

CANADIAN COALITION OF MUNICIPALITIES AGAINST RACISM AND DISCRIMINATION ADVISORY COMMITTEE

TERMS OF REFERENCE

WHEREAS section 190(1) of the *Municipal Act (RSY 2002)* provides that Whitehorse City Council (Council) may establish Council committees to consider matters referred to them by Council, may appoint the members of the Council committees, and may require reports of the findings or recommendations of the Council committees; and

WHEREAS it is deemed appropriate to establish a special committee to be known as the "Canadian Coalition of Municipalities Against Racism and Discrimination Advisory Committee" (Committee) to advise Council and City of Whitehorse administration (administration) on strengthening policies to counter all forms of discrimination to achieve a greater social inclusion within the community; Whitehorse City Council hereby establishes the following terms of reference to prescribe the powers, duties, functions, structure and procedures of the Committee.

INTRODUCTION & BACKGROUND

1. In striving to fulfill the City's Mission Statement "We provide leadership as one of Canada's best local governments that enables Whitehorse to be an exceptional community to live, work, and play", the City of Whitehorse recognizes the particular and diverse needs of all persons, and endeavours to provide plans, policies, services and facilities that meet those needs.

VISION

2. The City's vision for the Committee is to promote the inclusion of all community members in the City of Whitehorse in all aspects of City life and when facilitating changes in City plans, policies, services and facilities, and to provide equal opportunities to all members as a municipal employer, service provider and contractor.

PURPOSE

3. Responsibilities of the Committee are to promote a racism and discrimination free city by:
 - (a) advising the City Council on best practices for developing and implementing policies, plans, services and facilities that eliminate racism and discrimination.;
 - (b) monitoring and reporting to City Council racist and discriminatory practices in the community.
 - (c) acting as a liaison between community members and City Council on issues of racism and discrimination in the community.

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4. Develop an action plan to provide short and long-term goals for addressing racism and discrimination as well as promoting diversity and equal opportunity within City of Whitehorse plans, policies, services and facilities.

SCOPE

5. In meeting its purpose the Committee shall meet to discuss areas of concern with regards to racism and discrimination; and promote cultural diversity, equal opportunity and inclusion of all community members, including aboriginal and minority communities into the cultural fabric of the municipality.

The CCMARD Advisory Committee will work co-operatively and align their efforts avoiding duplication with the Persons with Disabilities Advisory Committee.

APPROACH

6. In meeting the Committee's objectives, the Committee members' responsibilities will be as follows:
 - (a) To attend all regular meetings of the Committee; attendance includes teleconferencing and videoconferencing as needed;
 - (b) To use discrimination, racism and barriers to inclusion as a lens on concerns or issues brought to the Committee for discussion purposes, and to make recommendations to Council and/or administration, with the full understanding that it is the role of Council to make policy, procedural, capital budget and operational budget decisions and investments.

TIMELINE

7. This is an ongoing advisory Committee; therefore, no set timelines have been established.

DEFINITIONS

8. *Discrimination* – treating any individual or group unfavourably on any of the following grounds:
 - (a) ancestry, including colour and race;
 - (b) national origin;
 - (c) ethnic or linguistic background or origin;
 - (d) religion or creed, or religious belief, religious association, or religious activity;
 - (e) age;
 - (f) sex, including pregnancy, and pregnancy related conditions;
 - (g) sexual orientation;
 - (h) physical or mental disability;
 - (i) criminal charges or criminal records;

