



Office of the Integrity Commissioner: Overview

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Agenda

1. Introduction
2. Who we deal with
3. Legislative Framework
4. Mandate
5. Accountability Principles for Members of Adjudicative Tribunals
6. Challenges



Introduction

- Where We Fit In
 - Ombudsman
 - Integrity Commissioner
 - Lobbyist Registrar
 - Auditor General
- History of the Office of the Integrity Commissioner

Who we deal with

- The Integrity Commissioner of Toronto focus relates to whether City Councillors and members of Adjudicative Tribunals and Local Boards (Restricted Definition) are in compliance with the applicable Codes of Conduct.
- Advice is also given with respect to the Municipal Conflict of Interest Act (MCIA).
- Hence, the jurisdiction of the ICT relates to:
 - City of Toronto Councillors and the Mayor
 - Member of Local Boards (Restricted Definition) (such as Business Improvement Areas (BIAs), Toronto Transit Commission, City Operated arenas)
 - Members of Adjudicative Boards (such as Committee of Adjustment or Property Standards Committee)

Legislative Framework

- *Codes of Conduct*
 - Adopted pursuant to *City of Toronto Act, 2006*
 - Approved by Council
 - Applicable to Members of Council, local boards, and adjudicative boards.
- *Municipal Conflict of Interest Act*
 - Ontario legislation applicable to all members of municipal councils and local boards
- *Toronto Public Service By-Law*
 - Chapter 192 of Toronto's Municipal Code

Code of Conduct of Adjudicative Boards

- ARTICLE 1 - DEFINITIONS
- ARTICLE 2 - STATUTORY PROVISIONS REGULATING CONDUCT
- ARTICLE 3 - APPLICATION
- ARTICLE 4 - GIFTS AND BENEFITS
- ARTICLE 5 - CONFIDENTIAL INFORMATION 6
- ARTICLE 6 - USE OF BOARD AND CITY PROPERTY, SERVICES AND OTHER RESOURCES
- ARTICLE 7 - ELECTION CAMPAIGN WORK
- ARTICLE 8 - CONFLICTS OF INTEREST AND USE OF INFLUENCE
- ARTICLE 9 - BUSINESS RELATIONS
- ARTICLE 10 - CONDUCT REGARDING CURRENT AND PROSPECTIVE EMPLOYMENT

Code of Conduct of Adjudicative Tribunals

- ARTICLE 11 - CONDUCT AT MEETINGS
- ARTICLE 12 - CONDUCT RESPECTING STAFF
- ARTICLE 13 - CONDUCT RESPECTING LOBBYISTS
- ARTICLE 14 - DISCREDITABLE CONDUCT
- ARTICLE 15 - COUNCIL POLICIES AND PROCEDURES
- ARTICLE 16 - FUNDRAISING ACTIVITIES
- ARTICLE 17 - REPRISALS AND OBSTRUCTION
- ARTICLE 18 - ACTING ON ADVICE OF INTEGRITY COMMISSIONER
- ARTICLE 19 - COMPLIANCE WITH THE CODE OF CONDUCT



Mandate

Advice Role

The Integrity Commissioner provides confidential advice to the Mayor, City councillors, adjudicative and local board (restricted definition) appointees about their own situations respecting the applicable Code of Conduct, the Municipal Conflict of Interest Act and other by-laws and policies governing ethical behaviour.

Investigative Role

Complaints about breaches of the Codes of Conduct are made to the Integrity Commissioner pursuant to our Office's Complaint and Application Procedures. Complaints can be dealt with through a formal or informal process. When carrying out a formal complaint investigation, the Commissioner can summons evidence and examine witnesses under oath.

Should the Integrity Commissioner find a contravention, the Commissioner can recommend various penalties for imposition by Council. The available penalties range from suspension of remuneration to a reprimand.



MANDATE

Educational Role

The Integrity Commissioner is responsible for providing educational programs to members of Council and their staff, along with Local Boards. This is carried out in group settings, one-on-one meetings, annual reporting and through the website of the Office of the Integrity Commissioner.

Policy Role

The Integrity Commissioner provides opinions and reports to City Council and local boards (restricted definition) on issues of ethics and integrity.

Accountability Principles for Adjudicative Board Members

You are public office holders.

- This means you are expected to:
 - Act in accordance with standards of conduct for public office, not private business.
 - Prioritize the public interest.
 - Promote trust and confidence in your Board.
- To perform your functions with integrity, you must:
 - Serve and be seen to serve in a conscientious and diligent manner.
 - Avoid improper use of influence and conflicts of interest.
 - Uphold both the letter and spirit of your Code of Conduct, the MCIA, Council policies.

Commissioner's Role inContext

- Administrative tribunals are governed by the Code of Conduct for members of adjudicative boards
- The ICT Office is complaint driven; it does not undertake investigations or give advice on its own.
- The role of Commissioner is not to “take sides”; it is to determine whether a member has complied with the applicable Code of Conduct.
- It is important to understand to remedies - the Commissioner has no power to remove a member, only to recommend a reprimand to the Board.
- The Commissioner can provide general guidance for the Board.

Common Questions

- Who do I ask if I have a question about the Code of Conduct or MCIA?
- When should I ask for advice about the Code of Conduct or MCIA?
- What do I do if I think someone has breached the Code of Conduct or MCIA?
- What happens if I breach the Code of Conduct or MCIA?
- How do I declare a pecuniary interest under the MCIA?

Challenges

- ICT needs to better reach out and provide education and support to further knowledge on the applicable Code of Conduct
- Increased workload → attempts to provide consistent advice on interpretation of the Code
- Potential Impact from Bill 9 – imposition of a universal Code of Conduct and investigatory procedures
- Nevertheless, best option is to contact ICT if you need advice

Contact Information

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