

August 28, 2023

Durham Regional Council

Dear Mayor and Councillors,

Legislative Amendments to Improve Municipal Codes of Conduct and Enforcement:

This request is from The Women of Ontario Say NO, a grassroots advocacy effort comprised of individuals, organizations, and community groups. We are committed to ensuring that locally elected officials are held accountable for violence and harassment in municipal workplaces. This advocacy stems from a number of egregious cases throughout the province including Ottawa, Barrie, and Mississauga. You can learn more on our website: <https://www.thewomenofontariosayno.com/>

Many councillors will know that on May 31st, 2023, the government voted down Bill 5 – The Stopping Harassment and Abuse by Local Leaders Act. At that time 160 municipalities had endorsed their support for Bill 5. In 2021, the Association of Municipalities Ontario recommended changes to strengthen municipal codes of conduct for elected officials. Again in 2023, after meetings with our group, the AMO issued a statement again calling on government to implement legislation change on this matter. AMO also provided sample resolution text for councils that wish to lend their support to this call: [Codes of Conduct, Changes to Visible Fees, and Fees Charged to Beverage Producers | AMO](#) These recommendations have still not been implemented.

We are calling on your municipality to be an active and engaged voice in your own workplace safety and that of the municipal staff in holding municipally elected representatives accountable for violence and harassment.

- **We are therefore asking Council to pass the attached motion of March 27, 2023, issued by AMO, calling for government legislation on this issue.**
- **We are requesting the motion include the communication that this legislation be prioritized for the fall of 2023 given the urgency of this issue.**
- **We are asking that a letter expressing support for the motion be sent to: The Premier, Local MPPs, Minister of Municipal Affairs, Associate Minister of Women's Social and Economic Opportunity, AMO and local municipalities.**

We are counting on you as leaders to ensure your municipal workplace is safe and that there is basic human rights protection for all persons. This cannot wait any longer. This legislation needs to move ahead without any further delay.

Thank you in advance for being open to advocating for legislative change that will help ensure workplaces and community spaces are safe for everyone!

If you have any questions, please contact us at thewomenofontariosayno.team@gmail.com.

Sincerely,

Elizabeth Bridge

On Behalf of

The Women of Ontario Say NO

AMO Sample Resolution Text

Legislative Amendments to Improve Municipal Codes of Conduct and Enforcement

Whereas, all Ontarians deserve and expect a safe and respectful workplace;

Whereas, municipal governments, as the democratic institutions most directly engaged with Ontarians need respectful discourse;

Whereas, several incidents in recent years of disrespectful behaviour and workplace harassment have occurred amongst members of municipal councils;

Whereas, these incidents seriously and negatively affect the people involved and lower public perceptions of local governments;

Whereas, municipal Codes of Conduct are helpful tools to set expectations of council member behaviour;

Whereas, municipal governments do not have the necessary tools to adequately enforce compliance with municipal Codes of Conduct;

Now, therefore be it resolved that (MUNICIPALITY NAME) supports the call of the Association of Municipalities of Ontario for the Government of Ontario to introduce legislation to strengthen municipal Codes of Conduct and compliance with them in consultation with municipal governments;

Also be it resolved that the legislation encompass the Association of Municipalities of Ontario's recommendations for:

- Updating municipal Codes of Conduct to account for workplace safety and harassment
- Creating a flexible administrative penalty regime, adapted to the local economic and financial circumstances of municipalities across Ontario
- Increasing training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the province
- Allowing municipalities to apply to a member of the judiciary to remove a sitting member if recommended through the report of a municipal Integrity Commissioner
- Prohibit a member so removed from sitting for election in the term of removal and the subsequent term of office

#THEWOMENOFONTARIOSAYNO

A call for legislation to hold municipally elected leaders accountable for violence and harassment

Overview

Who We Are

The Women of Ontario Say No is a non-partisan group of individuals, municipalities and community groups committed to holding municipally elected politicians accountable for violence and harassment. Our mission: drive essential legislative changes to the Ontario Municipal Act that ensures sitting elected officials are not immune to accountability when it comes to the mistreatment of others.

The Issue at Hand

Municipally elected leaders do not have an appropriate accountability structure when it comes to perpetrating violence and harassment in the workplace. In fact, if a claim of egregious (the most severe) harassment is substantiated; the maximum penalty that can be imposed is three months without pay. But the elected official can **retain their position, return to the workplace and seek re-election.**

This differs from any other workplace in the province, where, not only are workplaces mandated to have violence and harassment in the workplace policies (Bill 168), these policies outline consequences for egregious violation which includes termination.

Why this is so important?

Having a route to address violence and harassment outside of the court system is critical. The burden of proof in the court system is "beyond a reasonable doubt". This is significantly more onerous than with HR departments (or in this case for the Integrity Commissioner in the municipal setting), wherein the burden of proof required for a determination of Code of Conduct violation is based on "a balance of probabilities". As such, a fair outcome can be pursued that ensures misconduct can be addressed much more effectively than the current reality.

