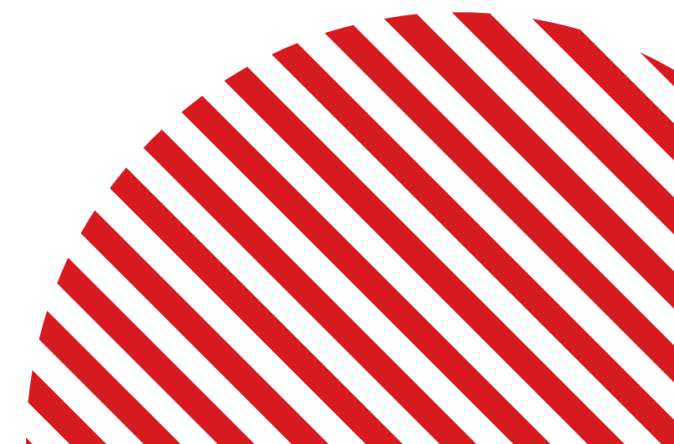




**Presented By:**  
**Nancy Cairns**  
**(she/her)**



# BACKGROUND

2017

Bill 68- Modernizing the Municipal Act

All Municipalities are required to establish a code of conduct for councillors and their local boards and appoint Integrity Commissioner



2023

City of Toronto endorse IC recommendations

2019

Rick Chiarelli Allegations

2021

Consultation to Strengthen Municipal Codes of Conduct

2022

Private Members Bill 5 - Stopping Harassment and Abuse by Local Leaders Act

2018

Municipal World Magazine

77% of respondents reported harassment and bullying by elected officials, with 76 % stating that they had personally been at the receiving end of harassment by a member of council.

2021

Private Members Bill 10 - Stopping Harassment and Abuse by Local Leaders Act



2022

Provincial Election and Bill 10 died on the floor

2023


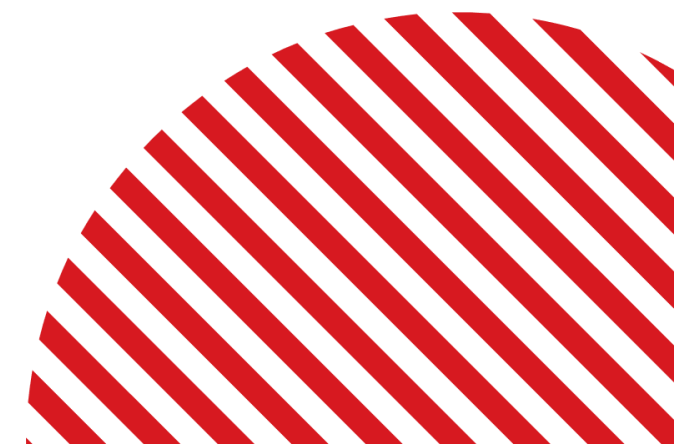
AMO Big City Mayors ROMA all endorse Bill 5, it doesn't make it past 2nd reading



# ONTARIO MUNICIPAL ACT

**Politicians can be forced to vacate their seat between elections.**

Under section 259(1) The office of a member of council of a municipality becomes vacant if the member:

- becomes disqualified from holding the office of a member of council because they are an employee of a municipality, judge, MPP, Senator or MP;
  - ceases to be a Canadian Citizen;
  - is not a resident the owner or tenant of land or the spouse of an owner or tenant of land in the municipality;
  - fails to make the declaration of office before the deadline;
  - is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council;
  - forfeits or resigns from his or her office and the resignation is effective;
  - is appointed or elected to fill any vacancy in any other office on the same council;
  - has his or her office declared vacant in any judicial proceeding;
  - dies, whether before or after accepting office and making the prescribed declarations;
  - **becomes disqualified from holding the office of a member of council if they are no longer qualified to be an elector under Section 17 of the Ontario Municipal Elections Act**
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# ONTARIO MUNICIPAL ELECTIONS ACT

## Section 17 Qualifications

(2) A person is entitled to be an elector at an election held in a local municipality if, on voting day, he or she,

- (a) resides in the local municipality or is the owner or tenant of land there, or the spouse of such owner or tenant;

- (b) is a Canadian citizen;

- (c) is at least 18 years old; and

- (d) is not prohibited from voting under subsection (3) or otherwise by law.

(3) The following are prohibited from voting:

- 1. A person who is serving a **sentence of imprisonment** in a penal or correctional institution.

- 2. A corporation.

- 3. A person acting as executor or trustee or in any other representative capacity, except as a voting proxy

- 4. A person who was **convicted of the corrupt practice described in subsection 90 (3)**, if voting day in the current election is less than five years after voting day in the election in respect of which he or she was convicted.



- Less than half (43%) of sexual assault incidents resulted in a charge being laid
- About 1 in 10 (12%) sexual assaults reported by police led to criminal conviction, and 7% resulted in a custody sentence.
- About 2 in 10 (23%) of physical assaults reported by police led to criminal conviction and 8% resulted in a custody sentence.


