

**NORTH BAY – MATTAWA SOURCE PROTECTION AREA
SOURCE PROTECTION COMMITTEE**

**CODE OF CONDUCT
AND
CONFLICT OF INTEREST POLICY**

Chair: Barb Groves

Project Manager: Sue Miller

Effective: April 15 2008

1.0 Preamble

- 1.1 The North Bay-Mattawa Source Protection Committee, was established by North Bay-Mattawa Source Protection Authority under the *Clean Water Act, R. S. O. 2006 s. 7* and is responsible for the preparation of a Terms of Reference, Assessment Report and Source Protection Plan for the North Bay-Mattawa Source Protection Area in accordance with the *Clean Water Act R.S.O. 2006*, associated regulations and Director's rules.
- 1.2 Members bring to the Committee a wide range of relevant knowledge and expertise relating to the Committee's role, acquired as a result of experience in both the private and public sector. Members join the Committee to contribute to the source protection planning process.
- 1.3 The purpose of this Code of Conduct and Conflict of Interest Policy is to set out the standard of conduct expected of Members of the Committee. It also sets out the procedure to be followed by Members in disclosing conflicts, as well as the consequences of failure to comply with that procedure.

2.0 Definitions

- 2.1 For the purposes of this Code, the following definitions apply:
 - 2.1.1 "**Authority**" and "**SPA**" refer to the North Bay-Mattawa Source Protection Authority;
 - 2.1.2 "**Code**" means this Code of Conduct and Conflict of Interest Policy.
 - 2.1.3 "**Commercial Information**" means information that relates solely to the buying, selling or exchange of merchandise or services by both profit-making enterprises and non-profit organizations.
 - 2.1.4 "**Committee**" refers to North Bay-Mattawa Source Protection Committee as defined by Regulation 288/07.
 - 2.1.5 "**Committee Chair**" refers to the Chair of the North Bay-Mattawa Source Protection Committee;
 - 2.1.6 "**Confidential Information**" means commercial information, information about a third party, material information about a pending government decision or announcement or any other information that is not in the public domain regardless of whether it is identified as confidential that is obtained by the Member in the course of serving on the Committee. For example, particular care should be exercised in releasing information relating to the following matters:
 - a) personal information about any individual;
 - b) items under litigation;
 - c) personnel matters;

- d) information about suppliers provided for evaluation which might be useful to competitors;
- e) sources of complaints about a variety of matters where the identity of the complainant is given in confidence;
- f) items under negotiation;
- g) information supplied in support of license applications, etc., where such information is not part of the public documentation;
- h) schedule of prices in contract tenders; or
- i) personal opinions regarding the North Bay-Mattawa Conservation Authority policies, regulations and programs.

2.1.7 **“Director’s rules”** mean the rules made by the Director under the Clean Water Act, R.S.O. 2006 s. 107.

2.1.8 **“Gift”** includes any money, thing, intangible or personal benefit exceeding \$100.00 in value or anything that may reasonably be seen to compromise the personal judgement or integrity of a Member, but does not include nominal gifts, gratuities, hospitality or favours that do not create a sense of business obligation to the giver.

2.1.9 **Harassment** may include, but is not limited to the following:

2.1.9.1 **Sexual Harassment**

- a) unwelcome remarks, jokes, and innuendos or taunting about a person's body, attire, sexual orientation or gender;
- b) practical jokes of a sexual nature which cause awkwardness or embarrassment;
- c) displaying pornographic pictures or other offensive material;
- d) leering (suggestive staring) or other gestures;
- e) unnecessary physical contact such as touching, patting or pinching;
- f) physical assault; or
- g) demands for sexual favours or repeated unwanted social invitations.

2.1.9.2 **Racial or Ethnic Harassment**

- a) unwelcome remarks, jokes, innuendos or taunting about a person's racial or ethnic background, colour, place of birth, citizenship or ancestry;
- b) the displaying of derogatory or offensive racist pictures or material;
- c) refusing to converse or work with a Member or volunteer because of his or her racial or ethnic background; or

d) insulting gestures or practical jokes based on racial or ethnic grounds, which cause embarrassment or awkwardness.

2.1.9.3 Other Harassment

a) unwelcome remarks jokes, innuendo or taunting about a person's age, record of offenses, marital status, family status, handicap or creed.

2.1.10 "**Member**" means a Member of the North Bay-Mattawa Source Protection Committee appointed by the North Bay-Mattawa Source Protection Authority under the Clean Water Act, R. S. O. s. 7.

2.1.11 "**Minister**" refers to the Minister of the Ontario Ministry of the Environment.

2.1.12 "**Policy**" refers to this Conflict of Interest Policy.

2.1.13 "**Private Interest**" includes the financial or material interests of a Member and the financial or material interests of a Member's immediate family.

