Title: Code of Conduct	Resolution Number: Motion 2022-253
Municipal Officials	Date Approved: November 1, 2022

1. Introduction

The purpose of this Code of Conduct is to establish rules of conduct for municipal officials. Part III of the **Municipal Conduct Act, 2022** (the Act), requires that municipalities establish a Code of Conduct to govern the conduct of municipal officials and sets out minimum requirements for the Code of Conduct.

Municipal officials are expected to conduct themselves ethically and professionally, and in accordance with this Code of Conduct. The principles underlying the Code of Conduct are integrity, honesty, impartiality, responsibility, and accountability.

2. Application

This Code of Conduct applies to municipal officials acting in their official capacity as municipal officials, as well as a municipal official's off-duty conduct that is sufficiently connected to their position or that could reasonably discredit the reputation of the Municipality.

For the purpose of this Code of Conduct, Municipal Official is defined to mean a chief administrative officer, an employee of a municipality, or any person acting with or without remuneration, under the direction of a municipality, including fire chiefs and fire fighters providing services for or to a municipality.

This Code of Conduct is intended to set out the expectations on municipal officials, and to be read in conjunction with any applicable employment policies or collective agreements. Nothing in this Code of Conduct is to be read in a way to limit an employer's ability to manage the workplace or discipline employees for a breach of this Code of Conduct, regardless of whether a complaint has been made, in accordance with applicable labour and/or employment law.

Interpretation: For the purpose of this policy, Chief Administrative Officer of CAO refers to the person appointed to the position of Manager under the Municipalities Act, 1999. In the event a municipality has not established the position of a town manager, the duties of the CAO under this Code of Conduct shall be performed by the Town Clerk.

PART I

Standards of Conduct

3. Standard of Conduct:

3.1. Standards of Professional Behavior

3.1.1. Municipal officials must adhere to the policies and procedures of the Municipality.

3.1.2. Municipal officials must work in the best interest of the municipality without regard for their personal interests.

3.1.3. Municipal officials must act competently and diligently and perform at a level expected of those working in the public interest.

3.1.4. Municipal officials shall respect other municipal officials, Council, councillors, and members of the public.

3.1.5. Municipal officials must use language which is inclusive, respectful, and refrain from using language which could be interpreted as abusive or disrespectful.

3.1.6. Municipal officials must, in private and public, conduct themselves in a manner which does not bring disrepute to themselves, their position, the Council, or the municipality.

3.1.7. Municipal officials may not make decisions, take positions, or make statements which are unreasonable, unjust, arbitrary, oppressive, or discriminatory.

3.2. Use of Influence

3.2.1. Municipal officials must only use the influence of their position for the exercise of their official duties.

3.2.2. Municipal officials must not use their authority or influence in a manner that could reasonably be perceived as threatening, coercing, or improperly influencing the actions of any person.

3.2.3. Municipal officials are prohibited from accepting gifts, favours, or free or discounted services from any individual, vendor, contractor, or others which could reasonably be perceived to show undue favour, bias, or disadvantage to any individual or organization or could reasonably be perceived to place the official in a conflict of interest.

3.3. Misuse of Public Assets and Fraud

3.3.1. Municipal officials must report all expenses promptly, accurately, provide adequate detail, and shall maintain all receipts, invoices, and other relevant financial records and details when claiming expenses.

3.3.2. Municipal officials must conduct the business of the municipality in a manner that is efficient and must avoid waste, abuse, and extravagance in the provision and use of municipal resources.

3.3.3. Municipal officials must not request, use, or permit the use of municipal-owned vehicles, land, equipment, materials, or other property for personal convenience or profit, except where such privileges are granted to the general public, or except where authorized by Council or the CAO.

3.4. Confidentiality

3.4.1. Municipal officials must not disclose confidential information obtained in the course of their duties, except as required by law or as authorized by the Municipality to do so.

3.4.2. Municipal officials must not use confidential information or official information which is not in the public domain for personal or private gain, the private gain of others, or a corporation.

