

Bill 5 - Stopping Harassment and Abuse by Local Leaders Act

Whereas municipally elected leaders do not have an appropriate accountability structure when it comes to perpetrating violence and harassment in the workplace;

Whereas a fundamental, underlying principle of broadening diversity, equity and inclusion in politics rests on the assumption that the workplace is safe;

Whereas Bill 5, The Stopping Harassment and Abuse by Local Leaders Act, would require Councillors to comply with the workplace violence and harassment policies of the municipality they represent, permit municipalities to direct the Integrity Commissioner to apply to the court to vacate a member's seat for failing to comply with the municipality's workplace violence and harassment policies, as well as restrict officials whose seat has been vacated from seeking immediate subsequent re-election;

Whereas over 40 municipalities have formally endorsed and communicated public support for Bill 5; and

Whereas Bill 5 would both hold accountable and protect all municipal officials.

NOW THEREFORE BE IT RESOLVED:

1. That Niagara Regional Council **EXPRESS** its support for Bill 5, Stopping Harassment and Abuse by Local Leaders Act; and
2. That a copy of this motion **BE SENT** to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the Association of Municipalities of Ontario and local area MPPs.



100 John West Way
Aurora, Ontario
L4G 6J1
(905) 727-3123
aurora.ca

Town of Aurora

General Committee Report

No. CS23-008

Subject: Bill 5, Stopping Harassment and Abuse by Local Leaders Act, 2022

Prepared by: Brian Emmanuel, Articling Student

Department: Corporate Services

Date: February 7, 2023

Recommendation

1. That Report No. CS23-008 be received for information.

Executive Summary

This report provides information to Council regarding Bill 5, Stopping Harassment and Abuse by Local Leaders Act, 2022 ("Bill 5"). More specifically:

- Bill 5, if passed, will implement a requirement for municipal councillors and members of local boards to comply with workplace violence and harassment policies.
- Bill 5, if passed, will allow the Integrity Commissioner to apply to the Superior Court of Justice to vacate a member's seat if the member has failed to comply with the workplace violence or harassment policies.
- The Town already has implemented a Violence and Harassment Free Workplace Program and a Code of Conduct for Council and local boards to address issues of workplace violence and harassment.
- In light of numerous incidents involving workplace violence and harassment, many municipalities have formally endorsed Bill 5.

Background

On December 6, 2022, Jenna Irving of Women of Ontario Say No, delegated to Council regarding Ontario private member's Bill 5, Stopping Harassment and Abuse by Local Leaders Act, 2022 ("Bill 5").

This act amends the *Municipal Act*, 2001 and the *City of Toronto Act*, 2006 with respect to workplace violence and harassment policies in codes of conduct for councillors and members of local boards.

The delegate requested that Council endorse Bill 5 and send a letter of support to Ontario government officials and the Association of Municipalities of Ontario.

General Committee received the presentation for information and recommended that staff provide a report to Council regarding Bill 5.

This report is intended to provide information to Council regarding Bill 5, Stopping Harassment and Abuse by Local Leaders Act, 2022.

Analysis

Bill 5, if passed, will implement a requirement for municipal councillors and members of local boards to comply with workplace violence and harassment policies

Bill 5, if passed, would amend the *Municipal Act*, 2001, by implementing new requirements for the codes of conduct for members of council of a municipality and of its local boards.

In addition, it would require the codes of conduct to include a requirement for members to comply with workplace violence and harassment policies pursuant to the *Occupational Health and Safety Act*.

Bill 5, if passed, will allow the Integrity Commissioner to apply to the Superior Court of Justice to vacate a member's seat if the member has failed to comply with the workplace violence or harassment policies

Pursuant to subsection 223.4 (5) of the *Municipal Act*, 2001, the current penalties that a municipality may impose if a member has contravened the code of conduct is a reprimand and/or a suspension of remuneration up to 90 days.

In addition to the current penalties, Bill 5, if passed, will allow a municipality or local board to direct the Integrity Commissioner to make an application to vacate a member's seat if the Integrity Commissioner believes the member has failed to comply with the workplace violence or harassment policy.

