



Addressing Harassment in Municipal Government: The Need for Legislative Reform

For Meeting with Minister Calandra

2024 AMO Conference

Date: Monday August 19th, 2024

Time: 4:15 – 4:30 pm

Background

The Ontario Municipal Administrator's Association (OMAA) represents municipal Chief Administrative Officers (CAOs), City Managers, and other senior municipal executives (Aspiring CAOs) across Ontario. CAOs represented by OMAA have a unique perspective on municipal governance.

The CAO / City Manager (referred to generically as CAO in the rest of this submission) is generally the only employee hired directly by a municipal council and is the senior official reporting directly to Council. The CAO provides the link between the elected Council, and the rest of the municipal administration, and is ultimately responsible for ensuring that the municipality provides a healthy, safe, respectful working environment.

CAOs know that engaged, supported staff are the key to providing high-quality, efficient, and effective municipal programs and services. Without great staff, it is difficult or impossible to provide great service. CAOs also know that a high-performing work force, providing excellent municipal services and programs is one key to building public trust and confidence in municipal government. The higher the level of trust and confidence in municipal government, the easier it is to attract and retain good staff.

Inappropriate conduct by a Councillor or Councillors can harm the municipality's reputation and negatively affect trust in local government. This can have a damaging impact on the image of the municipality. From a human resources standpoint, it can also make it more difficult to recruit, retain and develop good staff—making it difficult to provide excellent programs and services.

OMAA and its member CAOs are keen to work with the government in developing meaningful anti-harassment legislation as this will help to:

- Improve accountability, transparency, and overall municipal governance.
- Create and maintain a healthy, safe, and respectful municipal work environment.
- Attract and retain dedicated, competent staff who provide efficient, effective, high-quality municipal programs and services.
- Maintain / enhance the reputation of the municipality and improve trust and confidence in municipal government, which will enhance business attraction and retention, job creation and economic development.
- Ensure that municipalities are providing the best possible service to the people of Ontario.

Introduction

A working environment founded on mutual respect, trust, collegiality, and inclusion fosters productivity and efficiency. This principle is particularly crucial in municipal governments, where elected officials and staff collaborate to serve the public effectively. Local governments are a cornerstone of our democratic system: strong, effective, and close to the people. However, recent incidents highlight a significant legislative gap between municipalities and other organizations as members of council are not subject to effective disciplinary measures for harassment or discrimination, unlike other managers and employees across Ontario.

The Current Problem

Most municipal elected officials are dedicated and strive to do their best for their communities, recognizing the importance of collaboration with municipal staff. Nevertheless, a growing number of these officials are harassing staff and other elected officials. The nature of the different roles and the structure of municipalities means that there is already an imbalance of power between councillors and staff before any such incidents occur.

“The relative power imbalance between staff, who do not have a voice at Council, and elected Members, who do, mean that their respective roles and responsibilities must be acknowledged and respected.”

Villeneuve v. North Stormont (Township), 2022 ONSC 6551 (Div. Ct.) at para. 38

The Scope of the Issue

Harassment of municipal staff by elected officials is becoming increasingly common:

- **Common Problem:** A previous OMAA survey found that more than 75% of respondents reported harassment and bullying by elected officials, with 76% stating that they had personally been at the receiving end of harassment by a member of council.
- **Worsening Problem:** Staff are experiencing a range of threats and harassment, including physical violence (both threatened and actualized), psychological violence, sexualized or gendered abuse, racialized abuse, plus online harassment and threats.

Impact on Staff

Threats and harassment cause severe personal and professional disruptions. Many staff experience isolation, fear of the workplace, and stress issues. They may suffer from a range of adverse physical and mental health effects including headaches, insomnia, stomach problems, anxiety, depression, and other mental health conditions. These effects can impact not only the victim's health and wellbeing but also their ability to perform their role effectively and

productively. These hostile environments discourage public service and have a chilling effect on recruitment and retention.

OMAA held an open-house session titled *Addressing Harassment from Council or Staff* on 26 July 2024. 75% of attendees reported an incident of harassment from Council and 25% reported an incident of harassment from staff within the last 12 months. Several CAOs also commented on the very damaging impacts of having to deal with the situation of a council overturning the recommendations of an integrity commissioner to sanction an individual councillor. These include demoralization of the staff member in question that led to a stress leave—which led to a decrease in the number of applicants for employment in that municipality. In another instance, one councillor that has been reprimanded several times openly boasts of this as an accomplishment in public and on social media – causing a very fractious climate on council and between staff and council.

