

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 09- 069

BEING a by-law to establish a Code of Conduct for Employees of the Corporation of Tay Valley Township.

WHEREAS Section 11 of the Municipal Act 2001, c.25 SO 2001, as amended, authorizes a municipality to pass by-laws regarding Accountability and Transparency of the municipality and its operations and of its local board and their operations; and

WHEREAS pursuant to By-law No. 07-063 Council adopted a Code of Conduct for Members of Council; and

WHEREAS the Ontario Building Code Act requires the adoption of a Code of Conduct for Building Officials; and

WHEREAS, Council has determined that the establishment of a "Code of Conduct" for all employees will promote a high standard of ethics and professionalism in the delivery of municipal services to its residents;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows;

1. THAT this Council does hereby adopt the Code of Conduct, attached hereto as Schedule "A".
2. THAT Schedule "A" forms part of this by-law.
3. That any by-law or policy previously adopted by Council is hereby rescinded.
4. THAT this by-law shall come into force and take effect on the date of its passing.

Read a first and second time this 24th day of November, 2009

Read a third time, passed, signed and sealed this 24th day of November, 2009



Reeve



Clerk

CODE OF CONDUCT EMPLOYEES OF THE CORPORATION OF TAY VALLEY TOWNSHIP

PURPOSE

The Code of Conduct sets minimum standards for the behaviour of all employees of the Corporation in carrying out their functions. It has been developed to assist employees to:

- (1) Understand the standards of conduct that are expected of them and the laws that apply in relation to these standards;
- (2) Appreciate the level of professionalism expected by the Employer in all work related activities;
- (3) Fulfill their duty to act honestly and to exercise reasonable care and diligence;
- (4) Act in a way that enhances public confidence in local government; and
- (5) Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.

CLARITY / GUIDANCE

It is understood that it is impossible to prescribe a remedy for every situation that could give rise to a real, apparent or potential concern with respect to appropriate conduct. Examples below are not an exhaustive list of circumstances but rather are offered as appropriate methods of addressing common situations. When in doubt, employees should seek guidance from their immediate Supervisor and/or the Chief Administrative Officer. The appropriateness of conduct will be measured against the Standards below.

STANDARDS OF CONDUCT

- (1) Employees shall at all times seek to advance the common good of the community which they serve.
- (2) Employees shall truly, faithfully and impartially exercise their assigned duties to the best of their knowledge and ability in a timely fashion.
- (3) Employees shall refrain from behaviour that could constitute an act of disorder or misbehaviour. Specifically, Employees shall refrain from conduct that:
 - Contravenes federal or provincial statutes or legislation, municipal by-laws, associated regulations, and the Corporation's policies,
 - Reflects negatively on the Corporation's operations or would be deemed by a reasonable person to be detrimental or derogatory to the Corporation, Council Members, staff or the public they serve;
 - Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others; or
 - Prejudices the provision of a service or services to the community.

EXAMPLES OF CONDUCT TO BE OBSERVED

(1) Release of Confidential Information

Employees have a duty to hold in strict confidence all information concerning matters dealt with at *in camera* meetings or that is determined to be confidential.

Examples of confidential information for which care should be exercised are:

- Items under litigation
- Personnel matters
- Information about suppliers which might be useful to competitors
- Information which infringes on the right of privacy of others
- Sources of complaints about a variety of matters where the identity of the complainant is given in confidence
- Items under negotiation
- Information supplied in support of license applications etc., where such information is not part of public documentation
- Schedule of prices in contract tenders

An Employee shall not, either directly or indirectly, release, make public or in any way divulge any such confidential information or any aspect of the *in camera* deliberations to anyone, unless expressly authorized or required by law to do so.

- Employees shall not release information in contravention of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56.*
- Employees shall not misuse confidential information (information that they have knowledge of by virtue of their positions that is not in the public domain, such that it may cause benefit or detriment to the Corporation, Council or others.
- All *in camera* materials shall be destroyed or collected at the end of each *in camera* session, unless there is an expressed need for working copies and an expressed commitment to keep maintain the materials in a manner which prevents unauthorized release.

