

<b>Rural Municipality of Lac du Bonnet</b>		<b>POLICY</b>
<b>REFERENCE:</b> Councils Municipal Act	ADOPTED BY: Resolution # 0282	<b>6 Pages</b>
	<b>Date: Resolution June 24, 2014</b>	
<b>TITLE:</b> <b>Code of Conduct for Council Members</b>		<b>DATE OF LAST REVIEW:</b> May 27, 2014, June 10, 2014, June 24

Under The Municipal Act Section 84.1 (1) A Council must establish a code of conduct that applies to the members of Council.

84.1 (2) The code of conduct is to set guidelines that define the standards and values that the council expects members to meet in their dealings with each other, employees of the municipality and the public.

84.1 (3) A council may censure a member if it determines that the member has breached the code of conduct.

84.1 (4) To be approved, the number of members who must affirm the resolution to censure is the majority of all the members, plus one.

### **SECTION 1 – OBJECTIVES**

The objective of this Code is to maintain and enhance public confidence in the integrity of all members of Council of the RM of Lac du Bonnet and the decision-making process of the Council.

- (a) while facilitating interchange between the private and public sector;
- (b) by Council recognizing that only the highest ethical behaviour is expected and demanded by Council and the public;
- (c) by establishing clear rules of conduct for Council respecting conflicts of interest;
- (d) by minimizing the possibility of conflicts arising between the private interests and public duties of Council while recognizing that conflicts must be resolved in favour of the public interest, should they arise;
- (e) by fostering an environment in which the highest standards of ethical behaviour is the proper means by which Council are to conduct themselves;

- (f) by indicating to the public that the Council is seriously concerned about and responsible for the conduct of Council;
- (g) by providing the means to increase ethical judgment and strengthen support to try to “do the right thing”.

## **SECTION 2 – GENERAL PRINCIPLES AND CONDUCT**

1. Each Council member shall conform to the following principles and conduct during their term in office:
  - (a) If a conflict does arise between the private interests of a Council member and the official duties and responsibilities of that member, the conflict shall be resolved in favour of the public interest.
  - (b) All Council members shall respect the administration of this Code.
  - (c) Council members shall act with honesty and uphold the highest ethical standards so that public confidence and trust in the integrity, objectivity and impartiality of Council are conserved and enhanced.
  - (d) Council members shall not directly or indirectly use or allow the use of RM of Lac du Bonnet property of any kind for anything other than officially approved activities.
  - (e) Council members shall avoid any interest or activity which is in conflict with their official duties or responsibilities.
  - (f) Council members shall not use their position of office to assist any private group, organization, corporation or persons where this would result in preferential treatment to any such group, organization, corporation or person.
  - (g) Council members shall not knowingly take advantage of, or benefit from, information that is obtained in the course of their official duties and responsibilities and that is not generally available to the public.
  - (h) Council shall not directly or indirectly solicit funds from any person, group, organization or corporation where such fundraising could place the Council member in a position of obligation incompatible with their public duties and responsibilities.
  - (i) Council members have an obligation to perform their official duties in a manner that will bear the closest public scrutiny.
  - (j) Council, in fulfilling their official duties and responsibilities, shall make decisions in the public interest and with regard to the merits of each circumstance, including the

hiring process for employees and the contracting or purchasing of goods and/or services.

- (k) Every member of Council is expected to conduct themselves in public, and in respect to the public, in such a way as to reflect the decorum and dignity of the office that they hold.

### Roles and Obligations

Council members recognize their mandate incorporates tasks which include:

- i. fairly representing the diversity of community views in developing an overall strategy for the future of the municipality;
- ii. achieving sound financial management, planning and accountability;
- iii. awareness of and conversant with the statutory obligations imposed on Council as a whole, as well as each Council member, and fully adhering to such obligations.

No member of Council shall intimidate or threaten their colleagues, members of the public, employees or volunteers.

Council members will not make any condescending or disparaging remarks to anyone.

### Election Campaign Work

No member of Council shall use the facilities, equipment, supplies or services of the Municipality for any election campaign or campaign-related activities. No member shall undertake campaign-related activities on municipal property unless authorized by the municipality (eg. an all candidates meeting).

No Council member shall attempt to compel municipal staff to participate in political activities.

### Respect for Role of Administration

Municipal employees are responsible for providing professional advice, are bound by the decisions of Council, and shall not be requested to take any action contrary to such decisions.

No member of Council shall attempt to compel a municipal employee to undertake personal or private work on their behalf.

## Use of Information

In their decision making process, Council members are sometimes privy to information which may be confidential or controversial, such as, but not limited to, "In Camera" meetings; it is expected that a Council member will:

- i. use "insider" information appropriately, so as not to be used to their personal advantage;
- ii. use confidential information (matters respecting personnel, legal advice or property acquisition) appropriately so as not to cause detriment or benefit to others;
- iii. respect the status of confidential information until the matter ceases to be confidential as determined by Council;
- iv. understand that they may enjoy the same access rights to municipal information as any other member of the municipality unless it is specifically relevant to a matter before the Council, as contemplated by Section 152(3) of *The Municipal Act*, amended from time to time;
- v. only release information pursuant to the provisions of *The Freedom of Information and Protection of Privacy Act*, as may be amended from time to time, and in accordance with any requirement of the municipality.

