

# Town of Arborfield

## Employee Code of Conduct Policy

Policy 2017-001

### 1. STATEMENT

Local government is an open, accessible and accountable form of government. To enhance the relationship of public trust and mutual respect that has evolved between government and the public requires high standards of ethical conduct by municipal employees.

Municipal employees must discharge their duties in a manner that recognizes a fundamental commitment to the well-being of the community, their fellow employees and regard for the integrity of the corporation.

This policy will be subservient to those set forth in a statute of the Provincial or Federal Governments.

### 2. PURPOSE

- a) Provide a universal understanding of the fundamental rights, privileges and obligations of municipal employees for their own protection.
- b) Protect the public interest.
- c) Promote high ethical standards among municipal employees.
- d) 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.
- e) Set out the means of correcting unethical conduct.

### 3. DEFINITIONS

- 3.1 "Municipal Employee" - includes all employees and the Administrator of the Town of Arborfield.
- 3.2 "Confidential Information" – while the classification of information as "confidential" is a matter of administrative discretion whether labeled 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 impugn the reputation of any person;
- f) any report prepared for Council is to be released only by Council; and
- g) information regarding the acquisition or disposal of land.

3.3 "Corporation" – means the Town of Arborfield.

3.4 "Just Cause" – means sufficient or proper reason for discipline or discharge.

#### 4. **RESPONSIBILITIES**

4.1 Town Council shall:

- a) adopt as policy, an Employee Code of Conduct;
- b) investigate allegations and inquiries relating to ethical conduct by the Administrator under this policy.
- c) decide on the appropriate action in matters concerning all municipal employees ethical conduct;

4.2 Administrator shall:

- a) investigate allegations and inquiries relating to ethical conduct by employees;
- b) present a summary of the investigation regarding allegations and inquiries relating to ethical conduct to Town council;
- c) fully inform newly appointed employees of the ethical standards they are expected to observe;
- d) keep employees informed, on an ongoing basis, of the Town's policy on ethical behavior;
- e) request a disclosure of actual or potential conflicts of interest from newly appointed employees; and
- f) receive a disclosure of any gifts or accumulation of gifts received in a year by any employee that exceed \$250.00.

4.3 Employees:

a) Integrity

Ultimately, ethical behavior relies on the diligence of the individual. However, since a breach of ethics impacts not only on the individual but also the corporation, a Code of Conduct is the means by which the municipality acknowledges their responsibility in this area, as well as, their responsibility to provide clarity to their employees on what would be considered inappropriate behavior.

Without restricting the scope of this policy, the following shall be considered breaches of the Code of Conduct:

1. Conduct in one's private life or employment activities which harms the Town's reputation or renders the employee unable to perform his or her duties satisfactorily, such as by way of creating an actual or perceived conflict of interest;

2. Care must be exercised in the development of personal relationships or friendships with any group or individual over whom the employee has the direct and exclusive authority to approve of or influence a matter directly concerning them;
3. Unless otherwise authorized, to use or permit the use of Town vehicles, equipment, materials or property for purposes other than Town business;
4. To solicit patronage from elected municipal authorities to further his or her personal interests or the interests of others, to the extent that any other citizen could not receive;
5. To knowingly breach the law or any government regulation in the performance of his or her duties or to request others do so; and
6. To intentionally falsify any of the Town's records.

b) Impartiality

Every municipal employee must perform his or her duties in an impartial manner.

1. No employee shall grant any special consideration, treatment or advantage in matters related to his or her employment to any citizen or business beyond that which is available to any other citizen or business.

c) Conflict of Interest

Every municipal employee shall avoid situations in which the employee has a personal interest sufficient to influence, or appear to influence, the objective exercise of that employee's authority. When an employee is, or believes he/she may be in a position of conflict of interest with regard to the Town, the employee should disclose this to the Administrator and refrain from exercising his/her authorities relevant to the conflict until duly authorized.

d) Gifts and Benefits

Employees must ask themselves the following questions when trying to determine if a gift or benefit might be considered as an incident of the protocol of employment or a social obligation that normally accompanies the responsibilities of employment:

1. Is the item a gift or benefit to the employee personally either directly or indirectly or is it a gift or benefit to the Town? Who retains control and custody of it?
2. Is the gift or benefit being given with any expectations whatsoever that the employee will either currently or at some point in the future take some action or behave in some manner that will benefit the giver of the gift? Employees should also ask themselves if it could be perceived by an unbiased third party that preferential treatment could or would be provided if the employee accepted the gift or benefit;



3. Is the value of the gift or benefit likely to influence any decision or action of the employee?

If the answer to questions 2 or 3 is yes, then the employees should not accept the gift under any circumstances and if accepted would be considered a breach of the Code of Conduct. If, however, the answer is no, then the gift might be considered to be incidental to the duties of employment.

