

Codes of Conduct Survey Results

Description

The Office of the Integrity Commissioner conducted an online survey using Check Market from May 24 to June 6, 2022. In total, 164 people participated in the survey:

- 23% identified as members of the public
- 55% identified as City staff
- 22% identified as being a board member

On average, respondents took six minutes to complete the survey. The survey questions, which are reproduced below with their corresponding answers, asked respondents about the recommendations to strengthen the rules about conflicts of interest and discreditable conduct. Additionally, they were asked questions about the proposed rule regarding fundraising activities. The survey also permitted people to express their opinions on other Code of Conduct matters, if they wished.

Question 1: New Conflict of Interest Rule

What is a Conflict of Interest?

A conflict of interest occurs where a member's private interests intersect with their public duties.

Private interests can be financial, social or political and arise from employment, business, contractual, family and personal relationships.

A conflict of interest can be "real" or "apparent." A real conflict of interest arises where someone does something in carrying out their official duties that is for the advantage of them self or someone close to them. An apparent conflict of interest arises where, even without doing something to their own advantage or that of someone close to them, others reasonably and objectively perceive that someone is not able to separate their private interests from their official duties.

Why is the Integrity Commissioner recommending a new Conflict of Interest Rule?

It is important for members to proactively identify and address conflicts of interest to ensure they act with integrity and are seen to be doing so.

The current Codes of Conduct say that members must not improperly use their influence for anything outside their official duties to influence others in making decisions or doing things for the benefit of those close to them. This only addresses "real" conflicts of interest. This does not require members to avoid apparent conflicts of interest.

The Municipal Conflict of Interest Act requires members to refrain from voting and influencing others where they have direct or indirect financial interests and to declare those interests in meetings. This only addresses “financial” conflicts of interest.

Two judicial inquiries, the Mississauga Inquiry (2011) and the Collingwood Inquiry (2021) have recommended municipal councils should have a broad conflict of interest rule. Other municipalities have adopted this rule.

For these reasons, the Integrity Commissioner proposes to recommend that the Codes of Conduct include a conflict of interest rule that states “a member must not be involved in their capacity as a member in any activity where they have a real or apparent conflict of interest.”

Respondents were asked their opinion about this recommendation and the results were as follows:

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Total	62%	25%	5%	5%	3%
Member of the Public	71%	23%	3%	3%	0
City staff	62%	25%	6%	5%	2%
Board Member	52%	27%	6%	9%	6%

Question 2: Expanded Discreditable Conduct Rule

What is the current rule?

Currently, the Codes of Conduct require members to “treat members of the public, other members, and staff appropriately and without abuse, bullying or intimidation.”

Why is the Integrity Commissioner recommending an expanded rule?

Derogatory remarks are not included in this rule. Including this as one of the grounds of discreditable conduct is consistent with the City of Toronto’s Hate Activity Policy and Human Rights Anti-harassment/discrimination Policy (“HRAP”). This needs to be clear in the text of the rule in the Codes of Conduct.

When a derogatory remark is made about someone, it harms their reputation or detracts from their character or standing. Such a remark also reflects badly on the member and how they carry out their duties, especially when they are in a position of power or influence over the person to whom the remark is directed.

Members often engage in spirited debate or publicly express strong opinions. Expanding this rule would not infringe on their ability to do so. The rules in the Code of Conduct are interpreted and applied in context so such a requirement would always consider the principles of fair comment and freedom of speech.

As several other municipalities include a rule against making derogatory remarks, the Integrity Commissioner is proposing to recommend that the Codes of Conduct be amended to say a member “must not engage with others, including the public, City staff and other members, in a manner that is abusive, bullying, intimidating or derogatory.”

Respondents were asked their opinion about this recommendation and the results were as follows:

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Total	67%	19%	7%	4%	3%
Member of the Public	71%	11%	6%	9%	3%
City staff	70%	19%	10%	0	1%
Board Member	53%	26%	6%	9%	6%

Question 3: New Fundraising Activity Rule for Members of Council

Why is the Integrity Commissioner recommending this Rule?

As leaders in their community, members of Council are frequently asked to assist registered charities or humanitarian causes. Doing so can inspire others to be involved in bettering the community and helping others.

There is currently no guidance in the Code of Conduct for Members of Council describing what members may specifically do apart from a general rule stating that they must not use their influence for any purpose other than for the exercise of their official duties. It means, for example, they cannot use their influence for their private advantage. However, letting others in the community know about a charitable

fundraising campaign, is a common-place request made by constituents to their elected representatives. At the same time, however, members of Council need to avoid the perception that others will obtain access or favourable treatment from them for making contributions.

Question 3 (a)

For this reason, the Integrity Commissioner is proposing the following rule to describe how a member may assist registered charities and humanitarian causes:

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.

Respondents were then asked if Members should be permitted to publicly support and help with fundraising for registered charities and humanitarian causes, to which they answered:

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Total	45%	31%	12%	6%	6%
Member of the Public	36%	33%	12%	8%	11%
City staff	42%	31%	16%	6%	5%
Board Member	62%	29%	3%	3%	3%

Question 3 (b)

Respondents were then asked if the proposed wording of the new fundraising rule adequately prohibits fundraising that would not be appropriate for Members of Council, to which they answered:

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Total	32%	37%	17%	9%	5%
Member of the Public	31%	37%	10%	11%	11%
City staff	27%	38%	23%	10%	2%
Board Member	42%	36%	16%	3%	3%