



Town of Erin Members of Council

Code of Ethics Booklet



TOWN OF ERIN

POLICIES AND PROCEDURES

COUNCIL'S CODE OF ETHICS

Council Approval: March 19, 2013

Effective Date: March 19, 2013

Code of Ethics for Members of Council.

A) STATEMENT OF PRINCIPLE

A written Code of Ethics helps to ensure that the members of Council share a common basis of acceptable conduct. These standards are designated to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that Town's elected and appointed representatives operate from a base of integrity, justice and courtesy.

The Town of Erin's Code of Ethics is a general standard that augments the federal and provincial laws and municipal policies and by-laws that govern their conduct. It is not intended to replace personal ethics.

This Code of Ethics is consistent with the existing legislation governing the conduct of members. That legislation includes:

- a) The Criminal Code of Canada (bribery, fraud, breach of trust, corruptions, selling offices, influencing appointments)
- b) The Municipal Act of Ontario (roles and responsibilities, passing By-Laws etc.
- c) The Municipal Conflict of Interest Act (direct and indirect pecuniary interest in Council matters)
- d) The Municipal Elections Act of Ontario (appropriate behaviour in an election)
- e) The Municipal Freedom of Information and Protection of Privacy Act (release of information and protection of privacy)
- f) The Planning Act of Ontario (proper notice and public meetings)
- g) The Ontario Human Rights Code of Ontario (discrimination)
- h) The Occupational Health and Safety Act of Ontario (workplace safety; workplace violence, workplace harassment, workplace bullying, sexual harassment)
- i) The Town's Procedure By-Law (proper conduct of Council and Committee Meetings)
- j) The Town's Workplace Bullying and Harassment Policies

B) DEFINITIONS

1. “Communications” include, but are not limited to, written or spoken words in the form of e-mail transmissions, Instant Message (IM) transmissions including all forms of social media, telephone and cell phone communications, communications generated electronically, and pictures.
2. “Preferential” means giving specific advantage or priority to a person or group.
3. “Public Comment” means disclosures or statements made in public, or in the course of a speech, lecture, radio, television or internet broadcast, in the press, or in published form.
4. “Confidential” means information that is marked “Confidential”. The following is in no way an exhaustive list of information that may be marked confidential, but it shall provide guidance as to the nature of the information likely to be marked “confidential” and not for public dissemination;
 - Personal data of employees or others
 - Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation
 - Records of a financial nature reflecting information given or accumulated in confidence
 - Files prepared in connection with litigation and adjudicative proceedings
 - Confidential reports of consultants, policy drafts and/or internal communications, which, if disclosed, may prejudice the effective operation of the municipality
 - Reports and correspondence considered during In-Camera meetings of Council shall be returned to the Clerk at the end of each meeting.
5. “Workplace” means any Town land, premises, location or thing at, upon, in or near which a Town worker works or the public is invited to access.
6. “Workplace Harassment” means engaging in a course of vexatious comment or conduct against a worker or a member of the public or fellow Council Member in a Workplace that is known or ought reasonably to be known to be unwelcome.

C) ROLES

1. Role of Council (as noted in the Municipal Act)
 - i) To represent the public and to consider the well-being and interests of the municipality;

- ii) To develop and evaluate the policies and programs of the municipality;
 - iii) To determine which services the municipality provides;
 - iv) To ensure that administrative policies, practices and procedures are in place to implement the decisions of the Council;
 - v) To ensure the accountability and transparency of the operations of the municipality including the activities of the senior management of the municipality;
 - vi) To maintain the financial integrity of the municipality; and
 - vii) To carry out the duties of Council under this or any other Act.
2. Role of Head of Council (as noted in the Municipal Act)
- i) To act as Chief Executive Officer of the municipality
 - ii) To preside over Council meetings so that its business can be carried out efficiently and effectively;
 - iii) To provide leadership to the Council;
 - iv) Without limiting clause iii), to provide information and recommendations to the council with respect to the role of council described in Section 224 (d) and (d.1) of the Municipal Act, 2001, as amended
 - v) To represent the municipality at official functions; and
 - vi) To carry out the duties of the head of Council

