

From: Joe Clark  
Subject: Request for dispute resolution  
Date: 2015-Jun-08 at 12:04  
To: [disputeresolution@pridetoronto.com](mailto:disputeresolution@pridetoronto.com)

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I ask for dispute resolution. The respondent is TD Group.

## **REQUEST FOR DISPUTE RESOLUTION PROCESS FORMS DO NOT EXIST**

DRP instructions state the following:

### **How Do I File a Complaint through the Dispute Resolution Process?**

The complainant(s) must complete the Request for Dispute Resolution Process form (downloadable from Pride's web site) to initiate a complaint.

No such form exists anymore. In fact, in a response to its own Facebook message dated 2015.05.28 10:36, Pride Toronto states the following:

Amber Sherwood-Robinson [to] Pride Toronto

I can't seem to find the actual Request for Dispute Resolution Process form you refer to in the PDF info sheet. It says it's on the website but a search turns up nothing... A link would be helpful.

Pride Toronto

There's no form – you must send a letter of complaint to [disputeresolution@pridetoronto.com](mailto:disputeresolution@pridetoronto.com)

I found and used the appropriate form anyway.

I request arbitration.

## **STATEMENTS REQUIRED BY D.R.P. INSTRUCTIONS**

The instructions also state:

When filling out the Request for Dispute Resolution form, the complainant(s) should:

- specify the parade or march rule or governing Policy that has been violated;
- identify the specific nature of the violation;
- identify the person(s) or group(s) responsible for the violation;
- identify the nature of the corrective action you are requesting or the penalty you are seeking to have imposed; and
- identify whether you would like the complaint resolved through mediation or arbitration.

The group responsible for the violations is TD Group. Policies violated are as follows.

The Pride Week 2015 Parade Terms and Conditions state that, “[i]n order to participate in the 2015 Pride Parade, all organizations, affiliates, and individuals must... [s]upport the mission, vision, and values of Pride Toronto [and s]ign the Parade Undertaking document.”

The “Pride Toronto Mission, Vision, and Values” document lists two pages of bromides, including:

**Value Diversity** – by accepting and respecting differences and working to understand the diverse cultural complexities that influence identity, assumptions, behaviors [sic], expectations, and beliefs.

**Respect** – volunteers, staff and stakeholders by creating and sustaining an environment where we treat each other with respect and dignity.

But Pride Toronto’s letters patent, dated 1995.10.30, state that the objects for which the corporation is incorporated are:

staging in the Municipality of Metropolitan Toronto an annual celebration and informational, educational and cultural festival by and for lesbian, gay, bisexual, transsexual and transgenderal people of their sexual and gender orientations and identities, and their histories, cultures, communities, organizations, relationships, achievements and lives; and such other complementary purpose in furtherance of and not inconsistent with the foregoing objects.

#### **VIOLATION BY RESPONDENT: “VALU[ING] DIVERSITY” and “RESPECT”**

The respondent, TD Group, runs TD Canada Trust bank operations in Canada. In October 2014 – less than a year before the 2015 Pride event, hence within the implied catchment period of the DRP – Xtra reported that TD had mistreated a customer who claimed to be transgender.

<<http://www.dailyxtra.com/toronto/news-and-ideas/news/trans-customers-locked-td-bank-accounts-97234>>

A TD Bank Group employee shut out a Toronto trans woman from her bank accounts and credit card because he didn’t like the sound of her voice on the phone the

and credit card because he didn't like the sound of her voice on the phone, the woman alleges.

"I got locked out of all my accounts because... my voice wasn't completely perfect," says Emily-Rose Kinsley, a self-employed business owner. "He was calling me 'ma'am' but then switched to 'sir,' " she says. "[He] refused access [to my records] and then called me a man because of my voice and said that I was being locked out... [he] didn't even ask me my security questions," she claims.

Kinsley says TD's customer service representatives refused to listen to her when she called back and appeared to have no awareness of trans issues. "I even told them I was transsexual, and they just hung up," she explains. "I was shocked; it made me cry."

Without access to her money, Kinsley was at a loss. "I couldn't eat or smoke or anything for two days." She says she used to trust TD with her money "but not anymore."

"They made me cry; they made me scared to be me. They told me I was a guy. I can't trust anyone who would treat me with such disrespect." [...]

