

Rules before Leaving Office and Post-Service Obligations

Purpose of the Bulletin

1. The purpose of this Interpretation Bulletin is to remind members of Council (“members”), who are contemplating leaving office, of the rules that apply before and after they leave office.

Rules before Leaving Office

2. The [*Code of Conduct for Members of Council*](#) (the "Code of Conduct") includes rules governing what members may and may not do when they intend to resign, to not seek re-election or are defeated in an election. Those rules include:

Article 6 (Use of City Property, Services and Other Resources)

Article 6 prohibits members from using City resources for activities other than City business. Members of Council must not use City resources and information (including confidential information) available to them by virtue of their office, to research or pursue any future employment, appointments or business opportunities.

Article 10 (Conduct Regarding Current & Prospective Employment)

Article 10 states that members must not allow the prospect of their future employment by any person or entity to detrimentally affect the performance of their duties to the City. If a member has a settled intention to leave office they must not, for example, decide or act in relation to matters for the purposes of securing favourable consideration from a prospective employer or business associate.

3. Sections 5(1)(b), 5(1)(c) and 5.2(1) of the *Municipal Conflict of Interest Act* (MCIA) require that members not act or be involved in matters where they have a pecuniary interest. If a member, before leaving office, accepts an offer of employment, appointment or business opportunity, that may give rise to a pecuniary interest. If so, they must not act or decide in respect to any matters relating to that interest and may need to declare that interest at Council and committee meetings as required by section 5(1)(a) of the MCIA.

4. Members need to be aware that the Integrity Commissioner has authority to investigate Code of Conduct complaints and MCIA Applications received after a person is no longer a member of Council, if the allegation relates to their activity before leaving office. The fact that someone has left office does not mean that their conduct while in office is immune from investigation.

Post-Service Obligations

5. After leaving office, a person who was a member of Council (“a former member”) has obligations they must observe. Those obligations include:

Respecting Confidentiality

While a member, Article 5 (Confidential Information) of the Code of Conduct requires someone to keep certain information confidential and prohibits them from using this confidential information other than for carrying out their official duties. Confidential information includes information that has been shared on a confidential basis about:

- the security of the property of the City or local board;
- personal matters about an identifiable individual, including a city employee or a local board employee;
- a proposed or pending acquisition or disposition of land by the City or local board;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the City or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which the city council, board, committee or other body may hold a closed meeting under another Act;
- information explicitly supplied in confidence to the City or local board by Canada, a province or territory or a Crown agency of any of them;
- a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- a trade secret or scientific, technical, commercial or financial information that belongs to the City or local board and has monetary value or potential monetary value;

- a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or local board.

A former member may owe a duty of confidentiality to the City or third parties, even if they no longer sit on Council. A former member should consult the Clerk's Office and City Legal Services and may wish to seek independent legal advice (at their own expense), if they have a question about whether or not something they propose to say or do may be perceived as breaching that duty of confidentiality.

Lobbying Prohibitions

Section 140-9 of the [Lobbying By-Law](#) prohibits a former member from lobbying any public office holder during the 12 months after the date that they cease to hold office. The definitions of "lobbying" and "public office holder" are broad. For example, arranging a meeting between a public office holder and any other person constitutes lobbying. If a former member intends to pursue any role that interacts with City of Toronto officials, they should consult directly with the [Office of the Lobbyist Registrar](#) to ensure a clear understanding of the By-law.

Ineligibility for City Appointments

Section 2.3 of the [Public Appointments Policy](#) states former members of Council who served "in the immediately preceding term are ineligible for appointment to the City's quasi-judicial or [adjudicative boards](#) or positions."

Further Information

6. This interpretation bulletin provides general information. To obtain the Integrity Commissioner's advice about a specific situation, members of Council must seek written advice in accordance with section 159(2.1) and (2.2) of the *City of Toronto Act, 2006*.

Contact Information

Office of the Integrity Commissioner
City of Toronto
375 University Avenue, Suite 202
Toronto, ON M5G 2J5
(416) 392-3826

integrity@toronto.ca

toronto.ca/integrity

Issue Date	August 8, 2022
Version	1.1
Notes	<p>This version updates the Article numbers to reflect the updated Code of Conduct, effective August 1, 2022.</p> <p>This bulletin replaces and supersedes interpretation bulletins previously issued to members of Council about post-service obligations.</p>