

**CORPORATION OF THE TOWNSHIP OF MELANCTHON**

**BY-LAW NUMBER 29-2023**

**A BY-LAW TO ADOPT A CODE OF CONDUCT FOR  
MEMBERS OF COUNCIL & MEMBERS OF LOCAL  
BOARDS**

WHEREAS the Municipal Act, S.O., 2001, Section 223.2(1) provides that municipalities are authorized to establish codes of conduct for Members of the Council of the Municipality and of Local Boards of the Municipality;

AND WHEREAS Section 5 (3) of the Municipal Act, 2001, as amended, provides that municipal powers shall be exercised by By-law;

NOW THEREFORE BE IT ENACTED BY THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MELANCTHON ENACTS AS FOLLOWS:

Code of Conduct	1.1	Members shall conduct themselves according to the Code of Conduct.
Preamble	1.2	A written Code of Conduct helps to ensure that the Members of Council and Members of Local Boards share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the Members must operate. These standards should serve to enhance Public confidence that Township's elected representatives and representatives of Local Boards operate from a base of integrity, justice and courtesy.
Guiding Principles	1.3	This Code shall be interpreted based on the principle that all Members should serve their constituents in a conscientious and diligent manner. Members should act in a way that represents the Township.
Misuse of Office	1.4	No Member shall use the influence of office for any purpose other than the exercise of their official duties.
General	1.5	The Township of Melancthon Council and Local Boards Code of Conduct is a general standard that augments the provincial laws and municipal By-laws that govern conduct. Examples of provincial legislation that governs the conduct of members of Council include: <ul style="list-style-type: none"><li>• Municipal Act 2001, c.25</li><li>• Municipal Conflict of Interest Act, R.S.O. 1990</li><li>• Municipal Freedom of Information and Protection of Privacy Act, R.S.O 1990</li><li>• Municipal Elections Act, S.O. 1996</li><li>• The Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009</li><li>• Human Rights Code</li></ul> It is not intended to replace personal ethics.
Gifts and Benefits	1.6	Members shall not accept fees, gifts, hospitality or personal benefits that are connected directly or indirectly with the performance of duties except compensation authorized by law. This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits that are received as an incident of protocol or social obligation that normally

		<p>accompanies the responsibilities of office.</p> <p>No Member shall seek or obtain by reason of their office any personal privilege or advantage with respect to Township services not otherwise available to the general Public and not consequent to their official duties.</p>
Hospitality	1.7	<p>The following are recognized as exceptions to Section 1.5 (Gifts and Benefits):</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Food and beverages consumed at banquets, receptions or similar events if: a) attendance serves a legitimate business purpose; b) the person extending the invitation or a representative of the organization is in attendance; and c) the value is reasonable and the invitations infrequent.</li> </ul>
Confidentiality	1.8	<p>The Township’s collection, use and disclosure of personal information are governed by the Municipal Freedom of Information and Privacy Act. A Member shall do nothing that causes a contravention of MFIPPA. A Member shall use personal information only for the purpose for which it was collected. If the Information and Privacy Commissioner finds that a contravention of MFIPPA occurred, then a Member who was responsible or partly responsible for the contravention may be found by the Integrity Commissioner to have breached this section of the Code of Conduct.</p> <p>All information, documentation or deliberation received, reviewed or taken in Closed Session of Council or Board meeting and its Committees are confidential, except as otherwise directed by Council or Local Boards.</p> <p>Members shall not disclose or release by any means to any Member of the Public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so.</p> <p>Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.</p> <p>Particular care should be exercised in ensuring confidentiality of the following types of information:</p> <ul style="list-style-type: none"> <li>• Labour negotiations</li> <li>• Information about suppliers provided for evaluation which might be useful to other suppliers</li> <li>• Matters relating to the legal affairs of the Township</li> <li>• Sources of complaints where the identity of the complainant was given in confidence</li> <li>• Items under negotiation</li> <li>• Information defined as “personal information” under the Municipal Freedom of Information and Protection of Privacy Act</li> </ul> <p>This list is provided for example and is not inclusive. Requests for information should be referred to the Office of the Clerk to be addressed as a formal request under the</p>

		Municipal Freedom of Information and Protection of Privacy Act.
Use of Township Property	1.9	<p>No Member shall use for personal purposes any Township property, equipment, supplies, or services of consequence other than for purposes connected with the discharge of Township duties or associated community activities of which Township Council or Local Board as been advised. Personal use of Township-issued devices such as an iPad or cellular is permitted.</p> <p>No Member shall obtain financial gain from the use of Township-developed intellectual property, computer programs, technological innovations, or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Township of Melancthon.</p> <p>No Member shall use information gained in the execution of their duties that is not available to the general Public, for any purposes other than their official duties.</p>
Work of a Political Nature	1.10	<p>No Member shall use Township facilities, services, or property for their re-election campaign.</p> <p>No Member shall use the services of Township employees for their re-election campaign, during hours in which the employees are in the paid employment of the Township.</p>
Representing the Township	1.11	Members shall make every effort to participate diligently in the activities of the agencies, boards, and commissions to which they are appointed.
Influence On Staff	1.12	<p>Members shall be respectful of the fact that Staff work for the Township as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual Member or group of Members of Council or of Local Boards.</p> <p>In addition, Members shall be respectful of the fact that Staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any individual Member or group of Members of Council or of Local Boards.</p> <p>The Council Staff Relationship Policy is intended to set a high standard for relations between Council and Staff in order to provide good governance and instill a high level of public confidence in the administration of the Township by its Members as duly elected public representatives.</p> <p>This Code shall be interpreted in a manner consistent with the general principles (in Section 2.0 of the Council Staff Relationship Policy) that Members should:</p> <ul style="list-style-type: none"> <li>a) relate to one another in a courteous, respectful and professional manner;</li> <li>b) maintain formal working relationships in order to promote equality and discourage favouritism;</li> <li>c) understand their respective roles and responsibilities, and appreciate and respect the roles and responsibilities of the other;</li> </ul>

