

Employee Code of Conduct Policy	Policy No. 6.1.0
<u>Date of Policy:</u> March 12, 2018	<u>Revision:</u> April 23, 2018
<u>Motion Number:</u> 2018-160	

Scope

This policy applies to all employees of the Town of Nipawin.

Purpose

The Town of Nipawin believes that the highest standard of conduct among Town of Nipawin employees is essential to maintain and enhance the public’s trust and confidence in the delivery of Town services.

Definitions

Appropriate Department Head

Means the Department Head who manages the department in which the employee is employed.

Confidential Information

While the classification of information as "confidential" is a matter of administrative discretion whether labelled as confidential or not, disclosure of information will not constitute a breach of the Code of Conduct unless that information is of an inherently confidential nature such as:

- a. personal data of employees or others;
- b. records related to internal policies and practices which, if disclosed, may prejudice the effective performance of a municipal operation;
- c. records of a financial nature reflecting information given or accumulated in confidence;
- d. files prepared in connection with litigation and adjudicative proceedings;
- e. reports of consultants, policy drafts and internal communications which, if disclosed, may prejudice the effective operation of a municipal operation or
- f. impugn the reputation of any person;
- g. any report prepared for Council is to be released only by Council; and
- h. information regarding the acquisition or disposal of land.

Just Cause

Means sufficient or proper reason for discipline or discharge.

Municipal Employee	Includes all employees and officers of the Town of Nipawin as defined in all Collective Agreements, employment agreements and municipal bylaws as well as volunteers, including volunteers appointed to any board or committee by the Town.
Public Comment	Disclosures made in a public speech, lecture, radio or television broadcast in the press or book form, or on the internet.
Town	Means the Town of Nipawin.

Policy

1.0 Mandatory Requirements

Compliance with these standards of conduct is a **condition of employment**.

Employees who fail to comply with these standards may be subject to disciplinary action up to and including dismissal. Employees should contact the appropriate department head for advice and assistance on interpretation or application of this policy.

2.0 Procedure

2.1 Loyalty

Town of Nipawin employees have a duty of loyalty to the Town. The duty of loyalty requires Town employees, irrespective of political preferences or affiliations, to serve the Town to the best of their ability. The honesty and integrity required of Town employees demands that the impartiality of employees, in the conduct of their duties, be above suspicion.

2.2 Confidentiality

Confidential information employees receive through their employment shall not be divulged to anyone other than persons who are authorized to receive the information. Employees who are in doubt as to whether certain information is confidential shall ask their supervisor or Department Head before disclosing it. Caution and discretion in handling confidential information extends to disclosure made inside and outside of the Town, and continues after the employment relationship ceases.

Confidential information employees receive through employment with the Town shall not be used by the employee for the purpose of furthering any private interest or as a means of making personal gains. See the Conflict of Interest section of this policy for details.

2.3 Public Comments

Town employees shall act, and be perceived by the public as acting, in a fair and impartial manner in the performance of duties. Therefore, Town employees shall avoid entering into public criticism or debate about the policies or actions of the employee's department or of Council, and shall refrain from attacks on

the credibility of other Town employees or members of Council.

Only the Mayor or Chief Administrative Officer are authorized to make statements to the media, or participate in media interviews on behalf of the Town of Nipawin. Council or the Chief Administrative Officer may authorize others to respond directly to media requests for information relating to activities, projects, events, and initiatives as deemed appropriate.

Particular caution is required when an employee makes any public comment where the employee's position with the Town could be seen to lend weight to the opinion expressed. This does not apply to employees whose jobs entail the presentation of Town policies or decisions to either the public or to Council advocating in favour of such policies and decisions.

2.4 Service to the Public

Town employees shall provide service to the public in a manner that is courteous, professional, equitable, efficient, and effective. Employees shall be sensitive and responsive to the changing needs, expectations, and rights of a diverse public, while respecting the legislative framework within which service to the public is provided.

2.5 Workplace Behaviour

Conduct and language of Town employees in the workplace shall meet acceptable social standards and shall contribute to a positive work environment. An employee's conduct shall not compromise the integrity of the Town's service to the public.

Employees shall treat others in the workplace with respect and dignity and shall not engage in discrimination or harassment based on any of the prohibited grounds covered by the Town's Workplace Harassment Policy or the Human Rights Code. The prohibited grounds include race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, sexual orientation, age, political belief, or conviction of a criminal or summary offence unrelated to the individual's employment.

