



ADR
C H A M B E R S

Integrity Commissioner Office
for the Town of Grimsby

MICHAEL L. MAYNARD

Integrity Commissioner

E-mail: integrity@adr.ca

September 12, 2024

ADVISORY BULLETIN

RE: USE OF SOCIAL MEDIA BY MEMBERS OF COUNCIL AND MEMBERS OF LOCAL BOARDS

PURPOSE OF THE BULLETIN

The purpose of this bulletin is to provide general interpretive advice to *Members of Council and Members of Local Boards and Members of the Public on Town of Grimsby Committees* (collectively “Members”) regarding the use of social media, and how it intersects with the ethical obligations established by the **Code of Conduct for the Council of the Town of Grimsby and Local Boards of the Municipality** (the “Code of Conduct” or “Code”). It is published for the benefit of all Members in the Town of Grimsby (the “Town”).

This Bulletin does not establish new rules. It also does not replace situation-specific advice from the Integrity Commissioner, which should still be sought by Members when they have questions about their personal ethical obligations.

As representatives of the municipal government, Members must recognize that their role is a “privilege”¹ and that it “carries significant responsibilities and obligations with respect to the public trust.”² The Code reflects that “[t]he public expects the highest moral and ethical standards of conduct from its Members [and] [t]he behaviour and actions of Members is expected to reflect the principles of accountability, transparency, and public trust. [...]”³ Members of Council have a

¹ Code of Conduct, Preamble

² Ibid

³ Code of Conduct s. 1.2

general obligation to serve the public in a “conscientious and diligent manner.”⁴

It is with these overarching principles in mind that Members shall observe and consider their use of social media.

Section 12 of the newly adopted Code of Conduct contains a section specifically concerning social media. To summarize, it requires that Members adhere to all Town policies respecting social media use; that they properly identify themselves and do not disguise themselves or mislead others on social media as to their identity (i.e., do not adopt an alias or anonymous social media identity); and that they do not publish anything on social media that is “dishonest, untrue, offensive, disrespectful, constitutes harassment, or is defamatory or misleading in any way.” Lastly, the Code reflects that personal social media accounts are also captured by the Code.

For these reasons, the Office of the Integrity Commissioner, in consultation with the Town Clerk, has determined it appropriate to issue this interpretive bulletin.

WHAT IS SOCIAL MEDIA?

Social Media refers to a variety of websites and web-based technologies (e.g., applications or “apps”) which are used to produce and/or post content with others (i.e., to interact through text, images, video, and/or audio), and to network socially or professionally in an online virtual environment. Social media can primarily be classified as digital communication and networking tools.

A non-exhaustive list of examples includes: Facebook, X (formerly Twitter), Instagram, LinkedIn, Snapchat, TikTok, YouTube, and Discord. While it is not typically considered under the umbrella of “social media”, the same rules also apply to text (SMS) or other similar communication tools used for private messaging (e.g., WhatsApp, Telegram).

BENEFITS OF SOCIAL MEDIA FOR ELECTED REPRESENTATIVES AND PUBLIC BOARD MEMBERS

Social media enables Members to share information and interact with members of the public on matters of public interest. It provides the public with low-barrier

⁴ Code of Conduct s. 1.3(b)

access to communicate with their elected representatives through direct communication, via a freely accessible web-based interface. Such interactions may help Members gain insight into public aspirations and community concerns. Members may also use social media to enhance their public profiles and increase their influence in the community.

POTENTIAL PITFALLS OF SOCIAL MEDIA

The pitfalls of online social interaction are likely well-known. Online bullying (also known as “cyberbullying”) and harassment have garnered significant attention in society. Social media interactions sometimes leave little opportunity for context or nuance, resulting in such discussions becoming (or appearing to become) ill-tempered. Such interactions between Members, or with members of the public, may lead to Code of Conduct complaints.

As a general rule, **social media interactions should be treated in the same manner as face-to-face, telephone, or email interactions.** In other words, the same various Code rules governing respectful conduct – whether at Council or Board meetings, or in other forums – are equally applicable to social media interactions. This does not mean that Members are not permitted to share their political views, even when those views may be unpopular or contrary to prevailing views (with notable exceptions – e.g., discrimination). It does mean that Members must express themselves respectfully and in accordance with the principles and rules set out in the Code.

