

## **Elections-Related Policies**

<b>Date:</b>	April 30, 2018
<b>To:</b>	Toronto Public Library Board
<b>From:</b>	City Librarian

### **SUMMARY**

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The purpose of the report is to present two policies to the Toronto Public Library Board: the Use of Library Resources during an Election Period Policy, which describes how Library resources can and cannot be used during an election period; and the Political Activity Policy, which sets out some restrictions on staff and volunteers engaging in political activity during work/volunteer hours.

The *Municipal Elections Modernization Act, 2016* made amendments to the *Municipal Elections Act, 1996* (the “Act”). Some of these changes came into effect immediately after Royal Assent and other changes come into effect on April 1, 2018, in time for the next municipal election. Accordingly, the City of Toronto revised its Use of City Resources during an Election Policy to reflect changes to the Act, which was adopted by City Council at its meeting on February 1, 2018. The City’s policy also applies to provincial and federal elections as well as questions on a ballot.

Toronto Public Library staff have reviewed the legislative changes and the City’s updated policy and are proposing a repeal of the Municipal Elections Campaign Policy (Attachment 1), replacing it with the Use of Resources during an Election Period Policy (Attachment 2). The proposed changes provide increased clarity for candidates, increased public transparency, and are in keeping with the broader scope of the City’s Use of City Resources during an Election Period Policy.

Staff have also revised the Political Activity Policy (Attachment 3) to apply certain provisions to TPL volunteers and to clarify for staff when a leave of absence is required if running for office. The Library Board adopted the current Political Activity Policy at its February 22, 2016 meeting, which repealed and replaced the Employee Participation in Municipal Election Campaigns Policy. This policy is a part of an ethical framework that aligns TPL with the City’s Public Service By-law. It sets out clear directions for staff about permitted activities during municipal, provincial, and federal elections and questions on a ballot.

## RECOMMENDATIONS

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**The City Librarian recommends that the Toronto Public Library Board:**

1. rescinds the Municipal Elections Campaign Policy, 2010 (Attachment 1);
2. adopts the Use of Library Resources during an Election Policy (Attachment 2); and
3. adopts the revised Political Activity Policy (Attachment 3).

## FINANCIAL IMPACT

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The revised policy will have no financial impact beyond what has already been approved in the current year's budget.

The Director, Finance & Treasurer has reviewed this financial impact statement and is in agreement with it.

## ALIGNMENT WITH STRATEGIC PLAN

The Use of Library Resources during an Election Period Policy and the Political Activity Policy reflect the Toronto Public Library's efforts to advance equitable outcomes for all Torontonians as set out in the Accountability Framework of the Strategic Plan. The policies allow the Library to promote its role as a neutral information provider, giving no candidate, registered third-party advertiser, or political party an unfair advantage. The policies also address Priority 5 of the Strategic Plan – Creating Community Connections through Cultural Experiences – providing services online and in-branch environments that connect neighbourhoods and communities, offering opportunities for partnerships, civic engagement and resident participation.

## EQUITY IMPACT STATEMENT

The updated policies ensure that no candidate, registered third-party advertiser or political party is provided with an unfair advantage during an election.

## DECISION HISTORY

The Library's Municipal Election Campaign Policy was approved by the Board on June 21, 2010: <http://www.torontopubliclibrary.ca/about-the-library/board/meetings/2010-jun-21.jsp>.

The City Librarian proposed rescinding the Municipal Election Campaign Policy and replacing it with a Use of Library Resources during an Election Policy at the Board's June 24, 2013 meeting. The City of Toronto had requested that all agencies and corporations adopt appropriate elements of the City's revised Use of City Resources during an Election Policy, adopted by Toronto City Council on July 11, 2012. This proposed motion was defeated by the Library Board: <https://www.torontopubliclibrary.ca/about-the-library/board/meetings/2013-jun-24.jsp>

At its meeting on February 1, 2018, City Council adopted a revised Use of City Resources during an Election Period Policy.

The Board adopted the Political Activity Policy at its February 22, 2016 meeting as part of an ethical framework: <https://www.torontopubliclibrary.ca/about-the-library/board/meetings/2018-feb-26.jsp>. This framework was developed in response to a motion by City Council at its June 10, 11, 12 and 13, 2014 meeting to “request the Toronto Police Services Board and the Toronto Library Board to review their ethical policies pertaining to conflict of interest, political activity and the disclosure of wrongdoing and reprisal protection, and adopt provisions consistent with the City of Toronto.”

