

**Code of Conduct and Conflict of Interest Policy  
for Members of the  
Niagara Peninsula Source Protection Committee**

**1.0 Preamble**

- 1.1 Source protection committees established by source protection authorities under section 7 of the *Clean Water Act, 2006* are responsible for the preparation of terms of references, assessment reports and source protection plans for source protection areas in accordance with the Act, regulations and Director's rules.
- 1.2 Members of a Committee 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. Committee Members join the committee to contribute to the source protection planning process under the *Clean Water Act, 2006*.
- 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 Committees appointed by source protection authorities. It also sets out the procedure to be followed by Members in disclosing conflicts and perceived 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 "**Code**" means this Code of Conduct and Conflict of Interest Policy;
  - 2.1.2 "**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;
  - 2.1.3 "**Committee**" means a source protection committee established by a source protection authority under section 7 of the *Clean Water Act, 2006*.
  - 2.1.4 "**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:

- personal information about any individual
- items under litigation
- personnel matters
- information about suppliers provided for evaluation which might be useful to competitors
- sources of complaints about a variety of matters where the identity of the complainant is given in confidence
- items under negotiation
- information supplied in support of license applications, etc., where such information is not part of the public documentation
- schedule of prices in contract tenders
- personal opinions regarding policies, regulations and programs should not be given to the public.

The preceding is not an exclusive list.

2.1.5 “**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;

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

**(a) Sexual Harassment**

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

**(b) Racial or Ethnic Harassment**

- unwelcome remarks, jokes, innuendos or taunting about a person's racial or ethnic background, colour, place of birth, citizenship or ancestry;
- the displaying of derogatory or offensive racist pictures or material;

- refusing to converse or work with an Member or volunteer because of his or her racial or ethnic background;
- insulting gestures or practical jokes based on racial or ethnic grounds, which cause embarrassment or awkwardness;

**(c) Other Harassment**

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

2.1.7 “**Member**” means a member of a Committee appointed by the Minister or a source protection authority under section 7 of the *Clean Water Act, 2006*

2.1.8 “**Private Interest**” includes the financial or material interests of a Member and the financial or material interests of a Member of the Member’s immediate family;

2.1.9 “**Prohibited Activities**” means:

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

2.1.9.2 Attempting to influence committee decisions in order to further the Member’s Private Interest 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;

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

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

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

2.1.9.6 Misrepresenting their role as a Member to a third party to further the Member’s Private Interest;

2.1.9.7 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,

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

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

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

### **3.0 Conflict of Interest**

3.1 A conflict of interest refers to a situation in which the Private Interests or personal considerations of the Member could compromise, or could reasonably appear to compromise, the Member's judgment in acting objectively and in the best interest of the Committee. It is important to note that a conflict of interest exists if the decision could be, or could appear to be compromised. It is not necessary that compromise takes place.

3.2 A conflict of interest also includes using a Member's position or Confidential Information for private gain or advancement or the expectation of private gain or advancement (e.g. direct or indirect financial interest in a matter, a contract or proposed contract with the SPC or its agent, the Lead SPA). A conflict may occur when an interest benefits any member of the Member's family (spouse, partner, children, parents, siblings), friends or business associates.

3.3 Members should not engage in private employment or render services for any person or corporation where such employment or services are considered a conflict of interest as defined by the Province of Ontario Conflict of Interest legislation. Where an Member is or becomes involved in such private employment, the Member must resign from the Committee.

### **4.0 Application and Scope**

This Code applies to all persons appointed to a Committee under section 7 of the *Clean Water Act, 2006* .

### **5.0 Principles and Code of Conduct**

- 5.1 Members of the Committee are expected to:
- 5.1.1 Conduct themselves ethically, lawfully and with integrity;
  - 5.1.2 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;
  - 5.1.3 Maintain a sense of fairness, independence and objectivity and treat others with respect;
  - 5.1.4 Refrain from placing themselves in Conflict of Interest situations;
  - 5.1.5 Disclose any actual, potential or perceived Conflict of Interest to the Chair of the committee and to the Chair of the source protection authority or where the Chair is reporting, to the Minister and the Chair of the source protection authority.
  - 5.1.6 Refrain from engaging in any of the Prohibited Activities as described in this policy;
  - 5.1.7 Educate other Members on those matters within their own area of expertise with a goal of having the Committee make decisions collectively;
  - 5.1.8 Demonstrate their commitment to the Committee and to the source protection planning process through high levels of attendance and participation at committee meetings.
  - 5.1.9 Every Member of the Committee, the staff or consultants are entitled to work in an environment that is free from discrimination and/or harassment. The 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.

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

- make it clearly known to the offender that their conduct is unacceptable and should not be repeated; and/or
- discuss the situation, in confidence, with the Chair or Project Manager;
- keep a short written record of dates, incidents and names of witnesses, if any;
- if necessary, prepare a written complaint.

