple personal characteristics engaged in a human rights complaint or accommodation request, which may together impose barriers or shape the experiences of the individuals participating in the process. These results underscore the continued necessity of applying an intersectional lens to both respond to, and prevent, human rights concerns as well as reflect the increased complexity of matters brought to the HRO for resolution.⁷

While inquiries to the HRO decreased from 2021, largely owing to a shift in the number of pandemic-related complaints and accommodation requests, the HRO nonetheless saw an increase in workplace harassment (120%), incivility (43%), and sexual harassment (58%) inquiries between 2021 and 2022. While the number of inquiries citing these grounds peaked in 2022 and either stabilized or decreased by 2023, as compared to 2019, workplace harassment and incivility inquiries to the HRO remain significantly elevated, by 88 percent and 433 percent, respectively.⁸

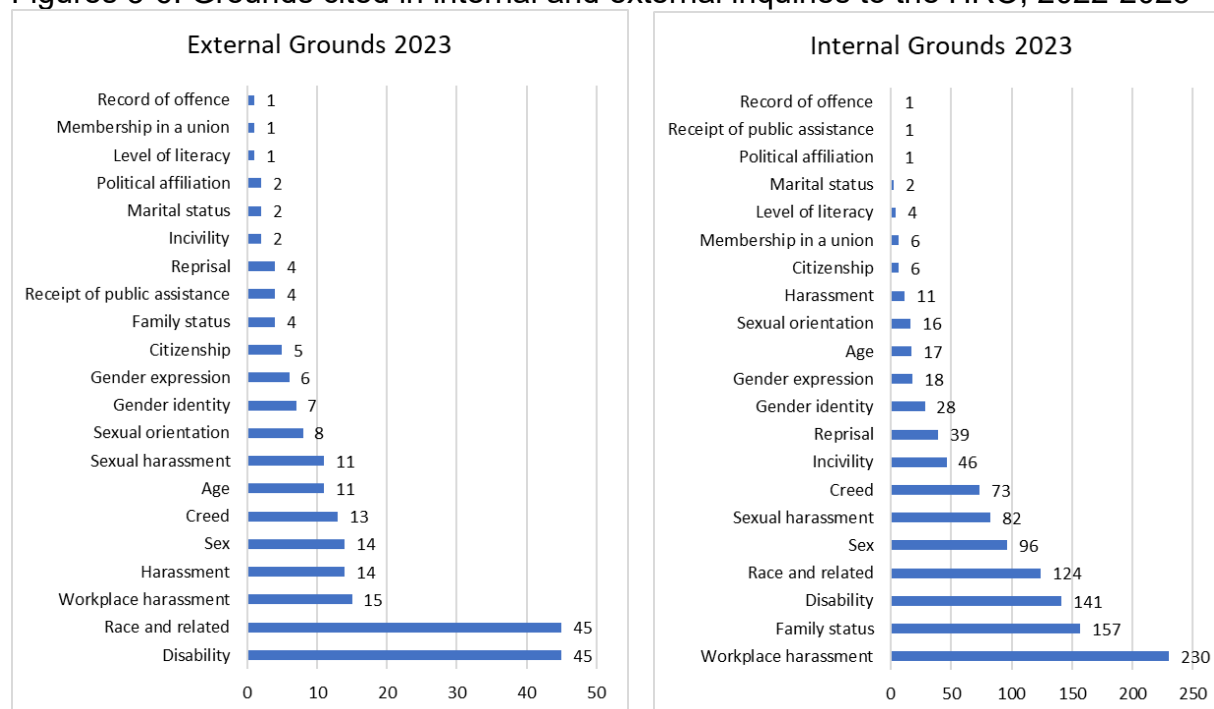
⁷ The HRO captures grounds cited by the inquirer not demographic data, so may not fully represent their identity.

