



Exploring a Code of Conduct Framework:

WORKING GROUP ON RESPONSIBLE CONDUCT

SPRING 2019

Overview

How did we get here?

- Working Group Origins
- Work to Date
- Key Priorities

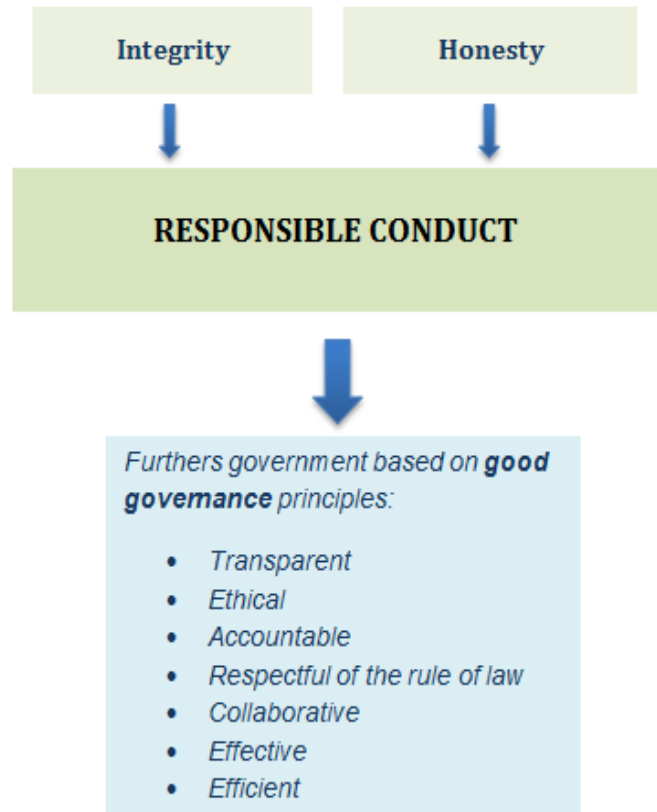
Where are we now?

- 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

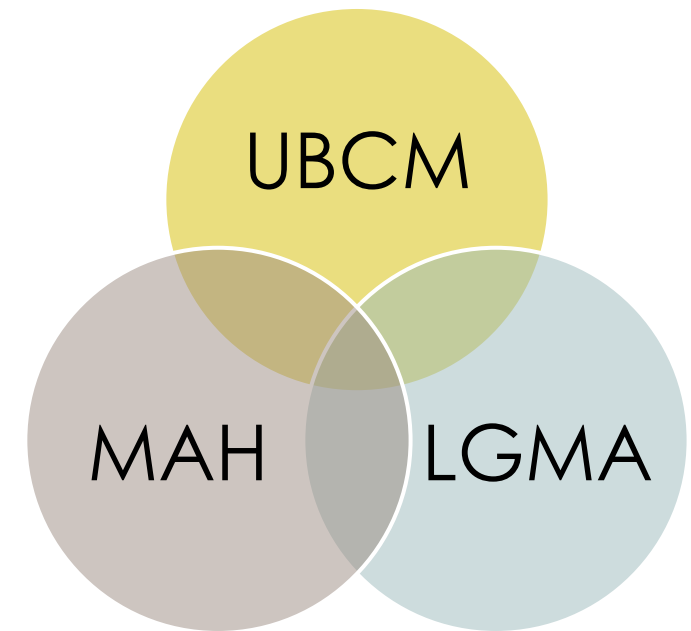
How did we get here?



