



# Elections Policy

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<b>Policy Owner:</b>	Strategic Planning and Stakeholder Relations
<b>Approval:</b>	Board of Directors
<b>First Approved:</b>	August 21, 2013
<b>Effective Date:</b>	August 16, 2018

## Policy Statement

Toronto Community Housing is committed to working with tenants, candidates, political parties and public officials at all three levels of government to facilitate elections and election activities on Toronto Community Housing property, in accordance with applicable legislation, by-laws and Toronto Community Housing policies.

During municipal, provincial and federal election campaigns, Toronto Community Housing will:

- ensure tenants' Personal Information is kept private and confidential, in accordance with applicable legislation and internal protocols;
- ensure that Toronto Community Housing resources are not used to promote or give advantage to any candidate, political party or registered third party;
- ensure that inquiries from candidates, political parties or their agents are managed by Strategic Planning and Stakeholder Relations;
- support employee participation in political activities by granting unpaid leave to those seeking election.

## Purpose

The purpose of this policy is to:

- outline Toronto Community Housing's responsibilities during elections;



- outline how Toronto Community Housing resources can and cannot be used during election campaigns, and which requests can and cannot be accommodated;
- guide the conduct of Toronto Community Housing employees and Board members during election campaigns in compliance with applicable legislation, by-laws and Toronto Community Housing policies; and,
- guide the conduct of Toronto Community Housing employees and Board members seeking political office.

## Scope

- The Elections Policy governs election-related activities on Toronto Community Housing property and the actions of employees and Board members related to elections.
- The Policy applies to municipal (including school board), provincial or federal elections or by-elections and to questions on the ballot.
- The Policy applies to all Toronto Community Housing employees, Board members and tenants, including those running for political office.
- The Policy applies to Toronto Community Housing resources, including, but not limited to employees, events, facilities, funds, information and infrastructure.

## Definitions

**Campaign/Campaigning:** any activity by or on behalf of a candidate, political party, registered third party or in support or opposition to a 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 parties 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 and without the solicitation of votes.

**Campaign Materials:** Any advertising or promotional materials intended to influence persons to vote for or against a candidate, political party or a question on a ballot. Materials may include literature, banners, posters, pictures, buttons, clothing, etc. Election materials also include materials in all media, including websites or social media.

**Elected Official:** An individual elected to the House of Commons, the Legislative Assembly of Ontario, Toronto City Council or a school board.



**Election:** An election or by-election at the municipal, provincial or federal level, or the submission of a question on a ballot to the electors.

**Election Officials:** Employees of Elections Canada, Elections Ontario, Toronto Elections or their agents.

**Election Period:** The official campaign period of an election.

- 1) For municipal elections, the election period commences on May 1st of an election year and ends on voting day.
- 2) For provincial and federal elections, the election period commences the day that the election writ is issued and ends on voting day.
- 3) For by-elections, the election period commences when the by-election is called and ends on voting day.
- 4) For a question on a ballot, the election period commences when the respective level of government passes legislation or a by-law to put a question to the electorate. It ends on voting day.

**Employee:** Includes management and exempt employees, contract managed employees, and all members of Toronto Community Housing bargaining units.

**Executive Leadership Team (ELT):** Team of senior executives responsible for the strategic management of the corporate and operational functions of Toronto Community Housing and its subsidiaries. The current members are listed here: <https://www.torontohousing.ca/ELT>.

**Official Election Materials:** Any materials provided to voters by Elections Canada, Elections Ontario, Toronto Elections or their agents to facilitate voting.

**Personal Information:** As defined in the Municipal Freedom of Information and Protection of Privacy Act, includes recorded information about an identifiable individual.

**Political Office:** The elected offices of municipal, provincial or federal government.

**Question on a Ballot:** Any question submitted to electors by the municipal, provincial or federal government.

**Registered Third Party:** In relation to a municipal election, an individual, corporation or trade union that is registered with the City Clerk, in accordance with section 88.6 of the Municipal Elections 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.

**Toronto Community Housing Corporation Resources:** Including, but not limited to, employees, funds, events, facilities, information and infrastructure, as defined below:



- 1) “**Events**” means events funded or organized by Toronto Community Housing, including events that may be jointly organized with tenants, community organizations and/or external sponsors.
- 2) “**Facilities**” means common areas or grounds of any facility which is owned or leased by Toronto Community Housing.
- 3) “**Information**” means any information in the custody and control of Toronto Community Housing, including databases that may be the repository of names, contact information, business records, financial information, Personal Information or other identifiers compiled and used by Toronto Community Housing employees to carry out Toronto Community Housing business. This information is considered Toronto Community Housing property, and in most cases it is not known to the public and may be confidential. It must not be used or disclosed without proper authorization, and in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.
- 4) “**Infrastructure**” means any physical or technological systems and equipment that support the operation of Toronto Community Housing, including, but not limited to, fleet vehicles, computer networks, telecommunications systems, wireless equipment, mobile phones, computer hardware, software and peripherals, internet and intranet.

