

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

Official Report of Debates (Hansard)

HE-5

Journal des débats (Hansard)

HE-5

**Standing Committee
on Heritage, Infrastructure
and Cultural Policy**

Municipal Accountability
Act, 2025

1st Session
44th Parliament
Thursday 17 July 2025

**Comité permanent du
patrimoine, de l'infrastructure
et de la culture**

Loi de 2025 sur la responsabilité
au niveau municipal

1^{re} session
44^e législature
Jeudi 17 juillet 2025

Chair: Laurie Scott
Clerk: Tanzima Khan

Présidente : Laurie Scott
Greffière : Tanzima Khan

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

<https://www.ola.org/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7400.

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7400.

House Publications and Language Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service linguistique et des publications parlementaires
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

ISSN 2816-7252

CONTENTS

Thursday 17 July 2025

Municipal Accountability Act, 2025, Bill 9, Mr. Flack / Loi de 2025 sur la responsabilité au niveau municipal, projet de loi 9, M. Flack.....	HE-59
Mr. Guy Giorno; Mr. Ted Phillips; Champ & Associates.....	HE-59
Ms. Christine Johnson	
Ms. Joanne Chianello; Mr. Riley Brockington; Ms. Nancy Cairns.....	HE-69
Dr. Barry Wellar; Association of Municipalities of Ontario; Mr. Jeff Earle.....	HE-78
Ms. Robin Jones	
Ms. Alicia Neufeld	
Leadership féminin Prescott-Russell; Democracy Watch; Mr. Daniel Thorp.....	HE-86
Ms. Lisa Deacon	
Mr. Duff Conacher	
Mme Marie-Noëlle Lanthier	
Ms. Diane Choinière	
Mr. Craig MacAulay; Ms. Ariel Troster; Mr. Douglas Lobel.....	HE-95
Mr. Ryan Linkletter; Ms. Stephanie Dobbs	HE-105

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON HERITAGE,
INFRASTRUCTURE
AND CULTURAL POLICY

Thursday 17 July 2025

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DU PATRIMOINE,
DE L'INFRASTRUCTURE
ET DE LA CULTURE

Jeudi 17 juillet 2025

The committee met at 1001 in the Sheraton Ottawa Hotel, Ottawa.

MUNICIPAL ACCOUNTABILITY
ACT, 2025LOI DE 2025 SUR LA RESPONSABILITÉ
AU NIVEAU MUNICIPAL

Consideration of the following bill:

Bill 9, An Act to amend the City of Toronto Act, 2006 and the Municipal Act, 2001 in relation to codes of conduct / Projet de loi 9, Loi modifiant la Loi de 2006 sur la cité de Toronto et la Loi de 2001 sur les municipalités en ce qui concerne les codes de déontologie.

The Chair (Ms. Laurie Scott): Good morning, everyone. I call this meeting of the Standing Committee on Heritage, Infrastructure and Cultural Policy to order. We are meeting here in Ottawa, Ontario, to resume public hearings on Bill 9, An Act to amend the City of Toronto Act, 2006 and the Municipal Act, 2001 in relation to codes of conduct. The Clerk of the Committee has distributed today's meeting documents with you virtually, via SharePoint.

To ensure that everyone who speaks is heard and understood, it is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. As always, all comments should go through the Chair.

Are there any questions before we begin?

MR. GUY GIORNO

MR. TED PHILLIPS

CHAMP & ASSOCIATES

The Chair (Ms. Laurie Scott): I will now call on our first three presenters: Mr. Giorno, Mr. Phillips and Ms. Christine Johnson.

As a reminder, each presenter will have seven minutes for their presentation, and after we have heard from all the presenters, the remaining 39 minutes of the time slot will be for questions from members of the committee. The time for questions will be divided into two rounds of six and a half minutes for the government members, two rounds of six and a half minutes for the official opposition members, and two rounds of six and a half minutes for the third party.

Welcome. State your name before you begin.

Mr. Giorno.

Mr. Guy Giorno: Thank you, Chair. My name is Guy Giorno. I appear in a personal capacity, and my remarks do not reflect the views of my law firm or any municipality that I serve as integrity commissioner. I should also say at the outset that my remarks do not apply to the integrity commissioners of Toronto and Ottawa. They are in a class above the others to themselves, and nothing I say about integrity commissioners is meant to reflect on either present or past commissioners in those cities.

I have been an integrity commissioner since 2016, and I currently serve 20 Ontario municipalities. I've conducted numerous inquiries under codes of conduct and the Municipal Conflict of Interest Act. I've issued 106 public inquiry reports. The Canadian Legal Information Institute database contains more of my reports than of any other federal, provincial, territorial or municipal integrity commissioner in Canada.

I'm the former chair of the Canadian Bar Association committee on the law of lobbying and ethics, former board member of the Council on Governmental Ethics Laws, and an adjunct professor at Carleton University, where I teach the graduate course Ethics in Political Management.

I support this bill. I strongly support it, and I strongly support the proposed role of the provincial Integrity Commissioner. Removal from office is a significant step not undertaken lightly. It should only occur following an inquiry and recommendation by the Integrity Commissioner of Ontario. A local municipal integrity commissioner alone should not be making such a decision.

You will have heard of, and the bill attempts to address, municipal integrity commissioners having potential conflicts of interest. It's a real issue. An integrity commissioner is supposed to be independent, yet a significant number of code of conduct complaints come from administration and staff. How can someone hired by management one day investigate management's complaint against a councillor the next day? Well, it can't.

Independence is a real issue, but it's not the only issue. The larger problem is that there is no quality control. Nobody determines who does or does not possess the knowledge and judgment required of a municipal integrity commissioner. Most municipalities, Toronto and Ottawa excepted, choose integrity commissioners by RFP, the same way they pick a contractor to fix a road. They ask

typical RFP questions, such as, “Do you have insurance? How much is your insurance? What’s your work plan? How much will it cost?” Very few select an individual whose judgment they can trust to be the council’s ethical adviser. In most cases, municipal councils have no idea whether the people being chosen are suitable to provide ethical guidance.

Fact: Many municipalities, without knowing it, have appointed as their integrity commissioner a lawyer who was previously suspended by the law society for misappropriating \$63,000 from his client’s trust account. One GTA municipality, without knowing it, appointed someone with a criminal record. Another individual was charged with sexual assault, and the charge was dropped in exchange for a 12-month peace bond. As soon as the peace bond expired, the individual started an integrity commissioner business.

Another essential quality is the ability to understand and correctly apply the law. One of the legislated functions of the municipal integrity commissioner is to give advice on the Municipal Conflict of Interest Act, or MCIA. The jurisprudence under the MCIA is complex, sometimes contradictory and occasionally impenetrable. Some integrity commissioners have no legal training. Some are lawyers who don’t practise. One who is a practising lawyer gets the MCIA wrong repeatedly.

A few years ago, Thunder Bay hired an integrity commissioner with a background in investigating but not legal interpretation. The commissioner conducted an inquiry and said a councillor was in a conflict of interest. The city then hired a legal expert to review the integrity commissioner’s work. The expert concluded that the commissioner got the law wrong, so the matter went back to the commissioner to do over. Thunder Bay ended up paying three times, for the commissioner to investigate, for the lawyer to explain that the commissioner got it wrong, and for the commissioner to do it again. This is not an isolated case. Many municipalities pay for integrity commissioners then end up paying for lawyers to explain the law to integrity commissioners, because they didn’t pick an integrity commissioner who understood the law in the first place.

The role of the provincial Integrity Commissioner in Bill 9 is necessary and good, but I suggest that it should be broadened a bit:

(1) The provincial Integrity Commissioner should be able to comment not just on people who are already integrity commissioners but on people who municipalities are considering appointing as integrity commissioners, because after people are appointed, it’s too late to assess their suitability.

(2) It’s wrong to assume that a few education and training sessions by the provincial Integrity Commissioner will cure the problem. If someone doesn’t understand legal principles, if someone is not able to interpret and apply the MCIA, or, in many cases, if someone just lacks good judgment, we can’t think that a seminar is going to fix any of that.

(3) The advice of the provincial Integrity Commissioner should not just include independence and whether somebody took the course put on by that commissioner, but all the other attributes that are relevant to whether somebody is suitable to be an integrity commissioner: character—which would include a criminal record; disciplinary history, like a law society disciplinary record; compliance history; demonstrated judgment; demonstrated knowledge; qualifications; and any other factors that the Integrity Commissioner of Ontario considers relevant.

In my written material, I propose two amendments to strengthen the role of the Integrity Commissioner of Ontario. One of them would have the Integrity Commissioner of Ontario maintain and update a published list of individuals who, in the opinion of the provincial commissioner, are suitable for appointment as municipal commissioners.

Bill 9 is necessary because there have been clear examples of outrageous behaviour. However, it should be noticed that most integrity commissioner cases are not extreme. In fact, the most common cases coming before integrity commissioners are speech cases. They are cases where someone complains that a councillor said something the complainant doesn’t like.

The Chair (Ms. Laurie Scott): You have 60 seconds.

Mr. Guy Giorno: I’m going to just give you one or two examples of actual integrity commissioner decisions.

In North Stormont, a female councillor felt that she was excluded from decision-making by “an old boys’ club” of the other councillors, all male. The integrity commissioner, in his wisdom, found the woman had harassed the men by using a “gender-based stereotype” that was unwelcome.

The mayor of Arnprior denied that there was racism in eastern Ontario, and the integrity commissioner of Arnprior said that, no, it wasn’t a breach. A councillor disagreed with the mayor and said racism does exist and the Black community deserved an apology, and the integrity commissioner ruled that she was in the wrong. He said her pay should be suspended for 30 days.

I could go on. You hear about the extreme cases, but many integrity commissioner decisions are like this. This is why we need to empower the provincial Integrity Commissioner to ensure that suitable people are appointed.

The Chair (Ms. Laurie Scott): Thank you so much for your presentation.

Mr. Phillips, please state your name and begin.

Mr. Ted Phillips: Good morning, Madam Chair and members of the committee. Thank you for the opportunity to speak to you today on this important bill. I appreciate the opportunity to speak to you in person as this panel makes its way through the province.

My name is Ted Phillips. I’m a resident of Ottawa and have been for over 30 years.

1010

Full disclosure: I was a municipal councillor for two years, serving in a little town called Brockville. Since then, I’ve appeared before the city of Ottawa council and its

previous amalgamated councils and committees for over 30 years. During that time, I would suggest that 98% of the politicians I've had the privilege to get to know have displayed very exemplary behaviour; there have been a few, however, who have not. I've witnessed examples of what I would have thought would have been inappropriate behaviour by some city councillors.

Well, being a father of five—three daughters—and having three granddaughters, it's about time the province enacts this amendment to the legislation, to ensure a safe workplace for all.

It surprised me, several years ago, to learn that while the federal governments are regulated by integrity rules dealing with personal relationships; while bureaucrats are regulated for the most part, and private industry, local politicians are left to their own interpretation when it relates to personal relationships with staff.

Much has been made about one certain politician in Ottawa who has been the fodder of much media attention, while other politicians have escaped any accountability or judgment.

During the last term of council, Ottawa's municipal councillor who is behind me—former Ottawa councillor Eli El-Chantiry served on council for almost 20 years. He served as a member of the police services board and chair of the police services board for many years. He submitted a motion requesting that the integrity commissioner review and amend the council's code of conduct, and he specifically requested a requirement for councillors and the mayor to publicly disclose personal relationships with city staff. If enacted, this would protect staff and address any power imbalances as well as the lack of required transparency. This motion should have been an opportunity for a new and current council to springboard a new and more appropriate code of conduct. Instead, this current council seems to have avoided dealing with this specific matter. While council unanimously approved requiring that this motion be brought forward, nothing has changed. The new council has, in fact, reviewed the code of conduct and decided it's not worthwhile, notwithstanding the history of the city of Ottawa.

I would recommend that the province require full mandatory disclosure of personal relationships with staff and colleagues; failing to fully disclose perpetuates existing loopholes and an imbalance of power.

The second issue related to code of conduct is the manner in which members of council should be allowed to request/extort things from development applications.

Yes, I worked in the development community for over 30 years. Again, in over 30 years, I was asked by many councillors if we would support a kids' baseball team, a local women's shelter, make an improvement to a particular development. All of these were voluntary requests which I was at liberty to accept or reject, none of which were ever portrayed as requirements for support on a matter before a committee or council; all of which I saw as a benefit to the city as a whole. Never was I told by a councillor to show up to a meeting, given a request to pay \$500,000 to a slush fund so that that councillor could

disperse it before an election however he chose. Again, the city of Ottawa seems to have thought of this as acceptable. Why?

There need to be clear rules that govern councillors' ability to ask for unreasonable things in exchange for support of a project. Should individual councillors have an ability to have authority to spend money from a slush fund just prior to election? I believe that councillors should not be able to meet behind closed doors with developers in an attempt to extort for their own benefit.

Councillors and council as a whole are supposed to speak to employees by resolution of council, directing the city manager to implement policy. The government has entrusted local councils to hire independent planning personnel to make recommendations with respect to applications that either meet or do not meet city regulations and provincial policy. There is no place where a councillor should be meeting behind closed doors to extract support for a project through other financial gain. Open planning committee and council is where informed decisions should be made based on factual information.

I believe this bill needs to include a requirement for any person seeking municipal office to complete a police check and be submitted to the clerk of the municipality for public viewing.

As recently as the last municipal election in my ward, I was led to believe that an individual seeking election had a criminal record. In my opinion, that person would not have made a principled, ethical councillor.

Without public information, voters go to the polls without knowing what could be impacting their vote.

Unlike a member of the public who is seeking to be put on various community boards, such as the police services board, a councillor does not need to submit a criminal background check to serve on the same board.

Aspiring teachers are required to submit criminal record checks as part of their licensing application.

My suggestion is, during the application [*inaudible*] seeking election, a criminal record check is submitted so voters can review it before making their decision. That would ensure that the same requirements that are mandatory for board members are applied to councillors serving on the same board.

Lastly—sorry; I'm just going to wing this a little bit—I've heard from different people in the ministry that there are a number of regulations that will be coming forward as part of this process.

The needs that this gentleman spoke about—training and having, potentially, a legal degree—are obviously very important, but an appeals process also needs to be brought in place.

The Chair (Ms. Laurie Scott): You have 60 seconds.

Mr. Ted Phillips: Again, the city of Ottawa went on a witch hunt in something that had nothing to do with ethics and spent over a million dollars harassing a councillor. That person did nothing, while two members of council who were sitting in judgment of that person were having sexual affairs with subordinates, staff, at the same time that they are going after this councillor.

There need to be very firm rules and regulations regarding who can appeal what—and somebody at the province who keeps an eye on integrity commissioners that are using it for their own good.

Thank you, Madam Chair.

The Chair (Ms. Laurie Scott): Thank you very much for your presentation.

We'll now move on to Ms. Johnson.

Ms. Christine Johnson: Good morning. Thank you, Chair, and thank you, committee members, for the opportunity to speak with you today. My name is Christine Johnson. I'm a lawyer with the firm Champ & Associates here in Ottawa. We're a small firm focused on workplace fairness and social justice advocacy. Our practice areas include union-side labour, employee-side employment law, human rights law, charter litigation and public interest litigation. A large part of my own personal practice involves advising and assisting individuals, often women, who have experienced sexual harassment and other forms of gender-based discrimination. Our clients have included folks who work in the halls of politics, including municipal staff.

Notably, our firm represented one of the brave women who came forward and filed an integrity commissioner complaint against her boss, former city of Ottawa councillor Rick Chiarelli.

In our experience, the current system offers inadequate protection and insufficient penalties. City staff who have faced harassment or violence at work can make a complaint to the integrity commissioner, but to what end? Complainants often find this to be a traumatic and overwhelming process to navigate. For complainants who wish to have legal support through this process, it is expensive, and they are paying out of pocket for this. While our firm takes on a number of pro bono or low bono cases of this nature, we appreciate that this is not the norm. Investigations can then drag on for many months, especially where the respondent delays or refuses to participate. For example, with the initial investigation into allegations against Councillor Chiarelli, it took a year to conclude. There are no personal remedies for complainants themselves in this process—for example, no promise of monetary damages for the harm that they've suffered—and there are limited penalties available. As the committee is very well aware, the most serious penalty that can currently be imposed is a 90-day suspension of pay for each infraction.

Since there is no mechanism to remove a councillor from office for a breach of the code of conduct, complainants are instead often the ones forced out of the workplace and forced onto income support benefits such as WSIB, employment insurance or disability benefits, which of course can cause added stress—to navigate those processes. It's no wonder that people we consult with ask us, "Why bother?" when we explain the process of filing an integrity commissioner complaint; this is especially so in light of the fear of reprisal that many complainants hold.

On its face, Bill 9 provides a much-needed option for a councillor to be removed from office if they are found to

have engaged in a serious contravention of the code of conduct that has resulted in the harm to health, safety or well-being of individuals.

However, we are concerned that sending the decision back to council for a unanimous vote within 30 days would make the prospect of removal very difficult. A unanimous vote could be thwarted by unexpected absences or by folks who've been swayed by political pressure or allegiances.

We would urge the Legislature to think about what impact this would have on complainants. Imagine having the courage to come forward with a complaint then go through what would now be a two-step integrity commissioner process that twice recommends removal, only to have the removal recommendation rejected at council. This would be a costly and, in our view, pointless endeavour that would also be utterly devastating for complainants. I expect that it might actually create a chilling effect on complaints from staffers. Why put yourself through a multi-step process of this sort if there's no hope that your harasser might ever be removed from the workplace?

1020

It is especially concerning that pursuant to the proposed amendment at section 223.4.04(6), council would not be permitted to impose any lesser penalty—for instance, the reprimand or pay suspension currently in the legislation—if the removal vote fails. This could lead to people who've committed the most serious breaches getting off essentially scot-free. In our view, this could end up having the unintended effect of actually decreasing accountability.

In our view, a better approach would be to leave the final decision in the hands of a neutral party such as the provincial Integrity Commissioner, following the second-level review. This would avoid political weaponization. It would instill greater trust in the process for complainants and the public. I would also suggest it would provide greater protection to respondents, who might otherwise fear bias on council.

It's worth noting—the committee may or may not be aware—that Councillor Chiarelli actually reviewed council's penalty decision to dock him 270 days of pay. The Divisional Court agreed and found that the council decision was biased, and that was the ground that he was advancing before the court—to leave this decision in the hands of council, and they were biased in their decision-making. The Divisional Court agreed but reviewed the information on their own and decided to impose the same penalty nonetheless. This was a decision that ended up costing the city \$20,000 in costs to Councillor Chiarelli.

To avoid that bias—that argument of bias or perception of bias—altogether, we think that this should be left in the hands of a neutral decision-maker. Alternatively, creating a process where the final decision automatically goes to an independent judge for review could address these same concerns.

We also support the proposal for the provincial Integrity Commissioner to provide education and training to local integrity commissioners for the reasons my colleague mentioned previously.

The Chair (Ms. Laurie Scott): You have 60 seconds.

Ms. Christine Johnson: We would add that local integrity commissioners ought to receive specific training on a trauma-informed approach to investigations.

There are several other considerations, in brief, that come to mind, which could alleviate the burden and stress on complainants. First, the investigation must be timely. We would recommend that there are some timelines built in for each stage of the integrity commissioner review process. The code of conduct could also include language requiring timely participation from respondents and prohibiting obstruction. There should also be clear language prohibiting reprisal. And, in our view—something that hasn't been, to my knowledge, discussed—consideration should be given to providing funding for legal advice and assistance to complainants. The Legislature could look, for instance, to legislation like the federal Public Servants Disclosure Protection Act—the whistle-blowing legislation—which provides a framework for federal public servants to expose wrongdoing and where they can get funding for legal advice up to a maximum of \$3,000, or the Canadian Armed Forces process that currently provides up to four hours of legal advice.

The Chair (Ms. Laurie Scott): Thank you very much. Unfortunately, we're out of time, but we have questions for the remaining time.

I'll start off with MPP McKenney for the official opposition.

MPP Catherine McKenney: Thank you to all three of you for your delegations.

I'd like to put my first question to Christine Johnson.

Do you think most people are aware that a councillor could lose their job if they are found guilty of a municipal conflict of interest or simply miss three consecutive meetings without council permission? That would, in effect, be reason for them to be removed from council, yet what we are talking about today, egregious municipal code of conduct conflict—we have no way of removing a councillor. Do you think that most people know that—and if they did, do you think it would be surprising to know what the two different bars are?

Ms. Christine Johnson: Through you, Chair: I appreciate that question.

I would gather that most people are not aware of that. I know that this committee has rightfully been very concerned about how we strike the appropriate balance between respect for the democratic process and accountability on the other hand. And it could perhaps be not fully known or appreciated that there already are circumstances, as been noted, where a councillor may be removed from office: where a councillor is absent, for instance, from council meetings for three successive months without being authorized; where a councillor has breached conflict-of-interest rules; where a councillor has filed incorrect or leaked financial statements, exceeded campaign spending limits or failed to return a campaign surplus. These are all examples where a councillor can currently be removed. We would like to think that the public would view something like sexual harassment of a

staffer to be as serious, if not more serious, than these examples where someone can already be removed.

MPP Catherine McKenney: Thank you.

The Chair (Ms. Laurie Scott): You have six and a half minutes, so continue.

MPP Catherine McKenney: Mr. Phillips, you raised the issue of development applications. As you know, I served on the council that you're referring to for eight long years.

Could you, just in your own words, describe the difference, from your perspective, between what you have referred to as a slush fund and community benefits that are paid out from a developer into the city for development in a certain neighbourhood, in a certain community?

Mr. Ted Phillips: If I understand that correctly, you're asking, what's the difference between community benefits and what a councillor might ask for?

MPP Catherine McKenney: Well, just what you referred to as a slush fund, yes.

Mr. Ted Phillips: In the context of councillors asking for support for things, whether it's within a development or to benefit a community, there have been examples that I've seen in 30 years where councillors have raised that publicly, where there is full disclosure, where there's nothing nefarious, nothing untoward, by the councillor, or the developer saying—I'll give you a specific example.

We had a development in your ward that was zoned and allowed to be a 20-storey building. Your predecessor approached us and said, "I can't support a 20-storey building, but I could support a nine-storey building." We decided at that time that if the community wasn't going to appeal us we would be happy to support money going into a local park. The item came to committee and subsequently council, was approved—by one vote—and then appealed to the board. That process was a very public process. The councillor didn't call me into her office without any other legal team or anybody else, did not call me into her office and did not say, "I need you to pay me \$500,000." That money that was proposed to be paid would have been able to, for example, immediately before the election, put traffic-calming signs in that councillor's ward or fix a sidewalk in front of somebody that's—the community association's rep's sidewalk that has been broken for five years.

For a councillor to be able to ask for money specifically to go into a fund for their own benefit is not for the public good. There may be inherently good throughout his ward or her ward—but for a councillor to have that discretion to spend the money wherever they want, especially in a time when they need it before an election, is completely inappropriate.

The Chair (Ms. Laurie Scott): There's a minute and 20 seconds left. MPP Bourgouin.

Mr. Guy Bourgouin: My question is to Mr. Giorno.

I was listening to your presentation, and you mentioned that most municipalities choose integrity commissioners like selecting a contractor.

In my riding, the community of Fauquier is financially going through a process with the ministry.

These commissioners and some municipalities just speak among themselves, and they recommend their own—“this is the one we have.” So they recommend the person, and there is no list. For small municipalities that are financially strapped, can that affect the cost of an integrity commissioner? I’d like to hear your perspective on that.

Mr. Guy Giorno: Yes is the answer—and I’ll be really quick, Chair, because time is limited.

I’ve said this before: The requirement to have codes of conduct and municipal integrity commissioners has been imposed on the province; there’s no additional funding. We’ve got 444 municipalities in Ontario. Some of them are tiny. Some of them have 500 residents, 1,000 residents. The cost of even a \$5,000 or a \$10,000 inquiry is huge. I do think the province, separate from Bill 9, as a separate consideration, should consider how to deal with that. I’ve always thought that the provincial Integrity Commissioner may be the solution—that provincial body dealing with an integrity commissioner of services at first level, in places where they can’t afford them.

The Chair (Ms. Laurie Scott): Moving on to the third party: MPP Blais.

Mr. Stephen Blais: Thank you, everyone, for presenting this morning.

Mr. Giorno, I very much appreciated your insights both as an integrity commissioner and as a professional lawyer. There were definitely some things I hadn’t thought of.

1030

Around the issue that you raised of integrity commissioners perhaps being in a conflict themselves because of the hiring process—I think that is a very good flag for all of us, as something to consider either in the legislation or perhaps in the regulations that come afterwards. I’m wondering if you think the same conflict might exist with councillors then being required to make the final decision. If you work with someone for a long period of time, you’re going to have a personal relationship with them, either positive or negative, that obviously would put you in a position of bias. So do you think that councillors should be the ones to make that final decision?

Mr. Guy Giorno: I think the member is referring to Bill 9 and the requirement for there to be a vote to remove a councillor?

Mr. Stephen Blais: Yes.

Mr. Guy Giorno: I think that’s true. I think it’s basically a policy decision for the Legislative Assembly to make.

I do note that removal from office is reversing the result of an election. The Legislative Assembly, the House of Commons, the Senate all have constitutional ability within themselves to expel their members—to decide who sits and who doesn’t. Municipalities are a creature of statute; they don’t have that right unless they’re given it. So it is understood, in cases, that elected officials deciding whether other elected officials should sit with them is a thing we’re used to as part of our democratic process. There is something to be said for, ultimately, having people who are accountable making the final decision.

I do support the bill as it’s currently drafted, but I do understand the member’s point, and it is absolutely a good one—it’s politicians deciding other politicians. There are either politicians or people appointed by politicians. Those are the only two choices we have in our system.

Mr. Stephen Blais: As Councillor McKenney pointed out, there are some “offences,” for lack of a better term, where the current punishment is automatic, and then there are others, such as conflict of interest, where the decision for removal is ultimately made by a judge whom, as a society, we have invested a lot of money in training and put a lot of responsibility in their hands for other aspects of our life. Would a judicial decision not have more public or moral support than a decision by your colleagues?

Mr. Guy Giorno: Chair, that’s a hypothetical. But, yes, hypothetically, I personally have no trouble with judges making decisions. It’s a policy decision, as to how feasible that is, but I don’t think too many Ontarians—

Mr. Stephen Blais: No, no, that’s fair. That’s why I’m asking your professional opinion.

The other aspect that you mentioned and that I quite agree with is the background of some of these integrity commissioners—whether they actually have the qualifications or if they have other aspects of their past that might disqualify them from serving. I do like the idea for the smaller municipalities—for the provincial Integrity Commissioner to have a standing list of people who he or she does find qualified, as a good opportunity for improvement to the system.

Connecting that dot to the thought that Mr. Phillips raised, where elected officials should perhaps also be required to submit a criminal background check as part of their nomination process, in addition to the 25 signatures and the checks—we have all, I presume, provided a criminal background check to our respective political parties before being nominated. That’s a pretty standard practice in politics. I’m wondering if something like that would be worthy of consideration, from your point of view.

Mr. Guy Giorno: Well, again, as a hypothetical, I personally am for lots of transparency. I think most people are for lots of transparency. I think we should know more about all sorts of people—tax returns, criminal record check, bankruptcy, all of that. In principle, I personally support all those things. How that would be implemented is a different story.

Mr. Stephen Blais: I appreciate that. Thank you very much.

Ms. Johnson, thank you for the work that you have done for people who have been victims of this kind of harassment.

You made reference, very quickly, towards the end of your presentation, about a funding system to support people who, I think you said, existed with military complaints. Can you expand on that a little bit more, for our own education?

Ms. Christine Johnson: Thank you for the question.

There is federal whistle-blower protection—which is the first piece of legislation that I referred to you. That is

the framework whereby federal public servants can report any sort of wrongdoing and they can apply for funding for a legal opinion or advice—up to \$3,000.

The other piece I mentioned was that, currently, the Canadian Armed Forces, as a result of, obviously, a lot of review, has established the independent Sexual Misconduct Support and Resource Centre, which reimburses military members who faced sexual misconduct, for up to four hours of legal advice. On the one hand, this would be kind of small potatoes in a way, but it would give people some legal advice and some support and assistance to at least have a better understanding of the process, to feel more comfortable with it and know whether it's something they even want to continue with. In that respect, it could, if there is—

The Chair (Ms. Laurie Scott): You have 45 seconds.

Ms. Christine Johnson: Okay.

It could be something of that nature. Of course, there will be all kinds of questions about, where does that funding come from? That's something to be looked at separately. But I think that could be another additional support for complainants in the system.

The Chair (Ms. Laurie Scott): We'll now go to the government. MPP Clark, please.

Mr. Steve Clark: Thanks, Mr. Giorno, Mr. Phillips and Ms. Johnson for being here. I appreciate your observations on Bill 9 and your suggestions.

Chair, because Mr. Phillips made an admission, I'd better make one as well: At the time he was on a municipal council, I was also on the same municipal council in Brockville, so we've known each other for a long time.

Mr. Giorno, you probably got halfway through your presentation. You talked about two recommendations—the one you articulated, about the Integrity Commissioner of Ontario maintaining a list of acceptable integrity commissioners. Are there other points you were unable to make in your initial submission that you'd like to make now?

Mr. Guy Giorno: I only had two recommendations in my printed materials. I referred to one, and the second was complementary. It was a provision that would allow the provincial Integrity Commissioner to advise on independence, and I suggest that that be expanded to all the other attributes, which I've listed, that make one a good integrity commissioner. As I said, independence is there because it has become an issue. It's a legitimate issue, but there are a lot of issues about who is chosen as an integrity commissioner.

