

**THE CORPORATION OF THE TOWNSHIP OF MCGARRY**

**BY-LAW NO. 2017-08**

**BEING A BY-LAW TO ADOPT A CODE OF CONDUCT FOR EMPLOYEES**

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**WHEREAS** Section 224 (d.1) of the Municipal Act 2001, states that Council shall ensure the accountability and transparency of the operations of the Municipality.

**AND WHEREAS** Council is desirous to establish a code of conduct for all Municipal Employees.

**NOW THEREFORE** Council of the Township of McGarry enacts as follows:

1. THAT the code of conduct for Employees attached to and forming schedule "A" to this By-Law be adopted.
2. THAT By-Law 2008-10 is hereby repealed.
3. THAT this By-Law shall take effect on the date of its passing.

Read a first, second and third time and passed this 14<sup>th</sup> day of March, 2017.

  
MAYOR

  
CLERK-TREASURER

Schedule "A"  
By-Law No. 2017-08

CODE OF CONDUCT FOR EMPLOYEES

**Statement of Principle**

A written Code of Conduct helps to ensure that employees, members of Council and members of the public share a common basis for acceptable conduct for Municipal Employees. Employees shall conduct themselves with integrity by performing their duties with transparency, impartially, respect and accountability. These standards are designed to provide a reference guide and a supplement to the legislative parameters, municipal policies and By-Laws within which employees must operate and within which employees must conduct themselves. The standards should serve to enhance public confidence that appointed representatives and employees operate from a basis of integrity, justice and courtesy. This code is not intended to replace the use of common sense, personal ethics or morals.

Every employee of the Township of McGarry is accountable and responsible to comply with the Code of Conduct for employees to ensure there is no conflict between their personal interests and their official duties.

This Code of Conduct shall apply to all Municipal Employees including full time, part-time, seasonal and temporary staff, students, which are employed by the Corporation of the Township of McGarry and to all Municipal employees in their dealings amongst themselves, with members of their Council and with members of the public, including all clients, vendors and suppliers.

**1. ROLE OF EMPLOYEES**

- a) To implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- b) To undertake research and provide advice to Council on the policies and programs of the Municipality; and
- c) To carry out other duties required under this or any act and other duties required under this or any act and other duties assigned by the Municipality

**2. RULES OF CONDUCT**

- a) The code of Conduct for Employees governs the actions for all employees of the Township of McGarry while in the workplace and performing duties of their jobs acting on behalf of the Township of McGarry;
- b) An employee shall not engage in any business transaction or have a financial or other personal interest which is incompatible or inconsistent with the ethical discharge of official duties in the public interest;
- c) An employee shall not place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment or financial interest;
- d) An employee shall not use any influence of office for any purpose other than official duties;

**Initials: \_\_\_\_\_**

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- e) An employee shall not engage in any outside work or activity or business undertaking that interferes or appears to interfere with his/her duties;
- f) An employee shall not engage in any outside work or activity or business undertaking in which the employee has advantage or appears to have an advantage derived from involvement in the Corporation of the Township of McGarry;
- g) An employee shall not engage in a professional capacity that will or might appear to influence or affect the carrying out of duties as a Township representative;
- h) An employee shall not use the Township of McGarry property, equipment, supplies or services of consequence for personal gain;
- i) An employee shall not use information gained in the execution of his or her duties, which is not available to the general public, for any purposes other than his or her official duties;
- j) An employee shall not obtain financial gain from the use of the McGarry Township developed intellectual property, computer programs, technological innovations, or other patent, trademark, copyright held by the McGarry Township, while being an employee of the Township of McGarry or thereafter. All such property remains the exclusive property of McGarry Township. It is incumbent upon the employee to make restitution for any additional expenses which are incurred by the Municipality for the use of said equipment, supplies or services;
- k) An employee shall not use the internet access to access or download material that is of a defamatory, obscene, offensive, or sexual nature;
- l) An employee shall not use the e-mail system to engage in sporting pools, distribution of graphically offensive material, etc;
- m) An employee shall not place him/herself in a situation where he/she is under obligation, direct or indirect, financial or otherwise, to any person who could benefit from a decision or recommendation of the member;
- n) An employee shall not place him/herself in a situation where he/she is under obligation, direct or indirect, financial or otherwise, from any contracts about which the employee can influence decisions;
- o) An employee shall not solicit or accept any gifts, services, privileges, favours or entertainment, the acceptance of which will place or appear to place the employee under any obligation whatsoever to the donor;
- p) An employee shall not disclose any confidential information relating to the affairs of the Township of McGarry;
- q) An employee shall not borrow money from any person who regularly does business with the Municipality, unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money;

