
Title: Code of Ethics for Employees

Department/Division: City Manager

Purpose:

Local government is understood to be an open, accessible and accountable form of government. The relationship of trust and mutual respect that has evolved between municipalities and the public is due in part to the diligence with which municipal employees have undertaken their responsibilities.

By enunciating some of the commonly understood ethical principles related to municipal administration, a Code of Ethics ensures that the relationship of trust that exists between municipal employees and the public remains a fixture of local government.

Principal among the reasons for considering a Code of Ethics is that an infraction is as likely to occur inadvertently as it is deliberately. Rather than being a dire promise of retribution for inappropriate conduct, a Code may serve as a reminder to employees of their responsibilities as municipal public employees. Ultimately ethical behaviour relies on the diligence of the individual. However, since a breach of ethics has impacts not only on the individual but also the corporation, a Code of Ethics is a means by which a municipality acknowledges its responsibilities in this area.

Policy:

1. Confidential Information

The employees have access to confidential information by reason of their employment with The Corporation of the City of Owen Sound. Employees must not make such information available unless it is public information. When an employee is unsure of the status of information, before making a release he/she shall discuss it with the Department Head who may see fit to consult the City Clerk or the City Manager.

For example, particular care should be exercised in releasing information relating to the following matters:

- i. items under litigation

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- ii. personnel matters
- iii. information about supplies provided for evaluation which might be useful to competitors
- iv. 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
- v. items under negotiation
- vi. information supplied in support of licence applications, etc., where such information is not part of the public documentation
- vii. schedule of prices in contract tenders

The above is not intended to be an exhaustive list of examples.

2. Media Relations

Only Department Heads and Deputies should comment to the media on policy matters unless otherwise authorized by the Department Head. Staff should follow the specific provisions developed for special projects and task forces which operate outside of normal department structures and for matters which may involve litigation. 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 the he/she is commenting as a private citizen and not in his/her capacity as a municipal employee.

3. Conflicts of Interest

Any employee will be considered to have a conflict of interest where he/she or a member of his/her family, defined as the parent (mother or father), the spouse (husband or wife), the child (son or daughter), has a direct or indirect financial interest in a contract or a proposed contract with the City and where the employee could 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.

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If a potential conflict exists because of an employee's personal or family interest in a property matter, a business dealing with the City or similar circumstances, the employee must advise his/her Supervisor of the situation, in writing, and the Supervisor will then make appropriate alternative arrangements to handle the matter. The Department Head should notify the City Manager of any serious matters. The Department Head may in his/her discretion decide that the potential for conflict is not substantial enough to prevent an employee's continued involvement in the matter.

Employees shall not sell goods, materials or services to the City. An exception may be made with the approval of the City Manager to secure services from an employee outside of regular hours of employment on a fee for service basis, provided the opportunity is made available on an equal basis to other persons and the amount of the payment for such services is modest.

Employees should not engage in private employment or render services for any person or corporation which has or may have business dealings with the City of Owen Sound. Where an employee is or becomes involved in such private employment, his/her Department Head must be informed and the Department Head can allow the employee to continue with the activities in question or prohibit any further involvement.

4. Use of City Property

City Property should not be used by City employees for personal use unless prior approval is secured from the Department Head in writing.

No employee shall make financial gain from the use or sale of City developed computer programs, technology innovations or other patentable items either while in the employment of the City or thereafter. All such property is and shall remain the exclusive property of the City of Owen Sound.

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5. Insider Information

All employees are required to refrain from the use or transmission of confidential or privileged information while working for the City and for two (2) years after termination of employment with the City. Staff is specifically forbidden to use information available only to City Staff to guide personal investment in Real Estate, whether by direct means or indirectly through others.

6. Gifts and Benefits

In order to preserve the image and integrity of the City of Owen Sound, business gifts should be discouraged. However, the City recognizes that moderate hospitality is an acceptable courtesy of a business relationship. Recipients should not allow themselves to reach a position whereby it might be or might reasonably be deemed by others, to have been influenced in making a business decision as a consequence of accepting such hospitality. The frequency and scale of the hospitality accepted should not be greater than the employee's Department Head would allow to be claimed on an expense account if it were charged to the City. Employees are under an obligation to consult with their Department Heads regarding accepting specific gifts and benefits.

In order to preserve a neutral purchasing policy, City staff should not be able to benefit from City purchasing, unless a specific exception is made in the interest of the City.

The "gifts" policy does not apply to gifts received in connection with municipal twinning, nor gifts received for services to professional organizations or non-profit community groups.

7. Political Involvement and Activity

City Staff are discouraged from direct involvement in City municipal campaigns. An employee may involve himself/herself in a non-municipal election campaign unless it would affect their judgment in the performance of their job duties. Employees may exercise their civic right to run for public office as long as they can make appropriate arrangements to effectively discharge their duties during the course of their political involvement.

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8. Insider Information

The issue of hiring relatives is somewhat difficult to regulate because of the number of instances where the situation might be appropriate. The fact that a potential employee is related to an existing one should not be a factor in situations where there is no direct reporting relationship between the two individuals. Problems may arise, however, when an employee reports to his/her relative. No matter how objective both parties attempt to be, the potential for other staff to perceive preferential treatment being afforded a colleague is significant. Therefore, no reporting relationships will exist between related employees.

9. Complaint Protocol, Conduct of Inquiry and Enforcement

Purpose: The purpose of this Protocol is to outline the City's informal complaints resolution process and to set out a formal complaints process regarding inquiries or complaints about the conduct of City officers and employees ("employee").

