



**Policy No.:** H00 - Code of Conduct - Members of Council and local boards  
**Date Enacted:** March 15, 2021  
**Amended On:**

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**Whereas** Section 223.2 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that a municipality may establish codes of conduct for Members of Council of the municipality and of local boards of the municipality;

**Whereas** the Modernizing Ontario's Municipal Legislation Act, 2016 was enacted and includes amendments to the Municipal Act, 2001 and the Municipal Conflict of Interest Act, coming into force on March 1, 2019;

**Whereas** effective March 1, 2019, Section 223.2 of the Municipal Act, 2001, will provide that a municipality must establish a code of conduct for Members of Council of the municipality and of local boards of the municipality;

**And Whereas** the Council of the Corporation of the Municipality of Leamington considers it appropriate and proper to establish a Code of Conduct and to enact a by-law in this regard.

**Now Therefore by its Council, the Municipality of Leamington hereby enacts as follows:**

## **Preamble**

Members of Council have the privilege of attaining elected office. That privilege carries significant responsibilities and obligations with respect to the public trust. In order to strengthen the role of Council and to enhance public trust with respect to the obligations of Members, this Code is established to govern and regulate the ethical conduct of all Members. This Code also supplements other existing Federal and Provincial legislation and by-laws and policies of the Municipality that govern Members' conduct which include but are not limited to the following:

- Criminal Code of Canada
- Municipal Act, 2001
- Municipal Conflict of Interest Act
- Municipal Freedom of Information and Protection of Privacy Act
- Occupational Health and Safety Act (Violence and Harassment in the workplace)
- Human Rights Code
- Planning Act
- Municipal Elections Act
- All by-laws and policies approved by the Council of the Municipality

## **1. Preamble and Principles**

- 1.1 The Code sets out and identifies the Municipality's expectations for its Members and establishes rules for appropriate conduct.
- 1.2 The public expects the highest moral and ethical standards of conduct from Members that it elects. The behaviour and actions of Members is expected to reflect the principles of accountability, transparency, and public trust. Adherence to these standards will protect and maintain the Municipality's reputation and integrity.
- 1.3 The key statements of principle that underline this Code are as follows:
- (a) The decision-making process of Council is open, accessible and equitable and respects the Municipality's governance structure;
  - (b) Members shall serve and be seen to serve their constituents in a conscientious and diligent manner;
  - (b) Members are expected to perform their duties and arrange their private affairs in a manner that promotes public confidence and which will bear close public scrutiny;
  - (d) Members shall seek to serve the public interest by upholding both the letter of the law and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and Council of the Municipality.
  - (e) Public office is not to be used for the personal financial benefit of any Member;
  - (f) Municipality residents should have confidence in the integrity of their local government and of their Members; and
  - (g) The conduct of each Member demonstrates fairness, respect for differences and a duty to work with other Members together for the common good.

## **2. Purpose**

- 2.1 The purpose of this Code is:
- (a) To set out clear expectations of the behaviour of Members in accordance with the principles of the Code;
  - (b) To provide information to the public as to the behaviour they can expect from their Members;
  - (c) To provide guidance to Members in the conduct of their duties as elected officials; and
  - (d) To provide a mechanism for responding to alleged breaches of the Code.

2.2 The clear statement of these standards and expectations should serve to enhance the public's confidence that the elected officials of the Municipality of Leamington will operate with integrity and fairness to ensure responsible and accountable conduct by the Member.

### 3. Definitions

In this Code:

"Clerk" means the Clerk of the Municipality or his/her designate;

"Code" means the "Code of Conduct for Council Members" as established by Council pursuant to Section 223.2 of the Municipal Act, 2001;

"Complaint" means a written objection filed with the Integrity Commissioner pursuant to this Code respecting a Member;

"Confidential information" means any information in the possession of or received in confidence by the Municipality that the Municipality is prohibited from disclosing or has decided to refuse to disclose under the Municipal Freedom of Information and Protection of Privacy Act or other legislation, which includes but is not limited to:

- (a) Information that is disclosed or discussed at a Meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;
- (b) Information that is given verbally in confidence in preparation for or following a Meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;
- (c) Personal information as defined in subsection 2(1) of the Municipal Freedom of Information and Protection of Privacy Act;
- (d) Advice that is subject to solicitor-client privilege or information that concerns litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality;
- (e) Information that concerns any confidential matters pertaining to personnel, labour relations, or items under negotiation;
- (f) 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;
- (g) Information circulated to Members and marked "confidential";
- (h) Sources of complaints where the identity of the Complainant is given in confidence; or

- (i) Any information lawfully determined by the Council to be confidential or required to remain or be kept confidential by legislation or order.

