



## CITY OF CORNER BROOK

### Policy Statement

Index	Human Resources	Section	Employee Conduct		
Title	Municipal Officials Code of Conduct	Policy Number	10-05-15	Authority	Council
Approval Date	February 27, 2023	Effective Date	February 27, 2023	Revision Date	

#### PURPOSE

The purpose of this policy is to establish standards for the ethical and professional conduct of Municipal Officials. Municipal Officials are expected to conduct themselves in accordance with this Code of Conduct and work within the underlying principles of integrity, honesty, impartiality, responsibility and accountability.

#### APPLICATION

1. This policy applies to Municipal Officials acting in their official capacity (on-duty) as Municipal Officials as well as their off-duty conduct where that conduct is sufficiently connected to a Municipal Officials position or could reasonably discredit the reputation of the Municipality.
2. This policy is intended to set out the expectations of Municipal Officials and to be read in conjunction with the Respectful Workplace Policy, Harassment Prevention Plan, and any other applicable policies and/or Collective Agreements.

#### DEFINITIONS

3. The following words when used in this Policy shall have the following meaning unless otherwise indicated:
  - a) **Annual Disclosure Statement** means a disclosure statement filed pursuant to the Municipal Conduct Act.

- b) **ATIPPA** means the *Access to Information and Protection of Privacy Act*, 2015, SNL 2015 c A-1.2 as may be amended from time to time.
- c) **City Manager** means the City Manager or Acting City manager appointed under the *City of Corner Brook Act* who may also be referred to as the Chief Administrative Officer.
- d) **Code of Conduct** means a code of conduct established in accordance with section 18 of the *Municipal Conduct Act, 2021*.
- e) **Cohabiting Partner** means a person with whom a Municipal Official is living in a conjugal relationship outside of marriage.
- f) **Complaint** means a written document alleging that a Municipal Official acted in a conflict of interest or committed a Wrongdoing, in contradiction to this Code of Conduct.
- g) **Complainant** means any person making a Complaint, including members of the public.
- h) **Conflict of Interest** means a Conflict of Interest as prescribed by the Municipal Conduct Act or any similar or successor legislation.
- i) **Council** means the Corner Brook City Council as incorporated and continued under the *City of Corner Brook Act* RSNL 1990 Ch. C-15.
- j) **Councillor(s)** means a member of Council and shall include the Mayor and Deputy Mayor unless the context indicates otherwise.
- k) **Employee** means a person employed by the City of Corner Brook on a part-time, temporary, full-time, permanent, or contractual basis.
- l) **External Investigator** means an independent, qualified, third party hired to investigate a Complaint.
- m) **Harassment Prevention Plan (HPP)** means the document that states the commitments and obligations of the employer, supervisor, and worker and outlines the process and procedures for dealing with a harassment complaint. The HPP includes the reporting process for complaints, the investigation process of complaints, and the notification process for those involved in the investigation.
- n) **Human Rights Act** means *the Human Rights Act*, 2010, SNL 2010 c H-13.1 as may be amended from time to time.

- o) **Municipal Official** means, unless the context indicates otherwise, an Employee of the City of Corner Brook, or any person acting with or without remuneration, under the direction of the municipality, including the City Manager, Fire Chief, and Fire fighters, providing services for or to the City of Corner Brook.
- p) **Protected Ground** are those grounds of discrimination outlined in subsection 9(1) of the *Human Rights Act*.
- q) **Report** means any written reports generated through the Complaint process.
- r) **Reprisal** means any negative or inappropriate action taken or threatened against a Municipal Official as a result of making or being suspected of making a complaint against a Councillor or Municipal Official pursuant to the Municipal Conduct Act or this Policy or participating in or being suspected of participating in an investigation of such complaint.
- s) **Respondent** means a Municipal Official against whom a complaint has been made.
- t) **Spouse** means a person to whom a Municipal Official is married, unless the person and the Municipal Official have made a separation agreement, or their support obligations and family property have been dealt with by a Court order.
- u) **Wrongdoing** means:
  - i) An act or omission constituting an offence under an Act of the Legislature or the Parliament of Canada, or a regulation made under an Act, including municipal by-lay, regulation, or policy; or
  - ii) Any breach of this Code whatsoever.

