Code of Conduct for Compliance and Legal Personnel

Title: CODE OF CONDUCT FOR COMPLIANCE AND LEGAL PERSONNEL Per Section 18 of the Memorandum of Understanding between the Minister and RHRA	**Policy Number:** HR-0001.15 **Policy Area:** HUMAN RESOURCES
Policy Approved By: CEO and Registrar	**Effective Date:** February 19, 2025

Overview

1. The Retirement Homes Regulatory Authority (the "RHRA") is an independent, self-funded, not-for-profit regulator mandated to administer the *Retirement Homes Act, 2010* (the "Act").
2. Pursuant to the Memorandum of Understanding between the Minister for Seniors and Accessibility and the RHRA (the "MOU"), the RHRA has developed a Code of Ethics applicable to all employees, RHRA Directors of the Board, RHRA statutory officers, and people who the RHRA retains or appoints to provide services to the RHRA, and this Code of Conduct for employees and third-party contractors who are engaged in compliance and enforcement activities under the Act and its regulations ("Compliance and Legal Personnel").
3. This Code of Conduct is in keeping with the spirit and principles of the *Ontario Public Service Regulators' Code of Practice*. It describes the values, principles and practices that underpin the work of RHRA's Compliance and Legal Personnel in the performance of compliance and enforcement functions.
4. The RHRA will provide this Code of Conduct to the Minister, including updates from time to time, make it available to the public, and post the Code in both official languages on the RHRA's website.
5. By prescribing this Code of Conduct and following its principles and practices, the RHRA demonstrates its commitment to high standards of professional service, regulatory excellence and ethical behaviour.

Purpose

RHRA is committed to high standards of regulatory service in the public interest. This Code of Conduct documents a set of principles and practices that guide our day-to-day work so there is sector compliance with the Act. This includes when we communicate and provide guidance to licensees, perform audits, conduct inspections and investigations, and take enforcement action.

The principles and practices set out below govern the work of our Compliance and Legal Personnel in order to promote consistency and integrity in this area of our mandate.

Compliance and Legal Personnel have an obligation to carry out their duties according to the standards set out in this Code of Conduct. By doing so, RHRA will maintain the public's trust and the confidence of licensees we regulate, and those that choose to live in Ontario's retirement homes.

Compliance and Legal personnel, and all RHRA staff and external contractors put the following values and principles at the heart of their work:

- Honesty and Integrity
- Objectivity
- Confidentiality

- Respect
- Knowledge
- Timeliness

RHRA ensures these values and principles are reflected in our work when we:

- develop or update our operational policies, processes and standards;
- train our staff; and
- retain external consultants, contractors and advisors.

Scope

The Code applies to all RHRA employees and third parties who undertake compliance and enforcement activities as part of their position's responsibilities, including the following (collectively, "Compliance and Legal Personnel"):

1. All full or part-time employees of the RHRA engaged in compliance and/or enforcement activities, including contract, temporary (includes summer students), and seconded staff members, including the Registrar and their delegates;
2. All contractors, consultants, service providers, and advisors retained or appointed to provide compliance and/or enforcement services, but does not include members of any advisory committee established pursuant to section 19.1 of the Act; and
3. Officers appointed pursuant to sections 24 and 25 of the Act.

In addition, due to the nature of their duties, certain Compliance and Legal Personnel (e.g. lawyers, paralegal, CPAs) are also required to abide by standards of conduct set by their profession's regulator or association.

Compliance and Legal Personnel are some of the RHRA's most public-facing employees. As such, it is essential that actions withstand scrutiny both while on the job and off duty. An employee's off-duty activities should reflect positively on RHRA so as not to undermine public confidence in the organization.

Complying with the Code of Conduct

The Code of Conduct contains standards of conduct intended to help achieve RHRA's objectives and to provide direction to employees/contractors.

Complying with the Code of Conduct is a condition of employment, appointment, or retainer. When joining or beginning compliance and/or enforcement work with the RHRA, an individual must affirm in writing that they have read the Code of Conduct and agree to comply with it, by signing a copy.

The RHRA educates its Compliance and Legal Personnel about the Code of Conduct. Breaching the Code of Conduct is serious and may result in disciplinary action, up to and including suspension or termination of employment, contract or appointment. The RHRA encourages those who breach the Code of Conduct to report it, with a view to resolving the breach. Employees and those on retainer with the RHRA can make reports and seek help from their supervisor, a member of Management, or Human Resources. Officers can seek help from the Chair, Registrar and CEO, or General Legal Counsel.

Everyone to whom this Code of Conduct applies is responsible for being familiar with its contents and undertakes to comply with it, both before and after their employment/retainer.

RHRA Values

In addition to the values of Excellence, Integrity, Adaptability and Accountability set out in the RHRA's Code of Ethics, Compliance and Legal Personnel are also committed to the following elements of professionalism in their day-to-day work:

Honesty and Integrity
We conduct our compliance and enforcement duties in a way that inspires confidence and respect among the public, retirement home residents, and licensees alike. We are fair and equitable in our roles and decision-making. We do not engage in conduct or behaviours that may call into question our objectivity, integrity and impartiality. We do not engage in activities that are incompatible with our professional responsibilities and duties.

Respect
We are courteous and professional in all situations. We treat everyone with dignity and carry out our duties in a way that promotes diversity and inclusion, in alignment with the RHRA's core values. We treat everyone equitably and in accordance with the Ontario *Human Rights Code* and promote a climate of understanding and mutual respect for the dignity and worth of each person we encounter.

Objectivity
We treat everyone impartially. We make decisions in the best interest of the public based on the Act and regulations. We adhere to RHRA standards, practices, policies and procedures irrespective of who we are dealing with. We do not exercise our authority unfairly or arbitrarily.

Confidentiality
We collect, use, share and securely store records and information in compliance with applicable legislation, regulations, legal privileges, policies and procedures. We hold all documents and information, howsoever obtained, in confidence unless the performance of our duties or legal requirements permit otherwise.

Knowledge
We continually strive to enhance our professional skills, knowledge and capabilities through a commitment to continuous learning. We are professional and highly competent when executing our responsibilities. We are experts in our field and take pride in our work, including our commitment to working safely according to the *Occupational Health and Safety Act.*

Timeliness
We conduct and conclude compliance and enforcement activities in a timely and diligent manner. We adhere to legislative requirements and RHRA policies and procedures regarding responsiveness. We meet our time commitments, recognizing and communicating that special circumstances can arise that justifiably extend the timeline of a particular matter.

The order of these elements of professionalism does not reflect a level of priority or importance.

Application of the Code

In addition to the requirements set out in the Code of Ethics applicable to all employees and contractors (e.g. Conflict of Interest, Acceptance and Offering of Gifts, Political Activity, External

Communications, Confidentiality and Privacy, Compliance with Law, By-laws and Policies, etc.), Compliance and Legal Personnel are also subject to the following principles in the execution of their duties. This Code of Conduct provides clarity on the standard of conduct that is expected when fulfilling compliance and enforcement duties.

Given the authority and powers granted to the RHRA under the Act, it is essential that Compliance and Legal Personnel operate within their jurisdiction and in a manner that is free from improper influence or irrelevant considerations. All Compliance and Legal Personnel should act with civility, integrity, respect, honesty and decency. The following principles will underpin internal and external interactions when work is carried out:

1. **We provide clear information and assistance to help retirements homes comply**
2. **We share information, coordinate activities and collaborate to promote greater consistency and transparency**
3. **We focus on outcomes to support retirement home compliance**
4. **We communicate, educate and offer guidance to retirement homes and other regulated entities to create a culture of compliance**

Reporting a Breach of the Code of Conduct

Compliance and Legal Personnel must promptly report to their supervisor or a member of senior management all circumstances that may place them or a colleague in a situation of real, apparent or potential conflict of interest[1] or other unethical or improper behaviour.

When reporting an actual, potential or suspected breach of this Code of Conduct, Compliance and Legal Personnel must use good faith in making the report (with honesty and good intention). It is a breach of this Code of Conduct to make a false report or a report in bad faith. No one should conduct their own investigation or act on their own to respond to actual or suspected wrongdoing.

A breach of the Code of Conduct may take place when one or more of the following is true:

1. Not adhering to the intent and spirit of RHRA's corporate values, transparency principles and commitment to inclusion, diversity, equity, anti-racism and accessibility in the performance of their work.
2. Operating in a manner that is inconsistent with RHRA high standards of ethical behaviour.
3. Engaging in conflicts of interest.
4. Granting preferential treatment or advantages to a licensee, ignoring evidence of non-compliance, making side deals or trade-offs with licensees, exercising discretion in favour of a licensee without justification.
5. Developing overly close or familiar relationships with licensees that affect the objective and impartial exercise of one's duties.
6. Permitting a personal relationship with a resident, family member, home worker, administrator, etc. to interfere with the objective and impartial exercise of one's duties.
7. Using one's position to obtain an advantage, privilege or favour for themself or others.
8. Disadvantaging any entity or person dealing with RHRA because of personal antagonism or bias.
9. Unless disclosed and expressly permitted by senior management, having a private interest in a retirement home or services provided therein and/or taking advantage of information obtained by

[1] See the *Code of Ethics Policy* (Schedule D to the MOU) for a definition and examples of 'conflict of interest'.

virtue of their position with RHRA.

10. Accepting or giving gifts (monetary or otherwise), receiving hospitality or receiving other benefits or transfers of economic value from a sector participant or stakeholder.
11. Engaging in employment outside the RHRA that is likely to give rise to a real, apparent or potential conflict of interest or would undermine one's impartiality and objectivity.
12. Violating confidentiality and privacy policies.
13. Not following media or spokesperson policies.

This list does not include every possible ethical or conflict issue that might arise in the daily work of Compliance and Legal Personnel. When ethical issues arise, employees/contractors are encouraged to discuss and resolve these matters with their supervisor or a member of senior management. They can also seek advice and support from other appropriate sources within the Department, including Human Resources.

The RHRA will not threaten or retaliate against anyone for making a report, seeking help, or providing information during an investigation into a potential breach of this Code. The RHRA will protect its representatives against reprisal. Threats or reprisal in the context of a report is a breach of this Code of Conduct. The RHRA will strive to protect privacy in handling a report. However, where necessary, the disclosure of information necessary to investigate and take action to resolve the report may be required and may occur to the extent that privacy and confidentiality considerations, including RHRA's Access and Privacy Code, allow.

Exercise of Statutory Powers

This Code of Conduct is not intended to restrict Compliance and Legal Personnel in the legitimate exercise of statutory powers or interfere with the legitimate exercise of discretion in compliance, discipline and enforcement activities.

Seeking Guidance

The Code of Conduct is intended to provide direction to employees/contractors in situations where the course of action may be unclear or ambiguous. In some cases, these decisions will have serious consequences for the person making them and for the RHRA. Compliance and Legal Personnel should ask questions and seek guidance about the Code of Conduct from their supervisor or a member of senior management if they are facing a difficult situation or decision.

Complaints and Remedies

Complaints about the RHRA's conduct or ethics in connection with Compliance and Legal Personnel will be made and remedied in accordance with the RHRA's existing policies and procedures for workplace or administrative complaints.

Review

The RHRA takes action to communicate, encourage and ensure compliance with this Code of Conduct. The RHRA educates its representatives about the Code of Conduct and includes a requirement to comply with the Code of Conduct in its employment (and other) contracts as applicable.

This Code of Conduct will be reviewed by the RHRA every three years and updates will be made on an as needed and ongoing basis to reflect societal and business trends that affect the RHRA, considering priority and resource considerations. If changes are made to this document, they will be approved by

the CEO and Registrar and posted to the RHRA's website.

If this Code of Conduct conflicts with the Act, regulations made thereunder, or any other applicable legislation, the Act, regulations, or applicable legislation, as the case may be, prevails.

Everyone to whom this Code of Conduct applies must comply with it and is responsible for being familiar with its contents. Compliance and Legal Personnel will be asked annually to attest to having read this Code of Conduct, understand its contents, and agree to be bound by its requirements.

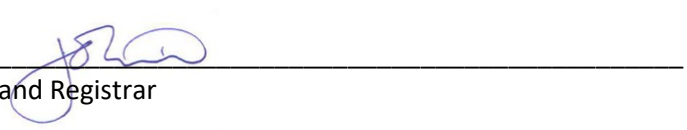
Support and Reference Documents

1. Code of Ethics (Schedule D of the MOU)
2. Access and Privacy Code
3. Administrative Complaints Policy
4. Respectful Workplace Policy
5. Code of Conflict Reporting Process and Guideline
6. Media (traditional and social) and Spokesperson Policy
7. Records and Information Management Policy

Conclusion

RHRA is committed to high standards of conduct, service excellence, and continual improvement. By observing the values and commitments set out in this Code of Conduct, Compliance and Legal Personnel actively contribute to the success of RHRA and the integrity of RHRA is reinforced every time we make ethical decisions and act in the public interest.

Retirement Homes Regulatory Authority



CEO and Registrar

Date: TBD

Document Control				
Policy #	**Approval Date**	**Review Date**	**Author(s)**	**Description of Change(s)**
HR-0001.15	*February 19, 2025*	*February 19, 2025*	*Emily Hamilton Jason Bennett*	*New policy as per MOU requirement*

AGREEMENT TO COMPLY

I ACKNOWLEDGE that I have read and understand the RHRA's Code of Conduct for Compliance and Legal Personnel and agree to be bound by, and conduct myself in accordance with, its contents.

Name:_____

Signature: _____ Date: _____