



Motion Memorandum

Subject: Legislative Amendments to Improve Municipal Codes of Conduct and Enforcement

To: Mayor and Members of Council

Lead: Councillor Lisa Kearns, Ward 2,

Co-sponsor: Mayor Marianne Meed Ward

Date to Committee: N/A

Date to Council: May 16, 2023

Motion for Council to Consider:

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

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

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

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

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

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

Whereas Burlington City Council support the efforts of MPP Stephen Blais who has introduced the Private Members Bill 5, Stopping Harassment and Abuse by Local Leaders Act, 2022 which has been endorsed by a number of municipal councils across Ontario, as well as Ontario's Big City Mayors caucus (OBCM), comprised of the 29 largest municipalities across Ontario representing nearly 70% of Ontario's population; and

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

Whereas we believe that municipal elected officials should be held to account in this way, we also believe that federal and provincial elected officials should take similar actions to hold themselves to account; and

Therefore, be it resolved that:

1. Burlington City Council supports the call of the Association of Municipalities of Ontario and OBCM for the Government of Ontario to introduce legislation to strengthen municipal Codes of Conduct and compliance with them in consultation with municipal governments or in the alternative, Burlington City Council supports the province ordering Bill 5 for second reading to expedite this matter.

2. And that, the legislation encompasses the Association of Municipalities of Ontario's recommendations for:

- a. Updating municipal Codes of Conduct to account for workplace safety and harassment,
- b. Creating a flexible administrative penalty regime, adapted to the local economic and financial circumstances of municipalities across Ontario,
- c. Increasing training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the province,
- d. 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, and
- e. Prohibit a member so removed from sitting for election in the term of removal and the subsequent term of office, and
- f. The Province of Ontario considers creating a single Code of Conduct applicable to all Municipalities, that can be amplified with additional content.

3. And that, Burlington City Council requests that municipalities and their respective Integrity Commissioners be consulted on the development of any regulations related to the proposed legislation.

4. And that, this motion be circulated to the Right Honourable Justin Trudeau, Prime Minister of Canada, the Honourable Doug Ford, Premier of Ontario, the Honourable David Lametti, Minister of Justice, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, Kate Manson-Smith, Deputy Minister of Municipal Affairs and Housing, Scott Pierce, Federation of Canadian Municipalities Acting President, Colin Best, President of the Association of Municipalities of Ontario and the Honourable Parm Gill Minister of Red Tape Reduction; Natalie Pierre, MPP Burlington, and Effie Triantafilopoulos, MPP Oakville North-Burlington, Halton Region and the Ontario's Big City Mayors.

Reason:

The City of Burlington supports the principles outlined in the Ontario Human Rights Code regarding freedom from harassment. They are:

- Every person who is an employee or a member of council has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or handicap.
- Every person who is an employee or a member of council has a right to freedom from harassment in the workplace because of sex by his or her employer or agent of the employer or by another employee.

While the City of Burlington has the tools to enforce compliance with these principles by employees, the same tools are not in place to adequately enforce compliance for members of council.

Outcome Sought:

After consulting with municipalities, the Province of Ontario introduces and passes new legislation that strengthens municipal Codes of Conduct and compliance with them. And also, municipalities and their respective Integrity Commissioners are consulted on the development of any regulations related to the proposed legislation.

Vision to Focus Alignment:

(check those that apply)

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

Motion Seconded by: Mayor Marianne Meed Ward
Share with Senior Staff

Approved as per form by the City Clerk,

Reviewed by the City Manager - In accordance with the Code of Good Governance,
Council-Staff Relations Policy and an assessment of the internal capacity within the City
to complete the work based on a specific target date (quarter/year).

Comments:

City Clerk: Approved as per Form

City Manager: Approved