



## CODE OF CONDUCT TASK FORCE AGENDA

Monday, May 4, 2020

4:30 p.m.

Brantford City Hall, 100 Wellington Square

Please note due to the COVID-19 Pandemic, this meeting will be held electronically. To view the livestream of the meeting, please visit: <http://brantford.ca/VirtualCouncil>.

Alternative formats and communication supports available upon request. For more information, please contact the City of Brantford Municipal Accessibility Coordinator at (519) 759-4150 or by e-mail at [accessibility@brantford.ca](mailto:accessibility@brantford.ca).

**Pages**

1. ROLL CALL
2. DECLARATIONS OF CONFLICTS OF INTEREST
3. PRESENTATIONS/DELEGATIONS [list, if any, available at the meeting]
4. CONSENT ITEMS
  - 4.1 Minutes
    - 4.1.1 Code of Conduct Task Force - February 6, 2020 3
5. ITEMS FOR CONSIDERATION
  - 5.1 Code of Conduct for Members of Council and Local Boards – Use of Social Media [Financial Impact – None], 2020-94 [DEFERRAL] 7
    - A. THAT Report No. 2020-94 “Code of Conduct for Members of Council and Local Boards – Use of Social Media” BE RECEIVED; and
    - B. THAT the recommended language for “Use of Social Media” outlined in section 8 of this Report BE INCLUDED in the Code of Conduct for Members of the Council of The Corporation of the City of Brantford and of its Local Boards; and
    - C. THAT the necessary by-law to amend – Code of Conduct for

Members of Council of Chapter 16 of the City of Brantford  
Municipal Code BE PRESENTED to City Council on February  
25, 2020 for adoption; and

- D. THAT, following Council approval, an amended copy of Chapter 16 of the City of Brantford Municipal Code BE FORWARDED to all Local Boards including the Downtown Brantford Business Improvement Area Committee of Management in order that they can update their Operating Policies and Procedures to reflect same.

Amendment

THAT Clause B of Item 5.1 BE REPEALED and REPLACED with the following:

- B. THAT the following recommended language BE INCLUDED in the Code of Conduct for Members of the Council of The Corporation of the City of Brantford and of its Local Boards:

As with any other activity, members of Council and Local Boards must ensure that their actions are mindful of, and consistent with, the Code of Conduct and City policies. Members of Council and Local Boards are expected to act with decorum. Members must never treat one another, Municipal Staff, Local Board Staff, or members of the public without respect, or to make false or defamatory statements about one another, Municipal Staff, Local Board Staff or members of the public. Members of Council and Local Boards shall refrain from actions that seek to impugn or malign a debate or decision or otherwise erode the authority of Council or the Local Board, as the case may be.

6. RESOLUTIONS

7. NOTICES OF MOTION

8. ADJOURNMENT



## **CODE OF CONDUCT REVIEW TASK FORCE MINUTES**

February 6, 2020

5:00 p.m.

Charlie Ward Room, Brantford City Hall

### **1. ROLL CALL**

Councillor Vanderstelt, Councillor McCreary, Councillor Martin, Councillor Wall,  
Councillor Antoski, Councillor Weaver, Mayor Davis

Regrets: Councillor Sless and Councillor Utley

### **2. ELECTION OF CHAIR AND VICE-CHAIR**

Moved By Councillor McCreary

Seconded By Councillor Martin

THAT Councillor Wall be nominated as Chair

**CARRIED**

Moved By Councillor Weaver

Seconded By Councillor Martin

THAT Councillor Sless be nominated as Vice-Chair

**CARRIED**

### **3. DECLARATIONS OF CONFLICTS OF INTEREST**

None.

**4. PRESENTATIONS/DELEGATIONS [list, if any, available at the meeting]**

**5. ITEMS FOR CONSIDERATION**

**5.1 Code of Conduct for Members of the Council of The Corporation of the City of Brantford and of its Local Boards, 2019-133 (Report available on Thursday, February 14, 2019), 2019-133**

Moved By Councillor Martin

Seconded By Councillor Antoski

- A. THAT Report No. 2020-94 “Code of Conduct for Members of Council and Local Boards – Use of Social Media” BE RECEIVED; and
- B. THAT the recommended language for “Use of Social Media” outlined in section 8 of this Report BE INCLUDED in the Code of Conduct for Members of the Council of The Corporation of the City of Brantford and of its Local Boards; and
- C. THAT the necessary by-law to amend – Code of Conduct for Members of Council of Chapter 16 of the City of Brantford Municipal Code BE PRESENTED to City Council on February 25, 2020 for adoption; and
- D. THAT, following Council approval, an amended copy of Chapter 16 of the City of Brantford Municipal Code BE FORWARDED to all Local Boards including the Downtown Brantford Business Improvement Area Committee of Management in order that they can update their Operating Policies and Procedures to reflect same.

