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OFFICE OF THE INTEGRITY COMMISSIONER

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REPORT

OF

**LYNN MORRISON
INTEGRITY COMMISSIONER**

**RE: JAGMEET SINGH,
MEMBER FOR BRAMALEA-GORE-MALTON**

TORONTO, ONTARIO

June 26, 2015

RE: JAGMEET SINGH,
MEMBER FOR BRAMALEA-GORE-MALTON

I. EXECUTIVE SUMMARY

This report relates to a complaint made by Yvan Baker, the member for Etobicoke Centre, about Jagmeet Singh, the member for Bramalea-Gore-Malton. Mr. Baker alleged that Mr. Singh contravened Ontario parliamentary convention by using constituency office resources in relation to partisan activities and that he solicited donations on his constituency website.

An investigation was conducted and I found that constituency resources had been used in connection with a partisan activity. I also found that although Mr. Singh did not intend to have a constituency website, information provided on his personal/partisan website was such that a reasonably informed constituent would believe that it was Mr. Singh's virtual constituency office. Therefore, I found that it was not appropriate for him to solicit donations on this website.

On the basis of these findings, I concluded that:

1. Mr. Singh contravened Ontario parliamentary convention by using legislative and constituency office resources in relation to a partisan activity; and
2. Mr. Singh contravened Ontario parliamentary convention by soliciting donations on his www.jagmeetsingh.ca website.

I did not recommend that a penalty be imposed as I was of the view that the issues arose as a result of errors, poor oversight, and lack of training. I did, however, recommend that Mr. Singh ensure that his staff receive training about the appropriate use of legislative resources and that he review his website to ensure that constituents do not mistake it for his virtual constituency office.

II. THE COMPLAINT AND MR. SINGH'S RESPONSE

On March 24, 2015, I received a letter from Yvan Baker, the member for Etobicoke Centre, alleging that Jagmeet Singh, the member for Bramalea-Gore-Malton, had contravened the rules by using his constituency office and staff to promote a partisan rally for the Federal New Democratic Party (“**Federal NDP**”) Leader, Thomas Mulcair.

On the same date, I sent a letter to Mr. Baker requesting that he provide his complaint in affidavit format, in accordance with my Office’s procedure for complaints under section 30 of the *Members’ Integrity Act, 1994* (the “**Act**”). Also on March 24, I received a letter from Mr. Singh, who had become aware of Mr. Baker’s complaint, in which he provided submissions regarding the complaint. The substance of these submissions is described below.

On March 26, I received Mr. Baker’s affidavit with proof that it had been served on the Speaker of the Legislative Assembly (the “**Affidavit**”). Similar to the complaint that I had received initially, Mr. Baker alleged that Mr. Singh used his constituency office resources, staff and equipment to further the interests of the Federal NDP in contravention of Ontario parliamentary convention. He based this allegation on a March 11, 2015 email that Mr. Singh sent to invite members of the community to attend a partisan rally for the Federal NDP on March 15, 2015. The email stated that:

1. Mr. Singh’s constituency office would be used as the pick-up and drop-off location for those wishing to attend the rally; and
2. Those who would like to be on the bus to and from the rally should call Mr. Singh’s office (905-799-3939) or email him at jsingh-co@ndp.on.ca.

In addition, Mr. Baker alleged that Mr. Singh’s constituency website inappropriately asked constituents to make “partisan donations”.

On March 26, I sent Mr. Singh a copy of the Affidavit and invited him to make submissions regarding the substance of Mr. Baker’s complaint. Mr. Singh chose to rely on his submissions of March 24 and did not provide anything further.

In his submissions, Mr. Singh advised that a member of his staff had mistakenly cited the constituency office phone number and email address as the RSVP contact, and that a separate phone number had been set up for those interested in attending the rally. He also advised that he had since reminded all of his staff in writing that the use of constituency office resources is not permitted for partisan activities. A copy of the letter he sent to his staff was attached to his submissions.

Mr. Singh's submissions did not address the second issue regarding the solicitation of donations on his constituency website.

