

MANITOBA
MUNICIPAL
RELATIONS

Strengthening Codes of Conduct for Council Members

Manitoba Municipal Administrators' Association

District Meetings

September 4 and 18, 2020



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- *The Municipal Amendment Act* received Royal Assent on June 3, 2019 and will come into force on November 1, 2020.
 - Strengthens council member codes of conduct
 - All municipalities to have a by-law in place
 - Mandates training on respectful conduct for all council members
 - Non-compliant council members to be suspended from office until training complete
 - Enables the Minister to make regulations that enhance the contents of municipal codes of conduct
 - Regulation to come into effect concurrently with the Act

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- Council Members' Codes of Conduct regulation:
 - Defines standards and values that must be included in council code of conduct by-laws
 - Establishes standardized code of conduct complaint and appeals procedures
 - Expands the list of sanctions
- Draft Council Members' Codes of Conduct regulation posted on the Manitoba Regulatory Consultation Portal in May and June 2020
 - <https://reg.gov.mb.ca/home>

Tools and Resources

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- Tools, templates and guidelines:
 - Code of conduct sample by-law ***Released August 31**
 - Chart defining behaviours
 - Standardized code of conduct complaint form
 - Template resolution to sanction
 - Notice of appeal form
- Resources in progress:
 - Provincially-appointed intake reviewer
 - List of third party mediators
 - List of third party investigators
 - Provincially-appointed appeals director

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[NAME OF MUNICIPALITY]

CODE OF CONDUCT FOR COUNCIL MEMBERS

By-law No.

BEING A BY-LAW OF THE [name of municipality] TO ESTABLISH AND REGULATE A CODE OF CONDUCT FOR MEMBERS OF COUNCIL

WHEREAS under *The Municipal Act* a council must establish, by by-law, a code of conduct that applies to the members of council;

AND WHEREAS under *The Municipal Act* a council must establish the process for dealing with contraventions to the code, including the procedures for receiving reports of contraventions;

AND WHEREAS under *The Municipal Act* a council must set out the sanctions that may be imposed on a member or the remedial measures that a member may be required to take if they are found to have contravened the code;

AND WHEREAS under *The Municipal Act* a council must comply with the requirements of provincial regulations concerning codes of conduct;

AND WHEREAS the public is entitled to expect the highest standards of conduct from the members that it elects to council for the [name of municipality];

AND WHEREAS the [name of municipality], recognizes that public confidence and public trust are essential to good governance, and to promote public confidence and trust, the [name of municipality] is committed to fostering and maintaining the highest standards of professionalism and ethical conduct among its council members;

AND WHEREAS the [name of municipality] deems this by-law to be advisable, in the public interest and aligned with municipal purposes of promoting good government.

THEREFORE BE IT RESOLVED that the council of the [name of municipality], in open meeting assembled, enacts as follows:

SHORT TITLE

1. This By-law may be cited as the "Code of Conduct for Members of Council By-law".

DEFINITIONS

2. In this by-law,
 - a. "Act" or "Municipal Act" means *The Municipal Act* of Manitoba, C.C.S.M. c. M225, and associated regulations, as amended;
 - b. "administration" means the administrative and operational arm of the municipality, comprised of the various departments and business units and including all employees;
 - c. "CAO" means Chief Administrative Officer of the municipality, or their delegate;
 - d. "complainant" means the person who commences a complaint or on who's behalf a complaint was commenced;
 - e. "council" means the elected council of the Municipality
 - f. "employees" means any person employed by the municipality, and includes the Chief Administrative Officer, designated officers, full-time, part-time, contract, or casual employees, including volunteers;
 - g. "inappropriate behaviour" means disrespectful behaviour, sexual harassment, harassment, bullying and/or violence;
 - h. "investigator" means a committee of council or a third party appointed by council to investigate a complaint and recommend sanction(s);
 - i. "member(s)" means the councillor(s), including the head of council;
 - j. "municipality" means the [name of municipality]; and
 - k. "respondent" means the person against whom a complaint is commenced.

PRINCIPLES

- 3.1 The council has a duty to consider the well-being and best interests of the municipality as a whole. All members must conduct themselves in such a way as to promote public trust and public confidence in the council and the municipality.
- 3.2 It is each member's individual responsibility to uphold both the letter and the spirit of this code of conduct By-law.

PURPOSE

4. The purpose of this code of conduct By-law is to establish:
 - a. the standards and values that council members must uphold in carrying out their duties under *The Municipal Act* or any other relevant legislation;
 - b. the application and enforcement of those standards and values;
 - c. the sanctions available to address code of conduct violations; and
 - d. procedures for updating the code of conduct.