Amendment

Moved By Councillor Weaver

Seconded By Mayor Davis

THAT Clause B of Item 5.1 BE REPEALED and REPLACED with the following:

- B. THAT the following recommended language BE INCLUDED in the Code of Conduct for Members of the Council of The Corporation of the City of Brantford and of its Local Boards:

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Municipal Staff, Local Board Staff or members of the public. Members of Council and Local Boards shall refrain from actions that seek to impugn or malign a debate or decision or otherwise erode the authority of Council or the Local Board, as the case may be.

Members of the task force inquired if staff could provide a copy of the employee code of conduct as it relates to committee members.

Staff were provided further direction with regards to providing the task force with information regarding social media tools to prevent inappropriate comments towards individual members of Council.

### Deferral

Moved By Councillor Weaver

Seconded By Councillor Martin

THAT the following BE DEFERRED for one meeting cycle in order for staff to provide further information:

- A. THAT Report No. 2020-94 “Code of Conduct for Members of Council and Local Boards – Use of Social Media” BE RECEIVED; and
- B. THAT the recommended language for “Use of Social Media” outlined in section 8 of this Report BE INCLUDED in the Code of Conduct for Members of the Council of The Corporation of the City of Brantford and of its Local Boards; and
- C. THAT the necessary by-law to amend – Code of Conduct for Members of Council of Chapter 16 of the City of Brantford Municipal Code BE PRESENTED to City Council on February 25, 2020 for adoption; and
- D. THAT, following Council approval, an amended copy of Chapter 16 of the City of Brantford Municipal Code BE FORWARDED to all Local Boards including the Downtown Brantford Business Improvement Area Committee of Management in order that they can update their Operating Policies and Procedures to reflect same.

### Amendment

THAT Clause B of Item 5.1 BE REPEALED and REPLACED with the following:

- B. THAT the following recommended language BE INCLUDED in the Code of Conduct for Members of the Council of The Corporation of the City of Brantford and of its Local Boards:

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**CARRIED**

**6. CONSENT ITEMS**

**6.1 Minutes - Code of Conduct Task Force – April 9, 2019**

Moved By Councillor Martin

Seconded By Councillor Vanderstelt

THAT the Code of Conduct Task Force Minutes dated September 5, 2017 BE APPROVED.

**CARRIED**

**7. RESOLUTIONS**

None.

**8. NOTICES OF MOTION**

None.

**9. ADJOURNMENT**

The meeting adjourned at 5:56 p.m.



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**Date** February 6, 2020 **Report No.** 2020-94

**To** Chair and Members  
Code of Conduct Task Force

**From** Maria Visocchi, Director  
Communications and Community Engagement

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## 1.0 Type of Report

Consent Item

Item For Consideration

## 2.0 Topic **Code of Conduct for Members of Council and Local Boards – Use of Social Media [Financial Impact – None]**

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## 3.0 Recommendation

- A. THAT Report No. 2020-94 “Code of Conduct for Members of Council and Local Boards – Use of Social Media” BE RECEIVED; and
- B. THAT the recommended language for “Use of Social Media” outlined in section 8 of this Report BE INCLUDED in the Code of Conduct for Members of the Council of The Corporation of the City of Brantford and of its Local Boards; and
- C. THAT the necessary by-law to amend – Code of Conduct for Members of Council of Chapter 16 of the City of Brantford Municipal Code BE PRESENTED to City Council on February 25, 2020 for adoption; and
- D. THAT, following Council approval, an amended copy of Chapter 16 of the City of Brantford Municipal Code BE FORWARDED to all Local Boards including the Downtown Brantford Business Improvement Area Committee of Management in order that they can update their Operating Policies and Procedures to reflect same.

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## 4.0 Purpose and Overview

The purpose of this report is to provide the Code of Conduct Task Force with comprehensive Social Media Use guidelines and examples for Members of Brantford Council and Local Boards to follow.

## 5.0 Background

At its meeting held February 15, 2019, the Code of Conduct Task Force directed staff to review various Codes of Conduct from other municipalities and to propose language for its consideration, specific to the following provisions to be included in the new Code of Conduct for Members of Council and Local Boards:

1. Gifts, benefits, and hospitality;
2. Use of municipal property;
3. Use of social media

On April 30, 2019 City Council approved the Task Force recommendation THAT the Use of Social Media provisions proposed for inclusion in Chapter 16 of the City of Brantford Municipal Code (Code of Conduct for Members of the Council of The Corporation of the City of Brantford and of its Local Boards), including the following amendments put forward by the Code of Conduct Task Force at its April 9, 2019 meeting, BE REFERRED to staff for a report back to the Code of Conduct Task Force with revised language, including definitions for terms such as “doxing”, “flaming”, “malign”, etc. along with samples of Social Media Policies in place in other municipalities:

- Remove the words “impugn or” in the 1st paragraph;
- Remove the last sentence of the 4th paragraph which reads as follows:  
“Members of Council or Local Boards shall not discuss situations involving named, pictured or otherwise identifiable individuals without their permission.”

