Schedule A to By-law 2025-38

THE TOWNSHIP OF EAST HAWKESBURY

CODE OF CONDUCT FOR MEMBERS OF COUNCIL, OF COMMITTEES AND OF LOCAL BOARDS

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PART 1: SHORT TITLE

1.1 This By-law shall be known as the Code of Conduct for the Members of Council, of committees and of local boards for the Township of East Hawkesbury.

PART 2: STATEMENT OF INTENT

2.1 To guide those who are covered by this Code in their day-to-day responsibilities on behalf of the citizens of the Township of East Hawkesbury. These standards are designed to supplement the legislative parameters within which the members must operate.

PART 3: APPLICATION

3.1 All Members of Council and members of the public appointed to a committee and advisory board are expected to follow this Code, the Council Procedural By-law and other sources applicable procedural law. They are also subject to other sources of law such as the *Municipal Act, 2001*, the *Conflict of Interest Act*, the *Municipal Elections Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Occupational Health and Safety Amendment Act* (violence and harassment in the workplace) 2009; the *Human Rights Code* and the *Criminal Code of Canada*.

PART 4: GENERAL INTEGRITY

4.1 All Members to whom this Code of Conduct applies shall, at all times, serve the interest of their constituents in a conscientious and diligent manner. Members shall not improperly use the influence of their office for any purpose other than the exercise of their official duties.
This Code of Conduct establishes norms for the ethical behavior of Council Members and members of committees and local boards in the performance of their duties. Members of Council, of committees and of local boards shall:

a. carry out their duties with integrity, responsibility, reasonable care and diligence and in the best interests of the Township of East Hawkesbury,

b. comply with all legislation, bylaws, policies and rules of law in the performance of their duties,

c. recognize that the public has the right to enjoy a government and a decisional process which is transparent,

d. participate in the decisional process with an open mind,

e. respect the norms of behavior that are expected of them and the applicable law to those norms,
f. conduct themselves in a manner that reinforces the confidence of the public in local administrations, and
g. identify, avoid and resolve situations that may involve conflicts of interests or an abuse of their position and/or authority.

PART 5: GIFTS, BENEFITS AND HOSPITALITY

5.1 No member shall accept a fee, advance, gift, personal benefit or hospitality that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below.

5.2 For these purposes, a fee or advance, gift, benefit or hospitality provided with the member's knowledge to a member's spouse, child, parent, brother, sister, father-in-law, mother-in-law, sister-in-law and brother-in-law or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.

5.3 The following are recognized as exceptions:

a) Compensation or benefit authorized by Council;
b) Such gifts or benefits that normally accompany the responsibilities of office and area received as an incident or protocol or social obligation;
c) A political contribution otherwise reported by law;
d) Services provided without compensation by persons volunteering their time;
e) A suitable memento of a function honoring the member;
f) Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country;
g) Food and beverages consumed at banquets, receptions or similar events, if:
    - Attendance serves a legitimate business purpose;
    - The person extending the invitation or a representation of the organization is in attendance; and
    - The value is reasonable and the invitations infrequent.

5.4 Council is the custodian of the assets of the municipality. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.

5.5 Members of Council and members of the public appointed to committees must

not use municipal assets for personal convenience, for profit or to assist during an election or in relation to a nomination, except where such privileges are granted to the public or provided by law.

5.6 Members of Council and members of the public appointed to committees must not accept gifts and benefits except as provided under law and in the course of their duties. They may accept gifts of token value only, but should be aware that even these may place them in a position where their actions are open to serious question.

5.7 If a member of Council or member of the public appointed to a committee receives a gift or benefit and the value of the gift or benefit exceeds $100, or if the total value received from one source during the course of a calendar year exceeds $100, the member of Council shall within 30 days of receipt of the gift or benefit or of reaching the annual limit, file a disclosure statement with the CAO.

The disclosure statement must indicate:

a) the nature of the gift or benefit;
b) its source and date of receipt;
c) the circumstances under which it was given or received.

Any disclosure statement made under this subsection will be a matter of public record.

PART 6: EXPENSES

6.1 Members of Council are required to adhere to the *Council Expense Policy* and related procedures and guidelines and ensure that conditions related to each expense are met.