Mr. Steve Clark: Just to follow up: I know this is a question that would have you comment about other integrity commissioners, so you might have some reservations about doing it. There have been a number of situations that you outlined of egregious, ridiculous situations with councils, but there have also been, I would say, arguably, an equal amount of comments about integrity commissioners being inconsistent, having scope creep. I would love to hear your comments regarding that as well.

Mr. Guy Giorno: Chair, my background paper has some sections with background.

It's true; there were different schools of thought among integrity commissioners. We have different views of our jurisdiction, of our scope. We have different views of what degree of fairness to give people who are being investigated. We have different views on the balance between democracy and solidarity. I certainly have views on those things; it is true.

I don't want to take too much time; I know time is limited.

I am of the school that believes that, ultimately, these are democratically elected positions, and politicians have to have ample room to be politicians, to speak their minds, to engage the community, to lead on issues, and not simply say that every vote should be unanimous and if you're the minority, you suddenly get a code of conduct complaint.

I'm also of the view that because there are fines, like loss of pay, and maybe, if Bill 9 receives royal assent, you can lose your job, there has to be rigour—particularly that you know the case against you; it's based on a clearly defined rule that you've breached. That's the way things work in Canada. It's fairness, right?

There's a different school of thought, which is that, well, codes of conduct, like policies, have got to be fluid and flexible, and we have to be able to interpret them according to changing circumstances. That's fine if we're talking about policy, but as soon as penalties come in, that's irrelevant. In fact, most municipalities have integrity commissioners who belong to the policy-application school, which is articulated in—commissioners have written this, saying, "This isn't like traffic court." Well, yes, except for the fact that losing your pay or, now, losing your job is way more impactful on a person than a traffic ticket. And yet, the defendant in traffic court gets way more fair process and way more certainty than a councillor who is up before most integrity commissioners.

1040

Sorry to speak for so long, Chair, but the question kind of invited that.

The Chair (Ms. Laurie Scott): Two and a half minutes.

Mr. Steve Clark: I'll move to Mr. Phillips.

Going back to what I said at the outset, back in the day, many years ago, you and I were councillors, and there was a rather robust education piece for municipal councillors.

Mr. Giorno talked about the fact that a list for integrity commissioners would be preferential for him, rather than having a more educational piece for integrity commissioners.

Can you comment, as someone who has dealt with municipal staff but also been around a council chamber, on what you feel about the role the ministry should have in education for both integrity commissioners and for municipal councillors?

Mr. Ted Phillips: The minimum requirement, in my opinion, would be a law degree, or extensive legal training, to become an integrity commissioner. But I think the other part of the equation is personal relationships.

I can only speak from experience. The city of Ottawa's previous integrity commissioner was a buddy of the mayor

and seemingly never found anything wrong with what the mayor happened to do. Coincidence? I don't think so. The former integrity commissioner didn't get his ring kissed by a certain member of council, so that member of council was attacked.

The Chair (Ms. Laurie Scott): You have 60 seconds.

Mr. Ted Phillips: Other members of council in the city of Ottawa were told, at their first meeting with the integrity commissioner, "My son was in the military, so you're good with me." The old boys' club—it's ridiculous.

So, yes, there need to be guidelines; there need to be rules. And there needs to be, certainly, somebody, provincially, who keeps an eye on what local integrity commissioners do, because left to their own devices, sadly, we've seen what happens with local councils in some areas around the province.

Mr. Steve Clark: Thank you.

A quick question to Ms. Johnson: Since you've represented a number of people who have been involved in this process, do you have any other items that should be considered as part of serious code of conduct violations, that aren't in here? As you mentioned, the penalty right now is a minimum of 90 days. Would you see a more sliding scale? How would you interpret that ultimate decision?

The Chair (Ms. Laurie Scott): You've got 10 seconds. I'm sorry. Do what you can.

Ms. Christine Johnson: That's okay.

I do think that the proposed provision should be looked at—that says that if the removal vote fails, no other penalties can be imposed. I think that maybe deserves some looking at—and perhaps some lesser penalties considered.

The Chair (Ms. Laurie Scott): We will start with the official opposition. MPP McKenney.

MPP Catherine McKenney: I'd like to go back to you again, Mr. Giorno. You mentioned that one of your proposals, amendments, was to maintain and update a published list of individuals who would be able to serve as integrity commissioners.

Also, you mentioned early on that in your opinion, Ottawa and Toronto had a higher standard—or what you saw as a higher standard—for their municipal integrity commissioners.

Do you think that a proposal like a standardized code of conduct could have the effect of reducing the professionalization of good integrity commissioners or do you think it would raise all bars?

Mr. Guy Giorno: Chair, I support a standardized code, but I fear that a standardized code is not enough.

In response to a previous question, I talked about schools of thought. There are different schools of thought about how codes are to be interpreted, and I've laid them out.

I think that the policy-application school, which is the dominant school, has, probably, fewer integrity commissioners but covers more municipalities in Ontario—or they are subject of the policy-application school—which I think is the wrong approach when you're interpreting an instru-

ment that could cost somebody money, days of pay, or a job.

So, no, the answer is, I don't think it's enough. I think we would have the same issues of scope creep, of the approach you take, how much fairness a respondent is entitled to.

I've come up with a suggestion for dealing with the suitability of integrity commissioners—blue-skying. I'd also be open to provincial intervention to deal with some of these issues if we had—indicating that people are to be found to have contravened the code only if there's a clear rule that is objectively, ascertainably, measurably before you, that sort of thing.

MPP Catherine McKenney: Just so that I'm clear—if a code of conduct is standardized across all municipalities in the province, what effect do you think that would have on the professionalization of integrity commissioners? Do you think it would ensure that they have better performance across the board? Do you think that some codes of conduct today are stronger than others? In certain municipalities, we have very strong codes of conduct; others are weaker. I just wonder, from your perspective, because you have more expertise in this, if that standardized code could mean that those municipalities that have that higher code of conduct could be brought down.

Mr. Guy Giorno: Chair—and I don't mean to take time to answer completely; I need to just unpack this a bit.

It depends on what the standardized code is. Obviously, if the provincial standard is not a good code, then we're going to have everybody coming down. If the provincial standard is a better code, we're going to be lifting people up.

A large part of the problem is that some code language actually invites scope creep. Some code language actually invites anti-speech complaints. We have a number of complaints across the province where people engage in what's called counter-speech—that is speech that is to defend people who are traditionally discriminated against and marginalized, who are the ones sanctioned. That can be traced in part to the integrity commissioners but in part to the language of the codes. Obviously, a code which invites further restraints on speech, if standardized, would have deleterious effects across the province.

I guess that's the short answer—it depends how good the provincial code is.

The Chair (Ms. Laurie Scott): Two minutes left.

MPP Catherine McKenney: Ms. Johnson, you obviously watched what happened in Ottawa through the case with former councillor Rick Chiarelli. You represented at least one woman who was a victim of serious sexual harassment, and you likely watched what happened at council and the steps that were taken, what the integrity commissioner came back with twice. We had the municipal integrity commissioner come back with recommendations, but all that could happen was the suspension of pay.

Given all of that, from what you saw—obviously, this is a personal opinion, but I think it gets to the nub of the politicization of the entire process.

The Chair (Ms. Laurie Scott): You have 50 seconds.

MPP Catherine McKenney: Do you believe that there was any way that we could have not voted in favour of removing Councillor Chiarelli? Do you see any way that could have happened in the city of Ottawa at that time?

Ms. Christine Johnson: From what I saw, I think everyone on council seemed to be supportive of trying to find the most severe penalty for this conduct and felt limited in terms of the penalties that existed. In that circumstance, I would have liked to think that if it was a situation where it was left to a unanimous vote, as is being proposed now, that may have passed. But the way the proposed legislation is drafted, things like unexcused absences can kill the vote. If someone sneaks off to the washroom, if, for whatever reason—maybe someone doesn't want to show their colours in terms of how they vote, or they're just unexpectedly absent that day. Those types of things could also be a reason why—or maybe someone, for whatever reason, gets in the way of a vote; something comes up. So it's really hard, I think, in a hypothetical, to predict.

The Chair (Ms. Laurie Scott): MPP Watt, please begin.

1050

MPP Tyler Watt: Thank you to the three of you for coming here today and being a part of this very important discussion.

This is the third hearing that I've attended, and a common theme and feedback that I have heard from presenters is the concern regarding the final stage, the unanimous council vote—coming down to that decision. We start off with the local integrity commissioner; the provincial one; and then it goes back to the council vote. I understand that it should be a high bar—it's a very serious thing—but it shouldn't be an impossible bar. That's the feedback that I've been hearing from everyone. We need not only every vote—a unanimous vote—but every person to be present, which Ms. Johnson just discussed.

My question is for Mr. Phillips and Ms. Johnson. Mr. Giorno, you were previously asked this. What are your thoughts on that final stage, the unanimous council vote, rather than going to an independent party to make that final decision? I'll start with Ms. Johnson.

Ms. Christine Johnson: For the reasons I've explained, I think that our preference would be to leave that in the hands of a neutral decision-maker, whether it be the provincial Integrity Commissioner, after the second level of review—which could then, as would be the case, be subjected to judicial review; a person could seek to appeal to judicially review the decision before a court—or, alternatively, just have an automatic mechanism whereby that decision goes to a judge. Obviously, there would be considerations around judicial resources and constraints—but I do think a neutral decision-maker is the better process.

MPP Tyler Watt: Thank you. I'll go to Mr. Phillips.

Mr. Ted Phillips: Madam Chair, I would not disagree with my colleague. I think if it's left out of the hands of the local integrity commissioner—to a provincial author-

ity who could be consistently ruling across the province. Having said that, if you were stuck to have a local decision, local councils have a right of reconsideration on items that have been previously discussed, and the standard bar for reconsideration, which affects all planning law, is a two-thirds majority. So I would think that sets a precedent from the province, that has confidence of the will of council at large—to have a two-thirds majority make a decision, and it would not have to be dictated by everyone.

We all know that there is, unfortunately, an old boys' club, no matter what council you're in, and there's always somebody who owes the mayor a favour, who's willing to decide that they're not going to decide on a penalty that should be imposed. So I think it's unrealistic to ask for unanimous consent.

The Chair (Ms. Laurie Scott): MPP Collard.

M^{me} Lucille Collard: I'm really happy to be here and hear the expertise and experience of all the presenters today. It's a very important issue, obviously.

I want to just follow up with MPP Watt's question about process of removal.

Ms. Johnson, you mentioned a process of removal for lesser infractions, such as conflicts of interest or overspending on election funds and whatnot. Can you explain the comparison in terms of, what is a process for removal of a councillor for those lesser infractions—in comparison to what we're talking about today, which has a really high threshold for removing councillors guilty of or charged with sexual harassment?

Ms. Christine Johnson: I'm by no means an expert, but it's my understanding that for the breaches of the Municipal Conflict of Interest Act, that is a decision made by a judge—to remove the councillor in those circumstances. Obviously, my colleague would be the expert on that. So that process is in place, and I think that provides, perhaps, a good road map or precedent for how this decision-making could flow.

I'll leave my comments there.

M^{me} Lucille Collard: It just seems to me that councillors being required to vote on such a thing, where there are no experts either on whether the person has reached that level of guiltiness, I guess, to be removed—which is a legal issue that should be appreciated by adjudicators, in my opinion. Do you think the same?

Ms. Christine Johnson: I suppose if it were to be sent back to council, they would have the benefit of having the two levels of integrity commissioner reviews and reports and the criteria that are set out for the local commissioner to consider whether it meets this very high threshold. And then when it goes to the provincial Integrity Commissioner, they would also consider, among other things, whether the contravention negatively impacts public confidence in the ability of either the member to discharge their duty or council or the local board to fulfill their role.

So those would be the factors that would be considered, and that would be the guidance that would be then given, in the form of reports to council. So, on the one hand, they would have that—

The Chair (Ms. Laurie Scott): You have 60 seconds.

Ms. Christine Johnson: —but I do think, ultimately, as you said, they're not experts either, and it's a big decision to make, that perhaps should be in the hands of a neutral adjudicator.

The Chair (Ms. Laurie Scott): MPP Blais.

Mr. Stephen Blais: Just very quick, to Mr. Giorno: Mr. Phillips raised an overly zealous integrity commissioner situation in Ottawa with a complaint. Without getting into the details of that—you yourself referenced some decisions by smaller integrity commissioners that were perhaps questionable or that you disagreed with.

Given those circumstances, do you think there should be some kind of appeal process to the provincial Integrity Commissioner, to look at some of those local issues?

Mr. Guy Giorno: I'm pausing because I have thought about it. I'm not sure that I have a settled view on that. The current remedy is judicial review.

The Chair (Ms. Laurie Scott): I don't know how fast you can be, but you're out of time. I can give you a few extra seconds.

Mr. Guy Giorno: I do have a lot of confidence in the Office of the Integrity Commissioner of Ontario; I think that all members of the assembly do, and I hope Ontarians do. There's obviously a resource issue, if OICO, as we sometimes call it, became the body of appeal. But on principle, I don't oppose that.

The Chair (Ms. Laurie Scott): MPP Sarrazin, do you want to start off for the government?

Mr. Stéphane Sarrazin: Thank you to all of you for the presentation. I can appreciate that, being a past municipal politician. I can just imagine being the integrity commissioner for 20 townships or municipalities and probably having to deal with 20 different codes of conduct. It must have been quite something. You must have seen a lot of different cases over the years, and some of them—I'm not sure how it works, exactly. Are they presented to you sometimes and you don't even go forward with these cases? Maybe that's part of my question.

You were talking about suitable integrity commissioners. How would you select such integrity commissioners? And do you think some of the integrity commissioners shouldn't be local? If you want to talk about your past experience, where some of the municipalities were local municipalities—and did you know some of these members?

Mr. Guy Giorno: I'll see if I can address a lot of these.

I do not believe that integrity commissioners should come from the municipalities where they serve, ideally, number one.

Number two: The usual conflicts of interest are not necessarily residents or knowing people in the municipality—it has to do with the fact of, if you're in the business, for example, of being a lawyer who gives advice or is retained by municipal administration, CAOs across whatever part of Ontario, and then suddenly you're doing integrity commissioner work. That's the kind of issue.

In terms of how cases come forward, when I've done 106 reports—that's inquiries that have gone to completion. Part of what an integrity commissioner has to do is look at a complaint when it comes in and say, "Is this even an integrity commissioner issue?" This is where scope creep comes up. Some of us take a very narrow view, that—say, for example, a complaint about a ruling that was made by a chair. That's not our job. You don't need an integrity commissioner second-guessing a procedural ruling under procedural bylaw. We have other integrity commissioners who have found—a mayor in Casselman, I think, was found to have breached the code of conduct because he didn't handle a point of order correctly. That's just wasting the time of municipalities and their money. So screening is very important. But there are some integrity commissioners who, for whatever reason, swing at every pitch. If it comes before them, they'll investigate it. I'm exaggerating a tiny bit. But that's part of the problem that needs to be dealt with.

Mr. Stéphane Sarrazin: I know some of the municipal councillors reach out to us members of provincial Parliament sometimes and say, "We went to the integrity commissioner, and it was simply rejected." I remember some of the different cases had to do with selling municipal businesses.

I'm wondering, how do the integrity commissioners actually decide not to go ahead with the case or—if you want to elaborate on that.

1100

Mr. Guy Giorno: I will concede, by the way, that this is one of the most difficult situations, because many complaints come from members of the public. We should not expect a member of the public to know who does what and what the rules are. At the same time, those who are bound by the rules have to follow them.

I will just use a simple example. Integrity commissioners only deal with elected officials, members of the local boards. We don't deal with staff. Well, some people have complaints about the staff—"I don't like what the clerk did, the CAO did." We have to say, "It's not our jurisdiction." We have to explain what the remedy is, which often isn't much of a remedy—maybe just the ombudsman. That's an important part of having any role—to have the humility and the sort of discretion to stay in your lane and say, "This isn't mine."

In response to the question—it's actually a legal exercise. It's looking at the complaint and seeing whether what is complained about actually fits within the code of conduct that is your job to do, and not to torture the code and say, "Well, I can expansively read the code to say it's in my jurisdiction." No. It's a hard thing to do—because sometimes you're saying back to a member of the public, who is not sophisticated in matters of the law, "This isn't the right avenue." And yet, because we are a rule-of-law country and a rule-of-law province, you have to do that. If it's not your turf, not your jurisdiction, no matter how hard it is, no matter how compelling the case is, you have to say, "It's not my jurisdiction," and then you've got to explain to the person—I explain very nicely, in writing,

exactly why that is. Some people are not happy with that, and I understand why. That's just because we're only part of the picture in terms of the remedies, and the remedy is not us. Sadly, often, the only remedy is the ombudsman, and you know the ombudsman can only—we know the limits. The ombudsman can't make things happen. The ombudsman can only shed light on problems.

Mr. Stéphane Sarrazin: I have a question for Ms. Johnson.

I would see myself as a councillor, and I would have, let's say—in the case of Councillor Chiarelli, I would see a recommendation from the integrity commissioner or to the integrity commissioner—

The Chair (Ms. Laurie Scott): You have 60 seconds.

Mr. Stéphane Sarrazin: —come back to us, and I would have a problem, as a councillor, voting against it because, as a councillor, you have a responsibility, and you know that this is going to be reflecting on the next election. People will lose confidence—as a municipal councillor. Do you have any comment on that?

The Chair (Ms. Laurie Scott): You have 30 seconds.

Ms. Christine Johnson: I am quite happy to hear that. I would hope that would be the case. But I think that the concerns about, like I said, unexpected absences or, for whatever reason, people being influenced against such a vote—it might really happen. I think that's what we would want to protect against, by design, in the process.

The Chair (Ms. Laurie Scott): That's the end of this round.

Thank you very much to the three presenters who were here.

MS. JOANNE CHIANELLO

MR. RILEY BROCKINGTON

MS. NANCY CAIRNS

The Chair (Ms. Laurie Scott): We will ask the next three presenters to come forward.

We welcome Joanne Chianello, Riley Brockington and Nancy Cairns—if you want to start in that order. Just say your name before you begin. You have up to seven minutes, if you'd like.

Ms. Joanne Chianello: Bonjour, tout le monde.

My name is Joanne Chianello, and I've lived in Ottawa for virtually my entire adult life. I was a journalist for 30 years. For more than a decade, I covered Ottawa city hall for the Ottawa Citizen, and for CBC until about two years ago—as we are all being transparent here today.

One of the most important stories I ever reported was about harassment and abuse by long-time councillor Rick Chiarelli against female staffers and job applicants. Some of the women who came forward are here today, and I will leave it to them to speak to the specifics of that behaviour of Rick Chiarelli. I do want to take this opportunity to thank the women publicly for trusting me to tell their stories and for continuing to push what we're all here to discuss today: changing the law so municipal elected officials can be removed from office for serious violations

of the code of conduct. That is what is really at the heart of this issue.

When I first reported on the allegations against Rick Chiarelli nearly six years ago, readers were, of course, appalled by the disturbing accounts of abuse, but they were almost equally stunned to learn that nothing could be done to remove him from office, not by the province—I look to Minister Clark, who was the minister at the time, for municipalities—not by the public, and not even by multiple damning reports from two different integrity commissioners. Every time I reported a new story outlining harassment and wildly inappropriate behaviour that Chiarelli had always denied, I'd get the same question from readers, from listeners, over and over again: “How is this guy still in office?”

That is why I want to commend the government for many elements of Bill 9: mandatory training for councillors on the code of conduct, better training for local integrity commissioners, a review process to ensure commissioners are free of conflict in their municipalities. Guy Giorno spoke to this earlier. These are all welcome and long-overdue changes.

I also want to acknowledge something even more important: For the first time ever, the government is proposing a process that could, at least in theory, lead to the removal of a council member for serious misconduct and harming others, and that's no small thing. But the process proposed in Bill 9 falls far short of what we need.

To start, as we've heard today, the final decision on whether a councillor loses their seat rests with their fellow councillors—not only that, but the vote has to be unanimous, and every councillor has to be present. If someone calls in sick or slinks out to the washroom, the vote fails. If that vote is not held within 30 days of the Ontario Integrity Commissioner's recommendation, Bill 9 is silent on what happens next. As written, this process makes it almost impossible to remove someone from office. All it takes is one friend, one strategic absence to block it entirely.

The fact is, council is not the right body to make this kind of decision. When we say people should be judged by a jury of their peers, we don't mean the people sitting next to them at work. In almost any other setting, having a personal or professional relationship with an accused would be seen as a clear conflict of interest. You would be recused from judging them, not legislated to do so. Yet, under Bill 9, councillors would be free to speak with the subject of the investigation, to be lobbied by them and then go on to debate their fate. The only rule: The person under investigation can't vote on their own removal.

What's proposed here isn't a path to justice; it's a procedural shield—one that risks protecting even the worst offenders so long as they have a single ally on council. That's not what survivors fought for, and it's not what the public expects.

The government should instead consider a judicial process, as recommended by a private member's bill—I see MPP Stephen Blais here today—and by many who have spoken to the committee so far. If a local integrity

commissioner recommends removal and the Ontario Integrity Commissioner agrees, the matter should then go to a judge for final review. To ensure additional fairness, perhaps that judge could come from outside of the municipality.

We know this approach can work, because we've seen it before, in the Chiarelli case. In 2021, Chiarelli challenged the integrity commissioner's jurisdiction and argued that city council was biased when it voted to suspend his pay. A judicial review was held at Ontario Divisional Court. Not everyone might remember this, so let me just remind you what was happening at the time.

1110

When Chiarelli's stories first broke in 2019, city lawyers advised council to stay neutral, because they would eventually be voting on the sanctions against him. But that neutrality proved to be impossible. Some councillors publicly called for his resignation—I look to MPP Catherine McKenney. And at one budget meeting, most of council refused to sit at the same table as Chiarelli; they stood for hours. Council was under enormous pressure from residents in the community to support the women who had come forward, and that is understandable, and it is even commendable, because councillors are elected to represent their communities; to speak up when they see something is clearly wrong and advocate to make it better. But they can't do that and also be expected to act as neutral adjudicators. Council thought it was walking a fine line that day in 2019, at that council meeting where they stood up, but the judicial panel didn't buy it. While the court upheld the integrity commissioner's findings, it agreed that council had not maintained the appearance of neutrality and therefore hadn't met the legal standard required to pass judgment.

That ruling didn't change Chiarelli's fate, but it did reinforce two critical points: One, councillors are elected to advocate, not adjudicate; and two, the courts, not political colleagues, are best equipped to make their fair, neutral decisions in cases like this. Judges already weigh complex personal and public considerations. They already make decisions with serious consequences, including, in some cases, loss of liberty.

The Chair (Ms. Laurie Scott): You have 60 seconds.

Ms. Joanna Chianello: I would say that removing someone from elected office may be one of the most serious actions we can take in a democracy. And while there may never be a perfect process, we can design one that is fair, transparent and free of political interference— and Bill 9, as written, is not it.

Thank you for your time today.

The Chair (Ms. Laurie Scott): Thank you very much for your presentation.

We'll now go to Riley Brockington.

Mr. Riley Brockington: My name is Riley Brockington. I'm the city councillor for River Ward here in the city of Ottawa. I just want to say that I'm speaking on my own accord today. I do not represent the city or any other group here, on Bill 9, the Municipal Accountability Act, 2025.

First of all, I'd like to thank all committee members for your public service to the people of Ontario—thank you very much—and for hosting this hearing in the city of Ottawa. It's very important. I appreciate that the committee has afforded me the opportunity to speak today and that one of your hearings, as I said, is here in Ottawa.

I feel so strongly about the need for this legislation that I've reached out to speak today.

We are all aware of the events with one member of Ottawa city council—now retired—that have contributed to the need of this legislation, and my colleague to my right has documented and reported in detail. Consider her an expert on this matter. I support the proposed legislation. It is high time to ensure that there is a level of accountability in place that can and will address the most egregious cases of behaviour that breach codes of conduct; that, in the majority of workplaces, would be dealt with swiftly and appropriately.

There is one main concern that I share, that I understand you have heard from other delegates and/or via written correspondence, and that is the requirement that once a local integrity commissioner has made a recommendation to remove a member from office, the provincial Integrity Commissioner has done the same and then comes back to a local council for final vote on the removal of that member—the proposed requirement is that it be an unanimous vote of all members of council, unless they're excluded from the vote for reasons outlined in the legislation. I do not support that. I actually oppose that requirement. I do oppose the requirement for unanimous support. There is no other vote that I take as a member of council—whether it's approving a \$5-billion budget, appointing a city manager, policy changes, approving a billion-dollar LRT—that requires unanimous support around the table. In fact, the most contentious procedural matters require three-quarters majority of council. This remains the highest threshold for any vote in the council chambers that I'm aware of.

In the same breath, let us acknowledge that removing a duly elected member of any elected body should not be easy. There must be due process, and there must be a fair opportunity for all involved to share their experience, to defend themselves, for all parties to be heard. The process must eliminate frivolous, vexatious, politically laced opportunities to unseat unpopular colleagues and only be used when the most egregious behaviours have transpired and been proven after two integrity commissioners have conducted their investigations.

I served as the vice-president of OPSBA when I was a school board trustee. I now sit on AMO, on their executive. I've heard multiple cases of frivolous attacks against duly elected members of school boards or councillors. In fact, one mayor who sits on my caucus has had seven integrity commissioner's reports against him—all declaring that he has not breached the code. This costs money to the municipality. This stains our public reputation. This costs people money. When I was hauled before the compliance audit committee twice by a former opponent,

my last bill was \$7,000—which was dismissed by the committee. But I had to go through that process.

Elected officials are held to higher account and expectation by the public we serve, and so we should be. A salary penalty or short-term suspension from committees is simply not enough.

This legislation is long overdue and appreciated.

The Chair (Ms. Laurie Scott): Thank you very much for your presentation.

We'll now go to Nancy Cairns.

Ms. Nancy Cairns: Thank you to the committee for the opportunity to speak today. My name is Nancy Cairns. I'm a former councillor's assistant to Rick Chiarelli and an advocate for safer, more accountable workplaces in municipal government through Safe Workplaces For All. This is not a partisan issue. It's a workplace issue and a human rights issue. I speak from both personal experience and a systems-level perspective, because I've lived through what happens when a councillor engages in harmful, predatory behaviour and nothing is done to stop it.

In my case, the integrity commissioner, or IC, process took a year and a half. It was retraumatizing and left me completely broken. The person who caused the harm remained in the workplace the entire time. And when the findings were finally released, nothing changed. My abuser stayed in the office for years, still in a position of power over me at work, still representing me in the community, and still showing up in the media. That's not accountability. That's abandonment.

Every member of council operates within a workplace, alongside staff, council colleagues and the public. And yet, those who experience harm under the Ontario Municipal Act—including municipal staff, elected officials, and members of the public—are forced to navigate toxic environments, often without support or protection. Morale plummets, public trust erodes, and the person who caused the harm stays. This would never be tolerated in any other Ontario workplace.

Under the Occupational Health and Safety Act, employers are obligated to maintain a harassment-free environment. In any other job, substantiated misconduct would result in dismissal. But in municipal government, an elected official can remain in office after breaching every standard we expect of public service. The threshold for removal is so high, they must be sentenced to jail before they lose their seat.

Let me put it plainly: A member of council can be removed for missing three consecutive months of meetings or for filing their election paperwork incorrectly, but not for creating a workplace deemed unsafe by an official investigation.

That's the gap Bill 9 seeks to address, and I am genuinely grateful that it's on the table, but as written, it risks becoming another broken process cloaked in good intentions. The current draft introduces a mechanism for removing councillors but makes it nearly impossible to use.

After a municipal integrity commissioner substantiates misconduct, the matter must be referred to the provincial

Integrity Commissioner. Whether that step involves a new investigation or simply a review is unclear. This ambiguity matters, because if complainants are required to re-engage in another process, it risks retraumatization. And even if the provincial Integrity Commissioner agrees with the findings, the matter then returns to council, where a unanimous vote is required for removal. That means the very council members who work alongside the person accused of misconduct—who may be political allies or fear retaliation—must all vote to remove them.

Here's the real kicker: So many of these cases end up at judicial review anyway.

What's written in this bill is redundant, exhausting, and tells survivors the road ahead isn't worth it.

We need fair, transparent and enforceable mechanisms for dealing with egregious misconduct. That includes third-party investigations, integrity commissioner training standards, enforceable timelines, trauma-informed processes and, yes, a non-political legal path to removal when harm is substantiated.

Please take a look at what's happening in Cochrane. Anyone who has lived in small-town Ontario knows that everyone knows everyone and municipally elected officials hold immense influence in their communities. Last year, a council meeting to address an integrity commissioner's report into alleged bullying by the mayor devolved into a four-hour political spectacle. Community members packed the chambers; hundreds more tuned in online. For a town of just over 5,000 people, that's a lot of eyes. An HR issue became public trauma for two senior civil servants just trying to do their jobs. They're no longer in their roles. One went on medical leave, and the other one quit. A councillor also came forward, during the same meeting, saying that they too felt bullied by the mayor. The result: a 90-day pay suspension, which is peanuts—for a part-time annual salary just under \$25,000. The integrity commissioner resigned a month later. Now Cochrane taxpayers are facing a lawsuit that could cost over a million dollars. The mayor remains in power. And as recently as April, the town CAO, a long-serving employee, quietly exited under unclear circumstances.

