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## The Corporation of the City of Stratford Policy Manual

**Policy Number:** H.1.27

**Policy Section:** Human Resources

**Department:** Human Resources

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**Scheduled for Review:**

**Date of Last Review:**

**Policy Type:** Council-adopted Policy

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### Employee Code of Conduct

**Policy Statement:**

The City of Stratford (the "City"), strives to maintain the highest level of public confidence in all aspects of the organization. The City is also proud of its heritage and the services it provides to members of the Stratford community. It is only through the commitment and effort of our staff that excellent quality of services and achievement of our core values can be maintained in this level of government.

As the City's most valuable and significant resource, our Employees are expected to demonstrate the highest standard of ethical behaviour, being above reproach, trustworthy and able to withstand public scrutiny. This means we must adhere to the highest standards of personal and professional competence, integrity, and impartiality and must perform our duties in a manner that recognizes a fundamental commitment to the well being of the community, and in accordance with our Development Service Philosophy as posted in all departments.

**Purpose:**

[insert text here]

**Definitions:**

**By-law:** A regulation adopted by the City for the government of its members and the regulation of its affairs or a local ordinance.

**Chief Administrative Officer (“CAO”):** Means the Chief Administrative Officer (CAO) of The Corporation of the City of Stratford, or designate.

**Confidential Information:** Includes information of any customer, supplier or business that works with or for the City; items under litigation, personal matters, including Personal Information as defined by the Municipal Freedom of Information and Protection of Privacy Act; items under negotiations; information supplied in support of a license or other applications, trade secrets, customer lists, vendor information etc., where such information is not part of the public domain; and information designated as confidential by Council of the City. Confidential information also includes the meaning of “confidential” and “confidential item” as found in the current By-Law.

**Elected Officials:** Includes Council and Head of Council, and any other members of the City who are elected to an office.

**Electioneering:** Means to work, participate with, or volunteer for the:

- a) election of a candidate or party in connection with any form of elected office; and/or
- b) promotion of a cause in connection with any issue.

**Employee:** Includes an individual employed by the City, including those employed on a personal services contract but does not include Elected Officials.

**Family Member:** Means a spouse or partner of the Employee, a child or parent of the Employee or his or her spouse.

**Non-Pecuniary Interest:** Includes family relationships, friendships, position in associations and any other interest that does not involve financial gain or loss.

**Political Activity:** Includes activities to:

- a) raise and contribute money to campaigns with an aim to advance any individual’s or groups’ interest; and
- b) campaign for an individual, group or furtherance of any issue.

**Pecuniary Interest:** Includes an interest that an individual may have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss for the individual, or another person with whom the individual is associated. Such interest may include a fee, commission or other compensation paid or payable to any person or business. Associated persons include Family Members, partners and employers. Pecuniary Interest also includes a direct or indirect pecuniary (monetary) interest within the meaning of the *Municipal Conflict of Interest Act*.

**Personal Information:** As defined in s. 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, (“*MFIPPA*”), is recorded information about an identifiable individual, and includes,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except if they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and
- (h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

**City Assets/Property:** Includes all property of the City including equipment, financial assets, land, vehicles, material, documents, whether in hard or digital/electronic form, inventories, tools, electronic equipment, computers, electronic mail, internet services, identifying marks, logos, city permits, city licences, information and work time.

**Interpretation and Application:**

In recognition of the importance of continuity of minimum standards, this Code of Conduct (the "Code") has been developed.

The Code clarifies the City's expectations of its Employees and re-affirms its commitment to our community, service excellence and maintaining fiscal responsibility on behalf of the public. It establishes clear and reasonable standards of conduct expected of all Employees and provides guidance in the determination of appropriate conduct in the workplace.

The Code is a compilation of principles contained in various City documents and departmental policies, plans and practices. This Code is meant to support, but not replace, the use of good judgment regarding personal and professional conduct. The absence of a specific policy or regulation does not relieve any employee from the responsibility to exercise the highest standards in those situations.

Nothing in this Code is intended to conflict with the City's obligations under various collective agreements or employment contracts. It also does not alter other rules of conduct some Employees may have as part of their professional affiliation (i.e. accountants, building officials, engineers, human resource professionals, planners, etc.). It is intended to augment and apply concurrently with those professional affiliations. Policies referred to in the Code will take priority in the event that there is any doubt as to their consistency with the Code. In addition, the City may issue corporate policies and procedures that will provide further guidance for compliance with this Code.