“Council” means the Council of The Corporation of the Municipality of Leamington;

“Gift” means cash, fees, admission fees, advances, vouchers, invitations, objects of value, services, offers, personal benefits, travel and accommodation or entertainment that are provided to or received by a Member, that could be seen to be connected directly or indirectly to the performance of the Member’s duties;

“Harassment” or “harass” involves engaging in a course of behaviour, comment or conduct, whether it occurs inside or outside the work environment, that is or ought reasonably to be known to be unwelcome. It includes but is not limited to any behaviour, conduct or comment by a Member that is directed at or is offensive to another person:

- (a) on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
- (b) which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient;

“Integrity Commissioner” means the person appointed by Council pursuant to Section 223.3 of the Municipal Act, 2001;

“Local Board” is hereby defined as in Section 1(1) and Section 223.1 of the Municipal Act, 2001;

“Meeting” means any legally-constituted meeting of Council or a Local Board;

“Member” means a Member of Council including the Mayor, or a Member of a Local Board;

“Municipality” means The Corporation of the Municipality of Leamington;

“Municipality Property” includes, but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, Staff, documents, intellectual property, computer programs or technological innovations belonging to the Municipality;

“Social media” means web-based applications and on-line forums that allow users to interact, share and publish content such as text, links, photos, audio and video; and

“Staff” includes anyone employed by the Municipality of Leamington including full-time, part-time, temporary or seasonal Staff, contract Staff, students and volunteers (in 5 accordance with the Municipal Act, 2001, Members are not considered employees of the Municipality).

## **4. Conduct of Members**

4.1 In all respects, Members shall:

- (a) Make every effort to act with good faith and care;
- (b) Conduct themselves with integrity, courtesy and respectability at all Meetings of the Council or any committee and in accordance with the Municipality's Procedural By-law or other applicable procedural rules and policies;
- (c) Seek to advance the public interest with honesty;
- (d) Seek to serve their constituents in a conscientious and diligent manner;
- (e) Respect the individual rights, values, beliefs and personality traits of any other person;
- (f) Refrain from making statements the Member knows or ought reasonably to know to be false or with the intent to mislead Council or the public;
- (g) Accurately communicate the decisions of Council and respect Council's decision-making process even if they disagree with Council's ultimate determinations and rulings; and
- (h) Refrain from making disparaging comments about another Member or unfounded accusations about the motives of another Member.

## **5. Compliance with the Code of Conduct**

5.1 This Code applies to every Member. This Code shall be applied to Members of Local Boards, who are not Members of Council, with necessary modifications applied in the discretion of the Integrity Commissioner.

5.2 A Member shall:

- (a) Observe and comply with every provision of this Code, as well as all other policies and procedures adopted or established by Council affecting the Member, acting in his or her capacity as a Member;
- (b) Respect the integrity of the Code and inquiries and investigations conducted under it; and
- (c) Co-operate in every way possible in securing compliance with the application and enforcement of the Code.

5.3 No Member shall:

- (a) 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;
- (b) Obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities, or pursuing any such objective; or
- (c) Use the influence of their office for any purpose other than for the lawful exercise of their official duties for municipal purposes.

## 6. Transparency and Openness in Decision Making

6.1 Members shall:

- (a) Conduct Council business and their duties in an open and transparent manner so that the public can understand the process and rationale which has been used to reach decisions;
- (b) Ensure the public has input and receives notice regarding Council's decision-making processes in accordance with the Procedure By-law;
- (c) Ensure compliance with the Municipal Act, 2001; Municipal Conflict of Interest Act; Municipal Freedom of Information and Protection of Privacy Act, and other applicable legislation regarding open Meetings, accountability and transparency.

## 7. Access to Information and Confidentiality

7.1 Through the course of their official duties, Members may have access to Confidential Information. Generally, the Municipal Freedom of Information and Protection of Privacy Act restricts or prohibits disclosure of information received in confidence from third parties of a corporate, financial, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor client privilege.

7.2 A Member shall:

- (a) Only be entitled to have access to information in the possession of the Municipality that is relevant to matters before Council or a Committee or that is relevant to his or her role as a Member of Council. Otherwise, he or she shall have the same access rights to information as any member of the public; and
- (b) Have a continuing obligation to keep information confidential, even if the Member ceases to be a Member.

7.3 No Member shall:

- (a) Obtain access, or attempt to gain access, to confidential information in the custody or control of the Municipality 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, publish 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;
- (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 verbal 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.

## 8. Staff Relations

8.1 Only Council as a whole and no single Member including the Mayor, has the authority to direct Staff, approve budgets, policy, and other such matters, unless specifically authorized by Council.

