

Legislative
Assembly
of Ontario



Assemblée
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de l'Ontario

OFFICE OF THE INTEGRITY COMMISSIONER



REPORT

OF

**LYNN MORRISON
INTEGRITY COMMISSIONER**

**RE: DAIENE VERNILE, MEMBER FOR KITCHENER-CENTRE
AND JEFF LEAL, MINISTER OF AGRICULTURE, FOOD AND
RURAL AFFAIRS**

TORONTO, ONTARIO

December 22, 2015

RE: DAIENE VERNILE, MEMBER FOR KITCHENER-CENTRE AND JEFF LEAL, MINISTER OF AGRICULTURE, FOOD AND RURAL AFFAIRS

I. EXECUTIVE SUMMARY

This report relates to a complaint made by Michael Harris, the member of provincial parliament (MPP) for Kitchener-Conestoga under section 30 of the *Members' Integrity Act, 2004* (the "Act") against Daiene Vernile, member for Kitchener-Centre as well as Minister Jeff Leal, Minister of Agriculture, Food and Rural Affairs ("the **Members**").

The complaint alleges that the Members contravened Ontario parliamentary convention by using government resources in relation to partisan activities. Specifically, the allegations relate to an event held on September 1, 2015 to announce provincial funding which was attended by both Members and a candidate in the then federal election. It is alleged that both Members promoted the candidate at the event as well as through Twitter activity related to the event and connected to their constituency websites. An investigation was conducted and I found that neither Member promoted the candidate as alleged and did not breach Ontario parliamentary convention.

Although not the subject of the complaint, my investigation also revealed inappropriate use of constituency websites by a number of MPPs. Most MPPs have taken steps to ensure that the content available directly on their websites is non-partisan. However it is disappointing to note that MPPs have been less diligent about ensuring that content accessible through links on their constituency websites, particularly social media, is similarly non-partisan. I recommend that all MPPs with social media accounts linked to their constituency websites cease posting partisan messages and warn that future non-compliance may result in penalties being imposed in the future.

II. LEGISLATIVE FRAMEWORK

1. The *Members' Integrity Act* - Sections 30 and 31

Under section 30(1) of the Act, a member of the Legislative Assembly who has reasonable and probable grounds to believe that another MPP has contravened the Act or Ontario parliamentary convention may request that I give an opinion on the matter. When a matter is referred to me by a MPP, I may then conduct an inquiry, in accordance with section 31 of the Act, after giving the MPP whose conduct is concerned reasonable notice.

2. Ontario Parliamentary Convention

This complaint relates to potential contraventions of Ontario parliamentary convention, which is a unique feature of the Act. Since 1994, Ontario parliamentary convention has formed the basis of more than half of the complaints filed by MPPs about the conduct of their colleagues. Although parliamentary convention is not defined in the Act, it has been the subject of considerable commentary by past Integrity Commissioners. In essence, parliamentary conventions are generally accepted rules or practices about the appropriate conduct of members of the Legislative Assembly.¹ The core principles of the Act set out in its preamble, namely the reconciliation of private interests and public duties, provides the foundation for the establishment of parliamentary conventions.

In my view having a requirement that MPPs comply with parliamentary convention is a recognition that the standards for acceptable conduct by MPPs will and should change over time. In the past some MPPs have expressed concern that this fluid approach makes complying with parliamentary convention challenging. While the concept of Ontario parliamentary convention

¹ In the Report re: Sandra Papatello Deputy Leader of the Official Opposition and Member for Windsor West, December 12, 2002, at para. 25, parliamentary convention was described by former Integrity Commissioner Coulter Osborne as follows:

Parliamentary convention refers to that which is generally accepted as a rule or practice in the context of norms accepted by parliamentarians. The elements of parliamentary convention are framed by the core principles which provide the general foundation for the Act as set out in the Act's preamble.

may seem incongruous with the need for clear rules, it is important to keep in mind that underpinning the Act is an acknowledgement that the public should expect that their elected officials act appropriately, not merely by the letter of the law. MPPs may look at anonymized inquiries and the more than twenty years of publications, communications and submissions from this Office for information about the texture and depth of Ontario parliamentary conventions. Broadly speaking the following six categories of conduct have been found to be contrary to Ontario parliamentary convention:

- 1. Advocacy** – Ministers and Parliamentary Assistants are prohibited from appearing or having communication on behalf of a private party, with any agency, board or commission which falls under the jurisdiction of the Minister.²
- 2. Judicial interference** - MPPs are not permitted to interfere in judicial processes in any way.³ The prohibition includes not interfering with police activities⁴, advocating to the judiciary, or publically commenting on matters before the judiciary⁵.
- 3. Interference with public service** - Ministers and their offices do not advocate directly to public servants from other ministries about constituent issues, but must go through the responsible minister.⁶
- 4. Management of Trust account** – Ministers who are granted permission to hold certain assets in Trust accounts must do so in a manner that promotes public confidence.⁷
- 5. Assisting others in a manner that interferes with public duties** – MPPs must ensure that constituent representation and activities MPPs normally engage in are done in a manner that does not undermine the member's public duty.⁸
- 6. Government resources should not be used for partisan purposes** – Government resources, including constituency offices, telephones, computers, and the salaried time of staff, should be used to assist constituents and not for matters related to partisan politics.⁹

² 1991-1992 Annual Report of the Office of the Integrity Commissioner at page 7, inquiry No. 6; 1994-1995 Annual Report of the Office of the Integrity Commissioner at page 8, inquiry No. 4.