Individual Department Heads may, at their discretion, augment these standards with specific departmental policies to apply to individual Employees, groups of Employees or all Departmental Employees. When this is done, it shall be in writing with a copy to the Chief Administrative Officer, ("CAO"), and to the Director of Human Resources and will be subject to prior approval of the CAO and Director of Human Resources before the standards will be enforced.

For a comprehensive understanding of the standards of conduct that are required it is necessary that this Code be read as a whole rather than rely on individual provisions in isolation.

**Severability:**

The provisions of this Code are severable and if any provision, section or word is held invalid or illegal, such invalidity or illegality will have no affect or impair the remaining provisions, sections or words.

**Authority:**

This Code is authorized by the Council of the City of Stratford. The CAO, as authorized by general resolution of Council, may issue supplemental standards and instructions with respect to the application and administration of the Code.

Matters requiring interpretation of the Code are to be referred to the CAO and/or the Director of Human Resources.

**Scope:**

This Code applies to all Employees of the City.

**Enforcement of the Code of Conduct:**

It is the responsibility of all Supervisors, Managers, Department Heads, and the CAO, or his or her designate, to ensure that Employees receive adequate and appropriate information about this Code along with a copy and any schedules or amendments. Supervisors, Managers, Department Heads, and the CAO shall, to the best of their ability, ensure that the Code is followed in accordance with Corporate policies, procedures and any other related legislative requirements.

The CAO, or his or her designate, will also review the Code on a regular basis at least once every four (4) years, to ensure that it continues to reflect the needs and responsibilities of the City's Employees and administration.

Each Employee shares the obligation of ensuring compliance with the Code. They are required to address any situations of existing or potential non-compliance with the Code that they suspect or become aware of. For further information on the escalation procedures please see Section 26 below.

**Non-Compliance:**

Employees failing to observe this code or other rules and regulations and who, in general, exhibit inappropriate conduct in the workplace or out of the workplace that impacts their position, are subject to progressive disciplinary action imposed by Management.

The appropriate response for non-compliance with the Code shall, in the normal course, be determined by the Department Head or, in situations where the alleged violation has been committed by the Department Head, by the CAO, or his or her designate.

This response may include a verbal warning; a written warning; suspension (with or without pay), termination of employment or other actions.

**Corporate Responsibilities:**

The City will support Employees in understanding their individual and collective roles in adhering to the Code.

**Personal Responsibilities and Obligations:**

Compliance with the Code is a condition of employment. It has been designed to promote compliance with numerous laws and regulations that apply to employees working in a municipality. With this goal in mind, we have outlined the following general expectations.

Everyone must strive to:

- a) Uphold laws of all levels of government, and avoid situations where they may become a party to a breach, evasion or subversion of the law;
- b) Conduct themselves in a manner that promotes the City's reputation and ensures continued confidence in the City system of government;
- c) Treat all persons honestly and fairly, and with proper regard for their rights, entitlements, duties and obligations, and at all times act responsibly in the performance of their duties;
- d) Be professional and courteous with their fellow Employees, Councillors and the public and resolve any work related disagreements in a mature manner, based on reasonable expectations;

- e) Refrain from gossip;
- f) Advance the common good of the community;
- g) Carry out their duties in a fair, impartial, and transparent manner;
- h) Promote the health and safety of others;
- i) Avoid using their position improperly for personal advantage, or for the advantage of another person, business, entity or group;
- j) Avoid using insider information, internal protocols or procedures for personal gain;
- k) Resolve any conflict between personal interests and public duty in favour of the public interest; and
- l) Ensure that they take all steps to ensure that Personal Information and Confidential Information obtained in the course of their employment or office is safeguarded and protected in accordance with the *MFIPPA*, or as required by other laws.

It is management's responsibility to administer and re-enforce the Code and to demonstrate by example the obligations under this Code. It is also the duty of management to investigate suspected violations and apply the appropriate response. Management must treat employees in a fair and equitable manner.

It is the City's clear expectation that Employees commit to uphold the values of this Code.

