

GMWC Commissioner Code of Business Ethics and Confidentiality

Document Title: GMWC Commissioner Code of Business Ethics and Confidentiality			
Document Type: Policy		No. of Pages: 10	
Scope: Applies to the Greater Moncton Wastewater Commission			
Policy No.: Policy Manual - Section 21		Revision No.: 1	
Revision History: Various changes made in the December 2022 Commission review.			
Date Created: 2022-12-15	Commission Approval Date: 2022-12-15	Expiry Date: 2024-12-15 (2 years from approval date)	Contact: GMWC Chair

1.0 Policy Statement

It is the policy of the Commission to have a Commissioner Code of Business Ethics and Confidentiality in place that is reviewed on a regular basis.

2.0 Purpose

The purpose of this Commissioner Code of Business Ethics and Confidentiality is to provide an objective standard for the conduct of Members relating to their roles and responsibilities as appointed Members of Greater Moncton Wastewater Commission and applies to all Members and former Members.

3.0 Glossary of Terms and Definitions

Board means the duly constituted Board of Directors of the Greater Moncton Wastewater Commission.

Code means this Code of Business Ethics and Confidentiality of the Greater Moncton Wastewater Commission.

Commission means the Greater Moncton Wastewater Commission.

Commission administration means all staff and employees of the Commission.

Common Law means a body of unwritten laws based on legal precedents established by the courts. Common law influences the decision-making process in unusual cases where the outcome cannot be determined based on existing statutes or written rules of law.

Complaint means a complaint made under the auspices of this Code.

Member means a duly, municipally-appointed member of the of Board of Directors the Greater Moncton Wastewater Commission.

4.0 Scope

This Code provides a framework to guide ethical conduct which that upholds the integrity of the Commission and the high standards of professional conduct the public expects of the Commission's Members. This Code is intended to supplement and not replace existing legislation governing the conduct of Members.

Along with any and all approved bylaws and any and all approved policies, the Commission Members' conduct is also governed by applicable provincial and federal legislation, including but not limited to:

- a) the Local Governance Act;
- b) the Right to Information and Protection of Privacy Act;
- c) the Clean Environment Act;
- d) the New Brunswick Human Rights Act;
- e) the Occupational Health and Safety Act; and
- f) the Criminal Code of Canada; and.
- g) the Common Law.

Where there is any conflict between this Code and the requirements of any federal or provincial laws, such provincial or federal laws shall take precedence.

This Code is to be given a broad and liberal interpretation in accordance with applicable legislation. It is not possible to write a code of conduct that covers every scenario and, accordingly, Members are to be guided by and conduct themselves in a manner that reflects not only the text, but also the spirit and intent of this Code.

STATEMENT OF PRINCIPLES AND VALUES

Members are expected to perform their functions of office with integrity, accountability and transparency and conduct themselves in a professional manner at all times.

Members have a fiduciary duty to the Commission, which means to always act honestly, in good faith, with loyalty to the Commission and in its best interests.

Members shall:

- a) uphold the law established by the Federal Parliament and the New Brunswick Legislature and the by-laws and policies adopted by the Commission's Board, including this Code;
- b) carry out their duties in accordance with the applicable legislation, by-laws and policies pertaining to their position as a Member;
- c) observe the highest standards of ethical conduct and perform their duties in office, and arrange their private affairs in a manner which promotes public confidence and will bear close public scrutiny; and
- d) serve, and be seen to serve, the welfare and interest of the Commission in a conscientious and diligent manner and approach decision-making with an open mind.

RESPECT FOR DECISION-MAKING PROCESS

Decision-making authority lies with Commission board, and not with an individual Member. A Member must not purport to bind the Commission board, either by publicly expressing their personal views on behalf of the Commission board when not authorized to do so by consensus of the whole board or by giving direction to Commission administration, agents, contractors, consultants or other service providers of the Commission or prospective vendors.