3.2 Other definitions as stated in the Municipal Conduct Act, 2021 and the Municipal Conduct Regulations shall carry the same meaning when used in this Policy.

#### **RULE OF LAW:**

4.1 In the course of fulfilling their duties, Municipal Officials shall abide by all applicable laws, including those established by the Government of Canada, the Government of Newfoundland and Labrador and the Regulations of the City of Corner Brook including but not limited to the following & any similar or successor legislation and Regulations enacted thereunder:

- a) *City of Corner Brook Act, RSNL 1990 ch. C-15.;*
- b) *Municipal Conduct Act SNL 2021, C. M-20.01 & Municipal Conduct Regulations, NL Regulation 59/22*
- c) *Municipal Elections Act SNL 2001, C. M-20.2*
- d) *Public Procurement Act SNL 2016, C. P-41.001*

- e) *Urban and Rural Planning Act SNL 2000, C. U-8*
- f) *Occupational Health and Safety Act RSNL 1990, C. O-3*
- g) *Criminal Code of Canada, RSC 1985 c. C-46;*
- h) *Municipal Affairs Act, 1995 Ch. M-20.1,*
- i) *The Constitution Act 1982 (the Canadian Charter of Rights & Freedoms);*
- j) *Human Rights Act, 2010 SNL 2010 Ch. H-13.1; and*
- k) *Access to Information and Protection of Privacy Act, 2015 SNL 2015 Ch. A-1.23.8.2*

4.2 A Municipal Official must not encourage disobedience of any rule of law including Regulations of the City in responding to members of the public.

## **PART I** **ETHICS**

### **CONDUCT AND RESPECT**

5. All Municipal Officials shall abide by and are bound by the City's Respectful Workplace Policy. A breach of the Respectful Workplace Policy shall be deemed a breach of this Code.

### **STANDARD OF CONDUCT**

6. Municipal Officials must adhere to the policies and procedures of the City of Corner Brook.
7. Municipal Officials must work in the best interest of the City of Corner Brook without regard for their Private Interests.
8. Save and except for those Municipal Officials who hold office at the pleasure of Council in accordance with the City of Corner Brook Act, Municipal Officials shall not solicit members of Council directly or indirectly in order to obtain preferential consideration in connection with any appointment to the municipal service. Such conduct will disqualify the candidate from further consideration for the appointment.
9. Municipal Officials shall not grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.
10. Municipal Officials shall not exceed their authority.

### **USE OF INFLUENCE**

11. Municipal Officials must only use the influence of their position for the exercise of their official duties.
12. Municipal Officials shall not accept gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.
13. Municipal Officials may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligations, provided that the value of the hospitality, gift or benefit does not exceed \$100.
14. Gifts received by a Municipal Official may exceed \$100.00 provided that the gift is received on behalf of the City as a matter of official protocol and it is subsequently deposited with the Office of the City Clerk within 45 days of receipt.

## **MISUSE OF PUBLIC ASSETS AND FRAUD**

15. No Municipal Official shall request or permit the use of City-owned vehicles, equipment, materials, supplies, services, staff resources, city vehicles or property for personal use or profit, except where such privileges are granted to the general public and then only on the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges.
16. No Municipal Official shall obtain personal gain, financial or otherwise, from the use or sale of City property, including but not limited to, intellectual property, computer programs, technical innovations, or other items capable of being patented, except with the written permission of the City Manager or Council.
17. No Municipal Official shall obtain any personal gain, financial or otherwise, from the use or sale of information obtained through their position with the City.
18. A Municipal Official shall not engage in any conduct for any other organization other than the City during their work hours, except with the permission of their manager.
19. Municipal Officials shall follow all policies and procedures regarding the handling and accounting of City property.
20. Municipal Officials must report all expenses promptly, accurately, and with sufficient detail as required from time to time by the City. A Municipal Official shall maintain all receipts, invoices, and other relevant financial records and details when claiming expenses. Original documentation must be provided to support all expense claims.

