

**THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS**

**BYLAW 2019-008**

**BEING A BYLAW TO ESTABLISH A CODE OF CONDUCT AND ETHICS  
POLICY FOR MUNICIPAL EMPLOYEES**

**WHEREAS** the *Municipal Act S.O. 2001, c 25*, Section 5(3), as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by bylaw;

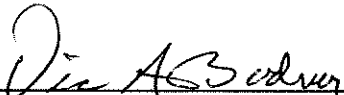
**AND WHEREAS** Section 11 of the *Municipal Act 2001, S.O. 2001, c.25* as amended, authorizes municipalities to pass bylaws regarding Accountability and Transparency of the municipalities and its operations;


**AND WHEREAS** The Council for The Corporation of the Municipality of Hastings Highlands deems it expedient to establish to adopt a Code of Conduct policy for Municipal Employees;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE  
MUNICIPALITY OF HASTINGS HIGHLANDS ENACTS AS FOLLOWS;**

1. **THAT** Council does hereby adopt a Code of Conduct and Ethics for Employees attached hereto as Schedule "A" forming part of this Bylaw;
2. **THAT** Mayor and Clerk be and are hereby authorized to sign this Bylaw and affix the corporate seal thereto;
3. **THAT** this Bylaw shall come into effect on the day it is passed.

**ENACTED and PASSED** in Council this 6<sup>th</sup> day of February 2019.

  
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Vic A. Bodnar, Mayor

  
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(Ms.) Pat Pilgrim, CAO/Clerk





SCHEDULE "A" to BYLAW 2019-008

<b>Municipality of Hastings Highlands- Corporate Policies and Procedures</b>			
<b>DEPARTMENT:</b> Human Resources/Administration			<b>POLICY #:</b>
<b>POLICY:</b> Code of Conduct and Ethics			
<b>DATE:</b> Feb 6, 2019	<b>REV. DATE:</b>	<b>COVERAGE:</b> Municipal Employees and Library Board Employees	<b>PAGE #:</b>

**PURPOSE:**

The Municipality of Hastings Highlands wishes to provide a policy for all Municipal Employees and Library Board Employees for a Code of Conduct and Ethics as acceptable behaviour, conduct and actions for the Municipality of Hastings Highlands.

**POLICY STATEMENT:**

These Code of Conduct and Ethics standards are designed to supplement the legislative parameters within which Employees must operate and is intended to supplement the professional standards for those Employees that already have a code of conduct through their associations.

In addition to increasing the public's perception and confidence that Employees of the Municipality operate from a base of integrity, justice, respect, honesty and courtesy, this Code is intended to foster a positive work environment and culture for our organization. Specifically, the work culture values of: Respect-Integrity-Teamwork-Competency-Excellence-Communication and Positive attitude are to be cultivated.

This Code of Conduct and Ethics is to provide direction to Employees in support of the following principles:

- That independent, impartial advice is provided which considers the best interests of the entire municipality including its citizens, Council and other Employees;
- That communications are open, honest, consistent, respectful, consultative and inclusive;
- That duties are performed and Council's directions are implemented to the best

- of their ability, and in conscientious, diligent, impartial and transparent manner;
- That private interests, either real or perceived, are kept separate from public responsibilities;
- That respect and support of others, including Council members, other Employees and members of the public is provided to foster a positive team environment.

### **SCOPE:**

This policy applies to all Employees including library board Employees of the Municipality of Hastings Highlands. It is understood that the municipal Employees are to follow their chain of command from Council to the CAO whereas the library board Employees are governed from the Library Board through to the Library CEO/Librarian. In this policy, the words CAO can also mean CEO in reference to the Library and Council can also mean Library Board.

### **GENERAL:**

All Employees shall serve their department and the general public with honesty and integrity, and in a conscientious and diligent manner.

Employees shall:

- Perform their responsibilities assigned in their employment with the Municipality and within their legislated and prescribed authorities.
- Understand and adhere to all municipal bylaws, policies and procedures.
- Implement Council directions assigned through the CAO in an impartial and effective manner.
- Act in cooperation with other municipal Employee members to foster a positive team environment.
- Understand and follow other policies and procedures that relate to this Code but not limited to purchasing, recruitment, expenses etc.
- Avoid any real or perceived conflict of interest.
- Adhere to the Code of Conduct and Ethics and report any contraventions of this Code to the appropriate authority.

