

# Code of Conduct and Conflict of Interest Policy

## 1.0 Preamble

- 1.1 Source protection committees established by source protection authorities under section 7 of the *Clean Water Act, 2006* are responsible for the preparation of terms of references, assessment reports and source protection plans for source protection areas in accordance with the Act, regulations and Director's rules.
- 1.2 Members of a source protection committee bring to the committee a wide range of relevant knowledge and expertise relating to the committee's role, acquired as a result of experience in both the private and public sector. Committee members join the committee to contribute to the source protection planning process under the *Clean Water Act, 2006*.
- 1.3 The purpose of this Code of Conduct and Conflict of Interest Policy is to set out the standard of conduct expected of members of committees appointed by source protection authorities. It also sets out the procedure to be followed by members in disclosing conflicts and perceived conflicts, as well as the consequences of failure to comply with that procedure.

## 2.0 Definitions

- 2.1 For the purposes of this Code, the following definitions apply:
  - 2.1.1 "Code" means this Code of Conduct and Conflict of Interest Policy. "CTC" refers to the Credit Valley-Toronto and Region-Central Lake Ontario Source Protection Region.
  - 2.1.2 "Lead Source Protection Authority" in the CTC refers to the Credit Valley Source Protection Authority (CVSPA).
  - 2.1.3 "Program Manager" refer to a staff at the Lead Source Protection Authority with the overall responsibility for the CTC source protection program coordination, administration and oversight.

- 2.1.4 “Commercial Information” means information that relates solely to the buying, selling or exchange of merchandise or services by both profit-making enterprises and non-profit organizations;
- 2.1.5 “Committee” means a source protection committee established by a source protection authority under section 7 of the *Clean Water Act, 2006*.
- 2.1.6 “Confidential Information” means commercial information, information about a third party, material information about a pending government decision or announcement or any other information that is not in the public domain regardless of whether it is identified as confidential that is obtained by the Member in the course of serving on the Committee. For example, the following information should not be released:
- draft documents of the source protection committee or those of committee working groups (unless posted publicly for committee business)
  - personal information about any individual
  - items under litigation
  - personnel matters
  - information about suppliers provided for evaluation which might be useful to competitors
  - sources of complaints about a variety of matters where the identity of the complainant is given in confidence
  - items under negotiation
  - information supplied in support of license applications, etc., where such information is not part of the public documentation
  - schedule of prices in contract tenders
  - personal opinions regarding policies, regulations and programs should not be given to the public.

The preceding is not an inclusive list. In the case of draft documents, written permission from the Program Manager or Committee Chair must be obtained.

- 2.1.7 “Gift” includes any money, thing, intangible or personal benefit exceeding \$100.00 in value or anything that may reasonably be seen to compromise the personal judgement or integrity of a Member, but does not include nominal gifts, gratuities, hospitality or favours that do not create a sense of business obligation to the giver.
- 2.1.8 “Discrimination” is defined by the Ontario Human Rights Code as “the impact of treating a person unequally by imposing burdens or denying benefits” based on a prohibited ground, which include: Age, Family Status, Record of Offences, Ancestry (Ethnic Origin), Marital Status, Sex, Citizenship, Place of Origin, Sexual Orientation, Creed, Pregnancy, Gender Identity Disability, Race & Color, Gender Expression.
- 2.1.9 “Harassment” is a form of discrimination that refers to a comment or action that is unwelcome or should be known to be unwelcome. Every person has the

right to be free from humiliating or annoying behavior that is based on one or more of the prohibited grounds of the Ontario Human Rights Code.

Harassment is concerned with the impact of the comment or behavior and not the intent. Furthermore, harassment may include direct or intentional comments or actions intended for a particular person or group, but it may also include indirect actions or behaviors that create a hostile, offensive or unwelcoming environment.

