

BYLAW 482-2015

MUNICIPAL CODE OF CONDUCT for EMPLOYEES

STATEMENT OF PRINCIPLE

1. A written Code of Conduct helps to ensure that employees, members of Council and members of the public share and understand a common basis of acceptable conduct for Municipal employees.
2. Employees shall conduct themselves with integrity by performing their duties with transparency, impartiality, respect and accountability.
3. 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.
4. 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.

DEFINITIONS

5. The following definitions shall apply to this Policy:
 - a. "Civil" means adequate in courtesy and politeness or mannerly;
 - b. "Confidence" means the filling or belief that one can rely on someone or something or a firm trust;
 - c. "Condescending" means acting in a way that betrays a feeling of patronizing superiority;
 - d. "Confidential Information" includes information in the possession of the municipality and the municipality is either prohibited from disclosing under the rules of *The Municipalities Act* or other legislation, or is required to refuse to disclose under *The Freedom of Information and Protection of Privacy Act*, or other legislation.
 - e. "Council" means the Town of Kyle;
 - f. "Decorum" means propriety and good taste in conduct or appearance;
 - g. "Employee(s)" mean direct employees of the Town of Kyle whether full-time, part-time, contract (including employees of staffing agencies) or casual (including students and volunteers);
 - h. "Municipality" means the Town of Kyle;
 - i. "Municipal Property" includes real property (such as land or interests in land), personal property (such as goods and equipment), and other property interests of any kind;
 - j. "Outside Activities" are private activities that are not part of an Employee's assigned work and are not part of his or her job;
 - k. "Patronizing" means to treat with an apparent kindness that betrays a feeling of superiority;
 - l. "Supervisor" means the Foreman for the Town of Kyle
 - m. "Workplace" means any premises (whether owned by the Municipality or otherwise) where the business of the municipality is being transacted, including vehicles, conference centres, motels/hotels and/or restaurants;
 - n. "Wrongdoing" means any of the following actions taken by any Municipal Employee:
 - i. A contravention of any Municipal By-law or policy, or any Act of Parliament or the legislature of Saskatchewan, or of regulations made under any such Act, if the contravention relates to the official duty of the municipal Employee, or any public funds;
 - ii. A misuse of municipal funds or municipal assets;
 - iii. Gross mismanagement of a municipal project or undertaking;
 - iv. An act or omission that creates a substantial and specific danger to the life, health or safety of persons or to the environment; and
 - v. Taking any act of reprisal against a Municipal Employee who has disclosed a wrongdoing.

APPLICABLE TO

6. This Code of Conduct shall apply to all municipal employees in their dealings amongst themselves, with members of council and with members of the public – including all clients, vendors and suppliers.

GENERAL PROVISIONS AND GUIDELINES

7. The Municipal Code of Conduct for Employees governs the actions of all employees of the Municipality of the Town of Kyle while in the workplace and performing the duties of their jobs or acting on behalf of the Municipality.
8. Actions taken by employees outside their employment are not governed by this Municipal Code of conduct unless the employee is speaking against decisions and/or policies of Council. No municipal employee or appointed official represents the municipality outside of work hours and should refrain from conducting municipal business while not on the job.
9. Employees are responsible for making honest statements and upholding the integrity of Council and its decisions. No employee shall make a statement with the intent to mislead anyone including council members, fellow staff members, the media or the public.
10. Employees shall always refrain from making public statements on Municipal policy and/or Council decisions.
11. It must be recognized that employees are only human and will occasionally make honest mistakes.
12. Sometimes person problems and concerns will creep into their work lives. Employees shall make use of leaves, sick days and/or personal days to help revolve serious personal issues as per municipal policy and provincial legislation.
13. Employees shall conduct themselves with integrity and ethics. The Code does not have the answers to all questions however; it is created to ensure that the right questions are asked.
14. When taking any action while in the course of employment, each employee shall ask:
 - a. Am I putting my own interests before those of the municipality?
 - b. Would I make the same decision if my supervisor, a member of the public, my mother or the media were watching me?
 - c. Will I owe someone a favour if I do this?
 - d. Would I be offered this if I weren't an employee of the municipality?
15. Transparency – As public servants, employees are accountable for what they do and that accountability is ensured by transparency. Employees must be open and honest in dealing with supervisors, the public and council. Employees shall not just do their jobs well, but shall also be open and honest about what they say and do at all times and to all persons.
16. Impartiality – As public servants, employees have to do their jobs with the municipality's best interests in mind, not their own. Employees shall do their jobs without bias, without favor, without consideration of personal interests or those of family and friends and without allowing outside interests to conflict with work decisions.
17. When buying goods or services, employees shall comply with the municipality's procurement by-laws and policies.
18. Employees shall remove themselves from decisions that might affect, or might be seen to affect, the interests of other groups or organizations that they participate or are members in.
19. Employees shall not take on other work which:
 - a. Conflicts with municipal work hours;
 - b. Interferes with the efficient performance of employee duties;

- c. Completes with municipal services; or
- d. Creates a real or perceived conflict of interest with municipal duties.

