

Decision Note – Director Accountability Framework

Agenda Item No.	C-565-10.2
Purpose	For Council to review and adopt the Director Accountability Framework and its accompanying policies.
Strategic/Regulatory Focus	Governance improvement
Motion	<p>That Council approves the Councillor Code of Conduct at C-565-10.2, Appendix A.</p> <p>That Council approves the Conflict of Interest Policy and Procedure for PEO Council at C-565-10.2, Appendix B.</p> <p>That Council approves the Anti-Workplace Violence, Harassment, and Discrimination Policy at C-565-10.2, Appendix C.</p> <p>That Council approves the election eligibility criteria presented at C-565-10.2, Appendix D, and directs staff to work with the Ministry of the Attorney General to prepare regulations respecting and governing the qualifications of the members to be elected to the Council as anticipated by clause 2 of subsection 7(1) of the <i>Professional Engineers Act</i>.</p> <p>That Council approves the disqualification conditions presented at C-565-10.2, Appendix E, and directs staff to work with the Ministry of the Attorney General to prepare regulations prescribing the conditions disqualifying members of the Council from sitting on the Council as anticipated by clause 3 of subsection 7(1) of the <i>Professional Engineers Act</i>.</p>
Attachments	<p>Appendix A – Draft Councillor Code of Conduct</p> <p>Appendix B – Draft Conflict of Interest Policy and Procedure for PEO Council</p> <p>Appendix C – Draft Anti-Workplace Violence, Harassment, and Discrimination Policy</p> <p>Appendix D – Proposed Election Eligibility Criteria</p> <p>Appendix E – Proposed Councillor Disqualification Conditions</p>

Summary

GNC recommends that Council review the “Director Accountability Framework” and its accompanying policies for approval. This item has been subject to extensive review and development work, including consultation with Council, discussion at meetings of the GNC and HRCC, and the assistance of external legal counsel. At GNC’s request, different lawyers were engaged to provide further evaluation and advice. The Code of Conduct was subject to a line-by-line review and re-write by GNC at three meetings over the summer and the September GNC meeting. All members of Council were invited to submit comments for consideration at GNC’s review meetings and to participate in the discussions.

Public Interest Rationale

Adopting strong governance controls, including high standards for director conduct, is crucial for fulfilling PEO's public protection mandate.

Background

In 2022, following concerns initially raised by HRCC in 2020 during a review of PEO's Anti-Workplace Violence and Harassment Policy, Council directed staff to conduct a review of governance control practices related to expectations for director conduct. In September 2023, GNC presented Council with the findings of the Good Governance Practices Review, which included a literature review, environmental scan, and a report on good governance control practices. In November 2023, Council passed a resolution directing staff/GNC to propose a plan for "a Code of Conduct to confirm Council's expectations for Councillor conduct that includes enforcement mechanisms to enable Council to effectively, fairly, and consistently address serious misconduct, with or without changes to existing legislation."

Also in November 2023, Council appointed Councillor Glen Schjerning to coordinate the implementation of recommendations of an Ad-Hoc Committee of Council with the CEO/Registrar and Council as appropriate. Some of the recommendations overlapped with the work already underway in respect of a "Director Accountability Framework."

At its February 2024 meeting, Council approved a plan proposed by GNC regarding governance controls for director conduct. At GNC meetings in March and April 2024, a pre-plenary session of Council on April 4, 2024, and at the June 21st Council meeting, Councillors provided feedback on the Director Accountability Framework and its components: a Councillor Code of Conduct, a Conflict of Interest Policy, an Anti-Workplace Violence, Harassment, and Discrimination (AWVHD) Policy, election eligibility criteria, and disqualification conditions.

Over the summer of 2024, GNC met three additional times for a close reading and re-drafting of the Code of Conduct, as well as to provide further opportunity for all Councillors to comment on the Code of Conduct and accompanying policies.

At a meeting on August 19, 2024, GNC completed its line-by-line review and finalized a draft of the Code of Conduct. The committee asked external legal counsel to (i) add a paragraph to address "speaking respectfully," (ii) particularize potential sanctions, and (iii) clarify the paragraph addressing allegations raised pursuant to another policy. The committee also requested an overall review of the document for legal risk and consistency. GNC discussed the legal review and entire framework on September 10th.

Considerations

- In implementing Council's direction, GNC has conducted extensive study with respect to the framework.
- All Councillors from the previous and current Council terms have had the opportunity to review the documents and provide feedback to the GNC.
- The Director Accountability Framework components constitute a good governance control practice common to other professional regulators.
- GNC requested that its draft Code of Conduct be reviewed by external legal counsel with respect to legal risk mitigation and two additional recommendations have been made by external legal counsel following review (see sections 7 and 8 of the draft Code of Conduct at Appendix A).

Stakeholder Engagement

These documents were developed through consultation with Council. Volunteers were also consulted with respect to the AWWHD Policy.

Recommendation and Next Steps

If approved by Council, the policies would become effective, and staff would work with the Ministry of the Attorney General on any required regulatory changes.

The Code of Conduct and Conflict of Interest Policy would be reviewed in two years, and per statutory requirement, the Anti-Workplace Violence, Harassment and Discrimination Policy would be subject to annual review.

Prepared By: Policy Staff

Professional Engineers Ontario - Councillor Code of Conduct

Purpose

1. This Code of Conduct (“**Code**”) sets out:
 - (a) The duties and standards of conduct for members of the Council (“**Councillors**”); and
 - (b) A process for addressing contraventions of the Code.

Application and Scope

2. The Code applies to:
 - (a) All elected and appointed Councillors.
 - (b) All areas related to Councillor responsibility, including in relation to fiduciary duties, Committee work, representing PEO in the community, and at Chapter events.