(2) Foster Respect for Decision-making Process

All Employees shall accurately and adequately communicate, implement and enforce the decisions of the Council, even if they disagree with Council's decision, such that respect for Council and its decision-making processes are fostered.

(3) Release of Information to the Media

Employees acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by the Council as a whole, the Reeve as Head of Council, the Chief Administrative Officer or depending on the nature of the information by those specifically authorized to do so.

Notwithstanding the above, an Employee in a position to communicate with the media regarding a NON-municipal matter shall make it clear that he/she is commenting as a private citizen and not in the capacity of a municipal employee.

(4) Acceptance of Gifts

Employees shall not accept a gift or personal benefit that is connected with their performance of the duties of office. This does not include gifts or personal benefits received as a matter of protocol or social obligations that normally accompany their duties and the gift is infrequently offered, of minimal value and acceptance could not be construed by a reasonable person as compromising, in any way, the integrity of the Employee or the Corporation.

(5) Engaging in Incompatible Activity

Employees shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of assigned duties.

Without limiting the generality of the foregoing, Employees shall not:

- Use any influence of position for any purpose other than assigned duties;
- Act as an agent before Council or any Committee, Board or Commission of Council;
- Solicit, demand or accept the services of any corporation, employee, or individual providing services to the municipality at a time during which said person or corporation is being paid by the municipality;
- Use any information gained in the execution of duties, that is not available to the general public, for any purpose other than for assigned duties;
- Place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment;
- Give preferential treatment to any person or organization in which a they personally have a financial interest;
- Influence any administrative or Council decision or decision making process involving or affecting any person or organization in which an Employee has a financial interest; and
- Unless otherwise specifically authorized (eg IT Acceptable Use Policy) use corporate materials, equipment, facilities or employees for personal gain or for private purpose.

(6) Conflict of Interest

It is the responsibility of each individual Employee to ensure that they are aware of the potential for a conflict of interest. The onus is on the Employee to eliminate a personal interest which may conflict with impartial performance of their public or professional duties. The resolution of a conflict or a potential conflict shall be made favour of the public good; placing of the interests of the taxpayer before the interests of the Employee, co-workers, friends or family.

If circumstances are such that the conflict or perceived conflict cannot be eliminated, the Employee shall report the conflict to their immediate Supervisor so the Employee can be excused and/or alternative steps in service delivery can be made.

- A conflict exists when an individual is, or could be, influenced, or appear to be influenced by a personal interest, financial (pecuniary) or otherwise, when carrying out his/her public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgement, closed mindedness or undue influence.

When considering whether or not a conflict exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists. Recognizing that it is impossible to anticipate all possible conflicts that may arise during an Employee's term and that conflicts may not be only pecuniary in nature, it is generally advisable to be as open as possible. It is not enough that a conflict not exist, it must also be seen by taxpayers not to exist. A situation which could be considered a conflict by a taxpayer should be treated as a conflict and be disclosed. If in doubt it is better to disclose a possible conflict and seek direction.

(7) Avoidance of Waste

Employees shall avoid waste, duplication, abuse and extravagance in the provision or use of public resources.

(8) Professional Development

Employees may be required to stay updated on issues and trends so that they can be as efficient and effective as possible in the carrying out of their duties and responsibilities. Employees shall promote and participate in opportunities for professional development. Requests for professional development and/or training shall be provided to the immediate Supervisor in the fall of the year preceding the course offering, if at all possible, to allow for evaluation of relationship to job duties and corporate benefit and to allow for inclusion in the annual budget.

(9) Private Enterprise

Employees shall not sell goods, materials or services to the Corporation. An exception, with the approval of the Chief Administrative Officer may be granted in special circumstances (eg. where an employee competes, outside of regular working hours, in a competitive bidding process. Employees shall not engage in private employment or render services for any person or corporation which has, or may have, business dealings with the Corporation. Where such action does occur, the Chief Administrative Officer shall be notified and discretionary action pursued.

