REPORTS NOT RELATED TO THE JURISDICTION OF ANY COMMITTEE

CONSIDERATION OF REPORT OF THE

SUB-COMMITTEE ON RULES

On motion of Councillor Demare, the Report of the Sub-Committee on Rules, dated September 2nd, 1992, was considered.

Mayor's Dining Room,
2nd Floor, Administration Building,
September 2nd, 1992.

His Worship the Mayor and Councillors:

Your Sub-Committee of Council to review the Procedure By-law submits the following Report and recommends:

Prohibition of Personal, Special, Racial Harassment File GK-4.

1461 - 1. On June 17th, 1992, Council referred the following motion to your Committee, namely:-

WHEREAS personal, sexual and racial harassment (hereinafter termed harassment) offends the dignity of all human beings, thus constituting a violation of our human rights;

AND WHEREAS these and all forms of harassment undermine and impair the ability of councillors to conduct and deliberate upon civic concerns;

AND WHEREAS harassment clauses are becoming standard in collective agreements;

AND WHEREAS the City Council's Procedure By-law contains no harassment clauses which prohibit harassment;

AND WHEREAS it is important that Council set an example for the public in the conduct of public matters before Council;

THEREFORE BE IT RESOLVED that City Council include clauses in the Procedure By-law to prohibit harassment;

AND BE IT FURTHER RESOLVED that a warning be issued and in the case of a second violation, the violator be required to leave the Chamber for the remainder of the meeting;

AND BE IT ALSO RESOLVED that these clauses be presented to Council for a vote no later than the September, 1992 meeting.

Your Committee on September 2nd, 1992, gave the subject matter very careful consideration and review, in order to determine if such precisely-worded rules exist in other elected assemblies which would provide some guidance in the drafting of similar rules for the Council of the City of Winnipeg.

Report of the Sub-Committee on Rules, dated September 2nd, l992.

The Speaker, Councillor Eadie, has corresponded with both the Honourable John Fraser, Speaker of the House of Commons, and the Honourable Denis Rocan, Speaker of the Legislative Assembly of Manitoba, in order to ascertain if such rules exist in their assemblies, or in any others that they may be aware of. Both officials have responded that no such specific rules (based on the wordings of the above-referenced resolution) exist in their jurisdictions, nor in any others to their knowledge.

Mr. Speaker Fraser of the House of Commons advised that in September of 1991, he established an Advisory Committee on Racism and Sexism, whose mandate is to define rules and establish sanctions against the use of discriminatory and offensive language, in particular racist and sexist language in the House of Commons. To date, this Advisory Committee has not yet reported or made any recommendations for rule changes, which indicates the difficulty of defining such precise rules and sanctions in a political assembly where every elected member is guaranteed the unfettered right of freedom of speech and expression in debate, although within the bounds of decency and propriety.

In the absence of specific rules regarding harassment, the Speaker of the House of Commons is guided by House Standing Order 18. The wording of that Standing Order is almost identical to Council Rule No. 8.17, which is contained in the City's Procedure By-law, and which reads as follows:-

"8.17 When a Member is addressing the Council the member

a) shall not speak disrespectfully of Her Majesty the Queen or her official representatives;

b) shall not use offensive words in referring to any member of the Council, or to any officer or any employee of the City;

c) shall not indulge in personalities in the course of debate nor reflect on the motives of members who may have voted for a particular motion;

d) shall not use profane, vulgar, offensive, threatening or intimidating language."

The Speaker of the Legislative Assembly of Manitoba is guided by a similar set of rules with wording that is applicable to that assembly.

After careful consideration of this matter, your Committee is of the opinion that the wording of Council Rule No. 8.17, previously quoted, is broad enough to allow any member of Council to raise a point of order should words or phrases be uttered during a debate which are offensive to the member and which would then obligate the Chair to deal with the point of order and issue a ruling on it immediately.

Your Committee therefore recommends that the motion referred to it by Council on June 17th, 1992 be filed.

For the information of Council, should the House of Commons Speaker's Advisory Committee on Racism and Sexism produce a report on suggested rule changes referred to earlier, the Speaker, Councillor Eadie, has requested the General Legal Counsel of the House of Commons to forward a copy of the report to the City Clerk for a subsequent review by your Committee.

Report of the Sub-Committee on Rules, dated September 2nd, l992.

Moved by Councillor Demare,
That the recommendation of the Rules Committee, and that the matter be filed, be approved.

The Speaker called the Deputy Speaker, Councillor Demare, to the Chair in order to participate in the debate and after speaking, resumed the Chair.

Moved by Councillor Selinger,
Seconded by Councillor Thomas,

WHEREAS the specific prohibition of personal, sexual and racial harassment would be a positive addition to the rules of procedure governing the conduct of City Council, Standing and Community Committee meetings;

AND WHEREAS the rules of procedure require careful drafting to protect individual rights including the right to free speech and the right to be free from harassment (personal, sexual, racial and otherwise);

THEREFORE BE IT RESOLVED that the Law Department be instructed to draft specific clauses to prevent harassment including notice for a first violation and ejection from the Chamber for a second violation and present it to the Sub-Committee on Rules and City Council for its next meeting.

The Speaker ruled that the motion is automatically referred to the Sub-Committee on Rules in accordance with Section 4 of the Procedure By-law.

The motion to file the clause was put and declared carried.