

By-Law #2

Professional Code of Conduct

WHEREAS Article #6 of the Manitoba Municipal Administrators Constitution states in part:

6.3 In addition to the powers set forth in the Act, the Executive Council may by By-Law:

b) Regulate and govern the conduct of members of the Association in the practices of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice, and for providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;

AND WHEREAS a professional code of conduct is an essential tool for promoting ethical behavior and maintaining professional standards;

AND WHEREAS a code of conduct will provide a clear framework for professional behavior and will help to guide decision-making in difficult or complex situations;

AND WHEREAS a professional code of conduct will help to establish a sense of professional identity and community by defining the shared values and principles that underpin the profession of municipal administration;

AND WHEREAS a professional code of conduct will help to build trust and confidence in professional administrators, by demonstrating that MMA members are committed to maintaining high standards of conduct and ethical behavior;

NOW THEREFORE the membership of the Manitoba Municipal Administrators assembled enacts the following:

Section 1 – Title

This By-Law may be referred to as the Manitoba Municipal Administrators Professional Code of Conduct By-Law.

Section 2 – Definitions

For purposes of this By-Law:

“Act” means the Manitoba Municipal Administrators Association Inc. Act or successor legislation.

“By-law” means MMA By-law #2 – Professional Code of Conduct

“Client” means a person or organisation with whom a Member has entered into an agreement for the provisions of professional services.

“Code of Conduct” or “Professional Code of Conduct” means the statement of professional standards as documented in Schedule A of this By-law, and as interpreted and further defined by resolutions of the Executive Council from time to time.

“Constitution” means MMA By-law #1 or successor by-law as constituted under the Act and duly approved by the MMA membership.

“Executive Council” – means the collective group of people appointed and elected to govern the MMA as prescribed in The Manitoba Municipal Administrators Association Inc. Act and the MMA by-laws.

“Employer” means the municipality or quasi-municipal organisation, which employs the Member.

“Member” means a member of the MMA as provided for in the Constitution.

“MMA” means the Manitoba Municipal Administrator Association Inc., operating as the Manitoba Municipal Administrators.

“Policy” means a documented governance statement of organizational philosophy and practice, approved by the Executive Council, which guides the conduct of the organisation and its members, officers, and agents.

“President” means the person duly elected by the MMA membership as prescribed by the constitution with all the authorities and responsibilities bestowed by MMA by-law and policy or by resolutions passed by the Executive Council.

“Professional Development” means the accepted activities designated by MMA Policy which enhance one’s skills, knowledge, and capabilities in the field of municipal administration.

Section 1 – Professional Code of Conduct

1.1 The MMA adopts and shall enforce the Professional Code of Conduct.

1.2 All applicants for MMA membership shall be required, as part of their application, to agree to honour and adhere to the Professional Code of Conduct.

1.3 The conduct and behaviour of all Members shall be governed by the Professional Code of Conduct.

1.4 Members shall be required to reconfirm their agreement to honour and adhere to the Professional Code of Conduct as part of their membership renewal.

1.5 The Executive Council may, by resolution, establish and maintain documentation of any interpretations of the Code of Conduct or further description of the standards that may be made from time to time in the implementation and enforcement of the Code of Conduct.

1.6 The purpose of the documentation set out in clause 1.5 is to ensure transparent and consistent application of the Code of Conduct, and shall be made available to all Members.

Section 2 – Public Availability

2.1 The Executive Director shall ensure that a copy of the Professional Code of Conduct is available on the MMA website for public viewing.

2.2 The Executive Director shall make any supporting documentation to the Code of Conduct approved by the Executive Council as set out in clause 1.5, available to Members on the MMA website, and may be made available to the public at the Executive Council's discretion.

Section 3 – Enforcement of the Code of Conduct

3.1 It is the responsibility of all Members to enforce the Code of Conduct.

3.2 Members shall encourage and support other Members in maintaining compliance with the Code of Conduct.

3.3 Members may confidentially contact the President or the Executive Director, or another individual designated by the Executive Council, to inquire about the Code of Conduct and to receive advice in support of maintaining compliance.

3.4 The President, Executive Director, or other individual designated by the Executive Council, may proactively contact and advise a Member if a potential breach of the Code of Conduct by that Member has informally come to their attention. In such circumstances these individuals shall not be required to submit formal notification even if they believe non-compliance has occurred. The intention of such contact is to encourage and support the Member in achieving compliance.

3.5 The Executive Director shall be responsible for ensuring that the process for submitting formal notification of a Member's non-compliance of the Code of Conduct and the adjudication process is clearly identified on the MMA website and available for anyone to access.

3.6 Any Member shall be entitled to submit a formal notification to the Executive Director should they believe a Member has behaved in a manner that does not comply with the Code of Conduct.

3.7 Any municipal council, upon adoption of an authorizing resolution, shall be entitled to submit a formal notification to the Executive Director should they believe a Member has behaved in a manner that does not comply with the Code of Conduct.

3.8 The Executive Council may establish Policy to guide enforcement of the Code of Conduct. Such policy may include processes to consider substantiated complaints from citizens or individual council members.