The above noted revisions are reflected in “Appendix A” - CHAPTER 16 - 16.2.9 Use of Social Media - Code of Conduct for Members of the Council of The Corporation of The City of Brantford and of its Local Boards.

## 6.0 Corporate Policy Context

Use of social media by Members of Council and Local Boards has the potential to engage all parts of the Articles of the Code of Conduct for Members of



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Council of The Corporation of the City of Brantford and of its Local Boards,  
particularly:

**16.2.1 Application**

**16.2.2 Respectful Conduct**

**16.2.3 Respect for Human Rights**

**16.2.4 Respectful Workplace Policy**

**16.2.5 Confidentiality**

**16.2.6 Interpretation**

**16.2.7 Gifts, benefits and hospitality**

## **7.0 Input From Other Sources**

Input was received from the City's Clerks and Legal Services departments.

## **8.0 Analysis**

As per direction of Council, for the purposes of this report, the following definitions, guidelines and examples have been developed based on current social media terminology as well as established standards in effect in other municipalities.

### **8.1 Definitions**

**Social Media** is defined as freely accessible, third-party hosted, interactive Internet tools and technologies used to produce, post and interact through text, images, video, and audio to inform, share, promote, collaborate or network. A non-exhaustive list of examples of social media currently in use include: Twitter, Facebook, Instagram, Snapchat, YouTube and LinkedIn.

**Doxing** is defined as identifying information about a particular individual online, typically with malicious intent. The term derives from a spelling alteration of the abbreviation "docs" (for "documents") and refers to revealing private and/or personal information about an individual.

**Flaming** as it relates to activity online is defined as engaging in an online argument with an individual, and usually involving personal attacks by one or more parties involved in the online discussion.

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**Malign** is defined as speaking about someone in a spitefully critical manner. Essentially if you malign someone online, you are badmouthing them publicly, usually injuriously and with ill will/intent.

## **8.2 Respecting each other, staff and the public**

16.2.4 of the Code of Conduct requires Members to be respectful and to maintain decorum in Council Chambers, City Hall, and public meetings. The same is expected of Councillors on social media. Members should not use social media to engage in or encourage bullying, flaming, or shaming of any other social media users or fellow members of Council, Boards or City staff. This manner of communication is inconsistent with the Code of Conduct and unbecoming of the office that Members hold.

## **8.3 Confidential information and *In Camera* Meetings**

16.2.5 of the Code of Conduct prohibits Members from disclosing or releasing confidential information acquired by virtue of their office or position on a Board. Members must not post content on social media that discloses information or conduct during *in camera* or other confidential meetings or correspondence. Social media should not be used in any form during *in camera* or other confidential meetings.

## **8.4 Guidance and Situational Examples**

It is acknowledged that as a part of their representative duties, Members regularly participate and engage in local events and activities with constituents, including local businesses, and Members will use their social media accounts to publicize these kinds of activities.

Members also use social media to inform residents about federal, provincial, and City programs. A Member may therefore post the following types of content as long as it is, voluntary, not the predominant purpose of the account, and otherwise in accordance with the Chapter 16 Code of Conduct:

- a. content that raises awareness of local events and activities;
- b. content that raises awareness of federal and provincial government programs;

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- c. content that publicizes the Member's attendance at a ceremony, event or activity that is otherwise permissible under the Code of Conduct; or,
  - d. content that publicizes the Member's interactions with constituents, including local businesses.

Members should exercise caution and seek specific advice from the Integrity Commissioner to determine whether content posted about third parties meets the criteria outlined above.

#### 8.4.1 Situational Examples

1. *As part of a marketing campaign to launch a new local business, a business writes to the local Ward Councillor to request that he or she post and tweet the announcement about the opening of the business. The Councillor is identified as a City Councillor in her Twitter bio Facebook profile. Should the Councillor tweet/post this information using a City issued phone, computer device?*

Yes, this is an acceptable use of the Councillor's or Board Member's social media accounts, only if the Member has nothing commercially to gain from the action. As a precautionary measure/practice, Members are encouraged to be careful not to routinely lend their titles to the cause of promoting a third-party commercial interest.

