

City of Kenora Employee Conduct Policy



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Human Resources Policy	April 26, 2004	7	1	10
Subsection	Repeals By-Law Number		Policy Number	
General			HR-2-1	

Policy Statement

Local Government is an open, accessible, and accountable form of government. The relationship of public trust and mutual respect that has evolved between government and the public requires high standards of ethical conduct by municipal employees.

Purpose

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

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

Definitions

- 1.01 Municipal Employee- Includes all employees and officers of the City of Kenora
- 1.02 Public Comment- Disclosures made in a public speech, lecture, radio or television broadcast, in the press or book form.
- 1.03 Confidential Information- While the classification of information as “confidential” is a manner of administrative discretion whether labeled as confidential or not, disclosure of information will not constitute a breach of the Code of Ethics unless that information is of an inherently confidential nature such as:
- a. Personal data of employees or others
 - b. Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation.
 - c. Records of a financial nature reflecting information given or accumulated in confidence.
 - d. Files prepared in connection with litigation and adjudicative proceedings.

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- e. Reports of consultants, policy drafts and internal communications which, if disclosed may prejudice the effective operation of the municipality.

1.04 City- Includes the Corporation of the City of Kenora

Responsibilities

2.01 Council shall

- A. Make such revisions additions, or deletions to the Code of Ethics as may be justified under the concept of "just cause".
- B. Following its review of the recommendations of the Administrator, decide on the appropriate action in matters concerning employee's ethical conduct.

2.02 Administrator shall

- A. Provide recommendations to Council on desirable revisions, additions, or deletions to the Code of Ethics.
- B. Investigate allegations and inquiries relating to unethical conduct by employees and provide recommendations to Council on the appropriate action to be taken.
- C. Prior to the making of an appointment to a position, request a disclosure of actual or potential conflicts of interest which may be brought about by that person's employment in that position. In instances of actual conflict of interest, the matter shall be referred through the Administrator to Council for its decision on whether the applicant should be appointed to the position

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2.04 Employees

A. Integrity

Ultimately, ethical behavior relies on the diligence of the individual. However, since a breach of ethics impacts not only on the individual but also the Corporation, a code of ethics is the means by which the municipality acknowledges their responsibility in this area. Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

1. Conduct in one's private life or employment activities, which render the employee unable to perform his or her duties satisfactorily. What moral standard an employee must adhere to will vary with the employee's relationship with other employees, the City, and the public.
2. Unless otherwise authorized, to use or permit the use of City vehicles, equipment, materials or property for purposes other than City business.
3. To solicit patronage from elected municipal authorities to further his or her personal interests or the interests of others.
4. To knowingly breach the law in the performance of his/her duties or to request others to do so.
5. To intentionally falsify any of the City's records.

B. Impartiality

Every municipal employee must perform his/her duties in an impartial manner.

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

1. No employee shall grant any special consideration, treatment or advantage in matters related to his/her employment to any citizen beyond that which is available to any other citizen.

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C. Conflict of Interest

Every municipal employee shall avoid situations in which the employee has a personal interest sufficient to influence or appear to influence the objective exercise of that employee's authority. When an employee is, or believes he/she may be, in a position of conflict of interest with regard to the City, the employee should disclose this to their Department Manager, or in his/her absence, to the Administrator, and refrain from exercising his/her authorities relevant to the conflict until duly authorized.

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

1. Gifts and Benefits

The inherent pitfall in accepting gifts and benefits from outside sources is that regardless of the intent, in most instances the person providing the gift has something to gain from the recipient. Gifts and other benefits are the most obvious means of wielding some kind of influence regardless of how innocuous the gesture may appear to be on the surface.

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

1. A municipal employee must refrain from accepting gifts and benefits from firms or individuals.
2. Municipal employees must not place themselves in a position where they are under an obligation to favor an individual or firm.
3. There is a role for "moderate hospitality". Employees must consult with their supervisor to determine whether or not a specific gesture constitutes moderate hospitality.

2. Use of Municipal Property

This section regulates the "outside" use of municipal owned or leased property by an employee.

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

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

D. Outside Employment or Activities

Every municipal employee must perform his or her duties to an acceptable level.

