REPORT RECOMMENDATIONS

That the Board of Health for the City of Ottawa Health Unit adopt the Board of Health Code of Conduct, as outlined in Document 1.

RECOMMANDATIONS DU RAPPORT

Que le Conseil de santé de la circonscription sanitaire de la ville d'Ottawa adopte le Code de conduite du Conseil de santé, comme l'explique le document 1.
BACKGROUND

The Board Code of Conduct was first discussed in the Foundation Policies and By-Laws for Ottawa Board of Health Governance report to the Board of Health in April 2011. The Board opted to defer the adoption of a Code of Conduct for the Board of Health until Ottawa City Council completed its own review and approved its own Code of Conduct.

In April 2013, as part of Council’s Accountability Framework, City Council adopted a Code of Conduct for Members of Council. This Code outlines the ethical behaviour expected of Members of Ottawa City Council, the Transit Commission and the Built Heritage Sub-Committee.

In early 2015, the Board of Health orientation provided Board Members with information about the Municipal Conflict of Interest Act in Ontario and other legislation that governs the conduct of Members of the Board.

In March 2015, the Ottawa Board of Health approved the Amendments to Ottawa Board of Health Policies and By-laws report, which directed staff to bring forward recommendations for a Code of Conduct for Board of Health Members (ACS2015-OPH-SSB-0005).

DISCUSSION

The Board Secretary is recommending that the Board of Health adopt a values-based Code of Conduct for the Ottawa Board of Health (attached in Document 1).

The adoption of a Code of Conduct for Board of Health Members enhances the Board’s governance framework, facilitates transparency and accountability, and clearly outlines ethical standards expected of Members.

Further, agreeing on an ethical values system, through a Code of Conduct, is considered a best practice for Boards of Health in Ontario. Haliburton, Kawartha, Pine Ridge District Health Unit; Kingston, Frontenac and Lennox & Addington (KFL&A) Health Unit; Leeds, Grenville and Lanark District Health Unit; Niagara Region Public Health Unit; Oxford County Public Health Unit; Peel Public Health; Perth District Health Unit; Sudbury & District Health Unit; and Peterborough County-City Health Unit have all adopted such Codes in accordance with the Ontario Public Health Organizational Standards. Accreditation Canada’s governance standard also suggests that the governing body adopt a Code of ethical conduct for its Members.
The proposed Code was based primarily on the City of Ottawa’s Code of Conduct for Members of Council. Additions have been made to ensure that the Code is appropriate for the Board of Health. There are components of other Board Codes that have been incorporated. For example, the draft Code establishes that, to provide a unified voice, the Chair will speak on behalf of the Board, unless delegated to another Board member. It also takes into consideration legislation that is specifically relevant to public health, such as the *Health Protection and Promotion Act* and the *Personal Health Information Protection Act, 2004*.

**Next steps**

If adopted, the Code of Conduct will be re-circulated to Board of Health Members and stored with Board by-laws and policies.

**RURAL IMPLICATIONS**

There are no rural implications associated with this report.

**CONSULTATION**

In order to develop a Code of Conduct that reflects current practices and the context within which the Ottawa Board of Health functions, the Board Secretary researched Codes of Conduct from other health units and local boards. The Board Secretary reviewed Codes of Conduct from Ottawa Public Library Board, Ottawa Police Services Board, Ottawa City Council and Codes of Conduct adopted by other Boards of Health in Ontario including Haliburton, Kawartha, Pine Ridge District Health Unit; Kingston, Frontenac and Lennox & Addington (KFL&A) Health Unit; Leeds, Grenville and Lanark District Health Unit; Niagara Region Public Health Unit; Oxford County Public Health Unit; Peel Public Health; Perth District Health Unit; Sudbury & District Health Unit; and Peterborough County-City Health Unit.

The Board Secretary examined the legislation that governs the Board and Ottawa Public Health (OPH). Both the *Health Protection and Promotion Act* and the *Ontario Public Health Organizational Standards* (Organizational Standards) set out the Ministry of Health and Long-Term Care’s expectations for governance and administrative practices for local Boards of Health.

The City Clerk and Solicitor’s Department was also consulted.

**LEGAL IMPLICATIONS**

There are no legal impediments to adopting the recommendation in this report.
RISK MANAGEMENT IMPLICATIONS
There are no risks with adopting the recommendation in this report.