Duties of Councillors

3. In exercising their powers and discharging their obligations to the PEO, Councillors shall adhere to their fiduciary duty to:
 - (a) Act honestly and in good faith with a view to the best interests of PEO; and
 - (b) Exercise the care, diligence, and skill that a reasonably prudent person would exercise in comparable circumstances.
4. Councillors shall comply with:
 - (a) The *Professional Engineers Act* (the “**Act**”) and regulations made under it;
 - (b) PEO’s by-laws;
 - (c) This Code; and
 - (d) All policies and procedures applicable to Councillors.
5. In addition to the confidentiality provisions of section 38 of the Act, Councillors shall maintain the confidentiality of any confidential information obtained in the course of their work with PEO, during service and after their service is over.
6. Councillors shall engage with one another and with staff and volunteers in a manner that is civil, courteous, professional, and respectful, including during debate and discussion at Council and Committee meetings.
7. Without restricting the opportunity for Councillors to openly discuss any matter, Councillors shall:

- (a) Uphold and speak respectfully of the decisions of PEO's Council and Committees; and
 - (b) Exercise care when making statements to the public, including to PEO members, to ensure that no personal statements, opinions, or beliefs are attributed to PEO.
8. Councillors shall not contravene any federal, provincial, or territorial law relevant to their suitability to serve on Council.
9. Councillors are expected to regularly attend all Council and Committee meetings. Repeated absences without valid reason may be considered a breach of the Code.

Addressing Contraventions of the Code of Conduct

10. Any Councillor or member of the Executive Leadership Team may bring a complaint in writing alleging contravention of this Code. To clarify, this provision does not prevent staff from making complaints under policies such as the Anti-Workplace Violence, Harassment and Discrimination Policy or the Safe Disclosure Policy.
11. Councillors shall be disqualified from addressing or evaluating a complaint at any stage of the complaint process where they are the subject of the complaint, the complainant, or are otherwise placed in a conflict by the complaint.
12. Except as provided for in this section, all complaints shall be brought to the President, who shall receive the complaint in the capacity as "Complaints Intake Councillor". The Complaints Intake Councillor will notify the CEO/Registrar or their designate of any complaint received.
- (a) If the President is disqualified from serving as Complaints Intake Councillor, the complaint will be brought to the Past President.
 - (b) If the President and Past President are disqualified from serving as Complaints Intake Councillor, the complaint will be brought to the President-Elect.
 - (c) If the President, Past President, and President-Elect are disqualified from serving as Complaints Intake Councillor, those Governance Committee Chairs who are not conflicted by the complaint will select a Councillor to serve as the Complaints Intake Councillor.
13. If the complaint concerns a matter covered by the Anti-Workplace Violence, Harassment & Discrimination Policy (or any other policy that sets out a separate investigation process), the Complaints Intake Councillor shall proceed with the complaint in accordance with the procedure set out in the applicable policy. In the case of all other complaints, the Complaints Intake Councillor, in consultation with the CEO/Registrar or their designate, shall review the complaint and determine whether the complaint should proceed to an investigation. The Complaints Intake Councillor and CEO/Registrar or their designate may rely on external advice as needed.
14. If the Complaints Intake Councillor, in consultation with the CEO/Registrar or their designate, determines that the complaint does not raise a Code of Conduct issue or is otherwise frivolous or vexatious, the Complaints Intake Councillor may decide that the complaint will not proceed to an investigation and that no further steps will be taken.

15. Where the Complaints Intake Councillor decides not to proceed with a complaint, they will:
 - (a) Inform the complainant of the decision not to proceed, the reason why, and that the decision is final and not subject to appeal; and
 - (b) Inform Council, at a meeting with the public excluded, of the fact that a complaint was received and the decision not to proceed. The Complaints Intake Councillor shall not inform Council of the nature of the allegations, the identity of the Councillor, subject of the complaint, or the identity of the complainant.
16. Where the Complaint Intake Councillor determines that a complaint should proceed to an investigation, Council, at the request of the Complaint Intake Councillor, will strike a panel of not less than three non-conflicted Councillors (the "**Panel**") to consider the complaint. An independent external investigator shall be engaged to conduct an investigation as outlined below. The Panel may also be supported by external legal counsel in discharging its responsibilities.
17. The Panel shall ensure that any investigation conducted at its direction or on its behalf accords with the principles of natural justice and procedural fairness, including as follows:
 - (a) All Councillors shall be treated fairly and with respect;
 - (b) The subject Councillor shall be given proper notice;
 - (c) The subject Councillor shall be given the opportunity to respond; and
 - (d) The investigation shall be undertaken with all due haste without impairing the procedural rights of the Councillor who is the subject of the investigation.
18. The Panel shall retain the discretion to direct that any investigations be conducted in accordance with the principles of natural justice and procedural fairness, and any deviation from the provisions of this Code for that purpose shall not invalidate the investigation or otherwise affect its jurisdiction.
19. If the Panel determines that the complaint may be appropriately resolved by informal means, the Panel may engage in an informal resolution process following receipt and consideration of the investigator's report. If informal resolution is deemed inappropriate or cannot be achieved in a reasonable amount of time, the Panel will determine whether there has been a breach of this Code. This provision does not preclude the interested parties from voluntarily engaging in informal resolution at a different stage of the complaint process.
20. If, following its receipt and consideration of the report of investigation, the Panel determines that there has been a breach of this Code, it may recommend to Council one or more of the following outcomes:
 - (a) No further action;
 - (b) Censure of the Councillor verbally or in writing;
 - (c) Suspension or removal of the Councillor from any Committee on which they serve;

- (d) Suspension or removal of the Councillor as a Chair of any Committee on which they serve;
 - (e) Suspension for a period of time of any of the Councillor's rights and privileges, including but not limited to:
 - (i) Exclusion of the Councillor from all or part of the meetings of Council or any Committee;
 - (ii) Restricting access to confidential information by the Councillor;
 - (f) Requiring that the Councillor undergo coaching and/or further training or development at their own expense before any restrictions are lifted;
 - (g) In circumstances where the Panel forms the view that the Councillor has engaged in repeated serious breaches and/or a single very serious breach of the Code, it may recommend the removal of the Councillor from office; or
 - (h) Any other sanction or outcome appropriate to the circumstance.
21. Where the substance of the complaint has already been investigated pursuant to another policy (for example, the Anti-Workplace Violence, Harassment & Discrimination Policy), the Panel shall not conduct a second investigation but will consider recommending to Council one or more of the outcomes listed above, at section 20, based on the completed investigation.
 22. The Panel shall prepare a written report setting out its determination, based on the results of the investigation, and a recommended outcome, together with reasons for why the outcome was recommended. A copy of the Panel's report will be provided to the other Councillors and to the Councillor that is the subject of the complaint. A summary report will be provided to the complainant.
 23. The Council will notify the Councillor who is the subject of the complaint of the date on which the Council will consider the Panel's recommendation and provide the Councillor with an opportunity to make submissions to Council either orally or in writing.
 24. The subject Councillor shall not participate in any vote or decision of Council in respect of the matter.
 25. Council shall consider the Panel's recommendation and any submissions of the subject Councillor and shall make a decision with respect to the outcome, as follows:
 - (a) By resolution approved by no fewer than 2/3 of Councillors present and eligible to vote on the resolution, Council may impose a sanction or outcome other than the removal of the subject Councillor;
 - (b) By resolution approved by no fewer than 3/4 of Councillors present and eligible to vote, and where the Panel has recommended the removal of the subject Councillor from office, Council may:
 - (i) Remove an elected Councillor before the expiry of their term of office; or

