

REASONS FOR DECISION
of the
TRIBUNAL OF CITY COUNCILLORS
City of Prince Albert *Code of Ethics Bylaw*
Complaint 01-23 (██████████)

The Complaint:

This Complaint, initiated by ██████████ against Mayor Greg Dionne under the City of Prince Albert's *Code of Ethics Bylaw* ("**the Bylaw**"), arises from the context of ██████████'s withdrawal of labour services from ██████████ employer, the City of Prince Albert, during the union's strike and picketing activities in months between September to December 2023. The Complaint relates to an incident at the picket line at a City Hall parking lot egress on October 17th, 2023. Two video recordings of the incident exist.

██████████'s Complaint was submitted under date of November 15th, 2023 in the form prescribed by Schedule "A" to the Bylaw, and is signed by ██████████, who at that time was ██████████. The Complaint is presented as follows:

"On October 17, 2023 at approximately 11:54 a.m., at 1084 Central Avenue, along 10 Street East, Mr. Dionne drove his truck into the picketing line at the access on 10 Street East. He initially stopped, then proceeded to take his foot off the brake and purposely hitting two picketers. The incident was caught on video and was shared with media outlets. In the morning, on the same day, Greg Dionne made comments to another picketer telling her he could hit picketers because he had a dash camera.

The truck driven by Greg Dionne hitting picketers was witnessed by the following people: ██████████ (phone number redacted), ██████████ (phone number redacted), ██████████ (phone number redacted), ██████████ (phone number redacted), ██████████ (phone number redacted), ██████████ (phone number redacted), and ██████████.

Greg Dionne announcing that it was okay for him to hit picketers was witnessed by: ██████████ and a ██████████ whose name I believe is ██████████.

This has been reported to police and is file # 2023-37175.

The sections of the bylaw which were violated are: 9, 10, 14, 15 and 17.

In response to the allegations in the Complaint, Mayor Dionne has denied any wrongdoing or conduct contrary to the *Code of Ethics Bylaw*.

The Tribunal and its Procedure:

The Bylaw is similar to code-of-ethics bylaw procedures across the province, in that it assigns ethics complaints made against elected Councillors to be managed and decided upon by other elected Councillors. On January 8th, 2024, at the first *in camera* meeting of Councillors following receipt of the Complaint, Mayor Dionne, Councillor Head and Councillor Lennox-Zepp each recused themselves from that responsibility, citing conflicts of interest. A Tribunal of the remaining elected Councillors was then confirmed to manage, hear and adjudicate this Complaint, consisting of Councillor Kilmer (serving as Tribunal Chair), Councillor Cody, Councillor Miller, Councillor Edwards, Councillor Ogradnick, and Councillor Solomon.

The Tribunal invited the Complainant and Respondent to file submissions and then to attend a first scheduled hearing of the Complaint on March 26, 2024, for the express purpose of giving each party opportunity to submit argument and evidence (other than witness testimony) to assist the Tribunal in determining these preliminary questions:

- *Whether or not the Complaint is of a nature on the evidence that the Tribunal would be able to make a decision after this first hearing date;*

or alternatively:

- *Whether it is reasonable or necessary to conduct a further investigation or hearing of evidence beyond the submissions at the first hearing date.*

Both parties submitted written submissions that were circulated in advance of the hearing date to the Tribunal members and to the other party. Each submission included a separate video from a different vantage point showing a person purporting to be Mayor Dionne leaving the City Hall parking lot in his truck on October 17th, 2023 across a [REDACTED] picket line situated at a parking lot driveway on to 10th Street.

As a supplementary submission, [REDACTED] filed a copy of an October 1, 2021 email sent from Mayor Dionne purporting to apologize to [REDACTED] [REDACTED] for his “passionate” and “hard lined” language in relation to unrelated Covid-19 virus issues.

At the March 26th hearing, [REDACTED] attended and presented submissions and evidence in support of the Complaint. Mayor Dionne and his legal counsel Victoria Elliott -Erickson attended to advocate submissions and present evidence in defense of the Complaint.

The Evidence:

The evidence presented that the Tribunal found material and relevant to the Complaint and to the preliminary questions considered was as follows:

- **The two videos** from October 17, 2023: These videos consistently depicted, over a time period of approximately three (3) minutes, a lead truck stopping at the picket line and, eventually, its slow and halting departure leaving the City Hall parking lot across the street egress over which picketers were engaged. The videos show the truck stopped at the picket line for much of the timeframe in the video, impeded from departure by picketers, some crossing slowly in front of the truck, some at times stopping and/or twirling in the truck's path, and at least one for a time staring, stationary, directly into the truck while pressed on the truck's front grill/bumper. In combination, the picketers were effectively blocking the truck's path of departure. Some of the picketers wore or held signs, or held umbrellas, and were clearly visible to the driver.

From the videos, it could be determined that a white truck closed distance behind the lead truck, honking its horn aggressively through the period the lead truck was stopped at the picket line.

The videos show that after a period of stopping at the picket line, following prolonged honking from the white truck behind, the lead truck slowly and incrementally inched forward, at one point marginally touching its bumper to as many as two of the picketers lingering in front of the truck.

- The acknowledgement of both parties that:
 - the lead truck was driven by Mayor Dionne.
 - ██████████ reported the incident to the police, and Crown Prosecutions determined that no charges were appropriate to the circumstances.
 - the encounter and the eventual Complaint arose from the context of a charged municipal labour strike involving the exchange of much public and positional rhetoric over several weeks up to and after the incident, and up to and after the point of the Complaint being made on November 15, 2023.
 - the statements or testimony of any of the identified witnesses, if called by either side, would not be expected to provide any relevant perspectives of the October 17, 2023 encounter beyond those already apparent in the videos.
- The acknowledgement of ██████████ representatives that:
 - the picketers did not advise Mayor Dionne whether the picketers would restrict his departure for a specific or indefinite timeframe, or would eventually permit him to leave the parking lot.