2. *A Member attends the opening of the headquarters of a multi-national company that recently moved its office to Brantford and, on behalf of the Mayor and Council, has been asked to make remarks at the opening. The Member's social media account identifies him as a Councillor. He tweets a picture of himself making the remarks with the caption, "Welcome to Brantford!" The picture includes the company's logo. Is this an acceptable use?*

The Member's attendance at the event is acceptable in accordance with the Code of Conduct and the post was not solicited as part of a broader commercial campaign to promote the company. Although the post is a form of promotion, it is

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acceptable for him to post about the event in the manner that he did because it was consistent with the Member performing his legitimate duties for Council.

3. *A not-for-profit organization within a Member's Ward asks him to share a link to a webpage advertising an upcoming fundraising event. The organization offers the Member a ticket in return for the post. The Member does not use any City resources for his social media, including a City phone or computer, and he does not indicate that he is a Councillor in his profile or handle, but has a large following because he is a known public figure in the community.*

Without the offer of the ticket, it would be acceptable for the Member to publicize the community event using social media. The organizations' offer of the ticket in exchange for the tweet/post, however, engages 16.2.7 of the Code of Conduct (Gifts and Benefits) and compromises the situation. The Member should refuse the ticket and decline to retweet/share the event. However, it is acceptable for the Member not to purchase a ticket if the Member is part of the proceedings of the event (i.e. acting in an official capacity to bring greetings from the City) and advised by the organizers that he does not require a ticket to attend the event. It is the offer of promotion on social media in exchange for the ticket that is not acceptable.

4. *A federal or provincial public figure posts a message related to public policy on a social media platform. A Member shares the post on his City Business account and adds a negative, disparaging comment about the public figure and/or the policy statement.*

No, this is not an acceptable use of the Councillor's City social media feeds where he is identified as a Councillor or Member of a City Board. Negative commentary of this nature has the potential to erode the authority or relationship of Council or the Local Board with federal and provincial partners, resulting in an unfavourable image of the City and/or negative impact on City lobbying efforts, grant proposals, etc. If the Member wishes to express a political viewpoint that is not consistent

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with a decision of Council as a body, the Member should use a personal social media account that does not identify him as a Councillor or Board Member and to always ensure that his use of social media is mindful of, and consistent with, the Code of Conduct and the City's Respectful Workplace Policy (16.2.4).

5. *A Member owns his own coffee shop and regularly uses his social media accounts to promote events, offers and news regarding his privately-owned establishment. He also uses the same social media platforms to promote activities and decisions of Council and to engage constituents. Should the Member use the same social media platform(s) for both City and private business? Should the Member use City issued devices to promote his private business?*

No, it is not acceptable for a Member to use a City issued device to promote private business initiatives nor is it appropriate to use the same social media accounts to promote both City and private business. Using one account for both personal and City business gives the impression (whether intended or not) that the Member is using his position to influence or benefit his private interests as there is not a clear distinction between his activities as a Councillor or entrepreneur. In this case, the Member should employ at least two separate accounts – one for Council business and the other for his private commercial interests.

## 8.5 Specific Election Year Requirements

To comply with the *Municipal Elections Act, 1996*, the Code of Conduct Members must take affirmative steps to clearly distinguish between use of social media for personal or election purposes on the one hand, and use of social media in his or her capacity as a City official on the other. To take such affirmative steps Members must adopt one of the following two approaches:

a. **Maintaining Separate Election Accounts**

Establish separate and distinct social media accounts for re-election purposes that are clearly labelled as election accounts and that are not "identified as a Member's account". Members who establish separate and distinct social media accounts for re-election

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purposes may continue to use social media accounts described in paragraph

b. **Maintaining a Single Account Subject to Restricted Use**

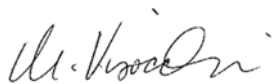
Members who choose not to maintain separate and distinct election accounts and who intend to use a social media account that has ever been "identified as a Member's social media account" must remove any reference to the City of Brantford and reference to the Member's title from the account handle name, the user name, or the profile description. Members must also ensure that the account's registration information does not include any brantford.ca email addresses or City of Brantford phone numbers.

## 9.0 Financial Implications

There are no financial implications associated with the recommendations in this Report.

## 10.0 Conclusion

As per Council's direction, this report provides Members of Council and Local Boards with a series of comprehensive guidelines and acceptable and non-acceptable Social Media Use examples to follow that are in accordance and consistent with the provisions of subsection 223.2(1) of the Municipal Act, 2001, as amended, and Ontario Regulation 55/18, as well as the City's new Code of Conduct for Members of the Council of The Corporation of the City of Brantford and of its Local Boards (Appendix B).