**Voting Day:** the day the final vote is to be taken in an election.

## Policy Details

The Elections Policy provides detailed information in the following areas:

- election activities on Toronto Community Housing property;
- election signs;
- protection of tenant privacy;
- election-related inquiries;
- use of Toronto Community Housing resources during an election campaign;
- workplace conduct in election campaign; and
- employees seeking political office.

### ***Election Activities on Toronto Community Housing Property***

Toronto Community Housing Employees must ensure that:



- election officials, candidates and their agents provide proper identification and display that identification to gain access to Toronto Community Housing property for election-related work; and,
- election officials, candidates and their agents have reasonable access to Toronto Community Housing property to perform their duties in accordance with the Residential Tenancies Act.

Toronto Community Housing employees will not:

- discard or tamper with official election materials (i.e. voter registration, voter identification cards; polling location information; etc.) delivered to tenants by election officials or their agents; and,
- discard or tamper with campaign materials (i.e. pamphlets, flyers, letters, etc.) delivered to tenants by candidates, political parties, registered third parties or their agents.

### ***Election Signs***

The City of Toronto's Municipal Code provides rules and regulations regarding election signage that candidates must observe for any election in the City of Toronto.

- Signs cannot be illuminated or attached to trees.
- Signs cannot be placed between the curb and the sidewalk.
- Signs cannot interfere with safe operation of vehicular traffic or with the safety of pedestrians.
- Signs cannot be located adjacent to a voting place.
- Signs may only be erected with the consent of the tenant.
- Signs may be higher than two meters above ground level provided they are displayed indoors. They cannot be attached to the outside of a balcony or terrace.
- No person is allowed to deface or willfully cause damage to a lawfully erected election sign.

Election signs may be erected on Toronto Community Housing property subject to compliance with the City's rules and the following conditions:

- Tenants are permitted to post election signs anywhere considered to be within their personal unit. This includes fenced off yards and ground-level fences attached to their unit.



- Tenants are not permitted to post election signs on their balconies.
- Election signs cannot be posted in common areas.

Toronto Community Housing Corporation employees are required to remove election signs from common or prohibited areas, or signs that contravene City rules.

### ***Protection of Tenant Privacy***

Toronto Community Housing is committed to protecting Personal Information consistent with the principles outlined in the *Municipal Freedom and Information and Protection of Privacy Act* and the *Housing Services Act*. Toronto Community Housing employees must not provide tenant lists or other Personal Information about tenants to election officials, candidates, political parties, registered third parties or their agents.

### ***Election-Related Inquiries***

- All election-related inquiries to employees or Board members from political parties, candidates, registered third parties and/or their agents must immediately be directed to the Manager of Stakeholder Relations. Employees should also inform their managers of the inquiry.
- Toronto Community Housing will share information with candidates, political parties and/or their agents provided it contains no confidential information or Personal Information about tenants.
- Information that is provided by Toronto Community Housing to one candidate or political party during an election period will be provided to all others, either by posting information the information online or through other means.
- Requests made by a candidate, political party or registered third party for a personal meeting or tour with an Officer, Board member, Executive Leadership Team member or other Toronto Community Housing employee during an official election period will not be accommodated.

### ***Use of Toronto Community Housing Resources***

- Elected officials may attend Toronto Community Housing events or events held at Toronto Community Housing facilities in their capacity as elected officials; however, they may not solicit votes, display election signs or distribute campaign material.



- Candidates, representatives of political parties and registered third parties may attend Toronto Community Housing events and/or events held at Toronto Community Housing facilities as private citizens, but may not campaign while in attendance. They may not solicit votes, display election signs or distribute campaign material.
- Once the writ is issued for Provincial or Federal elections, MPs and MPPs are no longer elected officials and should not be invited to attend Toronto Community Housing events in their capacity as elected officials.
- Toronto Community Housing cannot make a contribution including money, goods and services to any candidate, political party or registered third party.
- Toronto Community Housing resources cannot be used to promote one candidate, political party or registered third party over another during an election period.
- Toronto Community Housing supports tenant engagement in elections. To facilitate this engagement, all-candidate meetings may be held at Toronto Community Housing facilities, where practicable, provided that all registered candidates are invited to attend.
- After August 1st in a municipal election year, Toronto Community Housing will not reference the name of Members of Council in:
  - advertising and other communications materials paid for or distributed by Toronto Community Housing;
  - event signage, including banners and posters; and/or
  - media releases issued by Strategic Communications.
- If it is necessary to reference a specific Member of Council or the Mayor in Toronto Community Housing communications or media materials after August 1<sup>st</sup> in a municipal election year, the generic term "Councillor Ward XX" or "Mayor of Toronto" must be used.
- Toronto Community Housing communications materials, including websites or domain names funded or administered by Toronto Community Housing, and social media, blogs or other new media created and managed by Toronto Community Housing employees, whether for internal or public distribution, must not:
  - profile (name or photograph), refer to and/or identify any individual as a candidate, or any individual or entity as registered third party, in any election;



- profile any slogan or symbol associated with a candidate, political party, or registered third party during the election period; or
- advocate for or against a particular candidate, political party or ballot question position during an election period.
- Photographic or video materials created by Toronto Community Housing employees or with Toronto Community Housing resources cannot be used in any campaign materials.
- Toronto Community Housing's logo cannot be used in any campaign material.

