

#THEWOMENOFONTARIOSAYNO

A call for legislation to hold municipally elected leaders accountable for violence and harassment

Overview

Who We Are

The Women of Ontario Say No is a non-partisan group of individuals, municipalities and community groups committed to holding municipally elected politicians accountable for violence and harassment. Our mission: drive essential legislative changes to the Ontario Municipal Act that ensures sitting elected officials are not immune to accountability when it comes to the mistreatment of others.

The Issue at Hand

Municipally elected leaders do not have an appropriate accountability structure when it comes to perpetrating violence and harassment in the workplace. In fact, if a claim of egregious (the most severe) harassment is substantiated; the maximum penalty that can be imposed is three months without pay. But the elected official can **retain their position, return to the workplace and seek re-election**.

This differs from any other workplace in the province, where, not only are workplaces mandated to have violence and harassment in the workplace policies (Bill 168), these policies outline consequences for egregious violation which includes termination.

Why this is so important?

Having a route to address violence and harassment outside of the court system is critical. The burden of proof in the court system is "beyond a reasonable doubt". This is significantly more onerous than with HR departments (or in this case for the Integrity Commissioner in the municipal setting), wherein the burden of proof required for a determination of Code of Conduct violation is based on "a balance of probabilities". As such, a fair outcome can be pursued that ensures misconduct can be addressed much more effectively than the current reality.

The Consequence of Inaction

When local leaders are able to perpetrate harassment and are not held to account, the message this sends to community is toxic. It means that:

- 1) **as an elected official you are somehow immune** to the communal standards of treatment we have come to expect from the population at large, and;
- 2) **That you can abuse your power**, unchecked, and continue to have the privilege of serving the population that elected you.

A fundamental, underlying principle of broadening diversity, equity and inclusion in politics rests on the assumption that the workplace is SAFE. This is currently not the case. As such, despite the most recent municipal elections in October, 2022, councilors currently can perpetrate the most egregious acts of harassment and keep their jobs.

This has immeasurable negative impact in communities, wherein:

- 1) **community members** and/or municipal staff may not feel safe meeting with their local ward councillor or mayor;
- 2) **if a person is harassed**, they may not see the point of filing a complaint with the Integrity Commissioner;
- 3) **there is no deterrent to council members** when it comes to perpetrating harassment, because they know they can still keep their job;
- 4) **it stifles diversity of voice** at the local decision making tables, because when safety is a risk, it deters quality people from traditionally marginalized backgrounds from seeking election;
- 5) **in instances where council members** who have perpetrated harassment to staff or their colleagues can retain their position, no matter how serious, it creates toxic workplaces which has an adverse effect on mental health in the workplace and throughout community;
- 6) **it supports current systems** of privilege and immunity of a certain segment of the population, which is not optimal for healthy communities;
- 7) **it sends the message** that if you have power, you are different (and superior to) the average citizen.

To learn more check out:
thewomenofontariosayno.com



** Government Legislation, once passed, will be applicable to ALL municipalities in Ontario at the same time.*

What are we asking for?

We are advocating for 3 key components to the Ontario Municipal Act to strengthen our democratic processes by upholding fundamental human rights—the right to go to work and not be harassed:

* **Note: These changes have been endorsed by the Rural Ontario Municipal Association, Association of Municipalities Ontario, Ontario Big City Mayors and 185 municipalities in Ontario (and growing weekly).**

1. **Strengthened Codes of Conduct:** An amendment to the Ontario Municipal Act that ensures Code of Conduct explicitly includes accountability to violence and harassment policies. This step ensures that our political representatives are held to the same standard as any other employee in Ontario when it comes to respecting the rights and dignity of every individual, thus fostering a safer and more inclusive environment for all.
2. **Mechanism for Removal:** To address the investigated and substantiated egregious violations of municipal codes of conduct, a robust removal mechanism in the Ontario Municipal Act is essential. This process, reserved for only the most egregious of cases, aims to maintain the integrity of our governance while addressing actions that breach the core values we uphold. It ensures that municipally elected representatives are not immune from the basic standards of treatment we have come to expect in every other workplace.
3. **Restriction on Re-election:** To ensure the message that violence and harassment will not be tolerated, and to support greater accountability over time, a restriction on subsequent re-election for individuals found guilty of serious misconduct is required. This measure ensures that those who fail to uphold the most basic ethical standards of workplace safety face consequences that extend beyond a single term. This is consistent with any other workplace, where an employee who is terminated for perpetrating violence and harassment is not rehired a year later, for example.

These changes are not meant to undermine the democratic process but rather to bring elected representatives up to the same standard as every other employee in Ontario. This advocating effort is not meant to undermine the democratic process but rather to bring elected representatives up to par— a very basic benchmark for how we treat each other in the political sphere. Workplace safety is foundational to overall workplace and greater community health.

This effort is firmly rooted in advocating for legislative changes that are supported by due process, ensuring fairness for all parties involved.

History

The Ontario government introduced legislation to mandate that employers have a Workplace Violence and Harassment policy. This legislation underscored the rights of all persons to be safe at work. Yet, municipally elected representatives have essentially experienced immunity, by virtue of public election.

In 2021, the Conservative government completed consultation on “Strengthening accountability for municipal council members.” Not only did the current government not pass its own legislation to address this human rights protection gap, they also *did not* prioritize The Stopping Harassment and Abuse by Local Leaders Act (most recently known as Bill 5) and *voted it down* on May 31, 2023.

The same private members bill had all party support in 2021. We know that the examples of councillor misconduct have only grown since this time. This issue is not going away.

Here are our calls of action to help us change the future:

- 1) **SHARE, LIKE and Follow:** @womenofontariosayno (facebook and Instagram)
- 2) **deliver a presentation to a municipal council in Ontario** requesting support (materials provided). This is a unique approach to advocacy, but is appropriate to approach local councils, as it is their workplace.
- 3) **showcase your organization/community** groups’ logo to the website to add credibility and legitimacy to the advocacy effort.
- 4) **meet/write/call your local MPP** and express that this legislation matters to you/your organization/their constituents and the overall community.
- 5) **share and disseminate** information with your networks.
- 6) **write the Ontario Human Rights Commission** and request a public inquiry into the issue: legal@ohrc.on.ca (a letter provided on our website)
- 7) **feel empowered** to have the hard conversations. So much of grassroots change occurs at our dinner table, speaking with a neighbor, or your local councillor. Start talking about the issue. Express the change you want to see and never feel ashamed to advocate for basic human rights. We often feel we have to be experts in legislation to advocate for it. We are all experts in how we want to be treated. Let this be your guide.

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