

**CODE OF CONDUCT FOR MEMBERS OF COUNCIL
CITY OF TORONTO**

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PREAMBLE

In serving the public, a member of Council (a “member”) is expected to meet the highest standards of conduct to maintain and foster the City of Toronto’s reputation and integrity.

As required by section 157(1) of the *City of Toronto Act, 2006*, Council has adopted this Code of Conduct for Members of Council recognizing the following principles apply to the interpretation of its provisions and their role:

- Members should serve their constituents in a conscientious and diligent manner.
- Members should act with integrity and avoid real and apparent conflicts of interest and the improper use of their influence.
- Members should perform their duties and arrange their private affairs in a manner that promotes public confidence and bears close public scrutiny.
- Members should serve the public interest by upholding both the letter and the spirit of federal and provincial laws and the bylaws and policies adopted by City Council.

1. DEFINITIONS

1.0 In the Code of Conduct:

- a) the terms “child”, “parent” and “spouse” have similar meanings as in the *Municipal Conflict of Interest Act*.
 1. “child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of their family;
 2. “parent” means a person who has demonstrated a settled intention to treat a child as a member of their family; and,
 3. “spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.
- b) “confidential information” means information in the possession of, or received in confidence by the City that the City is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act*, or other legislation.
- c) a “lobbyist” is an individual, corporation, other person, or a partnership or organization governed by the City’s Lobbying By-law (the Toronto Municipal Code Chapter 140, Lobbying, inclusive of the Lobbyist Code of Conduct) that:

1. is lobbying or causing the lobbying of any public office holder at the City, a local board (restricted definition) or the board of health;
2. the member knows is intending to lobby, having submitted or intending to submit a registration to the Lobbyist Registrar for approval to communicate on a subject matter; or,
3. is maintaining an active lobbyist registration with the City even though not having a current active subject matter registered with the lobbyist registry.

2. STATUTORY PROVISIONS REGULATING CONDUCT

2.0 This Code of Conduct operates together with:

- a) the *City of Toronto Act, 2006*,
- b) Chapter 27, Council Procedures, of the Toronto Municipal Code (the Council Procedures By-law) passed under section 189 of the *City of Toronto Act, 2006*;
- c) the *Municipal Conflict of Interest Act*,
- d) the *Municipal Elections Act, 1996*;
- e) the *Municipal Freedom of Information and Protection of Privacy Act*, and,
- f) such other City of Toronto bylaws and federal and provincial laws which may apply, including the *Criminal Code*.

3. APPLICATION

3.0 This Code of Conduct applies to all members of Council (including the Mayor).

4. GIFTS AND BENEFITS

Rules

- 4.0 A member must not accept fees, advances, gifts or personal benefits that are connected directly or indirectly with the performance of their duties of office, unless permitted by the exceptions listed below.
- 4.1 Fees, advances, gifts or personal benefits provided to a member's spouse, child, or parent, or to a person on a member's staff that are connected directly or indirectly to the performance of that member's duties are deemed to be a gift to that member if they are accepted with the member's knowledge.

Permitted Exceptions and Other Conditions

Exceptions

4.2 Subject to the other conditions noted below, a member may accept the following gifts or benefits:

Exception	Qualifying Requirement
1. Permitted Compensation	Compensation authorized by law.
2. Official Gifts	Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation.
3. Political Contributions	A political contribution otherwise reported by law, in the case of members running for office.
4. Volunteer Services	Services provided without compensation by persons volunteering their time at community events.
5. Gifts from an Event Honouring a Member	A suitable memento of a function honouring the member.
6. Sponsored Travel and Related Expenses	Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity.
7. Food and Beverages at Events	Food and beverages consumed at banquets, receptions or similar events, if: <ol style="list-style-type: none"> 1. attendance serves a legitimate business purpose; 2. the person extending the invitation or a representative of the organization is in attendance; and, 3. the value is reasonable and the invitations infrequent.
8. Complimentary Media	Communication to the offices of a member, including subscriptions to newspapers and periodicals.
9. Donations for Member-Organized Community Events	Sponsorships and donations for community events organized or run by a member or a third party on behalf of a member, subject to the limitations set out in the Council Member-Organized Community Events Policy.

Other Conditions

Gifts from Lobbyists

- 4.3 Except for receiving Political Contributions (Exception 3), a member may not receive any gifts from a lobbyist or the employer or client of a lobbyist.

Gifts over \$500

- 4.4 A member may only accept gifts or benefits with a total value greater than \$500 from any one source during a calendar year if they are:

- a) Permitted Compensation (Exception 1);
- b) Political Contributions (Exception 3);
- c) Sponsored Travel and Related Expenses (Exception 6); or,
- d) Donations for Member-Organized Community Events (Exception 9).

