

**Framework of relationship between the  
Ontario Human Rights Commission (OHRC),  
the Ministry of Community Safety and Correctional Services  
(MCSCS) and the Ministry of Government Services (MGS)**

**(the Parties)**

## **Human Rights Project Charter**

**August 8, 2011**

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## I Project Charter Sign-off

The signatures below indicate acceptance of this project's charter and agreement to proceed with the implementation of the Project.

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Barbara Hall  
Chief Commissioner  
Ontario Human Rights Commission  
PROJECT SPONSOR

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Date

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Ian Davidson  
Deputy Minister – Community Safety  
Ministry of Community Safety and Correctional Services  
PROJECT SPONSOR

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Date

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Ron McKerlie  
Deputy Minister  
Ministry of Government Services  
PROJECT SPONSOR

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Date

### 1. Background

Following a lengthy hearing process, involving a complaint filed under the *Human Rights Code* by Michael McKinnon against the Ministry of Community Safety and Correctional Services, it was proposed that a joint working group of the three parties be struck to both support MCSCS's change initiatives and to satisfy the OHRC's need to ensure the process for change addresses its public interest concerns.

### 2. Project Objective & Term

The Human Rights Project aims to provide time limited support to MCSCS in its ongoing initiatives aimed at identifying and eliminating any possible discrimination in the employment of MCSCS employees and in the delivery of services by MCSCS. The work required to attain these objectives is described in this document as the "Project". The Project is for a term of no more than three years and may be extended on agreement of all three parties.

This Project Charter details the agreed upon relationship to be established between the three parties to fulfill these aims. It is acknowledged by all three parties that the Project Charter is a joint undertaking to address the issues identified in this Charter and is not an admission of liability as to those issues by MCSCS as it relates to any past, present or future complaints or other legal proceedings against MCSCS.

The Project Charter recognizes the primacy of the Human Rights Code and in no way fetters the statutory powers or duties of the OHRC.

### **3. Project Approach**

The Project is supported at the highest levels of the three organizations, with the Chief Commissioner of the OHRC, and Deputy Ministers of MCSCS and MGS acting as Project Sponsors. An Executive Group consisting of 1 member from each organization, and designated alternates, will be appointed by the Project Sponsor's Committee to coordinate all aspects of the project, including identifying issues of concern, generating agendas, preparing background materials and seeking Project Sponsor approval for all important items.

The Executive Group will establish Committees to administer the Project's objectives: each committee will have at least one representative from each of the three organizations.

A Working Group of all the Committee leads will work with the Executive Group to coordinate the activity of the committees. The Ontario Public Service Employees Union (OPSEU) may also assign a representative to the Working Group. Committees and the Working Group will meet more frequently than the Project Sponsor Committee. All Groups and Committees are to aim for consistent representation: representatives should not send alternate delegates unless specifically agreed to by the Group or Committee.

All Committees and Groups will attempt to achieve objectives by consensus. If consensus cannot be achieved, the issue will be referred to the next level up for consideration. In the event a matter reaches the Project Sponsors and they cannot reach consensus, the parties agree to mediation, and if required, binding arbitration with Michael Gottheil on the particular issue and will carry on with the rest of their work.

MCSCS will establish an External Advisory Group consisting of individuals from outside the Ontario Public Service with expertise in Aboriginal issues, human rights issues, and/or organizational change. The External Advisory Group will provide advice to the Project Sponsors as called upon. The External Advisory Group will be provided necessary and relevant background information.

It is agreed that MCSCS is the owner of its own change process. The OHRC's role will be to provide advice to MCSCS regarding its ongoing change initiatives, assist in the development of target change objectives, and report on the progress of MCSCS in relation to these initiatives.

An initial list of agreed upon change objectives is identified in Appendix A to this Charter and includes (A) Aboriginal Issues, (B) Recruitment, Selection, Promotion and Retention, (C) Training, (D) Accountability and (E) the design of the WDHP handling and tracking system. Over the course of the Project, amendments to the change objectives may be appropriate. If all three Project Sponsors agree to a proposed amendment, revised change objectives will be drafted and added to this Project Charter as Appendices.