Eventually, Kinsley regained access to her money. "It took me five attempts, and five hangups, to get any help," she explains. She says someone from TD told her that they have annotated her computer file in a way that "outs" her without her consent: "All my accounts now say I'm a deep-voiced transsexual," she reports. "That is not okay."

Newman agrees. "I personally find it disturbing that you are forced to be outed as trans just so some call-centre rep doesn't lock out all your banking because you don't sound like your proper gender."

Kinsley is not the only transgender customer who has had problems with TD. Sam (who asked that Xtra use only her first name) reports an almost identical experience. "I had forgotten my PIN number and been locked out of my bank account. So I called [TD customer service]. They asked me security questions, which I knew the answers to." Despite passing the standard security test, Sam says she was still refused phone service.

"They said I had to go in to the bank," she says. Unlike Kinsley, Sam had a backup account at a different bank, so she had other options. When she did visit her branch

account at a different bank, so she had other options. When she did visit her branch, she says, she was told “there was a note on my account saying a guy called in pretending to be (me), and we locked the account.” Sam also reports that her bank manager insisted on adding a notation to the file, saying she is a transgender woman.

“TD is a proud supporter of the LGBT community,” says Ron Puccini, senior manager of diversity at TD. TD Canada Trust is a major annual sponsor of Pride Toronto, including 2014’s WorldPride, and routinely runs pro-gay and –lesbian banking advertisements during the Pride season.

Despite the experiences reported by both Kinsley and Sam, Puccini says that “we do not practise putting personal information on customer profiles that ‘outs’ them.” However, he does not deny that TD judges callers on the quality of their voices: “In order to prevent fraud against our customers, TD uses a variety of best practices, including voice authentication.”

In other words, TD did not deny the events happened, and in fact reiterated that the events were consistent with corporate policy.

As such, TD violates its contractual obligation to “Value Diversity” and “Respect” Pride participants. It differentially treats, i.e., discriminates against, certain transgendered individuals. It acts in violation of Pride’s letters patent. According to the public evidence, TD runs a telephone-banking operation that Pride Toronto would surely describe as “transphobic.”

To wit, in a Facebook posting dated 2015.06.04 16:27, Pride Toronto declared:

Pride Toronto would like to make clear that we are not associated with El Furniture Warehouse Toronto, and their event is not an official Pride Toronto event, nor part of our Affiliate Event program.

Pride Toronto does not associate or endorse any vendors or businesses that take part in any sort of transphobic activities, remarks or behaviours – there is zero tolerance.

Zero tolerance means zero tolerance, whether to a largely inconsequential, penniless mom-’n’-pop operation bearing no affiliation with Pride Toronto or to Pride’s Platinum Sponsor (sic).

## **VIOLATION BY RESPONDENT: ANTIDISCRIMINATION**

The “Parade And March Undertaking” (capitalization sic) requires that:

On behalf of and with the authority of the organization/business or individual making this application, you hereby declare that the policies upholding equal opportunity and non-discrimination have been adopted by which discrimination on the grounds of age, ancestry, citizenship, creed (religion), colour, disabilities, ethnic or national origin, marital or family status, gender identity, HIV/AIDS, level of literacy, membership in a union or staff association, place of origin, political affiliation, race, receipt of public assistance, record of offenses [sic], sex, sexual orientation, or other personal characteristics is prohibited by or within the organization/business or individual.

All TD has to say about its nondiscrimination or antidiscrimination policies can be found in its Code of Conduct and Ethics for Employees and Directors.

<<https://www.td.com/document/PDF/governance/td-governance-code-ethics.pdf>>

TD is committed to conducting all of its affairs with fairness and equity and fostering a unique and inclusive culture by providing a safe and respectful work environment that is free from harassment, discrimination, violence and other unacceptable behaviour as defined in the Respectful Workplace Policy. In support of this commitment... TD will not condone, tolerate or ignore any harassment or discrimination on any ground protected by applicable law.

The Respectful Workplace Policy is not published. It may not actually exist.

“Applicable law” here is the Ontario Human Rights Code, whose enumerated grounds are fewer than those in the Parade And March Undertaking. In specific, “HIV/AIDS,” “level of literacy,” “political affiliation,” and “other personal characteristics” are not protected by applicable law, to use TD’s wording.