On April 9, I provided Mr. Baker with an opportunity to comment on Mr. Singh's submissions of March 24 and received his comments on April 14. Mr. Baker submitted that Mr. Singh had not addressed the inappropriate use of his constituency office as a partisan meeting place, and his solicitation of donations on a website that offers constituency office information.

III. THE INVESTIGATION PROCESS

Mr. Singh was interviewed on April 27, 2015. The interview was followed by a written request for information, which was complied with.

A member of Mr. Singh's constituency office staff was interviewed on May 6 (the "**Constituency Assistant**"), and a staff member of his Queen's Park office was interviewed on May 20 (the "**Executive Assistant**"). Each interview was followed by written requests for further information, which were also complied with.

A final interview with Mr. Singh was held on June 16.

IV. THE ISSUES

There are two issues in this investigation:

- Did Mr. Singh breach Ontario parliamentary convention by using constituency office resources for a partisan purpose?
- Did Mr. Singh breach Ontario parliamentary convention by soliciting partisan donations on his constituency website?

V. THE FACTS

1. Background

Mr. Singh is the Member of Provincial Parliament (“MPP”) for Bramalea-Gore-Malton. He was first elected in 2011 and is currently the Deputy Leader for the Ontario New Democratic Party (“Ontario NDP”).

Like all members, Mr. Singh maintains an office at Queen’s Park and a constituency office. Each office is staffed separately. The Executive Assistant, who works at his Queen’s Park office, assumes a supervisory role over the constituency office staff.

Mr. Singh stated that he typically sees his Executive Assistant on a daily basis, from Monday to Friday. He has more limited contact with his constituency office staff from Monday to Thursday, typically seeing them only on Fridays or during weeks when the Legislative Assembly is not sitting.

2. Use of Constituency Office Resources for a Partisan Purpose

a. The March 11 Email

In or around March, 2015, the Federal NDP sought Mr. Singh’s support in regards to a rally with Thomas Mulcair that was going to be held in Toronto on March 15, 2015. There is no dispute that this rally was partisan in nature.

The Executive Assistant stated that she consulted with Mr. Singh regarding the level of support he wished to provide to the Federal NDP for this rally. The Executive Assistant then assumed responsibility for drafting the messaging for an email that would be sent by Mr. Singh to generate interest in the rally.

An email string dated March 4 shows that Mr. Singh and the Executive Assistant used their Legislative Assembly email addresses (“_____@ndp.on.ca”) to discuss the messaging surrounding the rally. Mr. Singh indicated that this was a mistake and that he does not normally use this email address for partisan activities. These emails were exchanged later in the day, beginning at 6:04 p.m.

On March 5, the Executive Assistant sent an email to the Constituency Assistant at 12:26 p.m. regarding the rally. This email was also sent from the Executive Assistant's Legislative Assembly email address. The Executive Assistant stated that she sent it during her lunch break using her work mobile device.

The Executive Assistant then worked with the Constituency Assistant to prepare a version of the email that would be sent to Mr. Singh's list of supporters. On March 11, they exchanged emails regarding the wording of that email. Each used their Legislative Assembly email addresses to send these emails. The Executive Assistant sent one email from her work mobile device at 4:24 p.m., which she stated was after she had left work for the day. The Constituency Assistant sent two emails, one at 3:45 p.m. and the other at 4:27 p.m. He indicated that these were sent during regular business hours from his constituency office computer.

The Executive Assistant reviewed the final version of the email. Mr. Singh, on the other hand, stated that he did not review it. The Constituency Assistant then sent the email on March 11 at 8:00 p.m. from his home computer. The email stated the following:

Hi,

You've probably heard about Stephen Harper's new "anti-terror" law, and I can't think of a more important issue for us as a community to rally against. The police have already been accused of racially profiling and specifically targeting people of colour. Increasing police powers without increasing accountability or transparency will only increase the risk of targeting already marginalized people.

Harper's bill will make it easier to invade your privacy; allowing for the surveillance and listening in of your phone calls, and the detainment of people without charges.

