

## **Ethical Framework for Members' Staff**

### **1. Purpose**

The Ethical Framework for Members' Staff:

- (a) Clarifies the roles and responsibilities of staff of Members of Council regarding key ethical matters;
- (b) Clarifies the roles and responsibilities of Members of Council for the human resources management of their staff; and
- (c) Affirms applicable legislation, and the requirements of City of Ottawa Human Resources policies, respecting staff of Members of Council.

### **2. Application**

#### **(1) Staff of Members of Council**

This Framework serves as a Code of Conduct for staff of Members of Council.<sup>1</sup>

For the purposes of this Framework, "staff of Members of Council" are defined as **individuals whose role regularly supports the standard functions of the Member's Office including, but not limited to, constituency, project/policy, and/or administrative work.**

Staff of Members of Council are paid through Members' Constituency Services Budgets. "Staff of Members of Council" (hereinafter referred to as "staff" or "staff member(s)) includes:

- Salaried Councillors' Assistants on full or part-time contract with the City of Ottawa; and
- Contractors and students paid by invoice or honorarium, where the nature of those individuals' work meets the description above.

Staff's work is based on the Member's political, and constituency needs. This Framework recognizes the unique nature of the work environment of a Member's Office, including the ethical considerations that may arise in the course of staff's work.

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<sup>1</sup> For staff of Members of Council, this Framework supersedes the City of Ottawa – Employee Code of Conduct.

This Framework **does not apply** to external individuals or third parties who provide “off the shelf” goods or services to Members of Council including, but not limited to:

- software licensing or subscriptions;
- web hosting; and
- office supplies.

Questions about the application of this Framework should be directed to the Integrity Commissioner: [integrity@ottawa.ca](mailto:integrity@ottawa.ca)

## **(2) Members of Council**

This Framework applies to Members of Ottawa City Council in their capacity as managers of the staff employed in their offices.

## **(3) Integrity Commissioner**

For the purposes of this Framework, the Integrity Commissioner performs the role of the ethics executive for staff.

Staff shall seek guidance from the Integrity Commissioner regarding the matters set out in this Framework.

## **3. Legislative and policy requirements**

Staff shall comply with relevant legislation and relevant administrative policies and procedures, including those set out in:

- This Framework, including Section 8 (Policy requirements);
- The [Code of Conduct for Members of Council](#); and
- The Councillors’ Office Manual.

Staff who are City of Ottawa employees are subject to applicable statutes and policies.

The provisions set out in this Framework, the Code of Conduct for Members of Council and the Councillors’ Office Manual prevail where there is a discrepancy between those items and the provisions of City of Ottawa administrative policies/procedures governing City staff.

## **4. Key Principles**

### **(1) Integrity**

Members of Council, as managers of their staff, will uphold high standards of ethical behaviour in compliance with the [Code of Conduct for Members of Council](#).

Staff will uphold high standards of ethical behaviour consistent with those applicable to Members under the Code of Conduct for Members of Council. Staff are expected to conduct themselves with personal integrity, ethics, honesty, and diligence in the performance of their duties.

### **(2) Accountability**

Members of Council are accountable for the management of their staff in compliance with this Framework, applicable legislation, and City policies.

Staff are accountable to their Member for the performance of their duties and responsibilities.

Staff are accountable to the Integrity Commissioner for the ethical requirements set out in this Framework.

### **(3) Respect**

Members of Council will treat the staff of their offices with respect at all times, in accordance with the values and requirements set out in the [Code of Conduct for Members of Council](#), and the requirements of this Framework.

Staff will act with decorum and will respect the Office the Member holds. Staff will treat the public, City staff, each Member of Council and their staff, and City Council as a whole with respect at all times.

## **5. Responsibilities**

### **(1) Recruitment, Management and Support of Staff**

#### **(a) Recruitment of staff**

Members of Council assume the responsibility for all employment aspects of their office including recruitment and hiring, ensuring staff undertake required training, and ensuring staff are aware of the Human Resources point of contact for staff, as described in the Councillors' Office Manual.

Members shall follow the mandatory procedures for recruitment and hiring adopted by Council and described in the “Human Resources” Section of the Councillors’ Office Manual.

(b) Management of staff

Members of Council manage the staff of their offices in accordance with their political and constituency needs, and applicable legislation and policy requirements, including those set out in the [Code of Conduct for Members of Council](#) and the Councillors’ Office Manual.

