



TOWN OF GEORGINA COUNCIL CODE OF CONDUCT

Effective Date: January 1, 2019

Date of Last Revision: November 7, 2018

1.0 Preamble and Principles

- 1.1 The Council of the Town of Georgina is committed to achieving the highest standards of conduct by its Members which is essential to maintaining and ensuring public trust and confidence in Council and Georgina's decision making and operations.
- 1.2 This Code of Conduct applies to all Members of Council, being the Mayor and each Councillor. It also applies to all members of the public appointed to Local Boards and Committees of Council.
- 1.3 This Code of Conduct and related policies identify the Town of Georgina's expectations of Members of Council, Local Boards and Committees, and establish guidelines for appropriate conduct to ensure that:
 - (a) the decision-making process of Town Council, Local Boards and Committees is open, accessible and equitable;
 - (b) decisions are made through appropriate channels of government structure;
 - (c) public office is not to be used for personal gain;
 - (d) residents have confidence in the integrity of their local government;
 - (e) the conduct of Members of Council, Local Boards and Committees is of the highest standard; and
 - (f) there is fairness and respect for differences and a duty to work together for goodwill and common good.

2.0 Statutory Provisions Regulating Conduct

- 2.1 This Code of Conduct operates along with and as a supplement to the existing statutes governing the conduct of Members. Several pieces of legislation govern the conduct of Members of Council, Local Boards, and Committees, including but not limited to:

- (a) *Municipal Act, 2001*, S.O. 2001, c. 25;
- (b) *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50;
- (c) *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56;
- (d) *Municipal Elections Act*, 1996, S.O. 1996, c. 32;
- (e) *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009*, S.O. 2009, c. 23;
- (f) *Human Rights Code*, R.S.O. 1990 c. H.19.
- (g) *Criminal Code of Canada*, R.S.C. c. C-46.

2.2 The Town of Georgina Procedural By-law addresses the conduct of Members during meetings.

3.0 Application

3.1 The Code of Conduct and the references within it shall apply to all Members of the Town of Georgina Council and members of Local Boards and Council Committees including those citizens and/or staff appointed by Town Council. Members are expected to follow this Code, the Council Procedural By-law and other sources of applicable procedural law.

3.2 No Member shall:

- (a) fail to observe and comply with the principles of the Code of Conduct;
- (b) fail to observe and comply with every provision of the Code of Conduct, as well as all other policies and procedures affecting the Member, acting in his or her capacity as a Member;
- (c) fail to respect the integrity of the Code of Conduct and inquiries and investigations conducted under it;
- (d) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person;

- (e) obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of the Code of Conduct, in the carrying out of such responsibilities, or pursuing any such objective; or
- (f) use the influence of their office for any purpose other than for the lawful exercise of their official duties for municipal purposes.

3.3 To ensure the highest standards of conduct by Council and Members, the Code of Conduct is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein in a manner that is fair, impartial and unbiased.

4.0 Definitions

4.1 For the purposes of the Code of Conduct,

- (a) “abusive conduct” means unwarranted and unjustified aggressive and/or provoking comments, threat, purposeful and persistent ignoring of staff, coercion, persistent criticism or condemnation, public humiliation and acts of physical or verbal aggression. Such comments or conduct may: (a) be methodical, planned, sudden, irrational or unpredictable; and/or (b) include the improper use of power and/or authority inherent in a position held by an individual;
- (b) “Clerk” means the Clerk of Georgina, or his/her designate;
- (c) “Code” means this Code of Conduct, including any appendices to this Code of Conduct, established by Council pursuant to the *Municipal Act, 2001*;
- (d) “Committee” means any advisory committee, subcommittee or similar entity of which at least 50 per cent of the members of that committee are also Council Members;
- (e) “complaint” means an alleged contravention of the Code, whether made through an informal complaint process or through the filing of a formal written complaint;

- (f) “complainant” means a person who has either made an informal complaint or who has filed a formal complaint in accordance with the procedures set out in this Code;
- (g) “confidential information” means any information in the possession of or received in confidence by the Member that Georgina is prohibited from disclosing or would generally refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act*, or other legislation, including, but not limited to:
 - i) Any information provided to the Member in any written or verbal form that is a type of information as defined in section 239(2) of the *Municipal Act, 2001*, as may be amended from time to time;
 - ii) Without limiting the generality of paragraph 4.1 (g) (i), information that is received, disclosed or discussed in any oral or written form pertaining to a meeting that is closed to the public pursuant to subsection 239(2) of the *Municipal Act, 2001*;
 - iii) personal information as defined in subsection 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act*;
 - iv) any information and/or advice provided directly or indirectly by any solicitor acting on behalf of Georgina, whether internal or external;
 - v) any information that is subject to solicitor-client privilege or that concerns litigation or potential litigation;
 - vi) information that concerns any confidential matters pertaining to personnel, labour relations, or items under negotiation;
 - vii) price schedules in contract tenders and information about suppliers provided in contract tender or requests for information, quotation or proposal submissions, if such information is given in confidence, implicitly or explicitly;
 - viii) sources of complaints where the identity of the complainant is given in confidence;
 - ix) information circulated to Members and marked “confidential”;
or

