

# HALIFAX

P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 3**  
**Halifax Regional Council**  
**November 13, 2018**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:**

Original Signed by 

\_\_\_\_\_  
John Traves, QC., Director, Legal Municipal Clerk and External Affairs

Original Signed by 

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Jacques Dubé, Chief Administrative Officer

**DATE:** September 11, 2018

**SUBJECT:** Review of Code of Conduct for Elected Officials (Admin Order 52)

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## **INFORMATION REPORT**

### **ORIGIN**

On November 14, 2017 Council passed the following three motions:

That Regional Council request a staff report on a review of Administrative Order 52: Code of Conduct for Elected Officials to include, but not be limited to, consideration of:

Review section IV Member Responsibilities, specifically regarding 13. Interpersonal Behaviour and 14. Community Representation, to provide clear and unambiguous expectations.

Periodic review of Administrative Order 52 (i.e. every 4 years) for consideration of potential amendments

Ask the Province to provide an update of the 2016 request to initiate legislative changes to the HRM Charter allowing for the ability to censure Members of Council by remitting remuneration for violations to AO 52, Code of Conduct for Municipal Officials.

On March 27, 2018 Council passed the following motion:

That Halifax Regional Council motion to request a staff report and recommendations with respect to HRM entering into a retainer agreement with an External Consultant as set out in s. 19 of the Code of Conduct to:

1. Review and investigate, where an investigation is necessary, reported violations of the Code of Conduct;
2. Attempt to resolve reported violations with the parties involved where possible;
3. Where, after an investigation, the Consultant is of the view there is further action required provide a confidential report and recommendation to Council in respect of the matter; and

4. Maintain confidentiality with respect to the parties and issues raised in the reported violation.

#### **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter* (HRM Charter), clause 20(1)(b), “The Council may make policies ... (b) regulating its own proceedings and preserving order at meetings of the Council;”

Administrative Order 52, *Code of Conduct for Elected Officials*.

#### **BACKGROUND**

On March 24, 2009 Regional Council requested a report be provided on the adoption of the new UNSM Code of Ethics for elected officials. On May 26, 2009 Halifax Regional Council adopted the first version of the Code of Conduct for elected officials (Code). The Code was based on a template developed by the Union of Nova Scotia Municipalities (UNSM), and has been adopted by the majority of municipal units in Nova Scotia. The Code stated that Council would review, consider or take action concerning any violation of the Code that was referred to Council.

In 2011, Council requested a report outlining a procedural approach to the Code’s implementation, such as a third party integrity commissioner and reaffirming UNSM’s request for amendments to impose sanctions. On October 25, 2011, Council considered the matter including a report via the Executive Standing Committee that recommended referring complaints to a third-party Integrity Commissioner, who would be retained on an “as-required” basis. However, Council’s ability to impose sanctions was limited under the HRM Charter. The UNSM was working with municipal Councils at the time to petition the Province for greater corrective measures and enforcement powers, and accordingly Halifax Regional Council requested a legislative amendment that would permit it to develop and implement sanctions. By 2012, UNSM was unable to develop a consensus position among municipalities on sanctions and decided against pursuing the issue further. On August 6, 2013 Halifax Regional Council withdrew its legislative request until such time as UNSM was ready to proceed.

In 2013, Halifax Regional Council combined aspects of several policies regarding ethical conduct for both elected officials and staff, and adopted Administrative Order 52 in its current form, as an updated Code of Conduct for Elected Officials (current Code attached as Appendix I). This was done to eliminate confusion resulting from multiple policies governing the same thing, and updating it to reflect appropriate organizational structure. The new Code (Admin Order 52) applied only to elected officials, and a separate policy was adopted by the CAO for staff. Admin Order 52 is still in effect, while a new a Code of Conduct for Municipal Employees has been approved by the CAO and has been in effect since July 1, 2018.

Admin Order 52 establishes high-level guidelines for professional conduct for municipal elected officials, such as integrity, honesty, objectivity, accountability and leadership. Upon election, officials must review and sign the Code within seven days. Member responsibilities include observation of a high standard of morality, respect for colleagues and decisions of Council. The Code also governs release of confidential information and conflict of interest provisions.

The amendments to the Code adopted by Council in 2013 added section 19 on “Corrective Action” which sets out the process to deal with complaints and lists potential sanctions. Corrective action may include censure, an apology to those impacted, counselling, and suspending membership from committees of Council.