## **SOCIAL MEDIA AND CITY DEVICES**

21. Municipal Officials must comply with the City's Social Media Use Policy.
22. Municipal Officials must, where possible, conduct municipal business with residents through official accounts and devices and avoid conducting City business on personal devices or through personal accounts.
23. Municipal Officials must not engage in conduct on personal or official social media platforms which would bring the integrity of the council, or the City of Corner Brook into disrepute.
24. Municipal Officials are restricted from making social media posts regarding the following:
  - a) Proprietary and confidential information of Council or the City, including any information that may pertain to the Employer/Employee relationship;

b) Discriminatory, harassing, Inappropriate, or derogatory statements or innuendos regarding other Municipal Officials, the Mayor and Council, Management, City Residents, City Contractors, City Contract Competitors, or City Vendors;

25. A Municipal Official making a comment or alluding to information relating to the City of Corner Brook operation or structure, is required to include a disclaimer stating that “any opinions expressed are the individual’s own and do not represent the City’s positions, strategies, or opinions.”

26. Municipal Officials are prohibited from using the City of Corner Brook protected materials (copyright material, branding, and/or logo(s)) without prior express written permission.

27. Municipal Officials are prohibited from speaking on behalf of the City, releasing confidential information, releasing news, or communicating as a representative of the City without prior authorization to act as a designated City representative in accordance with the City’s Social Media Policy.

28. Municipal Officials are prohibited from using City owned computer resources for social media unless directed by a supervisor. The use of illegal download or upload of copyright materials without express written permission and authorization from the copyright holder is also prohibited.

## **CONTRACTS WITH THE CITY**

29. No Municipal Official shall have any interest, direct or indirect, in any legal municipal contract issued by them or by any public committee, board, commission, or department of which they are a member, agent, or employee. However, a Municipal Official may enter into a legal contract with the City or any agency thereof for the sale and purchase of supplies, land, materials, or equipment or for the construction of public improvements if:

- a. They are not authorized by law to act on behalf of the City or any agent thereof in the awarding of the contract;
- b. The procurement was conducted in a written, public, and openly competitive manner;
- c. All bids received and all documents pertaining to the awarding of the contract are made available for public inspection for a least three (3) months following the date of the awarding of the contract; and,
- d. Any Municipal Official who has a financial or personal interest in any proposed Council legislation and who participates in discussion with or gives an official opinion to Council, shall disclose on the records of Council the nature and extent of the interest.

**PART II**  
**CONFLICTS OF INTEREST**

30. Municipal Officials shall ensure that in the course of their duties for the City they do not act in a conflict of interest as prescribed by section 5 of the Municipal Conduct Act or any similar or successor legislation.
31. No Municipal Official shall use his or her position to promote the hiring of Relatives or Friends, to discipline a Relative or Friend, or to participate in hiring decisions affecting Relatives or Friends except with the permission of the Manager of Human Resources or the City Manager.
32. No Municipal Official shall work on or speak to any matter before the Council or any committee thereof where they have a Conflict of Interest save and except for the City Manager where there has been compliance with section 18(5) of the Municipal Conduct Act or any similar or successor legislation.