Members shall ensure their staff are aware of and understand this Framework and carry out their day-to-day duties in accordance with this Framework.

(c) City Clerk’s and Human Resources Support

The Office of the City Clerk provides support to Members in the management of their staff including, but not limited to, support for hiring, training, discipline, human resources administration, and termination of staff. Members may seek assistance with these matters from Council Support Services, Mayor Support Services, and/or the City Clerk, as appropriate.

In addition, the City Clerk works with Members in determining appropriate remedial action for staff when the Integrity Commissioner has determined a breach of this Framework has occurred.<sup>2</sup>

The Office of the City Clerk works with Human Resources to provide support for staff. Supports and contacts for staff include:

- A dedicated Human Resources point of contact for Councillors’ Assistants, as described and with contact information in the Councillors’ Office Manual;
- Council Support Services in the Office of the City Clerk, as a point of contact to answer routine human resource inquiries, approve time and leave requests and assist with recruitment and hiring; and
- The Integrity Commissioner, for questions about ethical obligations described in this Framework: [integrity@ottawa.ca](mailto:integrity@ottawa.ca)

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<sup>2</sup> This process of Integrity Commissioner investigation of alleged breaches of the Framework, reporting, and Member/City Clerk determination of appropriate remedial action is set out in Section 9 of this Framework (Complaint Protocol).

## **(2) Acting on Behalf of Member: Code of Conduct for Members of Council applies**

Staff often act on behalf of or in the name of the Member, including by representing the Member at events or communicating with constituents. Staff must be familiar with the [Code of Conduct for Members of Council](#) and must ensure their actions on behalf of the Member comply with the Code of Conduct for Members of Council.

Staff's actions on behalf of a Member may result in the Member being found to have contravened the Code of Conduct for Members of Council, and lead to sanction of the Member.

When acting on behalf of the Member, staff shall ensure their actions do not inadvertently put their Member in a position where they could be in breach of the Code of Conduct for Members of Council.

In situations where staff are uncertain about the application of the Code of Conduct for Members of Council to their actions, they should consult with the Integrity Commissioner: [integrity@ottawa.ca](mailto:integrity@ottawa.ca)

## **(3) Safe Workplace**

### **(a) Members' broad duty under the Code of Conduct for Members of Council**

Section 7 (Discrimination and Harassment) of the [Code of Conduct for Members of Council](#) sets out Members' duty with respect to ensuring a safe work environment as follows:

“All Members of Council 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 applies and, where applicable, the City's *Workplace Violence and Harassment Policy*.”

Anyone who identifies or witnesses behaviour or activity they believe to be in violation of the Code of Conduct for Members of Council may file a complaint with the Integrity Commissioner. Section 9 of this Framework (Complaint Protocol) describes how to file a complaint.

### **(b) Staff responsibilities respecting Workplace Violence and Harassment**

Staff shall complete the mandatory training described in the Councillors' Office Manual, including training on Workplace Violence and Harassment.

Staff are required to comply with the requirements of the [Workplace Violence and Harassment Policy](#) and related procedures.

#### (c) Incident Reporting

- In accordance with the Workplace Violence and Harassment Policy, complaints of workplace violence and harassment naming **a staff member** as the respondent should be reported to [HRVVH@Ottawa.ca](mailto:HRVVH@Ottawa.ca). The definitions of “Workplace Harassment” and “Workplace Violence” are as set out in the [Workplace Violence and Harassment Policy](#).
- Complaints of workplace violence and harassment naming **a Member of Council** as the respondent should be reported to the Integrity Commissioner:  
[integrity@ottawa.ca](mailto:integrity@ottawa.ca).
  - In the event that a staff member makes a complaint to Human Resources of workplace violence and harassment naming a Member of Council as the respondent, Human Resources shall refer the complaint to the Integrity Commissioner and shall be the complainant for the purposes of the Integrity Commissioner’s procedures.

#### **(4) Conflict of Interest**

##### (a) Members’ broad duties respecting conflict of interest

Members’ obligations regarding pecuniary (financial) conflict of interest are set out in the *Municipal Conflict of Interest Act*.

Members’ obligations regarding non-pecuniary conflict of interest are set out in the Code of Conduct for Members of Council. Section 4 of the Code of Conduct for Members of Council (General Integrity) requires that Members avoid the improper use of the influence of their office and shall avoid conflicts of interest, both apparent and real.