CONFLICT OF INTEREST

- 20. Employees shall not make decisions on behalf of the municipality, make recommendations to the municipality, use their position with the municipality, or take any action on behalf of the municipality with respect of matters in which they have or believe they have a Conflict of Interest.
- 21. Where there might be a conflict between person interests and those of the municipality, employees shall disclose that fact immediately and seek guidance from either the Administrator or supervisor.
- 22. Employees shall provide full disclosure when offering information in potential conflict situations.
- 23. The Administrator or supervisor, after receiving such a disclosure is required to give it due consideration, may obtain advice and assistance from the municipal solicitor and provide the necessary direction to the employee with respect to the resolution of the Conflict of Interest.
- 24. Provided that the disclosure has been full and frank, any employee who complies with the direction given pursuant to this process will be safe from discipline or justified criticism and will be able to rely upon the direction as a complete answer to any future disciplinary or other action by the municipality against the employee in respect of the Conflict of Interest.

CONFIDENTIAL INFORMATION

- 25. It is the responsibility of each employee to ensure that confidential information obtained in the scope of this or her employment is kept strictly confidential and not released to any except as required by law.
- 26. As per *The Municipalities Act*, employees shall not directly or indirectly, release, make public or divulge any information related to legally called and conducted in camera or closed meeting deliberations of council. However, simply because information is shared within a close meeting does not automatically make that information confidential; it must meet legislated exemptions for openness or fall within other protected legislation.
- 27. Requests for information should be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the *Freedom of Information and Protection of Privacy Act*.

GIFTS AND BENEFITS

- 28. No employee shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office or employment.
- 29. For these purposes, a fee or advance paid to or a gift or benefit provided with the employee's knowledge to an employee's spouse, child or parent is deemed to be a gift to that member.

Exceptions Include:

- a. Gifts having a value less than Five Hundred dollars (\$500.00) which are given as promotional items to individuals, provided the gift do not include money, cash or negotiable instruments;
- b. If the gift has absolutely no relationship with the status of the recipient as a Municipal Employee (i.e. there is another relationship between the donor and recipient which caused the gift to be made);
- c. If an Employee receives gifts, entertainment and benefits having value over Five Hundred dollars (\$50.00), the gifts, entertainment or benefits must be disclosed to the immediate supervisor of the Employee in writing using the form provided. Such disclosure shall occur within one week following the receipt of the gift, entertainment or benefit, with a copy provided to the Administrator.

CONDUCT AT MEETINGS OF COUNCIL

30. Staff shall conduct themselves with decorum at Council meetings in accordance with the provisions of the Municipal Procedural By-law.
31. Respect for delegates, for Council members and staff requires that all employees show courtesy and not distract from the business of Council during presentations and when other members have the floor. This does not mean that staff may not offer advice, comments or suggestions; what it means is that all comments must be accurate, respectful and germane to the topic/subject at hand.

ENCOURAGEMENT OF RESPECT FOR THE MUNICIPALITY AND ITS BY-LAWS AND POLICIES

32. Employees shall at all times endeavour to encourage public respect for the Municipality and its by-laws and policies.
33. Employees shall recognize that Municipal council is the elected voice of the citizens of the Municipality and shall respect the decisions of council.
34. Employees shall be careful to distinguish between personal comments or opinions expressed outside of the workplace and their jobs with the Municipality.
35. Employees shall not claim to speak on behalf of the Municipality unless they have been authorized to do so.
36. Employees shall not make personal comments using municipal letterhead, municipal e-mail addresses or anything else that implies a connection between personal comments or opinions of the Municipality.
37. Employees shall implement decisions and policies of Council without comment or complaint so long as they are not illegal, immoral or improper.