³ 1992-1993 Annual Report of the Office of the Integrity Commissioner at page 9, inquiry No. 6.

⁴ 1997-1998 Annual Report of the Office of the Integrity Commissioner at page 15, inquiry No. 28.

⁵ Report re: Robert Runciman, Member for Leeds-Grenville, October 25, 2006 at para. 21.

⁶ In the 2002-2003 Annual Report of the Office of the Integrity Commissioner at page 11, inquiry No. 12, Integrity Commissioner Coulter A. Osborne described this convention as follows:

It is an accepted convention that there are limitations on the ability of a Minister to act on behalf of constituents, and the practice has evolved whereby Ministers and their offices do not deal directly with public servants, but go through the office of the responsible Minister.

⁷ Report re: Harinder Takhar, Minister of Transportation and Member for Mississauga Centre, January 4, 2006 at para. 94.

⁸ Report re: Sandra Pupatello, Deputy Leader of the Official Opposition and Member for Windsor West, December 12, 2002 at paras. 30 to 35; Report re: Dave Levac, Member for Brant, July 23, 2003 at paras. 29 to 34.

3. Use of Government Resources for Partisan Purposes

Many of the Office's recent reports have been related to the use of government resources, and in particular, constituency office resources for partisan purposes. I have been clear that MPPs should not use their constituency offices and government resources for partisan purposes, and that it is a breach of Ontario parliamentary convention to do so.

This convention was extended to constituency websites in the 2008 Report Re: Ted Chudleigh, Member for Halton. In other words, visitors to constituency websites are entitled to access MPPs without being subjected to partisan messaging in the same way that visitors to physical constituency offices are assured of a neutral environment.

I considered how the convention about government resources applied to social media accounts in the 2012-2013 Annual Report of this Office. Specifically at page 12 of that report, in response to an inquiry about whether MPPs may link their social media accounts to their constituency office's website, I indicated that it was acceptable to do so as long as the link is not to a website containing partisan or commercial information. More specifically I indicated that:

1. An MPP's website should not link to a social media page (or any other website) that has pictures of the MPP together with signage or flags, etc., that show the political party affiliation.
2. An MPP's constituency website should not link to a social media account that has been used for campaign purposes only.
3. An MPP's constituency website should not contain a link to a website that contains links to other websites that are partisan in nature and demonstrate the MPP's party affiliation. A link to a link to a link, and so on, is also unacceptable as long as it is reasonable to believe that a visitor to the MPP's constituency website might follow that series of links.
4. An MPP's constituency website should never contain information about political fundraisers or how to make donations to political parties.

⁹ Report re: Ted Chudleigh, Member for Halton, December 11, 2008, at paras 19 to 23 and paras. 28 to 30; Report re: Laurie Scott, Member for Haliburton-Kawartha Lakes-Brock, October 1, 2013, at paras. 11 to 15; Report re: Jagmeet Singh, Member for Bramalea-Gore-Malton, June 26, 2015 at page 19.

III. THE COMPLAINT AND RESPONSE

My Office first became aware of this complaint on October 1, 2015 when a letter from MPP Michael Harris was received alleging that MPP Daiene Vernile and Minister Jeff Leal (“the **Members**”) had contravened Ontario parliamentary convention by using government resources to promote then federal Liberal candidate, Raj Saini (the “**Candidate**”) at an event announcing provincial funding and on social media accounts connected to their constituency websites. On the same date, I sent a letter to Mr. Harris requesting he comply with established processes for filing a complaint under section 30 of the *Members’ Integrity Act, 1994* (the “**Act**”).

On October 2, 2015, my Office became aware of media reports quoting Mr. Harris as saying that he had asked the Ontario Integrity Commissioner to look into his concerns about the conduct of the Members. My Office followed up with Mr. Harris on October 7 and again on October 16, to ascertain whether and when an affidavit, as required by the established process, would be provided. It was not until October 20 that I received an affidavit from Mr. Harris with proof that it had been served on the Speaker of the Legislative Assembly (the “**Affidavit**”). The Affidavit contained the same allegations as set out in the original letter.

