
MEMORANDUM

CL-C 28-2021

Subject: Responsibilities of the Board of Health

Date: April 22, 2021

To: Regional Council

From: Donna Gibbs, Director, Legal & Court Services, and Ann-Marie Norio, Regional Clerk

This memo is provided in response to the request made by Councillor Foster at the Public Health and Social Services Committee meeting held on April 13, that Staff provide information respecting the legal obligations of the Board of Health, how it is governed and its relationship to the province.

Regulation 553 under the [Health Protection and Promotion Act, R.S.O. 1990, c. H.7 \(ontario.ca\)](#) (Act) designates “The Regional Municipality of Niagara” as the health unit for this area and Section 474.21 of the *Municipal Act* provides that “A regional municipality, except The District Municipality of Muskoka, has the powers, rights and duties of a board of health under the *Health Protection and Promotion Act*”. As a result Regional Council, as the governing body of the Region, is effectively the Board of Health (BOH) for the Region of Niagara.

As a practical matter, Regional Council has historically (through By-law No. 3521-84 as amended by By-law No.87-2009, attached as Appendix 1), delegated responsibility to a Standing Committee (currently the Public Health and Social Services Committee) to investigate, report and recommend to Council on all matters related to public health (with Council acting as final approver). The membership of the Standing Committee is determined by Council.

The Act contains a number of provisions dealing with duties/role of the BOH. In essence the BOH is responsible for the local administration and implementation of public health programs and services under the Act and in accordance with the Ministry of Health’s Ontario Public Health Standards and Protocols (available via the following link: [Ontario Public Health Standards - Programs and Services - Health Care Professionals - MOH \(gov.on.ca\)](#)).

The primary functions of the BOH are to provide good governance and strategic leadership to the organization. The responsibility for the day-to-day management and operations of the health unit lies with the Medical Officer of Health (MOH) appointed by the BOH (with the approval of the Ministry of Health). The BOH:

- establishes general policies and procedures which govern the operation of the health unit;
- upholds provincial legislation governing the mandate of the BOH under the Act;
- provides accountability to the community by ensuring that its health needs are addressed by the appropriate programs and ensuring that the health unit is well managed;
- hires the MOH and associate medical officer(s) of health with approval of the Minister;
- provides necessary budget and financial approvals;
- ensures program quality and effectiveness and financial viability; and,
- establishes overall objectives and priorities for the organization in its provision of health programs and services, to meet the needs of the community.

The Association of Local Public Health Agencies prepared a (2018) Orientation Manual for Boards of Health that may be a useful reference for Council that is available via the following link: https://cdn.ymaws.com/alphaweb.site-ym.com/resource/resmgr/boh_file/boh_orientation_manual.pdf. The manual provides guidelines for members of a BOH, including that a member of a BOH should:

- commit to and understand the purpose, policies and programs of the health unit;
- attend board meetings, and actively participate on committees and serve as officers;
- actively participate in setting the strategic directions for the organization;
- acquire a clear understanding of the financial position of the health unit and ensure that the finances are adequate and responsibly spent;
- serve in a volunteer capacity without regard for remuneration or profit;
- be able to work and participate within a group, as a team;
- be supportive of the organization and its management;
- know and maintain the lines of communication between the board and staff;
- take responsibility for continuing self-education and growth;
- represent the public health in the community;
- be familiar with local resources;
- be aware of changing community trends and needs;
- attend related community functions;
- have a working knowledge of parliamentary procedure; and
- be aware of the definition of conflict of interest and when to declare it.

Given that Council is effectively the BOH, there is no mechanism for Council to remove a member of the BOH/Council (although Council does determine who is a member of the PHSSC).

However if a Councillor or a member of the public has a complaint regarding the conduct of a member of the BOH/Council it can be addressed through the Region's [Code of Conduct for Members of Council - Niagara Region, Ontario](#). Information concerning the complaint process for the Code of Conduct is on the Region's website via the following link: [Submitting a Complaint to the Office of the Integrity Commissioner - Niagara Region, Ontario](#).

Of note, the Province is currently undertaking a 90 day consultation period to obtain feedback on how to strengthen municipal codes of conduct. Further information in this regard is available via the following link: [Consultation: Strengthening accountability for municipal council members | Ontario.ca](#)

Respectfully submitted and signed by

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Ann-Marie Norio
Regional Clerk