**OBLIGATION TO DISCLOSE**

33. The City Manager will file a disclosure statement in accordance with section 4 of the *Municipal Conduct Act* or any similar or successor legislation

**SUSPICION OF CONFLICT OF INTEREST**

34. Where a Municipal Official believes they may be in a Conflict of Interest as defined by section 5 of the *Municipal Conduct Act* they must do as follows:
  - a) If the Official is the City Manager or an Official that reports directly to Council, the City Manager or Official must disclose the suspected Conflict of Interest directly to Council and Council shall determine, within a privileged meeting, whether the City Manager or Official is in a Conflict of Interest;
  - b) All other Municipal Officials, must disclose their potential Conflict of Interest to the City Manager, and the City Manager shall determine whether the Municipal Official is in a Conflict of Interest and then notify the Municipal Official in writing either stating that the City does not consider the Municipal Official to be in a Conflict of Interest or stating that the City does consider the Municipal Official to be in a Conflict of Interest and set out the parameters of the involvement, if any, that the Municipal Official may have in the matter .

**PART III**  
**REPORTING WRONGDOING**

**BULLYING & HARASSMENT**

35. Municipal Officials must not engage in Harassment or Bullying. All Municipal Officials are to refer to the City's *Respectful Workplace Policy* and *Harassment Prevention Plan* as per the **Occupational Health and Safety Regulations**, specifically, section 24.1, regarding harassment and bullying rights, responsibilities, complaints procedure, etc.
36. A Complainant may withdraw their Complaint in writing or by other means. The City Manager or investigator may continue investigating where it is reasonable to do so, taking into account the public interest and interests of City staff.
37. A Complainant shall not file a Compliant that is retributive, made in bad faith, vexatious, frivolous or with malicious intent.
38. A Complainant shall make a Complaint within 6 months of becoming aware of a Code of Conduct violation. The City Manager may accept Complaints outside of that timeframe in instances of harassment, bullying, use of public resources, or fraud, and/or where it is reasonable to do so, taking into account the public interest.
39. Where a Complaint is received alleging criminal behaviour, or at any point it becomes apparent that criminal behaviour may have occurred, the City Manager and/or their designate shall refer the matter to the Royal Newfoundland Constabulary or Royal Canadian Mounted Police in addition to dealing with the matter internally.
40. The City Manager may, at their discretion, designate an individual to review and investigate the Complaint.
41. Where in the opinion of the City Manager, or their designate, the Complaint has no reasonable prospect of being substantiated, the City Manager, or their designate, may dismiss the Complaint and provide notice of the dismissal to the Complainant. Where the Municipal Official is one who holds their position at the pleasure of Council or reports to Council, the City Manager, shall submit a Report to a privileged meeting of Council providing a summary of the matter with confidential information withheld.
42. In cases where a Complaint relates to theft, fraud, or any misappropriation of funds the Complaint shall be addressed by the City's Director of Finance & Administration. Where in the opinion of the Director of Finance & Administration, the Complaint has no reasonable prospect of being substantiated, the Director may dismiss the Complaint and provide notice of the dismissal to the Complainant. The City Manager shall submit a Report to a Privileged meeting of Council providing a summary of the matter with Confidential Information withheld.

## **INFORMAL RESOLUTION**

43. Where the City Manager determines the Complaint to be interpersonal in nature, or relates to a disagreement, the City Manager may ask the parties if they wish to resolve the complaint through mediation, or another form of Alternative Dispute Resolution (ADR).
44. ADR must not be used where there is a significant power imbalance between the Complainant and Respondent, where there is a reasonable apprehension of harm, where the allegations involve issues of financial impropriety, sexual harassment, violence, criminality, where either party does not consent, or where other circumstances would prevent the success of ADR.
45. Nothing in this Code prohibits a Complainant from pursuing the following remedies:
  - a. A Municipal Official filing a union grievance under the appropriate articles of the applicable Collective Agreement;
  - b. Filing a human rights complaint under the *Human Rights Act*; or
  - c. Pursuing a criminal charge under the *Criminal Code of Canada*.
46. In the event that a Human Rights complaint or a grievance is filed by an eligible Municipal Official, any Complaint filed with respect to the same matter will not be investigated under this Code.