On October 21, I sent the Members a copy of the Affidavit and invited them to make submissions regarding the substance of the complaint. On November 2, I received submissions from each Member. These submissions indicated that the event in question was a public event to announce provincial funding and that neither Member invited the Candidate to attend.

In accordance with my practice, on November 3, I provided Mr. Harris with an opportunity to comment on the Members’ submissions by November 13. Further submissions were provided by Mr. Harris on November 16 indicating that the event in question was not open to the public and that the Candidate was taking part in the government announcement.

IV. THE INVESTIGATION PROCESS

The following individuals were interviewed:

- Raj Saini, the Candidate;
- Peter Cleary, Chief of Staff of the Minister of Agriculture, Food and Rural Affairs;
- Graham Spence, co-founder of Block Three Brewery Affairs;
- Angela Drennan, Executive Assistant to Ms. Vernile
- Mike Harris, MPP
- Daiene Vernile, MPP; and
- Jeff Leal, MPP and Minister.

V. THE FACTS

1. Purpose and Organization of the Event

The Block Three Brewing Company Limited (the **Company**) was selected to receive funding through the Rural Economic Development program of the Ministry of Agriculture, Food and Rural Affairs (the **Ministry**). The purpose of the funding was to help the Company increase production and promote its product. As is its practice, Ministry officials contacted the Company to make arrangements to organize an event to announce the granting of the funding. The event was scheduled for September 1, 2015 at the retail and manufacturing facility of the Company in St. Jacob's, Ontario because the Minister was scheduled to be at another event in the area earlier that day. Arrangements for the event were made by Ministry officials.

2. Notice of the Event

Ministry officials informed 12 specific individuals about the event. (**Appendix A** is a list of these individuals). A member of the Minister's staff sent Mr. Harris an email the night before the event at 8:51 p.m. to advise that the Minister would be attending three events near Mr.

Harris's riding the next day (**Appendix B** is the email sent to Mr. Harris). Mr. Harris indicated that the email was sent to an account that is not monitored after hours.

While Ministry officials were responsible for advising individuals about the event, they sought the input of the Company. The Company provided a list of individuals that included the then local federal Member of Parliament. However, that individual was not informed about the event because, according to the Company, the Ministry had concerns as he was campaigning in the federal election. A media advisory was issued on August 31, the day before the event, to advise media in the region and the community about the funding announcement. (**Appendix C** is a copy of the media release).

3. The Event

The event was scheduled for 9:15 a.m. on Tuesday, September 1, 2015.¹⁰ At 8:00 that morning, the Members attended another event at the nearby St. Jacob's Market to celebrate the re-opening of the market after a fire destroyed the main building two years before.¹¹ Mr. Harris and the Candidate were both in attendance at the re-opening of the market.

A number of community leaders were also in attendance at the re-opening of the market and some of these individuals told the Candidate that they were heading to another local event, the funding announcement. He decided to "tag along" with these individuals. The Candidate indicated that this was the first time he became aware of the event and that he made the decision to attend the event because of personal interest. The announcement event was not on the Candidate's itinerary of scheduled appearances.

¹⁰ The hours of operation for the retail store listed on the Company's website indicate that on Tuesdays the retail store is open from 11:00 a.m. to 6:00 p.m.

¹¹ The St. Jacob's Market is an important destination for both residents of the area and tourists.

Mr. Harris also advised that he first became aware of the announcement event while at the market re-opening and was not able to adjust his schedule to attend the entire event.

Following the re-opening of the market, the Members left to attend the event at the retail and manufacturing facility of the Company. The Ministry and Company each indicated that no steps were taken to register, control or prevent anyone from entering the retail and manufacturing facility of the Company before or during the event. The evidence from the Company was that anyone who knew about the event could simply walk in. As there was no registration required, the Minister's Office does not have a list of attendees at the event. The Company and the Candidate estimate that there were 20 to 30 people in attendance.

The event consisted of speeches by Minister Leal and local officials, followed by photograph opportunities. There was no seating at the event; rather, attendees stood to listen to the speeches. The Minister's Office and Company confirmed that the Candidate did not give a speech, was not introduced or otherwise acknowledged by the Members. After the speeches, attendees at the event began disbanding. Mr. Harris confirmed that he left the event after Minister Leal finished his speech.

4. Involvement of Candidate at the Event

The Candidate advised that he arrived late to the event, stood at the back of the room during the funding announcement and did not participate in the announcement. He did not register with anyone or otherwise advise organisers of his presence. The Candidate indicated that he did not intend to, nor did he campaign at the event. He attended the event without any staff and did not bring any campaign materials. The Candidate also advised that the event was outside his riding.