(b) Conflicts of interest and staff

(i) *What is a conflict of interest?*

A conflict of interest occurs when an individual's private or personal interests compete, or could compete, with their professional duties and responsibilities.

- An individual's private or personal interests may be financial, and/or having to do with family, friendships, or social obligations. If, as part of their professional duties, a staff member could participate in a decision that could be to the benefit or detriment of themselves, family members, friends (etc.), they may have a conflict of interest.

*"An apparent conflict of interest exists when someone could reasonably conclude that a conflict of interest exists. In other words, it is a matter of public perception.*

*Public perceptions of the ethics of public servants are critically important. If the public perceives, even wrongly, that public servants are unethical, democratic institutions will suffer from the erosion of public confidence."*

- *Madame Justice Denise E. Bellamy, Report on the Toronto Computer Leasing Inquiry-Toronto External Contracts Inquiry. Volume 2, "Good Government", 2005, p. 39-40.*

- If a staff member feels tension between their private interest and professional duty, a conflict may exist.

An *apparent* conflict of interest occurs when an individual's private or personal interests may be reasonably perceived to compete with their responsibilities as staff, whether or not this is the case.

- Would a reasonably well-informed person think that the staff member's judgement could be compromised? If so, an apparent conflict may exist.
- If it appears that a staff member is advancing their personal or private interest while in the course of their professional duties, public confidence and trust in the City is at risk.

(ii) *Staff Responsibilities respecting conflict of interest*

Staff shall identify and manage conflicts of interest in accordance with the requirements of this Framework. Failure to do so could give rise to a conflict of interest for the Member of Council to whom they report, and/or could cause the staff member to be in breach of their own responsibilities under this Framework.

Accordingly, when a staff member becomes aware that they have or could have a conflict of interest, or that they are in a situation that could give rise to an apparent conflict of interest, the staff member shall seek the Integrity Commissioner's advice: [integrity@ottawa.ca](mailto:integrity@ottawa.ca).

The Integrity Commissioner will provide written advice to the staff member with respect to managing the conflict of interest. Should the Integrity Commissioner determine that there is a conflict of interest, the staff member shall disclose the matter to the Member.

Circumstances can change over time. Staff may need to disclose new and/or revise information they previously provided. The obligation to disclose is a continuing one.

In exceptional circumstances, staff may not wish to disclose an interest to the Member. The Integrity Commissioner will consider such requests on a case-by-case basis.

## **(5) Personal Relationships**

A **personal relationship** is one where the nature or closeness of the relationship would compromise one's ability to be non-biased and objective (e.g. intimate relationships, friends<sup>3</sup>, etc.)

For the purposes of this Section, "personal relationships" are understood to be consensual relationships. This section does not apply where an individual may be the subject of harassment. (See Section 5(3) of this Framework, "Safe Workplace")

### **(a) Members' responsibilities**

- If a Member of Council is involved in a personal relationship with someone who works for them, there is an apparent conflict of interest.
- If a Member is involved in a personal relationship with someone who works for another Member of Council, or for the City, there may be a conflict of interest.

Members are responsible for ensuring personal relationships that involve a workplace power imbalance are properly managed to avoid a conflict of interest.

If a Member becomes aware they are involved in a personal relationship **in which a workplace power imbalance is present** – for example, if they enter into a personal relationship with a member of their staff, another Member's staff, or City staff – the Member shall report the relationship to the Integrity Commissioner: [integrity@ottawa.ca](mailto:integrity@ottawa.ca)

The Integrity Commissioner may consult with the City Clerk and/or Human Resources personnel in determining recommended measures to address the conflict of interest.

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<sup>3</sup> For the purposes of this Framework, a "friend" may be understood as a person with whom one shares a close bond. That bond may be based on personal affection, or on mutual trust or loyalty, that extends beyond simply being acquainted. Examples include close personal relationships, such as close friends, or intimate or romantic partners.



The Member shall not interfere or attempt to influence any actions and/or recommendations respecting how to manage the personal relationship.

While Members are only required to report to the Integrity Commissioner when they are involved in a personal relationship in which a workplace power imbalance is present, Members are encouraged to seek the Integrity Commissioner's confidential guidance with respect to any personal relationship that may give rise to the perception of a conflict of interest.

(b) Staff responsibilities

Staff are responsible for ensuring personal relationships that involve a workplace power imbalance are properly managed to avoid conflict of interest.