‘Responsible Conduct’:
how local government elected officials conduct themselves with their colleagues, with staff and with the public

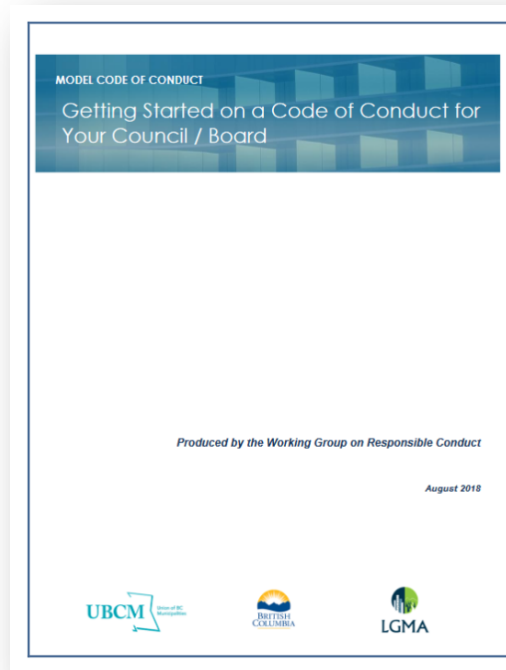
What is the Working Group on Responsible Conduct?

- ▶ 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

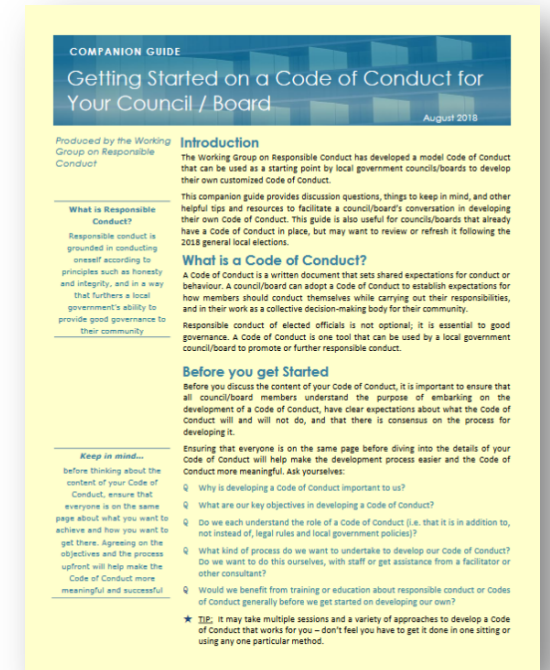


Where are we now?

- ▶ **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



Companion Guide

Discussion:

**FEEDBACK &
EXPERIENCES WITH
CODES OF CONDUCT**

Where are we headed?