- x) any information lawfully determined by Council to be confidential or required to remain or be kept confidential by legislation or order;
- (h) “Council” means the Council of the Town of Georgina;
- (i) “discrimination” means differential treatment, including distinction, exclusion or preference, of an individual or group of individuals, whether intentional or unintentional, which is based on the prohibited grounds in the *Human Rights Code*;
- (j) “Georgina” means the Corporation of the Town of Georgina;
- (k) “Georgina Property” means items, services or resources which are the property of Georgina including but not limited to: all real and personal property, materials, vehicles, equipment, services, Staff, documents, facilities, technology, Georgina-developed computer programs or technological innovations, databases, intellectual property and supplies;
- (l) “gifts and benefits” means any cash or monetary equivalent, fee, object of value, service, travel and accommodation, or entertainment that are provided to a Member that could be seen to be connected directly or indirectly to the performance of the Member’s duties;
- (m) “hospitality” means instances where there is entertainment of or by outside parties for the furtherance of municipal business;
- (n) “Integrity Commissioner” means the person appointed by Council pursuant to section 223.3 of the *Municipal Act, 2001*;
- (o) “Integrity Commissioner Procedures” means:
 - i) the rights, procedures, rules, responsibilities and/or duties assigned to the Integrity Commissioner in respect to the Code as set out in the *Municipal Act, 2001*, as may be amended from time to time; and
 - ii) the procedure approved by Council that, among other things:
 1. establishes general practices or procedures to be observed by the Integrity Commissioner in fulfilling his or her other duties; and

2. the procedures to be followed in making a complaint;

- (p) “Local Board” means a local board as defined in section 223.1 of the *Municipal Act, 2001*;
- (q) “Member” means a Member of Council, or a Local Board or Committee Member, unless the context otherwise requires;
- (r) “office” means the authority and duties attached to the position of being an elected or appointed Member;
- (s) “prohibited grounds” means race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability, or any other prohibited grounds set out in the *Human Rights Code*;
- (t) “social media” means web-based applications and online forums that allow users to interact, share and publish content such as text, links, photos, audio and video;
- (u) “Staff” means all full-time and part-time persons hired by Georgina including the Chief Administrative Officer, commissioners, directors, managers, supervisors, administrative staff, contract and temporary employees, students, secondments, co-op placement staff, volunteers, and hired contractors;
- (v) “vexatious” means malicious and without good faith for the purpose of annoying or embarrassing;
- (w) “workplace harassment” means:
 - i. engaging in a course of vexatious comment or conduct against a Staff member in a workplace that is known or ought reasonably to be known to be unwelcome, or
 - ii. workplace sexual harassment;
- (x) “workplace sexual harassment” means:
 - i. engaging in a course of vexatious comment or conduct against a Staff member in a workplace because of sex, sexual orientation, gender identity or gender expression, where the

course of comment or conduct is known or ought reasonably to be known to be unwelcome; or

- ii. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the Staff member and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;
- (y) “workplace violence” means:
- i. the use of physical force by a person against a Staff member, in a workplace, that causes or could cause physical injury to the Staff member;
 - ii. an attempt to exercise physical force against a Staff member, in a workplace that could cause physical injury to the Staff member; or
 - iii. a statement or behaviour that is reasonable for the Staff member to interpret as a threat to exercise physical force against the Staff member, in a workplace, that could cause physical injury to the Staff member.

5.0 Conflicts of Interest

- 5.1 Members shall avoid conflicts of interest in accordance with the *Municipal Conflict of Interest Act*. Members are encouraged to seek guidance from the Integrity Commissioner and/or legal advisors when they become aware that they may have a conflict between their responsibilities to the public as a Member and any other interest, including a direct or indirect pecuniary interest.

6.0 Acceptance of Gifts, Benefits and Hospitality

- 6.1 Members must make decisions based on an impartial and objective assessment of each situation, free from the influence of gifts, hospitality or benefits. Members must avoid both the reality and appearance of impropriety with organizations and people with whom they deal.

