

City of Toronto Executive Committee

Monday, November 19, 2012

EX25.3 Developing a Public Service By-Law for Toronto

The City of Toronto Act should have clearly articulated the role of the Toronto Public Service.

For whatever reason, it was missed in the City of Toronto Act.

Legislation covering Public Service Employees is common in organizations as large as the City of Toronto.

Yet no one has taken carriage of approaching the Province to begin the process of moving towards legislation.

City Council, in its decision regarding the 2011 Annual Report of the Ombudsman on February 6 and 7, 2012, adopted the Ombudsman's recommendation that it ask the Province of Ontario to create a Toronto Public Service Act.

City Council further decided that, until such time as a Toronto Public Service Act is legislated, City Council directed the City Manager to report on an interim by-law.

The framework or outline of a draft by-law is before you today.

However, COTAPSA sees no initiative by the City to approach the Province of Ontario with respect to legislation regarding an Act governing the Toronto Public Service.

Further, we see no reference to this draft by-law being an interim by-law.

COTAPSA supports an interim by-law and legislation that addresses the role of public servants in speaking truth to power.

Providing honest professional advice to political leaders is central to the role of non-partisan public servants.



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Such advice supports informed decision making with evidence and expertise, and provides an assurance that all of the implications and opportunities have been considered.

Providing this advice is not always easy. It can be especially difficult in municipalities where public servants must often provide advice publicly in front of Council and the media.

Public sector leadership is nurtured by environments that support:

- value-based decision-making,
- respect for everyone,
- fairness, transparency, accountability
- vision that captures the mind and heart
- collaboration and creativity
- measured risk-taking
- learning from mistakes
- employee growth and development
- enthusiasm and energy

Some points to consider:

1. This draft by-law looks more permanent than interim.
2. COTAPSA sees no reason why the draft by-law does not include Councillors' staff.
3. This appears to be a "top down" model.
4. It lacks a clear statement of the role of the civil service verses Council.
5. It needs to include the roles and responsibilities of elected officials.
6. It needs to enunciate clear protection from undue influence of Councillors on staff and protection from reprisals.

Recommendations:

1. That the City contact the Province of Ontario with the goal of beginning the process of enacting legislation that would lead to a Toronto Public Service Act.
2. That the draft by-law be interim, include roles and responsibilities of elected officials verses public servants, and that Councillors' staff be included.
3. That the draft by-law enunciates clear protection from undue influence of Councillors on staff and protection from reprisals.

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