

MOTION

WHEREAS Council has adopted a Council Code of Conduct (the “Code”) pursuant to s.223.2 of the *Municipal Act, 2001* (the “Act”);

AND WHEREAS the Code makes members of Council subject to the City of Mississauga’s Respectful Workplace Policy 01-03-04 (the “Policy”);

AND WHEREAS Council has appointed an Integrity Commissioner pursuant to s.223.3 of the Act to be responsible for the application of the Code and City of Mississauga policies governing the ethical behaviour of members of Council, and for conducting inquiries into alleged violations of the Code;

AND WHEREAS the Code does not currently require the Integrity Commissioner to report to Council that they have received a complaint that they deem not to be within their jurisdiction, other than as part of their annual report;

AND WHEREAS actions that violate the Code and/or the Policy may also contravene other legislation or codes, including the Criminal Code of Canada or the Ontario Human Rights Code;

AND WHEREAS the Code includes rules against harassment, abuse, bullying, intimidation, threats and coercion and Council intended complaints involving such actions or behaviours to be investigated as potential Code violations notwithstanding that such actions may also contravene the Criminal Code;

AND WHEREAS s. 223.8 of the Act provides that, where there are reasonable grounds to believe there has been a contravention of the Criminal Code the Integrity Commissioner shall refer the matter to the appropriate authorities and “suspend the inquiry until any resulting police investigation and charge have been finally disposed of”;

AND despite the Act authorizing an Integrity Commissioner to resume an inquiry into an alleged Code violation once any related criminal proceedings have been concluded, and despite the Code containing no prohibition against the Integrity Commissioner resuming an inquiry in such circumstances, Council wishes there be no doubt that it intends and expects such allegations to be investigated;

THEREFORE BE IT RESOLVED

1. That the following paragraph be added to Part B of the Council Code of Conduct Complaint Protocol as subsection 2(2)(e):

“If the complaint is in relation to a matter which is subject to an outstanding complaint, investigation or charge under other legislation, including matters falling under the Criminal Code of Canada or the Ontario Human Rights Code, the Integrity Commissioner may, with notice to Council and in accordance with s.223.8 of the *Municipal Act, 2001*, suspend any investigation under this Code of Conduct until the disposition of the other process, after which they shall resume their inquiry and report to Council.”

2. That Part B of the Council Code of Conduct Complaint Protocol be amended to require the Integrity Commissioner to make quarterly reports to Council regarding any complaints they have deemed to not fall within their jurisdiction by deleting the word “annually” in subsection 2(4) and replacing it with the word “quarterly”;
3. That the following housekeeping amendments be made to Part B of the Council Code of Conduct Complaint Protocol:
 - a. The reference to “subsection (3)” contained in subsection 2(1) be removed and replaced with the words “subsection (2)”; and
 - b. The phrase “If the complaint seems to fall under another policy” be added to the beginning of paragraph 2(2)(c).



Councillor Pat Saito