6.2 Falsifying of receipts or signatures by a Member of Council or their staff is a serious breach of this Code of Conduct and the *Criminal Code of Canada* and could lead to prosecution.

PART 7: CONFIDENTIAL INFORMATION

7.1 Members of Council have a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. They must not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or required by law.

7.2 Members of Council must not disclose, use or release information in contravention of applicable privacy law. They are only entitled to information in the possession of the municipality that is relevant to matters before the Council or a committee. Otherwise, they enjoy the same level of access rights to information as any other member of the community and must follow the same processes as any private citizen.

7.3 Members of Council must not release information subject to solicitor-client privilege, unless expressly authorized by council or required by law.

7.4 Members shall:

(a) keep confidential any information that is circulated to Members marked confidential,
(b) return any information marked confidential to the Chief Administrative Officer's office for destruction.

7.5 The obligation to keep information confidential applies even if the Member ceased to be a Council member.

7.6 (a) Confidential information includes information in the possession of, or received in confidence by the Township and that the Township is either prohibited from disclosing, or are required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), or other legislation. Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal and information that is subject to solicitor-client privilege.
(b) No Member shall disclose or release by any means to anyone, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.
(c) No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

PART 8: CONDUCT AT MEETINGS OF COUNCIL AND COMMITTEES

8.1 Members of Council of committees and of local boards shall:
a. treat individuals with courtesy, dignity, understanding and respect,
b. ascertain the opinion of the public in the best interests of the municipality,
c. avoid participating in situations involving discrimination, violence, negligence, intimidation or harassment of all kinds,
d. demonstrates openness during discussions, when faced with new ideas or

new ways to proceed,

8.2 During meetings of Council, committees, local boards and during their interactions with electors and all other individuals, members of Council and of local boards shall conduct themselves with decorum, in an appropriate and civil manner, in the best interests of the municipality and in accordance with section 8.1 above.

PART 9: CONDUCT RESPECTING STAFF

9.1 The *Municipal Act, 2001* sets out the roles of Members of Council and the municipal administration, including specific roles for statutory officers such as the Chief Administrative Officer, Clerk, Treasurer, and the Integrity Commissioner.

9.2 Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategic priorities through the work of staff.

9.3 Council as a whole has the authority to approve budget, policy, governance and other such matters. Under the direction of the CAO, township staff serves Council as a whole and the combined interests of all members as evidenced through the decisions of Council. Members have no individual capacity to direct members of staff to carry out particular functions.

9.4 Members of Council are expected to:

a) represent the public and to consider the well-being and interests of the municipality;
b) develop and evaluate the policies and programs of the municipality;
c) determine which services the municipality provides;
d) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
e) ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
f) maintain the financial integrity of the municipality; and
g) carry out the duties of council under the *Municipal Act, 2001* or any other Act.

9.5 Municipal staff is expected to:

a) implement council's decisions and establish administrative practices and procedures to carry out council's decisions;

b) undertake research and provide advice to council on the policies and programs of the municipality; and
c) carry out other duties required under the *Municipal Act, 2001* or any Act and other duties assigned by the municipality.

9.6 Members of Council shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from an individual Member or group of Members of Council.

9.7 Members of Council should not:

a) Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff;
b) Compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or
c) Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties.

PART 10: HARASSMENT

10.1 Harassment of another Member, staff or any member of the public is misconduct. It is the policy of the Township of East Hawkesbury that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

10.2 Harassment may be defined as behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, color, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.

10.3 In accordance with the Human Rights Code, as amended, harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcomed.

10.4 Without limiting the generality of the foregoing, Members shall not:
a) Make inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to be known to be offensive to the person(s) to whom they are directed or are about;
b) Display materials or transmit communications that are inappropriate, offensive, insulting or derogatory via any communication means, including but not limited to social media, print material, websites or verbally;

c) Make threats or engage in any abusive activity or course of conduct towards others;
d) Vandalize the personal property of others;
e) Commit assault of any kind, including making unwanted physical contact, including touching, patting, or pinching; or
f) Refuse to converse or interact with anyone based on any ground listed in the *Human Rights Code*, as amended.