PERSONAL CONDUCT

38. Employees shall ensure that their personal conduct within the Workplace or other locations, while in the course of their employment, does not adversely affect:
 - a. Their ability to perform their official duties;
 - b. The ability of other Employees to perform their duties; or
 - c. Public confidence in the official's functions, the organization, or in the integrity of the public sector.
39. Loss of public confidence must be based on a proven wrongdoing and not simply personal opinion. It must be recognized that some individuals will take exception to actions taken by employees both in the course of the employment while following municipal policy or personally.
40. Employees should remain neutral in their service to all councillors providing the same level of service, information and responses to all requests no matter who should make them. This does not prevent individual employees from having conversations with council members or relationships outside of work. What it means is that all information concerning Municipal business is shared equally and in an unbiased manner and that requests from one member are treated in the same manner as those from all other members.
41. Relations and communications between employees, between employees and council members, and between employees and the public, should always be civil and premised on mutual respect.
42. This means that staff will use polite and respectful language and will not use offensive language or gestures, nor shall they engage in patronizing or condescending behaviour with one another, member of council or the public.

PUBLIC TRUST

43. Employees are guardians of public funds and are responsible for delivering a wide range of important public services, which are supported by members of the public through their taxes. Employees owe the public nothing less than their full commitment to doing the best job they can.
44. Employees have an obligation to help build pride in their community, to respect the dignity and diversity of their colleagues and to treat them as we would like to be treated ourselves. While it takes hard work to gain the respect of others, even small lapses can erode confidence in the municipality.
45. To ensure that employee conduct does not diminish respect for ourselves, co-workers and for the municipality, employees shall maintain and exemplify the highest standards of behaviour through:
 - a. Devoting ourselves fully to our jobs during our working hours and not allowing personal activities (e.g. reading a magazine, surfing the internet etc.) to interfere with work;
 - b. Ensuring that all property (including cash, cheques, documents, inventories and equipment) in our care as part of our job is properly secured and protected at all times.
 - c. Being honest, polite and courteous when we deal with people, whether they are members of the public, Council or co-workers.
 - d. Fostering an atmosphere of collegiality and supporting coworkers in their work;
 - e. Providing excellent customer service every day;
 - f. Dressing appropriately.
46. Due to allergies and sensitivities, employees shall limit their use of fragrances, especially when they work in close office environment or vehicles where other employees or members of the public may be negatively affected.
47. Employees shall not take actions which will:
 - a. Harass or intentionally intimidate others
 - b. Manipulate, falsify, alter or amend documents, information or records for fraudulent purposes.

INFLUENCE OF COUNCIL

48. Each employee works for the municipality as a body corporate and is charged with making recommendations that reflect their professional expertise and corporate perspective without undue influence from any individual member or group of members of council.
49. Each employee shall endeavour to provide a high quality of advice based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.
50. Council has delegated responsibility to the Administrator for the administration of the affairs of the municipality in accordance with the by-laws and policies adopted.
51. This means that under the direction of the Administrator, staff has the responsibility and the authority to provide consultation, advice and direction to council and to implement council approved policy.
52. Accordingly, staff establishes the appropriate administrative policies, systems, structures, and internal controls to implement the goals and objectives of council and to manage implementation within the resources at their disposal.

PERSONAL USE OF MUNICIPAL PROPERTY

53. There shall be not use of appropriation of municipal property, facilities, services or information for person use, gain or business by employees, unless that municipal property is generally available to the public and is being used by the employee in that capacity like any other member of the public (i.e. using a municipal park or other facility for recreational purposes).

54. This general rule will be subject to exceptions:

- a. If personal use of the municipal property is provided as part of employment or duties and the personal use is:
 - i. Approved by council;
 - ii. Contained in an official job description; or
 - iii. Within an employment agreement.
- b. If the use of municipal property consists of the personal use of telephones, internet, computers, fax machines, cell phones or photocopies and all of the following are satisfied:
 - i. Use does not cause any additional expense to the municipality (i.e. there is full reimbursement of any charges)
 - ii. Use is not excessive having regard to the circumstances;
 - iii. Use does not have a negative overall impact on employee productivity; and
 - iv. Use does not interfere with the normal operation of the municipality or negatively impacts other employees.

SPECIFIC RULES RELATING TO COMPUTERS

55. Electronic records stored on municipal computer systems or equipment are the property of the municipality. The municipality maintains the right to access and monitor records in electronic format including flash drives, hard drive and emails.