## **COMPLAINTS AGAINST THE CITY MANAGER**

47. Where an individual believes the City Manager was or is in breach of this Code of Conduct, the individual may file a Complaint with the City Clerk within 6 months of becoming aware of the potential Conflict of Interest.
48. A Complaint alleging a breach of this Code of Conduct shall be in writing and include the following information:
  - a. The Complainant's name;
  - b. The name(s) of the person or persons the complaint is about;
  - c. A summary of the Complaint, and any steps taken to resolve it;
  - d. The date that the breach of the Code of Conduct occurred, if known;
  - e. A description of how the Complaint can be resolved, if applicable;
  - f. The nature of the breach of this Code of Conduct;
  - g. The Municipal Official's actions in relation to breach of this Code of Conduct; and,
  - h. Any other information that Council or their designate determines necessary.

## **INVESTIGATIONS INVOLVING THE CITY MANAGER**

49. For Complaints relating to the City Manager the following procedure will be followed:
50. The City Clerk shall send a copy of the Complaint to the City Manager no later than five business days after receipt of the Complaint and shall advise Council that a complaint has been received.
51. The City Manager may provide a written response to Council no later than 20 business days after the City Manager has received a copy of the Complaint.
52. Where there is a written response, the City Clerk shall within ten business days after receipt of the written response:
  - a. send a copy of the response to the Complainant with redactions to protect privileged information and information that the City may not disclose pursuant to the *Access to Information and Protection of Privacy Act* and any similar or successor legislation; and,
  - b. send a copy of the complaint and the response to Council
53. No later than 15 business days after receiving the Complaint and Response, Council shall consider both in a privileged meeting of Council, and shall, by resolution either:
  - a. Dismiss the Complaint;
  - b. Make a determination that the City Manager acted in a breach of the Code of Conduct; or,
  - c. Order an investigation by an External Investigator to determine whether the City Manager acted in a breach of the Code of Conduct.
54. If an external Investigator is retained, they shall conduct a thorough investigation and shall prepare a Report within 45 business days summarizing the investigation and findings and submit it to Council during a privileged meeting of Council.
55. Following review of the Report submitted, Council may, by resolution at a privileged meeting:
  - a. Dismiss the Complaint; or,
  - b. Make a determination that the City Manager has breach the Code of Conduct.
56. Where Council decides that the City Manager has breached this Code, Council may issue any combination of:
  - a. A written reprimand to the City Manager;
  - b. A suspension, with or without pay;
  - c. A termination notice for the City Manager's employment; or,
  - d. Any other relief as they deem appropriate for the circumstances.

## COMPLAINTS AGAINST MUNICIPAL OFFICIALS, EXCLUDING THE CITY MANAGER

57. In this Part, a Municipal Official does not include the City Manager
58. Where an individual believes a Municipal Official, was or is in breach of this Code of Conduct, the individual may file a Complaint with the City Manager within 6 months of becoming aware of the alleged Code of Conduct Breach. The Complainant shall be advised that a copy of their complaint will be provided to the Respondent.
59. The City Manager, at their discretion, may assign a designate to investigate a Complaint.
60. A Complaint alleging a breach of this Code of Conduct shall be in writing and include the following information:
  - a. The Complainant's name;
  - b. The name(s) of the person or persons the complaint is about;
  - c. A summary of the Complaint, and any steps taken to resolve it;
  - d. The date that the breach of the Code of Conduct occurred, if known;
  - e. A description of how the Complaint can be resolved, if applicable;
  - f. The nature of the breach of this Code of Conduct;
  - g. The Municipal Official's actions in relation to breach of this Code of Conduct; and,
  - h. Any other information that Council or their designate determines necessary.

