

# Protecting our integrity and community image

## Understanding the Code of Conduct Policy

All employees are ambassadors for the City of Guelph. You may be a full-time, part-time, casual or temporary employee. Regardless of your employment status, you are a City employee and influence how the public views the organization.

The Code of Conduct Policy outlines acceptable employee behaviour to help ensure that our actions do not result in personal gain or conflict with our duties and obligations as employees. The following provides an overview of some key aspects of the policy.

### Policy snap shot

#### Confidential and personal information

As City employees, we may have access to confidential, privileged and/or personal information. We may need this information to perform our job but we are not to disclose or use this information unless it is necessary to perform our duties.

#### Gifts and hospitality

Gifts are nice to receive; however, to preserve the integrity and image of the corporation, we are not to receive gifts, benefits and/or hospitality from the public. Some exceptions to this are noted in the policy. To help figure out if it's okay to accept a gift, ask yourself these questions:

- Are you uncomfortable telling your manager about receiving the gift, benefit or hospitality?
- Is this gift/benefit or hospitality being offered in exchange for a favour or benefit?

#### Political activity

We work in a political environment and in an election year this environment can become especially tough to navigate. While performing our jobs, we need to appear to be politically neutral. This means that while on the job we need to

avoid expressing our personal views about contentious policy issues, matters of public controversy or showing support for one candidate or elected official over another.

Also, employees may exercise their civic right to run for office, they just need to seek a leave absence between the day of nomination and the end of voting. Should an employee be elected, they will be required to resign from their employment. Holding an elected position while being an employee of the City would be a conflict of interest.

#### Public criticism

We all have different personal views on the policies, programs and decisions the City makes but as employees we are expected to support these decisions and not publicly criticize the corporation. This includes, but is not limited to, writing letters to the editor, giving interviews, making negative statements to members of the public or posting on social media sites.

#### It's in the details

The Code of Conduct policy is available on ERNIE. All employees are required to read and understand their obligations under the Code of Conduct Policy.

### Questions?

Whether it's about how to interpret the policy or to report non-compliance, contact your immediate manager or the Organizational Development Specialist in Human Resources.

### Definitions

#### Confidential information

Includes information obtained through employment with the City that is not available to the public.

#### Personal information

Recorded information that identifies an individual (e.g., address, name, phone number, medical records, financial records, etc.).

#### Conflict of interest

A situation in which an employee has or is perceived to have personal or private interests that may compete with the public interests of the corporation or with the public interest. These interests can make it difficult to remain impartial.

# CORPORATE POLICY AND PROCEDURE



<b>POLICY</b>	<b>Code of Conduct</b>
<b>CATEGORY</b>	All Departments
<b>AUTHORITY</b>	Human Resources
<b>RELATED POLICIES</b>	Purchasing By-law ((2014)-19771) Conflict of Interest in Hiring Policy Media Relations Policy, Harassment and Discrimination Policy IT Responsible Computing Policy Mobile Device Acceptable Use Policy
<b>APPROVED BY</b>	Executive Team
<b>EFFECTIVE DATE</b>	1988
<b>REVISION DATE</b>	March 24, 2015

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## **POLICY STATEMENT**

In keeping with the Corporate Value of Integrity and the City's Leadership Charter, employees are expected to perform their duties in a manner that maintains public confidence and trust. This policy outlines acceptable behaviour to help ensure employees do not engage in actions which would result in personal gain as a result of their employment with the City or which would be in conflict with their duties and obligations as an employee with the City.

## **PURPOSE**

This policy applies to all City of Guelph full-time, part-time, casual and temporary employees, (collectively called "employees"), as applicable to their position in the organization. This policy is meant to support the use of good judgment regarding personal and professional conduct. This policy shall be applied in conjunction with all collective agreements, contracts, legislative requirements and/or the standards identified by an employee's professional affiliation.

## **DEFINITIONS**

### **Confidential Information**

Confidential information includes information you obtain access to through your position with the City that is not available to the public. This includes, but is not limited to:

- documents, records or other information concerning the City's operations,

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- finances, plans, or strategies;
  - documents, records or other information concerning taxpayers, employees, vendors and contractors of the City including personal information, employment status, vendor/contractor status, personnel records, performance information, compensation information and job history;
  - privileged information, including advice received from professional advisors such as legal counsel and financial advisors; and
  - all work related information including letters, memoranda, presentations, email and all other documents, whether hard copy or electronic, even if such information has not been labeled or identified as confidential.

