

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

BY-LAW NO. 2471-23

**A By-Law to Amend the Code of Conduct
Policy for Employees for the Township of Ear Falls.**

WHEREAS Council passed By-Law No. 2193-18, dated November 21st, 2018 approving the Code of Conduct Policy for Employees for the Corporation of the Township of Ear Falls; and

WHEREAS Council deems it to be in the best interest of the municipality to amend the Code of Conduct Policy for Employees for the Corporation of the Township of Ear Falls;

NOW THEREFORE, the Council of the Corporation of the Township of Ear Falls, **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the purpose of this By-Law is to amend the Code of Conduct Policy for Employees for the Township of Ear Falls as per Schedule "A" attached hereto and forming part of this By-Law.
2. **THAT** By-Law No. 2193-18 is hereby repealed.
3. **THAT** this By-Law shall come into force and take effect upon the final passing hereof.

PASSED this 18th day of January, 2023.

b/ 

Mayor


Clerk



Policy Section: Corporate

Policy Name: Code of Conduct Policy - Employee

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CODE OF CONDUCT POLICY – EMPLOYEE

I. POLICY STATEMENT

1. Local Government is an open, accessible, and accountable form of government. 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.

II. PURPOSE

1. Protect the public interest. The practical application of the code's provisions in diverse situations may reveal gaps, ambiguities and inconsistencies in the code. In these circumstances, the protection of public interest, as it is consistent with the concept of "just cause" is to be taken as the true underlying intent of the code.
2. Encourage high ethical standards among municipal employees.
3. Provide a universal understanding of the fundamental rights, privileges, and obligations of municipal employees.
4. Provides a means for municipal employees to obtain authorization for some contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.
5. Set out the means of correcting unethical conduct.
6. Municipal employees must discharge their duties in a manner that recognizes a fundamental commitment to the well-being of the community and regard for the integrity of the Corporation.

Where there is any conflict between the policies and procedures adopted by the Township of Ear Falls and the policies and procedures set forth in a collective agreement adopted by the Township of Ear Falls or by Provincial or Federal Government statute, the collective agreement or the Provincial or Federal statute shall supersede such other policies or procedures.

III. DEFINITIONS

Cross Reference:

Date Approved: March 20th, 2013

Last Reviewed: December 5th, 2018, January 18th, 2023

Last Revised: January 18th, 2023

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“Administrator” – shall mean the Clerk Treasurer Administrator or designate of the Township of Ear Falls.

“Confidential Information” – while the classification of information as “confidential” is a matter of administrative discretion whether labelled 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:

- Personal data of employees or others.
- Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation.
- Records of a financial nature reflecting information given or accumulated in confidence.
- Files prepared in connection with litigation and adjudicative proceedings.
- Reports of consultants, policy drafts and internal communications, which, if disclosed, may prejudice the effective operation of the municipality.

“Corporation” – shall mean The Corporation of the Township of Ear Falls.

“Council” – shall mean the Council of the Corporation of the Township of Ear Falls.

“Department Head” – shall mean the person hired / appointed by Council to be responsible for the operations of a Department and/or their designate.

“Employee” – shall include all union and non-union employees and officers of the Township of Ear Falls.

“Public Comment” – disclosures made in a public speech, lecture, radio or television broadcast, in the press, in writing, on Social Media, or electronically to persons who are not employees or officers of the Corporation.

IV. RESPONSIBILITIES

1. Council shall:

- a. Make such revisions, additions, or deletions to the Code of Conduct as may be justified under the concept of “just cause”.

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- b. Review the recommendations of the Administrator and decide on the appropriate action in matters concerning employee's ethical conduct.

2. Administrator shall:

- a. Provide recommendations to Council on desirable revisions, additions, or deletions to the Code of Conduct.
- b. Investigate allegations and inquiries relating to unethical conduct by employees and provide recommendations to Council on the appropriate action to be taken.

3. Employees

- a. **Integrity** – Ultimately, ethical behaviour 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. Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:
 - i. Conduct in one's employment activities which render the employee unable to perform his or her duties satisfactorily. What moral standard an employee must adhere to will vary with the employee's relationship with other employees, the Corporation, and the public.
 - ii. To solicit patronage from elected municipal authorities to further his or personal interests or the interests of others.
 - iii. To knowingly breach the law in the performance of his/her duties or to request others to do so.
- b. **Impartiality** – Every municipal employee must perform his/her duties in an impartial manner. Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:
 - i. No employee shall grant any special consideration, treatment or advantage

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in matters related to his/her employment to any citizen beyond that which is available to any other citizen.