3.9 The Executive Council shall take steps to prevent and dismiss vexatious or malicious complaints against Members.

Section 4 – Non-Compliance

4.1 Any Member who conducts themselves in a manner that does not comply with the Code of Conduct, is in contravention of this By-law and may be subject to disciplinary action up to an including expulsion from the MMA.

Section 5 – Disciplinary Action

5.1 Upon receipt of formal notification of a Member's contravention of this By-law, the Executive Director shall undertake the required steps to initiate the Member discipline process provided for in the Constitution.

Section 6 – Adoption

6.1 This By-Law will come into effect upon the adoption of the Membership in accordance with the Constitution, and all previous versions of By-law #2 shall be rescinded.

6.2 This By-law repeals and replaces the former MMA Code of Ethics and by-law or policy documents that enacted or enforced the former MMA Code of Ethics.

ADOPTED THIS 3RD DAY OF MAY, 2023 AT THE ANNUAL GENERAL MEETING OF THE
MANITOBA MUNICIPAL ADMINISTRATORS' ASSOCIATION IN BRANDON, MANITOBA.

MANITOBA MUNICIPAL ADMINISTRATORS' ASSOCIATION

PRESIDENT

EXECUTIVE DIRECTOR

Schedule A

Manitoba Municipal Administrators Professional Code of Conduct

The Manitoba Municipal Administrators exists to build the skills and capacities of our members and to promote excellence in the professional administration of municipalities in Manitoba. Professional municipal administrators are public servants, and must uphold high ethical and professional standards, with a duty of care to the citizens and other stakeholders they serve. To fulfil this public trust, professional municipal administrators are accountable to:

- the public;
- their Employers or Clients;
- each other; and
- their professional association.

The following standards establish clear guidelines for behaviour and provide a framework for decision-making which helps to ensure that our stakeholders can trust and rely on MMA Members to act in a responsible and ethical manner.

Members owe a duty of care to the public.

A Member shall:

1. promote and support effective and democratic municipal government through professional management;

[Members recognize the separation of governance and administration, and they must demonstrate respect for the rights and responsibilities of the elected council to make decisions on behalf of the community.]

2. affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant;

[Members recognize the inherent value of municipal government and the services it provides to citizens. Members shall seek to ensure services are effective, efficient, and respectful.]

3. fulfill their responsibilities and carry out their duties to the best of their abilities;

[Members shall undertake their work using their full skills, knowledge and capacity. Members shall seek to continuously improve their abilities through professional development and shall only undertake work for which they have the required competency.]

4. demonstrate integrity and the highest standards of ethical behaviour;

[Members must behave in a manner that engenders and maintains public confidence in their position, their municipality, and the profession of municipal administration. Members will conduct themselves professionally, respecting confidentiality, maintaining respectful and appropriate relationships in the workplace and the community, avoid real or perceived conflicts of interest, and in all actions and decisions demonstrate good and moral judgement.]

5. promote community well-being;

[Members recognize that their number one loyalty is to the community and its citizens. Members shall ensure that advice they provide to elected officials, and the judgment they exercise in their roles, reflect due consideration to the social, environmental, economic, and cultural health of the whole community.]

6. ensure the community is informed on municipal matters and promote appropriate community engagement in decision-making;

[Members respect the inherent right of all citizens to be aware of municipal decisions and activities, to have fair, reasonable, and timely access to public information, and to have equitable opportunity to participate in democratic decision-making processes. Members understand the importance of confidentiality and are expected to balance the needs for public information sharing with the legal requirements for holding information in confidence when required.]

7. advise and support elected officials, and fulfill their duties in a politically impartial manner;

[Members may exercise the same rights as other citizens for participation in democratic processes in their personal lives, however they must ensure such participation does not compromise their ability to be non-partisan and politically unbiased in their roles. While Members advise and assist elected officials, they must ensure they do so in an impartial and neutral manner. Members should not participate in the political campaigns of candidates for any municipal office in the municipality they serve.]

8. carry out their duties fairly and impartially; serving in the interests of all citizen.

[Members will ensure that they conduct their duties without favour or prejudice, ensuring that decisions made, and services rendered, are transparent, consistent, and equitable. Members will not allow personal bias or opinion to interfere with their professional work.]

Members owe a duty of care to their Employers and Clients

A Member shall:

9. maintain separation between their professional and personal interests and shall not leverage their position for personal gain or benefit;

[Members shall prevent all real conflicts of interest and avoid perceived conflicts of interest. Members should proactively disclose potential conflicts of interest and should follow leading practices in human resources and public procurement to avoid conflicts. Members must not use privileged information or their authority for any non-municipal purpose.]

10. uphold the letter and spirit of the law;

[Members must not knowingly undertake, or permit the undertaking of, any action that is unlawful. Members shall ensure their advice to council is lawful to the best of their knowledge. Members who are convicted of an offence under the Criminal Code may be expelled from the MMA. Members shall, in the public's interest, report unlawful actions taken by council or members of council. Members must protect the right of all municipal employees to report illegal or improper activities without reprisal or fear of intimidation.]