3.4.3. The collection, protection, access, use, disclosure, and disposal of personal information may only occur in compliance with the **Access to Information and Protection of Privacy Act, 2015.**

3.4.4. Confidential information means: information in the custody and/or control of the municipality that is prohibited from disclosure pursuant to legislation or court order or any other information that pertains to the business of the municipality generally considered to be of a confidential nature, including, but not limited to:

a) Any matter that falls under the exceptions to disclosure identified in the **Access to Information and Protection of Privacy Act** (ATIPPA), whether or not a request for access has been made;
b) Personal information which would constitute an unreasonable invasion of privacy;
c) Potential acquisitions or disposition of real property;
d) Information which would reveal the substance of deliberation of a privileged meeting;
e) Pending contracts including tenders, requests for proposals (RFPs), and records related to potential procurement;
f) Draft documents and legal instruments including reports, policies, bylaws and resolutions that have not been the subject matter of deliberation in a meeting open to the public;
g) Employment and collective bargaining matters;
h) Legal matters;
i) Law enforcement matters.

3.5. Social Media

3.5.1. Municipal officials must not engage in conduct on personal or official social media platforms which would bring the integrity of themselves, the council, or the Municipality into disrepute.

3.5.2. Municipal officials must, where possible, conduct municipal business with residents through official accounts and devices and avoid conducting municipal business on personal devices or through personal accounts.

3.6. Harassment and bullying

3.6.1. The obligations in this section are not intended to fulfill the requirement on a municipality as an employer to implement and maintain a harassment prevention plan, under section 24.1 of the **Occupational Health and Safety Regulations.**

3.6.2. Municipal officials must not engage in harassment or bullying.

3.6.3. All municipal officials shall treat members of the public, one another, staff, and volunteers appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination, bullying and harassment.

3.6.4. Harassment is defined as any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome. Harassment may be intended or unintended. Harassment may include, but may not be limited to:

a) Abuse of authority – harassment that occurs through a use of authority serving no legitimate work purpose.

b) Discriminatory harassment – harassment that is based on actual or perceived prohibited ground of discrimination as outlined in the **Human Rights Act, 2010**, such as race, colour, nationality, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, or political opinion.

c) Sexual harassment – harassment which is gender-based or of a sexual nature.

d) Bullying – a repeated pattern or mistreatment aimed at a specific person or group.

3.7. Legislative Compliance

3.7.1. A municipal official must reasonably comply with all obligations imposed on the municipal official by legislation, regulation, and municipal policy and procedures, including but not limited to:

a) **Municipalities Act, 1999;**
b) **Municipal Conduct Act;**
c) **Municipal Elections Act;**
d) **Public Procurement Act;**
e) **Urban and Rural Planning Act, 2000;**
f) **Access to Information and Protection of Privacy Act, 2015;**
g) **Occupational Health and Safety Act;**
h) **Human Rights Act, 2010; and**
i) Any accompanying regulations

3.8. No Adverse Actions or Reprisals

3.8.1. Municipal officials must take no action, and must to the best of their ability ensure no action is taken, which would be reasonably perceived as a reprisal against any person

acting in good faith who brings forward a complaint or information which leads to a complaint.

3.9. Allegations in Bad Faith

3.9.1. A municipal official shall not file a complaint under this policy which is retributive, made in bad faith, or with malicious intent. A complaint will not be deemed to be retributive, made in bad faith, or malicious solely because it is unfounded.

3.10. Investigation

3.10.1. A municipal official shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass, or fail to cooperate with a person conducting an investigation under the Act, regulations, and this Code of Conduct.

4. Conduct Complaint and Investigation Procedure

4.1. Process

4.1.1. When a complaint is submitted alleging a breach of conduct under sections 3.2 (use of influence), 3.3 (use of public resources or fraud), or 3.6 (harassment and bullying) the Chief Administrative Officer (CAO) shall follow the procedure set out here.

4.1.2. When a complaint is received regarding another section of the Code of Conduct, the procedure followed is subject to the discretion of the CAO.

