Exploring a Code of Conduct Framework:

WORKING GROUP ON RESPONSIBLE CONDUCT

Overview

How did we get here?

- Working Group Origins
- Work to Date
- Key Priorities

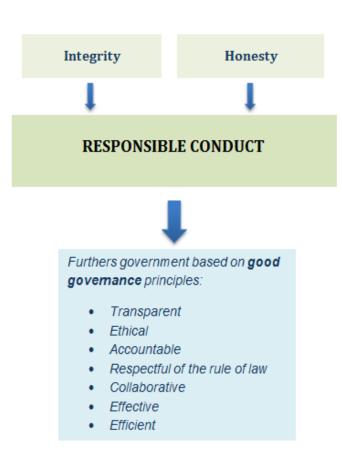
Where are we now?

- Resources Published
- Setting the Foundation
- Adoption, Experiences & Feedback

Where are we headed?

- Exploring the Code of Conduct Framework: What does that mean?
- Choices and Considerations
- Consultation Process & Your Role

How did we get here?

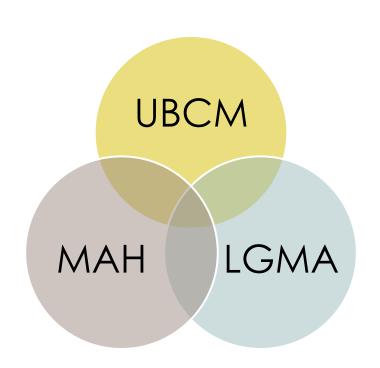


'Responsible Conduct':

how local government elected officials conduct themselves with their colleagues, with staff and with the public

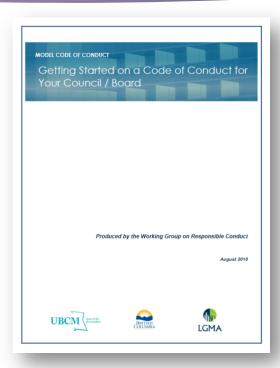
What is the Working Group on Responsible Conduct?

- Formed Fall 2016 in response to UBCM resolution (that called for an Integrity Commissioner)
- Staff level group consisting of UBCM, LGMA & Ministry of Municipal Affairs & Housing
- Collaborative endeavour exploring issues related to responsible conduct
- Research, policy work & publications to strengthen the system
- Careful & considered path



Where are we now?

- WGRC policy recommendations endorsed (Convention 2017)
- Key priority: exploring a Code of Conduct Framework
- Building on a strong foundation:
 - ► Foundational Principles
 - ▶ Model Code of Conduct
 - ▶ Companion Guide



Model Code of Conduct

Getting Started on a Code of Conduct for Your Council / Board that can be used as a starting point by local government councils/boards to develop This companion guide provides discussion questions, things to keep in mind, and other helpful tips and resources to facilitate a council/board's conversation in developing their own Code of Conduct. This guide is also useful for councils/boards that already have a Code of Conduct in place, but may want to review or refresh it following the 2018 general local elections. What is a Code of Conduct? A Code of Conduct is a written document that sets shared expectations for conduct or behaviour. A council/board can adopt a Code of Conduct to establish expectations for how members should conduct themselves while carrying out their responsibilities, government's ability to and in their work as a collective decision-making body for their community. provide good governance to Responsible conduct of elected officials is not optional; it is essential to good governance. A Code of Conduct is one tool that can be used by a local government council/board to promote or further responsible conduct Before you get Started Before you discuss the content of your Code of Conduct, it is important to ensure that all council/board members understand the purpose of embarking on the development of a Code of Conduct, have clear expectations about what the Code of Conduct will and will not do, and that there is consensus on the process for developing it. Ensuring that everyone is on the same page before diving into the details of your Code of Conduct will help make the development process easier and the Code of Conduct more meaningful. Ask yourselves: content of your Code of Q Why is developing a Code of Conduct important to us? Conduct, ensure that everyone is on the same 9 What are our key objectives in developing a Code of Conduct? page about what you want to Q Do we each understand the role of a Code of Conduct (i.e. that it is in addition to, not instead of, legal rules and local government policies)? What kind of process do we want to undertake to develop our Code of Conduct? Do we want to do this ourselves, with staff or get assistance from a facilitator or upfront will help make the of Conduct generally before we get started on developing our own? * TIP: It may take multiple sessions and a variety of approaches to develop a Code of Conduct that works for you - don't feel you have to get it done in one sitting or

Companion Guide

Discussion:

FEEDBACK & EXPERIENCES WITH CODES OF CONDUCT

Where are we headed?