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Maria Visocchi, Director  
Communications and Community  
Engagement




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Brian Hutchings, CAO  
City of Brantford

### Attachments:

Appendix A – Chapter 16 - Code Of Conduct For Members Of The Council Of The Corporation Of The City Of Brantford And Of Its Local Boards - 16.2.9 Use of Social Media

Appendix B – CHAPTER 16 - CODE OF CONDUCT FOR MEMBERS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD AND OF ITS LOCAL BOARDS

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In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required [X] yes [ ] no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk [X] yes [ ] no

Is the necessary by-law or agreement being sent concurrently to Council? [X] yes [ ] no

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**APPENDIX “A”****CHAPTER 16****CODE OF CONDUCT FOR MEMBERS OF THE COUNCIL OF THE CORPORATION  
OF THE CITY OF BRANTFORD AND OF ITS LOCAL BOARDS****16.2.9 Use of Social Media**

As with any other activity, Members of Council and Local Boards must ensure that their use of Social Media is mindful of, and consistent with, the Code of Conduct and City policies. Members of Council and Local Boards are expected to act with decorum on Social Media. Members must never use Social Media as a platform to treat one another, Municipal Staff, Local Board Staff, or members of the public without respect, or to make false or defamatory statements about one another, Municipal Staff, Local Board Staff or members of the public. Members of Council and Local Boards shall refrain from using Social Media to malign a debate or decision or otherwise erode the authority of Council or the Local Board, as the case may be. Members of Council and Local Boards shall not engage in or encourage bullying, flaming, shaming or doxing of any other Social Media users. These types of interactions on Social Media misplace the focus of the interaction on attacking individuals rather than engaging in constructive discussion or debate. This manner of communication is inconsistent with this Chapter and unbecoming of the office that members hold.

The use of a member's title in a Social Media profile lends legitimacy – from the perspective of Social Media providers and the public – and authority and influence similar to use of letterhead or other incidents of office. A member of Council or Local Board's title may only be used for City purposes and not for campaign purposes. Where a member of Council or Local Board maintains a personal Social Media account, that account must contain a statement, in a clearly visible place, that the views expressed on the account are those of the account holder alone and not those of the City, its Council, or the Local Board.

Members of Council and Local Boards shall ensure that their posts on Social Media are accurate, not misleading, and do not reveal confidential information. Members must not post content on Social Media that discloses information or conduct during in camera or other confidential meetings, or other confidential information acquired in the course of their duties as a member of Council or Local Board. Due to the immediacy of Social Media and its ease of access on smart phones, tablets and computers, members shall not use Social Media in any form during in camera or other confidential meetings.



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Without limiting the generality of the foregoing, members of Council and Local Boards shall refrain from posting private or confidential information about fellow Councillors, Local Board members, Municipal Staff, Local Board Staff or members of the public.

This Chapter requires members to be respectful of the role of staff. Members shall not use Social Media to engage in criticism of Municipal Staff or Local Board Staff. The public nature of Social Media can increase the risk of harming the professional and ethical reputation of Municipal Staff and Local Board Staff. At no time shall a member of Council or Local Board post or circulate (including via-e-mail) any correspondence from

Municipal Staff or Local Board Staff, except for any public report, without the express permission of the author. Specifically, e-mail messages and voice messages are typically drafted with a specific audience in mind, and the publication of such messages without the appropriate context could lead to public misunderstanding.

**CHAPTER 16**

**CODE OF CONDUCT FOR MEMBERS OF THE COUNCIL OF THE CORPORATION  
OF THE CITY OF BRANTFORD AND OF ITS LOCAL BOARDS**

**CHAPTER INDEX**

**Article 1  
INTERPRETATION**

- 16.1.1 Code of Conduct – defined**
- 16.1.2 Council - defined**
- 16.1.3 Discriminating - defined**
- 16.1.4 Harassing - defined**
- 16.1.5 Integrity Commissioner – defined**
- 16.1.6 Leering– defined**
- 16.1.7 Local Board – defined**
- 16.1.8 Local Board Staff – defined**
- 16.1.9 Municipal Staff – defined**
- 16.1.10 Officer – defined**
- 16.1.11 Worker - defined**
- 16.1.12 Workplace Harassment – defined**
- 16.1.13 Workplace Violence – defined**

**Article 2**

**CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND OF ITS LOCAL BOARDS**

- 16.2.1 Application**
- 16.2.2 Respectful Conduct**
- 16.2.3 Respect for Human Rights**
- 16.2.4 Respectful Workplace Policy**
- 16.2.5 Confidentiality**

**16.2.6 Interpretation**

**16.2.7 Gifts, benefits and hospitality**

**16.2.8 Use of property of the municipality or of a Local Board**

**16.2.9 Informal complaint procedure – optional**

**16.2.10 Formal complaint process**

**16.2.11 No reprisal**

## Article 1

### INTERPRETATION

#### 16.1.1 Code of Conduct – defined

“Code of Conduct” means a Code of Conduct described in section 223.2 of the *Municipal Act, 2001*, as amended.

#### 16.1.2 Council - defined

“Council” means the municipal Council of The Corporation of the City of Brantford.

