

Head, Clara & Maria Policies and Procedures			
DEPARTMENT: Human Resources			POLICY #: HR-04
POLICY NAME: Employee Code of Conduct Policy			
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STATEMENT OF PRINCIPLE

- 1 A written Code of Conduct helps to ensure that employees, members of Council and members of the public share and understand a common basis of acceptable conduct for Municipal employees.
- 2 Employees shall conduct themselves with integrity by performing their duties with transparency, impartiality, respect and accountability.
- 3 These standards are designed to provide a reference guide and a supplement to the legislative parameters, municipal policies and by-laws within which employees must operate and within which employees must conduct themselves.
- 4 The standards should serve to enhance public confidence that appointed representatives and employees operate from a basis of integrity, justice and courtesy. This code is not intended to replace the use of common sense, personal ethics or morals.

DEFINITIONS

The following definitions shall apply to this Policy:

- “Civil” means adequate in courtesy and politeness or mannerly;
- “Confidence” means the feeling or belief that one can rely on someone or something or a firm trust;
- “Condescending” means acting in a way that betrays a feeling of patronizing superiority;
- “Confidential information” includes information in the possession of the municipality that the municipality is either prohibited from disclosing under the rules of the *Municipal Act* or other legislation, or is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act*, or other legislation.
- “Decorum” means propriety and good taste in conduct or appearance;
- “Employee(s)” means direct employees of the Corporation of the United Townships of Head, Clara & Maria whether full-time, part-time, contract (including employees of staffing agencies) or casual (including students and volunteers).
- “Municipal Property” includes real property (such as land or interests in land), personal property (such as goods and equipment), and other property interests of any kind.
- “Outside activities” are private activities that are not part of an Employee’s assigned work and are not part of his or her job.
- “Patronizing” means to treat with an apparent kindness that betrays a feeling of superiority;

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- “Workplace” means any premises (whether owned by the Municipality or otherwise) where the business of the municipality is being transacted, including vehicles, conference centers, motels/hotels and/or restaurants.
- “Wrongdoing” means any of the following actions taken by any Municipal Employee:
 - i. a contravention of any Municipal By-law or policy, or any Act of Parliament or the legislature of Ontario, or of regulations made under any such Act, if the contravention relates to the official duty of the municipal Employee, or any public funds;
 - ii. a misuse of municipal funds or municipal assets;
 - iii. gross mismanagement of a municipal project or undertaking;
 - iv. an act or omission that creates a substantial and specific danger to the life, health or safety of persons or to the environment; and,
 - v. taking any act of reprisal against a Municipal Employee who has disclosed a wrongdoing.

APPLICABLE TO

- This Code of Conduct shall apply to all municipal employees in their dealings amongst themselves, with Members of Council, and with members of the public – including all clients, vendors and suppliers.

GENERAL PROVISIONS & GUIDELINES

- The Municipal Code of Conduct for Employees governs the actions of all employees of the Municipality of the United Townships of Head, Clara & Maria while in the workplace and performing the duties of their jobs or acting on behalf of the Municipality.
- Actions taken by employees outside their employment are not governed by this Municipal Code of Conduct unless the employee is speaking against decisions and/or policies of Council. No municipal employee or appointed official represents the municipality outside of work hours and should refrain from conducting municipal business while not on the job.
- Employees are responsible for making honest statements and upholding the integrity of Council and its decisions. No employee shall make a statement with the intent to mislead anyone including Council members, fellow staff members, the media or the public.
- Employees shall always refrain from making public statements on Municipal policy and/or Council decisions.
- When taking any action while in the course of employment, each employee shall ask:
 - i. Am I putting my own interests before those of the Municipality?

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- ii. Would I make the same decision if my manager, a member of the public, my mother or the media were watching me?
- iii. Will I owe someone a favour if I do this?
- iv. Would I be offered this if I weren't an employee of the Municipality?

