



## CODE OF CONDUCT FOR EMPLOYEES

Fall 2020

### **PURPOSE:**

The purpose of this policy is to establish those principles of conduct which should guide all civic employees in the discharge of their duties. Employees of the City of Elliot Lake are expected to adhere to the highest standards of personal and professional competence, integrity and impartiality.

### **POLICY STATEMENT:**

All employees of The Corporation of the City of Elliot Lake are expected to follow a code of conduct in the performance of their duties which dictates that they act in the best interests of the Corporation, promote its goals, objectives and policies and act in a manner consistent with the highest moral, legal and ethical principles.

The Corporation believes that the effective operation of municipal government requires that all employees:

- be independent of any improper external influences or pressures and put public interest above individual, group or special interest;
- recognize that Government service is a public trust that imposes responsibility to conserve public resources, funds and materials;
- behave in such a way to maintain the public's confidence in the integrity of civic employees;
- recognize and affirm the rights of all people to be free from discrimination, particularly discrimination based on race, national or ethnic origin, colour, religion, sex (including intersex status), gender, gender identity, gender expression, age, mental or physical disability, or any other prohibited ground of discrimination.
- Abide by the City's Public Code of Conduct / Human Rights Policy and ensure impartial and consistent application of the code where necessary.

The Code of Ethics / Conduct set forth in this policy is to be adhered to by all employees of the Corporation.

## **CODE OF ETHICS / CONDUCT**

Municipal employees hold positions of trust within the community. They must therefore discharge their duties in a manner that recognizes a fundamental commitment to the well-being of the community and its citizens. The Corporation requires its employees to have and to demonstrate the qualities of honesty and integrity, impartiality, objectivity and fairness, industry, effectiveness and efficiency, responsiveness and sensitivity, tact and discretion and common sense.

### **DEFINITIONS**

Family: for the purposes of this policy, the fore-mentioned include parent, step-parent, spouse, common-law spouse, child, step-child, grandparent, step-grandparent, grandchild, step-grandchild, brother, step-brother, sister, step-sister, parents-in-law, step-parents-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, foster child.

Spouse: a person to whom the person is married or with whom the person is living outside marriage in a conjugal relationship if the two persons have cohabited for at least one year, are together the parents of a child, have together entered into a cohabitation agreement under section 53 of the *Family Law Act*.

### **I. USE AND CARE OF CITY PROPERTY**

Employees shall not use or permit the use of City property, vehicles, equipment, supplies or services for personal or private use unless proper authorization in writing has been granted by the Director with a copy sent to the Chief Administrative Officer. Employees are responsible for the protection of all City property, vehicles, equipment, supplies or services provided for purposes of carrying out their duties.

City property, vehicles, equipment, supplies or services shall only be used in the City's interests and shall not be taken, loaned, sold, destroyed or given away without prior authority from the Director.

### **II. THEFT AND FRAUD**

All employees shall work in accordance with the City's policies and procedures and all applicable laws in order to prevent fraudulent misconduct. All employees shall exercise honesty, integrity, objectivity and diligence and shall not knowingly be a party to any fraudulent activity, including theft.

Fraud and/or theft of City property or resources by an employee is considered a major form of misconduct.

The City of Elliot Lake will identify and promptly investigate any possibility of fraudulent or related dishonest activities against the City and, when appropriate, pursue legal remedies available under the law.

In addition to disciplinary action as outlined in the contravention section of the policy and possibly considering restitution, the City will forward information to the appropriate authorities for criminal prosecution, as deemed appropriate.

### **III. PERSONAL AFFAIRS DURING WORKING HOURS**

An employee shall not unreasonably conduct personal affairs during normal working hours and shall not perform any work for any other employer or organization during normal working hours without the express permission of the employee's Director.

### **IV. CONFLICT OF INTEREST**

A conflict of interest is any situation in which an employee or a member of his/her family has a direct or indirect pecuniary interest in a contract or proposed contract with the City, and where the employee could possibly influence the decision made by the City with respect to the contract. A conflict exists where the employee could directly influence the decision made in the course of performing his/her job duties and also where he/she could indirectly influence the decision through exerting personal influence over the decision-maker.

An employee shall not engage in any activity that creates a conflict of interest.

If an employee is aware or believes that he or she may be in a conflict of interest, or that a conflict of interest could exist if he or she were to engage in a particular activity that the employee wishes to engage in, the employee shall notify his or her supervisor as soon as possible of the situation. Upon being notified of a conflict of interest or the potential of a conflict of interest situation arising, the employee's supervisor, in consultation with the Director will assess the situation to determine whether a conflict of interest exists or could exist.

If it is determined that a conflict of interest exists or could exist, the supervisor and/or the Director shall take appropriate measures to prevent or eliminate the conflict of interest.

At the Director's discretion, the matter may be referred to the Chief Administrative Officer to determine the appropriate action.

If the employee in question is a Director, notification shall be to the Chief Administrative Officer. If the employee in question is the Chief Administrative Officer, notification shall be made to the Mayor and Members of Council.

### **V. OUTSIDE EMPLOYMENT**

An employee shall not engage in any outside work, business activity or other undertaking:

- a) during normal working hours; or
- b) that interferes with the performance of his/her duties for the Corporation; or
- c) from which the employee derives some form of benefit by virtue solely of his/her employment with the Corporation.

If the employee is unsure as to whether or not the carrying out of any outside work, business activity or other undertaking would create an interference, conflict or improper benefit, the employee shall seek prior guidance from his/her immediate supervisor or Director.

