



Meaghan Barrett  
Direct: 416.865.3064  
E-mail: mbarrett@airdberlis.com

## **INTEGRITY COMMISSIONER REPORT ON CODE OF CONDUCT COMPLAINT 2024-02**

### **THE CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC**

**Aird & Berlis LLP**

**Meaghan Barrett**

**January 28, 2025**

## TABLE OF CONTENTS

A.	INTRODUCTION .....	3
B.	APPOINTMENT & AUTHORITY .....	3
C.	REVIEW OF MATERIALS AND INVESTIGATION.....	4
D.	THE COMPLAINT .....	4
E.	DETERMINATIONS .....	6
F.	CONCLUSIONS.....	8

## INTEGRITY COMMISSIONER REPORT CODE OF CONDUCT COMPLAINT 2024-02 AGAINST COUNCILLOR GREG WILLSIE

### A. INTRODUCTION

1. A formal complaint was received by the Integrity Commissioner on October 15, 2024 (the “**Complaint**”). The Complaint alleged that Councillor Greg Willsie (the “**Councillor**”) of The Corporation of the Municipality of Strathroy-Caradoc (the “**Municipality**”) contravened the *Code of Conduct for Members of Council and Local Boards* (the “**Code**”).
2. As set out in greater detail below, the Complaint relates to a social media post made by the Councillor on September 29, 2024 regarding a draft of the Service Delivery Review report that was scheduled to be presented to Council (the “**Social Media Post**”). The Complaint alleges that the Social Media Post contained negative comments about the Municipality’s staff, in contravention of the Code.
3. The principles of procedural fairness require us to provide reasons for our conclusions and recommendations, which we have done in this report (the “**Report**”). Our investigation was conducted in accordance with the Code and with a process that was fair to all parties. We have assessed the evidence in an independent and neutral manner.
4. As part of our investigation, we provided the Councillor with the Complaint and offered him an opportunity to respond to the allegations. The Councillor provided a response which was shared with the Complainant per the Code’s requirements. The Complainant was provided an opportunity to submit a reply to the Councillor’s response, which they declined to do.
5. For the reasons that follow, this Report finds the Councillor has not contravened the Code.

### B. APPOINTMENT & AUTHORITY

7. Aird & Berlis LLP was appointed as the Municipality’s Integrity Commissioner pursuant to subsection 223.3(1) of the *Municipal Act, 2001*.
8. The Integrity Commissioner is a statutory officer, created under Part V.1 of the *Municipal Act, 2001*. Municipal councils are required to establish codes of conduct for council members and are authorized to appoint integrity commissioners responsible for, among other duties, investigating and reporting to council on complaints involving allegations that a council member has contravened the code of conduct.

9. As Integrity Commissioner, we are appointed to act in an independent manner on the application of the Code and other rules and procedures governing the ethical behaviour of members of Council. We are required to preserve secrecy in all matters that come to our knowledge as Integrity Commissioner in the course of our duties.
10. This is a report on the investigation of the Complaint made in accordance with the Code and subsection 223.6(2) of the *Municipal Act, 2001*.
11. Council adopted the Code on October 3, 2023 by By-law 58-23.
12. Subsection 16(1) of the Code allows the Integrity Commissioner to report on a complaint where no contravention has been found or where a contravention occurred but it was committed through inadvertence or it resulted in an error in judgment made in good faith.
13. Pursuant to subsection 223.6(3) of the *Municipal Act, 2001*, the Municipality is required to make available to the public the reports received from the Integrity Commissioner.

#### **C. REVIEW OF MATERIALS AND INVESTIGATION**

14. To undertake our investigation and prepare this Report, we reviewed and considered the following materials:
  - the Complaint and supporting evidence;
  - the Councillor's response to the Complaint, dated November 6, 2024;
  - the Service Delivery Review/Current State Report (first draft) prepared by StrategyCorp and dated September 23, 2024 (the "**Service Delivery Report**").

#### **D. THE COMPLAINT**

15. The Complaint alleges that the Councillor contravened Sections 4.1(b), 5.4, 14.3 and 15.1 of the Code.
16. We considered the Complaint in accordance with our standard intake and review procedure and notified the Councillor of the Complaint on October 31, 2024. The Councillor provided a written response on November 6, 2024. The Complainant declined to reply.

##### **(i) The Complainant's Allegations**

17. As noted above, the Complaint alleges that the Councillor contravened Sections 4.1(b), 5.4, 14.3 and 15.1 of the Code.
18. On September 29, 2024, the Councillor posted the Social Media Post on his official Facebook page ("Greg Willsie Strathroy Caradoc Ward 2 Councillor"). The Social Media Post was made in the context of Council's upcoming consideration of the first draft of the

Service Delivery Report, which was to be presented at the meeting of Council on October 1, 2024.