1120

A more recent example of why politics need to be taken out of this process happened just last week in Niagara Falls. During a regular council meeting, the mayor refused to allow a councillor to speak about Bill 9, the very legislation being discussed here today, but allowed a councillor facing domestic-related assault charges to speak at length in his own defence. A council meeting is meant to serve the public and conduct city business, not provide a platform for personal legal rebuttals. This kind of selective bias shows why we can't leave misconduct procedures to political discretion. When elected officials get to decide who speaks and whose voices are silenced, we don't get justice; we get politically sanctioned harm.

This isn't about punishing people for political views. It's about real harm in real workplaces. It's about protecting the dignity and safety of staff, council members, and the public they serve. We owe better to the people who

work in these spaces. Most members of councils are dedicated, hard-working individuals, and they deserve a safe and respectful workplace. We also owe better to the residents and taxpayers, who deserve ethical, accountable leadership.

The Toronto integrity commissioner once said—and council agreed—“‘Politics’ needs to be taken out of this process because where allegations of harassment are decided in a political forum, political issues are raised, debated and given weight. This is detrimental for complainants, respondents and the legitimacy of the process.” This is why clarity and language matters.

I want to highlight a word this bill hinges on: “serious.” When terms like “serious” are left undefined, interpretation becomes political, and that erodes trust in the system.

The Chair (Ms. Laurie Scott): You have 60 seconds.

Ms. Nancy Cairns: Merriam-Webster defines “serious” as “having important or dangerous possible consequences.”

So I ask, what breach of trust in the workplace doesn’t carry serious consequences, and who exactly gets to decide what’s serious enough to be heard? We cannot create a justice system if the threshold for justice is left vague, because in that vagueness too many voices will be silenced.

Thank you for your time and for your commitment to building safer, more respectful municipal workplaces across Ontario.

The Chair (Ms. Laurie Scott): Thank you very much for your presentations.

We’re going to start with the third party. MPP Blais, please.

Mr. Stephen Blais: Thank you, everyone, for your presentations.

Nancy, obviously, thank you very much for having the bravery to come forward and tell your story.

Joanne, thank you for covering it for so many years.

We’ve all had many opportunities to speak over the years.

So I’m going to focus my questions on Mr. Brockington—not to put you in the hot seat, Riley, but since you’re here.

A previous presenter mentioned a vote at Ottawa council to create a process where, as part of the workplace safety policy, councillors should proactively disclose personal relationships with staff, which is common practice in many private sector employers at the moment. As the government considers standardizing a policy for municipalities across the province, given your length of service on council and with AMO, do you think that that would be an appropriate provision within a new standardized accountability policy for the province?

Mr. Riley Brockington: Yes, absolutely.

Mr. Stephen Blais: Thank you.

I agree with your concerns about the process as well, in terms of the high bar for removal and the unanimous vote of council.

Would you prefer to see an outside decision-maker, whether that’s the provincial Integrity Commissioner or a

judge—or if the bar were to be set at, say, three quarters or two thirds instead of unanimous. Do you think it should be a council decision, or would you prefer to see an independent, outside decision?

Mr. Riley Brockington: I think there are pros and cons to what is in the proposed legislation versus alternatives that you’ve heard now and will be hearing.

I think a judicial decision is perhaps the most independent, or clean, way of dealing with the matter. It can be defended in the public that should an independent, arm’s-length judge or adjudicator has, on the advice of two integrity commissioners, made an ultimate decision—some may argue, though, that a duly elected local member should have their fate decided by the local body that they serve, and that those people are then held accountable by the public they serve.

The issue about who ultimately makes the decision has been a key issue of debate since legislation was first contemplated. I think this is a key matter that the committee and, ultimately, government will have to put significant thought to because I think there are strong merits about what you’ve heard this morning and what you will hear.

Mr. Stephen Blais: I believe Joanne mentioned this in her remarks, and Nancy alluded to—the timeline challenges. Obviously, it’s retraumatizing—the length of time.

One of the elements of the bill is that the decision by council needs to happen within 30 days of the integrity commissioner recommendation. That sounds like it’s meant to address the timeline problems which—I agree. But we know that there are certain times of the year—in the summer, at Christmas—when most elected bodies, including the Legislature, take prolonged absences from meeting. At the same time, if the person accused is the mayor or the head of council, he or she has the authority to cancel meetings. There is not always a very clear process to force the mayor to then call a meeting. If we concede that the decision should be made by council, do you think the legislation could be strengthened by having a provision where, not just the meeting has to happen within 30 days, but that there is the elimination of a potential for that meeting not to happen—that the council is effectively, or the mayor is effectively, forced to call the meeting? What if the mayor was the one accused? I wouldn’t want to call a meeting if it’s going to lead to me losing my job. I think that’s a pretty easy thing for all of us to understand.

So could we restructure the legislation, including—I agree; it’s perhaps not the best process, but if that’s the process the government wants—by requiring the mayor to call the meeting within the 30 days?

Mr. Riley Brockington: I think that 30 days is tight. I think, though, that I would agree that a decision would be appreciated sooner rather than later, and I would not want to see a timeline that was unreasonably longer.

There are times of year, I agree, that would be more challenging than others for a council to be called back if it isn’t meeting on a regular basis. However, councils have been called back on short notice for other matters in

Ottawa, whether it be LRT-related or other pressing issues.

So I acknowledged that 30 days may be tight. I would support, though, a resolution sooner rather than later.

Mr. Stephen Blais: My question is, should the legislation be changed or amended—the appropriate process—to basically ensure that the meeting has to happen, that we can't run out the clock on not having the meeting and therefore avoid the consequences? Whether it's 30 days, 60 days, whatever the timeline is—that there is ultimately a requirement to call the meeting within the prescribed period of time so that someone can't just rag the puck and basically avoid consequences.

The Chair (Ms. Laurie Scott): You have 60 seconds.

Mr. Riley Brockington: Thank you for the clarification. Yes, I strongly support that.

Mr. Stephen Blais: I probably have other questions, Madam Chair, but we're short on time, so—

The Chair (Ms. Laurie Scott): You have 40 seconds.

Mr. Stephen Blais: Okay.

The Chair (Ms. Laurie Scott): We'll now move to the government side. MPP Grewal.

Mr. Hardeep Singh Grewal: It's great to be here today to discuss Bill 9. Thank you to our guests for joining us today and giving us their views and opinions on Bill 9. It's an important bill that's going to be changing the way things are done municipally, involving increasing regulation—and ensuring that we hold our elected officials to the highest extent.

My first question will be for Ms. Chianello. Thank you for your presentation here today.

Your current position is that you don't support Bill 9. What changes would you like to see in Bill 9? I feel the overall consensus is that Bill 9 is going to be making a lot of changes that people are looking forward to seeing, especially when we compare the two segments of where we stand today and where Bill 9 is looking to take us forward.

1130

Currently, each municipality sets its own rules. Local commissioners have limited powers—penalties are, at maximum, 90-day suspensions. And then training is optional or locally enforced.

Under Bill 9, the conversation that we're having today is that the province mandates a standard code across all municipalities, a two-tier review system, with Ontario's commissioner advocating stronger action. It also includes higher penalties—up to a four-year disqualification—and mandatory training. These are some of the changes that we're proposing to combat some of the issues that you highlighted in that conversation.

My question here is basically to see what more you would like to see from Bill 9 and what your comments would be on improvements for some items that you disagree with—hence why you said that you don't want to support Bill 9.

Ms. Joanne Chianello: I would like to say that there's only one key part of Bill 9 that I do not support, and that is the final review mechanism for removing the council

member who has been found to have harmed others and has seriously violated the code of conduct. The bar must be very high. I understand that. Removing someone from an elected office is perhaps one of the most serious actions we can take in a democracy, and so we have to have a system that is fair, transparent and not politicized. I believe that all of those other things you mentioned are great, and I think I mentioned that near the start of my comments.

Changes to standardize the code of conduct—I happen to think Ottawa's is pretty good, but certainly that's not the case in the 444 municipalities across the province. A lot of other municipalities have very different sizes and different resources, as you well know.

More training, especially for integrity commissioners—I take Guy Giorno's comments to heart. I've seen that in the media—where integrity commissioner decisions are kind of all over the place. You wonder if some of them have actually read the act and how it's supposed to work.

For sure, those are fantastic.

The removal of a council member should be as apolitical as possible, and I feel that sending it back to council for a final decision is the most political process that you could choose. That is, I think, what most people have spoken to, to this committee over—certainly, today and, from what I've heard, at other hearing dates. I think that I would like to see an independent adjudicator have the final say. I would also point out that if it does go to council and if anyone ever actually does get removed at council, they will probably ask for a judicial review anyway. So if it's going to end in the courts, let's have them involved in this process from the start.

Mr. Hardeep Singh Grewal: Thank you for clarifying the positions you support and the positions you'd like to see changed in this particular bill.

My secondary question would be for Councillor Brockington. I listened to your concerns here today, and I just wanted to see what parts of the bill you think will better define how things are done in council and how those will positively benefit councils—the changes that are proposed here in Bill 9.

Mr. Riley Brockington: Thank you for the question.

I think the process in Ottawa—that's the process I'm most familiar with—works fairly well. We have had a number of integrity commissioner assessments, or reports, done over the years. There have been varying responses by council on those reports. So I think the process in place to date in at least my local municipality seems to be working well.

I think a comment to my colleague now is to make sure there's greater standardization across the province. I'm not familiar with the scope or depth that other municipalities have—but definitely standardized training, not just for members of council, but also the integrity commissioners. All integrity commissioners must meet a certain minimum requirement of training once they're appointed to that position.

What I've seen in my experience, locally, has more or less worked. What we're looking at, though, is greater

teeth, as you know, for the most egregious cases, which has been lacking to date.

Mr. Hardeep Singh Grewal: I just want to follow up with asking your opinion on what you think about the province adding the fact that the province's Integrity Commissioner will now have a role to play going forward. What do you think about those changes?

Mr. Riley Brockington: Yes, I do support that. I think that it represents an additional level, an independent level from—

The Chair (Ms. Laurie Scott): You have 60 seconds.

Mr. Riley Brockington:—someone not from the local municipality who will review the case, as recommended by the local integrity commissioner. I do support that at that stage or level.

Mr. Hardeep Singh Grewal: Thank you very much.

In the limited time that I have left, my last question is for Ms. Cairns. I just wanted to take your opinion on Bill 9—to see which changes you think would be positively affecting councillors, and if you have any concerns regarding things that should be amended or added to that.

Ms. Nancy Cairns: Thank you for the opportunity.

I'll just echo what Joanne Chianello said. I don't completely oppose the idea of the two integrity commissioners taking a look at it. But when I look at Bill 9, it looks like their expectations are different in terms of what they're reviewing. The municipal integrity commissioner is considering whether it resulted in harm of health, safety, or well-being of any person, while the provincial Integrity Commissioner is looking at the impacts on public confidence and the ability of members.

I really want to reinforce the idea that this is a workplace, that we're talking about workplace standards, and I think that should also be considered by the provincial commissioner. Is this—

The Chair (Ms. Laurie Scott): I'm sorry; we're out of time.

MPP Bourgouin.

Mr. Guy Bourgouin: My question is to Joanne and Nancy. But before I go to Joanne and Nancy, I want to say thank you for coming and thank you for speaking. It shows that you have a lot of strength. Today, we see too many women not stepping up and speaking because they're afraid of reprisal; because they're in a situation where they prefer changing jobs instead of confronting their harasser. So thank you for your strength.

One former presenter spoke about reprisal. I come from labour. You were absolutely right, Nancy, when you said that in any other workplace, the harasser would be removed. Yet, when we come to municipalities, this is not happening.

Coming back to reprisal—I would like to hear from you.

Joanne, you were doing the investigation; you were speaking to it a lot. Did you face a lot of women who did not want to step up because of reprisal or being afraid? And could this legislation do better in protecting the women who are being harassed? Could we do better in this

bill to protect, so that they can feel more protected coming forward?

I'd like to hear Nancy's view on this too.

Ms. Joanne Chianello: Thank you very much for the question.

I spoke with many dozens of women during the investigation over the behaviour of Rick Chiarelli. Many women actually came forward and were named in media stories. They're very brave, because they had to answer a lot of questions about their own lives, and they put themselves under a microscope. There are many other people I spoke to who maybe corroborated some evidence, but they did not want to come forward.

In fact, the behaviour I reported in 2019—for one job applicant, it had been recent. But many of the stories I reported were of behaviour that had happened years earlier—and it was all from people who had already left his employment. Every single one of them said they were afraid to speak up, because a councillor's staffer—that I'm sure Nancy can speak to you more—is hired and fired at the whim of a council member. They don't really have any protection. They don't have unions. They don't have associations. In particular, they don't have anyone to speak to. This was changed. The city of Ottawa, to their credit, has changed their policy, and they have, I believe—and again, Councillor Riley Brockington could confirm—a dedicated HR person who councillors' staff can speak to when they have concerns.

I'm not sure how the mechanism would work in Bill 9—that is not my expertise. But absolutely, if there is any way to bring into the code of conduct or any part of the legislation that there must be someone in the clerk's office, for example, or someone in HR who is a person with responsibility to both hear from and protect the jobs of people in political offices—I think that would be extremely helpful, because I think it's kind of all over the place.

I think part of the stories that we reported was the shock of many people working in city council, on councillors' row, who had no idea any of this was happening.

1140

Mr. Guy Bourgouin: Nancy?

Ms. Nancy Cairns: If I was still working in that environment, I don't know if I would have been strong enough to speak out. It was because I had already left the office that I felt comfortable talking about it. Also, I think part of the motivation was that I became a mother. I have three daughters, and I just think about their future and the world I want them to grow up in. I don't want them to have to go through any of the lived experiences that I did, especially when I entered into politics. I grew up very community-minded—my parents were volunteers in the community. I was really excited that I was in a role where I could make a real impact in the community and then completely devastated when I actually peeked behind the curtain and saw the level of sexism and misogyny that still exists in politics today. It was very disheartening for somebody who came in saying, "I'm going to make a difference in the world."

The retaliation piece is absolutely huge. Again, I came from a small town. In these small-town situations, my heart really goes out to those civil servants who had to go through—that must have been such a traumatic experience for them. There's the trauma of the harassment and abuse, and then there's the trauma of going through the process—and it is very real. I couldn't get out of bed some days. I had very dark, dark moments when I was going through all of this. It was awful. It was absolutely terrible. I don't think anyone should have to—absolutely, everyone deserves a chance to be heard, and I know that there are false allegations that happen. But we also need to take into account the other side of this: the real harm and impact that this has on people who are working. These are workplace situations that we're talking about.

The Chair (Ms. Laurie Scott): You have 45 seconds.

Ms. Nancy Cairns: So, to go back to the provincial—if you could please include something around, does this impact the safety of the workplace for council members or for civil servants? Is this an occupational hazard for the workplace—as well as the other reasons.

The Chair (Ms. Laurie Scott): You've got 30 seconds.

MPP Catherine McKenney: Just quickly, to my former colleague Councillor Riley Brockington: I was on council with you when this story broke. I remember a day when we would not take our seats at council; we all stood. Councillor Chiarelli had shown up—unbelievably so. He showed up for council, and a number of us stood, and we would not sit down. We were warned, I remember, by legal that we were not being impartial—and we weren't. I wasn't impartial; I can tell you that much. I wanted him gone. We also knew there was little to no consequence for his behaviour, so I knew that by being impartial it wasn't going to make any difference.

I just want to ask you: With a unanimous vote, do you believe that it is possible that the city of Ottawa council could have, in some way, kept Councillor Chiarelli on council?

The Chair (Ms. Laurie Scott): MPP McKenney, that's a long 30 seconds.

Can you do it in one word?

Mr. Riley Brockington: In this particular case, I think it was likely you would have gotten a unanimous vote, but this is because it's the most egregious case I'm aware of in the province. In other cases, it's unlikely you'll get a unanimous vote.

The Chair (Ms. Laurie Scott): MPP Collard.

Mme Lucille Collard: I'll take the first question.

Thank you for being here.

This is a very serious issue that we're talking about. Sexual harassment is a serious issue with very serious consequences on the victims, and I think, frankly, it's really disgusting that elected officials could get away with that.

We're at the juncture where we need to put pressure on the government to do the right thing and make amendments to this bill to remove that procedural shield that you, Ms. Chianello, talked about—that is, unanimous consent vote—for a fair process. We need to bring a fair process

that will recognize the importance of refusing sexual harassment in the workplace, period. There should not be ways to get around that. And if the government doesn't do that, I think it speaks volumes about their priorities. So I'm hoping that when we get to amendments the right things will be done.

I want to direct my question to Ms. Cairns. Based on your experience—I know you've gone through a lot, and I want to be able to provide some guidance to the government as to what they need to bring in to avoid revictimization. In your experience, what was the most difficult thing that you would like to see removed from the process to make it easier, whether it was the time or—you had to leave your job to be able to speak. It doesn't seem right to me. Can you speak to that a little bit, please?

Ms. Nancy Cairns: I think removing council from the process altogether would help. My abuse and my trauma became political fodder. It was all over the media. There were reports with intimate details of some of the abuse that we had to deal with. So not only is there the trauma of having to relive that as you are going through the investigation process—and I also went through a separate OPP investigation, which was a criminal investigation; ultimately, charges didn't come forward. So I had to do another interview for that, as well. They were two separate processes. Because it involved someone who was political, it became political fodder. It became a media circus. So my experiences, my shame, were up for public consumption and public opinion. That wasn't ideal.

I just want to take a moment to say thank you to the councillors in the room who actually stood up, because part of the reason why I ultimately decided to come forward and speak to the integrity commissioner was because I finally felt that there was an environment where I would be heard and I would be believed. When I actually saw the visual representation of council members standing in that council meeting, that was a pivotal moment for me. Before that, I wasn't sure that if I complained anything would happen, because, again, there's very little recourse. Typically, whenever there were complaints that I heard in the backroom whispers, the political assistant would just get shown out the door—hush, hush, shown out the door—because there wasn't really much that could be done to reprimand the elected official. Also, it reflects poorly on the municipality, so they probably don't want a big scandal. It was just kind of hushed out the door. When I saw that council was willing to listen and believe, that really helped me. So, to all of you who stood in that moment, thank you so much. You impacted my life in a big way—you have no idea.

Mme Lucille Collard: I'll pass it on to my colleague for the next question.

The Chair (Ms. Laurie Scott): MPP Watt, please.

MPP Tyler Watt: How much time do I have?

The Chair (Ms. Laurie Scott): You have two minutes.

MPP Tyler Watt: Thank you.

I just want to start off by thanking you, Ms. Cairns, for all that you do. Your story is really moving, and it's in large part because of you that we are here today. Your

advocacy and story go beyond this bill as well. I know that it has impacted many victims and people in workplaces, within politics and outside.

Something I want to address that has come up several times today, particularly from Nancy and Joanne, is the concern of vague terminology within this bill.

Referencing 160.0.1, some of the wording here—the integrity commissioner can make the recommendation if the following criteria is met:

“The contravention is of a serious nature....

“The member’s conduct that is the subject of the inquiry has resulted in harm to the health, safety or well-being of any person.”

These terms, in my opinion, are up to subjective interpretation.

I’ll ask all three of you—I’ll start with Nancy—would you like to see more specific definitions of these terms in this bill?

The Chair (Ms. Laurie Scott): You have one minute left, everyone.

Ms. Nancy Cairns: Yes, please.

1150

MPP Tyler Watt: Joanne?

Ms. Joanne Chianello: Yes, I would. I think that the Occupational Health and Safety Act already gives us a framework for what kind of behaviour is not acceptable. So we have it. Let’s use it.

MPP Tyler Watt: Councillor?

Mr. Riley Brockington: I would echo the most—I think if you start listing some, you’re going to forget others by accident. If you follow what is already in the Occupational Health and Safety Act, that’s a good guide.

The Chair (Ms. Laurie Scott): To the government side: MPP Sandhu.

Mr. Amarjot Sandhu: Thank you to all the presenters for your thoughtful presentations. We appreciate you sharing your insights and feedback on this very important bill.

As our government works to strengthen accountability and transparency across all levels of public office, this bill reflects our commitment to upholding integrity in municipal governance.

Any of you can share—in your view, how will these proposed amendments, particularly the expanded authority for the Integrity Commissioner, help restore and maintain public trust in municipal governance?

Ms. Joanne Chianello: Because we’re in Ottawa, we’re talking about Rick Chiarelli, who Councillor Riley Brockington rightly said was perhaps one of the most extreme cases of contravening the code of conduct. I hope that is true. I hope that this is extremely rare and the removal parts of Bill 9 have to be almost never used.

When people have asked me, “Would Rick Chiarelli have been removed if Bill 9 was enforced the way it’s written now”—I’ve been thinking about that, and I think, yes, because it was a pretty out-there case. There was a lot of media attention on it. If I may say, I don’t think Rick Chiarelli was very well-supported, and he didn’t have a lot

of friends on council—so, probably, yes. Ottawa is the second-largest city in this province.

As you well know, there are 444 municipalities in Ontario. Most of them do not have media or other bodies to provide oversight. A lot of people have no idea what is happening at their municipal level. This law is supposed to be for all municipalities. So the standardization is excellent. I think it’s a great idea.

We’ve seen stories where councils routinely refuse the recommendations of their local integrity commissioners, which seem completely reasonable—and where the stakes are quite a bit lower than they are now—because of personal friendships.

We need to write a law that is going to work in every single municipality, no matter how large or how small.

The strengthening of the Integrity Commissioner’s role; the removal of conflicts of interest—we’ve seen stories where the integrity commissioner hired by a municipality is also the municipality’s lawyer. That’s not appropriate. So those parts of Bill 9 are fantastic.

But I would actually, once again, caution against the final decision going back to council, where there are so many personal relationships that are really not under the public microscope in many municipalities in Ontario.

Mr. Amarjot Sandhu: Are there any other options that should be considered to address serious code of conduct violations while respecting the importance of democratically elected local offices?

Councillor Brockington?

Mr. Riley Brockington: Thank you for the question. I just want to go back to the other one.

There’s no provincial framework in place. That’s what the legislation provides us. We have standardized ground rules to play with, that we need. That’s why this is so critical, so important. And when the provincial legislation is passed, it will spell out that process.

There are no pressing gaps that I’m aware of that haven’t already been articulated by my colleagues. The main concern that I’ve raised is the concern about the unanimous consent or the unanimous support. That’s the main thing I’ve underscored today.

Mr. Amarjot Sandhu: Would anybody else like to share?

Ms. Nancy Cairns: Yes. I agree with what everyone is saying—that the way that the bill is standardizing training and making that mandatory is absolutely important. And there is an erosion of trust in politicians just in general. I think when we see what’s happening south of the border—that case study right now. I think that, just as a whole, we’re seeing a lot of mistrust of politicians, and this is needed. We absolutely need to do this.

Since the Integrity Commissioner was brought in in March 2019—I have a list of some of the members of council who have found to have completed misconduct or are sitting in their seats with charges. There’s Rick. In Barrie, there was one involving a civil servant—an integrity commissioner found that there was a lawsuit there. In Toronto, we have a councillor who’s charged with two counts of sexual assault. In South Glengarry,

there was a mayor charged with child luring and sexual assault. In Brampton, the integrity commissioner found sexual misconduct during a trade mission in Turkey. In Niagara Falls, we have a sitting councillor who's facing domestic-related assaults. In Woodstock, there was a mayor charged in 2022 with assault and sexual assault. In Cochrane—I talked about that mayor as well. In Sudbury, the integrity commissioner found a breach of confidence and bullying. In Brighton, there was a staff report that talked about bullying and harassment by council members.

The Chair (Ms. Laurie Scott): You have 60 seconds.

Ms. Nancy Cairns: We are talking about Rick Chiarelli here, but this is something that's pervasive across Ontario. So I know I've been critical, but I'm also really very, very grateful that we have legislation on the table. It has taken so long to get here. This has been a five-year journey for me. So, please, let's get it right. Let's do this right.

The Chair (Ms. Laurie Scott): MPP McKenney.

MPP Catherine McKenney: I just want to go back to my back-and-forth—because we ran out of time—with Councillor Brockington. While we've always worked well together, we've not always agreed, but I've always found you to be very thoughtful. I appreciate your response to my last question.

I'm not so sure, when I was there at the time, that we would have been assured of a unanimous vote. I think—to Joanne Chianello's point—we were dealing with a councillor who was unpopular for a variety of good reasons. We were also dealing with a situation where we had a media report, over months, detailing the absolutely egregious, harmful, predatory behaviour of this one councillor.

For me, the unanimous vote means that we cannot expect survivors to come forward if, in fact, everything that they come with will hinge on whether one person can go to the washroom and not be there for the vote. I just wanted to put that out there. I'm not absolutely disagreeing with you, but I just wanted to ensure that—from my perspective on council at the time, that was how I felt.

I want to let Joanne comment on that, and then I have a question for Nancy.

Ms. Joanne Chianello: So it's a question—

MPP Catherine McKenney: Yes, just about the need for a unanimous vote and what it would have meant had we not had the media reports, had we not had it in the public—this city was appalled by what happened.

Ms. Joanne Chianello: It really rocked the city. I was both grateful that people cared that much but also taken aback by how huge it was.

I remember Minister Clark was the Minister of Housing at the time, and he, after the reports came out, took the very unusual step of asking Rick Chiarelli to resign. He had no power to do that. Council also unanimously voted on it.

It is hard to imagine, though, in other municipalities, stories rising to that kind of media attention, including all the ones that Nancy just mentioned. They have some media; some of them have none—a lot of people don't even know they're going on.

In Ottawa, you would not find one person who did not know that that was going on.

I also want to talk to the question of if council members can stay neutral. I don't think it's their job to stay neutral, and I think it was very difficult. I know that both of you who were council members at the time found it difficult to say, "I'm not going to speak about whether I support the women or that I find this behaviour horrific." People are looking towards you.

I remember Councillor Theresa Kavanagh, who was the liaison for women's issues—she did not stand up, she did not speak out, because she followed the city legal advice to remain neutral. She was eviscerated in public for not speaking out and supporting women. So there's kind of a no-win scenario there.

Again, the council is a very inappropriate place for that. I think that in lots of places where there's not a lot of media coverage, which is unfortunately too many places in the province, it would be much easier to convince someone just to stay home that day of the vote. I think it would be very difficult to get a unanimous vote.

MPP Catherine McKenney: I also think that without a unanimous vote, the next time a woman would not come forward—as Nancy has so graciously come forward today and shared her experience.

Nancy, I thank you also for that. Again, thank you for being here. Many of us on council for years with Councillor Chiarelli share a great deal of guilt for not recognizing what was happening down the hall from us. It's very difficult. I just can't imagine how brave you are to be here.

I want to ask you, Nancy, what the effect would have been on you had council had to take that unanimous vote to remove Rick from council. And if you knew—because it was going to happen—that councillors were going to be lobbied by Rick and by friends or family of Rick Chiarelli, what would that have left you with? Knowing that that type of lobbying—because that would have happened if we're looking for a unanimous vote. If you're a councillor and you're about to lose your job and your position, you're going to lobby the people you've sat on council with. What impact would that have had on you?

The Chair (Ms. Laurie Scott): You have 60 seconds.

Ms. Nancy Cairns: I wouldn't have felt safe. I think that there's already a lot of victim blaming. That's what was happening already when we weren't coming forward—it's like, "Oh, it's just a bunch of anonymous people." So that was part of what motivated us to actually show our faces. It was to give legitimacy to what happened—not just for us, but for all the women who were impacted negatively. If the system was set up like that, I would have felt very unsafe. I already didn't feel super safe. I would be worried for my safety physically and mentally. I think it was already pretty dark; it would have gotten much darker.

The Chair (Ms. Laurie Scott): Thank you very much to all the presenters this morning.

I will now recess till 1 o'clock today.

The committee recessed from 1204 to 1300.

The Chair (Ms. Laurie Scott): Good afternoon, everyone. I call this meeting of the Standing Committee on Heritage, Infrastructure and Cultural Policy to order. We are meeting to resume public hearings on Bill 9, An Act to amend the City of Toronto Act, 2006 and the Municipal Act, 2001 in relation to codes of conduct.

To ensure that everyone who speaks is heard and understood, it is important that all participants speak slowly and clearly. Please wait until you are recognized by the Chair before speaking. As always, all comments should go through the Chair.

As a reminder, each presenter will have seven minutes for their presentation, and after we have heard from all the presenters, the remaining 39 minutes of the time slot will be for questions from members of the committee. This time for questions will be divided into two rounds of six and a half minutes each for the government, the opposition and the third party.

DR. BARRY WELLAR
ASSOCIATION OF MUNICIPALITIES
OF ONTARIO
MR. JEFF EARLE

The Chair (Ms. Laurie Scott): I will now call on Barry Wellar, the Association of Municipalities of Ontario's Robin Jones and Alicia Neufeld, and Jeff Earle.

Barry, do you want to begin and just state your name?

Dr. Barry Wellar: Thank you, Madam Chair. It would be my pleasure.

Good afternoon, everyone. I've been doing this for some time. What I thought I would do is a little summary, and then I would deal with two matters. I have some diagnostic comments and then some prescriptive. I'll do the diagnostic first, and then I'll use that as the basis for explaining the prescriptive.

I have four things that I thought were good to clear off the table to deal with a lot of concerns.

One of the questions was, for example, should a council decide consequences? The response that I gave is no. What I did in large measure is a form of a content analysis that goes back a long period of time, and the answer to that one was no, and the primary reason is that members of council are automatically in a conflict of interest. They can't say anything in the event they may be judges, and so as a result of something going wrong, they really can't say anything maybe for weeks, months, and in some cases, a lot of months—so, no for council deciding the consequences of any outcome of a decision.