### **SECTION 3 – TRANSPARENCY AND OPENNESS IN DECISION MAKING**

All stakeholders in municipal matters (collectively, "Stakeholders"), including, but not limited to, individuals, businesses, organizations or groups, represent a significant and broad base of interests, considerations, positions and concerns which require fair and open attention, adjudication and disposition.

Council will endeavour to conduct and convey Council business in an open and public manner (other than as mandated by *The Municipal Act*, as amended from time to time) so that Stakeholders can determine the process, logic and rationale used to reach conclusions or decisions.

Council will periodically use formal and informal opportunities to seek public input as a component of the decision making process which have broad impacts on the community. The purpose of the exercise will be to provide Stakeholders with a mechanism to provide opinions and advice so that the widest range of views and information is available before final decisions are made.

To assist in interacting effectively with Stakeholders, each Council member promises and declares that they shall carry out the following public duties and responsibilities (as prescribed in the oath of office), including, but not limited to:

- (a) subscribing to the principles and requirements of *The Municipal Council Conflict of Interest Act*, as amended from time to time;
- (b) learning and following the RM of Lac du Bonnet Procedural By-law for Council and its committees;
- (c) reading, understanding and adhering to the provisions of *The Municipal Act* and *The Planning Act*, as amended from time to time; and
- (d) reading, understanding and striving to further the objectives articulated in any and all by-laws and policies approved by the Council of the RM of Lac du Bonnet.

#### **SECTION 4 – COMMUNICATIONS TO RATEPAYERS AND MEDIA RELATIONS**

A member of Council will accurately and adequately communicate the attitudes and decisions of Council, so that:

- i. there is respect for the decision making processes of Council even though a Council member may disagree with the majority of Council;
- ii. information concerning adopted policies, procedures and decisions of the Council is conveyed openly and accurately;
- iii. confidential information will be communicated only when and after determined by Council in accordance with the provision of *The Municipal Act*, as amended from time to time.

#### **SECTION 5 – ACKNOWLEDGEMENT BY COUNCIL MEMBERS**

1. This Code has been prepared for each Council member's personal review and reference so as to:
  - (a) augment communication to the public with respect to the role and integrity of Reeve and Councilors;
  - (b) provide present and future Council members with additional assistance and guidelines as they perform their elected duties and responsibilities; and
  - (c) assist Council members in providing leadership by example.

(d) remind Council members of their obligation to follow and respect both the letter and spirit of all provincial and federal legislation, including but not limited to the provisions of *The Municipal Act* and *The Municipal Council Conflict of Interest Act*, as amended from time to time.

2. Council members fundamentally understand, acknowledge and agree that:

(a) the proper operation of democratic and representative municipal government requires that they be independent, impartial and responsible;

(b) there are open and proper channels for decision making and policy approval;

(c) conflicts between private interests and public responsibilities are unacceptable and shall be avoided; and

(d) as leaders of the RM of Lac du Bonnet, Council members will be held to the highest standards of behaviour and conduct.

## **SECTION 6 – IMPLEMENTATION**

**At the beginning of each term of office, Council members shall sign two (2) copies of this Code (one for themselves and one for the CAO) to convey to each other and the community that they have read, understand and accept it.**

This Code will be included as part of the orientation workshop for each new Council member and each new Council.

Each Council member is expected to formally and informally review their adherence to the provisions of this Code on a regular basis or when so requested by Council.



**THE RURAL MUNICIPALITY OF LAC DU BONNET**  
**POLICY & PROCEDURES MANUAL**

<i>Reference</i> General Administrative	<i>Classification</i> Policy
<i>Subject</i> Harassment Policy	<i>Pages</i> 4
<i>Authority</i> REVIEWED BY MGMT	<i>Effective Date</i> <b>Sept 10, 2013</b>
<i>Approved</i> Date: : June 25, 2013 Res # 2013 994	<i>Index</i> G/A - 001

**Purpose:**

The Rural Municipality of Lac du Bonnet, is committed to providing a safe and respectful work environment for the Chief Administrative Officer, designated officers, staff, employees, contract and volunteers eg; (firefighters). No one may be harassed and no one has the right to harass anyone else, at work or in any situation related to employment with this organization.

This policy is a step toward ensuring that our workplace is a respectful and safe place for all of us, free from harassment.