The Candidate indicated that photographs were then taken and that he was "caught up in the moment" and subsequently photographed. The Candidate said he did not know who took

photographs of him and the Members, or how they ended up being posted on the Twitter account of “@VoteRajSaini” as shown in figure 1.¹²

Figure 1: Posts of the Event posted on the Twitter account of @VoteRajSaini



¹² Note following the federal election, the Twitter account of “@VoteRajSaini” was changed to “@RajSaini”.

5. Social Media postings by Members related to the Event.

The pictures and text shown in figure 2 below were posted on the Twitter account of Ms. Vernile about the event. Ms. Vernile indicated that she does not know who took the photographs shown in the post, but indicated that as a result of her broadcast career she is well recognized in the community and that it is not unusual for constituents to email her photographs during an event.

Figure 2: Posts of the Event posted on the Twitter account of @Daiene Vernile



Minister Leal did not tweet any of his own material about the event but “liked” posts made on the Twitter account of @VoteRajSaini and @Daiene Vernile.¹³ Figure 3 shows the two posts about the event that were “liked” on Minister Leal’s Twitter account.

¹³ On November 3, 2015, Twitter replaced the term “favorite” with “like”. Although the Minister technically “favorited” the posts in question, this report will refer to this action as “like” throughout to minimize confusion.

Figure 3: Posts of the Event “liked” by the Twitter account of @Jeff Leal_MPP



Jeff Leal ✓
@JeffLeal_MPP

TWEETS 2,566 FOLLOWING 1,356 FOLLOWERS 3,755 LIKES 686

← ↻ 1 ♡ 2 ⋮



Daiene Vernile @DaieneVernile · Sep 1

Love the entrepreneurship @BlockThree Brewery in St. Jacobs. Ont Ag Min @JeffLeal_MPP announces RED funding support.



← ↻ 2 ♡ 5 ⋮



Jeff Leal ✓
@JeffLeal_MPP

TWEETS 2,566 FOLLOWING 1,356 FOLLOWERS 3,755 LIKES 686

← ↻ ♡ 1 ⋮

[View conversation](#)



Raj Saini @RajSainiMP · Sep 1

Enjoyed a tour of @BlockThree Brewing Co in St Jacobs with MPP @DaieneVernile & MPP @JeffLeal_MPP this morning!



← ↻ 2 ♡ 2 ⋮

Both Members indicated that a number of staff members are responsible for posting material to, and monitoring activity on, each Member's Twitter account. Neither Member has specific policies related to their Twitter accounts. Both Members expressed confidence in their respective staff's ability to identify and screen appropriate activity for their Twitter accounts.

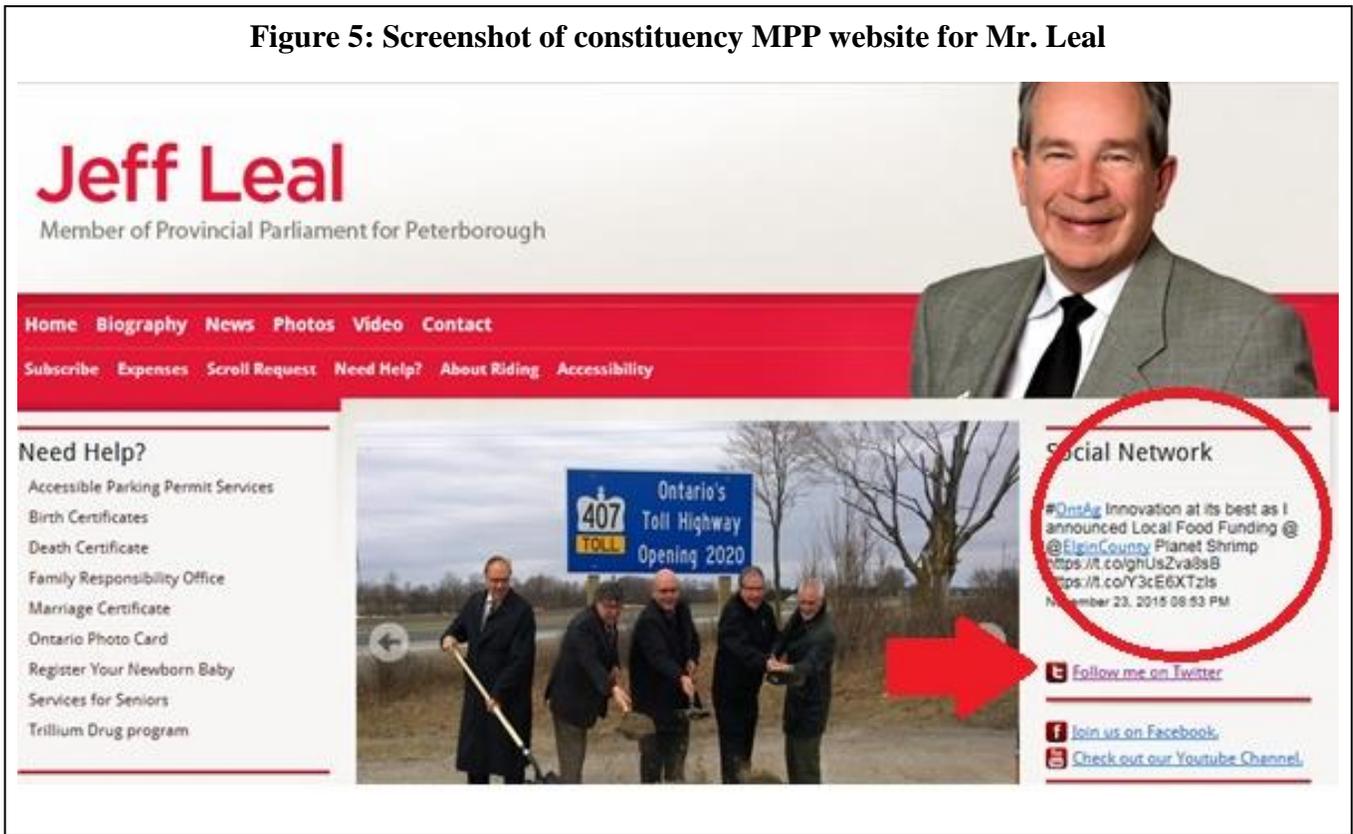
Although the same photographs appear on each Member's Twitter accounts, the mechanisms and therefore the visibility of the posts differ. The photographs and accompanying text in figure 2 were posted on Ms. Vernile's Twitter account. As a result this post was clearly visible on the main page of her Twitter account. Minister Leal on the other hand, "liked" Twitter posts that were originally posted by Ms. Vernile and the Candidate. As a result, these posts are not visible on the main page of his Twitter account, but rather accessible by clicking the "likes" link.

