

BUILDING STANDARDS BRANCH CODE OF CONDUCT

The Town of East Gwillimbury Building Branch is required by the *Ontario Building Code Act, S.O. 1992, c.23, Section 7.-1(1) (Act)* to establish and enforce a Code of Conduct for the Chief Building Official, Deputy Chief Building Official, and Inspectors.

On April 7, 2003 the principal authority, otherwise referred to as the Council of the Corporation of the Town of East Gwillimbury (*Council*) adopted a Corporate Code of Conduct applicable to all members of Corporation. This *Council* adopted Code of Conduct is to be the standard to which the Chief Building Official and Inspectors are expected to commit. In addition, an addendum to the Corporate Code of Conduct follows within this document to ensure complete compliance with the requirements of the Ontario Building Code Act.

Purpose

To promote appropriate standards of behaviour and enforcement actions by the Chief Building Official, Deputy Chief Building Official, and Inspectors in the exercise of a power or the performance of a duty under this Act or the Building Code.

To prevent practices, which may constitute an abuse of power, including unethical or illegal practices, by the Chief Building Official, Deputy Chief Building Official, and Inspectors in the exercise of a power or the performance of a duty under this Act or the Building Code.

To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under this Act or the Building Code by the Chief Building Official, and Inspectors.

Contents

In addition to the Corporate Code of Conduct this addendum must provide for the enforcement of the Code of Conduct and include policies or guidelines to be used when responding to allegations that the Code has been breached and disciplinary actions that may be taken if the Code is breached.

Public Notice

The Act requires the Municipality to ensure the Code of Conduct is brought to the attention of the public.

Addendum to the Corporate Code of Conduct

1.0 Code of Conduct

In exercising powers and performing duties under the *Building Code Act*, the Chief Building Official, Deputy Chief Building Official and inspectors shall:

1. Exercise powers in accordance with the provisions of the *Building Code Act*, the Building Code and other applicable law that governs the authorization, construction, occupancy and safety of buildings and designated structures, and the actions, duties and qualifications of Chief Building Officials, Deputy Chief Building Officials and inspectors;
2. Act to identify and enforce compliance where significant contraventions of the Act or regulations are known to exist;
3. Apply all relevant building laws, regulations and standards in a consistent and fair manner, independent of any influence by interested parties;
4. Not accept any personal benefit which may create a conflict with their duties; or perform duties where a personal interest may create a conflict;
5. Obtain the counsel of persons with expertise where the Chief Building Official, Deputy Chief Building Official or inspector does not possess sufficient knowledge to make an informed judgment; and
6. Act honestly, reasonably and professionally in the discharge of their duties.

2.0 Enforcement

This addendum to the Corporate Code of Conduct is to be enforced by *Council*.

Should an allegation be brought forward regarding an Inspector or Deputy Chief Building Official, the Chief Building Official, in conjunction with the General Managers of Development Services, Legal Services, and the Human Resources Departments shall put a recommendation before *Council* to assist in deciding on discipline.

In the event an allegation is brought forward about the Chief Building Official, the General Managers of Development Services and Legal Services in conjunction with the Chief Administrative Officer and the Human Resources Department shall put a recommendation before *Council* to assist in deciding on discipline.

3.0 Receipt of Allegations

All allegations of wrongdoing must be submitted in writing in order to be considered. When the allegation pertains to an Inspector or Deputy Chief Building Official it shall be submitted to the Chief Building Official. When an allegation pertains to the Chief Building Official, it shall be submitted to the General Manager of Development and Legal Services.

4.0 Investigation Process

The investigation will be conducted by the Chief Building Official or General Manager of Development Services and Legal Services Departments in conjunction with the Human Resources Department as required. (See 2.0) The investigation may include interviewing the person making the allegations, the employee and/or any other person that may provide relevant information.

A determination will be made as to the validity of the allegations in order to determine if disciplinary action is warranted.

Prior to arriving at a decision, the employee will be provided with an opportunity to respond to the allegations against him/her, either orally or in writing, depending upon the circumstances. In the event disciplinary action is recommended, the employee will have a further opportunity to reply to such recommendations prior to the *Council* making a final determination.

If disciplinary action is warranted, the steps of discipline shall proceed in accordance with section 4.

Should an allegation prove unfounded, frivolous, vexatious, etc, documentation supporting this finding will be placed in the employee file. Further investigation and legal action may be pursued by the Corporation against the person making the allegations in an unfounded, frivolous, vexatious, etc. manner. This does not preclude the employee from commencing a private action against such a false allegation.

4.1 Disciplinary Actions

The applicable disciplinary action shall be selected from section 4.1.1 to 4.1.6 below. The disciplinary action will be based on the seriousness of the offence. The Chief Building Official or General Manager of Development Services and Legal Services Department in conjunction with the Human Resources Department will recommend the level of discipline to *Council* for their approval. The Chief Building Official shall administer disciplinary action on behalf of the *Council* and at *Council* direction when it has been determined that an Inspector or Deputy Chief Building Official has committed an offence. The General Managers of the Development and Legal Services Departments, in conjunction the CAO, shall administer disciplinary action on behalf of the *Council* and at *Council* direction when it has been determined that the Chief Building Official has committed an offence.

4.1.1

A copy of the offence report will be placed in the employee file.

4.1.2

Where an employee has been found guilty of a second offence of the same or similar breach of the Code of Conduct, the employee shall be subject to a one-day suspension without pay.

4.1.3

A repeated pattern of minor offences may result in a one-week suspension without pay or termination of employment.

4.1.4

A significant/serious offence may be subject to termination of employment.

4.1.5

Termination may be immediate depending on the seriousness of the offence

4.1.6

The York Regional Police may be advised of the offence as required.