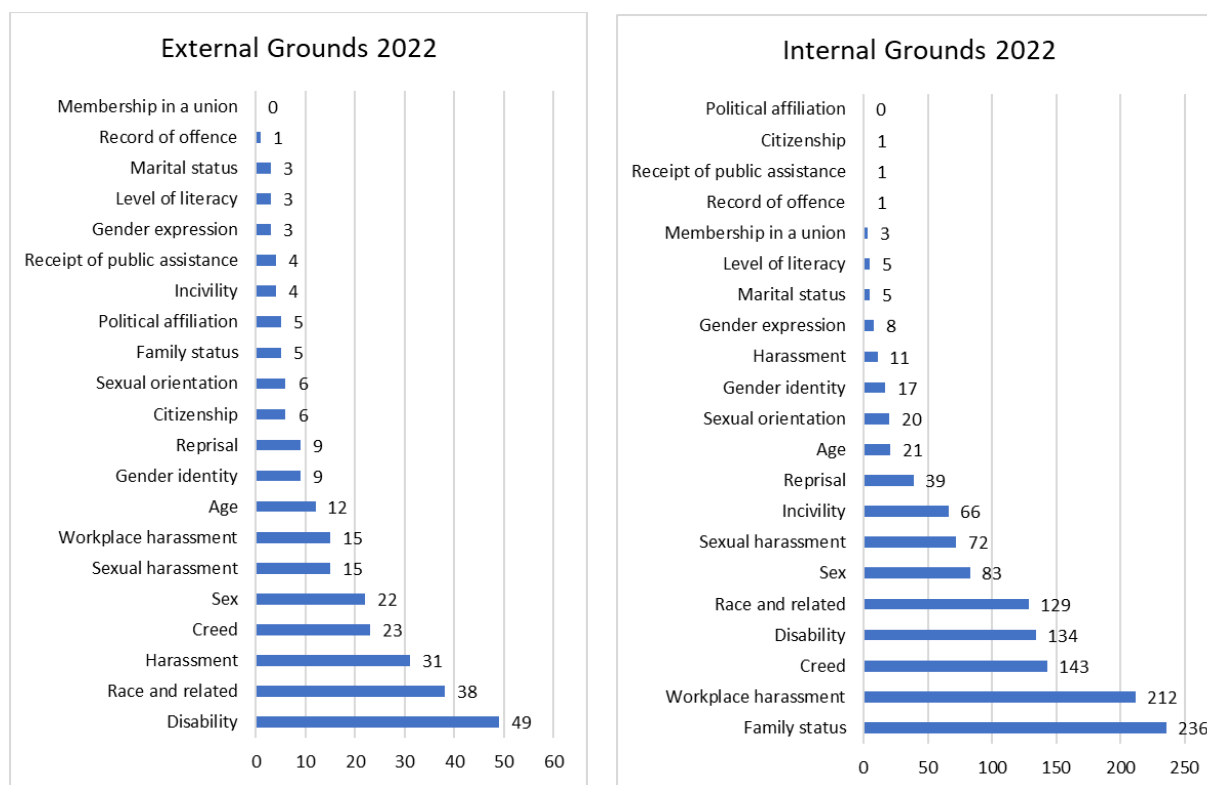
⁸ The HRO has limited insight into non-Code related matters on account of its jurisdiction. This data should not be interpreted as the total number of workplace harassment and incivility complaints received by the City more broadly, as many such complaints are often never raised to the HRO but to the relevant Division.

The HRO has seen a pronounced increase in inquiries citing race and related inquiries since 2019: ancestry, 286%; colour, 125%, ethnic origin, 164%; place of origin, 52%; and race, 83%. This accords with greater demand for accountability and awareness around anti-Black racism and other forms of racial discrimination. Inquiries related to gender expression and gender identity are elevated as compared to 2019 (increase by 41% and 59%, respectively), while inquiries citing sex have increased by 279 percent between 2019 and 2023. During this period, issues relating to gender and sex have become the subject of increased public debate and polarization as the rights of trans and gender diverse individuals have faced threats in Canada and around the world.