## **ISSUE BACKGROUND**

Section 88.18 of the recently amended *Municipal Elections Act, 1996* requires local boards to establish rules and procedures with respect to the use of board resources during an election campaign period before May 1 in the year of a regular election.

## **COMMENTS**

### **Use of Library Resources during an Election Period Policy**

The Use of Library Resources during an Election Period Policy is intended to replace the Library’s current Municipal Election Campaign Policy, adopted by the Board at its June 21, 2010 meeting. The proposed policy establishes guidelines for the use of library resources during an election period by Library Board Members and Members of Council and for communications about library events, and reflects much of the City’s updated Use of City Resources during an Election Period Policy. It maintains public confidence in the election process by ensuring that TPL protects its role as a neutral information provider and fosters a neutral environment during an election period by restricting the use of library resources for political purposes and the display of campaign materials.

The policy was reviewed and revised to address the following goals:

- reflect recent amendments to the Act;
- ensure alignment with the intent of the City’s policy;
- expand the scope beyond municipal campaigns (including school board) to incorporate provincial and federal elections, and questions on a ballot;
- apply provisions not only to candidates, but also to political parties and registered third party advertisers;
- clarify Library resources covered by this policy (including electronic resources such as email and social media); and
- affirm activities the Library will discontinue in relation to Members of Council after August 1 in an election year.

The revisions to this policy provide a consistent approach and direction on how library resources can and cannot be used during an election period. This policy has undergone a legal review to ensure that the Library is in compliance with applicable legislation.

#### Citizen Members of the Library Board

The policy requires that Citizen Board members must immediately notify the City Librarian and City Clerk's Office if they register to run for any election and abide by City applicable policies. The City of Toronto's Public Appointments Policy requires that Citizen Board Members who run for any elected office, or seek an appointment to such an office to fill a vacancy, to take a leave of absence from the agency or corporation board while doing so.

#### City Councillor Members of the Library Board

The policy recognizes that Members of Council are holders of their office until the end of their terms and supports them in continuing to fulfill their responsibilities as elected officials.

The policy places restrictions on library activities involving City Councillors, including those on the Board, after August 1 in the municipal election irrespective of whether they are seeking election in the new term or not. All forms of advertising and communications produced by the Library including signage, publications, media releases and social media will not reference the name or image of the Member of Council but will identify them by title and their ward number.

#### **Political Activity Policy**

This policy maintains the political neutrality of the Library by placing limits on the partisan political activities of all staff and volunteers while performing their duties, with additional restrictions on senior executives. The updates to this policy ensure that volunteers (Library Board members are not volunteers as defined in the policy) are included in certain provisions as appropriate, and to clarify for staff when a leave of absence is required if running for office.

## **CONTACT**

Elizabeth Glass; Director, Policy, Planning & Performance Management; Tel: 416-395-5602;  
Email: [eglass@torontopubliclibrary.ca](mailto:eglass@torontopubliclibrary.ca)

## **SIGNATURE**

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Vickery Bowles  
City Librarian

## **ATTACHMENTS**

- Attachment 1: Municipal Election Campaign Policy, 2010
- Attachment 2 Use of Library Resources during an Election Policy
- Attachment 3: Political Activity Policy

**POLICY: MUNICIPAL ELECTION CAMPAIGN\***

**SECTION: Section II – General – Miscellaneous**

**MOTION#/DATE: 10 - 111 – June 21, 2010**

*\*The Municipal Election Campaigns Policy is being repealed and replaced by the Use of Library Resources during an Election Period Policy (Attachment 2)*

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### **Effective Date**

June 21, 2010

### **Policy Objectives**

To maintain the neutrality of the Toronto Public Library during municipal election campaigns.

To ensure that the Toronto Public Library complies with the *Municipal Elections Act, 1996*.

### **Underlying Principle**

The Library's vision is to promote and enrich the democratic, cultural, educational and economic life of our diverse and evolving city. In keeping with this vision, the Library seeks to engage and encourage discussion in civic and social issues in a manner that is fair and equitable to all those seeking elected office.

The *Municipal Elections Act, 1996* prohibits the Toronto Public Library from making contributions to municipal election candidates in the form of money, goods or services.

### **Scope**

This policy applies to Board members, employees and volunteers of the Toronto Public Library and their dealings with candidates including City Councillors in the municipal election during the municipal election campaign period.