Tom Mulcair and the NDP are the only party opposing this legislation.

This Sunday at the Metro Toronto Convention Centre, Join Tom and the NDP team to send a message to Stephen Harper.

I know travelling downtown Toronto can be a hassle especially with parking, **so I've arranged for a bus to pick you and your friends up** from my office at 12pm on Sunday to bring us to the rally as a team. Here are the details:

Rally information –

Sunday, March 15th, 2:00PM
Metro Toronto Convention Centre (Toronto, Ontario), FREE entry.
255 Front Street West
Toronto ON, M5V 2W6

Bus Pick Up/Drop Off:

Pick up at Jagmeet Singh's Community Office, 12:00PM

470 Chrysler Drive, Brampton ON, L6S0C1
Drop off at Jagmeet Singh's Community Office, 4:30PM

If you would like to be on the bus to get to and from the rally, please call my office at (905) 799-3939, or send me an email at jsingh-co@ndp.on.ca.

This is going to send a message to Ottawa, and I would really love to have you join us.

See you on Sunday!

Jagmeet Singh
<http://www.jagmeetsingh.ca/>

[original emphasis]

The email was sent to a list of supporters that Mr. Singh has compiled over his last two political campaigns. Although this list may include supporters who are also constituents, it is not a list of constituents.

The email was sent from the address "contact@jagmeetsingh.ca". The Constituency Assistant stated that this email address is associated with NationBuilder, a software tool that is used to send mass e-mails ("**e-blasts**").

b. Use of Constituency Contact Information

The March 11 email directed those who were interested in taking the bus to and from the rally to contact Mr. Singh's constituency office. There is no dispute that the contact information that was provided in the email is the contact information for Mr. Singh's constituency office.

Similarly, there is no dispute that it was the Constituency Assistant who included the contact information in the email. The Executive Assistant stated that she reviewed the email before it was sent out but did not notice that this contact information had been included. Mr. Singh did not direct that the contact information for his constituency office be included in the email.

The Constituency Assistant stated that he included the contact information for the constituency office because this is the contact information that he includes in e-blasts that he sends in regards to constituency office events. Those events, however, are not partisan in nature.

Mr. Singh and his staff advised that a separate number had been set up by the Federal NDP to provide to those who were interested in attending the rally. Calls to that separate number would

be answered by the Federal NDP. Mr. Singh advised that this is the number that should have been used in the March 11 email, and that it was a much better number to use given that it was staffed. He indicated that calls made to his office on the Friday night before the rally, for example, would have been “wasted” (presumably because his office is not staffed to answer calls after hours). The Constituency Assistant acknowledged that he included the contact information for Mr. Singh’s constituency office despite this separate number being available.

The Constituency Assistant and Mr. Singh could not recall whether anyone called the constituency office about the rally after the March 11 email was sent. The Constituency Assistant confirmed, however, that four emails were received by the constituency office about the rally, none of which were answered.

c. Use of Constituency Office as the Pick-up and Drop-Off Location

The March 11 email also specified that Mr. Singh’s constituency office would be used as the pick-up and drop-off location for the bus taking supporters to and from the rally.

The constituency office is located on the ground level of a plaza, which is surrounded by a large parking lot. No information was provided to suggest that Mr. Singh’s constituency office was open on the day of the rally or accessible to those attending the rally. Those who have keys to the constituency office, including Mr. Singh who was out of the country, did not attend the rally.

No information was distributed about the rally from the constituency office.

3. Website

a. Overview of Website

As stated above, Mr. Singh maintains a website at the address www.jagmeetsingh.ca. Mr. Baker referred to this website as Mr. Singh’s constituency website in the Affidavit.

On the day that the Affidavit was filed with my Office, this website’s banner identified Mr. Singh as the MPP for Bramalea-Gore-Malton.

The website was separated in the following sections:

- Meet Jagmeet

- At Queen’s Park
- In the Community
- What’s Coming Up?
- Join Team Singh
- Contact Us

The “Meet Jagmeet” tab provided Mr. Singh’s brief biography. It referred to him as “MPP Singh” and also referred to his work as an MPP.