The second one is the municipal integrity commissioner—whether that person should rule as to what to do as a consequence of an evaluation. The answer to that one is also no, because the municipal integrity commissioner is hired by council, which has already been deemed, as far as I can see, as not eligible to actually deal with the remarks. So in fact the municipal integrity commissioner has a role to play in local government but one that is not deciding what to do with the consequences of a series of work as to

whether or not somebody has violated the code of conduct. The other thing is, they are constrained in their duties because sometimes they have a 90-day time frame. That is a long time to wait for somebody to do something. So in effect, there's a variety of reasons why the municipal integrity commissioner is not the kind of person to rule on a complaint.

Referral to the courts: The answer is no. I have participated in several hearings, and you have to get a judge and you have to get a court date, and that can take a long time, having sat on several cases as an expert witness. The lawyer says, "Well, I can't tell you when you're going to go to trial, and so you have to wait."

The third part is—and I'm going to refer to a secretariat. The question is, "Should the secretariat be within municipal affairs?" Again, the answer is no, the reason being that councils consist of politicians; the provincial Legislature consists of politicians—some politicians like each other; some don't. So you are in a conflict of interest either positively or negatively. So the secretariat that I'm going to talk about should not reside within municipal affairs.

In terms of the prescriptive part, there are seven components. The first one is to create a Bill 9 secretariat. Given that nothing else will work, this may not be the best option, but it's the only option that I could imagine, so we look at the notion of creating a Bill 9 secretariat. Again, I sent this out to members of the committee, so I presume they've all had an opportunity to read it.

One of the difficulties we have with government legislation is the inability of ordinary citizens to automatically grasp what it is that's being talked about. One of the things that I propose is to engage a representative panel of citizens to review whatever is done in terms of filing an application for a code of conduct violation. It would seem to me it would probably take two rounds. It's sort of like what you would call a modified Delphi, whereby you send out round one, the panel of citizens reviews it and says, "We like this. We like that. We don't like this. We don't understand this. We don't understand that." You go back for a second round, and it probably should not take more than 20 days to actually review the application that's used to file a code of conduct complaint.

One of the things to propose to assist—this follows some things mentioned this morning—is an intervenor fund to assist those who need assistance to file a complaint. And this is not new; there was an intervenor fund program discussed in association with filing applications with the Ontario Municipal Board. So we have a long history of the notion of an intervenor fund for citizens who need support in filing an application.

The fourth item: In order to operate the secretariat, you require expertise. I would see a body of 30 properly trained members of a tribunal body—approximately 30; could be less, but you need to have these people out there because you're trying to get it, in my opinion, out of the political arena. So it's an independent body who reviews this and an independent body which would be viewed, perceptibly, positively by citizens. These people are not scratching

each other's backs, they're not sticking daggers into each other's backs, if that's what they want to do because of partisanship or whatever. So a tribunal body, members, is the way that I would proceed on that front.

The Chair (Ms. Laurie Scott): You have 60 seconds.

Dr. Barry Wellar: Okay.

The secretariat would select the people to participate in the hearings, and complaints that fall within the purview of the secretariat would be reviewed to members of a tribunal.

And the final thing: Frequently, it's very difficult for ordinary citizens to access provincial websites. Sometimes they're not clear. Sometimes they're murky. Sometimes they're not up to date. The website would actually maintain, just as we're doing here, a record of the hearings so that they know the kinds of complaints that are being heard, the nature of the applications, who hears them, the judgments that are being rendered, and they feel this is a live, active process in which they can participate in an informed manner.

The Chair (Ms. Laurie Scott): Thank you so much.

I will now move to the president, Robin Jones, and Alicia is on virtually with us. Go ahead.

Ms. Robin Jones: My name is Robin Jones. I am president of the Association of Municipalities of Ontario and the mayor of Westport. I am joined today by my colleague Alicia Neufeld, who is senior manager of AMO policy.

Thank you for the invitation to be here today. I'm very pleased to speak to you about Bill 9 and the proposed changes to the ethical framework for municipal elected officials. This is a critical bill for healthy local democracy, and I'm before you today to recommend amendments to strengthen the legislation, to ensure that it delivers on its promises and potential to uphold the highest ethical standard to municipal elected officials.

First, I would like to commend the government and Minister Flack for reintroducing this legislation. It is clear that the minister understands how important it is to the municipal sector. The legislation is the outcome of a journey that we've been on together for years. We also worked together collaboratively on code of conduct consultations launched in 2021 by the former Minister of Municipal Affairs and Housing, Steve Clark.

Through many conversations over the years, we were listened to about the importance of action on this issue by Ministers Clark, Calandra, Mulroney—now Minister Flack, as well as Associate Minister Graydon Smith and many of the people here in this room. We've had in-depth conversations about it. This is truly an example of a non-partisan issue that people across the political spectrum can agree is just common sense. Our local democracy will be better for it.

Municipal governments are the most trusted, open and transparent order of government. Maintaining ethical behaviour and respectful discourse is at the heart of public trust. I can't tell you how many times in my own community, when somebody wants to know where the mayor lives, they speak to anybody on any street corner and they get

taken right to the mayor's house. There's an expectation that our ethical behaviour is appropriate—and all Ontarians are expected and expect to work in a safe and respectful environment, including members of council when they agree to take office. Municipalities have seen that the current tools available to municipal councils to ensure ethical behaviour are inadequate and do not meet public expectations.

1310

AMO is pleased to see the government's action in response to sector concerns. We largely support these proposed changes and thank the government for their commitment to consult with municipalities on the regulations that will support the evolving framework. With scoped amendments, this legislation will help reinforce accountability and support both a safe and respectful work environment for members of council and municipal staff.

When Steve Clark launched the original consultations in 2021, he said, "We want to gather input to ensure there are adequate mechanisms in place to hold council members accountable for any unacceptable behaviour." We do have two suggestions about how to strengthen this legislation and make sure that we have those adequate mechanisms in place.

First, AMO recommends that the removal-from-office vote be adjusted from unanimous to a super majority with a two-thirds vote. Previously, AMO had advocated for a removal-from-office procedure to be in the hands of the judiciary. However, recognizing the government's interest in leaving this decision to councils themselves, we would strongly recommend that a council super majority is a more appropriate threshold. We recognize that a vote to remove an elected municipal official from office is fundamentally different than a regular council vote. However, the current proposal sets too high a threshold and poses equity issues as councils vary in size across the province. The process already includes significant checks and balances that reduce the need for unanimous vote, including recommendations for removal from both the local integrity commissioner and the Integrity Commissioner of Ontario.

Second, AMO recommends that the legislation include a progressive range of discipline options open to integrity commissioners. In our opinion, it should be aligned with what was established under the Education Act in 2023. This should provide a standard list of penalties that could be applied apart from removal from office. For example, a member could be censured publicly. They could be barred from attending meetings. And further, they could be sanctioned, to remove their ability to sit on council committees or from being a chair or vice-chair of one. The model under the Education Act provides a range of penalties that could be appropriately applied based on the circumstances.

We appreciate consideration of our two recommendations and would like to acknowledge that AMO is not alone in advocating for them. To ensure successful implementation, it is essential that municipal integrity commissioners should have better standardized training to

improve consistency of decisions across the province. The Ontario Integrity Commissioner is well positioned and would be an appropriate organization to provide this education. AMO agrees with the provision in the bill to mandate this training for all municipal integrity commissioners by the Ontario Integrity Commissioner. There may also be a benefit in standardizing the qualifications for municipal integrity commissioners, like has been done in regulation in the education sector.

Municipal councils have been looking for new tools to address modern challenges in local government, including stronger mechanisms to address situations of serious and egregious misconduct when they arise.

The Chair (Ms. Laurie Scott): You have 60 seconds.

Ms. Robin Jones: Where there is a serious code of conduct violation, municipal councils need the authority to take actions that are measured, appropriate and effective.

Our members are proud to serve their communities, and sitting on municipal councils is a privilege and a responsibility.

This legislation creates broad regulation-making authority, and we look forward to continuing to work with the provincial government to preserve and improve public confidence in our communities.

Thank you, Chair.

The Chair (Ms. Laurie Scott): Thank you very much. Mr. Earle?

Mr. Jeff Earle: I'm going to try to be a little more light than the previous two speakers.

We have a neighbour to the south of us, as you know, who now introduced something called Truth Social. That doesn't necessarily mean it's the truth. I think a lot of people would agree with that.

Now we've introduced something called "integrity commissioner." I'm not so sure that that involves integrity.

What kind of semi-judicial body would allow one person to act the role of defence, meaning working for the municipality; prosecutor, meaning prosecuting one of the governors of the municipality; and judge rendering judgment on the person? In any other field, that person would have probably one of the larger conflicts of interest I've ever seen. I believe there's a country to the south of us where they've named a court after that—named after a marsupial, the kangaroo.

In Leeds and Grenville, which my colleague to the south knows very well, in this term of council, I believe there have been over 100 code of conduct complaints. How many of them went through? I actually asked the counties for both a number and a cost on them. I wasn't able to get that before this meeting, but I suspect, since the person is getting paid to be the investigator and the prosecutor, that we may well have spent more money on the integrity commissioner than we spent on economic development. We certainly spent more money than we did on affordable housing.

In the current—if you've ever been through the process, one of the first things you get from the integrity commissioner is, "Don't tell anybody you're charged." So at the

same time, everybody in this room and in every election platform I've seen is, "I want more transparency in government"—except we want this to be a secret, so I think there needs to be a look at some sort of threshold before you can take in there.

I got taken to the integrity commissioner, and one of the things they said was that I donated money but I didn't get a tender on it, because when I donated the money, it was directly to the city. But now every single person who goes through an integrity commissioner has a blank cheque to have the integrity commissioner spend as much as they want, as long as they want. I think the thing that I was involved in was \$1,500. I think the trip to the integrity commissioner cost the city closer to \$20,000, so there would be no tender on that. So which one of us is most guilty? I think both integrity and fiscal have to filter into the things that we're talking about.

One of the things that the integrity commissioner has done—I've been elected for 34 years—10 different councils for 34 years. I have never seen a council hog-tied as much as it currently is. The council is afraid to talk to each other. They're afraid to talk to the employees. The flow of information is at its lowest ebb ever. I don't think that's a good thing, whether it's between council, whether it's between council and staff, whether it's between council and the public, so I think we need to correct that a little bit.

When we're reviewing this, we need to look at good governance; that's pretty obvious. But we also need to look at good communication so that some of these—there was one case in our riding where a mayor was charged with 43 offences. The headline was that he was charged with 43 offences. And 35 of them were thrown out—but the headline wasn't the 35 thrown out; it was the eight he was charged with. I'm not going to go into the nature of them, because, frankly, I don't know them that well. I guess that's one of those things about the privacy or the non-transparency of the case.

Fiscally responsible: Well, there are very few things in our municipalities that we will give not only the council but the staff a blank cheque for, to say, "I'm going to the integrity commissioner, and they're going to launch"—in the case of that mayor, who, frankly, I wouldn't know if he was sitting here, 43 charges. Someone has done some organization to bring together that, and it comes down to eight, and the dollars it would take to do that—and I think that's still an ongoing complaint to the ombuds committee.

1320

Probably in summary here, and I could go into great detail on a number of cases, but—

The Chair (Ms. Laurie Scott): You have 60 seconds.

Mr. Jeff Earle: Okay, well, I won't. That's why I won't do it.

But what I was saying is we need to put some element of common sense into this, because issuing blank cheques at any level of government is not good. Undermining communication between staff and elected officials isn't good. We have public who phone elected officials. They usually get through. They phone staff. They don't get

through, but if we were to say something about that, we'd be liable to be in front of the integrity commissioner.

So I think we need to take a good look at common sense, but we need to look at the whole project. This is supposed to be a judicial system. The integrity commission is not like social media, where we make a gong show out of it. So I'm very concerned based on the number of charges that I've seen in my riding.

The Chair (Ms. Laurie Scott): Thank you very much for your presentations.

We're going to start rounds of questioning this time with the government side. MPP Clark.

Mr. Steve Clark: Thanks, President Jones, Dr. Wellar, Councillor Earle, for being here today. I hope to get a question to each one of you during this round.

I'll start with AMO and you, Mayor Jones. One of the things that was mentioned by you was about training for integrity commissioners, and I think part of the rationale to have a common code of conduct is to make sure that everybody knows the rules of the game in terms of being a councillor. I appreciate that we've had a conversation earlier in the day about scope creep and mandate creep from some of the integrity commissioners. So would AMO envision that they would have a role on either one of those training opportunities, either with integrity commissioners—I expect you'll probably say yes, you'll be interested in the municipal councillor training, because that's more in your wheelhouse, but I'd love to hear from you on that particular piece of the training.

Ms. Robin Jones: Thank you very much, Mr. Clark. It's always nice to be in the same room with you.

AMO has made our position clear on this. We would certainly include in our new councillor and mayor training and in our refresher training anything around the code of conduct. We probably haven't turned our mind to integrity commissioner training, but I would suspect that the provincial Integrity Commissioner would have some thoughts on that—that this all falls within her or his scope. But AMO would certainly be ready, prepared and quite excited about including this in our training.

Mr. Steve Clark: Thank you. I might come back to you.

Dr. Wellar, I appreciate the secretariat idea. It's certainly new to me. I haven't heard that before. I've read the transcripts from some of the other committee hearings. I don't believe I remember seeing that. I guess what I'm interested to find out—because you said it's got to go under somebody. It's either a tribunal under the Ministry of the Attorney General—it can't be on its own island. I just wanted to understand—because the provincial Integrity Commissioner is an independent officer of the Legislature—why you wouldn't think that having more resources at the provincial Integrity Commissioner level would satisfy any concern you have that was articulated in your submission. So I'd love to hear your comments about that.

Dr. Barry Wellar: Well, I see it as somewhat of a different order of business, and I'll give you a quick example because I list it in here. I filed two complaints,

and part of it was to learn, "How does this process work?" The first integrity commissioner approved my complaint. However, it took a long time, and things happened, and eventually he left, and he was replaced by a second integrity commissioner. The second integrity commissioner rejected the complaint, so I'm now back at square one, which sent me to the Integrity Commissioner for the province. The provincial Integrity Commissioner has a lot on his or her plate. In order for them to process this material that I had compiled—because I am really, in effect, doing a pilot-study test case as to, "How does this actually work?"

The Integrity Commissioner for the province found a technical error—maybe I forgot to cross a t or dot an i; I'm being a little bit facetious, but it was a very minor point. But it turned out that she, at that time, could not process the application. My sense was that, based on what the Integrity Commissioner already has on his or her plate to deal with for integrity throughout the province, this is somewhat of a different order of business, as demonstrated by Mr. Earle, as demonstrated by the AMO people.

This is kind of a unique phenomenon—the municipal-provincial relationship, politicians and all the stuff that they do. So it struck me that this secretariat has a unique role to play within the province of Ontario, and it struck me that this needs to be a different form of secretariat, because there are 444 municipalities. Who knows who is going to submit it? Who is going to maintain the website?

I did not see this as priority for the provincial Integrity Commissioner. I just thought, well, you can't keep beating on a dead horse. If it doesn't work, change it. I thought that, no, based on what I've seen, this needs to be a separate secretariat.

Mr. Steve Clark: Thank you for that suggestion.

Councillor Earle, going back to my question to President Jones about training: You've been a councillor for 34 years. You've seen different governments, different makeups of council, different staff complements, and now this integrity commissioner process. Do you think that there would be an effective form of training that the government should put forward? Would you think that would help solve some of the challenges that you've articulated in your presentation?

The Chair (Ms. Laurie Scott): You have 60 seconds, basically.

Mr. Jeff Earle: I think, yes, some training would help, but I think staff need to be trained too, because one of the things that is happening is that staff think that elected officials can no longer talk to them, and that's not good communication.

As a matter of fact, with communication to the integrity commissioner, the fellow who did my case and convicted me, and my council chose not to implement any penalty—I still haven't met the fellow yet. So I have an integrity commissioner who judged me and convicted me, and the only time I saw him was when he showed up at council to give the judgment, and I still haven't ever met him or talked to him.

The Chair (Ms. Laurie Scott): There's 15 seconds. No? Okay. Thank you very much.

We'll move over to the official opposition and MPP Bourgouin.

Mr. Guy Bourgouin: Thank you to all the presenters.

My question—it's a two-point question, I guess—is to AMO. This morning, we were listening to other presenters and one point that was brought is that the Ontario commissioner should put out a list of commissioners who are qualified, to help municipalities identify and also hire qualified people. They were saying—in his expertise, I guess, if I can say that—that some integrity commissioners are maybe not qualified and don't have the background. He elaborated on a lot of things—that maybe that's why there should be a list made by the Ontario commissioner, making sure that the commissioners are qualified, so municipalities can pick from them.

That's one point I'd like to hear from you—but the other point is that it comes at a cost. The municipality of Fauquier, which is in my riding, right now is having various financial difficulties. There are a lot of small municipalities that are struggling. So on that point, I'd like to hear AMO—on these two points.

The financial part of it: Should there be help from this government, or put back in this legislation, so that we can assist these small municipalities? At the end of the day, these are important issues we're dealing with. I'd like to hear AMO on this, because it can affect, quite a bit, small municipalities throughout Ontario.

Ms. Robin Jones: There are two questions. One is, "Should they have to be on a list that they meet certain criteria?" Absolutely. We're a strong proponent that there needs to be—in the last question to Mr. Earle, that he hadn't seen the integrity commissioner until the case was done. We are a strong believer that that would be taken care of if there was consistent training for integrity commissioners. That's the first one.

Alicia is our senior policy adviser. I'm not 100% sure if we've made a decision on providing funding. I have a small municipality, so I understand the sentiment of the question, but I'm not sure if AMO has a position on it. So I'm going to ask Alicia to speak to that piece, please.

1330

Ms. Alicia Neufeld: I did. Thank you very much, President Jones.

I would say that AMO's written submission did not speak to the financial considerations that small municipalities have. However, obviously, municipalities would welcome any provincial financial support that would come in this space. As you speak of the municipality in your area—a number of small municipalities are facing really significant financial challenges, and that could be a helpful thing for them. But we have not outlined that specifically in our submission.

Mr. Guy Bourgouin: Another question for AMO again—because of small communities, everybody knows everybody. It's very difficult because of the relations—and sometimes your family members are sitting at the same council. Because we're just small and we know every-

body, it can be very difficult in dealing with issues like what happened here in Ottawa and what brought this bill and how we address that.

So I'd like to hear from you again—and it comes back to the unanimous vote. That's why you did say that it needs a super majority. But for smaller communities, it's even more important that this legislation be changed to reflect taking that pressure away from that unanimous vote. So can you elaborate more on this—how important this is?

Ms. Robin Jones: As I said, our original position was that we were much more comfortable with it being a judicial review, or reviewed by a judge. But we're pragmatists. We heard loud and clear that the government wasn't supporting that approach, so when we saw that the proposed legislation said "unanimity," we pushed back very hard.

Whether it's a large council—I think you've already referenced Ottawa, and I'll get to rural in a moment, because I'm more familiar with that. With a large council, you have alliances. And particularly in a ward system, you depend on other councillors to work with you for issues on your own. So that is unique to a larger council, which would impact unanimity.

Of course, in small rural areas, as you've already said—sometimes they're relatives, but we all play hockey together, we play baseball together. So we feel that in a rural community, where the vast majority are councils of five, with one being the subject of the complaint, that would be three out of four. So that is our recommendation. A super majority for the smallest would be, again, three out of four. You raise an issue that, as my dad used to say, is as obvious as the nose on my face, and our approach around that is a super majority, sir.

The Chair (Ms. Laurie Scott): A minute and a half.

MPP Catherine McKenney: I'll turn to Dr. Wellar, if I may. I just want to get some clarification. You talked about not wanting to have referrals to the courts, and your rationale is that they must fit the cases into pre-existing schedules. So you seem to be arguing that the judicial process is a good process, except that there are delays.

Are you suggesting that the judicial process not be used simply because of the delays in the court system?

The Chair (Ms. Laurie Scott): You have 45 seconds.

Dr. Barry Wellar: Three of the big Es in governance are: effectiveness—doing the right things; efficiency—doing the right things in the right ways; and is it expeditious? And when you have cases whereby you have a ward with 50,000 people in it, and you do not have effective representation because the councillor is in trouble, the council is preoccupied with the councillor who's in trouble, one of the keys is you want to move this through as quickly as you possibly can. Frequently, it's not a civil trial and it's not a criminal trial. The kinds of evidence that you're bringing forward are quite different. So the judicial process—

The Chair (Ms. Laurie Scott): I'm afraid that's all the time you have right now.

MPP Watt, please.

MPP Tyler Watt: Thank you to the three of you for coming here today and being part of this important conversation. It's great that we are touring the province and speaking to as many people as possible.

This is the third hearing that I've been to, and the common theme and concern that I've been hearing from pretty much every presenter is the current threshold for getting rid of a councillor—I understand that it needs to be high, but it doesn't need to be impossible. Currently, where the bill is at is that it needs unanimous support, plus everyone must be present, so if there's just one person who doesn't feel comfortable in that vote and they don't show up or they go to the bathroom, it falls.

With AMO, you have said, "We see that the government is in this position, so we're supportive of two-thirds majority." But in the initial iterations of the concept of this bill—for example, one that was put forward by my colleague MPP Stephen Blais—it did go to an independent judge.

My question for AMO is, when an amendment is put forward to change that third step, to put it to the courts and an independent judge, would you be supportive of that?

Ms. Robin Jones: Yes.

MPP Tyler Watt: Thank you.

My next question will be for Councillor Earle. Again, unanimous support from the entire council: In your current—you've been in there for over 30 years now, so you have lots of experience here. Would you trust your colleagues to vote on something this important, to be 100% objective and 100% unbiased?

Mr. Jeff Earle: I would say in most cases, yes. In the 34 years, I've probably sat with two councillors in total—that's 10 councils I've been on—who I would have some suspect of integrity and stuff. But for the most part, the people who get elected—the public usually make pretty good choices. And the public, in a lot of cases—and Robin has talked about being small-town. They know who they're voting for. If there was an integrity problem, they probably wouldn't have gotten elected.

MPP Tyler Watt: Are you worried about any potential politicization of this bill?

Mr. Jeff Earle: I think there already is some in some of the councils. Robin talked about factions in councils. I think that's where some of these integrity charges are coming from—one faction is charging another with integrity. I mentioned earlier that it's not really an integrity judgment or a court—they've turned it into a social media frenzy, and the government has supplied the platform. That's why my last point, when I said we've got to put some common sense into this—that has to stop. There has to be some integrity in the integrity commissioner.

MPP Tyler Watt: You mentioned the concern about the blank cheques and common sense. Are there specific things and common sense that you would like to see put into this bill?

Mr. Jeff Earle: One of the common-sense ones is that anybody can show up and launch something with the integrity commissioner. It may have merit or it may not have, but there is a bill that comes in with it, and some of

the bills are in the thousands and thousands of dollars. There needs to be some check valve before it goes to an integrity commissioner, so that somebody asks, "Is this making common sense, or is this one segment of council playing off the other for the next election?"

MPP Tyler Watt: I'll pass my time over to MPP Fraser.

The Chair (Ms. Laurie Scott): A minute and 45 seconds.

Mr. John Fraser: Okay.

Thank you very much for being here today and taking the time to present and for your thoughtful submissions.

I'm still trying to wrap my head around how we got to "unanimous"—I don't know anywhere else in our society that we do something in that way. Caucuses don't operate that way, and the Supreme Court doesn't operate that way. My question is actually more towards what we define as something that is an offence. In particular, we've been talking about workplace safety today. That has been a big portion of how this whole issue came out.

1340

To each person—we've only got a minute and a bit: Would it not make sense to use something like the Occupational Health and Safety Act to define what might be an offence, instead of three very broad and general descriptions of what the integrity commissioner can use?

Ms. Robin Jones: Using another standard would be perfect. There are lots out there, including the Police Services Act—so there are lots that the Ontario government can pull on for definitions.

The Chair (Ms. Laurie Scott): Next?

Dr. Barry Wellar: Within the university environment, we do grading all the time, from the best to the worst, so to speak.

I'd have to disagree slightly with the term "common sense." Common sense is based on everyday experience. If you don't have that, there is no common sense. So common sense is not really a particularly reliable indicator of who has done something that's really bad and has affected an awful lot of people.

Then there's the citizens' perception—and I think, again, that we're all there for them. What would the citizens think of it?

The Chair (Ms. Laurie Scott): You have two seconds, if you want.

Laughter.

Dr. Barry Wellar: Two seconds? I'm gone.

Mr. John Fraser: Sorry about that.

Yes or no?

The Chair (Ms. Laurie Scott): Yes or no, if you can.

Mr. Jeff Earle: I'm looking at some of the charges I've seen specifically, and some of them never should have taken up any administrative time or fiscal policy money from either the province or the municipalities.

The Chair (Ms. Laurie Scott): Thank you. That's a long two seconds.

MPP Anand, please, from the government side.

Mr. Deepak Anand: I want to start by thanking all the panel members here. I see a lot of diversity—mayors, councillors, professors, contributing from the Ottawa cit-

izens. I wish there was somebody who has experience as an integrity commissioner with the council as well so that we would have had everyone.

When I got elected in 2018, I was told that democracy is about being the people's voice—and that's why we're elected by the people. When I was reading this bill—yes, they were elected as the people's voice, but they have their duty, because it's about workplace safety. You have employees you work with—so it's the safety of those people.

The second one is having a check and balance so that, while serving, we do not misuse or overuse power. I think that is exactly what we're trying to do, through this bill, to strengthen municipal government and accountability. The end goal is that these actions will contribute to stronger local governance across Ontario. We don't have to pick and choose—it's like saying, "Everyone follow the same route."

I hear a lot of things separately—so I want to ask each one of you if you could maybe spend a minute. In your words, what is an ideal bill which would take care of 100% of the issues? I want to hear that because we were talking, going back—

Ms. Robin Jones: AMO made a significant submission two years ago. We were, at the time, hand in glove with the Ontario government, looking for, very much, the things that I've spoken about today. We need to be able to remove somebody from their seat for the most egregious—so that's at one end.

At the other end, we need to build—to triage some of the complaints that come in. And then once the complaints are accepted, we need to make sure that the integrity commissioners are properly selected, trained, and are following a province-wide code of conduct, so that the rules are the same whether you're in Thunder Bay or you're in Westport. That's through, I think, the eyes of the public in that, when we talk about the types of complaints and stories that you've heard about—and my colleagues have already referred to them—we get those questions to us: "How can this happen in a council chamber?"

So go back to properly trained and selected integrity commissioners, a standardized code of conduct, and more flexibility on what punishment is by way of specific deterrent or general deterrent.

I probably took more than a minute, but I had a lot to say.

Mr. Deepak Anand: So can we say more rule-based rather than principle-based, which—I heard it.

Over to you, sir.

Dr. Barry Wellar: What I tried to do in my comments is to separate the noise from the signal. When I went through Bill 9, I saw what I perceived as noise—one of which is the unanimity. As a professor, nobody got 100%—never. I wanted to separate the noise from the signal for the public. What do they see in it? The comments that I made were actually designed that way—as somebody who was a community activist, participated in all kinds of hearings, did a couple of complaints, contributed to the consultation of strengthening politicians'

accountability back when Steve Clark was the minister, and then again to Calandra, and found some things did not happen as quickly as I thought they should. And I dealt with a lot of communities.

So that really was my point. I think there's some noise in the bill that does not have to be there. The way to look at it is, is that signal for the citizens? If you can't say with unanimity this is a signal for citizens, take it out.

Mr. Deepak Anand: Over to you, sir: I know you talked about advocating for an intermediate step in the complaints process before the integrity commissioner to prevent—so it's kind of saying stepping up, as AMO talked about.

Mr. Jeff Earle: Everybody around this table on all four sides has been elected by the public. Many of the complaints I get are from the public. They can't get through to the people who are working in government—I know it's in municipal, and I suspect that you might get the odd complaint provincially. They've phoned somebody and they can't get an answer, or they can't get to anybody. That's who I'm representing. It's those people. When you get this integrity commission—and we're so worried about the safety of officials that you can't go ask somebody, because you might be insulting them, especially if they don't give you the answer that you want.

I'm not sure about other city halls, but in the case of the city hall in Brockville, the doors are all locked. We don't lock the doors of the liquor store or the convenience store or the bank or the corner store or the grocery store, where you think people would be in somewhat more danger. But we lock the government offices, and we lock the school boards.

The Chair (Ms. Laurie Scott): You have 60 seconds.

Mr. Deepak Anand: Okay.

Again, this is what we're trying to identify. We understand what we're trying to achieve. We're trying to make sure the local government has the strength to give back to the people who elected them in a safe manner. All Ontarians deserve to feel safe and respected in their workplace as well.

Having said that, through this bill, the decision of what would be included in the standardized code of conduct absolutely will be made at the latest date based on the consultation with the sector, and could include rules for ethical behaviour with respect to, for example, harassment, discrimination and training requirements for members of the council, and included would be what should be the standard for the integrity commissioner.

So this is a beginning, where we are talking about this. Having said that, it's not ending with this bill; we're actually beginning the chapter with this bill. The government is looking forward to working with all of you in the future on this.

The Chair (Ms. Laurie Scott): MPP McKenney, please.

MPP Catherine McKenney: Dr. Wellar, you probably, through your subsequent responses, finished your answer to me around the need for an expeditious process—so ruling out the court. I'll take that under consideration,

certainly. I'm not sure that I fully agree, but I do accept the explanation.

