

**Report to
Rapport au:**

**Ottawa Board of Health
Conseil de santé d'Ottawa
4 November 2019 / le 4 novembre 2019**

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**Submitted by
Soumis par:**

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2019-OPH-BOH-0013

SUBJECT: BOARD OF HEALTH TRAVEL POLICY AND ENHANCED CODE OF CONDUCT

OBJET: POLITIQUE SUR LES DÉPLACEMENTS ET NOUVEAU CODE DE CONDUITE DU CONSEIL DE SANTÉ

REPORT RECOMMENDATIONS

That the Board of Health for the City of Ottawa Health Unit:

- 1. Approve an enhanced Board of Health Code of Conduct and Complaint Protocol, as described in this report and detailed in Document 1; and**
- 2. Approve the Board of Health Travel Policy, as described in this report and detailed in Document 2.**

RECOMMANDATIONS DU RAPPORT

Que le Conseil de santé de la circonscription sanitaire de la ville d'Ottawa :

1. **approuve le nouveau Code de conduite et le protocole de plaintes du Conseil de santé, décrits dans le présent rapport et détaillés dans le document 1;**
2. **approuve la Politique sur les déplacements du Conseil de santé, décrite dans le présent rapport et détaillée dans le document 2.**

BACKGROUND

The Ontario Public Health Standards (OPHS) require that Boards of Health review and revise, as necessary, Board Policies and By-laws at least every two (2) years. A review of Board policies and by-laws was undertaken early in 2019 and a report was considered by the Board of Health at its meeting of June 17, 2019. The previous review was conducted in February 2017.

In approving the June 17, 2019 report, the Board approved two (2) directions:

- Direct staff to bring forward a report in Q3 of 2019 with recommendations for enhancing the Board of Health Code of Conduct, including options with respect to enforcement of same; and
- Direct staff to bring forward a report in Q3 of 2019, with recommendations for a Board of Health Travel Policy.

The current report addresses these two (2) directions to staff.

In developing the enhanced Board of Health Code of Conduct, staff reviewed similar Codes and/or policy documents from other boards of health in Ontario as well as those of the Ottawa Public Library Board and the City of Ottawa.

In developing the proposed Board of Health Travel Policy, staff reviewed the Council Expense Policy, the City's Policy for reimbursing employees for reasonable expenses incurred while travelling outside of the City of Ottawa on City business, and the Ottawa Public Library Board's Trustee Orientation and Continuing Education policy, which speaks to travel and conferences.

DISCUSSION

That the Board of Health for the City of Ottawa Health Unit:

1. **Approve an enhanced Board of Health Code of Conduct, including enforcement mechanisms, as described in this report and detailed in Document 1;**

With respect to an enhanced Board of Health Code of Conduct, the June 17, 2019 report referenced City Council's recent adoption of a new *Code of Conduct for Members of Local Boards By-law* pursuant to Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017*. The report also noted that boards of health are explicitly exempted from the requirements under Bill 68. Notwithstanding this, staff compared the existing Board of Health Code of Conduct with Council's newly adopted Code for Members of Local Boards and found that the Board's Code only addressed 2 of the 4 subject matters addressed in Council's Code for Members of Local Boards. It was also noted that the Board's Code lacked any reference to enforcement mechanisms.

In order to address these perceived shortcomings and ensure the Board of Health's policies continue to reflect best practices, staff is recommending an enhanced Board of Health Code of Conduct through the addition of three (3) sections on:

- Gifts, benefits and hospitality;
- Use of property of the municipality or local board; and
- Compliance.

The enhanced Code of Conduct is attached at Document 1, with the additional sections highlighted with underlining.

With respect to "gifts, benefits and hospitality", the enhanced Code prohibits Members from accepting gifts, benefits or hospitality that would, to a reasonable member of the public, appear to be in gratitude for influence or to induce influence. The section also sets out recognized exceptions to this prohibition.

With respect to "use of property", the enhanced Code states that Board Members shall not use, or permit the use of, Board resources or property other than for purposes connected with the discharge of their Board of Health duties.