An employee shall not participate in any decision, promotion or make any recommendation to his/her supervisor, a Committee, Council or Local Board in which he/she or his/her immediate family has any financial interest except an interest in common with general community;

*Initials:* \_\_\_\_\_

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### 3. GIFTS AND BENEFITS

- a) Gifts, services, privileges, favours or entertainment of a nominal value of \$100.00 may be received or given to employees on occasion, but they must always be of such form and substance that they could not be construed by an impartial observer as a bribe, pay-off or improper incentive and also must meet criteria set out in o) above.
- b) Gifts, services, privileges, favours or entertainment that will exceed a value of \$100.00 will require prior approval by Council as a whole. If Council is not immediately available, approval must be received at the first available opportunity.
- c) Examples of gifts, services, privileges, favours or entertainment are as follows:
  - Acceptance of occasional business meals;
  - Infrequent attendance at social or sporting events;
  - Acceptance of occasional gifts of a nominal value.
- d) Details of any situation regarding gifts, services, privileges, favours or entertainment received or given to employees which exceed \$100.00 must be immediately disclosed to the Clerk-Treasurer.
- e) Township employees may solicit gifts for the benefit of community events, as well as Township sanctioned events.
- f) No employee shall seek or obtain, by reason of his/her office, any personal privilege or advantage with respect to the Municipality's services not otherwise available to the general public and not consequent to his or her official duties.
- g) Employees acting in their professional capacity may be permitted to represent the Township at subsidized external functions, at the discretion and approval of the Department Head.

### 4. DRESS CODE

All employees should note that their appearance matters when representing the Corporation of The Township of McGarry in front of clients, visitors or other parties. An employee's appearance can create a positive or negative impression that reflects on the Township.

These dress code rules always apply:

- All employees must be clean and well-groomed. Grooming styles dictated by religion and ethnicity aren't restricted
- All clothes must be work-appropriate. Clothes that are typically in workouts and outdoor activities aren't allowed.
- All clothes must project professionalism. Clothes that are too revealing or inappropriate aren't allowed.
- All clothes must be clean and in good shape. Discernible rips, tears or holes aren't allowed.
- All employees must avoid clothes with stamps that are offensive or inappropriate.

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## **5. CONFIDENTIALITY OF MUNICIPAL INFORMATION**

It is every employees responsibility to ensure that all information collected, produced or obtained in the course of his/her duties, whether in reports, memos, oral communication or electronic format, is as accurate as possible. No employees shall willfully mislead Council members, or the public, about any issue of municipal concern.

## **6. CONFLICT OF INTEREST**

It is the responsibility of the employee to ensure that they are aware and be trained in the application of the Municipal Conflict of Interest Act. The onus is on the employee to identify a conflict of interest, and shall take the appropriate action to identify the existence of a conflict in favour of his/her public duty by verbally declaring a conflict of interest.

A conflict of interest exists when an employee is, or could be, influenced, or appear to be influenced by a personal interest, directly or indirectly, financial (pecuniary) or otherwise, when carrying out their public duty.

Recognizing that it is impossible to anticipate all possible conflicts that may arise and, those conflicts may not be only pecuniary in nature, it is generally advisable to be as open as possible. It is not enough that a conflict not exist, it must also be seen by taxpayers to be non-existent.

The following principles should be used as a guide:

- a) In making decisions, always place the interest of the taxpayers first and, in particular, place them before the interests of colleagues on council, staff, friends or family.
- b) A factor which could be considered a conflict by taxpayers should be treated as a conflict and be disclosed by the employee.
- c) Always interpret the phrase "Conflict of Interest" in the broadest possible terms.
- d) If in doubt, it is better to disclose a situation. It is the responsibility of the employee to obtain independent legal advice with respect to any situation that might arise whereby there is a potential for a conflict of interest.

## **7. COMPLIANCE WITH THE CODE OF CONDUCT**

Employees have the primary responsibility to assure that these ethical standards and codes are understood and met and that the public can continue to have full confidence in the integrity of the Corporation of the Township of McGarry's municipal government.

In addition to any other consequence imposed by law, employees found to have breached this Code of Conduct may be subject to discipline, including return of a gift or benefit, a reprimand, or where applicable, suspension of remuneration paid for his or her services as an employee, for a period of up to ninety (90) days.

Employees shall comply with the laws of Canada, the Province of Ontario and the Township of McGarry in the performance of their public duties.

The following rules and regulation shall apply to all employees and shall become effective immediately upon the signing of this Code of Conduct.