The introductory text under the “At Queen’s Park” tab stated as follows:

MPP Jagmeet Singh - News

Welcome to Jagmeetsingh.ca – the place to go for the latest news out of Jagmeet Singh’s Office!

Be sure to check out Jagmeet’s work at Queen’s Park for an update on what he is doing for his constituents at the Provincial Legislature.

For information on how Jagmeet is staying engaged with his constituents, be sure to check out his work in the Community!

Mr. Singh’s work in the Legislature was then described, and included video clips of him speaking before the Legislative Assembly. Some of the titles of these posts included: “MPP Singh Raises Concerns Over Parental Consultation” and “MPP Singh Continues to Shine Light on Another Liberal Government Scandal”.

The “In the Community” tab included a description of events in Mr. Singh’s constituency office and other events in which Mr. Singh participated.

The “What’s Coming Up?” tab contained no information, while the “Join Team Singh” tab contained a form to allow individuals to volunteer for Mr. Singh.

At the “Contact Us” tab, the contact information for Mr. Singh’s constituency and Queen’s Park offices was provided. This tab also included an online form to contact Mr. Singh and a button labelled “Donate to Jagmeet”, which allowed donations to be made to Mr. Singh online.

Of note, as of the date of this report:

- There is no longer a banner at the top of the website identifying Mr. Singh as the MPP for Bramalea-Gore-Malton.
- The introductory paragraph under “At Queen’s Park” has been removed.
- The contact information for Mr. Singh’s Queen’s Park and constituency offices has been removed.

b. Nature of the Website

Mr. Singh stated during his initial interview that the www.jagmeetsingh.ca website is not his constituency website, and that it is paid for through the Ontario NDP riding association. He considers this website to be his personal website.

Mr. Singh also indicated that he had a separate constituency office website through the Legislative Assembly. However, he was not able to provide the web address for the site, and subsequently confirmed in writing that constituents should go to the Ontario Legislative Assembly web page to obtain more information about his constituency office. The Legislative Assembly website has a link to all members of the Legislative Assembly and provides basic information about each member, including constituency office contact information.

c. Responsibility for Maintaining the Website

The current www.jagmeetsingh.ca website was built by the Constituency Assistant “on his own time”. He considers the website to be Mr. Singh’s personal website. However, the Constituency Assistant did state that he has on occasion directed constituents to the website.

The Constituency Assistant also maintains the website. This includes posting new information when this is requested of him. He stated that he did some of this work during office hours.

Mr. Singh indicated in his final interview that maintaining the website is not part of the Constituency Assistant’s duties and that this is something he does as a volunteer. Mr. Singh indicated that he would have told the Constituency Assistant that the website was not part of his work. He suggested, however, that perhaps this was something that had not been addressed properly.

d. Removal of Information

After his initial interview, Mr. Singh contacted my Office to advise that he would be making changes to the www.jagmeetsingh.ca website.

Mr. Singh stated during his final interview that the banner that identified him as the MPP for Bramalea-Gore-Malton and the contact information for the constituency office gave the website the appearance of being his constituency website. He stated that this information was included on the website in error, and that it was never his intention that this website would become the constituency office website.

It was Mr. Singh's view that a constituency website should not require anyone to have any contact with a partisan organization, and that his website was not in compliance with that principle. Mr. Singh volunteered that he did not give the Constituency Assistant clear direction and that the Constituency Assistant had not been trained.

In regards to having included the constituency office contact information, the Constituency Assistant stated that he did not think it through. He did not think that there was an issue with it at the time.

As a result of this investigation, Mr. Singh directed that the MPP banner and the constituency office contact information be removed from the website. He stated that he had not paid attention to the information being there previously.

4. Training of Staff

Mr. Singh advised that he does not have any policies in his constituency office that address the appropriate use of constituency office resources.