Examples of harassment and discrimination include but are not limited to:

- Verbal abuse, threats or taunts
- Unwelcome comments, jokes or suggestions about a person’s body, attire, age, marital
- Status, ethnic origin or race, religion, disability, etc.
- Ethnic or racial slurs
- Refusing to converse or work with another employee because of racial or ethnic
- Background, sex, religion, etc.
- Leering or inappropriate staring
- Unwelcome and unnecessary physical contact
- Unwelcome sexual remarks, advances, invitations or requests for sexual favours
- Physical or sexual assault
- Exposure to comments, jokes or innuendo based on a prohibited ground though not directed
- At a particular person
- Display of materials, signs, pictures, etc. which is offensive or derogatory towards a race
- Religion, sex, etc.
- Behaviour which reinforces stereotypes or undermines the self-respect of members of a group protected by the Ontario Human Rights Code

2.1.10 “Member” means a member of a Committee appointed by the Minister or a source protection authority under section 7 of the *Clean Water Act, 2006*.

2.1.11 “Private Interest” includes the financial or material interests of a Member and the financial or material interests of a Member or the Member’s immediate family. Immediate family includes spouse, common-law spouse, children and parents.

2.1.12 “Non-permitted Activities” means:

2.1.12.1 Seeking or accepting a Gift in connection with their capacity as Member;

2.1.12.2 Attempting to influence Committee decisions in order to further the Member’s Private Interest or the interests of a third party, including participating in a matter before the Committee, or

making representations to another Member about a recommendation or decision that the Member should make and, at the same time, knowing or ought to know that in the recommendation or decision is the opportunity, or the reasonable appearance of an opportunity, for the Member to further their own Private Interest;

- 2.1.12.3 Using Confidential Information for any improper purpose, which includes using Confidential Information to the benefit of the Member's Private Interest;
- 2.1.12.4 Disclosing Confidential Information to third parties without the consent of party to whom the information relates;
- 2.1.12.5 Taking an action in their capacity as a Member that involves dealing with oneself in a private capacity that confers a benefit on oneself;
- 2.1.12.6 Misrepresenting their role as a Member to a third party to further the Member's Private Interest;
- 2.1.12.7 Holding oneself out as an official of the Government of Ontario or inferring to a third party that the Member has the capacity to deliver a favourable decision from the government;
- 2.1.12.8 Making representations to a third party that the Government of Ontario has endorsed the business activity that the Member is engaged in;
- 2.1.12.9 Using the name Government of Ontario or Ministry of the Environment, Conservation, and Parks (MECP) for personal purposes or to further the Member's Private Interest; and
- 2.1.12.10 Failing to disclose a Conflict of Interest to the chair or Minister as the case may be.

## 3.0 Conflict of Interest

- 3.1** A Conflict of Interest refers to a situation in which the Private Interests or personal considerations of the Member could compromise, or could reasonably appear to compromise, the Member's judgment in acting objectively and in the best interest of the Committee. It is important to note that a Conflict of Interest exists if the decision could be or could appear to be compromised. It is not necessary that compromise takes place.

- 3.2** A Conflict of Interest also includes using a Member’s position or Confidential Information for private gain or advancement or the expectation of private gain or advancement (e.g., direct or indirect financial interest in a matter, a contract or proposed contract with the SPC or its agent, the Lead SPA). A conflict may occur when an interest benefits any Member of the Member’s immediate family (spouse, partner, children, parents, or siblings), friends or business associates.
- 3.3** Members should not engage in private employment or render services for any person or corporation where such employment or services are considered a Conflict of Interest as defined by the Province of Ontario Conflict of Interest legislation. Where a Member is or becomes involved in such private employment, the Member must resign from the Committee.

## 4.0 Application and Scope

This Code applies to all persons appointed to the CTC Source Protection Committee under section 7 of the *Clean Water Act, 2006*.