2.6 Use of Municipal Equipment and Property

In the interest of ensuring safety and prudent management of risks, and further with due consideration to maintaining positive public perception, municipal equipment and property shall not be available to employees for personal use at any time.

2.7 Conflicts of Interest

A conflict of interest occurs when an employee's private affairs or financial interests are in conflict, or could result in a perception of conflict, with the

employee's duties or responsibilities in such a way that the employee's:

- a. ability to act in the public interest could be impaired; or
- b. actions or conduct could undermine or compromise:
 - a) the public's confidence in the employee's ability to discharge work responsibilities, or
 - b) the trust that the public places in the Town's delivery of services to the public.

While the Town recognizes the right of employees to be involved in activities as citizens of the community, conflict shall not exist between employees' private interests and the discharge of Town duties. As a condition of employment, employees shall arrange their private affairs in a manner that will prevent conflicts of interest, or the perception of conflicts of interest, from arising.

Employees with questions regarding the interpretation of this policy may discuss them with the appropriate Department Head. Employees who find themselves in an actual, perceived, or potential conflict of interest shall disclose the matter to the appropriate Department Head. Employees who fail to disclose may be subject to disciplinary action up to and including dismissal.

Examples of conflicts of interest include, but are not limited to, the following:

- An employee uses Town property or the employee's position, office or Town affiliation to pursue personal interests;
- An employee is in a situation where the employee is under an obligation to a person who might benefit from, or seek to gain special consideration or favour;
- An employee, in the performance of official duties, gives preferential treatment to an individual, corporation, or organization, including a non-profit organization, in which the employee, or a relative or friend of the employee, has an interest, financial or otherwise;
- An employee benefits from, or could reasonably be perceived by the public to have benefited from, a government transaction over which the employee can influence decisions (for example investments, sales, purchases, borrowing, grants, contracts, regulatory or discretionary approvals, appointments);
- An employee requests or accepts from an individual, corporation or organization, directly or indirectly, a personal gift or benefit that arises out of their employment with the Town other than:
 - a) the exchange of hospitality between persons doing business together;
 - b) tokens exchanged as part of protocol;

- c) the normal presentation of gifts to persons participating in public functions;
 - d) the normal exchange of gifts between friends;
 - e) small value of items of an advertising nature (i.e. pens, calendars, etc.);
 - f) acceptance of modest meals during working meetings with service or material suppliers;
 - g) acceptance of seasonal gifts (flowers, chocolates, etc.);
 - h) acceptance of gifts on a corporate basis for use during events such as an annual golf tournament or Christmas party. These gifts should not exceed approximately \$100 from any one firm or individual.
- An employee solicits or accepts gifts, donations, or free services for work-related leisure activities other than in situations outlined above.

2.8 Allegations of Wrongdoing

Employees have a duty to report any situation they believe contravenes the law, misuses public funds or assets, represents a danger to employees or public health and safety, or significant danger to the environment.

Employees can expect such matters to be treated in confidence, unless disclosure of information is authorized or required by law (for example the *Local Authority Freedom of Information and Protection of Privacy Act*). Employees will not be subject to discipline or reprisal for bringing forward, in good faith, allegations of wrongdoing in accordance with this policy directive.

Employees shall report allegations or concerns to the appropriate Department Head. Where the allegation involves the Department Head, the employee shall forward the allegation to the Chief Administrative Officer. When the allegation involves the CAO, the employee shall forward the allegation to the Mayor.

Employees shall immediately report a safety hazard or unsafe condition or act to the immediate supervisor.

2.9 Legal Proceedings

Employees shall not sign affidavits relating to facts that have come to the employee's knowledge in the course of their duties for use in court proceedings unless the affidavit has been prepared by a lawyer acting for the Town in that proceeding or unless it has been approved by a lawyer representing the Town. In the case of affidavits required for use in arbitration or other proceedings related to employee relations, the appropriate Department Head will obtain the necessary approvals. Employees are obliged to co-operate with lawyers defending the Town's interest during legal proceedings.

A written opinion prepared on behalf of the Town by legal counsel is subject to solicitor/client privilege and is therefore confidential. Such an opinion is not to be released to persons outside the Town without prior written approval of the Chief Administrative Officer.

2.10 Working Relationships

Employees who are direct relatives, reside together, or who have a close personal relationship with one another should not be employed in situations where:

- a reporting relationship exists where one employee has influence or perceived influence, input, or decision-making power over the other employee's performance evaluation, salary, premiums, special permissions, conditions of work, and similar matters or;
- the working relationship affords an opportunity for collusion between the two employees that could have a detrimental effect on the Town's or the public's interest.