56. Users of municipal computer equipment shall not:

- a. Attempt unauthorized access to systems, information, processes or products;
- b. Broadcast e-mail messages that are not work related or are otherwise authorized;
- c. Propagate viruses, or send or download materials which may impact the operating efficiency of the system;
- d. Undertake any other activities that can unduly impact the use or performance of others
- e. View, retrieve, transmit or disseminate:
 - i. Any pornographic or obscene messages, images, or materials;
 - ii. Any other messages, images or materials which are offensive to human dignity.

RECORDS RETENTION

57. E-mails that are not filed in hard-copy may be disposed of at the user's discretion and as per *The Municipal Freedom of Information and Protection of Privacy Act*, users are encouraged to delete messages that are not filed in hard-copy form as soon as the message has been read. Attachments to e-mail messages should be detached and filed electronically or printed and filed in hard-copy records.

INSTALLATION OF SOFTWARE

58. Only licensed software and registered shareware acquired by and paid for by the municipality are to be operated on the municipal system. Computer games acquired by and paid for by the municipality as part of a training package may be installed on municipal equipment but no other games, including shareware games, are to be installed on municipal equipment. No municipality licensed software is to be copied or transferred to home computers.

59. No software of a personal nature is to be maintained on the municipal system.

ALCOHOL AND DRUG USE

60. While within the workplace, no use of alcohol is permitted unless the consumption of alcohol occurs at an event approved by council at which alcohol is served.

61. While within the workplace, no use of non-prescription or illegal drugs is permitted. Normal use of over the counter or prescription medications is of course allowed.

62. This section shall not apply to alcohol and drug use outside the workplace with three exceptions. In each of the following exceptions, the use of alcohol or drugs outside the workplace will constitute a contravention of this policy:
- a. If the alcohol or drug use negatively affects the performance of the employee within the workplace. E.g. he or she consumes alcohol and in the opinion of his or her supervisor, comes to work with a smell of an alcoholic beverage while exhibiting erratic or unusual behaviour, stumbling, difficulty speaking, loss of balance, or lack of coordination; stumbling, difficulty speaking, loss of balance, or lack of coordination;
 - b. If it is a position requirement for a specific position that an employee shall have no alcohol or drugs in his or her system while within the workplace, and the employee comes to work or resumes work following a lunch or other break with alcohol or drugs in their system; or
 - c. If the employee operates a municipality-owned motor vehicle or dangerous machinery as part of his or her duties, and the employee comes to work or resumes work following a lunch or other break with any alcohol or drugs in their system.

WHISTLE BLOWING

63. None of the following measures shall be taken against a municipal employee by reason that the employee has, in good faith, engaged in opposition to a municipal initiative or has disclosed a wrongdoing in the manner set forth in this policy:
- a. A disciplinary measure;
 - b. The demotion of the employee;
 - c. The termination of the employment of the employee; and
 - d. A threat to take any of the measures above
64. It is important that the disclosure of wrongdoing be reported to the appropriate supervisor who may provide the same report to:
- a. To the mayor and council of the municipality;
 - b. To the administrator of the municipality
65. Any individual who receives an allegation of wrongdoing from any individual shall consult with his or her supervisor to determine what kind of response is appropriate to the particular allegation.

APPLICATION – COMPLAINT PROCESS

66. The formal portion of the complaint process requires that a complaint be made in writing setting out the grounds for the belief that there is an alleged contravention.
67. Each complaint shall include a supporting affidavit that sets out the evidence in support of the complaint.
68. The complaint shall be filed through the supervisor, who may forward to the administrator or designate, who is a commissioner for taking affidavits, on the municipal complaint form provided and signed before the commissioner.
69. Any submissions or written comments together with the personal information of the complainant made to the municipality under this or any other process will become part of the public record and may be reproduced, recorded and/or reported on line. There is no promise of confidentiality provided to the complainant under this process; it is to be open and transparent.
70. Unsigned and/or anonymous complaints will not be recognized or acted upon.
71. Complaints that are considered frivolous and vexatious by the supervisor will not be subjected to the costs of investigation. In this instance “frivolous” means “not having any serious purpose or value” and “vexatious” means “annoying or harassing”.

INTERPRETATION

72. Employees or members of council seeking clarification of any part of this policy should consult first with the administrator.

ENFORCEMENT

73. Proactively the administrator shall give a copy of this policy to each new employee at the time of hire.

74. Failure to receive training will not be an excuse for non-compliance with this policy.

Mayor – Doug Barker

S E A L

Administrator – Audrey Blohm