I had another question. You talked about the perception of conflict-of-interest rules, taking this out of the Ministry of Municipal Affairs—the secretariat is what I'm referring to—and housing that with the Attorney General. Can you explain how you perceive conflict of interest within municipal affairs for a secretariat?

Dr. Barry Wellar: If the Premier of the province, hypothetically, likes a mayor, he's going to get along well with that city. If he doesn't like the mayor, it could be perceived by the public that he screwed the town because he doesn't like the mayor or he doesn't like a councillor. I think politicians are seen by the public as frequently being in a partisan conflict of interest. It's rare that you see them all pulling on the oars in the same way, as Carney did it and Ford did it—and then there's another Premier who doesn't do it.

1350

In this case here, it struck me that if there was a secretariat, things are relatively confined; they're relatively constrained. You know where to go, you know who to see, and you know who's not engaged. I don't see the Attorney General's office being in the same kinds of conflicts, politically, as the others do. I think there's a sense that this is the law—and it doesn't have to be the judicial law, but it's the mindset that goes with the Attorney General's office that it's not in conflict the way that others are. I know the city of Toronto couldn't get its nose out of joint over the Premier—so that becomes an issue.

So that was my point. If there is a secretariat, you try to tear away the noise and the flak, and you stick to the signal. If the signal is within the secretariat—and they're not mad when Steve Clark was the minister or Calandra was the minister, and you now have a new minister in Flack. Keep them out of this issue, whereby it's between a councillor or a member of council and the public at large in a municipality. That would be the essence, I think, of the secretariat argument.

MPP Catherine McKenney: I'm not trying to be argumentative in any way, but that brings me back to the first question I asked you, about the referral to the courts, and your rationale being that it could take too long because of the court system. If we really are talking about an effective and efficient system for bringing cases forward, deciding on them and then deciding on what the outcome would be, I would have to think, then, that if we're concerned about conflict of interest within municipal affairs and possibly the Attorney General—it's still very political; it's still politicians deciding, who they may or may not like. I guess I'm going back to a judicial process and it being ideal. I don't know if you want to comment on that.

Dr. Barry Wellar: I don't think it's as difficult as it might be seen by some. The secretariat, in effect, has one ball in the air, and that's this one. The court has all kinds of them. The court is not going to maintain a website. Somebody is going to have to do it. So now you're getting a second opinion as to, "What did you say? What do you

think he said? What do you think they heard? What are his precedents that he has looked at?" How many precedents would a judge look at in Kapuskasing? The secretariat maintains the website, and you get a track record of who said what, how a complaint was heard, and what are the precedents that are maintained by the secretariat.

That was what I saw as the basis of a secretariat being very important. It's an informed dialogue that's shared by all of those who have this particular interest—whereby the courts have all kinds of them and there's nobody who's going to maintain a website, so you're getting a secondary opinion as to what you think they said during a court hearing. So that's my preference.

The Chair (Ms. Laurie Scott): One minute and a half.

MPP Catherine McKenney: To AMO: It's nice to see you here.

If you had a choice—and I understand that you are looking for an amendment of a two-thirds majority, and to MPP Watt's question, you said you would agree with a judicial process if that was it. But do you have a preference? Which do you think is the ideal process, after it has been to an integrity commissioner, to have a ruling that is not being politicized?

The Chair (Ms. Laurie Scott): You have 45 seconds.

Ms. Robin Jones: Thank you, Chair.

I would have to take into consideration the concerns raised across the province about anonymity—sorry; not anonymity, though that would be good too, but unanimity. If it were a judicial hearing, I question whether we would have that amount of concern. Ideally, to have the independent third party and having a judge hear it would be our preferred—it was our first option.

I think that satisfies your question.

MPP Catherine McKenney: Do I have time for a quick one?

The Chair (Ms. Laurie Scott): You have 10 seconds.

MPP Catherine McKenney: To the mayor of Westport: Do you think that this could be politicized easier in a smaller municipality?

Ms. Robin Jones: As I said, I don't think any more than in large—it's just that they're different cultures, different traditions, same challenges.

The Chair (Ms. Laurie Scott): Last round of questions for these presenters: MPP Watt.

MPP Tyler Watt: I'm happy to give you a little bit more time to answer that question right now, if you have anything else to add.

Ms. Robin Jones: In my original comments, I described the large council versus a small council. The challenge in a smaller community is that everybody knows what time you go in for work—but it's still the same issue in small communities, large communities, and small councils.

Thank you very much for that.

MPP Tyler Watt: And thank you all for bringing up the idea of financial barriers—not only to the municipalities, but also to victims coming forward. In our previous hearings, we've learned about how much it costs to even inquire with the integrity commissioner.

This brings me to my next question. Currently, there are no minimum professional standards for serving as an integrity commissioner. I'm wondering if you all have any thoughts on that—if there should be some type of requirements in order for people to be appointed to those positions.

I'll start with the councillor.

Mr. Jeff Earle: We have an arts centre in Brockville. A member of my family passed away, and I donated something like \$250,000 to the arts centre. Everything was going great until we got a new employee. Everything was done in terms of marquees, lights, projectors, screens. We decided we would put four outdoor speakers out, and then we had a new employee who said, "Well, I don't want them." It had already been arranged—the prices—and then she came back with the conclusion that once you donate the money to the city, the city no longer has to honour your request to where you want it spent. In this case, I wanted some exterior advertisement for the performances inside, and her opinion was—and I guess she got one back from the CRA that said that once it's the city's money, if the mayor needs a new limo, then the money can go there. That does not make any common sense, and I don't think anybody here would be a party to that, but that was exactly the tack that was taken—well, that tack is inside. I can tell you, I won't be donating any more money to municipalities because of that interpretation of the rule, and I know other people have phoned me and their donations will not be forthcoming—whether that goes for an arena or for a park.

There's some concern, according to the integrity commissioner's validation of her argument, whether people are going to want to donate or not—and that comes from a judgment from the integrity commissioner. There are financial implications, not only on the cost of the trials but downstream as to—you can't talk to a city employee and explain things to them, and that could be expensive for a lot of municipalities.

MPP Tyler Watt: Dr. Wellar?

Dr. Barry Wellar: There's a secretariat model, and there is a body of tribunal members as another form of model, and one of the things that happens is integrity commissioners can be handed nasty pieces of business for which they are not educated. They're not trained properly to do it. If you have a body of tribunal members administered by a secretariat, they can be moved around.

The thing about knowing who the integrity commissioners are and what their expertise is and their level of experience—I think there has to be some flexibility with these people. Also, bearing in mind—and I'm not the one to say this but, really, the municipal people should be saying it themselves—they are creatures of the province. The province should not be allowed to unload a responsibility which is in excess of the capabilities and the capacity of municipalities to handle it. The province has to help them here.

My suggestion was, if you use the secretariat model with tribunal members of that secretariat, then you begin to know who the integrity commissioners of this province

are. Can we move one from Kapuskasing to Cochrane? Can we move one from Brockville to Gananoque? That's the thing that I think is very important here—that the citizens realize you're not a second-class citizen in this province just because you have issues at the municipal level. Not everything is economic development here and building roadways.

1400

I would see that as the kind of thing that the province really should be turning its mind to—"How do we help municipalities?" My little town where I used to live has 500 people in it. They've got six councillors. I think half of them are married to each other—with all due respect, and not being unkind. That's just the way that it is. There are some real difficulties in trying to expect an integrity commissioner to handle all the complexities that are available. You need some flexibility here.

The Chair (Ms. Laurie Scott): You have 60 seconds, last minute.

MPP Tyler Watt: Thank you.

For the last 60 seconds, I'll turn to—

Ms. Robin Jones: Thank you.

Again, I go back to other organizations in the provincial government that have done this—and the education has. They have three selection criteria for their integrity commissioners. The first is time spent in that role, whether as an investigator or integrity commissioner.

There are bodies of work that we can pull. The important point of your question is that there should be criteria in place. One that we haven't mentioned yet is a question around, should the integrity commissioner also be the municipal solicitor? If we're looking at criteria of selecting the integrity commissioner, it may not be the best advice for council to have that as your municipal lawyer. Large municipalities have in-house counsel; smaller ones depend on community lawyers, and we should question whether they should be the same.

Thank you for letting me sneak that in.

The Chair (Ms. Laurie Scott): You're welcome.

That's the end of the questions for this round.

Thank you very much to all the presenters here. I will give you a minute to step away from the table.

LEADERSHIP FÉMININ
PRESCOTT-RUSSELL

DEMOCRACY WATCH

MR. DANIEL THORP

The Chair (Ms. Laurie Scott): Lisa Deacon is here with Leadership féminin Prescott-Russell. We have Daniel Thorp, who we think is coming shortly. And Democracy Watch, Duff Conacher—Duff is virtual.

Lisa, you can begin.

Ms. Lisa Deacon: Thank you, Madam Chair, esteemed members, representatives.

Je veux reconnaître la présence de mon représentant, Stéphane Sarrazin, de la région de Prescott-Russell.

Thank you for receiving our remarks today regarding projet de loi 9, loi sur la responsabilité municipale.

Je vais livrer mes paroles en français et en anglais. I'm going to do my remarks in English and in French. If you have any questions you'd like to pose in English or French, les deux sont les bienvenues. They're both welcome.

My name is Lisa Deacon. I am a first-term councillor in Russell township, what I like to call "the gateway to eastern franco-Ontario." In my community, I serve as an advisory member for Leadership féminin Prescott-Russell.

I'm pleased to be joined today, virtually, by conseillère Choinière of Clarence-Rockland, Mayor Lajoie of Casselman, and Marie-Noëlle Lanthier, president of Leadership féminin Prescott-Russell.

LFPR, sous notre volet politique, a comme mandat d'atteindre la parité des gens autour des tables décisionnelles, particulièrement en politique municipale. Une approche essentielle de ce travail consiste à soutenir et à défendre la création d'environnements sains et sûrs pour les femmes élues en les encourageant à maintenir et à poursuivre leurs carrières politiques.

Nous tenons à remercier le gouvernement de l'Ontario et en particulier le ministre des Affaires municipales et du Logement pour les efforts soutenus visant à renforcer la reddition des comptes au sein des conseils municipaux avec ce projet de loi.

LFPR accueille favorablement l'objectif central du projet de loi, qui vise à instaurer les normes de conduite cohérentes à l'échelle de la province, à renforcer le rôle des commissaires à l'intégrité et à offrir un mécanisme permettant la révocation d'élus municipaux reconnus coupables de comportement inacceptable, tel que le harcèlement ou la violence.

J'aimerais faire valoir la position de Leadership féminin Prescott-Russell concernant certains aspects du projet—en particulier, en ce qui a trait au processus de révocation d'un conseiller municipal reconnu coupable d'inconduite grave.

I'd like to begin with a story. In my early twenties, I witnessed repeated sexual harassment in one of my very first workplaces here in Ottawa. I initiated a process with HR but was ultimately dissuaded from proceeding. By my calculation, the risks of speaking up at that early point in my career were too great. My colleagues and I abided the harm, and we bit our tongue.

Fast-forward 15 years later—I'm sure this has already been mentioned today—a high-profile story breaks here in our region: repeated, egregious harassment of staff in a municipal workplace. I can still recall the time, the place and, if I may say, that pearl-clutching moment when I learned that the perpetrator's seat at the table would remain; that unlike in the private sector or other public sector workplaces in Ontario, his status took priority over the safety of municipal staff and fellow elected officials.

So my track record of speaking up against harassment in the workplace is 0-1, but that changes today. So thank you very much for having me.

As you know, when you are newly elected, you receive the advice to try not to do it all. I've done my best to take that advice to heart—I promise, I have.

So why am I here today? Why is this a priority for me, for LFPR and for every Ontarian? Harassment by elected officials falls so short of the office we are privileged to hold, of what our constituents deserve. When we run for office, we do so because we recognize the greatness of our communities. But what drives us as elected officials isn't just the greatness of our communities; it's our belief and almost an obsession, in some ways, in the potential of our communities. We do our best work and we achieve the most when we feel safe in our work.

We need all hands on deck in municipalities today to address critical issues—housing affordability, economic instability—and to seize opportunity wherever it may appear.

Every Ontarian deserves a safe workplace. Harassment harms individuals, organizations and communities. This issue impacts all of us.

Cher comité, in our written submission, you will have received our 10 recommendations to improve this legislation, among them: whistle-blower protections and expanded penalty options. Today I'm singling out one particular aspect of the current draft—I don't believe it will come as any surprise to you—requesting one straightforward amendment, and that is with regard to paragraph 2 of subsection 160.0.2(4), whereby a recommendation from the provincial Integrity Commissioner to declare a seat vacant shall be approved only if all members of city council vote in favour of the recommendation.

Nous exprimons notre vive inquiétude quant à l'exigence actuelle du projet de loi. Cette disposition rend la mesure pratiquement inapplicable, puisqu'un seul conseiller pourrait bloquer la procédure, peu importe la gravité des faits établis. Elle va à l'encontre de l'objectif fondamental du projet de loi d'assurer une reddition de comptes réelle et crédible.

Robin was sitting in this seat just minutes ago and mentioning the realities in very small and rural municipalities such as ours.

LFPR recommande que le seuil d'adoption d'une recommandation de révocation par le commissaire provincial à l'intégrité soit révisé et fixé à deux tiers des membres du conseil plutôt qu'à l'unanimité. Cette approche préserve l'équilibre entre rigueur procédurale et visibilité politique, réduit le risque d'obstruction stratégique ou partisane, renforce la confiance du public dans l'intégrité du processus de reddition des comptes, et s'aligne avec les pratiques démocratiques éprouvées. Ce changement est essentiel pour garantir que les élus municipaux soient assujettis aux mêmes normes de conduite que l'ensemble des travailleurs ontariens.

Alors Leadership féminin Prescott-Russell appuie les objectifs du projet de loi 9 et encourage fortement le gouvernement à y apporter des ajustements nécessaires pour qu'il devienne un outil efficace, juste et applicable.

1410

The Chair (Ms. Laurie Scott): One minute left.

M^{me} Lisa Deacon: En modifiant le seuil d'approbation, le gouvernement enverra un signal clair : la violence et le harcèlement n'ont pas leur place en politique municipale.

Nous demeurons confiantes que la version finale de la loi sur la responsabilité municipale saura refléter les normes actuelles du monde du travail, tout en respectant les principes fondamentaux de notre démocratie.

This is an exciting and pivotal moment for this legislation.

I thank you again for the opportunity to speak to Bill 9 today and for your consideration of the requested amendment. Merci.

The Chair (Ms. Laurie Scott): Thank you very much for your presentation.

We'll now go to Democracy Watch and Duff Conacher.

Mr. Duff Conacher: Thank you very much to the committee for the opportunity to participate in these hearings and testify on Bill 9, the proposed Municipal Accountability Act. Democracy Watch is today calling on MPPs on the committee to amend the bill in key ways to make the municipal political ethics standards and enforcement system independent and effective. Currently, the system is full of conflicts of interests and is ineffective, as municipal councillors are allowed to write their own ethics codes and choose their own ethics watchdogs—so they choose lapdogs or often fire anyone who tries to be a watchdog—and to decide whether or not to penalize any councillor found to have violated the code. Having politicians judge each other is a kangaroo court system, by definition, because the decisions will be made based on friendships, relationships, biases, political leanings, and not based on the evidence and the law.

Bill 9 takes a few steps in the right direction to improve the broken, unethical, conflict-ridden and ineffective municipal political ethics systems across Ontario, but the bill is far from what is needed to have an effective system across the province. Bill 9 proposes to empower the cabinet to establish one ethics code for all municipalities but does not require that to happen, and that's a huge mistake. Decades ago, the municipal freedom-of-information and privacy law was passed with one law for all municipalities and one commissioner, the Ontario Information and Privacy Commissioner, taking complaints, reviewing them, mediating complaints and issuing binding orders.

Just like there is not a best practice standard for freedom of information and protection of privacy that differs between Windsor, Ottawa and North Bay, there is not a different best practice government ethics standard that differs between Windsor, Ottawa and North Bay. It's simply ridiculous to allow municipal councillors, who are in a conflict of interest when doing this, to write their own ethics code, choose their own ethics watchdog—meaning a lapdog—to have those people on retainer so they can be fired at any time for any reason if they make a decision that a majority of council doesn't like, and even worse, to allow the councillors to decide whether or not to penalize any councillor found to have violated the code. This is simply a ridiculous system.

As well, the provincial Ombudsman enforces the open meeting requirement that is in one law across the province. Why you would divert from that system—where the watchdog is not chosen by the people they're watching and has the power to investigate and make binding orders and is already set up and is doing the same job at the provincial level? I can't believe it. It was a big mistake for the Liberal government to put this system in place in the first place, and Bill 9 does not do enough to correct the system. It will continue to be broken, unethical, conflict-ridden and ineffective if Bill 9 is passed in its current form, and even if it's just tinkered with.

There should be one strict, strong ethics law for all municipal councillors and their staff, who play a big role in decision-making, across the entire province, and the provincial Integrity Commissioner should be empowered and required to investigate and rule publicly on all complaints or situations that they become aware of and to penalize all violators, with appeals to the courts allowed—which, again, is similar to the system in place for enforcing the freedom-of-information and privacy and open meeting law that applies to all municipalities because they're provincial laws.

As well, going beyond Bill 9, all provincial parties should work together to establish one lobbying disclosure and ethical lobbying law for all municipalities across the province, with all complaints also going to Ontario's Integrity Commissioner, because simply changing and establishing—hopefully, Bill 9 will be amended to establish an effective political ethics system for councillors and their staff—is not going to change the fact that lobbyists and the secret, unethical lobbying of those councillors will still be allowed, which will undermine whatever is done in terms of the political ethics codes system.

So, again, an effective system would be one ethics law for all municipalities requiring everyone to be honest, to disclose all their assets and liabilities online in a searchable registry, prohibiting them from participating in any discussion or decision if they have even the appearance of a conflict of interest, and automatically suspending them from council if they are charged with a crime.

All complaints should be investigated by the Ontario Integrity Commissioner. Any member of the public should have the right to file a complaint. The commissioner should be required to investigate all complaints and situations they become aware of that raise questions about the law being violated and be required to issue a public ruling on every alleged violation. And the commissioner should be required to impose a penalty for every violation, on a sliding scale of penalties, depending on the seriousness of the violation, including suspension from office—again, when charged with a crime or other serious violation—and removal from office, for example, when convicted of a crime. And anyone or any entity that meets the public interest standing test should have the right to challenge any ruling by the commissioner in court. That would be an effective system. The current system is totally

ineffective, conflict-ridden—a kangaroo court system. Bill 9 does very little to change that—

The Chair (Ms. Laurie Scott): One minute.

Mr. Duff Conacher:—and so that ineffective system will continue. People will continue to be let off the hook in some cases—or, if they're part of the majority on council in terms of controlling the integrity commissioner and whether they stay on the job, they will be let off the hook, but if you're part of the minority, will be found guilty. It's a kangaroo court system. It's completely unethical and conflict-ridden, and many changes are needed to make it an actually effective and ethical municipal political ethics system across the province.

I welcome your questions. Thank you again for the opportunity to testify today.

The Chair (Ms. Laurie Scott): Thank you very much.

We do have our third presenter. Daniel Thorp is going to join us virtually, and then we'll have—

Interjection.

The Chair (Ms. Laurie Scott): Oh, not quite yet? We'll just give him a couple of more minutes, and then we'll have rotation of questions, starting with the official opposition.

Do you guys want to recess for five minutes, giving Mr. Thorp another chance to come on? Okay, we'll do a recess for five minutes.

The committee recessed from 1418 to 1425.

The Chair (Ms. Laurie Scott): We're going to resume the hearings with just the two presenters and the questions and answers.

We are going to go to the official opposition for this next round. MPP Bourgouin.

M. Guy Bourgouin: Merci and thank you to the presenters. Ma question est pour Lisa. C'est tout le temps un plaisir de poser une question en français, fait que, quand j'ai l'opportunité, je vais en poser une.

Ce matin on a eu une représentante qui a fait une présentation—c'était une des victimes qui est arrivée à Ottawa. Elle a mentionné qu'elle était très concernée avec les amendements—ou, elle demandait des amendements au projet de loi. Surtout le vote unanime dont on entend beaucoup parler—tu sais, vous avez proposé deux tiers pour ça. Même, je pense, ce qu'elle disait un peu c'est qu'elle n'était pas sûre si elle allait parler ici, ou s'il y a d'autres personnes qui pourraient parler ou qui parleraient avec la situation. Parce qu'on sait qu'une personne qui est une victime—c'est dur et difficile de venir témoigner.

C'est dur et difficile parce que très souvent—moi, je venais du milieu syndical. Le milieu syndical, ce n'est pas compliqué. On avait les droits du travail qui nous protégeaient. L'agresseur est sorti du portrait; on protège la victime. Mais municipal, ce n'est pas de cette façon-là. Fait que, ce qu'on voit, c'est que les nouveaux changements qu'on approche, c'est pour essayer de répondre à ce besoin-là, mais que la question unanime pose beaucoup de questions. Puis pour les victimes aussi, parce que ça veut dire que si une personne, disons, va à la toilette pour ne pas voter, tout d'un coup, toutes les démarches qu'ils ont faites, toutes les démarches pour essayer de témoigner puis

sortir la personne coupable ou l'agresseur, si je peux user le terme, tout peut être détruit par une personne qui décide que, pour des raisons quelconques, ça ne passe pas. C'est déjà difficile témoigner quand on est une victime d'agression ou d'autre chose.

C'est pour ça que ma question que je veux vous demander—croyez-vous que, si les changements ne changent pas, si ça reste unanime, que ça répond à qu'est-ce que vous avez témoigné puis aussi de faire avancer les femmes en municipalité ou dans d'autres politiques—si on veut plus de femmes, que ce soit provincial, municipal, fédéral, on veut qu'on ait plus de représentation féminine dans toutes les aspects politiques. C'est leur place. Mais j'aimerais vous entendre sur ce point-là. Si on n'a pas de changement pour le municipal, croyez-vous que le gouvernement va répondre au besoin—ou le travail qu'ils veulent faire, va-t-il répondre au besoin, le travail qu'on fait aujourd'hui pour essayer d'attirer les femmes dans le domaine municipal?

Ms. Lisa Deacon: Through you, Madam Chair: Merci pour la question, monsieur Bourgouin.

I can say that, comme le projet de loi se présente aujourd'hui, cet—threshold of unanimity would make it incredibly difficult for a victim to come forward. This has upstream consequences for municipalities in so many ways. If you're a talented young municipal administrator looking to go into a municipality and you have so much to offer, you know that you won't be protected in that workplace unless 100% of the elected officials choose to vacate that seat after the provincial Integrity Commissioner reports come down. It's incredibly risky. If you're top talent, you're not going to look at a workplace like that. Chances are, you have friends, you have family who are warning you about experiences that they have had with harassment in the workplace. Unfortunately, it is that prominent, and so you're less likely to be looking at it from a workplace option.

Pour les femmes élues, for women-elected officials, I would say that it's no secret that the odds are stacked against us in many ways. I'm not going to run through the myriad of challenges that I faced to present myself for the position of councillor in my township, but to say that if this is a priority that folks care about, truly, this idea of « parité des gens à la table décisionnelle », that removing some of those barriers—again, we're not asking for a total shift, a total pivot here, as LFPR today. We're asking to go from unanimous to two-thirds majority so that there is some confidence, so that there is a signal of some process that will be fair and equitable for all workers in the workplace—elected women as well as administrative staff.

1430

I would like to invite my colleague Marie-Noëlle, avec LFPR, à répondre aussi parce que c'est elle qui passe jour à jour dans les têtes des femmes élues. Moi, je peux être un peu exceptionnelle, on ne sait jamais.

M^{me} Marie-Noëlle Lanthier: Bonjour. Merci pour la question. Malheureusement, je ne peux pas allumer ma

caméra, mais mon nom est Marie-Noëlle Lanthier et je suis présidente de Leadership féminin Prescott-Russell.

Avec le comité [*inaudible*] politique au féminin, nous avons préparé le mémoire que vous avez reçu. À première vue, même au début des conversations, c'est sûr qu'on aurait préféré que les recommandations concernant l'intégrité au niveau provincial soient mises en oeuvre sans avoir à retourner au conseil municipal. Mais ça ne semble pas être une option dans les différentes discussions qu'on a eues. Donc, au minimum, il faudrait qu'on élimine avoir une décision qui soit unanime et avoir les deux tiers du conseil qui puissent voter pour des mises en oeuvre et des recommandations du commissaire en intégrité.

Je ne suis pas contente d'allumer ma caméra—

The Chair (Ms. Laurie Scott): There's just about one minute left.

MPP Catherine McKenney: I'll take it. Thank you.

We know that a unanimous vote is almost impossible to come by. It means that the person who was the subject of the complaint gets off—there's no other penalty.

But in a broader sense, can you tell me, from your experience, what the impact of a vote that is not unanimous, that allows the perpetrator just to walk away free, would be?

The Chair (Ms. Laurie Scott): You have 20 seconds.

MPP Catherine McKenney: Sorry; that's a big question for 20 seconds.

Ms. Lisa Deacon: In a broader sense, while we're all unique—to MPP Anand's point earlier today; he mentioned we're elected to represent the people. I can tell you the people do not have one single voice. Unanimity, I think, on a broader scale is difficult to expect at a table on any decision, as you pointed out.

I believe that a lot of what we do when we run to serve our communities—we know it's a sacrifice, and we also hold out hope that there's a chance that procedure and that the institution and the tradition that we're coming into stands upon that.

The Chair (Ms. Laurie Scott): Thank you very much.

We are now joined by Daniel Thorp, so I'm just going to go ahead and let him have his seven minutes.

Mr. Daniel Thorp: Thank you. My name is Daniel. I'm appearing to the committee as a private citizen.

My background is in non-profit governance. I've been a director on the boards of several Ontario Not-for-Profit Corporations Act non-profits as well as federal non-profits. I've also served on the board of directors, for a while, of my student union at the university. Throughout this experience, I've had a lot of ability to learn about what accountability should look like, what's important for public trust, and the importance of good governance when elaborating these policies.

I think that Bill 9 looks like a very meaningful step forward in terms of municipal governance, but I have some concerns with the way it's structured. I think, obviously, as was mentioned by other presenters, that there's the unanimous vote requirement, which doesn't seem practically feasible. With my previous experience, there's almost nothing that passes with a unanimous vote,

especially something that's going to be this much—this is not a simple thing that's a small decision; this is a big decision. It should definitely be a vote that everyone is considering carefully, and in that case, it makes it a lot more feasible if the vote is, for example, a two-thirds majority. I think that's a much more reasonable threshold that aligns with what is expected in other contexts. What is expected, for example, in a non-profit context is not a unanimous vote. Members can remove directors of non-profits with two thirds or even a majority vote. So this is something that—it seems a much higher threshold that I'm not sure if there's a need for.

The other thing I'd like to point out is that the way this is happening is significantly different than we see in other contexts. Obviously, we don't have the ability to remove elected officials in the provincial and federal Parliaments context in the same way, but if we're looking at the removal of public directors or councillors or similar types of roles, in general—for example, a non-profit context, a student union context, other contexts where you have someone selected to represent a constituency—you normally would let that constituency decide if the person needs to be removed. So I don't know if that's something that should happen in parallel to what's already in this bill, but I think there should be an opportunity for the constituency itself to vote on this.

A lot of the time you see a policy that, for example, requires a referendum—where the constituency could vote on whether they want this councillor to continue representing them or not. Potentially, that's an alternative method. The council has the option to vote unanimous consent—and the constituency also has the option to vote, for example, at a lower threshold, and that would be another way of ensuring that this decision is being taken democratically, rather than this just being taken by the councillors, which may or may not have conflicts of interest, considering they're colleagues. So this is something that could potentially benefit the bill—is to have an alternative option for this decision to be taken.

I also have a little bit of an issue with the fact that it's such a zero-or-nothing system, where if the council doesn't pass the unanimous vote, then therefore afterwards they're forbidden from any sort of other reprimand or any other pay suspensions. I think that there should be the option to still take action even if the unanimous vote can't pass, because as I said, the unanimous vote is very difficult to pass. So if there is another option afterwards that can still address some of the issue even if it's not addressing it with the full removal, that would be beneficial. I'm not really sure if there's a reason why this is being taken away as an option entirely as soon as this unanimous vote isn't passed.

Also, I think that a lot of municipalities have developed very good codes of conduct, and I don't really understand why the provincial cabinet needs that full authority to prescribe a single code of conduct for all municipalities. I think it would be a lot better if there was more local discretion and if potentially the ministry could instead establish what they would expect in those codes of

conduct, like a framework—"The code of conduct needs to meet these requirements, needs to have these things in it"—rather than prescribing the entirety of the code of conduct and still allowing the municipality to make decisions as to the specifics of certain sections, with a broad framework established in regulation rather than an exact code of conduct that needs to be adopted by the municipalities. This allows for more local governance and better representation for constituents. Different cities have different concerns.

So we definitely should have alternate methods of passing these votes that are more democratic, as well as the option for the municipality to develop its own code of conduct, following certain requirements. I think these things would improve the bill significantly.

If anyone has any questions, I'm happy to answer.

The Chair (Ms. Laurie Scott): Thank you very much, Daniel.

We're going to a round of questions now, and it's going over to MPP Fraser and the third party.

Mr. John Fraser: Thank you to all for presenting here today. As I've been listening to some of the deputations, a couple of things have occurred to me.