On September 20, 2016 Council again reviewed the Code of Conduct investigation process. It adopted a self-governing model for dealing with complaints rather than the third-party Integrity Commissioner, given that such a Commissioner had never been utilized as Council was waiting on increased powers for corrective action. The self-governing model is the *de facto* approach Council has taken since 2011, and the September 20, 2016 motion established it as Council’s official investigative process. Under this process, Council will receive and consider complaints under the Code of Conduct at an in-camera meeting to

determine whether they have merit. If so, Council may proceed with an investigation, refer the issue to a consultant, and/or impose a corrective action. Throughout the process Council owes the subject member a duty of procedural fairness, including the right to respond to the complaint and make representations to Council before Council makes a decision. This is explained in greater detail in the August 23, 2016 staff report that was before Council at the September 20, 2016 meeting.<sup>1</sup>

Many municipalities across Nova Scotia and Canada have considered the issues of regulating conduct and social media use. The Association of Municipal Administrators of Nova Scotia (AMANS) has undertaken extensive policy research on codes of conduct in other provinces and worked with the Provincial government as it considers requirements for Nova Scotian municipalities.

## **DISCUSSION**

Six other provinces require municipalities to adopt codes of conduct (PEI, Quebec, Ontario, Manitoba, Saskatchewan and Alberta). They each say municipal codes must meet minimum standards prescribed in legislation, meaning they must address certain issues. These issues generally include conflicts of interest, handling confidential information, influence and lobbying, and use of municipal assets. Legislation includes requirements for respectful conduct, honesty and integrity, but these are general statements, not prescriptive guidelines.

### **Interpersonal Behaviour and Community Representation**

Municipal Codes of Conduct tend to have more specific statements around interpersonal behavior than provincial legislative requirements. For instance, Vancouver, Calgary Winnipeg and Toronto speak of courteous conduct, respect, and avoiding bullying, abuse, intimidation, and racial and sexist terms. Some municipal codes recognize the role of social media as a tool for communicating with the public, but best practices for utilizing it are still evolving. The most common reference in municipal Codes is that personal and professional social media accounts should be separate, and that elected officials may not use city-funded social media resources to campaign during elections. Toronto has developed more robust social media guidelines to assist elected officials in using social media in accordance with the Code of Conduct (Appendix 2: Use of Social Media by Members of Council, City of Toronto). It includes a clause on interpersonal behavior that states social media must not be used to bully, flame, shame or otherwise attack the public, municipal staff or other elected officials.

Toronto's guidelines reference the benefits of social media in communicating directly and interactively with the residents. They also acknowledge how social media blends the professional and personal, and that use of a member's title in social media platforms provides legitimacy and influence. Therefore certain scenarios are not permitted from accounts that use municipal contact details (eg, email addresses) for registration or identify members as Councillors. These scenarios are:

- Content that promotes or appears to promote any third-party interest including events, products, services, or goods; or
- Content that promotes or appears to promote any candidate or political party in any election at the municipal, federal or provincial level, including leadership campaigns.

Recognizing, however, that elected officials regularly participate in events and activities and use social media to publicize them, the guidelines include a caveat that members may periodically post voluntary and unsolicited content that:

- Raises awareness of local events and activities;
- Raises awareness of federal and provincial government programs;

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<sup>1</sup> <http://legacycontent.halifax.ca/council/agendasc/documents/160920ca1441.pdf>

- Publicizes the member's attendance at a ceremony, event or activity that is otherwise permissible under the Code of Conduct; or,
- Publicizes the member's interactions with constituents, including local businesses.

There is a growing awareness of the benefits of social media use in communicating with residents, and many municipalities are adopting guidelines for staff use. Standard practice is to establish a separate account for municipal business, which provides clarity for residents when discussing municipal issues and allows elected officials to engage in personal conversations on their non-official accounts. HRM's current Code of Conduct for Elected Officials has a clause prohibiting the use of public property for personal convenience or profit which extends to phones and laptops, and could be updated to include a reference to professional social media accounts. The current Interpersonal Behaviour provisions would also apply to social media use on professional accounts.

