

CODE OF ETHICAL CONDUCT STATEMENT
for
MNL OFFICERS, DIRECTORS,
STAFF AND COMMITTEE MEMBERS

As a member of the Municipalities Newfoundland and Labrador (MNL) Board, Staff or Committees, I recognize that I have duties to properly conduct the affairs of the organization.

One aspect of fulfilling these duties is acting in the highest ethical standards by understanding and adhering to the MNL Code of Ethical Conduct, which is set forth here as Appendix “G” of the MNL Policy Manual, and attached, as excerpt, to this Statement.

Signature: _____

Name (print): _____

Position/Role: _____

Date: _____

Appendix “G”

CODE OF ETHICAL CONDUCT

1. CODE OF ETHICAL CONDUCT

This Code outlines the ethics principles that should guide MNL Officers, Directors, Staff and Committee members, and includes conflict of interest provisions, gifts and benefits provisions, and sanctions applicable to breaches to the Code.

1.1 Statement of principle

Whereas Officers, Directors, Staff or Committee Members are named to contribute, within their respective mandates, to the fulfilment of the MNL mission and, where appropriate, to the proper administration of its goods;

Whereas the performance of the duties of Officers, Directors, Staff or Committee Members must take into account the principles pertaining to efficiency, credibility, confidentiality and legality;

Whereas Officers, Directors, Staff or Committee Members shall act in accordance with the mission and organizational values expressed in the MNL Policy Manual;

Whereas the achievement of the objectives in the MNL mandate, including the representation of the interests of municipal governments to the provincial and federal governments, relies on knowledgeable, thoughtful and impartial decisions made by Officers, Directors, Staff or Committee Members;

The Officers, Directors, Staff or Committee members, in the performance of their duties, commit to:

- Focusing their decisions and actions on the needs of all Newfoundland and Labrador municipalities in a spirit of improving the well-being of all citizens;
- Acting in conformity with all of the articles of this Code of Ethical Conduct.

1.2 Ethics principles

1.2.1 Act independently

Officers, Directors, Staff or Committee Members must perform their duties in a manner that is free and independent from their own interests. All parties must avoid all forms of discrimination prohibited by the Charter of Rights and Freedoms and any decisions that may exclude or favour somebody based on race, colour, sex, sexual orientation, marital status, age except for measures relating to legal provisions, religion, political beliefs, language, ethnic or national origin, social condition, disabilities or the use of a means to mitigate these disabilities.

1.2.2 Act with honesty and integrity

Within their mandate and functions Officers, Directors, Staff or Committee Members must act with honesty and integrity in the interest of the population and MNL. All parties must demonstrate intellectual honesty towards the content of the mandate with which they were entrusted and the position they hold. They must not embezzle or use intellectual rights of any other person or organization, nor use to their advantage an MNL asset or information it holds.

1.2.3 Act with discretion and restraint

Officers, Directors, Staff or Committee Members must maintain the secrecy of facts and information they become aware of and that are of a confidential nature. In particular, they must adopt an attitude of restraint towards media regarding facts and information that, if revealed, could be detrimental to the public interest, to the proper functioning of the MNL, or be prejudicial to the privacy of a citizen. After expiration of their term of office or employment, all parties must respect the confidentiality of all information, debates, exchanges and discussions of which they became aware while performing their duties and that were of a confidential nature.

1.2.4 Act without political partisanship

Officers, Directors, Staff or Committee Members must avoid any political partisanship while making a decision on issues referred to the Board or speaking on behalf of MNL.

1.2.5 Act loyally

Officers, Directors, Staff or Committee Members must carry out their duties or responsibilities while avoiding any situation or behavior likely to discredit the MNL or the Board or compromise its proper functioning.

1.2.6 Act with respect and dignity

Officers, Directors, Staff or Committee Members, while exercising their duties, must treat every person with courtesy and respect. They must act with dignity in expressing their opinions publicly.

All parties commit to respecting the rules governing meeting procedures; as such, they recognize the authority of the Chair in all his or her legitimacy and also recognize the sovereignty of the meeting.

All parties, while participating in a Board or Committee meeting, maintain an attitude of respect and dignity in front of various audiences.

All parties must respect the integrity and good faith of their colleagues; in cases where they wish to express doubt with regard to the integrity and good faith of a colleague or any other person; they must request to do so in camera.

1.2.7 Act to create a safe and positive environment

Officers, Directors, Staff or Committee Members have a responsibility to promote a safe and positive environment. This is an environment that is free from harassment, violence or discrimination of any type in accordance with the Anti-Harassment Policy and Procedures (MNL Policy Manual, Section V).