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- (j) political belief, political association, or political activity;
 - (k) marital or family status;
 - (l) source of income; and
 - (m) actual or presumed association with other individuals or groups whose identity or membership is determined by any of the grounds listed in *Yukon Human Rights Act* paragraphs a) to l). S.Y. 1998, c.11, s.1 and 2; R.S., Supp., c.11, s.6.
9. *Diversity* – A term to encompass all the various differences among people including race, religion, gender, sexual orientation, disability, socio-economic status, etc. – and commonly used in the United States and increasingly in Canada to describe workplace programs aimed at reducing discrimination promoting equality of opportunity and outcome for all groups. Concern has been expressed by anti-racism and race relations practitioners that *diversity* programs may water down efforts to combat racism in all its forms. The term also means the presence of a wide range of human qualities and attributes within a group, organization, or society. The dimensions of diversity include, but are not limited to, ancestry, culture, ethnicity, gender, gender identity, language, physical and intellectual ability, race, religion, sex, sexual orientation, socioeconomic status.
10. *Racism* – A mix of prejudice and power leading to domination and exploitation of one group (the dominant or majority group) over another (the non-dominant, minority or racialized group). It asserts that the one group is supreme and superior while the other is inferior. Racism is any individual action, or institutional practice backed by institutional power, which subordinates people because of their color or ethnicity.
11. *Equity* – A condition or state of fair, inclusive, and respectful treatment of all people. Equity does not mean treating people the same without regard for individual differences.
12. *Intolerance* – Bigotry or narrow mindedness which results in refusal to respect or acknowledge persons of different racial backgrounds./
13. *Multiculturalism* – Federal policy announced in 1971 and enshrined in law in the *Multiculturalism Act* of 1988 which acknowledges the unequal access to resources and opportunities of Canadians who are not of the dominant white group, and urges the recognition of their contributions, the preservation of their cultural heritage and the equal treatment of all Canadians. It can also refer to the existence within one society or nation of two or more nonhomogeneous but equally recognized ethnic, racial, cultural, linguistic or religious groups. Canadian (federal) and Yukon (territorial) policies on multiculturalism ensure this diversity and equal rights for and recognition of all groups.

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14. *Prejudice* – A state of mind; a set of attitudes held by one person or group about another, tending to cast the other in an inferior light, despite the absence of legitimate or sufficient evidence; means literally to “pre-judge”; considered irrational and very resistant to change, because concrete evidence that contradicts the prejudice is usually dismissed as exceptional. Frequently prejudices are not recognized as false or unsound assumptions or *stereotypes*, and, through repetition, become accepted as common sense notions. When backed with power, prejudice results in acts of discrimination and oppression against groups or individuals.
15. *Racial Discrimination* – According to the *International Convention on the Elimination of All Forms of Racial Discrimination*, racial discrimination is any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin, which nullifies or impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
16. *Racial Minority* – A term which applies to all people who are not seen as White by the dominant group including Aboriginal, Black, Chinese, South Asian, South East Asian and other peoples. Sometimes used instead of *Visible Minority*. The term that many people now prefer is “*people of color*” as a more positive term that does not define groups by comparison to the dominant group.
17. *Racial Profiling* – Any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, color, ethnicity, ancestry, religion, or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or differential treatment. Profiling can occur because of a combination of the above factors, and and/or gender can influence the experience of profiling.
18. *Racialization* – The process through which groups come to be designated as different, and on that basis subjected to differential and unequal treatment. In the present context, racialized groups include those who may experience differential treatment on the basis of race, ethnicity, language, economics, religion, culture, politics, etc. That is, treated outside the norm and receiving unequal treatment based upon phenotypical features.
19. *Individual Racism* – The prejudiced individual, direct, or one-to-one action(s) against other individuals because of their group membership and skin color to deprive them of some right (employment, housing).
20. *Institutional Racism or Systemic Discrimination* – The institutionalization of discrimination through policies and practices which may appear neutral on the surface but which have an exclusionary impact on particular groups, such that various minority groups are discriminated against, intentionally or unintentionally. This occurs in institutions and organizations where the policies, practices and procedures (e.g. employment systems – job

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requirements, hiring practices, promotion procedures, etc.) exclude and/or act as barriers to racialized groups. Systemic discrimination also is the result of some government laws and regulations.

