

Métis Nation of Ontario Code of Conduct Progress Update

For: Provisional Council of the Métis Nation of Ontario
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Why Are We Doing This?

Lack of Policies or Outdated/Ineffective/Constrained Policies

Survey of MNO Elected Leadership

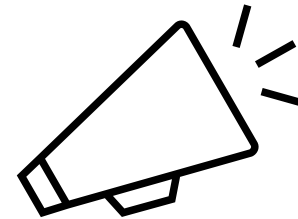
- 70% observed instances of incivility or disrespectful behaviour
- 85% agreed that there should be a Code of Conduct

Deloitte Report

- Recommendation to have an Ethics and Integrity Commissioner

Advancing Self-Government

- Governments need to have credible and independent ways to resolve certain types of disputes (i.e., judicial branch of government)



Overview: Where Are We?

- We have a draft policy that contains many important elements:
 - **Principles** (e.g., respect, fairness and equality, non-discrimination, etc.);
 - **Purpose** (i.e., to regulate the conduct of all MNO citizens, including elected leadership, on matters related to the MNO); and
 - **Process** (i.e., creation of an Ethics and Integrity Commissioner and other potential decision-making bodies).
- We also have a draft that contains many **problems** and challenges for good governance.
- These are important considerations and discussions to have now as the MNO transitions towards self-government.

Principles of Good Governance

Chart 1: Principles of Good Governance	
IOG Principles	UNDP Principles
Legitimacy and Voice	<p>Participation – all men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their intention. Such broad participation is built on freedom of association and speech, as well as capacities to participate constructively.</p> <p>Consensus orientation – good governance mediates differing interests to reach a broad consensus on what is in the best interest of the group and, where possible, on policies and procedures.</p>
Direction	<p>Strategic vision – leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development. There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded.</p>
Performance	<p>Responsiveness – institutions and processes try to serve all stakeholders.</p> <p>Effectiveness and efficiency – processes and institutions produce results that meet needs while making the best use of resources.</p>
Accountability	<p>Accountability – decision-makers in government, the private sector and civil society organizations are accountable to the public, as well as to institutional stakeholders. This accountability differs depending on the organizations and whether the decision is internal or external.</p> <p>Transparency – transparency is built on the free flow of information. Processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them.</p>
Fairness	<p>Equity – all men and women have opportunities to improve or maintain their well-being.</p> <p>Rule of Law – legal frameworks should be fair and enforced impartially, particularly the laws on human rights.</p>

