

Municipality of West Elgin

Schedule “A” to By-Law #2020-78

Policy HR-3.8 Employee Code of Conduct

Effective Date: November 12, 2020

Review Date:

Policy Statement

This Code of Conduct (“Code”) for employees is intended to both promote professionalism and to ensure that the relationship of trust exists between staff and the public. West Elgin residents expect a form of local government that is open, transparent, and accountable. All employees must observe the highest standards of conduct in the performance of their duties, regardless of their personal considerations.

Purpose

The purpose of this Code is to foster an understanding of the fundamental rights, privileges and obligations of a municipal public employee. This policy recognizes that a municipal public servant has a responsibility to uphold the basic principles of integrity, honesty, confidentiality, impartiality and common sense as an integral part of their employment relationship with the Municipality of West Elgin. Moreover, employees must support and promote the goals and interests of the Municipality at all times and avoid placing themselves in situations where their personal or other interests actually or potentially conflict with the interests of the Municipality. In instances where conflict between personal/other and public interest arise, West Elgin employees must forfeit any perceived right to protect a personal interest in favour of that which is of most benefit to the public they serve.

The Code is intended for municipal employees as a guide to proper conduct. It is not intended to be exhaustive or to address every conceivable situation, which may arise. Therefore, if you have questions about the application of the Code to a particular situation, please contact the Chief Administrative Officer (“CAO”) for clarification. As well, if you are unsure whether a course of action conflicts with the Code, you contact the CAO for guidance prior to commencing that course of action. You should also contact the Chief Administrative Officer if you believe that your situation warrants special consideration. The Chief Administrative Officer can refer your situation to West Elgin Council for consideration. Any variation from the standards of conduct set out in this Code must have prior written authorization from West Elgin Council.

All employees must comply with the Code. This Code shall also apply to volunteers, including volunteer firefighters. Failure to do so will expose an employee or volunteer to disciplinary action up to and including termination and/or legal action through the courts.

Personal Conduct

Employees shall conduct themselves in a manner that represents the Municipality in a positive manner and promotes and supports public confidence in the organization. Employees shall conduct themselves in a courteous and professional manner and recognize the dignity and worth of every person they serve and with whom they work. All employees shall remain neutral in their service to all Members of Council.

Employees are expected to treat the public and other employees honestly and fairly, respecting their rights, duties and obligations, and to act responsibly in the performance of their duties.

Where employees exercise discretionary authority in the performance of their duties, they shall use such authority in an objective and impartial manner considering all relevant facts and matters. Equality of treatment shall be afforded to all persons, groups, and organizations seeking service from the Municipality.

Gifts, Favours and Services

Employees shall not accept gifts, favours or services from any individual or organization in the course of the performance of their duties other than:

- normal hospitality of nominal value among persons doing business;
- token exchanges as a part of protocol; or
- normal presentations made to persons participating in public functions. However, the recipients should not allow themselves to reach a position whereby they 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.

Employees shall not use the name “Municipality of West Elgin” to obtain discounts for privately purchased goods or services and goods and services may not be purchased through any municipal purchasing agency.

Employees shall not demand or receive a preferential treatment in the use of municipal facilities or services unless doing so is a requirement of the employee's job duties.

Conflict of Interest

It is important for the integrity of municipal operations that employees not use their position with West Elgin to further their own personal interests or to act in such a way that the public would perceive the employee was using their position to further a personal interest. Employees shall ensure that no direct or indirect private interests or personal considerations or other professional activities may affect employees' judgement to act in the best interests of the Municipality.

In general terms, employees shall not accept employment or engage in any business, dealing, or transaction, or have a financial or other personal or private interest which is

in conflict with the discharge of one's duties or where one receives an advantage from being an employee of the Municipality or where it is likely to influence or alter one's job performance.

Should matters arise that place an employee in actual, potential, or reasonably perceived conflict, an employee is required to disclose the existence and nature of such conflict to the CAO. Following such disclosure, the CAO may disqualify the employee from participating in any related deliberations and direct the employee not to discuss the matter with any other employee, interested party, or member of the public in order to minimize the potential for conflict of interest for the employee and Municipality.