The burden of proof is on the respondent to show, ante facto, that it complies with its contractually obligated nondiscrimination requirements. The available facts show that TD does not ensure “equal opportunity and non-discrimination” on all the grounds enumerated by Pride Toronto. As such, TD has signed a contract with Pride Toronto in knowing violation of its terms.

## **CORRECTIVE ACTION DEMANDED**

Ban TD group from all marches and parades for two years.

## **OTHER D.R.P. REQUIREMENT**

Another stated requirement for the DRP is:

Complaints about a Pride Toronto approved participant must be filed within 30 days of the date the list of approved participants is released by Pride Toronto.

Pride Toronto couldn't get its act together to date its list of approved participants – or, for that matter, to alphabetize them. I have no reason to believe I am beyond the 30-day limit.

## **ATTACHMENTS**

Completed Request for Dispute Resolution form

In a combined PDF:

- Screenshot of Pride Toronto Facebook conversation about unavailability of DRP form
- Pride Toronto Letters Patent
- Printout of Daily Xtra article “Trans customers locked out of TD Bank accounts”
- Extract from TD Code of Conduct and Ethics for Employees and Directors
- Screenshot of Pride Toronto Facebook conversation about zero tolerance



joeclark\_DRP-  
TD\_compla...150608.pdf



joeclark\_DRP-  
TD\_append...50608.pdf

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**Pride Toronto**

May 28 at 10:36am · 🌐

Pride Toronto has received numerous complaints about the Canadian Association for Equality (CAFE) regarding their application to march in this year's Pride Parade and we would like to thank everyone for providing their feedback and concerns.

Pride Toronto takes these complaints very seriously and our Dispute Resolution Process has now been activated to look into this matter thoroughly and promptly. To respect the impartiality of this process, Pride Toronto will not be making any comments until the arbitrator makes a decision shortly.

The Board and the staff are confident in our Dispute Resolution Process, and, as an organization, we are committed to remain fair while treating everyone with respect.

**Click here for details on Pride Toronto's Dispute Resolution Policy.**

[PRIDETORONTO.COM](http://PRIDETORONTO.COM)

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**Amber Sherwood-Robinson** **Pride Toronto** I can't seem to find the actual Request for Dispute Resolution Process form you refer to in the PDF info. sheet. It says it's on the website but a search turns up nothing... A link would be helpful.

May 29 at 2:47pm



**Pride Toronto** There's no form - you must send a letter of complaint to [disputeresolution@pridetoronto.com](mailto:disputeresolution@pridetoronto.com)

May 29 at 4:11pm

Appendix 26 – Pride Toronto Letters Patent

This space is for  
Ministry Use Only  
Espace réservé à  
l'usage exclusif  
du ministère

Ontario  
Ministry of  
Consumer and  
Commercial  
Relations  
**LETTERS PATENT**  
Les brevets de lettres patentes sont  
de propriété exclusive des  
lettres patentes accordées par  
le ministre de la  
Consommation et du Commerce

Ontario Corporation Number  
Numéro de la personne morale en Ontario

**1157636**

**NOVEMBER 30 NOVEMBRE, 1995**

Minister of Revenue  
Ministre des Revenus

Minister of Consumer and Commercial Relations  
Ministre de la Consommation et du Commerce

Patrol  
Général Directeur

**APPLICATION FOR INCORPORATION OF A CORPORATION WITHOUT SHARE CAPITAL  
REQUÊTE EN CONSTITUTION D'UNE PERSONNE MORALE SANS CAPITAL ACTIONS**

1. The name of the corporation is / Dénomination sociale de la personne morale :

L	E	S	B	I	A	N	,	G	A	Y	,	B	I	S	E	X	U	A	L	,	T	R	A	N	S
E	X	U	A	L	A	N	D	T	R	A	N	S	G	E	N	D	E	R	A	L	P	R	I	D	E
T	O	R	O	N	T	O																			

2. The address of the head office of the corporation is / Adresse du siège social:

**508 Church Street, 3rd Floor**  
(Street & No. or R.R. No. or Lot & Concession No. or Lot & Plan No. / Post Office Box No. not acceptable, if Multi-Office Building give Room No.)  
 (Rue et numéro ou R.R. et numéro ou numéro de lot et de concession ou numéro de lot et de plan, numéro de boîte postale inacceptable, si le siège d'un office à bureaux, numéro du bureau)