4.2. Receiving a Complaint

4.2.1. A complaint filed under this Code of Conduct shall be filed with the CAO.

4.2.2. In the event that the complainant or respondent is the CAO, the complaint shall be filed with the Mayor.

4.2.3. Where the complainant or respondent is the CAO, the following process will still apply, but the Mayor will act as the CAO for the purpose of administering the complaint.

4.2.4. The complaint shall be in writing.

4.2.5. Notwithstanding section 4.2.4 a complaint may be made by alternate means where the complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.

4.2.6. A complaint shall include the following:

a) The complainant's name;
b) The names of the person or persons the complaint is about;
c) A summary of the complaint, and any steps taken to resolve it;
d) The date that the breach of the Code of Conduct occurred, if known; and
e) A description of how the complaint can be resolved, if applicable.

4.2.7. Notwithstanding section 4.2.6, a CAO may accept a complaint confidentially where, in the opinion of the CAO, it is reasonable to do so, taking into account the public interest.

4.2.8. A complainant may withdraw their complaint in writing or by other means as per section 4.2.5. Notwithstanding, the CAO or investigator may continue investigating where it is reasonable to do so, taking into account the public interest.

4.2.9. Where a complaint is received alleging criminal behaviour, or at any point it becomes apparent that criminal behaviour may have occurred, the CAO shall immediately contact law enforcement, and notify the Department of Municipal and Provincial Affairs through the Minister's Office.

4.2.10. A person may file a complaint within 6 months of becoming aware of a Code of Conduct violation. The CAO may accept complaints outside of that timeframe in instances of harassment, bullying, use of public resources or fraud, or where it is reasonable to do so, taking into account the public interest.

4.3. Informal Resolution

4.3.1. Where the CAO determines the complaint to be interpersonal in nature, or relates to a disagreement, the CAO may ask the parties if they wish to resolve the complaint through mediation, or Alternative Dispute Resolution (ADR).

4.3.2. ADR must not be used where there is a significant power imbalance between the complainant and respondent, where there is a reasonable apprehension of harm, where the allegations involve issues of financial impropriety, sexual harassment, violence, criminality, where either party does not consent, or where other circumstances would prevent the success of ADR.

4.3.3. Informal resolution efforts shall be concluded within 20 business days, and may be extended for additional business days with consent of both parties and approval of council.

4.4. Resolution or Agreement of Facts

4.4.1. Where a complaint is successfully resolved or not resolved but complainants agree on the facts, the CAO shall write a report and either dismiss the complaint or make a determination that an official contravened the Code of Conduct.

4.4.2. Where a complaint is against a department head or an employee reporting directly to Council, or where the CAO determines it is necessary, the CAO shall provide the report to council and council shall either dismiss the complaint or make a determination that an official contravened the Code of Conduct.

4.4.3. The CAO or Council may decide upon appropriate penalties in accordance with applicable labour and/or employment law.

4.5. Formal Investigation

4.5.1. Where the complaint is not resolved or the facts are not agreed on, the CAO may investigate or appoint an investigator. There shall be 40 business days to conclude an

investigation from the date the informal resolution period has expired. Upon request of the CAO, Council may approve up to an additional 40 business days for the completion of an investigation.

4.5.2. The investigator will notify the respondent within five business days of the failure of informal resolution and provide copy of the complaint.

4.5.3. The respondent may provide a written response to the CAO no later than 10 business days after receipt of a copy of the complaint.

4.5.4. The investigator will prepare a written report for council.

4.5.5. The report shall at a minimum outline the investigative process, facts, analysis, test (an assessment of the facts relative to the Code of Conduct), conclusion. The report may include recommendations.

4.5.6. Council shall review the report at a privileged meeting, and shall within 20 business days, dismiss the complaint or find that a municipal official contravened the Code of Conduct.

4.5.7. Council and/or the CAO may decide upon appropriate disciplinary penalties in accordance with applicable labour law.