### **GIFTS AND BENEFITS:**

Employees shall not, directly or indirectly through family members or otherwise, solicit any gift or accept/receive any gift or personal benefit or rewards which may be tied to or inferred to be tied directly or indirectly to their position or the performance of their duties. Employees shall not accept, directly or indirectly through a family member or otherwise, any gift, money, discount, favours, or other assistance, from any business or organization which has contracted through the Municipality or who will be potentially contracted to do business in the future, or who has other business with the Municipality including the need for licenses, permits, agreements, development activities, procurement activities, or other municipal approvals. Employees shall not place themselves in a position where they could be placed in a real or perceived position of obligation to favour an individual or business or organization.

This shall not prohibit Employees from receiving promotional gifts or benefits of nominal value (e.g. coffee mugs, pens etc.). It is also recognized that in the ordinary course of business it may be appropriate for a business or organization to pay for an Employee's lunch for example. Receipt of such a gift or benefit in the course of business will not be considered a breach of these rules assuming that such a receipt is infrequent, (as defined by less than three (3) times per year by the same business) and nominal in nature (defined as less than \$100 value).

No Employee shall seek or obtain by reason of his or her position any personal privilege or advantage with respect to Municipal services not otherwise available to the general public except as authorized by law or Municipal policy.

### **CONFIDENTIALITY AND USE OF MUNICIPAL INFORMATION**

It is every employee's responsibility to ensure information disseminated to Council members and/or the public is accurate and complete. No Employee shall willfully mislead Council members, Employees or the public about any issue of municipal concern. All information shall be released based upon appropriate communication protocols as established from time to time.

Every Employee shall ensure that confidential information provided through the course of their duties is kept strictly confidential and shall only be disclosed or other released to authorized Employees or allowed by legislation. This shall relate to any time during or after their employment except as required by law. Employees that have access to personal or confidential information shall become familiar with their obligations and responsibilities as outlined in various legislation including the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

No Employee shall:

- Use information acquired through their official duties and not available to the general public for a personal advantage or pecuniary interest during or after their employment.
- Use confidential information so as to cause detriment or a benefit to others inappropriately.
- Release confidential documents or information until the matter ceases to be confidential as determined by Council, policy or legislation.
- Have access to information protected under legislation, unless it is specifically relevant to their duties.
- Speak disrespectfully or negatively about the Corporation, another Employee, a Council member or Council's decisions. Any concerns regarding the conduct of another person including in contravention of the Code of Conduct by another Employee or Council member shall be handled through the appropriate process.
- Withhold information relevant to the well-being of the Municipality, the security of assets, and/or perceived deficiencies in the way it is doing business from their supervisor or, failing their action, the next level of command.

## **CONDUCT AT COUNCIL/COMMITTEE MEETINGS**

During Council and other meetings where Employees are representing the Municipality, Employees shall conduct themselves with decorum and in accordance with the Municipal Procedure Bylaw, as amended from time to time. Respect and courtesy will be provided to delegations, Council members, other Employees and members of the general public. Employees shall make best efforts to ensure that Council is well informed on matters before them through reports and, as necessary, through verbal clarifications at the meetings. Each Employee has a responsibility to ensure that such decorum occurs, both through their own conduct and by bringing to the attention of the CAO any offensive conduct that is observed.

## **RELATIONSHIPS WITH EMPLOYEES AND MEMBERS OF COUNCIL:**

Employees will show respect for other Employees and Council members and recognize their distinct roles and responsibilities as defined by legislation and municipal policies.

Employees shall:

- Refrain from using their position to improperly influence other Employees or Council members in their duties or functions or to gain advantage or pecuniary interest for themselves, members of their family or other associates.
- Refrain from publicly criticizing individual Employees or Council members in a way that maliciously or falsely injures the professional credibility or ethical reputation of an individual.
- Provide advice that is objective and based upon their professional expertise, politically neutral, and considering a corporate perspective, without undue influence from any individual member or group of members of Council or other outside interests.
- Be respectful that other Employees and Council members have the right to a different point of view providing it is appropriately and responsibly shared.
- Carry out the direction of Council and administer the policies and programs of the Municipality without undue influence from any individual member or group of members of Council or by any outside interests.
- Carry out responsibilities that are set out in legislation without any undue influence from any individual member or group of members of Council or any outside interests.
- Be respectful and supportive of the Municipality's commitment to fostering an environment that is free from discrimination, harassment, interference, intimidation or coercion through personal adherence to the Municipality's Policies and the Ontario Human Rights Code.