Confidential information also includes but is not limited to information in the possession of the City that the City is either prohibited from disclosing, is required to refuse to disclose or exercises its discretion to refuse under the *Municipal Freedom of Information and Protection of Privacy Act*, *Personal Health Information Protection Act* or other legislation, and information concerning matters that are considered in a “closed session” meeting under section 239 of the *Municipal Act, 2001*.

### **Conflict of Interest**

A “Conflict of Interest” is a situation in which an employee has personal or private interests that may compete with the public interests of the City. Such competing interests may make it difficult to fulfill his or her duties impartially. A Conflict of Interest can create an appearance of impropriety or a perception of bias that can undermine confidence in the person and in the City generally. A conflict exists even if no unethical or improper act results from it. A Conflict of Interest can either be an apparent conflict or a real conflict.

#### **Apparent Conflict**

An apparent conflict exists where an informed and reasonable person reviewing the matter and having thought the matter through could conclude that a Conflict of Interest exists, even if, in reality, it may not.

#### **Real Conflict**

A real conflict exists where a personal interest exists and that interest:

- A. Is known to the employee; and
- B. Has a connection to the employee’s duties that is sufficient to influence or interfere with the performance of those duties.

### **Fraud**

Fraud includes any array of acts characterized by intentional deception. Dishonest, illegal or fraudulent activities include, but are not limited to:

- forgery or alteration of documents (cheques, time sheets, independent contractor agreements, purchase orders, etc.);
- misrepresentation of information by an individual;
- misrepresentation of information on documents;
- misappropriation of funds, securities, supplies or any other asset;
- unauthorized use, disappearance, or destruction of City property, equipment, materials or records;

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- improper handling or reporting of money transactions;
  - authorization or receipt of payments for goods not received or services not performed;
  - authorization or receipt of payment for hours not worked;
  - any inappropriate expense claim made, which is unrelated or related to City business or the employee's job responsibilities; and
  - any apparent violation of Federal, Provincial or local laws.

## Interests

**Direct Interests:** Direct interests are those interests in which the employee, by virtue of a significant social or financial relationship, is likely to gain benefits or losses, advantages or disadvantages.

**Indirect Interests:** Indirect interests are those interests in which the employee, by virtue of a significant social relationship or a financial relationship, may reasonably appear to gain benefits or losses, advantages or disadvantages, even though the employee may never have a direct interest.

## Personal Information:

As defined in s. 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, ("MFIPPA"), is recorded information about an identifiable individual, and includes,

- a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- c) any identifying number, symbol or other particular assigned to the individual;
- d) the address, telephone number, fingerprints or blood type of the individual;
- e) the personal opinions or views of the individual except if they relate to another individual;
- f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the individual; and
- h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

## APPLICATION

### 1. Disclosure of Confidential Information or Personal Information

Employees may not disclose or use confidential, privileged or personal information. Such information is only to be exchanged as necessary to perform one's duties and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, City policy or other legislative

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requirements. Where an employee is uncertain whether information may be disclosed, they are to seek guidance from their manager.

## **2. Receipt of Gifts and Hospitality**

### **Acceptance of Gifts and Benefits**

In order to preserve the image and integrity of the City, gifts and benefits are not to be accepted. This general prohibition on accepting gifts exists whether or not it was solicited or offered by an individual or business.

### **Exceptions**

The City recognizes that moderate hospitality is an accepted courtesy of a business relationship. Accordingly, incidental gifts, hospitality or other benefits associated with an individual's official duties and responsibilities may be accepted provided that such hospitality or other benefits:

- a) are appropriate, a common expression of courtesy or within the normal standards of hospitality and of nominal value (\$100 or less);
- b) do not put the recipients in a position where they may be or be seen by others to have been influenced in making a business decision as a result of accepting such benefits;
- c) the frequency and scale of benefits accepted should not be greater than the employee's manager would allow to be claimed on an expense account if it were charged to the City; and
- d) would not compromise the integrity of the City.

The City recognizes that from time to time gifts will be donated for special City sponsored events, charitable events or municipal functions. This practice may be reasonable, provided that the gifts are publicly acknowledged and approved by the General Manager, Deputy CAO and/or CAO, or their designate in advance of the receipt of the donated gift.

Where an employee is uncertain whether a gift is reasonable to accept, they are to seek guidance from their manager.

### **Hospitality**

The occasional hospitality for entertainment for business contacts may occur. Such practice may be acceptable provided it can be shown that the interests of the City will be advanced. Such activities must be moderate and reasonable, both in cost and nature, with City participants being fully aware of the business aims involved and provided that at all times the image and integrity of the City are protected.