Employees shall not sell goods, materials or services to the City. An exception may be made, with the approval of the Chief Administrative Officer, to purchase goods or materials from an employee, or to secure services from an employee outside his/her working hours, provided the opportunity is made available on an equal basis to other persons and the amount of the payment for such services is commercially reasonable.

## **VI. CONFIDENTIAL INFORMATION**

Employees shall only disclose confidential information held by the Corporation in accordance with the Municipal Freedom of Information and Protection of Privacy Act.

If any uncertainty exists as to whether or not a record or information is confidential, or as to whether or not a record or information may be released or disclosed, an employee should seek guidance from his/her immediate supervisor, Director and/or the City Clerk.

## **VII. GIFTS AND BENEFITS**

The acceptance of gifts and benefits received, from any person, firm or corporation, which is interested directly or indirectly in any manner in business dealings with the Corporation is forbidden with the exception of incidental gifts, hospitality or other benefits arising out of activities associated with the performance of official duties and responsibilities provided that such gifts, hospitality or other benefits:

- a) are within the bounds of propriety, a normal expression of courtesy and within the normal standards of hospitality;
- b) are not such as to bring suspicion on the employee's objectivity and impartiality; and
- c) would not compromise the integrity of the municipal service.

Employees are under an obligation to consult with their Director regarding accepting specific gifts and benefits.

## **VIII. MEDIA RELATIONS**

Only the Chief Administrative Officer should comment to the media on policy matters unless otherwise authorized. This policy is not intended to restrict the ability of employees to express an opinion on non-municipal general interest matters, where the employee makes it clear that he or she is commenting as a private citizen and not in his or her capacity as a municipal employee.

Employees should refrain from expressing their personal views to the media on matters of political controversy or municipal policy when such comment is likely to impair public confidence in the objective and efficient performance of their duties.

## **Public Statements by Employees**

As tax-paying members of our community, municipal employees have the same right as other taxpayers to access municipal services and to make inquiries about or even complaints regarding municipal services, however, an employer-employee relationship exists. Corporate administrative policy is that no member of any municipal department shall give out any public statement relative to any matter connected with corporate policy or municipal services without the expressed written permission of the Chief Administrative Officer. Such permission will normally only be granted to Directors. As such, statements publicly criticizing or otherwise commenting on corporate process or policy including, without limiting the foregoing, letters to the editor, posts on social media, etc. will be considered insubordinate and may be subject to discipline. Commenting on municipal affairs on social media platforms is covered by both this section of the Code of Conduct and in more detail in the municipal Social Media Policy.

## **Approaches to Mayor and Council**

On any given day, many decisions are made throughout the Corporation and individual employees are not always party to the processes involved in arriving at those decisions or the rationale for them. At times, the City may not be as successful as we would like in communicating those reasons to employees. However, disagreements with or concerns about Corporate process, policy or with supervisory or management decisions that affect or pertain to employees should be addressed through one's immediate supervisor, or the collective agreement, whichever is most applicable in the circumstances.

Employees who attempt to circumvent that process by going over the head of their supervisor to address such issues directly with members of Council will be considered insubordinate and may be subject to discipline.

## **IX. AVOIDANCE OF PREFERENTIAL TREATMENT**

Employees shall not accord preferential treatment in relation to any official matter to family members or friends, or to any organizations in which the employee, family members or friends have an interest.

In dealings between the Corporation and members of the public or outside organizations, an employee shall not offer or provide to any individual or entity assistance that is outside the official duties and responsibilities of the employee, where such assistance would provide the individual or entity with a gain or advantage, by virtue of the employee's involvement, that is not available to any other individual or entity on an equal basis.

There are to be no logos, no commercial endorsements on city property, vehicles or on staff clothing and uniforms exclusive of transit vehicles unless authorized by Council resolution.

**X. POLITICAL ACTIVITY**

An employee shall refrain from engaging in any political activity that creates a pecuniary conflict of interest. Any employee who proposed to be a candidate for municipal office or any other elected public office shall comply with the provisions of the Municipal Elections Act.

Under no circumstances are staff to work for or campaign for any candidate in any election, municipal, federal or provincial during office/shift hours. Likewise, under no circumstances is campaign material for any candidates in any election, municipal, provincial or federal to be stored, displayed or provided to the public at any municipal buildings or facilities.

**XI. COMPLIANCE/CONTRAVENTION**

This Code shall be observed by all employees. Supervisors are responsible for ensuring that employees are aware of this Code and that all employees comply with its provisions. Compliance with this Code constitutes a condition of employment and breaches of the same may result in disciplinary action up to and including dismissal.

A supervisor who believes that an employee is breaching or has breached this Code shall immediately notify the supervisor's Director of the situation. Where an employee has reason to believe that a supervisor has committed a breach of this Code, he/she may approach his/her Director or, if a Director is involved, the Chief Administrative Officer directly.

Should a situation arise which appears to be in contravention of this policy, the Chief Administrative Officer, the appropriate Director and the Manager of Human Resources shall meet to determine if discipline, up to and including termination is warranted.

**XII. REFERENCES AND RELATED DOCUMENTS**

- Information Technologies Policy Documents
- [Social Media Policy](#)
- [Staff Council Relations Policy](#)
- [Public Code of Conduct / Human Rights Policy](#)
- [Accessibility Standards for Customer Service Policy](#)
  - and all other [Accessibility Policies, Documents Plans](#)
- All other relevant Corporate Policies, Procedures, Legislation / Regulations

**XIII. SEVERABILITY**

The provisions of this Code are severable and if any provision, section or word is held invalid or illegal, such invalidity or illegality shall not effect or impair any of the remaining provisions, sections or words.

<b>Short Title</b>	Code of Conduct for Employees
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