Any gifts received or accumulation of gifts received in one year that exceed \$250.00 in value must be disclosed to the Administrator or Town Council as soon as reasonably practicable. Failure to do so would be considered a breach of the Code of Conduct.

e) Use of Municipal Property

Without restricting the scope of this principle, the following shall be considered breaches of the Code of Conduct:

1. An employee must not use the municipality's property, equipment, supplies or services for activities not associated with the discharge of official duties; and
2. Employees shall not use the municipality's property, equipment, supplies or services for personal gain.

f) Outside Employment or Activities

Every municipal employee must perform his or her duties to an acceptable level.

Without restricting the scope of this principle, the following shall be considered breaches of the Code of Conduct:

1. Where the outside employment or activity is performed in such a way as to give the impression that the employee is acting in an official municipal capacity or holding himself or herself out as representing an official Town point of view; and
2. Where an employee uses his or her position to solicit business on his or her own account during regular working hours for the Town.

g) Financial Transactions

Every municipal employee must adhere to Town bylaws and policies regarding any municipal financial transactions.

Without restricting the scope of this principle, the following shall be considered breaches of the Code of Conduct:

1. Where the employee is in a position where he/she could derive any direct or indirect benefits or interest from any municipal contract or business on which the employee can influence decisions; and

2. To buy surplus municipal property where the employee can influence decisions with respect to the disposal arrangements. This restriction is not intended to prohibit any employee from obtaining surplus municipal property which is offered for sale by public tender.

h) Confidentiality

Every municipal employee must hold in strict confidence all information of a confidential nature acquired in the course of his or her employment with the Town.

Without restricting the scope of this principle, the following shall be considered breaches of the Code of Conduct.

1. To use confidential information which is not available to the general public and to which the employee has access by reason of his/her employment with the Town to further his/her personal interests or the interests of others; and
2. To disclose to unauthorized persons confidential information to which the employee has access by reason of his/her employment with the Town.

i) Political Activity

Municipal employees are to be allowed as great a measure of political rights as can be reconciled with the need to ensure the fact and appearance of impartiality in the performance of their duties with the Town. The point at which an appropriate balance can be struck in any particular case depends primarily on the nature and level of the employee's responsibilities.

When seeking election to the Town of Arborfield municipal office, an employee shall adhere to the requirements the *Local Government Election Act* {Sections 42 and 43} and shall obtain a leave of absence from employment with the Town from the day he/she seeks election and shall resign on the day he/she is declared elected.

Without restricting the scope of this principle, the following shall be considered breaches of the Code of Conduct:

1. To use the authority or influence of his/her position with the Town on behalf of a political party or candidate.
2. To engage during working hours in any activity for or against any candidate.

5. **PROCEDURES**

- 5.1 Municipal employees are encouraged to seek clarification from their supervisor or the Administrator if they are uncertain as to whether an existing or contemplated action may contravene the Code of Conduct.

- 5.2 Complaints or inquiries concerning the ethical conduct of any municipal employee shall be made in writing to the Administrator. Complaints regarding the Administrator shall be made to the Mayor and, in this case, the Mayor shall fulfill the obligations of the investigating officer.
- 5.3 All complaints or inquiries will be treated as confidential.
- 5.4 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.
- 5.5 The Administrator shall be the investigating officer for all complaints or inquiries concerning the conduct of a municipal employee.
- 5.6 The investigating officer shall summarize the findings of the investigation and forward this to the Town Council in written form.
- 5.7 Town Council shall receive the findings of the investigation, determine if the conduct breaches the Code of Conduct and provide a ruling in writing to the municipal employee being complained against. If council determines that a breach has occurred, in order to remedy the situation they may:
- a) instruct the municipal employee divert himself/herself of the outside interest or transfer it to a trust; or
  - b) instruct the municipal employee to cease and desist from the actions which are found to be in conflict;

Rulings by Town Council are final and failure to remedy the breach in the Code of Conduct by any municipal employee may be just cause for discipline or dismissal.

Approved this 21 day of Feb, 2017