**Initials:\_\_\_\_\_**

Employees shall be subject to disciplinary action or dismissal for any infraction thereof along with classification of infraction and method of discipline:

- a) Disclose of confidential information (A)
- b) Bringing or consuming liquor or illegal narcotics as set out in the Narcotic Control Act of the Liquor License Act. (B)
- c) Reporting for work under the influence of alcohol, legal or illegal substances (B)
- d) Under the influence of a prescribed drug that affects his/her or any other persons safety (B)
- e) Incompetency (A)
- f) Theft (C)
- g) Disorderly conduct (B)
- h) Neglect of duty (A)
- i) Failure to report for duty without a bona fide reason (A)
- j) Insubordination (B)
- k) Disobeying safety regulations (B)
- l) Misusing or careless use of Employer's equipment (A)
  - No damage (A)
  - Minor damage (B)
  - Major damage (C)

**Method of Disciplinary Action:**

**Method "A"**

- 1<sup>st</sup> infraction - verbal warning (immediate supervisor)
- 2<sup>nd</sup> infraction - written warning (immediate supervisor)
- 3<sup>rd</sup> infraction - 2 days off without pay (immediate supervisor and dept. head)
- 4<sup>th</sup> infraction - further suspension or Dismissal (immediate supervisor and dept. head, Clerk Treasurer and Council)

**Method "B"**

- 1<sup>st</sup> infraction - sent home (immediate supervisor and department head)
- 2<sup>nd</sup> infraction - 2 days off without pay (immediate supervisor and department head)
- 3<sup>rd</sup> infraction – further suspension or dismissal (immediate supervisor, department head Clerk Treasurer and Council)

**Method "C"**

Immediate Dismissal

All steps must be fully documented with copies to all involved parties. It is understood that should an employee have a clear record for a full twelve (12) month period between steps, their record shall be considered clear.

**8. COMPLAINT PROCEDURES**

**1. INFORMAL COMPLAINT PROCEDURES**

Any individual who has identified or witnessed behaviour or activity by an employee that appears to be in contravention of the Code of Conduct may address their concerns in the following manner:

- a) Advise the employee that their behaviour or activity contravenes the Code of Conduct;
- b) Encourage the employee to stop the prohibited behaviour or activity

**Initials:\_\_\_\_\_**

- c) Keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information, including steps taken to resolve the matter;
- d) If not satisfied with the response received through the informal process, an individual may proceed with a formal complaint through the Integrity Commissioner.

## 2. FORMAL COMPLAINT PROCEDURES

Any individual who has identified or witnessed behaviour or activity by an employee that appears to be in contravention of the Code of Conduct may address their concerns through the formal complaint process set out below:

- a) All formal complaints must be made using the McGarry Township complaint form and shall be dated and signed by the complainant.
- b) The complaint must include an explanation as to why the issue raised may be contravention of the Code of Conduct and any evidence in support of the allegation must be included with the complaint form such as witnesses, date, time and location.
- c) The complaint form shall be filed with the Clerk-Treasurer by mail or in person who shall confirm that the information is complete.
- d) The Clerk-Treasurer shall advise Council in a confidential report that a formal complaint has been received and will be forwarded to the Integrity Commissioner for review.
- e) The Integrity Commissioner will determine whether the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or policies.

## 9. HARASSMENT

Harassment of another employee, staff or any other member of the public is misconduct. It is the policy of the McGarry Township that all persons be treated fairly in the workplace, in an environment free of discrimination and free of personal and sexual harassment.

Harassment may be defined as any behaviour, by any person that is directed at, or is offensive to, another person, on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, physical or mental disability, pardoned conviction, or family status and any other ground under the provision of the *Ontario Human Rights Code*.

## 10. ENCOURAGEMENT OF RESPECT FOR THE MUNICIPALITY AND ITS BY-LAWS

Employees shall encourage public respect for the Municipality and its By-Laws.

## 11. IMPLEMENTATION

Information regarding this Code of Conduct will be included as part of the orientation for each new employee.

*Initials:* \_\_\_\_\_

**12. INTERPRETATION**

Employees seeking clarification of any part of this Code of Conduct should consult with the Clerk Treasurer or the Solicitor of the Municipality.

**13. TERMS**

This Code of Conduct shall be in effect from the date of passage by Council and shall continue in effect from year to year. The Clerk-Treasurer shall cause a review of this Code of Conduct to be conducted.

*Initials:* \_\_\_\_\_



I, \_\_\_\_\_, as an employee of Township of McGarry, have reviewed and clearly understand the Code of Conduct for employees of the Township of McGarry and hereby agree to comply with all provisions as so stated. Furthermore, I am aware one signed copy of this Code of Conduct will be retained on file.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

APPROVED

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

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*Authority*