

MUNICIPALITY OF THE DISTRICT OF ARGYLE <b>POLICY AND ADMINISTRATION MANUAL</b>	REFERENCE NUMBER _____
SECTION <b>ADMINISTRATION</b>	SUBJECT <b>CODE OF CONDUCT-STAFF</b>

## 1. APPLICATION

1.1. This policy applies to all employees of the Municipality of the District of Argyle (MODA), including the CAO.

## 2. PURPOSE

2.1. MODA is committed to the principles of integrity, accountability, respect, and openness. The Municipality must maintain the highest level of public confidence and deliver quality services to the public.

2.2. MODA requires the proper conduct of all employees. This Code of Conduct (the "Code") explains the expected behaviour required of all employees. The Code promotes ethical decision making and behaviour and encourages employees to think about how ethics and integrity guide their actions.

## 3. STANDARDS OF CONDUCT

3.1. Staff shall perform the functions of office truly, faithfully and impartially to the best of their knowledge and ability in accordance with the following core values:

- **Integrity** - giving the municipality's interests absolute priority over private individual interests.
- **Honesty** - being truthful and open.
- **Objectivity** - making decisions based on a careful and fair analysis of the facts.
- **Accountability** - being accountable to each other and the public for decisions taken.
- **Leadership** - confronting challenges and providing direction on the issues of the day.

## 4. GUIDELINES

4.1. MODA will strive to protect all of its employees, vendors, customers, and the corporation itself from any illegal or damaging actions committed by individuals either knowingly or unknowingly.

4.2. MODA will not tolerate any wrongdoing or impropriety and will immediately take appropriate disciplinary action to correct the problem.

4.3. MODA expects all employees to conduct themselves in a manner consistent with this Code. Employees must not conduct themselves in an improper manner or in a way that may discredit the MODA.

- 4.4. Generally, all employees in their day-to-day activities have contact with colleagues, customers, the general public, and suppliers. When interacting with others, employees are expected to be helpful, courteous, and act professionally.
- 4.5. Employees are not expected to serve a member or members of the general public who is demonstrating consistent unreasonable behavior towards the employee, another employee or another member of the public in our municipal offices.
- 4.6. Any communication with external stakeholders, including members of the public, customers, suppliers, and the media must be clear and truthful.
- 4.7. Employees are expected to exercise care when communicating, and in particular when using any form of social media, email, or online communication. Once statements, posts, or comments are made publicly, there is often no control over what happens to them or how they are used.
- 4.8. In instances where a media request might have a regional impact, employees are not to engage in interviews with the media, or prepare statements, press releases without the express pre-authority of the Chief Administrative Officer of MODA.
- 4.9. Press interviews for local district interests/topics shall be considered appropriate communication from employees.

## 5. DEFINITIONS

- 5.1. **Code of Conduct:** Establishes the standards that govern the way we deal with each other, our taxpayers, regulators, suppliers and public at large. A code of conduct is intended to be a central guide and reference for users in support of day-to-day decision making.
- 5.2. **Favoritism:** The unfair practice of consistently treating some people better than others and/or at the expense of others
- 5.3. **Bias:** A tendency to believe that some people, ideas, etc., are better than others that usually results in treating some people unfairly
- 5.4. **Workplace:** Any place occupied by an employee as part of their employment which includes, but is not limited to, lunchrooms, a client's home or work site, vehicle, training events, conferences, business travel, work-related social gatherings, or other locations where an employee is engaged in activity associated with his/her employment.
- 5.5. **Conflict of Interest:** A conflict of interest is a situation in which an employee has personal or private interests that may compete with the interests of the MODA. A conflict of interest can create an appearance of impropriety or a perception of bias that can undermine

confidence in the ability of an employee to fulfill their duties impartially. This can undermine confidence in the MODA generally. A conflict exists even if there are no unethical or improper actions. A conflict of interest can either be an apparent or a real conflict.

**5.6. Nepotism:** Nepotism means favouring a family member or individual with a social relationship. Nepotism can arise in business transactions or during the recruitment, hiring, and management of employees.

**5.7. Bullying:** Is a form of harassment (see definition below). Specifically, repeated, and unreasonable behavior (see 5.8 and 5.9) directed towards a person or group of persons at a workplace, which creates a risk to health and safety. Single incidents of workplace harassment, though distressing, are not considered to be bullying behavior. Performance feedback or counselling on work performance is also not considered a form of bullying.

**5.8. Unreasonable behavior:** Is behavior that is offensive, humiliating, intimidating, degrading, or threatening. It includes, but is not limited to:

- Verbal abuse
- Initiation pranks
- Excluding or isolating employees
- Giving a person the majority of an unpleasant or meaningless task
- Humiliation through sarcasm, or belittling someone's opinions
- Constant criticism or insults
- Spreading misinformation or malicious rumors
- Setting impossible deadlines
- Deliberately withholding information or resources, that are vital for effective work performance
- Manipulating the impression of others to split the work group into taking sides
- Displaying written, video, or pictorial material which may degrade or offend certain employees.

