
Code of Conduct for Members of Municipal Council and, where applicable, Council's Local Board and Committee Members

Purpose: The purpose and intent of this Policy is to establish guidelines for ethical and interpersonal standards of conduct for Members of Council and Council's Local Board and Committee Members in the performance of County business and the duties of elected office and to provide a process for resolving complaints about inappropriate conduct that might arise.

A. STANDARDS OF CONDUCT

1. Members of Council and Council's Local Board and Committee Members shall at all times seek to advance the common good of the community which they serve.
2. Members of the Council and Council's Local Board and Committee Members shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.

B. CONDUCT TO BE OBSERVED

1. Foster Respect for Decision-making Process

All Members of Council and Council's Local Board and Committee Members shall accurately and adequately communicate the attitudes and decisions of the Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

2. Release of Confidential Information Prohibited

Members of Council and Council's Local Board and Committee Members have a duty to hold in strict confidence all information concerning matters dealt with at In-Camera meetings. A Member of Council and Council's Local Board and Committee Members shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the *In-Camera* deliberations to anyone, unless expressly authorized by Council or required by law to do so.

Members of Council and Council's Local Board and Committee Members shall not release information in contravention of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

Members of Council and Council's Local Board and Committee Members shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.

Members of Council and Council's Local Board and Committee Members shall not misuse confidential information (information that they have knowledge of by virtue of their position as Councillor, Board or Committee Member is not in the public domain, including e-mails and correspondence from other Members of Council, Board or Committee Member or third parties) such that it may cause detriment to the Corporation, Council or others, or benefit or detriment to themselves or others.

3. Release of Information to Public and Media

Members of Council and Council's Local Board and Committee Members acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by the Council as a whole or the Warden as Head of Council or by his or her designate.

4. Acceptance of Gifts Prohibited

The stipend paid to each Member of Council and Council's Local Board and Committee Members is intended to fully remunerate Members of Council and Council's Local Board and Committee Members for service to the Corporation. Members of Council and Council's Local Board and Committee Members shall not solicit, accept, offer or agree to accept a commission, reward, gift, advantage or benefit of any kind, personally or through a family member or friend, which is connected directly or indirectly with the performance or duties of office.

Members of Council and Council's Local Board and Committee Members are not precluded from accepting:

- (a) personal gifts, normal hospitality among persons doing business, benefits, rewards, commissions or advantages from any person or organization not connected directly or indirectly with the performance or duties of office;
- (b) political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- (c) food and beverages at banquets, receptions, ceremonies or similar events;
- (d) services provided without compensation by persons volunteering their time;
- (e) food, lodging, transportation and entertainment provided by other levels of governments or by other local governments, boards or commissions;
- (f) a reimbursement of reasonable expenses incurred in the performance of duties or office;
- (g) a reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations;
- (h) token gifts such as souvenirs, mementos and commemorative gifts that are given in recognition of service on a committee, for speaking at an event or representing the Corporation at an event, and
- (i) gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

Members of Council and Council's Local Board and Committee Members shall return any gifts or benefits which exceed these limits, along with an explanation why the gifts or benefits cannot be accepted.

5. Engaging in Incompatible Activity Prohibited

Members of Council and Council's Local Board and Committee Members shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest.

Without limiting the generality of the foregoing, Members of Council and Council's Local Board and Committee Members shall not:

- (a) use any influence of office for any purpose other than official duties;
- (b) act as an agent before Council or any committee, board or commission of Council;
- (c) solicit, demand or accept the services of any corporate employee, or individual providing services on a contract for service, for re-election purposes during hours in which the employee, or individual providing services under a contract for service, is in the paid employment of the Corporation;
- (d) use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;
- (e) place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment;
- (f) give preferential treatment to any person or organization in which a Member or Members of Council have a financial interest;
- (g) influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member or Members of Council have a financial interest; and
- (h) use Corporate materials, equipment, facilities or employees for personal gain or for any private purpose.

6. Avoidance of Waste

Members of Council and Council's Local Board and Committee Members shall avoid waste, abuse and extravagance in the provision of use of public resources, and shall expose fraud and corruption of which the Member of Council and Council's Local Board and Committee Member is aware.