The HRO is often contacted by individuals whose concerns do not engage with a ground under the HRAP or are not otherwise within our jurisdiction as outlined in the HRAP Complaint Procedures; these inquiries have remained stable over the past five years. The HRO continues to provide appropriate referral services for matters outside its jurisdiction and/or facilitate transition to the impacted Division, as well as provide general consultations.

Figures 3-6: Grounds cited in internal and external inquiries to the HRO, 2022-2023



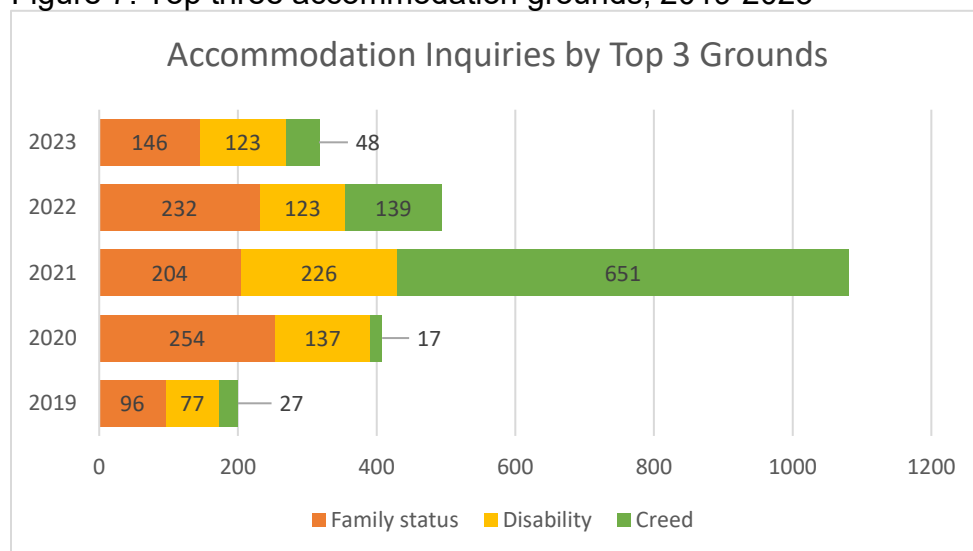


Accommodations

The City of Toronto has a duty to accommodate service and facility users, job applicants, and employees who require accommodation based on the prohibited grounds in the Code. The City's Accommodation Policy and corresponding Procedures outline the City's legal obligations. The policy requires that the HRO be contacted when management intends to deny an accommodation and otherwise can provide advice to all parties to the process.

As such, the numbers recorded by the HRO do not reflect the total number of accommodation requests received and assessed by divisions under the Accommodation Policy but reflects where parties require assistance in interpreting and applying the Policy or where there are complexities or risk.

Figure 7: Top three accommodation grounds, 2019-2023



In 2022, the HRO received a total of 524 accommodation-related inquiries, and in 2023, received 353. The number of accommodation inquiries decreased significantly from 2021, where the HRO recorded 1128 accommodation inquiries. The COVID-19 pandemic led to a pronounced impact on accommodation inquiries to the HRO as the circumstances for employees and services users changed during this time (e.g., redeployment, school closures) and existing inequities were amplified (e.g., for high-risk individuals and their caregivers). In 2021, the City implemented a COVID-19 Mandatory Vaccination Policy for all City of Toronto employees which led to an influx in accommodation requests related to creed and disability. While accommodation-related inquiries began to decrease in 2022, 179 of the accommodation inquiries received by the HRO in 2022 cited the COVID-19 pandemic as a factor, some of which coincided with the implementation of a return-to-office model as first outlined in the Remote Work Policy on Hybrid Work on March 23, 2022. By comparison, only 3 accommodation inquiries were recorded as COVID-19-related in 2023.