21. *Stereotype* – A fixed mental picture or image of a group of people, ascribing the same characteristic(s) to all members of the group, regardless of their individual differences. An overgeneralization – in which the information or experience on which the image is based – may be true for some of the individual group members, but not for all members. Stereotyping may be based upon misconceptions, incomplete information and/or false generalizations about race, age, ethnic, linguistic, geographical or natural groups, religions, social, marital or family status, physical, developmental or mental attributes, gender or sexual orientation.
22. *Tolerance* – Usually meant as a liberal attitude toward those whose race, religion, nationality, etc. is different from one's own. Since it has the connotation of "put up with", today the term *acceptance* is preferred. That is, through anti-racism and equity work we aim to counter intolerance, but to achieve acceptance for all.
23. *Visible Minority* – Term used to describe non-dominant groups who are not White. Although it is a legal term widely used in human rights legislation and various policies, currently the terms *racialized minority* or *people of color* are preferred by people labeled by others to be "visible minorities".

COMPOSITION

24. Committee Selection Process: Advertising will be conducted by the City of Whitehorse to ask for expressions of interest. This will be done by way of application/nomination form(s) from organizations, the business community and/or public/individuals for persons wishing to sit on the Committee.

The application/nomination form will require self-identification of the person's familiarity of discrimination or racism issues and/or how their involvement will add perspective and be consistent with the vision, purpose, and scope. It is the intent to be as inclusive as possible.
25. The applications will be collated by administration for selection by the Committee. A proposed selection would then be put forward to Council for ratification by the way of resolution.
26. There will be membership goals, but not a quota system. Membership in the Committee should:
 - Represent a balance of perspectives from the community at large
 - Include representation from First Nations
 - Include gender balance
 - Include representation from youth and older adults

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- Include representation from the business community
 - Include culture and language representation
 - Include individuals from organizations challenging discrimination and racism
27. The selection panel for the Committee will be the same as the Terms of Reference committee members. Those involved in developing the Terms of Reference who wish to apply as a member of Committee will remove themselves from the selection panel.
28. Council will review the recommended selections and hear the Committee's rationale at a City of Whitehorse Standing Committee meeting. Council will ultimately approve or not approve the selections or an amended selection list by way of Council resolution.
29. The Committee shall consist of ten members who shall be appointed by resolution of Council for a term of not more than 3 years and shall incorporate the following principles:
- (a) Initial appointments may be made for 1, 2 or 3 year terms at Council's discretion in order to maintain continuity;
 - (b) Committee members may be re-appointed for additional 1, 2 or 3 year terms at Council's discretion;
 - (c) One member will be a member of City Council (ex-officio) who will be non-voting for the purposes of the Committee but will act in a 'City' advisory/information/ resource capacity to the Committee;
 - (d) All members of the Committee shall be from the community at large;
 - (e) The members of the Committee shall hold office until their term expires or they provide notice of resignation. Their successors are to be appointed within three months;
 - (f) Members may appoint an alternate to represent that Member and act on their behalf during absences as long as the alternate is authorized in advance by the Committee Chair. Such authorization shall not be unreasonably denied.
- Notwithstanding the foregoing, Committee members are invited to bring a support person to meetings, however, the support person cannot assume Committee member privileges;
- (g) Where a member of the Committee fails to attend (including teleconference and videoconference) three consecutive meetings of the Committee, the member's seat shall become vacant unless the member has been excused by resolution of the Committee.

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If any member misses three (3) consecutive meetings without approval of the Committee, the member shall be struck from the Committee membership and the seat replaced by appointment of Council;

- (h) In the event that any member ceases to be a member of the Committee before the expiration of their term, Council, in consultation with the remaining members of the Committee, may appoint another person to be a member for the un-expired portion of the term. The Council will consider the balance of membership as outlined in “Composition – 26.”
- (i) In the event that a member of the Committee is unable or unwilling to continue to serve on the Committee, for whatever reason, Council may appoint a replacement by resolution;
- (j) Council may remove any member of the Committee for any good and sufficient cause, including serious misconduct, habitual neglect of duty, incompetence, conduct incompatible with this Terms of Reference, act in prejudice toward the City of Whitehorse, or wilful disobedience of the Committee’s resolutions.

SUB-COMMITTEES

- 30. The Committee may establish sub-committees as required.
- 31. The Chair will be an ex-officio member of all sub-committees.
- 32. The Committee may appoint persons from outside the Committee to a sub-committee.
- 33. Sub-committees shall:
 - Be chaired by a Committee member, and
 - Report back to the Committee for consideration of findings.

