

Report Regarding the Conduct of Councillor Josh Matlow

Date: April 20, 2017
To: City Council
From: Valerie Jepson, Integrity Commissioner
Wards: All
Reference:

SUMMARY

The CEO of Transit Alliance, a transit advocacy group, (the Complainant) filed a complaint alleging that Councillor Josh Matlow contravened the Code of Conduct for Members of Council (the "Code of Conduct") for statements he made in a radio interview about the City's Executive Director of Strategic and Corporate Policy (referred to below as the Executive Director).

For the reasons that follow, I find that when the Councillor made the statements, he acted contrary to Article XII (Conduct Respecting Staff) of the Code of Conduct. Prior to learning about the complaint, the Councillor apologized for his statements. In consideration of the Councillor's apology, I recommend that Council adopt a finding that the Councillor contravened the Code of Conduct but take no further remedial or punitive action.

RECOMMENDATIONS

The Integrity Commissioner recommends that:

1. Council adopt a finding that Councillor Josh Matlow contravened Article XII (Conduct Respecting Staff) of the Code of Conduct.

FINANCIAL IMPACT

This report has no financial impact.

DECISION HISTORY

City Council has not previously considered this matter.

COMMENTS

The Councillor's Conduct

The issue in this case is that the Councillor made an unfounded, publicly-broadcast statement that the Executive Director misled City Council. The Councillor admitted he had no basis to make any such assertion. He publicly said so and he apologized.

The Code of Conduct and the Toronto Public Service Bylaw

Article XII of the Code of Conduct (Conduct Respecting Staff) addresses the relationship between members of Council and City staff. Of relevance to the circumstances of this case, Article XII affirms that all City staff serve Council as a whole, under the direction of the City Manager. Article XII provides in part, "no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of staff."

In December 2015, an important companion to Article XII came into force: the Toronto Public Service Bylaw. The Bylaw entrenches the values of neutrality and professionalism in the public service. Accordingly, members of Council and the public can rely on the political neutrality of the public service. In practical terms, this means that members of Council should not treat public servants as political adversaries or allies.

Application of the Circumstances to this Case

In the radio interview, the Councillor suggested that the Executive Director misled City Council. To mislead Council, an intentional act, is one of the most serious allegations that one can make about a member of the public service.

The Councillor's statement, made in a mass media forum was not in the nature of fair comment. It unfairly called into question the Executive Director's integrity and professional reputation and suggested he had a motive other than those set out in the Toronto Public Service Bylaw. When the Councillor made the statement, he acted contrary to the duty set out in Article XII of the Code of Conduct.

Remedial Action

In this case, the Councillor publicly apologized for his comments, and I find that the apology offered was sincere and unequivocal. From the perspective of the City Manager and the Executive Director, the matter had been resolved. In my view, no further remedial action is necessary.

CONTACT

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SIGNATURE

Valerie Jepson, Integrity Commissioner

ATTACHMENTS

Attachment 1: Integrity Commissioner Report Regarding the Conduct of Councillor Josh Matlow (9 pages)