

To: J. Moreau

Re: Draft Code of conduct opinion

2/23/20

From: J. Uram, Councilor

Thanks for allowing me the time to get this to you. As a result of the time available I was able to undertake a bit more research into the overall basis for the Code of Conduct (CoC) as well as the content of the documents provided. I note, on page 6 of the draft by-law document, it indicates that this is “a general standard that is intended to augment Provincial laws and municipal policies and by-laws that govern conduct (underline added). It is not intended to replace personal ethics”. The statement goes on to indicate the primacy of the legal statutes and their case law as an overriding influence in the determination of issues. In my opinion that determination of issues is further be further supported by behavior that is both more than an isolated instance and with obvious rather intent rather than inadvertence on the part of the offender (although a repeated inadvertence can show intent). With this general observation, I provide some additional comments that may or may not be of value to the Committee review.

Purpose – Purpose #1 makes reference to the laws and policies that are the basis of the CoC. It may be appropriate to either reference the References and Related Policies section on Pg 18 of the draft or bring the contents of the section forward into the Purpose to recognize the prominence of the legislation and related policies. This is a format used by many municipalities to highlight the fact that the CoC is supplemental to the legislation. I would also add to the list the Ontario Health and Safety Act which deals with matters referenced in “Discreditable Conduct” section.

Application – Given my position above, I would suggest that this section would need review to enable universality again if my premis is accepted.

Definitions – I noted that most of the municipal CoC’s that I reviewed to educate myself somewhat, did not have definitions. I attribute this to the fact that many of the words defined had multiple definitions in legislation or defined the word or title by responsibility to the organization. My experience in municipal planning documents is similar in that references to legislation or common dictionary words was not generally defined unless there was a need to create a new meaning. It may be appropriate to either dispense with or reduce the definitions to actual needs if the Committee agrees. This may also benefit the municipality if the recommendation of the Commissioner is challenged by appeal, simplifying our actions in that appeal.

Honesty – Responsibility for honest statements, although realistically laudable, may need some clarification on enforcement, particularly in a two person issue.

Discreditable Conduct – This is based on verbal or physical bullying, abuse and/or intimidation. This matter is well described by the Occupational Health and Safety Act. If our CoC is to function as a supplement to the list of legislation and policies noted on page 18, it may be appropriate to note that the OHSA makes a comment that the issues that may be looked at have a somewhat recurring theme and that this type of evaluation tool may, by implication, be an appropriate tool to include in our CoC.

Again, I thank you for providing me with additional time on this matter. The complexities of human behavior and political actions are not well documented to facilitate this type of review and requires a lot of reading between the lines. I hope that my input as a new member of the committee is acceptable.

Jim Uram

Councilor

Member

Code of Conduct Committee