

Employee Code of Conduct Policy		Policy No. 6.1	
<u>Date of Policy:</u>	March 12, 2018	<u>Revision:</u>	September 14, 2020 February 22, 2021
<u>Motion Number:</u>	2018-160 2020-403 2021-091		

POLICY STATEMENT

Town of Nipawin employees hold a special position of trust, employed at public expense for the benefit of the Town. Accordingly, Town employees are expected to conduct themselves with honesty, integrity, diligence, and political neutrality. By striving to make Nipawin even better, Town employees have an obligation to maintain and promote public confidence in local government, however, should not be subject to unnecessary restrictions simply due to working in the public sector.

PURPOSE

The Employee Code of Conduct and related policies identifies the Town of Nipawin’s expectations of employees and establishes guidelines for appropriate conduct of employees.

SCOPE

This Policy applies to all employees while at a Town workplace or while conducting town business (whether at a town workplace or elsewhere). Town employees include, but not limited to, permanent, temporary, term, seasonal and contract employees, and to volunteers, trainees, and students.

CHANGES/AMENDMENTS TO THE EMPLOYEE CODE OF CONDUCT

The Town's Employee Code of Conduct is a dynamic document meant to reflect changing needs, realities, and responsibilities. Therefore, as the Town evolves and new issues arise, the Employee Code of Conduct will be periodically reviewed and modified to reflect the current environment. The review process will be conducted at least once a year.

DEFINITIONS

Breach of Trust means any act or omission by an employee (in connection with the duties of their office) that benefits the employee personally either directly or indirectly. This includes breach of trust as defined in the Criminal Code.

Confidential Information means any information that is of a personal nature to Town employees or clients or information that is not available to the public and that, if disclosed, could result in loss or damage to the Town or could give the person to whom it is disclosed an advantage.

Confidential information includes, but is not limited to the following information:

- Disclosed or discussed during the Committee of the Whole at a Council meeting or Standing Committee meeting.
- Circulated to Members of Council and marked "confidential"; or
- Given verbally in confidence in preparation of or following a meeting that is closed to the public and includes, but is not limited to the following types of information:
 - Personnel matters;
 - Information about suppliers provided for evaluation which might be useful to other suppliers;
 - Matters relating to the legal affairs of the Town;
 - Sources of complaints where the identity of the complainant is given in confidence;
 - Items under negotiation;
 - Schedules of prices in contract tenders; and
 - "Personal information" as defined in *The Local Authority Freedom of Information and Protection of Privacy Act*
- 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;
- Information regarding the acquisition or disposal of land.

Conflict of Interest

arises when the employee's personal or pecuniary interests' conflicts with the employee's duties and responsibilities to the Town of Nipawin.

Fraud

involves any intentional or deliberate act to deprive any person or the public of property, money or valuable security by deception or other unfair means. This includes fraud as defined in the Criminal Code.

Gifts, Hospitality, Benefits & Perquisites Pecuniary interests

are items, invitations, articles, services, offers, entrance fees or vouchers of more than a nominal value.
 are interests that have a direct or indirect financial impact. These include:

- any matter in which the employee has a financial interest;

- any matter in which the employee is a shareholder, director, or senior officer of or holds a controlling interest in a corporation that does or does not offer its securities to the public, and such corporation has a financial interest;
- any matter in which the employee is a partner of a person or is in the employment of a person that has a financial interest; and
- any matter in which a parent, significant other or child of an employee has a financial interest, if known to the employee.

Personal interests involve forms of advantage other than financial such as seeking an appointment, promotion, or transfer within the Town on behalf of a family member.

Public Comment Disclosures made in public speech, lecture, radio, or television broadcast in the press or book form, or on the internet.

Theft is the act of fraudulently taking or converting to one's use, or the use of another person, anything, with the intent to deprive the true owner of it, or a person who has a special property or interest in it. This includes theft as defined in the Criminal Code.

Town property includes, but is not limited to all real property, municipal vehicles, equipment, material, supplies, intellectual property, and documents.

RESPONSIBILITIES OF EMPLOYEES

The Town of Nipawin requires that employees be honest, impartial, and accountable in all business conducted on behalf of the Town.