Accommodation-related inquiries citing disability and creed markedly decreased by 2023 as COVID-19 was no longer driving many requests. Creed, disability, and family status nonetheless remain the top three most cited grounds in accommodation related requests in both 2022 and 2023 (Figure 6). Moreover, the HRO has received more than 1.5 times the number accommodation inquiries citing disability, creed, and family status than in 2019, indicating an upward trend, irrespective of the impact of the pandemic.

The additional demands on the HRO to provide advice on accommodation requests, which the HRO has observed to be increasingly complex, suggests that continued support has been required to navigate a return to the workplace in the period emerging from the pandemic. A rise in family status-related accommodation inquiries in 2022 and 2023 is likely reflective of the changes in arrangements for caregivers. In the meantime, the City's Remote Work Policy has enhanced inclusion and flexible options for some staff which may lead to new accommodation solutions. Moreover, increased contact with the HRO following the emergence of the COVID-19 pandemic may have increased awareness of the HRO's role in supporting the accommodation process.

Hate Activity Policy

The City of Toronto is committed to eliminating hate activity and actions that are meant to intimidate and harm identifiable groups of people contrary to the principles of dignity, respect, and inclusion. The Hate Activity Policy and Procedures provide a mechanism for complaints related to hate activity to be addressed and supports the City's commitments to eliminating hate activity.

The Hate Activity Policy requires Divisions to report incidents of suspected Hate Activity to the HRO. In 2022, the HRO received 3 complaint-related inquiries (2 external and 1 internal) that engaged the Hate Activity Policy. Of these complaints, common grounds cited were creed, ethnic origin, and place of origin. In 2023, the HRO received 8 complaint-related inquiries (3 internal and 5 external). Of these complaints, common grounds cited were creed, ancestry, gender identity, gender expression, and sexual orientation. Although a significant increase was noted between 2022 and 2023, the HRO also received 8 complaint-related inquiries related to the Hate Activity Policy in 2021.

Human Rights Investigations

Typically, complex human rights matters are investigated by the HRO ("HRO led investigations"). Additionally, the City's human rights policies require management to address complaints and provide for Divisions to conduct their own investigations ("Division-led"), due to the high number of complaints received by the City related to employees and the public.

As noted above, the HRO was unable to perform new HRO-led investigations during 2022 and 2023 because of its decreased capacity and recovery from the pandemic period, as well as the concurrent increase in inquiries. According to the HRAP Procedures, Divisional management are obligated to address complaints under the HRAP and should consult with the HRO in doing so.⁹

However, the increased demands on the HRO impacting the office's ability to take on investigations into serious and complex human rights complaints that require human rights expertise creates some challenges for the City.

One of the significant risks identified is that Division-led complex human rights investigations are sometimes conducted by inexperienced and overburdened management or internal (divisional) human resources professionals who may not have the requisite expertise. This results in the potential commission of procedural and/or substantive errors, making the investigation vulnerable to challenge at grievance, the Human Rights Tribunal of Ontario and/or any other legal forum. The HRO provides consultative services and has developed resources to support Divisional investigations, however, the HRO has received feedback for the HRO to take on more investigations.

⁹ The HRO must be contacted where Code-based harassment or discrimination, including sexual harassment is alleged; where allegations are serious/complex and/or requires a level of expertise beyond the Division's capacity; and where Code-based harassment/discrimination has not been addressed in accordance with the Procedures.

Where the HRO and Divisions are not able to investigate, the Division may obtain an external investigator to fulfill the investigation requirement. This process can be lengthy as it involves engaging with the City's formal procurement process, which is costly and time consuming. External investigations involve retaining independent consultants who may lack familiarity with City policies, processes and culture, which can result in increased costs.

To address these risks, People and Equity is exploring the creation of a roster for external investigators, while the HRO continues to produce supportive tools for divisional investigators and provide advisory support. The HRO is building further capacity to be able to take on serious and complex human rights investigations in 2024.

