

From: SWAP Hamilton [REDACTED]
Sent: Friday, July 5, 2024 11:16 AM
To: McRae, Angela <Angela.McRae@hamilton.ca>; Pilon, Janet <Janet.Pilon@hamilton.ca>
Subject: Re: Delegation Request Approval - General Issues Committee - July 8, 2024

External Email: Use caution with links and attachments

Angela,

Thank you. Here it is:

Hello Again Madam Mayor and members of the General Issues Committee, my name is Jelena Vermilion. I use she/her pronouns. Please note and respect this. I am here today to provide clarification about the Integrity Commissioner's report with regards to the Ward 8 Councillor's decorum violation of the Code of Conduct and its subsequent recommendations, dated May 27, 2024.

First and foremost, I appreciate the Integrity Commissioner's decision which resulted in a finding that the code of conduct was violated. Thank you for this affirmation. The analysis would have been more fulsome and robust if I had been allowed to provide my comments towards the disclosure. I hope this never happens again and I hope that complainants' are always included in these processes moving forward. My argument is that harm can be done to residents and constituents in a way that is not clearly captured by the code of conduct, such as feigning ignorance about someone's pronouns. As such, this type of conduct is hard to adjudicate. The recognition of and potentiality for micro-aggressive conduct by elected officials – that is, conduct which indirectly, subtly, or unintentionally discriminates against marginalized group members – is important to consider when integrating amendments to any Code of Conduct. It is also important to integrate and enact fulsome policies that address and capture all these possible gaps in the code to satisfy the public interest and encourage civic engagement from underrepresented communities. This consideration is important to safeguard from inadvertently disparaging residents and constituents from underrepresented communities who engage in the complaints process.

The Hamilton Police Service's 2023 Hate Crime Report which was released April 19th of this year underscores the rising hate/bias incidents and criminal acts directly related to and perpetuated against marginalized communities in Hamilton: racialized people (Black people facing the highest incidences of hate/bias motivated incident including disproportionate levels of police violence against Black, Middle Eastern, and Indigenous residents), people with religious associations (i.e. our Jewish and Muslim

constituents and residents facing the most documented vitriol), and people of a different sexual orientation and/or gender identity.

Among this data, we see a rise in gender-identity-related incidents and hate crime. Anecdotally, I was assaulted last year in a hate-motivated assault at SACHA's Take Back the Night march. I experience some permanent neurocognitive impairment as a result. To the people who felt comfortable placing a literal Tombstone near my residence (incident #24671033) – I believe there's a direct connection between seeing particular social media behaviour by elected officials normalized or accepted, and the experience of people like me who are, in essence, dismissed when we make a complaint – up to and including not recommending sanctions against an elected official even when a violation by the public official has been established. Bad behaviour on social media by elected officials encourages, facilitates, and fosters inappropriate, prejudiced, and harmful behaviour by bigoted residents and constituents towards marginalized people.

Chief of Hamilton Police Frank Bergen is quoted as saying: "The impact of hate/bias occurrences is felt throughout the entire community. These occurrences undermine victims' feelings of belonging, safety, and well-being, and instill fear across the community." It is also important to highlight that the report also states, "While there was a rise in the number of hate/bias occurrences, the true number is likely much larger since many incidents go unreported."

As a public figure, I represent the intersection of several vulnerable classes of women: racialized, trans, intersex, and non-binary, sex-working, neurodivergent, migrant, and poor. Consider that our experiences inform us why we do not have the same relationship with the police as other residents and constituents may have. We cannot reasonably expect the same level of protection or justice due to these entrenched inequities. This is where social media may help fill a gap in representation in mainstream society or prevent the erasure of these same communities and promote accountability of elected officials.

I emphatically implore City Council to consider the potential silencing impact accepting the Integrity Commissioner report as-is may continue to have on residents and constituents in Hamilton and their willingness to participate in the democratic process moving forward. Processes for which there are standards for holding public officials to account for their words, actions, and conduct.

Social media is a valid medium through which residents and constituents express themselves. These types of statements – that I used social media to "enhance my media presence and stature in the community" are patently untrue. The norms and conventions of social media are being willfully discounted by these statements. How I acted fits with those norms and conventions on Twitter and has no relevance to the

report. The deletion of the violative behaviour being listed as a mitigating factor flies in the face of the permanent nature of media on the internet; it is not ephemeral.

Retweeting is social convention, and people do it to participate in public discourse. If I violated any rule unbeknownst to me, it was not said or pointed out. The focus of any code of conduct complaint investigation must be squarely on the public official's conduct and not on the impugned resident and constituent – in this case, myself.

Some rhetoric for Council to reflect on: Why do incidents go unreported? Why do some constituents and residents feel comfortable calling the police when needed – confident, even, while others consider calling the police as their last resort, for better or worse, including medical emergencies? Why is the trans community stricken with overwhelming poverty (Arps et al. 2021) and often involved in sex work?

I recommend the council and the respective Governance committee consider all of this and ultimately the public interest when considering amendments to the code of conduct. I suggest including explicit language to mandate elected officials to refer to others using the pronouns that the person has specified. This would reflect our local labour precedent [EN v Gallagher's Bar and Lounge, 2021 HRTO 240](#) which was achieved by counsel Sarah Molyneaux. Choosing to call a trans woman "they" when her pronoun is she is a form of microaggression, full stop. Let's encourage a Hamilton where all community members feel respected and considered within our democratic processes. We are your communities, your neighbours, we share the same schools, places of worship, and city councils. I would finally like to remind Madam Mayor and members of the General Issues Committee that the value of an apology is commensurate with the changed behaviour and demonstrable commitment to reduce further harm by the public official who has violated the code of conduct. In the words of Carbondale, Illinois' first transgender Councilmember Clare Killman: "It is as hard as ever to simply exist as a queer person in public spaces." We must make certain that people of all walks of life feel safe in our community. Invite us, ask us, include us. I would love to see Hamilton become a city where **anyone** can come to and call home regardless of their circumstances. We are all responsible as Hamiltonians for becoming more ethical than the society we, or you, or I grew up in. An injury to one is an injury to all. Thank you.