

# POLICY & PROCEDURE MANUAL

September 25, 2019

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## MUNICIPAL EMPLOYEE CODE OF CONDUCT



### TOWN OF CREIGHTON

### MUNICIPAL EMPLOYEE CODE OF CONDUCT

The Northern Municipalities Act Section 127.1

#### **PRINCIPLES:**

Our employees must observe the highest standards of conduct in the performance of their duties, regardless of personal consideration. Employees must avoid situations in which their personal interests conflict, or appear to conflict with the interests of the municipality in their dealings with persons doing or seeking to do business with the municipality.

Employees must not engage in any conduct or activity that contravenes our bylaws, policies or any law in force in Saskatchewan which might:

- detrimentally affect the municipality's reputation;
- make the employee unable to properly perform his or her 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.

#### **PURPOSE:**

This Code of Conduct is intended to:

- provide an understanding of the fundamental rights, privileges and obligations of municipal employees;
- protect the public interest;

- promote high ethical standards among municipal employees;
- provide a means for municipal employees to obtain authorization for conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct; and
- set out the corrective measures for unethical conduct.

The requirement to comply with these standards of conduct is a condition of employment. The Town will take corrective action in response to any infraction or transgression of this policy.

Employees who fail to comply with these standards and to disclose outside activity/interest which may create a real or perceived Conflict of Interest may be subject to disciplinary action up to and including dismissal, seeking restitution, commencement of civil action, criminal prosecution, instructing the employee to divest themselves of the outside interest, transferring the employee to another position, or any combination thereof. An employee who is reasonably suspected to have committed an illegal act or a breach of Town policy may be suspended from employment without pay where further data gathering or fact finding is required.

#### **RESPONSIBILITY:**

**All employees are responsible for reading, understanding and complying with the Code of Conduct policy.** No “presumption of guilt” is created by the mere existence of a relation with individuals, organizations or corporations. However, all employees shall disclose to their superior, knowledge of any business, commercial, financial or other interest where such interest could be construed as being in actual or potential conflict with their official duties in the public interest.

#### **LOYALTY:**

Municipal employees have a duty of loyalty to the Town of Creighton as their employer. They must act honestly and in good faith and place the interests of the employer ahead of their own private interests while at work.

#### **STAFF/COUNCIL RELATIONS:**

Employees shall deal with all members of Council in an objective and impartial manner at all times. Council fulfils a representative and policy-making role on behalf of the Town and its residents, while employees provide policy advice and deliver the Town's programs to the public. Employees must be respectful of Council's role in order to best serve the public interest.

Employees shall treat every person, including the public, with dignity, understanding and respect. Every person, including the public, shall in return, treat employees with dignity, understanding and respect.

**CONFIDENTIALITY:**

Every Town of Creighton employee must hold in strict confidence all information of a confidential nature acquired in the course of his or her employment with the municipality. Confidential information means information that is not part of the public domain and information designated by Council as confidential, such as personal information, internal policies, items under any legal proceeding, etc. Without restricting the scope of this principle, it is considered a breach of the Code of Conduct for an employee to use information that is obtained as a result of his or her employment and that is not available to the public to:

- further, or seek to further, his or her private interests or those of his or her family; or
- seek to improperly further another person's private interests.

**USE OF INFLUENCE:**

The municipality strives to ensure fairness and objectivity in its decision-making process.

Without restricting the scope of this principle, it is considered a breach of the Code of Conduct for an employee to use his or her position to seek to influence a decision of another person so as to:

- further, or seek to further, his or her private interests or those of his or her family; or
- seek to improperly further another person's private interests.

Civic employees who exercise regulatory, inspection and/or discretionary control over others must not give or appear to give preferential or detrimental treatment to family members, friends, business associates and/or former business associates.

## **CONFLICT OF INTEREST**

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

- the employee's ability to act in the public interest could be impaired; or
- the employee's action or conduct could undermine or compromise the public's confidence in the employee's ability to discharge work responsibilities or the trust that the public places in the Town of Creighton.