1. Disclosure

Each employee is required to make prompt and full disclosure in writing to the employee's direct Supervisor or the Finance & Human Resources Officer of any actual or potential breach of this Policy of which the employee is aware.

An actual or potential breach may arise without any intentional wrongdoing or improper conduct on the part of the employee. In those circumstances, employees will not be disciplined or treated adversely for making prompt and full disclosure. If in doubt, the employee shall seek direction regarding any breach or possible breach of this Policy by taking the following action:

- Disclose to the direct Supervisor or the CAO the circumstances in question;
- Abide by the advice given in response to the disclosure.

2. Employee Behaviour (Professionalism)

Employees must be professional, courteous, and objective in all dealings with clients and the general public. It is every employee's responsibility to ensure that all information communicated is as accurate as possible. No employee shall withhold information or willfully mislead members of Council, other employees, clients, or the public about any issue of Town concern.

Employees must also be professional, courteous, and respectful of coworkers and members of Council. Employees are expected to be reasonable and fair in expectations of each other, and to resolve any differences in a mature and professional manner. Employees shall not publicly criticize individual members of Council in a way that casts aspersions on the Council member's competence or credibility, or that of the Town of Nipawin.

3. Abiding by the Law

Employees shall conduct themselves in a conscientious and diligent manner that is consistent with all applicable federal and provincial legislation, municipal by-laws, Town policies and procedures, and departmental policies and procedures. The operations of the Town of Nipawin are subject to many complex and changing provincial and federal laws. Employees are therefore responsible for maintaining up-to-date knowledge of the legislation within the employee's area of responsibility. Employees are also responsible for maintaining required licenses and/or professional designations that are deemed essential for the employee's assigned job duties.

The Town's policies and procedures do not take precedence over legal obligations. Appropriate recommendations for change are to be brought forward where a practice is in clear conflict with an overriding legal obligation.

If uncertain about the application or interpretation of a law, regulation, policy, or procedure, employees should consult the direct Supervisor for advice and direction, and in the case of doubt, employees and/or Supervisors and/or Directors should consult the Town's Chief Administrative Officer for advice and direction.

4. Related Obligations (Professional Associations)

Nothing in this Policy is intended to conflict with the Town's obligations to its employees under the collective agreement or employment contracts. In the event of any discrepancy, the higher standard of conduct shall apply.

As part of professional affiliations, many employees, including but not limited to accountants and engineers, may be subject to professional rules of conduct in addition to the provisions of this Policy.

SECURITY OF TOWN INFORMATION AND CONFIDENTIALITY

Town records and information are available to employees on a "need to know" basis and confidentiality of the information must be maintained in accordance with *The Local Authority Freedom of Information and Protection of Privacy Act*.

All commercial, financial, or technical information belonging to the Town supplied by a third party, or information that has a monetary value to the Town shall only be released where to do so would be in the best interest of the Town and only released in compliance with relevant legislation, by-laws and policies.

1. Confidential Information

Employees must protect the following examples of confidential information from illegal, unauthorized, or inadvertent use and disclosure:

- Client records;
- Information contained in business strategies and plans;
- Pending proposals or contracts;
- Estimates prior to tender openings;
- Research results;
- Financial data and projections;
- Proposed acquisitions and divestitures;
- Computer programs and software;
- Professional expertise or inventions.

Employees shall only use confidential information for the performance of assigned job duties and not for personal or pecuniary interest or gain;

Employees must ensure compliance with the *Local Authority Freedom of Information and Protection of Privacy Act* with regard to requests for access to information and privacy matters;

Employees shall keep all confidential information in strict confidence even after termination of employment with the Town, except where disclosure is made with the prior written permission of the Town, or the in the case of reporting of wrongdoing.

If an employee is in doubt as to whether certain information is confidential, no disclosure should be made without consultation with a direct Supervisor. This basic policy of caution and discretion in handling confidential information extends to both disclosure of information within the Town and externally.

CONFLICT OF INTEREST

A conflict of interest arises when an employee's personal or pecuniary interests' conflict with the employee's duties and responsibilities to the Town of Nipawin.