- Transparency - As public servants, employees are accountable for what they do and that accountability is ensured by transparency. Employees must be open and honest in dealing with supervisors, the public and Council. Employees shall not just do their jobs well, but shall also be open and honest about what they say and do at all times and to all persons.
- Impartiality - As public servants, employees have to do their jobs with the Municipality's best interests in mind, not their own. Employees shall do their jobs without bias, without favour, without consideration of personal interests or those of family and friends and without allowing outside interests to conflict with work decisions.
- When buying goods or services for work purposes, employees shall comply with the Municipality's procurement by-laws and policies.
- Employees shall remove themselves from decisions that might affect, or might be seen to affect, the interests of other groups or organizations that they participate or are members in.
- Employees shall not take on other work which:
 - i. Conflicts with Municipal work hours;
 - ii. Interferes with the efficient performance of employee duties;
 - iii. Competes with Municipal services; or
 - iv. Creates a real or perceived conflict of interest with Municipal duties.

CONFLICT OF INTEREST

- Employees shall not make decisions on behalf of the municipality, make recommendations to the municipality, use their position with the municipality, or take any action on behalf of the municipality in respect of matters in which they have or believe they have a Conflict of Interest.
- Where there might be a conflict between personal interests and those of the Municipality, employees shall disclose that fact immediately and seek guidance from the Clerk-Treasurer or Municipal Solicitor.
- Employees shall provide full disclosure when offering information in potential conflict situations.
- The Clerk-Treasurer after receiving such a disclosure is required to give it due consideration, obtaining advice and assistance from the Solicitor as necessary, and

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provide the necessary direction to the Employee with respect to the resolution of the Conflict of Interest.

- Provided that the disclosure has been full and frank, any Employee who complies with the direction given pursuant to this process will be safe from discipline or justified criticism and will be able to rely upon the direction as a complete answer to any future disciplinary or other action by the Municipality against the Employee in respect of the Conflict of Interest.

CONFIDENTIAL INFORMATION

- It is the responsibility of each employee to ensure that confidential information obtained in the scope of his employment is kept strictly confidential and not released to anyone except as required by law.
- As per the *Municipal Act*, employees shall not directly or indirectly, release, make public or divulge any information related to legally called and conducted in camera or closed meeting deliberations of Council. However, simply because information is shared within a closed meeting does not automatically make that information confidential; it must meet legislated exemptions for openness or fall within other protected legislation.
- Requests for information should be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

GIFTS AND BENEFITS

- No employee shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office or employment.
- For these purposes, a fee or advance paid to or a gift or benefit provided with the employee's knowledge to an employee's spouse, child or parent is deemed to be a gift to that member.

Exceptions include:

- Gifts having a value less than fifty dollars (\$50.00) which are given as promotional items to individuals, provided the gifts do not include money, cash or negotiable instruments;
- If the gift has absolutely no relationship with the status of the recipient as a Municipal Employee (i.e. there is another relationship between the donor and recipient which caused the gift to be made);
- If an Employee receives gifts, entertainment and benefits having value over fifty dollars (\$50.00), the gifts, entertainment or benefits must be disclosed to the immediate supervisor of the Employee in writing using the form provided. Such disclosure shall

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occur within one week following the receipt of the gift, entertainment or benefit, with a copy provided to the Clerk-Treasurer.

CONDUCT AT MEETINGS OF COUNCIL

- Staff shall conduct themselves with decorum at Council meetings in accordance with the provisions of the Municipal Procedural By-law.
- Respect for delegates, for Council members and staff requires that all employees show courtesy and not distract from the business of Council during presentations and when other members have the floor. This does not mean that staff may not offer advice, comments or suggestions; what it means is that all comments must be accurate, respectful and germane to the topic/subject at hand.

ENCOURAGEMENT OF RESPECT FOR THE MUNICIPALITY AND ITS BY-LAWS AND POLICIES

- Employees shall at all times endeavour to encourage public respect for the Municipality and its by-laws and policies.
- Employees shall recognize that Municipal Council is the elected voice of the citizens of the Municipality and shall respect the decisions of Council.
- Employees shall be careful to distinguish between personal comments or opinions expressed outside of the workplace and their jobs with the Municipality.
- Employees shall not make comments that are defamatory in nature about the Municipality, Council, individual Council members or co-workers.
- Employees shall not claim to speak on behalf of the Municipality unless they have been authorized to do so.
- Employees shall not make personal comments using municipal letterhead, Municipal e-mail addresses or anything else that implies a connection between personal comments or opinions and the Municipality.
- Employees shall implement decisions and policies of Council without comment or complaint so long as they are not illegal, immoral or improper.