## **1.0 Library Corporate Resources**

City Councillors and candidates in the municipal election cannot use the facilities, equipment, supplies, programs and services (including online services), staff or other resources of the Library for any election campaign or campaign related activities (except for facilities rented in accordance with the Auditorium, Meeting Room and Theatre Rental Policy and The Bram & Bluma Appel Salon Rental Policy).

## **2.0 Campaign Activities and Partisan Political Materials on Library Property**

City Councillors and candidates in the municipal election cannot undertake campaign-related activities on Library property (except for facilities rented in accordance with the Auditorium, Meeting Room and Theatre Rental Policy and The Bram & Bluma Appel Salon Rental Policy). Consistent with the Displaying and Distributing Information for the Public Policy, the Library will not permit the display and distribution of partisan political materials on Library property.

## **3.0 Use of Employees and Volunteers**

In keeping with the Employee Participation in Municipal Election Campaigns Policy, City Councillors and candidates in the municipal election cannot use the services of persons during hours in which those persons receive any compensation from the Library. City Councillors and candidates in the municipal election cannot use the services of Library volunteers during hours in which they have agreed to provide volunteer services to the Library.

## **4.0 Mark or Logo**

City Councillors and candidates in the municipal election cannot use any Toronto Public Library logo or mark in any campaign related materials, including materials promoting events held at rented Library facilities.

## **5.0 Library Programs and Events**

City Councillors and candidates in the municipal election cannot be featured or promoted in association with any Library sponsored program or event unless it is consistent with performing their duties as Library Board members or City Councillors as described in 6.0(a).



## **6.0 Performing Duties as Library Board Members and City Councillors**

Nothing in this policy prohibits:

- a) Toronto Public Library Board members from performing their duties or
- b) City Councillors from performing their job, including representing the interests of their constituents in a manner consistent with their duties as an elected official.

## **7.0 Promoting Municipal Elections**

Nothing in the policy prohibits the Toronto Public Library from promoting awareness of or providing information on municipal elections. This includes promoting awareness of activities or events, not sponsored by the Library, in which all candidates in the municipal election are invited to attend.

### **Accountability**

The City Librarian and Directors are responsible for the implementation of this policy.

### **Definitions**

“Municipal election campaign period” – is the period from the first day that nominations may be filed (i.e. the first day the City Clerk’s office is open in an election year) until voting day (i.e. the fourth Monday in October of an election year) as defined in the *Municipal Elections Act*.

Candidates in the municipal election include candidates for City Council or for the position of School Board Trustee.

### **Related policies**

- Auditorium, Meeting Room and Theatre Rental Policy
- Displaying and Distributing Information for the Public
- Employee Participation in Municipal Election Campaigns Policy
- The Bram & Bluma Appel Salon Rental Policy

**POLICY:                   USE OF LIBRARY RESOURCES DURING AN ELECTION PERIOD****SECTION:               Section II – General – Miscellaneous****MOTION#/DATE:   10 - 111 – June 21, 2010\*  
                          18 – xxx – March 19, 2018**

**\*date Board approved the Municipal Election Campaigns Policy**  
***The Municipal Election Campaigns Policy repealed and replaced by this policy***

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**Effective Date: March 19, 2018****1.     Purpose**

This policy allows Toronto Public Library to balance the need for freedom of expression and assembly of candidates and its legal responsibility to ensure that no candidate, registered third-party advertiser or political party is provided with an unfair advantage.

This policy sets out provisions for the use of Library facilities, resources and infrastructure during an election period by Board Members and candidates. This is in order to preserve the public trust, to maintain the neutrality of the Toronto Public Library during election campaigns, and to ensure that the Toronto Public Library complies with the *Municipal Elections Act, 1996*. ("Act").

**2.     Legislative Authority**

The *Municipal Elections Act, 1996* requires local boards to establish rules and procedures for the use of resources during the election period (section 88.18). It also prohibits local boards from making a contribution (including money, goods and services) to any candidate, registered third-party advertiser or political party during an election (sections 88.8(4) and 88.12(4)).

The *Election Finances Act, 1990* and the *Canada Elections Act, S.C. 2000* impose contribution restrictions for provincial and federal election campaigns, respectively.

