

Political Activity
Article I Definitions and Article V
Chapter 192, Public Service, Toronto Municipal Code

*The Toronto Public Service By-Law is Chapter 192, Public Service, Toronto Municipal Code.
Numbers in (brackets) are references to specific sections in the By-law.*

1. Policy Statement (§ 192-23).

The City recognizes the right of City and Agency employees to participate in political activity balanced against the City's legitimate interest in having a public service that both is and appears to be impartial. All public servants have the fundamental right to vote and attend all-candidates meetings.

The political activity provisions set out restrictions on the use of City or Agency resources while engaging in political activity and while at work; and establish requirements for City and Agency employees when they seek appointment or election to public office. These provisions also set out limitations for some public servants.

The political activity provisions address the need for a balance between an employees' right to engage in political activity and the requirement for the public service to be politically impartial.

2. Right to Engage (§ 192-23).

All City and Agency employees are entitled to vote and attend all-candidate meetings and engage in political activity subject to the political activity provisions.

3. Definition of Political Activity (§ 192-1).

Political activity includes:

- supporting or opposing a political party and/or candidate before or during an election;
- seeking nomination or being a candidate in an election;
- seeking appointment to a municipal council or school board; or
- canvassing or campaigning on a Toronto municipal referendum question.

Political activity is applicable to municipal, school board, provincial and federal elections and Toronto municipal referendum questions.

4. Prohibited Political Activities (§ 192-24).

A City or Agency employee will not:

- Use City or Agency resources, including facilities, equipment or supplies while engaging in political activity.
- Engage in political activity during working hours.
- Engage in political activity while wearing City or Agency uniform.
- Wear clothing or buttons that advertise any candidate, political party or referendum issue while at work or while wearing a City or Agency uniform.
- Use their title or position within the City or Agency in a way that would lead a member of the public to infer that the City or Agency is endorsing a candidate, political party or a particular response to a referendum question.

5. Designated Positions (§ 192-25).

The following City and Agency positions are "Designated Employees" and have limitations on the political activity they may engage in:

- City Manager
- City Solicitor
- Deputy City Managers
- City Clerk and staff that support the City Clerk to administer a Toronto election
- Division Heads
- Agency Heads of Large and Small Agencies¹
- Designated Directors and Similar Positions
- Employees who routinely provide governance and procedural advice directly to City Council, Agency Boards and their Committees or in the operation of the Office of the Mayor and Members' Offices;
- Employees responsible to enforce Article II, Election Signs of Toronto Municipal Code Chapter 693, Signs;
- Employees who prosecute City by-laws or Provincial statutes; and
- City and Agency employees that support the City Clerk in the administration of a Toronto election or referendum question.

¹ Large agencies include Exhibition Place, Toronto Parking Authority, Toronto Public Health, Toronto Transit Commission, and Toronto Zoo. Small Agencies include the Arena Boards, AOCCs, Heritage Toronto, Sony Centre for the Performing Arts, St. Lawrence Centre for the Performing Arts, Toronto Atmospheric Fund, Toronto Centre for the Arts, and Yonge-Dundas Square.

The City Manager, Deputy City Managers, City Solicitor, City Clerk and Elections staff may not engage in political activity in any election.

Division Heads and Heads of Large Agencies are permitted to run for elected office, seek appointment to a municipal council or school board, be a member of a political party, and contribute to a candidate (except in a Toronto municipal election). These positions are restricted from campaigning or canvassing for a political party or candidate before or during municipal, provincial and federal elections or related to a Toronto referendum question.

Heads of Small Agencies, Designated Directors and Similar Positions, employees who routinely provide governance and procedural advice directly to City Council, Agency Boards and their Committees or in the operation of the Office of the Mayor and Members' Offices, employees responsible for enforcing Article II, Election Signs of Toronto Municipal Code Chapter 693, Signs, and employees who prosecute City by-laws or Provincial statutes are restricted from campaigning or canvassing to support or oppose a candidate before or during a Toronto municipal election or campaigning or canvassing on a Toronto referendum question.

City and Agency employees that support the City Clerk in the administration of a Toronto election or referendum question may not engage in political activity in the Toronto election that they are working.

