

IN THE MATTER OF the *Human Rights Code*, R.S.O. 1990, c.H. 19, as amended;

AND IN THE MATTER OF the amended complaints of the Toronto Women's Bathhouse Committee, Lorelee Gillis, Carlyle Jansen, Janet Rowe, Chanelle Gallant, Diane Hamilton, Karen Chan and Carole Thames, each dated February 1, 2003, against the Toronto Police Services Board, Julian Fantino, Dave Wilson, Adrian Greenaway, Richard Petrie, Myron Demkiw and Peter Christie;

AND IN THE MATTER OF the Human Rights Tribunal of Ontario Files HR-0026-04 to 0833-04

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### MINUTES OF SETTLEMENT

WHEREAS the parties to action 02-CV-233603CP are in the process of executing Minutes of Settlement of that action which provide *inter alia* for the payment of \$350,000.00 by the Toronto Police Services Board to various charities and solicitors on terms specified in said minutes,

AND WHEREAS the Toronto Police Services Board has determined as an objective, priority and policy to enter into and implement the terms of the settlement as follows:

THEREFORE, the undersigned agree to settle the Human Rights Complaints herein on the following basis:

1. The complaints against Julian Fantino are withdrawn.
2. The Toronto Police Service (hereafter the "Service ") will continue its recruitment activities as it pertains to Toronto's gay, lesbian, bi-sexual, and trans-gendered community (the "Community"). Recruitment efforts may include, but need not be limited to, activities already undertaken by the Service , including a recruitment booth at the annual Pride Day, a recruitment

booth at town hall meetings and advertisements in newspapers directed at the Community. The Service will also consider such other recruitment initiatives as are brought forward to the Service by the Community. For a period of three years, the Service will report annually to the Toronto Police Services Board (the "Board") respecting these recruitment activities undertaken by the Service, and the Board will provide such reports to the Human Rights Commission (the "Commission").

3. The Service will distribute to members who are leaving the Service a confidential survey form (a copy of which is attached as Appendix "A") and stamped addressed envelope (both as prepared and provided by the Commission) to be completed and submitted to the Commission on a voluntary basis by each departing member. The Commission may, in its discretion, report to the Board on trends, if any, discerned in the exit interviews.

4. The Board will adopt a policy respecting the search and detention of trans-gendered people. The Service will finalize its procedure respecting the search and detention of trans-gendered people in accordance with the policy adopted by the Board, which procedure will be submitted to the Board for its consideration at a public meeting of the Board within one year of the date of execution of these Minutes of Settlement. The Board will ensure that the policy and procedure are provided to the Commission in advance of the meeting so that the Commission may make such representations to the Board as it may consider necessary and desirable to ensure compliance with the *Human Rights Code*.

5. The Board will develop a gender-sensitive policy regarding the attendance of police officers at locations occupied solely by women in a state of partial or complete undress, and the Service will develop and implement a procedure in accordance with this policy.

6. Subject to the consultation referred to in paragraph 7 herein, the Toronto Police Service Training and Education Unit will take responsibility for, and will ensure, the preparation, delivery and evaluation of learning programs to address issues of sensitivity to the Community, and in particular the requirement that the following be conducted in accordance with the *Human Rights Code*:

- what already exists?
- How delivered.

\$200 cops  
2000 civilians  
4 10 hr training days/year

- the inspection of liquor licences and special occasion permits at gay/lesbian venues and businesses;
- attendance at gay/lesbian bathhouses for the purpose of investigating suspected infractions of the Liquor Licence Act or Regulations; and
- the handling by the police of the search, arrest and detention of trans-gendered people.

Separate learning programs will be developed for delivery to two distinct learner groups namely:

- Current and future investigators responsible for supervising or carrying out investigations with respect to the *Liquor Licence Act*; and *specialists*
- Current and future police officers of all ranks, including senior management.  
*General front line officers*

Each learning program will consist of a Course Training Standard and a Training Delivery Plan, which will include:

- Delivery of the training by trainers with sufficient expertise to meet the objectives stated herein;
- Basic descriptive information about the course;
- The purpose of the course;
- The targeted learner group;
- The quantity and quality of the subject matter being taught to the course participants;
- The measurement criteria by which the subject matter/course material will be evaluated; and
- The objectives to be achieved by course participants by the end of the training session.

