

Toronto Public Service By-law

Toronto Public Service By-law (TPS By-law)

In June 2014 City Council adopted The Toronto Public Service By-law (TPS By-law). It is in-effect as of **December 31st, 2015**.

The TPS By-law is Chapter 192 of Toronto's Municipal Code:

- Strengthens the separation between the administrative and political components of Toronto's government
- Advances Toronto's public service as professional, impartial and ethical
- Provides guidance to members of the public service:
 - Their rights and responsibilities for ethical matters related to conflict of interest and political activity
 - Their rights and responsibilities to disclose suspected wrongdoing and the protection they have from reprisal for making such disclosures in good faith.

Components of the TPS By-law

The TPS By-law includes:

- Objectives
- Public Service Values
- Authorities, Responsibilities and Requirements for Human Resources
- Conflict of Interest provisions
- Political Activity provisions
- Disclosure of Wrongdoing and Reprisal Protection provisions
- Ethics Executives

Public Service Values

The TPS By-law codifies the following public service values:

- Act with Integrity
- Serve the public well
- Serve Council well and/or their Board well
- Maintain political neutrality
- Uphold Toronto motto-Diversity Our Strength
- Use City property, services and resources responsibly
- Apply judgement and discretion
- Serve the Public Service well

Ethics Executives

Division Heads, Agency Heads, Deputy City Managers, and the City Manager are Ethics Executives.

An Ethics executive is responsible for promoting and upholding the organization's ethical culture and providing advice and guidance to staff on ethical matters such as Conflict of Interest and Political Activity.

Conflict of Interest Defined

1. A situation in which a public servant has private interests that could compete with or that may be perceived to compete with their duties and responsibilities as an employee.
2. A situation where an employee can use their position for private gain or expectation of private gain, non-monetary or otherwise.
3. A situation described in 2 where the private interest benefits an employee's family, friends or organizations in which the employee or their family or their friends have a financial interest.

Conflict of Interest Provisions

Conflict of Interest provisions replace the City's existing Conflict of Interest Policy and provide guidance to members of the public service to balance their professional and private interests.

This helps to preserve the public's trust in Toronto government and promotes transparency and accountability.

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Political Activity Defined

In municipal, school board, provincial and federal elections and Toronto municipal referendum questions:

- 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
- Canvassing or campaigning on a Toronto municipal referendum questions

Political Activity Provisions

Political Activity provisions recognize the rights of members of the public service to participate in political activity and provide guidance on how members of the public service should balance their decision to engage in political activity with their duty to maintain political neutrality and impartiality.

Political Activity provisions replace existing City policies' and state that a City or agency employee will not:

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

Special Political Activity Restrictions

The TPS By-law applies additional limitations on political activity for the following positions:

- City Manager, City Solicitor, Deputy City Managers
- City Clerk and staff, and other City and Agency employees, that support the City Clerk to administer a Toronto election or referendum question
- Division Heads, Agency Heads
- 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 operations of the Office of the Mayor and members' Offices
- Employees responsible to enforce Article II, Elections Signs of *Toronto Municipal Code, Chapter 693, Signs*
- Employees who prosecute City by-laws or Provincial statutes

Disclosure of Wrongdoing and Reprisal Protection Provisions

Disclosure of Wrongdoing and Reprisal Protection provisions support employees to report suspected wrongdoing and protect the public good and clarify the reprisal protections available to those who come forward in good faith to disclose suspected wrongdoing.

Wrongdoing refers to serious actions that are contrary to the public interest including but not limited to:

- Fraud
- Theft of City assets
- Waste: mismanagement of City resources or assets in a wilful, intentional or negligent manner that contravenes a City policy or direction by Council
- Violations of the City's Conflict of Interest provisions
- Breach of public trust

Reprisal against an employee is any measure taken or threatened as a direct result of disclosing or being suspected of disclosing an allegation of wrongdoing, initiating or cooperation in an investigation into an alleged wrongdoing.