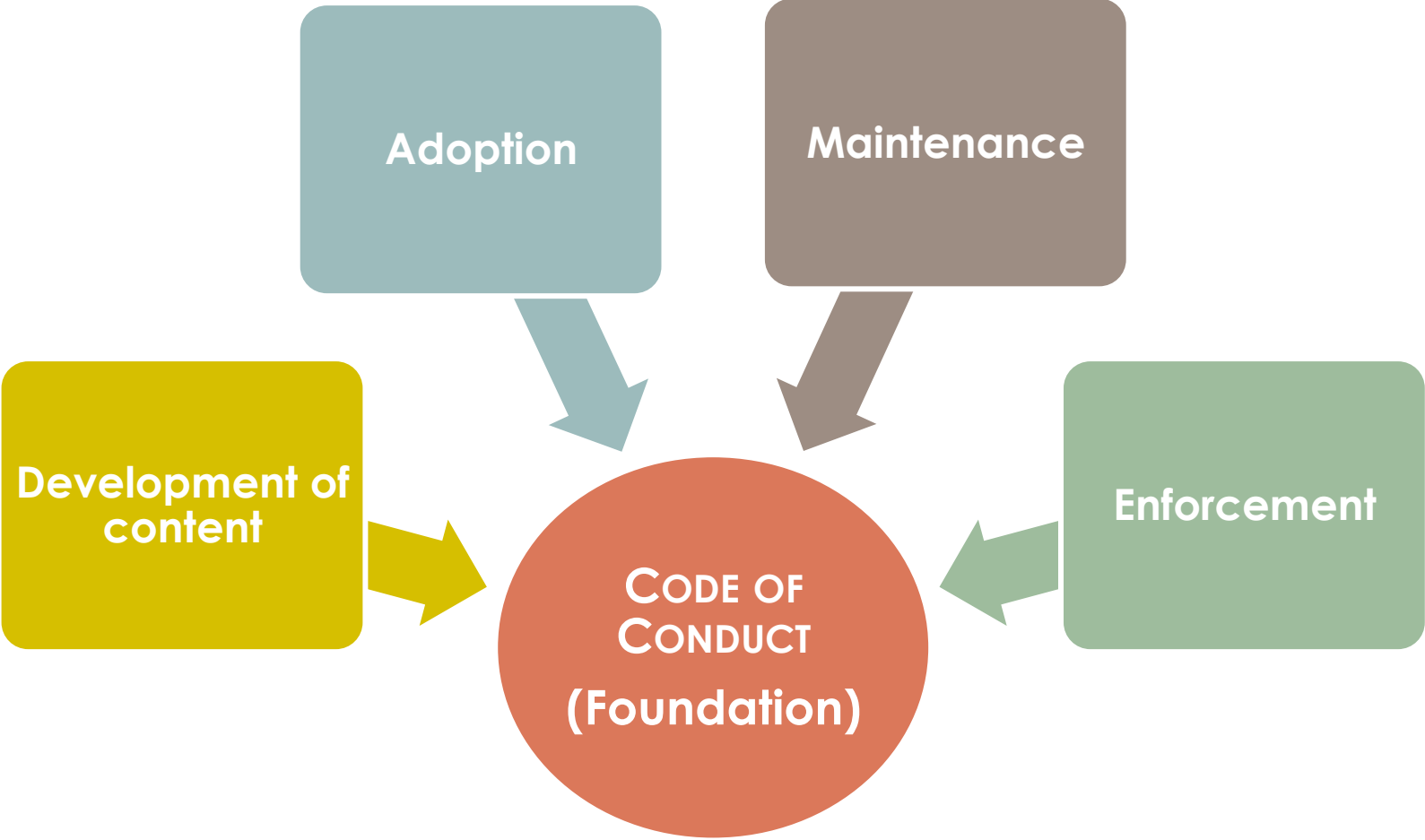
A code of conduct and its framework:

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



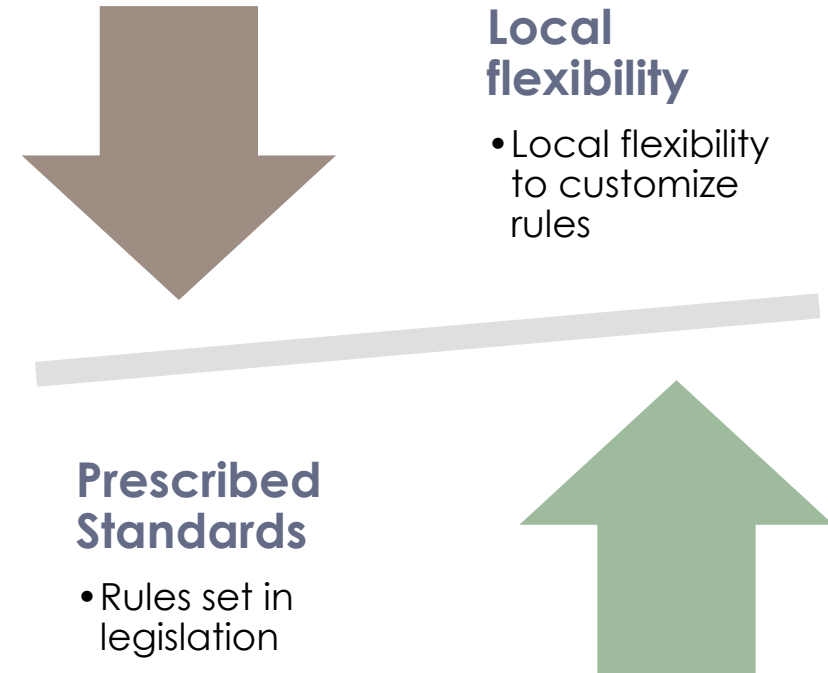
Much to consider...

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



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?

