

MANITOBA
MUNICIPAL
RELATIONS

Strengthening Codes of Conduct for Council Members

2019 Association of Manitoba Municipalities Convention

Wednesday, November 27, 2019



Overview

- Background
- The Municipal Amendment Act
- Guiding Principles
- Key Components
- Proposed Next Steps
- Questions/Comments

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- 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 considered to strengthen and standardize council codes of conduct

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

Guiding Principles

- Strengthening the legislation to promote better governance – principles informed by stakeholders
 - Ensuring clear expectations and behaviours
 - Focusing on prevention and informal resolutions
 - Applying a trauma-informed lens
 - Including quasi-judicial processes
 - Maintaining council autonomy
 - Ensuring manageable and flexible processes with limited red tape
 - Enhancing accountability and compliance

Key Components

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- Clear definitions of behaviours and expectations
- Removal and mitigation of barriers to support complainants in coming forward
- Clarification on when the code applies and what constitutes a violation

Key Components

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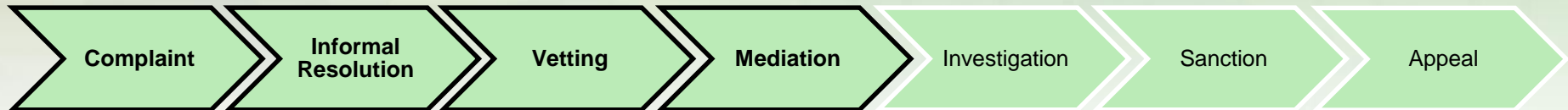
The Act

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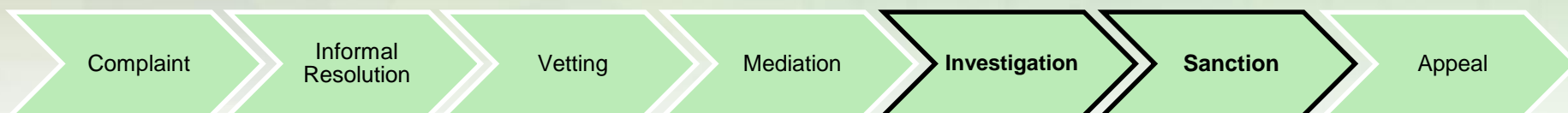
Proposed Next Steps

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- Encouragement of informal and direct resolution, where appropriate (exceptions noted)
- Vetting of code of conduct complaints
 - A provincially-appointed independent third party
- Potential for mediation

Key Components

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- Choice of the parties on who will investigate
- Council's authority on any sanctions
 - Expanded sanctions and remedial measures available
 - Non-compliant council members to be suspended from office until they comply with the imposed sanction

Key Components

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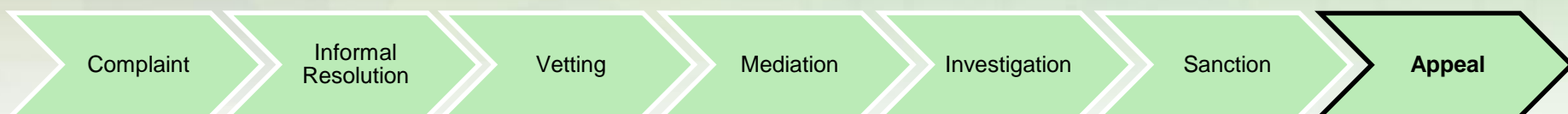
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Questions/Comments



- Appeals director to hear code of conduct appeals
- Appeals
 - Available to sanctioned council member
 - Accepted in writing
 - Based on existing evidence
 - Decision limited to upholding or overturning council's finding that the member contravened the code
 - Final and binding decision

Key Components

- Tools, templates and guidelines under development:
 - Code of conduct by-law template
 - Online training
 - 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

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Proposed Next Steps

- **January to February 2020** 45-day public consultation period
- **April 15 and 16, 2020** MOS/implementation training
- **April 27 to 29, 2020** MMAA Conference/implementation training
- **Spring 2020** Tools, resources, templates and guidelines available
- **November 1, 2020** The Act comes into force; 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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Questions/Comments

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Public Consultation Portal:

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

Thank you!