Current Legislative Shortcomings

Currently, municipalities are required to have a code of conduct for members of councils and certain local boards, as well as provide access to an integrity commissioner. However, current municipal codes of conduct do not have strong enforcement mechanisms nor the framework to appropriately address cases of harassment and/or inappropriate behaviour. There have been egregious acts of sexual violence and harassment perpetrated by municipal councillors in several Ontario municipalities. The most severe penalty currently for municipal councillors is a 90-day suspension of pay. There is no process for removing councillors from office, even for egregious acts of violence or harassment. Waiting for an election is not a feasible solution as it means lost years with lost productivity, anxiety, poor morale, and other issues. This legislative gap leaves elected officials unaccountable for serious misconduct, unlike every other working Ontarian who must adhere to workplace violence and harassment policies.

Proposed Solutions

Comprehensive legislative reform is necessary to ensure a safe and respectful workplace for all municipal employees. The Province must pass a law that holds locally elected officials accountable for violence and harassment that includes the following:

1. **Appropriate Mechanisms:** Workplace harassment /discrimination cases should be heard, and have penalties imposed by a court or administrative tribunal. These cases should not be debated and decided at council
2. **Training and Reporting:** Mandate training in anti-harassment and discrimination for members of council, their staff, and local boards. Establish a duty to report such incidents. A trauma-informed process¹ for handling complaints should be outlined in the legislation and made available in every municipality. Specifically, this confidential

¹ The Center for Disease Control's Office of Public Health Preparedness and Response (OPHPR), in collaboration with SAMHSA's National Center for Trauma-Informed Care (NCTIC), provides a good discussion of the [principles that guide a trauma-informed approach](#).

process much ensure: acknowledgement (“I will be heard”), support (“I can get the help I need”), and trust (“I will be treated fairly”).

Integrity Commissioners (ICs) should also have better, standardized training to improve the consistency of decisions across the province. The existing process led by Integrity Commissioners is very public, time-consuming, and expensive. It would be beneficial if more IC-led processes started with mediation. Mediation generally takes much less time to complete than an investigation. It also benefits from being confidential and mediated settlements often preserve working relationships in ways that would not be possible in a win/lose decision-making procedure. The Province should consider developing a list of qualifications of ICs as it has done for those that serve the Education sector² and to include mediation as one such requirement.

3. **Enforcement and Penalties:** Implement a range of penalties that escalates and reflects the severity of the situation at issue. This should include the possibility of removal from office and restrictions on re-election opportunities for those found guilty of violence and harassment.
4. **A process for removal from office for severe misconduct:** Allow Integrity Commissioners and/or municipalities to apply to a judge to remove a sitting member in the most egregious cases, such as harassment or assault, if recommended by an Integrity Commissioner. Those removed should be barred from re-election during the current and subsequent term.
5. **Support Systems:** Provide remedial measures and supports for complainants, ensuring a trauma-informed process. Guarantee fair and independent investigation of complaints. Members of councils should also have access to appropriate support and indemnification.

The codes of conduct for members of the council of the municipality and of its local boards must include a requirement for the members to comply with the policies with respect to workplace violence or harassment that are established by the municipality or its local boards under section 32.0.1 of the *Occupational Health and Safety Act*. The Minister should establish a framework for codes of conduct that includes a list of standard provisions that must be included in every code of conduct plus mechanisms to address the recommendations above.

Training of Elected Officials

With municipal elections occurring every four years, the probability of change is high. Even if all the same individuals are voted in, each term brings a new council. With each election, the culture of council may differ, the politics may vary, and returning councillors may become more confident in their role. Council orientation sessions help ensure elected officials understand their role in governance and municipal service delivery. The Ministry of Municipal Affairs currently has a helpful *Municipal Councillors Guide* that covers the key roles and responsibilities

² [The Education Act New Regulation: Integrity Commissioner Qualifications & Code of Conduct Complaint Process \(ontariocanada.com\)](http://ontariocanada.com)

as well as strategic and succession planning. MMAH should develop a training module on harassment that is informed by the new legislation that can be included in council orientation and related training sessions.

Training should be provided to all municipalities in advance of a new term of council and completion of such training should be a condition to hold office. This could be done by MMAH staff, by the municipality's Integrity Commissioner, or other qualified persons.

Acknowledgement of the municipal code should also be part of administration of the oath of office during the council inauguration process.

In addition to reviewing ethics during a council orientation session, it is important to provide additional training opportunities that further educates councillors and staff on the subject matter. Ideally, online micro training sessions could be made available so that councillors could get refreshers in a convenient manner throughout the council term.

Being an elected official is very challenging, new councillors are bombarded with information on a wide range of topics. They also must take on roles for which they may have little experience, knowledge, or training. Being a Committee Chair or Chair of Council is one such role. The chair plays a crucial role in influencing a committee's style, composition, balance and performance. Being an effective chair requires the following key skills:

- effective communication skills to lead board and committee meetings with finesse and encourage open dialogue among members.
- a strong understanding of governance principles and good practice, ensuring the committee operates ethically and effectively.
- ability to cultivate a collaborative and inclusive environment that inspires participation and engagement from all committee members and members of the public.
- conflict resolution skills to effectively manage disagreements and guide the committee towards consensus.