In all cases department General Manager, Deputy CAO or CAO, or their designate must be notified in advance of participating in such business hospitality and/or business. Employees should ask themselves:

1. Would I be uncomfortable disclosing this gift/benefit/hospitality to my manager?
2. Is the gift/benefit/hospitality being offered to me in exchange for a favour or benefit?

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Where an employee is uncertain if the hospitality offered is acceptable, they are to seek guidance from their manager.

### **3. Professionalism**

Employees must be professional in their actions and appearance and courteous and objective in all of their interactions with clients in receipt of City services or programs, including community agencies, contractors, suppliers and the general public. City employees are ambassadors and are expected to reflect a professional image at all times.

As with external relations, employees must also be professional and courteous with their co-workers. They should be aware that improper behaviour in the workplace has a negative effect on others. Examples include: lack of common courtesy, gossip, unsolicited remarks, inappropriate pictures or jokes, profanity, excessive noise or perfume/cologne, or demonstrating lack of respect for others' opinions or personal belongings. Employees are expected to be reasonable and fair in their expectations of each other and resolve any conflict in a mature and professional manner. For further information, refer to the Harassment and Discrimination Policy.

### **4. Public Appearances**

Employees who are asked to speak publicly to an organization or professional association (as a result of their employment at the City of Guelph) is acceptable. When representing the City, no personal financial payment may be accepted in return for participation. A small gift may be accepted if it is considered reasonable under all of the circumstances. In cases where an employee is asked to speak as a representative of the City, it may also be permissible for the City to recover costs related to travel and/or accommodations.

Employees who are speaking at a conference or meeting who are not representing the City must not appear to represent the opinion or policy of the City. Employees must use vacation, lieu or unpaid time to attend. Employees must have the approval of their manager before accepting any offers where they will be representing the City. Managers are required to ensure that the GM, Deputy CAO and CAO are aware of the public appearance under the auspices of 'corporate reputation and public affairs'.

### **5. Additional Employment**

Employees may not engage in outside work or business activity which:

- uses unique knowledge or information related to their employment with the City resulting in a conflict of interest;
- may negatively influence or affect them in carrying out duties related to their employment with the City;
- takes place while on duty with the City;
- derives some form of personal benefit by virtue solely of their employment with the City;
- is performed in a way as to appear to be an official act of or to represent the City;
- interferes with the delivery of City duties;

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- involves the use of City resources; or
  - competes and poses a conflict of interest with services provided by the City

An employee who is or is considering becoming involved in additional employment where a perceived conflict exists, must notify their manager in writing, outlining the nature of such work. Written permission must be received prior to the acceptance of such employment. Documentation of the request and approval shall be kept in the employee's Human Resources file. The City reserves the right to withdraw approval at any time.

## **6. Political Activity**

Employees may exercise their civic right to run for public office, in accordance with legislative requirements. Where an employee wishes to run for a political office (i.e. Guelph City Council) they must first seek a leave of absence (in accordance with City policies and/or collective agreements) for the period between the day of nomination and ending on voting day, pursuant to the *Municipal Elections Act*. If the employee is elected, they must resign their employment with the City prior to assuming their new duties.

Employees are entitled to support or be involved in the political campaign of a municipal, Provincial or Federal candidate or party, provided they do so on personal time and do not present themselves as a representative of the City.

While conducting their duties on behalf of the City, employees must appear to be politically neutral. They are to avoid expressing their personal views on matters of public controversy, City policy or administration if the comment is likely to impair public confidence in the City.

Where an employee is uncertain whether their actions or comments are appropriate, they shall seek guidance from their manager.

## **7. Membership on Boards or Committees**

Employees shall not be involved with an agency, board or commission if such service might affect the objectivity with which they must discharge their duties. Employees who are appointed to an agency, board or commission in an advisory capacity as part of their employment shall not vote on any matter before the body, where the employee may personally benefit from participating. In the instance that a real or apparent conflict arises, the employee must declare this and refrain from participating in the issue.

## **8. Other Outside Activity**

Employees shall not engage in activities which:

- compromise or conflicts with the nature of their position in the organization;
- negatively affect the City's reputation; or
- use the City's resources for personal gain.

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## 9. Personal Interests

No employee in the course of his or her duties shall seek to advance a personal interest, directly or indirectly.