MEETINGS

- 34. The Committee shall select a Chairperson and Vice-Chairperson from amongst its voting members. No member of Council shall be eligible for selection as Chairperson or Vice-Chairperson.
- 35. Regular meetings of the Committee shall be held monthly, with the date and place to be determined by the Chairperson in consultation with the Committee. Funding for Committee meetings, if required, will be provided by the City of Whitehorse.
- 36. All meetings shall be open meetings; particularly meetings held expressly for the purpose of gathering public input.
- 37. Notwithstanding sections 35 and 36, special meetings which are open and in addition to the regular meetings may be called by the Chairperson.

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38. Notwithstanding sections 35, 36 and 37, special 'In Camera' meetings of the Committee may be called by the Chairperson.
39. A quorum of the Committee shall consist of four voting members.
40. The Chairperson may cancel any scheduled meeting of the Committee if it is felt that a quorum will not be achieved or if there are no items for the agenda.
41. If a quorum is not present within 20 minutes after the time appointed start time of a meeting, the meeting will be terminated and re-scheduled for another date and time that falls within two weeks of the terminated meeting.
42. In all other respects, the rules of procedure for the Committee shall be governed by the City's Council Procedures Bylaw insofar as it may be applicable.
43. Anyone is eligible to be present at Committee meetings conducted in public unless City Administration at any meeting expels a person for disrespectful behaviour.
44. Committee meetings must be conducted in public unless the matter to be discussed is still under consideration by City Council and public discussion would prejudice the City's ability to carry out its activities or negotiations. In that event, the Committee may choose to conduct the meeting "In camera". All those in attendance who are not members of the Committee will be required to leave the meeting while the matter is under discussion.
45. All decisions of the Committee shall be in the form of resolutions duly passed by a majority of its Members present. The Committee shall strive to reach consensus on issues, and shall forward recommendations in the form of Committee resolutions to the Council.
46. The Committee may request the attendance of City administration and administration may request to be placed on the Committee agenda in order to establish reciprocal communication between the two entities.

REMUNERATION

47. The members of the Committee, including the Chairperson, shall serve in a volunteer capacity only, with no remuneration. The City will provide teleconferencing. Videoconferencing may be provided if required.

REPORTING RELATIONSHIP

48. A representative from City administration will act as a liaison between the Committee and City Council and will attend all meetings. The representative will be the Director, Community and Recreation Services and/or his or her delegate.

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CITY PROJECT PLANNING OBLIGATION

49. The City shall make every effort to ensure all relevant plans, projects, policies, and services undertaken by the City be referred to the Committee during the City's planning stage and not subsequent to plans being developed.

COMMITTEE DUTIES

50. The Committee shall give due consideration to all issues brought to it by City Council, Committee members, City administration, and/or the public at large. Recommendations shall be submitted back or through to Council, City administration, or the public at large through the representative on the Committee as resolutions of the Committee. Recommendations / resolutions will consist of measures to be used in the City's bylaws, policies, programs, practices and services to counter all forms of discrimination and to achieve greater social inclusion.
51. The Committee shall be available to consult frequently, outside of regular Committee meetings, with City Council, Committee members, City administration, and/or the public at large to identify discrimination or racism issues in the community.
52. Subject to the provisions of this Terms of Reference and all other City, Territorial or Federal laws, the Committee can study and report to Council on matters within the City's jurisdiction which affect or may affect persons or groups being challenged by racism and discrimination, and in particular:
- (a) Advise Council on the issues related to human rights;
 - (b) Consult with City departments to promote City services and facilities which meet the needs of all residents equally;
 - (c) Provide information upon request to community members and organizations regarding services and facilities for all persons equally;
 - (d) With respect to section 45 herein, review, monitor and make recommendations respecting inclusion of existing and proposed City policies, plans, services and facilities;
 - (e) Receive referrals from Council and its standing committees for review and recommendation;
 - (f) Nominate persons for appointment to other agencies, boards and committees as directed by Council.
53. The Committee's general project areas may include, but are not limited to, research and making recommendations on actions that inform and guide their work pertaining to the UNESCO 10 commitments:
- Increase vigilance against systemic and individual racism and discrimination