- (ii) Request that the Lieutenant Governor in Council remove an appointed Councillor before the expiry of their term of office;
 - (c) Absent a resolution approved by no fewer than 2/3 of Councillors present and eligible to vote, no further action shall be taken.
- 26. Council shall fill any Councillor vacancy caused by removal under this Code pursuant to the Act, regulations, and by-laws.
- 27. The Lieutenant Governor in Council may appoint any qualified individual as a Councillor to fill any appointed Councillor vacancy.
- 28. The Councillor in question will be notified of the decision of Council.
- 29. By direction to the CEO/Registrar or their designate, Council shall determine in what manner the complainant will be informed of the decision of Council.
- 30. Council, in consultation with the CEO/Registrar or their designate, may report publicly on the complaint and outcome once it has been decided but shall maintain confidentiality regarding the individuals involved in the investigation, with the exception of the subject Councillor.

Approved By: Council

Approval Date: September 27, 2024

Effective Date: September 27, 2024

Review Date: 2026

Conflict of Interest Policy and Procedure for PEO Council

Purpose

All Councillors have a duty to ensure that the integrity of the decision-making processes of the Council are maintained by ensuring that they and other Councillors are free from conflict or potential conflict in their decision-making. It is inherent in a Councillor's fiduciary duty that conflicts of interest be avoided. It is important that all Councillors understand their obligations when a conflict of interest or potential conflict of interest arises.

Application and Scope

This policy applies to all elected and appointed Councillors.

Policy Statement

Councillors shall avoid situations in which they may be in a position of a conflict of interest or perceived conflict of interest. In addition to the conflict of interest provisions in the by-laws and Governance Manual, this policy and procedure shall be followed when a conflict or potential conflict arises.

Description of Conflict of Interest

1. A conflict of interest arises in any situation where a Councillor's duty to act solely in the best interests of PEO and to adhere to their fiduciary duties is compromised or impeded by any other interest, relationship, or duty of the Councillor. A conflict of interest also includes circumstances where the Councillor's duties to PEO are in conflict with other duties owed by the Councillor such that the Councillor is not able to fully discharge the fiduciary duties owed to PEO.
2. There may be cases where the perception of a conflict of interest or breach of duty, or a potential conflict of interest or breach of duty, may be harmful to PEO (even where no actual conflict exists or breach has occurred). The process set out in this policy for addressing conflicts and breaches of duty shall be followed regardless of whether the conflict at issue is actual, perceived, or potential.
3. The situations in which an actual, perceived or potential conflict of interest may arise cannot be exhaustively set out. Conflicts generally arise in the following situations:
 - a) **Transacting with PEO**
 - i. When a Councillor transacts with PEO directly or indirectly.
 - ii. When a Councillor has a material direct or indirect interest in a transaction or contract with PEO.

b) Interest of a Relative

- i. When PEO conducts business with suppliers of goods or services or any other party of which a relative or member of the household of a Councillor is a principal, officer, or representative.

c) Gifts

- i. When a Councillor or a member of the Councillor's household or any other person or entity designated by the Councillor, accepts gifts, payments, services, or anything else of more than a token or nominal value from a party with whom PEO may transact business (including a supplier of goods or services) for the purposes of (or that may be perceived to be for the purposes of) influencing an act or decision of the Council.

d) Acting for an Improper Purpose

When Councillors exercise their powers motivated by self-interest or other improper purposes. This includes using their position in an improper way to further their private interests or those of associates, friends or relatives, and includes, for example, use of PEO resources for purposes other than PEO business (e.g. for election activities).

e) Appropriation of Corporate Opportunity

- i. When a Councillor diverts to their own use, an opportunity or advantage that belongs to PEO.

f) Duty to Disclose Information of Value to PEO

- i. When Councillors fail to disclose information that is relevant to a vital aspect of PEO's affairs.

g) Duty to PEO/Conflict of 'Duty and Duty'

- i. Councillors appointed to the Council by the Lieutenant Governor in Council do not represent the government's interests and must act in the best interests of PEO as a whole. Elected Councillors do not represent an electoral district or constituency and must act in the best interests of PEO as a whole.
- ii. A Councillor may be in a position where there is a conflict of 'duty and duty,' where the duties that a Councillor owes to PEO are in conflict with duties that they owe elsewhere. This may arise where the Councillor serves as a director of another corporation or has an association or

relationship with another entity. The Councillor cannot act to advance any interests other than those of PEO.

h) Regulatory or Other Proceedings

- i. When a Councillor becomes the subject of a regulatory process at PEO or involved in (e.g. as a witness or complainant) an internal PEO process (e.g., anti-violence, Code of Conduct), they may be involved in Council activities that give rise to a conflict of interest or the perception of a conflict of interest.

Procedure for Disclosure of Conflicts, Resolution of Conflicts, and Addressing Breaches of Duty

Disclosure of Conflicts

A Councillor who is in a position of conflict or potential or perceived conflict shall immediately disclose such conflict to the Council by notification to the President. In the event that the President has a conflict of interest, the conflict of interest must be disclosed to the Past President. In the event that both the President and the Past President have a conflict of interest, the conflict must be disclosed to the President Elect. (The President, Past President and President Elect, as the case may be is referred to in this Conflict of Interest Policy and Procedure as the "President").

The disclosure shall be sufficient to disclose the nature and extent of the interest. Disclosure shall be made at the earliest possible time and, where possible, prior to any discussion and vote on the matter.