FINANCIAL IMPLICATIONS
There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS
There are no accessibility impacts associated with this report.

SUPPORTING DOCUMENTATION
Document 1 – Board of Health Code of Conduct

DISPOSITION
Upon approval, the Board Secretary will circulate the Code of Conduct to all Members of the Board.
Document 1 – Board of Health Code of Conduct

The Board of Health believes that its Members are held to a high standard of ethical behaviour in all aspects of their conduct at all times, and should endeavour to fulfill their duties in a way that maintains and enhances public confidence in the Board of Health.

The Board represents the public and considers the well-being and health of the residents of Ottawa while carrying out its duties under the *Health Protection and Promotion Act* or any other Act. In determining which services the health unit provides, and developing and evaluating the policies and programs for the health unit, the Board ensures the accountability and transparency of the operations of the health unit.

**Statutory Provisions Regulating Conduct**

This Code of Conduct is a complement to the existing legislation governing the conduct of Members of the Board of Health.

The following federal and provincial legislation governs the conduct of Members of the Board:

- the *Health Protection and Promotion Act*;
- the *Municipal Act, 2001*;
- the *Municipal Conflict of Interest Act*;
- the *Municipal Freedom of Information and Protection of Privacy Act*;
- the *Personal Health Information Protection Act, 2004*;
- the *Occupational Health and Safety Act*;
- the *Ontario Human Rights Code*;
- the *Criminal Code of Canada*; and
- the by-laws and policies of the Board of Health as adopted and amended from time to time.

I. Integrity

- Members of the Board are committed to performing their functions with integrity, accountability and transparency.
• Members of the Board are responsible for complying with all applicable legislation, Board of Health by-laws and policies pertaining to their position as an appointed Board Member.

• Members of the Board recognize that the public has a right to open government and transparent decision-making.

• Members of the Board will, at all times, serve and be seen to serve the interests of residents of the health unit in a conscientious and diligent manner and will approach decision-making with an open mind.

• Members will avoid the improper use of the influence of their office and will avoid conflicts of interest, both apparent and real.

• Members of the Board will avoid the discharge in their official duties preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was solely for the purpose of advancing a private or personal interest.

II. Confidentiality

By way of their appointment to the Board, Members of the Board may acquire confidential information from a variety of different sources including personal and/or personal health information related to residents or other confidential/proprietary information that is not personal.

In accordance with the rules under Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA"), Personal Health Information Protection Act (PHIPA), Board by-laws and Board policies, Members of the Board will:

• Keep in confidence any confidential information acquired by virtue of their position as a Board Member, in either oral or written form, except when required by law or authorized by the Board to do otherwise;

• Where a matter has been discussed in camera, keep the matter or the substance of the deliberations of the in camera meeting confidential (Subsection 40 (1) (d) of the Procedure By-law); and

• Refrain from using information that is obtained in his or her capacity as a Member and that is not available to the general public to further or seek to further the Member’s private interest or improperly to further or seek to further another person’s private interest.
III. Conduct at Board Meetings

Members of the Board will conduct themselves with decorum at all Board of Health meetings in accordance with the provisions of the *Procedure By-law* by:

- Using respectful language;
- Obeying the Rules of Procedure, or a decision of the Chair or of the Board, on questions of order or practice or upon the interpretation of the Rules of Procedure;
- Recognizing that individual decisions and directions to staff are taken by the Board as a whole;
- Board authority is not vested in any individual when interacting with staff, public, or media, except when explicitly authorized by the Board; and
- Understanding that Board Members may not speak for the Board in public except to repeat explicitly stated Board decisions.

IV. Discrimination and Harassment

All Members of the Board have a duty to treat members of the public, one another and staff with respect and without abuse, bullying or intimidation; and to ensure that their work environment is free from discrimination and harassment. The *Ontario Human Rights Code* as well as the *Occupational Health and Safety Act* apply and, where applicable, the City of Ottawa’s *Workplace Harassment Policy*.

V. Use of Influence

Members of the Board are expected to perform their duties of office with integrity, accountability and transparency. Members of the Board should not use the status of their position to influence the decision of another individual to the private advantage of oneself, or one’s parents, children or spouse, staff members, friends, or associates, business or otherwise.

VI. Conduct Respecting Staff

Members of the Board will be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from an individual Member or group of Members of the Board.