Potential conflicts include but are not limited to the following:

- Making a personal bid on the sale of Town property or Town property disposed of at public auction;
- Placing oneself in a position of being under an obligation to any person who might benefit from special consideration or favor on the employee's part;
- Promoting, making a decision, or dealing in any way with an application to the Town of Nipawin for a loan, grant, award, or other benefit involving the employee or a parent, significant other, or child.
- Using an employment position to give any person or organization special treatment that would advance the employee's own pecuniary or personal interests or that of any employee's relatives;
- Engaging in any financial, business transactions or other activities, which are inconsistent with the employee's independence of judgment or with the impartial discharge of official duties;
- Using confidential information acquired in an official capacity that is not generally available to the public through ordinary and proper channels for the purpose of personal benefit;
- Participating in any decision, promotion, or recommendations to a direct Supervisor in which the employee has any pecuniary interest.

1. Outside Employment/Activities

An employee may engage in remunerative employment with another employer, carry on a business, receive remuneration from public funds for activities outside the employee's position, or engage in volunteer activities, provided it does not:

- Interfere with the performance of duties as a Town employee;
- Bring the Town into disrepute;
- Represent a conflict of interest or create the reasonable perception of a conflict of interest;
- Appear to be an official act or to represent Town opinion or Policy;
- Involve the unauthorized use of work time or Town premises, services, equipment, or supplies to which the employee has access by virtue of employment with the Town; or
- Gain advantage, or confer a benefit, on anyone that is derived from employment with the Town.

2. Public Appearances

An employee shall not accept any fee for taking part in a public engagement to which the employee was invited as a direct result of being employed by the Town or knowledge derived from employment with the Town. An employee engaged in outside activities or employment must not appear to represent the opinion or Policy of the Town.

Only the Mayor or Chief Administrative Officer are authorized to make statements to

the media or participate in media interviews on behalf of the Town of Nipawin. Council or the Chief Administrative Officer may authorize others to respond directly to media requests for information relating to activities, projects, events, and initiatives as deemed appropriate.

3. Working Relationships

Employees who are direct relatives, reside together, or who have a close personal relationship with one another should not be employed in situations where:

- a reporting relationship exists where one employee has influence over the other employee's performance evaluation, salary, premiums, special permissions, conditions of work, and similar matters; or
- the working relationship affords an opportunity for collusion between the two employees that could have a detrimental effect on the Town's or the public's interest.

Employees have an obligation to immediately disclose to the Department Director or CAO the nature of any relationship with another employee who is a direct relative or whom the employee resides with, or has a close personal relationship with. The Department Director and the CAO will determine what safeguards shall be put in place to ensure that the interests of the Town or the public are not, or are not perceived to be, compromised.

4. Employee Responsibilities

If a potential conflict exists because of an employee's personal or pecuniary interests or similar circumstances, the employee must:

- disclose the situation in accordance with this Policy;
- take direction from the employee's direct Supervisor, Department Director, or Chief Administrative Officer regarding appropriate alternate arrangements to handle the matter;
- abide by the advice given in response to the disclosure; and
- avoid situations which may present a conflict of interest while dealing with persons or organizations doing business with or seeking to do business with the Town.

5. Responsibility of Directors and the Chief Administrative Officer

- document any actual or potential conflict of interest situations;
- maintain confidential files regarding any actual or potential conflict of interest situations;
- review on an annual basis all disclosures of actual or potential conflict of interest situations with the CAO if a Director and with the Mayor if the CAO; and
- comply with all other requirements of this Employee Code of Conduct Policy.

GIFTS, HOSPITALITY, BENEFITS & PERQUISITES

1. Receipt of gifts by an employee

Employees shall not seek or accept any gift, service, commission, reward, advantage, favor, benefit, or privilege that could be viewed as given in anticipation of or in recognition of special consideration, or that may influence or be perceived to influence the employee in the course of employment with the Town.

Exceptions to this Policy include:

- Occasional gifts of a nominal or promotional value, such as, but not limited to, baseball caps, T-shirts, mugs, pens, and calendars.