- there was no evidence that the picketers striking during this encounter received training from the union as to how to manage delay of entrances and departures through this picket line.
- none of the picketers were physically injured by the contact with the truck, and after the encounter, picketers contacted by the truck remained fully engaged at the picket line for the full balance of their picket shift that day.
- had Mayor Dionne apologized to ██████████, the Complaint would not have been made.
- The Mayor's email of October 1, 2021 was determined by the Tribunal to be irrelevant to the issues in the Complaint.
- ██████████, when asked by the Tribunal if any of its identified witnesses could be expected to add any relevant evidence not already shown in the video, suggested only that the picketer who videoed the incident could advise as to the reason she videoed the delay of the Mayor's departure, and that she "might" be able to identify the driver of the white truck honking its horn. In the circumstances, however, the Tribunal determined that testimony or further investigation on either point would be immaterial and unnecessary to the determination of the Complaint.

The Mayor's position in response to the same question was that the Tribunal was in a position on the evidence presented on March 26th to make its decision on the Complaint without any further investigation or hearing procedure.

- Complainant ██████████ made no submissions concerning the availability of evidence related to the allegation that Mayor Dionne was "announcing that it was okay for him to hit picketers" with his truck.
- During the presentation of the parties' submissions, rebuttal and questioning by the Tribunal, there was discussion concerning circumstances of other conduct arising through the strike at different times and/or locations. The Tribunal has determined that any evidence or consideration of such matters, not arising from the Mayor's departure from the parking lot on October 17th, 2023, would be immaterial and unnecessary to determination of the Complaint.

Decision of the Tribunal:

Upon completion of the parties submissions and presentations at the March 26th, 2024 hearing, the Tribunal met *in camera*, following which it resumed the hearing in the presence of the parties to advise that the Tribunal was satisfied that the Complaint is of a nature on the evidence that the Tribunal is able to make a decision after this first hearing date, and that it did not find it reasonable or necessary to conduct a

further investigation or hearing of evidence beyond the first hearing date. The context of the circumstances of Mayor Dionne's departure from the City Hall parking lot is clear in the video evidence.

On that basis, the Tribunal reserved its decision to report to the parties with reasons.

██████████ alleges that Mayor Dionne's conduct in relation to his departure from the City Hall parking lot on October 17th, 2023 reflects contraventions of sections 9, 10, 14, 15 and 17 of the *Code of Conduct Bylaw*. In assessing the merits of the Complaint in relation to those sections, the Tribunal has considered that the allegations arose out of a very charged municipal labour strike, and the case law helpfully submitted by the parties relating to the balance of rights between parties.

The Tribunal does not agree that, in particular, sections 14, 15 or 17 can or should have application to the circumstances reflected in the videos and evidence during a labour strike. The case law emphasizes that conduct during a strike is not appropriately judged with the expectation of the niceties of a "tea party". Section 14 applies to a member of Council's conscientious service of his constituents in his focus on local government issues. Section 15 applies to the duty not to misuse public office for personal or illegal gain. Section 17 applies to conflicts of interest. None of these sections are seen by the Tribunal to appropriately apply to the manner in which Mayor Dionne was shown to slowly move through the picket line in the videos.

While section 10 references "*treat(ing) people with courtesy*", the Tribunal does not see that the circumstances at the center of the Complaint have application to the ordinary context of "*discrimination, bullying or harassment*" mentioned in section 10.

Of the sections referenced in the Complaint, the Tribunal sees that a consideration of section 9 of the *Code of Ethics Bylaw* is most appropriate. Section 9 speaks to the treatment of municipal employees with "*dignity, understanding and respect*".

The Tribunal acknowledges that the ██████████ members had a right to picket on October 17th, 2023, and based on the case law, a right at the picket line to delay, for a reasonable time, without intimidation, the comings and goings of workplace traffic and the general public from City Hall, for purposes of communicating to the general public the union's position in seeking leverage or support by discouraging normal business activity between the public and the employer.

Having initially come to a full and complete stop at the picket line, for not an insignificant amount of time, and having not received any indication of the timeframe for which he could be expected to be further delayed, Mayor Dionne's eventual advancement, slowly and incrementally, inch by inch, through the driveway and on to the street, with the aggressively honking vehicle behind him, is not seen by the majority of the Tribunal to be reflective of any overt, intentional or disrespectful treatment of the picketers, and certainly not as any violation of their right to strike or

to picket reasonably. It is not in the circumstances seen to be a contravention of section 9 or any other provision of the *Code of Ethics Bylaw*.

The contact between the truck bumper and the picketers was by no means “violent” or “dangerous” as suggested by the Complainant, but rather can be better described as incidental, causing no injury whatsoever. Mayor Dionne had, in balance, a right at some point to depart, without indefinite restriction. There was no clarity established between the picketers and Mayor Dionne as to when that might happen. There was apparently an antagonized vehicle pressing him from behind.

The objectives of the picketers during labour action to be provocative and confrontational to their employer’s mayor, and the expected robustness of the charged environment of the strike, are seen as factors contributing to the minor contact that resulted.

The majority of the Tribunal in these circumstances finds that Mayor Dionne’s driving at the picket line on October 17th, 2023, as reflected in the video evidence, does not contravene the *Code of Ethics Bylaw*.

The Complaint is therefore dismissed.

Dated this 9th day of April, 2024 at Prince Albert Saskatchewan, and signed for the Tribunal in majority decision.



Councillor Dawn Kilmer,
Tribunal Chairperson



City Clerk