

MUNICIPAL CODE OF CONDUCT, COUNCIL AND EMPLOYEES



STATEMENT OF PRINCIPLE

- 1 A written Code of Conduct helps to ensure that employees, members of Council, advisory committees and of local boards of the municipality (as defined in the *Municipal Act*) share a common basis of acceptable conduct.
- 2 These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that the United Townships of Head, Clara & Maria's elected and appointed representatives operate from a base of integrity, justice and courtesy. Staff and Members of Council are responsible for making honest statements. No member shall make a statement when they know that statement is false. No member shall make a statement with the intent to mislead Council members, staff or the public.
- 3 The Municipality's Code of Conduct is a general standard developed for education purposes that augments the provincial laws and municipal policies and by-laws that govern their conduct. It is not intended to replace personal ethics.
- 4 This Code of Conduct is consistent with the existing statutes governing the conduct of members. Four pieces of provincial legislation and various municipal by-laws govern the conduct of members of Council those being:
 - The *Municipal Act* as amended;
 - the Council Procedural By-law passed under section 238 of the *Municipal Act*;
 - the Accountability and Transparency By-law passed under section 270 of the *Municipal Act*;
 - the *Municipal Conflict of Interest Act* as amended;
 - the *Municipal Elections Act*, 1996 as amended; and
 - the *Municipal Freedom of Information and Protection of Privacy Act*
- 5 The *Criminal Code of Canada* also governs the conduct of members of Council. All members whom this Code of Conduct applies shall serve their constituents in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of his or her official duties.

APPLICABLE TO

- 6 The Code of Conduct shall apply to all members of staff, Council, advisory committees and of local boards of the municipality (as defined in the *Municipal Act*). This applies to all Employees in their dealings among themselves, with Councillors, and with the public – including all clients, vendors and suppliers.

DEFINITIONS

- 7 The following definitions shall apply to this Policy:
 - “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). It also includes appointees to Municipality advisory boards and committees, unless those boards and committees have separate corporate existence.
 - “Municipality 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.
- “Workplace” means any premises (whether owned by the Municipality or otherwise) where the business of the municipality is being transacted, including vehicles.
- “Wrongdoing” means any of the following actions taken by any Municipal Employee or any member of Council:
 - 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 municipal Employees, Councillors, the Head of Council, or any municipal public funds;
 - a misuse of municipal funds or municipal assets;
 - gross mismanagement of a municipal project or undertaking;
 - an act or omission that creates a substantial and specific danger to the life, health or safety of persons or to the environment; and,
 - taking any act of reprisal against a municipal Employee who has disclosed a wrongdoing.

GENERAL INTEGRITY

8 Each Member of Council and each employee of the municipality should endeavour to perform their official or job duties with integrity respecting each other and the public ensuring confidentiality.

CONFIDENTIAL INFORMATION

9 It is the responsibility of each employee and member of Council to ensure that confidential information is kept strictly confidential and not released except as required by law.

10 Employees or members of Council shall not directly or indirectly, release, make public or divulge any information related to in camera/closed meeting deliberations of Council.

11 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*.

12 Confidential information includes information in the possession of the municipality that the municipality is either prohibited from disclosing, or is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act*, or other legislation.

13 Employees must sign a confidentiality agreement upon new hire and comply with the Municipal Confidentiality policy.

APPLICATION

Protocol for Complaint Process-Code of Conduct-Formal

14 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, or designate, who is a commissioner for taking affidavits on the complaint form provided.

GIFTS AND BENEFITS

15 No member 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 member’s knowledge to a member’s spouse, child or parent or to a member’s staff that is connected directly or indirectly to the performance of the member’s duties is deemed to be a gift to that member.

Exceptions include:

- 16 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;
- 17 If the gift has absolutely no relationship with the status of the recipient as a Municipal Employee or Council Member (i.e. there is another relationship between the donor and recipient which caused the gift to be made);
- 18 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 occur within one week following the receipt of the gift, entertainment or benefit, with a copy to the Clerk.

CONFLICT OF INTEREST

- 19 Employees will 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.
- 20 Employees are required to provide disclosure to the Clerk in writing of any perceived Conflicts of interest that relate to their duties and responsibilities with the municipality. The Clerk will submit disclosure to Council and/or the Municipal Solicitor for advice. Supervisors receiving such a disclosure are required to give it due consideration, obtaining advice and assistance from the Clerk or Solicitor as necessary, and 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 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.