The City will endeavour to resolve inquiries, concerns or complaints regarding employee conduct informally. Where this is not possible or where a written complaint or request for inquiry has been delivered, the formal process for resolving concerns will be followed.

a. Informal Inquiry Process

Although many members of the public may wish to file a formal, written complaint respecting a City employee, issues raised regarding the conduct of an employee, whether made in person or by telephone, if possible, should be resolved by a Manager at the point of contact prior to a formal Request for an Inquiry or complaint.

b. Formal Inquiry Process

Where any individual, employee, organization, member of the public, or member of Council has reasonable grounds to believe that an employee has breached this Code, they may proceed to submit a Request for an Inquiry or a complaint outlining the alleged complaint.

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A Request shall be signed by an identifiable individual (the "Complainant"), which includes a signing officer of an organization, and shall be submitted to the City Clerk, The Corporation of the City of Owen Sound.

A Request shall set out the name of the employee who allegedly breached the Code of Ethics, the date of the alleged breach, and a description of how the Code was contravened.

A Request must be submitted within six (6) months after the alleged contravention or violation occurred or the submission or production for review of relevant disclosure documentation.

No action will be taken by The Corporation of the City of Owen Sound on a Request or complaint that is not received in writing or that is received beyond the 6 month deadline as described above.

The City Clerk will assign a Request Number to the Request for Inquiry/Complaint for tracking purposes and will deliver the original Request to the Supervisor, Manager or Director of the relevant City Department ("Department Director") or, if the Request relates to a Director of a Department, to the City Manager for review and investigation, as required.

A Request/Complaint about a municipal employee is not to be made available to the public unless required under the *Municipal Freedom of Information and Protection of Privacy Act*.

c. Processing Requests for an Inquiry/Complaint

The Department Director/City Manager will contact the Human Resources Supervisor and commence a review of the Request/Complaint, including a review of relevant documentation related to the matter or incident from departmental files or records, witnesses statements (if available), and obtain any additional particulars, as required, from the complainant or employee.

Where necessary, the Departmental Director/City Manager will commence an investigation, including:

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- i. a review of all relevant documentation related to the matter or incident from departmental files or records, or other relevant sources;
- ii. conducting interviews of witnesses, if necessary, who may have knowledge of the nature of the matter or incident related to the Request/Complaint.

In the conduct of an investigation, the Department Director/City Manager may request the services of all experts deemed necessary to make a determination respecting the merits of a Request/Complaint, including but not limited to solicitors, investigators and any specific experts having specialized knowledge in an area that may be necessary to determine the merits of a Request/Complaint.

The City Manager and every person acting under the City Manager in the review of a Request/Complaint shall preserve confidentiality with respect to all matters that become known in the course of the review and investigation of the complaint, except as may be required by law to be disclosed to other parties or authorities.

The Department Director/City Manager will report to the complainant and the employee, generally no later than 90 days after the filing of the request/complaint.

Where the Request/Complaint is determined to be unfounded, the Department Director/City Manager will not report the matter or incident to Human Resources for further action, except as part of a periodic or annual report.

Where a report is to be made to Human Resources in circumstances where the Department Director/City Manager concludes that there has been a contravention of the Code of Ethics but the employee took all reasonable measures to prevent it, or a contravention occurred that was trivial, inadvertent or due to an error of judgment made in good faith, the Department Director/City Manager shall so state in the report and may recommend that no disciplinary action(s) be imposed.

Where the Department Director/City Manager concludes that there has been a contravention of the Code of Ethics and the complaint is sustained in whole or in part, the Department Director/City Manager will provide a written report to the Human Resources Supervisor and, where a Department Director is providing the report to the City Manager without disclosing confidential information, outlining:

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- i. his/her her findings, advice or recommendations related to the conduct of the employee;
- ii. the terms of any settlement between the parties, and/or
- iii. recommended disciplinary action(s) to be taken.

Any recommended disciplinary action(s), where termination or dismissal of the employee is not recommended, will be designed to ensure the inappropriate conduct, activity or behaviour at issue is not continued or repeated.

Any disciplinary action(s) taken must be documented and forwarded to the Human Resources Supervisor to be placed on the employee's personnel file.

d. No Reprisal or Obstruction in Enforcement of Code

Reprisal or threats of reprisal against a complainant or any other person for providing relevant information to the Department Director/City Manager or any other person is prohibited. Every Employee must respect the integrity of the Code of Ethics and any inquiries and investigations conducted under it, and shall cooperate in every way possible in securing compliance with its application and enforcement.

It is also a violation of the Code of Ethics to obstruct the Department Director/City Manager in carrying out his or her investigation responsibilities under the Code, or any other municipal official involved in the application or furthering of the objectives or requirements of the Code, in the carrying out of such responsibilities, or pursuing any such objective.

e. Sanctions

Any employee under investigation may be suspended with or without pay or be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the City.

Contraventions of this Code of Ethics may result in appropriate disciplinary measures, up to and including dismissal.

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Where there is serious wrongdoing, other disciplinary measures, as appropriate, may be considered or applied, including but not limited to reporting to appropriate law enforcement agencies and/or immediate dismissal for cause.

f. Implementation

Upon the commencement of employment, each employee shall be provided with and shall acknowledge receipt in writing of his or her review of the Code of Ethics for Municipal Employees. A copy of the signed Acknowledgement shall be provided, in the case of a City employee, to the City's Human Resources Supervisor and maintained with the Record of Employment for the Employee and, in the case of a local board employee, to the local board's Chief Executive or Administrative Officer, if board employees are not hired through the City's administration.

Code of Ethics training shall be provided as part of all new employees' orientation training. Employees are further expected to formally and informally review their adherence to the provisions of the Code on a regular basis.

Related Policies and Legislation:

- 10. *The Municipal Act, 2001, Section 270.*

Revision History:

Authorization	Date
Council Resolution	June 17, 1991
Council Resolution	November 20, 2004
Amended by By-law 2016-007	January 25, 2016