The Constituency Assistant has not received any formal training about the appropriate use of constituency office resources. The Executive Assistant recalls receiving training around 2012 from my Office. She is likely referring to training that my Office provided to constituency office staff in which, as Queen's Park staff, she may have participated. This training would have dealt with the appropriate use of constituency office resources, but not the use of Queen's Park resources or the interaction between Queen's Park and constituency office staff. For clarity, the

Constituency Assistant did not receive this training as he was not working in the constituency office at the time.

Mr. Singh stated that he has had general discussions with staff about what is to be done during work time and personal time. These are discussions that he would have had during the Friday meetings that he holds with his Queen's Park and constituency office staff.

He also stated that with emails, for example, it is important to reiterate and remind staff when to use which email account (i.e. personal vs. work). He acknowledged that there is a line to be drawn between inappropriate and appropriate, and that his staff ought to know that partisan communications should not happen when they are "on the clock".

The Constituency Assistant does not recall having these discussions with Mr. Singh, except for Mr. Singh having advised that political paraphernalia should not be made available in the constituency office. Mr. Singh believes that the Constituency Assistant may not have viewed these discussions as formal training.

Mr. Singh volunteered at the end of his final interview that there is still some training that could be done with his staff.

VI. ANALYSIS

For ease of reference, the two issues raised in this matter are the following:

- Did Mr. Singh breach Ontario parliamentary convention by using constituency office resources for a partisan purpose?
- Did Mr. Singh breach Ontario parliamentary convention by soliciting partisan donations on his constituency website?

Before I provide my opinion regarding each of these issues, I include some relevant information about the Act and Ontario parliamentary convention.

1. The Act

a. 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 member has contravened the Act or Ontario parliamentary convention may request that I give an opinion as to the matter.

When a matter is referred to me by a member, I may then conduct an inquiry, after giving the member whose conduct is concerned reasonable notice.

b. Ontario Parliamentary Convention

Mr. Baker's complaint relates to potential contraventions of Ontario parliamentary convention, which is a unique feature of the Act. It has been 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 (the reconciliation of private interests and public duties).¹

The following types of conduct have been found to be contrary to Ontario parliamentary convention: a minister advocating before an agency, board or commission on behalf of a constituent², a minister advocating to the judiciary regarding a matter³, a member using constituency resources for partisan purposes⁴, a member posting partisan information to her constituency website⁵, a member using the benefit of a contract between the government and a courier firm to mail goods on behalf of a friend and constituent⁶, a member using his inspection privileges to allow access to a provincial facility by a member of the press under false pretenses⁷,

¹ Report Re: Ms. Sandra Pupatello, Deputy Leader of the Official Opposition and Member for Windsor West, December 12, 2002 ("Pupatello Report").

² See Annual Report of the Office of the Integrity Commissioner, 1994-1995 at 5

³ Ibid.

⁴ Various annual reports of the Office of the Integrity Commissioner, referenced in Report Re: Ted Chudleigh, Member for Halton, December 11, 2008 at paras. 19-23, 28-30 and 39 ("Chudleigh Report").

⁵ Chudleigh Report; Report re: Ms. Laurie Scott, Member for Haliburton-Kawartha Lakes-Brock, October 1, 2013.

⁶ Pupatello Report.

⁷ Report Re: Mr. David Levac, Member for Brant, July 23, 2003.

and a minister assigning a person employed in his ministerial office to oversee his constituency office⁸.

It has long been established that members should not use their constituency offices for partisan purposes, and that it is a breach of Ontario parliamentary convention to do so. In the 2004-2005 Annual Report of this Office, Commissioner Osborne stated:

A constituency office represents all constituents in the riding and the expenses of that office are paid by the Legislative Assembly. It is imperative that the office remain non-partisan at all times and in that respect, **it is inappropriate to permit any partisan political activities in the office.**

MPPs are entitled to participate in initiatives which are political in nature, however, such participation must be outside the constituency office, after hours, and must not interfere with their responsibilities as MPPs. [Emphasis Added]

In the 2012-2013 Annual Report of this Office, I stated that it was “imperative that legislative resources, **including computers, phones, email accounts, staff time**, etc. not be used for any matters related to party/partisan politics” (emphasis added).