10.5 Harassment, which occurs in the course of, or is related to, the performance of official duties by Members is subject to this Code and shall be investigated by the Integrity Commissioner.

PART 11: COMMUNICATIONS AND MEDIA RELATIONS

11.1 Members of Council will attempt to accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with a majority decision of Council, so that:

a) There is respect for the decision making process of Council.
b) Official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the community and the media in an official capacity by the CAO or designate.
c) The Mayor shall be the official spokesperson for the Township. If the Mayor is not available, then the CAO shall assume that role.
d) Information concerning adopted policies, procedures and decisions of Council is conveyed openly and accurately.
e) Confidential information will be communicated only when and after determined by Council.
f) Members conduct their dealings with each other in ways that maintain public confidence in the Office to which they have been elected, members remain open and honest, and members are focused on the issue rather than personalities and avoid aggressive, offensive or abusive conduct.

PART 12 : SOCIAL MEDIA

12.1 Members of Council or of local boards who are present on social media, either personally or through a site as member of Council or of a local board, shall conduct themselves beyond reproach, in a respectful and civil manner in order to maintain and promote the reputation and integrity of Council and of the municipality.

12.2 As in all of their activities and modes of communication, members of Council or of local boards who are present on social media must conduct themselves in a

responsible and respectful manner and in doing so, they are bound by all the provisions of the Code of Conduct as if they were doing so in person. Members of Council or of a local board must treat their activities on social media as though it is an extension of meetings of Council or of a local board and of their duties as Member of Council or of a local board and they must be guided by the values and norms provided for in this Code of Conduct.

12.3 A member of Council or of a local board, that is represented as the person responsible for a site on social medias, as for example a Facebook page, where it is possible to exchange ideas with other individuals, is personally responsible for all its contents. Such Member of Council or of a local board must supervise its content regularly and ensure at all times that it is: respectful, civil, exempt from discrimination, violence, negligence, intimidation and harassment of all kinds and that it is not deceitful, that it does not reveal confidential information and that it does not have the potential to have a negative impact on Council or on the municipality.

PART 13: MUNICIPAL CONFLICT OF INTEREST ACT

13.1 Members shall conduct themselves in accordance with the *Municipal Conflict of Interest Act* as amended from time to time.

13.2 The following principles should be used as a guide:

a) In making decisions, always place the interests of the taxpayers first and, in particular, place them before the interests of colleagues on Council, staff, friends or family.
b) If in doubt as to whether the Member has a pecuniary interest in a matter, which is defined in the *Municipal Conflict of Interest Act,* the said Member should immediately request advice from the Integrity Commissioner.
c) It is also the responsibility of individual Members of Council to obtain independent legal advice with respect to any situation that might arise whereby there is a potential for a conflict of interest.
d) It is considered a breach of this policy to require or to attempt to burden staff members to assist in the determination of a conflict of interest for individual Members of Council.

PART 14 NON-PECUNIARY CONFLICTS OF INTEREST

14.1 Members of Council and of local boards must always prioritize the interests of taxpayers and those of their community over their own interests, the interests of members of their family and extended family, that of their colleagues on Council or on local boards, their colleagues at work, their employees, their employer, their business partners and their friends.

14.2 In the event that a member of Council or of a local board has a non-pecuniary

interest in a matter that Council or a local board must come to a decision or that a person designated in paragraph 14.1 has a non-pecuniary or a pecuniary interest in such a matter of Council or that of a local board, such member of Council or of the local board shall be considered to have a non-pecuniary conflict of interest.

14.3 In such a situation, the Member of Council or of the local board shall then declare his or her non-pecuniary conflict of interest at the first available opportunity and shall be forbidden from voting and participating in any manner whatsoever in that matter. This Member of Council must then comply and abide by all requirements of section 5 of the Municipal Conflict of Interest Act, with all the applicable and necessary changes, as though such member of Council or of a local board had a pecuniary interest under that Act.

14.4 A Member of Council or of a local board shall not have to declare a non-pecuniary conflict of interest if such Member has a non-pecuniary interest or if the individuals designated in Part 13.1 have a pecuniary or non-pecuniary interest in a matter before Council or a local board if this interest is:

a. in common with electors generally or
b. if such interest is so remote or so insignificant in its nature that it cannot reasonably be regarded as likely to influence the Member.