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

1. Where outside employment or activities reduce to an unacceptable level the interest or energy an employee devotes to his or her duties.
2. Where the outside employment or activity is performed in such a way as to give the impression that the employee is acting in an official municipal capacity or holding him or herself out as representing an official City point of view.
3. Where outside employment is performed in direct competition with services provided by the City.
4. Where an employee uses his or her position to solicit business on his or her own account during regular working hours for the City.

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E. Financial Transactions

Every municipal employee must adhere to City by-laws and policies regarding any municipal financial transaction.

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

1. Where the employee is in a position where he/she could derive any direct or indirect benefits or interest from any municipal contract or business on which the employee can influence decisions.
2. To buy surplus municipal property where the employee can influence decisions with respect to the disposal arrangements. This restriction is not intended to prohibit any employee from surplus municipal property that is offered for sale by public tender.

Disposal of municipal property, assets or services shall be in compliance with City policies. At no time shall this benefit any individual employee or group of employees.

F. Confidentiality

Every municipal employee must hold in strict confidence all information of a confidential nature acquired in the course of his or her employment with the City.

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

1. To use confidential information, which is not available to the general public and to which, the employee has access by reason of his/her personal interests or the interests of others.
2. To disclose to unauthorized persons confidential information to which the employee has access by reason of his/her employment with the City.

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G. Political Activity

Municipal employees are to be allowed as great a measure of political rights as can be reconciled with the need to ensure the fact and appearance of impartiality in the performance of their duties with the City. The point at which an appropriate balance can be struck in any particular case depends primarily on the nature and level of the employee's responsibilities.

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

1. To use the authority or influence of his/her position with the City on behalf of a political party or candidate.
2. To engage during working hours in any activity for or against a municipal candidate.

H. Public Comment

Every municipal employee shall display the reserve inherent in his/her position with the City when publicly expressing his/her personal opinions on matters of political controversy or on existing or proposed municipal policy or administration. This policy is not intended to restrict the legitimate public comment of spokespersons of employee associations nor the public comment of employees on matters of essentially a personal interest to the employee as opposed to an interest related to his/her employment with the City.

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

1. To express publicly the employee's personal views on matters of political controversy or on municipal policy or administration where to do so would impair the public's confidence in that employee's ability to perform his/her job.
2. Official duties with integrity and impartiality, or impair the ability of City Council or Administration to carry out its or their functions.

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3. Relations with the media shall be conducted as such that only factual and objective information related to policies adopted by Council shall be transmitted. Employees must refrain from putting forth speculative or subjective insights.
4. Employees should not assume that any unethical activities not covered by or specifically prohibited by the Code are permissible.

Procedures

- 3.01 Municipal employees are encouraged to seek clarification from the Administrator if they are uncertain as to the appropriateness of their existing or contemplated conduct.
- 3.02 Complaints or inquiries concerning the ethical conduct of any municipal employee shall be made in writing to the Administrator.
- 3.03 All complaints or inquiries will be treated as confidential.
- 3.04 A copy or summary of any written complaint received is to be sent immediately to the employee complained against with a request to provide a written answer to the complaint.
- 3.05 The Administrator shall investigate:
 - a. All complaints or inquiries concerning the ethical conduct of a municipal employee;
 - b. On his/her own initiative, the conduct of a municipal employee where he/she determines an investigation is warranted.
- 3.06 The Administrator or committee designated by City Council shall summarize the findings of the investigation in written or oral form and forward and/or present to City Council his/her recommendations on the appropriate course of action to be taken.

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- 3.07 The employee against whom the complaint is directed or who is enquiring as to the appropriateness of his/her conduct shall have the opportunity to appear before City Council at an in-camera or public meeting at the discretion of the employee and/or submit a written brief prior to any decision being made.
- 3.08 Where City Council determines the conduct referred to it does breach the Code of Ethics, the complainant and the employee shall be so advised in writing.
- 3.09 Where City Council determines the conduct referred to it does breach the Code of Ethics, City Council may:
- a. Instruct the employee to divest himself/herself of the outside interest or transfer it to a trust;
 - b. Take disciplinary action in the form of:
 - i. An oral or written reprimand
 - ii. Suspension with pay
 - iii. Suspension without pay
 - iv. Dismissal
 - c. Take any other action Council deems appropriate.