CONDUCT AT MEETINGS OF COUNCIL

- 21 Staff and Members of Council shall conduct themselves with decorum at Council in accordance with the provisions of the Council Procedural By-law. Respect for delegations and for fellow members and staff requires that all members show courtesy and not distract from the business of the Council during presentations and when other members have the floor.

REPRESENTING THE MUNICIPALITY

- 22 Council Members shall make every effort to participate diligently in the activities of the agencies, boards, and commissions to which they are appointed.

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

- 23 Employees and Members of Council shall encourage public respect for the Municipality and its by-laws and policies.

PERSONAL CONDUCT

- 24 Employees shall ensure that their personal conduct within the Workplace and elsewhere does not adversely affect:
 - their ability to perform their official duties;
 - the ability of other Employees to perform their duties; or,
 - public confidence in the official's functions, the organization, or in the integrity of the public sector.

- 25 Staff should remain neutral in their service to all councillors.

- 26 Relations between staff and staff, and between staff and councillors, and between both staff and councillors and the public, should always be civil and premised on mutual respect. This means that staff will use polite and respectful language to each other, and will not use offensive language or gestures, nor shall they engage in patronizing or condescending behaviour, or make defamatory statements about one another.

EXPENSES

- 27 Employees and Council Members shall comply with the provisions of the Municipal Mileage and other Expense Allowance policies.

INFLUENCE ON STAFF

- 28 Members shall be respectful of the fact that staff work for the Municipality as a body corporate and are 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.

- 29 In addition, members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any individual member or group of members of Council. The Council directs the business of the Municipality and passes by-laws, or resolutions as appropriate, for decisions adopted by Council. Council has delegated responsibility to the Senior Administrative Officer (SAO) for the administration of the affairs of the Municipality in accordance with the by-laws and policies adopted.

- 30 This means that under the direction of the SAO, 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. The Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

WORK OF A POLITICAL/PERSONAL NATURE

- 31 No member shall use Municipal facilities, services or property for his or her personal use, personal business, or re-election campaign. No Council Member shall use the services of the Municipal employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Municipality. No Member shall use Municipal facilities, services or property for his or her personal or personal business use.

PERSONAL USE OF MUNICIPALITY PROPERTY

- 32 No Member shall obtain financial gain from the use of Municipally developed intellectual property, computer programs, technological innovations or other patentable items, while an employee, elected official or thereafter. All such property remains exclusive property of the United Townships of Head, Clara & Maria. No Member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.

- 33 There will be no use or appropriation of Municipal property for Personal use or purposes 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).

- 34 This general rule will be subject to exceptions:
- If personal use of the Municipal property is provided as part of employment or duties and the personal use is:
 - approved by Council;

- contained in a an official job description on file with the Human Resources Department; or,
 - 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:
 - Use does not cause any additional expense to the Municipality (i.e. there is full reimbursement of any charges)
 - Use is not excessive having regard to the circumstances;
 - Use does not have a negative overall impact on Employee productivity;
 - Use does not interfere with the normal operation of the department or work unit, or negatively impact other employees;
 - Use will not compromise Municipal administration in any way;
 - Use will be ethical and not contravene any applicable law or Municipal policy; and,
 - Use does not represent a Conflict of Interest.

Specific Rules relating to Computers

35 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 asserts the right to access and monitor records in electronic format.

36 In addition to the above rules, the following rules apply to the use of computer equipment: Users of Municipal computer equipment shall not:

- Attempt unauthorized access to systems, information, processes or products;
- Broadcast e-mail messages that are not work related;
- Propagate viruses, or send or download materials which may impact the operating efficiency of the system;
- Undertake any other activities that can unduly impact the use or performance of others
- 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.

Records Retention

37 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 that are not filed in hard-copy form as soon as the message has been read. Attachments to e-mail messages should be detached and filed electronically or printed and filed in hard-copy records.

Installation of Software

38 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.

39 No software of a personal nature is to be maintained on the municipal system.

DRESS AND ATTIRE – Municipal Employees and Members of Council

40 The purpose of this section is to ensure that all Municipal Employees and Members of Council while on Municipal business maintain a professional demeanor while not limiting expressions of taste and individuality. Attire is a reflection of professionalism and that of the Municipality. Employees and Council should dress appropriately to conduct

municipal business and, more specifically, to reflect their position within the Municipality. A suitable appearance is important for Employees while on duty who, at any time, may come into contact with the public and municipal clients.

