



# PROVISIONS

## Political Activity

*Human Resources*

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### BACKGROUND

The 519 is committed to ensuring that our employees meet the highest standards of the Public Service. The Centre provides Human Resources policy and operating frameworks to ensure that employees are able to effectively undertake their role as Public and Community Servants.

### POLICY STATEMENT

The City recognizes the right of employees of The 519 to participate in political activity balanced against the City's legitimate interest in having a public service that both is and appears to be impartial. All public servants have the fundamental right to vote and attend all-candidates meetings.

The political activity By-law provisions set out restrictions on the use of organizational resources while engaging in political activity and while at work; and establish requirements employees when they seek appointment or election to public office. These provisions also set out limitations for some public servants.

The political activity provisions address the need for a balance between an employees' right to engage in political activity and the requirement for the public service to be politically impartial.

### DEFINITIONS

Political activity includes:

- supporting or opposing a political party and/or candidate before or during an election;
- seeking nomination or being a candidate in an election;
- seeking appointment to a municipal council or school board; or
- canvassing or campaigning on a Toronto municipal referendum question.

Political activity is applicable to municipal, school board, provincial and federal elections and Toronto municipal referendum questions.

## APPLICATION

Employees of The 519

### Right to Engage

Employees are entitled to vote and attend all-candidate meetings and engage in political activity subject to the political activity provisions

### Prohibited Political Activities

Employees of The 519 will not:

- Use organizational resources, including facilities, equipment or supplies while engaging in political activity.
- Engage in political activity during working hours.
- Engage in political activity while wearing clothing associated with the organization.
- Wear clothing or buttons that advertise any candidate, political party or referendum issue while at work
- Use their title or position within the organization in a way that would lead a member of the public to infer that the organization is endorsing a candidate, political party or a particular response to a referendum question.

### Designated Positions

The following City and Agency positions are "Designated Employees" and have limitations on the political activity they may engage in:

- City Manager
- City Solicitor
- Deputy City Managers
- City Clerk and staff that support the City Clerk to administer a Toronto election
- Division Heads
- Agency Heads of Large and Small Agencies
- Designated Directors and Similar Positions
- Employees who routinely provide governance and procedural advice directly to City Council, Agency Boards and their Committees or in the operation of the Office of the Mayor and Members' Offices;
- Employees responsible to enforce Article II, Election Signs of Toronto Municipal Code Chapter 693, Signs;
- Employees who prosecute City by-laws or Provincial statutes; and
- Employees that support the City Clerk in the administration

of a Toronto election or referendum question.

The City Manager, Deputy City Managers, City Solicitor, City Clerk and Elections staff may not engage in political activity in any election.

Division Heads and Heads of Large Agencies are permitted to run for elected office, seek appointment to a municipal council or school board, be a member of a political party, and contribute to a candidate (except in a Toronto municipal election). These positions are restricted from campaigning or canvassing for a political party or candidate before or during municipal, provincial and federal elections or related to a Toronto referendum question.

Heads of Small Agencies, Designated Directors and Similar Positions, employees who routinely provide governance and procedural advice directly to City Council, Agency Boards and their Committees or in the operation of the Office of the Mayor and Members' Offices, employees responsible for enforcing Article II, Election Signs of Toronto Municipal Code Chapter 693, Signs, and employees who prosecute City by-laws or Provincial statutes are restricted from campaigning or canvassing to support or oppose a candidate before or during a Toronto municipal election or campaigning or canvassing on a Toronto referendum question.

Employees that support the City Clerk in the administration of a Toronto election or referendum question may not engage in political activity in the Toronto election that they are working.

Employees Not Designated

Where employees not identified as 'Designated Employees' in the above section are uncertain of whether intended political activity may impair or be perceived to impair their ability to perform their duties in a politically impartial manner, they are required to disclose such political activity and seek guidance from their Manager, Human Resources, or Executive Director

Seeking Election or Appointment to Political Office

Employees may seek election or appointment to political office, subject to the requirements set out below.

#### A. Employees Seeking Election to Toronto City Council

An employee is eligible to be a candidate for and to be elected as a member of Toronto City Council. In accordance with the *Municipal Elections Act, 1996*, an employee:

- Must take an unpaid leave of absence to become a candidate for Toronto City Council. The leave will begin on the day the employee files their nomination papers and will

end on voting day.

- Must provide written notice, in advance, of their intention to take unpaid leave pursuant to City or Agency procedures.
- Is entitled to be paid out any vacation pay or overtime pay owing during the period of the unpaid leave of absence.

If the employee who takes a leave of absence is not elected, the leave will not be counted in determining the length of their service for any purpose and the service before and after the leave shall be deemed to be continuous for all purposes.

#### B. Employees Seeking Appointment to Toronto City Council

An employee is eligible to seek appointment to and be appointed as a member of Toronto City Council. Any employee seeking appointment must:

- Take an unpaid leave of absence. The leave will begin on the day the employee files their declaration of qualification and consent papers with the City Clerk and will end when City Council determines who will be appointed.
- Provide written notice, as soon as reasonably possible, of their intention to take unpaid leave to seek appointment pursuant to organizational procedures.

If the employee is elected or appointed to Toronto City Council, they will be deemed to have resigned from employment with the City or Agency immediately before making the declaration of office referred to in section 186 of the *City of Toronto Act, 2006*.

#### C. Employees Seeking Election or Appointment to Other Municipal Councils or School Boards

An employee is eligible to be a candidate for and to be elected as a member of any municipal council or school board or seek appointment to and to be appointed as a member of any municipal council or school board.

To become a candidate or seek appointment, an employee may take an unpaid leave of absence. If the employee intends to take unpaid leave, they must provide written notice to request an unpaid leave pursuant to organizational procedures.

If an employee is elected or appointed to another municipal council or school board, the employee is not required to resign,

but is subject to the *Conflict of Interest* policy, other applicable employment policies and performance expectations.

D. Employees Seeking Election to Provincial and Federal Office

An employee is eligible to be a candidate for and to be elected as a member of Provincial legislature or Federal parliament. To become a candidate, an employee must take an unpaid leave of absence and provide written notice to request an unpaid leave pursuant to organizational procedures.

If an employee is elected to provincial or federal office, they shall be deemed to have resigned from employment with the organization.

Use of Corporate Resources

An employee who is on a leave of absence while seeking election or appointment to any elected office cannot use any organizational resources during that time or act in a manner that could reasonably give rise to a presumption that they are using organizational resources during the leave period. All access to City or Agency resources, including voice-mail and computer access will be temporarily disabled during the employee's leave.

Employee Time to Vote

The organization will ensure that every employee who is qualified to vote will have three consecutive hours available to vote while the polls are open on election day.

Seeking Guidance and Advice

If an employee is unsure about the appropriateness of their participation in political activity, they should consult with their manager, Human Resources, or the Executive Director.

Failure to Comply with the Policy

An employee who fails to comply with the political activity provisions may be subject to disciplinary action up to and including dismissal.

APPROVED BY

City of Toronto

HR Policy Committee

519 Board of Management

DATE APPROVED

October 22, 2015

REVISED

n/a

RELATED INFORMATION

*City of Toronto Policy on Use of City Resources during an Election*  
(adopted by City Council July 11, 2012)

Conflict of Interest provisions

RELATED LINKS

*(EXTERNAL)*