

# **Human Rights Project Charter**

Framework for the relationship between the Windsor Police Services Board (Board), the Windsor Police Service (Service), the Ontario Human Rights Commission (OHRC), the Ontario Police College (OPC)

**February 24, 2011**

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## Project Charter Signatories

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

Date: February 24, 2011

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Gary Smith  
Chief of Police, Windsor Police Service  
PROJECT SPONSOR

Date: February 24, 2011

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Mayor Eddie Francis  
Chair, Windsor Police Services Board  
PROJECT SPONSOR

Date: February 24, 2011

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Bill Stephens,  
Acting Director, Ontario Police College  
Project Sponsor

Date: February 24, 2011

## Background

In May 2007, the Ontario Human Rights Commission (OHRC), the Toronto Police Service (TPS) and its Services Board agreed on a Human Rights Project Charter that outlined a program of joint activity to develop and implement a number of interventions aimed at enhancing the capacity of the TPS and its Board to address human rights concerns. This project covered areas of concern including policies and procedures; training, human resources, accountability, public liaison and education. This three year joint project concluded in May 2010.

The Windsor Police Service (Service) and the Windsor Police Services Board (Board) for many years have been open to the concerns brought forward by various ethno-racial, cultural and faith organizations and communities. The Board and Service responded with Service-wide change initiatives aimed at protecting and promoting human rights and equity, including the development of a Diversity Statement in August, 2004.

In addressing internal and external complaints made to the Human Rights Tribunal of Ontario, and previous to the change to the human rights system to the OHRC, the Service implemented organizational-wide training. As well, both the Board and the Service continued working with the OHRC to develop policies that serve the public good as complaints were addressed, such as an expanded policy for Unlawful Profiling or Bias-Based Policing and an additional policy directive specific to Racially Biased Policing and Racial Profiling.

Throughout these events the Board and the Service continued to make efforts to be reflective of the community's demographics.

The Service reviewed the representativeness of its applicant pool and its ranks. This review confirmed that the applicant pool was not representative of the make up of the Windsor community. It further confirmed that the ranks of the Windsor Police Service above constable level did not represent the makeup of the community, and notably, it did not reflect the constable pool itself. The Board and Service recognize that the lack of representativeness of its applicant pool and its ranks above constable level has contributed to the public's view that the Service is not reflective of the City of Windsor.

In view of these factors, the Board and Service approached the OHRC proposing a project charter modeled after the Toronto project charter. In addition, all three parties recognized the valuable role that the OPC could also play in such a project and invited the OPC to participate as a Project Sponsor as well.

A committee, composed of representatives of all four parties (the Board, the Service, the OHRC, and the OPC) met during the Fall of 2010 to negotiate a human rights project charter patterned on the Toronto Police human rights project. The purpose was to determine an appropriate project structure and approach to review, and if

necessary, alter existing initiatives, and policies, procedures, and practices of the Board and Service to ensure that the requirements of the Ontario *Human Rights Code* are upheld both in all service provisions and in employment practices of the Service.

Integral to this project charter is the joint working group of the four parties to support the Board and Service change initiatives aimed at ensuring the human rights of their employees and service recipients.

Although there is no requirement to do so, outstanding human rights complaints may be settled with reference to this initiative.

## **Project Objective & Term**

During the term of this agreement, the Human Rights Project (Project) is intended to provide support to the Board and the Service in their ongoing initiatives aimed at identifying and eliminating any possible discrimination in its employment practices including the hiring, selection for transfer, retention and promotion of Service members, and in the delivery of services.

The Project Charter's description of work required to attain these objectives is contained in this document.

The Project Charter:

- a. Is for a term of no more than three years unless all four parties agree to extend the term beyond the three year term;
- b. Details the agreed upon relationship to be established between the four parties to fulfill these aims;
- c. Is a joint undertaking to address the issues identified in this Project and is not an admission of liability as to those issues by either the Board or Service as it relates to any past, present or future complaints or other legal proceedings against the Board or Service;
- d. Is not intended to resolve individual complaints filed with the Human Rights Tribunal of Ontario, however, the Project will address the issue of public interest remedies in general; and
- e. Recognizes the primacy of the Ontario *Human Rights Code* and in no way fetters the statutory powers and duties of the OHRC, the OPC, or fetters the responsibilities of the Board and the Service in the exercise of their statutory duties.

## **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 alienated from the Service.

The Project assumes the following:

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

## **Project Approach**

The Project is supported at the highest levels of the four organizations with the Chief Commissioner of the OHRC, the Director of the OPC, the Chair of the Board, and the Chief of Police acting as Project Sponsors.