6. Connections between the Twitter accounts and Constituency websites

Each Member has a Twitter account (@DaieneVernile and @JeffLeal_MPP respectively).¹⁴ My review of each Member's constituency website indicates that both websites contain links to the Members' Twitter accounts and display the text of the latest tweet made to their respective Twitter accounts as highlighted in figures 5 and 6. Staff for both Members confirmed that the full content of the Members' Twitter accounts (text and pictures) were not visible on the main page of either of their respective constituency websites at any time.

¹⁴ I understand that in addition to the @JeffLeal Twitter account, several other Twitter accounts have been created for the Minister but that these are not being used.

Figure 5: Screenshot of constituency MPP website for Mr. Leal



The screenshot shows the website for Mr. Leal, Member of Provincial Parliament for Peterborough. The header features his name in large red font and a portrait of him. A red navigation bar contains links for Home, Biography, News, Photos, Video, and Contact. Below this is a secondary bar with links for Subscribe, Expenses, Scroll Request, Need Help?, About Riding, and Accessibility. On the left, a 'Need Help?' section lists services like Accessible Parking Permit Services, Birth Certificates, Death Certificate, Family Responsibility Office, Marriage Certificate, Ontario Photo Card, Register Your Newborn Baby, Services for Seniors, and Trillium Drug program. The main content area features a photo of Mr. Leal and other officials at the opening of Ontario's Toll Highway 407, with a blue sign that reads 'Ontario's Toll Highway Opening 2020'. A red arrow points from this photo to the 'Social Network' section on the right. This section is circled in red and contains a tweet from @OntAg: '#OntAg Innovation at its best as I announced Local Food Funding @ @EggsCounty Planet Shrimp https://t.co/ghUsZva8sB https://t.co/Y3cE6XTzls November 23, 2015 08:53 PM'. Below the tweet are links to 'Follow me on Twitter', 'Join us on Facebook', and 'Check out our Youtube Channel'.

Figure 6: Screenshot of constituency website for Ms. Vernile



The screenshot shows the website for Ms. Vernile, Member of Provincial Parliament for Kitchener Centre. The header features her name in large red font and a portrait of her. A red navigation bar contains links for Home, Biography, Blog, News, Issues, Progress, Photos, Video, and Contact. Below this is a secondary bar with links for Subscribe, Publications, Expenses, Scroll Request, Need Help?, About Riding, and Accessibility. On the left, a 'Need Help?' section lists services like Accessible Parking Permit Services, Birth Certificates, Death Certificate, Family Responsibility Office, Marriage Certificate, Ontario Photo Card, Register Your Newborn Baby, Services for Seniors, and Trillium Drug program. The main content area features a photo of Ms. Vernile and two men standing in front of a construction site. Below the photo is the headline 'Construction Underway on New Kitchener GO Train Layover' and the sub-headline 'Ontario Committed to Improving Public Transit'. A red arrow points from this photo to the 'Social Network' section on the right. This section is circled in red and contains a tweet from @googlenews: 'GOOGLE NEWS: Congrats to @zoosiecanada in @OTKitchener on your big move! @133Awws0me https://t.co/angQIN75gk November 20, 2015 10:15 AM'. Below the tweet are links to 'Follow me on Twitter' and 'Friend Daisne on Facebook'.