In terms of the new section on compliance, for comparative purposes, staff reviewed similar Codes and/or policy documents from other boards as well as the City of Ottawa's Code of Conduct and enforcement mechanisms.

Of the Codes reviewed from other boards, four (4) made specific references to enforcement and one (1) provided for a complaint procedure. In each of these instances, the Board Chair has a role in resolving complaints and/or mediating conflict, with support from the Medical Officer of Health. Two (2) of the Codes of Conduct

reviewed provided for a mechanism by which a Member may be removed by the appointing Council following a breach.

As a result of this review, and having consulted with the Chair of the Board of Health and the City Solicitor, staff is recommending that the enhanced Code provide a mechanism for ensuring compliance, including a well-defined complaint process. The recommended complaint process is outlined in an Appendix to the Code, titled "Complaint Protocol".

With respect to the Complaint Protocol outlined in Appendix 1 of Document 1, in the event of an informal complaint, the Chair or Vice-Chair would have a role in mediating, which is reflective of the practice with others board of health in Ontario. However, in the event of formal complaints, the Board Secretary would work with the Office of the City Solicitor to retain an independent third-party investigator on a fee-for-service basis. This independent third-party investigator would be responsible for classifying and investigating formal complaints and, in cases where the complaint is sustained, providing a report to the Board of Health outlining his or her findings, the terms of any settlement and/or any recommended corrective action.

Adopting this enhanced Code of Conduct and Complaint Protocol would result in the Ottawa Board of Health having a Code of Conduct that is more comprehensive than what currently exists for other boards of health in Ontario, however it would provide clear guidelines for dealing with conflict or complaints and ensure that the Board's policies continue to reflect best practices with respect to code of conduct matters.

That the Board of Health for the City of Ottawa Health Unit:

2. Approve the Board of Health Travel Policy, as described in this report and detailed in Document 2.

With respect to a Travel Policy, the June 17, 2019 report referenced the policies of City Council and of the Ottawa Public Library Board as examples. It also talked about the Board's informal practice of receiving verbal reports from Members of the Board following their participation at meetings and conferences of the Association of Local Public Health Agencies (alPHa). Finally, the report noted that adopting a formal Board of Health Travel Policy would contribute to further enhancing the Board's governance framework, facilitate transparency and accountability, and clearly outline guidelines for the reimbursement of Members' travel expenses.

Further to the above, staff is recommending a Board of Health Travel Policy that contains, as a pre-amble, a discussion of the importance and value of Board Members'

participation at conferences, meetings and other similar events, which may be held in locations outside the Ottawa area. The body of the Policy outlines the guidelines for expense reimbursement and formalizes the requirement for Board Members to report back to the full Board following their participation at conferences, meetings or similar events.

NEXT STEPS

The enhanced Code of Conduct and new Travel Policy will be translated, publicly posted on OttawaPublicHealth.ca and circulated to Board of Health Members, to be incorporated into their Board of Health Orientation Manual. These documents will also be incorporated into future versions of the Board of Health Orientation Manual.

Reports to the Board of Health requesting approval for Board Members' travel will henceforth make specific reference to the Board of Health Travel Policy and the requirement to report back to the Board following participation at conferences, meetings or other similar events.

Should any complaints be received with respect to the Board of Health Code of Conduct, these will be handled in accordance with the Code and the related Complaint Protocol (Appendix A) and reports will be brought forward to the Board of Health as required in accordance with the policy.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

In developing this report, staff consulted with the Board Chair and Vice-Chair as well as with the City Solicitor.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations in this report. As noted in the June 17, 2019 Review and Update of Board of Health Policies and Bylaws report, the requirements under the *Municipal Act, 2001* that led to Council's adoption of the *Code of Conduct for Members of Local Boards By-law* do not apply to boards of health. Although legislation does not require that the Board of Health adopt a Code of Conduct, there are no legal impediments to the Board of Health adopting the enhanced code of conduct and complaint protocol.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with 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 (enhanced) and related Complaint Protocol

Document 2 – Board of Health Travel Policy

DISPOSITION

The Travel Policy, enhanced Code of Conduct and related Complaint Protocol will take effect immediately upon Board approval.