D) THE RULES OF THE CODE

RULE 1 – GENERAL STANDARDS OF BEHAVIOUR

- 1.1 Members of Council shall make honest statements
- 1.2 No Member shall make a statement when they know that statement is false
- 1.3 No Member shall make a statement with the intent to mislead other Council Members and the public
- 1.4 Members of Council shall serve their Constituents in a conscientious and diligent manner
- 1.5 No Member shall use the influence of office for any purpose other than the exercise of his or her official duties.
- 1.6 Members of council shall promote honesty and the exercise of due care and diligence in the fulfillment of their duties
- 1.7 Members of Council shall enhance public trust and confidence in local government
- 1.8 Members of Council shall identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority
- 1.9 Members of Council shall promote high ethical standards amongst the Members of Council

- 1.10 Members of Council shall conduct activities in an orderly professional and businesslike manner
- 1.11 Members of Council shall be honest and respectful of each other in their communications with the public, media and staff
- 1.12 Members of Council shall ensure that confidential information and matters discussed during in-camera sessions are kept confidential
- 1.13 Members of council shall respect each other's time, honour commitments and provide advance notice of absences for meetings and other commitments to the Mayor and the Clerk's Department.

RULE 2 - PREFERENTIAL TREATMENT

- 2.1 Members of Council shall not, in the exercise of an official power, duty, or function, give preferential treatment to any person or organization based solely on the identity of the person or organization.
- 2.2 No Member of Council shall grant any special consideration or advantage in matters related to his/her position on Council to any person or organization(s) beyond that which is available to every citizen.

RULE 3 - GIFTS AND BENEFITS

- 3.1 No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office, unless permitted by the exceptions listed below.
- 3.2 For these purposes, a fee or advance paid to or a gift or benefit provided with the member's knowledge to a member's spouse, child or parent or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.
- 3.3 The following are recognized as exceptions to Rule 3.1:
 - a. Compensation authorized by by-law;
 - b. Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligations – value must not be in excess of \$100.00;
 - c. A political contribution otherwise reported by law;
 - d. Services provided without compensation by persons volunteering their time;
 - e. A suitable memento of a function honouring the member;

- f. Food, lodging, transportation and entertainment provided by provincial, regional/county or local governments or political subdivisions of them, by the Federal government or by a foreign country;
- g. Food and beverages consumed at banquets, receptions or similar events, if;
 - Attendance serves a legitimate purpose;
 - The person extending the invitation or a representative of the organization is in attendance; and
 - The value is reasonable and the invitations infrequent
- h. Communication to the offices of a member, including subscriptions to newspapers and periodicals.
- i. An invitation to attend a function where the invitation is connected directly or indirectly with the performance of the Member's duties of Office (i.e. for which the public office holder has a ceremonial, presentational or representational official role) is not considered to be a gift. Attendance is considered to be the fulfillment of an official function or duty.

RULE 4 - CONFIDENTIAL INFORMATION

- 4.1 No Member shall permit any persons other than those entitled thereto to have access to confidential information.
- 4.2 No Member shall access or attempt to gain access to confidential information in the custody of the Town unless it is necessary for the performance of his/her duties .
- 4.3 No Member shall disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law or authorized by Council to do so.
- 4.4 No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.
- 4.5 No Member shall directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of Town property or assets.
- 4.6 No Member shall disclose the content of any matter, or the substance of deliberations, of the in-camera meetings until the Council discusses the information at a meeting that is open to the public or otherwise releases the information to the public.
- 4.7 No Member shall access or attempt to gain access to confidential information in the custody of the Town unless it is necessary for the performance of their duties and not prohibited by Council policy.

RULE 5 - USE OF TOWN PROPERTY, SERVICES AND OTHER RESOURCES

- 5.1 No member shall use for personal purposes any Town property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of Town duties or associated community activities of which Town Council has been advised.
- 5.2 No member shall obtain financial gain from the use of Town developed intellectual property, computer programs, technological innovation or other patentable items, while an elected official or thereafter. All such property remains exclusive property of the Town.
- 5.3 No member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.

RULE 6 - WORK OF A POLITICAL/PERSONAL NATURE

- 6.1 No member shall use Town facilities, services or property for his or her re-election campaign except as would be available to any other member of the public running for office.
- 6.2 No member shall use the services of the Town employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Town.
- 6.3 No member shall use Town facilities, services or property for his or her personal or personal business use.
- 6.4 No member shall use the services of Town employees for his or her personal or personal business during the hours in which the employees are in the paid employment of the Town.