In the Report Re: Ted Chudleigh, Member for Halton, I was required to consider whether this convention extended to the websites of MPPs. In that case, I determined that members who offer constituency services on the internet – a virtual constituency office – must follow the same rules that are followed in their physical constituency offices. This finding was based on the observation that constituents in Ontario expect that their constituency services will be provided to them in a non-partisan manner.

2. Opinion

a. Issue #1 - Use of Constituency Office Resources for a Partisan Purpose

The issues that Mr. Baker raised about the March 11 email relate to its content which suggests that constituency office resources may have been used in connection with the Federal NDP rally. However, issues relating to the preparation of this email, which Mr. Baker did not raise, also

⁸ Report Re: The Honourable Brad Duguid, Member for Scarborough Centre, July 11, 2013.

came to light as a result of the investigation. It is my opinion that although the **content** of the email did not breach Ontario parliamentary convention, the **preparation** of the email did.

i. Content of the March 11 Email

There is no dispute that the March 11 email that was sent on behalf of Mr. Singh about the Federal NDP rally was partisan in nature. Mr. Baker raised the following two issues in respect to the content of this email:

1. Those who were interested in taking the bus to go to the rally were directed to call or email Mr. Singh's constituency office; and
2. Mr. Singh's constituency office was indicated as being the pick-up and drop-off location for the rally.

In regards to the contact information, it is my view that it was included because of an error made in good faith by the Constituency Assistant and that it was never the intention that those interested in attending the rally contact the constituency office. Mr. Singh acknowledged that the contact information should not have been provided. A telephone number, which was being managed by the Federal NDP, was available and should have been provided in the email. In other words, constituency office resources were not required to manage logistical issues relating to the rally as resources were being provided by the Federal NDP. There is no evidence that this error resulted in constituency office resources being used to register those who were interested in attending the rally.

However, I am of the view that although the contact information was provided in error, this error occurred because constituency office staff did not properly understand the requirement to keep partisan matters out of the constituency office. This was a direct result of the constituency office staff not having been trained. In this regard, it is my opinion that Mr. Singh failed to ensure that his staff received the necessary training in order to understand the appropriate use of constituency office resources. I will expand further on training requirements in the conclusion section of this report.

In regards to the bus pick-up and drop-off location, although Mr. Singh's constituency office is in fact identified in the March 11 email, there is no evidence that the constituency office was actually used on the day of the rally. Mr. Singh's office is located in a public plaza; there is nothing stopping those who were attending the rally from congregating near or in front of his office, which was closed for the weekend. However, to avoid the appearance that the constituency office was being used inappropriately in connection with the rally, it would have been prudent to select another location as the meeting place.

Accordingly, in regards to the **content** of the March 11 email which suggests that constituency office resources may have been used in connection with a Federal NDP rally, I find that there was no breach of Ontario parliamentary convention. However, as set out below, I do find that there was a breach of Ontario parliamentary convention in regards to the **preparation** of that email.

ii. Preparation of the March 11 Email

There are issues surrounding the preparation of the March 11 email that cause me concern about how resources were being used.

Before I address these issues, it is necessary to provide some context regarding the assistance that Queen's Park and constituency office staff at times provide to members with partisan activities. It is my understanding that it is not unusual for staff in these roles to be involved in partisan activities on their own time, either for the member that they serve or otherwise. There is nothing that prevents them from doing so provided they are using their own time and resources.

In respect to constituency office staff, Ontario parliamentary convention prohibits them from engaging in any partisan activities from the constituency office. This includes times when they may be inside the constituency office but not necessarily "on the clock" (for example, during break times). This also means that they are prohibited from using any constituency office resources to engage in these activities, including email accounts, telephones and computers. This parliamentary convention is important to ensure that the constituency office serves all constituents in the riding regardless of political affiliation.