**Toronto, Ontario** **M4Y 2C8**  
(Postal Code/Code postal)  
(Name of Municipality)  
(Nom de la municipalité)

3. The applicants who are to be the first directors of the corporation are:  
 Requérants appelés à devenir les premiers administrateurs de la personne morale :

<b>Name in full, including all first, middle names Nom et prénom au complet</b>	<b>Residence address, giving Street &amp; No., or R.R., No. or Lot &amp; Concession No., or Lot &amp; Plan No., and Postal Code (Post Office Box No. not acceptable) Adresse personnelle y compris la rue et le numéro ou la R.R. et le numéro, ou le numéro de lot et de concession, ou le numéro de lot et de plan, ainsi que le code postal (Numéro de boîte postale inacceptable)</b>
<b>Laurie Anne Bryson</b>	<b>12A Cawthra Square, Toronto, Ontario M4Y 1K8</b>
<b>Richard Thomas Churchill</b>	<b>52 Havelock Street, Toronto, Ontario M6H 3B5</b>
<b>Ailsa Kinton Craig</b>	<b>82 Maitland Street, #1, Toronto, Ontario M4Y 1E1</b>
<b>James Roderick Kelly</b>	<b>100 Maitland Street, #904, Toronto, Ontario M4Y 1E2</b>
<b>Michael William McGaraghty</b>	<b>216 Seaton Street, #4, Toronto, Ontario M5A 2T4</b>
<b>Eric Moore</b>	<b>980 Broadview Avenue, #706, Toronto, Ontario M4K 3Y1</b>
<b>James Bryant Nero</b>	<b>565 Sherbourne Street, #1115, Toronto, Ontario M4X 1W7</b>

07109 (04/94)

4. The objects for which the corporation is incorporated are:  
Objets pour lesquels la personne morale est constituée:

staging in the Municipality of Metropolitan Toronto an annual celebration and informational, educational and cultural festival by and for lesbian, gay, bisexual, transsexual and transgenderal people of their sexual and gender orientations and identities, and their histories, cultures, communities, organizations, relationships, achievements and lives;

and such other complementary purposes in furtherance of and not inconsistent with the foregoing objects.

5. The special provisions are-Dispositions particulières:

The corporation shall be carried on without the purpose of gain for its members, and any profits or other accretions to the corporation shall be used in promoting its objects.

La personne morale doit exercer ses activités sans rechercher de gain pécuniaire pour ses membres, et tout bénéfice ou tout accroissement de actif de la personne morale doit être utilisé pour promouvoir ses objets.

6. The names and residence addresses of the applicants:

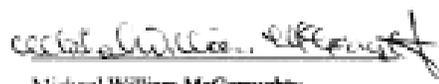
Nom et prénoms et adresse personnelle des requérants :

4

Name in full, including all first/middle names Nom et prénoms au complet	Residence address, giving Street & No., or R.R., No. or Loc. & Concession No., or Lot & Plan No., and Postal Code (Post Office Box No. not acceptable) Adresse personnelle y compris la rue et le numéro ou la R.R., et le numéro, ou le numéro de lot et le concession ou le numéro de lot et de plan, ainsi que le code postal (Numéro de boîte postale inacceptable)
Laurie Anne Bryson	12A Cavilra Square, Toronto, Ontario M4Y 1K8
Richard Thomas Churchill	52 Havelock Street, Toronto, Ontario M6H 3B5
Ailsa Kinton Craig	82 Maitland Street, #1, Toronto, Ontario M4Y 1E1
James Roderick Kelly	100 Maitland Street, #904, Toronto, Ontario M4Y 1E2
Michael William McGaraghty	216 Seaton Street, #4, Toronto, Ontario M5A 2T4
Eric Moore	980 Broadview Avenue, #706, Toronto, Ontario M4K 3Y1
James Bryant Nero	565 Sherbourne Street, #1115, Toronto, Ontario M4X 1W7

This application is executed in duplicate.  
La présente requête est faite en double exemplaire.