The Training Delivery Plan will specify the learner group, training delivery method(s), timelines for completion of training to current members of the learner groups, and a plan for delivery of the training to future members of the learner groups.

7. In developing the Course Training Standards and the Training Delivery Plan referred to in paragraph 6, the Training and Education Unit will consult with the complainants, counsel for the Human Rights Commission, the Toronto Police Service's Human Rights Co-ordinator, and the Toronto Police Service's liaison officer for the gay, lesbian, bisexual and trans-gendered community. In addition, the Training and Education Unit may consult with such other individuals as it may consider necessary.

8. If in the course of the above consultations, the complainants reasonably believe that the input of an outside expert would be of assistance to them, the Board will contribute towards the cost of any such retainer by the complainants to a maximum amount of \$1,000.00. The complainants will provide any report of such outside expert to the Training and Education Unit for its consideration. *invoice the cops. At*

9. Before the learning programs are implemented, the Board will request the Director of the Ontario Police College to assess the Course Training Standards and Training Delivery Plans to ensure that the proposed learning programs are adequate, effective, appropriate, and timely to meet the objectives described above. The Director will be asked to report his conclusions in writing to the Board and to the Training and Education Unit. The Board will provide a copy of this report to the Commission.

10. The Training and Education Unit will provide to the Commission all of the information provided to the Director of the Ontario Police College for the purposes of the assessment referred to above, including but not limited to the Course Training Standards and the Training Delivery Plan. This information will be provided to the Commission at the same time as it is provided to the Director of the Ontario Police College. The Commission will review this information to ensure compliance with the *Human Rights Code* and will provide its assessment to the Training and Education Unit.

11. Upon receipt and review of the assessments of the Commission and of the Director of the Ontario Police College referred to above, the Training and Education Unit will finalize the Course Training Standards and Training Delivery Plan by making such revisions as may be necessary to meet the requirements stated in paragraph 6 herein. The Training and Education Unit will provide the finalized Course Training Standards and Training Delivery Plan to the Commission and to the Complainants.

12. As they are being delivered, the training programs will be continuously evaluated by the Training and Education Unit for *reaction* and *learning* as described in Appendix "B" hereto. After the training has been delivered to the current members of the learning groups for one year it will be evaluated by the Training and Education Unit for *transfer* and *impact* as described in Appendix "B" hereto. The Training and Education Unit will provide a report to the Board summarizing the results of these evaluations. This report will be considered at a public meeting of the Board, and the Board will ensure that the Commission and the Complainants who took part in the consultations referred to in paragraph 7 are provided with adequate notice of such meeting so that they may make such representations to the Board as they consider necessary and desirable to ensure compliance with the *Human Rights Code*.

13. The Training and Education Unit will complete and submit the Course Training Standards and the Training Delivery Plan, to the Director of the Ontario Police College and to the Commission by the end of August, 2005, subject to any delays which may be beyond the control of the Toronto Police Service.

14. Commission "Code Cards" will continue to be posted in the public and booking areas of every police facility within the jurisdiction of the Service.

15. Each of Officers David Wilson, Adrian Greenaway, Myron Demkiw, Peter Christie and Richard Petrie shall provide an apology in the form attached hereto as Appendix "C".

16. The parties agree to execute and file with the Board of Inquiry a Form 3 "Confirmation of Full Settlement" and consent to an Order of the Tribunal disposing of the proceeding in accordance with the terms of these Minutes of Settlement.

17. These Minutes of Settlement may be executed in as many counterparts as may be necessary and delivered by facsimile each of which so signed, sealed and delivered shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

18. It is understood and agreed that the Respondents, by entering into this agreement, do not admit any violation or infringement of the *Human Rights Code*. It is further understood and agreed that the complainants do not retract any of their allegations against the parties to this agreement.