- The disclosure must be made, at a minimum:
 - At the meeting where a matter in which the Councillor has a conflict is first considered;
 - If the Councillor was not then interested in a matter, at the first meeting after the Councillor becomes so interested;
 - If the Councillor becomes interested after a matter has been approved, at the first meeting after the Councillor becomes so interested; or
 - If an individual who has a conflict in a matter later becomes a Councillor, at the first meeting after the individual becomes a Councillor.
- If a Councillor has a conflict of interest in a matter that, in the ordinary course of PEO's business, would not require approval of the Council or members, the Councillor shall disclose the conflict of interest to the President, or request to have entered in the minutes of Council meetings, the nature and extent of their interest immediately after the Councillor or officer becomes aware of the matter. In the event that the President has a conflict of interest, the conflict of interest must be disclosed to the Past President. In the event that both the

President and the Past President have a conflict of interest, the conflict must be disclosed to the President Elect.

Continuing Disclosure

A Councillor may provide a general notice to the Council disclosing their relationships and interests in entities or persons that give rise to conflicts.

Leave the Meeting and Do Not Vote

A Councillor who has declared a conflict or who, as a result of the resolution process set out below has been found to be in a conflict, shall not participate in any way in any discussion or decision in a matter in which they have a conflict.

Exceptions are made if the matter relates to a contract or transaction for Councillor indemnity or insurance.

Resolution Process

Referral

A Councillor may be referred to the process outlined below where any Councillor believes that they or another Councillor:

- a) Has breached their duties to PEO;
- b) Is in a position where there is a potential breach of duty to PEO;
- c) Is in a situation of actual or potential conflict of interest; or
- d) Has behaved or is likely to behave in a manner that is not consistent with the highest standards of trust and integrity and such behaviour may have an adverse impact on PEO.

Process for Resolution

1. The matter shall be referred to the President. In the event that the President has a conflict of interest, the matter shall be referred to the Past President. In the event that both the President and the Past President have a conflict of interest, the matter shall be referred to the President Elect.
2. The President may either:
 - a) Attempt to resolve the matter informally; or
 - b) Refer the matter to the Governance and Nominating Committee which shall report to the Council.

3. If the President elects to attempt to resolve the matter informally and the matter cannot be resolved to the satisfaction of the President and the Councillor involved, then the President shall refer the matter to the process in (2)(b) above.
4. A decision of the Council by ordinary resolution shall be determinative of the matter.

If a conflict, perceived conflict, or other matter referred cannot be resolved to the satisfaction of the Council (by ordinary resolution) or if a breach of duty has occurred, a Councillor may be asked to resign or may be subject to referral to the Code of Conduct process.

Approved By: Council

Approval Date: September 27, 2024

Effective Date: September 27, 2024

Review Date: 2026

Professional Engineers Ontario Anti-Workplace Violence, Harassment, and Discrimination Policy

Note: This policy replaces the 2014 PEO Anti-Workplace Violence and Harassment Policy.

Statement of Principles

1. Professional Engineers Ontario (PEO) is committed to providing a work environment in which everyone is treated with dignity and respect, and where violence, harassment, and discrimination are not tolerated.
2. PEO is committed to ensuring a safe workplace that is free from violence for everyone, including all staff, volunteers, and Councillors.
3. PEO recognizes its obligations under the *Occupational Health and Safety Act (OHSA)* and Ontario *Human Rights Code* (“**the Code**”) with respect to workplace violence, workplace harassment, harassment, and discrimination.
4. PEO is committed to fostering an organizational culture that encourages inclusiveness, mutual respect, and psychological safety.

Purpose

5. The purpose of this policy is to:
 - a) Foster and maintain a safe, inclusive, and respectful work environment at PEO;
 - b) Ensure that PEO meets its obligations under the OHSA and the Code to prevent and address workplace violence, workplace harassment, harassment, and discrimination;
 - c) Ensure that all participants in the PEO workplace are aware of their rights and responsibilities with respect to violence, harassment, and discrimination in the workplace, including the right to make a complaint under this policy;
 - d) Identify the conduct and actions prohibited by this policy;
 - e) Establish procedures to report incidents of workplace violence or workplace harassment;
 - f) Establish procedures for addressing incidents or complaints of workplace violence, harassment, or discrimination;

- g) Outline preventative actions that may be taken to foster a safe and respectful environment; and
 - h) Outline possible remedial actions and penalties when an incident or complaint of workplace violence, harassment, or discrimination has been brought forward and substantiated.
6. This policy is *not* intended to constrain acceptable professional and social interactions at PEO, such as respectful vigorous debate at committee meetings.

Scope and Application of Policy

7. This policy applies:
- a) To all PEO staff, volunteers, and Councillors;
 - b) At every level of PEO and in all work settings, including off-site meetings, PEO-sanctioned social events, Chapter events, and all forms of electronic communication related to work;
 - c) To all aspects of the employment relationship, contractual relationship, volunteer relationship, and Councillor role and to the services provided to PEO by staff, volunteers, and Councillors.

Accessibility of Policy

8. PEO shall ensure this policy is made available to all staff, volunteers, and Councillors and that it is posted in a conspicuous place at PEO head office and on the PEO website.

Confidentiality

9. Information about an incident or complaint under this policy, including identifying information about any individuals involved, shall not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

Definitions

10. **Council** – the Council of the Association of Professional Engineers of Ontario.
11. **Councillor** – elected or appointed member of PEO Council.

12. **Discrimination** – differential treatment, whether intentional or not, that imposes a disadvantage or burden on a person or group of persons, or that results in the denial of a benefit to a person or group of persons based on one or more of the protected grounds enumerated in the *Code*.

See **Appendix 1** for a list of protected grounds and **Appendix 2** for examples of discrimination.

13. **Harassment** – engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Harassment can also include single incidents depending on factors such as their severity. Harassment includes bullying and sexual harassment. Harassment is a form of **Discrimination** when it relates to one or more of the *Code's* protected grounds.

Workplace Harassment – engaging in a course of vexatious comment or conduct against a staff member, volunteer, or Councillor in the workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment includes Workplace Sexual Harassment.

Workplace Sexual Harassment — engaging in a course of vexatious comment or conduct against a staff member, Councillor, or volunteer in the workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome.