This parliamentary convention also extends to any legislative resources available to members. This means that members and their Queen's Park staff are also prohibited from using Legislative Assembly email accounts, telephones and computers for partisan purposes. It would be a breach of Ontario parliamentary convention to use these resources in connection with partisan activities.

Although not directly relevant to this report, I do want to clarify that the nature of the role of Queen's Park staff – a term which I use to refer to staff who serve in the Queen's Park offices of backbench and opposition MPPs – differs from constituency office staff. While constituency office staff must provide non-partisan services to constituents, Queen's Park staff are expected to apply a political lens to their work. In this respect, they are akin to staff who serve in the offices of ministers. Like ministers' staff, there may not be a clear point in the day when the duties of Queen's Park staff begin and end. Practically speaking, these unconventional hours mean that Queen's Park staff, like ministers' staff, deal with partisan matters during "regular" business hours. I summarized my guidance to ministers' staff and Queen's Park staff about this practice in my 2015 consultation report into the role of ministers' staff at Queen's Park.⁹

The investigation in this case revealed that the rules regarding the use of constituency and legislative resources were not always followed. In particular, I find it problematic that:

1. The Constituency Assistant used his Legislative Assembly email address to exchange communications with the Executive Assistant about the March 11 email;
2. The Constituency Assistant sent communications to the Executive Assistant about the March 11 email during business hours;
3. The Constituency Assistant sent communications to the Executive Assistant about the March 11 email using a constituency office computer;
4. The Executive Assistant used her Legislative Assembly email address to communicate with Mr. Singh and the Constituency Assistant about the rally and the March 11 email;

⁹ Office of the Integrity Commissioner: A Report on a Consultation into the Role of Ministers' Staff at Queen's Park, March 10, 2015 at p. 15.

5. The Executive Assistant used her Legislative Assembly mobile device to communicate with Mr. Singh and the Constituency Assistant about the rally and the March 11 email; and
6. Mr. Singh used his Legislative Assembly email address to communicate with the Executive Assistant about the messaging for the March 11 email.

In respect to the email accounts that were used to discuss the contents of the March 11 email (items #1, #4, and #6), these accounts are legislative resources and it is a breach of Ontario parliamentary convention to use them for partisan purposes.

It is also a breach of Ontario parliamentary convention to use constituency office staff and computers to deal with partisan matters (items #2 and #3), as it is for the Executive Assistant to use her work mobile device to send partisan emails (item #5).

In summary, as a result of these additional issues that came to light during the investigation, it is my opinion that Mr. Singh breached Ontario parliamentary convention by using legislative or constituency resources for a partisan activity.

Insofar as Mr. Singh's staff contributed to this contravention, I am of the view that this was the result of inadequate training and oversight on the part of Mr. Singh. As Mr. Singh's staff volunteer their time to assist him with partisan matters, it was foreseeable that these issues could arise and he could have prevented them by ensuring that his staff were trained. Although Mr. Singh may have had some discussions with his staff about the need to keep partisan and constituency work separate, I am of the view that this was insufficient to educate them adequately.

b. Issue #2 - Soliciting Donations on Constituency Website

Mr. Baker alleges that Mr. Singh sought donations on the website www.jagmeetsingh.ca which Mr. Baker described as Mr. Singh's constituency website. There is a dispute about whether this website is in fact Mr. Singh's constituency website.

As set out in the Chudleigh Report, a website must be considered in its entirety to determine whether it forms part of a "virtual constituency office". When looking at Mr. Singh's

www.jagmeetsingh.ca website in its entirety, it is my view that it was his virtual constituency office.

The website www.jagmeetsingh.ca is Mr. Singh's only website. At the time that I received the Affidavit, the website displayed Mr. Singh's name and MPP title in large letters in a banner that appeared at the top of all pages. Mr. Singh is also referenced as an MPP in other sections of the website. Highlights of some of his work as an MPP are also provided, as are news and events relating to Mr. Singh's constituency office. At the "Contact Us" tab, the contact information for Mr. Singh's constituency and Queen's Park offices was provided.