### Complaints Process

Each province delegates authority for handling complaints to individual municipalities. Councils establish their own procedures, policies and rules. In most cases it is up to individual Councils to determine what constitutes a breach of the Code of Conduct, in line with HRM's self-governing process. Ontario is the exception, with legislation that mandates municipalities to have an Integrity Commissioner: a neutral, independent officer to provide advice, complaint resolution and education to City Councillors on the City's Codes of Conduct, and other by-laws, policies and legislation governing ethical behavior. The Integrity Commissioner has three core functions:

- Advisory – provide confidential written and oral advice on questions and situations related to the Code of Conduct, Conflict of Interest Act, and other policies governing ethical behavior.
- Investigative – receive complaints about breaches of the Code of Conduct, undertake the investigation, and recommend penalties for Council to impose.
- Education – deliver training and educational programs to members of Council and staff.

Ontario's municipalities either appoint an Integrity Commissioner for a time-limited term, hold one on retainer with a set hourly rate, or hire one as needed. A scan of 15 municipalities found that Toronto, Vaughan, Brampton and Mississauga hire Commissioners directly, with annual costs ranging from \$100,000 to \$471,000. Other municipalities hold Commissioners on retainer, with costs ranging from \$1000 to \$25,000 annually plus hourly rates. Integrity Commissioners provide advice and recommendations to Councils, who have the final say over any decisions or sanctions.

As noted above, municipalities in the other five provinces that require municipalities to adopt codes of conduct, give Councils the responsibility to determine processes around complaint investigations. However provincial legislation sets out the sanctions that Councils are able to impose in the case of a breach. These sanctions are laid out in the table below:

Alberta	Reprimand; Issuing letter of apology; Requirement to attend training; Reducing or suspending remuneration; Suspension or removal from committees; Suspension or removal as chief or deputy chief elected official.
Saskatchewan	No sanctions set in legislation, however Council may suspend, fine, reprimand and/or remove Councillors from committees
Manitoba	Censure by Council
Ontario	Reprimand; Suspension of remuneration for up to 90 days.
Quebec	Reprimand;

	Reimbursement of any gift, hospitality or benefit received in violation of the Code (or value of same); Reimbursement of all sums received while the violation continued; Suspension for up to 90 days.
Prince Edward Island	Code must provide sanctions for breaches, and may include a fine of not more than \$500.

### Nova Scotia – Next Steps

The Nova Scotia Federation of Municipalities (NSFM) is developing a working paper with recommendations for the Provincial government which will include the process to address inappropriate behavior and complaints, as well as consideration of the Integrity Commissioner concept. The AMANS and NSFM work is expected to be complete within six months. Given that the working paper recommendations will include potential legislative changes and possible financial implications, HRM staff propose waiting for the final paper before recommending changes to the HRM Code of Conduct and the complaints process.

Council's request for the ability to remit remuneration as a potential sanction remains outstanding. Four of the six provinces with municipal Code of Conduct legislation have this power. Such an authority would be used at Council's discretion, either on the advice of an Integrity Commissioner/investigator or by its own motion. It would align Nova Scotia with the powers set out in most other provinces outlined above.

### Update on the 2016 Request for Legislative Changes

As part of the September 2016 motion, Council revived its request for legislative change for the ability to censure members of Council, specifically by remitting remuneration. This request was sent to the Minister of Municipal Affairs, and was one of the issues considered by the Joint Municipal Accountability and Transparency Committee (JMAT) in 2017, which made recommendations to the Department of Municipal Affairs on ways municipal governments could strengthen transparency and accountability. While the committee focused mainly on expense policies and reporting, JMAT made two recommendations on a Code of Conduct:

- Amend the *Municipal Government Act* (MGA) and HRM Charter to require all municipalities in Nova Scotia to have a Code of Conduct for elected officials, including minimum content and consequences if breached. Compliance with the expense policy must be part of the Code of Conduct; and
- Develop a formal process for municipal council and staff to report complaints

JMAT agreed that codes of conduct must include penalty provisions and that a process is needed to handle violations, however, the Committee felt it was out of scope to develop details around how a complaint process would be structured. The two Code of Conduct recommendations were passed by the Province in fall 2017 (2017 S.N.S., c.13) but have not yet been proclaimed law. Once they are proclaimed, they will be added to the HRM Charter and the MGA; however, Council's request for the power to remit remuneration is still outstanding.

HRM's Code of Conduct, adopted prior to the proposed provincial legislation, goes beyond the minimum requirement and addresses expected standards of conduct, treatment of confidential information, gifts, conflict of interest, and use of public property.