Gifts of more than a nominal or promotional value shall be returned to the sender with an acknowledgement of the return and reference to this Policy.

Gifts of real property, cash, the equivalent of cash such as negotiable securities, the use of vacation property, boats or vehicles, or airline tickets shall not be accepted.

If an employee has a question as to whether a gift may be accepted in compliance with this Policy, the employee should consult with a direct Supervisor, who in turn may consult with the Department Director or Chief Administrative Officer as applicable for clarification on this Policy. The Chief Administrative Officer may consult with the Mayor.

2. Receipt of gifts by a department

A gift received by more than one employee shall be reported to the Director of the Department, and if the gift is consistent with accepted business practice, the gift may be accepted. For example, a box of chocolates, gift basket or bouquet of flowers from a company that transacts business with the Town may be accepted on behalf of the department.

3. Gifts Given

Gifts may be given to others at the Town's expense only if the Director of the Department or the CAO has approved the gift in advance, is consistent with accepted business practice, and is not given nor could it be perceived to be given to influence any relationship.

If an employee is in doubt about any of the above, or if the situation is not covered here, the employee should ask a direct Supervisor for assistance in the interpretation of this Policy.

4. Acceptance of Invitations

- i) Cultural, Social, Charitable, Political, Recreational or Sporting Events on behalf of the Town:
 - Generally, employees of the Town should not attend cultural, social, charitable,

political, recreational, or sporting events at someone else's expense. Exceptions to this Policy may be made, if in the opinion of the Department Director or Chief Administrative Officer it would be beneficial for corporate purposes;

- If, in the context of employment, an employee receives an invitation to attend, in the company of a person extending the invitation, a cultural, social, charitable, political, recreational, or sporting event at someone else's expense, the employee should consult with a direct Supervisor, who in turn will decide, in consultation with the Department Director or Chief Administrative Officer as applicable, whether or not attendance would be beneficial for Town purposes; For example, it may be appropriate to send representatives from the Town to a charitable event or an event sponsored by another municipality.
- If, in the context of employment with the Town, an employee receives an invitation to attend, at someone else's expense, cultural, social, charitable, political, recreational, or sporting event where the person extending the invitation will not accompany the employee, or it is clear that business will not be carried out, the invitation should be refused with reference to this Policy;
- The Town will consider reimbursing the employee for the cost of a ticket or entry fee for attendance at a cultural, social, charitable, recreational, or sporting event where the Director or Chief Administrative Officer determine that attendance would be beneficial for Town purposes.

ii) Travel and Accommodation:

- Employees shall not accept travel and/or accommodation costs, or payment related to travel or accommodation, from any person or organization, unless the Department Director or the Chief Administrative Officer decides that the interests of the Town are best served through the acceptance of the travel and/or accommodation.

iii) Meals or Hospitality:

- Generally, employees shall not accept complimentary meals, food, or beverages from any person or business organization unless a direct Supervisor decides that the interests of the Town are best served through the acceptance of the meal, food, or beverages. Town business should normally be carried out in a business environment, such as in the Town Office or other Town facility.;
- In certain circumstances, it may be appropriate for an employee, in the course of carrying out normal business activities, to accept a meal from time to time where a meeting overlaps with a mealtime, such as a working breakfast or lunch. If an employee has a question as to whether this provision would apply, the employee should consult with a direct Supervisor, who in turn may consult with the Chief Administrative Officer for clarification on this Policy.

5. Entertainment or Hospitality offered by the Town

Entertainment or hospitality may be offered at the expense of the Town if approved by Department Director(s) or CAO based on a determination that it would be beneficial for Town purposes and/or would further the interests of the Town. The Chief Administrative Officer may consult with the Mayor.

6. Responsibility of Employees

- Disclose all gifts, invitations of hospitality, benefits and/or perquisites received in accordance with this Policy;
- Consult with Department Director(s) or the CAO as applicable regarding whether acceptance of the gift, invitation of hospitality, benefits and/or perquisites will contravene this Policy;
- Take direction from a direct Supervisor, Director, and/or CAO as applicable regarding acceptance or return of a gift, invitation of hospitality, benefit and/or perquisite; and
- Comply with all other requirements of this Policy.