- 6.2 No Member shall accept a gift, hospitality or benefit that is connected directly or indirectly with the performance of his or her duties of office unless permitted by the exceptions listed below. For these purposes, a gift, hospitality or benefit paid to a Member's spouse, child, or parent, or to a Member's Staff that is connected directly or indirectly with the performance of the Member's duties of office is deemed to be a gift to that Member.
- 6.3 It is recognized that the extension and acceptance of forms of hospitality (including invitations to events, outings, engagements, performances, etc.) is within the normal official duties of a Member, provided that:
- (a) Members do not allow themselves to reach a position whereby they might be, or be deemed by others to have been, influenced in making a decision as a consequence of the offering or acceptance of such hospitality;
 - (b) it serves a legitimate business purpose related to the responsibilities of the Member;
 - (c) the person extending the invitation or a representative of the organization is in attendance; and
 - (d) the value and frequency are reasonable.
- 6.4 Members are not precluded from accepting:
- (a) personal gifts, benefits, rewards, commissions or advantages from any person or organization which are wholly unconnected with the performance of official duties;
 - (b) political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
 - (c) services provided without compensation by persons volunteering their time;
 - (d) invitations from charity or not-for-profit organizations to attend their events;
 - (e) food and beverages at banquets, receptions, ceremonies or similar events;

- (f) a memento received by a Member at a function honouring the Member;
- (g) a memento received as a result of being a speaker, participant or representative of Georgina at an event;
- (h) gifts or benefits received as an incident of social protocol, customs or social obligations that normally accompany the performance of official duties; and
- (i) food, lodging, transportation and entertainment provided by other levels of government or by other local governments, boards or commissions or the government of a foreign country.

6.5 In the case of categories identified in sections 6.4 (e), (f), (g), (h), and (i), if the value of the gift or benefits exceeds \$350 or if the total value received from any one source during the calendar year exceeds \$500, the Member shall within 30 days of receipt of the gift or benefit, or reaching the annual limit, complete a Disclosure Statement (the form of which shall be approved by the Clerk) and submit it to the Clerk.

6.6 The Disclosure Statement shall include:

- (a) the nature of the gift or benefit;
- (b) its source and date of receipt;
- (c) the circumstances under which it was received; and
- (d) its estimated value.

6.7 Disclosure Statements are a matter of public record, and shall be maintained by the Clerk in accordance with any records retention rules established by Georgina.

6.8 Members are responsible for tracking and monitoring any gift or benefit received during the calendar year to ensure compliance with the reporting requirements in section 6.5 of the Code.

6.9 Members shall return any gifts or benefits, or not accept hospitality, which does not comply with these guidelines, along with an explanation of why the gifts, benefits or hospitality cannot be accepted.

7.0 Confidential Information

- 7.1 Members shall not disclose or release by any means, including social media, to any person either in oral or written form any confidential information acquired by virtue of their office except when required by law to do so.
- 7.2 Members have a duty to hold in strict confidence all information concerning matters dealt with in meetings closed to the public in accordance with the *Municipal Act* or any other legislation.
- 7.3 All information, documentation or deliberation received, reviewed or taken in closed session of Council and its committees is confidential unless the matter ceases to be confidential as determined by Council.
- 7.4 No Member shall:
- (a) obtain access, or attempt to gain access, to confidential information in the custody or control of Georgina except in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*;
 - (b) disclose, release or publish by any means, including social media, any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
 - (c) provide to any other person to disclose, release, or publish any confidential information acquired by virtue of his or her office, in any form, except when required by or authorized by Council or otherwise by law to do so;
 - (d) use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body; or
 - (e) disclose or discuss, through written, electronic or oral communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by Staff that the matter, or any part of the matter, can be made public subject to review by the head or designate under the *Municipal Freedom of*

Information and Protection of Privacy Act or if directed to do so by a court.

- 7.5 When a Member ceases to be a Member the duty to not disclose or release any confidential information acquired by virtue of his or her office except when required by law to do so continues.