## **USE OF MUNICIPAL PROPERTY:**

Employees will use municipal owned property, equipment, supplies and services only for activities connected with the discharge of their official duties as sanctioned by the

municipality policy or bylaw and not for personal use unless provided by the Municipality in a policy. Any equipment or supplies purchased by the Municipality in the exercise of the employee's duties (i.e. computers, cell phone etc.) is municipal owned property and is to be returned to the Municipality at the conclusion of employment with the Municipality.

No Employee shall obtain financial gain from the use of municipal developed intellectual property, computer programs, technological innovations or other patented items, while an Employee or thereafter. All such property remains the exclusive property of the Municipality of Hastings Highlands.

No Employee shall use information gained in the execution of his or her duties that is not available to the general public, for any real or perceived pecuniary advantage of the Employee or their family, or for any other purpose not related to the implementation of their employment duties.

#### **WORK OF A POLITICAL NATURE:**

No Employee shall use the municipality's facilities, services, or property in support of an election or re-election campaign, to express support for a political candidate, or to undertake any other outside political activity. Additionally, no Employee shall accommodate any requests from incumbents or any candidate to utilize their services during the hours in which they are paid under employment of the Municipality.

#### **FRAUD AND BREACH OF TRUST:**

Employees shall not engage in behaviour that is fraudulent or that constitutes a breach of trust with the Municipality of Hastings Highlands. A fraudulent activity includes, but is not limited to:

- Using deceit to gain a personal advantage or benefit for oneself and/or others.
- Illegally obtaining money, including the solicitation and/or the acceptance of bribes or favours.
- Intentionally providing false or incomplete or withholding information from Council and/or municipal officials.
- Intentionally circumventing municipal policies or procedures to gain a personal advantage to oneself and/or others.
- Planning or participating in a theft of municipal property, or the use of said property to aid and conduct a theft of any kind.
- Inappropriate personal use of or intentional damage to municipal property.
- Undertaking any other illegal activity.

#### **CONFLICT OF INTEREST:**

A conflict of interest is understood to occur if an individual's personal affairs, business, or relationships overlap with their professional functions. In order to avoid any real or

perceived conflict of interest, pecuniary interest or personal gain for the employee, their family, or associates, an Employee is not permitted to carry out assigned duties for which a conflict of interest or a perceived conflict of interest is present. Conflicts of interest could potentially arise in – but are not limited to – the following and Employees shall avoid and recuse themselves from these situations of conflict:

- Decisions regarding the municipality's procurement of goods and services.
- The advancement of an Employee's personal business or outside activity.
- The advance of another person's business or organization outside for personal or indirect gain.
- Any other matters that involve one's self or close colleagues, family members or friends (including the display of nepotism in appointments, decisions, or instructions to municipal Employees).

### **BUSINESS/ORGANIZATION RELATIONS:**

Employees must demonstrate transparency with regards to business relations and/or organizations conducting business with the municipality. No Employee shall act as a paid agent before the corporation of Council.

Employees shall recognize the need for their decision making and actions to be viewed as impartial and transparent by refraining from having pecuniary association with any business or organization that has interactions with them in the conduct of their duties and responsibilities. This may include but not be restricted to borrowing or receiving money or gifts, directly or indirectly.

### **OUTSIDE WORK OR BUSINESS ACTIVITIES:**

Employees are permitted to participate in work or business activities outside of their normal tasks unless otherwise provided for in their conditions of employment, and provided that these ventures do not interfere with their regular duties. Interference is considered to be presented if any of the following circumstances arise or are perceived to arise:

- The activity hinders the daily functions of the Employee or their co-workers, or is likely to have a negative effect.
- The activity is taking place during work hours, occurring in an Employee member's office, or any other physical area in the workplace or is taking place using municipal property (e.g. computers).
- The activity includes the use of an Employee's knowledge of confidential plans, projects, or information about business or holdings of the Corporation.
- The activity is promoted with advertisements, flyers, posters, or any other method of communication that is distributed.