VI. THE ISSUES

This investigation considered the use of government resources for partisan purposes by the Members at the event to announce government funding for the Company, as well as activities that followed the event on social media. Specifically, the investigation considered whether the Members breached Ontario parliamentary convention by using government resources for the partisan purpose of promoting a federal Liberal candidate (1) at the event and (2) through Twitter accounts connected to their constituency websites.

VII. OPINION

1. Issue 1: Use of government resources for partisan purposes at the event

In assessing whether there was any breach of Ontario parliamentary convention against using government resources for partisan purposes at the event itself, I considered (1) whether government resources were used at the event and (2) were there any partisan activities at the event.

a. Were government resources used?

Although the event was held at the retail and manufacturing facility of the Company, it was Ministry officials who made arrangements for the event. Accordingly, it is reasonable to conclude that government resources were used for the event.

b. Were there any partisan activities?

The alleged partisan activity that occurred at the event was the promotion of a federal Liberal Candidate by the Members. In assessing whether the Candidate was promoted at the event, I considered the purpose of the event, the steps taken to inform and control attendees at the event as well as the actions of the Candidate and Members at the event. I have found no evidence to suggest that the purpose of the event was anything other than to announce the granting of funds to the Company under the Rural Economic Development program of the Ministry. I also found no evidence to suggest that any attempts were made to control or limit which individuals entered the event on the day of the actual event. My view is that while the event was open for anyone to attend, the only individuals who would have attended were those who were informed about the event in some way.

Ministry officials were responsible for informing attendees about the event and appear to have taken steps to minimize the risk of federal candidates campaigning at the event by not informing the local federal candidate of the event. I am satisfied that the Candidate was not aware of the event prior to him attending the opening of the St. Jacob's Market. I can't help wonder that if the Minister's Office had made an attempt to inform Mr. Harris about an event in his riding earlier than 8:51 p.m. the night before, some of the misunderstandings about the nature of the event may have been avoided.

I found no evidence to suggest that the Candidate had any official role in the event or that he was recognized in any way by either Member. The Candidate was responsive and generally forthcoming about his activities on September 1, 2015 and his position about his role at the event was consistent with the views of representatives of both the Ministry and the Company.¹⁵ While it is not clear who specifically informed the Candidate about the event, my view is that it would

¹⁵ I have some difficulty with the Candidate's claim that he did not know how the photos of him and the Members ended up being tweeted from the Twitter account connected to his campaign.

be unlikely that the Candidate attended the event to campaign given the distance of the event from the Candidate's riding and the lack of campaign materials brought to the event.

Based on the intended purpose of the event, the unrestricted access to the event facilities and the observed actions of the Candidate and Members at the event, it is reasonable to conclude that the Candidate was not promoted at the event. Given my conclusion that the Candidate was not promoted at the event and the absence of any other evidence of partisan activities occurring at the event, it is my opinion that Ms. Vernile and Minister Leal did not breach Ontario parliamentary convention by using government resources for partisan purposes at the event announcing provincial funding.

2. Issue 2: Use of Constituency Website for partisan purposes

As set out in Part II(3), Ontario parliamentary convention prohibits MPPs from using any government resources, including staff and constituency websites, for partisan purposes. As the focus of the complaint was social media accounts linked to the Members' constituency websites, I considered (1) whether government resources were being used in relation to the Members' Twitter accounts and (2) was partisan messaging shown on the Members' Twitter accounts. For the reasons set out below, it is my opinion that the Members' Twitter activity related to the event and connected to their constituency websites does not breach Ontario parliamentary convention.

a. Were government resources used?

Both Members have indicated that their staff (including Minister's office, Queen's Park and Constituency Office) post content and monitor their Twitter accounts. Furthermore, as highlighted in figures 5 and 6 above, there are also connections between the constituency websites of both Members and their Twitter accounts. Specifically, both websites contain links

to the Members' Twitter accounts and display the text of their latest Twitter posts. Accordingly, I find that both Members are using government resources, namely staff and constituency websites, in relation to their Twitter accounts. I wish to be clear: it can be and often is entirely appropriate for MPPs to use government resources in relation to social media accounts because these accounts enable them to have meaningful interaction with constituents. It is not appropriate, however, for government resources to be used to create partisan content on social media accounts.

b. Was partisan messaging shown?

In this investigation, I considered whether partisan messages in relation to the event were posted on the Members' Twitter accounts. The information visible on the Twitter accounts of both Members is shown in figures 2 and 3 above. The photographs and accompanying text visible on each Member's Twitter accounts about the event do not identify the Candidate or his affiliation with any political party and therefore are not partisan. It is my opinion that no partisan messages in relation to the event were posted on either Member's Twitter account and therefore the Members did not breach Ontario parliamentary convention.