All other gifts or benefits with a total value greater than \$500 from any one source during a calendar year are prohibited.

Disclosure of Gifts exceeding \$300

- 4.5 A disclosure statement must be filed with the Integrity Commissioner if a member accepts gifts or benefits that exceed \$300 from any one source in a calendar year that are:

- a) Official Gifts (Exception 2);
- b) Gifts from an Event Honouring a Member (Exception 5);
- c) Sponsored Travel and Related Expenses (Exception 6);
- d) Food and Beverages at Events (Exception 7);
- e) Complimentary Media (Exception 8); or,
- f) Donations for Member-Organized Community Events (Exception 9).

- 4.6 Within 30 days of the receipt of gifts or benefits under 4.5 that exceed \$300 from any one source in a calendar year, a member must file a disclosure statement with the Integrity Commissioner that sets out:

- a) the nature of the gift or benefit;
- b) its source and date of receipt;

- c) the circumstances under which it was given or received;
- d) its estimated value;
- e) what the recipient intends to do with any gift; and,
- f) whether any gift will at any point be donated to the City.

4.7 The disclosure statement will be a matter of public record.

4.8 On receiving a disclosure statement, the Integrity Commissioner must review whether it raises a question of whether there is a conflict between a private interest and the public duty of a member. If that is the case, the Integrity Commissioner must ask that member to justify receipt of the gift or benefit.

4.9 If the Integrity Commissioner decides that the member's explanation does not justify the receipt of the gift as being appropriate, the Integrity Commissioner must advise the Member. The Integrity Commissioner may require the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City.

5. CONFIDENTIAL INFORMATION

Rules

5.0 A member must not:

- a) disclose or release to any unauthorized person, including a member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so;
- b) use confidential information for personal or private gain, or for the gain of relatives or any person or corporation;
- c) disclose the content of any matter that has been discussed at a closed meeting under the Council Procedures By-law, or the substance of such deliberations, until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public; or,
- d) access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.

Commentary

- 5.1 Generally, the *Municipal Freedom of Information and Protection of Privacy Act* restricts or prohibits disclosure of confidential information received from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.
- 5.2 Improper use of confidential information for personal or private gain includes a member, directly or indirectly, benefiting or aiding others to benefit from knowledge respecting bidding on the sale of City property or assets.
- 5.3 Section 190(2) of the *City of Toronto Act, 2006* sets out a list of information that is to be treated as confidential. When the Code of Conduct refers to “confidential information” that a member must keep confidential, it is referring to that list. The list includes information about:
- a) the security of the property of the City or local board;
 - b) personal matters about an identifiable individual, including a city employee or a local board employee;
 - c) a proposed or pending acquisition or disposition of land by the City or local board;
 - d) labour relations or employee negotiations;
 - e) litigation or potential litigation, including matters before administrative tribunals, affecting the City or local board;
 - f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - g) a matter in respect of which the city council, board, committee or other body may hold a closed meeting under another Act;
 - h) information explicitly supplied in confidence to the City or local board by Canada, a province or territory or a Crown agency of any of them;
 - i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - j) a trade secret or scientific, technical, commercial or financial information that belongs to the City or local board and has monetary value or potential monetary value; or,

- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or local board.

6. USE OF CITY PROPERTY, SERVICES AND OTHER RESOURCES

Rules

- 6.0 A member must not:
 - a) use or permit the use of City resources for activities other than the business of the Corporation; or,
 - b) obtain personal financial gain from the use or sale of City-developed intellectual property since all such property remains exclusively that of the City.

Commentary

- 6.1 City resources include City land, facilities, equipment, supplies, services, staff, materials, websites, Council transportation delivery services and member office budgets.
- 6.2 City-developed intellectual property includes computer programs, technical innovations, inventions, creative writings and drawings and other items capable of being patented.

7. ELECTION CAMPAIGN WORK

Rules

- 7.0 A member must follow the provisions of the *Municipal Elections Act, 1996*.
- 7.1 A member must not:
 - a) use the facilities, equipment, supplies, services or other resources of the City, including member newsletters and websites linked through the City's website, for any election campaign or campaign-related activities;
 - b) undertake campaign-related activities on City property during regular working hours unless permitted by City policy; or,
 - c) use the services of persons for election-related purposes during hours in which those persons receive any compensation from the City.

Commentary

- 7.2 City policies permit all-candidates meetings to be held on City property, so a member is permitted to participate in such an event.

8. CONFLICTS OF INTEREST AND USE OF INFLUENCE

Rules

- 8.0 A member must not:
- a) be involved in their capacity as a member in any activity where they have a real or apparent conflict of interest;
 - b) use the influence of their office for any purpose other than for the exercise of their official duties;
 - c) use their official status to improperly influence the decision of another person to the private advantage of themselves, or their parents, children or spouse, staff members, friends, or associates, business or otherwise; or,
 - d) try to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties.