Signatures of applicants / Signature des requérants

 Laurie Anne Bryson	 Richard Thomas Churchill
 Ailsa Kinton Craig	 James Roderick Kelly
 Michael William McGaraghty	 Eric Moore
 James Bryant Nero	

- Provide or serve alcoholic beverages in TD business locations or at TD events to individuals (including employees) who are under the legal drinking age or who are impaired/intoxicated; and
- Consume, possess, sell or distribute illegal substances, especially while in or on TD premises, (including buildings, parking lots, surrounding grounds and in TD owned or leased vehicles), at any TD function, or at any time when one could be identified as a TD employee.

When alcoholic beverages are served and consumed at TD business premises or events, the most senior manager responsible for the premises or event is responsible for ensuring compliance with any local laws or regulations, and for putting procedures in place to comply with this section. As we are all responsible to maintain a healthy and safe workplace, we should take reasonable steps to prevent any co-worker, customer, supplier or other guest from driving while impaired/intoxicated, and should immediately report the situation to a responsible member of management.

#### **D. Human Rights, Diversity, Inclusion and Preventing Violence in the Workplace**

TD is committed to conducting all of its affairs with fairness and equity and fostering a unique and inclusive culture by providing a safe and respectful work environment that is free from harassment, discrimination, violence and other unacceptable behaviour as defined in the *Respectful Workplace Policy*. In support of this commitment:

- TD will not condone, tolerate or ignore any harassment or discrimination on any ground protected by applicable law.
- TD will not condone, tolerate or ignore violence or threats of violence.
- Every employee, potential employee and director, as well as every customer, supplier or other person in a business relationship with TD must be treated with dignity and respect.
- We are all responsible for treating others with dignity and respect.
- We must report any inappropriate behaviour of which we are aware or suspect.
- TD will train managers so they can maintain a harassment, discrimination and violence-free workplace, and promptly address concerns raised with, or observed by, them.





## Pride Toronto

June 4 at 4:27pm · Edited ·

Pride Toronto would like to make clear that we are not associated with El Furniture Warehouse Toronto, and their event is not an official Pride Toronto event, nor part of our Affiliate Event program.

Pride Toronto does not associate or endorse any vendors or businesses that take part in any sort of transphobic activities, remarks or behaviours - there is zero tolerance.



**Jackie Smith** They have only apologized because someone made an issue - not because they realize it was wrong. If no one made a fuss would they have issued a statement? Nope probably not. An apologize does not always make it right - and should never be accepted when when "jokes" are made at the expense of others

2 · June 4 at 7:34pm



**Andrea Petch** Absolutely disgusting! I had gone there a few times..never again!

1 · June 4 at 4:46pm



**Franklin Starr** They apologized. It should be noted. Now, let's move on...

2 Replies



**Fred Schoepke** Absolutely divan.

June 5 at 1:50pm



**J Anwar Pena** never again

June 4 at 6:38pm



**Fredde Von Fin** just so people are aware: employees of EI Furniture, who CLAIM to not share this opinion, are reporting friends/facebook friends who post anything about it. I guess in an effort to quiet the whole thing? but it's really confusing how they claim to disagree with the instagram post, and then report someone for talking about it at all.

June 5 at 1:00pm · Edited



**Jazminn Hayes** I hope everyone throwing negativity on here is also throwing negativity on the original account that posted the photo. Everyone makes mistakes. Even YOU reading this comment. Multiple apologies have been made.

June 4 at 9:12pm



**Colton Evans** Wow, why would they post something like they did?! Shameful!

June 4 at 9:52pm



**Stanley Bradley** it's was tasteless

June 4 at 7:54pm



**Tyler Ennis** <http://www.buzzfeed.com/.../this-canadian-bar-posted-a-...>



**A Bar's Instagram Account Targeted Caitlyn Jenner With An Anti-Trans Post**

"Sorry it doesn't meet your high moral standards." The...

BUZZFEED.COM

June 4 at 6:17pm



**Jordan West** Forgiveness goes a long way. I mean, everyone seems to have forgiven Caitlyn for causing a fatal car accident half a year ago. But perhaps some "crimes" are deemed worse than others here.

June 5 at 6:17pm



**Shona Fraser** I wrote an official complaint about CAFE. I don't understand how a non LGBTQ group has any thing to do with the human rights of LGTBQ people. Why do we march?

June 4 at 7:47pm



**Nancy MacMillan** I think people need to not get offended so easily...



**Patricia Raper**

June 4 at 4:39pm