19. The Social Media Post states as follows:

On Tuesday, Oct 1 at 5pm, Council will be meeting to review the first draft of our service delivery review.

Some of the key themes in this report are that Staff's engagement, resistance to change and a lack of both documentation of process and strategic planning are issues that need to be addressed. These issues are present in Staff's interactions with both Council and the Public. (Page 9)

Here is a link to the report for you to review before the meeting.

Detailed Department reports – Pages 38-50

Community Survey results – Page 52

Staff survey results – Page 53

20. The Complaint alleges that the Social Media Post is factually incorrect and slanted to paint the Municipality's staff in a poor light. In particular:

- (a) The Social Media Post states that staff are resistant to change, which the Complaint alleges is factually incorrect. The Service Delivery Report states that there may be resistance to change by both staff and community members, which is listed as a possible overall weakness.
- (b) The Complaint alleges that the Councillor's comment regarding staff engagement has been misconstrued. The Service Delivery Report states that staff feel disconnected due to staff turnover and leadership.
- (c) The Complaint alleges that the Councillor's statement, "These issues are present in Staff's interactions with both Council and the Public" misleadingly cites page 9 of the Service Delivery Report, since that wording does not appear on page 9 of the report.

**(ii) The Councillor's Response**

- 21. The Councillor acknowledges that he made the Social Media Post, but disagrees with the Complainant's submissions that he contravened the Code.
- 22. The Councillor asserts that he did not purposefully misconstrue, twist or make statements to reflect poorly on staff.
- 23. The Councillor noted in his Response that the Social Media Post provides a link to the 54-page long draft Service Delivery Report, and that the purpose of the report was to "identify ways to modernize service delivery, reduce future costs, and make the best use of limited

resources” and to provide “service delivery improvement opportunities, enterprise-wise opportunities and department-specific opportunities ‘for further investigation’”.

24. The Councillor wrote “my references to the [Report], and my opinion that there are issues that need to be addressed, are not incorrect. The whole purpose of the [Service Delivery Review] exercise is to identify and address potential improvements. I am certainly entitled to my opinion that there are items to be addressed”.
25. The Councillor apologized, writing “I am sorry and extend my apologies for this to the Complainant and anyone else who may have felt this way”. The Councillor also advised that, in future, he will “diligently review any [Facebook] posts with a keen eye to ensure that they adhere to and comply with all aspects of [the Code]”.
26. Finally, the Councillor noted that it is important that members of council be able to use social media to connect with constituents, and that “opinions and fair comment are protected by our right to freedom of expression under Section 2(b) of the Canadian Charter of Rights and Freedoms”.

## **E. FINDINGS**

### **4.1 A Member shall make every effort to:**

***(b) not make statements that are or ought to be known to be false or with the intent to mislead or misinform Council or the public.***

#### **(i) Determination re Section 4.1(b)**

27. We find the Councillor did not contravene Section 4.1(b) of the Code.
28. We have reviewed the pertinent sections of the Service Delivery Report, and in particular the sections of that report cited in the Social Media Post<sup>1</sup> and considered whether the statements in the Social Media Post were false or intended to mislead or misinform the public.
29. The Report contains an Executive Summary at pages 8-14. On page 8 of the Report, the “key takeaways” are summarized as follows:
  - The Municipality could benefit from a strengthened relationship between staff, council and the community – firmly underpinned by trust
  - To meet resident expectations, there is a need to explore ways to enhance and improve customer service across all levels of the organization, ensuring a consistent approach that aligns realistic service delivery with resident expectations

---

<sup>1</sup> The pages cited in the Social Media Post were pages 9, 38-50, 52 and 53.

- The Municipality's team is dedicated and its structure relatively lean in some service areas.
30. Page 9 of the Service Delivery Report summarizes "Strengths to Opportunities", listing 6 strengths and 11 weaknesses in bullet form.
31. The Social Media Post cites page 9 of the Service Delivery Report in support of the following statement:
- Some of the key themes in this report are that Staff's engagement, resistance to change and a lack of both documentation of process and strategic planning are issues that need to be addressed. These issues are present in Staff's interactions with both Council and the Public. (Page 9)
32. The "weaknesses" identified on page 9 of the Service Delivery Report include (1) "staff morale and engagement", (2) "resistance to change", (3) "Operational focus and limiting strategic capacity" and (4) "undocumented business processes".
33. We understand from the Councillor's Response that he acknowledges that the statement "These issues area present in Staff's interactions with both Council and the Public" expresses his opinion and should not have been attributed to the Service Delivery Report.
34. We find that while the Social Media Post does not contain a false misstatement of the contents of the Service Delivery Report, it has selectively curated sections of that report.
35. In our view, handpicking certain sections of the Service Delivery Report to emphasize a point (and suppressing others), as, we find, was done by the Councillor, has the potential to mislead or misinform the public. However, we are prepared to accept the Councillor's submission that it was not his intent to do so in this case. We are mindful of the Councillor's commitment that he will take greater care in reviewing his social media posts in the future.
36. The other sections of the Report cited in the Social Media Post generally align with the descriptions provided.
- 5.4 A Member shall not publicly criticize Staff and any issue with respect to any Staff member shall be referred to the CAO who will direct the matter to the particular Staff member's appropriate superior (if not the CAO).**
- (i) Determination re Section 5.4**
37. We conclude that the Councillor did not contravene Section 5.4 of the Code. However, as noted above, it is possible to perceive the Social Media Post as public criticism of staff. The Social Media Post does not technically misquote the Service Delivery Report, but it does omit contextual information and characterize the listed "weaknesses" as "key themes", which, in our view, is an overstatement.