I'd like to thank Ms. Deacon for your comments—and as well, the other presenters—on unanimous consent. Unanimous consent is not just everybody in the room agreeing—it's just that everybody has to be in the room. So it's a poison pill. It basically says, "Everything we said before—well, it doesn't really count." We have no other standards like—with the Supreme Court of Canada, there's no provision there that it has to be a unanimous decision on behalf of the Supreme Court. They decide some of the most important things—the laws that govern us, constitutionality. So I don't understand how this got into the bill.

Having said that, there are two things that are happening here. One is workplace safety—that's how this issue came to the forefront, and all the brave women who stepped forward. And then there are our municipal councillors' and mayors' conduct in the chamber and outside. They're two separate things. We're trying to deal with them as one, and that's doing a disservice to the workplace safety.

1440

I'm going to ask for everybody's comments on this.

If we were at Walmart, the laws, the Occupational Health and Safety Act—they apply, and your employer is responsible for applying them. It's that simple. It's not the case here. So I don't understand why we're not using the Occupational Health and Safety Act. It's there. It's a law. It's clear.

Mr. Guy Bourgoign: Workplace safety.

Mr. John Fraser: It's the workplace safety act? Thank you. Sorry; I got it wrong.

The second thing is, why is it not more clear that progressive discipline—why do we not have more clear steps, like we do in most labour situations?

I'll just throw that out and ask everybody to comment on that, if they would like to add anything.

Ms. Lisa Deacon: Merci pour la question, membre Fraser. It's nice to see you here.

I have two things to say about that. I do agree with you that it's a conduct issue which has different ramifications or additional ramifications to the workplace safety issue. I believe that they need to be both approached; it's a both/and situation here.

With the legislation that we have in front of us, we have a key opportunity to be addressing—especially on the side of elected women or folks thinking about running, we have the opportunity to be instilling faith in the institution, to be maintaining voter confidence in their local elected government.

I am the only woman on my council today. I can tell you that a lot of women come to me first, because they feel most comfortable coming to me. Having women at the table enables that certain level of comfort. If you know that you have folks on the council who have committed these acts—the likelihood of a woman or somebody who has experienced violence in the past to approach that person to feel represented by them is very low.

So it is both—it is workplace safety, and it is that weakening-of-the-institution question and the health of our democracy, in a greater sense.

I forget what I was going to stay on the second one, so I will pass it over to anyone else.

The Chair (Ms. Laurie Scott): Mr. Conacher, do you want to go next, sir?

Mr. Duff Conacher: It's a good idea to have the code cover this area, as well, because it's not just about workplace harassment; it's about integrity throughout all of the relationships that the councillors have, and all of their actions. Many of the council codes say that they should be acting with integrity always, as does the federal Senate code. They have a standard that they have to act with integrity always and avoid even the appearance of a conflict of interest—as do federal government employees, under their code, have that standard. So it's a good idea to have it cover both.

To your point with regard to unanimity: It wouldn't matter even if it was a simple majority of councillors. These codes are legal standards, and politicians should never be enforcing legal standards, because that makes the enforcement political, and that's a kangaroo court and violates every rule of natural justice.

That's why tinkering with this is not going to solve the problem at all. Even if you went down to a simple majority, they would be able to vote. Politicians should never be judging other politicians, because the decisions will be made based on bias, political leanings, friendships and relationships, which should never be factors in the enforcement of legal standards, which the code standards are.

The Chair (Ms. Laurie Scott): There's one minute left.

Mr. Duff Conacher: One of the presenters made the point of, "Oh, let the municipalities choose our own code." No. There isn't a difference between best practice standards of ethics in any part of the province. They're best

practice standards. They're international. They're well established. They've been established for decades. The standard is avoiding the appearance of conflict of interest, acting with integrity and being honest—as well as other international standards that are well established.

So why just have a framework in a provincial law? Just set it out. There is no local control issue here, just like there isn't in freedom of information and protection of privacy or open meetings.

The Chair (Ms. Laurie Scott): We'll go to the government side. MPP Sarrazin.

Mr. Stéphane Sarrazin: Merci à l'équipe du Leadership féminin pour être ici aujourd'hui. I would like to thank everybody for their presentations. We're listening to all of this. It's great input for us, to see where we're going with this bill.

I have to say that we don't talk enough about the importance of standardizing the code of conduct. Earlier today, there was a gentleman here. He was actually an integrity commissioner working for 20 different municipalities with 20 different codes of conduct that were created by the council. I think it's important to talk about this—standardizing the code of conduct.

Also—I would like to hear you on this—on the training: I'm not sure if in every municipality, when you get elected, you get training, but I think it's really important to exactly understand what your role is. I don't know about you, Lisa, but when I was elected mayor, I didn't get much training back then. I know how important that is. It's all part of this bill here.

So I would just like to—maybe one by one, whoever wants to start, let us know what you think about the standardizing of the code of conduct and the training part of it.

Ms. Lisa Deacon: I'll take it. I'll start with the training question.

We're learning more and more about how we learn year over year. Pedagogically, we learn when we practise. When we use our hands, it's a tactile function.

The training that I received when I was elected was very cognitive, very difficult and abstract, in a sense.

My former mayor, Pierre Leroux, often said off the cuff that he read his code of conduct about every five or six months just to be sure that he was up to date, fresh on it, and that it was always top of mind. I found that to be a really great piece of advice that I carry with me.

I am in favour of a standard code. Eliminate keystrokes, find efficiency, determine what is that standard code that we're expecting of all elected officials across Ontario, be they big or small, rural or urban municipalities.

Thank you for the question, membre Sarrazin.

The Chair (Ms. Laurie Scott): Mr. Thorp, do you want to go next?

Mr. Daniel Thorp: Yes. I think that the training sounds like a very good proposal. Most of these roles—when you just get into the role, you do have the opportunity to receive training.

I would like to say, though, on the standardization of the code of conduct, that I think this does remove some of

the ability for municipalities to create codes of conduct that are specific to the needs of their communities. So I think there is an importance to have prescription, like I mentioned in my statement, about what needs to be in the code of conduct, and create a framework for that so that there is some sort of standardization without having it just be a copy-and-paste between each municipality.

The Chair (Ms. Laurie Scott): Mr. Conacher.

Mr. Duff Conacher: Obviously, I've already advocated for a standard code. Best practices, from an ethics standard, do not differ from around the world. They're well established and have been for decades.

What I didn't mention as well, though, is that the whole system of enforcement is a waste of the public's money. You have these integrity commissioners on retainer. You have municipalities paying for one integrity commissioner—as much, in some cases, as the cost of the provincial Integrity Commissioner, who covers all of provincial politics, all MPPs, lobbyists, and the whistle-blower protection system as well. This whole enforcement system is also a waste of money, currently—and then combined with the codes, which set different standards, you're getting mixed messages sent all the time to councillors, because they say, “Oh, but it's legal just down the road to do this, so what's the problem of me doing it here?”

1450

Training is a good idea. It is definitely part of any best practice enforcement system—not just training, but that every word in the code is set out with a guideline and interpretation bulletin by the enforcer in advance so that everyone can read it, along with case studies saying, “This is what this word means, this is how it will be enforced, and here are a couple of examples to bring it home as to what it actually means.” All that is done by best practice enforcement agencies in the areas of ethics and many others, and then regular training sessions to make sure that everyone is aware of those guidelines and interpretation bulletins and what the actual standards are, because—

The Chair (Ms. Laurie Scott): One minute left.

Mr. Duff Conacher: —any code is still vague words on paper until it is defined by a decision-maker, which again in this case should be the provincial Integrity Commissioner enforcing one code for the entire province.

The Chair (Ms. Laurie Scott): There's 40 seconds left.

On to MPP McKenney for the official opposition.

MPP Catherine McKenney: I just want to go back to the broader impact of a vote by council, whether it's unanimous or whether it's two-thirds.

I was an assistant to a city councillor for six years. I've had permission by my former colleague to repeat this: My colleague at the time, who was also an assistant, was sexually harassed on the floor by another councillor in the hallway. She was actually kissed by him in the kitchen. We had a very, very supportive boss, and he encouraged her to move forward with a complaint. We were both young at the time, and she wanted a career at the city, and she went on to have a very successful career at the city. She's probably one of the smartest people I know. She

made the decision not to move forward with the complaint. The reason was not that her boss wouldn't believe her—because her boss would. But she knew—and I'm certain that she was correct—that moving forward with the complaint would stop her career, outside of being an assistant. She was never going to move into the bureaucracy; she was never going to move up the ranks because there would always be someone in political power—and politicians have a tremendous amount of power, especially councillors. She knew that that was going to end her career.

When I think about not just a unanimous vote, but any vote by council, I believe that that is an added disincentive to women and that it should be taken out of the political sphere and put through a judicial process, so that at the very least they—and it's mostly young women who come forward—are not then penalized over and over throughout their career at the municipality by one, two—it only has to be one councillor, really, who tags them. I'd like to get your opinion on whether you see that also as a disincentive—having any vote by a council, as opposed to judicial process.

Ms. Lisa Deacon: I would agree. This is a really difficult question, because I want perfection, I want safety for every single Ontarian. I know that's really difficult to obtain, and moving towards that, it's a difficult compromise.

I'm asking for two-thirds because we have a very dedicated provincial government at the moment that has committed to bringing this back in this new cycle of government, and this is what we're being presented with. I'm asking for the two-thirds majority because it is the step that I see as possible—and that's the support that I'm asking for.

I do agree that the more protections that we can put in place, the better.

I'd like to move forward with the two-thirds majority because I feel like it's a step in the right direction, and I am not a perfectionist, unfortunately.

MPP Catherine McKenney: Thank you for your honesty on that.

Mr. Conacher?

Mr. Duff Conacher: Having it move into a judicial system is not going to protect complainants completely. What you're actually talking about, I think, is the lack of a whistle-blower protection system for these kinds of complaints. Either the provincial whistle-blower protection law should be extended to municipalities—or a whole new system put in place for whistle-blower protection, just like I called for a whole new lobbying disclosure and lobbying ethics law to be imposed on every municipality.

People should be able to complain anonymously, provide the evidence, and if it's solid evidence, then it would go forward and their anonymity would be protected. That's best practice whistle-blower protection, along with them receiving funding for independent legal advice through the system and having the whistle-blower protection enforcement officer be able to issue the penalties, as opposed to just making recommendations that go back to politicians or council.

Again, if you're going to set up an enforcement person and you trust them to investigate a situation and reach conclusions, then they should also be trusted to be imposing penalties. Without that whistle-blower protection system, even if complaints were going to the provincial Integrity Commissioner instead of back to council for a final vote—

The Chair (Ms. Laurie Scott): One minute.

Mr. Duff Conacher: —that person is not going to be protected, because they have to do it publicly, and the councillor can retaliate against them in other ways through the rest of their lives, as they could against any stakeholder who files a complaint or any voter who files a complaint.

The Chair (Ms. Laurie Scott): You have 45 seconds, Marie-Noëlle.

Ms. Marie-Noëlle Lanthier: In the brief that we submitted, there are nine recommendations—including whistle-blower protection; duty to report; including workplace discrimination as a specific violation of codes of conduct; to prioritize egregious acts of violence and harassment, with frightening penalties. There are a number of things that we've added in terms of where we'd like this to go.

But one thing we seem to be stuck on is, we're looking at the worst-case scenario, at the most outrageous type of conduct and—

The Chair (Ms. Laurie Scott): I'm sorry, but your time is up. We have to move to the next round of questions.

MPP Watt, for the third party.

MPP Tyler Watt: Merci à tout le monde pour votre temps, participation et plaidoyers aujourd'hui. That's the extent of my French for today. Thank you all for being here and being a part of this conversation.

We've talked a lot, over the last couple of sessions and today, about unanimous council vote or independent judicial process. I just want to know everyone's preference, and then I'll get into some more specific questions.

Ms. Lisa Deacon: The ideal is the judicial process, yes.

MPP Tyler Watt: Daniel?

Mr. Daniel Thorp: Of course, yes, the judicial process is much more independent and impartial.

MPP Tyler Watt: Duff?

Mr. Duff Conacher: Well, quasi-judicial—having the provincial Integrity Commissioner, who is not a judge but is a quasi-judicial tribunal, who has the expertise to be making these decisions. If you make it judicial, meaning in the courts, then you're increasing the cost to the complainant and also to councillors enormously. There's no reason for those costs to be imposed on people.

MPP Tyler Watt: Madame Choinière?

Ms. Diane Choinière: I agree with everything that has been said, except that I really think that there should be only one code of conduct for the whole province. That way, everybody knows and acts according to the same law.

I've always been the only woman councillor, since 2010—and I've been a victim de harcèlement for four years. Today, if I was going through that same treatment from four of the councillors, almost half of the council members, I would not continue in municipal politics.

That's why it's important that there's one code of conduct, not voted by the council members—because currently it is always a majority of men, so the women are not being heard. So if it's standard, it applies for everybody. There would be no way to play around or to minimize the complaints from the women councillors.

1500

MPP Tyler Watt: I'll respond to that momentarily. I just want to hear from Madame Lanthier.

Ms. Marie-Noëlle Lanthier: If I have a choice, for the organization, we'd all say—judicial and does not go back to council. As Ms. Deacon mentioned, in an imperfect world, we'd go with two thirds, but that's not our preference.

MPP Tyler Watt: Merci.

On the topic of a standard code of conduct—that's been one of the more popular, almost universal, positive feedbacks from presenters here. They do want to see that standard across the province, no matter the municipality. A positive thing from that is the training being provided by the province to the local integrity commissioners. If we see that standard across the province and we know what is expected of everyone, it is easier to hold people more accountable. I just wanted to share that.

Madame Choinière, you haven't had too much of a chance to talk, so I just want to ask you, is there anything else you would like to see either in the bill or changed from the bill?

Ms. Diane Choinière: I think it's important, because harassment is not just the council members—sometimes it's with the top administration. For example, the general manager could also be in charge of human resources. That should not happen—it should not be both. This is what happened for me, so I didn't have any recourse. It has been 10 years now, but I was much younger then, and I didn't understand all the doors that could have been opened for me, to help me. But I think it's really, really important that it's uniform.

Also, I heard that you have to prove, to have strong evidence and so on—but sometimes you just want to consult before. You cannot consult the commissioner unless you make a formal complaint, but before you want to make a formal complaint—we need reassurance that we will be believed, we will be supported. This, like you said, is a very emotional situation for a woman. So we would like to be able to consult the commissioners to know what our rights are and then decide if we make a formal complaint or not.

The Chair (Ms. Laurie Scott): You have 60 seconds.

Ms. Diane Choinière: As it is now, it's not possible, and I think it's a problem.

That would have helped me a lot at that time.

MPP Tyler Watt: Diane, thank you for sharing your story, experience, and for your advocacy.

That's pretty much all the questions I have.

The Chair (Ms. Laurie Scott): The last round is the government side and MPP Sandhu, please.

Mr. Amarjot Sandhu: Thank you to all the members who are here and online for the presentation. I really

appreciate your feedback. This is what this government believes—in listening. This committee is travelling across the province to listen—directly from the stakeholders. We understand it is a very important bill, and we need to listen—directly from the stakeholders—so that we can make informed decisions at the government level.

I will direct my first question to Mr. Thorp. This bill proposes a stronger penalty of removal and disqualification from office for the most serious municipal code of conduct violations. I welcome any feedback you might have on this—ensuring that this is an effective deterrent.

Mr. Daniel Thorp: It was Mr. Conacher who mentioned the importance of progressive discipline. I think there is importance to have other levels of things that can happen, other than just removal.

One of the initial things in my statement was the concern with the fact that if this unanimous vote—that is not very possible to pass because it's unanimous—doesn't pass, now there is no longer the ability to even apply any of the other things that can currently be done, such as a suspension or a pay cut. So there are some things that are not even possible anymore.

This bill would significantly be improved if we could, similar to the workplace safety act recommendation that was provided earlier, have other sorts of discipline that can be done, other than entire removal, where those make more sense, and then also, of course, have the ability to still go back to those things even if the removal doesn't pass the unanimous vote—just to provide as many options as possible, to ensure that members are being held accountable. As it stands right now, there is just one option, and if it doesn't go through—and it might not go through because of the unanimous consent requirement—there is pretty much nothing else that's available, which is concerning. So I do think it would make sense to have different sorts of discipline that can be applied in different scenarios.

Mr. Amarjot Sandhu: Would any other member like to share any feedback on this question?

Mr. Duff Conacher: I did mention, as Mr. Thorp said, that it should be the Ontario Integrity Commissioner enforcing one code and required to impose penalties—that discretion should be taken away, so that there is always a penalty for every violation. And the penalties should be on a sliding scale. They should slide up in terms of seriousness, based on the seriousness of the violation, to the very top—so that you would be suspended when charged with a crime, and you would be removed from office, for example, when convicted of a crime or other of the most serious violations of whatever the standards are in the code.

Ms. Lisa Deacon: Thank you for the question, MPP Sandhu.

I want to say that this links very closely to that question of standardized code of conduct, because when we have a large quantity of standards of conduct across the province, we don't necessarily have the same quality of standards of conduct. So if we are able to have a province-wide standard, we are also able to equip the local integrity

commissioners as well as the provincial Integrity Commissioner with the standard progressive tools in the tool box in order to address issues. I see those as inextricably linked. Again, it's another reason why I would speak to the strength and the option of having the standard code of conduct across the province. It's a standard job in the Municipal Act. We all have those one-two-three bits that we've memorized—of municipal councillors and what our job is. We should also be held to the same code for those three aspects of our work.

I also just wanted to echo my colleague's comment earlier about whistle-blower protections and that, in this environment that we're in, looking at a two-thirds majority, as that seems to be an ask that a critical mass of us are making—to strengthen that with whistle-blower protections is complementary and essential.

The Acting Chair (Mr. Deepak Anand): We have about two minutes. MPP Sarrazin.

Mr. Stéphane Sarrazin: Madame Choinière told us that sometimes she would like to be able to talk to the integrity commissioner. It's really important to understand that your council is the one that actually negotiates the contract with the integrity commissioner, and you should be able to write that in the contract—that you have access whenever you feel like it. You need to be guided by the integrity commissioner. All of us members of provincial Parliament meet with them on a regular basis. If we have questions, they are there for us. So just make sure that it's not the administration that deals with the contract and it's you as a council, because it's really important to get the good information when you need it.

I don't know if you want to comment on this.

1510

Ms. Diane Choinière: Yes. I would certainly look at this to find out exactly what the procedure is before it's presented to council and what the possibilities are. I already did ask the question about seven years ago. Right away, I was told, "No, no, no. That's the way it is. You cannot communicate directly with them. You have to have a specific complaint."

The Acting Chair (Mr. Deepak Anand): One minute.

Ms. Diane Choinière: It was very difficult. Being able to reach them was practically impossible.

Mr. Stéphane Sarrazin: It's important. I guess you get to choose, also.

I know in our smaller municipalities, we don't have a whole lot of people doing this service, but they don't have to be local now, with the technology these days. There was a gentleman here who was doing a contract with 20 municipalities. So it's really important to choose the right integrity commissioner.

The Acting Chair (Mr. Deepak Anand): Thank you so much. That is all the time allocated at this time.

MR. CRAIG MACAULAY

MS. ARIEL TROSTER

MR. DOUGLAS LOBEL

The Acting Chair (Mr. Deepak Anand): I would now like to call the next group of presenters: Craig MacAulay, Ariel Troster, and Douglas Lobel.

Interjections.

The Chair (Ms. Laurie Scott): Thank you very much for appearing here today. We'll go in the order that was read: Craig, Ariel, and then Douglas.

When you're ready, just state your name. You have up to seven minutes.

Mr. Craig MacAulay: Bonjour. Je m'appelle Craig MacAulay. After retiring from a 30-year career as a French immersion teacher—an event worthy of a front-page column in the Ottawa Citizen by Randall Denley, a failed Conservative candidate—I have worked as a journalist, a community association president, an outdoor rink operator, a manager of city facilities, a bike-taxi pilot, and a blogger.

I'm here because of former city of Ottawa councillor Rick Chiarelli. Not all of his victims were female. Because of my support for his opponent in the 2006 municipal election and my attempts to ensure a fair 2010 by organizing an all-candidates debate in our community building, Chiarelli worked with friendly city managers to fire me as community association president and appoint, not elect, some of his own supporters as the new, Rick-friendly board. He punished me by spreading vicious, false rumours on private Facebook groups that his supporters controlled.

If you've read the three integrity commissioner reports that documented the ex-councillor's dirty deeds, you'd be surprised to learn that many members of the community—I would estimate about 20% of local residents—are unconvinced that Rick did anything wrong. They buy his narratives that the women who testified were puppets manipulated by his political opponents; that the real reason for his downfall was to silence his criticism of former mayor Jim Watson's LRT project and thwart Chiarelli's plan to run for mayor in the 2018 election and, when that didn't work for him, to get re-elected as councillor in the 2022 election.

How to explain the seemingly incomprehensible level of support for the disgraced ex-councillor? I blame Mark—Zuckerberg; not Sutcliffe, although he has a lot to answer for. Few residents still read the work of real journalists, by subscribing to the Ottawa Citizen. Their work is banned on Facebook, and the CBC has been vilified by Pierre Poilievre and convoy supporters like ex-councillor Rick Chiarelli. This leaves it up to unelected private Facebook group administrators—in many cases, Chiarelli apologists—to control the narrative, to decide who gets to post and what they get to say. I've documented all the sordid details on my blog, bellscorners.wordpress.com.

Bill 9 proposes that the final decision to remove bad councillors from office should be left up to their fellow councillors—a unanimous vote. I say no. A unanimous

vote, a two-thirds majority, a super majority, a strong-mayor vote—whatever Doug decides, I don't think fellow councillors should get the final say. Here are a few reasons why.

Some councillors have been sanctioned by Ottawa integrity commissioners for code of conduct violations—current councillor Clarke Kelly and former councillor George Darouze. The links are all on my blog, bellscorners.wordpress.com.

Some current councillors have been sanctioned by the Election Compliance Audit Committee for violating the Municipal Elections Act.

Councillor Tim Tierney apologized after being charged by the Ontario Provincial Police for corrupt election practices.

Councillor David Hill issued a public apology for his lapse of judgment for cheating during the 2022 election campaign.

Councillor Laura Dudas was fined after pleading guilty to two charges.

Councillor Matt Luloff faces criminal charges.

Councillors can be appointed to council by other councillors who end up being accused—Councillor Cathy Curry.

If sitting councillors, either elected or appointed, don't get the final say on unseating a fellow councillor, should a local integrity commissioner get to decide? In the case of Rick Chiarelli, integrity commissioners did an excellent but very expensive job investigating and documenting the facts, but council was very limited in the penalties it could impose. I would still say no. In my humble opinion, Ottawa's local integrity commissioners have done a great job. But it has been made abundantly clear, through this committee's work, that this is not always the case. Local integrity commissioners are appointed by the very politicians they are supposed to scrutinize. There have been huge problems with rogue local integrity commissioners in different municipalities. They can even contribute to the campaign war chests of the politicians they could be called upon to scrutinize—clear conflicts of interest, outrageous decisions.

Please don't leave the final decision on firing bad councillors to local integrity commissioners, and certainly not to their fellow councillors. Thank you.

The Chair (Ms. Laurie Scott): Thank you very much for your presentation.

We'll now go to Ariel.

Ms. Ariel Troster: My name is Ariel Troster, and I am the city councillor for Somerset Ward, right here in downtown Ottawa. So for those of you who are here from out of town, welcome to Somerset Ward. I'm also the council liaison for women, gender equity and 2SLGBTQ affairs.

I'm here speaking on my own behalf, although I do have a motion going to council next week to essentially endorse what I'm saying here today, and Ottawa city council has unanimously endorsed several motions calling on the province to take action against abusive elected officials.

I was elected in 2022, in the shadow of the revelations that the former councillor for College Ward engaged in absolutely egregious and abusive behaviour toward his young female staff members. This included telling them not to wear bras to work, making them pick up men in bars under the pretense of recruiting volunteers, and even encouraging a staff member to perform oral sex on a stranger. I know this is graphic, but it happened, and we need to hear it. To say his behaviour was beyond the pale is an understatement. I've met with some of these women, and they're still traumatized. I don't blame them. The system failed them, and now it's our responsibility to fix it. As you well know, it's currently virtually impossible to remove an elected official from office, even after well-documented instances of abusive behaviour. In the case of the Ottawa councillor, the best that our local integrity commissioner could do was recommend consecutive periods of time where his pay was docked.

I also understand that fellow council members, including now MPP Catherine McKenney, said they didn't want to sit at a table with him, and I believe they made him his own little table off to the corner. I'm not sure if he ever sat there, because council was still running virtually. But he retained his vote on council, and he could have run again if he wanted to. Luckily, an exceptional young woman ran and won the seat to replace him.

1520

So, first of all, I'm here to say thank you. Thank you for taking action with Bill 9. Introducing a process that could remove councillors who commit egregious acts of abuse is long overdue. But I'm also here to warn you that Bill 9, as written, has some fatal flaws, and what I'm going to tell you is what you've been hearing all day: If we don't fix them, I fear we're going to continue to silence victims of assault and allow offenders to act with impunity.

The specific piece I would like to zero in on, that you've heard a lot about today, is the fact that at the end of the process, council must vote on the Ontario Integrity Commissioner's recommendation to remove a councillor from office. My understanding is that, because I'm an elected official, I don't qualify to sit as a juror. There's a reason why the legislative and judicial branches of government are separate. Placing the final decision in the hands of politicians could only serve to reproduce the same old boys' club mentality that allows abuse and harassment of women to continue.

I'm not sure if folks made reference to what's going on right now in Niagara Falls, but it's really quite egregious. There is a councillor who has been charged with intimate partner violence, and council and the mayor are circling the wagons and preventing women from speaking out.

If you do insist on retaining the portion of the bill that stipulates that the final vote to remove an elected official must go to a vote of council, I'm begging you to remove the requirement that the vote be 100% unanimous, because all it would take is one friend who votes no or one councillor who gets sick or leaves their seat to use the washroom for a vote to fail. There is no other threshold where we're demanding 100%. Like many folks who have

spoken today, I suggest that we change this to a requirement of two-thirds vote in favour. That's the standard we use when we're waiving the rules of procedure at council. This would be consistent and fair, ensuring that serious infractions would lead to removal from office. I understand that the bar for this needs to be very high, but it shouldn't be impossible. The bill, as written, makes it impossible.

In speaking to our city's integrity commissioner, I've also come to understand that if a vote to remove a councillor under Bill 9 fails, there would be no more sanctions associated with that particular instance of violence and harassment. I could foresee a situation where a municipality's integrity commissioner and the provincial Integrity Commissioner find someone is contravening the code and deserves removal but a failed vote of council then lets the person get off scot-free.

I believe the bill needs to be amended to allow council to enact existing penalties under the Municipal Act, should a vote to remove an elected official fail at council, because clearly, serious breaches of the code of conduct have occurred if both the local and provincial integrity commissioners are recommending removal.

This is where I differ from some of the folks you've heard today: I actually want to flag the requirement for all municipalities to enact the exact same code of conduct for councillors. I agree there needs to be a provincial baseline, but some municipalities have added provisions that go above and beyond the minimum and they take local context into account. Allowing us to add those extra requirements would ensure that municipal codes of conduct meet local needs. We're much more flexible at the municipal level, and we can respond to emerging issues as they come up—and I'm happy to take questions about that after. So I agree there needs to be a baseline, but I would like to have the opportunity for municipal councils to strengthen their codes if we think they need to be strengthened.

I want to thank you for undertaking this important work to make city halls across Ontario a safe place to work, particularly for women and gender-diverse people. I hope you will listen to those of us who are here today, including me, asking for amendments that would strengthen Bill 9 and ensure that perpetrators of abuse, harassment and violence are brought to justice.

Thank you very much. I'm happy to take questions.

The Chair (Ms. Laurie Scott): Thank you for your presentation.

Now we'll go to Douglas, please.

Mr. Douglas Lobel: Thank you, Chair and members of the committee, for an opportunity to speak today in support of Bill 9. My name is Douglas Lobel, and I'm a resident of Belleville, Ontario. I'm speaking today not as a legal expert, but as a concerned citizen who has engaged first-hand with Ontario's municipal accountability system and seen where it falls short, especially in protecting marginalized communities from harm.

First, I want to commend this government for bringing Bill 9 forward. In a time when trust in institutions is

eroding and hate is rising, this bill sends a clear message that elected officials must be held to a higher standard and that their conduct or their silence in the face of harm has real consequences.

Let me share a story from my community that illustrates why this legislation is urgently needed.

Earlier this year, I filed a complaint with the integrity commissioner of the city of Belleville. It was concerning Councillor Sean Kelly, who serves as the chair of the city's Equity, Diversity and Inclusion Committee. The complaint related to his official attendance at, and subsequent endorsement of, an event advertised as an interfaith summit to promote peace and unity. Some quotes from this so-called unity-building event included:

"The Zionist will tell you they are democratic, that they have no discrimination. In killing, I give them that. Babies, children, people in hospitals are being carpet-bombed."

"I can stand up anywhere, anytime, any of you and criticize Trudeau, criticize Poilievre, criticize Singh, no problem. I have the freedom. But try and criticize the Zionists, they will label you."

"Only 335,000 people reported being Jewish, or slightly less than 1% of the population. Yet who has more power, more clout in the halls of power? The Jewish community."

I would also like to note that the only Jewish speaker at the event identified themselves as a member of Independent Jewish Voices, a fringe anti-Zionist group that does not represent the broader Jewish community. Notably, no outreach was made to the Sons of Jacob Congregation, which is Belleville's only synagogue and the centre of local Jewish life.