I also considered whether the mechanism by which the Members put information about the event onto Twitter subjected viewers of their constituency websites to partisan messaging. It is helpful at this point to outline the relevant mechanisms that were available to the Members to put information about the event onto Twitter. Twitter users can post pictures and text directly to their accounts (known as tweeting). Twitter users can also monitor other accounts through "following" or being "followed" and can interact with existing posts by "retweeting", "replying" and "liking".¹⁶

¹⁶ See "Twitter Government and Elections Handbook" available at <https://blog.twitter.com/2014/the-all-new-twitter-government-and-elections-handbook>.

Ms. Vernile's staff posted the photographs and text shown in figure 2 to her Twitter account. As such, although the same photographs appear on both Ms. Vernile's and the Candidate's Twitter accounts, the accounts are not linked to each other through the posting. Minister Leal, on the other hand, liked the Twitter posts of Ms. Vernile and the Candidate. The process of "liking" the Candidate's post created a link between Minister Leal's Twitter account and that of the Candidate.¹⁷ If a viewer was to click on the "likes" link of Minister Leal's Twitter account, it would be apparent that the origin of the "liked" post was the Candidate's Twitter account.

In my view, the Minister and his staff ought to have known that the Candidate's Twitter account "@VoteRajSaini" was being used for campaign purposes, given that the word "vote" is contained in its title. It is reasonable to conclude that visitors to Minister Leal's constituency website might eventually arrive at the social media account that was used for campaign purposes by the Candidate. Given the link between Minister Leal's Twitter account and his constituency website, in my view it was ill advised for the Minister's Twitter account to "like" a post from a social media account that was clearly being used for campaign purposes.

However I am not, at this point, prepared to extend the scope of Ontario parliamentary convention against using constituency websites for partisan purposes to prohibiting "liking" posts on Twitter accounts connected to constituency websites. As I indicated in part II(2) above, parliamentary conventions are generally accepted rules or practices about the appropriate conduct of members of the Legislative Assembly. In my view while there are accepted practices about appropriate posting to social media accounts that are linked to constituency websites by members of the Legislative Assembly, there are no similar accepted rules or practices about appropriate use of features of social media platforms, such as "liking", "following" or being "followed" on Twitter.

¹⁷ It is important to note that the posts "liked" by the Minister are not visible on the main page of his Twitter account, but rather are accessible by clicking the "likes" link.

This inquiry highlights the need for MPPs to develop some policies about the appropriate use of social media by themselves and their staff; in other words, what can be done and by whom. In developing such a policy, MPPs should be mindful of the political activity restrictions for staff set out in the *Public Service of Ontario Act, 2006* as well as the requirements of the Act. MPPs who wish to link their social media accounts to their constituency websites should also be mindful of Ontario parliamentary convention about the use of government resources as set out in Part II(3) of this report. My Office can assist in providing advice on specific social media related activity for those MPPs who want to connect their social media accounts to their constituency websites.

3. Other Partisan Messages visible on Twitter Accounts

In the course of my investigation, I reviewed the Twitter accounts of a number of other MPPs from all political parties. Many of these Twitter accounts, which are linked to the constituency websites, contain partisan messaging in the form of pictures or text.

I have been saying for some time that visitors to constituency websites are entitled to access MPPs without being subjected to partisan messaging in the same way that visitors to physical constituency offices are assured of a neutral environment. Most MPPs have complied by ensuring that the content available directly on their websites is non-partisan. It is disappointing to note that MPPs have been less diligent about ensuring that content accessible through links on their constituency websites, particularly social media, is similarly non-partisan.

Social media can be a useful way for the public to obtain current information and interact directly with elected officials. MPPs must remember that although this is an evolving area of communications, existing rules about the appropriate use of government resources still apply. This means that MPPs and their staff are prohibited from using government email accounts and

computers to post partisan messages on social media, and that constituency websites must not be linked to social media accounts which contain partisan messaging.

I recommend that all MPPs with social media accounts linked to their constituency websites cease posting partisan messages or remove any links between their social media accounts and their constituency websites. MPPs who do not comply with this recommendation may be subject to penalties in the future.

4. Conduct during Inquiry

For some time I have been commenting about the behaviour of MPPs during Question Period and the need for MPPs to perform their duties in a manner that promotes public confidence in the integrity of each member. I am compelled to once again comment on behaviour in light of the manner in which some of the MPPs involved in this complaint chose to conduct themselves.

As a starting point I have concerns that the complainant made public comments to the media before he had complied with established processes for filing a complaint under section 30 of the Act with the Office of the Integrity Commissioner. My concern is that such conduct is not only disrespectful of the role of the Office, but also can compromise future investigations. MPPs making a complaint should refrain from commenting publicly on the complaint until the Commissioner has confirmed receipt of the request, and has notified the subject(s) of that complaint.