### **FINANCIAL IMPLICATIONS**

None.

**COMMUNITY ENGAGEMENT**

None.

**ATTACHMENTS**

Appendix 1: Administrative Order 52: Code of Conduct for Elected Municipal Officials  
Appendix 2: Use of Social Media by Members of Council, City of Toronto

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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**HALIFAX REGIONAL MUNICIPALITY  
ADMINISTRATIVE ORDER 52  
CODE OF CONDUCT  
FOR  
ELECTED MUNICIPAL OFFICIALS**

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** of the Council of the Halifax Regional Municipality as follows:

**I. SHORT TITLE**

1. This Administrative Order may be cited as Administrative Order 52, the *Code of Conduct for Elected Officials*.

**IA. PURPOSE**

2. The public expects the highest standards of professional conduct from Members elected to local government. The purpose of this Code is to establish guidelines for the ethical and interpersonal conduct of Members of Council (“Members”). Council is answerable to the community through democratic processes and this Code will assist in providing for the good government of the Halifax Regional Municipality.

**II. STANDARDS OF CONDUCT**

3. Members shall uphold the law and at all times:

(a) Seek to advance the common good of the municipality as a whole while conscientiously representing the communities they serve.

(b) Perform the functions of office truly, faithfully and impartially to the best of their knowledge and ability in accordance with the following core values:

(i) **Integrity** – giving the municipality’s interests absolute priority over private individual interests;

(ii) **Honesty** – being truthful and open;

(iii) **Objectivity** – making decisions based on a careful and fair analysis of the facts;

(iv) **Accountability** – being accountable to each other and the public for decisions taken;

(v) **Leadership** – confronting challenges and providing direction on the issues of the day.

(c) Uphold this Code as a means of promoting the standards of behaviour expected of members and enhancing the credibility and integrity of Council in the broader community.

### **III. COUNCIL RESPONSIBILITIES**

4. The Council (or its designated committee) will:

(a) review the Halifax Regional Municipality's Code of Conduct for Elected Officials as required and make any amendments considered appropriate.

(b) review, consider or take other action concerning any violation of this Code of Conduct which is referred to Council for consideration.

(c) where there is any conflict between this Code of Conduct and the requirements of any statute of the provincial or federal government, provincial or federal statutes shall take precedence.

### **IV. MEMBER RESPONSIBILITIES**

#### ***Conduct to be Observed***

5. Members are agents of the public whose primary objective is to address the needs of the citizens. As such, they're entrusted with upholding and adhering to the by-laws of the municipality as well as all applicable provincial and federal laws. As public servants, Members must observe a high standard of morality in the conduct of their official duties and faithfully fulfill the responsibilities of their offices, regardless of their personal or financial interests.

#### ***Dedicated Service***

6. All Members should faithfully work towards developing programs to address the needs of the citizens in the course of their duties. Members should strive to perform at a level which is expected of those who work in the public's interest.

#### ***Respect for Decision-Making Process***

7. All Members recognize the responsibility of the Mayor to accurately communicate the Decisions of the Council, even if they disagree with such decisions, such that respect for the decision-making processes of Council is fostered.

#### ***Conduct at Meetings***

8. Members shall respect the chair, colleagues, staff and members of the public present during Council meetings or other proceedings of the municipality. Meetings shall provide an environment for transparent and healthy debate on matters requiring decision-making.

#### ***Release of Confidential Information Prohibited***

9. No Member shall disclose or release to any member of the public any confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the municipality to do so. Nor shall Members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

#### ***Gifts and Benefits***

10. No Member shall show favouritism or bias toward any vendor, contractor or others doing

business with the municipality. Members are prohibited from accepting gifts or favours from any vendor, contractor or others doing business with the Municipality personally, or through a family member or friend, which could give rise to a reasonable suspicion of influence to show favour or disadvantage to any individual or organization.

#### ***Use of Public Property***

11. No Member shall request or permit the use of municipal-owned vehicles, equipment, materials, or property for personal convenience or profit, except where such privileges are granted to the general public. Members shall ensure that the business of the municipality is conducted with efficiency and shall avoid waste, abuse and extravagance in the provision or use of municipal resource.