RULE 7 - CONDUCT AT MEETINGS OF COUNCIL

- 7.1 Members shall conduct themselves with decorum at Council Meetings in accordance with the provisions of the Council Procedural By-law.
- 7.2 Members of Council shall show respect for delegations and for fellow members and staff at Council and Committee meetings.

- 7.3 Council Members shall show courtesy and not detract from the business of the Council during presentations and when other Members have the floor.
- 7.4 Members of Council shall promote healthy debate when discussing matters of public interest
- 7.5 Members of Council shall in the holding of a debate do so with dignity, and with respect for the opinions of others
- 7.6 Members of Council when making decisions shall balance the diverse values aspirations, priorities and competing interests of the whole community
- 7.7 The Mayor and Members of Council shall embrace and encourage constructive disagreement and discussion while avoiding discouraging, destructive conflict
- 7.8 Members of Council shall make a reasonable attempt to build consensus on issues and failing that will respect the majority vote of Council.

RULE 8 - TRANSPARENCY AND OPENNESS IN DECISION MAKING AND MEMBER'S DUTIES

- 8.1 Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner so that stakeholders can view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
- 8.2 Rule 8.1 shall be subject to that Council business which by virtue of legislation is authorized to be dealt with in a confidential manner in closed session and Council decides to do so.

RULE 9 - MEDIA COMMUNICATIONS

- 9.1 Members of Council shall accurately communicate the decisions of the Town of Erin Council, even if they disagree with a majority decision of Council.
- 9.2 Members of Council may state publically that they did not support a decision or that they voted against the decision.
- 9.3 Member of Council shall refrain from making disparaging comments about other Members of Council and the Council's processes and decisions.

RULE 10 - BUSINESS RELATIONS

- 10.1 No member shall borrow money from any person who regularly does business with the Town unless such person is regularly in the business of lending money.
- 10.2 No Member shall act as a paid Agent before Council or a Committee of Council or any agency, board or committee of the Town.
- 10.3 No Member shall refer a third party to a person partnership or Corporation in exchange for payment or other personal benefit.

RULE 11 - EXPENSES

- 11.1 Members shall comply with the provisions of the Town Mileage Allowance and Expense Allowance – Conferences, Conventions, Seminars, Training Courses and Workshops as per the Town’s Personnel Policy

RULE 12 - REPRESENTING THE TOWN

- 12.1 Members shall make every effort to participate diligently in the activities of the committees, agencies and boards to which they are appointed by the Town.

RULE 13 - DISCREDITABLE CONDUCT

- 13.1 Members shall conduct themselves with appropriate decorum at all times in the Community or when making presentations from the Town as a result of the office they hold.

RULE 14 - INFLUENCE ON STAFF

- 14.1 Members shall be respectful of the fact that staff work for the Town as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members of Council.
- 14.2 Members should be respectful of the fact that staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any individual member or group of members of Council.

- 14.3 No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
- 14.4 No member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.
- 14.5 Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or group of members of Council.
- 14.6 No member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff.
- 14.7 Members of Council shall show respect for the professional capacities of staff.
- 14.8 Members of Council shall recognize that only Council as a whole has the capacity to direct Staff members to carry-out specific tasks or functions.
- 14.9 Members of Council shall respect that the Town Manager and the Administration serve Council as a whole and the combined interest of all Members as expressed through resolution of Council.
- 14.10 No member shall request Staff to undertake extensive work or prepare lengthy reports other than pursuant to a Council direction.
- 14.11 No Member of Council shall attempt to influence Staff to circumvent normal processes in a matter, or overlook deficiencies in a file or application.
- 14.12 No Member of Council shall ask for or receive materials from Staff that are not also offered to other Members of Council.
- 14.13 No Member of Council shall involve him or herself in matters of Administration or Departmental Management as those fall within the jurisdiction of the Town Manager.

**RULE 15 - ENCOURAGEMENT OF RESPECT FOR THE TOWN AND ITS
BY-LAWS AND POLICIES**

- 15.1 Members shall encourage public respect for the Town and its by-laws and polices.