7. Responsibility of Department Directors and the Chief Administrative Officer

- Keep a record of all gifts, invitations of hospitality, benefits and/or perquisites offered to or received by staff within the Director's Department;
- Provide advice and direction on the applicability of this Policy to the circumstances;
- Provide advice and direction on the appropriateness of acceptance of any gift, invitation of hospitality, benefit and/or perquisite offered to or received by staff within the Director's Department; and
- Comply with all other requirements of this Policy.

FRAUD, THEFT, AND BREACH OF TRUST

Each employee who has care or custody of Town property must ensure that it is properly secured and that controls are in place and being used and not being circumvented. Town employees are also responsible for safeguarding personal property.

All employees of the Town are responsible for immediately reporting suspected fraud, theft, or breach of trust to a Supervisor, Director or Chief Administrative Officer.

In addition to contravening Town Policy, acts of fraud and breach of trust may constitute a criminal offence as set out in the *Criminal Code*. Examples of fraud, theft and breach of trust include, but are not limited to, the following:

- I. Inappropriately obtaining a benefit or avoiding an obligation by actions such as:
 - illegally obtaining money, including acceptance of bribes;
 - receiving early payments or advances;
 - using equipment for private purposes;

- avoiding fees or taxes;
- obtaining approvals under false pretenses;
- avoiding contractual obligations;
- using a public position for private gains, either directly or indirectly; or
- theft from mail.

II. Using deceit to gain a benefit or advantage by actions such as:

- providing false or incomplete information;
- falsifying records;
- avoiding proper procedures; or
- non-compliance with statutory requirements.

All suspected fraud or breach of trust will be investigated fully by the Town as set out in this Policy. The Chief Administrative Officer, in consultation with the Director of the Department and Finance & Human Resources Officer, will oversee all investigations. Employees shall not discuss cases of suspected fraud outside of the investigation. Employees suspected of fraud or breach of trust will only be informed when this action is authorized by the investigator or the police. If an employee interview is required, the applicable Director, the Finance & Human Resources Officer, and if necessary, the CAO must be present. If requested by an in-scope employee, as applicable to the collective agreement, a union representative may be present during investigations.

Retaliation against informants, whistleblowers or witnesses involved in investigations of wrongdoing is forbidden. Retaliation will be grounds for disciplinary action up to and including dismissal. Confirmed act(s) of fraud or breach of trust will result in disciplinary action up to and including termination of employment and may result in criminal charges.

1) Responsibilities of the Finance & Human Resources Officer

- Assist the CAO with all investigations, as assigned, to determine if fraud, theft, or breach of trust has occurred or is likely to occur;
- To consult with Department Director(s), Chief Financial Officer, and Chief Administrative Office; and
- To ensure that employee interviews under this Part are conducted as follows:

Employee Interview

The Employee shall be cautioned as follows:

"You have been asked to attend for an interview because it is alleged that you _____

This matter may result in criminal charges being laid against you. You are not obliged to say anything unless you wish to do so, but whatever you do say may be used in evidence. You have

the right to retain and instruct a lawyer without delay. Do you understand this caution?"

"Do you wish to proceed with this interview, or do you wish an adjournment to retain and instruct a lawyer?"

If the employee requests an adjournment, it must be granted. An early date will be set for another meeting.

If the employee agrees to the interview, the Finance & Human Resources Officer or designate must ensure that accurate notes are made of the interview, and that a signed statement of the employee's version of the events in question is obtained, if possible.

2) Responsibilities of the Chief Administrative Officer

The Chief Administrative Officer or designate is authorized to take the following actions, if it appears that theft, fraud, or breach of trust has occurred or is planned:

- Police must be notified if the amount involved exceeds \$1,000.00 (CDN);
- Police may be notified if the amount involved does not exceed \$1,000.00 (CDN);
- Employee under investigation may be suspended with or without pay;
- Employee found to have committed or planned fraud, theft or breach of trust may be dismissed or otherwise disciplined in accordance with the Progressive Discipline Policy No. 6.20 (in progress).