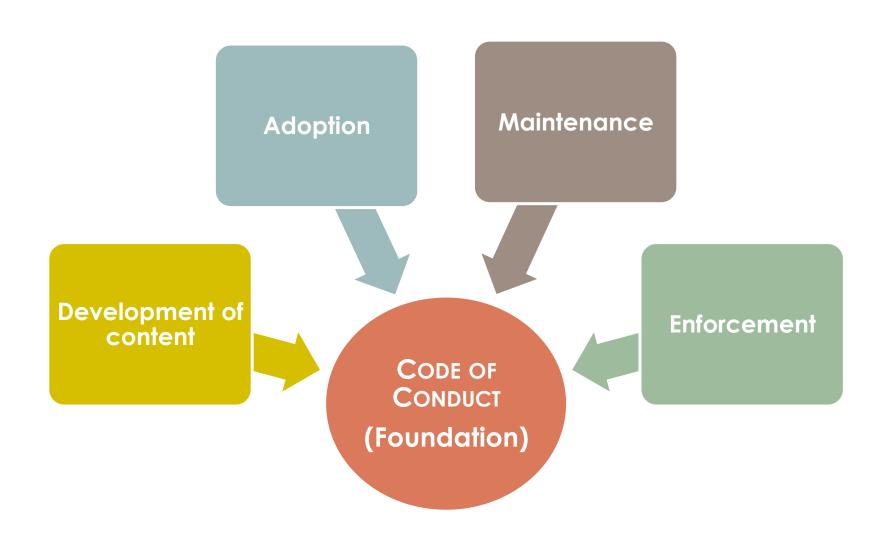
A code of conduct and its framework:

A 'code of conduct' is a written document that sets shared expectations for conduct or behaviour

Usually part of a larger framework that supports responsible conduct

In other provinces that have an enforceable code of conduct, it is mandatory in legislation

Components of a broader code of conduct framework



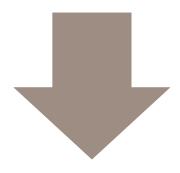
Much to consider...

If local codes of conduct were to be mandatory in legislation in BC, then:

- What degree of local flexibility v. legislated standards?
- How do you ensure the framework is meaningful?
- How would different perspectives be balanced?
- How would the framework fit within the existing legislative system?

Getting the right balance matters

- A number of other provinces have a legislated framework with enforceable codes of conduct
- In all those cases, the legislation requires adoption of codes of conduct (i.e. mandatory codes)
- Different approaches in other provinces on what aspects of a code are prescribed and where there is local flexibility



Local flexibility

 Local flexibility to customize rules

Prescribed Standards

 Rules set in legislation



Your role:

- Working Group launching consultation process for elected officials and senior staff
- ► Survey looking for your views on balance between standardized rules and local flexibility, if local codes of conduct were to be mandatory in legislation in B.C.
- Survey will also ask feedback on experiences with codes of conduct generally

Content of a code of conduct

- Provinces with mandatory codes of conduct have varying degrees of required content for codes of conduct:
 - Some of those provinces require codes to include very specific standards, values and/or other topics (e.g. AB)
 - While other provinces require codes to include only a few standards (e.g. ON)

Questions to consider:

How important is it to legislate basic standards of conduct that must be in every code of conduct?

How important is local flexibility to add standards or other content to a code of conduct?

Adopting and maintaining a code of conduct

- Some other provinces have rules in legislation around:
 - specific timeframes for adopting a local code of conduct
 - frequency for how often local codes of conduct are reviewed, to keep them 'alive'

Questions to consider:

How important is it to legislate timeframes for adopting a local code of conduct?

How important is it to set out rules for regularly reviewing a code of conduct?

Process for vetting / handling complaints of a code of conduct

In some other provinces, local governments are responsible for designing a process to vet complaints of alleged breaches of a code

Question to consider:

How important is it for councils and boards to have flexibility to design their own system for receiving and vetting complaints?

Investigating complaints of a code of conduct

► In some other provinces:

- A third-party that is external to the local government investigates complaints of alleged breaches of a code
- External third-party then recommends a penalty that the local government chooses whether to apply to the individual

Questions to consider:

How important is it that a 3rd party (external to the local government) investigate complaints & recommend a penalty?

What issues
would a
council or
board need to
consider
before
involving an
external 3rd
party?

Penalties for breaching a code of conduct

- Legislated penalties for breaching a mandatory code of conduct in other provinces include:
 - Reprimand (internal)
 - Censure (public reprimand)
 - Written and/or verbal apology by the elected member to the impacted individual(s), Council and/or public
 - ► Educational training on ethical and respectful conduct
 - Suspension or removal of the elected member from council committees and/or bodies
 - Suspension or removal from chair of a council committee
 - Reduction or suspension of remuneration equal to the reduction in duties for a period of 90 days

Questions to consider:

If a code of conduct was mandatory, are any of these penalties **not** appropriate?

Any additional penalties not listed that would be appropriate?

Mandating a code of conduct

- In other provinces that have legislated code of conduct enforcement provisions:
 - ► There is also legislation that requires local government to adopt a code of conduct (i.e. mandatory code of conduct)
 - ► This means that local governments lose choice on whether to adopt/not adopt a code BUT gain enhanced ability to enforce it

Question to consider:

What are your views on legislation which requires adoption of codes of conduct and makes such codes enforceable?

Keep in mind...

- Many different issues and perspectives
- Key question is balance between standardization and local flexibility
- Survey is an opportunity to provide your input
 - ▶ Link to survey via CivicInfo
 - ► Short, confidential, anonymous
- ▶ This is an important conversation and your input is valued

Feedback & Questions?