### **3. Underlying Principles**

The Library's mission is to "preserve and promote universal access to a broad range of human knowledge, experience, information and ideas in a welcoming and supportive environment." The Library also values intellectual freedom – "Guaranteeing and facilitating the free exchange of information and ideas in a democratic society, protecting intellectual freedom and respecting individuals' rights to privacy and choice." In keeping with this, the Library seeks to engage and encourage discussion in civic and social issues in a manner that is fair and equitable to all those seeking elected office.

### **4. Application**

This policy applies to Toronto Public Library Board members and candidates, including City Councillors, registered third-party advertisers and political parties during an election period. This policy also applies to employees of the Toronto Public Library and their dealings with candidates, including City Councillors, during an election period.

This policy applies to municipal (including school board), provincial and federal elections or by-elections, and to questions on the ballot. References in the policy with respect to political parties refer to provincial and federal elections or by-elections and do not apply to the City of Toronto's municipal elections or by-elections.

This policy recognizes that Members of Council are holders of their office until the end of the term and supports them in continuing to fulfill their responsibilities as Members of Council, despite their candidacy in an election. This policy also recognizes that the Toronto Public Library Board continues to meet and conduct business during an election period. Nothing in this policy shall prohibit members of the Toronto Public Library Board from performing their duties or precludes a Member of Council from performing their duty as an elected official, nor inhibits them from representing the interests of their constituents.

### **5. Policy Statement**

Toronto Public Library supports the principle of intellectual freedom, which is the free exchange of information and ideas in a democratic society. The Library seeks to engage and encourage discussion on civic and social issues in a manner that is neutral, fair, and equitable to all those seeking elected office. Toronto Public Library does not make contributions (including money, goods and services) or use Library resources to promote any candidate, registered third-party advertiser, political party, or supporters of

a question on a ballot during an election.

## **6. Library Board Members**

- 6.1 Citizen Board Members of the Toronto Public Library Board must inform the City Librarian immediately if they register to run for office in an election. Citizen Board Members should also contact the City Clerk's Office immediately and abide by City policies which affect Citizen Board Members running for office.
- 6.2 Councillor Board Members must inform the City Librarian if they are running to become an MP or MPP.
- 6.3 Library Board Members may engage in political activity, including endorsing or opposing a candidate, political party, or a particular response to a referendum question, but not in a manner that would lead a member of the public to infer that they are acting in their capacity as a Library Board Member or on behalf of the Toronto Public Library.

## **7. Access to Library Facilities during an Election Period**

- 7.1 Library facilities and Library infrastructure may not be used for any election-related purpose by a candidate, registered third-party advertiser or political party. In particular, signs may not be erected or displayed on a facility that is owned or operated by the Library.
- 7.2 Candidates, registered third-party advertisers or political parties in an election cannot use the facilities, equipment, supplies, programs and services (including online services, social media, and email), staff, or other resources of the Library for any election campaign or campaign related activities (except for facilities rented in accordance with the Community and Event Space Rental Policy)
- 7.3 All-candidate meetings may be held at Library facilities for a nominal fee or other consideration provided that all candidates for an office are invited to attend such meetings.
- 7.4 Candidates, registered third-party advertisers or political parties may not distribute campaign materials on or in Library facilities or at Library events, but are permitted

to distribute campaign materials on public right of way sidewalks and thoroughfares, and during all candidates meetings.

- 7.5 Candidates, registered third-party advertisers or political parties cannot undertake campaign related activities on Library property (except for facilities rented in accordance with the Community and Event Space Rental Policy). Consistent with the Displaying and Distributing Information for the Public Policy, the Library will not permit the display and distribution of materials primarily political in nature (including election campaign materials) on Library property.
- 7.6 Informal media scrums may be permitted in the public or common areas of Library facilities. Informal media scrums may not include: apparatus, mechanisms or devices for the amplification of the human voice or any sounds. The activity may not disrupt regular Library business. If the media scrum is disrupting Library services, Library staff may ask the participants to find an alternative location.

## **8. Access to Library Resources during an Election Period**

- 8.1 The Library's logo, crest, slogans, or other intellectual property may not be printed, posted or distributed on any election-related campaign materials or included on any election-related website.
- 8.2 Candidates may not post photographs of themselves with Library employees in uniform, including badges.
- 8.3 Photographic or video materials which have been or may be created by Library employees or with Library resources may not be used for any election purpose or in campaign materials.
- 8.4 Websites or domain names that are funded by the Library may not include any campaign materials, make reference to and identify any individual as a candidate, registered third-party advertiser or political party or profile any slogan or symbol associated with a candidate, registered third-party advertiser or political party.