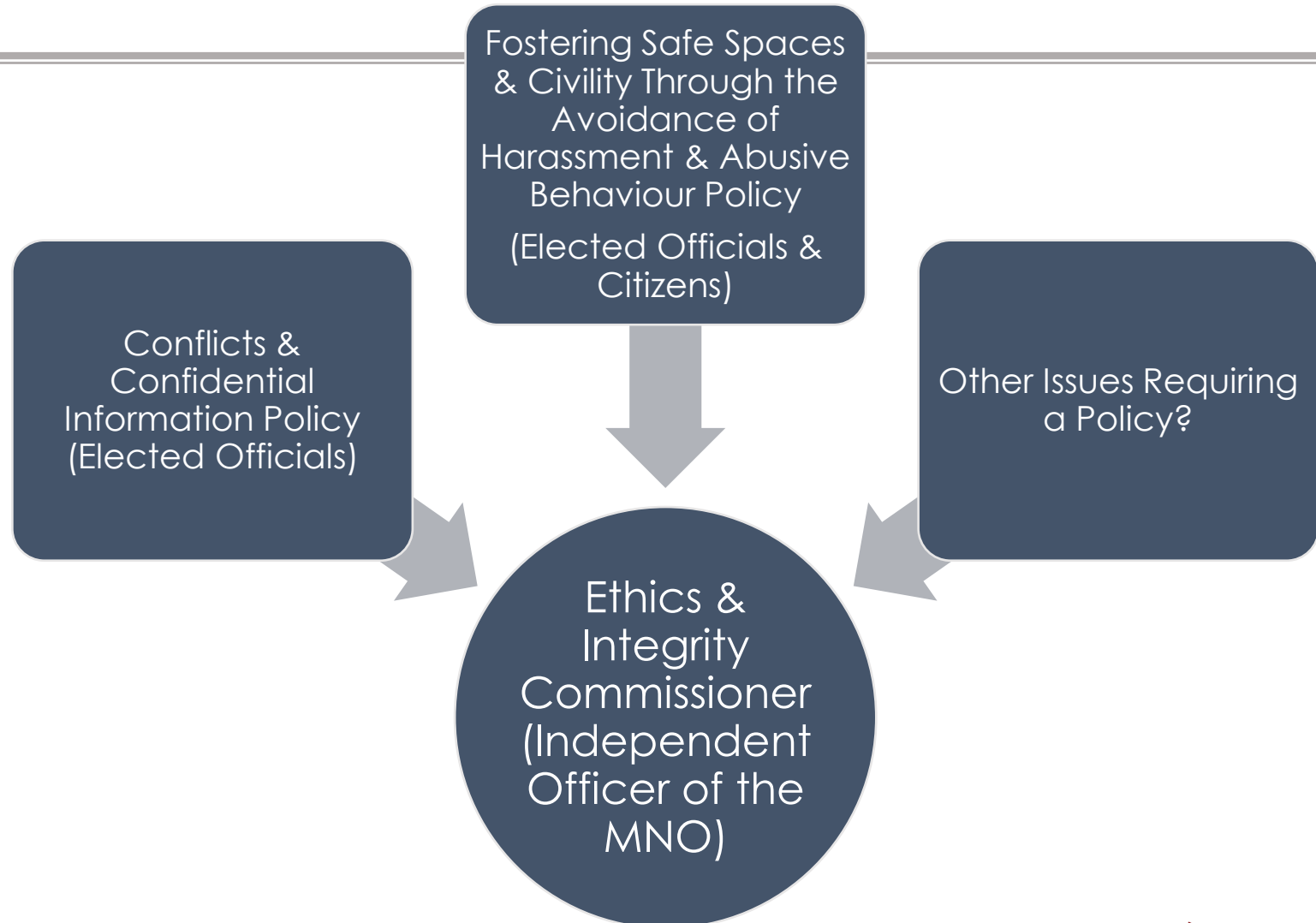
Source: J. Madden, J. Graham, & J. Wilson, “Exploring Options for Métis Governance in the 21st Century,” Institute on Governance (Sept. 2005), online: <http://pattersoncreek.ca/wp-content/uploads/2011/02/Exploring-Options-for-Metis-Governance.pdf>.

Applying Good Governance Principles to the Current Policy

Principles of Good Governance	Challenges with the Current Policy
Legitimacy & Voice	<ul style="list-style-type: none">• Need to have broad-based “buy-in” on the model for legitimacy• Need to ensure that it is not seen as an attempt to regulate political speech or political disagreements on legitimate issues
Performance	<ul style="list-style-type: none">• Lacks effectiveness and efficiency by trying to accomplish too many things (e.g., overlapping policies and processes, confusing structures)
Accountability	<ul style="list-style-type: none">• Risks impeding the MNO’s ability to govern if jurisdictions are too unwieldy• Some issues should be dealt with by democratically-elected leadership, not independent officers

Clarity on Issues Being Addressed

- Each on of these areas would have their own policy with clarity on who and what falls within the policy's scope and what does not (i.e., jurisdiction).
- Each policy will clearly set out a complaints process, possible remedies or penalties, and rely on the same Independent Officer for implementation.



Clarity on Issues Being Addressed (cont.)

- **Election-related issues** that fall within conduct of MNO elections (i.e., spending issues, handling of complaints, etc.) should be dealt with through MNO Electoral Codes and ultimately the Chief Electoral Officer (CEO). Additional clarity can be provided within the MNO Electoral Code on how the CEO should handle these issues.
- **Fostering safe spaces & civility through the avoidance of harassment & abusive behaviour involving MNO staff (or towards MNO staff)** should continue to be dealt with through MNO's workplace harassment policies, but thought should be given on whether/how to deal with harassment or abuse coming from elected officials to staff.