Employees have an obligation to immediately disclose to the appropriate Department Head the nature of the relationship between 2 or more employees when they are direct relatives, reside together, or have a close personal relationship with one another. The appropriate Department Head and the Chief Administrative Officer will determine what safeguards shall be put in place to ensure that the interests of the Town or the public are not, or are not perceived to be, compromised.

2.11 Personnel Decisions

Employees are to disqualify themselves as participants in personnel decisions when objectivity would be compromised for any reason or when a benefit or perceived benefit could accrue to them. Where these circumstances arise, the employee shall immediately bring the situation to the attention of the appropriate Department Head who will determine what level of participation is acceptable.

For example, employees are not to participate in staffing actions involving direct relatives, other persons who reside together, or who have close personal relationship with one another.

2.12 Outside Remunerative and Volunteer Work

Employees may engage in remunerative employment with another employer, carry on a business, receive remuneration from public funds for activities outside their position, or engage in volunteer activities, provided it does not:

- interfere with the performance of duties as a Town employee;
 - gain an advantage, or confer a benefit, on anyone that is derived from employment with the Town;
 - bring the Town into disrepute;
 - represent a conflict of interest or create the reasonable perception of a conflict of interest;
 - appear to be an official act or to represent Town opinion or policy;
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- involve the unauthorized use of work time or Town premises, services, equipment, or supplies to which the employee has access by virtue of employment with the Town; or
 - gain advantage, or confer a benefit, on anyone that is derived from employment with the Town.

Employees having any questions or concerns regarding a particular situation are encouraged to contact the appropriate Department Head for advice and assistance.

2.13 Personal Appearance/Hygiene

Employees are the Town's ambassadors. Employees present an image of the corporation to the public and influence how people feel about the Town. For this reason, it is important that employee's dress, grooming, and personal hygiene be appropriate to the position and in accordance with general community standards applicable to others in similar positions. Employees are expected to maintain this standard of appearance.

If there are questions as to what constitutes proper attire, employees should consult with the Town's Dress Code Policy or their supervisor.

2.14 Email/Internet/Computer Use

The Town's computer network, internet accounts, web page, and e-mail systems have been established to further the goals and objectives of the Town. No employee shall make use of these systems for any purpose other than normal job duties or for activities specifically authorized by appropriate management personnel.

Employees shall not provide information for public access through these systems without express approval of the employee's supervisor. All forms of electronic communication are to be utilized only by properly authorized employees. Use of the Town's computers and related computer resources is restricted to authorized corporate purposes permitted by the Town.

Employees are not to copy software purchased or developed by the Town for

use in connection with personal computers without obtaining their supervisor's authorization. Employees shall follow all terms and conditions of software licences and copyright laws. Employees shall not reproduce content posted or otherwise available over the internet without permission of the author/owners.

Employees shall ensure that computer accounts, access codes and password are not used for unauthorized purpose.

PROCEDURES:

1. Municipal employees are encouraged to seek clarification from the employee's supervisor if they are uncertain as to whether an existing contemplated action may contravene the Code of Conduct.
2. Complaints or inquiries concerning the ethical conduct of any municipal employee shall be made in writing to the appropriate supervisor. Complaints regarding the Chief Administrative Officer shall be made to the Mayor and in this case the Mayor shall fulfil the obligations of the investigating officer in subsequent sections.
3. All complaints or inquiries shall be treated as confidential.
4. A copy or summary of any written or oral complaint received is to be sent immediately to the employee complained against with a request to provide a response.
5. The employer shall investigate all complaints or inquiries concerning the conduct of a municipal employee.
6. The employer shall summarize the findings of the investigation in written form and forward to the employee complained against, the findings on the appropriate course of action to be taken.
7. Where the employer determines the conduct referred to does breach the Code of Conduct, the employer may:
 - a) instruct the employee to divest themselves of the outside interest or transfer it to a trust;
 - b) instruct the employee to cease and desist from the actions found to be in conflict; and/or
 - c) take disciplinary action in accordance with the normal progressive discipline system.

Record of Instruction for Employee Code of Conduct Policy

I have been made aware of employee obligations and have read the Town of Nipawin's Employee Code of Conduct Policy.

I have been instructed according to policy and I am aware of the potential consequences of the violation of this policy.

Employee

Chief Administrative Officer

Date