If a staff member becomes involved in a personal relationship with **another staff member in which a workplace power imbalance is present** – for example, if they enter into a personal relationship with a staff member in the same Office who reports to them – there is an apparent conflict of interest.

The staff member shall report the relationship to the Member, and the Integrity Commissioner.

The Member and Integrity Commissioner may consult with the City Clerk and/or Human Resources personnel in determining recommended measures to address the conflict of interest.

## **(6) Employment of Family Members**

(a) Members' responsibilities

Members shall undertake all employment-related matters, including hiring, promotions, performance appraisals and discipline, in an objective and impartial manner and in accordance with the Code of Conduct for Members of Council. In all employment-related matters, Members shall avoid real and/or apparent conflict of interest based on familial or personal relationships.

While the description of "family members" and "familial relationships" in this Section is intended to apply solely to immediate family members such as child(ren), spouse and parents, Members and their staff should be aware that broader family connections may also give rise to real or apparent conflicts of interest.

Accordingly:

- Members shall not employ family members as staff of their Offices, or retain any family member on contract or in a vendor relationship.
- Members shall not permit employment situations in their Offices wherein individuals would:
  - Participate in activities related to the recruitment, hiring, performance appraisal or promotion of family members; or
  - Work in a supervisory/reporting relationship with a family member, or a relationship in which one party would be subordinate to the other.

(b) Staff responsibilities

Staff who are responsible for matters such as recruitment, hiring, performance appraisals and/or promotions of staff of the Member's Office shall undertake all such duties in an objective and impartial manner. They shall avoid real and/or apparent conflict of interest based on familial or personal relationships.

Staff shall not:

- Participate in activities related to the recruitment, hiring, performance appraisal or promotion of family members; or
- Work in a supervisory/reporting relationship with a family member, or a relationship in which one party would be subordinate to the other.

Staff involved in the hiring or promotional process for a position shall immediately disclose to the Member and the Integrity Commissioner, in writing, any instance in which a family member or someone with whom they have a personal relationship is identified as a candidate for that position.

Should staff find themselves in a reporting relationship with a family member, the staff member shall immediately disclose the matter to the Member and Integrity Commissioner, in writing: [integrity@ottawa.ca](mailto:integrity@ottawa.ca)

The Member and Integrity Commissioner, in consultation with the Clerk, shall determine an appropriate resolution, which may include offering one staff member an alternate but comparable position in another Member's Office or within the City administration (where feasible) or altering the reporting relationships.

## **(7) Preferential Treatment**

Staff shall not:

- Use their positions to give anyone preferential treatment that would advance their own interest or that of any party where such interest is contrary to the interest of the City; or
- Give preferential treatment to family members or anyone with whom they have personal relationships.

## **(8) Gifts**

At times, the acceptance of a gift, benefit or hospitality by staff occurs as part of the social protocol or community events linked to the duties of the elected official and their role in representing the municipality. A staff member may accept a gift of nominal value (not exceeding \$30) given as an expression of courtesy or hospitality, provided this does not influence, or be perceived to influence, the performance of their duties.

Staff shall not accept gifts that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.

Staff should consult with the Integrity Commissioner if they have any questions regarding acceptance of gifts: [integrity@ottawa.ca](mailto:integrity@ottawa.ca)

## **(9) Use of Municipal Property and Resources**

Staff shall not use, or permit the use of any City property, including facilities, equipment, supplies, technology or other resources, for activities not associated with the performance of their duties.

Staff shall not use municipal property and/or resources wastefully, or for their own personal benefit.

## **(10) Outside Activities**

Staff may be involved in their community in various ways, including by participating in community organizations, advocacy group or charitable associations.

However, staff must ensure that their outside activities do not conflict with their professional responsibilities. In accordance with Section 5(2) (“Acting on behalf of Member: Code of Conduct for Members of Council applies”) and Section 5(4) (“Conflict of Interest”), **staff shall not place themselves or their Member in a real or apparent conflict of interest.**

Accordingly:

- Staff shall not engage in any outside work or business activity that conflicts with their duties in the Member's Office.
- Staff shall not use confidential information obtained during the course of their employment in the Member's Office to benefit their own business activities/interests, or those of any person or body (including family, friends, or any organization or interest group).
- Staff who engage in any other work or business activities must disclose these activities to the Member and to the Integrity Commissioner in advance, in accordance with Section 5(4)(b) ("Conflicts of interest and staff").