All working groups will attempt to achieve objectives by consensus. If consensus cannot be achieved, the issue will be referred to the Project Sponsors for their consideration. In the event that the Project Sponsors cannot reach consensus, the parties will agree to disagree on the particular issue and carry on with the rest of their work.

The OHRC and the OPC acknowledge that the Board and Service are owners of their own change process. The Board and Service have statutory responsibilities that cannot be delegated to another authority and in particular, the role of the Chair of the Board as a Project Sponsor shall not be construed as binding the Board.

The role of the OHRC and the OPC will be to provide advice to the Board and Service regarding their ongoing change initiatives, assist in the development of target change objectives, and to report on the progress of the Board and Service in relation to these initiatives.

An initial list of agreed upon target change objectives is identified as Appendix A to this Charter. Over the course of the Project, amendments to the target change objectives may be appropriate. If all four Project Sponsors agree to a proposed amendment, revised target change objectives will be drafted and added to this Project Charter as Appendices.

The Project will be directed by a Project Sponsors Committee made up of the OHRC, OPC, the Board and the Service. The Project Sponsors Committee will meet on a regular basis and will maintain the following features/functions:

- a. Involvement from the OHRC will include the Chief Commissioner and staff representatives;
- b. Involvement from the OPC will include the Director and staff representatives;
- c. Involvement from the Board will include the Board Chair, a member of the Board, the Board's Administrative Assistant and Board Counsel;
- d. Involvement from the Service will include the Chief of Police and other members as assigned;
- e. Meetings will be convened at least quarterly subject to change by agreement of the Project Sponsors;
- f. Meetings will be held regularly at the Police Headquarters, unless otherwise agreed;
- g. The Board or Service will resource the meetings with staff responsible for meeting logistics and for keeping minutes;
- h. The OHRC, the OPC, the Board and the Service will each assign individuals to a Steering Group responsible for administering the Project. This working group will meet more frequently than the Project Sponsor Committee and will be responsible for providing detailed guidance for the overall Project, identify and address issues of concern, generate agendas, materials, and reports required for the project, and ensure adequate training for members working on the Project;
- i. The OHRC, the OPC, the Board and the Service will each assign one person to facilitate ongoing communication between the organizations;
- j. The Board and/or Service will provide a formal update of change initiatives for each meeting;
- k. The OHRC and the OPC will provide feedback and identify concerns related to the update and/or concerns related to human rights policy concerns;
- l. Committees may be formed when needed. Individuals may also be assigned specific tasks when needed;
- m. The Project Sponsors Committee will review the need for a continued relationship annually with the first public report to be completed by the end of 2011;

- 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 Sponsors Committee, the Steering Group, and all working groups unless the parties agree otherwise and are legally entitled to disclose; and
- o. Involvement of other organizations from the community will be permitted at the discretion of the Steering Group, and efforts will be made to involve members of the community and the Windsor Police Association where appropriate.

## Reporting

Subject to the confidentiality clause above, the OHRC, the OPC, the Board and the Service will communicate their activities both within their organizations and to the general public.

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

| <b>OPC</b>                | <b>OHRC</b>                 | <b>Service</b>  | <b>Board</b>                               |
|---------------------------|-----------------------------|---|--|
| Director Bill Stephens    | Chief Commissioner Hall     | Chief Gary Smith  | Eddie Francis, Chair                       |
|                           | Senior Management Committee | Senior Management Team  | WPSB Members                               |
|                           | OHRC Commissioners          | Inspector – Diversity Management Unit                           | Board Counsel and Administrative Assistant |
| OPC staff representatives | OHRC Staff Representatives  | Director Human Resources, Inspector – Diversity Management Unit |  |

- b. An internal annual report will be developed jointly to review progress of the Project.
- c. The Chief of Police will report publicly on progress to the Board annually.
- d. Special issue reports will be produced when appropriate.



## Indicators of Success

The following are meant to be an initial guide for the success of the Project Charter with potential for other indicators to be added:

- a. Human rights issues and concerns at Service are identified and response plans are detailed and implemented;
- b. Specific human rights issues and concerns are addressed, including those identified in target change objectives agreement appended as Appendix A to this Charter;
- c. Human rights complaints processes are running effectively to address human rights concerns within the Service; and
- d. Public confidence is developed in marginalized and alienated communities.

## Appendix A - Target Change Objectives

### Overall Change Objectives

The identification and elimination of any discrimination that may exist in employment policies of the Windsor Police Services Board (Board) and the practices of the Windsor Police Service (Service) that may be contrary to the Ontario *Human Rights Code*.

The identification and elimination of any discrimination that may exist in the provision of policing services by the Service to people in the City of Windsor that may be contrary to the Ontario *Human Rights Code*.