Councillors and the councils they sit upon would be much better served by having access to a province-wide online learning management system that enables them to learn these skills at their own pace and on their own time. Ideally, such a system would require compliance within a certain time frame as is common in corporate health and safety training regimes.

Preventing Weaponization

Harassment is a serious charge. The *Occupational Health & Safety Act* makes it clear that it is an objective, not subjective, test, defining harassment as: "Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome". While harassment allegations are rarely used as a weapon, it is worth taking sensible precautions to help ensure it remains so.

It is recommended that the new legislation clearly specify which parties may file a complaint. By way of example, the [Workplace Harassment and Violence Resolution Process](#) approved by the House of Commons in February 2024 restricts it to the following persons:

- an employee of a Member.
- a Member.
- a former employee, within three months of departure unless there are extenuating circumstance.
- a witness on behalf of a complainant, namely one of the above.

The Provision contained in Bill 5 (First Reading 10 August 2022) should be carried forward in the new legislation to prevent actions from becoming a political tool:

No application during regular election

(2) No application shall be made under this section during the period of time starting on nomination day for a regular election, as set out in section 31 of the Municipal Elections Act, 1996, and ending on voting day in a regular election, as set out in section 5 of that Act.

Individuals who file a complaint that is found to be frivolous, vexatious, or made in bad faith should also be subject to corrective or disciplinary action.

Effort should be undertaken to periodically evaluate the efficacy of the new requirements once implemented.

Harassment of Elected Officials

The increase in harassment of elected officials is a pervasive issue across Canada, not confined to any community or level of government. Incidents involving Members of Parliament have surged dramatically, with reports of threats increasing almost 800% in the last five years. Most of the harassment recorded was online, but the number of threats against MPs has also climbed dramatically. In 2019, eight files were opened because of threats, and in 2023 there were 530 files opened.

A growing number of elected municipal officials are resigning due to harassment, intimidation, and threats of violence. Harassment deters qualified individuals from serving, weakening representation and democratic participation.

Data from [Princeton University's Bridging Divides Initiative](#) reveals alarming trends in the USA, which are echoed here in Ontario:

1. **National Problem:** Hostility towards local officials is widespread, with reported events rising from 2022 to 2023.
2. **Types of Hostility:** Death threats (58% of threats) and invasions of privacy (33% of harassment) are prevalent.

3. **Anonymity and Accountability:** Increasingly, threats and harassment are conducted anonymously through emails, social media, and other remote methods, complicating accountability efforts.
4. **Mobilizing Narratives:** Certain events, such as anti-LGBTQ+ mobilization and the Israel-Palestine conflict, have triggered heightened rates of targeted hostility.

Targeting of local officials has increasingly involved virtual or physically removed methods – meaning the perpetrator is not present when the threat or harassment occurs. Examples of such activity include sending emails, making social media posts, zoom bombing, mailing letters, making phone calls or leaving voicemails, among others. Threats and harassment are becoming rampant due to an emboldened political climate with a new level of permission to be publicly vile.

More severe forms of threats and harassment – such as death threats and invasions of privacy – may be more frequently reported due to the level of potential harm. Conversely, some feedback from targeted officials suggests that there may be less reporting on severe forms of threats and harassment due to concerns over reprisal or further hostility.

The prevailing situation is alarming and hinders the retention of municipal officials, as exemplified by the recent resignation of France Bélisle as Mayor of Gatineau, QC. In Québec alone, an estimated 800 elected officials have stepped down since the 2021 election, citing threats and intimidation from both online and offline sources.

When it is a workplace issue, it can be dealt with by the recommendations above. When harassment of elected officials comes from members of the community, additional tools are required. Separate legislation, perhaps leveraging work underway at the federal level to amend the Criminal Code to create “protective zones” for elected officials, and other tools in partnership with social media platforms are needed to tackle this issue.

Quebec has already responded by launching a helpline for politicians following a wave of resignations due to intimidation and harassment.

Ontario must act to combat this growing problem. OMAA believes that measures to address harassment of municipal staff should be quickly followed by measures to address harassment of municipal elected officials. This will clearly demonstrate that the government is aware of the dangers of harassment both within and outside of municipal offices, which will help protect our democratic institutions.

Conclusion

To safeguard the integrity of municipal governance and ensure a safe, respectful workplace for all employees, it is imperative to enact comprehensive legislative reforms. These measures will hold municipal elected officials accountable for their actions, protect potential candidates from intimidation, and ultimately strengthen democratic governance in Ontario.