#### ***Obligations to Citizens***

12. No Member shall grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.

#### ***Interpersonal Behaviour***

13. Members shall treat every person, including other Members, corporate employees, individuals providing services on a contract for service, and the public with dignity, understanding and respect and ensure that their work environment is free from discrimination, bullying and harassment.

#### ***Community Representation***

14. Members shall observe a high standard of professionalism when representing the municipality and in their dealings with members of the broader community.

### **V. GOOD GOVERNANCE**

15. Members accept that effective governance of the municipality is critical to ensuring that decision are taken in the best interests of all stakeholders and to enable the municipality to function as a good corporate citizen.

### **VI. GOVERNMENT RELATIONSHIPS**

16. Members recognize the importance of working constructively with other levels of government and organizations in Nova Scotia and beyond to achieve the goals of the municipality.

### **VII. CONFLICT OF INTEREST AVOIDANCE**

17. Members are committed to making decision impartially and in the best interests of the municipality and recognize the importance of fully observing the requirements of the *Municipal Conflict of Interest Act*, R.S.N.S. 1989, c. 229 with regard to the disclosure and avoidance of conflicts of interest.

### **VIII. REPORTING BREACHES**

18. Persons who have reason to believe that this Code has ben breached in any way are encouraged to bring their concerns forward. No adverse action shall be taken against any Member or municipal employee, who, acting in good faith, brings forward such information.

**IX. CORRECTIVE ACTION**

19. Any reported violations of this Code will be subject to an investigation by Council. Council may retain an external consultant or panel with relevant experience to conduct an investigation and provide a report and recommendation to Council. If an investigation finds a Member has breached a provision of this Code, Council may take corrective action which may include censure of the Member, an apology to those affected by the breach, counselling, and withdrawal of appointment from any committee of Council.

**X. COMPLIANCE WITH CODE**

20. Members acknowledge the importance of the principles contained in this Code which will be self-regulated by Council. Councillors are required to sign a “Statement of Commitment to the Code” (Attachment A) within seven (7) days of taking the Councillors’ oath pursuant to section 147 of the *Municipal Elections Act*, R.S.N.S. 1989, c. 300.

**XI. OVERALL RESPONSIBILITIES**

21. The Halifax Regional Municipality Code of conduct for elected Municipal Officials applies to all members of Council.

Done and passed in Council this 23<sup>rd</sup> day of July, 2013.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

I, Cathy Mellett, Municipal Clerk of Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on July 23, 2013.

\_\_\_\_\_  
Cathy Mellett, Municipal Clerk

**ATTACHMENT A**

**STATEMENT OF COMMITMENT TO THE ELECTED OFFICIALS CODE OF  
CONDUCT  
OF THE HALIFAX REGIONAL MUNICIPALITY**

I, (Full Name) \_\_\_\_\_ declare that as a member of **HALIFAX REGIONAL COUNCIL** acknowledge and support the elected official's Code of Conduct.

Signed: \_\_\_\_\_

Declared this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

Before me:

\_\_\_\_\_  
**Municipal Clerk**

Approval:

July 23, 2013

## Use of Social Media by Members of Council

### Purpose of the Bulletin

1. The purpose of this Interpretation Bulletin is to clarify how the Code of Conduct for Members of Council (the "Code of Conduct") guides a member's use of social media.
2. Failure to follow the guidance set out in this Interpretation Bulletin could lead to a finding that a member has contravened the Code of Conduct. Members can seek confidential advice from the Integrity Commissioner with respect to specific situations that may arise.
3. The Bulletin also includes example scenarios that are intended to assist members, their staff, and the public to understand how the Code of Conduct will be interpreted in relation to social media use. Members should seek individual, fact-specific advice to address their questions or concerns.

### Definition of Social Media

4. Social Media refers to freely accessible, third-party hosted, interactive Internet technologies used to produce, post and interact through text, images, video, and audio to inform, share, promote, collaborate or network. A non-exhaustive list of examples of social media in use in April 2016 include: Twitter, Facebook, Instagram, Snapchat, YouTube and LinkedIn.
5. Common features of social media are: accounts can be acquired at no cost; and, content is by default public and permanent.