Examples of advancing a personal interest include but are not limited to:

- a) Influencing or attempting to influence the City to contract with a person, partnership or corporation for any purpose in which the employee has a personal interest, or for which the employee has received or reasonably anticipates receiving some profit, payment, or compensation.
- b) Soliciting or accepting from any person or corporation any profit, commissions or other payments or favours in the way of price or other advantages, such as loans or services, when:
  - i. the person or corporation has had, or may reasonably be expected to have, any business, commerce or trade dealings with the City; or
  - ii. the person or corporation is seeking any decision, act, advice, comment, endorsement or anything whatsoever from the City, its employees or City Council.

## 10. Financial Integrity

Employees who maintain the City's financial and accounting records shall do so with the utmost integrity, reflecting accurately and punctually all transactions, assets and liabilities of the City. All business records, expense accounts, invoices, vouchers, bills, payroll and employee records and other reports are to be prepared with care and honesty. False or misleading entries, other false or misleading information, or omissions of entries in the records or reports of the City, or any unrecorded bank accounts, are strictly prohibited.

No employee shall undertake any fraudulent activities. This includes misrepresenting information on documents, authorizing payment for goods and services not received, unauthorized use, destruction, or disappearance of City assets and information, and forgery or alteration of documents.

No employee shall establish or maintain secret or unrecorded cash funds or other assets of the City for any purpose or conceal any transaction from the City's internal or external auditors.

No employee shall use City funds for any personal use at any time.

## 11. Public Criticism of Employer

Employees are expected to support policies, programs and decisions of the City and not publicly criticize the City as an institution or employer, such that the public's perception is adversely affected. All employees have a general right to freely express opinions on matters of public policy; however this right is limited by an employee's employment relationship. Public criticism may include, but is not limited to: letters to the editor, interviews with the media, negative statements to the public and posts on social media sites.



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## **12. Purchasing**

As outlined in the City's Purchasing By-law – ((2014)-19771), "No goods and services shall be purchased by the City from any officer or employee of the City or any member of Council or from any business in which any officer or employee of the City or any member of Council is an officer of such business, without express approval by Council". Further, "the Manager (of purchasing or delegate) shall not make or authorize personal purchases for any member of Council or for any officer or employee of the City."

## **13. Conflict of Interest in Hiring**

The purpose is to ensure that employment related decisions, concerning existing or potential City employees, are free from any real or perceived improper influence based on family relationships and significant social relationships. At the same time, it is recognized that existing family member and significant social relationships with City employees should not unduly or unfairly restrict or enhance an individual's opportunity to pursue employment or changes in employment at the City.

No employee shall be in a direct or indirect reporting relationship or be placed in a position of influence over an employed family member or significant social relationship.

Employees who become involved in a spousal relationship, significant social relationship, or who become related over the course of their employment may continue as employees if no direct reporting or indirect reporting relationship exists between such employees, and if there is a direct reporting or indirect reporting relationship, a management plan will be developed to remedy the situation.

For further information, refer to the Conflict of Interest in Hiring Policy.

## **14. Intellectual Property**

The intellectual property rights in any work produced by an employee in the course of employment at the City are the exclusive property of the City, unless there is a written agreement stating otherwise between the City and the employee.

No employee shall sell, transfer, or in any way authorize the use of any intellectual property, including copyrighted property such as literary or artistic works, patented inventions or processes, technological innovations, computer programs, data bases, and trademarks, belonging to the City, without express authority from the City.

## **15. Software**

The City forbids software piracy, defined as using any unlicensed copy of a software package that has not been purchased for City purposes. It includes taking a copy of a licensed software package for one's own use or passing a copy on to another person for their use.

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For further information, refer to the IT Responsible Computing Policy and Mobile Device Use Policy.

## **16. Termination of Employment**

Upon termination of employment, an employee shall promptly deliver to the City any and all property, technology, data, manuals, notes, records, plans, or other documents, including any such documents stored on any video or software related medium, held by the employee concerning the City's services and programs, know-how, developments, and equipment. This includes property made or prepared by the employee and relating in any way to the affairs of the City. With written permission, employees may retain samples of their work if such work is in the public domain.

## **REPORTING AND COMPLIANCE**

Employees aware of non-compliance with the terms of this policy must report their concern to their Manager. The immediate manager will contact Human Resources (Organizational Development). An inquiry and collection of facts will occur to determine appropriate next steps, which may include a formal investigation. Employees may also contact Human Resources directly; particularly should the focus of the concern be the employee's manager.