#### The Project Sponsors' Committee Meetings

The Project will be directed by the Project Sponsors' Committee. It will meet on a regular basis and will maintain the following features/functions:

- a. Only the Project Sponsors are voting members of the Sponsor's Group.
- b. The Executive Group will develop the Agenda for the Project Sponsor's Committee and participate in meetings.
- c. Two Sponsors will constitute a quorum for discussion purposes. All Sponsors must be present for voting on approvals.
- d. Other staff from the three organizations may attend the meetings of the Project Sponsor's Group at the discretion of Project Sponsors.
- e. Involvement from the OHRC may include the Executive Director.
- f. Meetings will be held at least quarterly, unless otherwise agreed by the Project Sponsors.
- g. The meetings will be held at MCSCS's offices, unless otherwise agreed by the Project Sponsors.
- h. MCSCS will provide staff to address meeting logistics and minute keeping. Minutes will be approved by the Project Sponsors.
- i. The OHRC, MCSCS, MGS will each designate one "contact" person to facilitate ongoing communication.
- j. All parties agree that the use of alternates and/or acting members is not permitted at the Sponsor Group due to the need for speedy decision-making and the sensitive nature of some issues.

- k. MCSCS will provide a formal update of change initiatives at each meeting.
- l. The OHRC will provide feedback and identify concerns related to the update.
- m. The Project Sponsors' Committee will review the progress of the Project annually, updating this Charter as necessary. After three years a review and evaluation will occur to determine whether the Project is completed or should continue. The latter must have the agreement of all Parties.
- n. Given that sensitive matters are likely to be discussed, confidentiality shall be maintained with respect to all matters discussed at the meetings of the Project Sponsor's Committee and the Executive Group unless the parties agree otherwise and are legally entitled to disclose the information.

#### 4. Reporting

The OHRC, MCSCS and MGS will communicate their activities both within their organizations and to the general public as stated below.

- a. Detailed minutes will be distributed after each meeting in accordance with the following distribution list.

<b>OHRC</b>	<b>MCSCS</b>	<b>MGS</b>
Chief Commissioner Hall	Deputy Minister Davidson	Deputy Minister McKerlie
Named staff representative on Executive Group	Named staff representative on Executive Group	Named staff representative on Executive Group

- b. An internal annual report will be developed jointly to review progress of the Project.
- c. The Deputy Ministers of MCSCS and MGS will report to the Secretary of Cabinet on progress annually.
- d. The OHRC shall make the Human Rights Project Charter public once it has been entered into, as well as any amendments.
- e. The Commission shall report on the initiatives undertaken under the Project Charter in its annual report under s.31.6 of the *Human Rights Code*.
- f. Special issue specific reports will be produced when appropriate.

## **5. Indicators of success and project evaluation**

The Project Sponsor Committee and the Executive Group will identify indicators for success for the Project and will create an evaluation plan during the first six months of the Project, that will measure, through data collection and other means, the success of specific elements of the Project and the achievement of goals for the duration of the Project.

## **6. Assumptions & Challenges**

The parties understand the challenges inherent in this Project. For example, change has the potential to create resistance among both internal and external stakeholders. The parties recognize that perceived failure to respond to human rights concerns as a result of this Project has the real potential to further frustrate communities and groups.

The Project assumes the following:

- the parties will remain committed to the stated objectives;
- the parties will provide sufficient resources to achieve the Project's goal; and,
- the parties will commit to providing timely responses and approvals when required.

## Appendix A – TARGET CHANGE OBJECTIVES

### Overall Change Objective

- The identification and elimination of any discrimination that may exist in all employment and service activities of the Correctional Services Division of MCSCS.

### Specific Change Objectives

#### A. Aboriginal Issues

- Ensure that special focus on the needs and concerns of Aboriginal people, including Aboriginal employees and inmates, is retained in all Human Rights Project activity.
- Enhance ongoing efforts to promote the recruitment, selection, promotion, and retention of Aboriginal employees in MCSCS.
- Ensure that all MCSCS services to Aboriginal people comply with human rights requirements pursuant to the *Code* and the *Charter*.
- Specific measures will include:
  - Ensuring that the selection process for leadership positions requires candidates to articulate their knowledge and experience in reducing discrimination and harassment against Aboriginal employees and Ministry clients.
  - Development of a training plan including mandatory training for all existing employees on prevention of discrimination, harassment, and victimization against Aboriginal employees and Ministry clients.
  - Development of a training plan including mandatory orientation of new employees on prevention of discrimination, harassment, and victimization against Aboriginal employees and Ministry clients.
  - Incorporating regular efforts to support Aboriginal employees, such as networking and learning sessions, into longer-term organizational change plans, accompanied by evaluation and appropriate resources.
  - Designing and implementing a strategy to increase representation of Aboriginal employees in organizational change committees.
  - Establish an audit and reporting process regarding incidents of and resolution methods implemented in discrimination and/or harassment complaints against Aboriginal employees or Ministry clients.