## **MUNICIPAL EXPENDITURES AND PURCHASES:**

All Employees with procurement responsibilities shall be familiar and adhere to the municipality's purchasing policy. This shall include adhering to the parameters of spending limits and following the procedures relating to the policy. Employees shall not spend municipal funds for personal or non-work related business or for frivolous acquisitions. The principles of ensuring fair, competitive and transparent procurement processes will be supported and is a mandatory corporate expectation.

## **REVELATION OF IMPROPER BEHAVIOUR- "WHISTLE BLOWING":**

"Whistle-blowing" can be described as the identification and announcement of an observed, suspected or perceived misbehaviour by an individual towards another Employee or individual. Misbehaviour consists of any action contrary to any part of this Code including but limited to conflict of interest or pecuniary interest interests, municipal bylaws, provincial offences legislation, the Human Rights Code, or the Canadian Criminal Code.

Should an Employee witness one of these actions taking place (or believes that it is occurring), he or she is obligated to report the issue in writing first to his/her supervisor. In cases where the supervisor is the person conducting the inappropriate behaviour, the Employee will report the issue in writing to the next level of supervision up to and including the CAO. In the case of a matter involving the CAO, the matter shall be reported to the Mayor and Deputy Mayor. All written reports of non-compliance shall be signed by the Employee who witnessed the infraction.

Employees will be corporately protected from any form of reprisal for reporting improper behaviour. Nor shall an Employee experience any discriminatory or other unfavourable treatment; be overlooked for promotions or future employment considerations; or have their existing position terminated providing that the allegations are ultimately found to be not intentionally malicious or frivolous in nature.

## **OTHER PROFESSIONAL CODES OF CONDUCT AND ETHICS:**

Employees shall disclose and submit for their personnel file any other professional code of conduct and ethics that they must adhere to whether due to their professional designations and/or through memberships. This Code of Conduct is interceded to support, not replace, such other Codes.

## **DISCLOSURE:**

Whenever an Employee considers that he (or she) could be involved in a conflict of interest, whether real or perceived or other matter associated with this policy, the Employee shall immediately disclose the situation to the supervisor or the CAO as the case may be. The Employee shall abide by the advice given to him/her.

Any Employee, Council Members, Council, or a member of the general public has the right to identify any alleged non-compliance. The individual shall bring the matter forward to the CAO or the Mayor and Deputy Mayor (if the matter involves the CAO).

**COMPLIANCE/CONTRAVENTION:**

Upon receipt of an alleged contravention, the CAO shall, in consultation with the Employee's supervisor, determine the form an investigation will take. Additionally, the CAO will consult with the supervisor, should the contravention be verified, as to what action is appropriate to the circumstance. Actions may include discipline up to and including termination of service. The matter shall then be reported to Council for information purposes.

Any transgressions of an illegal matter shall be reported to the appropriate police authority.

**POLICY PROCEDURE AND IMPLEMENTATION:**

The Employee Code of Conduct and Ethics will be reviewed annually during the Employee performance appraisal process.

All new Employees will be required to sign the Code of Conduct and Ethics Acknowledgement as part of the Employee orientation process at the beginning of their employment. Existing Employees will be advised of their obligations to follow the Code and will be required to sign the Code of Conduct and Ethics Acknowledgement upon receipt of the Code.

The Municipality of Hastings Highlands shall keep a permanent record of the Code of Conduct and Ethics Acknowledgement for each Employee in their personnel files.



## SIGNATURE/ACKNOWLEDGEMENT

The undersigned Employee hereby acknowledges receipt of a copy of the Hastings Highlands "Employees Code of Conduct and Ethics" and have read and understand their responsibilities as outlined in the policy. The Employee further understands that policy violations may lead to discipline up to and including termination. They will keep a copy of the policy for reference.

\_\_\_\_\_  
**Signature of Employee**

*Acknowledgement of Receipt of the Code of Conduct*

\_\_\_\_\_  
**Date of Signature**

\_\_\_\_\_  
**PRINTED NAME**

**NOTE:** The Employee acknowledges receipt of the Code of Conduct by the signing of this acknowledgement which is to be returned to the Municipality of Hastings Highlands.

