

Councillor didn't violate code of conduct, says integrity commissioner



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Brantford city hall *FILE PHOTO / BRANTFORD EXPOSITOR*

The city's integrity commissioner has ruled against complaints filed by three members of the public that comments by Coun. Dan McCreary violated the code of conduct for members of council.

While the complainants "raised legitimate issues," Marvin Huberman told councillors at a meeting Tuesday the complainants "looked at the code through a microscope" rather than taking a telescopic view of matters in context.

In a detailed, 65-page report, the integrity commissioner addressed complaints against McCreary filed by Brantford residents Jill Laskey, Michelle Buckley and Dave Wrobel.

Laskey's complaint focused on a Facebook post McCreary made in June about a constituent advising him that he saw a group of unmasked migrant farm workers heading to a store at a time when a group of temporary foreign workers with COVID-19 were being quarantined in a Brantford hotel.

McCreary later apologized for the post, saying "concern for the health and well-being of constituents" was at the heart of his comment, which "used language that, in retrospect, was open to misunderstanding and misinterpretation."

In his findings, Huberman said he found no evidence that McCreary contravened sections of the code of conduct related to respectful conduct or respect for human rights.

"We should not lose sight of the fact that freedom of expression is a fundamental human right," he said in his report to council. "While it is not an absolute right, it does enjoy robust legal protection even if the expression is unpopular, distasteful, disturbing or offensive to some members of the public. The tests for restricting freedom of expression are therefore demanding.

"But we should also take to heart that members of council can and should use social media in ways which demonstrate the quality of their service, can be used to build goodwill among citizens and members of council, and focus on engaging in constructive discussion or debate, in accordance with the applicable code of conduct."

In her complaint, Buckley said McCreary contravened code of conduct sections dealing with respectful conduct and respect for human rights when he "liked" and "re-tweeted" on Twitter seven comments made by other people on various dates earlier this year.

The tweets included comments about child soldiers, climate experts, gender awareness, peaceful anti-pipeline protesters blocking a roadway, and federal funding for First Nations.

"In my view, by merely liking and retweeting the impugned social media posts, the respondent did not necessarily endorse its content," said

Huberman.

In his complaint, Wrobel, a former city councillor and an executive member of the group Friends of Arrowdale, said McCreary contravened sections in the code of conduct relating to "patronizing or condescending comments or behaviour," make or publish statements that would constitute libel or slander, and "misuse of confidential information."

Wrobel's complaint centred on McCreary's Facebook comments about an Expositor article about the city citing fraud for the suspension of an online booking system at Arrowdale golf course; and McCreary sharing a personal email address with the media in connection with the matter.

At Tuesday's council meeting, McCreary said this is the outcome he expected from the integrity commissioner's report. He said that during the time of the complaints being filed "a real period of hate came down upon my shoulders.

"It think, to some extent, people can't tolerate contrary opinion."

McCreary said citizens have a right to make complaints but councillors also have a responsibility to "continue to speak our mind on behalf of constituents."

Coun. Rick Weaver apologized to McCreary for not "coming to his aid" at the time of the complaints, citing the viciousness of many Facebook comments made about McCreary.

When asked by Coun. Greg Martin, council was told the cost of the integrity commissioner's report is just over \$28,000.

Coun. Jan Vanderstelt said work of the integrity commissioner is an "integral part of our process for those who have a legitimate complaint."

"We have to have a process where the public can question us and we shouldn't be offended by that," agreed Coun. Cheryl Antoski.

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