- Establish a strategic plan for the Division and organizational change framework for Aboriginal issues specifically and ensure that other relevant areas within the Division/Ministry establish strategies and objectives to support the Aboriginal strategic plan and organizational change framework.

B. Recruitment, Selection, Promotion and Retention

- Support ongoing efforts to recruit, select, promote, and retain qualified individuals reflective of the diversity in the Province of Ontario with a respect for human rights and due regard for the skills and competencies necessary to provide community safety and correctional services equitably.
- Promote qualified individuals within MCSCS with the goal of developing a MCSCS workforce that is reflective and representative, at all levels, of the diversity in the Province of Ontario and a commitment to the elimination of discrimination. Include recognition of WDHP compliance and where applicable, participation in or management of WDHP investigations in performance evaluation and promotional decisions.
- Ensure that all employment practices reinforce the *Code* obligations of the MCSCS, especially with regard to the employment prospects for all qualified individuals from diverse backgrounds while recognizing their race, ancestry, colour, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status and/or disability.

*Specific measures will include:*

- Reviewing existing employment policies, procedures, practices, and programs to identify gaps and concerns, and to identify and implement effective initiatives to realize the objectives.
- Regular monitoring to assess whether change initiatives are having the desired change/outcome. This monitoring will generally take the form of regular reports by the Deputy Minister of MCSCS to the Secretary of Cabinet. The OHRC will assess the effectiveness of this monitoring regime and make appropriate recommendations. It may also make reports.

C. Training

- The provision of human rights, equity, and diversity training and on-going professional development of all employees, to provide employees with the skills and knowledge to create a working environment which is fully compliant with

norms established by the *Code* and which is anti-racist, non-discriminatory, professional, respectful, diverse and inclusive.

*Specific measures will include:*

- Review and evaluation of all current training programs, materials and curriculum provided to both new and current employees, to determine whether issues of human rights, equity, and diversity are being addressed sufficiently.
- Determination and implementation of initiatives to address any identified gaps, shortcomings or needs.
- Establishment and implementation of protocols to regularly monitor training programs to determine their effectiveness in meeting stated objectives. This monitoring will generally take the form of regular reports by the Deputy Minister of MCSCS. The OHRC will assess the effectiveness of this monitoring regime and make appropriate recommendations.

D. Accountability

- The establishment of an organizational culture that ensures that all MCSCS staff are held accountable for upholding their human rights obligations under the *Code* and *Charter* any other relevant legislation or policy.
- The establishment of specific accountability measures to ensure support for the change initiatives by all levels of management at MCSCS.

*Specific measures will include:*

- Confirmation of compliance with change initiatives established under the Project Charter which may include orders previously made by the Board of Inquiry in HRTO file no.BI-0033-95.
- Review the existing change initiatives that are at various stages of implementation in the Division.
- Identification and review of all accountability related policies, procedures and practices to ascertain any elements that may be contributing to an organizational culture inconsistent with human rights aims and the development of initiatives to address these elements.

Development and implementation of specific, measurable and achievable performance indicators for all levels of management to measure support for, and compliance with, change initiatives.

E. The Design of the WDHP handling and tracking system.

- Establishment of effective procedures and programs to ensure full compliance with Management Board of Cabinet's Directives with respect to the WDHP Policy, as revised, subject to change initiatives established under this Project Charter, and implementing timelines and policies to ensure efficient completion of WDHP investigations.
- Including WDHP policy training and resources in mandatory orientation for all new MCSCS employees, along with refresher sessions as required by the WDHP Policy.
- Creation of a comprehensive database to track WDHP complaints, discrimination and harassment complaints to the Grievance Settlement Board and the Public Service Grievance Board, and applications to the Human Rights Tribunal of Ontario. Integrated into comprehensive database or maintain separate database for Discipline Review Committee (DRC) meeting outcomes and formal complaints handled on a local institutional level.
- Annual review of the database(s) to identify systemic issues or trends.
- Working with all involved unions to determine that a substantiated complaint should be a significant factor in deciding to disqualify a candidate for a promotional opportunity.
- Integrating harassment and discrimination prevention responsibilities into employees' and managers' performance commitments, and linking this to annual performance appraisals
- Solicit confidential feedback from those who have used the services of WDHP Advisors, WDHP Information Providers and review it with them to keep them accountable and better understand their training needs .
- Review of the existing system for assessing the quality of the work provided by VOR investigators.
- Finalizing the terms of reference for the DRC, and providing guidelines for disciplinary decisions at the DRC level.