



## AMCTO Staff Report

**TO:** Management Committee

**RE:** **Supporting Women of Ontario Say No Campaign**

**FROM:** Alana Del Greco, Manager – Policy and Government Relations

**REPORT DATE:** January 19, 2024

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### **PURPOSE:**

Seek Board support for Women of Ontario Say No (WOSN) campaign.

### **RECOMMENDATION:**

THAT the resolution attached as Appendix I, in support of the Women of Ontario Say No campaign, be adopted.

### **HISTORICAL BACKGROUND:**

In 2021, the Province launched consultations to Strengthen Municipal Codes of Conduct in response to serious and significant allegations against a city councillor in Ottawa and in other municipalities. The review was led by the Associate Minister for Children and Women's Issues and supported by the Minister of Municipal Affairs and Housing and proposals provided were developed by MMAH and AMO.

AMO released its recommendations in support of the consultation and provided a template council resolution to gather municipal support for change. AMCTO presented its advice and recommendations to the Associate Minister and also made a written submission to the consultation. The Province has yet to act on received input and recommendations.

MPP Stephen Blais has put forward private members bills, including Bill 5, which called for:

- Municipal codes of conduct to require compliance with workplace violence and harassment policies
- Authorize the Integrity Commissioner to apply to court to vacate a member's seat if a councillor was found to fail to comply with these policies;
- Restricted those removed from standing for election or be reappointed to council or a local board.

Despite support from Ontario Big City Mayors, Women of Ontario Say No and others, the bill failed to pass the legislature.

In Fall 2022, Women of Ontario Say No approached AMCTO seeking support for their campaign to hold municipally-elected politicians accountable for violence and harassment.

**ANALYSIS OF ISSUE/S:**

In 2021, AMCTO provided feedback on operational matters, suggestions for improving process, considerations for implementation including not putting staff in the middle, and mechanisms to protect staff, especially CAOs, who have no place to turn to when faced with harassment and poor behaviour from members of council.

**Association of Municipalities of Ontario**

AMO's position on Codes of Conduct is:

- Code content should be updated to account for workplace safety and harassment
- Creating a flexible administrative penalty regime that could be 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

Given AMCTO's feedback to the consultation, AMCTO has supported this position except for the use of administrative monetary penalty regime as it is not clear how this would work in practice. Without the details and assuming the regime would leverage the existing AMPS processes AMCTO is concerned about:

- Implementation and capacity: Not every municipality uses AMPS and some only use it for parking infractions;
- Conflict of interest: potential risk in putting municipal contractors or municipal staff appointed by council in conflict with members of council.

**Ontario Big City Mayors (OBCM)**

In April, OBCM passed a resolution supporting AMO's call to introduce legislation to strengthen municipal Codes of Conduct and compliance with them in consultation with municipal governments or in the alternative, OBCM supports the province ordering Bill 5 for second reading to expedite this matter. The resolution included support for all of AMO's proposed legislative amendments.

**City of Toronto**

On October 11 and 12, 2023, Toronto City Council requested that the Province amend the *City of Toronto Act* to address workplace harassment and discrimination by members of council and local boards including:

- mandatory training in workplace anti-harassment/discrimination requirements for Members of Council, their staff, and members of local boards.
- 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;
- 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; and
- Workplace harassment /discrimination cases should be heard, and have penalties, if any, imposed by a court or administrative tribunal and not debated or decided at Council.

Council also requested that the Integrity Commissioner in consultation with City Clerk, City Manager, and City Solicitor report back on having the commissioner serve as ethics executive for members' staff under the Human Resources Management and Ethical Framework for Members staff.

*Note:* Toronto's Integrity Commissioner is appointed to a non-renewable 5-year term whereas many other municipalities have ICs on retainer.

### **Additional Municipal Support**

In addition to the City of Toronto, WOSN lists approximately 200 additional municipalities who have expressed support for Bill 5 and/or WOSN.

### **Strong Mayors**

Given the ongoing uncertainties on the implementation and reach of strong mayor powers as well as the legacy of frayed council-staff relations, there is also an opportunity to highlight the impact of poor member of council behaviours on the well-being of municipal staff.

Currently, proposals do not include a mechanism for municipal staff to manage challenging relationships with members of council.

### **LPAC Discussion**

LPAC held a discussion on this request at its December meeting. While members highlighted the need for AMCTO as a staff association to be strategic and take care in how it engages in the space given the political nature of the topic, there was agreement that there was a space for AMCTO in this area.

