

November 19, 2019

Code of Conduct Suggested Changes from Legal and Integrity Commissioner Review

Reviewer	Page Number	Relevant Section	Suggested Revision
Legal	3	Bullying Definition	Include the word: isolate
Integrity Commissioner	6	Gifts and Benefits	Please remove friends, or associates, business or otherwise. In this Rule, only a gift or benefit to the Immediate Relatives (spouse, child, parent) and Member's staff is <u>deemed</u> to be a gift to the Member. Gifts to friends, associates, business or otherwise may trigger another section of the Code but will not automatically be a breach of Rule 1 as will be the case with an Immediate Relative or Member's staff.
Legal	8	Confidentiality	Include the phrase: or where disclosure would contravene a Town policy (i.e. confidential information relating to investigations conducted pursuant to the Town's harassment policies and procedures, which is intended to remain confidential to the extent possible);
Legal	8	Confidentiality	Change the word exclusive to exhaustive
Legal	9	Discreditable Conduct	Include the word: violence
Legal	9	Discreditable Conduct	Include the sentence: The <i>Occupational Health and Safety Act</i> requires that the Town take every reasonable precaution to protect the safety of workers, including as it relates to workplace violence and harassment.

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Legal	9	Discreditable Conduct	Include the phrase: among other applicable legislation
Legal	10	Discreditable Conduct	Remove (its already in the definition section): In accordance with the Human Rights Code, Harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome”.
Legal	14	References and Related Policies	Inclusion of: Occupational Health and Safety Act
Legal	17	Parallel Proceedings of the same Complaint	Add the phrase: complaint pertaining to human rights, discrimination, harassment or workplace violence
Integrity Commissioner	18	Investigation: Section (g)	It is intended that all reports will be presented in person before Council, by the Integrity Commissioner, within ninety (90) days of the filing date. I don't want to be bound to always present in person. There may be times either because of the simplicity of the report or because of timing conflicts, that I cannot present the report in person.
Integrity Commissioner	19	Reporting and Recommendations: Section (b)	. The Integrity Commissioner will cite jurisprudence including, but not limited to, decisions related in scope by other provincial Integrity Commissioners and decisions related in scope at common law. This information will aid Council in determining the appropriate decision when evaluating recommendations from the Integrity Commissioner. What the IC cites, includes, etc., should not be prescribed in the Code rules. The IC is an independent statutory officer. Yes,

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			<p>a competent IC should cite jurisprudence, decisions, etc., but this goes to the professional ability of the IC and her/his subject matter expertise. Further, the municipal IC will not cite provincial IC scope, decisions necessarily. I think what was intended was to have the IC's decision align with other municipal IC decisions. However, there is no requirement to follow precedent for administrative tribunals or adjudicators, so your IC does not need to adhere to the same position as another IC. By including this clause, the Town would be fettering the decision-making discretion of the IC.</p>
Integrity Commissioner	19	Reporting and Recommendations: Section (b)	<p>I recommend that there should be the same information from Consequences for Contraventions of the Code of Conduct. I know it is set out after Rule 23, however, for accuracy, it should be set out in the protocol section that Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement, or recommend corrective action.</p> <p>Pursuant to the <i>Municipal Act</i>, the Integrity Commissioner may recommend that the Town impose either of the following penalties on a member of council or local board:</p> <ul style="list-style-type: none"> a) a reprimand; b) Suspension of the remuneration paid to the member in respect of his

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			<p>or her services as a member of council or local board for a period of up to 90 days.</p> <p>In addition, Council, may, on the basis of a recommendation from the Integrity Commissioner take remedial action.</p> <p>Such remedial actions may include but are not limited to any or all of the following action and require that the Member:</p> <ul style="list-style-type: none"> (i) provide a written or verbal apology; (ii) return property or make reimbursement of its value of money spent; (iii) be removed from the Membership of a Committee; or (iv) be removed as Chair of a Committee.
Legal	20	Public Disclosure	Include: in accordance with applicable legislation