Additionally, People and Equity is exploring pilot project agreements with high service utilization Divisions to redirect some divisional resources towards People and Equity to increase the ability to provide greater access to investigations conducted by People and Equity (HRO or Internal Investigations Unit). However, given the steady increase in complaints to the HRO and frequency of Divisional-led investigations being conducted for complex human rights matters, there remains risk to the City with the current model.

Alternative Dispute Resolution

The HRO uses alternative dispute resolution processes to resolve complaints and seeks to do so in a manner that is timely, accessible, fair, and inclusive.

As a neutral internal office, the HRO supports the resolution of human rights issues at the earliest stages to restore trust and good relations wherever possible, to prevent further harm, and/or to correct and address harms before they become litigious or adversarial.

Early intervention often requires providing support directly to the individuals who come forward with concerns. When the HRO is contacted by residents who use City services and facilities, or employees who believe they have been discriminated against, the HRO can provide direct support. The HRO provides advice on how the issues could be addressed appropriately, liaises and facilitates connections with the appropriate individuals in the Toronto Public Service to resolve the concerns, conducts assessments of the issues and provides advice and suggestions to resolve the matter, and where required, supports or conducts an investigation.

The HRO also provides resolution supports directly to City staff to address concerns raised to build divisional capacity¹⁰, ensure matters are reviewed with a human rights and equity-lens, as well as provide advice on how to address matters in accordance with the City's robust complaints processes and legislative obligations.

¹⁰ Where a complaint is Code-related, Divisional Management are expected to contact the HRO, while non-Code matters are not generally within the HRO's jurisdiction and are referred to the Division to be addressed. The HRO may retain a role where there are complex procedural issues, where there is evidence management has not met their policy obligations, or where a complaint contains both non-Code and Code-based issues.

Further, the HRO makes relevant recommendations to City divisions and examines matters beyond individual concerns, such as reviewing underlying systemic issues which may have contributed to a complaint. The HRO provides recommendations to support the City's goals of achieving a positive and respectful workplace and service environment. Through early intervention, the HRO seeks to mitigate harm to individuals and reduce risk by addressing matters before they become litigious through external complaint avenues.

Employment harassment and discrimination grievances

Employees who belong to a union may grieve harassment and discrimination through provisions in their respective Collective Agreements. As illustrated in Table 3, the City received:

- 125 harassment/discrimination grievances in 2022, representing a 52 percent decrease from 2021. A further decrease was seen in 2023, where 108 grievances were filed, reflecting a return to pre-pandemic numbers.
- Workplace harassment and disability (failure to accommodate) remain among the top three most cited grounds; creed (failure to accommodate) was the second most cited ground in 2022 but was cited in fewer grievances in 2023.

Table 3: Grounds cited in grievances from 2019 to 2023

Ground	2019	2020	2021	2022	2023
Disability (failure to accommodate)	30	44	42	24	26
Disability (discrimination)	1	7	1	2	1
Sex (includes sexual harassment)	2	--	1	2	--
Race	--	--	1	1	--
Creed/Religion (failure to accommodate)	--	--	1	36	3
Creed/Religion (discrimination)	--	--	86	--	--
Family Status (failure to accommodate)	5	17	4	5	--

Ground	2019	2020	2021	2022	2023
Family Status (discrimination)	1	--	--	--	--
Age	--	--	1	--	--
Workplace Harassment	44	27	45	41	58
Tied to Discipline	1	2	5	1	2
Union Affiliation	--	--	1	--	--
Ground not identified	23	6	71	13	18
Total	107	103	259	125	108

Employee and service recipient complaints filed to the Human Rights Tribunal of Ontario

Employees, service recipients, and facility users are entitled to file human rights complaints, referred to as 'Applications', directly to the Human Rights Tribunal of Ontario (HRTO). The City's Legal Services Division is responsible for representing the City at HRTO hearings.