Municipal Information

An employee must not use information gained through their employment to further, or seek to further their private interests, those of their family, or to seek to improperly further another person's private interests. Similarly, an employee must hold in strict confidence all information of a confidential or sensitive nature acquired in the course of their employment with the Municipality.

This includes confidential or sensitive information about internal policies and processes as well as municipal residents, employees, or the Municipality of West Elgin. Information may not be disclosed except where previously authorized by the employee's department head, CAO, or Municipal Council.

Confidential or sensitive information can include information that is not part of the public domain and information designated by Municipal Council as confidential or sensitive, such as personal information, internal policies and procedures for performing activities at the Municipality, internal reports for use by the Municipality not released to the public to include matters under legal proceedings, as well as any other matter deemed by Municipal Council to be confidential or sensitive.

Municipal Freedom of Information legislation applies to the release of information gathered by municipal employees in the course of their duties. Information must be safeguarded or released in accordance with such legislation.

Use of Municipal Property

Employees will not use Municipal property or equipment for activities or purposes not associated with the discharge of duties. It is important that employees not use their positions for personal gain or act in a manner such that the public would perceive the employee had done so.

Every employee shall take reasonable precautions to prevent loss, damage, or excessive wear and tear to Municipal property.

Social Media

All employees are to be aware that outside of normal working hours, they implicitly represent the Municipality and should conduct themselves accordingly. In all forms of social media usage, employees should assume the same representative standards as in other public meetings. Social media content such as offensive, objectionable, or unwelcome images or posts that could adversely affect public confidence in the Municipality or detrimentally affect its reputation will not be tolerated.

Outside Activity

Outside activities are generally permitted, subject to the following conditions:

- the outside activity must not occur during regular or scheduled work hours and there must be no conflict with the employee's job duties;
- no part of the outside activity will be done at the workplace; and
- The outside activities must not restrict the ability to be on call, or to work irregular hours if irregular hours are a requirement of the position.

Additionally, if the outside activity involves paid employment, please refer to information contained in the "Conflict of Interest" and "Procedures" sections of this policy.

Self-Governing Professions

Employees that are members of self-governing professions may also have a duty to comply with those Codes of Conduct. Such Codes shall be considered part of the Municipal Code of Conduct and as such, a breach of the profession's Code shall represent a breach of West Elgin's Code. In the event the profession's Code imposes a higher standard of conduct than West Elgin's Code, the more rigorous requirements will govern.

Procedures

Employees are expected to comply with the Code at all times. Supervisors are responsible for ensuring that the Code is distributed to all employees under their supervision, including new employees, as they are hired.

Employees who have reason to believe that a breach of the Code has taken place should report the matter to their immediate supervisor or, where necessary, directly to the department head or CAO.

Employees have a responsibility to request an interpretation of the Code from their department head or CAO if they are unsure whether particular circumstances, their actions or interests, or the actions or interests of others, contravene the Code. Employees will disclose in writing to their department head any business, commercial or financial interest where such interest may be construed as being in actual or potential conflict with this Code of Conduct.

The department head shall refer the disclosure and any additional comments, where appropriate, to the CAO. The CAO is responsible for the application of the Code in respect of all employees and shall determine an appropriate and timely course of action to address the actual or potential breach of the Code.

Actual or potential breach of the Code involving the CAO shall be the responsibility of Municipal Council.

Discipline and Discharge

Where an employee breaches the Code or refuses to comply with a method of resolving a conflict with the Code, disciplinary action shall be taken by the CAO that is appropriate in the circumstances, up to and including employee discharge.

Severability

The provisions of the Code shall be severable and if any provision, section, or word is determined to be invalid or unlawful, such determination shall have no affect or impair any of the remaining provisions, sections, or words contained in the Code.

Attachment: Employee Acknowledgement



MUNICIPALITY OF
West Elgin

Subject: Employee Code of Conduct

Staff Acknowledgement

The Employee Code of Conduct has been explained to me and I have received, read, and understood the Employee Code of Conduct for the Corporation of the Municipality of West Elgin.

Staff Member Name (Please Print)

Staff Signature

Date