38. While we have determined that the Councillor did not breach this section of the Code by inappropriately publicly criticizing staff, the Social Media Post came very close to doing so.
39. Such public criticism of staff – even if not intended as such – is not appropriate and is damaging to staff because of the “power imbalance” between council members and staff.<sup>2</sup>
40. The Councillor acknowledged that the Social Media Post was read and interpreted as criticism of staff by the Complainant, and clarified that that was not his intention. We caution the Councillor to take greater care when posting reports and other council documents to his social media accounts.

**14.3 *Members shall refrain from making comments of a disparaging nature about Members, staff or persons that relate to the business of the Municipality.***

**(i) Determination re Section 14.3**

41. We find the Councillor did not contravene Section 14.3 of the Code. In our view, the Social Media Post does not include comments of a disparaging nature such that it would give rise to a contravention of this provision of the Code.

**15.1 *Members using social media shall:***

***(a) ensure that all posts are accurate before uploading content to the internet;***

***(c) follow the same principles and guidelines as for other forms of communication by employing sound judgment and common sense, by acting with respect, dignity, courtesy and empathy; and***

**(i) Determination re Section 15.1**

42. We find the Councillor did not contravene Section 15.1 of the Code. We agree with the Councillor’s submission that he did not, technically, make any inaccurate statements in the Social Media Post.
43. However, in our view the Councillor could have been more cautious, careful and conscientious in the way he communicated the findings and recommendations in the Service Delivery Report. He failed to provide a balance view which is what was actually set out in the Report.

**F. CONCLUSIONS**

44. For the reasons set out above, we conclude that the Councillor has not contravened any of Sections 4.1(b), 5.4, 14.3 and 15.1 of the Code as alleged in the Complaint.

---

<sup>2</sup> *Villeneuve v. North Stormont (Township)*, 2022 ONSC 6551, 38 M.P.L.R. (6th) 237 at para. 38.



45. Despite our conclusion that the Councillor has not breached the Code, we caution the Councillor and all members of Council to tread carefully when commenting publicly about municipal staff.
46. Freedom of expression is certainly a fundamental right, but it is not limitless. The Code (as well as the *Canadian Charter of Rights and Freedoms*, cited by the Councillor in his responding submissions) establishes appropriate limits on the right of freedom of expression, which must be respected by all members of council.
47. The courts have been clear that a code of conduct can impose reasonable limitations and restrictions upon a council member's freedom of expression. In *Buck v. Morris*, the court noted as follows:

The right to freedom of speech in our society is not an absolute right. While freedom of speech is a cherished right in a free and democratic society, there are reasonable limitations. The Town of Aurora, like many towns and cities in the Province of Ontario, has a Code of Conduct that purports to codify parameters of reasonable conduct for elected Town officials.

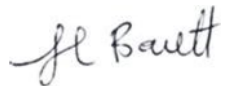
...

The plaintiff clearly has a perception that she has an unfettered right to freedom of expression and freedom of speech. That freedom, however, is circumscribed by the Code.<sup>3</sup>

48. In making our determinations, we have taken into account that the Councillor is a first-term member of Council and that this is the first complaint that our office has received alleging that the Councillor has contravened the Code. We hope that this Report may provide some guidance to the Councillor in the future.
49. Subsection 223.6(2) of the *Municipal Act, 2001* provides that this Report be made public.

Respectfully submitted,

AIRD & BERLIS LLP



Meaghan Barrett

Integrity Commissioner for the Municipality of Strathroy-Caradoc

Dated this 28th day of January, 2025

62531053.2

---

<sup>3</sup> *Buck v. Morris* (2015), 44 M.P.L.R. (5th) 175 (Ont. S.C.J.) at paras. 191 and 193.