Respectful Behaviour Examples	Disrespectful Behaviour Examples (less severe than harassment)	Harassment/Bullying Examples (often targeted and repeated)	Sexual Harassment Examples (harassment based on sex, gender or sexual orientation)	Violence Examples
<ul style="list-style-type: none"> - Listening and allowing others to speak - Being civil and considerate - Being supportive and cooperative with others - Being inclusive - Doing your best to make decisions carefully, fairly and impartially 	<ul style="list-style-type: none"> - Interrupting - Not allowing other council members time to speak in meetings - Use of course language (swearing) - Unprofessional jokes - Gossiping and spreading rumours 	<ul style="list-style-type: none"> - Using intimidation, such as yelling or getting within someone's personal space, or retaliation - Using your influence to intimidate, threaten, or coerce - Hovering, staring, or loitering - Sending emails/texts and posting on social media putting down another person's characteristics (race, religion, disability, etc.) 	<ul style="list-style-type: none"> - Sending and requesting sexually explicit emails, or other materials sexual in nature, such as photos, posters or calendars - Making abusive, derogatory remarks or jokes that negatively affects one's gender, gender identity or gender expression, sex, or sexual orientation, such as homophobic or transphobic remarks 	<ul style="list-style-type: none"> - Threatening or exhibiting physical violence - Threatening or engaging in sexual assault - Stalking with the intent to cause harm - Sharing explicit images without consent - Making verbal threats (e.g. threats to life)

Recommended Resolution Methods

Resolution for Respectful Behaviour	Resolution for Disrespectful Behaviour	Resolution for Harassment/Bullying	Resolution for Sexual Harassment	Resolution for Violence
No resolution is required.	<p>The complainant must first attempt to address the issue informally. Informal resolution can be a quicker, more effective method of resolving conflicts.</p> <p>Options include:</p> <ul style="list-style-type: none"> - Communicating with the other person directly - Resolving with the support of another council member, the head of council or the Chief Administrative Officer <p>If informal resolution fails, formal resolution may be required.</p> <p>Complaints can be filed within 30 days of an alleged violation, using the code of conduct complaint form. Steps taken to resolve the issue must be recorded on the complaint form to proceed to the formal resolution stage.</p> <p>Complete complaint forms will be screened by the intake reviewer, and may proceed to mediation, and/or investigation where appropriate.</p>	<p>The complainant may attempt to address the issue directly with the person if they are comfortable, or they may file a code of conduct complaint form. Complaints can be filed within 90 days of the alleged violation.</p> <p>Note:</p> <ul style="list-style-type: none"> - An informal approach is not appropriate in certain situations (e.g. where safety is a concern). 	<p>Violence of any sort is not tolerated.</p> <p>Violence is not covered in the municipal Code of Conduct.</p> <p>If you find yourself to be a victim of violent behaviour, you are encouraged to immediately report the issue to the appropriate law enforcement body.</p>	

CODE OF CONDUCT COMPLAINT FORM - EXCERPTS

INCIDENT REPORT (Required Section)	
Who Committed the Alleged Violation?	
Full Name:	_____
	Last Name First Name
Name of Office:	_____
	(Mayor/Reeve/Head of Council OR Council Member)
Witness Information <i>Include the names, position titles, and contact information, if applicable/available, for anyone who may have observed or have information regarding the alleged violation.</i>	
Details of the Alleged Violation <i>Provide as much detail as possible regarding the facts of the situation.</i>	
Description of the violation (section of municipal by-law violated, what was observed, who was involved, what was said or happened), including any background/context:	
When and where did this situation happen (dates, times, and locations)?	
Date of Violation:	_____
Additional Details:	
Identify any evidence, if applicable, such as documentation, emails and photos (please attach copies of any evidence):	

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CODE OF CONDUCT COMPLAINT FORM - EXCERPTS

INFORMAL RESOLUTION REPORT (Required Section)	
<i>If you have experienced sexual harassment, you may choose to try an informal resolution, but you are not required to do so, or to complete this section of the form.</i>	
Describe the steps taken to resolve the conflict:	
How did the respondent react?	
Identify any evidence, if applicable, such as documentation, emails and photos (please attach copies of any evidence):	

Excerpts

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Welcome to the Municipal Relations Learning Portal

This learning portal provides you with access to your Municipal Relations Codes of Conduct course. The course will give you the knowledge you require to comply with the code of conduct requirements set out in *The Municipal Act* and Council Members' Codes of Conduct Regulation. This course is a mandatory requirement for all elected officials.

If this is your first time visiting the portal, please register.

If you are returning to the portal, please log in using the password you set when you registered.

[Login](#)[Register](#)

Responsibilities

Council Members' Code of Conduct

By-Law

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- Provide expert advice and administrative support to council
- Strengthen the sample by-law as directed by council; ensuring it meets your municipalities needs
- Third reading by November 1, 2020
- Annual review

Responsibilities

Council Members' Codes of Conduct

Mandatory Training

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- Track completion: All council members must complete the training:
 - Within six months of the legislation coming into force: May 1, 2021; and
 - Within six months after being elected or re-elected

Certificate of **Completion**

This certifies

Mallory Light

has successfully completed the mandatory
online training course

Codes of Conduct

on

July 3, 2020



Responsibilities

Administrative Duties

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Complaint

Informal
Resolution

Vetting

Mediation

Investigation

Sanction

Appeal

- Review the Council Members' Codes of Conduct Regulation
- Provide tools, templates and guidelines to council members as required
- Forward completed complaint forms to the Intake Reviewer
- Arrange for mediation and investigation services as required
- Send documentation to the Appeals Director as required

Responsibilities

- What is outside of your scope as administration?
 - Determining whether a complaint is valid or frivolous, vexatious or outside of the scope of the legislation
 - Mediating or investigating complaints
 - Recommending or determining appropriate sanctions for violations of the code

Your responsibility is to provide objective support and expertise

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September 2020

Mandatory training and supporting tools released

November 1, 2020

The Act and regulation come into effect; all municipalities to have a by-law in place

May 1, 2021

Deadline for all council members to complete the mandatory training

Annually

By-law review

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Thank you!