### Articles of the Code of Conduct

6. Use of social media has the potential to engage all parts of the Code of Conduct, and in particular:
  - a. Preamble
  - b. Article II (Statutory Provisions Regulating Conduct)
  - c. Article IV (Gifts and Benefits)

- d. Article V (Confidential Information)
- e. Article VI (Use of City Property, Services and Other Resources)
- f. Article VII (Election Campaign Work)
- g. Article VIII (Improper Use of Influence)
- h. Article XI (Conduct at Council and Committee Meetings)
- i. Article XII (Conduct Respecting Staff)
- j. Article XIV (Discreditable Conduct)
- k. Article XV (Failure to Adhere to Council Policies and Procedures)

## Relevant Legislation and Policies

- 7. Use of social media has the potential to engage provincial legislation and City policies, including:
  - a. *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched. (as amended)
  - b. *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50
  - c. City of Toronto *Policy on Use of City Resources during an Election* (as amended)
  - d. City of Toronto *Constituency Services and Office Budget Policy* (as amended)
  - e. City of Toronto *Corporate Identity Program* (as amended)

## Principles

- 8. Social media provides members with a valuable and convenient tool to communicate, inform and engage Torontonians about City Council work and members' activities to represent and advocate for ward interests. Social media allows for efficient and direct engagement between members and Torontonians. When used in accordance with the Code of Conduct, social media enables members to showcase their diligent and conscientious service to their constituents and can help to improve trust and confidence in City Council and the City of Toronto.
- 9. Successful social media use requires authenticity, interactivity and a blending of the personal with the professional.
- 10. As with any other activity, members of Council must ensure that their use of social media is mindful of, and consistent with, the Code of Conduct and City policies.
- 11. Use of a member's title in a social media profile provides legitimacy – from the perspective of social media providers and the public – and authority and influence similar to use of letterhead or other incidents of office. A member's title can only be used for City purposes and not for campaign purposes.

12. Social media use is not completely "cost-free." City logos, staff, volunteers assisting with council office work, computers, smart phones, services and email accounts are City resources and can only be used for City purposes and certainly not for campaign purposes.
13. Consumers of social media control whether to follow, friend or connect with members on social media.

## Guidance

### **Use of Title, City Property, Services and Other Resources, and Influence of Office**

14. Articles VI, VII and VIII of the Code of Conduct impose limitations on how a member uses City resources, including the member's title and influence of office.
15. Subject to the considerations in paragraph 17, a member must not post the following content using any social media account that, at the time of posting, is identified as a member's social media account or uses publicly-funded resources:
  - a. content that promotes or appears to promote any third-party interest including events, products, services, or goods; or
  - b. content that promotes or appears to promote any candidate or political party in any election at the municipal, federal or provincial level, including leadership campaigns.
16. A social media account is "identified as a member's social media account" or one that "uses publicly-funded resources" within the meaning of paragraph 15 if it:
  - a. uses any toronto.ca email address as a point of contact for registration purposes;
  - b. identifies the member as a current member of Toronto City Council in the handle name, the user name or the profile description;
  - c. is publicized on the member's constituency website or the City of Toronto's contact page for members of Council;
  - d. is publicized on business cards, newsletters or other publications eligible to be paid for out of the *Constituency Services and Office Budget* for the duration of the currency of the publication;
  - e. uses the logo or any other proprietary mark of the City of Toronto;
  - f. contains contact information for the member at City Hall, a ward constituency office or any other official contact information;
  - g. is managed using City of Toronto resources including computers, smart phones, or tablets; or
  - h. is managed or maintained by City staff, the member's staff or volunteers, or using services eligible to be paid for out of the *Constituency Services and Office Budget*.
17. It is acknowledged that as a part of their representative duties, members regularly participate and engage in local events and activities with constituents,

including local businesses, and members will use social media to publicize these kinds of activities. Members also use social media to inform residents about federal, provincial, and City programs. A member may therefore post the following types of content as long as it is occasional, voluntary, unsolicited and otherwise in accordance with the Code of Conduct:

- a. content that raises awareness of local events and activities;
- b. content that raises awareness of federal and provincial government programs;
- c. content that publicizes the member's attendance at a ceremony, event or activity that is otherwise permissible under the Code of Conduct; or,
- d. content that publicizes the member's interactions with constituents, including local businesses.

18. Members should exercise caution and seek specific advice from the Integrity Commissioner to determine whether the content meets the criteria in paragraph 17.