### A. Pre-employment, Employment Practices, Environment

- a. Objectives:
  - i. Support the ongoing efforts to recruit, hire, and retain qualified individuals reflective of the diversity in the City of Windsor area with a respect for human rights and due regard for the language skills, cultural competencies and community ties necessary to provide fair and equitable policing services in a diverse community; and
  - ii. Promote qualified individuals within the Service with the goal of developing a Service workforce that is reflective and representative at all levels, of the diversity in the City of Windsor area.

b. Change Initiatives may include:

- i. Review of existing recruitment and hiring practices and programs to ensure compliance with all human rights requirements;
- ii. Evaluation of whether existing recruitment and hiring practices and programs are appropriate measures to meet the desired goal of recruiting individuals reflective of the diversity in the City of Windsor area with a respect for human rights and due regard for the language skills, cultural competencies and community ties necessary to provide fair and equitable policing services;
- iii. Where necessary, the further development and implementation of recruiting and hiring initiatives which will meet the desired goal of recruiting individuals reflective of the diversity in the City of Windsor area with a respect for human rights and due regard for the language skills, cultural competencies and community ties necessary to provide fair and equitable policing services;
- iv. Regular monitoring to assess whether recruiting and hiring initiatives are fostering the desired change outcome. This monitoring will generally take the form of regular public reports to the Board by the Chief of Police, and will include assessment by the OHRC of the effectiveness of this monitoring regime with possible appropriate recommendations;
- v. Review and evaluation of existing criteria, policies and practices with respect to transfer and promotion of individuals within the Service aimed at ensuring barrier-free access to advancement within the Service for all qualified individuals. Barriers will be assessed relating to all Ontario *Human Rights Code* grounds.
- vi. Where necessary, the further development and implementation of initiatives that encourage, facilitate and provide barrier-free access to advancement for all qualified individuals without discrimination based on any Ontario *Human Rights Code* ground.
- vii. Regular monitoring to assess whether the promotional initiatives are affecting the desired change/outcome. This monitoring will generally take the form of regular public reports to the Board by the Chief of Police, and will include assessment by the OHRC of the effectiveness of this monitoring regime with possible appropriate recommendations;

## B. Training

### a. Objectives:

- i. The Service will continue to provide diversity and human rights training and engage in on-going professional development of all members of the Service with the goal of providing members with the skills and knowledge to provide policing services in a manner which is fully consistent with the non-discrimination requirements of the Ontario *Human Rights Code* and which is professional, respectful, tolerant, and inclusive; and
- ii. Training members of the Service to reinforce or enhance their understanding of what constitutes racially biased policing, racial profiling, racial discrimination and harassment, disability discrimination and harassment, or any other violation of the Ontario *Human Rights Code*.

### b. Change initiatives may include:

- i. Review and evaluation of all current training programs, materials and curriculum, provided to both new recruits and to current members of the Service to determine whether issues of equity and diversity are being addressed sufficiently;
- ii. Where necessary, further evaluation of these programs, materials and curriculum as to whether issues of equity and diversity are being sufficiently addressed;
- iii. Development and implementation of training and learning programs for new recruits addressing issues of racially biased policing, racial profiling, racial discrimination and harassment, disability discrimination and harassment;
- iv. Where necessary further development and implementation of training and learning programs to be provided on a regular and on-going basis, for current Service members addressing issues of racial or faith biased policing, profiling based on race or faith, discrimination and harassment based on race or faith; disability discrimination and harassment;
- v. Regular monitoring of training programs to determine their effectiveness in meeting stated objectives. This monitoring will generally take the form of regular, public reports to the Board by the Chief of Police; the OHRC will assess the effectiveness of this monitoring regime and make appropriate recommendations.

### C. Accountability

- a. Objective:
  - i. Specific accountability measures to ensure support for the change initiatives by all levels of management of the Service.
- b. Change initiatives may include:
  - i. Identification by management personnel of individual goals and plans to meet the overall change objectives;
  - ii. Identification by management personnel of individual goals and plans to be met by members they supervise to meet overall change objectives; and
  - iii. Development and implementation of specific, measurable and achievable performance indicators for all levels of management to measure support for, and compliance with, change initiatives.

### D. Public Liaison

- a. Objectives:
  - i. To ensure that the public is aware of their rights and responsibilities when interacting with the Service; and
  - ii. To improve the Services' relationship with the community to facilitate better policing and effective fulfillment of human rights obligations.
- b. Change initiatives to include:
  - i. Review of the Service website to determine whether additional or further information should be posted on the site to ensure sufficient public awareness of individual rights and responsibilities.
  - ii. Consideration of the development and dissemination of a plain-language brochure containing information consistent with the Service's website.
  - iii. Consideration of community consultation processes to enhance relations with community members, particularly from vulnerable groups.