## **Behaviour and Professionalism**

### General

City Employees interact with clients in receipt of municipal services or programs, community agencies, contractors, suppliers, and the general public on a daily basis. It is through our professionalism, courtesy and objectivity in these interactions that we can all ensure we achieve respect for one another.

Our Employees are viewed as ambassadors of the City and are expected to reflect a professional image at all times, whether on or off duty. We do this by being conscious of the City's public duty and by conducting ourselves with the highest degree of moral, and ethical behaviour and integrity. This is also particularly important when the Employee is wearing a City uniform or any item of clothing with the City's logo, including outerwear.

Employees are not permitted to wear City designated uniforms outside of working hours at personal events or events unrelated to their official duties with the City. This does not prohibit staff from running errands in uniform while traveling to and from the work place, with the exception of doing so at any venue that serves alcohol.

Employees must also be professional and courteous with one-another. Improper behaviour in the workplace has a negative effect on others and the public. Examples of improper behaviour include excessive noise, inappropriate office decorations, potentially offensive pictures and jokes, profanity, demonstrating little or no respect for personal belongings, and engaging in conduct or behaving in such a way as to negatively impact the City's reputation.

#### Use of Social Networking Sites

City employee participation on any social networking site, whether from work or from home, must not conflict with your role at the City. Employee obligations to protect the City's confidential or proprietary information extends to anything an employee may post on any on-line site.

- a) Employee participation on any social networking site must not harm the City's reputation or the reputation of the City's business and community contacts;
- b) When participating on any social networking site, employees must not comment on the City, City Council, work at the City, or employee colleagues at the City.

#### Workplace Safety

Workplace safety is a shared responsibility of all City Employees. Managers are responsible for ensuring that Employees are aware of any potential work hazards, are trained in safe work practices and comply with safety and health laws, rules and regulations of Ontario. Employees are to take every reasonable and necessary precaution to ensure their personal safety and health as well as that of their colleagues.

At any function or event sponsored by the City at which alcohol is served, the City's Alcohol Policy and Procedure must be adhered to. The most senior Manager hosting the event is to ensure that all applicable permits have been obtained and that safety is maintained.

For further information, employees should reference all related corporate policies, including but not limited to the Municipal Alcohol Policy (P.3.5), Health & Safety Policy (H.1.12), Substance Abuse Policy (H.1.24) as available on the intranet.

#### Use of City Property

City Property should only be used by an Employee to perform work related duties and responsibilities or for community activities which are supported by Council.

City Assets/Property are to remain on City property at all times unless it is necessary to take the items off site in order to perform the Employee's job, and with the prior approval of the employee's Supervisor, Manager or Director. Where City Assets/Property are in the care of an Employee, the items must be protected and kept secure at all times.

The City's electronic networks are corporate assets and Employees must be aware that communications over the City's electronic networks are not to be considered private communications.

As an Employee you must not under any circumstances, misuse funds, property or other City Assets/Property or knowingly assist another person to do so. The intellectual property rights in any work produced by an Employee in the course of employment at the City are the exclusive property of the City. In addition, software piracy, defined as using any unlicensed copy of a software package that has not been purchased for municipal purposes, is prohibited. This includes taking a copy of a licensed software package for personal use or passing a copy on to another person for their use.

Upon departure from employment all City drawings, correspondence, documents and all other City Assets/Property which are in the individual's possession or control will be returned to the City, unless otherwise purchased from the City. With written consent from their direct Manager, Employees may retain samples of their work.

- P.4.6 (Use of City Equipment & Facilities by Staff)
- I.1.4 (Technology Usage Policy)

### **Insider Information:**

Through your work you may sometimes be privy to Confidential Information and Personal Information concerning the affairs of the City, Employees, Elected Officials or members of the community. You are not to discuss or pass on insider information unless the exchange is necessary for a specific business purpose of the City. Adherence to this practice will reduce the chances of inadvertent releases of information.

### **Confidential Information/Personal Information**

Many Employees will have access to Confidential Information and Personal Information by reason of their duties and responsibilities with the City. Employees must all respect such information and must ensure it is safeguarded from unauthorized disclosure or access. Such information must be protected from any unauthorized disclosure in accordance with this Code and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, and all other applicable privacy laws. Confidential Information and Personal Information may only be used or transmitted in order to permit the Employee to perform the duties and responsibilities associated with his or her position and where disclosure is necessary and proper in the discharge of the City's functions.