6. Employees Not Designated (§ 192-25, para.F)

Where City and Agency employees not identified as 'Designated Employees' in section 5 are uncertain of whether intended political activity may impair or be perceived to impair their ability to perform their duties in a politically impartial manner, they are required to disclose such political activity and seek guidance from their immediate supervisor, manager or Ethics Executive.

7. Seeking Election or Appointment to Political Office (§ 192-26).

City or Agency employees may seek election or appointment to political office, subject to the requirements set out below.

A. City or Agency Employees Seeking Election to Toronto City Council

A City or Agency employee is eligible to be a candidate for and to be elected as a member of Toronto City Council. In accordance with the *Municipal Elections Act, 1996*, a City or Agency employee:

- Must take an unpaid leave of absence to become a candidate for Toronto City Council. The leave will begin on the day the employee files their nomination papers and will end on voting day.
- Must provide written notice, in advance, of their intentions to take unpaid leave pursuant to City or Agency procedures.
- Is entitled to be paid out any vacation pay or overtime pay owing during the period of the unpaid leave of absence.

If the City or Agency employee who takes a leave of absence is not elected, the leave will not be counted in determining the length of their service for any purpose and the service before and after the leave shall be deemed to be continuous for all purposes.

B. City or Agency Employees Seeking Appointment to Toronto City Council

A City or Agency employee is eligible to seek appointment to and be appointed as a member of Toronto City Council. Any City or Agency employee seeking appointment must:

- Take an unpaid leave of absence. The leave will begin on the day the employee files their declaration of qualification and consent papers with the City Clerk and will end when City Council determines who will be appointed.
- Provide written notice, as soon as reasonably possible, of their intentions to take unpaid leave to seek appointment pursuant to City or Agency procedures.

If the City or Agency employee is elected or appointed to Toronto City Council, he or she will be deemed to have resigned from employment with the City or Agency immediately before making the declaration of office referred to in section 186 of the *City of Toronto Act, 2006*.

C. City or Agency Employees Seeking Election or Appointment to Other Municipal Councils or School Boards

A City or Agency employee is eligible to be a candidate for and to be elected as a member of any municipal council or school board or seek appointment to and to be appointed as a member of any municipal council or school board.

To become a candidate or seek appointment, a City or Agency employee may take an unpaid leave of absence. If the employee intends to take unpaid leave, they must provide written notice to request an unpaid leave pursuant to City or Agency procedures.

If a City or Agency employee is elected or appointed to another municipal council or school board, the employee is not required to resign, but is subject to the *Conflict of Interest* policy, other applicable employment policies and performance expectations.

D. City or Agency Employees Seeking Election to Provincial and Federal Office

A City or Agency employee is eligible to be a candidate for and to be elected as a member of Provincial legislature or Federal parliament. To become a candidate, a City or Agency employee must take an unpaid leave of absence and provide written notice to request an unpaid leave pursuant to City or Agency procedures.

If a City or Agency employee is elected to provincial or federal office, they shall be deemed to have resigned from employment with the City or Agency.

8. Use of Corporate Resources (§ 192-27).

A City or Agency employee who is on a leave of absence while seeking election or appointment to any elected office cannot use any City or Agency resources during that time or act in a manner that could reasonably give rise to a presumption that they are using City or Agency resources during the leave period. All access to City or Agency resources, including security, parking, voice-mail, and computer access will be temporarily disabled during the employee's leave.

9. Employee Time to Vote (§ 192-28).

The City and its Agencies will ensure that every employee who is qualified to vote will have three consecutive hours available to vote while the polls are open on election day.

10. Seeking Guidance and Advice (§ 192-29).

If a City or Agency employee is unsure about the appropriateness of their participation in political activity, they should consult with their immediate supervisor/manager or their Ethics Executive.

11. Failure to Comply with the Policy (§192-30)

A City or Agency employee who fails to comply with the political activity provisions may be subject to disciplinary action up to and including dismissal.

12. Related Policy

City of Toronto Policy on Use of City Resources during an Election (adopted by City Council July 11, 2012)

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