5. Conflict of Interest

5.1. Disclosure Statements

5.1.1. A conflict of interest is defined as per section 5 of the Act.

5.1.2. The CAO will file a disclosure statement in accordance with section 4(2) of the Act.

5.1.3. Department heads and those reporting directly to Council shall file disclosure statements with the CAO, in the form set out in subsection 4(3) of the Act. However, disclosure statements from spouses of these municipal officials are not required.

5.1.4. Disclosure statements shall be filed with 30 days of employment, and on or before March 1 each year.

5.1.5. Where there is a change in the information contained in employee disclosure statements, the official must report the change(s) to the CAO within 60 days of becoming aware of the change(s).

5.2. Suspicion of Conflict of interest

5.2.1. Where a municipal official suspect they may be in a conflict of interest as defined by section 5 of the Act:

a) If the official is the CAO or reports directly to council, the CAO or official must disclose the suspected conflict of interest directly to Council and Council shall determine, within a privileged meeting, whether the CAO or official is in a conflict of interest;

b) All other officials, including volunteers, must disclose their suspicion to the CAO, and the CAO shall determine whether the official is in a conflict of interest.

5.3. Conflict of Interest Complaints

5.3.1. Where an individual believes a municipal official has acted in a conflict of interest, the individual may file a complaint with the CAO.

5.3.2. Where an individual believes a CAO has acted in a conflict of interest, the individual may file a complaint with Council.

5.3.3. A complaint shall be in writing and shall include the following information:

a) The complainant's name;
b) The nature of the conflict of interest; and
c) the municipal official's actions in relation to the conflict of interest.

5.3.4. Notwithstanding section 5.3.3., a complaint may be made by alternate means where the complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.

5.4. Conflict of Interest Investigations

5.4.1. For complaints relating to the CAO, a department head, or an employee reporting directly to council, the procedure below will be followed.

5.4.2. Where a complaint is received relating to another employee, the process followed shall be at the discretion of the CAO.

5.4.3. Where the complaint relates the CAO, Council shall fill the role of the CAO in the procedure outlined below.

5.4.4. The CAO shall send a copy of the complaint to the respondent within five business days after receipt of the complaint.

5.4.5. The respondent may provide a written response to the CAO no later than twenty business days after receipt of a copy of the complaint. The respondent shall be advised that their response will be provided to the complainant.

5.4.6. Where there is a written response, the CAO shall send a copy to the complainant within one business day after receipt of the written response.

5.4.7. The CAO shall review the complaint and the respondent's written response within ten business days after receipt of a written response, or where a written response is not provided, the CAO must review the complaint within ten business days after the time period to file the written response has expired, and must:

a) prepare a written report of the complaint;

b) refer the complaint to Council, along with a copy of the report, to consider in a privileged meeting;

c) advise the complainant in writing, that Council is considering the complaint;

d) within fifteen business days after receiving the report, Council may, by resolution, advise the CAO to:

e) dismiss the complaint;

f) make a determination that the municipal official acted in a conflict of interest; or

g) order a third-party investigation to determine whether the municipal official acted in a conflict of interest.

5.4.8. Where a complaint is made against a CAO, complaints will be made to council. Council will investigate the complaint in the manner described above.

5.4.9. Where a municipal official has been found to be in a conflict of interest, whether through their own disclosure or by complaint and investigation, the CAO and/or council shall take appropriate actions to resolve the conflict of interest. This may include removal of the municipal official from particular duties, decisions, or discussions, or evaluating an affected decision.

5.4.10. Notwithstanding section 5.4.8. and 5.4.9, and in accordance with section 18(5) of the Act, the CAO may provide advice to Council on a matter in which the CAO has a conflict of interest where:

a) The CAO disclosed the conflict of interest and the nature of the conflict of interest to the council; and

b) The council made the request for advice knowing of the CAO's conflict of interest.

5.4.11. Council and/or the CAO may decide upon appropriate disciplinary penalties in accordance with applicable labour and/or employment law.

REVISION HISTORY:

Revision:	Author:	Change Made:	Date: