Employee Participation in Election Campaigns

(City Council on August 1, 2, 3 and 4, 2000, amended this Clause to provide that the restrictions in the policy respecting employee participation in municipal election campaigns, as they pertain to staff of the Secretariat Unit, apply only to those staff in the Clerk’s Division who are working on the municipal election.)

The Administration Committee recommends:

(1) the adoption of the Recommendation of the Personnel Sub-Committee embodied in the communication (July 10, 2000) from the City Clerk; and

(2) that all Agencies, Boards, Commissions and Special Purpose Bodies be requested to implement policies consistent with the provisions of this policy and advise the Chief Administrative Officer no later than September 20, 2000, of the actions taken in this regard; and the Chief Administrative Officer be requested to report directly to Council for its meeting scheduled to be held on October 3, 2000, on the results to date.

The Administration Committee submits the following communication (July 10, 2000) from the City Clerk:

The Personnel Sub-Committee at its meeting held on July 10, 2000 recommended to the Administration Committee the adoption of the report (June 27, 2000) from the Executive Director of Human Resources, respecting the proposed Employee Participation in Election Campaigns policy dated June 2000.

Background:

The Personnel Sub-Committee at its meeting held on July 10, 2000 had before it a report (June 27, 2000) from the Executive Director of Human Resources, advising that the development of policy for Employee Conflict of Interest, Council Code of Conduct and Employees Seeking Election to Political Office, highlighted the need for a separate policy to provide direction for employees regarding participation in election campaigns; and recommending that the proposed Employee Participation in Election Campaigns policy be approved.

The Personnel Sub-Committee also had before it a communication (July 7, 2000) from Ms. Anne Dubas, President, CUPE Local 79, advising that where necessary, they will invoke the appropriate provisions of their collective agreements to ensure the protection of the employment interests of individual Local 79 members in particular circumstances.

The Sub-Committee’s recommendation is noted above.
Purpose:

To establish a policy on Employee Participation in Election Campaigns in order to maintain the neutrality of the public service.

Financial Implications and Impact Statement:

None.

Recommendation:

It is recommended that the proposed Employee Participation in Election Campaign policy be approved.

Comments:

The development of policy for Employee Conflict of Interest, Council Code of Conduct and Employees Seeking Election to Political Office, highlighted the need for a separate policy to provide direction for employees regarding participation in election campaigns.

Although it appears that some understood restrictions existed in the former municipalities, there were no formalized policies governing employee participation in election campaigns.

The proposed policy recommends varying levels of restrictions to address the need for employees to be and to appear impartial. These include:

(i) restrictions that apply to all employees, example: that no employee may canvass or work in support of a municipal candidate during work hours;

(ii) restrictions that apply to employees engaging in activities outside of work hours, example: staff who are working on behalf of a municipal candidate may not use any of the City’s resources;

(iii) identification of staff positions that should not take part in municipal campaign activities.

The proposed policy is presented in Appendix A.

There is no legislation governing the ability of municipal employees to engage in campaign activities, however, Legal Services has advised that there have been some court cases challenging provincial and federal legislation and has indicated some concerns with respect to our ability to withstand any Charter challenge, specifically with category (iii).

Notwithstanding this risk, we feel that the policy recommended is in the best interest of the organization recognizing the need to maintain the neutrality of the public service.
Appendix A
Employee Participation in Municipal Election Campaigns

Policy Statement:
The purpose of this policy is to maintain the neutrality of the public service. Employees must ensure that any involvement in a municipal election campaign does not adversely affect their ability to perform their duties as employees of the City of Toronto. Restrictions address the need for employees to be and to appear impartial.

Application:
The policy applies to all City employees.

Conditions:
No employee may canvass or work in support of a municipal candidate during working hours. Working hours does not include vacation time or time on leaves of absence.

The following staff should not take part in municipal campaign activities:
- Chief Administrative Officer;
- Commissioners;
- Statutory and By-law Officials;
- Executive Directors/General Managers;
- Directors and other senior staff in positions of influence regarding programs and services who have direct contact with Members of Council;
- Secretariat staff in direct contact with Members of Council in the operation of Council and Standing Committees; and
- Election staff.

Staff in the above mentioned restricted group are not prohibited from voting or attending all candidates meetings.

All other employees are not restricted from engaging in campaign activities outside working hours.
Staff who are working on behalf of a municipal candidate may not use any of the City’s resources (e.g., office equipment, supplies etc.) for campaigning activities at any time before or during the election.

No employee shall wear his/her uniform while campaigning for a municipal candidate or use their title or position within the City in a way that would lead a member of the public to infer that the City is endorsing the candidate.

No employee shall wear clothing or buttons that advertise any candidate, at work.

Implementation:

If employees are unsure about the appropriateness of their participation in election activities they should consult with their general managers/executive directors or designates for clarification.

Approved by:

Date:

Related Information:

Council Code of Conduct:

In the context of an election campaign, no member shall use the services of persons during hours in which those persons receive any compensation from the City. No member shall compel staff to engage in partisan political activities or subject staff to threats or discrimination for refusing to engage in such activities.

Human Rights and Harassment Policy:

Every person has a right to equal treatment with respect to employment with the City, without discrimination or harassment because of prohibited grounds that include political affiliation.

See also: Conflict of Interest, Employees Seeking Election to Political Office.