RULE 16 - HARASSMENT

- 16.1 Harassment of another member, staff or any member of the public is misconduct. It is the policy of the Town that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.
- 16.2 While harassment is prohibited under both the Occupational Health and Safety Act and the Ontario Human Rights Code, in addition to this, workplace harassment, whether it occurs inside or outside the workplace but is related to the work environment or activities of elected office, is considered to be workplace harassment under this Code and is inappropriate and prohibited behaviour for the purpose of this Code.
- 16.3 Members of Council shall not bully, threaten, coerce, or otherwise harass, or intimidate employees or volunteers of the municipal organization, municipal contractors, the public, or his/her colleagues.
- 16.4 Members of Council shall not engage in any form of slanderous, malicious, or demeaning communications in regards to other members of Council, municipal staff, or the public.

RULE 17 - EMPLOYMENT OF COUNCIL RELATIVES

- 17.1 Members shall comply with the provisions of the Town's Personnel Policy related to the employment of relatives of Council Members.

E) ADVICE ON CODE OF ETHICS

1. Members seeking clarification of any part of this Code of Ethics should consult with the Chief Administrative Officer/Town Manager
2. The Chief Administrative Officer/Town Manager may in responding to any such request consult with the Town's Integrity Commissioner or the Town's Legal Counsel as may be required.

F) CODE ENFORCEMENT

1. In addition to any other consequence imposed by law, members found to have breached this Code may be subject to the following penalties set out in Section 223.4(5) of The Municipal Act; namely
 - (a) a reprimand, or
 - (b) suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council for a period of up to 90 days

2. In addition and/or in substitution for the penalties permitted under The Municipal Act for a Member who has breached this Code, Council may impose remedial measures such as the return of a gift or benefit illegally received or an apology to a complainant for a particular action taken
3. In order to enforce the Code, Council shall appoint an Integrity Commissioner pursuant to the provisions of The Municipal Act who shall report to Council and who shall be responsible to investigate in an independent manner complaints respecting alleged breaches of this Code.
- 4.1 An individual, organization or employee of the Town, member of Council, Council itself or Member of the public who has reasonable ground to believe that a Member has breached this code may proceed with a complaint and request an investigation.
- 4.2 Complaints must be submitted no more than 6 months after the alleged violation of this Code occurred.
- 4.3 No action shall be taken on a complaint made to the Town which is received after the 6 month deadline.

G) COMPLAINT PROCEDURE

1. **Informal Complaint Procedure**

Any individual who identifies or witnesses behaviour or activity by a Member of Council that appears to be in contravention of the Code may address their concerns in the following manner:

 - i) Advise the Member that their behaviour or activity contravenes the Code;
 - ii) Encourage the Member to stop the prohibited behaviour or activity;
 - iii) If applicable, confirm to the member your satisfaction or dissatisfaction with his or her response to the concern identified;
 - iv) Keep a written record of the incidents including dates, times, location, other persons present, and any other relevant information, including steps taken to resolve the matter;
 - v) If not satisfied with the response received through the informal process, an individual may proceed with a formal complaint through the Integrity Commissioner.
2. **Formal Complaint Procedure**

Any individual who has identified or witnessed behaviour or activity by a Member that appears to be in contravention of the Code may address their concerns through the formal complaint process set out below:

 - i) All formal complaints must be made using the Town's Complaint Form (attached to this policy) and shall be dated and signed by the complainant. The complaint must include an explanation as to why the issue raised may be a contravention of the Code

and any evidence in support of the allegation must be included with the complaint form;

- ii) Any witness in support of the allegation must be identified on the Complaint form;
- iii) The Complaint form must include the name of the Member alleged to have breached the Code, the date, time and location of the alleged contravention and any other information as required on the Complaint Form;
- iv) The Complaint Form shall be filed with the Chief Administrative Officer/Town Manager by mail or in person, who shall confirm that the information is complete as to i),ii), and iii) of this section;
- v) The Chief Administrative Officer/Town Manager shall advise Council that a formal complaint has been received and will be forwarded to the Integrity Commissioner for review;
- vi) The Chief Administrative Officer/Town Manager will forward the Complaint Form to the Integrity Commissioner who will determine whether the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or policies; and
- vii) The Integrity Commissioner may request additional information from the complainant.

3. Refusal to Conduct an Inquiry

If upon review of the complaint, the Integrity Commissioner is of the opinion that the complaint is frivolous, vexatious or not made in good faith, or that there are no or insufficient grounds for an inquiry, the Integrity Commissioner will not conduct an inquiry and shall communicate this position in writing to the complainant, the Member identified in the Complaint Form and Council.