The Consequence of Inaction

When local leaders are able to perpetrate harassment and are not held to account, the message this sends to community is toxic. It means that:

- 1) **as an elected official you are somehow immune** to the communal standards of treatment we have come to expect from the population at large, and;
- 2) **That you can abuse your power**, unchecked, and continue to have the privilege of serving the population that elected you.

A fundamental, underlying principle of broadening diversity, equity and inclusion in politics rests on the assumption that the workplace is SAFE. This is currently not the case. As such, despite the most recent municipal elections in October, 2022, councilors currently can perpetrate the most egregious acts of harassment and keep their jobs.

This has immeasurable negative impact in communities, wherein:

- 1) **community members** and/or municipal staff may not feel safe meeting with their local ward councillor or mayor;
- 2) **if a person is harassed**, they may not see the point of filing a complaint with the Integrity Commissioner;
- 3) **there is no deterrent to council members** when it comes to perpetrating harassment, because they know they can still keep their job;
- 4) **it stifles diversity of voice** at the local decision making tables, because when safety is a risk, it deters quality people from traditionally marginalized backgrounds from seeking election;
- 5) **in instances where council members** who have perpetrated harassment to staff or their colleagues can retain their position, no matter how serious, it creates toxic workplaces which has an adverse effect on mental health in the workplace and throughout community;
- 6) **it supports current systems** of privilege and immunity of a certain segment of the population, which is not optimal for healthy communities;
- 7) **it sends the message** that if you have power, you are different (and superior to) the average citizen.

To learn more check out:
thewomenofontariosayno.com



* Government Legislation, once passed, will be applicable to ALL municipalities in Ontario at the same time.

What are we asking for?

We are advocating for 3 key components to the Ontario Municipal Act to strengthen our democratic processes by upholding fundamental human rights—the right to go to work and not be harassed:

* **Note: These changes have been endorsed by the Rural Ontario Municipal Association, Association of Municipalities Ontario, Ontario Big City Mayors and 185 municipalities in Ontario (and growing weekly).**

- 1. Strengthened Codes of Conduct:** An amendment to the Ontario Municipal Act that ensures Code of Conduct explicitly includes accountability to violence and harassment policies. This step ensures that our political representatives are held to the same standard as any other employee in Ontario when it comes to respecting the rights and dignity of every individual, thus fostering a safer and more inclusive environment for all.
- 2. Mechanism for Removal:** To address the investigated and substantiated egregious violations of municipal codes of conduct, a robust removal mechanism in the Ontario Municipal Act is essential. This process, reserved for only the most egregious of cases, aims to maintain the integrity of our governance while addressing actions that breach the core values we uphold. It ensures that municipally elected representatives are not immune from the basic standards of treatment we have come to expect in every other workplace.
- 3. Restriction on Re-election:** To ensure the message that violence and harassment will not be tolerated, and to support greater accountability over time, a restriction on subsequent re-election for individuals found guilty of serious misconduct is required. This measure ensures that those who fail to uphold the most basic ethical standards of workplace safety face consequences that extend beyond a single term. This is consistent with any other workplace, where an employee who is terminated for perpetrating violence and harassment is not rehired a year later, for example.

These changes are not meant to undermine the democratic process but rather to bring elected representatives up to the same standard as every other employee in Ontario. This advocating effort is not meant to undermine the democratic process but rather to bring elected representatives up to par— a very basic benchmark for how we treat each other in the political sphere. Workplace safety is foundational to overall workplace and greater community health.

This effort is firmly rooted in advocating for legislative changes that are supported by due process, ensuring fairness for all parties involved.

History

The Ontario government introduced legislation to mandate that employers have a Workplace Violence and Harassment policy. This legislation underscored the rights of all persons to be safe at work. Yet, municipally elected representatives have essentially experienced immunity, by virtue of public election.

In 2021, the Conservative government completed consultation on “Strengthening accountability for municipal council members.” Not only did the current government not pass its own legislation to address this human rights protection gap, they also *did not* prioritize The Stopping Harassment and Abuse by Local Leaders Act (most recently known as Bill 5) and *voted it down* on May 31, 2023.

The same private members bill had all party support in 2021. We know that the examples of councillor misconduct have only grown since this time. This issue is not going away.

Here are our calls of action to help us change the future:

- 1) SHARE, LIKE and Follow:** @womenofontariosayno (facebook and Instagram)
- 2) deliver a presentation to a municipal council in Ontario** requesting support (materials provided). This is a unique approach to advocacy, but is appropriate to approach local councils, as it is their workplace.
- 3) showcase your organization/community** groups’ logo to the website to add credibility and legitimacy to the advocacy effort.
- 4) meet/write/call your local MPP** and express that this legislation matters to you/your organization/their constituents and the overall community.
- 5) share and disseminate** information with your networks.
- 6) write the Ontario Human Rights Commission** and request a public inquiry into the issue: legal@ohrc.on.ca (a letter provided on our website)
- 7) feel empowered** to have the hard conversations. So much of grassroots change occurs at our dinner table, speaking with a neighbor, or your local councillor. Start talking about the issue. Express the change you want to see and never feel ashamed to advocate for basic human rights. We often feel we have to be experts in legislation to advocate for it. We are all experts in how we want to be treated. Let this be your guide.

To learn more check out:
thewomenofontariosayno.com



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