### **Specific Election Year Requirements**

19. To comply with the *Municipal Elections Act, 1996*, the Code of Conduct and the City's *Policy on Use of City Resources During an Election*, members must take affirmative steps to clearly distinguish between use of social media for personal or election purposes on the one hand, and use of social media in his or her capacity as a City official on the other. To take such affirmative steps members must adopt one of the following two approaches:

- a. *Maintaining Separate Election Accounts.* Establish separate and distinct social media accounts for re-election purposes that are clearly labelled as election accounts and that are not "identified as a member's account" or one that "uses publicly-funded resources" within the meaning of this Bulletin. Members who establish separate and distinct social media accounts for re-election purposes may continue to use social media accounts described in paragraph 16 of this Bulletin throughout the "election campaign period" as defined in s. 88.24 of the *Municipal Elections Act, 1996*.
- b. *Maintaining a Single Account Subject to Restricted Use.* Members who choose not to maintain separate and distinct election accounts and who intend to use a social media account that has ever been "identified as a member's social media account" or "used publicly-funded resources" within the meaning of this Bulletin for any purpose relating to their re-election must (as applicable):
  - i. on May 1 of the election year until the end of the "election campaign period" defined in s. 88.24 of the *Municipal Elections Act, 1996*,

1. cease producing and distributing any publication, including business cards, that includes account information (i.e. user names, handle names) for the social media account;
- ii. for the duration of the "election campaign period" as defined in s. 88.24 of the *Municipal Elections Act, 1996*:
  1. remove any reference to the City of Toronto, the City logos or images proprietary to the City of Toronto, and reference to the member's title from the account handle name, the user name, or the profile description;
  2. ensure that the account's registration information does not include any toronto.ca email addresses or City of Toronto phone numbers;
  3. remove all reference to the account from the member's website or the City of Toronto website;
  4. formally inform staff and volunteers who previously had a role with respect to managing a social media account that no City resources whatsoever, including computers, devices and staff, may be used to maintain the account and proactively monitor staff and volunteers to ensure that no such actions are taken, and,
  5. expressly notify followers or friends on the social media platform that the account will be used for purposes related to re-election, provide an alternative source of information for followers interested in constituency services, and label the account appropriately.

#### **Confidential Information & *In Camera* Meetings (Article V and Article XI)**

20. The Code of Conduct prohibits members from disclosing or releasing confidential information acquired by virtue of their office. Members must not post content on social media that discloses information or conduct during *in camera* or other confidential meetings. Due to the immediacy of social media and its ease of access on smart phones or computers, members should not use social media in any form during *in camera* or other confidential meetings.

#### **Respecting Staff (Article XII)**

21. The Code of Conduct requires members to be respectful of the role of staff to provide professional and politically neutral advice. Members should not use social media to engage in criticism of City staff. The public nature of social media can increase the risk of harming the professional and ethical reputation of City staff.

#### **Respecting Each Other and the Public (Article XIV)**

22. Just as Torontonians expect members of Council to maintain decorum at City Hall, they also expect members to act with decorum on social media. Members must never use social media as a platform to treat members of the public, one

another, or staff without respect. Members should not engage in or encourage bullying, flaming, or shaming of any other social media users. These types of interactions on social media misplace the focus of the interaction on attacking individuals rather than engaging in constructive discussion or debate. This manner of communication is inconsistent with the Code of Conduct and unbecoming of the office that members hold.

## Further Information

This interpretation bulletin is intended to provide general information. To rely on the advice of the Integrity Commissioner with respect to specific situations, members of Council must seek written advice consistent with the provisions of Article XVII of the Code of Conduct.

If you have any questions, please contact:

Office of the Integrity Commissioner  
City of Toronto  
375 University Avenue, Suite 202  
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## Examples for Interpretation Bulletin: Use of Social Media by Members of Council

*A member of Toronto City Council is a frequent user of Twitter. She regularly tweets about City business, her activities in the ward, and about her family. Her Twitter biography identifies her as a councillor and her constituency website includes her Twitter handle. The member drops by a local café in her ward, as she often does, and picks up a scone on her way to work. The member tweets a picture of the scone with the text, "looking forward to breakfast from the [name of the café]". The member is not offered any compensation or benefit for the tweet and she has no ownership interest in the café. The café does not have any issue or interest with the City.*

This is an acceptable, occasional use of Twitter. Regular promotion of third party interests may increase the perception that a member is improperly using the influence of the member's office to benefit the third parties. Although the tweet is a form of promotion of a local business, it is acceptable in this case. The activity is consistent with the member's ordinary Twitter use of sharing information about her personal life, she has not been asked or compensated through payment or any gift to tweet information about the café. The member has no conflict of interest and has nothing to benefit or gain from the tweet.

