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Bill 207

**An Act to amend the Municipal Act, 2001 and the City of Toronto Act, 2006
with respect to conduct of councillors and members of local boards**

Mr. J. Burch

Private Member's Bill

1st Reading June 5, 2024

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Municipal Act, 2001* and the *City of Toronto Act, 2006*. Here are some of the highlights:

1. Requirements relating to workplace violence, workplace harassment and workplace discrimination are added with respect to codes of conduct.
2. A requirement to review codes of conduct and establish a framework for codes of conduct is added to both Acts.
3. The *Municipal Act, 2001* is amended to require the Minister to establish a Board of Integrity Commissioners.
4. Both Acts are amended to allow the Commissioner to make an application for judicial review to vacate a member's seat and impose prescribed penalties if the Commissioner is of the opinion that the member has made certain contraventions of the code of conduct.
5. Provisions are added to both Acts to allow the Commissioner to apply to a judge of the Superior Court for confirmation of certain determinations.

**An Act to amend the Municipal Act, 2001 and the City of Toronto Act, 2006
with respect to conduct of councillors and members of local boards**

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Municipal Act, 2001

1 Section 223.2 of the *Municipal Act, 2001* is amended by adding the following subsections:

Workplace violence, harassment and discrimination

(2.1) A code of conduct established pursuant to this section must require members of the council of the municipality and of its local boards to,

- (a) comply with the policies with respect to workplace violence, workplace harassment and workplace discrimination established by the municipality or its local boards under section 32.0.1 of the *Occupational Health and Safety Act*; and
- (b) report contraventions of the code of conduct to the municipality or local board, as the case may be.

Same, training

(2.2) The municipality or local board, as the case may be, shall ensure that members of its council are provided with annual, mandatory training provided by a third party provider regarding the policies with respect to workplace violence, workplace harassment and workplace discrimination.

Same

(2.3) A member who attends the training referred to in subsection (2.2) shall provide the municipality or local board, as the case may be, with a written attestation that they have attended the training.

2 The Act is amended by adding the following sections:

Code of conduct review

223.2.1 (1) Within one year after section 2 to the *Municipal Accountability and Integrity Act, 2024* comes into force, the Minister shall conduct a review of the codes of conduct established pursuant to section 223.2 of this Act.

Framework

(2) Within 6 months after conducting the review, the Minister shall establish a framework for codes of conduct that shall include the following:

1. A list of standard provisions that must be included in every code of conduct.
2. A list of standards that a code of conduct must include, including standards with respect to workplace violence, workplace harassment and workplace discrimination.
3. Requirements for training members of a council of a municipality and local board regarding the code of conduct.
4. A range of penalties to be applied for contraventions of a code of conduct.
5. Standard processes for inquiries and investigations into alleged contraventions of a code of conduct.
6. Mechanisms for protecting individuals from reprisals for alleging contraventions of a code of conduct.
7. Maximum timelines for inquiries and investigations and a process for prioritizing claims of a contravention based on the nature of the contravention.
8. Standards regarding support and indemnification for members of a council of a municipality and local board, as the case may be, and for their staff.
9. Mechanisms for ensuring that complaints are addressed through a trauma-informed process.
10. Mechanisms for addressing complaints that are frivolous or vexatious.
11. A process for informal resolution of appropriate complaints.

12. Such other matters as the Minister considers appropriate.

Implementation

(3) The Minister shall establish a plan and schedule for each municipality and local board to implement the framework code of conduct.

Board of Integrity Commissioners

223.2.2 The Minister shall establish a Board of Integrity Commissioners that shall meet the following requirements:

1. The Board shall form part of the Office of the Integrity Commissioner of Ontario.
2. The role of the Board shall be to adjudicate all claims regarding workplace violence, workplace harassment and workplace discrimination.
3. The prescribed number of members of the Board shall be appointed in consultation with governing bodies.
4. Members of the Board shall meet and retain the licensing and good character requirements established by the Law Society of Ontario.
5. The mandate of the Board shall be ensuring access to justice.

3 Section 223.4 of the Act is amended by adding the following subsection:

Contravention re workplace violence, harassment or discrimination

(6.1) In addition to any penalties imposed under subsection (5), if the Commissioner is of the opinion that the member has contravened the code of conduct by failing to comply with the municipality's or local board's policies with respect to workplace violence, workplace harassment or workplace discrimination, the Commissioner may,

- (a) make an application for judicial review to vacate the member's seat in accordance with section 223.4.0.1; and
- (b) impose any prescribed penalties in the prescribed circumstances, and such penalties are binding.

4 The Act is amended by adding the following section:

Application re workplace violence, harassment or discrimination

223.4.0.1 (1) If the Commissioner determines in an inquiry under section 223.4 that a member of a council of the municipality or its local board has contravened its code of conduct by failing to comply with its policies with respect to workplace violence, workplace harassment or workplace discrimination, the Commissioner may apply to a judge of the Superior Court for confirmation of the Commissioner's determination.

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.

Contents of notice of application

(3) The notice of application shall state the grounds for finding that the member contravened the municipality's or local board's code of conduct by failing to comply with the municipality's or local board's policies with respect to workplace violence, workplace harassment or workplace discrimination.