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- Monitor racism and discrimination in the community more broadly as well as municipal actions taken to address racism and discrimination
 - Inform and support individuals who experience racism and discrimination
 - Support policing services in their efforts to be exemplary institutions in combating racism and discrimination
 - Provide equal opportunities as a municipal employer, service provider and contractor
 - Support measures to promote equity in the labour market
 - Support measures to challenge racism and discrimination and promote diversity and equal opportunity in housing
 - Involve citizens by giving a voice in anti-racism initiatives and decision-making
 - Support measures to challenge racism and discrimination and promote diversity and equal opportunity in the education sector and in other forms of learning
 - Promote respect, understanding and appreciation of cultural diversity and the inclusion of Aboriginal and racialized communities into the cultural fabric of the municipality.
54. The Committee will research and promote best practices that combat discrimination and racism with the intent that all persons be recognized as equals rather than as distinct and separate groups
55. Prepare and present an action plan (based on #53 commitments) to Council that will flow into the City's annual budget planning process. The action plan will focus on the identification, removal and prevention of barriers to any persons within the community, give an update on progress the City has made in the preceding year in removing barriers, and provide advice on the City's ongoing policies, plans, operations and capital plans. The Chair or his or her delegate will present the action plan to City Council at a Council And Senior Management Meeting (CASM) and then to a Standing Committee meeting of Council under the Community Services Committee.
56. Copies of Committee minutes shall be forwarded to Council and administration.

ADVOCACY

57. If the Committee identifies an issue under the jurisdiction of another order of government that affects any person negatively in the community, the Committee may advise Council on the issue.

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58. If the Committee wishes to advocate on an identified issue, the Committee will:
- Research the issue and make recommendations to Council
 - Request a decision on Council's position on the issue.
 - Include it in the Committee's annual report.

FINANCE, ADMINISTRATION AND TECHNICAL SUPPORT

59. The City Clerk or his or her delegate shall act as Administrative Coordinator and Recording Secretary for the Committee. Members of the City management team or their designate may attend meetings as requested by the Committee.
60. For the purposes of fulfilling the administrative functions, the Administrative Coordinator shall perform the following duties:
- (a) Provide general assistance to the Committee;
 - (b) Arrange for a meeting room to hold business meetings;
 - (c) Contact Committee members to establish meeting dates. Confirm meeting dates with members and any interested person upon request;
 - (d) Arrange teleconferencing and videoconferencing as needed
61. The Administrative Coordinator and Recording Secretary shall, in cooperation with the Chairperson, prepare all meeting agendas and distribute them to Committee members at least five (5) days in advance of the meeting or as soon thereafter as is possible.
62. The Administrative Coordinator and Recording Secretary shall prepare minutes of all meetings of the Committee, including its recommendations to the City Council, City administration, or the public at large.
63. The minutes will be approved by the Committee by resolution before posting and / or dissemination.
64. The minutes of the Committee will be posted on the City of Whitehorse web site as soon thereafter any given meeting as possible.
65. The Administrative Coordinator and Recording Secretary shall forward all original signed minutes and recommendations of the Committee to the City Clerk for retention.

APPOINTMENT OF EMPLOYEES FOR ASSISTANCE

66. The Committee may request Council to appoint such officers or employees as it may deem necessary in order to assist in the performance of their duties.

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BUDGET

67. A budget for expenses arising from the operation of the Committee in the administration of this Terms of Reference will be submitted to Council for approval.
68. The budget shall be prepared and presented to Council by the Director of Community and Recreation Services, in consultation with the Committee.
69. The Committee's budget will be administered by the Director of Community and Recreation Services.
70. The Committee shall have no authority to expend or commit financial resources of the City of Whitehorse. The Committee may undertake partnerships and fundraising initiatives to assist in carrying out their objectives.

AMENDMENTS

71. The Committee can recommend to Council by way of Committee resolution amendments to these Terms of Reference.

TERMINATION

72. Council may, by resolution, dissolve the Committee at any time, or amend these Terms of Reference.