



Staff Report

Administration – Town Clerk

Report To: COW- Admin, Corp and Finance, SI, Comm. Services
Meeting Date: April 28, 2025
Report Number: ADM.25.029
Title: Council Direction, Council Code of Conduct and Employee Code of Conduct
Prepared by: Corrina Giles, Town Clerk

A. Recommendations

THAT Council receive Staff Report ADM.25.029, entitled “Council Direction, Council Code of Conduct and Employee Code of Conduct”;

AND THAT Council direct staff to provide an updated Employee Code of Conduct, integrating the feedback received from the Accountability and Transparency Committee, the Town’s Solicitor, Integrity Commissioner and Council to the May 26, 2025 Committee of the Whole meeting for Council's consideration and enactment;

AND THAT following enactment of the Employee Code of Conduct, Council direct staff to continue the review of the “Council Code of Conduct, Policy No. POL.COR.21.06” in coordination with the Town’s Integrity Commissioner, Town’s Solicitor, and the Accountability and Transparency Committee as directed at the December 16, 2024 Council Meeting;

AND THAT following enactment of the new Council Code of Conduct, Council direct staff to continue the review and update of the “Council Staff Relationship Protocol, Policy No. POL.COR.19.02”, as directed at the December 16, 2024 Council Meeting.

B. Overview

This report seeks Council direction in response to the recommendations of the Accountability and Transparency Committee regarding updates to the Employee Code of Conduct, Council Code of Conduct, POL.COR.21.06 and the Council Staff Relationship Policy, POL.COR.19.02.

C. Background

At the December 16, 2024 Council Meeting, in response to the November 25, 2024 Accountability and Transparency Committee recommendation, Council resolved as follows:

THAT Council of the Town of The Blue Mountains receives for information and consideration, the following recommendation from the Accountability and Transparency Committee November 25, 2024:

THAT the Accountability and Transparency Committee strongly encourage Council to direct staff to review and update the Council Staff Relationship Protocol Policy in conjunction with the Council Code of Conduct, and the Staff Code of Conduct to foster and create a safe and constructive environment, CARRIED

THAT Council direct staff to review and update the Council Staff Relationship Protocol Policy in conjunction with the Council Code of Conduct, and the Staff Code of Conduct to foster and create a safe and constructive environment

The motion is Carried

At the February 3, 2025 Council Meeting, Council received the recommendation of the Accountability and Transparency Committee to create one Code of Conduct Policy that would apply to both Council and staff, as provided below: :

THAT Council of the Town of The Blue Mountains receives for information and consideration, the following recommendation from the Accountability and Transparency Committee dated January 16, 2025:

THAT the Accountability and Transparency Committee requests Council to direct staff to create one Code of Conduct Policy that includes elected officials, committee members and staff and that Code of Conduct be called Public Office Holder Code of Conduct where Public Office Holder is as defined under the Municipal Act, 2001 Section 223.1, definition of Public Office Holder, CARRIED

The motion is Carried.

D. Analysis

In response to the above, staff are seeking Council direction regarding the following matters.

1. Recommendation to develop One Code of Conduct Policy, entitled “Public Office Holder Code of Conduct”

Through the Clerks network, staff polled Ontario municipalities requesting updated Codes of Conduct and requested input as to whether any municipality has one Code of Conduct that applies to both Council and staff. In response, many sample Codes of Conducts have been received, none of which applied to both Council and staff.

Staff have also been in communication with the Town’s Integrity Commissioner, Principles Integrity, and legal counsel regarding the recommendation to develop one Code of Conduct that would apply to both Council and staff, and in response, staff provide a summary of their comments below:

- i. one single complaint protocol cannot be made applicable to both employees and council members in a way that will not generate confusion.
- ii. creating one Code of Conduct will result in a policy that requires different investigation, reporting and enforcement mechanisms for different groups. Council Codes of Conduct and Employee Codes of Conduct are subject to different legislative measures.
- iii. the obligations (and discretion) of Town staff is quite different from elected officials;
- iv. the *Municipal Conflict of Interest Act* does not apply to staff members
- v. the Integrity Commissioner has a statutory role with respect to the ethical affairs of Council members, but does not have a role with respect to employees
- vi. elected officials are not employees of the Town; and are not subject to management direction
- vii. Council and staff are not subject to the same investigative and enforcement mechanisms
- viii. alleged breaches of an Employee Code of Conduct could result in a workplace investigation, whether conducted internally or through the use of an external third party
- ix. alleged breaches of the Council Code of Conduct are reported to and investigated by the Integrity Commissioner
- x. any allegations of harassment or discrimination by a Council member should be addressed through the Council Code of Conduct by the Integrity Commissioner.
- xi. the *Occupational Health and Safety Act* requires employers to have policies regarding harassment and violence in the workplace
- xii. the recently introduced Municipal Accountability Act (Bill 241), if passed will allow the government to establish a standardized Council Code of Conduct for municipal Councillors and Committee Members. If Bill 241 is passed, a combined Code of Conduct would have to be rescinded and redrafted in accordance with the Bill.

Following the guidance from the Integrity Commissioner and legal counsel, staff recommend maintaining separate Codes of Conduct for employees and Council. However, both Codes should reflect the Town's core values, such as respect, integrity, transparency, and accountability, to promote a positive organizational culture.

2. Proceeding with two Codes of Conduct and sequencing as follows: 1) Creation of an Employee Code of Conduct 2) Update to the Council Code of Conduct Policy POL.COR.21.06, and 3) Update to the Council Staff Relationship Protocol Policy, POL.COR.19.02

A draft Employee Code of Conduct was initially brought forward through Staff Report [FAF.23.176 Employee Code of Conduct and Respectful Workplace Policies](#) at the November 27, 2023 Committee of the Whole (COW) meeting, and included the following recommendations:

THAT Council receive Staff Report FAF.23.176, entitled "Employee Code of Conduct and Respectful Workplace Policies";

AND THAT Council approve the new Corporate Policy entitled "Employee Code of Conduct, POL.COR.23.XX";

AND THAT Council repeal corporate policy "Workplace Violence and Harassment, POL.COR. 18.08" and replace with two (2) new Corporate Policies, "Respectful Workplace, POL.COR.23.XX and Workplace Violence, POL.COR.23.XX."

At the November 27, 2023, COW meeting, Council provided the following direction to staff:

THAT Council receive Staff Report FAF.23.176, entitled "Employee Code of Conduct and Respectful Workplace Policies";

AND THAT Council can provide additional comments to CAO Everitt and HR Manager Sarah Traynor by December 1, 2023, for inclusion and discussion at the December 18, 2023, Council Meeting as it relates to the new Corporate Policy entitled "Employee Code of Conduct, POL.COR.23.XX;"

The motion is Carried.

Additional comments were provided by Council in advance of, and at, the December 18, 2023, Council meeting, and Council provided the following direction to staff:

THAT Council receive Staff Report FAF.23.176, entitled "Employee Code of Conduct and Respectful Workplace Policies";

AND THAT Council can provide additional comments to CAO Everitt and HR Manager Sarah Traynor by December 1, 2023, for inclusion and discussion at the December 18, 2023, Council Meeting as it relates to the new Corporate Policy entitled "Employee Code of Conduct, POL.COR.23.XX";

AND THAT Council directs staff to provide a follow-up report to Council in response to comments received at the November 27, 2023, Committee of the Whole meeting and the December 18, 2023, Council Meeting regarding the draft Employee Code of Conduct and Respectful Workplace Policies.

The motion is Carried.

On February 5, 2024, staff brought forward Staff Report "[FAF.24.010 Followup Report - Employee Code of Conduct and Respectful Workplace Policies](#)" which included responses to Council comments and additional revisions to the draft policies.

At the February 5, 2024, Committee of the Whole meeting, Council provided the following direction for staff:

THAT Council receive Staff Report FAF.24.010, entitled "Follow-up Report - Employee Code of Conduct and Respectful Workplace Policies";

AND THAT Council approve the new Corporate Policy entitled “Employee Code of Conduct, POL.COR.24.XX”;

AND THAT Council repeal corporate policy “Workplace Violence and Harassment, POL.COR. 18.08” and replace with two (2) new Corporate Policies, “Respectful Workplace, POL.COR.24.XX and Workplace Violence, POL.COR.24.XX”;

AND THAT Council direct staff to bring back a “Whistleblower Policy” for consideration in 2024;

AND THAT Council direct staff to undertake a further review of the “Respectful Workplace”, “Workplace Violence” and “Respectful Interactions with the Public” policies to provide clarity on the Town’s expectations regarding recording interactions with Town staff and bring back recommended revisions to the policies for Council consideration in 2024.