PERSONAL CONDUCT

- Employees shall ensure that their personal conduct within the Workplace or other locations, while in the course of their employment, does not adversely affect:
 - i. their ability to perform their official duties;
 - ii. the ability of other Employees to perform their duties; or,
 - iii. public confidence in the official's functions, the organization, or in the integrity of the public sector.

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- Loss of public confidence must be based on a proven wrongdoing and not simply personal opinion. It must be recognized that some individuals will take exception to actions taken by employees both in the course of their employment while following municipal policy or personally.
- Employees should remain neutral in their service to all councillors providing the same level of service, information and responses to all requests no matter who should make them. This does not prevent individual employees from having conversations with Council members or relationships outside of work. What it means is that all information concerning Municipal business is shared equally and in an unbiased manner and that requests from one member are treated in the same manner as those from all other members.
- Relations and communications between employees, between employees and council members, and between employees and the public, should always be civil and premised on mutual respect.
- This means that staff will use polite and respectful language and will not use offensive language or gestures, nor shall they engage in patronizing or condescending behaviour with one another, members of Council or the public.

PUBLIC TRUST

- Employees are guardians of public funds and are responsible for delivering a wide range of important public services, which are supported by members of the public through their taxes. Employees owe the public nothing less than their full commitment to doing the best job they can.
- Employees have an obligation to help build pride in their Community, to respect the dignity and diversity of their colleagues and to treat them as we would like to be treated ourselves. While it takes hard work to gain the respect of others, even small lapses can erode confidence in the Municipality.
- To ensure that employee conduct does not diminish respect for ourselves, co-workers and for the Municipality, employees shall maintain and exemplify the highest standards of behaviour through:
 - i. devoting ourselves fully to our jobs during our working hours and not allowing personal activities (e.g. reading a magazine, surfing the internet, etc.) to interfere with work.
 - ii. ensuring that all property (including cash, cheques, documents, inventories and equipment) in our care as part of our job is properly secured and protected at all times.

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- iii. being honest, polite and courteous when we deal with people, whether they are members of the public, Council or co-workers.
 - iv. fostering an atmosphere of collegiality and supporting coworkers in their work.
 - v. providing excellent customer service every day.
 - vi. dressing appropriately.
- Due to allergies and sensitivities, employees shall limit their use of fragrances, especially when they work in a close office environment or vehicles where other employees or members of the public may be negatively affected.
- Employees shall not take actions which will:
 - i. harass or intentionally intimidate others.
 - ii. manipulate, falsify, alter or amend documents, information or records for fraudulent purposes.

INFLUENCE OF COUNCIL

- Each employee works for the Municipality as a body corporate and is charged with making recommendations that reflect their professional expertise and corporate perspective without undue influence from any individual member or group of members of Council.
- Each employee shall endeavour to provide a high quality of advice based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.
- Council has delegated responsibility to the Clerk-Treasurer for the administration of the affairs of the Municipality in accordance with the by-laws and policies adopted.
- This means that under the direction of the Clerk-Treasurer, staff has the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy.
- Accordingly, staff establishes the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and to manage implementation within the resources at their disposal.

PERSONAL USE OF MUNICIPAL PROPERTY

- There shall be no use or appropriation of municipal property, facilities, services, or information for personal use, gain or business by employees, unless that municipal property is generally available to the public and is being used by the employee in that capacity like any other member of the public (i.e. using a Municipal park or other facility for recreational purposes).

Exceptions include:

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- If personal use of the Municipal property is provided as part of employment or duties and the personal use is:
 - i. approved by Council;
 - ii. contained in a an official job description; or,
 - iii. within an employment agreement.
- If the use of Municipal property consists of the personal use of telephones, internet, computers, fax machines, cell phones, or photocopiers and all of the following are satisfied:
 - i. Use does not cause any additional expense to the Municipality (i.e. there is full reimbursement of any charges)
 - ii. Use is not excessive having regard to the circumstances;
 - iii. Use does not have a negative overall impact on Employee productivity; and
 - iv. Use does not interfere with the normal operation of the municipality or negatively impacts other employees;