Workplace Sexual Harassment also means making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the staff member, volunteer, or Councillor and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

A reasonable action taken by an employer or supervisor relating to the management and direction of Staff or Volunteers or the workplace is not workplace harassment.

A reasonable action taken by Council relating to the governance of Councillors or Volunteers is not workplace harassment.

See **Appendix 2** for examples of harassment.

14. **Staff** – PEO employees, including contract employees and independent contractors.

Where the term “Chief Legal Officer” is used, it means the general counsel of the Association or equivalent.

Where the term “CEO/Registrar” is used, it means the Registrar of the Association.

15. **Volunteer** – any individual who provides services to PEO who is not a staff member, a Councillor, or a third party supplier. Examples of volunteers at PEO include any Chapter volunteers and any member of a regulatory committee such as the Complaints Committee or the Academic Requirements Committee. Some volunteers are appointed by Council and may be approved by the provincial government. Some volunteers may receive remuneration for their services.
16. **Workplace** - means any land, premises, location or thing at, upon, in or near which a PEO staff member or volunteer or Councillor works. For greater clarity, this includes off-site meetings, PEO-sanctioned social events, Chapter events including social events, and all forms of electronic communication related to work.
17. **Workplace Violence** -
 - a) The exercise of physical force by a person against a staff member or volunteer or Councillor, in a workplace, that causes or could cause physical injury to the staff or volunteer or Councillor;
 - b) An attempt to exercise physical force against a staff member or volunteer or Councillor, in a workplace, that could cause physical injury to the staff or volunteer or Councillor;
 - c) A statement or behaviour that is reasonable for a staff member or volunteer or Councillor to interpret as a threat to exercise physical force against the staff member or volunteer or Councillor, in a workplace, that could cause physical injury to the staff member or volunteer or Councillor.

See **Appendix 2** for examples of workplace violence.

Policy Statement

Rights and Responsibilities

18. Workplace violence, all forms of harassment, and discrimination are prohibited at PEO, and incidents of, or complaints about, prohibited conduct

shall be dealt with by PEO in a manner that is fair for all parties, timely, and consistent with the principles of procedural fairness.

Workplace Violence

19. PEO prohibits acts or threats of violence in the workplace.
20. PEO shall take appropriate action to help prevent workplace violence.
21. PEO shall make every reasonable effort to assess and mitigate the risks of workplace violence as follows:
 - a) PEO shall provide for safe work procedures;
 - b) PEO shall ensure safety in the physical work environment;
 - c) PEO shall put procedures in place for informing or advising staff, volunteers, and Councillors of potentially violent situations or people;
 - d) PEO staff, volunteers, and Councillors shall be trained on the workplace violence policy;
 - e) PEO shall provide contact information for reporting incidents of workplace violence;
 - f) PEO shall have emergency procedures in place for summoning immediate assistance when workplace violence occurs or is likely to occur.
22. PEO shall reassess the risks of workplace violence that may arise from the nature of the workplace, the type of work, or the conditions of work as often as is necessary to ensure that this policy and its workplace violence program continue to protect staff, volunteers, and Councillors from workplace violence.
23. Firearms, weapons, and explosives of any kind are strictly prohibited.
24. PEO shall investigate and deal with incidents or complaints of workplace violence as set out in the **Incidents and Complaints Investigation Procedure** at **Appendix 5**.

Domestic Violence

25. If PEO becomes aware or ought reasonably to be aware that domestic violence that would likely expose a worker to physical injury may occur in the

workplace, PEO shall take every precaution reasonable in the circumstances for the protection of the worker.

Right to Refuse Unsafe Work

26. A staff member, volunteer, or Councillor may refuse to do work where they have reason to believe that workplace violence is likely to endanger them. In such cases, the staff member, volunteer, or Councillor shall report the circumstances following the process at **Appendix 3**.

Harassment and Discrimination

27. Everyone has a right to freedom from harassment in the workplace, including harassment because of sex, sexual orientation, gender identity, gender expression, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or disability.
28. Staff, volunteers, Councillors, licence holders, and those accessing PEO's services have a right to be free of discrimination.
29. Staff, volunteers, and Councillors at PEO are prohibited from engaging in harassment or discrimination in the workplace.
30. Any individual, including those accessing PEO's services, is prohibited from engaging in harassment or discrimination against staff, volunteers, or Councillors in the workplace.
31. PEO shall investigate and deal with incidents or complaints of harassment or discrimination as set out in the **Incidents and Complaints Investigation Procedure** at **Appendix 5**.

Harassment or Discrimination in the Provision of Services

32. PEO recognizes that its staff, volunteers, and Councillors may be subjected to harassment or discrimination by individuals at PEO who are not staff, volunteers, or Councillors, such as applicants or licence holders. PEO acknowledges its responsibility to support and assist staff, volunteers, and Councillors subjected to such harassment or discrimination and to do all it can to ensure that the behaviour stops.
33. PEO also prohibits harassment and discrimination in the provision of services to third parties, including licence holders, suppliers or service providers. PEO acknowledges its responsibility to address such behaviour.

Threats, Reprisals or Retaliations and Bad Faith Complaints

34. Threats, reprisals, or retaliation in relation to the assertion of rights under this policy or enforcement of this policy are prohibited. Any such conduct is a violation of this policy and may result in disciplinary action or sanction.
35. Malicious or bad faith complaints are prohibited. A bad faith complaint is one that may be motivated by an ulterior motive, ill will, hostility, personal animosity, a lack of fairness, or a lack of total honesty. Any such conduct may result in disciplinary action or sanction. Submitting a complaint in good faith, even when the complaint cannot be proven, is not a violation of this policy.

Legal Recourse

36. No part of this policy shall at any time prevent an individual who has experienced workplace violence, harassment, or discrimination from taking legal action regarding the incident, including exercising their rights under the *Code* within the time limits specified by that legislation.