4. Opportunity for Resolution

If at any time, following the receipt of a formal complaint or during the inquiry process, the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal inquiry, and both the complainant and the Member agree, efforts may be made to achieve an informal resolution.

5. Integrity Commissioners Powers and Duties/Responsibilities

- i) The Integrity Commissioner shall ensure that any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of the members are consistent with the said policies.
- ii) The Integrity Commissioner may elect to exercise the powers of the commission under Parts 1 and II of the Public Inquiries Act.
- iii) The Integrity Commission shall be given such information he/she believes to be necessary for the inquiry – i.e., free access to all books, accounts, financial records, electronic data, processing records, reports, files and all other papers,

things or property belonging to or used by the municipality or a local board that the Integrity Commissioner believes to be necessary for an inquiry.

- iv) The Integrity Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties – with the exception, the Integrity Commissioner may disclose in a criminal proceeding as required by law or otherwise – (this prevails over the Municipal freedom of Information and Protection of Privacy Act).
 - v) The Integrity Commissioner shall provide a periodic report to the municipality on his or her activities. The report may summarize advice he or she has given but shall not disclose confidential information that could identify a person concerned.
 - vi) The Integrity Commissioner when conducting an inquiry determines that there are reasonable grounds to believe that there has been a contravention of any other Act or the Criminal Code (Canada), the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to Council.
6. Final report of the Integrity Commissioner
- i) The Integrity Commissioner shall report to the Complainant and the Member generally no later than 90 days after the making of the complaint.
 - ii) If during the investigation process, the complaint is withdrawn or resolved the Integrity Commissioner shall report to Council outlining the findings, the terms of any resolution and any recommended action within 30 days.
 - iii) If upon completion of the investigation the Integrity Commissioner finds that a breach of the Code has occurred, the Integrity Commissioner shall report their findings to Council, including a recommendation as to the imposition of a penalty as set out in the Municipal Act of:
 - A reprimand
 - Have the member repay or reimburse monies received
 - Have the Member return the property or item, or reimburse the value
 - Request the Member to apologize to Council, the Complainant or both
 - Suspension of remuneration paid to the Member for a period of up to 90 days
 - iv) If upon completion of the investigation, the Integrity Commissioner finds that there has been no contravention of the Code, or that a contravention occurred, however, the Member took all reasonable measures to prevent it, or the contravention committed was trivial or committed through inadvertence or an error in judgment made in good faith, the Integrity Commissioner shall set this out in a report to Council.
 - v) The Integrity Commissioner's report(s) shall be made available to the public.

H) CODE FAMILIARITY AND ADHERENCE

1. Each Council Member shall review his/her adherence to the provisions of the Code on a regular basis or when so requested by Council.
2. At the beginning of each Council term each Member of Council shall be provided with 2 copies of the Code of Ethics and are requested to retain 1 for him/herself and sign and return the other copy to the Clerk's office to indicate to all stakeholders that that Member has read and understands and accepts the Code. If a Member refuses to sign and return a Copy of the Code to the Clerk's office, that Member is still bound by the Code and is expected to abide by the Code.

The Chief Administrative Officer/Town Manager and the Town Clerk shall include a "Code of Ethics component" to any orientation workshop which is held for a new Council.

Town of Erin
Formal Code of Ethics Complaint Form/Affidavit

Please note that knowingly signing a false affidavit may expose you to prosecution under the Criminal Code of Canada.

AFFIDAVIT OF _____
(Full Name)

1, _____ of _____
(Full Name) (Full Mailing Address)

In the Province of Ontario MAKE OATH AND AFFIRM:

1. I have personal knowledge of the facts set out in this affidavit, because

2. I have reasonable and probable grounds to believe that a Member of the
Town of Erin Council or Local Board _____

(Insert Name of Member)

Has contravened Section (s) _____

(Insert applicable sections of Code of Ethics)

of the Town of Erin Code of Ethics. The particulars of which are as follows:

(Set out the statements of fact in consecutively numbered paragraphs below, with each paragraph being confined as far as possible to a particular statement of fact. If you wish to include exhibits to support this complaint, please refer to the exhibits A, B. etc. and attach them to this affidavit). Information should include date, time, location and if any witness.



Passed on March 19, 2013