A Consistent & Clear Approach to all New Policies



Context

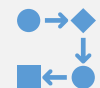


Purpose



Jurisdiction

Clear definition on jurisdiction under Policy and clarity on what actions do and do not constitute a breach of the Policy



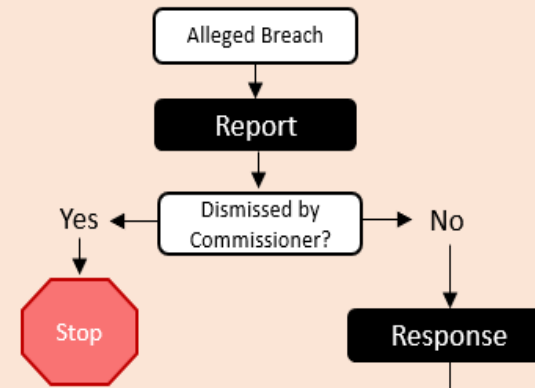
Process



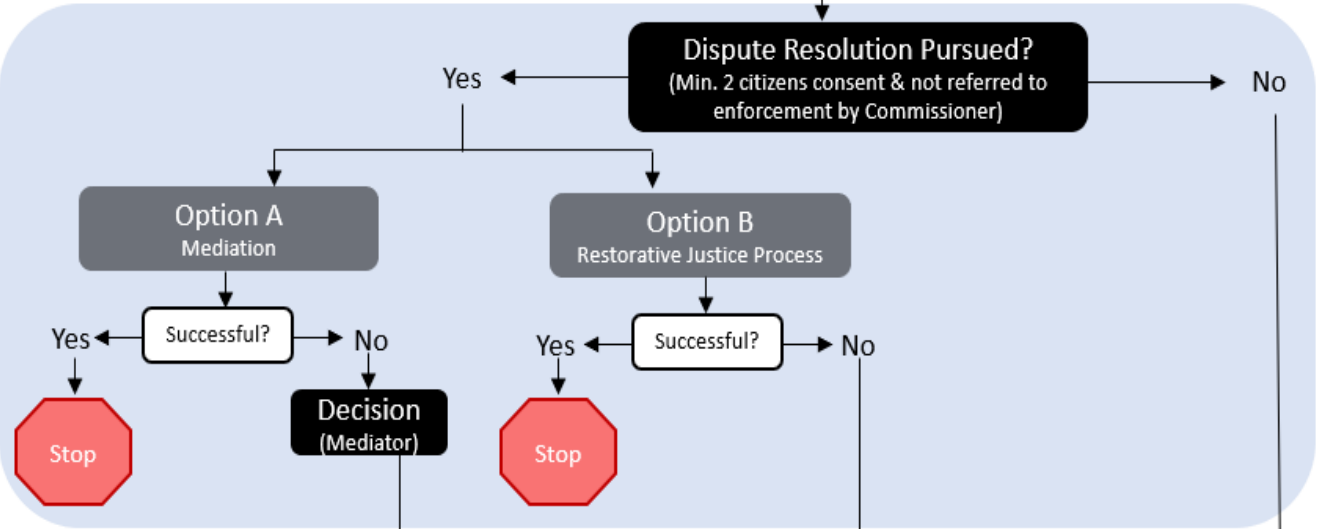
Remedies

A Clear & Streamlined Process for All Policies

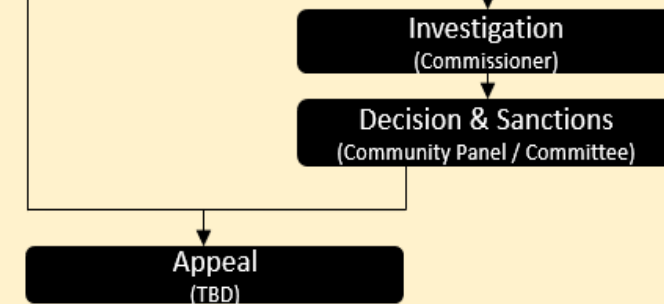
Phase I Reporting



Phase II Dispute Resolution



Phase III Enforcement



Other Considerations

- Once redrafted, the PCMNO should likely consult citizens on some or all of these policies to secure “buy-in” since some of the policies will apply to citizens, as well as explain “why” these policies are needed and “how” they help advance self-government.
- The MNO will need to commit significant resources to build internal capacity in order to operationalize these new policies once developed and ratified (e.g., Commissioner, support team, training, decision-making/appeal bodies, etc.). The IFFA may be a source of funds for this work if it is a priority.
- A recruitment/search process for this Commissioner should start now.
- While the policies come online, the MNO should continue to work to attempt to settle disputes in a timely way and in a manner that is consistent with the principles identified, as well as encouraging and creating a culture of calling out abusive, bullying, or uncivil behaviour.

Questions & Discussion