(a) Appearing Before City Committees, Agencies or local boards

Staff may not appear before a City committee, agency or local board, on behalf of a private citizen or third party. Staff may appear before such bodies on their own behalf or on behalf of a family member.

Should a staff member intend to appear before a City committee or local board as a private citizen, it is recommended they disclose the matter to the Member and the Integrity Commissioner and seek the Integrity Commissioner's guidance respecting any potential conflict of interest.

(b) Political Activity

Nothing in this Framework, legislation or City policy prohibits staff's participation in political campaigns, and/or support of candidates. However, in compliance with the *Municipal Elections Act, 1996*, public funds and resources are not to be used for any election-related purposes, including the promotion of or opposition to the candidacy of a person for elected office.

The City's Election-Related Resources Policy (ERRP) and Election-Related Blackout Period Procedures set out provisions for City employees in respect of this requirement.

Staff are required to comply with the requirements of the ERRP at all times, and the Election-Related Blackout Period Procedures as required.

## **(11) Confidentiality and Non-Disclosure**

### **(a) Confidentiality**

In the course of their duties, staff acquire information from a variety of sources, including information that may be confidential to:

- The Member;
- Constituents who have contacted the Member's Office (e.g., confidential personal information); and
- The City.

Confidential information includes, but is not limited to, privileged information, draft by-laws or staff reports, third party information, personal information, technical, financial or scientific information and any other information collected, obtained or derived for or from any records that staff may come into contact with while employed in the Office of the Member.

### **(b) Non-Disclosure**

Should staff be aware of a matter that Members discussed *in camera*, when that matter remains confidential, staff shall not disclose the content of the matter or the substance of the deliberations of the *in camera* meeting. A breach of this provision may cause the Member to be found in breach of the Code of Conduct for Members of Council.

Staff shall not use information that is obtained in their capacity as staff and that is not available to the general public to further or seek to further their private interest or improperly to further or seek to further another person's private interest.

Staff shall not disclose or release by any means any confidential information acquired by virtue of their position, except what may be necessary by law, including under the *Municipal Freedom of Information and Protection of Privacy Act*.

## **(12) Lobbying**

Lobbying is a legitimate activity that benefits the City by helping provide public office holders with knowledge to make informed decisions. As staff may act in an advisory role to their Members, it is common for staff to be approached by various individuals attempting to influence decisions before Council or under the delegated authority of the Member.

Staff should consult with the Integrity Commissioner/Lobbyist Registrar if they have any questions regarding lobbying: [integrity@ottawa.ca](mailto:integrity@ottawa.ca) or [lobbyist@ottawa.ca](mailto:lobbyist@ottawa.ca)

(a) Staff responsibilities regarding lobbying

The disclosure of lobbying activities enhances transparency and integrity of City business. To that end, and in accordance with the [Lobbyist Registry By-law](#), when lobbied, **staff have the following responsibilities:**

- Duty to Inform – Ensure that lobbyists are aware of the requirement to register the lobbying activity within fifteen (15) business days of the communication occurring. Lobbyists should not pre-register.
- Duty to Monitor – Review the Lobbyist Registry monthly to confirm that instances where they and/or the Member have been lobbied have been properly registered.
- Duty to Report – Advise the Member of any failures on the part of lobbyists to disclose an activity. The Member and/or staff may then remind the lobbyist of the requirement to disclose or inform the Integrity Commissioner of any failures to disclose an activity.

(b) No gifts from lobbyists with active files

Unless pre-approved by the Integrity Commissioner, neither staff nor Members shall accept any gift, benefit, or hospitality from lobbyists with active lobbying registrations, or from their registered clients or their employees.

The principle here is to ensure that companies and individuals who may be seeking to do business with the City do not do so by giving gifts or favours to people in a position to influence vendor approval or decision-making.

(c) Post-Employment prohibition on lobbying

As named public office holders under Section 7 of the Lobbyist Registry By-law (Post-employment Lobbying Restrictions), staff shall not lobby the City for a period of one year after the date they cease to be a staff member of an elected official.

## **6. Protection from Reprisal**

No staff member shall experience retaliation as a result of filing a complaint of an alleged contravention of this Framework in good faith, as is their right under the Occupational Health and Safety Act.