**5.9. Repeated behavior:** refers to the nature of the behavior, not the specific form of the behavior. Therefore, repeated unreasonable behaviour may be a pattern of diverse incidents listed in 4.8, often escalating over time,

**5.10. Harassment:** Engaging in derogatory (e.g. condescending, insulting, belittling), vexatious (e.g. aggressive, angry, antagonistic), humiliating or embarrassing conduct that is known, or ought reasonably to be known, to be offensive or unwelcome. Without in any way limiting the generality of the foregoing, this also includes any form of harassment as outlined in human rights legislation. This includes actions or comments that are directed at no person in particular but which create an intimidating, demeaning or offensive work environment.

## 6. CONFLICT OF INTEREST

**6.1.** Apparent conflict involves situations where an informed and reasonable person reviewing the matter could conclude that a conflict of interest could exist.

- 6.2. Real conflict involves situations where a personal interest exists, that interest is known to the employee, and the interest has a connection to the employee's duties that is sufficient to influence the exercise of those duties.
- 6.3. Conflicts of interest can arise in many situations. Where an employee believes that they have a real or apparent conflict of interest, they must report the issue to their department head or supervisor and remove themselves from the decision-making process or activity in question.
- 6.4. In some circumstances, the department head/supervisor may reassign the employee or remove them from the decision-making process or activity to avoid a conflict of interest.
- 6.5. Department heads/supervisors will work in consultation with the CAO to ensure reported conflicts are reviewed and appropriate steps are taken to mitigate the conflict.
- 6.6. CAO will work with Council in instances where he/she has a real or perceived conflict.
- 6.7. Employees must avoid situations where their personal interest conflicts, or appears to conflict, with the interests of the MODA in dealing with third-parties seeking to do business with the MODA. This includes conflicts of interest that may arise through the MODA's RFP, and tender processes.
- 6.8. Where an employee is aware of a real or apparent conflict of interest involving any business transactions between the Municipality and a third party, they must disclose this to their department head or supervisor.

## **7. EMPLOYEE DISCLOSURE**

- 7.1. All employees are responsible for disclosing any real or apparent conflict of interest or any real or suspected dangerous, illegal, harmful, or fraudulent activity.
- 7.2. Where an employee suspects that they are, or may potentially be, in conflict with the Code, the employee must disclose this in writing to their department head/supervisor. The disclosure should include a detailed description of the circumstances. The department head/supervisor will review in consultation with the CAO to determine the appropriate course of action.
- 7.3. If an employee is unsure whether their behaviour, circumstances, or interests contravene the Code, they must request an interpretation of the Code from their Department head or supervisor.
- 7.4. If an employee believes they have violated the Code, they must promptly disclose the situation to their department head/supervisor. Any suspected breaches of the Code by another employee should also be promptly reported.

## **8. NEPOTISM**

- 8.1. Employees must not misuse their influence or authority to favour anyone with whom they have a family or social relationship. This includes persons with whom the employee has an

emotional association or strong friendship that is not defined by blood or legal bonds. Employees must disclose such relationship where it creates a real or apparent conflict of interest.

## **9. OUTSIDE ACTIVITIES**

**9.1.** To maintain public confidence in the integrity and impartiality of the MODA, when an employee engages in an outside activity that may cause a real or perceived conflict of interest, the employee must notify the CAO in writing of the nature of the activity. Employees should refrain from participation until the appropriate review and approval by the CAO occurs.

## **10. REPORTING BREACHES**

**10.1.** Persons who have reason to believe that this Code of Conduct has been breached in any way are encouraged to bring their concerns forward. No adverse action shall be taken against any municipal employee who, acting in good faith, brings forward such information.

**10.2.** Reporting a breach shall be done through the employees' department head or immediate supervisor. If the complaint is against the immediate supervisor or the employee is not comfortable sharing the breach with him/her, the employee may report the breach to any department head/supervisor who will ensure the complaint process is followed.

**10.3.** Retaliation against employees who use reporting mechanisms to raise genuine concerns will not be tolerated.

## **11. RETALIATION**

**11.1.** Where an employee reports a violation of the Code in good faith, they will not be disciplined or threatened with discipline. Intimidation or coercion by any employee attempting to prevent reporting of a potential breach of the Code will not be tolerated.

**11.2.** An employee who knowingly makes a false disclosure or false accusation about a breach of the Code will be subject to disciplinary action, up to and including termination.

## **12. ETHICS**

**12.1.** MODA will not be party to the intent or appearance of unethical or compromising practices in its business relationships

**12.2.** Favoritism will not be accepted in the workplace

**12.3.** Any form of bias amongst staff, Council or residents will not be tolerated

**12.4.** Employees shall not use corporate assets or business relationships for personal use or gain

**12.5.** Personal relationships within the organization will remain professional during work hours and work functions and will not influence company decisions.