Upon receipt of a verbal or written complaint, the Chair 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). 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

#### 5.2 Confidential Information

Members have access to confidential information by reason of their participation on the Source Protection 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 h/she shall discuss it with the Department Manager who may see fit to consult with the Project manager.

5.3 Only the Chair or the Project Manager or his/her designate should comment to the media on policy matters. This policy is not intended to restrict the ability of Members to express an opinion on non-Committee general interest matters, where the Member makes it clear that he/she is commenting as a private citizen and not in his capacity as a SPP Member.

5.4 All Members appointed to a Committee by a source protection authority have an obligation to raise any concern with the Chair with respect to their compliance with this Code. The Chair will determine an appropriate response and communicate this to the Member.

5.5 A chair of a Committee has an obligation to raise any concern with the Minister and the Chair of the source protection authority with respect to their compliance with this Code. The Minister will determine an appropriate response and communicate this to the Chair and the Chair of the source protection authority.

### **6.0 Procedure for Disclosing a Conflict of Interest**

6.1 A Member who has reasonable grounds to believe that he or she may have a Conflict of Interest or that there may be an appearance of a conflict of interest, in respect of a matter that is before the Committee shall:

6.1.1 Promptly disclose (verbally or in writing) the actual, potential or perceived Conflict of Interest to the Chair or where the Member is the Chair, promptly disclose the Conflict of Interest to the Vice-Chair or if there is no Vice-Chair, to the Committee; and

6.1.2 Excuse him or herself from the Committee meeting while the matter is under consideration. If the Member is participating via

telephone or other electronic means, the Chair shall ensure that the Member is not able to listen to or participate in the discussion of the matter.

- 6.2 A Member who has disclosed an actual, potential or perceived Conflict of Interest to the Chair or the Vice-Chair or the Committee, as the case may be, shall refrain from voting or participating in the consideration of the matter, or from commenting on, discussing or attempting to exert his or her personal influence on another Member with respect to the matter.
- 6.3 The minutes of the meeting shall reflect the disclosure of the actual, potential or perceived Conflict of Interest and whether the Member withdrew from the discussion of the matter.
- 6.4 If it is not entirely clear whether or not an actual, potential or perceived Conflict of Interest exists, then the Member with the potential Conflict of Interest shall disclose the circumstances to the Chair and the Chair of the source protection authority or the Minister and the Chair of the source protection authority as the case may be.
- 6.5 The Chair or the Minister, as the case may be, will determine if there is a Conflict of Interest or if the Member's conduct has violated this policy, in a timely fashion, dependent on the complexity of the situations and will communicate his or her decision directly to the Member.
- 6.6 A Member who has concerns about the conduct of another Member regarding compliance with this Code should raise those concerns with the Chair. The Chair will follow essentially the same process for addressing complaints as for dealing with declared Conflicts of Interest with modifications to suit the different circumstances.
- 6.7 A Member who has concerns about the conduct of the Chair regarding compliance with this Code should raise those concerns with the Minister. The Minister will follow essentially the same process for addressing complaints as for dealing with declared Conflicts of Interest by the Chair with modifications to suit the different circumstances.
- 6.8 All correspondence between the Chair and the Minister respecting the disclosure of a Conflict of Interest shall be treated as personal information under the *Freedom of Information and Protection of Privacy Act*.

## **7.0 Procedure where Member has engaged in Prohibited Activities**

- 7.1 Where a Member, other than the Chair, has engaged in a Prohibited Activity, the Chair may:

- 7.1.1 Request the source protection authority to investigate the matter and report to the Chair with his or her findings or recommendations;
  - 7.1.2 Request that the Member refrain from participating as a Member of the Committee pending the outcome of the investigation;
  - 7.1.3 Request that the Member resign from the Committee;
  - 7.1.4 Request that the source protection authority revoke the Member's appointment in accordance with O. Reg. XXX/07 (Source Protection Committees).
- 7.2 Where the Chair has engaged in a Prohibited Activity, the Minister may:
- 7.2.1 Request the source protection authority to investigate the matter and report to the Minister with its findings or recommendations;
  - 7.2.2 Request that the Chair refrain from participating as a Member of the Committee pending the outcome of the investigation;
  - 7.2.3 Request that the Chair resign from the Committee;
  - 7.2.4 Take steps to revoke the Chair's appointment.

## **8.0 Acknowledgement**

- 8.1 Each Member shall be required to review a copy of this Code and acknowledge in writing that he or she has done so.
- 8.2 The source protection authority will retain a copy of each Member's signed acknowledgement.

## Acknowledgement

I, \_\_\_\_\_, a Member of the source protection committee for the Niagara Peninsula source protection area, hereby acknowledge that I have reviewed the Code of Conduct and Conflict of Interest Policy for Members of Source Protection Committee, 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 : \_\_\_\_\_