

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2019-109

BEING a by-law to adopt an Employee Code of Conduct Policy.

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WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;


AND WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS Council of the Corporation of the Township of South Stormont deems it necessary to adopt an Employee Code of Conduct Policy.

NOW THEREFORE the Council of the Corporation of the Township of South Stormont hereby enacts as follows:

1. That the Employee Code of Conduct Policy, attached hereto as Schedule "A" and forming part of this By-law be adopted.
2. That this by-law shall come into effect and force on December 11, 2019 at which time all other by-laws inconsistent with this by-law are hereby repealed.

READ AND PASSED in open Council, signed and sealed this 11<sup>th</sup> day of December, 2019.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

## **THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT EMPLOYEE CODE OF CONDUCT**

### **PURPOSE**

The purpose of this Code of Conduct is to establish the Corporation of the Township of South Stormont's ("**the Township**") commitment to the principles of **accountability** and **respect**. These principles should guide all that we do as representatives of the Township.

**ACCOUNTABILITY:** As Township employees, we are accountable to the Corporation, Township Council and the residents of South Stormont and are responsible for the assets and public funds entrusted to us. Accountability requires transparency, impartiality, and a readiness to give an explanation or justification to stakeholders for our actions, intentions, or judgments.

**RESPECT:** As Township employees, we recognize our position as guardians of public funds and as representatives of the Township. We demonstrate respect for these responsibilities by always acting with integrity and in the Township's best interest. We value an open and inclusive workplace and community where Township employees, members of Council, and members of the public are treated with dignity and respect.

### **POLICY STATEMENT**

As Township employees, we have a responsibility to be accountable for the provision of services using public funding. We provide services respectfully and ensure our actions as representatives of the Township are highly ethical and considerate of those we serve.

This Code of Conduct is not intended to be a complete guide to all ethical questions or dilemmas that we, as Township employee, may face. Just because an unethical or questionable action is not specifically addressed in this Code does not mean that such conduct is permitted. Rather, as Township employees, we should be guided by the principles of accountability and respect in all that we do.

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## **SCOPE**

This Code applies to all Township employees, excepting Fire Department as the Fire Department has its own Code of Conduct, regardless of employment status, including unionized employees. Should this policy conflict with the provisions of the collective agreement, the collective agreement shall prevail.

## **DEFINITIONS**

**Conflict of Interest** involves any circumstance in which:

- a Township employee or a member of his or her family has a direct or indirect pecuniary interest in a Township decision or proposed decision (including any contracts signed by the Township or by-laws enacted by the Township); and
- the Township employee could possibly influence the decision made by the Township.

**Family:** includes parent, step-parent, spouse, common-law spouse (and children thereof), child, step-child, grandparent, step-grandparent, grandchild, step-grandchild, sibling, step-sibling, parents-in-law, step-parents-in-law, siblings-in-law, son or daughter-in-law, aunt, uncle, niece, nephew, or foster child, and may in some circumstances also include close personal friends.

## **STANDARDS OF CONDUCT**

### **❖ PERSONAL CONDUCT**

**ACCOUNTABILITY:** As Township employees, we are ambassadors for the Township and are accountable to the Corporation and the residents of South Stormont for our personal conduct. As Township employees, we must recognize that our conduct can strengthen or erode public confidence in the Township as a whole.

**RESPECT:** As Township employees, we are expected to perform our duties in a manner that is helpful, respectful, courteous and that respects the dignity and diversity of colleagues and residents. We recognize that we are

representatives of the Township inside the workplace and outside whenever we can be identified as a Township employee. This Code continues to apply outside the workplace whenever a Township employee can be identified as such.

#### ❖ **TOWNSHIP TIME AND ASSETS**

**ACCOUNTABILITY:** Township employees are entrusted with public funds and are accountable to the Corporation and the residents for using these public funds responsibly in the provision of a wide range of public services.

**RESPECT:** Township employees demonstrate their respect for their responsibility by using their paid working time and Township assets exclusively for the performance of Township duties. Township assets including vehicles, equipment, supplies, services, email, internet services, or other electronic communication devices must not be used for personal purposes where such use could impose an added cost or liability to the Township.

#### ❖ **CONFLICTS OF INTEREST**

**ACCOUNTABILITY:** As public servants, we are accountable for the decisions we make and the influences on our decisions. We demonstrate our accountability through transparency and impartiality. In practice, this means:

- **All Decisions:** We make decisions without consideration of our personal interests or the interest of family or friends and immediately disclose to our manager in writing any circumstance giving rise to a real, apparent, or potential conflict of interest.
- **Anti-Nepotism:** We ensure Township business and employment matters are conducted without nepotism and recognize that the Township does not permit family members to be supervised by or subordinate to one another or otherwise put in a position where job responsibilities are incompatible with those of a family member.
- **Outside Work/Activities:** We do not engage in any outside work, business activity, or other undertaking that interferes with the performance of Township duties or from which we derive some form of

benefit by virtue our employment with the Township. We will immediately disclose to our supervisor any outside activity that may present a real, apparent, or potential conflict of interest.