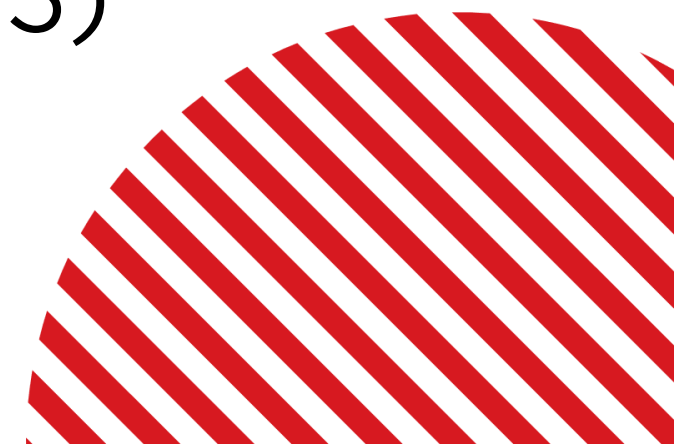
Source: Statistics Canada






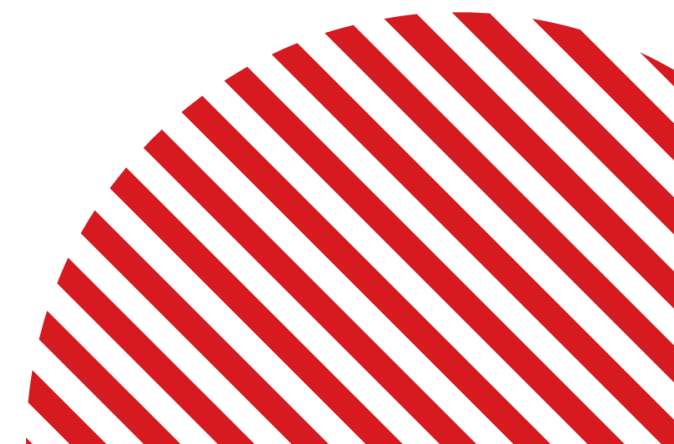
# PLEASE HELP

All Ontario Municipalities need to send a letter of support calling on government to introduce their own legislation to amend the Ontario Municipal Act and the City of Toronto Act in line with the call from:

- The Women of Ontario Say No (Bill 5 & AMO recommendations)
  - ROMA on March 22, 2023 (Bill 5)
  - AMO on March 27, 2023 (Letter with their recommendations sent to Premier of Ontario)
  - Ontario Big City Mayors on April 20, 2023 (Bill 5)
  - The City of Toronto on October 11, 2023 (IC, Jonathan Batty, recommendations)
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# AMO RECOMMENDATIONS

- Update Codes of Conduct to account for workplace safety and harassment.
  - Create a flexible administrative penalty regime, adapted to the local financial circumstances of the municipality.
  - Increase Integrity Commissioner (IC) training to enhance consistency of investigations and recommendations across the province.
  - Allow municipalities to apply to a member of the judiciary to remove a sitting member if recommended through an IC report.
  - Prohibit a member so removed from sitting for election in the term of removal and the subsequent term of office.
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# TORONTO INTEGRITY COMMISSIONER

## RECOMMENDATIONS FOR CITY OF TORONTO ACT

- Members of Council, their staff, and members of local boards should have mandatory training in workplace anti-harassment/discrimination requirements.
  - There should be a duty for Members of Council, their staff, and members of local boards to report harassment/discrimination in the workplace.
  - An appropriate range of penalties should apply when someone has been found to have engaged in harassment/ discrimination in the workplace.
  - Remedial measures and supports should be available and the interests of complainants must be accommodated in a trauma-informed process.
  - Appropriate support and indemnification should be provided to Members of Council, their staff, and members of local boards.
  - Workplace harassment/discrimination complaints should be investigated in a fair, efficient and independent manner.
  - Workplace harassment/discrimination cases should be heard, and have penalties, if any, imposed by a court or administrative tribunal. **These cases should not be debated and decided at Council.**
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# PLEASE SEND LETTER OF SUPPORT TO:



Local MPP



Premier of Ontario



Minister of Municipal  
Affairs and Housing



Associate Minister of  
Women's Social and  
Economic Opportunity





“WHEN THE PUBLIC TRUST IS BREACHED, SOMEONE SHOULD BE REMOVED FROM OFFICE. UNDER THE MUNICIPAL ELECTIONS ACT, 1996 SOMEONE CAN AUTOMATICALLY BE REMOVED FOR LATE FILINGS OR FAILING TO FILE ACCURATE FINANCIAL STATEMENTS. UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT, A JUDGE MAY DECLARE A MEMBER OF COUNCIL’S SEAT VACANT, ORDER FINANCIAL RESTITUTION, SUSPEND PAY OR ORDER A REPRIMAND FOR A MEMBER WHO ACTS IMPROPERLY BY FURTHERING THEIR OWN PECUNIARY INTERESTS. HARASSMENT AND DISCRIMINATION IN THE WORKPLACE IS A SIMILAR BREACH OF THE PUBLIC TRUST.

ONTARIO’S HUMAN RIGHTS CODE INCLUDES PROTECTIONS AGAINST HARASSMENT AND DISCRIMINATION IN THE WORKPLACE. THE OCCUPATIONAL HEALTH AND SAFETY ACT REQUIRES EMPLOYERS TO ADDRESS HARASSMENT IN THEIR WORKPLACES. THIS LEGISLATION, HOWEVER, DOES NOT PROVIDE ANY EFFECTIVE SANCTIONS AGAINST ELECTED OFFICIALS. UNLIKE MANAGERS AND EMPLOYEES IN THE WORKPLACE, A MEMBER OF COUNCIL CANNOT BE DISMISSED IF THEY ARE FOUND TO HAVE HARASSED OR DISCRIMINATED AGAINST OTHERS IN THE WORKPLACE.

‘POLITICS’ NEEDS TO BE TAKEN OUT OF THIS PROCESS BECAUSE WHERE ALLEGATIONS OF HARASSMENT/DISCRIMINATION ARE DECIDED IN A POLITICAL FORUM, POLITICAL ISSUES ARE RAISED, DEBATED AND GIVEN WEIGHT. THIS IS DETRIMENTAL FOR COMPLAINANTS, RESPONDENTS AND THE LEGITIMACY OF THE PROCESS.”

Jonathan Batty  
Toronto Integrity Commissioner