THE CODE OF CONDUCT

The Code of Conduct is applicable to Members at all times. Accordingly, even if a Member does not use social media in an intentionally professional capacity for their duties as a Member, they are still regarded as public representatives in any interactions they may have and may be held accountable for their conduct pursuant to the Code. This is heightened when Members of Council and Local Boards self-identify with their public titles in using social media and when Members in general use social media to communicate with constituents. While it is quite usual for Members of Council to use their title “Councillor” on social media, Members of the Public on Town Committees are best advised to not use any Town-affiliated title on social media – but may seek advice from the Integrity Commissioner on a case-by-case basis.

The use of a Member's title in their social media profile is akin to using the Town's letterhead. If a Member would not put something on the Town's letterhead, they should not post it under their title on social media. As an example, advertising personal, private, or third-party interests on a social media account that includes the Member's title of office could be seen as improperly using the influence of the office, which is contrary to the Code.⁵

Usage of a title is not conclusive, though. Members should also be aware that not using their title does not necessarily excuse them from their Code obligations – especially (though not exclusively) if the Member uses the social media account for official business in their role as a representative in the Town government (e.g., communicating with constituents).

Posting a disclaimer that the social media account is private or stating that the views expressed thereon are merely personal in nature also does not excuse the Member from their Code obligations. Members of Council are particularly viewed as public representatives at all times. Public posts or interactions with the public are always subject to scrutiny and can become the subject of Code of Conduct complaints. Private messages to individuals or within private social media chat groups or on private pages are also subject to the Code.

To be clear, neither the Town nor the Office of the Integrity Commissioner actively monitors the social media activity of Members. However, should someone make a complaint to the Integrity Commissioner about a social media interaction or communication involving a Member – whether it is publicly posted or communicated in private text – this could trigger an investigation by the Integrity Commissioner's office.

Accordingly, Members should be cautious about the language they employ in any social media interactions, and particularly avoid language which may be contrary to expectations established by the Code (e.g., to communicate respectfully and professionally).

Members must also avoid improperly using the Town's property⁶ – including its intellectual property (such as trademarks, wordmarks, logos, etc.) – in online posts or interactions that are unconnected to Town government business.

⁵ Code of Conduct s. 3.4(c)

⁶ Code of Conduct s. 8

Members cannot use the Town's resources for personal business. Accordingly, use of social media from a Town-issued device or a Town-based account has more stringent rules.

Members may occasionally wish to use their social media to advocate for certain causes that are of community benefit. While this is usually acceptable, if the Member has any concern about the ethical risks of using social media in this manner, they should consult with the Integrity Commissioner.

ELECTION ACTIVITY

Social media that has been created or is accessed using the Town's resources – for example, with assistance from Town staff; using the Town's IT or telecommunications equipment; using devices funded by the Town; or associated with a Town email address, such as the @grimsby.ca domain – must not be used for election activities, in accordance with the Town policy.⁷

Members are further advised to refrain from engaging in campaign activities on social media accounts which use their official title, or from which they conduct official business of the Town, in order to avoid conflating personal interests with public interests or the Town's property or business interests.

BLOCKING, MUTING, UNFRIENDING

As noted above, challenging interactions are a potential pitfall of using social media. "Block early, block often" has become a common refrain on social media for those in the public eye who might regularly receive insulting or abusive messages online – particularly from anonymous members of the public, who may or may not even be constituents.

There is no specific rule under the Code of Conduct dealing with blocking, muting, or unfriending on social media. However, in light of the overarching principles of the Town, and the general principles guiding the conduct of Members, it is interpreted that those who use social media to engage with the public must do so in an open, transparent, and publicly accountable manner. As a general rule, blocking or unfriending members of the public should not be the automatic *go-to solution* for managing difficult social media interactions. Members should never

⁷ Code of Conduct s. 9

feel obligated to accept abuse, bullying, harassment, or threatening behaviour. Conduct by a member of the public which violates the law need not be tolerated. However, Members must also balance their public obligations to engage in dialogue with those who may disagree with them. Disagreements – even vigorous ones – on matters of public policy come with the territory of being an elected representative.

If a Member is made to feel unsafe due to conduct or comments which may be reasonably perceived as abusive, harassing, or threatening in nature (e.g., “trolling”), then the Member may well be justified in blocking, muting, or unfriending the involved individual. Conduct which might violate the social media platform’s terms of service may also be reported to that platform. Criminal conduct, or conduct which violates the Ontario Human Rights Code, may be pursued with the appropriate authorities. Specific advice about whether it is appropriate to block someone on social media may be obtained via a Request for Advice from the Integrity Commissioner.