

# Strengthening Codes of Conduct for Council Members

Association of Manitoba Municipalities

June District Meetings

June 2020



# Overview

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# Background

- Challenges in municipalities with respectful conduct, and requirements for stronger supports and expectations
- Requests and AMM Resolutions for more comprehensive processes including prevention, investigation and enforcement mechanisms to address harassment and bullying
- Extensive consultations with the AMM, elected officials, municipal administrators, lawyers and subject matter experts
- Legislative amendments to strengthen and standardize council codes of conduct

# Background

- *The Municipal Amendment Act* received Royal Assent on June 3, 2019 and will come into force on November 1, 2020.
  - Strengthens council member codes of conduct
    - All municipalities to have a by-law in place
  - Mandates training on respectful conduct for all council members
    - Non-compliant council members to be suspended from office until training complete
  - Enables the Minister to make regulations that enhance the contents of municipal codes of conduct
    - Regulation to come into effect concurrently with the Act

# Current Status

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- Manitoba Regulatory Consultation Portal
  - Your opportunity to have your say
  - Public consultation period from May 11, 2020 to June 26, 2020
  - <https://reg.gov.mb.ca/home>
- Development of online training, and other tools and resources
  - Continued engagement planned with the AMM, the MMAA and other stakeholders

# Tools and Resources

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- Tools, templates and guidelines under development:
  - Code of conduct by-law template
  - Chart defining behaviours
  - Standardized code of conduct complaint form
  - Template resolution to sanction
  - Notice of appeal form
- Resources under development:
  - Provincially-appointed intake reviewer
  - List of third party mediators
  - List of third party investigators
  - Provincially-appointed appeals director

# CODE OF CONDUCT COMPLAINT FORM – EXCERPTS

INCIDENT REPORT	
Who Committed the Alleged Violation?	
Full Name:	_____ Last Name _____ First Name _____
Name of Office:	_____ (Mayor/Reeve/Head of Council OR Council Member)
Witness Information <i>Include the names, position titles, and contact information, if applicable/available, for anyone who may have observed or have information regarding the alleged violation.</i>	
_____	
Details of the Alleged Violation <i>Provide as much detail as possible regarding the facts of the situation.</i>	
Description of the violation (section of municipal by-law violated, what was observed, who was involved, what was said or happened), including any background/context:	
_____	
When and where did this situation happen (dates, times, and locations)?	
Date of Violation: _____	
Additional Details:	
Identify any evidence, if applicable, such as documentation, emails and photos (please attach copies of any evidence):	
_____	

# CODE OF CONDUCT COMPLAINT FORM – EXCERPTS

INFORMAL RESOLUTION REPORT	
<i>If you have experienced sexual harassment, you may choose to try an informal resolution, but you are not required to do so, or to complete this section of the form.</i>	
Describe the steps taken to resolve the conflict:	
_____	
How did the respondent react?	
_____	
Identify any evidence, if applicable, such as documentation, emails and photos (please attach copies of any evidence):	
_____	
FOR COMPLETION BY THE CAO	
Date Received:	_____
CAO's Signature:	_____
	Print Name _____ Signature _____



# Training Update: Online Training

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- Collaboratively developed with the AMM and the MMAA
- Available through an online learning portal on the Manitoba government website
- Modelled after the Respectful Workplace Policy training module with a municipal lens
- Provides council members with the knowledge and tools to navigate and address the code of conduct regulation requirements



# Section 84.1 of *The Municipal Act* – Your Responsibilities

Your commitment to the standards and values in your municipal code of conduct helps you strengthen the governance of the municipality, and promotes public confidence and trust.

The governance, reputation and integrity of your municipality depends on the conduct of its council members.

**A respectful environment requires the cooperation and support of each and every member in a municipality.**



# Knowledge Check (2 of 4)

You recently attended a council meeting and realized afterwards that, though not intentional, some of your actions may have been disrespectful.


Which of the following are potential consequences of your disrespectful actions? *Select all that apply.*

- ☐ Damage to collaborative working relationships
- ☐ Disruption to positive communication
- ☐ Increase in public trust in the good governance of your municipality
- ☐ Reduction in council's ability to govern

# Identifying Your Role in Resolving a Conflict

Our next topic will help you identify your role if a conflict arises.

Conflicts include a respondent and a complainant. In some conflicts, there may also be an observer or observers.



The **respondent** is the person whose behaviour has knowingly or unknowingly affected another individual or group of individuals.

An **observer** is a person who has witnessed an inappropriate interaction between two parties.

The **complainant** is the person experiencing the inappropriate behaviour.

# Course Summary

Here is a summary of what you have learned in this course:

Everyone is entitled to work in an environment that is respectful and free of all forms of harassment, including sexual harassment and bullying.

A respectful environment requires the cooperation and support from each and every person in the organization.

Council members must set a positive example and avoid behaving disrespectfully, including behaviour that would reasonably offend, intimidate, embarrass or humiliate others, whether deliberate or unintentional.

If you experience or witness behaviour in violation of the by-law, you are encouraged to address it using the informal and formal processes outlined in your municipality's code of conduct.

**All forms are available at the municipal office or through a Municipal Services Officer.**

# Proposed Next Steps

- **May 11 – June 26, 2020** Public consultation period
- **Spring – Summer 2020** Continuing consultations with the AMM and the MMAA
- **Summer 2020** Tools, resources, templates and guidelines available
- **November 1, 2020** The Act and regulation come into effect; all municipalities to have a by-law in place
- **May 1, 2021** Deadline for all council members to complete the mandatory training

# Questions/Comments

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**Phone:** 204-945-2572

**Email:** [mrmca@gov.mb.ca](mailto:mrmca@gov.mb.ca) (\*New)

**Public Consultation Portal:**

<https://reg.gov.mb.ca/home>

**Thank you!**