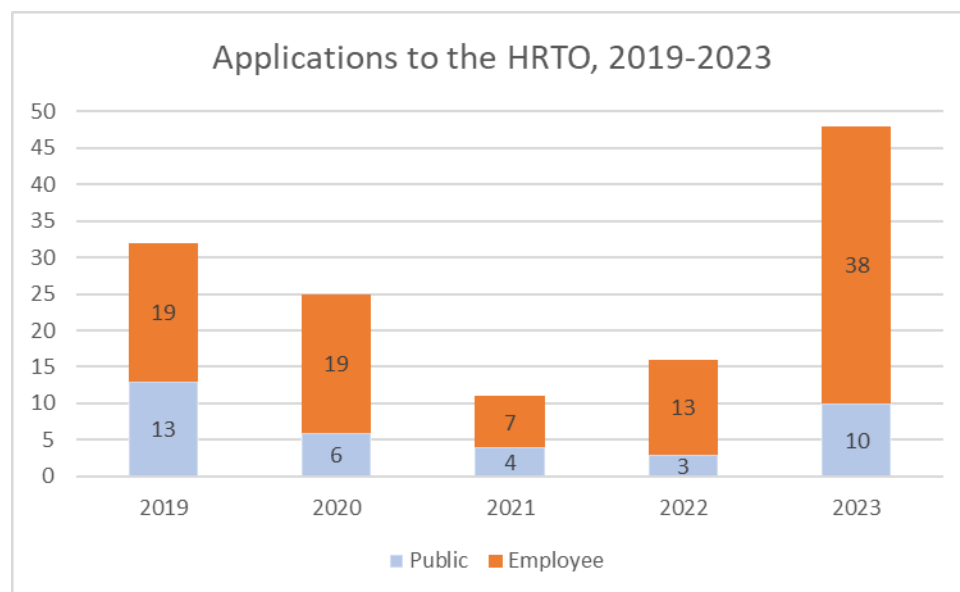
Employees, service recipients, and facility users may initiate a legal process directly with the HRTO. In these occurrences, the HRO is typically not made aware and there is no opportunity for the HRO to assist or provide any internal alternative dispute resolution options in the matter.

Due to the lengthy process of filing an Application at the HRTO, these numbers may not reflect Applications made in current years, but likely reflect Applications made in previous years that have only recently been received by the Legal Services Division.

The Legal Services Division reported:

- In 2022, receiving 16 HRTO Applications, 13 of which were filed by employees and 3 of which were filed by members of the public.
- In 2023, receiving 48 HRTO Applications, 38 of which were filed by employees and 10 of which were filed by members of the public.
- The number of applications to the HRTO increased by 45 percent between 2021 and 2022, and again by 200 percent in 2023, which may reflect the HRTO's emergence from a backlog of Applications relating to COVID-19 and otherwise.
- The most commonly cited grounds in HRTO Applications where the City was named as a respondent were creed, disability, race and related grounds, and reprisal.
- No orders were made against the City by the HRTO in 2022 or 2023.

Figure 8: Applications to the Human Rights Tribunal of Ontario for 2019-2023



Employee harassment complaints filed with the Ministry of Labour, Immigration, Training and Skills Development

A resolution mechanism available under the Occupational Health and Safety Act (OHSA) involves filing a complaint with the Ministry of Labour, Immigration, Training and Skills Development (MLITSD). Employees may file a complaint based on non-code workplace harassment and/or sexual harassment. The MLITSD made 3 visits to City workplaces in 2022 relating to workplace harassment and 12 visits in 2023. One order was issued by MLITSD against the City in 2023.