Basic Rules

41 Clothing shall comply with the following rules:

- All clothing should be clean and neat in appearance. It is recognized that some positions will cause clothing to become soiled during the course of a workday, but every Employee should begin his or her workday with clean and neat clothing.
- Different positions will have different requirements. Employees, who, for instance, do yard work, will have different requirements than office workers at the Township Office. Employees must wear clothing that is appropriate to their jobs and the degree of professionalism that they must present.
- Work schedules should be taken into consideration when dressing. Meetings scheduled with customers require appropriate attire whether it is in the office or in the field.

42 Due to allergies and sensitivities, Members of Council and employees shall limit their use of fragrances, especially when they work in a close office environment where other Employees or members of the public may be negatively affected.

43 For Employees who work exclusively in an office environment, the wearing of blue jeans is unacceptable except on dress-down days or other special occasions (such as a day when Employees are moving office or doing other unusual work) as may from time to time be designated by department management.

Non-Compliance

44 An Employee who is deemed to be dressed inappropriately may be requested to return home and change by their supervisor or designate for failing to adhere to acceptable standards of dress and appearance.

Alcohol and Drug Use

45 While within the Workplace, no use of alcohol is permitted unless the consumption of alcohol occurs at an event approved by the Reeve or Council at which alcohol is served.

46 While within the Workplace, no use of drugs is permitted.

47 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 be a contravention of this policy:

- If the alcohol or drug use negatively affects the performance of the Employee within the Workplace. Without limiting the generality of the foregoing, an Employee's performance will be deemed to have been negatively affected if he or she consumes alcohol and in the opinion of his/her immediate 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;
- 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,
- 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.

48 Any staff who have taken alcohol or drugs, whether such consumption is allowed or prohibited by the provisions of this section, that might interfere with their ability to operate motor vehicles (where the operation of a motor vehicle is part of the Employee's job duties) or dangerous machinery (where the use of dangerous machinery is part of the Employee's job duties), or otherwise perform their job duties, must advise their supervisor who will be required to take appropriate action.

WHISTLE BLOWING

49 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:

- a disciplinary measure;
- the demotion of the Employee;
- the termination of the employment of the Employee; and,
- a threat to take any of the measures above.

50 It is important that the disclosure of Wrongdoing be reported to the appropriate law enforcement or other officials who have been entrusted with responsibility for monitoring and combating Wrongdoing such as:

- To a police officer or other law enforcement official;
- To the Reeve of the Municipality;
- To the Clerk or Senior Administrative Officer of the Municipality;
- To the Treasurer of the Municipality;
- To the Auditors of the Municipality;
- To the Municipal Solicitor;
- To any municipal Councillor of the Municipality.

51 Any Municipal Employee within the list above who receives an allegation of Wrongdoing from any source shall consult with the Clerk or Municipal Solicitor to determine what kind of response is appropriate to the particular allegation.

INTERPRETATION

52 Members seeking clarification of any part of this Policy should consult with the Clerk.

53 The Clerk with the assistance of the Municipal Solicitor shall:

- investigate within 30 days receipt of a formal written request and prepare a written report and recommendation for Council. Additional time, if justified, may be authorized by a resolution of Council.
- determine if a member or members have committed a breach of the code
- recommend disciplinary action as set out in the *Municipal Act*
- provide an annual report to Council for review. This report shall provide a list of investigations, costs and the status of the individual investigations.

54 The Clerk may consult with legal counsel as may be required in determining points of law.

ENFORCEMENT

55 The enforcement of this By-law shall be both proactive and reactive.

56 Proactive enforcement will include:

- The Clerk will give a copy of this policy to each new Employee at the time of hire, and the Clerk will give a copy of this policy to every member of any advisory board or committee to which this policy applies at the time of appointment;

- This policy will be made available on a continuing basis to all staff through electronic means so that every staff has access to it and can read, download, or print a copy;

57 Failure to receive training will not be an excuse for non-compliance with this policy.

58 Reactive enforcement will include:

- All managers and supervisors are under a positive obligation to enforce this policy and deal with breaches of the policy by their subordinates that have come to their attention as appropriate in the circumstances.

59 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 who will take appropriate action. If the complaint concerns the Clerk, it will be referred to the Reeve and Council. If the complaint concerns the Reeve and/or Council, it will be referred to the Municipal Solicitor.

60 Subject to the requirements of any disciplinary policy of the Municipality, enforcement may include disciplinary action up to and including dismissal.

61 All Employees of the Municipality and Members of Council shall cooperate with any investigations commenced under this policy, and shall provide full and frank disclosure of what they know to any staff performing an investigation under this policy. Failure to provide such cooperation shall be considered a serious breach of this policy.