A few days after the event, at city council and in his official capacity, the chair of the EDI committee praised the event as "cool," "educational," "including Jewish representation" and "bringing people together." Yet, weeks later, at a private meeting with several members of the Jewish community, Councillor Sean Kelly acknowledged that several of the remarks at the event were anti-Semitic and troubling. So he knew, and yet he still praised the event, never distancing himself or condemning the rhetoric. There was no public accountability, no acknowledgement of the hurt caused, and no reflection of his role as chair of the EDI committee.

As a Jewish resident, I filed a complaint with the integrity commissioner, arguing that Mr. Kelly's participation and praise of the event legitimized harmful rhetoric and marginalized the Jewish community. The integrity commissioner, Laura Dean from the law firm Aird & Berlis, acknowledged the anti-Semitic rhetoric from the event. She also did not dispute the harm caused. The report states, "In making this decision, we recognize the troubling rise of anti-Semitism in Ontario (and beyond) and the impact this has had on the Jewish community both globally and locally. We also recognize that the member's attendance and comments regarding the summit have impacted the Jewish community." But the complaint was dismissed, not because the conduct was acceptable, but because Belleville's code of conduct was too weak. The

commissioner concluded that because Councillor Kelly didn't personally make discriminatory remarks and because our local policy does not require councillors to speak out against hate, no violation had technically occurred. The report concludes, "As integrity commissioner, we are limited to considering whether a member's conduct has contravened the explicit provisions of a municipality's code of conduct. Under these circumstances, we are unable to find that the member's conduct in attending and reporting on the summit has contravened the code as alleged."

This case appears unprecedented, with the most comparable one being the case in Pickering, where a city councillor appeared on a podcast hosted by an individual with a well-documented history of white supremacist rhetoric and Holocaust denial. During the episode, the host launched hateful and dehumanizing attacks against her fellow municipal officials. The councillor did not challenge or distance herself from those remarks. She remained silent. The councillor later acknowledged her mistake, apologized to her colleagues, and ultimately faced consequences. Accountability was taken seriously. Compare that to Belleville, where the chair of the EDI committee attended an event where anti-Semitic rhetoric was shared and mainstream Jewish voices were deliberately excluded—but unlike in Pickering, he didn't just remain silent. He publicly praised the event afterward—even though acknowledging he knew that some of the remarks were anti-Semitic.

Bill 9 offers an unprecedented opportunity to standardize municipal codes of conduct across Ontario and finally address these long-standing gaps in accountability. After all, why should citizens in Belleville have fewer protections than those in other municipalities? While Bill 9 lays the foundation for meaningful reform, its full potential will only be realized if the government ensures its passage and crafts a province-wide municipal code of conduct with strong and enforceable standards.

I urge the government to ensure that this future standardized code explicitly holds municipal officials accountable for two things: actions such as publicly endorsing or legitimizing events that contain discriminatory content—and when such actions contribute to harm of identifiable groups, they must be recognized as serious misconduct. And these standards must apply with particular scrutiny to officials whose stated duty is to challenge discrimination, such as EDI chairs. Their conduct is particularly impactful on public trust in institutions. Without these two clear provisions, the risk remains that municipal officials will continue to exploit gaps in the system, avoiding accountability for conduct that is clearly harmful.

1530

The Chair (Ms. Laurie Scott): One minute left.

Mr. Douglas Lobel: I want to conclude by emphasizing that this bill is not only about protecting Jewish people; it protects all marginalized and equity-deserving groups. But at a time when anti-Semitic incidents in Ontario have reached historic highs, we need laws to reflect our moral clarity, and this bill is part of that effort. History has shown

us that hate often begins with the most vulnerable, but it never ends there.

In Belleville, when it came to the Jewish community, there was silence when there should have been leadership, praise when there should have been condemnation, and there was pain when there should have been protection.

Let us pass the bill in the name of those who were ignored and for those whose voices have yet to be heard. Thank you.

The Chair (Ms. Laurie Scott): Thank you very much for your presentations.

We'll now start the questions from the third party. MPP Fraser.

Mr. John Fraser: Thank you very much, all of you, for your presentations today.

When we were talking about having a standard code of conduct—and, Councillor Troster, your suggestion that there be more flexibility locally. Specifically, are there some examples of where you think that applies, that you could say right now that we would not risk—I guess what you're saying is to have a baseline and let people add to it, if they like. Is that what you're saying?

Ms. Ariel Troster: As the only queer member of city council, as the council liaison for 2SLGBTQ+ issues, I can just say that our understanding of identities and of what constitutes discrimination expands and changes over time. In the provincial code, it's possible, for example, that continually misgendering someone may not be considered disrespectful conduct.

I don't know what the definition is going to look like, but I don't have it in front of me and I'm a little bit skeptical that I can entirely trust it and that it could work in every situation.

So the frustration is, when you hit a wall, when you know that there's harassment going on but it doesn't fit the strict definition of the code—we saw that when the Canadian Human Rights Act was created and then successive court decisions added homophobic hate speech, added transphobic hate speech.

So what I'm saying is that in an evolving human rights context, it's entirely possible that a municipality might want to be ahead of the curve, and while it could take years and years to change the standard definitions province-wide, I think it would be great for municipalities to have the opportunity to take action where they see a gap.

I would like to see a baseline, but I do think there are opportunities for municipalities to actually do better. Very often, change starts at the municipal level, and then it ripples and eventually makes it up to the province. But if we have to wait years to change a definition and then we can't take action against an act of harassment, I think that could be really problematic. So, baseline is good, but preventing us from innovating in situations where we see a gap and we want to take action, I think, could be really problematic.

Mr. John Fraser: Thank you very much for that answer. Tyler, did you have anything?

MPP Tyler Watt: I can wait.

Mr. John Fraser: Okay.

I've said a few things already about unanimous consent and how that's not just not practical; it's a poison pill.

I guess the question is, why did we remove judicial review from the bill? It existed in previous iterations.

I take some presenters' points that, as a group—I don't think all politicians are as bad as we're being made out to be right now, just in the context of society. I work with a lot of great members on all sides. They're good people. I think we can make good decisions, and I think we can essentially be fair. But it's also fair to comment that that's not what our job is. Our job is not to judge. Our job is to make the laws.

What do you think about the removal of judicial review? Do you think that's something that should be part of the bill? Would it be more appropriate not to go to a council vote?

Ms. Ariel Troster: No, I would absolutely prefer not to vote on this. I don't think it should be in my hands.

Honestly, social tensions make a huge difference in how we vote sometimes. I've made votes where I'm like, "This is really important to this councillor. They've been really helpful to me, and this is not a big issue, so I'm going to vote with this person." We all have a lot of hard stops when it comes to our values, politically, and then there are times when we're flexible because we have conversations with our colleagues and we try to understand their perspective. I wouldn't want to have to do that on an issue of violence and harassment. I don't think that's my job. As I said, I'm not allowed to sit as a juror, so why would I essentially be told to act as a juror in this specific situation?

Once I missed a vote on the police board budget because I got up to go to the bathroom. It happens.

All it would take is someone leaving the room and the vote being called, and that could actually be used as a bludgeon, as a weapon, if you have a mayor or a committee chair who had sympathy towards the harasser. They could call the vote when somebody was out of the room.

This strikes me as a poison pill, as you said—and then also the fact that if it doesn't meet this insanely high bar, then the person gets off completely scot-free; you can't revert to the old sanctions. I agree that some sort of progressive system of discipline makes a lot of sense.

Mr. John Fraser: Mr. MacAulay, would you like to comment on that?

Mr. Craig MacAulay: Definitely there should be some sort of component outside of local integrity commissioners or a vote of council. But that's beyond my pay level.

I like what Ms. Troster said, I like what Joanne Chianello said, and I also like what Professor Barry Wellar said—as long as it is not decided by local councillors.

Mr. John Fraser: Do you want to add?

Mr. Douglas Lobel: I agree 100% as well. I'm not an expert, but as a citizen, I would have concerns about the councils holding themselves accountable together. I think it should be independent and outside of that. I would agree.

The Chair (Ms. Laurie Scott): One minute remaining.

Mr. John Fraser: There's nothing else we really have to pass judgment on. Our job is to make the laws, and

judgment and application generally goes to other people. It's interesting that that part of the bill has been removed. I don't understand the rationale behind doing that—even as a process in excess of a council vote, to make sure that people who are responsible for passing judgment would ultimately pass judgment on the fairness.

The Chair (Ms. Laurie Scott): We'll now go over to the government side. MPP Anand.

Mr. Deepak Anand: Thank you to all the panellists for coming. It was really good to hear from you—especially when we talk about a bill which is saying, train the trainer. Here we are, actually the voice of the people—that's how we got elected, and we're trying to protect the people at the end of the day. That's our goal. That's our motto.

I want to start with Councillor MacAulay. You talked about, for a politician, "no"—and you even said that for the local integrity commissioner, it should be the word "no." I hear it.

What we're trying to achieve through this bill is making sure the integrity commissioner at the provincial level has a say and that we can unify the code.

In that context, my question to you is very simple: How can we ensure that the integrity commissioners hired by the municipalities are independent of conflict of interest? What is your suggestion?

Mr. Craig MacAulay: I think that has already been covered. It shouldn't be left up to the local integrity commissioner. Lots of people have given good ideas about how that could work, so I have nothing to add to that.

Mr. Deepak Anand: I hear it loud and clear. Thank you so much.

Again, when we talk about the bill, the changes we are proposing will help to strengthen municipal governance and establish more consistent levels of accountability.

Councillor Troster, you talked about having a baseline and then having an add-on. I think this is where the issue right now is. We're saying, there is a process in place—maybe liked, maybe disliked; maybe enough, maybe not enough. Having said that, what we have tried to do through this bill is have a unified process. And you're saying, "Have a unified process, but don't have a unified process." It's kind of saying, you have the same cake, but you could have an additional layer of icing on it, based on different municipalities, based on different—urban, rural—size or whatever. Isn't that where we're going backward again in that case? How would we do something instead where we can achieve both, wherein we can say, "Our goal is to make sure there's the workplace safety"? At the end of the day, there's a balance for the politician not to misuse or overuse their power—but have one code.

Ms. Ariel Troster: It's my 15th wedding anniversary with my wife, and I wouldn't have been able to get married if people from my community hadn't gone to court to challenge existing laws, to say, "There is something missing here."

So I would like to avoid municipalities having to go to court to add additional provisions to our code when we see there's a problem that we're trying to address, when we

see there's a victim of harassment, but the grounds aren't necessarily included in the provincial code.

I don't know what the process is—maybe there's a process of appeal. Maybe the province needs to consider, every couple of years, an open call to take a look at these codes and how they're working in municipalities. What I worry about is the fact that we can be really nimble, we can make additions to our code if we're allowed to do that, but if we have to appeal to the province and it's a multi-year process, then you potentially have a victim of harassment who's not getting justice. I actually think it's forward-thinking, because our definitions change over time. Language changes over time. Identify changes over time. I just worry that if we get locked into a standard definition that prevents us from innovating when we see a problem that needs to be solved, there could be a problem.

1540

So I don't know what the answer is. I like the idea of a baseline. I just worry about that infringement on municipal autonomy that would detract from our ability to innovate in a situation where we clearly see a gap. So I invite you to think about that, about what you think the answer might be. But if we can do even better than the provincial code, and we think there's a need to, I think it would be good for us to be able to do that.

Mr. Deepak Anand: Again, I said that earlier, so I'm going to read that sentence one more time: We truly believe—our government—that all Ontarians deserve to feel safe and respected in the workplace, and the decision about what would be included in this standardized code of conduct would be made at a later date based on the consultation with the sector and could include rules for ethical behaviour with respect to, for example, harassment, discrimination and training requirements for members of council and certain local boards. So let's keep continuing to have that conversation.

To the third presenter—and I think that's where you talked about hate. Hate has no place, period. There shouldn't be any conversation on that. What is your opinion on what should be added, what could be added—and what could we do more to make sure? At the end of the day, it doesn't matter which religion, which culture, which faith, which place you're born in or came from. There should only be one word—and that's that we are Canadian. We are only one—Canadian. So hate has no place. But what would you like to add or think or see in this bill—that conversation?

The Chair (Ms. Laurie Scott): You have 60 seconds remaining.

Mr. Douglas Lobel: Thank you very much for that question.

In my case, we never actually made it past the preliminary stage. In terms of having everything standardized, had our case been in, let's say, Peel, in Ottawa, in Toronto, it's very possible we would at least have made it past that stage. I definitely support the standardization so that everything is the same.

In terms of what I want to see—and this is really a little bit more future-state, because I think Bill 9 has done a

pretty good job, although I do understand that taking out the judicial review is problematic. The two points I brought up, again, are actions that publicly endorse or legitimize events that contain discriminatory comments—when such actions come with harm, they should be recognized as serious misconduct. So I think that has to be done. And I think that, again, particular scrutiny has to apply to officials when their stated duty is to challenge discrimination—such as EDI chairs. So if you have a higher-accountability position, I think the standards and the accountability should be higher as well.

Mr. Deepak Anand: How much time do I have?

The Chair (Ms. Laurie Scott): Five seconds.

Mr. Deepak Anand: Congratulations on your 15th anniversary.

Ms. Ariel Troster: I did not replace that particular councillor; my colleague did—Laine Johnson. She's fantastic. It wasn't me.

Mr. Deepak Anand: On your wedding anniversary, I said.

The Chair (Ms. Laurie Scott): We're now going to move over to the official opposition. MPP McKenney.

MPP Catherine McKenney: Well, it has been a long day that so far has gone by very quickly, I must say. And it's getting progressively, I think, more difficult to ask questions because they've been answered, but we have to keep—I want to start by saying that I want to be very clear that I support Bill 9. Bill 9 is necessary. What happened in Ottawa with former councillor Rick Chiarelli is not unique. It happens. What was different about it was how public it was. People saw it; they couldn't turn away. We're not talking here about punishing unpopular opinions. We're not talking about punishing somebody for policy disagreements. That's what elections are for. What we are talking about here is real harm, harm to people. It can ruin their lives. It can ruin their careers. And it's devastating. We know, because I was there—many of us were there—what happened afterwards and what happened afterwards with these young women. We saw it. It was there for all of us to see. They were harassed online. They were accused of lying, even with everything that was put out in front of the public, and they were retraumatized.

So I think when we talk about Bill 9 and where we need to go so that survivors of harm, survivors of sexual harassment, sexual abuse, public sexual abuse are protected by us—and, Councillor, you are completely correct: What happens at the municipal level often bubbles up to the province.

I was also a councillor before—well, not just before, but I was a councillor a little while back. It is where we talk to people about what happens to them every single day. I've had people ask me to remove plastic bags out of trees beside their house. I've had people ask me to remove caterpillars off their tree. And I've had serious, serious issues that I've had to deal with in my ward.

So when we're talking about Bill 9, we're talking about councillors making decisions that are difficult—there's no doubt. And I agree with you—nobody wants to be that person.

I'll ask all three of you—I know, Mr. Lobel, what you brought to us today was a bit different than what we're discussing here with sexual harassment. Do you see how having these decisions made by your peers—not just another group of councillors somewhere out there in another city or another municipality, but your very own peers, some of them you were elected with, many you were friends with. You've worked on issues together, and now you're being asked—and do you see how that could have longer-term ramifications for people who bring forward complaints, who come and say, "This happened to me. The integrity commissioner agrees, the provincial Integrity Commissioner agrees"? And now you're going to decide on what happens to your colleague. But you are always going to remember—whether it's public or not, you are always going to know who made that complaint. Do you see the long-term implications of that and how in an ideal world that would be scraped away?

Ms. Ariel Troster: I can start.

We can see what's happening in other municipalities, particularly smaller rural municipalities, where there might be one or two women on council and where people are also not making full-time salaries—they're doing this work off the side of their desks. It can reproduce the conditions of trauma and harassment for those councillors on the committee who have to make that decision and who then have to go back to work with colleagues who may have voted differently, creating tremendous ruptures against who believes victims and who doesn't. It just seems to me like a reproduction of trauma and pain that would make it very hard to be a female city councillor.

Imagine being a female city councillor. A colleague here from another municipality said women often come to her because she's the only female councillor. So imagine you're hearing all these stories from young women of what they've endured at the hands of your colleague, and then you see that at least one if not all of your colleagues do not vote to remove that person. You have to keep serving with those folks. Imagine what it feels—

The Chair (Ms. Laurie Scott): You have 60 seconds.

Ms. Ariel Troster: —like to you, as a female elected official.

So I just think this entire process is problematic. I would like to see this dealt with judicially or by the Ontario Integrity Commissioner. Barring that, I think we need to lower the bar to two thirds, because I don't know of any precedent where 100% is required.

MPP Catherine McKenney: I don't know if anybody wants to jump in.

The Chair (Ms. Laurie Scott): You have 35 seconds.

Mr. Craig MacAulay: Well, I don't think any politicians should be judging their fellow councillors, for all the reasons that have been given out.

Another thing that hasn't been mentioned—I guess when I mentioned councillors—it's all documented in my blog and the links to what I talked about, about all the people I named.

1550

A bigger question is, what sort of legitimacy do politicians have when there's no electoral reform? When there's first past the post—there are five people running, and they all get 20% of the vote; one gets 21% of the vote. That's not just at the municipal level, but also at the provincial level and the federal level. So there should be reform of the electoral process.

The Chair (Ms. Laurie Scott): We'll now move on to MPP Blais.

Mr. Stephen Blais: Thank you all for your presentations this afternoon, bearing with us in the heat, and everything that's involved.

Councillor Troster, in particular, thank you for what you said and what you do for our city.

We've heard fairly consistently about the challenges involved with the unanimous-vote provision that's included in the legislation, and whether it should be two thirds or three quarters, or if it should be an independent person altogether, outside of council.

One of the arguments against the need for change, I guess, is that people think that there would be so much pressure in the community or so much media pressure that no councillor would dare to step aside from the table or no councillor would dare vote no. I don't necessarily believe that. I'm wondering about your view on that, and the role that the diminishing of local media will play, or could play, in making that harder.

Ottawa is the second-biggest city in the province, with a very sophisticated media environment. The councillor wasn't guilted into resigning. So why do we think, or, maybe, don't we think there would be that much pressure, whether it's in Ottawa or, say, some other small town where the local media doesn't exist—or is maybe the person who works off the side of another desk for two hours a week?

Ms. Ariel Troster: Look at what's happening in Pickering. I've had a chance to meet some city councillors from Pickering. They've had to make their meetings entirely virtual, because there is one elected member of council who is affiliated with some far-right extremist movements, who has brought people into the chamber who have committed acts of violence against other councillors, who basically brings an entire circus with her at every meeting. This is a perfect example. The entire democratic process becomes corrupted. They have very few resources. They are a council of only five—and they're not being paid full-time to do this work.

I think we do need to remember the context across the country. The majority of city councillors and mayors make a pittance—they're technically only paid part-time.

I used to work for the Federation of Canadian Municipalities, and I still go to the conferences. My favourite thing to ask people is, "How much money do you make? And how much do you actually work?"

We're very fortunate, in Ottawa, that we have a very professional and robust civil service, and we do make full-time salaries; most councillors don't. So imagine the public pressure on them.

Also, in small communities, the person who disagrees with you is going to be your neighbour. You know everyone in the small town. To me, that seems incredibly toxic.

What's happening to those councillors in Pickering—I highly suggest you watch some footage of their meetings. It is appalling. In this case, this particular problematic councillor, who has been sanctioned several times—and they have no tool to remove her—just keeps enacting the convoy-affiliated circus to harass the rest of council, who are trying to sanction her. It's awful.

Mr. Stephen Blais: I appreciate that. Obviously, one of the points of committee is to hear feedback and look for ways for improvement at the amendment stage. I think there will almost certainly be amendments that come forward relating to that part of the process of the bill.

Something that came up earlier in the day, before you got here—so I don't want to put you too much on the spot, but I would be interested in your opinion on it—is the idea that councillors and mayors and other candidates for municipal election, as part of their nomination process—so the package where you submit names and write your \$100 cheque or whatever it is—should also be required to submit a criminal background check, like many other employees in Ontario have to do as part of their employment process. I'll ask you first, Ariel, but I'll go down the line—what do you think of that particular suggestion? I apologize; I know I got you on the spot.

Ms. Ariel Troster: That's a good question. I have mixed feelings on that.

Let's look at Premier Wab Kinew, who's the Premier of Manitoba right now. He had experience in the youth justice system. There's an incredible redemption story there of someone who found recovery and who is now a politician.

I think there is a lot of value to have people with lived experience in the justice system getting into politics. I actually think that's a good thing. I wouldn't really worry about that. I would worry more about what they are doing now, what reparations they have made, and I actually think the public should judge that—perhaps there's a category of crime.

Mr. Stephen Blais: Sorry; I wasn't suggesting that it would be a disqualification. I am suggesting that it would just be publicly disclosed, where electors could then see that information and make a judgment on their success afterwards or not, on their own.

Ms. Ariel Troster: I have very mixed feelings about that. Personally, it wouldn't stop me from voting for someone, if I still believed in their values. I actually believe we want people to recover. We want people to have redemption stories, especially people who might have addictions, for example, who have overcome those things—and there are many politicians who have experienced this, with addiction. I'm not sure on that one.

Mr. Stephen Blais: Mr. MacAulay, what are your thoughts?

Mr. Craig MacAulay: I have mixed feelings about that, too.

I think the big problem with our democracy is a lack of transparency and freedom of information.

Just off the cuff, I wouldn't see any problem with criminal background checks for politicians.

Mr. Stephen Blais: More information is better, yes.

Mr. Lobel?

Mr. Douglas Lobel: Again, not being an expert—but I do believe transparency is a really good thing. I don't know what impact that would have on an individual—from a mental capacity, in that sense. But transparency, for me, is always a good thing.

Mr. Stephen Blais: Mr. MacAulay, I appreciate that you have a long history with what happened with the councillor here in Ottawa and everything that is going on.

If there is one change in the legislation that you would like to see—you probably only have about 10 seconds to mention it—what do you think it should be?

Mr. Craig MacAulay: Some sort of outside accountability, outside of council. I'm not sure—judicial perhaps, as you suggested, or other suggestions from people here, but definitely not local councils.

The Chair (Ms. Laurie Scott): Over to the government side: MPP Grewal.

Mr. Hardeep Singh Grewal: Thank you to our presenters here today, who have taken time out of your busy days to come in, give a presentation and give your thoughts on Bill 9.

We've been having a lot of conversation about the impacts of Bill 9, but one thing that I'd like to say, for sure, is, everybody across the room is also optimistic—of the results Bill 9 is going to deliver and the capabilities it's going to give councillors and councils across this province to ensure that all their representatives are following that level of integrity that we expect every member to have when treating staff and any other people they interact with at a city level or municipal level.

Bill 9 really brings in a lot of those changes that we have all been discussing in terms of giving council the capability of removing such individuals from office—I've heard a lot about this individual from Ottawa, the councillor who caused a lot of chaos and havoc and impacted a lot of lives negatively. I can see how Bill 9 would give council the authority to remove individuals like those from those settings and actually deliver that sense of justice to those who are impacted by the types of things that he did.

When I take a look at Bill 9 and the suggestions that are being brought forward by the government in terms of implementing it—absolutely, today's consultation is all about listening to your feedback and your thoughts on areas that you feel might need improvement in this particular bill.

Through the powers of Bill 9 that we're suggesting today—if those powers were then implemented at that time and if they were available at that time, I just want to hear from each one of you how that would have positively impacted the result or would have had a positive impact on the community when taking a look at that, while taking into consideration that those who are elected are elected

by the people of that municipality. And really go back to the conversation of who is coming up to vote for the removal of that particular individual—the people who are not showing up to remove that individual will also be impacted by their electorate as well. Those actions never go unpunished at the end of the day. The electorate is who put us here. They're smart people, and they know who they're putting in charge. But when they see the other side of those politicians and they're not respecting that rule of law and how things should be governed, the electorate is also some of the first to get those guys out of office as well—just some comments in regard to that.

Ms. Ariel Troster: I wasn't a member of council at the time; MPP McKenney was. I'm not sure if they would have had unanimous consent—maybe in this case, because it was so obviously egregious and very well-reported, but—

Mr. Hardeep Singh Grewal: I'm sorry to interrupt you there. Correct me if I'm wrong, if you do know, but I believe in this circumstance, it was unanimous consent to dock that councillor's pay.

1600

Ms. Ariel Troster: Yes, there was unanimous consent to dock the pay.

Mr. Hardeep Singh Grewal: So if they had the power, essentially, they would have—

Ms. Ariel Troster: If they had had the power to remove him and to not have him run for office, that would have been excellent, but that is a very high bar, indeed.

Again, we were very lucky. We had Joanne Chianello; we had investigative journalists who really cracked this story open when in fact there had been a whisper network for years among young women.

What I will say is, in smaller communities that don't have access to local media, in communities that are being affected by the information vacuum on social media, I'm worried that that unanimous vote would not happen because of pressure from the community.

I think, in the case of Ottawa, it was so bad that councillors couldn't ignore it. But I don't think it should have to get to that point.

Mr. Hardeep Singh Grewal: I agree.

To you, sir.

Mr. Craig MacAulay: I agree with MPP McKenney; Bill 9 is better than nothing.

But let's be honest here. This could have been handled a long time ago. The suffering of these women and other people has been drawn out. If the government had dealt with this a long time ago, we wouldn't be here.

So I don't think the government side should self-congratulate too much over Bill 9.

I hope you will listen to the testimony—

Mr. Hardeep Singh Grewal: I just want to interrupt you there.

This is not about self-congratulations on the government side. We all voted in favour in the House, as a unanimous team, to bring these changes over. It's not about what the government side wants to do or what the

opposition side wants to do. It's about doing what's right for the people and what's right for municipalities.

When we take a look at 444 municipalities across this province, and especially if we take a look at the integrity commissioner, who was here earlier talking about implementing those rules across the province and having different rules for each set, you can see how difficult and how entangled that becomes.

This is all about simplifying that process, making it easier for municipalities to conduct their business, having the same rules across the board, and then having a governing body on top of that. If the municipality is not able to govern their own actions, we're able to go and reach out to the provincial Integrity Commissioner, seek their opinions and move forward.

I represent transportation—I'm the parliamentary assistant. In that sense, we always say road safety is not something that we take a look at as a partisan issue; it is an everybody issue.

In this sense, this governing act will affect anybody, no matter your political stripe. These are things that we all abide by. This is something that's going to improve everybody's life. It's not about the government side taking a win or the opposition taking a win. It's about how we move forward together, as elected officials, to ensure that no other elected official breaches or abuses the powers that they're given and entrusted with by the public.

The Chair (Ms. Laurie Scott): You have 60 seconds.

Mr. Craig MacAulay: Well, with all due respect, I'll wait until I see the final form of the bill to see if, for once, you do the right thing.

Mr. Hardeep Singh Grewal: And your comment, sir?

Mr. Douglas Lobel: I've never been on council, and my case never made it that far.

But I do know this: I know that if you can demonstrate discrimination and you can demonstrate that that discrimination caused harm to a group but you can't hold that person accountable, that's very problematic.

I would have loved for this to have gone to a full investigation. I would have loved for this to have gone to a vote—and then I could speak more on how that vote would have gone. But we didn't even get there. If Bill 9 was in play, I do believe that it would have gone at least to a full investigation. It probably would have found a code of conduct violation, and then there would have been some type of vote to remove that individual or sanction that individual. But we never got there.

Mr. Hardeep Singh Grewal: Thank you for your valuable input today on Bill 9. And thank you for making it all the way here.

Again, congratulations on your 15th anniversary.

Ms. Ariel Troster: It was three years ago. Thank you very much.

Laughter.

The Chair (Ms. Laurie Scott): Final round for the day: MPP Bourgouin.

Mr. Guy Bourgouin: This morning, we had a commissioner present—and now he does 20 municipalities.

What you're also seeing is that some of these commissioners are not qualified to be commissioners. And what we see elsewhere, in small communities—and these small communities will talk to other colleagues, other mayors, other communities, and say, "Who do you use for a commissioner?" Sometimes they're friends—so they recommend their own friends. So then you end up with commissioners who are, unfortunately, not doing their job.

He was recommending that the Ontario commissioner should put a list together of qualified commissioners, so that the municipalities know that if they choose one of these commissioners, they're qualified to do the work, they have the background, they have the qualifications so they can do the job appropriately.

Like I said to Mr. MacAulay, that's probably one of your big concerns—I'm not sure if it is. When you see that there are people who shouldn't be doing commissioner work doing it, well, it raises questions—and they're integrity commissioners. So I'd like to hear from you, first of all, do you support that?

Also, I think this is a very big point: This bill could put that together and put a list, so that the Ontario commissioner recommends a list of commissioners so that these communities—and these small municipalities need help picking. They don't want to end up in a situation like we've seen in other small communities, where there were complaints and they were not done right by the integrity commissioner because of whatever relations he had with the mayor or a councillor. I want to hear from all of you your point of view on this.

Ms. Ariel Troster: These small communities also have very small tax bases. I think we need to, frankly, be looking at compensation for municipal positions across the entire province, because there's not equality right now. Bigger cities have the resources to hire more professionalized staff. We have an excellent integrity commissioner in Ottawa. I like the idea of having some sort of open call or vetting process and then having a list so that those communities get that assistance, absolutely—and maybe funding from the province for smaller communities to be able to pay their integrity commissioners. Again, these become political decisions. If the local council doesn't want strong integrity protection and doesn't want to pay a decent salary for this person to do the work, they're not going to get a good candidate. If we want to ensure equality, maybe there needs to be some compensation for smaller communities.