I also want to comment on the conduct of the individuals who were interviewed during this investigation. I found the Candidate and the Company to be responsive to the requests for information, as were most of the other individuals interviewed. However I found Minister Leal to be less forthcoming during his interview with my staff and failed to respond to specific

questions. Rather he repeated the same statement to most questions asked. MPPs who are the subject of a complaint must understand the gravity of complaints made under section 30 of the Act and the importance of being open and transparent during an inquiry so as to maintain the dignity of the Assembly.

VIII. CONCLUSION AND RECOMMENDATIONS

It is my opinion that the Members did not breach Ontario parliamentary convention by using government resources for the partisan purpose of promoting a federal Liberal candidate (1) at the event or (2) through Twitter accounts connected to their constituency websites. As there were no contraventions of the Act in this matter, I have not recommended any penalties be imposed.

I am recommending the following:

- MPPs develop policies about the appropriate use of social media by themselves and their staff;
- MPPs with social media accounts linked to their constituency websites cease posting partisan messages or remove any links between their social media accounts and their constituency websites;
- MPPs familiarize themselves with established processes for filing a complaint under section 30 of the Act; and
- MPPs who are the subject of a complaint under section 30 of the Act, be open and transparent about their conduct during an inquiry.

As always, my office can assist in providing advice on specific matters and offer training.

DATED at Toronto this 22nd day of December, 2015.

A handwritten signature in black ink, reading "Lynn Morrison". The signature is written in a cursive, flowing style.

Lynn Morrison
Integrity Commissioner

Appendix A: List of individuals advised of the event by the Ministry

Name	Position	Company	Email Address	RSVP
Marcus Shantz	President	Mercedes Corp	<i>redacted</i>	
Laurel Davies Snyder	Economic Development Officer	Township of Woolwich	<i>redacted</i>	Y
Sandy Shantz	Mayor	Township of Woolwich	<i>redacted</i>	Y
Daiene Vernile	Member of Provincial Parliament	Kitchener-Centre	<i>redacted</i>	Y
Ken Seiling	Regional Chair	Region of Waterloo	<i>redacted</i>	Y
David Brenneman	CAO	Township of Woolwich	<i>redacted</i>	Y
Graham Spence	Co-founder	Block Three Brewery	<i>redacted</i>	Y
Kevin Laidley	Manager	OMAFRA	<i>redacted</i>	
Stewart Skinner	Policy Advisor	OMAFRA	<i>redacted</i>	Y
Christina Crowley	Press Secretary & Communications Advisor	OMAFRA	<i>redacted</i>	Y
Suri Grewal	Public Affairs and Events Coordinator	OMAFRA	<i>redacted</i>	
Jennifer McDougall	Public Affairs & Events Lead	OMAFRA	<i>redacted</i>	Y

Appendix B: Email sent to Mr. Harris by the Ministry to advise him of the event

Radan, Mackenzie (OMAFRA)

Subject: Event FYIs

From: Allen, Asquith (OMAFRA)
Sent: August 31, 2015 8:51 PM
To: 'michael.harris@pc.ola.org'
Subject: Event FYIs

Hello Team Harris,

This email is to inform your office of events in your area that Minister Leal is attending. Details are as follows:

ORGANIZATION: St. Jacob's Farmers Market
DATE: September 1, 2015
TIME: 8:00AM
LOCATION: 878 Weber Street North, Waterloo, ON

ORGANIZATION: Block Three Brewing Company
DATE: September 1, 2015
TIME: 9:15AM
LOCATION: 1430-2 King St N, St. Jacobs, ON

ORGANIZATION: Floradale Feed Mill
DATE: September 1, 2015
TIME: 10:45AM
LOCATION: 2131 Floradale Rd, Floradale, ON

Please let me know if the member can attend in their capacity as MPP as soon as possible.

Regards,

Asquith Allen | MPP Liaison
Office of the Honourable Jeff Leal
Minister of Agriculture, Food and Rural Affairs
11th Floor, 77 Grenville Street | Toronto, ON | M7A 1B3

Appendix C: Media release issued by the Ministry on August 31, 2015



MEDIA ADVISORY

Ministry of Agriculture, Food and Rural Affairs

Minister to Announce Investment in Local Business

August 31, 2015

Jeff Leal, Minister of Agriculture, Food and Rural Affairs, will make an announcement about a local investment in St. Jacobs.

Date: September 1, 2015
Time: 9:30 a.m. (announcement followed by tour)
Location: 1430 King St. North, Unit 2
St. Jacobs

Christina Crowley, Minister's Office, 416-326-3069
Susin Micallef, Communications Branch, 519-826-3145

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