- **Gifts/Benefits:** We make decisions based on impartial and objective assessments of each situation, free from influence of any gifts, favours, or benefits that may be offered. We do not solicit, accept, offer, or agree to accept any gift or benefit, including a gift or benefit to a family member, friend, or business associate, that is connected directly or indirectly with the performance of our duties or could reasonably be construed as being given in anticipation of future, or recognition of past, "special consideration". Token gifts of nominal value offered as incidents of protocol, social obligation, or courtesy and that are within the normal standards of hospitality are excluded.
- **Political Activity:** We are politically neutral in all official Township duties. While we are entitled to exercise our right to support or be involved in the political campaign of a municipal, provincial, or federal candidate or party, we do so on personal time and do not hold ourselves out as representatives of the Township.

**RESPECT:** We respect the trust and confidence instilled upon us as Township employees and understand that avoiding conflicts of interest is fundamental to maintaining public trust. We also recognize and respect that public trust can be eroded when there is an apparent or potential (but not actual) conflict of interest and will respond appropriately to avoid even the appearance of a conflict of interest.

#### ❖ **MEDIA RELATIONS AND PUBLIC COMMENTARY**

**ACCOUNTABILITY:** We are accountable to the public for carrying out the will and decisions of Township Council in a manner that is impartial and perceived to be impartial. Accordingly, we:

- refrain from speaking on behalf of the Township to the media or otherwise unless we have been authorized to do so;
- exercise restraint and good judgment in any criticism of the Township;

- address any concerns or complaints about Township services, processes, policy, or with management decisions with the appropriate supervisor or Director, not directly to Council;
- take all reasonable precautions to ensure we are not perceived to be representing the Township when publicly commenting on non-municipal matters;
- refrain from making any inappropriate social media posts that could harm the reputation of the Township or breach the confidentiality of any Township residents or employees.

**RESPECT:** We recognize that the Township Council is the elected voice of the residents of South Stormont and respect the decisions of Council. While we have the same rights as other taxpayers to access municipal services, we recognize that public comments or complaints from Township employees may impair the public's confidence in the Township and in the objective and efficient performance of our duties.

#### ❖ **CONFIDENTIALITY**

**ACCOUNTABILITY:** As Township employees, we are given access to personal and private information about residents and Township processes, services, and decisions. We are accountable for the collection, retention, use, and disclosure of this information in compliance with the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA"). We are also accountable for creating and maintaining records in accordance with Township policy.

**RESPECT:** We respect the public trust instilled in us, as Township employees, and accordingly will handle sensitive and confidential information in accordance with *MFIPPA* and ensure records are created and maintained in order to explain and justify Township decisions.

#### **REPORTING**

##### **Self-Reporting**

Whenever a Township employee considers that he/she/they could be or was

involved in a conflict of interest, whether real, apparent, or potential, or in any matter that may result or has resulted in a breach of this Code of Conduct, the employee shall immediately disclose the situation to his/her/their immediate supervisor or Director in writing.

Upon a self-report being made, the employee's supervisor, in consultation with the Director, will assess the situation and determine whether a conflict of interest or other breach exists and implement appropriate measures to prevent or eliminate the conflict or address the breach.

Where the circumstances require further investigation or suggest that the employee breached the Code of Conduct knowingly or deliberately, the matter shall be referred to the CAO who will determine the appropriate investigation process and response (including possible disciplinary response).

### **Third-Party Reporting**

Whenever an employee witnesses or suspects that a co-worker is in a conflict of interest or otherwise in breach of this Code of Conduct, he/she/they is obliged to report the issue to his/her/their immediate supervisor. In cases where the immediate supervisor is the person alleged to have conducted the inappropriate behaviour, the employee will report the issue to a Director or the CAO. In a case involving the CAO, the matter shall be reported to the Mayor or a member of Council.

Any Township employee in receipt of a third-party report shall refer the matter to the Department Director of the employee in question or the CAO (or Mayor).

### **No Reprisal**

Employees shall be protected from any form of reprisal for reporting improper behaviour; however, false and malicious complaints may be grounds for discipline up to and including termination for cause.

### **INVESTIGATION**

Upon receipt of a third-party report that this Code of Conduct has been contravened, the CAO (or Mayor) in consultation with the Director of the employee at issue's department shall determine the form of investigation to

be conducted. Depending on the nature and severity of the alleged breach of conduct, the Township may decide to undertake a formal investigation using either internal or external resources.

During the investigation, the employee concerned may be removed from the workplace on a leave of absence with pay. However, the employee will have the opportunity to respond to the alleged breach of conduct as part of the investigation.

### **DISCIPLINE**

Any contravention of this Code is grounds for discipline up to and including termination for cause in accordance with the Township's Human Resources Policy.

### **SEVERABILITY**

The provisions of this Code are severable and if any provision, section or word is held invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.