8.0 Responsibility of Local Board and Committee Members

- 8.1 Members of the public appointed to Local Boards and Committees are appointed at the pleasure of Council. They do not hold office as elected officials nor do they represent either Council or the Local Boards or Committees unless mandated to do so. Members of the public appointed to Local Boards and Committees must respect both the word and spirit of this Code as it applies to them.
- 8.2 Local Boards and Committees operate only within meetings for which proper notice has been given or as matters duly added to an agenda in accordance with Georgina's Procedural By-law.
- 8.3 Local Boards' and Committees' work often depends on the specific expertise of members of the public appointed to Local Boards and Committees, including their employment and business interests. Interests relating to expertise, knowledge or acquaintance of a topic or an individual does not necessarily constitute a pecuniary interest. Such an interest should be declared, however, for the purpose of openness.
- 8.4 No Local Board or Committee Member may act beyond the mandate of the Local Board or Committee granted by Council or legislation. They must not undertake site visits, direct discussions with residents, informal meetings or communications including emails or contact with the media except:
- (a) as granted the right to do so by Council;
 - (b) pursuant to the duties of a Member of Council; or
 - (c) otherwise if required by law.

9.0 Council, Staff and Public Relations

- 9.1 Members shall accurately communicate the decisions of Council even if they disagree with the majority decision of Council, and by doing so affirm the respect and integrity in the decision-making processes of Council.
- 9.2 Members shall respect that Staff have an obligation to act impartially, and in accordance with all Georgina policies.
- 9.3 It is acknowledged that Staff have an obligation to recognize that Members have been duly elected to serve the residents of Georgina and respect the role of Council in directing the actions of Georgina.
- 9.4 Members shall:
- (a) acknowledge and respect the fact that Staff work for Georgina as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate objectives;
 - (b) acknowledge and respect the fact that Staff carry out directions of Council as a whole and administer the policies of Georgina, and are required to do so without any undue influence from any individual Member or group of Members; and
 - (c) respect the administrative structure and direct any Staff performance concerns through appropriate supervisory Staff.
- 9.5 No Member shall:
- (d) publicly criticize individual Staff in a way that casts aspersions on their professional competence and credibility;
 - (e) compel Staff to engage in partisan political activities, or subject Staff to threats or discrimination for refusing to engage in such activities; or
 - (f) use their authority or influence to threaten, intimidate, or coerce Staff or improperly interfere in the lawful exercise of the duties of Staff.
- 9.6 The content of any Member's communications, regardless of method of communication, shall be accurate, honest and respectful of other persons, including other Members, Staff and the public.
- 9.7 In the use of social media, Members shall adhere to any Georgina policies and guidelines regarding social media use.

9.8 When using social media, Members shall not:

- (a) attempt to cover, disguise or mislead as to their identity or status as an elected representative of Georgina;
- (b) use social media in any way that would violate any policy or procedure, made pursuant to the *Occupational Health and Safety Act* or the *Human Rights Code*; or
- (c) publish anything that is dishonest, untrue, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.

10.0 Use of Municipal Property

- 10.1 Members shall not use any Georgina Property other than for purposes connected with the discharge of their official duties or associated community activities having the sanction of Council and in compliance with all applicable Georgina policies.
- 10.2 Members shall not obtain financial gain or advantage from the use of Georgina Property while an elected official or thereafter. All such Georgina Property remains the exclusive property of Georgina.
- 10.3 Without limiting the generality of any of the foregoing provisions, Members shall not use Georgina Property for any type of political activity, including election campaign related-activity.

11.0 Conduct at Meetings

- 11.1 During Council, Committee of the Whole, Local Board, various advisory, ad hoc, steering or other special purpose Committees, task forces and working groups shall conduct themselves with decorum and in accordance with Georgina's Procedure By-law in effect from time to time. Respect for delegations and for Members and Staff requires that all Members show courtesy and not distract from the business of Council during presentations and when other Members have the floor.

12.0 Respect in the Workplace

- 12.1 Without limiting the generality of Section 9 of the Code, Members shall be governed by the Town of Georgina's Respectful Workplace Policies and Procedures, and any similar policy or procedure, made pursuant to the *Occupational Health and Safety Act*, the *Human Rights Code*, or any other subsequently adopted applicable provincial or federal legislation or Town Policy.
- 12.2 Members have a duty to treat members of the public, one another and Staff appropriately and without engaging in workplace harassment, workplace sexual harassment, abusive conduct, discrimination or workplace violence.
- 12.3 Members have a further responsibility to support a workplace within Georgina that is free of workplace harassment, workplace sexual harassment, abusive conduct, discrimination and workplace violence.