## **9. Access to Library Information during an Election Period**

- 9.1 Information provided to one candidate, registered third-party advertiser or political party that is of a general nature and may provide valuable guidance to all others

will be provided to all candidates, registered third-party advertisers or political parties. The Library will post the information on the internet or through other mechanisms to ensure equal access to information.

- 9.2 Requests by a candidate, registered third-party advertiser or political party for personal meetings with the City Librarian or TPL Directors, as well as requests for tours of Library facilities may not always be accommodated due to resource and time constraints. If a meeting or a tour is organized, the Library will organize a similar meeting or tour for any other candidate, registered third-party advertiser or political party, upon request.
- 9.3 Library databases may not be used by any candidate, registered third-party advertiser or political party, unless the database has already been released for public use.

## **10. Attending Library Events during an Election Period**

- 10.1 Candidates, registered third-party advertisers or political parties are permitted to attend Library events, or events held at Library facilities, in either their capacity as elected representatives or as private citizens, but may not campaign while in attendance. No election signs may be posted and no campaign materials may be disseminated at Library events.
- 10.2 Elected officials are permitted to attend Library-organized events or events held on Library facilities and act as ceremonial participants in their capacity as elected officials, including speaking at the event and partaking in ceremonial activities. In provincial or federal elections, once the writ is issued, MPPs and MPs, with the exception of Ministers of the Crown, are no longer elected officials and therefore should not be invited to attend Library events.

## **11. Restrictions to Services Provided to Members of Council beginning August 1 of an Election Year**

11.1 Members of Council may also be candidates in a municipal election. Accordingly, after August 1 in the municipal election year, the Library will discontinue the following activities, irrespective of whether they are seeking election in the new term or not:

11.1.1 All forms of advertising and communication, including publications and social media accounts, that are operated or distributed by the Library will not reference the name or image of a Member of Council.

11.1.2 Signage for Library events, including banners and posters, will not reference the name of a Member of Council.

11.1.3 The Library's media releases or materials will not reference the name of a Member of Council. Where the Library would typically name a specific Member of Council or the Mayor in its communications or media materials, it will make reference to the generic term "Councillor Ward XX" or "Mayor of Toronto" without naming the specific Member of Council. This practice will be used for all Library programs, events, and announcements.

## **12. Promoting Elections**

12.1 Nothing in this policy prohibits the Toronto Public Library from promoting awareness of or providing information on elections as long as no particular candidate, registered third-party advertiser or political party is promoted, supported or opposed at the event. This includes promoting awareness of activities or events in which all candidates in an election are invited to attend.

## **Accountability**

The City Librarian and Directors are responsible for the implementation of this policy.

## Definitions

**"Campaigning"** – means any activity by or on behalf of a candidate, registered third-party advertiser, political party or question on a ballot meant to elicit support during the election period. Campaigning does not include the appearance of elected officials, other candidates or registered third-party advertisers at an event in their personal capacity without the display of any signage or graphic which identifies the individual as a candidate or registered third-party advertiser(s) and without the solicitation of votes.

**"Campaign Materials"** – means any materials used to solicit votes for a candidate or question on the ballot in an election period including, but not limited to: literature, banners, posters, pictures, buttons, clothing, or other paraphernalia. Campaign materials include, but are not limited to: materials in all media, such as print, displays, electronic, radio or television and online sources including websites or social media.

**"Candidate"** – means any person who has filed and not withdrawn a nomination for an elected office at the municipal (including school board), provincial or federal level in an election or by-election.

**"Contribution"** – as defined in the Act:

- For a candidate – means "money, goods and services given to and accepted by a person for his or her election campaign, or given to and accepted by another person who is acting under the person's direction".
- For a registered third-party advertiser – means "money, goods and services given to and accepted by an individual, corporation or trade union in relation to third-party advertisements, or given to and accepted by another person who is acting under the direction of the individual, corporation or trade union".

**"Elected Official"** – means an individual elected to the House of Commons, the Legislative Assembly of Ontario, Toronto City Council or a school board.

**"Election"** – means an election or by-election at the municipal (including school board), provincial and federal level of government, or the submission of a question or by-law to the electors.