### **13. CRIMINAL OFFENCES**

**13.1.** Employees must not engage in any conduct or activity that contravenes the MODA's by-laws or any provincial or federal law which might:

- Detrimentially affect the MODA's reputation
- Make the employee unable to properly perform their employment responsibilities
- Cause other employees to refuse or be reluctant to work with the employee; or
- Otherwise inhibit the Municipality's ability to efficiently manage and direct its operations.

**13.2.** MODA's reputation may be prejudiced should an employee commit a criminal offence. Any employee who is criminally charged shall promptly inform their department head or supervisor.

**13.3.** The employee may be placed on an unpaid leave until any criminal or related proceedings are complete. If the employee is convicted, the employee may be terminated by the Municipality without notice or compensation.

### **14. GIFTS and HOSPITALITY**

**14.1.** MODA and its employees occasionally receive business courtesies, such as reasonable entertainment and modest gifts. However, employees must never allow these courtesies to affect their ability to make objective, professional decisions or give the perception that their objectivity is compromised.

**14.2.** If an employee is in doubt about the reasonableness of any gift or hospitality offered to them, before accepting, they should consult with their department head/supervisor and/or the CAO.

### **15. INTEGRITY**

**15.1.** Employees have a duty to look after and respect all the Municipality's assets. This includes the workplace, computer and telephone equipment, municipal vehicles, tools and supplies, finances, and other property employees have access to. Employees have an obligation to protect these assets from misuse, theft, and waste.

**15.2.** Employees are expected to:

- Use the Municipality's resources responsibly and appropriately
- Use municipal equipment for its intended purpose, preserving the privacy and confidentiality of personnel and council where appropriate
- Follow the procurement and other policies of the Municipality guiding fiscal controls
- Ensure the Municipality's physical property is never left unattended in public without appropriate security

- Ensure that electronic data and passwords are sufficiently strong and safeguarded from unauthorized access
- Maintain the privacy and security of any sensitive, confidential, or personal information they handle
- Ensure business expenditures are accurately and honestly accounted for
- Err on the side of transparency as it relates to financial reporting

## **16. CONFIDENTIALITY**

**16.1.** Every employee must hold in strict confidence all information of a confidential nature acquired in the course of their employment with the Municipality.

**16.2.** Confidential information means information that is not part of the public domain and information designated by the Municipality as confidential. This includes but is not limited to:

- Personal information
- Medical information
- Internal policies
- Personal and software specific passwords
- Security camera footage
- Contract negotiations
- Labour relations matters
- Purchase and sale of Municipal property
- Public security
- Items under any legal proceeding
- Any information marked as "confidential"

**16.3.** Those responsible for the collection or protection of the information listed in 16.2 shall not take this information off site without the express written permission of the CAO, and the information shall be returned and signed in and out if permission is granted. Remote access that is protected by server passwords is permitted, unless confidentiality cannot be assured.

**16.4.** The Municipality has a duty to respect the personal and confidential information about its employees, residents, customers, and suppliers. This includes compliance with applicable legislation including the Freedom of Information and Protection of Privacy Act, Personal Information Protection and Electronic Documents Act, and Personal Information International Disclosure Protection Act. All employees of MODA shall comply with this legislation as well as all regulations relevant thereto.

## **17. EMPLOYEE OBLIGATION**

**17.1.** Employees with access to personal information must ensure that this information is handled responsibly. Personal information should only be accessed by those who are authorized to do so and should be used only for the purposes for which it was provided.

- 17.2. It is a breach of the Code to review or use information that is not publicly available and obtained as a result of one's employment to improperly further, or seek to further, one's private interests or the private interests of another person.
- 17.3. Employees shall not divulge, disclose, provide, or disseminate confidential information to any third-party not employed by MODA, unless the CAO gives written authorization for the disclosure.
- 17.4. The requirements in this Code regarding confidentiality survive an employee's termination of employment with MODA. Upon termination, employees must promptly return (without duplicating or summarizing), any and all Municipal property and information, including physical and electronic records, within their possession.

**18. VIOLATIONS**

- 18.1. If an employee violates this policy, The Municipality of Argyle will employ disciplinary measures that reflect the severity of the offence, up to and including termination of employment.
- 18.2. Some violations may permanently harm MOD's operations and its ability to conduct its legislative obligations. In this case, MODA may pursue punitive measures, including legal action.

<u>Chief Administrative Officer's Annotation for Official Policy Book</u>	
Date of Notice to Council Members	
Of Intent to Consider [7 days minimum]: _____	
Date of Passage of Current Policy: _____	
I certify that this Policy was adopted by Council as indicated above.	
_____	_____
Warden	Date
_____	_____
Chief Administrative Officer	Date



**Acknowledgement and Agreement**

I, \_\_\_\_\_ (Employee Name), acknowledge that I have read and understand the Code of Conduct Policy of The Municipality of the District of Argyle. Further, I agree to adhere to this policy and will ensure that employees working under my direction adhere to this policy. I understand that if I violate the rules or procedures outlined in this policy, I may face disciplinary action up to and including termination of employment.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

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Warden

Date

\_\_\_\_\_

Chief Administrative Officer

Date

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