

Updates on Addressing Workplace Harassment and Discrimination

Date: November 5, 2024
To: City Council
From: Jonathan Batty, Integrity Commissioner
Wards: All

SUMMARY

At its meeting in October 2023, Council adopted the recommendation from the City's Integrity Commissioner to request the Province of Ontario to amend the City of Toronto Act, 2006 to address instances of workplace harassment and discrimination by Members of Council and Members of local boards.

This issue affects all municipalities in Ontario. In Autumn 2023 there was no indication that the provincial government was planning to address these matters, although private members bills had been introduced to that effect.

Consequently, the Integrity Commissioner recommended that Council request a report back from his Office with options exploring how Council could address these matters in the absence of provincial legislation.

Prior to the return of the Legislative Assembly in October 2024, the Premier of Ontario advised he had requested the Integrity Commissioner of Ontario to examine this matter and report back to the government with options for legislative reform. The Office of the Integrity Commissioner of Ontario has advised it has recently reported back to the provincial government on these matters. Previously, the Minister of Municipal Affairs and Housing advised that the government would introduce legislation addressing these matters once the Integrity Commissioner of Ontario had reported back to the provincial government.

As the provincial government has indicated it is planning to introduce legislation to address these matters, as requested by Council in October 2023 and municipal councils across Ontario, there is no immediate need to report back on measures that the City of Toronto could adopt in the absence of provincial legislation. Rather, with the commitment of the provincial government to introduce legislation addressing these matters, it makes sense to consider these issues again once the provincial government introduces its promised legislation.

This report will focus on the recommendation that the Integrity Commissioner be appointed as ethics executive to Members' staff and the Human Resources Management and Ethical Framework be updated accordingly.

The City Clerk will then report back on the other updates to the Human Resources Management and Ethical Framework as was noted in my report from October 2023.

RECOMMENDATIONS

The Integrity Commissioner recommends that:

1. City Council request the Integrity Commissioner to review any amendments proposed by the Province of Ontario to address instances of workplace harassment and discrimination by Members of Council and Members of local boards and if appropriate, report to City Council with information.
2. City Council assign to the Integrity Commissioner the role of the ethics executive for Members' staff under the Human Resources Management and Ethical Framework for Members' Staff and direct the City Clerk to update the Framework accordingly.

FINANCIAL IMPACT

The proposed actions can be completed within the approved 2024 operating budget.

DECISION HISTORY

CC11.2 – Addressing Workplace Harassment and Discrimination (City Council, October 11, 2023)

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC11.2>

MM3.8 - Expressing Support for Bill 5, Stopping Harassment and Abuse by Local Leaders Act (City Council, February 7, 2023)

<https://secure.toronto.ca/council/agenda-item.do?item=2023.MM3.8#>

2021 Annual Report of the Office of the Integrity Commissioner, "Legislative Reform: Harassment involving Elected Officials", pages 8 to 12 (City Council, April 6, 2022)

<https://secure.toronto.ca/council/agenda-item.do?item=2022.CC42.2>

COMMENTS

On October 11, 2023, City Council adopted the following in connection with CC11.2 – Addressing Workplace Harassment and Discrimination:

1. City Council request the Province of Ontario to amend the City of Toronto Act, 2006, to address instances of workplace harassment and discrimination by Members of Council and Members of local boards and recommend the amendments require that:

- a. members of Council, their staff, and members of local boards should have mandatory training in workplace anti-harassment/discrimination requirements;
- b. there should be a duty for Members of Council, their staff, and members of local boards to report harassment/discrimination in the workplace;
- c. an appropriate range of penalties should apply when someone has been found to have engaged in harassment/discrimination in the workplace;
- d. remedial measures and supports should be available and the interests of complainants must be accommodated in a trauma-informed process;
- e. appropriate support and indemnification should be provided to Members of Council, their staff, and members of local boards;
- f. workplace harassment/discrimination complaints should be investigated in a fair, efficient and independent manner; and
- g. workplace harassment /discrimination cases should be heard, and have penalties, if any, imposed by a court or administrative tribunal; these cases should not be debated and decided at Council.