Any suspected fraud or misappropriation must be reported directly to the Internal Auditor. It is the responsibility of the Internal Auditor to investigate and inform the CAO, HR and other appropriate Deputy CAO.

Where a formal investigation is initiated, the Senior Organizational Development Specialist will notify the applicable General Manager and Deputy CAO, and the General Manager of Human Resources. Where a formal investigation involves a unionized employee, Human Resources will notify the Bargaining Unit Union President. All formal investigations are deemed to be confidential.

Any violation of this policy may result in disciplinary action, up to and including termination of employment.

Employees bringing forward legitimate concerns shall be protected by the City from retaliation or threats, to that effect, from anyone involved in the investigation and outcomes of the concern.

Employees who bring forward concerns, which are determined to be malicious or follow a repeated pattern of being trivial or frivolous, will be subject to disciplinary proceedings, up to and including termination of employment.

## **INFORMATION AND TRAINING**

The City of Guelph will ensure all employees have been informed of this policy and make it readily available for reference.

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## **DUTIES AND RESPONSIBILITIES**

### **Chief Administrative Officer (CAO)**

- Overall administration and accountability of the policy to ensure implementation and compliance
- Provide guidance to Deputy CAO in dealing with confirmed violations of this policy
- Participate in their own development of knowledge and skills related to code of conduct knowledge and demonstration of behaviours consistent with this policy

### **Human Resources Department:**

- Distribute a copy of the policy to all new employees
- Assist managers with interpretation and application of the policy
- File the Employee Disclosure of Interest forms and/or the Declaration of Outside Employment Form in the employee's Human Resource file
- Ensure investigation of all complaints (Organizational Development Division) – other than suspected fraud and/or misappropriation

### **Deputy CAO's**

- Administer the policy and ensure compliance within their service area
- Issue instructions necessary for implementation of the policy
- Provide guidance in interpreting the policy
- Investigate fully any incident of suspected wrongdoing other than fraud or misappropriation
- Deal firmly and fairly with any confirmed violations of the policy – must consult with Human Resources prior to taking any action
- Inform the Chief Administrative Officer and the General Manager, Human Resources, if any violations of the policy occur
- Participate in their own development of knowledge and skills related to code of conduct knowledge and demonstration of behaviours consistent with this policy

### **Internal Auditor**

- The Internal Auditor is responsible to conduct all Confidential or Special Investigations for any suspected fraud, theft or other form of misappropriation. These audits may result from requests from Audit Committee, Council, CAO, Managers or information received from employees, vendors or citizens. Other types of investigations may include reports of inappropriate conduct or other activities by a City employee.
- Inform CAO immediately of any suspected fraud, theft or misappropriation and recommend course of action for investigation

### **General Managers/Managers/Supervisors**

- Request a signature of new employees, verifying that they have seen, read and understand their responsibility under the policy

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- Ensure that all employees have received a copy of the policy and are provided with any updates
  - Ensure that employees are informed of and comply with the requirements of the policy
  - Highlight any areas that have particular relevance, given the nature of the employee's work
  - Determine whether a contravention of the policy has occurred and what actions, if any, are to be taken
  - Review content of the policy with employees on a regular basis (minimum requirement is annually)
  - Consult with General Manager or Deputy CAO if interpretation of this policy is required
  - Report any violations of this policy to their General Manager and Human Resources
  - Establish and maintain reasonable systems, procedures and controls to prevent and detect fraud, theft, breach of trust, conflict of interest, bias and any other form of wrong doing
  - Participate in their own development of knowledge and skills related to code of conduct knowledge and demonstration of behaviours consistent with this policy

### **City Employees**

- Subscribe in writing, (as part of their offer of employment) prior to, or on their first day of employment, that he or she has read and agrees to abide by the Policy
- Annually review the policy
- Adhere to the standards of behaviour outlined in this policy
- Seek clarification if unsure about any information included in the policy
- Disclose breaches of the policy to his or her immediate Manager, General Manager or designate, in writing
- Avoid situations which may present conflicts of interest while dealing with persons or organizations doing business or seeking to do business with the City
- Disclose the names of relatives where a direct or indirect reporting relationship may be created through the recruitment. For further information, refer to the Conflict of Interest in Hiring Policy.
- Participate in their own development of knowledge and skills related to code of conduct knowledge and demonstration of behaviours consistent with this policy

### **LEGISLATION**

Municipal Freedom of Information and Protection of Privacy Act

Municipal Elections Act

Personal Health Information Protection Act