- c. **Outside Employment or Activities** – Every municipal employee must perform his or her duties to an acceptable level. Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:
 - i. Where outside employment or activities reduce, to an unacceptable level, the interest or energy an employee devotes to his or her duties.
 - ii. 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 him or herself out as representing an official Corporation point of view.
 - iii. Where an employee uses his or her position to solicit business on his or her own account during regular working hours for the Corporation.
- d. **Financial Transactions** – Every municipal employee must adhere to Corporation by-laws and policies regarding any municipal financial transaction. Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:
 - i. Where the employee is in a position where he/she derives any direct or indirect benefits or interest from any municipal contract or business on which the employee can influence decisions.
 - ii. To buy surplus municipal property where the employee decides the process for disposal. This restriction is not intended to prohibit any employee from surplus municipal property that is offered for sale in compliance with the Corporation's policies.
- e. **Gifts, Benefits and Hospitality** – The inherent pitfall in accepting gifts and benefits from outside sources is that regardless of the intent, in most instances the person providing the gift has something to gain from the recipient. Gifts and other benefits are the most obvious means of wielding some kind of influence regardless of how innocuous the gesture may appear to be on the

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surface.

Without restricting the scope of this rule, the following shall be considered breeches of the Code of Conduct:

- i. An Employee must refrain from accepting personal gifts and benefits from firms or individuals.
 - ii. An Employee must not place themselves in a position where they are under an obligation to favor an individual or firm.
 - iii. There is a role for “moderate hospitality”. Employees may consult with their Supervisor to determine whether or not a specific gesture constitutes moderate hospitality. Generally, accepting small gifts with a value of less than \$250 shall not constitute a breach of this Policy.
- f. Respectful Conduct** – This section regulates the professional behaviour required by employees of the municipality during hours of work or while volunteering on behalf of the Township of Ear Falls.

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

- i. Employees must not speak or act in an ill-mannered or unprofessional manner about or towards officers and employees of the municipality or local Board.
 - ii. Employees must comply with the Township of Ear Falls Harassment in the Workplace and Violence in the Workplace Policies, as amended from time to time.
- g. 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 Corporation. Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:
- i. To use confidential information, which is not available to the general public and to which, the employee has access by reason of his/her personal

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interests or the interests of others.

- ii. To disclose to unauthorized persons confidential information to which the employee has access by reason of his/her employment with the Corporation.

- h. Use of Municipal Property** – This section regulates the “outside” use of municipal owned or leased property by an employee.

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

- i. An employee must not use the municipality’s property, equipment, supplies or services for activities not associated with the discharge of official duties unless proper authorization has been granted by the respective Department Head and is deemed to be in the best interest of the Corporation.
- ii. Employees shall not use property, equipment, and supplies or services owned or leased by the Corporation for personal gain.

V. PROCEDURES

1. Municipal employees are encouraged to seek clarification from the Administrator if they are uncertain as to the appropriateness of their existing or contemplated conduct.
2. Complaints or inquiries concerning the ethical conduct of any municipal employee shall be made in writing to the Administrator.
3. All such complaints or inquiries will be treated as confidential.
4. A copy or summary of any written complaint received is to be sent immediately to the employee complained against with a request to provide a written answer to the complaint.
5. The Administrator shall investigate:
 - a. All complaints or inquiries concerning the ethical conduct of a municipal

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employee;

- b. On his/her own initiative, the conduct of a municipal employee where he/she determines an investigation is warranted.
6. The Administrator shall summarize the findings of the investigation in written or oral form and forward and/or present recommendations on the appropriate course of action to be taken to the Human Resource Committee for review and recommendation to Council.
7. The Administrator or Human Resources Committee shall summarize the findings of the investigation in written or oral form and forward and/or present to Council his/her recommendations on the appropriate course of action to be taken.
8. The employee against whom the complaint is directed or who is enquiring as to the appropriateness of his/her conduct shall have the opportunity to appear before Council at a Closed or Public Meeting at the discretion of the employee and/or submit a written brief prior to any decision being made.
9. Where Council determines the conduct referred to it does breach the Code of Conduct, the complainant and the employee shall be so advised in writing.
10. Where Council determines the conduct referred to it does breach the Code of Conduct, Council may:
 - a. Instruct the employee to divest himself/herself of the outside interest or transfer it to a trust;
 - b. Take disciplinary action in the form of:
 - i. An oral or written reprimand
 - ii. Suspension with pay
 - iii. Suspension without pay
 - iv. Dismissal

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- v. Take any other action Council deems appropriate.

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