3) Responsibilities of Department Director(s)

- Ensure that adequate safekeeping arrangements are in place for all Town property within department's control or use;
- Ensure that any employee in charge of handling any Town property is fully aware of and in compliance with safekeeping procedures;
- Report any inadequacies or problems in complying with existing safekeeping procedures immediately to the Chief Administrative Officer;
- Report any allegations of fraud or theft immediately to the Finance & Human Resources Officer, the Chief Administrative Officer, and any affected Director(s); and
- Comply with all other requirements of this Policy.

4) Employee Responsibilities

- Use Town property only to the extent necessary to carry out assigned duties;
- Report any inadequacies or problems with complying with existing safekeeping procedures to the applicable Director or the CAO;
- Ensure Town property in the employee's control is not taken or converted for personal gain;
- Report any instances or suspicions of fraud, theft, or breach of trust to the applicable Director or CAO immediately;
- Assume full responsibility for the employee's personal property brought onto Town

- property; and
- Comply with all other requirements of this Policy.

SUPERVISOR(S) RESPONSIBILITIES

In addition to those responsibilities set out elsewhere in this Policy, Supervisors have the following general responsibilities:

- Educate employees and encourage compliance with all aspects of this Policy;
- Demonstrate behaviours that are consistent with this Policy;
- Support/ provide guidance to staff members;
- Provide advice on matters related to this Policy;
- Make every effort to establish and maintain adequate systems, procedures, and controls to prevent and detect fraud, theft, breach of trust, conflict of interest and any other form of wrongdoing;
- Comply with all other requirements of this Policy.

DIRECTOR(S) AND CAO RESPONSIBILITIES

In addition to those responsibilities set out elsewhere in this Policy, the CAO and Directors have the following general responsibilities:

- Educate employees and encourage compliance with all aspects of this Policy;
- Demonstrate behaviours that are consistent with this Policy;
- Support and provide guidance to employees;
- Provide advice on matters related to this Policy;
- Receive written disclosure of any actual or potential breach of this Policy;
- Directors to seek the advice of the CAO prior to acting on a suspected incident of wrongdoing;
- CAO to seek the advice of the Town solicitor, if necessary, prior to acting on a suspected incident of wrongdoing;
- Investigate any suspected breaches of this Policy and consider the circumstances under which the breach may have occurred;
- Maintain confidentiality while conducting an investigation of a suspected breach;
- Determine whether a breach has occurred;
- Determine the appropriate disciplinary action for the breach;
- Comply with all other requirements of this Policy.

COMPLIANCE WITH CODE OF CONDUCT

Every employee is expected to be aware of, and act in compliance with this Policy and its related policies. Any employee who contravenes these requirements, including the disclosure requirement, may be subject to appropriate disciplinary action up to and including dismissal. Any employee under investigation may be suspended with or without pay or may be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the Town.

Consequences for Breach of Code of Conduct

Where it is determined that an employee is in contravention of this Policy, disciplinary action may be taken in accordance with the Progressive Discipline Policy, 6.20 (in progress).

Cross References

Council Code of Conduct Policy, 1.2.2

Council Code of Ethics Policy, 1.2.3

Acceptable Use Policy, 2.0

Online & Social Media Policy, 2.2

Dress Code Policy, 6.6

Harassment & Discrimination Prevention Policy and Procedure, 6.7

Smoke Free Workplace Policy, 6.14 (revision in progress)

Substance Use Policy, 6.15

Violence in the Workplace Prevention Policy and Procedure, 6.19

Progressive Disciplinary Policy, 6.20 (in progress)

Termination of Employment Policy, 6.21 (in progress)

Town of Nipawin Communication Strategy

Criminal Code of Canada

Local Authority Freedom of Information and Protection of Privacy Act

Record of Instruction for Employee Code of Conduct Policy

I have been made aware of employee obligations and have read the Town of Nipawin's Employee Code of Conduct Policy.

I have been instructed according to Policy and I am aware of the potential consequences of the violation of this Policy.

Employee Name

Department Director Name

Employee Signature

Department Director Signature

Date

Date