Mr. Singh's website did, however, differ from the constituency websites of most other members of the Ontario NDP in that his website did not:

1. Describe what services are offered by Mr. Singh's constituency office and how Mr. Singh may be of assistance to constituents; and
2. Provide a list of community resources that may be helpful to constituents.

Mr. Singh's website also allows those interested to submit an application to volunteer with Mr. Singh and make donations to Mr. Singh. This does not typically appear on constituency websites.

I am of the opinion that when examining the www.jagmeetsingh.ca website as a whole, a reasonably informed constituent would be led to believe that it was Mr. Singh's constituency website. In fact, Mr. Singh acknowledged that some of the information included on the www.jagmeetsingh.ca website gave the appearance that this was his constituency website.

Accordingly, I find that Mr. Singh breached Ontario parliamentary convention by seeking donations on this website. Although I do believe that this website was not intended to be Mr. Singh's constituency website, the issues arose as a result of Mr. Singh's staff not having been trained about the importance of separating constituency work and partisan activities, and inadequate oversight on his part. Mr. Singh should have known that his website blurred the lines between constituency and partisan matters. He should have also known whether he had a constituency website as there are obligations attached to having a virtual constituency office.

VII. CONCLUSION AND RECOMMENDATIONS

1. Conclusion

It is my opinion that Mr. Singh has contravened Ontario parliamentary convention by using legislative and constituency resources in relation to a partisan activity.

It is also my opinion that Mr. Singh contravened Ontario parliamentary convention by soliciting donations on his www.jagmeetsingh.ca website.

2. Recommendations

a. Penalty

The contraventions in this case were the result of errors, poor oversight, and lack of training. They were not the result of intentional behaviour on Mr. Singh's part. Moreover, Mr. Singh did acknowledge these errors and took steps to address some of the issues proactively. Accordingly, I recommend that no penalty be imposed.

b. Training

This case is predominantly about a member's failure to provide staff with adequate oversight and training. In my opinion, the issues in this case could have been avoided if the member had ensured that staff had received training about the importance of keeping partisan activities separate from the work of the constituency office. Accordingly, I recommend that Mr. Singh arrange for his constituency office staff to be trained on the appropriate use of constituency office resources and that Mr. Singh's Queen's Park staff also participate in this training. My Office is available to provide training.

All members have a responsibility to ensure that their staff are trained on how to maintain the separation between partisan activities and constituency office work. Members cannot assume that staff will know instinctively how to do the right thing. The issues that arise in this regard are not always intuitive and do require staff, who often operate with minimal supervision, to be vigilant. This vigilance can be achieved only with the appropriate training and oversight.

This responsibility is heightened when a member's staff volunteers their time to engage in partisan activities for the member which can result in the lines becoming blurred. For that

reason, it is imperative that the member ensures staff have received appropriate training so they understand that legislative and constituency office resources must not be used for partisan activities.

I understand that members' schedules can make it difficult for them to provide direct supervision to all their staff. However, I provide members with the following caution: errors made by your staff are your errors. These errors by staff can lead to a finding, as in this case, that the member has breached the Act or Ontario parliamentary convention. For that reason, it is imperative that members ensure that their staff know how to perform their duties in a manner that respects the resources that are paid for by the taxpayers of Ontario.

c. Website

Members who decide to have a website other than a constituency website must do so in a way that does not blur the lines between their constituency work and partisan activities. Although members can, conceivably, have a personal/partisan website, they are responsible for ensuring that constituents do not mistake such a website for a virtual constituency office. This is important so that constituents are not exposed to partisan information, and to avoid the perception that taxpayer money is being used to fund a partisan website.

For that reason, I recommend that Mr. Singh conduct a further review of his website to determine if more can be done to ensure that constituents do not mistake it for a constituency website. I acknowledge that he has made some changes in this regard, however, I believe that some areas of his website could still use some improvement. My Office is prepared to assist in this regard.

DATED at Toronto this 26th day of June, 2015.

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

Lynn Morrison
Integrity Commissioner