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Bill 5

**An Act to amend various statutes with respect to
workplace violence and harassment policies in codes of conduct
for councillors and members of local boards**

Mr. S. Blais

Private Member's Bill

1st Reading August 10, 2022

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Municipal Act, 2001* and the *City of Toronto Act, 2006*.

The amendments require the code of conduct for municipal councillors and members of local boards to include a requirement for those councillors and members to comply with workplace violence and harassment policies.

The amendments also permit municipalities and local boards to direct the Integrity Commissioner to apply to the court to vacate a member's seat if the Commissioner's inquiry determines that the member has contravened the code of conduct by failing to comply with the workplace violence or harassment policies. These applications may not be made during regular elections. Where a member's seat on the council of a municipality or a local board is vacated, the amendments contemplate restrictions on the member's ability to subsequently stand for election and be reappointed to the council of the municipality or the local board.

**An Act to amend various statutes with respect to
workplace violence and harassment policies in codes of conduct
for councillors and members of local boards**

Her 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 subsection:

Required content

(1.1) 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*.

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

Workplace violence or harassment

(6.1) In addition to imposing either of the penalties set out in subsection (5), the municipality or local board may direct the Commissioner to make an application to vacate the member's seat in accordance with section 223.4.0.1 if the Commissioner reports that, in their opinion, 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 or harassment.

3 The Act is amended by adding the following section:

Workplace violence or harassment application

223.4.0.1 (1) If directed to do so by a municipality or local board under subsection 223.4 (6.1), the Commissioner shall apply to a judge of the Superior Court of Justice for a determination of whether a member of the council of the municipality or local board has 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 or harassment.

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 or harassment.

Penalty

(4) If the judge determines 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 or harassment, 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

4 Section 157 of the *City of Toronto Act, 2006* is amended by adding the following subsection:

Required content

(1.1) The code of conduct for members of city council and of local boards (restricted definition) must include a requirement for the members to comply with the policies with respect to workplace violence or harassment that are established by the City or local board under section 32.0.1 of the *Occupational Health and Safety Act*.

5 Section 160 of the Act is amended by adding the following subsection:

Workplace violence or harassment

(6.1) In addition to imposing either of the penalties set out in subsection (5), the City council or local board (restricted definition) may direct the Commissioner to make an application to vacate the member's seat in accordance with section 160.0.1 if the Commissioner reports that, in their opinion, the member has contravened the code of conduct by failing to comply with the City's or local board's policies with respect to workplace violence or harassment.

6 The Act is amended by adding the following section:

Workplace violence or harassment application

160.0.1 (1) If directed to do so by City council or a local board (restricted definition) under subsection 160 (6.1), the Commissioner shall apply to a judge of the Superior Court of Justice for a determination of whether a member of City Council or of the local board (restricted definition) has contravened the City's or local board's code of conduct by failing to comply with the City's or local board's policies with respect to workplace violence or harassment.

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 of conduct by failing to comply with the City's or local board's policies with respect to workplace violence or harassment.

Penalty

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

Same

(5) A member whose seat on city council or on a local board has been vacated under subsection (4) is ineligible to stand as a candidate at any subsequent elections respecting the city council or local board or to be appointed to the city council 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.

Commencement

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

Short title

8 The short title of this Act is the *Stopping Harassment and Abuse by Local Leaders Act, 2022*.