Northumberland OPP Detachment Board OPP Detachment Board Policy

Election Campaign Work and Political Activity

Policy No: 2024-10

Effective Date: April 1, 2024

Rescinds all other Policies and Procedures relating to this subject.

1. Policy Statement

1.1. This Policy provides direction on the appropriate use of Board resources during an election campaign in accordance with the Municipal Elections Act (the "MEA").

1.2. This Policy also provides direction on the extent to which Board members can participate in "political activity" as defined under the Public Service of Ontario Act (the "PSOA") and reflects the provisions of the *Community Safety and Policing Act, 2019* and related regulations (the "CSPA").

1.3. According to the analysis in section 2 below:

(a) the Board is subject to the municipal elections requirements of the MEA to establish rules and procedures with respect to the use of Board resources during a municipal election campaign period if it is a "local board" as defined under the MEA; and

(b) is not subject to the political activity requirements of the CSPA and the PSOA.

1.4. The Board has decided to voluntarily comply with the municipal elections requirements of the MEA and therefore this Policy establishes rules and procedures with respect to the use of Board resources during a municipal election campaign period. While not subject to the political activity requirements of the CSPA and the PSAO, the Board has determined that it is desirable to also include in this Policy requirements to cover the political activity of Board members'/staff more generally having regard to the member conduct rules in the Code of Conduct (O. Reg. 409/23) (the "Code") using certain provisions of the PSAO as a guideline.

2. Statutory Authority or References

MEA

2.1. Section 88.18 of the MEA provides that, before May 1st in the year of a regular election, a "local board" shall establish rules and procedures with respect to the use of board resources during the election campaign period. Local board is defined as a local board defined in the *Municipal Affairs Act* which in turn defines local board to mean:

"…a school board, municipal service board, transportation commission, public library board, board of health, police service board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof;"

2.2. While the Board is not a "police service board" as defined under the CSPA and is arguably not otherwise included in the above definition of "local board", under Policy D3(b) the Board has decided to voluntarily comply with the provisions of s.88.18 as a matter of good governance.

CSPA

Police Service Members

2.3. Under CSPA s.86 no police officer who is a member of a police service maintained by a police service board shall engage in political activity, except as permitted by the regulations. This section, on its face, applies to non-OPP police service members and in any event, does not apply to any type of board members.

2.4. The political activity of non-OPP police services is dealt with under O. Reg. 402/23 (Part II - s.3-s.11). The political activity of OPP police services is dealt with under O. Reg. 402/23 (Part III - s.12) as follows:

> "12. No member of the Ontario Provincial Police shall contravene or fail to comply with any provision in Part V (Political Activity) of the *Public Service of Ontario Act, 2006*."

Board Members

2.5. The above CSPA provisions do not require OPP detachment boards or police service boards to comply with Part V of the PSOA, however, this policy considers the application of the PSOA more generally to determine applicability to the Board.

PSOA

2.6. Part V of the PSOA sets out the rules and restrictions for engaging in political activity applicable to "public servants", defined in ss.2(2) of the PSOA as:

> "1. Every person employed under Part III.
>
> 2. The Secretary of the Cabinet.
>
> 3. Every deputy minister.
>
> 4. Every employee of a public body.
>
> 5. Every person appointed by the Lieutenant Governor in Council, the Lieutenant Governor, or a minister to a public body." *underlining added*

2.7. Items 1-3 above are not applicable. With respect to items 4 and 5, a "public body" is defined in clause 8(1.1) (aa) of the PSOA as entities prescribed as public bodies by the regulations under the PSOA (see O. Reg. 146/10). These regulations do not prescribe police services boards or OPP detachment boards as public bodies and therefore PSOA rules and restrictions applicable to political activity do not apply to such boards. . As a result, Board members and staff are not "public servants" and are therefore not subject to PSOA election rules and procedures.

3. Purpose

3.1. The purpose of this Policy is to ensure that:

(c) all election candidates are treated fairly and consistently in relation to the use of Board resources to preserve the integrity of both the Board and the electoral process; and

(d) all Board members and staff comply with the provisions of the Code in connection with any political activity in which they engage.

4. Scope

4.1. This Policy will apply to Board members and the Executive Assistant in the conduct of their duties.

5. Definitions

5.1. As defined herein.

6. Policy Guidelines

6.1. For purposes of this Policy, Board members/staff will be considered to engage in political activity when,[1]

(a) the member/staff does anything in support of, or in opposition to, a federal or provincial political party;

(b) the member/staff does anything in support of, or in opposition to, a candidate in a federal, provincial, or municipal election;

(c) the member/staff is, or seeks to become, a candidate in a federal, provincial, or municipal election; or

(d) the member/staff comments publicly and outside the scope of the duties of his or her position with the Board on matters that are directly related to those duties and that are dealt with in the positions or policies of a federal or provincial political party or in the positions or policies publicly expressed by a candidate in a federal, provincial, or municipal election.

6.2. No member of the Board or its staff shall use the facilities, equipment, records, symbols, supplies, services or other resources of the Board or the OPP (including members' personal websites and social media accounts linked through the OPP' website and the OPP' social media accounts) for any election campaign or campaign-related activities.

6.3. No member of the Board or its staff shall undertake campaign-related activities on OPP property and OPP property shall not be otherwise used for campaign-related activities.

6.4. No member of the Board or its staff shall use the services of Board/OPP staff for any election campaign or campaign-related activities during hours in which Board/OPP staff receive any compensation from the Board/OPP.

6.5. No member of the Board or its staff shall use identifiable photographs depicting any member of the Board or its staff in campaign literature or advertising.

6.6. No member of the Board or its staff shall purport to express public or private support for an election candidate on behalf of the Board.

6.7. No member of the Board or its staff shall engage in political activity in a manner which contravenes the provisions of the Code.

[1] adopted from PSOA definition.

6.8. Any member of the Board or Board staff who proposes to engage in political activity shall notify the Chair of the Board in writing in advance of any such activity.

1. Review and Revision History

Revision Date	Description of Changes
April 1, 2024	Updated to reflect new CSPA

Approved and ratified by the Northumberland OPP Detachment Board effective April 1, 2024.

John Davison

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Chair

Lou Rinaldi

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Vice-Chair