**"Election Period"** – means the official campaign period of an election.

- For a municipal (including school board) election, the election period commences on May 1 of an election year and ends on voting day.
- For a provincial or federal election, the election period commences the day the writ for the election is issued and ends on voting day.

- For a question on the ballot, the period commences the day City Council passes a by-law to put a question to the electorate and ends on voting day.
- For a by-election, the period commences when the by-election is called and ends on voting day.

**"Library Information"** – means any information in the custody and control of the Library, including databases that may be the repository of names, contact information, business records, financial information or other identifiers compiled and used by Library employees to conduct Library business. An example of Library a database is the Library patron database.

**"Library Infrastructure"** – means any physical or technology systems that support the operation of Library programs and services, including but not limited to: fleet vehicles, computer network, telecommunications and email system, wireless equipment, computer hardware, software and peripherals, internet and intranet. Excludes public right-of-way including sidewalks, roads, laneways and boulevards.

**"Library Resources"** – includes but is not limited to Library employees, Library events, Library programs and services (including online services such as online and social media channels), Library facilities, Library equipment and supplies, Library funds, Library information and Library infrastructure. These are further defined as follows:

- "Library employees" – means all exempt and non-union employees, and members of the bargaining unit.
- "Library events" – means events funded or organized by the Toronto Public Library, including events that may be jointly organized with community organizations and/or with external sponsors. Library events include, but are not limited to: community meetings and consultations, cultural celebrations, and special events. Library events does not include events and meetings organized by third parties, which are not considered Library events for the purpose of this policy.
- "Library facilities" – means any facility that is owned or leased by the Toronto Public Library and which is directly managed and operated by the Library. Library facilities do not include public right-of-ways such as sidewalks, roads and boulevards, laneways or facilities rented in accordance with the Community and Event Space Rental Policy

**"Media Event"** – means an event such as a press conference or photo opportunity to which the media is invited and the purpose of which is to promote, support or oppose a candidate, registered third-party advertiser, a political party or a position on a question on a ballot. Features of a Media Event can include, but are not limited to: the issuing of a media advisory stating date, time and location of briefing/press conference, use of backdrops, podiums or public address systems, the distribution of media releases, media kits, display of signage or other materials to promote, support or oppose a candidate, registered third-party advertiser or a position on a question on a ballot.

**"Media Scrum"** – means an unplanned encounter between a candidate, a registered third-party advertiser, their staff or with media.

**"Member of Council"** – means the Mayor and Members of Council, except where the Mayor acts as the Chief Executive Officer of the City.

**"Political Party"** – means political parties for provincial and federal elections that are registered under the Ontario *Election Finances Act* or in the registry of parties referred to in section 374 of the *Canada Elections Act*. Under the current legislative framework, political parties cannot participate in the City's municipal elections or by-elections.

**"Question on a Ballot"** – means any question or by-law submitted to the electors by Council, a school board, an elected local board, or the Minister of Municipal Affairs under the Act.

**"Registered third-party advertiser"** – means in relation to a municipal election, an individual, corporation or trade union that is registered with the City Clerk, as per section 88.6 of the Act, whose purpose is to promote, support or oppose a candidate for office, or an issue on a question on a ballot, and is not under the direction of a candidate.

**"Third-Party Advertisement"** – means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate for office, or an issue on a question on a ballot, and is not under the direction of a candidate.

**"Voting Day"** – means the day the final vote is to be taken in an election.

## Related Policies

- Toronto Public Library Board Code of Conduct
- Community and Event Space Rental Policy

- Displaying and Distributing Information for the Public Policy
- Political Activity Policy
- Advertising Policy

**POLICY: POLITICAL ACTIVITY****SECTION: II - General Policies – Human Resources**

**MOTION#/DATE: 00 - 147 – October 2, 2000\***  
**16 - 043 – February 22, 2016**  
**18 - XXX – March 19, 2018**

\*date Board approved the Employee Participation in Municipal Election Campaigns Policy  
*The Employee Participation in Municipal Election Campaigns Policy repealed and replaced by this policy*

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**Effective Date**

**February 22, 2016**  
**March 19, 2018**

**1. Policy Statement**

The Toronto Public Library recognizes the right of Toronto Public Library employees **and volunteers** to participate in political activity balanced against the Toronto Public Library'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 Policy sets out restrictions on the use of Toronto Public Library resources while engaging in political activity and while at work **and volunteering**; and establishes requirements for Toronto Public Library 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 employee's **or a volunteer's** right to engage in political activity and the requirement for the **public service Library** to be politically impartial.