11. provide high quality advice, analysis, and public policy proposals which are based in fact, use leading practices, and are technically sound;

[Members are expected to conduct quality research and use their full experience, education, and skills to prepare their work. Members are expected to seek out support and expert insight and guidance if the task at hand requires capacities beyond their own. Members shall engage in on-going professional development to ensure that they keep their knowledge and skills at a level that meets the contemporary requirements of their role. Members shall not provide false or misleading information to council or the public. Members shall not prepare or permit the preparation of financial statements which they knew, or ought to have known, were materially false or misleading.]

12. behave in a manner that promotes the integrity and reputation of their employer or client;

[Members recognize that they are representatives of the organisation for which they are providing services. Members must be mindful of their behaviour and ensure that it aligns with the expectations set out by the organisation which may include behaviour outside of work hours.]

13. ensure they fulfill the responsibilities of their position without interference, political or otherwise, resisting any encroachment on their professional responsibilities;

[Members will ensure that the legislative systems for decision making and delegation of authority in their organisation are followed. Members shall take steps to prevent undue participation of elected officials in administrative matters. Members should be aware of attempts to influence their work and decision for purposes other than the best interests of the municipality. Members will report inappropriate or illegal interference of elected members, citizens, suppliers, or other stakeholders to council or other appropriate authority.]

14. honour and be responsive to the rights and needs of others.

[Members shall be respectful of others regardless of their age, ability, family status, gender identity, ethnicity, race, religion, sex, sexual orientation, or political beliefs. Members shall make personnel decisions that are free from discrimination. Members will work to eliminate barriers to accessing municipal services and from equitable democratic participation for all citizens.]

Members owe a duty of care to other MMA members.

A Member shall:

15. be respectful of Members, peers, and colleagues;

[Members shall treat other Members, peers, and colleagues professionally, non-judgmentally, and with respect. Members shall work to safeguard the reputation of other Members. Members have the right to make decisions and provide advice that differs from other Members. Provided these differences are not illegal or unethical, they do not necessarily constitute a breach of the Code of Conduct.]

16. refrain from undermining, causing malicious injury too, or supplanting of, another member;

[Members shall not accuse another Member of wrongdoing without substantive evidence. Members shall avoid blaming a predecessor Member or former Member for current issues or problems. Unless professionally engaged for this purpose, Members will avoid speaking about the performance of another Member with that Member's supervisor, Employer, or Client. Members shall not actively work to compromise the employment of another Member. Notwithstanding this standard, Members have the right to use the formal complaint processes established by the MMA, the right to report misconduct according to any processes set out by their organisation or other authorities having jurisdiction and have the obligation to report illegal activities to the appropriate authorities.]

17. promote adherence of all Members to this Professional Code of Conduct.

[Members should review the Code of Conduct annually with their membership renewal. Members are encouraged to share the Code of Conduct with stakeholders as appropriate, particularly with Employers and Clients. Members are encouraged to remind fellow Members of their obligations when they are in situations that may conflict with the standards set out in the Code of Conduct.]

Members owe a duty of care to the MMA

A Member shall:

18. uphold the letter and spirit of this Professional Code of Conduct;

[Members shall maintain an understanding of the standards set out in the Code of Conduct and are responsible for seeking clarification from the MMA if they have questions. Members are encouraged to speak with the Executive Director, President, or other appointed individual if they require further guidance or evaluation of a potential conflict with a standard. Members shall seek at all times to behave in a way that is aligned with the Code of Conduct and shall take steps to correct conflict with the standards if they occur.]

19. safeguard and uphold the reputation of the profession and the MMA;

[While Members are encouraged to support the continuous improvement of the profession of municipal administration and the MMA, and that improvement may include offering constructive criticism, Members shall not maliciously or vexatiously impugn the general reputation of the profession and the MMA. Members shall not enter into an agreement or undertaking that conflicts with their requirement to comply with the Code of Conduct or the responsibilities to the public. Members should actively promote the positive contributions of the MMA and the profession. Members are encouraged to participate in the work of the MMA and other activities that support the development of Members or work to improve the reputation of the profession.]

20. bring to the attention of the MMA any apparent breach of this Professional Code of Conduct;

[Members have the responsibility to report unethical, inappropriate, unskilled, unprofessional, illegal, or other behaviours that violate the Code of Conduct. Members are expected to report non-compliance with the Code of Conduct to the MMA using the formal processes provided. Members shall not submit vexatious or malicious complaints. Members who intentionally refrain from reporting a serious or substantial breach of the Code of Conduct by another Member are in contravention of the Code of Conduct]

21. assist the MMA in the enforcement of this Professional Code of Conduct.

[Members shall support the MMA in its efforts to enforce the By-laws of the association, including participation in any disciplinary or investigatory processes duly constituted by the MMA, its agents, or officials. Members who unreasonably fail to participate in duly constituted investigations or disciplinary process are in breach of the Code of Conduct.]