SUBJECT: 2009 Program Change Options – City Manager (FCS09011a) (City Wide)

RECOMMENDATION:

That the 2009 Program Change Options for City Manager, as per Appendix One to report FCS09011a, be approved.

Antonio D. Tollis
Acting General Manager
Finance and Corporate Services

Chris Murray
City Manager
EXECUTIVE SUMMARY:

The 2009 City Manager budget was submitted to Council through report FCS09007a. The 2009 requested budget as per report FCS09007a is $6,681,852, representing an increase of approximately $307,000 or 4.8%. In addition to the City Manager’s 2009 requested budget, the following program change options are being submitted for Council’s consideration.

<table>
<thead>
<tr>
<th>Program Change Options</th>
<th>FTE</th>
<th>Gross Impact</th>
<th>Net Levy Impact</th>
<th>$</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human Resources - Diversity Survey</td>
<td>-</td>
<td>$80,000</td>
<td>-$</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>Human Resources - Human Rights Specialist</td>
<td>1.00</td>
<td>$110,000</td>
<td>$110,000</td>
<td>1.7%</td>
<td></td>
</tr>
<tr>
<td><strong>Total Program Change Options</strong></td>
<td>1.00</td>
<td>$190,000</td>
<td>$110,000</td>
<td>1.7%</td>
<td></td>
</tr>
</tbody>
</table>

As shown above, the program change options total a net increase of $110,000 or 1.7%, with an increase of 1.0 FTE.

BACKGROUND:

Appendix One to report FCS09011a provides the detail program change form for each of the program change options submitted for Council’s consideration.

ANALYSIS/RATIONALE:

Diversity Survey:
As per the 2008 – 2011 Strategic Plan, the City of Hamilton is committed to developing a skilled, adaptive and diverse workforce. To this end, the City has established a desired end result where the City’s workforce reflects the diversity of Hamilton’s available labour market pool. To measure this result it is necessary to assess the diversity of Hamilton’s workforce through a Diversity Survey. An external provider skilled in conducting such surveys will be recruited through a Request for Proposal process. To ensure that we are continually supporting a diverse and inclusive workforce, the plan would be to repeat the census every 5 years to coincide with Statistics Canada Survey results.

Human Rights Specialist:
The City currently has 1 FTE Human Rights Specialist, base funded, who ensures that the City is compliant with legislative requirements under the Human Rights Code of Ontario (OHRC) and the Employment Standards Act. A second Human Rights Specialist was hired on contract in June 2007 to the end of June 2008, with funding from internal chargebacks for “It Starts With You” training as well as gapping in the Human Resources budget. The contract was extended to April 30, 2009, with Council’s approval (HUR08017) to address the volume of activity the Human Rights and respectful workplace portfolio and to support ongoing respectful workplace training and dispute resolution services.
Under the *Human Rights Code Amendment Act 2006*, effective June 30, 2008, the Ontario Human Rights system moved to a direct access model whereby individuals can file their complaints directly to the Human Rights Tribunal of Ontario. Unionized employees may choose to pursue their complaints before the Human Rights Tribunal instead of through the grievance process, and may do so without the support or knowledge of their union. All indications are that this new process will lead to a greater number of complaints as well as other changes that will impact the employer. It is in the City’s interest to address issues before they proceed to the Tribunal.

The OHRC requires that employees be proactive in creating fair and equitable workplaces. This includes establishing anti-discrimination and harassment policies and dealing effectively, quickly and fairly with situations that involve these matters. Employers are required to have a complaint mechanism in place to handle complaints promptly and effectively with resources that are neutral, objective and knowledgeable about human rights issues. Human Rights activity has more than doubled since 2004 in the City’s Human Rights portfolio, as well as, formal complaints have become much more complex. In light of the recent changes to the legislation and current need for investigations, ongoing training and dispute resolution, staff are recommending that the contract Human Rights Specialist be made part of the permanent complement. Most matters that involve the Human Rights Specialist require immediate attention, and as such, there is need for this additional FTE for on-going workload and coverage.

**ALTERNATIVES FOR CONSIDERATION:**

Council can give direction with respect to the submitted program change options. Council may also request to pursue additional options.

Council could direct Human Resources to use the services of an external consultant to investigate Human Rights complaints that can’t be accommodated with the current staff complement. The cost of an external Human Rights consultant ranges from $250 - $400/hour. Investigations that have been done by external consultants for the City of Hamilton have ranges from $8,000 to $40,000 per investigation. This option would be reactive in nature and would not enable the City to leverage proactive strategies to prevent human rights complaints.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The attached Appendix One to report FCS09011a provides the detailed financial and staffing implications of each of the submitted program change options.