		<p>d) work together to produce the best results and outcomes for the Township and always taking into account the collective public interest of the Township;</p> <p>e) demonstrate a commitment to accountability and transparency among Council, Staff and with the general public; and</p> <p>f) act in a manner that enhances public confidence in local government.</p>
Business Relations	1.13	No Member shall borrow money from any person who regularly does business with the Township unless such person is an institution or company whose shares are Publicly traded and who is regularly in the business of lending money.
No Member shall Act as a Paid Agent	1.14	No Member shall act as a paid agent before Council or a Committee of Council or any agency, Board, or Committee of the Township.
Encouragement and Respect for Township	1.15	Members shall encourage Public respect for the Township, its By-laws and Policies. Further, this Code shall be interpreted in a manner consistent with the principle that Members should act in a way that represents the Township.
Attendance at Meetings	1.16	Members shall make best attempts to attend Council, Committee and Board meetings and be on time. When a Member cannot attend a meeting they shall contact the Clerk's Department in advance or the Secretary of the Board.
Conduct During Meetings	1.17	<p>During meetings, Members shall conduct themselves with decorum. Respect for Delegations and fellow Members and Staff requires that all Members show courtesy and not distract from the business of the Council, Committee or Board during presentations and when other Members have the floor.</p> <p>Members will avoid any conduct towards a Member of Council or Staff which is known or ought reasonably to be known to be unwelcome, which offends, embarrasses or intimidates, or which reflects intolerance towards any group or individual.</p>
Harassment	1.18	<p>Harassment is defined in accordance with the Ontario Human Rights Code as vexatious comment or conduct that is unwelcome or ought reasonably to be known to be unwelcome.</p> <p>Members of Council and Members of Local Boards acknowledge that every person who is a Councillor or employee has a right to freedom from harassment in the workplace.</p> <p>Harassment of another Member, Staff or any Member of the Public is misconduct.</p>
Bullying	1.19	Workplace bullying is defined as "repeated" unreasonable behaviour directed towards an employee or a group of Staff, that creates a risk to health and safety. Unreasonable behaviour can be defined as behaviour that harms, intimidates, threatens, victimizes, undermines, offends, degrades or humiliates another Staff Member/s.

		<p><u>Examples of Workplace Bullying</u></p> <p>The most common types of workplace bullying are:</p> <ul style="list-style-type: none"> <li>• Spreading malicious rumours, gossip or innuendo that is not true</li> <li>• Excluding or isolating someone socially</li> <li>• Intimidating a person</li> <li>• Undermining or deliberately impeding a person's work</li> <li>• Withdrawing necessary information or purposefully giving the wrong information</li> <li>• Setting impossible deadlines</li> <li>• Making inappropriate jokes</li> <li>• Persistent criticism of appropriate work</li> <li>• Freezing out, ignoring or excluding</li> <li>• Attempts to humiliate Staff in front of others</li> <li>• Unjustified monitoring of work</li> <li>• Verbal/non-verbal threats</li> <li>• Abusive, offensive or insulting language</li> <li>• Behaviours that frighten, humiliate, belittle or degrade</li> <li>• Belittling a person's opinions</li> <li>• Damaging or interfering with a person's property or work equipment</li> <li>• Threats of violence or actual incidents of violence</li> <li>• Regular ultimatums and/or threats of dismissal</li> <li>• Inappropriate comments about a person's appearance, lifestyle or their family.</li> </ul> <p><i>When bullying escalates to include incidents of physical assault or threats, it is considered workplace violence.</i></p> <p>Bullying another Member of Council, Board Member, Staff or any Member of the Public is misconduct.</p>
Interpretation	1.20	Members of Council and Members of Local Boards seeking clarification of any part of this Code of Conduct should consult with the Integrity Commissioner.
Effective date	1.21	This By-law shall take effect on the date of its final passing.
Alleged Breaches of the Code of Conduct	1.22	If a breach of the Code of Conduct is alleged a complaint, specifying the specific rule that was contravened and setting out the grounds for the allegation, may be lodged with the Integrity Commissioner.
Repeal By-law	1.23	By-law 11-2019 is hereby repealed in its entirety.

By-law read a first and second time this 15<sup>th</sup> day of June, 2023.

By-law read a third time and finally passed this 15<sup>th</sup> day of June, 2023

Original Signed

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MAYOR

Original Signed

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CLERK