Commentary

- 8.1 Conflicts of interest are common occurrences that need to be addressed proactively and promptly to ensure a member is acting with integrity and is seen to be doing so.
- 8.2 Conflicts of interest arise when the private interest of a member conflicts with their official duties. A private interest may include, but is not limited to, a pecuniary interest as defined by the *Municipal Conflict of Interest Act* (MCIA) or the pecuniary interests of a member's parent, spouse or child. When considering if they have a real or apparent conflict of interest, a member needs to consider their obligations under both the Code of Conduct and the MCIA. A member may need to declare the interest and recuse themselves from voting and discussing the matter with others. For that reason, a member should consult the Integrity Commissioner for advice when such questions arise.
- 8.3 A real conflict of interest exists when what a member does, or does not do, something in carrying out their official duties that is for their actual private advantage. An apparent conflict of interest exists when, even if it is not evident that a member has done or not done something for an actual private advantage, an objective person informed of the circumstances would reasonably conclude that a member would not be able to separate their private interest from how they carry out their official duties. An apparent conflict of interest is the same as a potential conflict of interest.

- 8.4 For the purposes of 8.0 c) and 8.3, “private advantage” does not include a matter:
- a) that is of general application;
 - b) that affects a member of Council, their parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or,
 - c) that concerns the remuneration or benefits of a member of Council.

9. BUSINESS RELATIONS

Rules

- 9.0 A member must not:
- a) act as a paid agent before Council, its committees, or an agency, board or commission of the City except in compliance with the terms of the *Municipal Conflict of Interest Act*; or,
 - b) refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

10. CONDUCT REGARDING CURRENT AND PROSPECTIVE EMPLOYMENT

Rule

- 10.0 A member must not allow the prospect of their future employment by a person or entity to detrimentally affect the performance of their duties to the City.

11. CONDUCT AT COUNCIL AND COMMITTEE MEETINGS

Rule

- 11.0 A member must conduct themselves with decorum at Council and committee meetings in accordance with the Council Procedures By-law.

12. CONDUCT RESPECTING STAFF

Rules

12.0 A member must not:

- a) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members must show respect for the professional capacities of staff;
- b) compel staff to engage in partisan political activities or subject them to threats or discrimination for refusing to engage in such activities; or,
- c) use, or try to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing staff with the intent of interfering with a person's duties, including the duty to disclose improper activity.

12.1 A member must direct formal requests outside of Council-approved budget, process or policy, to the appropriate Standing Committee.

Commentary

12.2 Members must respect that City staff provide advice based on political neutrality and objectivity and must be permitted to do so without undue influence from any individual member or faction of Council.

12.3 Only Council as a whole has the authority to approve budget, policy, Committee processes and other such matters. Under the direction of the City Manager, staff serve the Council as a whole, and the combined interests of all members as evidenced through the decisions of Council.

12.4 In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Councillors when performing their other roles. The key requirements of these roles include dealing with constituents and the general public, participating as Standing Committee members, participating as Chairs of Standing Committees, and participating as Council representatives on agencies, boards, commissions and other bodies.

13. CONDUCT RESPECTING LOBBYISTS

Rules

13.0 A member must not:

- a) engage knowingly in communications in respect of the list of subject matters contained in the definition of "lobby" as set out in the City's Lobbying By-law with a person who is not registered as required under that By-law; or,

- b) knowingly communicate with a registered lobbyist who is acting in violation of the City's Lobbying By-law.

13.1 If a member is or at any time becomes aware that a person is in violation of the City's Lobbying By-law, the member must refuse to deal with the lobbyist or, where appropriate:

- a) terminate the communication with the lobbyist at once; or,
- b) if in the member's judgment it is appropriate to continue the communication, at the end of the communication, draw that person's attention to the obligations imposed by the City's Lobbying By-law.

13.2 A member must report any violation or attempted violation of the City's Lobbying By-law to the Lobbyist Registrar unless the member believes in good faith that the violation in communicating or attempting to communicate with the member was inadvertent or insignificant.

Commentary

13.3 Lobbying of public office holders is a permissible but regulated activity in the City of Toronto. Lobbying is defined and regulated by the City's Lobbying By-law.

13.4 Members and their staff are public office holders. As a matter of general principle, as public office holders, members should familiarize themselves with the terms of the City's Lobbying By-law.

14. DISCREDITABLE CONDUCT

Rules

14.0 In connection with their office, a member must:

- a) Not engage with others, including the public, City staff and other members, in a manner that is abusive, bullying, intimidating or derogatory.
- b) Ensure that their work environment is free from discrimination and harassment.