**What is Harassment?**

There are two main types of harassment. One type includes inappropriate conduct in any form about a person's:

- Age, race
- Creed, religion
- Sex, sexual orientation
- Marital status, family status, economic status
- Political belief, association or activity
- Disability, size, weight, physical appearance
- Nationality, ancestry or place of origin

A second main type relates to what is sometimes referred to as “bullying” behaviour that may involve:

- Repeated humiliation or intimidation that adversely affects a worker’s psychological or physical well-being.
- A single instance so serious that it has a lasting, harmful effect on a worker

Harassment may be written, verbal, physical, a gesture or display, or any combination of these. It may happen only once, but often happens repeatedly.

### **What is not Harassment?**

Reasonable, actions by Managers, and the CAO to help manage, guide or direct workers or the workplace are not harassment. Appropriate employee performance reviews, counselling or discipline by a supervisor or manager is not harassment.

### **Employee Rights and Responsibilities**

Employees are entitled to work free of harassment at The Rural Municipality of Lac du Bonnet.

Employees have the responsibility to treat each other with respect. We ask that any employee who experiences harassment or sees another person harassed reports it to the appropriate person being the Chief Administrative Officer or designate of The Rural Municipality of Lac du Bonnet.

Employees are responsible to co-operate in the investigation of a harassment complaint. Anyone who investigates or gives evidence in a complaint investigation is asked to keep details confidential until the investigation is complete.

All employees have the right to file a complaint with Manitoba Human Rights Commission.

### **Employer Responsibilities**

Management of The Rural Municipality of Lac du Bonnet must ensure, as much as possible, that no employee is harassed in the workplace.

Management will take corrective action with anyone under their direction who harasses another person.

Management will not disclose the name of a complainant or an alleged harasser or the circumstances of the complaint to anyone except where disclosure is:

- Necessary to investigate the complaint
- A part of taking corrective action
- Required by law



The Harassment prevention policy at The Rural Municipality of Lac du Bonnet does not discourage or prevent anyone from exercising their legal rights.

The Rural Municipality of Lac du Bonnet, its managers, supervisors and or designates are responsible for keeping a safe work environment, free of harassment. If you are a manager, supervisor, and or designate and you become aware of harassment you must do everything in you power to stop it, whether or not a complaint is made.

Courts presume that employers such as managers, supervisors, and designates are responsible for being aware of harassment in their organization and may penalize them accordingly. Managers, supervisors, and designates who ignore harassment leave themselves and their employer open to legal consequences, and will be disciplined at The Rural Municipality of Lac du Bonnet.

### **Procedures Applying to Complaints of Harassment**

If you are harassed, the first thing to do is tell the person harassing you to stop, if you feel comfortable doing that. You can do this in person or in writing. If you feel unable to deal with him or her directly, you can speak to the Chief Administrative Officer, Public Works Manager and or Assistant Administrator.

There may be informal ways to handle your complaint. Your Manager, supervisor, and designate may speak to the harasser. Your Manager, supervisor, designate may also arrange for mediation, in which a neutral third party helps the people involved reach an acceptable solution. If the informal route does not succeed or is not appropriate, The Rural Municipality of Lac du Bonnet supports its employees in filing a formal complaint. The complaint will be investigated thoroughly and promptly by an independent party (either within the organization or outside of it) trained to investigate such matters. When the investigation is complete, the investigator will provide a written report for Management. The Rural Municipality of Lac du Bonnet's Chief Administrative Officer will inform the person who filed the complaint and the harasser of any remedies or disciplinary action.

### **Corrective Action for Harassers**

Employees who harass another person will be subject to corrective action by the employer. In most cases, the harasser will also be required to attend workplace behaviour training.

If the investigation does not find evidence to support the complaint, no record will be kept in the file of the alleged harasser. When the investigation finds harassment occurred, the incident and the corrective action will be recorded in the harasser's personnel file.

## **Confidentiality**

The Rural Municipality of Lac du Bonnet and its managers will not identify a complainant, an alleged harasser or any circumstances about a complaint, to anyone, except:

- when it is necessary in investigating the complaint
- if it is part of disciplinary action
- where required by law

## **Retaliation**

Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation or been found guilty of harassment, will be considered to have committed harassment and will be subject to corrective actions described previously.

## **Remedies for the Harassed Worker**

Employees who have been harassed may be entitled to one or more of the following remedies, depending on the severity of the harassment and its effects:

- an oral or written apology from the harasser and The Rural Municipality of Lac du Bonnet.
- Compensation for any lost wages
- A job or promotion that was denied because of the harassment
- Compensation for any lost employment benefits, such as sick leave
- Compensation for hurt feelings
- A commitment they will not be transferred, or have a transfer reversed, unless they choose to move

No record of the complaint, investigation or decision will go in the employee's personnel file if the complaint was made in good faith. Any unfavorable work review or comments that were placed in the complainant's personnel file because of the harassment will be removed from the file.

## **Education**

The Rural Municipality of Lac du Bonnet commits to making sure all of its employees, learn about harassment and the organization's harassment policy.

## **Monitoring**

The Rural Municipality of Lac du Bonnet will monitor this policy and make adjustments whenever necessary. If you have any concerns with this policy, please bring them to the attention of the Chief Administrative Officer.