SPECIFIC RULES RELATING TO COMPUTERS

- Electronic records stored on Municipal computer systems or equipment are the property of the Corporation of the United Townships of Head, Clara & Maria. The Municipality maintains the right to access and monitor records in electronic format including flash drives, hard drive and emails.
- Users of Municipal computer equipment shall not:
 - i. Attempt unauthorized access to systems, information, processes or products;
 - ii. Broadcast e-mail messages that are not work related or are otherwise authorized;
 - iii. Propagate viruses, or send or download materials which may impact the operating efficiency of the system;
 - iv. Undertake any other activities that can unduly impact the use or performance of others
 - v. view, retrieve, transmit or disseminate:
 - any pornographic or obscene messages, images, or materials;
 - any other messages, images or materials which are offensive to human dignity.
- E-mails that are not filed in hard-copy may be disposed of at the user's discretion and as per the *Municipal Freedom of Information and Protection of Privacy Act*. Users are encouraged to delete messages as per Email Management Policy. Attachments to e-mail messages should be detached and filed electronically or printed and filed in hard-copy records.

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- Only licensed software and registered shareware acquired by and paid for by the municipality are to be operated on the municipal system. Computer games acquired by and paid for by the municipality as part of a training package may be installed on municipal equipment but no other games, including shareware games, are to be installed on municipal equipment. No municipally licensed software is to be copied or transferred to home computers.
- No software of a personal nature is to be maintained on the municipal system.

ALCOHOL AND DRUG USE

- While within the Workplace, no use of alcohol is permitted unless the consumption of alcohol occurs at an event approved by Council at which alcohol is served.
- While within the Workplace, no use of non-prescription or illegal drugs is permitted. Normal use of over the counter or prescription medications is of course allowed.
- This section shall not apply to alcohol and drug use outside the Workplace, with three exceptions. In each of the following exceptions, the use of alcohol or drugs outside the workplace will constitute a contravention of this policy:
 - i. If the alcohol or drug use negatively affects the performance of the Employee within the Workplace. (E.g. he or she consumes alcohol and in the opinion of his supervisor, comes to work with a smell of an alcoholic beverage while exhibiting erratic or unusual behaviour, stumbling, difficulty speaking, loss of balance, or lack of coordination);
 - ii. If it is a position requirement for a specific position that an Employee shall have no alcohol or drugs in his or her system while within the workplace, and the Employee comes to work or resumes work following a lunch or other break with alcohol or drugs in their system; or,
 - iii. If the Employee operates a Municipally-owned motor vehicle or dangerous machinery as part of his or her duties, and the Employee comes to work or resumes work following a lunch or other break with any alcohol or drugs in their system.

WHISTLE BLOWING

- None of the following measures shall be taken against a Municipal Employee by reason that the Employee has, in good faith, engaged in opposition to a Municipal Initiative or has disclosed a Wrongdoing in the manner set forth in this policy:
 - i. a disciplinary measure;
 - ii. the demotion of the Employee;
 - iii. the termination of the employment of the Employee; and,

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- iv. a threat to take any of the measures above.
- It is important that the disclosure of Wrongdoing be reported to the appropriate law enforcement or other official who has been entrusted with responsibility for monitoring and combating Wrongdoing such as:
 - i. To a police officer or other law enforcement official;
 - ii. To the Mayor and Council of the Municipality;
 - iii. To the Clerk-Treasurer of the Municipality;
 - iv. To the Auditors of the Municipality;
 - v. To the Municipal Solicitor;
 - vi. To any municipal Councillor of the Municipality.
- Any individual who receives an allegation of Wrongdoing from any individual shall consult with the Clerk-Treasurer and/or Municipal Solicitor to determine what kind of response is appropriate to the particular allegation.

APPLICATION - COMPLAINT PROCESS

- The formal portion of the Complaint Process requires that a complaint be made in writing setting out the grounds for the belief that there is an alleged contravention.
- Each complaint shall include a supporting affidavit that sets out the evidence in support of the complaint.
- The complaint shall be filed through the Clerk-Treasurer, or designate, who is a commissioner for taking affidavits, on the municipal complaint form provided and signed before the commissioner.
- Any submissions or written comments together with the personal information of the complainant made to the Municipality under this or any other process will become part of the public record and may be reproduced, recorded and/or reported on line. There is no promise of confidentiality provided to the complainant under this process; it is to be open and transparent.
- Unsigned and/or anonymous complaints will not be recognized or acted upon.
- Complaints that are considered frivolous and vexatious by the Clerk-Treasurer will not be subjected to the costs of investigation. In this instance “frivolous” means “not having any serious purpose or value” and “vexatious” means “annoying or harassing”. These complaints shall be included in the annual report to Council.