Commentary

14.1 The Ontario *Human Rights Code* applies to a member's activity and if applicable, the City's Human Rights and Anti-harassment/discrimination Policy and the City's Hate Activity Policy.

15. COUNCIL POLICIES AND PROCEDURES

Rule

15.0 A member must observe the terms of all policies and procedures established by City Council unless they have first requested and been granted an exemption by Council.

16. FUNDRAISING ACTIVITIES

Rule

16.0 A member may publicly support or encourage donations to a registered charity or a humanitarian cause so long as they do so in a way that demonstrates they are not:

- a) financially or personally benefitting from the fundraising activity;
- b) perceived to be pressuring potential donors or offering them preferential treatment;
- c) targeting potential donors who have matters before the City; or,
- d) receiving, tracking or managing donations.

Commentary

16.1 A registered charity is a charitable organization, public foundation or private foundation registered with the Canada Revenue Agency.

16.2 This rule does not apply to a member's:

- a) anonymous or private support to registered charities, humanitarian causes, organizations, groups or individuals that is offered without public acknowledgement of the member's support or involvement;
- b) public support of events in their community so long as they are not involved in receiving or tracking donations;
- c) Member-Organized Community Events held in accordance with Council policy; or,
- d) political fundraising, as permitted by law.

16.3 Members are recognized leaders in the community and it is beneficial when they inspire others to be involved in bettering the community and helping others. Members may publicly support or encourage donations to registered charities and humanitarian causes in a variety of ways ranging from participating in a "fun run" or similar activity to serving as an honorary chair of an event.

- 16.4 The public support or encouragement of donations to registered charities and humanitarian causes is not part of the business of the Corporation of the City of Toronto and is not part of the formal duties of being a member of Council. For that reason, members need to ensure this activity does not interfere with their duties and obligations under the Code of Conduct, City bylaws, policies and applicable legislation.
- 16.5 For purposes of 16.0, a member may publicly support or encourage donations to:
- a) any activity of a registered charity;
 - b) humanitarian causes sponsored by not for profit organizations to respond to natural disasters or widespread public emergencies.
- 16.6 For purposes of 16.0, a member may publicly support or encourage donations so long as:
- a) the member does not directly or indirectly manage or control the registered charity or not for profit organization or receive or manage any monies relating to an event or activity;
 - b) the member is not, or their parent, child or spouse is not, employed or paid by the registered charity or not for profit organization;
 - c) the member does not participate in events or activities where donations are solicited on the basis that potential donors may:
 1. obtain access to, or preferential treatment from, the member or the City of Toronto; or,
 2. be refused or denied access, assistance or service from the member or the City of Toronto;
 - d) solicitations from the member, whether or not using City resources, or solicitations from the registered charity or not for profit organization that refer to the member, are:
 1. communicated to a general audience; and,
 2. not specifically directed to lobbyists or to individuals, groups, organizations or businesses who receive funding from the City, have contracts with the City, or have any application or procurement proposal before City Council; and,
 - e) the member complies with the Council Member-Organized Community Events Policy, the Constituency Services and Office Budget Policy and other applicable City policies.

17. REPRISALS AND OBSTRUCTION

Rules

- 17.0 A member must not take reprisal, or threaten reprisal, against anyone:
- a) who has complained to the Integrity Commissioner; or,
 - b) who has provided relevant information to the Integrity Commissioner.
- 17.1 A member must not obstruct an investigation by the Integrity Commissioner.

Commentary

- 17.2 Members should respect the integrity of the Code of Conduct and investigations conducted under it.
- 17.3 Destruction of documents or the erasing of electronic communications is considered obstruction.

18. ACTING ON ADVICE OF INTEGRITY COMMISSIONER

- 18.0 Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner.

19. COMPLIANCE WITH THE CODE OF CONDUCT

Penalties

- 19.0 Section 160(5) of the *City of Toronto Act, 2006*, authorizes Council to impose either of two penalties on a member following a report by the Integrity Commissioner that finds there has been a violation of the Code of Conduct:
- a) a reprimand; or,
 - b) suspension of the remuneration paid to the member in respect of their services as a member of Council or a local board, as the case may be, for a period of up to 90 days.

Other Actions

19.1 The Integrity Commissioner may also recommend that Council take the following actions:

- a) Removal from membership of a Committee or local board (restricted definition).
- b) Removal as Chair of a Committee or local board (restricted definition).
- c) Repayment or reimbursement of moneys received.
- d) Return of property or reimbursement of its value.
- e) A request for an apology to Council, the complainant, or both.

Other Accountabilities

19.2 Members are accountable to the public through the four-year election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the *Criminal Code* or for failing to declare a pecuniary interest under the *Municipal Conflict of Interest Act*.