#### 16.1.3 Discriminating - defined

“Discriminating” means practicing a form of discrimination prohibited under the *Human Rights Code*, as amended.

#### 16.1.4 Harassing - defined

“Harassing” means practicing a form of harassment as defined in and prohibited under the *Human Rights Code*, as amended.

#### 16.1.5 Integrity Commissioner – defined

“Integrity Commissioner” means the Integrity Commissioner appointed by the municipality in accordance with the provisions of section 223.3 of the *Municipal Act, 2001*, as amended.

#### 16.1.6 Leering– defined

“Leering” means to look with a sideways or oblique glance, especially suggestive of lustfulness or sly, lewd and malicious intention.

#### 16.1.7 Local Board – defined

“Local Board” means a Local Board as defined by Section 223.1 of the *Municipal Act, 2001*, as amended.

#### 16.1.8 Local Board Staff – defined

“Local Board Staff” means employees of a Local Board.

#### 16.1.9 Municipal Staff – defined

“Municipal Staff” means direct employees of The Corporation of the City of Brantford whether full-time, part-time, contract (including employees of staffing agencies) or

casual (including students) but does not include volunteers, employees of Local Boards, employees of subsidiaries of the City, bodies that have independent corporate existence or independent contractors and their employees.

#### **16.1.10 Officer – defined**

“Officer” means an Officer of The Corporation of the City of Brantford.

#### **16.1.11 Worker - defined**

“Worker” means Municipal Staff or Local Board Staff as the case may be.

#### **16.1.12 Workplace Harassment – defined**

“Workplace Harassment” means engaging in a course of vexatious comment or conduct against a Worker in a workplace that is known or ought reasonably to be known to be unwelcome and contrary to the *Occupational Health and Safety Act*.

#### **16.1.13 Workplace Violence – defined**

“Workplace Violence” means the exercise or attempted exercise of physical force by a person against a Worker, in a workplace, that causes or could cause physical injury to the Worker, or a statement or behaviour that it is reasonable for a Worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the Worker.

## **Article 2**

### **CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND OF ITS LOCAL BOARDS**

#### **16.2.1 Application**

This Chapter shall apply to members of Council and of its Local Boards.

#### **16.2.2 Respectful Conduct**

In all of their interactions with one another, Municipal Staff, Local Board Staff, Officers, and members of the public, in connection with their duties as a member of Council or of a Local Board, as the case may be, members of Council and Local Boards shall interact with and treat every person with dignity, respect and equality. Without limiting the generality of the foregoing, members of Council and Local Boards shall not:

(a) engage in a course of conduct consisting of patronizing or condescending comments or behaviour;

(b) make written or verbal abuse or threats;

(c) make or publish statements about other members of Council or of a Local Board, Municipal Staff, Local Board Staff or members of the public which would, whether or not they might have a defence of absolute or qualified privilege, constitute libel or slander; or

(d) engage in Workplace Harassment or Workplace Violence.

### **16.2.3 Respect for Human Rights**

In all of their interactions with one another, Municipal Staff, Local Board Staff, Officers and members of the public, in connection with their duties as a member of Council or a Local Board, as the case may be, all members of Council and Local Boards shall refrain from Harassing or Discriminating against any person or otherwise contravening the requirements of the *Ontario Human Rights Code*. Without limiting the generality of the foregoing, a member of Council or a Local Board shall not:

(a) make racial, homophobic, sexist or ethnic slurs;

(b) display pornographic, homophobic, sexist or racist material; or

(c) make Leering or offensive gestures that would constitute an infringement of the *Ontario Human Rights Code*.

### **16.2.4 Respectful Workplace Policy**

Members of Council and of Local Boards shall adhere to the provisions of the City's Respectful Workplace Policy (Corporate-030), as may be amended from time to time and which shall be read with necessary changes to apply to members Council and Local Boards.

### **16.2.5 Confidentiality**

Members of Council and Local Boards will respect and refrain from disclosing or distributing confidential information that comes into their possession whether such confidential information is received at *in camera* Meetings, through confidential reports, or through other means. Without limiting the generality of the foregoing, members of Council or of a Local Board shall not:

(a) disclose or distribute confidential information where such disclosure or distribution would contravene the *Municipal Freedom of Information and Protection of Privacy Act*;

(b) disclose or distribute legal opinions or other confidential solicitor-client communications over which the municipality has or may claim solicitor-client privilege;

(c) disclose or distribute confidential reports or other confidential information belonging to the municipality or Local Board; or

(d) misuse confidential information (information that they have knowledge of by virtue of their position as a member of Council or Local Board which is not in the public domain, including but not limited to e-mail messages and correspondence from other members of Council, members of the Local Board or third parties) such that it may cause detriment to the municipality, the Council or the Local Boards.