Employees who find themselves in an actual, perceived, or potential conflict of interest must disclose the matter to their supervisor/manager or Administrator. Examples of conflicts of interest include, but are not limited to, the following:

- an employee uses Town of Creighton vehicles or assets for personal use outside the performance of their duties without proper authorization by a department head or Administrator;
- an employee uses Town of Creighton property or equipment or the employee's position, office or organizational affiliation to pursue personal interests or the interest of another organization;
- an employee is in a situation where the employee is under 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 is reasonably perceived by the public to have benefited from, the use of information acquired solely by reason of the employee's employment;
- an employee benefits from, or is reasonably perceived by the public to have benefited from, a Town of Creighton transaction over which the employee can influence decisions (for example, investments, sales, purchases, borrowing, grants, contracts, regulatory or discretionary approval, appointments, etc.);

- an employee accepts from an individual, corporation, or organization, directly or indirectly, a personal gift or benefit that arises out of employment in the Town of Creighton, other than;
  - the exchange of hospitality between persons doing business together;
  - tokens exchanged as part of protocol;
  - prizes randomly drawn for at any Town-sanctioned event;
  - the normal presentation of gifts to persons participating in public functions; or
  - the normal exchange of gifts between friends.

The following four criteria, when taken together, are intended to guide the judgment of employees who are considering the acceptance of a gift:

1. The benefit is of nominal value (i.e. under \$100.00);
2. The exchange creates no obligation;
3. Reciprocation is easy; and
4. It occurs infrequently.

#### **REPORTING WRONGFUL CONDUCT:**

Employees have a duty to report any situation that they believe contravenes the law, misuses public funds or assets, or represents a danger to public health and safety, or a significant danger to the environment. Such matters will be treated in confidence, unless disclosure of information is authorized or required by law (for example, the *Freedom of Information and Protection of Privacy Act*).

#### **POLITICAL ACTIVITY:**

The Town recognizes the right of all employees to participate in a personal capacity in political, trade union or professional association activity. Employees should recognize that political activity can give rise to perceived conflicts of interest.

**Municipal Elections** – Entitles civic officials and employees to a leave of absence without pay to run as candidates in municipal elections. Upon election, the employee must resign from the Town.

The following Provincial Acts are applicable: *The Northern Municipalities Act 2010*, *The Local Government Election Act* and *The Saskatchewan Employment Act*.

#### **OUTSIDE REMUNERATIVE AND VOLUNTEER WORK:**

Aside from their position with the Town of Creighton, employees may hold jobs outside employment, carry on a business, or engage in volunteer activities provided it does not:

- interfere with the performance of their duties as a Town of Creighton employee;
- bring the organization 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 of Creighton opinion or policy;
- involve the unauthorized use of work time or Town of Creighton premises, services, equipment or supplies. Employees wishing to undertake outside employment may wish to inform his/her department head of this matter to determine if a conflict exists.

## **OUTSIDE INTERESTS**

Employees will avoid involvement in outside interests that conflict with their Town duties.

### **Guiding Principles:**

- Mutual trust is one of the fundamental components of the Town's relationship with employees. This relationship carries with it certain expectations and responsibilities of both parties as it relates to outside interests. The Town encourages its employees to undertake the responsibilities of service and citizenship in their communities, but not to make use of the Town time or resources for such activities without the prior agreement of their supervisor.
- The Town also requires that employees govern their outside interests to ensure that they are capable of providing full commitment to the Town, without providing an opportunity for a conflict of interest.

### **Employee Disclosure Requirement:**

With respect to outside employment, the following criteria should be used to assist in determining whether a public employee is involved in an activity (related or unrelated to his/her work in the public service) which constitutes outside employment:

- self-employment;
- activities from which there is a monetary reward;
- activities where a service or advice is provided and an honorarium received.

If one or more of the above criteria are characteristic of the employee's activity, then such an activity is defined as outside employment.

Outside employment will be permissible as long as such employment:

- is not forbidden by legislation;
- does not interfere with the public employee's performance of his/her regular duties;
- does not form any part of a submission to the Town of review and/or approval;
- does not use advantages derived from employment in the public service;
- does not involve the use of Town premises, supplies or equipment including cell phones and computers and/or government personnel, etc.; or
- is not performed in a manner as to appear to be an official action or policy.