At the Commission, decisions are made by majority rulings. If a Member cannot, in good conscience, adhere to or uphold a decision made by the majority, the said Member shall tender their resignation.

Members shall accurately communicate the decisions of Commission board, even if they disagree with Commission board's decision, such that respect for the decision-making processes of Commission is fostered.

CONDUCT RESPECTING COMMISSION EMPLOYEES

Under the direction of the General Manager, Commission employees serve the Commission board as a whole. No individual Member shall instruct or give direction to Commission employees.

Members shall respect the fact that Commission employees work for the Commission as a body corporate and are charged with;

- (a) making recommendations that reflect their professional expertise and a corporate perspective;

- (b) carrying out directions of Commission board and administering the policies and programs of the Commission;

and that they are required to do so without undue influence from any Member or group of Members.

A Member must not:

- a) invite themselves in matters of administration, which fall within the jurisdiction of the General Manager;
- b) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any of the Commission administration with the intent of interfering in their duties; or
- c) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of the Commission administration.

USE OF COMMUNICATION TOOLS

All electronic communication devices provided by the Commission are the property of the Commission, and shall, at all times, be treated as the Commission's property. Members hereby acknowledge that there is no expectation of privacy in the use of these devices and further that:

- a) all emails or messages sent or received on Commission devices, as well as emails or messages relating to the public business of the Commission sent on private devices, are subject to the Right to Information and Protection of Privacy Act and, in any event, may be read and reviewed at the direction of Commission board;
- b) all files stored on Commission devices, all use of email and all use of the Internet through the Commission's firewall may be inspected, traced or logged by the Commission; and
- c) in the event of a complaint pursuant to this Code, the Commission board may require that any or all of the electronic communication devices provided by the Commission to Members may be confiscated and inspected as part of the investigation including downloading information which is considered relevant to the investigation. All email and text messages or Internet connections may be retrieved, read and reviewed.

No Member shall use any property, equipment, services or supplies of the Commission, including text messaging, email, Internet services or any other electronic communication device, if the use could be considered offensive, inappropriate, or otherwise contrary to this Code.

USE OF SOCIAL MEDIA

Once posted on social media, any material or comment is accessible to anyone with an Internet connection. Furthermore, the content can never be effectively removed. As public figures and representatives of the Commission, Members must act with discretion and be judicious in what

material they post on social media. As with any other communication, Members are accountable for content and confidentiality. Care should be exercised in debates or comments on contentious matters, as feelings and emotions can become inflamed very quickly.

No Member shall attempt to disguise or mislead as to their identity or status as an appointed representative of the Commission when using social media, or otherwise.

No Member shall use social media to publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.

Where Members provide a personal view or opinion on social media, Members should take steps to ensure that such personal views or opinions are not construed to be those of the Commission as a whole and/or that such personal view or opinion does not accurately reflect the decisions of Commission board or bring the decision-making process of Council into dispute.

GOVERNMENT RELATIONSHIPS

Members recognize the importance of working constructively with other levels of government and organizations in New Brunswick and beyond to achieve the goals of the Commission.

CONFLICT OF INTEREST AVOIDANCE

Members are committed to making decisions impartially and in the best interests of the Commission and recognize the importance of fully observing the requirements of all relevant legislation with regard to the disclosure and avoidance of conflicts of interest. A conflict of interest arises where a Member's business or personal relationships affect, or can be reasonably perceived to affect, their actions or decisions with respect to Commission.

COMPLIANCE WITH CODE AND WHISTLEBLOWING

Members who have reason to believe that this Code has been breached in any way are encouraged to bring their concerns forward in accordance with the process set out in Schedule "A" attached hereto.

Any reported violations of this Code will be subject to an investigation by the Commission's board. The Commission's board may retain an external investigator with relevant experience to conduct an investigation and provide a report and recommendation to the board. Members are expected to co-operate in every way possible to ensure compliance with the application and enforcement of this Code and shall not obstruct any person in carrying out the objectives or requirements of this Code or investigating a possible breach of this Code.