Penalty

(4) If the judge determines that the member has contravened the code of conduct by failing egregiously to comply with the municipality's or local board's policies with respect to workplace violence, workplace harassment or workplace discrimination, the judge may declare the member's seat vacant.

Same

(5) A member whose seat on the council of a municipality or on a local board has been vacated under subsection (4) is ineligible to stand as a candidate at any subsequent elections respecting the council of the municipality or the local board or to be appointed to the council of the municipality or the local board during the period beginning on the day on which the member's seat is declared vacant and ending on the day of the second subsequent regular election.

City of Toronto Act, 2006

5 Section 157 of the City of Toronto Act, 2006 is amended by adding the following subsections:

Workplace violence, harassment or discrimination

(2.1) A code of conduct established pursuant to this section must require members of city council and of local boards (restricted definition) to,

- (a) comply with the policies with respect to workplace violence, workplace harassment and workplace discrimination established by the municipality or its local boards under section 32.0.1 of the *Occupational Health and Safety Act*; and
- (b) report contraventions of the code of conduct to the City or local board (restricted definition) as the case may be.

Same, training

(2.2) The City shall ensure that members of its council are provided with annual, mandatory training provided by a third party provider regarding the policies with respect to workplace violence, workplace harassment and workplace discrimination.

Same

(2.3) A member who attends the training referred to in subsection (2.2) shall provide the City with a written attestation that they have attended the training.

6 The Act is amended by adding the following section:

Code of conduct review

157.1 (1) Within one year after section 6 to the *Municipal Accountability and Integrity Act, 2024* comes into force, the Minister shall conduct a review of the codes of conduct established pursuant to section 157 of this Act.

Framework

(2) Within 6 months after conducting the review, the Minister shall establish a framework for codes of conduct that shall include the following:

1. A list of standard provisions that must be included in every code of conduct.
2. A list of standards that a code of conduct must include, including standards with respect to workplace violence, workplace harassment and workplace discrimination.
3. Requirements for training members of the City council and local boards (restricted definition) regarding the code of conduct.
4. A range of penalties to be applied for contraventions of a code of conduct.
5. Standard processes for inquiries and investigations into alleged contraventions of a code of conduct.
6. Mechanisms for protecting individuals from reprisals for alleging contraventions of a code of conduct.
7. Maximum timelines for inquiries and investigations and a process for prioritizing claims of a contravention based on the nature of the contravention.
8. Standards regarding support and indemnification for members of a council of the City and for their staff.
9. Mechanisms for ensuring that complaints are addressed through a trauma-informed process.
10. Mechanisms for addressing complaints that are frivolous or vexatious.
11. A process for informal resolution of appropriate complaints.
12. Such other matters as the Minister considers appropriate.

Implementation

(3) The Minister shall establish a plan and schedule for the City to implement the framework code of conduct of its council and local boards (restricted definition).

7 Section 160 of the Act is amended by adding the following subsections:

Contravention re workplace violence, harassment or discrimination

(6.1) In addition to any penalties imposed under subsection (5), if the Commissioner is of the opinion that the member has contravened the code of conduct by failing to comply with the City's or local board's (restricted definition) policies with respect to workplace violence, workplace harassment or workplace discrimination, the Commissioner may,

- (a) make an application for judicial review to vacate the member's seat in accordance with section 160.0.1; and
- (b) impose any prescribed penalties in the prescribed circumstances, and such penalties are binding.

Decision of Commissioner

(6.2) The Commissioner may impose the prescribed remedies and sanctions in the prescribed circumstances, and such remedies and sanctions are binding.

8 The Act is amended by adding the following section:

Application re workplace violence, harassment and discrimination

160.0.1 (1) If the Commissioner determines in an inquiry under section 160 that a member of a council of the City or local board (restricted definition) has contravened its code of conduct by failing to comply with its policies with respect to workplace violence, workplace harassment or workplace discrimination, the Commissioner may apply to a judge of the Superior Court for confirmation of the Commissioner’s determination.

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.

Contents of notice of application

(3) The notice of application shall state the grounds for finding that the member contravened the City’s or local board’s code (restricted definition) of conduct by failing to comply with the City’s or local board’s (restricted definition) policies with respect to workplace violence, workplace harassment or workplace discrimination.

Penalty

(4) If the judge determines that the member has contravened the code of conduct by failing egregiously to comply with the City’s or local board’s (restricted definition) policies with respect to workplace violence, workplace harassment or workplace discrimination, the judge may declare the member’s seat vacant.

Same

(5) A member whose seat on city council or on a local board (restricted definition) has been vacated under subsection (4) is ineligible to stand as a candidate at any subsequent elections respecting the council of the City or the local board (restricted definition) or to be appointed to the council of the City or the local board (restricted definition) during the period beginning on the day on which the member’s seat is declared vacant and ending on the day of the second subsequent regular election.

Commencement

9 This Act comes into force on the day it receives Royal Assent.

Short title

10 The short title of this Act is the *Municipal Accountability and Integrity Act, 2024*.