## 5.0 Principles and Code of Conduct

- 5.1** Members of the Committee are expected to:
- 5.1.1 Conduct themselves ethically, lawfully and with integrity;
  - 5.1.2 Act in the public interest, serving the mandate of the Committee as a whole, rather than serving the Member’s Private Interest or other interests;
  - 5.1.3 Maintain a sense of fairness, independence and objectivity and treat others with respect;
  - 5.1.4 Refrain from placing themselves in Conflict of Interest situations;
  - 5.1.5 Disclose any actual, potential or perceived Conflict of Interest to the chair of the Committee and to the chair of the source protection authority or where the chair is reporting, to the Minister and the chair of the source protection authority;
  - 5.1.6 Refrain from engaging in any of the Non-permitted Activities as described in this policy;
  - 5.1.7 Educate other Members on those matters within their own area of expertise with a goal of having the Committee make decisions collectively;
  - 5.1.8 Demonstrate their commitment to the Committee and to the source protection planning process through high levels of attendance and participation at Committee meetings;

- 5.1.9 Every Member of the Committee, staff or consultants are entitled to work in an environment that is free from discrimination and/or harassment. The chair will take prompt and appropriate action to prevent, discourage or respond to incidents of discrimination or harassment. Every Member, staff or consultant of the Committee will deal with their fellows in a fair and equitable manner free from discrimination and/or harassment;
- 5.1.10 A Member or staff or consultant who feels they are being harassed at work should:
- 5.1.10.1 make it clearly known to the offender that their conduct is unacceptable and should not be repeated; and/or
  - 5.1.10.2 discuss the situation, in confidence, with the chair, project manager or in the case of staff, their human resources manager;
  - 5.1.10.3 keep a short, written record of dates, incidents and names of witnesses, if any;
  - 5.1.10.4 if necessary, prepare a written complaint.
- 5.1.11 Upon receipt of a verbal or written complaint, the chair will request that the Chief Administrative Office of the Lead Source Protection Authority conducts an investigation in confidence or appoints an independent third party to conduct a confidential investigation. If the investigation concludes that harassment has occurred, appropriate disciplinary action will be taken (this may include suspension or termination). If the investigation concludes that the complaint is unfounded the complaint and investigation file will be destroyed. The Member or staff who issued the complaint will be informed of the results of the investigation and of any action taken.
- 5.2** Members have access to Confidential Information by reason of their participation on the Source Protection Committee. Members must not make such information available unless it is public information. Where a Member is unsure of the status of information, before making any release they shall discuss it with the project manager who may see fit to consult with the designated Freedom of Information Officer for the Lead Source Protection Authority.
- 5.3** Only the chair or the project manager or their designate should comment to the media on policy matters. This is not intended to restrict the ability of Members to express an opinion on non-Committee general interest matters, where the Member makes it clear that they are commenting as a private citizen and not in their capacity as Committee Member.
- 5.4** All Members appointed to the CTC Source Protection Committee by the Lead Source Protection Authority have an obligation to raise any concern with the chair with respect to their compliance with this Code. The chair will determine an appropriate response and communicate this to the Member.
- 5.5** The chair of the CTC Source Protection Committee has an obligation to raise any concern with the Minister and the chair of the Lead Source Protection Authority with

their own compliance with this Code. The Minister will determine an appropriate response and communicate this to the CTC SPC chair and the chair of the Toronto and Region Source Protection Authority.