Investigation of Incidents and Complaints

37. A staff member, volunteer, or Councillor may make a complaint under this policy per the **Incidents and Complaints Investigation Procedure at Appendix 5**.
38. The CEO/Registrar or staff designate (or Council, where the incident or complaint involves the CEO/Registrar) shall ensure that an investigation is conducted into incidents and complaints of workplace violence, harassment, or discrimination that they determine appropriate in the circumstances.
39. The investigation shall ensure a fair and timely process for all parties involved. The CEO/Registrar or staff designate may engage an external investigator where they determine it is appropriate or where it is required by this policy.
40. Where the incident or complaint involves the CEO/Registrar as a complainant or a respondent, or in circumstances where it would otherwise not be appropriate for the CEO/Registrar to be responsible for the investigation, the President is responsible for ensuring there is an appropriate investigation, and an external investigator shall be engaged. Where the incident or complaint involves both the CEO/Registrar and President, the Past President shall be responsible for ensuring there is an appropriate investigation, and an external investigator shall be engaged. Where the incident or complaint involves the CEO/Registrar and the President and the Past President, the President Elect shall be responsible for ensuring there is an appropriate investigation, and an external investigator shall be engaged.

41. Where the incident or complaint involves a Councillor, an external investigator shall be engaged.
42. Where a regulated professional has been found in violation of this policy following the procedure established by this policy, the CEO/Registrar or staff designate should consider whether to make a regulatory report or complaint. Where the CEO/Registrar has been found in violation of the policy, Council should consider whether to pursue a regulatory referral.

Reporting of Incidents

43. Staff, volunteers, and Councillors at PEO shall report incidents of workplace violence and are encouraged to report incidents of harassment or discrimination, as outlined in Appendices 3, 4 and 5, in order to help foster a safe, respectful, and inclusive workplace.

Conflict with Other Policies

44. If there is a conflict between a provision in this policy and a provision in another PEO policy, the provision in this policy prevails.

Annual Review

45. This policy and its programs shall be reviewed by Council as often as necessary, but at least annually.

Appendix 1: Protected Grounds under the *Human Rights Code*

Appendix 2: Examples of Discrimination, Harassment, and Workplace Violence

Appendix 3: Workplace Violence Program

Appendix 4: Workplace Harassment Program

Appendix 5: Incidents and Complaints Investigation Procedure

Appendix 6: Process Flow Chart

Appendix 1: Protected Grounds under the *Human Rights Code*

The Ontario *Human Rights Code* prohibits actions that discriminate against people based on a protected ground in a protected social area. Protected grounds are:

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family status
- Marital status (including single status)
- Gender identity
- Gender expression
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including pregnancy and breastfeeding/nursing)
- Sexual orientation

Protected social areas are:

- Accommodation (housing)
- Contracts
- Employment
- Goods, services and facilities
- Membership in unions, trade or professional associations.

Appendix 2: Examples of Discrimination, Harassment, and Workplace Violence

Examples of Discrimination

- Not selecting someone to sit on a committee because of beliefs about their race
- Asking an applicant who is a woman whether she intends to have children
- A poisoned environment. “Poisoned environment” describes a discriminatory work environment where harassing or discriminatory comments or conduct have created a workplace that is broadly hostile, intolerable, and/or negative

Examples of Harassment

- Unwelcome remarks, jokes, innuendos, propositions, or taunting about a person’s body
- Hostile behaviour that degrades an individual based on personal attributes including age, race, gender identity, creed (e.g. religion), or any other protected ground in the Code
- Displaying racist or derogatory pictures or other offensive material
- Reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer or deny a benefit to the person
- Suggestive or offensive remarks
- Actions that create a hostile, intimidating, or offensive workplace, which may include physical, verbal, written, graphic, or electronic means
- Bullying or aggressive behaviour

Examples of Workplace Violence

- Hitting, pushing, assault or attempts thereof

- Stalking
- Standing in a manner that is intended to intimidate
- Yelling at someone
- Veiled or open threats of harm
- Aggressive or threatening hand gestures
- Displaying objects in a manner that suggests they will be used as a weapon
- Throwing objects
- Utilizing property (such as a vehicle) in an aggressive and dangerous manner

Appendix 3: Workplace Violence Program

Provision of Training and Information

PEO shall provide training for staff, volunteers, and Councillors on workplace violence, including familiarizing them with this policy and program.

PEO shall provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if,

- a) The staff member, volunteer, or Councillor (as the case may be) can be expected to encounter that person in the course of their work; and
- b) The risk of workplace violence is likely to expose the staff member, volunteer, or Councillor to physical injury.

Confidentiality

Information about an incident or complaint of workplace violence, including identifying information about any individuals involved, shall not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

Summoning Immediate Assistance

If workplace violence occurs or is likely to occur, impacted staff, volunteers, or Councillors shall:

- a) Remove themselves from the situation, where possible;
- b) Assess whether there is a need to contact first responders for immediate assistance and summon immediate assistance such as security personnel or police if the circumstances warrant; and
- c) Follow relevant emergency procedures, including notifying the appropriate PEO personnel.

Reporting Incidents of Workplace Violence

Staff shall advise, as applicable, the following persons about all incidents of workplace violence they witness, of which they have knowledge, or in which they are involved:

- Their direct manager, or the CEO/Registrar where the workplace violence involves their direct manager, or

- The Chief Legal Officer where the workplace violence involves the CEO/Registrar. The Chief Legal Officer shall inform the President of the incident.

Where a staff member feels there is a risk of workplace violence, they are encouraged to raise their concerns as set out above.

Volunteers shall advise, as applicable, the following persons about all incidents of workplace violence they witness, of which they have knowledge, or in which they are involved:

- Their PEO staff liaison, or the CEO/Registrar where the workplace violence involves their PEO staff liaison, or
- The Chief Legal Officer where the workplace violence involves the CEO/Registrar. The Chief Legal Officer shall inform the President of the incident.

Where a volunteer feels there is a risk of workplace violence, they are encouraged to raise their concerns as set out above.

Councillors shall advise, as applicable, the following persons about all incidents of workplace violence they witness, of which they have knowledge, or in which they are involved:

- The CEO/Registrar, or
- The President where the workplace violence involves the CEO/Registrar. The President shall inform the Chief Legal Officer.

Where a Councillor feels there is a risk of workplace violence, they are encouraged to raise their concerns as set out above.

The CEO/Registrar or staff designate shall report to Council on all incidents of workplace violence. Incidents of workplace violence shall be reported to relevant authorities, where required by law.