### ***Workplace Conduct during an Election Campaign***

Toronto Community Housing recognizes the right of employees to participate in political and election activities balanced against the corporation's legitimate interest in both being and appearing to be non-partisan.

Toronto Community Housing employees are not permitted to:

- use or allow the use of Toronto Community Housing resources for campaign activities. Toronto Community Housing resources include, but are not limited to, employee time, as well as events, facilities, funds, information and infrastructure;
- engage in campaign activity during working hours. Working hours do not include vacation time or time on leaves of absence;
- display election campaign items at work;
- attend campaign events or undertake campaign activities while in Toronto Community Housing clothing; or
- solicit funds for a candidate from co-workers, either at work or outside of work.

The President and Chief Executive Officer of Toronto Community Housing and members of the ELT are not permitted to campaign for a candidate or political party before or during municipal, provincial and federal elections.

### ***Employees Seeking Political Office***

Toronto Community Housing employees seeking to run for political office must first declare a potential conflict in writing to their Divisional Head or the General Counsel and Corporate Secretary and receive authorization prior to filing their candidacy. It is at the discretion of the Divisional Head or the General Counsel and Corporate Secretary to determine whether the campaign activities will affect the employee's ability to perform their regular job duties.





Where an employee intends to apply to take unpaid leave to run for political office, the employee must provide written notice to his/her manager at least two weeks in advance of his or her intention to take unpaid leave.

- For municipal elections, the leave must start the next working day after the employee files their candidacy.
- For provincial and federal elections, the leave must start the next working day after the employee receives the nomination.

*(i) Conflict of Interest*

- Employees on an approved leave of absence from Toronto Community Housing remain employees of the organization and are bound by all Toronto Community Housing policies.
- While campaigning, employees on political leave must clearly state at all times that the views they express are personal views, and not those of Toronto Community Housing.

*(ii) Salary and Benefits*

- Political leave is unpaid, and benefits can be continued at the employee's expense.
- For management and exempt employees, continuous services and vacation entitlement are not affected by a leave without pay, where the leave is for twenty business days or less.
- Bargaining unit employees are subject to the provisions in their existing collective agreement.

*(iii) Election to Political Office*

- An employee who is elected to political office within the geographical boundaries of the City of Toronto must resign from Toronto Community Housing.
- An employee who is elected to political office outside of the geographical boundaries of the City of Toronto must resign from Toronto Community Housing if the political office will interfere with their ability to perform their regular duties, as determined by their divisional head or the General Counsel and Corporate Secretary.
- The resignation must take effect no more than two weeks after the election and prior to the commencement of the term of office.



#### *(iv) Re-Appointment*

- Toronto Community Housing has no obligation to re-hire employees who have resigned their position to take political office. Re-hiring would be subject to Toronto Community Housing's hiring policies.

### **Board Members Seeking Political Office**

Toronto Community Housing Citizen Board Members seeking political office should refer to the rules set out in Sections 5 and 10 of the Conflict of Interest Policy for Directors of the Board.

## **Roles and Responsibilities**

- Strategic Planning and Stakeholder Relations: As policy owner, Strategic Planning and Stakeholder Relations is responsible for the administration of this policy. All issues with respect to this policy should be directed to Strategic Planning and Stakeholder Relations.
- Divisional Heads: Divisional Heads are responsible for the application of the Elections Policy with respect to Toronto Community Housing resources, facilities and employees managed by their Divisions.
- Toronto Community Housing Employees: Employees are responsible for understanding and applying the Elections Policy and for seeking clarification and advice from Divisional Heads if required.

## **Governing and Applicable Legislation**

- *Federal Elections Act, 2000, S.C. 2000, c 9*
- *Election Act, R.S.O. 1990, c. E.6*
- *Residential Tenancies Act, 2006, S.O. 2006, c. 17, Section 28*
- *Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.*
- *City of Toronto Municipal Code*
- *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*
- *Personal Information Protection and Electronic Documents Act, S.C. 2000, c.5*



## Related Policies and Procedures

- *Code of Conduct*
- *Conflict of Interest Policy*
- *Code of Conduct for Directors of the Board*
- *Conflict of Interest Policy for Directors of the Board*
- *Expense Reimbursement Procedures*
- *Media and Issues Protocol*
- *Voluntary Leave without Pay Policy*

## Commencement and Review

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Approval</b>
First approval:	August 2013	New	Board of Directors
Last review:	June 2018	Merge document with former Elections Policy Guidelines; replaced term “resident” with “tenant”; replaced term “registrant” with “registered third party” to align with City’s terminology and revisions to the Municipal Elections Act; style, formatting and editing throughout.	Board of Directors (approval date tbd)

**Next Scheduled Review Date: June 2022**