2. CONFLICT OF INTEREST

2.1 Definition

An Officer, Director, Staff or Committee Member is in a conflict of interest when:

2.1.1 The Officer, Director or Committee Member is in any way directly or indirectly interested in a proposed contract or a contract with the MNL; or

2.1.2 The Officer, Director or Committee Member has a direct or indirect pecuniary interest in a matter under consideration by the MNL.

A conflict of interest involves an individual interest, and not one that is common to a large segment of the population including the Officer, Director, Staff or Committee Member. In particular, Officers, Directors, Staff or Committee Members shall not be deemed to be in a conflict of interest merely because the proposed contract, or the matter under consideration by MNL, involves or benefits the municipality or region where this person resides, works or serves as an elected official.

2.2 Declaration

Where an Officer, Director, Staff or Committee Member is in a conflict of interest, such person shall declare such interest:

- a. At the meeting of the Board, Executive Committee or any other MNL Committee, as the case shall be, at which a proposed contract or matter is first taken into consideration;
- b. If the Officer, Director, Staff or Committee Member is not, at the date of that meeting, interested in a proposed contract or matter, at the first meeting held after the member becomes so interested; or
- c. If the Officer, Director, Staff or Committee Member becomes interested after a contract is made or matter considered, at the first meeting after such person becomes so interested.

2.2.1 General Requirements of Declaration

The Officer, Director, Staff or Committee Member shall request that the Chair cause the nature and extent of the member's interest to be recorded in the minutes of the meeting as the case shall be. The Chair shall then cause the declaration of the Officer, Director, Staff or Committee Member to be recorded in the minutes of the meeting.

2.2.2 Disclosure by General Notice

For the purpose of this section, a notice of the general nature of the interest of the Officer, Director, Staff or Committee Member shall be deemed to be a sufficient declaration of interest in relation to a matter or a contract under consideration. Such notice must be given at a meeting in conformity with Article 2.2 (above).

2.2.3 Duties

An Officer, Director, Staff or Committee Member who is in a conflict of interest shall not participate in further discussions or vote on any resolution to approve the proposed contract or matter.

3. GIFTS AND BENEFITS

An Officer, Director, Staff or Committee Member or relative shall not accept, either directly or indirectly, a gift or benefit that is related to his or her office as an Officer, Director, Staff or

Committee Member or that is related to the performance of the duties thereof.

Notwithstanding the foregoing paragraph, an Officer, Director, Staff or Committee Member may personally accept any gift or benefit provided that he or she is satisfied in each instance that:

- Acceptance of the gift or benefit will not bring his or her integrity or the integrity of MNL into question;
- The gift or benefit received is an incident of the protocol or social obligation that normally accompanies their responsibilities in all the circumstances.

If an Officer, Director, Staff or Committee member or relative receives a gift or benefit hereinbefore described in this section that has a value which exceeds Three Hundred Dollars (\$300.00), such Officer, Director, Staff or Committee Member shall file a disclosure statement with the Chief Executive Officer as soon as possible after receiving such a gift or benefit. The Chief Executive Officer would provide a list of such gifts or benefit to the Executive Committee as its next meeting.

4. BREACHES TO THE CODE OF ETHICAL CONDUCT AND SANCTION

A derogatory act is any breach or omission regarding any provision of the present Code. A derogatory act can entail the imposition of a sanction, more specifically a reprimand, a suspension, a dismissal, or a removal from the Board in accordance with Article II, Section 6 of the MNL By-Laws in the case of a Director.

Any person who has reason to believe that an Officer, Director or Committee member has contravened a provision of the present Code must inform the Executive Committee of the alleged derogatory act.

If the Executive Committee is of the opinion that the allegations are serious, it must inform the subject of the complaint of the alleged breach to the Code, the sanction contemplated and give this person the opportunity to be heard, in writing or in person, before rendering its decision. The Executive Committee may impose on that Officer, Director or Committee member such sanction that it deems appropriate in the circumstances. If the sanction is the Removal of a Director, the Executive Committee must report its recommendation to the Board for action in accordance with Article II, Section 6 of the MNL By-Laws.

All information collected in regard to the application of this Code must be kept confidential until made public by resolution of the Executive Committee.

5. IMPLEMENTING AND AMENDING CODE OF ETHICAL CONDUCT

The elected Officers of the MNL Board have the responsibility to insure adherence to the Code of Ethical Conduct. All parties to the Code shall review it annually and sign a statement agreeing to its terms.

The MNL Board, by a two-thirds majority, may amend the Code as needed.