Appendix 4: Workplace Harassment Program

Provision of Training

PEO shall provide training for staff, volunteers, and Councillors on workplace harassment, including familiarizing them with this policy and program.

Confidentiality

Information about an incident or complaint of workplace harassment, including identifying information about any individuals involved, shall not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

Reporting Incidents of Workplace Harassment

Staff – Where a staff member feels they have experienced or witnessed workplace harassment, they are encouraged to raise their concerns with:

- Their direct manager, or
- The CEO/Registrar where the workplace harassment involves their direct manager, or
- The Chief Legal Officer where the workplace harassment involves the CEO/Registrar. The Chief Legal Officer shall inform the President of the incident.

Volunteer - Where a volunteer feels they have experienced or witnessed workplace harassment, they are encouraged to raise their concerns with:

- Their PEO staff liaison, or the CEO/Registrar where the workplace harassment involves their PEO staff liaison, or
- The Chief Legal Officer where the workplace harassment involves the CEO/Registrar. The Chief Legal Officer shall inform the President of the incident.

Councillor – Where a Councillor feels they have experienced or witnessed workplace harassment, they are encouraged to raise their concerns with:

- The CEO/Registrar, or

- The President where the workplace harassment involves the CEO/Registrar. The President shall inform the Chief Legal Officer of the incident.

Appendix 5: Incidents and Complaints Investigation Procedure

This procedure sets out how PEO will investigate and deal with incidents or complaints of workplace violence, harassment, and/or discrimination.

Any staff member, volunteer, or Councillor may file a complaint under this policy by submitting a complaint in writing.

Complaints and incidents that are reported shall be investigated.

Incidents shall also be investigated in the absence of a formal report or complaint, if information has arisen that warrants it.

For the purpose of this procedure, the subject of an incident (the party whose conduct is at issue) will be referred to as a “respondent.”

Incidents and Complaints

Where the respondent to an incident or complaint is a **staff** member or a **volunteer**, the incident is reported, or complaint is made, to the CEO/Registrar or staff designate.

Where the respondent to an incident or complaint is a **Councillor**, the incident is reported, or complaint is made, to the CEO/Registrar.

Where the **CEO/Registrar** is involved in an incident or complaint as either a complainant or respondent, or in circumstances where it would otherwise not be appropriate for the CEO/Registrar to be responsible for the investigation, the incident is reported, or complaint is made, to the President. Where the President is involved in the incident or complaint, the incident is reported or complaint is made to the Past President. Where both the President and the Past President are involved in the incident or complaint, the incident is reported or complaint is made to the President Elect.

Where Council is Employer

Upon receipt of information about an incident or complaint of workplace violence where the employer is Council, Council shall be informed and shall be apprised of the progress of the investigation.

Scope of the Investigation

Upon receipt of information about an incident or complaint where a **staff** member or a **volunteer** is the respondent, the CEO/Registrar or staff designate shall authorize an investigation and determine its appropriate scope.

Upon receipt of information about an incident or complaint where a **Councillor** is the respondent, the CEO/Registrar shall authorize an investigation and determine its appropriate scope.

Where the incident or complaint involves the **CEO/Registrar** either as a complainant or a respondent, or in circumstances where it would otherwise not be appropriate for the CEO/Registrar to be responsible for the investigation, the President shall authorize an investigation and determine its appropriate scope.

Where the President is involved, the Past President shall authorize an investigation and determine its appropriate scope. Where both the President and the Past President are involved, the President Elect shall authorize an investigation and determine its appropriate scope.

Internal or External Investigator

Where the investigation involves an incident or complaint where a staff member or volunteer is the respondent, the investigation may be conducted by an internal or external investigator, as determined and appointed by the CEO/Registrar or staff designate.

Where the investigation involves the CEO/Registrar or a Councillor, an external investigator shall be appointed.

Timeline

Any investigation shall be completed within 90 days, unless delays occur due to the complexity of the matter, in good faith, and no substantial prejudice results to any person affected by the delay. Where appropriate, parties to a complaint shall be updated periodically on the status of the investigation.

Process

The investigation shall be thorough, comprehensive, and be conducted in accordance with the principles of natural justice, including:

- The right to know the case against you;
- The right to an impartial and unbiased decision-maker;
- The opportunity to be heard; and
- The right to a decision and the rationale for that decision.

Accordingly, it is expected that, for example:

- The investigator shall provide a protocol with respect to the conduct of the investigation, including with respect to process and confidentiality.
- Generally, the complainant, respondent, and relevant witnesses should be interviewed by the investigator.
- The complainant, respondent and relevant witnesses shall cooperate in the investigation, including by providing any relevant documents, unless doing so would put them at risk of violence or harassment. No one shall obstruct the investigation or withhold information or records relevant to the investigation absent a compelling reason.
- The respondent shall be permitted to fully respond to the case that is made.
- The complainant should be given the opportunity to address any such response.

Investigation Report

The investigator shall prepare a written report, setting out all steps in the investigation, the specific allegations, the responses, witness accounts, evidence gathered, findings, and the conclusion reached.

Where the respondent is **staff, a non-appointed volunteer, or a Councillor**, the written report shall be provided to the CEO/Registrar or staff designate.

Where the incident or complaint involves the **CEO/Registrar** as a complainant or a respondent, the written report shall be provided to Council.

Where the respondent is a **volunteer appointed by Council**, the written report shall be provided to Council.

The CEO/Registrar or staff designate shall report the results of all investigations to Council.

Decision and Sanctions

Based on the investigation findings, and all relevant facts and evidence, the appropriate decision-maker shall decide whether the policy has been violated, and:

- Where the respondent is a **staff member**, action and sanctions shall be determined by the appropriate employment superior in the ordinary course of employment.

- Where the **CEO/Registrar** is the complainant or respondent, action and sanctions shall be determined by the Council in the ordinary course of employment.
- Where the respondent is a **Council-appointed volunteer**, action and sanctions shall be determined by the Council.
- Where the respondent is a **non-Council appointed volunteer**, action and sanctions shall be determined by the CEO/Registrar or staff designate.
- Where the respondent is a **Councillor**, the investigation report shall be referred to the process prescribed in the Code of Conduct.

Decisions and actions taken by PEO shall be communicated to the parties.