Ensuring legislative and policy compliance

Human Rights and Anti-Harassment/Discrimination Policy

In 2023, the Human Rights and Anti-Harassment/Discrimination Policy (HRAP) and Procedures were reviewed as required by the Occupational Health and Safety Act. No substantive changes were made to the HRAP, but minor changes are proposed to the Procedures for 2024, to update titles, simplify language, align internal processes, and clarify roles and responsibilities. Details regarding these changes will be outlined in the 2024 Human Rights Annual Report.

Advancing Human Rights

The HRO provides strategic advice on Divisional and City-wide policies, procedures, resources, as well as novel issues that arise, with a goal to proactively embedding human rights, equity and reconciliation into City workplace culture and services.

In 2022-2023, the HRO supported many substantial projects and initiatives with a human rights and equity lens. Among the most notable examples are:

- COVID-19 Redeployment/Accommodation Team Support

- COVID-19 Policy development (i.e.: accommodations for Sikh employees related to PPE, updating corporate policies and Manager's Guide, developing forms and systems to manage City's responsiveness)
- Co-developed the gender inclusive practices guide with the Equity Unit
- Developed a Countering Antisemitism Resource for employees
- Rolled out new virtual human rights training including:
 - Human Rights Essentials for Management (HREM) course attended by 788 people managers (to date, 31% of eligible population),
 - HREM Virtual Instructor Led Training workshops attended by 218 people managers (to date, 12% of eligible population), and
 - Accommodations Essentials for Management online workshops attended by 409 people managers (to date, 24% of eligible population), building organizational capacity relating to the City's duty to accommodate
- In 2022 and 2023, 6399 and 5989 active Toronto Public Service employees completed mandatory training on Human Rights (to date, 92% of eligible employees have completed this training).
- Request For Proposals Process reviewed to ensure alignment with City policy
- Updated records retention policy for alignment with the City of Toronto Act
- Ongoing support of FIFA26 human rights pillar and implementation
- Supported SafeTO information and communication development
- Providing internal workplace investigation tools to enhance best practices
- Supported complex issues management – fostering inclusive workplace toolkit
- Developed Human Rights Code ground resource
- Providing review of Corporate policies and initiatives (ModernTO, CreateTO Agreement, Attendance Management Policy, Disconnecting from Work, Divisional Service Animal Policy, Remote Work Policy, etc.)

Looking forward

The HRO will continue to be a leader in promoting human rights and addressing concerns at the earliest stages to proactively educate and build internal capacity, minimize harms, and prevent reoccurrence. The HRO's work is supported by robust policies, procedures, and guidelines, which set out the City's responsibilities to meet its human rights obligations, along with programs to build capacity among City staff. The City's internal complaint process has proven to be both a viable alternative to more adversarial and formal complaint avenues and an effective means to advance equity, reconciliation, and inclusion. The increased demand for the HRO's support, services, and expertise demonstrates its value and supports its continued growth.

To find efficiencies and ensure optimal data collection, the HRO continues to develop processes to accurately record, analyze, disclose, and report on inquiry data. In 2024, the HRO looks toward finalizing its disclosure reporting capabilities, archiving historical physical file records, and optimizing the reporting capabilities of the system. This system may also assist the HRO with identifying larger systemic issues so that Divisions can potentially address concerns before they become complaints.

In 2024, the HRO will also begin developing additional resources and tools to support internal staff on conducting trauma informed investigations. Additionally, the HRO will

begin a review of its Accommodation Program to enhance inclusion, accessibility, and reconciliation.

The HRO will also be supporting Divisions to proactively identify challenges and opportunities to uphold their responsibilities under the Human Rights and Anti-Harassment/Discrimination, Hate Activity, and Accommodation Policies and is performing an analysis of inquiry trends which, along with data from other sources, will form the basis for targeted Divisional recommendations.

The HRO will continue building relationships with partners and stakeholders across the City to support corporate alignment as it relates to human rights processes. The HRO looks forward to continuing its outreach efforts aiming to foster awareness of the HRO and its services, such as with Corporate and Divisional Communities of Inclusion and various Divisional touchpoints across the organization.

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