



CITIZEN COMMITTEE REPORT

To:	Audit, Finance and Administration Committee
From:	Women and Gender Equity Advisory Committee _____ Deanna Allain, Chair
Date:	January 26, 2023
Re:	Feedback on the City of Hamilton Code of Conduct for Local Boards

Recommendation

The City of Hamilton Women and Gender Equity Advisory Committee recommends that Council, with the support of staff, consider the following items of feedback respecting the proposed code of conduct, and ensure that commitments listed by the city and staff are upheld.

The committee urges staff and members of council to ensure that the code of conduct for citizen volunteers does not exceed expectations in comparison with the codes of conduct for City of Hamilton staff or councillors.

The committee would also like to draw particular attention to the lack of clarity respecting consequence of failure to adhere to code of conduct. While there is no mention of financial penalty, the committee is aware of a large penalty applied to a volunteer member of another citizen advisory committee in this past term. As unpaid volunteers, the precedent of a large financial penalty deters critical and truthful engagement, and impacts membership recruitment and retention due to fear of such reprisal or being made an example for others. Consequences must be more clearly stated, and restrictions to such consequences should also be stated as part of the code, not subject to “broad, liberal interpretation” as is the entire code. It is in the opinion of the advisory committee that consequences of failure to adhere to the code of conduct should not include financial penalties.

The document’s table of contents and references to by-laws and other pieces of legislation should include hyperlinks for ease of access in electronic format. Additionally, the document should be available in a plain language format, recognizing that the format and legalese creates a barrier to engagement and ensuring all committee members understand their roles and commitments.

Should council members or staff require additional information related to any of the mentioned feedback, the committee is prepared to provide additional reports or attend meetings to respond to questions.

Feedback

- Page 41: regarding the statement, “This Code of Conduct is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. Commentary in this Code is illustrative and not exhaustive.”, the committee feels that the Code of Conduct should be explained more thoroughly and in plain language to prevent interpretation which extends beyond the understanding of the public and volunteer advisory committee members.
- Page 43: regarding confidential information, more information is needed to establish exactly what is considered to be confidential, how members can be aware of what the board of city is prevented from disclosing, and how the rule differentiates between items discussed in a closed meeting and information that is already publicly available. There should be a clear system to label and identify confidential information to local boards. Information related to confidentiality for members of council is much clearer in their code of conduct compared to this proposed code for volunteers.
- Page 44: regarding member conduct, more clarity is needed to provide committee members with information on how the City of Hamilton can require decorum “at all times”. For instance, if political protest is a charter protected right, but is not considered conducting oneself with decorum, more clarity is needed to confirm if a volunteer advisory committee member may face consequences or penalties.
- Page 44-45: regarding media communications, the committee was previously told that the chair could not speak to media without approval from the committee they report to, which does not appear to be the case in the code of conduct. There is no information on the ability of the Chair to speak to media and what, if any, approval is required, or what limitations, if any, exist as part of such media communication. The commentary also identified that the rules of decorum apply to social media, and recommend that members “should consider articulating and posting their own policy of addressing how frequently they will monitor the site for the purpose of identifying and removing disparaging, abusive or hateful comments.” It is in the opinion of the advisory committee that the City of Hamilton should not be applying rules of decorum to volunteer committee members on their personal social media accounts, or outside of their duties as committee members, as it may infringe on their rights to expression and political protest. Further, it is unreasonable to apply responsibility for filtering hateful and abusive comments on the posts of volunteer advisory committee members. The City of Hamilton should not expect anyone to read through abusive and hateful comments on personal social media as part of code of conduct, and especially should not do so without providing support and resources for the additional harm such exposure to hate and abuse can cause.
- Page 45: regarding the expectation that members “adhere to and encourage public respect for the Local Board, the municipality and its by-laws, policies and procedures”, the committee feels the Code of Conduct must provide clearer definitions or respect and what is considered disrespectful. Further to this, more clarity is needed to ensure members understand whether their rights to expression and political protest will be restricted or prohibited when agreeing to volunteer on a

citizen advisory committee.

- Page 45: regarding the workplace harassment and violence policies in place for staff, members of this advisory committee have not received copies of such policies, and these policies, in addition to the code of conduct, must be easily and readily available to members so they can comply.
- Page 46: regarding the advice to consult the integrity commissioner if members seek clarification, there should be direction or information on who or how to contact the integrity commissioner included in the code of conduct.
- Page 46: the formatting of “Part 2” to include additional context for previously mentioned rules and the addition of new rules makes this part of the document particularly difficult to read and follow, and revision may be needed.
- Page 47: regarding the consequences of failure to adhere to code of conduct, and in addition to the aforementioned feedback on this item, “reprimand” must be clearly defined, and this section must clearly identify what reprimand and remedial actions will look like for volunteer citizen committee members.
- Page 49: the numbering of the items on this page include two separate items numbered as 4, rather than a continued sequential order. More clarity is needed on the operating procedure regarding any requirements for approval that are needed before a chair can speak to media on behalf of the committee, and what restrictions might be in place for such engagement.
- Page 53: regarding the note at the bottom of the page, the Chair or Vice-Chair and the Secretary have never signed the meeting minutes in practice on this committee, and more clarification is needed on if digital signatures would be acceptable if this is now going to be required, considering the hybrid operation of most committees.