



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Legal and Risk Management Services Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 19, 2020
SUBJECT/REPORT NO:	Application of City's Equity, Diversity and Inclusion Policy to "City Leases" (LS20007/HUR20005) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Michael Kyne, Deputy City Solicitor, Ext. 4716 Jodi Koch, Director, Talent & Diversity, Ext. 3003
SUBMITTED BY: SIGNATURE:	Nicole Auty, City Solicitor Legal and Risk Management Services Lora Fontana, Executive Director Human Resources

Discussion of Appendix 'A' to this Confidential Report in closed session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the *Ontario Municipal Act, 2001*:

- A proposed or pending acquisition or disposition of land for City purposes
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose
- A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

RECOMMENDATION

- (a) That Report LS20007/HUR2005 be received; and
- (b) That Appendix "A" to report LS20007/HUR2005 remain confidential.

EXECUTIVE SUMMARY

In response to three separate Council directives, this report updates Council on the present status of the implementation of the City's Equity, Diversity and Inclusion ("EDI")

initiative. As indicated in the Council resolutions of February and September, 2019, significant work must still be accomplished prior to full implementation including the development of appropriate EDI definitions, the establishment of Standards of Practice and the identification of an EDI framework, key initiatives, priorities and workplans. To that end, staff is scheduled to provide a progress report to Council in June, 2020.

Appendix 'A' responds specifically to Council's October 9, 2019 request for an assessment of the implications of the application of EDI principles to "City lease agreements." It is appropriate that the information provided in Appendix 'A' to this report be discussed in closed session and remain confidential as it outlines solicitor-client advice and will inform the development of the City's position in negotiating dispositions of land including leases.

Alternatives for Consideration – See Page X or Not Applicable

Not applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: While there may be financial implications associated with the corporate-wide implementation of EDI principles, there are no immediate financial implications arising from this report.

Staffing: While there may be staffing implications associated with the corporate-wide implementation of EDI principles, there are no immediate staffing implications arising from this report.

Legal: In addition to the implications outlined in Appendix 'A', Legal Services will be supporting the corporate-wide development and implementation of EDI principles.

HISTORICAL BACKGROUND

On February 27, 2019, Council resolved:

(a) That staff be directed to prepare a report on the steps that would be required to implement an equity-diversity-and-inclusion lens framework to City policy and program development, practices, service delivery, budgeting, business planning and prioritization, and report back to the General Issues Committee no later than Q3 2019;

(b) That, implementation of the equity, diversity and inclusion lens begin in the City's Housing & Homelessness Strategy and service delivery;

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(c) That the attached draft Equity, Diversity & Inclusion toolkit, developed to support existing work by staff, be reviewed, edited and revised as required following consultations with internal and external stakeholders and made available as a resource to City staff and the community;

(d) That the City Manager, in partnership with the various Volunteer Advisory Committees representing equity seeking groups, be directed to plan and execute an Equity, Diversity and Inclusion Summit through which members of Council and the public can hear directly from subject matter experts and the community on equity practices and how an equity, diversity and inclusion lens could be integrated and incorporated into public policy and service delivery;

(e) That the costs associated with the Hamilton Equity, Diversity and Inclusion Summit be funded from the Mayor's Office, up to a maximum of \$5,000;

(f) That as part of ongoing efforts to develop and advance the equity, diversity and inclusion analysis, staff participate in relevant, provincial and federal equity, diversity and inclusion related initiatives.

In response to Report HUR19019, on September 25, 2019, Council further directed:

(a) That the City Manager to be identified as the Equity, Diversity and Inclusion Champion for the City of Hamilton;

(b) That Human Resources staff be directed to develop and implement an Equity, Diversity and Inclusion Steering Committee comprised of representatives from all departments and across all levels of the organization, who will be responsible to:

- (i) Confirm appropriate definitions to guide Equity, Diversity and Inclusion (EDI) work;
- (ii) Identify appropriate framework for EDI lens for the City of Hamilton;
- (iii) Establish Standards of Practice;
- (iv) Review and revise the draft Equity, Diversity, and Inclusion Handbook to be consistent and in alignment with the framework;
- (v) Complete an updated internal environmental scan on annual basis;
- (vi) Identify key initiatives and project priorities and develop appropriate workplans and milestones for such; and
- (vii) Engage in appropriate internal and external consultations on above;