8.2 A Member shall:

- (a) Respect the professional competence of Staff and acknowledge that Staff is required to provide objective advice while remaining neutral, carry out directions of council as a whole, and administer the policies of the Municipality without undue influence from any Member.
- (b) Respect the administrative structure (“chain of command”) and direct any Staff performance concerns through the Chief Administrative Officer as the person responsible for the general control and management of the affairs of the Municipality.

8.3 No Member shall:

- (a) Maliciously or falsely impugn, or without sufficient cause criticize, the professional or ethical reputation of any Staff.

- (b) Compel Staff to engage in partisan political activities, or subject Staff to threat or discrimination for refusing to engage in such activities.
- (c) Use their authority or influence to threaten, intimidate, or coerce Staff or interfere with the lawful exercise of the duties of Staff or the professional or legal obligations of Staff.

## **9. Gifts**

9.1 No Member shall accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless authorized by one of the exceptions 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.

9.2 Notwithstanding Section 9.1 the following exceptions are applicable:

- (a) Gifts received as an incident of protocol or social obligation that normally accompany the responsibilities of elected office;
- (b) Gifts that are not connected directly or indirectly with the performance or duties of office;
- (c) Compensation authorized by law;
- (d) A reimbursement of reasonable expenses incurred in the performance of activities connected with a legitimate municipal purpose;
- (e) Political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- (f) Services provided without compensation by persons volunteering their time;
- (g) A suitable memento of a function with nominal value, honouring the Member or the Municipality;
- (h) Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political sub-divisions of them, and by the federal government or the government of a foreign country; and
- (i) Food, beverages and/or admission fees provided by banquets, receptions or similar events if attendance is the result of protocol or social obligation consistent with the responsibilities of office, and the person extending the invitation has done so infrequently and that person or a representative of the organization is in attendance.



9.3 A Member who has received and accepted a gift or benefit pursuant to Section 9.2 shall file a disclosure of the gift or benefit indicating the person, body or entity from which it was received together with the estimated value of the gift or benefit. The list shall be provided to the Municipality's Clerk within 30 days of receiving the gift and shall be a matter of public record and available upon request.

9.4 No Member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to municipal services not otherwise available to the general public and not connected directly or indirectly to the performance of the Member's duties.

## **10. Use of Municipality Property**

10.1 A Member shall:

- (a) Only use Municipality Property for activities relevant to their role as a Member; and
- (b) Not obtain any personal financial gain or advantage from the use of Municipality Property.

## **11. Political Activity**

11.1 Members may not use Municipality Property for any type of political activity during a municipal election and at any other time, including promoting or opposing the candidacy of any person to elected office in any municipal, provincial and federal campaign.

## **12. Harassment**

12.1 No Member shall harass any other Member, any Staff, or any member of the public.

12.2 A Member shall observe and comply with any workplace harassment and workplace violence policies of the Municipality.

## **13. Encouragement of Respect for the Municipality and its By- Laws, Policies and Procedures**

13.1 A Member shall:

- (a) Encourage the public, prospective contractors and members of the public, and their colleagues to abide by the Municipality's by-laws, policies and procedures, including this Code; and
- (b) Accurately communicate the decisions of Council even if they disagree with the majority decision of Council, and by so doing affirm the respect and integrity in the decision-making processes of Council.

## **14. Social Media**

14.1 A Member shall:

- (a) Adhere to any and all Municipality policies and guidelines, regarding social media use; and
- (b) Always identify themselves without any attempt to cover, disguise or mislead as to their identity or status as an elected representative of the Municipality when using social media.

14.2 No Member shall use social media to publish anything that is dishonest, untrue, offensive, disrespectful, constitutes harassment, or is defamatory or misleading in any way.

## **15. Role of the Integrity Commissioner**

15.1 The Municipality shall appoint an Integrity Commissioner under Section 223.3 of the Municipal Act, 2001 who is an independent officer and who will report directly to Council and be responsible for carrying out his or her functions in accordance with the Municipal Act, 2001 and any other functions assigned by Council, in an independent manner.

15.2 The Integrity Commissioner shall provide the following services.

- (a) The application of the Code.
- (b) The application of any procedures, rules and policies of the Municipality and Local Boards governing the ethical behaviour of Members.
- (c) The application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to Members.
- (d) Requests from Members for advice respecting their obligations under the Code applicable to the Member.
- (e) Requests from Members for advice respecting their obligations under a procedure, rule or policy of the Municipality or of the Local Board, as the case may be, governing the ethical behaviour of Members.
- (f) Requests from Members for advice respecting their obligations under the Municipal Conflict of Interest Act.
- (g) The provision of educational information to Members, the Municipality and the public about the Code and about the Municipal Conflict of Interest Act.
- (h) Any further services as may be set out within the contract for the provision of services between the Municipality and the Integrity Commissioner.