## 6.0 Procedure for Disclosing a Conflict of Interest

- 6.1** A Member or chair who has reasonable grounds to believe that they may have a Conflict of Interest or that there may be an appearance of a Conflict of Interest, in respect of a matter that is before the Committee shall:
- 6.1.1 Promptly disclose (verbally or in writing) the actual, potential or perceived Conflict of Interest to the chair or where the Member is the chair, promptly disclose the Conflict of Interest, to the Committee; and
  - 6.1.2 Excuse themselves and leave the Committee meeting while the matter is under consideration. If the Member is participating via telephone or other electronic means, the chair shall ensure that the Member is not able to listen to or participate in the discussion of the matter.
  - 6.1.3 If the Member who has the actual, potential or perceived conflict is the chair, then the acting chair will take over the duties of the chair, while the chair has excused their self from the meeting while the matter is under consideration.
- 6.2** A Member who has disclosed an actual, potential or perceived Conflict of Interest to the chair or the Committee, as the case may be, shall refrain from voting or participating in the consideration of the matter, or from commenting on, discussing or attempting to exert their personal influence on another Member with respect to the matter.
- 6.3** The minutes of the meeting shall reflect the disclosure of the actual, potential or perceived Conflict of Interest and whether the Member withdrew from the discussion of the matter.
- 6.4** If it is not entirely clear whether or not an actual, potential or perceived Conflict of Interest exists, then the Member with the potential Conflict of Interest shall disclose the circumstances to the chair of the CTC Source Protection Committee and the chair of the Lead Source Protection Authority. If the Member is the SPC chair, then they shall disclose the circumstances to the Minister and the chair of the Toronto and Region Source Protection Authority.
- 6.5** The chair of the Lead Source Protection Authority or the Minister, as the case may be, will determine if there is a Conflict of Interest or if the Member's conduct has violated this policy, in a timely fashion, dependent on the complexity of the situations and will communicate their decision directly to the Member.
- 6.6** A Member who has concerns about the conduct of another Member regarding compliance with this Code should raise those concerns with the chair of the CTC Source Protection Committee and the chair of the Lead Source Protection Authority. The chairs

will follow essentially the same process for addressing complaints as for dealing with declared conflicts of interest with modifications to suit the different circumstances.

- 6.7** A Member who has concerns about the conduct of the chair regarding compliance with this Code should raise those concerns with the Minister. The Minister will follow essentially the same process for addressing complaints as for dealing with declared conflicts of interest by the chair with modifications to suit the different circumstances.
- 6.8** All correspondence between the chairs and the Minister respecting the disclosure of a Conflict of Interest shall be treated as personal information under the Municipal Freedom of Information and Protection of Privacy Act.

## **7.0 Procedure where Member has engaged in Non-permitted Activities**

- 7.1** Where a Member, other than the chair, has engaged in a non-permitted activity, the chair may:
- 7.1.1 Request the source protection authority to investigate the matter and report to the chair with their findings or recommendations;
  - 7.1.2 Request that the Member refrain from participating as a Member of the Committee pending the outcome of the investigation;
  - 7.1.3 Request that the Member resign from the Committee;
  - 7.1.4 Request that the source protection authority revoke the Member's appointment in accordance with O. Reg. 288/07 (Source Protection Committees).
- 7.2** Where the chair has engaged in a non-permitted activity, the Minister may:
- 7.2.1 Request the source protection authority to investigate the matter and report to the Minister with its findings or recommendations;
  - 7.2.2 Request that the chair refrain from participating as a Member of the Committee pending the outcome of the investigation;
  - 7.2.3 Request that the chair resign from the Committee;
  - 7.2.4 Take steps to revoke the chair's appointment.

## **8.0 Acknowledgement**

- 8.1** Each Member shall be required to review a copy of this Code and acknowledge in writing that they have done so by signing the required form.
- 8.2** The Lead Source Protection Authority will retain a copy of each Member’s signed acknowledgement.

**ACKNOWLEDGEMENT** of Member’s undertaking to comply with the Rules of Procedure, Code of Conduct and Conflict of Interest Policy of the CTC Source Protection Committee

As approved by the Lead source Protection Authority Resolution #SPA12/07, dated **updated Date**

I, \_\_\_\_\_ (print full name) confirm that I have read and agree to follow the aforementioned rules, code and policy at all times during and following my appointment to the CTC Source Protection Committee.

SIGNED:	WITNESSED:
	NAME OF WITNESS & TITLE:
DATE:	DATE: