

Toronto Transit Commission

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Use of TTC Resources During an Election	Commission Services	May 3, 2018	3.4.2

1.0 RESPONSIBILITY

Chief Executive Officer

2.0 PURPOSE & BACKGROUND

The Act requires municipalities and local boards to establish rules and procedures for the use of resources during the election period.

This policy provides direction for employees on how TTC resources can and cannot be used during the election period and campaigning, and applies to municipal (including school board), provincial, and federal elections and by-elections, and to questions on the ballot

3.0 DEFINITIONS

3.1 Act

Means the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched. as may be amended or reinstated from time to time.

3.2 Campaign

Any activity by or on behalf of a candidate, registered third party advertiser, political party or question on a ballot meant to elicit support during the election period.

3.2 Candidate

Means a person who has a certified nomination for an elected office of a municipality (including school board) or the provincial or federal government in an election or by-election.

3.3 Contributions

As defined in the *Municipal Elections Act, 1996*, as follows:

In respect of a candidate, means money, goods and services given to and accepted by the candidate, or a person acting under the candidate's direction, for the candidate's election campaign.

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In respect of a registered third party advertiser, means money, goods and services given to and accepted by the registered third party advertiser, or a person who is acting under the direction of the registered third party advertiser for the registered third party advertiser's purpose during the election period..

3.4 Election Period

- For a municipal or school board election, the election period commences on May 1 of an election year and ends on voting day.
- For a provincial or federal election, the election period commences the day the writ for the election is issued and ends on voting day.
- For a question on the ballot, the period commences the day City Council passes a by-law to put a question to the electorate, and ends on voting day.
- For a by-election, the period commences when the by-election is called and ends on voting day.

3.5 Registered Third Party Advertiser

Means, in relation to a municipal election, an individual, a corporation or a trade union that is registered with the clerk of the municipality, in accordance with section 88.6 of the Act, whose purpose is to promote, support or oppose a candidate or an issue on a question on the ballot, and is not under the direction of a candidate.

3.6 TTC Employees

TTC employees include all non-union management and staff employees, and all members of TTC bargaining units.

3.7 TTC Facilities

Any property, vehicle, facility or infrastructure that is owned, leased, or directly managed and operated by the TTC, or any TTC property leased to a third party under a tenancy agreement, or covered under specific access contracts or agreements.

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3.8 TTC Resources

Includes, but is not limited to, TTC facilities, TTC employees, TTC events, equipment, supplies, funds, and information.

4.0 PRINCIPLES

4.1 Contributions

In accordance with the Act, the Elections Finances Act (Ontario) and the Canada Elections Act, the TTC cannot make a contribution to any candidate, registered third party advertiser or political party during an election period.

4.2 TTC Resources

TTC resources may not be used to support, endorse or otherwise provide an unfair advantage to any candidate, registered third party advertiser or political party during an election period.

5.0 ACTIVITIES ALLOWED DURING AN ELECTION

5.1 TTC Employees

Subject to any restrictions under the Toronto Municipal Code, Chapter 192, Public Service, TTC employees may work on a campaign or support a candidate outside of their work hours as long as the activity does not adversely affect their ability to perform their duties as employees of the TTC (see section 6.1).

5.2 Campaign and Distribution of Campaign Materials

Candidates are permitted to campaign and distribute campaign materials inside subway stations (but outside the fare-paid areas), and outside and near entrances to subway stations and other TTC facilities provided the campaign activity does not negatively affect the safe and efficient movement of transit customers in and out of the subway station and the other TTC facility (see section 6.2).

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5.3 TTC Events

Candidates are permitted to attend TTC events or events held at TTC facilities, in their capacity as elected officials or as private citizens, as applicable, to meet with attendees and visitors, but may not solicit votes. No campaign signs may be posted or no campaign materials may be distributed at TTC events or events held at TTC facilities.

Elected officials, in their capacity as and as long as they are elected officials, are permitted to attend TTC events or events held on TTC facilities and act as ceremonial participants in that capacity, including speaking at the event. (See also 8.0.3)

In respect of provincial and federal elected officials, once the writ is issued for the provincial or federal election, those persons are no longer elected officials and are not permitted to attend TTC events or events held on TTC facilities in their capacity as elected officials.

5.4 TTC Information

TTC information already made available for public use may be used by candidates during an election. Information provided by TTC employees to any one candidate, registered third party advertiser or political party during an election will be provided to all candidates, registered third party advertisers and political parties.

6.0 ACTIVITIES NOT ALLOWED DURING AN ELECTION

6.1 TTC Employees

TTC employees may not canvass or work in support of a candidate, registered third party advertiser or political party during working hours. Working hours does not include vacation time or time on approved leaves of absence. TTC employees working on behalf of a candidate, registered third party advertiser or political party may not use any TTC resources or TTC facilities for any campaign activities.

TTC employees shall not wear their TTC uniform during campaign activities or use their title or position with TTC in a way that would lead a member of the public to mistakenly believe or perceive that TTC is endorsing the candidate or political party.

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While on duty, at TTC facilities, and/or wearing a TTC uniform, TTC employees shall not wear clothing or buttons that advertise any candidate, political party or referendum issue.

TTC employees shall not perform any service, offer any advice or provide any information solely for the use of one candidate, registered third party advertiser or political party.

If TTC employees are unsure about the appropriateness of their participation in campaign activities they should consult with their department head.

The following TTC employees cannot take part in campaign activities:

- members of the Executive Team
- senior staff in positions of influence regarding programs and services who may have direct contact with members of City Council
- staff in a designated position under the Toronto Municipal Code, Chapter 192, Public Service

6.2 TTC Facilities

Except as provided in section 5.2, TTC facilities cannot be used for any campaign activities or campaign-related purposes by candidates during an election, including for the display of campaign signs.

No permits or any other agreement for the use of TTC facilities will be issued for the use or promotion of a particular candidate.

6.3 TTC Communications

TTC communications must not make reference to and/or identify any individual as a candidate, or advocate for or against a particular candidate or political party. Communications include, but are not limited to, media releases, media advisories, invitations to special events, flyers, posters, banners, brochures, newsletters, or communications on social media channels such as Facebook and Twitter.

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TTC websites or domains must not include any campaign materials, make reference to and/or identify any individual as a candidate, or profile any slogan or symbol associated with a candidate or political party during an election.

Photographic or video materials created by or on behalf of the TTC, created by TTC employees or with TTC resources must not be used in any campaign materials.

The TTC logo must not be used in any campaign materials.

7.0 ELECTION ADVERTISING SIGNS

See corporate policy Advertising on TTC Property.

8.0 RESTRICTIONS RELATED TO TTC RESOURCES PROVIDED TO MEMBERS OF COUNCIL DURING AN ELECTION

As Members of Council may also be candidates in a municipal election, after August 1 in the municipal election year, TTC employees will discontinue the following activities for Members of Council, whether or not they are candidates:

- 1) No advertising or communication, including social media channels, paid by or on behalf of the TTC, or operated or distributed by or behalf of the TTC will reference the name or image of a Member of Council.
- 2) No TTC event signage, including banners and posters, will not reference the name or image of a Member of Council.
- 3) No Member of Council will be invited to host, speak at or otherwise participate in any TTC event, including TTC public meetings.
- 4) No TTC communication will reference the name or image of a Member of Council.
- 5) No ceremonial document that would in the normal course be signed by a Member of Council will be signed by a Member of Council but will be signed by the Chief Executive Officer.
- 6) No conference and/or business travel will be approved during the election for a Member of Council who is not seeking re-election.

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- 7) No TTC Chair office budget is eligible for use for advertising, newsletters, flyers, transit and/or community related expenses and events.

9.0 Toronto Municipal Code, Chapter 192, Public Service

Article V of Chapter 192 of the City of Toronto Municipal Code shall apply. In case of any conflict between this policy and Chapter 192, The provisions of Chapter 192 shall govern and prevail.

10.0 REFERENCES

- Advertising on TTC Property Policy
- Constituency Services and Office Budget Policy (City of Toronto)
- City of Toronto Municipal Code, Chapter 192, Public Service, Article V, Political Activity
- City of Toronto Use of City Resources during an Election Period Policy
- Municipal Elections Act, 1996

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