13.0 Compliance

- 13.1 All Members shall be aware of and comply with the Code.
- 13.2 It is a contravention of the Code for a Member to obstruct, in any way whatsoever, the Integrity Commissioner in the carrying out of his or her responsibilities, by, for example, providing inaccurate or misleading information to the Integrity Commissioner, refusing to answer inquiries or participate in the investigation process, or destroying documents or erasing electronic records (including electronic communications).
- 13.3 Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is prohibited and is a contravention of the Code.
- 13.4 A Member may request that the Integrity Commissioner provide that Member with advice respecting his or her obligations under the Code, in accordance with the provisions of the *Municipal Act* and the Integrity Commissioner Procedures.
- 13.5 To aid Members in complying with the Code, the Clerk in consultation with the Integrity Commissioner, may:
 - (a) create an annotated version of the Code;
 - (b) create a version of the Code that includes commentary on the various provisions of the Code; and/or

- (c) create other such material as deemed appropriate by the Integrity Commissioner.

13.6 Any documentation created in accordance with section 13.5 of the Code is illustrative only and not exhaustive.

14.0 Enforcement

- 14.1 Any individual, including members of the public, Staff, and another Member, who has reasonable grounds to believe that a Member has contravened the Code, may proceed with a complaint pursuant to the Integrity Commissioner Procedures and in accordance with the *Municipal Act*.
- 14.2 Unless otherwise provided for in the Integrity Commissioner Procedures, complaints pursuant to the Code must be submitted within six weeks of the matter becoming known to the individual and no more than six months after the alleged violation occurred. No action will be taken on a complaint received beyond these deadlines, except as provided for in subsection 14.3 of the Code.
- 14.3 Where a complaint is an allegation that a Member has contravened the “Respect in the Workplace” provisions of the Code, as set out in section 12 of the Code, the timeframes for submission of a complaint shall be in accordance with the provision of the Violence and Harassment Free Workplace policy and procedures.
- 14.4 In a regular election year, during the period that begins on Nomination Day, as defined in section 31 of the *Municipal Elections Act*, and ending on voting Day, as set out in section 5 of the *Municipal Elections Act*,
- (a) no complaint or request for inquiry, including a complaint or request for inquiry in respect to the “Respect in the Workplace” provisions in section 12 of the Code, may be filed with the Integrity Commissioner; and
 - (b) the Integrity Commissioner shall not report to Council on whether a Member has contravened the Code.
- 14.5 The Integrity Commissioner shall terminate any inquiry or any investigation (formal or informal) that has not been completed by Nomination Day, as

defined in section 31 of the *Municipal Elections Act*, of a regular election year.

- 14.6 If the Integrity Commissioner has terminated any inquiry or any investigation (formal or informal) under subsection 14.5 of the Code, the Integrity Commissioner shall not commence another inquiry or any investigation (formal or informal) of the same matter unless, within six weeks of Voting Day the person who requested the inquiry, or the Member (including a former Member) who was the subject of the inquiry, makes a written request to the Integrity Commissioner to commence another inquiry on that same matter.
- 14.7 Notwithstanding anything in subsection 14.4 and 14.5 of the Code to the contrary, any complaint about a Member pursuant to Georgina's Violence and Harassment Free Workplace Policy may be received by Georgina's Director of Human Resources during the election period, and may be referred to the Integrity Commissioner by the Director of Human Resources within six weeks of Voting Day.
- 14.8 If the Integrity Commissioner finds that a Member has contravened the Code, the Integrity Commissioner may recommend and Council may impose one of the following penalties on that Member:
- (a) a reprimand; or
 - (b) the suspension of the remuneration paid to that Member for a period of up to 90 days.
- 14.9 In a regular election year, during the period that begins on Nomination Day, as defined in section 31 of the *Municipal Elections Act*, and ending on Voting Day, as set out in section 5 of the *Municipal Elections Act*, Council shall not consider the imposition of a penalty, nor impose a penalty on a Member who has been found to have contravened the Code.

15.0 Political Activity

- 15.1 Members must ensure compliance with all legislative requirements related to political activity including the use of corporate resources during an election year, as set out in the Use of Corporate Resources During An Election Year Policy.

16.0 Implementation

- 16.1 Upon the adoption of this Code and thereafter at the beginning of each term, Members will be expected to sign two copies of the Code (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understood and accept it.
- 16.2 A Code of Conduct component will be included as part of the orientation workshop for each new Council, or Council appointed Board, advisory, ad hoc, special purpose committee, task force, Business Improvement Area, or working group.
- 16.3 Members are expected to formally and informally review their adherence to the provisions of this Code on a regular basis or when so requested by Council.
- 16.4 This Code shall be subject to an annual review.

The undersigned Member hereby acknowledges that they have read, understood and accept this Code of Conduct.

Signature of Member

Date

Printed Name

*History: Adopted on November 7, 2018
Effective January 1, 2019
Noted as Policy No. CL-2018-CODE038
Supersedes Policy No. DAS-CL-031 dated September 15, 2008