C. INTERPERSONAL BEHAVIOUR OF MEMBERS OF COUNCIL

1. Treat Every Person with Dignity, Understanding and Respect

Members of Council and Council's Local Board and Committee Members shall abide by the provisions of the *Human Rights Code* and, in doing so, shall treat every person, including other Members of Council and Council's Local Board and Committee Members, corporate employees, individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

2. Not to Discriminate

In accordance with the *Human Rights Code*, Members of Council and Council's Local Board and Committee Members shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability. "Age", "disability", "family status", "record of offences", "same-sex partnership status" shall be as defined in the *Human Rights Code*.

3. Not to Engage in Harassment

In accordance with the *Human Rights Code*, harassment shall mean engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

Without limiting the generality of the foregoing, Members of Council and Council's Local Board and Committee Members shall not:

- (a) make racial, homophobic, sexist or ethnic slurs;
- (b) display pornographic, homophobic, sexist, racist or other offensive or derogatory material;
- (c) make leering (suggestive staring) or other offensive gestures;
- (d) make written or verbal abuse or threats;
- (e) vandalize the personal property of others;
- (f) commit physical or sexual assault;

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- (g) make unwelcome remarks, jokes, innuendoes or taunting statements about a person's physical appearance, racial background, colour, ethnic origin, place of origin, citizenship, ancestry, creed (religion or belief), sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, disability (physical or mental);
 - (h) make unwelcome remarks, insulting gestures or jokes which cause embarrassment or awkwardness;
 - (i) refuse to converse or interact with anyone because of their racial or ethnic background, colour, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability;
 - (j) make unnecessary or unwanted physical contact, including touching, patting, or pinching; and
 - (k) demand sexual favours or requests.

Harassment which occurs in the course of or related to the performance of duties by Members of Council and Council's Local Board and Committee Members is subject to this policy.

A good faith exercise of performance management with respect to corporate employees for legitimate purposes by Council is not harassment.

D. ALLEGATIONS OF PROHIBITED ACTIVITY

Organizations or individuals (including the public, Members of Council, and corporate employees) who have:

- Identified or witnessed any **prohibited activity** by a Member of Council under this policy;
- Witnessed or been subject to **discriminatory treatment** by a Member of Council under this policy; or
- Witnessed or been subject to **harassment** by a Member of Council under this policy

May address the prohibited behaviour or activity as set out below:

1. Complaints made by Corporate Employees of Discrimination or Harassment

Where a corporate employee makes a complaint of harassment or discriminatory treatment by a Member of Council or Council Local Board or Committee Member, the Member of Council and Council's Local Board and Committee Members may participate in the Informal Resolution and/or Mediation processes under the Workplace Harassment/Discrimination Prevention Policy and Complaint Procedure for employees.

If the Member of Council and Council's Local Board and Committee Members does not participate in these processes or if the complaint is not resolved through these processes, the complainant may lodge a complaint to the Ontario Human Rights Commission.

2. Other Complaints made by Any Person (Allegations of Activity Other Than in 1. above)

Any complainant may take the following steps, if applicable, to address prohibited activity by a Member of Council or Council Local Board or Committee Member:

1. a complainant may contact the Elgin Detachment of the Ontario Provincial Police Department with respect to an investigation under s. 122 of the *Criminal Code of Canada*, where the allegation is that a Member of Council, in a matter connected to the duties of office, commits fraud or a breach of trust.
2. a complainant may contact the Elgin Detachment of the Ontario Provincial Police Department with respect to an investigation under s. 123 of the *Criminal Code of Canada*, where the allegation is that a Member of Council, in a matter connected to the duties of office, demands, accepts, or offers or agrees to accept from any person, a loan, reward, advantage or benefit of any kind.
3. (a) a complainant may advise the Member of Council or Council's Local Board or Committee Member verbally or in writing that the activity contravenes this by-law.

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- (b) a complainant may encourage the Member of Council or Council's Local Board or Committee Members to stop the prohibited activity.
 - (c) a complainant should keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information.
4. a complainant may refer his or her complaint to the Ontario Human Rights Commission where the alleged misconduct involves a violation of the *Human Rights Code*.

E. JUDICIAL INVESTIGATION

In circumstances where liability is denied and the alleged misconduct is serious in nature, Council may pass a resolution, pursuant to s. 274(1) of the *Municipal Act*, requesting a judicial investigation into the Member of Council, or Council's Local Board or Committee Members conduct.