

RECEIVED VIA EMAIL

November 17, 2016

Dear Councilors,

Following last Monday's meeting—at which, as I understand it, your acceptance of Staff Report FAF.16.99 on Workplace Harassment and Violence policies, has been deferred to December 5th, pending some clarifications—I would like to respectfully suggest a practical set of measures that you, the Council, might take in preparation for the next public session on the matter.

First, let me say that I appreciate that the work of Council encompasses far more than the approval of such bylaws, that you are all very busy, and dedicate a lot of your time and energy to making sure the town is run smoothly and fairly. This is what we elected you to do, and for this you deserve our gratitude.

Yet in such circumstances, you often don't have the time to consider in depth the meaning and the long-term consequences for the public of bylaws and policies that you pass. For that, you depend, quite properly, on the town staff (or their legal advisors) to inform you and make policy proposals, just as any government depends on its civil service to advise and execute policy that the government, acting on behalf of the electorate, wishes to see acted on.

But it's one thing to be asked to approve or reject an adjustment in zoning bylaws that might affect a handful of people in a neighbourhood, and something quite different, and far more serious, to approve or reject proposals from your staff that will have an impact not only on the public as a whole, but over time, on the atmosphere of life in the town, and on the quality of the relationships we citizens have with our municipal authorities, who are also, by the way, happen to be our friends and neighbours.

I believe, and I know I'm not alone, that Staff Report FAF.16.99 is just such a proposal, one that needs far more careful scrutiny than most, since it involves the potential rupture of some values that are basic to our democracy. And it was clear from the meeting on Monday that you share our concerns. So I see this deferral as an opportunity for you, the Council, to come up with a report of your own, one that examines FAF.16.99 not just in the light of existing provincial legislation on workplace health and safety, or of similar codes in other municipalities, but more broadly, in the light of existing human rights legislation, and legislation protecting the community's right to public participation.

You have already received letters from some citizens drawing your attention to possible problems in the report. I believe what you need now is expert, independent opinion on those contentions.

I understand that normally, you would instruct the staff to do that work, and that, normally, this would be fine. But a word of caution here: in at least two recent instances -- in the matter of the indemnification of town employees and volunteers, and in the matter of the sanctions imposed on Councilor Seguin's for his alleged infringement of the code on harassment—the staff has presented and the Council has approved reports that, to put it mildly, have not shown the Council in a good light. Those two instances have made many of us question who is in charge: our elected representatives, or the town staff? More fundamentally, we wonder whether our votes, and the taxes we pay, count for anything at all in matters as basic as our freedom to participate in our own governance.

There is a simple solution. You can appoint a legal firm with no ties to the town, or to the town's paid legal advisors (in this case Bernardi LLP), and preferably a firm that deals in human rights issues, to vet Staff Report FAF.16.99 to determine whether the current wording of the report does or does not overstep the bounds of what is needed to make the town hall a safe working environment. The optics of having the same firm that helped draft the report vet it are terrible, and will persuade no one, and will therefore be a waste of money. I believe that not only will most people not object to the extra expense of a truly independent report, but will applaud your efforts to represent us properly.

In the hierarchy of democratic authority, your decisions, acting on our behalf, trump that of the staff, and I believe that you are entirely within your rights to order an independent second opinion. Once you have that opinion, you will be in a better position to make the important decisions that affect all of us in this community.

Respectfully submitted,

Paul Wilson
Acting Chair.
Voices of Community for Accountable Leadership