#### **16.2.6 Interpretation**

For the purposes of this Article, any activity by a member of Council or Local Board shall be deemed to be in connection with his/her duties as a member of Council or Local Board if the same arose out of and in the course of performing any municipal or Local Board business, or is performed within any municipal or Local Board workplace. Purely private interactions between members of Council or Local Boards or between members of Council or Local Boards and other persons that are wholly unconnected with municipal or Local Board business are not governed by the requirements of this Article.

#### **16.2.7 Gifts, benefits and hospitality**

The stipend paid to each member of Council and Local Board is intended to fully remunerate members for service to the City. Members of Council and Local Boards shall not solicit, accept, offer or agree to accept a commission, fee, advance, reward, gift, donation, advantage, hospitality or benefit of any kind ("Gifts and Benefits"), personally or through a family member or friend, which is connected directly or indirectly with the performance or duties of their office. For clarity, Gifts and Benefits provided with the member's knowledge to a member's spouse, child (including step-child), parent, brother, sister, father-in-law, mother-in-law, sister-in-law or brother-in-law that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.

Members of Council and Local Boards shall refrain from using their positions to pressure or coerce Municipal Staff or Local Board Staff into participating in or contributing towards charitable or other events or causes unrelated to the business of the City. Notwithstanding the foregoing, in no event shall a general invitation to Municipal Staff or Local Board Staff to participate in or contribute towards any charitable or other event or cause unrelated to the business of the City, be construed to be a violation if this Chapter.

Members shall not accept any Gifts and Benefits in their public capacity other than in the following circumstances:

- (a) compensation authorized by law;
- (b) such Gifts and Benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;

- (c) a political contribution otherwise reported by law, in the case of members running for office;
- (d) services provided without compensation by persons volunteering their time;
- (e) a suitable memento of a function honouring 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, or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity;
- (g) food and beverages consumed at banquets, receptions, meetings or similar events, if:
  - i. attendance serves a legitimate business or charitable purpose,
  - ii. the person extending the invitation or a representative of the organization is in attendance,
  - iii. the value is nominal, and
  - iv. the invitations from a single source are rare;
- (h) communication to the offices of a member, including subscriptions to newspapers and periodicals;
- (i) gifts of nominal value (for example, a keychain, baseball cap, t-shirt, flash drive, etc.); and
- (j) any Gifts and Benefits, if the Integrity Commissioner is of the opinion, before the Gifts and Benefits have been accepted, that it is unlikely that receipt of the Gifts and Benefits gives rise to a reasonable presumption that the Gifts and Benefits were given in order to influence the member in the performance of his or her duties.

To enhance transparency and accountability with respect to the receipt of all Gifts and Benefits, members of Council and Local Boards will file a quarterly disclosure statement that will be added to a public registry of all Gifts and Benefits (the "Gifts Registry"), which shall be maintained by the City Clerk's Department. Members of Council and Local Boards are required to disclose all Gifts and Benefits and sponsored travel received which individually exceed \$100.00 from one source in a calendar year.

The disclosure statement must indicate:

- (a) The nature of the gift, benefit or hospitality;
- (b) Its source and date of receipt;
- (c) The circumstances under which it was given or received;
- (d) Its estimated value;
- (e) What the recipient intends to do with the gift; and
- (f) Whether the gift will at any point will be left with the City.

In the case of requirement (f) of the disclosure statement, those gifts received by members of Council or Local Boards which have significance or historical value for the City shall be left with the Record's Division of the City Clerk's Department when the member ceases to hold office. The Gifts Registry will be updated on a quarterly basis and posted on the City's website for public viewing.



For the purposes of this Article, “nominal” shall mean having a value of \$100.00 (Canadian) or less.

### **16.2.8 Use of property of the municipality or of a Local Board**

No member of Council or of a Local Board shall use, or permit the use of City property or Local Board property, as the case may be, including land, facilities, equipment, supplies, services, staff or other resources (for example, without limitation, City-owned materials, computers, networks, websites, vehicles) for activities other than the business of the City.

No member of Council or of a Local Board shall obtain personal benefit or financial gain from the use or sale of City or Local Board property, as the case may be, whether licensed or owned by the City or Local Board, including, City or Local Board-developed intellectual property (for example, inventions, creative writings, graphic designs, computer programs and technical drawings), technical innovations, City owned images, logos, coat of arms, since all such property remains exclusively that of the City. For greater clarity, “personal benefit” shall include any benefit provided with the member’s knowledge to a member’s spouse, child (including step-child), parent, brother, sister, father-in-law, mother-in-law, sister-in-law or brother-in-law.

Nothing in Section 16.2.8 shall in any way be construed so as to restrict the ability of a Member of Council or of a Local Board to lease, license, rent or otherwise use City or Local Board property in the same manner afforded to the public.