## **7. Enquiries**

Enquiries regarding the Ethical Framework for Members' Staff should be directed to the Integrity Commissioner: [integrity@ottawa.ca](mailto:integrity@ottawa.ca)

## 8. Policy requirements

City of Ottawa policies applicable to staff of Members of Council:

- Accessibility Policy
- Accountability and Transparency Policy
- Alcohol and Drugs in the Workplace Policy
- Code of Conduct for Members of Council, including Appendix “A”, Complaint Protocol (informal and formal complaints)
- Community, Fundraising and Special Events Policy
- Concurrent Employment Policy
- Council Expense Policy
- Council-Staff Relations Policy
- Discipline Policy
- Election-Related Blackout Period Procedures
- Election-Related Resources Policy
- Equity and Diversity Policy
- Fitness for Work Policy
- Lobbyist Registry By-law
- Occupational Health and Safety Policy
- Records Management Policy and Procedures
- Responsible Computing Policy
- Severance Policy for Councillors’ Assistants (Appendix “A” to Councillors’ Office Manual)
- Workplace Accommodation Policy
- Workplace Hazardous Materials Information System (WHMIS) Policy
- Workplace Violence and Harassment Policy and Procedures

## 9. Complaint Protocol

### (1) Alleged contraventions of the Ethical Framework by Members of Council

Complaints alleging a **Member's contravention** of this Framework will be considered complaints alleging a contravention of the [Code of Conduct for Members of Council](#).

Accordingly, any individual who identifies or witnesses behaviour or activity by a sitting Member of Council that appears to be in contravention of this Framework may initiate an informal complaint, or file a formal complaint, in accordance with the [Complaint Protocol – Code of Conduct for Members of Council](#) (Appendix “A” to the Code of Conduct for Members of Council).<sup>4</sup>

- Link: [Step-by-step instructions on how to file a complaint alleging a contravention of the Code of Conduct for Members of Council](#).
- For any questions regarding the complaint process, contact the Integrity Commissioner: [integrity@ottawa.ca](mailto:integrity@ottawa.ca)

### (2) Complaints of Workplace Violence and Harassment naming a staff member as respondent

In accordance with the Workplace Violence and Harassment Policy, complaints of workplace violence and harassment naming a staff member as the respondent should be reported to [HRWVH@Ottawa.ca](mailto:HRWVH@Ottawa.ca). The definitions of “Workplace Harassment” and “Workplace Violence” are as set out in the [Workplace Violence and Harassment Policy](#).

### (3) Other alleged contraventions of the Ethical Framework by Staff of Members of Council

All other alleged contraventions of this Framework by staff shall be addressed as follows.

### (4) Informal Complaints

Any individual who identifies or witnesses behaviour or activity **by a staff member of a Member of Council**<sup>5</sup> that appears to be in contravention of this Framework may address the prohibited behaviour or activity themselves in the following manner:

- (i) Advise the staff member that the behaviour or activity appears to contravene the Ethical Framework for Members' Staff;

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<sup>4</sup> In the event that a staff member makes a complaint to Human Resources of workplace violence and harassment naming a Member of Council as the respondent, Human Resources shall refer the complaint to the Integrity Commissioner and shall be the complainant for the purposes of the Integrity Commissioner's procedures.

<sup>5</sup> The staff member must be actively employed in a Member's Office at the time the informal process is initiated. The Integrity Commissioner does not have oversight of former staff.



- (ii) Encourage the staff member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
- (iii) Document the incidents including dates, times, locations, other persons present, and any other relevant information;
- (iv) Request the Member and/or the Integrity Commissioner to assist in informal discussion of the alleged complaint with the staff member in an attempt to resolve the issue;
- (v) If applicable, confirm to the staff member your satisfaction with their response; or, if applicable, your dissatisfaction with their response; and
- (vi) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Section 9(5), or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.

Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying behaviour or an activity that they believe violates this Framework. With the consent of both the complaining individual and the staff member, the Integrity Commissioner may participate in any informal process. The parties involved are encouraged to take advantage of the Integrity Commissioner's potential role as a mediator/conciliator of issues relating to a complaint. However, the informal process is not a precondition or a prerequisite to pursuing the formal complaint procedure outlined in Section 9(5) – Formal Complaints.