2. City Council forward this request to Premier Doug Ford, the Minister of Municipal Affairs and Housing, Toronto Members of Provincial Parliament, Member of Provincial Parliament for Orléans, Stephen Blais, and the Association of Municipalities of Ontario for information.

3. City Council request the Integrity Commissioner to consult with the City Clerk, City Manager and City Solicitor and report back to City Council by the second quarter of 2024 about making workplace anti-harassment/discrimination training mandatory for Members of Council and Members of local boards under the City's codes of conduct and for Members' staff under the Human Resources Management and Ethical Framework for Members' Staff.

4. City Council request the Integrity Commissioner to consult with the City's Chief People Officer about the design and delivery of mandatory workplace anti-harassment/discrimination training for Members of Council and their staff and Members of local boards.

5. City Council request the Integrity Commissioner to consult with the City Clerk, City Manager and City Solicitor and report back to City Council by the second quarter of 2024 about making it mandatory to report workplace

harassment/discrimination under the City's codes of conduct for Members of local boards and for Members of Council and Members' staff under the Human Resources Management and Ethical Framework for Members' Staff.

6. City Council request the Integrity Commissioner to consult with the City Clerk, City Manager and City Solicitor and report back to City Council by the second quarter of 2024 about having the Integrity Commissioner serve as the ethics executive for Members' staff under the Human Resources Management and Ethical Framework for Members' Staff.

7. City Council request the City Clerk, City Manager and City Solicitor to consult the Integrity Commissioner and report back to City Council by the second quarter of 2024 about updating and consolidating the Human Resources Management and Ethical Framework for Members' Staff to include the human resources policies specifically governing Members' Staff.

Pending Provincial Legislation

As noted, the provincial government has indicated it is planning to introduce legislation to address these matters, as Council requested, in item 1, above.

Therefore there is no immediate need to report back on items 3 to 5. With the commitment of the provincial government to introduce legislation addressing these matters, it makes sense to consider these issues again once the provincial government introduces its promised legislation.

Updating the Human Resources Management and Ethical Framework for Members' Staff

Independent from expected provincial legislation, it is recommended that Council assign the Integrity Commissioner the role of ethics executive for Members' staff under the Human Resources Management and Ethical Framework for Members' Staff.

Currently, the Human Resources Management and Ethical Framework for Members' Staff requires that: "Members' staff should always consult with the Member if they are unsure if there is a conflict or potential conflict with a specific situation¹." In essence, this means that Members of Council serve as the ethics executives for their staff.

The Integrity Commissioner recommends that members' staff, when seeking advice on their own personal conflicts of interest, be permitted to consult directly and confidentially with the Integrity Commissioner. Limiting members' staff from consulting the Integrity Commissioner about such matters means that staff may be deterred from asking questions they feel uncomfortable raising with the person to whom they report. Assigning the Integrity Commissioner this function is appropriate as the Office is independent and authoritative on such matters and can be assigned such a function

¹ Section Three – Ethical Framework for Members' Staff, Paragraph 3 - Conflict of Interest, page 11.

under the Toronto Municipal Code². This would be consistent with the conflict of interest requirements for political staff at the federal³ and provincial level⁴.

Prior to reporting to Council, the Integrity Commissioner has consulted with the City Clerk, City Manager, City Solicitor and the Chief People Officer.

CONTACT

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SIGNATURE

Jonathan Batty
Integrity Commissioner

² See Toronto Municipal Code, Chapter 3 – Integrity Commissioner, Section 4.5.

³ At the federal level, the Conflict of Interest and Ethics Commissioner is the ethics executive for the political staff of ministers (*Conflict of Interest Act*, S.C. 2006, c. 9, s. 2).

⁴ At the provincial level, the Integrity Commissioner of Ontario is the ethics executive for the political staff of ministers ([O. Reg. 382/07](#), and [sections 66 to 69](#) of the *Public Service of Ontario Act, 2006*).