

SUBSTANTIVE REVISIONS

The recommended substantive revisions to Articles VIII (Improper Use of Influence) and Article XIV (Discreditable Conduct) in the Code of Conduct for Members of Council are shown below in track changes. Similar changes are recommended to the corresponding provisions in the *Code of Conduct for Members of Local Boards (Restricted Definition)* and the *Code of Conduct for Members of Adjudicative Boards*.

8VIII. CONFLICTS OF INTEREST AND IMPROPER 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;
- a)b) use the influence of their office for any purpose other than for the exercise of their official duties;
- b)c) use their official status to improperly influence the decision of another person to the private advantage of them self, or their parents, children or spouse, staff members, friends, or associates, business or otherwise;
- e)d) try to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties.
~~or,~~
- d)e) ~~hold out the prospect or promise of future advantage through a member's supposed influence within Council in return for present actions or inaction.~~

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.

~~8.18.4~~ 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.

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14XIV. DISCREDITABLE CONDUCT

Rules

14.0 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.
~~— treat members of the public, other members, and staff appropriately and without abuse, bullying or intimidation; and,~~
- 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 Policy*, and *Hate Activity Policy*.