- (c) That Human Resources staff be directed to source, through a competitive procurement process, suitable training from an external provider of Equity, Diversity and Inclusion training, relating to such elements including, but not limited, to anti-racism, anti-oppression, unconscious bias, and inclusionary best practices;
- (d) That Human Resources staff be directed to establish a schedule for the above mandatory training to be delivered to Council members, the Senior Leadership Team, all Supervisor and above employees, and Union Executive Leadership in 2020;
- (e) That Human Resources staff be directed to source options for systems/process enhancements to support Equity, Diversity and Inclusion metric dashboard requirements;
- (f) That an amount not to exceed \$100,000, to be funded from Tax Stabilization Reserve Account #110046, to facilitate the Equity, Diversity and Inclusion 2020 training and community engagement components, be approved;
- (g) That staff be directed to report back to the General Issues Committee by June 17, 2020 with a status update respecting the implementation of the Equity, Diversity and Inclusion process;
- (h) That the matter respecting the Equity, Diversity and Inclusion Framework be considered complete and removed from the General Issues Committee's outstanding business list; and,
- (i) That an Equity, Diversity and Inclusion Sub-committee, comprised of members of Council, to work in collaboration with the Equity, Diversity and Inclusion Steering (EDI) Committee and staff be established to develop the EDI framework.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

As outlined in Confidential Appendix 'A'

RELEVANT CONSULTATION

City Manager's Office, Human Resources Division
Finance and Corporate Services Department, City Clerks Division
Planning and Economic Development Department, Real Estate and Tourism and Culture Divisions

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

Since resolutions were passed by Council, an Employee Employment Equity survey has been developed and rolled out across the organization. To date, approximately 1500 employees have completed the survey. Additionally, the Senior Leadership Team is currently in the process of nominating representatives to serve on the EDI Steering Committee. Nominations are due as of February 28, 2020 with the first scheduled meeting planned for April 2020. This EDI Steering Committee will be responsible for the development of the EDI Framework for the City of Hamilton and will provide an update to Council in June 2020 on the progress of the initiative.

Four key components are considered in the development of an EDI Framework. These are listed in order of implementation:

- 1) **Having a workforce that is representative of the community we serve.** The Employment Equity survey will provide valuable information regarding the composition of our workforce and how we compare to the larger community in terms of four designated groups (women, racialized persons, Indigenous peoples, and persons with a disability);
- 2) **Address systemic barriers and identify and develop action plans to address using a diversity and inclusion lens.** This will be achieved through departmental objectives and goal plans as part of the annual PAD and strategic planning process;
- 3) **Having a workforce that is skilled in working in an inclusive and respectful manner with each other and the community we serve.** This will be achieved through training programs, policies and programs, and extensive communication efforts across the organization; and
- 4) **Creating inclusive programs and services that meet the needs of our diverse community.** This is where the EDI framework becomes embedded in various program and contract terms and conditions as appropriate. This work will be done in the operating departments where the subject matter expertise resides.

All EDI efforts need to start with an internal organizational assessment and focus and then move to external facing components once sustainable changes are in place to support the broader program and service delivery. There needs to be organizational competencies in place in order to make the community impacts successful.

On October 9, 2019, in response to a Notice of Motion advanced at the October 2, 2019 GIC meeting, Council resolved:

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That Legal Services staff be directed to assess the benefits and implications of including a policy on standard terms and conditions to be incorporated in City lease agreements that is consistent with the City's Equity and Inclusion Policy and consistent with the City's approach to the equity, diversity and inclusion framework currently being developed, and report back to the General Issues Committee.

Appendix 'A' responds to this direction. It should be noted that a review of Councillors' October 2, 2019 discussions indicates that the reference to "City lease agreements" may extend to all "City contracts, leases and partnership relationships".

ALTERNATIVES FOR CONSIDERATION

Not applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A"—Solicitor-Client Advice with respect to the application of the City's Equity, Diversion and Inclusion Policy to "City Leases"