The motion is Carried.

In response to additional comments provided by Council following the February 5, 2024, Committee of the Whole meeting, at the February 20, 2024, Council meeting, Council provided the following direction to staff:

THAT Council receive Staff Report FAF.24.010, entitled “Follow-up Report - Employee Code of Conduct and Respectful Workplace Policies”, and request staff provide a further report.

The motion is Carried.

On May 13, 2024, Council received Staff Report FAF.24.064 entitled [“FAF.24.064 Updates to Workplace Violence and Harassment Policy”](#) and the proposed “Respectful Workplace policy, POL.COR.24.02” and “Workplace Violence policy, POL.COR.24.03” were approved by Council.

On November 18, 2024, staff brought follow-up staff report [“FAF.24.136 Followup Report - Draft Employee Code of Conduct Policy”](#) to the Committee of the Whole meeting, with the following recommendation:

THAT Council receive Staff Report FAF.24.136, entitled “Follow-up Report- Draft Employee Code of Conduct”;

AND THAT Council approve the new Corporate Policy entitled “Employee Code of Conduct, POL.COR.24.XX” and accompanying Complaint and Investigation Procedure as attached to this report, **LOST**

This recommendation was lost, and the following recommendation was approved by the Committee, and by Council at the December 2, 2024 Council Meeting:

THAT Council receive Staff Report FAF.24.136, entitled "Follow-up Report- Draft Employee Code of Conduct Policy";

AND THAT Council direct staff to provide the staff report to the Accountability and Transparency Committee for comment;

AND THAT Council direct staff to receive comments from Council directly regarding the attached draft policy, for review by the Town's solicitor, and for report back to Council

The motion is Carried.

At the January 27, 2025 Council Meeting, Council received the recommendation from the December 20, 2024 Accountability and Transparency Committee meeting, and resolved as follows:

THAT Council of the Town of The Blue Mountains receives for information and consideration, the following recommendation from the Accountability and Transparency Committee dated December 20, 2024:

THAT the Accountability and Transparency Committee receives staff report FAF.24.136 Draft Employee Code of Conduct Policy for information.

AND that the Accountability and Transparency Committee members provide their comments regarding this draft policy to the Legislative Coordinator who will compile all the comments received and bring forward to the January 16, 2025, Committee meeting, CARRIED

The motion is Carried

With Council direction, an updated draft of the Employee Code of Conduct, integrating the feedback received from the Accountability and Transparency Committee, the Town's Solicitor, Integrity Commissioner and Council could be presented at the Committee of the Whole meeting scheduled for May 26, 2025, for Council's consideration.

With Council direction, staff recommend enacting/updating the above referenced policies in the following order:

- i. Enactment of the Employee Code of Conduct
- ii. Update to the Council Code of Conduct Policy, POL.COR.21.06
- iii. Update to the Council Staff Relationship Protocol Policy, POL.COR.19.02

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

F. Environmental Impacts

None

G. Financial Impacts

None

H. In Consultation With

Adam Smith, Acting Chief Administrative Officer

Sarah Traynor, Manager of Human Resources

Integrity Commissioner Jeff Abrams of Principles Integrity

Stephanie Jeronimo, Solicitor

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting at this time. The update to the Council Code of Conduct Policy and the Staff Council Relationship Protocol Policy will require a Public Meeting to be held to receive public comments, but at this time, Public Meetings have not been scheduled. Comments regarding this report should be submitted to Corrina Giles, Town Clerk townclerk@thebluemountains.ca.

J. Attached

None

Respectfully submitted,

Corrina Giles
Town Clerk

For more information, please contact:
Corrina Giles, Town Clerk
townclerk@thebluemountains.ca
519-599-3131 extension 232

Report Approval Details

Document Title:	ADM.25.029 Council Direction, Council Code of Conduct and Employee Code of Conduct.docx
Attachments:	
Final Approval Date:	Apr 17, 2025

This report and all of its attachments were approved and signed as outlined below:

Adam Smith - Apr 17, 2025 - 10:39 AM