### **(5) Formal Complaints**

Any individual who identifies or witnesses behaviour or an activity **by a staff member of a Member of Council**<sup>6</sup> that appears to be in contravention of this Framework may file a formal complaint with the Integrity Commissioner ([integrity@ottawa.ca](mailto:integrity@ottawa.ca)) in accordance with the following conditions:

- (i) All complaints shall be made in writing and shall be dated and made by an identifiable individual.
- (ii) The complaint must set out reasonable and probable grounds for the allegation that the staff member has contravened the Ethical Framework for Members' Staff.
- (iii) The complaint must provide as much information as possible about the allegation, including dates, names of witnesses, and details about the nature

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<sup>6</sup> The staff member must be actively employed in a Member's Office at the time the complaint is filed with the Integrity Commissioner. The Integrity Commissioner will not accept complaints respecting former staff.

of the alleged contravention including which Section(s) of the Ethical Framework for Members' Staff is alleged to have been contravened.

- (iv) If the complainant is a Member of Council or the staff person of a Member of Council, their identity may not be protected if the Integrity Commissioner finds that the complaint was not made in good faith.

(a) Filing of Complaint and Classification by Integrity Commissioner

Upon receipt of a complaint, the Integrity Commissioner conducts an initial classification to determine if the complaint is, on its face, one respecting non-compliance with the Ethical Framework for Members' Staff and not covered by other policy or legislation.

(b) Complaints outside Integrity Commissioner Jurisdiction

If the complaint is not, on its face, a complaint with respect to non-compliance with the Ethical Framework for Members' Staff or the complaint is covered by other policy or legislation, the Integrity Commissioner shall advise the complainant in writing as follows:

(i) *Criminal Matter*

If the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate Police Service.

(ii) *Municipal Freedom of Information and Protection of Privacy Act*

If the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter must be referred to the City Clerk for Access and Privacy review.

(iii) *Other Policy Applies*

If the complaint seems to fall under another policy, the complainant shall be advised to pursue the matter under such policy.

(iv) *Lack of Jurisdiction*

If the complaint is, for any other reason, not within the jurisdiction of the Integrity Commissioner, the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

(v) *Matter Already Pending*

If the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a Human Rights complaint or similar process, the Integrity Commissioner may, in the Commissioner's sole discretion and in accordance with legislation, suspend any investigation pending the result of the other process.

(c) Refusal to Conduct Investigation

The Integrity Commissioner may refuse to investigate a complaint or may terminate an investigation if the Integrity Commissioner is of the opinion that:

- (i) There are no grounds or insufficient grounds for an investigation;
- (ii) The complaint is frivolous, vexatious or not made in good faith; or
- (iii) An investigation, or continuation of an investigation, would serve no useful purpose.

(d) Opportunities for Resolution

Following receipt and review of a formal complaint, or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without an investigation, and both the complainant and respondent agree, efforts may be pursued to achieve an informal resolution.

When an investigation is not required, the Integrity Commissioner will communicate that determination, along with a summary of reasons, in writing to the complainant.

(e) Investigation

The Integrity Commissioner will proceed as follows:

- (i) Provide to the respondent and the Member to whom they report, notice that the Integrity Commissioner is proceeding with an investigation;
- (ii) Provide to the respondent information and documentation provided by the complainant relevant to the complaint; and
- (iii) Request that the respondent provide a written response to the allegation within ten business days.

If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.

The Integrity Commissioner shall retain all records related to the complaint and investigation.

(f) Report on the Investigation

The Integrity Commissioner shall conclude the investigation no later than 90 days after the intake process has been completed and an investigation has been commenced. If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an update to the Member and respondent advising the parties of the date the investigation will be complete.

Following the completion of an investigation, the Integrity Commissioner shall provide the respondent with a copy of the draft report and offer the respondent the opportunity to provide comments within five business days.

The Integrity Commissioner shall produce a final report on the investigation setting out factual findings and the Integrity Commissioner's determination on whether the respondent contravened the Ethical Framework for Members' Staff.

The Integrity Commissioner shall provide the final report on the investigation to the respondent, the Member of Council to whom they report, and the City Clerk.

The Integrity Commissioner shall provide a brief update on the investigation to the complainant. The Integrity Commissioner will take into consideration the complainant's relationship to the matter(s) at issue in the complaint in determining the nature of the update, including the level of detail provided.

When the Integrity Commissioner's report has found the complaint sustained in whole or part, the City Clerk and the Member shall determine the appropriate response/ disciplinary action which can include, but is not limited to training, monitoring, a reprimand, or being subject to a transfer, a suspension, or a dismissal.

In exceptional circumstances, the Integrity Commissioner may report to Council the result of the investigation for information. In such a scenario, the Integrity Commissioner has the discretion not to protect the complainant's identity (e.g., if the Integrity Commissioner finds that the complaint was not made in good faith).