Employees shall recognize that they are seen to exert influence on public policy decisions and that they have positions which require neutrality and trust in dealing with the public. If any employee wishes to exercise his/her rights as a private citizen in respect to decisions by Council and/or Administration, their intentions shall be made known to the Chief Administrative Officer and appropriate measures taken to protect the integrity of the Corporation

INTERPERSONAL BEHAVIOUR OF EMPLOYEES

(1) Treat Every Person with Dignity, Understanding and Respect

Employees shall abide by the provisions of the *Human Rights Code* and, in doing so, shall treat every person, including Members of Council, other corporate employees, individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

(2) Not to Discriminate

In accordance with the *Human Rights Code*, Employees shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, religious affiliation or faith, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability. "Age", "disability", "family status", "record of offences", "same sex partnership status" shall be as defined in the *Human Rights Code*.

(3) Not to Engage in Harassment or Bullying (Psychological Harassment)

In accordance with the *Human Rights Code*, harassment shall mean engaging in a course of vexatious comment or conduct that is known, or ought to be known, to be unwelcome. Bullying is the ongoing health or career endangering mistreatment of an employee, by one or more of their peers or higher-ups. Unlikely to involve physical violence, it usually takes the form of psychological abuse. Often, verbal and strategic insults are intended to prevent targets from being successful in their job.

The exercise of performance management and efficiency measurement tools with respect to corporate employees for legitimate purposes is not harassment or bullying. Notwithstanding, Employees shall not comment publicly on the performance of any individual corporate employee or Member of Council.

(4) Protection of Privacy

Employees shall comply with the Municipal Freedom of Information and Protection of Privacy Act at all times. Public comments, discussions and disclosures to the media regarding employees or individuals that breach a person's privacy are deemed to be a contravention of this Code of Conduct.

ALLEGATIONS, BREACHES AND DISCIPLINARY ACTIONS

The Code of Conduct expresses standards of conduct expected for all Employees. Employees themselves have the primary responsibility to assure that these ethical standards and codes are understood and met, and that the public can continue to have full confidence in the integrity of Tay Valley Township's municipal government.

It is the responsibility of all employees to ensure this Code of Conduct is adhered to. Where an employee has some reason to be concerned about a possible breach of this Code, the Employee may approach the offender with a reminder of the Code requirements and shall consult with their Supervisor and/or Chief Administrative Officer, in total confidence, immediately. The Supervisor, or if consulted the Chief Administrative Officer, are responsible for ensuring concerns brought to their attention are appropriately addressed.

Where an Employee makes a complaint alleging inappropriate interpersonal behaviours by a Member of Council or co-worker such complaint shall be delivered to the Chief Administrative Officer in writing with sufficient detail to allow investigation and resolution. Should the Chief Administrative Officer be implicated in the complaint in any way, their appointed designates shall assume all responsibility for this complaint process:

The complaint shall be processed as follows:

- The complainant shall be advised of his/her right to Union representation, outside counsel and/or counseling services.
- The CAO shall offer an opportunity for a meeting with the complainant to discuss the complaint. This meeting may be held off-site at the preference of the complainant.
- A plan of action shall be developed toward resolution which shall be shared with the complainant prior to commencement of any action.
- The complaint shall be kept confidential, save and except for those persons named as participants in the process.
- The CAO shall conduct an investigation into the complaint; meeting with persons deemed to be in a position to provide valuable input. These meetings may be held off-site at the preference of the person or of the complainant. The name of the complainant shall not be divulged.
- The CAO shall determine an appropriate course of action which shall be shared in writing with the complainant.

If the complaint is not resolved through this process, the complainant may lodge a complaint to the Ontario Human Rights Commission.

The observance of the Code of Conduct shall be a condition of employment with the Corporation. Breach of the Code may provide grounds for disciplinary action.

All employees shall receive and read a copy of this Code. Confirmation of delivery of the copy shall be recorded in the Employee's personnel file.

SIGNATURE

The undersigned hereby acknowledges receipt of a copy of the Code of Conduct for Employees.

Signature of Employee
Acknowledgement of Receipt of Code of Conduct

Date

Printed Name