These Minutes of Settlement are made as of \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Toronto Women's Bathhouse Committee  
Per:

\_\_\_\_\_  
Toronto Police Services Board  
Per:

\_\_\_\_\_  
Loralee Gillis

\_\_\_\_\_  
David Wilson

\_\_\_\_\_  
Carlyle Jansen

\_\_\_\_\_  
Adrian Greenaway

\_\_\_\_\_  
Janet Rowe

\_\_\_\_\_  
Myron Demkiw

\_\_\_\_\_  
Chanelle Gallant

\_\_\_\_\_  
Peter Christie

\_\_\_\_\_  
Diane Hamilton

\_\_\_\_\_  
Richard Petrie

\_\_\_\_\_  
Karen Chan

\_\_\_\_\_  
The Ontario Human Rights Commission  
Per:

\_\_\_\_\_  
Carol Thames

## **APPENDIX "A"**

### **Confidential Survey Upon Termination of Service With the Toronto Police Service**

The Toronto Police Service is committed to ensuring a quality environment within the Service in accordance with the principles of the Human Rights Code. Section 5 of the Human Rights Code reads as follows:

5(1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability

5(2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, same-sex partnership status, family status or disability.

You are being provided with this survey as part of the employment departure process from the Toronto Police Service. Participation in this survey is optional, anonymous and strictly confidential.

Included is a self-addressed envelope to the Ontario Human Rights Commission. Your response and those of other departing staff will be maintained and shared in the manner determined by the Ontario Human Rights Commission.

Thank you for participating in this survey.

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Was your decision to leave the Toronto Police Service influenced by any discrimination or harassment on the basis of any of the following: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability?

YES ☐ NO ☐

**If the answer to the foregoing question is "Yes", please provide details to the extent you feel comfortable in doing so. Feel free to attach additional pages.**

## Appendix B

### **EVALUATION STRATEGY**

*How will the training be evaluated?*

*All training should be evaluated on the Kirkpatrick Hierarchy of Evaluation. The four levels are:  
**REACTION, LEARNING, TRANSFER and IMPACT.***

**REACTION:** Note how the learner's reactions to the training will be measured. Did the participants find the program positive and worthwhile? This question has many sub-parts relating to the training content, format, the approach taken by the facilitator, physical facilities, audio-visual aids, etc.

**LEARNING:** Did participants learn? Training focuses on increasing knowledge, enhancing skill, and changing attitudes. To answer the question of whether participants learned involves measuring skill, knowledge and attitude on entry and again on exit, in order to determine changes. Note the method to be used to establish that learning has taken place, e.g. pre/post test, exam or project.

**TRANSFER:** Did the learning translate into changed behaviours in the real world? This question asks if learners have been able to transfer their new skills back to the workplace or community. Often it is in this area of transfer that problems occur. There may not be opportunity or support to use what was learned. This may reflect on the training itself but it may also be due to other variables. Note method to be used to determine whether or not a change in behaviour has occurred in the workplace.

**IMPACT:** Did the program have the desired impact? Assuming that the training program was intended to solve some organisational problem, this question asks, 'Was the problem solved?' Note the method to be used to determine whether or not the initial problem or reason for training has been addressed.

The four categories of evaluation are carried out at different times during and after the program:

- **Reaction:** occurs during and after the program.
- **Learning:** occurs prior to, during, and at the end of a training program.
- **Transfer:** occurs back in the 'real world' within six or eight weeks.
- **Impact:** cannot be measured for at least six months and may not occur for considerable time after the delivery of a program.

Every training program will be evaluated to at least the first two levels (Reaction and Learning). The information will be used by; training teams, Section Heads and Unit Commanders to continuously improve the programs.



## APPENDIX "C"

### APOLOGY

The officers who attended the Pussy Palace 2000 on September 14 and 15, 2000 did not intend to breach the reasonable expectations of privacy of the women attending the bathhouse nor did the officers intend to subject the women attending the bathhouse to an unreasonable search in breach of the womens' *Charter* rights. To the extent any of the women attending the bathhouse believed their rights were infringed, the officers regret that their conduct resulted in such a perception.

- Stand-alone training complements APT.  
Policing + Diversity
- 4 10 hour~~s~~ day course: advance patrol training,  
once/year. ALL officers  
Diversity = 1.5 days of it.  
LGBT = Nicky cassettes 90 mins part of  
policing + diversity.
- Lit review requested of LGBT attitudinal  
training & effectiveness.
- offer to meet trainers