### **Proposed Approach**

Staff are recommending that Committee approve the draft resolution attached. While different from AMO's original template, which is endorsed by WOSN, the modifications highlight the concerns about codes of conduct from a municipal staff perspective and includes the recommendations AMCTO had put forward to the Province in 2021. In addition, it contains clauses to reinforce AMCTO's existing recommendations related to council-staff relations, the need for an independent and non-partisan CAO and the need to clarify the role of staff as administrators and members of council which also address AMCTO's continued concerns related to strong mayors.

WOSN have indicated they will be hosting an "all-party press conference" in mid-February, 2024 to highlight the need for action. While details of the event are not currently available, organizers have indicated they would appreciate AMCTO endorsement of the campaign in advance of that event as well as AMCTO's potential participation in the event.

In light of this request, staff are seeking Management Committee's endorsement of the attached motion on behalf of the AMCTO Board of Directors, as is permitted by the Management Committee Terms of Reference.

While the endorsement will appear on the February 2024 Board of Director's meeting agenda for information, staff also appreciate that Management Committee may wish to engage the entire Board of Directors in advance of formally adopting the motion.

### **Next Steps**

Should Committee pass the resolution, AMCTO staff would forward a copy to WOSN, AMO and the Ministry of Municipal Affairs and Housing. AMCTO may be referenced as a supporting organization during WOSN media event in February as well as on the organization's website and social media.

### **FINANCIAL IMPACT:**

N/A

### **LINK TO STRATEGIC GOALS/PRIORITIES:**

The proposed action supports the following Strategic Plan elements:

- Goal 7: AMCTO informs and influences public policy in its capacity as the respected voice of municipal professionals.
  - Build and maintain relationships with government and sector stakeholders and grow AMCTO's profile and reputation for substantive policy expertise.

There are also potential synergies with AMCTO's Policy and Advocacy Framework including the Issue Profile:

- Accountability and transparency frameworks must be improved to operate efficiently and effectively and manage local relationships:
  - A broader range of penalties on a progressive hierarchy or range of penalties should be introduced to manage egregious council member conduct and a model code should be developed in consultation with the sector to ensure consistency across the Province.

## **Appendix I: Draft Resolution**

### **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, including municipal staff, 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 AMCTO members are the municipal staff, managers, and senior leaders who may also be impacted by the disrespectful behaviour of members of council impacting morale and well-being;

Whereas AMCTO remains concerned about the changes to council-staff and mayor-staff relations as a result of strong mayor legislation which has led to fraying relationships and organizational repercussions in some municipalities that have implemented strong mayor powers;

Whereas ensuring a strong, stable, and sustainable municipal administration for many years to come is critical for the continued efficient and effective program and service delivery undertaken by municipal public servants on behalf of the municipalities for which they work;

Whereas AMCTO members are the municipal staff who support implementation of Codes of Conduct and related policies, procedures and processes;

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 AMCTO supports the call of Women of Ontario Say No and Association of Municipalities of Ontario to introduce legislation to strengthen municipal Codes of Conduct in consultation with municipal governments and municipal staff and AMCTO;

Also be it resolved that the legislation encompass:

- Updating municipal Codes of Conduct to account for workplace safety and harassment and council-staff relations.
- Increasing training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the province;
- Requiring mandatory training of all members of council, including the head of council, to promote understanding their responsibility to ensure a respectful workplace and their roles in the municipality;
- Ensuring that any remedial mechanism implemented to enforce the codes of conduct avoid placing:
  - municipal staff in situations where they may be in conflict with members of council;
  - additional administrative and operational burden on municipal staff;
- Ensuring that there is a mechanism through which municipal staff, including Chief Administrative Officers (CAO), receive support, advice and access to remedial measures to manage problematic interactions with members of council;
- Reinstating the independent and impartial role of the CAO and make the hiring of a CAO mandatory returning the appointment power to council.
- Clarifying the roles of CAO and head of council as Chief Executive Officer (CEO) to distinguish between administrative and political responsibilities and codifying CAO responsibilities.
- Clarifying the roles and responsibilities of staff and council to distinguish between providing strategic oversight and implementing administration and operations.

**Appendix II: AMCTO's Submission to the 2021 Strengthening Codes of Conduct Consultation (see below)**