## PROCEDURE FOR COMPLAINTS INVOLVING MUNICIPAL OFFICIALS

61. For Complaints relating to Municipal Officials the following procedure will be followed:
62. A designate, appointed by the City Manager shall send a copy of the Complaint to the Municipal Official (Respondent) no later than 5 business days after receipt of the Complaint.
63. The Municipal Official may provide a written response to the City Manager's designate no later than 20 business days after receipt of a copy of the Complaint. The Municipal Official shall be advised that their response will be provided to the Complainant, with redactions to protect privileged information and information that the City may not disclose pursuant to the *Access to Information and Protection of Privacy Act* and any similar or successor legislation.
64. Where there is a written response, the City Manager's designate shall send a copy to the Complainant within ten business days after receipt of the written response with redactions to protect privileged information and information that the City may not disclose pursuant to the *Access to Information and Protection of Privacy Act* and any similar or successor legislation.
65. No later than 15 business days after receiving the Complaint and Response, the City Manager shall review the complaint and response and either:
  - a. Dismiss the Complaint;

- b. Make a determination that the Municipal Official is, or was, in a breach of this Code of Conduct; or,
  - c. Order an investigation by City Staff or an External Investigator to determine whether the Municipal Official acted in a breach of this Code of Conduct.
- 66. If an external Investigator is retained, they shall conduct a thorough investigation and shall prepare a Report within 45 business days summarizing the investigation and findings and submit it to the City Manager.
- 67. Following review of the Report submitted, the City Manager may:
  - a. Dismiss the Complaint; or,
  - b. Make a determination that the Municipal Official acted in breach of this Code of Conduct.
- 68. Where the City Manager decides that the Municipal Official has breached this Code of Conduct, the City Manager may issue any combination of:
  - a. a written reprimand to the Municipal Official;
  - b. a suspension, with or without pay;
  - c. a termination notice for the Municipal Official's employment; or,
  - d. any other measure as they deem appropriate for the circumstances.

#### **WHISTLE BLOWER PROTECTION:**

- 69. No Municipal Official may undertake any act of Reprisal or threaten reprisal against a Municipal Official or member of the public for filing a complaint or providing relevant information to any other person engaged in investigation and/or handling a complaint in accordance with this Policy.
- 70. A Municipal Official shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass, or fail to cooperate with anyone conducting an investigation in the exercise of that person's duties or functions under this Policy or the *Municipal Conduct Act or Regulations*.
- 71. No Municipal Official shall make or file a malicious, frivolous, or vexatious Complaint and to do so is a breach of this Policy.

**PART IV**  
**MISCELLANEOUS**

**COMPLIANCE WITH OTHER ACTS**

72. Where a conflict exists between this Code and any Provincial law or regulation, the Provincial law or regulation shall govern to the extent to which there is a conflict.

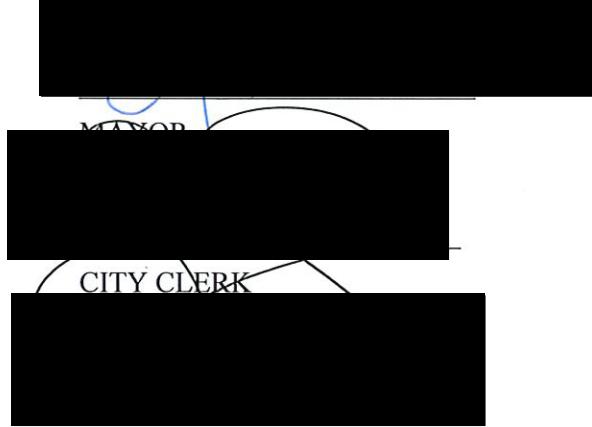
*Reference:*

Approved: Minute COW23-30 (February 27, 2023)

Municipal Conduct Act SNL 2021, C. M-20.01

Municipal Conduct Regulations, NL Regulations 59/22

IN WITNESS WHEREOF, this policy is sealed with the Common Seal of the City of Corner Brook.



John F. O'Leary  
Mayor  
Corner Brook, Newfoundland and Labrador  
February 27, 2023