Where an Employee is unsure whether the information is confidential or personal and before making any release, please contact your Manager or the appropriate Department Head who will then determine whether such information is confidential and/or refer the matter to the City Clerk, City Solicitor or CAO, or his or her designate.



Employees are prohibited from the copying or loading of personal or confidential information on portable devices, laptops, memory discs or other devices without first taking appropriate security measures to encrypt the information.

Employees using personal or confidential information off-site shall follow appropriate security measures to ensure that this information is not left unattended, and is secure at all times.

In addition to the above, use of personal or confidential information off-site is subject to the prior approval of the employee's Manager or Director.

### **Media Relations:**

The media play an important role in providing the public with news and information about the City, and in reporting on the public's views and opinions of the City. All media inquiries should be dealt with in accordance with Policy M.1.6 – Responding to the Media.

### **Political Involvement and Activity**

#### Running for Public Office:

Employees may exercise their civic right to run for public office, in accordance with any applicable municipal, provincial and federal legislative requirements.

#### Involvement in Political Campaign:

Employees are entitled to exercise their right to support or be involved in the political campaign of a municipal, provincial or federal candidate or party, provided they do so on personal time and do not hold themselves out as representative of the City. However, Employees must be and appear to be politically neutral in their official duties in order to sustain public trust in local government.

Employees are permitted to participate in Electioneering, canvassing, actively work or volunteer in support a political candidate or party provided they do so outside of normal working hours, or during an authorized leave of absence without pay for this purpose, by using lieu time, adjusted work week time, float day or vacation time. Such activity must be as a citizen and not as or appear to be as a representative of the City. Examples of campaigning include telephone and e-mail solicitation, distribution of brochures, the display of campaign signs and the wearing of candidate buttons.

To maintain a positive public opinion of the City, Employees are expected to avoid expressing their personal views on matters of political controversy or on City policy or administration if the comment is likely to impair public confidence in the City. This includes appropriate use of social networking sites, as described in Section 11 of this Code. If there is any doubt about whether a statement is appropriate, Employees should contact their managers for further discussion.

### Membership of Boards or Committees

The City encourages Employees to take part in community activities. However, it is important to bear in mind that such service may, at times, place the individual in a real or perceived conflict of interest situation. As a member of a community board or external committee, the Employee must continually assess their involvement and expected decision-making responsibilities in light of their employment with the City. To ensure the existence and appearance of objectivity, Employees should not participate in decisions or votes that would create, or be seen to create, a conflict of interest as outlined in section 21 of this Code. If the board or committee has a direct role with the City and/or is subject to the provisions of the Municipal Act (2001), it may be necessary to resign from a board or committee.

### **Hiring Family Members:**

City policy regarding the hiring of family members is contained in the Policy Manual. Please refer to Policy H.1.5, *Hiring of Relatives*.

### **Professional Conduct:**

Employees are expected to maintain a standard of integrity above challenge in all business relationships both inside and outside the City. All business relationships, including those with suppliers, contractors and consultants, must be kept at arms length so as not to create an impression of impropriety.

### **Product Recommendation:**

Employees will not recommend specific brand name products, services or suppliers in their capacity as Employees of the City or in circumstances where it might be inferred that the City had endorsed such products, services or suppliers.

### **Conflicts of Interest:**

Even the slightest impression of impropriety or conflict of interest can have a devastating effect.

Employees are encouraged to familiarize themselves with the types of situations that could give rise to a perception of a conflict of interest and to handle themselves accordingly. The avoidance of actual and perceived conflicts of interest is essential to ensuring we fulfill our obligations to the public and each other. Employees must report each and every time, any real, potential or perceived conflict of interest situation to their Manager.

Conflicts of interest must be reported, and the matter will be referred as necessary.

A conflict of interest may exist where an Employee or his or her Family Member has a Pecuniary Interest in a contract or proposed contract with the City, interest in a property matter, and where the Employee may or may be seen to influence the decision made by the City with respect to the contract.

Similarly, a conflict may exist where the Employee could influence the decision made in the course of performing his/her job duties, and also where he or she could influence the decision through exerting personal influence over the decision-maker, which results or appears to result in:

- i. an interference with the impartial exercise of an employee's duties and responsibilities for the City; or
- ii. a gain or an advantage by virtue of an Employee's position with the City.