If the board concludes a Member has breached a provision of this Code, the board may take corrective actions, which may include, but are not limited to, any of the following:

- a) letter of reprimand addressed to the Member;
- b) demand for a public apology;

- c) removal from membership of a committee;
- d) a requirement to attend training;
- e) removal as chair of a committee;
- f) required return of Commission property or reimbursement of its value;
- g) restrictions on access to Commission facilities, property, equipment, services and supplies;
- h) restrictions on contact with Commission administration;
- i) restriction on travel and representation on behalf of the board;
- j) restrictions on how documents are provided to the Member (e.g., no electronic copies, but only watermarked paper copies for tracking purposes);
- k) letter to the Mayor of the appointing municipality recommending the removal of the Member; and
- l) any combination of any of the above.

No Member shall undertake any act of reprisal or threaten reprisal against a complainant or any other person who, in good faith, provides relevant information in relation to a possible violation of this Code.

For this protection to apply, the Member who spoke up must have done so in good faith. This does not mean that they must be right. It means only that they must have reasonable grounds for their concern and there must have been no malicious or vexatious intent or misrepresentation in what was communicated in the complaint. If a report was made in good faith but the facts alleged are not confirmed by subsequent investigation, the reporting person will be protected from any form of backlash or discriminatory treatment relating to the report.

STATEMENT OF COMMITMENT

Members acknowledge the importance of the principles contained in this Code which will be self-regulated by the board. Members are required to sign a “Statement of Commitment to the Code of Ethics and Confidentiality” (Schedule “B”) within seven (7) calendar days of this Code coming into force, and then within seven (7) calendar days of taking the oath of office.

5.0 Roles and Responsibilities

The Commission’s responsibilities will be to:

- a) review this Code from time-to-time and make any amendments considered appropriate; and

b) review, consider or take other action concerning any violation of this Code which is referred to the Board.

Members Responsibilities will be to:

Conduct to be Observed

As trustees of the Commission, Members have a fiduciary duty and are entrusted with upholding and adhering to the law and proper process. Members must observe a highest standard of morality in the conduct of their official duties and faithfully fulfill the responsibilities of their offices, regardless of their personal or financial interest.

Release of Confidential Information Prohibited

No Member shall disclose or release to anyone any confidential information acquired by the virtue of their office, in either oral or written form except when required by law or specifically authorized by the Commission to do so. Members shall not use confidential information for personal or private gain, for the gain of any other person or corporation or for any improper or unauthorized purpose.

Gifts and Benefits

No Member shall show favouritism or bias towards any vendor, contractor or others doing business for the Commission. Members are prohibited from accepting any fees, gifts, gratuities or other benefits that may be perceived as conflicting. Accepting promotional items like a pen or a hat may be acceptable while accepting a lavish meal or tickets to an event is not acceptable.

Use of Public Property

No Member shall request or permit the use of Commission owned vehicles, equipment, materials, or property for personal convenience or profit, except where such privileges are granted to the general public. Members shall ensure that the business of the Commission is conducted with efficiency and shall avoid waste, abuse and extravagance in the provision or use of organizational resources.

Obligations to Citizens

No Member shall grant any special consideration, treatment, or advantage to any ratepayer or group of ratepayers beyond that which is accorded to all ratepayers.

Interpersonal Behaviour

Members shall treat every person, including the Chair, other Members, Commission administration, volunteers or individuals providing services on a contract for service, and the public with dignity, understanding and respect, and ensure that their work environment is free from discrimination, bullying and harassment in accordance with the Commission's Workplace Harassment and Violence Policy as amended from time-to-time.

No Member shall use indecent, abusive, or insulting words, expressions, gestures or behaviours toward any other Member, Commission administration or any member of the public.

Community Representation

Members shall observe the highest standard of professionalism when representing the Commission and in their dealings with members of the broader community.