2.1.14 "**Prohibited Activities**" means:

2.1.14.1 Seeking or accepting a Gift in connection with their capacity as a Member;

2.1.14.2 Attempting to influence committee decisions in order to further the Member's Private Interests or the interests of a third party, including participating in a matter before the Committee, or making representations to another Member about a recommendation or decision that the Member should make and, at the same time, knowing or ought to know that in the recommendation or decision is the opportunity, or the reasonable appearance of an opportunity, for the Member to further his or her own Private Interest;

2.1.14.3 Using Confidential Information for any improper purpose, which includes using Confidential Information to the benefit of the Member's Private Interest;

2.1.14.4 Disclosing Confidential Information to third parties without the consent of the party to whom the information relates;

2.1.14.5 Taking an action in their capacity as a Member that involves dealing with oneself in a private capacity that confers a benefit on oneself;

2.1.14.6 Misrepresenting their role as a Member to a third party to further the Member's Private Interest;

2.1.14.7 Holding oneself out as an official of the Government of Ontario or inferring to a third party that the Member has

the capacity to deliver a favourable decision from the government;

2.1.14.8 Making representations to a third party that the Government of Ontario has endorsed the business activity that the Member is engaged in;

2.1.14.9 Using the name Government of Ontario or Ministry of the Environment for personal purposes or to further the Member's Private Interest; and

2.1.14.10 Failing to disclose a Conflict of Interest to the Committee Chair or Minister as the case may be.

3.0 Application and Scope

3.1 This Code applies to all Members of the Committee under the Clean Water Act, R. S. O. 2006 s. 7.

4.0 Principles and Code of Conduct

4.1 Members of the Committee are expected to:

4.1.1 Conduct themselves ethically, lawfully and with integrity;

4.1.2 Act in the public interest, serving the mandate of the Committee as a whole, rather than serving the Member's Private Interest or other interests;

4.1.3 Maintain a sense of fairness, independence and objectivity and treat others with respect;

4.1.4 Refrain from placing themselves in Conflict of Interest situations;

4.1.5 Declare any actual or potential Conflict of Interest to the Committee;

4.1.6 Refrain from engaging in any of the Prohibited Activities as described in this Code;

4.1.7 Educate other Members on those matters within their own area of expertise with a goal of having the Committee make decisions collectively; and

4.1.8 Demonstrate their commitment to the Committee and to the source protection planning process through high levels of attendance and participation at Committee meetings.

4.2 Every Member of the Committee, the staff or consultant is entitled to work in an environment that is free from discrimination and/or harassment. The Committee Chair will take prompt and appropriate action to prevent, discourage or respond to incidents of discrimination or harassment. Every Member, staff or consultant of the Committee will deal with their fellows in a fair and equitable manner free from discrimination and/or harassment.

4.3 A Member or volunteer who feels they are being harassed should:

4.3.1 Make it clearly known to the offender that their conduct is unacceptable and should not be repeated;

- 4.3.2 Discuss the situation, in confidence, with the Committee Chair or Project Manager;
 - 4.3.3 Keep a short written record of dates, incidents and names of witnesses, if any; and
 - 4.3.4 If necessary, prepare a written complaint.
- 4.4 Upon receipt of a verbal or written complaint, the Committee Chair and/or Project Manager will conduct an investigation in confidence. If the investigation concludes that harassment has occurred, appropriate disciplinary action will be taken (this may include suspension or termination from the Committee). If the investigation concludes that the complaint is unfounded the complaint and investigation file will be destroyed. The Member or staff who issued the complaint will be informed of the results of the investigation and of any action taken.
- 4.5 Members have access to confidential information by reason of their participation on the Committee. Members must not make such information available unless it is public information. Where a Member is unsure of the status of information, before making any release, he/she shall discuss it with the Project Manager.
- 4.6 Only the Committee Chair or the Project Manager or his/her designate should comment to the media on policy matters.
- 4.7 All Members appointed to a Committee by a SPA have an obligation to raise any concern with the Committee Chair with respect to their own compliance with this Code. The Committee Chair will determine an appropriate response and communicate this to the Member.
- 4.8 A Committee Chair has an obligation to raise any concern with the Minister and the SPA Chair with respect to his/her own compliance with this Code. The Minister will determine an appropriate response and communicate this to the Committee Chair and the SPA Chair.

5.0 Procedure where Member has Engaged in Prohibited Activities

- 5.1 Where a Member, other than the Committee Chair, has engaged in a Prohibited Activity, the Committee Chair may:
- 5.1.1 Request the SPA to investigate the matter and report to the Committee Chair with their findings or recommendations;
 - 5.1.2 Request that the Member refrain from participating as a Member of the Committee pending the outcome of the investigation;
 - 5.1.3 Request that the Member resign from the Committee; and/or
 - 5.1.4 Request that the SPA revoke the Member's appointment in accordance with O. Reg. 288/07.

5.2 Where the Committee Chair has engaged in a Prohibited Activity, the Minister may:

5.2.1 Request the SPA to investigate the matter and report to the Minister with its findings or recommendations;

5.2.2 Request that the Committee Chair refrain from participating as a Member of the Committee pending the outcome of the investigation;

5.2.3 Request that the Committee Chair resign from the Committee; and/or

5.2.4 Take steps to revoke the Committee Chair's appointment.

6.0 Conflict of Interest

Conflict of Interest Policy shall be governed by the Municipal Conflict of Interest Act R.S.O. 1990, Chapter M.50, last amendment: 2007, c.8, s. 219.

7.0 Acknowledgement

Each Member shall be required to review a copy of this Code and acknowledge in writing that he or she has done so.

The SPA will retain a copy of each Member's signed acknowledgement.

Acknowledgement

I, _____, a Member of the Source Protection Committee for the North Bay-Mattawa Source Protection Area, hereby acknowledge that I have reviewed the Code of Conduct and Conflict of Interest Policy for Source Protection Committee Members dated _____ and further acknowledge that I understand that it is a condition of my appointment to the Source Protection Committee that I will comply with the Code of Conduct and Conflict of Interest Policy.

Date _____

Witness

Signature _____

Name:

Name: _____