**2. Right to Engage**

All Toronto Public Library employees **and volunteers** are entitled to vote and attend all-candidate meetings and engage in political activity subject to the political activity provisions.

**3. Definition of Political Activity**

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.

#### 4. Prohibited Political Activities

A Toronto Public Library employee **or volunteer** will not:

- a. use Toronto Public Library resources, including facilities, equipment or supplies while engaging in political activity;
- b. engage in political activity during working/volunteer hours;
- c. engage in political activity while wearing a Toronto Public Library uniform, **including badges**;
- d. wear clothing or buttons that advertise any candidate, political party or referendum issue while at work or while wearing a Toronto Public Library uniform/badge;
- e. use his or her title or position within the Toronto Public Library in a way that would lead a member of the public to infer that the Toronto Public Library is endorsing **or opposing** a candidate, political party, **registered third-party advertiser**, or a particular response to a referendum question.

#### 5. Designated Positions

The following Toronto Public Library positions are "Designated Employees" and have limitations on the political activity they may engage in:

- City Librarian
- Directors

The City Librarian may not engage in political activity (as defined in section 3) in any election.

Directors are permitted to:

- run for elected office;
- seek appointment to a municipal council or school board; or
- be a member of a political party, and contribute financially to a candidate (except in a Toronto municipal election):

**but Directors** may not campaign or canvas for a political party or candidate before or during a municipal, provincial **and or** federal election or in relation to a Toronto referendum question.

#### 6. Employees Not Designated **and Volunteers**

Where Toronto Public Library employees not identified as 'Designated Employees' in Section 5 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 or the Ethics

Executive (Director of Human Resources). If volunteers are uncertain of whether their intended political activity contravenes this policy, they should seek guidance from the Manager, Adult Literacy Services.

## **7. Seeking Election or Appointment to Political Office**

A Toronto Public Library employee (with the exception of the City Librarian) is eligible to be a candidate for and to be elected as a member of any municipal council, federal office, provincial office or school board or seek appointment to and to be appointed as a member of any municipal council or school board.

In accordance with Section 30 of the Municipal Elections Act, to become a candidate or seek appointment in a Toronto Municipal Election or by-election, a Toronto Public Library non-bargaining unit employee may must take an unpaid leave of absence.

To become a candidate or seek appointment to a municipal council (other than Toronto City Council) federally, or provincially, the employee may take an unpaid leave of absence. If the employee intends to take unpaid leave, he or she must provide written notice to request an unpaid leave pursuant to Toronto Public Library procedures.

Bargaining unit employees may take leave in accordance with the Collective Agreement.

If a Toronto Public Library employee is elected to provincial or federal office or Toronto City Council, they shall be deemed to have resigned from employment with the Toronto Public Library, and for bargaining unit employees, in accordance with the Collective Agreement.

If a Toronto Public Library employee is elected or appointed to a municipal council (other than Toronto City Council), or school board, the employee is not required to resign, but is subject to the Toronto Public Library Conflict of Interest Policy, other applicable employment policies and performance expectations.

## **8. Use of Corporate Resources**

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

## **9. Employee Time to Vote**

The Toronto Public Library 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.

## 10. Seeking Guidance and Advice

If Toronto Public Library employees are unsure about the appropriateness of their participation in political activity, they should consult with their manager or the Ethics Executive (Director of Human Resources). If volunteers are uncertain of whether their intended political activity contravenes this policy, they should consult the Manager, Adult Literacy Services.

## 11. Failure to Comply with the Policy

A Toronto Public Library employee who fails to comply with the political activity provisions may be subject to disciplinary action up to and including dismissal. A Toronto Public Library volunteer who fails to comply with the political activity provisions may be subject to corrective action, up to and including withdrawal of volunteer status.

### Accountability

The Director, Human Resources is responsible for the implementation of this policy.

### Definitions

“Employees” – means all exempt and non-union employees of Toronto Public Library, and members of the bargaining unit.

“Volunteers” – means a person who is appointed to work in a limited capacity for Toronto Public Library without remuneration. This definition does not include Members of the Toronto Public Library Board.

### Related Policies

- Employee Code of Ethics
- Use of Library Resources during an Election Period Policy
- Online and Social Media – Terms of Use
- Conflict of Interest Policy