

# THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

## BY-LAW NUMBER 14 - 2016

### Being a by-law to adopt a Code of Conduct for Members of Council

**Whereas** the Municipal Act, S.O., 2001, Section 223.2(1) provides that municipalities are authorized to establish codes of conduct for members of the Council of the municipality and of local boards of the municipality; and

**Whereas** Section 5 (3) of the Municipal Act, 2001, as amended, provides that municipal powers shall be exercised by by-law;

**Now Therefore the Corporation of The Township of East Garafraxa by the Municipal Council thereof enacts as follows:**

#### 1. Code of Conduct

1.1 Members shall conduct themselves according to the Code of Conduct.

#### 2. Preamble

2.1 A written Code of Conduct helps to ensure that the members of Council share a common basis for acceptable conduct. These standards are designed 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 Township's elected representatives operate from a base of integrity, justice and courtesy.

#### 3. General

3.1 The Council Code of Conduct is a general standard that augments provincial laws and municipal by-laws that govern conduct. It is not intended to replace personal ethics.

All members shall serve their constituents in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of their official duties.

#### 4. Gifts and Benefits

4.1 Members shall not accept fees, gifts, hospitality or personal benefits that are connected directly or indirectly with the performance of duties as Township Councillors, except compensation authorized by law.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$100.00 that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office. Tokens, mementoes, souvenirs or gifts with a value of greater than \$100.00 shall be the property of the municipality.

No member shall seek or obtain by reason of their office any personal privilege or advantage with respect to Township services not otherwise available to the general public and not consequent to their official duties.

#### 5. Confidentiality

5.1 All information, documentation or deliberation received, reviewed or taken in closed session of Council and its committees is confidential, except as otherwise directed by Council.

Members shall not 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 to do so.

Members shall not permit any person(s) other than those who are entitled thereto to have access to information that is confidential.

Particular care should be exercised in ensuring confidentiality of the following types of information:

- labour negotiations;
- information about suppliers provided for evaluation which might be useful to other suppliers;
- matters relating to the legal affairs of the Township;
- sources of complaints where the identity of the complainant was given in confidence;
- items under negotiation;
- information defined as “personal information” under the Municipal Freedom of Information and Protection of Privacy Act.

This list is provided for example and is not inclusive. Requests for information should be referred to the Office of the Clerk to be addressed as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

## **6. Use of Township Property**

- 6.1 No member shall use for personal purposes any Township property, equipment, supplies, or services of consequence other than for purposes connected with the discharge of Township duties or associated community activities of which Township Council has been advised. Personal use of Township-issued devices such as an iPad or cell phone is permitted.

No member shall obtain financial gain from the use of Township-developed intellectual property, computer programs, technological innovations, or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Township.

No member shall use information gained in the execution of their duties that is not available to the general public, for any purposes other than their official duties.

## **7. Election Campaigns**

- 7.1 No member shall use Township facilities, services, or property for their re-election campaign.

No member shall use the services of Township employees for their re-election campaign, during hours in which the employees are in the paid employment of the Township.

## **8. Representing the Township**

- 8.1 Members shall make every effort to participate diligently in the activities of the agencies, boards, and commissions to which they are appointed.

## **9. Influence on Staff**

- 9.1 Members shall be respectful of the fact that staff work for the Township 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.

In addition, members shall 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.

**10. Business Relations**

- 10.1 No member shall borrow money from any person who regularly does business with the Township unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

**11. No Member shall Act as a Paid Agent**

- 11.1 No member shall act as a paid agent before Council or a committee of Council or any agency, board, or committee of the Township.

**12. Encouragement and Respect for Township**

- 12.1 Members shall encourage public respect for the Township and its by-laws.

**13. Attendance at Meetings**

- 13.1 Members shall make best attempts to attend Council and Committee meetings and be on time. When a member cannot attend a meeting they shall contact the Clerk's Department in advance.

**14. Conduct during Meetings**

- 14.1 During meetings, members shall conduct themselves with decorum. Respect for delegations, fellow members and staff requires that all members show courtesy and not distract from the business of the Council or Committee during presentations or when other members have the floor.

Members will avoid any conduct towards a member of Council or staff which is known or ought reasonably to be known to be unwelcome, which offends, embarrasses or intimidates, or which reflects intolerance towards any group or individual.

**15. Harassment**

- 15.1 Harassment is defined in accordance with the Ontario Human Rights Code as vexatious comment or conduct that is unwelcome or ought reasonably to be known to be unwelcome.

Members of Council acknowledge that every person who is a Councillor or employee has a right to freedom from harassment in the workplace.

Harassment of another member, staff or any member of the public is misconduct.

**16. Bullying**

- 16.1 Workplace bullying is defined as "repeated" unreasonable behaviour directed towards an employee or a group of staff that creates a risk to health and safety. Unreasonable behaviour can be defined as behaviour that harms, intimidates, threatens, victimizes, undermines, offends, degrades or humiliates another staff member(s).

**Examples of Workplace Bullying**

The most common types of workplace bullying are:

- spreading malicious rumours, gossip or innuendo that is not true;
- excluding or isolating someone socially;

- intimidating a person;
- undermining or deliberately impeding a person's work;
- withdrawing necessary information or purposefully giving the wrong information;
- setting impossible deadlines;
- making inappropriate jokes;
- persistent criticism of appropriate work;
- freezing out, ignoring or excluding;
- attempts to humiliate staff in front of others;
- unjustified monitoring of work;
- verbal/non-verbal threats;
- abusive, offensive or insulting language;
- behaviours that frighten, humiliate, belittle or degrade;
- belittling a person's opinions;
- damaging or interfering with a person's property or work equipment;
- threats of violence or actual incidents of violence;
- regular ultimatums and/or threats of dismissal;
- inappropriate comments about a person's appearance, lifestyle or their family.

When bullying escalates to include incidents of physical assault or threats, it is considered workplace violence.

Bullying another member of Council, staff or any member of the public is misconduct.

**17. Interpretation**

17.1 Members of Council seeking clarification of any part of this Code of Conduct should consult with the Integrity Commissioner.

**18. Alleged Breaches of the Code of Conduct**


18.1 If a breach of the Code of Conduct is alleged the complaint should be lodged with the Integrity Commissioner.

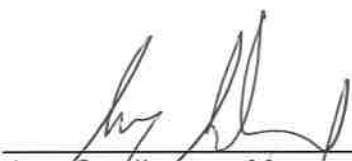
**19. Effective date**

19.1 This by-law shall take effect on the date of its final passing.

**BY-LAW READ A FIRST AND SECOND TIME THIS 10 TH DAY OF MAY, 2016.**

**BY-LAW READ A THIRD TIME AND PASSED THIS 10 TH DAY OF MAY, 2016.**

  
Susan M. Stone, Clerk

  
Guy Gardhouse, Mayor