INTERPRETATION

- Employees or members of Council seeking clarification of any part of this Policy should consult first with the Clerk-Treasurer.

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- Complaints received will be reviewed by the Clerk-Treasurer with the complainant or the person complained about. Together they will discuss options and further steps for resolution.
- If the issue can be resolved by the Clerk-Treasurer and to the satisfaction of the complainant, no further action will be required aside from mention in the annual report to Council.
- If the breach of the code is severe and is not easily remedied, the Clerk-Treasurer shall within 30 days of receipt of the complaint and with the assistance of the Municipal Solicitor if required, commence an investigation. Depending on the situation, an outside firm may be hired by the Clerk-Treasurer and at the Clerk-Treasurer's discretion, to complete the investigation.
- Extended time to commence an investigation, if justified, may be authorized by a resolution of Council.
- After consultation with the Municipal Solicitor and/or investigator, as required, the Clerk-Treasurer shall determine if an employee or employees have committed a breach of the code.
- Pending the outcome of any investigation, the Clerk-Treasurer shall implement disciplinary action as per the Municipal Discipline and Dismissal Policy.
- When complaints arise, the Clerk-Treasurer shall provide an annual report to Council for review. This report shall provide a list of investigations, and include the costs and the status of the individual investigations.
- As all complaints against staff are in fact personal matters about an identifiable individual they will be kept confidential to the best of the ability of the Clerk-Treasurer, staff and investigators.
- As these complaints are internal Human Resource matters, there is no obligation to provide details of the complaints to members of Council outside of the annual report. Depending on the situation and following provincial legislation, documentation will be kept in the employee's personnel file.
- The Clerk-Treasurer may consult with legal counsel as may be required in determining points of law.
- If the complaint concerns the Clerk-Treasurer, it will immediately be submitted to the Municipal Solicitor for resolution. The Solicitor may choose to dismiss the complaint, perform an investigation himself or hire an independent investigator.
- The resulting investigative report will include recommendations for remedy, discipline or dismissal as per the Municipal Discipline and Dismissal Policy as required.

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- Any report shall remain confidential as it would be considered personal information about an identifiable individual. The report shall be received by Council who will ultimately discuss the contents in closed session. A vote on the recommendations of the Municipal Solicitor will then be made in open session.
- Subject to the requirements of any disciplinary policy of the Municipality, enforcement may include disciplinary action up to and including dismissal.

ENFORCEMENT

- Proactively, the Clerk-Treasurer shall give a copy of this policy to each new Employee at the time of hire.
- The policy will be made available on a continuing basis to all staff through electronic means so that every employee has access to it and can read, download, or print a copy.
- Failure to receive training will not be an excuse for non-compliance with this policy.
- The Clerk-Treasurer is under a positive obligation to enforce this policy and deal with breaches of the policy by subordinates that have come to their attention as appropriate in the circumstances.
- Reactively, if any person, including a member of the public, wants to make a complaint that someone has breached this policy; the allegation shall be referred to the Clerk-Treasurer who will take appropriate action as contained within this policy.

ACCOUNTABILITY

- Employees shall:
 - i. know the Code and comply with its principles.
 - ii. disclose breaches of the Code immediately, whether they are committed by ourselves or a co-worker.
 - iii. cooperate fully with investigations into alleged wrongdoing.
 - iv. understand that breaches of the Code shall be subject to disciplinary action, up to and including termination.
 - v. If required seek interpretation of the Code from the Clerk-Treasurer and Solicitor's office.
 - vi. make observance of the Code part of their daily work and review the Code as part of annual performance reviews.
 - vii. NOT retaliate against anyone who has come forward with a complaint, or is a witness to a complaint.
 - viii. NOT assume that violations of the values in this Code are someone else's problem.

Complaints of any nature regarding this policy should be submitted using Appendix A – Employee Code of Conduct Complaint Form