



# GEORGINA

## Prevention of Political Interference in The Administrative Monetary Penalty System (AMPs)

Issued Date: November 22, 2023

### Policy #LS-AMPS-001

#### 1 PURPOSE STATEMENT

- 1.1 The Town of Georgina is committed to ensuring that the Administrative Monetary Penalty System (AMPs) system is conducted in a fair and independent manner and preventing political interference in the administration of AMPs.

#### 2 POLICY OBJECTIVE

- 2.1 In accordance with Ontario Regulation 333/07 a municipality when establishing AMPs is required to have a policy for the prevention of political interference of AMPs.
- 2.2 This Policy is to prevent political interference in the administration of AMPs.

#### 3 APPLICATION/SCOPE

- 3.1 This Policy applies to all members of Council, Hearing Officers and Screening Officers, to Town of Georgina employees involved in the enforcement and administration of AMPs, and to all other Town employees in relation to their interaction with AMPs and members of Council.
- 3.2 The following shall apply in addition to this Policy:
  - 3.2.1 For Town of Georgina employees involved in the administration of the AMPs program, the Employee Code of Conduct, shall also apply in regard to the activities of an employee in the administration of the AMPS program.
  - 3.2.2 For Hearing Officers, the provisions of any agreement governing the retainer between the Town of Georgina and a Hearing Officer(s), shall also apply in regard to the activities of the Hearing Officer. In the event of a conflict between this Policy and the agreement, the provisions of this Policy shall supersede.
  - 3.2.3 For members of Council, the Council Code of Conduct shall also apply in regard to the activities of members of Council. In the event of a conflict between the provisions of this Policy and the provisions of the Council Code of Conduct, in relation to AMPs, this Policy shall supersede.
  - 3.2.4 This Policy shall apply in addition to all applicable law (i.e., *Municipal Conflict of Interest Act*, etc.). A breach of applicable law shall be deemed to be a breach of this Policy.

## 4 DEFINITIONS

For the purposes of this Policy, the following definitions apply to this policy:

- 4.1 “AMPs” means the Administrative Monetary Penalty System, established by the Administrative Penalty By-law;
- 4.2 “Employee Code of Conduct” means the policy adopted by the Town of Georgina to govern employee conduct, provide ethical standards and address conflict of interest, as amended from time to time, or any successor thereof;
- 4.3 “Power of Decision” means a power or right, conferred by or under this By-law and the Administrative Penalty By-law, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any person:
- 4.4 “Reprisal” means any measure taken or threatened as a direct result of disclosing or being suspected of disclosing an allegation of wrongdoing, initiating or cooperating in an investigation into an alleged wrongdoing, and includes but is not limited to:
  - 4.4.1.1 Disciplinary measures;
  - 4.4.1.2 Demotion of the employee or individual;
  - 4.4.1.3 Termination of the employee or individual;
  - 4.4.1.4 Intimidation or harassment of the employee or individual;
  - 4.4.1.5 Any measure that adversely affects the employment or working conditions of the employee or individual; and
  - 4.4.1.6 Directing or counselling someone to commit a reprisal

## 5 Preventing Political Interference in Relation to the Administration of (AMPs)

### 5.1 Principles of Preventing Political Interference

- 5.1.1 No Person shall attempt, directly or indirectly, to communicate with any Town of Georgina employee or other person performing duties related to the administration of AMPs for the purpose of influencing or interfering, financially, politically or otherwise, with the administration of AMPs;
- 5.1.2 No Person shall attempt, directly or indirectly, to communicate with a Screening Officer or Hearing Officer for the purpose of influencing or interfering, financially, politically or otherwise, the Screening Officer or Hearing Officer respecting a Penalty Notice and/or respecting a Power of Decision in a proceeding that is or will be pending before a Screening Officer or Hearing Officer, except:
  - 5.1.2.1 A Person who is entitled to be heard in the proceeding or the Person’s lawyer, licensed paralegal or authorized representative; and
  - 5.1.2.2 Only by that Person or the Person’s lawyer, licensed paralegal or authorized representative during the hearing of the proceeding in which the issues arise.

- 5.1.3 In addition to this Policy, the AMPs By-law sets out a prohibition on attempting to influence a Screening Officer or Hearing Officer and creates an offence for any contravention of the provisions of the By-law. Such penalty is in addition to any action taken pursuant to this Policy.
- 5.1.4 All individuals involved with the enforcement and administrative functions of AMPs shall carry out such duties in a manner which upholds the integrity of the administration of justice

## 5.2 Accountability

- 5.2.1 A Screening Officer or Hearing Officer, Town of Georgina employee or any other individual performing duties related to AMPs shall report any attempt at influence or interference, financial, political or otherwise, by any Person, to the Director of Legislative Services or Designate, as soon as possible. No action shall be taken against the Screening Officer, Hearing Officer, employee or other person(s) for making any such report in good faith;
- 5.2.2 Where any employee, Screening Officer, Hearing Officer or other person performing duties related to AMPs, is contacted by a member of Council or Town official with respect to the administration of AMPs or a specific Penalty Notice, he or she shall immediately disclose such contact to the Director of Legislative Services, or Designate in order to maintain the integrity of AMPs;
- 5.2.3 Any interference with or attempt to interfere with AMPs by any Person may result in charges under the Criminal Code of Canada, as applicable, or any other applicable law, in addition to any disciplinary action; and
- 5.2.4 Any interference with AMPs or attempt to interfere with AMPs, by a member of Council, will be addressed pursuant to the Council Code of Conduct.

## 5.3 Reprisal

- 5.3.1 In addition to and without limiting 4.4, no person shall take any Reprisal against a Town of Georgina employee or other individual performing duties related to the administration of the AMPs because the employee or individual, in good faith:
  - 5.3.1.1 Has sought information or advice about making a disclosure about wrongdoing contrary to this policy;
  - 5.3.1.2 Has made a disclosure about wrongdoing contrary to this policy in good faith
  - 5.3.1.3 Has initiated or cooperated in an investigation or other process related to a disclosure of wrongdoing contrary to this policy;
  - 5.3.1.4 Has appeared as a witness, given evidence or participated in any proceeding relating to the wrongdoing contrary to this policy, or is required to do so;
  - 5.3.1.5 Has alleged or reported a Reprisal; or
  - 5.3.1.6 Is suspected or any of the above actions.

- 5.3.2 The identity of employees or other individuals performing duties related to the administration of AMPs involved in an investigation, including the identity of an individual alleging political influence contrary to this policy, will be protected to the fullest extent possible.
- 5.3.3 If an employee believes that he or she has suffered Reprisal, this should be reported immediately to the Director of Legislative Services.