Mr. Craig MacAulay: Well, I definitely agree that small municipalities need a lot of help. Another problem is that they don't have any media presence there. There's no one to break these stories, to report on them. That is a problem that should be addressed; I'm not sure how. But they need help, for sure.

Mr. Douglas Lobel: I could say, being from a small city—and what this gentleman just said, yes, in terms of the media exposure, it's definitely not there.

Again, I don't have the expertise to judge the qualifications of an integrity commissioner, but in my case, I did appeal to the Ontario Ombudsman to see if the job was

done properly—which is the only tool that I have available for that.

Mr. Guy Bourgouin: You mentioned cost. I've got a community, Fauquier, in my riding. Fauquier is going through a process with the government right now because they're financially broke and they're trying to come out of this, working with the ministry. I know you mentioned it—but I didn't hear any from the other people.

Mr. MacAulay and Mr. Lobel, what do you think? Should the province help these small municipalities when it comes to integrity commissioners, because they're expensive?

I asked the question this morning. He said, "Well, the costs—it depends which commissioner you go with."

There are extreme costs to this, and these small municipalities are struggling financially. Their tax bases are limited, and they can't raise the tax any more. That's the case for Fauquier. They would have to raise it 200%. Even then, it would not be enough.

So I'd like to hear from you.

Mr. Craig MacAulay: Well, in some cases, another consideration is that people who make complaints have to pay money to do so—I've seen \$500, \$1,000 to make a complaint. This is an unfair burden on a citizen.

Mr. Douglas Lobel: In Belleville, they found a way to raise revenue, which is through the automated speed enforcement cameras. So they have the money there.

But outside of that, yes—I would say, obviously, small municipalities would probably use the funding for that; correct.

The Chair (Ms. Laurie Scott): You've got a minute and 20 seconds left.

Mr. Douglas Lobel: It's going to recruit doctors now—which is actually a really good program, but it's being diverted to other areas.

The Chair (Ms. Laurie Scott): MPP McKenney, one minute and 20 seconds.

1610

MPP Catherine McKenney: I have a quick question for any one of you to answer.

We had somebody here this morning who was lamenting some of what he referred to as "personal relationships" that can affect your judgment on council. He also got into an issue around individual councillors and what he felt was behaviour that was unbecoming, in terms of community benefits and trying to work with developers around development applications. He referred to some of what was happening as councillors trying to build up slush funds, if you will. I think we all know, probably, who he was referring to.

Maybe to you, Councillor Troster—because I think that was a very key, pointed argument, and he was referring to the fact that we need stronger integrity rules—

The Chair (Ms. Laurie Scott): MPP McKenney, we're out of time.

Thank you very much to all of the presenters for coming. I'll give you time to leave the table.

MR. RYAN LINKLETTER

MS. STEPHANIE DOBBS

The Chair (Ms. Laurie Scott): The next group of presenters to come forward is Ryan Linkletter, Ryan St-Jean, and Stephanie Dobbs.

Interjection.

The Chair (Ms. Laurie Scott): We're missing a Ryan at the moment. We're going to start with the first Ryan.

Ryan Linkletter, when you're ready, state your name, and you'll have up to seven minutes to make comments.

Mr. Ryan Linkletter: My name is Ryan Linkletter. Thank you for selecting me to appear before this committee. I really appreciate the opportunity to be here and share some diverse opinions on this very important piece of legislation with regard to amending the Municipal Act and codes of conduct.

I believe this legislation should be renamed the "municipal election tampering act, an act to override election results and control the candidate pool."

What's the point of having elections if politicians can override the results of an election? I strongly disagree with the idea that municipal politicians and unelected integrity commissioners should have the power to remove a duly elected official for alleged contraventions of a code of conduct. We have elections to decide who represents us, and it has been like that for a very long time. If a politician is unpopular and the constituents think they're not serving them, they won't be elected back in, and the people will replace them with a new politician. The voters decide, I repeat.

Bill 9's mechanism for removing politicians from office risks undermining the guaranteed fundamental freedoms—freedom of conscience and religion; freedom of thought, belief, opinion and expression, including the freedom of the press and other media communication; freedom of peaceful assembly; and freedom of association. I completely understand that there are reasonable restrictions on these freedoms, especially with regard to protecting the rights and freedoms of other people. What is reasonable to some people may be unreasonable to other people.

I personally do not want to see legislation that attacks legitimate political activities, such as proposing draft notice of motions, even if the public supports it. If that's what the people are interested in their elected officials talking about, I don't want to see the scope of the initial intention of this bill being expanded—because right now, it's quite vague, and I think a lot of people can understand, of all of the potential violations of a code of conduct, there is a focus on a few particular topics right now. I would just urge this committee and members of the public and any other interested parties to look at the whole wide range and scope of potential egregious or serious acts this bill aims at targeting. I don't want to see kangaroo courts in municipal politics.

I believe it has already been mentioned that it's quite expensive and costly. Not a lot of municipalities have a lot

of extra money to engage in the type of activities that are proposed by this bill.

Thank you for your attention. I really appreciate, once again, the opportunity to be here and share a different opinion on the matter.

The Chair (Ms. Laurie Scott): Thank you very much for your presentation.

We'll now go to Stephanie Dobbs, please.

Ms. Stephanie Dobbs: Thank you, everyone. I appreciate being given the opportunity to speak, and I am going to do my best to convey the importance of this legislation in the short amount of time I have today.

First and foremost, I am so grateful that we are here today discussing this legislation that represents progress towards addressing a serious problem we've seen across our province. Please do not mistake my criticism as a lack of gratitude that this issue has not been forgotten. I want to give you the opportunity to prove that this legislation is not just for show and is intended to be an actual solution.

I experienced this problem first-hand when I came forward regarding the behaviour of my former employer, who we have all mentioned several times today. I went through the process to file a complaint. I spent hours recounting details of awful events in writing and again in several interviews. I did everything asked of me, including avoiding discussing the investigation until it concluded over a year later. When all was said and done, my former employer received a 90-day pay cut but kept his job. I know that for most of you, this is not new information. You are aware of the problem, which is why we're all here today.

But I want to tell you something you might not know: I am so lucky. I am so lucky that when I needed it, I had the support of friends and family, and I knew how to ask for help. I am so lucky that I used to own a house, because selling it allowed me to leave that job and return to school. I am so lucky that, through school, I was able to access life-saving medications and counselling—resources that remain inaccessible to so many other victims. I am so lucky that my abuser had become so bold and so sloppy over the years that the mountain of evidence supporting my claims meant the majority of the public was on my side. The harassment and bullying that I experienced was relatively minimal but not non-existent. Had he been more careful, more charming, more well-liked, I can guarantee my experience would have been drastically different. I am so lucky because, for the most part, I was believed. But I still never saw justice or accountability.

As this legislation currently stands—which, again, I am very grateful for—I am doubtful of its ability to provide meaningful change. Having the final decision return to be voted on at a council is, frankly, ludicrous. Councillors were not elected to be judge and jury for their peers—especially not when it can involve sensitive and serious subject matter. The argument that a judge shouldn't have the power to remove a councillor doesn't hold up when they already do in cases of financial impropriety and conflict of interest. It just sends the message that financial misconduct is taken more seriously than human rights

violations and abuse, which, respectfully, is hard to argue with, given how hard previous versions of this legislation have been fought.

The question has been posed: Had this legislation existed previously, would my former employer have been removed? I would like to think so, but for anyone who is familiar with the integrity commissioner reports—you would know my former employer had a fascination with obtaining leverage over his fellow council colleagues. At a threshold of 100%, all it would have taken is one compromised colleague out of 23 to not vote by stepping away, and he would have walked away with zero consequences. Equating that to voting unanimously on a pay reduction is a false equivalency, respectfully.

1620

Putting this decision back within council creates the opportunity to turn serious and sensitive subject matter into a political spectacle and will likely force victims to be retraumatized in the process. Victims like myself could continue to feel the pressure to go public in order to lend legitimacy to their cases, to appeal to the public by putting their own trauma on display in the hopes that it increases public visibility and puts pressure on council to act with integrity. This puts a horrendous onus on victims that they may not be equipped to handle—which brings me to my last point.

I am so lucky because I'm still here. For all the ways that I have been so lucky—I cannot and will not forget those who did not share my good fortune. I will keep fighting so that one day you won't have to be so lucky to receive a second-rate version of justice, like I did.

The Chair (Ms. Laurie Scott): Thank you for your presentation.

We only have two presenters in this time slot at the moment, so I will now start with the government side for their rotation of questions. MPP Sarrazin.

Mr. Stéphane Sarrazin: First of all, thank you for being here. It must be hard for you; it brings bad memories.

I would like to apologize for whatever—the government, what we did, because I guess nobody has to live through something like that. I'm trying to wonder why this specific individual wasn't brought into court—or was he? I'm not sure about the story, but maybe you can give me more details on what went on afterwards.

Ms. Stephanie Dobbs: I'd like to ask you what it would have mattered, because even if he was brought to court, unless he was physically serving his jail sentence, he would have stayed.

Mr. Stéphane Sarrazin: You're right.

I guess you support Bill 9 and what we're doing right now. Hopefully, with the standardization of the codes of conduct and being willing to train people, and especially council members—I don't know about the specific individual. It seems like he was there for a long time and probably didn't get the training of the new councillors or mayors who are now being elected—but hopefully it will be doing a difference and people will know what to expect

and what the role of a municipal leader is. Do you want to comment on that?

Ms. Stephanie Dobbs: I think that's a very nice thought. I don't think any amount of sensitivity training or code of conduct training of any kind would have helped that situation.

Again, there are so many parts of this bill that, yes, I'm very grateful for, and I'm very happy to see the standardization across the board of this. There is a lot of good here.

But I do have a concern with there being an all-or-nothing threshold of—you either receive them gone or you spend a long time fighting through this system and you end up with nothing. That's very dangerous—to kind of go from you have a bit of something and a bit of justice and validation, to you have none. Maybe people would say, "Well, that person probably shouldn't have been removed." It kind of tells the victim that everyone thinks they did nothing wrong—it invalidates. Especially in my case and many of my former co-workers—we were subjected to repeated manipulation and trauma. By the time we left that office, I was so paranoid about my livelihood and career and who would come after me that I went back and re-educated myself into a field—nothing to do with anything I had been doing previously. I thought maybe that would be outside of his reach, because he won't know anyone in biochemistry. So it's a very dangerous thing to have that all-or-nothing.

Also, I would like to ask where the 100% came from, because something like this—again, respectfully. That is not unique to just women being mistreated—it's everyone—but unfortunately, disproportionately, we are the ones on the receiving end of this. So something specific to us—that for some reason, it feels like an impossible threshold that is foisted upon us to receive justice. Why? Apologies.

Mr. Stéphane Sarrazin: The message is loud and clear. I think we're going to bring that back.

Aside from that, what else would you like to see in that bill?

Ms. Stephanie Dobbs: My biggest problems are 100%, and it being voted at council. You're going to end up with victims feeling that they need to force themselves into the open in order to combat people who—again, I seriously mean it.

I am so lucky that my former employer was so brazen and so universally disliked, in the end, that I didn't receive a lot of hate. I would actually have a lot of support and outreach from people who didn't know me, which I was very grateful for, and it meant the world to me. But my case is not everybody's case.

Also, not all these things that come forward are going to be this egregious and this serious, but some of them will, and some of them will be by people who are much more clever and much better at covering their tracks. And it shouldn't be something political. It should not be a spectacle for people to watch and debate.

I appreciate everything you've said, so thank you very much.

The Chair (Ms. Laurie Scott): MPP Anand, there's just over a minute left, if you'd like.

Mr. Deepak Anand: I just want to start by thanking you, Stephanie, for standing up. It takes a lot of courage. Thank you for that courage.

It's a tale of two cities. I always think of it this way: People elect people to be their voice. Ryan said it so well. When we do take them out—if God has decided to put them in the position, if the people have decided to elect them in, then they must have elected them for a reason. Having said that, we are not talking about their ability to serve the people; we are talking about how they're able to work with their staff, for example—so it's workplace harassment or maybe misusing or overusing their power, also. I think this bill is exactly taking care of both sides—making sure we're not going from one extreme to the other. We do respect the people who elected people, and at the same time we want to make sure they're accountable.

This is the beginning of this conversation. It's not the end of this conversation. So thank you again for coming and giving your views. It's truly appreciated. Stay tuned.

The Chair (Ms. Laurie Scott): We're moving over to the official opposition. MPP McKenney.

MPP Catherine McKenney: Thank you, Stephanie, for once again baring yourself to the public, to all of us, to ensure that you are doing everything that you can, certainly—and you continue to so that nobody goes through what you did in another city councillor's office. So I thank you for that.

I've known you for quite a while and have always, certainly, admired your work and the work that you did at the city and the values that guided you in that. I have to say that I'm sorry to have lost you, in the municipal world, and I hope that at some point you feel safe enough to come back.

What you just shared with us, I think, really demonstrated so clearly and so effectively why this cannot be left in the hands of council and why this has got to go outside of council, so that not one person is able to hold against you—whether publicly saying it out loud or just making sure that you continue to be not believed.

I'm going to ask you this, Stephanie—and I think I know the answer. I was going to ask you about the unanimous support.

What you said was so very true—because one of the things that Councillor Chiarelli often did was repeat conspiracy theories. He often was looking for something on other councillors, to hold against them—and that happened to you. That happened to other women in his office. That was part of the abuse, as a matter of fact—so part of that abuse could have or would have been used as a tool against you.

1630

Do you believe, Stephanie, that your situation, where you are today, would have been a whole lot different had this final decision to remove Councillor Chiarelli gone to council vote—even to two thirds—as opposed to going completely outside of the city through a judicial process,

like other criminal harassment cases do? I wonder if you have an opinion on that.

Ms. Stephanie Dobbs: Is your question if you think things would have been different had this existed—but perhaps with the two thirds?

MPP Catherine McKenney: Had you known that the outcome would have gone to a judicial review—you would not have had Councillor Chiarelli lobbying other councillors, for example.

Ms. Stephanie Dobbs: I know that Councillor Chiarelli believed that he lived on House of Cards, and he was constantly trying to accumulate blackmail and dirt on people, myself included. When he hired me, he tried to get me to provide information, under the guise of being able to protect me at an election if something came forward. So I disclosed that one of the reasons I had left the previous job was because of an assault that had happened, which was something not even any of my family had known at the time.

So I don't know. I'd like to say that I knew a number of members on that council, and many of them were very good people. I'm not going to speak to the character of everyone there. I'd like to hope and think things would have turned out differently and that he could have been removed with something like that. But I didn't trust a lot of people around that time. And I don't think that would have been very comforting, especially if I knew that the result was either him leaving or having nothing happen to him—having no penalty.

MPP Catherine McKenney: Thank you.

Do I have a bit more time?

The Chair (Ms. Laurie Scott): A minute and five seconds.

MPP Catherine McKenney: Ryan, do you know that if a city councillor misses three meetings in a row, they are removed from council?

Mr. Ryan Linkletter: Yes.

MPP Catherine McKenney: And do you know that if they don't submit their election expenses on time, they can be removed from council?

Mr. Ryan Linkletter: Absolutely. I have reviewed all the various ways, currently, which removal can occur.

MPP Catherine McKenney: Do you think that a councillor should be able to miss three meetings, or six or nine in a row, and not be removed from council?

Mr. Ryan Linkletter: Oh, absolutely not. If you are missing three, that's how it is.

MPP Catherine McKenney: But is there a number?

Mr. Ryan Linkletter: It's three, I believe.

MPP Catherine McKenney: Yes, but is there a number that for you is unacceptable—that a councillor cannot miss more than before they should be removed because they're not doing their job?

Mr. Ryan Linkletter: Unless there's a legitimate reason why that has been approved by council, yes. If there's a legitimate reason and council has been aware of it, then it could be longer.

MPP Catherine McKenney: But as far as you're concerned, there's a certain number of meetings—you just can't go the whole term?

The Chair (Ms. Laurie Scott): Five seconds.

Mr. Ryan Linkletter: Oh, for sure, yes. If you're gone for three, I'm sure that would be a conversation that would be held between that individual, the council and the wider community. What the limits to that would kind of be—

The Chair (Ms. Laurie Scott): Thank you. We're out of time for this round.

For the third party, MPP Fraser.

Mr. John Fraser: Thank you very much, Ms. Dobbs, for your presentation, for your courage, and for putting things in context in terms of your gratitude.

I'd like to paint a picture of things just for all of us in the room, colleagues. We could not put the complainants at the end of the table; we would have to add two more chairs, for six complainants. If there was every woman who was affected by the 20 years of Rick Chiarelli's tenure, we'd need two more tables like this, with all the chairs that you see—and to think that that might come down to a vote that, simply by the non-participation of one of 23 people, could have had a different result is unconscionable.

It's not right that, in this bill, we're looking for a unanimous vote. This is something that needs to be taken out of the hands of politicians and put to a judge.

In any workplace in this land, we have a responsibility for how we treat each other. Those are the laws. If we can't apply those laws—we're not special; I know we like to think we are, but we're not. I think when we look at what we're trying to do here—and I know this has been going around the table, and I thank you very much for reiterating that.

I think to not do that in this bill would be a disservice to you, to the six women who came forward, and to the other two tables.

We have to somehow discern how we treat our workplaces as any other workplace—and that's not to leave us responsible to doing that. I do believe there are rules of codes of conduct—I was involved in the code of conduct for the MPPs back in 2018, and I remember one of my colleagues who was working on that said, "Well, we're a different environment. We do this stuff. We harass each other." No, we don't. It's not like there are no rules. There are rules of decency and not harassing people.

It's not much of a question.

I'm glad that you're here right at the end of the day, because you've put an exclamation point on what it is we need to do with this bill.

I'll let you answer the question—I'm sure you're going to say, "Yes, we need to take it out of the politicians' hands." And we need to apply workplace safety. That's simple.

Ms. Stephanie Dobbs: Absolutely.

Mr. John Fraser: There are other pieces.

And respectfully, I understand what you're saying in the context of what you're saying—Mr. Linkletter, I should say. I do believe that there are rules, and they

should be applied in a fair way—outside of politicians standing by other politicians.

So I don't know if any of my colleagues—sorry.

I'm just glad that you're here at the end of the day, and I can't thank you enough for doing all the things you've done to stick with this and be brave and stand up for people who couldn't.

Ms. Stephanie Dobbs: Thank you very much.

I would also like to say that people have asked me why I keep doing this and if it's difficult—and telling me I don't have to do this. And I understand that. But I will say that after everything that has happened, it's one of the few things that has helped me feel a bit better.

I left that office, and I did not say anything. I'm not blaming my former self for that, but I do hold guilt for the fact that I know other people suffered after me. I know that I could have tried to potentially say something. I do try to tell myself that's not my responsibility.

I've had other councillors, or former councillors from there, express guilt, as well, that I don't think they should be holding, because we all know who that belongs to. Unfortunately, the people who are empathetic and carry that will probably be the ones who are not the ones responsible, in this case.

Mr. John Fraser: Yes, you can't be too hard—because when you're harassed or we do things to each other that are painful, they leave scars, and those scars never leave. What you do and what many are doing is just opening up—that wound opens up again, and that's not easy. So, yes, it's hard.

1640

The Chair (Ms. Laurie Scott): Final minute—you're good? Okay.

Mr. Clark, please.

Mr. Steve Clark: Thanks to Mr. Linkletter and to Ms. Dobbs for being here today.

I've asked a number of questions today.

I'm not going to ask about training, although I do believe that integrity commissioners sometimes draw outside the lines and need to have some consistency.

And I feel very strongly that we need to do a better job with AMO, to educate councillors. I don't think any level of education would have changed Councillor Chiarelli. So I'm not going to ask you what you think about education.

What I am going to ask you about is the discussion about other penalties.

You're very clear, Ms. Dobbs, on the unanimous consent for council. I understand your position 100%. I understand it and don't question why you have that position.

I'm just interested because part of the Chiarelli case—there was this frustration about the 90-day penalty and the fact that even though there were three investigations in 270 days, it still didn't seem to be anywhere near what was needed. And there seemed to be a huge consensus—myself included—that he should no longer be a councillor.

I'm really interested to hear what you have to say about the other penalties for other infractions that might not be to that degree—but still, 90 days just seemed to be not

enough, given the situation. So I'd love to hear your comments about other penalties.

Ms. Stephanie Dobbs: My understanding is other penalties—not in the case of the Chiarelli situation, but potentially comparable, or not of that—because, to be honest, like you said, one, I am very pro-education. I think it's important, and I plan to always continue my own education. I think that can be very helpful, especially for the people who are most at risk of having abuses of power used against them. They need to know their rights in a meaningful way—not just in a course that they can click through and not pay attention to because it's whatever. A lot of the people who were brought to our office were brought with little to no knowledge of how things were, and we were told that's how things were—so having meaningful education and showing people how they can be protected properly.

And to MPP McKenney's point—the person who never pursued anything against someone because it would destroy their career: If you make an anonymous complaint, depending on the nature of the complaint, they'll know who it is.

So I think that having things in place to make sure that the people who are vulnerable know their rights—the financial penalties and other things of that nature will help enforce when education isn't going to do anything, like in cases of my former boss.

To be honest, I haven't really considered the nature of other penalties.

Again, I do think our democratic process is important, and like everyone said, I don't take this lightly—to remove someone.

I think that's what I am more focused on here—is somebody who is a clear and present danger to those around them.

Also, the mention of a security check for people planning to run for council and things of that nature—to me, would be a good start for letting voters know who they're voting for. A lot of people said, “Well, they shouldn't have voted for him,” or, “I wouldn't vote for him.” No one knew that for a long time—the people who did were a part of the problem. Those things don't come out, because they hide them. So if you can add something like that, you can help prevent that problem.

Sorry; I don't know if that answers your question.

Mr. Steve Clark: No, that's fine.

I really appreciate you coming here. I know you've been a really great, vocal champion for the government to do something, and I'm glad you came. I, like MPP McKenney, appreciate the fact that you're here to close things off—and as Mr. Fraser said.

How much time do I have?

The Chair (Ms. Laurie Scott): Two minutes.

Mr. Steve Clark: Okay.

I have to ask, Mr. Linkletter—just because I don't think the government is going to change the name of the act. I would like to know whether there are any other options that you think should be considered by the government to address serious code of conduct violations with respect to

municipal council. You answered MPP McKenney about absences from council meetings—which has been a long-standing tradition. Because you didn't think council should make the decision—I thought I heard you say you didn't think the integrity commissioner should make the decision. I would like you to tell me what other options the government should explore on—you're sitting right beside Ms. Dobbs; you've heard the egregious situation that she had to undergo. Surely to goodness, you have some feeling about an option for the government to deal with something like we have heard today. There's got to be something you agree with.

The Chair (Ms. Laurie Scott): You have 50 seconds.

Mr. Ryan Linkletter: Absolutely. I don't just disagree with everything.

What happened in Ottawa is a very concerning situation. I shared the same disgust—without knowing all the full details—just to be clear on that.

I don't have the answer to everything. Removing someone from office is something that I'm just trying to say is very serious.

What other options are there? Currently, I know, an integrity commissioner can recommend up to 90 days pay sanction. I'm not too familiar with everything underneath that. I think they can go for maybe 30 days—60, 75, I think I've heard. I'm not sure if community service is something that is available or that can be used. I know education training is a part of it. One of the things—

The Chair (Ms. Laurie Scott): We're out of time. I'm sorry.

MPP McKenney, please, for the official opposition.

MPP Catherine McKenney: I just want to thank you and I want to thank Nancy for being here today and for repeating your stories again, so that we have a better understanding of what we need to do as a Legislature.

I want to thank MPP Blais for keeping this in the Legislature when you arrived there.

I want to thank Joanne Chianello, who worked so hard to bring this story into the public, to make sure that people in Ottawa knew exactly what was happening on council.

I want to thank the government for bringing this bill and allowing us to travel through the province and have these discussions so that, in the end, we can do what's absolutely best—for the very reason that someone like you, another assistant somewhere, another young woman somewhere, will not have to endure what you did, but at the very least there will be serious consequences for it.

It has been a difficult day; I'm sure it has been for you as well—to sit here and listen.

I do thank you again, Stephanie, for being here and for having the strength and sharing that strength with us today.

Ms. Stephanie Dobbs: Thank you so much. I really appreciate that.

The Chair (Ms. Laurie Scott): MPP Watt, for the final round of questions.

MPP Tyler Watt: Thank you to the both of you for coming here today and being a part of this important conversation.

Stephanie, I am very moved by you coming here today and sharing your story. It's very powerful. My colleague MPP Fraser said it perfectly. This is the exclamation point that was needed today.

This is my third hearing on this very important issue. There is overwhelming consensus from presenters. The super majority of them would like to see that final piece of accountability changed—to remove it from the politicians, where it could be politicized or subjective, or could be bias, to an independent judge.

There absolutely will be amendments put forward next month. Your story and advocacy is so critical to making sure that we get this legislation right.

Nancy, who also courageously came today and shared her story, said that we need to get this legislation right. And that's exactly what we need to get done. I'm grateful that the government has brought this to committee—and touring Ontario to hear from as many people as possible so that we do get it right.

1650

I don't really have any more questions. But I would like to give the floor to you and give you final thoughts and words, if you do have any.

Ms. Stephanie Dobbs: I want to reiterate how thankful I am to everyone here for not letting this issue die and just having it forgotten. It has been almost six years since I started this process, and it has been a long process. I joked that by the time the pandemic hit, I had gone through so much that I was ready to isolate and hermit. I felt like it was just an excuse for me to no longer tell people, "I'm sorry; I can't go to your party. It's not because I'm trying to keep my life together right now while I wait, in limbo, for this process to complete. It's because of a global pandemic." It has been a really long road, and I am very grateful that people have continued to fight for this.

MPP Blais, thank you so much for everything you've done.

Joel Harden was wonderful, for giving us a voice.

Everybody here at the table today—I'm very grateful for the kind words and for people considering this and taking it seriously, because at times I have felt very demoralized by the system, especially at Queen's Park. Watching this die the last time, I was not hopeful that anything would change. So I'm very, very pleased to be wrong in that situation. And I really appreciate every-

thing you do. I know members work very hard, and I appreciate it.

Thank you very much for listening.

The Chair (Ms. Laurie Scott): MPP Blais.

Mr. Stephen Blais: That was a great way to finish.

I also want to say thank you very much. You've been working on this for six years. I've had the pleasure of getting to know you and work with you—"pleasure" is maybe not the right word—but the opportunity to work with you and Nancy over the last five years or so to advance this issue. We've not mentioned Victoria today, but she also was very courageous in coming forward and putting her name to it. I just want to thank you for sticking with it, informing us of the challenges, and relieving some of us of our guilt that I think a lot of us felt around the council table.

Hopefully, next month when we review amendments, we'll be able to make some tweaks to get it closer—I was mentioning to Minister Clark over lunch that I wish that our amendment process was closer to how city councils do things, in terms of the open flow of questioning and answers and things with staff there. Honestly, with this legislation in particular, where we're 98% or 99% in agreement—I think that would probably end up with a better solution than how we do amendments at Queen's Park. I think we'll have two more public hearings and then a pretty rigorous clause-by-clause in August. Hopefully, if things go well, we'll get this thing wrapped up and passed before Christmas and bring some resolution to this.

Ms. Stephanie Dobbs: I also want to thank everybody who came out today—yourself included. It doesn't always have to be everybody speaking in favour of things—that's how you find out if there are flaws and how to overcome them. I'm grateful that this process is taking place.

The Chair (Ms. Laurie Scott): Thank you very much to all the presenters today. It has been a long day, and I really appreciate everyone coming forward.

If you would like to submit any written materials to the committee in addition to your presentation, the deadline for written submissions is 2 p.m. on Monday, August 18, 2025.

There being no further business, this committee is adjourned until 10 a.m. on Thursday, July 24, 2025, in Whitby, Ontario.

The committee adjourned at 1655.

STANDING COMMITTEE ON HERITAGE, INFRASTRUCTURE AND CULTURAL POLICY

Chair / Présidente

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

First Vice-Chair / Premier Vice-Président

Mr. Guy Bourgouin (Mushkegowuk–James Bay / Mushkegowuk–Baie James ND)

Second Vice-Chair / Deuxième Vice-Président

MPP Tyler Watt (Nepean L)

Mr. Deepak Anand (Mississauga–Malton PC)

Mr. Aris Babikian (Scarborough–Agincourt PC)

Mr. Guy Bourgouin (Mushkegowuk–James Bay / Mushkegowuk–Baie James ND)

Mr. Hardeep Singh Grewal (Brampton East / Brampton-Est PC)

MPP Catherine McKenney (Ottawa Centre ND)

Mr. Amarjot Sandhu (Brampton West / Brampton-Ouest PC)

Mr. Brian Saunderson (Simcoe–Grey PC)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

MPP Tyler Watt (Nepean L)

Substitutions / Membres remplaçants

Mr. Stephen Blais (Orléans L)

Mr. Steve Clark (Leeds–Grenville–Thousand Islands and Rideau Lakes / Leeds–Grenville–Thousand Islands et Rideau Lakes PC)

Mr. Stéphane Sarrazin (Glengarry–Prescott–Russell PC)

Also taking part / Autres participants et participantes

M^{me} Lucille Collard (Ottawa–Vanier L)

Mr. John Fraser (Ottawa South / Ottawa-Sud L)

Clerk pro tem / Greffière par intérim

Ms. Vanessa Kattar

Staff / Personnel

Mr. Michael Vidoni, research officer,
Research Services