PART 15: IMPROPER USE OF INFLUENCE

15.1 As an elected official, Members of Council are expected to perform their duties of office with integrity, accountability and transparency. Members of Council should not use the status of their position to influence the decision of another individual to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise.

15.2 In the same manner, and as outlined in the Conflict of Interest Guidelines for the *Provincial Offences Act* Policy, Members of Council shall not attempt to influence or interfere, either directly or indirectly, financially, politically or otherwise with employees, officers or other persons performing duties under the *Provincial Offences Act*.

15.3 When the member has a pecuniary interest, the member should immediately declare it at the first available opportunity and follow the provisions of the *Municipal Conflict of Interest Act*, including but not limited to section 5 thereof.

PART 16: ELECTION-RELATED ACTIVITY

16.1 Members are required to conduct themselves in accordance with the *Municipal Elections Act, 1996*. The use of municipal resources, both actual municipal property and staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Election-related activity applies not only to a member's personal campaign for office, but also other campaigns for municipal, provincial and federal office.

PART 17: USE OF MUNICIPAL PROPERTY AND RESOURCES

17.1 In order to fulfill their roles as elected representatives, Members of Council have access to municipal resources such as property, equipment, services, staff and supplies. No member of Council shall use, or permit the use of Township land, facilities, equipment, supplies, services, staff or other resources (for example, Township-owned materials, or websites for activities other than purposes connected with the discharge of Council duties or Township's business.

17.2 No Member shall obtain financial gain from the use or sale of Township-developed intellectual property, computer programs, technological innovations, or other patent, trademark, copyright held by the Township.

PART 18: CONDUCT OF COUNCIL AND LOCAL BOARD MEMBERS

18.1 Members of the Council and of local boards against whom a complaint has been filed shall respect the inquiry and the Integrity Commissioner and cooperate fully with the latter in a timely manner and amongst other things by: meeting with him or her upon request and by responding to all oral and written questions and by providing all documentation reasonably required.

18.2 All forms of reprisals or threats from a Member of Council or of a local board against a complainant or any other person providing relevant information to the Integrity Commissioner or against any person in authority during the course of an inquiry is strictly forbidden.

18.3 It is also strictly forbidden for Members of Council or of local boards to obstruct the work of the Integrity Commissioner or any municipal employee or any other person whose responsibilities are to see to the application or implementation of the goals or requirements of this Code of Conduct or of any other obligations governing the conduct of Members of Council or of local boards.

PART 19: COMPLIANCE WITH THE CODE OF CONDUCT

19.1 Members of Council and of local boards must adhere to all provisions of the Code of Conduct. The Municipal Act, 2001, authorizes Council, when it has received a report by its Integrity Commissioner that there has been a violation of the Code of Conduct, to impose one of the following sanctions:

a. a reprimand, and

b. a suspension of the remuneration paid to the member in respect of his or her services as a Member of Council or of a local Board, as the case may be, for a period of up to 90 days.

19.2. The Integrity Commissioner may also recommend, and Council can also impose one or more of the following sanctions:

a. remove or prevent the Member of Council or of a local board from sitting on an ad hoc committee, a committee or a local board,
b. depose the Member of Council or of a local board from the presidency of a committee or of a local board,
c. request the return of the compensation received,
d. request the return of property or the reimbursement of its value,
e. request oral and/or written excuses to Council, the electors, the complainant, to any of them or all of them,
f. impose any other sanction, any restorative action or corrective action deemed appropriate and necessary in the circumstances, in their entire discretion, other than a punitive measure not provided for in law, in this Code of Conduct or the complaint procedure of the municipality.

19.3 All sanctions imposed must be just and reasonable and in accordance with the gravity of the infraction, while considering the previous history of the Member of Council or of the local board.

19.4 Council must at all times ensure that the Integrity Commissioner is available to conduct an inquiry when a violation of the Code of Conduct is alleged.

19.5 The Integrity Commissioner has the final authority to recommend the sanctions provided herein or any other corrective action in his or her entire discretion.

PART 20: GENERAL PROVISION

The English version of this By-Law prevails over the French version with respect to its interpretation.