All Employees and Commission members in their execution of official business of the Commission must comply with this policy and any associated procedures in their conduct of official business for the Commission.

This GMWC Commissioner Code of Business Ethics and Confidentiality Policy has been authorized by the Greater Moncton Wastewater Commission Board.

The GMWC Commissioner Code of Business Ethics and Confidentiality Policy is to be reviewed every two years to ensure that the policy reflects the business requirements of the Commission.

Implementation

The implementation of the GMWC Commissioner Code of Business Ethics and Confidentiality Policy will be effective immediately upon adoption of this policy.

Evaluation

The GMWC Commissioner Code of Business Ethics and Confidentiality Policy may be reviewed from time to time and revisions made as required.

Acknowledgement of Code of Business Ethics & Confidentiality Policy

I have read this policy manual and acquainted myself with the benefits and expectations associated with my Commission role at the Greater Moncton Wastewater Commission.

I further acknowledge that I have read and agree to comply with the "Code of Business Ethic & Confidentiality" provided.

I understand that any violation of the Code of Business Ethics & Confidentiality is a serious breach of my responsibilities as Commission member and will result in termination of my role as a Commissioner for cause.

Commissioner signature:

Name [print]:

Date:

SCHEDULE “A”

INFORMAL AND FORMAL COMPLAINT PROCESS TO THE CODE OF BUSINESS ETHICS AND CONFIDENTIALITY

INFORMAL COMPLAINT PROCESS

Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this Code may address the prohibited conduct by:

- (a) advising the Member that the conduct violates this Code and encouraging the Member to stop; or
- (b) requesting the Chair to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue.

In the event that the Chair is the subject of, or is implicated in a complaint, the person may request the assistance of the Treasurer or the Secretary. Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Code. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

FORMAL COMPLAINT PROCESS

Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this Code may file a formal complaint in accordance with the following procedure:

- (a) All formal complaints shall be made in writing to the board and shall be dated and signed by an identifiable individual. Complaints shall be addressed to the Chair. In the event that the Chair is subject, or is implicated in a complaint, the person shall address their complaint to the Treasurer or the Secretary. The Chair (or the Treasurer or Secretary shall provide all Members with a copy of the complaint, including the Member who is the subject of the complaint.
- (b) The formal complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Code, including a detailed description of the facts, as they are known, giving rise to the allegation.
- (c) The board may appoint an investigator to investigate a complaint.
- (d) If the facts, as reported, include the name of one or more Members who are alleged to be responsible for the breach of this Code, the Member or Members concerned shall receive a copy of the complaint submitted to the investigator, subject to the Rights to Information and Protection of Privacy Act
- (e) An investigator appointed by the board shall review the complaint and decide whether to proceed with an investigation of the complaint or not. If the investigator is of the opinion that a formal complaint is frivolous, vexatious or is not made in good faith, or

that there are no grounds or insufficient grounds for conducting an investigation, the investigator may choose not to conduct an investigation and, if already commenced, may terminate the investigation and shall advise the board accordingly.

(f) If the investigator decides to investigate the complaint, the investigator shall take such steps as they may consider appropriate, including conducting interviews of Members, Commission administration or members of the public and which may seek legal advice in appropriate circumstances. An investigator shall make all reasonable efforts to conduct their investigation on a confidential basis.

(g) While, ultimately, the board adjudicates the validity of any complaint and/or imposes the resulting sanction, if any, the investigator shall, upon conclusion of the investigation, provide the board, including the Member who is the subject of the complaint, with a written report outlining the conduct of the investigator's investigation, including any conclusion reached by the investigator on the validity of the complaint and their recommendation of an appropriate sanction, if any.

(h) A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before the board deliberates and makes any decision on the validity of the complaint and/or any sanction is imposed.

(i) The decision of the board on the validity of a complaint, including any sanction imposed shall be a matter of public record.

(j) A Member who is the subject of a complaint is entitled to be represented by legal counsel, at the Member's sole expense.