*As part of a public relations campaign to launch a new local business, a business writes to the local councillor to request that she tweet the announcement about the opening of the business. The Councillor is identified as a City councillor in her Twitter bio and her staff are assigned to help the Councillor manage the Twitter account. Can the Councillor tweet this information?*

No, this is not an acceptable use of the Councillor's Twitter feed. While there are many benefits of social media, social media is also a vehicle to drive commercial gain. The Councillor must be careful not to lend her title to the cause of promoting this third party interest. This circumstance is different from the coffee shop example above because in this case, the business solicited the tweet, and it was not part of the member's ordinary Twitter use.

*A deputy mayor attends the opening of the headquarters of a multi-national company that recently moved its office to Toronto and, on behalf of the Mayor and Council, has been asked to make remarks at the opening. The deputy mayor has a Twitter account that identifies himself as the deputy mayor. He tweets a picture of himself making the*

*remarks with the caption, "Welcome to Toronto!" The picture includes the company's logo. Is this an acceptable use?*

The member's attendance at the event is acceptable in accordance with the Code of Conduct and the tweet was organic, not solicited as part of a broader commercial campaign to promote the company. Although the tweet is a form of promotion, it is acceptable for him to tweet about the event in the manner that he did because it was merely a publication of the deputy mayor performing his legitimate duties for Council.

*A not-for-profit agency within the member's ward asks a member to re-tweet a link to a webpage advertising an upcoming fundraising event. The agency offers the member a ticket in return for the tweet. The member does not use any City resources for her Twitter account, including a City phone and computer, and she does not indicate that she is a councillor in her profile or handle, but she has a large following.*

Without the offer of the ticket, the member would have been free to publicize the community event using social media. The agency's offer of the ticket in exchange for the tweet, however, engages Article IV of the Code of Conduct (Gifts and Benefits) and has compromised the situation. The member should refuse the ticket and decline to retweet the event.

*A member has established a Snapchat account without using any City resources. He wants to use the platform to give his followers an insider's look at the work in his Office. The member uses Snapchat to create a ten second video of his view from his desk. Without realizing it, the member includes a copy of the front page of a confidential report going to City Council.*

By publishing this photo the member has contravened Article V (Confidential Information) of the Code of Conduct. However fleeting the publication on Snapchat,<sup>1</sup> the image could be saved and stored. Members are reminded that content on social media is by default public and permanent, even where there are attempts to subsequently delete the information.

*A member is involved in a federal election and is volunteering his time to door knock for a particular candidate. The member takes a picture of himself and the candidate using his City phone and uses his City phone to publish a status update on Facebook with the picture. The Facebook account used by the member does not identify him as a councillor so his only use of resources is the City phone.*

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<sup>1</sup> Snapchat allows users to share photos and videos and to set the amount of time the image can be viewed. After the length of time expires, the image becomes inaccessible and is not saved on the platform.

This is not a permitted use of a City resource. The Code of Conduct, the *Municipal Elections Act, 1996*, and the *Policy on Use of City Resources during an Election* prohibit the use of any City resource to support any candidate.

*A member has a Twitter account with the handle @CouncillorJoeSmith. His profile does not indicate that he is a City councillor but the Twitter handle is published on his business card. He wishes to convert this account to a campaign account for the 2018 election. Can he keep the same handle? What other steps must he take?*

Councillor Smith's best approach would be to establish a separate account solely for the purpose of the election that would remain dormant outside of the election campaign period.

However, if he wishes to use the existing “@CouncillorJoeSmith” account as a campaign account for the election campaign period, he must follow the guidance in paragraph 19(b) of this Interpretation Bulletin. This means that Councillor Smith must:

- on or before May 1, 2018, cease producing and distributing any business card with the “@CouncillorJoeSmith” Twitter handle on it, and,
  
- on or before the date he files nomination papers: change the handle to eliminate the reference to "councillor", ensure that his toronto.ca email is not used as a point of contact for his account, expressly notify his Twitter followers that the account will be used for purposes related to the election, and provide an alternative source for information for followers interested only in constituency services.

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