**POLICIES AFFECTING PROPOSAL:**

N/A
RELEVANT CONSULTATION:

The submitted program change options have been developed in conjunction with internal and external partners. Human Resources did a Request For Information to determine the best approach and potential cost of doing the Diversity Survey. Legal Services was consulted in the development of the enhancement for the Human Rights Specialist.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

- Community Well-Being is enhanced. ☑ Yes ☐ No
- Environmental Well-Being is enhanced. ☑ Yes ☐ No
- Economic Well-Being is enhanced. ☑ Yes ☐ No

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No
APPENDIX 1

PROGRAM CHANGE OPTIONS
Subject: 2009 Program Change Options - City Manager (FCS09011a) (City Wide)

PROGRAM CHANGE OPTIONS

PROPOSED CHANGE: Diversity Survey - ONE TIME

DEPARTMENT: City Manager's Office
DIVISION: Human Resources
SECTION/PROGRAM: Organizational Development

TYPE OF CHANGE: Service Level

EFFECTIVE DATE: 1-Jan-09

Peoplesoft Dept ID: ____________

CURRENT PROGRAM

Diversity Survey is not currently done.

PROPOSED PROGRAM

The City of Hamilton is committed to developing a skilled, adaptive and diverse workforce. To this end, the City has established within its Strategic Plan a desired end result where the City of Hamilton’s workforce reflects the diversity of Hamilton’s available labour market pool. To measure this result it is necessary to assess the diversity of Hamilton’s workforce through a Diversity Survey. The scope of this project would include:

- Employee Questionnaire designed to define current workforce demographics (age, gender, visible minorities, persons with disabilities, aboriginal people, sexual orientation)
- Communications strategy, including communications materials and delivery of the strategy - pre-survey, during the survey, and post survey.
- Dissemination & collection of the survey (e-copy and hard copy for staff who do not have access to a computer).
- Mechanisms to ensure a high response rate (e.g. reminders to complete the survey).
- Data analysis including comparison with Statistics Canada labour force data for Hamilton
- Written report with recommendations.
- Diversity Survey would be repeated every 5 years to coincide with Statistics Canada Survey

FULL BUDGET IMPACT

- Current Program Budget: 0
- Annualized Prog Chg Impact: 80,000
- 2009 Recommended Budget: 80,000

GROSS NET FTE's
- 0 0 0.00
- 80,000 0 0.00
- 80,000 0 0.00

SERVICE IMPACT INDICATORS

<table>
<thead>
<tr>
<th>SERVICE</th>
<th>2009 CURRENT</th>
<th>2009 PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Survey to establish baseline to measure diversity of employee population</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

CAPITAL BUDGET IMPACT

| 2009 Current | 2010 - 2018 |

STRAT PLAN LINKAGE

eg. 4.3, 5.7

1.5
The City has 1 FTE Human Rights Specialist, base funded, who ensures that City is compliant with legislative requirements under Human Rights Code of Ontario (OHRC) & Employment Standards Act. Responsibilities include: educating employees on their rights & responsibilities under OHRC; supporting any employee who seeks assistance with workplace issues of bullying, harassment or discrimination; investigating harassment & discrimination cases; providing advice to management; providing unions & management with a neutral third party access; educating management on their responsibilities & expectations regarding corporate culture. A second Specialist was hired on contract in June 2007 to end of June 2008 with funding from internal chargebacks for "It Starts With You" training as well as gapping in Human Resources budget. The contract was extended to April 30, 2009, with Council's approval to address current volume of activity in Human Rights & respectful workplace portfolio & to support ongoing respectful workplace training and dispute resolution services. Two-thirds of caseload is related to OHRC prohibitive grounds for discrimination & the balance are related to supporting a respectful organization.

Under Human Rights Code Amendment Act 2006, which came into effect on June 30, 2008, the Ontario Human Rights system moved to a direct access model whereby individuals can file their complaints directly to the Human Rights Tribunal of Ontario. Unionized employees may choose to pursue their complaints before the Human Rights Tribunal instead of through the grievance process, and may do so without the support or knowledge of their union. All indications are that this new process will lead to a greater number of complaints as well as other changes that will impact the employer including: no cap on damages for mental anguish, 35 days for the City to respond including witness statements, hearing process will be public. It is in the City's interest to address issues before they proceed to the Tribunal. The OHRC requires that employers be pro-active in creating fair & equitable workplaces. This includes establishing anti-discrimination & harassment policies & dealing effectively, quickly & fairly with situations that involve these matters.

Employers are required to have a complaint mechanism in place to handle complaints promptly & effectively with the appropriate resources that are neutral, objective and knowledgeable about human rights issues. Human Rights activity has more than doubled since 2004 in the City's Human Rights portfolio. Formal complaints have become much more complex with multi-stakeholder involvement such as provincial health and safety authorities, police officers, multiple named respondents and potentially sensitive exposures in the media. In light of the recent changes to legislation and current need for investigations, ongoing training and dispute resolution, staff are recommending that the contract Human Rights Specialist be made part of the permanent complement. Most matters that involve the Human Rights Specialist require immediate attention, and as such, there is need for this additional FTE as well as for on-going workload and coverage when one of the Specialists is out of the office.