

TO: Chair and Members of the Board of Health

FROM: Bryna Warshawsky, Acting Medical Officer of Health

DATE: 2013 March 21

BOARD OF HEALTH CODE OF CONDUCT – THIRD REVIEW

Recommendation

It is recommended that Report No. 036-13 re “Board of Health Code of Conduct – Third Review” be approved.

Key Points

- This is the Board’s third opportunity to review a draft Board of Health Code of Conduct. Since the second review, staff members have sought clarity on the role of an objective third party during the complaint process.
- The Board now has the opportunity to approve the Code of Conduct which is attached as Appendix A.

Background

A draft Board of Health Code of Conduct, which was requested in September 2012, was presented at the December 2012 Board of Health meeting (see [Report No. 141-12](#)) and again at the January 2013 Board meeting (see [Report No. 003-13](#)).

The draft Board of Health Code of Conduct was written in response to the Public Health Accountability Agreement, which requires a Code of Conduct for all levels of the organization. The draft Code of Conduct is intended to support the Board of Health in its governance role. It was developed following a scan of similar Codes for local governance bodies. Feedback provided by Board members has been incorporated into the third draft.

Clarity on Role of Objective Third Party in Complaint Process

In response to a discussion at the January meeting, staff sought clarity regarding whether an objective third party could be appointed during the complaint process if the Board of Health (a) cannot decide whether a breach has occurred or not, and/or (b) cannot decide on an action following a breach.

Based on consultation with the Board’s solicitor, it appears that while the Board of Health may at any time seek advice from an objective third party, the Board cannot delegate its duties to an objective third party. Furthermore, more broadly it appears that the Code of Conduct complaint process is best dealt with solely by the Board.

Conclusion/Next Steps

Board members now have an opportunity to review and approve the third draft of the Code of Conduct which is attached as [Appendix A](#).

This report was prepared by Mr. Ross Graham, Manager, Special Projects.

A handwritten signature in black ink, appearing to read "Bryna Warshawsky". The signature is written in a cursive, flowing style.

Bryna Warshawsky, MDCM, CCFP, FRCPC
Acting Medical Officer of Health