### **16.2.9 Informal complaint procedure – optional**

Individuals (for example, Municipal Employees, Local Board Employees, members of the public, Members of Council, Members of a Local Board) who have identified or witnessed behaviour or an activity by a Member that they believe is in contravention of the Code of Conduct may address the prohibited behaviour or activity themselves as follows:

- a. Advise the Member that the behavior or activity contravenes the Code of Conduct.
- b. Encourage the Member to stop the prohibited behavior or activity.
- c. Keep a written record of the incident(s) including dates, times, locations, other persons present and any other relevant information.
- d. If applicable, advise the Member of your satisfaction with their response or, if applicable, advise the Member of your dissatisfaction with their response.
- e. Consider the need to pursue the matter in accordance with the formal complaint procedure or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

### 16.2.10 Formal complaint process

Individuals (for example, Municipal Employees, Local Board Employees, members of the public, Members of Council, Members of a Local Board) who have identified or witnessed behaviour or an activity by a Member that they believe is in contravention of the Code of Conduct may file a formal complaint and request an investigation by executing the following steps:

- a. The complainant shall submit the complaint in writing by completing the Code of Conduct – Formal Complaint Form, attached hereto and marked as Appendix “A” and submitted to the Clerk, or designate. The Form must be signed by an identifiable individual.
- b. The Form shall set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct and set out the evidence in support of the complaint.
- c. The complaint will be forwarded by the Clerk, or designate, to the Integrity Commissioner within 48 business hours of receipt, who will address it in accordance with Part V.1 of the *Municipal Act, 2001*, as amended.

Every request for an investigation shall be initiated through the submission of the Code of Conduct – Formal Complaint Form.

#### When a Complaint is Filed

Once a complaint has been filed, the Integrity Commissioner shall take all steps necessary to promptly investigate the complaint within his or her jurisdiction, including entering the Municipal office for such purpose and consultation with Municipal or Local Board staff with access to all information and records described in subsections 3 and 4 of Section 223.4 of the *Municipal Act, 2001*, as amended.

- 1) The Integrity Commissioner shall make every effort to complete an investigation within 60 days.
- 2) If the Integrity Commissioner requires more than 60 days to complete an investigation, the following shall be notified accordingly:
  - a. The complainant;
  - b. The individual to whom the complaint relates;
  - c. The Mayor in the case of a complaint concerning another Member; or the Member of Council appointed to act from time to time in the place and stead of the Head of Council for the month when the complaint is received, in the case of a complaint concerning the Mayor.
- 3) The Integrity Commissioner shall be responsible for ensuring the above procedures are followed with respect to requests for enquiries and for conducting investigations.

#### Reporting the results of an Investigation

- 1) The Integrity Commissioner shall notify the Clerk, or designate, when the final report is ready and shall request that the report be placed on a Council meeting agenda where the Integrity Commissioner can report his or her findings to an open meeting of Council. Where the enquiry relates to a Local Board the report will be submitted to both Council and the Local Board. The Clerk, or designate, will provide the date of such meeting to the Integrity Commissioner and such date shall be no less than 15 days prior to the Council meeting at which it will be considered. All reports to Council by the Integrity Commissioner on the investigation of complaints are public documents.
- 2) If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and may recommend that no penalty be imposed.
- 3) The Integrity Commissioner shall give a copy of the final report to the complainant and the Member whose conduct is concerned 15 days prior to the Council meeting at which it will be considered.

### **16.2.11 No reprisal**

There shall be no reprisals taken against any person who initiates a complaint or otherwise participates in or conducts a formal investigation pursuant to this Chapter. Acts of reprisal shall be construed as breaches of the requirements of this Chapter with all of the same remedies as if such act of reprisal was a breach of this Chapter.

APPENDIX "A"



**Code of Conduct – Formal Complaint Form**

Personal information contained on this form is collected under the authority of Section 10(1) of the *Municipal Act, 2001*, as amended, and will be used by the Integrity Commissioner to carry out an investigation under the Act. Questions regarding the collection of personal information on this Form can be directed to the Clerk, City of Brantford at (519) 759-4150, 100 Wellington Square, Brantford, ON, N3T 5R7.

**1. Complainant Contact Information** (How can the Integrity Commissioner contact you?)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

E-Mail: \_\_\_\_\_

**2. Nature of Complaint**

I have reasonable and probable grounds to believe that the following member of the Council or of a Local Board \_\_\_\_\_ (specify name of member), has contravened section(s) \_\_\_\_\_ of the Code of Conduct.

The particulars of which are as follows:

(Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space, please attach the materials as Exhibits A, B, etc. and attach them to this Form and mark each additional page as 2 of 2, 2 of 3, etc. at the top right corner.)

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Signature

\_\_\_\_\_  
Date