To make an application, the Integrity Commissioner must apply to a judge of the Superior Court of Justice for a determination as to whether the member of council or

local board has failed to comply with the workplace violence or harassment policy. This application cannot be made during a regular election – starting on nomination day and ending on voting day. Furthermore, the notice of application must state the grounds for finding that the member has failed to comply with the workplace violence or harassment policy.

If the judge determines that there has been a failure to comply with the workplace violence or harassment policy, the judge may declare the member's seat vacant. A member whose seat is vacant may not stand as a candidate at any subsequent elections or be appointed to council during the period beginning on the day on which the member's seat was declared vacant and ending on the day of the second subsequent regular election.

The Town already has implemented the Violence and Harassment Free Workplace Program and a Code of Conduct for Council and local boards to address issues of workplace violence and harassment.

The Violence and Harassment Free Workplace Program was implemented on March 30, 2011, to maintain a work environment free of violence and harassment, and further reviewed on October 20, 2022. The program implements a set of procedures with respect to how employees can report an incident of workplace violence and harassment and how the Town will respond to the incident.

The Violence and Harassment Free Workplace Program applies to Council. In accordance with the program, Council shall support the implementation and management of violence and harassment free workplace policies. In addition, Council shall refrain from making any statements or partaking in any behaviour that may be seen or interpreted as workplace violence and/or harassment. Furthermore, it is the responsibility of Council to monitor activities within Council, committee or other public meetings and call to order any participant who has contravened the right to a workplace free from violence and harassment.

Additionally, Council passed By-law Number 6155-19 to establish a Code of Conduct for members of Council and Local Boards. Pursuant to Rule No. 12 and Rule No. 13 of the Council Code of Conduct and the Local Boards Code of Conduct, all members have a duty to ensure a respectful workplace and be respectful of the role of staff. This includes ensuring a work environment that is free from threats, coercion, intimidation, discrimination, violence, and harassment.

As such, if Bill 5 is passed, the only change for the Town would be that the Integrity Commissioner would be able to apply to the Superior Court of Justice to vacate a member's seat if the member of Council has failed to comply with the workplace violence or harassment policies.

In light of numerous incidents involving workplace violence and harassment, many municipalities have formally endorsed Bill 5.

In Ontario, there have been numerous reported workplace violence and harassment incidents involving municipal councillors. These incidents included occurrences of bullying, sexual assault, and other forms of harassment. For example, in one municipality, six formal complaints of sexual harassment were filed against a municipal councillor. The Integrity Commissioner confirmed that the municipal councillor committed these repeated acts of sexual harassment. The councillor was docked pay in accordance with the penalties allowed under the current legislation.

Considering these incidents, many municipalities have formally endorsed Bill 5. The City of Barrie, The City of Orillia, The Town of Collingwood, and the Township of Clearview are some examples of municipalities that have formally supported Bill 5.

Advisory Committee Review

None.

Legal Considerations

Bill 5 was introduced to the Legislature on August 10, 2022. It is currently in first reading.

Financial Implications

None.

Communications Considerations

The Town will inform the public of the information contained in this report by posting it to the Town's website.

Climate Change Considerations

The recommendations set in this report involving Bill 5 do not result in any implications to greenhouse gas emissions or climate change topics.

Link to Strategic Plan

Promoting service accountability, excellence and innovation.

Alternative(s) to the Recommendation

1. That the Town of Aurora endorses Bill 5; and,
2. That a copy of the motion be sent to the Honourable Doug Ford, Premier of Ontario, honourable Steve Clark, Minister of Municipal Affairs and Housing, honourable Dawn Gallagher-Murphy, MPP for Newmarket-Aurora, honourable Michael Parsa, MPP for Aurora-Oak Ridges-Richmond Hill, honourable Stephen Blais, MPP for Orleans and the Association of Municipalities of Ontario.

Conclusions

This report is intended to provide information to Council regarding Bill 5, Stopping Harassment and Abuse by Local Leaders Act, 2022.

Attachments

None.

Previous Reports

None.

Pre-submission Review

Agenda Management Team review on January 19, 2023

Approvals

Approved by Techa van Leeuwen, Director, Corporate Services

Approved by Doug Nadorozny, Chief Administrative Officer