***PROCEDURES:***

Employees are expected to comply with the Code of Conduct. Employees have a responsibility to request an interpretation of the code from the municipality's senior administrative official (the Administrator) if they are unsure whether their behavior, circumstances, or interests contravene the Code.

Where an employee suspects that he or she is, or may potentially be, in conflict with any of the provisions of the Code, the employee must disclose the conflict or potential conflict in writing, to:

- his or her direct supervisor, in the case of any employee; or the supervisor must immediately advise the Administrator; or
- Council or the Personnel Committee in the case of the Administrator.

The disclosure should include a detailed description of the conflict or potential conflict.

Where an employee suspects that he or she is, or may potentially be, in conflict with any of the provisions of the Code, the employee must disclose the conflict or potential conflict in writing, to:

- his or her director; or
- Council, in the case of the supervisor; in the case of an employee, the supervisor must immediately advise the Administrator.

Employees shall not commence any employment for or with any other person unless specifically authorized to do so in advance, in writing, by the Council of the Town of Creighton at its absolute discretion, if any question arises regarding permissible employment.

The disclosure should include a detailed description of the conflict or potential conflict.

Where a disclosure is made, the matter will be treated seriously and in confidence.

#### **EXCEPTIONS:**

Requirements of full disclosure to determine whether a Conflict of Interest exists has its limitations. Matters of confidentiality and personal privacy need to be protected, as the intent of this policy is not to deny employees the right to lead personal lives. If Council or the Administrator becomes aware that an employee may be involved in financial, commercial or business transactions that might constitute a code of conduct conflict, she/he may request that the employee provide sufficient information to help determine where a breach exists. If the information provided substantiates the concern, then Council shall make a decision whether or not the Code of Conduct has been breached.

#### **EXAMPLES OF CODE OF CONDUCT SITUATIONS:**

**The following is a sample list of Code of Conduct situations (it is not intended to be all-inclusive):**

- Where the employee may influence the decision of Council in dealing with a company which conducts business with the Town, when the company is largely controlled by the employee or in which she/he may have an interest.
- Ownership by an employee of land or other property where a property value may be influenced by the employee.
- Where an employee accepts favours from an individual, organization or corporation which deals or may deal with the Town and where the employee is or may be in a position to influence the dealings.
- When members of an employee's immediate family receive personal benefits as a result of the position of the civic employee.
- An employee wants to have work completed by a contractor under contract of the Town of Creighton simultaneously.
- A vendor of the Town of Creighton wishes to provide a benefit to an employee above the stated threshold.



## **ACTION TO BE TAKEN:**

### **Before a Code of Conduct is Perceived**

Where an individual believes that a breach of code of conduct may exist, the individual shall make known to the Administrator, or in the case of the Administrator, Council. The employee may be asked to excuse themselves from a discussion, project or being involved in the perceived conflict.

### **After a Code of Conduct is Perceived**

Upon receipt of any information, the Administrator will review the policy and determine whether actions of the employee constitute inappropriate behavior or where actions do not

- interfere with the exercise of duties or decision of the Town of Creighton; or
- give rise to any unfair advantages by virtue of the employee's position.

### **If there is evidence of inappropriate behavior, Council has the following possible options for action available:**

- instruct the employee to divest himself/herself of those financial investments directly related to the code of conduct breach;
- remove the employee from the responsibilities which are causing the Code of Conduct breach;
- accept the civic employee's resignation;
- have the situation investigated.

### **Action to be taken by the municipality if an employee fails to disclose a conflict or potential conflict, may be either one or more of the following:**

- disciplinary letter, copy to be placed in the employee's file;
- employee training (ethics);
- short-term suspension;
- long-term suspension; or
- termination.

## **APPEAL PROCESS**

If disciplinary action is taken against an employee for violation of the Code of Conduct guidelines, and the employee feels that such action is unfair, then he/she shall present written submission to Council, in confidence, to resolve the matter at the next regular meeting of Council.

Acknowledge receipt of the above Policy and signed by:

\_\_\_\_\_

Employee signature and print name

\_\_\_\_\_

Witness

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018.