Respondents shall receive written investigation results and information about corrective action that has been taken or will be taken. Where a complainant has alleged that they experienced workplace harassment, they shall be informed in writing of the results of the investigation and information about corrective action that has been taken or will be taken.

Record-Keeping

PEO shall keep records of all reports, complaints, or incidents of workplace violence for at least one year from the conclusion of the investigation. Records shall include written details about the incident or a copy of the complaint, investigation notes and report, copies of any witness statements, and a copy of any corrective action taken to address the incident or complaint.

Penalties for Breaches of this Policy

Where a breach of this policy has been determined in accordance with this policy, the penalties available to the decision maker where applicable are:

For Staff: determined in accordance with HR policies.

For Council-Appointed Volunteers: determined by Council.

For Non-Council Appointed Volunteers: determined in accordance with volunteer policies.

For Councillors: determined in accordance with the Code of Conduct.

Remedial Actions

Where an investigation finds harassment and/or discrimination has occurred, remedial actions may be considered depending on the nature or severity of the behaviour and the circumstances. Remedial actions include:

- An apology
- Education
- Counseling
- Where an investigation shows that workplace harassment or discrimination are prevalent or part of workplace culture, a remedial action could be training for an entire committee, Chapter, or all staff, volunteers, and Council.

Appeal Rights

There is no right of appeal under this policy. If a complainant is dissatisfied with the disposition of a complaint related to a Code protected ground, they have a right to file an application with the Human Rights Tribunal of Ontario within the time limits specified by that legislation.

Approved By: Council

Approval Date: September 27, 2024

Effective Date: September 27, 2024

Review Date: 2025

Eligibility Criteria for Election to PEO Council

The following requirements are currently set out in the *Professional Engineers Act* and Regulation 941 for individuals to be qualified to sit on Council—whether elected or appointed:

- Must be a citizen of Canada or have the status of a permanent resident of Canada.¹¹
- Must be resident in Ontario.²²
- A member of Council (elected or appointed) is not eligible for election unless their term would have expired by the time they are set to take office, or they submit a resignation in writing to
 - take effect at the time they would take the new office.³³

The following requirements are currently set out in the *Professional Engineers Act* and Regulation 941 for individuals to be qualified to be elected to Council:

- Licence holders.⁴⁴
- Regional requirements for regional Councillors.⁵⁵
- Requirements for an employee of PEO to take an unpaid leave of absence and submit a resignation in writing to take effect at the time they would take office.⁶⁶

There are also term limits that affect eligibility.

Proposed Criteria

The following are proposed new qualifications for election to PEO Council. If they are approved by Council, staff will work with the Ministry of the Attorney General to develop a draft regulation that will be reviewed by Council.

1. Completion of Council-approved orientation course.
2. Registration in good standing, including not having their licence suspended or revoked, not having limits, terms, or conditions on their licence, fee payments, or other regulatory obligations.

¹ Subsection 3(3)(a) of the Act.

² Subsection 3(3)(b) of the Act.

³ Section 10 of the Regulation.

⁴ Subsection 3(2) of the Act.

⁵ Section 8 of the Regulation.

⁶ Section 7 of the Regulation.

3. Not having a finding at PEO, or any other regulator in Canada, of:
 - a. professional misconduct;
 - b. incompetence; or,
 - c. incapacity that has not been overcome.
 - d. Not having been found to be incapable under the *Substitute Decisions Act, 1992*, the *Mental Health Act*, or by any court in Canada.
4. Not being an undischarged bankrupt.
5. Not having been removed/disqualified as a PEO Councillor in the past three years.
6. Not being an adverse party in litigation with PEO.
7. Not being a director of the Ontario Society of Professional Engineers.
8. Not being an immediate family member of an employee of PEO.
9. A history of lawful conduct, as follows:
 - a. No criminal findings of guilt as an adult under the *Criminal Code* of Canada or the *Controlled Drugs and Substances Act*, or under any comparable legislation or criminal laws of another jurisdiction, unless a pardon has been granted or a record suspension has been issued;
 - b. No findings of guilt as an adult and within 10 years under any provincial statute, or under any comparable legislation or laws of another jurisdiction, resulting in a sentence of jail or imprisonment; and
 - c. No charges pending under the *Criminal Code* of Canada or the *Controlled Drugs and Substances Act* or under any comparable legislation or criminal laws of another jurisdiction.

Conditions that Disqualify a PEO Councillor from Sitting on Council

The following disqualifying conditions are currently set out in Regulation 941:

- A regional Councillor ceases to be qualified for their office when they cease to reside within the region in which they were elected.¹
- A Councillor ceases to be qualified to hold their office when they cease to reside within Ontario.² There is, however, no mechanism providing for the removal of Councillors.

Proposed Conditions

The following proposed conditions for disqualification would apply to both elected and appointed members of Council. The first set of conditions for disqualification would result in **automatic disqualification** of a Councillor (similar to the provisions above that deal with regional residency and the cessation of qualification):

1. In the case of licensed members, failing to maintain registration in good standing, including becoming suspended;
2. Having a finding made against them by PEO, subject to any appeal rights, of:
 - professional misconduct;
 - incompetence; or,
 - incapacity that has not been overcome.
3. Being found to be incapable under the *Substitute Decisions Act, 1992*, the *Mental Health Act*, or by any court in Canada;
4. Becoming an undischarged bankrupt;
5. Becoming involved in a legal proceeding against PEO;
6. Applying to become an employee of PEO.

As part of the regulation-making process with the Ministry, PEO will request that LGIC appointed Councillors be automatically disqualified if one of the above conditions are met (rather than requiring a removal request to the Ministry by way of Council resolution). This regulation proposal would be subject to approval by the Minister.

The following proposed conditions for disqualification would enable **removal for cause** following the proposed process in the draft Code of Conduct:

1. A determination by Council that removal is necessary as a result of a contravention of

¹ ss. 9(1) of the Regulation

² ss. 9(2) of the Regulation

Council's Code of Conduct.

2. A determination by Council in the case of a finding by PEO of professional misconduct, incompetence, or incapacity that removal is necessary before the expiration of appeal rights.

If an appointed Councillor is found in contravention of Council's Code of Conduct, and if Council is of the view that the Councillor should be removed as a result of the behaviour, Council may pass a resolution requesting the removal of that Councillor by the LGIC.