Some common examples of areas of potential conflicts of interest include the following:

a) A personal bid is made on the sale of municipal property or goods, except those bids disposed of at public auction;

b) Employees engage in private employment or render services for any person or corporation that has or may have business dealings with the City;

c) Using one's position or knowledge to influence an approval process for direct or indirect personal gain. The choice of suppliers of goods and services to the City must be based on competitive considerations of quality, price, service and benefit to the City, and must comply with its policies. Contracts must be awarded in a fair and legal manner and are subject to the established *Purchasing Policy*.

d) Where Employees or their Family Members sell goods, materials or services to the City without prior express written approval by the CAO or his or her designate; and

e) Any conduct which may interfere with the best interests of the City or the independent exercise of judgment.

In general, Employees should consider all of the following factors in making business decisions:

- Is this legal?
- Is this fair, ethical and moral?
- Would the City's reputation be negatively impacted if this situation became public knowledge?
- Would members of the community, fellow Employees or third parties perceive this situation as a conflict of interest?

If a potential conflict exists the individual must advise their Manager, Department Head, the CAO, or their designate of the situation.

**Other Employment:**

Employees work hard and are dedicated to ensuring the City's success in meeting its goals in the community. To ensure continued commitments to service levels, Employees are expected to avoid other employment, business activity or other undertakings:

- i) while on duty;
- ii) that interferes with the performance of his/her duties for the City;
- iii) that creates a conflict of interest (see Section 21 of this Code);
- iv) that is in conflict with a by-law, policy, plan or objective of the City or that is in any way contrary to the interests of the City; or
- v) from which the individual derives some form of benefit by virtue solely of his/her employment with the City.

Other employment means working for another employer, or being self-employed, or working for charitable or volunteer organizations which results in receiving or being eligible to receive profit, payment of compensation or other benefit from that employer or charity.

If the individual is unsure as to whether or not the carrying out of any other employment, business activity or other undertaking would create an interference, conflict or improper benefit, the individual must seek guidance from his or her Department Head, CAO, or their designate.

Examples of inappropriate forms of other employment may include, but are not limited to, situations similar to the following:

- An Employee holds a real estate broker's licence. He/she makes or receives calls from clients or escorts clients on site visits during his/her normal working hours.
- Although, in his/her capacity as an Employee, an Employee has occasional dealings with a local contractor, the Employee seeks to act as a subcontractor to that contractor.
- An Employee who works late into the evenings on a second job consistently arrives late at his/her job with the City and/or his or her performance is below the acceptable level.

**Freedom from Reprisal:**

All individuals will be guaranteed freedom from reprisal, harassment or other discriminatory practice as a result of exercising their obligation to report a breach or suspected breach under any section of this Code, subject to Section 24.

When a violation or suspected violation of this Code is reported and an investigation is initiated:

- 1) The identity of the complainant or reporting individual will be kept confidential, except as permitted or as may be required by law;
- 2) Retaliation will not be tolerated where reporting of a potential violation of the Code is made in good faith;
- 3) If retaliatory action occurs, the Employee should report the action to their Manager, Department Head, the CAO, or their designate;
- 4) Individuals violating the Code will receive the appropriate response in accordance with section 8 and/or the relevant terms of a collective agreement and may also be prosecuted criminally, and/or subject to civil proceedings.

**How to Report Violations of the Code and/or Reprisal:**

Where a violation or a suspected violation of this Code occurs, a complaint may be made, orally or in writing, to the Department Head, the Director of Human Resources or CAO, or their designate or in the case of the CAO, to City Council.

If the concern is reported directly to the Director of Human Resources, the Director shall ensure that the Employee's Department Head is notified immediately.

When such concerns are brought forward, the issue(s) will be treated seriously and in confidence and will be investigated within five (5) business days from the date the concern has been raised.

In all cases, the Director of Human Resources shall be promptly notified of actual or suspected breaches of the Code.

It must be clearly understood that anonymous, unfounded and/or malicious allegations will not be tolerated and if the initiator of such allegations is identified, appropriate disciplinary action will be taken.

**Revisions:**

The City in its discretion, may augment or amend the Code.